

AGENDA

Monday, December 21, 2015

HOLIDAY RECEPTION

6:00PM

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**

December 07, 2015

5. Petitions, Communications, Remonstrance and Memorials

A letter from the City Plan Commission regarding recommendations from their December 8, 2015 meeting.

A Public Hearing on Vacation 2015-06, as required by State Statute on behalf of J.D. Enterprises, Jim DeWald and Janco Engineered Products, L.L.C. Peter Giczewski vacation of Public Right of Way of a 20' x 20' area adjacent to 1217 7th St.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2015-43 Amend the PUD Toscana Park Development for a Comprehensive Sign Program and Tenant Sign Toscana Park Shopping Center

P.O. NO. 2015-44 Rezone from R-1 Single Family to R-2 Two Family Residential 128 S. Home St.

P.O. NO. 2015-45 Vacation Right of Way of a 20' x 20' area adjacent to 1217 7th St.

P.O. NO. 2015-46 Amendment to 2016 City Salary Ordinance Senior Planner/Economic Development Specialist (Requesting Second Reading)

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2015-38 Rezone from C-1 to C-10 Convenience Store, Gas Pumps NW corner Douglas Rd and Fir Rd (Assigned to Land Use Planning Committee)

P.O. NO. 2015-40 Transfer Funds - Street Dept. - \$48,000.00 (Assigned to Budget and Finance)

P.O. NO. 2015-41 Authorizing a City Purchasing Card Account (Assigned to Budget and Finance Committee)

P.O. NO. 2015-42 Transfer Funds - \$150,000.00 General Fund \$60,000.00, Public Safety \$40,000.00, CEDIT \$50,000.00 (Assigned to Budget and Finance Committee)

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
December 7, 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, December 7, 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.

Others present; Council Attorney, Mike Trippel, Linda Dotson Chief Deputy II.



Roll Call.

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

The minutes from November 16, 2015 meeting were approved as received from the Clerk's Office.

Chief Deputy Clerk Hazen presented the following petitions to the Council who referred them to the City Plan Commission for their recommendations.

**Petition No. 2015-38 Rezone from R-1 Single to R-2 Family Residential
128 South Home Street**

**Petition No. 2015-39 Rezone from C-1 General Com. To R-1 Single Family
516 East Mishawaka Avenue.**

**Petition No. 2015-40 Vacation Right of Way of a 20' x 20' area adjacent to
1217 West 7th Street.**

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. 2015-40
AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND
REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2015**

Transfer Funds – Street Dept. - \$48,000.00
(Assigned to Budget and Finance Committee)

**PROPOSED ORDINANCE NO. 2014-41
AN ORDINANCE AUTHORIZING A CITY PURCHASING CARD
ACCOUNT AND ESTABLISHING PROCEDURES FOR THE USE OF THE
CITY PURCHASING CARDS**

Authorizing a City Purchasing Card Account
(Assigned to Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2015-42

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

(Transfer Funds \$150,000.00)

Assigned to Budget and Finance Committee

Chief Deputy Clerk Hazen read **RESOLUTION NO. R2015-40** opening it for public hearing.

RESOLUTION NO. R2015-40

**A RESOLUTION OF THE COMMON COUNCIL, OF THE CITY OF
MISHAWAKA, INDIANA, AUTHORIZING THE PARTICIPATION OF SAID CITY IN
THE MOTOR FUEL BUDGETING PROGRAM OF THE
INDIANA BOND BANK FOR THE 2016 BUDGET YEAR, YEAR THE
EXECUTION OF THE QUALIFIED ENTITY REIMBURSEMENT
AGREEMENT IN CONNECTION THEREWITH AND OTHER
RELATED MATTERS**

(Motor Fuel Hedging Program 2016)

City Controller Becky Miller stated we have been on this program for 6 years, the last three months of 2014 we were below the collar so we had to payout. She said the estimated gallons we are going to purchase she hedged 60%, fuel savings the money is in the budget to pay that.

Mr. Compton asked what the collar number would be for 2016, Ms. Miller stated that has not been determined, they would know once it was past. She said she expects it to be a little higher than it was this year but not a lot.

Question was called for at 7:15 p.m. on **RESOLUTION NO. R2015-40** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman.**

Chief Deputy Hazen read **RESOLUTION NO. R2015-41** opening it for public hearing.

RESOLUTION NO. R2015-41

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

Northwest of Gumwood Road and State Road 23 (Cleveland Road) more commonly known as the City North Well Field) Fiscal Plan Annexation West side of Gumwood Road & North of West Cleveland Road S-2PUD Mixed Use

Ken Prince, City Planner said State law changed this past July and added a few extra measures to complete along with some restrictions the city has to comply with for annexations. He said the property in question was the city municipal wellfield; it was a little less than 22 acres with about 60% of it being adjacent to the brand new project and is contiguous to the city. Mr. Prince said clearly we can provide services and the cost of that would be borne by the developer.

Mr. Prince said with the changes one of the things they have to do was to project four years of impact for all of the taxing units, they did a straight line projection based on the current tax rate. He said with the property tax cap virtually every one of these annexations were at or close to the cap so anything that was added makes a smaller piece of the pie for other taxing units until redevelopment happens. He said when that happens, essentially the assessed valuation greatly increases and was gained back to all taxes with the possible exception of the Township because they assume the Townships burden for Fire Protection which was their main costs associated with that. Mr. Prince said, regarding the wellfield currently the revenue was zero so there would be no impact to anyone, there would just be an increase in the assessed valuation should it be redeveloped.

Question was called for at 7:17 p.m. on **RESOLUTION R2015-41** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman.**

Chief Deputy Hazen read **RESOLUTION NO. 2015-42** opening it for public hearing.

RESOLUTION NO. R2015-42

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

15022 Douglas Road Southeast of the Douglas Road and Fir Road Intersection
Fiscal Plan Annexation E of SE corner of Douglas Road and Fir Road C-1 Retail Uses

Ken Prince, City Planner said the property in question, 15022 Douglas Road was annexed five years ago. He said the developer has acquired the piece of property on that corner and would like to bring it into the city to square up the property; it borders the city on two sides.

Question was called for at 7:20 p.m. on **RESOLUTION NO. R2015-42** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman.**

Chief Deputy Hazen read **RESOLUTION NO. R2015-43** opening it for public hearing.

RESOLUTION NO. R2015-43

A RESOLUTON OF THE COMMON COUNCIL OF THE CITY OF

**MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION,
ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR
ANNEXATION FOR THE PROPERTIES LOCATED AT;**

15170 Cleveland Road, adjacent property to the south, and a part of the vacated Fir Trail right-of-way near the Cleveland Road and Fir Road intersection.

Fiscal Plan Annexation 15170 Cleveland Road and Property adjacent to
the south C-6 Office and Medical Uses

Ken Prince, City Planner said this was for a 4.7 acre parcel located on the south side of Cleveland Road and it also borders Fir Road and City Plaza located to the West but does not go all the way to University. He said it was bordered by two sides to the City, they are proposing medical uses, and it was adjacent and contiguous to the city.

Question was called for at 7:23 p.m. on **RESOLUTION NO. R2015-43** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman.

Chief Deputy Hazen read **RESOLUTION NO. R2015-44** opening it for public hearing.

RESOLUTION NO. R2015-44

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
WAIVING THE REQUIRED FILING DATE OF THE MAY 10, 2015
AND ACCEPTANCE OF THE LATE FINING OF THE DEDUCTION APPLICATION
FOR THE REAL ESTATE REHABILITATION LOCATED IN
AN ECONOMIC REVITALIZATION AREA ESTABLISHED BY RESOLUTION
NO. R2014-10 FOR DEARBORN CRANE AND ENGINEERING
LOCATED AT 1133 EAST 5TH STREET**

Tax Abatement Compliance Report Dearborn Crane

Ken Prince, City Planner said based on a mistake he made in his office in terms of the way this was logged in, they were not notified of the CF-1 Compliance Report. He said the application before the Council was recognized by law for them to catch up and file their CF-1 Compliance. Mr. Prince said he would note their investment in the project was originally listed at \$900,000.00 and they exceeded that investment at \$970,000.00 and he also noted the number of employees was 5 not 3. Mr. Prince went on to say the salaries came in a little lower than they had anticipated by at least 12 or 13 thousand, with the additional hiring they believe that would be nil.

Mr. Prince stated Dearborn Crane was in substantial compliance and should be approved accordingly.

Question was called for at 7:26 p.m. on **RESOLUTION NO. R2015-44** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman.

Chief Deputy Clerk Hazen read **PROPOSED ORDINANCE NO. 2015-28** opening it for public hearing, this would be a VOTE only.

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)

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

Question was called for at 7:29 p.m. on **PROPOSED ORDINANCE NO. 2015-28 Vote:**
Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman.
Thus it becomes **ORDINANCE NO. 5509**

Chief Deputy Clerk Hazen read **PROPOSED ORDINANCE NO. 2015-29** opening it for public hearing, this would be a VOTE only.

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)

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 Mr. Banicki the motion carried.

Question was called for at 7:30 p.m. on **PROPOSED ORDINANCE NO. 2015-29 Vote:**
Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5510.**

Chief Deputy Clerk Hazen read **PROPOSED ORDINANCE NO. 2015-32** opening it for public hearing, this would be a VOTE only.

Chief Deputy Clerk Hazen read **PROPOSED ORDINANCE NO. 2015-32** opening 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)

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

Question was called for at 7:30 p.m. on **PROPOSED ORDINANCE NO. 2015-32** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5511.**

Deputy Clerk Hazen read **PROPOSED ORDINANCE NO. 2015-36** opening it for public hearing

PROPOSED ORDINANCE No. 2015-36

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

Transfer Funds- Central Services Department \$10,000.00
(Assigned to Budget and Finance Committee)

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

Tim Ryan, Director of City Services asked the Council for a favorable vote to pass this \$10,000.00 Transfer to keep the line funded until the remainder of the year. He said this was their outside repair line for their general fund vehicles.

Mr. Banicki stated in the pre meeting they were talking about leaf pick-up and he himself commented about what a great job everyone has done and he had some neighbors raking frantically to as the pick-up truck came by and they were told they would come back by in an hour to get theirs. He said it has been a great service. Mr. Ryon said some people have called in the late rakers he calls them so they are going to try and make one more swipe to get what they can picked up. Mr. Banicki said they have done a fantastic job. Mr. Ryon thanked Mr. Banicki and told him he would pass it on to the troops.

Mr. Emmons said he was fortunate to tour the new Central Services facility, and he wanted to commend Mr. Ryan and the two gentlemen that worked on it for two years to get it finished. He said it was a nice addition to the city.

Question was called for at 7:35 p.m. on **PROPOSED ORDINANCE NO. 2015-36** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5512**

Deputy Clerk Hazen read **PROPOSED ORDINANCE NO. 2015-37** opening it for public hearing.

PROPOSED ORDINANCE N. 2015-37

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

Additional Funds – Rainy Day - \$38,267.29

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

Becky Miller, City Controller asked for approval of additional funds for this expenditure for the city phone system. She said this system has been in the works for a couple of years and we just finished paying for it this year. Ms. Miller said, and even though the funds were in the budget they were not appropriated.

Question was called for at 7:38 p.m. on **PROPOSED ORDINANCE NO. 2015-37** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5513**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-38** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-38

**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 NW corner Douglas Road and Fir Rd

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

Mr. Emmons asked Mr. Banicki when he wanted to bring this back. Mr. Banicki said at the next meeting when all Council members can be present, so the vote can go forward with a total decision. Mr. Banicki made a motion to continue this until December 21st, which would be the next meeting with a second by Mr. Roggeman the motion carried.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-39** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-39

**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-4 to R-1 Single Family – 2102 N. Byrkit Avenue

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 Mr. Banicki the motion carried.

Kevin Swanson, 2102 North Byrkit, Mishawaka said he purchased this property as his first home and has put his life's work into it and he was asking for the Council to rezone it to an R-1 single family residence.

Question was called for at 7:43 p.m. on **PROPOSED ORDINANCE NO. 2015-39** **Vote:**
Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mr. Banicki, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman.
Thus it becomes **ORDINANCE NO. 5514**

NEW BUSINESS

Mr. Mammolenti said there would be no Twin Branch Neighborhood meeting in December, the next meeting would be in January.

Mr. Emmons said there would be no Neighborhood Watch Meeting in December or January.

Adjournment was at 7:45 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

December 10, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 10 2015

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
December 8, 2015, Public Hearing
Certification of Proposed Ordinances

CITY CLERK
MISHAWAKA, IN

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 #15-31 A request submitted by Great Lakes Capital requesting to amend the Toscana Park Planned Unit Development to modify the previously approved sign program.

The Commission, with a vote of 6-0, recommended approval subject to the following conditions:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 30+ acre site) and to otherwise further the intent of this chapter as follows. All freestanding signage shall otherwise be designed as per the applicable City requirements.
 - a. A maximum of four (4) monument type signs may be located along Gumwood Road, provided the minimum separation between signs shall be 150 linear feet. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet with a maximum length of any sign not to exceed 12 feet.
 - b. One freestanding identification/development sign for the entire planned unit development (not just for one tenant/occupant) may be permitted in addition to the aforementioned monument signage to be located at the main entrance to the development on Gumwood Road. Size shall be limited to a maximum of 12 feet in height and 96 square feet in area.
 - c. All freestanding signs shall have a masonry base.
2. Temporary signs, including those in windows, shall be prohibited for all outlots regardless of proposed use.

3. Internal directory kiosks may be placed strategically around the center to help customers locate businesses and retailers.
4. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from Gumwood Road.
5. Animated/electronic reader boards shall be prohibited for all parcels.

PETITION #15-38 A petition submitted by Robert C. Leiz requesting to rezone **128 South Home Street** from R-1 Single Family Residential District to R-2 Two-Family Residential District.

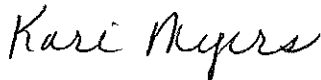
The Commission, with a vote of 6-0, recommended approval.

PETITION #15-40 A petition submitted by J. D. Enterprises and Janco Engineered Products, LLC, requesting to vacate a 20' X 20' area of public right-of-way adjacent to **1217 East Seventh Street**.

The Commission, with a vote of 6-0, 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,



Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Garry Potts
Linda Smith
Peter Giczewski

STAFF REPORT

Location: Toscana Park

Date: Nov. 10, 2015

Petition: 15 31

Prepared By: KM

GENERAL INFORMATION

Applicant: Great Lakes Capital/Professional Permits
Status: Property Owner/Agent
Request: Amend Toscana Park Planned Unit Development (Signage)
Zoning Classification: S-2 Planned Unit Development
Lot Size: 30+ acres
Applicable Regulations: Section 137-671 S-2 Planned Unit Development

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County
South: S-2 Planned Unit Development
East: Unincorporated St. Joseph County
West: S-2 Planned Unit Development

Thoroughfare: Gumwood Road north of State Road 23

School District: Penn-Harris-Madison School Corporation

Public Utilities: All utilities are available to the site

Comprehensive Plan: Not Identified

ANALYSIS

The Applicant is requesting to amend the Toscana Park Planned Unit Development Comprehensive Sign Program to allow for the construction of a new main identification sign for the center with tenant panels and signage for outlot parcels along Gumwood Road. This amendment would replace and supersede the signage components of the original PUD plan approved in 2005. Great Lakes Capital purchased the development within the last few years and has expressed a desire for new updated signage which will provide an opportunity for some tenants to be identified on a main ID sign.

When Toscana Park, Heritage Square (immediately south), and most recently Grandview (west across Gumwood) were developed, the On-Premise Sign Standards were varied to allow for a hierarchy of signage given the large size of the sites (30+, 30+, and 44+ acres respectively). The existing main identification sign for Toscana Park identifies the development only with no opportunity for tenants located within the development to be identified. Staff has received numerous phone calls from tenants over the past few years asking for the ability to install temporary signage along Gumwood as they lack visibility from the roadway.

Staff met with Great Lakes Capital's agent, Professional Permits, and discussed their original sign submittal which included a 20' tall, 320 sqft main ID sign along with secondary signage for outlots that exceeded signage approved in the original PUD and which were substantially larger than signage approved

for both Heritage Square and Grandview along Gumwood Road. Also proposed were various internal directory type signs which would serve as wayfinding signage once inside the development. Staff has no issue with such signs as they are not designed to be visible from the roadway. After discussing their proposal, they have provided a letter revising their proposed sign package to be comparable to that of the other PUD's along Gumwood Road.

All pertinent City departments have reviewed and approved the request.

RECOMMENDATION

Staff recommends denial of the original PUD Amendment submittal, however can recommend **approval** of the amended submittal of Petition #15-31 to amend the Comprehensive Sign Program for Toscana Park Planned Unit Development as per the following conditions of approval:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 30+ acre site) and to otherwise further the intent of this chapter as follows. All freestanding signage shall otherwise be designed as per the applicable City requirements.
 - a. A maximum of four (4) monument type signs may be located along Gumwood Road, provided the minimum separation between signs shall be 150 linear feet. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet with a maximum length of any sign not to exceed 12 feet.
 - b. One freestanding identification/development sign for the entire planned unit development (not just for one tenant/occupant) may be permitted in addition to the aforementioned monument signage to be located at the main entrance to the development on Gumwood Road. Size shall be limited to a maximum of 12 feet in height and 96 square feet in area.
 - c. All freestanding signs shall have a masonry base.
2. Temporary signs, including those in windows, shall be prohibited for all outlots regardless of proposed use.
3. Internal directory kiosks may be placed strategically around the center to help customers locate businesses and retailers.
4. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from Gumwood Road.
5. Animated/electronic reader boards shall be prohibited for all parcels.

The recommendation is based on the following findings of fact:

1. Existing Conditions - The amendment will not alter or negatively impact the existing conditions of the surrounding area because the proposed sign program is comparable to other developments along Gumwood Road.
2. Character of Buildings in Area - The character of buildings within this area are commercial and the number of proposed signs along Gumwood Road would not be uncharacteristic within the general vicinity.
3. The Most Desirable/Highest and Best Use - The proposed amendment for signage use within the PUD is not inconsistent with surrounding zoning classifications.
4. Conservation of Property Values - The proposed amendment will not be injurious to property values in the surrounding area, because the similar sign programs have been approved for Heritage square to the south and Grandview multi-use development to the west.

5. Comprehensive Plan - The Comprehensive Plan had identified this area for general commercial and is consistent with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

PETITION, PHOTOS, AMENDED SIGN PROGRAM, SITE PLAN, LOCATION MAP



View of existing main identification sign



View of Residences entry sign

STAFF REPORT

Location: 128 S Home

Date: December 8, 2015

Petition: 15 38

Prepared By: CH

GENERAL INFORMATION

Applicant: Robert Leiz

Status: Owner

Request: Zone from R-1 Single Family Residential to R-2 Two-Family Residential

Zoning Classification: R-1 Single Family Residential

Lot Size: 6,500 square feet

Applicable Regulations: Sec. 137-186 Residential R-2 District; Sec. 137-40 Plan Commission; & Section 137-41 Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential
South: R-1 Single Family Residential
East: R-1 Single Family Residential
West: R-1 Single Family Residential

Thoroughfare: Home Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are or will be available to the site

Comprehensive Plan: Low Density Residential

ANALYSIS

The petitioner is requesting to rezone the property at 128 S. Home Street from R-1 Single Family Residential to R-2 Two-Family Residential. The 1900 square foot house was built in 1910. Also on the property is a two car garage and a one car garage, for a total of three parking spaces. There is an apartment on the second floor. It is being taxed as "Res 2 fam dwelling platted lot" with the occupancy listed as duplex. The owners had previously provided paperwork, including Polk Directories, utility statements, and an affidavit from the tenant of 25 years, to prove the two-dwelling units on the property were grandfathered or legal nonconforming. This allows the two-dwelling units to remain until it is vacant for a period of six months or is damaged beyond 75%. Rezoning the property would allow the two-family dwelling to continue even if one of the above instances were to occur. The only additional use in the R-2 District as compared to the R-1 District is a two family dwelling.

All departments have reviewed the proposed rezoning.

RECOMMENDATION

The Planning Department recommends approval of Petition 15-38 to rezone 128 S Home Street from R-1 Single Family Residential to R-2 Two-Family Residential. This recommendation is based upon the following findings of fact:

1. Existing Conditions: The house has functioned as a two family dwelling for over 50 years, so there would be no change to the area.
2. Character of Buildings: 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 history of this site, its relationship to surrounding properties, staff feels that the most desirable use for this property is to continue the two family residential use;
3. Most Desirable Use: Given the history of this site, staff feels that the most desirable use for this property is to continue the two family use as R-2 Two Family Residential;
4. Conservation of Property Values: Rezoning this property to the R-2 Two Family Residential classification will match the existing use and taxing of the property, which should not adversely affect property values in the immediate neighborhood; and,
5. Comprehensive Plan: The City's Comprehensive Plan calls for low density residential, however, adding one legal unit does not significantly increase the units per acre, therefore, rezoning is compatible with the City's Comprehensive Plan.

ATTACHMENTS

Aerial, Photo, Petition, Location Map



Aerial



128 S Home and 128 1/2 S Home

STAFF REPORT

Location: Part of western terminus of E. 8th St. west of Campbell St. Date: December 8, 2015
Petition: 15-40 Prepared By: DJS

GENERAL INFORMATION

Applicant: JD Enterprises, LLC & Janco Engineered Products, LLC
Status: Adjacent Property Owner & Contingent Purchaser
Request: Vacate Public Right-of-Way
Zoning Classification: Right-of-Way
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial / Industrial Use (Applicant)
South: I-1 Light Industrial / Industrial Use
East: R-1 Single Family / Residential Use east of Campbell Ave.
West: I-1 Light Industrial / Industrial Use (Applicant)
Thoroughfare: E. 8th Street
School District: School City of Mishawaka
Public Utilities: Public Right-of-Way
Comprehensive Plan: Industrial (Manufacturing, Warehousing & Distribution)

ANALYSIS

The Petitioners are requesting to vacate a portion of East 8th Street west of Campbell Street. The 20' x 20' area to be vacated is located south and east of the Petitioner's property (1217 E. 7th Street) at the northwest corner of the western terminus of East 8th Street.

The 20'x20' area includes a building and fence enclosure encroachment into the existing public right-of-way. The vacation will allow JD Enterprises, the current owner, to complete the sale of the adjacent property (1217 E. 7th Street) to Janco Engineered Products, LLC. Once the sale is completed, Janco Engineered Products will move one-hundred percent of their manufacturing operations from 920 S. Logan Street to the site.

All City departments have reviewed the proposed right-of-way vacation and recommend approval.

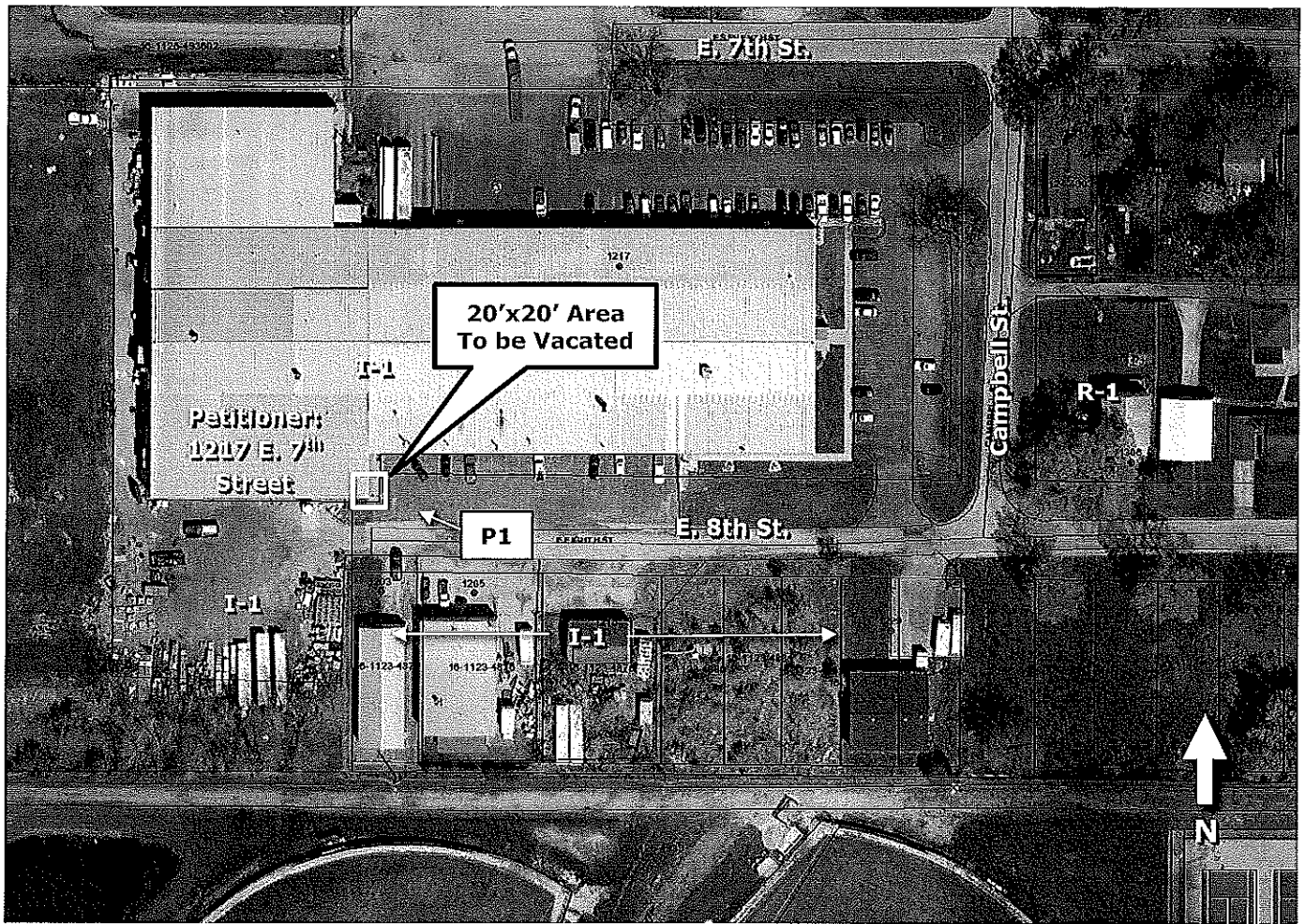
RECOMMENDATION

Staff recommends in favor of Petition 15-40 to vacate a 20'x20' portion of E. 8th Street located west of Campbell Street at the northwest corner of the western terminus of E. 8th Street. This recommendation is based on the following findings of fact:

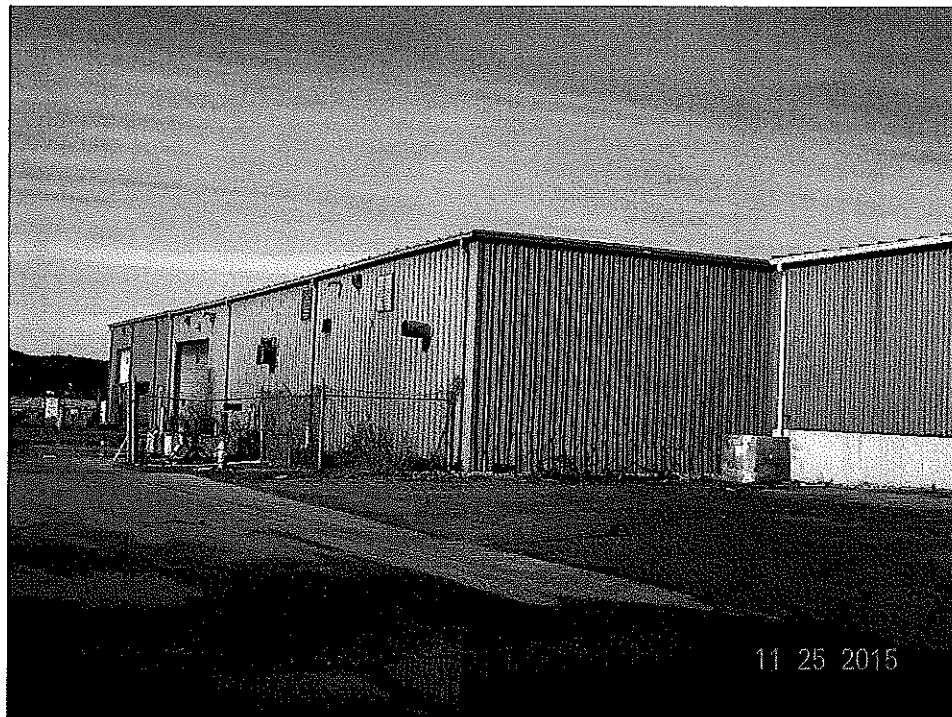
- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow the adjacent property to be transferred to the contingent purchaser for continued use for industrial purposes. The vacated area includes an existing building and fence encroachment into the public right-of-way.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. All of the adjacent properties along E. 8th Street will continue to have access to the public right-of-way.
- 3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph of Area to be Vacated, Photos, Petition, Location Map



Aerial Photograph
 Part of Western Terminus of E. 8th Street Adjacent to 1217 E. 7th Street
 Area to be vacated due to Building & Fence Encroachment



P1. A view looking northwest to the 20'x20' area to be vacated.



CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

NOTICE OF HEARING

Vacation No. 2015-06

Date of Hearing: December 21, 2015

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

A petition has been filed by J.D. Enterprises, Jim Dewald and Janco Engineered Products, LLC Peter Giczewski

Vacation NO. 2015-06 - Petition No. 2015-40

Vacation of Public Right of Way of a 20' x 20' area adjacent to 1217 7th Street.

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

Respectfully,

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

DEC 10 2015

1st Reading 12-21-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-31

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. **2015-43**

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

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

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

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

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

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

A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, PARTICULARLY DESCRIBED AS FOLLOWS: LOTS 1 THROUGH 5, LOTS 23, 25, AND 26 IN TOSCANA PARK P.U.D. AS RECORDED AT THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AS DOCUMENT NUMBER 0642909, AND LOTS 24A AND 27 IN TOSCANA PARK P.U.D. PHASE 2 AS RECORDED AT SAID RECORDER'S OFFICE AS DOCUMENT NUMBER 0902127.

AND: TRACT I: A CONDOMINIUM UNITS DESCRIBED AS BUILDING C, UNIT 4 ("BUILDING C, UNIT 4"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

TRACT II: A CONDOMINIUM UNIT DESCRIBED AS BUILDING I, UNITS 1,2,3,5,6,7 AND 8 ("BUILDING I, UNITS 1,2,3,5,6,7 AND 8"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S

Proposed Ordinance No: 15-43

Ordinance No: _____

DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

TRACT III: A CONDOMINIUM UNIT DESCRIBED AS BUILDING H, UNITS 1,2,3,4,5,6,8 AND 9 ("BUILDING H, UNITS 1,2,3,4,5,6,8, AND 9"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

COMMON ADDRESS: Toscana Park Shopping Center

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter amend the Comprehensive Sign Program subject to the following conditions of approval:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 30+ acre site) and to otherwise further the intent of this chapter as follows. All freestanding signage shall otherwise be designed as per the applicable City requirements.
 - a. A maximum of four (4) monument type signs may be located along Gumwood Road, provided the minimum separation between signs shall be 150 linear feet. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet with a maximum length of any sign not to exceed 12 feet.
 - b. One freestanding identification/development sign for the entire planned unit development (not just for one tenant/occupant) may be permitted in addition to the aforementioned monument signage to be located at the main entrance to the development on Gumwood Road. Size shall be limited to a maximum of 12 feet in height and 96 square feet in area.
 - c. All freestanding signs shall have a masonry base.
2. Temporary signs, including those in windows, shall be prohibited for all outlots regardless of proposed use.
3. Internal directory kiosks may be placed strategically around the center to help customers locate businesses and retailers.
4. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from Gumwood Road.
5. Animated/electronic reader boards shall be prohibited for all parcels.

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

Proposed Ordinance No: 15-43

Ordinance No: _____

1. Existing Conditions - The amendment will not alter or negatively impact the existing conditions of the surrounding area because the proposed sign program is comparable to other developments along Gumwood Road.
2. Character of Buildings in Area - The character of buildings within this area is commercial and the number of proposed signs along Gumwood Road would not be uncharacteristic within the general vicinity.
3. The Most Desirable/Highest and Best Use - The proposed amendment for signage use within the PUD is not inconsistent with surrounding zoning classifications.
4. Conservation of Property Values - The proposed amendment will not be injurious to property values in the surrounding area, because the similar sign programs have been approved for Heritage square to the south and Grandview multi-use development to the west.

Comprehensive Plan - The Comprehensive Plan had identified this area for general commercial and is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2016, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2016, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2016, at _____ o'clock ____M.

David A. Wood, Mayor

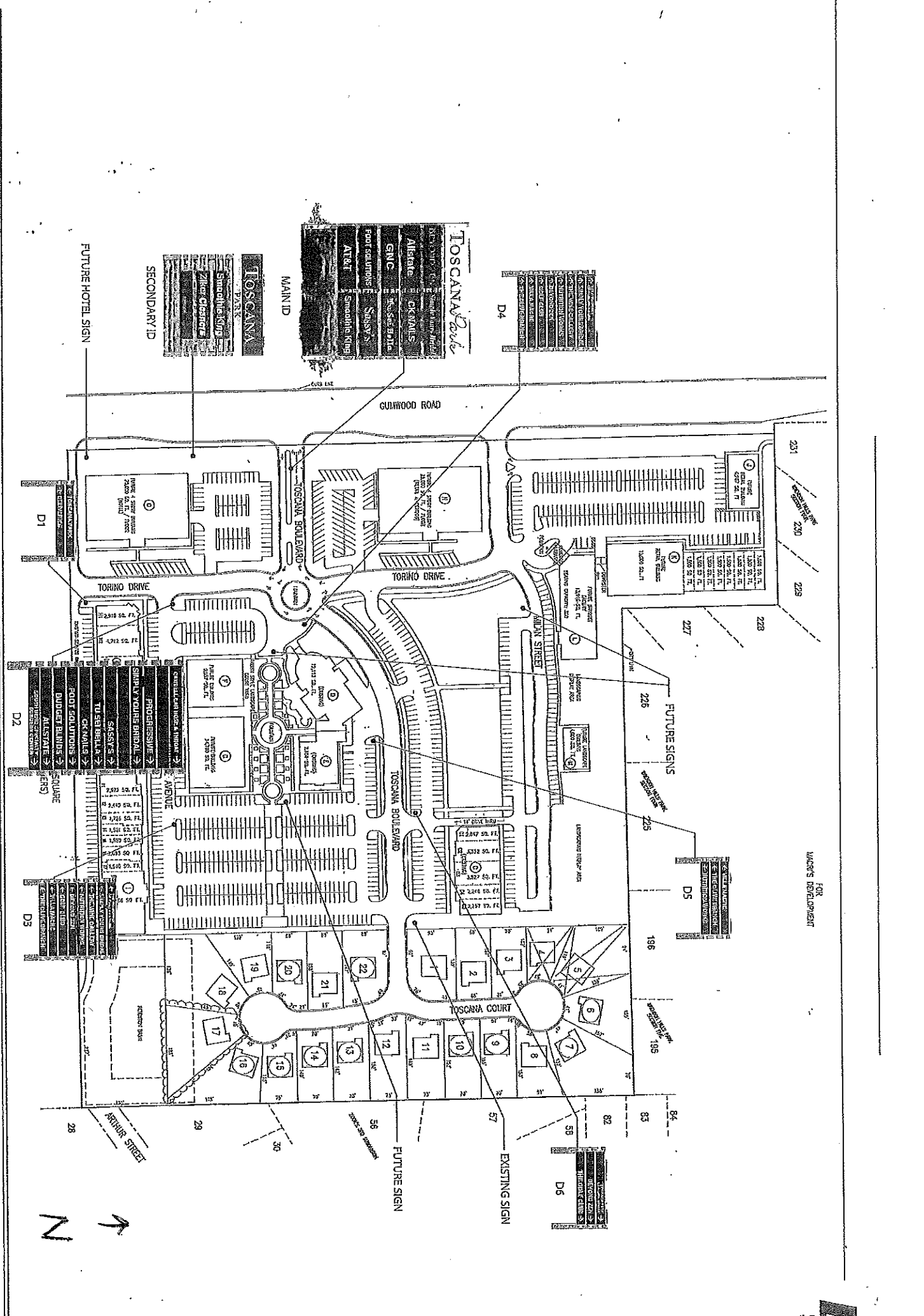
EXHIBIT A

TRACT I: A CONDOMINIUM UNITS DESCRIBED AS BUILDING C, UNIT 4 ("BUILDING C, UNIT 4"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

TRACT II: A CONDOMINIUM UNIT DESCRIBED AS BUILDING I, UNITS 1,2,3,5,6,7 AND 8 ("BUILDING I, UNITS 1,2,3,5,6,7 AND 8"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

TRACT III: A CONDOMINIUM UNIT DESCRIBED AS BUILDING H, UNITS 1,2,3,4,5,6,8 AND 9 ("BUILDING H, UNITS 1,2,3,4,5,6,8, AND 9"), A PART OF THE HORIZONTAL PROPERTY REGIME (THE "CONDOMINIUM") CREATED BY THE DECLARATION OF MACRI'S DEVELOPMENT, INC. IN THE NAME OF THE TOSCANA PARK CONDOMINIUM ASSOCIATION, INC., RECORDED ON OCTOBER 11, 2006 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, DOCUMENT # 0644041, AS AMENDED AND RESTATED BY THE AMENDED DECLARATION OF MACRI'S DEVELOPMENT, INC. RECORDED ON JULY 12, 2007, DOCUMENT # 0727382 (THE "DECLARATION") IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER.

CLIENT: TOSCANA PLAZA
LOCATION: TOSCANA PLAZA
ACCT REP: A. GERSTAUER
DRAWING: 6114 SITE REV: 3
DESIGNER: BSS
DATE: 8.10.15
Customer Approval
By signing this drawing, customer is acknowledging that all copy spellings, arrow directions and colors have been reviewed and are correct.
Date



OCT 29 2015

SEP 23 2015

September 23, 2015

CITY CLERK
MISHAWAKA, IN

Honorable Members of the
Common Council
City of Mishawaka, Indiana and
Mishawaka City Plan Commission
600 E. Third Street
Mishawaka, IN 46544

Ret 15-31

postponed

RE: Petition for PUD Amendment

The undersigned, Great Lakes Capitol 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, and to-wit:

Address: (Toscana Park Development)

Legal:

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PART OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00°42'51" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 247.58 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00°42'51" EAST ALONG SAID WEST LINE, A DISTANCE OF 1074.65 FEET; THENCE NORTH 89°08'28" EAST, A DISTANCE OF 1325.96 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°37'55" WEST ALONG SAID EAST LINE, A DISTANCE OF 1077.19 FEET TO THE SOUTH LINE OF BRENDON HILLS PARK, SECTION FIVE; THENCE SOUTH 89°01'53" WEST ALONG THE SOUTH LINES OF BRENDON HILLS, SECTION FOUR AND BRENDON HILLS, SECTION FIVE, A DISTANCE OF 1327.52 FEET TO THE PLACE OF BEGINNING CONTAINING 32.77 ACRES MORE OR LESS.

*NO
SEE
ATTACHED*

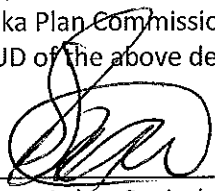
Page 2 – Cont'd
PUD Amendment
Toscana Park Development

Petitioner owns one-hundred percent (100%) of the above described parcel of land which carries a Zoning classification of S-2, Planned Unit Development specifically for mixed-use including residential and retail development.

Petitioner desires said Real Estate to be amended to allow for a comprehensive sign program and tenant Sign criteria as described in the attached supplemental documents.

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

Great Lakes Capitol, Officer



Great Lakes Capitol, Agent

Contact:

Mr. Douglas Merritt
Professional Permits
2319 Lincolnway East
Mishawaka, IN 46544
Tel: 574-257-2954
Fax: 574-257-2724
Email: dm@professionalpermits.com

DEC 10 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 12-21-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-38

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-44

ORDINANCE NO. _____

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

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

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

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

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

Lot 10, East Mishawaka Realty Co., 1st Addition

COMMON ADDRESS: 128 South Home Street

which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as R-2 Two-Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions: The house has functioned as a two family dwelling for over 50 years, so there would be no change to the area;
2. Character of Buildings: 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 history of this site, its relationship to surrounding properties, staff feels that the most desirable use for this property is to continue the two family residential use;
3. Most Desirable Use: Given the history of this site, staff feels that the most desirable use for this property is to continue the two family use as R-2 Two Family Residential;

Proposed Ordinance No: 2015-44

Ordinance No: _____

4. Conservation of Property Values: Rezoning this property to the R-2 Two Family Residential classification will match the existing use and taxing of the property, which should not adversely affect property values in the immediate neighborhood; and,
5. Comprehensive Plan: The City's Comprehensive Plan calls for low density residential, however, adding one legal unit does not significantly increase the units per acre, therefore, rezoning is compatible with the City's Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2016, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2016, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2016, at _____ o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

October 28, 2015

DEC 3 2015

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

CITY CLERK
MISHAWAKA, IN

NOV 03 2015

Pet 15-38

RE: PETITION TO REZONE

The undersigned Robert C. Leiz respectfully shows he is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

*Lot 10 E Mish Realty Co 1st. Tax ID# 016-1067-2772.
Parcel# 71-09-14-206-010.000-023.
128 S Home Street, Mishawaka, Indiana 46544-3135*

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 Single Family Residential District. Said property is being used as a two family dwelling. The dwelling was converted to a two-family dwelling in 1950 and is considered grandfathered or legal nonconforming per the Department of Community Development and Planning City of Mishawaka, Indiana.

Petitioner desires said real estate to be rezoned to R-2 Two Family Residential District. Petitioner further states that he intends to continue to use said land as a two family dwelling.

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.

Leiz


Robert C. Leiz

CONTACT PERSON:

Robert Leiz
128 S Home St
Mishawaka, IN 46544
574-323-4725
574-522-3698
Kristin.m.leiz@gmail.com



HOME N HOME ST

LINCOLNWAY EAST LINCOLNWAY EAST

HELEN

HELEN AVE

HOME

S HOME ST

ALEORD

ALEORD ST

LINCOLNWAY EAST

PETITION 15-38

E THIRD ST THIRD

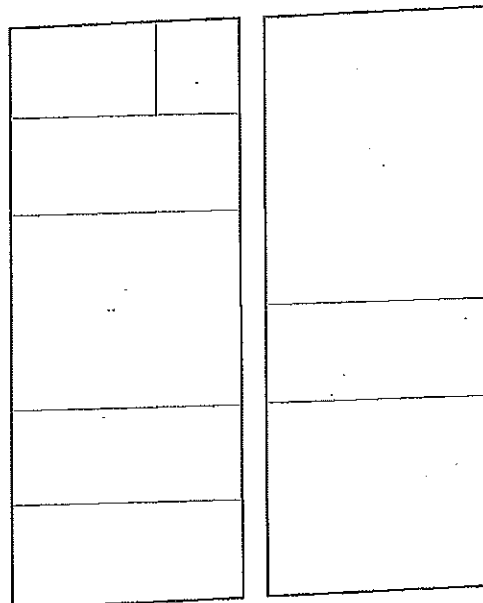
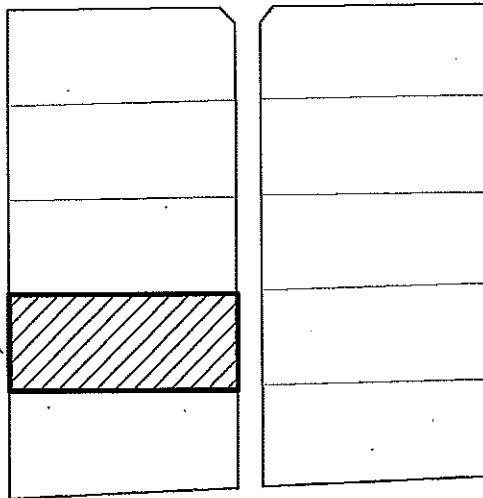
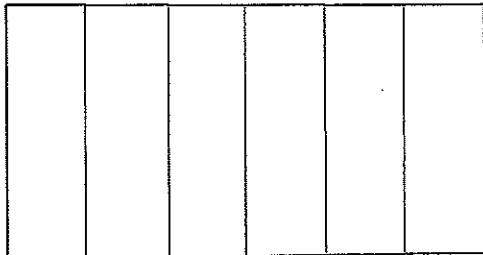
E FOURTH ST

Location Map

PETITION 15-38

128 S. Home St.

REZONING FROM R-1 SINGLE
FAMILY RESIDENTIAL TO R-2 TWO
FAMILY RESIDENTIAL



DEC 10 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 12-21-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-40

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-45

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, J.D. Enterprises and Janco Engineered Products, LLC have filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioners own all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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:

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SETION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY A PART OF THE EAST 8TH STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

PROPOSED ORDINANCE NO. 2015-45

ORDINANCE NO. __

COMMENCING AT A SOUTHEAST CORNER OF LOT 1 OF THE J.D. ENTERPRISES 7TH STREET SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 1124132 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF SAID EAST 8TH STREET; THENCE SOUTH 89 DEGREES 40 MINUTES 03 SECONDS WEST ALONG A SOUTH PROPERTY LINE OF SAID LOT 1 AND SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 390.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 46 MINUTES 24 SECONDS EAST, A DISTANCE OF 20 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 03 SECONDS WEST, A DISTANCE OF 20 FEET TO AN EAST PROPERTY LINE OF SAID LOT 1; THENCE THE NEXT TWO COURSES ALONG SAID LOT 1; (1) NORTH 00 DEGREES 46 MINUTES 24 SECONDS WEST, A DISTANCE OF 20 FEET; (2) THENCE NORTH 89 DEGREES 40 MINUTES 03 SECONDS EAST, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINING APPROXIMATELY 400 SQUARE FEET.

COMMONLY KNOWN AS: 20' X 20' Portion of East Eighth Street, West of Campbell Street at the Northwest Corner of the Western Terminus of East Eighth Street

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow the adjacent property to be transferred to the contingent purchaser for continued use for industrial purposes. The vacated area includes an existing building and fence encroachment into the public right-of-way.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. All of the adjacent properties along E. 8th Street will continue to have access to the public right-of-way.
- 3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2016.

Presiding Officer

PROPOSED ORDINANCE NO. 2015-45

ORDINANCE NO. __

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____, 2016,
at ____ o'clock ____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ____ day of _____, 2016, at ____
o'clock ____ M.

David A. Wood, Mayor



November 16, 2015

To: The Honorable Members of the Common Council

City of Mishawaka, Indiana

And

Mishawaka City Planning Commission

City of Mishawaka, Indiana

RECEIVED
DEBORAH S. BLOCK, MMC NOV 17 2015

DEC 02 2015

CITY CLERK
MISHAWAKA, IN

Ret 15-40

Re: Petition for Vacation of Public Right Way

The undersigned J.D. Enterprises, Jim Dewald and Janco Engineered Products, LLC, Peter Giczewski, respectfully request the Mishawaka Common Council and the Mishawaka City Planning Commission vacate the following described public right of way located in the City of Mishawaka, St Joseph County, Indiana:

Parcel # 016-1123-485501 Address: 1217 E. 7th Street

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY A PART OF THE EAST 8TH STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

COMMENCING AT A SOUTHEAST CORNER OF LOT 1 OF THE J.D. ENTERPRISES 7TH STREET SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 1124132 IN OFFICE OF RECORDER OF SAID COUNTY, SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF SAID EAST 8TH STREET; THENCE SOUTH 89 DEGREES 40 MINUTES 03 SECONDS WEST ALONG A SOUTH PROPERTY LINE OF SAID LOT 1 AND SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 390.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 46 MINUTES 24 SECONDS EAST, A DISTANCE OF 20 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 03 SECONDS WEST, A DISTANCE OF 20 FEET TO AN EAST PROPERTY LINE OF SAID LOT 1; THENCE THE NEXT TWO COURSES ALONG SAID LOT 1: (1) NORTH 00 DEGREES 46 MINUTES 24 SECONDS WEST, A DISTANCE OF 20 FEET; (2) THENCE NORTH 89 DEGREES 40 MINUTES 03 SECONDS EAST, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINING APPROXIMATELY 400 SQUARE FEET.

Properties to the South: Quality Automotive

Properties to the North: Toolmasters, Jordan Mishawaka Transfer

Properties to the West: Mishawaka Recycling Center

Properties to the East: Residential Single Family Houses

Attached Site plan

Petitioners further state they are the owners of the property immediately adjacent to the above described right of way.

Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Planning commission and that after hearing, an appropriate ordinance be enacted vacated the above described right of way located in the city of Mishawaka, Indiana.

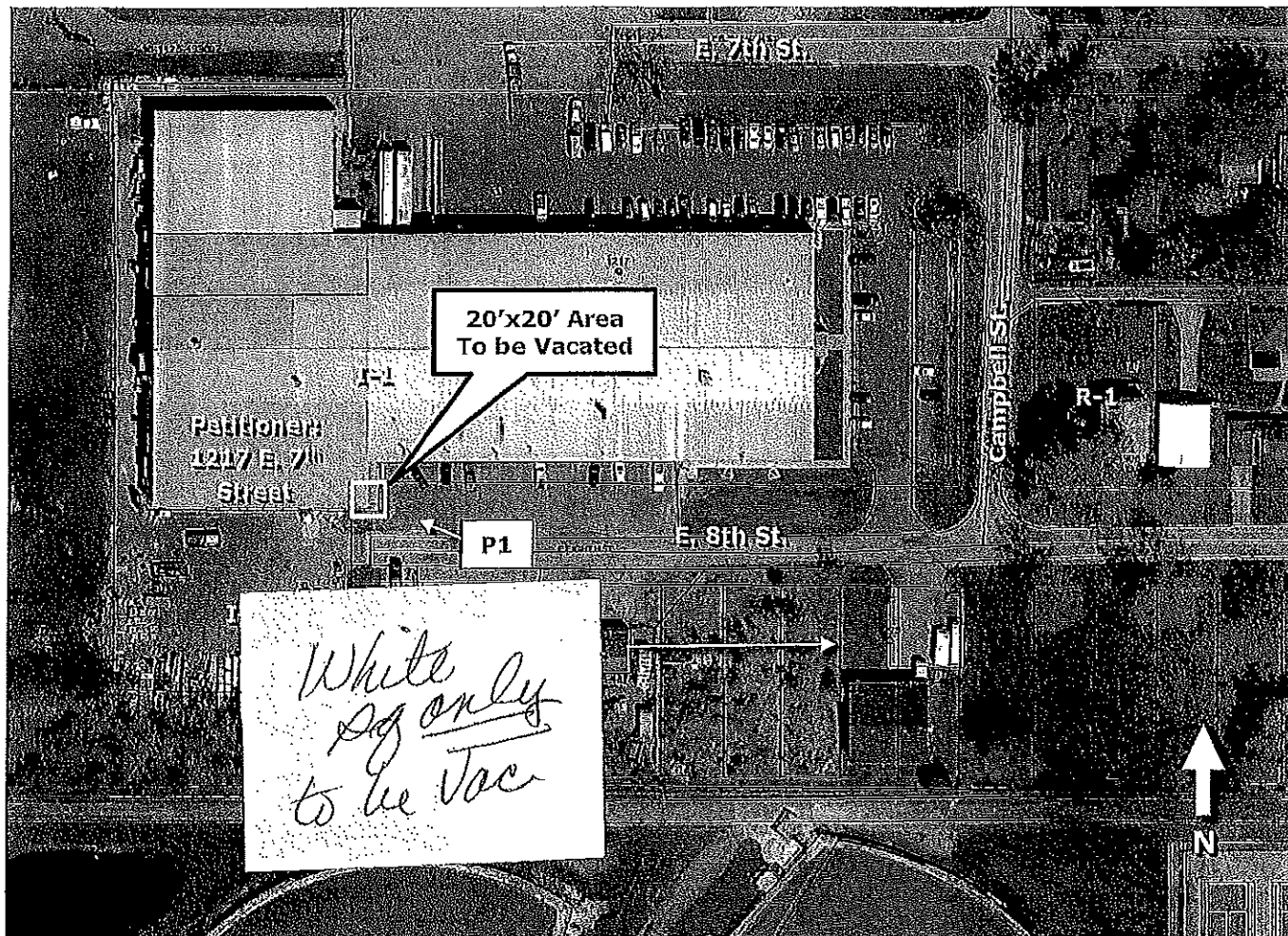


Jim Dewald
J.D. Enterprises
Lot number 1, 7th street subdivision

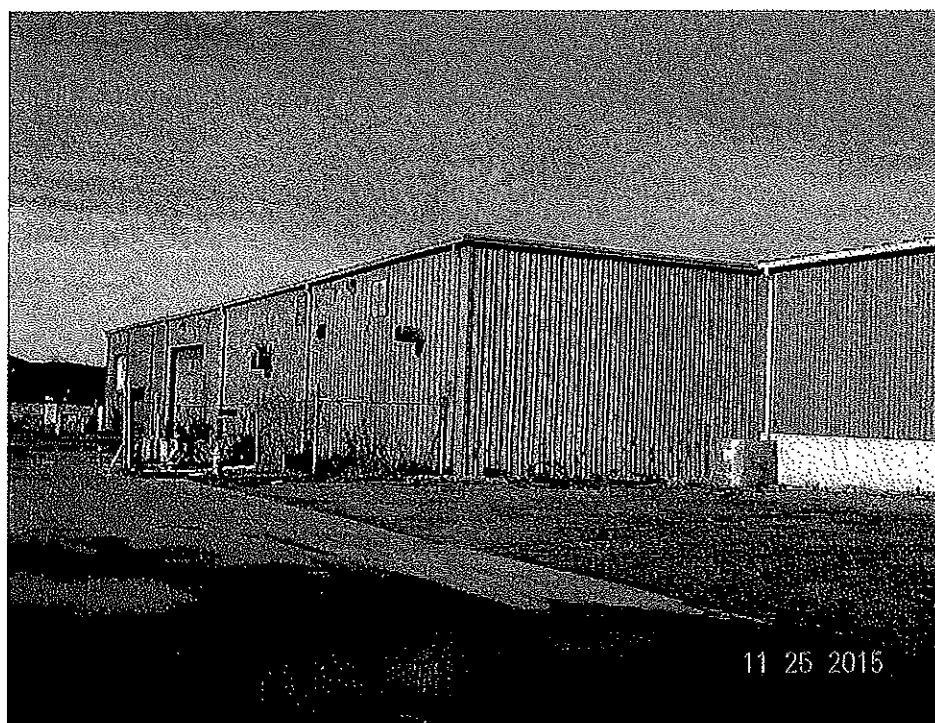


Peter Giczewski,
Janco Engineered Products, LLC

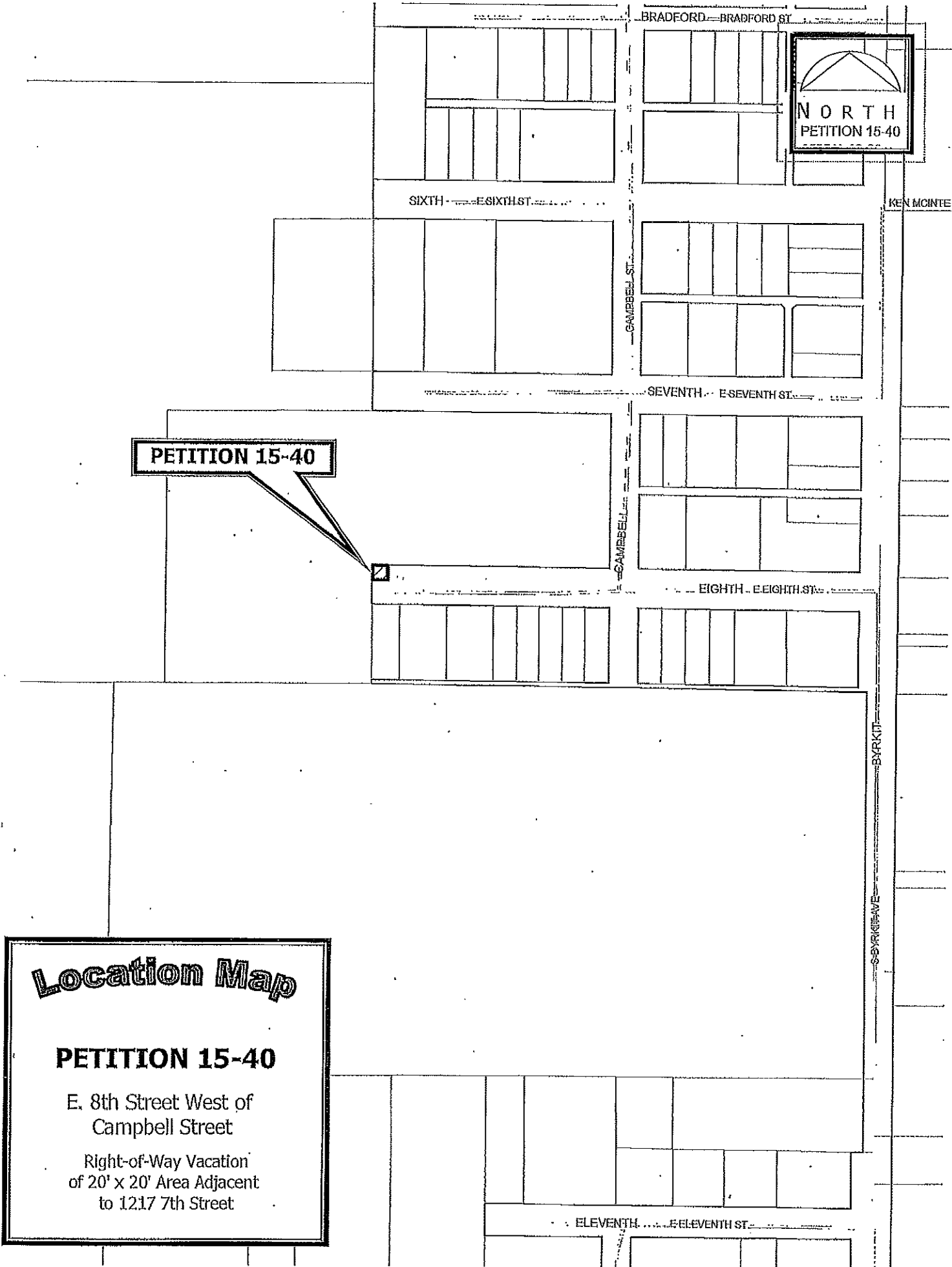
Contact person:
Peter Giczewski
920 S. Logan Street
Mishawaka, IN 46544
574-255-3169
574-256-3874



Aerial Photograph
 Part of Western Terminus of E. 8th Street Adjacent to 1217 E. 7th Street
 Area to be vacated due to Building & Fence Encroachment



P1. A view looking northwest to the 20'x20' area to be vacated.



NOTICE OF HEARING

Vacation No. 2015-06

Date of Hearing: December 21, 2015

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

A petition has been filed by J.D. Enterprises, Jim Dewald and Janco Engineered Products, LLC Peter Giczewski

Vacation NO. 2015-06 - Petition No. 2015-40

Vacation of Public Right of Way of a 20' x 20' area adjacent to 1217 7th Street. Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

Respectfully,

Deborah S. Block

Deborah S. Block, IAMC, MMC
City Clerk

25

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

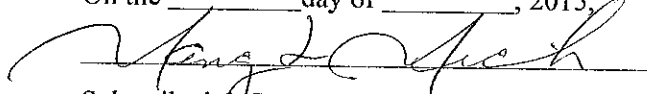
XX One TWO THREE

times successively to-wit:

On the 10th day of December , 2015, and

On the day of , 2015, and

On the day of , 2015,



Subscribed & Sworn To Before Me
This 10th day of December, 2015


William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

CHARGES: \$ 13.41

1st Reading 12-21-15
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 16 2015

PROPOSED ORDINANCE NO. 2015-46

ORDINANCE NO.

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE AMENDING ORDINANCE 5500 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE SWORN FIRE AND POLICE, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2016.

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

Section 1. Ordinance number 5500 passed by the Common Council of the City of Mishawaka, Indiana, on the 19th of October, 2015 is hereby amended as follows:.

Bi-Weekly
Salary
Beginning

Planning Department

Jan 15, 2016

SENIOR PLANNER/ECON DEVEL SPECIALIST

1,911.23

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

this ____ day of _____ 2015, at ____ o'clock, p.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this ____ day of _____, 2015,

at ____ o'clock, p.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ____ day of _____, 2015, at ____ o'clock, p.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: December 16, 2015
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **2016** City salary ordinance amendment

The Council approved a new title/salary for the Senior Planner/Economic Development Specialist in the Planning department for the current year. With the resignation of the Senior Planner, Ken Prince revised the job description and added more responsibilities relating to economic development duties. This salary change did not flow through to the approved 2016 salary ordinance. I am requesting for first and second reading at this time.

Please contact me with any questions.

c: David A. Wood
Ken Prince

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

Let 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.

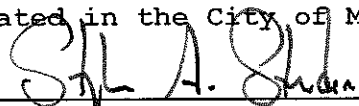
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

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

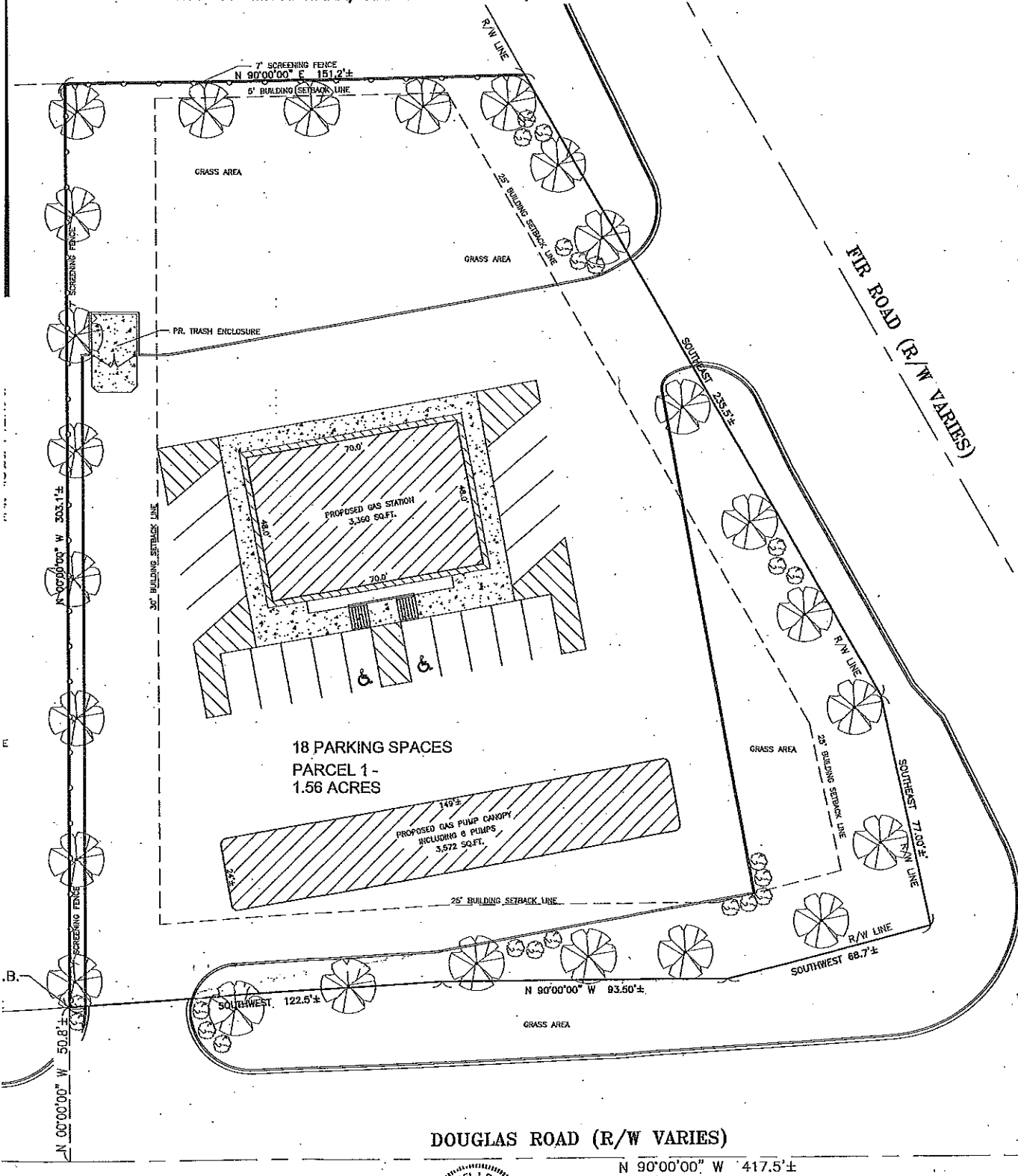
CITY CLERK
MISHAWAKA, IN

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)



SURVEYORS & ENGINEERS:
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE 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 30 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 12-7-15
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-40

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 Motor Vehicle Highway Fund budget adopted for the fiscal year ending
December 31, 2015.

Section 2. There is hereby transferred and reappropriated the sum of \$48,000.00
as follows:

Motor Vehicle Highway Fund

From: Street Department

Personal Services

201-50-411-02 Regular Employees 48,000.00

Total \$ 48,000.00

To: Street Department

Supplies

201-50-423-03 Equip, Parts, Supplies 35,000.00

Other Services and Charges

201-50-435-01 Mish Utilities 8,000.00

201-50-435-02 NIPSCO 5,000.00

Total \$ 48,000.00

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

STREET DEPARTMENT

Tim Ryan
Street Commissioner

DAVID A. WOOD, MAYOR

November 9, 2015

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

RE: Proposed Ordinance 2015- 40

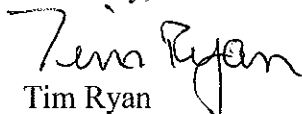
Honorable Council Members:

At this time, we find the need to request a transfer of \$48,000 from our *Personal Services/Regular Employees* line #201-50-411-02 to be distributed as follows:

FROM:	Street Department <u>Personal Services</u> 201-50-411-02	Regular Employees	\$48,000
TO:	Street Department <u>Supplies</u> 201-50-423-03	Equip. Parts/Supplies	\$35,000
	<u>Utility Service</u> 201-50-435-01	MU Charges	\$ 8,000
	201-50-435-02	NIPSCO	<u>\$ 5,000</u>
		TOTAL -	\$48,000

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

Sincerely,


Tim Ryan
Street Commissioner

1st Reading 12-7-15
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 02 2015

CITY CLERK
MISHAWAKA, IN

Proposed Ordinance No. 2015-41

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A CITY PURCHASING CARD ACCOUNT
AND ESTABLISHING PROCEDURES FOR THE USE OF CITY PURCHASING
CARDS**

WHEREAS, the City of Mishawaka, Indiana, has the authority, pursuant to Home Rule, to adopt an ordinance authorizing and regulating the use of purchasing cards ("P-Cards") by City officials and employees; and

WHEREAS, the Common Council finds that the use of P-Cards by City officials and employees is necessary for the efficient performance of City business; and

WHEREAS, the Indiana State Board of Accounts will not take exception to the use of P-Cards by the City provided certain criteria, outlined in the compliance manuals, are observed; and

WHEREAS, the City Attorney has issued an opinion approving the procedures set forth herein.

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

Section 1. The City is empowered to hold and maintain a P-Card account for the use of its Officials and Employees.

Section 2. The Mayor may apply for and obtain a P-Card account to be used for purchases for the City only by following the procedures set out in this chapter. Any P-Card account application shall be signed by the Mayor and the City Controller, provided that there shall be only one account open at any time. Any P-Card account shall be in the name of the City.

Section 3. All P-Cards issued on the City P-Card account shall be applied for, held, maintained, and monitored by the City Controller, upon the approval of the Mayor.

Section 4. The City Controller shall be responsible for maintaining written guidelines regarding the use of said P-Cards that are not inconsistent with this chapter.

Section 5. Only the Mayor or the City Controller may permit a City Officer or other employee to use a P-Card issued on the City P-Card account.

Section 6. The Mayor shall provide the City Controller with the name of the issuer of the P-Card, the P-Card account number and the expiration date of any P-Card issued on the account.

Section 7. Whenever it is no longer necessary or prudent for any City Officer or other employee to use a P-Card in the performance of official City business, or immediately upon demand by the Mayor or the City Controller, such City Officer or other employee shall return the P-Card to the City Controller.

Section 8. Charges shall only be made on the P-Card to purchase items or services which are authorized and budgeted for in the budget of the City.

Section 9. After each P-Card use, the City Officer or other employee who uses the P-Card shall submit to the City Controller, proper, detailed documentation evidencing such use.

Section 10. Within 72 hours of the purchase, the City Officer or other employee using the P-Card shall provide a copy of the itemized receipt and shall inform the City Controller in writing of the following:

- (a) The Name of the user and the date of use;
- (b) The purpose of the purchase;
- (c) The budget line item from which the purchase is to be paid;
- (d) An itemized list of all charges incurred and whether those are paid from different budget line items.

Section 11. All P-Card billing statements shall be sent by the issuer to the City Controller and the charges on the cards shall be paid by the City Controller from the appropriate budget line items pursuant to the claim procedures of the City.

Section 12. All claims for payment must be properly itemized and documented. Improperly itemized or documented charges, as well as all interest, carrying charges, and/or penalties shall be the personal responsibility of the City Officer or other employee using the P-Card.

Section 13. The City Controller shall ensure that a proper accounting system or log is maintained on all City P-Card usage. This system or log shall include, at a minimum, the dates of P-Card use, the identity of the users, the amounts and account numbers charged, and the dates of P-Card issuance and return. City P-Cards shall not be used to bypass the City's accounting system.

Section 14. The City Controller shall pay all charges incurred on the P-Card account promptly so that no interest, carrying charges or penalties will be incurred due to late payments. Any City Officer or other employee who causes interest, carrying charges and/or penalties to be added to the P-Card account by a failure to timely provide the required information to the City Controller shall be personally liable for the interest or carrying charge.

Section 15. The City is authorized to pay any annual fee, associated with any P-Card account opened in the name of the City pursuant to this Ordinance.

Section 16. City P-Cards shall be used for City business only. No P-Card issued to the City shall be used by any person for a private purchase.

Section 17. PENALTY. The penalty for violation of this chapter shall be a fine of not less than one hundred dollars (\$100), nor more than two thousand five hundred dollars (\$2,500) for a first violation of this Chapter, and not less than one hundred dollars (\$100), nor more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of this chapter and each violation shall constitute a separate violation. Any person found to be in violation of this chapter shall be required to compensate the City for any and all costs, including interest, carrying charges, and/or penalties incurred due to the violation of this chapter. In addition, any City Officer, Director, department head or other employee found to be in violation of this chapter shall be subject to disciplinary action, up to and including termination of employment.

Section 18. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

ORDAINED THIS _____ DAY OF _____, 2015.

President
Mishawaka City Common Council

ATTEST:

Deborah S. Block, City Clerk

Presented to the Mayor by me this _____ day of _____, 2015.

Deborah S. Block, City Clerk

Approved by me this _____ day of _____, 2015.

Mayor, David A. Wood



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: December 2, 2015
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Procurement card ordinance**

As you may or may not know, the City has one credit card that is kept in our office. It is most commonly used for purchases from online vendors and for reserving hotel rooms. We follow a credit card policy and the State Board of Accounts audits our usage.

As you can imagine, only having one card makes it difficult to satisfy the purchasing and travel needs of our employees. Due to the need for more flexibility with continued control, I am requesting the passage of this ordinance so I may apply for the State of Illinois P-Card program. This program is endorsed by IACT over the State of Indiana's program. Our office has researched both programs thoroughly and agrees with IACT that the online control, flexibility, and convenience of this P-Card program along with their rebates make the State of Illinois program the best choice for the City.

I've attached the power point presentation and Larry Meteiver's counsel opinion.

Some benefits of a purchasing card vs. a credit card:

1. Turn access on and off 24/7.
2. May be set up to be used at specific stores.
3. Fraud insurance.
4. No fees.
5. Cards may be issued to an individual or department.
6. Different individuals may have different limits.

Please contact me with any questions.

c: David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF LAW

DEPARTMENT OF LAW INTEROFFICE MEMORANDUM

TO: Rebecca Miller
Mishawaka City Controller
FROM: Lawrence J. Meteiver
City Attorney
DATE: December 2, 2015
RE: Procurement Card Policy

The Indiana State Board of Accounts will not take exception to the use of Procurement Cards ("P-Cards") by the City provided the following criteria are observed:

1. The City Common Council must authorize the use of P-Cards through an Ordinance, which has been approved in the minutes.
2. Issuance and use should be handled by an official or employee designated by the Common Council. The City Controller will be the responsible official.
3. The purposes for which the P-Card may be used must be specifically stated in the ordinance. The approved use is only for City purchases which have been budgeted and for which an unexpended appropriation exists.
4. When the purpose for which the P-Card has been issued has been accomplished, the card should be returned to the custody of the responsible person. The City Controller should maintain records of all cards which have been issued.
5. The designated responsible official or employee should maintain an accounting system or log which would include the names of individuals requesting usage of the P-Cards, their position, estimated amounts to be charged, fund and account numbers to be charged, date the P-Card is issued and returned.
6. P-Cards should not be used to bypass the accounting system. One reason that purchase orders are issued is to provide the City Controller with the means to encumber and track appropriations to provide the township board and other officials with timely and accurate accounting information and monitoring of the accounting system. An audit trail must exist for all transaction.
7. Payment should not be made on the basis of a statement or a credit card slip only. Procedures for payments should be no different than for any other claim. Supporting documents such as paid bills and receipts must be available. Additionally, any interest or penalty incurred

due to late filing or furnishing of documentation by an officer or employee should be the responsibility of that officer or employee.

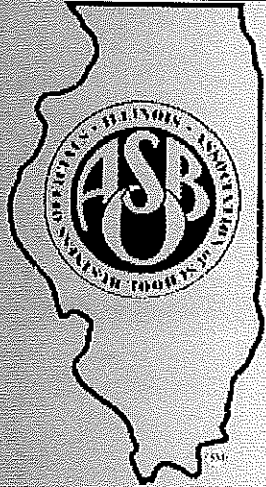
8. If properly authorized, an annual fee may be paid.
9. The P-Card may not be used to obtain cash.
10. Transactions are accessible in accordance with the Public Records Laws.
11. P-Card Agreements should not contain references to debt.
12. P-Card bills must be paid by a City check. Automatic withdrawals are not approved.
13. Any rewards or bonuses available for the use of P-Cards are City property.

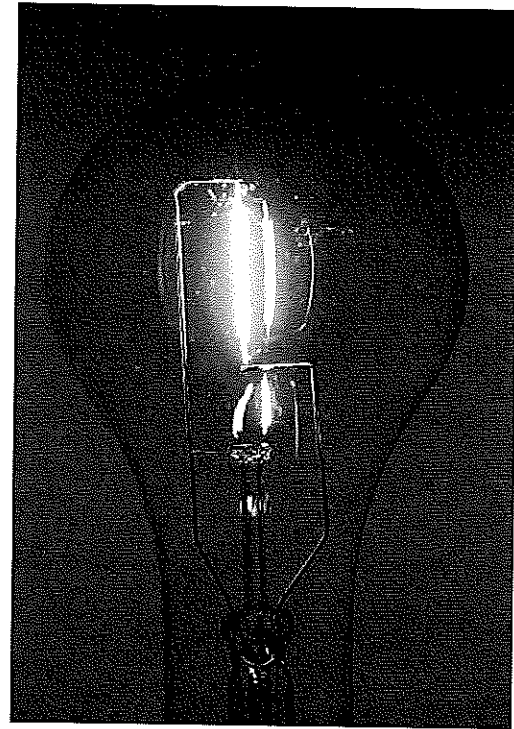
cc: David A. Wood, Mayor
Geoffrey D. Spiess, Corporation Counsel

p-CARD

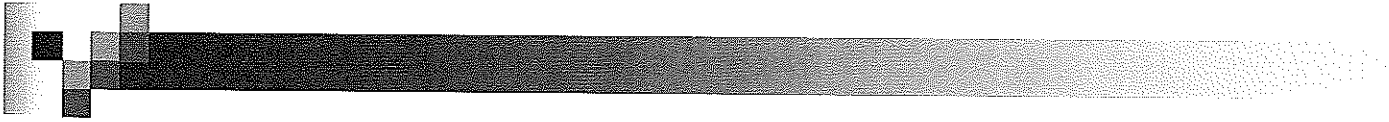
Information about the IACF p-Card Program

January 2015





Are you ready to start a p-
Card program?

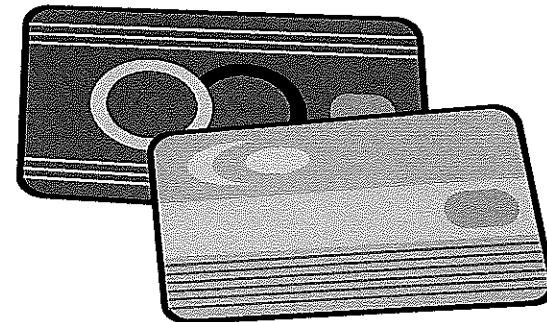


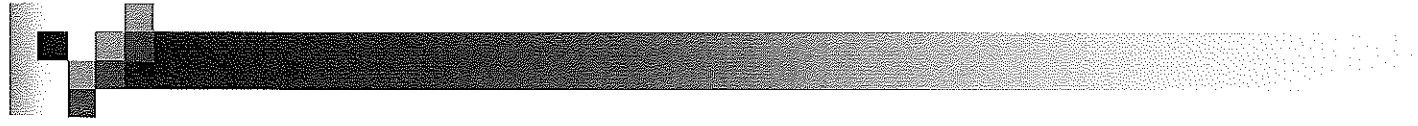
What is a p-Card?



What are Procurement Cards?

- They look and operate similar to credit cards.
- They **do not** carry a revolving line of credit.
- Usage and authorization parameters can be reviewed and managed via the internet by district administration.

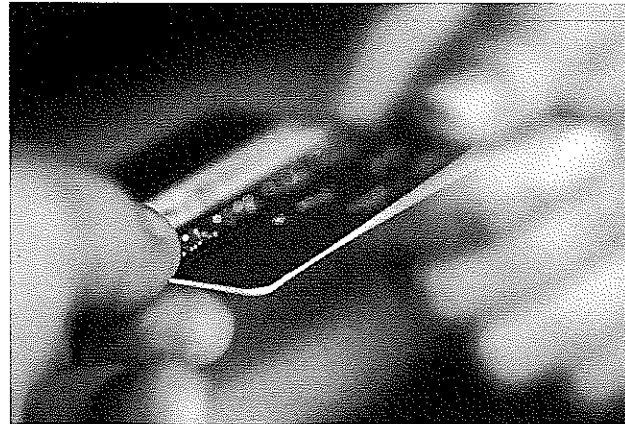




How is the IACT p-Card program different from other Bank Cards?

Costs:

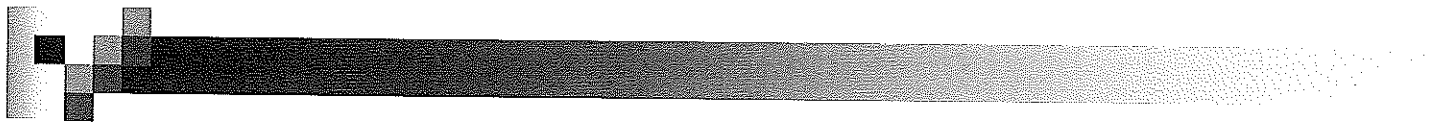
- ✓ No set up fees
- ✓ No annual card fee
- ✓ No monthly billing fee
- ✓ No online access fee
- ✓ No card cancellation fee
- ✓ No fee to issue initial or replacement cards



p-Cards Create Internal Controls

- Customized Cards
- Individual Monthly Bill
- 24/7 Card Use Monitoring
- Individual Spend Limits
- Fraud Insurance (\$250,000 per transaction)





Features of this Partnership that make it unique and Best Practice!!

- Easy application
- No minimum spend
- No maximum number of cards
- Flexibility:
 - cut off date 5th or 20th
 - grace period: 7,14,21,27 days
- Based on Municipality Audits
- Support

Only 3 Possible costs to participating municipalities

- Late fee
- ATM Charge – IF cash advance option is selected
- Interest owed on any cash advance



Three Options:

- Individual Name
- Department
- Ghost Card

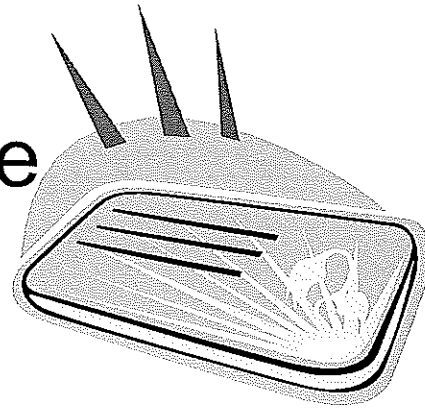


Specific card use parameters can be established for each card

- Transaction limits per charge

- Monthly limits

- Preferred Supplier Restriction



Advantages of an Association Sponsored Program

- Single Contract
- Creates a user group/support network
- Negotiation clout
- Due diligence costs eliminated
- No Costs
- No Fees
- No Charges
- **Rebates**





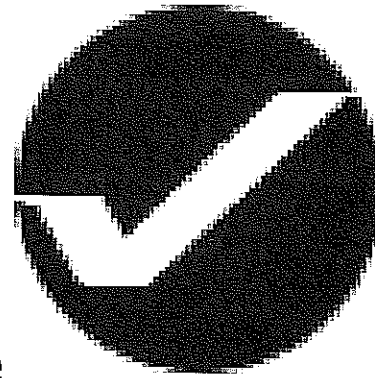
p-Card Benefits

Online Program Management

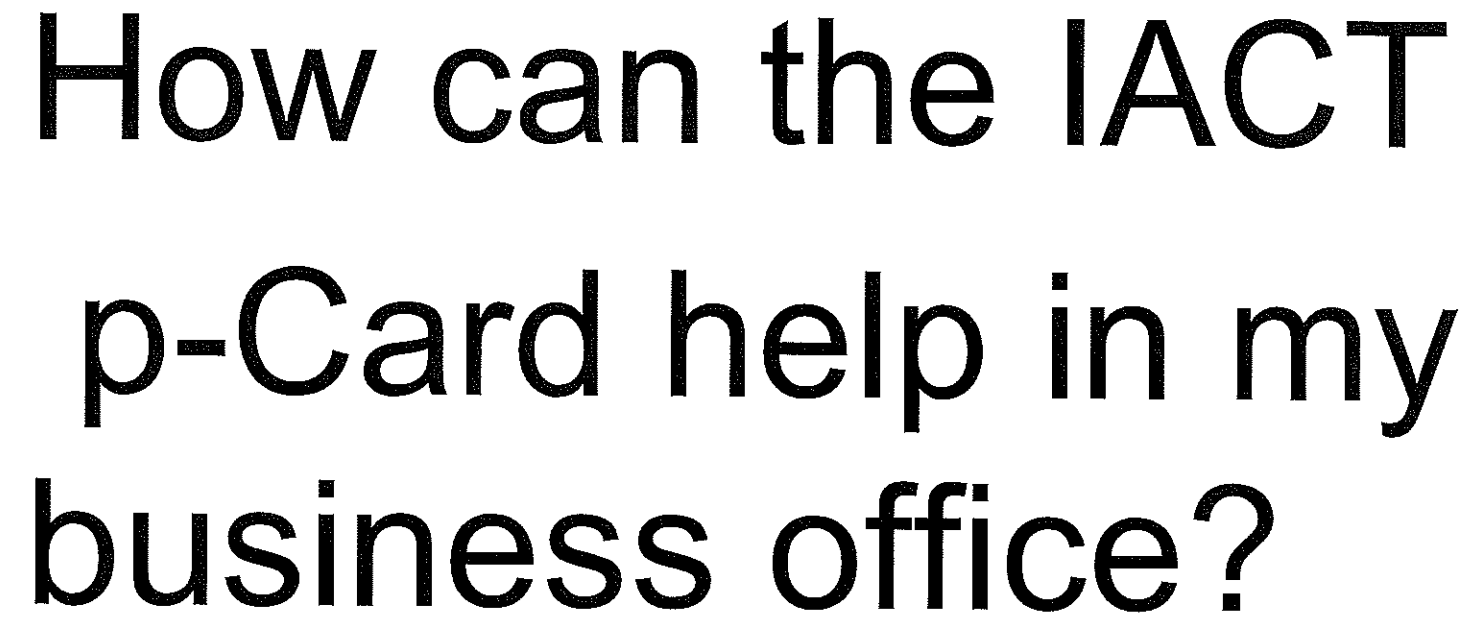
Online Information Service

- Submit one monthly payment vs. multiple payments to multiple vendors
- Reduction in paperwork
- Fraud prevention and protection through the Bank and MasterCard
- Detailed reporting available 24 x 7
- Easy online administration and dedicated customer support
- Control on spending limits and accepted vendors

Billing and Payment



- Monthly Billing Statements - Online
 - ☐ Consolidated Billing Statement
 - ☐ Individual Reports
- Payment Methods
 - ☐ Automated Clearing House
 - ☐ Check



What are the Experts Saying?

“The average cost of processing a purchase order manually is between \$75 - \$200.”

“Automating procurement reduces that cost to between \$10 - \$40... The Return-On-Investment (ROI) is amazing.”
Deloitte Consulting



Cost of Issuing A Purchase Order

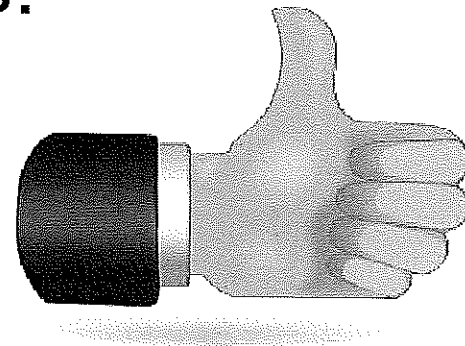
The average cost to issue a purchase order is \$100

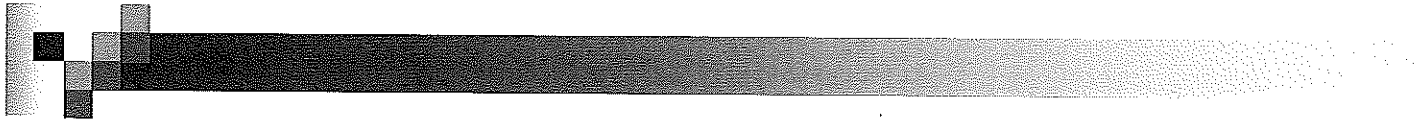
- Finding the appropriate material
- Contacting the vendor
- Ordering the material
- Reconciling the invoice
- Receiving the material
- Acknowledge the receipt
- Transfer information to accounting/purchasing for reconciliation



Some basic operations “rules of thumb”

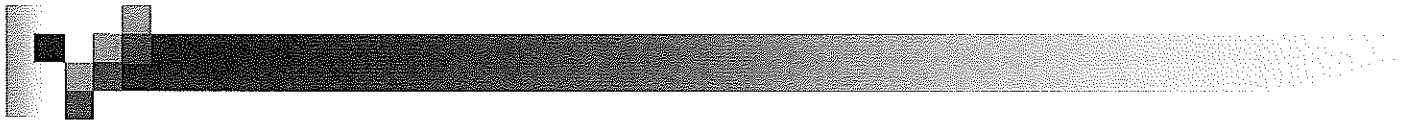
- 70 -75% of budget funds employee salaries and benefits.
- 58 – 60% of non payroll checks are written each month for less then \$500.
- 80% of non payroll expenditures are made by 20% of the employees.



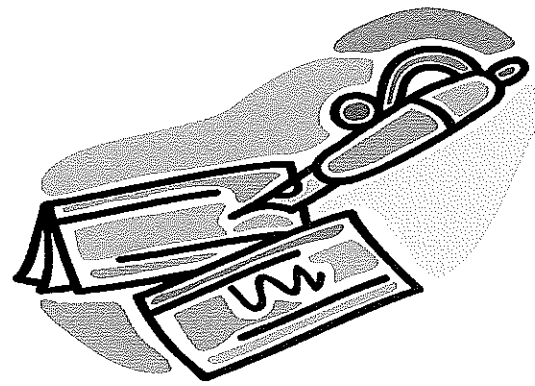


You will be surprised how many small checks (less then \$500) you write each month AND the fact that these same suppliers already accept Master Card as a form of payment.





What is really happening is
many costly SMALL
TRANSACTIONS are
consolidated into ONE
TRANSACTION EVERY
MONTH.



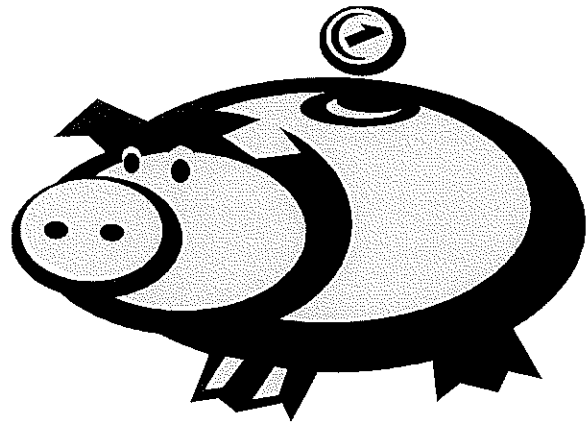
Where Are the Savings?

- Telephone costs and time
- Postage
- Time
- Monthly bank reconciliation
- Cost of checks, envelops, POs, other supplies
- other



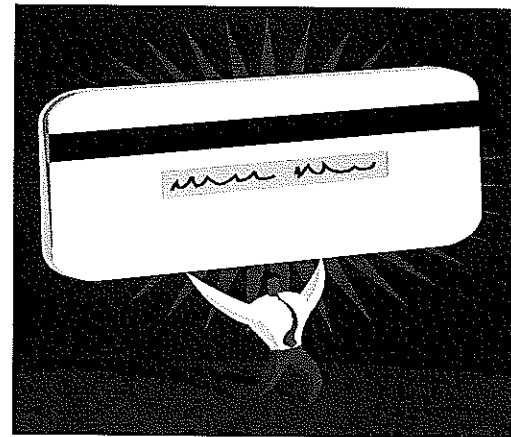
BUT there are more potential savings

- Some companies may (if asked) pay for shipping, if you use a p-Card.
- Some companies may (if asked) provide an early payment discount (1% - 5%)



p-Cards Should Not/Will Not

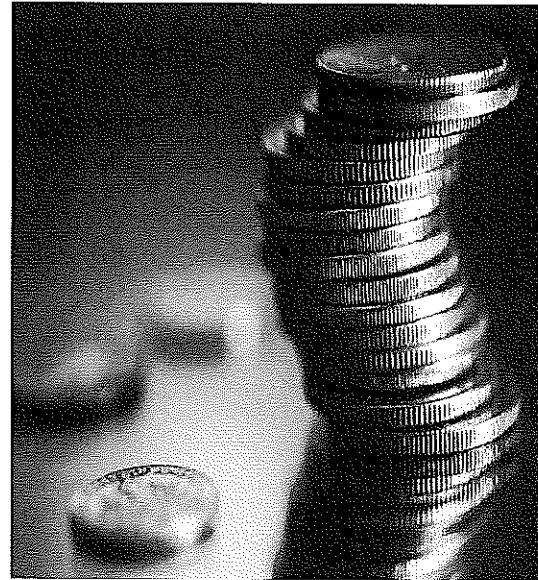
- Eliminate **all** of the Purchase Orders a municipality uses – whether paper or electronic!
- A p-Card should **ENHANCE** not replace your current purchasing options



The Bottom Line

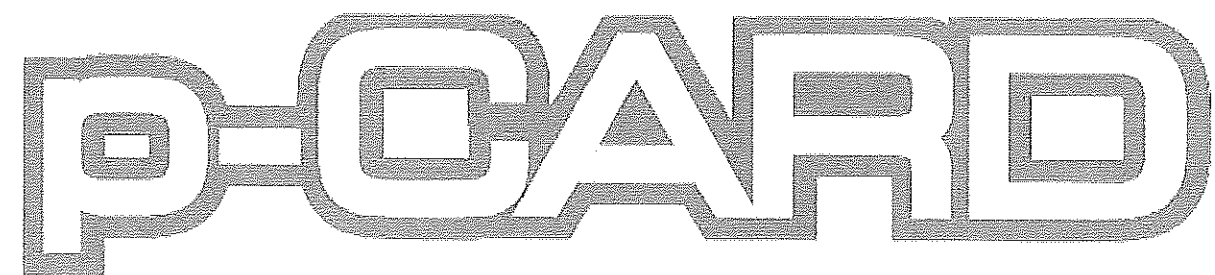
Here is a state of the art best practice
for accounts payable processing

- Program is free
- Provides comprehensive reports
- Generates integrated transaction data
- Has simplified program administration
- Implementation support
- Technical support
- Cardholder support
- Ongoing education
- User Group Seminars
- Rebates

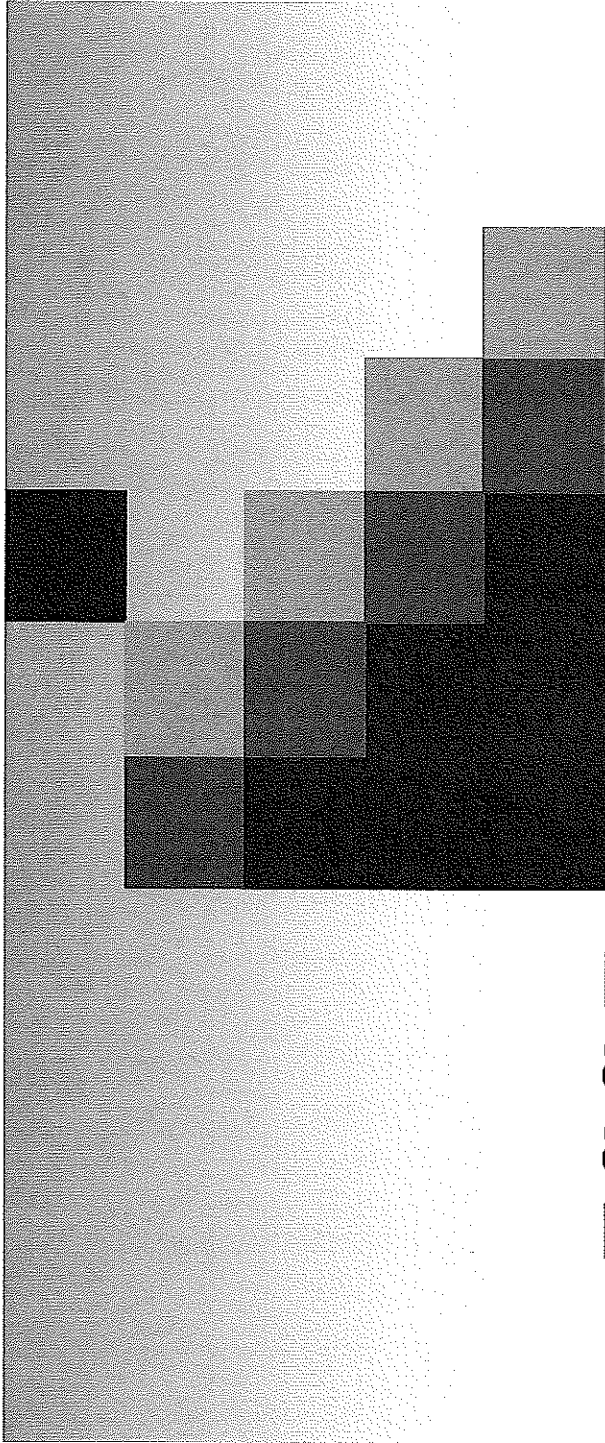




p-Card Website



■ www.illinois-pcard.com

The logo for p-CARD, featuring the text "p-CARD" in a bold, stylized, white font with a thick gray outline, set against a solid black rectangular background.

Holly Wallace
815.753.9083 (tel)
815.753.9367 (fax)
hwallace@iasbo.org

DEC 03 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 12-7-15
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015-42

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 General, Public Safety LOIT, and CEDIT Fund budgets adopted for the fiscal year ending December 31, 2015.

Section 2. There is hereby transferred and reappropriated the sum of \$150,000.00 in the following budgets:

General

From: General

<u>Other Services and Charges</u>		
101-02-435-01	MU Charges	\$15,000.00
101-02-435-02	NIPSCO	\$20,000.00
101-02-436-01	Repairs and Maintenance	\$25,000.00
Total		\$60,000.00

To: General

<u>Other Services and Charges</u>		
101-02-439-15	Election Expense	\$60,000.00
Total		\$60,000.00

Public Safety LOIT

From: Public Safety

<u>Other Services and Charges</u>		
211-50-436-90	Service Contracts	\$40,000.00
Total		\$40,000.00

To: Public Safety

<u>Capital Outlays</u>		
211-50-444-05	Clinic Improvements	\$40,000.00
Total		\$40,000.00

CEDIT

From: CEDIT

<u>Other Services and Charges</u>		
430-50-436-01	Repairs and Maintenance	\$50,000.00

Total \$50,000.00

To: CREDIT

Capital Outlays

430-50-449-01

Clinic Improvements

\$50,000.00

Total

\$50,000.00

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

Date: December 3, 2015
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: Transfer

Monday will be first reading for a transfer on two items.

Election expense was not put in the 2015 budget. This transfer is to cover the estimated bill of \$57,000. The bill from the county is to arrive after December 15th.

Our clinic construction went over budget. Payments to Brown and Brown topped \$357,000 whereas our engineering estimate was closer to \$200,000. The transfer is to cover our overages in the two city budget lines that fund the clinic. Utility also pays for a portion of the clinic.

Please contact me with any questions.

c: David A. Wood, Mayor