

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
May 09, 2018

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 May 09, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

Clerk Block read the following Petition to the council, who referred them to the City Plan Commission for their recommendations.

PETITION NO. 2018-12 Rezone from I-1 Light Industrial to R-1
Single Family 1111 Webster

PETITION NO. 2018-13 Rezone from C-1 General Commercial to R-1
Single Family for Two Existing Houses and
Accessory Building 421 & 501 S. Capital

PETITION NO. 2018-14 Rezone from C-1 General Commercial to C-4
Auto Oriented Commercial for Car Wash
East of 906 W Edison

Clerk Block read the following resolutions by title and was opened for public hearing.

RESOLUTION NO. 2018-10

**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
PROPERTY LOCATED AT:**

Juday Creek Golf Course consisting of 137.89 acres and being commonly located at 14770
Lindy Drive, Granger, IN 46530.

Ken Prince, City Planner stated the proposed request was forwarded for review to all applicable City Departments. He said each department were asked what expenditure/cost would be required to service the area and if the request could be accommodated with the funds currently approved within the City Budget. Mr. Prince continued to say in this case it was an existing golf course it was a well intensity use which would be used for wells for the new city wellfield. He said none of the departments requested any additional funding for their budget at this time.

Question was called for at 7:04 P.M. for **RESOLUTION NO. 2018-10**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

PROPOSED ORDINANCE NO. 2018-08

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 to C-7 Auto Oriented Restaurant 4515 LWE)
(Assigned to the Land Use Planning Committee)

Mr. Tanner reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Banicki motion carried.

Donald Smith, Attorney represented the petitioners. He said the letter spoke for itself. Mr. Smith hoped for the council's support.

Mrs. Voelker asked when they planned to open the new Starbucks. Mr. Smith said they were looking to close on the property in the next 3 to 4 weeks. He continued to say they were hoping to open mid or late fall. Mr. Smith said there would mostly be interior construction, renovation should be quick.

Question was called for at 7:07 P.M. for **PROPOSED ORDINANCE 2018-08**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

PROPOSED ORDINANCE NO. 2018-09

AN ORDINANCE CONCERNING THE CONSTRUCTION OF ADDITION AND IMPROVEMENTS TO THE SEWAGE WORKS OF THE CITY OF MISHAWAKA, THE ISSUANCE OF REVENUE BONDS TO PROVIDE THE COST THEREFORE, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WORKS, THE SAFEGUARDING OF THE INTEREST OF THE OWNER OF SAID REVENUE BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT THEREWITH,

(Sewage Work Revenue Bond)
(Assigned to the Budget and Finance Committee)

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

John Julian, Partner Umbaugh & Associates said this was the authorization step to move forward with the next round of improvements that were called for in the sewage works. He went on to say the bonds authorized were approximately 13 million dollars, which would address the needs in the Linden, Milburn and Crawford neighborhoods as well as other projects. Mr. Julian said this was a step they contemplated when the overall master financial plan was created a couple years ago when rates and charges were adjusted in a multiple phase. He continued to say this was the financing to take care of the next round of projects.

Mayor Wood encouraged the councils support. He said this would help do projects as a part of the city's long-term control plan in areas of the city. Mayor Wood went on to say they were attempting to renegotiate their long-term control plan with IDEM. He said the city was currently held to 0 overflows, they were negotiating for 8. Mayor Wood said if they could receive 8 overflows, it would eliminate 1.8 million gallons or get 1.8 million gallons down from 321 million gallons in a typical base line year which started in 1990. He continued to stay this was an impressive 99.4% reduction in volume if they were allowed the 8 overflows. Mayor Wood said as they take out a bond for the projects they had and accrue now, these projects were necessary whether or not they receive the additional overflows, the city would continue the projects. He explained this would help reduce the flows for this year. Mayor Wood said they believe this was a good faith effort to continue to reduce CSO Volume. He mentioned the bond was currently built into the current rate structure; sewer rates would not be raised to complete projects.

Mrs. Voelker questioned the number of overflows this year. Mayor Wood said they had 15 overflows. He continued to say there were some large and some small overflows. Mayor Wood said the City of Mishawaka was the only CSO community held at 0 overflows, which is the reason they were negotiating to get to a level that was realistic for the rate payers.

Mr. Tanner asked was the tremendous flooding from a couple months ago considered as one overflow event. Mayor Wood believed it was. He continued to say the ground freezing and the snow melting were factors that played a part in the flooding event. Mayor Wood mentioned every overflow was documented where it occurred. He said the waste water treatment plant did very well, they did not put any waste into the St. Joseph River during that flooding event, whereas other communities did. Mayor Wood said as a part of renovations to the plant overtime flooding was a big concern, they have designed and tried to accommodate floods as a part of their design work, which he believed would help in negotiations. He continued to say although Mishawaka did not suffer any damage and with St. Joseph County recently being opened up for flood relief, the city would be able to tell the story of the waste water treatment plant operating exceptionally well.

Mr. Canarecci asked in regard to the time line for projects, would they ever come a point when they would need an answer from IDEM. Mayor Wood said the clock was ticking on some of the

projects especially as it relates to the long-term control plan. He continued to say there were bench marks but their biggest was the Deep Tunnel Storage. Mayor Wood said they were 90% finished working with the Engineering Department on the project. He said if they were unable to renegotiate, the city would have to complete that project but they were optimistic they would not. Mayor Wood informed the council the EPA and IDEM were aware of the time line for the projects. He said they were negotiating in good faith, the EPA and IDEM sent a response letter and the administration met with them personally. Mayor Wood continued to say they were in the early stages; they had great consultants on board to help with scientific modeling and come up with good alternatives that were cost affective, showed a good level of control and essentially solving the problems they want the city to solve without impacting the rate payers. He hoped the time line worked out, they did not know how long the process would take but they were moving in the right direction. Mayor Wood said if they did not reach a bench marks for the deep tunnel, he did not believe they would see major penalties. He said he was very confident they would not have to build the deep tunnel, they were building economic hardship case to help, and they believed it was effective. Mayor Wood continued to say they had millions of dollars of construction projects that were completed, which made a difference and allowed the door to be open to renegotiate. He said the city eliminated 98.2% discharge by volume, it was compelling and not too many of the neighboring communities could say that.

Mr. Mammolenti questioned the neighboring cities percentage of discharge by volume. Mayor Wood said he did not know by number but they were not close to the City of Mishawaka. He continued to say they began working on the long-term control projects before they signed the consent decree, they took a proactive approach. Mayor Wood hoped this would help the city get out of some of their major commitments.

Questioned was called for at 7:21 P.M. for **PROPOSED ORDINANCE NO. 2018-09** 

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

PRIVILEGE OF THE FLOOR

John Young Middle School History Teacher Brian Zbrzeny, and 8th grade students Grace Zerbel, Kathryn Habel, Bailey Darnell, Bowen Basker were participating in a National History Day Competition at the University of Maryland from June 11-15th. They were asking for monetary funding in the community to help with expense for their trip.

Members of the council express their support and congratulated Mr. Zbrzeny and the students for their hard work.

UNFINISHED BUSINESS

PROPOSED ORDINANCE NO. 2018-05

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

(Annex and Zone E. of Fir Rd. S. of Toll Rd. – wellfield and water facility)
(Assigned to the Land Use Planning Committee)
(VOTE ONLY)

Mrs. Voelker reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Banicki motion carried.

Question was called for at 7:35 P.M. for **PROPOSED ORDINANCE NO. 2018-05** 
Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

PROPOSED ORDINANCE NO. 2018-07

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.

(PUD Amend- Apartment Development S. of Vistula, E. of Bittersweet)

Clerk Block read a letter from the developer requesting to table **PROPOSED ORDINANCE NO. 2018-07** until the next meeting on May 21, 2018.

NEW BUSINESS

Mr. Deal announced the Twin Branch Neighborhood Meeting would be Wednesday May 16th at 7:00PM. The speaker would be Ken Prince, City Planner.

Mrs. Voelker announced the Unveiling of a Historic Marker on May 22nd 1:00PM at 834 LWE. This recognition is honoring Elizabeth Ann Richardson 1918-1945 a Mishawaka High School Graduate. She died in a plane crash while serving in the U.S. Military; she was buried in the Normandy American Cemetery.

Mr. Emmons announced the St. Bavo’s First District Neighborhood Meeting would be May 17th at 7:00PM the speaker To Be Announced.

Mayor Dave Wood informed the council the city is sponsoring a Habitat Home in the Jimmy and Rosalynn Carter Project, if anyone is interested in participating they needed to sign up.

Mayor Dave Wood also announced the Police Memorial on May 17th, 7:00PM at the Police Station.

ADJOURNMENT 7:42P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President