

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on October 5, 2023, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot (absent), Alexandra Dolz-Lane, Murray Miller (virtual), 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.

AGENDA REVIEW SESSION ACTION ITEM

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
35 <sup>th</sup> Anniversary / Community Appreciation Tailgate	Street Closure for Special Event	October 6, 2023; 12:00 p.m. to 7:00 p.m.	Stover Ct. between E. Jefferson Blvd. & E. Wayne St.	VP Molnar/ Mr. Miller

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

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

City Attorney Jenna Throw was present to answer questions about item 8. B. and 8. C.: Memorandums of Understanding with Teamsters Local Union No. 364

VP Molnar asked if the MOUs were standard renewals. Attorney Throw explained that the MOUs include items that have arisen since the last time we negotiated in 2021. Regarding 8. B., the agreement regarding employer-paid training and retention arose based on a training opportunity in VPA. There are a series of courses available for employees and because there is not currently a training section in the VPA supplemental, we wanted to include a training provision that also includes retention. If we provide training in certain amounts, the employees are agreeing to remain with the City for a certain period of time. She also noted that the union has already approved and signed.

Regarding item 8. C, Attorney Throw stated the amendment to the salaries and the salary ordinance arose out of a variety of circumstances with the equipment services work group. It was pointed out that there was a scrivener's error in the rates for Machinist four (4) and five (5), so this is correcting that because they were supposed to line up with mechanic four (4) and five (5). With Venues Parks and Arts, that change is only to add additional group leader titles at the same rate as other group leaders. Group leaders are paid this amount in all VPA work groups that are in the entirety of the VPA work groups, but it's just to add additional categories of group leaders and then with respect to the Water Works section, that is to add two (2) new positions. She stated the City is also filing a salary ordinance amendment with the Council to reflect these changes provided the Board approves the MOU. Lastly, Attorney Throw also noted that the union has already approved and signed.

AWARD QUOTATIONS AND APPROVE CONTRACTS

Attorney Schmidt advised the Board regarding item 4. A.: Century Center Water Softener Replacement. He explained that the Board is being asked to award the lowest bid. When DA. Dodd LLC submitted its quote response, it did not include the affidavit which they have since provided the affidavit. It did not prejudice or give anyone an unfair advantage on the pricing they provided, so it is City Legal’s recommendation to the Board that they go ahead and award the lowest bid and not throw it out over the lack of an affidavit at the bid opening. There was no competitive advantage and nothing that would have influenced the pricing on this.

PROJECT COMPLETION AFFIDAVITS

Attorney Schmidt advised the Board of item 6. A.: Century Center Parking Lot Seal and Stripe. He explained that this item did not meet the \$50,000 threshold, so there were no MWBE goals attached to this project.

PROJECT COMPLETION AFFIDAVITS

Attorney Schmidt advised the Board of item 6. B.: Wastewater Treatment Plant Final Clarifiers 4 & 5. Aerations Tanks 1-4 and Disinfection Improvements. He explained that this item was

awarded prior to the implementation of the ordinance, so there were no MWBE goals associated with this project.

PROJECT COMPLETION AFFIDAVITS

Attorney Schmidt advised the Board of item 6. C.: 2023 Microsurfacing. He explained that through a determination by Legal, Engineering, and ODI that this project could not be subdivided for the work that was being done, so there were no MWBE goals on this project.

PROJECT COMPLETION AFFIDAVITS

Attorney Schmidt advised the Board of item 6. D.: 2023 Tree and Stump Removal. He explained that this item did not meet the \$50,000 threshold, so there were no MWBE goals attached to this project.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Attorney Schmidt advised the board of item 8. A.: Lease Agreement – MedPro Properties LLC. He explained that this is a lease agreement for the South Bend Human Rights Commission where we are trying to build in some flexibility with this lease knowing that the City is going to be moving locations and including SB Human Rights Commission in that location. It has been appreciated by SB Human Rights Commission’s team over the years is that there has been a separation from the County-City Building but provides accessibility to the community.

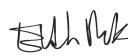
President Maradik asked if there was a clause included for renewal so that it does not have to come back to the Board for approval. Attorney Schmidt advised that he would check on it.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:41 a.m.

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS



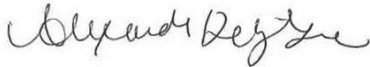
Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member



Alexandra Dolz-Lane, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: October 24, 2023

REGULAR MEETING

OCTOBER 10, 2023

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, October 10, 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, 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, Special, and Regular Meetings of the Board held on September 21, and September 26, 2023, were approved.

APPROVE 2024 CITY EMPLOYEE HOLIDAY SCHEDULE

In a memo to the Board, Ms. Melanie Herendeen, Director of Human Resources, presented the proposed 2024 City Employee Holiday Schedule, approved by the Mayor's Office. Upon a motion by VP Molnar, seconded by Mr. Miller and carried by roll call, the holiday schedule was approved as presented.

AWARD QUOTATION AND APPROVE CONTRACT – CENTURY CENTER WATER SOFTENER SYSTEM REPLACEMENT – PROJECT NO. 123-041 (PR-00027808)

Mr. Patrick Sherman, Engineering, advised the Board that on September 26, 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, D.A. Dodd LLC, in the amount of \$69,700. 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. 1 – LASALLE STREETSCAPE – PROJECT NO. 122-013R (PO-0023705)

President Maradik advised that Ms. Leslie Biek, Engineering, has submitted change order number 1 on behalf of Milestone Contractors North, Inc., indicating the contract amount be increased by \$202,153.98 for a new contract sum, including this change order, in the amount of \$5,857,514.30. 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) – NEXUS CENTER ROOF REPLACEMENT – PROJECT NO. 121-064A (PO-0021162)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 1 (final) on behalf of Slatile Roofing & Sheet Metal Co., Inc., indicating the contract amount be decreased by \$17,831 for a new contract sum, including this change order, in the amount of \$196,981. 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 BRICK SPOT REPAIR – PROJECT NO. 123-057 (PO-0025677)

President Maradik advised that Mr. Scott Kreeger, Engineering, has submitted change order number 1 on behalf of Acorn Landscaping, LLC, indicating the contract amount be increased by \$10,948 for a new contract sum, including this change order, in the amount of \$180,798. 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) – MARMAIN APARTMENTS ROOF REPLACEMENT – PROJECT NO. 122-061 (PO-0021898)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 1 (Final) on behalf of Slatile Roofing and Sheet Metal Co., Inc., indicating the contract amount be increased by \$48,050 for a new contract sum, including this change order, in the amount of \$484,062. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – CENTURY CENTER PARKING LOT SEAL AND STRIPE – PROJECT NO. 122-060B (PO-0024206)

President Maradik advised that Mr. Patrick Sherman, Engineering, has submitted the project completion affidavit on behalf of National Pavement Maintenance, for the above referenced project, indicating a final cost of \$49,123.50. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – WASTEWATER TREATMENT PLANT FINAL CLARIFIERS 4 & 5, AERATIONS TANKS 1-4, AND DISINFECTION IMPROVEMENTS – PROJECT NO. 119-069A (PO-0005021)

President Maradik advised that Mr. Jacob Klosinski, Engineering, has submitted the project completion affidavit on behalf of Bowen Engineering Corporation, for the above referenced project, indicating a final cost of \$4,485,905.23. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – 2023 MICROSURFACING – PROJECT NO. 123-023 (PO-0017963)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of National Pavement Maintenance, for the above referenced project, indicating a final cost of \$97,960. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – 2023 TREE AND STUMP REMOVAL – PROJECT NO. 123-002 (PO-0024331)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of K & R Tree Service, for the above referenced project, indicating a final cost of \$33,105.02. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

ADOPT RESOLUTION NO. 42-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (AIRPORT-MOSS ANNEXATION AREA)

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. 42-2023**

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (AIRPORT-MOSS ANNEXATION AREA)**

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in German Township, St. Joseph County, Indiana, which is more particularly described at Page 13 of Exhibit “A” attached hereto; and

WHEREAS, the territory proposed to be annexed encompasses approximately 2.9 acres of vacant land, which property is at least 12.5% contiguous to the current City limits, i.e., 26.2% contiguous, generally located at the southeast corner of old Lincolnway West and Moss Road (23114 Lincolnway West). It is anticipated that the annexation area will be used for a car wash and detailing facility for car rental businesses; and

WHEREAS, the development will require a basic level of municipal public services of a non-capital improvement nature, including street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the Board of Public Works now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed; (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital

services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees of other governmental entities whose jobs will be eliminated by the proposed annexation.

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

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 13 of Exhibit “A” attached hereto be annexed to the City of South Bend.

Section II. That it shall be and hereby is now declared and established that it is the policy of the City of South Bend, by and through its Board of Public Works, to furnish to said territory services of a non-capital nature, such as street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. That the Board of Public Works shall and does hereby now establish and adopt the Fiscal Plan, attached hereto and incorporated herein as Exhibit “A”, and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area with costs for extensions, any improvements in sewer or water capacity, and a City-approved drainage system to be paid for by the developer, all in compliance with state and local law; that no additional street lighting will be necessary and any future lighting especially of a decorative nature or with underground wiring will be at the developer/owner’s expense; and that no new roads or streets will be required.

Section IV. To the extent required by the City, sidewalks should be provided by the owner/developer along public streets and must comply with the Americans with Disabilities Act (ADA) under the PROWAG standards.

Section V. It is required as a condition of annexation that any future alterations to the property meet the City of South Bend’s building and zoning requirements.

Adopted the 10<sup>th</sup> day of October 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

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
Lease Agreement	MedPro Properties LLC	Lease for South Bend Human Rights at 319 Niles Ave. August 1, 2023, through July 31, 2024	\$24,157 Per Year Plus CAM (PR-00028079)	VP Molnar / Mr. Miller
Memorandum of Understanding	Teamsters Local Union No. 364	Master Agreement for Employer-Paid Training and Retention Provisions in VPA Work Group Supplemental	N/A	VP Molnar / Mr. Miller
Memorandum of Understanding	Teamsters Local Union No. 364	Amendments to 2023 Teamsters Salary Ordinance	N/A	VP Molnar / Mr. Miller
Professional Services Agreement	United Consulting	A Study and Alternative Analysis for Edison Water Treatment Plant Improvements Project No. 123-067	NTE \$96,300 (Hourly) (PR-00028117)	VP Molnar / Mr. Miller

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Eddy Street Commons Trick-Or-Treat	Street Closure for Special Event	October 24, 2023; 2:00 p.m. to 8:30 p.m.	Eddy Street between Angela Blvd. & Napoleon St.	VP Molnar / Mr. Miller
The Cellar Wine Bar & Kitchen	Sidewalk Café Permit - Subject to Proper ADA Clearance per Ordinance Criteria and Adherence to City Engineering Recommendations	Saturday & Sunday 11:00 a.m. to 11:00 p.m., Tuesday-Friday 4:00 p.m. to 11:00 p.m.	702 E. Jefferson Blvd.	VP Molnar / Mr. Miller

APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT - 319 S. SUMMIT DR.

President Maradik stated an application for an encroachment and revocable permit has been received from Beauty Suites on Summit, LLC – Shalonna T. Diggins for the purpose of allowing the installation of a sign to be placed in the right-of-way at 319 S. Summit Dr. Community Investments and Public Works has favorable recommendations due the encroachment being revocable. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the encroachment and revocable permit was approved, subject to the sign meeting all zoning requirements.

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:

REMARKS:
- Reserved Handicapped Accessible Parking Space Sign

East Side of Lafayette Blvd., North of Jefferson Blvd. #1

All Criteria Met
- NEW INSTALLATION:

LOCATION(S):

REMARKS:
- Handicapped Accessible Parking Space Sign

1308 S. 27<sup>th</sup> St. (One per Household)

2905 Hartzer St.

All Criteria Met

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
DJ Construction	Site Improvement	Released	10/10/2023
Angel Gary dba MAAJ Concrete LLC	Contractor	Approved	09/21/2023
John Ward Concrete, Inc.	Contractor	Released	09/07/2023
Five Star Concrete & Construction LLC	Contractor	Released	09/17/2023
DMTM, Inc.	Excavation	Approved	10/02/2023
Green Improvements LLC	Occupancy	Approved	09/26/2023
Lucas Trucking & Excavating LLC	Occupancy	Approved	09/20/2023
DMTM, Inc.	Occupancy	Approved	10/02/2023
Niezgodski Plumbing	Occupancy	Approved	09/25/2023
Waste Management of Indiana, LLC	Occupancy	Released	11/08/2023

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

Mr. 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-64033, GBLN-64281	09/25/2023	\$7,006.08
City of South Bend Claims GBLN-64248, GBLN-64184	09/26/2023	\$3,126,118.38
City of South Bend Claims GBLN-64528	10/03/2023	\$2,349,715.01

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.

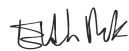
PRIVILEGE OF THE FLOOR

**Business owner Shalonna Diggins** was virtually present to ask about next steps regarding her encroachment application for 319 S. Summit Dr. The application was initially recommended as unfavorable, but Engineering reviewed the application a second time and recommended it as favorable due to the fact that encroachments can be revoked if the City needs access to the right of way for future projects. President Maradik explained that her sign would need to meet zoning requirements. Ms. Diggins noted that she has had difficulty working with zoning in the past. VP Molnar advised that she should go to the building department to apply for a permit and if there is an issue with her sign, they will work with zoning to find out what needs to be done. Ms. Diggins thanked the Board for their approval.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 9:45 a.m.

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



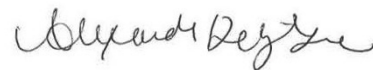
Gary A. Gilot, Member



Murray L. Miller, Member



Joseph R. Molnar, Vice President



Alexandra Dolz-Lane, Member



Attest: Theresa M. Heffner, Clerk

Date: October 24, 2023