

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

August 19, 2024

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 August 19, 2024, at 6:00PM. 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 attends 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.

Present: Mrs. Hazen (P), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (P), Mr. Emmons (P), Ms. Hahn (P), Mr. Mammolenti (P), Mr. Violi (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Also Present: Mike Trippel, Council Attorney

Minutes for the Regular Meeting on August 5, 2024, were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding their recommendations from their meeting on August 12, 2024.

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

RESOLUTION R2024-17

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: NE CORNER OF N FIR ROAD & BEACON PARKWAY

Use Variance to allow a Temporary Sales Trailer – NE corner of Fir Road and Beacon Parkway

Mrs. Voelker made a motion to postpone the public hearing on **RESOLUTION R2024-17** until the next regularly scheduled council meeting, as there was no representative of the matter present in person or participating remotely that evening. Mr. Mammolenti seconded the motion, and a voice vote was held on the motion. The motion passed unanimously, and the matter was postponed.

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

PROPOSED ORDINANCE NO. 2024-21

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 162, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, HENCEFORTH KNOWN AS “EROSION CONTROL AND POST-CONSTRUCTION STORMWATER POLLUTION PREVENTION ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA
Sewer Use Ordinance Revisions – EPA Regulations**

Mr. Violi reported the Committee of Public Health & Safety recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Matt Lentsch, Executive Director of Development and Governmental Affairs for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2024-21**. Mr. Lentsch stated he worked with Chris Jamrose on the ordinance, but it was part of Mishawaka’s environmental stewardship and ensuring the sustainable development of Mishawaka. Mr. Lentsch stated Mishawaka stood out as one of the good actors throughout the region, the State of Indiana, and even nationally. Mr. Lentsch stated they all knew of Flint, Michigan or Bento Harbor and their respective situations, but they did things very sustainably, very integrated, and very well. Mr. Lentsch stated he thought this language cleaned up some things and brought them up to where they needed to be and they were already practicing this, but they just needed to make sure they were stating it in the way that the EPA and IDEM wanted it in terms of an ordinance, so he asked for the Council’s favorable vote on the matter.

Chris Jamrose, Director of the Engineering Department for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2024-21**. Mrs. Jamrose stated this was specifically the Illicit Discharge Division of the Sewer Use Ordinance and to give them a quick history, this was IDEM’s Office of Water Quality and this was an administrative master general NPDES permit for discharges into the surfaces of the water of the state from municipal separate storm sewer systems. Mrs. Jamrose stated they all knew that as MS-4, and they replaced the former general permit by rule through the Indiana Code with this administrative master general NPDES permit. Mrs. Jamrose stated the general permits were issued in five-year increments commencing on December 18th of 2021. Mrs. Jamrose stated this was the same date that the Indiana Code was repealed, and it became effective. Mrs. Jamrose stated the bottom line was that they were trying to get in compliance with what was already in place and there was no real change to the general residential public. Mrs. Jamrose stated they had what they were doing currently and all they were trying to do that evening was get everything in line. Mrs. Jamrose asked the Council for their consideration for the necessary updates to stay in compliance and they had until September 27th of 2024 to get in compliance. Mrs. Jamrose thanked the Council.

Mr. Hixenbaugh stated he saw that there was a reference to a prohibition against illegal connections which would make some sense that they did not just want people willy nilly making their own connections and not have a feel for what was flowing into their sewers. Mr. Hixenbaugh asked how frequently that happened, if at all. Mrs. Jamrose stated today, not often and there were historical things that happened back in the 60s, 70s, and maybe as late as the 80s.

Mrs. Jamrose stated people made connections inadvertently to the storm system with sanitary and as they found them, they definitely got them corrected and they found one in 4th Street about 7 years ago but as soon as they found them, they made sure they were disconnected and connected in the proper place.

Question was called for at 6:10PM for **PROPOSED ORDINANCE NO. 2024-21 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5901.**

PROPOSED ORDINANCE NO. 2024-22

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, AMENDING THE MUNICIPAL CODE BY UPDATING SEWER SERVICES TO COMPLY WITH EPA REGULATIONS

Ms. Hahn reported the Committee of Public Health & Safety recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Matt Lentsch, Executive Director of Development and Governmental Affairs for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2024-22**. Mr. Lentsch stated they were bringing this before the Council, because it was banded that their code was in compliance with EPA regulations but more than that, it was ensuring the health, safety, and welfare of their community and it was paramount and necessary to apply and live up to stringent standards for managing erosion, controlling storm water, and pollution post-construction. Mr. Lentsch stated this brought them in compliance in terms of their code, but it was already what they lived up to.

Chris Jamrose, Director of the Engineering Department for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2024-22**. Mrs. Jamrose stated this was in conjunction with the previous administrative general NPDES permit they considered earlier, and she thanked them for that. Mrs. Jamrose stated IDEM also issued revisions to the final general permit for construction of stormwater discharge under separate public notice. Mrs. Jamrose stated this was the erosion control for all construction sites and this had been in play since Rule 5 in 2000. Mrs. Jamrose stated they had been changing and refining and adjusting the language of the rule and this was merely putting them in compliance with their vision and it did not impact the general residential citizen. Mrs. Jamrose stated this had a deadline of September 27th of 2024 and appreciated the Council's consideration.

Question was called for at 6:14PM for **PROPOSED ORDINANCE NO. 2024-22 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5902.**

UNFINISHED BUSINESS

Reconsider RESOLUTION R2024-15 - A Use Variance to allow two permanent storage containers at 940 E. 12th St. to add conditions.

Mr. Hixenbaugh stated in order to enhance the enforceability of the conditions that were committed to by the appellant at their prior public hearing, the chair entertained a motion to approve **RESOLUTION R2024-15AA** pursuant to the hard copy of the resolution that had been distributed to the Council. Mr. Banicki moved the motion and with a second from Mrs. Voelker, a voice vote was held on the motion. The motion passed unanimously, and the amendment was made.

ADJOURNMENT 6:16PM

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

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

These minutes are a summary of actions taken at the Mishawaka Common Council meeting. The full video archive of the meeting is available for viewing at www.youtube.com/@cityofmishawaka635 for as long as this media is supported.