REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

January 13, 2025

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 January 13, 2025, at 6:00PM. The meeting was called to order by City Clerk Debbie Ladyga-Block. 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.

Chief Deputy Clerk Raven Boston called the roll.

Present: Mrs. Hazen (P), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (E), 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

Clerk Block opened the floor for nominations for President of the Council for the year 2025. Mr. Emmons stated it was his honor and privilege to nominate Honorable Gregg Hixenbaugh as Council President. Mr. Mammolenti seconded the nomination. Clerk Block made a motion to close nominations which was moved by Mr. Emmons and seconded by Mr. Mammolenti. A voice vote was held and the motion passed unanimously. Clerk Boston called the role on the Council nomination of Mr. Hixenbaugh for Council President for 2025.

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 nomination passed 9-0, and Mr. Hixenbaugh became Council President for 2025.

Mr. Hixenbaugh thanked Clerk Block and his colleagues and stated he looked forward to working with all of them as well as the Administration in the coming year.

The chair entertained nominations for the position of Vice President of the Council for the calendar year 2025. Mr. Mammolenti nominated Ron Banicki as Vice President and Mr. Violi seconded the nomination. The chair entertained a motion to close nominations, Mr. Violi moved the motion, and Mr. Mammolenti seconded the motion. The chair entertained a motion to approve Mr. Banicki as Council Vice President for 2025. Mr. Violi moved the motion and with a second from Mr. Mammolenti, Clerk Block polled the Council on the nomination of Mr. Banicki for Council Vice President for 2025.

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 nomination passed 9-0, and Mr. Banicki became Council Vice President for 2025.

Minutes for the Regular Meeting on December 16, 2024, were approved as received from the Clerk's Office.

Clerk Block read the following appeal and petition by title.

Appeal No. 2024-55	Use Variance to allow E-Commerce Store with no Retail Sales in R-1 Single Family Residential – 611 S. Main St.
Petition No. 2024-13	Rezone from C-1 Commercial to R-1 Single Family – 611 S. Main St.

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

<u>PROPOSED ORDINANCE NO. 2025-01</u>

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MISHAWAKA AND THE MISHAWAKA FIREFIGHTERS ASSOCIATION LOCAL NO. 360 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFL – CIO (01-01-2025 thru 12-31-2026)
(Assigned to Public Health & Safety Committee)

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

<u>PROPOSED ORDINANCE NO. 2024-34</u>

AN ORDINANCE AMENDING CHAPTER 121 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, COMMONLY KNOWN AS "THE FLOOD CONTROL ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA.
Amending the Flood Control Ordinance

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

Clerk Block polled the Council on the Committee Report.

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 Committee Report passed 9-0.

Derek Spier, City Planner, spoke in favor of **PROPOSED ORDINANCE NO. 2024-34**. Mr. Spier stated their department was requesting the approval of the adoption of the new

Flood Damage Prevention Ordinance. Mr. Spier stated the city participated in FEMA's national flood insurance program and the program enabled property owners to purchase federally backed insurance as protection against flood losses and to remain active in the program, the Indiana Department of Natural Resources contacted them and said that their local ordinance had to be updated to stay compliant with the federal and state regulations. Mr. Spier stated the Division of Water prepared a model ordinance that was compliant with regulations and that ordinance was used effectively by all participating communities across the state. Mr. Spier stated the draft ordinance had been approved by the DNR and it must be approved by the Council no later than January 27th. Mr. Spier stated they went through the same process back in 2010 and 2015, which was the effective date of the current ordinance. Mr. Spier stated he was happy to answer any questions.

Mrs. Voelker asked if there was anything substantive between the old ordinance and the current ordinance. Mr. Spier stated there was nothing substantial and it did not change any of the maps, but it provided additional clarification that came down from the federal registrar with some of their guidelines. Mr. Spier stated one of the major things was that if there was any construction in a floodway, there were some preliminary requirements that they were required to follow, but other than that they were both very similar. Mrs. Voelker asked what an example would be within their floodplain of construction and asked if a lot of their floodplains were in parks. Mr. Spier stated that was correct and with their floodplains, a lot of that had to do with the flood fringe and a lot of the flood fringe requirements were the same, so the additional requirement he was talking about was if they were actually constructed in a floodway which usually was confined to the channel itself.

Mr. Carroll asked if the ordinance change did not make anything more restrictive than what was required and made it harder for someone to rebuild if anything were to happen. Mr. Spier stated it did not.

Mr. Hixenbaugh asked how frequently he and his department dealt with these types of issues. Mr. Spier stated very rarely and a lot of times, but they did have some new construction out at the Edison Lakes area that was on the flood fringe so they would have to come back to that and require an elevation certificate for that. Mr. Spier stated they had very little issue, if any, with the floodway itself. Mr. Spier stated the issues typically had to do with the flood fringe and they only had one instance in the past year where someone was excavating on the floodway, and they informed them about the violation.

Question was called for at 6:11PM for **PROPOSED ORDINANCE NO. 2024-36 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. 5921**.

PROPOSED ORDINANCE NO. 2024-44

AN ORDINANCE APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MISHAWAKA AND MISHAWAKA FRATERNAL ORDER OF POLICE LODGE 91
Collective Bargaining Agreement between the City and Mishawaka Police Lodge 91 – 01-01-2025 thru 12-31-2025

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

Clerk Block polled the Council on the Committee Report.

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 Committee Report passed 9-0.

Chief Alex Arendt, Chief of the Mishawaka Police Department, spoke in favor of **PROPOSED ORDINANCE NO. 2024-44**. Chief Arendt thanked the Council, the committees, and the Fraternal Order of Police for their hard work that was put into putting the agreement together. Chief Arendt stated the main purpose of the collective bargaining agreement was to consolidate the 2023-2024 collective bargaining agreement with a memorandum of understanding referencing the 12-hour scheduled shift that the police department went to in 2024. Chief Arendt stated this was cleaning up some language related to the hourly schedule as opposed to days and so forth. Chief Arendt stated another substantial portion of it was to make a provision for the callout of SWAT members and giving shift strength to the police department and all parties agreed on how that language was put together.

Mr. Hixenbaugh thanked Chief Arendt and Chief Nowacki for the work they did in addition to their friends from the FOP and the Council. Mr. Hixenbaugh stated it was a very collaborative process, and it was a much simpler bargain than some of the ones they had in the past. Mr. Hixenbaugh stated they appreciated his leadership and looked forward to continuing to work with him and the Administration as they moved into their next round of negotiations later on in 2025.

Question was called for at 6:15PM for **PROPOSED ORDINANCE NO. 2024-44 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. 5922**.

PROPOSED ORDINANCE NO. 2024-45

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CLASSIFICATION THEREFORE
Annexation of 7.72 Acres and Rezoning to S-2 Planned Unit Development for Apartment Complex – Douglas Rd.
PUBLIC HEARING – NO VOTE

Brian Pozen, representing Kittle Property Group at 310 E 96th Street Indianapolis, IN 46240, spoke in favor of **PROPOSED ORDINANCE NO. 2024-45**. Mr. Pozen stated they were a vertically integrated construction and management company focused on an affordable workforce and multi-rate and multi-family housing opportunities with a portfolio of 140 properties in 16 states. Mr. Pozen stated they were proposing to annex and rezone the property into 234 senior affordable independent living apartment homes to be called Stoneleaf Reserve. Mr. Pozen stated Stoneleaf Reserve would be approximately a $48 million development consisted of 144 one-bedroom units, 90 two-bedroom units, and amenities such as a garden area, a dog park, an outdoor entertainment area, garages, transportation, and numerous interior community spaces for the residents. Mr. Pozen stated they applied for funding and expected approval in the coming months and then anticipated construction commencement in January of 2026 and it would be completed in November of 2027. Mr. Pozen thanked the Council for the opportunity and stated he would answer any questions they had.

Ms. Hahn stated he mentioned these would be senior living homes and asked if that meant they would be for aged 55 and over seniors or aged 65 and over seniors. Mr. Pozen stated they would be for seniors aged 55 and over.

Mr. Mammolenti asked approximately how many other locations they had. Mr. Pozen stated they had 140 properties in 16 states with 7,000 units in Indiana, 1,600 of those units being senior, and this was their first development in the county, but they were also in Hammond, Laporte, Michigan City, and Ligonier. Mr. Mammolenti asked if they were all senior living. Mr. Pozen stated no and they did market rate and affordable housing ranging between family and senior. Mr. Mammolenti asked if he could guess percentage wise for his portfolio, how many of those were senior living. Mr. Pozen stated about 40% and it was growing.

Mrs. Voelker asked what they did different with senior apartments as opposed to their family apartments. Mr. Pozen stated they did not do three and four bedroom units for senior and they also created a little bit more of an independent aging in place, so the spaces were more consigned and they had opportunities if there were disabilities to address, but the units were designed more to accommodate folks who had various mobility challenges and having that space to get around the apartment easier than with a traditional family unit. Mr. Pozen stated things like higher raised toilet heights, front controls, and things like that. Mrs. Voelker stated she saw all kinds of different senior developments going in and asked if this was being subsidized by grants or programs through the federal government. Mr. Pozen stated it was being financed through the low-income housing tax credit, and it was an allocation of tax-exempt bonds that they applied through the state that provided credits that they would then turn around and sell to investors to raise the upfront equity and it was not necessarily geared toward senior. Mr. Pozen stated it was a commentative process of amenities and things you had to score with, and this was a site that lent itself to more senior sites. Mrs. Voelker asked if that meant that this site would be geared toward low-income seniors. Mr. Pozen stated that was right and depending on your understanding of the terminology, affordable could mean as low as 30% of AMI to 60% and all of their units would be 60% which could be called the middle on the income scale, so it was affordable, but it was also in the mid-range of income levels. Mrs. Voelker asked if he was looking at his competition in the area, was there a senior apartment complex in the area that would be for higher-level income and lower-level income, just to give her an idea of what he meant. Mr. Pozen stated the property further up Fir Road across the highway there would be at the higher end and lower end, he did not think there was a lot of competition or a lot of other places and that was partly what drew them to the site. Mrs. Voelker asked if there was a bus stop close to there and what the facility would be serviced by. Mr. Rosen stated there would be a couple different things they would do, but there was a bus stop across the street through Transpo and they would be providing a community vehicle for transportation options as well and they would also be looking into the local community to get service providers to assist with any kind of needs of the seniors. Mr. Pozen stated they would also be providing services to their management. Mrs. Voelker asked if this was not a property they would sell and if they would be managing the property. Mr. Pozen stated they would be owning, developing, constructing, and managing the property. Mrs. Voelker asked how many people would be working there on site. Mr. Pozen stated it would probably be three people, the main site manager, the assistant manager, and another maintenance worker. Mr. Pozen stated depending on the need, they might have a second maintenance tech so at the least there would be three workers.

Mr. Carroll asked if he was able to share what they were targeting as far as rents were concerned for those places for their seniors. Mr. Pozen stated the rents would be approximately $875 for the one-bed and $1,060 for the two-bed.

Mr. Emmons asked for clarification what the name of the development would be. Mr. Pozen stated Stoneleaf Reserve.

Mr. Hixenbaugh stated in the staff report notes and in some of the exchange of documents between himself and their staff, there was a reference to the fact that this property was not located within their municipal electric department service area. Mr. Hixenbaugh stated he read the dialogue between himself and their staff which indicated that his organization would prefer to be in their service area and asked if that was accurate. Mr. Pozen stated that was correct. Mr. Hixenbaugh asked what would be advantageous to him and his organization as a developer to be within Mishawaka Utilities and being serviced by them as opposed to AUP. Mr. Pozen stated the short answer was it had better rates which affected the utility allowance for the rents which allowed them to keep the rents more affordable than otherwise. Mr. Pozen stated with AUP, they would have to adjust the utility allowance which then would increase the rent they would be asking for. Mr. Hixenbaugh asked if that cost along with the other costs that went into their development costs had a direct impact on what tenants would be paying. Mr. Pozen stated that was correct. Mr. Hixenbaugh stated he appreciated that answer and in recent years, it had become more and more of a concern for all of the Council, as well as the Administration that they did not have the ability to be able to grow their electrical municipal boundaries consistent with the growth of their municipality. Mr. Hixenbaugh stated his hope was that the Indiana General Assembly would take a look at this issue once again and provide them with some legislative relief and certainly it sounded like it would not only be in his company's best interest but in the best interests of those who respectively would live in his development if that were to take place. Mr. Hixenbaugh appreciated his comments and hoped his organization would look for opportunities to advocate along with them for that type of change to take place as early as this session of the General Assembly. Mr. Pozen stated that was absolutely correct and they were anxious to go.

The public hearing was closed at 6:27PM for **PROPOSED ORDINANCE 2024-45**. Mr. Hixenbaugh stated consistent with requirements of Indiana Law, they would consider the matter and cast their vote at the next regularly scheduled council meeting.

PRIVILEGE OF THE FLOOR

Mayor Wood spoke under **PRIVILEGE OF THE FLOOR**. Mayor Wood stated he wanted to talk about the recent new partnership with Waste Management on their new trash and recycling service. Mayor Wood stated as they knew, they had been over the last ten months or so working with their vendors to rebid and put together the packages and working with the Council to get all of the contracts passed and in place. Mayor Wood stated they said from the start it was going to be painful, and it was, and they knew that it would not be easy. Mayor Wood stated towards the end of the year, they had the deal of dropping off 30,000 bins and picking up 30,000 bins and they flooded the zone with any kind of communication they could to reach as many people as possible and there was still some misinformation out there, so they had several sites set up to handle that as well as Waste Management having a call center as well as the city talking on hundreds of calls in multiple departments. Mayor Wood stated Matt Lentsch in particular had done an outstanding job of shepherding the calls through as best as possible and he had lived in trash for probably the past two months, and he knew he was working diligently and tirelessly on it. Mayor Wood stated the transition had occurred and Waste Management was learning the routes, and they were making progress. Mayor Wood stated Matt Lentsch would be speaking before them that evening as well giving an update of where they were and more detailed and Waste Management was present that evening as well. Mayor Wood stated in the meantime, he had authorized that Waste Management work with their Central Services department to do a no trash left behind operation where they would be going out and picking up any blue bins, whether they had trash in them or whether they were empty. Mayor Wood stated they would be bringing them back to the Dodge complex where they had a dumpster set up and they would be emptying the trash there and they were accumulating the blue bins that had been left behind. Mayor Wood stated they set it up with basically the same routes they did for leaf pickup and that day, as of

1PM they had picked up about 50 bins and they would be keeping that up all week long and thought they would get through the city very quickly and they would go back as people were taking out their trash and maybe some other blue bins would show up and they would be grabbing those too. Mayor Wood stated there were some blue bins they noticed were up against people's homes and even if they were empty, they would not be going to get those and as long as they were not a city issue with Code Enforcement, they would not be entering private property and picking up bins. Mayor Wood stated that was up to the owner of the bin to do that and work with the residents, so they should call the contractor they belonged to. Mayor Wood stated if you saw something out on the road, to let them know and they would add it to their list and pick it up. Mayor Wood stated they always strived to provide the highest level of service with any kind of service they provided and felt confident they would get there, as they were already on it. Mayor Wood stated as he reminded their staff as they were working through issues like this, he still would not trade their city's problems for any city's problems. Mayor Wood invited Mr. Lentsch up.

Matt Lentsch, Executive Director of Development and Governmental Affairs, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Lentsch began by thanking the Council for their patience and understanding as well as their calls to him and all of the calls they had taken from constituents. Mr. Lentsch stated he had taken around 150 calls per day in the last few weeks, but he knew they were out on the frontlines as well and they had tried to arm them with all of the information and communication possible as they tried to flood the zone. Mr. Lentsch stated he thought that through the process Chris Jamrose, John Roggeman, and others did a great job with the bidding and they worked together through the contract process and worked with them all. Mr. Lentsch stated he felt as good as he felt before when they were in the midst of putting together the contract that WM was an exceedingly good partner. Mr. Lentsch thanked the Council for all of the good work they were doing and as they called him, he would be taking care of the issues on the spot and making sure their friends at WM were notified. Mr. Lentsch stated it was also with working with Republic as they finished up and being as polite as he could with them and asking for their assistance in cleaning up the community. Mr. Lentsch stated as the mayor mentioned, no trash left behind was going on and they would run that as long as they needed to in order to make sure that no blue bins existed when they were done. Mr. Lentsch stated he was very confident with their partners that they were doing the right things to come up to speed and serve their residents well and that went across all phases of their utilities. Mr. Lentsch stated Mishawaka Utilities was a $90 million business and with that they took it seriously and the service to their constituents was first and foremost. Mr. Lentsch stated their service was second to none, from his perspective. Mr. Lentsch introduced their Senior Account Executive from Waste Management, David Wainscott, who they worked with through the contract process. Prior to that, Mr. Lentsch asked if there were any questions for him.

Mr. Hixenbaugh stated they appreciate the work that Mr. Lentsch had done to try to help make the transition as smooth as possible and he meant that sincerely. Mr. Hixenbaugh stated he also appreciated the extra effort the mayor had made to martial their internal resources to try to address some issues that, admittedly, went back to their prior vendor rather than WM. Mr.

Hixenbaugh thanked them both for what they had done, but stated the reasons why they were interested in switching vendors was the internal workload that was being passed to their staff from their vendor with regard to issues that were within their control not the Council's or the Administration's and his big concern was that unfortunate pattern was continuing. Mr. Hixenbaugh stated they were new to the relationship, but his hope was that that would dissipate. Mr. Hixenbaugh stated again, he appreciated the work Mr. Lentsch was doing, but it did not make him happy to hear that he and their Central Services staff and others were having to take care of what was a combination of tasks that should be shouldered by two outside vendors. Mr. Hixenbaugh asked Mr. Lentsch to please continue to encourage WM to step up to their contractual obligations as he had. Mr. Lentsch thanked Mr. Hixenbaugh for his comments and stated he did not see this as his full-time job moving forward but it was at that current time and it had taken up a good majority of his time as well as with the Street Department and some of the Business office, but they had a good partner with WM and they were stepping up and they were seeing it. Mr. Lentsch stated attention to detail was not negotiable and the things they talked about with their partnership and what was laid out in the contract was not negotiable as well, so the customer service piece of it was being taken on and they would transition fully to WM as they moved forward.

David Wainscott, Senior Account Executive for Waste Management, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Wainscott thanked the Council for having them that evening and stated most importantly, he wanted to make sure they understood that they appreciated the partnership, and they were working through some items, but they had a great team, and he brought two representatives with him, Matt Lyszkiewicz, Operations Route Manager in South Bend and Travis Upp, District Operations Manager. Mr. Wainscott stated WM was and always would be working towards a sustainable tomorrow and he knew Mayor Wood had the no trash left behind initiative going and they were pretty much working in that same path. Mr. Wainscott stated they were committed to being reliable, efficient, and safe whether they were talking about trash or recycling or both for the City of Mishawaka. Mr. Wainscott stated they recognized there had been some main points, but they were committed to handling each and every one of the issues. Mr. Wainscott stated when they first were brought on, there was a proposed need of 13,000 carts for the residents and that ended up being a little closer to 15,000 so there had been a bit of an adjustment behind the scenes that created some of the issues, not all of them but part of it. Mr. Wainscott thanked Matt Lentsch as he had been a great partner and he had been available at all times and he had talked to Mr. Emmons and Mr. Violi as well after hours, so they were trying to be good partners as well. Mr. Wainscott stated overall, he wanted to speak to the extra calls and he thought he was lead to believe that the folks internally in their administration departments were trying to get away from the calls and they wanted the exact same thing. Mr. Wainscott stated what they found was people were staying on the line or on hold for way too long and he knew everyone on the Council was hearing that as well. Mr. Wainscott stated there were two options to help with that issue, with the first option being the callback feature. Mr. Wainscott stated any resident in the community would not lose their place in line and they would not have to sit there all day. Mr. Wainscott recommended using that callback feature and he knew Mr. Lentsch had already uploaded it to the Mishawaka website. Mr. Wainscott stated the other piece was that WM.com self-served and all residents should be able to access it through the link that was shared on the City of Mishawaka website to add their address and make the choice of what they were trying to accomplish. Mr. Wainscott stated those two pieces would reduce calls in a huge way. Mr. Wainscott stated they also knew they were getting missed pickup calls for the blue containers and knew those were in the process of being picked up. Mr. Wainscott stated he needed the residents to understand that they would be picking up the same day as their past vendor, but if the blue truck went by and used to come back a few minutes later, that may not be the case because they were going to run the routes as efficient as they could and that could change. Mr. Wainscott stated he did not want that to be seen as them changing the whole operation because they were not, but it could be different timing. Mr. Wainscott stated as far as spilt trash was concerned, they would make sure that was picked up as they did not want trash left behind. Mr. Wainscott stated safety was their number one priority and Matt and Travis made sure that was handled every single day, so each driver not only got the community cleaned up, but they got home every single night. Mr. Wainscott stated if anyone had questions specific to the document, he would be happy to go through it and wanted to make sure the Council understood the nuts and bolts of what they were doing behind the scenes.

Mr. Emmons stated he noticed in his district that the recycling was being picked up a lot earlier and quicker than the trash was and asked if that was normal and was the plan. Mr. Lyszkiewicz stated the way they set up the routes was so the trucks did not come down the same road at the same time or the same area at the same time to prevent any kind of spacing issues. Mr. Lyszkiewicz stated in Mr. Emmons' district, that was just how the trucks were routed to keep drivers away from each other to prevent a buildup, because the trucks were big, and they did not want them to get stuck and have them back out of somewhere for safety reasons. Mr. Emmons asked what time the routes started. Mr. Lyszkiewicz stated they did a crew out at 5AM and they did their pre-trip that took about roughly 20 to 25 minutes and then they left the site and took about 15 to 20 minutes to get out to the neighborhoods, which put them right around the 6AM mark to stay within the noise ordinance. Mr. Emmons asked if that was the normal process and schedule so he could notify the neighbors in his district. Mr. Lyszkiewicz stated it would be the norm and the routes they had set that day were the planned routes going forward. Mr. Lyszkiewicz stated there would be some tweaks and adjustments, but the efficiencies would be the same.

Mr. Mammolenti stated they had done a great job picking up at his home and his neighborhood and as they explained in several meetings, there were going to be some hiccups, but given the grand scheme and scope of things he thought the pervious vendor did an outstanding job of picking a majority of them up just like WM did with the deliveries as well. Mr. Mammolenti stated he heard that if the lid to the containers was open, they would not pick up the bin and asked if that was correct. Mr. Lyszkiewicz stated no, and they would be picking up the bins even if the lid was open and they would not bypass a can just because of that.

Mr. Violi stated he downloaded the WM app onto his phone, and it would not let him enter until he got an account number, but Mr. Mammolenti had his all set up and he tried to put the account number in that was on his utility bill but that was not it. Mr. Violi asked why he could not get the app on his phone. Mr. Wainscott asked Mr. Mammolenti if he used his name or address. Mr. Mammolenti stated he could not remember. Mr. Wainscott stated both options should work. Mr. Violi stated he did not have the account number and asked what he was doing wrong. Mr. Wainscott stated they could talk about it offline, and he would work him through that. Mr. Violi stated he had some elderly residents who lived by him questioning if the recycling or trash would come in the morning and the afternoon or if it was going to be what best worked for them. Mr. Lyszkiewicz stated it was what they were seeing at that time and there would be the same routes, but they would be doing what they could to become more efficient to gain time, so they may be arriving a little bit earlier. Mr. Lyszkiewicz stated they would not have an accurate time, but it would be close.

Mr. Emmons stated he appreciated their interest and dedication in making sure all of the trash and recycling was picked up. Mr. Emmons stated he had seen neighborhoods where people were using their recycling bin to put carpet in, and he knew that was not a recyclable. Mr. Emmons asked what they would do if they found that in the recycling. Mr. Winscott stated the residents needed to put the carpet in the trash and cut it up into smaller pieces so they could come pick it up. Mr. Emmons stated with the carpet, he saw it sticking up over the top of the bin. Mr. Winscott stated they wanted everything inside of the carts and they wanted to be able to close the lid. Mr. Emmons asked if they would pick it up as trash even if it was in the recycling. Mr. Wainscott stated they did not want to do that but when they did have something like that happen, it would get sorted. Mr. Lyszkiewicz stated it would not get sorted by them as they did not have a facility in Mishawaka or South Bend, but it got sorted when it got taken to the recycling facility where they took it. Mr. Lyszkiewicz stated if it was outside of the bin, the driver would do everything to get it into the other bin and they would consider that one of the two bulk items. Me. Lyszkiewicz stated communication was good between the drivers and himself and they would end up picking it up and taking it where it needed to go. Mr. Emmons stated they just needed to educate the citizens on what was recyclable and what was not.

Mrs. Voelker echoed Mr. Mammolenti and said she had no trouble with her trash and recycling, but a lot of people had issues particularly in the first week. Mrs. Voelker stated a lot of people, including her, had extra bins that they used for yard waste and whatnot. Mrs. Voelker asked if she had an extra bin, could she put it out on the curb with the other WM bins or was it not recommended to do that. Mr. Wainscott stated they really wanted green WM carts. Mr. Wainscott stated it really came down to safety. Mr. Lentsch stated they tried to let people through communication about that, but it came down to a safety issue with the arms and the way the truck was set up was made to pick up the WM carts with how they were designed. Mr. Lentsch stated anything else they tried to pick up could be dropped and could be a liability for WM and the City of Mishawaka. Mr. Lentsch stated they believed the size of the carts would allow their consumers to maximize what they put in the carts. Mr. Lentsch stated there was an option to leave a bag if needed, but they said unfortunately to not put other branded carts out by the curb. Mrs. Voelker asked if she had extra trash or anybody had extra trash, then they would have to put it in a black plastic bag and that would be her bulk item and asked if that was correct.

Mr. Wainscott stated it was cart content plus one bag and they also had the two bulky items, so there definitely were options and they would work through it.

Mr. Carroll asked with the bulk item if they had an extra bag, if WM would prefer that once the trash was gone through to put it back in the bin and leave the bag out. Mr. Wainscott stated if you were not going to save it for the following week, it would be best to have it out.

Mr. Hixenbaugh thanked them for being there and for the work they were doing, and he believed wholeheartedly that they were committed to fulfilling their contractual obligation and also providing the service to their citizens who had the right to expect it. Mr. Hixenbaugh stated like Mrs. Voelker and Mr. Mammolenti, he had been through his second cycle of WM pickups, and he had no problems. Mr. Hixenbaugh stated he was in the category of people along with Mr. Violi who could not get the app to work, and he had the same type of error message bounce back. Mr. Hixenbaugh stated he appreciated his offer to help Mr. Violi and maybe himself, but he was more worried about the thousands of people out there similarly situated who could not get access to them and could not get the app to work. Mr. Hixenbaugh stated his hope was that there would be a broader community wide solution they would be able to come with that could be communicated rather than doing it person by person. Mr. Wainscott stated he was spot on and thought about that after how he responded to Mr. Violi and what he would like to do was go back and see if he could get a template and he could get with Mr. Lentsch to have it published on the Mishawaka site and everyone would have the same capabilities. Mr. Hixenbaugh stated he would appreciate that and thought that would be a better fix to the issue. Mr. Hixenbaugh stated along the lines of information that could end up on their website and be communicated to the public, he appreciated the effort that went into putting the action plan together with regard to how they worked through the transition. Mr. Hixenbaugh asked if he would have any objection to it being posted on the city website as well so others could have access to the information, because he thought it would be important for people to understand what was going on and that their concerns would be addressed. Mr. Wainscott stated he wanted to confirm that and then he would get a message to him. Mrs. Voelker suggested they put the app information on the city website as well. Mr. Wainscott stated all of the basics of getting to the app and the phone numbers were already on the website, but they could add to it. Mr. Hixenbaugh stated he agreed with Mrs. Voelker, but not to let perfect be the enemy of good and he thought it was more important to communicate accurate information than torture themselves whether it was the perfect document. Mr. Hixenbaugh stated hopefully this would be helpful and thanked him for working with Mr. Lentsch to make that happen. Mr. Hixenbaugh stated with regard to WM missed pickups, the contract was very specific with regard to what their commitment was, which said as soon as possible but no later than the end of the next business day after the complaint was received. Mr. Hixenbaugh asked if they were in compliance with that commitment to the community at that point in time. Mr. Wainscott stated he believed they were, and he was under the impression, and they were hearing that everything was being solved within 24 hours. Mr. Hixenbaugh stated he appreciated that, and he had not heard anything tio the contrary, so he thought they were on the same page. Mr. Hixenbaugh stated he was looking at the implementation timeline portion of their document and he appreciated the concrete commitments they had made to take certain steps to activate the customer service enhancements and take some of the other short-term steps there, three months down the road felt too long so he asked them to revisit that but the first bullet point being zero to one month was reasonable. Mr. Hixenbaugh stated the other stuff felt lengthy to him, because he did not recall when representatives of WM stepped to the podium that they told them it would be three months before they got the benefit of the contractual commitments made to them, so anything that could be done to expedite that he thought was important. Mr. Wainscott stated Mr. Lentsch, Mr. Lyszkiewicz, and himself had a meeting on Friday and these were all in place. Mr. Hixenbaugh stated he appreciated that, but as much as they were able to control, if this could continue to be a priority for not only them but everyone else who had a role to play in WM to make this happen, they would all appreciate that. Mr. Wainscott stated he had put together all of their sections that came to this entirety and every Friday they scheduled a meeting for the short-term to make any adjustments, updates, or address any of the concerns at least once a week if not more. Mr. Wainscott stated he talked to Mr. Lentsch at least once a day and he did not see any issues. Mr. Wainscott stated they wanted to make sure they were communicating and make sure the community was getting exactly what they needed. Mr. Hixenbaugh stated he appreciated that. Mr. Hixenbaugh stated along the lines of communication and reporting back in the implementation timeline, it said they would make and share a report with the Common Council on the survey results they were going to do with a customer base within six months and he thought that was information that would be well received by them. Mr. Hixenbaugh stated there also was however the commitment they made in paragraph 15 of the contract, as suggested by Mr. Banicki, for them to cordially provide them with a summary report of complaints and accommodations and that made sense when they approved it, but with what they were discussing that evening his ask was that in addition to the weekly meetings with Mr. Lentsch, as they had Council meetings they were welcome to come provide them with updates, but if they could put that in writing and communicate to them the equivalent of what they would share with them with regard to how they were moving forward in the transition, that would be well received by them and if they had any questions, they could work with the Administration to ask them to visit the Council again so they could talk. Mr. Hixenbaugh stated his comments and questions aside, he remained optimistic that they made a good solid choice with WM. Mr. Hixenbaugh stated he was concerned and thought the community was concerned, along with the rest of the Council and Mayor Wood, the Administration, Matt Lentsch and everybody else who had a role to play in this and he got the sense Mr. Wainscott was concerned as well, so they should be able to fix it but he asked them to continue to make it a priority as they moved forward. Mr. Wainscott stated they were 100% committed to the community and the City of Mishawaka. Mr. Hixenbaugh thanked them for everything they were doing, and they looked forward to hearing more about how the process was being fine-tuned and efficiencies were being built in moving forward. Mr. Wainscott thanked them all.

Tammy Soloman, bus driver for the School City of Mishawaka, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Solomon stated she had been driving a bus for 25 years to different places around town and school districts and she was very upset with certain things in Mishawaka. Mrs. Soloman stated she lived at 127 Alford Street and had a corner lot and for the last year, she had four dogs two doors down from her and they were being poorly mistreated, abused, and not fed. Mrs. Soloman stated the owners left in August to go to a wedding in Atlanta and left the dogs unattended. Mrs. Soloman stated the dogs had continually gotten loose and there were domestic violence calls to the residence continually. Mrs. Solomon stated the woman who lived there had threatened her and she did everything she could. Mr. Hixenbaugh asked Mrs. Soloman to focus on what her concern was in as succinct a way as she could and for her to try to get to the heart of her concern. Mrs. Solomon stated it was not addressed until she went to the Mishawaka Forum and had been to the Mayor's Office to try to talk to Mayor Wood. Mrs. Soloman stated she had called the attorneys and the Chief of Police about the issue as well. Mrs. Soloman stated she had photos of one of the particular dogs with cables wrapped around it and that same dog got loose and went after a couple of individuals. Mrs. Soloman stated the dogs could have done major harm and the woman who lived in the residence had three of the dogs locked in a shed and they could not get out. Mrs. Soloman stated the woman had asked her to buy food for the dogs. Mrs. Soloman stated everyone in her neighborhood had called and complained but felt like it went nowhere. Mrs. Soloman stated Ken Witkowski had done a great job in helping her and he did everything he could, and they had good communication. Mrs. Soloman stated she was told by the Humane Society that two of the dogs had heartworms and one of them had a broken leg. Mrs. Soloman stated something had to be done and she felt there had been no answers. Mrs. Soloman stated her, and her neighbors did not know where to turn and that was why she went to the Mishawaka Forum to talk about it. Mrs. Soloman stated she was turned away from the Mayor's Office and could not get in contact with the police department. Mrs. Soloman stated a police officer said one of the dogs looked fine and there was nothing he could do at the time and passed it to another officer. Mrs. Soloman stated it had been one year, and the dogs had been removed, and she was told they were going to be put down that day. Mrs. Soloman stated she did not know where the communication was lapsed. Mr. Hixenbaugh appreciated the concern she had raised and could understand why she was there speaking with them that evening. Mr. Hixenbaugh stated he appreciated the emails she had sent to the Council on a couple of occasions as well and when they received the most recent email, he was in contact with Chief Arendt, Mr. Roggeman, and Ken Witkowski in Code Enforcement and it was his understanding that when she referred to the dogs no longer being in that home, that was a result of the Police Department and Assistant Chief Wiley obtaining a warrant to have the dogs taken out of the care of the individual in question and the dogs had been removed. Mr. Hixenbaugh stated he heard last evening and what she referenced to that there was another dog on site. Mrs. Soloman stated no and all dogs had been removed. Mr. Hixenbaugh stated he was glad to hear that and she was correct in saying they had some ordinances that dealt with animal control issues and they had an Animal Control Commission that Mr. Roggeman was involved with that dealt with some of these issues and this disturbing situation had generated conversation amongst councilmembers, Mr. Carroll in particular who had been involved in it, and as of last evening they discussed it and Mr. Carroll was going to reach out to Mr. Roggeman, Chief Arendt, and Mr. Witkowski and asked to partner with them at taking a look at their ordinances to see if there was something additional they needed to do to beef up their ability to enforce some reasonable expectations and to arm the gentleman with what they needed to address these types of situations. Mr. Hixenbaugh stated they agreed with her that this unfortunate situation should cause them to look at what they had in place as a community and try to arm the people who could address the situations with every legal mechanism that was possible so that they could, in the future if God forbid there was another occurrence they could act more quickly and address it. Mr. Hixenbaugh stated what happened in the past was beyond them to answer for, but they could commit to and work on and focus on was what they needed to do moving forward so there was not a repetition of some shortcoming, and he was not saying there was or there was not, but they needed to arm their Administration with the ordinance language they needed so they could do the job they wanted to on behalf of people like her in the community so these situations could be addressed in the best possible way. Mr. Hixenbaugh stated he could tell her without one bit of hesitation that the corporation counsel, their City Attorney, their Chief of Police, their Code Enforcement Director, and everybody else who worked for the City of Mishawaka, including her elected representatives, wanted these types of situations to be addressed appropriately. Mr. Hixenbaugh stated there was a legal component to it and had to make sure they were operating in conjunction with the law, but they also had to make sure that they were able to address the situations as quickly as possible. Mr. Hixenbaugh appreciated her bringing this to their attention and Mr. Carroll and others were going to be looking at this to address what needed to be addressed but he encouraged her to continue to reach out to Mr. Witkowski, Mr. Roggeman, and Chief Arendt as they were always available to help as they could and also to let councilmembers know what was going on and he was happy to help as well. Mr. Hixenbaugh stated they took the issue seriously and they were committed to working with the community moving forward to address it. Mr. Hixenbaugh thanked her for sharing with them what she shared and for being there that evening.

Mr. Carroll thanked Mrs. Soloman for bringing the subject to their attention and to let everybody know when they talked, his message aligned with what President Hixenbaugh talked about as how to the fix the situation going forward and that was part of their purview with ordinance language and he had some good conversations with the Humane Society with things that could help. Mr. Carroll stated three things they brought up were things like tether restrictions in the ordinance, inclement weather restrictions, and how to deal with repeat offenders and they referenced other communities in the area that had different language as well. Mr. Carroll stated to him, he saw that as the best path going forward and having conversations with the Administration but if there were shortcomings, they absolutely wanted to fix it. Mr. Carroll stated there were pet owners and people who owned animals, and they wanted to make sure that they were keeping good pet owners protected and empowered to take care of their animals but in a situation like this, it was important that they had a path going forward to how they could make sure the animals and the community were safe from that. Mr. Carroll stated as President Hixenbaugh said, that was what he was committed to and they wanted to make sure this moved forward.

NEW BUSINESS

Mr. Hixenbaugh stated the Council had been provided with a list of their Council committees and various appointments to boards and commissions for 2025 and the chair entertained a motion to approve appointments to council committees and appointments to various boards and commissions for 2025 pursuant to the list that was distributed by the Clerk's Office. Mr. Carroll moved the motion and Mrs. Voelker seconded the motion, thus Clerk Block polled the council on the motion.

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 motion passed 9-0.

Mr. Mammolenti made a brief reminder that that month's Twin Branch Neighborhood Watch meeting would take place on Wednesday January 15th at 7PM at Fire Station #4 on Harrison Road. Mr. Mammolenti stated this would be a follow up meeting regarding coyotes that had been seen and located in some of their residential areas and the speaker would be Jessica Merkling, who was an Urban Wildlife Biologist for the Indiana Department of Natural Resources and she would try to answer any questions asked for her and she would be able to provide information. Mr. Mammolenti stated all were welcome.

Mr. Emmons made an announcement that on Thursday January 16th, they had the 1st District community meeting at 7PM at St Bavos and their guest speaker would b Chief of Police for the Mishawaka Police Department Alex Arendt. Mr. Emmons stated all were welcome to come meet their Chief of Police as he was new, he had a lot of ideas, he would talk about his qualifications, talk about the realignment of the police department and would answer any questions they had. Mr. Emmons stated it should be a very interesting and informative meeting, all were welcome and as usual, there would be West End Doughnuts provided.

ADJOURNMENT 7:26PM

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