**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL**

**October 16, 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, October 16, 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 (P), Mr. Emmons (P), Mrs. DeMaegd (P), Mr. Compton (P), Mrs. Voelker (P), Mr. Hixenbaugh (P)**
**P: Present E: Electronically Participating A: Absent**

Minutes for the Regular Meeting on October 2, 2023 were approved as received from the Clerk's Office.

Clerk Block read two letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their October 10, 2023 meetings.

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

**PROPOSED ORDINANCE NO. 2023-49**

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2023**
**Transfer and Reappropriating Funds General Fund – From: Central Services (1101-22-422-02) - $20,000.00 To: Central Services (1101-22-436-01) - $20,000**
**(Assigned to Budget & Finance Committee)**

**PROPOSED ORDINANCE NO. 2023-50**

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

**Annexing Northern 13.55 Acres and Establish PUD & Amend PUD for Southern 6.88 Acres – Northwest corner of Fir Road and Beacon Parkway (Assigned to Land Use Planning Committee)**

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

**RESOLUTION R2023-22**

**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: 550 UNION STREET MISHAWAKA, INDIANA**
**Use Variance to allow Adult Daycare in I-2 Heavy Industrial District – 550 Union St. (Petitioner requesting postponement)**

Mr. Hazen made a motion to postpone **RESOLUTION R2023-22** until their next regularly scheduled council meeting on November 13th. With a second from Mr. Banicki, a voice vote was held and the motion passed. Mr. Hixenbaugh added for the record that the reasoning for the postponement was to allow for the scheduling of a meeting that would afford an opportunity for the proponent of the proposal to not only provide some additional information to the Council, but to the public as well and that would take place on Monday, October 30th at 6PM on site at 550 Union Street. Mr. Hixenbaugh invited those who had questions or was interested in that matter to attend the meeting.

**RESOLUTION R2023-23**

**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: 206 W EIGHTH STREET, MISHAWAKA, INDIANA**
**Use Variance to allow Daycare Center in R-1 Single Family District – 206 W. Eighth St.**

Catherine Baker, 51315 Stony Brook Drive, spoke in favor of **RESOLUTION R2023-22**. Mrs. Baker stated they desired to open a daycare and believed it would be good for the area. Mrs. Baker stated they currently had a location in Elkhart, which had outgrown their needs and they found a school that would give them much more room to be able to help. Mrs. Baker stated they really focused on lower income families and wanted to help them to be able to have professional childcare with trained people to be able to take care of their children.

Mr. Emmons asked if she purchased the facility. Mrs. Baker stated yes, they were. Mr. Emmons asked if she was the sole owner. Mrs. Baker stated her and her husband would be the owners. Mr. Emmons stated there was some work that needed to be done on the outside of the facility to make it safe for kids walking to and from or getting dropped off, because of the metal shedding on the roof on the soffit and asked if that was going to be taken care of. Mrs. Baker stated yes, they were told about it and were waiting to get everything done legally with the meetings to make sure that they would be able to be in the building and then they would work out who was going to fix the roof but it definitely had to be fixed in order to get passed by the state for them to even open. Mr. Emmons asked if there would be no children there until it was fixed. Mrs. Baker stated that was correct, there would be no children. Mr. Emmons asked what their age group would be for the daycare center. Mrs. Baker stated it would be from 6 weeks to 13 years old. Mr. Emmons stated he assumed all of her instructors or caregivers licensed and asked if that was correct. Mrs. Baker stated yes and everybody that did childcare had to pass a federal background check to be able to work for the facility. Mr. Emmons asked if that was in the works currently. Mrs. Baker stated they already had 6 people that were cleared from their other facility that they would start with but everybody who came on new had to be fingerprinted by the state. Mr. Emmons asked if she would transport people from the Elkhart facility to this one or would it just be for basically the Mishawaka area. Mrs. Baker stated they had, right now, 150 and out of that they asked who would want to go and they had 10 people, so she did not think their Elkhart people would want to come but the rest would remain. Mr. Emmons stated with the playground, he knew it needed quite a bit of work out there and asked if it was in her plan to correct the situations in the playground. Mrs. Baker stated they just put a new playground out there. Mr. Emmons stated he knew that but he was talking about the fencing area over there and referenced fencing problems that had been ongoing for several days. Mrs. Baker stated everything had to come up to code for them to even open it by the state, so if the fencing or anything had an issue they could not even do anything until the state approved of it and they would not approve anything until it was all fixed up and running and up to code standards. Mr. Emmons stated he was glad to hear that and welcomed her to the neighborhood.

Mrs. Voelker thanked Mrs. Baker for her interest in Mishawaka and asked a couple of questions. Mrs. Voelker stated she knew there were different accreditation levels and asked if she could tell her what level her daycare was at currently. Mrs. Baker stated the one they were at currently was Glory Bound Daycare Ministry and it started at a Level 1 and the one they were going to open was Glory Bound Learning Center, so the one they were opening they hoped they could go through with it because you could open them on a 2 with more than the 5 years of experience that they had. Mrs. Baker stated they hoped they would be able to open it on a 2 and work their way up to a 4. Mrs. Voelker asked what kind of funding they would have and if they would be participating in any state funding for kids or if it would be private pay or a mixture of the two. Mrs. Baker stated they did both at that point in time and when she said they focused on lower income families, she said that because sometimes childcare was very expensive. Mrs. Baker stated for a newborn it was $465 and if a young lady came to her who really wanted to work and better herself and she could only afford to pay $275, for example, she was not going to turn her away and she was going to take the money, give her child a safe licensed facility and help her get to where she was trying to get to so she could be better in the future. Mrs. Voelker stated it sounded like she would have a sliding scale of sorts for people that were unable to afford it and asked if she would be accepting any state funding. Mrs. Baker stated yes and they would accept the state vouchers that they offered to the young women. Mrs. Voelker asked about the scale and stated, for clarification, that Mrs. Baker had 6 people working for her right now that had passed the federal background check, but she had 150 kids and asked if their ratio was one caregiver for 25 children. Mrs. Baker stated no and she had 6 that they were going to bring with them to start up the new daycare and the rest of them would remain at the daycare they currently had open in Elkhart and they had 150 kids but you may have 75 kids at the most in one day even though they had 150 total kids enrolled. Mrs. Baker stated they all did not come at the same time, because they opened at 3:30AM and closed at 6PM. Mrs. Voelker asked if she was planning at opening at 3:30AM in Mishawaka as well. Mrs. Baker stated they planned on opening at 5AM in Mishawaka. Mrs. Voelker stated one of the things she also saw was that in the requirements, you they had to have off-street loading and unloading and she knew that was a concern that one of the neighbors discussed with her, mentioning that there were traffic backups on 8th Street when it was operating as a school with drop off. Mrs. Voelker asked how she would be handling drop off and pick up. Mrs. Baker stated they would be doing drop off and pick up in the front of the building and daycares were definitely different from school. Mrs. Baker stated you may get three of four parents at a time, but it would not be like how a school operated because you would not get 20 parents at one time whereas with a school, there would be a line of cars and it was never like that in their case. Mrs. Voelker stated she was fairly certain she read from the City Engineer that they needed to have off-street drop off. Mrs. Baker stated for a daycare, they had not been told any different that they could not have the front part of the building for pick up and drop off and the Fire Marshal was there that day and the state and the Fire Marshal worked closely together. Mrs. Voelker stated she would read through the report and come back to her and thanked Mrs. Baker.

Mr. Mammolenti thanked Mrs. Baker for coming that evening and asked if she said that already purchased the property. Mrs. Baker stated no and that they were going to purchase it after making sure it met all of the codes. Mr. Mammolenti asked if it was their plan to keep the Elkhart facility in operation as well as they operated the one in Mishawaka. Mrs. Baker stated yes. Mr. Mammolenti stated at their board meeting, she mentioned that it held up to 250 students and asked if it was her plan to get to 250. Mrs. Baker stated she wanted to help as many people as possible and this was a new area for them, so if it were at all possible they would take whatever amount of people came in need. Mrs. Baker stated they were there to offer that. Mr. Mammolenti asked who set that 250 amount. Mrs. Baker stated in the school, they had way more than that but that was about what she wanted to start with, no more than 200 children. Mr. Mammolenti asked based on the state required ratio, how many caregivers would she need. Mrs. Baker stated it went according to children and if they had babies, newborns or any child from 12 months or under, it was 1 person to 4 babies which meant for every 4 babies, you had to have 1 adult and as they got older, you could have 1 adult to 7 children. Mrs. Baker stated then with the after-school kids, if they were in kindergarten or older, you could have 1 adult to 15 children. Mr. Mammolenti asked if they were going to be providing lunch or an option for lunch. Mrs. Baker stated yes, they provided lunch. Mr. Mammolenti asked if that would be prepared onsite. Mrs. Baker stated yes. Mr. Mammolenti stated he assumed the kitchen would be inspected by typical health codes. Mrs. Baker stated yes.

Mr. Hixenbaugh followed up on some of the points his colleagues raised, but first thanked her for her commitment to helping their community and the community as a whole and he loved the idea that this school was going to be reused for this type of purpose. Mr. Hixenbaugh stated going back to the question about the drop off and pick up, Mrs. Voelker was correct and in the staff report that they received and he presumed she received a copy of the report that their staff did prior to the Board of Zoning Appeals meeting and then prior to the meeting that evening and it did indicate that the Engineering Department had commented that she must accommodate off-street drop off and the reason for that was even going back to the days when this was an elementary school and when the Hebrew Day School was there, it became a problem when parents would park on the south side of 8th Street and then walk their children across the street in the middle of the street without using either corner. Mr. Hixenbaugh stated granted, it was a little bit different when you were talking about preschoolers but that was still of concern to himself and his colleagues if there was not going to be an adequate provision made so that even if it was just a handful of parents dropping off at any point in time beginning at 5 or 5:30, that they did not have people crossing in the middle of the street, particularly those early morning hours when sometimes it was dark and it could be a problem for all of them. Mr. Hixenbaugh asked if she had any plans to try to accommodate that off-street parking so that rather if you met by the front of the building on 8th Street, he sensed that would be a problem for himself and others and it was inconsistent with what the Engineering Department had recommended. Mr. Hixenbaugh stated he would grant her that that was more of a site plan issue and was not about the use per se but in order for him and others to be able to vote in favor of this and say that this would be supportive of the public health and safety of the community, he thought it was relevant to talk about the traffic issues. Mr. Hixenbaugh asked if she could talk about that plan for drop off and pick up, whether it was at the beginning of the day, end of the day or during the day and how she thought she could work to avoid having parents park on that street and walk their kids across in the middle of the street. Mrs. Baker stated they could also have drop off in the back of the building as well so if it would be an issue, they would just move their drop off from the front because they always planned on them pulling right up in front of the building to do drop offs but if it was going to be an issue, they could also do drop off and pick up in the back. Mr. Hixenbaugh asked if she provided their parents, when they enrolled their child or children in the program, with some guidelines as to what she expected out of them or how the day operated so that they knew what they were supposed to do on a daily basis. Mrs. Baker stated yes, she did. Mr. Hixenbaugh asked if it would be a problem for her to work in a statement that parents needed to drop off on the same side of the street as the school so they did not have people walking across the street or drop off in the back of the building so that they did not have the same type of issues and if she could commit to doing that. Mrs. Baker stated she could commit to doing that. Mr. Hixenbaugh stated another thing that was a strength and perhaps a challenge with regard to the building was that it was embedded right in the middle of that neighborhood, which he thought would make for a very pleasant environment for what it was that she planned to use it for but it also could become a problem if whomever occupied the building did not really live by the motto of being a good neighbor and took care of snow removal and take care of garbage, for example. Mr. Hixenbaugh stated to the extent that there would be anything outside that would blow on people's yard, to the extent that they needed to have the sidewalks shoveled so that people could walk back and forth in front of their building and asked if she had adequate staff in place and resources to be able to take care of those building maintenance issues on a daily basis so that this would not become an issues for the neighbors. Mrs. Baker stated yes, they did. Mr. Hixenbaugh asked if she had on-site custodial and maintenance staff who worked in the building or how they would take care of those issues particularly when they were going to have 250 kids in a school building. Mr. Hixenbaugh stated there was a lot of upkeep, as she knew and a lot of day-to-day cleaning. Mr. Hixenbaugh asked how she was going to accommodate that and handle that if this took off and went to the level she wanted it to. Mrs. Baker stated they had an outside company that did their snow currently and an outside person that cleaned their buildings now. Mr. Hixenbaugh asked if they did that during the course of the day or if they did that before or after the program operation hours. Mrs. Baker stated after hours and the snow guy came at about 3AM and then they cleaned the building at night time. Mr. Hixenbaugh stated they talked about when she was planning on opening up around 5AM and asked what the concluding time for her program would be there on site. Mrs. Baker stated 6PM. Mr. Hixenbaugh stated as Mr. Emmons alluded to, it was a beautiful building and he loved it and it had been here since time immemorial almost in Mishawaka but those type of buildings required a lot of upkeep. Mr. Hixenbaugh asked if she felt like she had the adequate resources to be able to reinvest in the physical plant of the building so that those fence issues, the roofing issues, things like that were going to be able to be taken care of in an appropriate way. Mrs. Baker stated she did. Mr. Hixenbaugh thanked her and appreciated her patience with him.

Mr. Compton thanked Mrs. Baker for coming into Mishawaka and into a neighborhood that could use the resource that she was trying to provide, answering all of the questions from the Council which was concerning for the neighborhood just to cross their T's and dot their I's but this was sorely needed in Mishawaka and he thanked her again for coming here and making a run at it and trying to do a good thing for their city and the people who lived in it.

Question was called for at 7:25PM for **RESOLUTION R2023-23. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The resolution passed 9-0.

## RESOLUTION R2023-24

**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: NORTHEAST CORNER OF E MCKINLEY AND MAPLEHURST, MISHAWAKA, INDIANA**
**Use Variance to allow Mini Storage and Developmental Variances for Setback, Fencing, and Parking – NE Corner of E. McKinley and Maplehurst**

Bernie Feeney, Registered Land Surveyor with Wightman and Associates in Plymouth, Indiana, spoke in favor of **RESOLUTION R2023-24**. Mr. Feeney stated he was present that evening to represent the petitioner and 1500 McKinley LLC. Mr. Feeney stated this set of variances that they were looking at that evening were variances that accompanied the site plan that they had already taken a look at and that the Plan Commission had taken a look at and was in the process of approving. Mr. Feeney stated the plot had been approved that set this piece of property up in the fashion that had been recommended by both the Plan Commission and the Engineering Department and dedicated additional right-of-way for the future improvement of McKinley. Mr. Feeney stated in addition, they had secured the approval of the Engineering Department on the erosion control plan for this particular piece of the property and this would be the final piece of the puzzle that would allow the buildings to be built on this property in the fashion they had shown them and represented them far to the Council, the Plan Commission and the Board of Zoning Appeals. Mr. Feeney stated he would be happy to answer any questions.

Mrs. Voelker asked about the 5 feet versus 15 feet between the building and the fence and the setback change. Mrs. Voelker stated it was on the east side by building #1. Mr. Feeney stated that building #1 was on the far west side and building #6 was on the far east side. Mrs. Voelker stated the 5 foot variance he was asking for was going to be right next to Maplehurst and asked if that was correct. Mr. Feeney stated that was correct and the reason for those items and issues had been because there were prior security issues on the property. Mr. Feeney stated some of the cars for Cars2You had been showcased on the property and the owner had experienced theft of catalytic convertors almost on a wholesale basis out there. Mr. Feeney stated the buildings and the development of the property would provide more security for the autos being stored at Cars2You. Mr. Feeney stated most of the trespassing had occurred from Maplehurst into the property under cover of the woods and subsequent to the approval of the erosion control plan, the woods were now gone. Mr. Feeney stated there was much less hiding space out there and the building along with the fence were efforts on the part of the developer to provide a more secure environment for the cars he hoped to sell as well as the storage buildings he would be operating. Mrs. Voelker asked if they had cars to the east and storage to the west. Mr. Feeney stated that was correct. Mrs. Voelker then asked if the fence would go around both sets of property or just around the storage. Mr. Feeney stated the fence would go around the storage and make that a secure facility. Mr. Feeney stated the owner was taking this measure to prevent anything from happening.

Question was called for at 7:31PM for **RESOLUTION R2023-24. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The resolution passed 9-0.

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

## PROPOSED ORDINANCE NO. 2023-40

## CIVIL CITY BUDGET AND TAX LEVY FOR 2024

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

Mr. Hixenbaugh noted for the record that they had a very well done PowerPoint presentation at the last council meeting from Rebecca Maguire, City Controller that was very helpful to him and others. Mr. Hixenbaugh thanked Mrs. Maguire. Mr. Hixenbaugh thanked Mayor Wood and his staff as well as Mrs. Maguire and her staff for their work in putting the budget together. Mr. Hixenbaugh stated he believed they said virtually every year he served on the council that budgets were about their priorities as a community and overwhelmingly so, they invested in public safety in Mishawaka which was job number one of local government and where they put their dollars to protect every one of their residents, businesses and visitors. Mr. Hixenbaugh stated he appreciated the work that had gone into it as well as the priorities that were established in the budget and he looked forward to seeing the work they did in approving it that evening come to fruition as they moved into the next year and it would have a tangible impact on the quality of life in Mishawaka.

Question was called for at 7:34PM for **PROPOSED ORDINANCE NO. 2023-40. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5861**.

## PROPOSED ORDINANCE NO. 2023-41

## AN ORDINANCE OF THE COMMMON COUNCIL OF MISHSHAWAKA AUTHORIZING ADVANCE PAYMENTS ON CONTRACTS FOR PUBLIC WORKS PROJECTS AND GOODS AND SERVICES

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

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-41**. Mrs. Maguire stated this would allow the city to make advance payments and due to the change in Public Law 181, this ordinance would allow them to do that. Mrs. Maguire stated as vendors, more often than not currently, they were requesting upfront payments because either they did not have the cash or other customers had placed orders and had backed out so they were not willing to extend credit.

Mrs. Voelker stated her only concern with this was prepaying for someone to purchase something for a job and they disappear. Mrs. Voelker asked how they would control or track the prepayments and make sure that they would not lose money on it. Ken Prince, Director of Community Development and Planning, answered Mrs. Voelker's question. Mr. Prince stated the real issue was that there were certain vendors they dealt with where it was standard business practice for them to get 50% down and the reality was when they looked at the way the contracts were worded, if they wanted a specific heating system or furniture for example, they had to follow the vendor's guideline and that was how it worked. Mr. Prince stated they did not make adjustments for cities and were very happy to tell them to take their business elsewhere if they did not go down that route. Mr. Prince stated Mrs. Maguire was keeping them in line with what state law required by bringing this before the Council, because they had already done this practice in the past in order to obtain that. Mrs. Voelker stated she was a little bit confused and asked for clarification if they were asking to do this now but they already had been doing it. Mr. Prince stated that was correct and Mrs. Maguire was trying to keep them out of trouble, so to speak.

Mr. Bellovich asked what percentage of their vendors she thought would be falling into this category. Mrs. Maguire stated it should be a small percentage and would be on anything that needed to be manufactured and they had seen it in playground equipment for example. Mr. Bellovich asked if this was more for specialized type of things. Mrs. Maguire stated that was correct and the reason they had it in the past was they had the previous City Attorney give them his opinion that since they were purchasing the materials upfront, they owned those materials and they never had an audit comment in the past on that and with new state legislation, they wanted to make sure they were following the guidelines in putting it in ordinance form.

Mr. Compton stated that made sense in business practices that people wanted something down to get started. Mr. Compton asked if there was ever a case where there was 100% payment prior to services rendered. Mrs. Maguire stated she could not think of anything off of the top of her head. Mr. Compton asked if this was more about down payment, deposits and things of that nature to make them comply with new state guidelines. Mrs. Maguire stated yes and the ordinance only allowed 50% as well.

Mr. Mammolenti asked if there were any cases where any of the services they had prepaid for had not been rendered. Mrs. Maguire stated not that she could recall.

Mr. Hixenbaugh thanked Mrs. Maguire and Mr. Hinkle for their work on this. Mr. Hixenbaugh stated to follow up on some of the points made by his colleagues that the ordinance as he read it also built in some safeguards to be protective of the city and there was some process language with regard to tracking repayments through a purchase order and creating a prepayment invoice but what spoke to it the most in his opinion was that it indicated that when the prepayment was in an amount more than $150,000 then there was a surety bond that had to be posted by the entity that received the prepayment and asked if that was correct. Mrs. Maguire stated that was correct. Mr. Hixenbaugh stated then so fi in fact there would be that situation where someone did not provide them with the materials they prepaid for, they had that legal recourse available to them under the law and could pursue a claim against that surety bond and asked if that was correct. Mrs. Maguire stated that was correct. Mr. Hixenbaugh stated as she indicated, this was not freestanding approval with regard to any amount of prepayment but consistent with the statutory language, it was the lesser of 50% of the entire cost of the contract or $2 million, so even in the multimillion dollar relationships from time to time she was involved in, they were still going to operate within those guardrails and parameters and asked if that was correct. Mrs. Maguire stated that was correct. Mr. Hixenbaugh stated he had the pleasure of recently sitting in on the exit conference with the auditors in the State Board of Accounts process and the record would reflect that they had very glowing comments about Mrs. Maguire and her staff as they typically did. Mr. Hixenbaugh congratulated Mrs. Maguire for once again surviving the audit process and coming through with flying colors on behalf of the city.

Question was called for at 7:43PM for **PROPOSED ORDINANCE NO. 2023-41. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5862**.

## PROPOSED ORDINANCE NO. 2023-42

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2023**
**Transfer and Re-appropriate Funds Park & Recreation Non-Reverting Fund - $25,000.00**

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

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-42**. Mrs. Maguire stated this transfer was to help fund the repair of the red bridge at Shiojiri Garden. Mrs. Maguire stated they had funding in Consulting that they were transferring to Park Development and they also had received a gift from the Community Foundation that would give them the total amount of the repair which was close to $65,000. Mrs. Maguire stated they received a letter from the Park Superintendent describing the repair and they also had Jacob Crawford present to answer any questions about the repair or the bridge itself.

Mrs. Voelker stated she met with Jacob Crawford in the prior week about a few things and took a look at the bridge and it was in disrepair in an area that was unsafe. Mrs. Voelker stated if someone were to fall against the railings, they could give through. Mrs. Voelker stated Mr. Crawford also mentioned that the bridge had been there for over 30 years and Phil Blasko, Park Superintendent, also said in the letter that they would be making changes that would minimize the water that hit the bridge and also there would be cement footings instead of the wood going directly into the ground that would minimize problems with the rot that were apparent. Mrs. Voelker stated it was a beautiful, iconic bridge and it was used very often for senior pictures, weddings and so many other things and she was happy that they were taking care of it.

Mr. Hixenbaugh thanked the Crawford Family and the Nancy and Donald Crawford Fund that was held with the Community Foundation for their matching grant that allowed them to make these needed repairs.

Question was called for at 7:47PM for **PROPOSED ORDINANCE NO. 2023-42. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5863**.

**PROPOSED ORDINANCE NO. 2023-43**

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2023**
**Additional Appropriation: General Fund – Human Resources ($20,000.00) Park Fund – Insurance Claim ($50,000) Public Safety Local Income Tax Taser – Police ($450,000.00) Fire Truck ($750,000.00) Total – ($1,220,000.00)**

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. 2023-43**. Mrs. Maguire stated they had four items that she was requesting approval for additional appropriations. Mrs. Maguire stated the first one was out of the Human Resources budget and General Fund. Mrs. Maguire stated they currently had a Safety Director position in Utility Department and they were moving the scope of the Safety Director and it had now changed and evolved so that person would be paid out of the city budget and the General Fund. Mrs. Maguire stated they were currently taking applications and $20,000 would more than cover if they hired someone that day for the rest of the year and that was what that was for. Mrs. Maguire stated with the Park Fund, their line was for property insurance and liability insurance and they saw an increase in their bill and the Park Fund did not have a line where they could transfer from, so they were doing an additional appropriate for this item. Mrs. Maguire stated in the Public Safety Local Income Tax Fund, they had two items that were purchases that they did not want to pass up and they were able to provide tasers for the entire Police Department, new technology and they would receive a discount by paying in full upon receipt and then a stock firetruck was coming off the line and that was for their reserve.

Mr. Mammolenti asked Chief Witkowski if he could shed any light on the new technology previously addressed by Mrs. Maguire. Chief Witkowski stated it was a brand new technology and starting in 2023, they had two five-year contracts with Taser on initial X26 that they carried currently and one of them expired in June and the other would expire in another year and a half so they came out with new technology and a new weapon that could shoot 10 darts compared just the two that they carried and the range was different with the ones they carried now they had to be within 21 feet and the new ones had a range up to 40 feet. Chief Witkowski stated the nice thing about the new technology was that sometimes depending on the weather, specifically the winter with thicker coats, one dart may penetrate and the other may get caught on clothing or not penetrate at all because of distance or other circumstances and with the newer ones, if that one dart would miss you would have 8 other shots you could take if the second one missed. Chief Witkowski stated you did not have to worry about the separation now when shooting it because with the new ones and the laser it had, you just could aim and shoot quickly and it was safer for the suspect actually. Mr. Mammolenti asked if you aimed and shot per dart. Chief Witkowski stated yes, they were single darts and the officers went through extensive training on this, specifically a 12-hour training for the new tool. Mr. Mammolenti asked about the batteries and if they were rechargeable. Chief Witkowski stated yes.

Question was called for at 7:55PM for **PROPOSED ORDINANCE NO. 2023-43. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5864**.

## PROPOSED ORDINANCE NO. 2023-44

**AN ORDINANCE AMENDING ORDINANCE NO. 5829 FIXING THE SALARIES OF ALL SWORN PUBLIC SAFETY FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING SEPTEMBER 20, 2023**
**Amending Ordinance No. 5829 Fixing Salaries All Sworn Public Safety**

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

Ken Witkowski, Police Chief of the Mishawaka Police Department, spoke in favor of **PROPOSED ORDINANCE NO. 2023-44**. Chief Witkowski stated he was there to speak specifically on the removal of the signing bonuses for the Police Department that were put in last year as a recruitment tool, with the changes of the 12-hour shifts and increased pay he thought it was no longer needed to attract people to come to the Mishawaka Police Department.

Mr. Hixenbaugh thanked Chief Witkowski for his work on this and on the move to 12-hour shifts and as a follow up to that, perhaps at the next council meeting, it may be beneficial to the Council if he could provide them with an update as to where they were at in staffing and if there had been an influx of applicants to fill our vacancies since it had become public knowledge that they were moving to the different staffing model and different compensation structures. Mr. Hixenbaugh stated if he could consult with their recruiter and provide them with details and facts that would be great. Chief Witkowski stated he could answer a little bit of that and he believed that they were still at 96 currently and as they had been seeing, they did have several laterals in the process currently and last he heard the number was 36 non-laterals or people that needed to go through the academy to send. Chief Witkowski stated he believed that it was working and he actually interviewed two laterals that day. Mr. Hixenbaugh stated that was fantastic and if memory served, as supposed to the budgeted strength for that year, next year they would go to 99 officers and if that was correct. Chief Witkowski stated it was correct. Mr. Hixenbaugh stated the 12-hour shift model was predicated to operate at peak efficiency with 80 officers assigned to the uniform division, so as that application process played out and as he was able to finalize his staffing for 2024, if he could keep them updated as to where they were at with regard to assigning the 80 officers to the uniform divisions so that they could see the benefits as soon as possible of the move to the 12-hour shift model, he thought that would be beneficial to all. Chief Witkowski stated he would do that.

Question was called for at 7:59PM for **PROPOSED ORDINANCE NO. 2023-44. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5865**.

## PROPOSED ORDINANCE NO. 2023-45

**AN ORDINANCE AMENDING ORDINANCE NO. 5811 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 SEPTEMBER 20, 2023**
**Amending Ordinance No. 5811 Fixing Salaries All City Employees – Human Resources Safety Director**

Mr. Emmons 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. 2023-45**. Mrs. Maguire stated piggybacking with the increase in the budget for the Safety Director, they had also added it to the Salary Ordinance for Civil City where on an annual basis in the new revised position, the Safety Director would make approximately $65,500 and in comparison in the position with less requirements and responsibilities under the Electric Division, it was $57,900.

Question was called for at 8:02PM for **PROPOSED ORDINANCE NO. 2023-45. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5866**.

**PROPOSED ORDINANCE NO. 2023-46**

**AN ORDINANCE AMENDING ORDINANCE NO. 5820 FIXING THE SALARIES OF ALL SWORN POLICE OFFICERS FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2024**
**Amending Ordinance No. 5820 Fixing Salaries of all Sworn Police Officers**

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

Mayor Dave Wood spoke in favor of **PROPOSED ORDINANCE NO. 2023-46**. Mayor Wood stated they had heard a lot about the shift over to 12 hours in their Police Department and they already had taken substantial action to make that a reality as had the FOP. Mayor Wood stated really, the last bit that required their attention was to change the Salary Ordinance which was based on the collective bargaining agreement done in 2022, which committed the city to 2023 and 2024 needed to be amended to account for the new 12-hour schedule rates and that was what this ordinance would do.

Question was called for at 8:05PM for **PROPOSED ORDINANCE NO. 2023-46. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5867**.

**PROPOSED ORDINANCE NO. 2023-47**

**AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT SWORN PUBLIC SAFETY, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2024**
**Civil City Employee Salary Ordinance for 2024**

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

Mayor Dave Wood spoke in favor of **PROPOSED ORDINANCE NO. 2023-47**. Mayor Wood stated this was the Salary Ordinance for 2024. Mayor Wood stated this, as they knew, had already been looked at through the Civil City budget and what they were seeking that year was an increase of 3% for their staff. Mayor Wood stated that of course was non-collective bargaining staff members, but they did have some outliers that exceeded that 3%. Mayor Wood stated first of all, they did a salary study back in 2022 and they looked at all of their staff and there were a few outliers so they came up with a plan to bring those outliers up to get them in line with what their salary ordinance suggested. Mayor Wood stated the second part of those increases would hit the Salary Ordinance for 2024 and also in it, they were seeking the return of the Human Resources Department Office Assistant which would be a tremendous help in that office and they did an exceptional job but they sure could use the help. Mayor Wood stated they were also looking to reconfigure the IT Department with some increases again and this was something that they studied and this was a department that got hit with market conditions more than most. Mayor Wood stated these were highly skilled, specialized people that did these jobs and in fact over the last year, they lost their Director and their Assistant Director to higher paying jobs in other communities and so they wanted to make the salaries within that department such that they were able to hire, which they struggled to do. Mayor Wood stated they were at full staff minus one currently and they just had a staff member start that day and they were now just one help desk position away from being fully staffed. Mayor Wood stated with department heads, they paid them what they could and most of those people went elsewhere and made more money just based on their skills and their leadership ability and they thankfully had not had a lot of turnover with department heads and they were passionate about what they did but there were a few that fell what he thought was below the wage they deserved so he would like to create a minimum salary for department heads. Mayor Wood stated he would like to set that at $70,000 and they had three positions within their department managers that fell below that being Code Enforcement, the Building Department and Human Resources. Mayor Wood stated this would bring them up to that $70,000 mark. Mayor Wood stated and then, of course the Park Department salaries got approved by the Park Board and so they were seeking some additional duties and increases there as well that were within the outliers. Mayor Wood stated another part of this was that every few years, there was a deferred comp increase and in fact, they started initially what never had been done before which was a match and that was a match for deferred comp. Mayor Wood stated they started it at 1% and that was if any employee citywide wanted to put 1% of their income towards deferred comp, they would match that at 1% and it had been a while but he would like to take that up to 2%. Mayor Wood stated then that of course meant the city would match the 2%. Mayor Wood stated this also correlated a little bit with PERF, which the city would contribute 3%, so if an employee took full advantage, they would see about 5% of their income matched by the city and he thought that was pretty customary out in the marketplace and something that when they were talking about salaries and benefits for employees, they tried to make sure that they were covering their staff with fair compensation, good benefits and in this case benefits typically you would not find anywhere else out in the marketplace. Mayor Wood stated not only for them but for their families and then they also wanted to make sure that their retirement was good too after a full career of serving their citizens as public servants. Mayor Wood stated you did not enter into this profession to get rich but he believed they did owe them the benefits after they had worked there in retirement as a thank you for a job well done. Mayor Wood stated the last part of what the Salary Ordinance for 2024 proposed included was longevity for non-union, non-utility salary personnel. Mayor Wood stated these were the folks who had been there in many cases for decades providing exceptional services to their citizens. Mayor Wood stated their higher standards and level of service happened because they had people that were passionate about what they did and dedicated. Mayor Wood stated most other collective bargaining units had longevity pay and most other ones collectively bargained and got maybe some kind of stipend or some kind of specialty pays or things of that nature. Mayor Wood stated the folks there at City Hall were always on the outside looking in but yet they would not be a successful city without their leadership and their commitment to their services and he thought it would send a strong message that they valued their service, valued their leadership and their experience was acknowledged but also rewarded. Mayor Wood asked that the Council send a strong message to the people in the city that they did an exceptional job over a long period of time and they wanted to reward that.

Mr. Hazen asked where the $70,000 put them on the page study that they did and if it was in line or if they were still below. Mayor Wood stated they were not any of the outliers to begin with, so it would not have been low in the marketplace per se but as far as around here, they were the low salaries in Code for instance and it had been one of the lower paid department managers over the course of the last year and they really stepped it up as far as pursuing different options within Code. Mayor Wood stated the work they were doing required a whole different kind of leadership level as well as advising staff and more staff within the department. Mayor Wood stated they had a Building Department in a growing city and any of those folks could go to any other community and make a lot more money and so these were folks with a lot of experience who were very marketable elsewhere and could leave them and go make money somewhere else and they just wanted to make sure they felt valued in Mishawaka.

Mr. Hixenbaugh thanked Mayor Wood for the work he, the Controller and the department heads did on this and he certainly supported it and he liked the fact that they did the salary study in the previous year as they talked about at that time but also that it was not just gathering dust on the shelf and they were making use of it and using it to help guide their decisions. Mr. Hixenbaugh stated hopefully, the city would continue to do that moving forward and as they discussed in their budget meetings, as the time was right that they updated that study so it would be an evolving document that they could continue to make use of and he echoed his comments with regard to the quality of work their employees did across the board. Mr. Hixenbaugh stated they were in a people intensive business and the services that they needed to deliver to folks would be impossible without having highly trained, well-qualified, dedicated employees and what was in front of them that evening allowed them to further recognize all of those attributes on behalf of their employees. Mr. Hixenbaugh asked Mayor Wood to please express their appreciation to them for the work they did on a daily basis for the community. Mayor Wood thanked Mr. Hixenbaugh.

Andrew Graber, Business Manager of IBEW 1392, spoke in opposition to **PROPOSED ORDINANCE NO. 2023-47**. Mr. Graber stated the ordinance talked about the non-unionized employees and the union was currently in the process of negotiating with the Utility Department for setting the wages. Mr. Graber stated he came to speak not in opposition of the content of the bill but more in just opposition of cementing an increase for non-union employees when there was an active negotiation for the unionized group which could be an influence for not wanting differences between union and non-union usually between the employer and the unions. Mr. Graber stated he was making a request to table this until the union negotiations had completed.

Mr. Hixenbaugh deferred to their Legal Counsel and to the Corporation Council, but his recollection was that they were statutorily obligated to pass this type of ordinance by November 1st and then, subject to further negotiations as had happened in the past, they could amend the ordinance not to reduce the number but supplement it based upon the outcome of the collective bargaining process but he deferred to Legal Counsel about that. Mr. Graber stated if that were the case, the union found that sufficient. Mr. Hixenbaugh stated it was good conversation and a point well taken and the Council, along with the Administration, respected the bargaining process and they wanted that process to play out but they had that artificial deadline state law put in place so he wished them well as he returned to the table on behalf of the members that he represented and they looked forward to hearing what the outcomes were but nothing that they did that evening would prevent him from bargaining in good faith and representing his members.

Question was called for at 8:21PM for **PROPOSED ORDINANCE NO. 2023-47. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5868**.

## PROPOSED ORDINANCE NO. 2024-48

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024**
**Elected Officials Salary Ordinance for 2024**

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.

Mayor Dave Wood spoke in favor of **PROPOSED ORDINANCE NO. 2023-48**. Mayor Wood stated this ordinance would set the elected officials salary in 2024 at an increase, the standard increase of 3%. Mayor Wood stated while they talked in the previous ordinance about longevity pay, elected officials would not participate in the longevity pay program but elected officials would be eligible for deferred comp if they were to make the contribution of 1% or 2% into their deferred comp.

Mr. Compton thanked Mayor Wood for this and he would certainly approve this but as he would be leaving the group, he asked that he and future councilmembers to consider their Mayor's salary and he knew that put him in a bit of a tough spot but it needed to be increased significantly, in his opinion. Mr. Compton asked that he work towards that in the future and it needed to be done, possibly with next year being a time to address it. Mr. Compton stated with that, the Clerk's position should be addressed as well as he saw certain certifications there and they should be compensated for those things as well. Mayor Wood thanked Mr. Compton very much and as he mentioned before, they entered into the profession not to get rich and it was a public service position and his salary, which was all he got, was right there in the paper for everyone to read and they did keep an eye on it just to make sure that they were not falling behind other communities around the state. Mayor Wood felt like they should not be in the top 10 or the bottom 10 but they should be somewhere in the middle and they were, but they would keep an eye on it and he appreciated the sentiment and thanked him for that. Mr. Compton stated his position was a CEO of a pretty good sized corporation there and that was what he did and they both knew that and it should be compensated reasonably and accordingly. Mr. Compton stated he understood the things he was saying but he continued to attract good talent and good people interested and that was something he thought that needed to be done.

Mr. Hazen seconded Mr. Compton's comments and he thought they should take a look at those salaries and they had department heads making more than the Mayor and probably 50% of their Police and Fire were as well and he agreed wholeheartedly with Mr. Compton. Mayor Wood thanked Mr. Hazen. Mayor Wood thought in a couple of years all of their police would be making more than him and he thought that was appropriate for those who jumped between harm's way and he had no problem with that. Mayor Wood stated again, these were people with very specialized skills and in many cases, required degrees and for his job you had to be 18 and live in the city for a year and that was it, so he did not have to bring a special skill to the job. Mayor Wood stated it was a passion of his and he loved it but he was a public servant and he did not expect to get rich and thanked them again.

Question was called for at 8:28PM for **PROPOSED ORDINANCE NO. 2023-48. Motion passed by unanimous roll call vote (summary: Yes = 9).**
**Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5869**.

**PRIVILEGE OF THE FLOOR**

Alicia Vandygriff, 840 South Sheridan Street, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Vandygriff stated on October 5, 2023 she went to the Marvin Gardens Marv Wood ribbon cutting ceremony and the ceremony was held on her 40th birthday. Mrs. Vandygriff stated as an underdog in life and one of two underdogs in her family, the ceremony was supposed to bring joy, which it did to a certain extent. Mrs. Vandygriff stated she was glad that she was persistent and still attended and stood in the rain just like everyone else and a very nice woman offered her an umbrella and a man next to her gave them his larger umbrellas to share so they were not in the rain. Mrs. Vandygriff stated that simple act of kindness was greatly appreciated and the world could use more people like this, especially in the Princess City. Mrs. Vandygriff stated during the ceremony, an ambulance and fire trucks went by and they made their stop at the Vannoni Assisted Living Center and her father was not at the Marvin Gardens ceremony as previously planned. Mrs. Vandygriff stated she had to leave to make sure her dad was okay and it was not her father going in the ambulance and she thanked God and prayed for that nice woman earlier referenced and everyone in the facility. Mrs. Vandygriff stated on October 13th, she was trespassed from the property after male medical staff member screamed in her face during her father's chest pains bout and a nurse was scared to wake her father up and she had to do a sternum rub on her father. Mrs. Vandygriff stated she had the resume was much decorated in medicine and she was actively pursuing her nursing degree and saved countless lives and would do it all over again. Mrs. Vandygriff continued to express her frustration with the Mishawaka Housing Authority and the Vannoni Assisted Living Facility where her father resided. Ms. Vandygriff requested help and direction on how to go about the grievance she filed against the Mishawka Housing Authority and Vannoni Assisted Living Facility. Mrs. Vandygriff hoped something positive could come from her situation and she provided the Clerk's Office with a copy of her statement.

Mr. Hixenbaugh appreciated her concern and they were sorry for what she experienced and he wished there was an ability on behalf of the Council to provide her with some of the closure she was seeking and even though the name was Mishawaka Housing Authority, it really was more of a federal governmental program than it was anything that they as a municipality had control over. Mr. Hixenbaugh stated he thought their main involvement was that the Mayor had the ability to appoint commissioners who sat on their board but they did not answer to the Council or report to them. Mr. Hixenbaugh wished there was something more they could do tangibly and talk to her that evening about how they could help but if she left that information with Clerk Block along with her contact information, if they could come up with anything they could do try to be of assistance they would be happy to do so. Mrs. Vandygriff thanked the Council very much.

**NEW BUSINESS**

Mr. Mammolenti announced the next Twin Branch Neighborhood Watch meeting would be Wednesday October 18th at 7PM and would be held at Fire Station Number 4. Mr. Mammolenti stated their guest speaker would be State Representative Maureen Bauer and all residents of Mishawaka were welcome.

Mr. Emmons announced the West End meeting would be held Thursday October 19th at 7PM at St. Bavos and their guest speaker would be Mr. Brian Tanner to talk about the Third Thursday event in Mishawaka and other new events coming into the city. Mr. Emmons stated it should be very informative and he looked forward to seeing everyone. Mr. Emmons stated refreshments would be served from West End Bakery.

Mr. Hixenbaugh made a reminder that because of Election Day, they had rescheduled their next regularly scheduled council meeting to Monday, November 13th at 7PMand they looked forward to seeing everyone there at that time.

ADJOURNMENT 8:41PM

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