

AGENDA

Monday, November 6, 2017

Executive Session

6:00PM

Meetings of Standing Committees

Council Conference Room

6:45 P.M.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

COUNCIL CHAMBERS/CITY HALL

7:00 P.M.

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

October 16, 2017

5. Petitions, Communications, Remonstrance and Memorials

Petition No. 2017-26 Rezone from I-2 Heavy Industrial to R-1 Single Family - 926 S. Byrkit Ave.

Petition No. 2017-28 Vacate Veterans Parkway & Release of Easements - 2320 Douglas Rd.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2017-39 Transfer Funds MVH Dept. \$44,000.00

P.O. NO. 2017-40 Transfer Funds Central Services Dept. \$43,000.00

8. Resolutions

9. Ordinances on Second Reading

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

Appointment to School Board

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

October 16, 2017

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday October 16, 2017, at 7:00 p.m. The meeting was called to order by President Ross Deal all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.

The minutes from the October 02, 2017 meeting was approved as received from the City Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals and the City Plan Commission regarding recommendations from their October 10, 2017 meeting.

APPEAL NO. 2017-42 An appeal submitted by P.D. Realty, LLC requesting Use and Developmental Variances for 914 and 916 East McKinley Avenue to Permit outdoor storage on gravel and location of screening fence.

The Board, with a vote of 4-1, forwarded a favorable recommendation subject to the following conditions:

1. A Final site plan shall be submitted.
2. Outside Storage Shall Be limited to screened area identified on approved site plan.
3. No vehicles shall be parked/stored on an unpaved site plan.
4. No Know hazardous materials shall be stored on site.

RESOLUTION NO. 2017-01 A Resolution of the City of Mishawaka Plan Commission approving he Douglas Road Corridor Plan.

The Commission, with a vote of 7-0, approved the Resolution.

Clerk Block read the following resolutions by title and were opened for public hearing.

RESOLUTION NO.2017-24

A RESOLUTION OF THE CITY OF MISHAWAKA PLAN COMMISSION, APPROVING THE DOUGLAS ROAD CORRIDOR PLAN

Ken Prince, City Planner explained if the intersection project moves forward, they would need to obtain additional right-of-way. He said the first phase of the plan is for the City to widen

Douglas Road by adding a right turn lane at Douglas and Grape road to help elevate traffic. Mr. Prince stated the long-term warrants were met for dual left turn lanes on Douglas Road turning north and that the intersection would need to be widened again over time. He continued to say the construction for the right turn lane including a modification of one signal pole would be first phase of the improvement with an estimated expense of 1.3 Million dollars. Mr. Prince also mentioned that the City wants to acquire right-of-way necessary to add sidewalks along Douglas Road at a future point in time.

Question was called for at 7:07 P.M. for **RESOLUTION NO. 2017-24**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

RESOLUTION NO. 2017-25

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

914 and 916 East McKinley Avenue, Mishawka Indiana

Bill Pemberton, Managing Partner for P. D. Realty at 1333 Patriot Court, Mishawaka said this was one of the last steps towards the development for the rest of the property on McKinley. Mr. Pemberton continued to say they've gone through the process of annexing and rezoning the property and they were now looking for a use variance as well as other grants. He said once through the process they intend to replot and compare a final site plan for approval by the city as well as building design and permitting to begin construction next spring. Mr. Pemberton discussed the proposal for outside storage; he said they need the additional space for storage of materials received from Northern Indiana and Michigan.

Mr. Mammolenti asked why a member from the BZA was in opposition. Mr. Pemberton said he did not attend the meeting but according to Steve Ruby the board member had concerns of the location being within a 1 mile travel from city's wellfield and wanted to insure the wellfield was safeguarded. He added when they bought the property in 2011 there was a used car lot and auto repair business in the building; he described the property to be a total mess of oil and gas spills. Mr. Pemberton said they cleaned up the property. He also mentioned they held a permit with the St. Joe County Health Department that had to be renewed periodically and they were also subject to inspections. Mr. Pemberton said they passed all their inspections since they've held the permit in 2011. He added they intend to keep all vehicles and construction equipment on concrete and the stoned yard would be for the PVC Duct, handles and telephone poles.

Mrs. Voelker asked was there concern of security for the proposed property. Mr. Pemberton said they had issues in the past. He went on to say this property was a well-lighted area, the light was internal. Mr. Pemberton said the property would be fenced in with TV circuits recording the property all day and all valuable materials would remain indoors.

Mr. Canarecci asked did they have traffic concerns. Mr. Pemberton said they did currently have traffic issues; they have to be very careful especially during the peak times of the day. He continued to say there was discussion on building a second building on the 12 ½ acres of land and split the two companies apart. Mr. Pemberton explained there would be two entrances a great distance apart to help reduce the traffic.

Steve Ruby represented Troyer Group 550 Union Street. He spoke in regard to the developmental variances that were a part of the site. Mr. Ruby explained the request was to allow storage to occur on a gravel lot, fencing and security. He said according to the city ordinance it did not allow parking or storage on any other surface other than a paved surface. Mr. Ruby went on to say the second variance was for the fencing, the ordinance currently stated fencing should occur at the adjacent property line abutting a residential neighborhood. He said due to the vegetation between the storage lot and the distance to the residential lot being vegetated, it provided a natural screen and buffer, which was why they were asking for the fence to be pulled back and to allow security for the items Mr. Pemberton spoke on before. Mr. Ruby believed this would better improve the project.

Mrs. Voelker asked was the wooded area a part of Mr. Pemberton's property. Mr. Ruby replied yes, it was all a part of his property. He added each lot would be re-platted to 914 and 916. Mr. Ruby described one lot was approximately 5 ½ acres but the front portion of the site would be the development for the building and storage and the other lot was a little over 6 acres with same scenario with building and storage at the middle of the property.

Mr. Canarecci questioned the type of fencing. Mr. Ruby explained per the ordinance the fence would be chain linked required to be 7 feet tall with an opaque surface similar to the property down town. He said the fence was a plastic/vinyl slat for durability and screening purposes.

Mr. Tanner thanked Mr. Pemberton for continued investment in the city and school district. He also congratulated Mr. Pemberton on the growth of his business.

Question was called for at 7:18 P.M. for **RESOLUTION NO. 2017-25**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

RESOLUTION NO. 2017-26

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

16839 Douglas Road, Mishawaka, IN 46545

Ken Prince, City Planner described the property to be a little less than 4 acres; it was surrounded by the city on both the west and south side. He said it was essentially an area that was encapsulated on all sides by the city. Mr. Prince continued to say the property was 37% contiguous to the city, Douglas Road was already in the city's jurisdiction and applicable

departments reviewed and indicated the property could be served by the city under the current city budget.

Question was called for at 7:20 P.M. for **RESOLUTION NO. 2017-26**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

Clerk Block read the following proposed ordinances by title, public hearings were held at last meeting, these were final adoptions and vote only.

PROPOSED ORDINANCE NO. 2017-37

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

(Annex and Rezone to R-3 Multi-Family District -16839 Douglas Road)
(Final Adoption)

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. Banicki motion carried.

Questioned was called for at 7:22 P.M. for **PROPOSED ORDINANCE NO. 2017-37**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal. Thus, it becomes ORDINANCE NO. 5594**

PROPOSED ORDINANCE NO.2017-38

CIVIL CITY BUDGET AND TAX LEVY FOR 2018 (Final Adoption)

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

Questioned was called for at 7:22 P.M. for **PROPOSED ORDINANCE NO. 2017-38**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal. Thus, it becomes ORDINANCE NO. 5595**

PRIVILEGE OF THE FLOOR

Morgan Washington 802 E. Sarah Street was a contestant for Miss Teen Indiana, represented the Michiana area. She asked for the council to sponsor her to enter the pageant, she was \$250 short from her goal.

Mrs. Voelker questioned the benefits for entering the pageant and how many girls she would compete against. Ms. Washington said if she was to win Miss Indiana she would move on to competing for Miss USA which could lead to receiving scholarships and she would mentor other girls. She said she would be competing against 60 girls from Indiana.

Mr. Compton asked had Ms. Washington qualified for Miss Teen Indiana. Ms. Washington replied no, she was entering her first pageant.

Mayor Wood briefly updated the council on PSAP. He said the executive board recommended to the County Commissioner the Assistant Chief of Operations of the Mishawaka Fire Department Ray Schultz to become the Interim Director of PSAP. Mayor Wood continued to say they offered his services and Assistant Chief Shultz was willing to step in to provide good leadership and Management for the facility. He informed them that the city would continue to pay his salary in the Interim. Mayor Wood felt this service was important and the information coming out of it was vital to the public safety officers. He said it would not have any influence in the operation of the PSAP and there would also be no Fire Department responsibilities put in Chief Shultz way during the interim period. Mayor Wood hoped to have a full-time permanent replacement in place by the first of the year. He said they felt confident with Assistant Chief Shultz experience and background; he would do great things in an efficient way. Mayor Wood continued to say this was viewed very similar to the partnership the city has with Metro Homicide and Family Victims Unit, where they have officer assigned to those units, the city pays their salaries and they would answer to the commander of those units. He believed Chief Shultz leadership ability was a good match.

Mr. Deal questioned who would take over Assistant Chief Shultz responsibilities during this period. Mayor Wood said the Assistant, Battalion Chiefs and also Captains would help out. He added this could be a growth opportunity for others. Mayor Wood said this was a county position, the county would search and post the job. He explained the process has already begun and the Ops Board as well as the executive board would interview to fill the position by the 1st of the year.

Mr. Canarecci said this was exciting news for Mishawaka. He continued to say the announcement had been out for a while, he asked was there an opportunity to hear from the employees from the dispatcher at PSAP to see how they feel about the appointment. Mayor Wood said they think it has been positive, Assistant Chief Shultz started his career as a dispatcher, he knew the culture. He continued to say it was not final, on October 17th the County Commissioner would meet to decide whether Assistant Chief Shultz was accepted.

Mr. Voelker thanked the Mishawaka Police Department for working closely with the community about the nuisance homes on Grove Street and Division Street.

NEW BUSINESS

Mr. Mammolenti announced Twin Branch Neighborhood meeting would be October 18, 2017 at 7:00 P.M. He said guest speakers Doug Merritt from the Historic Preservation Commission.

Mr. Emmons announced there would be no 1st District meetings until January 18, 2018. He said guest speaker would be Superintendent of School City of Mishawaka Dr. Speicher. He also mentioned the meeting in February Park Superintendent Phil Blasko would be the guest speaker.

ADJOURNMENT 7:34 P.M.

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

Ross Deal /s/
Ross Deal, President

RECEIVED
DEBORAH S. BLOCK, MMC

October 23, 2017

OCT 26 2017

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

CITY CLERK
MISHAWAKA, IN

RE; PETITION TO REZONE

We, the undersigned, Michael R. and Kathrine Nisley, respectfully show that we are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana., to-wit:

(Property address: 926 S. Byrkit Ave., Mishawaka, Indiana, 46544...

Legal Description: 309.71 x 140.65 FT SW COR 1 AC S 1/2 14 37 3E &
N 1/2 14 37 3E

Identification number: 71-09-14-351-008.000-023 / 0116-1117-4646)

We own one hundred (100%) percent of the above described parcel of land which now carries a zoning classification of **I-2 Heavy Industrial**, even though said property continues to be used as a single family dwelling.

Our desire of the said real estate is to be rezoned to **R-1 Single Family Residential**.

This property has been in my husband's family for decades. In July of 1947, Michael's uncle, Augustine DeLaruelle and wife Helen, purchased this property. In September of 1950, it was sold to Michael's parents, Maurice E. and Martha L. Nisley. This is the home that his mother and father raised their 6 children. About 7 years after the death of his father in 1986, we purchased the said property from his mother and have continued to use it as a single family dwelling, where we raised our 5 children. But, due to some unfortunate circumstances, including one of our children's battle with Ewings Sarcoma (she was dx at age 16, which thankfully she has survived now for over 14 yrs, so we were thankful to do it), we had no choice but to refinance our home a couple of times. Now, we are both on Social Security with a large housepayment largely due to a high interest rate. In the process of trying to refinance with a smaller interest rate, as well as trying to reduce the number of years, we were denied because our property is zoned industrial and they will only refinance for residential. In fact, fairly recently we learned that in the event of a fire or other natural disaster, we would not even be able to rebuild.

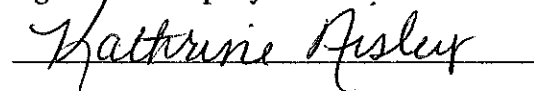
Therefore, we, Michael and Kathrine Nisley, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located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

Signature of Property Owner



Michael R. Nisley

Signature of Property Owner



Kathrine Nisley

CONTACT PERSON:

Kathrine Nisley
926 S. Byrkit Ave. Mishawaka, Indiana 46544
Home phone: 574-256-0720; Cell phone: 574-514-8311
Email: Katharn070@aol.com

PET 17-26

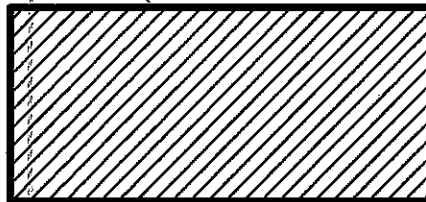
OCT 25 2017



S BYRKIT AVE

PET 17-27

E ELEVENTH ST



E TWELFTH ST

Location Map

PET 17-27

MICHAEL R. SR. &
KATHRINE NISLEY

926 S. BYRKIT AVENUE

REZONING FROM I-2 HEAVY
INDUSTRIAL TO R-1 SINGLE FAMILY
RESIDENTIAL FOR AN EXISTING HOUSE

OCT 26 2017

CITY CLERK
MISHAWAKA, IN

PAUL A. HUMMEL, P.E.
PIPER C. TITTLE, P.E.
MICHAEL J. GUZIK, P.E.



LAWSON-FISHER ASSOCIATES P.C.

201610.40

PS 17-28

OCT 23 2017

October 23, 2017

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

-and-

Mishawaka City Plan Commission
City of Mishawaka, Indiana

Re: Petition for Vacation of Public Right of Way-Veterans Parkway
-and-
Release of Easements

The undersigned **Larry J. Penn of the Larry J. Penn Revocable Living Trust, Becky L. Penn of the Becky L. Penn Revocable Living Trust, and Paul D. Penn of the Paul D. Penn Revocable Living Trust and City of Mishawaka, Board of Public Works** respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission to:

Vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

A part of the Southwest Quarter of Section 26, Township 38 North, Range 3 East, City of Mishawaka, Harris Township, St. Joseph County Indiana, and being that part of the grantor's land described in Instrument Numbers 0644091 and 0647623, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument found at the southeast corner of said quarter section, thence South 89 degrees 35 minutes 21 seconds West 330.00 feet along the south line of said quarter section to a prolonged east line of the grantor's land; thence North 00 degrees 15 minutes 10 seconds West 80.00 feet along said prolonged line and the east line of the grantor's land; thence South 89 degrees 35 minutes 21 seconds West 265.22 feet to the **Point of Beginning** of this description; thence South 89 degrees 35 minutes 21 seconds West 125.00 feet; thence North 45 degrees 25 minutes 10 seconds East 24.40 feet; thence North 00 degrees 24 minutes 39 seconds West 265.00 feet; thence Northeasterly 121.32 feet along an arc to the right and having a radius of 863.51 feet and subtended by a long chord having a bearing of North 03 degrees 36 minutes 52 seconds East and a length of 121.23 feet; thence North 44 degrees 35 minutes 13 seconds West 12.61 feet; thence North 00 degrees 24 minutes 39 seconds West 60.00 feet; thence North 89 degrees 35 minutes 21 seconds East 11.18 feet;

GREGORY L. HOLDEN, P.E.
JON E. RIEMKE, P.E.
JEFFREY L. MCKEAN, P.E.
RANDOLPH J. LINDLEY, P.E.
CHRISTOPHER J. JETER, P.E.
DENNIS A. ZEBELL, P.E.
BENJAMIN P. HOLDEN, P.E.
DAN G. DELGADO, P.E.
MICHAEL F. JOHNSTON, P.E.
JEFFREY M. BYRD, P.E.
JARED M. HUSS, P.E.
SKY K. MEDORS, P.E.
AARON W. BLANK, P.L.S., P.E.
BREAGAN P. EICHER, P.E.
RICHARD A. CHAPMAN, II, P.E.
THOMAS J. McNICHOLAS, P.E.
KEVIN J. SIEDLECKI, P.E.
CHRISTOPHER M. VANHULLE, P.E.
MICHELLE M.G. SLACK, P.L.S.
MAX WATKINS, P.E., S.E.



Petition for Vacation and Release

October 23, 2017

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thence North 54 degrees 15 minutes 50 seconds East 15.02 feet; thence Northeasterly 131.12 feet along an arc to the right and having a radius of 863.51 feet and subtended by a long chord having a bearing of North 17 degrees 14 minutes 22 seconds East and a length of 130.99 feet;

thence North 21 degrees 35 minutes 21 seconds East 188.99 feet;

thence Northeasterly 110.31 feet along an arc to the left and having a radius of 773.51 feet and subtended by a long curve having a bearing of North 17 degrees 30 minutes 14 seconds East and a length of 110.21 feet;

thence North 46 degrees 04 minutes 47 seconds West 11.63 feet;

thence North 00 degrees 24 minutes 39 seconds West 60.00 feet;

thence North 89 degrees 35 minutes 21 seconds East 16.82 feet;

thence North 44 degrees 09 minutes 42 seconds East 8.49 feet;

thence Northeasterly 111.10 feet along an arc to the left and having a radius of 773.51 feet and subtended by a long chord having a bearing of North 03 degrees 42 minutes 14 seconds East and a length of 111.00 feet;

thence North 00 degrees 24 minutes 39 seconds West 328.02 feet;

thence Northeasterly 220.35 feet along an arc to the right and having a radius of 863.51 feet and subtended by a long chord having a bearing of North 06 degrees 53 minutes 59 seconds East and a length of 219.76 feet;

thence North 89 degrees 35 minutes 21 seconds East 142.04 feet;

thence South 00 degrees 24 minutes 39 seconds East 215.74 feet;

thence South 08 degrees 46 minutes 12 seconds West 94.01 feet;

thence South 00 degrees 24 minutes 39 seconds East 256.69 feet;

thence North 89 degrees 31 minutes 53 seconds West 70.20 feet;

thence Southwesterly 93.87 feet along an arc to the right and having a radius of 858.51 feet and subtended by a long chord having a bearing of South 03 degrees 56 minutes 05 seconds West and a length of 93.82 feet;

thence South 41 degrees 21 minutes 39 seconds East 6.67 feet;

thence North 89 degrees 35 minutes 21 seconds East 10.09 feet;

thence South 00 degrees 24 minutes 39 seconds East 60.00 feet;

thence South 89 degrees 35 minutes 21 seconds West 20.45 feet;

thence South 58 degrees 56 minutes 52 seconds West 13.62 feet;

thence Southwesterly 142.57 feet along an arc to the right and having a radius of 853.51 feet and subtended by a long chord having a bearing of South 16 degrees 48 minutes 14 seconds West and a length of 142.40 feet;

thence South 21 degrees 35 minutes 21 seconds West 188.99 feet;

thence Southwesterly 99.82 feet along an arc to the left and having a radius of 783.51 feet and subtended by a long chord having a bearing of South 17 degrees 56 minutes 22 seconds West and a length of 99.76 feet;

thence South 42 degrees 39 minutes 34 seconds East 11.96 feet;



Petition for Vacation and Release
October 23, 2017
Page 3

thence North 89 degrees 35 minutes 21 seconds East 10.32 feet;
thence South 00 degrees 24 minutes 39 seconds East 60.00 feet;
thence South 89 degrees 35 minutes 21 seconds West 23.01 feet;
thence South 47 degrees 22 minutes 26 seconds West 16.04 feet;
thence Southwesterly 119.66 feet along an arc to the left and having a radius of 783.51 feet and subtended by a long chord having a bearing of South 03 degrees 57 minutes 52 seconds West and a length of 119.54 feet;
thence South 00 degrees 24 minutes 39 seconds East 265.00 feet;
thence South 58 degrees 41 minutes 14 seconds East 32.33 feet to the **Point of Beginning** and containing 4.181 acres, more or less.

The intent of this vacation description is to rescind the dedication of Veterans Parkway description, verbatim, as recorded in Instrument #1714652, on June 12, 2017.

AND;

Release the dedicated Non-Access and Landscape & Utility Easements, as recorded in Instrument #1714657, on June 12, 2017.

An updated configuration of Veterans Parkway and associated easements is to be dedicated through the platting process.

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

Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacating the above described right of way and releasing the referenced easements located in the City of Mishawaka.

Adjacent Property Owners

Larry J. Penn, Becky L. Penn, and Paul D. Penn

(Sign) _____
Larry J. Penn

(Sign) _____
Paul D. Penn

(Sign) _____
Becky L. Penn



Petition for Vacation and Release

October 23, 2017

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**City of Mishawaka
Board of Public Works**

(Sign)

Kenneth B. Prince, President

(Sign)

Ronald E. Watson, Member

(Sign)

Rebecca S. Miller, Vice-President

(Sign)

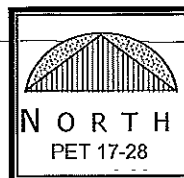
Kari Myers, Clerk

CONTACT PERSON:

Aaron W. Blank, P.L.S., P.E.
Lawson-Fisher Associates P.C.
525 West Washington Avenue
South Bend, IN 46601
574-234-3167 (phone)
574-236-1330 (fax)

AWB/kcb

INDIANA TOLL RD



PET 17-28

Fir Rd

Douglas Rd

Location Map PET 17-28

LARRY J. PENN, ET. AL. & CITY
OF MISHAWAKA
VACATE VETERANS PARKWAY &
RELEASE OF EASEMENTS

2320 DOUGLAS ROAD (FORMERLY
14669 DOUGLAS ROAD PRIOR
TO ANNEXATION)

LARK CT

SAGEWOOD DR

Mystique Dr

DEER CT

OCT 13 2017

CITY CLERK
MISHAWAKA, IN

1st Reading 11-6-17
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2017-39

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2017

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Motor Vehicle Highway Fund budget adopted for the fiscal year ending December 31, 2017.

Section 2. There is hereby transferred and reappropriated the sum of \$44,000.00 as follows:

Motor Vehicle Highway Fund

From: Street Department

Other Services and Charges

201-50-436-01	Building/Equipment Repair	<u>\$44,000.00</u>
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Total	<u>\$44,000.00</u>
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To: Street Department

Supplies

201-50-423-03	Equip, Parts, Supplies	\$20,000.00
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201-50-429-08	Uniform Supplies	4,000.00
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Other Services and Charges

201-50-435-01	MU Charges	<u>\$20,000.00</u>
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Total	<u>\$44,000.00</u>
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Section 3. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

_____ day of _____, 2017 at _____ o'clock, ____ M.

Ross Deal, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of _____, 2017 at
_____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2017 at _____ o'clock,
_____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

STREET DEPARTMENT
Tim Ryan
Street Commissioner

DAVID A. WOOD, MAYOR

October 11, 2017

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

RE: Proposed Ordinance 2017- 39

Honorable Council Members:

At this time, we find the need to request a transfer of \$44,000 from our *Other Services/Building/Equipment Repair* line #201-50-436-01 to be distributed as follows:

FROM:	<u>MVH Street Department</u>		
	<u>Other Service and Charges</u>		
	201-50-436-01	Repairs & Maintenance	<u>\$44,000</u>
TO:	<u>MVH Street Department</u>		
	<u>Supplies</u>		
	201-50-423-03	Equip. Parts/Supplies	\$20,000
	<u>Other Supplies</u>		
	201-50-429-08	Uniform Supplies	\$ 4,000
	<u>Other Service and Charges</u>		
	201-50-435-01	MU Charges	<u>\$20,000</u>
		TOTAL -	\$44,000

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

Sincerely,

Tim Ryan
Street Commissioner

OCT 13 2017

1st Reading 11-6-17
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2017-40

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2017

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the Central Services Department in the General Fund budget adopted for the fiscal year ending December 31, 2017.

Section 2. There is hereby transferred and reappropriated the sum of \$43,000.00 as follows:

General Fund

From: Central Services Department

Supplies

101-22-422-02	Gas, Oil, etc.	\$43,000.00
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Total	\$43,000.00
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To: Central Services Department

Supplies

101-22-422-05	Equipment/Vehicle Supplies	\$30,000.00
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101-22-429-08	Uniform/Supplies	\$ 3,000.00
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Other Services and Charges

101-22-436-01	Repairs and Maintenance	\$10,000.00
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Total	\$43,000.00
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Section 3. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

_____ day of _____, 2017 at _____ o'clock, _____.M.

Ross Deal, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of _____, 2017 at
_____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of, _____, 2017 at _____ o'clock,
_____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

Tim Ryan
Street Commissioner

DAVID A. WOOD, MAYOR

October 11, 2017

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

RE: Proposed Ordinance 2017-

Honorable Council Members:

At this time, I am requesting the following transfers within the Central Motor Pool budget:

FROM:	Central Services Department		
	101-22-422-02	Gas, Oil, Etc.	\$43,000
TO:	Central Services Department		
	101-22-429-08	Uniforms/Supplies	\$ 3,000
	101-22-422-05	Equipment/Vehicle Supplies	\$30,000
	101-22-436-01	Equipment Maintenance	<u>\$10,000</u>
			\$43,000

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

Sincerely,

Tim Ryan
Street Commissioner