

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 9, 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 September 9, 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 19, 2024, were approved as received from the Clerk's Office.

Clerk Block read the following appeal and petition by title.

Appeal No. 2024-40	Use Variance to allow for a Food Truck and Developmental Variance for reduction in High Privacy Fence from 7 ft. to 6 ft. – 426 E. Mishawaka Ave.
Petition No. 2024-09	Rezone from C-1 General Commercial to R-3 Multi-Family Residential for a 4-unit Apartment Building – 3728 Lincolnway East

SWEARING-IN OF THE MAYOR'S YOUTH COUNCIL

Mayor Wood stated this marked their 14th Youth Council under his terms and they were crossing over the 200 number threshold for students who had gone through their program. Mayor Wood stated it was, he believed, his most important initiative for the future of Mishawaka and that was the development of their future leaders. Mayor Wood stated the kids came to them from three different high schools in Mishawaka, Mishawaka High School, Penn High School, and Marian High School and they were almost evenly divided up between the three. Mayor Wood stated they had 34 students that year in the program from all walks of life and interests and they had a lot of talent with these kids. Mayor Wood stated they would be reading about them and seeing them perform some amazing things now and into the future. Mayor Wood stated the program was a two-year program and it started off between Sophomore, Junior, and Senior year of high school

and most of the time, their kids came back for their second year and that had been the case for the current year. Mayor Wood stated in that time, they would educate them about local government, the level of government that was least known about but provided the services that were fundamental to their community and were vital that in most cases, they could not live without. Mayor Wood stated they would give them a deep dive into local government, starting with the swearing-in that evening, but also, they would take them through multiple departments as well and they already had those scheduled out for the year. Mayor Wood stated the students were going to get the opportunity to go to the Fire Department, the Police Department, climb electric poles, and do some exciting things. Mayor Wood stated they would also have some unique opportunities that year, as they would be opening a new fire station so the kids would have the opportunity to tour the new fire station, the survive alive house, and some of those things before the public got to see them. Mayor Wood stated the students would get a little crash course in Mishawaka history and they would be touring an environmental wasteland, specifically the former Dodge site. Mayor Wood stated before they would demo it after acquiring it, they would be taking the kids through to show them what work in Mishawaka used to be like and where his dad and many other relatives worked in Mishawaka, and it would be a great experience for them. Mayor Wood stated they would also be participating in some community service as they did a major project every year. Mayor Wood stated they were still in the initial planning stages of that for that year. Mayor Wood stated this was project year and they planned on doing a significant project and they already had an executive committee made up of second year students that had already been engaged through the summer and in planning for their major project and they had already sent their application downstate. Mayor Wood stated they were going to be seeking some funding, raising those funds, and coming up with a project that they thought would be very cool and would be all over the city and it would be an art project. Mayor Wood stated they would take every opportunity to get out and experience Mishawaka. Mayor Wood stated that year, they would be going to a Mishawaka manufacturer, and they would also have some opportunities to even go downstate and meet with other youth councils. Mayor Wood stated they were continually developing this program, and it continued to be among model programs anywhere in the state of Indiana considered the best practice and one that when new mayors and local governments wanted to start, they called Mishawaka first. Mayor Wood stated the program could not happen without the help of a lot of people who essentially ran it and that included predominantly his wife, Jamie. Mayor Wood stated this program was her passion and she loved it. Mayor Wood stated this would mark the 14th year of the program and the first year that he would not have one of his own kids in the program. Mayor Wood stated that his assistants Krista and Debby helped an awful lot and that year, they had an intern from the University of Notre Dame she came from Colorado. Mayor Wood stated she was a sophomore at the University of Notre Dame, her name was Maddie Cunningham, and she would be very instrumental in the success of the program for that year, and they were looking forward to having her. Mayor Wood stated they tried to run this as a government body and the kids would take the same oaths that the Council and Mayor Wood himself did and they would swear on the same family Bible that all their public servants did. Mayor Wood stated this was about developing future leaders and the kids would have a very hands-on experience in doing that. Mayor Wood stated this would be paid for out of their civil city budget, but it was not paid for by their

taxpayers as it came from gifted funds. Mayor Wood thanked the parents, because they knew the kids could not provide this level of commitment without the support of their parents so he promised they would take care of them, feed them well, get them home to them in a timely manner, and maybe make them a little uncomfortable from time to time like asking them to speak or give input but he guaranteed them that the kids would come out of the program a different person. Mayor Wood stated they had seen that, because he had two people who had left the program but had decided to stay and volunteer their time to help their students. Mayor Wood stated Parker Norris was the Mayor's Youth Council mentor and he was a former youth council president and Mishawaka High School grad and last year's president who had completed the program and volunteered to be Mayor Wood's liaison between the prior year's class and the upcoming class, Nish Proshun. Mayor Wood stated all the kids had many, many more things they could be doing but the fact that they were there that evening and committing at the very least one night a month for the City of Mishawaka and for the citizens said an awful lot about them. Mayor Wood thanked the parents again for making that commitment.

The following students were sworn in for the Mayor's Youth Advisory Council for the 2024-2025 term year.

**Emily Archambeault, Domenic Buysse, Ty Caruso, Lydia Choi, Sophia Garatoni,
Grace Henry, Prescott Horvath, John Loesch, Brianna Marable,
Hugh Michel, Sheridan Pellico, Nicholas Quiett, Ellie Adams,
Margaret Coppens-Clark, Ethan Cunningham-Gloster, Mckinzie Finn, Kate Gradeless,
Leah Gradeless, Ellis Kaplan, Millie Mammolenti, Josephine Phillips, Orianna Pierce,
Blake Vandenburg, Anna Yoder, Londyn Duval, Angie Lin, Ishita Masetty,
Landen Neighbour, Tobias Prince, Arianna Rice, Andrew Rimelspach, Lydia Shely,
Caitlyn "CJ" Vantine, Eliza Wright,**

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

PROPOSED ORDINANCE NO. 2024-23

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND
REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2024**

**Transfer of Funds: CREDIT FUND: From: Capital Outlays 2209-50-445-02 – Highway
Equipment (\$100,000.00) To: Other Services and Charges 2209-50-436-01 – Equipment
Repair (\$100,000.00)
(Assigned to Budget & Finance Committee)**

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 FIR ROAD AND
BEACON PARKWAY**

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

Jordan Teichen, Continental Properties, spoke in favor of **RESOLUTION R2024-17**. Mr. Teichen stated they had appeared before the board a handful of times throughout the approval process for their Springs at Mishawaka community on the NE corner of Fir Road and Beacon Parkway. Mr. Teichen stated the reason he was presenting that evening was they were seeking a use variance for a leasing or sales trailer. Mr. Teichen stated typically, Continental preferred to stage a leasing trailer on site prior to the completion of their clubhouse and internal to their clubhouse was a leasing office. Mr. Teichen stated their current construction schedule projected the clubhouse building and leasing office turning in about the middle of May on May 15th. Mr. Teichen stated typically, once the parking lot for the clubhouse and entry drive was completed and constructed, they staged an approximately 12 by 48 foot trailer on the site and he believed there were images of the trailer in the staff report that evening where tentative residents could come and meet with their staff and get an idea if they would like to live in the community and ultimately sign a lease. Mr. Teichen stated he was happy to answer any questions and looked forward to becoming part of the community.

Mr. Emmons asked how long the temporary sales trailer would be stationed out there on the property. Mr. Teichen stated typically about 3 months, and he imagined they would wreck the trailer around the middle of February, so they would have it out there approximately from the middle of February to the middle of May.

Mr. Hixenbaugh stated they appreciated his presentation.

Question was called for at 6:30PM for **RESOLUTION R2024-17 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 resolution passed 9-0.

RESOLUTION R2024-18

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S
PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY
APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH
APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN
COMMISSION APPROVING A CERTAIN DECLARATORY
RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE
NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION
OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE
NORTHWEST IMPROVEMENT PROJECT INTO ONE
CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN
AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY
THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION
Adding miscellaneous property to the City Acquisition List**

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **RESOLUTION R2024-18**. Mr. Prince stated when they consolidated the TIF district in 2014, they identified that many of the corridors in the city as within the consolidated TIF area and by law, when you went to expand the road, you had to add property to the acquisition list. Mr. Prince stated when you brought property for redevelopment associated with the TIF district, you needed to add it to the acquisition list rather than estimate the hundreds of properties at that time that would be required. Mr. Prince stated they made the decision to bring them to the Council individually, so even when the consolidated TIF was created in 2014, every time they did a rotary project or every time they did a project where they would be acquiring property including for blight, they would bring that property before them to add it to the acquisition list and that was what they were doing that evening. Mr. Prince stated at the northwest corner of Fir and McKinley, they were contacted by a realtor approximately a month ago regarding their interest in acquiring that property and the property was a former break shop and was currently vacant and it needed a little love. Mr. Prince stated when they evaluated the property, they identified not only the blight removal but also their long-term plan was to extend a multi-use path on Fir Road basically north and south to connect to the riverwalk and they thought to the north that this was the logical multi-use path connection going to the north part of the city as Fir Road was expanded. Mr. Prince stated when they partnered with Habitat for the Fields Project, that multi-use project was already in place from Jefferson going north to right immediately south of Cove Place and by saying multi-use path, he meant an eight-foot-wide sidewalk as eight foot was the minimum dimension needed to accommodate both pedestrians and bicycles. Mr. Prince stated if you looked at the northwest corner there, there was very limited room to add a walk in the future and they also had plans to widen McKinley to five lanes over time and that project would probably be more than 10 years out at that point in time based on funding. Mr. Prince stated it was already part of the

transportation plan, but the reality was that they only had so much federal funding available, and they had designated that corner for that funding. Mr. Prince stated when the realtor brought the project to them, they had a previous sale pending and it was determined the current owner had a medical emergency and was incapacitated, his son took over the property, they needed to sell the property to fund the expenses and the previous buyer was lined up and found out that there was not water and sewer currently extended to the property as it was currently on septic and well and based on that, the property was not closed. Mr. Prince stated the seller reached out to the city and asked if they had interest and based on that proximity, the small size of the property, pending projects and cleaning up blight, were some of the reasons they were asking to get it added to the acquisition list at that point. Mr. Prince stated he was happy to answer any questions.

Mr. Banicki asked if this was a former gas station. Mr. Prince stated it was a former gas station and it was a break shop after that, but there were tanks in the ground, and they did have environmental consultant Heartland who was working on the Dodge property who had evaluated the property, and they believed it was eligible for some gas station cleanup funding but that had yet to be determined. Mr. Banicki asked if the city would then be on the hook for the cleanup cost on that. Mr. Prince stated yes, and the consultant believed that it would be eligible for the specialized cleanup funds but ultimately if those funds were not provided to them, they would be the entity that would be responsible for cleaning it up and they did that on every project. Mr. Prince stated based on phase one that would be completed on the property before their purchase, it did provide a level of immunity but in the past, they had been the ones to clean up the property. Mr. Prince stated if this were a standard where they were just expanding the right of way, any cleanup that would occur would be increasingly difficult when there was an operating business on the property but in this case, it aided them having all the property so they could excavate and do the cleanup that was necessary. Mr. Prince stated they believed owning the property was a better way of handling it long-term.

Mr. Carroll asked with the path if he was talking about the west side of the road going up. Mr. Prince stated they had not studied it beyond, but he knew the current path was on the west side and it would be logical to extend it on the west side.

Mrs. Hazen asked about the building on the property and if there was a timeline for looking to demolish it or if they planned on just leaving the building as was. Mr. Prince stated no, and typically when they acquired properties, they did not like to leave the building standing, because of the liability. Mr. Prince stated they would do the necessary series of environmental requirements for completing phase one and then they would apply for the funding for the environmental mitigation for the property and then pending that, he estimated that the removal would occur in the spring of the following year.

Question was called for at 6:40PM for **RESOLUTION R2024-18 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 resolution passed 9-0.

NEW BUSINESS

Ms. Hahn announced the quarterly meeting of the West End Neighborhood Watch Group would be tomorrow, September 10th at 7PM at St. Bavo's Community Center and they would have Heidi Peebles with CAPS who are citizens who help keep the parks safe. Ms. Hahn stated she was going to speak, and Officer Bruce Faltynski would be there as usual. Ms. Hahn stated all of the public was welcome.

Mrs. Voelker stated DORA was officially going on and it would be in effect at 4PM on Wednesday, September 11th right outside of The Mill and it had been a long time coming. Mrs. Voelker stated she would be there and hoped others could come out, have a celebratory beverage, and experience DORA.

Mr. Hixenbaugh thanked Mr. Lentsch for the work he had done to get them to that point.

Mr. Mammolenti made a reminder that they were picking up their Twin Branch Neighborhood Watch Meeting after the summer hiatus and their first one back would be September 18th at Fire Station #4 off Harrison by Hums at 7PM. Mr. Mammolenti stated their guest speaker would be some folks from the Troyer Group who were part of the design team. Mr. Mammolenti stated all were welcome. Mr. Hixenbaugh congratulated Mr. Mammolenti's daughter joining the Mayor's Youth Council, and it was a wonderful honor.

ADJOURNMENT 6:42PM

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.