

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

June 5, 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, June 5, 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 (A), Mr. Bellovich (P), Mr. Mammolenti (P), Mr. Banicki (P), 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 Meeting on May 15, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following petitions by title.

Petition No. 2023-11 Rezone from R-1 Single Family Residential to R-2 Two Family Residential to match existing use as a duplex – 712 Division St.

Petition No. 2023-12 Rezone from S-1 Extensive Open Space to C-3 City Center Commercial – Northeast corner of Cedar & E. Third St.

Petition No. 2023-13 Annex and Zone to I-1 Light Industrial District for proposed Self Storage – Vacant land south of 1505 S. Byrkit

Petition No. 2023-14 Annex and Rezone to C-4 Automobile Oriented Commercial – 100' north of the Northeast corner of E. McKinley & Maplehurst

Presentation of Encumbered Funds and the Annual Operational Report for Local Roads, Street and Bridges – No Council Action Required

Mr. Hixenbaugh stated the record would reflect that the information had been presented.

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

PROPOSED ORDINANCE NO. 2023-21

**AN ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA, AUTHORIZING AN
INVESTMENT POLICY**

**Authorizing an Investment Policy
(Requesting 1st and 2nd Reading – Request had been withdrawn)
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2023-22

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS
PURSUANT TO INDIANA CODE 5-13-9-5.7**

**Authorizing the Investment of Public Funds
(Requesting 1st and 2nd Reading – Request had been withdrawn)
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2023-23

**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**

**Authorizing the Investment of Public Funds outside City Limits
(Requesting 1st and 2nd Reading – Request had been withdrawn)
(Assigned to Budget & Finance Committee)**

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

RESOLUTION R2023-13

**Civil City Property Disposal
600 East Third Street, 605 Lincolnway East, and 637 Lincolnway East**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, AUTHORIZING THE CITY OF MISHAWAKA
REDEVELOPMENT COMMISSION TO SELL MUNICIPALLY OWNED
PROPERTY IN ACCORDANCE WITH THE CITY OF MISHAWAKA
MUNICIPAL CODE CHAPTER 2, ARTICLE 5, DIVISION 3, SEC. 2-492
& 493**

Civil City Property Disposal of old City Hall 600 E. Third Street & surrounding properties

Mayor Wood spoke in favor of **RESOLUTION R2023-13**. Mayor Wood stated he was filling in for Ken Prince that evening as he was watching his oldest son graduate that evening. Mayor Wood stated this was the disposal of all of the City Hall properties that were typically found

within the block that was bounded by Laurel Street to the east, Cedar Street to the west, Lincolnway to the north and 3rd Street to the south. Mayor Wood stated the biggest piece of property within that was the City Hall piece and as they had seen in the plans, they had graciously approved ARPA funding for that to be the home of the new one-roof concept from United Way of St. Joe County and the Boys and Girls Club. Mayor Wood stated they intended to renovate the building, the old school, into a neighborhood center that would have services that were critical in the nature to the citizens of the surrounding neighborhood. Mayor Wood stated they also intended with that to add a gym. Mayor Wood stated the former Bingham site of the old school, later park property, was zoned differently so they would be coming back and requesting a rezoning of that property for that particular project. Mayor Wood stated when they went through the process to relocate City Hall, they wanted very specifically to be hands on and whoever took over their old building, they wanted to be very comfortable and confident in them not only in taking it over, but renovating it as well and that it would be great not only for the neighborhood, but also the community as a whole. Mayor Wood stated they would typically give them their customary offer which would be the city giving the property to them for a dollar knowing that millions would be invested into it and they were going to bring vital services that were needed for the neighborhood, which more than made up for the property value. Mayor Wood stated they also had an alternative plan should no one step up and be interested in the building that they found suitable. Mayor Wood stated they had demolition dollars that they had allocated for it, so they did not now have to spend for the demolition of that building, which could have cost \$250,000 to \$500,000 and those were funds that conceivably be now saving. Mayor Wood stated the corner of Lincolnway and Cedar Street, the former Hitchman House, would be the future site of the Women's Care Center as they had outgrown their current facility on Lincolnway and they were looking to build a new office and service the building on that corner. Mayor Wood stated they would maintain the site as far as parking and that would still be allowable for public parking. Mayor Wood stated on the corner of Laurel and Lincolnway would be a future site of a two-story home built by the Mishawaka Building Trades and they were already very excited to take the site over and put in a home there that met the character of the neighborhood. Mayor Wood stated they specifically asked that they built a two-story and they were good with that. Mayor Wood stated they would also essentially be introducing a new park to that area which was catty-corner on the corner of Lincolnway and Cedar Street and that was currently under construction. Mayor Wood stated with the school, part of the restriction for the school transfer of that property over to the Boys and Girls Club was specifically that they asked that it not be turned into a charter school. Mayor Wood stated that was originally a School City building and they felt that just out of loyalty to School City of Mishawaka, they did not want a use there that competed with School City and so they asked that that restriction be put in. Mayor Wood stated the users had agreed to that and that would be part of the agreement as a result. Mayor Wood stated he would take any questions they had.

Mrs. Voelker stated she was really happy to see that the Building Trades, as they were doing on Mishawaka Avenue, were respecting the character of the neighborhood with the house they were planning on building. Mrs. Voelker stated it really paired nicely with the house across the street across Laurel and she just wanted to point that out. Mrs. Voelker also thanked Alliance Architects, because she remembered when Marty Murphy and the crew were there talking about the Women's Care Center and she made a comment to them about how she thought that the design of the building looked like it belonged in Granger and they did do some tweaking of it so

that it looked a little bit more arts and crafts. Mrs. Voelker thought it would fit better into the neighborhood and appreciated that change.

Mr. Compton asked who was going to own the Women's Care Center and if that was going to be a local hospital and if it was privately owned. Mayor Wood stated it was a nonprofit and they provided critical care for specifically pregnant women and services of that nature. Mayor Wood stated they were currently located right across from the 100 Center on Lincolnway as they had been for many years and they had just outgrown the space.

Mr. Hixenbaugh thanked Mayor Wood as well as Mr. Prince for the work they had done on this. Mr. Hixenbaugh stated as they discussed when they approved the coronavirus related partial funding for the United Way's One Roof project that in their mind checked off the boxes with regard to community services and the fact that the Building Trades program and the Women's Care Center also would be able to take advantage of that site only enhanced that benefit to Mishawaka. Mr. Hixenbaugh thanked all involved for the work that was done. Mayor Wood thanked the council for their partnership and buying into the vision and they could not be more excited about the site in its entirety. Mayor Wood stated they thought that it would be a great thing for not just the neighborhood but all of Mishawaka. Mr. Hixenbaugh stated for the record, and he was sure Mayor Wood agreed, that during the public comment and public meeting process that they had, they received no objection from the neighborhood. Mr. Hixenbaugh stated he thought they were all of one mind that this would be well received by the neighbors as well.

Question was called for at 7:14PM for **RESOLUTION R2023-13. Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, 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. 2023-17

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CLASSIFICATION THEREFORE

Annex & Establish Zoning as C-1 General Commercial District – 15793 E. University Dr. PUBLIC HEARING –NO VOTE

Dave Holzem, Nifong Realty and Development out of Green Bay, spoke in favor remotely of **PROPOSED ORDINANCE NO. 2023-17.** Mr. Holzem stated they were a Midwest-Southeast developer of Midbec shopping centers, strip centers and so on. Mr. Holzem stated they had one tenant for the building and they were looking for a second tenant at the moment to develop the center on University Drive.

The public hearing was closed at 7:17PM. Mr. Hixenbaugh stated pursuant to Indiana law, no vote would be taken that evening but a vote would take place at their next council meeting on June 19th.

PROPOSED ORDINANCE NO. 2023-18

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA INDIANA

Rezone from I-2 Heavy Light Industrial to R-1 Single Family Residential to match existing use – 2027 E. Lasalle

Mr. Emmons reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Karina Houghton, 2027 East Lasalle Avenue, spoke in favor remotely of **PROPOSED ORDINANCE NO. 2023-18**. Mrs. Houghton was petitioning to move from I-2 to R-1 residential for further upgrades to their property and for insurance purposes.

Mr. Compton asked if she intended to live in the home and if was this home and not a rental property or an investment property for herself. Mrs. Houghton stated they wanted to add a toll bar garage style addition to their house to store their classic cars in.

Question was called for at 7:21PM for **PROPOSED ORDINANCE NO. 2023-18. Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5841.**

PROPOSED ORDINANCE NO. 2023-19

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE MATCHING GRANT FUND OF THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2023 AND AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2023

**Transfer: MVHR to Local Bridge & Road Matching Grant Fund - \$774,648.49 AND
Additional Appropriation: Local Road & Bridge Matching Grant Fund - \$1,549,297.00**

Mrs. Voelker reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-19**. Mrs. Maguire stated this was their annual procedure to fund the Community Crossing Grant. Mrs. Maguire stated they received \$774,648.49 from the state and they were matching that with the same amount from city funds where the difference was to make the total appropriation a whole number. Mrs. Maguire stated the state's portal did not accept cents in their portal and the Community Crossing fund, which paid for all of the road repair that the Engineering Department set for the year. Mrs. Maguire stated this was just the standard procedure they had to follow by statute.

Question was called for at 7:24PM for **PROPOSED ORDINANCE NO. 2023-19. Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5842.**

PROPOSED ORDINANCE NO. 2023-20

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

**Amending Ordinance 5811 Civil City Salary Ordinance
(Requesting Postponement to June 19th meeting)**

Mr. Compton made a motion to honor the petitioner's request and with a second from Mr. Banicki, a roll call vote was held. The motion passed unanimously and second reading and the public hearing on **PROPOSED ORDINANCE NO. 2023-20** was postponed until their next regularly scheduled council meeting on June 19th, 2023.

PRIVILEGE OF THE FLOOR

Christy Miller, 321 West 7th Street, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Miller invited the council to the last regular meeting of the summer for the West End Neighborhood Watch Wednesday June 7th at 7PM upstairs in the Youth Council conference area. Mrs. Miller stated they would be taking July off and in August they would see them at National Night Out and they would start up their regular meetings again on the first Wednesday of September. Mrs. Miller stated on June 7th, they would be graced with the presence of the St. Joe County Humane Society with Jenny Brown, Executive Director and Sarah Stanton, Outreach Coordinator. Mrs. Miller invited everybody to join them and all Mishawaka residents were welcome to attend.

NEW BUSINESS

Mr. Emmons announced the West End Neighborhood meeting would be on June 15th at St. Bavos at 7PM and their guest speaker would be Peter DeKever, who would be updating them on the history of Mishawaka. Mr. Emmons stated he looked forward to seeing everybody there and everyone was invited. Mr. Emmons stated as usual, they would have refreshments from West End Bakery.

ADJOURNMENT 7:28PM

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

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