

AGENDA

October 29, 2012

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

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

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

October 15, 2012

5. Petitions, Communications, Remonstrance and Memorials

Appeal No 2012-42 Use Variance to allow a 10,000 Gallon Fuel Tank - Glaser Court -
Cardinal Buses

Petition No. 2012-25 Rezone from C-2 Planned Shopping Ctr to R-3 Residential for a Senior Housing Facility SW
corner of Day Rd and Park Pl

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

P.O. NO. 2012-30 Additional Funds - Rainy Day Fund - \$970,000.00

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

P.O. NO. 2012-29 Transfer Funds - Police Dept. - \$25,000.00
(Assigned to Budget and Finance Committee)

- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**
- 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
October 15, 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 October 15, 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.

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.

Roll Call.

Present: Mr. Reisdorf, Mr. Banicki, Mrs. McClure, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

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

The minutes from the October 1, 2012 meeting were approved as received from the Clerk's Office.

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

PROPOSED ORDINANCE NO. 2012-29

**AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2012**

Transfer Funds – Police Dept. \$25,000.0
Assigned to Budget and Finance Committee

Clerk Block read **PROPOSED ORDINANCE NO. 2012-23** opening it for public hearing.

**PROPOSED ORDINANCE NO. 2012-23
Civil City Budget and Tax Levy for 2013 (Adoption)**

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

President Roggeman commended Mayor Wood and Controller Milligan for all their hard work and for meeting with the Council and Department Heads on a one to one basis's.

Question was called for at 7:03 p.m. on **PROPOSED ORDINANCE NO. 2012-23** 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. 5357.**

President Roggeman commended Mayor Wood and Controller Milligan for all the hard work and for meeting with the Council and Department Heads on a one to one basis's.

Clerk Block read **PROPOSED ORDINANCE NO. 2012-24** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-24

School City Of Mishawaka 2013 Budget (Adoption)

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

Question was called for at 7:06 p.m. on **PROPOSED ORDINANCE NO. 2012-24** 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. 5358.**

Mr. Mammolenti thanked the School Administration for addressing all their questions. He said with this being new to the Council they learned a lot about the school budget process.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-25** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-25

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2012 Transfer Funds – Park and Recreation \$59,000

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

Terry Zeller Superintendent of Parks said he submitted a staff report explaining his need for transfers in Office Supplies, Maintenance Supplies, Health Services, Utilities-MU, and Rentals.

Question was called for at 7:09 p.m. on **PROPOSED ORDINANCE NO. 2012-25** 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. 5359.**

Clerk Block read **PROPOSED ORDINANCE NO. 2012-26** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-26
Transfer Funds – MVH Fund - \$17,500.00

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

Mike Watson Street Commissioner said the need for this transfer was due to a shortfall in uniform supplies as they bought all new rain gear, gloves etc., and \$15,000.00 was needed for traffic signal maintenance

Mr. Compton asked if that was for operational maintenance. Mr. Watson said the maintenance was more for the electrical boxes on the side of the road.

Mr. Banicki asked Mr. Watson about a stop light at Merrifield and Jefferson as it has been discussed for 4 or 5 years. Mr. Watson said there wasn't much traffic to warrant one there. Mr. Banicki stated maybe it would be more user friendly with a stop light. Mr. Watson agreed.

Mr. Emmons asked about the stoplight at Milburn and Ironwood where the wiring was hanging. Mr. Watson said Mr. West has been working on that with South Bend because it was on the Mishawaka/South Bend line but South Bend was responsible for the light.

Question was called for at 7:14 p.m. on **PROPOSED ORDINANCE NO. 2012-26** 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. 5360.**

Clerk Block read **PROPOSED ORDINANCE NO. 2012-27**, opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-27

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING
THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR
ENDING DECEMBER 31, 2012
Additional Funds – Fire Dept \$200,000**

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

Fire Chief Dale Freeman stated the additional fund was for overtime pay, and operating supplies, he also asked the Ordinance be in full force and effective from and after its passage, signing and attestation.

Chief Freeman said they have been steadily replacing manpower of retirees. He said they would be swearing two new Firefighters at the Board meeting on Tuesday October 23, and that would put them at full strength. Chief Freeman stated over the last two years they have hired 22 and have been fortunate enough to have several coming in with Paramedic Status.

Mr. Banicki asked how things were going with the new Fire Station on 12th Street. Chief Freeman said things were going well and they anticipate the grand opening to be around the middle of November.

Mr. Mammolenti asked if the overtime pay was due to long term illnesses. Fire Chief Freeman said yes.

Question was called for at 7:20 p.m. on **PROPOSED ORDINANCE NO. 2012-27** the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Mr. Banicki, Mr. Belovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure. thus it becomes **ORDINANCE NO. 5361.**

Clerk Block read **PROPOSED ORDINANCE NO. 2012-28** opening it for public hearing.

**PROPOSED ORDINANCE NO. 2012-28
AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2012
Additional Funds Public Safety Fund \$53,000.00**

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

Yvonne Milligan City Controller explained there was an increase in the Motorola Contract from 2011/2012 of \$100,000.00 for an upgrade in the New Contract that goes to 2014, there was a need for new laptops, software, and voice recognition equipment they picked up one of the payments out of CEDIT and the other with encumbered funds.

Question was called for at 7:23 p.m. on **PROPOSED ORDINANCE NO. 2012-28** 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. 5362.**

NEW BUSINESS

Mr. Emmons wanted to remind everyone of his monthly meeting at St. Bavo School shortly before 7:00 p.m. on Thursday October 18, to take a tour of Main Junior High School redevelopment project.

Mr. Mammolenti said his meeting would be Wednesday night October 17th in the Twin Branch School Cafeteria, with Dr. Lawrence Curry speaking. He said his January 1, 2013 meeting would be same place same time and they would be discussing the new ICE Michiana App.

Mr. Reisdorf said the wanted to remind the public that the November 5th Council meeting would be on October 29th there would only be one meeting in November and that would be November 19th.

There being no further business to come before the Council, President Roggeman adjourned the meeting at 7:23 p.m.

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

☐ John J. Roggeman
John J. Roggeman, Presiding Officer



PO Box 27
3414 Elkhart Road
Goshen, Indiana 46527

OCT 23 2012

October 18, 2012

To: Board of Zoning Appeals
City of Mishawaka, Indiana

AP 12-42

Board Members: This variance request will look familiar to you. This same variance request came to you on August 14, 2012 for a vacant property, north of 3224 N. Home Street. That variance was approved 5-0, (Appeal #12-30). Since that time Mr. Shoup decided not to buy that property. He is now buying a 3.25 acre vacant parcel at the southwest corner of Day Road and Glaser Court, see below. (Address to be determined.)

1. I, Dan Shoup, am the future owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Legal Description: A part of the South Half of Section 35, Township 38 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, more particularly described as:

Lots Numbered One A (1A), One B (1B) and Two A (2A) as shown on the recorded Plat of Crawfords replat recorded July 19, 2007 as Document Number 0728315 in the office of the recorder of St. Joseph County, Indiana.

2. The above-described real estate presently has a zoning classification of Industrial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant proposes to occupy the above-described property in the following manner: Maintenance facility for Cardinal Buses fleet of commercial buses.
4. Appellant desires to place a 10,000 gallon, above ground, diesel fuel storage tank on the above-described property. The diesel fuel storage tank will be placed inside an appropriately designed and constructed concrete containment vault.
5. Zoning Ordinance 137-586 of the City of Mishawaka requires a variance to allow an above ground fuel storage tank to be located on the premises.
6. City of Mishawaka Ordinances does not allow for an above ground fuel storage tank. Strict adherence to this Ordinance would create a hardship because Cardinal Buses would not be able to buy their bus fuel in bulk from a distributor. They would be forced to charge their clients a higher fair, if they have to purchase their bus fuel from a retail filling station.

7. Use Variance

7.1. Will approval be injurious to public health, safety, morals or general welfare of the community? **NO**

7.1.1. The fuel storage tank will be place behind the building, out of site of the public

7.1.2. The fuel storage tank will be placed in an appropriately designed and constructed concrete containment vault.

7.1.3. This fuel storage tank is the same above ground fuel storage tank that is presently located at 3025 Home St. The tank at 3025 Home St will be relocated to this property when the building is completed.

7.2. Will the use and value of the area adjacent to the property included in this variance be affected in a substantially adverse manner? **NO**

7.2.1. Fuel storage tank will be behind the building, out of site of the public.

7.2.2. The fuel storage tank will be placed in an appropriately designed and constructed concrete containment vault, the purpose of the containment vault is to contain the fuel, if the tank were to leak, thus eliminating any chance of the fuel reaching the ground.

7.2.3. This fuel storage tank will be replacing an existing tank currently located approximately $\frac{3}{4}$ mile south on Home Street, so there will be the same amount of fuel stored in this general area.

7.3. Does the need for the variance arise from some condition peculiar to the property involved? **NO**

7.3.1. The property has nothing to do with the request for the above ground fuel storage tank. As stated above, the tank allows Cardinal Buses to purchase their fuel at a lower bulk rate.

7.4. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? **YES**

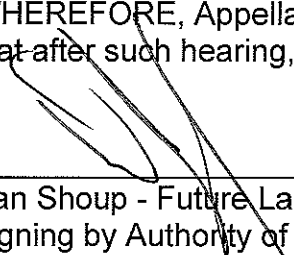
7.4.1. Cardinal buses will be forced to buy their fuel at retail prices, thus causing higher operating costs for their buses which will cause them to lose business because their prices will not be competitive.

7.4.2. Cardinal Buses may be forced to relocate their business to a community which will allow above ground fuel storage tank.

7.5. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? **NO**

7.5.1. A bus maintenance facility for a fleet of commercial buses is allowed in this Industrial Zoned District, allowing a fuel storage tank is a natural accessory for this building's main use.

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



Dan Shoup - Future Land Owner/Title Holder
Signing by Authority of Attached Letter of Authorization

Contact Person

Pete Garber
DJ Construction Co. Inc.
Cell Phone #: 574-536-3965
Fax #: 574-875-9594
Email: pete@djconstruction.com



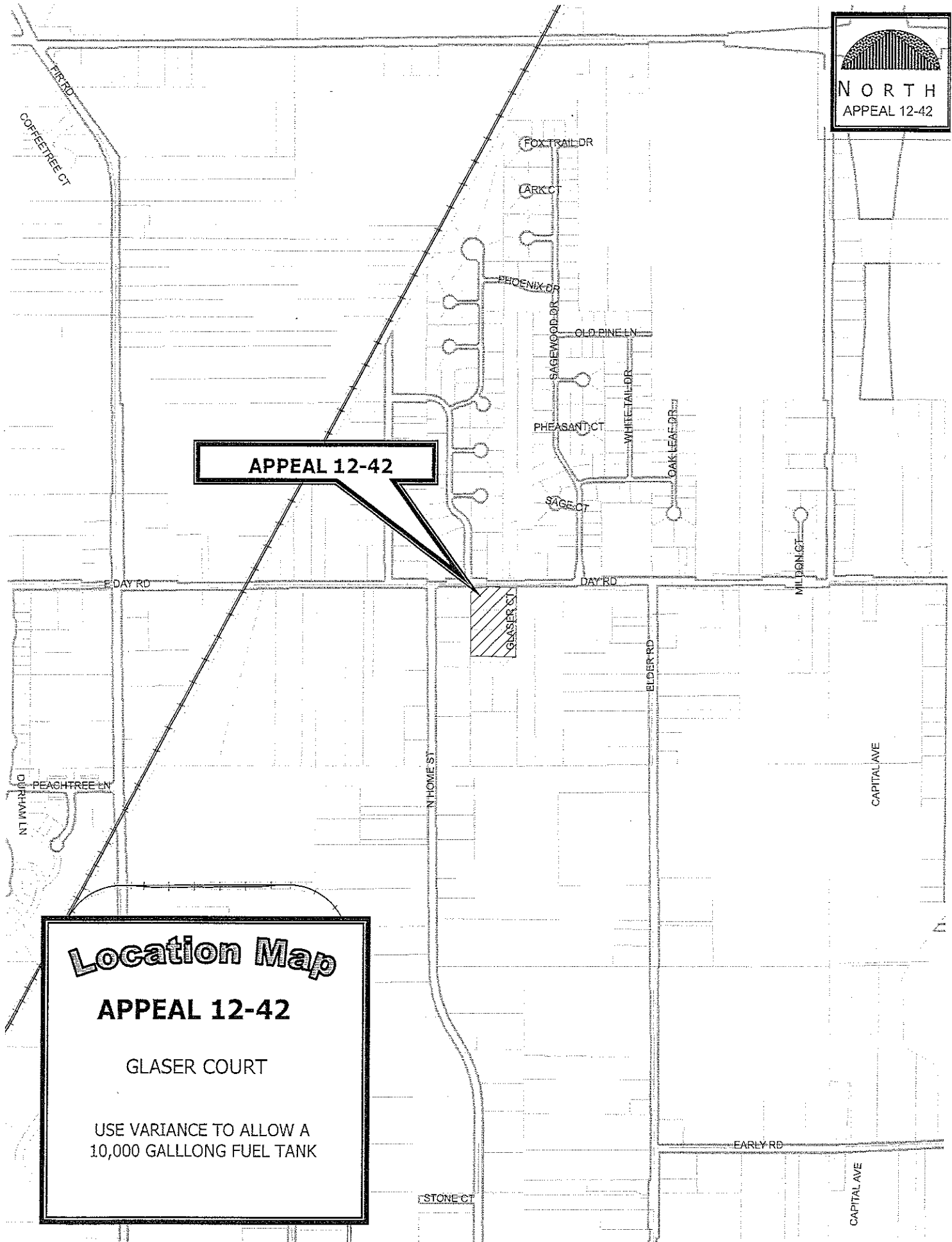
APPEAL 12-42

Location Map

APPEAL 12-42

GLASER COURT

USE VARIANCE TO ALLOW A
10,000 GALLLONG FUEL TANK



Date: October 23, 2012

To the: Honorable Members of the
Common Council City of Mishawaka, Indiana

Re: Cressy Land Investments Petition for
approval of Rezoning at the Southwest Corner of
Day Road and Park Place, Mishawaka:

The undersigned, Cressy Land Investments respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT #2 AS SHOWN ON THE PLAT OF "THE FOREST AT EDISON LAKES SECTION ONE" AS RECORDED BY DOCUMENT NUMBER 9209773 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF PARK PLACE FOR THE FOLLOWING THREE (3) COURSES, SOUTH 45°-08'-23" EAST A DISTANCE OF 35.36 FEET AND SOUTH 00°-08'-23" EAST A DISTANCE OF 317.86 FEET AND ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 330.00 FEET, A BEARING OF SOUTH 07°-47'-42" EAST, A CHORD DISTANCE OF 87.62 FEET, AND AN ARC DISTANCE OF 88.18 FEET TO THE SOUTHEAST CORNER OF SAID LOT # 2; THENCE ALONG THE SOUTH LINE OF SAID LOT, SOUTH 89°-51'-37" WEST A DISTANCE OF 467.00 FEET; THENCE NORTH 00°-19'-06" WEST A DISTANCE OF 430.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF DAY ROAD; THENCE ALONG SAID SOUTH LINE, NORTH 89°-51'-37" EAST A DISTANCE OF 429.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.50 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Also commonly known as the Southwest corner of Day Road and Park Place, Mishawaka, Indiana 46545.

The above-described parcel of land is presently zoned "C-2" Planned Shopping Center District classification.

Petitioners of said real estate desire to rezone the property from the present "C-2" Planned Shopping Center District to the "R-3" Residential District classification. The purpose for this rezoning would allow for the addition of a senior housing facility focused on the care of Alzheimer and Dementia patients. The proposed facility would be located on the above-described 4.50-acre parcel at the Southwest corner of Day Road and Park Place. The Petitioners have also submitted a Variance Petition to the Mishawaka Board of Zoning Appeals to be allowed to develop the proposed facility with a minimum of 30 parking spaces as shown. This is a reduction of the required 81 spaces per the City's Zoning Codes. This standard applies more to a residential apartment type development than to the proposed Health care facility. The proposed facility would be developed

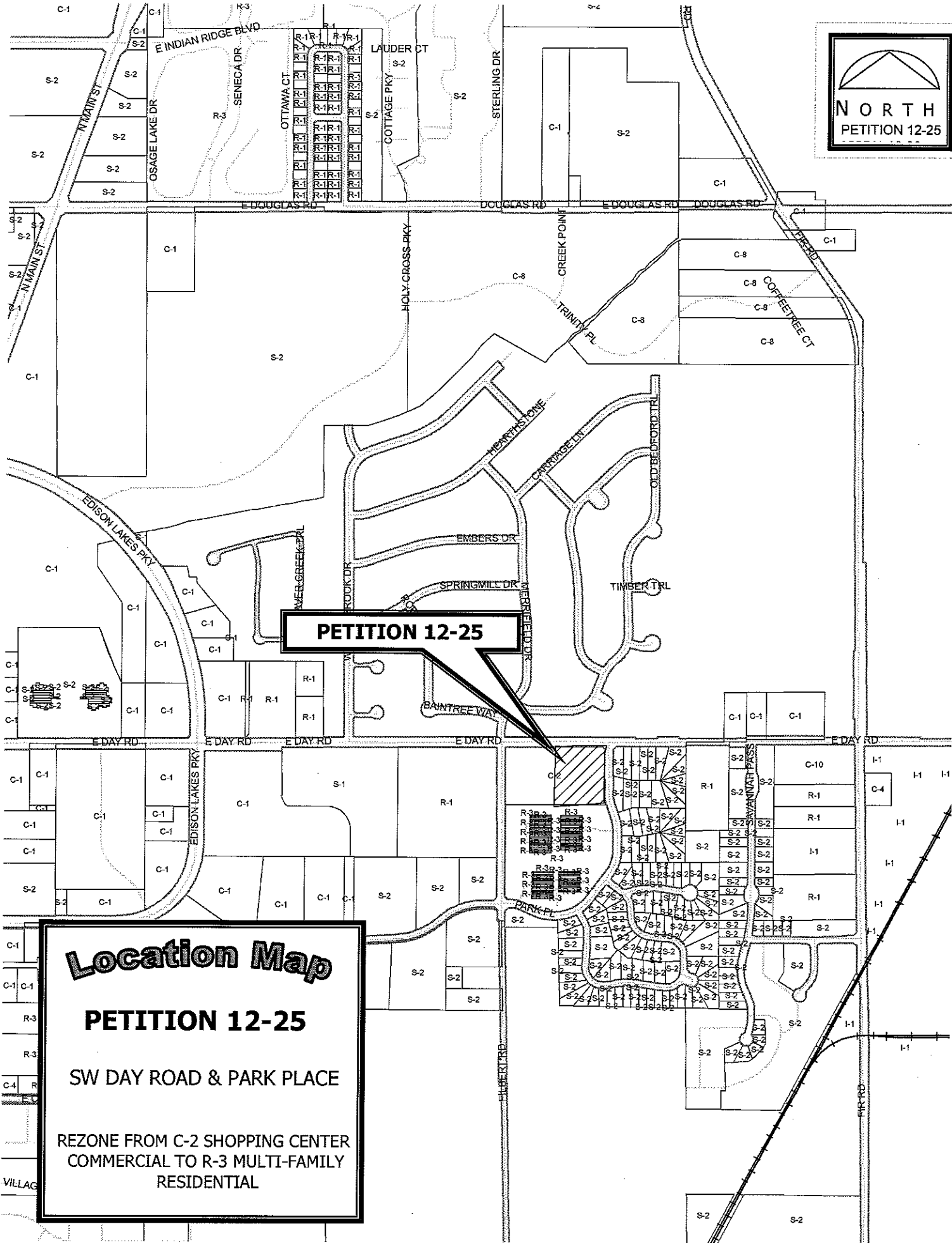
under the City's "R-3" Residential development standards other than the request for reduction in provided parking spaces.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate Ordinance be enacted allowing for the requested rezoning to the "R-3" Residential District classification, for the above described real estate located in the City of Mishawaka.



For Cressy Land Investments

Contact Person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003.



PETITION 12-25

Location Map

PETITION 12-25

SW DAY ROAD & PARK PLACE

**REZONE FROM C-2 SHOPPING CENTER
COMMERCIAL TO R-3 MULTI-FAMILY
RESIDENTIAL**

OCT 22 2012

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2012-30

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

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

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2012 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Rainy Day Fund of the City of Mishawaka the sum of \$970,000.00 for assignment as follows:

Rainy Day Fund

Rainy Day Fund

Capital Outlay

245.50.444.05	Phone System	185,000.00
245.50.449.02	Purchase of Property	<u>785,000.00</u>

Total \$ 970,000.00

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

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

On this _____ day of _____, 2012 at _____

o'clock, _____ .M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

On this _____ day of _____, 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

October 22, 2012

Mishawaka Common Council
600 East Third Street
Mishawaka, IN 46544

Re: Appropriation of Additional Funds
Proposed Ordinance No. 2012 - 30
VOIP Telephone System

Honorable Council Members:

Proposed Ordinance 2012 - 30 is for the establishment of two (2) account numbers with an Appropriation totaling \$970,000.00 in additional funds from the Rainy Day Fund which will be utilized to fund a new telephone system for all City Offices and to purchase property which is explained in a separate letter from Mike Watson.

Purchase of the new telephone system will upgrade all of the telephone systems within the city's network except the Police Department whose voice mail system experienced a failure earlier this year that required emergency replacement. The new telephone system installed at the police department included a voice mail system sized to serve for the entire city and all equipment installed with this project will be required to be fully compatible with that equipment.

The majority of telephone systems currently in service within various city and utility departments have been in operation in excess of ten years and have become technologically obsolete. A new telephone system will provide state of the art equipment and make voice mail available to all departments. The new system will also utilize Voice Over Internet Protocol (VOIP) via the city's fiber IP backbone which will enable the city to reduce the total number of CENTREX voice lines and its AT&T phone bill by as much as 50% when completely operational.

If you have questions regarding this matter please contact my office.

Very truly yours


Gary E. West
Director of Engineering

Cc: Mayor Wood
Yvonne Milligan

DEPARTMENT OF ENGINEERING

GARY E. WEST
Director of Engineering
CHRISTINE M. JAMROSE, P.E.
Assistant Director of Engineering
TERRY R. HOGMAN
Construction Manager
DEBORAH L. WHEELER
Project Manager
R. TODD SCHEETS
Traffic Manager
MELISSA A. MCGUIRE
MS4 Coordinator

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 25 2012

CITY CLERK
MISHAWAKA, IN



CITY OF MISHAWAKA

Ronald (Mike) Watson
Street Commissioner

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 23 2012

To: Mishawaka Common Council
Date: October 23, 2012
From: Mike Watson
Ref: Purchase of the Scott Brass Property
(Building and 2 Acres Old Dodge Property)

CITY CLERK
MISHAWAKA, IN

I would like to give all the council members some background on why we began researching a different location for all the Departments that are located at the 500 North Cedar Street Complex. The original City Garage was built in 1963. Over the years, other buildings were added: a truck barn, a small Park maintenance building, a small Sewer Department building, a salt barn and a Traffic building. The newest of these is the traffic building which was erected in the mid-nineties. The City acquired the old South Bend Modern Molding Building for storage in the late nineties.

In early 2010, we hired Forum Architects to design and provide us a cost estimate on the construction of a steel building at our current location. The building would have been 105 ft. by 210 ft totaling 22,050 sq ft. at a cost of \$1,700,000 or \$ 77.00 per sq. ft. We were also looking at building a new salt barn at our Fifth St. location which would enable us to store approximately 4,000 tons of salt. That building was estimated to cost \$350,000. The sq. ft. cost would be approximately \$67.00. Soon we were over two million dollars and had not met all of our needs.

We put our plans on hold to determine if we might find a better site and building to relocate all of our functions. We looked at prices for properties on 12th St. and the Scott Brass building on Union St. In December of 2011, DLZ performed a site study of our current location and the Scott Brass site. As we compared our current location and the Scott Brass location, it was apparent to us that the Scott Brass site could be renovated to meet all of our current and future needs as they may arise. In early May, we contacted the owner to inquire if the building and property were for sale. The owner replied by letter on May 7th stating he was very pleased with our interest in purchasing the former Scott Brass property. The owner offered the Scott Brass Property and two (2) plus or minus acres of parking area behind the Fire station on Union Street. The asking price was \$950,000. Indiana State law requires the City obtain at least two (2) appraisals on any land or buildings it is considering for purchase. The following will show the appraisals the City used to make an offer for the purchase of the property.

For the Scott Brass property only, using the Krause Associates appraisal of \$795,000 and the Appraisal Specialist, Inc. appraisal of \$515,000.

$\$795,000 + \$515,000 = \$1,310,000$ divided by 2 = \$655,000

For the two (2) plus or minus acres behind the Fire Station, using the Krause Associates appraisal of \$160,000 and the Appraisal Specialist, Inc. appraisal of \$100,000.

$\$160,000 + \$100,000 = \$260,000$ divided by 2 = \$130,000

$\$655,000 + \$130,000 = \$785,000$

The City has made a verbal offer of \$785,000, and the owner has verbally agreed to this offer.

Therefore, we are asking the council to transfer or do an additional for the needed funds.

OCT 09 2012

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2012-29

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2012

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the budget for the Police Department in the General Fund adopted for the fiscal year ending December 31, 2012

Section 2. There is hereby transferred and reappropriated the sum of \$25,000.00 as follows:

General Fund

From: Police Department

Services Personal

101-20-411-02

Regular Employees

\$ 25,000.00

Total

\$ 25,000.00

To: Police Department

Other Services and Charges

101-20-432-03

Travel and Training

\$ 10,000.00

101-20-436-01

Bldg/Equipment Repair & Maint.

15,000.00

Total:

\$ 25,000.00

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka,

Indiana, on this _____ day of _____, 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



P.O. Box 902
200 N. Church St.
Mishawaka, IN 46544

Police Department

Kenneth L. Witkowski, Chief
David A. Wood, Mayor

October 15, 2012

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 10 2012

Mishawaka Common Council
Mayor David Wood
Yvonne Milligan, Controller
Budget/Finance Committee

CITY CLERK
MISHAWAKA, IN

Dear Honorable Members:

An emergency exists which requires the transfer and reappropriation of funds within the budget for the Police Department. No additional funds are needed at this time.

From:	101-20-411-02	Regular Employees	<u>\$ 25,000.00</u>
		TOTAL	<u>\$ 25,000.00</u>
To:	101-20-432-03	Travel and Training	\$10,000.00
	101-20-436-01	Bldg/Equip Repair & Maint	<u>\$15,000.00</u>
		TOTAL	<u>\$25,000.00</u>

If you have any questions, please feel free to contact me.

Respectfully,

Kenneth L. Witkowski
Chief, Mishawaka Police Department

KLW:dcs

EMERGENCY911
FRONT DESK.....(574) 258-1678
DETECTIVE BUREAU.....(574) 258-1684
RECORDS.....(574) 258-1681

CHIEF.....(574) 258-1683
UNIFORM CHIEF.....(574) 258-1688
TRAFFIC DIVISION.....(574) 259-2966
FAX.....(574) 258-1690