

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL  
March 04, 2019

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 March 04, 2019, at 7:00 p.m. The meeting was called to order by Vice President Banicki all were asked to stand for the Pledge of Allegiance.



**Roll Call.**

**Present:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh.

**Absent:** Mr. Mammolenti, Mr. Emmons.

Minutes for the Regular Meeting of February 18, 2019 were approved as received from the Clerk's Office.

Clerk Block read the following appeals and petitions to the council who referred them to the Board of Zoning Appeals and the City Plan Commission for their recommendation.

- |                                    |                                                                                                                                                                    |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>APPEAL NO. 2019-04</u></b>   | Use Variance for Temporary Sales Trailer – SE<br>Corner of Front & Spring Streets                                                                                  |
| <b><u>APPEAL NO. 2019-05</u></b>   | Use Variance for Trailer Sales in I-2 Heavy Industrial – 520 S.<br>Byrkit                                                                                          |
| <b><u>APPEAL NO. 2019-06</u></b>   | Use Variance for Accessory Structure without a Primary Structure<br>517 Ell                                                                                        |
| <b><u>APPEAL NO. 2019-08</u></b>   | Use Variance to allow Used Car Sales for Two 10-day Annual<br>events for a Three Year Period University Park Mall 6501 N. Grape<br>Rd. Parking Lot N. Of JC Penney |
| <b><u>APPEAL NO. 2019-09</u></b>   | Conditional Use to Permit a Cell Tower Not to Exceed 185' in<br>Height – Part of 500 S. Union St 0.30 Acres of 22.4 acre Parent<br>Parcel                          |
| <b><u>PETITION NO. 2019-02</u></b> | Rezoning from I-2 Heavy Industrial to R-1 Single Family Res.<br>Vacant Property – 13880 Scout Ln                                                                   |
| <b><u>PETITION NO. 2019-03</u></b> | PUD Amendment to allow Microblading/Semi-Permanent Makeup<br>University Gardens – 6910 N. Main Street – Unit 13D                                                   |

Clerk Block read the following proposed ordinances by title and opened the public hearing.

**PROPOSED ORDINANCE NO. 2019-05**

**AN ORDINANCE AMENDING PART I, CHAPTER 62, OF THE MUNICIPAL CODE  
OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED**

(Amending Sewer Insurance Fund & Charges)  
(Assigned to the Budget and Finance Committee)

Mr. Hixenbaugh reported the Budget and Finance Committee recommended this proposed ordinance should be presented to the council as a whole. This is signed by the entire committee upon a second by Mr. Tanner motion carried.

Jim Schrader, General Manager Mishawaka Utilities said the Sewer Insurance program has been in place since 1990. He continued to say it was a self-funded or rate payer insurance program for sewer failure between the sewer hookup from the middle of the street to the home. Mr. Schrader said this program has been well accepted in the past, it was a situation done in two formats. He explained they collected the monthly premium and they also had a deductible the homeowner would pay if a failure occurred. Mr. Schrader went on to say this program has fallen in the rear in terms of being self-sufficient, an adjustment must be made. He said rather than change the deductible they were proposing to change the monthly premium from \$1.50 to \$2.20. Mr. Schrader said this would make the program self-sufficient and self-funding again. He stated 2008 was the last time rates were adjusted and the fourth change since 1990. Mr. Schrader said this was only for residential owners or multi-tenant residential homes in the city limits. He mentioned other cities had a similar program, each community operates their program based on their particular needs.

Mr. Tanner thanked Mr. Schrader for his proactive approach by contacting the council in advance. Mr. Schrader said this was important for the homeowners to have this program. He said average cost would be \$5500 for repair work. Mr. Schrader continued to say with the insurance homeowners would pay the deductible of \$250.

Question was called for at 7:09 P.M. for **PROPOSED ORDINANCE NO. 2019-05**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh. Thus, it becomes **ORDINANCE NO. 5649**.

## **PROPOSED ORDINANCE NO. 2019-06**

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

(Annex & Zone R-1 & R-3 6 Singles Family Res & 7 Townhomes 1625 Arthur St. & 52781 Grape Rd.)  
(Assigned to the Land Use Planning Committee)

#### **NO VOTE – PUBLIC HEARING ONLY**

Terry Lang, Lang Feeney & Associates represented petitioners. He said over the last two years the petitioners purchased parcels north of the JCPenney Furniture Store. Mr. Lang continued to say they were looking to extend into the city and zone appropriately for residential and multifamily use. He said they would extend city utilities and water which was located immediately to the south on the JCPenney property. Mr. Lang said they believed the residential use were target price for homes they were considering somewhere between \$350,000 to \$400,000. He mentioned similar homes were being sold on Gumwood at the same price range. Mr. Lang stated this would probably be a 2-year project. He said they knew they had to wait due to the census being taken next year. Mr. Lang said they would slowly go through the process and then follow up with necessary construction plans and other appropriate things.

Mr. Banicki asked has Mr. Lang met with any neighbors close by. Mr. Lang said they did hold a public meeting at the church near by on Cleveland and US 31, there may have been 12 to 14 of residents who attended. Mr. Lang continued to say they discussed what they were proposing. He said he explained there would be some single-family homes and townhomes and price they were targeting. Mr. Lang mentioned some residence expressed their shock for the pricing of the homes. He said he explained homes in the area were in the same market price currently and they were selling fast. Mr. Lang went on to say he believed the petitioner realized they were adjacent to the city, utilities were not far, and even if they were in the county, they would look at the approximate same density in the county for sewer and water. He said at this point they were looking at the improvements necessary for street and sidewalk along Arthur Street. Mr. Lang said he believed the meeting with the residents was very informative. Mr. Banicki asked was any of the council invited to residential meeting. Mr. Lang replied no, it was put together quickly by the residents and their attorney. He said they received 3-hour notice. Mr. Banicki mentioned he was contacted regarding the property. He said he had some concerns regarding the size of the lots for the residential property. Mr. Banicki asked was one lot going to be made into 3 homes, would the homes be attached and how wide were the lots. Mr. Lang replied yes, with sewer and water. He said the homes would be 3 separate single-family homes on lots 65 to 70 ft wide and by the depths on the site plan. He explained they were lots created by the county ordinance, if they were in the county without sewer and water, they would have a half acre lot. Mr. Lang said the current sewer and water allowed them to decrease the square footage, they did not have to worry about well and septic location in the area. He mentioned the villas being built in Cobblestone Square were almost the identical lot size.

Mr. Compton asked was the plan to be a villa property or single-family homes. Mr. Lang said at this point of time they were determining on whether there would be a homeowner's association. He assumed it would-be single-family homes at this point, but plans could change.

Mr. Tanner questioned Ken Prince, City Planner on the minimum frontage on a lot. Mr. Prince said it was 60 feet, but in older neighborhoods it went as low as 40 feet. He continued to say new plats would have to meet 60 feet or have a variance. Mr. Prince said the other lots in the neighborhood were developed under the county standard for septic and water system. He said the city standards were completely different. Mr. Tanner asked as long as the petitioners maintained the frontage, they would not have to request for a variance. Mr. Prince replied correct.

Public hearing was closed at 7:18 P.M.

## **UNFINISHED BUSINESS**

### **RESOLUTION NO. 2019-06**

#### **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: 1316 West Dragoon Trail Mishawaka, Indiana**

Ken Prince, City Planner gave update on the proposed property as requested. He said the Building and Fire Department went back to the property for re-inspection, they were waiting for a part for the alarm system. Mr. Prince said the Fire Department verified the alarm system was in place and operational and they received the report earlier in the day that indicated the property complied.

Leanne Suarez, COO of Journey's Behavior Learning Center was there for any questions.

Mr. Hixenbaugh thanked Ken Prince, City Planner and the Building and Fire Department for following up on the property. He also thanked the petitioners for working with the city departments in order to take care of questions and concerns expressed at the last meeting.

Questioned was called for at 7:22 P.M for **RESOLUTION NO. 2019-06**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh.

## **ADJOURNMENT 7:22 P.M.**

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

Ron Banicki /s/  
Ron Banicki, Vice President