

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

October 19, 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, October 19, 2020 at 7:00PM. The meeting was called to order by President Matt 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. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

Absent: Mr. Hazen.

Others Present: Mike Trippel, Council Attorney and Clerk Block

Minutes for the Regular meeting of October 5, 2020 were approved as received from the Clerk's Office.

Clerk Block read the following letter from the City Plan Commission regarding their recommendations from their October 13, 2020 meeting.

PETITION #20-07 PUD Amendment to allow an Elevated Water Storage System Tank not to exceed 150' in Height

Clerk Block read the following proposed ordinances by title and assigned committee.

PROPOSED ORDINANCE NO. 2020-37

AN ORDINANCE DECLARING AN EMERGENCY IN TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2020

**Transfer Funds – Motor Vehicle Highway Fund - \$10,000.00
(Assigned to Budget and Finance Committee)**

PROPOSED ORDINANCE NO. 2020-38

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.

PUD Amendment to allow an Elevated Water Storage System Tank not to exceed 150' in height

(Assigned to Land Use Planning Committee)

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

RESOLUTION NO. 2020-21

**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 PROPERTY LOCATED AT: 15165, 15195 & 15201 Cleveland Rd.
Fiscal Plan for Annexation of 15165, 15195 & 15201 Cleveland Rd.**

Ken Prince, City Planner, spoke in favor of **RESOLUTION NO. 2020-21**. Mr. Prince stated the fiscal plan is for 3 properties for a total of 3.4 acres located on the Northside of Cleveland Road. Mr. Prince stated the developer is looking add onto the property for a larger development. The property itself is 50% contiguous to the city and exceeds the 12.5% required by law. Mr. Prince concluded stating the fiscal plan was distributed to all applicable city departments and all indicated they could serve under their existing budget with no additional expenses required to service the property.

Dustin Brown, the developer, stated they are excited to bring a product to the area that doesn't exist right now in the South Bend, Granger and Mishawaka area. Mr. Brown concluded stating they are looking forward to work with the council.

Question was called for at 7:09PM for **RESOLUTION NO. 2020-21**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

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

RESOLUTION NO. 2020-22

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY APPROVED COMMON COUNCIL RESOLUTION 2014-07, WHICH APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION, AN AMMENDMENT TO THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST IMPROVEMENT PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT AND AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION
Adding Property to the City's Acquisition List**

Ken Prince, City Planner, spoke in favor of **RESOLUTION NO. 2020-22**. Mr. Prince stated every time a property is looking to be purchased by the Redevelopment Commission using TIF funds, that property needs to be added to the city's acquisition list. Mr. Prince stated two months

ago, they brought the proposed acquisition for the Burns Rental property to the council and the homes located immediately behind it to the north. Mr. Prince stated following that acquisition, they were approached by the property owner located east to the main Burns building on Mishawaka Avenue at 324 W Mishawaka Avenue. The property owner asked if they were interested in purchasing the property and upon review, there were two homes on the lot that were in a nonconforming situation. Mr. Prince stated they contacted the Planning Department with other interested parties involved and after taking a look at the property, they determined it would be beneficial to add it to the purchase of the Burns property. Mr. Prince stated they do not picture bringing the council any more acquisitions associated with this redevelopment area. Mr. Prince concluded stating they had appraisals performed and the land is slightly more than what the offer has been made for.

Mrs. Voelker asked if there is a second house behind the home on the lot. Mr. Prince stated there is. Mrs. Voelker asked if lot would be included as a parcel with the Burns property. Mr. Prince stated if the main commercial building at Burns stays, this at a minimum would be a buffer for potentially parking or an access to the rear property. Mr. Prince stated their recommendation to the Redevelopment Commission, if they proceed with the purchase, would be the two homes be demolished at the same time period as the single-family homes located behind the main commercial Burns building.

Mr. Hixenbaugh thanked Mr. Prince and his department for the continuing work they have done on this project. Mr. Hixenbaugh believed the acquisition of Burns and the surrounding areas would be a net positive for the community and that neighborhood in particular, in terms of being able to potentially reduce traffic hazards and to further add to the various amenities that are made available to the community by the park itself.

Question was called for at 7:16PM for **RESOLUTION NO. 2020-22**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**
Yes: Mrs. DeMaegd, Mr. Banicki, 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. 2020-32

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA PROVIDING ZONING CLASSIFICATION THEREFORE Annexation and Rezoning for a Proposed Multi-Family Townhome Development – 15165, 15195 & 15201 Cleveland Rd.
VOTE ONLY

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

Mr. Hixenbaugh requested roll call vote to accept the committee report.



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Committee Report passes.

Consistent with Indiana Law, a public hearing was held on this matter at the prior immediately preceding council meeting. The council moved to a vote.

Question was called for at 7:18PM for **PROPOSED ORDINANCE NO. 2020-32**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

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

PROPOSED ORDINANCE NO. 2020-33

CIVIL CITY BUDGET AND TAX LEVY FOR 2021 VOTE ONLY

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

Mr. Hixenbaugh requested roll call vote to accept the committee report.



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Committee Report passes.

Consistent with Indiana Law, a public hearing was held on this matter at the prior immediately preceding council meeting.

Mr. Hixenbaugh thanked Mayor Wood, the Controller, and the department heads for the hard work that goes into putting together the budget every year and bringing it before the council. Mr. Hixenbaugh stated this was a different set of challenges they were faced with this year and he appreciated the time the council was able to spend with them and the committee in Budget and Finance meetings. Mr. Hixenbaugh asked Rebecca Miller, City Controller, about the tax rate dropping from last year to this year's tax rate and if that was accurate. Mr. Hixenbaugh also stated he was referring to the budget comparison sheet provided to the council. Ms. Miller asked if Mr. Hixenbaugh was looking at the published tax rate of 3.3176. Mr. Hixenbaugh stated he believed the number in a prior document from last year, the number came out to be 3.3603. Ms. Miller stated that is the published tax rate that is typically inflated to make sure they will always be earning the max levy and maximum amount for tax purposes. Ms. Miller stated the actual tax rate is always closer to 2.0-2.1 and it is typically how they do their tax rate and what also is recommended in best practice. Mr. Hixenbaugh asked if they anticipate this year's tax rate will be lower than last year's tax rate proportionally. Ms. Miller stated it will go up a little bit. Mr. Hixenbaugh asked if there is any information Ms. Miller can share with the council in regards to where they are at with the health insurance renewal for 2021. Ms. Miller stated it looks like it

should be very flat, with some enrollment numbers that had been off that are being revised right now and she has not received the final numbers. Mr. Hixenbaugh asked if their contribution to PSAP will be reduced by 5% this year. Ms. Miller stated it could be that much or it will stay flat. Ms. Miller stated there will be no increase. Mr. Hixenbaugh stated earlier this year, they had an opportunity to meet with financial consultants who gave the council an overall where they stood financially in conjunction with COVID-19. Mr. Hixenbaugh asked if they could have an update closer to the end of the year with regard to the information in writing or in the form of a presentation to have as much financial information as possible.

Mr. Hixenbaugh thanked everyone for the work they did to put this together and the time spent to explain various elements of the budget. Mr. Hixenbaugh stated he was pleasantly surprised to hear that they will be able to maintain their services without any drastic cutbacks and will be able to continue to provide compensation increases to staff. Mr. Hixenbaugh stated he believed the relationship between themselves and PSAP needs to continue to be looked at in 2021 in regard to their funding obligation. Mr. Hixenbaugh stated he hoped, between the council and the administration, they can work with the other governmental entities in St. Joseph County to review the efficiency of the operation and address the inequities they believe are in place. Mr. Hixenbaugh stated the individuals working at the dispatch center do a great job and are valuable part of public safety service orientation toward the community, but they are looking at a 54% cash balance at the end of this year projected with regard to their operations. Mr. Hixenbaugh stated that is wonderful for them to be in that cash position, but they have a number of needs to be addressed as well in the area of public safety and if they can partner with the administration on that, he believed that would be time well spent. Mr. Hixenbaugh concluded stating it is difficult for him conceive of being able to vote in favor of future budgets if it incorporates the current funding system for the PSAP center.

Question was called for at 7:29PM for **PROPOSED ORDINANCE NO. 2020-33**  **Vote:**
Motion carried by unanimous roll call vote (summary: Yes = 8).
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

PROPOSED ORDINANCE NO. 2020-35

AN ORDINANCE FIXING THE SALARIES OF CERTAIN ELECTED OFFICIALS FOR THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021 Elected Officials Salary Ordinance for 2021

Mr. Emmons reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. This was signed by the majority of the committee upon a second by Mr. Mammolenti motion carried.

Mr. Hixenbaugh requested roll call vote to accept the committee report.



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Committee Report passes.

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2020-35**. Mayor Wood stated they do this every year and what they are proposing is 1.5% plus \$500 which is the same amount the bulk of the full time equivalent employees will get non-collective bargaining and non-public safety staffs which are being negotiated. Mayor Wood stated they know the valuable service elected officials provide in Mishawaka. Mayor Wood stated Mishawaka elected officials stand part from all other forms of government in his opinion and they do tend to get along. Mayor Wood stated they do things in the best interest of Mishawaka and the citizens are getting a great value for the service they receive. Unfortunately, this year Mishawaka government and the process of setting the salaries for elected officials has become a part of the current election cycle specifically in the state representative race. Mayor Wood stated two councilmembers are running against each other, one current and one former, and the current councilmember called into question the utility rates for water and sewer along with rate increases and the elected officials' salary ordinance in Mishawaka. Mayor Wood stated a recent mail piece and a corresponding TV ad insinuate a slight off hand is going on in Mishawaka and that they have increased utility rates for the sole purpose of giving themselves raises, which could not be further from the truth. Mayor Wood stated the car rates did go up along with utility rates and the city of Mishawaka gives themselves raises, as they have every year, but the two are not connected in any shape or form. Mayor Wood stated Mishawaka Utilities is in the midst of renegotiating the unfunded mandate and long term control fan that was punitive to citizens of Mishawaka but yet it is an unfunded mandate from the Indiana Department of Environmental Management and the United States EPA enforced through the United States Justice Department. Mayor Wood stated they have no choice but to live up to that obligation and unfortunately that means a rising of rates to get there. Mayor Wood stated the elected official salary ordinance is a function of civil city government which is taxpayer supported and is separate from the raising of the utility rates, which serves as a nonprofit utility paid for by the ratepayers in the city of Mishawaka and has a completely separate budget. Mayor Wood stated the two do not comeingle. Mayor Wood stated they typically give elected officials the same amount as is given to other employees and they follow the same process as South Bend along with all other Indiana municipalities when the elected officials' salaries are approved. Mayor Wood also stated the mail pieces and ads do a disservice to local government and undermine people's trust in it and Mr. Teshka should know better. Mayor Wood stated it is bad politics and it undermines people's trust in government and when it involves undermining the trust in Mishawaka government that is when he has a big problem with it.

Mr. Compton thanked Mayor Wood. Mr. Compton stated he has been on the council as long as the Mayor has been working with the city and he has never seen any underhandedness by the council. Mr. Compton stated their raises have been minimal and all of the elected officials have always taken what they have purposed as far as raises and have never disputed that, which is a part of business. Mr. Compton stated it is disturbing to see those kinds of things twisted and used and it does shed local government in a bad light. Mr. Compton stated there is enough distrust in government leadership at all levels, but one thing that he likes and has held true was local government does the work for the people every day day-in and day-out and does it well. Mr.

Compton stated he greatly appreciated Mayor Wood's comments regardless of who did it from which party and it was disturbing. Mr. Compton concluded thanking Mayor Wood.

Mrs. DeMaegd stated looking at the pay scale for the common council, going from \$443.34 biweekly to \$469.22 is a 5.84% wage increase. Mrs. DeMaegd stated it has been a tough year for the citizens of Mishawaka who have lost their jobs and are struggling to make ends meet on a daily basis and for this reason, she would not vote in favor of the ordinance.

Mr. Hixenbaugh stated he can appreciate the sentiment Mrs. DeMaegd expressed, but on balance he tends to support Mayor Wood's comments. Mr. Hixenbaugh stated when you look at the dollar impact and percentage wise he does not have a reason to dispute Mrs. DeMaegd's math, however this is the exact increase that has been purposed for their employees. Mr. Hixenbaugh stated because the council makes so little, the numbers can sometimes not be reflective of what the actual impact is on them. Mr. Hixenbaugh stated having served 14 years on the council; he did not recall one person of either party who has signed up to serve on the city council because they thought they would get rich. Mr. Hixenbaugh stated most people who serve on the city council probably lose money as compared to the hourly rate they would earn in other occupations, even as a part time councilperson. Mr. Hixenbaugh stated while he is also sensitive to the impact of the current economic climate on the community, fair is fair. Mr. Hixenbaugh stated if they look at 1.5% plus \$500, there is a different percentage increase that multiple employees in multiple classifications have achieved as a result of what has been done in the salary ordinance passed at the last meeting and the budget that they pass this evening. Mr. Hixenbaugh stated he appreciated the comments, but he is not embarrassed for them as a council to take a look at making sure they and their successors are treated appropriately. Mr. Hixenbaugh stated people receive the quality of representatives who are willing to stand up and he believed it is unfair and misleading to imply that the council does anything but takes a very hard look and is very judicious with regard to what they and what others in the city are paid for the service they provide. Mr. Hixenbaugh concluded stating he will be voting in favor of the ordinance.

Mr. Mammolenti thanked Mayor Wood for coming to the podium and speaking the truth whether it goes with one party or another. Mr. Mammolenti stated this is why he loves local government and this is the difference between local, state, and federal. Mr. Mammolenti stated he had no interest in going beyond the local level, because you see exactly what happens. Mr. Mammolenti stated they have their differences, but the great thing about it is as soon as the gavel is pounded on the counter, they forget about it and do not hold grudges. Mr. Mammolenti stated as a democrat or a republican at the end of it, they are all in it for Mishawaka and that is why he loves working with the council and the administration.

Mr. Emmons thanked Mayor Wood for standing up for the citizens of Mishawaka and for the elected officials. Mr. Emmons stated he hopes people find out and the South Bend Tribune publishes this, so citizens can discover the situation and how it was handled.

Question was called for at 7:46PM for **PROPOSED ORDINANCE NO. 2020-35**  **Vote:**
Motion passed (summary: Yes = 7, No = 1, Abstain = 0).
Yes: Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

No: Mrs. DeMaegd.

PROPOSED ORDINANCE NO. 2020-36

**AN ORDINANCE DECLARING AN EMERGENCY IN TRANSFERRING AND
REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2020
Transfer Funds – Public Safety LIT Fund - \$235,010.00**

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

Mr. Hixenbaugh requested roll call vote to accept the committee report.



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Committee Report passes.

Rebecca Miller, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2020-36**. Ms. Miller stated what she has before the council is a transfer which happens at the end of the year quite often. Ms. Miller stated they were purchasing police cars that were in the budget as a capital outlay and due to the volume of the police cars they needed to purchase and the favorable lease percentage rate they received, they decided to change most of the vehicles for a lease. Ms. Miller stated they are transferring money set aside for the purchase to the lease account lines for principal interest. Ms. Miller stated they also had service contract items that came up for public safety items that needed to be paid over and above their original budget, which is what the transfer is for.

Mr. Hixenbaugh thanked Ms. Miller, Mayor Wood, Chief Witkowski and the administration for the job they have done in 2 budget years to focus on securing new squad cars and stated the move to the leases is a great idea. Ms. Miller stated she perceived they would have the same plan for 2021 as well.

Question was called for at 7:50PM for **PROPOSED ORDINANCE NO. 2020-36**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.**

NEW BUSINESS

Mr. Mammolenti announced they will be holding the Twin Branch neighborhood watch meeting via zoom at 7PM on Wednesday October 21st. Mr. Mammolenti stated they will have Park Superintendent Phil Blasko as the guest speaker who will be announcing the ribbon cutting for Twin Branch Park and sharing updates. Mr. Mammolenti stated the ribbon cutting will be

Thursday October 22nd at 1PM at Twin Branch Park. Mr. Mammolenti concluded stating the meeting ID for zoom is 8685464701 and the passcode is 223607.

Mr. Compton asked Mayor Wood about employees of Mishawaka who have tested positive for COVID-19 and how the affects as far as contact tracing and those who are quarantined and officially where they are at. Mayor Wood stated there have been positive tests in the Mishawaka Fire Department associated with multiple factors not on the job and are very well protected. Mayor Wood stated it tends to happen when they are off duty and did have to call in some overtime employees with a truck having to be out of service for a couple of hours. Mayor Wood stated they called the Clay and South Bend departments and they were more than happy to fill in if needed, which did not have to occur. Mayor Wood stated there has been contact tracing going on and as far as symptoms go, the employees are working through it and returning to work once they have gotten through it and no longer show symptoms. Mayor Wood stated they are in various stages of quarantine, infection and transition back to work and as the cases pick up in their community, it is picking up a little bit with staff. Mayor Wood stated they are taking on extra protocols as needed and the fire department did a massive testing Saturday morning with 85 firefighters getting tested. Mr. Compton asked if the damage was done to a group on one crew or on shift. Mayor Wood stated it was an isolated group with one truck and assured Mr. Compton that no call was impacted by the spread of the virus. Mayor Wood stated they offer overtime first and they go through procedures and will mandate it if they have to.

Mr. Mammolenti expressed his thanks to Dr. Megliori and her staff to Mayor Wood for the outstanding job they do to take care of COVID-19 testing along with the normal common cold issues at this time of year. Mayor Wood stated he will absolutely pass on that message and they are very lucky to have her and her staff. Mayor Wood stated she thinks of them as family and treats them as family and they are very lucky to have her.

Mr. Hixenbaugh thanked Mayor Wood for the update and for the work he and the department heads are doing to address the ongoing pandemic. Mr. Hixenbaugh stated he continues to participate in the town hall virtual meetings that are hosted by St. Joe Health System and one of the points reflected in the town hall is they are not out of the woods with regard to the impact of COVID-19. Mr. Hixenbaugh stated it is one thing to hear it from the media but it is another to hear it from the health professionals themselves that the view them as being on the cusp of a critical time with regard to the availability of hospital beds and the staff, who are required in order to serve those patients, who are in those beds. Mr. Hixenbaugh stated he believes the takeaway is they all need to continue to do the things asked of by the health professionals in order to get through this not only in their own best interests, but the in the best interests of everyone they encounter on a daily basis. Mr. Hixenbaugh stated his hope is that they continue to fight the fight and hopefully they as a community will continue to do the right things and do their part to address the public health emergency.

ADJOURNMENT 7:59PM

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

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

