

AGENDA

Monday, April 6, 2020

WebEx Telephone Number:1-844-992-4726

WebEx Access Code: 716 530 530 #

Members of the public will be asked to place their phone on mute during the Meeting, with the exception of the public hearing on Proposed Ordinance No. 2020 - 09. At the appropriate point in the public hearing, the Council President will invite the public to unmute their phones for purposes of submitting such comments, one person at a time. All persons wishing to make public comments will be asked to first state their name and address for the record. After completing his/her public comments, members of the public will once again be asked to place their phone on mute. Thank you for your cooperation.

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

March 16, 2020

5. Petitions, Communications, Remonstrance and Memorials
6. Report of Special Committee
7. Ordinances on First Reading

P.O. NO. 2020-10 Amending Ordinance No. 5680 As Amended - 2020 Salary Ord. (2nd Reading Requested)

8. Resolutions
9. Ordinances on Second Reading

P.O. NO. 2020-09 Additional Appropriation-

Cumulative Capital Improvement Fund \$55,500

Public Safety LIT Fund \$713,901

CEDIT Fund \$241,393

Improve. Sidewalk/Curb 50/50 \$20,000

Ambulance Fund \$198,000

Total \$1,228,794 (Assigned to Budget and Finance Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

This meeting will be aired Wednesday at 9:00AM on the Public Access Channel

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 Susan Kile, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

March 16, 2020

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 16, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh all were asked to stand for the Pledge of Allegiance lead by Mary Ellen Hazen's grandchildren followed by a moment of silence for the passing of Mr. Compton's father.



Roll Call.

Present: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

Others present; Mike Trippel, Council Attorney Chief Deputy Mary Ellen Hazen and Raven Boston, Deputy Clerk.

Minutes for the Regular meeting of March 2, 2020 were approved as received from the Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from the March 10th meeting.

APPEAL #20-05

An appeal submitted by the Foundation for the Center for Hospice & Palliative Care, Inc., requesting a Use Variance for the Southeast Corner of Comfort Place and North Pine Street to permit an accessory structure on a lot without a primary structure.

The Board, with a vote of 4-0, forwarded a favorable recommendation subject to the following condition of approval:

1. If the properties are not sold at the same time, or to the same owner, this building will be removed.

APPEAL #20-06

An appeal submitted by Bokhart Properties, LLC, requesting a Use Variance for 403 South Main Street and 411 South Main Street to allow furniture retail and showroom in I-1 Light Industrial zoning.

The Board, with a vote of 4-0, recommended approval subject to the following conditions:

- 1) Provide appropriate parking area up to current standards with stormwater management, for area behind (west of 411 S. Main). Drainage will be required for the area that is improved.
- 2) Access between 411 S Main to Mill Street should be removed. A similar comment about the access from Mill Street was made in 2016.
- 3) The gravel access between 403 & 411 S Main, new since 2015, needs to be hard surface.

PETITION #20-04

A petition submitted by A & J Properties, LLC, seeking to rezone approximately 134' of **4019 Lincolnway East and 4021 Lincolnway East** running northerly from Norton Court from R-1 Single Family Residential to C-1 General Commercial District.

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

Clerk Block presented to the council the 2019 Tax Increment Finance Report. No action was required.

Clerk Block read the following proposed ordinances and were set for public hearings at the next meeting.

PROPOSED ORDINANCE NO. 2020-08

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 area South of retention area from R-1 Single Family to C-1 General Commercial
4019 & 4021 LWE**

(Assigned to Land Use Planning)

PROPOSED ORDINANCE NO. 2020-09

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020

Additional Appropriation – Cumulative Capital Improvement Fund \$55,000 – Public Safety LIT Fund \$713,901 – CREDIT Fund \$713,901 – Improvement Sidewalk/Curb 50/50 \$20,000 – Ambulance Fund \$198,000 – Total \$1,228,794

(Assigned to Budget & Finance)

Clerk Block read the following resolutions in its entirety and opened the public hearing.

RESOLUTION NO. 2020-03

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA HONORING CHIEF DEPUTY CITY CLERK MARY ELLEN HAZEN FOR SERVICE TO THE CITY OF MISHAWAKA, INDIANA.

Mary Ellen Hazen, Chief Deputy Clerk said was hard to believe she worked 34 years in the City Clerk's Office. She continued to say when Jan Opfell hired her, she said it may only be for 18

months. Mrs. Hazen thanked Debbie for a wonderful career professionally and personally. She expressed she was very lucky to have had the opportunity to stay at one job for so many years. She said when you were with people that long you become family. Mrs. Hazen mentioned a couple of highlights in her years in the Clerk's office were when her husband Dale was on the council and when she met Linda Dotson. She told Debbie she had two very responsible and fun people to work with, Deputy Clerk Raven Boston and Michael Hixenbaugh, who were quick learners and computer smart. Mrs. Hazen went on to say in all of her years she and her husband Dale became friends with many past and present councilmen. She thanked Clerk Block on behalf of her family and herself for not only being a great boss but also being part of her family, they all truly thought the world of her. She went on to say as supportive and memorable as this journey has been at City Hall she was looking forward to retirement with her growing family.

Mr. Emmons expressed how fortunate the City of Mishawaka has been to see Mary Ellen Hazen greet a lot of people over the years and work for the Clerk's office. He continued to say how he will miss her and hopes to see her in the future. Mr. Emmons concluded by thanking her for her 34 years of service.

Mrs. Voelker began stating how special it was to have Mary Ellen Hazen's family in attendance for the meeting. She also wished her the best in retirement.

Mr. Mammolenti stated how smoothly the council meetings and Clerk's Office ran while she was in office. He continued to explain how appreciative he was of her kindness and dedication to Mishawaka.

Mr. Banicki thanked Mary Ellen Hazen for her hard work and dedication. He continued by telling her to enjoy retirement.

Mr. Compton started by saying he appreciated her professionalism and work she did in the office. He also stated she was one of the people who supported his family and expressed appreciation to everything she has done. He finished by congratulating her and wishing her nothing but precious times in the future.

Mary Ellen Hazen introduced her family in attendance.

Mr. Hixenbaugh thanked her and all of her family for being in attendance. He continued stating how big of an impact Mary Ellen Hazen had on the community over her years of service. Mr. Hixenbaugh expressed how big of a role she has played in the office and how deserving she has been of all the accolades she received. He concluded by stating she was an unsung hero in the City of Mishawaka and has left the community better than when she began working.

Question was called for at 7:28PM for **RESOLUTION 2020-03**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

RESOLUTION NO. 2020-04

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

SE Corner of Comfort Place & N. Pine Street

**Use Variance to permit and Accessory Structure (Maintenance building) on a lot without a
primary structure of Comfort Place & N. Pine Street**

Chris Chockley, Jones Petrie Rafinski, represented the Center for Hospice Care. He began stating the design of the building would reflect the other buildings within the neighborhood.

Mrs. Voelker asked if the property was for sale. Mr. Chockley stated it was not for sale, it was the last remaining lot of the Center for Hospice campus.

Question was called for at 7:33PM for **RESOLUTION NO. 2020-04**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

RESOLUTION NO. 2020-05

**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:**

403 & 411 S. Main Street

Use Variance to allow Furniture Retail & Showroom at 403 & 411 S. Main Street

Angela Rockenbaugh, Owner of Interior Motives in Elkhart, Indiana she was requesting a use variance to open an interior design studio along with furniture accessories to allow for a full-service interior design studio.

Maurice Bokhart, current owner of building said he purchased 403 S. Main Street building was purchased for the store and the 411 S. Main Street building purchased mainly for the use of parking.

Mr. Mammolenti and Mrs. Voelker thanked the petitioners for choosing Mishawaka.

Mr. Hixenbaugh wished good luck to the petitioners on their new adventure and thanked the staff for aiding with development in the community.

Question was called for at 7:38PM for **RESOLUTION NO. 2020-05**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

PRIVILEGE OF THE FLOOR – NON-AGENDA ITEMS

Mayor Wood gave an update on the COVID-19 effort locally in Mishawaka. He began stating they were ahead of the curve in preparation and receiving updates from the county daily and holding daily meetings. Mayor Wood appointed Assistant Chief of EMS Division Brian Thomas to be Point Person on information regarding the virus and also constructed a task force made up of key city staff to daily go over latest events. One objective, Mayor Wood stated, was to make sure the city was available to provide critical services and utilities without interruption on a daily basis throughout this period of time. Mayor Wood continued by giving an example of water in the city and how big of a job it was to distribute in these times. He continued stating how well-trained Public Safety departments were for an occurrence like this and were equipped to aid the community. Mr. Wood stated there was 1 confirmed case in St. Joseph Community and no community spread to date. Mayor Wood continued explaining precautions were being taken with testing and stopping the potential spread. He mentioned a fourth ambulance has been added on standby if needed and a fifth ambulance was expected to be ready within the next week. Mayor Wood also stated the city staff has been assigned an HR manager and Safety individual to talk to each department about cleanliness, social distancing, what can be done to control environment around them, and bringing them up to speed on CDC requirements. Mayor Wood explained how the City Clinic has instant testing for individuals put at risk for the virus. Mayor Wood continued stating the clinic was being set up for drive through service to aid individuals who need medical attention while avoiding exposing other patients and staff to illness. In conclusion, Mayor Wood asked the public to follow CDC & SJC health requests and guidelines and thanked all staff involved for all their hard work through this time.

Mr. Compton thanked Mayor Wood for the information and also asked about the State of the City meeting. Mayor Wood answered stating the Battell Center has been shut down and discussed moving the it to a later date so the public may attend. Mayor Wood expressed his preference to schedule State of the City for another time also stated the focus needs to be on COVID-19 at this time.

Mr. Mammolenti thanked the Mayor for pro-active decisions during this time.

Mr. Hazen stated the city employees were stepping up to the plate and the Activate Clinic was a huge benefit for the city of Mishawaka.

Mayor Wood stated how diligent staff members worked throughout this time and how seriously the virus has should be taken. Mr. Wood also thanked all individuals disinfecting City Hall and specifically expressed appreciation for Fred Kile for his suggestion of keeping the department doors open throughout City Hall to prevent the spreading of germs.

Mr. Hixenbaugh thanked Mayor Wood for the hard work and stated to the public to be prepared but not panic during this process. Mr. Hixenbaugh also expressed the council's readiness for any steps needed to be taken to move forward with regard to any ordinances or business.

Clerk Block added the Election Board was encouraging individuals to vote by mail and gave information on how to access applications for absentee ballots.

UNFINISHED BUSINESS

Mr. Hixenbaugh made a motion to postpone the State of the City address to a later date to be determined, seconded by Mr. Mammolenti motion carried.

Mr. Emmons canceled monthly neighborhood meeting in March and announced the April neighborhood meeting would be put on hold due to the virus.

Mr. Hazen stated Twin Branch neighborhood meeting on March 18th would be canceled.

Mr. Compton thanked everyone on the council for all of their support after his father's passing and stated the memorial service would be delayed until a later date.

Mr. Mammolenti congratulated Phil Blasko and his family for their new addition to their growing family.

ADJOURNMENT 8:04PM

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

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President

PROPOSED ORDINANCE NO. 2020 - 10

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
AMENDING ORDINANCE 5680 (2020 SALARY ORDINANCE FOR APPOINTED
OFFICERS AND EMPLOYEES FOR ALL DEPARTMENTS OF THE CITY)**

STATEMENT OF PURPOSE AND INTENT

On January 6, 2020, the Common Council of the City of Mishawaka, Indiana (the “Council”) adopted Ordinance No. 5680, which established wages and salaries for appointed officers and employees for all departments of the City for 2020, which may be amended from time to time (the “2020 Salary Ordinance”).

The Governor of Indiana has declared a public health emergency for Coronavirus Disease 2019 Outbreak (“COVID-19”) pursuant to Ind. Code § 10-14-3-12, and the President of the United States has declared a national emergency for the same.

Due to the COVID-19 emergency, it may be necessary to allow certain city employees to work remotely in an effort to curtail community spread of COVID-19, and promote the safety and well-being of both City employees and the general public during this emergency.

The 2020 Salary Ordinance in its current form (prior to the passage of this Ordinance) does not allow for payment of employees on a work-remotely basis. The City has determined, in order to encourage employees to comply with such remote-work requirements should they become necessary, that these employees should be compensated for such remote work.

**NOW, THEREFORE, BE IT ORDAINED BY THE
COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:**

SECTION I. The 2020 Salary Ordinance is hereby amended to add the following additional section:

Stay Home Pay During a Declared Emergency. The Mayor of the City of Mishawaka may require some employees to refrain from coming to their work stations in the event of a national emergency or state disaster emergency as provided in Ind. Code § 10-14-3-12. In the event of such emergency declarations, the Mayor may provide that employees directed to refrain from coming to work receive pay (hourly and/or salaried) for their regularly scheduled non-overtime work hours (“Emergency Stay Home Pay”), subject to the following conditions:

- (a) If some or all of the employee’s job functions can be performed from home, the employee is expected to perform those job functions from home during the employee’s regularly scheduled non-overtime work hours;

(b) During the employee's regularly scheduled non-overtime work hours during the emergency, the employee is considered "on-call" and, therefore, must be available by phone to respond to calls from other City officials and must be available to return to their work station upon notice from their supervisor, Mayor, or his/her designee; and

(c) The employee may not work or earn compensation from any other source during the employee's regularly scheduled non-overtime work hours (i.e., for which the employee would earn Emergency Stay Home Pay).

SECTION II. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

SECTION III. The amendments set forth in this Ordinance supersede any inconsistent provisions in the 2020 Salary Ordinance. All other portions of the 2020 Salary Ordinance, as previously amended, shall remain in full force and effect.

SECTION IV. This Ordinance shall take effect immediately upon its passage by the Common Council and approval by the Mayor, and any other steps required by Indiana law for such Ordinances have been taken.

PASSED by the Common council on the ____ day of _____, 2020 at _____ o'clock ____ .m.

Gregg Hixenbaugh, Council President

ATTEST:

Deborah S. Block, IAMC, MMC
City Clerk

PRESENTED to the Mayor this _____ day of _____, 2020 at _____ o'clock ____ .m.

Deborah S. Block, IAMC, MMC
City Clerk

APPROVED by me this _____ day of _____, 2020 at _____ o'clock, ____ .m.

David A. Wood
Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

RECEIVED
DEBORAH S. BLOCK, MMC

Date: March 12, 2020
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Additional – CCI – Public Safety LIT – CEDIT – Ambulance Funds**

MAR 13 2020

CITY CLERK
MISHAWAKA, IN

For first reading on March 16th I have numerous requests for additional appropriations.

1. The new aerial ladder truck purchased last year had one payment last year, and I neglected to budget for the two payments required this year.
2. At the time the budget was put together it seemed that PSAP may be funded differently. These additional add the funds that are necessary to continue to pay PSAP out of Public Safety LIT and CEDIT. Total cost to the City this year is \$1,566,372.96.
3. Instead of having a separate Sidewalk and Curb fund, Chris Jamrose and I have agreed to add \$20,000 to CEDIT. Whatever the citizens pay towards the 50/50 program the City's portion will be paid out of these funds. It will streamline the budget process moving forward and minimize funding delays and paperwork.
4. The Fire Department has an opportunity to purchase a refurbished ambulance that will be used as a reserve. This is a great opportunity to use the new Ambulance fund that was put in place to receive 10% of revenue from our EMS runs.

Please contact me with any questions.

c: David A. Wood – Mayor
Christine Jamrose – Dir. of Engineering/City Engineer
Bryon Woodward – Fire Chief

1st Reading 3-16-20
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 13 2020

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2020-09

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2020 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Cumulative Capital Improvement Fund of the City of Mishawaka the sum of \$55,500.00, from the Public Safety Local Income Tax (LIT) fund the sum of \$713,901.00, from the CEDIT fund \$261,393.00, and from the Ambulance fund the sum of \$198,000.00 for assignment as follows:

Cumulative Capital Improvement Fund

Other Services and Charges

401-50-438-01	Fire Truck Principal	\$ 55,500.00
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Public Safety LIT Fund

Other Services and Charges

211-50-439-95	PSAP	\$713,901.00
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CEDIT Fund

Other Services and Charges

430-50-439-95	PSAP	\$241,393.00
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Improve. Other than Buildings

430-50-442-04	Sidewalk/Curb 50/50	\$ 20,000.00
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Ambulance Fund

Other Services and Charges

230-50-445-07	Medical Equipment	<u>\$198,000.00</u>
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Total		\$1,228,794.00
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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 _____, 2020 at _____

o'clock, ____ .M.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 2020 at _____

o'clock, ____ .M.

Deborah S. Block, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2020 at

_____ o'clock, ____ .M.

David A. Wood, Mayor