

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

June 21, 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 June 21, 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 1<sup>st</sup> District Councilman – (President) Present

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; Mary Ellen Hazen Chief Deputy I absent and Linda Dotson, Chief Deputy II, absent and Council Attorney Mike Trippel..

Clerk Block read a letter from the City Plan Commission regarding recommendations from their June 8, 2010 meeting.

PETITION NO. 2010-10      A petition submitted by Dennis Pregel and McKinley House of Bounce LLC requesting to rezone 406 East McKinley Avenue (northeast corner of McKinley and Division), from R-1 Single Family Residential District to C-1 General Commercial District.  
**Came with No Recommendation**

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

**PROPOSED ORDINANCE NO. 2010-20**

**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 R-1 Single Family to C-1 general Commercial 406 E. McKinley Ave.  
(Children's entertainment facility and retail use)

**Assigned to Land Use Planning Committee**

**PROPOSED ORDINANCE NO. 2010-21**

**AN ORDINANCE AMENDING CHAPTER 58, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “TRAFFIC AND VEHICLES” OF THE CITY OF MISHAWAKA INDIANA**

Amending “Traffic and Vehicles” Edgewater Drive one-way from Mishawaka Ave. to John Street and adding an all-way stop  
Assigned to Public Health and Safety Committee

Clerk Block read **PROPOSED ORDINANCE NO. 2010-17** opening it for public hearing.

**PROPOSED ORDINANCE NO. 2010-17**

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010**  
(Additional Funds – Rainy Day Fund \$319,000.00)

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

Yvonne Milligan, City Controller said this additional for \$319,000.00 coming from the Rainy Day Fund is for upgrades to the accounting system software, which would give their office greater capabilities for reporting. She said they plan on not having this installed until October.

Question was called for at 7:07 p.m. on **PROPOSED ORDINANCE NO. 2010-17** with the vote being 9 to 0 in favor, thus it becomes **ORDINANCE NO. 5260**.

Clerk Block read **PROPOSED ORDINANCE NO. 2010-18** opening if for public hearing.

**PROPOSED ORDINANCE NO. 2010-18**

**AN ORDINANCE AMENDING TITLE VIII CHAPTER 58 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA COMMONLY REFERRED TO AS THE TRAFFIC CODE**  
(Traffic Code – All Way Stop Intersection’s Milburn Boulevard Neighborhood)

Mr. Gleissner reported the Public Health and Safety Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Deal, the motion carried.

Gary West, Director of Engineering said the proposed addition to the all way stop schedule includes the addition of 2 all way stop intersections, at Middleboro and Delaware, another at Alabama on Delaware Street and one on Panama and Meridian Streets which would be about mid-way between

Logan and Carlton Streets. He said originally this was a three month plan during the construction on Milburn Boulevard but with all the traffic from the school, and the Little League Park he felt one of the safest things they could do was to leave them in permanently, so that was his recommendation.

Mr. Gleissner asked if there were certain standards to put up these types of signs. Mr. West said there are specific warrants that need to be met and they were going to do that during the temporary maintenance of traffic, but his concern was if they were up for three months and then taken down it would add to the confusion and create some hazards. He said they have had requests over the last 4 or 5 years so he would hope these stop signs would discourage people from speeding in that area.

Question was called for at 7:13 p.m. on **PROPOSED ORDINANCE NO. 2010-19** with the vote being 9 to 0, thus it becomes **ORDINANCE NO. 5261**.

Clerk Block read **PROPOSED ORDINANCE NO. 2019** opening it for public hearing.

### **PROPOSED ORDINANCE NO. 2010-19**

#### **AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010** (Additional Funds – Rainy Day (Public Safety) \$1,042,115.71

Mr. Compton 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.

Mayor Rea explained the funding for the Public Safety Rainy Day Fund came from a one-time distribution from the County Welfare Levy. It must be used for public safety purposes. The uses proposed are necessary and have been a priority for some time, however have not been able to obtain because of the lack of funds, and he believes this is the appropriate time to move forward.

Jeff Rea, Mayor stated the purpose of this ordinance was to allocate funds from the Public Safety Rainy Day Fund for use within the public safety departments. He said there were four specific needs that they believe are pressing needs and necessary expenditures for these funds.

1. **\$53,166** be allocated for purchase of Lap Top Computers for take home police cars program. This allocation would purchase 12 additional laptops along with the Jag Grant they would be able to purchase 7 more bringing the total number of laptop computers to 87.

Mayor Rea stated long term they feel this was the way to do it so that 87 computers don't have to be replaced at the same time as they try to do with all of their equipment things can be phased out one at a time.

2. **\$496,948.71** be allocated for the purchase of Police Cars. There would be a replacement of 20 or more police cars.

He said cash flow has hampered the replacement of police cars; they have purchased some cars but are still behind on the take home police car program in terms of just regular replacement.

3. **\$50,000** be allocated for consulting services related to the consolidation of the dispatch center. The General Assembly has mandated that by 2014, St. Joseph County will only be allowed to have two public safety dispatch centers. Wanting Mishawaka to be one of those they need to do some building and equipment analysis and programming to understand the capabilities and limitations. The study would include analyzing the current Police Dispatch area as well as the space at the EMS Station on Mishawaka Avenue.

Mayor Rea explained the East End Fire Station has been on the agenda for quite some time now and has long been talked about replacing Station #4 on Lincolnway East. He said they are trying to coordinate the timing of that replacement with the construction of Capital Avenue Extension. Mayor Rea said each time the construction date has changed for this project so does the date for the new Fire Station. He said the good news is the State of Indiana has bid the Capital Avenue construction project and they do expect construction to start later this year. Mayor Rea stated it would take a couple of years to finish the Capital Avenue project and the city would like to time the opening of a new Fire Station some time after Capital Avenue is opened. He said they have not picked out a site yet but this gives them the ability to move the process forward.

4. **\$442,000** be allocated for Design/Consulting Services related to the construction of the new East End Fire Station. This station would be replacing Fire Station #4 on Lincolnway East with a new fire station in the general area of 12<sup>th</sup> Street/Capital Avenue. Timing of that station was to coincide with the construction of Capital Avenue.

Mayor Rea stated State Law has required that 911 centers be consolidated between now and 2014. He said one option was to set up two dispatch centers in St. Joseph County that would do primarily South Bend Police, Fire and County Police and one in Mishawaka that would primarily do Mishawaka Police, Fire and County Fire. Mayor Rea explained they would plan to build some redundancies into the system: this would help all of the tax payers of St. Joseph County by not having to build a brand new consolidated dispatch center. He said they have discussed two Mishawaka locations, the current station is adequate but could it handle the additional county fire call volume. Mayor Rea went on to say they have talked about moving ambulances out of Fire Station #5 located on Mishawaka Avenue and into the fire houses for long term effectiveness, for delivery of ambulance services leaving the Fire Station on Mishawaka Avenue available for a dispatch center. Mayor Rea said in regards to the financial part of this project, it would not be fair for the Mishawaka taxpayers to take on the burden of dispatching for the entire county so at some point their needs to be a good study on how those two centers would be funded long term. He said they have engaged Senator Bayh, Senator Lugar, and Congressman Joe Donnelly's office as they seek Federal Homeland Security dollars.

Mr. Compton stated there now would be enough lap tops for each police car. Mayor Rea said that was correct. Mr. Compton asked in regards to take home police cars what was the criteria was it 3 years or 5. Mayor Rea said officers with 1 year and above would be able to have a take home car.

Mr. Gleissner said it was his understanding that everyone but probationary officers. Mayor Rea said that was correct, the last couple of years it was 5 years and over because of lack of vehicles but now they can revert back.

Mr. Gleissner stated at the Long Range Planning meeting they derived a Fire Department long range spread sheet and the police now have one too and it is very helpful to be able to look ahead 5 to 10 years. He said also he wanted to bring it to the Mayor's attention that the International Fire in Washington DC has some great services regarding locations and designs that are free.

Mr. Deal said when talking about the dispatch center consolidation his concern was, is the city wasting money, the systems are not compatible so when the consolidation occurs, was the equipment the city has going to be used. Mayor Rea said that technology was evolving at such a pace that even if other units are a different platform we would still be able to communicate. He said St. Joseph County and the State are migrating to 800 megahertz system and we have our own 800 megahertz system they think the two will be compatible, emergency management has some Federal Home Land Security dollars to make sure that communication happens. Mayor Rea said there will be no switch from Mishawaka on platforms, the City of Mishawaka has a state of the art system and he looks for other communities to be migrating towards that.

Mr. Wood asked what makes up County Fire. Mayor Rea said Clay Township does dispatching for all of the townships Fire Departments so it would be all of those.

Mr. Hixenbaugh said as part of the Long Range Planning Committee they have had a chance to meet with Police Chief Witkowski, Fire Chief Freeman, Ms. Milligan City Controller, Mr. West, and Mr. Prince had some great conversation. He wanted to express his appreciation to all concerned and expressed how great it was to be able to meet all of these needs and get police cars. Mr. Hixenbaugh went on to say he appreciates all the efforts and creativity that went into identifying this funding source and all the hard work that went into this both on the part of the administration and the Council.

Question was called for at 7:39 p.m. on **PROPOSED ORDINANCE NO. 2010-19** with the vote being 9 to 0 in favor thus it becomes **ORDINANCE NO. 5262**.

### **PRIVILEGE OF THE FLOOR**

Robert Peterson 435 East 13<sup>th</sup> Street said he was still waiting to get something done about the parking problem on his street due to the apartment complex. He has lived there for 40 years and when they wanted to build the apartments the people in his neighborhood asked questions about the parking and was assured there would be no on street parking. Mr. Peterson said there is no where for him to park, and the people in his neighborhood are afraid of the damage to their cars because of retaliation. He said there was a large parking lot available for the apartments and wants those people to park there.

Sue Peterson 435 East 13<sup>th</sup> Street, asked Mr. Wood if he had heard anything about their situation. Mr. Wood said he was aware there was a plan concerning this situation and part of the plan involves people who own private property and is not sure where that stands at this time.

Ms. Peterson said when she approached the Council several months back she told them the apartment complex honored the no parking on the street for 30 plus years it has been the last 10 years the neighborhood has had to put up with parking situation. She said she has three cars parked around her house and there are 80 parking spaces available in the apartment complex lot, they have pushed their problem out into the neighborhood they are no longer good neighbors. Ms. Peterson said it is not only the parking but they have loud music playing, they through trash in their yard, slam cars and make noise.

She said they are asking the Council for their help, she realizes the police can't be there every minute but there should be something that can be done.

Mr. Wood asked Ms. Peterson to leave her phone number with Mr. Prince so that he could get back with her regarding this situation.

Mr. Wood said this problem has been getting attention but it was not something that could be rectified in a short time, it may take a year before they can resolve it. He said they do have a plan in place for parking at Hillis Hans Park and they are trying to refine the plan from suggestions they got from the neighborhood.

Mr. Peterson suggested signs be put up that state Residential Parking Only all others would be towed. He said the apartment complex did and it worked for them.

Mayor Rea, reminded everyone of Summerfest at Kamm Island on the 27<sup>th</sup>, Friday night; Main Stage performing The Wedding Singer, with most of the activity being on Saturday. He said he wanted to thank all of the sponsors, which allow the city to have this event every year at no expense to the city.

### **UNFINISHED BUSINESS**

Clerk Block asked the Council to reconsider an ordinance that was past at the last Council Meeting, Proposed Ordinance 2010-16/ **ORDINANCE 5259**, inadvertently a portion of the ordinance was left out regarding the vacation of the alley east of 514 West Marion Street. She said the gentleman involved was asked if there was an easement and he stated he was not aware because it was inadvertently left out of the ordinance. Clerk Block read the portion of the ordinance that was omitted, the gentleman is now aware of the easement and is in agreement with it, she asks the Council to reconsider and amend this ordinance adding this information.

President Emmons asked the Council for a motion to amend **ORDINANCE 5259** with a motion from Mr. Compton to amend this ordinance and a second from Mr. Wood the motion carried.

### **NEW BUSINESS**

Mr. Hixenbaugh said in early June the School City Board of Trustees received letters written by the 5<sup>th</sup> Grade Students at Liberty School as part of a class project asking the city to review the speed limits on Pregl Drive and also on Division Street surrounding Liberty School. He said he would like

to ask President Emmons to help facilitate the transmission of these letters to the administration and the Traffic Commission for their review.

President Emmons said he would assign this project to the Public Health and Safety Commission.

Mr. Emmons said he had his June monthly meeting and Councilman Gleissner was the speaker talking about the historical buildings and areas in the City of Mishawaka and he did a fantastic job.

There being no further business to come before the Council, President Emmons adjourned the meeting at 8:01 p.m.

Deborah S. Block /s/

Deborah S. Block, City Clerk

Dale "Woody" Emmons /s/

Dale "Woody" Emmons, President Presiding Officer