

AGENDA

June 17, 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**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

June 03, 2013

5. Petitions, Communications, Remonstrance and Memorials

Presentation of DARE City Champion Essay Awards
Rosa Trippel Mishawaka Catholics
Kaylee Kern Liberty

A letter from the City Plan Commission regarding recommendations from their June 11, 2013 meeting.

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

P.O. NO. 2013-17 Rezone from C-1 General Commercial to R-1 Single Family Residential - 408 W 7th Street

P.O. NO. 2013-18 Amendment to Design Review Development Plan Ordinance

8. Resolutions

R2013-14 Honoring Anna Rohrer State Champion Cross Country

9. Ordinances on Second Reading

P. O. NO. 2013-16 Additional funds - Civil City Budget \$2,785,015.00 (Assigned to Budget and Finance Committee)

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

P.O. NO. 2013-13 Rezone from C-6 Office/Commercial with Residential allowed to R-1 Single Family Residential - 617 LWW (Committee Report was Given)

- 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

June 3, 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 June 3, 2013 at 7:00 p.m. The meeting was called to order by President Michael 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. Mammolenti, Mr. Bellovich, Mr. Roggeman.

Absent/Excused: Mr. Bilancio.

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

The minutes from the May 20, 2013 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following Petition to the Council, who referred them to the Board of Zoning Appeals for their recommendation.

Appeal No. 2013-21 Use Variance to allow a duplex in a R-1
Single Family District 1022 Willow Street

PRESENTATIONS OF 2013 HISTORIC PRESERVATION AWARDS

Cliff Zenor President of the Mishawaka Historic Preservation Committee presented the 2013 Historic Awards.

- 502 Calhoun Street Brian Finch and Bill Hawse American Four Square 1920 was awarded the Preservation Award
- Main Jr. High Gilbert Eberhart and Roger Shields was awarded for Adaptive Reuse Main Junior High Apartments
- Service Award went to Greg Kil and Kil Architecture & Planning South Bend
- Heritage Home Award 50 years or older homes was awarded to owners Brent Spring and Lou Ann Welsh, for their home at 1202 East Mishawaka Avenue, built in 1928
- Mayor's Award, DVDs about Local History, Ball Band, Mishawaka High School, Mishawaka Churches and The Lincoln Highway went to Ed Chamberlin.

Mr. Zenor thanked the Council, City Planner, Ken Prince, and Peg Strantz,

Mr. Compton thanked Mr. Zenor for his dedication to the Historical Preservation Society, his enthusiasm and dedication shows in his work.

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

PROPOSED ORDINANCE NO. 2013-16

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

(Additional Funds – Civil City Budget \$2,785,015.00)
Assigned to Budget and Finance Committee

Clerk Block read **RESOLUTION 2013-13** opening it for public hearing.

RESOLUTION NO. R2013-13

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING YVONNE MILLIGAN
FOR SERVICE TO THE CITY OF MISHAWAKA**

WHEREAS, Yvonne Milligan was duly appointed to serve as Deputy City Controller of the City of Mishawaka by Mayor Robert Kovach on January 1, 1980 and continued to serve as Deputy Controller under Mayors Robert C. Beutter and Jeff Rea, and

WHEREAS, Yvonne Milligan was appointed in April of 2004 as City Controller, serving Mayor Jeff Rea and Mayor Dave Wood, and

WHEREAS, Yvonne Milligan has faithfully and honestly discharged her duties as both Deputy Controller and City Controller,

**NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL,
MAYOR AND CLERK OF THE CITY OF MISHAWAKA, INDIANA THAT:**

1. We gratefully appreciate all the years of service rendered by Ms. Milligan to the Citizens of Mishawaka, the Common Council, Mayor and Clerk.
2. We publicly commend Ms. Milligan for her dedicated interest in the welfare of the
City of Mishawaka and its citizens.
3. We wish Ms. Milligan well as she leaves the Controller's Office and we encourage her to continue serving our community in the years ahead.

Whereas, such outstanding dedication deserves recognition and commendation by the proud City in which she resides;

NOW, THEREFORE, BE IT RESOLVED by the City of Mishawaka Common Council, Mayor and Clerk June 3, 2013 is hereby proclaimed

YVONNE MILLIGAN DAY

In the City of Mishawaka, and we call upon all of our citizens to join us in saluting, thanking and congratulating this outstanding public servant.

PASSED by the Common Council of the City of Mishawaka, Indiana on this third day of June, 2013.

Dale "Woody" Emmons

Dale "Woody" Emmons

Ron Banicki

Mike Bellovich

Mike Bellovich

Dan Bilancio

Dan Bilancio

John Reisdorf

John Reisdorf

Matt Mammolenti

Matt Mammolenti

Kate Voelker

Kate Voelker

John Roggeman

John Roggeman

S Michael Compton

S Michael Compton,
President

Debbie Ladyge-Block,
Debbie Ladyga- Block, City Clerk

David A. Wood, Mayor
David A. Wood, Mayor

Mayor Wood said it has been an honor to have worked with Yvonne knowing her in her position and as a friend. He said when he thinks of public service Yvonne was the poster child. Mayor Wood said she started years ago and has worked her way up the ranks and City Hall was a better place with her contributions providing the citizens with world class service.

John Julien 112 Ironworks Drive, South Bend said he has worked with Yvonne over the years and having worked with other Financial Officers for 30 years in hundreds of communities throughout the State of Indiana he can say without reservation that she was one of the finest if not THE finest thanked her for the opportunity to work with her.

Debbie Block Mishawaka City Clerk said her relationship with Yvonne goes back as far as high school days and it was a pleasure to speak of her as an outstanding Controller, great friend, and most of all she is an honest public servant. She said her honesty and hard work was beyond reproach, having traveled the State of Indiana and working with other cities she knows first hand how lucky Mishawaka was to have Yvonne Milligan as their Controller..

Councilman Kate Voelker said she has only worked with Yvonne a short time and thanked her for being able to call at anytime and get information. She said she wanted to wish her well

Councilman John Roggeman said Ms. Milligan and he have worked well together and he appreciated her availability to give him explicit documentation and information she will be missed.

Councilman Ron Banicki thanked her for the 10 years he has worked with her, anytime he or the Council has had questions she has been able to answer it.

Councilman Mammolenti thanked her for years of service, her professionalism her quick responses to all of his questions, and emails. He said she had always been very professional and very thorough. Mr. Mammolenti said on behalf of the city he thanks her for her service, congratulations and to enjoy her retirement.

Councilman Emmons thanked her for her service to the city and to the Council and himself personally.

President Compton echoed everyone's comments and sentiments he said he too appreciates Ms. Milligan's helping the Council deal with complex finance topics like the Hedge Funds, in helping them to understand the details. He said being non-political in her position has to be challenging and they appreciate the way she handles herself. Mr. Compton said she was a dedicated employee and he thanked her for her service.

Question was called for at 7:42 p.m. on **RESOLUTION NO. 2013-13** the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Roggeman.

Clerk Block presented Ms. Milligan with a plaque of appreciation from the City Of Mishawaka.

Ms. Milligan said she has spent half her life in City Hall and this job has defined her. She said she was looking forward to what she would be calling a long vacation and spending time with her kids and grandkids. Ms. Milligan said she wanted to thank everyone very much.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-04** opening it for public hearing.

PROPOSED ORDINANCE NO. 2013-04

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA ADOPTING THE AMERICANS WITH DISABILITIES ACT
PUBLIC RIGHT-OF-WAY SELF-EVALUATION AND TRANSITION PLAN
(Updating ADA Compliance)**

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

Gary West, Director of Engineering, said this was the second element, having done one a year ago on public facilities and public programs such as parks and buildings. He said this one specifically was a transition plan that covers only the public right of way. Mr. West said this started approximately a year ago with a comprehensive review of all of the existing sidewalks, approximately 240 miles of sidewalks, 1,300 intersections within in excess of 2,880 curb ramps. He said obviously the city could not do all of this themselves so they utilized DLZ Engineers to prepare this draft report and work with them through the public hearing.

Mr. West said he wanted to introduce Sarah Rhodes, the Project Manager and she would be discussing the requirements and elements that are within this.

Sarah Rhodes said as Mr. West mentioned they started out doing the transition plan and moved on to right of way. She said during this process there were two teams of interns that walked every sidewalk in the city and measured them for width and slope both in the direction of travel and the cross slope, also looking for displacements that could be a trip hazard for someone. Ms. Rhodes said they also looked for bumpy walks, the slopes of the ramps, being sure to check the older ramps and where there were no curb ramps. She said the interns entered all of the data into i-pads with G-O Software, taking pictures that were tagged so it could be located in the city, and then record all of the data they were measuring in the field. She said all of this data would be incorporated into the GIS Data Base so the city could track the improvements they have made keeping an on going record of where the deficiencies are in the city.

Ms. Rhodes went on to explain once all of the data was prioritized the locations based on the condition they were in and how easily they could be per versed by people of all abilities.

Ms. Voelker asked when interns were doing the assessment were they also evaluating the surroundings, like damage to area around it. Ms. Rhodes stated they basically look at the pedestrian access route which was a 48 inch wide route, as well as drainage to avoid water accumulation at the bottom of the ramps.

Ms. Voelker also asked about some of the nodules on the ramps are loose. Ms. Rhodes said they sometime get loosened by snow plows and shovels those can be repaired.

Question was called for at 7:52 p.m. on **PROPOSED ORDINANCE NO. 2013-04** the



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Roggeman Thus it becomes **ORDINANCE NO. 5388.**

Clerk Block read **PROPOSED ORDINANCE NO. 2013-12** opening it for public hearing.

PROPOSED ORDINANCE NO. 2013-12

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

(Additional Funds – Human Resources \$61,000.00)

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. Banicki the motion carried.

Bonnie Bonham Human Resource Director said they were taking a look at the employee benefit package and this year they have done that. She said they have seven proposals from seven local vendors after extensive review of these companies they have chosen Gibson to represent the city in this endeavor. Ms. Bonham was authorized to negotiate on the city's behalf with respect to the existing insurance programs. She said they would also be instrumental in assisting the city in developing an onsite clinic to further expand an affordable service to city employees and hopefully reduce the health care costs.

Ms. Bonham stated the Human Resource Department was requesting an additional appropriation of \$54,000.00 for the consulting services for Gibson an additional one time fee of \$7,000.00 for the development of an on site clinic, totaling \$61,000.00.

Mr. Banicki asked if Gibson was the lowest bidder. Ms. Bonham said they were not .but responded the most responsible to the proposal and met all of the requirements that were requested in the proposal. Mr. Banicki asked if they were the highest. Ms. Bonham said no.

Mr. Roggeman asked about the fee for the clinic, what would they be receiving for the \$7,000.00. Ms. Bonham said that was for the consulting services of an employee of Gibson who was an expert in onsite clinics and would be sending out RFP's to vendors. Mr. Roggeman said it would be for a person to be soliciting and reviewing different companies. Ms. Bonham said yes.

Mr. Emmons asked if the consultant was looking at us starting our own clinic or combining with someone else. Ms. Bonham said they would be looking at both options.

Question was called for at 7:57 p.m. on **PROPOSED ORDINANCE NO. 2013-12** the



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5389**

Clerk Block read **PROPOSED ORDINANCE NO. 2013-13** opening it for public hearing.

PROPOSED ORDINANCE NO. 2013-13

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

(Rezone from C-6 Office/Commercial with Residential allowed to R-1 Single Family
Residential – 617 Lincolnway West)

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

Mr. Roggeman said per Council Rules when no one is present to discuss the proposal a motion would be made to continue, so at this time Mr. Roggeman made the motion to continue Proposed Ordinance No. 2013-13 until the June 17, 2013 meeting with a second by Mr. Banicki the motion carried.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-14** opening it for public hearing.

PROPOSED ORDINANCE NO. 2013-14

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

(Rezone from R-1 single Family Residential to R-2 Two-Family
Resident 317-319 East 11th Street)

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

Lance Cleland 1410 Green Grass Drive Osceola, said this home was built as a duplex a long time ago and wanted to rezone it from R1 single family dwelling to R2 multi family dwelling. He said this was required by the lender in order to be able to sell the house.

Mr. Emmons said he met with the potential buyer, Mr. Mead, and walked through the property, and he addressed the concerns that were brought up at the City Planning Meeting. Mr. Emmons said he was assured by Mr. Mead that he would address all of the issues and maintain the property in an acceptable manor. Mr. Emmons stated he would be in support of this rezoning.

Paul Mead 50660 Stonington Drive, Granger, said he was the buyer and would like to see this rezoned so it conforms to proper zoning. He went on to say he would update and fix up the property, by painting, repairing shingles on the back of the house, and downspout replacement. Mr. Mead said he was working with the seller to upgrade the electrical bringing it up to code, and renovating the bathrooms. Mr. Mead said his philosophy was he wanted it to look like a home he would live in.

Mr. Banicki asked him how many rental properties he owned. Mr. Mead stated he had four properties. Mr. Banicki asked him if they were in Mishawaka. Mr. Mead replied one was in Edwardsburg and 3 in Elkhart. Mr. Banicki asked if he managed these rentals himself, was this something he did full time, or did he have someone else manage them for him.. Mr. Mead said no, he does not do this full time, he does have one property that was managed by a property manager, and he manages the other three. Mr. Banicki asked him if Mr. Emmons had his phone number if there was an issue down the line. Mr. Mead stated yes.

Mr. Mammolenti asked how soon after closing would he would start the renovations. Mr. Mead said immediately.

Mr. Compton asked if anyone was currently living in this home. Mr. Mead said yes. Mr. Compton said so it was leased out and there were renters living there. Mr. Mead replied yes.

Question was called for on **PROPOSED ORDINANCE NO. 2013-14** at 8:06 p.m. the



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5390.**

Clerk Block read **PROPOSED ORDINANCE NO. 2013-15** opening it for public hearing.

PROPOSED ORDINANCE NO. 2013-15

AN ORDINANCE CONCERNING THE CURRENT REFUNDING BY THE CITY OF MISHAWAKA OF ITS WATERWORKS REVENUE BONDS OF 2000, SERIES A AND THE ADVANCE REFUNDING OF ITS WATERWORKS REVENUE BONDS OF 2003, SERIES A; AUTHORIZING THE ISSUANCE OF WATERWORKS REFUNDING REVENUE BONDS FOR SUCH PURPOSE; PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE WATERWORKS AND THE SAFEGUARDING

**OF THE INTERESTS OF THE OWNERS OF THE WATERWORKS
REFUNDING REVENUE BONDS AUTHORIZED HEREIN; OTHER MATTERS
CONNECTED THEREWITH; AND REPEALING ORDINANCES
INCONSISTENT HERewith**

(Mishawaka Water Utility Refunding Bond)

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.

Mr. Roggeman said the Council was given an amended ordinance and at this time he wanted to make a motion to delete **PROPOSED ORDINANCE NO. 2013-15** in its entirety and replace it with **PROPOSED ORDINANCE NO. 2013-15AA** with a second by Mr. Banicki the motion carried.

John Julien, Umbaugh and Associates, 112 Ironworks Avenue said this was to authorize the refunding of Bonds that were sold about 10 years ago to fund the construction of the new Well Field and Treatment Plant. He said like many financings the current market was creating opportunity to replace them with lower cost Revenue Bonds. Mr. Julien went on to explain the debt that was outstanding was in the principal amount of approximately 13 million dollars with the interest rate of 2.9% to 3.3%. He said they believe they can replace that debt with an interest rate close to 2¼%. Mr. Julien stated the result of that refunding would be a net savings after cost of around 335,000 dollars which would be around \$35,000.00 of savings per year. He said if this ordinance was adopted they could complete the refunding in the next 30 days.

Mr. Julien stated this ordinance has been amended, there were some house keeping measures dealing with the language on the reserves that were set aside to the Bond Holders and that was the purpose of the amendment, to clean up that language.

Ms. Volker asked if he could talk about the cost to refund the bonds and who gets paid. Mr. Julien said the professionals associated with the refunding would be the financial advisors,

- Umbaugh & Associates, his firm,
- Ice Miller, The Bond Council, which was a legal firm that provides the opinion and crafting of the documents for the refunding.
- Standard and Poors the rating agency, which assigns a rating to the Bond

He said in addition to those three entities there would be an allowance for the underwriter, the purchaser of the Bond, to take an amount not to exceed 1% of the Bonds and that would be determined by who the best bidder would be. Mr. Julien explained the writing fee would be equivalent to points on a mortgage; those are the costs associated with the professional fees and are estimated to be approximately \$100,000.00.

Mr. Roggeman said his understanding of this was the actual shortening of terms means they would be free of the debt 6 months earlier then they would have been. Mr. Julien stated that was correct. Mr. Roggeman went on to say at a lower interest rate all the way

around and saving \$335,000.00 as Mr. Julien indicated. He said he would definitely be supporting the proposal.

Mr. Reisdorf said the administrative costs, while they are a one time charge was the \$35,000 net per year. Mr. Julien said after the application costs. Mr. Voelker asked if that was an annual net. Mr. Reisdorf said that was an over all net. Mr. Julien said the \$335,000.00 was a net of the \$100,000.00 fees, the annual savings would be about \$35,000.00.

Question was called for at 8:13 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. Mammolenti, Mr. Bellovich, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5391AA.**

NEW BUSINESS

Mr. Emmons said his monthly meeting would be on June 20, 2013 at 7:00 p.m., the topic of the meeting would be the Referendum School City Was Proposing.

Mr. Mammolenti said in lieu of the Neighborhood Watch Meeting typically held at Twin Branch School, they would be at Fire Station No. 4 on Harrison Road, June 19, 2013 at 7:00 p.m. He said it would be the city wide round table meeting and the topic would be public improvements, his guest speaker would be the City's Director of Engineering, Gary West.

President Compton said Doctor Terry Barker and Randy Squadroni speaking on the Referendum regarding the financial condition of School City of Mishawaka.



Dr. Terry Barker said they feel it was important to share the brief of the public meetings that totaled nine as they prepare for the next steps as they prepare for a June 11, 2013 hearing to determine whether or not they would get a Referendum Question in a special election in November. He said their presentation would be on what they have done and what needs to be done and Mr. Squadroni would do the majority of speaking.

Dr. Barker stated they have approximately 200 million dollars in building and grounds assets. He said when he first came to School City he asked to see the School's Plan and there really wasn't one in place. Dr. Barker said what they have done in the last one and half to two years was to basically put one together. He said the presentation they have at this meeting was a result of the work they have done in assessing the needs throughout the corporation.

- Factors that influence School City of Mishawaka Funding
- How the money would be spent
- Facility needs
- How all of this would impact residents.

He said the total budget for School City of Mishawaka was 45 million dollars

- The Biggest bucket was the General Fund in which they receive State Revenues on a per pupil basis amounting to about 35 million dollars
- 2008 The Circuit Breaker came into affect with tax caps of 1½ % for homeowners 2½% and 3½% for farm and commercial properties and second properties and rentals.

Dr. Barker Stated with less tax revenue from the St. Joseph County going to the school system it leaves them less to do more.

Mr. Squadroni stated their proposal would affect taxes for a home assessed at 75,000 dollars costing the homeowner less then \$49.00 a year or 14 cents per day. He said a 100,000 dollar home assessment would cost the homeowner just under 100 dollars a year.

The Complete financial report for School City given by Dr. Barker and Mr. Squadroni can be found in its entirety in the City Clerk's Office.

Mr. Compton asked in regards to technology was he referring to the classroom, such as computers etc. Mr. Squadroni said 3.6 million dollars would be allotted for educational technology. Dr. Barker stated the security technology was a totally different thing. Mr. Compton said understood.

Mr. Mammolenti thanked them for their presentation and he hoped they got the results they wanted. Mr. Compton echoed Mr. Mammolenti's sentiments, and went on to say they have to go out into the community and sell this, doing things they haven't had to do in the past but it is what it is. He wished them well and said the Council would do what they could to support them.

Mr. Squadroni, and Dr. Barker thanked the Council for the opportunity to present the financial issues facing School City of Mishawaka.

President Compton said a few new items he wanted to note: Last week he went to the presentation put on by the Mishawaka Utilities on Electrical Safety it is quite a program.

President Compton said one of our very own was being honored "Forty and Under Forty" Mr. Matt Mammolenti has been chosen as one of those leaders in our Community and he wanted to take a moment to congratulate him.

Mr. Mammolenti thanked him for that and also wanted to thank Councilman John Reisdorf for nominating him. He said it was a pleasant surprise and a true honor and thanked everyone for the congratulations he has received and hoped to serve Mishawaka for a long time to come.

There being no further business to come before the Council, President Compton adjourned the meeting at 8:40 p.m.

□□□□□□□□□□ Deborah S. Block _____/s/

S. Michael Compton

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



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

June 12, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2013

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Plan Commission Recommendation
June 11, 2013, Public Hearing
Certification of Proposed Ordinance

Honorable Members:

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

PETITION #13-05 A petition submitted by Jeffrey and Deborah Van Poppel to rezone **408 West Seventh Street** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 8-0, recommended approval.

PETITION #13-08 The City of Mishawaka Planning Commission has initiated an amendment of the City Municipal Code. Specifically, Chapter 105, the Design Review Development Plan Ordinance to allow for the placement of menu boards and banners within the C-3 City Center Zoning District only. Section 105-171 Signage Form has been proposed to be modified to allow both menu boards and banners. In addition, section 105-179 has been proposed to further clarify restrictions on the placement of menu boards. Section 105 has been proposed to be added to further clarify restrictions on the placement of banners."

The Commission, with a vote of 8-0, recommended approval.

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

Respectfully,

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

cc: Deborah Van Poppel

STAFF REPORT

Location: Zoning Ordinance Amendment C-3 City Center Zoning District Date: June 11, 2013

Petition: 13 08

Prepared By: KBP

GENERAL INFORMATION

Applicant: City of Mishawaka Planning Commission

Request: *Chapter 105, the Design Review Development Plan Ordinance to allow for the placement of menu boards and banners within the C-3 City Center Zoning District only. Section 105-171 Signage Form has been proposed to be modified to allow both menu boards and banners. In addition, section 105-179 has been proposed to further clarify restrictions on the placement of menu boards. Section 105 has been proposed to be added to further clarify restrictions on the placement of banners.*

Applicable Regulations: Sec. 137-41 (b) (2) - Amendment of this chapter and the zoning map.

ANALYSIS

Staff has attached a proposed ordinance amendment to allow two types of temporary signs in Downtown Mishawaka. Currently a very limited amount of temporary signage is permitted within the downtown C-3 City Center zoning District. If approved, this amendment will allow for the placement of menu/sandwich boards and the placement of banner signs provided they are flush mounted and attached to the face of a building.

Since its adoption in 1999, downtown business owners have suggested that the design review development plan ordinance may be too rigid to promote daily business and activity. Although staff had previously suggested to the Mishawaka Business Association that changes to the ordinance be proposed by concerned businesses working together to preserve the integrity of the ordinance while providing for the integrity of the intent of the ordinance, to date, no one has made any proposals.

Earlier this year, staff was approached by the 4th Friday Committee (a group of downtown only businesses looking to promote special events and promote the downtown) regarding providing additional sign flexibility for their events. Working with the 4th Friday requests for certain modifications/approvals through the waiver process, staff felt it would be cleaner to amend the ordinance and afford every business this same right to place signs on a continual rather than temporary basis.

Staff drafted the proposed modifications with the intent of providing businesses flexibility for daily or special advertising, while still preserving the aesthetic difference between the traditional suburban commercial areas located in the City and the Downtown. In traditional Commercial centers, there are no restrictions at all on banners that are flush mounted to a building, and on occasion, banners are placed that almost cover entire portions of a wall. These areas are typically oriented to heavily travelled streets where large parking lots separate the building and banners from the street where they are intended to be viewed.

The downtown differs in that the buildings are located typically with no real setback to the street. The structures were built predominantly before the use of the automobile was so prevalent. As such, staff felt that placing a limit on the size of banners was appropriate as part of the ordinance. Staff arrived at a maximum of 12 square feet as an appropriate size that visually can be read from the street but would not be overpowering to the more pedestrian oriented scale of the area. These could be configured as the owner would desire and would typically be configured as 3' x 4', 2' x 6', or 18" x 8'.

Sandwich or menu Boards are unique in that they are not currently permitted or relevant for the suburban commercial areas where their small size would not be typically readable by the motoring public. In this case, staff felt that this type of advertising that is currently being used by a number of downtown businesses without official approval is appropriate to the pedestrian nature of the downtown. In this case because they are so portable and will typically be placed in the public right-of way, staff felt that language had to be included that would provide for basic public safety. If approved, a permit for this type of sign would not be required, but each business would need to apply for a notice of recognition of encroachment that would provide for the further review of the placement of these signs relative to the width of the sidewalk and so as to not interfere with pedestrian movement.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 13-08 to modify *Chapter 105*, the Design Review Development Plan Ordinance to allow for the placement of menu boards and banners within the C-3 City Center Zoning District only. This recommendation is based upon the following findings of fact:

- (1) the proposed change in code relative to allowing additional temporary signs by right within the historic downtown does not contradict, change, or alter the City of Mishawaka 2000 Comprehensive plan, or the Mishawaka River Center Master Plan;
- (2) The proposed changes take into account the current conditions of the historic downtown and the character of current structures and uses by limited the size and placement of signage;
- (3) The proposed change does not alter or prohibit the most desirable use for which the land in each district is adapted;
- (4) By allowing additional appropriate signage in the historic downtown, businesses may be able to better market goods and services which will ultimately help with the conservation of property values throughout the downtown; and
- (5) the proposed change will not hinder responsible development and growth of the City, and will aid in the City's desire to encourage additional investment in the Historic downtown.

ATTACHMENTS

Photograph, Proposed Ordinance Revision

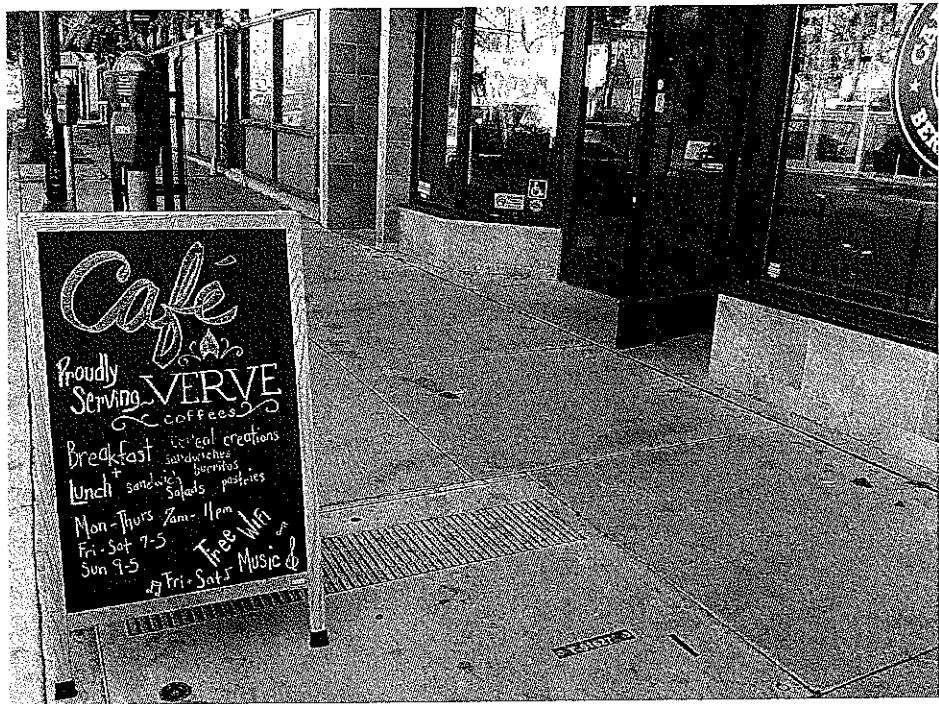


Image of a "typical" sandwich/menu board
Picture not from Mishawaka

JUN 13 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 13-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-17

ORDINANCE NO. _____

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

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

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

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

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

Lot Thirty-four (34), R. E. Perkins Addition

COMMON ADDRESS: 408 West Seventh Street

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

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

1. There are multiple zonings in the immediate vicinity and many of the structures are residential in use. This property's historic use as a single family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2013-17

Ordinance No: _____

4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,
5. The City's Comprehensive Plan calls for low density residential.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 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

March 26, 2013

let 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

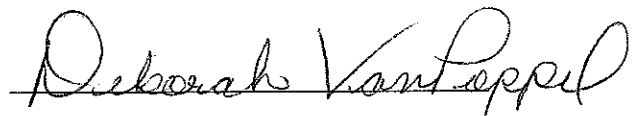
Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of Commercial District. Said property is now a residential property. *C-1*

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

CONTACT PERSON:

DEBORAH VAN POPPEL

408 W. 7TH STREET

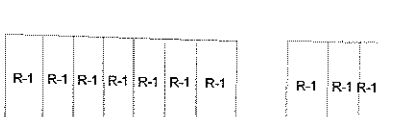
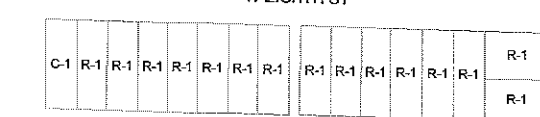
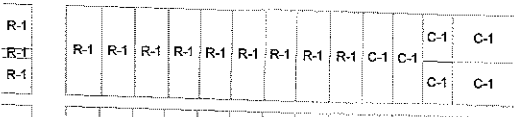
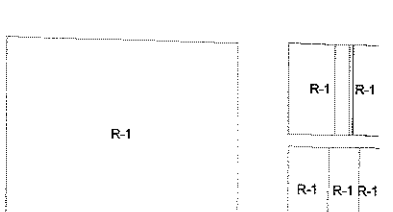
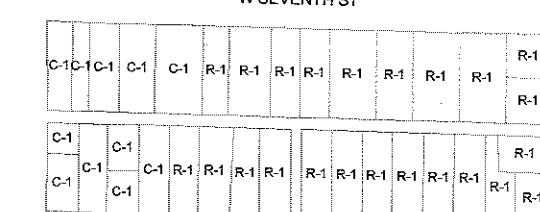
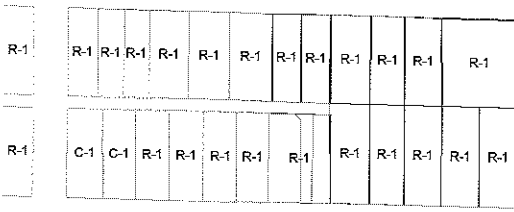
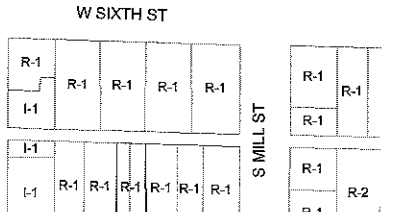
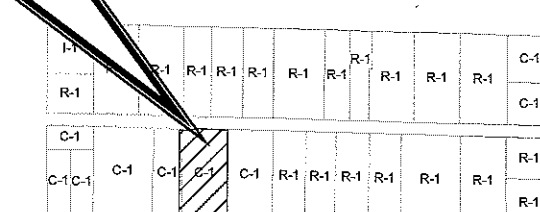
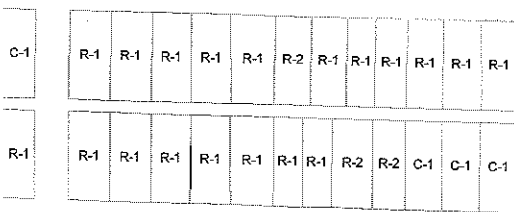
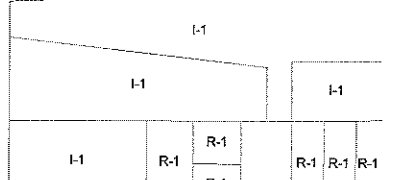
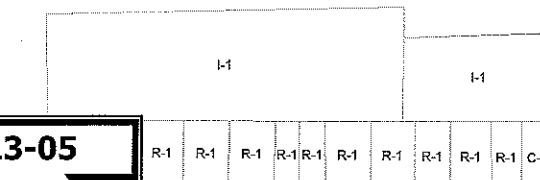
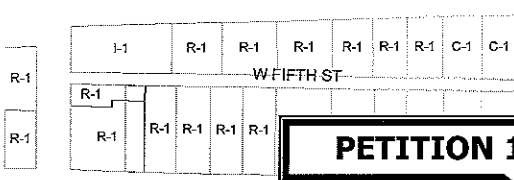
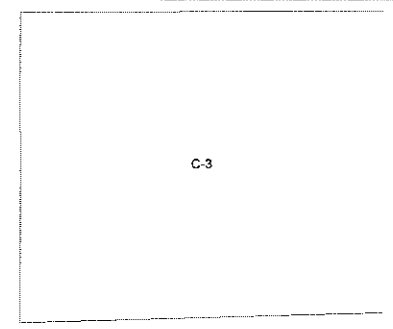
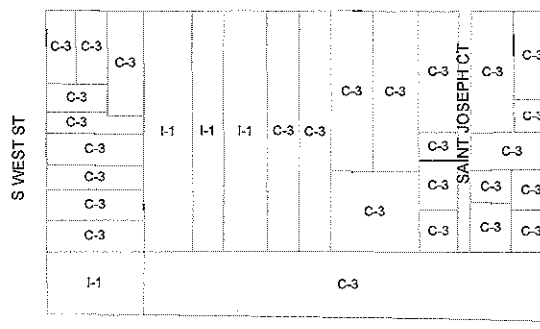
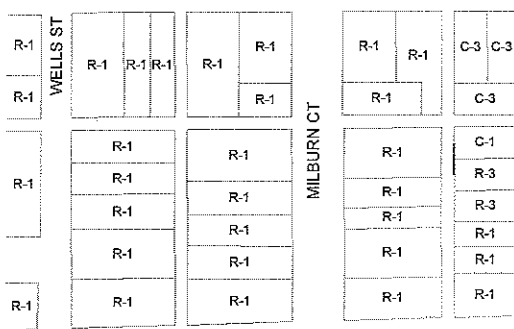
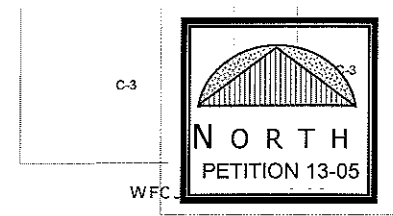
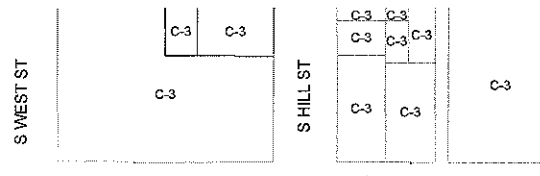
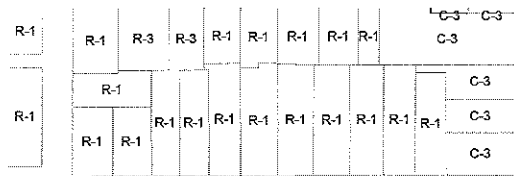
MISHAWAKA, IN 46544

E-MAIL - DEBORAH.VANPOPPEL@GMAIL.COM

FAX - 574-633-2134

old address
new address as of 4-5-13

*713 Prism Valley Dr.
Mish, In. 46544*



Location Map

PETITION 13-05

408 WEST 7TH STREET

REZONE FROM C-1 GENERAL COMMERCIAL TO R-1 SINGLE FAMILY RESIDENTIAL



JUN 13 2013

1st Reading
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-18

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 105, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "DESIGN REVIEW DEVELOPMENT PLAN ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, In 1999 the City of Mishawaka adopted the Design Review Development Plan Ordinance to establish construction and appearance standards within Downtown Mishawaka, and

WHEREAS, one of the areas regulated by this ordinance is signage, and

WHEREAS, when adopted the decision was made at the time to greatly restrict the use of temporary signs, and

WHEREAS, the City Administration has been contacted multiple times regarding the significant limitations of the ordinance regarding temporary signs, and

WHEREAS, upon meeting and reviewing the concerns with multiple business owners and the Mishawaka Business Association, the Administration asked the concerns businesses and the Business Association to bring forward some recommended changes to the ordinance that provided for temporary signage while still maintaining the visual integrity of the historic downtown, and

WHEREAS, the City Administration has never received an official proposal from the Mishawaka Business Association or other entity regarding how to incorporate the appropriate use of temporary signs downtown, and

WHEREAS, the City Planning Commission has granted multiple waivers of the Design Review ordinance for both permanent and temporary signage since the ordinances adoption, and

WHEREAS, a number of new restaurants and bars have opened in the downtown in the past few years, and

WHEREAS, members of the City Administration and Common Council have met with multiple restaurant owners located in Downtown, and

WHEREAS, multiple restaurant owners asked the City to consider changes to the sign ordinance to allow for temporary signage opportunities, and

WHEREAS, in the Spring of 2013, a group of downtown businesses working under the organization of "Mishawaka 4th Fridays" contacted the Administration to review different events and opportunities to attract more business to the historic downtown, and

WHEREAS, Mishawaka 4th Fridays specifically requested the use of menu boards and the limited use of temporary banners, and

Proposed Ordinance No: 2013-18

Ordinance No: _____

WHEREAS, given this was the first organized proposal received to address the on-going identified need for temporary signage, staff has developed language to provide for the limited use of menu boards and temporary banner in the historic downtown to help promote local business while maintaining the visual character and public health and safety.

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

Section 1. Chapter 105, of the Municipal Code of the City of Mishawaka, commonly known as the "Design Review Development Plan Ordinance", be, and the same is hereby amended as follows:

Delete the following:

Sec. 105-171. - Signage form.

(a) The following types of signs shall be encouraged:

- (1) Projecting signs;
- (2) Suspended signs;
- (3) Wall signs;
- (4) Marquee signs;
- (5) Building identification signs; and
- (6) Low profile freestanding identification signs.

(b) The following types of signs shall be discouraged:

- (1) Off-premises signs;
- (2) Freestanding identification signs which exceed eight feet in height;
- (3) Automatic changing signs;
- (4) Changeable copy signs.
- (5) Exterior temporary signs;
- (6) Roof signs;
- (7) Portable signs; and
- (8) Banners.

Add the following:

Sec. 105-3. - Definitions

Sec. 105-171. - Signage form.

(a) The following types of signs shall be encouraged:

- (1) Projecting signs;
- (2) Suspended signs;
- (3) Wall signs;
- (4) Marquee signs;
- (5) Building identification signs;
- (6) Low profile freestanding identification signs;
- (7) Menu Boards; and
- (8) Temporary Wall Mounted Banners

(b) The following types of signs shall be discouraged:

- (1) Off-premises signs;
- (2) Freestanding identification signs which exceed eight feet in height;
- (3) Automatic changing signs;

Proposed Ordinance No: 2013-18

Ordinance No: _____

- (4) Changeable copy signs;
- (5) Exterior temporary signs, excepting Menu Boards and temporary Wall Mounted Banners;
- (6) Roof signs; and
- (7) Portable signs

Section 105-179 Menu Boards.

Portable temporary sign displays in front of a business for the specific use of advertising that business, that are brought in/not displayed overnight. Signs may a freestanding sandwich board easel sign, or a flush mounted sign attached to the face of the building. The sign area of an individual face shall not exceed six (6) square feet. Only one sign of this type shall be permitted per store frontage. The location of the sign shall not interfere with outward opening doors/windows, or negatively impact use of the public sidewalk or street in any way. Signs shall not be located within 15' of any handicapped ramp or at the corner of public streets. Any proposed sign located within the public right-of way shall require a notice of public recognition and encroachment from the Mishawaka Board of Public Works and Safety prior to placement.

Section 105-180 Temporary Wall Mounted Banners

One temporary banner not to exceed twelve (12) square feet may be placed flush mounted to the face of existing buildings. Banners shall be firmly secured so as not to move in the wind and shall be maintained in good condition. Faded or torn signs shall be immediately removed. One banner shall be permitted per store frontage. Where a building fronts on a corner, one banner sign shall be permitted for each face of the building fronting public right-of-way.

Sections 105-181—105-209. - Reserved.

Proposed Ordinance No: 2013-18

Ordinance No: _____

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2013, at _____ o'clock ____M.

Michael Compton - President

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

RESOLUTION 2013-14

WHEREAS, Mishawaka High School’s phenomenal Sophomore Cross Country Runner Anna Rohrer who capped off the 2012 season with The Foot Locker National Championship race in San Diego, California’s Balboa Park continues to “Run Like a Champ”; and,

WHEREAS, Anna Rohrer, the reigning Foot Locker National Cross Country Champion, who missed much of this season due to a foot injury competed in the IHSAA Girls State Track Finals at the Indiana University Track in Bloomington; and,

WHEREAS, Anna also has shown her spirit, drive, and fortitude in her ability to win the 3,200 Meter Run with a time of 10:20.68, which was .02 off of the State Record and setting a new Mishawaka High School Record and making her the fastest Sophomore ever, and,

WHEREAS, Anna also ran in the 1,600 Meter Run setting a new School record with a time of 5:02.06, and,

WHEREAS, the fine season and championship brings honor to Anna’s team, her Coach Chris Kowalewski, the team managers, volunteers, Mishawaka High School, her family and to our Community; and

WHEREAS, such efforts and achievements deserve recognition and commendation from the City of Mishawaka;

NOW THEREFORE, Let it be known and Resolved by the City of Mishawaka’s Common Council, Mayor and Clerk, that June 17, 2013 is hereby proclaimed

Anna Rohrer Day

in our community and we call upon all of our citizens to join us in saluting and congratulating this talented and truly remarkable young lady thanking her for her efforts on behalf of her school, the community and the citizens of Mishawaka, and the State of Indiana.

Dale “Woody” Emmons, 1st District

Ronald S. Banicki 6th District

Mike Bellovich 2nd District

Dan Bilancio, Council at Large

John Reisdorf 3rd District

Matt Mammolenti, Council at Large

Kate Voelker 4th District

John J. Roggeman, Council at Large

S. Michael Compton 5th District

Deborah S. Block, City Clerk IAMC, MMC

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 28 2013

1st Reading 6-3-13
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-16

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

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
2012 published budget.

Section 2. There is hereby appropriated from the Budget of the City of
Mishawaka the sum of \$2,785,015.00 for assignment as follows:

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

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504

ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: GENERAL	DEPARTMENT: MAYOR	FUNCTION:
	2013 Budget	2012 Budget
		Additional
100000 PERSONAL SERVICES	140,952	138,188
200000 SUPPLIES	1,500	1,500
300000 OTHER SERVICES AND CHARGES	12,045	12,045
400000 CAPITAL OUTLAY	0	0
9999 TOTAL	154,497	151,733
		2,764
FUND: GENERAL	DEPARTMENT: CONTROLLER	FUNCTION:
100000 PERSONAL SERVICES	2,557,089	2,313,330
200000 SUPPLIES	15,000	15,000
300000 OTHER SERVICES AND CHARGES	1,914,000	1,850,345
400000 CAPITAL OUTLAY	0	0
9999 TOTAL	4,486,089	4,178,675
		307,414
FUND: GENERAL	DEPARTMENT: CLERK	FUNCTION:
100000 PERSONAL SERVICES	123,454	121,036
200000 SUPPLIES	2,500	2,500
300000 OTHER SERVICES AND CHARGES	24,857	24,857
400000 CAPITAL OUTLAY	0	0
9999 TOTAL	150,811	148,393
		2,418
	FUND	TOTAL
	(ONLY IF DEPARTMENTALIZED)	

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

504
ID YEAR CO TYPE KEY

BUDGET REPORT FOR

MISHAWAKA
TAXING UNIT

COUNTY

FUND: GENERAL		DEPARTMENT: HUMAN RESOURCES	2013 Budget	2012 Budget	FUNCTION:	Additional
100000	PERSONAL SERVICES	102,497		100,782		1,715
200000	SUPPLIES	1,500		1,000		500
300000	OTHER SERVICES AND CHARGES	37,450		37,450		0
400000	CAPITAL OUTLAY	0		0		0
9999	TOTAL	141,447		139,232		2,215
FUND: GENERAL		DEPARTMENT: CORPORATE COUNSEL			FUNCTION:	
100000	PERSONAL SERVICES	104,642		102,590		2,052
200000	SUPPLIES	1,500		1,500		0
300000	OTHER SERVICES AND CHARGES	26,500		16,500		10,000
400000	CAPITAL OUTLAY	0		0		0
9999	TOTAL	132,642		120,590		12,052
FUND: GENERAL		DEPARTMENT: COUNCIL			FUNCTION:	
100000	PERSONAL SERVICES	96,683		94,788		1,895
200000	SUPPLIES	250		250		0
300000	OTHER SERVICES AND CHARGES	9,135		9,135		0
400000	CAPITAL OUTLAY	0		0		0
9999	TOTAL	106,068		104,173		1,895
		FUND TOTAL				
		(ONLY IF DEPARTMENTALIZED)				

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504

ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: GENERAL	DEPARTMENT: DEPT OF ENGINEERING		FUNCTION:	
	2013 Budget	2012 Budget	Additional	
100000 PERSONAL SERVICES	282,854	277,699		5,155
200000 SUPPLIES	4,000	4,000		0
300000 OTHER SERVICES AND CHARGES	10,250	10,000		250
400000 CAPITAL OUTLAY	0	0		0
9999 TOTAL	297,104	291,699		5,405
FUND: GENERAL	DEPARTMENT: CODE ENFORCEMENT		FUNCTION:	
100000 PERSONAL SERVICES	225,721	221,293		4,428
200000 SUPPLIES	3,500	3,500		0
300000 OTHER SERVICES AND CHARGES	24,700	24,700		0
400000 CAPITAL OUTLAY	0	0		0
9999 TOTAL	253,921	249,493		4,428
FUND: GENERAL	DEPARTMENT: BUILDING DEPT.		FUNCTION:	
100000 PERSONAL SERVICES	190,410	186,677		3,733
200000 SUPPLIES	3,000	3,000		0
300000 OTHER SERVICES AND CHARGES	3,750	3,750		0
400000 CAPITAL OUTLAY	0	0		0
9999 TOTAL	197,160	193,427		3,733
	FUND	TOTAL		
	(ONLY IF DEPARTMENTALIZED)			

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504

ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: GENERAL	DEPARTMENT: REDEVELOPMENT	FUNCTION:	
	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	251,291	246,364	4,927
200000 SUPPLIES	1,000	1,000	0
300000 OTHER SERVICES AND CHARGES	243,500	243,500	0
400000 CAPITAL OUTLAY			0
9999 TOTAL	495,791	490,864	4,927
FUND: GENERAL	DEPARTMENT:	FUNCTION:	
100000 PERSONAL SERVICES	0	0	0
200000 SUPPLIES	0	0	0
300000 OTHER SERVICES AND CHARGES	0	0	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	0	0	0
FUND: GENERAL	DEPARTMENT: FIRE DEPARTMENT	FUNCTION:	
100000 PERSONAL SERVICES	10,745,248	10,215,372	529,876
200000 SUPPLIES	188,000	158,000	30,000
300000 OTHER SERVICES AND CHARGES	376,500	346,500	30,000
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	11,309,748	10,719,872	589,876
	FUND	TOTAL	
	(ONLY IF DEPARTMENTALIZED)		

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

504
ID YEAR CO TYPE KEY

BUDGET REPORT FOR
MISHAWAKA
TAXING UNIT

COUNTY

FUND: GENERAL		DEPARTMENT: POLICE DEPT	2013 Budget	2012 Budget	FUNCTION:	Additional
100000	PERSONAL SERVICES	11,177,429		10,504,726		672,703
200000	SUPPLIES	71,000		71,000		0
300000	OTHER SERVICES AND CHARGES	129,800		129,800		0
400000	CAPITAL OUTLAY	0		0		0
9999	TOTAL	11,378,229		10,705,526		672,703
FUND: GENERAL		DEPARTMENT: CITY PLANNING			FUNCTION:	
100000	PERSONAL SERVICES	196,714		192,999		3,715
200000	SUPPLIES	3,900		3,900		0
300000	OTHER SERVICES AND CHARGES	15,600		15,400		200
400000	CAPITAL OUTLAY	0		0		0
9999	TOTAL	216,214		212,299		3,915
FUND: GENERAL		DEPARTMENT: CENTRAL SERVICES DEPARTMENT			FUNCTION:	
100000	PERSONAL SERVICES	624,255		615,515		8,740
200000	SUPPLIES	1,031,000		1,006,000		25,000
300000	OTHER SERVICES AND CHARGES	69,500		69,500		0
400000	CAPITAL OUTLAY	0		0		0
9999	TOTAL	1,724,755		1,691,015		33,740
		FUND	TOTAL			
		(ONLY IF DEPARTMENTALIZED)				

BUDGET REPORT FOR

504

ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: GENERAL	DEPARTMENT: RECYCLING		FUNCTION: Additional
	2013 Budget	2012 Budget	
100000 PERSONAL SERVICES			0
200000 SUPPLIES	5,000	5,000	0
300000 OTHER SERVICES AND CHARGES	15,000	15,000	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	20,000	20,000	0
FUND: GENERAL	DEPARTMENT: CEMETERY		FUNCTION:
100000 PERSONAL SERVICES	0	0	0
200000 SUPPLIES	0	0	0
300000 OTHER SERVICES AND CHARGES	20,000	20,000	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	20,000	20,000	0
FUND: GENERAL	DEPARTMENT: IT		FUNCTION:
100000 PERSONAL SERVICES	273,428	268,066	5,362
200000 SUPPLIES	2,000	2,000	0
300000 OTHER SERVICES AND CHARGES	6,000	56,000	-50,000
400000 CAPITAL OUTLAY			0
9999 TOTAL	281,428	326,066	-44,638
FUND TOTAL (ONLY IF DEPARTMENTALIZED)			

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504

ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COU

FUND: GENERAL Totals		DEPARTMENT:		FUNCTION:	
		2013 Budget	2012 Budget	Additional	
100000	PERSONAL SERVICES	11,955,023	11,267,759		
200000	SUPPLIES	84,000	83,500		
300000	OTHER SERVICES AND CHARGES	448,045	447,795		
400000	CAPITAL OUTLAY	0	0		
9999	TOTAL	12,487,068	11,799,054		
FUND:		DEPARTMENT:		FUNCTION:	
100000	PERSONAL SERVICES	3,084,166	2,830,212		
200000	SUPPLIES	23,900	23,900		
300000	OTHER SERVICES AND CHARGES	2,000,800	1,926,945		
400000	CAPITAL OUTLAY	0	0		
9999	TOTAL	5,108,866	4,781,057		
FUND:		DEPARTMENT:		FUNCTION:	
100000	PERSONAL SERVICES	12,053,478	11,501,454	27,092,667	255994251,493,242
200000	SUPPLIES	1,226,750	1,171,750	1,334,650	127915055,500
300000	OTHER SERVICES AND CHARGES	489,742	509,742	2,938,587	288448254,105
400000	CAPITAL OUTLAY	0	0	0	00
9999	TOTAL	13,769,970	13,182,946	31,365,904	297630571,602,847
		FUND		TOTAL	
		(ONLY IF DEPARTMENTALIZED)			

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504
ID    YEAR  CO  TYPE  KEY

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MISHAWAKA
TAXING UNIT

10

FUND: PARK AND RECREATION		DEPARTMENT:	FUNCTION:
	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	2,402,046	2,126,505	275,541
200000 SUPPLIES	396,000	376,000	20,000
300000 OTHER SERVICES AND CHARGES	729,400	700,100	29,300
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	3,527,446	3,202,605	324,841
FUND: LAW ENFORCE CONT'D		DEPARTMENT:	FUNCTION:
100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES			0
400000 CAPITAL OUTLAY			0
9999 TOTAL			0
FUND: MOTOR VEHICLE HIGHWAY		DEPARTMENT:	FUNCTION:
100000 PERSONAL SERVICES	2,360,219	2,316,937	43,282
200000 SUPPLIES	725,500	705,500	20,000
300000 OTHER SERVICES AND CHARGES	579,250	537,250	42,000
400000 CAPITAL OUTLAY	701,000	201,000	500,000
9999 TOTAL	4,365,969	3,760,687	605,282
		FUND	TOTAL
		(ONLY IF DEPARTMENTALIZED)	

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Approved by the State Board of Accounts

BUDGET REPORT FOR

504

ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: MUNICIPAL BOND	DEPARTMENT:	FUNCTION:
	2013 Budget	2012 Budget
		Additional
100000 PERSONAL SERVICES		0
200000 SUPPLIES		0
300000 OTHER SERVICES AND CHARGES	1,658,399	1,648,617
400000 CAPITAL OUTLAY		0
9999 TOTAL	1,658,399	1,648,617
9,782		
FUND: CCDF	DEPARTMENT:	FUNCTION:
100000 PERSONAL SERVICES		0
200000 SUPPLIES		0
300000 OTHER SERVICES AND CHARGES		0
400000 CAPITAL OUTLAY	500,000	450,000
9999 TOTAL	500,000	450,000
50,000		
FUND: CUMULATIVE FIRE	DEPARTMENT:	FUNCTION:
100000 PERSONAL SERVICES		0
200000 SUPPLIES		0
300000 OTHER SERVICES AND CHARGES		0
400000 CAPITAL OUTLAY		
9999 TOTAL		
	FUND	TOTAL
	(ONLY IF DEPARTMENTALIZED)	

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Approved by the State Board of Accounts

BUDGET REPORT FOR

504

ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: CUMULATIVE SEWER	2013 Budget	DEPARTMENT: 2012 Budget	FUNCTION: Additional	
100000 PERSONAL SERVICES				0
200000 SUPPLIES				0
300000 OTHER SERVICES AND CHARGES	250,000	250,000		0
400000 CAPITAL OUTLAY	250,000	250,000		0
9999 TOTAL	500,000	500,000		0
FUND: CEDIT		DEPARTMENT:	FUNCTION:	
100000 PERSONAL SERVICES				0
200000 SUPPLIES				0
300000 OTHER SERVICES AND CHARGES				0
400000 CAPITAL OUTLAY				0
9999 TOTAL				0
FUND: FIRE PENSION		DEPARTMENT:	FUNCTION:	
100000 PERSONAL SERVICES	2,603,781	2,475,972		127,809
200000 SUPPLIES	1,000	1,000		0
300000 OTHER SERVICES AND CHARGES	3,000	3,000		0
400000 CAPITAL OUTLAY				0
9999 TOTAL	2,607,781	2,479,972		127,809
		FUND	TOTAL	
		(ONLY IF DEPARTMENTALIZED)		

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Approved by the State Board of Accounts

BUDGET REPORT FOR

504

ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: POLICE PENSION	DEPARTMENT:		FUNCTION:
	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	1,597,511	1,533,057	64,454
200000 SUPPLIES	0	0	0
300000 OTHER SERVICES AND CHARGES	2,950	2,950	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	1,600,461	1,536,007	64,454
FUND: LOCAL ROAD AND STREET	DEPARTMENT:		FUNCTION:
100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES			0
400000 CAPITAL OUTLAY	500,000	500,000	0
9999 TOTAL	500,000	500,000	0
FUND: PARK NON-REVERTING	DEPARTMENT:		FUNCTION:
100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES			0
400000 CAPITAL OUTLAY			0
9999 TOTAL			0
FUND		TOTAL	
(ONLY IF DEPARTMENTALIZED)			

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504

ID	YEAR	CO	TYPE	KEY	MISHAWAKA TAXING UNIT	COU
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FUND:		DEPARTMENT:		FUNCTION:	
		2013 Budget	2012 Budget		Additional
	100000 PERSONAL SERVICES				
	200000 SUPPLIES				
	300000 OTHER SERVICES AND CHARGES				
	400000 CAPITAL OUTLAY	0			
	9999 TOTAL	0			
FUND:	PUBLIC SAFETY	DEPARTMENT:		FUNCTION:	
	100000 PERSONAL SERVICES				
	200000 SUPPLIES				
	300000 OTHER SERVICES AND CHARGES				
	400000 CAPITAL OUTLAY				
	9999 TOTAL				
FUND:		DEPARTMENT:		FUNCTION:	
	100000 PERSONAL SERVICES				
	200000 SUPPLIES				
	300000 OTHER SERVICES AND CHARGES				
	400000 CAPITAL OUTLAY				
	9999 TOTAL	0			
		FUND		TOTAL	
		(ONLY IF DEPARTMENTALIZED)			

BUDGET REPORT FOR

504

ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND:Totals		DEPARTMENT:	FUNCTION:			
		2013 Budget	2012 Budget	Additional		
100000	PERSONAL SERVICES	15,954,580	14,927,321	1,027,259		
200000	SUPPLIES	480,000	459,500	20,500		
300000	OTHER SERVICES AND CHARGES	3,088,794	3,049,462	39,332		
400000	CAPITAL OUTLAY	250,000	250,000	0		
9999	TOTAL	19,773,374	18,686,283	1,087,091		
FUND:		DEPARTMENT:	FUNCTION:			
100000	PERSONAL SERVICES	3,084,166	2,830,212	253,954		
200000	SUPPLIES	23,900	23,900	0		
300000	OTHER SERVICES AND CHARGES	2,000,800	1,926,945	73,855		
400000	CAPITAL OUTLAY	1,000,000	950,000	50,000		
9999	TOTAL	6,108,866	5,731,057	377,809		
FUND: TOTAL CITY		DEPARTMENT:	FUNCTION:			
100000	PERSONAL SERVICES	17,017,478	16,294,363	723,115	36,056,224	2,004,328
200000	SUPPLIES	1,953,250	1,878,250	75,000	2,457,150	95,500
300000	OTHER SERVICES AND CHARGES	1,071,992	1,049,992	22,000	6,161,586	135,187
400000	CAPITAL OUTLAY	701,000	201,000	500,000	1,951,000	550,000
9999	TOTAL	20,743,720	19,423,605	1,320,115	46,625,960	2,785,015
		FUND	TOTAL			
		(ONLY IF DEPARTMENTALIZED)				

7130117 MISHAWAKA CIVIL CITY
WORK DRAFT

Fund Report Pay 2013

FR 2

03/15/2013 01:30PM

FUND: 0101 *General*

FUND: 0188 *Bond*

FUND: 0341 *FP*

AV: \$1,329,478,738

AV: \$1,329,478,738

AV: \$1,329,478,738

1. Budget Estimate 29,763,057
2. Expenditures J1-Dec 15,502,005
3. Add App J1 - Dec 248,300
4A. Temporary Loans 0
4B. Loans Not Pd 12/31 0
5. TOTAL EST EXP 45,513,362
6. Cash Balance 6/30 6,840,305
7. Dec Tax Collection 8,187,077
8A. Misc Rev Jul - Dec 6,131,495
8B. Misc Rev Total 9,221,004
9. TOTAL FUNDS 30,379,881
10. NET AMT REQ 15,133,481
11. Operating Balance 4,791,417

1,648,617
824,493
0
0
0
2,473,110
884,553
679,896
38,494
72,383
1,675,326
797,784
841,463

2,479,972
1,300,558
0
0
0
3,780,530
1,008,152
0
1,225,193
2,300,000
4,533,345
(752,815)
752,815

12. TOTAL (10+11) 19,924,898
13A. PTRC 0
13B. LOIT 0
14. NET AMT TO RAISE 19,924,898
15. Levy Excess 0
16. TAX LEVY 19,924,898
TAX RATE 1.4987

1,639,247
0
0
1,639,247
0
1,639,247
0.1233

0
0
0
0
0
0
0.0000

FUND: 0342 *PP*

FUND: 0706 *LRS*

FUND: 0708 *mr#*

AV: \$1,329,478,738

AV: \$1,329,478,738

AV: \$1,329,478,738

1. Budget Estimate 1,536,007
2. Expenditures J1-Dec 810,986
3. Add App J1 - Dec 0
4A. Temporary Loans 0
4B. Loans Not Pd 12/31 0
5. TOTAL EST EXP 2,346,993
6. Cash Balance 6/30 725,159
7. Dec Tax Collection 0
8A. Misc Rev Jul - Dec 794,238
8B. Misc Rev Total 1,400,000
9. TOTAL FUNDS 2,919,397
10. NET AMT REQ (572,404)
11. Operating Balance 572,404

500,000
712,040
0
0
0
1,212,040
781,168
0
190,557
428,873
1,400,598
(188,558)
188,558

3,760,687
2,419,036
0
0
0
6,179,723
3,256,614
402,494
906,560
2,031,123
6,596,791
(417,068)
878,397

12. TOTAL (10+11) 0
13A. PTRC 0
13B. LOIT 0
14. NET AMT TO RAISE 0
15. Levy Excess 0
16. TAX LEVY 0
TAX RATE 0.0000

0
0
0
0
0
0
0.0000

461,329
0
0
461,329
0
461,329
0.0347

7130117 MISHAWAKA CIVIL CITY
WORK DRAFT

Fund Report Pay 2013

FR 2

03/15/2013 01:30PM

FUND: 1191

CF

FUND: 1301

Park

FUND: 2391

CCD

AV: \$1,329,478,738

AV: \$1,329,478,738

AV: \$1,329,478,738

1. Budget Estimate	50,000
2. Expenditures J1-Dec	27,609
3. Add App J1 - Dec	0
4A. Temporary Loans	0
4B. Loans Not Pd 12/31	0
5. TOTAL EST EXP	77,609
6. Cash Balance 6/30	40,749
7. Dec Tax Collection	15,940
8A. Misc Rev Jul - Dec	910
8B. Misc Rev Total	1,643
9. TOTAL FUNDS	59,242
10. NET AMT REQ	18,367
11. Operating Balance	18,858

3,202,605
1,835,553
0
0
0
5,038,158
1,327,039
773,107
398,142
610,305
3,108,593
1,929,565
568,526

450,000
331,090
0
0
0
781,090
345,247
149,725
8,543
15,616
519,131
261,959
91,682

12. TOTAL (10+11)	37,225
13A. PTRC	0
13B. LOIT	0
14. NET AMT TO RAISE	37,225
15. Levy Excess	0
16. TAX LEVY	37,225
TAX RATE	0.0028

2,498,091
0
0
2,498,091
0
2,498,091
0.1879

353,641
0
0
353,641
0
353,641
0.0266

FUND: 6290

CS

AV: \$1,329,478,738

1. Budget Estimate	500,000
2. Expenditures J1-Dec	1,219,873
3. Add App J1 - Dec	0
4A. Temporary Loans	0
4B. Loans Not Pd 12/31	0
5. TOTAL EST EXP	1,719,873
6. Cash Balance 6/30	1,739,690
7. Dec Tax Collection	196,977
8A. Misc Rev Jul - Dec	11,240
8B. Misc Rev Total	20,312
9. TOTAL FUNDS	1,968,219
10. NET AMT REQ	(248,346)
11. Operating Balance	708,346

12. TOTAL (10+11)	460,000
13A. PTRC	0
13B. LOIT	0
14. NET AMT TO RAISE	460,000
15. Levy Excess	0
16. TAX LEVY	460,000
TAX RATE	0.0346

	FUND	ASSESSED VALUE	RATE	LEVY	CNTRL
0101	GENERAL	1,329,478,738	1.4987	19,924,898	UT
0188	EXEMPT DEBT SVC	1,329,478,738	0.1233	1,639,247	0
0341	FIRE PENSION	1,329,478,738	0.0000	0	UT
0342	POLICE PENSION	1,329,478,738	0.0000	0	UT
0706	LR &S	1,329,478,738	0.0000	0	UT
0708	MVH	1,329,478,738	0.0347	461,329	UT
1191	CUM FIRE SPEC	1,329,478,738	0.0028	37,225	UT
1301	PARK & REC	1,329,478,738	0.1879	2,498,091	UT
2391	CCD	1,329,478,738	0.0266	353,641	UT
6290	CUM SEWER	1,329,478,738	0.0346	460,000	UT
	TOTAL		1.9086	25,374,431	

UNIT

Normal Max Levy:	24,068,441
Minus LOIT:	0
Minus Levy Excess:	0
Plus Fin Inst Tax:	65,520
Plus Misc Changes:	353,641
Working Max Levy:	24,487,602
CTL UT Working MAX 24,487,602 Under Max by 752,418	

1782 Notice Notes Report
Pay 2013

FR2
03/15/2013
1:30PM

UNIT NUMBER 7130117

MISHAWAKA CIVIL CITY

<u>County 71</u>		
0101 GENERAL		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$29,763,057
<u>Lesser of unit adopted or prior year levy because of improper advertising.</u>		
0188 EXEMPT DEBT SVC		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$1,648,617
<u>Lesser of unit adopted or prior year levy because of improper advertising.</u>		
0341 FIRE PENSION		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$2,479,972
<u>Lesser of unit adopted or prior year levy because of improper advertising.</u>		
0342 POLICE PENSION		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$1,536,007
<u>Lesser of unit adopted or prior year levy because of improper advertising.</u>		
0706 LR & S		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$500,000
<u>Lesser of unit adopted or prior year levy because of improper advertising.</u>		
0708 MVH		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$3,760,687
<u>Lesser of unit adopted or prior year levy because of improper advertising.</u>		
1191 CUM FIRE SPEC		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$50,000
<u>Cumulative fund rate cannot be increased over previous years rate until the fund is re-established.</u>		
1301 PARK & REC		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$3,202,605
<u>Lesser of unit adopted or prior year levy because of improper advertising.</u>		
2391 CCD		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$450,000
<u>Cum Rate reduced according to calculation described in IC 6-1.1-18.5-9.8.</u>		
6290 CUM SEWER		
Lesser of unit adopted or prior year budget because budget not properly advertised.		\$500,000
<u>Cumulative fund rate cannot be increased over previous years rate until the fund is re-established.</u>		



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy, Controller

RECEIVED
DEBORAH S. BLOCK MMC

DATE: June 6, 2013
TO: Members of the Common Council
FROM: Becky Miller
RE: Additional

MAY 6 0 2013

CITY CLERK
MISHAWAKA, IN

For second reading at the June 17, 2013 meeting it is necessary to have an additional appropriation approved to correct our 2013 budget. This correction is due to the advertising error made by School City. (Our advertising and procedures were done correctly.) The penalty handed down by the DLGF was our current budget must revert to our 2012 numbers. Legislation was passed which effectively leaves the City of Mishawaka unharmed, though at this time the DLGF has refused to acknowledge it. Due to the fact that by June 30th our budget must be in place to move forward with the preparation of the 2014 budget it is prudent and necessary to do this additional in case the DLGF decides to not make us whole.

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

Cc: David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 13-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-13

ORDINANCE NO. _____

RECEIVED
JAMES S. BLOCK, MMC

MAY 18 2013

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

10 ft w side lot 3 & all lot 4 & N ½ vac alley S of lot 5 Taylors Addition to St. Joseph Iron Works; and N end lots 9 & 10 & S ½ vac alley N & adj exc E 5' Taylors Addition to St. Joseph Iron Works

COMMON ADDRESS: 617 Lincolnway West

which real estate is now classified as C-6 Linear Office Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District and designated in "The Zoning Ordinance of 1966" as amended.

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

1. There are multiple zonings in the immediate vicinity and many of the structures are residential in use. This property's historic use as a single family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;

Proposed Ordinance No: 13-13

Ordinance No: _____

3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owners to sell the home and make improvements as they deem necessary; and,
5. The City's Comprehensive Plan calls for general commercial but the rezoning is not inconsistent with the residential uses in the area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 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.

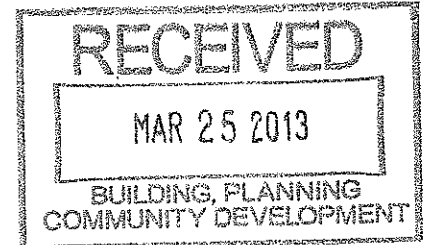
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2013, at _____ o'clock ____M.

David A. Wood, Mayor

DATE: 3/15/2013

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



Pet 13-06

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.

A handwritten signature in cursive script, appearing to read "K Scott Stevens".

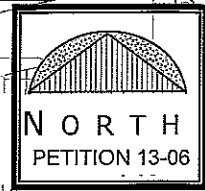
Kevin Scott Stevens

A handwritten signature in cursive script, appearing to read "Mary Lou Stevens".

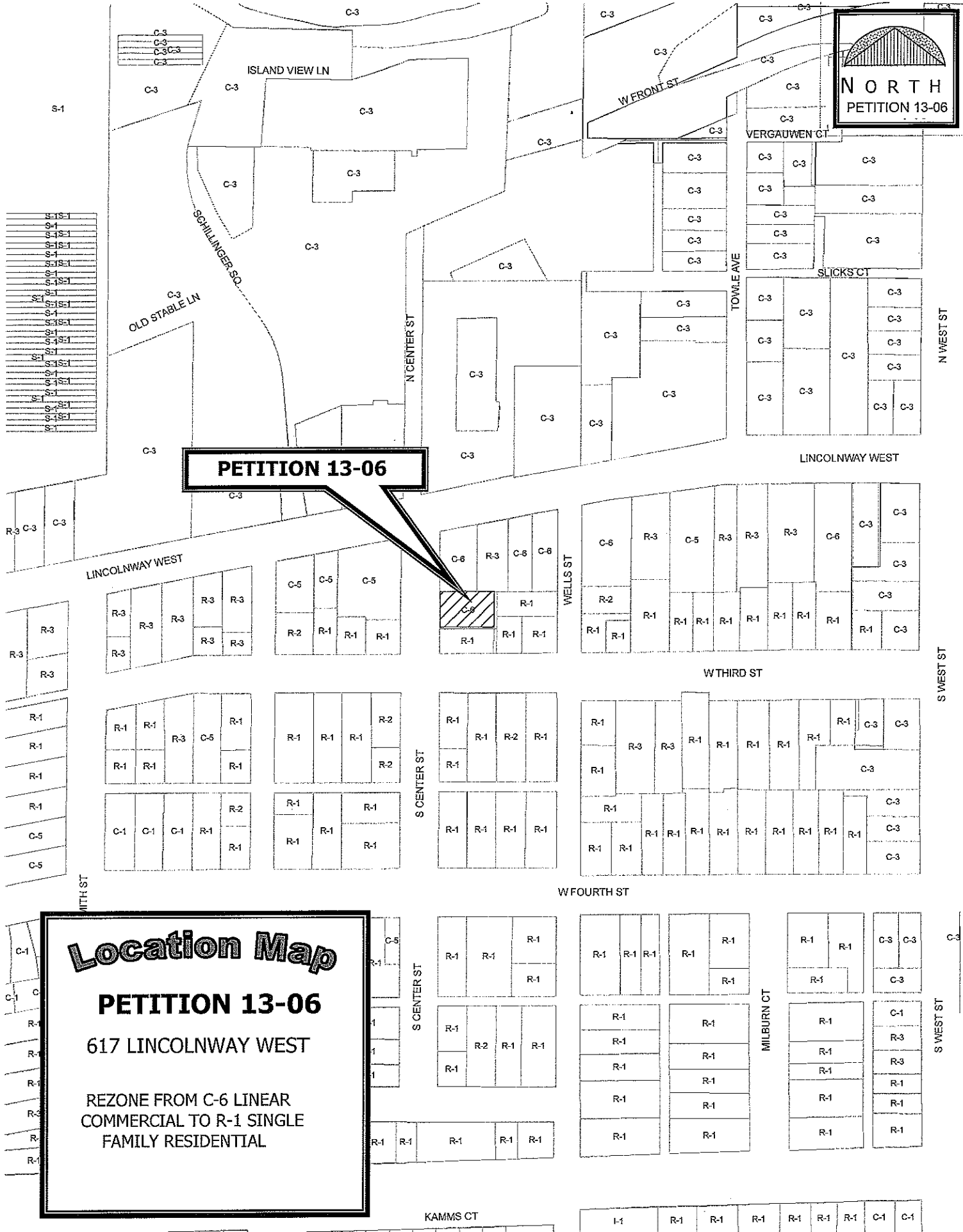
Mary Lou Stevens

CONTACT PERSON:

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617 LINCOLNWAY WEST, MISHAWAKA, IN 46544
(574)850-0650
SCOTT_STEVENS@COMCAST.NET



PETITION 13-06



Location Map

PETITION 13-06

617 LINCOLNWAY WEST

REZONE FROM C-6 LINEAR
COMMERCIAL TO R-1 SINGLE
FAMILY RESIDENTIAL