AGENDA

Monday, December 3, 2018

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**

   November 19, 2018

5. **Petitions, Communications, Remonstrance and Memorials**

   Appeal No. 2018-44 Use Variance to allow Multiple Buildings, One Drive-thru Restaurant on One Parcel Zoned C-1 - Vacant Land N of 5102 N Main St (Portillo's)

   Petition No. 2018-31 Annexation and Rezoning to C-6 53013 Fir Rd FHS Investments, LLC

   Petition No. 2018-32 PUD Amendment S 10 Acres of Coussens SE Main & Douglas PUD & Lot 1 Portillo's Main St

6. **Report of Special Committee**
7. **Ordinances on First Reading**

   P.O. NO. 2018-31 Transfer Funds - $15,000.00 MVH

   P.O. NO. 2018-32 Additional Funds - Sidewalk & Curb - $20,359.00

   P.O. NO. 2018-33 Amending Internal Control Standards

   P.O. NO. 2018-34 Establishing a New Ambulance Fund

   P.O. NO. 2018-35 Deferred Compensation Matching Plan

   P.O. NO. 2018-36 Amending the Civil City Salary Ord for 2019

   P.O. NO. 2018-37 Transfer Funds - Park & Recreation - $57,000.00

8. **Resolutions**
9. **Ordinances on Second Reading**

   P.O. NO. 2018-29 Rezone from R-1 to C-1 proposed Electrical Contractors Office and Warehouse - Northwest corner of S Elder St. and Norton St.(Assigned to Land Use Planning Committee)

P.O. NO. 2018-30 Amending the Building Code Schedule of Fees (Assigned to Budget and Finance Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

P.O. NO. 2018-24 Rezonings from C-1 to C-4 for Proposed Car Wash Facility 4405 & 4415 Grape Rd

12. New Business

13. Adjournment

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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
November 19, 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 Monday November 07, 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. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.
Absent: Mr. Compton.

Minutes for the Regular Meeting of November 07, 2018 were approved as received from the Clerk's Office.

Clerk Block read the following the following Appeals and Petition to the council, who referred them to the Board of Zoning Appeals and City Plan Commission for their recommendations

APPEAL #18-36 An appeal submitted by IRC Princess City Plaza, L.L.C. requesting a Use Variance for **4520 Grape Road (Dick's Sporting Goods)** to allow up to three temporary storage structures.

The Board, with a vote of 4-0, recommended approval, subject to the following:

1. Installation of a 6' vinyl fence in a color to match the building on the east side of the containers.

APPEAL #18-38 An appeal submitted by Robert L. Miller requesting a Use Variance for vacant land north of **55260 Fir Road** to allow outside storage area for a proposed fence contractor.

The Board, with a vote of 3-1, recommended denial. If approved, the Use Variance would be subject to the following conditions:

1. An Administrative Site Plan shall be submitted.
2. Gravel areas shall be limited to a screened outside storage area identified on the site plan.
3. No vehicles shall be parked/stored on an unpaved surface.
4. No known hazardous materials shall be stored on site.

PETITION #18-30 A petition submitted by John A. and Jayne L. Piraccini requesting to rezone vacant property near the **northwest corner of South Elder Street and Norton Court** from R-1 Single Family Residential District to C-1 General Commercial District.

The Commission, with a vote of 4-3 in favor, forwarded *no recommendation* due to a lack of five (5) votes.

Clerk Block read the following proposed ordinances by title were assigned to a committee and set for public hearing at next meeting

PROPOSED ORDINANCE NO. 2018-29

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.
(Rez from R-1 to C-1 Electrical Contract Office corner S. Elder & Norton St.)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-30

AN ORDINANCE AMENDING LAND DEVELOPMENT CODE, PART II, APPENDIX A, SCHEDULE OF FEES, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED,
(Amending Building Code Schedule Fees)
(Assigned to the Budget and Finance Committee)

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

RESOLUTION NO. 2018-23

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AUTHORIZING THE PARTICIPATION OF SAID CITY IN THE MOTOR FUEL BUDGETING PROGRAM OF THE INDIANA BOND BANK FOR THE 2019 BUDGET YEAR, THE EXECUTION OF THE QUALIFIED ENTITY REIMBURSEMENT AGREEMENT IN CONNECTION THEREWITH AND OTHER RELATED MATTERS

Rebecca Miller, City Controller recommended they continue the program at least through Fiscal Cliff 2020 to 2021 as any wild fluctuation would be a detriment to an already burdened cash flow. She stated drastic changes in the oil market did not significantly affect the city budget in gasoline or diesel purchases.

Mr. Banicki asked how many communities participated in the program. Ms. Miller replied 4 this year. Mr. Banicki wondered why there were not many communities participating in the program. He said last year he was hesitant to vote in favor, it seemed as they were not benefiting from the program. Mr. Banicki continued to say the economy and gas prices were stabilized; it seemed the city was paying out fees for someone to take care of this. He asked was that true. Ms. Miller replied yes, it was an insurance policy in case they did have fluctuation above or below the collar.

Mr. Canarecci asked how much it cost to participate in the program this year compared to last year. Ms. Miller said total fees this year was $4,000 dollars. She said last year they payed $11,000 dollars because gas prices went below the collar, they had to pay additional cost to keep the city within the budget. Ms. Miller explained the collar was set, when price went above the collar the city would receive a check from the Bond Bank. Mr. Canarecci asked what percentage of the overages the collar covered. Ms. Miller said it depended on the percentage the city decided to hedge. She continued to say they were between 60 and 70 percent.

Mr. Mammolenti asked at what point the collar amount was set. Ms. Miller explained for next year the collar was not established, they would establish after all application were received from participants. Mr. Mammolenti asked if gas prices increase a dollar how much it would influence the city. Ms. Miller said it would influence quite a bit, the program compares prices to the NYMEX market daily average. Mr. Mammolenti also asked how many gallons they used. Ms. Miller said she did not have the figures.

Mr. Bellovich asked how many communities were offered the program. Ms. Miller said it was a state-wide program through Indiana Bond Bank. She said all Municipalities and all entities were eligible for the program.

Mrs. Voelker asked what other organization participated in the program. Ms. Miller referenced from her chart, she said there were 6 participants for diesel. She mentioned there were more participants in the past.

Mr. Deal said from 2015 forward with the acceptation of the slight increase last year, their cost was trending down from a high of 25,000 in 2015 to the current 4,000. He asked did Ms. Miller attribute it to a better way of predicting or the market stability. Ms. Miller said she believed it was some of both, they were setting the collar for the upcoming year and the market was falling within the collar more often than not. Mr. Deal questioned how long the program had been around. Ms. Miller said she was not sure, but the city has participated in the program for 10 years. Mr. Deal said it seemed they were getting better at predicting and if the cost were to stay around $4,000 dollars, it was a fairly insignificant amount of money in a 50-million-dollar budget, it was cheap insurance. Ms. Miller said when they paid $25,000 the gas was below the collar, they were not spending as much out of their budget line. She said they spent what they had budgeted but they were not going to go over the budget. Ms. Millers continued to say this was a budget control tool so stay within the budget.

Mr. Mammolenti asked if they did not participate this year would they be able to participate closer to the fiscal cliff. Ms. Miller said she believed so.

Question was called for at 7:15 for RESOLUTION NO. 2018-23 **Vote:** Motion passed (**summary:** Yes = 7, No = 1, Abstain = 0). **Yes:** Mrs. Voelker, Mr. Tanner, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.
No: Mr. Deal.

RESOLUTION NO. 2018-24

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:

4520 Grape Road, Mishawaka, Indiana

Tammy Ortman representing Dick's Sporting Goods and property owner IRC Princess City Plaza. She said they were requesting to allow 3 trailers to be used for storage behind the Dicks Sporting Goods store. Ms. Ortman said the trailers would be used for larger inventory items for the store to be able to accommodate their customer interest. She said without the storage units the store would be short of inventory. Ms. Ortman mentioned the landlord expressed their support for the trailers. She said back in 2000 Dicks Sporting Goods had 6 storage trailers, they agreed to have a limit of 3 trailers and fencing to block the line of sight off of Main Street.

Mr. Emmons asked would the sporting goods store own the trailers, and would they be they forever. Ms. Ortman replied no, she said they have been renting them since 2005. She continued to say it was possible the trailer would remain as long as the tenants were there. Mr. Emmons also questioned the size of the trailers. Ms. Ortman said the trailers were 8 by 6 feet wide and a little over 30 feet long.

Mrs. Voelker questioned the security for the trailers and would there be a lock on the fence. Ms. Ortman said Dicks Sporting Goods did not have any issues so far. She continued to say there was a regular pad lock on each of the storage trailers. Ms. Ortman said there would be a strip of fence to block the line of sight off of Main Street. She said the trailers would not be enclosed by the fence.

Mr. Mammolenti asked how often the trailers were inspected. Ms. Ortman said it happened one time, they were unaware it was happening. She said the Fire Department had questions whether there were any hazardous materials. Mr. Mammolenti asked if any of the other tenants came to request trailers would there be enough space for more. Ms. Ortman replied yes, they had the minimum distance between the back side of the building and the edge of the pavement which backed up to the creek. She continued to say in that minimum space, the building was on an angle, it narrowed at Dicks Sporting GoodS and would get wider as they moved towardS Khols. Ms. Ortman said the nearest store had a storage area with a dock that backed up to spacing as well as Khols.

Mr. Emmons asked were the trailers on wheels. Ms. Ortman replied no, the trailers were stationary.

Mr. Mammolenti asked was there enough space in the back of the store for Emergency Vehicles. Ms. Ortman said yes, they made sure to have two 12-foot travel lanes on the pavement.

Question was called for at 7:24 P.M. for **RESOLUTION NO. 2018-24** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).**Yes:** Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

RESOLUTION NO. 2018-25

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:

Vacant Land North of 55260 Fir Road, Mishawaka, Indiana

Daryl Knipp, Abonmarche Consultants represented the petitioner and property owner Judge Robert Miller and the contingent purchaser and applicant Chris Loftus. He said they were requesting a variance for outside storage for Mr. Loftus to relocate his company from McKinley Avenue in the County to the proposed site. Mr. Knipp continued to say Mr. Loftus was outgrowing his current space and was in need for more. He said the project would include a new 7,000 and 200 square foot building on 6.4 acres on the east side of Fir Road with a small parking lot and outdoor storage proposed behind the building. Mr. Knipp went on to say the property was currently zoned I-1, the proposed use was allowed, this request was for the variance to allow the outdoor storage. He said the applicant would like to add a privacy fence adjacent to developed area along the south property line, the north side was adjacent to the railroad tracks and the east side of the property was bounded by woods, railroad tracks and the Home Street industrial area. Mr. Knipp said if approved the project would go through the final site planning. He mentioned they did not receive a favorable vote from the Board of Zoning Appeals but they did have recommendation of approval from the staff. Mr. Knipp said the concerns of the BZA were drainage, decrease in property values and quality of life. He went on to say in regards to the drainage concerns, this project would go through the Mishawaka final site plan process which required approval from the Engineering Department. Mr. Knipp said they were aware of the sandy soil, the high ground water and the borings. He stated they had experience in designing in those conditions and they were comfortable with the proposed site. Mr. Knipp said the site would likely have a retention basin behind the building and the storage area would be on the eastside. He went on to discuss the concerns of property values and quality of life, he said the proposed use was allowed in the current zoning and Fir Road currently had commercial uses, this was a logical growth east of Mishawaka and east of Grape Road and Main Street.

Mr. Deal asked what would be stored outside and would it be visible from street. Mr. Knipp said fencing materials would be stored in the back and it would not be visible from street.

Mrs. Voelker asked was there residential property next door to the proposed property. Mr. Knipp said there was a resident to the south.

John Piraccini, realtor represented Honorable Robert Miller and purchaser Chris Loftus. Mr. Piraccini read a letter from Honorable Miller; it gave history of the proposed site and his support. He continued to say Mr. Loftus needed more space to accommodate his business growth. Mr. Piraccini passed out drafted site plan to show the council and address the concerns of the two remonstrators. He said the remonstrators were comparing their concerns to the commercial properties south. Mr. Piraccini continued to say the visibility of storage materials out south were county issues. He went on to say with the wooded buffer and fencing, the materials would not be seen.   Mr. Piraccini said Mr. Loftus searched for 18 months for a larger property for his business to accommodate his growth.

Mr. Mammolenti questioned the location of the access drive and the other structure that appeared to be on the property line. Mr. Piraccini said the access drive would be on the south. He continued to say a surveyor would determine whether the structure was a part of the property.

Chris Loftus, potential purchaser said he has been in the industry for 24 years, but he started his company 6 years ago. He said over the last 6 year they have grown 20 percent a year. Mr. Loftus said they were a union company and they worked all around the state. He continued to say their materials for storage were dropped shifted to the build site, but some materials came back with them. Mr. Loftus mentioned they also had some equipment. He said with the growth the storage was really important, they did store some materials inside in which the new building would accommodate. Mr. Loftus said they did have a couple of dumpsters for trash and scraps. He said he lived closed to the proposed property and he would be able to keep an eye on it. Mr. Loftus continued to say they were growing with the city and they did a lot of work with city such as the underpasses and the new garage on Main Street.

Mr. Deal asked how much material would be visible to the neighbors. Mr. Loftus said the city required they build a 7-foot privacy fence along the south perimeter on the residential side. He said he was willing to build higher if allowed. Mr. Loftus said everything would be secured including trucks being put away in a secured area. He continued to say the wooded buffer area would remain. Mr. Loftus said there may be a potential second phase down the road in the back area if they needed the space but the space they were proposing was 10 times bigger than their current property.

Mr. Deal asked was there any work done on site and would it be a noise concern. Mr. Loftus said they build wooden gates, but it took place indoors. He said the only possible noise would be loading and unloading trucks. Mr. Loftus said business hours would be 8 a.m. to 5p.m. Monday through Friday. Mr. Deal also question if Mr. Loftus had any complaints at his current site. Mr. Loftus replied no, they did not have any issue. He said there was residential north across McKinley, the rest was a landscape nursery and they worked well together. Mr. Loftus continued to say other than the space constraints they had no issues. He mentioned they recently rented space a couple miles down the road for a lay down yard until they move.

Mr. Canarecci asked how many employees he currently had and would there be many new positions once they move. Mr. Loftus said they had 15 to 16 crewmen, 2 outside salesmen, and 2 office personnel. He continued to say as they grow they would hire more. Mr. Loftus said because they were a union they could have up to 45 employees, some were from the union. Mr. Canarecci also asked did they higher locally on out of city projects. Mr. Loftus said yes, they mostly hired locally, they had some travel laborers.

Mr. Mammolenti asked how many company trucks would be parked on site and how many deliveries would they receive at the location per week.   Mr. Loftus said some of the vehicles were take home vehicles, maybe 6 would remain on site. He said their main vendor delivered one maybe two per week and their other vendor they bought direct would ship multiple jobs at the same time two or three times per month. Mr. Mammolenti also questioned the types of trucks. Mr. Loftus said they were straight flatbed trucks or semi size. Mr. Mammolenti said based on Mr. Loftus statement regarding theft, he asked was he planning to gate the access drive. Mr. Loftus replied yes.

Question was called for 7:49 p.m. for **RESOLUTION NO. 2018-25 Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).Yes: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.**

PRIVILEGE OF THE FLOOR

Mayor Wood announced Saturday November 24, 2018 at Mishawaka Police Station at 6 P.M. would be the arrival of Santa and the lighting of the City Christmas Tree with special guests.

Unfinished Business

Clerk Block read the following Proposed Ordinances by title and opened for public hearing.

PROPOSED ORDINANCE NO. 2018-27

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.
(Vacation Right-of-way portion Madison & Pine Streets)
(Petitioner requested amendment)

Mrs. Voelker made a motion to accept the amendment **of PROPOSED ORDINANCE NO. 2018-27** second Mr. Banicki motion carried.

Chris Chockley, Architect Engineer represented the Center for Hospice care. Mr. Chockley said they meet with City Planner Ken Prince to discuss the vacation and parking concerns. He continued to say they reviewed the plan and the came up with two revisions. Mr. Chockley said they were amending the requested vacation to include Madison from Pine Street to the north south alley way that was west of Cedar Street. He said the portion of Pine Street would remain within the vacation requested and the east portion of Madison Street from the alley way to Cedar Street would remain as public right-of-way. Mr. Chockley said the second revision was for the angled parking spaces. He said they reviewed the linear curbs from alley way to Cedar Street; they modified the angled parking area to 8 instead of 7 spaces.

Mrs. Voelker asked would the only access to Madison Street be through the alley. Mr. Chockey replied yes, the only way to access Madison was through the alley from Comfort Place, it was converted to one-way street.

Eric Campbell 301 Edgewater thanked the council for listening; she was pleased with the new outcome for parking.

Members of the council thanked City Planner Ken Prince, Developers and Center for Hospice for working with the neighbors. They expressed they were glad Madison Street would continue to be utilized by citizens. Mrs. Voelker also thanked the Electric Department for removing the wires.

Question was called for at 8:00 P.M. for **PROPSOED ORDINANCE NO.2018-27** Thus, it becomes **ORDINANCE NO. 5633AA**

NEW BUSINESS

Mrs. Voelker recognized Mike Bellovich and Mayor Dave Wood for the dedication of the World War I plaque.

Mr. Canarecci stated the Mayor's Youth Council delivered 80 Thanksgiving Baskets to needed families.

ADJOURNMENT 8:01 P.M.

Deborah S. Block /s/	Matt Mammolenti /s/
Deborah S. Block, IAMC, MMC, City Clerk	Matt Mammolenti, President

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 28 2018
CITY CLERK
MISHAWAKA, IN

RECEIVED
NOV 21 2018
BUILDING, PLANNING
COMMUNITY DEVELOPMENT
AP 18-44

Wednesday, November 21, 2018

Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, *SCM 10X MISHAWAKA I, LLC,* am the owner of the following described real estate located within the City of Mishawaka, Township, St. Joseph County, State of Indiana, to-wit:

LEGAL DESCRIPTION:

LOT 3 IN PORTILLO'S MAIN STREET MINOR SUBDIVISION, AS PER PLAT THEREOF, RECORDED UNDER INSTRUMENT NUMBER 1725314 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

2. The above-described real estate presently has a zoning classification of C-1 *Commercial District* under the Zoning Ordinance of the City of Mishawaka.

3. Appellant proposes to occupy the above-described property in the following manner:
Mixed use commercial development.

4. Appellant desires to:
The proposed development will include multiple buildings that will accommodate multiple tenants. The proposed development will also accommodate one drive-thru restaurant building

5. The Zoning Ordinance of the City of Mishawaka requires
Currently, the C-2 Commercial zoning district is identified as the appropriate district for developments containing 3 or more contiguous uses. The proposed development will include up to 3 buildings containing multiple uses within and between the 3 buildings. Additionally, Section 137.031 of the C-1 Zoning District does not permit drive-thru restaurants. The proposed development will include a maximum of 1 building to accommodate a drive-thru restaurant tenant.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.
It is the petitioner's intent to create a multi-building development with a mix of office, restaurant and retail uses, as the size and cost of the site are too large to justify a single tenant user for the site. However, at 4.23 acres the site falls just below the minimum 5 acres to qualify for a PUD zoning classification that might be considered as an alternative to requesting the use variances for both number of tenants and the drive-thru restaurant use. The proposed multi-tenant mixed use development is consistent with the character and the density of development and the uses found within the Main Street Commercial corridor where the property is located. The drive-thru use is currently present within the corridor, specifically at the adjacent property to the south. Strict

adherence to the C-1 Commercial district ordinance requirements will limit the density and uses that can be achieved on the site below what could be achieved through a PUD and relative to the surrounding properties.

7. Answer the following necessary questions for a USE VARIANCE:

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community? *YES OR NO and explain your reason why.*
No. Approval of the use variance allowing multiple uses including a drive-thru restaurant will not impact the public health safety, morals or general welfare of the community. The proposed density and uses are all consistent with existing density and uses of the adjacent properties and similar properties in the Main Street commercial corridor.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *YES OR NO and explain your reason why.*
No. The multi-building approach allows for greater flexibility in attracting tenants and users to the site, and is more consistent with existing development within the corridor than traditional single building, multi-tenant strip development. Additionally, the multi-building approach will allow the developer to create a higher level of architectural character and use higher quality building materials. Drive-thru uses are currently present within the corridor, specifically at the adjacent property to the south. Finally, the proposed office and commercial uses in the development will be a destination, and will create additional traffic to support the existing adjacent restaurants and shops.

(3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*
Yes. The size of the site is too large to justify a single tenant user for the site. However, at 4.23 acres the site falls just below the minimum 5 acres to qualify for a PUD zoning classification that might be considered as an alternative to requesting the use variances for both number of tenants and the drive-thru restaurant use. There are currently 2 other PUD developments in the Main Street corridor, including the property adjacent to the East and across the street to the West.

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why.*
Yes. The proposed multi-tenant mixed use development is consistent with the character and the density of development and the uses found within the Main Street Commercial corridor where the property is located. The drive-thru use is currently present within the corridor, specifically at the adjacent property to the south. Strict adherence to the C-1 Commercial district ordinance requirements will limit the density and uses that can be achieved on the site below what could be achieved through a PUD and relative to the surrounding properties.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*
NO. The office, retail and restaurant uses included in the proposed development are consistent with the City of Mishawaka 2000 Comprehensive Plan, which identify general commercial and service commercial uses for the area surrounding the property.

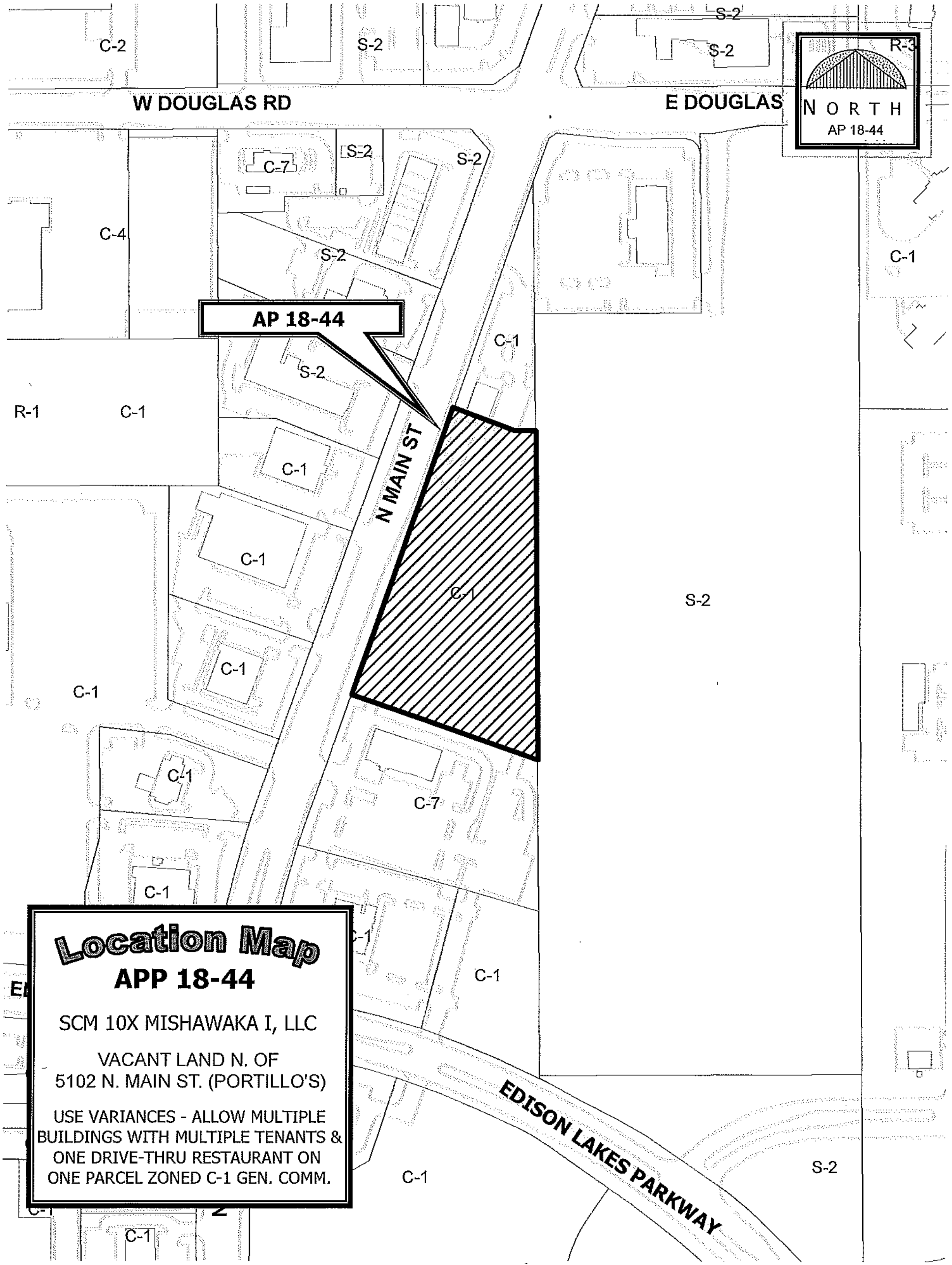
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

SCM 10X MISHAWAKA I, LLC
BY: SCM 10X FUND, LLC-SOLE MEMBER
BY: SCM 10X MANAGERS, LLC-MANAGER

BY: KIRK HANSON, MANAGER

CONTACT PERSON:

Name:	Mike Huber, Abonmarche Consultants
Address:	750 Lincoln Way East, South Bend, IN 46601
Day Phone Number:	574.347.4610
Fax Number:	574.251.4400
Email:	mhuber@abonmarche.com



W DOUGLAS RD
E DOUGLAS
NORTH
AP 18-44
AP 18-44
N MAIN ST
EDISON LAKES PARKWAY
C-2
S-2
C-7
C-4
C-1
R-1
R-3
Location Map
APP 18-44
SCM 10X MISHAWAKA I, LLC
VACANT LAND N. OF
5102 N. MAIN ST. (PORTILLO'S)
USE VARIANCES - ALLOW MULTIPLE
BUILDINGS WITH MULTIPLE TENANTS &
ONE DRIVE-THRU RESTAURANT ON
ONE PARCEL ZONED C-1 GEN. COMM.

DATE: November 19, 2018

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 28 2018
CITY CLERK
MISHAWAKA, IN

TO THE:
Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: Petition for Annexation and Zoning Classification

The undersigned FHS Investments, LLC respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:
A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 38 North, Range 3 East in St. Joseph County, Indiana, described as follows: Beginning at a point in the center of Fir Road 180 feet west of the Northeast corner of said Section 27; thence West 476 feet; thence South 313.2 feet to the center of Fir Road; thence Northeast with the center of Fir Road 576.4 feet to the place of beginning. Except: A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 38 North, Range 3 East, St. Joseph County, Indiana and being that part of the grantor's land lying within the right-of-way lines depicted on the attached right-of-way parcel plat, described as follows: Beginning at a point on the north line of said Section South 89°25'05" West 220.17 feet from the Northeast corner of said Section and which point of beginning is on the Northwest boundary of Fir Road; thence along the boundary of said Fir Road Southwesterly 325.91 feet along an arc to the right having a radius of 784.64 feet and subtended by a long chord having a bearing of South 52°14'59" West and a length of 323.57 feet; thence along said boundary South 64°08'56" West 196.82 feet to the West line of grantor's land; thence North 00°34'55" West 11.06 feet along said West line; thence North 64°08'56" East 192.10 feet; thence Northeasterly 218.92 feet along an arc to the left having a radius of 774.64 feet and subtended by a chord having a bearing of North 56°03'10" East and a length of 218.19 feet; thence North 18°08'01" West 32.98 feet; thence South 89°25'05" West 346.00 feet to the West line of grantor's land; thence North 00°34'55" West 35.00 feet along said West line to the north line of said Section; thence North 89°25'05" East 435.83 feet along said north line to the point of beginning and containing 0.460 acres more or less, inclusive of the presently existing right-of-way which contains 0.145 acres, more or less. Commonly described as 53013 Fir Road. LEGAL ATTACHED

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located 53013 Fir Road and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a Commercial C-6 District. Petitioners further state they intend to utilize said land for similar use as adjacent C-6 zoned property lying to the west.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

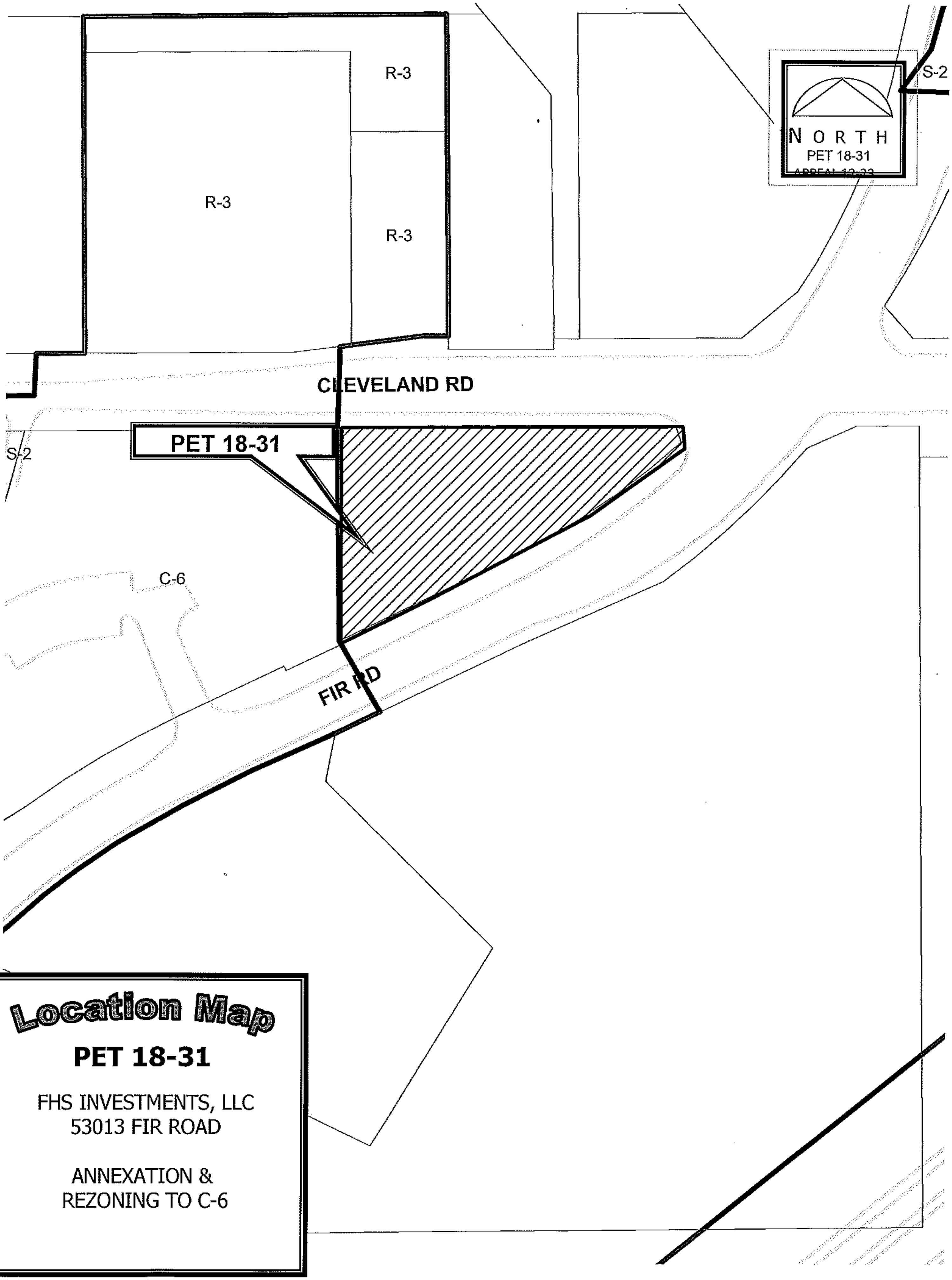
Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a Commercial C-6 District.

FHS Investment, LLC

Contact Person:
Lang, Feeney & Associates, Inc.
Terry Lang, RLS No. S-0523
715 South Michigan Street
South Bend, Indiana 46601

RECEIVED
NOV 21 2018
BUILDING, PLANNING
COMMUNITY DEVELOPMENT
15-1831

A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 38 North, Range 3 East in St. Joseph County, Indiana, described as follows: Beginning at a point in the center of Fir Road 180 feet west of the Northeast corner of said Section 27; thence West 476 feet; thence South 313.2 feet to the center of Fir Road; thence Northeast with the center of Fir Road 576.4 feet to the place of beginning. Also, all that portion of the right-of-way for Fir Road and Cleveland Road lying adjacent to said described parcel.



Location Map

PET 18-31

FHS INVESTMENTS, LLC
53013 FIR ROAD

ANNEXATION &
REZONING TO C-6

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 28 2018
CITY CLERK
MISHAWAKA, IN

November 21, 2018

Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: PETITION FOR PUD AMENDMENT AND TO REZONE

The undersigned John Coussens and Cressy Land Investments LLC respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

A PARCEL OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 00°40'40" EAST ALONG THE EAST LINE OF SAID QUARTER SECTION, 1,295.97 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EAST LINE OF SAID QUARTER SECTION AND THE WEST LINE OF LOT 1 OF ST. JOSEPH MEDICAL EDISON LAKES SUBDIVISION AS RECORDED AS INSTRUMENT NUMBER 0551329 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA; THENCE CONTINUING SOUTH 00°40'40" EAST ALONG THE EAST LINE OF SAID QUARTER SECTION AND THE WEST LINE OF SAID LOT 1, 657.35 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER SECTION AND A CORNER OF SAID LOT 1; THENCE SOUTH 89°40'57" WEST ALONG A NORTHERLY LINE OF SAID LOT 1, 663.14 FEET TO A POINT ON THE EAST LINE OF PORTILLO'S MAIN STREET MINOR SUBDIVISION AS RECORDED AS INSTRUMENT NUMBER 1725314 IN SAID RECORDER'S OFFICE; THENCE NORTH 00°35'56" WEST ALONG THE EAST LINE OF PORTILLO'S MAIN STREET MINOR SUBDIVISION, 657.35 FEET; THENCE NORTH 89°40'58" EAST, 662.24 FEET TO THE TO POINT OF BEGINNING; SAID PARCEL CONTAINING 10.00 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

AND

LOT 1 IN PORTILLO'S MAIN STREET MINOR SUBDIVISION, AS PER PLAT THEREOF, RECORDED UNDER INSTRUMENT NUMBER 1725314 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

PET 19-32

RECEIVED
NOV 21 2018
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Petitioner(s) own one hundred (100%) percent of the above described parcels which carry zoning classifications of S-2 Planned Unit Development specifically for *C-1 (General Commercial) and C-2 (Shopping Center Commercial) uses and C-1 (General Commercial) Said parcels are currently vacant with the exception of a common access drive and parking area located within Lot 1 of the Portillo's Main Street Minor Subdivision.*

Petitioner(s) desire that the PUD and zoning for said real estate to be amended to allow for:

1. *Expansion of the PUD to include Lot 1 of the Portillo's Main Street Minor Subdivision being a 1.63 acre parcel owned by Cressy Land Investments and zoned C-1(General Commercial). Saxon Partners, the contingent developer of the proposed multi-family housing project as described below under item #2, is acquiring the 1.63 acre site adjacent to the south west corner of the existing PUD. The parcel is currently zoned C-1 Commercial, which is consistent with the existing uses allowed within the PUD. The parcel will allow vehicular access and connectivity to Main Street and Edison Lakes Parkway as well as utility access to the southern portion of the existing PUD. Uses on this lot will be limited to those identified in the C-1 (General Commercial) zoning district.*

2. *R-3 (Multiple Unit Residential) zoning classification use for the southern 10 acres of the existing PUD. The contingent developer is proposing to develop a 400 unit multi-family housing project on the southern 10 acres of the existing PUD. The proposed multi-family housing development will consist primarily of studio, one bedroom, and two-bedroom apartments. The target market demographic is single employees of the adjacent hospital. The proposed multi-family residential is complementary to the existing C-1 and C-2 Commercial uses in that it provides additional potential customers in immediate proximity to the existing and proposed restaurant and retail businesses.*

3. *Reduction in parking requirements in R-3 Use from the required 1.5 spaces per unit to 1.2 spaces per unit. The proposed overall parking density of 1.2 spaces per unit is sufficient to serve to total number of units in the project based on the anticipated occupancy densities and tenant mix of the project. The design of the development will utilize a mix of on-street and off-street parking, along with parking provided under the structures to minimize the amount of land used for surface parking. Additionally, the project will be designed to accommodate bicycle and pedestrian access between the apartments and the hospital, reducing the number of vehicle trips generated.*

Accompanying this petition is a drawing, to scale, showing the above described parcel of real estate, together with a simple massing plan intended to provide a sense of the scale of the proposed apartment development on those parcels. Petitioners further agree to the remaining standards and conditions as they exist in the current PUD Ordinance #5348.

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

John Coussens
Signed

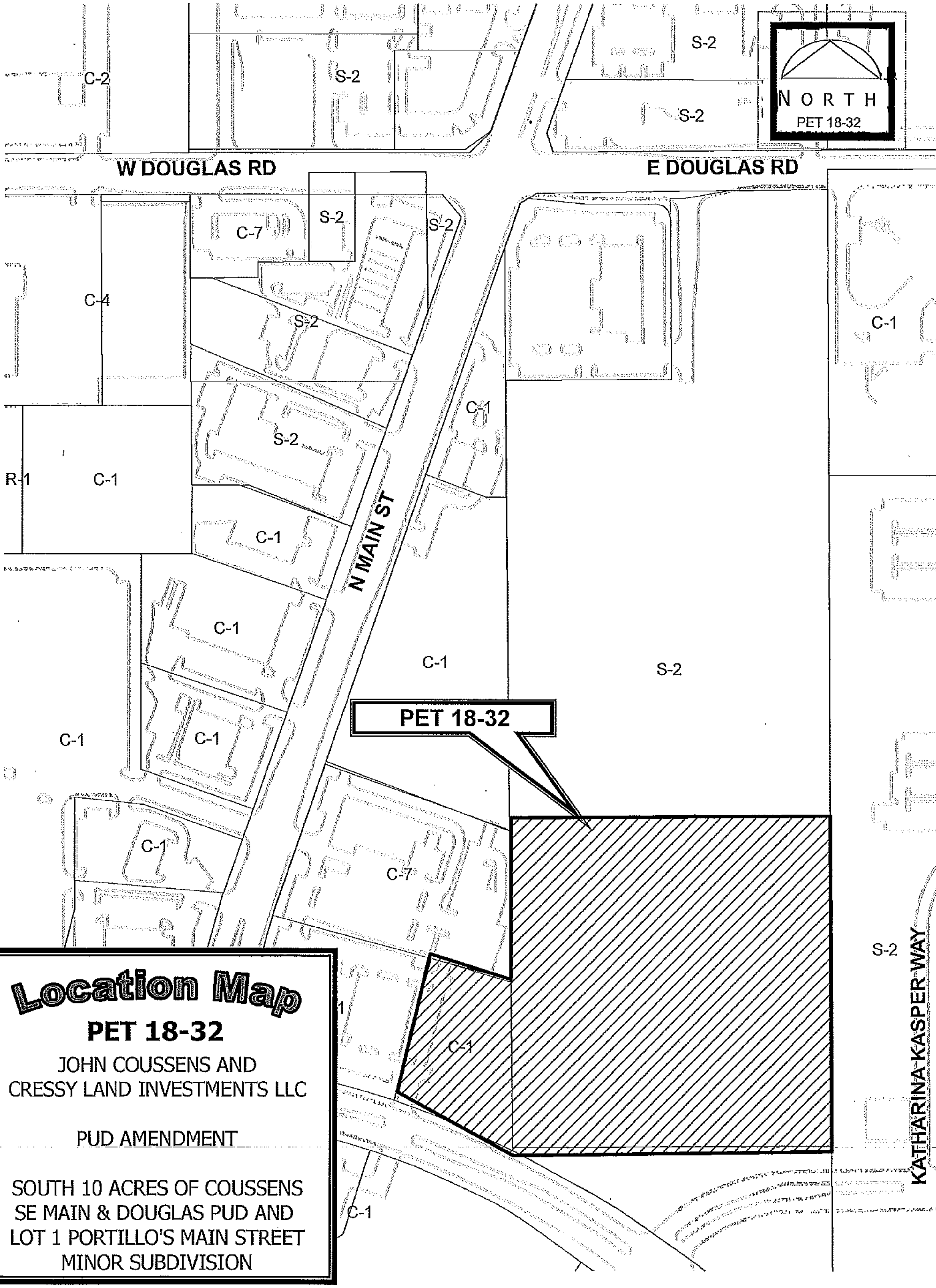
John Coussens

Signed

George Cressy
Cressy Land Investments LLC
MEMBER

CONTACT PERSON:

Name:	Mike Huber, Abonmarche Consultants
Address	750 Lincoln Way East, South Bend, IN 46601
Phone Number/ Fax	574.347.4610
Email	mhuber@abonmarche.com



Location Map

PET 18-32

JOHN COUSSENS AND
CRESSY LAND INVESTMENTS LLC

PUD AMENDMENT

SOUTH 10 ACRES OF COUSSENS
SE MAIN & DOUGLAS PUD AND
LOT 1 PORTILLO'S MAIN STREET
MINOR SUBDIVISION

1st Reading 12-3-18
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2018-31

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2018

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Motor Vehicle Highway Fund budget adopted for the fiscal year ending December 31, 2018.

Section 2. There is hereby transferred and reappropriated the sum of $15,000.00 as follows:

Motor Vehicle Highway Fund

From:	Street Department		
	Other Services and Charges		
	201-50-435-02	NIPSCO	$15,000.00
To:	Street Department		
	Supplies		
	201-50-422-02	Gas, Oil, Etc.	$15,000.00

Section 3. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this

______day of ____________, 2018 at ________ o'clock, ___.M.

____
Matt Mammolenti, Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ______day of____________, 2018 at ________ o'clock, ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ______ day of, ____________, 2018 at ______ o'clock, ____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

STREET DEPARTMENT
Tim Ryan
Street Commissioner

DAVID A. WOOD, MAYOR

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 26 2018
CITY CLERK
MISHAWAKA, IN

November 26, 2018

Mishawaka Common Council
City Hall
600 East Third Street
Mishawaka, IN 46544

RE: Proposed Ordinance 2018- 31

Honorable Council Members:

At this time, we find the need to request a transfer of funds within the MVH budget. We will need to move $15,000 from NIPSCO (201-50-435-02), into GAS, OIL, ETC. (201-50-422-02).

If you have any questions concerning this transfer, please call or visit my office.

Sincerely,

Tim Ryan
Street Commissioner

700 Union Street, Mishawaka, IN 46544 (574) 258-1660 FAX (574) 258-1699
Street@mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 29 2018

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2018-32

1st Reading 12-3-18
2nd Reading
Passed
Failed
Continued To

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2018

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA INDIANA, THAT:

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2018 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Sidewalk and Curb Repair fund of the City of Mishawaka the sum of $20,359.58 for assignment as follows:

Sidewalk and Curb Repair

Capital Outlays		
220-50-442-04	Street/Sewer/Sdwlk/Curb	$ 20,359.58

Section 5. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

On this ___________day of _______________, 2018 at __________ o'clock, ____. M.

____
Matt Mammolenti, Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana on this ___________day of __________________, 2018 at_______ o'clock, ____. M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ___________day of __________________, 2018 at _____________o'clock, _____. M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 29 2018
CITY CLERK
MISHAWAKA, IN

Date: November 29, 2018

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: **Additional Sidewalk/Curb Funds**

For first reading on December 3rd I have a request for an additional appropriation.

With the sidewalk and curb cost share program we do all we can to maximize the budget. This year, it is necessary to appropriate the citizen cost share funds received to pay all of the expenses incurred.

Please contact Chris or me with any questions.

c: David A. Wood – Mayor
Christine Jamrose – Dir. of Engineering/City Engineer

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 29 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 12-3-18
2nd Reading
Passed
Failed
Continued To

Proposed Ordinance NO. 2018- 33

ORDINANCE NO.__________

AN ORDINANCE AMENDING ORDINANCE 5532 THAT ESTABLISHED

INTERNAL CONTROL STANDARDS

AND THE MATERIALITY THRESHOLD

WHEREAS, Ind. Code 5-11-1-27 requires all Indiana political subdivisions to adopt minimum levels of internal control standards developed by the State Board of Accounts as published in the Uniform Internal Control Standards for Indiana Political Subdivisions prior to June 30, 2016; and

WHEREAS, the Controller has reviewed and recommendations adoption of the proposed internal control standards and materiality threshold.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. The City of Mishawaka, Indiana hereby adopts the Internal Control Policy attached hereto and incorporated herein as Exhibit A.

Section 2. The Controller is directed to ensure that all appropriate personnel receive training concerning the internal control procedures adopted and approved herein prior to December 31, 2016.

Section 3. The City of Mishawaka, Indiana hereby adopts a materiality threshold of $2,500 for purposes of the internal control procedures adopted and approved herein.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

On this ___________ day of _______________, 2018 at __________ o'clock, ____.M.

____

Matt Mammolenti, Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this __________ day of _________________, 2018 at _______ o'clock, ____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this __________ day of _________________, 2018 at

____________ o'clock, _____.M.

____

David A. Wood, Mayor

CITY OF MISHAWAKA, INDIANA

Internal Controls Policy Pursuant to Ind. Code 5-11-1-27

I. Policy

The purpose of this policy is to communicate the Common Council's internal control objectives to all employees and elected officials of the City of Mishawaka and to firmly commit the City to the seventeen (17) key principles of internal controls as established by the Indiana State Board of Accounts.

COMPONENT ONE: CONTROL ENVIRONMENT

Principle 1: The oversight body and management demonstrate a commitment to integrity and ethical values.

The City has the responsibility to establish and maintain an adequate system of internal control and to furnish to the Mishawaka Common Council, various boards and commissions, governmental agencies, creditors and others reliable financial information on a timely basis. An adequate system of internal control is necessary for the city to discharge these responsibilities.

Controls help ensure that assets are not exposed to unauthorized access and use, transactions are properly recorded in the financial records, and the resultant financial information is reliable. External organizations and stakeholders of the City rely on financial information to make decisions toward appropriations, loans and other debt, grants, and other contractual relationships. City resources are dependent upon the system of internal control. Auditors are required annually to report upon the adequacy of the City's systems for control over financial reporting and compliance per I.C. 5-11-1-27(e). The safeguarding of City assets and the reliability which the City and others can place upon its financial records is dependent upon the effectiveness of the internal control process.

As the fiscal body, Common Council expects the City administration to effect an internal control environment with policies and procedures necessary to provide reasonable assurance that practices cause effective and efficient operations, reliable financial reporting, and compliance with applicable laws and regulations.

The system of internal control is meant to keep the City on course toward its mission and to minimize surprises. The system promotes efficiency, minimizes risks of asset loss, helps ensure the reliability of financial information, and compliance with applicable laws, rules, and regulations.

Internal control is a process; a means to an end, and not an end unto itself. The control environment is the foundation upon which all components of internal control are based. It sets the tone for City operations. Internal control is about people, operations, communications, and the work environment. It is not about policies and forms though it takes shape through the implementation of relevant policies, procedures, and practices. Internal Control can provide reasonable assurance, but no system of control can provide absolute assurance to the Common Council and other users of financial information.

The Finance Department shall be charged with:

. Conveying periodic messages of the City's internal control philosophy and expectations to all employees;

. Evaluating the City's internal control system for weaknesses on a periodic (but no less frequently than annual) basis, providing solutions to any discovered weaknesses, and inform employees of necessary changes in procedures;

. Working with the Human Resources Department to establish a confidential reporting system for individuals to report suspected fraud and abuse of internal control policies; and

. Working with the Human Resources Department to institute procedures to address violations of policies and consequences for violations

Principle 2: The oversight body oversees the entity's internal control system.

As the fiscal body for the City, the Common Council is responsible for setting the institutional expectations for internal control, ensuring management is aware of those expectations, requiring the upward communications channels are open through all levels of management, and evaluating management's effectiveness toward monitoring the control environment and implementing sound control policies and procedures. As the City's Chief Fiscal Officer, the Controller will be the Common Council's chief agent in implementing and managing the internal control policies and procedures.

Principle 3: Management establishes an organizational structure, assigns responsibility, and delegates authority to achieve the entity's objectives.

Individuals with delegated approval authority, e.g. Elected Officials and Department Heads are responsible for establishing, maintaining, and supporting a system of internal controls within their areas of responsibility and for creating the control environment that encourages compliance with City policies and procedures.

Adequate supervision is necessary to monitor that internal controls are operating as intended, and to help ensure the reliability of accounting and operational controls by pointing out errors, omissions, exceptions, and inconsistencies in procedures. Staff in leadership roles are responsible for the application of this policy and the design, development, implementation, and maintenance of systems of internal controls focusing on the effectiveness of operations and the safeguarding of assets within their respective areas of responsibility. All levels of management and supervision are responsible for strengthening internal controls when weaknesses are detected. Department managers should periodically review departmental procedures to ensure that the general principles of internal control are being followed.

The Finance Department has the primary responsibility for internal control over financial reporting and compliance with applicable laws, rules, and regulations. The Controller is the City's chief source for information and assistance to staff and Department Heads on this topic and will make resources available to assist in administering this policy.

The Human Resources Department is responsible for internal controls over employee recruitment, hiring, separation, promotion, job classification, employee rights, and salary administration. The Benefits

Coordinator and Corporation Counsel are the City sources for information and assistance on this topic and will make resources available to assist in administering this policy.

All levels of internal control are subject to examination by external auditors who are required to report on the adequacy of internal controls over finance and compliance.

Department Heads are responsible for prompt corrective action on all internal control findings and recommendations made by internal and external auditors. The audit process is completed only after Department Heads receive the audit results and take action to correct internal control weaknesses, improve systems, or demonstrate that management action is not warranted. Department Heads have the responsibility to ensure that those who report to them have adequate knowledge, skills, and abilities to function within, and contribute to, an effective internal control environment. This includes providing access to appropriate training on topics relevant to their job responsibilities.

Principle 4: Management demonstrates a commitment to recruit, develop, and retain competent individuals.

The City Employee Handbook provides a roadmap for recruiting and maintaining quality employees. Prior to employment individuals may be subject to pre-employment background screening and/or a credit history check. While employed City Employees are entitled to a benefits package including Health and Disability Insurance and certain other Post-Employment Benefits. The City will continue to assess the best recruitment pools and tools for the different skill sets of skills necessary to adequately implement and maintain quality internal controls.

Job descriptions will be updated where necessary to reflect internal control responsibilities and duties. Employees will be regularly trained in internal control methods and all training will be documented in employees' personnel files. Employees will be regularly evaluated by their supervisors on internal control duties and receive feedback on possible improvements.

Principle 5: Management evaluates performance and holds individuals accountable for their internal control responsibilities.

Individuals are held accountable for their internal control responsibilities through a recognized structure which includes relevant job descriptions, operating procedures, periodic reviews, regular feedback, and a progressive disciplinary policy. Additionally, City Administration seeks to address issues in specific departments and positions through regular one-on-ones with Department Heads.

COMPONENT TWO: RISK ASSESSMENT

Principle 6: Management defines objectives clearly to enable the identification of risks and risk tolerances.

Through the creation of standard operating procedures and accurate organizational reporting charts management conveys and identifies objectives, missions, policies and risk tolerances to employees. The Finance Department will lead a risk analysis of three major areas:

1. The effectiveness and efficiency of operations.
2. The reliability of reporting for internal and external use.

3. Compliance with applicable laws and regulations.

For each category, the Finance Department will define objectives in specific measurable terms in order to enable the design of internal control for related risk, increase understanding at all levels, assess performance, identify what is to be achieved, who is to achieve it, how it will be achieved, when it will be achieved and incorporate external requirements.

Principle 7: Management identifies, analyzes, and responds to risks related to achieving the defined objectives.

The Finance Department will identify, analyze and respond to the risks identified in Principle 6 by determining:

1. How likely is the risk to occur?
2. How will it impact the objective?
3. Is the risk based on complex or unusual transactions?
4. Is the risk based on fraud?

Once each risk has been identified and analyzed, the Finance Department will work with Department Heads to determine how to respond to each risk with a specific solution and action.

Principle 8: Management considers the potential for fraud when identifying, analyzing, and responding to risks.

Management is committed to fraud prevention by utilizing a "trust but verify" approach. The potential for fraud, misappropriation, and outright theft are contemplated as controls are designed for various City divisions. Fraud responses will include statutorily required responses to fraud, including, but not limited to Ind. Code 5-11-1-27(1) relating to the Report of Misappropriation of Funds to State Board of Accounts and Prosecuting Attorney and Ind. Code 5-11-1-27(j) relating to the Report of Material Variances, Losses, Shortages or Thefts to the State Board of Accounts. The City shall utilize a materiality threshold of $500.

Principle 9: Management identifies, analyzes, and responds to significant changes that could impact the internal control system.

The Finance Department, in coordination with Department Heads, will regularly evaluate and adjust internal control policies in order to accommodate for the impact of future changes, including but not limited to, personnel changes, newly elected officials, new programs, new technology, new laws and regulations, and financial fluctuations.

COMPONENT THREE: CONTROL ACTIVITIES

Principle 10: Management designs control activities to achieve objectives and respond to risks.

The Finance Department will establish and maintain a system of internal controls that satisfies the City's objectives in the following categories:

1. Risks are identified and effectively managed
2. Safeguarding of City assets

3. Reliability and integrity of financial information
4. Compliance with City policy, plans, procedures, laws and regulations
5. Economical and efficient use of City resources
6. Meeting established objectives and goals for City operations and programs.

A. General internal control principles for Departments are:

   1. Separation of duties
      a. Duties are separated so that one person's work routinely serves as a check on another's work.
      b. No one person has complete control over more than one key function or activity (e.g., authorizing, approving, certifying, disbursing, receiving, or reconciling).

   2. Authorization and approval
      a. Proposed transactions are authorized when proper and consistent with City policy and the department's plans.
      b. Transactions are approved by the person who has delegated approval authority, which is usually delegated on the basis of special competency or knowledge.

   3. Custodial and security arrangements
      a. Responsibility for physical security/custody of City assets is separated from record keeping/accounting for those assets.
      b. Unauthorized access to City assets and institutional data is prevented.

   4. Timely and accurate review and reconciliation
      a. Departmental accounting records and documents are examined by employees who have sufficient understanding of the City accounting and financial systems to verify that recorded transactions actually took place and were made in accordance with City policies and procedures.
      b. Departmental accounting records and documentation are compared with City accounting system reports and financial statements to verify their reasonableness, accuracy, and completeness.

   5. The general internal control principles should be applied to all departmental operations, especially accounting records and reports, payroll, purchasing/receiving/disbursement approval, equipment and supply inventories, cash receipts, petty cash and change funds, billing and accounts receivable.

B. All City systems, processes, operations, and activities are subject to evaluations of internal control systems. The results of these evaluations provide information regarding the City's overall system of control.

C. Information and communication – Information must be timely and communicated in a manner that enables people to carry out their responsibilities.

   1. All covered employees must be trained on Internal Controls according to Ind. Code 5-11-1-27(g). All personnel must receive a clear message from the City's administration that control responsibilities are to be taken seriously. Failure to comply with established practices will subject individuals to the terms of disciplinary action or dismissal.

2. Employees must understand their own roles in the internal control system, as well as how individual activities relate to the work of others. To this end, whenever a new budgetary unit, financial activity, etc. is set up, the Controller will provide notification to the appropriate parties of the responsibilities incumbent on them for good business practices and sound financial management, including reference to the principles within this policy.
3. Employees must have a means of communicating significant information to the City's administration.
4. The City must communicate effectively with external parties, such as auditors, creditors, contractors, suppliers, regulators and other stakeholders.

F. Internal control is meant to keep the City focused on achieving its mission while avoiding surprises. There is a balance between effective controls and mission accomplishment. Costs associated with internal controls should not exceed their benefit, nor should controls be allowed to stifle mission effectiveness and timely action. All levels of management must assess the costs, benefits, and risks when designing controls to develop a positive control environment and compensate for the risks of non-compliance, loss of assets, or unreliable reporting while accomplishing the City mission.

The following specific internal control policies are adopted for use by City Departments:

Payroll Activities

. Salaries and wage rates are verified by the Human Resources Department.

. The responsibilities for hiring, terminating, and approving promotions are segregated from those preparing payroll transactions or inputting data.

. The responsibilities for approving time sheets are segregated from those for preparing payroll transactions or inputting data.

. Payroll adjustment reports are submitted by someone outside of the payroll process.

. Employees' time and attendance records are approved by their supervisors.

. Corrections to recorded time and attendance records are approved by the employee and employee's supervisor.

. Procedures are in place to ensure that changes in employment status are promptly reported to the payroll processing unit.

. Payroll disbursements are reviewed and approved by an authorized individual prior to payment.

. Access to payroll applications is appropriately controlled by user logins and passwords.

. Changes to a payroll disbursement are approved by an individual other than the ones authorized to process the changes.

. Payroll checks are accounted for in numerical order and reconciled to the payroll check register.

. Access to the signature stamp used to sign payroll checks is adequately controlled.

. Payroll checks are mailed or distributed by someone outside the normal payroll distribution function.

. Unclaimed payroll checks are returned to Finance Department via the Department Head.

. Employees are cross-trained on the payroll process; those assigned to payroll take regular vacations.

DISBURSEMENT ACTIVITIES

. The responsibility for approving claims is segregated from those preparing the claims.

. Checks are written by an individual other than the one approving the claim.

. Checks are signed by an individual other than the one preparing them.

. Claims for payment are reviewed and approved by the governing body prior to payment.

. A reconcilement is completed between the claims for payment approved by the board and the actual disbursements posted to the ledger.

. The responsibility for acknowledging the receipt of goods or services is segregated from those preparing claims and writing checks.

. Vendor checks are accounted for in numerical order and reconciled to the disbursement ledger.

. Invoices or other receipts are attached to each claim to support the disbursement.

. A review is completed by an individual outside the disbursement process in which the claim amount is compared to the supporting documentation attached to the claim and the amount of the check.

. Access to disbursement applications is appropriately controlled by user logins and passwords.

Receipting Activities

. The responsibility for collecting money and issuing receipts is segregated from those preparing the bank deposit.

. The responsibility for making bank deposits is segregated from those preparing the monthly bank reconcilement.

. Pre-numbered receipts are issued for all money collected and the receipt is retained with supporting documentation.

. Receipts are reconciled to the cash receipts ledger by an individual other than the one collecting money and issuing receipts.

. Posting of receipts to the ledger is completed by an individual other than the one who collects money and makes the deposit.

. Receipts indicate the type of payment received (cash, check, etc.) and this is reconciled to the make-up of the bank deposit.

. Accounts receivable records are maintained by an individual other than the one(s) involved in the billing process.

. The billing process is completed by an individual other than the one who collects cash payments from customers.

. Adjustments to customer accounts above our managerial threshold are approved by the governing body only after review.

Cash Activities

. A reconcilement between the recorded cash balance and the bank balance is completed monthly by an individual separate from the receipting and disbursing processes.

. A reconcilement between the receipts ledger and the credits to the bank account is completed periodically by an individual separate of the receipting process.

. A reconcilement between the disbursement ledger and the debits to the bank account is completed periodically by an individual separate of the disbursement process.

. The monthly reconcilement between the cash balance and the bank balance is thoroughly reviewed and approved by the Controller.

. Disbursements from and reimbursements to petty cash funds are periodically reviewed by an individual other than the one responsible for maintaining the petty cash fund.

Credit Card Transactions

. A designed official or employee oversees the issuance and use of the credit cards.

. An ordinance or resolution specifically states the purposes for which the credit card may be used.

. A designed person separate from disbursement process reviews transactions listed on the credit card statements for sufficient documentation and inclusion in claim to the Board.

Principle 11: Management designs the political subdivision's information system and related control activities to achieve objectives and respond to risks.

The Finance Department and Department Heads will work with the Information Technology Department to ensure that information technology is used as an integral part of the internal control system. This may include, but not be limited to:

. Setting permission such that only certain users may perform certain tasks
. Using technology to accomplish segregation of duties by forcing duties to be completed by different users

. Automating certain processes and calculations
. Limiting the authority to access different components of various softwares to employees with duties specifically related to that component
. Prohibiting user ID and password sharing among employees
. Restricting the authority to correct or make adjustments to records to key employees
. Requiring the use of prescribed forms or the approval of alternative forms

Principle 12: Management implements control activities through policies.

The City has an employee handbook that is regularly updated to communicate policies to employees. Additionally, the Finance Department regularly works with departments and employees who hand financial transactions to recommend and ensure best practices. All procedures are in writing and communicated frequently to all relevant employees. Policies are available both electronically and in hard copy form.

COMPONENT FOUR: INFORMATION AND COMMUNICATION

Principle 13: Management uses quality information to achieve the political subdivision's objectives.

The City strives to lead in the areas of financial transparency and accountability. By adopting standards and investing in systems that exceed State mandated minimums, City management provides employees and stakeholders with high quality information and informatics systems. The City Finance Department and Legal Department attend training and industry seminars to stay abreast of changes and developments in requirements and communicate that information to impacted employees.

Principle 14: Management internally communicates the necessary quality information to achieve the political subdivision's objectives.

Internal communications on internal controls are communicated through adoption of formal policies by relevant boards and commissions and/or the legislative body or documented through memos from the Finance, Legal or relevant Department Head. Internal memos and reports are maintained to document communication.

Principle 15: Management externally communicates the necessary quality information to achieve the entity's objectives.

Communications with the State Board of Accounts, other State agencies, grantor agencies, and regulatory agencies are documented by email, memos, letters, and other forms of written correspondence. Logs are kept for information provided verbally. All documents are maintained in accordance with the City and state's record retention policies. Reports and policies are cross checked for accuracy, relevancy, and timeliness of information.

COMPONENT FIVE: MONITORING ACTIVITIES

Principle 16: Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.

City Administration monitors and evaluates compliance with internal control policies via multiple vectors. Separation of duties, redundancy policies, layered approval systems, monthly reports, and physical controls such as video monitoring allow management to both review and evaluate control systems.

The Finance Department shall implement a system of monitoring that includes:

- Periodic checks to determine if controls are in place and working effectively
- Reviewing control activities to determine if the actual activities are in compliance with established procedures
- Documenting deficiencies in the internal control processes and remediating them quickly

Monitoring activities will be documented by signatures, initials, or other appropriate methods.

Principle 17: Management remediates identified internal control deficiencies on a timely basis.

Breaches of internal controls are subject to significant levels of internal scrutiny. If informed of a material breach of internal controls, the Finance Department and Mayor's Office actively investigate and address said breach and adjust policies and procedures to prevent such breaches in the future. Once breaches are identified and investigated, a formal or informal corrective action plan will be developed.

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis Vardaman, Deputy Controller

Date: November 29, 2018

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Amend Internal Control Ordinance

IC 5-11-1-27 requires all Indiana political subdivisions to adopt the minimum level of internal control standards developed by the State Board of Accounts. Each political subdivision must adopt these standards, train appropriate personnel, and implement policies and procedures consistent with the standards.

At the December 3rd meeting I am requesting on first reading that our Internal Control Ordinance 5532 be amended. Since originally approved in June of 2016, I have found two items that need to be updated.

In Section 2 of the ordinance, the original states that "...all personnel receive training concerning the internal control procedures..." Presently, all current, new, and seasonal employees do have the training if they work with money. With many of our non-financial employees on shift work and/or working outdoors, it seems reasonable to change the wording to "...all appropriate personnel receive training concerning the internal control procedures..."

Under Cash Activities of Principle 10 in the policy, the original states, "The monthly reconcilement between the cash balance and the bank balance is thoroughly reviewed and approved by the governing body". This should be changed to "...and approved by the Controller". As I do not process the checks or reconcile the banking to the ledger, I am an appropriate employee to do this review.

Thank you for your consideration. Please contact me with any questions.

c: David A. Wood, Mayor

1st Reading 12-3-18
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 29 2018

CITY CLERK
MISHAWAKA, IN

Proposed Ordinance NO. 2018- 34

ORDINANCE NO.___________

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, ESTABLISHING AN AMBULANCE FUND

WHEREAS, the City of Mishawaka provides an ambulance service for its citizens and receives revenue for this service; and

WHEREAS, a capital improvement plan has been established to provide regular, orderly replacement of the City's ambulance fleet; and

WHEREAS, it has been determined that a dedicated revenue stream for these replacements will benefit the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. Effective January 1, 2019 the City of Mishawaka, Indiana hereby establishes Fund 230 Ambulance Fund to receive 10% of the City's EMS revenue for the sole purpose to fund EMS equipment.

Section 2. This percentage may be modified upon agreement between the Fire Chief and Controller.

Section 3. This Ordinance shall be in full force and effect from and after its passage, signing, attestation, and legal publication.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

On this ___________day of _______________, 2018 at _________ o'clock, ____.M.

____
Matt Mammolenti, Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this ___________ day of ___________________, 2018 at_______ o'clock, _____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ___________ day of ___________________, 2018 at

_____________ o'clock, _____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

Date: November 29, 2018

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: **New fund – Ambulance Fund #230**

For first reading on December 3rd is an ordinance for a new fund in which to deposit 10% of our ambulance revenue.

With the need to purchase new ambulances approximately every four to five years, it is prudent to set aside funds. EMS revenue provides approximately \$1.3 - \$1.5 million per year and a portion will be earmarked specifically for ambulance purchases.

Please contact me with any questions.

c: David A. Wood – Mayor
Bryon Woodward – Fire Chief

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

Date: November 29, 2018

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: **Ordinance – Deferred Comp Match**

For first reading on December 3rd is an ordinance for the City's participation in the State's Deferred Compensation Matching plan for employees. Along with the ordinance, the agreement and amendment I are included for approval.

This benefit will match eligible employees' contributions up to 100% with a maximum match equal to 1% of the employee's base pay.

Please contact me with any questions.

c: David A. Wood – Mayor
Geoff Spiess – HR Director/Corporation Counsel

1st Reading 12-3-18
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 29 2018

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2018- 35

ORDINANCE NO.________

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE PARTICIPATION IN THE STATE OF INDIANA DEFERRED COMP MATCHING PLAN, ADOPTION AGREEMENT, AND AMENDMENT 1

WHEREAS, the City of Mishawaka, Indiana, (hereinafter referred to as the "Participating Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a defined contribution plan, funded by employer contributions;

WHEREAS, the Participating Employer has reviewed the State of Indiana Deferred Compensation Matching Plan ("Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, the Mishawaka Common Council ("Governing Body") is authorized by law, IC 5-10-1.1-7.3, to adopt this ordinance approving the Adoption Agreement on behalf of the Participating Employer;

Therefore, the Governing Body of the Participating Employer hereby resolves:

Section 1. The Participating Employer adopts the Plan and the Trust Agreement ("Trust") for the Plan for its Employees.

Section 2. The Participating Employer acknowledges that the Deferred Compensation Committee ("Trustees") are only responsible for the Plan and have no responsibility for other employee benefit plans maintained by the Participating Employer.

Section 3. The Participating Employer hereby adopts the terms of the Adoption Agreement, which is attached hereto and made a part of this ordinance. The Adoption Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan.

Section 4. The Participating Employer hereby authorizes the Auditor of the State of Indiana ("Administrator"), in conjunction with the Deferred Compensation Committee ("Trustees"), to amend the Plan on its behalf as provided under Section 18.01 of the Plan.

The Trustees and the Administrator will maintain or have maintained on their behalf a record of the Participating Employers, and the Trustees and the Administrator will make reasonable and diligent efforts to ensure that Participating Employers have actually received and are aware of all Plan amendments.

Section 5.

(a) The Participating Employer shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

(b) The Participating Employer accepts the administrative services to be provided by the Administrator of the Plan and any services provided by a Service Manager (as defined in the Plan) as delegated by the Administrator or Trustees. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees will be charged to the Participants' Accounts, and not to the Participating Employer.

Section 6.

(a) The Participating Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements, if it takes the following actions:

(i) A ordinance must be adopted terminating its participation in the Plan.

(ii) The ordinance must specify when the participation will end.

The Trustees shall determine whether the ordinance complies with the Plan, and all applicable federal and state laws, shall determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan.

(b) The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

Section 7. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. Only the assets attributable to a particular Participating Employer and its Employees are available to pay benefits to those Employees and their Beneficiaries.

<u>Section 8.</u> This ordinance and the Adoption Agreement shall be submitted to the Trustees for their approval. The Trustees shall determine whether the ordinance complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Trustees may refuse to approve an Adoption Agreement by an Employer that does not have state statutory authority to participate in the Plan. The Trustees may also refuse to approve an Adoption Agreement that is ambiguous or that does not comply with the requirements of the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this ordinance and the Adoption Agreement are adopted and executed in accordance with the requirements of applicable law.

<u>Section 9.</u> This Adoption Agreement may be used only in conjunction with the Plan. Failure to properly complete this Adoption Agreement may result in the failure of the Plan to qualify.

<u>Section 10.</u> This ordinance shall be in full force and effect from and after its passage, signing, attestation and legal publication.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this

______day of ____________, 2018 at ________ o'clock, ___.M.

____
Matt Mammolenti, Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ______day of____________, 2018 at

________ o'clock, ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ______ day of, ____________, 2018 at ______ o'clock,

_____.M.

____
David A. Wood, Mayor

THE STATE OF INDIANA DEFERRED COMPENSATION MATCHING PLAN ADOPTION AGREEMENT

ADMINISTRATOR

Auditor of the State of Indiana
200 West Washington Street
State House Suite 240
Indianapolis, Indiana 46204
Telephone: (317) 233-3300
Facsimile: (317) 233-2794

PARTICIPATING EMPLOYER

Name: City of Mishawaka

GOVERNING BODY

Name: City of Mishawaka Common Council
Address: 600 E. 3rd Street, Mishawaka, IN 46544
Phone: 574-258-1616
Facsimile: 574-258-1628
E-mail: dblock@mishawaka.in.gov

Person Authorized to receive Official Notices from the Plan or Administrator and to access account and Plan information: Rebecca S. Miller

DISCLOSURE OF OTHER 401(a) PLAN(S)

This Participating Employer ☐ does or **X** does not have an existing defined contribution plan(s). If the Participating Employer does have one or more defined contribution plans, the Governing Body must provide the plan name and name of the provider and such other information requested by the Administrator.

Section I. Types of Employer Contributions Under the Plan. The Participating Employer shall provide the following types of contributions to Eligible Employees under this Plan (check all that apply):

X Matching Contributions.

☐ Non-Matching Contributions.

Section II. Eligibility Requirements. Only Employees as defined in the Plan may be covered by the Adoption Agreement. Independent contractors may not participate in the Plan. Subject to other conditions in the Plan and this Adoption Agreement, the Participating Employer may designate which categories of employees are eligible to participate in the Plan. The Employer shall provide the Trustees with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Adoption Agreement. A Participating Employer may also establish a waiting period before an Eligible Employee may become a Participant in the Plan. For purposes of determining a period of service, any period of time during which an individual is considered employed by the Participating Employer (including sick leave, personal leave, vacation leave, and paid time off) shall be included in the period of service calculation).

A. Eligibility For Matching Contributions

1. <u>Eligible Classes of Employees</u> (check one)

☐ All Employees.

X All Employees with the following exclusions (select all that apply):

- ☐ Elected or appointed officials
- X Employees who are not covered by the Participating Employer's defined benefit retirement plan(s)
- ☐ Other (must specify):______________________________

If "Other" is selected, the exclusion must be described in a manner that is definitely determinable and that does not allow for Participating Employer discretion.

2. <u>Waiting Period</u> - The Employer hereby elects the following (elect "no waiting period" or one of the waiting period options below):

X **No waiting period**. An Eligible Employee may become a Participant for matching contributions immediately upon meeting the eligibility conditions of the Plan.

☐ Matching contributions will be made only after satisfying a waiting period described under one of the following options (check one):

☐ **Minimum Period of Service (if checked, please complete all items below):**

The waiting period for participation in the Plan shall be ______________ (not to exceed 12 months) of service, calculated from the commencement of the Eligible Employee's employment with the Employer.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior service as an Employee for purposes of satisfying the waiting period.

Separate periods of service ☐ will be ☐ will not be added together to determine whether the waiting period has been satisfied.

☐ **Minimum Period of Contributions to the Deferred Compensation Plan (if checked, please complete all items below):**

The waiting period for participation in the Plan shall be ______________ (not to exceed 12 months) from the date the Eligible Employee first makes contributions to the Deferred Compensation Plan. An eligible employee ☐ will ☐ will not be required to continuously make contributions throughout the waiting period in order to be eligible for matching contributions.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior periods of time they were making contributions to a 457(b) Plan for purposes of satisfying the waiting period.

After initially meeting the waiting period, any interruption of employee contributions to the Deferred Compensation Plan ☐ will ☐ will not require the employee to meet another waiting period to qualify for matching contributions.

Separate periods of service in which deferrals are made as an Eligible Employee ☐ will ☐ will not be added together to determine if the waiting period has been satisfied.

B. Eligibility For Non-Matching Contributions

1. <u>**Eligible Classes of Employees**</u> (check one)

☐ All Employees.

☐ All Employees with the following exclusions (select all that apply):

- ☐ Elected or appointed officials
- ☐ Employees who are not covered by the Participating Employer's defined benefit retirement plan(s)
- ☐ Other (must specify):______________________________

If "Other" is selected, the exclusion must be described in a manner that is definitely determinable and that does not allow for Participating Employer discretion.

2. **<u>Waiting Period</u>** - The Employer hereby elects the following (elect "no waiting period" or one of the waiting period options below):

☐ **No waiting period**. An Eligible Employee may become a Participant for non-matching contributions immediately upon meeting the eligibility conditions of the Plan.

☐ Non-matching contributions will be made only after satisfying a waiting period described under one of the following options (check one):

☐ **Minimum Period of Service (if checked, please complete all items below):**

The waiting period for participation in the Plan shall be ________________ (not to exceed 12 months) of service, calculated from the commencement of the Eligible Employee's employment with the Employer.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior service as an Employee for purposes of satisfying the waiting period.

Separate periods of service ☐ will be ☐ will not be added together to determine whether the waiting period has been satisfied.

☐ **Minimum Period of Contributions to the Deferred Compensation Plan (if checked, please all complete items below)**

The waiting period for participation in the Plan shall be ________________ (not to exceed 12 months) from the date the Eligible Employee first makes contributions to the Deferred Compensation Plan.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior contributions made to a prior 457(b) Plan for purposes of satisfying the waiting period.

After initially meeting the waiting period, any interruption of employee contributions to the Deferred Compensation Plan ☐ will ☐ will not require the employee to meet another waiting period to qualify for matching contributions.

Separate periods of service in which deferrals are made as an Eligible Employee ☐ will ☐ will not be added together to determine if the waiting period has been satisfied.

Section III. Amount of Employer Contributions. A Participating Employer may make Matching Contributions and/or Non-Matching Contributions, pursuant to a definite, pre-determined formula, as specified below. Matching Contributions and Non-Matching Contributions that are tied to Payroll Periods (as defined in this Adoption Agreement) must be remitted to the Administrator no later than 15 business days after the Payroll Period. Annual Contributions must be remitted to the Administrator no later than 15 days after the end of the Plan Year.

A Participating Employer may impose conditions on the receipt of Matching and Non-Matching Contributions – such as the requirement to be employed as of a particular date, the requirement to have made employee contributions for a specified period of time or any other objectively determinable requirement.

For purposes of computing matching or non-matching contributions, "Compensation" is subject to the limits imposed by Internal Revenue Code 401(a)(17).

The Participating Employer hereby elects to make contributions as follows:

A. Matching Contributions.

1. Matching Contribution Amount (check one)

☐ **<u>Flat Dollar Match</u>:** For each Payroll Period in which the Participant contributed at least $__________ ($15 to $25) to the Deferred Compensation Plan, the Participating Employer will contribute a flat dollar amount as shown below (complete as applicable; amount may not result in a zero flat dollar match):

$________ per weekly Payroll Period
$________ per bi-weekly Payroll Period
$________ per semi-monthly Payroll Period
$________ per monthly Payroll Period

The amount of the matching contribution ☐ is ☐ is not subject to a maximum cap as elected in Item 2 below.

X **<u>Percentage Match</u>:** For each Payroll Period in which the Participant contributed to the Deferred Compensation Plan, the Employer will contribute _100_% (insert percentage; may not be zero) of the dollar amount contributed to the Deferred Compensation Plan. **(For example, if an Employer elects a 50% match, then for every $10 the Participant contributes to the Deferred Compensation Plan, the Employer will contribute $5 to this Plan).**

The amount of the matching contribution X is ☐ is not subject to a maximum cap as elected in Item 2 below.

2. Maximum Matching Contribution (if a matching contribution cap is elected in item 1 above, check one of the following):

☐ **Flat Dollar Cap** - In no event will Matching Contributions made on behalf of a Participant exceed a flat dollar amount equal to (may not result in zero dollar amount):

$________ per weekly Payroll Period
$________ per bi-weekly Payroll Period
$________ per semi-monthly Payroll Period
$________ per monthly Payroll Period
$________ per Plan Year

X **Cap Equal to Percentage of Total Compensation:** In no event will Matching Contributions made on behalf of a Participant exceed ___1__% (may not be zero) of the Participant's Compensation **X** per Payroll Period ☐ per Plan Year.

3. Additional Allocation Conditions. In order to receive a matching contribution, each Eligible Employee must satisfy the following additional conditions (conditions must be objectively determinable): ____________________________________.

B. Non-Matching Contributions.

1. Non-Matching Contribution Amount (check one):

☐ Annual Contributions: An annual contribution each Plan Year of $_______ or _____% of Compensation per Eligible Employee Participant (may not result in total contribution of zero).

☐ Special One-Time Contribution: A one-time contribution of $_______ or _____% of Compensation per Eligible Employee (may not result in total contribution of zero) to be made as of the following date: ____________.

☐ Per Payroll Period Contribution: _____% (may not be zero) of Compensation per Payroll Period or a flat dollar amount per Payroll

Period as shown below (complete as applicable; amount may not result in a zero flat dollar amount):

$________ per weekly Payroll Period
$________ per bi-weekly Payroll Period
$________ per semi-monthly Payroll Period
$________ per monthly Payroll Period

2. **Additional Allocation Conditions.** In order to receive a non-matching contribution, each Eligible Employee must satisfy the following additional conditions (conditions must be objectively determinable): ____

Conditions for Annual Contribution: ____________________
Conditions for Special One-Time Contribution: ____________________
Conditions for Per Payroll Period Contribution: ____________________

Section IV. Payroll Period. The payroll period of the Participating Employer is:

☐ Weekly
X Bi-Weekly
☐ Semi-Monthly
☐ Monthly

Section V. Modification and Termination of the Adoption Agreement. If a Participating Employer desires to amend any of its elections contained in this Adoption Agreement, the Governing Body by official action must adopt an amendment of the Adoption Agreement or a new Adoption Agreement must be adopted and forwarded to the Trustees for approval. The amendment of the new Adoption Agreement is not effective until approved by the Trustees and other procedures required by the Plan have been implemented. The Administrator shall inform the Participating Employer of any amendments made to the Plan.

Adoption Agreement may be terminated only in accordance with the Plan. The Administrator shall inform the Participating Employer of the discontinuance or abandonment of the Plan.

Effective Date. This Plan will be effective for this Employer as of the later of (1) the first day of the Plan Year (January 1) in which this Adoption Agreement is executed by the Employer; or (2) __________________, 20___.

EXECUTION BY EMPLOYER

The foregoing Adoption Agreement is hereby adopted and approved on the ____ day of _______________, 20__.

Signed:_______________________________________

Printed Name:____________________

Title:____

Date of Signature:_______________________________

NOTICE TO EMPLOYER

This Adoption Agreement may only be used in conjunction with The State of Indiana Deferred Compensation Matching Plan.

The failure to properly complete this Adoption Agreement or to, operate and maintain the Plan and Trust in accordance with the terms of the completed Adoption Agreement, Master Plan Document, and Trust may result in disqualification of the Plan under the Code. Inquiries regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the IRS advisory letter should be directed to the Administrator. The Administrator is the Auditor of the State of Indiana, with its primary business offices located at: 200 West Washington Street, State House Suite 240, Indianapolis, Indiana 46204. The business telephone number is: (317) 233-3300. The primary person to contact is: ______________________________.

TRUSTEES APPROVAL

The Adoption Agreement is approved by the Board of Trustees of the State of Indiana Deferred Compensation Matching Plan. Contributions shall first be remitted as follows:

☐ within 15 business days after the Payroll Period ending _____________, 20___.

☐ other (must specify): ____.

Dated: ______________________________

By: ________________________________

Title: _______________________________
on behalf of the Board of Trustees

State of Indiana Deferred Compensation Matching Plan Amendment
City of Mishawaka

Amendment 1

Pursuant to Section III.A.2 of the State of Indiana Deferred Compensation Matching Plan Adoption Agreement, for purposes of calculating the cap on an employer contribution, only the participant's "base salary" will be considered.

EXECUTION BY EMPLOYER

The foregoing Adoption Agreement is hereby adopted and approved on the ____ day of ______________, 20__.

Signed:______________________________________

Printed Name:________________________________

Title:_______________________________________

Date of Signature:____________________________

TRUSTEES APPROVAL

The Adoption Agreement is approved by the Board of Trustees of the State of Indiana Deferred Compensation Matching Plan. Contributions shall first be remitted as follows:

☐ within 15 business days after the Payroll Period ending ____________, 20___.

☐ other (must specify): ____.

Dated: ____________________________ By:______________________________

Title:____________________________
on behalf of the Board of Trustees

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

Date: November 29, 2018

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Amend Civil City 2019 Salary Ordinance 5627

I am requesting first reading on the salary amendment as some changes have been made since the original approval.

Fire:

1. Fire Chief and Assistant Chiefs receive an additional $5,000 in salary.
2. Lead Paramedic Tier 2 Specialty Pay is now $50/shift. Was $6,000 stipend.

Police:

1. Police Chief and Assistant Chiefs receive an additional $5,000 in salary.
2. Increase in annual equipment stipend from $271.43 to $680.00.

Engineering:

1. GIS position increase from $1,976.03 biweekly to $2,027.46 to be in line with the Water department GIS position.

Mayor:

1. Secretary promoted to Executive Secretary position. Increase from $1,318.16 biweekly to $1,329.24.

Section 5. Deferred Compensation Match language added. Note: the FOP negotiated to not accept this match.

Please contact me with any questions.

c: David A. Wood, Mayor
Geoff Spiess, HR Director/Corporation Counsel
Ken Witkowski, Police Chief
Bryon Woodward, Fire Chief
Chris Jamrose, Director of Engineering/City Engineer

1st Reading 12-3-18
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 29 2018

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2018 – 36

ORDINANCE NO. _______

AN ORDINANCE AMENDING ORDINANCE 5627 THE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2019.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. The biweekly salaries of all employees of the City of Mishawaka except the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2019 and shall be payable in 26 bi-weekly pay periods commencing on January 11, 2019.

	BIWEEKLY SALARY
MAYOR'S ADMINISTRATIVE ASSISTANT	1,571.28
MAYOR'S EXECUTIVE SECRETARY	**1,329.24**
CONTROLLER	2,962.89
DEPUTY CONTROLLER	2,026.67
ACCOUNTANT	1,608.88
PAYROLL CLERK	1,465.14
BOOKKEEPER A	1,500.66
BOOKKEEPER B	1,300.51
BOOKKEEPER C	1,216.42
PURCHASING AGENT	1,516.47
CPA CERTIFICATION FT	192.31
CHIEF DEPUTY CLERK I	1,554.03
CHIEF DEPUTY CLERK II	1,506.71
HR DIRECTOR	2,169.59
ASST DIRECTOR	1,515.77
HR OFFICE MANAGER	1,318.16
HR CERTIFICATION	19.23
DIRECTOR OF IT	2,503.72
SYSTEM SPECIALIST IV.	1,896.67-2,064.42
SYSTEM SPECIALIST III	1,751.13
SYSTEM SPECIALIST II.	1,667.59
SYSTEM SPECIALIST I.	1,538.46
CORPORATE COUNSEL/HR DIRECTOR	2,242.04
1st DEPUTY CITY ATTORNEY	2,348.50
2nd DEPUTY ASST CITY ATTORNEY	662.77
PART TIME SECRETARY	288.46
COUNCIL ATTORNEY	662.77

DIRECTOR OF ENGINEERING	2,962.89
ASSISTANT DIRECTOR	2,456.75
TRAFFIC MANAGER	2,027.14
PROJECT MANAGER	2,079.41
CONSTRUCTION COORDINATOR	1,821.17
TECHNICIAN	1,809.22
GIS COORDINATOR	**2,027.46**
PROJECT COORDINATOR	1,505.93
LOCATOR/INSPECTOR	1,545.87
OFFICE MANAGER	1,318.16
PE BONUS FT	192.31
IDEM REVIEW BOARD BONUS	153.85
DIRECTOR OF CODE ENFORCEMENT	2,235.09
OFFICE MANAGER	1,318.16
CODE ENF OFFICER A	1,816.48
CODE ENF OFFICER B	1,521.98
BUILDING COMMISSIONER	2,287.25
ASSISTANT BUILDING COMMISSIONER	2,154.52
OFFICE ADMINISTRATOR	1,337.56
OFFICE MANAGER	1,318.16
INSPECTOR A	2,190.78
INSPECTOR B	1,988.25
FIRE CHIEF	**2,955.51**
ASSISTANT CHIEF	**2,742.44**
CHIEF FIRE PREVENTION	2,401.94
BATTALION CHIEF	2,494.31
CAPTAINS	2,373.87
LIEUTENANT	2,309.07
FIRE INSPECTOR	2,309.07
DRIVER OPERATOR	2,245.67
MASTER FIREFIGHTER	2,137.46
1st CLASS FIREFIGHTER	2,224.07
PROBATION - FF/EMT	1,944.80
FIRE EXECUTIVE SECRETARY	1,329.24
FIRE OFFICE MANAGER	1,318.16
POLICE CHIEF	**2,973.00**
ASSISTANT CHIEF	**2,759.89**
CAPTAIN	2,350.80
LIEUTENANT	2,306.30
SERGEANT	2,263.16
1st CLASS OFFICER	2,233.80
2nd CLASS OFFICER	2,064.26
PROBATION	1,875.18
2ND SHIFT DIFFERENTIAL	13.46
3RD SHIFT DIFFERENTIAL	26.92
POLICE RECRUIT	1,638.44
PROPERTY MANAGER	1,461.27
EXEC SECRETARY	1,329.24
ADMIN SECRETARY	1,318.16
SERVICES ADMINISTRATOR	1,509.06

PROPERTY CLERK	1,286.93
SECRETARY	1,300.67
PARKING PERSONNEL	1,300.67
CROSSING GUARDS	21 pays@ 353.70
CITY PLANNER	2,962.89
SENIOR PLANNER/ECON DEVEL SPLIST	2,017.65
SENIOR PLANNER	1,836.59
ASSOCIATE PLANNER	1,742.74
ADMINISTRATIVE PLANNER	1,554.34
OFFICE MANAGER	1,318.16
DIRECTOR COMMUNITY DEVELOPMENT	2,512.81
TIF CONSTRUCTION MANAGER	2,380.43
PROGRAM CONSTRUCTION MANAGER	2,159.36
PROGRAM COORDINATOR	1,524.09
GRANT MANAGER	1,978.69
GRANT SPECIALIST	1,342.44
CENTRAL SERVICES ASSISTANT	2,027.88
STREET COMMISSIONER	2,406.35
OFFICE ADMINISTRATOR	1,337.56
OFFICE MANAGER	1,318.16
SECRETARY	1,300.67

	BIWEEKLY HOURLY
PART-TIME HELP	7.25-25.00
CENTRAL SERVICES:	
FLEET MAINTENANCE TECHNICIAN	21.10
CENTRAL SERVICES/MVH:	
GROUP 1	20.04
GROUP 2	18.99
GROUP 3	18.11
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60
PROJECT COORDINATOR	1.00

ANNUAL/MISC

FIRE:
SPECIALTY PAY:

	TIER1	TIER 2
ADVANCED EMT	1,000	3,000
PARAMEDIC	2,000	4,000
LEAD PARAMEDIC	4,000	**50/shift**
WATER RESCUE/RECOVERY LEADER	1,050	
WATER DIVE/RESCUE TEAM MEMBER	950	
SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN	1,000	
MECHANIC	2,500	
INFORMATION TECHNOLOGY	1,500	

UNIFORM ALLOWANCE	1,250

POLICE:	
IDACS SPECIALIST	370
PARKING PERSONNEL CLOTHING	600
CROSSING GUARD SUBSTITUTE	20 per day
SUMMER SCHOOL CROSS GUARD	20 per day
UNIFORM ALLOWANCE	2,050
EQUIPMENT MAINT ALLOWANCE	**680**
PLAN COMMISSION	600
BZA MEMBER	375
INSURANCE STIPEND:	
ASST CITY ATTORNEY & COUNCIL ATTORNEY	500 per month

Section 2. The City will contribute the employee portion of 3% to the Public Employees Retirement fund for all employees eligible for participation in the Public Employees Retirement Fund.

Section 3. The City will contribute 3% of the employee portion to the 1977 Fire Pension for all employees eligible for participation in the 1977 Fire Pension Fund.

Section 4. The City will contribute 2% of the employee portion to the 1977 Police Pension for all employees eligible for participation in the 1977 Police Pension Fund.

Section 5. The City will contribute a match of 100% of the employee's contribution not to exceed 1% of the employee's base biweekly pay for all employees eligible for participation in the State's 457B plan. Employees under the FOP collective bargaining agreement are exempt from this match.

Section 6. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees (as amended). The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employees anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

Years of Service	Annual Increments	Bonus
5	0	150
6	75	225
7	75	300
8	75	375
9	75	450
10	75	525

An additional $80.00 will be added for each year of service after the 10th year.

Section 7. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve-month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 8. This ordinance shall be in full force and effect from and after its signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on

this _________ day of ________________2018, at ________o'clock, ___.m.

Matt Mammolenti, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this ______ day of ___________ 2018, at _____o'clock, __.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ______ day of _____________, 2018, at _______ o'clock, __.m.

David A. Wood, Mayor

1st Reading 12-3-18
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2018- **37**

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2018

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Park and Recreation Department budget in the Park and Recreation Fund adopted for the fiscal year ending December 31, 2018

Section 2. There is hereby transferred and reappropriated the sum of $57,000.00 as follows:

Park and Recreation Fund

From:	Personal Services		
	204-50-411-03	Temporary	40,000.00
	Supplies		
	204-50-422-02	Gas, Oil, Parts, Etc.	6,000.00
	Other Services and Charges		
	204-50-439-18	Instructor Fees	6,000.00
	204-50-439-19	Official/Ref Fees	5,000.00
			57,000.00
To:	Other Services and Charges		
	204-50-435-01	Utilities - MU	57,000.00

Section 3. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on

This __________day of ____________________, 2018 at ___________o'clock, _____.M.

____
Matt Mammolenti, Council President

ATTEST;

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ___________day of

____________________, 2018 at _________________o'clock, _____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _________day of ____________________, 2018

at ____________o'clock, _____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

PARKS AND RECREATION DEPARTMENT
ADMINISTRATION OFFICE

Date: November 29, 2018
To: Mishawaka Common Council
From: Phil Blasko, Superintendent of Parks
Re: Transfer of Park Department Funds

Mr. President and Honorable Council Members:

This letter will provide background information for our request to transfer funds within the Parks and Recreation operating budget.

After examining the operating budget and estimated expenditures for through the end of the year for the Parks and Recreation Department, a total of **$57,000.000** will need to be transferred into one specific line. See below:

435.01	Utilities-MU		$57,000.00
	TOTAL		**$57,000.00**

In order to accommodate the transfer of additional funds into the above account, we have scrutinized our general fund accounts and determined the transfers will come from four accounts. See Below:

411.03	Temporary		$40,000.00
422.02	Gas, Oil, Parts, etc.		$6,000.00
439.18	Instructor Fees		$6,000.00
439.19	Official/Ref Fees		$5,000.00
	TOTAL		**$57,000.00**

Thank you for your consideration of this matter. Your approval will continue to allow the Parks and Recreation Department to operate efficiently and professionally to serve our customers and the City of Mishawaka. Should you have any questions, please do not hesitate to contact me at (574) 258-1664 or pblasko@mishawaka.in.gov.

Respectfully submitted,

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 29 2018

CITY CLERK
MISHAWAKA, IN

Phil Blasko, Superintendent of Parks

cc: Honorable Mayor Dave Wood
Rebecca Miller, City Controller

Battell Center ◦ 904 N. Main Street ◦ Mishawaka IN ◦ 46545-6631
Building Phone: (574) 258-1664 ◦ Fax: (574) 258-1736 ◦ Website: www.mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 14 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 11-19-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-30

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-29

ORDINANCE NO. ______

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.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has made no recommendation on the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

Parcel 2 N End Nortons Sub Prop of Lots 19-20 Wards Sub Prop S of L W E; Parcel 2 50 Ft S End Nortons Sub Prop of Lots 19-20 Wards Sub Prop S of L W E; Parcel 11 Nortons Sub Prop of Lots 19-20 Sub Prop S of L W E; Parcel 12 Nortons Sub Prop of Lots 19-20 Sub Prop S of L W E; Parcel 13 Nortons Sub Prop of Lots 19-20 Sub Prop S of L W E.

COMMON ADDRESS: Vacant property near the Northwest Corner of South Elder Street and Norton Court

which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as C-1 General Commercial District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The properties adjacent to the north and west of the properties to be rezoned are zoned C-1 General Commercial.

2. Character of Buildings – The character of the buildings in the block bounded by Lincolnway East, Elder Street, Norton Court, and Charles Street are commercial in nature.

3. The most desirable/highest and best use – Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to

surrounding properties, and the history of this site as a commercial project, staff feels that the most desirable use for this property is commercial.

4. Conservation of property values – The rezoning should not be injurious to property values in the area. The Lincolnway East and Bittersweet intersection is a mix of commercial uses, therefore, C-1 General Commercial uses are compatible with the existing uses along the corridor.

5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, identifies the front +/-120 feet along the south of Lincolnway East as commercial. This is appropriate given the high traffic volume of the Lincolnway corridor. There are several other properties along Lincolnway East where the commercial activities extend beyond that front 120 feet, therefore it still meets/does not conflict with the goals of the Comprehensive Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _________day of ____________________, 2018, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ________ day of ___________________, 2018, at _________ o'clock ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ________ day of __________________, 2018, at _________o'clock ____.M.

____
David A. Wood, Mayor

October 23, 2018

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 01 2018
CITY CLERK
MISHAWAKA, IN

PET 18-30

RECEIVED
OCT 24 2018
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned John A. Piraccini & Jayne L. Piraccini respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Parcel 2 N End Nortons Sub Prop of Lots 19-20 Wards Sub Prop S of L W E

Parcel 2 50 Ft S End Nortons Sub Prop of Lots 19-20 Wards Sub Prop S of L W E

Parcel 11 Nortons Sub Prop of Lots 19-20 Sub Prop S of L W E

Parcel 12 Nortons Sub Prop of Lots 19-20 Sub Prop S of L W E

Parcel 13 Nortons Sub Prop of Lots 19-20 Sub Prop S of L W E

Above Parcels have address close to 121 S Elder St, Mishawaka, IN 46544

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 Single Family Residential District. Said property is vacant.

Petitioner(s) desire said real estate to be rezoned to C-1 General Commercial District. Petitioner(s) further state that they intend to utilize said land for an electrical contractor's office and warehouse.

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

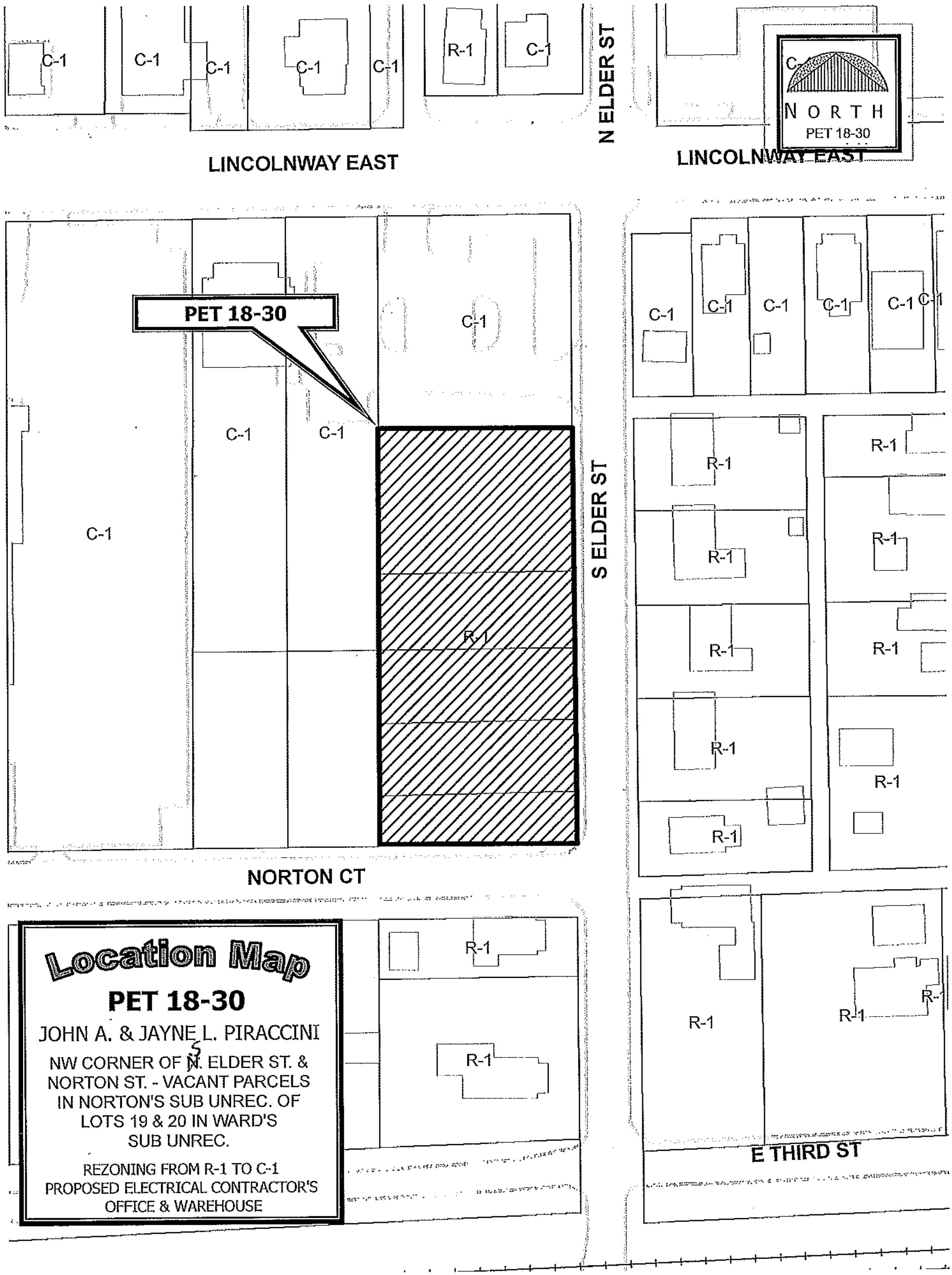
John A. Piraccini

Signature(s) of Property Owner(s)

Jayne A Piraccini

Jayne L. Piraccini

CONTACT PERSON:
Jason Roth
30438 S Meadowbrook Ln, Elkhart, IN 46514
Cell: 574-215-8479
Jason.scott.roth@gmail.com


NORTH
PET 18-30
LINCOLNWAY EAST
N ELDER ST
LINCOLNWAY EAST
PET 18-30
C-1
R-1
S ELDER ST
NORTON CT
E THIRD ST
Location Map
PET 18-30
JOHN A. & JAYNE L. PIRACCINI
NW CORNER OF N. S ELDER ST. &
NORTON ST. - VACANT PARCELS
IN NORTON'S SUB UNREC. OF
LOTS 19 & 20 IN WARD'S
SUB UNREC.
REZONING FROM R-1 TO C-1
PROPOSED ELECTRICAL CONTRACTOR'S
OFFICE & WAREHOUSE

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR | **DEPARTMENT OF LAW**

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 15 2018

CITY CLERK
MISHAWAKA, IN

November 15, 2018

Mishawaka Common Council
600 E. Third Street
Mishawaka, IN 46544

Re: Proposed Amendment to Land Development Code, Part II, Appendix A, Schedule of Fees

Honorable Members of Council:

Attached for your consideration is a Proposed Ordinance that incorporates needed changes to the Schedule of Fees charged by the City to contractors and subcontractors under the Land Development Code. Building Commissioner Bo Hundt has requested the changes after reviewing the City's current schedule. The Fee Schedule has not been adjusted since 2011.

Thank you for your consideration. Should you have any questions, please contact me.

Sincerely,

John J. Roggeman

John J. Roggeman
City Attorney

Geoffrey D. Spiess
Corporation Counsel
600 East Third Street
Mishawaka, Indiana 46544
(574) 258-1702
fax: (574) 254-0197

John J. Roggeman
City Attorney
600 East Third Street
Mishawaka, Indiana 46544
(574) 258-1637
fax: (574) 254-0197

David V. Bent
Deputy City Attorney
320 West Fourth Street
Mishawaka, Indiana 46544
(574) 255-3680
fax: (574) 255-3969

Robert C. Beutter
Deputy City Attorney
4100 Edison Lakes Parkway
Mishawaka, Indiana 46545
(574) 243-4100
fax: (574) 232-9789

1st Reading 11-19-18
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-30

ORDINANCE NO. ___________

AN ORDINANCE AMENDING LAND DEVELOPMENT CODE, PART II, APPENDIX A, SCHEDULE OF FEES, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED,

WHEREAS, circumstances warrant periodic changes to fees charged to contractors and subcontractors for obtaining permits to work in the City of Mishawaka from time to time; and

WHEREAS, a comprehensive review of various fees charged by the city resulted in changes in categories and amounts of fees charged; and

WHEREAS, the schedule of fees has not been adjusted since 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. Appendix A, Schedule of Fees, of Part II of the Land Development Code, of the Municipal Code of the City of Mishawaka, be, and the same is, hereby amended as follows:

Repeal Appendix A in its entirety and replace with the following:

See attached Schedule of Fees.

Section 2. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of ____________, 2018, at ______o'clock _____.M.

____
Matt Mammolenti
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ______ day of ______________, 2018, at _________ o'clock ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of ________________, 2014, at ________ o'clock _____.M.

____
David A. Wood, Mayor

ELECTRICAL:

MINIMUM PERMIT:	$30.00
METER SERVICE: (REPLACE/REPAIR/TEMPORARY)	$30.00
ALTERNATE POWER:	$30.00
CIRCUITS: (NEW/REPLACED)	$25.00 PLUS $5.00 EACH CIRCUIT
MAIN SERVICE/SUB PANEL: (NEW/REPLACED)	
100 AMP OR LESS	$100.00
200 AMP	$150.00
400 AMP	$200.00
600 AMP	$250.00
600 AMP OR MORE	$300.00

LICENSE-NEW/RENEWAL:	$125.00

HVAC:

MINIMUM PERMIT	$30.00
HVAC EQUIPMENT INSTALLED	$15.00 + $15.00each
COMMERCIAL HOODS:	
NO SUPPRESSION:	$75.00
FIRE SUPPRESSION:	$150.00
ROOFTOP FURNACE/AIR:	$75.00
ALTERNATIVE HEATING/COOLING:	$50.00
WATER CHILLERS:	$75.00
DUCT/REGISTER INSTALLATION:	
0 - 50	$30.00
51 - 100	$75.00
101 +	$150.00
GAS PIPING:	
PRESSURE TEST:	$30.00
LICENSE NEW/RENEWAL:	$125.00

PLUMBING:

MINIMUM PERMIT:	$30.00
PLUMBING FIXTURES:	$25.00 + $5.00each
ALTERNATIVE PLUMBING:	$30.00
GAS PIPING:	
PRESSURE TEST:	$30.00
FIRE SPRINKLERS:	$50.00 + $3.00per head
LICENSE NEW/RENEWAL:	$125.00

RESIDENTIAL:

$300.00 -	$1,000.00	$30.00
$1,001.00 -	$5,000.00	$50.00

ADD $25.00 PER $5,000.00 AFTER $5,000.00 UP TO $50,000.00

ADD $25.00 PER $10,000.00 AFTER $50,000.00 up to $200,000.00

ADD $25.00 PER $25,000.00 AFTER $200,000.00

RE-INSPECTION ROUGH	$50.00
RE-INSPECTION FINAL	$100.00

LICENSE-NEW/RENEWAL: $125.00

COMMERCIAL:

300	-	2,500	$50.00
2,500	-	5,000	$100.00
5,000	-	7,500	$150.00
7,500	-	10,000	$200.00

ADD $100.00 FOR EVERY $10,000.00 UP TO $200,000.00

ADD $20.00 FOR EVERY $10,000.00 AFTER $200,000.00 UP TO $1,000,000.00

ADD $100.00 FOR EVERY $100,000 AFTER $1,000,000.00

RE-INSPECTION ROUGH	$50.00
RE-INSPECTION FINAL	$100.00

LICENSE-NEW/RENEWAL:	$125.00

UNMETERED WATER AND EXH. FANS:

RESIDENTIAL :	$65.00
APARTMENTS: PER BUILDING:	$50.00
COMMERCIAL:	$135.00
INDUSTRIAL BUILDINGS:	$600.00
EXHAUST FANS:PER FIXTURE:	$5.00

WRECKING AND DEMOLITION PERMIT:

MINIMUM PERMIT:	$30.00
GARAGE/ACCESORY STRUCTURE:	$30.00
RESIDENTIAL HOUSE:	$50.00
COMMERCIAL:	$75.00

SWIMMING POOLS:

RESIDENTIAL IN-GROUND:	$150.00
COMMERCIAL:	$250.00

MOVING PERMITS:

RESIDENTIAL AND COMMERCIAL: OVER PUBLIC ROAD/ALLEY

ONE-OR-TWO STORY	$150.00
GREATER THAN TWO STORY:	$250.00

MISCELLANEOUS PERMITS:

Minimum Permit:	$30.00
Change of occupancy:	$150.00
Commercial Fire Alarm:	$100.00+$3.00 per device
Commercial Suppression:	$50.00
Fire Inspection fees:	$150.00
Underground Storage Tank:	$150.00
Spray Booth:	$200.00

SIGNS:

0	-	50 SQ. FT.	$30.00
50	-	100 SQ. FT.	$50.00

ADD $25.00 PER 50 SQ. FT. AFTER 100 SQ. FT.

BILLBOARD:	$50.00
TEMPORARY:	$30.00

LICENSE-NEW/RENEWAL:	$125.00

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 11 2018

CITY CLERK
MISHAWAKA, IN

PETITION 18-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-24

ORDINANCE NO. _______

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.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to-wit:

Lot 3AA Second Replat of Healthquest-Grape Road Minor Subdivision, City of Mishawaka, Clay Township, St. Joseph County, State of Indiana

COMMON ADDRESS: 4405 and 4415 Grape Road

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-4 Automobile Oriented Commercial District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The subject property consists of a vacant parcel of land with a large retention basin and wooded area, and is located along Grape Road, a highly travelled commercial corridor providing major north-south access through the City. Adjacent land uses include a multi-tenant commercial shopping center across Grape Road to the east, a restaurant to the south, and an assisted living facility to the west.
2. Character of Buildings – The character of the buildings in the area are predominantly multi-family residential and commercial.
3. The most desirable/highest and best use – Because of the parcel's location adjacent to an existing assisted living facility, it is the Staff's opinion that the

most desirable use of the property is a less intensive commercial use such as those currently permitted in the C-1 General Commercial District. However, the Plan Commission stated that the highest and best use was the proposed car wash facility due to the existing commercial uses along the Grape Road corridor, lack of development within the northern part of the site that will provide a natural buffer between the assisted living facility and Grape Road, and the provisions for additional fencing and landscaping between the site and the assisted living facility.

4. Conservation of property values – It is the Staff's opinion that the proposed rezoning may be injurious to property values in the area. However, due to the above stated reasons, the Plan Commission believes that the adjacent property values will not be negatively impacted.

5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. With the proposed fencing, landscaping, and lack of development within the northern part of the site, the proposed use is consistent with the general policies of encouraging compatible adjacent land uses.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this __________day of ______________________, 2018, at _________ o'clock ___.M.

____

Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _________ day of ____________________, 2018, at _________ o'clock _____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ________ day of __________________, 2018, at _________o'clock ____.M.

____

David A. Wood, Mayor

July 24, 2018

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DEBORAH S. BLOCK, MMC

JUL 31 2018

CITY CLERK
MISHAWAKA, IN

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned *Garatoni Holdings LP V* respectfully show they are the owners of the following described real estate, and the undersigned *Wyant Properties LLC* respectfully show they are the contract purchasers of the following described real estate, located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lot 3AA Second Replat of Healthquest-Grape Rd Minor NP #2297 04-05-11

Address: 4405 & 4415 Grape Road, Mishawaka, IN 46545
Parcel ID: 029-1001-001311

Garatoni Holdings LP V owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of *C-1, General Commercial District*. *Wyant Properties LLC* will own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of *C-1, General Commercial District*. Said property is a vacant commercial lot.

Petitioner(s) desire said real estate to be rezoned to *C-4, Auto-Oriented Commercial District*. Petitioner(s) further state that they intend to utilize said land for a car wash facility.

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Garatoni Holdings LP V

John Wyant, Wyant Properties LLC

CONTACT PERSON:
Abonmarche Consultants, Inc. (Attn. Brian McMorrow)
750 Lincoln Way East
South Bend, IN 46601
574.314.1022
bmcmorrow@abonmarche.com

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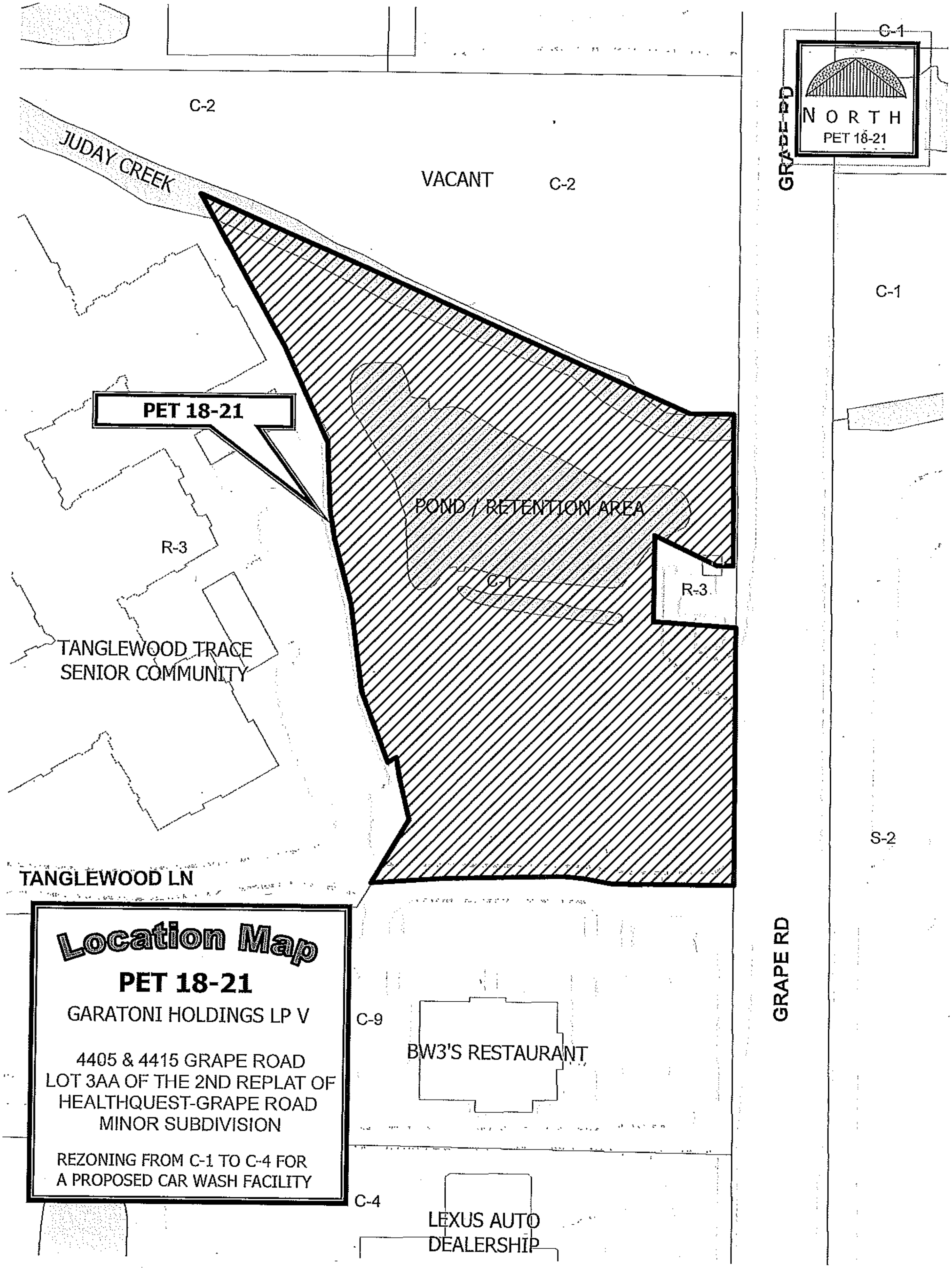
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

PT 18-21

Garatoni Holdings Limited Partnership V
By: The Garatoni Holdings Management, LLC, General Partner
By: Garatoni Holdings Irrevocable Trust, Sole Member
By:

Steven L. Garatoni, Trustee



C-1
NORTH
PET 18-21
C-2
JUDAY CREEK
VACANT
C-2
GRAPE RD
C-1
PET 18-21
POND / RETENTION AREA
C-1
R-3
R-3
TANGLEWOOD TRACE
SENIOR COMMUNITY
S-2
TANGLEWOOD LN
Location Map
PET 18-21
GARATONI HOLDINGS LP V
4405 & 4415 GRAPE ROAD
LOT 3AA OF THE 2ND REPLAT OF
HEALTHQUEST-GRAPE ROAD
MINOR SUBDIVISION
REZONING FROM C-1 TO C-4 FOR
A PROPOSED CAR WASH FACILITY
C-9
BW3'S RESTAURANT
GRAPE RD
C-4
LEXUS AUTO
DEALERSHIP