REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

March 15, 2021

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, March 15, 2021 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.

Others Present: Clerk Block and Mike Trippel, Council Attorney.

Minutes for the Regular Meeting of March 1, 2021 were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their March 9, 2021 meeting.

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

PROPOSED ORDINANCE NO. 2021-12

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.
Penn PUD Amendment to allow an 8' High Anti-Climb Screening Fence to Surround the new Juday Creek Water Treatment Plant – Lot 2 of Juday Creek Business Park – Vacant Land
(Assigned to Land Use Planning Committee)

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

RESOLUTION R2021-04

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA APPROVING AN AGREEMENT EXTENDING THE ST. JOSEPH COUNTY HOUSING CONSORTIUM AND AUTHORIZING THE EXECUTION THEREOF

Ken Prince, City Planner, spoke in favor of **RESOLUTION R2021-04**. Mr. Prince stated they had been a part of the consortium for many years and this was the same agreement they were renewing since he had been actively involved. Mr. Prince stated he believed this was their third renewal and since he had been there the wording had not changed, but the dates were changing. Mr. Prince stated the housing consortium itself felt low income housing was run by South Bend with St. Joseph County and Mishawaka being members. Mr. Prince stated it primarily dealt with low income housing and the distribution of federal home funds. Mr. Prince stated other projects included Mary Phillips school when it was redone. Mr. Prince stated there were not many changes in the new agreement and he would be happy to answer any questions.

Myron Larimer, CFO of South Bend Area Realtors, spoke in favor of **RESOLUTION R2021-04**. Mr. Larimer stated he wanted to encourage the council to approve the resolution and affordable housing was important to their community across the board. Mr. Larimer stated it was a known fact that children who grow up in an owned home would be much more likely to be successful in school, be successful in life and it held families and communities together. Mr. Larimer concluded asking the council for their consideration.

Question was called for at 7:08PM for **RESOLUTION R2021-04** **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. The resolution passed

RESOLUTION R2021-05

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA TO BE AN ECONOMIC REVITALIZATION AREA
Declaratory Resolution for Tax Abatement for WellPet, LLC – 1121 W. 11th Street

Ken Prince, City Planner, spoke in favor of **RESOLUTION R2021-05**. Mr. Prince stated the declaratory was the first step of a two-step process and if approved, this allowed for the advertising of the confirming resolutions as part of the notice that was sent between the first and second resolution that goes to taxing entities that may have had interest in the abatement process. Mr. Prince stated this would only be for the new increase of assessed value associated with the improvement and the company would continue to pay the taxes of the previous unabated amount of the assessed valuation in both property and machinery. Mr. Prince stated with the comments as it stood, the staff would be preparing it as a standard 180-60-40-20 application and if there was a feeling amongst the council to change the percentages, a number of years ago the legislature changed the rules and allowed them to change those percentages based on any given need. Mr. Prince stated based on Mr. Hixenbaugh's communication, they would prepare it in that matter unless they heard otherwise. Mr. Prince stated he would answer any question the council had and would rely on WellPet to give the actual presentation on the project.

Mr. Bellovich asked if there was any language in the provision itself for a possibility of a claw back if the equipment installed did not work. Mr. Prince stated there was a claw back if they did not do what they say they were going to do and if they did what they say they would and there was still a smell, there would be no provision to the claw back at that point. Mr. Prince stated specifically if they would not install the equipment they said they would then claw back the provision. Mr. Bellovich asked if they would talk about this on an annual basis like they did with the other abatements. Mr. Prince stated for the duration of the abatement they would.

Mr. Compton asked would the next meeting be the time they could make changes to the abatement from what was recommended. Mr. Prince stated that was correct and they had the ability as the council to amend the percentages. Mr. Compton clarified asking if it was the next meeting where they would be able to do so. Mr. Prince stated that was correct.

Mr. Hixenbaugh stated to Mr. Prince as he and Mr. Compton discussed and as mentioned in his comments, there was flexibility in regard to the percentage of abatement that was granted in each individual year. Mr. Hixenbaugh stated there was also flexibility with regard to the length of time with the staff proposing a 5-year abatement that could go up to 10 if he was not mistaken with regard to the law, but that would be somewhat outside the scope of their own local precedent with regard to how they treat similar issues and asked if all of this was correct. Mr. Prince stated it was correct. Mr. Hixenbaugh then made a comment to follow up on Mr. Bellovich's comments and stated he continued to believe that the commitment on the part of WellPet to abate the odor issue discussed in the chambers and other conversations of local government over many years that it was a critical component of this. Mr. Hixenbaugh stated WellPet was a good corporate citizen of Mishawaka, but on behalf of the community and the neighborhoods, the remediation of the odor issue was critical. Mr. Hixenbaugh stated he agreed with Mr. Prince there was a provision to make the odor issue specifically part of the review and if this passed, it would be his intention to ask WellPet to update them on an annual basis with regard to where they were at and to give them an opportunity to compare the projections of how they would be able to abate the odor issue with the actual implementation of the odor control equipment. Mr. Hixenbaugh also stated with regard to the resolution in front of them that evening and the confirmatory resolutions, there were a couple of findings they had to make under the statute. Mr. Hixenbaugh stated one was that whether any other benefits about information was requested are benefits that could be reasonably expected to result from the proposed described redevelopment or rehabilitation and he thought that the information they received on the odor control issue fell into that category. Mr. Hixenbaugh stated the other finding they had to make was whether the totality of the benefits was sufficient to justify deduction. Mr. Hixenbaugh stated WellPet was a valued corporate resident of Mishawaka, but without the remediation of that issue he would be hard pressed personally to find the benefit of the tax abatement justifies the deduction without the odor control component being there as part of the totality of the benefits that they as the community would receive from this. Mr. Hixenbaugh stated he agreed with Mr. Prince's earlier statement, but he thought that it would be appropriate for the council to take a long hard look at how this project would better the quality of life in the community and in that neighborhood in particular. Mr. Hixenbaugh stated that odor control issue was critical to him with regard to the justification for the consideration of the proposal. Mr. Prince stated on behalf of the administration they had been working on this for years and he had been encouraging this.

Mr. Prince stated they had been pleased with what WellPet had put forward and the success would be if they did not have to update the council on a yearly basis, because it would be regularly apparent and that was their goal. Mr. Hixenbaugh stated that would be ideal and he appreciated the work Mr. Prince, Mr. Hinkle, Mayor Wood, and others had done to try to continue to partner with WellPet to address the decision on behalf of the community and in his mind, the council and administration spoke with one voice with regard to the issue and it was of critical importance to the community that they address this. Mr. Hixenbaugh concluded thanking Mr. Prince again for his work.

Doc Mitchell, 50638 Edgewood Park, spoke in favor of **RESOLUTION R2021-05**. Mr. Mitchell stated he wanted to address the council and ask for their consideration for the abatement of the WellPet project. Mr. Mitchell stated this would assist them as they work to become better neighbors in the neighborhoods of the southern Mishawaka area and help them to continue to employ people of the city for years to come.

Mr. Hixenbaugh made a comment and general reminder that they were very gracious along with Mr. Toshjohn spent some time with them in an informational session and he believed the PowerPoint they did was very well done. Mr. Hixenbaugh asked if they could send that through to the council. Clerk Block stated they did send it and apologized. Clerk Block stated she would send it out to the council and Mr. Hixenbaugh stated that was alright and also thanked the gentleman for all they had done.

Mr. Compton stated they had council members where he believed it was their first abatement and stated this was a two-step process and he wanted to make sure they understood what they were doing and how it worked. Mr. Compton stated he knew his first time he was confused on why they were doing it twice. Mrs. DeMaged thanked Mr. Compton.

Mr. Hixenbaugh asked Mr. Emmons if he thought there would be a chance that the neighbors who lived in closer proximity to WellPet would be interested in having another meeting with representatives of WellPet to learn more about the proposal. Mr. Emmons stated Mr. Hixenbaugh and he had been in contact with the Berkley area and people to the East all the way up to Main Street and they were interested in meeting. Mr. Emmons stated he told them they would get with those individuals in the beginning of April for a meeting to allow for the weather to break and people would be more apt to get out. Mr. Emmons also mentioned contacting Marian as well and whether they would combine the meeting or have two separate meetings. Mr. Hixenbaugh stated he had reached out to representatives of Marian High School and made them aware of the meeting that evening as well as a meeting in the near future and told them he would give them an update when anything was scheduled. Mr. Emmons stated he had spoken to a number of people in the community about the informational meeting and what WellPet had proposed and what the new equipment would do. Mr. Emmons stated everyone he had talked with seemed very pleased and were hopeful this would be a solution to cure the problem for good. Mr. Emmons stated there were also interested in listening to WellPet to get a few more minor points that may have been missed and to convince them that it would be a very workable solution. Mr. Hixenbaugh thanked Mr. Emmons for his work on that.

Question was called for at 7:21 PM for **RESOLUTION R2021-05** **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. The resolution passed

RESOLUTION R2021-06

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA APPROVING THE REQUEST FOR THE INDIANA STATE BOARD OF ACCOUNTS TO EXAMINE THE FINANCIAL STATEMENTS PREPARED IN ACCORDANCE TO GAAP – GENERALLY ACCEPTED ACCOUNTING PRACTICES
Approving the SBOA Audit of GAAP

Rebecca Miller, City Controller, spoke in favor of **RESOLUTION R2021-06**. Ms. Miller stated this was a request by the State Board of Accounts who were requiring them now that the legislative body must request of them to perform an audit based on GAAP. Ms. Miller stated as the council knew, they always prepared financial statements with GAAP and they did audit them based on that and the only difference was that now they must request for them to do their audit that way as a formality.

Mr. Hixenbaugh stated he had the pleasure of sitting in on the pre-conference and post-conference at the time of the last audit and Mr. Hixenbaugh stated Ms. Miller and her staff had been congratulated for the great job they do to make sure they had accurate, reliable and dependable accounting practices in place. Mr. Hixenbaugh personally thanked Ms. Miller and her staff for their work. Ms. Miller stated she would pass that on.

Question was called for at 7:24PM for **RESOLUTION R2021-06** **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. The resolution passed

NEW BUSINESS

Mr. Hixenbaugh announced that their regular council meeting for April 5, 2021 had been changed to April 12, 2021 in light of spring break in most of the local school corporations.

Mr. Mammolenti announced they would be hosting their Twin Branch neighborhood watch meeting Wednesday March 17th at 7PM. Mr. Mammolenti stated their guest speaker would be Richard Freeman.

Mr. Hixenbaugh began speaking on the passing of Gregg Smith who tragically passed Monday March 10, 2021 unexpectedly. Mr. Hixenbaugh stated he was known to several of the council and someone who was a well-respected educator and more importantly a family man and an all-around great guy. Mr. Hixenbaugh stated all of their thoughts and prayers to out to Gregg's family as well as his friends and colleagues. Mr. Hixenbaugh stated he would be remised if he did not note that at the funeral that past Saturday, their friend and colleague who was very close to Gregg Smith, Mr. Mammolenti, was asked to take on a task that few looked forward to in speaking in memory of his friend. Mr. Hixenbaugh stated although Mr. Mammolenti was not speaking on behalf of the council, he was pleased to report that he not only represented himself, his family and his friend with great dignity and honor in his remarks but he also represented the council and the community very well with regard to the great job he did in remembrance of his friend. Mr. Hixenbaugh extended Mr. Mammolenti their condolences and thanked him for everything he had done for Gregg Smith's family.

Mr. Hixenbaugh next stated as most of them were aware, they had just passed the one-year anniversary of the pandemic. Mr. Hixenbaugh stated to say that this had been an unprecedented year in the history of the United States, as well as the city of Mishawaka was an understatement. Mr. Hixenbaugh stated he made mention earlier of the fact that at present, more than 534,000 Americans had lost their lives as the result of the pandemic. Mr. Hixenbaugh stated in light of the fact they had just eclipsed the one-year anniversary, he went back and looked for some information as to what the death toll was on March 15, 2020 and at that time, depending on the source, there were about 41 to 65 deaths in the United States. Mr. Hixenbaugh stated just based on those sheer numbers as well as the experience all of them had shared throughout this time, the pandemic had been a life altering event for everyone who resided in the United States as well as the city of Mishawaka. Mr. Hixenbaugh stated as tough as the year had been, he did not think they could go too long without recognizing the people who stepped up and had done great things in the community to help all get through it. Mr. Hixenbaugh noted the great work done by first responders, as well as all city employees who had worked throughout the pandemic to make sure the city services had continued to be delivered without interruption. Mr. Hixenbaugh stated local health care workers had been vital to make sure all of them had been safe and worked tirelessly under stressful circumstances throughout. Mr. Hixenbaugh stated their teachers, school staff and students had really risen to the occasion. Mr. Hixenbaugh if you compared the experience locally to other communities, as difficult as it had been, the students in Mishawaka had an opportunity to be physically present in schools much longer than other communities and that was a testament to the hard work of the teachers, staff, administrators, students and parents who made up their local school corporations. Mr. Hixenbaugh stated any number of other essential workers such as those who were grocery store workers, drug store workers, and to restaurant workers who provided takeout delivery had also risen to the occasion to provide great service to the community. Mr. Hixenbaugh stated the city administration had really stepped up to provide good leadership and guidance throughout the pandemic and appreciated the work they had done. Mr. Hixenbaugh acknowledged the work done by his colleagues on the city council and the City Clerk. Mr. Hixenbaugh stated they had continued to conduct their meetings, sometimes with a fair number of them participating remotely, but they had continued to meet throughout to do the people's business throughout the time of trial and appreciated the support and work each of them had done. Last but not least, Mr. Hixenbaugh acknowledged the citizens of Mishawaka and how they had risen to the occasion as well. Mr. Hixenbaugh stated this had not been an easy process and not anything that anyone had enjoyed or would want to go through again, but he believed they as a community had done everything they could to get through it in the best possible way and everyone had played their part in terms of making everything work. Mr. Hixenbaugh stated they all had heard and saw almost on a daily basis that the end appeared to be in sight, but they were not there yet. Mr. Hixenbaugh stated while they celebrated where they were at and the signs of hope, he believed it was important to continue to follow the guidance of public health officials, continue to wear masks, continue to social distance, and if they could remain vigilant in the short term, he believed the summer would be much more enjoyable than it was a year before. Mr. Hixenbaugh concluded thanking all for everything they had done to help Mishawaka survive the time of trial.

Mr. Mammolenti added to the list of those who deserved to be recognized and stated the outstanding and diligent work of Assistant Chief Brian Thomas and Dr. Migliore at the Activate Health Clinic along with her entire staff had all worked tirelessly and had done a great job communicating with the council and doing everything in their power to get any employee, first responder, etc. tested in a timely fashion.

Mr. Prince made a reminder that the Mayor's State of the City was one week from that evening and he decided to have it in the Council Chambers. Mr. Prince stated they were encouraging individuals to attend remotely with limited capacity to the Council Chambers. Clerk Block asked if there were a set time for the State of the City. Mr. Prince stated it would be at 7PM.

Mr. Hixenbaugh made an additional statement recognizing the IT Department who had been a great benefit to all of the council as they had worked through the remote meetings. Mr. Hixenbaugh appreciated the work of the entire IT staff for going over and above what they had been asked to do.

ADJOURNMENT 7:34PM

<u>Deborah S. Block /s/</u>	<u>Gregg A. Hixenbaugh /s/</u>
Deborah S. Block, IAMC, MMC, City Clerk	Gregg A. Hixenbaugh, President