

The Agenda Review Session of the Board of Public Works was convened at 10:34 a.m. on April 18, 2024, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Murray Miller, Briana Micou, and Board Attorney Michael Schmidt present. The Board of Public Works Clerk, Theresa Heffner, presented the Board with a proposed agenda of items presented by the public and by City Staff.

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

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Gary Potts from Professional Permits attended virtually to answer questions from the Board for item 10. B.: Right-of-Way Occupancy and Encroachment Agreement – Wolfe House Movers of Indiana, LLC.

Mr. Potts stated that he was here today to speak on behalf of Wolf House Movers, Habitat for Missions, and Covenant Christian School which will be the recipient of the proceeds from the house sale. He stated the updated move date is May 2<sup>nd</sup> and letters have been sent to all three (3) additional properties that needed to be notified that the trees were going to either be continued to be trimmed or they needed to be removed entirely and replaced. We spoke with a gentleman at 1034 Foster on the phone last week and had email correspondence between him, myself, and Brent Thompson (the city forester) and we are going to remove all of the trees per the land owner's request. Mr. Thompson had identified two (2) trees that needed to come down and the homeowner had requested that we remove all of the trees so they all would be replaced with the new ones. He didn't want to have some mature trees with brand new trees. Everything else is lined up for the house move itself. We have all of the utilities on board and once we get the house moved, we will refurbish the house. Habitat for Missions is a nonprofit that comes in and partners with other nonprofits, churches and others they deem as worthy partners. They have done others in South Bend prior, but this would be a new one with Covenant Christian School, so what they do is they will sell the house and ninety percent (90%) of the proceeds from the sale will go to Covenant Christian School to help with our expansion of our school and ten percent (10%) of the proceeds will go to missionaries across the world. Both are nonprofits and there is no private organization that is looking to seek profits. All the money will be given to 501C companies to help them with their future plans.

VP Molnar asked who requested that all the trees be removed and if they were one of the owners that had their trees trimmed incorrectly or if they were in the tree lawn. Mr. Potts explained that the trees were all in the tree lawn. There are a total of two (2) trees that are going to be removed and Mr. Thompson has identified those. There is another tree on their property that has a diseased trunk that is in that same tree lawn, and he asked if we would take that down and then the other tree is a silver locust that he didn't want to leave. Mr. Thompson said that he would work with us to get that tree removed as well. He would add that to the permit and then we would just replace all those trees with new trees.

VP Molnar stated that it did not make sense to remove a tree that is perfectly fine. If you plant a bunch of trees at the same time they will all die at the same time. Mr. Thompson noted that he understood that it is important to have age diversity in trees, but he is trying to work with both parties to try to get a mutual agreement, and that is what the property owner is asking for.

VP Molnar asked if a tree could be removed if it is in the tree lawn. President Maradik advised that a property owner has the right to remove a tree in the tree-lawn if in contact with the City forester and they obtain the correct permits.

Mr. Gilot asked if a settlement had been reached on the other trees that were removed or hacked. Mr. Thompson advised the city is waiting to hear from the insurance company.

Resident Felicia Caponigri thanked everyone and gave a special thanks to Attorney Schmidt, who suggested she attend the meeting after speaking with him a couple of weeks ago. She stated that she lives in Harter Heights at the corner of Angela and Stanfield, and she had been working with her neighbors ever since they had the tree trimming debacle last summer. The neighbors were all very upset about it and upset about bigger things that are happening in their neighborhood. For example, the increased prices of homes and people who are buying in the neighborhood and then not living there which leads to a lot of practical challenges. She noted absent homeowners don't clear sidewalks from debris and snow. She stated she and her

neighbors also worry about safety in the neighborhood when surrounded by a bunch of different homes.

One thing she noted was she was trying to start a welcoming committee in our neighborhood so they can better interact with developers that seek to purchase homes in our neighborhood and sell them at exorbitant prices and then build huge homes in the neighborhood. She added she is really concerned about the real motives behind this move of the house. She said that it was nice that ninety percent (90%) of the home sale will go to the Covenant Christian School and ten percent (10%) to missionaries, but said she thought it is also important to remember that we have people in our own neighborhood where the home is being moved, whose interests and concerns should be addressed. One thing that we are talking about in our neighborhood is how to encourage people who will live in the neighborhood full time to purchase homes, recognizing, a number of newspaper reports on this move said that the house would be sold for upwards of \$600,000, which is outside of the purchase ability of many people in our community. She is hoping that there might be some commitment on the people who are moving this home, recognizing that they are moving it for travel purposes, but also so they can redevelop the property that is close to Eddy Street Commons where the Rockne house was situated. She wanted to emphasize to the Board that as they are setting their agenda, that there are still a lot of unanswered questions and concerns she and her neighbors have.

President Maradik thanked Ms. Caponigri for her comments and sharing. She clarified that the Board does care about what neighbors are thinking and their concerns, but emphasized that the role of the Board at this point in the process is really about the movers using the right-of-way and if they're meeting the requirements to use the right-of-way rather than negotiating with a property owner or a developer. When we are looking at this item and looking to approve it, it's specifically looking at if are they meeting the requirements that the Board and the City have related to actually using the City's right-of-way to perform whatever task it is. In this case it happens to be moving a home, but I would encourage you to continue to have conversations with Mr. Potts about if the owners and the neighborhood can have those kinds of agreements and conversations about this home and the future of the neighborhood.

Ms. Caponigri urged the Board to consider the motives behind a right-of-way request too. If all procedural aspects are satisfied, I understand why the Board would just approve the move and that they're using the right-of-way properly, but I would ask you to know what kind of substantive values we are promoting when we allow certain rights-of-way to just be approved. She emphasized that the Board should be well aware of all the other things that are going on when someone requests to use the right-of-way.

VP Molnar thanked Ms. Caponigri for coming and speaking. He said he thinks the City is aware of some of the issues she had described, but unfortunately this house move is also entangled in issues such as last year's inappropriate tree trimmings and that has added a difficult layer to the process. When it comes down to it, the owners of the Rockne house could just knock it down. There's no historic protection to the house that they're moving. If the move isn't approved, the next option for the homeowner would just be to knock it down and build what they want to build and they can legally rebuild anyway. That is one of the considerations too. Mr. Potts stated we certainly don't want that to happen. It was one of Knute Rocke's homes that he lived in so we would like to reserve some of that history from the area.

President Maradik advised that Ms. Caponigri connect with Mr. Potts offline to have further discussions as the conversation did not involve the occupancy permit for the right-of-way.

VP Molnar asked if this item would be subject to legal resolving this by Tuesday. Attorney Schmidt advised that the use of the right-of-way is going to be separate from whatever settlement we ultimately get. The City is prepared to escalate if we are not satisfied with the level of negotiations. There is a letter that has been delivered to the prior tree company, that was neither licensed nor bonded with the City, with a steep fine. They are two (2) separate issues.

VP Molnar asked if that company would be allowed to operate in our public right-of-way after what they did to the trees. Attorney Schmidt advised that they would not be allowed to do any work in the ROW until the fine is paid, but after that, we would not preclude them from doing business in South Bend.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Andrew Schreiber from Venues Parks and Arts attended virtually to advise the Board about item 10. A.: License Agreement – Ava Downey d/b/a Outside Notre Dame.

Andrew Schreiber from Venues Parks and Arts spoke about the Notre Dame Organization event on top of the Leighton Street garage. He informed the Board this is the second year that they are doing this event. This is a Notre Dame student lead event that seeks to get the students introduced to downtown South Bend and get them more engaged with the downtown South Bend area and get them off campus and working within the community. The person operating is Ava Downey as well as Desi Incorporated as a sponsor. This is an evening event from 7:30 pm to 10:30 PM on May 2<sup>nd</sup>. We're giving them the upper floor free of rent for the day to get set up. There will be food and beverages provided by Chicory Cafe in a designated bar area. They are pulling the alcohol permit for that. There will be a DJ that will be within the noise ordinance and done at 10:30pm sharp and then we have security provided by Invictus Security that is a local group that runs the security for Morris Century Center and lots of other public events with VPA run by Officer Randy Goring from SBPD. They have a lot of additional security such as wrist banding, hand stamping, and ID checking for the bar entrance. Last year ran very smoothly and we were able to clean up very quickly, and the event did not create any issues for the community.

OPENING OF QUOTATIONS

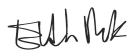
Mr. Gilot had a question regarding item 4.: 2024 Tree and Stump Removal in districts 1, 2, 3, 5, for sidewalk work being done. He asked if districts 2 & 6 would come to the Board later. Project Engineer Gemma Stanton explained that the sidewalk selections in those districts just happen to not require tree removal at this time. This will support our internal crews construction of sidewalks and we will contract out the tree removal.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 11:02 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: May 14, 2024

REGULAR MEETING

APRIL 23, 2024

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, April 23, 2024, 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, Murray Miller (virtual), Briana Micou, 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 April 4, 2024 and April 9, 2024, were approved.

**PUBLIC HEARING - NEW MASSAGE ESTABLISHMENT LICENSE**

President Maradik advised that this was the date set for the Board’s Public Hearing concerning and license application for Heart to Heart Massage & Wellness. It was noted favorable recommendations were received from City staff. There being no one else present wishing to address the Board concerning this matter, the Public Hearing was closed. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the license was approved.

**OPENING OF BIDS – 2024 OR NEWER ALL WHEEL DRIVE POLICE PURSUIT UTILITY VEHICLES – SPEC B (PR-00031961)**

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:

**LARKIN-GREENWOOD FORD**

2350 Park Rd.  
 Connersville, IN 47331  
[shurley@larkin-ford.com](mailto:shurley@larkin-ford.com)  
 Bid was signed by Ms. Stephanie Hurley  
 Non-Collusion, Non-Discrimination Affidavit Form was completed.  
 Ten percent (10%) Bid Bond was **NOT** submitted.  
 Indiana Local Business Preference Claim was completed.

BID:

Description	Year/Make/Model	Unit Price
Police SUV	2025 Ford Police Interceptor	\$46,626.76

<b>Estimated number of days for delivery from award date.</b>	90-120 ARO
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**FLETCHER CHRYSLER PRODUCTS INC.**

3099 N. Morton St.  
 Franklin, IN 46131  
[k.fox@fletcherchrysler.com](mailto:k.fox@fletcherchrysler.com)  
 Bid was signed by Mr. K. Keith Fox  
 Non-Collusion, Non-Discrimination Affidavit Form was completed.  
 Ten percent (10%) Bid Bond was submitted.  
 Indiana Local Business Preference Claim was **NOT** completed.

BID:

Description	Year/Make/Model	Unit Price
Pursuit	2024 Dodge Durango AWD	\$40,021.00

<b>Estimated number of days for delivery from award date.</b>	Immediate
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Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above bids were referred to SBPD and Central Services for review and recommendation.

**OPENING OF QUOTATIONS – 2024 TREE AND STUMP REMOVAL - DISTRICT 1 & 2 – PROJECT NO. 124-010A (PR-00032842)**

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

**K & R TREE SERVICE LLC**

1724 S. Grant St.

South Bend, IN 46613

[treecutterkev@yahoo.com](mailto:treecutterkev@yahoo.com)

Quotation was submitted by Mr. Kevin J. Kenney

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

QUOTATION: \$24,662.00

**KC TREE INC.**

8913 East US Hwy. 20

New Carlisle, IN 46552

[debbie@kctreeinc.com](mailto:debbie@kctreeinc.com)

Quotation was submitted by Ms. Debbie Steinkellner

Non-Collusion, Non-Discrimination Affidavit Form was **NOT** completed.

QUOTATION: \$28,800.00

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.

**OPENING OF QUOTATIONS – 2024 TREE AND STUMP REMOVAL - DISTRICT 3 – PROJECT NO. 124-010B (PR-00032850)**

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

**AMERICAN TREE & LAWN CARE, LLC**

35 Sycamore St.

Niles, MI 49120

[bz.americantree@gmail.com](mailto:bz.americantree@gmail.com)

Quotation was submitted by Mr. William Zimmerman

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

QUOTATION: \$19,405.50

**K & R TREE SERVICE LLC**

1724 S. Grant St.

South Bend, IN 46613

[treecutterkev@yahoo.com](mailto:treecutterkev@yahoo.com)

Quotation was submitted by Mr. Kevin J. Kenney

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

QUOTATION: \$22,708.00

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.

**OPENING OF QUOTATIONS – 2024 TREE AND STUMP REMOVAL - DISTRICT 5 – PROJECT NO. 124-010C (PR-00032852)**

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

**AMERICAN TREE & LAWN CARE, LLC**

35 Sycamore St.

Niles, MI 49120

[bz.americantree@gmail.com](mailto:bz.americantree@gmail.com)

Quotation was submitted by Mr. William Zimmerman

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

QUOTATION: \$14,492.00

**K & R TREE SERVICE LLC**

1724 S. Grant St.

South Bend, IN 46613

[treecutterkev@yahoo.com](mailto:treecutterkev@yahoo.com)

Quotation was submitted by Mr. Kevin J. Kenney  
Non-Collusion, Non-Discrimination Affidavit Form was completed.

QUOTATION: \$12,069.00

**KC TREE INC.**

8913 East US Hwy. 20  
New Carlisle, IN 46552  
[debbie@kctreeinc.com](mailto:debbie@kctreeinc.com)

Quotation was submitted by Ms. Debbie Steinkellner  
Non-Collusion, Non-Discrimination Affidavit Form was completed.

QUOTATION: \*\$26,700.00

**\*No indication which district this quote goes with.**

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.

**AWARD BID AND APPROVE CONTRACT – DOWNTOWN SB TO ND TRAIL HILL ST. & SOUTH BEND AVE. – PROJECT NO. 122-040B (PR-00031619)**

Ms. Charlotte Brach, Engineering, advised the Board that on April 9, 2024, bids were received and opened for the above referenced project. After reviewing those bids, Ms. Brach recommended that the Board award the contract to the lowest responsive and responsible bidder, Rieth-Riley Construction Co., Inc., in the amount of \$4,077,697.59, Base Bid Plus Alternates. 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 – 2024 COMMUNITY CROSSINGS – PROJECT NO. 124-006 (PR-00031357)**

Mr. Scott Kreeger, Engineering, advised the Board that on March 26, 2024, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible bidder, Milestone Contractors, L.P., in the amount of \$2,223,500. 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 – DEMOLITION OF 1000 W. SAMPLE ST. (FORMER FUN F/X BUILDING) – PROJECT NO. 123-014R (PR-00030442)**

Mr. Zach Hurst, Engineering, advised the Board that on March 26, 2024, 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, Green Demolition Contractors, Inc., in the amount of \$528,800. Therefore, VP Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

**AWARD QUOTATION AND APPROVE CONTRACT – 2024 SIGNAL KNOCK DOWN AND WIRING INVESTIGATION – PROJECT NO. 124-017 (PR-00032477)**

Ms. Leslie Biek, Engineering, advised the Board that on March 6, 2024, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Biek recommended that the Board award the contract to the lowest responsive and responsible quoter, JBL Signals and Lighting LLC, in an amount not to exceed \$50,000. 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 (FINAL) – CAMPEAU STREET STREETSCAPES – PROJECT NO. 121-073 (PO-0020079)**

President Maradik advised that Ms. Charlotte Brach, Engineering, has submitted change order number 1(Final) on behalf of Rieth-Riley Construction Co., Inc., indicating the contract amount be decreased by \$167,068.25 for a new contract sum, including this change order, in the amount

of \$2,148,206.99. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NOS. 2-3 – COAL LINE TRAIL, PHASE IIA – PROJECT NO. 115-063 (PO-0025244)

President Maradik advised that Ms. Gemma Stanton, Engineering, has submitted change order numbers 2-3 on behalf of Indiana Department of Transportation, Selge Construction Co., Inc., indicating the contract amount be increased by \$164,482.99 (City) with an additional one hundred & sixty-six (166) days for a new contract sum, including this change order, in the amount of \$1,934,536.64 with a new completion date of December 31, 2021. 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 – SAFE ROUTES TO SCHOOL - OUR LADY OF HUNGARY NEIGHBORHOOD TREE REMOVAL – PROJECT NO. 122-007B (PO-0029610)

President Maradik advised that Ms. Gemma Stanton, Engineering, has submitted change order number 1 (Final) on behalf of K&R Tree Service LLC, indicating the contract amount be decreased by \$1,419 for a new contract sum, including this change order, of \$27,390. Also submitted was the project completion affidavit indicating this new final cost of \$27,390. 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.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – 2024-2025 WATER TREATMENT CHEMICALS WASTEWATER (641-06-605-514-422012)

In a memorandum to the Board, Jacob Klosinski, 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 – HIGH STREET SIDEWALK IMPROVEMENTS – PROJECT NO. 123-012 (PR-00032838)

In a memorandum to the Board, Ms. Chana Roschyk, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – SOUTH BEND - SBCSC ADMINISTRATION BUILDING RENOVATION - ELEVATOR REPLACEMENT – PROJECT NO. 124-001A (ECONOMIC DEVELOPMENT LIT)

In a memorandum to the Board, Ms. Rebecca Plantz, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – RAELIN MURPHY ENCORE CENTER – PROJECT NO. 123-056 (PR-00032431)

In a memorandum to the Board, Mr. Patrick Sherman, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

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
License	Ava Downey	Temporary Use of Board	N/A	Molnar/ Miller



Agreement	d/b/a Outside Notre Dame	of Public Works Property on Rooftop of Leighton Garage for Back to the Bend Sunset Roof Party on May 2, 2024 from 12:00 a.m. to 11:59 p.m.		
Right-Of-Way Occupancy and Encroachment Agreement	Wolfe House Movers of Indiana, LLC	1006 St. Vincent Street (Rockne House) Move to 1105 N. Foster St.	N/A	Molnar/ Miller *Approved Subject to the City Forester having final sign off on a plan of action prior to the house move occurring and that the Board is placing its authorities with the forester to make those decisions.
Amendment No. 1 to Professional Services Agreement	The Troyer Group	Additional Engineering Services for Safe Routes To School Muessel Primary & Holy Cross School Area Project No. 122-006	NTE \$41,500; Total Cost \$230,000; Eligible for 80% Reimbursement from INDOT with 20% Local Match of \$8,300 (PO-0017654)	Molnar/ Miller
Deed of Dedication for Right-of-Way	Danch, Harner, & Associates	Dedicate Right-of-Way for Sidewalk Construction at 1033 S. Bendix Dr.	N/A	Molnar/ Miller
Open Market Contract	Richard Custom Concrete	Perform Foundation Installation for 614 Sherman Ave. Project No. 123-062H	\$18,511 (PR-00032086)	Molnar/ Miller
Open Market Contract	TRCC LLC	Perform Tree Clearing for 614 Sherman Ave. Project No. 123-062I	\$7,800 (PR-00032469)	Molnar/ Miller

Before making a motion for the Rockne House Move, VP Molnar noted that he received an email from Kael Kancuzewski of 1034 Foster St. regarding concerns of trees being removed from his property that he did not agree with. This differed from the information received from Mr. Gary Potts. VP Molnar suggested that the Board approve subject to the City Forester providing a plan before the house is moved.

Mr. Gilot asked if the Board should approve subject to concluding a written legal agreement over the damages in the right of way. Attorney Schmidt advised that they have had those discussions internally as well noting that Legal is in negotiation and prepared to expend the time and energy and resources to fulfill this with or without the encroachment being granted at the meeting.

Resident Felicia Caponigri of 402 W. Angela Blvd shared concerns about the date of the move of the house because she heard that the utility companies may not have enough people on staff to address any service interruptions to neighbors, so she was a little concerned as a member of the neighborhood that May 9<sup>th</sup> is not the proper date if there is not sufficient staffing in place from the utility companies She added that not all neighbors have been notified along the route.

Mr. Gary Potts noted that the house move had been changed from May 2<sup>nd</sup> to May 9<sup>th</sup>. May 2<sup>nd</sup> was the date that the utility company did not have enough staff to address any service interruptions to neighbors.

#### APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Leeper Park Art Fair	Street Closure for Special Event	June 14-17, 2024; 10:00 a.m. to 6:00 p.m.	Riverside Dr. between N. Lafayette Blvd. & 933	Molnar/Miller



Mind, Body, Spirit Festival	Street Closure for Special Event	May 4, 2024; 7:00 a.m. to 7:00 p.m.	Wall St. between S. Greenlawn Ave. & Zoo Entrance	Molnar/Miller
National Kids to Parks Day	Street Closure for Special Event	May 18, 2024; 12:00 p.m. to 5:30 p.m.	Wall St. between S. Greenlawn Ave. & Zoo Entrance	Molnar/Miller
Sunburst Races 2024	Street Closure for Special Event	June 1, 2024; 7:00 a.m. to 11:00 a.m.	Rolling Closures (See Map)	Molnar/Miller
King Asian Massage	Massage Establishment Renewal - License		914 S. Ironwood Dr.	Molnar/Miller
Massage by Suzanne	Massage Establishment Renewal - License		914 Lincoln Way West	Molnar/Miller
Therapeutic Indulgence	Massage Establishment Renewal - License		903 E. Jefferson Blvd.	Molnar/Miller
Mary Coyne Investments, LLC	Public Parking Facility Renewal - License		123 N. Main St.	Molnar/Miller
Pour Sumor	Open Air Business - License	February 2024 through January 2025; 9:00 a.m. to 10	301 S. St. Louis Blvd. (Sidewalk North of VPA Experience Lodge)	Molnar/Miller

**FAVORABLE RECOMMENDATION - PETITION TO VACATE THE ALLEY AT NORTH OF 513 N. HILL ST. ADDRESS, NORTH OF CEDAR ST., ADJACENT & WEST OF HILL & SOUTH BEND AVE. INTERSECTION**

President Maradik indicated that University of Notre Dame (Represented by Jones Petrie Rafinski), has submitted a request to vacate the above referenced alley. Ms. Maradik advised the Board is in receipt of favorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who all state the request does meet the criteria of I.C. 36-7-3-13. Therefore, VP Molnar made a motion recommending approval of the request for vacation. Mr. Miller seconded the motion which carried by roll call.

**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:

RENEWAL: Reserved Handicapped Accessible Parking Space Sign  
 LOCATION: North Side of Jefferson Blvd. East of Lafayette Blvd., #3  
 REMARKS: All Criteria Met

**APPROVE RENEWAL OF INDUSTRIAL WASTEWATER DISCHARGE PERMIT(S)**

In a Memorandum to the Board, Ms. Serena Lozano-Shane, Division of Wastewater, submitted the following wastewater discharge permit(s) for renewal and recommended approval:

Vestis Services, LLC, 3701 Progress Dr.

There being no further discussion, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the wastewater discharge permit(s) was approved.

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

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

Business	Bond Type	Approved/Released	Effective Date
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John Ward Concrete, Inc.	Excavation	Released	04/29/2024
Bedolla's Concrete LLC	Occupancy	Approved	03/22/2024

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-76544, GBLN-76829	04/02/2024	\$1,331,705.42
City of South Bend Claims GBLN-77064, GBLN-77296	04/09/2024	\$1,193,755.27

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

**Kael Kanczuzewski of 1034 Foster Street** noted that his property has trees on it that need to be removed before the house move. His main concern was that he didn't know if everything goes through the City Forester or if the City also needs to approve. He also asked what the neighbors should be expecting for this move. He wanted to know who from the City is making sure that everyone knows that the power may be out for a period of time and there will be disruption on that day. He also wanted to know where he should take his concerns regarding the move of the house, and if it will be a short-term rental that affects the entire neighborhood and the integrity of the neighborhood.

President Maradik stated that the logistics of the move and the communication about the electrical interruptions should be directed to Wolf House Movers. She added that there is a Senior Project Engineer that was involved in developing and finalizing the right-of-way occupancy and encroachment agreement, so Engineer Scott Kreeger would be the point related to anything regarding the permit. Communication regarding the future plans for the house would need to come from the homeowners. She also recommended getting involved with the neighborhood organization stating that in the past, they have been active in talking with developers and individuals who are having plans within the Northeast Neighborhood and making sure that everything that is being done is mutually beneficial.

Senior Project Engineer Scott Kreeger explained that Right-of-Way Occupancy and Encroachment Agreement requires the permittee (Wolf House Movers) to give approval by the City Forester (Brent Thompson) before any move goes through. If any damage occurs, then they have ninety (90) days to repair and replace all the damage. If they don't, the City will go through and make the repairs and charge it to the owner at that cost.

President Maradik explained that when we do things like this in the right-of-way, if there is any damage done to a sidewalk or curb or the street itself as part of the process of them moving the home they are responsible for covering the costs associated with any damage caused while they are using the right-of-way.

#### ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:17 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: May 14, 2024