

The Agenda Review Session of the Board of Public Works was convened at 10:30 a.m. on September 7, 2023, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Alexandra Dolz-Lane, Murray Miller, and Board Attorney Michael Schmidt (virtual) 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.

AGENDA REVIEW SESSION ACTION ITEM

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
Memorandum of Understanding	Indiana Department of Transportation	Additional Paving of US31 (Michigan St.) from INDOT Project Limits to Chippewa Ave. Project No. 123-066	\$978,930.17 (PR-00027021)	VP Molnar / Mr. Miller TABLED due to not having documents from INDOT yet

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

AWARD BIDS AND APPROVE CONTRACTS

Senior Project Engineer Zach Hurst was present to discuss item 5.B: Fire Station No. 8 Replacement. He explained the memo outlines the bids that were received. In review of the bids, the low bid from R. Yoder Construction had a few irregularities which warranted discussion. As noted during the bid opening, there was a clarification sheet attached which is attached to the memo. The clarification sheet did not impact the bid price nor deviate from the project specifications the City intends to award the project strictly based on the specifications and what R. Yoder offered. There was some confusion in the bid set where we were asking for two (2) different bids; a base bid of a one (1) Bay Fire Station and an alternate bid of a two (2) Bay Fire station. The plan set included a lot of information that some of the contractors were confused about. We had another clarification sheet submitted by Brown and Brown, mostly discussing some issues around the plaque that is supposed to go on the fire station. There was a reference to phase two (2), which we were pricing out during design to ascertain what it would cost to come back later and add a second bay if we built the first bay now, so it was a confusing plan set and a couple of the contractors basically shared their pre-bid assumptions.

Second, the R. Yoder bid included a non-collusion affidavit which listed the representative, but it did not have a signature and in discussion with Attorney Michael Schmidt, it is the belief of the City that the lack of signature does not disqualify the bid and that no competitive advantage was received through the admission. The City believes this again to be a Scrivener’s error, and we would seek to correct the record with a now signed affidavit.

Finally, the bid did not meet MWBE goal requirements. There is an explanation included of the effort they went through. They reached out to nine (9) different WBE firms and only one (1) returned a bid to perform drywall. That bid was about three hundred percent (300%) more expensive than the selected drywall subcontractor, and it is worth noting they far exceeded the MBE goal. We asked for three-point four percent (3.4%), the R. Yoder bid included a twenty-two percent (22%) utilization for the MBE. Those are the three (3) irregularities that warrant discussion.

Attorney Schmidt stated that it should be noted that there were no bidders on this project that reached the MWBE goals on it, stating he believed that R. Yoder was the only one (1) that provided good-faith effort documentation in their bids. This has been reviewed by members of the Department of Public Works, the Legal Department, the Office of Diversity and Inclusion, and the Project Engineers on this. Significant due diligence was done to verify the good-faith efforts.

Senior Project Engineer Hurst added that a good-faith waiver was granted by the Office of Diversity Inclusion for the WBE goal.

Attorney Schmidt noted for the benefit of the Board that this will be the largest, single engagement of a minority subcontractor in the year 2023, from a dollar standpoint, so there are some exciting things going on with this project. It is unfortunate that the WBE goal was not met, but there was significant documentation to meet the standards for a good-faith waiver on the WBE side of this, and again there were no opposing bids that met the WBE goal, and nobody provided evidence of a good-faith waiver request.

Mr. Miller noted that when we talk about the D.A. Dodd bid being the largest minority Contractor award bid, there is some background with D.A. Dodd that makes him question why they use that as a justification to give a waiver.

Senior Project Engineer Hurst explained that they met the MBE goal and they far exceeded that by using D.A. Dodd as a subcontractor.

Mr. Miller added that any plumber they would have used would have exceeded that or would have hit that goal. D.A. Dodd is a minority business based on the fact that they were bought out by the Pokagon Band of the Potawatomi Tribe. Mr. Miller stated he did not think that justifies a waiver.

Attorney Schmidt advised that one (1) of the criteria that gets looked at pursuant to the program plan is if other bids on the project were able to meet the goals. If nobody was able to meet the goals, then that is reinforcement.

Mr. Miller said at least one (1) contractor submitted the fact that they had a WBE goal, but it exceeded the amount, so at least one (1) of them met the goal now, but the price was much higher. Mr. Miller clarified that he believed it was Larson and Daniels.

Attorney Schmidt asked Senior Project Engineer Hurst to verify because he is not aware of any other vendor's submission that represented any WBE participation.

AWARD QUOTATIONS AND APPROVE CONTRACTS

Mr. Gilot asked why the City would be replacing the roof on item 6. D: Carriage Hills Well #4 Roofing Systems Replacement. He was curious why the City would be replacing the roof system because he believes that it is no longer being used for production.

President Maradik noted that the file included information about there being equipment inside that needs protection.

Mr. Gilot replied that the State Board of Quality Standards changed and was cut in half so we sunsetted the use of Carriage Hills Well #4 because it would require treatment systems. Unless they changed the water quality standards again, he would be surprised it would be in use.

City Engineer Kara Byles advised that it is still in use, but she was not sure how often it is utilized.

AGREEMENT/CONTRACTS/PROPOSALS/ADDENDA

Officer Aaron Knepper was on the call to answer questions about item 11.A: 2023 Indemnification Agreement for the City to use Tire Rack's track for Police emergency vehicle operations training. President Maradik noted that this is a recurring agreement and that there are no questions from the Board.

AWARD QUOTATIONS AND APPROVE CONTRACTS

President Maradik stated that for item 6. C: Edison Filtration Plant Front Stair Repair that the memo stated that the lowest quote received was not awarded because they would not warranty their work, so it will be awarded to Ziolkowski Construction Inc., since they will warranty their work.

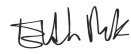
PRIVILEGE OF THE FLOOR

Board member Murray Miller added that construction on the EV Battery plant will begin soon.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:46 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: September 26, 2023

REGULAR MEETING

SEPTEMBER 12, 2023

The Regular Meeting of the Board of Public Works was convened at 9:31a.m. on Tuesday, September 12, 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. Acting Board Clerk Laura Hensley confirmed the presence of Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Alexandra Dolz-Lane, 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 August 17, 2023 and August 22, 2023, were approved.

OPENING OF BIDS – YOUTH SERVICES BUREAU AND SOUTH BEND THRIVE
SUBDIVISION INFRASTRUCTURE IMPROVEMENTS – PROJECT NO. 123-011 (PR-
00026650)

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:

HRP CONSTRUCTION, INC.

5777 Cleveland Rd., P.O. Box 266
South Bend, IN 46624-0266
cindyv@hrpconstruction.com; matte@hrpconstruction.com

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

BID:

Base Bid Total	\$4,583,547.00
Alternate #1 Total	\$28,771.00
Alternate #2 Total	\$220,682.00

MILESTONE CONTRACTORS NORTH, INC.

24358 State Road 23
South Bend, IN 46614
akrueger@milestonelp.com
Bid was signed by Mr. Dustin Hilary
Non-Collusion, Non-Discrimination Affidavit Form was completed.

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

BID:

Base Bid Total	\$3,613,166.00
Alternate #1 Total	\$28,771.00
Alternate #2 Total	\$211,107.70

C & E EXCAVATING, INC.

53767 County Road 9
Elkhart, IN 46514
aclark@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.
One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Base Bid Total	\$3,447,580.70
Alternate #1 Total	\$34,162.50
Alternate #2 Total	\$217,424.00

SELGE CONSTRUCTION CO., INC.

2833 South 11TH St.
Niles, MI 49120
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:

Base Bid Total	\$3,788,359.50
Alternate #1 Total	\$32,992.50
Alternate #2 Total	\$221,950.00

RIETH-RILEY CONSTRUCTION CO., INC.

25200 State Road 23
South Bend, IN 46614
ralvarado@rieth-riley.com; jkwilasz@rieth-riley.com
Bid was signed by Mr. Jacob K. Kwilasz
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	\$3,298,342.92
Alternate #1 Total	\$28,771.00
Alternate #2 Total	\$213,924.83

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

OPENING OF BIDS – VPA 2023 SPLASHPAD RENOVATIONS – PROJECT NO. 123-044 (PR-00026702)

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
Bid was signed by Mr. Austin Redding
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:

Southeast Base Bid Total	\$345,401.00
Coquillard Base Bid Total	\$111,867.00
Alternate #1 Total	\$11,707.50

LARSON DANIELSON CONSTRUCTION CO., INC.

302 Tyler St.
LaPorte, IN 46350
mcd@ldconstruction.com
Bid was signed by Mr. Brian T. Larson
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:

Southeast Base Bid Total	\$326,180.00
Coquillard Base Bid Total	\$121,996.00
Alternate #1 Total	\$14,119.00

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

OPENING OF PROPOSALS – FOUR WINDS FIELD RENOVATION & EXPANSION CMC RFP – PROJECT NO. 123-046 (PR-00026706)

President Maradik 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:

HAGERMAN, INC.

510 W. Washington Blvd.
Fort Wayne, IN 46802
tnix@hagermangc.com; bperry@hagermangc.com
Proposal was signed by Mr. Tyler Nix

LARSON DANIELSON CONSTRUCTION CO., INC.

302 Tyler St.
LaPorte, IN 46350
ndl@ldconstruction.com; tjo@ldconstruction.com
Proposal was signed by Mr. Nick Larson

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

AWARD BID AND APPROVE CONTRACT – SOUTH WELL FIELD - WATER MAIN EXTENSION – PROJECT NO. 117-059B (PR-00026362)

Mr. Jacob Klosinski, Engineering, advised the Board that on August 22, 2023, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Klosinski recommended that the Board award the contract to the lowest responsive and responsible bidder, C & E Excavating, Inc., in the amount of \$1,597,000 (Base Bid, Unit Pricing). 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 BID AND APPROVE CONTRACT – FIRE STATION NO. 8 REPLACEMENT – PROJECT NO. 122-034 (PR-00025426)

Mr. Zach Hurst, Engineering, advised the Board that on July 25, 2023, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Hurst recommended that the Board award the contract to the lowest responsive and responsible bidder, R. Yoder Construction, Inc., in the amount of \$3,703,850; (Alternate #1 with Two-Bay Option). Therefore, VP Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Gilot seconded the motion, which carried by roll call. Mr. Miller voted nay due to not having follow-up answers to his questions from the agenda review session regarding the good-faith efforts of the MWBE goals.

AWARD QUOTATION AND APPROVE CONTRACT – DOOR AND FRAME REPLACEMENT WATER WORKS - ERSKINE, EDISON, CARRIAGE HILLS, CLEVELAND SOUTH, AND OLIVE (PR-00026744)

Mr. William LeFever, Water Works, advised the Board that on August 17, 2023, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. LeFever recommended that the Board award the contract to the lowest responsive and responsible quoter, Action Glass Co., in the amount of \$37,751. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – SIDEWALK REPAIRS WATER WORKS - COLFAX OFFICE AND NORTH STATION (PR-00024186)

Mr. Matthew Bussell, Water Works, advised the Board that on June 22, 2023, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Bussell recommended that the Board award the contract to the lowest responsive and responsible quoter, Ziolkowski Construction, Inc., in the amount of \$6,980. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – EDISON FILTRATION PLANT FRONT STAIR REPAIRS (PR-00027248)

Mr. Tony Burnside, Water Works, advised the Board that on August 29, 2023, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Burnside recommended that the Board award the contract to the lowest responsive and responsible quoter, Ziolkowski Construction, Inc., in the amount of \$6,088. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – CARRIAGE HILLS WELL #4 ROOFING SYSTEM REPLACEMENT (PR-00027378)

Mr. Eugene Pietsch, III, Water Works, advised the Board that on August 16, 2023, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Pietsch recommended that the Board award the contract to the lowest responsive and responsible quoter, Dudeck Roofing & Sheet Metal, Inc., in the amount of \$17,800. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – BOEHM PARK PAVILION POST FOOTINGS (PR-00027527)

Mr. Patrick Sherman, Engineering, advised the Board that on September 4, 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, A-1 Concrete Leveling, in the amount of \$9,600. 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.

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – LEXINGTON & DARDEN HYDRANT INSTALLATION – PROJECT NO. 122-053 (PR-00027005)

In a memorandum to the Board, Ms. Rebecca Plantz, Engineering, requested permission to reject all quotes for the above referenced project due to the quote exceeding the available budget for the project and will be re-quoted later. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request to reject was approved.

APPROVE CHANGE ORDER NO. 1 – 2023 TREE AND STUMP REMOVAL – PROJECT NO. 123-002 (PO-0024331)

President Maradik advised that Ms. Gemma Stanton, Engineering, has submitted change order number 1 on behalf of K & R Tree Service LLC, indicating the contract amount be increased by \$2,597 with an additional forty-five (45) days for a new contract sum, including this change order, in the amount of \$33,105.02 with a new completion date of September 15, 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 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – PINHOOK WATER TREATMENT PLANT GUARANTEED SAVINGS CONTRACT – PROJECT NO. 119-003 (PO-0007431)

President Maradik advised that Ms. Rebecca Plantz, Engineering, has submitted change order number 1 (final) on behalf of Bowen Engineering Corporation, indicating the contract amount be decreased by \$470 with an increase of four hundred seventy-eight (478) days for a new contract sum, including this change order, of \$1,784,530 with a completion date of March 23, 2023. Also submitted was the project completion affidavit indicating this new final cost of \$1,784,530. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, change order number 1 (final) and the project completion affidavit were approved.

ADOPT RESOLUTION NO. 38-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS FOR THE DISPOSAL OF SURPLUS PROPERTY

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

**RESOLUTION NO. 38-2023
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS FOR THE
DISPOSAL OF SURPLUS PROPERTY**

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

WHEREAS, the Common Council of the City of South Bend passed as amended on January 11, 1988, Ordinance No. 7847-88 which mandates the Board of Public Works of the City of South Bend to determine that the sidearm of a police officer who retires in good standing is surplus property and no longer useful to the City of South Bend; and

WHEREAS, **DETECTIVE BRITTON PRATT** retired effective September 2nd, 2023 from the South Bend Police Department after twenty-seven (27) years of service, and the Board of Public Safety of the City of South Bend has determined that he retired in good standing; and

WHEREAS, I.C. 5-22-22-1 permits and establishes procedure for the disposal of personal property which is no longer needed by the City, and which is unfit for the purpose for which it was intended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDT0784, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

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

ADOPTED this 12th day of September 2023.

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

ADOPT RESOLUTION NO. 39-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS FOR THE DISPOSAL OF SURPLUS PROPERTY

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the

following resolution was adopted by the Board of Public Works:

RESOLUTION NO. 39-2023
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS FOR THE
DISPOSAL OF SURPLUS PROPERTY

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

WHEREAS, the Common Council of the City of South Bend passed as amended on January 11, 1988, Ordinance No. 7847-88 which mandates the Board of Public Works of the City of South Bend to determine that the sidearm of a police officer who retires in good standing is surplus property and no longer useful to the City of South Bend; and

WHEREAS, **PATROLMAN FIRST CLASS DOMINIC ZARATE** retired effective September 2nd, 2023 from the South Bend Police Department after twenty-seven (27) years of service, and the Board of Public Safety of the City of South Bend has determined that he retired in good standing; and

WHEREAS, I.C. 5-22-22-1 permits and establishes procedure for the disposal of personal property which is no longer needed by the City, and which is unfit for the purpose for which it was intended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDT6965, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

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

ADOPTED this 12th day of September, 2023.

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

ADOPT RESOLUTION NO. 40-2023 – 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. 40-2023
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT
AND/OR OBSOLETE PROPERTY

FIREFIGHTER FIRE HELMET AND BOOTS

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

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

WHEREAS, on August 11, 2023, **Captain Kenneth Marks** retired from the South Bend, Indiana, Fire Department after Thirty-Two (32) 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 September 12, 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

ADOPT RESOLUTION NO. 41-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS ACCEPTING THE TRANSFER OF REAL
PROPERTY FROM THE SOUTH BEND REDEVELOPMENT COMMISSION

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. 41-2023

**A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA,
BOARD OF PUBLIC WORKS ACCEPTING THE TRANSFER
OF REAL PROPERTY FROM
THE SOUTH BEND REDEVELOPMENT COMMISSION**

WHEREAS, the City of South Bend, Indiana, Board of Public Works (the "Board") exists pursuant to Indiana Code Section 36-4-9-5, holds real property owned by the City of South Bend, Indiana (the "City") pursuant to Indiana Code Section 36-9-6-3, and is authorized to accept the transfer such property from another governmental entity pursuant to Indiana Code Section 36-1-11-8; and

WHEREAS, the South Bend Redevelopment Commission, the governing body of the City of South Bend, Indiana, Department of Redevelopment (the "Commission"), exists and operates pursuant to Indiana Code Section 36-7-14 (the "Act"); and

WHEREAS, the Commission owns two parcels of real property in the West Washington Chapin Development Area of the City, commonly known as 601-605 Washington and 109-111 N Taylor., South Bend, Indiana, and more particularly described in Exhibit A (the "Property"); and

WHEREAS, the Board desires to obtain title to the Property pursuant to Ind. Code 36-1- 11-8 for the purpose of transferring the Property to an Indiana non-profit and tax-exempt entity under Section 501(c)(3) of the Internal Revenue Code, for the purpose of developing affordable infill housing; and

WHEREAS, the Commission adopted its Resolution No. 3578 on August, 24 2023, authorizing the conveyance of the Property to the Board for the Purpose.

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

1. The Board hereby accepts the conveyance of the Property from the Commission in accordance with Indiana Code Section 36-1-11-8.
2. The Board authorizes Joseph Molnar of the City's Department of Community Investment to present for recordation in the Office of the Recorder of St. Joseph County, Indiana, the deed conveying the Property to the Board, as well as to execute any other document necessary to affect the Board's acceptance of the conveyance.

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

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on September 12, 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
2023 Indemnification Agreement	The Tire Rack, Inc.	City Usage of Tire Rack’s Training Track for Police Emergency Vehicle Operations Sessions September 27, 2023 through September 29, 2023	N/A	Molnar/Miller *Board Member Mr. Gilot would like to Thank Tire Rack for making the Track available to SBPD.
Real Property Transfer Agreement	Near Northwest Neighborhood Inc.	City to Transfer Property at 748 N. Harrison St. to NNN for Development of Affordable Housing	N/A	Molnar/Miller
Professional Services Agreement	Abonmarche Consultants, Inc.	Design Trail to Connect Downtown South Bend to Notre Dame Project No. 122-040	\$621,600 (PR-00027103)	Molnar/Miller
Professional Services Agreement	HWC Engineering, Inc.	Design Services for Walker Field Restroom and Connectivity on Ewing Ave. and Rum Village Parks	\$91,500 (PR-00027329)	Molnar/Miller
Memorandum of Understanding	Indiana Department of Transportation (INDOT)	Additional Paving of US31 (Michigan St.) from INDOT Project Limits to Chippewa Ave. Project No. 123-066	\$978,930.17 (PR-00027021)	Molnar/Miller *Approval subject to Legal’s review and approval of agreement

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Walsh Construction	Long Term Occupancy Permit - Temporary Curb Cuts, Sidewalk Closures, Delivery/Storage Area, and Site Fencing for New Memorial Hospital Bed Tower	September 15, 2023 to May 1, 2026	615 N. Michigan St. (Memorial Hospital)	Molnar/Miller TABLED
Back to School Picnic	Street Closure for Special Event	September 8, 2023; 3:00 p.m. to 9:00 p.m.	Howard St. between St. Louis Blvd. to St. Peter St.	Molnar/Miller
Car Cruise-In	Street Closure for Special Event	September 24, 2023; 12:00 p.m. to 5:30 p.m.	St. Louis Blvd. between E. Jefferson Blvd. to Washington St.	Molnar/Miller
St. Joseph County Crop Walk	Street Closure for Special Event	September 24, 2023; 1:00 p.m. to 5:00 p.m.	Participants Remain on Sidewalk	Molnar/Miller

APPROVE/DENY TRAFFIC CONTROL DEVICES

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

NEW INSTALLATION:

LOCATION(S):

REMARKS:

Handicapped Accessible Parking Space Sign

209 N. Chicago St.
124 S. Hill St.

All Criteria Met

REMOVAL:

LOCATION(S):

REMARKS:

Handicapped Accessible Parking Space Sign

419 S. Camden St.
526 S. Sheridan St.
609 S. Liberty St.
1011 S. 27th St.
1121 N. Allen St.
1128 S. Bissell St.
1717 S. Carlisle 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 all rights to remonstrate against or oppose any pending or future annexations of the properties by the City of South Bend:

- A. Mr. Richard Ferrara, 51519 State Road 933 N, South Bend, IN 46637
1. 19659 Darden Road – Water (Key No.71.03.24.182.026.000.003)

VP Molnar noted that the property appeared outside the boundaries approved for water connections but clarified the parcel is adjacent to a current waterline. President Maradik stated

that the sewer and water extension policy that the Board adopted, and the City follows, does allow parcels adjacent to a water or sewer line to participate. She added the line is not extended but the parcel is provided access to tap in at their own cost.

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

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

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

Business	Bond Type	Approved/ Released	Effective Date
Mammoth, Inc.	Contractor	Approved	08/28/2023
Panzica Building Corp.	Contractor	Approved	09/05/2023
Haley & Aldrich Inc.	Excavation	Approved	08/31/2023
Demlon, LLC	Excavation	Approved	09/01/2023
SCS Environmental Contracting, Inc.	Excavation	Approved	08/24/2023
Sikma & Sons Plumbing Co., Inc.	Excavation	Approved	08/25/2023
Surf Internet	Excavation	Approved	08/18/2023
Atlas Building Services, Inc.	Occupancy	Approved	08/23/2023
Demlon, LLC	Occupancy	Approved	09/01/2023
Direct Line Communications Inc.	Occupancy	Approved	08/22/2023
GTO Masonry LLC	Occupancy	Approved	09/01/2023
Haley & Aldrich Inc.	Occupancy	Approved	08/31/2023
Panzica Building Corp.	Occupancy	Approved	09/05/2023
Reliable Roofing & Construction LLC	Occupancy	Approved	09/06/2023
Mammoth, Inc.	Occupancy	Approved	08/28/2023
SCS Environmental Contracting, Inc.	Occupancy	Approved	08/24/2023
Sikma & Sons Plumbing Co., Inc.	Occupancy	Approved	08/25/2023
Surf Internet	Occupancy	Approved	08/18/2023
M & J Concrete LLC	Occupancy	Released	09/15/2023

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-61876, GBLN-61936, GBLN-62387	08/21/2023	\$745,607.10
City of South Bend Claims GBLN-62150	08/21/2023	\$2,302,904.46
City of South Bend Claims GBLN-62521, GBLN-62558	08/29/2023	\$1,555,472.84

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

Rick Hamilton with Hamilton’s Towing, inquired about the City towing contract as he wanted to know when and how he could bid on it and become part of the towing rotation.

Attorney Schmidt gave the background information of contract for towing within the City where two (2) towing companies (ASAP Towing and Vick’s Towing) were awarded the contract three (3) years ago and a provision of the contract allowed for it to be renewed for one (1) year for one (1) time and only ASAP Towing elected to extend. Six (6) months before the extension is over, the City will review and have internal discussions about how to proceed with a new towing agreement, advertising, and any bidding processes.

Mr. Hamilton stated that the six (6) month period is only forty-five (45) days away and explained that he wants to know how he will be informed with the decided procedures and bidding process. He stated he felt that when the contract was done three and a half (3.5) years ago, it was not fair for towing companies who wanted to apply because there was not a good notification process to all the eligible towing companies and ASAP Towing had an advantage.

Attorney Schmidt stated historically, the City has gone through a request for proposals for that service line of work, adding that under the state law, the City does not need to go through a formal request for proposals through the Board of Public Works. Attorney Schmidt clarified he did not know what the City will do this time around and whether there will be a traditional RFP through the Board, if it will be an informal RFP process, or if it will be elected to be a service contract under the law where the City can select who they want and negotiate a price directly.

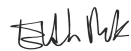
Business Owner Shalonna Diggins asked about the denial of an encroachment application for her business at 319 S. Summit Dr. stating that Zoning denied it and after she measured from the center line of the street, it was about eighty-one inches (81”) between the cutoff and her sign.

President Maradik stated she did not recall that coming before the Board and Ms. Diggins’ comment about the distance means the sign might not have been in the right-of-way and therefore would not come before the Board for approval. President Maradik suggested Ms. Diggins speak with Zoning staff to discuss what the zoning issue was for the sign and how it could be resolved. President Maradik stated it sounded like her request was going through the review process for the Board of Public Works, but she should know that if there were a zoning issue, the Board would not approve the installation of a sign that does not meet zoning requirements. Lastly, President Maradik clarified that it could be another two (2) to four (4) weeks before an encroachment application made it to a BPW meeting.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:13 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



Attest: Theresa M. Heffner, Clerk

Murray L. Miller, Member

Date: September 26, 2023