

REGULAR MEETING OF THE MISHAWAKA
BOARD OF PUBLIC WORKS AND SAFETY/UTILITY BOARD
April 13, 2010

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 April 6, 2009, and accept them as circulated. Mr. Watson seconded; motion carried.

Bid Opening:

Bids were opened for one (1) Compact Street Sweeper for Central Services Department and are summarized below:

VENDOR

Hull Lift Truck, Elkhart, IN	
MODEL: 2010 Advance, RS-501	\$64,100.00
DELIVERY: 10-20 days	
DISCOUNT: 10%	
ALTERNATE: 2007 Advance, RS-500	\$53,600.00
Northern Equipment Co. Inc., Plymouth, IN	
MODEL: 2010 Green Machine Model 636	\$69,954.00
DELIVERY: 45 days	
DISCOUNT: 5%	
ALTERNATE: 2009 Green Machine	\$62,582.00
Best Equipment Co., Inc., Indianapolis, IN	
MODEL: 2010 MadVac CN100	\$86,951.10
DELIVERY: 90 days	
DISCOUNT: 0%	
ALTERNATE: 2010 MadVac CN100	\$71,286.00

Mr. West thanked the bidders and indicated the bids will be taken under advisement for review and consideration by Central Services.

Mayor's Comments:

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

Department Head Reports:

Fire Chief Dale Freeman presented Resolution No. 2010-04 Approving a HIPAA Business Associate Agreement by and between the Mishawaka Fire Emergency Medical Services Department and St. Joseph Regional Medical Center, and requested Battalion Chief Brian Thomas act as signatory. Mr. Watson moved to approve Resolution No. 2010-04. Mr. Prince seconded; motion carried.

Park Superintendent Mike Faulkner submitted a request for tree and stump removal in the right-of-way at 616 E. Marion Street and 620 E. Marion Street. The Parks Department landscaper has analyzed these trees and recommended their removal. Mr. Watson moved for the Board's approval to remove the trees and stumps in the right-of-way at 616 E. Marion Street and 620 E. Marion Street. Mr. Prince seconded; motion carried.

City Planner Ken Prince on behalf of Community Development Director Lory Timmer presented a Professional Services Agreement with ACM Engineering and Environmental to prepare specifications

for asbestos removal at 402 Lincolnway West for a not-to-exceed amount of \$3,800.00 and moved for its approval. Mr. Watson seconded; motion carried.

Mr. Prince requested the Board's approval to request qualifications for Single Family Rehabilitation Contractors and Demolition Contractors. Qualifications will be received by the Board for opening at the April 27, 2010 meeting, and moved for its approval. Mr. Watson seconded; motion carried.

Engineering Director Gary West indicated that the bids opened last week for the Milburn Boulevard Area Sewer Improvement Project, Division "E", have been reviewed by the City's consultant who recommended this project be awarded to Selge Construction Company, Inc., the lowest responsive, responsible bidder for \$1,698,225.25 and moved for its approval. Mr. Watson seconded; motion carried.

Mr. West requested the Board approve plans and authorize the receipt of bids for the Milburn Boulevard Area Sewer Improvement Project, Division "H", to be opened May 4, 2010, and moved for its approval. Mr. Prince 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 Mishawaka Memorial Day Parade Committee requesting permission to hold the annual Memorial Day Parade on Monday, May 31, 2010. Mr. West moved to approve the request from the Mishawaka Memorial Day Parade Committee to hold the parade on May 31, 2010, subject to the same route and conditions that were in place last year. Mr. Watson seconded; motion carried.

A request was received from Jordan Automotive Group for a Waiver of Noise Ordinance for Saturday, June 26, 2010, from 11:00 a.m. to 6:00 p.m. for a Scion event to be held at their facility located at 609 E. Jefferson Blvd.

A request for an Exception to the Noise Control Ordinance was received from Summer Song, Inc. to operate two trucks in Mishawaka for the remainder of the ice cream season or until about October 20, 2010. Mr. Prince moved to approve Board Resolution 2010-03 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.

Mr. West said a request for disabled parking has been received from the resident at 121 E. Sixth Street and 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 for 121 E. Sixth Street. 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. 2010-03

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 12, 2010 for Summer Song, South Bend, 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

RESOLUTION NO. 2010-04

**A RESOLUTION APPROVING A HIPAA BUSINESS ASSOCIATE AGREEMENT BY AND BETWEEN
THE MISHAWAKA FIRE EMERGENCY MEDICAL SERVICES DEPARTMENT AND ST. JOSEPH
REGIONAL MEDICAL CENTER**

WHEREAS, the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) was amended to include a new privacy rule to protect the confidentiality of health information; and

WHEREAS, the City of Mishawaka Fire and EMS Department may be considered a covered entity under HIPAA; and

WHEREAS, a business associate agreement between the City of Mishawaka Fire and EMS Department and other medical providers may be required under HIPAA before the City of Mishawaka Fire and EMS Department can share confidential health information with another medical provider;

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety:

Section 1. Any HIPAA Business Associate Agreement by and between the City of Mishawaka Fire and EMS Department and other medical care providers may be necessary to comply with new Federal Guidelines, and as such, the City of Mishawaka shall, upon review and acceptance of the contract, sign a business associate agreement for any medical care provider who requires the agreement for a continuing relationship with the City of Mishawaka EMS division.

Section 2. Section 2. That the Battalion Chief of the EMS Division is hereby authorized to execute and attest any HIPAA Business Associate Agreements for and on behalf of the City of Mishawaka.

Section 3. That this Resolution shall be in full force and effect upon its adoption this _____ day of _____, 2010.

Board of Public Works and Safety, City of Mishawaka

Gary E. West, President

Ronald E. Watson, Vice-President

Kenneth B. Prince, Member

ATTEST:

Kari Myers, Clerk of the Board