

REGULAR MEETING OF THE MISHAWAKA
BOARD OF PUBLIC WORKS AND SAFETY/UTILITY BOARD
May 13, 2014

The regular meeting of the Board of Public Works and Safety/Utility Board was called to order by President Gary West at 10:01 a.m. All members were present. Mr. Prince moved to dispense with the reading of the minutes of May 6, 2014, and accept them as circulated. Mr. Watson 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:

Assistant Police Chief Dan Gebo presented Board Resolution 2014-03 Approving Amendments to the Business Regulations Ordinance Relating to Pawnbrokers, Precious Metal Dealers, and Secondhand Stores to Accommodate the Acquisition and Use of New Property Tracking Technology. Chief Gebo said this service is free of charge to businesses and the cost to Mishawaka Police Department is approximately \$6,000.00 per year. He also said this is the same system used by South Bend Police Department. Mr. Watson moved to approve as presented. Mr. Prince seconded; motion carried.

Fire Chief Dale Freeman requested that the Board accept the voluntary retirement of David Schwier who has served the Mishawaka Fire Department for 32 years, effective May 10, 2014. The Board extended their thanks and congratulations to Mr. Schwier for his dedicated service to the community. Mr. Watson moved for the Board's approval to accept the voluntary retirement of David Schwier effective May 10, 2014. Mr. Prince seconded; motion carried.

Community Development Director Dave Thomas requested the Board receive quotes for grass mowing services for property owned by Redevelopment along North Main Street between Broadway and McKinley to be opened May 27, 2014. Mr. Prince moved to approve as presented. Mr. Watson seconded; motion carried.

Engineering Director Gary West requested the Board approve plans and authorize the receipt of bids for the reconstruction of Cleveland Road SR 23 to Fir Trail including the installation of 12" watermain to Fir Road to be opened June 3, 2014, and moved for its approval. Mr. Watson seconded; motion carried.

Mr. West requested a Waiver of the Noise Ordinance for HRP Construction and Lowe Construction due to 24-hour jacking and boring operations on West Street Storm Sewer under Norfolk & Southern Railroad beginning Monday, May 19, 2014, through Thursday, May 22, 2014, and moved for its approval. Mr. Prince seconded; motion carried.

Approval of Claims:

Mr. Watson moved to approve nineteen (19) Claim Dockets for Utilities and Civil City as submitted by City Controller Becky Miller for a total amount of \$2,996,115.76. Mr. Prince seconded; motion carried.

Hearings:

Mr. West set a hearing date of May 20, 2014 for Secondhand Store License for Tom Klopfenstein doing business at 1127 Lincolnway East.

New Business:

A request for an Exception to the Noise Control Ordinance was received from Summer Song, Inc. to operate a truck in Mishawaka until December 31, 2014. Mr. Prince moved to approve Board Resolution 2014-02 for Summer Song to operate a truck in Mishawaka 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. Watson moved to approve a request from Office Lounge, 1813 E. 12th Street, for a Waiver of Noise Ordinance to hold a birthday party on Saturday, May 24, 2014 with music from 6:00 p.m. to 11:00 p.m., subject to normal public safety conditions. Mr. Prince seconded; motion carried.

A request for Waiver of Noise Ordinance from Outpost Sports, 3602 Grape Road, to have live music during a volleyball tournament on Saturday, June 21, 2014, from 2:00 p.m. to 10:00 p.m. was taken under advisement.

The Board took under advisement a letter received from Mr. Zwickl rejecting the offer from the Utility Board and requesting a public hearing.

Old Business:

A request from the Humane Society of St. Joseph County for "Haulin' Tail" motorcycle ride on Sunday, August 24, 2014, traveling on Grape, McKinley, Main/Church, and Dragoon, continued under advisement.

A request for Notice of Recognition of Encroachment submitted by Bethel College for installation of a directional sign on Lowell Avenue continued under advisement.

Unfinished Business:

There being no additional business brought before the Board, the meeting was adjourned at 10:27 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. 2014-02

**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 May 13, 2014, for Summer Song of South Bend, Inc., 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. 2014-03

MISHAWAKA BOARD OF WORKS AND PUBLIC SAFETY

A RESOLUTION APPROVING AMENDMENTS TO THE BUSINESS REGULATIONS ORDINANCE RELATING TO PAWNBROKERS, PRECIOUS METAL DEALERS, AND SECONDHAND STORES TO ACCOMMODATE THE ACQUISITION AND USE OF NEW PROPERTY TRACKING TECHNOLOGY.

WHEREAS, the Mishawaka Police Department makes best efforts to recover stolen property for victims of crime whenever possible; and

WHEREAS, electronic reporting services are now available to law enforcement to improve and enhance efforts to that end; and

WHEREAS, the Mishawaka Police Department has identified LeadsOnline as the best electronic reporting service available; and

WHEREAS, more than 3,000 police departments throughout Indiana and the United States have successfully used LeadsOnline, and adopting the use of LeadsOnline will facilitate coordination with those departments for the successful recovery of stolen property; and

WHEREAS, LeadsOnline is compatible with the National Crime Information Center, which is a computerized index of criminal justice information available to federal, state, and local law enforcement agencies; and

WHEREAS, it is in the best interests of the residents of the City of Mishawaka to adopt and implement LeadsOnline; and

WHEREAS, certain amendments to the Business Regulations of the Mishawaka Code of Ordinances are necessary to implement the use of LeadsOnline.

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

Section 1. Chapter 18, of the Municipal Code of the City of Mishawaka, commonly known as the “Business Regulations Ordinance,” be, and the same is, hereby amended as follows:

Repeal Section 18-67 (b) in its entirety and replace with the following:

The person licensed shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police Department using the Records Management System used by the Police Department for the proceeding 24-hour

period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required.

Repeal Section 18-157 (a) in its entirety and replace with the following:

Every dealer shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police Department using the Records Management System used by the Police Department for the preceding 24-hour period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required by paragraph (2) below.

In Section 18-159, replace “seven” with “ten.”

In Section 18-162, replace “seven” with “ten.”

Repeal Section 18-614 (c) (6) in its entirety and replace with the following:

Full name, date of birth, and address of the seller.

Repeal Section 18-614 (c) (7) in its entirety and replace with the following:

Driver’s license number or social security number of the seller.

In Section 18-614 (g), add the following:

The dealer may maintain the information required by this subsection in a computer program compatible with a program maintained by the Police Department or pre-approved by the Police Department.

In Section 18-616, replace “seven” with “ten.”

Section 2. This Resolution shall be forwarded to the Mishawaka Common Council for its review and final action.

ADOPTED by the Board of Public Works and Safety of the City of Mishawaka, on this 13th day of May, 2014.

Gary E. West, President

Ronald E. Watson, Vice President

Kenneth Prince, Member

ATTEST:

Kari Myers, Clerk of the Board