

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 6, 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 April 6, 2010 at 7:00 p.m. The meeting was called to order by Vice President Gleissner, 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) Absent

Dave Wood 2nd District Councilman – Present

Ross Deal 3rd District Councilman - Present

Marsha McClure 4th District Councilman - Absent

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 Absent.

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

APPEAL NO. 2010-09	Amending the Traffic Code Speed Limits add East 11 th Street and All-Way stop Intersections add East 11 th Street
APPEAL NO. 2010-10	Variances to allow Outside Sales Display and Storage – NW Bremen Hwy & Ireland Road
PETITION NO. 2010-04	Rezone from R-3 Multi-Family Residential to C-1 General Commercial North of – 4343 Grape Road
PETITION NO. 2010-05	Rezone from C-1 General Commercial to R-1 Single Family Residential – 4202 Lincolnway East

REPORT OF SPECIAL COMMITTEES

Mr. Gleissner announced that at the Historic Preservation meeting on April 6, 2010 they accepted an application for a new house to join the list of 14 homes designated as historic and would be coming before the Council in May. He said a new family owns it now but it has been known as the Mittler Home on Edgewater Drive.

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

PROPOSED ORDINANCE NO. 2010-10
AN ORDINANCE AMENDING TITLE VIII, CHAPTER 58,
OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA,
COMMONLY REFERRED TO AS THE TRAFFIC CODE
(Amending the Traffic Code Speed Limits add East 11th St. and All-Way Stop
Intersections add East 11th Street)
First and second reading was requested

Mr. Hixenbaugh suggested in order facilitating the speedy implementation of this proposed ordinance he would make a motion to suspend Council Rules and hold first and second reading on this under new business, with a second by Mr. Wood the motion carried.

ORDINANCES ON SECOND READING

Clerk Block said there was a letter from the Mayor asking that **PROPOSED ORDINANCE NO. 2010-05, PROPOSED ORDINANCE NO. 2010-06, and PROPOSED ORDINANCE NO. 2010-07** be postponed and asked if she could read all three and have one motion from the Council. Mr. Gleissner asked her to proceed.

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

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.

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”

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 4590 Personnel Policy – Health Insurance eligible retired contractual Teamster/EMS) employees

Vice President Gleissner asked for a motion on Mayor Rea’s letter to postpone this ordinances indefinitely.

Mr. Compton said at the request of the Mayor he would like to make a motion to postpone **PROPOSED ORDINANCES 2010-05, 2010-06 and 2010-07** indefinitely, with a second by Mr. Banicki the motion carried.

Clerk Block read **PROPOSED ORDINANCE NO. 2010-08** opening it for public hearing.

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

Mr. Wood 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.

Jim Schrader, General Manager of Mishawaka Utilities said this ordinance would approve a collective bargaining agreement between Mishawaka Utilities and Local 1392 of the International Brotherhood of Electrical Workers. He said the membership has approved this agreement, as has the Board of Public Works and Safety, and per the Collective Bargaining Ordinance is subject to approval of the Council in Ordinance form and he was asking for their favorable approval.

Question was called for at 7:12 p.m. on **PROPOSED ORDINANCE NO. 2010-08**, with the vote being 7 to 0 in favor, thus it becomes **ORDINANCE NO. 5252**.

NEW BUSINESS

Clerk Block read **PROPOSED ORDINANCE 2010-10** opening it for public hearing.

PROPOSED ORDINANCE NO. 2010-10

**AN ORDINANCE AMENDING TITLE VIII, CHAPTER 58,
OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA,
COMMONLY REFERRED TO AS THE TRAFFIC CODE**

(Amending the Traffic Code Speed Limits add East 11th St. and All-Way Stop
Intersections add East 11th Street)

First and second reading was requested

Ken Witkowski, Police Chief said he would like to speak in favor of this proposed ordinance, he said they have studied this corridor for the last six months and what they are seeking to do is be consistent in the area. He said 10th Street has the stop signs at Iowa and Michigan and the 20 mile an hour speed limit and they would like to implement that on 11th Street also. Chief Witkowski stated that at present there are no stop signs on 11th Street to slow down the traffic and keeping the through traffic from coming off of Lowell Street onto 11th to Union. He said it is a densely populated area with all of the apartments so they would like to push the traffic onto 12th Street. Chief Witkowski asked the Council for their favorable vote on the proposed ordinance.

Gary West, Director of Engineering said to summarize on May 7, 2009 two small children were fatally injured in an auto accident while trying to cross the street at 11th and Dodge Streets. He said the estimated speed of the vehicle was 27 to 32 miles per hour; the speed limit was 30 miles per hour. Mr. West said the Police conducted a 48 hour study on Wednesday June 10, 2009 from 6:00 p.m. until 6:00 p.m. Friday the 12th. He said the results of the study showed that 80% of the vehicles traveled through there between the hours of 8:00 a.m. to 9:00 p.m. there were 100 vehicles between the hour of 8:00 a.m. and 11:00 a.m., only 10% of the vehicles exceeded 30 miles per hour so there does not seem to be a speeding issue. Mr. West said Barbie Creek has a total of 148 apartments with 375 residents putting a very dense footprint on those three blocks, 180 of those 375 are under the age of twelve years old. He said currently there are no stop signs on this corridor between Laurel Street and Union Street and the length of street is 1500 feet long. Mr. West said their recommendation to the Traffic Commission was to mirror 10th Street by putting two all way stops on Iowa and Michigan like Chief Witkowski suggested and Councilman Banicki made the suggesting to lower the speed to 20 miles per hour, the Housing Authority is in support of this and he asked for the Council's favorable vote.

Question was called for at 7:23 p.m. on **PROPOSED ORDINANCE 2010-10**, with the vote being 7 to 0, thus it becomes **ORDINANCE NO. 5253**.

There being no further business to come before the Council, President Emmons adjourned the meeting at 7:23 p.m.

Deborah S. Block _____ /s/

Deborah S. Block, City Clerk

John P Gleissner _____ /s/

John P. Gleissner , Vice President Presiding Officer