

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
September 16, 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 September 16, 2019, at 7:00 p.m. The meeting was called to order by President Dale “Woody” Emmons all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Absent: Mr. Compton.

Others Present: Clerk Block, Chief Deputy Clerk Mary Ellen Hazen, Council Attorney Michael Trippel.

Minutes of the Regular Meeting of September 03, 2019 was approved as received from the Clerk’s Office.

Clerk Block read a letter from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their September 10, 2019 meeting.

APPEAL #19-37 An appeal submitted by Paul. A and Kathy F. Kitkowski requesting a Use Variance for **3723 North Home Street** to allow outside storage.

The Board, with a vote of 5-0, recommended approval subject to the following conditions:

1. An Administrative Site Plan shall be submitted.
2. Gravel area shall be limited to a screened outside storage area behind the building, identified on the site plan.
3. No vehicles shall be parked/stored on an unpaved surface; and
4. No known hazardous materials shall be stored on site.

APPEAL #19-38 An appeal submitted by EIG Edison Park Center, LLC, requesting a Use Variance for **605 West Edison Road, Unit L**, to permit permanent make-up services (microshading).

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

PETITION #19-10 A petition submitted by DF Properties LLP requesting to amend the Park Plus Planned Unit Development, **239 West University Drive, Granger**, to allow microblading as a permitted use.

The Commission, with a vote of 8-0, recommended approval.

Clerk Block read the following proposed ordinances by title and was set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2019-24

**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.**

(Amd PUD to allow microblading as permitted use at 239 W. University)
(Assigned to the Land Use Planning Committee)

Clerk Block requested to amend the agenda to add **PROPOSED ORDINANCE NO. 2019-25** for first reading.

Mr. Tanner made a motion to add **PROPOSED ORDINANCE NO. 2019-25** for first reading same upon a second by Mr. Banicki motion carried.

PROPOSED ORDINANCE NO. 2019-25

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE CITY OF MISHAWAKA, INDIANA
CONCERNING THE PREVENTION OF CONTRACTOR TAX FRAUD
(Assigned to the Public Health and Safety Committee)**

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

RESOLUTION NO. 2019-22

**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:**

3723 North Home Street, Mishawaka, Indiana
(UV- Outside storage Development Variance permit unpaved area)

John Piraccini, Coldwell Bank Commercial Office represented Paul and Kathy Kitkowski and his client Chris Lauf. He explained his client was a business owner trying to move into the city. Mr. Piraccini continued to say the BZA gave a recommend approval and they agreed to all the terms and conditions. He mentioned the Fire Department questioned space for emergency vehicles and the Engineering Department requested tucks to be driven on hard surface. Mr. Piraccini said there should not be a problem for emergency vehicles. He said he has been working with City Engineer Chris Jamrose for two years looking for a location in Mishawaka. Mr. Piraccini continued to say a lot of the search was getting the variance for storing fencing and other materials outside. He provided the council with photos of the proposed property to show the site and where they were requesting the variance and additional paving. Mr. Piraccini also mentioned they would also widen the parking lot. Mr. Piraccini pointed out the distance from the surrounding residential area on Day Road.

Mrs. Voelker questioned the property fencing. Mr. Piraccini said they would fence the area they would clear to store materials as required by the city. He said if his client's business expands, he would expand the fencing.

Mr. Banicki asked was Chris Lauft the same gentlemen who came before them for a property on Fir Road. Mr. Piraccini replied yes. He explained they could not get the variance on the hard surface and requirements for the property were pricey. He said this proposed property was a better fit and it was in an industrial park.

Mr. Mammolenti commended Mr. Piraccini on the presentation with the aerial views.

Chris Lauft 142099 Old Pine Lane explained they were buying the building under CL Management leasing due to Milestone Fencing, a local company they would like to stay in close distance to. He continued to say the company was growing and the outside storage was a big need for materials. Mr. Lauft mentioned he would also have an access control company ran out of the building for interior storage. He said the company was a local union company, they also traveled in 100-mile radius. Mr. Lauft said he was currently leasing an acre of land down the road from his current location to store materials.

Mrs. Voelker recalled the last time Mr. Lauft appeared, he mentioned they did a lot of highway work. Mr. Lauft replied yes, they have done underpass work in the city and they were currently doing work in Niles and at Penn High School. He said they also did a lot of work at Subaru and Lafayette. Mrs. Voelker questioned the time frame for the new building if approved. Mr. Lauft believed they could close in the next couple of months, the current owner would have 45 days to vacate building. He continued to say at closing they would immediately begin clearing the land and start bidding for the asphalt. Mr. Lauft said he was hoping to open in the next three or four months.

Mr. Tanner questioned the hours of operation. Mr. Lauft said their office hours were typically 8:00A.M. to 5:00P.M., loading was around 6:00 or 7:00A.M. He continued to say they would never work late at night.

Mr. Bellovich questioned the number of employees. Mr. Lauft said currently he had 22 employees. He said they use local 645 labors unions and ironworkers at different locations. Mr. Lauft continued to say payroll fluctuated depending on the job, last year they employed 45.

Mr. Emmons questioned where hard surface would be on the property. Mr. Lauft said there would be hard surface for truck parking and loading, from that point, the ground would be rock base.

Mr. Mammolenti questioned the type of trucks used and how many. Mr. Lauft said they had a 1-ton flatbed truck, 3 or 4 trailers and some skid steers. He said equipment would be stored in the building and the trucks and trailers would be parked behind the fenced area. Mr. Lauft said they had 8 trucks, some of the employees took their trucks home.

Question was called for at 7:22 P.M. for **RESOLUTION 2019-22**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).Yes: Mrs. Voelker, Mr. Tanner, Mr.**

Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

RESOLUTION NO. 2019-23

**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 LOCATED AT:**

605 West Edison Road, Unit L, Mishawaka, Indiana
(UV permit permanent makeup services- Microshading & Cosmetology services)

LaSheen Taylor 797 Pulling Street South Bend said she would like to be able to perform semi-permanent makeup which was enhancement of the eyebrows.

Mrs. Voelker asked the difference between microblading and microshading. Ms. Taylor said there was a slight difference in the two but both services inserted semi-permanent pigment. She continued to say microblading was done manually with a razor that slits the skin to put the pigment into the skin and microshading was done with a small needle machine inserting the pigment into the skin. Ms. Taylor said microblading had more of a healing process.

Mr. Mammolenti questioned the number of artists. Ms. Taylor said she would be the only artist performing microshading and she planned on having two hairstylists.

Mr. Tanner said the service was comparable to tattooing but a different process on the top layer of skin, which required the same health code requirements. He asked was Ms. Taylor was prepared to pursue the requirements if approved. Mr. Taylor replied correct, she has obtained her blood born pathogen certificate. She said she needed to get with her physician to make sure she did not have any permittable diseases and she was aware she had to file tattoo licensing and health code.

Ms. Petko Reisdorf asked was the prevalence of infections decreased verses microblading. Ms. Taylor replied no, the only difference was the manually inserting opposed to a machine.

Mr. Emmons asked was there blood involved in either procedure and how long did the pigment last on the skin. Ms. Taylor said she could not speak on microblading, but in her experience with microshading she has not experienced any blood, but they had to take precaution in case anything would happen. She went on to explain in two to three years the pigment would completely fade away permanently. Mr. Taylor said if the client liked the microshading, they recommended a yearly touchup on the pigment to keep the color and eyebrow shape the client preferred. Mr. Emmons also questioned the cost for the procedure. Ms. Taylor replied around \$600.

Mr. Hixenbaugh made the comment there has been many salons coming before the council for this similar procedure, he would like to engage in a discussion with City Planner Ken Prince on the revision to the existing zoning ordinance that would make sense for this frequent popular request.

Question was called for at 7:33 P.M. for **RESOLUTION NO. 2019-23**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

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

PROPOSED ORDINANCE NO. 2019-21

**AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020
(Elected Officials Salary Ord)
(Assigned to the Budget and Finance Committee)**

Mr. Hixenbaugh made a motion to postpone the public hearing for **PROPOSED ORDINANCE 2019-21** on October 07, 2019 same upon a second by Mr. Banicki motion carried.

PROPOSED ORDINANCE NO. 2019-22

**AN ORDINANCE THE 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, 2020.
(City Employee Salary Ord)
(Assigned to the Budget and Finance Committee)**

Mr. Hixenbaugh made a motion to postpone the public hearing for **PROPOSED ORDINANCE 2019-22** on October 07, 2019 same upon a second by Mr. Banicki motion carried.

PROPOSED ORDINANCE NO. 2019-23

**Civil City Budget 2020
(Assigned to Budget and Finance Committee)
State Required Public Hearing- NO VOTE
(City Controller requesting Amendment)**

Clerk Block read a letter from City Controller Rebecca Miller requesting an amendment to the budget.

Mr. Banicki made a motion to amend **PROPOSED ORDINANCE 2019-23** same upon a second by Mr. Tanner motion carried.

Rebecca Miler, City Controller discussed the amendment. She said the adopted budget for 2020 was very similar to the 2019 budget; it was just over 55 million. Ms. Miller explained when they

advertised, they wanted to make sure they collected the total levy and property taxes, so they adopted a higher tax levy. She continued to explain after the first one was submitted, she reviewed the tax levy, she determined based on the moving of operating funds the levy slightly went down. Ms. Miller said the advertised tax rate was going to be 3.36, the actual tax rate would be closer to 2.09 for 2020, which was close to the 2019 tax rate of 2.07. She continued to say they were close to the same budget as 2019 at 55.7 million verse 55.1 million for 2020. Ms. Miller stated at the budget meetings they would go into more details with the departments and council.

Mr. Tanner thanked Ms. Miller for her effort and receiving the amendment in a timely fashion.

Public hearing was closed. Vote would be taken at the next regular meeting on October 07, 2019.

NEW BUSINESS

Ms. Petko-Reisdorf announced the Twin Branch Neighborhood meeting would be held on September 18, 2019 at 7:00pm. Speaker to be announced.

Mr. Emmons announced the St. Bavo's Neighborhood meeting would be on September 19, 2019 at 7:00pm. The Speaker would be Lt. Eric Beckham and the Department's drug enforcement dog.

ADJOURNMENT 7:34 P.M.

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

Dale "Woody" Emmons /s/
Dale "Woody" Emmons, President