REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
December 17, 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 December 17, 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 and a moment of silence for Mishawaka High School student Breana Rouhselang, whose life was taken too soon.

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

Minutes for the Regular Meeting of December 03, 2018 were approved as received from the Clerk's Office.

RESOLUTION NO. 2018-27

Honoring Firefighter Mark Regina

Clerk Block requested to suspend council rules for Resolution 2018-27. Mr. Deal made a motion to suspend council rules with motion and second by Mr. Tanner motion Carried.

Fire Chief Bryon Woodward introduced Goshen Fire Chief Dan Sink, Third Vice President of the Indiana Fire Chief Association to present Mark Regina the Heroic Rescue of the Year Award.

Fire Chief Dan Sink said the award nomination process was unique, everything was de-identified, no names were associated, and the Committee reviewed all submission. Chief sink said Mark was chosen out of 118 submissions. He continued to say Mark was picked solely on his actions, unbiased of name, or anything else. Chief Sink continued to say the Indiana Fire Chief Association was incredibly proud and honored to be a part of this honor.

Members of the council expressed this was one more reason to be proud of the city and the department. They thanked Mark for his heroic action, his efforts and bravery and for doing a job most people could not do. Members of the council said they believe he would have made the rescue even if he was not a firefighter because he was that kind of person.

Question was called for at 7:09 P.M. for **RESOLUTION NO. 2018-27** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).**Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.**

Clerk Block read letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their December 11,2018 meeting.

APPEAL #18-44 An appeal submitted by SCM 10X Mishawaka I, LLC requesting a Use Variance for vacant property between 5102 and 5310 North Main Street to allow multiple buildings with multiple tenants and one drive-thru restaurant on C-1 General Commercial zoned property.

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

1. The required minimum number of parking spaces for the entire property shall comply with the parking ratios for each individual use/tenant.
2. Uses shall be limited to one (1) restaurant with drive-thru and those identified in the C-1 General Commercial Zoning District.
3. Current stormwater management standards and grease-traps shall be implemented per City of Mishawaka Engineering Department.
4. Access drive improvements shall be reviewed as a part of the site plan submittal and implemented as determined by the City of Mishawaka Engineering Department.

PETITION #18-32 A petition submitted by John Coussens and Cressy Land Investments LLC requesting to amend the Coussens SE Main and Douglas Planned Unit Development to allow a commercial office, multi-family housing project, and a reduction in number of required parking spaces.

The Commission, with a vote of 7-0, recommended approval subject to the attached amended conditions, *with changes from the original approved conditions in italics:*

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. 2018-38

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AUTHORIZING THE ISSUANCE OFECONOMIC DEVELOPMENT REVENUE BONDS IN ONE (1) OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED SEVEN MILLION EIGHT HUNDRED THOUSAND DOLLARS ($7,800,000) AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO
(Assigned to the Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2018-39

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, ESTABLISHING A FLEXIBLE SPENDING ACCOUNT FUND
(Petitioner requested 1st and 2nd reading)

Mr. Compton made a motion to suspend council rules to allow second reading for Proposed Ordinance No. 2018-39 with a motion and second by Mr. Tanner motion carried.

Rebecca Miller, City Controller said this ordinance would establish a Flexible Spending Account Fund. She went on to say Human Resources and the Administration discussed for years the benefits of having a flex spending accounts for employees. Ms. Miller said they needed a fund to deposit the employee's contributions. She said it would be pre-taxed and would pay for the claims.

Ms. Voelker asked would this go into effect in 2019. Ms. Miller replied yes.

Mr. Compton asked would this be voluntary and was it at employee's expense. Ms. Miller said it was voluntary and employee money. Mr. Compton also asked would this go into one single fund and be accounted for in each employee's name. Ms. Miller replied yes.

Question was called for at 7:20 P.M. for **PROPOSED ORDINANCE NO. 2018-39** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.** Thus, it becomes **ORDNANCE NO. 5636**

PROPOSED ORDINANCE NO. 2018-40

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

(PUD Amd S 10 acres SE Main & Douglas PUD lot 1 Portillo's Main St.)
(Assigned to the Land Use Planning Committee)

Clerk Block read the following resolutions in its entirety and was opened for public hearing.

RESOLUTION NO. 2018-26

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 Between 5102 and 5310 North Main Street, Mishawaka, Indiana

Michael Huber, Ambonmarche Consultants represented petitioners. He said they were requesting Use Variances to allow them to build 3 separate buildings with multiple tenants in each building in the Main Street corridor. Mr. Huber continued to say normally they would prefer to do this as a PUD, but site was too small. He said the Planning Department recommended this was the way to go. Mr. Huber went on to say they would build consistent with the character, design and use permitted in the corridor. He said the only use that was not permitted in C-1 Zoning was drive-thru restaurants, which they would like to build one restaurant with a drive-thru. Mr. Huber said there were at least 5 surrounding drive-thru restaurants in the corridor. He mentioned they were also working on the main access area which was the Qdoba entrance, making sure they were in coordination with the Planning and Engineering Departments to make sure of traffic flows and connectivity.

Mr. Tanner asked was Qdoba the only shared entrance or would this connect to the same frontage that dead ends at Portillo's. Mr. Huber said they would also connect Portillo's from the south. He said he meant to say the Qdoba entrance was the only entrance to Main Street that would be shared. Mr. Tanner asked would there be new curb cuts. Mr. Huber replied no.

Mr. Compton asked who the tenants were and would this be a strip mall. Mr. Huber said they had some tenants but they were not ready to announce the names at this time and there was some space available. He mentioned there would be two restaurant tenants and would continue to look for more tenants for the rest of the development. Mr. Compton also asked would the developer hire locally. Mr. Huber replied yes, they did hire locally.

Mrs. Voelker questioned the time frame for the development. Mr. Huber said they would like to break ground in spring on two of the buildings; they would begin on the third building further on in the process. He hoped businesses would be open in fall 2019.

Question was caller for at 7:25PM for **RESOLUTION NO. 2018-26** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.**

RESOLUTION NO. 2018-28

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING JOE CANARECCI
FOR SERVICE TO THE CITY OF
MISHAWAKA

Clerk Block requested to suspend council rules to move RESOLUTION 2018-28 to new business. Mr. Compton made a motion to suspend council rules with motion and second by Mr. Banicki motion carried.

Clerk Block read the following proposed ordinances by title and were opened for public hearings.

PROPOSED ORDINANCE NO. 2018-31

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2018
(Transfer MVH- $15,000)
(Assigned to the Budget and Finance Committee)

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Canarecci motion carried.

Tim Ryan, Director of Central Services said this would keep the gas, fuel and oil line healthy for the remainder of the year.

Question was called for a 7:28 P.M. for **PROPOSED ORDINANCE 2018-31** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.** Thus, it becomes **ORDINANCE NO. 5637**

PROPOSED ORDINANCE NO. 2018-32

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2018
(Add. Sidewalk/Curb - $20,359)
(Assigned to the Budget and Finance Committee)

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Compton motion carried.

Rebecca Miller, City Controller explained as a part of sidewalk and curb cost shared program, citizens paid 50% of their sidewalk and curb repairs. She said she was appropriating the money they received from the citizens to pay for the cost.

Question was called for at 7:30 P.M. for **PROPOSED ORDINANCE NO. 2018-32** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.** Thus, it becomes **ORDINANCE NO. 5638**

PROPOSED ORDINANCE NO. 2018-33

AN ORDINANCE AMENDING ORDINANCE 5532 THAT ESTABLISHED INTERNAL CONTROL STANDARDS AND THE MATERIALITY THRESHOLD
(Internal Controls Standards)
(Assigned to the Budget and Finance Committee)

Mr. Canarecci reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Banicki motion carried.

Rebecca Miller, City Controller said she had an amendment to the Internal Control Ordinance which was originally adopted in 2016. She explained an item in section 2 stated the controller was directed to ensure that "all personnel receive training concerning the internal control procedures," it's been determined the employees that need the training presently, all current, new, and seasonal employees that dealt with money had the internal control training. Ms. Miller continued to say they had many employees that did not work with finances, it did not seem reasonable for them to do the training. She said the language would be changed to say, "all appropriate personnel to receive training concerning internal control." Ms. Miller said she would also like to make a change in the policy. She said under Cash Activities Principal 10, it originally stated "the monthly reconcilement between cash balance and the bank balance is thoroughly reviewed and approved by the governing body." Ms. Miller went on to say they did give reports monthly to the council, but they did not have the council approve the reconcilements. She said she did not process the checks or reconcile the banking to the ledger. Ms. Miller continued to say she was the appropriate person to do the review and it was appropriate to change the language to "to be approved by the City Controller."

Mr. Compton asked would it be better to list the position appropriate. Ms. Miller said they could list the position, but the ordinance would have to be amended every time a new position was added or taken away. She explained the auditors reviewed to see who had taken the certification and the policy, which was how it was brought to her attention. Ms. Miller continued to say the auditors questioned why every single employee did not do the training, they said every employee needed to do the training or to amend the ordinance. She said having it read a little more general made since. Ms. Miller said if the auditors felt it was too broad, she would change it.

Question was called for at 7:36 P.M. for **PROPOSED ORDINANCE NO. 2018-33** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.** Thus, it becomes **ORDINANCE NO. 5639**

PROPOSED ORDINANCE NO. 2018-34

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

(Establish New Ambulance Fund**)**

(Assigned to Budget and Finance Committee)

Mr. Canarecci reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Tanner motion carried.

Rebecca Miller, City Controller said they were going to take 10% of the EMS Revenue and dedicate it into an Ambulance Fund for the purchases of new ambulances.

Mrs. Voelker pointed out the proposed ordinance said this was for the replacement for the city's ambulance fleet but under Section 1 it stated this was for the "sole purpose to fund EMS equipment." She asked why it did not read the same. Ms. Miller said she considered it to be the same thing. Mrs. Voelker said it could be interpreted to be used to be purchased to purchase any EMS equipment. She expressed she felt it should read the same unless the purpose was for the fund to be flexible, but that would dilute the purpose of the account. Ms. Miller said she understood. She continued to say the beginning was the description of the ordinance and the section explained exactly what the fund would be used for.

Mr. Tanner asked with the purchase of an ambulance did they need to purchase the equipment to make the ambulance fully operational. Ms. Miller replied yes. Ms. Miller said if it was necessary, they could purchase the equipment for the EMS vehicles.

Mr. Deal asked what the cost was to buy a new ambulance. Ms. Miller said the last EMS vehicle purchased was under $300,000. She said they replace the vehicles every 3 to 4 years. Ms. Miller continued to say she estimated to have the money available in 3 to 4 years. Mr. Deal asked would the fund be adequately funded. Ms. Miller replied yes, she expected it to cycle to use the funds for the ambulances.

Mr. Mammolenti asked could this free some additional funds they used in the past to purchase the vehicles. Ms. Miller said with the cost of everything increasing she was unsure that would be the case.

Mr. Canarecci asked was the revenue generated by EMS increasing. Ms. Miller replies yes, gradually.

Ms. Miller said the idea was to have the money available and not take away from other funds.

Question was called for at 7:43 P.M. for **PROPOSED ORDINANCE NO. 2018-34** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).**Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.** Thus, it becomes **ORDINANCE NO. 5640**

PROPOSED ORDINANCE NO. 2018-35

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
(Deferred Comp Matching Plan)
(Assigned to Budget and Finance Committee)

Mr. Canarecci reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Banicki motion carried.

Rebecca Miller, City Controller explained this was necessary and required by the state to set up the matching plan. She continued to say the match was a 401A. Ms. Miller said employees need to set up their 457B, with the 401A the city would match 100% up to 1% of their base pay.

Mr. Canarecci said when they went over the budget, they budgeted a high participation rate. He asked did Ms. Miller have any idea if the participation rate was as high as they estimated. Ms. Miller said she had no idea but she it expects it could be.

Mrs. Voelker asked Ms. Miller to explain the eligible classes of employees who were not covered by the participating employers defined benefit retirement plan. Ms. Miller said seasonal and part-time employees were not eligible.

Question was called for at 7:46 P.M. for **PROPOSED ORDINANCE NO. 2018-35** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.** Thus, it becomes **ORDINANCE NO. 5641**

PROPOSED ORDINANCE NO. 2018-36

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.
(Amd Civil City Salary Ord 2019)
(Assigned to the Budget and Finance Committee)

Mr. Canarecci reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Banicki motion carried.

Rebecca Miller, City Controller said there have been some changes since they approved the original amendment in October.

Mr. Mammolenti omitted to reading the changes.

Mr. Tanner asked did Ms. Miller know if the Fire Department and the Union would continue through their current contract or was there anticipation of the Tier 2 Specialty pay for $50 a shift to be approved. Ms. Miller said it was in the budget in case it would be approved but it would not be paid because it was included. She continued to say it would be whatever was contracted.

Question was called for at 7:50 P.M. for **PROPOSED ORDINANCE NO. 2018-36** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).**Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.** Thus, it becomes **ORDINANCE NO. 5642**

PROPOSED ORDINANCE NO. 2018-37

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2018
(Park & Rec Transfer - $57,000)
(Assigned to the Budget and Finance Committee)

Mr. Canarecci reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Banicki motion carried.

Phil Blasko, Park Superintendent said after examining the operating budget and estimated expenditures through the end of the year for the Park and Recreation Department they needed a transfer of $57,000 due to increased utility cost. He said they made the appropriate adjustments to 2019 budget to prevent this from happen again.

Question was called for a 7:52 P.M. for **PROPOSED ORDINANCE NO. 2018-37** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).**Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.** Thus, it becomes **ORDINANCE NO. 5643**

NEW BUSINESS

RESOLUTION NO. 2018-28

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA HONORING JOE CANARECCI FOR SERVICE TO THE CITY OF MISHAWAKA

Frank Canarrecci 213 Prospect Dr. said he was proud of the city for working together; they did what was important for the city. He went on to say he was so proud of Joe Canarecci for what he accomplished and what he will accomplish in the future. Mr. Canarecci said he knew joe would represent the City of Mishawaka well on the County Council.

Mayor Wood appreciated Mr. Canarecci's willingness to want to go to the county. He said he understood it was Mr. Canarecci's father former seat and also his grandfather former seat.

Mayor Wood continued to say Mr. Canarecci's father and Mayor Woods grandfather, and the citizen Mr. Canarecci represented very proud. He said he hated to Mr. Canarecci go but he appreciated Mishawaka style of government being executed in other forms of government.

Members of the council wished Mr. Canarecci's well on the county council seat. They expressed they would miss Mr. Canarecci, he brought a lot of good on the city council; he was young, and he had a lot of new ideas. Members of the council said their loss was the county's gain. They thanked Mr. Canarecci for his hard work on council.

Mr. Canarecci expressed he owed everyone on the council and the Clerk Block. He said learned so much, he learned how to govern and put city over party. Mr. Canarecci went on to say it was exciting to be a part of building this city. He said he would take his skills he learned while being with the city to do his best to fill his father's old seat and give Mishawaka a voice at the county level.

Clerk Block expressed how proud she was of Mr. Canarecci for all the great things he has accomplished and would accomplish in the future.

Question was called for 8:15 P.M. for **RESOLUTION NO. 2018-28** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).**Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.**

Mr. Mammolernti presented Mr. Canarecci with a plaque to thank him for his years of service.

Mr. Tanner announced the Oaks Neighborhood meeting would be December 18, 2018 at 7:00 P. M. at Battell Center.

Mr. Emmons recognized Mr. Mammolenti for a great year as Council President and as friend and co-worker. He presented Mr. Mammolenti the Past President Award Plaque. Mr. Mammolenti expressed he enjoyed working with the Mayor, Administration and Department Heads. He also thanked Clerk Block and her Deputies for preparing him the best they could. Mr. Mammolenti said he had learned a lot from the past presidents and they were all great examples.

ADJOURNMENT 8:20 P.M.

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