REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 6, 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 Tuesday, July 6, 2021 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: Mrs. DeMaegd (P), Mr. Banicki (P), Mr. Hazen (P), Mr. Mammolenti (P), Mr. Emmons (P), Mr. Bellovich (P), Mr. Compton (P), Mrs. Voelker (A), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Boston, Mike Trippel

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Minutes for the Regular Meeting of June 21, 2021 were approved as received from the Clerk's Office.

Clerk Boston read the following appeal by title to the council who referred it to the Board of Zoning Appeals for their recommendation.

Appeal No. 2021-20 Renewal of Use Variance to allow Automobile Repair in I-1 Light Industrial – 1035 E. McKinley

Clerk Boston read the following proposed ordinance by title and opened the public hearing.

PROPOSED ORDINANCE NO. 2021-20AA

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.
University Marketplace PUD Amendment to allow an Electric Automobile Dealership and Service Center – 7207 Grape Road (former JCpenney Home Store)

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

Chris Sotos, 515 N. State Street Chicago Illinois, 60654, spoke in favor of **PROPOSED ORDINANCE NO. 2021-20AA**. Mr. Soto stated they were proposing to convert the existing building that was formerly JCpenney's which was approximately 36,500 square feet to an electronic automotive alternate energy and solar powered company use. Mr. Sotos stated with that use, they would be knocking down the western building, which was approximately 4,800 square feet and would not propose any other additions to the main JCpenney building. Mr. Sotos stated they would be remodeling the façade with new color schemes, new paint and cleaning up existing store front with new penetrations with the new use. Mr. Sotos stated they recognized the parking lot was in need of some repair and the neighbors around the area had brought up good points regarding the area with them. Mr. Sotos stated the first point involved lighting and they were concerned about site lighting spilling over onto the western side of the property. Mr. Sotos stated the second point had to do with concern over what kind of landscaping material would be used and he believed the city had given them suggestions as to creating a hedge along Cleveland. Mr. Sotos stated the third point was the condition of the fence along the western side of the property. Mr. Sotos stated to address the points, they had discussions with the neighbors and particularly one who was quite involved who lived at 52930 Timberland Drive named Mr. Waters. Mr. Sotos stated his home was the one closest to the western edge of the property and he brought up the concern of how it would be lit and what the conditions would be in the evening. Mr. Sotos stated their use would typically be closed at 7PM and they did not have a strict policy of heavy lighting off hours and did whatever local code suggested. Mr. Sotos stated along the parking on the western side, there were two poles standing 25 feet high and they each contained two heads on them. Mr. Sotos stated they were proposing to change all of the heads in the parking lot to LED to provide a softer and more focused lighting. Mr. Sotos stated in addition, on the western pole, they just wanted to keep 1 head on the pole facing east and at the time there were 2 heads. Mr. Sotos stated they also proposed to put a cutoff shield on the lighting to avoid any significant spillover. Mr. Sotos stated they would also keep them on a separate switch so if that was not a heavily used area then they could be turned off. Mr. Sotos stated the use itself was not a late night or heavy parking intensive use. Mr. Sotos stated these ideas were all communicated to Mr. Waters and he understood them. Mr. Sotos stated the other issue, specifically for Mr. Waters, was the condition of the fence not being up to par. Mr. Sotos stated most of the fence needed repair or replacement and they would take care of that. Mr. Sotos stated with the final issue of landscaping, they would be open to whatever the advice of the city was and they would take it into account.

Mr. Bellovich asked how many people they would be employing once the operation was up and running. Mr. Sotos stated they expected to have about 25 to 30 people employed full-time at the least.

Mr. Emmons asked if the fence would be repaired to match the existing fence or if it would be all torn down and rebuilt. Mr. Sotos stated he was not sure, but he did not like the style of the current fence. Mr. Sotos stated he did know a lot of it was in poor condition and leaning over and it was an issue the current owner should have addressed all along. Mr. Sotos stated he would not mind upgrading their portion, but the fence ran a long way and as it headed to the north to the other office building, they did not control it. Mr. Emmons stated he was just curious if when they repaired the fence if it would be in likeness of the other fence. Mr. Sotos stated their preference was to keep it consistent so it did not stick out. Mr. Emmons asked if he had talked to Mr. Waters about all of the details. Mr. Sotos stated he did.

Mr. Compton thanked Mr. Sotos for attending the meeting and for their interest to do business in Mishawaka. Mr. Compton asked if this would be an auto charging station as well as an electric auto dealership. Mr. Sotos stated that would be one of the attractions for the demographic area and with the proximity to the highway, it would be of great value to the citizens in the area. Mr. Sotos stated they deserved a dedicating charging station to make it an attractive area. Mr. Sotos stated one of the big expenditures for them was to bring in significantly more electricity to the site for the dedicated charging stations and it was not a traditional car sales establishment or the kind of place where one would go to simply buy a car. Mr. Sotos stated it would not be a place that was lit up in any conspicuous way and if anything, signage and branding were minimal, tasteful and elegant for their establishment. Mr. Compton asked if people would be able to drive in during off hours and use their chargers. Mr. Sotos answered yes. Mr. Compton asked how many chargers would be there. Mr. Sotos stated he believed there would be 8, but he was not certain. Mr. Compton asked if he anticipated them being used in off hours given the fact that electrical vehicles took several hours to reach capacity. Mr. Sotos stated he was not the expert on the brand or the ability to repower and this automotive user had several different types of charging capabilities with some charging quicker than others. Mr. Sotos stated he believed full charging could be several hours and quick charging for a more modest range of 100 miles could be done as quick as 15 minutes. Mr. Compton stated this was new to all of them and as they were thinking of neighbors, you had the automobile business on one hand and the charging business and what that brought to the area. Mr. Compton stated he was thinking about that and was not overly concerned, but was thinking about it nonetheless. Mr. Compton thanked Mr. Sotos for his comments and this would help them learn as to what the future could be in automobiles.

Mr. Mammolenti thanked Mr. Sotos for his presentation and meeting with Mr. Waters along with other concerned citizens in the area. Mr. Mammolenti stated his comment regarding the proximity to the highway made perfect sense. Mr. Mammolenti asked if he were to guess, in terms of the patrons charging their vehicles as far as passerby's from the toll road or highway versus local residents, if it would be 50/50, 80/20, etc. or if the majority would be out of towners traveling through the highway. Mr. Sotos stated he was not able to speak to that and the tenant would need to. Mr. Sotos stated he did not have the history.

Mr. Hixenbaugh thanked Mr. Sotos for his time that evening and for his outreach to the surrounding neighbors. Mr. Hixenbaugh stated he knew he and his colleagues scheduled a meeting in the council chambers with the residents and due to a lack of interest from the neighborhood, the meeting ended up not taking place, but he appreciated the effort nonetheless. Mr. Sotos stated Mr. Waters was the one who was primarily affected and it would be one of the lowest impact uses that corner would see and anything else would likely bring more traffic. Mr. Sotos stated himself and Mr. Waters discovered that day that it would be very peaceful for the neighborhood. Mr. Hixenbaugh stated they had 15 conditions imbedded in the ordinance and asked if he had a chance to review them. Mr. Sotos stated he had. Mr. Hixenbaugh asked if he was authorized on behalf of his firm and the end user of the property to commit to the council that he agreed to the conditions as set out in the proposed ordinance. Mr. Sotos stated he was. Mr. Hixenbaugh stated one of the things that caught his attention throughout the process as the media had covered the petition was that although he provided a lot of information, he had been very diplomatic of not mentioning the name of who the end user would be. Mr. Hixenbaugh stated thinking back on his time on the council, he could not recall another instance where they had not had that disclosed to them. Mr. Hixenbaugh stated he understood that the issue before the council was the appropriateness of the use and not the identity of the end user, but asked if Mr. Sotos could help him understand why it was that precluded him from making that part of his presentation. Mr. Sotos stated that particular tenant, which was the best in class, most successful and very recognizable brand name in space, had done two other transactions with them both of which were under construction and with each transaction they signed a nondisclosure agreement. Mr. Sotos stated those were the rules with the particular tenant and they were not authorized to release any name beyond that. Mr. Hixenbaugh stated he would never ask him to violate any contractual prohibitions along those lines and asked if he could at least share with them when it was the name of the ultimate user would be known to the public. Mr. Sotos stated as soon as it passed committee and was zoned, they would then go about to execute a lease and they were close to being finished and the name would be released as soon as they had a binding agreement where they would be become authorized to be public. Mr. Sotos stated the user had engaged their own due diligence team, their own professional consultancies for architect civil engineering and they had spent money so they were very serious about the area. Mr. Sotos stated prior to Mishawaka they were focused on Fort Wayne and eventually skipped Fort Wayne, because their studies indicated that Mishawaka would be a better fit for their customer base. Mr. Sotos stated with each transaction, they were on a nondisclosure and had to honor it. Mr. Hixenbaugh stated he understood that as a practitioner, but as a governmental official he took issue with it, but he was not indicating to Mr. Sotos that that would generate a particular outcome with regard to his vote. Mr. Hixenbaugh stated he found it to be inconsistent with the many presentations they had received as a council over the course of a long period of time. Mr. Hixenbaugh concluded stating he understood the contractual box Mr. Sotos was in and he would not encourage him to violate the terms of the NDA, but for the record he did find it to be troubling that the fact had not been presented to them along with the other components he had laid in front of them that evening. Mr. Sotos that had been the first time and he had to do presentations without disclosing the tenants and he fully agreed with Mr. Hixenbaugh.

Mr. Mammolenti asked if Mr. Sotos could give them an idea of the number of similar dealerships around the nation so they knew they were dealing with a reputable company. Mr. Sotos stated it was very reputable and very much in the public eye and they had hundreds of locations varying by state based on their regulations. Mr. Sotos stated Michigan was a little less favorable and that made Indiana, specifically Mishawaka, that much more favorable. Mr. Sotos stated they had hundreds of locations and their other lines of businesses were also well known and in the public eye. Mr. Sotos stated as they had ramped up sales over the last several years, 500,000+ units, they realized they had a need for servicing their customers.

Mr. Emmons asked what the weekend hours were for establishment, since during the week they closed around 7PM and open around 8AM. Mr. Sotos stated the hours would be similar with possibly opening up a little later and they would be open on Sundays. Mr. Sotos stated it would not typically be open later than 7PM. Mr. Emmons stated he appreciated the presentation.

Mr. Banicki stated former councilman Gleissner always insisted that when people built something and it was in that area, the name of Mishawaka would be appreciated. Mr. Banicki stated they still would be in the city of Mishawaka, but it could be a Granger address. Mr. Banicki stated they had a Lexus of South Bend and Hooter's of South Bend at one point even when they were both located in Mishawaka. Mr. Banicki stated they would still be in the city limits and it can be confusing at times. Mr. Banicki stated if they were going to do it that they should do it right and 'of Mishawaka' would be appreciated if they were to go that route. Mr. Sotos stated he understood.

Rodney Waters, 52930 Timberland Drive, spoke in favor of **PROPOSED ORDINANCE NO. 2021-20AA**. Mr. Waters stated since the Plan Commission meeting, they did not like it at all. Mr. Waters stated they had all done their research on the street and brought up some concerns to Mr. Sotos. Mr. Waters stated they did their research on Tesla after the fact and they would welcome them as a neighbor. Mr. Waters also stated they had been in contact quite a few times and the neighborhood backed Chris.

Mr. Mammolenti appreciated Mr. Waters coming forward that evening and keeping the communication lines open. Mr. Waters stated they had exchanged emails and talked over the phone numerous times. Mr. Mammolenti thanked him again.

Mr. Compton stated this was tremendous and it said a lot for Mishawaka. Mr. Compton stated he believed this group was going into a plaza that did not any life left. Mr. Compton stated he thought that maybe the neighbors would judge it in the future, but it could bring a lot of life back to that area and he was hoping that would be the case. Mr. Compton stated the future of the automotive industry was electric vehicles. Mr. Compton stated it was neat for Mishawaka.

Mr. Banicki thanked Mr. Sotos and Mr. Waters for attending the meeting that evening and he looked forward to this being a great development for the city.

Mr. Mammolenti echoed Mr. Compton's comments and stated this was a great win for the city of Mishawaka. Mr. Mammolenti stated this type of brand could really revitalize the complex and help put Mishawaka on the map to let others know how great of a city it was. Mr. Mammolenti stated his only concern was the fact that they would have 24-hour charging stations, though he understood that was the nature of the beast. Mr. Mammolenti stated he felt a little bit more comfortable knowing there would be about 8 of them and he looked forward to supporting the proposed ordinance that evening.

Mr. Hixenbaugh stated he appreciated the information brought forward to the council and the vision represented by the petitioner. Mr. Hixenbaugh stated his concern was the lack of specificity with regard to who the end user was. Mr. Hixenbaugh stated in many instances that would have tilted his vote toward voting against it, but in that instance he was willing to overlook it for two reasons. Mr. Hixenbaugh stated the first reason was the prior use in that facility was, in his mind, at least somewhat consistent with what was being proposed that evening. Mr. Hixenbaugh stated there was enough of a retail component to what Mr. Sotos described to him that made sense that it would be located in that spot. Mr. Hixenbaugh stated the second reason was the effort of the outreach Mr. Sotos did to the neighborhood and that he took into consideration Mr. Waters, his wife and the other folks who had concerns and himself and the developer took that into account. Mr. Hixenbaugh stated while he wouldn't ever like that the fact that they did not have full disclosure when someone stepped up to the podium and asked the council to place their trust in them, because ultimately that was what land use matters came down to in his mind. Mr. Hixenbaugh stated there was a legal component, an architectural/engineering component and a matter of trust. Mr. Hixenbaugh stated they as a community needed to trust that not him, but the end user would stick to the commitments and be a good neighbor in Mishawaka. Mr. Hixenbaugh stated because of the outreach he did to the neighborhood and the other factors he had described; he was willing to vote for the proposed ordinance but he wanted to go on record saying in different circumstances the lack of disclosure would be an issue. Mr. Hixenbaugh concluded thanking Mr. Sotos for his efforts.

Question was called for at 7:26PM for **PROPOSED ORDINANCE NO. 2021-20AA Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5748**.

PROPOSED ORDINANCE NO. 2021-21

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 from C-1 District to C-7 District to allow Restaurant with Drive-Thru – Part of 2754 Lincoln Way East – existing parking area for Mishawaka INN

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

Mike Huber, Abonmarche, Consultants, spoke in favor of **PROPOSED ORDINANCE NO. 2021-21**. Mr. Huber stated their petitioner was interested in developing a drive-thru restaurant on one acre of property east of the Mishawaka INN and adjacent to the east property line off of Lincoln way just east of Capital. Mr. Huber stated the Plan Commission heard the petition and voted in favor of the proposed rezoning at their June meeting. Mr. Huber stated the project would still have to take the additional public hearings and Plan Commission approvals if it were approved that evening. Mr. Huber stated they would also have to create a redevelopment parcel through the city subdivision process in order to create an actual buildable lot and also get final site plan approval of the final lot, final building, final draining and all of the technical plans as well. Mr. Huber stated the proposed C-7 drive-thru use for the site was consistent with the neighborhood and consistent with the city's comprehensive plan for the area. Mr. Huber stated they recognized the area had significant traffic volumes and a number of lanes with some issues regarding the access to the site. Mr. Huber stated they worked diligently with the city of Mishawaka Planning and Engineering departments to ensure they proposed a solution that mitigated any conflicts in as safe of a manner as possible. Mr. Huber stated the Planning and Engineering departments suggested they reach out to Endot in their initial discussions with the idea of reducing the concrete median length to allow them to create a left turn lane for traffic that was traveling east and accessing the property from the north. Mr. Huber stated that was just short of the primary entrance to the McDonald's in that area where cars would travel west and turn south into the McDonald's. Mr. Huber stated they had submitted the plans to Endot and received preliminary approval from them on the plans and they were in the process of completing the road survey before they began the permitting process. Mr. Huber stated there were representatives on the line from their client, Dunkin Donuts, and they had additional details in terms of the projected volumes of traffic at the restaurant and when those peak hours or volumes would be. Mr. Huber stated their main key issue was trying to resolve traffic congestion. Mr. Huber stated they also thought that the traffic solution in conjunction with the new investment in the property would allow future redevelopment and development opportunities to occur in the same area that could alleviate other issues known in the property as well.

Mr. Banicki asked if there would be any connectivity to the property to the east, the AutoZone property. Mr. Huber stated the AutoZone property was a difficult connection to make, given that it was a 12-foot grade difference between AutoZone and where their site was. Mr. Huber stated they explored it somewhat, would continue to explore it and if it was feasible they would look at it while working in conjunction with the city of Mishawaka Engineering and Planning to make sure if that happened, it would not bring up any additional access concerns. Mr. Huber stated their goal was to provide connectivity if it was possible with approval of the Planning and Engineering departments. Mr. Banicki stated there could be issues to the back of the property, because they could see the Dunkin Donuts property and turn into the wrong lot accidentally and potentially cause a hazard trying to swing in and out. Mr. Huber stated they eliminated the access directly onto Lincoln way for the project and used the shared drive that served the hotel and both lots. Mr. Huber stated they were actually sharing the hotels drive off the shared drive as well. Mr. Huber stated they were doing everything they could to eliminate any type of stacking or issues with traffic related issues on Lincoln way. Mr. Banicki stated in the summertime it would not be bad because it would still be light outside late into the night, but during the wintertime it would be dark late in the afternoon and early in the evening. Mr. Huber stated that could be an issue in the mornings for the use, but he was not sure it would be a heavy nighttime user. Mr. Banicki stated individuals wanting to grab a donut or a coffee in the morning could find an issue. Mr. Banicki also asked if the parking lot would be well illuminated. Mr. Huber stated it would be in full compliance with the city's lighting standards.

John Piraccini, Coldwell Real Estate Group, spoke in favor of **PROPOSED ORDINANCE NO. 2021-21**. Mr. Piraccini stated they realized the corner was not the greatest situation in quite some time. Mr. Piraccini stated they had the hotel under contract, though nothing was for sure until it was done so he could not make promises but it was with a National and they would join with a large developer in the community. Mr. Piraccini stated they always tried to plan the out lots to help get it going, because the layout of the hotel was old and it made it difficult in some instances. Mr. Piraccini stated this was the best thing they came across that year and the Dunkin moved quite quickly.

Mr. Hazen asked if the developer may need the back half towards the river available for the new development and if that would still be done. Mr. Piraccini stated it would and they tried to protect the river so they could have enough room for parking and not move to the west too much. Mr. Piraccini stated it laid out pretty decent and they would line up the drive with McDonald's as best as possible. Mr. Piraccini stated the light was controlled better than it used to as well.

Parik Patel, a franchisee owner of Dunkin Donuts, spoke in favor of **PROPOSED ORDINANCE NO. 2021-21**. Mr. Patel stated they were excited to bring another store into Mishawaka after opening their first store in Mishawaka a couple of years back. Mr. Patel stated they had been looking extensively for sites for their stores and had several stores in Indiana, Michigan and Chicago as well. Mr. Patel stated he was looking forward to the second restaurant and would answer any questions.

Mr. Hixenbaugh thanked Mr. Patel for his interest in expanding his business in Mishawaka and the community were also excited to get another Dunkin Donuts store in the city.

Mr. Hazen he had gotten nothing but praise from the neighborhood and people were excited about the store.

Question was called for at 7:44PM for **PROPOSED ORDINANCE NO. 2021-21 Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5749**.

PROPOSED ORDINANCE NO. 2021-22

AN ORIDNANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CLARIFICATIONS THEREFORE
Annexation & Zoning of 19.02 Acres to R-1 for a proposed Single Family Residential Subdivision – Autumn Ridge Phase 4
Public Hearing – NO VOTE

Mike Huber, Abonmarche Consultants, spoke in favor of **PROPOSED ORDINANCE NO. 2021-22.** Mr. Huber stated the petitioner was asking to annex a 19-acre parcel located between Autumn Ridge Estates and Blair Hills neighborhood into the city of Mishawaka under an R-1 zoning classification to permit the development of the parcel as phase 4 of the Autumn Ridge Single Family home subdivision. Mr. Huber stated it was contiguous to the city on three sides and the developer had acquired the property which was already planned as phase 3 and they would be developing phase 3 over the next two years with phase 4 coming after that in 2023-2024. Mr. Huber stated this was passed through the Plan Commission with a favorable recommendation at their June meeting and it was planned to have about 39 single family lots with some retention and they wanted to maintain some of the wooded area in the northeast corner as well. Mr. Huber stated prior to the Plan Commission hearing, the developer held neighborhood meetings with both of the neighborhood associations. Mr. Huber stated he did attend the Blair Hills meeting and there were concerns raised about some of the drainage issues related to the development and he knew the engineers were fully aware of issues and would definitely work in conjunction with the city Engineering department to address and take care of the issues. Mr. Huber stated given the location of the property, they heard and agreed that this would be the least intensive and most compatible use the property could take on in the future. Mr. Huber stated he would be happy to answer any questions.

Mr. Bellovich stated there would be a challenge with drainage, because there was an awful lot of water that moved north off of the slope. Mr. Bellovich stated though that would be a great use for the property and he remembered years ago there were a number of establishments looking to go into that area and developing that property was good for the community.

Mr. Compton asked if they were incorporated city streets in the subdivision. Mr. Huber stated they would be.

The public hearing was closed at 7:50PM for **PROPOSED ORDINANCE NO. 2021-22**. Pursuant to state law, no final action was taken that evening but would be taken at a subsequent council meeting.

PROPOSED ORDINANCE NO. 2021-23

AN ORIDNANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CLARIFICATIONS THEREFORE
Annexation & Zoning of 5.24 Acres to I-1 for a proposed Self Storage Facility – 16996 S.R. 23 – NO VOTE

Mike Huber, Abonmarche Consultants, spoke in favor **of PROPOSED ORDINANCE NO. 2021-23**. Mr. Huber stated the petitioner was asking to annex roughly 5 acres on State Road 23 just south of the toll road under the I-1 industrial zoning classification to permit self-storage warehouse buildings. Mr. Huber stated the Mishawaka Plan Commission did pass the annexation and rezoning at their June meeting. Mr. Huber stated they did not think the viability of the property as continued single family residential uses was very likely and the proposed self-storage use would be minimally impacted by any of the Toll Road and proximity uses. Mr. Huber stated both Planning and Engineering commented on the proposed office on the site plan that would serve the self-storage development in the requirement for connecting it to city sewer. Mr. Huber stated they did not think it was feasible for them to go through the toll road to get to the north where the sewers existed, but they were exploring with the property owner to the south who had a private sewer connection. Mr. Huber stated if they were unsuccessful there, the developer would be open to not including the office on the front end of the development and saving that feature for a future time when the sewer connection would be more readily available and more affordable. Mr. Huber appreciated the council's consideration for the request and stated he was happy to answer any questions.

The public hearing was closed at 7:53PM for **PROPOSED ORDINANCE NO. 2021-23**. Pursuant to state law, no final action was taken that evening but would be taken at a subsequent council meeting.

ADJOURNMENT 7:54PM

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

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