AGENDA

May 6, 2013

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

Treble Clef Singers

3. Roll Call

4. Approval of the Minutes of the Previous Regular Meeting

April 15, 2013

5. Petitions, Communications, Remonstrance and Memorials

Petition No. 2013-05 Rezone from C-1 General Commercial to R-1 Single Family Residential - 408 W 7th Street

Petition No. 2013-06 Rezone from C-6 Office/Commercial with Residential Allowed to R-1 Single Family Residential - 617 LWW

Petition No. 2013-07 Rezone from R-1 Single Family Residential to R-2 Two-Family Residential 317 - 319 E 11th St

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2013-08 Authorizing an Investment Policy of Public Funds (Assigned to Budget and Finance Committee)

P.O. NO. 2013-09 Investment of Funds Outside the Political Subdivision (Assigned to Budget and Finance Committee)

P.O. NO. 2013-10 Investment of Funds for more than 2 years but less than 5 years (Assigned to Budget and Finance Committee)

P.O. NO. 2013-11 Additional Funds - Public Safety Funds - $500,000.00 (Assigned to Budget and Finance Committee)

10. Privilege of the Floor - Non-Agenda Items

Treble Clef Singers

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

April 15, 2013

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 April 15, 2013 at 7:00 p.m. The meeting was called to order by President Mike Compton, and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following

Roll Call.
Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.
Absent/Excused: Mr. Mammolenti.

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

The minutes from April 8, 2013 meeting were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals Recommendations from their April 9, 2013 Public Hearing.

APPEAL No. 2013-08 An appeal submitted by Stuart Fahlbeck requesting a Use Variance for 3508 Lincolnway East to allow for three (3) uses on a C-1 General Commercial zoning district property. **NO RECOMMENDATION BUT IF PASSED BY THE COUNCIL IT IS SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The total number of vehicles stored on the property at any one time shall be limited to three (3). This includes trucks, vans, pick-ups, trailers, etc.
2. Truck size shall be no larger than a standard 26' moving truck.
3. No outside storage or display of moving items, such as dollies, shall be permitted.
4. Curbing or wheel-stops shall be utilized in order to prevent encroachment of vehicles onto the adjacent city owned lot.
5. Parking spaces shall be striped.
6. Three commercial tenants are permitted on the site based on the current building and site layout. If any of these uses change to a more intensive use, a final site plan shall be filed and any site deficiencies for the property shall be brought up to meet all current City ordinances and engineering standards.

APPEAL No. 2013-09 An appeal submitted by Gates Automotive Group on behalf of University Park Mall LLC requesting a Use

Variance for 6501 Grape Road to permit three (3) separate off-site Used Car Sales per year for the next three (3) years with temporary signage including banners and a mobile office facility for business transactions and securing of valuables. **RECOMMENDED APROVAL** with the following conditions:

USES

- The event shall be limited to the display and sales of automobiles and light trucks for ten (10) days in May, June, and August of 2013, 2014, and 2015 as presented

SITE PLAN

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS;

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.
- **All mall service drives shall remain open at all times.**

SETBACKS:

- All tents, display/parking areas, portable toilets and large inflatable balloons shall be setback a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of two (2) temporary signs no larger than 4' X 8' shall be permitted on Grape Road. A maximum of two temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways

APPEAL #13-11 An appeal submitted by Rocky R. Geans Real Estate LLC requesting a Conditional Use Permit for **1923 North Home Street** to allow two (2) above ground diesel fuel storage tanks

- The Board, with a vote of 5-0, recommended approval.

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

PROPOSED ORDINANCE NO. 2013-08

AN ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA AUTHORIZING AND INVESTMENT POLICY
(Authorizing an Investment Policy of Public Funds)
Assigned to Budget and Finance Committee

PROPOSED ORDINANCE NO. 2013-09

AN ORDINANCE NCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUCLIC FUNDS PURSUANT TO IC-5-13-9-5 AND 5-13-9-5.3
(Investment of Funds Outside the Political Subdivision)
Assigned to Budget and Finance Committee

PROPOSED ORDINANCE NO. 2013-10

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO IC 5-13-9-5.7
(Investment of Funds for more than 2 years but less than 5 years)
Assigned to Budget and Finance Committee

PROPOSED ORDINANCE NO. 2013-11

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2013
(Additional Funds – Public Safety Funds - $500,000.00)
Assigned to Budget and Finance Committee

RESOLUTIONS

RESOLUTION NO. R2013-08

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: 3508 LINICOLNWAY EAST, MISHAWAKA
(Use Variance to allow for (3) Uses on a C-1
General Commercial Property – 3508 LWE)

Stewart Fahlbeck said he owns the building at 3508 Lincolnway East and was asking for a favorable recommendation from the Council on this proposed ordinance. He said he met with City Planner Ken Prince who proposed a parking layout which he was in full agreement with; it allows people heading North a better view coming from the east. Mr. Fahlbeck said he has a u-haul dealership and would only keep a few vehicles there this, Variance was critical to his business.

Mr. Banicki asked if he was aware of the six conditions stipulated in the Board of Zoning Recommendations and would he abide by them. Mr. Fahlbeck said yes if that was what it took to get the variance he would be able to live with that. He was hoping the other dealership would kick in and he could let this one go

Ms. Voelker asked if the three places would be taken up by the u-haul business Mr. Fahlbeck said yes and that would leave him 16 open spots. He said people don't hang around they come in and drop things off and leave.

Mr. Reisdorf asked if there were Cube Trucks. Mr. Fahlbeck said no, he hasn't had those for awhile.

Mr. Roggeman said he thought it was unusual to get no recommendation from BZA. Mr. Prince said there were 2 families that spoke against Mr. Fahlbeck's request due to the fact there were times when vision clearance could be difficult. He said that was when he went to Mr. Fahlbeck and they set up a better parking plan for better viability.

Quesiton was called for at 7:18 p.m. on **Resolution R2013-08** the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).
Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Clerk Block read **RESOLUTION NO. R2013-09** opening it for public hearing.

RESOLUTION NO. R2013-09

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:
6501 Grape Road, Mishawaka
(Use Variance to allow for Outdoor Vehicle Sales Event –
University Park Mall-Gates Automotive)

Clint Emberton, Gates Chevrolet of Mishawaka, said he was requesting a Use Variance for 6501 Grape Road to permit (3) separate off-site Used Car Sales per year for the next three (3) years with temporary signage including banners and a mobile office facility for business transactions and securing of valuables, for the parking lot at UP Mall just north of JC Penny store. He said they have already received permission from UP Mall to use that location. Mr. Emberton stated Gates appreciates having been approved the past three years. He addressed each finding of fact and, said he was not aware of any petitions filed against these events to Gates or UP Mall. He said having done this for the past several years he can say it has worked well. Mr. Emberton stated local businesses appreciated the business this sale attracts to the area. He said in 2012 over 3,000 people came to the sale and Gates sold to 35% of those people and most likely many of those people shopped and ate in the surrounding area.

Mr. Banicki thanked Mr. Emberton for a perfect explanation; all of his questions were answered. He has talked with the mall and they were totally in favor and hope Gates continues to come back, therefore Mr. Banicki said he would be voting in favor.

Ms. Voelker asked if Gates would happen to change the site plan would they have to come back to the Council.

Mr. Prince said yes they would have to come before the Council for approval if they make any changes. Mr. Prince said that was basically why he thought it would be good to go forward with the 3 year Variance.

Question called for at 7:37 p.m. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).
Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Clerk Block read **RESOLUTION NO. 2013-10** opening it for hearing.

RESOLUTION NO. 2013-10

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: 1923 North Home Street, Mishawaka
(Use Variance to allow (2) Above Ground Diesel Fuel Storage Tanks – 1923 N. Home Street)

Rocky Genes 1923 North Home Street said they have had diesel tanks from 1995 to 2010 and they tried off site fueling and it turned out to be more problematic. He said he wants to go back to the tanks and the ones they have are double walled and protective of a spill. Mr. Emmons commended him for talking with the people who were concerned and holding a meeting with them this coming Thursday so he would be voting in favor. Ms. Voelker asked if the tanks were going to be in the same location they were before. Mr. Genes said yes but new containments.

Question was called for at 7:41 p.m. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).
Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

RESOLUTION NO. 2013-11

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS
(Tax Abatement compliance Reports for 2012)

Mr. Prince, City Planner said he was here to present Tax Abatement Compliance and Statement of Benefit Reports for the following businesses.

Nyloncraft Inc. The abatement was approved in 2007; the current employment is listed at 375, which is only15 below the estimated 390 jobs envisioned. The positive is that this is 60 more then reported last year and indicates substantial compliance.

BD Mishawaka Development LLC (St. Joseph Regional Medical Center Office Building) It is important to note that although the building is connected to the hospital it was not owned by the hospital. Approximately 60% of the building is occupied, as a result of that the total expected hiring has not occurred. Total number of employees envisioned in 2007 was 370 with a payroll of $10,555,000.00, to date 364 employees occupy the building with a total payroll of $20,056,178.00, as hiring continues and payroll over exceeds expectations and indicates substantial compliance.

LONG TERM CARE INVESTMENTS, LLC this property has been sold to Extendicare Health Services this abatement was approved in June of 2009 and 120 jobs were estimated and at 137 and now back to 121 with a drop in payroll. The new owner is advertising for additional hiring, and this was the last year of the three year abatement. He feels this abatement should be considered in substantial compliance for 2012, but will withhold a formal recommendation until Monday's meeting.

JAMIL PACKAGING CORPORATION the abatement was approved in 2011 for the addition of a specialty folder gluer. The total employment is up to 83 jobs 3 more than last year and 4 over the projected total of 79 and indicates substantial compliance.

NORTH AMERICAN COMPOSITIES abatement approved in 2012 total employment was 12 jobs this was one more job than the 11 they estimated and indicates substantial compliance.

Question was called for at 7:51 p.m. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).
Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Mr. Roggeman thanked Mr. Prince for a great report and expressed how great it was to see the impact on the community. He said Mishawaka has been very cautious on the number of tax abatements they have allowed.

NEW BUSINESS

Mr. Emmons said he wanted to remind everyone of his neighborhood meeting at St. Bavo School at 7:00 p.m. April 18th with Senator John Broden giving an updates on the 2013 Legislation.

There being no further business to come before the Council, President Compton adjourned the meeting at 7:54 p.m.

Deborah S. Block ____________/s/	S. Michael Compton ____________
Deborah S. Block, IAMC, MMC	S. Michael Compton,
City Clerk,	Presiding Officer

March 26, 2013

Pet 13-05

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

RE: PETITION TO REZONE

The undersigned Jeffrey and Deborah Van Poppel, title holders, respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

408 W. 7th
Lot Thirty-four (34) R E Perkins ADD

Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 Commercial District. Said property is now a residential property.

Petitioners desire said real estate to be rezoned to R-1 Residential District. Petitioners further state that they intend to utilize said land for Residential purposes.

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 rezoning the above described parcel of land located in the City of Mishawaka.

Jeffrey Van Poppel

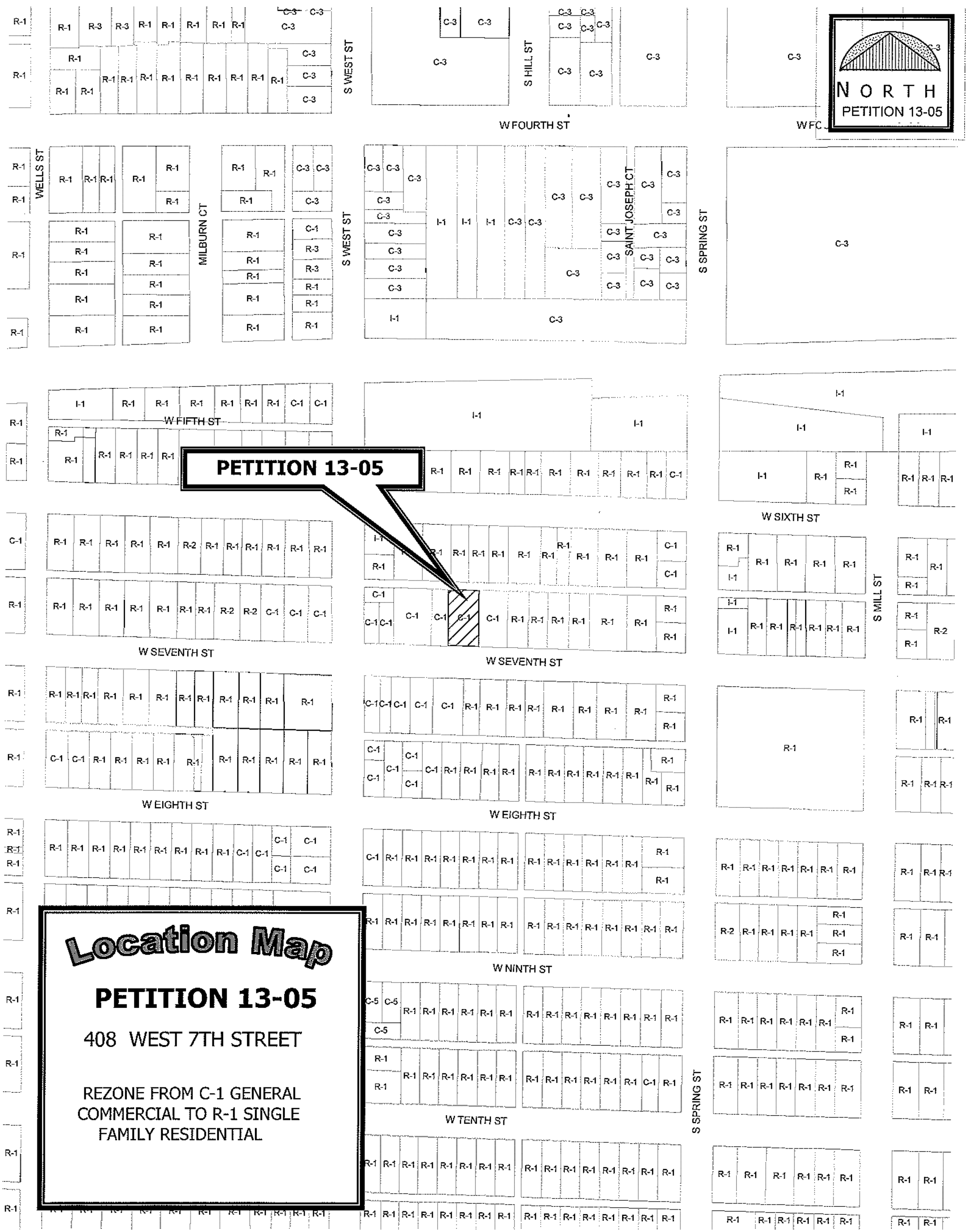
Deborah Van Poppel

Jeffrey Van Poppel

Deborah Van Poppel

CONTACT PERSON: old address
DEBORAH VAN POPPEL
408 W. 7TH STREET
MISHAWAKA, IN 46544
E-MAIL – DEBORAH.VANPOPPEL@GMAIL.COM
FAX – 574-633-2134

new address as of 4-5-13
713 Prism Valley Dr.
Mish, In. 46544


NORTH
PETITION 13-05
PETITION 13-05
Location Map
PETITION 13-05
408 WEST 7TH STREET
REZONE FROM C-1 GENERAL
COMMERCIAL TO R-1 SINGLE
FAMILY RESIDENTIAL
W FOURTH ST
W FIFTH ST
W SIXTH ST
W SEVENTH ST
W EIGHTH ST
W NINTH ST
W TENTH ST
WELLS ST
MILBURN CT
S WEST ST
S HILL ST
SAINT JOSEPH CT
S SPRING ST
S MILL ST

RECEIVED
MAR 25 2013
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Pet 13-06

DATE: 3/15/2013

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

RE: PETITION TO REZONE

The undersigned Kevin Scott & Mary Lou Stevens respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

617 Lincolnway West, Mishawaka, IN 46544

Parcel ID 71-09-16-181-001.000-023 Key number 16-1017-0690
10 ft w side lot 3 & all lot 4 & n ½ vac alley S of lot 5 Taylors add to St. Joseph Iron Works zoned C-6 office/commercial with residential allowed.

Parcel ID 71-09-16-181-005.000-023 Key number 16-1017-0694
N end lots 9 & 10 & S ½ vac alley N & adj exc E 5' Taylors add to St. Joseph Iron Works zoned C-6 office/commercial with residential allowed.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-6 District.
Said property is used as single family dwelling.

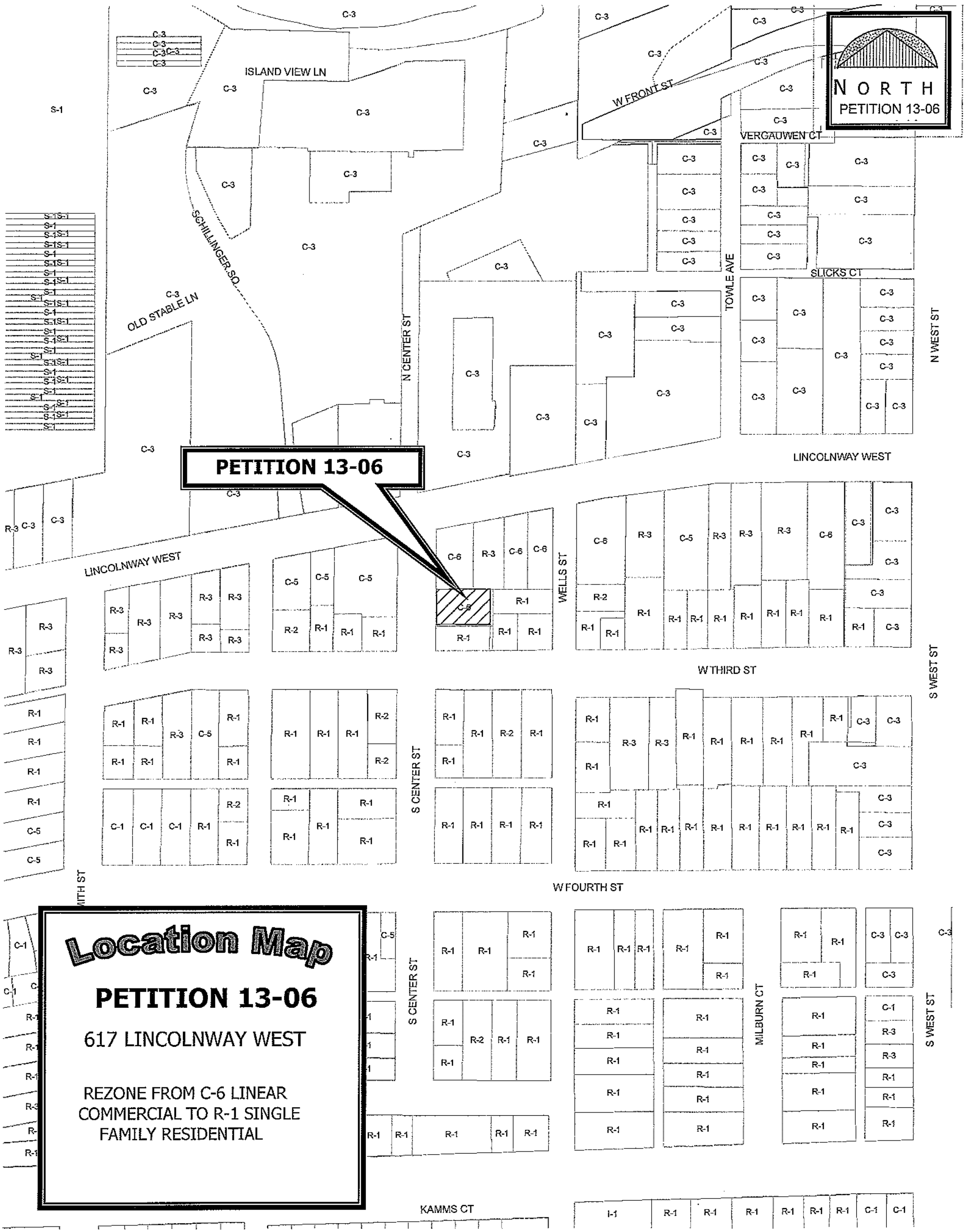
Petitioner(s) desire said real estate to be rezoned to R-1 District.
Petitioner(s) further state that they intend to continue to utilize said land as single family dwelling.

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

K Scott Stevens
Kevin Scott Stevens

Mary Lou Stevens
Mary Lou Stevens

CONTACT PERSON:
KEVIN (SCOTT) STEVENS
617 LINCOLNWAY WEST, MISHAWAKA, IN 46544
(574)850-0650
SCOTT_STEVENS@COMCAST.NET


NORTH
PETITION 13-06
PETITION 13-06
Location Map
PETITION 13-06
617 LINCOLNWAY WEST
REZONE FROM C-6 LINEAR
COMMERCIAL TO R-1 SINGLE
FAMILY RESIDENTIAL
ISLAND VIEW LN
SCHILLINGER SQ.
OLD STABLE LN
N CENTER ST
W FRONT ST
VERGAUWEN CT
TOWLE AVE
SLICKS CT
N WEST ST
LINCOLNWAY WEST
LINCOLNWAY WEST
WELLS ST
W THIRD ST
S WEST ST
S CENTER ST
W FOURTH ST
MILBURN CT
S WEST ST
KAMMS CT

RECEIVED
APR 23 2013
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Pet 13-07

3/22/2013

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

RE: PETITION TO REZONE

The undersigned Phyllis J. Cleland respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to wit:

317 & 319 11th St. East, E 38 ft. of lot 137 & 9 ft. west side of 168 Gaylors 3rd, tax key number 16-1151-6069

Petitioner own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 District. Said property is a duplex used for rentals.

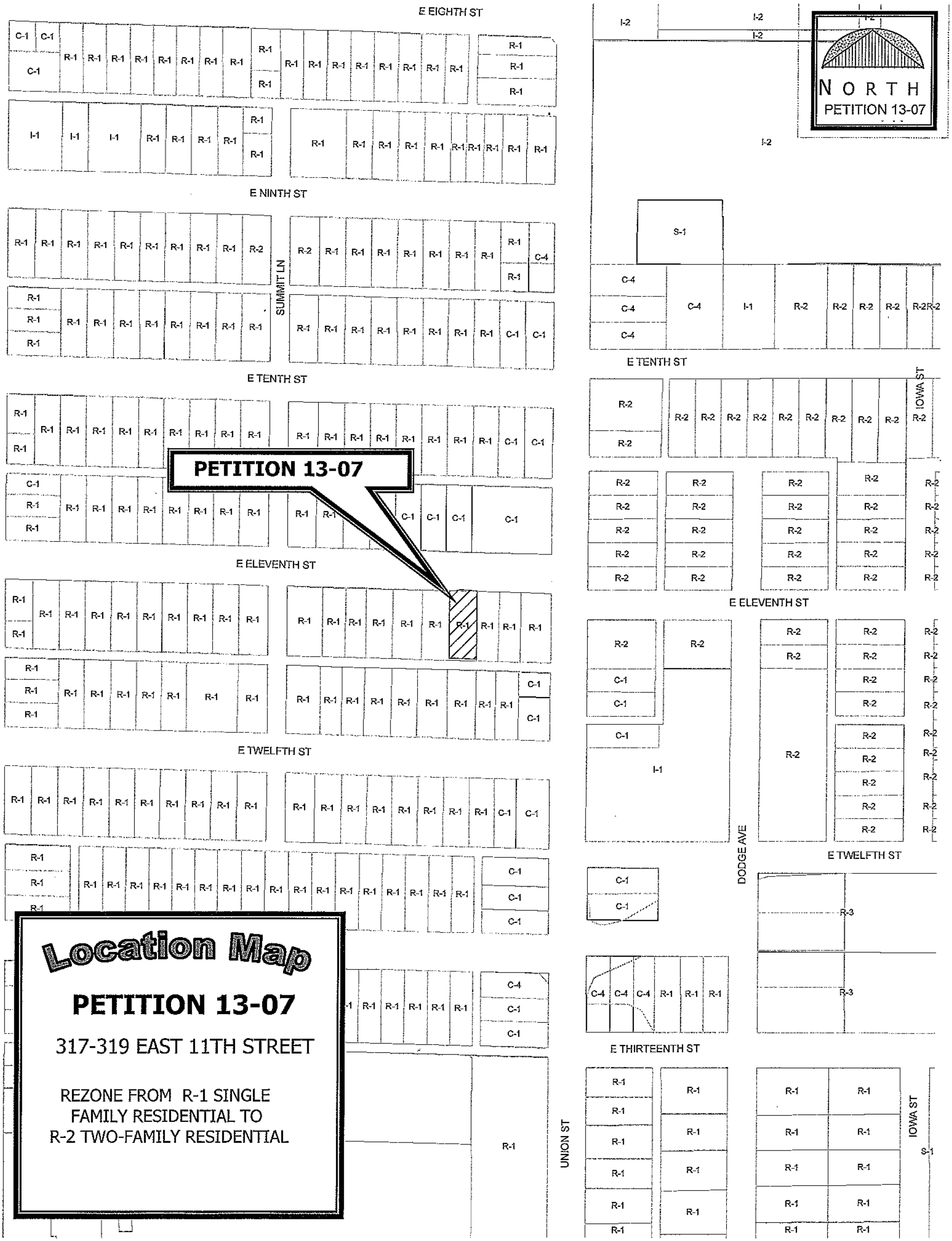
Petitioner desire said real estate to be rezoned to ~~R-3~~ R-2 District. Petitioner further state that they intend to utilize said land for a duplex rental as has always been the case since the 1920's and they are now trying to sell it and the mortgage company that the buyer is using wants the house rezoned to multi-family ~~R-3~~ R-2 zoning in order for the loan to close.

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

Phyllis J. Cleland

Phyllis J. Cleland

Contact Person:
Lance Cleland
1410 Green Grass Dr., Osceola, IN 46561
574-532-2207
lancecleland@gmail.com


E EIGHTH ST
E NINTH ST
SUMMIT LN
E TENTH ST
E ELEVENTH ST
E TWELFTH ST
E THIRTEENTH ST
UNION ST
DODGE AVE
IOWA ST
NORTH
PETITION 13-07
PETITION 13-07
Location Map
PETITION 13-07
317-319 EAST 11TH STREET
REZONE FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-2 TWO-FAMILY RESIDENTIAL

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Yvonne Milligan, Controller
Rebecca Miller, Deputy Controller

Date: March 20, 2013

To: Common Council

From: Yvonne

Re: Investment of Public Funds 13-08, 13-09, 13-10

Enclosed in your packet for the April 1st meeting are three ordinances pertaining to investing funds. Since December of 2010 we have used Umbaugh and Associates for our cash advisory services. Two of the ordinances are approving a continuation of Investment of Public Funds. One ordinance authorizes the City of Mishawaka to invest outside of the political subdivision and the second ordinance authorizes investing for more than two years but less than five years. The idea behind longer investment periods is a better interest rate for city funds.

The third ordinance is approving an investment policy for the City of Mishawaka. . I worked with Umbaugh and Associates to compose this policy.

If you have any questions or would like additional information, please call me.

City Hall • 600 East Third Street • P.O. Box 363 • Mishawaka, Indiana 46546-0363
Telephone: (574) 258-1622 • FAX (574) 258-1724

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-08

ORDINANCE NO.________

AN ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA,

AUTHORIZING AN INVESTMENT POLICY

INVESTMENT POLICY
CITY OF MISHAWAKA

WHEREAS, THE Common Council of the City of Mishawaka desires to establish an investment policy which authorizes investment of public funds of the City of Mishawaka as set forth with the following conditions.

Section1.

I. Purpose

The purpose of this investment policy (the "Policy") is to set forth the investment objectives and parameters for the management of public funds of the City of Mishawaka (the "City"). This investment policy is designed to safeguard funds on behalf of the City, to assure the availability of funds when needed, and provide a competitive investment return.

II. Scope

This policy applies to the investment of all funds of the City including but not limited to, the general fund, special revenue funds, debt service funds, project funds and trust and agency funds.

The City may consolidate fund balances to increase investment earnings and to increase efficiencies with regard to investment pricing, banking fees and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and return:

1. Safety
Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital. The objective will be to minimize credit risk and interest rate risk.

a. Credit Risk - The City will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer, by limiting investments to the types of securities listed in Section VI of this Investment Policy.

b. Interest Rate Risk - The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity.

2. *Liquidity*
The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, a portion of the portfolio may be placed in money market mutual funds or government investment pools which offer same day liquidity for short-term funds.

3. *Yield*
The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. Standards of Care

1. *Delegation of Authority*
The City Controller, hereinafter referred to as the Investment Officer, shall be responsible to oversee the day-to-day management of the City's investments pursuant to Indiana Code 36-4-10-4.5. Should the City elect to select an outside investment advisor, such advisor or firm must be registered under the Investment Advisor's Act of 1940.

2. Prudence
The standard of prudence to be used by the Investment Officer shall be the "prudent person" standard and shall be applied in the context of managing all funds of the City. The "prudent person" standard states that, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

3. *Ethics and Conflicts of Interest*
The Investment Officer and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. The Investment Officer and employees shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio.

V. Authorized Financial Institutions and Broker/Dealers

1. *Authorized Financial Institutions and Broker/Dealers*
A list will be maintained of local financial institutions that are approved depositories for the receipt of public funds according to the State Board for Depositories. The City may pass a resolution pursuant to IC 5-13-9-5 expanding the list of approved financial institutions to include all Indiana depositories approved for the receipt of public funds according to the Indiana State Board for Depositories.

In addition, the City will only use broker/dealers that meet the following requirements:

- Primary dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule);
- Capital of no less than $10,000,000;
- Registered as a dealer under the Securities Exchange Act of 1934;
- A member of the National Association of Securities Dealers (NASD);
- Proof of state registration

VI. Suitable and Authorized Investments

Consistent with Indiana Code 5-13-9, the following investments will be permitted by this Policy:

(1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:
  (A) The United States Treasury.
  (B) A federal agency.
  (C) A federal instrumentality.
  (D) A federal government sponsored enterprise.

(2) Securities fully guaranteed and issued by any of the following:
  (A) A federal agency.
  (B) A federal instrumentality.
  (C) A federal government sponsored enterprise.

(3) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase in accordance with IC 5-13-9.2.

(4) Money market mutual funds rated AAAm, or its equivalent, by Standard and Poor's Corporation or Aaa, or its equivalent, by Moody's Investors Service, Inc. in accordance with IC 5-13-9-2.5.

(5) Repurchase agreements in accordance with IC 5-13-9-3

(6) Transaction accounts, certificates of deposit and deposit accounts issued or offered by a designated depository of the City's political subdivision. The investing officer making a deposit in a certificate of deposit shall obtain quotes from each designated depository in accordance with IC 5-13-9-4.

(7) Certificates of deposit authorized by a resolution of the City in accordance with IC 5-13-9-5 and 5-13-9-5.3.

(8) Local government investment pools in accordance with IC 5-13-9-11.

Consistent with Indiana Code 36-1-7, the City may pass a resolution to enter into interlocal cooperation agreements for the joint exercise of powers, including the investment of public funds.

VII. Investment Parameters

1. *Maximum Maturities*
The City's investments must have a stated final maturity of not more than two years pursuant to IC 5-13-9-5.6. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as local government investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

The City may adopt an ordinance, pursuant to IC 5-13-9-5.7, authorizing its Investment Officer to make investments having a stated final maturity that is more than two (2) years but not more than five (5) years after the date of purchase. The total investments of the City with maturities of two (2) to five (5) years outstanding at the time of purchase may not exceed twenty-five percent (25%) of its total portfolio of public funds invested, including balances in transaction accounts. Such ordinance expires on the date on which this Policy expires, which may not exceed four (4) years.

2. *Competitive Bids*
The Investment Officer or its designee shall obtain competitive bids for investment with financial institutions in accordance with IC 5-13-9-4. The Investment Officer or its designee shall obtain bids from at least two brokers or financial institutions on all purchases of investment instruments on the secondary market. Overnight sweep investment instruments shall not be subject to this section.

VIII. Policy Considerations

1. Adoption and Expiration
This Policy shall be adopted by the City at a public meeting and shall expire four (4) years from the date of adoption in accordance with IC 5-13-9-5.7.

2. Exemption
Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

3. Amendments
This policy shall be reviewed periodically. Any changes must be approved by the Investment Officer and any other appropriate authority.

Section 2. This ordinance shall be in full force and effect from and after its passage by the common council, signature of the Mayor, attestation by the City Clerk.

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

This ______day of ____________________,2013 at ___________o'clock, _____.M.

____

Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ___________day of

____________________, 2013 at _________________o'clock, _____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _________day of ____________________, 2013

at ____________o'clock, _____.M.

____

David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

APR 03 2013

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2013-09

ORDINANCE NO. ______

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO IC 5-13-9-5 AND 5-13-9-5.3

Whereas, the City of Mishawaka (the "City") desires pursuant to IC 5-13-9-5 to allow banks outside the political subdivision to submit quotes on public funds certificates of deposit for the purpose of investing its operating and utility funds and;

Whereas, the City also desires pursuant to IC 5-13-9-5.3 to invest in federally insured certificates of deposit under certain conditions.

Section 1: Now, therefore, pursuant to IC 5-13-9-5, the Common Council of the City of Mishawaka hereby authorizes the investing officer of the City to invest in certificates of deposit of depositories that have not been designated by the local board of finance but have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. This authorization expires two (2) years after the adoption date.

Section 2: The Common Council of the City of Mishawaka also authorizes the investing officer to invest in certificates of deposit under certain conditions in accordance with IC 5-13-9-5.3 as follows:

(1) The funds are initially invested through a depository that is selected by the investing officer.

(2) The selected depository arranges for the deposit of the funds in certificates of deposit in one (1) or more federally insured banks or savings and loan associations, wherever located, for the account of the City.

(3) The full amount of the principal and any accrued interest of each certificate of deposit are covered by insurance of any federal deposit insurance agency.

(4) The selected depository acts as a custodian for the City with respect to the certificates of deposit issued for its account.

(5) At the same time that the City's funds are deposited and the certificates of deposit are issued, the selected depository receives an amount of deposits covered by insurance of any federal deposit insurance agency from customers of other institutions, wherever located, at least equal to the amount of the funds invested by the City through the selected depository.

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 ____________________,2013 at ___________o'clock, _____.M.

____

Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ___________day of

____________________, 2013 at _________________o'clock, _____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _________day of ____________________,2013

at ____________o'clock, _____.M.

____

David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

APR 03 2013

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2013-10

ORDINANCE NO. ______

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO IC 5-13-9-5.7

Whereas, the City of Mishawaka (the "City") desires to allow the investment of public funds of the City for more than two (2) years and not more than five (5) years;

Section 1. Now, therefore, pursuant to IC 5-13-9-5.7, the Common Council of the City of Mishawaka hereby authorizes the investing officer to make investments having a stated final maturity that is more than two (2) years, but not more than five (5) years after the date of purchase under the following circumstances:

(a) The fiscal body of the City shall first adopt an investment policy authorizing the investment of public funds of the City for more than two (2) years and not more than five (5) years in accordance with IC 5-13-9-5.7(a) and (b).

(b) This ordinance and the power to make an investment having a stated final maturity that is more than two (2) years, but not more than five (5) years after the date of purchase expire on the date on which the investment policy expires, which may not exceed four (4) years.

(c) At the time an investment of public funds of the City is made having a stated final maturity that is more than two (2) years, but not more than five (5) years, the total of such investments of the City may not exceed twenty-five percent (25%) of the total portfolio of public funds invested by the City, including balances in transaction accounts.

(d) An investing officer may contract with a federally regulated investment advisor or other institutional money manager to make such investments.

<u>Section 2</u>. 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 ____________________,2013 at ___________o'clock, _____.M.

____

Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this ___________day of

____________________, 2013 at _________________o'clock, _____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _________day of ____________________,2013

at ____________o'clock, _____.M.

____

David A. Wood, Mayor

CITY OF MISHAWAKA

200 N. Church St.
Mishawaka, IN 46544

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

April 15, 2013

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

Dear Honorable Members:

An emergency exists which requires an additional appropriation to the Public Safety Fund. P.O. 13-11

The Police Department wishes to appropriate $500,000 into the Capital Outlay line, 211-50-445-08, to purchase Motorola base stations. These funds will be used to upgrade a part of the public safety/public works radio system.

The City of Mishawaka, the Mishawaka Police Department, and Motorola have developed a plan to replace the STR 3000 base stations. The base stations send and receive radio transmissions and are a vital component within the public safety radio system. The STR 3000's will reach an end of life in July of 2014 and will be replaced with GTR 8000 base stations. Within this plan Motorola has provided an opportunity for the City of Mishawaka to receive a savings of $155,843. Therefore, we are requesting approval of the $500,000 transfer to the Public Safety Fund.

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

Respectfully,

Chief Kenneth Witkowski

Kenneth Witkowski
Chief, Mishawaka Police Department

KW:ds

RECEIVED
DEBORAH S. BLOCK, MMC

APR 09 2013

CITY CLERK
MISHAWAKA, IN

EMERGENCY 911
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

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APR 03 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-11

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2013

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, 2013 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Public Safety Fund of the City of Mishawaka the sum of $500,000.00 for assignment as follows:

Public Safety Fund

Public Safety Fund
Capital Outlay

211-50-445-08	Police Equipment(Motorola Base Stations)	$500,000.00

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 ________________,2013 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 ___________________,2013 at_________

o'clock,__________________.M.

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

APPROVED BY ME this ____________day of _______________,2013 at

__________________o'clock, ________________.M.

____
David A. Wood, Mayor