

AGENDA

January 1, 1900

**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**

Approval of the Minutes of the Regular Meeting of August 06, 2012

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

A letter from the Board of Zoning Appeals regarding recommendations from their August 14, 2012 meeting.

A letter from the City Plan Commission regarding recommendations from their August 14, 2012 meeting.

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

P.O. NO. 2012-21 City Employees Salary Ordinance for 2013 and 2014

P.O. NO. 2012-22 Rezone from I-1 Light Industrial to R-1 Single Family - 330 W. Marion Street

P.O. NO. 2012-20 Elected Officials Salary Ordinance for 2013

- 8. Resolutions**

R2012-25 Use Variance to allow for above ground fuel storage tank - North of 3224 N Home Street

- 9. Ordinances on Second Reading**

P.O. NO. 2012-18 Withdrawing from the Indiana Utility Regulatory Commission (IURC) - Public Hearing - NO VOTE - Second Public Hearing August 27th Battell Center 7:00PM

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

P.O. NO. 2012-18 Adopting Revised Rates and Charges for Water Utilities
(Assigned to Budget and Finance Committee)

- 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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
August 6, 2012

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 August 6, 2012 at 7:00 p.m. The meeting was called to order by President John Roggeman; and all were asked to stand for the Pledge of Allegiance and a moment of silence for former Councilman and City Controller Joseph Richard who was killed in an automobile accident.

Clerk Block's roll call showed the following:

Dale "Woody" Emmons 1st District Councilman – Present
Mike Bellovich 2nd District Councilman – Present
John Reisdorf 3rd District Councilman – Present
Marsha McClure 4th District Councilman – Present
Michael Compton 5th District Councilman – Present
Ronald Banicki 6th District Councilman – Present
John Roggeman Councilman At Large – Present
Matt Mammolenti, Councilman At Large – Present
Dan Bilancio, Councilman at Large – Present
A quorum was obtained.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel.

The minutes from the July 16, 2012 meeting were approved as received from the Clerk's Office.

President Roggeman turned the meeting over to Ken Prince City Planner.

Mr. Prince said it was a privilege to acknowledge what was about to happen in redevelopment in the downtown district adjacent to Central Park. He said Center for Hospice was asked to come and give the Council a brief presentation of the project. Mr. Prince introduced Mark Wargo, Chief Operating Officer of Center for Hospice, who thanked the Council for all of the collaborative efforts of the City Of Mishawaka, it has been a real joy seeing how this city's process works so well, and that they are very happy to be here and working on this project. He introduced Chris Chokley from Whitman Petrie who would be giving a quick overview of the site plan and then Brad Sechrist from Helman Sechrist Architecture who would give a little detail about what was coming up.

Chris Chokley, Whitman Petrie, 412 South Lafayette Street, South Bend passed out a picture of what they feel to be pretty close to the final site plan. He said Phase I was on the east side of the Main building and would include an outdoor art room for classes which would be an extension of the interior space, along with a sculpture of some kind like a wind harp. He said when coming around to the south they would be working on the public road construction, riverwalk connection, water features and stone benches

creating a nice transition space between public space and private areas so not to have a big wall of separation there would be visual and physical connections between the two. Mr. Cholkley introduced Brad Sechrist who would be able to talk about the architecture.

Brad Sechrist, Helman Sechrist Architecture 129 North 2nd Street Elkhart, said he wanted to give a brief overview of the building also hand out a small scale picture of the site. He said generally speaking it is about a 24,000 square feet of administrative and counseling center buildings, Phase I was not the Hospice House. Mr. Sechrist went on to explain to the west would be the Bereavement Counseling Center. He said there would be a lunch area to service this facility exclusively along with meetings and other informal gatherings. He said this building would house the IT Department and Human Resources, and they would be having a fitness center for employees.

Mr. Sechrist said the building materials they would be using were architectural metal siding, stone, and fair amount of building would be timber and natural wood for a warm look.

Mr. Compton asked if they would be attempting to reach any lead certifications, any energy efficiency on this building. Mr. Sechrist said lead certification has not been a goal they would like to serve a lot of energy pursuits in the design of the home, and they would take those designs on specifically in terms of the HVAC systems, insulating systems, broadly speaking they have decided lead was not an important goal for them to accomplish on this building.

Mr. Emmons asked if this would be a flat roof and what it would be made of Mr. Sechrist said it is known as a low sloped roof 1 inch in 12 inch pitched roof, made of standing seam metal roofing material.

Mr. Roggeman asked about fencing and parking if people using the riverwalk would be able to use some of their parking. Mr. Sechrist said there were two areas of parking one area of parking is on the Hospice property is private. Mr. Prince stated the park would be doubling the parking space. Mr. Sechrist stated there would be a four foot rot iron fence with bushes just to separate things some, in order to redirect some of the foot traffic onto the riverwalk.

President Roggeman thanked them for their presentation and stated it was a great facility to have in our city.

Clerk Block read **V2013-03 as required by State Statute on behalf of the City Of Mishawaka Redevelopment Commission to Vacate Right of Way's in the area of the east/west alley North of Madison St. Between Cedar St. and Pine Street**, opening it for public hearing.

Mr. Prince, City Planner stated the alley in question was adjacent to the former industrial building to the south, although the drive appeared to go all the way from Cedar Street to Pine Street, it only existed on the half between the north south alley and Pine Street. the

west toward Pine Street so as part of extending a new public street into Central Park the north/south alley would be continued all the way to that that public street, the only difference was it would turn to the north instead of breaking and turning to the west. He said there would be an underlying easement on that property due to a gas line that runs through there, but the alley right of way would be vacated.

Clerk Block presented the following Petitions to the Council, who referred them to the Board of Zoning Appeals and Plan Commission for their recommendation.

APPEAL NO. 2012-30

Use Variance to allow for an above
Ground fuel storage tank – North of
3324 West Marion Street

PETITION NO. 2012-20

Rezone from I-1 Light Industrial to R-1
Single Family – 330 West Marion Street

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

PROPOSED ORDINANCE NO. 2012-19

**AN ORDINANCE REMOVING THE MUNICIPAL WATER UTILITY
AND THE MUNICIPAL ELECTRIC UTILITY OF THE CITY OF MIHSAWAKA,
INDIANA FROM THE JURISDICTION OF THE INDIANA UTILITY
REGULATORY COMMISSION FOR APPROVAL OF RATES, CHARGES AND
EVIDENCES OF INDEBTEDNESS**

(Assigned to Budget and Finance Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2012-15** opening for public hearing.

PROPOSED ORDINANCE NO. 2012-15

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2012**

Additional Funds – Corporate Counsel - \$39,500.00

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

John Gourley, Corporation Council, City Attorney stated of these additional funds, \$4,500.00 of the \$39,500.00 was for future time owed to the former staff attorney, Cory Hamel who has moved on. Mr. Gourley went on the say \$35,000.00 was what he was setting aside for law suit filed by a citizen of Mishawaka, that has to do with the American

Disabilities Act and the as good as the City Insurance was it does not cover this type of thing so they have had to hire a nationally known firm to represent the city in this litigation, and it is going to cost the city some money unfortunately.

Mr. Emmons asked if it was common practice to pay comp time for past employees. Mr. Gourley explained it was paid to him as he left employment with the city it was future time owed so this money would reimburse the Controller's Office, since they paid him when he left. Mr. Emmons said there have been department heads leaving city employment before and this was not done in the past. Yvonne Milligan, City Controller explained in this case Mr. Hamel had vacation time, FTO time, personal time, and comp time not used and if they had not paid him for the six weeks owed him it would have delayed hiring a new staff attorney.

Mr. Roggeman said it would be like an overlap. Ms. Milligan stated normally this is not done, they try to not hire someone until all the extended time is paid out but in this case they needed to hire a staff attorney, because of contracts and all that was going on.

Mr. Mammolenti regarding the \$35,000 was that just for an attorney. Mr. Gourley stated they have hired Barnes and Thornburg (their local office) and there was also an ADA Specialist in Washington D.C. who flew out here and they were able to establish hourly rates that were comparable to our area. He said the Washington D.C. ADA Specialists, Attorney Geoff Spiess, Gary West and the local attorney from Barnes and Thornburg. Mr. Gourley went on to say the City Of Mishawaka had all city facilities reviewed for ADA Compliance in the spring of 2011. He said this was a special area of the law and the reason he was concerned was the city of LaPorte was sued a couple of years ago for 100 million dollars for non-compliance of ADA, it was settled and they are now paying 3 million a year for 10 years, but we are in great shape and he was not worried.

Mr. Bellovich stated the person suing the city was not paying any legal fees out of his own pocket. Mr. Gourley said he was representing himself as they call it pro-say. He said this gentleman goes around and his profession was to go into businesses and tell them they are not compliant and for x number of dollars he and his associate would get them in compliance.

Question was called for at 7:29 p.m. on **PROPOSED ORDINANCE 2012-15** the 
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure. **Thus it becomes ORDINANCE NO. 5349**

Clerk Block read **PROPOSED ORDINANCE NO. 2012-16** opening for public hearing.

PROPOSED ORDINANCE NO. 2012-16

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 of Public Right of Way – East/West Alley North of Madison Street between Cedar
and a portion of Central Park

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

Mr. Prince asked that his previous comments be duplicated for the record.

Question was called for at 7:31 p.m. on **PROPOSED ORDINANCE 2012-16** the 
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure. **Thus it becomes ORDINANCE NO. 5350**

Clerk Block read **PROPOSED ORDINANCE NO. 2012-17** opening for public hearing.

PROPOSED ORDINANCE NO. 2012-17

**AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF
THE CITY OF MISHAWAKA, INDIANA AS FROM TIME TO TIME AMENDED,
COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE
CITY OF MISHAWAKA, INDIANA**

Rezone from S-1 Open Space to C-3 City Center Commercial – Fish Ladder Lane and a
portion of Central Park

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

Ken Prince, City Planner said this was both a new and a cleanup item, the Center for Hospice contacted the City Of Mishawaka, and the Board of Parks and Recreation and talked to them about the potential of squaring up the property for the parking lot. He said what that intaled was acquiring a small sliver of Central Park to able them to do that. Mr. Prince said in compensation Center for Hospice offered was basically to give the Park Department a larger piece of property adjacent to the Fish Ladder Lane that was previously owned by the Redevelopment Commission. He said what complicates the matter was the rezoning which was the request at this time.

Question was called for at 7:35 p.m. on **PROPOSED ORDINANCE NO. 2012-17** the
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure. **Thus it becomes ORDINANCE NO. 5351.**

Clerk Block read **PROPOSED ORDINANCE NO. 2012-18** opening for public hearing.

PROPOSED ORDINANCE NO. 2012-18

AN ORDINANCE ADOPTING REVISED RATES AND CHARGES FOR WATER SERVICES FURNISHED BY THE CITY OF MISHAWAKA'S MUNICIPAL WATER UTILITY

(Adopting Revised Rates and Charges for Water Utilities Compton motion to postpone to next meeting second by Banicki passed)

Mr. Compton made a motion to postpone the second reading on this ordinance until the next regularly scheduled meeting, with a second by Mr. Banicki the motion carried.

PRIVILEGE OF THE FLOOR

Cindy Binyon, 1809 East LaSale said she drives a school bus for Penn High School and parks her bus in her driveway and has since 1998 until 2011 she was told she was grandfathered in and now it is an issue again. She is asking to have the ordinance amended or to get a variance; her drive way was 100 to 200 feet long and never blocks anyone's view. She said Midwest Finishing was in back of her home and they load semi's there. She knows they are commercial but still has semis there.

Mr. Banicki asked where other drivers park their busses. Ms. Binyon said the parking area for them was one mile away but she has an 8 year old daughter that rides with her everyday.

Sherry Miller Story with the South Bend Chamber of Commerce of St. Joseph County said gave notice at the Commerce as her role of Director of Policy and this would be her last Council Meeting. She said she wanted to thank all of Council for everything they do for the community and working with her on a daily basis sometimes. Ms. Story said they have all been very respectful, very professional and she admires they way they all work together in handling the issues that come before them.

President Roggeman said he was sure he speaks for everyone in thanking her for her service, as part of the Chamber she has reached out to the Mishawaka Council in ways the Chamber never did before and they appreciate all of her efforts. Congrats to her and her new position.

NEW BUSINESS

Mr. Emmons announced his neighborhood meeting on August 16th at 7:00 p.m. with Mr. Schrader, General Manager of Mishawaka Utilities and John Julian, Umbaugh and Associates talking about withdrawing from the IURC and rate increase in water rate. He said Mr. Bellovich and he would be having a joint meeting for District 1 and District 2.

Mr. Compton he and Mr. Banicki would be holding an informational meeting on August 13th at John Young Middle School Mr. Schrader, General Manager of Mishawaka Utilities and John Julian, Umbaugh and Associates talking about withdrawing from the IURC and rate increase in water rate. .

Mr. Reisdorf said they would be having their meeting on August 15th for the Third and Fourth District at 7:00 p.m. at Twin Branch School, with Mr. Schrader, General Manager of Mishawaka Utilities and John Julian, Umbaugh and Associates talking about withdrawing from the IURC and rate increase in water rate.

There being no further business to come before the Council, President Roggeman adjourned the meeting at 7:49 p.m.

Debbie S. Block /s/
/s/ Debbie S. Block, IAMC, MMC
Officer City Clerk,

□ □ John J. Roggeman
John J. Roggeman, Presiding



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

August 15, 2012

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
August 14, 2012, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

APPEAL #12-30 An appeal submitted by Fedor Properties, Inc. and Dan Shoup requesting a Use Variance for vacant property Street **north of 3324 North Home** to allow for a fuel storage tank.

The Board, with a vote of 5-0, recommended approval subject to the following condition of approval:

1. This approval shall be limited to one 10,000 gallon diesel fuel storage tank. Any expansion shall require the submission, review, and approval of an additional Use Variance.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Pete Garber

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 15 2012

CITY CLERK
MISHAWAKA, IN

STAFF REPORT

Location: North of 3224 N Home Street

Date: August 14, 2012

Appeal: 12- 30

Prepared By: GGS

GENERAL INFORMATION

Applicant: Dan Shoup
Status: Future land Owner
Request: Use Variance to install an above ground diesel fuel tank
Zoning Classification: I-1 Light Industrial District
Lot Size: 4.87 acres
Applicable Regulations: Section 137-586

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial
South: I-1 Light Industrial District
East: Unincorporated St. Joseph County
West: I-1 Light Industrial District

Thoroughfare: Merrifield Avenue
School District: P-H-M Schools
Township: Penn
Public Utilities: Available
Comprehensive Plan: Industrial

ANALYSIS

The appellant, Dan Shoup, is requesting a use variance to allow a 10,000-gallon above ground diesel fuel storage tank on property located north of 3224 N Home Street. The site is currently vacant. The appellant desires to construct a maintenance facility for Cardinal Buses' fleet of commercial buses. The proposed improvements to the property will include a 10,000 gallon, above ground, diesel fuel storage tank.

The property is zoned I-1 Light Industrial. Above ground fuel storage tank, as proposed by the appellant, are only allowed as a conditional use within I-2 Heavy Industrial Districts. In order to allow such a tank in the I-1 zoning district, a use variance is required.

The Appellant states that the proposed fuel tank will be used to provide fuel storage to fuel their fleet of buses. The diesel fuel tank will be placed inside an appropriately designed concrete containment vault. The concrete vault will be approximately 22'x22'x4' deep and be enclosed by an 8-ft fence.

All pertinent City Departments (Fire, Electric, Water, Building and Engineering) have reviewed and approved the proposed variance.

RECOMMENDATION

The Staff recommends in favor of Appeal 12-30 for a Use Variance to allow a 10,000 gallon above ground diesel fuel storage tank at property located north of 3224 N Home Street, subject to the following conditions:

- 1) This approval shall be limited to one 10,000 gallon diesel fuel storage tank. Any expansion shall require the submission, review, and approval of an additional Use Variance.

The recommendation is based on the following reasons:

1. With the stipulated condition, the approval will not be injurious to the public health, safety, morals, and general welfare of the community because the installation of the tank will conform to all applicable safety requirements as determined/interpreted by the City of Mishawaka Fire Department;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the 10,000 gallon tank will be set at least 25 feet from property lines and will be placed in an appropriate concrete containment vault.
3. The need for the variance does arise from a condition peculiar to the property involved because an above ground storage tank is not a permitted use in the I-1 Light Industrial District;
4. The strict application of the terms of this chapter constitutes an unnecessary hardship if applied to this property in that without the availability of onsite fuel, the company would not be able to fuel their bus fleet; and
5. Granting of this variance will not compromise the integrity of the *Mishawaka 2000 Comprehensive Plan* which indicates Industrial.

ATTACHMENTS

PHOTOGRAPHS, VARIANCE REQUEST, SITE PLAN, LOCATION MAP



View looking onto future home the Cardinal Buses Maintenance Facility



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

August 15, 2012

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
August 14, 2012, Public Hearing
Certification of Proposed Ordinance

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed ordinance was considered:

PETITION #12-20 A petition submitted by Alice Young to rezone **330 West Marion Street** from I-1 Light Industrial District to R-1 Single Family Residential District.

The Commission, with a vote of 6-0, recommended approval.

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinance regarding the above matters.

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner
Secretary, City of Mishawaka Plan Commission

cc: Alice Young

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 15 2012

CITY CLERK
MISHAWAKA, IN

STAFF REPORT

Location: 330 W. Marion Street

Date: August 14, 2012

Petition: 12 20

Prepared By: KM

GENERAL INFORMATION

Applicant: Alice Young

Status: Property Owner

Request: Rezone from I-1 Light Industrial District to R-1 Single Family Residential District

Zoning Classification: I-1 Light Industrial District

Lot Size: 53' X 74.6'

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District
South: R-1 Single Family Residential District
East: I-1 Light Industrial District (used as SF Residence)
West: I-1 Light Industrial District (used as SF Residence)

Thoroughfare: Marion Street east of Liberty Drive

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 330 W. Marion Street from I-1 Light Industrial District to R-1 Single Family Residential District. The property is located on the north side of West Marion Street just east of Liberty Drive and south of the Grand Trunk Railroad tracks. There are some I-1 zoned properties to the north along the railroad tracks and east of the subject property, but the majority of the properties in the neighborhood are zoned R-1 and are primarily residential in nature.

Prior to the 1980's residential uses were permitted in the I-1 Light Industrial District. Around 1986 the I-1 District was amended to prohibit residential uses. Originally constructed as a private residence, the home historically has remained residential in its use.

The property owner is seeking to rezone the property in order to repair the nonconforming front porch of the home which has an existing 6' 9" front building setback. The Zoning Ordinance states: *A nonconforming use shall not be changed to any other use or expanded in size, area, volume, or scope, unless the propose use conforms to the zoning requirements of the applicable zoning district.*

Pertinent City Departments reviewed and approved the rezone request.

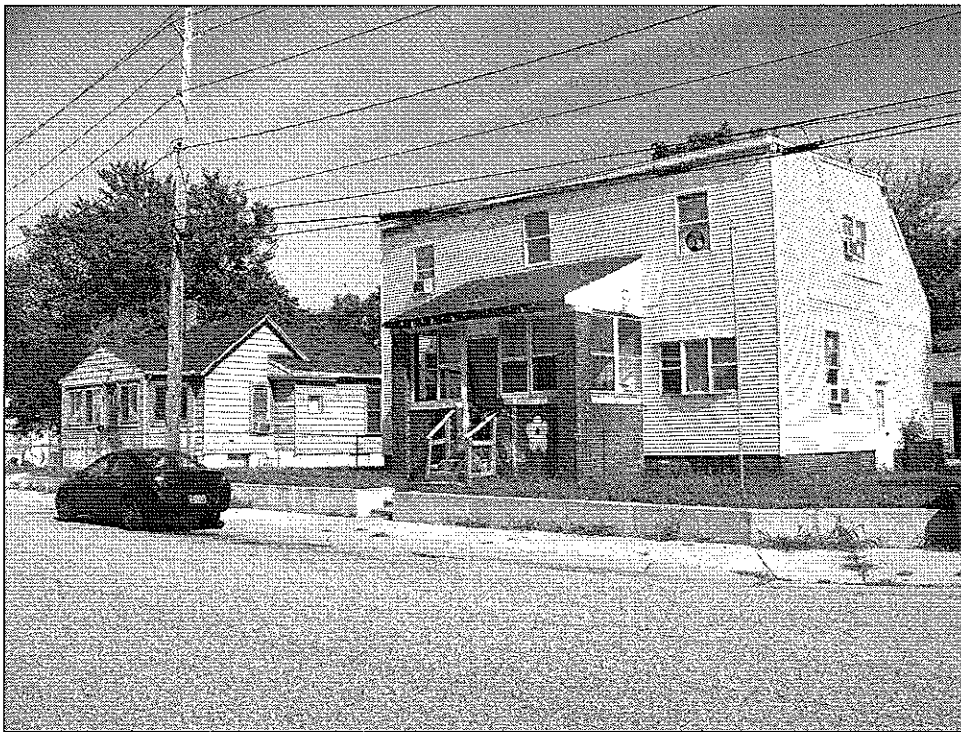
RECOMMENDATION

The Planning Department recommends **approval** of Petition 12-20 to rezone 330 W. Marion Street from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are I-1 Light Industrial zonings to the north along the railroad tracks and east of the subject property, but the neighborhood surrounding the property and to the south of the property used as single family dwellings;
2. 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 potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for low density residential so the rezoning is consistent with the historic residential uses in the area.

ATTACHMENTS

PHOTOGRAPHS, PETITION, AERIAL, LOCATION MAP



330 West Marion Street

PROPOSED ORDINANCE NO. 2012-21

ORDINANCE NO. _____

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2013 AND JANUARY 1, 2014.

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

Section 1. The annual 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, 2013 and shall be payable in 26 bi-weekly pay periods commencing on January 4, 2013.

SALARIES	2013	Bi-Weekly Salary Beginning January 4, 2013
MAYOR'S ADMINISTRATIVE ASSISTANT	\$37,167	1,429.48
MAYOR'S SECRETARY	\$31,028	1,193.39
CONTROLLER	\$70,917	2,727.56
DEPUTY CONTROLLER	\$48,210	1,854.26
ACCOUNTANT	\$38,079	1,464.56
PAYROLL CLERK	\$34,592	1,330.47
BOOKKEEPER A	\$35,454	1,363.62
BOOKKEEPER B	\$30,600	1,176.92
BOOKKEEPER C	\$28,560	1,098.46
PURCHASING AGENT	\$35,837	1,378.33
TEMPORARY HELP	\$7.25-\$25.00 PER HR	
CHIEF DEPUTY CLERK I	\$36,749	1,413.40
CHIEF DEPUTY CLERK II	\$35,601	1,369.26
HR DIRECTOR	\$51,677	1,987.59
ASST DIRECTOR	\$35,820	1,377.70
HR OFFICE MANAGER	\$31,028	1,193.39
TEMPORARY HELP	\$7.25- \$25.00 PER HR	
DIRECTOR OF IT	\$58,620	2,254.64
System Specialist IV Server Admin.	\$48,174	1,852.81
System Specialist IV Network Engineer	\$40,194	1,545.92
System Specialist III Desktop Engineer	\$38,736	1,489.81
GIS Coordinator	\$46,982	1,807.02
System Specialist III Web	\$40,722	1,566.23

CORPORATE COUNSEL	\$33,165	1,275.57
STAFF ATTORNEY	\$57,523	2,212.43
DEPUTY	\$13,954	536.63
COUNCIL ATTORNEY	\$13,954	536.63
DIRECTOR OF ENGINEERING	\$70,917	2,727.56
ASSISTANT DIRECTOR	\$58,642	2,255.45
TRAFFIC MANAGER	\$48,223	1,854.71
PROJECT MANAGER	\$49,490	1,903.47
CONSTRUCTION COORDINATOR-	\$43,228	1,662.60
TECHNICIAN	\$42,938	1,651.46
PROJECT COORDINATOR	\$35,582	1,368.51
LOCATOR/INSPECTOR	\$36,551	1,405.80
OFFICE MANAGER	\$31,028	1,193.39
PE BONUS	\$5,000	192.31
IDEM REVIEW BOARD BONUS	\$4,000	153.85
DIRECTOR OF CODE		
ENFORCEMENT	\$53,265	2,048.68
OFFICE MANAGER	\$31,028	1,193.39
CODE ENF OFFICER A	\$43,114	1,658.22
CODE ENF OFFICER B	\$35,970	1,383.47
BUILDING COMMISSIONER	\$54,531	2,097.35
ASSISTANT BUILDING		
COMMISSIONER	\$51,312	1,973.54
ADMINISTRATOR	\$31,499	1,211.48
OFFICE MANAGER	\$31,028	1,193.39
INSPECTOR A	\$52,190	2,007.34
INSPECTOR B	\$47,279	1,818.44
PART-TIME INSPECTOR A	\$7.25-\$25.00 PER HR	
FIRE CHIEF	\$64,778	2,491.45
ASSISTANT CHIEF	\$59,712	2,296.62
CH FIRE PREVENTION	\$56,188	2,161.08
BATTALION CHIEF	\$56,453	2,171.27
CAPTAINS	\$54,555	2,098.26
SHIFT SUPERVISOR	\$54,027	2,077.95
LIEUTENANTS	\$53,498	2,057.62
FIRE INSPECTORS	\$53,498	2,057.62
PARAMEDICS	\$53,498	2,057.62
DRIVER OPERATOR	\$52,473	2,018.18
MASTER FIREFIGHTER	\$51,775	1,991.34
1ST FIREFIGHTERS	\$49,775	1,914.42
PROBATION - FF/EMT	\$45,320	1,743.07
UNIFORM ALLOWANCE	\$1,250 PER YR	
SPECIALTY PAY:		
ADVANCED EMT	\$700 PER YR	
WATER RESCUE/RECOVERY		
LEADER	\$1,000 PER YR	
WATER DIVE/RESCUE TEAM		
MBR	\$900 PER YR	

SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN	\$1,000 PER YR	
MECHANIC	\$2,500 PER YR	
EMS TRAINING INSTRUCTOR	\$1,000 PER YR	
FIREFIGHTER/PARAMEDIC RESERVE	\$5,000 PER YR	
FIREFIGHTER/PARAMEDIC CIVILIAN	\$1,000 PER YR	
FIREFIGHTER/PARAMEDIC I OR II CERTIFICATION	\$1000 PER YR	
INFORMATION TECHNOLOGY	\$500 PER YR	
FIRE EXECUTIVE SECRETARY	\$1,500 PER YR	
FIRE OFFICE MANAGER	\$31,296	1,203.69
	\$31,028	1,193.39
POLICE CHIEF	\$65,194	2,507.48
ASSISTANT CHIEF	\$60,127	2,312.57
CAPTAINS	\$54,972	2,114.30
LIEUTENANTS	\$53,914	2,073.61
SERGEANTS	\$52,889	2,034.18
CORPORAL	\$52,191	2,007.34
PATROLMAN	\$50,191	1,930.42
PROBATION	\$45,706	1,757.94
UNIFORM ALLOWANCE	\$1,250 PER YR	
RECRUIT	\$39,937	1,536.04
DISPATCHER 6/3-HR	\$18.51	
PART-TIME DISPATCHER	\$16.00	
DISPATCH SPECIALIST Hourly	\$18.72	
DISPATCH COORDINATOR-5/2	\$39,409	1,515.70
PROPERTY MANAGER	\$34,499	1,326.89
EXEC SECRETARY	\$31,296	1,203.69
ADMIN SECRETARY	\$31,028	1,193.39
SERVICES ADMINISTRATOR	\$35,657	1,371.44
PROPERTY CLERK	\$30,271	1,164.25
SECRETARY	\$30,604	1,177.07
PARKING PERSONNEL	\$30,604	1,177.07
PART-TIME HELP	\$7.25 -\$25.00 PER HR	
PARKING PERSONNEL CLOTHING	\$500 PER YR	
CROSSING GUARDS	\$6,929	21pays@ 329.91
CROSSING GUARD SUBSTITUTE	\$20.00 PER DAY	
SUMMER SCHOOL CR GUARD	\$20.00 PER DAY	
CROSSING GUARD CLOTHING	\$170.00 PER YR	
CITY PLANNER	\$67,755	2,605.93
SENIOR PLANNER	\$37,062	1,425.42
Redevelopment pays 15%	\$6,540	251.55
ASSOCIATE PLANNER	\$41,325	1,589.45
ADMINISTRATIVE PLANNER	\$29,406	1,130.94
Redevelopment pays 20%	\$7,351	282.74
OFFICE MANAGER	\$31,028	1,193.39
PLAN COMMISSON	\$600.00 PER YR	
BZA MEMBER	\$375.00 PER YR	
CENTRAL SERVICES ASSISTANT	\$48,241	1,855.41
FLEET MAINTENANCE TECHNICIAN	\$19.22	
Group 1	\$18.24	

Group 2	\$17.25	
Group 3	\$16.52	
NIGHT BONUS/Shift differential	.55/.60 PER HR	
PART TIME	\$7.25-\$25.00 PER HR	
PROJECT COORDINATOR	1.00 PER HR	
STREET COMMISSIONER	\$57,419	2,208.43
OFFICE MANAGER-03	\$31,028	1,193.39
SECRETARY-04	\$30,604	1,177.07
Group 1	\$18.24	
Group 2	\$17.25	
Group 3	\$16.52	
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60	
PART-TIME HELP	\$7.25-\$25.00 PER HR	
PROJECT COORDINATOR	\$1.00 PER HR	
DIRECTOR COMMUNITY DEVELOPMENT	\$60,002	2,307.76
TIF CONSTRUCTION MANAGER	\$56,791	2,184.24
PROGRAM CONSTRUCTION MANAGER	\$51,428	1,978.04
PROGRAM COORDINATOR	\$36,022	1,385.50
NSP COORDINATOR	\$47,048	1,809.52
GRANT SPECIALIST	\$31,616	1,216.00
PART-TIME HELP	\$7.25-\$25.00 PER HR	

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 Police and Fire Pension for all employees eligible for participation in the 1977 Police and Fire Pension Fund.

Section 4. For those current employees who do not qualify or elect to become members of the 1977 Fire Pension fund following the merger January 1, 2002 with the Fire Department, the Pension Equalization Pay (PEP) will be offered to employees as additional wages. The PEP shall be payable in bi-weekly payments with the regular payroll. The annual PEP will be a combination of a base of \$3,300.00 (starting January 1, 2006) and an additional \$100.00 for every full year of continuous EMS service completed by January 1 of each year.

Section 5. Longevity Bonus will be provided annually to the Central Service Pool and Motor Vehicle Highway Teamster employees. 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. An additional \$50.00 will be added for each year of service after the sixth year starting January 1, 2010

<u>Years of Service</u>	<u>Annual Increments</u>	<u>Bonus</u>
1	\$10.00	\$ 10.00
2	\$20.00	\$ 30.00
3	\$30.00	\$ 60.00
4	\$40.00	\$100.00
5	\$50.00	\$150.00
6	\$70.00	\$220.00

An additional \$70.00 will be added for each year of service after the 5th year.

Section 6. 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 7. The annual 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, 2014 and shall be payable in 26 bi-weekly pay periods commencing on January 3, 2014.

SALARIES	2014	Bi-Weekly Salary Beginning January 3, 2014
MAYOR'S ADMINISTRATIVE ASSISTANT	\$37,724	\$1,450.92
MAYOR'S SECRETARY	31,494	1,211.29
CONTROLLER	71,980	2,768.47
DEPUTY CONTROLLER	48,934	1,882.07
ACCOUNTANT	38,650	1,486.53
PAYROLL CLERK	35,111	1,350.43
BOOKKEEPER A	35,986	1,384.08
BOOKKEEPER B	31,059	1,194.58
BOOKKEEPER C	28,988	1,114.94
PURCHASING AGENT	36,374	1,399.01
TEMPORARY HELP	\$7.25-\$25.00 PER HR	
CHIEF DEPUTY CLERK I	37,300	1,434.60
CHIEF DEPUTY CLERK II	36,135	1,389.80
HR DIRECTOR	52,452	2,017.40
ASST DIRECTOR	36,358	1,398.37
HR OFFICE MANAGER	31,494	1,211.29
TEMPORARY HELP	\$7.25- \$25.00 PER HR	
DIRECTOR OF IT	59,500	2,288.46
System Specialist IV Server Admin.	48,896	1,880.60
System Specialist IV Network Engineer	40,797	1,569.11
System Specialist III Desktop Engineer	39,316	1,512.16
GIS Coordinator	47,687	1,834.13
System Specialist III Web	41,333	1,589.72
CORPORATE COUNSEL	33,662	1,294.70
STAFF ATTORNEY	58,386	2,245.62
DEPUTY	14,162	544.68
COUNCIL ATTORNEY	14,162	544.68
DIRECTOR OF ENGINEERING	71,980	2,768.47
ASSISTANT DIRECTOR	59,521	2,289.28
TRAFFIC MANAGER	48,946	1,882.53
PROJECT MANAGER	50,233	1,932.02
CONSTRUCTION COORDINATOR-	43,876	1,687.54
TECHNICIAN	43,582	1,676.23
PROJECT COORDINATOR	36,115	1,389.04

LOCATOR/INSPECTOR	37,099	1,426.88
OFFICE MANAGER	31,494	1,211.29
PE BONUS	\$5,000	192.31
IDEM REVIEW BOARD BONUS	\$4,000	153.85
DIRECTOR OF CODE ENFORCEMENT	54,065	2,079.41
OFFICE MANAGER	31,494	1,211.29
CODE ENF OFFICER A	43,760	1,683.09
CODE ENF OFFICER B	36,510	1,404.23
BUILDING COMMISSIONER	55,349	2,128.81
ASSISTANT BUILDING COMMISSIONER	52,082	2,003.15
ADMINISTRATOR	31,971	1,229.65
OFFICE MANAGER	31,494	1,211.29
INSPECTOR A	52,974	2,037.45
INSPECTOR B	47,989	1,845.72
PART-TIME INSPECTOR A	\$7.25-\$25.00 PER HR	
FIRE CHIEF	\$64,778	2,491.45
ASSISTANT CHIEF	\$59,712	2,296.62
CH FIRE PREVENTION	\$56,188	2,161.08
BATTALION CHIEF	\$56,453	2,171.27
CAPTAINS	\$54,555	2,098.26
SHIFT SUPERVISOR	\$54,027	2,077.95
LIEUTENANTS	\$53,498	2,057.62
FIRE INSPECTORS	\$53,498	2,057.62
PARAMEDICS	\$53,498	2,057.62
DRIVER OPERATOR	\$52,473	2,018.18
MASTER FIREFIGHTER	\$51,775	1,991.34
1ST FIREFIGHTERS	\$49,775	1,914.42
PROBATION - FF/EMT	\$45,320	1,743.07
UNIFORM ALLOWANCE	\$1,250 PER YR	
SPECIALTY PAY:		
ADVANCED EMT	\$700 PER YR	
WATER RESCUE/RECOVERY LEADER	\$1,000 PER YR	
WATER DIVE/RESCUE TEAM MBR	\$900 PER YR	
SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN	\$1,000 PER YR	
MECHANIC	\$2,500 PER YR	
EMS TRAINING INSTRUCTOR	\$1,000 PER YR	
FIREFIGHTER/PARAMEDIC RESERVE	\$5,000 PER YR	
FIREFIGHTER/PARAMEDIC CIVILIAN	\$1,000 PER YR	
FIREFIGHTER/PARAMEDIC I OR II CERTIFICATION	\$1000 PER YR	
INFORMATION TECHNOLOGY	\$500 PER YR	
FIRE EXECUTIVE SECRETARY	\$1,500 PER YR	
FIRE OFFICE MANAGER	31,765	1,221.75
	31,494	1,211.29

POLICE CHIEF	\$65,194	2,507.48
ASSISTANT CHIEF	\$60,127	2,312.57
CAPTAINS	\$54,972	2,114.30
LIEUTENANTS	\$53,914	2,073.61
SERGEANTS	\$52,889	2,034.18
CORPORAL	\$52,191	2,007.34
PATROLMAN	\$50,191	1,930.42
PROBATION	\$45,706	1,757.94
UNIFORM ALLOWANCE	\$1,250 PER YR	
RECRUIT	\$39,937	1,536.04
DISPATCHER 6/3-HR	\$18.79	
PART-TIME DISPATCHER	\$16.00	
DISPATCH SPECIALIST Hourly	\$19.00	
DISPATCH COORDINATOR-5/2	39,999	1,538.44
PROPERTY MANAGER	35,017	1,346.79
EXEC SECRETARY	31,765	1,221.75
ADMIN SECRETARY	31,494	1,211.29
SERVICES ADMINISTRATOR	36,192	1,392.01
PROPERTY CLERK	30,725	1,181.72
SECRETARY	31,063	1,194.73
PARKING PERSONNEL	31,063	1,194.73
PART-TIME HELP	\$7.25 -\$25.00 PER HR	
PARKING PERSONNEL CLOTHING	\$500 PER YR	
CROSSING GUARDS	\$7,032	21 pays@334.86
CROSSING GUARD SUBSTITUTE	\$20.00 PER DAY	
SUMMER SCHOOL CR GUARD	\$20.00 PER DAY	
CROSSING GUARD CLOTHING	\$170.00 PER YR	
CITY PLANNER	68,770	2,645.02
SENIOR PLANNER	37,617	1,446.80
Redevelopment pays 15%	6,638	255.32
ASSOCIATE PLANNER	41,946	1,613.29
ADMINISTRATIVE PLANNER	29,846	1,147.90
Redevelopment pays 20%	7,461	286.98
OFFICE MANAGER	31,494	1,211.29
PLAN COMMISSION	\$600.00 PER YR	
BZA MEMBER	\$375.00 PER YR	
CENTRAL SERVICES ASSISTANT	48,964	1,883.24
FLEET MAINTENANCE TECHNICIAN	\$19.51	
Group 1	\$18.51	
Group 2	\$17.51	
Group 3	\$16.77	
NIGHT BONUS/Shift differential	.55/.60 PER HR	
PART TIME	\$7.25-\$25.00 PER HR	
PROJECT COORDINATOR	1.00 PER HR	
STREET COMMISSIONER	58,280	2,241.56
OFFICE MANAGER-03	31,494	1,211.29
SECRETARY-04	31,063	1,194.73
Group 1	\$18.51	
Group 2	\$17.51	
Group 3	\$16.77	
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60	

PART-TIME HELP	\$7.25-\$25.00 PER HR	
PROJECT COORDINATOR	\$1.00 PER HR	
DIRECTOR COMMUNITY DEVELOPMENT	60,902	2,342.38
TIF CONSTRUCTION MANAGER	57,642	2,217.00
PROGRAM CONSTRUCTION MANAGER	52,200	2,007.71
PROGRAM COORDINATOR	36,563	1,406.28
NSP COORDINATOR	47,753	1,836.66
GRANT SPECIALIST	32,090	1,234.24
PART-TIME HELP	\$7.25-\$25.00 PER HR	

Section 8. 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 9. The city will contribute 3% of the employee portion to the 1977 Police and Fire Pension for all employees eligible for participation in the 1977 Police and Fire Pension Fund.

Section 10. For those current employees who do not qualify or elect to become members of the 1977 Fire Pension fund following the merger January 1, 2002 with the Fire Department, the Pension Equalization Pay (PEP) will be offered to employees as additional wages. The PEP shall be payable in bi-weekly payments with the regular payroll. The annual PEP will be a combination of a base of \$3,300.00 (starting January 1, 2006) and an additional \$100.00 for every full year of continuous EMS service completed by January 1 of each year.

Section 11. Longevity Bonus will be provided annually to the Central Service Pool and Motor Vehicle Highway Teamster employees. 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. An additional \$50.00 will be added for each year of service after the sixth year starting January 1, 2010

<u>Years of Service</u>	<u>Annual Increments</u>	<u>Bonus</u>
1	\$10.00	\$ 10.00
2	\$20.00	\$ 30.00
3	\$30.00	\$ 60.00
4	\$40.00	\$100.00
5	\$50.00	\$150.00
6	\$70.00	\$220.00

An additional \$70.00 will be added for each year of service after the 5th year.

Section 12. 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 13. 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 _____ 2012, at _____ o'clock, p.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this ____ day of _____, 2012,
at _____ o'clock, p.m.

Clerk

Deborah S. Block, IAMC, MMC, City

APPROVED BY ME this ____ day of _____, 2012, at _____ o'clock, p.m.

David A. Wood, Mayor

PETITION 12-20

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2012-22

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, Penn Township, St. Joseph County, State of Indiana, to-wit:

The east one-half of Lot numbered Thirty-nine (39) in Guilfoyle and Houlihan's Addition to the City of Mishawaka, and the east one-half of Lot numbered Thirty-eight (38) in Guilfoyle and Houlihan's Addition to the City of Mishawaka

COMMON ADDRESS: 330 West Marion Street

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

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

1. There are I-1 Light Industrial zonings to the north along the railroad tracks and east of the subject property, but the neighborhood surrounding the property and to the south of the property used as single family dwellings;
2. 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 potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use;

Proposed Ordinance No: _____

Ordinance No: _____

3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for low density residential so the rezoning is consistent with the historic residential uses in the area.

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 _____, 2012, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2012, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2012, at _____ o'clock _____.M.

David A. Wood, Mayor

AUG 13 2012

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2012-20

ORDINANCE NO. - _____

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2013

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

Section 1. The annual salaries of the following elected officials of the City of
Mishawaka, Indiana, for the fiscal year beginning January 1, 2013 shall be payable in
26 equal biweekly pay periods beginning January 04, 2013 in the following amounts:

	2013 Annualized	Per biweekly pay period Beginning January 04, 2013
Mayor	\$ 72,757.00	\$ 2,798.33
Clerk	51,104.00	1,965.54
Council member	9,192.00	353.55

Section 2. Any prior ordinances in conflict herewith are hereby repealed.

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on
this _____ day of _____, 2012, at _____ o'clock, _____m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of _____,
2012, at _____ o'clock, _____.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2012, at
_____ o'clock, _____.m

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

OFFICE OF THE MAYOR

August 16, 2012

Mr. John Roggeman, Council President, At-Large City Council
Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Marsha McClure, 4th District City Council
Mr. Mike Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 16 2012

CITY CLERK
MISHAWAKA, IN

Re: Proposed 2013 and 2014 Salary Ordinance

Dear Council President, Council Members and Clerk,

Enclosed in your packet is a proposed ordinance that fixes the salaries of all employees of the City of Mishawaka except the Mishawaka Park Department, Elected Officials, and the employees of Mishawaka Utilities, for the year beginning January 1, 2013 and the year beginning January 1, 2014.

In general, what has been proposed for employees is a 2% salary increase for 2013 and a 1-1/2% salary increase for 2014. This is consistent with what has been proposed to each of the labor groups (excluding Police and Fire labor groups) and though they are not included in this ordinance, what was proposed for employees of the Park Department, for the Elected Officials, and what has been proposed for the employees of Mishawaka Utilities.

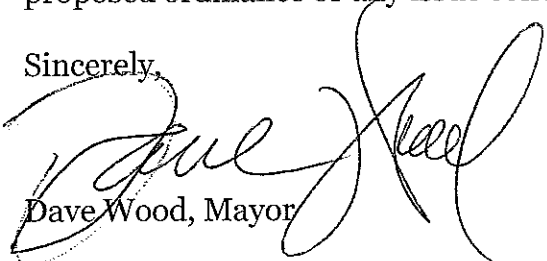
Given the uncertainty of our fragile economy and the budget impacts that could have, I am excited we are again able to offer all employees a salary increase. Though we all wish it could be more, I believe we can afford what has been proposed and that it is fair to the employees and sustainable for the long-term health of the City. With persistent tight budgets in most government units, we may be one of the only government units to be in a position to offer our employees a package like this. In fact, a survey of local governments around the State found that most municipalities are not giving raises at all. Some are giving small raises but Mishawaka is at the high end of the raises being proposed around the State.

Each year as we prepare the salary ordinance and budget, we take a close look at each of our positions and how they fit into the overall salary structure and how they pay compared to other like positions both within government and the private sector. Though we could make a case for a number of positions to receive a special exception to the proposed salary increase, we have kept all salaries at the standard 2% pay increase for 2013. Upon completion of this year's budget however, I will put in place a team to conduct a review of all non-collective bargaining unit salaries. This team will look at salaries, make comparisons to similar positions in public/private sectors (including benefits packages) and study best practices in regards to salary structures. The goal is to keep and attract top notch, skilled people to provide the world-class service that we all expect and our citizen's demand.

Speaking of benefits packages, it is important to note that the City has absorbed all health insurance premium increases over the past two years rather than pushing them on to our employees to pay. These increases were substantial, amounting to about 21.5%. While we cannot continue to do this forever, we do believe that it represents what amounts to a substantial pay increase for our staff members as well as one of the best benefits you will find at any employer, anywhere. Had we pushed those increases on to our employees, the average employee would have had to pay \$120.57 out of each paycheck to cover the increases.

Thank you for your consideration of the 2013 and 2014 salary ordinance proposals. As always, my staff and I stand ready to answer any questions you may have about this proposed ordinance or any issue concerning the Budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Wood", is written over a faint, dotted outline of the same signature.

Dave Wood, Mayor

CC: Yvonne Milligan, City Controller

APPEAL #12-30

RESOLUTION NO. 2012-25

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 Lane North of 3224 North Home Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located **North of 3224 North Home Street, Mishawaka, Indiana**, more particularly known and described as follows:

The parcel is legally described as: A parcel of land being a part of the West half of the Northeast Quarter and a part of the East Half of the Northwest Quarter, all in Section 3, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana, and being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Northeast Quarter of Section 3; thence North 88 degrees 59 minutes 07 seconds West, a distance of 331.00 feet (all bearings in this description are relative to an assumed bearing of North 00 degrees 00 minutes 00 seconds East for the East right-of-way of Home Street); thence North 00 degrees 10 minutes 05 seconds East, a distance of 1.00 feet; thence North 88 degrees 59 minutes 07 seconds West, a distance of 643.80 feet to a point 1 foot West of the Grantor's East property line and to the Place of Beginning for this description; thence South 00 degrees 00 minutes 09 seconds East, parallel with Grantor's East line, a distance of 359.35 feet to the North line of property conveyed to Culture Systems, Inc. by Warranty Deed recorded as Instrument Number 9512860 in the Office of the Recorder of St. Joseph County, Indiana; thence North 89 degrees 36 minutes 12 seconds West, along said north line, a distance of 553.04 feet to a point on a curve delineating the Easterly right-of-

way of Home Street; thence Northwesterly along a curve to the right having a radius of 886.09 feet, a central angle of 24 degrees 25 minutes 36 seconds and limited in length by a chord of 374.91 feet that bears North 12 degrees 00 minutes 48 seconds West; thence South 88 degrees 59 minutes 07 seconds East, a distance of 631.44 feet to the Place of Beginning, containing 5.043 acres, more or less.

The Use Variance will allow one (1) 10,000 gallon above ground diesel fuel tank on I-1 Light Industrial zoned property subject to the following condition:

1. This approval shall be limited to one (1) 10,000 gallon fuel storage tank. Any expansion shall require the submission, review, and approval of an additional Use Variance.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. With the stipulated condition, the approval will not be injurious to the public health, safety, morals, and general welfare of the community because the installation of the tank will conform to all applicable safety requirements as determined/interpreted by the City of Mishawaka Fire Department;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the 10,000 gallon tank will be set at least 25 feet from property lines and will be placed in an appropriate concrete containment vault.
3. The need for the variance does arise from a condition peculiar to the property involved because an above ground storage tank is not a permitted use in the I-1 Light Industrial District;
4. The strict application of the terms of this chapter constitutes an unnecessary hardship if applied to this property in that without the availability of onsite fuel, the company would not be able to fuel their bus fleet; and
5. Granting of this variance will not compromise the integrity of the *Mishawaka 2000 Comprehensive Plan* which indicates Industrial.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____
day of _____, 2012, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2012,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2012, at
_____ o'clock ____m.

David A. Wood, Mayor

PROPOSED ORDINANCE NO. 2012-19

ORDINANCE NO. _____

AN ORDINANCE REMOVING THE MUNICIPAL WATER UTILITY AND THE MUNICIPAL ELECTRIC UTILITY OF THE CITY OF MISHAWAKA, INDIANA FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION FOR APPROVAL OF RATES, CHARGES AND EVIDENCES OF INDEBTEDNESS

WHEREAS, the City of Mishawaka owns and operates a municipal water utility (the “Water Utility”) and a municipal electric utility (the “Electric Utility”) pursuant to IC 8-1.5; and

WHEREAS, the rates and charges of said Water Utility and said Electric Utility and the issuance of bonds, notes, or other evidences of indebtedness by said Water Utility and said Electric Utility are subject to the approval of the Indiana Utility Regulatory Commission (“Commission”) and the Common Council; and

WHEREAS, the Common Council may remove the Water Utility and the Electric Utility from the jurisdiction of the Commission for the approval of rates and charges and the issuance of debt pursuant to the process set forth in IC 8-1.5-3-9.1;

NOW, THEREFORE, be it ordained by the Common Council of the City of Mishawaka, Indiana:

Section 1. The Common Council hereby finds that written notice of the required meetings have been provided by mail to all ratepayers of the Water Utility and the Electric Utility and to the Commission in accordance with IC 8-1.5-3-9.1.

Section 2. The Common Council hereby finds that the two (2) public meetings required by IC 8-1.5-3-9.1(b) have been held.

Section 3. The Common Council of the City of Mishawaka hereby determines to remove the Water Utility and the Electric Utility from the jurisdiction of the Commission pursuant to IC 8-1.5-3-9.1.

Section 4. All Ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be effective 60 days after adoption by the Common Council and execution by the Mayor, provided that a petition is not filed with the Common Council in compliance with IC 8-15-3-9.1(d) requesting that the question of removal from Commission jurisdiction be submitted to the registered voters of the City at the next election, all in accordance with IC 8-1.5-3-9.1.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ON THIS ____ DAY OF _____, 2012.**

Common Council
City of Mishawaka, Indiana

John J. Roggeman, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Presented by me, the undersigned City Clerk of the City of Mishawaka, Indiana, to the Mayor of the City of Mishawaka, Indiana, for approval on the ____ day of _____, 2012 at _____ o'clock __.m.

Deborah S. Block, IAMC, MMC, City Clerk

Having examined the foregoing Ordinance, I do as the Mayor of the City of Mishawaka, Indiana, approve said Ordinance and return the same to the City Clerk of the City of Mishawaka, Indiana, this ____ day of _____, 2012.

Dave Wood, Mayor
City of Mishawaka, Indiana

ATTEST:

Deborah S. Block, City Clerk

PROPOSED ORDINANCE NO. 2012-18

ORDINANCE NO. _____

AS AMENDED

**AN ORDINANCE ADOPTING REVISED RATES AND CHARGES FOR
WATER SERVICES FURNISHED BY THE CITY OF MISHAWAKA'S
MUNICIPAL WATER UTILITY**

WHEREAS, the City of Mishawaka, Indiana, operates a municipal water utility through its agency Mishawaka Utilities (the "Utility") for the purpose of acquiring and distributing water to aid City and surrounding areas; and,

WHEREAS, the existing rates and charges for water services provided by the Utility were placed into effect following approval by the Indiana Utility Regulatory Commission (the "Commission") in Cause No. 41395, Order dated June 16, 2000; and,

WHEREAS, the Utility engaged H.J. Umbaugh & Associates to study the Utility's revenue requirements for water service under IC 8-1.5-3.8 and IC 8-1.5-2-28, and develop, in addition to other information, annual pro forma revenues and expenses for the test year ended December 31, 2011; and,

WHEREAS, H.J. Umbaugh & Associates has studied the Utility's annual revenue requirements and determined that the Utility's annual pro forma operating revenues from water service do not produce an adequate net operating income, and such revenues need to be increased to provide income for the revenue requirements set forth in IC 8-1.5-3-8 and IC 8-1.5-2-28; and,

WHEREAS, the Utility Board of the City of Mishawaka has recommended to the Common Council that it approve by Ordinance the revised rates and charges for water service developed by H.J. Umbaugh & Associates, which rates and charges are set forth as part of Exhibits "A" and "B" attached hereto; and,

WHEREAS, the Common Council of the City of Mishawaka, Indiana now finds that (i) the Utility's annual revenues from rates and charges for water service should be increased with the Utility's annual revenues from water service increasing by \$1,264,219; and (ii) the rates and charges for water service attached hereto as part of Exhibits "A" and "B" have been set to recover the necessary increases in the Utility's annual revenues from water service and so that they are non-discriminatory, "reasonable and just charges" for services within the meaning of IC 8-1.5-3-8;

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

Section 1. The rates and charges for water service attached hereto as part of Exhibits "A" and "B" are hereby adopted as and for the rates and charges to be utilized by the Utility when charging customers for water service, effective as set forth below.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed; provided, however, that the existing rates and charges for water service shall remain in full force and effect until the rates and charges fixed by this Ordinance shall be approved by the Commission, and until such time as the Order of said Commission approving said new rates and charges shall direct.

Section 3. This Ordinance shall be in full force and effect from and after its passage; provided, however, that the rates and charges for water service shall not become effective unless and until approved by the Indiana Utility Regulatory Commission in Cause No. _____, or until such time as said Commission shall direct.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ON THIS ____ DAY OF _____, 2012.

Common Council
City of Mishawaka, Indiana

John J. Roggeman, President

ATTEST:

Deborah S. Block, City Clerk

Presented by me, the undersigned City Clerk of the City of Mishawaka, Indiana, to the Mayor of the City of Mishawaka, Indiana, for approval on the ____ day of _____, 2012 at _____ o'clock __.m.

Deborah S. Block, City Clerk

Having examined the foregoing Ordinance, I do as the Mayor of the City of Mishawaka, Indiana, approve said Ordinance and return the same to the City Clerk of the City of Mishawaka, Indiana, this ____ day of _____, 2012.

Dave Wood, Mayor
City of Mishawaka, Indiana

ATTEST:

Deborah S. Block, City Clerk

EXHIBIT A

SCHEDULE OF RATES AND CHARGES

MISHAWAKA UTILITY - INSIDE CITY

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

For the use of and the service rendered by the Water Utility of the City of Mishawaka, Indiana, the following rates and charges based upon the amount of water supplied by said Water Utility.

Residential & Multi-Unit

Per 100 Cubic Feet

(a) Metered Rates Per Month

All consumption	\$ 1.69
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(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 5.80
1"	5.80

(c) Fire Protection Charge

<u>Monthly Charge</u>
\$ 4.09

Commercial & Municipal

(a) Metered Rates Per Month

<u>Per 100 Cubic Feet</u>
\$ 1.72

All consumption

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 5.80
1"	11.45
1 1/2"	20.85
2"	32.10
3"	58.40
4"	95.95
6"	189.90
8"	302.60
10"	434.10

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

(Cont'd)

(c) Fire Protection Charge

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 4.09
1"	10.23
1 1/2"	20.45
2"	32.72
3"	61.35
4"	102.23
6"	204.50
8"	327.20
10"	470.35

Industrial & Municipal

(a) <u>Metered Rates Per Month</u>	<u>Per 100 Cubic Feet</u>
First 7,750 cubic feet	\$ 1.80
Over 7,750 cubic feet	1.14

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
3"	\$ 58.40
4"	95.95
6"	189.90
8"	302.60
10"	434.10

(c) Fire Protection Charge

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 4.09
1"	10.23
1 1/2"	20.45
2"	32.72
3"	61.35
4"	102.23
6"	204.50
8"	327.20
10"	470.35

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

(Cont'd)

Hydrant Rental

Private hydrants - per annum	\$ 526.90
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Private Fire Protection Service

Sprinkler connection - per annum	
1"	\$ 14.64
1 1/2"	32.93
2"	58.54
3"	131.73
4"	234.18
6"	526.90
8"	936.71
10"	1,463.61
12"	2,107.60

Non-Recurring Charges

Refer to Appendix "B".

Current rate effective _____.

Pursuant to Cause No. _____, approved _____.

EXHIBIT B

SCHEDULE OF RATES AND CHARGES

MISHAWAKA UTILITY - OUTSIDE RATES

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

For the use of and the service rendered by the Water Utility of the City of Mishawaka, Indiana, the following rates and charges based upon the amount of water supplied by said Water Utility.

Residential & Multi-Unit

(a) <u>Metered Rates Per Month</u>	<u>Per 100 Cubic Feet</u>
All Consumption	\$ 1.96

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 6.80
1"	6.80

(c) <u>Fire Protection Charge</u>	<u>Monthly Charge</u>
	\$ 4.09

Commercial & Municipal

(a) <u>Metered Rates Per Month</u>	<u>Per 100 Cubic Feet</u>
All Consumption	\$ 1.97

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 6.80
1"	13.95
1-1/2"	25.85
2"	40.15
3"	73.50
4"	121.15
6"	240.25
8"	383.15
10"	549.90

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

(c) Fire Protection Charge

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 4.09
1"	10.23
1 1/2"	20.45
2"	32.72
3"	61.35
4"	102.25
6"	204.50
8"	327.20
10"	470.35

Industrial & Municipal

<u>(a) Metered Rates Per Month</u>	<u>Per 100 Cubic Feet</u>
First 7,750 cubic feet	\$ 1.68
Over 7,750 cubic feet	1.30

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Monthly Charge</u>
3"	\$ 73.50
4"	121.15
6"	240.25
8"	383.15
10"	549.90

(c) Fire Protection Charge

<u>Size of Meter</u>	<u>Monthly Charge</u>
5/8" - 3/4"	\$ 4.09
1"	10.23
1 1/2"	20.45
2"	32.72
3"	61.35
4"	102.25
6"	204.50
8"	327.20
10"	470.35

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY
SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

Hydrant Rental

Private hydrants - per annum	\$ 526.90
------------------------------	-----------

Private Fire Protection Service

Sprinkler connection - per annum	
1"	\$ 14.64
1 1/2"	32.93
2"	58.54
3"	131.73
4"	234.18
6"	526.90
8"	936.71
10"	1,463.61
12"	2,107.60

Non-Recurring Charges

Refer to Appendix "B".

Current rate effective _____.

Pursuant to Cause No. _____, approved _____.

APPENDIX B

NON-RECURRING CHARGES

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

- A. Water Account Service Charge - \$20.00
- B. Sprinkling Meters Turn-on Charge \$20.00
- C. Service Deposits- Service deposits are set by the Utility and can be up to one-sixth of normal annual bill per service location
- D. Failure to Meet Appointment Scheduled Charge - \$15.00
- E. Dishonored Negotiable Instrument Charge - \$20.00
- F. Processing/Disconnect Charge
 - Disconnect During Office Hours—\$25.00
 - Additional Reconnect charges after hours—\$70.00
 - Additional Reconnect charges on Sundays & Holidays— \$90.00
- G. After Hours Service Charge
 - After hours & Saturdays - \$70.00 minimum 1st 2 hours
 - After 2 hours call out time an additional \$35.00 per hour per man
 - Sundays and Holidays - \$90.00 minimum 1st 2 hours
 - After 2 hours call out time an additional \$45.00 per hour per man
- H. Turn Water Services Off/On (For Repair or To Test Plumbing). No charge during office hours 8-5

For after hour charges, refer to item G
- I. Late Penalty – 10% of the first \$3.00 plus 3% of the balance
- J. Meter Tampering Charge
 - First Offense – Actual cost of parts, labor, equipment and overhead plus cost of service estimated to have been used, based on prior history - \$75.00 + damages and a police report filed with police.
 - Second Offense – Same as above, plus \$250.00 + damages.
 - Subsequent Offenses – Same as second offense, plus disconnection of service

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

K. Violation of Fire Service Agreement – Illegal use of fire hydrant

First Offense - \$500.00

Subsequent Offense - \$1,000.00 and subject to criminal charges

L. Construction Permit Fees

150 day Residential – \$65.00

240 day Commercial – \$135.00 Per Building or \$5.00 per unit (whichever is larger)

320 day Industrial – \$600.00 Per Building

M. New Service Address Meter Charges –

Contact Water Department for current cost – 574-258-1652

Meter Size	Charge
5/8" — 3/4" (touch pad)	Actual Current Cost
1"	Actual Current Cost
1 1/2"	Actual Current Cost
2"	Actual Current Cost
3" & Larger	Actual Current Cost

Damage to Existing System Actual cost of repair

N. Meter Test at Customer Request

(No charge for first & second meter testing if second test has been requested after twelve months of the first testing)

Meter Size	Test Fee
5/8" — 1"	\$25.00
1 1/2" - 2"	\$48.00
3" & larger	Actual Cost

NON-RECURRING CHARGES

O. Hydrant Use Agreement

Hydrant Permit Charge – \$35.00

Deposit \$750.00

Damages to hydrant - repair cost to be deducted from deposit before refund, plus cost of water used, or per month (whichever is larger) \$ 50.00 minimum.

Township Hydrant Use (Fire Department Use Only) \$ 25.00 plus cost of water.

P. Tapping Permit

Existing taps never used and no fee paid at time of installation

Residential	
3/4"	\$1,198.00
1"	\$1,203.00
1 1/2"	\$1,564.00
2"	\$1,738.00
Commercial	
3/4"	Actual Current Cost
1"	Actual Current Cost
1 1/2"	Actual Current Cost
2"	Actual Current Cost
Commercial/Industrial	
4"	Actual Current Cost
6"	Actual Current Cost
8"	Actual Current Cost
10"	Actual Current Cost
12"	Actual Current Cost

All New Taps – Actual Current Cost

Contact Water Department for current pricing – 574-258-1652

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

Q. Lead Service Line Replacement Tap Costs

(Does Not Include Meter)

Size	Cost
5/8" — 3/4"	\$1,198.00
1"	\$1,203.00
1 1/2"	\$1,564.00
2"	\$1,738.00

R. Land Improvement Charges

Non-Residential	
Water Main	Charge / Linear Foot
6"	\$12.00
8"	\$16.00
10"	\$20.00
12"	\$24.00
14"	\$28.00
16"	\$32.00
20"	\$40.00
24"	\$48.00
Residential	
1/2 of the current cost of a 6" water main (100 feet maximum)	

Revised on 03/05/2012