

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

June 20, 2011

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 20, 2011 at 7:00 p.m. The meeting was called to order by President John Gleissner and all were asked to stand for the Pledge of Allegiance and asked all to remain standing for a moment of silence in remembrance of Jan Opfel former City Clerk who recently passed away.

Clerk Block said she was initially hired by Jan Opfel in August of 1979 and trained under her: taking Pam Deal's place when she left the Clerk's Office. She said she didn't know Jan prior to working for her and was trained well by her. Clerk Block said in hiring her Jan has afforded her to do what she does today. Mary Ellen Hazen was hired by Jan in 1986 when Debbie left. She said the longevity of her service along with Mary Ellen and Linda Dotson coming on board in 1996 gives the office many years of experience, they are here for the citizens and Jan taught them that, she taught them to be good public servants, she was a very good women and would be dearly missed.

Clerk Block's roll call showed the following;

Dale "Woody" Emmons 1st District Councilman – Present
Mike Bellovich 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 – 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 minutes from the June 6, 2011 meeting were approved as received from the Clerk's Office.

Lt. Tim Williams, DARE Instructor, Mishawaka Police Department, introduced his two DARE Essay representatives for the state finals for 2011, Kelly Lentsch, 6th Grade, Twin Branch School and Lina Marchi 5th Grade, also from Twin Branch School.

Clerk Block read a letter from the Plan Commission regarding recommendations from their June 14, 2011 meeting.

PETITION #11-11 A request submitted by Mishawaka Indiana Congregation Of Jehovah's Witnesses, South Unit, to rezone 123 Bain Avenue from R-1 Single Family Residential District to C-1 General Commercial District. **RECOMMENDED APPROVAL**

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

PROPOSED ORDINANCE NO. 2011-11

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 to C-1 Relocation of Moose Lodge facility – 123 Bain Avenue)
Assigned to Land Use Planning Committee

Clerk Block opened **PROPOSED ORDINANCE NO. 2011-07** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-07

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2011

(Additional Funds – Public Safety Fund \$394,173 (Upgrade Motorola)

Mr. Belovich reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the Council as a whole and moved for acceptance of same, upon a second by Mr. Compton, the motion carried.

Steve Ravotto, Assistant Chief, said he was advised by Motorola that it was necessary to upgrade the communication system so equipment and people can be in place by September. He said the update would help lower cost, improve communication, remote access, flexibility, and eliminate hardware.

Mr. Compton said eliminating hardware would mean advancing to higher technology. Chief Ravotto said yes.

Mr. Gleissner informed Chief Ravotto that a Long Range Planning meeting would be set in the near future and asked that he and Chief Witkowski make a list of up and coming things to be discussed.

Question was called for at 7:25 p.m. on **PROPOSED ORDINANCE NO. 2011-07** with the vote being 9 to 0, thus it becomes **ORDINANCE NO. 5305**.

Clerk Block read **PROPOSED ORDINANCE NO. 2011-08** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-08

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2011**

(Additional Funds –MVH \$350,000 (Salt Barn))

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the Council as a whole and moved for acceptance of same, upon a second by Mr. Compton, the motion carried.

Mike Watson, Street Commissioner, said he was requesting this money to build a Salt Barn at the 5th Street location that would hold 3,800 tons of salt. He said as it is they only have the capacity to store 500 tons and they get the salt from Chicago or Benton Harbor which takes time especially if the weather is bad and they have run short on occasion. Mr. Watson said the 500 ton storage unit would remain as a pick up point

Mr. Banicki asked if bids would be taken on this project. Mr. Watson said yes; they would need to have drainage, a small road, fence and landscaping done and they would put it up for bid. Mr. Banicki asked if this could be done in house. Mr. Watson said no, they had many projects and did not have the expertise for this one. Mr. Roggeman asked if there were better prices on salt if purchased in larger amounts. Mr. Watson said no. Mr. Roggeman wanted to know if the Salt Barn could be used for something else in the summer months. Mr. Watson said no, they would just keep salt in it. Mr. Gleissner asked if the salt was pre-treated. Mr. Watson said yes, but he would eventually like to be able to treat and mix it themselves in the spring and summer; it would save them approximately \$10 a ton. Mr. Bellovich said the Salt Barn would save money, and reduce the risk of possibly running out of salt.

Question was called for at 7:35 p.m. on **PROPOSED ORDINANCE NO. 2011-08** with the vote being 9 to 0, thus it becomes **ORDINANCE NO. 5306**.

Clerk Block read **PROPOSED ORDINANCE NO. 2011-09** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-09

**AN ORDINANCE AMENDING ORDINANCE NUMBER
5233 APPROVING THE CITY OF MISHAWAKA INDIANA
COUNTY ECONOMIC DEVELOPMENT INCOME TAX
CAPITAL IMPROVEMENT PLAN**

(Amendment to the CEDIT Plan 2011-2012)

Mr. Compton reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the Council as a whole and moved for acceptance of same, upon a second by Mr. Banicki, the motion carried.

Ken Prince, City Planner, stated he was making his presentation on **PROPOSED ORDINANCE NO. 2011-09 AND 2011-10** because the two ordinances were linked

BACKGROUND

- In 2010, one of the specific needs identified by the Administration was the conversion of the Mary Gibbard Pool to a splash pad.
- \$100,000 was requested as part of the CEDIT plan to address this conversion.
- The Council requested a public meeting process and recommendation from the Park Board prior to considering the request.
- This process occurred and resulted in a recommendation from the Park Board to convert the pool into a splash pad as part of a larger master improvement plan.
- The Common council pulled the CEDIT funding and requested additional discussion before potentially considering re-allocating funds.
- A joining meeting between the Common Council, Park Board, and Administration occurred in January of 2011 to discuss Park Capital Improvements and how the City might move forward on Mary Gibbard Park.
- The general feedback on the plan was positive, but it was acknowledged that this plan would need to be presented for public input prior to adoption.
- At that meeting, it was clear that a likely majority of the Council were in favor of providing another year to evaluate attendance at Mary Gibbard Pool.
- It was also clear that the Park Board, having already studied and evaluated the issues, and having already voted to clear that the Park Board, having already studied and evaluated the issues, and having already voted to close the pool, wanted to move on and not reconsider opening the pool for 2011.
- Since no resolution could be reached on the Splash Pad/Pool in January, conversion/construction for the 2011 season was no longer possible.

MOVING FORWARD

- The Administration, Council, and Park Board appear to be in complete agreement that funds should be directed toward and improvements should be made to Mary Gibbard Park. The only issue that continues to be debated is to keep the pool or to replace it with a splash pad
- Since January, the administration has been evaluating the situation.
 - Mayor's Youth Council
 - Evaluation of Hillis Hans
 - Hearing resident feedback on pool closure
- Although our plan was to address the Park as part of the 2012 budget, it is fortuitous that a home immediately adjacent to the Park has come for sale prompting this proposed amendment to the CEDIT Plan and request for additional funds.
- At this time, we are requesting approval of an additional \$200,000.
- Approximately \$80,000 is allocated for property acquisition, demolition, and clearing of 917 Grand Boulevard (Maximum purchase price of \$64,900)
- Property Owner- Kenneth McNeely, Real Estate Agent Sharon McDonald.

PROPERTY ACQUISITION

- 917 Grand Boulevard
- The importance is both that it is currently for sale and at the edge of the park. The property can be incorporated into any future plan for the park.

- Approximately \$120,000 of the requested \$200,000 is allocated for immediate improvements to the Park to be determined as part of neighborhood input on the draft master plan excluding any improvement to the Pool or implementation of a Splashpad.
- Ball park estimates for all the improvements and property acquisition envisioned is approximately a million dollars.
- It is envisioned that this funding would just be phase I of what could occur over a series of years. The Administration is hopeful to provide Phase II funding as part of the proposed 2012 Budget.

MARY GIBBARD CAPITAL IMPROVEMENT NEEDS

(other than Splashpad/Pool Conversion)

- Updated/improved play equipment and surface
- Reconstructed Basketball/Volleyball Courts
- New sidewalk connections
- Street Connections/Placing the property in the round
- Seating/Plaza Adjacent to restroom
- Property acquisition
- New Pavilion
- Building/restroom locker improvements/updating.

PROPOSED SCHEDULE – if approved:

- Appraise and purchase 917 Grand Boulevard (July 2011)
- Conduct neighborhood meeting on draft master improvement plan and potential improvements (August 2011)
- Review Budget needs, present draft 2012 budget to Council (Summer 2011)
- Demolish and Clear 917 Grand Boulevard (Fall 2011)
- Design and implement Phase I of Park Improvements (Fall/Winter of 2011)

Mr. Gleissner asked Mr. Prince how much would be needed for the purchase of the house. Mr. Prince stated with acquisition and tear down \$80,000.

Mr. Compton and Mr. Gleissner both expressed how upset they were over the fact that Mary Gibbard Pool did not open this summer. They stated they were led to believe the pool would be open to determine how much it was actually used by the residents. In their opinion had suffered low attendance the past couple of years due to extreme circumstances, one of them being construction of sewer replacement in that area closing so many of the streets for long periods of time. Mr. Compton asked Mr. Prince if the pool was in need of repair. Mr. Prince said no it was mothballed and not opened. Mr. Gleissner said the Council has been refused the right to get figures and he was very unhappy about that.

Mr. Compton made a motion to continue **PROPOSED ORDINANCE NO. 2011-09** with a second by Mr. Hixenbaugh the motion carried.

Mrs. McClure expressed her concern about the purchase of the house, feeling it was good to add this land to the park and a delay could cost the house to sell to someone else.

Mr. Emmons asked Mr. Prince if they had gotten appraisals on the house. Mr. Prince stated they needed money to order those. Mr. Bellovich asked how long it would take to get appraisals on this property. Mr. Prince responded if this was approved it would take about 2 to 3 weeks to get the results and then they could accept the price or renegotiate which would take approximately another 2 weeks and would then have to set up a closing date, most likely early August.

Clerk Block mentioned that if this was continued they would need to advertise it again in the local paper as that has already been done as notice to the taxpayer.

Kenneth McNeely, the owner of 917 Grand Boulevard stated the property has been on the market since March and if this deal did not go through he would not be able to keep it off the market as he was anxious to sell it.

Question was called at 7:50 p.m. on the motion to continue **PROPOSED ORDINANCE NO. 2011-09** with the vote being 2 to 7 if **FAILED** with Mr. Compton and Mr. Emmons voting in favor.

Mr. Compton stated he was very disappointed the pool was not open and all of this could have been decided after they had the numbers from this year. He said there was no good reason for that pool to be closed this year.

Mr. Roggeman said he was in favor of the \$200,000 appropriation it was logical and in the best interest of everyone that the park be updated. Mr. Emmons agreed on the update of the park and said it was in need but did not want to give the Park Board a blank check. He said he would agree on the \$80,000 for the purchase of the house. Mr. Compton said he agreed with Mr. Emmons and would support that. Mr. Banicki and Mr. Deal concurred with Mr. Roggeman in that it would be in the best interest of everyone to go ahead and approve the \$200,000.

Mrs. McClure said when elected to represent a district you love and protect that district. She said she too was under the impression the pool was to be open the summer of 2011 and the attendance would then help decide on its destination.

Mr. Hixenbaugh said he too does not understand why the pool at Mary Gibbard Park was not open this summer and made a motion to amend **PROPOSED ORDINANCE NO. 2011-09** to read only the \$80,000 for the acquisition of the house, Mr. Compton 2nd that motion.

Question was called for at 8:17 p.m. on the \$80,000 amendment to **PROPOSED ORDINANCE NO. 2011-09** the vote being 4 to 5 it **FAILED** with Mr. Compton, Mr. Emmons, Mr. Hixenbaugh and Mr. Gleissner voting in favor.

Question was called for at 8:18 p.m. on **PROPOSED ORDINANCE NO. 2011-09** as it was originally presented to the Council, with the vote being 7 to 2 in favor with Mr. Compton and Mr. Emmons both voting no, thus it becomes **ORDINANCE NO. 5307**.

Clerk Block read **PROPOSED ORDINANCE NO. 2011-10** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-10)

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2011**

(Additional Funds – CREDIT - \$200,000)

Mr. Emmons 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.

Sharon McDonald, ReMax 100 Agent, said from a realtor's perspective parks are for the community and this park is in need of an up grade and there are funds available. She said she knew the Council must have their reasons for not wanting to approve it at this time but wanted to say making this park more attractive could only make the homes in this area more value and this should be of primary importance.

Mr. Compton said of course they are interested in upgrading this park that is one of the reason they were upset the pool was not open this summer and if it were open wouldn't that have been an advantage to her as a realtor. Ms. McDonald said yes of course.

Mr. Emmons said the Council was not against improvements to the park they were misled by the Park Board. He said the \$120,000 was available it would not be taken away just held back until decisions have been made.

Mr. Hixenbaugh said he could see where people may be confused at the scenario but the Council does have the best interest of the community at the forefront and were concerned about why the pool was closed in the first place. He said Ms. McDonald did not need to bring that to their attention.

Mr. Hixenbaugh said as a body they were very interested in upgrading the park and was concerned about the Park Board's position as it stands.

Question was called for at 8:30 p.m. on **PROPOSED ORDINANCE NO. 2011-10** with the vote being 7 to 2 in favor, thus it becomes **ORDINANCE NO. 5308**, with Mr. Compton and Mr. Emmons voting NO.

There being no further business to come before the Council, President Gleissner adjourned the meeting at 8:30 p.m.

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

John P. Gleissner /s/
John P. Gleissner
Presiding Officer