

## **AGENDA**

**Monday, December 1, 2014**

**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**

November 17, 2014

**5. Petitions, Communications, Remonstrance and Memorials**

Appeal No. 2014-27 Use Variance to allow Auto Body Shop and Auto Paint Shop - 428 Byrkit Street

**6. Report of Special Committee**

**7. Ordinances on First Reading**

P.O. NO. 2014-36 Transfer Funds - Park Department - \$34,000.00

P.O. NO. 2014-37 Amending the Civil City Salary Ordinance for 2015 (Requesting Second Reading)

**8. Resolutions**

**9. Ordinances on Second Reading**

P.O. NO. 2014-34 Rezone from C-1 Commercial to R-1 Single Family Residential - 422 W. 8th Street (Assigned to Land Use Planning Committee)

P.O. NO. 2014-35 Rezone from C-1 Commercial to R-1 Single Family Residential 2410 LWW (Assigned to Land Use Planning Committee)

**10. Privilege of the Floor - Non-Agenda Items**

**11. Unfinished Business**

**12. New Business**

**R2014-21 Fiscal Plan for Annexation North of 124 Cedar Rd Reconsideration due to error in legal description.**

**Ordinance No. 5465 Annex and Zone to C-1 North of 124 Cedar Rd Reconsideration due to error in legal description.**

**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

November 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 Wednesday November 17, 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, Kate Voelker, John Roggeman, Mike Compton, Woody Emmons, Mike Bellovich, Dan Bilancio, Matt Mammolenti.

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

The minutes from the November 5, 2014 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the Mishawaka board of Zoning appeals Recommendations from their November 12, 2014.

**PETITION #14-25** A petition submitted by Andrea M. Butler requesting to rezone **422 West Eighth 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 #14-26** A petition submitted by Patricia A. Griffey requesting to rezone **2410 Lincolnway West** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 8-0, 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 NO. 2014-34**

#### **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-1 Commercial to R-1 Single Family Residential 422 West 8<sup>th</sup> Street)  
Assigned to Land Use Planning Committee

**PROPOSED ORDINANCE NO. 2014-35**

**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-1 Commercial to R-1 Single Family 2410 Lincolnway West)  
Assigned to Land Use Planning Committee

Clerk Block read **RESOLUTION NO. R2014-20** opening it for public hearing.

**RESOLUTION NO. R2014-20**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA  
INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A  
WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE**

PROPERITIES LOCATED AT: West of 1904 East McKinley  
(Fiscal Plan Annexation West of 1904 East McKinley)

Mr. Prince, City Planner, speaking on behalf of Hose Assemblies annexation, said the parcel is .44 acres. He said the company is acquiring property from adjacent land owners to expand the business. The fiscal plan is to show services can be met by the city. He said there are no issues regarding services and can be met within each departments existing budget.

Question was called for on Resolution No. R2014-20 at 7:06 p.m. with the vote being 9 to 0.

Clerk Block read **RESOLUTION NO. R2014-21** opening it for public hearing.

**RESOLUTION NO. R2014-21**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA  
INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A  
WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE**

PROPERITIES LOCATED AT: West of 1904 East McKinley  
(Fiscal Plan Annexation North of 124 Cedar Road)

Mr. Prince, City Planner, said this annexation is north of 124 Cedar Rd and is 2.7 total acres. He said 12.5% of land has to be contiguous and this is 30.9% to the city. He said there are no issues to providing city services and can be met within each departments budget. Mr. Prince stated if this passes utilities have to be extended it is the responsibility of the developer.

Mike Smith, Steve Tanger, Gloria Prawat, Jamie Quick, Matt Swihart all spoke against the annexation. Their concerns were property values of their homes, noise, additional traffic, lights and drainage. They said there was no communication from the land owner Mr. Ward. They said there were 49 homes affected by the annexation and there are 8 stops the school bus makes.

Excavating has already started with the removal of trees that served as a buffer. Commercial use is imposing on their residential neighborhood.

Mr. Banicki asked if this was a voluntary annexation and if it was their property, Mr. Prince said yes. He said the City does not determine where development happens, but our job as a city is to look at it relative to the public health, safety and welfare and how it is incorporated. He said of the 8 properties abutting this 42 notices were sent within 300 feet. He also stated that the new purchaser of the adjacent piece of property was not on the list.

Mr. Compton stated he was not at the last council meeting and asked if we knew what was going in there? Mr. Prince said it is zoned C-1 General Commercial with a vague site plan, it is less intrusive but was not aware of anything specific. He said it is a step down from a C-4 zoning. Mr. Compton asked if the property owner was here. Mr. Prince said no but Terry Lang from Lange Feeney & Associates was.

Terry Lang, Lang Feeney & Associates, said they are looking to be an incubator for small business, there would be no industrial or manufacturing no restaurants, right across the street is industrial zoning. He said it would be for a small business that needs to move out of a home and have a shingle or a mailing address. He said it would be the first step away from a home business. They have only had general inquires, no commitment. The owner is financing the entire project himself. He stated this project is being done 1 step at a time and that requires the passage of this annexation first. Mr. Lang said, all city requirements would be met, all site plans, landscaping and fencing would be available for the neighbors to see. He said they are not out to ruin anybody's neighborhood.

Mr. Compton asked if Mr. Ward has had experience in this type of venture. Mr. Lang said yes in the contracting part but this is his first in the general business area. He said the main goal is to operate 8 to 5, no lights on back of businesses just emergency lights, or in neighbors back yards. He said it would be full front access to the companies, and no large lights in parking lots. Mr. Lang again stated that this would be for businesses that need to add employees and are growing out of their home. Mr. Lang said he would meet with the neighbors at a time when they can commit to architectural designs.

Mrs. Voelker asked if the heavy equipment that is there now will be stored there. Mr. Lang said no, Mr. Ward's business is located on 3<sup>rd</sup> St in Osceola.

Mr. Emmons asked if Mr. Ward had been in contact with the neighbors. He said no, only the person interested in buying the house. Mr. Wood said he should have gone to the neighbors to begin with. Mr. Lang said they felt they were not far enough along in the project. He said this is being done in phases and that they planned on meeting with them, they are not out to destroy the neighborhood.

Mr. Mammolenti asked if Mr. Lang had any conversation with Mr. Ward on what would happen if this did not pass. He said he would probably put it up for sale, but the equipment would be onsite for tree removal.

Gloria Prawat, At Home Reality Group, stated that is exactly the concerns they had, that his representative gave a very generic site plan, inappropriate equipment on the property, and that it would be very miserable for the person living in that house and why would they take down the trees before knowing if this would pass. She said she believes Mr. Ward does know what is going in there. In her opinion it should remain residential and that her gentleman would buy the property from him.

Mr. Roggeman reminded the council they are voting only on the fiscal plan.

Question were called for on Resolution R2014-21 at 7:40 p.m. with the vote being 9 to 0.

Clerk Block read **RESOLUTION NO. R2014-22** opening it for public hearing.

#### **RESOLUTION NO. 2014-22**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AUTHORIZING THE PARTICIPATION OF SAID CITY IN THE MOTOR FUEL BUDGETING PROGRAM OF THE INDIANA BOND BANK FOR THE 2015 BUDGET YEAR, THE EXECUTION OF THE QUALIFIED ENTITY REIMBURSEMENT AGREEMENT IN CONNECTION THEREWITH AND OTHER RELATED MATTERS.**

(Motor Fuel Hedge Fund for 2015)

Rebecca Miller, Controller, said this is the same program we have been involved in for the last 6 years. She said it is an insurance program to help us remain in budget as fuel prices go up and down, this is not a revenue stream. She said for 2015 statistics report this is a favorable time to be in the plan, prices are low right now and could go up. As usual we hedge 50% of our fuel needs.

Mr. Mammolenti asked if in years past this has been successful. She said it has been relatively flat. She said the first couple of years we have been above the collar this year, we are below the collar for the first time, but it will probably go up.

Question was called for on Resolution R2014-22 at 7:43 p.m. with the vote being 9 to 0.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-29** opening for vote only.

#### **PROPOSED ORDINANCE NO. 2014-29**

**AN ORDINANCE ANNEXING CONTIGUOUS 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)

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

Mr. Mammolenti reminded everyone this is a vote only.

Question was called for on Proposed Ordinance 2014-29 at 7:45 p.m. with the vote being 9 to 0 thus it becomes **Ordinance No. 5464**.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-30** opening for vote only.

### **PROPOSED ORDINANCE NO. 2014-30**

#### **AN ORDINANCE ANNEXING CONTIGUOUS 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)

Mr. Roggeman reported the Land Use Planning Committee recommended this proposed ordinance should be presented to the council as a whole and moved for acceptance of same upon a second by Mr. Banicki, motion carried.

Mrs. Voelker said she appreciates all the residents voicing their concerns. She said she went and looked at the property and also had concerns with trees, shrubbery, machinery and would be voting NO.

Mr. Emmons said he was concerned about not communicating with the neighbors and would be voting NO.

Mr. Compton stated as a councilman his job is to promote the city through development. He said this could be a positive development and we need to hold the developer accountable. He said he will be supporting this annexation.

Mr. Roggeman thanked Mr. Compton and agreed a city needs to expand and grow where we can and will also be supporting this.

Mr. Mammolenti said he applauds the neighbors for coming and speaking and he too is disappointed in the lack of communication and no real detailed plan. He said he would be voting NO.

Mr. Bellovich said he has property on the south side in the county near businesses and he has gone to the businesses to work with issues concerning noise and fencing. He said he will support this but expects the client to stay in touch with neighbors.

Mr. Mammolenti asked how long they have to wait to be able to come back before the council if this fails. Mr. Trippel, Council Attorney, said 1 year.

Question were called for on Proposed Ordinance No. 2014-30 at 7:54 p.m. with the vote being 6 to 3 with Mrs. Voelker, Mr. Emmons, Mr. Mammolenti voting NO. Thus it becomes **Ordinance No. 5465.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-32** opening for public hearing.

**PROPOSED ORDINANCE NO. 2014-32**

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

(Additional Funds – CEDIT - \$536,000.00)

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

Rebecca Miller, Controller, said the intent is to pay off General Obligation bonds and this is the last payment. The CEDIT fund will allow us to make a timely payment and then when the tax money comes at the end of December they will pay CEDIT back.

Question was called for on Proposed Ordinance No. 2014-32 at 7:56 p.m. with the vote being 9 to 0. Thus it becomes **Ordinance No. 5466.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-33** opening it for public hearing.

**PROPOSED ORDINANCE NO. 2014-33**

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

(Transfer Funds – Police Dept. \$8,000.00)

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. Reisdorf the motion carried.

Steve Ravotto, Assistant Police Chief, said this transfer is to pay for building repair, maintenance and service contracts. He said by the end of year this line runs a little light.

Question was called for on Proposed Ordinance No 2014-33 at 7:59 p.m. with the vote being 9 to 0. Thus it becomes **Ordinance No. 5467.**

**PRIVILEGE OF THE FLOOR – NON AGENDA ITEMS**

Pat Herod, 320 N. Oakland, said she would like to see the domestic animal legislation re-written regarding breed specific, tethering and bring laws up to date with South Bend and Fort Wayne.

**UNFINISHED BUSINESS** None

**NEW BUSINESS** None

Mr. Emmons Neighborhood Meeting for November is cancelled and there is no meeting in December. The next meeting will be the 3<sup>rd</sup> Thursday in January 2015.

Mr. Mammolenti said the Twin Branch Neighborhood Meeting will be Wednesday, November 19, 2014 at 7:00 p.m. Detective Brian Cook, SJC HOMICIDE UNIT will give a presentation and the new vehicle will be there also.

Mr. Mammolenti acknowledged two students in the audience Ethan Hunt Marian High School and Dominic Mammolenti Mishawaka Catholic.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 8:02 p.m.

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

Matt Mammolenti  
Matt Mammolenti, Presiding Officer

NOV 24 2014

Date: November 17<sup>th</sup>, 2014  
To: Board of Zoning Appeals City Of Mishawaka , Indiana  
From: Raymundo Lopez  
Subject: Use Variance Change

CITY CLERK  
MISHAWAKA, IN

The undersigned appellant respectfully shows to the Board:

1. JRC Corporation is the owner of the following described real estate located within the City Of Mishawaka , Penn Township, St. Joseph County, State of Indiana, to wit:

The property commonly known as: 428 S Byrkit St. Mishawaka, Indiana. And the legal description is 428 Byrkit St. City of Mishawaka. District Penn. Property Class 340. Industrial Lt mfg. & assembly. **Parcel Number 71-09-14-301-018-000-023.**

2. The above described real estate presently has a zoning classification of **I-2** District under the Zoning Ordinance of the City Of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the described property in the following manner: Establish an Auto Body and Paint Shop.
4. Appellant desires to propose a change in the **Zoning classification from I-2 to C-4** since that is the type of Zoning required for a business of auto body and paint shop.
5. The Zoning Ordinance of the City Of Mishawaka requires that a change of **USE VARIANCE** be propose in order to establish a business of auto shop and paint that I want to establish.
6. The adherence of the Ordinance requirements will create a hardship because the zoning
  - i) Will the approval be injurious to the public health, safety, morals or general welfare of the community?  
No, because safe and proper equipment will be in place at the shop to avoid any problems for the community
  - ii) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?  
No, because there are other industrial type businesses in the surrounding areas already established. It could help appreciate more the value of the properties for the type of demand.
  - iii) Does the need of the variance arise from some condition peculiar to the property involved?  
Yes, because when I started doing the legal paperwork for the business, I came across the variance type of the zone, in which my line of work was not included.
  - iv) Does the strict application of the terms of this chapter constitute and unnecessary hardship if applied to the property for which the variance is sought?  
No. The requirement for the zoning Use Variance in the City of Mishawaka are to be in followed.

AP 14-27

- v) Will the approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?  
No, it will not interfere with the Comprehensive plan because the type of business is not to affect it surrounding area, instead is to support the economy of the City of Mishawaka.

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

  
Raymundo Lopez

**CONTACT PERSON:**

Name: Raymundo Lopez

Address: 428 Byrkit St. Mishawaka, IN 46545

Phone Number: 574-387-0687 / 574-210-5424

Fax Number: 574-234-6440

email: cotaxallc@hotmail.com

JRC Corporation  
127 E Battell St  
Mishawaka, IN 46545-6748  
November 20, 2014

City Of Mishawaka  
Board Of Zoning Appeals  
Department Of City Planning, City Hall  
600 East Third St.  
Mishawaka, IN. 46545

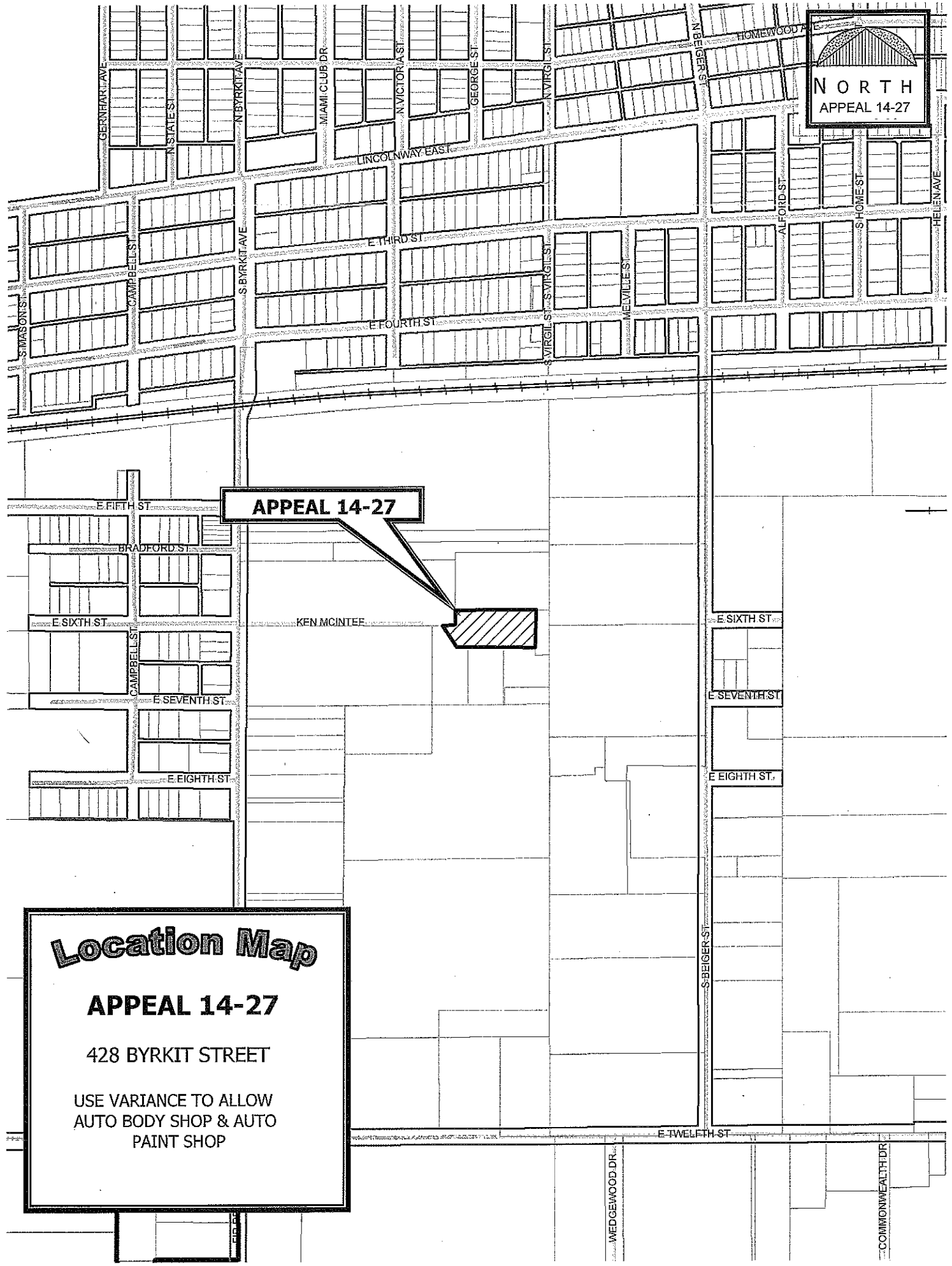
City Of Mishawaka :

This letter is to inform you that I give permission to Raymundo Lopez of 'Rays Body Shop' to authorize decision done in my name for the change of Use Variance, and anything related to that purpose, for the Building located at 428 Byrkit St. Mishawaka, IN. 46545.

Please contact me directly at 574-360-4592 if I can be of further assistance.

Sincerely,

 Secretary 11-20-14  
JRC Corporation Title Date



**APPEAL 14-27**

**Location Map**

**APPEAL 14-27**

428 BYRKIT STREET

USE VARIANCE TO ALLOW  
AUTO BODY SHOP & AUTO  
PAINT SHOP

NOV 25 2014

CITY CLERK  
MISHAWAKA, IN

1st Reading 12-1-14

PROPOSED ORDINANCE NO. 2014-36

2nd Reading

ORDINANCE NO. \_\_\_\_\_

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 Park and Recreation Department budget in the Park and Recreation Fund adopted for the fiscal year ending December 31, 2014

Section 2. There is hereby transferred and reappropriated the sum of \$34,000.00 as follows:

Park and Recreation Fund

From: Park and Recreation Department

Services Personal

204-50-411-02 Regular Employees 16,000.00

Supplies

204-50-429-14 Maintenance Supplies 8,000.00

204-50-429-15 Program Supplies 6,000.00

Other Services and Charges

204-50-435-02 NIPSCO 4,000.00

Total \$34,000.00

To: Park and Recreation Department

Supplies

204-50-422-02 Gas, Oil, Parts, Etc 14,000.00

Other Services and Charges

204-50-435-01 Utilities-MU 20,000.00

Total \$34,000.00

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



DAVID A. WOOD, MAYOR

DEPARTMENT OF PARKS & RECREATION

TERRY ZELLER  
Superintendent

Date: November 24, 2014  
To: Mishawaka Common Council  
From: Terry Zeller, Superintendent of Parks  
Re: Transfer of Park Department Funds

Mr. President and Honorable Council Members:

This letter will provide background information for our request to transfer funds within the Parks and Recreation operating budget.

After examining the operating budget and estimated expenditures for through the end of the year for the Parks and Recreation Department, a total of **\$34,000.00** will need to be transferred into four specific lines. See below.

|        |                      |  |                    |
|--------|----------------------|--|--------------------|
| 422.02 | Gas, Oil, Parts, etc |  | \$14,000.00        |
| 435.01 | MU Utility Charges   |  | \$20,000.00        |
|        | <b>TOTAL</b>         |  | <b>\$34,000.00</b> |

In order to accommodate the transfer of additional funds into the above accounts, we have scrutinized our general fund accounts and determined the transfers can come from five accounts. See Below:

|        |                      |  |                    |
|--------|----------------------|--|--------------------|
| 411.02 | Regular              |  | \$16,000.00        |
| 429.14 | Maintenance Supplies |  | \$8,000.00         |
| 429.15 | Program Supplies     |  | \$6,000.00         |
| 435.02 | NIPSCO               |  | \$4,000.00         |
|        | <b>TOTAL</b>         |  | <b>\$34,000.00</b> |

Thank you for your consideration of this matter. Your approval will continue to allow the Parks and Recreation Department to operate efficiently and professionally to serve our customers and the City of Mishawaka. Should you have any questions, please do not hesitate to contact me either at the office (258-1664) or at home (259-8169).

Respectfully submitted,

Terry Zeller  
Superintendent

cc: Honorable Mayor Dave Wood  
Rebecca Miller, City Controller

**RECEIVED**  
DEBORAH S. BLOCK, MMC

NOV 25 2014

**CITY CLERK**  
**MISHAWAKA, IN**

**TRANSFER OF PARK DEPARTMENT FUNDS  
SUPPORTING DOCUMENTATION**

During our examination of the departmental expenditures, we estimate that **\$14,000.00** in additional funds will be needed in "**Gas, Oil, Parts, etc**" **204.50.422.02** to account for an increase in gasoline use for mowers and vehicles.

There is also a need to increase our line item in "**Utilities-MU**" **204.50.435.01** by **\$20,000** to proactively account for anticipated rate increases.

With respect to the requested transfer, listed *below* are the account lines from which monies will be **dispersed**.

|        |                      |  |                    |
|--------|----------------------|--|--------------------|
| 411.02 | Regular              |  | \$16,000.00        |
| 429.14 | Maintenance Supplies |  | \$8,000.00         |
| 429.15 | Program Supplies     |  | \$6,000.00         |
| 435.02 | NIPSCO               |  | \$8,000.00         |
|        | <b>TOTAL</b>         |  | <b>\$34,000.00</b> |

With respect to the requested transfer of funds, listed *below* are the account lines into which monies will be **transferred**.

|        |                      |  |                    |
|--------|----------------------|--|--------------------|
| 422.02 | Gas, Oil, Parts, etc |  | \$14,000.00        |
| 436.01 | MU Utility Charges   |  | \$20,000.00        |
|        | <b>TOTAL</b>         |  | <b>\$34,000.00</b> |

1st Reading 12-01-14  
2nd Reading  
Passed  
Failed  
Continued To

RECEIVED  
DEBORAH S. BLOCK, MMC

NOV 25 2014

AS AMENDED  
PROPOSED ORDINANCE NO. 2014-37

CITY CLERK  
MISHAWAKA, IN

ORDINANCE NO. \_\_\_\_\_

~~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.~~

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

**Section 1.** The annual 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 year beginning January 1, 2015 and shall be payable in **27** bi-weekly pay periods commencing on January 2, 2015.

Bi-Weekly  
Salary  
Beginning

Jan 2, 2015

CROSSING GUARDS                      \$7,102                      22 pays@\$322.83

**Section 3.** Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees (as amended). The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employees anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

| <u>Years of Service</u> | <u>Annual Increments</u> | <u>Bonus</u> |
|-------------------------|--------------------------|--------------|
| 5                       | \$0                      | \$150.00     |
| 6                       | \$75.00                  | \$225.00     |
| 7                       | \$75.00                  | \$300.00     |
| 8                       | \$75.00                  | \$375.00     |
| 9                       | \$75.00                  | \$450.00     |
| 10                      | \$75.00                  | \$525.00     |

An additional \$80.00 will be added for each year of service after the 10<sup>th</sup> year.

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, .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: November 25, 2014  
To: Honorable Members of the Common Council  
From: Rebecca Miller  
Re: Amendment

As part of your packet for the December 1<sup>st</sup> meeting is an ordinance to amend the Civil City salary ordinance.

The Teamsters have just approved their economic opener for their contract and have changed the payments for longevity which is in Section 3.

Also, amended is the number of pays for our salaried crossing guards. We pay them their annual salary divided by the number of payrolls that occur during the school year. With next year having an extra payroll it also affects the crossing guards. They will have their annual salary divided by 22 pays instead of the normal 21.

I would appreciate it if you would suspend the rules and have both first and second readings at this meeting.

Please contact me with any questions.

c: David A. Wood, Mayor

1st Reading 11-17-14  
2nd Reading  
Passed  
Failed  
Continued To

PETITION 14-25

NOV 13 2014

CITY OF MISHAWAKA, INDIANA

CITY CLERK  
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2014-34

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 75 Ex 55 Feet S End, McInernys Second Addition, and 55 Feet S End Lot 75, McInernys Second Addition

COMMON ADDRESS: 422 West Eighth 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 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 some Commercial zonings in the neighborhood, but the neighborhood adjacent surrounding the property to the west and east are used as single family dwellings, and its 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: 2014-34

Ordinance No: \_\_\_\_\_

3. Because the parcel is located in an area of residential uses, 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,
5. The proposed zoning is consistent with the Comprehensive Plan which identifies Low Density Residential for this 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 \_\_\_\_\_, 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 30 2014

CITY CLERK  
MISHAWAKA, IN

October 6, 2014

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

**RE: PETITION TO REZONE**

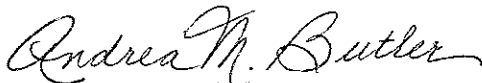
The undersigned, Andrea M. Butler, respectfully shows she is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to wit:

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 8<sup>th</sup> 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.

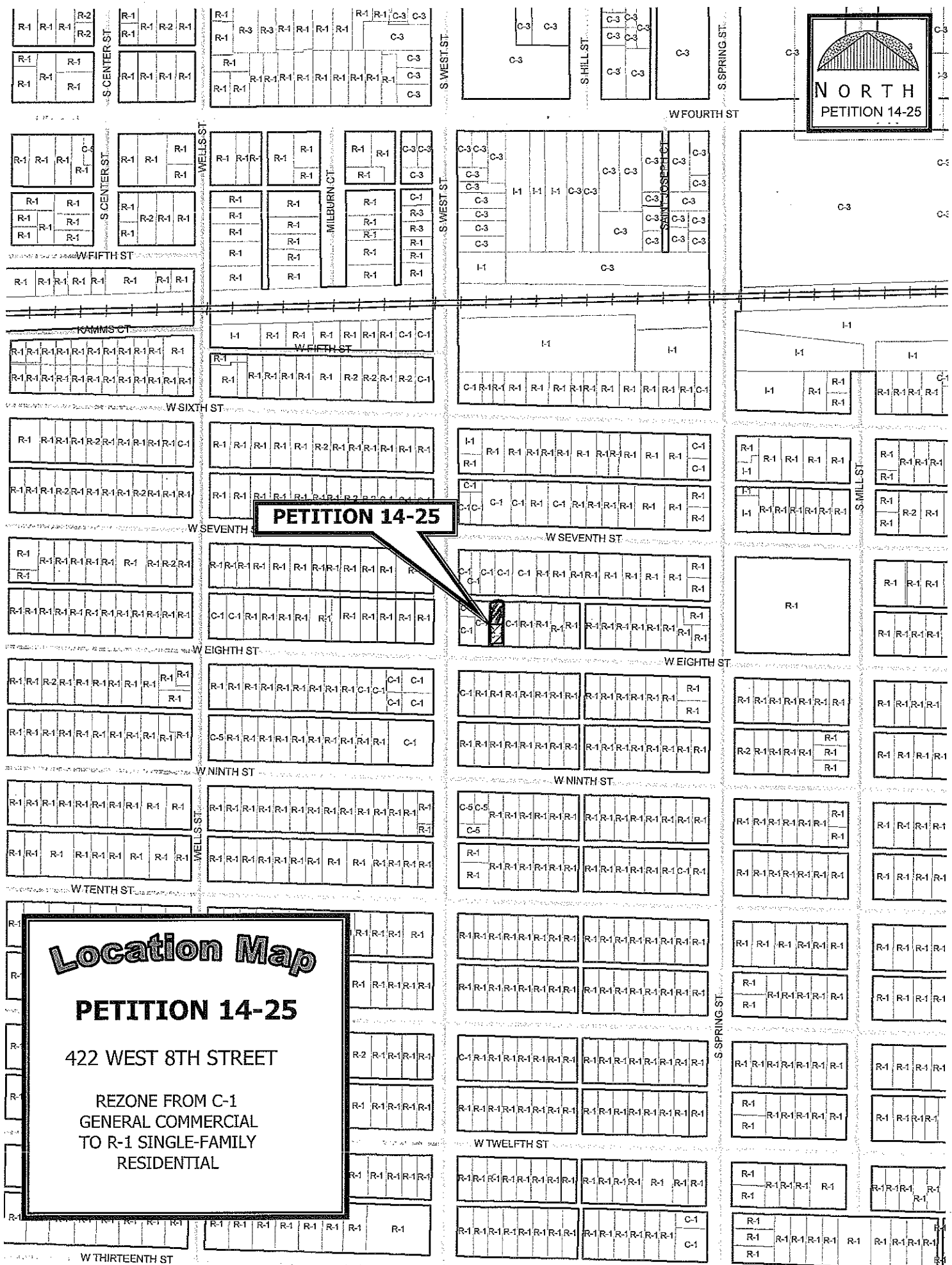
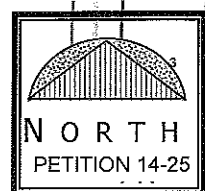
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

  
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

NOV 13 2014

1st Reading 11-17-14  
2nd Reading  
Passed  
Failed  
Continued

PETITION 14-26  
CITY OF MISHAWAKA, INDIANA  
PROPOSED ORDINANCE NO. 2014-35  
ORDINANCE NO. \_\_\_\_\_

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:

Lot #1, Bowmans 1<sup>st</sup> Addition

COMMON ADDRESS: 2410 Lincolnway West

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 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 some Commercial zonings in the neighborhood, but the neighborhood adjacent surrounding the property to the north, west, and east are used as single family dwellings, and its 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 uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2014-35

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,
5. The City's Comprehensive Plan calls for commercial use, however, the Plan calls for low density residential immediately to the north, and its historic use as a single family home is compatible and consistent with the historic 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 \_\_\_\_\_, 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

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**

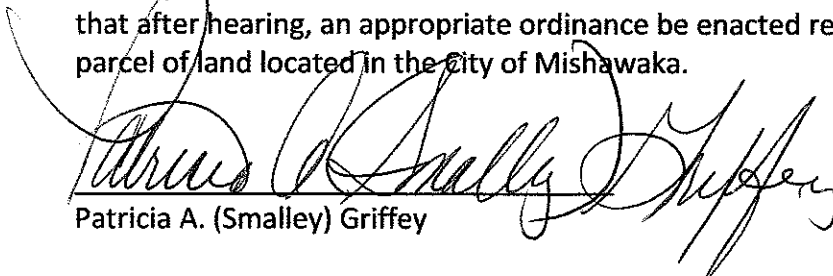
The undersigned, **Patricia A. (Smalley) Griffey** respectfully shows she is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

**2410 Lincolnway West  
Mishawaka, IN 46544  
Lot #1 Bowmans 1<sup>st</sup> 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.

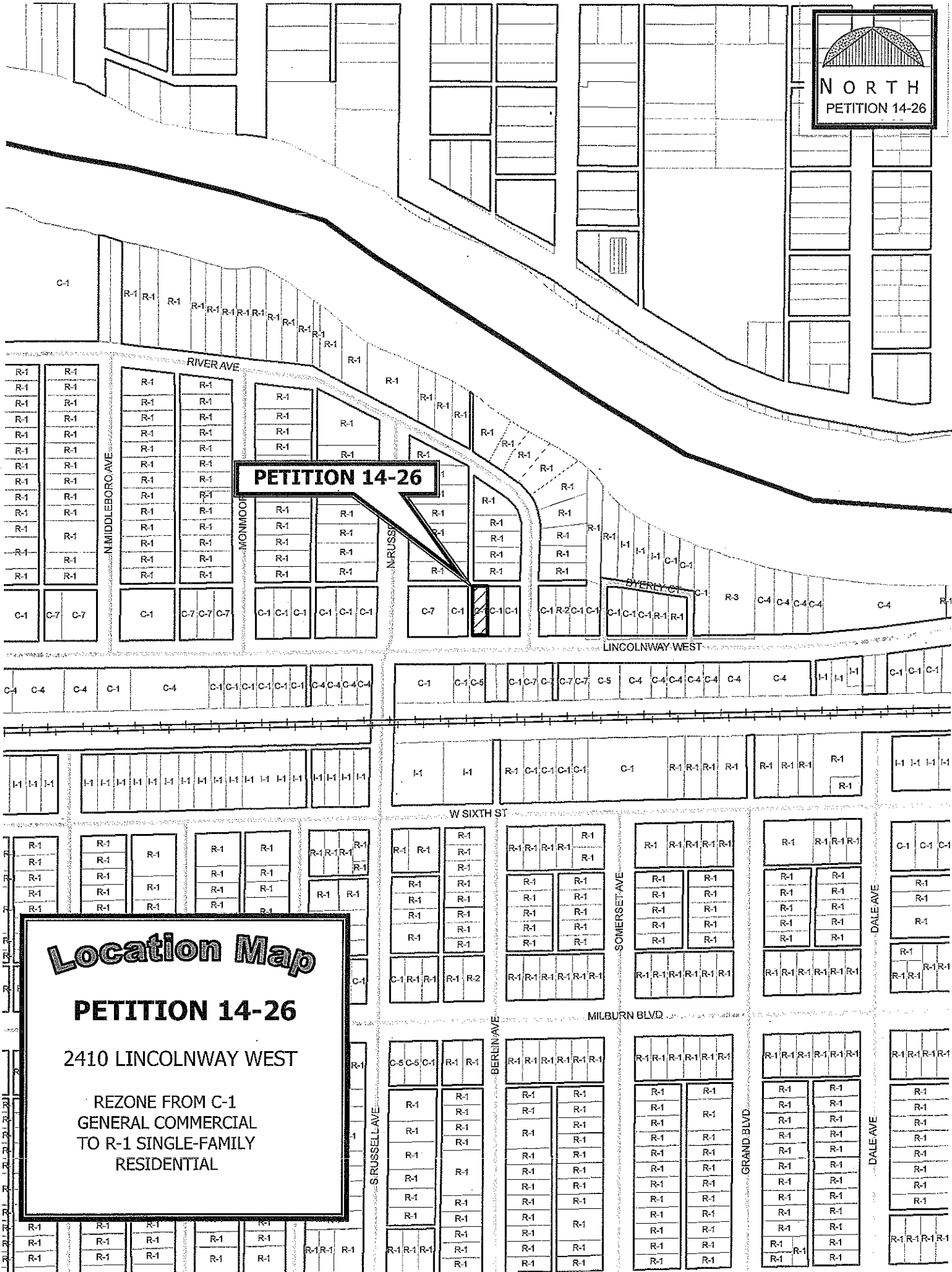
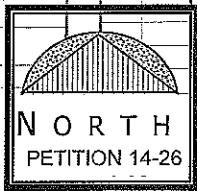


Patricia A. (Smalley) Griffey

**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

**RESOLUTION NO. 2014-21**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:**

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North of 124 Cedar Road

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

Part of the Northwest Quarter of Section 17, Township 37 North, Range 4 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.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

PETITION #14-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-30

ORDINANCE NO. 5465

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 4 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).