

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 20, 2020

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, July 20, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh all were asked to stand for the Pledge of Allegiance, followed by a moment of silence to remember the lives lost due to COVID-19.



Roll Call.

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

Clerk Block read the following resolution and opened the public hearing.

RESOLUTION R2020-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION ADOPTING A WRITTEN FISCAL PLAN IN A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED AT: 16813 DOUGLAS ROAD

Ken Prince, City Planner, spoke in favor of **RESOLUTION R2020-14**. Mr. Prince stated in the fiscal plan, the area was 50 percent contiguous to the city currently and by state law it would have to be 12.5 percent. He said the plan was reviewed by all applicable departments and they indicated that it could be served under the existing city budget. Mr. Prince concluded stating he sent an email to the property director behind the plan regarding an issue with methane and the EPA was looking to change the status of the landfill.

Question was called for at 7:04PM for **RESOLUTION R-2020-14**  **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.

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

PROPOSED ORDINANCE NO. 2020-22

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA PROVIDING ZONING CLASSIFICATION THEREFORE Annex & Zone to C-1 General Commercial for Future Medical Office – 16183 Douglas Road VOTE ONLY

Mr. Bellovich reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the entire committee upon a second by Mr. Banicki motion carried.

Question was called for at 7:06PM for **PROPOSED ORDINANCE NO. 2020-22**  **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. Thus, it becomes **Ordinance No. 5703**

PROPOSED ORDINANCE 2020-23

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO INDIANA CODE 5-13-9-5

Investment of Public Funds Outside the Mishawaka City Limits

Mrs. Voelker reported the Committee of Budget & Finance recommended this proposed ordinance should be adopted. This was signed by the entire committee upon a second by Mr. Banicki motion carried.

Clerk Block read the correspondence letter from Rebecca Miller, City Controller. The letter stated Ms. Miller was requesting first reading on an investment of a public funds ordinance that has an annual renewal and was necessary for investment into financial institutions outside of the Mishawaka city limits. Ms. Miller also stated in the letter she worked with Baker Tilly who request bids and recommend the most advantageous interest rate and maturity date.

Ken Prince, City Planner, spoke on behalf of the administration. Mr. Prince explained they had reviewed and approved this request through the Board of Public Works. Mr. Prince also stated he would answer any questions on behalf of Ms. Miller, because of technical difficulties .

Ms. Miller joined the meeting soon after by phone and Mr. Compton asked what was being done with the proposed ordinance, assuming it passes. Ms. Miller explained this ordinance would give the city more exposure and more chances to bid for the best rates and the best value for the city.

Question was called for at 7:13PM for **PROPOSED ORDINANCE 2020-23**  **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. Thus, it becomes **Ordinance No. 5704**

UNFINISHED BUISNESS

The matter of Ordinance No. 5699 – PUD Amendment to allow Quick Service Oil Changes as a use and Reduction of Parking Spaces, Setbacks and Landscaping – 317 W. Indian Ridge Blvd. (Vetoed by Mayor Wood)

Mr. Compton made a motion to override Mayor Wood's veto on Ordinance No. 5699 upon a second by Mr. Banicki. Question was called for at 7:14PM  **Vote: Motion failed (summary: Yes = 5, No = 4, Abstain = 0).**

Yes: Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Compton, Mr. Hixenbaugh.
No: Mrs. DeMaegd, Mr. Hazen, Mr. Bellovich, Mrs. Voelker.

Mr. Hixenbaugh wanted the record to reflect that the council received an email with correspondence from the petitioner's legal counsel.

NEW BUSINESS

Mayor Wood gave a COVID-19 update. Mayor Wood began stating they are seeing an uptick in the number of cases in St. Joseph County, but are not necessarily seeing that carry over to the hospital. Mayor Wood also stated that Mishawaka is well equipped and they are ready to handle the circumstances of the virus.

Mr. Emmons asked Mayor Wood if there was any change in his philosophy regarding wearing masks in City Hall with the uptick of cases. Mayor Wood stated they are following the recommendations of the CDC and the local health department and were compliant with that. Mayor Wood also stated they have not seen any cases in City Hall that would require them to go beyond the recommendations at this time.

Mr. Compton asked if any other city employees had been diagnosed with COVID-19 since the ones discussed in the prior council meeting. Mayor Wood stated one Utilities employee tested positive along with members of their family and they are currently recovering in quarantine. Mr. Compton also asked if the St. Joseph County health officer recommended face masks for all businesses. Mayor Wood stated their order includes grocery stores and businesses of that nature and they are reviewing changes in that order before they send it through the County Council and County Commissioners. Mr. Compton also stated there was discussion of a county ordinance that would put fines on businesses for not mandating employees and asked if that would cover Mishawaka as well. Mayor Wood stated he had not had a chance to review what was proposed and stated it would be too premature to comment.

Mr. Hazen stated he read the ordinance and it did not include government vacancies at this point.

Mr. Emmons stated, after listening to the Governor, he had indicated people should wear masks whether they are entering in a business or any facility to protect themselves and the others within the facility. Mr. Emmons also asked why in Mishawaka we don't comply with those recommendations to show citizens in the community they are taking precautions to protect them, especially when the Governor and his officials follow the recommendations. Mayor Wood stated they are taking all kinds of precautions to protect people entering in City Hall as well as the employees. Mayor Wood also stated they have spent resources to make sure employees have a

safe working environment; things such as installing screens and purchasing masks. Mayor Wood also stated the Governor has made the recommendations and it is up to the citizens to heed them or not. Mayor Wood concluded stating these measures have been effective and he did not see a reason to go beyond the recommendations at this point.

Ken Prince, City Planner, stated Mayor Wood directed every department to come up with a plan specific to their department. For example, in the Planning Community Development Department, anytime someone came in for service at the counter the employee servicing them has to put on a mask before approaching the counter. Mr. Prince also stated they have masks available at the counter, but not all individuals are wearing masks when coming in the office. Mr. Prince also stated they have implemented the plexiglass Mayor Wood made reference to regarding separating the public to the employee. Mr. Prince concluded stating they have done great measures to keep 6 feet apart in the offices, which includes the Council Chambers and are appropriately social distancing.

Mr. Emmons commended the city administration for what they are doing to protect themselves along with others entering City Hall and his point was a clarification regarding the Governor's orders with masks; not a criticism.

Mayor Wood thanked Mr. Emmons and stated Mr. Prince did a good job of explaining how it has impacted interactions between departments, employees, and the citizens of Mishawaka. Mayor Wood also explained a lot of citizen interaction occurs at the Parks Department and outdoor facilities holding events, such as small concerts, are providing masks, having people work the front gates, and are enforcing limited capacity to comply with all regulations. Mayor Wood stated they have taken all the precautions that are required and are following the recommendations.

Mr. Mammolenti asked if tests are still being administered at the clinic. Mayor Wood answered yes they are. Mr. Mammolenti also asked if the inventory was safe and healthy. Mayor Wood stated they have good supplies all around whether it was within Public Safety agencies or at the clinic. He said invited Dr. Megliori to the staff meetings every week and she has reported they have been in good shape as far as testing and receiving results as expeditiously as possible. Mr. Mammolenti asked how long it took to receive results on average. Mayor Wood stated there have been a lot more tests around the community lately with a limited amount of facilities that can handle them, they have been pushed back to about 3 days because of the volume countywide.

Mr. Hixenbaugh stated the council will be holding an informational session with Public Services regarding the Trash and Recycling contract on August 10th at 6PM with remote access available to the public. Mr. Hixenbaugh also thanked Lou Ann Hazen for forwarding a video in honor of Mayor Beutter to the council and stated it was very well done.

ADJOURNMENT 7:28PM

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

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

