

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

February 20, 2023

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday, February 20, 2023 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

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.

Clerk Block called the roll.

Roll Call.

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

Others Present: Clerk Block

Minutes for the Regular Meetings of February 6, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following petitions by title.

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed ordinances were considered:

PETITION #23-01	A petition submitted by Petkov & Sons, LLC, requesting to rezone vacant land at the southeast corner of East Jefferson Boulevard and North Merrifield Avenue from I-2 Heavy Industrial District and R-1 Single Family Residential District to C-4 Automobile Oriented Commercial District for auto sales and associated vehicle prep.
------------------------	---

The Commission, with a vote of 8-0, recommended approval.

PETITION #23-02	A petition submitted by Donald L. Shaum, Jr. and Jennifer I. Shaum requesting right-of-way vacation for unimproved Taylor Street at the northwest corner of Arthur Street and Grape Road, Granger.
------------------------	--

The Commission, with a vote of 8-0, recommended approval.

PETITION #23-03

A petition submitted by the City of Mishawaka requesting to amend the Penn Planned Unit Development to expand the area of a previously approved permitted use for a Regional Recreational Facility.

The Commission, with a vote of 8-0, recommended approval subject to the attached conditions.

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinances regarding the above matters.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

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

PROPOSED ORDINANCE NO. 2023-06

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.

Rezoning from I-2 Heavy Industrial & R-1 Single Family Residential to C-4 Automobile Oriented Commercial for Auto Sale & Associated Vehicle Prep – Vacant Land SE corner of N. Merrifield Ave. & Jefferson Blvd.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2023-07

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.

Right-of-Way Vacation for unimproved Taylor St. at NW corner of Arthur & Grape Rd. – E. of 410 Arthur St.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2023-08

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 expand area of previously approved permitted use for a Regional Recreational Facility – Part of Lots 2 & 4 of Juday Creek Business Park Sub
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-09

AN ORDINANCE AMENDING CHAPTER 34 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE FIRE PREVENTION AND PROTECTION ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA.

**Amending Fire Prevention & Protection Ordinance
(Assigned to Public Health & Safety Committee)**

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

RESOLUTION R2023-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE REQUEST FOR THE INDIANA STATE BOARD OF ACCOUNTS TO EXAMINE THE FINANCIAL STATEMENTS PREPARED IN ACCORDANCE WITH GAAP (GENERALLY ACCEPTED ACCOUNTING PRINCIPLES)

Authorizing State Board of Accounts to Examine Financial Statements Prepared in accordance with GAAP

Rebecca Maguire, City Controller, spoke in favor of **RESOLUTION R2023-02**. Mrs. Maguire stated this was her annual resolution request that was required by the State Board of Accounts to approve that they would have their financial statements audited in GAAP procedures.

Question was called for at 7:07PM for **RESOLUTION R2023-02 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2023-03

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AMENDING RESOLUTIONS R2022-10 AND R2022-22, WHICH ADOPTED A PLAN FOR DISTRIBUTION OF THE PROCEEDS OF THE CITY OF MISHAWAKA'S GRANT FROM THE AMERICAN RESCUE PLAN ACT OF 2021 Amending the City of Mishawaka's Grant from the American Rescue Plan Act of 2021

Mayor Wood spoke in favor of **RESOLUTION R2023-03**. Mayor Wood stated this was an amendment to the previous resolutions to include three new items funded by ARPA proceeds. Mayor Wood stated they were asking to fund 6 new firefighters and 6 new police officers with an estimated expense of \$800,000 and it was actually approved for the 2023 budget. Mayor Wood stated these new firefighters and police officers, especially on the police side, this would take them to 114 if they ever could hire that many. Mayor Wood stated as they knew, ARPA had a time constraint attached to it so what they would be doing was they would be funding officers that year, but the budgeted number would still remain 114. Mayor Wood stated on the fire side, the 6 additional would allow them to employ a full-time ambulance service. Mayor Wood stated they were also asking for funding for a large water sewer project and this went right to the heart of what ARPA was to be used for. Mayor Wood stated the amount of funding would be in the amount of \$5.5 million. Mayor Wood stated these funds would allow them to make major renovations to some storm sewer and ultimately, neighborhood improvements that were very much needed. Mayor Wood stated this year, they would be working in the West 7th Street area with a little bit of Spring Street work and some Wells Street work. Mayor Wood stated it was an area where they had already started with phased work going essentially to S West Street and were now to the point where 7th Street would be the next rung in that ladder and they would be doing the 8th Street – West Street intersection that year as well as Spring Street between 7th and 6th and then 7th Street east and west of West and Wells Street also. Mayor Wood stated the nice thing about using these funds for that was these projects would be ordinarily paid for by TIF or by bond or by ratepayers so these funds would accomplish the work without them having to increase rates. Mayor Wood stated the final request was a \$1,000 premium pay stipend for eligible full-time city employees, which would be for every full-time city employee on the civil city side and the employee side with the only groups excluded being elected officials and the Fire Department with the reason being because of the deal that was struck for the economic opener for the past year. Mayor Wood stated while they would not be doing the stipend for the Fire Department, it would make the equivalent amount for each firefighter that they would pay to some type of an improvement in the Fire Department. Mayor Wood asked for their favorable recommendation.

Mr. Emmons asked the Mayor when talking about the West End projects, if that was being proposed for the spring. Mayor Wood stated they had already flagged the utilities so the preliminary work had already begun, but it would pretty much be for the whole construction season starting in the spring. Mr. Emmons asked if it were a one-year project. Mayor Wood stated he did believe it would be a one-year project, weather permitting and supplies permitting.

Mrs. Voelker asked about the ARPA funds and if this exhausted the remainder of the ARPA funds the city of Mishawaka had received. Mayor Wood stated they should have about close to \$1.5 million in the reserve remaining.

Mr. Hazen asked if this sewer project would get them closer to satisfying the IDEM and EPA. Mayor Wood stated this was not a part of their long term control plan, but it would ultimately get them closer to 0 overflows in the end. Mayor Wood stated they were separating and making sure the capacity was good and this should eliminate some high ground water and eliminate some infiltration in the system, which got them to their ultimate goal which was no discharge in the river. Mr. Hazen asked if he felt they would do this project no matter what even if they released them from what they believed it was their duty to do. Mayor Wood stated this was what they believed was the right thing to do, because it was replacing older infrastructure and not only would they be doing the underground work, which was the most expensive by far, they were going to be redoing the roads on top; the gutters, the curbs, the sidewalks, new street lighting and they would also be replacing lead water main service. Mayor Wood stated they looked at this as a redevelopment project and not just a sewer project.

Mr. Bellovich asked how close they were to reaching the 0 overflow number. Mayor Wood stated it depended on what metric he wanted to look at, but they were at 99.54% by volume elimination of all combined sewer overflow in the city of Mishawaka. Mayor Wood stated they were still in negotiations and Matt Lentsch had been down state working to get a bill passed and they actually got it passed unanimously through a senate committee which changed some of the metrics and gave some certainty to when that could be captured out of the river for recreational water quality standards, which would help them and they were very optimistic to get some legislation passed to get them more of that certainty and they were still making progress on the renegotiation side with the USEPA and the United States Department of Justice.

Mr. Hixenbaugh thanked him as well as the other members of the administration, including the Controller, for their continued and ongoing collaboration with regard to how they were spending the ARPA money they had received as a community. Mr. Hixenbaugh stated it had been a very inclusive and interactive process and they all appreciated that, up to and including the three items he highlighted that evening. Mr. Hixenbaugh stated they were all important to them, but in particular, he suspected he would agree with him that it was a long shared goal between the administration and the council to expand upon their public safety staffing and this money would most definitely be put to good use along those lines. Mr. Hixenbaugh stated he also knew that he and his administration joined the council in appreciating the work that all of their employees did on a daily basis and they really had wonderful people working across the board in all of the departments and anything they could do to recognize that and to appreciate them not just with words but with dollars was important and it benefited the community, because it then funneled that money back into their stores, restaurants and all of those things. Mr. Hixenbaugh thanked Mayor Wood and Mrs. Maguire for the way the process had played out and undoubtedly would continue to play out to spend that final \$1.5 million. Mayor Wood thanked the council and they had a very cooperative effort all along with shared priorities and goals and they reflected Mishawaka's priorities and goals. Mayor Wood stated public safety and public infrastructure had a correlation of benefit to all of their ratepayers that helped keep rates down while they were doing these massive projects and also to help some of their community organizations that

provided outstanding service to their citizens and last, but certainly not least, to recognize all of their staff for the outstanding work they did especially during times of crisis and emergency like a pandemic. Mayor Wood thanked them all once again.

Question was called for at 7:19PM for **RESOLUTION R2023-03 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 8-0.

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

PROPOSED ORDINANCE NO. 2023-03

AN ORDINANCE AMENDING ORDINANCE 5811 THE FIXING OF THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT SWORN PUBLIC SAFETY, MISHAWAKA PARKS DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2023

Amending Ord. No. 5811 Civil City Salary Ordinance

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

Mayor Wood urged the council's support on **PROPOSED ORDINANCE NO. 2023-03**. Mayor Wood stated this one related a little bit to the resolution that was just passed and Alex Arndt, Assistant Chief of the Service Division in the Mishawaka Police Department, was there to offer support as well if needed as well as Becky Maguire, Controller. Mayor Wood stated this would potentially change their salary ordinance on their police department side by changing a job title from Crime Analyst to Digital Media/Statistical Analyst. Mayor Wood stated this was a position they already hired and it was the very first of its kind in the Mishawaka Police Department. Mayor Wood stated then also on the Civil City Salary Ordinance, they were requesting some new civilian positions in the police department, specifically a trainer and a recruiter. Mayor Wood stated they had a retirement and an officer who had left for a private industry. Mayor Wood stated they felt it was best to civilianize those the two positions and fill those positions on the police department with sworn officers on the police department and civilianize the roles within the police department and then also the \$1,000 stipend for all would be on the Civil City Salary Ordinance side as well, only excluding elected officials. Mayor Wood stated on the Police Salary Ordinance, they were looking to add some bonuses so they could attract new officers. Mayor Wood stated they had, pending the council's approval with the passing of the budget, 114 sworn positions. Mayor Wood stated last April, they were at full staff with 108 and now they were down to 96 and that was after he swore in a new officer the next day and almost all of those were retirements. Mayor Wood stated what they were proposing was to do a bonus for attracting lateral officers into Mishawaka and attract recruits to come to Mishawaka and surrounding

communities were doing this as well. Mayor Wood stated what they were proposing was a \$10,000 lateral transfer bonus and that would be paid out over the course of two years, with \$7,000 when they were first hired essentially and another \$3,000 after two years. Mayor Wood stated there would be \$5,000 for newly sworn recruits with \$3,000 bonuses once they were sworn in and hired and another \$2,000 after two years. Mayor Wood believed that would keep them competitive and made them a little bit more attractive as a department. Mayor Wood stated their ARPA Plan amendment was included in this as well.

Mr. Mammolenti thanked Mayor Wood for the presentation and asked what the typical cost was to train a brand new police officer. Chief Alex Arndt came to the podium and answered the question. Chief Arndt stated a newer recruit would have to go through the Indiana Law Enforcement Academy, which they would pay to send the recruit to and he believed that would be around \$1,500 plus travel expenses and so forth. Chief Arndt stated once they returned to the police department, they would then enter into a field officer training program where they would ride with an officer and go through different training modules. Chief Arndt stated there was the on-the-job expense of them, not counting against shift strength, for them to be on the road and go through the checks and balances to make sure they were up to the standards of the field training officer program. Mr. Mammolenti asked when they hired a brand new officer, how long would it be before he or she were road ready on his or her own ability. Chief Arndt stated with a lateral, they tended to get them on the road almost right away with an abbreviated field training just to give them the familiarity of their streets and Mishawaka in general. Chief Arndt stated when talking about new hires, they would go through a pre-basic program, which they had one officer going through currently, to go through the policies and they would be waiting for an opportunity to get into the law enforcement academy down in Plainfield and they were competing with multiple different departments throughout the state for a limited number of positions which were highly sought after. Chief Arndt stated this would put them several months behind and once they got them in the academy, they would be in the academy for 15 weeks and after that 15 weeks, they would come back to the police department where they would enter the field officer training program which would run for a couple of months and then upon successful completion of that, they would be able to go on the road. Chief Arndt stated you were talking about a significant number months for a new hire.

Mr. Hazen asked if the FOP was involved in this or if they approved it. Mayor Wood stated this was not required by contract so no approval was required and they were aware of it. Mayor Wood stated this one two where they intended to essentially toggle on and off as needed and they had the ability to use it or not use it as they saw fit. Mayor Wood stated also since they right now had a budgeted number of 114, they had some capacity within the budget that they could pay it out of so if they had to pay it out 5 or 6 times that year, they could utilize the capacity within the budget.

Mr. Hixenbaugh thanked Mayor Wood and applauded the initiative to civilianize certain positions within the police department. Mayor Wood thanked Chief Witkowski and the assistant chiefs as well for looking at this and he could not tell him how many conversations he and his

friend former Chief Hazen had along these lines and it was not that there wasn't value to having sworn officers fulfill these functions but in that arms race and competitive market they were in, the more bodies they could put on a street on a daily basis was not just good for citizens but it was an officer safety issue as well. Mr. Hixenbaugh stated he knew that the administration would agree with that, so hopefully they would be able to be open to identifying other opportunities along these lines but this was a really good first step and he appreciated him bringing it to the council. Mayor Wood thanked him and stated they were committed to civilianizing where they could and they took the liberty of posting the two positions and already they were getting outstanding response.

Mr. Hazen stated he appreciated this and he had talked to Mayor Wood about this for years. Mr. Hazen this not only put policemen on the road, but it saved them the pension cost and it was a less expensive avenue and it was the way to go in the future especially with what Mr. Hixenbaugh described as a competition out in the community.

Question was called for at 7:32PM for **PROPOSED ORDINANCE NO. 2023-03 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5828.**

PROPOSED ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING ORDINANCE 5820 THE FIXING OF SALARIES OF ALL SWORN PUBLIC SAFETY FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2023 AND CONTINUING FOR 2 YEARS Amending Ord. No. 5820 Fixing Salaries of All Sworn Public Safety

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

Mayor Wood incorporated his prior comments by reference into the record with his last presentation.

Question was called for at 7:34PM for **PROPOSED ORDINANCE NO. 2023-04 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5829.**

PROPOSED ORDINANCE NO. 2023-05

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE
EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR BEGINNING
DECEMBER 31, 2023 IN THE TOTAL AMOUNT OF \$5,935,000**

**Additional Appropriation – ARP Coronavirus Local Fiscal Recovery Grant – Personal
Services (Premium Pay - \$380,000.00, Social Security - \$25,000.00, Medicare - \$5,000.00,
INPRS - \$25,000.000) Capital Outlay (West Street Phase IIIB - \$5,500,000.00) Total -
\$5,935,000.**

The record reflected that Clerk Block had proof of publication.

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

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-05**. Mrs. Maguire stated the additional appropriation was to appropriate the funds for the stipends and for the West Street Phase IIIB project.

Mr. Hixenbaugh thanked Mrs. Maguire for the work she had done on this throughout the process including that evening. Mrs. Maguire thanked Mr. Hixenbaugh.

Question was called for at 7:37PM for **PROPOSED ORDINANCE NO. 2023-05 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5830.**

PRIVILEGE OF THE FLOOR

Matthew Lentsch, Executive Director of Development and Governmental Affairs, spoke under the **PRIVILEGE OF THE FLOOR**. Mr. Lentsch stated he presented the council a summary of Senate Bill 449 as well as the major points they made at the Indiana senate last Monday. Mr. Lentsch stated a team of them went down and made the case with Senator Rogers help in front of the Environmental Affairs Committee and it passed unanimously. Mr. Lentsch stated he wanted to make them aware of not just the bill, but what it would potentially do and he really thought they had an opportunity to pass the senate potentially and move on to the house. Mr. Lentsch stated he talked to Senator Rogers multiple times throughout the past couple weeks and she was pushing hard for it. Mr. Lentsch stated some things that were notable, they had not just Senator Rogers as a sponsor but Senator Rick Niemeyer, Chair of the Environmental Affairs Committee and Senator David Niezgodski as well as Senator Mike Gaskill and Senator Ryan Mishler as co-sponsors. Mr. Lentsch referred to the document and stated on the second page under point number 8, “SB449 would not allow single additional gallon of CSO to be discharged. CSO communities must still be in compliance with their IDEM-approved long term control plans and

Indiana's water quality standards remain the same. SB449 merely changes how Indiana determines whether CSO communities are in compliance with existing water quality standards." Mr. Lentsch referred to point number 9, which stated "This legislation offers a safe harbor to the 109 CSO communities that have made historic investments in CSO treatment (likely \$4 billion across the State). It achieves the same end rest of a UAA while eliminating an unnecessary tax – an unfunded mandate – to develop the costly analysis that EPA cannot be trusted to approve." Mr. Lentsch stated there had only been one done in UAA in the state of Indiana and that was done by Indianapolis. Mr. Lentsch stated this would eliminate the need to do that and it would not help them get through the long term control plan but it provided an end game, provided regulatory certainty and potentially would save them millions of dollars. Mr. Lentsch referred to point 10, "This legislation needed to (a) prevent unnecessary enforcement actions for infrequent CSOs that occur beyond the control of a community due to excessive precipitation events or that otherwise occur as contemplated by an IDEM-approved long term control plan; and (b) avoid never-ending rate increases that would be required by additional CSO controls that have little to no environmental benefit." Mr. Lentsch stated they were currently, as Mayor Wood stated, at 99.54% capture at 4 CSOs and if they were forced to 0, you would be paying millions of dollars per 0.1% at low value. Mr. Lentsch stated they had to stand up for themselves and that was what they were doing.

Mr. Hazen stated so if they got this passed it would help their problem with IDEM but asked if this would help with the EPA. Mr. Lentsch stated yes and no, so they would have to keep negotiations going with IDEM, EPA and DOJ. Mr. Lentsch stated he did think that this gave them some leverage points to move the negotiations forward and he communicated last week that they would not be dropping this. Mr. Lentsch stated it did not officially helped them with the EPA specifically, but it helped them get to the regulatory certainty they were searching for.

Mr. Hixenbaugh thanked Mr. Lentsch for the update and his worked on this and asked him to keep them apprised as the legislation continued to move forward. Mr. Lentsch stated they would appreciate the council advocating on their behalf if they had the opportunities to talk to senators or get to the house.

Josh Reed, 1801 Panama Street, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Reed stated he was there to protect and save Southwest Little League. Mr. Reed stated the park wasn't in use for a couple of years until East End came out and did a lot of work on the park like painting all of the buildings, putting in new dugouts, fixing the fields and it had been in use for the last two years. Mr. Reed stated it came to his attention and his neighbors' attention that the city wanted to give the property to Habitat for Humanity and let them build 80 homes. Mr. Reed stated he had been to all of the Habitat meetings with his neighbors and they all had voiced their concerns, but it had fallen on deaf ears and they did not really want to listen to them. Mr. Reed stated the general consensus was nobody wanted 80 homes in the ballpark and they all wanted to save the ballpark. Mr. Reed stated out of the 200 people he talked to, one person said they did not know if they were for or against it. Mr. Reed stated he knocked on all of the doors from Reddick to Mary Gibbard to Milburn and that was the only person that were not sure how they felt. Mr. Reed stated Dominic Zultanski was the President of East End as well as in charge of all of the great changes at Southwest and he expected that 500 families would be affected by this. Mr. Reed stated he had not gone all the way down to Logan and felt he would find the same opinions knocking on those doors. Mr. Reed stated he knew the city had received a lot of complaints about this and the most concerning thing if this were to happen would be the very high water table in the area and he did not think it would be safe to build 80 homes on a high water table. Mr. Reed stated they talked

to the superintendent of all of the schools and he said it would put a strain and all of the close elementary schools if the homes were to be built there. Mr. Reed stated Habitat always made clear that they wanted green space and there was no way there would be green space and no room for it. Mr. Reed stated 500 families would lose the park, 200 people would be upset and there was also talk about property taxes going up if the homes were built and a lot of people said they could barely afford their property taxes as they were and were worried about what happens if this process came to fruition. Mr. Reed stated he would answer any questions.

Mr. Hixenbaugh appreciated the information and for the record, particularly those participating remotely or out in the audience, there was not a formal request that was pending before the council with regard to any redevelopment of that site, no rezoning petition, no resolution, or anything like that that had been brought formally to them. Mr. Hixenbaugh stated the most formal presentation they had seen was more informal at Mr. Emmons' neighborhood meeting so just so they were on the same page, there was no impending action the council had been asked to take with regard to this. Mr. Hixenbaugh stated nevertheless, they appreciated the information and Mr. Reed's continued advocacy on behalf of his neighborhood. Mr. Reed stated he wanted to initiate the action and they kept seeing things and believed they would eventually present it to the council, so he wanted to beat them to the punch. Mr. Hixenbaugh appreciated that but he just wanted to let everyone know that there wasn't a formal request for the council to take action on any element of current use of Southwest Little League.

Mr. Mammolenti thanked Mr. Reed for coming that evening and to all of the other meetings and applauded him for his tenacity and hard work and he was sure his neighbors appreciated his diligence. Mr. Mammolenti stated he attended one meeting and there appeared to be some dialogue between himself and Habitat members and asked if the communication had continued. Mr. Reed stated no not at all and he actually was out with the digging team the other day with 4 gentlemen with hard hats and another worker present and he asked if they were with Habitat and it turned out the one worker was with Habitat and did not mention that. Mr. Reed stated the President and CEO came out to talk to all of the neighbors and heard all of their concerns but that was the last time there was communication.

Mrs. DeMaegd stated she was with Josh went they went house to house to receive signatures and she stated the neighbors were very upset about the prospect of all of that traffic coming into and out of those streets so it was a concern. Mrs. DeMaegd stated she hoped when it came to the council, and she had no doubt that it would at some point, that they took it very seriously because the neighbors they had in that area who lived there for generations had some say in what went on in their neighborhood. Mrs. DeMaegd applauded Mr. Reed and the rest of the neighbors for doing that and she would be out there with them come springtime.

Mr. Hixenbaugh thanked him again and with regard to his petition, it may be helpful if they could have a copy made of that for the council. Mr. Hixenbaugh asked him to continue to stay in touch with them and let them know what was going on from his perspective. Mr. Hixenbaugh stated he had never known the council not to take seriously these kind of issues and he was confident that would be the case if it ever came before them. Mr. Hixenbaugh stated it had been talked about for quite some time now and they had not seen one filing but who knows what could happen in the future. Mr. Hixenbaugh promised him that they would, as they always had done, take these matters very seriously and listen to him and other neighbors as they moved forward, but there was nothing to move forward with at that time.

Connie Johnson, 1719 Panama Street, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Johnson stated she had talked to Jim from Habitat who never got back to her, a woman from Notre Dame was supposed to email her and she never did and there was another gentleman who did not reach back out to her either. Mrs. Johnson stated if Habitat for Humanity was really serious about this, they were not telling them anything and not willing to tell them even the information they had asked for. Mrs. Johnson stated she was still totally against it and the water levels scared her. Mrs. Johnson stated she wanted to talk to a builder but she had not done that yet and there were many kids in Mishawaka that used that little league to play ball and if the council and Mayor were serious about kids playing in Mishawaka, this was the perfect opportunity to take action and keep it in Mishawaka.

UNFINISHED BUSINESS

PROPOSED ORDINANCE NO. 2022-50

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 increase Building Height to 65’ – NW corner of Cleveland Rd. (S.R. 23) & Gumwood Rd.

(Petitioners requesting withdrawal)

Clerk Block gave a synopsis of the letter from the petitioner asking for the proposed ordinance to be postponed and pulled from the agenda.

Based upon the request of the petitioner, the chair entertained a motion to approve the withdrawal of **PROPOSED ORDINANCE NO. 2022-50**. Mr. Compton made the motion to honor the petitioner’s request and Mrs. Voelker seconded the motion. The motion passed unanimously and the matter was withdrawn.

NEW BUSINESS

Mr. Hixenbaugh announced the West End Neighborhood Watch would next be meeting on Wednesday March 1st at 7PM in the New City Hall and their guest speakers would be Fire Chief Woodward and Fire Marshal Dempler and they invited all members of the public to attend.

ADJOURNMENT 7:58PM

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

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