

REGULAR MEETING OF THE MISHAWAKA
BOARD OF PUBLIC WORKS AND SAFETY/UTILITY BOARD
August 16, 2011

The regular meeting of the Board of Public Works and Safety/Utility Board was called to order by President Gary West at 10:05 a.m. All members were present except Mr. Watson. Mr. West moved to dispense with the reading of the minutes of August 2, 2011 and August 9, 2011, and accept them as circulated. Mr. Prince seconded; motion carried.

Bid Openings:

There were no bid openings:

Mayor's Comments:

Mayor Wood announced a staff meeting would follow today's Board meeting.

Department Head Reports:

Police Chief Ken Witkowski announced that recruit Joshua A. Watts has successfully completed all department testing and investigation, doctor's physical examination and approval by the Police Pension Board. Chief Witkowski said Mr. Watts has 2 ½ years experience serving as a police officer with the Indiana State Capital Police, Indianapolis, and recommended he be sworn in as a Probationary Patrol Officer effective August 16, 2011. Mr. Prince moved for the approval of Recruit Joshua A. Watts and be sworn in as Probationary Patrol Officer. Mr. West seconded; motion carried.

Mayor Wood swore in Joshua A. Watts as Probationary Patrol Officer, effective August 16, 2011.

Building Commissioner Brock Hundt presented the Building Department statistics for the month of July, 2011. He indicated permits were issued for the new senior apartments on Merrifield Avenue for an estimated \$5 million in construction costs, as well as permits for three (3) new single family homes for a total of eighteen (18) this year.

Interim Park Superintendent Tom Klaer requested the Board award the bid for the ice resurfacing machine for the Park Department to Frank J. Zamboni and Company, Inc., the lowest, most responsive and responsible bidder, for the base bid of \$97,469.00 less \$8,750.00 for one (1) trade-in for a total award of \$88,719.00. Mr. Prince moved to approve as presented. Mr. West seconded; motion carried.

Mr. Klaer submitted a request to remove one tree and stump in the right of way at each of the following locations: 501 N. Mason Street and 513 W. Broadway Street. The trees have been analyzed and recommended for removal by the Park Department Landscaper. Mr. West moved to approve as presented. Mr. Prince seconded; motion carried.

Julia DeKeizer from the Mayor's Office said Mishawaka Schools started back to school today and urged everyone to drive smart and watch for kids walking to school.

Human Resource Director Tara Antonucci presented a contract renewal for the New Avenues Employee Assistance Program (EAP) for calendar year 2012, which reflects a 1.9% program cost increase, and requested the Human Resource Director be designated as the signatory to the agreement. Mr. Prince moved to approve as presented. Mr. West seconded; motion carried.

Community Development Director requested the Board award an emergency demolition of 1110 W. Fourth Street to Torok Excavating in the amount of \$5,900.00. Mrs. Timmer said the structure has been condemned and ordered demolished by the Building Commissioner and John Gourley concurs with and supports such action. She also said based upon the urgency of the situation, the Department of Community Development solicited three (3) sealed demolition quotes, with Torok Excavation being the lowest most responsive and responsible quoter. Mr. West moved to approve as presented. Mr. Prince seconded; motion carried.

Mrs. Timmer requested the Board's approval to receive quotes for the demolition of 414 Lincolnway West to be opened on August 30, 2011. Mr. Prince moved to approve as presented. Mr. West seconded; motion carried.

Mrs. Timmer requested the Board approve landscaping services with Acorn Landscaping at newly constructed First Time Homebuyer houses at 311 Cleveland and 611 E. Third Street for the not-to-exceed amount of \$8,075.00. Mr. West moved to approve as presented. Mr. Prince seconded; motion carried.

City Planner Ken Prince presented a Certificate of Substantial Completion from Ziolkowski Construction, Inc. for the Battell Park Band Shelter repairs and moved for its approval. Mr. West seconded; motion carried.

Mr. Prince said a request was submitted for a Notice of Recognition of Encroachment from the residents at 620 N. Webster to install a 6' privacy fence which will encroach approximately 8' into the right-of-way, and moved for its approval. Mr. West seconded; motion carried.

Engineering Director Gary West requested the Board approve plans and authorize receipt of bids for construction of a new Fire Station No. 4 on Harrison Road next to Hums School with bids to be opened on September 20, 2011, and moved for its approval. Mr. Prince seconded; motion carried.

Approval of Claims:

Mr. Prince moved to approve twenty (20) Claim Dockets for Utilities and Civil City as submitted by City Controller Yvonne Milligan for a total amount of \$6,647,610.35. Mr. West seconded; motion carried.

Approval of SRF Payments:

There were no applications to approve.

Public Hearings:

Mr. West opened the public hearing for a Secondhand Store License submitted by Julie's Used Appliances located at 2302 Lincolnway West. Julie Allouch appeared to speak on behalf of the request. Ms. Allouch said she purchases used appliances in Indianapolis by the truckload and repairs, refurbishes, and re-sells them. She said they have a reputation of good customer service. Ms. Allouch said she didn't know she needed a license; the business just took off.

Mr. Prince said he wasn't in opposition of the request, but asked if she was in receipt of the letter sent to her by the Planning Department. She said yes, she had received the letter and was working on the items. She said the truck is being kept elsewhere and had completed the items requested by the Fire Department.

Mr. Prince said the Planning Department would monitor the site and if all the items were not addressed, then the Board would move to revoke the license.

Ms. Allouch said she had talked to him about removing the front porch to provide additional parking, would he consider that. Mr. Prince said he would meet with her after the other items have been taken care of.

Mr. West closed the public hearing.

Mr. Prince moved to approve the Secondhand Store License for Julie's Used Appliances at 2302 Lincolnway West. Mr. West seconded; motion carried.

Mr. West opened the public hearing for a Transient Merchant's License submitted by JD's Dogs to operate a hot dog cart at the northeast corner of Main and Third Streets. James Archer, 17345 Fergus Drive, South Bend, appeared to speak on behalf of the request. Mr. Archer said he has a small stand that is clean and serves quality hot dogs, chips and drinks.

Mr. West asked Mr. Archer if he planned to have the stand through November 19. Mr. Archer said it depended on the weather and would start up again in April.

Mr. West said he would need to renew the license annually.

Mr. West closed the public hearing.

Mr. Prince moved to approve the Transient Merchant's License for JD's Dogs to operate a hot dog cart at the northeast corner of Main and Third Streets through November 19, 2011. Mr. West seconded; motion carried.

Mr. West said a request for Transient Merchants License has been received from JD's Dogs to sell hot dogs, chips, and drinks from a cart at Family Video, 1315 Milburn Boulevard. A public hearing was set for Tuesday, August 23, 2011, at 10:00 a.m.

New Business:

A request received from Heritage Square to hold the "3rd Annual Taste of Heritage Square" on September 8, 2011, was taken under advisement.

A request was received to close Calhoun Street between Mishawaka Avenue and Vine Street for a neighborhood block on Saturday, August 20, 2011 from 5:00 p.m. and 10:00 p.m. Mr. West moved to approve subject to the standard conditions regarding public safety. Mr. Prince seconded; motion carried.

A request was received to allow That Place Bar & Grill, 300 W. Sixth Street, to use a portion of their adjacent sidewalks to hold a block party with live music on September 4, 2011 from 11:00 a.m. to 10:00 p.m. Mr. West moved to approve subject to the standard conditions regarding public safety and noise control. Mr. Prince seconded; motion carried.

A request for an Exception to the Noise Control Ordinance was received from Parkway Bowling Lanes, 1504 Chestnut Street, to hold a corn and sausage roast with live music on August 27, 2011, from 1:00 p.m. to 9:00 p.m. Mr. Prince moved to approve subject to the standard conditions regarding noise control.

Mr. West said a request was received from "Roc's" restaurant, which is relocating to Yorktowne Center, to add two (2) disabled parking spaces at the first two angled spaces on the east side of North Main Street at Lincolnway East. Mr. West indicated the Mishawaka Business Association had no objections to the request, and moved for its approval. Mr. Prince seconded; motion carried.

Old Business:

A request from the Montessori Academy at Edison Lakes to hold their Annual Fall Frolic on October 1, 2011 continued under advisement.

Mr. West moved to approve a request to close Wells Street between Third and Fourth Streets on Saturday, August 20, 2011, from 10:00 a.m. to 8:00 p.m. for a neighborhood block party. Mr. Prince seconded; motion carried.

Unfinished Business:

There being no additional business brought before the Board, the meeting was adjourned at 10:47 a.m.

Gary West – President of the Board of
Public Works and Safety/Utility Board

Kari Myers, Clerk of the Board of
Public Works and Safety/Utility Board