

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
October 17, 2011

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 17, 2011 at 7:00 p.m. The meeting was called to order by President John Gleissner and all were asked to stand for the Pledge of Allegiance. Clerk Block's roll call showed the following;

Dale "Woody" Emmons 1st District Councilman – Present
Mike Bellovich 2nd District Councilman – Present
Ross Deal 3rd District Councilman - Present
Marsha McClure 4th District Councilman – Present
Michael Compton 5th District Councilman - Present
Ronald Banicki 6th District Councilman – Present
John Gleissner, Councilman At Large – Present
Gregg Hixenbaugh, Councilman At Large – Present
John J. Roggeman, Councilman at Large – Present
A quorum was obtained.

Others present; Deborah S. Block, City Clerk; Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel.

The minutes from the October 3, 2011 meeting were approved as received from the Clerk's Office.

Clerk Block read a letter from the Plan Commission regarding recommendations from their October 11, 2011.

PEITION NO. 11-23 A petition submitted by Garrison Holladay Heritage Square Delaware, LLC, requesting to amend the Heritage Square Planned Unit Development to allow for six (6) potential users In Building 1200 located on Outlot "C"; and to allow for the dumpster enclosure for Building 1200 on Outlot "C" to be visible above the existing landscape mound adjacent to S.R. 23 **RECOMMENDED APPROVAL**

The following proposed ordinance was given first reading, assigned to committee, and set for public hearing at the next regular meeting.

PROPOSED ORDINANCE NO. 2011-28

**AN ORDINANCE AMENDING CHAPTER 137 OT 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 Heritage Square in the northeast area of Gumwood Rd and SR23)

Mr. Banicki stated per the petitioner's request he would like to make a motion to hear **PROPOSED ORDINANCE NO. 2011-28** under new business, with a second by Mr. Roggeman the motion carried.

Clerk Block read **RESOLUTION NO. 2011-14** opening it for public hearing.

RESOLUTION NO 2011-14

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

Northwest of Harrison Road and Bennington Drive – West of Hums Park

Ken Prince, City Planner said this was a request to annex an 8 acre parcel into the city just west of Hums Park to move Fire Station Four to that location. He said it can be serviced by every department with no additional cost to the city.

Question was called for at 7:07 p.m. on **RESOLUTION NO. 2011-14** with the vote being 9 to 0 in favor.

Clerk Block read **PROPOSED ORDINANCE NO. 2011-17** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-17

**AN ORDINANCE APPROVING THE CITY OF MISHAWAKA, INDIANA
COUNTY ECONOMIC DEVELOPMENT INCOME TAX
CAPITAL IMPROVEMENT PLAN
(Amending CEDIT)**

Mr. Emmons made a motion to continue **PROPOSED ORDINANCE NO. 2011-17** to the November 9th meeting with a second by Mr. Banicki the motion carried.

Clerk Block read **PROPOSED ORDINANCE NO. 2011-18** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-18

CIVIL CITY BUDGET AND TAX LEVEY FOR 2012

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

Mr. Compton thanked Ms. Milligan and her staff for all of their hard work preparing this budget. Mr. Gleissner thanked Ms. Milligan and the Budget and Finance Committee.

Question was called for at 7:10 p.m. on **PROPOSED ORDINANCE NO. 2011-18**, with the vote being 9 to 0 thus it becomes **ORDINANCE NO. 5321**.

Clerk Block read **PROPOSED ORDINANCE NO. 2011-20** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-20

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE
(Annex and Zone R-1 Single Family = located within the northwest corner of Harrison Road and Bennington Drive for a New Municipal Fire Station)

Mr. Hixenbaugh made a motion to amend **PROPOSED ORDINANCE NO 2011-20** on page 2 where it reads C-10 zoning it should read R-1 zoning, with a second by Mr. Roggeman the motion carried.

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

Question was called for at 7:12 p.m. on **PROPOSED ORDINANCE NO. 2011-20AA** with the vote being 9 to 0 thus is becomes **ORDINANCE NO 5322AA**.

Clerk Block read **PROPOSED ORDINANCE NO. 2011-26** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-26

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING AND AUTHORIZING THE EXECUTION OF A LEASE AND APPROVING OF THE ISSURANCE OF BONDS RELATING TO THE CONSTRUCTION AND EQUIPPING OF A NEW FIRE STATION AND OTHER RELATED MATTERS

(Approving and authorizing the issuance of bonds related to the construction and equipping of a new Fire Station and other related matters)

Mr. Compton made a motion to continue **PROPOSED ORDINANCE NO. 2011-26** to the November 9, 2011 Council Meeting with a second by Mr. Banicki the motion carried.

Clerk Block read **PROPOSED ORDINANCE NO 2011-27** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-27

AN ORDINANCE AMENDING ORDINANCE NO. 1666 BEING AN ORDINANCE ESTABLISHING POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF EMPLOYER-EMPLOYEE RELATIONS IN CITY GOVERNMENT, THE FORMAL RECOGNITION OF EMPLOYEE ORGANIZATIONS AND THE RESOLUTION OF DISPUTES REGARDING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT AS AMENDED.
(Amending Ord 1666 collective bargaining agreement)

Mr. Hixenbaugh made a motion to continue **PROPOSED ORDINANCE NO. 2011-27** until the November 9, 2011 Council Meeting with a second by Mr. Banicki the motion carried.

NEW BUSINESS

Clerk Block read **PROPOSED ORDINANCE NO 2011-28** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-28

**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”
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(Amend the PUD for Heritage Square in the northeast area of Gumwood Rd and SR23)

Bradley E Mosness, Abonmarche Consultants, Inc, said he was representing the petitioners in their request to allow 6 uses in the building. He said Ms. Tepe was available to answer any questions.

Mr. Gleissner asked Ms. Tepe to be sure to remember that Heritage Square was located in Mishawaka and not Granger. She said she would do that.

Mr. Compton said this was the second time Heritage Square made a request asking for the Council rules to be waved for 2nd reading, he asked them to please plan ahead in the future.

Mr. Emmons said he would have his neighborhood watch meeting on Thursday the 20th of October 2011 at St. Bavo School at 7:00 p.m.

Mr. Deal said he would have his neighborhood watch meeting on Wednesday the 19th of October 2011 at Twin Branch School at 7:00 p.m.

Mr. Banicki said he would have his neighborhood watch meeting on Tuesday October 25, 2011, John Young School at 7:00 p.m.

Dave Wood Mayor invited the Council and Clerk to the ground breaking on 12th Street for the new Fire Station, October 24th at 11:00 A.M.

There being no further business to come before the Council, President Gleissner adjourned the meeting at 7:50 p.m.

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

John P. Gleissner _____/s/
John P. Gleissner
Presiding Officer