

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on February 8, 2024, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Murray Miller (absent), Briana Micou (absent), 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.

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

CHANGE ORDERS

Project Manager Patrick Sherman was present to discuss item 5. A.: LaSalle Park Improvements. He noted the change order is for \$371,755.22 and there is a lot of work associated with the EPA soil management plan. He added that the City was not going to be held to as much work as we were, but it was decided that the City had to, so we went to the Redevelopment Commission to ask for additional funds, which were received. There is a lot of unsuitable soil and that is the majority of the work. The inspectors did a good job of ensuring quantities to get it where it needed to be.

Director of Diversity and Inclusion Cynthia Simmons asked if the MWBE goals associated with this change order should be recalculated, because she didn't see anything in the procurement policy. Project Manager Sherman added that he does not think MWBE goals are affected by change orders.

Attorney Michael Schmidt advised that historically change orders have not been subject to goals adding that it has been determined by executive-level leadership that we can hold the contractors accountable for the goals on the original project, but as things come up throughout the project, it would create considerable slowdowns, extra costs, and general chaos if we were then trying to add goal revisions associated with a change in goals based upon any change orders. Oftentimes the contractors and the inspectors are making decisions right then and there, and then if on that day they have to go out and seek potential subcontractors to perform that work, it would create unnecessary delays in the project. Lastly, Attorney Schmidt noted it is certainly something that we can revisit again with new leadership.

Director Simmons stated that it is not referenced anywhere in our procurement policy so if there could at least be an offline discussion, that would be satisfactory.

Project Manager Sherman added that a lot of these additional costs are because of EPA requirements that would not affect any of the MWBE firms that are on this project, but a lot of the other costs deal with using the same firms to do the trucking so they will probably exceed their original MWBE goals because of that, so we will look into this.

CHANGE ORDERS

Project Manager Patrick Sherman was present to discuss item 5. E.: Seitz Park Renovation. He noted that the change order is for \$172,701 with a total percent increase of thirty point nine percent (30.9%) which is very high primarily because Notre Dame's hydro plant took a lot longer than was originally planned, so there were a lot of escalation and other costs associated with that. The infrastructure along Portage on the North side is very old and we ran into a lot of voids in the walls and the seawall that must be repaired. In order to get that work done, there has been a lot of extra work required. If it weren't for all of the unforeseen items on the project, the change order amount would have been around five percent (5%). There will be future additional change orders coming for stabilizing the walls by the dam.

Gary Gilot asked if the City is negotiating quantities and unit prices. Project Manager Sherman explained that on the river wall repair that they are doing right now, they are doing it at on a time and materials cost basis because there is nothing in the unit cost that could actually track it.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Project Manager Patrick Sherman was present to discuss item 9. B.: Amendment No. 1 to Professional Services Agreement with Jones Petrie Rafinski (JPR) for additional design services for design development construction documents and bidding/procurement phases for Four Winds Field. This is an amendment for JPR to get them through design development construction documents. The total cost of their contract will end up being right about four-million dollars which is reasonable for the project of this size and the funds to pay for this came from the

Redevelopment Commission to keep the design going, but the project in general will be paid out of a PSDA bond. We are looking to bid most of the project in June and begin work when the season ends in September.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Assistant City Engineer Leslie Biek was present to discuss item 9. E.: Professional Services Agreement with American Structurepoint, Inc. for engineering services for planning Market District Improvements. She noted this is from a RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant that the City received, which is not usual. She clarified we do not normally receive RAISE grants, so it is a big deal and it is a planning grant. This will be a multi-year, big undertaking and this is kind of the first step to review the area. This will not be one (1) project, it will be a lot of projects eventually. This is a federally funded grant similar to our LPA projects where we pay it and then we get reimbursed the eighty percent (80%), but we are working directly with the federal government.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Angela Smith, Senior Planner from Danch, Harner, and Associates was present to discuss item 9. D.: Deed of Dedication to correct right of way along Frontage and Rush Streets. She noted that this is part of the work that they have been doing as contracted by the City to look at city-owned lots that are actually part of roads or have been part of road configurations and trying to clean up some of our dedications that have not happened. This is one (1) area, and we are looking at several others that are either going to go through the subdivision process or may come back to the Board. This is part of one (1) of those many things we are trying to wrap up since 2019.

PROJECT COMPLETION AFFIDAVITS

Attorney Schmidt was virtual to discuss item 6. A.: Nexus Center Site & Building Improvements. He noted that this project was awarded a good-faith waiver on the goals, so there were no goals attached to this project.

REQUEST TO ADVTERISE FOR THE RECEIPT OF BIDS

Mr. Gilot asked about item 7. A.: One (1) or more 2023 or Newer Self-Propelled Spreader – Spec A. and asked if the City was in the land application business.

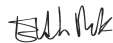
Director of Public Works, Eric Horvath, advised that it is for biosolids land application. The department is down one (1), so they need another.

PRIVILEGE OF THE FLOOR

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



Briana Micou, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: February 27, 2024

REGULAR MEETING

FEBRUARY 13, 2024

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, February 13, 2024, by Board President Elizabeth A. Maradik in the 13th Floor Conference Room of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana. The meeting was also streamed live to the public via Microsoft Teams. Board Clerk Theresa Heffner confirmed the presence of Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Murray Miller, Briana Micou, and in the absence of Board Attorney Michael Schmidt, City Attorney Jenna Throw, 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 January 18, and January 23, 2024, were approved.

OPENING OF BIDS – DEMOLITION OF 1000 W. SAMPLE ST. (FORMER FUN FX BLDG.) – PROJECT NO. 123-014 (PR-00030442)

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:

GREEN DEMOLITION CONTRACTORS, INC.

315 Brighton Street, Suite 1

LaPorte, IN 46350

estimating@greendemolitioninc.com; carla@greendemolitioninc.com

Bid was signed by Mr. Michael Brough

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: \$553,800.00

THE MRD GROUP, INC.

4777 W. Lincoln Ave.

West Milwaukee, WI 53219

gozelski@themrdgroup.net; blomberg@themrdgroup.net

Bid was signed by Mr. Gerald Bloomberg

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: \$828,280.00

INDIANA EARTH, INC.

10343 McKinley Hwy.

Osceola, IN 46561

earth92inc@sbcglobal.net

Bid was signed by Mr. Keith Stevens

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: \$1,252,000.00

C&E EXCAVATING INC.

53767 County Road 9

Elkhart, IN 46514

TimB@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:\$1,259,640.00

C. LEE CONSTRUCTION SERVICES, INC.

1011 S. Lake St.

Gary, IN 46403

lwever@cleecsi.com

Bid was signed by Mr. Frederick Lee
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: \$1,099,920.00

DORE & ASSOCIATES, INC.

PO Box 338 Washington Ave.

Bay City, MI 48707

Kylie@doreassoc.com; amd@doreassoc.com

Bid was signed by Mr. Jason C. Dore
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: \$593,700.00

RITSCHARD BROS., INC.

1204 W. Sample St.

South Bend, IN 46619

rit1204@datacruz.com

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

BID: \$924,573.00

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

OPENING AND AWARD OF QUOTATIONS – APPROVE CONTRACT – SAFE ROUTES TO SCHOOL - OUR LADY OF HUNGARY NEIGHBORHOOD TREE REMOVAL – PROJECT NO. 122-007B (PR-00030699)

This was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotations were opened and read:

KC TREE INC.

8913 East US Hwy. 20

New Carlisle, IN 46552

debbie@kctreeinc.com

Quotation was submitted by Mr. Gregg Keigley
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

QUOTATION: \$34,500.00

K & R TREE SERVICE LLC - AWARDEE

1724 S. Grant St.

South Bend, IN 46613

treecutterkev@yahoo.com

Quotation was submitted by Mr. Kevin J. Kenney

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

QUOTATION: \$28,809.00*

*Board approved subject to Engineering and Legal Department review. President Maradik noted unit price for missing tree and bid received on 2/11/2024 \$27,390.00

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above quotations were referred to Public Works for review and recommendation. After reviewing those quotations, Project Engineer Gemma Stanton recommended that the Board award the contract to the lowest responsive and responsible bidder, K & R Tree Service LLC, in the amount of \$28,809. Therefore, VP Molnar made a motion that the recommendation be accepted and the quotation awarded, subject to the final review by Legal and Engineering as outlined above. Mr. Miller seconded the motion and carried by roll call.

OPENING OF APPLICATIONS – 2024 WATER WORKS UTILITY SERVICE LINE REPAIR PROGRAM

Mr. Matthew Bussell, Water Works, advised that this was the date set for the receiving and opening of sealed applications for the above referenced project. Ms. Maradik stated the applications will be reviewed and any/all contractors that meet the requirements will be added to the list. City Attorney Jenna Throw read the names of the following companies submitting proposals:

NIEZGODSKI PLUMBING, INC.

PO Box 3096

232 N. Mayflower Rd.

South Bend, IN 46619

niezplum@comcast.net

Application was submitted by Mr. Tyler M. Frame

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

The Contractor's Bond was received.

APPLICATION RECEIVED

BOB FRAME PLUMBING SERVICES, INC.

2442 Jaclyn Court

South Bend, IN 46614

Carol@frameplumbing.com

Application was submitted by Mr. David P. Frame

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

The Contractor's Bond was received.

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

OPENING OF APPLICATIONS – 2024 SEWER INSURANCE LATERAL REPAIR PROGRAM

Mr. Matthew Bussell, Water Works, advised that this was the date set for the receiving and opening of sealed proposals for the above referenced project. Ms. Maradik stated the applications will be reviewed and any/all contractors that meet the requirements will be added to the list. City Attorney Jenna Throw read the names of the following companies submitting proposals:

NIEZGODSKI PLUMBING, INC.

PO Box 3096

232 N. Mayflower Rd.

South Bend, IN 46619

niezplum@comcast.net

Application was submitted by Mr. Tyler M. Frame

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

The Contractor's Bond was received.

APPLICATION RECEIVED

BOB FRAME PLUMBING SERVICES, INC.

2442 Jaclyn Court

South Bend, IN 46614

Carol@frameplumbing.com

Application was submitted by Mr. David P. Frame

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

The Contractor's Bond was received.

APPLICATION RECEIVED

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

AWARD QUOTATION AND APPROVE CONTRACT – CSO 018 SECURITY FENCING

Mr. Richard Radcliff, Wastewater, advised the Board that on February 6, 2024, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Radcliff recommended that the Board award the contract to the lowest responsive and responsible quoter, Schuell Fence Co., in the amount of \$7,949.78. 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 PARK IMPROVEMENTS – PROJECT NO. 121-015 (PO-0024048)

President Maradik advised that Mr. Patrick Sherman, Engineering, has submitted change order number 1 on behalf of HRP Construction, indicating the contract amount be increased by \$371,755.22 with an additional one hundred sixty-two (162) days for a new contract sum, including this change order, in the amount of \$2,475,839.62 with a new completion date of June 7, 2024. 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 – CENTURY CENTER SKYWAY RESTROOM UPGRADE – PROJECT NO. 123-042 (PO-0024694)

President Maradik advised that Mr. Patrick Sherman, Engineering, has submitted change order number 1 on behalf of Larson-Danielson Construction Co., Inc., indicating the contract amount be increased by \$4,010 for a new contract sum, including this change order, in the amount of \$171,056. 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 – VPA ATHLETIC COURT RENOVATION, PHASE II – PROJECT NO. 121-033AR2 (PO-0018558)

President Maradik advised that Mr. Patrick Sherman, Engineering, has submitted change order number 1 on behalf of Milestone Contractors North, Inc., indicating the contract amount be increased by \$9,000 for a new contract sum, including this change order, in the amount of \$1,603,948.33. 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 – VPA ATHLETIC COURT RENOVATION, PHASE III – PROJECT NO. 123-040 (PO-0024691)

President Maradik advised that Mr. Patrick Sherman, Engineering, has submitted change order number 2 on behalf of Milestone Contractors North, Inc., indicating the contract amount be increased by \$4,476.50 with an additional one hundred sixty-six (166) days for a new contract sum, including this change order, in the amount of \$509,535.55 with a new completion date of May 1, 2024. 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. 9 – SEITZ PARK RENOVATION – PROJECT NO. 117-093 (PO-006342)

President Maradik advised that Mr. Patrick Sherman, Engineering, has submitted change order number 9 on behalf of Ziolkowski Construction, Inc., indicating the contract amount be increased by \$172,701 for a new contract sum, including this change order, in the amount of \$9,344,587.78. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved. President Maradik noted that change order is more than the twenty percent (20%) threshold due to unforeseen conditions and is included in the memo in the file.

APPROVE CHANGE ORDER NO. 1 (FINAL) – EAST RACE SIDEWALK REPAIR – PROJECT NO. 117-130 (PO-0026737)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 1 on behalf of Milestone Contractors North, Inc., indicating the contract amount be increased by \$27,073 for a new contract sum, including this change order, in the amount of \$98,743. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved. President Maradik noted that change order is more than the twenty percent (20%) threshold due to unforeseen conditions and is included in the memo in the file.

APPROVE CHANGE ORDER NO. 4 – NORTH WATER TREATMENT PLANT IMPROVEMENTS – PROJECT NO. 119-011 (PO-0016353)

President Maradik advised that Ms. Rebecca Plantz, Engineering, has submitted change order number 4 on behalf of Bowen Engineering Corporation, indicating the contract amount be increased by \$107,501 with an additional two hundred ten (210) days for a new contract sum, including this change order, in the amount of \$3,664,828 with a new completion date of April 12, 2024. 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. 27 – MICHIGAN STREET REPAVING – PROJECT NO. 123-066 (PO-0026258)

President Maradik advised that Mr. Scott Kreeger, Engineering, has submitted change order number 27 on behalf of Indiana Department of Transportation, indicating the contract amount be decreased by \$21,755.80 for a new contract sum, including this change order, in the amount of \$956,414.86. President Maradik clarified that this is a cost-sharing project so the change order only decreases the city portion of the project. 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 – CENTURY CENTER WATER SOFTENER – PROJECT NO. 123-041 (PO-0026879)

President Maradik advised that Mr. Patrick Sherman, Engineering, has submitted change order number 1 on behalf of D.A. Dodd, LLC, indicating the contract amount be increased by \$10,900 with an additional twenty-eight (28) days for a new contract sum, including this change order, in the amount of \$80,600 with a new completion date of February 23, 2024. 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 CONTRACTOR PAVING, ROUND II – PROJECT NO. 123-024 (PO-0025433)

President Maradik advised that Mr. Scott Kreeger, Engineering, has submitted change order number 1 on behalf of Rieth-Riley Construction Co., Inc., indicating the contract amount be increased by \$406,716.07 for a new contract sum, including this change order, in the amount of \$2,347,316.07. 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) – MAIN STREET IMPROVEMENTS FROM SHERWOOD ST. TO DEAN ST. – PROJECT NO. 122-045 (PO-0021323)

President Maradik advised that Ms. Charlotte Brach, Engineering, has submitted change order number 1 on behalf of Milestone Contractors North, Inc., indicating the contract amount be decreased by \$2,459.16 for a new contract sum, including this change order, in the amount of

\$395,540.84. 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 – NEXUS CENTER SITE & BUILDING IMPROVEMENTS – PROJECT NO. 121-064 (PO-0022093)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of R. Yoder Construction, Inc., for the above referenced project, indicating a final cost of \$340,524.03. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – ONE (1) OR MORE 2023 OR NEWER SELF-PROPELLED SPREADER – SPEC A (PR-00030489)

In a memorandum to the Board, Mr. Jeff Hudak, Central Services, requested permission to advertise for the receipt of bids for the above referenced equipment. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – 2024 STREET AND SEWER MATERIAL BID – PROJECT NO. 124-004 (PR-00030792)

In a memorandum to the Board, Mr. Scott Kreeger, 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. Miller and carried by roll call, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – 2024 ASPHALT MATERIAL BID – PROJECT NO. 124-005 (PR-00030800)

In a memorandum to the Board, Mr. Scott Kreeger, 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. Miller and carried by roll call, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – DOWNTOWN SOUTH BEND TO NOTRE DAME TRAIL - NOTRE DAME AVE. – PROJECT NO. 122-040A (PR-00030830)

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.

ADOPT RESOLUTION NO. 02-2024 – 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. 02-2024
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 January 8, 2024, **Captain Randy Newman** retired from the South Bend, Indiana, Fire Department after thirty-four (34) 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 February 13, 2024, 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/ Murray L. Miller
s/ Brena N. Micou

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 03-2024 – 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. 03-2024
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 20, 2023, **Firefighter 1st Class Craig Fruth** 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:

3. 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).
4. 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 February 13, 2024, 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/ Murray L. Miller
s/ Brena N. Micou

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 04-2024 – 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. 04-2024
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 January 10, 2024, **Firefighter 1st Class Eric Purcell** retired from the South Bend, Indiana, Fire Department after twenty-three (23) 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:

- 5. 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).
- 6. 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 February 13, 2024, 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/ Murray L. Miller
 s/ Brena N. Micou

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 05-2024 – 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. 05-2024
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 January 13, 2024, **Firefighter 1st Class Shannon Pohl** retired from the South Bend, Indiana, Fire Department after twenty-one (21) 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:

7. 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).
8. 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 February 13, 2024, 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/ Murray L. Miller
s/ Brena N. Micou

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 06-2024 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE CITY OF 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. 06-2024

A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE CITY OF 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 transfer such property to 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 Board owns twenty-seven (27) parcels of real property in the City described on Exhibit A (the "Property"); and

WHEREAS, the Board desires to convey the Property to the Commission pursuant to Ind. Code 36-1-11-8 for the purpose of making the Property available for re-use and redevelopment in accordance with the Commission's purposes and powers under the Act; and

WHEREAS, it is anticipated that the Commission will adopt a resolution accepting the Board's conveyance of the Property to the Commission and appointing a representative to accept and record the deed received from the Board.

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

1. The Board hereby approves the conveyance of the Property to the Commission in accordance with Indiana Code Section 36-1-11-8.

2. The President and Clerk of the Board are authorized and instructed to execute and attest, respectively, a quit claim deed in substantially the form attached hereto as Exhibit B, conveying all of the Board's right, title, and interest in the Property to the Commission.

3. 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 Commission, as well as to execute any other document necessary to affect the Board's conveyance to the Commission.

4. 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 February 13, 2024, 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/ Murray L. Miller
s/ Brena N. Micou

ATTEST:
s/ Theresa Heffner, Clerk

APPROVAL OF AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

The following agreements/contracts/proposals/addenda were submitted to the Board for approval:

Type	Business	Description	Amount/ Funding	Motion/ Second
Amendment No. 5 to	Veritas, LLC	Amendment to Consulting Agreement for Beck's	NTE \$80,000 or 800 Hours	VP Molnar / Mr. Miller

Beck's Lake Project Consulting Agreement		Lake Remediation	of Work (PO-0014519)	
Amendment No. 1 to Professional Services Agreement	Jones Petrie Rafinski Corporation	Additional Design Services for Design Development, Construction Documents and Bidding/Procurement Phases for Four Winds Field Project No. 123-046	\$2,631,950 (PO-0024886)	VP Molnar / Mr. Miller
Professional Services Agreement	American Structurepoint, Inc.	Engineering Services for Demolition of South Bend Medical Foundation Project No. 123-076	\$329,040 (PR- Subject to DFO approvals)	VP Molnar / Mr. Miller
Deed of Dedication	Danch, Harner & Associates, Inc.	Corrects Right-of-Way along Frontage and Rush Streets	N/A	VP Molnar / Mr. Miller
Professional Services Agreement	American Structurepoint, Inc	Engineering Services for Planning Market District Improvements Project No. 123-053	\$2,944,122; Complete in Twenty-Seven (27) Months from Notice to Proceed (PR-00030958)	VP Molnar / Mr. Miller
Interlocal Agreement	Elkhart Department of Public Works	Agreement for Biological Monitoring of the St. Joseph River Watershed In and Around the Cities of Elkhart and South Bend	\$80,000 (PR-00029455)	VP Molnar / Mr. Miller
Deed of Dedication	3502 Oakcrest Dr.	Dictate Right-of-Way along 35 th Street	\$1	VP Molnar / Mr. Miller
Local Public Agency Consulting Contract	United Consulting	Construction Inspection Services for Safe Routes to School-Our Lady of Hungary Neighborhood Project No. 122-007	\$120,500 (Hourly) (PR-00031011)	VP Molnar / Mr. Miller
Professional Services Agreement	A&Z Engineering, LLC	Design Services for 2024 Community Crossings Grant Project No. 124-006	\$52,545 (PR-00030802)	VP Molnar / Mr. Miller
2024 Indemnification Agreement	The Tire Rack, Inc.	City Usage of Tire Rack's Training Track for Police Emergency Vehicle Operations Training Sessions March 19, 2024 through November 7, 2024	N/A	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
Episcopal Cathedral of St. James	Public Parking Facility License - Renewal		117 N. Lafayette Blvd.	VP Molnar / Mr. Miller Subject to signage being up to date.

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: Handicapped Accessible Parking Space Sign
 LOCATION: 112 E. Irvington Ave.
 REMARKS: 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
Everstream GLC Holding Company LLC	Excavation	Approved	12/26/2023
Bowen Engineering Corp.	Occupancy	Approved	01/25/2024
Everstream GLC Holding Company LLC	Occupancy	Approved	12/26/2023
HGR Consulting, Inc. dba HGR Group	Occupancy	Approved	11/01/2023
Martell Electric, LLC	Occupancy	Approved	01/26/2024

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-71074	01/09/2024	\$1,426,782.30
City of South Bend Claims GBLN-71739	01/16/2024	\$1,968,582.20
City of South Bend Claims GBLN-71575, GBLN-71852, GBLN-71853	01/16/2024	\$758,764.82
City of South Bend Claims GBLN-72016	01/23/2024	\$3,388,316.22
City of South Bend Claims GBLN-72261, GBLN-72560, GBLN-72626	01/29/2024	\$802,873.30
City of South Bend Claims GBLN-72430	01/30/2024	\$2,380,921.72

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

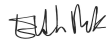
Board Member Gary Gilot noted that he appreciates the City continuing the aquatic biology studies of the river stating the City does a lot of water chemistry testing at great expense to the City and that gives us a snapshot of what is happening in present day, but the studies of the fish and the macroinvertebrates of the river that live their whole life in the river give us better idea over time. He asked if we could ask for a longitudinal study from the early years of doing the aquatic biology studies to present day claiming that the City has invested hundreds of millions of dollars and would like to know what the long-term improvement is in the aquatic community.

Director of Public Works Eric Horvath stated that he can get that information. Each year's report does look at the new III&QHI and compares them to previous results as well, but it doesn't do averages over time, so we will have to do some of that from 2023 or 2024 which he offered to send, but we can also ask them to do more of a longitudinal approach comparing year to year and how that is tracked. Lastly, he noted results have been pretty consistent, so we have not seen any degradation.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:05 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



Briana Micou, Member



Attest: Theresa M. Heffner, Clerk

Date: February 27, 2024