

## REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

January 18, 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 January 18, 2010 at 7:00 p.m. Mr. Gleissner asked everyone to keep Martin Luther King Jr. in their thoughts as they say the Pledge of Allegiance. The meeting was called to order by Vice President John Gleissner, and all were asked to stand for the Pledge of Allegiance and remain standing for a moment of silence for Cpl. James Szuba and K-9 Ricky whose lives were lost on January 9, 2010 while responding to a call.

Mr. Hixenbaugh said there were no words to express what everyone has gone through this past week but he would like to try to thank and acknowledge the groups and individuals who helped everyone get through the traumatic events of losing Cpl. James Szuba and his K-9 Dog Ricky. He said first and foremost the Szuba Family remains in everyone's thoughts and prayers for the multiple losses they have suffered. Mr. Hixenbaugh said the charge as a community would be to support them going forward as we have this past week. He went on to say he would like to acknowledge the officers of the Mishawaka Police Department who suffered the loss of one of their brothers who under difficult circumstances showed valor and courage during this time, and each and everyday do honor to the community and to themselves.

Mr. Hixenbaugh said they also wanted to acknowledge the efforts of the South Bend Police Department, and Fire Department, the Indiana State Police and St. Joseph County Police Department for supporting our officers during the time they needed to be absent from the streets in order to participate in the various activities of mourning their fellow comrades. He said he as well as everyone else have been impressed on multiple occasions by the F.O.P. Critical Incident Team, anyone who encountered them as they went about their various tasks would agree that they were a very impressive, dedicated group of individuals who helped the family, officers, and the community get through what otherwise would have been an even more traumatic period of time.

Mr. Hixenbaugh went on to say Bethel College was another entity which was worthy of recognition, twice now in times of trial they have stepped forward to provide a facility for us to use as a community and it certainly has been appreciated. He said the Mayor's Office, Mayor Rea, the City Clerk's Office and Clerk Block, Mishawaka Fire Department, Mishawaka Street Department, and other city departments who stepped forward to again honor the community with their service during difficult times. Mr. Hixenbaugh thanked officers that came from great distances to be here and K-9 Officers that brought their K-9 Officer Dogs with them to help honor the memory of K-9 Ricky. He said also recognizing the efforts of the citizens, young and old, of Mishawaka and surrounding areas who came forward and lined the streets of our city on multiple days and stood in line for long periods of time to pay tribute to Cpl. Szuba, Ricky, and their family.

Mr. Hixenbaugh said last and not least all others who he may have not mentioned who participated in the events, supported our officers, and the Szuba family or even said a prayer on their own we can only hope that we would never have to go through a similar incident again as a community but if there was any ray of hope that comes out of this it is that even under difficult circumstances,

individuals, and groups step forward and do reaffirm our faith in common man, so again on behalf of himself and his colleagues he wanted to thank all who helped during this most difficult time.

Chief Deputy Hazen's roll call showed the following;

Dale "Woody" Emmons 1<sup>st</sup> District Councilman – (President) Absent

Dave Wood 2<sup>nd</sup> District Councilman – Present

Ross Deal 3<sup>rd</sup> District Councilman - Present

Marsha McClure 4<sup>th</sup> District Councilman - Present

Michael Compton 5<sup>th</sup> District Councilman - Present

Ronald Banicki 6<sup>th</sup> 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; Absent, Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel.

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

#### **PROPOSED ORDINANCE NO. 2010-01**

**AN ORDINANCE OF THE CITY OF MISHAWAKA AMENDING AND  
SUPPLEMENTING ORDINANCE NO. 5224 TO PROVIDE AUTHORITY FOR (i) THE  
ISSUANCE OF REFUNDING BONDS AND (ii) THE ISSUANCE BONDS UNDER  
THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009;  
OTHER MATTERS CONNECTED THEREWITH; AND REPEALING  
ORDINANCES INCONSISTENT HEREWITH**

(Amending Sewage Works Revenue Bond of 2009)

Petitioner Requesting Second Reading

Mr. Compton made a motion to suspend Council rules per request of the petitioner and hear **PROPOSED ORDINANCE NO. 2010-01**, with a second by Mr. Banicki the motion carried.

Vice President Gleissner said with a favorable vote by the Council, **PROPOSED ORDINANCE NO. 2010-01** would be heard under New Business.

Chief Deputy Hazen read **PROPOSED ORDINANCE NO. 2009-40** opening it for public hearing.

#### **PROPOSED ORDINANCE NO. 2009-40**

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF  
MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE.**

(Annex and Zone C-4 North of 1500 E. McKinley Ave – Automotive Sales)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Deal, the motion carried.

Brad Cramer, Director of Surveying for Progressive Engineering 58640 State Road 15 Goshen, Indiana, said with him was Stoyan Stoyanov the owner of the property located at 1500 East McKinley Avenue who had answers to the questions asked at the January 4, 2010 meeting.

Mr. Stoyanov said, this property would be used for a car sales lot only no mopeds and it would not be a buy here pay here they will not have an onsite finance, they would be working with several banks.

Question was called for at 7:11 p.m. on **PROPOSED ORDINANCE NO. 2009-40** with the vote being 8 to 0 in favor, thus it becomes **ORDINANCE NO. 5246**.

### **NEW BUSINESS**

Chief Deputy Hazen read **PROPOSED ORDINANCE NO. 2010-01** opening it for public hearing.

#### **PROPOSED ORDINANCE NO. 2010-01**

**AN ORDINANCE OF THE CITY OF MISHAWAKA AMENDING AND  
SUPPLEMENTING ORDINANCE NO. 5224 TO PROVIDE AUTHORITY FOR (i) THE  
ISSUANCE OF REFUNDING BONDS AND (ii) THE ISSUANCE BONDS UNDER  
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ORDINANCES INCONSISTENT HEREWITH  
(Amending Sewage Works Revenue Bond of 2009)**

John Julian, Umbaugh & Associates, Plymouth, Indiana said he was serving as a financial advisor for the Sewage Works in amending the Bond Ordinance that addresses the projects. He said the purpose of the amendment was to take advantage of the opportunity that has come on the heels of the current project that the Sewage Works had initiated last fall. Mr. Julian said the city through the Sewage Works entered into a loan arrangement with the state revolving loan program to fund some improvements at the Juday Creek Lift Station. He said as that project progressed it became apparent some modifications of the original project would enhance the benefit of that project significantly and those benefits carry a price tag of around \$550,000.00. Mr. Julian went on to explain the intent was to approach the SRF Program (State Revolving Fund) to see if the initial borrowing they undertook last fall could be expanded, and they received a very favorable response from them. He said what they have offered was to provide the \$550,000.00 financing in the form of a half loan of \$275,000.00 and half Grant \$275,000.00 and the reason they were offering the incentive of the financing package was that the clock was running out on the stimulus money the state had received from the Federal Government. Mr. Julian went on to say in addition to funding the \$550,000.00 through the stimulus money they want to create for their program some additional dollars for their purposes and one way to do that would be to refund the borrowing that was entered into last fall, which would be more in the way of a bookkeeping transaction.

Mr. Julian went on to explain this ordinance was to basically address the refunding of the borrowing they entered into last fall and replacing those dollars with new dollars this month. He said he did want to emphasize that it would be at the exact same interest rates as when they closed last fall, so there would be no financial impact. Mr. Julian said this ordinance also has some language that goes beyond this project and its intent was to add a tool to the tool box to take care of any future projects the city may enter into in the year 2010. He said what it does was authorize what was known as Build America Bonds, which was a relatively new form of borrowing for governmental units, which has turned out to be an advantage and so by amending the ordinance to create that flex ability for future borrowing. Mr. Julian explained that one of the reasons they asked for second reading on the proposed ordinance was because they need to have this completed by the end of January. He said he needed to mention that there were not very many communities in Indiana in a three week time frame that could take action or be in a position from the Councils perspective to do a loan in that short or be in a position of doing an amendment to a project of this nature in that short a time frame, it was a reflection of the states opinion of the City of Mishawaka to be able to do this. Mr. Julian said that was why it would be a win, win situation for the community.

Vice President Gleissner asked if the state does not use the stimulus money by the end of January then they have to send it back to Washington. Mr. Julian said that was correct. Mr. Gleissner said it was nice that the city was ready to take advantage of this.

Question was called for at 7:20 p.m. on **PROPOSED ORDINANCE NO. 2010-01** with the vote being 8 to 0 in favor thus it becomes **ORDINANCE NO. 5247**.

There being no further business to come before the Council, Vice President Gleissner adjourned the meeting at 7:21 p.m.

Mary Ellen Hazen, /s/  
Mary Ellen Hazen, Chief Deputy Clerk

John P. Gleissner /s/  
John P. Gleissner, Vice President