

REGULAR MEETING OF THE MISHAWAKA  
BOARD OF PUBLIC WORKS AND SAFETY/UTILITY BOARD  
December 22, 2015

The regular meeting of the Board of Public Works and Safety/Utility Board was called to order by Vice President Mike Watson at 10:00 a.m. President West and Clerk Myers were both on vacation and absent. Mr. Prince moved to dispense with the reading of the minutes of December 15, 2015, and accept them as circulated. Mr. Watson seconded; motion carried.

Bid Openings:

Bids were opened for the Mishawaka Riverwalk Video Surveillance and Call Box System PLT 15-015. The bids received were as follows:

Maxim Networx, Mishawaka IN	\$350,368.54
Vermillion, Walkerton IN	\$470,221.00
Indiana Electronics and Communications, Mishawaka IN	\$325,036.03
Netech Corp., Carmel IN	\$335,724.00
Mid-State Security, Wyoming MI	\$415,400.00
KW Services, South Bend	\$293,528.00

Mayor's Comments:

Mayor Wood indicated that he needed to travel to Elkhart for the Regional Cities Announcement with Governor Pence and that there would be no staff meeting today. He wished everyone a safe and merry Christmas.

Department Head Reports:

Staff Attorney Larry Meteiver presented Utility Board Resolution 2015-19 authorizing the disposal of unfit or obsolete property currently held by Mishawaka Utilities Wastewater Division. Mr. Prince moved to approve as presented, Mr. Watson seconded. Motion carried.

Mr. Meteiver presented a professional services agreement with Plant Growth Management Systems for tree management near overhead electric lines including hourly fees for a forestry manager, operations manager, contract and consulting fees, and growth regulator applications.

Mr. Meteiver also presented a companion professional services agreement by Williams Tree Company. The agreement is for tree trimming and removal near overhead power lines at set unit and hourly prices with a total not to exceed amount of \$225,000. Both of these agreements were prepared for Mishawaka Utilities Electric Division. Mr. Meteiver also requested that Mishawaka Utilities Electric Division Manager Rick Springman be made signatory to the contracts. Mr. Prince moved to approve both agreements as presented, Mr. Watson seconded. Motion carried.

Mr. Spiess presented two professional service agreements with Physicians Immediate Care 1) for random drug testing of non-DOT (non-CDL) employees, and 2) for random drug testing of DOT (CDL) employees. Mr. Spiess noted that this service was no longer being offered in the Edison Lakes Medical Office Building, St. Joseph Medical. The cost includes a \$150 administrative fee, and \$35 per testing fee for each test in both agreements. Mr. Spiess requested that he be designated as signatory to the agreement. Mr. Prince moved to approve both agreements as presented, Mr. Watson seconded. Motion carried.

Police Chief Ken Witkowski requested the Board amend the action taken at the December 15<sup>th</sup> meeting concerning the discipline of First Class Patrol Officer Michael Woods. On December 15<sup>th</sup>, the Board approved the following: charges against First Class Patrol Officer Michael Woods of the Mishawaka Police Department: 1. Conviction of Crimes (Indiana Code 36-8-3-4(b)(1)); 2. Conduct Injurious to the Public Peace or Welfare (Indiana Code 36-8-3-4(b)(2)(G)); 3. Conduct Unbecoming an Officer in contradiction of Section IV-A-4 of Mishawaka Police Department's Code of Conduct and Disciplinary Procedures.

Chief Witkowski recommended the Board suspend Officer Wood's employment, without pay, for a period of sixteen (16) working days, effective December 15, 2015. Also, he recommends upon returning to work, Officer Woods' continued employment with the Mishawaka Police Department be contingent upon successful completion of all terms of probation and successfully completing monthly alcohol testing with no presence of alcohol for six months following completion of probation. Further, Officer Woods will not be assigned a take-home police car for the duration of his probation.

At this time, Chief Witkowski requested that the Board amend the effective date of the suspension be moved from December 15<sup>th</sup> to December 20<sup>th</sup>, 2015. Mr. Prince moved to approve. Mr. Watson seconded; motion carried.

Board Member Ken Prince presented a request for a recognition of encroachment requested by the Barak Group to locate a temporary 4' x 8' real estate sign on City owned property located at the northwest corner of the intersection of Hill Street and Front Street. Mr. Prince noted that the property currently has an approved development agreement between the City Redevelopment Commission and the Barak Group, but the Barak Group has not yet purchased the property from the Commission. Mr. Prince noted that the recognition will allow them to advertise for the sale of condominiums and would allow the Board to direct the removal of the sign at any time should the sale not move forward for any reason. Mr. Prince moved to approve the request. Mr. Watson seconded; motion carried.

Mr. Watson, on behalf of Engineering Director Gary West, presented two infrastructure improvement agreements, one for Capital Avenue Properties LLC, the second for Capital Avenue Properties II LLC. These are agreements associated with property and development along Beacon Parkway. Mr. Watson moved to approve. Mr. Prince seconded. Motion carried.

Mr. Watson, on behalf of Engineering Director Gary West, presented change Order No. 1 final from John Boettcher Sewer and Excavating for Trinity Place Realignment Phase I, for an increase of \$16,331.27 for a final contract amount of \$149,769.22, and moved for its approval. Mr. Prince seconded; motion carried.

Mr. Watson, on behalf of Engineering Director Gary West, presented a three year maintenance bond from Selge Construction for Front Street Roundabout Reconstruction, bond in effect until December 11, 2018, and moved for its approval. Mr. Prince seconded; motion carried.

Approval of Claims:

City Controller Rebecca Miller presented 24 claim dockets in the amount of \$14,881,941.76 for the Boards approval. Mr. Prince moved to approve. Mr. Watson seconded; motion carried.

New Business:

No new business.

Open Items:

A hearing for Second Hand Store License for Julie's Used Appliances, 2302 Lincolnway West, remained under advisement.

Unfinished Business:

There being no additional business brought before the Board, the meeting was adjourned at 10:24 a.m.

Mike Watson – Vice President of the Board of  
Public Works and Safety/Utility Board

Ken Prince- Board Member, acting Clerk of the Board of  
Public Works and Safety/Utility Board for the preparation of minutes.