

AGENDA

Monday, August 1, 2016

**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**

July 18, 2016

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

Mayor Dave Wood's Youth Council Leadership Presentation

Appeal No. 2016-27 Use Variance for Used Auto Parts Services - 1732 E. McKinley Ave.

Appeal No. 2016-29 Use Variance for a 140' Monopole Communications Tower - 5225 Grape Rd -
Restore Habitat for Humanity

Petition No. 2016-22 Annex and Zone to C-4 Automobile Oriented 1732 E. McKinley Ave.

Petition No. 2016-23 Rezone from R-1 to C-1 for parking lot for 1617 Milburn Blvd (Pone
Express)

Petition No. 2016-24 Amend the PUD for Beacon Health Systems, Inc. and Memorial Health
Systems, Inc. and Site Signage 3221 Beacon Parkway

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**

P.O. NO. 2016-14 Establishing a Local Option Income Tax (LOIT) Special Distribution Fund

P.O. NO. 2016-15 Additional Funds - Public Safety LOIT \$10,000, Park Non-Reverting \$32,500,
Rainy Day \$450,000, LOIT Special Distribution \$950,000

- 8. Resolutions**
- 9. Ordinances on Second Reading**
- 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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 18, 2016

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 July 18, 2016, at 7:00 p.m. The meeting was called to order by President Ron Banicki all were asked to stand for the Pledge of Allegiance.

President Banicki asked for a moment of silence for the Police Officers who laid down their lives for us recently in Dallas, Texas, and Baton Rouge, Louisiana.

Present: Mr. Compton, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Canarecci, Mr. Banicki.

Absent: Mrs. Voelker, Mr. Mammolenti, Mr. Bellovich

Others present; Chief Deputy I Mary Ellen Hazen, Chief Deputy II, Linda Dotson.

The minutes from the July 5, 2016 meeting were approved as received from the City Clerk's Office.

A regular meeting of the Mishawaka Board of Zoning Appeals was held on July 12, 2016 at which time the following Use Variances were considered:

APPEAL #16-24 An appeal submitted by Tony Rucano requesting a Use Variance for **4601 Grape Road (JMS Plaza)** to permit a church use in the C-2 Shopping Center Commercial District.

The Board, with a vote of 5-0, recommended approval.

Clerk Block read **RESOLUTION NO. R2016-22** opening it for public hearing.

John Piraccini, Coldwell Banker Real-estate, 1539 North Ironwood, South Bend said he was representing Tony Rucano and Vineyard Church. He said the JMS Plaza is zoned C-2, therefore the request for the Use Variance. Mr. Piraccini said they feel the Church would fit well in the complex; their services are at 10:00 a.m. on Sunday most of the strip mall and surrounding stores are closed on Sunday's allowing plenty of parking for the church.

Mr. Canarecci asked about possible weddings on Saturdays.

Matt Forman, 1415 Quincy Drive, Mishawaka said typically they don't do many weddings on site and they could do them at the Jackson Road Campus as well, knowing the Grape Road location would be a busy area on a Saturday night.

Mr. Tanner asked if he was associated with North Point Church and Mr. Forman said yes it was an extension.

Mr. Compton asked about evening services during the week. Mr. Forman stated during the week they have bible study classes with an attendance of 20 to 40 people. Mr. Compton asked about Sunday evening services. Mr. Forman said yes sometimes 100 or up to 150 and introducing himself to the businesses he found that the parking lot was sparsely occupied on Sunday mornings and evenings.

Question was called for at 7:10 p.m. on RESOLUTION NO. R2016-22 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Mr. Banicki, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Tanner.

Clerk Block read **PROPOSED ORDINANCE NO. 2016-13** opening it for public hearing.

PROPOSED ORDINANCE NO. 2016-13

AN ORDINANCE ACKNOWLEDGING THE CHANGE TO THE I&M ADJUSTMENT FACTOR ESTABLISHED BY RATE ORDINANCE NO. 5426 TO RECOGNIZE THE CHANGE IN COST OF PURCHASING WHOLESALE POWER FROM INDIANA MICHIGAN POWER. (Mishawaka Electric I&M Adjustment Factor)

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

Jim Schrader, General Manager of Mishawaka Utilities 126 North Church Street, Mishawaka said within the Rate Ordinance No., 5426 passed in 2013 there was an adjustment clause they could enact based on the wholesale power cost incurred from I & M or AEP that analysis is done on an annual basis and this year they adjust that on what is called Appendix A to the ordinance and it has been supported by the Mayor and the Utility Board at the Board of Public works on June 28th .

Mr. Compton said just to clarify for the record; What we would be doing at this meeting was vote on a rate increase on the Electric Utility that was a pass through increase that would be a once a year adjustment that comes from AEP giving us a number and then we make the adjustment to our electric rates to the customers. He went on to say in the past this was done quarterly through the Tracker System and this has replaced the Tracker System. Mr. Schrader said yes it is a mechanism they choose back in 2013 to bring some stability rather than the yoyo effect on a quarterly basis, it be done once a year, AEP has a wholesale power cost they incur to generate and that was figured after the fact.

Mr. Deal asked Mr. Schrader to speak to the cost of the utility as it is a non for profit entity therefore; the utility does not have the cash on hand to absorb this kind of an increase correct, can you explain to them the cost to the utility that they are looking at.

Mr. Schrader said this was the second occurrence of the I & M adjustment, the first year there was no adjustment and the city absorbed that and the Tru-up that occurs on their financial

statement can vary based on market factors and on an average kilo watt hour which impacted customers \$2.50 per month for an average user, this year that number has risen by another one half of a cent. He said the money that comes through the Utility Office is a collection point and it goes directly to I & M to pay for the cost to purchase power it does not go to the utility to offset cost for them it is only used to buy power.

Mr. Emmons asked what that increase amounts to. Mr. Schrader said it amounts to \$2.50 the first year and on an average of 1,000 kilowatt hours it would mean another \$5.00 for kilo watt hours so now that becomes a number for those two year which becomes on average \$7.50 to \$8.00 per kilo watt hours. Mr. Emmons asked what an average house uses. Mr. Schrader stated the average use is based on 1,000 kilo watts, which was a generously high number normally around 800 to 850 kilo watts during the summer months higher during the winter lower so \$5.50 per month. He said the actual adjustments are made on AEP's business year which was June 1st, to May 31st and shortly thereafter have a meeting with them to find out what that Tru-up and cost adjustment may or may not be for the coming year, so Mishawaka Utility has been paying a higher utility rate since June, and have not collected from the rate payers at this point and must follow the process to do so.

Mr. Canarecci said just to clarify with the last increase of \$2.50 per month and now this \$5.00 works out to \$90.00 a year which is a chunk of money. He said he realizes that the Mishawaka Utility could not lower their overhead because they are a non-profit so essentially this has to be done. Mr. Schrader said that was correct the City was billed by AEP I&M at that rate per kilowatt hours. Mr. Canarecci asked what the options were looking forward. Mr. Schrader said looking forward they have already begun those options, by giving notice to I & M that they were exiting that agreement which was a 20 year agreement signed in 2005. Mr. Canarecci said there was a four year off ramp, Mr. Schrader said yes it expires in 2020 and well before then the city would have other options available to them that are not on a formula based rate like this one is, the market has changed. Mr. Canarecci asked if it was possible for us to negotiate with more than one wholesaler as to not be locked into one price. Mr. Schrader said as of 2005 yes but as of today that was not the most beneficial position to be in. He said up until that point there was a fear of an electric supply shortage that was no longer the case obviously those factors can change. Mr. Schrader said they are putting out what they call "request for proposals" to all generators and marketers of power that they can purchase from.

Mr. Canarecci asked if at that time when they renegotiate energy sources was it possible to get green energy sources. Mr. Schrader said it would be their objective to loosen the restraints that we have upon on us now, meaning we cannot purchase power under the current agreement, there are other options that have become more economical and they intend to research that to thoe fullest and find out what those options are, with the least amount of limitations.

Mr. Tanner stated that Mr. Schrader mentioned that the public utility has been incurring costs at an additional rate than what we have been receiving in our utility bills as rate payers monthly, which results in the ballpark of \$250,000.00 per month that the public utilities has absorbed. He asked would we recoup that money as the rate changes were adjusted. Mr. Schrader referred that question to Mr. Julian.

John Julian, Umbaugh and Associates 112 Ironworks Street, Mishawaka, said that money was lost there is nothing in the calculation that recaptures losses that occur before this went into effect. Mr. Tanner said how would that money be accounted for if it is spent and not raised. Mr. Julian said it would be through adjustments in other items in the budget most notably capital.

Mr. Banicki asked how the rates for Mishawaka citizens compare to other communities close by, since we buy the power and are the middle man in the process. Mr. Schrader said the recent evaluation that was performed by his office shows Mishawaka at a lower rate than the retail I & M rate of the surrounding area, historically and even today we enjoy very favorable rates to suppliers within Indiana and the nation. He said that was only a snapshot in time, they have rates they adjust annually or every other year type of basis. Mr. Schrader said he feels Mishawaka was very competitive and in most cases less expensive and they take a great deal of pride in that.

Mr. Banicki said he wanted to compliment the utility on the quick and efficient response to storms in our area, Mishawaka seems to be restored quicker than anyone else in the area. Mr. Schrader said it is that Home Town Pride thank you and that compliment would be passed on to the utility workers.

Mr. Emmons said since there were three Councilmembers missing from this meeting he wanted to enter a motion to delay the vote on this until all Councilmembers were here, as a courtesy.

President Banicki called for a second on the motion. Clerk Block stated the motion died for a lack of a second.

Question was called for at 7:31 p.m. on **PROPOSED ORDINANCE NO. 2016-13 Vote:**

Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Mr. Banicki, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Tanner.

PRIVILEGE OF THE FLOOR

Linda Bates 131 East Leyte Avenue, Mishawaka said her husband was a 2 year Vietnam Veteran and the loud noises from fireworks are so difficult for him. She was hoping there was something more that could be done about having only certain places to shoot them off and limiting the length of time they can be set off. She understands the celebration of it but was certain there were many vets that have a difficult time with the noise of them.

Mr. Banicki said his son served and also has a difficult time with fireworks and had to move out of the city because of it. He totally understands her position,

Mr. Compton thanked Mrs. Bates for coming to the meeting and he was not sure there was anything they could do to help her with this as fireworks has become a multi-million dollar industry. He said it was ironic that the celebration of the 4th of July to celebrate the birth of our country and people who have served it and this is what we have. Mr. Compton stated they would take this under advisement; they would discuss it with the mayor and police and look at the possibilities of what the police could monitor and handle. He said it has become so pervasive that we do not have enough Police to handle it. Mrs. Bates she maybe the fines should be

tougher. Mr. Compton said he cannot guarantee this will change but they would be looking into any possibilities.

Mrs. Bates also wanted to draw attention to the traffic in Normain Heights area and asked if it was at all possible to put speed bumps in her neighborhood. She said people drive too fast through there and children play outside it is so dangerous. Mr. Banicki asked her to call the Police Department and ask for extra enforcement. She said they have had no protection since Ron Hantz was their Net Officer, since he left there are drug dealers living across the street, and it has become a slum lord haven.

Mr. Banicki stated they would pass this information on and see what can be done.

Mr. Canarecci sent thanks to her husband for his service and to her for her support to him. He too said they would have discussions and see what kind of solution could be met.

NEW BUSINESS

Mr. Emmons said on July 21st Wednesday 7:00 p.m. he would have a neighborhood Watch Meeting at St. Bavo School, his guest Speaker would be Mayor Dave Wood updating what was going on in the city.

Mr. Tanner reminded everyone that Wednesday July 20th was Kam Island Fest, so the Riverwalk would be shut down to anyone under the age of 21. Clerk Block stated the tickets were available in her office for \$5.00.

President Banicki said July 27th at 6:00 p.m. in the St. Joseph County Council Chambers there would be a Food and Beverage Tax Meeting open to public comment.

ADJOURNMENT 7:45 p.m.

Deborah S. Block _____/s/
Deborah S. Block, IAMC, MMC, City Clerk

Ronald S. Banicki _____/s/
Ronald S. Banicki, President

JUL 28 2016

July 15, 2016

CITY CLERK
MISHAWAKA, IN

JUL 19 2016

Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned Appellant, Michael Niedbalski, respectfully shows the board:

AP 1732 16-27
E McKinley

1. I, Michael Niedbalski, am the owner of the following described real estate, located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

A parcel of land in the South West Quarter of the South West Quarter of Section No. 2, Township No. 37 North, Range No. 3 East, described as follows:

Beginning at a point 869.7 feet East of the Southwest corner of said Section No. 2, running thence East a distance of 90 feet; thence North 242 feet; thence West 91.69 feet; thence South 242 feet to the place of beginning; and being known as Lot Numbered 1 on the recorded plat of Sults Baby Farms of Penn Township.

ALSO:

Part of the Southwest Quarter of the Southwest Quarter of Section No. 2, Township 37 North, Range 3 East, described as follows:

Beginning at a point 660 feet East of the Southwest corner of said Section No. 2; thence North 237 feet; thence East 209.7 feet; thence South 237 feet; thence West 209.7 feet to the place of beginning.

2. The above-described real estate presently has a zoning classification of C-1 District under the zoning ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner:
Automobile recycling facility.
4. Appellant desires to change the non-conforming zoning classification to a conforming classification of C-4 with a variance that allows: selling used major component parts of vehicles, wrecking or dismantling vehicles for resale of their major component parts, rebuilding salvage, wrecked or dismantled vehicles, disposing of recyclable materials to a scrap metal processor or other appropriate facility, possessing two (2) or more inoperable vehicles subject to registration for more than thirty (30) days, and engaging in the business of storing, disposing, salvaging or recycling of vehicles, vehicle hulks or the parts of vehicles.
5. The State of Indiana requires an established place of business as defined by IC9-13-2-50.
6. Without this variant being granted, current operation of a long-established business within the City of Mishawaka would not be possible.
7. (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

No, because we have been conducting this business at this location for 38 years. We recycle all of our automobiles in an environmentally-friendly manner, properly disposing of all hazardous materials, including fluids, batteries, tires, and components containing mercury according to the regulations set forth by the Indiana Department of Environmental Management (IDEM). We are a certified Indiana Clean Yard, according to IDEM's criteria.

- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

No. Besides the reasons stated above, we have always tried to maintain and improve our property and business in a manner that reflects our concern for not only others' perception of who we are and what we do, but also not to detract from the values of ours or our neighbors' businesses or homes.

- (3) Is the need for the variance arise from some condition peculiar to the property involved?

Yes. To be licensed by the State of Indiana as an automobile recycling facility, we must be in compliance with IC9-13-2-50, and obtain zoning approval for our place of business.

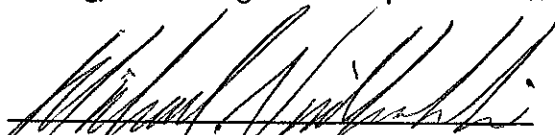
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

Yes. An unnecessary hardship would be created for the families of my employees if we are unable to continue to conduct business, as we have been for the past 38 years. It would also adversely affect the community and the City of Mishawaka, because as far as I know, we are the only Indiana Clean Yard located within the City of Mishawaka.

- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

No. We believe that having all of our property under one jurisdiction, instead of two, as it is now, will be beneficial, not only to my business, but also to the City of Mishawaka, as we continue to operate in an environmentally-responsible manner, thereby supporting our local community.

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



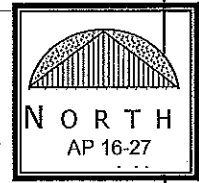
Property Owner Signature

Michael Niedbalski

Print Property Owner Name

Contact Person:

Michael Niedbalski
1732 E McKinley Avenue
Mishawaka, Indiana 46545
Phone: (574) 259-4644 ext.3
Fax: (574) 259-4688
Email: mike@mikesautosalvage.com



N BYRKIT AVE

CLOVER RD

CLOVER RD

CLOVER RD

AP 16-27

CITY OF MISHAWAKA
LIMITS

C COMM (COUNTY)
PENDING C-4 (MISH)

C-1 (MISH)
PENDING C-4 (MISH)

E MC KINLEY AVE

Location Map

AP 16-27

1732 E. McKinley Ave.

USE VARIANCE FOR USED AUTO PARTS
SALES; AUTO WRECKING &
DISMANTLING; POSSESSING TWO OR
MORE INOPERABLE CARS; AND
STORING, DISPOSING, SALVAGING
OR RECYCLING VEHICLES

E LA SALLE AVE

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 20 2016

JUL 19 2016

Date: July 18, 2016

To: City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

The undersigned appellant respectfully shows the Board:

AP 16-29

1. I, Habitat for Humanity of St. Joseph County, Inc., am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to wit:

5225 Grape Road, Mishawaka IN, 46545:

That part of the Northwest Quarter of Section No. 33, Township 38 North, Range 3 East, bounded by a line running as follows, viz: Beginning at a point on the North and South center line of said Section 33, 204 feet south of the Northeast corner of the Northwest quarter of said Section; thence running west 825 feet; thence South 264 feet; thence East 825 feet to the North and South center line of said Section; thence North along said center line 264 feet to the place of beginning.

2. The above described real estate presently has a zoning classification of C-4, Auto-Oriented Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above described property in the following manner: ReStore – a nonprofit home improvement store and donation center that sells new and gently used furniture, home accessories, building materials, and appliances to the public at a fraction of the retail price. All proceeds generated are used by Habitat for Humanity of St. Joseph County to build more homes within the local community.
4. Appellant desires to construct a 140 foot monopole, and to install twelve (12) wireless telecommunications antennas on the monopole at 5225 Grape Road. The antenna array will consist of three (3) sets of flat, panel antennas composed of four (4) antennas each. Each antenna is approximately 97 inches tall and 12 inches wide and 8 inches deep. A fenced compound will also be constructed at the base of the monopole, within which an AT&T equipment shelter and generator will be located. The monopole will be designed to accommodate a total of four (4) carriers.
5. The Zoning Ordinance of the City of Mishawaka requires a Use Variance in order to construct a use other than those specifically permitted under Section 137-379(b).
6. Strict adherence to the Ordinance requirements will create an unusual hardship by effectively preventing AT&T from expanding and improving its network and in providing optimal voice and data streaming services, as well as reliable E-911 services, to businesses and residents within the surrounding area.

7. Use Variance Proofs

A. Will Approval be injurious to the public health, safety, morals or general welfare of the Community:

NO. The site is fully developed and adequately served with existing infrastructure improvements. The proposed facility will not generate any traffic, will generate no emissions, and will not place any undue demand on existing utility facilities. There will therefore be no adverse impact on the adjacent property or neighborhood.

B. Will the use and value of the area adjacent to property included in the Variance be affected in a substantially adverse manner?

NO. Approval of the telecommunications facility will have no negative impact on the use and value of surrounding properties. The property is commercial in nature and the addition of a telecommunications facility as an accessory use, will in fact provide a direct and tangible benefit through the provision of wireless communication service to the area.

C. Does the need for the variance arise from some condition peculiar to the property involved?

YES. The condition that gives rise to the need for a variance is the specific zoning designation of the subject property itself.

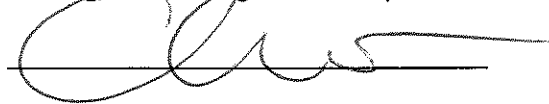
D. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

YES. Strict application of Section 137-379(b) of the Zoning Ordinance would limit the full use and enjoyment of the subject property, and prevent the highest and best use of the property, which is an ideal location for the siting of telecommunications facility that will be a direct benefit to the present business located on the property, and its customers.

E. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

NO. The Comprehensive Plan recognizes the value and benefits of a strong commercial sector, and a reliable and robust wireless telecommunications network is vital to maintaining and growing that sector of the community.

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



Andy Fitz / Mastec Network Solutions on behalf of the property owner

Contact Person: Andy Fitz, 1351 E .Irving Park Road, Itasca, IL. 60143, 773-368-0109
andy.fitz@mastec.com

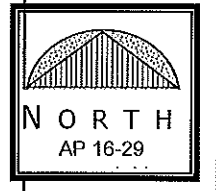
UNIVERSITY PARK DR

JENNY LN

W DOUGLAS RD

GRAPE RD

GRAPE RD



AP 16-29

PROPOSED
TOWER
LOCATION

ANDERS CT

Location Map

AP 16-29

5225 GRAPE ROAD - RESTORE
HABITAT FOR HUMANITY

USE VARIANCE FOR A 140' MONOPOLE
COMMUNICATIONS TOWER

July 15, 2016

JUL 28 2016

CITY CLERK
MISHAWAKA, IN

TO THE:

Honorable Members of the Common Council

City of Mishawaka, Indiana

and

Mishawaka City Plan Commission

City of Mishawaka, Indiana

Re: Petition for Annexation and Zoning Classification

The undersigned appellant, Michael Niedbalski, respectfully shows that he is the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

A parcel of land in the South West Quarter of the South West Quarter of Section No. 2, Township No. 37 North, Range No. 3 East, described as follows:

Beginning at a point 869.7 feet East of the Southwest corner of said Section No. 2, running thence East a distance of 90 feet; thence North 242 feet; thence West 91.69 feet; thence South 242 feet to the place of beginning; and being known as Lot Numbered 1 on the recorded plat of Sults Baby Farms of Penn Township.

ALSO:

Part of the Southwest Quarter of the Southwest Quarter of Section No. 2, Township 37 North, Range 3 East, described as follows:

Beginning at a point 660 feet East of the Southwest corner of said Section No. 2; thence North 237 feet; thence East 209.7 feet; thence South 237 feet; thence West 209.7 feet to the place of beginning.

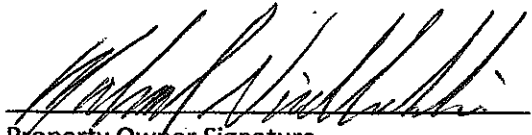
Petitioner owns One Hundred percent (100%) of the above-described parcel of land which is located at 1732 E. McKinley Avenue, Mishawaka, Indiana 46545, and that the petitioner desires the same to be annexed to the city of Mishawaka, Indiana, with a zoning classification of C-4. Petitioner further states he intends to utilize said land as it has been used for the past 38 years, as an automobile recycling facility conforming to state and local rules and regulations.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate.

Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed, which is urban in character and is an economic and social part of the City of Mishawaka, providing necessary services to the City of Mishawaka and State of Indiana by the proper dismantling and responsible disposal of end-of-life vehicles, the fluids they contain and components that may contain mercury. Our facility is certified by the Indiana Department of Environmental Management (IDEM) as an Indiana Clean Yard.

JUL 19 2016
Pet 16-22

Wherefore, petitioner prays and respectfully requests that the Common Council of the City Mishawaka refer this matter to the Mishawaka City Plan Commission, and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a C-4 zoning classification.

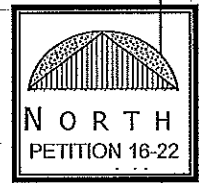

Property Owner Signature

Michael Niedbalski

Print Property Owner Name

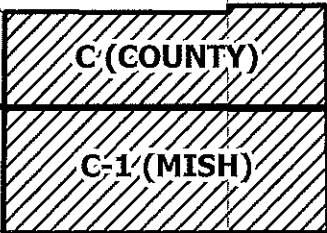
Contact Person:

Michael Niedbalski
1732 E McKinley Avenue
Mishawaka, Indiana 46545
Phone: (574) 259-4644 ext.3
Fax: (574) 259-4688
Email: mike@mikesautosalvage.com



PET 16-22

CITY OF MISHAWAKA
LIMITS



C (COUNTY)

C-1 (MISH)

E MC KINLEY AVE

CLOVER RD

CLOVER RD

CLOVER RD

E LA SALLE AVE

Location Map

PETITION 16-22

1732 E. McKinley Ave.

ANNEXATION & REZONING FROM
C COMMERCIAL (COUNTY) & C-1
GENERAL COMMERCIAL TO C-4
AUTOMOBILE ORIENTED
COMMERCIAL

FIR RD

N BYRKIT AVE

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 28 2016

CITY CLERK
MISHAWAKA, IN

July 18, 2016

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

JUL 20 2016

Pet 16-23

RE: PETITION TO REZONE

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

Lot Numbered Two Hundred Thirty Two 232 in Milburn Place Addition to the City of Mishawaka. As per Plat Thereof Recorded March 29, 1907 in Plat Book 9, Page 64 in the office of the Recorder of Saint Joseph County, IN. Common address is 1613 Milburn Blvd. Mishawaka Indiana 46544.

Petitioner owns one hundred 100% of the above described parcel of land which carries a zoning classification of ^{C-1} Residential District. Said property is to be demolished.

Petitioner desires said real estate to be rezoned to C-1 Commercial District. Petitioner further states that she intends to utilize said land for a parking lot.

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

Signature of Property Owner

Lila M. Filippone

Contact Person: Lila M. Filippone
1526 South Main Street, Mishawaka IN 46544
Phone Number 574-255-5061 Cell Number 574-993-5452



MILBURN BLVD

MILBURN BLVD

PET 16-23

MERIDIAN ST

HENDRICKS ST

Location Map

PETITION 16-23

1613 MILBURN BLVD.

REZONING FROM R-1 SINGLE
FAMILY RESIDENTIAL TO C-1 GENERAL
COMMERCIAL FOR PARKING LOT
FOR 1617 MILBURN BLVD. TO WEST

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 28 2016



CITY CLERK
MISHAWAKA, IN
July 20, 2016

PET 16-24

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

RE: Beacon Health Systems, Inc. and Memorial Health Systems, Inc.,
Petition for an Amended PUD:

The undersigned, Beacon Health Systems, Inc. and Memorial Health Systems, Inc., the Petitioners, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, St. Joseph County, Indiana:

A Part of Section 23, Township 38 North, Range 3 East, Clay Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East along the East line of the Northwest Quarter of said Section 23, 2484.75 feet to the point of beginning and a point on the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway); thence the following Two (2) courses and distances along said Southerly Right-of-Way: 1) North 48°15'13" East, 360.31 feet; 2) South 86°05'17" East, 28.60 feet to a point on the Westerly Right-of-Way of Capital Avenue; thence the following Three (3) courses and distances along said Westerly Right-of-Way: 1) South 42°35'06" East, 70.90 feet; 2) South 37°30'51" East, 451.77 feet; 3) South 40°31'24" East, 557.77 feet to a point on the Northerly Right-of-Way of the Indiana Toll Road; thence South 51°30'08" West along said Northerly Right-of-Way, 2920.66 feet to the East line of the West Half of the Southwest Quarter of said Section 23; thence North 00°24'31" West along said East line, 667.27 feet to the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway), also being a point of curve to the left having a radius of 860.00 feet, subtended by a chord length of 782.96 feet, bearing North 50°12'30" East; thence Northeasterly along said curve and Right-of-Way 812.89 feet; thence North 23°07'48" East along said Southerly Right-of-Way, 873.31 feet to a point of curve to the right having a radius of 940.00 feet, subtended by a chord length of 408.89 feet, bearing North 35°41'30" East; thence Northeasterly along said curve and Right-of-Way 412.18 feet; thence North 48°15'13" East along said Southerly Right-of-Way, 166.85 feet to the point of beginning.

Containing 47.2 acres, more or less, and subject to any easements, covenants, and right-of-ways of record.

Also commonly known as the Southwest corner of Capital Avenue and Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway), Granger, Indiana 46530.

The above described parcel of land is presently zoned "S-2" Planned Unit Development District under the City of Mishawaka zoning development codes.

The Petitioners desire to amend the existing standards for the previously approved "S-2" Planned Unit Development District, known by Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, and Ordinance No. 5186. The requested amended standards would be for the above described real estate portion of the previously approved "S-2" Planned Unit Development District. More specifically the Petitioners are requesting amended standards for Campus Identity Signage, Development Entry Road Signage, Internal Development Parcel signage and Internal Directional Signage.

CAMPUS IDENTITY SIGNAGE: The current PUD ordinance allows for development signage that is up to 15'-0" in height including masonry base of up to 3'-0" with a maximum display area of 150 square feet per sign. The PUD is to be amended to allow for (2) two Campus Identity signs up to 15'-0" tall with maximum display area of 150 square feet and may have two faces with similar copy on each face. The monument base is not included in display area calculation. The signs shall be located with (1) one at the southwest corner of the Capital Avenue at Beacon Parkway intersection and (1) one sign at the northwest corner of the Beacon 47.2 acre site. These signs may be in the building setback area, but minimum 10'-0" setback from the respective property line. See attached Exhibit "A" for locations.

The Campus Identity signage may be illuminated by either uplighting or internal backlighting, uplights must be setback minimum 5'-0" from respective property line. The Campus Identity signage may have an electronic reader board that does not exceed 33% of the display area.

DEVELOPMENT ENTRY ROAD SIGNAGE: The current PUD ordinance allows for development signage that is up to 15'-0" in height including masonry base of up to 3'-0" with a maximum display area of 150 square feet per sign. The PUD is to be amended to allow for Development Entry Road Signage at each of the (2) two approved and constructed Beacon Parkway access approach drives. Each of the entry drives may each have up to (2) signs per entry that are up to 15'-0" tall including the masonry base and a display area up to 150 square feet. The monument base is not included in the display area calculation. These signs may be in the building setback area, but minimum 10'-0" setback from the respective property line and minimum 10'-0" from the approach drive face of curb. See attached Exhibit "A" for locations.

The Development Entry Road signage may be illuminated by either uplighting or internal backlighting, uplights must be setback minimum 5'-0" from respective property line or driveway. The Development Entry Road signage may have an electronic reader board that does not exceed 33% of the display area.

INTERNAL DEVELOPMENT PARCEL SIGNAGE: The PUD is to be amended to allow (1) one sign identification of each individual building structure or designated development parcel from the internal development roadway. The internal development parcel signage shall be maximum 10'-0" tall including up to a 3'-0" masonry monument base and have a display area of up to 150 square feet. The monument base is not included in the display area calculation. These signs may be double faced. The signs shall be oriented so as not to be readily visible from the public roadway and they shall not be

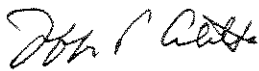
within any building setback area. Internal development parcel signage shall be minimum 10'-0" setback from the face of curb, or pavement edge if there are no curbs, in the development roadway.

INTERNAL DIRECTIONAL SIGNAGE: The PUD is to be amended to allow internal directional signage within the campus to guide staff and guests to their campus destination. The directional signage shall be maximum 8'-0" tall including a masonry monument base up to 3'-0" tall. The directional signage shall be up to 100 square feet of display area and may have (2) two faces. This signage shall be internal to the site and not visible to the public roadways. These signs may be illuminated with uplighting or internal lighting.

These requested amended changes to the PUD Development standards are shown on the attached Exhibit A site plan.

All other previously approved PUD standards for Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, Ordinance No. 5186 and previous amendment Ordinance No. 5441 shall be adhered to for the development of the above described property.

Wherefore, the Petitioners prays 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 the rezoning the above described parcel of real estate located in the City of Mishawaka, Indiana.



Jeffrey P. Costello
Vice President & Chief Financial Officer
Beacon Health System, Inc.
615 N. Michigan Street
South Bend, IN 46601
574-647-3699



Jeffrey P. Costello
Vice President & Chief Financial Officer
Memorial Health Systems, Inc.
615 N. Michigan Street
South Bend, IN 46601
574-647-3699

Contact person:
Philip E. Panzica, RA, NCARB
President / Principal Architect
Panzica Architecture Group
416 East Monroe Street, Suite 320
South Bend, Indiana 46601
(574) 234-1123
e-mail: pepanzica@panzica.net

End



July 20, 2015

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

RE: Beacon Health Systems, Inc. & Memorial Health Systems, Inc.
Amended PUD Request:

Dear Council Members,

This letter is to inform the Board Members that we have granted authority to Panzica Architecture Group of South Bend to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Amended PUD Request will be heard.

If you have any questions, or require additional information concerning this matter, please feel free to give me a call at 574-647-3699.

Sincerely,

Jeffrey P. Costello
Vice President & Chief Financial Officer
Beacon Health System, Inc.
615 N. Michigan Street
South Bend, IN 46601

Jeffrey P. Costello
Vice President & Chief Financial Officer
Memorial Health Systems, Inc.
615 N. Michigan Street
South Bend, IN 46601

LEGAL DESCRIPTION

A Part of Section 23, Township 38 North, Range 3 East, Clay Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East along the East line of the Northwest Quarter of said Section 23, 2484.75 feet to the point of beginning and a point on the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway); thence the following Two (2) courses and distances along said Southerly Right-of-Way: 1) North

48°15'13" East, 360.31 feet; 2) South 86°05'17" East, 28.60 feet to a point on the Westerly Right-of-Way of Capital Avenue; thence the following Three (3) courses and distances along said Westerly Right-of-Way: 1) South 42°35'06" East, 70.90 feet; 2) South 37°30'51" East, 451.77 feet; 3) South 40°31'24" East, 557.77 feet to a point on the Northerly Right-of-Way of the Indiana Toll Road; thence South 51°30'08" West along said Northerly Right-of-Way, 2920.66 feet to the East line of the West Half of the Southwest Quarter of said Section 23; thence North 00°24'31" West along said East line, 667.27 feet to the Southerly Right-of-Way of proposed Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway), also being a point of curve to the left having a radius of 860.00 feet, subtended by a chord length of 782.96 feet, bearing North 50°12'30" East; thence Northeasterly along said curve and Right-of-Way 812.89 feet; thence North 23°07'48" East along said Southerly Right-of-Way, 873.31 feet to a point of curve to the right having a radius of 940.00 feet, subtended by a chord length of 408.89 feet, bearing North 35°41'30" East; thence Northeasterly along said curve and Right-of-Way 412.18 feet; thence North 48°15'13" East along said Southerly Right-of-Way, 166.85 feet to the point of beginning. Containing 47.2 acres more or less. Subject to any easements, covenants and right-of-ways of record.

Also commonly known as the Southwest corner of Capital Avenue and Fir Road-Capital Avenue Connector (A.K.A. Beacon Parkway), Granger, Indiana 46530.

PETITIONERS:

Beacon Health System, Inc.
615 N. Michigan Street
South Bend, IN 46601

Memorial Health Systems, Inc.
615 N. Michigan Street
South Bend, IN 46601

ARCHITECT:

Philip E. Panzica, RA, NCARB
President / Principal Architect
Panzica Architecture Group
416 East Monroe Street, Suite 320
South Bend, Indiana 46601
(574) 234-1123

AMENDED PUD REQUEST:

The Petitioners desire to amend the existing standards for the previously approved "S-2" Planned Unit Development District, known by Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, and Ordinance No. 5186 and previously amended Ordinance No. 5441. The requested amended standards would be for the above described real estate portion of the previously approved "S-2" Planned Unit Development District. More specifically the Petitioners are requesting amended standards for Campus Identity Signage, Development Entry Road Signage, Internal Development Parcel signage and Internal Directional Signage.

GENERAL AMENDED PUD NOTES FOR SITE SIGNAGE:

CAMPUS IDENTITY SIGNAGE:

- A) Allow for (2) two Campus Identity signs up to 15'-0" tall with maximum display area of 150 square feet. The monument base is not included in display area calculation.
- B) Each sign may have (2) two faces with similar copy on each face.
- C) The signs shall be located with (1) one at the southwest corner of the Capital Avenue at Beacon Parkway intersection and (1) one sign at the northwest corner of the Beacon 47.2 acre site.
- D) The signs may be in the building setback area, but minimum 10'-0" setback from the respective property line.
- E) The Campus Identity signage may be illuminated by either uplighting or internal backlighting, uplights must be setback minimum 5'-0" from respective property line.
- F) The Campus Identity signage may have an electronic reader board that does not exceed 33% of the display area

DEVELOPMENT ENTRY ROAD SIGNAGE:

- A) At each of the (2) two approved and constructed Beacon Parkway access approach drives allow up to (2) signs per entry that are up to 10'-0" tall including the masonry base and a display area up to 150 square feet. The monument base is not included in the display area calculation.
- B) Each sign may have (2) two faces with similar copy on each face
- C) Signs may be within the building setback area, but minimum 10'-0" setback from the respective property line and minimum 10'-0" from the approach drive face of curb.
- D) Signage may be illuminated by either uplighting or internal backlighting, uplights must be setback minimum 5'-0" from respective property line or driveway.
- E) Entry Road signage may have an electronic reader board that does not exceed 33% of the display area.

INTERNAL DEVELOPMENT PARCEL SIGNAGE:

- A) Internal development parcel signage shall be maximum 10'-0" tall including up to a 3'-0" tall masonry monument base and have a display area of up to 150 square feet. The monument base is not included in the display area calculation. These signs may be double faced.
- B) Internal development signs shall be oriented so as not to be readily visible from the public roadway and they shall not be within any building setback area. Internal development parcel signage shall be minimum 10'-0" setback from the face of curb, or pavement edge if there are no curbs, in the development roadway.

These requested amended changes to the PUD Development standards are shown on the attached Exhibit A site plan.

INTERNAL DIRECTIONAL SIGNAGE:

- A) Directional signage shall be maximum 8'-0" tall including a masonry monument base up to 3'-0" tall. The directional signage shall be up to 100 square feet of display area and may have (2) two faces.
- B) This signage shall be internal to the site and not visible to the public roadways. These signs may be illuminated with uplighting or internal lighting.

All other previously approved PUD standards for Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, Ordinance No. 5186 and previous amendment Ordinance No. 5441 shall be adhered to for the development of the above described property.

OTHER PUD STANDARDS:

- A). PREVIOUSLY APPROVED PUD STANDARDS SHALL BE ADHERED TO OTHER THAN THE ABOVE AMENDED STANDARDS.

PROPERTY OWNERS LIST:

1ST SOURCE BANK
100 N. Michigan St.
2nd Floor
South Bend, Indiana 46601

Capital Plaza LLC
11652 Oakwood Lane
Granger, Indiana 46530

Harris Prairie Church of Christ
14719 State Road 23
Granger, Indiana 46530

Granger Property Development LLC
211 North Eddy Street
South Bend, Indiana 46617

CITY OF MISHAWAKA INDIANA
600 East Third St
Mishawaka, Indiana 46544

Morris Realty LLC
54731 Beaver Creek Trail
Mishawaka, Indiana 46545

Mark A. & June A. Stroud
Trustees of Mark and June Stroud Living Trust
52233 Evergreen
Granger, Indiana 46530

MEMORIAL HEALTH SYSTEM INC
615 N Michigan St
South Bend, Indiana 46601

GOLATA MARY, CLEMENT CHRISTINE M GOLATA
CATHERINE A GOLATA FAMILY TRUST
W/ GOLATA RAYMOND L & ANDREE J AS TRUSTEES
GOLATA CHARITABLE REMAINDER UNITRUST
W/ GOLATA RAYMOND L & ANDREE J TRUSTEES
P.O. Box 790153
Virgin, Utah 84779

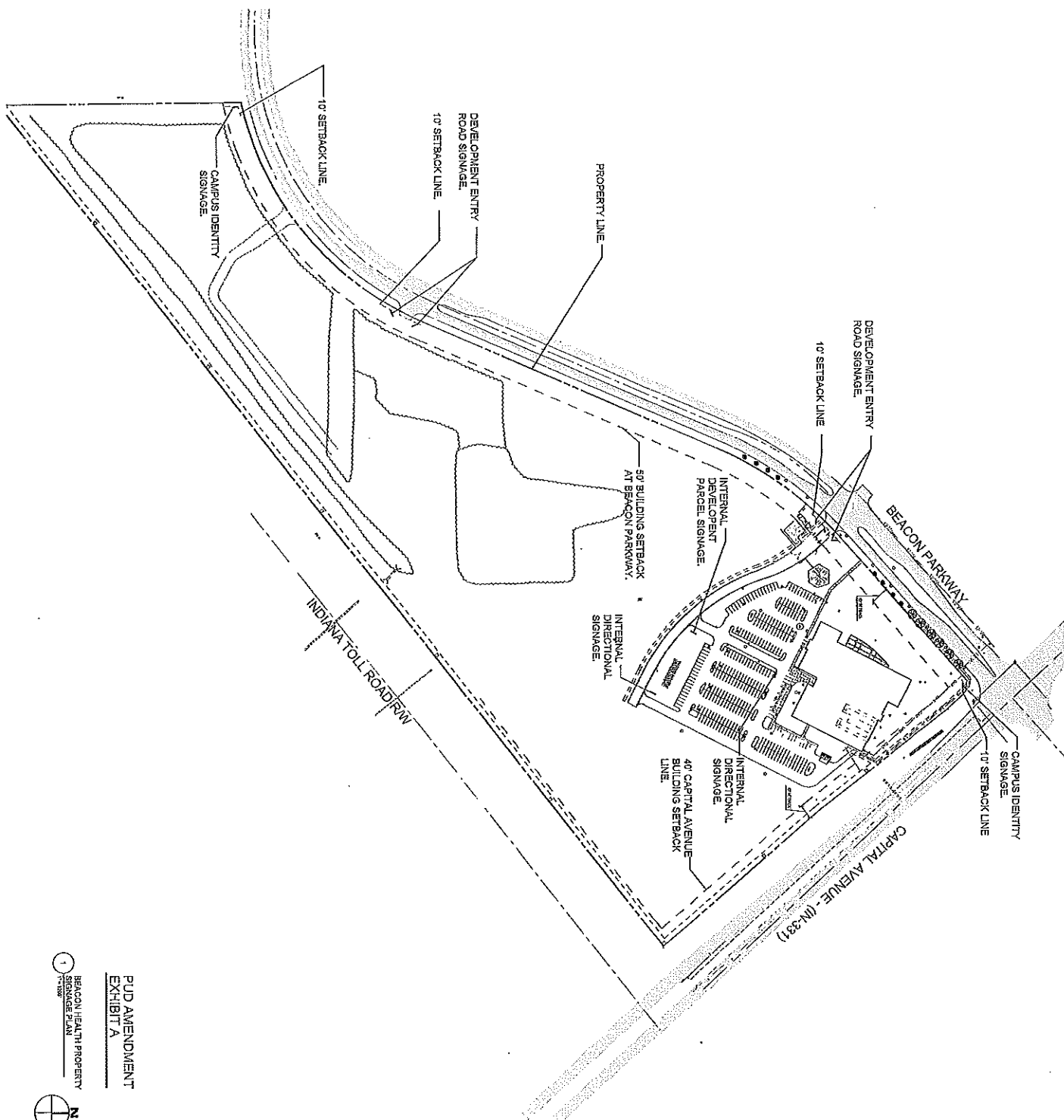
WALKER GEORGE AUGUST WALKER JEROME
FRANCIS MCCAY
ROSALIE ANN BULKIN CAROLYN LEE DEFREE
UW VIRGINIA MAY
52200 Snowberry Road
New Carlisle, Indiana 46552

Donald E. and Mary J. Frush
14710 State Road 23
Granger, Indiana 46530

State of Indiana
INDOT LaPorte Dist.
LaPorte, Indiana 46352

Harold H. and Nancy D. Hall
52177 Evergreen Road
Granger, Indiana 46530

End



**PUD AMENDMENT
EXHIBIT A**

1
BEACON HEALTH PROPERTY
SIGNAGE PLAN
11-1500



DESIGN ORGANIZATION
 10000 N. 100th Ave., Suite 100
 Indianapolis, Indiana 46261 | 317.471.1000
 www.designorg.com

panzica
 BUILDING & CONSTRUCTION
 4101 East Kentucky Ave., Suite 200
 South Bend, IN 46601 | 574.232.0134
 www.panzica.com

PROJECT NAME	PROJECT NO.
BEACON HEALTH SYSTEM	
BEACON HEALTH & FITNESS	
BEACON HEALTH PROPERTY	
SIGNAGE PLAN	
DATE	PROJECT TO:
6/20/2013	

Exb-A



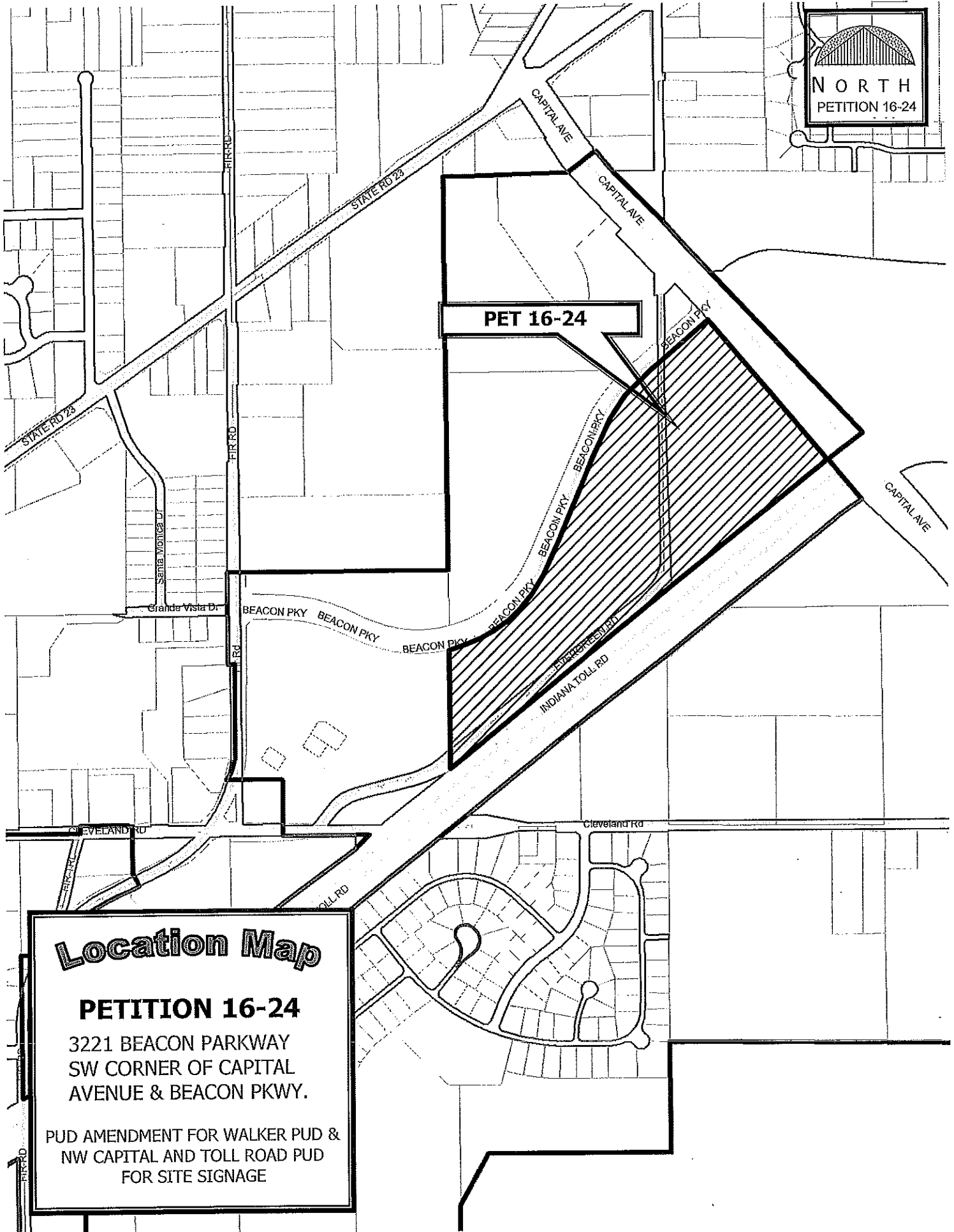
PET 16-24

Location Map

PETITION 16-24

3221 BEACON PARKWAY
SW CORNER OF CAPITAL
AVENUE & BEACON PKWY.

PUD AMENDMENT FOR WALKER PUD &
NW CAPITAL AND TOLL ROAD PUD
FOR SITE SIGNAGE



1st Reading 8-1-16
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 28 2016

Proposed Ordinance NO. 2016-14

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

ESTABLISHING A LOCAL OPTION INCOME TAX (LOIT) SPECIAL DISTRIBUTION FUND

WHEREAS, the Indiana General Assembly, through Senate Enrolled Act 67, and the Indiana Department of Local Government Finance, are requiring political subdivisions in Indiana to establish a new and separate fund to receive special Local Option Income Tax (LOIT) distributions; and

WHEREAS, the Indiana Code 6-3.6-9-1, et al has been modified requiring such fund to be established; and

WHEREAS, the City is to obtain funds from the special LOIT distributions from the County for the purposes detailed in the Indiana Code.

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

Section 1. The City of Mishawaka, Indiana hereby establishes Fund 257 LOIT Special Distribution Fund to receive Special Distributions from the County.

Section 2. This Ordinance shall be in full force and effect from and after its passage, signing, attestation, and legal publication.

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

On this _____ day of _____, 2016 at _____ o'clock, _____.M.

Ronald Banicki, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 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

CITY OF MISHAWAKA

JUL 28 2016

CITY CLERK
MISHAWAKA, IN

DAVID A. WOOD, MAYOR

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

Date: July 28, 2016
To: Honorable Members of the Common Council
From: Rebecca Miller *RM*
Re: Additional appropriations and new fund ordinance

I have a number of additional appropriations and a new fund ordinance for your approval.

A total of \$1,871,070.58 from Local Option Income Tax was received in May from the State as part of the plan to fund street repairs. Approximately 25% of this total was receipted into Rainy Day as allowed by statute.

The new fund ordinance is for this LOIT Special Distribution for the balance of the distribution totaling \$1,404,000.

An additional appropriation for \$950,000 is being presented to appropriate these funds for the State's highway matching grant program. The Engineering department has worked diligently to process and apply for this matching grant.

The \$467,070.58 balance of the new LOIT distribution was receipted into Rainy Day. I am asking to appropriate \$450,000 of it for employee health insurance and Park's property/liability insurance and their utilities. The Park operating fund was hit especially hard by circuit breaker, and the necessity to move some of the tax rate to the General fund for budget year 2016 also reduced funding.

An additional \$10,000 in Public Safety LOIT is to appropriate grant money that was received in 2015. These funds are being used to buy the Kidprint Child Photo ID Card System and radar equipment.

Lastly, I am asking for approval to appropriate funds in the Park Non-Reverting fund. We are currently paying for consulting for park projects out of CEDIT. These items will now be paid with the strategic planning money in Non-Reverting. Also, there are items needed this year at the newly renovated Battell Center. These include: a floor scrubber machine to clean the new flooring properly, refinishing of the stage, and portable basketball hoops for a new youth program this winter.

Please contact me with any questions.

c: David A. Wood, Mayor
Gary West, Director of Engineering
Phil Blasko, Park Superintendent

JUL 28 2016

1st Reading 8-1-16
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2016-15

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2016

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

Section 1. An emergency exists which requires the appropriation of additional
funds for the fiscal year ending December 31, 2016 in addition to that set out in detail in the
published budget.

Section 2. There is hereby appropriated from the Public Safety LOIT Fund of the
City of Mishawaka the sum of \$10,000.00 for assignment as follows:

Public Safety LOIT

Capital Outlays

211-50-445-08	Police Equipment	\$ <u>10,000.00</u>
		\$ 10,000.00

Section 3. There is hereby appropriated from the Park Non-Reverting Fund of the
City of Mishawaka the sum of \$32,500.00 for assignment as follows:

Park Non-Reverting

Other Services and Charges

214-50-431-06	Consulting	\$ 25,000.00
---------------	------------	--------------

Capital Outlays

214-50-444-05	Improvements not Building	\$ 3,600.00
214-50-445-14	Park Equipment	\$ <u>3,900.00</u>
		\$ 32,500.00

Section 4. There is hereby appropriated from the Rainy Day Fund of the City of
Mishawaka the sum of \$450,000.00 for assignment as follows:

Rainy Day

Personal Services

245-50-413-05	Employee Insurance Benefits	\$200,000.00
---------------	-----------------------------	--------------

Other Services and Charges

245-50-434-90	Insurance, Claims	\$105,431.00
245-50-435-01	Utilities – MU	\$119,569.00
245-50-435-02	NIPSCO	<u>\$ 25,000.00</u>
		\$450,000.00

Section 5. There is hereby appropriated from the LOIT Special Distribution Fund of the City of Mishawaka the sum of \$950,000.00 for assignment as follows:

LOIT Special Distribution

Other Services and Charges

257-50-431-06	Consulting	\$200,000.00
257-50-436-03	Street Repair	<u>\$750,000.00</u>
		\$950,000.00

Section 6. 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 _____, 2016 at _____ o'clock, _____.M.

Ronald S. Banicki, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 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