

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

March 15, 2010

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday March 15, 2010 at 7:00 p.m. The meeting was called to order by President Emmons, and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following;

Dale "Woody" Emmons 1st District Councilman – (President) Present

Dave Wood 2nd District Councilman – Present

Ross Deal 3rd District Councilman - Present

Marsha McClure 4th District Councilman - Present

Michael Compton 5th District Councilman - Present

Ronald Banicki 6th District Councilman – Present

John Gleissner, Councilman At Large – (Vice President) Present

Gregg Hixenbaugh, Councilman At Large – Present

John J. Roggeman, Councilman at Large – Present

A quorum was obtained.

Others present; Deborah S. Block, City Clerk; Mary Ellen Hazen Chief Deputy I and Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel.

Clerk Block presented the following appeals and petitions to the Council, who referred them to the Plan Commission for their recommendation

PETITION NO. 2010-02 A petition submitted by Matthew A. and Stephanie K. Corban to rezone 518 West Marion Street, from I-1 Light Industrial District to R-1 Single Family Residential District
RECOMMENDED APPROVAL

APPEAL NO. 2010-06 An appeal submitted by Troy Parmelee and Carrie Parmelee for the continuation of a Use Variance to permit a used car lot on property zoned C-7 Automobile Oriented Restaurant Commercial, located at 1110 South Ironwood Drive.
RECOMMENDED APPROVAL

APPEAL NO. 2010-07 An appeal submitted by Al Fattah, LLC requesting a Use Variance for 715 East Mishawaka Avenue, to allow for a drive-up window on property zoned C-1 General Commercial District. **RECOMMENDED APPROVAL** subject to the following conditions:

1. A 10 foot pavement setback shall be established from the front property line along Mishawaka Avenue. This area shall be planted with shrubs and trees in accordance with the Landscape Ordinance.
2. A 5 foot pavement setback shall be established from the east, west, and south property lines.
3. Tree plantings in accordance with the Landscape Ordinance shall be adhered to.
4. Tan opaque fence shall be installed adjacent to any residentially zoned property.
5. The dumpster shall be enclosed in a structure of architectural block consistent with the building.
6. The ice machine shall be moved inside the building.
7. Required improvements shall be completed before the occupancy of the drive-thru.

The following proposed ordinances were given first reading, assigned to committee, and set for public hearing at the next regular meeting.

PROPOSED ORDINANCE NO. 2010-05

AN ORDINANCE AMENDING ORDINANCE 4562 WHICH AMENDS TITLE 3, CHAPTER 34, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED COMMONLY KNOWN AS THE “PERSONNEL POLICIES”

AUTHORIZING THE BUDGETING AND APPROPRIATION OF FUNDS FOR PARTIAL PAYMENT OF HEALTH INSURANCE PREMIUMS FOR ELIGIBLE AND PARTICIPATING RETIRED CITY OF MISHAWAKA EMPLOYEES
 Amending Ordinance Number 4562 Personnel Policy – Health Insurance eligible Retired Fire and Police and non-contractual PERF employees
 (Assigned to Personnel Committee)

PROPOSED ORDINANCE NO. 2010-06

AN ORDINANCE AMENDING ORDINANCE 4567 WHICH AMENDS TITLE 3, CHAPTER 34, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE “PERSONNEL POLICIES”

AUTHORIZING THE BUDGETING AND APPROPRIATION OF THE FUNDS FOR PARTIAL PAYMENT OF HEALTH INSURANCE PREMIUMS FOR ELIGIBLE AND PARTICIPATING RETIRED CITY OF MISHAWAKA EMPLOYEES
 Amending Ordinance Number 4567 Personnel Policy – Health Insurance eligible Retired Mishawaka Utilities employees.
 (Assigned to Personnel Committee)

PROPOSED ORDINANCE NO. 2010-07

AN ORDINANCE AMENDING ORDINANCE 4590 WHICH AMENDS TITLE 3, CHAPTER 34, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE “PERSONNEL

**POLICIES” SUTHORIZING THE BUDGETING AND APPROPRIATION OF FUNDS FOR
PARTIAL PAYMENT OF HEALTH INSURANCE PREMIUMS FOR ELIGIBLE AND
PARTICIPATING RETIRED CITY OF MISHAWAKA EMPLOYEES**

Amending Ordinance Number 4590 Personnel Policy – Health Insurance eligible retired contractual
(Teamster/EMS) employees
(Assigned to Personnel Committee)

PROPOSED ORDINANCE NO. 2010-08

**AN ORDINANCE APPROVING AN AGREEMENT BETWEEN
MISHAWAKA UTILITIES FOR AND ON BEHALF OF THE INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 1392**

Collective Bargaining Agreement with IBEW Local 1392 from 01-01-2010 through 12-31-2010
(Assigned to Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2010-09

**AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF
THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED,
COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF
THE CITY OF MISHAWAKA, INDIANA**

Rezone from I-1 light Industrial to R-1 Single Family Residential – 518 W. Marion Street
(Petitioner requested first and second reading)

Mr. Wood asked to suspend Council Rules and hear first and second reading on **PROPOSED
ORDINANCE NO. 2010-09** under new business, with a second by Mr. Banicki the motion carried.

RESOLUTIONS

Clerk Block read **RESOLUTION NO. 2010-02** opening it for public hearing.

RESOLUTION NO. 2010-02

ORDINANCES ON SECOND READING

Clerk Block read **PROPOSED ORDINANCE NO. 2010-04** opening it for public hearing.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY
OF MISHAWAKA REPLACING THE DRUG-FREE WORKPLACE
PROVISIONS OF THE CITY OF MISHAWAKA MUNICIPAL CODE**

Amending the Drug-Free Workplace Ordinance

NEW BUSINESS

Clerk Block read **PROPOSED ORDINANCE 2010-09** opening it for public hearing.

PROPOSED ORDINANCE NO. 2010-09

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THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED,
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THE CITY OF MISHAWAKA, INDIANA**

Rezone from I-1 light Industrial to R-1 Single Family Residential – 518 W. Marion Street

There being no further business to come before the Council, President Emmons adjourned the meeting at 7:11 p.m.

Deborah S. Block _____ /s/

Deborah S. Block, City Clerk

Dale “Woody” Emmons _____ /s/

Dale “Woody” Emmons, President Presiding Officer