REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

December 7, 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, December 7, 2021 at 7:00PM. The meeting was called to order by Council 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 (A), 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 November 15, 2021 were approved as received from the Clerk's Office.

Clerk Block read the following appeals and petitions by title.

Appeal No. 2021-41	Use Variance to allow Microblading Services in existing salon – 420 W Cleveland – The Tribe Salon
Appeal No. 2021-42	Use Variance to allow Outdoor Storage Containers screened by 7' high fencing in C-2 Commercial District – 2572 Miracle Lane – Dunhams Sports
Petition No. 2021-18	PUD Amendment to allow continued Single Family Residential Use with new 3,072 SF/20' high Accessory building – 230 Ireland Rd.
Petition No. 2021-19	PUD Amendment to allow for Storage Facility – 512 W. Cleveland Rd.
Petition No. 2021-20	PUD Amendment to add Two Single Family Homes – The Village at Harrison Creek
Petition No. 2021-21	Rezone from R-1 SF Residential to R-3 Residential for Eight Residential Homes and Accessory Building – NE corner of E Jefferson Blvd & Mapplehurst Ave. (Troop Town)

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

PROPOSED ORDINANCE NO. 2021-41

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2021
Additional Funds: $250,000.00 Local Road and Street $750,000.00 MVH Resticted $1,000,000.00
(Assigned to Budget & Finance Committee)

PROPOSED ORDINANCE NO. 2021-42

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2021
Transfer from the General Fund, Public Safety LIT Fund, and the Cumulative Capital Development Fund in the amount of $276,000.00
(Assigned to Budget & Finance Committee)

PROPOSED ORDINANCE NO. 2021-43

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2021
2021 Salary Ordinance Amendment and Additional Appropriation from the ARP Fund in the amount of $650,000.00

The chair entertained a motion to delete **PROPOSED ORDINANCE NO. 2021-43** in its entirety and instead replace it with an amended ordinance as received by the council from the Clerk's Office. A motion was made and seconded to delete the proposed ordinance in its entirety and substitute it with an amended ordinance. The motion passed and **PROPOSED ORDINANCE NO. 2021-43AA** was assigned to the Budget & Finance committee.

PROPOSED ORDINANCE NO. 2021-44

AN ORDINANCE AMENDING ORDINANCE 5712 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT MISHAWAKA PARKS DEPARTMENT, ELECTED OFFICIALS AND MISHAWAKA UTILITES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2022
(Amendment Requested)

The chair entertained a motion to delete **PROPOSED ORDINANCE NO. 2021-44** in its entirety and instead replace it with an amended ordinance as received by the council from the Clerk's Office. A motion was made and seconded to delete the proposed ordinance in its entirety and substitute it with an amended ordinance. The motion passed and **PROPOSED ORDINANCE NO. 2021-44AA** was assigned to the Budget & Finance committee.

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

RESOLUTION R2021-29

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 AMENDMENT 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 R2021-29**. Mr. Prince stated they were requesting two properties to be added to the Acquisition List and the first one was 17.03 acres immediately north of the Juday Creek water treatment facility under construction. Mr. Prince stated this was Veterans Parkway, the road rebuilt north of Douglas Road that currently ended just north of the creek. Mr. Prince stated the property itself was immediately north of that and when they purchased the property immediately, they purchased it to reconfigure three holes of the Juday Creek golf course. Mr. Prince stated because the bids for it came in high; they ended up purchasing the holes that they were originally planning to reconfigure with the property. Mr. Prince stated about four years ago; they responded to requested proposals from the Convention Visitors Bureau that identified the site as a potential location for a regional recreation facility. Mr. Prince stated the site was ultimately chosen and the developer chosen as part of the process, Card & Associates, worked with diligence to try to put together a proposal that worked financially and would have a large regional impact in terms of bringing money from outside of the area and in terms of bringing traveling sports leagues into the community. Mr. Prince stated the 17.03 acres essentially squared up the property with the extension of Veterans Parkway and it was the next logical step in the process to get the facility on the ground. Mr. Prince stated this was only one-step and as he noted in the email forwarded to the council, the next step would likely regard the financing. Mr. Prince stated the development was highly subsided not only by the Hotel-Motel Tax, but they were looking for the property taxes that would be paid and be reinvested in paying for the bonds for the facility. Mr. Prince stated right now, they were simply asking the property to be added to the Acquisition List so they could proceed in putting together the scope for the developer. Mr. Prince stated the next property they were looking to add was 1307 Liberty Drive. Mr. Prince stated this was immediately north of Jefferson across the street from the cemetery. Mr. Prince stated they had previously bought the old used car lot on the corner and had cleaned the property. Mr. Prince stated there were two houses located immediately north to that car lot with the one closest to the car lot being in reasonably good condition and the other in not too great of condition. Mr. Prince stated the property owner contacted them and asked if they had any interest with the purchase price being $45,000 and at that price, they believed it was worthwhile for the city to acquire it with a long-term ambition. Mr. Prince stated if property in between them became for sale, it would create a nice three-development lot on the corner. Mr. Prince stated they had no contact with the property owner on the house in between and had no desire to contact them, but would look to have the discussion when they decide to sell. Mr. Prince stated they thought it was appropriate to add the Acquisition List at that time and he would answer any question on either project.

Mr. Mammolenti asked how soon they would take possession of the home if everything passed. Mr. Prince stated the people currently residing in the home were not the owners but were relatives of the owners and they wanted to wait until after the holidays before any closing. Mr. Mammolenti asked if it would be short-term. Mr. Prince stated it would likely be a month or two after the holidays, but they never knew in terms of the personal situations how long it could continue. Mr. Prince stated it was not an extended hold and they were looking to vacate in a reasonable fashion and then the city would take possession. Mr. Mammolenti asked if sometime in the near future they would then clear the lot. Mr. Prince stated with every home, he would love to say they could take it down immediately but with factors such as environmental, asbestos or other issues, they would have to be dealt with. Mr. Prince stated after that, they would allow Public Safety to train in them and then take it down.

Mrs. Voelker asked about the 17 acres and specifically asked if the sports complex did not happen; what would the city do with the property. Mr. Prince stated the current property owner was selling it to a reduced price and the 17.03 acres were significantly below the appraised value of the property, with the total being a little over $350,000. Mr. Prince stated what they asked for was the ability to buy the property back at what they paid for it. Mr. Prince stated they did not have any long-term plans to be a developer and it was solely for the recreational facility.

Mr. Hixenbaugh thanked Mr. Prince for his work on this resolution and asked if all went according to the proposed schedule, if the sports complex would be developed in winter of 2022 onto 2023. Mr. Prince stated that was correct and he could go into more detail if needed. Mr. Hixenbaugh followed up on Mrs. Voelker's question and asked if Veterans Parkway would be constructed prior to that and if he could help further flush out what the communal good was to the construction of Veterans Parkway if the sports complex was not done. Mr. Prince began talking about timeframe and stated the city had entered into a contract with Lawson Fisher and Associates for designing the next phase of Veterans Parkway, which would extend it to a blue area in the exhibit provided to the council including a roundabout and the roundabout would serve the sports complex. Mr. Prince stated the benefit of the public project even if the athletic facility did not go; it opened up close to 200 acres for economic development for the city. Mr. Prince stated this was very similar to what they did at Edison Lakes in terms of building the roads and infrastructure that allowed for the future development. Mr. Prince stated they had very limited room, they did not have any ability to grow to the north and it was already completely developed toward Granger. Mr. Prince stated the south was limited and their real growth area was northeast and it was just a natural extension of that. Mr. Prince stated when looking at Beacon Parkway and to the north, it was probably their immediate growth area. Mr. Prince stated they consumed roughly 25 new acres a year when looking at the long-term projection of how they consumed growth and grew. Mr. Prince stated they would have annexations of 100 acres at a time, but when looking at the property being developed it was only about 25 acres a year that they actually grew and developed. Mr. Prince stated the rest of it was infill development and this area would provide for the growth of the city long-term. Mr. Prince stated Veterans Parkway was not a residential street, but a collector road intended to handle a lot of traffic. Mr. Hixenbaugh summarized Mr. Prince's comments stating this investment and acquisition of property coupled with the investment in the roadway and related infrastructure would set the stage for further development in that area, in terms of the athletic complex and anything else that may be suitable for the area. Mr. Prince stated that was correct and they had essentially roughly 50 acres outlined for it which would also include an outdoor component. Mr. Prince stated that would leave 150 acres for long-term future growth of the city. Mr. Hixenbaugh stated with regard to the athletic complex, that had been a work in progress for many years and it had a fair amount of complexity associated with it. Mr. Hixenbaugh stated it should not cause them any concern that they had not seen a shovel go in the ground for the athletic complex. Mr. Prince stated no, not at all and they had progressively worked on it. Mr. Prince stated at the end of last year, even despite COVID, the developer was opening a facility in Pendleton and they visited the facility. Mr. Prince stated at that time, that was when the discussion of hockey came up and an ice facility was discussed. Mr. Prince stated at that point in time, there was an additional feasibility study for ice that they were still working on to that day. Mr. Prince stated the ice community in their region was a small community and after talking to individuals at the icebox and talking to Notre Dame, you had to reserve not just two sheets of this facility but the four other sheets of ice between Compton and the icebox had to be incorporated as well when talking about tournaments. Mr. Prince stated in addition to that, they walked through a bit of the fiscal aspect and the developer looked at the numbers they could generate from the facility, what the taxes would be on a taxable facility and the funding coming from Hotel-Motel. Mr. Prince stated the latter was a bit of a crapshoot, only because of the COVID year and they had to make an estimation. Mr. Prince stated Baker Tilly put together the numbers and they knew, at a minimum, the facility that could be built there was well over $30 million. Mr. Prince stated the issue was when they would put the sheets of ice there, the number would get closer to $40 million and if they did outside components there, it could get closer to $50 million in terms of the cost of the construction of the facility. Mr. Prince stated part of their due diligence over the past year included applying for a grant as part of the process and were hopeful if the region were awarded funds, then some of the funds would enable them to add scope into the facility. Mr. Prince stated Mayor Wood was very adamant in making clear that they had one shot at making the largest facility they could reasonably afford, because they would not have another shot in terms of generating a facility that would draw people into the community. Mr. Prince stated they were hopeful the region would receive those funds and then they would be able to apply and receive them. Mr. Prince stated they would not get an answer until June, which was why they identified the end of next year as when the facility could potentially start construction and would be completed a year after that. Mr. Hixenbaugh stated TIF was the funding source for both the acquisition and the improvements with regard to the acquisitions of both of the pieces of property and the infrastructure improvements. Mr. Hixenbaugh asked if that was correct. Mr. Prince stated it was. Mr. Hixenbaugh asked if it was not coming out of the general fund and coming out of the fund dedicated to these type of economic development incentive projects. Mr. Prince stated that was correct.

Question was called for at 7:22PM for **RESOLUTION R2021-29 Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The proposed resolution passed 8-0.

NEW BUSINESS

The Chair entertained a motion to amend the agenda by adding an action item under **New Business** to reflect the council's appointment to the School City of Mishawaka Board of School Trustees for a term commencing on January 1, 2022. The motion was made and seconded, thus a voice vote was held. The chair then entertained a motion with regard to the appointment of an individual to serve a term on the School Board commencing on January 1, 2022. Mr. Emmons made a motion to nominate Amanda Roberts to the School City of Mishawaka School Board of Trustees for a term of 4 years beginning January 1, 2022. The motion was seconded to appoint Amanda Roberts to another term as their representative on the School City of Mishawaka Board of Trustees commencing January 1, 2022.

Mr. Hixenbaugh added the council's thanks to Mrs. Roberts for her service to the community and to the School Board. Mr. Hixenbaugh then called for the question at 7:25PM and Clerk Block polled the council.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The appointment passed 8-0.

Mr. Mammolenti gave Mrs. Roberts extreme thanks for all of the hard work and efforts she had done over the last four years. Mr. Mammolenti stated he knew it had been extremely trying and exhausting with some items thrown her way that nobody could have expected with COVID along with all of the efforts herself and her colleagues on the School Board had done. Mr. Mammolenti once again thanked her and appreciated the efforts for the next four years as well.

Mrs. DeMaegd mentioned that the West End neighborhood watch would be holding its monthly meeting Tuesday, December 14th at 7PM at St. Bavos. Mrs. DeMaegd stated they would have Julie Toby, training manager from the St. Joseph County 911 Center discussing how the county dispatch worked with the Mishawaka Police Department and to meet the needs of all Mishawaka citizens. Mrs. DeMaegd stated parking was directly behind the church and all were welcome.

Mr. Mammolenti made a reminder that the Twin Branch neighborhood watch would be off the month of December and they would start back up in January for a meeting. Mr. Mammolenti stated they would also go remote as well for the 911 Dispatch Center tour at 7PM on January 19th. Mr. Mammolenti stated they would meet in the lobby and start the tour shortly after 7PM. Mr. Mammolenti also gave a special thanks to Judge Chicowicz for his outstanding accommodations and efforts he held for their meeting the past month at the JJC. Mr. Mammolenti stated he and his staff did an amazing job and they were very impressed with the facility and operation they held.

Mr. Emmons noted their neighborhood meeting at St. Bavos would begin again in January and the next meeting would on January 20th at 7PM. Mr. Emmons stated the speaker would be announced later on for that meeting and West End would be served there. Mr. Emmons wished everyone a very Merry Christmas and a Happy New Year and they would see them on the 20th.

Mr. Hixenbaugh stated although they had another council meeting in December; they would want to adjust their calendar for January. Mr. Hixenbaugh stated pursuant to their regular council rules, their first meeting in January would not take place on Monday January 3rd, but would take place Tuesday January 4th with City Hall being closed on January 3rd for the holidays. Mr. Hixenbaugh stated they looked forward to seeing them then.

ADJOURNMENT 7:29PM

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