

AGENDA

Monday, September 19, 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**

9-6-2016

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

Introduction and Swearing-in of Mayor Wood's Youth Council

A public hearing on Vacation 2016-02 required by State Statute on behalf of H and G Real Estate LLC for all platted & dedicated streets Ridgemont Crossing Section Two Final PUD. **The petitioner is requesting postponement until the October 17, 2016 council meeting.**

A letter from the City Plan Commission regarding recommendations from their September 13, 2016 meeting.

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

P.O. NO. 2016-21 Rezone from C-1 to R-3 for an Existing House to be used for Multi-Family Residential (4 units) 1217 LWW

P.O. NO. 2016-22 Annex and Rezone to S-2 PUD for Watermark Apartments PUD proposed 390 Units & Club House - 53555 Fir Rd and Toll Rd

P.O. NO. 2016-23 Civil City Budget and Tax Levy for 2017

- 8. Resolutions**

R2016-27 Approving Title VI Compliance Assurance Program

- 9. Ordinances on Second Reading**

P.O. NO. 2016-16 Annex and Zone to C-4 Automobile Oriented 1732 E. McKinley Ave. **VOTE ONLY** (Assigned to Land Use Planning Committee)

P.O. NO. 2016-19 Elected Officials Salary Ordinance for 2017 (Assigned to Budget and Finance Committee)

P.O. NO. 2016-20 City Employees Salary Ordinance for 2017 (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

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

September 6, 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 Tuesday September 6, 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.

Roll Call.

Present: Mrs. Volker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. **Absent:** Mr. Emmons.

Others present; Mike Trippel Council Attorney, Linda Dotson Chief Deputy Clerk II, Raven Boston, Intern

The minutes from the August 15, 2016 meeting were approved as received from the City Clerk's Office.

Clerk Block presented the following Appeal to the Council, who referred them to the Board of Zoning Appeals, for their recommendation.

APPEAL NO. 2016-33	Use Variance for Temporary Food Truck trailer located in Front Yard (Drive Way) 220 E. Mishawaka Ave. Indiana Rug Co.
PETITION NO. 2016-26	Rezone from C-1 to R-3 for an Existing House to be used for Multi-Family Residential (4 Units) 1217 LWW
PETITION NO. 2016-27	Amendment to allow Multi-Family Residential Uses 516 Units and Club House – Ridgemont Crossing PUD NE corner of Fir Rd. & Dragoon Tr.
PETITION NO. 2016-28	Vacation to Right-of-Way All Platted & Dedicated Streets Ridgemont Crossing Section Two Final PUD
PETITION NO. 2016-29	Annex and Rezone to S-2 PUD for Watermark Apartments PUD proposed 380 Units & Club House – 53555 Fir Rd.

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. 2016-19

**AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017
(Assigned to Budget and Finance Committee)**

PROPOSED ORDINANCE NO. 2016-20

**AN ORDINANCE FIXING THE SALARIES OF
ALL EMPLOYEES OF THE CITY OF MISHAWAKA
EXCEPT MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE
MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017
(Assigned to Budget and Finance Committee)**

Clerk Block read **RESOLUTION NO. 2016-25** opening it for public hearing.

RESOLUTION NO. 2016-25

**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 THE ANNEXATION FOR THE PROPERTY LOCATED AT:**

1718 AND 1732 E. McKinley Ave. Mishawaka, Indiana

Ken Prince City Planner said the property was already receiving city services so there was no increase required because of the address at 1732, half of the property is currently in the City and half is in the County. Mr. Prince assured the fiscal plan would have no impact on the city.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Volker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.

Clerk Block read **RESOLUTION NO. 2016-26** opening it for public hearing.

RESOLUTION 2016-26

**A RESOLUTION APPROVING RENEWING A WASTE REMOVAL CONTRACT
WITH BFI WASTE SERVICE OF INDIANA, LP**

Gary West President of Board of Public Works and Safety said the specification to bid the entire package would take time to update, advertise and evaluate the bids. Mr. West said Mr. Moss submitted a proposal in June to the legal department and met with the administrative staff. He said there were some language changes in the contract. Mr. West mentioned in the letter

prepared by Mr. Speiss, prices for seniors would be \$12.09 and non-seniors would be \$14.86 fixed for the next four (4) years. He said there was a fairly significant change to this contract, it was not in the volume of trash that can be placed out but it's the manner in which it would be collected. Mr. Moss said the increase for the next 4 years would be a \$1.09. He explained it was difficult to keep the workers, who makes 600 to 700 stops everyday lifting bags and barrels of various sizes and weight, it takes a toll on the workers and then they migrate to less straining jobs. He said the package that was approved through the board, was to have totters of 95 gallons to be delivered to every resident. Mr. West informed that utilities would be preparing a letter that would be mailed through the utilities separate mailing to every solid waste customer. He mentioned customers can opt out of the 95 gallon and down size to 65gallon. Mr. West believed 85% or more can move to the front out on the street curb side as opposed to being in the alley. He said by doing that another one of the issues would be the heavy snows in the winter the alleys are not plowed. Mr. West said if it is two or three inches it is not a problem but with 6 or 8 inches' trucks in the alleys get hung up. Mr. West mentioned his discussion with the Mayor, who has asked that as they move trash collection out of the alleys and to get rid of the blue barrels, as we migrate to the roll off totters to the front. He said the goal was to clean up the alleys, either through Mayor Dave's contract or private contract to clean much of the alleys and concentrate in the next couple of years on alleys that have recycling and trash pickups to pave and do new alley approaches. He said that they would be focusing on connecting the sidewalks through the alley approaches then pave those alleys and clean them up. Mr. West mentioned that one of the things they emphasized in the proposal was that they do not modify any terms in the contract. He said 8 years ago there was discussion that no trash would be left behind which was an issue they were having. Mr. West said as they migrate into the city doing the billing and collecting on the utility bill and paying one bill to BFI, they were able to include the no trash left behind. He mentioned if 90gallon exceeds the capacity they would take the additional trash especially during the holiday, if consistent they would encourage residents to rent an additional totter so they do not have material in the street.

Mrs. Volker asked if the current rental program would go away.

Mr. Moss Republic Services BFI Waste Services replied that existing customers would be given a choice if they want to continue to rent an additional container.

Mr. Mammolenti questioned the \$1 increase for the totters.

Mr. West confirmed the \$1 increase has been flat for the last four years, their concern of the utility having to subsidize trash collection. He said they would benefit things to the trash program, alley improvements, and improvements at 5th street recycling.

Mr. Mammolenti asked with the current set up what the estimated time of each route averages.

Mr. Moss answered depending on the season 9 to 10 hour days.

Mr. Mammolenti asked with the new automation how long would it take.

Mr. Moss replied similar.

Mr. Mammolenti said no cost saving just less strenuous.

Mr. Moss said there would be some labor savings on the route but there would be additional expense of adding an additional totter. He said the biggest benefit for them would be happier employees that stay longer and know the route better which means better customer service.

Mr. Deal asked with it being the less labor intensive, would it cause employees to lose their jobs.

Mr. Moss replied No.

Mr. Deal requested a time frame of how long it would take to make the change.

Mr. Moss said everyone has been defaulted to the larger cart unless they notify them that they would like the smaller cart. Mr. Moss mentioned they would be sending out a letter explaining how to do so. He said once compiled, it would take another month, the containers would then be ordered and they hope to have them in October or early November.

Mr. Deal asked if they would be deploying the carts as they come in or all at once.

Mr. Moss answered it would be a mass deployment, which would only take a week.

Mr. Deal asked how difficult would it be for a resident to get them changed out.

Mr. Moss said it should not be that difficult, they would put them up front so there would not be big back log.

Mr. West mentioned if people move and have a smaller container and would like to change to a larger container it would be the same process. He said it will be an ongoing thing as people migrate in and out.

Mr. Deal asked when someone moves, do they leave the container at the property or can they take them.

Mr. Moss said the container stays with the property.

Mr. Bellovich asked regarding yard waste, as long as its bagged, would that be fine.

Mr. Moss replied yes. He stated that in the State of Indiana leafs and mass quantities are band from the land field and Mishawaka has a leaf program, everything but leafs are ok.

Mr. Tanner asked if lost, stolen or damaged was that an expense that BFI absorbed.

Mr. Moss said that there needs to be a police report filed then it would be replaced.

Mr. Tanner asked if homeowner was careless or trying to pull one over it would be their responsibility to replace it.

Mr. Moss answered yes.

Mr. Canarecci asked Gary West if any other bids were received.

Mr. West answered no, they did not put out a formal request for bids. He said they negotiated an extension of that contract. He said the bidding was very cumbersome. Mr. West said if they received a competitive bid it was less dollars or comparable dollars to transition. He believed that it was in the best interest of the city to extend it and do it in a cost effective manner.

Mr. Mammolenti asked the last extension was 4 years ago.

Mr. West replied yes. He said the last extension was 2008 and 2012.

Mr. Mammolenti asked in 2008 BFI was the lowest.

Mr. West answered yes.

Mr. Mammolenti asked how much has it increased since 2008.

Mr. Moss answered it has increased \$1.09 for non-seniors and 87 cents for seniors locked again for the next four years.

Jesse Davis 210 Towle Avenue was concerned about the new trucks.

Mr. Moss said the trucks would be equivalent to the old trucks.

Mr. Waelchli 819 LWW said he had concerns about the switching from alley to street along Lincolnway with Lincolnway being narrow especially during the winter months.

Mr. Moss said there would be some places that would stay in the alley.

Mr. Compton expressed his concerns about the seniors transitioning from alley to street. He asked to be sure to take them in consideration and work with them.

Mr. Canarecci had some reservation that there were no other bids.

Question was called for at 7:30 p.m. on **RESOLUTION 2016-26**



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Volker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.

Clerk Block read **PROPOSED ORDINANCE NO. 2016-16** opening it for public hearing.

PROPOSED ORDINANCE NO. 2016-16

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

(Annex and Zone to C-4 Automobile Oriented 1732 E. McKinley Avenue)

Mike Niedbalski 68260 Elm Road said he has been doing business in the same location for 38 years. He said he was proud of his services. Mr. Niedbalski said they were recycling before recycling was cool. He believes in recycling.

Second reading was heard on **PROPOSED ORDINANCE NO. 2016-16 closed for Public Hearing. NO VOTE TAKEN.**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-17** opening it for public hearing.

PROPOSED ORDINANCE NO. 2016-17

**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 R-1 to C-1 for parking lot for 1617 Milburn Blvd. (Pone Express)
(Assigned to Land Use Planning Committee)

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

Lila Filippone 1617 Milburn Blvd. Pone Express said she would like to make a parking lot with handicap parking for her business and the apartment above, she would make the curb cut. She asked how many dry wells would be needed.

Mr. Banicki mentioned Mr. Prince or Mr. West can assist her with the wells.

Mr. Mammolenti asked where would the cars enter.

Mrs. Filippone said through the alley behind the Pone Express and exit out on Milbrun.

Mr. Mammolenti asked if the house had been demolished.

Ms. Filippone replied yes and filled in.

Mr. Canarecci asked how many cars would it fit.

Ms. Filippone replied Plan commission said 8 cars.

Mr. Banicki expressed his appreciation of their good business.

Question was called for at 7:38 p.m. on **PROPOSED ORDINANCE NO. 2016-17**



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. **Thus it becomes ORDINANCE NO. 5538.**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-18** opening it for public hearing.

PROPOSED ORDINANCE NO. 2016-18

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

(Amend the PUD for Beacon Health Systems, Inc. and Memorial Health Systems, Inc. and Site
Signage 3221 Beacon Parkway)

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

Phil Panzica Architect with Panzica Building Corporation said the amendment to the PUD was to look at the signage for the entire 50-acre campus. He said they identified the signage on the corner of Capital Avenue and Beacon Parkway. Mr. Panzica said they also proposed two signage's at the entry drive that would identify what services are available of that entry to the development. He mentioned another lay signage which is internal to the campus which would identify what building is providing what services from the development road. Mr. Panzica believed that it would be a good overall plan for a cohesive signage program for that site.

Mrs. Volker asked what the signs would look like.

Mr. Panzica said the signage out on the front will be the Beacon color and use some era decent colors that would change depending on the time of day. He said on the corner there would be a sign board announcing things going on inside or in the community with health initiatives. Mr. Panzica said the signs would be 10 feet and a base of 150 square feet and the smallest of 100 square feet. He said the digital displays are allowed some images but they would not be movie like images, they would be more for announcements of health initiative, modos and sayings to stay healthy.

Question was called for at 7:43 p.m. on **PROPOSED ORDINANCE NO. 2016-18**



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. Thus it becomes ORDINANCE NO. 5539.

PRIVILEGE OF THE FLOOR

Jessie Davis 210 Towle Avenue voiced his concerns about the killing of the geese. Mr. Davis asked if the Council can write an ordinance to protect the geese.

Mr. Banicki explained that it was the Park Boards decision.

Phil Panzica thanked the council and city departments for his enjoyable experience.

UNFINISHED BUSINESS

Ordinance No. 5537 (Proposed Ordinance 2016-15) Additional Funds

Mrs. Block explained that by state law they have to publish that there was a public hearing. She said they are required to publish to two newspapers Mishawaka Enterprise and the South Bend Tribune. Mrs. Block said it mistakenly dropped into a draft and did not get published. Mrs. Block asked for it to be open and be voted on again.

Question was called for at 7:53 p.m. on **Ordinance 5537**



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Volker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.

Clerk Block read **RESOLUTION NO. 2016-23** opening it for public hearing.

RESOLUTION 2016-23

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

1718 East McKinley Avenue and 1732 East McKinley Avenue Mishawaka, Indiana

Mr. Niedbalski 68260 Elm Road Bremen runs a clean yard. He said before there was recycling they were doing it and would like to continue doing so.

Mr. Compton. Thanked Mr. Niedbalski for his patients. He said Mr. Niedbalski was grandfathered in for the parking of no vehicles.

Mr. Tanner explained that the reason for the continuance was a pervious petitioner requested parking of vehicle on land and was denied due to the present law.

Question was called for at 7:57 p.m. on **RESOLUTION 2016-23**



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).
Yes: Mrs. Volker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.

NEW BUSINESS

Mr. Mammolenti stated the Twin Branch Neighborhood Meeting would be 9-21-2016 at the Harrison Fire Station # 4. He said the guest speakers would be Dick Curry and Marcia Wells from the Collaboration Committee of the School City of Mishawaka at 7:00 p.m.

Mr. Tanner announced “The Oaks” Neighborhood Meeting at Albright United Church would be 9-14-2016 at 6:00 p.m. He said local candidates would be in attendance for a Meet and Greet.

ADJOURNMENT 8:00 p.m.

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

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

NOTICE OF HEARING

Vacation No. 2016-02

Date of Hearing: September 19, 2016

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

Vacation NO. 2016-02 – Petition No. 2016-28

A petition has been filed by H and G Real Estate LLC for
Vacation of Public Right of Way

Vacation NO. 2016-02 – Petition No. 2016-28

Part of the Southwest Quarter of Section 23, Township 37 North, Range 3 East, Penn Township,
City of Mishawaka, St. Joseph County, Indiana, which is described as:

- 1) The 60-foot right-of way running North-South for approximately 505.11-feet, commonly known as Blue Ridge Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 2) A portion of 50-foot right-of-way running East-West between Denali Court and Cane River Drive for approximately 546-feet, commonly known as Glacier Bay Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 3) A portion of 50-foot right-of-way running East from the centerline of Cane River Drive approximately 123.92-feet, commonly known as Glacier Bay Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 4) The varied width right-of-way running North-South for approximately 259-feet, commonly known as Denali Court, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 5) A portion of 50-foot right-of-way running North from the centerline of Glacier Bay Drive for approximately 130.57-feet, commonly known as Cane River Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.

6) A portion of 60-foot right-of-way running East from the centerline of Blue Ridge Drive for approximately 115.00-feet, commonly known as Muir Woods Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.

Subject to all legal right

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



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

September 14, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 14 2016

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
September 13, 2016, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #16-26 A petition submitted by Susan L. Ganser and Erik and Linda Waelchli requesting to rezone **1217 Lincolnway West**, from C-1 General Commercial District to R-3 Multi-Family Residential District.

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

PETITION #16-29 A petition submitted by Terry L. Seggerman requesting to annex and zone **53555 Fir Road, Granger** to S-2 Planned Unit Development to permit multi-family residential uses and clubhouse.

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

1. Permitted uses shall be limited to a 390 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house and community pool.
2. Landscaping shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.
3. Landscaping and screening, including a compact row of evergreen trees and fencing, shall be required along a portion of the south property line immediately adjacent to the existing single-family residential house located at 53603 Fir Road.
4. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.
5. The extension of all utilities to the site shall be at the developer's cost and expense.

6. Road improvements along Fir Road shall be installed as determined by the Department of Engineering.
7. Additional right-of-way and easements along Fir Road shall be dedicated as part of the final site plan and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction. Conceptually, a minimum of 40' of additional right-of-way, establishing an 80' half right-of-way, shall be provided from the northeast corner of the property at the Indiana Toll Road to south of the northernmost access drive. Conceptually, a minimum of 20' of additional right-of-way, establishing a 60' half right-of-way, shall be provided south of the northernmost access drive to the southeast corner of the property.
8. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.
9. Total number of parking spaces required for shall be a minimum of 1.5 spaces per unit.
10. Building and pavement setbacks shall be a minimum of 30' from the proposed right-of-way line of Fir Road, the Indiana Toll Road right-of-way, and all other external/perimeter property lines.
11. Building materials and colors shall comply with the C-1 General Commercial Zoning District with the exception of allowing fiber cement board siding and trim materials on all buildings.
12. The architecture shall include garages and private entrances as conceptually identified.

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, City of Mishawaka Plan Commission

cc: Erik Waelchli
Brad Mosness

STAFF REPORT

Location: 1217 Lincolnway West

Date: Sept. 13, 2016

Petition: 16 26

Prepared By: KM

GENERAL INFORMATION

Applicant: Susan L. Ganser/Erik and Linda Waelchli

Status: Property Owner/Contingent Purchasers

Request: Rezone from C-1 General Commercial to R-3 Multi-Family Residential

Zoning Classification: C-1 General Commercial

Lot Size: 52' X 139.47'

Applicable Regulations: Sec. 137-215 Residential R-3 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-1 Extensive Open Space and Public Use District (Kate's Garden)
South: R-1 Single Family Residential District
East: C-1 General Commercial District
West: C-1 General Commercial District

Thoroughfare: Lincolnway West east of Logan Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioners are requesting to rezone 1217 Lincolnway West from C-1 General Commercial District to R-3 Multi-Family Residential District. The property is located on Lincolnway West east of Logan Street and is surrounded on the north by S-1 Extensive Open Space and Public Use District (Kate's Garden), south by R-1 Single Family Residential, and on the east and west by C-1 General Commercial.

The Waelchli's are the contingent buyers of the property and state the building is laid out for four (4) apartments and will remodel the building and make improvements as necessary and maintain the four (4) apartments. A new roof will be installed and they plan to paint the exterior of the building and have contacted Todd Zeiger with Indiana Landmark for color suggestions. There is on-site parking for up to eight (8) vehicles; two more than required by the Zoning Ordinance.

As a side note, Mr. and Mrs. Waelchli also own 819 Lincolnway West which houses Mr. Waelchli's office on the first floor and apartment on the 2nd floor. They were granted a Use Variance in 2011 for the office and apartment use. While they won't be living in either building (819 or 1217) they do have a presence in the area.

Prior to the 1980's residential uses were permitted in the C-1 General Commercial District. Around 1986 the Zoning Ordinance was amended to prohibit residential uses within most commercial districts. Originally constructed as a single family residence in 1905, the home was converted into four (4) apartments (at least prior to 1976, date of earliest Polk Directory in the office) and has historically has remained residential in its use. The area is predominately residential in nature, so rezoning to R-3 is consistent with nearby uses.

The Building Department states that an inspection is required to ensure compliance with building code. Other pertinent City Departments reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 16-26 to rezone 1217 Lincolnway West from C-1 General Commercial District to R-3 Multi-Family Residential District. This recommendation is based upon the following findings of fact:

1. There are multiple zonings in the immediate vicinity and most of the structures are residential in use. This property's historic use as a multi-family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical multi-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-3 Multi-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial developments that could occur with its current zoning, rezoning this property to the R-3 Multi-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,
5. The City's Comprehensive Plan calls for General Commercial uses, however, its use as a multi-family residence is compatible with other residential uses in the area.

ATTACHMENTS

PHOTOGRAPHS, PETITION, INTERIOR PHOTOS AND APARTMENT LAYOUT, PARKING PLAN, AERIAL, LOCATION MAP



View of 1217 Lincolnway West



View of 1217 Lincolnway West from alley

Erik & Linda Wälchli

52037 Woodridge Dr.
South Bend, IN 46635
+1 (574) 621-0096
Erik.USA@juno.com

August 11, 2016

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

AUG 12 2016

Pet 16-26

RE: PETITION TO REZONE

We, the undersigned petitioners, Erik and Linda Waelchli, respectfully show the Board to hopefully be the future owners (see enclosed authorization from Current Owner Susan L. Ganser) of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

- **Lot 109 Ex N Pt For St Adam S Bakers 1st 03-04**
Split To State For St Per Tr 11793 1-6-03
- Parcel ID 71-09-16-155-002.000-023
- Address 1217 Lincoln Way West
- Tax Key 016-1021-0851

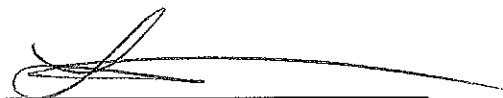
The petitioners, given this rezoning petition is granted, plan to own one hundred (100%) percent of the above described property and parcel of land which carries a zoning classification of **C-1 Commercial** District. Said property is currently used as a private resident and apartments, and is already laid out for four (4) apartments.

The petitioners desire said real estate to be rezoned to **R-3 Multi Family** District. Petitioners further state that they intend to utilize said property and land to operate four (4) premier rental apartments; which is the reason for the rezoning request.

WHEREFORE, we 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 rezoning the above described parcel of land located in the City of Mishawaka.



Erik Waelchli



Linda M. Waelchli

CONTACT PERSON:

Name: Erik Waelchli
Address: 52037 Woodridge Dr., South Bend, IN 46635
Day Phone Number: +1 574 621 0096
Fax Number: +1 574 272 3943
Email: erik.waelchli@IBDConnection.com

Susan L. Ganser
1217 Lincolnway West
Mishawaka, IN 46544

~~August~~ July 29, 2016

Board of Zoning Appeals City of Mishawaka, Indiana
and
Common Council of Mishawaka, Indiana
Mishawaka, IN 46545

Re: **RE-ZONING Filling AUTHORIZATION for**
Property at 1217 Lincoln Way West, Mishawaka, IN
Legal Description: Lot 109 Ex N Pt For St Adam S Bakers 1st 03-04 Split To State For St Per Tr 11793 1-6-03

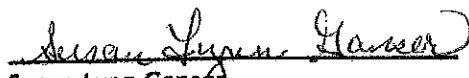
To Whom I may concern:

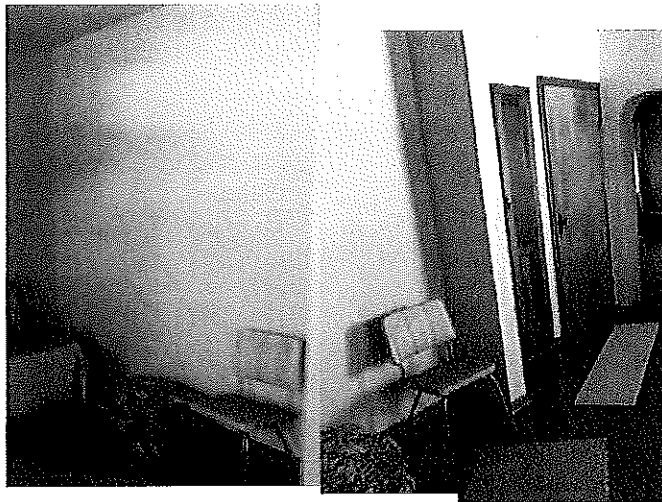
I, Susan L. Ganser, the owner and title holder of the property at 1217 Lincoln Way West, Mishawaka - IN, authorize Erik and Linda Waelchli to file a "RE-ZONING - Application" for the above mentioned property. This, because I am in negation with them on the sale of said property and their desire to purchase said property only if the requested variances is granted by your board.

RE-ZONING Application requested by Erik and Linda Waelchli:

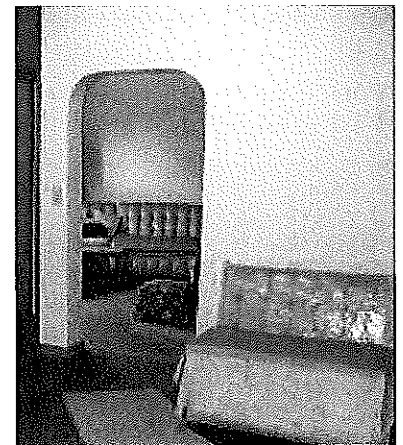
- Current zoning of the property is C-1 Commercial
- Desired zoning of the property is R-3 Multi-Family

Respectfully

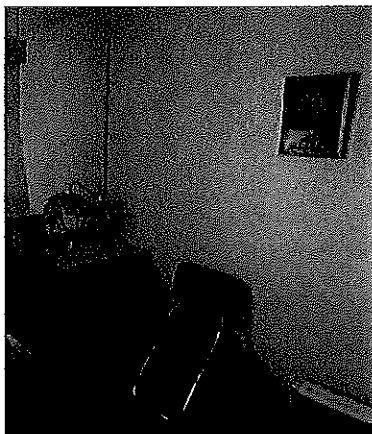

Susan Lynn Ganser



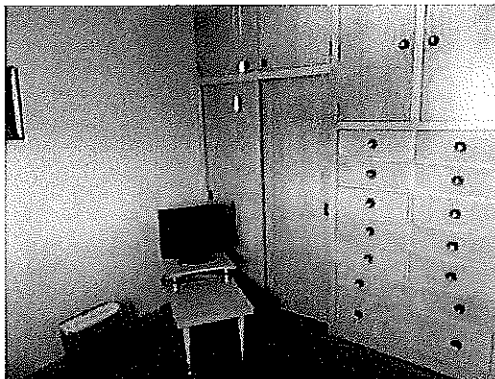
Picture 1b (2x)



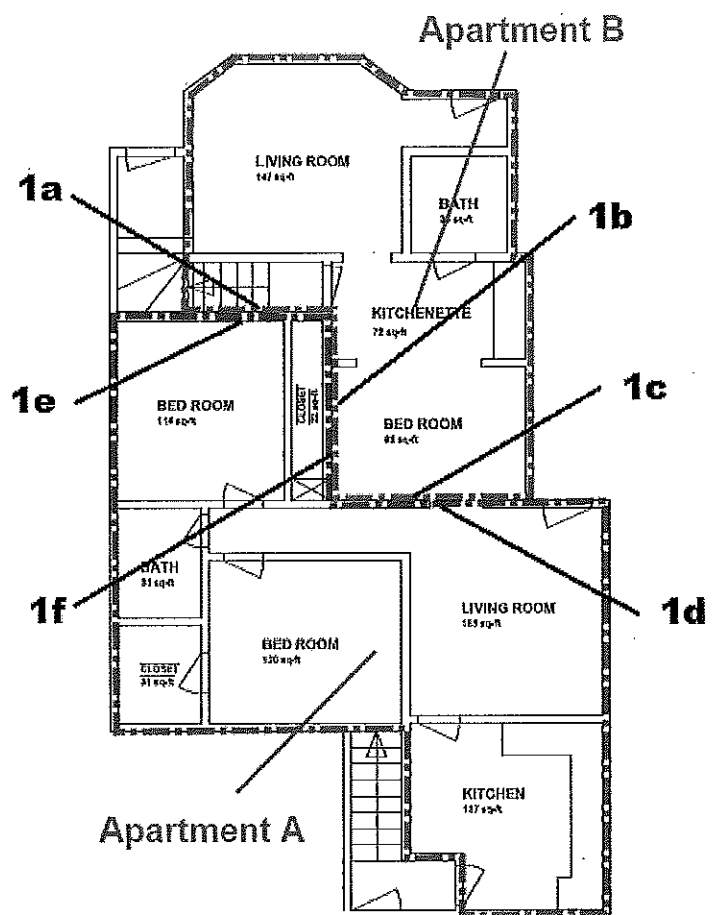
Picture 1c



Picture 1e

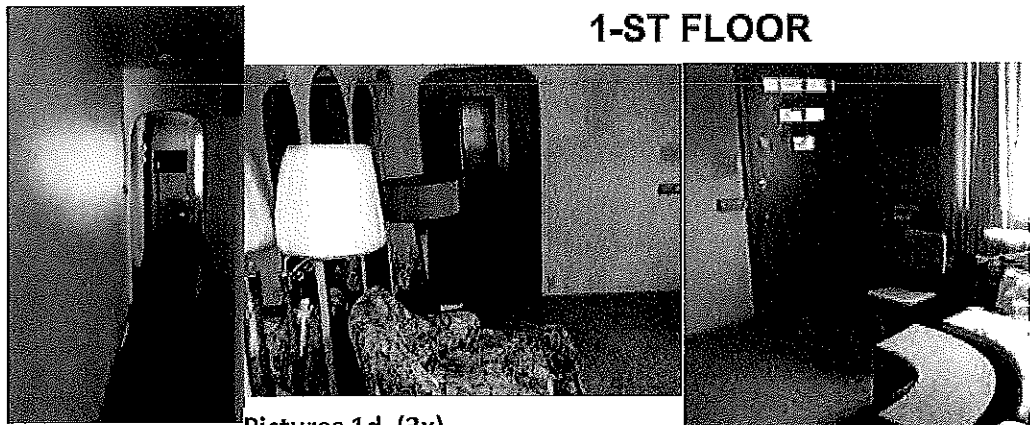


Picture 1f

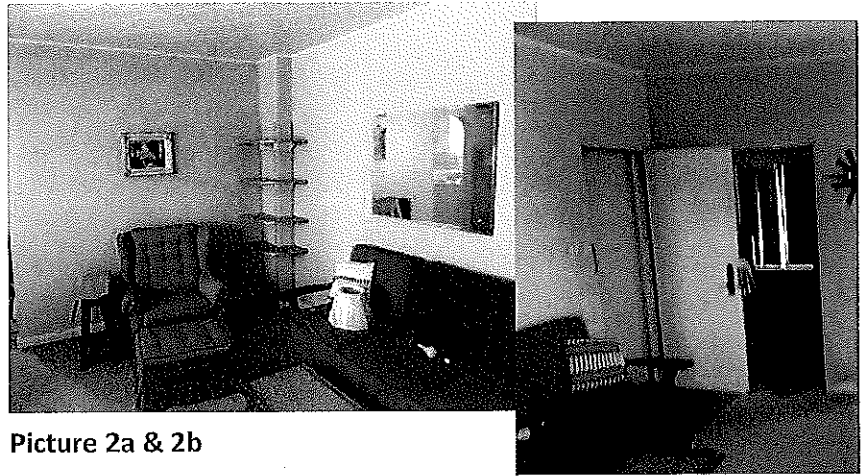
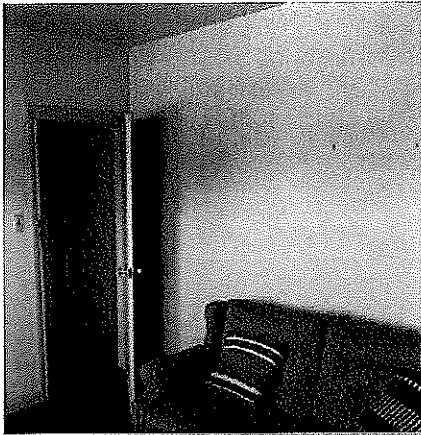


Note: All stair arrows point down!

1-ST FLOOR



Pictures 1d (3x)



Picture 2a & 2b



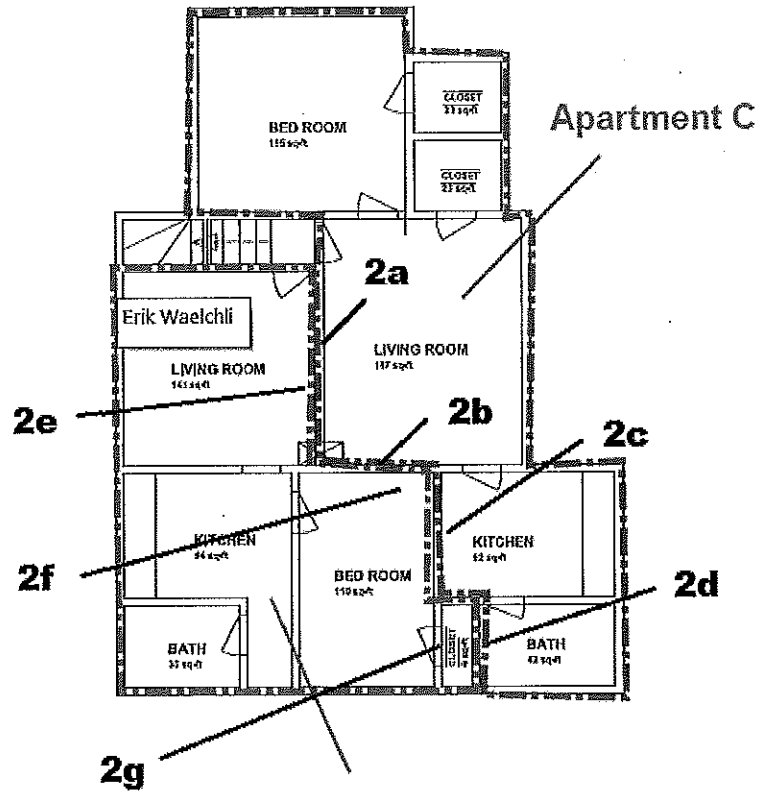
Picture 2e



Picture 2f



Picture 2g



Apartment D

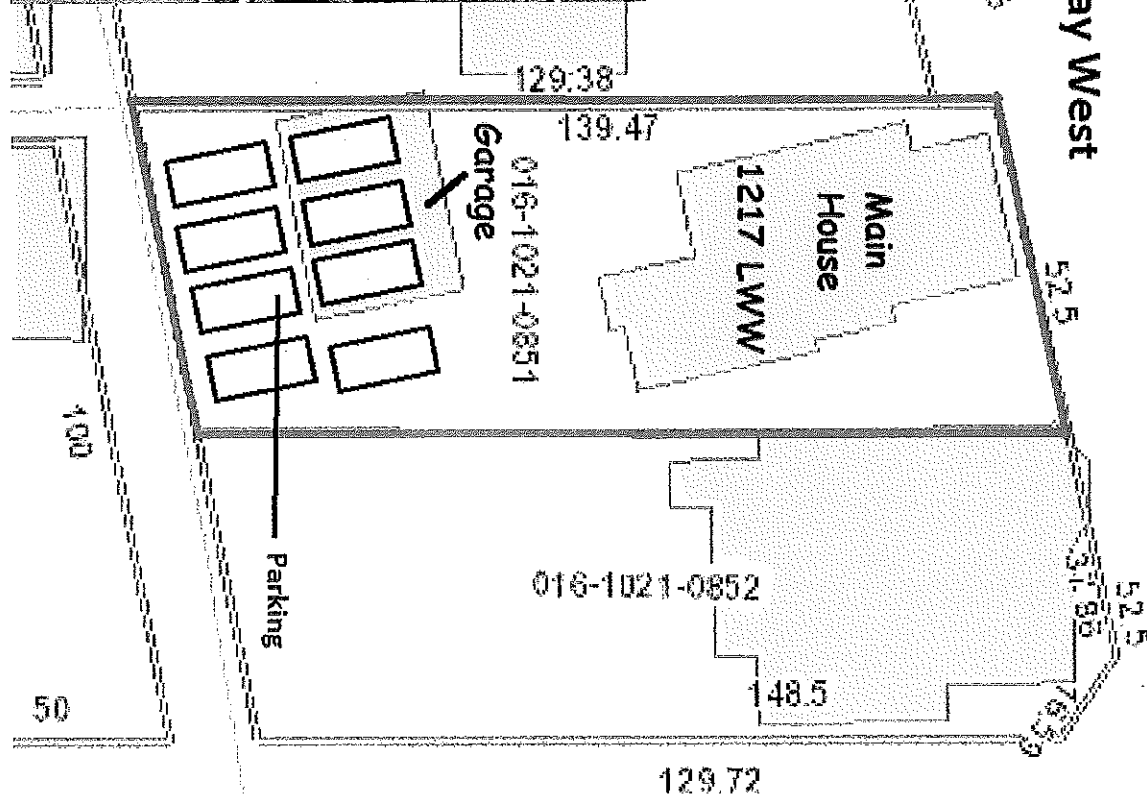
Note : All stair arrows point down!

2-ND FLOOR

No pictures for 2c and 2d
both walls are plan walls

all ceiling heights are
normal 8 feet

Situation Plan 1217 Lincoln Way West



LOGAN ST

COLUMBIA ST

50

148.5

PETITION #16-26
1217 Lincolnway West



ST. JOSEPH RIVER

N LOGAN ST



LINCOLNWAY WEST

LINCOLNWAY WEST

PET 16-26

LOGAN ST

COLUMBIA ST

HARRISON ST

Location Map

PETITION 16-26

1217 Lincoln Way West

REZONING FROM C-1 TO R-3
FOR AN EXISTING HOUSE
TO BE USED FOR MULTI-FAMILY
RESIDENTIAL (4 UNITS)

W FOURTH ST

STAFF REPORT

General Location: Southwest of Indiana Toll Road (I-80/90) & Fir Road (53555 Fir Road)

Date: Sept. 13, 2016

Petition: 16-29 Watermark Apartments Planned Unit Development - Annexation, Establish Zoning, and Preliminary Planned Unit Development Site Plan

Prepared By: DJS

GENERAL INFORMATION

Applicants: Terry L. Seggerman / Watermark Residential

Status: Property Owner / Contingent Purchaser & Developer

Request: To annex, establish zoning, and approve a preliminary planned unit development site plan to allow for the construction of a 390 unit multi-family residential apartment complex.

Existing Zoning: Unincorporated St. Joseph County

Proposed Zoning: S-2 Planned Unit Development (Multi-Family Residential)

Lot Size: 29 Acres

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District, Section 137-41 / Amendments to the Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:

North: Indiana Toll Road (I-80/90) & S-2 Planned Unit Development (Various Commercial uses north of Toll Road)

South: S-2 Planned Unit Development (Fir Road Athletic Club PUD/Vacant Land proposed for use as a recreational sports center and the BellTower Health & Rehabilitation Center skilled nursing facility) & Unincorporated St. Joseph County (Single-Family Residential)

East: S-2 Planned Unit Development (The Hearth PUD/The Hearth at Juday Creek assisted living facility) & Unincorporated St. Joseph County (Single-Family Residential & Calvary Chapel Church)

West: S-2 Planned Unit Development (Main Street Village PUD/Multi-Family Residential)

Thoroughfare: Fir Road

School District: Penn-Harris-Madison School Corporation

Public Utilities: All public utilities are either available or will be extended to the site at the owner's/developer's expense.

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identifies a preferred or planned use for this property as Low Density Residential (Single Family Homes). However, the proposed use for multi-family residential is consistent with the adjacent and present land uses along Fir Road corridor.

ANALYSIS

Proposal:

The applicant is proposing to annex, establish zoning, and approve a preliminary planned unit development site plan to allow for the construction of a 390 unit multi-family residential apartment complex. The 29 acre site, which has a current address of 53555 Fir Road (Tax Parcel #006-1012-0156), is located to the southwest of the Indiana Toll Road (I-80/90) and Fir Road.

As indicated on the preliminary site plan, the project is proposed to be developed in two phases. Phase I, which will be located on approximately 21.7 acres of the 29 acre site, is proposed to include 270 apartment units within 27 separate buildings; a club house including a kitchen, conference room, social/recreational areas, a fitness center, and property leasing/management offices; and a community pool. The apartments will consist of 108 one-bedroom, 108 two-bedroom, and 54 three-bedroom units. The overall density for the first phase will be 12.4 units per acre including the 2.5 acre detention pond in the interior of the development. A total of 490 parking spaces will be provided in this phase of which 270 spaces will be located within the attached garages and 220 spaces will be surface parking. Parking spaces will be provided at a ratio of 1.81 spaces per unit.

Phase II, which will be located on approximately 7.3 acres within the northeast corner of the site, is proposed to include 120 apartment units within 12 separate buildings. These units will consist of 48 one-bedroom, 48 two-bedroom, and 24 three-bedroom apartments. The overall density for phase two will be 16.4 units per acre. A total of 227 parking spaces will be provided in phase two of which 120 will be located within the attached garages and 107 spaces will be surface parking. Parking spaces will be provided at ratio of 1.89 spaces per unit.

The applicant is requesting a zoning classification of S-2 Planned Unit Development to permit flexibility in the design and development standards which would normally be applicable to a multi-family residential apartment complex zoned R-3 Multi-Family Residential. As a result, the development standards can be varied through the Planned Unit Development process eliminating the need to obtain developmental variances through the Board of Zoning Appeals.

The requested deviations from the R-3 development standards include allowing the attached garages to be utilized for the required number of parking spaces and allowing fiber cement board siding and trim materials on all buildings.

Per the preliminary site plan, a 30' building and parking lot setback will be provided along the entire perimeter of the property. This setback shall be maintained outside of any additional right-of-way required to be dedicated along Fir Road. Other required setbacks internal to the development are not applicable since the property is not proposed to be subdivided.

Although conceptual in nature, the plan shows numerous landscaping areas and trees along the perimeter of and throughout the site. A more detailed landscaping plan shall be submitted with the final planned unit development site plan, and is subject to review and approval by the Planning Staff.

The applicants are proposing two access locations off of Fir Road to serve the development. While two accesses will be required, the exact locations of these accesses may differ from what is shown on the preliminary site plan to accommodate the required deceleration and passing lanes and provide for adequate visibility along Fir Road. The northern access, as currently proposed, appears to be in alignment with access for the Hearth at Juday Creek assisted living facility on the east side of Fir Road. All drives and parking lots interior to the site will be privately owned and maintained.

The scale and density of the proposed development is similar to other multi-family residential developments in the northern part of the City of Mishawaka, such as the Gumwood Apartments to the northwest of Gumwood and Cleveland Roads, Summer Place Apartments along E. University Drive, and the Main Street Village apartments along Douglas Road.

At this time, the applicants are only proposing to establish the permitted use for multi-family residential and basic development requirements of the planned unit development. If approved, a detailed final planned unit development site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), grading, landscaping, erosion control, and other required improvements.

Annexation:

In 2000, the adjacent property to the west was annexed into the City for the development of the Main Street Village apartments and Main Street Villas single-family residential subdivision. In 2005, the adjacent property to south was annexed for the development of a recreational sport center. This center was never developed; however, a portion of the property was later developed as the BellTower Health & Rehabilitation Center. The last adjacent annexation occurred in 2008 with the Indiana Toll Road right-of-way to the north and the Fir Road right-of-way and the Hearth at Juday Creek property to the east being annexed.

Revisions to Indiana State annexation laws were adopted in 2015 requiring a parcel to share one-quarter, or 25%, of its boundary with the existing City boundary. This is an increase from the prior one-eighth, or 12.5%, contiguity requirement. With the previous annexations as outlined above, the only perimeter of the property not adjacent to the City includes an approximate 675 feet length along Fir Road and a 980 feet length along the residential property to south that will remain in unincorporated St. Joseph County. Approximately 67% of the current boundary is adjacent to the City.

Location/Context:

The site is located at the southwest corner of the Indiana Toll Road (I-80/90) and Fir Road, and is bordered to the north by the toll road and various commercial uses north of the toll road; to the west by the Main Street Village multi-family residential apartment complex; to the south by vacant land within the Fir Road Athletic Club PUD previously approved for a recreational sports center, the BellTower Health and Rehabilitation Center skilled nursing facility, and a single-family residential property to remain within unincorporated St. Joseph County; and to the east by the Hearth at Juday Creek assisted living facility, and single-family residential and a church within unincorporated St. Joseph County.

Zoning Change:

Staff feels that the proposed zoning of this property for multi-family residential purposes is appropriate given the significant residential and commercial growth along Fir Road and nearby Douglas Road to south and University Drive to the north.

Transportation/Roads:

According to the latest available traffic counts, there were 7,400 annual average daily trips (2013) along Fir Road just south of Toll Road. With the increase of commercial and residential development in this part of the City, it is anticipated that traffic volumes will only increase in future years.

The 2040 Transportation Plan, prepared by the Michiana Area Council of Government with input from City staff, does not show any planned added travel lanes along Fir Road between University Drive and Douglas Road. However, this plan can be amended in future years should travel demand exceed the roadway capacity.

Preliminary Planned Unit Development Site Plan:

As required by the Zoning Ordinance, the applicants have submitted a preliminary Planned Unit Development Site Plan. The purpose of the preliminary site plan is to identify the basic requirements that will be followed in the preparation of final planned unit development site plans. These requirements include, but are not limited to, elements such as parking ratios, setbacks, curb cut/access locations, and proposed phasing. The applicants have identified certain basic elements such as permitted uses and

parking ratios. Other elements such as screening and landscaping have been generically identified on the plan.

All pertinent City Departments has reviewed the preliminary Planned Unit Development Site Plan with the Engineering and Electrical Department providing the following comments:

Engineering Department:

1. Required to provide deceleration and passing lanes.
2. Due to the proposed access points and proximity to the Toll Road bridge, the proposed access location may need to be moved south to provide visibility.

These comments shall be addressed with the Final Planned Unit Development Site Plan.

Electric Department:

1. The Mishawaka Utilities Electric Division does not currently serve the proposed annexation area. If the annexation is approved, Mishawaka Utilities Electric Division will attempt to acquire the service area from AEP as it is not already in our franchise boundary.

RECOMMENDATION

Staff recommends in favor of rezoning Petition 16-29 to annex and establish zoning for property located southwest of the Indiana Toll Road and Fir Road (53555 Fir Road) to allow for the construction of 390 unit multi-family residential apartment complex subject to the following conditions:

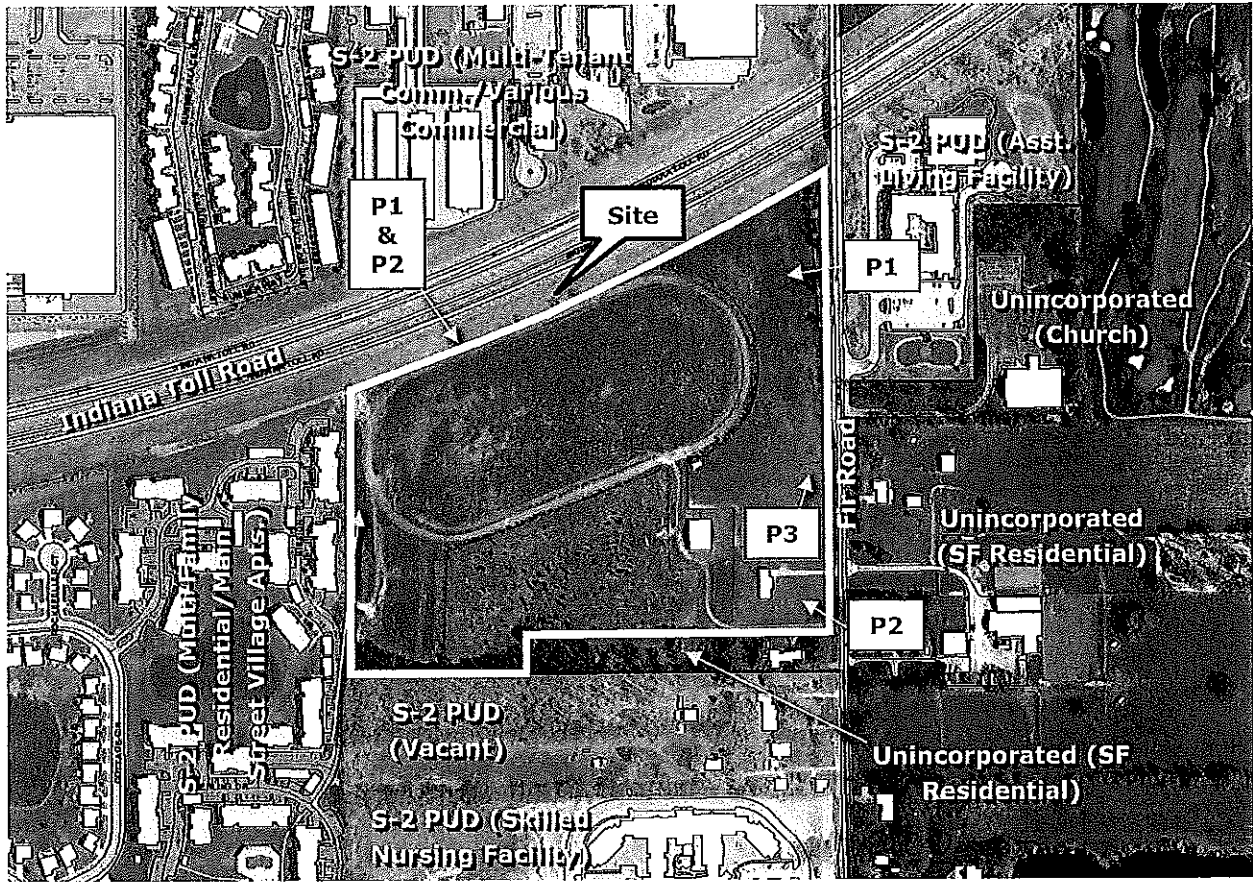
1. Permitted uses shall be limited to a 390 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house and community pool.
2. Landscaping shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.
3. Landscaping and screening, including a compact row of evergreen trees and fencing, shall be required along a portion of the south property line immediately adjacent to the existing single-family residential house located at 53603 Fir Road.
4. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.
5. The extension of all utilities to the site shall be at the developer's cost and expense.
6. Road improvements along Fir Road shall be installed as determined by the Department of Engineering.
7. Additional right-of-way and easements along Fir Road shall be dedicated as part of the final site plan and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction. Conceptually, a minimum of 40' of additional right-of-way, establishing an 80' half right-of-way, shall be provided from the northeast corner of the property at the Indiana Toll Road to south of the northernmost access drive. Conceptually, a minimum of 20' of additional right-of-way, establishing a 60' half right-of-way, shall be provided south of the northernmost access drive to the southeast corner of the property.
8. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.
9. Total number of parking spaces required for shall be a minimum of 1.5 spaces per unit.
10. Building and pavement setbacks shall be a minimum of 30' from the proposed right-of-way line of Fir Road, the Indiana Toll Road right-of-way, and all other external/perimeter property lines.
11. Building materials and colors shall comply with the C-1 General Commercial Zoning District with the exception of allowing fiber cement board siding and trim materials on all buildings.
12. The architecture shall include garages and private entrances as conceptually identified.

This recommendation is based on the following findings of fact:

1. Existing Conditions - The subject parcel is located on Fir Road, a currently moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City. The site is located immediately adjacent to a multi-family residential apartment complex to the west, a skilled nursing facility to the south, and an assisted living facility to the east.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from Day Road to the south to E. University Drive to the north vary greatly and include low-density single family residential homes in unincorporated St. Joseph County, a convenience store/gas station currently under development, a golf course, a skilled nursing facility, and an assisted living facility. Various commercial uses are present to north across the Indiana Toll Road and a multi-family residential apartment complex is located immediately adjacent to the west.
3. The most desirable/highest and best use - With the property's location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent multi-family residential uses, the most desirable use for the property is either residential or commercial.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed multi-family residential use is compatible with other adjacent multi-family residential and skilled nursing/assisted living facilities. Furthermore, the existing single-family residential property located to the south will be adequately screened with landscaping.
5. Comprehensive Plan - Although this property was identified with a preferred use as low-density residential (single-family homes) in the Mishawaka 2000 Comprehensive Plan, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

ATTACHMENTS

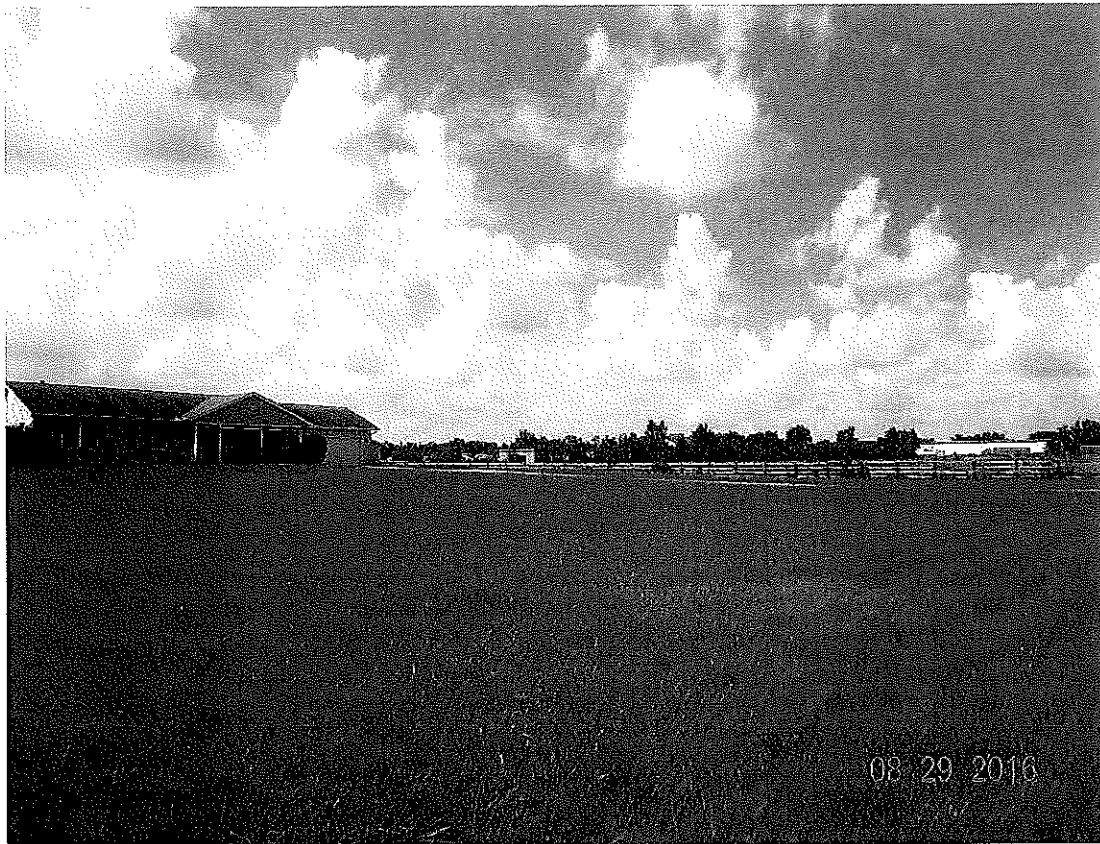
Aerial Photograph, Photographs of Site Area, Preliminary Planned Unit Development Petition, Preliminary Planned Unit Development Site Plan, Location Map



Aerial Photograph - 53555 Fir Road
Proposed 390 Unit Multi-Family Residential Complex



P1. Looking westerly from Fir Road into site.



P2. Looking northwesterly toward existing house on the site & area to be developed.



P3. Looking northerly along Fir Road from the existing driveway on the site.

August 24, 2016

Mr. Kenneth B. Prince, ASLA, AICP,
City Planner
City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

**RE: PETITION FOR ANNEXATION AND ZONING CLASSIFICATION
SEGGERMAN PROPERTY**

AUG 24 2016

53555 Fir Road, Granger, Indiana
(Tax Key No. 71-04-27-400-001.000-011)

Dear Mr. Prince:

On behalf of the property owner, Terry L. Seggerman, we are submitting for your review and consideration a petition for annexation and zoning classification for the property referenced above. The property currently includes an existing home, accessory structure, and horse track.

The attached legal description is referenced from the current deed of record and is described to the southerly right-of-way of the Indiana Toll Road and to the section line located in Fir Road. We added to the legal description contained in the petition to include the right-of-way of Fir Road that is adjacent to the subject parcel. Attached for your use is a copy of the current deed of record.

The property is bounded to the north by the Indiana Toll Road, to the east by Fir Road, to the south by existing residential, and to the west by Main Street Village Apartments. It is our understanding that the City of Mishawaka incorporation limits are currently adjacent to the northerly and westerly sides, and adjacent to parts of the easterly and southerly sides.

The petitioner requests a zoning classification to "S-2" Planned Unit Development (PUD) District to allow for a multiple building residential apartment complex. The petitioner also requests the following additional conditions be included in the proposed PUD classification.

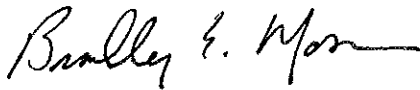
1. To allow a minimum of 1.25 parking spaces per unit.
2. To allow for garages to be utilized for required parking.
3. To allow for fiber cement board siding and trim materials on all buildings.

All interior roadways, drives, and parking shall be privately owned and maintained, and drain into an onsite storm water management system. The project is proposed with two entrances onto Fir Road. It is anticipated that existing City of Mishawaka municipal sanitary sewer and water will service the project. The project is anticipated to be constructed in two phases.

If you have any questions or require additional information, please do not hesitate to contact our office at (574) 232-8700.

Thank you for your time and assistance.

Sincerely,
ABONMARCHE CONSULTANTS, INC.



Bradley E. Mosness, PE
Project Manager

cc: Client
File



DATE: August 24, 2016

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
SEGGERMAN PROPERTY**
53555 Fir Road, Granger, Indiana
(Tax Key No. 71-04-27-400-001.000-011)

The undersigned Terry L. Seggerman respectfully shows that she is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

The North Half of the Northwest Quarter of the Southeast Quarter of Section 27, Township 38 North, Range 3 East, containing 20 acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

A tract of land described as follows: Beginning at a point in the center of Fir Road, which point is the Southeast corner of said North Half of the Northwest Quarter of the Southeast Quarter of said Section 27; running thence West along the South line of said North Half of the Northwest Quarter of the Southeast Quarter of Section 27, 871.20 feet; thence North 100 feet; thence East 871.20 feet to the center of Fir Road; thence South 100 feet to the place of beginning, containing 2 acres, more or less.

ALSO, the Southwest Quarter of the Northeast Quarter of Section No. 27, Township No. 38 North, Range 3 East, lying South of the Indiana Toll Road.

ALSO, all that easterly right-of-way lying east of, and commencing at the southerly right-of-way of the Indiana Toll Road and the east line of the west half of the northeast quarter and the east line of the west half of the southeast quarter of Section 27; thence running southerly along said east lines, 1,240 feet, more or less, to the point of termination.

Said described parcel subject to any easements, covenants, and right-of-way of record.

RES 21 2016

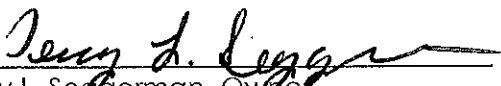
B + 11-29

Petitioner owns One Hundred (100%) percent of the above described parcel of land located within Section 27 Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a "S-2" Planned Unit Development District zoning classification. Petitioner further states they intend to utilize said land for a multiple building residential apartment complex.

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

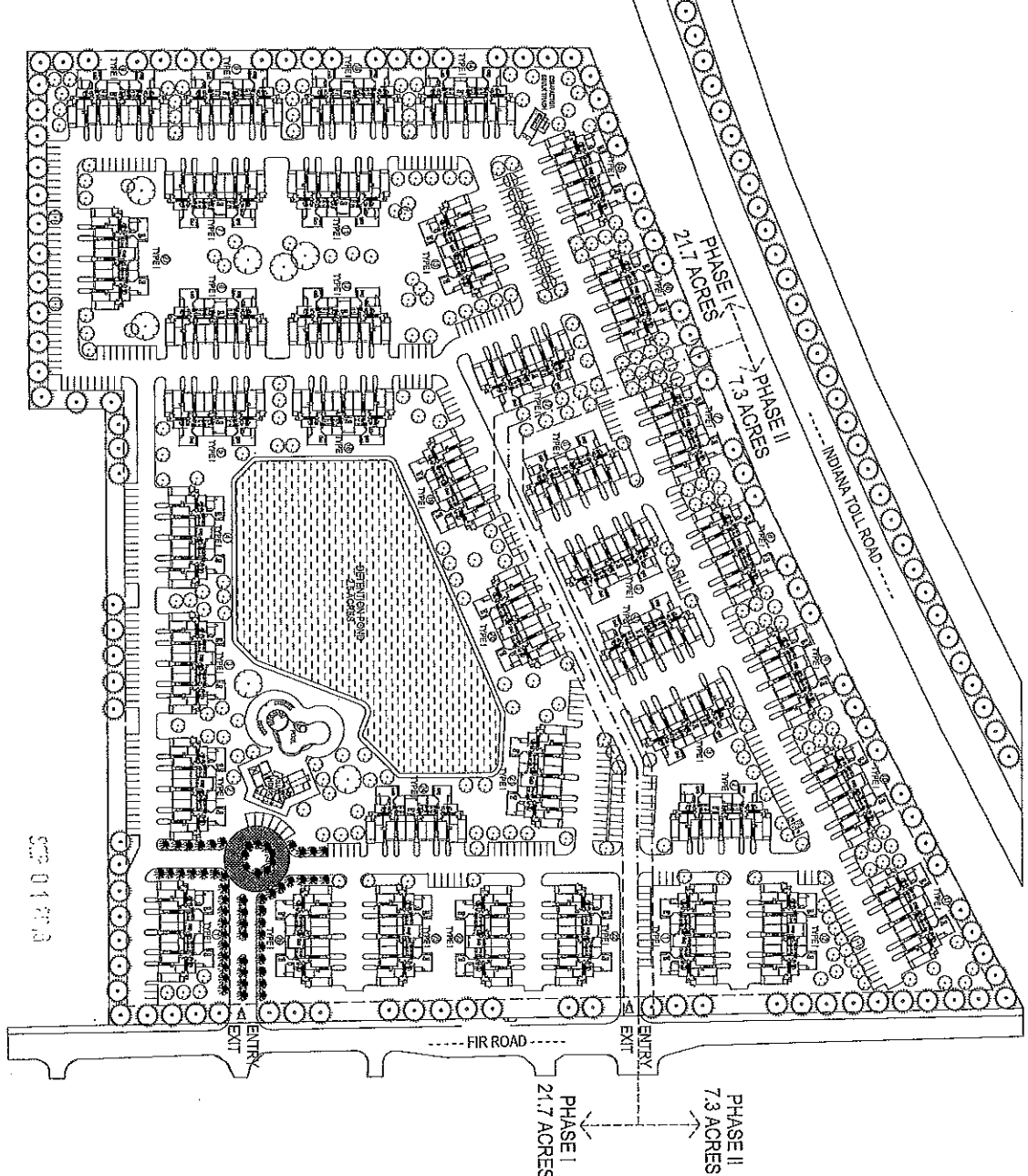
Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioner 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 annexing the above described parcel of real estate to the City of Mishawaka with an "S-2" Planned Unit Development District zoning classification.


Terry L. Seggerman, Owner

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com



SC010101

WATERMARK MISHAWAKA PHASE I					2019/09
UNIT TABULATION: BIG HOUSE					803/16
UNIT NAME	UNIT TYPE	NET AREA(SF)	UNIT COUNT	PERCENTAGE	TOTAL AREA
A1L	1br/1bs	980	27	10%	26,460
A1U	1br/1bs	973	27	10%	26,571
A2U	1br/1bs	973	34	20%	48,642
B1-U	2br/2bs	1,249	54	20%	67,292
B2-L	2br/2bs	1,352	27	10%	36,504
B2-U	2br/2bs	1,511	27	10%	40,797
C1-L	3br/2bs	1,483	27	10%	40,311
C1-U	3br/2bs	1,554	27	10%	44,052
TOTALS			270	100.00%	328,535

UNIT AVERAGE NET SF: 1,221

NET AREA IS COMPUTED TO INCLUDE SQUARE FOOTAGE FROM EXTERIOR FACE OF ALL EXTERIOR FRAME WALLS THAT ENCLOSE ANY SPACE. IT DOES NOT INCLUDE PATIOS, BALCONIES, PORCHES OR TERRACES.

PROJECT DATA	
UNIT AVERAGE NET SF:	1,221 S.F.
ACREAGE:	21.7 ACRES
ACREAGE:	19.2 ACRES WITHOUT DETENTION POND
DENSITY:	14.1 UNITS/ACRE
DENSITY:	14.1 UNITS/ACRE WITHOUT DETENTION POND
PARKING:	490
PARKING:	270 GARAGE SPACES
PARKING:	220 SURFACE SPACES
PARKING:	1.81 SPACE/UNIT

WATERMARK MISHAWAKA PHASE II					2019/09
UNIT TABULATION: BIG HOUSE					8,531/6
UNIT NAME	UNIT TYPE	NET AREA(SF)	UNIT COUNT	PERCENTAGE	TOTAL AREA
A1L	1br/1bs	980	12	10%	11,760
A1U	1br/1bs	973	12	10%	10,476
A2U	1br/1bs	973	24	20%	22,152
B1-U	2br/2bs	1,249	24	20%	29,992
B2-L	2br/2bs	1,352	12	10%	16,224
B2-U	2br/2bs	1,511	12	10%	18,132
C1-L	3br/2bs	1,483	12	10%	17,796
C1-U	3br/2bs	1,554	12	10%	18,648
TOTALS			120	100.00%	146,480

UNIT AVERAGE NET SF: 1,221

NET AREA IS COMPUTED TO INCLUDE SQUARE FOOTAGE FROM EXTERIOR FACE OF ALL EXTERIOR FRAME WALLS THAT ENCLOSE ANY SPACE. IT DOES NOT INCLUDE PATIOS, BALCONIES, PORCHES OR TERRACES.

PROJECT DATA	
UNIT AVERAGE NET SF:	1,221 S.F.
ACREAGE:	7.3 ACRES
DENSITY:	16.4 UNITS/ACRE
PARKING:	227
PARKING:	120 GARAGE SPACES
PARKING:	107 SURFACE SPACES
PARKING:	1.89 SPACE/UNIT

E UNIVERSITY DR

UNIVERSITY DRIVE CT

FIR RD



PET 16-29

INDIANA TOLL RD

INDIANA TOLL RD

FIR RD

MISSION TRL

Location Map

PET 16-29

53555 FIR ROAD
TERRY L. SEGGERMAN

ANNEXATION AND REZONING TO
S-2 PUD FOR WATERMARK
APARTMENTS PUD
(PROPOSED 380 UNITS & CLUB HOUSE)

FIR Rd

1st Reading 9-19-16
2nd Reading
Passed
Failed
Continued To

PETITION 16-26

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. **2016-21**

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 14 2016

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

Lot 109 Ex N Pt for St. Adam S Bakers

COMMON ADDRESS: 1217 Lincolnway West

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-3 Multi-Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. There are multiple zonings in the immediate vicinity and most of the structures are residential in use. This property's historic use as a multi-family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical multi-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-3 Multi-Family Residential is a desirable use for this property;

Proposed Ordinance No: _____

Ordinance No: 2016-21

4. As opposed to the range of potential commercial developments that could occur with its current zoning, rezoning this property to the R-3 Multi-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,
5. The City's Comprehensive Plan calls for General Commercial uses, however, its use as a multi-family residence is compatible with other residential uses in the area.

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

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

AUG 31 2016

CITY CLERK
MISHAWAKA, IN

August 11, 2016

Erik & Linda Wälchli

52037 Woodridge Dr.
South Bend, IN 46635
+1 (574) 621-0096
Erik.USA@juno.com

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

AUG 12 2016

RE: PETITION TO REZONE

Ret 16-26

We, the undersigned petitioners, Erik and Linda Waelchli, respectfully show the Board to hopefully be the future owners (see enclosed authorization from Current Owner Susan L. Ganser) of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

- **Lot 109 Ex N Pt For St Adam S Bakers 1st 03-04**
Split To State For St Per Tr 11793 1-6-03
- Parcel ID 71-09-16-155-002.000-023
- Address 1217 Lincoln Way West
- Tax Key 016-1021-0851

The petitioners, given this rezoning petition is granted, plan to own one hundred (100%) percent of the above described property and parcel of land which carries a zoning classification of **C-1 Commercial** District. Said property is currently used as a private resident and apartments, and is already laid out for four (4) apartments.

The petitioners desire said real estate to be rezoned to **R-3 Multi Family** District. Petitioners further state that they intend to utilize said property and land to operate four (4) premier rental apartments; which is the reason for the rezoning request.

WHEREFORE, we 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 rezoning the above described parcel of land located in the City of Mishawaka.



Erik Waelchli



Linda M. Waelchli

CONTACT PERSON:

Name: Erik Waelchli
Address: 52037 Woodridge Dr., South Bend, IN 46635
Day Phone Number: +1 574 621 0096
Fax Number: +1 574 272 3943
Email: erik.waelchli@IBDConnection.com

Susan L. Ganser
1217 Lincolnway West
Mishawaka, IN 46544

~~AUGUST~~ ^{July} 29, 2016

Board of Zoning Appeals City of Mishawaka, Indiana
and
Common Council of Mishawaka, Indiana
Mishawaka, IN 46545

Re: **RE-ZONING Filing AUTHORIZATION for**
Property at 1217 Lincoln Way West, Mishawaka, IN
Legal Description: Lot 109 Ex N Pt For St Adam S Bakers 1st 03-04 Split To State For St Per Tr 11793 1-6-03

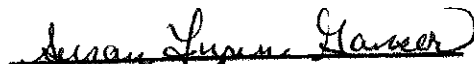
To Whom I may concern:

I, Susan L. Ganser, the owner and title holder of the property at 1217 Lincoln Way West, Mishawaka - IN, authorize Erik and Linda Waelchli to file a "RE-ZONING - Application" for the above mentioned property. This, because I am in negation with them on the sale of said property and their desire to purchase said property only if the requested variances is granted by your board.

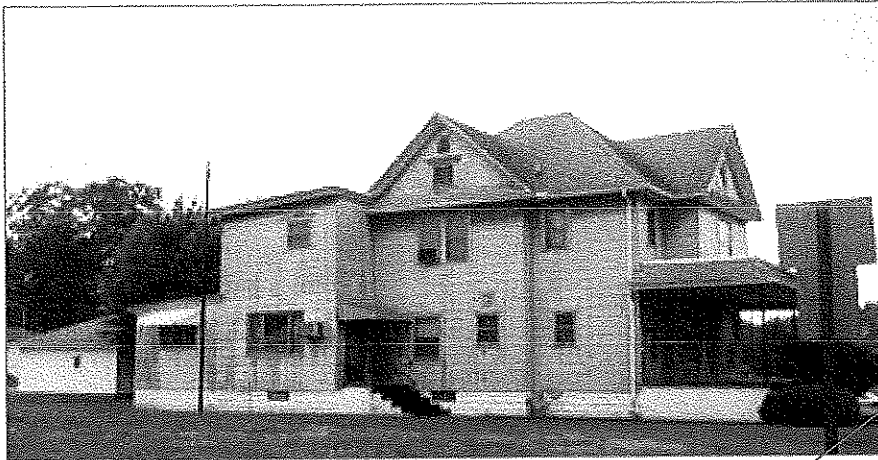
RE-ZONING Application requested by Erik and Linda Waelchli:

- Current zoning of the property is C-1 Commercial
- Desired zoning of the property is R-3 Multi-Family

Respectfully


Susan Lynn Ganser

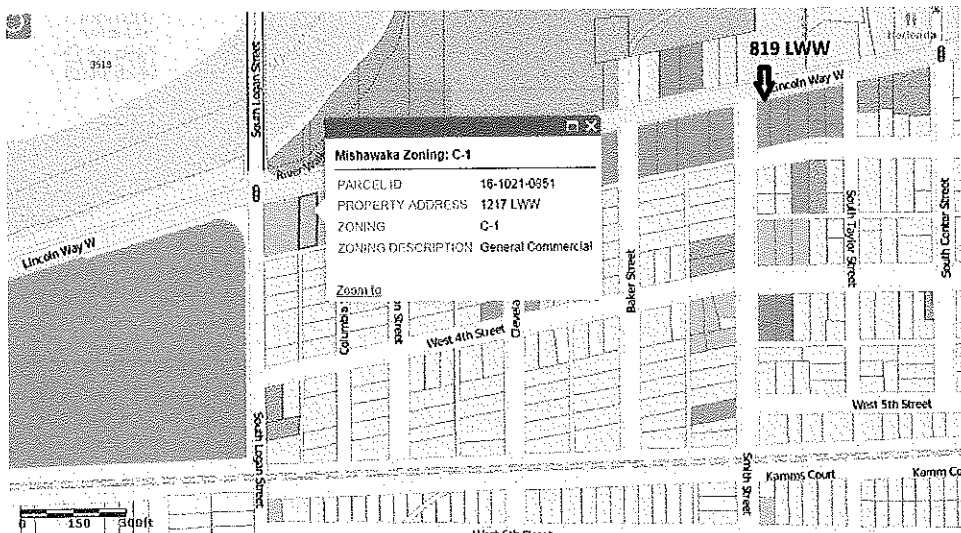
1217 Lincoln Way West Mishawaka



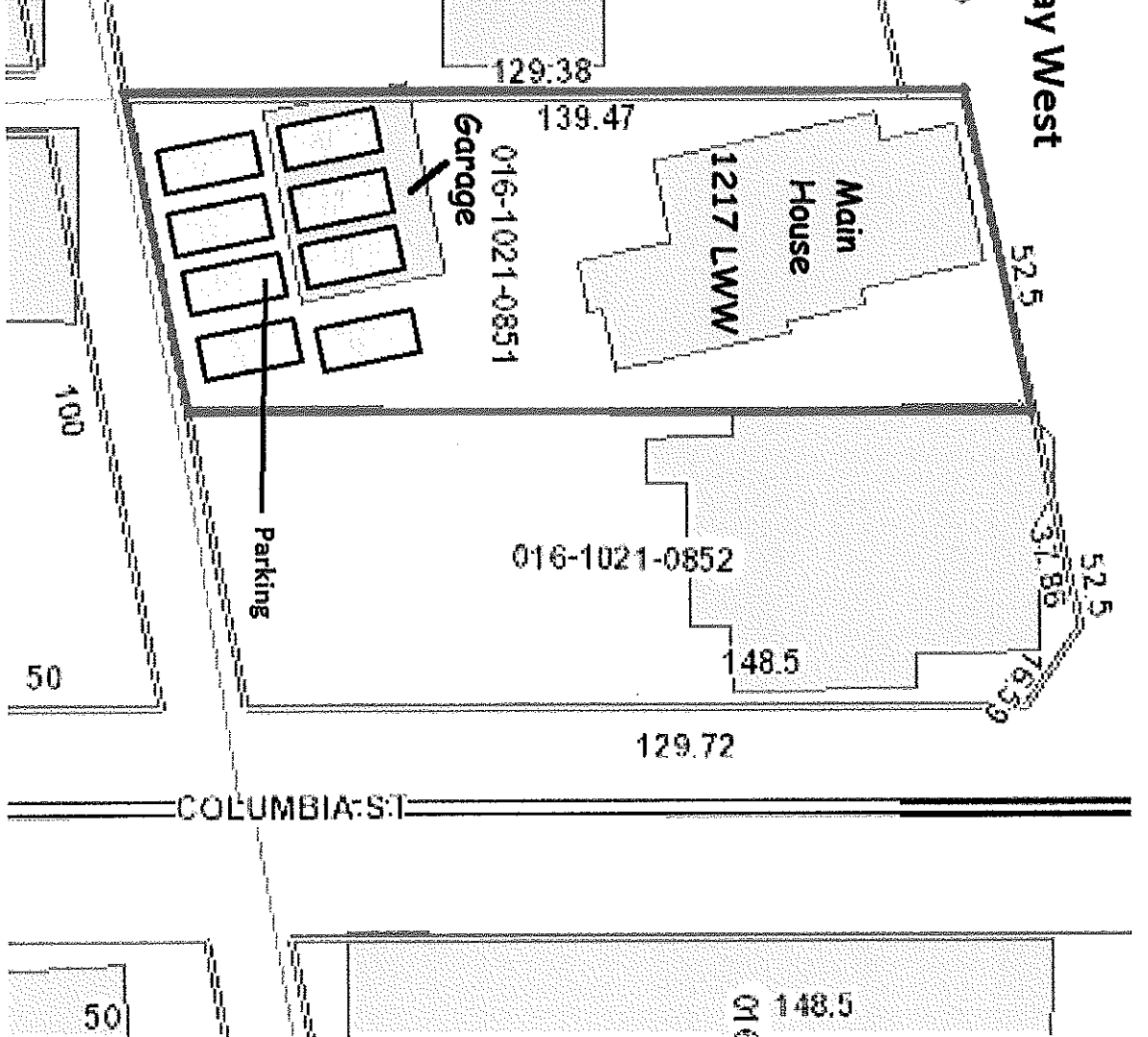
Property Outline



This building does not exist anymore, vacant lot



Situation Plan 1217 Lincoln Way West



ST. JOSEPH RIVER

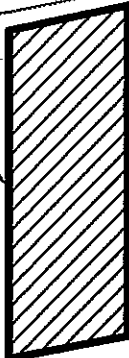
N LOGAN ST



LINCOLNWAY WEST

LINCOLNWAY WEST

PET 16-26



LOGAN ST

COLUMBIA ST

HARRISON ST

Location Map

PETITION 16-26

1217 Lincoln Way West

REZONING FROM C-1 TO R-3
FOR AN EXISTING HOUSE
TO BE USED FOR MULTI-FAMILY
RESIDENTIAL (4 UNITS)

W FOURTH ST

SEP 14 2016

PETITION #16-29

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. **2016-22**

ORDINANCE NO. _____

1st Reading 9-19-16
2nd Reading
Passed
Failed
Continued To

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

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

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

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

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

The North Half of the Northwest Quarter of the Southeast Quarter of Section 27, Township 38 North, Range 3 East, containing 20 acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

A tract of land described as follows: Beginning at a point in the center of Fir Road, which point is the Southeast corner of said North Half of the Northwest Quarter of the Southeast Quarter of said Section 27; running thence West along the South line of said North Half of the Northwest Quarter of the Southeast Quarter of Section 27, 871.20 feet; thence North 100 feet; thence East 871.20 feet to the center of Fir Road; thence South 100 feet to the place of beginning, containing 2 acres, more or less.

ALSO, the Southwest Quarter of the Northeast Quarter of Section No. 27, Township No. 38 North, Range 3 East, lying South of the Indiana Toll Road.

ALSO, all that easterly right-of-way lying east of, and commencing at the southerly right-of-way of the Indiana Toll Road and the east line of the west half of the northeast quarter and the east line of the west half of the southeast quarter of Section 27; thence running southerly along said east lines, 1,240 feet, more or less, to the point of termination.

Said described parcel subject to any easements, covenants, and right-of-way of record.

Proposed Ordinance No. 16-22

Ordinance No. _____

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development subject to the following conditions:

1. Permitted uses shall be limited to a 390 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house and community pool.
2. Landscaping shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.
3. Landscaping and screening, including a compact row of evergreen trees and fencing, shall be required along a portion of the south property line immediately adjacent to the existing single-family residential house located at 53603 Fir Road.
4. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.
5. The extension of all utilities to the site shall be at the developer's cost and expense.
6. Road improvements along Fir Road shall be installed as determined by the Department of Engineering.
7. Additional right-of-way and easements along Fir Road shall be dedicated as part of the final site plan and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction. Conceptually, a minimum of 40' of additional right-of-way, establishing an 80' half right-of-way, shall be provided from the northeast corner of the property at the Indiana Toll Road to south of the northernmost access drive. Conceptually, a minimum of 20' of additional right-of-way, establishing a 60' half right-of-way, shall be provided south of the northernmost access drive to the southeast corner of the property.
8. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.
9. Total number of parking spaces required for shall be a minimum of 1.5 spaces per unit.
10. Building and pavement setbacks shall be a minimum of 30' from the proposed right-of-way line of Fir Road, the Indiana Toll Road right-of-way, and all other external/perimeter property lines.

Proposed Ordinance No. 16-22

Ordinance No. _____

11. Building materials and colors shall comply with the C-1 General Commercial Zoning District with the exception of allowing fiber cement board siding and trim materials on all buildings.
12. The architecture shall include garages and private entrances as conceptually identified.

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

1. Existing Conditions - The subject parcel is located on Fir Road, a currently moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City. The site is located immediately adjacent to a multi-family residential apartment complex to the west, a skilled nursing facility to the south, and an assisted living facility to the east.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from Day Road to the south to E. University Drive to the north vary greatly and include low-density single family residential homes in unincorporated St. Joseph County, a convenience store/gas station currently under development, a golf course, a skilled nursing facility, and an assisted living facility. Various commercial uses are present to north across the Indiana Toll Road and a multi-family residential apartment complex is located immediately adjacent to the west.
3. The most desirable/highest and best use - With the property's location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent multi-family residential uses, the most desirable use for the property is either residential or commercial.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed multi-family residential use is compatible with other adjacent multi-family residential and skilled nursing/assisted living facilities. Furthermore, the existing single-family residential property located to the south will be adequately screened with landscaping.
5. Comprehensive Plan - Although this property was identified with a preferred use as low-density residential (single-family homes) in the Mishawaka 2000 Comprehensive Plan, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

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

Proposed Ordinance No. 16-22

Ordinance No. _____

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

AUG 31 2016

CITY CLERK
MISHAWAKA, IN

DATE: August 24, 2016

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
SEGGERMAN PROPERTY**
53555 Fir Road, Granger, Indiana
(Tax Key No. 71-04-27-400-001.000-011)

The undersigned Terry L. Seggerman respectfully shows that she is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

The North Half of the Northwest Quarter of the Southeast Quarter of Section 27, Township 38 North, Range 3 East, containing 20 acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

A tract of land described as follows: Beginning at a point in the center of Fir Road, which point is the Southeast corner of said North Half of the Northwest Quarter of the Southeast Quarter of said Section 27; running thence West along the South line of said North Half of the Northwest Quarter of the Southeast Quarter of Section 27, 871.20 feet; thence North 100 feet; thence East 871.20 feet to the center of Fir Road; thence South 100 feet to the place of beginning, containing 2 acres, more or less.

ALSO, the Southwest Quarter of the Northeast Quarter of Section No. 27, Township No. 38 North, Range 3 East, lying South of the Indiana Toll Road.

ALSO, all that easterly right-of-way lying east of, and commencing at the southerly right-of-way of the Indiana Toll Road and the east line of the west half of the northeast quarter and the east line of the west half of the southeast quarter of Section 27; thence running southerly along said east lines, 1,240 feet, more or less, to the point of termination.

Said described parcel subject to any easements, covenants, and right-of-way of record.

AUG 24 2016

Pet 16-29

Petitioner owns One Hundred (100%) percent of the above described parcel of land located within Section 27 Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a "S-2" Planned Unit Development District zoning classification. Petitioner further states they intend to utilize said land for a multiple building residential apartment complex.

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

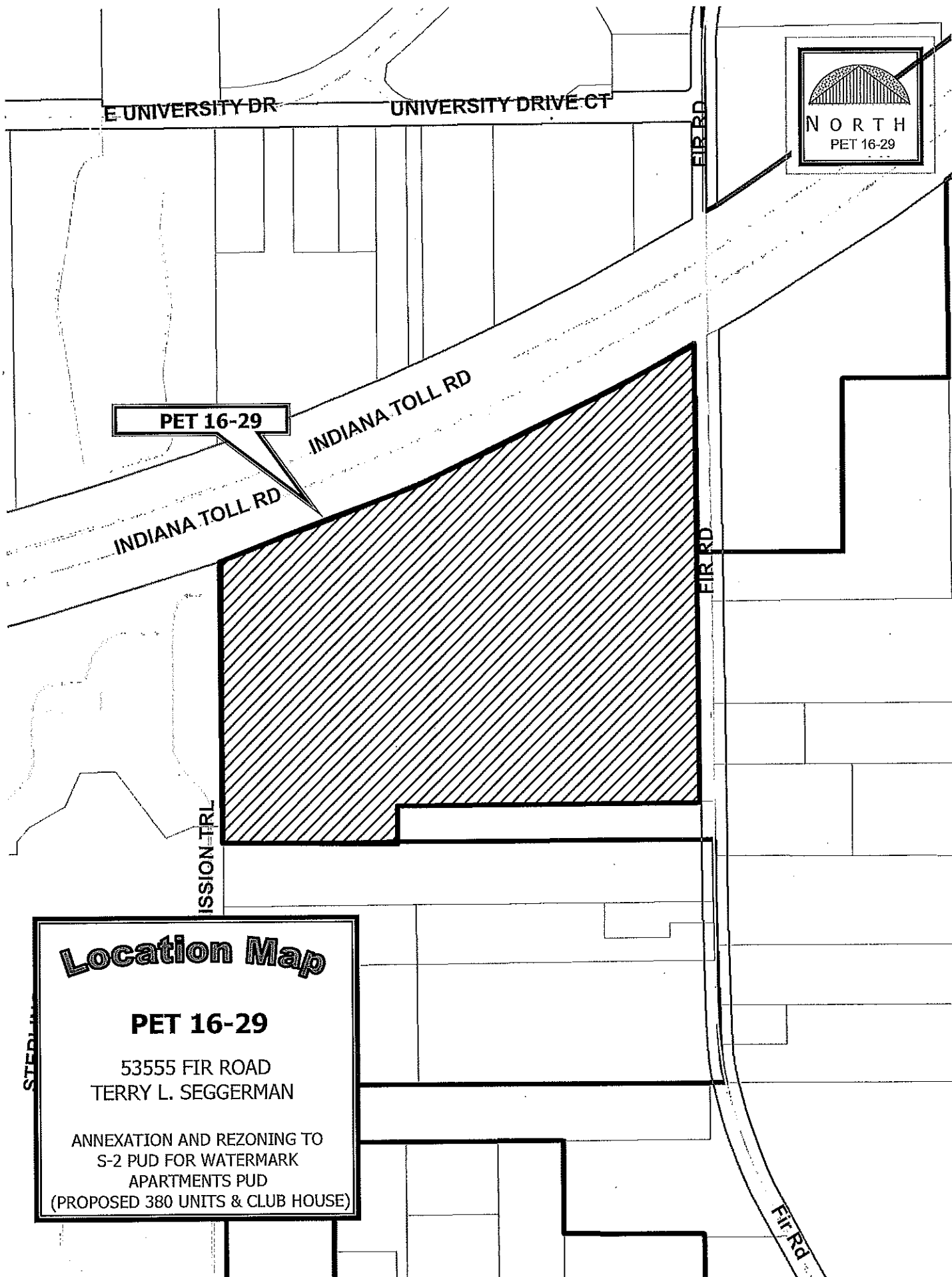
Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioner 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 annexing the above described parcel of real estate to the City of Mishawaka with an "S-2" Planned Unit Development District zoning classification.


Terry L. Seggerman, Owner

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com



E UNIVERSITY DR UNIVERSITY DRIVE CT



PET 16-29

INDIANA TOLL RD

INDIANA TOLL RD

FIR RD

FIR RD

MISSION TRL

Location Map

PET 16-29

53555 FIR ROAD
TERRY L. SEGGERMAN

ANNEXATION AND REZONING TO
S-2 PUD FOR WATERMARK
APARTMENTS PUD
(PROPOSED 380 UNITS & CLUB HOUSE)

Fir Rd

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4

Proposed Ordinance No. 2016-23

Ordinance Number:

Be it ordained/resolved by the **City of Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2017** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **City of Mishawaka Common Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
City of Mishawaka Common Council	Common Council and Mayor	10/17/2016

DLGF-Reviewed Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0061	RAINY DAY	\$0	\$0	0.0000
0075	COIT SPECIAL DISTRIBUTION	\$0	\$0	0.0000
0101	GENERAL	\$0	\$0	0.0000
0254	LOCAL INCOME TAX	\$0	\$0	0.0000
0341	FIRE PENSION	\$0	\$0	0.0000
0342	POLICE PENSION	\$0	\$0	0.0000
0706	LOCAL ROAD & STREET	\$0	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$0	\$0	0.0000
1151	CONTINUING EDUCATION	\$0	\$0	0.0000
1191	CUMULATIVE FIRE SPECIAL	\$0	\$0	0.0000
1301	PARK & RECREATION	\$0	\$0	0.0000
1310	PARK NONREVERTING - CAPITAL	\$0	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$0	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$0	\$0	0.0000
2411	ECONOMIC DEV INCOME TAX CEDIT	\$0	\$0	0.0000
6290	CUMULATIVE SEWER	\$0	\$0	0.0000
		\$0	\$0	0.0000

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 15 2016

CITY CLERK
MISHAWAKA, IN

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4

Name		Signature
Ross Deal	Aye ☐ Nay ☐ Abstain ☐	
Ronald Banicki	Aye ☐ Nay ☐ Abstain ☐	
Mary Willson (Kate Voelker)	Aye ☐ Nay ☐ Abstain ☐	
Bryan Tanner	Aye ☐ Nay ☐ Abstain ☐	
Matthew Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Michael Compton	Aye ☐ Nay ☐ Abstain ☐	
Michael Bellovich	Aye ☐ Nay ☐ Abstain ☐	
Joseph Canarecci	Aye ☐ Nay ☐ Abstain ☐	
Dale "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah S. Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: September 15, 2016
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: City Budget

For 1st reading on Monday is the City Budget. I'm looking forward to discussing all budgets with you in the upcoming weeks. Needless to say it's been an arduous process this year. I'll have budget books for your review at the pre-Council.

Please contact me with any questions.

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 15 2016

CITY CLERK
MISHAWAKA, IN

SEP 15 2016

RESOLUTION NO. 2016- 27

CITY CLERK
MISHAWAKA, IN

A RESOLUTION APPROVING TITLE VI COMPLIANCE ASSURANCE PROGRAM

The City of Mishawaka, Indiana (hereinafter referred to as the "Recipient"), by its Common Council and chief executive, HEREBY AGREES that as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination in Federally Assisted Programs for the Department of Transportation — Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received federal financial assistance from the Department of Transportation, including the Indiana Department of Transportation, and HEREBY GIVES ASSURANCES that it will promptly take any measures necessary to effectuate this assurance. This assurance is required by subsection 21.7 of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

"The City of Mishawaka, Indiana, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Non-Discrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and
 - b. for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property or real property, or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of September, 2016, at ____ o'clock __. m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of September 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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF LAW

September 14, 2016

Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

Re: Assurance of Federal Title VI Compliance

President and Honorable Council Members:

The attached resolution is to approve a program of compliance by the City as necessary to ensure the continued receipt of federal highway funds distributed by the Indiana Department of Transportation ("INDOT"). I have also attached, for your reference, a document entitled "City of Mishawaka Non-Discrimination Policy Statement," which will be executed and published as required by INDOT as part of the program of compliance.

Additional requirements of the program include making available to the public various forms (for Title VI complaints, for example), assembling a committee with representatives from each department to ensure Citywide compliance, including specific mandatory language in certain bids and agreements, and employee training. The City has heretofore been compliant with Title VI, including having already implemented many of these requirements; however, adoption of these very explicitly enumerated program features is now mandatory.

I will be available to answer questions at the Common Council meeting scheduled for Monday, September 19, 2016. I hereby request approval of the attached resolution.

Respectfully,



Geoff Spiess
Corporation Counsel

Geoffrey D. Spiess
Corporation Counsel
600 East Third Street
Mishawaka, Indiana 46544
(574) 258-1702
fax: (574) 254-0197

John J. Roggeman
City Attorney
600 East Third Street
Mishawaka, Indiana 46544
(574) 258-1637
fax: (574) 254-0197

David V. Bent
Deputy City Attorney
320 West Fourth Street
Mishawaka, Indiana 46544
(574) 255-3680
fax: (574) 255-3969

Robert C. Beutter
Deputy City Attorney
4100 Edison Lakes Parkway
Mishawaka, Indiana 46545
(574) 243-4100
fax: (574) 232-9789



CITY OF MISHAWAKA NON-DISCRIMINATION POLICY STATEMENT

The City of Mishawaka reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." In applying this policy, the City, and its sub-recipients of federal funds, shall not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service or other benefit which is inferior (in quantity or quality) to, or which is provided in a different manner from, that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities, or any other advantage, privilege, or other benefit provided to others;
5. Adopt or use methods of administration which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way which would limit or impede access to a federally funded service or benefit.

The City of Mishawaka will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues within a period not to exceed 90 days.

The City of Mishawaka designates Geoffrey Spiess, City of Mishawaka Corporation Counsel, as the City's Title VI Coordinator. The Title VI Coordinator will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Mishawaka complies with the Title VI regulations, and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Mishawaka and Title VI may be directed to the Title VI Coordinator at:

Geoffrey Spiess, City of Mishawaka Title VI Coordinator
600 E. Third Street
Mishawaka, Indiana 46544
Phone: (574) 258-1702 Fax: (574) 254-0197
gspiess@mishawaka.in.gov

Dave Wood
Mayor

Geoffrey Spiess
City of Mishawaka Title VI Coordinator

RECEIVED
DEBORAH S. BLOCK, MMC

PETITION #16-22

AUG 10 2016

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-16

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

1st Reading 8-15-16
2nd Reading
Passed
Failed
Continued To

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

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

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

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

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

A parcel of land 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.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of C-4 Automobile Oriented Commercial District.

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

Proposed Ordinance No. 2016-16

Ordinance No. _____

1. Existing Conditions- The property has been used in this fashion for almost 40 years, but in two different jurisdictions.
2. Character of Buildings – The character of the buildings along McKinley Highway is commercial, a number of them automobile oriented.
3. The most desirable/highest and best use – Because of the parcels' location along the corridor and the property's historical use, the most desirable use for the property is automobile oriented commercial.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because commercial uses already exist along the McKinley Highway corridor, in close proximity to annexation area.
5. Comprehensive Plan- The Mishawaka 2000 Comprehensive Plan identified the McKinley Highway corridor as general commercial. The petition to annex and zone to C-4 Automobile Oriented Commercial is consistent with the Comprehensive Plan.

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

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

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.

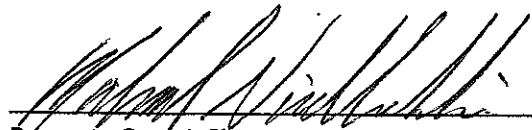
Petitioner owns One Hundred percent (100%) of the above-described parcel of land which is located at 1732 E. McKinley Avenue, Mishawaka, Indiana 46545, and that the petitioner desires the same to be annexed to the city of Mishawaka, Indiana, with a zoning classification of C-4. Petitioner further states 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

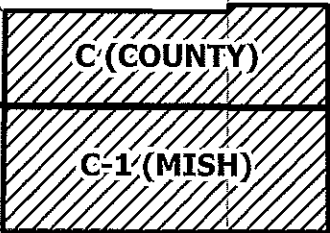


FIR RD

CLOVER RD

PET 16-22

CITY OF MISHAWAKA
LIMITS



CLOVER RD

E MC KINLEY 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

N BYRKIT AVE

CLOVER RD

E LA SALLE AVE

SEP 01 2016

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2016 -19

ORDINANCE NO. - _____

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017

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

Section 1. The biweekly salaries of the following elected officials of the City of Mishawaka, Indiana, for the fiscal year beginning January 1, 2017 shall be payable in 26 equal biweekly pay periods beginning January 13, 2017 in the following amounts:

	Biweekly salary
Mayor	\$ 2,926.39
Clerk	2,055.50
Council member	369.75

Section 2. Any prior ordinances in conflict herewith are hereby repealed.

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

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

SEP 01 2016

PROPOSED ORDINANCE NO. 2016 - 20

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2017.

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

Section 1. The biweekly salaries of all employees of the City of Mishawaka except the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2017 and shall be payable in 26 bi-weekly pay periods commencing on January 13, 2017.

BIWEEKLY SALARY

MAYOR'S ADMINISTRATIVE ASSISTANT	1,494.92
MAYOR'S SECRETARY	1,248.01
CONTROLLER	2,852.40
DEPUTY CONTROLLER	1,939.13
ACCOUNTANT	1,531.60
PAYROLL CLERK	1,391.38
BOOKKEEPER A	1,426.02
BOOKKEEPER B	1,230.79
BOOKKEEPER C	1,148.75
PURCHASING AGENT	1,441.44
CPA CERTIFICATION FT	192.31
CHIEF DEPUTY CLERK I	1,478.09
CHIEF DEPUTY CLERK II	1,431.95
HR DIRECTOR	2,078.53
ASST DIRECTOR	1,440.77
HR OFFICE MANAGER	1,248.01
DIRECTOR OF IT	2,404.49
SYSTEM SPECIALIST IV SERVER ADMIN.	1,975.97
SYSTEM SPECIALIST IV NETWORK ENG.	1,648.68
SYSTEM SPECIALIST III WEB	1,670.36
SYSTEM SPECIALIST II DESKTOP ENG.	1,588.01
GIS COORDINATOR	1,889.74
CORPORATE COUNSEL/HR DIRECTOR	2,149.23
1 st DEPUTY CITY ATTORNEY	2,253.08
2 nd DEPUTY ASST CITY ATTORNEY	627.75
PART TIME SECRETARY	288.46
COUNCIL ATTORNEY	627.75

DIRECTOR OF ENGINEERING	2,852.40
ASSISTANT DIRECTOR	2,358.67
TRAFFIC MANAGER	1,939.60
PROJECT MANAGER	1,990.57
CONSTRUCTION COORDINATOR	1,738.68
TECHNICIAN	1,727.03
PROJECT COORDINATOR	1,431.16
LOCATOR/INSPECTOR	1,470.12
OFFICE MANAGER	1,248.01
PE BONUS FT	192.31
IDEM REVIEW BOARD BONUS	153.85

DIRECTOR OF CODE ENFORCEMENT	2,142.45
OFFICE MANAGER	1,248.01
CODE ENF OFFICER A	1,734.09
CODE ENF OFFICER B	1,446.82

BUILDING COMMISSIONER	2,193.33
ASSISTANT BUILDING COMMISSIONER	2,063.86
ADMINISTRATOR	1,266.92
OFFICE MANAGER	1,248.01
INSPECTOR A	2,099.21
INSPECTOR B	1,901.66

FIRE CHIEF	2,657.60
ASSISTANT CHIEF	2,449.77
CHIEF FIRE PREVENTION	2,305.19
BATTALION CHIEF	2,395.31
CAPTAINS	2,277.80
SHIFT SUPERVISOR	2,216.52
LIEUTENANT	2,214.60
FIRE INSPECTOR	2,194.78
PARAMEDIC	2,194.78
DRIVER OPERATOR	2,152.76
MASTER FIREFIGHTER	2,124.12
1 st CLASS FIREFIGHTER	2,047.20
PROBATION - FF/EMT	1,859.29

FIRE EXECUTIVE SECRETARY	1,258.80
FIRE OFFICE MANAGER	1,248.01

POLICE CHIEF	2,674.66
ASSISTANT CHIEF	2,466.76
CAPTAIN	2,255.32
LIEUTENANT	2,211.89
SERGEANT	2,169.83
1 st CLASS PATROLMAN	2,141.19
2 nd CLASS PATROLMAN	2,064.26
PROBATION	1,875.18

POLICE RECRUIT	1,638.44
PROPERTY MANAGER	1,387.61
EXEC SECRETARY	1,258.80
ADMIN SECRETARY	1,248.01
SERVICES ADMINISTRATOR	1,434.22
PROPERTY CLERK	1,217.53

SECRETARY	1,230.95
PARKING PERSONNEL	1,230.95
CROSSING GUARDS	21 pays@ 344.99

CITY PLANNER	2,852.39
SENIOR PLANNER/ECON DEVEL SPLIST	1,930.34
SENIOR PLANNER	1,753.71
ASSOCIATE PLANNER	1,662.17
ADMINISTRATIVE PLANNER	1,478.40
OFFICE MANAGER	1,248.01

DIRECTOR COMMUNITY DEVELOPMENT	2,413.36
TIF CONSTRUCTION MANAGER	2,284.20
PROGRAM CONSTRUCTION MANAGER	2,068.57
PROGRAM COORDINATOR	1,448.90
GRANT MANAGER	1,892.32
GRANT SPECIALIST	1,271.67

CENTRAL SERVICES ASSISTANT	1,940.21
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STREET COMMISSIONER	2,309.51
OFFICE MANAGER	1,248.01
SECRETARY	1,230.95

BIWEEKLY HOURLY

PART-TIME HELP	7.25-25.00
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CENTRAL SERVICES: FLEET MAINTENANCE TECHNICIAN	20.11
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CENTRAL SERVICES/MVH:	
GROUP 1	19.08
GROUP 2	18.05
GROUP 3	17.28
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60
PROJECT COORDINATOR.	1.00

ANNUAL/MISC

FIRE:

SPECIALTY PAY:

	<u>TIER 1</u>	<u>TIER 2</u>
ADVANCED EMT	1,000	3,000
PARAMEDIC	2,000	4,000
LEAD PARAMEDIC	4,000	6,000

WATER RESCUE/RECOVERY LEADER	1,050
WATER DIVE/RESCUE TEAM MEMBER	950
SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN	1,000
MECHANIC	2,500
INFORMATION TECHNOLOGY	1,500

UNIFORM ALLOWANCE	1,250
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OUT OF RANK PAY:	PER OCCURRENCE
FIREFIGHTER TO DRIVER	10
DRIVER TO OFFICER	25
OFFICER TO HIGHER RANKING OFFICER	25
FIREFIGHTER TO OFFICER	25
FIRE APPARATUS ASSIGNED TO AMBO	30
POLICE:	
IDACS SPECIALIST	370
PARKING PERSONNEL CLOTHING	600
CROSSING GUARD SUBSTITUTE	20 per day
SUMMER SCHOOL CROSS GUARD	20 per day
UNIFORM ALLOWANCE	2,050
EQUIPMENT MAINT ALLOWANCE	271.43
PLAN COMMISSION	600
BZA MEMBER	375

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

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

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

Section 5. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees (as amended). The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employees anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

<u>Years of Service</u>	<u>Annual Increments</u>	<u>Bonus</u>
5	0	150
6	75	225
7	75	300
8	75	375
9	75	450
10	75	525

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

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

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

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on
this ____ day of _____ 2016, 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 _____, 2016,
at ____ o'clock, p.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ____ day of _____, 2016, at ____ o'clock, p.m.

David A. Wood, Mayor