

AGENDA

Monday, November 16, 2015

**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**

11-04-2015

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their November 10, 2015 meeting.

A letter from the City Plan Commission regarding recommendations from their November 10, 2015 meeting.

Approval of the Justice Assistance Grant (JAG)

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2015-36 Transfer Funds - Central Services Dept. \$10,000.00

P.O. NO. 2015-37 Additional Funds - Rainy Day - \$38,267.29

P.O. NO. 2015-38 Rezone from C-1 to C-10 Convenience Store, Gas Pumps NW corner Douglas Rd and Fir Rd

P.O. NO. 2015-39 Rezone from C-4 to R-1 Single Family - 2102 N. Byrkit Ave.

8. Resolutions

R2015-37 Appointment to the Historic Preservation Commission

R2015-38 Honoring Marian High School Boys Soccer Team State Championship

R2015-39 Use Variance S-2 Zoning - 1240 S. Byrkit Ave. - Dry Cleaning Distribution Plant with Dry Cleaning Services

9. Ordinances on Second Reading

P.O. NO. 2015-34 Transfer Funds - Police Dept. - \$8,000.00 (Assigned to Budget and Finance Committee) Requesting Amendment

P.O. NO. 2015-35 Transfer Funds - Park and Recreation - \$197,000.00(Assigned to Budget and Finance Committee) Requesting Amendment

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
November 4, 2015

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, November 4, 2015, at 7:00 p.m. The meeting was called to order by Council President Woody Emmons and all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mr. Reisdorf, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons, (Not voting). **Absent:** Mr. Banicki.

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

The minutes from October 19, 2015 meeting were approved as received from the Clerk's Office.

Clerk Block read the following appeal and petitions by title.

APPEAL NO. 2015-44 Use Variance S-2 Zoning – S. Byrkit Avenue Dry
Cleaning Distribution Plant with Dry Cleaning Services

PETITION NO. 2015-31 Amend the PUD Toscana Park Development for a
Comprehensive Sign Program and Tenant Sign

PETITION NO. 2015-37 Rezone from C-4 to R-1 Single Family – 2102 N. Byrkit
Avenue

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. 2015-34

**AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2015**
(Transfer Funds – Police Department – (\$8,000.00)
(Assigned to Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2015-35

**AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2015**
(Transfer Funds – Park and Recreation - \$197,000.00)
(Assigned to Budget and Finance Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2015-27** open it for public hearing.

PROPOSED ORDINANCE NO. 2015-27

**AN ORDINANCE AMENDING CHAPTER 121, OF THE MUNICIPAL
CODE OF THE CITY OF MISHAWAKA INDIANA, COMMONLY KNOWN AS
“THE FLOOD CONTROL ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA
(Amending the Flood Control Ordinance)**

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

Ken Prince City Planner speaking on behalf of this ordinance amending the Flood Control Ordinance it was actually an adoption of a complete replacement of the ordinance. He said periodically the Federal Government makes changes to the Ordinance and they require everyone who was participating to re-adopt the ordinance. Mr. Prince said it was consistent with what was adopted previously, upon reviewing it they were identical, he was at this time requesting the old ordinance to be deleted in its entirety and asking for the new ordinance to be adopted.

Mr. Compton asked if there were any significant changes. Mr. Prince said he could not tell of any substantial difference at all, it appeared to be identical.

Question was called for at 7:08 p.m. on **PROPOSED ORDINANCE NO. 2015-27** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons. **Thus it becomes ORDINANCE NO. 5503.**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-28** open it for public hearing.

PROPOSED ORDINANCE NO. 2015-28

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

(Annex and Zone S-2 PUD Mixed-Use Multi Family and Commercial – West side
of Gumwood Road North of West Cleveland Road)

Clerk Block stated this would be a public hearing with no vote.

Ken Prince, City Planner said the property requesting to be annexed was actually the Gumwood Well Field, the city municipal well field, on the North side of town and was surrounded by the Grandview PUD. He said it originally developed as a well field in the county and did not meet the continuity requirements to come into the City, until the Grand View Project was annexed and zoned into the City, which was now under construction, and that occurred at the end of 2013. He

said at this point and time they were bringing it into zoning control under the jurisdiction of the City so as modifications occur, it would be by the city. Mr. Prince said in terms of the PUD they would be setting it up for future development. He went on to say, what they essentially did was take the exact same restrictions set up for Grandview PUD which borders it on three sides and the same exact restrictions would apply to this property as it applies to Grandview Mr. Prince said noting the south half would reflect more commercial and the north half would reflect residential, again identical to Grandview.

Mr. Prince said the only concerns he has heard was through a number of phone calls from adjacent residents in the county, to the west. He went on to explain there was a sub street that goes east and west and borders the Well Field property. Mr. Prince explained what they have identified by the Grandview PUD approval was they would not make any decisions on that connection until the Gumwood Well Field would be redeveloped. Mr. Prince said he knows that Well Field needs to be replaced, but acquiring property, if they started immediately, would take five or more years before a replacement could be developed and that Well Field could be taken off line.

Mr. Prince stated the City has been contacted by the Grandview Developer to purchase a few hundred feet of the south side of the Well Field property. He indicated to them that was a separate legal process that has to go through converting public land disposal and that was not up to consideration as part of anything before the Council this evening, he just wanted to make it known as a part of public record.

Mr. Reisdorf asked if there would be any infrastructure cost to the city with this annexation. Mr. Prince said zero, at least at this time, as property is acquired it would involve investment dollars, and is not envisioned at this time.

President Emmons closed the public hearing at 7:12 p.m.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-29** open it for public hearing.

PROPOSED ORDINANCE NO. 2015-29

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

(Annex and Zone C-1 Retail Uses – approximately 350ft. East of South East Corner of Douglas Road and Fir Road)

Clerk Block stated this would be a public hearing with no vote.

Mike Danch, Danch Harner and Associates 1643 Commerce Drive, South Bend, said he was representing the petitioner SEC Investments, LLC., regarding the piece of property on the south side of Douglas Road East side of Fir Road. Mr. Danch said he was previously before the Council in 2010 when they rezoned the corner, which was approximately 1.5 acres annexing it into the city as C-1 . He said the owners SEC Investments were able to pick up this additional

piece of property. Mr. Danch stated there was an existing house on the .58 acres, at this time, all they want to do is bring it into the City of Mishawaka and combine it with the other property they have. He said all they were asking for at this time was to annex it and zone it to C-1 Commercial Classification which was the lowest commercial classification. Mr. Danch said they do not have a use in mind at this point and time, C-1 would allow for typical retail use.

President Emmons closed the public hearing at 7:15 p.m.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-30** open it for public hearing.

PROPOSED ORDINANCE NO. 2015-30

**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 to C-10 Convenience Store, Gas Pumps, Car Wash –
North East corner of Edison Road and Hickory Road)

Assigned to Land Use Planning Committee

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. Compton the motion carried.

Stephen Studer, Krieg/Devault Law Firm, 4101 Edison Lakes Parkway Suite 100, Mishawaka, said he was representing the Donald & Patricia Cressy Foundation as well as the contingent purchaser Family Trust Corporation. He said Mike Danch of Danch Harner and Associates was with him to present the site plan, as well as George Cressy representing the owners and Mr. Todd Etzler representing Family Express Corporation the contingent purchaser. Mr. Studer handed out a booklet for the Council to follow the presentation. He said listing a few of the key facts; they were seeking to go from C-1 to C-10 convenience store, fuel center and car wash. Mr. Studer stated the other three corners on Hickory and Edison Road were fully developed and have been so for a number of years. He said this corner has been vacant for nearly 22 years since even before the movie theater went up and the most desirable use under the Land Use Plan was commercial, and this site development would be consistent with the comprehensive plan and was a state of the art fuel center. He went on to say it not only received a favorable staff recommendation but a unanimous favorable recommendation from the Land Use Committee.

Mr. Studer said Family Express Corporation of Valparaiso, Indiana was the developer. He said they have 65 stores which had been visited by 27 million people last year, they have sponsored and supported over 250 charities, mostly local schools and local charities. Mr. Studer stated all of the Family Express stores are owned by the company and are not franchises, in addition they also pay above average wage to start, beginning at \$10.00 per hour and managers can make a significant amount of money. He said they have just recently been named the International Family Convenience Store of the Year and the smallest company to ever receive this award. Mr. Studer went on to say they have their own distribution center in Valparaiso and one truck

delivers to each store, which keeps them from having many delivery trucks from delivering to the store every day. Mr. Roggeman asked how big the footprint was, he saw 63 stores in the handout. Mr. Studer said they now have 65 stores and they are all in Indiana, they do not look like convenience stores they look like banks.

Mr. Studer said there was always a concern when a gas station opens as to what was going to happen to the gas. He said old fuel tanks of late were steel and would get rusty and leak some of the efforts being taken by this company now was double wall fiberglass tanks and have a hypostatic solution between the two walls and was monitored 24 hours a day even the piping was double walled and monitored, If something should leak through the first wall it all shuts down within a minute. Mr. Etzler said it was an entirely closed system and there would be no leaking into the ground.

Mr. Mammolenti asked what happens if there was a leak what was the process. Mr. Studer stated they have on retainer, for a company to come out and check every system as well as evaluate where the leak would be.

Mr. Mammolenti asked if they would dig up the tank Mr. Studer said yes. Mr. Mammolenti asked if they have ever had a leak in any of their locations. Mr. Studer said yes. Mr. Mammolenti said those were repaired by tearing up the concrete and repairing. Todd Etzler, General Counsel for Family Express, 213 South State Road 49, and Valparaiso said yes in those situations they have a company that comes out immediately and gets down in the tanks to figure out what was going on. He said a leak does not mean there was a leak in the ground, with the new piping and tanks they are pretty sure proof not to leak into the ground it is all plastic and double walled, it is flexible so when land moves it moves with it and there are no joints to allow leakage, again it is all double walled, and monitored. Mr. Etzler said the State backs up every station with a 2 million dollar policy in terms of cleanup costs, so every tank has to be registered and has to pay every year into the fund, and if there was a leak there is a 30 thousand dollar retention that the owner pays and the state comes in with 2 million dollars behind that to clean up any spills. He said they do state of the art brand new equipment and no one does it any better than they do.

Mr. Reisdorf asked if the store would be selling alcohol, tobacco, or synthetics. Mr. Studer said they do sell a minimal amount of wine and beer which they sell under a grocery pier permit under the ATC. this would only happen if the community has those licenses available. He said they do not sell synthetics or vapor.

Ms. Voelker asked about the hours of operation. Mr. Etzler said the community will determine that originally 5:00 a.m. to 11 p.m. if the need presents itself they can increase that.

Mr. Emmons said he and Mr. Banicki recently visited a Family Express in Valparaiso and was very impressed. He stated one thing that impressed him was they have no part time workers they are all full time.

George Cressy, 4100 Edison Lakes Parkway, Mishawaka said he was here as a representative of the Donald and Patricia Cressy Foundation, this property was donated for charitable purposes

that support various causes throughout the community. He said over the years there have been a number of parties interested in the parcel but none they felt that would be appropriate to the site. Mr. Cressy stated, when they were contacted by Family Express he also went to Valparaiso because they were looking at several locations in our community. He said in asking the employees of their longevity with the company the response was 8 to 10 years he was impressed, he was also impressed with the cleanliness and the way they present themselves, and he decided it would be a good fit for our community.

Maureen Cooper, 3613 East Bulla Street, South Bend said she wanted to thank the Council for their time and consideration of their concerns for their health and safety of leakage of fuel that could contaminate their Wells, and of the increased traffic this store would create. She said they feel it is not a proper fit for that corner. She asked if they do pass this would there be any way a stipulation could be added that they would test the wells in the area, at least once a year for contamination, at their expense and if it does become contaminated they would hook them up to city water also at their expense.

Ms. Voelker said they do have the ability to hook up to city water at this time. Ms. Cooper said they have been told they were not able to hook up to city water. She said Carl Lattrell, Development Coordinator, of South Bend said it might be a possibility but there was no sewer connection for them because of their frontage. Ms. Voelker asked if they were on city sewer. Ms. Cooper said no they are on till on well and septic systems and it was annexed into the city in 1960.

Mr. Emmons asked Mr. Studer if he had information on the city water connection in South Bend. Mr. Studer said they were actually surprised these people were not connected to city services since they were annexed in 1960. He said they have shallow wells which are not recommended anymore by the Health Department and septic systems also propose health issues, those two issues propose a higher risk than a potential fuel leak. He also stated the water from the Family Express site would not run northwest to these properties. Mr. Studer said he would encourage them to talk with the City of South Bend.

Mr. Mammolenti asked if there was a third party in the monitoring system. Mr. Studer said there were several levels of monitoring, one is inside of the stores, if that alarm goes off then several people in a petroleum environmental department starts sending text message to everyone's phones, so it is not just the person in the store who decides they don't want to be dealing with it and turn off the alarm, they can't do that, they are trained to shut off the tank plus there are other companies that are monitoring these electronics. He said they also have a third party that every month, a completely objective unit, that reconciles the inventory so there are several levels of keeping track of what was happening which is another level of protection.

Lucian Vandenbroucke 1547 North Hickory Road South Bend, said before his brain cancer he was a Senior Farm Service Officer for the State, and what he has gotten out of this information in part was a eulogy of high technology, checks and double checks meaning nothing is supposed to go wrong and we heard that 100 years ago on the Titanic, the Challenger Space Vehicle, and they both failed. He said one thing he learned in government was Murphy's Law "Whatever can

go wrong at some point will” and no one can guarantee there would be no leak, and if there was a leak the entire water table can be damaged.

Mike Grzeskiewicz 3623 Bulla Road,, South Bend said he lives across the street from this development and his concerns were the same as Ms. Cooper’s regarding the well water and the traffic would only be worse and it is almost impossible to get out onto Edison Road or Hickory now. He said it was his understanding that the sale of the property has not gone through yet. Mr. Prince stated that was correct. Mr. Grzeskiewicz said if this property was rezoned from a C-1 to a C-10 at this meeting and Family Express decides to back out they would be opening this property up to have another gas station move in here that does not provide all of these checks and balances. He said he also was upset about having to look at a carwash when looking out his window and what about the soap and chemicals that come off of that, those were a few of his concerns.

Mr. Emmons asked Mr. Prince if Family Express decided not to go forward with this does the property stay zoned at the C-10 or does it come back to the Council. Mr. Prince said there was a Claw Back Provision in the ordinance that would allow a reversion and the Council as a legislative body has the ability to change the zoning at any time. He said zoning is not as much a range in usage as it is developmental uses that would apply to the development of the occupant, whoever it would be would be subject to the same restrictions. Mr. Prince said the Council could contact him at any time and he would draft the ordinance to down site the property.

Mr. Reisdorf asked if the Family Express site would have a roadway that would lead back to the theater. Mr. Prince said yes Family Express has agreed to work with the frame work of that existing road system.

Ms. Voelker asked if there would be a stop light for them to work with. Mr. Prince stated the only stop light was at the corner of Hickory and Edison. Ms. Voelker asked if the run off from the car wash would be going into the city sewer. Mr. Prince said that was correct.

Mr. Compton asked Mr. Prince if he would let the Council know if Family Express decides not to build this project. Mr. Prince said he would be glad to do that but sometimes when people decide not to go forward they do not notify him. He said it usually takes a year before he would know if they would or would not be proceeding. Mr. Compton said he would like to ask Mr. Studer as Family Express’ Council to let Mr. Prince and the Council know if they have decided not to proceed so the Council could re-act. Mr. Compton said he was leaning to support this but feels he needs to know if someone else would be coming in on this property. He said if that was the case it would be important to him to know how they would be managing the gas tanks before the Council would make a decision to go forward.

Mr. Mammolenti asked if they have ever had homeowners requesting to test their wells. Mr. Studer said no he hasn’t, testing wells was not very expensive, and the Health Department would do it for a nominal fee. He said ground water travels at a rate of 1 to 3 feet a year and that makes it easier to clean up. Mr. Studer said these wells are shallow on Bulla and Hickory and should be tested more often; it is more likely that contamination would come from their septic systems before the ground water. Mr. Studer said deferring to the statement Mr. Vandenbrouckhe made

regarding Murphy's Law is precisely why they put in all of these protections, because no one can say forever and ever nothing is going to happen if something does go wrong they have a way to address it.

Mr. Mammolenti asked should this pass tonight when was the projected time of construction. Mr. Etzler stated ground breaking in February or March, it takes 110 days to build the store and they do not stop until it is done. Mr. Mammolenti asked what brand of gasoline they would carry. Mr. Etzler said they are unbranded.

Mr. Compton asked if there was anything other than the sale of this property. Mr. Etzler stated this was the only contingency they have left.

Mr. Emmons said there would be a meeting regarding this property with Juday Creek and Family Express at MACOG for the public.

Mike Danch 1643 Commerce Drive, South Bend, said he talked with South Bend Water and asked them to send him maps to find out exactly what was going on why and they haven't extended it. He went on to say they didn't have a reason why water hadn't been extended up to Charles and Bulla Street. He said the businesses on the north side of the street on Edison and Hickory have water and there was a Mishawaka water line that could be run up Hickory Road to each of those residents. He said there may be a possibility if South Bend was not able to get water to these people that there could be an intercity agreement where Mishawaka could extend their waterline to them.

Question 8:16  Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mr. Reisdorf, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons. **Thus it becomes ORDINANCE NO. 5504**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-31** open it for public hearing.

PROPOSED ORDINANCE NO. 2015-31

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

(Amend the 12th Street PUD for Village Green Holdings, LLC –
1400-1500 Block of East 12th Street)

Assigned to Land Use Planning Committee

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

Mike Danch, Danch Harner and Associates 1643 Commerce Drive, South Bend said he was representing the petitioners for their request to just north of the mobile home park, they went

through a PUD process to allow for basically several different variety of uses of commercial development and industrial development. He said at the time they did that PUD they did not have the component in there to possibly do a multi-family or apartment complex. Mr. Danch said the owners now would like to be able to take that PUD and amend that to add the residential component, which would be the multi-family. He said so at this time he was asking to amend the existing PUD to allow a multi-family development.

Mr. Danch said this complex would have between 360 to 370 apartments, the mix would be 1-2- and 3 bedrooms and there would be 8 to 10 building units along with a community center. He said the south line would be the mobile home park the petitioners also own the mobile home park but there would be direct access between the two developments. Mr. Danch access would be off of Twelve Street an existing ingress and egress that would be what they would use.

Mr. Danch said the City of Mishawaka is presently working with some Federal Funds and would be doing improvements to 12th Street which he believes would become a three lane street and some additional expansion at the intersection of Twelfth and Byrkit Streets. He said what the city has done was ask him to coordinate with them in adding an additional right-of-way and access points. Mr. Danch said what they were hoping for was to hook up this apartment complex with a gravity sewer line but if that doesn't happen then they would end up doing a lift station which would then go into the city sewer system along Twelfth Street, assuming they receive Council approval. He stated the complex would be between 24 and 26 million dollars and they already have the financial approval. Mr. Danch said upon that approval they would start the Engineering work in December and hoping to break ground in the spring.

Mr. Mammolenti asked about design. Mr. Danch said because of the PUD they would have to comply with certain architectural standards.

Mr. Roggeman asked if there would be an access to Byrkit. Mr. Danch said yes there would be an ingress and egress out to Byrkit Street. He said Fire wants to make sure they can get in and out of the site with easy access. Mr. Roggeman asked about the Save a lot Store there. Mr. Danch said Martins still owns that property that would be coming before the Council to rezone to a dry cleaning store.

Mr. Reisdorf asked if the Ownership Group owns other property here in Mishawaka besides Village Green Apartments. Mr. Danch said that they own the Mobile Home Park, those are the only two that he was aware of. Mr. Reisdorf asked if he knew of any other Indiana property. Mr. Danch said he believed they have an apartment complex in Indianapolis. He said this project would be market rate they want to do more of an upscale development complex at this location.

Mr. Bellovich wanted to verify the fact that this was not subsidized housing. Mr. Danch said it would not be subsidized housing the monthly rental fee depending on the number of bedrooms would be between \$750.00 to \$1,200.00.

Question called for at 8:27  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons. **Thus it becomes ORDINANCE NO. 5505**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-32** open it for public hearing.

PROPOSED ORDINANCE NO. 2015-32

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

(Annex and Zone C-6 Office and Medical Office Uses –
15170 Cleveland Rd and property adjacent to the South)

Clerk Block stated this would be a public hearing with no vote.

Brad Mossman, Abonmarche Consultants, 750 Lincoln Way East, South Bend said he was representing both of the petitioners as well as the contingent purchasers FHS Investments. He said also with him representing the contingent purchaser was Bill McCarthy asking for your approval to annex and rezone approximately 4.7 acres that fronts both Cleveland Road and Fir Road, which was just west of both of where both these streets intersect. Mr. Mossman said it was also bounded on the west side by Fir Trail that was a cul de sac left over from when University Drive was put in. He said they were asking for a C-6 linier office commercial zoning for a small medical office complex, with the main entrance off of Fir Road with a second entrance off of Cleveland Road. Mr. Mossman said the immediate plans if this was approved would be a new medical office fronting Fir Road relocating here from South Bend.

Ms. Voelker asked if he could tell them what kind of practice. Mr. Mossman said it would be a pain management.

President Emmons closed the public hearing at 8:30 p.m.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-33** open it for public hearing.

PROPOSED ORDINANCE NO. 2015-33

**AN ORDINANCE AMENDING CAHPTER 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**

(Vacation of Public Right-of-Way and underlying Utility Easement Rights –
Fir Trail between Fir Road and Cleveland Road)

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

Brad Mossman, Abonmarche Construction, 750 Lincolnway East, South Bend, said this was part of the previous project and they would like to vacate the right of way of the cul de sac known as Fir Trail.

Question was called for at 8:32  Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mr. Reisdorf, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons. **Thus it becomes ORDINANCE 5506.**

NEW BUSINESS

Mr. Mammolenti said his Neighborhood Watch Meeting would be on Wednesday, November 18, at Twin Branch School 7:00 p.m. the speakers would be from the Collaboration Committee between the School City of Mishawaka and the Public.

Mr. Emmons said the following night, Thursday, November 19, Senator John Broden would be speaking at his Neighborhood Watch Meeting 7:00 p.m. at St. Bavo School. Mr. Emmons said this would be his last meeting of the year, there would be no meeting in December.

Mr. Roggeman said the Football Playoffs started a few weeks ago and every week 3 high schools get knocked out and Mishawaka has all three of their high school teams still in it, Mishawaka, Penn, and Marion they are in different classes so they won't be playing each other. He said he wishes them well though their tournament journey.

Mr. Reisdorf asked everyone to keep in mind the Council would be honoring the outstanding accomplishment of Marion High School Soccer Team at their October 16th Council Meeting for bring home the State Soccer Championship to Mishawaka.

Adjournment was at 8:35 p.m.

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

Mr. Woody Emmons
Mr. Woody Emmons, President Presiding



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

November 12, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 12 2015

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
November 10, 2015, Public Hearing

Honorable Members:

A regular meeting of the Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

APPEAL #15-44 An appeal submitted by Ziker Cleaners Inc. as contingent purchaser, requesting a Use Variance for 1240 South Byrkit Avenue to permit a dry cleaning processing plant with drop-off/pick-up counter.

The Board, with a vote of 5-0, recommended approval, subject to the following conditions:

1. No drive-thru facility be constructed.
2. The Appellants provide exterior and interior remodel plans to the Planning Department.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Brad Cramer

STAFF REPORT

Location: 1240 S Byrkit

Date: November 10,
2015

Appeal: 15 44

Prepared By: CH

GENERAL INFORMATION

Applicant: Progressive Engineering for Ziker Cleaners and Martins Supermarkets

Status: Agent for Contingent Purchaser and Property Owner

Request: Use Variance for dry cleaning distribution plant in S-2 Planned Unit Development

Zoning Classification: S-2 Planned Unit Development

Lot Size: 2.24 acres

Applicable Regulations: Section 137-42 (4) Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial
South: R-4 Manufactured Home Residential
East: S-2 Planned Unit Development
West: C-4 Automobile Oriented Commercial, I-1 Light Industrial, and unincorporated St. Joseph County

Thoroughfare: Byrkit Avenue

School District: Penn-Harris-Madison School Corporation

Township: Penn

Public Utilities: Available and existing

Comprehensive Plan: General Commercial & Manufactured Home Residential

ANALYSIS

The appellants are requesting a use variance to allow dry cleaning central processing. The property is located near the intersection of Byrkit Ave and Twelfth Street. The property was zoned S-2 Planned Unit Development in 2007. The PUD proposed a mix of commercial, industrial, and multi-family residential uses. Specifically, Lots 1 & 4 shall be limited to retail buildings and multi-tenant retail buildings per the C-2 Shopping Center Commercial District uses and/or financial institutions with or without drive-up windows. Multi-tenant buildings may include small sandwich/coffee shop type uses with drive-up windows. Dry cleaning, pick-up and delivery is a permitted use in C-2, however, dry cleaning central processing is only allowed in Industrial Districts.

In 2008, a final site plan was approved for the Save-A-Lot grocery store. The existing building is 16,735 square feet with 87 parking spaces.

The request for the proposed use variance, instead of amending the Planned Unit Development or rezoning, would allow this building to be used for this specific use, without affecting the entire PUD. Last month, the remainder of the Planned Unit Development was amended to eliminate the commercial and industrial uses and expand the multi-family residential uses.

All pertinent City Departments have reviewed this request and offer the following comments: Building Departments states a building permit is required before certificate of occupancy will be issued. Engineering had two questions: 1) Is there any need for a Drive-through? and 2) Is there any special handling for on-site chemical storage since this will be a working dry-cleaning site, not just drop-off, i.e. double walled or spill protection catchments for above ground chemical storage tanks? The appellant answered no to both questions.

RECOMMENDATION

The Staff recommends in favor of Appeal 15-44, a use variance for dry cleaning central processing at 1240 S Byrkit Avenue subject to the following conditions:

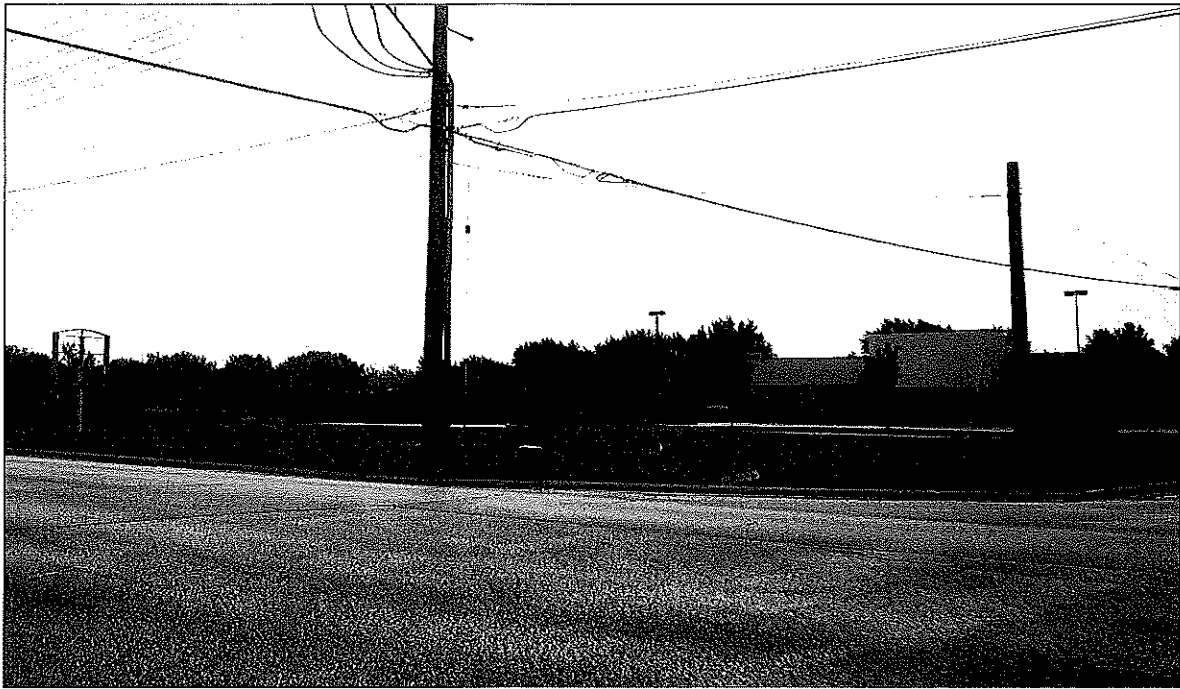
1. No drive-through facility be constructed; and
2. The appellants provide exterior and interior remodel plan to the Planning Department.

This recommendation is based on the following reasons:

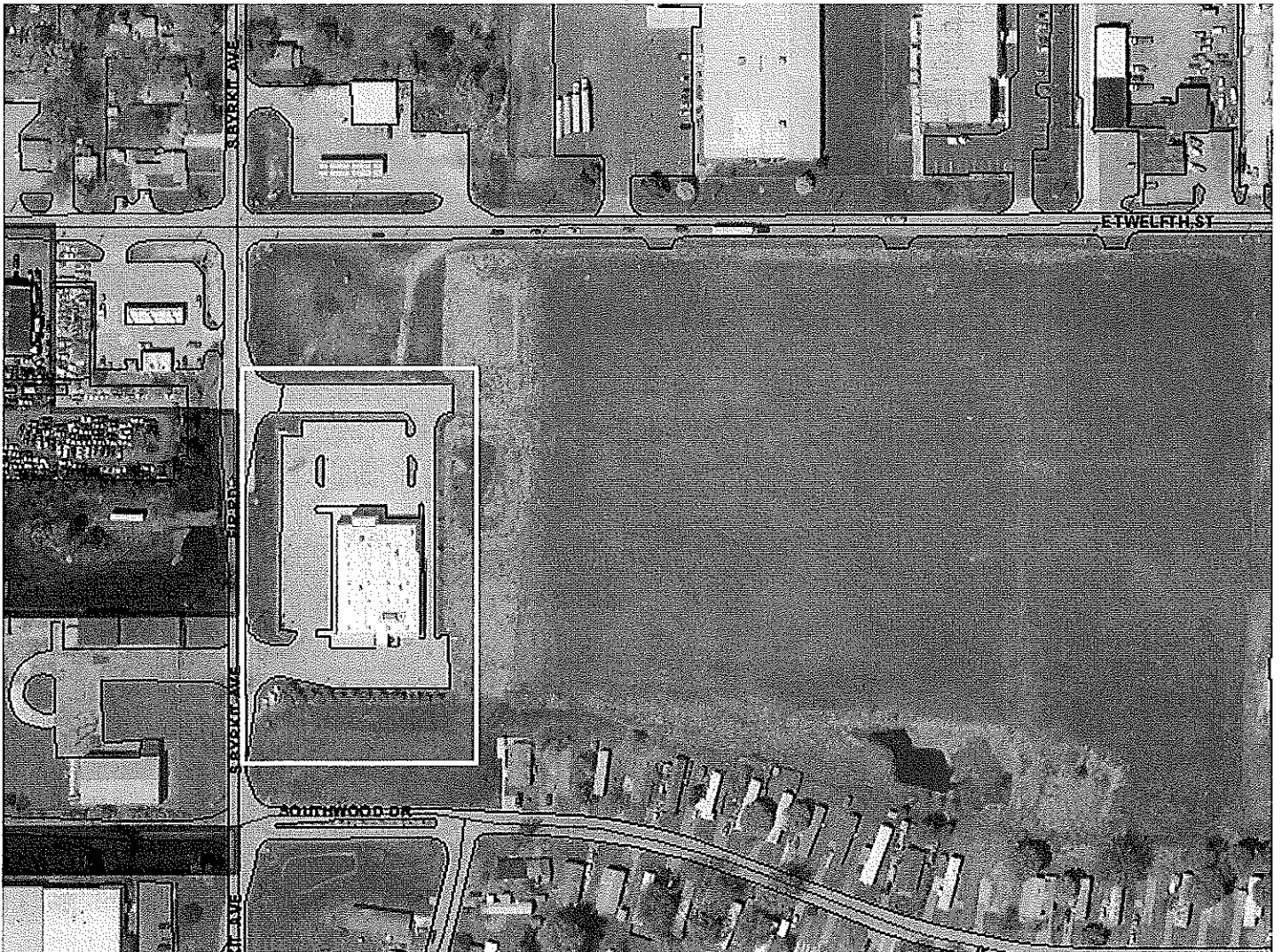
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will occupy a formally vacant building. All state and local building codes will be adhered to during construction and/or improvements to the existing structure.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the site is near a major intersection with other commercial uses on the corners.
3. The need for a variance arises because a new tenant/owner wants to occupy a previously vacant building with a new use. A use variance would allow the dry cleaning central processing use, without affecting the entire PUD.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current PUD only allows for C-2 Shopping Center Commercial which would allow dry cleaning, pick-up and delivery but not dry cleaning central processing.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates general commercial and manufactured home residential uses for this area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, VARIANCE REQUEST & SITE PLAN



A view of the existing vacant building from the intersection of Byrkit and 12th St.





City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

November 12, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 12 2015

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
November 10, 2015, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #15-29 A petition submitted by Douglas Road Associates, LLC, requesting to rezone the **northwest corner of Douglas Road and Fir Road** from C-1 General Commercial District to C-10 Filling Station Commercial District.

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

PETITION #15-37 A request submitted by Jeffery F. Butler to rezone **2102 North Byrkit Avenue** from C-4 Automobile Oriented Commercial District to R-1 Single Family Residential District.

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

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

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Stephen Studer
Kevin Swanson

STAFF REPORT

Location: Northwest corner of Fir Rd & Douglas Rd

Date: October 13, 2015

Petition: 15 29

Prepared By: KBP

GENERAL INFORMATION

Applicant: Douglas Rd Associates LLC, Stephen A. Studer

Status: Property Owners, Attorney

Request: To rezone 1.56 Acres from C-1 General Commercial to C-10 Filling Station Commercial

Zoning Classification: C-1 General Commercial

Lot Size: 1.56 acres

Applicable Regulations: Section 137-529 to 137-530 C-10 Filling Station
Section 137-41 Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County (Residential)
South: Unincorporated St. Joseph County (Residential)
East: Unincorporated St. Joseph County (Residential); and Juday Creek Golf Course Maintenance Building
West: C-1 General Commercial and S-2 Planned Unit Development (Douglas Meadows Nursing and Rehabilitation Center)

Thoroughfare: Fir Rd & Douglas RD

School District: Penn-Harris-Madison School Corporation

Township: Harris Township

Public Utilities: All utilities are available or will be extended to the site at the developer's cost

Comprehensive Plan: Low Density Residential

ANALYSIS

In October of 2010, the owner of this property Douglas Road Associates LLC requested that this property, as part of a larger 5.33 acre parcel be annexed to the City with a C-10 Filling Station Commercial Zoning Classification. The City Plan Commission at the time recommended in favor of the request. The property was ultimately annexed and zoned C-1 based on the request of the property owner following concerns being expressed by the Common Council and the Friends of Juday Creek regarding the fueling facility being located in such close proximity to Juday Creek which has environmental significance as a cold water trout stream. At this time, the owner is requesting the rezoning of only the corner portion (1.56 acres) of the larger property to C-10 Filling Station Commercial.

As staff indicated in 2010, the larger 5.33 acre site is in our opinion what made this parcel suited for a filling station use. Specifically, we felt that the frontage allowed for the access points to be set back an appropriate distance so that the turning movements at the intersection are not impacted adversely by the turning movements of the filling station. Staff continues to believe that other uses such as a sit down restaurant, bank, professional office, drug store, and

other general commercial uses would also be appropriate for this high profile intersection. In addition to Filling Stations, the C-10 district also permits all C-1 general commercial uses.

For comparison, the development and size of the 5.33 acre site is very similar to the convenience store and filling station that was constructed at the southwest corner of Day and Fir Roads. Similar to that site, this site is large enough where multiple uses will be developed over time. To date, on the Fir and Day Road site, the convenience store has been developed, but the outlot(s) adjacent to Savannah Pass at the Forest remain undeveloped. In this case, the convenience store would be developed on the corner and an outlot would be created between the rehabilitation center and convenience store.

At this point in time, the only item under consideration is the proposed zoning classification. That being noted, staff feels strongly that the applicant needs to identify how access and the division of property are intended to occur on the whole 5.33 acre site. This would require shared access drives and common easements over multiple properties. Staff would also note that the proposed curb cut/entrance locations are likely too close to the intersection and should be moved/and or improvements required as may be directed by the Engineering Department.

If developed, staff would also recommend that access provisions also be made between the 5.33 acre parcel and the single family property to the north on Fir Road. Over time, this parcel and other parcels will likely have commercial potential and be redeveloped. If approved, the site plan will need to be refined relative to circulation patterns and providing landscaping to break up the large quantities of asphalt. Similar to the Martin's Fueling station at Heritage Square to the north, staff is also requesting a fuel/oil separator be provided to intercept surface spills/drips that occur over time before surface water takes it to the retention basin/storm water management area. We would also request that a retention area be provided as an above ground basin on the northwest corner of the property (the furthest location away from Juday Creek). We would also request that no sub-surface infiltration of stormwater in the form of drywells or perforated pipe be provided on the site. Although unlikely, if a spill of petroleum were to occur all at once or incrementally, having a single open area for storm water retention would make the identification of spills and potential clean-up easier.

Juday Creek is in close proximity to the Site and crosses the intersection moving from the south to the north as it moves to the east. Floodplain is a limitation to the property south of Douglas Road and East of Fir Road, but not this site. Storm water detention will be an issue similar to the southeast corner of the intersection due to the location of Juday Creek, the high ground water, and the fact that the City doesn't have storm water infrastructure in this location. This means that the developer would need to retain all storm water on the property.

Whereas, the properties on the east side of Fir Road are guided by the Comprehensive Plan amendment performed jointly by the City and St. Joseph County that was adopted in 2003. This site is guided by the Mishawaka 2000 Comprehensive Plan and was identified as Low Density Residential. Similar to the southeast corner of the intersection, the location of this site at the intersection of two arterial roadways makes single family an undesirable use for the property.

Plans have been routed to all applicable City Departments, as part of the 2010 review, the Engineering Department noted that additional right-of-way would be required, the developer would be responsible for providing extending all utilities to the site, a storm water management plan would be required, and additional information would need to be provided before access points could be approved for the property. At the time of writing this staff report, no significant review comments had been submitted from other Departments.

RECOMMENDATION

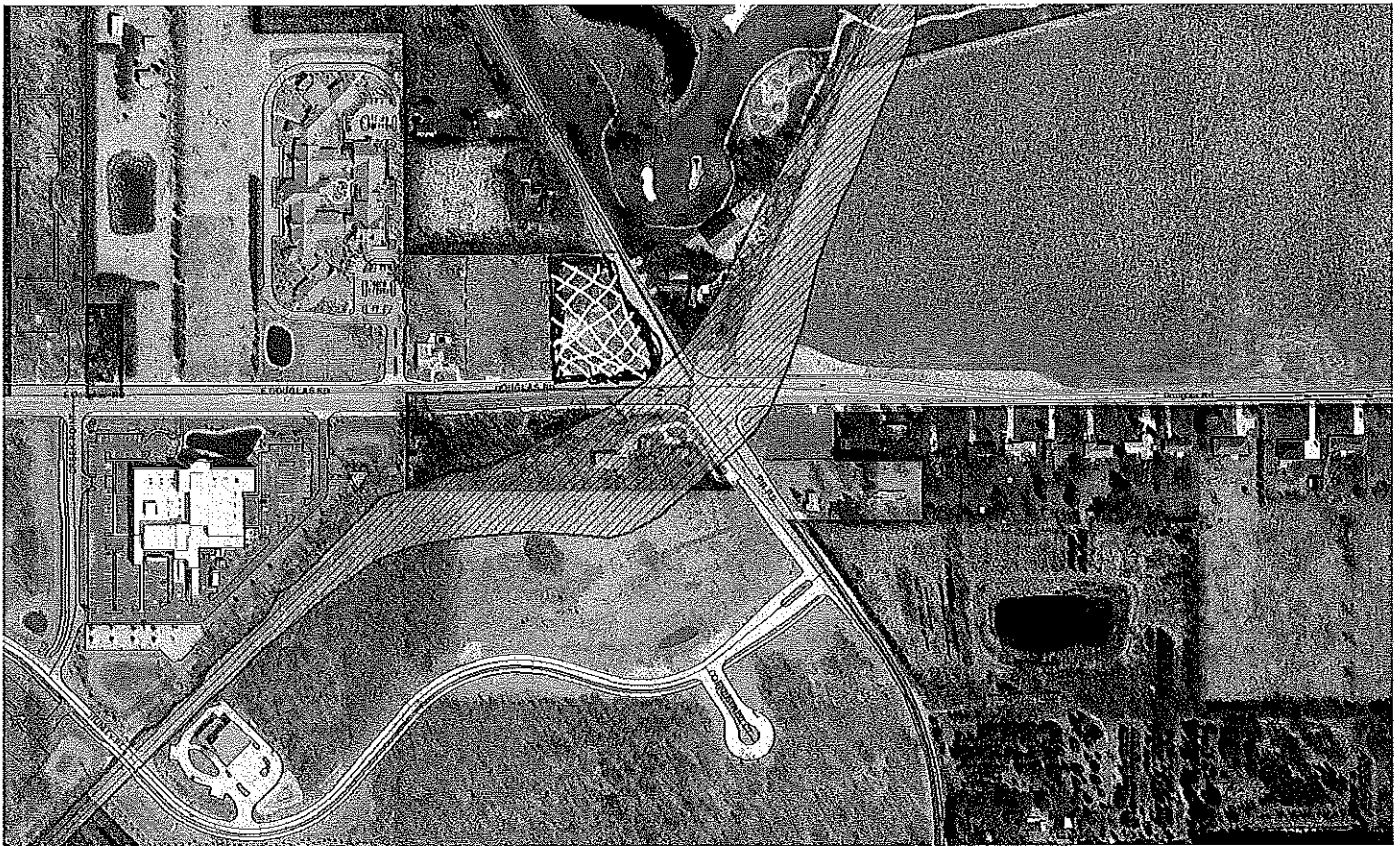
Staff recommends in favor of rezoning Petition # 15-29 to rezone approximately 1.56 acres located at the northwest corner of the intersection of Douglas and Fir Roads to C-10 Filling Station Commercial. This recommendation is based on the following findings of fact:

1. Existing Conditions- Although the area was platted and developed decades ago with a tract of single family homes, the subject parcel is located at the intersection of two arterial roadways within an area that continues to develop with commercial uses. Traffic is intended to increase along both corridors. The southeast corner of this same intersection is currently zoned C-1 General Commercial and is also requesting to expand with an additional annexation.
2. Character of Buildings – The character of the buildings within the surrounding area is single family residential, but the area continues to redevelop for commercial purposes.
3. The most desirable/highest and best use – Because of the parcels' location and the existing commercial development along the Douglas and Fir Road corridors, the most desirable use for the property is commercial. Although there are surrounding residential properties, the increasing traffic along the corridors, makes the long term use of these properties undesirable for residential purposes.

4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.
5. Comprehensive Plan- The Comprehensive Plan, created in 1990, guided residential development within this area. Recent development patterns within the area, along with the increasing commercial development within the northern portion of Mishawaka, including the St. Joseph Regional Medical Center development, has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth. Residential development is no longer desirable within this area and comprehensive plans must be reevaluated as development trends change over the years.

ATTACHMENTS

Aerial Photo, Site Photographs, Petition, and Site Plan





View looking west from the intersection of Douglas and Fir Roads

STAFF REPORT

Location: 2102 N. Byrkit Avenue

Date: November 10,
2015

Petition: 15 37

Prepared By: DJS

GENERAL INFORMATION

Applicant: Kevin Swanson & Kathy Ray

Status: Land Contract Owner & Potential Purchaser

Request: Rezone from C-4 Automobile Oriented Commercial to R-1 Single Family Residential

Zoning Classification: C-4 Automobile Oriented Commercial

Lot Size: Approximately 0.25 acres (50' x 210')

Applicable Regulations: Sec. 137-164 Residential R-1 District, Sec. 137-40 Plan Commission, & Section 137-41 Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial / Residential Use
South: R-1 Single Family Residential / Residential Use
East: R-1 Single Family Residential / Residential Use
West: R-4 Manufactured Home Residential / Oak Grove Mobile Home Park

Thoroughfare: N. Byrkit Avenue & E. LaSalle Avenue

School District: Penn-Harris-Madison School Corporation

Township: Penn

Public Utilities: All available

Comprehensive Plan: Low Density Residential (Single Family Homes)

ANALYSIS

The Petitioner is requesting to rezone a single family dwelling at 2102 N. Byrkit Avenue from C-4 Automobile Oriented Commercial to R-1 Single Family Residential.

In the request for rezoning, the Petitioner indicates their intent to rezone the property for continued use as a single family residence. The dwelling was purchased by the petitioner via a land contract in November 2013. The rezoning will allow the Petitioner to obtain a loan to acquire legal title to the property.

The subject parcel is located within a single family residential neighborhood. To the north are residential uses zoned C-4 Auto Oriented Commercial, which are legally non-conforming, and R-1 Single Family Residential. To the south are residential uses zoned R-1 Single Family Residential. To the east are residential uses zoned R-1 Single Family Residential. To the west is the Oak Grove Mobile Home Park zoned R-4 Manufactured Home Residential District.

According to tax records, the dwelling was constructed in 1940 as a private residence. Historically, the home has remained residential in its use. Prior to the 1980s residential uses were permitted in the commercial districts. Around 1986, the commercial districts were amended to prohibit residential uses. There are commercially zoned properties with residential uses to the north of this property, but the majority of the properties in the neighborhood are zoned R-1 and are primarily residential in nature. The house located four properties to the north (2120 N. Byrkit) was rezoned from C-4 to R-1 in November 2005 (Pet. 05-50).

All departments have reviewed the proposed rezoning and recommend approval.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 15-37 to rezone 2102 N. Byrkit Avenue from C-4 Auto Oriented Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following Findings of Fact:

1. While three properties to the north of the subject parcel are zoned commercial, a majority of the existing structures along Byrkit Avenue and adjacent to the east and south are single family residential in use. Additionally, the properties to the west within the Oak Grove Mobile Home Park are single family residential in nature. Therefore, the continued use of the site 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 history as a single family residence, staff feels that the most desirable use for this property is its continued 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;
4. As opposed to the types of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood and will allow the property owner to sell the property; and,
5. The Comprehensive Plan for the City of Mishawaka indicates Low Density Residential (Single Family Homes) for this area of N. Byrkit Avenue. The properties along this portion of N. Avenue are, and in all likelihood will continue to be, predominantly residential in their use.

ATTACHMENTS

Aerial Photograph, Photos, Petition, Location Map



Aerial Photograph
2102 N. Byrkit Ave.



2102 N. Byrkit Ave.
P1. Looking northerly from the south west corner of the subject parcel.

NOV 10 2015

CITY CLERK
MISHAWAKA, IN

November 16, 2015

Mayor David Wood
Honorable Council Members
Rebecca Miller, Controller
Budget/Finance Committee

Re: US Department of Justice, Justice Assistance Grant (JAG) 2015-H4138-IN-DJ
Non-matching Grant

Dear Mayor Wood and Honorable Council Members:

The Mishawaka Police Department was designated a 2015 Department of Justice Grant, Justice Assistance Grant (hereby referred to as JAG) award of \$13,840 for police equipment. As part of the grant requirements, an administrative review/advisory process was required prior to the awarding of this grant. We are required to advise the Governing Body of the City of Mishawaka along with the Mayor of this application process. This was presented to the Board of Public Works on June 30, 2015 and approved. This was accepted by the Grant Advisor at the time. However, it is now required that approval be granted by the Common Council. The following is the budget for this grant.

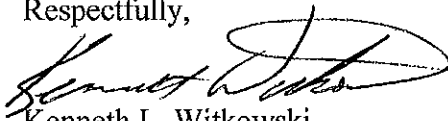
The Mishawaka Police Department plans to use the award to purchase Simunition Equipment. We plan on purchasing four (4) simunition masks, and simunition ammo, four (4) red training pistols, and four (4) red training rifles.

We are planning on purchasing three (3) Motorola APX600 radios to upgrade to the newer radio and replace inoperable equipment. Along with these we will purchase six (6) stubby antenna and six (6) speaker mics for the radios. We will purchase four (4) Bluetooth software apps for the radios. No purchases have been made.

Attached is a copy of our worksheet that is submitted with the JAG grant.

If you have any questions, please feel free to contact me. Thank you for your time and consideration.

Respectfully,



Kenneth L. Witkowski
Chief of Police
KLW:dcw

2015 JAG Grant Award: 2015-H4138-IN-DJ \$13,840

Item	Vendor	Amt estimated in Grant App	Approx # of Items	Cost per item	Invoice #	Amt of Invoice	Amt paid w/Grant	Amt of Grant Left	A/C #
SIMS Black Mask, FX9003		\$532.00	4	\$133.00					
Red Pistols, Training		\$148.00	4	\$37.00					
Red Rifles/Shotguns		\$624.00	4	\$156.00					
Simunition 9mm Blue		\$504.00	2	\$252.00					
Simunition 9mm Red		\$504.00	2	\$252.00					
Simunition 9mm, Orange		\$504.00	2	\$252.00					
Radio - APX6000		\$8,961.00	3	\$2,987.00					
Stubby Antenna XTS500		\$120.00	6	\$20.00					
Speaker Mics, NMN6250A		\$696.00	6	\$116.00					
Blue Tooth		\$1,247.00	4	\$311.75					
		\$13,840.00							

NOV 10 2015

CITY CLERK
MISHAWAKA, IN

November 16, 2015

Mayor David Wood
Honorable Council Members
Rebecca Miller, Controller
Budget/Finance Committee

Re: US Department of Justice, Justice Assistance Grant (JAG) 2014-H2102-IN-DJ
Non-matching Grant

Dear Mayor Wood and Honorable Council Members:

The Mishawaka Police Department was designated a 2014 Department of Justice Grant, Justice Assistance Grant (hereby referred to as JAG) award of \$16,285 for police equipment. As part of the grant requirements, an administrative review/advisory process was required prior to the awarding of this grant. We are required to advise the Governing Body of the City of Mishawaka along with the Mayor of this application process. This was presented to the Board of Public Works on June 3, 2014 and approved. This was accepted by the Grant Advisor at the time. However, it is now required that approval be granted by the Common Council. The following is the budget for this grant.

The Mishawaka Police Department used the award to purchase three (3) Motorola APX 6000 Radios, these are the newer model radios. This allows our department to become familiar with the new radio prior to converting all our radios. We also purchased six (6) Motorola Batteries. These batteries are compatible to the new radios as well as the older model radios.

There were four (4) Taser X26P purchased as our Tasers are aging and therefore, breaking and beyond repair. We also have new officers that are coming on the department that need to be issued tasers.

We purchased two (2) handheld speed radars and one (1) mounted radar. Again these replaced some of our aging equipment that has become inoperable

Attached is a copy of our worksheet that is submitted with the JAG grant.

If you have any questions, please feel free to contact me. Thank you for your time and consideration.

Respectfully,



Kenneth L. Witkowski
Chief of Police
KLW:dcw

NOV 08 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 11-16-15 PROPOSED ORDINANCE NO. 2015-36

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, 2015

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 Services Department in the General Fund budget adopted for the fiscal year ending December 31, 2015.

Section 2. There is hereby transferred and reappropriated the sum of \$10,000.00 as follows:

General Fund

From: Central Services Department

Supplies

101-22-422-02 Gas, Oil, etc. 10,000.00

Total \$10,000.00

To: Central Services Department

Other Services and Charges

101-22-436-01 Repairs and Maintenance 10,000.00

Total \$10,000.00

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 _____, 2015 at _____ o'clock, _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, CMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of
_____, 2015 at _____ o'clock, _____ M.

Deborah S. Block, IAMC, CMC, City Clerk

APPROVED BY ME this _____ day of _____, 2015
at _____ o'clock, _____ M.

David A. Wood, Mayor



CITY OF MISHAWAKA

Tim Ryan
Street Commissioner

DAVID A. WOOD, MAYOR

November 1, 2015

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

RE: Proposed Ordinance 2015-36

Honorable Council Members:

At this time, we find the need to request a transfer of \$10,000 from our *Supplies/Operating Supplies* line #101-22-422-02 to our *Other Services and Charges/Repairs and Maintenance* line #101-22-436-01.

FROM:	Central Services Department		
	<u>Supplies</u>		
	101-22-422-02	Gas, Oil, Etc.	\$10,000
TO:	Central Services Department		
	<u>Repairs and Maintenance</u>		
	101-22-436-01	Equipment Maintenance	\$10,000

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

Sincerely,

Tim Ryan
Street Commissioner

NOV 09 2015

1st Reading 11-16-15
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-37

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2015

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, 2015 in addition to that set out in detail in the
published budget.

Section 2. There is hereby appropriated from the Rainy Day Fund of the City of
Mishawaka the sum of \$38,267.29 for assignment as follows:

Rainy Day

Rainy Day
Capital Outlays

245-50-444-05	Phone System	\$38,267.29
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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 _____, 2015 at _____ o'clock, _____.M.

Dale "Woody" Emmons, 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 _____, 2015 at _____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2015 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 9, 2015
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: Additional appropriation – Rainy Day Fund

In 2014, \$185,000 was budgeted for the new city wide phone system. This project finished up this year under budget. However, \$38,267.29 was not encumbered to carry over for this year's final payment.

The additional appropriation is to declare the \$38,267.29 available so it may be spent according to statute.

Please contact me with any questions.

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 09 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 11-16-15
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 12 2015

PETITION 15-29

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2015-38

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, Clay Township, St. Joseph County, State of Indiana, to-wit:

A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT A POINT OF INTERSECTION OF DOUGLAS ROAD AND FIR ROAD; THENCE NORTH 90°00'00" WEST ALONG THE CENTERLINE OF SAID DOUGLAS ROAD A DISTANCE OF 417.50 FEET MORE OR LESS; THENCE NORTH 00°00'00" WEST A DISTANCE OF 50.80 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST A DISTANCE OF 303.10 FEET MORE OR LESS; THENCE SOUTH 90°00'00" EAST A DISTANCE OF 151.20 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF FIR ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR THE NEXT TWO (2) COURSES, SOUTHEASTERLY A DISTANCE OF 235.50 FEET MORE OR LESS AND SOUTHEASTERLY A DISTANCE OF 77.00 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR THE NEXT THREE (3) COURSES, SOUTHWESTERLY A DISTANCE OF 68.70 FEET MORE OR LESS AND NORTH 90°00'00" WEST A DISTANCE OF 93.50 FEET MORE OR LESS AND SOUTHWESTERLY A DISTANCE OF 122.50 FEET MORE OR LESS TO THE PLACE OF BEGINNING. CONTAINING 1.56 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: Northwest corner of Douglas Road and Fir Road

Proposed Ordinance No: 2015-38

Ordinance No: _____

which real estate is now classified as C-1 General Commercial shall hereafter be within and a part of that District known as C-10 Filling Station Commercial 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. Existing Conditions - Although the area was platted and developed decades ago with a tract of single family homes, the subject parcel is located at the intersection of two arterial roadways within an area that continues to develop with commercial uses. Traffic is intended to increase along both corridors. The southeast corner of this same intersection is currently zoned C-1 General Commercial and is also requesting to expand with an additional annexation.
2. Character of Buildings - The character of the buildings within the surrounding area is single family residential, but the area continues to redevelop for commercial purposes.
3. The most desirable/highest and best use - Because of the parcels' location and the existing commercial development along the Douglas and Fir Road corridors, the most desirable use for the property is commercial. Although there are surrounding residential properties, the increasing traffic along the corridors, makes the long term use of these properties undesirable for residential purposes.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.
5. Comprehensive Plan - The Comprehensive Plan, created in 1990, guided residential development within this area. Recent development patterns within the area, along with the increasing commercial development within the northern portion of Mishawaka, including the St. Joseph Regional Medical Center development, has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth. Residential development is no longer desirable within this area and comprehensive plans must be reevaluated as development trends change over the years.

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 _____, 2015, at _____ o'clock ____M.

Presiding Officer

Proposed Ordinance No: 2015-38

Ordinance No: _____

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,
2015, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at
_____ o'clock _____.M.

David A. Wood, Mayor

Date: September 21, 2015

SEP 23 2015

To The: Honorable Members of the
Common Council of the
City of Mishawaka, Indiana

Pet 15-29

RE: Douglas Road Associates, LLC,
Petition for rezoning:

The undersigned, respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT A POINT OF INTERSECTION OF DOUGLAS ROAD AND FIR ROAD; THENCE NORTH 90°00'00" WEST ALONG THE CENTERLINE OF SAID DOUGLAS ROAD A DISTANCE OF 417.50 FEET MORE OR LESS; THENCE NORTH 00°00'00" WEST A DISTANCE OF 50.80 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST A DISTANCE OF 303.10 FEET MORE OR LESS; THENCE SOUTH 90°00'00" EAST A DISTANCE OF 151.20 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF FIR ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR THE NEXT TWO (2) COURSES, SOUTHEASTERLY A DISTANCE OF 235.50 FEET MORE OR LESS AND SOUTHEASTERLY A DISTANCE OF 77.00 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR THE NEXT THREE (3) COURSES, SOUTHWESTERLY A DISTANCE OF 68.70 FEET MORE OR LESS AND NORTH 90°00'00" WEST A DISTANCE OF 93.50 FEET MORE OR LESS AND SOUTHWESTERLY A DISTANCE OF 122.50 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

CONTAINING 1.56 ACRES MORE OR LESS.

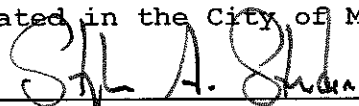
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also commonly known as the Northwest corner of Douglas Road and Fir Road, Granger, Indiana 46530.

The above described parcel of land is presently zoned "C-1" Commercial District.

The Petitioners desire said real estate, to be rezoned to the "C-10" Commercial District classification. The purpose for the rezoning is to allow for the real estate to be purchased by an interested party who desires to build a convenience store with gas pumps on the site.

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


Stephen A. Studer-Attorney for the
Douglas Road Associates, LLC
(574) 277-1207

Contact person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574) 234-4003

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 30 2015

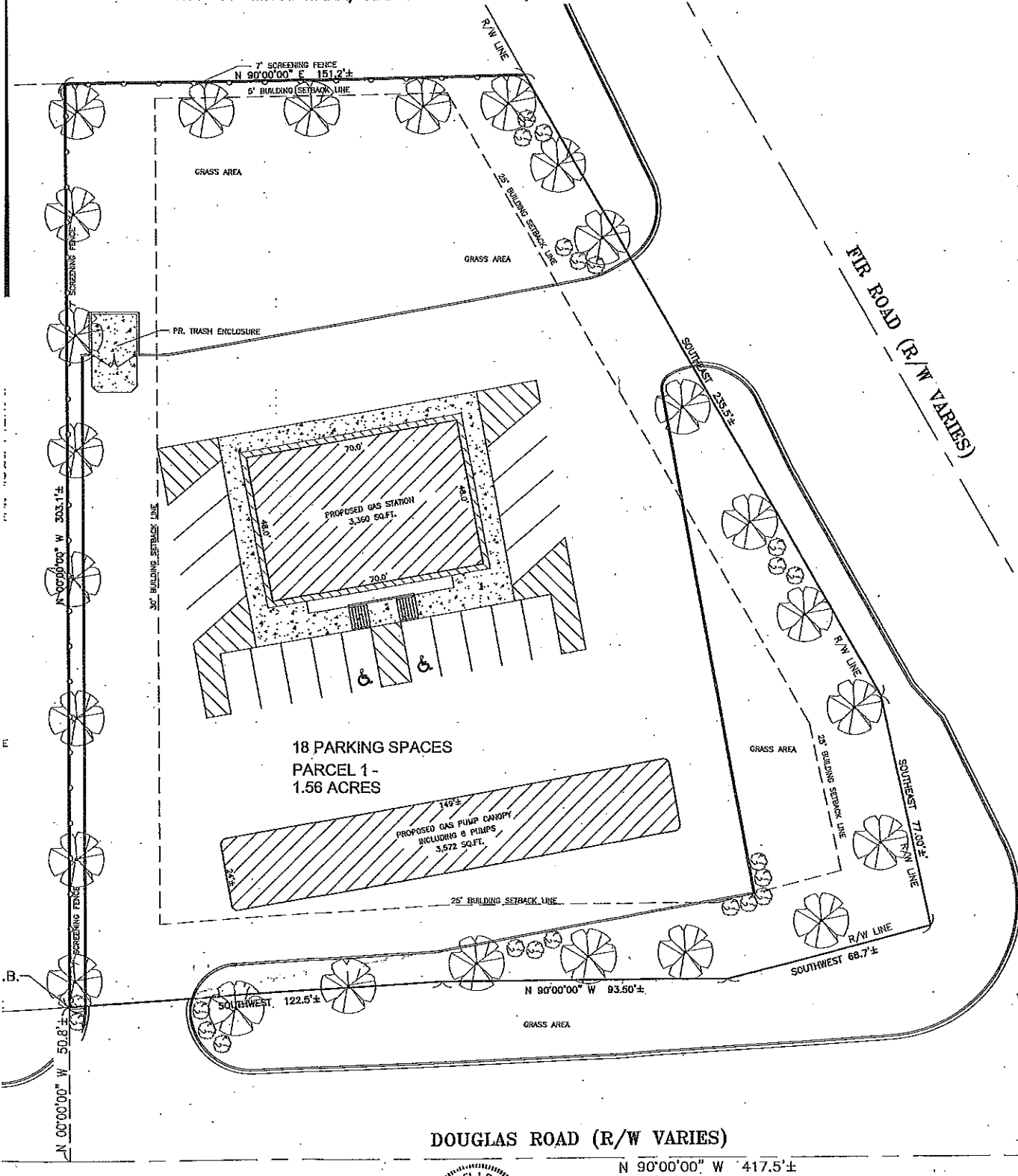
CITY CLERK
MISHAWAKA, IN

LEGAL DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT A POINT OF INTERSECTION OF DOUGLAS ROAD AND FIR ROAD; THENCE NORTH $90^{\circ}00'00''$ WEST ALONG THE CENTERLINE OF SAID DOUGLAS ROAD A DISTANCE OF 417.50 FEET MORE OR LESS; THENCE NORTH $00^{\circ}00'00''$ WEST A DISTANCE OF 50.80 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH $00^{\circ}00'00''$ WEST A DISTANCE OF 303.10 FEET MORE OR LESS; THENCE SOUTH $90^{\circ}00'00''$ EAST A DISTANCE OF 151.20 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF FIR ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR THE NEXT TWO (2) COURSES, SOUTHEASTERLY A DISTANCE OF 235.50 FEET MORE OR LESS AND SOUTHEASTERLY A DISTANCE OF 77.00 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR THE NEXT THREE (3) COURSES, SOUTHWESTERLY A DISTANCE OF 68.70 FEET MORE OR LESS AND NORTH $90^{\circ}00'00''$ WEST A DISTANCE OF 93.50 FEET MORE OR LESS AND SOUTHWESTERLY A DISTANCE OF 122.50 FEET MORE OR LESS TO THE PLACE OF BEGINNING.
CONTAINING 1.56 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

PRELIMINARY SITE PLAN

PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST,
CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



- 1). ACREAGE OF SITE
- 2). PROPOSED LAND USE: C
- 3). PARKING RATIO REQUIRED
- A. AUTOMOTIVE USES; 5.5 :
FLOOR AREA;
NUMBER OF SPACES
GROSS FLOOR AREA
NUMBER OF SPACES
- 4). PROPOSED LAND COVER
A. BUILDINGS
B. PARKING, WALKS AND
C. OPEN SPACE
- 5). BUILDING SHOWN IS 1
- 6). BUILDING WILL BE CON
- 7). DRIVEWAY OPENINGS SH
- 8). LANDSCAPING AND SIGN

DOUGLAS ROAD (R/W VARIES)

N 90°00'00" W 417.5'±



SURVEYORS & ENGINEERS:
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMENCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-6003
ATTN: MICHAEL DANCH

DATE 9/3/15	DRAWN BY: SMM		
SCALE 1" = 20'	CHECKED BY: MJD	DATE	BY
FILE # 150213	PROJ. WAGER: SMM		

Ref 15-29

NOV 12 2015

1st Reading 11-16-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-37

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2015-39

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, Clay Township, St. Joseph County, State of Indiana, to-wit:

Beginning at a point Five Hundred Eighteen and Two Tenths (518.2) feet South of the Northwest Corner of Section Numbered Eleven (11), Township Thirty Seven (37) North, Range Three (3) East; thence running East Two Hundred Thirty (230) feet, thence running South Fifty (50) feet; thence running West Two Hundred Thirty (230) feet; thence running North Fifty (50) feet to the place of beginning.

Subject to a Forty (40) foot road along the West side thereof, the center line of which is the West line of this tract, which is the North Fifty (50) feet of the tract known as Acre Number Fifty (50) of Schindler's Proposed Subdivision of a part of Section Number Eleven (11) Township Thirty Seven (37) North, Range Three (3) East, excepting the East One Hundred Ninety Nine (199) feet thereof.

COMMON ADDRESS: 2102 North Byrkit Avenue

which real estate is now classified as C-4 Automobile Oriented 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:

Proposed Ordinance No: 2015-39

Ordinance No: _____

1. While three properties to the north of the subject parcel are zoned commercial, a majority of the existing structures along Byrkit Avenue and adjacent to the east and south are single family residential in use. Additionally, the properties to the west within the Oak Grove Mobile Home Park are single family residential in nature. Therefore, the continued use of the site 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 history as a single family residence, staff feels that the most desirable use for this property is its continued 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;
4. As opposed to the types of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood and will allow the property owner to sell the property; and,
5. The Comprehensive Plan for the City of Mishawaka indicates Low Density Residential (Single Family Homes) for this area of N. Byrkit Avenue. The properties along this portion of N. Byrkit Avenue are, and in all likelihood will continue to be, predominantly residential in their use.

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 _____, 2015, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 2015-39

Ordinance No: _____

PRESENTED by me to the Mayor this _____ day of _____,
2015, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at
_____ o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 29 2015

CITY CLERK
MISHAWAKA, IN

OCT 12 2015

October 9, 2015

Ret 1537

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

Beginning at a point Five Hundred Eighteen and Two Tenths (518.2) feet South of the Northwest Corner of Section Numbered Eleven (11), Township Thirty Seven (37) North Range Three (3) East; thence running East Two Hundred Thirty (230) feet to the place of beginning.

Subject to a Forty (40) foot road along the West side thereof, the center line of which is the West line of this tract, which is the North Fifty (50) feet of the track know as Acre Number Fifty (50) of Schindler's Proposed Subdivision of a part of Section Numbered Eleven (11) Township Thirty Seven (37) North, Range Three (3) East, excepting the East One Hundred Ninety Nine (199) feet thereof.

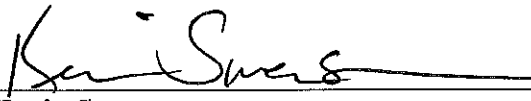
Commonly and referred to as: 2102 N. Byrkit, Mishawaka, IN 46545. The real property tax identification number is: 71-09-11-101-010.000-22 / 027-1001-0275.

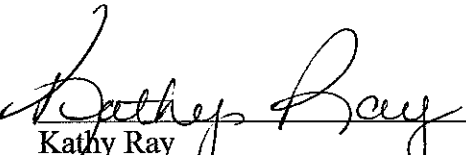
Petitioner owns (via a Land Contract Purchase) one hundred (100%) of the above described parcel of land which carries a zoning classification of C-4 District. Said property is being used as a single family residence.

Petitioner desires said real estate to be rezoned to R-1 District. Petitioner further states that they intend to utilize said land/structure to continue to be a single family residence.

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

Thank you for your consideration.


Kevin Swanson


Kathy Ray

CONTACT PERSON:

Kathy Ray
2102 N. Byrkit
Mishawaka, IN 46545
574-344-7575 (Cell)
574-255-2472 (Fax)
kathyray2012@aol.com

OCT 12 2015

October 9, 2015

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

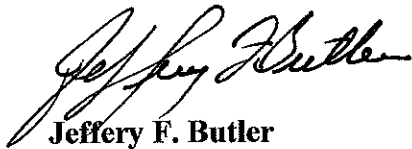
**Re: PETITION TO REZONE
2102 N. Byrkit Ave.
Mishawaka, IN 46545**

**LAND CONTRACT PURCHASERS
Kevin Swanson & Kathy Ray**

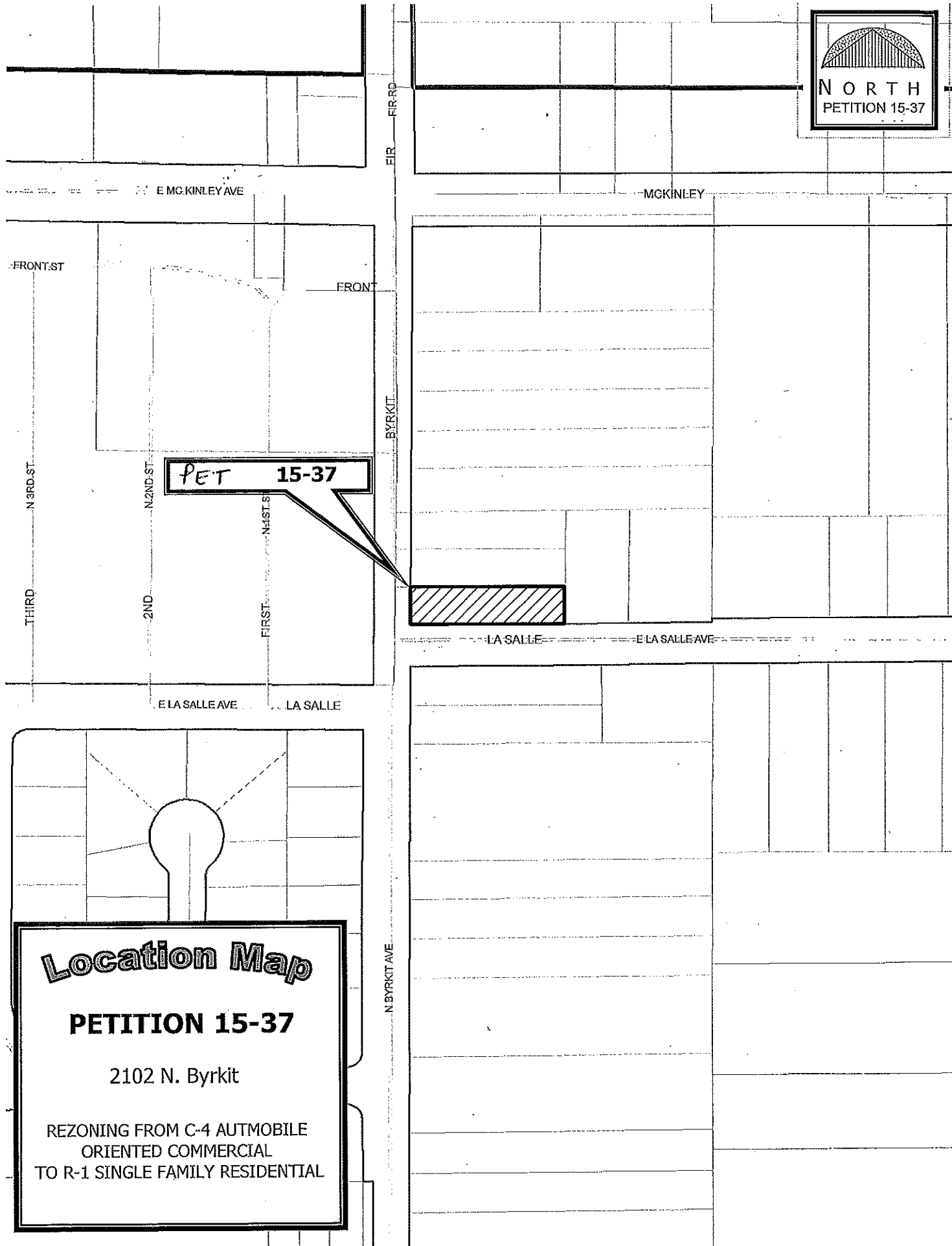
To Whom It May Concern:

**Please be advised that I hereby give my consent for the Land Contract purchasers
(listed above) of the above described property act on my behalf during the Petition
To Rezone from C-4 to R-1.**

If you have any questions, you may contact me.



**Jeffery F. Butler
1901 Peachtree Lane
South Bend, IN. 46617
574-254-0460 (Work)
jfbutler@earthlink.net**



PET 15-37

Location Map

PETITION 15-37

2102 N. Byrkit

REZONING FROM C-4 AUTOMOBILE
ORIENTED COMMERCIAL
TO R-1 SINGLE FAMILY RESIDENTIAL

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 06 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R2015-37

**A RESOLUTION APPROVING AN APPOINTMENT
TO THE HISTORIC PRESERVATION COMMISSION
OF THE CITY OF MISHAWAKA, INDIANA**

WHEREAS, Indiana statute permits the Common Council of a city to establish a Historic Preservation Commission; and

WHEREAS, the Mishawaka Common Council adopted Ordinance No. 3444 on November 19, 1990 creating a nine-member Historic Preservation Commission with a five member Advisory Board; and

WHEREAS, Ordinance No. 3444 provides that eight voting members of the Historic Preservation Commission shall be appointed by the Mayor subject to Common Council approval; and,

WHEREAS, subject to Council approval, the Mayor has appointed a new Advisory Board Member of the Historic Preservation Commission, Alan Grzeskowiak, whose term will run until the 31st day of December, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka that it hereby approves the Mayor's appointment of the above Advisory Board Member of the Mishawaka Historic Preservation Commission.

PASSED by the Common Council of the City of Mishawaka, Indiana on the ____ day of _____, 2015

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of _____, **2015** at _____ o'clock ____ . m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me on the _____ day of _____, 2015 at _____ o'clock ____ . m.

David A. Wood, Mayor

City of Mishawaka

RESOLUTION NO. R2015-38

- WHEREAS:** the South Bend Tribune Headlines read “Knights Reign – Marian dominates in state final shutout”. The Marian Knights Boys Soccer Team won the 2015 Class 1-A State Championship with a 3-0 win over Indianapolis Ritter High School.
- WHEREAS:** this Marian Knights Team won the 8th Sectional, 5th Regional, 2nd Semi-State and 1st ever State Title for the Marian Boys Soccer Program. During the Sectionals, Regionals, Semi-State and State, this team gave up only 3 goals in the 7 games that they played in post season, and this team ended with a 20-2 record, making it the most wins ever for a Marian Boys Soccer Team. This team tied the school record for most goals with 95, and they tied the school record for most shut-outs by a team with 12. For the first time in the Marian Boys Soccer history, this team had two players top 20 goals for the season; and,
- WHEREAS:** the Marian Knights Official State Championship Roster was complete with outstanding student athletes: #7-Kevin Torres-Villa, #11-Christian Verstraete, #16-Richie Ontiveros, #19-Augie Hartnagel, #13-Carlos Torres, #2-Nate Pullin, #14-Lorenzo Martinez, #00-Michael Wuszke, #1 Michael Cataldo, #4-Max Frausto, #5-Justin Saavedra, #6-Alex Kokot, #17-Christian Juarez, #3-Oscar Tavarez, #8-Johnathan Tavarez, #9-Roberto Ontiveros, Jr., #10-Jordan Morris, #15-Alex Rodela, #18-Will Tiller, #0-De’Quarius Strowder, #20-Dennis Mammolenti, #22-Gabriel Martinez, #23-Juan Botello, #24-Adam Evans, #25-Alfredo Medina, #21-Jonathan Magallon; and,
- WHEREAS:** all teams are dependent upon their Coaching Staff and it is an honor to recognize this talented and dedicated group of Coaches for their time, patience, understanding and mentoring of this State Championship Team: Head Coach-Ben Householter, who has 18 years of experience as Marian’s Varsity Boys Soccer Coach, Assistant Coach-Alfredo Juarez, Assistant Coach-John Jonas, Assistant Coach-Matt Englert, Manager-Chloe Householter, Manager-Jenna Householter, Athletic Trainer-Anne Micinski, Assistant Athletic Director-Linda Martin, Athletic Director-Reggie Glon and Principal-Mark Kirzeder; and,

NOW THEREFORE, Let it be Known and Resolved by the City of Mishawaka Common Council, Mayor and City Clerk, that November 16, 2015 is hereby proclaimed

Marian Knights Boys Soccer Team Day

in our community and we call upon all of our citizens to join us in saluting and congratulating this talented and truly remarkable group of young men and thanking them for their efforts on behalf of their school, the community and the citizens of Mishawaka.

NOV 12 2015

APPEAL #15-44

RESOLUTION NO. 2015- 39

CITY CLERK
MISHAWAKA, IN

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

1240 South Byrkit Avenue, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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 the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **1240 South Byrkit Avenue, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 1, 12th and Byrkit Minor Subdivision, City of Mishawaka, Penn Township, as recorded in Document #0836731 as found in the Office of the Recorder of St. Joseph County, Indiana .

The Use Variance will allow a dry cleaning central processing with customer pick-up and drop-off, subject to the following conditions of approval:

1. No drive-thru facility be constructed; and
2. The Appellants provide exterior and interior remodel plan to the Planning Department.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will occupy a formally vacant building. All state and local building codes will be adhered to during construction and/or improvements to the existing structure.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the site is near a major intersection with other commercial uses on the corners.
3. The need for a variance arises because a new tenant/owner wants to occupy a previously vacant building with a new use. A use variance would allow the dry cleaning central processing use, without affecting the entire PUD.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current PUD only allows for C-2 Shopping Center Commercial which would allow dry cleaning, pick-up and delivery but not dry cleaning central processing.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates general commercial and manufactured home residential uses for this area.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2015, at ____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2015- *39*
1240 South Byrkit Avenue
Page 3 of 3

PRESENTED by me to the Mayor this _____ day of _____, 2015,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2015, at
_____ o'clock ____m.

David A. Wood, Mayor

AP 15-44



Progressive Engineering Inc.

October 21, 2015

To: Board of Zoning Appeals
City of Mishawaka, Indiana

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 29 2015

CITY CLERK
MISHAWAKA, IN

I, David Ziker, am the property owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit;

LEGAL: LOT 1 12TH AND BYRKIT MINOR SUBDIVISION A PART OF THE NORTHWEST QUARTER OF SECTION 23, T.37 N., R.3 E. CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AS RECORDED IN DOCUMENT #0836731 AS FOUND IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA

COMMON ADDRESS: 1240 S BYRKIT AVENUE MISHAWAKA

The above-described real estate presently has a zoning classification of ~~S-2~~ ^{S-2} District under the Zoning Ordinance of the City of Mishawaka.

Appellant presently occupies (or *proposes to occupy*) the above-described property in the following manner: **Dry Cleaning Distribution Plant with Dry Cleaning Services**

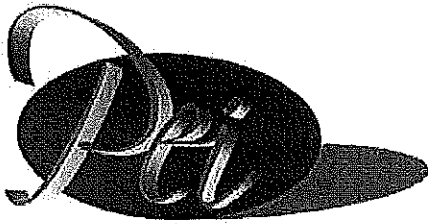
Appellant desires to modify this location from a Supermarket to a Dry Cleaning Processing Plant and Dry Cleaning Service counter instead of the retail sales that was previously allocated for this location.

The Zoning Ordinance of the City of Mishawaka requires *that Ordinance 5143 be modified to allow the Change of Use Variance for this parcel.*

Explain why strict adherence to the Ordinance requirements would create an unusual hardship. We are requesting this variance due to change in ownership of the parcel that requires a different use for the property address noted above.

Answer the following necessary questions for a **USE VARIANCE**:

Will approval be injurious to the public health, safety, morals or general welfare of the community? *No we are adding a benefit to the community to have a central area to drop off their dry clearing. The sale of this parcel is contingent on this change of use variance. The new owners will be adding jobs to the area plus providing extra monies to the City for Utility use. If the Change of Use Variance does not get approved, the building will continue to sit unoccupied.*



Progressive Engineering Inc.

Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *No, as most of the parcels around us are commercial sites. They are few sites within the 300' that you have allocated that are zoned residential.*

Does the need for the variance arise from some condition peculiar to the property involved? *No, the change is strictly arising from change of ownership.*

Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *It would only be an unnecessary hardship of the Variance is not approved allowing the owners to modify the site for their purposes.*

Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *No, this site fits into the use for this area.*

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


Primary Owner Signature

Secondary Owner Signature

CONTACT PERSON: Progressive Engineering Inc.

Name: Bradley S. Cramer

Address: 58640 State Road 15, Goshen, IN 46528

Day Phone Number: 574-533-0337

Fax Number: 574-533-9736

Email: bcramer@p-e-i.com



Gregory L. Freehauf
Vice President Finance, CFO
Direct 574.239.1818
Fax 574.289.5931
gfreehauf@martins-supermarkets.com

October 21, 2015

Mishawaka Plan Commission

To whom it may concern:

Martin's Super Markets, Inc. is under contract with Ziker Cleaners Inc. as the contingent purchaser for the parcel located at 1240 S. Byrkit, Mishawaka, Indiana, and using this letter we authorize Ziker Cleaners Inc. as the contingent purchaser to apply for a Change of Use Variance for this parcel.

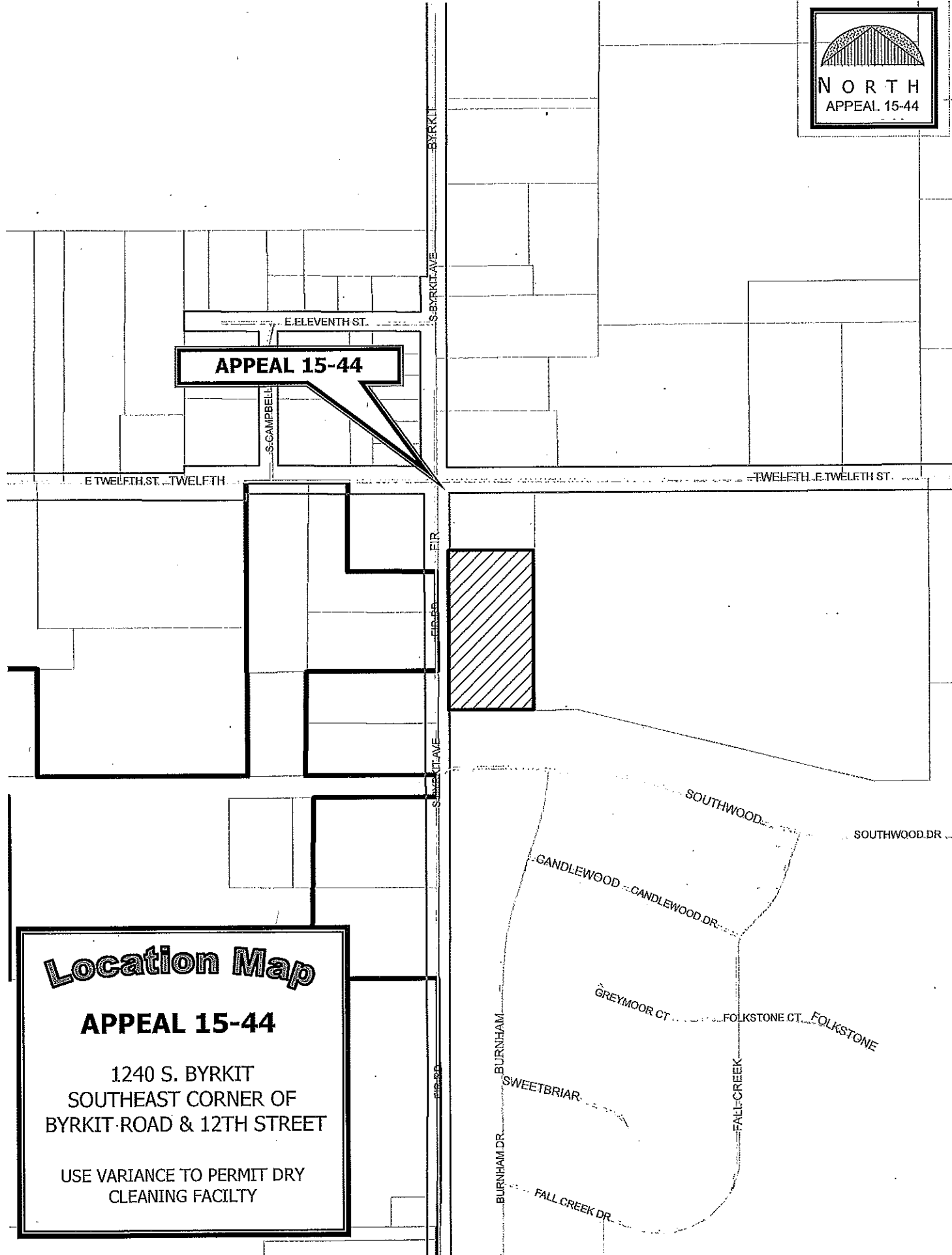
Please do not hesitate to contact me should you have any questions or require further information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gregory L. Freehauf", with a large, stylized flourish at the end.

Gregory L. Freehauf
Vice President Finance, CFO

GLF/smz



Location Map

APPEAL 15-44

1240 S. BYRKIT
SOUTHEAST CORNER OF
BYRKIT ROAD & 12TH STREET

USE VARIANCE TO PERMIT DRY
CLEANING FACILITY

NOV 10 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 11-4-15
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-34

ORDINANCE NO. _____

AS AMENDED

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2015

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, 2015

Section 2. There is hereby transferred and reappropriated the sum of \$11,000.00 as follows:

General Fund

From: Police Department
Personal Services

101-20-411-02 Salaries and Wages 11,000.00

Total \$11,000.00

To: Police Department
Supplies

101-20-422-01 Operating Supplies 8,000.00

Other Services and Charges

101-20-432-03 Travel and Training 3,000.00

Total: \$11,000.00

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 _____, 2015 at _____ o'clock, ____ M.

Presiding Officer

ATTEST;

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of
_____, 2015 at _____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2015
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 16, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 16 2015

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

CITY CLERK
MISHAWAKA, IN

Dear Honorable Members:

We would like to amend our original request to include an emergency transfer and re-appropriation of funds to our travel and training line as well as the original requested transfer to our operating supply line within the Police Department budget. No additional funds are needed at this time.

FROM:	101-20-411-02	Regular	<u>\$11000.00</u>
		TOTAL:	<u>\$11000.00</u>
TO:	101-20-432-03	Travel and Training	\$ 3000.00
	101-20-422-01	Operating Supplies	<u>\$ 8000.00</u>
		TOTAL:	<u>\$11000.00</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

NOV 10 2015

CITY CLERK
MISHAWAKA, IN

November 16, 2015

Mayor David Wood
Honorable Council Members
Rebecca Miller, Controller
Budget/Finance Committee

Re: US Department of Justice, Justice Assistance Grant (JAG) 2015-H4138-IN-DJ
Non-matching Grant

Dear Mayor Wood and Honorable Council Members:

The Mishawaka Police Department was designated a 2015 Department of Justice Grant, Justice Assistance Grant (hereby referred to as JAG) award of \$13,840 for police equipment. As part of the grant requirements, an administrative review/advisory process was required prior to the awarding of this grant. We are required to advise the Governing Body of the City of Mishawaka along with the Mayor of this application process. This was presented to the Board of Public Works on June 30, 2015 and approved. This was accepted by the Grant Advisor at the time. However, it is now required that approval be granted by the Common Council. The following is the budget for this grant.

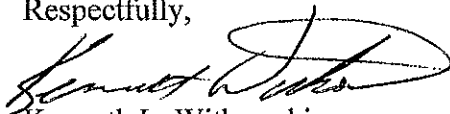
The Mishawaka Police Department plans to use the award to purchase Simunition Equipment. We plan on purchasing four (4) simunition masks, and simunition ammo, four (4) red training pistols, and four (4) red training rifles.

We are planning on purchasing three (3) Motorola APX600 radios to upgrade to the newer radio and replace inoperable equipment. Along with these we will purchase six (6) stubby antenna and six (6) speaker mics for the radios. We will purchase four (4) Bluetooth software apps for the radios. No purchases have been made.

Attached is a copy of our worksheet that is submitted with the JAG grant.

If you have any questions, please feel free to contact me. Thank you for your time and consideration.

Respectfully,



Kenneth L. Witkowski
Chief of Police
KLW:dcw

2015 JAG Grant Award: 2015-H4138-IN-DJ \$13,840

Item	Vendor	Amt estimated in Grant App	Approx # of Items	Cost per item	Invoice #	Amt of Invoice	Amt paid w/Grant	Amt of Grant Left	A/C #
SIMS Black Mask, FX9003		\$532.00	4	\$133.00					
Red Pistols, Training		\$148.00	4	\$37.00					
Red Rifles/Shotguns		\$624.00	4	\$156.00					
Simunition 9mm Blue		\$504.00	2	\$252.00					
Simunition 9mm Red		\$504.00	2	\$252.00					
Simunition 9mm, Orange		\$504.00	2	\$252.00					
Radio - APX6000		\$8,961.00	3	\$2,987.00					
Stubby Antenna XTS500		\$120.00	6	\$20.00					
Speaker Mics, NMN6250A		\$696.00	6	\$116.00					
Blue Tooth		\$1,247.00	4	\$311.75					
		\$13,840.00							

NOV 10 2015

CITY CLERK
MISHAWAKA, IN

November 16, 2015

Mayor David Wood
Honorable Council Members
Rebecca Miller, Controller
Budget/Finance Committee

Re: US Department of Justice, Justice Assistance Grant (JAG) 2014-H2102-IN-DJ
Non-matching Grant

Dear Mayor Wood and Honorable Council Members:

The Mishawaka Police Department was designated a 2014 Department of Justice Grant, Justice Assistance Grant (hereby referred to as JAG) award of \$16,285 for police equipment. As part of the grant requirements, an administrative review/advisory process was required prior to the awarding of this grant. We are required to advise the Governing Body of the City of Mishawaka along with the Mayor of this application process. This was presented to the Board of Public Works on June 3, 2014 and approved. This was accepted by the Grant Advisor at the time. However, it is now required that approval be granted by the Common Council. The following is the budget for this grant.

The Mishawaka Police Department used the award to purchase three (3) Motorola APX 6000 Radios, these are the newer model radios. This allows our department to become familiar with the new radio prior to converting all our radios. We also purchased six (6) Motorola Batteries. These batteries are compatible to the new radios as well as the older model radios.

There were four (4) Taser X26P purchased as our Tasers are aging and therefore, breaking and beyond repair. We also have new officers that are coming on the department that need to be issued tasers.

We purchased two (2) handheld speed radars and one (1) mounted radar. Again these replaced some of our aging equipment that has become inoperable.

Attached is a copy of our worksheet that is submitted with the JAG grant.

If you have any questions, please feel free to contact me. Thank you for your time and consideration.

Respectfully,



Kenneth L. Witkowski
Chief of Police
KLW:dcw

2014 JAG Grant Award: 2014-H2102-IN-DJ

Item	Vendor	Amount estimated in Grant App	Approximate Number of Items	Cost per item	Invoice #	Amount of Invoice	Amount Paid with Grant	Amount of Grant Left	A/C #	Pd w/Check #	Date Paid
Motorola APEX 6000 Radios	Motorola 1500000707	\$7,586.58	3	\$2,528.86	13060521	\$11,254.62	\$7,586.58	\$16,285.00	211-50-445-08	18698	5/26/2015
Motorola Batteries, NTN9862D	Motorola 1500000707	\$696.00	6	\$116.00	13060521	"	\$696.00		211-50-445-08	18698	5/26/2015
TaserX26P	Taser Intl 1500000307	\$3,702.42	4	\$925.61	S11390215	\$7,769.23	\$3,702.42		211-50-445-08	17640	4/14/2015
Handheld Radar	Stalker 1500001405	\$2,540.00	2	\$1,270.00	273876	\$2,996.00	\$2,996.00		211-50-445-08	21337	9/1/2015
Mounted Radar	Stalker 1500001524		1	\$1,889.00	274272	\$1,909.00	\$1,304.00		211-50-445-08	21337	9/1/2015
Per email from Tracy Lee-Williams, dated 6/24/15, we can use PBT funds for additional radars, no formal action required as funds will be within the same line item and not transferred to another one.											
								\$0.00			
								\$0.00			
		\$16,285.00				\$23,928.85	\$16,285.00	\$0.00			

Difference: \$0.00

NOV 06 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 11-4-15 PROPOSED ORDINANCE NO. 2015-35

2nd Reading

Passed

Failed

Continued To

ORDINANCE NO. _____

AS AMENDED

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2015

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, 2015

Section 2. There is hereby transferred and reappropriated the sum of \$197,000.00 as follows:

Park and Recreation Fund

From: Park and Recreation Department

Personal Services

204-50-411-02	Regular Employees	59,000.00
204-50-411-03	Temporary	15,000.00
204-50-411-60	Overtime	45,000.00
204-50-411-62	Night Bonus	5,000.00
204-50-413-01	Social Security	10,000.00
204-50-413-03	PERF	19,000.00
204-50-413-04	Unemployment	5,000.00

Supplies

204-50-429-09	Miscellaneous Supplies	15,000.00
204-50-429-15	Program Supplies	10,000.00

Other Services and Charges

204-50-439-18	Instructor Fees	<u>14,000.00</u>
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Total	\$197,000.00
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To: Park and Recreation Department

Personal Services

204-50-413-05	Employee Insurance Benefits	67,000.00
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Supplies

204-50-422-02	Gas, Oil, etc.	5,000.00
204-50-429-21	Concessions	8,000.00

Other Services and Charges

204-50-435-01	MU/AEP Charges	100,000.00
204-50-436-90	Service Contracts	15,000.00
204-50-439-93	Sales Tax	<u>2,000.00</u>

Total \$197,000.00

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 _____, 2015 at _____ o'clock, _____ M.

Presiding Officer

ATTEST;

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of

_____, 2015 at _____ o'clock, _____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2015

at _____ o'clock, _____ M.

David A. Wood, Mayor

OCT 29 2015

1st Reading 11-04-15
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-35

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2015

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, 2015

Section 2. There is hereby transferred and reappropriated the sum of \$197,000.00 as follows:

Park and Recreation Fund

From: Park and Recreation Department

Personal Services

204-50-411-02	Regular Employees	119,000.00
204-50-411-60	Overtime	30,000.00
204-50-413-03	PERF	15,000.00
204-50-413-04	Unemployment	5,000.00

Supplies

204-50-429-09	Miscellaneous Supplies	15,000.00
204-50-429-15	Program Supplies	5,000.00

Other Services and Charges

204-50-439-18	Instructor Fees	<u>8,000.00</u>
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Total	\$197,000.00
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To: Park and Recreation Department

Personal Services

204-50-413-05	Employee Insurance Benefits	67,000.00
---------------	-----------------------------	-----------

Supplies

204-50-422-02	Gas, Oil, etc.	5,000.00
204-50-429-21	Concessions	8,000.00

Other Services and Charges

204-50-435-01	MU/AEP Charges	100,000.00
204-50-436-90	Service Contracts	15,000.00
204-50-439-93	Sales Tax	<u>2,000.00</u>

Total	\$197,000.00
-------	--------------

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 _____, 2015 at _____ o'clock, _____.M.

Presiding Officer

ATTEST;

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of

_____, 2015 at _____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2015

at _____ o'clock, _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA



DAVID A. WOOD, MAYOR

DEPARTMENT OF PARKS & RECREATION
TERRY ZELLER
Superintendent

Date: October 20, 2015
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 **\$197,000.00** will need to be transferred into six specific lines. See below.

413.05	Employee Health Insurance		\$67,000.00
422.02	Gas, Oil, Etc.		\$5,000.00
429.21	Other Concessions		\$8,000.00
435.01	Utilities – MU		\$100,000.00
436.90	Service Contracts		\$15,000.00
439.93	Sales Tax		\$2,000.00
	TOTAL		\$197,000.00

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 seven accounts. See Below:

411.02	Regular		\$119,000.00
411.60	Overtime		\$30,000.00
413.03	Perf		\$15,000.00
413.04	Unemployment		\$5,000.00
429.09	Misc. Supplies		\$15,000.00
429.15	Program Supplies		\$5,000.00
439.18	Instructor Pay		\$8,000.00
	TOTAL		\$197,000.00

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

TRANSFER OF PARK DEPARTMENT FUNDS SUPPORTING DOCUMENTATION

During our examination of the departmental expenditures, we estimate that **\$67,000.00** in additional funds will be needed in **"Employee Health Insurance" 204.50.413.05** to account for an increase in unforeseen costs.

Increase in line item in **"Gas, Oil, Etc." 204.50.422.02** by **\$5,000** to account for additional vehicles purchased.

There is also a need to increase our line item in **"Other Concessions" 204.50.429.21** by **\$8,000** to cover purchases of additional food items due to increased sales over expectations.

Increase in line item in **"Utilities – MU" 204.50.435.01** by **\$100,000** to cover higher rates.

Increase in line item in **"Service Contracts" 204.50.436.90** by **\$15,000** for unforeseen expenses.

Increase in line item in **"Sales Tax" 204.50.439.93** by **\$2,000** to cover unforeseen purchases.

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

413.05	Employee Health Insurance		\$67,000.00
422.02	Gas, Oil, Etc.		\$5,000.00
429.21	Other Concessions		\$8,000.00
435.01	Utilities – MU		\$100,000.00
436.90	Service Contracts		\$15,000.00
439.93	Sales Tax		\$2,000.00
	TOTAL		\$197,000.00

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

411.02	Regular		\$119,000.00
411.60	Overtime		\$30,000.00
413.03	Perf		\$15,000.00
413.04	Unemployment		\$5,000.00
429.09	Misc. Supplies		\$15,000.00
429.15	Program Supplies		\$5,000.00
439.18	Instructor Pay		\$8,000.00
	TOTAL		\$197,000.00