

AGENDA

Monday, March 3, 2014

**Jill M. Sabo, MSW,CTTS
Project Coordinator, Tobacco Initiatives,
St. Joseph Regional Medical Center
6:30PM**

**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**

February 17, 2014

5. Petitions, Communications, Remonstrance and Memorials

Petition No. 2014-03 Rezone from C-5 neighborhood Commercial to R-1 Single Family Residential Vacant Land East of 119 E. Donaldson Ave.

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**
- 9. Ordinances on Second Reading**
- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**

Change Meeting Dates in April

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
February 17, 2014

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, February 3, 2014 at 7:00 p.m. The meeting was called to order by President Matt Mammolenti all were asked to stand for the Pledge of Allegiance.

President Mammolenti presented Mr. Compton with a plaque for his service as Council President 2013 and thanked him for his service.



Roll Call.

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

Absent/Excused: Mr. Roggeman.

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

The minutes from the February 3, 2014 meeting were approved as received from the City Clerk's Office.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-03** opening for public hearing.

PROPOSED ORDINANCE NO. 2014-03

**AN ORDINANCE AUTHORIZING AND ESTABLISHING BOUNDARIES FOR
MISHAWAKA UTILITIES TO FURNISH WATER AND SEWER SERVICE TO THE
PUBLIC UP TO FOUR MILES OUTSIDE MISHAWAKA CITY LIMITS**

(Establishing boundaries for Mishawaka utilities Water and Sewer Service
up to 4 miles outside Mishawaka, City Limits)
Petitioner Requesting Second Reading)

Mr. Banicki made a motion to suspend Council Rules and hear second hearing on this proposed ordinance at this meeting, with a second by Mr. Reisdorf the motion carried.

President Mammolenti said **PROPOSED ORDINANCE NO. 2014-03** would be heard under second reading.

Clerk Block read **RESOLUTION NO. R2014-06** opening it for public hearing.

RESOLUTION NO. R2014-06

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA OPPOSING LEGISLATION REDUCING OR ELIMINATING
BUSINESS PERSONAL PROPERTY TAXES IN THE STATE OF INDIANA**

(Opposing Legislation Concerning Business Personal Property Taxes in the State of Indiana)

Dave Wood Mayor said he wanted to speak in support of this Resolution and typically they do not do these types of Resolutions because they are essentially ceremonial documents. He said in this case they felt the need to speak out and speak strongly on this issue and have Mishawaka's Voice heard because it has a potential to impact the city's government in a profound way.

He said the proposed Business Personal Property Tax elimination in its entirety would have a significant impact on Mishawaka's City Budget, some estimates would include an approximately 16% hit. Mayor Wood said we have not planned for this and doesn't see how it could be planned for. He said it was his feeling that we have taken enough hits on our budget from down state Indianapolis on our local budget and at this time joining forces with many associations across the state, County Governments, Schools, Fire Fighter Associations, Police Chief Associations and single voice of opposition to this State Initiative.

Mayor Wood said he feels as a collective group that any revenue that was lost as a result of any cuts down state needs to be replaced dollar for dollar with state income or state revenue. He said, that does not mean local options that can be past here, they know that if this were to pass this wouldn't be just a big tax cut it might be a tax shift, and shift some of the burden over to property taxes, as well as potentially to income taxes so the citizens would feel the affect of this tax shift. Mayor Wood said he finds it highly ironic the state was eager to cut this tax which impact cities while they are discussing ways to grow their budget with new programs down state. He said he has heard in recent comments that the Governor expressed he does not want to place undo harm on cities. Mayor Wood said in his mind any kind of undo harm implies some kind of harm and again it is his and the city's position that they do not want any dollars being taking out of the city budget from the state.

Mayor Wood said a 16% cut at its worst, there is no way the City Of Mishawaka could absorb that, would go straight to service cuts and we are already down due to the property tax caps and the circuit breaker that was past a few years ago. He said they want to speak with just one voice and send this Resolution to the Legislators, as well as to the Governor and thanked the Council for their consideration in this matter.

Mr. Emmons echoed the Mayor's concerns and opinion on this matter. He said all the Mayor's in the State of Indiana that he spoke to at the IACT Legislative Conference meeting in Kokomo were down there to fight this tax. He said cities like Kokomo would get a 60% hit; he asked if anyone could imagine what that would do to a city's budget. He said he felt that it was a very unfair tax and he supports this Resolution 100%.

Mr. Compton thanked the Mayor for bringing this forward. He said the entire time he has been involved with city government he has seen the State cut local budgets time and again and he has seen the affects of it, with the schools and what they see in the city. Mr. Compton said he was tired of it and he knows this is just a statement to the State but a statement that needs to be made, there is a Cost of living in a civilized society and we need to pass this and let them know how we feel.

Question was called for at 7:05 p.m. on **RESOLUTION NO. R2014-6** 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. Bilancio.
ABSENT: Mr. Roggeman

Clerk Block read **PROPOSED ORDINANCE NO. 2014-03** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-03

**AN ORDINANCE AUTHORIZING AND ESTABLISHING BOUNDARIES FOR
MISHAWAKA UTILITIES TO FURNISH WATER AND SEWER SERVICE TO THE
PUBLIC UP TO FOUR MILES OUTSIDE MISHAWAKA CITY LIMITS**

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Petitioner Requesting Second Reading

Dave wood Mayor said unfortunately a week or so ago South Bend had introduced an ordinance the City Of Mishawaka found to be unacceptable and would place undo harm on our city and it s potential future growth. He said the South Bend Ordinance if passed in its current form, which it is still active and signed to committee at the Council level make it through and pass, it would indeed impact our future growth and could shut it down completely.

Mayor Wood said the City Of Mishawaka has invested millions of dollars of infrastructure in the ground ready to service growth and this could cost Mishawaka millions of dollars not to be able to use that infrastructure. He said he wants to send a message that we want to control our own destiny, to grow responsibly and there has been a gentleman's agreement that governs growth in an orderly fashion between the two cities.

Mayor Wood said he spoke with the City of South Bend and their administration to let them know this was coming and even sent them a copy of the Proposed Ordinance and Map in advance of this. He went on to say he definitely wants to continue the good relations they have had between the two communities over time, but they have to do so in a way that protects the city 's own interest and he feels this ordinance does that.

Mayor Wood said it was interesting to note that while Mishawaka would be considering this ordinance at this meeting, down state they were looking at a bill that would eliminate these types of ordinances past a certain date and the City of Mishawaka supports this bill, which includes Waste Water only and we would include the addition of water into that bill as well. He said as it stands now the way these rules stand it pits cities and communities against each other, as it has here. Mayor Wood said they want to honor their commitments, respect their neighbors, and most of all protect their own interest, he asked the Council for their support of this proposed ordinance..

Mr. Compton asked the Mayor regarding the bill down state did he know enough about it to elaborate on it, would it be first come first serve. Mayor Wood stated the bill down state was House Bill 1187, it would void these kinds of bills presented after January 1st of 2014 and it past the House and it includes Wastewater only, there is case law where the Town of Newburg vs Chandler that this goes back to, one of these communities right next to each other declared one

of these 4 mile radiuses, it went to court and they determined it was legal it gave them first in time and first in deed and that was the concern in this case, South Bend filed their Proposed Ordinance and had it passed they would be first in time and first in deed, that was the urgency of this and why he asked for first and second reading. Mayor Wood said he appreciates the Councils support and allowing first and second reading on this, again this sends a message that Mishawaka would defend them.

Mr. Banicki thanked the Mayor for bringing this forward, he feels it was fair and reasonable with the boundaries, it was not about land grab for Mishawaka it was about fair and reasonable. He said in Mishawaka we stand for Mishawaka not wanting anything that did not belong to us, working hard for what we have and willing to give more if that was what it takes. Mr. Banicki said by just passing this ordinance Mishawaka would not have to ask for approval from South Bend for any future type plans, with that being said he would absolutely support this proposed ordinance.

Question was called for at 7:17 p.m. on **PROPOSED ORDINANCE NO. 2014-03** 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. Bilancio **ABSENT:** Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5437**

NEW BUSINESS

Mr. Emmons announced his Neighborhood Watch Meeting Thursday February 20, 2014 at St. Bavo School at 7:00 p.m., Dr. Barker Superintendent of Mishawaka School System would be the speaker. Mr. Emmons said this would give everyone a chance to view the cuts in the school system.

Mr. Reisdorf thanked John Julian and Jim Schrader for coming to a meeting at Fire Station 4 to answer questions regarding the electric rate increase, was a great turn out and there were many questions regarding the rate increase, specifically for total electric housing, Mr. Schrader was still looking into some of them,

President Mammolenti said Twin Branch Neighborhood Meeting at Twin Branch School at 7:00 p.m. on Wednesday February 19, 2014.

President Mammolenti called for a 5 minute recess at 7:19 p.m., prior to Mayor Wood's State of the City Address.

Meeting reconvened at 7:26 p.m. with Mayor Wood's State of the City.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 8:36 p.m.

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

☐ Matt Mammolenti
Matt Mammolenti, Presiding Officer



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

February 24, 2014

*Pet
14-03*

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

RE: Petition Rezoning Classification

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

Lot #79 & Lot #80 Lowell Heights, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Commonly known vacant land east of 119 E. Donaldson Avenue

Petitioner(s) own one hundred (100%) percent of the above described parcels of land which carries a zoning classification as C-5 Neighborhood Commercial.

Petitioner(s) desire said real estate to be rezoned R-1 Single-Family Residential.

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.

Sincerely,

David Thomas
Director, Dept. of Community development
City of Mishawaka

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 26 2014

CITY CLERK
MISHAWAKA, IN

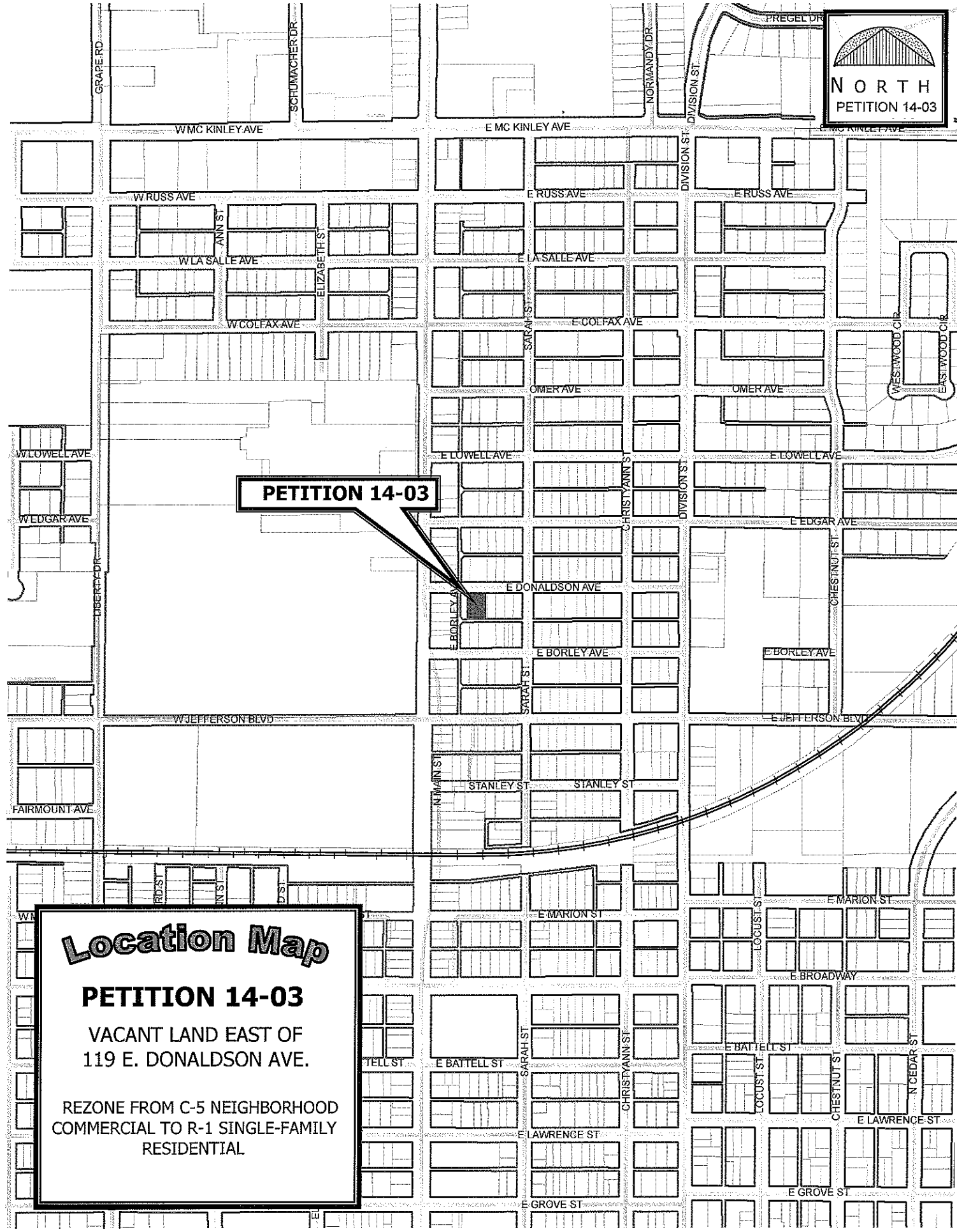
BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241

Building Phone: (574) 258-1607 Fax: (574) 968-6999

Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999

Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999



PETITION 14-03

Location Map

PETITION 14-03

VACANT LAND EAST OF
119 E. DONALDSON AVE.

REZONE FROM C-5 NEIGHBORHOOD
COMMERCIAL TO R-1 SINGLE-FAMILY
RESIDENTIAL