

## **REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL**

**December 20, 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, followed by a moment of silence in remembrance of former Mishawaka Chief of Police, longtime Mishawaka resident and all-around good man Vince Meribela. Mr. Hixenbaugh also added the council's condolences to their friend and colleague Mike Bellovich and his family for their loss.

### **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 December 6, 2021 were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding their recommendations from their December 14, 2021 meeting.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their December 14, 2021 meeting.

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

### **PROPOSED ORDINANCE NO. 2021-45**

**AN ORDINANCE APPROVING AN AGREEMENT BETWEEN  
THE CITY OF MISHAWAKA AND THE MISHAWAKA FIREFIGHTERS  
ASSOCIATION LOCAL NO. 360 OF THE INTERNATIONAL  
ASSOCIATION OF FIREFIGHTERS, AFL - CIO  
Collective Bargaining between the City and Mishawaka's Firefighters Association Local  
No. 360 01-01-2022 thru 12-31-2024  
(Petitioner Requesting Second Reading)**

The chair entertained a motion to waive their standing council rules and conduct first and second reading on **PROPOSED ORDINANCE NO. 2021-45** that evening. The motion was made and seconded to suspend standing council rules and hold first and second reading on **PROPOSED ORDINANCE NO. 2021-45**, thus a voice vote was held. The motion carried and the council moved into the second reading of the proposed ordinance.

Bryan Woodward, Fire Chief, spoke in favor of **PROPOSED ORDINANCE NO. 2021-45**. Mr. Woodward stated they spent a lot of time on the contract and did a lot of language cleanup. Mr. Woodward stated the contract worked out well for both sides, with many benefits to the members of the department and many benefits to the citizens of the city. Mr. Woodward stated they gave up some important things and got some things back, but they understood the need and where they needed to do to better serve their citizens. Mr. Woodward concluded stating he would field any questions.

Mr. Hixenbaugh thanked Chief Woodward for his work on this as well as the summary he included with the information the council received. Mr. Hixenbaugh stated one of the things he highlighted that he thought was an exciting development was the enhanced opportunity for the city to provide additional ambulance services in the form of a fourth ambulance. Mr. Hixenbaugh asked him to touch on that briefly and how it played out in the contract. Mr. Woodward stated to put forth a fourth ambulance in an emergency type situation took a lot of time and when they tried to do it before, whatever event they needed it for in the past would usually be ending by the time they could do it. Mr. Woodward stated the way they have changed the language now would allow them now to put a fourth ambulance in service and not have to go through a contract negotiation again or do any type of bargaining if it happened before the contract were to expire. Mr. Woodward stated it was great facing that need. Mr. Woodward stated it was not going to get any slower and in one of their busiest days in the past couple weeks, they had 41 calls in 13 hours. Mr. Woodward stated language like this would really help and he could not say enough good things about the men and women in the department with the way they were tackling the challenge. Mr. Hixenbaugh followed up stating the council would be considering matters later on in the meeting related to federal money distributed to the city that allowed them to pay bonuses to their employees related to the pandemic. Mr. Hixenbaugh stated Chief Woodward and his department were one of the groups who stepped up and really went over and above throughout the pandemic while serving the best interests of the community in many different ways. Mr. Hixenbaugh stated they should all be appreciated and thanked Chief Woodward along with his department for the work they did. Mr. Hixenbaugh stated they were not through the pandemic as a whole yet, but they were a lot better off locally because of the work he and his firefighters had done. Mr. Woodward thanked Mr. Hixenbaugh for his comments and stated they faced it head on and he was humbled to work alongside of his department. Mr. Hixenbaugh stated another positive that came out of the contract was the resolution of lingering issues, namely some litigation that had been initiated some time ago. Mr. Hixenbaugh stated if Chief Woodward were not the appropriate person to talk about that, possibly the corporate counsel or someone else would speak about that. Mr. Hixenbaugh felt it was important for the record to reflect that the contract settlement, as he read it, was related to the resolution of the litigation. Mr. Hixenbaugh

asked if they had any feel for when the subsequent actions would take place to dismiss the lawsuit or if the question was better posed to the lawyer. Mr. Woodward stated it was better posed for the lawyer. Mr. Hixenbaugh thanked Mr. Woodward.

Mr. Bellovich stated members of Chief Woodward's team were out to his home two weeks ago that evening and they did an excellent job. Mr. Bellovich thanked Chief Woodward.

Mayor Wood urged the council to support the contract language and ordinance. Mayor Wood stated he personally got involved in the negotiations and there was a lot of hard work involved by the administration as well as the labor group at the fire department. Mayor Wood thanked them in particular for their outstanding job and it was obvious that they were represented as well as served by some of the best you would find anywhere and he appreciated them very much. Mayor Wood stated as mentioned, this resolved lingering legal issues and that would take place as soon as it was passed and the contract would take effect the first part of the year. Mayor Wood stated they were eager to get it behind them and put themselves on the correct path moving forward working in partnership with the council and the labor group. Mayor Wood stated it took all three of them to cooperate, get along and advance the department, which were all of their goals. Mayor Wood thanked the council for their support.

Mr. Hixenbaugh thanked Mayor Wood for the work he and his administration conducted to resolve several issues in the best interest of the community. Mr. Hixenbaugh asked when the matter was officially resolved, if he or the corporation counsel could let the council know and they would appreciate that confirmation. Mr. Hixenbaugh thanked Mayor Wood again.

Frank Zappia, President of Mishawaka Firefighters Local 360, spoke in favor of **PROPOSED ORDINANCE NO. 2021-45**. Mr. Zappia echoed the sentiments of the Chief and the Mayor and stated a lot of hard work from numerous people went into this. Mr. Zappia stated they were looking forward to everything in this and felt better for their brother and sister firefighters and the citizens of Mishawaka.

Mr. Hixenbaugh thanked him for the work he and his members did to bring this to fruition and thanked him on behalf of the city for the work he and the members of the firefighters union had done and would continue to do throughout the pandemic.

Question was called for at 7:16PM for **PROPOSED ORDINANCE NO. 2021-45** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5767**

**PROPOSED ORDINANCE NO. 2021-46**

**AN ORDINANCE APPROVING AN AGREEMENT BETWEEN CITY OF  
MISHAWAKA AND THE EMPLOYEES OF THE CENTRAL SERVICES  
DEPARTMENT REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL NUMBER 364**

**Collective Bargaining between the City and Mishawaka's Central Services Dept. Local No.  
364 01-01-2022 thru 12-31-2023  
(Petitioner Requesting Second Reading)**

The chair entertained a motion to suspend their regular council rules and hold first and second reading that evening on **PROPOSED ORDINANCE 2021-46**. The motion was made and seconded to suspend standing council rules and hold first and second reading on **PROPOSED ORDINANCE NO. 2021-46**, thus a voice vote was held. The motion carried and the council moved into the second reading of the proposed ordinance.

Susan Kile, Director of Human Resources for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2021-46**. Mrs. Kile stated the City and the Central Services Department Teamster Division negotiated a new contract for the year. Mrs. Kile stated they cleaned up language regarding dates for vacations and eliminated one disciplinary to have six instead of seven before you are fired if you had attendance issues. Mrs. Kile stated as far as notices, if they would like to have an FTO or bonus day that they would need at least 30 minutes to rearrange their schedules. Mrs. Kile stated they added monetary value to each one of the uniform allowances to give employees more money to purchase the clothing and boots they needed. Mrs. Kile stated they added to the tool allowance for the mechanics and added something brand new for jobs classifications; if a Central Services Teamster had a tanker endorsement, a CDLB or a CDLA, they were awarded a monetary stipend too for that. Mrs. Kile stated those were the changes in the contract and it went really well. Mrs. Kile stated unfortunately one of their stewards tested positive for COVID and the other one got a new job, which delayed the negotiations a little bit. Mrs. Kile stated Tim Ryan, Craig Fitzpatrick, Pat Hinkle and herself worked very hard to get the contract approved and the employees enjoyed it. Mrs. Kile stated it only took one vote and they came to an agreement.

Mr. Hixenbaugh thanked Mrs. Kile for the work she and her team did and passed along their thanks to the Teamsters for the hard work they did to bring this to resolution.

Question was called for at 7:21PM for **PROPOSED ORDINANCE NO. 2021-46** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5768**

**PROPOSED ORDINANCE NO. 2021-47**

**AN ORDINANCE APPROVING AN AGREEMENT BETWEEN CITY OF  
MISHAWAKA AND THE EMPLOYEES OF THE ELECTRIC DEPARTMENT  
REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS LOCAL 1392**

**Collective Bargaining Between the City and Local 1392 IBEW 1-1-2022 thru 12-31-2025  
(Petitioner Requested Second Reading)**

The chair entertained a motion to suspend their regular council rules and hold first and second reading that evening on **PROPOSED ORDINANCE 2021-47**. The motion was made and seconded to suspend standing council rules and hold first and second reading on **PROPOSED ORDINANCE NO. 2021-47**, thus a voice vote was held. The motion carried and the council moved into the second reading of the proposed ordinance.

Susan Kile, Director of Human Resources for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2021-47**. Mrs. Kile stated IEBW and their representatives from Water, Electric, Wastewater and the Mishawaka Business Office met with the City, herself, Pat Hinkle, Carl Kopec, Dave Majewski, Ginny Fras and Kevin Wasmer to begin the negotiations. Mrs. Kile stated they had good negotiations with the IEBW and they were looking for certain things and were able to get those things. Mrs. Kile stated the employees were happy with what was offered and the City was happy with what they received. Mrs. Kile stated it was one of the best bargaining negotiations she had be involved in. Mrs. Kile stated they agreed on a 4 year contract term and they agreed on a 5% wage increase. Mrs. Kile stated the one change they made was usually when they got to be a class 4 operator, there was dollar an hour extra pay for that and they changed that to just a \$3,000 annual stipend and took the dollar away. Mrs. Kile stated it nearly evened out, because of the overtime they worked and it matched what the salary individuals got when they had that certification. Mrs. Kile stated the language changes in Article 26 and 23 were date changes and there was a rate of overtime pay in articles 14 and 15, with the change being that Wastewater would get paid double time if they worked on Christmas Day. Mrs. Kile stated the last change was they increased the longevity from \$125 to \$85 starting 1/1/2022 and it did not go back retro, but just started going forward. Mrs. Kile stated the grievance procedure changed to where it said the Mayor or his designee, since they did not have a current general manager. Mrs. Kile stated Wastewater and Water opted out of the Reasonable Available Policy, which meant they had to take 30% of all of their callouts and if it fell below that, they would receive disciplinary action. Mrs. Kile stated they also moved the heavy equipment operator A in Water to make the same wage as the heavy equipment operator in Electric.

Mr. Compton thanked Mrs. Kile for the update in the contract and asked if Christmas was the only holiday where double time pay was involved. Mrs. Kile stated it was all the federal holidays the City of Mishawaka recognized and the Board of Public Works put together. Mrs. Kile stated she was just using Christmas as an example.

Mr. Hixenbaugh asked Mrs. Kile to pass their thanks along to the IBEW negotiating team for their hard work on this.

Mayor Wood spoke in favor of these contract bargaining agreements as well as the Central Services and the Sewer Department coming up and in the interest of time limited it to one comment to appeal to all. Mayor Wood stated sometimes these things took a lot to sit at the table, negotiate, work through all the issues, come to agreements and then to structure all of these to get votes from membership. Mayor Wood stated they had a good team involved in that and wanted to give a particular shoutout to Susan Kile for her work in not only keeping the things on track and moving forward, but all of the other work she had to do on a daily basis. Mayor Wood stated without her hard work, they would not be there that evening and thanked her along with the department managers for the various departments and labor groups represented. Mayor Wood stated they made this process go as smoothly as it could go for any organization. Mayor Wood stated to have all of these groups be successful as they are was the way Mishawaka worked and there was no surprise in that. Mayor Wood thanked the council for their support in all of them.

Question was called for at 7:30PM for **PROPOSED ORDINANCE NO. 2021-47** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5769**

#### **PROPOSED ORDINANCE NO. 2021-48**

#### **AN ORDINANCE APPROVING AN AGREEMENT BETWEEN CITY OF MISHAWAKA AND THE EMPLOYEES OF THE SEWER DEPARTMENT REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 364**

**Collective Bargaining Agreement Between the City and Local 364 Sewer Dept. 1-1-2022  
thru 12-31-2024  
(Petitioner Requesting Second Reading)**

The chair entertained a motion to suspend their regular council rules and hold first and second reading that evening on **PROPOSED ORDINANCE 2021-48**. The motion was made and seconded to suspend standing council rules and hold first and second reading on **PROPOSED ORDINANCE NO. 2021-48**, thus a voice vote was held. The motion carried and the council moved into the second reading of the proposed ordinance.

Susan Kile, Director of Human Resources for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2021-48**. Mrs. Kile stated there were four changes in the Sewer Department agreement itself and it took a while to get this contract passed by working with the Sewer Department Central Service Teamsters, Craig Fitzpatrick and their negotiating team. Susan Kile stated there were negotiations back and forth for about 8 weeks and the Sewer Department employees then agreed to the contract. Mrs. Kile stated everyone involved worked hard on this to reach an agreement. Mrs. Kile stated the biggest change in the Sewer contract was

they had a callout like the Electric company did; the 70/30 rule. Mrs. Kile stated they wanted the Sewer Department to have a program that was fair to all the employees in the department and they too could not go below 30% in their callouts. Mrs. Kile stated they gained some things also in their contract with them having a \$175 increase per year in their agreement for clothing in article 23. Mrs. Kile stated they had their longevity bonus increased by \$5 every year and it did go retro back. Mrs. Kile stated they also received a tanker endorsement with a class A and class B stipend if they had those. Mrs. Kile stated, for example, if they had class A and a tanker endorsement, they would receive \$500 plus a \$125 stipend each year for having those. Mrs. Kile stated it was hard to find CDLAB and especially tanker endorsements, so they wanted to reward them. Mrs. Kile concluded stating the tenure to the contract was three years.

Mr. Hixenbaugh thanked her team and the teamsters who represented the work group for their hard work on the contract.

Question was called for at 7:35PM for **PROPOSED ORDINANCE NO. 2021-48** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5770**

#### **PROPOSED ORDINANCE NO. 2021-49**

#### **AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND, INDIANA, THE CITY OF MISHAWAKA, INDIANA AND ST. JOSEPH COUNTY, INDIANA, FOR THE MUTUAL OPERATION OF THE SPECIAL VICTIMS UNITS ADDRESSING CRIMES OF SPECIAL GRAVITY IN ST. JOSEPH COUNTY (Petitioner Requesting Second Reading)**

The chair entertained a motion to suspend their regular council rules and hold first and second reading that evening on **PROPOSED ORDINANCE 2021-49**. The motion was made and seconded to suspend standing council rules and hold first and second reading on **PROPOSED ORDINANCE NO. 2021-49**, thus a voice vote was held. The motion carried and the council moved into the second reading of the proposed ordinance.

Ken Witkowski, Police Chief, spoke in favor of **PROPOSED ORDINANCE NO. 2021-49**. Mr. Witkowski stated this would be business as usual for the last 20 years except there were exceptions. Mr. Witkowski stated they would do all domestic cases in house with a detective that used to be at the SVU unit. Mr. Witkowski stated they would keep one detective over there and he would deal with all sex crimes along with child abuse cases. Mr. Witkowski stated that was the big change and they still had access to the officer doing domestic cases from in house and access to the cases center and everything else that went along with that. Mr. Witkowski stated everything else really stayed the same.

Mr. Mammolenti thanked Chief Witkowski for his presentation that evening. Mr. Mammolenti stated he had mentioned the term in-house and asked his thoughts on the new City Hall building they would be having and they would have more capabilities with being able to take more things in house. Mr. Mammolenti asked if they would have those capabilities to do things on a greater scale with the new facility. Chief Witkowski stated they could but not so much in ordinance with this, because the casing center provided advocates and everything else over there. Mr. Witkowski stated they would not take more on in the new building than where they were at that time and it was advantageous to keep their other person there doing sex crimes and child abuse, because of everyone else involved over there.

Mr. Hixenbaugh thanked Chief Witkowski for the information and work on this. Mr. Hixenbaugh stated based upon what he described in the past about some services coming back in house in Mishawaka, his recollection was that he thought as though they were still well equipped to be able to meet the needs of the community in this area. Mr. Hixenbaugh asked if Chief Witkowski could touch on that a little bit and asked if he was correct. Mr. Witkowski stated yes very much so and he believed Mr. Hixenbaugh was speaking more to the homicide cases. Mr. Witkowski stated they had to make changes with that regarding the detectives and crime scene techs and they hired a new forensic civilian for crime scenes. Mr. Witkowski stated they were very capable of handling that situation and they had some callouts recently and was impressed with how they handled it. Mr. Hixenbaugh stated to reiterate, both with regard to the Special Victims Units and the other county units, it sounded like he felt like public safety in Mishawaka was still being well served by their Police Department as it always had been. Mr. Witkowski agreed with that and stated they had not missed a beat.

Question was called for at 7:41PM for **PROPOSED ORDINANCE NO. 2021-49** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5771**

#### **PROPOSED ORDINANCE NO. 2021-50**

**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 continued Single family Residential Use with new 3,072 SF/20’ high Accessory Building – 230 Ireland Rd.  
(Assigned to Land Use Planning Committee)**

**PROPOSED ORDINANCE NO. 2021-51**

**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 for Storage Facility – 512 W. Cleveland Rd.  
(Assigned to Land Use Planning Committee)**

**PROPOSED ORDINANCE NO. 2021-52**

**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 add Two Single Family Homes – The Village at Harrison Creek  
(Assigned to Land Use Planning Committee)**

**RESOLUTION NO. 2021 – 30**

**A Resolution of the Common Council of the City of Mishawaka Adopting a Plan for Distribution of the Proceeds of the City of Mishawaka’s Grant from the American Rescue Plan Act of 2021**

**As requested by the City Controller and Financial Consultants, President Hixenbaugh entertained a motion to amend RESOLUTION NO. 2021-30 by adding additional language to paragraph D, line no. 5 to read as followed;**

**5. Civil City Full Time Employees \$1,570.00**

**(Includes Park, Redevelopment and Utility employees)**

**Ron Banicki made a motion to suspend council rules to allow second reading on Resolution No. 2021-30, upon a second by Kate Voelker, motion carried.**

Mayor Wood spoke in support of resolution no. 2021-30. He said this is the first of many to come to the council as they distribute the funds from the American Rescue Plan Act. Mayor Wood went on to say as a result they had a public meeting a couple months back to receive input from the public and the council on how to distribute the funds. He explained the first the thing he felt they should do was to reward the employees, who have gone above and beyond their duties to serve since the pandemic hit, despite everything they responded and showed up. Mayor Wood said his initial plan was half of what was being proposed at \$5,000, but the council felt they should double it at \$1,000,000, and he was very supportive of it. He explained this is a one-time only, this year and broke it down as followed:

|                                                      |            |
|------------------------------------------------------|------------|
| 1. Lead Medic                                        | \$3,000.00 |
| 2. Sworn Fire and Police                             | \$2,500.00 |
| 3. Non-Lead Medic and Advanced EMT                   | \$1,000.00 |
| 4. Teamsters and Certain IT Employees                | \$2,000.00 |
| 5. Civil City Full Time Employees                    | \$1,570.00 |
| (Includes Park, Redevelopment and Utility employees) |            |

Mayor Wood went on to say this is for recognition for what the employees have done, staying open who are passionate to serve. He said there is competition out there for outside consideration that could be attractive to our employees, and this way to show appreciation and to keep our employees and to make sure they feel this is the place to be. He added this does not include the elected officials. Mayor Wood asked for council support.

Frank Zappia Mishawaka Fire Department Local No. 360, President thanked on the behalf of brother and sister firefighters, EMT's. He said they are going in to more homes, since COVID. He said they do not do it for the money, but it was appreciated.

Mr. Hazen said he has worked for the city for a long time and he has never been more proud of the City of Mishawaka since this pandemic. He said he could not think of a better way to spend on than the employees, the city never closed down, it shows they are here to serve the citizens, even when the times got tough, they delivered. Mr. Hazen continued to say there is no amount of money to pay to reward city employees.

Mr. Mammolenti echoed Mr. Hazen's comments. He went on to say he was extremely proud to vote in favor of this. He thanked all involved.

Mr. Hixenbaugh thanked everyone involved. He went on to say they anticipate they will continue to be a collaborative process to take advantage of this opportunity to do good within and for the community. Mr. Hixenbaugh continued to thank Rebecca Maguire, City Controller, Bakery and Tilly, and Council Attorney, who were all very valuable and helpful throughout the process. He went on to say what excites him about this is, this set the stage for even bigger and better things, and this is the beginning of establishing a framework that will allow them to make use of the money received from the federal government to do good things. Mr. Hixenbaugh said they are being asked tonight to do good by recognizing the employees, and this will not only benefit the employees but he believed the dollars the employees will receive, will be spent at local restaurants and other businesses throughout the community, it is their own mini economic plan. He continued to say this plan will allow them, within the categories the federal statute establishes to do other good things, to help the community get through the pandemic. Mr. Hixenbaugh said this is designed to be a work in progress, to try to address the pandemic and spend the money in the best interest of the community. He pointed out his favorite sentence of the resolution was

simple but powerful, “These City employees put their physical wellbeing at risk to meet the daily needs of the community and to provide care for others.” He said in a nut shell, it justifies the action they are being asked to take, not just on behalf as elected officials, but on behalf of the community they represent, because without the employees providing the services they provide on the daily basis, nothing works in Mishawaka. He thanked all involved worked they did on this, and he looks forward to meeting with Mammolenti and his committee on the ways to make further use of the funds.

Question was called for at 8:02PM for **RESOLUTION R2021-30** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The resolution passed 9-0.

### **RESOLUTION R2021-31**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:**

**420 West Cleveland Road, Granger, Indiana – The Tribe Salon**

Beth Clark, owner of Tribe Salon explained micro blading has become very popular and there is a need in the area. She continues to say it has become a common practice in salons, and they have no interest in tattooing. She said this would create new jobs in her salon, the pandemic has had hit on salon industry.

Mr. Compton thanked Ms. Clark for her patients. He expressed his support and wished her luck.

Mrs. Voelker asked did she have talent to provide the service. Ms. Clark replied yes, Mandy Johnson, who will pay to do the service. She explained there use to be micro blading at the property but it was a new service back then, it was later discovered the process to provide micro blading was not done properly.

Mrs. Voelker questioned would she be following through the health department requirements. Ms. Voelker said she will, as well as Mandy who has done a lot of the paperwork for the service. She said whatever is required she will get it done, she is very excited to provide the service.

Mrs. DeMaegd questioned who will do the procedure and what clients should not have micro blading done. Ms. Clark explained she will not be doing the procedure, it is a both rent salon, as it will be someone who is licensed to perform the procedure. She went on to say she was not aware of clients who should not have micro blading done, but the person doing the procedure will be licensed and hold insurance and will know the requirements, but it would be information she will learn.

Question was called for at 8:08PM for **RESOLUTION R2021-31** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The resolution passed 9-0.

**RESOLUTION NO. 2021-32**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:**

**2572 Miracle Lane, Mishawaka, Indiana  
Use Variance to allow Outdoor Storage Containers screened by 7' high fencing in  
C-2 Commercial District – Dunhams Sports**

**Mr. Compton made a motion to postpone resolution No. 2021-32 until January 04, 2021, upon a second by Mr. Banicki, motion carried**

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

**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 in the amount of \$1, 000,000  
(Assigned to Budget and Finance Committee)**

Clerk Block provided proof of publication and explained there was an error with a publication and by law they need to have a public hearing.

Mr. Emmons reported the Committee of Budget and 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.

Question was called for at 8:13PM for **PROPOSED ORDINANCE NO. 2021-41** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5772**

**PROPOSED ORDINANCE NO. 2021-42**

**AN ORDINANCE DECLARING AN EMERGENCY AND  
TRANSFERRING AND REAPPROPRIATING FUNDS  
WITHIN THE BUDGET ADOPTED FOR THE  
CALENDAR YEAR ENDING DECEMBER 31, 2021  
Transferring funds in the amount of \$260,000 within multiple funds  
(Assigned to Budget and Finance Committee)**

Mrs. Voelker reported the Committee of Budget and 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.

Rebecca Maguire, City Controller explained this is a cleanup for year end. She said in the General Fund, Health Services Account Line, Public Safety LIT Fund, Debt Serves Principal Payments, they were not budgeted correctly, and they are able transfer money from another line to cover it. She also explained the Cumulative CAP Development Fund, there was more contractual obligation this year as to oppose to hardware and software purchases, and they needed to transfer money to hardware and software line to the professional services.

Question was called for at 8:16PM for **PROPOSED ORDINANCE NO. 2021-42** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5773**

#### **PROPOSED ORDINANCE NO. 2021-43AA**

#### **AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2021**

**Additional Funds in the amount of \$1,190,000  
(Assigned to Budget and Finance Committee)**

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

Rebecca Maguire, City Controller explained this is an additional ordinance, which will appropriate funds needed to pay the premium pay discussed earlier. She said this would pay for premium pay, social security. Medicare and PERF funding for the employees portion.

Question was called for at 8:19PM for **PROPOSED ORDINANCE NO. 2021-43AA** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5774**

**PROPOSED ORDINANCE NO. 2021-44AA**

**AN ORDINANCE AMENDING ORDINANCE 5712 THE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2021.**

**Amending Ord 5712 the 2021 Salary Ordinance  
(Assigned to Budget and Finance Committee)**

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

Rebecca Maguire, City Controller explained this amends the salary ordinance to pay the premium pay to Civil City full time employees.

Question was called for at 8:22PM for **PROPOSED ORDINANCE NO. 2021-44AA** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5775**

**PRIVILEGE OF THE FLOOR**

Rhonda Douglas a resident and business owner looking to establish a Hookah Lounge/ Entertainment Center in Mishawaka.

President Hixenbaugh Thanked Ms. Douglas for her interest in doing business in Mishawaka. He directed her to speak with Ken Prince, City Planner for assistance.

**NEW BUSINESS**

Matt Mammolenti announced the First Twin Branch Neighborhood meeting will be January 19<sup>th</sup> for a tour of the 911 Dispatch Center at 7pm.

Woody Emmons announced rooms are full at St. Bavos in January, he will announce a new location at later date for the 1<sup>st</sup> District Neighborhood meeting.

Mr. Hixenbaugh announced the 1<sup>st</sup> meeting due to the holiday, city hall will be closed on Monday January 3<sup>rd</sup>, the next meeting will be held on Tuesday January 04, 2022.

ADJOURNMENT 8:30PM

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

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