

The Agenda Review Session of the Board of Public Works was convened at 10:33 a.m. on January 4, 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.

#### CHANGE ORDERS

Mr. Miller asked about the winter conditions that were added to the change order for item 3.A: Fire Station No. 8 Replacement. Senior Engineer Zach Hurst explained that the winter conditions were an omission on the designer's part. Given the schedule that they provided to use with work starting in the fall and continuing through winter, winter conditions should have been present in the bid documents. It was an oversight, and they were not included.

Mr. Gilot noted that the contractor should have reasonably assumed there would be winter conditions based on the calendar days that went through winter months. Senior Engineer Hurst stated that it is something that should have been addressed during the bid period, but it is also something that needed to be in the contract and this change order adds it to the contract.

Mr. Miller asked about the gear washing in the change order. Senior Engineer Hurst noted that the City is having R. Yoder Construction, inc. do some gear washer preparation installations at three (3) fire stations, providing pumps, plumbing, and electrical hookups for new gear washers to be installed at those locations.

Mr. Miller asked if it was being added to the contract. Senior Engineer Hurst answered yes clarifying that this is something we previously tried to quote out with no success. It is similar to a roadway project where some asphalt paving or something similar is done at a different location than the street in question.

Mr. Miller asked about the error in the driveway thickness and the stone base. Senior Engineer Hurst explained that the designer miscalculated the proper concrete depths to be able to handle the fire apparatuses. He added that the stone base was also a designer error.

Mr. Miller asked if anything would be going back on the designer for those errors. Senior Engineer Hurst advised that it is something that we are pondering right now, stating there are still some invoices of theirs that have not been paid out yet based on their current performance.

Attorney Schmidt asked Senior Engineer Hurst if there are any additional scope changes to this fire station on gear washing. Senior Engineer Hurst responded no.

Cynthia Simmons Officer of Diversity and Inclusion asked when the quote went out for the gear washing and received no responses. Senior Engineer Hurst advised about a year and a half ago.

#### AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot asked about the open market contract for item 6. E: Water Damage Repairs and MarMain Apartments, noting it is a good size number and asked if it included mold remediation. Senior Engineer Hurst advised that it is just dealing with the damaged drywall.

Mr. Gilot asked if there are nonresponsive quotes included. Senior Engineer Hurst noted that it is all noted in the memo.

#### PROJECT COMPLETION AFFIDAVIT

Attorney Schmidt advised the Board of the MWBE goals for item 4. A.: MarMain Apartments Roof Replacement. He advised that the goals were all met for this project.

#### AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot asked about item 6.B: Utility Easement at Beacon Health System Memorial Hospital. He noted that when we vacate a street, we vacate subject to utility easements. He asked why there is an exclusive utility easement over and above what is in the normal statute.

Senior Engineer Rebecca Plantz noted that this is Project Engineer Gemma Stanton’s project. She explained that in the initial vacation it was overlooked so they have to do a double check at the original documents to understand where the standard with each vacation that there is a utility easement with it, they are saying that it was overlooked in this one, but perhaps it is not in that document because they are outside of those limits working on the north side of the building. There is a stretch between the north side of the building and the vacated Bartlett Street and if there are any utilities in there, they could be extending that location too.

Senior Engineer Charlie Brach advised that if there are city utilities in a vacant right-of-way, we are now requiring the recording of an actual easement because the language is very vague in the vacation ordinance, and it does not actually record an easement on the plat.

Project Engineer Gemma Stanton confirmed that the vacation was approved by the Common Council without waiting for the utility easements. She added they just recently realized the process happened out of order and are now needing to get the easements in line even though the right-of-way vacation was finalized before the easements were recorded.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Attorney Schmidt noted that item 6. A: is also part of the same project as 6. B.

Project Engineer Gemma Stanton explained that this is related to the same project. They are wanting to install some temporary asphalt drives to do the construction of the Beacon tower and when they do that, they will be destroying the curb and sidewalks and tree lawn as they drive over it. This agreement holds them to replacing those streetscape elements and when they finish the project, they will be restoring all those things and not leaving the asphalt drive approaches that they will be using during construction.

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: January 23, 2024

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, January 9, 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, 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 Regular Meeting of the Board held on December 19, 2024, were approved.

AWARD BID AND APPROVE CONTRACT – 2023 GUARDRAIL & HANDRAIL INSTALLATION & REPLACEMENT – PROJECT NO. 122-043R (PR-00022501)

Ms. Leslie Biek, Engineering, advised the Board that on December 12, 2023, bids were received and opened for the above referenced project. After reviewing those bids, Ms. Biek recommended that the Board award the contract to the lowest responsive and responsible bidder, LaPorte Construction Co., Inc., in the amount of \$334,670. 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 – CITY OF SB WAYFINDING SIGNAGE PROGRAM, PHASE III – PROJECT NO. 123-013 (PR-00028908)

Ms. Leslie Biek, Engineering, advised the Board that on December 12, 2023, bids were received and opened for the above referenced project. After reviewing those bids, Ms. Biek recommended that the Board award the contract to the lowest responsive and responsible bidder, Geograph Industries, Inc., in the amount of \$186,035; Base Bid Plus Alternates 1 & 2. 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.

APPROVE CHANGE ORDER NO. 1 – FIRE STATION NO. 8 REPLACEMENT – PROJECT NO. 122-034 (PO-0026318)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 1 on behalf of R. Yoder Construction Co., Inc., indicating the contract amount be increased by \$76,757.37 for a new contract sum, including this change order, in the amount of \$3,780,607.37. Upon a motion made by VP Molnar, seconded by Mr. Gilot and carried by roll call, the change order was approved. Mr. Miller voted no.

APPROVE PROJECT COMPLETION AFFIDAVIT – MARMAIN APARTMENTS ROOF REPLACEMENT – PROJECT NO. 122-061 (PO-0021898)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of Slatile Roofing and Sheet Metal Co., Inc., for the above referenced project, indicating a final cost of \$484,062. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

ADOPT RESOLUTION NO. 01-2024 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS FOR THE DISPOSAL OF SURPLUS PROPERTY

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

**RESOLUTION NO. 01-2024  
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS FOR THE  
DISPOSAL OF SURPLUS PROPERTY**

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

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

WHEREAS, PATROLMAN FIRST CLASS JAMES WOLFF retired effective January 6<sup>th</sup>, 2024 from the South Bend Police Department after thirty-one (31) years of service, and the Board of Public Safety of the City of South Bend has determined that he retired in good standing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDT6962, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

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

ADOPTED this 9th day of January 2024.

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
Dedicated Improvements Agreement	Beacon Health System Memorial Hospital	Install Temporary Asphalt Drive Approaches at Beacon Tower and Replace Sidewalk, Curb, and Landscaping when Project is Finished	N/A	VP Molnar / Mr. Miller
Utility Easement	Beacon Health System Memorial Hospital	Exclusive Municipal Storm Sewer, Sanitary Sewer, and Water Main Easement in Vacated Bartlett St. Right-of-Way	N/A	VP Molnar / Mr. Miller *Subject to final legal approval
Real Property Transfer Agreement	Near Northwest Neighborhood Inc.	Transfer City Property at 912 and 914 Harrison for Affordable Housing	N/A	VP Molnar / Mr. Miller
Local Public Agency Contract	Indiana Department of Transportation	Preliminary Engineering Services for Coal Line Trail, Phase III DES #2201235 Project No. 123-007	\$349,710; INDOT to Cover \$248,160 (PR-00029060)	VP Molnar / Mr. Miller
Open Market Contract	Herb's Drywall Service, Inc.	Water Damage Repairs at MarMain Apartments Project No. 122-061A	\$16,680 (PR-00028875)	VP Molnar / Mr. Miller

\*Attorney Schmidt noted that this item would need additional legal review before final approval.

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
Advanced Excavating LLC	Excavation	Released	02/08/2024

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:

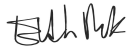
<b>Name</b>	<b>Date</b>	<b>Amount of Claim</b>
City of South Bend Claims GBLN-69297	12/12/2023	\$1,353,343.50
City of South Bend Claims GBLN-69800, GBLN-69805, GBLN-70099	12/18/2023	\$1,332,052.30
City of South Bend Claims GBLN-70010	12/19/2023	\$2,726,916.19
City of South Bend Claims GBLN-70436, GBLN-70452, GBLN-70458	12/29/2023	\$2,387,366.98
City of South Bend Claims GBLN-70420	12/29/2023	\$3,004,530.18

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 FLOORADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 9:40 a.m.

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



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Briana Micou, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: January 23, 2024