

REGULAR MEETING OF THE MISHAWAKA
BOARD OF PUBLIC WORKS AND SAFETY/UTILITY BOARD
April 27, 2010

The regular meeting of the Board of Public Works and Safety/Utility Board was called to order by President Gary West at 10:06 a.m. All members were present. Mr. Prince moved to dispense with the reading of the minutes of April 20, 2010, and accept them as circulated. Mr. Watson seconded; motion carried.

Bid Openings:

There were no bid openings, but Requests for Qualifications were received for Rehabilitation Contractors for the Community Development Department. RFQ's were received from The McCollister Group and B & B Better Builders.

Mayor's Comments:

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

Department Head Reports:

Park Superintendent Mike Faulkner requested the Board's approval to receive quotes for Eberhart Petro Golf Course Drainage Improvements to be opened on Tuesday, May 11, 2010. Mr. Prince moved to approve receiving quotes for Eberhart Petro Golf Course Drainage Improvements on May 11, 2010. Mr. Watson seconded; motion carried.

Mr. Faulkner submitted a request to remove two (2) trees at 1131 Prospect Drive. The Park Department landscaper has analyzed these trees and recommended their removal. Mr. Watson moved for the Board's approval to remove two (2) trees and stumps at 1131 Prospect Drive. Mr. Prince seconded; motion carried.

Electric Division Manager Tim Erickson presented a list of 121 non-functional transformers and requested they be declared as salvage for disposal through Solomon Electric. These transformers would be sold for \$4 per KVA and would generate a total price of \$31,974.00. Mr. Watson moved to declare the list of 121 transformers as surplus for disposal through Solomon Electric. Mr. Prince seconded; motion carried.

Community Development Director Lory Timmer presented a Professional Service Agreement from Specialty Systems of South Bend for \$3,870.00 for the removal of accessible asbestos at 922 Lincolnway West. Mr. Prince moved to approve the Professional Service Agreement with Specialty Systems of South Bend for the not-to-exceed amount of \$3,870.00. Mr. Watson seconded; motion carried.

Mrs. Timmer requested the Board's approval to receive quotes for asbestos removal at 402 Lincolnway West to be opened on May 11, 2010. Mr. Prince moved to approve receiving quotes for asbestos removal at 402 Lincolnway West to be opened on May 11, 2010. Mr. Watson seconded; motion carried.

Mrs. Timmer requested the Board's approval to award the demolition of 126 E. 13th St., 530 W. 6th St., 531 W. 5th St., and 615 Madison Street to Jackson Services, the lowest responsive and responsible quoter for the base amount of \$22,800.00 and the alternate of \$2,200.00 for a total not-to-exceed amount of \$25,000.00. Mr. Prince moved to award the demolition of the above referenced structures to Jackson Services for a total not-to-exceed amount of \$25,000.00. Mr. Watson seconded; motion carried.

Engineering Director Gary West presented an Escrow Agreement with Selge Construction and Key Bank for Milburn Sewer Improvements Division "E", and moved for its approval. Mr. Watson seconded; motion carried.

Mr. West presented a Project Coordination Contract with INDOT for Church-Union Street Traffic Signal Modernization and moved for its approval. Mr. Prince seconded; motion carried.

Mr. West indicated he had received approval from INDOT to award the contract for Motel 6 Sewer Relocation to Herrman & Goetz, the lowest responsive and responsible quoter, for the amount of \$83,553.00 and moved for the Board's approval. Mr. Prince seconded; motion carried.

Mr. West indicated he had also received approval from INDOT to award the contract for Lincolnway East Sanitary Sewer Lowering to HRP Construction, Inc., the lowest responsive and responsible quoter, for the amount of \$72,300.00, and also includes Right of Entry onto the Twin Branch Retail Center property, and moved for the Board's approval. Mr. Watson seconded; motion carried.

Mr. West presented Supplemental Agreement #2 with DLZ for Front Street design services for an additional \$37,100.00 for a Final contract amount of \$692,070.00 and moved for the Board's approval. Mr. Prince seconded; motion carried.

Mr. West requested the Board approve the Highway Utility Agreement with INDOT for utilities relocation at SR331 Underpass as follows: Water relocation at \$203,407.00 (100% reimbursement including Engineering fees); sanitary sewer relocation at \$2,070,737.00 (75.21% reimbursement) and authorizes the President of the Utility Board to act as signatory. Both Utilities and Waste Water indicate they have adequate funds available for the City's share of the work, and moved for the Board's approval. Mr. Watson seconded; motion carried.

Approval of Claims:

There were no claims to approve.

Approval of SRF Pay Applications:

There were no applications to approve.

New Business:

A request was received from the resident at 803 W. Borley seeking permission to close a section of Clay Street from Jefferson Boulevard to Borley on Saturday, June 12, 2010 from 11:00 a.m. to 11: p.m. for an anniversary party was taken under advisement.

Old Business:

A request was received from Living Water Church, 1922 Milburn Boulevard, to close Carlton Street between Milburn and the north alley for a Community Fun Fair on Saturday, May 8, 2010 from 12:00 to 3:00 p.m. Mr. West moved to approve this request 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 "Little Jimmy's Ice Cream" to operate a truck in Mishawaka for the remainder of the ice cream season or until about October 20, 2010. Mr. West moved to approve Board Resolution 2010-05 for the hours of 10:00 a.m. to 9:00 p.m. and other conditions as specified in the Resolution. Mr. Watson seconded; motion carried.

Unfinished Business:

There being no additional business brought before the Board, the meeting was adjourned at 10:29 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

RESOLUTION NO. 2010-05

A RESOLUTION OF
THE BOARD OF PUBLIC WORKS AND SAFETY OF THE
CITY OF MISHAWAKA, INDIANA
GRANTING AN EXCEPTION TO THE NOISE CONTROL ORDINANCE

WHEREAS, Section 30-109 of the Municipal Code of the City of Mishawaka, Indiana, otherwise known as the Noise Control Ordinance, authorizes the Board of Public Works and Safety to issue special exceptions to its provisions and define procedures to be followed, and

WHEREAS, the current Ordinance by its provisions prohibits all commercial entities from playing amplified music on city streets, and

WHEREAS, certain ice-cream vendors have requested an exception to the provisions in the Noise Control Ordinance;

NOW THEREFORE BE IT RESOLVED THAT:

Section 1. Between the hours of 10:00 AM and 9:00 PM, a clearly-marked food vending vehicle, equipped with signal or warning lamps and a signal arm cautioning passers-by, may utilize one (1) loudspeaker or other noise-making device while in motion along city streets. The device must not be capable of emitting sound at a level higher than one hundred (100) decibels, measured at any distance from the device. Such maximum volume must be proven by the vendor requesting such an exception. When the vehicle is stopped in a residential neighborhood, the sound-emitting device must be turned off until the vehicle is in motion again. No noise-making device may be used within 1000 feet of any school during a time when school is in session or a city function when food vendors have contracted to sell food, dates and times to be provided. This permit shall be carried in each vehicle at all times while operating within the city limits of Mishawaka.

Section 2. The special exception permit will expire on December 31 of each year.

APPROVED AND ADOPTED on April 27, 2010 for Little Jimmy's Ice Cream, Mishawaka, Indiana.

BOARD OF PUBLIC WORKS AND SAFETY, Mishawaka, Indiana

Gary E. West, President

Ronald E. Watson, Vice President

Kenneth B. Prince, Member

ATTEST:

Kari Myers, Clerk of the Board