

The Agenda Review Session of the Board of Public Works was cancelled due to lack of quorum.

REGULAR MEETING

JUNE 25, 2024

The Regular Meeting of the Board of Public Works was convened at 9:33 a.m. on Tuesday, June 25, 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 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 June 7, and June 11, 2024, were approved.

OPENING OF BIDS – EAST BANK TRAIL OVER LEEPER AVE. DECK REPLACEMENT – PROJECT NO. 124-008 (PR-00033344)

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:

LAPORTE CONSTRUCTION CO, INC.

PO Box 577
 LaPorte, IN 46352
Lschrads@laporteconstruction.com

Bid was signed by Lori Schrad
 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.
 Zero (0) of One (1) Addendum(s) Acknowledgement received.
 *No form to acknowledge the Addendum

BID:

Base Bid Total	\$578,627.20
Alternate #1 (Item No. 23)	\$46,920.00
Alternate #1 (Item No. 24)	\$70,800.00

MILESTONE CONTRACTORS, L.P.

24358 SR 23
 South Bend, IN 46614
akrueger@milestonelp.com; dhilary@milestonelp.com

Bid was signed by Dustin P. Hilary
 Non-Collusion, Non-Discrimination Affidavit Form was completed.
 Five percent (5%) Bid Bond was submitted.
 Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
 Zero (0) of One (1) Addendum(s) Acknowledgement received.
 *No form to acknowledge the Addendum

BID:

Base Bid Total	\$486,328.10
Alternate #1 (Item No. 23)	\$14,131.20
Alternate #1 (Item No. 24)	\$29,664.00

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 OF QUOTATIONS – DEMOLITION OF KELLY’S PUB – PROJECT NO. 124-033 (PR-00034189)

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:

INDIANA EARTH, INC.

10343 McKinley Hwy

Osceola, IN 46561

estimatorindianearth@yahoo.com; earth92inc@sbcglobal.net

Bid was signed by Mark Osler

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

Five percent (5%) Bid Bond was submitted.

Zero (0) Forms MWBE-1.0, 2.0, 2.1 were submitted.

QUOTATION: \$48,725.00

RITSCHARD BROS., INC.

1204 W. Sample St

South Bend, IN 46619

Rit1204@datacruz.com

Bid was signed by Rachelle Dolniak

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

Three (3) Forms MWBE-1.0, 2.0, 2.1 were submitted.

QUOTATION: \$58,474.00

GREEN DEMOLITION CONTRACTORS INC.

315 Brighton Street

LaPorte, IN 46350

mike@greendemolitioninc.com

Bid was signed by Michael Brough

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

Three (3) Forms MWBE-1.0, 2.0, 2.1 were submitted.

QUOTATION: \$64,800.00

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

OPENING OF QUOTATIONS – 2024 THERMOPLASTIC STRIPING (PR-00034249)

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:

CE HUGHES MILLING, INC. DBA THE AIRMARKING CO.

1544 N SR 25

Rochester, IN 46975

caroline@airmarking.com

Quotation was submitted by Caroline Hughes

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

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

Division 1	\$50,895.00
Division 2	\$41,755.00
Division 3	\$13,690.00
Total Quotation	\$106,340.00

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.

AWARD BID AND APPROVE CONTRACT – HIGH STREET SIDEWALK IMPROVEMENTS – PROJECT NO. 123-012 (PR-00032838)

Ms. Chana Roschyk, Engineering, advised the Board that on May 14, 2024, bids were received and opened for the above referenced project. After reviewing those bids, Ms. Roschyk recommended that the Board award the contract to the lowest responsive and responsible bidder,

Milestone Contractors, L.P., in the amount of \$217,330. 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 – RACLIN MURPHY ENCORE CENTER – PROJECT NO. 123-056 (PR-00032431)

Mr. Patrick Sherman, Engineering, advised the Board that on June 11, 2024, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Sherman recommended that the Board **TABLED** the item for further review. Therefore, VP Molnar made a motion to table. Mr. Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – SNOW ROUTE SIGN INSTALLATION – DIVISION 1 – PROJECT NO. 123-077 (PR-00033186)

Ms. Chana Roschyk, Engineering, advised the Board that on May 31, 2024, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Roschyk recommended that the Board award the contract to the lowest responsive and responsible quoter, Demlon LLC, in the amount of \$22,500. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – SNOW ROUTE SIGN INSTALLATION – DIVISION 2 – PROJECT NO. 123-077 (PR-00033189)

Ms. Chana Roschyk, Engineering, advised the Board that on May 31, 2024, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Roschyk recommended that the Board award the contract to the lowest responsive and responsible quoter, Demlon LLC, in the amount of \$22,500. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – DOWNTOWN SOUTH BEND TO NOTRE DAME TRAIL WAYFINDING SIGNS – PROJECT NO. 122-040C (PR-00033300)

In a memorandum to the Board, Ms. Charlotte Brach, Engineering, requested permission to reject all bids for the above referenced project due to the bidder being non-responsive. 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 REJECT BIDS/QUOTATIONS – GRAND TRUNK WESTERN RAILROAD WATER MAIN REPLACEMENT AT GREENLAWN AVE. AND 30TH STREET – PROJECT NO. 122-041 (PR-00033297)

In a memorandum to the Board, Ms. Sarah Barber, Engineering, requested permission to reject all bids for the above referenced project due to the bid exceeding the available budget. 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 REJECT BIDS/QUOTATIONS – SNOW ROUTE SIGN INSTALLATION – DIVISION 3 – PROJECT NO. 123-077

In a memorandum to the Board, Ms. Chana Roschyk, Engineering, requested permission to reject all bids for the above referenced project due to insufficient funding. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

APPROVE CHANGE ORDER NO. 5 – FIRE STATION NO. 8 REPLACEMENT – PROJECT NO. 122-034 (PO-0026318)

President. Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 5 on behalf of R. Yoder Construction, Inc., indicating the contract amount be increased by \$61,506 for a new contract sum, including this change order, in the amount of \$4,054,728.70. 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 – 2024 LAMPPOST LIGHTING PROGRAM (PR-00034242)

President Maradik advised that Ms. Lidya Abreha, Engineering, has submitted change order number 1 on behalf of Gama Sonic Solar Lighting, indicating the contract amount be increased by \$10,449.05 for a new contract sum, including this change order, in the amount of \$62,694.30. 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. 2 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – NEIGHBORHOOD INFRASTRUCTURE - RIVERSIDE DR. AND LELAND AVE. – PROJECT NO. 121-048A-R (PO-0020314)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted change order number 2 (final) on behalf of Milestone Contractors North, Inc., indicating the contract amount be decreased by \$31,438.82 for a new contract sum, including this change order, of \$792,214.54. Also submitted was the project completion affidavit indicating this new final cost of \$792,214.54. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, change order number 2 (final) and the project completion affidavit were approved.

APPROVE CHANGE ORDER NO. 2 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – 2023 CONTRACTOR PAVING, ROUND II – PROJECT NO. 123-024 (PO-0025433)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted change order n2 (r 2 (final) on behalf of Rieth-Riley Construction Co., Inc., indicating the contract amount be decreased by \$3,247.89 for a new contract sum, including this change order, of \$2,334,068.18. Also submitted was the project completion affidavit indicating this new final cost of \$2,334,068.18. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, change order number 2 (final) and the project completion affidavit were approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – JOHNSON & FELLOWS INTERSECTION DRAINAGE IMPROVEMENTS – PROJECT NO. 122-016A (PO-0024134)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted change order number 1 (final) on behalf of Selge Construction Co., Inc., indicating the contract amount be decreased by \$5,794.60 for a new contract sum, including this change order, of \$236,663.40. Also submitted was the project completion affidavit indicating this new final cost of \$236,663.40. 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.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – SOUTH BEND FIRE DEPARTMENT PARKING LOT REHABILITATION – PROJECT NO. 123-049 (PO-0024128)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted change order number 1 (final) on behalf of Rieth-Riley Construction Co., Inc., indicating the contract amount be decreased by \$977.25 for a new contract sum, including this change order, of \$95,843.75. Also submitted was the project completion affidavit indicating this new final cost of \$95,843.75. 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.

APPROVE PROJECT COMPLETION AFFIDAVIT – WEST RACE GATE REPAIR – PROJECT NO. 122-063 (PO-0024346)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of Milestone Contractors North, Inc., for the above referenced project, indicating a final cost of \$628,529.28. 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 AND TITLE SHEET – DREWRY'S BREWERY CLEANUP, PHASE II - BOTTLING HOUSE DEMOLITION – PROJECT NO. 119-031D (PR-00034202)

In a memorandum to the Board, Mr. Zach Hurst, 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. 18-2024 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS ACCEPTING THE ASSIGNMENT OF TAX SALE CERTIFICATES FROM ST. JOSEPH COUNTY, INDIANA ACCEPTING THE ASSIGNMENT OF TAX SALE CERTIFICATES FROM ST. JOSEPH COUNTY, INDIANA

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. 18-2024

**A RESOLUTION OF THE
SOUTH BEND BOARD OF PUBLIC WORKS
ACCEPTING THE ASSIGNMENT OF TAX SALE
CERTIFICATES FROM ST. JOSEPH COUNTY,
INDIANA**

WHEREAS, St. Joseph County, Indiana (the "County") is the owner of certain Tax Sale Certificates ("Certificate") for real estate parcels ("Parcels") situated in St. Joseph County, Indiana and being more particularly described in Exhibit "A" (the "Parcels"); and

WHEREAS, the South Bend Board of Public Works (the "City"), desires to acquire the Certificates from the County for the purpose of rehabilitating the Real Property and returning the Real Property to the tax rolls; and

WHEREAS, the County desires to transfer the Certificates to the City for the purpose stated herein; and

WHEREAS, pursuant to LC. **36-2-2-20**, the Board of Commissioners of St. Joseph County, Indiana (the "Board") has custody of and may maintain all real property of St. Joseph County; and

WHEREAS, pursuant to Indiana Code Section **36-7-14-12.2**, the South Bend Board of Public Works may acquire by purchase, exchange, gift, grant, condemnation or lease, or any combination of methods, any interest in real property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the City of South Bend; and

WHEREAS, pursuant to LC. **36-1-11-8**, the County, acting by and through the Board, may exchange or transfer property with another governmental entity upon terms and conditions agreed upon by the two (2) entities as evidenced by the adoption of substantially identical resolutions of each entity; and

WHEREAS, the County is willing to assign the Certificates to the City upon payment of One Dollar (**\$1.00**) per parcel.

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

1. That the assignment of the Tax Sale Certificates situated in St. Joseph County, Indiana, and more particularly described in Exhibit "A", hereto, by St. Joseph County, Indiana, to the South Bend Board of Public Works, shall be, and hereby is, accepted, subject to the adoption of a resolution by the Board of Commissioners of St. Joseph County, Indiana, substantially identical in its terms and conditions as this resolution.
2. That upon receipt of fully executed assignments of the Certificates the City shall take all statutory processes necessary to secure the Tax Title Deeds for Parcels and be fully responsible for all costs and expenses incurred to do so.
3. For and in consideration of such transfers, the City shall pay to the County, St. Joseph County Auditor, the sum of One Dollar (\$1.00) per parcel.

4. That this Resolution shall be in full force and effect upon its adoption.

ADOPTED at the meeting of the South Bend Board of Public Works held on June 25, 2024, 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/ Breana 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
Real Property Transfer Agreement	South Bend Heritage Foundation, Inc.	City is Transferring Ownership of 421 Sherman Ave. for New Construction of Low-Moderate Income Housing	(Home Funds)	Molnar / Miller
Real Property Transfer Agreement	Affordable HomeMatters Indiana, LLC Corporation	Transfer Forty-Three (43) Lots to Intend Indiana, City Properties in Lincoln Park Neighborhood for Affordable Housing	N/A	Molnar / Miller
Real Property Transfer Agreement	- 466 Works Community Development Corporation	Transfer Seventeen (17) Lots in Southeast Neighborhood for Affordable Housing	N/A	Molnar / Miller
Amendment No. 2 to Owner-Engineer Agreement	American Structurepoint, Inc.	Madison Lifestyle District Project No. 123-076A	\$72,000; New Adjusted Total \$473,510 (PO-0029313)	Molnar / Miller
Sewer and Water Service Agreement	Five Corners LLC and HP 5 Corners Opportunity Zone Fund, LLC	Dedicated Improvements Agreement to Extend Public Water Main on State Road 23/Eddy St. Project No. DP22-001	N/A	Molnar / Miller

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Clark Block Party	Street Closure for Special Event	July 4, 2024; 3:00 p.m. to 11:00 p.m.	Haney Ave. between Fellows St. & Columbia St.	Molnar / Miller
Cory Block Party	Street Closure for Special Event	July 20, 2024; 11:00 a.m. to 8:00 p.m.	E. Washington St. between N. Jacob St. & Sunnyside Ave.	Molnar / Miller
Fallen Officer	Street Closure for	August 17,	Brief Crossings	Molnar /

Scholarship Ride	Special Event	2024; 12:00 p.m. to 5:00 p.m.	between SBPD, Southlawn Cemetery, St. Joseph Cemetery, and FOP Lodge 36	Miller
Family & Friends 3 Annual Picnic	Street Closure for Special Event	July 4, 2024; 10:00 a.m. to 11:00 p.m.	N. Elmer St. between Lincoln Way West & Vassar Ave.	Molnar / Miller
Light Up The Sky	Street Closure for Special Event	July 4, 2024; 12:00 p.m. to 11:00 p.m.	Allen St. between Lindsey St. & VanBuren St.	Molnar / Miller
March To The Memorial	Street Closure for Special Event	September 11, 2024; 8:15 a.m. to 7:00 p.m.	Brief Crossings from W. Ireland Rd. & Fellows to St. Joseph County Park's 9/11 Memorial	Molnar / Miller
Our Lady of Hungary Parish Festival	Street Closure for Special Event	July 13, 2024; 12:00 p.m. to 11:00 p.m.	Chapin St. between Calvert St. & Bruce St.	Molnar / Miller

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:

Cleveland Cliffs TEK Renamed Cleveland Cliffs New Carlisle, 30755 Edison Rd.
Unifrax 1 LLC Renamed Alkegen, 54401 Smilax Rd.

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
DLZ Indiana, LLC	Occupancy	Approved	06/11/2024
JR Construction LLC	Occupancy	Approved	06/17/2024

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 REDUCED SENIOR TRASH RATE

In a memo to the Board, Ms. Kelly Smith, Solid Waste, requested the Board ratify the approval of reduced trash collection rates for the following residents, per Municipal Code 16-6:

1. 2,997 (Total # of Accountholders) as of the 2nd Quarter of 2024

In her memo, she stated Water Works customer service staff verified that all the applicants are head of the households and have submitted proof of age sixty-five (65) or older. There being no further discussion, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the approval of reduced rates was ratified.

PRIVILEGE OF THE FLOOR

Resident Lee Ann McLaughlin of 1120 Georgiana Street South Bend, IN 46617 spoke to the Board to address a concern regarding the new traffic light at the intersection of Angela Blvd. and Dewey St. She stated that the neighborhood is greatly concerned with the amount of traffic that it has produced. She would like to know if the City plans to monitor the traffic flow to help curb the problem before it gets out of control. She also noted that google maps directs you to take Dewey St. to get to the University of Notre Dame. President Maradik stated her concerns would be passed off to Engineering.

Board Member Gary Gilot noted concerns regarding item 7. A. Change Order for the Fire Station No. 8 Replacement. He stated that a ten percent (10%) increase for a four million dollar project doesn't make a lot of sense for a new construction project this big. For a smaller project, it would make more sense.

Director of Public Works, Eric Horvath, noted that he would have someone in Engineering send him the details for each part of the change order and what was involved. Some items may have been due to unforeseen circumstances.

Mr. Miller added that he thought that the City was going to go back on the architect for some of the mistakes they made in the plans and specs.

Director Horvath advised that he would find out and send him an email with the details.

President Maradik closed by stating that Senior Project Engineer Zach Hurst has supplied itemized change orders for each of the change orders.

Board Member Murray Miller asked about missing documents for the Demolition of the South Bend Medical Foundation. He stated that they were missing certification standards and a list of other similar projects they have done.

Director Horvath advised that he would look into it and get the items for him.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:06 a.m.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member



Breana N. Micou, Member



Murray L. Miller, Member



Attest: Laura D. Hensley, Acting Clerk

Date: July 9, 2024