

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

August 17, 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 August 17, 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.

The minutes from the August 2, 2010 meeting were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding recommendations from their August 10, 2010 meeting.

PETITION NO. 10-13

A petition submitted by the City of Mishawaka Redevelopment Commission to rezone 501 West Sixth Street from C-1 General Commercial District to R-1 Single Family Residential District.

RECOMMENDED APPROVAL

PETITION NO. 10-14

A Petition submitted by Richard LaFree requesting to amend the Deer Run Planned Unit Development from commercial and industrial uses to residential uses to permit the development of nine two-story multi-family apartment buildings with 132 units.

RECOMMENDED APPROVAL with the following amended conditions:

1. The minimum building setback shall be 25 feet from all property lines.
2. Landscaping shall be provided in accordance with the Commercial Landscaping Ordinance.

3. Dumpsters shall be screened by a wall matching the building materials of the principle building.
4. Two (2) monument signs with a sign display height no greater than four (4) feet high by eight (8) feet wide, and with a vertical height of the sign no greater than five (5) feet above the ground. One sign may be installed at each of the two entrances. Sign bases shall be solid, void of open areas and shall be faced or constructed of masonry materials to match the construction of the principal building.
5. Temporary signs shall be prohibited.

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

PROPOSED ORDINANCE NO. 2010-28

**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 C-1 General Commercial to R-1 Single Family Residential District
501 West 6th Street)
Assigned to Land Use Planning Committee**

PROPOSED ORDINANCE NO. 2010-29

**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
(Amend the PUD – Deer Run PUD for the Preserve II=Multi Family Apartment Buildings Deer Run Drive and Fir Road)
Assigned to Land Use Planning Committee**

PROPOSED ORDINANCE NO. 2010-30

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011
(Elected Officials Salary Ordinance for 2011)
Assigned to Budget and Finance Committee**

PROPOSED ORDINANCE NO. 2010-31

**AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2011.
(City Employees Salary Ordinance for 2011)
Assigned to Budget and Finance Committee**

Clerk Block read **PROPOSED ORDINANCE NO. 2010-26** opening it for public hearing.

PROPOSED ORDINANCE NO. 2010-26

**AN ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA APPROPRIATING THE PROCEEDS (TOGETHER WITH INVESTEMENT EARNINGS THEREON) DERIVED FROM THE SALE OF REVENUE BONDS OF THE CITY HERETOFORE AUTHORIZED TO BE ISSUED FOR THE PURPOSE OF FINANCING THE COSTS OF CERTAIN ENERGY SAVINGS IMPROVEMENTS, TOGETHER WITH EXPENSES INCIDENTAL THERETO
(Appropriating Proceeds from Revenue bonds – energy savings improvements)**

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

Yvonne Milligan, City Controller said this ordinance would appropriate the proceeds of the sale of the Bonds that were purchased from the Mishawaka Public Improvements Bond Bank to the City of Mishawaka in the amount of \$1,366,252.00 to be used for the energy conservation improvements.

Question was called for at 7:10 p.m. on **PROPOSED ORDINANCE NO. 2010-26** with the vote being 9 to 0 in favor, thus it becomes **ORDINANCE NO. 5267**

Clerk Block read **PROPOSED ORDINANCE NO. 2010-27** opening it for public hearing.

PROPOSED ORDINANCE NO. 2010-27

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, AMENDING THE MUNICIPAL CODE BY ESTABLISHING A UNIFORM SCHEDULE OF FEES
(Amend Municipal Code – Uniform Schedule of Fees)**

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. Banicki, the motion carried.

Cory Hamel, Staff Attorney said, this ordinance comes on the heels of the better part of two years of planning and preparation, what they have done was nail down what the specific costs were for each

fee, what goes into the fees including manpower, inventory costs, equipment costs, and fuel, to come up with a value they thought would be proper for the fees to take place. He said the construction of the ordinance, was to set up one centralized area that anyone could turn to and find the fee that was applicable to them, the second reason was to make it easier to modify fees at a later date if necessary.

Eric Hiatt, 55721 Reeves Drive, Osceola, Firefighter Union 360, President said he was speaking in favor of the raise in fees specifically for the ambulance, they strongly believe the city needs a third ambulance and hope the revenue the fee increase would produce would help accomplish that goal.

Question was called for at 7:15 p.m. on **PROPOSED ORDINANCE NO. 2010-27** with the vote being 9 to 0, thus it becomes **ORDINANCE NO. 5268**.

UNFINISHED BUSINESS

Clerk Block read **PROPOSED ORDINANCE NO. 2010-24** opening it for public hearing.

PROPOSED ORDINANCE NO. 2010-24

**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 to R-1 Single Family 905 East Mishawaka Avenue)**

John LaViolette 4036 Harrison Creek Court, said he purchased this property for his sister, she was trying to establish credit by purchasing the property from him and in order to do that they have to rezone the property residential.

Question was called for at 7:18 p.m. on **PROPOSED ORDINANCE NO. 2010-24**, with the vote being 9 to 0 in favor thus it becomes **ORDINANCE NO. 5269**.

President Emmons said they needed to call for a special October 27, 2010 at 7:00 p.m. in the Council Chambers for the final adoption of the 2011 budget. Mr. Wood Made a motion to call for a special meeting on the budget with a second by Mr. Gleissner the motion carried.

Mr. Hixenbaugh stated August 17, 2010 was the first school day for Mishawaka students and he wanted to acknowledge the fact that Milburn Boulevard around LaSalle School and Main Street the entrance way to John Young Junior have had extensive construction work done this summer and on behalf of the school corporation they appreciate the fact that Milburn was done on time and certainly has improved the neighborhood and would benefit the school and the entire segment of the community. He said with regard to John Young he was please to report a smooth start under difficult circumstances, but with the help of the contractors, Mr. West City Engineer, and the assistance of the Mishawaka Police Department, it went much better then could have ever been expected and he wanted to thank everyone involved in both of these circumstances.

Mr. Emmons reminded everyone of his neighborhood watch meeting at St. Bavo School on August 19th the topic would be Habitat for Humanity at 7:00 p.m.

Mr. Emmons said he wanted to thank Mayor Rea since this was his last official Council Meeting as Mayor for all of his work and diligence in serving the City of Mishawaka, he knows he was happy with the work he has done in the city and was looking forward to the challenge ahead working for the South Bend Chamber of Congress. He said speaking on behalf of the Council they wish him well and look forward to him coming back and speaking on behalf of the Chamber.

Mayor Rea said it was difficult to speak without being emotional it has been a fantastic opportunity for him and he has worked very hard and diligent as has the Council and the staff, he could thank everyone enough for all of their hard work and help. He said Mishawaka was doing fantastic and it was a tough decision to walk away in the midst of such success but he was not leaving he would still be a part of the community only serving it in a different way and looks forward to working with everyone in his new roll and thanked everyone for their kind remarks.

There being no further business to come before the Council, President Emmons adjourned the meeting at 7:25 p.m.

Deborah S. Block /s/

Deborah S. Block, City Clerk

Dale "Woody" Emmons /s/

Dale "Woody" Emmons, President Presiding Officer