

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

February 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 February 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 – Absent

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 , 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. 2010-02

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS
FOR THE YEAR ENDING DECEMBER 31, 2010**

Additional Funds – Local Major Moves Fund \$875,000.00

Mr. Wood reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Hixenbaugh, the motion carried.

Gary West Director of Engineering said the Additional Appropriation of \$875,000 from the Local Major Moves Fund would establish the Twelfth Street reconstruction account, the environmental study has been completed for the entire corridor between Union Street and Blackberry. He said these funds would allow the city to proceed with the selection of a design engineering consultant for the first phase of the improvements to Twelfth Street which would be the section east of Capital Avenue to Blackberry Road. Mr. West stated this appropriation would be used for the following:

Subsurface soils investigation \$45,000, design \$450,000, title work, parcel engineering, appraisals of right of way \$95,000 which leaves approximately \$285,000 to be used for the actual purchase of right of way to widen the roadway.

Mr. Gleissner asked if there would be sidewalks incorporated in the new design for the Twelfth Street Corridor. Mr. West said there would be drainage, lighting, sidewalks, curbing and tree lawns put in.

Mr. Wood asked if Mr. West knew what the time frame would be for the entire by-pass project. Mr. West stated the tentative schedule is to complete all of the aforementioned phases by the end of 2011 and to begin construction in 2012.

Mr. Hixenbaugh stated this project would be funded primarily by the Federal Government. Mr. West said, yes 80%. Mr. Hixenbaugh said in light of the troubling news that they recently received from the county with regard to property tax distributions was Mr. West at all concerned about going forward with this project at this point and time, and would it pose a fiscal issue for the city down the road. Mr. West said this was coming out of the Major Moves Fund of 5 Million Dollars, and this would be the first expenditure out of those funds that are specifically earmarked for a major project and this was one of those projects. He said as they get farther west there are portions that would be put into the South Side TIF so they would have some of those funds available.

Mr. Hixenbaugh asked with the expenditure of this relatively significant amount of money would the Major Moves Fund still be left very healthy and available for future uses. Mr. West said yes it would, it was his understanding there would be \$4.5 million dollars left in that fund.

Mr. Roggeman inquired about the 30 feet of right of way that needed to be purchased. Mr. West stated that was what the consultant has estimated. Mr. Roggeman asked about how wide a swatch were they looking at. Mr. West said he was guessing about 10 feet just enough for the road way, tree lawn, and sidewalks. Mr. Roggeman asked if this would be done on both sides of the road. Mr. West said, yes it would be both sides.

Question was called for at 7:11 p.m. on **PROPOSED ORDINANCE NO. 2010-02** with the vote being 8 to 0 in favor, thus it becomes **ORDINANCE NO. 5248**.

Clerk Block read **PROPOSED ORINDANCE NO. 2010-03** opening it for public hearing.

PROPOSED ORDINANCE NO. 2010-03

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF MISHAWAKA, AMENDING TITLE III OF THE MUNICIPAL
CODE BY ESTABLISHING POLICIES AND PROCEDURES FOR THE
ADMINISTRATION OF EMPLOYER/EMPLOYEE RELATIONS IN CITY
GOVERNMENT, THE FORMAL RECOGNITION OF EMPLOYEE ORGANIZATIONS,
AND THE RESOLUTION OF DISPUTES REGARDING WAGES, HOURS, AND OTHER
TERMS AND CONDITIONS OF EMPLOYMENT**

Amending Title 111 Policies and Procedures/ Personnel Policy/Employee Relations

Mr. Roggeman reported the Personnel Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Compton, the motion carried.

Corey Hamel Staff Attorney said this ordinance was proposed to simply correct a completely and inadvertent mistake that deleted this ordinance when the Code Book was Codified two years ago.

Clerk Block said for the record this ordinance has never been in the Code Book and would now be put in for the first time.

NEW BUSINESS

Mr. Emmons said he wanted to remind everyone of his monthly neighborhood watch meeting at St. Bavo School on Thursday February 18th at 7:00 p.m. He said the guest speaker would be Ms. Voorde from Our Lady of Peace who took over the old Mishawaka St. Joseph Hospital building.

Mr. Deal said he also wanted to remind everyone of his monthly meeting and he too would be having Christine Voorde from Our Lady of Peace speak at his neighborhood watch meeting on February 17th at Twin Branch School, 7:00 p.m.

President Emmons called for a short recess at 7:17 p.m.
President Emmons reconvened the meeting at 7:25 p.m.

Mr. Gleissner asked the Mayor how the Council could address the latest issue of the \$1.5 million dollar cut in the legislature.

Mayor Rea stated that was Senate Bill 250 and he would email to the Council the hearing dates etc and keep the Council informed.

There being no further business to come before the Council, President Emmons adjourned the meeting at 8:25 p.m.

Deborah S. Block /s/

Deborah S. Block, City Clerk

Dale "Woody" Emmons /s/

Dale "Woody" Emmons, President Presiding Officer