

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

March 10, 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 March 10, 2025, 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.

City Clerk Debbie Ladyga-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. Viola (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Also Present: Mike Trippel, Council Attorney

Minutes for the Regular Meeting on February 17, 2025, were approved as received from the Clerk's Office.

Clerk Block read the following petitions by title.

Petition No. 2025-01 Rezone from C-1 General Commercial to R-1 Single Family – 505 Carlton St.

Petition No. 2025-02 Rezone from R-2 Two Family Residential to I-1 Light Industrial – 400 Block of E. 10th St.

Mayor's Youth Council Presentation

Kate Gradeless, Senior at Mishawaka High School and member of the Executive Committee within the Mayor's Youth Council, Marget-Coppens Clark, Senior at Mishawaka High School and member of the Executive Committee within the Mayor's Youth Council, and Ty Caruso, Senior at Marian High School and Vice President of the Mayor's Youth Council all spoke before the Common Council. Ms. Gradeless stated the project they would be doing for the year was called Project Shoe City and they had a slideshow presentation for the Council explaining more about it. Ms. Gradeless began stating the Ball Band Plant in Mishawaka had been founded in 1838 and it was originally a wool mill. Ms. Gradeless stated it was a major Mishawaka employer and was demolished in the year 2000. Ms. Gradeless stated they employed 5,000 workers at its peak, which amounted to approximately 15% of the Mishawaka population. Ms. Gradeless stated

the ball band shoes were sold all across the country and Mishawaka was crucial in the research and development and the Red-Ball Jets as they were called, sold for 20 years. Ms. Gradeless stated the sneakers were very culturally significant as they were one of the first real sneakers and there were a lot of characteristics in the original shoes that could be seen in the shoes worn today. Ms. Gradeless stated there was still a company in Oregon that still made Red Ball Jets currently. Ms. Coppens-Clark stated in order to honor the Ball Band plan that year, their project was to install shoes across prospective locations all over the city and there would be 8 to 10 structures in highly populated and well-lit locations. Ms. Gradeless stated there would be sponsorships of shoes by local businesses and community organizations. Ms. Coppens-Clark stated they were working with Patronicity through a partnership with IHCD and their goal was to raise \$35,000 in funding with Patronicity matching 100% of the funds. Mr. Caruso stated they had a lot of success with Patronicity in the past as the Pocket Park was a Patronicity project, which was on the outdoors on the side of the City Hall building. Mr. Caruso stated they hoped to successfully complete the project "Project Shoe City" with the help from their mentors and hoped to make this project their next accomplishment through fundraising efforts and their partnership with Patronicity. Mr. Caruso described a display of the shoe itself and stated on the front of the statue, it would be made of fiberglass with a shell exterior, and they would have a custom shoe design, and they would be working with the sponsor on that. Mr. Caruso stated there would be accessibility and sensory features with the shoe so all people could access them and on the side of the shoe, there would be a QR Code displayed that could be used to read more about the history of the shoe.

Mrs. Voelker stated this was a great idea for Mishawaka and asked about the manufacturer of the shoe and how much it would cost to sponsor a shoe. Mr. Caruso stated on their website they had a list of donation sizes, and you could donate from \$5 up to \$5,000. Mrs. Voelker asked if she wanted to personally sponsor a shoe, what would be the sponsorship cost. Mrs. Wood stated they had a budget committee that was currently working on that, and it was \$5,000 for the cost of the shoe, but since they were working with Patronicity, the shoe itself would be \$2,500, because the matching funds would then make up the difference through Patronicity. Mrs. Voelker asked if they did not have the sponsorship levels. Mrs. Wood stated no, they were not selling shoes currently and publicly at that time and they were just trying to raise funds.

Mrs. Hazen asked how large the shoes were going to be. Mrs. Wood stated the shoes themselves were going to be at least 5 feet tall and they would be similar to the height of the bison as the Battell Center. Mrs. Hazen asked if the shoes were going to be lit or if they would be more like the bison and be painted. Mr. Caruso stated they would be painted, and they would be decorated by members of the Youth Council, so they would all look different.

Mr. Mammolenti thanked the Youth Council members for their presentation that evening and stated for himself and others on the Council and other citizens of Mishawaka, this project brought about emotional feelings for them to represent and honor Uniroyal. Mr. Mammolenti stated his grandfather migrated from Italy and ended up working in that factory as well, so it served a lot of great memories, and it would be great to see that displayed throughout the city.

Mr. Emmons asked about the ivy that was associated with the pocket park the Youth Council worked on last year and if that was still in progress and if it was still a possibility. Mrs. Wood stated currently, the ivy they had received from the Chicago Cubs was currently being grown in the greenhouse and they were lucky enough to get a couple of starts and they had a wonderful gardener Jake Crawford, who they all knew and she stated they had an enormous amount per se but they definitely had a good amount of it and it would be put in sometime in the Spring or later in the summertime. Mr. Emmons thanked the three students for their presentation, and he knew the project would be a success like all of the other ones had been ever since the Youth Council started and he appreciated all of the work the three of them and their fellow classmates had put into it.

Mr. Hixenbaugh thanked the Youth Council for their presentation and the work they were doing, and they looked forward to seeing their project come to fruition as it moved forward.

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

PROPOSED ORDINANCE NO. 2024-35

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

**Amending the Wellhead Protection Ordinance
(Petitioner Requesting Amendment)**

Based on the request by the Administration, the chair entertained a motion to delete the proposed ordinance in its entirety and substitute in the revised language that was distributed to the Council by the Clerk’s Office. Mr. Banicki moved the motion and with a second from Mr. Mammolenti, a voice vote was held on the motion. The motion passed unanimously, and the amendment was made to the proposed ordinance.

PROPOSED ORDINANCE NO. 2024-35AA was assigned to the Land Use Planning Committee.

PRIVILEGE OF THE FLOOR

Matt Lyszkiewicz, Route Manager for Waste Management, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Lyszkiewicz stated he was present that evening to provide the Council with updates and answer some questions for them.

Mr. Mammolenti thanked him for coming that evening and for being willing to continue the dialogue between the Council and WM. Mr. Mammolenti stated as he mentioned in prior meetings, he knew they all expected some growing pains which he thought were pretty minimal

in the grand scheme of things but in the last couple of weeks there had been some miscommunication with some of the residents and their team. Mr. Mammolenti stated thankfully Mr. Lentsch had taken care of it shortly thereafter and thanked Mr. Lentsch for that. Mr. Mammolenti stated the most recent incident pertaining to a couch that was set out by the curb on the normal trash pickup day, and it did not get picked up from one particular resident's home. Mr. Mammolenti stated they did the same thing the following week and it still did not get picked up and after calling Mr. Lentsch, it was picked up within about an hour afterwards. Mr. Mammolenti stated his suggestion was to allow residents to have the ability to look online for the application or be able to call WM directly on the phone to book online and he believed there was miscommunication between his team and some folks in customer service about some of the verbiage in the terms of their contract. Mr. Mammolenti stated this was a big move for the city and he thought the Council and the Administration did an outstanding job in working together and answering questions that needed to be answered, and they wanted to relay the correct information to the residents in order to eliminate confusion and disconnect. Mr. Mammolenti stated he understood that this was a growing process, but he thought if they could eliminate some of the miscommunications, that would be outstanding. Mr. Lyszkiewicz stated unfortunately there were some issues on their end, and it was from their dispatch team as far as the miscommunications were concerned and they did not understand the time buckets and things like that and it seemed like if the issues were not getting to him or Mr. Lentsch, then they were not getting addressed in the proper amount of time that they agreed to. Mr. Lyszkiewicz stated they were dialing in more and more every single day on with proper communication and they were trying to get more direct contacts as opposed to getting somebody somewhere that was not familiar with the town, the contract, and all of that. Mr. Mammolenti asked if it was possible to have the information on the app and online. Mr. Lyszkiewicz stated they definitely should be able to, but he would have to work with their tech team and their customer service team to make that happen. Mr. Mammolenti stated it was confusing what for the large item pickups and if they could exceed 50 pounds or not. Mr. Lyszkiewicz stated it was not the problem that it exceeded 50 pounds; it was that they tried to get a second body out to it to help minimize the possibility of injuries or anything like that. Mr. Mammolenti stated he understood that, but he took that as explanation for the additional bag that they were allotted and not for the large items, because every large item like a couch, a refrigerator, or another appliance obviously weighed more than 50 pounds and he believed that was where the confusion came in when they were trying to schedule it and they were told now that they did not even have to schedule it. Mr. Mammolenti stated on a good note, two of his neighbors had walked out that morning after setting out two large coaches on their curb the previous evening and they were both picked up on their trash day, so he at least wanted to provide that positive information. Mr. Mammolenti stated he thought if they could just clean some things up and work on communication, it would make things a lot easier. Mr. Lyszkiewicz stated they were doing a lot of things to strive for that to give the residents the proper information as to why they were missed and getting notes to the residents on the containers and if they could move it to a certain spot or anything like that. Mr. Lyszkiewicz stated, for example, if somebody had an alleyway and it was not a contracted or safe alleyway to go into, they had a note for those to please put the containers curbside. Mr. Lyszkiewicz stated he had seen a huge downtick in missed pickups, but they would continue to work on good,

consistent communication. Mr. Mammolenti asked when a resident called their location or their customer service, where was that being answered and if it was in Mishawaka. Mr. Lyszkiewicz stated no, not always unless it was coming directly to him, somehow it could go to somewhere like Detroit or someone remotely working. Mr. Mammolenti stated that point, he did understand the miscommunication where each municipality may have different rules and with Mishawaka, they had a different contract than others did. Mr. Mammolenti asked how they would ensure that when their residents called, they were given the correct information pertaining to the city in which they lived. Mr. Lyszkiewicz stated every town contract, even an open market customer, had a scope of service or SOS and everything should be there directly for the customer service representative to read and to say if that customer service representative actually did the research and was actually at the computer and finding it rather than just speaking it out could be part of the issue. Mr. Mammolenti thanked Mr. Lyszkiewicz again for coming to the meeting that evening.

Mr. Hixenbaugh stated he wanted to go back to the discussion about their residents calling in and just to underscore and clarify, his reading of the contract was that with regard to the bulk items that were being collected that it was not incumbent upon the resident to make a call to set that up and that was built in as an automatic feature of the contract that they entered into with WM and asked if that was correct. Mr. Lyszkiewicz stated that was correct and they should not have to call in unless it was going to be over, that should be the only instance when they needed to call.

Mr. Violi stated speaking of the app, he had been trying to use the Waste Management app and Mr. Lentsch was aware of it and he had done everything he possibly could to get it to work and he simply could not get the app. Mr. Violi asked if they could have a timeline for when the app was going to be going live. Mr. Lyszkiewicz stated he could not provide them with a timeline for that and he remembered when they were before the Council last time that they mentioned that they could get with Mr. Violi, but they could not get with every single customer, but something should be relayed and hopefully next time, he could have a solid answer for them. Mr. Lyszkiewicz stated he knew that it was in the works, and they were continuing to work on the app, but maybe with this specific situation he could get with Mr. Violi and help him out. Mr. Violi stated it was not just about him and there were a lot of other people who were counting on it especially given the fact that there were a lot of things that were said that they would have, and they did not, and they were at the point where they needed to get this moving. Mr. Lyszkiewicz stated he completely agreed, and he could not answer the technical questions because he was not working in that background, but hopefully next time he came before them he would have an answer for them. Mr. Violi stated hopefully next time they come before the Council they could have the app set up. Mr. Lyszkiewicz stated they could certainly expect that.

Mr. Carroll stated it seemed like you had to have a customer ID number to be able to log into the Waste Management app. Mr. Violi stated that was what he had been told. Mr. Carroll stated he was not so sure that it was a technical issue so much as it was that many residents had not been given their customer ID number and that could be a mailing where they could be given their customer ID number if they wanted to set up the app and go from there. Mr. Carroll stated he did

not think that they had to work with an IT company and deal with that. Mr. Lyszkiewicz stated he would have to do some further digging and see what he could come up with. Mr. Emmons stated he was concerned about the residents in his district, who are primarily seniors, and the large containers that had been distributed were not convenient for a lot of seniors and he knew the constituents could call in and ask for a smaller bin, 64-gallon bins instead of the 96-gallon bins. Mr. Emmons asked how long it would take for those residents to receive the smaller bins. Mr. Lyszkiewicz stated the swapping of the bins should be completed within two weeks. Mr. Emmons asked if that would be done on the same day that the trash is picked up. Mr. Lyszkiewicz stated yes, it would be more than likely set up for the day that the trash was picked up that way that container could be emptied, and the other worker can come by and swap the containers. Mr. Emmons stated he was just speaking for his district, and he could not speak for all of the city, but he knew that in his district, they had a lot of elderly people, and those big containers were just too much to handle especially when the weather was not favorable. Mr. Lyszkiewicz stated they had the supply of bins available and were actually ahead of schedule on getting the right bins out, so as long as they called in and they continued that process, they would be continuing to deliver them. Mr. Lyszkiewicz stated they had already delivered around 200 to 300 of the containers and every day they had 30 to 40 deliveries and about half of those were swaps from the bigger to the smaller containers. Mr. Emmons stated he appreciated that.

Mr. Hixenbaugh stated he found it puzzling that now during a second council meeting that they were having to ask again about the app that was a commitment that WM made to them as part of the contract and they did not say that it was going to be available at the end of the first quarter or at the end of the second quarter or end of the year. Mr. Hixenbaugh stated he thought Mr. Carroll hit the nail on the head and he could use the app because he purchased an extra container and the paper invoice had his customer ID number on it, otherwise he would have no idea what it was and he strongly suspected that was the issue for the vast majority of their residents who were trying to use the app. Mr. Hixenbaugh stated rather than having to have him come to another council meeting again, although they may invite him again as they were working through the transition issues, his ask would be that whomever does handle IT related issues for WM that between then and two weeks from then when they would meet again, somebody provide them with some concrete estimate for when their app would be up and running and he believed that was a reasonable request on the part of their residents. Mr. Hixenbaugh stated it was not necessarily directed at Mr. Lyszkiewicz himself, but if he could communicate that back to whomever was the appropriate person, he would appreciate it. Mr. Lyszkiewicz stated he appreciated them having him and he would definitely communicate that to his associates. Mr. Lyszkiewicz stated they had meetings every other Friday and he would continue to work with the IT team to make sure they were on top of it and not let it slide by. Mr. Lyszkiewicz stated they would make it a priority and, as Mr. Hixenbaugh said, they were almost in number and it still was not here, which was a concern. Mr. Hixenbaugh stated he appreciated Mr. Lyszkiewicz's patience with him but his strong sense of what was going on was that another commitment that WM made, which was to provide them with better customer service and provide their residents with customer service so that administrative personnel were not having to field so many calls were still occurring. Mr. Hixenbaugh stated they were happy to help but they had a lot of things

beyond trash and recycling that they needed to help their residents with as well. Mr. Hixenbaugh stated his sense of it was there was still too much that was being funneled towards their staff that, in his mind, matched up with the commitment WM made to them in their presentation and in the contract with regard to their own customer service issues. Mr. Hixenbaugh stated he knew it was a work in progress, and he agreed with Mr. Mammolenti that they knew all along that there were going to be transition issues but from his standpoint, he was disappointed that they were not further along with some of the transition issues, and he suspected Mr. Lyszkiewicz and others at WM were as well, but if he could provide the Council with some guidance as to when the app was going to work and when the people fielding the phone calls were going to be up and running so that it was not as labor intensive on their staff with the city, he would appreciate that. Mr. Lyszkiewicz stated the app working alone would solve at least half of those calls and he would continue to work with the customer service tech team to stay on top of the issues and to make sure the work was completed.

Ms. Hahn stated she had seen on more than one occasion in more than one neighborhood that the drivers actually got out of the truck and picked up a piece of trash that either just was there or came out of a bin, so she had seen some really good things happening and she wanted to make mention of that. Mr. Lyszkiewicz stated that was great to hear, especially after the wind they had in the past week.

Mr. Hixenbaugh stated to follow up on Ms. Hahn's comments, he was not hearing huge complaints from his friends and neighbors, so there was a lot that was going well but it was just those few areas where if they could work together to address them, that would be much appreciated. Mr. Hixenbaugh stated they appreciated Mr. Lyszkiewicz being there and the work that they were doing on a daily basis to make it work along with everybody else at WM, so if they could communicate back between then and their next council meeting in two weeks, where they were on certain issues, he believed that would be well received by the Council. Mr. Lyszkiewicz stated they would most definitely do that, and he appreciated their time.

Matt Lentsch, Executive Director of Development and Governmental Affairs, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Lentsch stated every other week they met with the County Executive, the Route Manager, and the Customer Service person for the whole United States and they were covering a lot of the things that had been discussed that evening. Mr. Lentsch stated they had been working with Tim Ryan and his folks from Central Services out of a job related to trash and a lot of it was getting much better than it was. Mr. Lentsch stated there were still some issues and they continued to bring them up as they encountered them, and they had some conversations in the prior week as it was related to the contract and missed pickups. Mr. Lentsch stated things were being addressed and they promised him personally that the information related to the account numbers was going to go out and they were just finalizing them but were holding them accountable. Mr. Lentsch stated the route managers and the people on the ground locally had taken care of the issue that Mr. Mammolenti had mentioned earlier within an hour and they were demanding that the people on the ground and the customer service team were being demanded to be brought up to speed and it was becoming much better than it had been in the

past. Mr. Lentsch stated he felt like they were making great progress and he was grateful for his friends from WM being present that evening to answer questions but he just wanted to relay to the Council that they were making progress, even though it was not as much at times as he would like but he had seen a significant increase in their response time and their ability to work with the city and make sure that they were following through on what they promised.

Mr. Hixenbaugh thanked Mr. Lentsch for all of his work on this and he knew that he was not only responding to the concerns from the Council, but from their residents as well so it was through his hard work that in conjunction with some good people at WM that they were as far along in the process as they were. Mr. Lentsch stated they were committed to taking care of the issues right away, no matter the calls or the circumstances.

NEW BUSINESS

Ms. Hahn announced Thursday, March 20th she had the honor of hosting the 1st District monthly meeting on Mr. Emmons' behalf and the meeting would be held at St. Bavo's at 7PM with Director of Code Enforcement, Ken Witkowski speaking. Ms. Hahn stated all were welcome and as usual, donuts from the West End Bakery would be served as well.

Mr. Carroll stated the 2nd District meeting would be Thursday, March 13th at 7PM in the Blair Hills common room in the pool complex. Mr. Carroll stated all were welcome.

Mr. Mammolenti made a reminder that the Twin Branch Neighborhood Watch meeting would be on Wednesday, March 19th at 7PM at Fire Station #4 and they were still confirming their guest speaker for that evening. Mr. Mammolenti stated all were welcome.

Mr. Hixenbaugh stated it was his pleasure to announce that the annual State of the City Address by Mayor Wood had been scheduled in conjunction with a council meeting for Monday, April 14th. Mr. Hixenbaugh stated the council meeting would begin at 6PM in the Council Chambers at City Hall and it would be immediately followed by the Mayor's State of the City Address. Mr. Hixenbaugh stated all were welcome to attend.

ADJOURNMENT 6:34PM

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.