

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on April 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 (virtual) were 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.

TRAFFIC CONTROL DEVICES

Assistant City Engineer Leslie Biek was present to inform the Board about item 14. C.: New Installation – (6) Temporary Handicapped Accessible Parking Space Signs and (2) For Deliveries Only Signs with 15 Minute Parking. She advised that this item is for information only and does not require any action from the Board. She explained that the City is converting some of the (15) fifteen-minute parking spots on Lafayette Blvd. to handicap spots, to accommodate any additional visitors we get for early voting. The City Engineer has the authority to make temporary improvements if it is less than (90) ninety days and this will be for about one (1) month. She also noted that they will do the same things again in November for primary voting.

CHANGE ORDERS

Mr. Miller inquired about item 7. B.: Fire Station No. 8 Replacement. Mr. Miller asked if this change order was due to errors by the architect. Senior Engineer Zach Hurst explained that most of the items in the change order are design errors. There are a couple of owner-initiated changes on here, but this is again a scenario where we will pay for the change order. We will maintain documentation and at the end of the conversation we will likely compile a claim against the architect for these kinds of charges.

Mr. Gilot noted that one of the big numbers is the sewer lateral and asked about the downspouts. Senior Engineer Hurst stated that it was very disappointing. There seems to be a disconnect between the architect and their civil-site consultant. There was a proposed sanitary line going through where a tree was proposed to be. The downspouts are separate from the sewer line. I think they had to rearrange the downspout system to accommodate some of them. Most of this is being driven by a lack of communication between the civil consultant and the architect. There's not much free space on this site. All the green space there is basically storm retention and so they are trying to work through some conflicts.

Mr. Gilot asked if the City could have just bought the flag pole and light for \$5,000. He asked if that was a good number. Senior Engineer Hurst advised that he does not know if he could have hired a contractor through public works to do it for cheaper than that price.

INDUSTRIAL WASTEWATER DISCHARGE PERMITS RENEWAL

Mr. Gilot was present to inquire about item 16. A.: Industrial Wastewater Discharge Permit Renewal with Somaschini North America, LLC. He asked how do we know that occasionally they don't have it hauled off site but put it down the sewer. He suggested to at least certify annually to us that it all went to a special waste handler because we don't get the manifest that it went on site. We don't know if they flushed it down the sewer system. I'm just looking for a "trust but verify" kind of thing. He noted that it is a reputable firm, they make a good product, but there's a potential that they have issues with their offsite hauling so they put it down the sewer and not tell us. Director of Public Works Eric Horvath noted that they do require that they submit a monthly certification that there is zero (0) discharge, so that would probably count as perjury.

REQUEST FOR QUALIFICATIONS

Mr. Gilot was present to inquire about item 10. A.: Wastewater Treatment Plant Solar Guaranteed Energy Savings Contract stating it's a great idea to do this. He asked about the matrix of points for the 100 points, noting he didn't find one that actually got a good return on investment and good energy saving strategy. He stated he saw the technical approach and he saw how they handle financing, but he was looking for the heavy points on their return on investment and savings and numbers. He continued to add that even though we do this point system, the one who's most cost effective for us is who we like, and he didn't see in the point system how we would capture that. If you want to consider tweaking that or clarifying that in the narrative that matters to us. This is good as far as it goes. He wondered if it could have been more aggressive with the area at the wastewater plant as they had solar. It's actually a small amount for trying to

do lighting and HVAC and it's our largest city energy user. He asked if racks over tanks were considered.

Director of Public Works Horvath noted that the city had somebody look at this and they littered the entire site with solar pretty much wherever they thought they could put them then working with our Wastewater team, ways for our team they were very worried about future expansions and different process stuff that they're going to do over time. We came to an agreement that we would start with these areas. I was pushing to have a larger component, but we wanted to get to at least half a megawatt worth of energy, which is I think what we ended up getting to.

Mr. Gilot noted that we don't have a complete redundant power plant so you wonder, working with Black Veatch on critical circuits, if this power couldn't be your redundant power for some of your critical services, like your SCADA system, as opposed to HVAC and lighting, just strategically as they're better use of the power. In addition, with the solar PV, could you consider solar hot water to preheat the solids going over to anaerobic digestion and reduce your energy load that way, because we do an awful lot of heating to keep anaerobic digestion at 95 degrees Fahrenheit for northern Indiana winters. Solar hot water could be a good heat transfer help.

Project Engineer Gemma Stanton advised that in terms of the first part, just to clarify, it's not necessarily that the solar will be going toward HVAC and lighting, it's that there will be HVAC and lighting improvements that are energy efficient.

Director of Public Works Horvath stated that for it to be a backup power source, we probably need others with a battery backup or some kind of source, but we could look into that. We have also added a number of generators, but it might make more sense to put the solar right into the power grid.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Senior Engineer Scott Kreeger was present to answer any question from the Board about item 12. A.: Right of Way Occupancy and Encroachment Agreement with Wolfe House Movers of Indiana, LLC. He advised that the house at 1006 St. Vincent Street (Rockne House) will be relocated to 1105 N. Foster St. This agreement is between the City and Wolfe House Movers for any potential damages that may incur during the move and we do have items in there for curb replacement, light fixtures, and also the coordination of tree trimming if necessary as part of this agreement. And so we just wanted to let everybody know that we have been in correspondence with Wolfe between both engineering, the various departments of the City, and also the Building Department to review their documentation that they have supplied, which is also included in this package as well.

Director of Public Works Horvath stated that it is going to be controversial because this is the one (1) that they started to cut down trees and prepare to move this house without any permits from us or from City Forestry. It wasn't until after they had done significant damage to the trees that we were able to get somebody out there to stop them but the damage had been done, it's unfortunate because you have beautiful tree canopy in this area and now we have got half of the tree hacked off and it is unfortunate because you can't replace those mature trees. We are going to continue to work with the residents on trying to make sure we can do whatever we can to help mitigate some of those issues. The reality is that there is nothing that's going to bring back those mature trees, unfortunately. We immediately put a stop to the project last year when we saw this happening, and now they're trying to go through the process and they've hired a new tree company. I think they are working with our Forestry Department on this ahead of time like they should have been done last time.

South Bend Tribune Reporter, Jordan Smith, asked if there were not any permits pulled and they were in violation of city code, what are the damages that incurred and what revenues are being pursued.

Erin Hanig of South Bank Legal advised that she has been hired as outside counsel to help on this issue. She stated she has been involved since very shortly after the damage was done and the work was stopped and basically what has been happening is we have been involved in trying to remedy the damage that's been done to city property and standing towards that commitment. It has been a lengthier process than we had anticipated. Without getting into anything that is

privileged information or part of the negotiation process, we have been speaking to the first company that cut the trees, Heartwood. Their insurance company is involved, so that is another element. We have also been speaking with Habitat for Missions and Steve Smith with Irish Reality as a board member of Habitat for Missions to try to bring them all to the table to hopefully negotiate a solution short of litigation. The steps the City has had to take, which is a good one, is that we retained a private urban forestry expert, and he has provided an appraisal of the damages to the property which include the damages to the trees, the cost to replace those trees, and then costs going into the future to maintain those newly planted trees, which will hopefully remedy the situation. Then, as Director Horvath mentioned, rebuilding the tree canopy is not something that can quickly happen. It's going to take many years, but the City is committed to the residents to making that situation better, especially with the City's commitment to the urban canopy. At this point, the demand from the City and the appraisal is in the hands of the other parties. We have not yet received a counteroffer from them. Those other parties do seem interested in righting the wrong and we are trying to move forward, but it has not happened yet.

RESOLUTIONS

Mr. Gilot asked if the leased retail spaces would also be transferred to the Redevelopment Commission for item 10. C.: Transfer of Real Property at 120 S. Main St. Memorial Health & Lifestyle Center to the South Bend Redevelopment Commission.

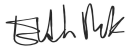
VP Molnar advised that the retail spaces were already divided off and sold in 2017. The City didn't own the retail spaces. This is more of a background legal thing to make sure that the transfer happens because the City and Beacon terminated the lease. This is just to make sure the RDC is offering the new lease with the right goal.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:52 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: April 12, 2024

REGULAR MEETING

APRIL 9, 2024

The Regular Meeting of the Board of Public Works was convened at 9:31 a.m. on Tuesday, April 9, 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 March 21, and March 26, 2024, were approved.

OPENING OF BIDS – FELLOWS BOOSTER PUMP STATION IMPROVEMENTS - CONTRACT A – PROJECT NO. 121-070A (STATE REVOLVING FUND)

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:

EFI-SOLUTIONS INC

Po Box 723, 1221 N. Elm St.
Centralia, IL 62801

gfooster@efi-solutions.com

Bid was signed by Mr. Dave Ealy

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.

BASE PROPOSAL TOTAL: \$2,592,025.00

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 BIDS – FELLOWS BOOSTER PUMP STATION IMPROVEMENTS - CONTRACT B – PROJECT NO. 121-070B (STATE REVOLVING FUND)

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:

HRP CONSTRUCTION, INC.

5777 Cleveland Road P.O Box 266
South Bend, IN 46624

jeredb@hrpconstruction.com; cindyv@hrpconstruction.com

Bid was signed by Mr. Matthew D. Cain

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:

Base Bid Total	\$3,791,000.00
Mandatory Bid Alternates (Deduct) Total	(\$107,000.00)

SELGE CONSTRUCTION CO., INC.

2833 South 11TH St.
Niles, MI 49120

aswinehart@selgeconstruction.com

Bid was signed by Mr. Robert Kuhns

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:

Base Bid Total	\$3,724,000.00
Mandatory Bid Alternates (Deduct) Total	(\$70,000.00)

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 BIDS – DOWNTOWN SB TO ND TRAIL HILL ST. & SOUTH BEND AVE. – PROJECT NO. 122-040B (PR-00031619)

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:

HRP CONSTRUCTION, INC.

5777 Cleveland Road P.O box 266

South Bend, IN 46624

jeredb@hrpconstruction.com; cindyv@hrpconstruction.com

Bid was signed by Mr. Matthew D. Cain

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:

Base Bid Total	\$4,691,000.00
Alternate A Total	\$6,500.00
Alternate B Total	\$19,608.00

MILESTONE CONTRACTORS NORTH, INC.

24358 State Road 23

South Bend, IN 46614

akrueger@milestonelp.com

Bid was signed by Mr. Dustin 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.

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

BID:

Base Bid Total	\$4,456,850.00
Alternate A Total	\$3,500.00
Alternate B Total	\$15,430.00

RIETH-RILEY CONSTRUCTION CO., INC.

25200 State Road 23

South Bend, IN 46614

ralvarado@rieth-riley.com; gvanparys@rieth-riley.com;

dsnodderly@rieth-riley.com

Bid was signed by Mr. Ruben Alvarado

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:

Base Bid Total	\$4,058,767.59
Alternate A Total	\$3,500.00
Alternate B Total	\$15,430.00

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

OPENING OF QUOTATIONS – 614 SHERMAN AVE. TIF PROJECT - TREE CLEARING – PROJECT NO. 123-062I (PR-00032469)

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:

QUOTATION: No Quotes Received

AWARD BID AND APPROVE CONTRACT – IRELAND ROAD & IRONWOOD DRIVE INTERSECTION IMPROVEMENTS – PROJECT NO. 123-050 (PR-00031353)

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 \$1,806,700. 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 – DREWRY’S BREWERY CLEANUP, PHASE I - OUTBUILDING AND DEMOLITION DEBRIS – PROJECT NO. 119-031C (PR-00030871)

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, Indiana Earth, Inc., in the amount of \$490,400; Base Bid Plus Alternate #1. 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 – DUBAIL STREET SIDEWALK – PROJECT NO. 124-009B (PR-00032458)

Ms. Gemma Stanton, Engineering, advised the Board that on March 26, 2024, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Stanton recommended that the Board award the contract to the lowest responsive and responsible quoter, Ortiz Construction Inc., in the amount of \$13,676. 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 – 614 SHERMAN AVE. TIF PROJECT - FOUNDATION – PROJECT NO. 123-062H (PR-00032086)

In a memorandum to the Board, Mr. Zach Hurst, Engineering, requested permission to reject all quotes for the above-referenced project due to bidders 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.

APPROVE CHANGE ORDER NO. 1 – SOUTH WELL FIELD WWTP AND DISTRIBUTION SYSTEM IMPROVEMENTS - CONTRACT B -WATERMAIN – PROJECT NO. 117-059B (PO-0027554)

President Maradik advised that Mr. Jacob Klosinski, Engineering, has submitted change order number 1 on behalf of C&E Excavating, Inc., indicating the contract amount be increased by \$23,606.65 for a new contract sum, including this change order, in the amount of \$1,620,606.65. 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. 4 – FIRE STATION NO. 8 REPLACEMENT – PROJECT NO. 122-034 (PO-0026318)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 4 on behalf of R Yoder Construction, indicating the contract amount be increased by \$50,469.33 for a new contract sum, including this change order, in the amount of \$3,993,222.70. 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 – MORRIS PERFORMING ARTS CENTER GUARANTEED ENERGY SAVINGS CONTRACT – PROJECT NO. 121-030 (PO-0014130)

President Maradik advised that Ms. Rebecca Plantz, Engineering, has submitted the project completion affidavit on behalf of Ameresco, Inc., for the above referenced project, indicating a final cost of \$5,386,410. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – THE HILL TIF PROJECT - SITE WORK – PROJECT NO. 123-030 (PR-00024021)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted the project completion affidavit on behalf of Majority Builders, Inc., for the above referenced project, indicating a final cost of \$500,000. 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 – 2024 LEAD SERVICE LINE AND MAIN REPLACEMENTS WEST ZONE – PROJECT NO. 123-069A (STATE REVOLVING FUND)

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 – 2024 LEAD SERVICE LINE AND MAIN REPLACEMENTS SOUTHEAST ZONE – PROJECT NO. 123-069B (STATE REVOLVING FUND)

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 – 2024 LEAD SERVICE LINE AND MAIN REPLACEMENTS NORTHWEST & SOUTHWEST ZONES – PROJECT NO. 123-069C (STATE REVOLVING FUND)

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 – DEMOLITION OF SOUTH BEND MEDICAL FOUNDATION – PROJECT NO. 123-076 (PR-00032530)

In a memorandum to the Board, Mr. Zach Hurst, 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 FOR QUALIFICATIONS – WASTEWATER TREATMENT PLANT SOLAR GUARANTEED ENERGY SAVINGS CONTRACT – PROJECT NO. 124-015

In a memorandum to the Board, Ms. Gemma Stanton, Engineering, requested permission to request qualifications 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.

ADOPT RESOLUTION NO. 11-2024 – 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. 11-2024
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 LC. 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 March 9, 2024, **Assistant Chief of Prevention/Fire Marshal** Gerard Ellis retired from the South Bend, Indiana, Fire Department after Twenty-two (22) 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-S(b); and

WHEREAS, LC. 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 of 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 April 9, 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. 12-2024 – 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.12-2024
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 LC. 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 March 8, 2024, **Captain/Paramedic Robert Rose** 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 LC. 5-22-22-8(b); and

WHEREAS, LC. 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 of 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 April 9, 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. 13-2024 – 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. 13-2024

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 one (1) parcel of real property in the City, 120 S. Main St., more particularly described on Exhibit A (the "Property"), which includes the structure commonly known as the Memorial Health & Lifestyle Center, which has a mailing address of 111 W. Jefferson Blvd.; 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 April 9, 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
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 TABLED
Amendment No. 1 to Owner-Engineer Agreement	Jones Petrie Rafinski	Design Alterations of LaSalle and Colfax Ave. Streetscape Project No. 122-013	\$173,855; New Adjusted Total: \$600,335 (PO-0013624)	Molnar/ Miller
Amendment No. 2 to Owner-Engineer Agreement	Jones Petrie Rafinski	Additional Engineering Services for Wayfinding Signage Program, Phase III Project No. 123-013	\$5,500; New Adjusted Total: \$18,700 (PO-0020823)	Molnar/ Miller
Amendment No. 1 to Owner-Engineer Agreement	Black & Veatch Corporation	Design Services for Wastewater Treatment Plant Dissolved Air Flootation Building Improvements Project No. 123-031	\$69,585; New Adjusted Total: \$598,227 (PO-0025188)	Molnar/ Miller
Open Market Contract	Herrman & Goetz, Inc.	Perform Concrete, Plumbing, and Electrical Work for SBF D Gear Washer Prep Work - Station 2 Project No. 122-054A	\$29,599 (PR-00031755)	Molnar/ Miller
Open Market Contract	Herrman & Goetz, Inc.	Perform Concrete, Plumbing, and Electrical Work for SBF D Gear Washer Prep Work - Station 6 Project No. 122-054B	\$31,964 (PR-00031756)	Molnar/ Miller
Open Market Contract	Herrman & Goetz, Inc.	Perform Concrete, Plumbing, and Electrical Work for SBF D Gear Washer Prep Work – Training Center Project No. 122-054C	\$41,441 (PR-00031757)	Molnar/ Miller
Special Purchase	Milestone Contractors, L.P.	Emergency Repair Western & Lafayette Water Main	\$28,000	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
LaSalle Grill	Sidewalk Café Permits - Subject to	Monday-Thursday 4-	115 West Colfax Ave.	Molnar/ Miller

	Proper ADA Clearance from Obstructions	9:00 p.m., Friday-Saturday 4-10:00 p.m.		
PEGGS Restaurant, LLC	Sidewalk Café Permits - Subject to Proper ADA Clearance from Obstructions	Thursday-Monday 7:00 a.m.-3:00 p.m.	127 S. Michigan St.	Molnar/Miller
The Early Bird Eatery	Sidewalk Café Permits - Subject to Proper ADA Clearance from Obstructions	Monday-Friday 8:00 a.m.-2:00 p.m.; Saturday & Sunday 9:00 a.m. to 2:00 p.m.	117 E. Wayne St.	Molnar/Miller
Angel of Hope Ride	Street Closure for Special Event	August 17, 2024; 9:00 a.m. to 12:00 p.m.	Pinhook Park on Riverside Dr. to Cleveland (Brief Interruption)	Molnar/Miller
Color Run 2024	Street Closure for Special Event	June 15, 2024; 9:30 a.m. to 11:00 a.m.	Western Ave. between Laurel St. & S. Michigan (Rolling)	Molnar/Miller

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(S): 754 S. Bendix Dr.
 801 Dundee St.
 1318 N. Huey St.
 REMARKS: All Criteria Met

REMOVAL: Handicapped Accessible Parking Space Sign
 LOCATION(S): 402 Napoleon St.
 707 Cottage Grove Ave.
 REMARKS: All Criteria Met

TEMP. INSTALLATION: (6) Temporary Handicapped Accessible Parking Space Signs and (2) For Deliveries Only Signs with 15 Minute Parking
 LOCATION(S): County City Building for Early Voting, April 4, 2024 through May 6, 2024
 REMARKS: All Criteria Met, **No Action Required**

APPROVE CONSENTS TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE

President Maradik stated that the Board is in receipt of the following consents to annexation and waivers of rights to remonstrate. The consents indicate that in consideration for permission to tap into public water/sanitary sewer system of the City, to provide water/sanitary sewer service to the below referenced properties, the applicants waive and release all rights to remonstrate against or oppose any pending or future annexations of the properties by the City of South Bend:

- A. Mr. Jeffery Hesch, PO Box 706, Osceola, IN 46561
 - 1. 52068 E. Cloverleaf Dr. – Water/Sewer (Key No.71-04-19-226-109.000-003)
- B. Ms. Brenda Hill, 2186 E. Centre Ave., Portage, MI 49002
 - 1. 26654 Durness Woods Dr. – Sewer (Key No. 71-02-26-326-039.000-029)

Upon a motion by VP Molnar, seconded by Mr. Miller and carried by roll call, the consents to annexation and waivers of rights to remonstrate were approved as submitted.

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:

Somaschini North America, LLC, 4601 Nimitz Pkwy.

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
John Ward Concrete, Inc.	Contractor	Approved	03/15/2024
Martell Electric, LLC	Excavation	Released	04/13/2024
NPL Construction Co	Excavation	Approved	03/28/2024
John Ward Concrete, Inc.	Occupancy	Approved	03/15/2024
Losi Construction	Occupancy	Approved	03/29/2024
NPL Construction Co.	Occupancy	Approved	03/28/2024

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-75292, GBLN-75937	03/18/2024	\$14,304.69
City of South Bend Claims GBLN-75656	03/19/2024	\$2,290,290.46
City of South Bend Claims GBLN-76095	03/19/2024	\$1,405,590.78
City of South Bend Claims GBLN-76411, GBLN-76468	03/27/2024	\$2,011,832.91
City of South Bend Claims GBLN-76171, GBLN-76129, GBLN-76205	03/28/2024	\$1,914,924.59

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

Resident Felicia Kaponigri of 402 W. Angela Blvd thanked the Board for tabling the Rockne house move on behalf of her neighborhood. She voiced concerns that her neighbors and herself have about the project, the removal of trees, the effect of non-owner-occupied housing and football rentals in the neighborhood, and the elevated price that the Rockne house is expected to be listed for.


Gary Potts with Professional Permits Was available to discuss the item related to the Rockne House move if there were any questions. He stated the house was scheduled to be moved the week of April 29th but did not know if the tabling of the item would affect the expected date. He noted there were three (3) additional residences with trees that would need to be trimmed with letters to be sent out soon to those property owners. He let the Board know he had the route for the house move available and the application available if there were any questions regarding those items.

Board Member Gary Gilot asked when the deadline for BPW's next meeting was. President Maradik replied that it was April 16th at noon.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:10 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: April 23, 2024