

AGENDA

Wednesday, November 5, 2014

**Jeff Rea Chamber of Commerce
6:15 PM**

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

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

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

October 20, 2014

5. Petitions, Communications, Remonstrance and Memorials

Outstanding and Unpaid Checks for a period of 2 years to be voided

Appeal No. 2014-26 Use Variance to allow Auto Body Shop, Auto Repair, and Detailing - 1910 N. Cedar

Petition No. 2014-25 Rezone from C-1 Commercial to R-1 Single Family Residential - 422 W. 8th St.

Petition No. 2014-26 Rezone from C-1 Commercial to R-1 Single Family Residential - 2410 Lincolnway West

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2014-32 Additional Funds - CEDIT - \$536,000.00

P.O. NO. 2014-33 Transfer Funds - Police Dept. - \$8,000.00

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2014-27 Transfer Funds - MVH - \$99,000.00 (Assigned to Budget and Finance Committee)

P.O. NO. 2014-28 Transfer Funds - CMP - \$25,000.00 (Assigned to Budget and Finance Committee)

P.O. NO. 2014-29 Annex and Rezone from R-1 Single Family to I-1 Light Industrial - West of 1904 East McKinley Ave. - Hose Assemblies **NO VOTE**

P.O. NO. 2014-30 Annex and Zone Property to C-1 Commercial - North of 124 Cedar Rd - Multiple Business **NO VOTE**

P.O. NO. 2014-31 Amend the PUD for Toscana Outlot - Lot 26A Toscana park PUD Phase III - Mixed Uses (Assigned to Land Use Planning Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

Reconsideration of Ordinance 5456 As Amended for further amendment - Police and Fire Salary Ordinance for 2015.

12. New Business

13. Adjournment

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

October 20, 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 October 20, 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.

Roll Call.

Present: John Reisdorf, Ron Banicki, Kat Voelker, John Roggeman, Mike Compton, Woody Emmons, Mike Bellovich, Dan Bilancio, Matt Mammolenti.

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

The minutes from the October 6, 2014 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the Mishawaka City Plan Commission Recommendations from their October 14, 2014.

Petition No. 2014-20 A petition submitted by SLB Corporation, DBA Hose Assemblies requesting to annex and rezone property located at 1844 East McKinley Avenue to I-1 Light Industrial.

RECOMMENDED APPROVAL

Petition No. 2014-21 A petition submitted by John Ward requesting to annex and rezone property north of 124 Cedar Road to C-1 General Commercial.

RECOMMENDED APPROVAL

Petitions No. 2014-23 A petition submitted by Toscana Realty, LLC, requesting to amend the Toscana Park Planned Unit Development to allow for drive-thru facilities, reduction in off-street parking, and dumpster to be visible from the public right-of-way.

RECOMMENDED APPROVAL

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

PROPOSED ORDINANCE 2014-27

AN ORDINANCE DECLARING AN EMERGENCY AND

**TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CLAEANDAR YEAR ENDING DECEMBER 31, 2014**

(Transfer Funds – MVH - \$99,000.00)
Assigned to Budget and Finance Committee

PROPOSED ORDINANCE NO. 2014-28

**AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CLAENDAR YEAR ENDING DECEMBER 31, 2014**

(Transfer Funds – CMP - \$25,000.00)
Assigned to Budget and Finance Committee

PROPOSED ORDINANCE NO. 2014-29

**AN ORDINANCE ANNEXING CONTINGUOUS TERRITORY
TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING
CLASSIFICATION THEREFORE**

(Annex and Rezone from R-1 Single Family to I-1 Light Industrial – West of 1904 East
McKinley Avenue – Hose Assemblies)
Assigned to Land Use Planning

PROPOSED ORDINANCE NO. 2014-30

**AN ORDINANCE ANNEXING CONTINGUOUS TERRITORY
TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING
CLASSIFICATION THEREFORE**

(Annex and Zone Property to C-1 Commercial North of 124 Cedar Road –
Multiple Business)
Assigned to Land Use Planning

PROPOSED ORDINANCE NO. 2014-31

**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**

(Assigned to Land Use Planning)

Clerk Block read **PROPOSED ORDINANCE NO. 2014-20** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-20

**AN ORDINANCE FIXING THE SALARIES OF
CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015
(Elected Officials Salary Ordinance for 2015)**

Mr. Compton 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.

Dave Wood, Mayor said he was asking for the Council's support for this proposed ordinance which was a 1% raise for Elected Officials, being the same amount of raise requested for every employee of the City of Mishawaka. He said **PROPOSED ORDINANCE NO. 21 AND 22** were also included in the 1% raise request. Mayor Wood said the city was in a fairly difficult budget year this year however they were able to provide the staff members with a very modest raise in recognition of the great work they do in service to the City and citizens.

Question was called for at 7:08 p.m. **PROPOSED ORDINANCE NO. 2014-20** the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). Thus it becomes **ORDINANCE NO. 5455AA**

Yes: John Reisdorf, Ron Banicki, Kat Voelker, John Roggeman, Mike Compton, Woody Emmons, Mike Bellovich, Dan Bilancio, Matt Mammolenti.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-21** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-21

**AN ORDINANCE FIXING THE SALARIES OF ALL SWORN FIRE AND POLICE
EMPLOYEES OF THE CITY OF MISHAWAKA FOR THE CITY OF
MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2015
(Police and Fire Salary Ordinance for 2015)**

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

Question was called for at **PROPOSED ORDINANCE NO. 2014-20** the

Clerk Block read **PROPOSED ORDINANCE NO. 2014-22** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-22

**AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY
OF MISHAWAKA EXCEPT THE SWORN FIRE AND POLICE, MISHAWAKA
PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA**

**UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR
BEGINNING JANUARY 1, 2015**

(City Employee Salary Ordinance for 2015)

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

Question was called for at **PROPOSED ORDINANCE NO. 2014-20** the

Clerk Block read **PROPOSED ORDINANCE NO. 2014-23** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-23

**AN ORDINANCE FOR APPROPRIATIONS AND TAX RATE
MISHAWAKA CITY SCHOOL CORPORATION**

(Civil City Budget and Tax Levy for 2015)

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

Clerk Block read **PROPOSED ORDINANCE NO. 2014-24** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-24

AN ORDINANCE FOR APPROPRIATIONS AND TAX RATE

(School City of Mishawaka Budget for 2015)

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

Question was called for at **PROPOSED ORDINANCE NO. 2014-20** the

Clerk Block read **PROPOSED ORDINANCE NO. 2014-26** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-26

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING
AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR
THE CALENDAR YEAR ENDING DECEMBER 31, 2014**

(Trans Funds – Park and Recreation - \$65,000.00)

Petitioner Requesting Amendment

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

PRIVILEGE OF THE FLOOR

UNFINISHED BUSINESS

NEW BUSINESS

a

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 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 FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

Date: October 13, 2014
To: Honorable Members of Mishawaka City Council
From: Rebecca Miller, City Controller *RSM*

Pursuant to IC 5-11-10.5 cited below, all checks outstanding and unpaid for a period of two years as of December 31st of each year are voided and receipted back into their original fund.

Also, a list is to be presented to the City Council. Our office has always voided and receipted the checks by March 1st. I am presenting the list that was due by March 1st. All future years will be presented in a timely manner.

Please contact me with any questions.

IC 5-11-10.5-2

Outstanding unpaid warrants or checks void

Sec. 2. All warrants or checks drawn upon public funds of a political subdivision that are outstanding and unpaid for a period of two (2) or more years as of the last day of December of each year are void. No individual, bank, trust company, building and loan association, or any other financial institution may honor, cash, or accept for payment or deposit any such warrant or check which may be presented for payment and which has been issued and outstanding for a period of two (2) or more years as of the last day of December of any year.

IC 5-11-10.5-3

List of outstanding warrants or checks

Sec. 3. Not later than March 1 of each year, the treasurer of each political subdivision shall prepare or cause to be prepared a list in triplicate of all warrants or checks that have been outstanding for a period of two (2) or more years as of December 31 of the preceding year. The original copy of each list shall be filed with the:

- (1) board of finance of a political subdivision; or
- (2) fiscal body of a city or town.

The duplicate copy shall be transmitted to the disbursing officer of the political subdivision. The triplicate copy of each list shall be filed in the office of the treasurer of the political subdivision. If the treasurer serves also as the disbursing officer of the political subdivision, only two (2) copies of each list need be prepared or caused to be prepared by the treasurer.

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 30 2014

10/20/2014

OCT 22 2014

To: Board of Zoning Appeals
City of Mishawaka

CITY CLERK
MISHAWAKA, IN

The undersigned appellant respectfully shows the Board:

1. 1. We, Lincoln and Susan Le-Hue are the owners of the following described real estate located within the City of Mishawaka, Township, St. Joseph County, State of Indiana, to-wit:
Northwest Quarter of Section 10, Township 37 North, Range 3 East, in the City of Mishawaka, Indiana. 1915 N Cedar ST Mishawaka IN 46547
SEE LEGAL ATTACHED
2. The above-described real estate presently has a zoning classification of manufacturing I District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above -described property in the following manner:
Auto shop and detail shop.
4. Appellant desires to be able to rent to body shop, auto shop, and auto detailers which violate the ordinance.
5. The zoning Ordinance of the City of Mishawaka, Sec. 137-586 lists uses that allowed To be done in this area, auto shop and detailing are not on the list. Detailing cars is Just washing them inside and out. The auto shop does various repairs such as brakes And oil changes.
6. We have had trouble renting out bays to renters that fall within the guidelines and Have had several empty bays for months at a time.
7. A. Approval will not be injurious to public health, safety, morals or general welfare of the community because the renters wouldn't be any different than the other renters We have.
B. The use and value of the area adjacent to the property included in the variance will Not be affected in a substantially adverse manner. Recently vacant buildings in our Area have been broken into, having more traffic and people around will actually Improve the area.
C. I don't know if I would say that the variance arises from some condition peculiar to The property involved, it's a sign of the times. Le-Hue Machine was in business For almost 30 years and took up half of the buildings, now its down to one bay And will likely close completely.
D. Strict application of the terms of this chapter will constitute unnecessary hardship If applied to the property for which the variance is sought because it significantly Cuts the amount of renters that qualify to use the space, thereby causing a Financial hardship for the owners.

AP 14-26

E. no

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

Lincoln P. Letta
Print Name Here
Lincoln P. Letta

Susan M. Le-Hue
Print Name Here
Susan M. Le-Hue

CONTACT PERSON:

Name: Susan Le-Hue

Address: 55981 Wynnewood Dr.

Day Phone Number: 574-329-3811

Fax Number:

Email: lehuemachine@comcast.net

LEGAL

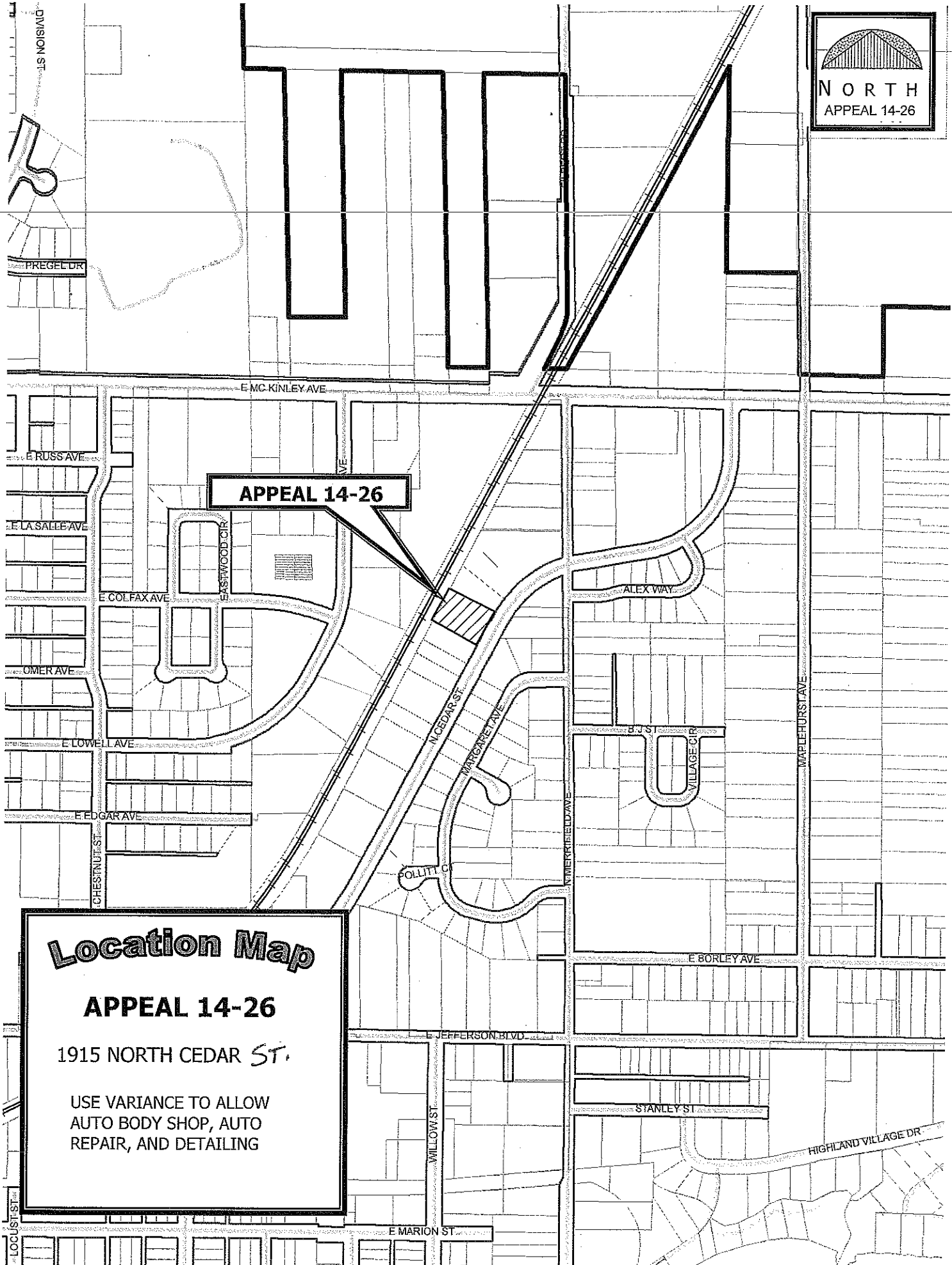
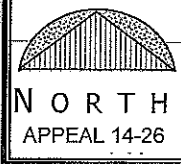
1. 1. ~~W.E. Lincoln and Susan Le Hue~~ are the owners of the following described real estate located within the City of Mishawaka, Township, St. Joseph County, State of Indiana, to-wit:

Northwest Quarter of Section 10, Township 37 North, Range 3 East, in the City of Mishawaka, Indiana.

Commencing at the Northeast Corner of the NW Quarter of said Section 10; Thence South 1 degree-23'-35" East 670.38 feet along the center line of Merrifield Street; thence South 88 degrees-36'-25" West 20 feet to the intersection of the West right of the way line of Merrifield Street and the Northwestern right-of-way line of Cedar Street; thence along said right of way line of Cedar Street 391.00 feet and subtended by a long chord 381.59 feet in Length and having a bearing of South 49 degree-14'-16" West to the point of Beginning; thence South 27 degree-22'-47" West 134.08 feet along the Northwestern right of the way line of Cedar Street; thence North 62 degree-37'-13" West 210.54 feet to the Easterly right of way line of the Grand Trunk and Western Railroad; thence North 27 degree-20'-41" East 156.55 feet along Said Easterly right of way line; thence South 60 degree-50'-25" East 210.98 feet To the Northwestern right of way line of Cedar Street; thence along said right of Way line 15.92 feet along a curve to the left having a radius of 512.46 feet and Subtended by a long chord 15.92 feet in length and having a bearing of South 28 degree-16'-11" West to the point of beginning.

1915 N. Cedar Street Mishawaka, Indiana

2. The above described real estate presently has a zoning classification of



Location Map

APPEAL 14-26

1915 NORTH CEDAR ST.

USE VARIANCE TO ALLOW
AUTO BODY SHOP, AUTO
REPAIR, AND DETAILING

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 30 2014

October 6, 2014

CITY CLERK
MISHAWAKA, IN

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, Andrea M. Butler, respectfully shows she is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to wit:

Lot 75 Ex 55 Feet S End Mc Inernys Second Add and 55 Feet S End Lot 75
Mc Inerneys Second Add at 422 West 8th Street, Mishawaka, Indiana

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

Petitioner desires said real estate to be rezoned to R-1 Residential District to sell. Petitioner further states that she intends to utilize said land for use as residential.

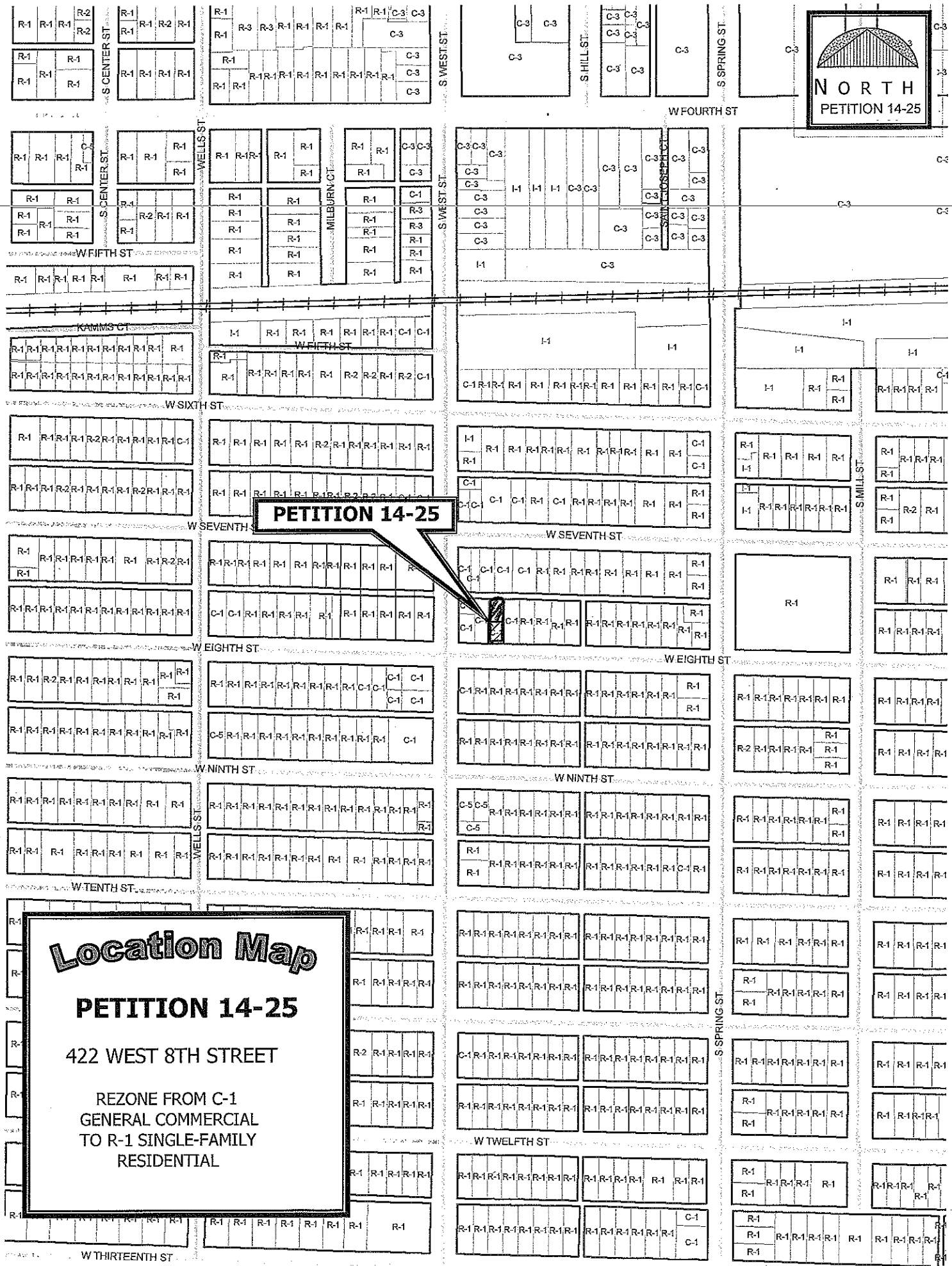
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.


Andrea M. Butler

CONTACT PERSON:

Jeff Van Poppel
713 Prism Valley Drive
Mishawaka, IN 46544
574-259-1112

Ret 14-25



Location Map

PETITION 14-25

422 WEST 8TH STREET

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

OCT 30 2014

October 15, 2014

CITY CLERK
MISHAWAKA, IN

OCT 15 2014

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

RE: PETITION TO REZONE

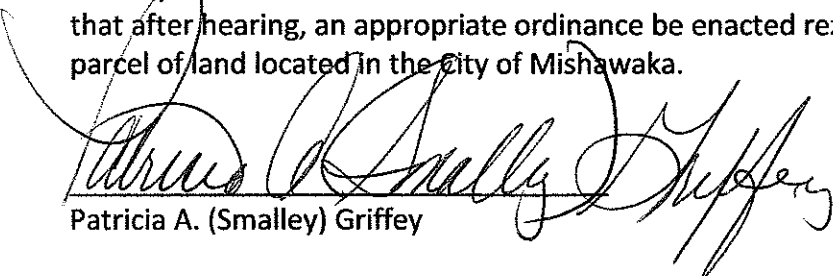
The undersigned, **Patricia A. (Smalley) Griffey** respectfully shows she is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

**2410 Lincolnway West
Mishawaka, IN 46544
Lot #1 Bowmans 1st Addition
Parcel ID: 016-1216-8710**

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 District. Said property is currently a residence.

Petitioner desires said real estate to be rezoned to R-1 District.
Petitioner further states that they intend to utilize said land for residential use.

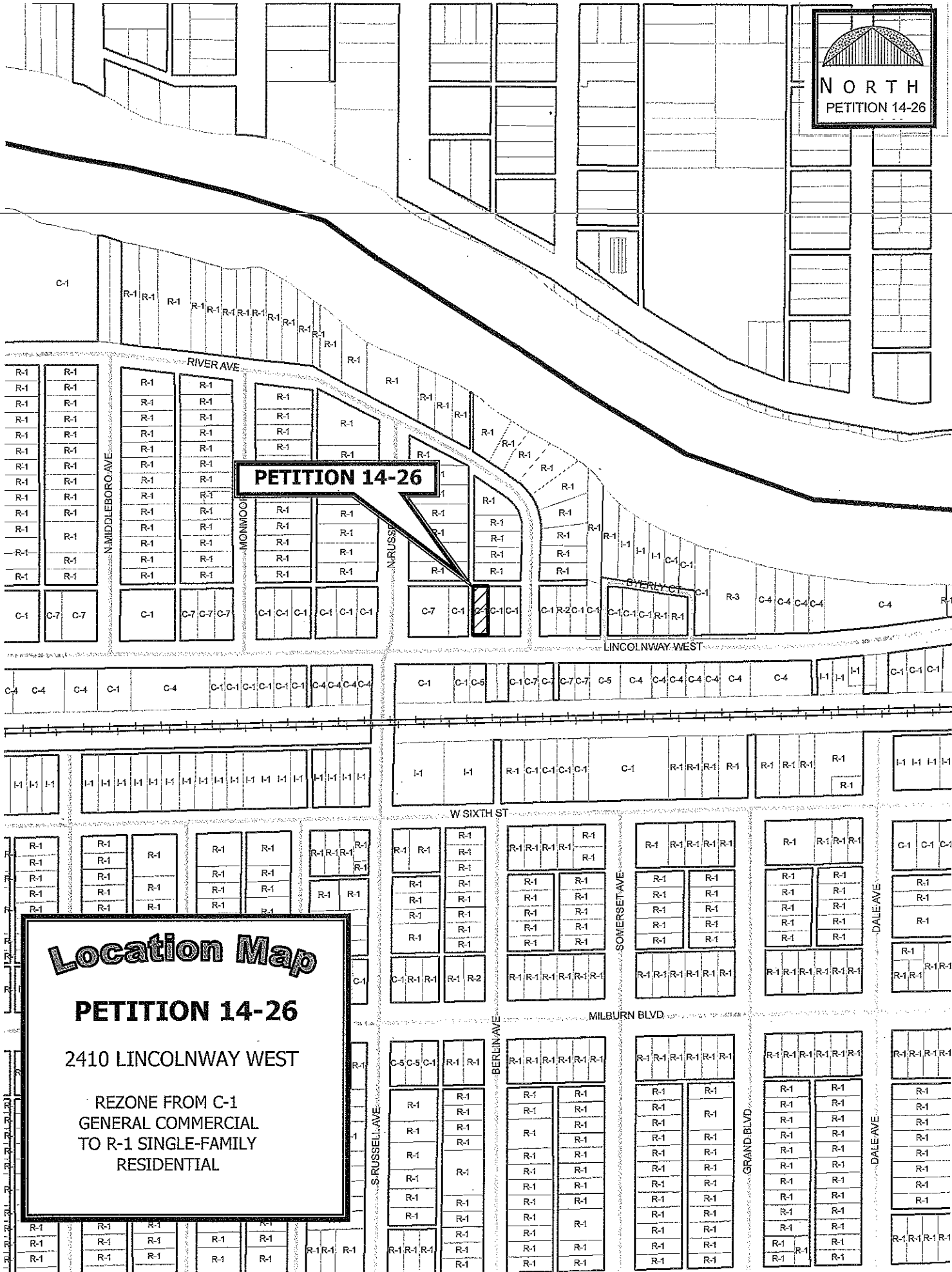
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.


Patricia A. (Smalley) Griffey

CONTACT PERSON:

Patricia A. Griffey
56294 Primrose Circle
Elkhart, IN 46516
FAX: 574-330-0134
Email: pgriffey@healygroup.com

Let 14-26



PETITION 14-26

Location Map
PETITION 14-26
2410 LINCOLNWAY WEST
REZONE FROM C-1
GENERAL COMMERCIAL
TO R-1 SINGLE-FAMILY
RESIDENTIAL

OCT 28 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 11-5-14 PROPOSED ORDINANCE NO. 2014-32

2nd Reading

Passed

Failed

Continued To

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2014

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, 2014 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the CEDIT Fund of the City of Mishawaka the sum of \$536,000.00 for assignment as follows:

CEDIT

CEDIT

Other Services and Charges

430-50-438-01	Bond payoff	\$536,000.00
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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 _____, 2014 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 _____, 2014 at _____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2014 at
_____ o'clock, _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: October 29, 2014
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: Additional

As part of your packet for the November 5th meeting there is an ordinance to request \$536,000.00 from CEDIT funds to cover the General Obligation bond payoff payment.

The additional is necessary as our property tax distribution for the Municipal Bond fund does not typically arrive until the last week in December. Using CEDIT funds will allow us to make a timely payment. All of the year-end tax distribution will be used to reimburse CEDIT, and the Municipal Bond fund will be closed.

The City will begin 2015 with no General Obligation debt.

Please contact me with any questions.

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 29 2014

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2014-33

OCT 29 2014

1st Reading
2nd Reading
Passed
Failed
Continued To

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2014

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the budget for the Police Department in the General Fund adopted for the fiscal year ending December 31, 2014

Section 2. There is hereby transferred and reappropriated the sum of \$8,000.00 as follows:

General Fund

From: Police Department

Other Services and Charges

101-20-431-09 Health Services \$ 8,000.00

Total \$ 8,000.00

To: Police Department

Other Services and Charges

101-20-436-01 Repair & Maint. & Service Contracts \$ 8,000.00

Total: \$ 8,000.00

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka,

Indiana, on this _____ day of _____, 2014 at _____ o'clock, ____ M.

Presiding Officer

ATTEST;

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of
_____, 2014 at _____ o'clock, _____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2014
at _____ o'clock, _____ M.

David A. Wood, Mayor



CITY OF MISHAWAKA



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

Police Department

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

November 5, 2014

Mishawaka Common Council
Mayor David Wood
Rebecca Miller, Controller
Budget/Finance Committee

MISHAWAKA, IN
CITY CLERK
OCT 29 2014
DEBORAH S. BLOCK, MMC

Dear Honorable Members:

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

FROM:	101-20-431-09	Health Services	<u>\$8,000.00</u>
		TOTAL:	<u>\$8,000.00</u>

TO:	101-20-436-01	Bldg/Equip Repair & Maint.	<u>\$8,000.00</u>
		TOTAL:	<u>\$8,000.00</u>

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

Respectfully,

Kenneth L. Witkowski
Chief, Mishawaka Police Department

KLW:dcs

EMERGENCY 911
FRONT DESK (574) 258-1678
DETECTIVE BUREAU (574) 258-1684
RECORDS (574) 258-1681

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

OCT 16 2014

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2014-27

ORDINANCE NO. _____

1st Reading 10-20-14
2nd Reading
Passed
Failed
Continued To

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2014

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Motor Vehicle Highway Fund budget adopted for the fiscal year ending December 31, 2014.

Section 2. There is hereby transferred and reappropriated the sum of \$99,000.00 as follows:

Motor Vehicle Highway Fund

From: Street Department

Personal Services

201-50-411-02 Regular Employees \$ 55,000.00

Supplies

201-50-429-13 Traffic Supplies 4,000.00

Other Services and Charges

201-50-431-04 Snow Removal 5,000.00

Capital Outlay

201-50-445-02 Street Equipment 35,000.00

Total \$ 99,000.00

To: Street Department

Supplies

201-50-423-01 Street Materials \$ 20,000.00

201-50-423-03 Equip, Parts, Supplies 30,000.00

Other Services and Charges

201-50-432-04 Telephone 1,000.00

201-50-434-90 Insurance Prem/Deductibles 30,000.00

201-50-435-01 Mish Utilities 6,000.00

201-50-435-02 NIPSCO 10,000.00

201-50-437-05 Rentals 2,000.00

Total \$ 99,000.00

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this _____ day of _____, 2014 at _____ o'clock, _____.M.

Presiding Officer

ATTEST;

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of _____, 2014 at _____ o'clock, _____.M.

Deborah S. Block, IAMAC, MMC, City Clerk

APPROVED BY ME this _____ day of , _____ 2014 at ____ o'clock, _M.

David A. Wood, Mayor



CITY OF MISHAWAKA

Tim Ryan
Street Commissioner

October 16, 2014

DAVID A. WOOD, MAYOR

Mishawaka Common Council
City Hall
600 East Third Street
Mishawaka, IN 46544

RE: Proposed Ordinance 2014- ~~27~~

Honorable Council Members:

At this time, we find the need to request a total transfer of \$99,000 as itemized below:

FROM:	MVH Street Department		
	<u>Personal Services</u>		
	201-50-411-02	Regular Employees	\$55,000
	<u>Supplies</u>		
	201-50-429-13	Traffic Supplies	\$ 4,000
	<u>Other Services and Charges</u>		
	201-50-431-04	Snow Removal	\$ 5,000
	<u>Capital Outlay</u>		
	201-50-445-02	Street Equipment	<u>\$35,000</u>
			\$99,000
TO:	MVH Street Department		
	<u>Supplies</u>		
	201-50-423-01	Street Materials	\$20,000
	201-50-423-03	Equipment/Parts, Supplies	\$30,000
	<u>Other Services and Charges</u>		
	201-50-432-04	Telephone	\$ 1,000
	201-50-434-90	Insurance Prem/Deductibles	\$30,000
	201-50-435-01	Mish Utilities	\$ 6,000
	201-50-435-02	NIPSCO	\$10,000
	201-50-437-05	Rentals	<u>\$ 2,000</u>
			\$99,000

If you have any questions concerning this transfer, please call or visit my office.

Sincerely,

Tim Ryan

Tim Ryan
Street Commissioner

OCT 16 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 10-20-14 PROPOSED ORDINANCE NO. 2014-28

2nd Reading

Passed

Failed

Continued To

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2014

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Central Motor Pool in the General Fund budget adopted for the fiscal year ending December 31, 2014.

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

General Fund

From: Central Motor Pool

Personal Services

101-22-411-02 Regular Pay \$25,000.00

Total \$25,000.00

To: Central Motor Pool

Supplies

101-22-422-05 Equip/Vehicle/Maint Supplies \$25,000.00

Total \$25,000.00

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

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

_____ day of _____, 2014 at _____ o'clock, _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of
_____, 2014 at _____ o'clock, _____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2014
at _____ o'clock, _____ M.

David A. Wood, Mayor



CITY OF MISHAWAKA

Tim Ryan
Street Commissioner

DAVID A. WOOD, MAYOR

October 1, 2014

Mishawaka Common Council
City Hall
600 East Third Street
Mishawaka, IN 46544

RE: Proposed Ordinance 2014-28

Honorable Council Members:

At this time, we find the need to request a transfer of \$25,000 from our *Personal Services/Salaries and Wages* line #101-22-411-02 to our *Supplies/Operating Supplies* line #101-22-422-05.

FROM: Central Services Department
Personal Services
101-22-411-02 Salaries and Wages \$25,000

TO: Central Services Department
Supplies
101-22-422-05 Operating Supplies \$25,000

If you have any questions concerning this transfer, please call or visit my office.

Sincerely,

Tim Ryan
Street Commissioner

OCT 16 2014

1st Reading 10-20-14
2nd Reading
Passed
Failed
Continued To

PETITION #14-20
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2014-29

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION
THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of I-1 Light Industrial District.

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

1. Existing Conditions- The subject parcel is currently located adjacent to industrial zoned property and the area to be annexed consists of vacant land.
2. Character of Buildings - The character of the buildings located adjacent to and in the surrounding area are commercial, light industrial, and residential.

Proposed Ordinance No. 14-29

Ordinance No. _____

The building located to the east of the property to be annexed and zoned is industrial.

3. The most desirable/highest and best use – Because of the existing I-1 Light Industrial zoning to the east of the property to be annexed, the most desirable uses for the property is the continuation of the existing light industrial use.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the light industrial use is consistent with those located within the surrounding area and required screening will protect those residential properties that are located adjacent to the property to be annexed.
5. Comprehensive Plan- The Comprehensive Plan, created in 1990, guided general commercial within this area. However, industrial uses were identified adjacent to the east of the property and the expansion of the existing I-1 Light Industrial use is consistent with the Comprehensive Plan.

Furthermore, The Common Council of the City of Mishawaka, Indiana, hereby finds that relative to rezoning property located at 1844 E. McKinley Avenue from R-1 Single Family Residential to I-1 Light Industrial:

1. There are I-1 Light Industrial zonings to the east and adjacent to the property.
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, staff feels that the most desirable use for this property is the continuation of the adjacent I-1 Light Industrial use.
3. Because the parcel is located in an area of commercial, industrial, and residential properties , the rezoning to I-1 Light Industrial is a desirable use for this property and consistent with the existing industrial uses in the area;
4. Rezoning this property to the I-1 Light Industrial will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding neighborhood by expanding an existing industrial use and,
5. The Comprehensive Plan, created in 1990, guided general commercial and within this area. However, industrial uses were identified adjacent to the east of the property and the expansion of the existing I-1 Light Industrial use is consistent with the Comprehensive Plan.

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 _____, 2014, at _____ o'clock ____ .M.

Proposed Ordinance No. 14-29

Ordinance No. _____

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,
2014, at _____ o'clock _____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2014, at
_____ o'clock _____ M.

David A. Wood, Mayor

PET 14-20

September 15, 2014

TO THE:

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

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 01 2014

CITY CLERK
MISHAWAKA, IN

Re: Petition for Annexation and Zoning Classification

The undersigned, SLB Corporation, DBA: Hose Assemblies respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East, a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

Petitioner owns One Hundred (100%) percent of the above described parcel of land which is located at 1906 E. McKinley Ave., Penn township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioner desire the same to be annexed to the City of Mishawaka, Indiana, with a zoning classification of Industrial I-1 district classification desired. Petitioner further state they intend to utilize said land for manufacturing.

Accompanying this petition is a drawing, to scale, showing the above described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structures.

Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above described parcel of real estate to the City of Mishawaka with a zoning classification of Industrial I-1 District.



Matthew Veldman

SLB Corporation DBA: Hose Assemblies

Contact Person:

Lang, Feeney & Associates, Inc.

Terance D. Lang

715 South Michigan Street

South Bend, Indiana 46601 (574-233-1841)

SEP 18 2014



PETITION 14-20

ANNEX AND REZONE
PROPERTY FROM R-1
SINGLE-FAMILY RESIDENTIAL
TO I-1 LIGHT INDUSTRIAL

OCT 16 2014

1st Reading 10-20-14
2nd Reading
Passed
Failed
Continued To

PETITION #14-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-30

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION
THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the west ½ of a vacated alley lying East of and adjacent to the above described real estate.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of C-1 General Commercial District.

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

1. Existing Conditions- The subject parcel is vacant land located within an area of existing residential, commercial/office, and agricultural uses.
2. Character of Buildings – The character of the buildings within the surrounding area is mixed with residential (north) and commercial/office (south and west).

Proposed Ordinance No. 2014-30

Ordinance No. _____

3. The most desirable/highest and best use – Because of the parcel's proximity to existing commercial and office uses along Cedar Road, the most desirable use for the property is a commercial zoning with the small commercial development as a proposed use.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because commercial use is consistent with those located within the immediate area.
5. Comprehensive Plan - This specific property was not identified in the City of Mishawaka Comprehensive Plan. However, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan. The continued change and expansion of the commercial areas of the City are commensurate to the City's status as a regional area of commerce.

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 _____, 2014, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____, 2014, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ____ day of _____, 2014, at _____ o'clock ____M.

David A. Wood, Mayor

Pet 14-21

September 15, 2014

RECEIVED
DEBORAH S. BLOCK, MMC

TO THE:

OCT 01 2014

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

CITY CLERK
MISHAWAKA, IN

Re: Petition for Annexation and Zoning Classification

The undersigned, John Ward, respectfully show he is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

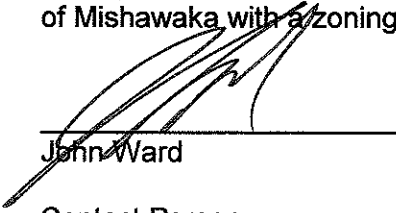
Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the West ½ of a vacated ally lying East of and adjacent to the above described real estate.

Petitioner, owns One Hundred (100%) percent of the above described parcel of land which is located on Cedar Road, Penn township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a zoning classification of Commercial C-1 District classification desired. Petitioner further state he intend to utilize said land for multiple business.

Accompanying this petition is a drawing, to scale, showing the above described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structures.

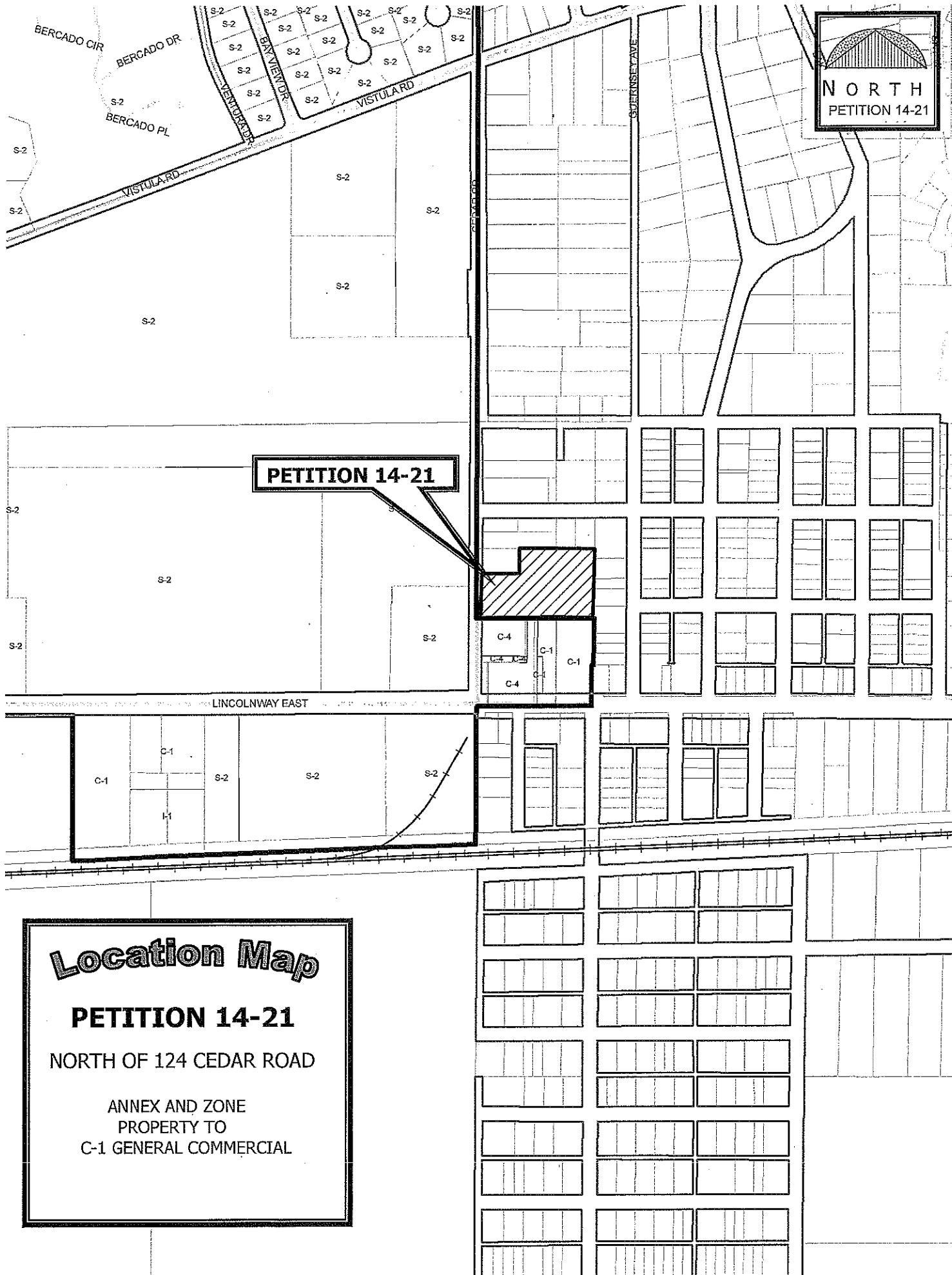
Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above described parcel of real estate to the City of Mishawaka with a zoning classification of Commercial C-1 District.


John Ward

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841

SEP 18 2014



OCT 16 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 10-20-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-23

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-31

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:

LOT 26A, AS SHOWN ON THE PLAT OF TOSCANA PARK P.U.D. PHASE III, RECORDED NOVEMBER 15, 2012 AS INSTRUMENT #1236793 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for the following:

1. To allow for drive-thru facilities/restaurants.
2. To allow for the off-street parking ratio to be 5 spaces per 1000 sqft of gross floor area.
3. To allow for the dumpster enclosure to be visible from right-of-way, provided it is located behind the front of building facing Gumwood Road.
4. All previous applicable conditions of the previous PUD and subsequent amendments shall remain in place.

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

1. Existing Conditions – The subject parcel is located on Gumwood Road and within the Toscana Park commercial PUD.
2. Character of Buildings in Area- The character of many of the buildings located in the area and within the PUD are commercial.
3. The most desirable/highest and best use- Because of the parcel's location on Gumwood Road and the significant commercial development that has

ORDINANCE NO. _____

PROP. ORD. NO. 2014-31

occurred along the Main Street/Gumwood Road corridor, the most desirable use for the property is commercial.

4. Conservation of property values- The proposed amendment will not be injurious to property values in the surrounding area, because the use is still commercial and conditions placed on the development will protect the surrounding neighborhood.
5. Comprehensive Plan- Although this specific property was not guided in the Mishawaka 2000 Plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

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 _____, 2014, at o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2014, at o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 01 2014

CITY CLERK
MISHAWAKA, IN

DATE: September 30, 2014

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

RE: **PETITION FOR PUD AMENDMENT**

**Toscana Outlot PUD
Lot 26A Toscana Park PUD, Phase III**

The undersigned, Toscana Realty, LLC, respectfully show that they are the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

LOT 26A, AS SHOWN ON THE PLAT OF TOSCANA PARK P.U.D. PHASE III, RECORDED NOVEMBER 15, 2012 AS INSTRUMENT #1236793 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

The above described parcel of land contains the following property:

Lot 26A Toscana Park PUD, Phase III on
Gumwood Road, Granger, IN 46530

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for a mixed use commercial development including all C-1 General Commercial uses.

Petitioner desires said real estate to be amended as follows:

1. To allow for drive-thru facilities.
2. To allow for the off-street parking ratio to be 10 spaces per 1,000 square feet of gross building floor area.
3. To allow for the dumpster enclosure to be visible from right-of-way.

Wherefore, Petitioner prays and respectfully requests 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

Pet 14-23

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and preliminary site plan of the project.

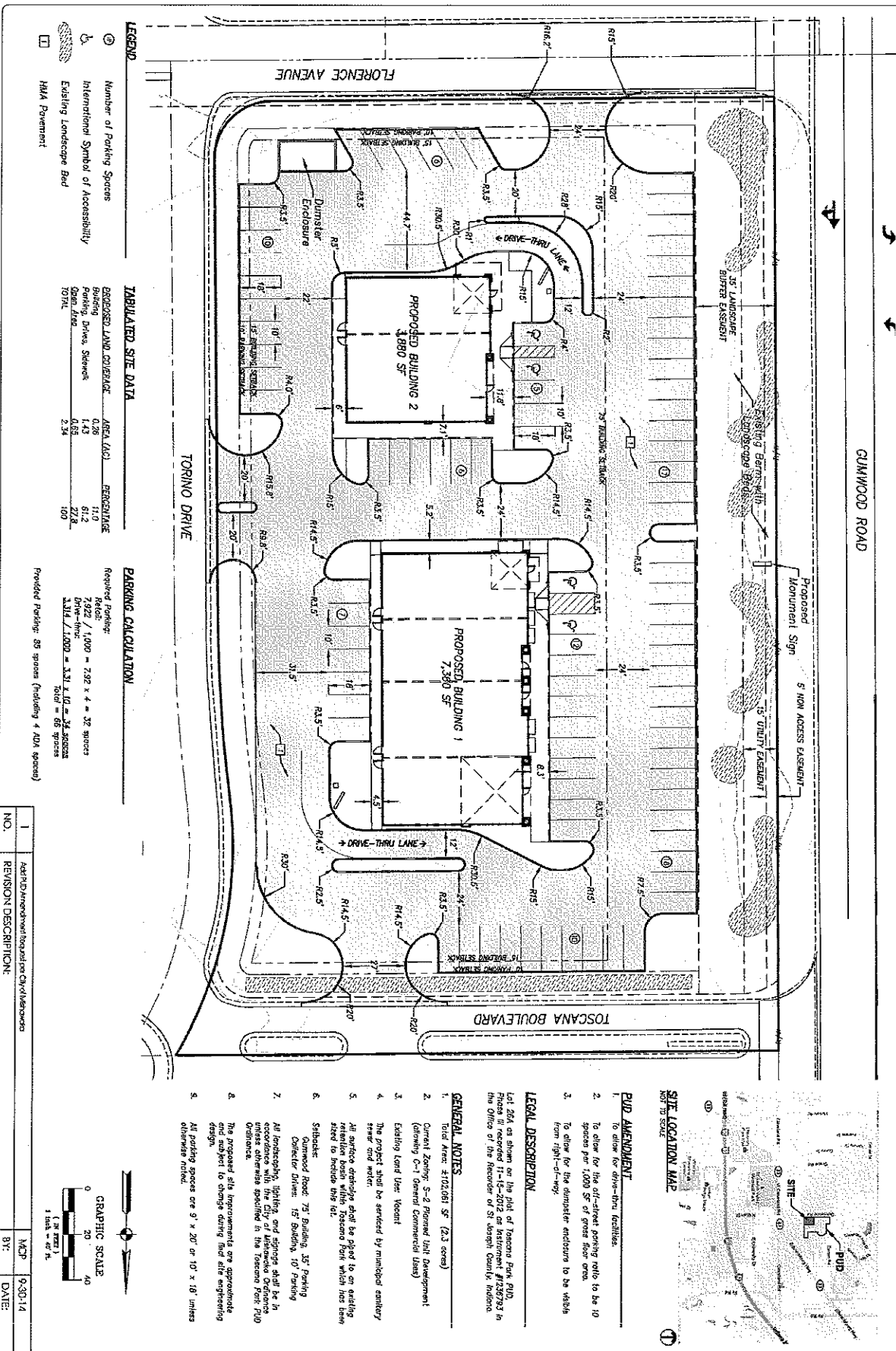


Ryan Rans

Toscana Realty, LLC
P.O. Box 540
South Bend, IN 46624

CONTACT PERSON:

Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com



1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 29 2014

AS AMENDED
PROPOSED ORDINANCE NO. 2014- 21
ORDINANCE NO. 5456

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE FIXING THE SALARIES OF ALL SWORN FIRE AND POLICE EMPLOYEES OF THE CITY OF MISHAWAKA FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2015.

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

Section 1. The annual salaries of all sworn fire and police employees of the City of Mishawaka for the year beginning January 1, 2015 and shall be payable in **27** bi-weekly pay periods commencing on January 2, 2015.

SALARIES	2015	Bi-Weekly Salary Beginning Jan 2, 2015
FIRE CHIEF	\$67,736	2,508.71
ASSISTANT CHIEF	\$62,439	2,312.52
CHIEF FIRE PREVENTION	\$58,754	2,176.04
BATTALION CHIEF	\$61,051	2,261.13
CAPTAINS	\$58,056	2,150.22
SHIFT SUPERVISOR	\$56,494	2,092.34
LIEUTENANT	\$56,445	2,090.55
FIRE INSPECTOR	\$55,940	2,071.85
PARAMEDIC	\$55,940	2,071.85
DRIVER OPERATOR	\$54,869	2,032.15
MASTER FIREFIGHTER	\$54,139	2,005.14
1ST FIREFIGHTER	\$52,139	1,931.07
PROBATION - FF/EMT	\$47,389	1,755.14
UNIFORM ALLOWANCE	\$1,250 PER YR	
SPECIALTY PAY:		
	TIER 1	TIER 2
ADVANCED EMT	\$1,000 PER YR	\$3,000 PER YR
PARAMEDIC	\$2,000 PER YR	\$4,000 PER YR
LEAD PARAMEDIC	\$4,000 PER YR	\$6,000 PER YR
WATER RESCUE/RECOVERY LEADER	\$1,050 PER YR	
WATER DIVE/RESCUE TEAM MEMBER	\$950 PER YR	
SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN	\$1,000 PER YR	
MECHANIC	\$2,500 PER YR	
INFORMATION TECHNOLOGY	\$1,500 PER YR	

OUT OF RANK PAY:	PER OCCURRENCE:
Firefighter to Driver	\$10.00
Driver to Officer	\$25.00
Officer to Higher Ranking Officer	\$25.00
Firefighter to Officer	\$25.00
Fire Apparatus assigned to Ambo	\$30.00

POLICE CHIEF	\$68,171	2,524.84
ASSISTANT CHIEF	\$62,872	2,328.58
CAPTAIN	\$57,483	2,128.97
LIEUTENANT	\$56,376	2,087.97
SERGEANT	\$55,304	2,048.28
1 ST CLASS PATROLMAN	\$54,574	2,021.25
2 ND CLASS PATROLMAN	\$52,574	1,946.42
PROBATION	\$47,794	1,770.12

UNIFORM ALLOWANCE	\$2,050 PER YR
EQUIPMENT MAINT ALLOWANCE	\$271.43 PER YR

Section 2. The City will contribute the employee portion of 3% to the Public Employees Retirement fund for all employees eligible for participation in the Public Employees Retirement Fund.

Section 3. The City will contribute 3% of the employee portion to the 1977 Fire Pension for all employees eligible for participation in the 1977 Fire Pension Fund.

Section 4. The City will contribute 2% of the employee portion to the 1977 Police Pension for all employees eligible for participation in the 1977 Police Pension Fund.

Section 5. For those current employees who do not qualify or elect to become members of the 1977 Fire Pension fund following the merger January 1, 2002 with the Fire Department, the Pension Equalization Pay (PEP) will be offered to employees as additional wages. The PEP shall be payable in bi-weekly payments with the regular payroll. The annual PEP will be a combination of a base of \$3,300.00 (starting January 1, 2006) and an additional \$100.00 for every full year of continuous EMS service completed by January 1st of each year.

Section 6. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 7. This ordinance shall be in full force and effect from and after its signing and attestation.

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

this _____ day of _____ 2014, at _____ o'clock, p.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of _____, 2014, at _____ o'clock,
p.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2014, at _____ o'clock, p.m.

David A. Wood, Mayor

Changes included:

Elimination of Corporal rank for police and new rank of 2nd Class Patrolman. Section 4 from 3% to 2%. New: Equipment maintenance allowance of \$271.43 per year.

Rebecca S Miller

City Controller
City of Mishawaka
600 East 3rd Street
Mishawaka IN 46544

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574-258-1724 fax