

REGULAR MEETING OF THE MISHAWAKA
BOARD OF PUBLIC WORKS AND SAFETY/UTILITY BOARD
May 24, 2011

The regular meeting of the Board of Public Works and Safety/Utility Board was called to order by President Gary West at 10:04 a.m. All members were present. Mr. Prince moved to dispense with the reading of the minutes of May 17, 2011, and accept them as circulated. Mr. Watson seconded; motion carried.

Bid Openings:

There were no bid openings.

Mayor's Comments:

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

Department Head Reports:

Police Chief Ken Witkowski announced that the recipients of "Officers of the First Quarter" are Corporals Matt Smith, Dan Holt, and Roman Johnson. Chief Witkowski said on January 30, 2011 Cpl. Smith was dispatched to a residence on Hickory Road regarding a 911 hang-up call. Cpl. Smith arrived to find the suspect had battered the victim and her two young children, threatened neighbors with a handgun, and then barricaded himself in the apartment with the children. Cpl. Smith, a trained and highly skilled negotiator, remained calm and composed and with great patience and professionalism was able to negotiate a peaceful surrender and safeguard the lives of the two children involved.

Chief Witkowski said on March 25, 2011, officers were dispatched to a residence on Alford Street regarding an "armed" residential entry. The suspect fled without successfully gaining entry to the home and the occupant observed the suspect leaving in a vehicle with another person inside.

Soon after the incident, dispatch informed officers of the description of the suspect vehicle and the street and direction of travel. Cpl. Roman Johnson spotted the vehicle and initiated a traffic stop. As the vehicle came to a rest, the passenger door opened and the suspect fled on foot. Cpl. Johnson detained the driver and Cpl. Holt chased the suspect and was able to apprehend him in a nearby yard. Both the occupants of the vehicle were identified as the perpetrators and arrested on felony charges.

Chief Witkowski said all three of these officer's actions bring great credit upon themselves and reflect highly upon the Mishawaka Police Department.

Community Development Directory Lory Timmer requested the Board approve a Professional Service Agreement with Neighborhood Development Associates for NSP3 property acquisition for the not-to-exceed amount of \$39,000.00. Mr. Watson moved to approve as presented. Mr. Prince seconded; motion carried.

Mr. West indicated that the bids for Milburn Area Sewer Improvements CIPP, Phase II, opened last week, have been reviewed by the City's consultant who recommended this project be awarded to Insituform Technologies USA, the lowest responsive, responsible bidder, for \$1,495,392.20 and moved for its approval. Mr. Prince seconded; motion carried.

Approval of Claims:

There were no claims to approve.

Approval of SRF Pay Applications:

Mr. Prince moved to approve SRF - Disbursement Request #49 from Lawson-Fisher Associates for engineering services for the Juday Creek Forcemain Rehab in the amount of \$8,274.00; and SRF – Disbursement Request #138 from Greeley & Hansen for Influent Sewer at WWTP in the amount of \$6,987.00. Mr. Watson seconded; motion carried.

Second Hand Store License Hearing:

Mr. West opened the public hearing for a secondhand store license submitted by Jack Guerra doing business as Mowers & More at 1215 E. Jefferson Boulevard. Mr. Guerra was present and said he sells various types of power equipment, namely lawn care items, and doesn't plan on buying items at this store. He said he mainly gets his items from garage sales, trade-ins, etc. Mr. Guerra also said Wayne's Landscaping business is gone and he has cleaned up the property.

Mr. West asked about storing items out front. Mr. Guerra said everything is put inside at night.

Mr. Prince said the Planning Department is responsible for enforcing the Zoning Ordinance and if he doesn't keep the property up, the Board will seek to revoke the license.

Mr. West asked what the hours of operation were. Mr. Guerra said 9-5:30 Monday thru Saturday.

Mr. West closed the public hearing. The application was previously reviewed and approved by the Mishawaka Police Department. No comments against the license were received from the various departments. Mr. Prince moved for the Board's approval of the secondhand store license. Mr. Watson seconded; motion carried.

New 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, June 4, 2011 from 10:00 a.m. to 2:00 p.m. Mr. Watson moved to approve this request subject to the standard conditions regarding public safety and noise control. Mr. Prince seconded; motion carried.

Mr. West said a request for a Transient Merchants License has been received from TNT Fireworks/Grace Point to sell fireworks at 3610 Bremen Highway (Meijer parking lot) from June 23 thru July 5, 2011. A public hearing has been set for Tuesday, May 31, 2011, at 10:00 a.m.

Mr. West indicated Grievance 2011-02 has been filed by the Mishawaka Professional Firefighters Local #360 pertaining to minimum suppression staffing strength as a result of 3rd ambulance. Mr. West tentatively set a hearing date of June 7, 2011 at 12:00 in Room 106. Mr. Hamel said he wanted to clarify that the union did receive a response within the seven day period. He indicated Chief Freeman had "accepted" it and accepting it didn't mean the City agreed with it or that it has been resolved.

Mr. West said a request for disabled parking has been received from the resident at 213 S. Center Street. This request has been reviewed by the Mishawaka Police Department's Traffic Bureau. Upon their review, the Police Department recommends that this application be approved. Mr. West moved to approve the disabled parking request as presented. Mr. Prince seconded; motion carried.

Open Items:

Grievance Hearings #10-01 and #10-02 originally scheduled for February 22, 2011 have been continued indefinitely until such a date that the City's witness is available.

Mr. West indicated the hearing for Grievance 2011-1 filed by the Mishawaka Professional Firefighters Local #360 originally scheduled for April 26, 2011 has been postponed indefinitely.

A hearing for Police Dispatch Grievance 2011-1 has been scheduled for Tuesday, June 7, 2011 at 11:00 a.m. in Room 106.

Unfinished Business:

There being no additional business brought before the Board, the meeting was adjourned at 10:34 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