

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL  
November 09, 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 Wednesday, November 9, 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.

Clerk Block's roll call showed the following;

Dale "Woody" Emmons 1<sup>st</sup> District Councilman – Present  
Mike Bellovich 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 – Absent  
Ronald Banicki 6<sup>th</sup> 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 October 17, 2011 meeting were approved as received from the Clerk's Office.

Clerk Block read the following appeal and referred it to the Plan Commission for their recommendation.

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|------------------------------|---|
| <b>PETITION NO. 2011-24</b>  | Vacation of Public Right of Way – Portion of Fulmer road East of Bremen Highway                                   |
| <b>PETITION NO. 2011- 26</b> | Rezone from C-1 Com to C-3 City Center<br>201 – 203 East Mishawaka Avenue   |
| <b>PETITION NO. 2011-27</b>  | Amend the PUD for 6.197 acres, more or less – southwest corner of East 12 <sup>th</sup> Street and Capital Avenue |
| <b>PETITION NO. 2011-28</b>  | Annex and Zone PUD – north side of Douglas Road East of Fir Road – Annexation #1                                  |
| <b>PETITION NO. 2011-29</b>  | Annex and Zone PUD – north side of Douglas Road East of Fir Road - Annexation #2                                  |
| <b>PETITION NO. 2011-30</b>  | Annex and Zone PUD – north side of Douglas Road East of Fir Road – Annexation #3                                  |

**PETITION NO. 3011-31** Amend the S-2 PUD for Multi-Family, Single Family and General Commercial Toscana Park 52598 Gumwood Drive.

**PETITION NO. 3011-33** Scrivener's error for Floodplain Ordinance 52598.

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

**PROPOSED ORDINANCE NO. 2011-29**

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2011**  
(Transfer Funds – Street Dept. \$15,000.00)  
(Assigned to Budget and Finance Committee)

**PROPOSED ORDINANCE NO. 2011-30**

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2011**  
(Transfer Funds – park & Recreation Department \$25,000.00)  
(Assigned to Budget and Finance Committee)

**PROPOSED ORDINANCE NO. 2011-31**

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2011**  
(Addition Funds - \$270,000.00)  
(Assigned to Budget and Finance Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2011-17** opening it for public hearing.

**PROPOSED ORDINANCE NO. 2011-17**

**AN ORDINANCE APPRIVING THE CITY OF MISHAWAKA, INDIANA COUNCY ECONOMIC DEVELOPMENT INCOME TAX CAPITAL IMPROVEMENT PLAN**  
(Amending the CEDIT)

Mr. Hixenbaugh made a motion to continue this proposed ordinance to the November 21, 2011 meeting, with a second by Mr. Banicki the motion carried.

Clerk Block read **PROPOSED ORDINANCE NO. 2011-26** opening it for public hearing.

**PROPOSED ORDINANCE NO. 2011-26**  
**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,**  
**INDIANA, APPROVING AND AUTHORIZING THE**  
**EXECUTION OF A LEASE AND APPROVING OF THE ISSUANCE OF BONDS**  
**RELATING TO THE CONSTRUCTION AND EQUIPPING OF A**  
**NEW FIRE STATION AND OTHER RELATED MATTERS**

(Approving and authorizing the issuance of bonds related to the construction and equipping of a new Fire Station and other related matters)

Mr. Bellovich 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 she was asking for approval of this proposed ordinance to approve a lease between the City of Mishawaka and the Mishawaka Building Corporation, for the execution of bond sale to the Mishawaka Local Bond Bank to build and equip the new fire station. She said the idea behind the Building Corporation was to not have these bonds be part of the 2% debt limit. Ms. Milligan stated, that was why it was a lease rental, which gives them more bonding power if they need it, not taking away from what they have. She said their bonding power presently was 9.5 million and of that they have bonded 7.1 million and this lease was for 4 million dollars.

Question was called for at 7:08 p.m. on **PROPOSED ORDINANCE NO. 2011-26** with the vote being 8 to 0 in favor, thus it becomes **ORDINANCE NO. 5324**.

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Clerk Block read **PROPOSED ORDINANCE NO 2011-27** opening it for public hearing.

**PROPOSED ORDINANCE NO. 2011-27**  
**AN ORDINANCE AMENDING ORDINANCE NO. 1666 BEING AN ORDINANCE**  
**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 AS AMENDED.**

**(Amending Ordinance 1666 collective bargaining agreement)**

Mr. Emmons made a motion to continue this **PROPOSED ORDINANCE** to the November 21, 2011 Council meeting, with a second by Mr. Hixenbaugh the motion carried.

**NEW BUSINESS**

Mr. Roggeman said this was a historic moment as it will be the last appointment made by this Council under the old way of doing things that seemed to have worked very well in Mishawaka for a

lot of years. He said the Council would still have an appointment to the School Board but it would only be one every four years as opposed to appointing one every year. He said it was his pleasure to nominate this person who was a product of the Mishawaka School System, and not only was he a student here but came back to teach in the Mishawaka Schools for many years, he also was a coach in the Mishawaka system and of course has been on the School Board for the last several years, it was his distinct honor to nominate Larry Stillson for the School Board appointment, Mr. Banicki second the motion.

Mr. Emmons made a motion to close the nominations, with a second by Mr. Hixenbaugh the motion carried.

Mr. Hixenbaugh said he wanted to recuse himself on this vote as has been his past practice due to his employment with the Mishawaka School System.

Mr. Bellovich said he would be recusing himself also due to his wife working for School City of Mishawaka.

Question was called for at 7:13 on the School Board nomination of Larry Stillson with the vote being 6 to 0 in favor, with 2 recusing.

President Gleissner congratulated Mr. Stillson on his appointment. to the School Board.

There being no further business to come before the Council, President Gleissner adjourned the meeting at 7:20 p.m.

Deborah S. Block, \_\_\_\_\_/s/  
Deborah S. Block, MMC  
City Clerk

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