

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 8, 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 September 8, 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.

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

P: Present E: Electronically Participating A: Absent

Minutes for the Regular Meeting on August 18, 2025, were approved as received from the Clerk's Office.

Mayor's Youth Council Swearing-In

Mayor Wood stated this was one of their favorite nights of the year when they swore in their future leaders in Mishawaka to begin and in some cases return to a journey where they learned an education that was not commonly taught, which was an education of their hometown and their local government where the services they depended on most cases on a daily basis happened. Mayor Wood stated they would get the opportunity to gain experience about those services, participate in those services, and most importantly serve their community and help lead their community. Mayor Wood stated as they had done for now fifteen years, they would swear the students in just as though they were public servants, because they were public servants and would be taking mainly the same oath all elected officials took and they would be swearing in on what he referred to as the Mishawaka family Bible. Mayor Wood stated it was the same Bible that he swore in on and the Bible that he swore all of their public servants in on. Mayor Wood stated they would adjourn after they swore in and they would go upstairs to select their leadership and run their meetings much like the Mishawaka Common Council did. Mayor Wood stated they would be finishing the shoe project that was started by last year's youth council, and they raised significant funds privately and they would start to see about fifteen shoes hit the street that the kids would make sure happened in an orderly and organized fashion. Mayor Wood stated last year, they formed a great partnership with the VFW and with Troop Town and they would be collecting food for Thanksgiving for their veterans, which was a very good program. Mayor Wood stated they would all get over to the VFW and distribute the food personally to them and it was one of the highlights of the year where they got to have a hands-on approach to community service. Mayor Wood stated they would also do their field trips to many of their departments and would get the chance to meet other elected officials as they went and learned

about state government and likely have some speakers come back, including alumni of the Mayor's Youth Advisory Council, and share their experiences and mentor the kids. Mayor Wood stated last year, they had two Notre Dame students, a manager of the football program and a player on the football team, who were alumni of the youth council come back and share their experiences with their youth council kids. Mayor Wood stated they had 33 kids involved in the program that year which was much in line with what they had in the past and had them from three high schools, Mishawaka High School, Mishawaka Marian High School, and Penn High School, and all of the kids were dynamic. Mayor Wood stated he could not be prouder to swear them in, but the program would not happen without the help of some volunteers and of course some staff members but especially his wife Jaimi with this being her love and passion for all of the years they had both been involved with the program. Mayor Wood stated with his staff at the office, Cindy and Debby, the program would not happen without their help, and they also had an intern who was a senior student at the University of Notre Dame who would be assisting with the program as well as many other things around the city, Mason. Mayor Wood stated they had a volunteer as well who had come back to help them who was an alum who would help mentor and coach the kids, Parker Norris. Mayor Wood stated he could not wait to get it going and the kids were their future leaders, and it gave him the upmost confidence in the future of Mishawaka knowing the kids were there learning and leading today. Mayor Wood thanked all of the parents of the students, because it was a family commitment as far as getting their kids there and he knew the kids in many cases were involved in a lot of activities but the fact that they made the youth council a priority said a lot about them and their families. Mayor Wood proceeded with the swearing in and stated all of the kids would come up one by one to accept their pin and then be sworn in as a group. The following is a list of the students who were sworn in.

Domenic Buysee

Allison Callan

Matthew Geise

John Loesch

Charles Madden

Ryan McGuire

Brynn Micinski

Marcelino Rodriguez

Annie Verslype

Claire Walczak

Reid Sutherland

Anderson Cannon

Brock Foster

Leah Gradeless

Esther Kamau

Millie Mammolenti

Dakoda Shannon

Noah Sullivan

Daniel Williams

Benjamin Galiher

Connor Geoghegan

Stephen Haughee

Maximus LaFleur

Ishita Masetty

Joseph McQueary

Isabella Persyn

Tobias Prince

Andrew Rimelspach

Kenadie Rodman

Grant Spadafore

Caitlyn “CJ” Vantine

Ranveer Verma

Eliza Wright

Parker Norris

The Mishawaka Common Council took a five-minute recess to allow the Mayor’s Youth Advisory Council to take pictures and then would reconvene after they were done with the picture taking.

Clerk Block read the following petitions by title.

Petition No. 2025-11	PUD Amendment to allow detached Single-Family residential use – West Side of Filbert Rd. South of Park Place
Petition No. 2025-12	PUD Amendment to allow for Shooting Range – 3717 & 3729 Bremen Hwy

Petition No. 2025-13 Rezone from C-7 to C-10 Filing Station Commercial – 1008 S. Merrifield

Petition No. 2025-14 Rezone from C-1 General Commercial to C-7 Automobile Oriented Restaurant – North of 4340 N. Main St.

A public hearing on Vacation 2025-01 required by State Statute on behalf of the City of Mishawaka and School City of Mishawaka have filed a petition for vacation of the public right-of-way described: Right-of-Way Vacation due to Realignment- Ballard St. south of Vistula Rd.

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **Vacation 2025-01**. Mr. Prince stated the relocation of the intersection as a result of their ongoing long-term control plan sewer separation. Mr. Prince stated as part of ripping up all of the streets to put the separated sewers in, they wanted to take the opportunity to do further and, in this case, that would be to realign Ballard as it had been offset by about 180 feet. Mr. Prince stated the area on the south side of Vistula was about 180 feet to the west of the intersection of the north side and by aligning the intersections together, it allowed for a four-way stop and those that were familiar with Twin Branch School, the crossing guard had to walk across without having a controlled intersection and they felt this was a better circumstance. Mr. Prince stated the vacation before them was because of that relocation and the old right-of-way that was adjacent to the Twin Branch School property was no longer needed, so they were asking for the vacation of that right-of-way. Mr. Prince stated he was happy to answer any questions they had.

Mr. Hixenbaugh stated he appreciated the city and the School City of Mishawaka for their partnership on this venture, and he particularly appreciated the fact that it was reopened prior to the start of school, and it was a benefit to him as a resident of that neighborhood. Mr. Hixenbaugh stated he was really happy with how traffic flowed as a result of the change. Mr. Prince stated Chris Jamrose, City Engineer, worked hard to make that happen. Mr. Hixenbaugh asked Mr. Prince to pass the Council's thanks along to her.

Mr. Mammolenti echoed Mr. Hixenbaugh's comments and thanked Mr. Prince, Chris Jamrose, and all of the folks that worked behind the scenes to make this happen and he knew it made a lot of the residents and School City employees happy. Mr. Mammolenti thanked all that were involved.

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

RESOLUTION R2025-22

**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 Property to the City Acquisition List – 58802 Bremen Hwy**

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **RESOLUTION R2025-22**. Mr. Prince stated as they planned for the widening of Union Street and Bremen Highway going south, they would continue to bring acquisitions to the Council for their consideration. Mr. Prince stated in this case, the property was a 10-acre property located about 1,000 feet south of the intersection of Dragoon Trail and Bremen Highway. Mr. Prince stated it was on the east side of the road, it was ten acres, and they had been partnering with the property owner with other things, such as taking leaves from the city's leaf collection in the past there. Mr. Prince stated the property owner wanted to sell the property at that point in time and they wanted to pursue the acquisition. Mr. Prince stated they knew they would need the frontage of the road for the future road widening, so now was the opportune time to do it. Mr. Prince stated the ten acres by acquiring the total piece should the city desire to have a greater green space plan in the future, it would give them the opportunity to do that also. Mr. Prince stated potentially if there were to be development in that area, it gave them a prime piece of property to help control how the development would occur in that area. Mr. Prince stated for those reasons they were asking for the acquisition at that time, and he was happy to answer any questions.

Mr. Hixenbaugh stated as they had discussed in previous meetings, he appreciated the measured and non-adversarial approach they were taking to bringing the plan to fruition for the future and thanked everyone for the work they had done on this.

Question was called for at 6:32PM for **RESOLUTION R2025-22 Motion passed by unanimous roll call vote (summary: Yes = 8)**.

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2025-23

**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 Property to the City Acquisition List – 1022 S. Union St.**

Ken Prince, Director of Planning and Community Development for the City, spoke in favor of **RESOLUTION R2025-23**. Mr. Prince stated the property, 1022 South Union Street, was the Jackal Warehouse and Distribution Facility located at the northeast corner of 12th Street and Union. Mr. Prince stated as those of you that were obviously familiar with the property, it was close to the road at Union Street. Mr. Prince stated they actually worked with the property owner when we acquired the former store that was located to the south. Mr. Prince stated they were having issues with loading docks, and they wanted to see if they could acquire just a piece of the building. Mr. Prince stated it was about 10 years ago, and the price was cost prohibitive at that time, and it was about \$500,000 to take off the front of the building, leave the rest of the building, just for what they thought was going to be the future widening of the property. Mr. Prince stated they were contacted a year ago by the property owner and they thought they were in a position to acquire another facility and asked if the city was interested in it and they said they were. Mr. Prince stated they proceeded to get appraisals on the property, and the appraised value of the property was a little over \$1,050,000. Mr. Prince stated at that point in time, their potential acquisition had fallen through, so if they noticed when he sent the Council the buy-sell agreement that was approved by the Redevelopment Commission, the owner, even though that potentially fell through, wanted to have the opportunity to sign it at that point in time, so as the property became available, they did not have to go through the process again. Mr. Prince stated they really just wanted to have that price confirmed as they shopped for another location and looked to potentially build a building. Mr. Prince stated even though the property, in terms of the widening of Union Street, was a future phase, the first phase would deal with the intersection of Dragoon and Union, and the second phase would deal with 12th Street, 13th Street, and the 13th Street intersection with Union. Mr. Prince stated this was more than five years away, but because they had a willing buyer and willing seller situation, and it was so close to the road and they knew they needed the property, regardless, they were asking to add it to the acquisition list at this time. Mr. Prince stated he was happy to answer any questions that the Council had.

Mr. Mammolenti asked based on the odd shape of the parcel if it were possible that they used the front part near the road and then perhaps develop it and then resell it unused or would they be going wide enough into the other side of the parcel. Mr. Prince stated no, the property itself was about an acre and a half and so if you drew a north-south where the alley dead ended into the building, there was a north-south alley that dead ended, and the property had kind of an L-shape to it. Mr. Prince stated everything on the area by Union, that front piece would be required as part of the road-widening project because they wanted to do a multi-use trail and make it look nice going through that corridor, but the balance of that acre would be available for another development project. Mr. Prince stated what they would do was hold that until the road project was actually done. Mr. Prince stated they were not going to try to market the property even after

they acquired it and knocked the building down. Mr. Prince stated they would hold the property, and it would provide a staging area for the contractor for the work during that time, so they would not try to figure out that future redevelopment project until the road was done. Mr. Mammolenti asked if it was possible down the road. Mr. Prince stated yes, they would have an acre of extra property in a prime location. Mr. Mammolenti thanked Mr. Prince.

Mrs. Voelker stated she was curious about leaving an empty building for what could be five or ten years and asked if they would demolish the building and just hold it as an open space place marker. Mr. Prince stated no, their goal could take up to three years. Mr. Prince stated they would be active on the property until they had another place to which they could move. Mr. Prince stated they had from a one to three-year period in which to do that and once they vacated the facility, their intent was to acquire it and immediately take it to the ground and by immediately, it would take them six months to a year by the time that they did the environmental remediation and then take the building to the ground. Mr. Prince stated their intent was not to have a vacant building there. Mr. Prince stated they really did not want to leave a vacant building in place as a liability. Mrs. Voelker thanked Mr. Prince.

Mr. Violi asked if the entire building would be torn down. Mr. Prince stated that was correct. Mr. Violi asked if it would be flattened. Mr. Prince stated that was correct. Mr. Violi asked if they had a closing date and if they were going to have to come up with the cash before they moved out or if there was a closing date for the money transaction. Mr. Prince stated because the proposed purchase price was over a million dollars and they received their tax distributions every six months, they wanted to make sure that their cash flow was managed appropriately, so in that agreement, they required that they gave a six-month notice before closing on the property so that they had adequate time to ensure that they had the cash for closing. Mr. Violi asked if they may not complete the transaction for a couple of years. Mr. Prince stated that was right and they had one to three years to find another facility, and they would not acquire it until then and the closing would not happen until that distribution. Mr. Violi thanked Mr. Prince.

Mr. Carroll asked about the range of costs to take it to the ground, get rid of any hazardous materials, and those types of things and how much that would turn out to be. Mr. Prince stated a complete ballpark guess would be in the few hundred-thousand-dollar range. Mr. Carroll thanked Mr. Prince.

Mr. Hixenbaugh asked with regard to the eventual closing date and the acquisition of the property, if they had a sense at that point in time what the source of the funds would be that the city would use to acquire that property. Mr. Prince stated they were using their consolidated TIF district for all of the acquisitions and they would continue to use it. Mr. Hixenbaugh asked if it would not be a general fund purchase and if it would be that separate source of revenue that they had that allowed them to be able to acquire property and be involved in redevelopment properties. Mr. Prince stated that was correct. Mr. Hixenbaugh asked if that also would be the same with regard to the resolution that they voted in favor of earlier that evening. Mr. Prince stated that was correct and both resolutions were. Mr. Prince stated with every property that they looked to acquire along Union Street, they would be using the consolidated TIF funds for those acquisitions. Mr. Hixenbaugh thanked Mr. Prince.

Mrs. Voelker asked when they redid Union Street, if that 12th to 13th Street thing was going to stay in there and if they would reroute. Mr. Prince stated what would happen was the street that was immediately to the east, that little section of street that they were currently using for their truck loading and unloading, that section of street would go away, but the curve had to stay in place. Mr. Prince stated that vacated portion by the building would go away. Mrs. Voelker thanked Mr. Prince.

Question was called for at 6:43PM for **RESOLUTION R2025-23 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2025-24

A RESOLUTION OF THE COMMON COUNCIL OF THE OF THE CITY OF MISHAWAKA, INDIANA REGARDING NATIONAL SEE TRACKS? THINK TRAIN WEEK

Commemorating National see Tracks? Think Train Week

Clerk Block read the resolution in its entirety.

**WHEREAS SEE TRACKS? THINK TRAIN WEEK is to be held across the United States
From September 15 to 21, 2025; and**

**WHEREAS, 2,252 rail grade crossing collisions resulted in 749 personal injuries and
Were responsible for 268 fatalities in the United States during 2024; and**

**WHEREAS, 1,465 pedestrian trespassing casualties have occurred in the United States
Resulting in 821 pedestrians being killed and another 644 injured while trespassing on
railroad property rights of way during 2024; and**

**WHEREAS, educating and informing the public about rail safety (reminding the public
that railroad right of ways are private property, enhancing public awareness of the dangers
associated with highway rail grade crossings, ensuring pedestrians and motorists are
looking and listening while near railways, and obeying established traffic laws) will reduce
the number of avoidable fatalities and injuries caused by incidents involving trains and
citizens: and**

**WHEREAS, the International Association of Chiefs of Police, National Operation
Lifesaver, Inc., United States Department of Transportation, and all local, state, county,**

and railroad law enforcement officers, first responders, and railroad corporations commit to partnering together in an effort to educate at a national level all aspects of railroad safety, to enforce applicable laws in support of National See Tracks? Think Train Week;

THEREFORE, Mishawaka Common Council proclaims September 15 to 21, 2025, NATIONAL SEE TRACKS? THINK TRAIN WEEK in the City of Mishawaka, and encourage all citizens to recognize the importance of rail safety education.

Mrs. Voelker stated it seemed like that year, they really had a lot of train accidents and asked if there was an education program that was going to be going on that was associated with the resolution, whether it was with their police department or the railroads or School City or anything to back the resolution up with action in their community. Mr. Hixenbaugh stated he was unaware of specific efforts, but he did think that all of those entities that she named, including the school corporation and the police department, had embedded it in their general educational efforts with some information along these lines. Mr. Hixenbaugh stated her question was well taken, and he hoped that the railroad officials who really brought this to their attention would also be willing to partner with the community and to help supplement the resources that they had along those lines, because she hit the nail on the head. Mr. Hixenbaugh stated they may be somewhat of a different type of incident, but they had some very tragic occurrences in their community in recent months with regard to the tracks. Mr. Hixenbaugh any assistance that those who had the ability to assist, beyond just providing them with nice language and a resolution, would be appreciated and he agreed with Mrs. Voelker. Mr. Hixenbaugh stated they ought to be open to partnering with them on that. Mr. Hixenbaugh thanked Mrs. Voelker for raising that point.

Mr. Mammolenti stated he knew a former police officer, Chad Thomas, who now worked for the railroad on the security side of things, and he thought he had seen him set up a booth in certain events, such as National Night Out, providing some literature amongst other things. Mr. Mammolenti stated he would be a valuable resource to reach out to.

Mr. Carroll stated at their recent Second District neighborhood meeting, they had a couple folks ask about if school resource officers, now that they were in each building, would be willing to or if they did that kind of training for kids like they did for DARE and programs like that. Mr. Carroll stated that was just a suggestion from the Second District and he wanted to get it out there. Mr. Hixenbaugh stated Mr. Carroll's point was well taken and thanked him.

Question was called for at 6:48PM for **RESOLUTION R2025-24 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

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

PROPOSED ORDINANCE NO. 2025-19

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 1966 OF THE CITY OF MISHAWAKA, INDIANA.

Vacation of Right-of-Way due to Realignment – Ballard St. south of Vistula Rd.

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

Adam Beery, Lawson Fisher & Associates, 525 West Washington Street, spoke in favor of **PROPOSED ORDINANCE NO. 2025-19**. Mr. Beery apologized for not getting up before as he got confused with some of the other issues that were announced beforehand. Mr. Beery stated as Mr. Prince described, this was a relocation of Ballard Street to align with Ballard Street north of Vistula Road. Mr. Beery stated he would be happy to answer any questions as Mr. Prince covered it very well earlier in the meeting.

Mr. Hixenbaugh thanked Mr. Beery for being there that evening.

Question called for at 6:51PM for **PROPOSED ORDINANCE NO. 2025-19 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5942.**

PROPOSED ORDINANCE NO. 2025-20

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA TO PROHIBIT THE USE OF PUBLIC RECORDS FOR COMMERCIAL USES
Prohibiting Public Records Request for Commercial Purposes**

Mr. Banicki reported the Personnel Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Carroll, the motion carried.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2025-20**. Mrs. Maguire stated she was requesting the Council’s approval of this ordinance that prohibited the use of public records for commercial purposes. Mrs. Maguire stated the state allowed it and it was not a true governmental function. Mrs. Maguire stated they always gave out their public records as requested. Mrs. Maguire stated they followed the law, but commercial requests had been coming more often and more cumbersome. Mrs. Maguire stated typically they got requests that covered six months, open POs, or open uncashed checks, but now they had been receiving more that covered years at a time and this was not a new type of ordinance as other cities did this. Mrs. Maguire stated if there was ever a time that it was unclear whether it was for commercial use or not, they would run it by their law department. Mrs. Maguire stated for example, one response she received after giving out purchase order information, the response was, they would begin the process of combining their records with thousands of other

government agencies' records nationwide. Mrs. Maguire stated they knew that was being done with their records. Mrs. Maguire stated she was happy to answer any questions.

Mr. Mammolenti asked for those that were listening who may not have had a full understanding of what they were talking about that evening with this item if she could give an example of this. Mrs. Maguire stated a request for five or six years of every purchase order that they issued would be an example. Mr. Mammolenti asked if it was specifically concerning the money that they were spending it. Mrs. Maguire stated that was correct and it had to do with time, money, and staff time. Mr. Mammolenti asked if she could go a little bit more into detail about the commercial aspect of this. Mrs. Maguire stated she believed they were companies that produced large databases that they were selling for use of getting municipal information. Mr. Mammolenti thanked Mrs. Maguire.

Mrs. Voelker asked if she were a company and they had been doing business with the City of Mishawaka, and she needed some information for her company's internal use if they could still work with that same company. Mrs. Maguire stated absolutely. Mrs. Voelker thanked Mrs. Maguire.

Mr. Carroll asked if one of those requests came in when it had to do with five or six years of purchase orders, what did that look like under the current ordinance or lack of ordinance they had and how many people that entailed and how long that was going to take them and what they actually had to do to comply with that records request. Mrs. Maguire stated since they had such a large amount of data per year, they could run reports, but they had to be broken down to a smaller size and she usually had to request some type of data portal from the vendor to upload them. Mrs. Maguire stated they went back and forth with one vendor three or four different times because their Dropbox was not working and then finally, she was able to get something where she could upload the files because they were just so large. Mr. Carroll asked if she could give him a ballpark of a large request like that how many manhours were wasted doing something like that on their taxpayers' dime. Mrs. Maguire stated two to three at a time, but she was in the middle of budget season and having to stop and do these complicated things. Mrs. Maguire stated they did confirm that they received the information, so they did track if you did not respond. Mr. Carroll thanked Mrs. Maguire.

Mr. Violi asked if she could tell right away by email or the correspondence that the request was for commercial purposes or if she had to take the time to figure out what it was really for. Mrs. Maguire stated no, they typically knew based on the data they wanted and the response they received back, but she would always confer with the law department if she was not sure or if she denied it, they could come back with other information showing it was not commercial. Mrs. Maguire stated these were the only requests that she received. Mr. Violi thanked Mrs. Maguire.

Mr. Carroll asked if she saw the ordinance as written in any way prohibiting any kind of transparency or accountability rules or laws. Mrs. Maguire stated no, because it was only for commercial use and it had been used in the state of Indiana for quite a few years. Mr. Carroll thanked Mrs. Maguire.

Mr. Hixenbaugh thanked Mrs. Maguire for her leadership in bringing the item to the Council and he supported her statement about other governmental entities having passed and considering passing ordinances like this one. Mr. Hixenbaugh stated he was more familiar with the work the school corporations were doing along these lines and he knew that there were school corporations in Northern Indiana that had already done this and others that were preparing to do exercise the authority the law gave them to make a limited exception to the overall obligation to provide public records to those who requested them, so this was not unique to Mishawaka by any means. Mr. Hixenbaugh stated another point he thought was important for them to highlight was with regard to the commercial requests and both the statute and the ordinance as it was drafted did not prohibit and apply to records that were requested in preparation of news publication, nonprofit activities, or academic research and asked if she agreed with that. Mrs. Maguire stated yes. Mr. Hixenbaugh stated even someone beyond an individual person who made a request still had a right to access the records and it was just the resale and commercial profit motive that was at the heart of this and asked if she agreed with that. Mrs. Maguire stated yes, the for-profit companies. Mr. Hixenbaugh thanked Mrs. Maguire.

Question called for at 6:59PM for **PROPOSED ORDINANCE NO. 2025-20 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5943.**

NEW BUSINESS

Appointment to the Transpo Board

The chair entertained a motion to appoint Ken Kahlenbeck, Director of Operations for School City of Mishawaka, to the Transpo Board. The motion was made by Ron Banicki and with a second from Mr. Mammolenti, a voice vote was held on the motion. The motion passed unanimously, and Ken Kahlenbeck was reappointed to the Transpo Board. Mr. Hixenbaugh stated they appreciated his willingness to serve.

Mr. Carroll announced the Second District meeting would take place at 7PM on Thursday September 11th at the Blair Hills Pool Complex and all Mishawaka residents were welcome to attend.

ADJOURNMENT 7:01PM

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.