

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

August 2, 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, August 2, 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 (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block

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 July 26, 2021 were approved as received from the Clerk's Office.

Clerk Block read the following appeal and petitions by title.

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| Appeal No. 2021-24 | Use Variance to allow Microblading/Permanent Makeup – 218 W. Cleveland Rd. |
| Petition No. 2021-11 | Rezone rear portion of property from C-1 General Commercial to R-1 Single Family Residential – 115 Kline St. |
| Petition No. 2021-12 | Annexation & Rezoning to the I-1 Light Industrial District for a future expansion of adjacent manufacturing business – vacant land 58200 Block Byrkit Rd. W. of 1405 & 1505 Byrkit Rd. |

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

PROPOSED ORDINANCE NO. 2021-25

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND FOR THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2021 AND AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2021

**Transfer of Funds and Additional Appropriation Motor Vehicle Highway Restricted Fund
- \$386,620.00 TO: Local Bridge and Road Matching Grant Fund Additional Appropriation
of Funds to: Local Bridge and Road Matching Grant Fund - \$765,240.00
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2021-26

**AN ORDINANCE PREPARING AN EMERGENCY IN DETERMINING THE
EXPENDITURE OF THE ADDITIONAL FUNDS FOR THE YEAR ENDING
DECEMBER 31, 2021**

**Additional Appropriation: CARES Provider Relief Fund Capital Outlays – 264-50-445-07
Medical Equipment \$44,576.00
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2021-27

**AN ORDINANCE PREPARING AN EMERGENCY IN DETERMINING THE
EXPENDITURE OF THE ADDITIONAL FUNDS FOR THE YEAR ENDING
DECEMBER 31, 2021**

**Additional Appropriation: Cumulative Capital Development Other Services & Charges –
417-50-436-90 Service Contract/Software Maintenance \$75,000.00
(Assigned to Budget & Finance Committee)**

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

PROPOSED ORDINANCE NO. 2021-24

**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**

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

Becky McGuire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2021-24**. Mrs. McGuire stated she was requesting approval for this annual ordinance to allow her to invest in certificates of deposit outside of city limits of Mishawaka, but within the state of Indiana.

Mr. Compton asked if there was a reason they had to stay within the state. Mrs. McGuire stated that was the state statute.

Question was called for at 7:08PM for **PROPOSED ORDINANCE NO. 2021-24** **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 proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5752.**

PRVILEGE OF THE FLOOR

Mayor Wood reminded the council and the public about the National Night Out event on August 3rd in Mishawaka. Mayor Wood stated they celebrated it and loved the event each and every year. Mayor Wood stated this year's event would follow the tradition of taking it straight into the neighborhood with two park events; one at Merrifield Park from 5-8PM with the Mishawaka Police Department with refreshments and several departments represented. Mayor Wood stated there would also be one held at the newly renovated Twin Branch Park from 5:45-8PM. Mayor Wood stated it was always a great time and encouraged the public to attend.

NEW BUSINESS

Mrs. DeMaegd stated she emailed with Chief Woodward and there would be firetrucks present at the two events as well. Mrs. DeMaegd stated truck number one would be at Merrifield Park and engine four would be at Twin Branch Park.

Mr. Compton stated last week, they had individuals present at their meeting who were concerned about a problematic house in the neighborhood and similar problem in his district a few years ago. Mr. Compton stated in both cases; they were resolved through different avenues and he was glad things were resolved. Mr. Compton stated he would like to know better about the process and what steps were taken in this case of housing. Mr. Compton also wanted to know if there was something the council could do to better improve the process. Mr. Compton stated in most cases, they relied on the citizen or business owner to do what they should do and in most cases, they did. Mr. Compton stated but when they did not and refused, it was frustrating to see it drag on over time. Mr. Compton stated he knew there was process and law that they were limited to do, but he was not sure where to start and wanted to understand the process as well. Mr. Compton stated he thought it was something the council did not normally do, but he wanted to understand the process in case the council were approached in the future .

Mr. Hixenbaugh agreed with Mr. Compton and stated he circulated an email that day amongst the council and others that made a similar suggestion. Mr. Hixenbaugh agreed that it would be good information to have as a council with regard to what the legal authority was that municipal government had to address those type of issues. Mr. Hixenbaugh stated it was always good to have dialogue and they could consider what, if any, ordinance changes needed to be considered as a group. Mr. Hixenbaugh stated this was absolutely the role they needed to play as a legislative body to work in partnership with the administration to address what they were doing and what they could do better. Mr. Hixenbaugh stated they ought to be on a constant improvement cycle to perhaps learn from experience in other communities and get better at what they did. Mr. Hixenbaugh stated significant improvement were made and was credited to their various departments, including the Police Department who took an active role in trying to address the concern brought up at the last meeting. Mr. Hixenbaugh also shared that Mr. Mammolenti agreed to take on a leadership role on behalf of the substandard housing committee. Mr. Hixenbaugh concluded stating this would be the type of issue where he saw all of the council

playing a role or at the least being in tune with what happened and he believed in working with a partnership with the administration, it would be educational for them and the community if nothing else.

Mrs. Voelker stated over the years, she had different things like this that happened with Code Enforcement and the Police Department, who worked hard and resolved it. Mrs. Voelker stated one of the things she thought about was at what point was a council member made aware when there had been 20 calls to a home in a council member's district and at what point does the trigger of communication come to the council representative, so they were aware and could be proactive. Mrs. Voelker stated they would not necessarily interfering with the city's work, but certainly being aware for the neighbors reaching out to them to inform them. Mrs. Voelker stated she was just curious if there was a threshold and was interested in learning more about it.

Mr. Mammolenti stated he would be more than willing to accept Mr. Hixenbaugh's invitation to host the first meeting of the committee and he graciously accepted. Mr. Mammolenti stated last week, they were brought to the attention the housing issue Mr. Hixenbaugh and Mr. Compton had mentioned and he wanted to applaud the administration, Code Enforcement, the Mishawaka Police Department and his fellow council members who all worked together to try to remedy the situation the best they could. Mr. Mammolenti stated there was still work that needed to be done, but he was pleased with the efforts from all to speed the process up.

Mayor Wood stated this address was on their radar for a long time and they, as an administration, had been responsible to do all they could to address the concerns that arose and made sure to move ahead with enforcing compliance with households that sometimes were not necessarily cooperative. Mayor Wood stated he served on the Mishawaka City Council a long time ago, in which case they activated the substandard housing committee and they came up with some good thoughts and ideas that lasted to this day. Mayor Wood stated one thing that came out of that was the neighborhood improvement team; a group of department managers from around the city that were relevant who came together every month to discuss individual address problems or bigger large-scale neighborhood problems. Mayor Wood stated properties came onto that agenda and did not leave until it was resolved. Mayor Wood stated it had the full attention of all of the departments at the meeting and this problem along with all of the others were unique. Mayor Wood stated there was not one cookie cutter set of laws they could go to and they were very creative about the response they brought to bear. Mayor Wood stated it was a very cooperative landowner that week and finally became cooperative and through her help, they had options available after signing an affidavit to make it happen. Mayor Wood stated this was a homeowner occupied situation and they had to get out of a land contract situation, and then agreed to have the home boarded up to allow no one to trespass on that property. Mayor Wood stated he understood the frustration of it, because it took patience and persistence and that was why they were looking at it 20 years ago. Mayor Wood stated the issues they had then were similar to the issues they had in the past. Mayor Wood stated these things, while they caused frustrations for the council, also caused frustrations for them because they were responding to the situations sometimes multiple times a day. Mayor Wood stated they were certainly open to communicating what was necessary. Mayor Wood stated they would not give up and would be successful in the end, as they were on every property that he could imagine that came before the neighborhood improvement team. Mayor Wood stated it was a priority to bring the issues to resolution and they

found the best vehicle for it was the neighborhood improvement team and they would absolutely continue it.

Mr. Hixenbaugh thanked Mayor Wood for his comments and stated he remembered in the past when he and Mayor Wood were working on the issues that they interacted with the administration to put together the multi-disciplinary group and he agreed it was a valuable step. Mr. Hixenbaugh stated at the time, there was a council representative who would be a part of the neighborhood improvement team and attend the meetings and he remembered subbing for people from time to time, so they all had a chance to participate. Mr. Hixenbaugh stated somewhere from that time to the present day, they had not had a formal representative to be part of it and they may not have been the total solution to the points raised by Mrs. Voelker with regard to communication, but it was amongst the things needed to be discussed and considered. Mr. Hixenbaugh stated he brought it up only because it would be a valuable dialogue between the administration and the council with regard to what he believed to be their shared interests in trying to address the concerns with the community. Mr. Hixenbaugh stated he thought overwhelmingly so, as a legislative body and an administration, they spoke with one voice and had the same expectations with regard to what standards were in place in the community. Mr. Hixenbaugh stated they wanted to partner with them on this and learn things, such as, the history Mayor Wood referenced and what all the things were they did not know that they needed to know. Mr. Hixenbaugh stated he thought this would be valuable to them and the dialogue of what they could do to assist them in the daily battles they were fighting. Mr. Hixenbaugh stated he believed they were on the same page and it was a question of where they went from that point. Mr. Hixenbaugh stated if Mayor Wood were open to it, they would be willing to work with them and have them help the council understand better what they did not know and work together with them to identify any other solutions that could make sense. Mr. Hixenbaugh thanked Mayor Wood again.

Mr. Emmons addressed Mrs. Voelker's comments stating when he turned in a problem in his district, they kept him informed but they did not inform him of a problem unless he initiated it. Mr. Emmons stated they were good at keeping him advised once he identified a problem in his area and he had two Code Enforcement Officers in his area. Mr. Emmons stated he would regularly be advised if he alerted them of a problem and when it was taken care of. Mrs. Voelker stated she had the similar experiences, but she was referring to the ones they did not know about and these were things they had to work through. Mrs. Voelker thanked Mr. Emmons for his clarification.

ADJOURNMENT 7:27PM

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

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