

AGENDA

January 3, 2012

**Meetings of Standing Committees
Council Conference Room
6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

Minutes from December 19, 2011

- 5. Petitions, Communications, Remonstrance and Memorials**
- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**

R2012-01 - Fiscal Plan for Annexation North of 914 and 916 E. McKinley Ave.

- 9. Ordinances on Second Reading**

P.O. No. 2011-34 - Annex and Zone to I-1 Light Industrial and C-4 Auto Oriented - North of 914 and 916 E. McKinley Ave. (Assigned to Land Use Planning Committee) **Amendment Requested Vote Only**

- 10. Privilege of the Floor – Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**

Appointment of Council Attorney

Two Appointments to the Redevelopment Commission.

Plan Commission, Historic Preservation Committee, and Council Committees.

Council Representation on Various Boards

Council Acceptance of Conflict of Interest Forms

- 13. Adjournment**

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
December 19, 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, December 19, 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.

President Gleissner asked everyone to remain standing for a moment of silence for Mayor Wood's step father who past away.

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 – Absent

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 November 21, 2011 and December 5, 2011 meetings were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding recommendations from their December 13, 2011 public hearing.

APPEAL NO 2011-48

An appeal submitted by C & O Real Estate, LLC, requesting a Use Variance to permit lawnmower sales and service on an I-1 Light Industrial zoned property at 3935 Glaser Court. **RECOMMENDED APPROVAL**

Clerk Block read **RESOLUTION NO. R2011-19** opening it for public hearing.

RESOLUTION NO. 2011-19

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT:**

3935 Glaser Court, Mishawaka, Indiana

(Use Variance to allow Lawnmower Sales on an I-1 Light Industrial Zoned Property)

Len C. Zappia, Attorney at Law said he was representing C & O Real estate LLC, the owner of this property and are currently operating a landscaping business at this site. He said this was a light industrial zoning and they were requesting a Use Variance to operate a landscaping, business. He said it was a new facility built by C & O Real estate LLC of approximately 8,000 square feet, operating a residential and commercial landscaping business with 11 full time employees from March to November and in the winter months there are 3 full time employees. Mr. Zappia said they maintain heavy duty landscaping equipment, and repair their own equipment, and would like open a lawnmower repair shop and be able to sell parts and equipment; this would increase their employees to 12 fulltime.

Mr. Banicki asked if there would be any outside storage. Mr. Zappia said no the facility was 8,000 square feet and there would be no need for outside storage.

Mr. Emmons asked if the outside storage that was there now would be cleaned up. Mr. Zappia stated they were in the process of doing that, they did not know they were in violation of the zoning requirements until the inspection and are currently moving everything inside.

Question was called for at 7:07 p.m. on **RESOLUTION NO. 2011-19** with the vote being 8 to 0 in favor.

Clerk Block read **PROPOSED ORDINANCE NO. 2011-38** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-38

AN ORDINANCE AMENDING SECTION 30.30 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, COMMONLY KNOWN AS “THE COUNCILMANIC DISTRICT ORDINANCE”, AND HEREBY REDEFINING THE BOUNDARIES OF THE COUNCILMANIC DISTRICTS OF THE CITY OF MISHAWAKA, INDIANA (Redistricting of Councilmanic Districts)

Mr. Compton made a motion to continue this proposed ordinance indefinitely, with a second by Mr. Banicki the motion carried.

PRIVILEGE OF THE FLOOR

Sandy Arnold 1230 West 6th Street thanked the out going Council members for their service to the city and wished them the best of luck in the future.

Paul Gleissner said his oldest brother John Gleissner leaving his Council seat was the end of an era for the Gleissner family. He said since 1960 a Gleissner has held office whether it be on the Council or Penn Township Trustee for 46 out of the 51 years, he said he was very proud to be a Gleissner. Mr. Gleissner said he has been a Mishawaka Fire Fighter Paramedic for the last 26 years and that four out of five of the fire stations has the name Gleissner inside on a wall.

James E. Benjamin 901 North Webster Street said he has been a life long resident of Mishawaka and served with John Gleissner and Gregg Hixenbaugh on the Council for years. He did not have the

pleasure of serving with Ross Deal but he has kept up with the Council and wanted to say that Ross has done a great job and he appreciates all the things he has done. Mr. Benjamin said to Mr. Hixenbaugh that when the time was right to move on it was time. He said as for John he has been here for ever and even though they did not always agree he took something away from the argument that would benefit him in the future and he appreciated that.

Mary Gueist, 1509 Shelton Drive, said John Gleissner was a life long friend of hers and she agreed with Mr. Benjamin, John and her have not always agreed but they were able to agree to disagree. She said her friend John Gleissner was an honest man and has always had at the center of his heart what was best for the City Of Mishawaka and it's residents.

UNFINISHED BUSINESS

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

PROPOSED ORDINANCE NO. 2011-17

AN ORDINANCE APPROVING THE CITY OF MISHAWAKA, INDIANA COUNTY ECONOMIC DEVELOPMENT INCOME TAX CAPITAL IMPROVEMENT PLAN (Amending CEDIT)

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.

Ken Prince, City Planner filling in for Mayor Wood said there were a variety of improvements in Park Capital Improvements.

Mr. Hixenbaugh said he was glad to hear the city was committed to opening the Mary Gibbard Pool, fixing the slide, and putting seating around as well as advertising in the communicator that the pool would be open. He said he want to emphasis that the Mishawaka School City would be working with the administration in getting the word out that it would again be available to Mishawaka residents

Mr. Emmons thanked everyone involved and felt the attendance would be up with the construction on Milburn Avenue being completed and with the new improvements the city was willing to make to the pool and pool area.

Mr. Prince said it would still be open only on a trial basis this summer to see how well it would be attended and it would be up to the Park Board to make the final decision.

Mr. Gleissner suggested lower the rate due to the fact the pool was smaller and shallower. Mr. Prince said the Family pass covers both pools.

Question was called for at 7:30 pm on **PROPOSED ORDINANCE NO. 2011-17** with the vote being 8 to 0 in favor.

NEW BUSINESS

Clerk Block said she would be reading three Resolutions and having the vote at the end of the third.

RESOLUTION NO. R2011-20

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING ROSS J. DEAL
FOR SERVICE TO THE CITY OF MISHAWAKA**

RESOLUTION NO. R2011-21

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING GREGG A. HIXENBAUGH
FOR SERVICE TO THE CITY OF MISHAWAKA**

RESOLUTION NO. R2011-22

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING JOHN P. GLEISSNER
FOR SERVICE TO THE CITY OF MISHAWAKA**

These three **RESOLUTIONS PASSED** by a unanimous voice vote.

There being no further business to come before the Council, President Gleissner adjourned the meeting at 8:29 p.m.

Deborah S. Block, _____/s/
Deborah S. Block, MMC
City Clerk

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

RESOLUTION NO. 2012-01

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

North of 914 & 916 East McKinley Avenue

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section Three (3), Township Thirty-seven (37) North, Range Three (3) East described as beginning at the Southeast corner of a parcel of land containing 7 ½ acres taken off the entire length of the East side of 17 ½ acres off the West side of said Southeast Quarter of the Southwest Quarter; thence North 1320 feet to the North line of said Quarter Quarter Section; thence West 177 feet; thence South 1020 feet; thence West 235.5 feet; thence South 300 feet to the South line of Section 3; thence East along said South line 412.5 feet to the point of beginning.

COMMON ADDRESS: North of 914 & 916 East McKinley Avenue

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

PASSED by the Common Council of the City of Mishawaka, Indiana, this 3rd day of January, 2012, at 7:06 o'clock P.M.

John J. Roggeman /s/
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this 4th day of January 2012, at 10:15 o'clock A.M.

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

APPROVED by me this 4th day of January 2012, at 10:35 o'clock A.M.

David A. Wood /s/
David A. Wood, Mayor