



AGENDA
July 06, 2026

Meetings of Standing Committees
Council Conference Room
5:45PM

Livestream
<http://mishawaka.in.gov/council/livestream>

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
6:00PM

Microsoft Teams Number:1-213-493-9412
Meeting ID: 222 505 450 263 8
Meeting password: kr7Tr2SZ

Dial by phone: [+1 213-493-9412](tel:+12134939412), [, 859829763#](tel:+12134939412859829763)

Livestream #1:
<https://mishawaka.in.gov/government/elected-appointed-officials/common-council/>

Livestream #2
<https://www.facebook.com/cityofmishawaka/>

Livestream #3:
www.youtube.com/@cityofmishawaka635

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of June 15, 2026

5. Petitions, Communications, Remonstrance, and Memorial

Petition No. 2026-15 Annex & Rezone north 220' to C-1 General
Commercial & South 310' to I-1 Light
Industrial - Southside of Lincolnway E.
Approx 665' East of Bittersweet Rd. - 12340
Lincolnway E.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2026-23 Additional Appropriation:

Public Safety LIT

<u>Capital Outlays</u>		
2240-50-445-08	Police Equipment	<u>\$3,000,000.00</u>
	Total	\$3,000,000.00

P.O. No. 2026-24 Transfer & Additional Appropriation:
Motor Vehicle Highway Restricted Fund

From:

Capital Outlays
2203-50-442-01

Local Bridge and Road Matching Grant Fund

To:

<u>Other Services and Charges</u>		
2404-50-436-03	Street Repair	\$ 899,550.00

Additional Appropriation:

Local Bridge and Road Matching Grant Fund

To:

Other Services and Charges

2404-50-436-03	Street Repair	\$899,550.00
	Total	\$1,799,100.00

8. Resolutions

9. Ordinances on Second Reading

P.O. No. 2026-21 Rezone from I-1 Light Industrial to R-1 Single Family Residential for a New House - West side of Elder Rd. Approx 2,470' South of Day Rd. **(Assigned to Land Use Planning Committee)**

P.O. No. 2026-22 Rezone from I-2 Heavy Industrial to R-1 Single Family Residential for an existing Legal non-conforming Residential House - 3616 York St. **(Assigned to Land Use Planning Committee)**

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages.

<https://www.facebook.com/cityofmishawaka/> and www.youtube.com/@cityofmishawaka635

If technology is needed to present, please advise the Clerk's Office by 4:00pm the Friday before the meeting by emailing: dblock@mishawaka.in.gov or calling 574-258-1616.

Download Packet:

At this time, I know of no other business to come before the Council.

Deborah S. Block, IAMCA, CMO, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City-sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Susan Kile, ADA Coordinator, at (574) 258-1615.

Scan the QR Code to access all Common Council Meeting Agendas, Packets, and Meeting Minutes.



REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

June 15, 2026

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 June 15, 2026, 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 roll.

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

P: Present E: Electronically Participating A: Absent

Minutes for the Regular Meeting on June 1, 2026, were approved as received from the Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their June 9, 2026, meetings.

Presentment of Annual Operations Report for Local Roads & Streets & Bridges

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

PROPOSED ORDINANCE NO. 2026-21

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.

Rezone from I-1 Light Industrial to R-1 Single Family Residential for a New House – West side of Elder Rd. Approx 2,470' South of Day Rd.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2026-22

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.

**Rezone from I-2 Heavy Industrial to R-1 Single Family Residential for an existing Legal non-conforming Residential House – 3616 York St.
(Assigned to Land Use Planning Committee)**

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

RESOLUTION R2026-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, RESCINDING APPROVAL OF APPEAL #2025-07 OF THE MISHAWAKA BOARD OF ZONING APPEALS AND COMMON COUNCIL RESOLUTION #2025-06 FOR VIOLATION OF CONDITIONS FOR THE PROPERTY LOCATED AT: 526 W MCKINLEY AVENUE, MISHAWAKA, INDIANA

Rescinding Use Variance to allow for an Event Center/Assembly Hall – 526 W. McKinley Ave.

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **RESOLUTION R2026-22**. Mr. Prince stated on March 4, 2025, Planning and Community Development received Appeal 2025-07, and it was filed by M.A. Property LLC requesting a use variance for a portion of the property located at 526 W. McKinley Avenue. Mr. Prince stated the variance requested was to use a portion of roughly 2,300 of the existing shopping center for an assembly hall, event center, and banquet hall. Mr. Prince stated from discussion with the applicant and the staff’s report to the BZA, they identified that the intent was to provide a venue for wedding receptions, baby showers, high-end corporate gatherings, and community gatherings. Mr. Prince stated staff recommended that a condition be placed by the BZA that would limit the hours of operation so that the events would be required to conclude by midnight. Mr. Prince stated the BZA approved the appeal on April 8, 2025, and forwarded it to the Council with the recommended condition that all of the events be required to conclude by midnight. Mr. Prince stated the Common Council then considered the appeal on April 14, 2025, and as part of the hearing, the appellant Mr. Farhan submitted direct testimony to the Council and as part of that testimony, he indicated that he would not personally be running the event center and that a tenant would be running it. Mr. Prince stated at that time, upon being questioned if liquor was going to be served, Mr. Farhan indicated as far as he knew they would not. Mr. Prince stated he indicated that this would be for birthday parties and like events and it was acknowledged at the time that alcohol was regulated by the state and not the city, but he mentioned it that evening for the perspective on the changes that had occurred to what was originally envisioned. Mr. Prince stated on April 24, the Council approved **RESOLUTION**

R2025-06 allowing the use variance subject to all events ending at 12AM. Mr. Prince stated on Tuesday May 26, 2026, Police Chief Arendt brought up an issue associated with the event center at a staff meeting that had been occurring for months and were ongoing. Mr. Prince stated specifically, events that were occurring after midnight and those events would be further described by Mishawaka Police that evening. Mr. Prince stated Police Chief Arendt then provided him with a copy of the police reports that were associated with the incidents that occurred at the event center in violation of the approved use variance. Mr. Prince stated upon review, the Administration considered the violations that occurred a threat to public safety. Mr. Prince stated the notice then was immediately sent by email addresses associated with the appeal and the letter he drafted along with the attachments were also sent by certified mail to Mr. Farhan, Ms. Latrina Anderson as the appellant, and one copy was also sent to the business address. Mr. Prince stated the Administration then prepared a direct resolution for the Council's consideration to revoke the use variance. Mr. Prince stated this resolution was edited by Council Attorney Trippel, but the content was substantially the same and they concurred with Mr. Trippel's changes. Mr. Prince stated he was also contacted in the prior week by Ms. Anderson that he had the wrong email address for her business and he then sent the information to the address she provided. Mr. Prince stated Ms. Anderson also reached out to their Corporation Counsel John Roggeman to discuss the matter. Mr. Prince stated it was his understanding that Mr. Roggeman merely suggested that she attend the meeting and present her case that evening. Mr. Prince stated in summary, the events that occurred at the facility were not only in violation of the ordinance, but they had created an environment that was inherently dangerous for those who were attending as well as potentially their public safety personnel who needed to respond to any incidents that occurred. Mr. Prince stated this was not an incidental violation that could be corrected in their opinion. Mr. Prince stated the police reports identified a blatant disregard of the use variance that was either being done directly or by lack of active management. Mr. Prince stated on behalf of Mayor Wood and the Administration, they were respectfully asking for the approval of the Council to revoke the use variance of 526 McKinley Avenue. Mr. Prince stated if approved, the property owner could continue to use the space for any C-2 shopping center use but would not be able to continue to operate as an event center and this would be effective upon the Council's approval. Mr. Prince stated he wanted to turn the floor over to Chief Arendt and the Mishawaka Police Department, including the leadership in attendance, who would go through in more detail the events that they encountered, and he was happy to answer any questions.

Mr. Hixenbaugh stated based on Mr. Prince's experience and his own recollection, he believed that the Council had taken action in the past with regard to other use variances to rescind the use variance when in fact the conditions that were part of the approval were not met and asked if that was correct. Mr. Prince stated that was correct. Mr. Hixenbaugh asked with regard to the process that they were enacting that evening and as they did in the past, if it was Mr. Prince's understanding that the process was authorized under Indiana law with regard to those use variances that were approved by the Common Council that had a condition built within them. Mr. Prince stated he was not an attorney, but that was his understanding. Mr. Hixenbaugh thanked Mr. Prince.

Mishawaka Police Chief Alex Arendt spoke in favor of **RESOLUTION R2026-22**. Chief Arendt stated he wanted to express the seriousness of the issues at Levls Event Center and he had also brought his top-ranking officers on the police department with him to the meeting that evening including his patrol chief, midnight captain, and midnight lieutenant. Chief Arendt stated they had dealt with some of the issues directly and may be able to provide some background that for him may be hearsay and just reading from reports, but he was going to give the Council some background in order to give them an idea on what had been going on at the event center. Chief Arendt stated they had received a notice of an event advertising outside of the parameters of the approved use variance **RESOLUTION R2025-07**, specifically scheduled for May 23rd and May 24th of 2026. Chief Arendt stated May 23rd was a Gemini Sin Birthday Bash social media advertised from 10PM to 3AM and May 24th was a Spin the Block with DJ Don D's from 10PM to 2AM. Chief Arendt stated the May 24th event, for the record, did not wind up happening and his understanding was that that one had been canceled but the May 23rd event proceeded. Chief Arendt stated the variance outlined that events must end by midnight and prior to the event on May 23rd, he and Chief Wiley attempted contact at the facility in the afternoon of May 22nd with no answer. Chief Arendt stated Chief Wiley left voicemails on the number provided on the door of the business as well as on the phone numbers that were listed in the use variance as well as to the email addresses listed in the variance. Chief Arendt stated they never received any call back so that they could explain that the event was not permitted to happen within the specifics of the use variance. Chief Arendt stated the captain and the lieutenant of the midnight shift attempted to contact facility management on the 23rd at the approximate start time for the event and encountered an uncooperative and hostile female, according to the report that they submitted. Chief Arendt stated, despite their efforts, the event went on and did not conclude until after 3:30AM. Chief Arendt stated the event prompted a review of the events at the facility involving the police department and several similar events and issues were identified. Chief Arendt stated on December 7, 2025, there was a parking lot fight while the event center was still open at 1:50AM. Chief Arendt stated on April 26, 2026, there was another parking lot fight while the event center was still open at 1:45AM and this was reportedly by patrons that were kicked out of the event. Chief Arendt stated May 9, 2026, there was a report of fighting in the parking lot, officers responded, and they were unable to identify specifically who the parties were that were fighting, but they found a congregation of approximately fifty people in the lot and the event center was still open as patrons were still coming and going from the building. Chief Arendt stated then there were the events from May 23rd, which he previously described to the Council that led to them doing the historical background. Chief Arendt stated the May 24th event was canceled but on June 6th and 7th, there was an event that a food truck was arranged for and/or contracted by the business and was in the parking lot past midnight with a congregated group in the parking lot. Chief Arendt stated there was an event center representative that came out slightly after 12AM and said the building itself was closed and then she left while the food truck continued serving and patrons continued to congregate in the parking lot. Chief Arendt stated through law enforcement communication, they intercepted the social media advertisements related to the 23rd and the 24th and they also found an advertisement for a Cinco de Mayo event that advertised alcohol sales, which were outside of the private catered event. Chief Arendt stated with this information, they contacted the Indiana State Excise Police and

asked what type of licensing that the facility had and they said that they applied for and had been granted a catering license which allowed for alcohol sales on the premises only for private events and it also prohibited the carrying out of drinks from the business itself. Chief Arendt stated the advertising was found for this Taco Tuesday event, which was advertised as a public free entry with sales of alcohol advertised with a dollar amount and this was something the Indiana State Excise Police was actively looking into. Chief Arendt stated additionally that several of the events via viewing of body cameras and dash cameras from the Mishawaka Police Department, there were several incidents where alcohol was carried in and out of the event center for consumption in the parking lot as well as liter being discarded in the parking lot. Chief Arendt stated one of the reasons for the resolution was to avoid events of this nature after hours. Chief Arendt stated large gatherings spilling outside with alcohol consumption was a recipe for issues and historically with other properties, such as Heavenly Goat as well as others in St. Joseph County, parking lot gatherings during or after hours were at high risk for issues, including fights and violence. Chief Arendt asked the Council to consider rescinding the use variance as there had been several violations and concerns with the Mishawaka Police Department. Chief Arendt stated he would be happy to answer any questions.

Ms. Hahn thanked Chief Arendt for coming to the meeting that evening and appreciated the information he provided to the Council. Ms. Hahn asked if he could elaborate further on where the calls to them regarding these issues directly came from and if they were from neighbors, local businesses, or people driving by. Chief Arendt stated the calls had been from patrons attending the event especially when fights had broken out in the parking lot and the event center also had contacted the South Bend Police Department for some of the events and the Mishawaka Police Department then received the calls from the South Bend officers for assistance. Chief Arendt stated he did not want to throw a neighboring agency under the bus, but they had been less than helpful. Ms. Hahn thanked Chief Arendt.

Mr. Mammolenti thanked Chief Arendt for the information and stated he mentioned the attempts to make contact with the business owner and the tenant and asked if he could elaborate on that in terms of reminding them of the rules and regulations regarding the events. Chief Arendt stated when the event came to their attention, it was it was midweek the week of the events being held on Saturday and Sunday, so on Friday, himself as well as Chef Wiley, Chief of the Detective Bureau, went to the event center itself in the afternoon to attempt to make contact and they had a Ring doorbell that they pressed several times with no answer at the door and they were unsure if anybody was actually in the building at the time. Chief Arendt stated upon leaving, emails were sent to the email address listed in the resolution as well as the phone number that was posted on the door and the phone numbers in the resolution. Chief Arendt stated to this date, nobody had responded to any of those requests to contact them so that they could explain their issue with the upcoming events. Mr. Mammolenti thanked Chief Arendt.

Mr. Violi stated he mentioned there was a combative conversation that an individual had with a police officer on site and asked if that person engaging in that conversation was somebody renting the facility or if it was the manager or someone like that. Chief Arendt stated Captain

Smith and Lieutenant Norby were the two officers who encountered the female that was there and he did not believe they actually identified who she was other than she was the one who said she was holding the keys to the building and she opened the door and did not provide any additional information to the officers and then went inside and closed the door. Mr. Violi thanked Chief Arendt.

Mr. Banicki asked when these things happened how it stressed the police department and if they had to send one or two cars or more than that and if they had to ask for outside assistance from South Bend or the County. Chief Arendt stated he knew for a fact that they sent a multitude of officers, especially when they were dealing with large congregations of people in the lots, especially where they knew alcohol had been served and consumed, which was the case in these events. Chief Arendt stated they had body cam as well as dash cam recordings of all of the officers that were there and depending on which night it was of the events that he had described to the Council, some of them sat back to try to document what was going on and to make sure that they were there in case anything happened that they needed to respond even further. Chief Arendt stated on the 23rd, there were attempts to try to disperse the crowd and those were met with disregard, and they wound up staying until slightly after 3:30AM before everybody finally dispersed from there. Mr. Banicki thanked Chief Arendt.

Mr. Carroll stated they had a number of establishments that served alcohol and had large parties and asked if this was common with other event centers in the area or if this was an outlier. Chief Arendt stated this was an outlier and it was not an outlying type of thing, but it was something that they identified and they tried to stop before it turned into something more violent than what it was but it was not common for these type of these establishments other than this particular one at that time in the city. Mr. Carroll asked if he attributed that to anything specific and if he had any idea what was different about the other event centers compared to this one. Chief Arendt stated they had a different facility where they had identified one of these issues and they contacted the facility at that time and gave them the rundown of what was going on and it was not necessarily related to a closing time but it was a particular promoter that they had issues with and the County Police and South Bend Police had issues with the promoter as well. Chief Arendt stated they had been identified and they had issues in the past and they did not recommend renting to them and the event was canceled. Mr. Carroll thanked Chief Arendt.

Mr. Mammolenti asked if they were required to have security inside the event at a large gathering. Chief Arendt stated he did not know if he found that they were required to have security, but they did have it on a couple of occasions they ended up responding to. Mr. Mammolenti asked if they could have shut that down on the evening prior to the event if they felt it was necessary to do so. Chief Arendt stated they were going to have to violate prior to them shutting the event down, which was where they were at currently. Mr. Mammolenti thanked Chief Arendt.

Mr. Hixenbaugh stated he was looking at a series of documents entitled "Call For Service Information" that appeared to align with the various dates Chief Arendt and Mr. Prince had both

referenced in their presentation and he wanted to make sure that he was interpreting those documents. Mr. Hixenbaugh stated with the document that indicated that the call was created on May 9th of 2026, further down in that document there was a section entitled "Unit Assignment" and there he saw a series of individual Mishawaka police officer names and the time that they were dispatched, the time that they arrived, and the time it said cleared which he assumed meant the time that they left the scene and asked if that was accurate. Chief Arendt stated that was correct. Mr. Hixenbaugh stated as he looked in the document, he counted for the one event eleven individual officer names as having been dispatched and asked if he was reading that correctly. Chief Arendt stated yes that it was eleven officers. Mr. Hixenbaugh stated so literally for that one event, eleven Mishawaka police officers were dispatched to this particular site at various times to deal with the disturbance and asked if that was an accurate summary. Chief Arendt stated that was correct and that was probably three quarters of the officers that were working the street at any given time, which meant if they were responding to these types of events, that left the rest of the city unprotected and uncovered. Mr. Hixenbaugh stated Chief Arendt read his mind and while eleven officers were on site at this location, the calls for police assistance did not stop during that time period and asked if that was correct. Chief Arendt stated that was correct. Mr. Hixenbaugh asked what risk that put the rest of the community at if three quarters of their shift strength was devoted to the one site. Chief Arendt stated he thought it was pretty obvious that they were left with a quarter of the shift strength covering the rest of the city while they were dealing with whatever issues came out of this from start to finish. Mr. Hixenbaugh stated without dealing with each incident in isolation, his rough count was that on two of the occasions that Chief Arendt referenced, there were eight officers dispatched and on another occasion, there were six officers dispatched, but those six officers were dispatched twice. Mr. Hixenbaugh asked if that matched up with his understanding of each of those events. Chief Arendt stated he had the Calls For Service document in front of him, and as Mr. Hixenbaugh pointed out, almost all of them had at least six, if not eight, officers that were dispatched and or responded to the event to try to assist with resolving whatever the issue was. Mr. Hixenbaugh asked with regard to the events where there was that public safety risk that was presented, if that risk was a reality for any individuals who were in close proximity to the event at the time that it occurred or members of the public who happened to be close by and if it posed a risk for them. Chief Arendt stated absolutely and thank goodness this did not devolve into some of the things that they had seen in the past, whether by police intervention or by luck. Chief Arendt stated he was very familiar with these situations having worked in the homicide unit and working multiple cases at these type of events that had been allowed to turn into what they suspected, where they had resulted in gun violence as well as murders. Mr. Hixenbaugh asked if Chief Arendt could expand upon the risk and the problems it caused for his officers when they had to respond to these type of incidents. Chief Arendt stated it could be anything from if they had to go hands-on with somebody, that could be injury to the person they needed to go hands-on with or to the officer themselves, damage to property, damage to squad cars, potential risk of those that may be in the area who also may encounter injury or damage to property. Chief Arendt stated there were definitely plenty of risks there when they were dealing with these type of events. Mr. Hixenbaugh asked from his description of the events as well as that of Mr. Prince, and then the documentation that had been provided, if it was correct for them to conclude that their officers

showed restraint with regard to those crowd control issues and that interaction with them that was less than appropriate. Chief Arendt stated their officers approached every situation and tried to de-escalate and use whatever methods they could to try to avoid conflict at the events and just from word of mouth and talking to people he knew that the one event went until 3:30AM and there were many attempts to try to get people to move on, and they were just ignored. Chief Arendt stated rather than trying to go hands-on with anybody, it became evidence to the officers that were on scene that just kept an eye on things and made sure that this did not devolve into anything, and then if it did turn into anything that they need to actually step in, that they would and then they reported later like they responsibly should have so that they could look into it further see how many other events of this type had happened at that particular location. Mr. Hixenbaugh stated he appreciated that measured response on the part of his officers who had responded to this incident and it concerned him that they had to respond but he appreciated the way it was handled nevertheless and thanked Chief Arendt once again.

Latrina Anderson, Tenant at 526 W. McKinley, spoke in opposition to **RESOLUTION R2026-22**. Ms. Anderson stated some of the things that Chief Arendt said such as he emailed them and sent letters to try to get in contact with them, her landlord had been out of the country for three weeks and she got the notice on the 11th and when she got the notice, she came to City Hall and spoke to Christa Hill and she received an email stating that they did have the wrong email address as well as the wrong phone number. Ms. Anderson stated Chief Arendt was correct in saying that on May 23rd, there was a party there and she spoke with Officer Smith that night and he advised her that they needed to be closed by midnight. Ms. Anderson stated had they gotten in contact with her and her business prior to the event, the issue would not have occurred. Ms. Anderson stated her intentions were not to have any event or rent her place out to people that would be having events go beyond midnight, so when Officer Smith told them that, the event that was for the 24th was canceled and moving forward, all events would end by midnight and she was present that evening to let the Council know that. Ms. Anderson stated if they had the right contact information in the beginning, they could have moved forward with canceling some events or ending the events by midnight.

Ms. Hahn asked if the phone number on the door of the business was the incorrect phone number. Ms. Anderson stated it was not the right number, and she gave them the correct number after the events. Ms. Anderson stated she also gave them the correct email address as well as the correct phone number when she came to City Hall on the 11th. Ms. Hahn asked for clarification if the number on the door was the old phone number. Ms. Anderson stated that phone number was not working and it was still on the door, so they could get in contact with the business through email.

Mr. Mammolenti asked if she could recall the evening that Officer Smith spoke with her and told her that the events were supposed to end at midnight and when the party that occurred that evening ended. Ms. Anderson stated it ended at 2:50AM and she wished she could have had the other officer that they hired present that evening and they hired two South Bend officers to patrol the party that evening and he said that they gave them the paperwork even though they did not

get the paperwork. Ms. Anderson stated the party did end after midnight at 2:50AM that evening. Mr. Mammolenti asked if she could further elaborate on some of the incidents that Chief Arendt spoke about regarding fights in the parking lot, large gatherings, and alcohol being brought out. Ms. Anderson stated she wanted to request that the footage be brought to everyone's attention regarding the alcohol being brought out because there was no alcohol being brought out in her opinion and she would like to see the footage. Mr. Mammolenti asked about the flyer previously mentioned for sale in a public event. Ms. Anderson stated no and it was for a private event and with the food truck, there was a food truck there that evening and once the building closed at midnight, there were still cars out in the parking lot waiting for their order so she did not think they could make those customers leave the lot and they had a permit to sell food and that did not reflect on her business as the Levl's building was closed so if you ordered food and you were waiting on food and it was past midnight, that should not reflect on her. Mr. Mammolenti asked if she was the person that had given the food truck permission to operate. Ms. Anderson stated she was that person. Mr. Mammolenti thanked Ms. Anderson.

Mrs. Hazen asked if she managed any other event centers in the area. Ms. Anderson stated she did not manage any other event centers. Mrs. Hazen asked how she vetted people and if she had an agreement with the individuals that they had to be out of the building at midnight. Ms. Anderson stated yes. Mrs. Hazen stated there was not just the one incident and since 2025, there had been quite a few incidents where they had stayed later than permitted. Ms. Anderson stated there had been three such incidents because the other event stopped at 12:02AM or something like that. Mrs. Hazen asked how she vetted her people because there were a lot of invitations going out showing what was going to happen that night and asked if she just rented it when she really did not know what was going on there. Ms. Anderson stated they came out to their site and booked them and she asked what event they would be hosting and they were able to have a private party if that was what they wanted to do. Mrs. Hazen asked if she was aware of the flyers that advertised the events and stated there was one for the May 23rd event, one for the Cinco de Mayo, one for the Spin the Block and they advertised going until 2AM and 3AM. Ms. Anderson stated she was aware of those two. Mrs. Hazen asked if she was aware of them prior to the events. Ms. Anderson stated yes. Mrs. Hazen asked why she allowed them to go out when she knew that they had to be done at midnight. Ms. Anderson stated she did not know until she was informed that she needed to close at midnight and when she was shown the paperwork. Mrs. Hazen asked when she became aware of the closing time she needed to be abiding by. Ms. Anderson stated she became aware when Officer Smith talked to her that evening.

Mr. Banicki asked if she rented the place from somebody that asked for the conditions and she did not ask for the conditions, so it was really the responsibility of the owner to make sure the conditions were followed. Ms. Anderson stated that was correct. Mr. Banicki asked when she signed the lease if any of the conditions were in the lease, such as no alcohol being taken outside or the events being done by midnight. Ms. Anderson stated it did. Mr. Banicki stated she just told the Council it did not tell her that, yet the lease said it did. Ms. Anderson stated the lease did have the conditions in there, and that was what she told Mrs. Hazen. Mr. Banicki stated so then they were not pulling her business, they were pulling the business of the owner and by her not

following the rules, not only did it affect her but it affected the property owner who was ultimately responsible. Mr. Banicki stated he had owned several different businesses and if something happened in her parking lot, she would be the one who was responsible, like it or not. Mr. Banicki stated he had people fall down and break a leg at one of his businesses and he was responsible, so for her to say that she was not responsible for her parking lot after hours, he thought that was incorrect. Mr. Banicki stated she was responsible for her patrons and the parking lot and they were not looking to get back doored by a license that allowed her to do that when the conditions were put in place. Mr. Banicki stated they were looking for more organized and nicer events such as bridal showers and things of that nature rather than big parties at night. Ms. Anderson stated there were not just parties held there and there were baby showers and bridal showers held there too. Mr. Banicki stated he thought that the spirit of what they approved was not what they were seeing at that time and they just would have to look at all of the facts and see what direction they wanted to go with this, because they did not want to see her get hurt or anybody else get hurt. Ms. Anderson stated she did not want to see that either. Mr. Banicki stated they had to do what they needed to do and asked if most of the people coming to rent the space were from Mishawaka or if they were from elsewhere. Ms. Anderson stated they were from all areas and it was not required that they be from Mishawaka. Mr. Banicki stated that was not required, but it was nice when Mishawaka citizens were able to use a nice place like that. Ms. Anderson stated a majority of them were from Mishawaka, but she had people come from Plymouth, Osceola, and other places. Mr. Banicki stated for example, they had prior issues up on Douglas Road at a Holiday Inn where they were bringing in outside entertainment and advertising things that were not acceptable in their community, so they would bring it into Mishawaka. Ms. Anderson stated she had no knowledge of that. Mr. Banicki thanked Ms. Anderson.

Mr. Carroll stated as many of the Council were business owners, they either were the landlords or had landlords and asked if she felt that she held responsibility for the actions of the people she contracted with. Ms. Anderson stated yes. Mr. Carroll asked if she shared some responsibility if people, she was in charge of contracting there had calls for service for the police department and if there were injuries, damage, or liabilities resulting that she had some part in that. Ms. Anderson stated yes. Mr. Carroll stated he spoke with Chief Arendt about other event centers in the area and they had many of them and he had attended many of them serving alcohol for a wedding events, baby showers, and those types of things and he described this as an outlier and asked if she could explain the reason why this may be an outlier compared to the other event centers in the area. Ms. Anderson stated he likely said that because there was an officer that came by and always came by and there was a client who had rented the building out and he came by and told the client they may not want to have their event at the building as it was not a good place. Ms. Anderson stated she did not know why he said that to the client and why Chief Arendt said the same thing because there had not been any fights or shootings occurring there and the paperwork that the Council sent her on May 9th when he was talking about the place closing a little after 2AM. Ms. Anderson stated the paperwork indicated that the building was closed at 12:28AM and the paperwork stated there was no fight that evening and it was documented in the police report. Mr. Carroll asked if it was her belief that there had never been any fights resulting

from any of the people she contracted with. Ms. Anderson stated there was a fight there before and that was on April 26th and the South Bend police officer did call for backup because there was a lady there who ended up being taken to jail and that was the only fight that had ever been there. Mr. Carroll stated from what Chief Arendt said previously was that there was a large number of police calls that were coming to this which was making it the outlier and asked why it was that this particular location under her management was receiving so many more calls than all of the other event centers in their area. Ms. Anderson stated there was nobody calling and it was just the police coming by and there was nobody calling, because there were not issues to have people calling about. Ms. Anderson stated she did not know who was dispatching the call and she was the only building open that evening, which was after midnight that night and they were just randomly coming there and sitting in the parking lot. Ms. Anderson stated she was talking to Officer Singh a couple of weeks ago and he told her he usually came and parked there when her business was not open as well as when it was open and she told him he did not come when the business was closed, so he moved his car and parked over by the furniture store in the same shopping center. Mr. Carroll stated going back to the original piece and echoing what Mr. Banicki said, many of them on the dais owned businesses in the area and she did say she shared responsibility for this and that was a concern and when you had large groups of people gathering and several police officers being called out repeatedly, that was an issue and it was definitely an outlier in his mind and it was not something that they saw come before them, so in this scenario he was seeing a lot of serious issues.

Mr. Mammolenti stated she was obviously running this business out of the building from Mr. Farhan, and she mentioned that she had a signed contract and asked if that was correct. Ms. Anderson stated that was correct. Mr. Mammolenti asked if in that contract, it stated that parties needed to end at midnight. Ms. Anderson stated his contract did not say that but her contract that she gave to her clients did but her lease did not say that. Mr. Mammolenti asked if she had the renters sign that contract, why they had their events going past midnight. Ms. Anderson stated that was her mistake. Mr. Mammolenti asked if she was present at the events in question. Ms. Anderson stated she was present depending on the event and if they were baby showers or events like that she did not have to be there since it was not a large party and it was an intimate gathering. Mr. Mammolenti asked if she charged them extra after midnight. Ms. Anderson stated they did not have events after midnight and there had not been a party since the 23rd of May. Mr. Mammolenti asked on the events she said she had made a mistake in allowing them to hold their party past midnight if she charged them extra. Ms. Anderson stated there were two events and yes. Mr. Mammolenti thanked Ms. Anderson.

Mrs. Hazen stated they were told that on December 7, 2025, police were dispatched for a fight in the parking lot at 1:50AM and asked if she knew about that. Ms. Anderson stated no. Mrs. Hazen stated on April 26, 2026, at 1:45AM, police were also dispatched for a fight in the parking lot. Ms. Anderson stated she was there and she knew about that one. Mrs. Hazen stated then on May 9, 2026, that was the day of the food truck incident where there were fifty people in the parking lot and asked if she was familiar with the May 9th incident. Ms. Anderson stated she was familiar

with it but there was no fight and it was listed as such at the bottom of the police document. Mrs. Hazen stated people were there after midnight. Mrs. Hazen thanked Ms. Anderson.

Mr. Carroll asked if she was saying that the landlord in their contract with her provided no indication about an after-midnight clause. Ms. Anderson stated not to her knowledge. Mr. Carroll stated her landlord came before the Council and asked for a use variance with a very specific requirement and did not share it with the tenant and asked if that was correct. Ms. Anderson stated she could go back and look at it. Mr. Carroll stated that seemed like very irresponsible ownership and asked if the landlord should be held accountable for not doing that. Ms. Anderson stated no, she could be held accountable for that. Mr. Carroll stated it seemed like if he was going to go before the Council and ask for a use variance with very specific permissions and he did not tell his tenant that, that he would think he should be held responsible for doing that as well and it seemed like that was ultimately the question that needed to be posed. Mr. Carroll asked Ms. Anderson if they should hold them responsible. Ms. Anderson stated no. Mr. Carroll stated he disagreed and thanked Ms. Anderson.

Mr. Hixenbaugh appreciated Ms. Anderson's patience with them and stated going back to April of 2025 when they took action to approve the use variance she looked familiar to him and asked if she had attended the meeting that they conducted where they approved the use variance. Ms. Anderson stated she was present for one of the meetings and the other meeting she was not. Mr. Hixenbaugh asked if she spoke that evening when she was present. Ms. Anderson stated she had to speak up at the meeting she was present for. Mr. Hixenbaugh stated going back to the request for the variance that was filed and received by the city on March 4, 2025, he asked if she recalled that the request for the use variance listed her as the contact person along with her address, phone number, and fax number as well as her email address. Ms. Anderson stated yes and they had just been typing the email address wrong. Mr. Hixenbaugh stated he was not talking about the past, he was talking about now and asked when the request was made for the use variance to be granted, if she was aware that the request was going to be made. Ms. Anderson stated that was correct. Mr. Hixenbaugh asked if she participated in at least one public hearing with regard to the use variance. Ms. Anderson stated that was correct. Mr. Hixenbaugh asked when the Council took action on or around April 14, 2025, if she was aware that part of their approval was that a non-negotiable condition was that her events had to conclude by midnight. Ms. Anderson stated she was aware of that. Mr. Hixenbaugh asked if that was also reflected in her lease. Ms. Anderson stated that was correct. Mr. Hixenbaugh asked going back to the question Mrs. Hazen asked, if as early as December 2025 she was aware that there were events that had gone past midnight and not concluded consistent with the condition. Ms. Anderson stated not in December, she was not. Mr. Hixenbaugh so between then and until Captain Smith showed up at her business, was it her suggestion to them that she was not aware of even one event that went past midnight. Ms. Anderson stated she was aware in April because it had not been happening with a lot of events, so of the four events that Chief Arendt named, only two went past midnight and she was aware of the April 26th event. Mr. Hixenbaugh asked the advertising that was referred to by Mr. Prince and Chief Arendt earlier with regard to some events in May and he was looking specifically at the one that talked about a Gemini birthday bash, if that advertising material was

produced and distributed by the person who rented the facility or by her. Ms. Anderson stated it was made and sent out by her. Mr. Hixenbaugh asked if she agreed with him that the advertising material for the Gemini birthday bash on Saturday May 23rd indicated that the time was 10PM to 3AM at her location. Ms. Anderson stated yes. Mr. Hixenbaugh asked at the time that she distributed the material if she was aware that that was in violation of the condition of approval of the use variance. Ms. Anderson stated no and she totally forgot about that. Mr. Hixenbaugh asked if there were any other advertising pieces that she could recall sending out that she would have forgot about the midnight prohibition that she distributed. Ms. Anderson stated no. Mr. Hixenbaugh asked if there was an event held at her facility on Sunday May 24th called Spin the Block. Ms. Anderson stated that event was not held and it was canceled prior to that date. Mr. Hixenbaugh asked with regard to material, if she produced the advertising material that went out before the event was canceled. Ms. Anderson stated no, not that one on the 24th. Mr. Hixenbaugh asked who did the advertising material for the 24th. Ms. Anderson stated she was not sure. Mr. Hixenbaugh stated it looked pretty similar to him, and it had the same font, her event center location, and it said that the hours for the event were 10PM to 2AM but she did not recall having produced that document and asked if that was correct. Ms. Anderson stated yes, not that one. Mr. Hixenbaugh thanked Ms. Anderson and appreciated her patience with him.

Abid Farhan, landlord of the facility at 526 W. McKinley Avenue, spoke in opposition to **RESOLUTION R2026-22**. Mr. Farhan stated he remembered himself standing at that podium asking for the use variance but at that time, one of the councilmen asked him if alcohol would be served and he said if the law allowed it, that would be okay with him and as the landlord, he was standing there telling them that because he heard the question about having the 12AM closure in the lease. Mr. Farhan stated for him, when he dropped the lease for her, he dropped the lease that she had to respect all ordinances and laws that they city had that they were in. Mr. Farhan stated that did not mean he was going to tell his tenants they had to close at 12AM. Mr. Farhan stated he had a barbershop, a hair shop, and a tobacco shop and he could not tell them what time to close but he could tell them that they had to respect all of the laws that were in the city. Mr. Farhan asked if he was right or wrong about that. Mr. Hixenbaugh stated this was his opportunity to make statements, not an opportunity for him to ask questions and they would treat that as a rhetorical question he was asking. Mr. Hixenbaugh asked if there was anything else Mr. Farhan wanted to share with them. Mr. Farhan stated no that was it. Mr. Hixenbaugh thanked Mr. Farhan.

Mr. Hixenbaugh stated he appreciated the information that was shared with them both by the Administration and the police department as well as the individuals who owned and occupied the facility. Mr. Hixenbaugh stated he did agree with the landlord to a certain extent that it was not within their purview to enforce alcohol laws of the state of Indiana as Excise Police and others would do that, but he did believe that the information that had been presented to them that evening was relevant to show not only that events on one or more occasion took place after the 12AM midnight condition of approval that was embedded in the use variance. Mr. Hixenbaugh stated he thought that the information that was provided by the police department was relevant to show them what the negative impact was on the community of the fact that that 12AM midnight

deadline on one or more occasions was not complied with. Mr. Hixenbaugh stated from his perspective, he did not find it relevant the information that was provided with regard to the interaction or lack thereof and the information shared by Captain Smith or any other representatives of the police department. Mr. Hixenbaugh stated he believed that the record was clear that both the landlord and the tenant knew by virtue of their physical or at least should have known of the condition that was embedded in the approval and from his standpoint, that knew or should have known standard was sufficient for them to make a finding that there was in fact a violation of the condition of approval, a mandatory condition, non-negotiable that justified the granting of the variance. Mr. Hixenbaugh stated he believed the evidence was sufficient for them to find that it was violated on one or more occasions causing a public safety risk to the citizens of Mishawaka. Mr. Hixenbaugh stated from his standpoint, while he appreciated the information, he would be voting in favor of the resolution and for a point of clarification, a vote in favor of the resolution was a vote to revoke the conditional variance that was approved in April of 2025.

Question was called for at 6:58PM for **RESOLUTION R2026-22 Motion passed by majority roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2026-23
Miscellaneous Property Acquisitions
1212 South Union Street

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
Adding property to the City Acquisition List

Ken Prince, Director of Planning and Community Development, spoke in favor of **RESOLUTION R2026-23**. Mr. Prince stated as the Council had reviewed and approved multiple times over the past year, as there was interest or when properties came for sale along Union Street, the city was attempting to purchase what they believed to be the long-term need for the corridor. Mr. Prince stated in this case, the property had just come up for sale and even though the widening of the section was 5 or more years away, they thought it was prudent to acquire the property at that time. Mr. Prince stated they were merely requesting for the Council

to add the property to their acquisition list and by law, this was required for TIF. Mr. Prince stated when they were going to do a project and when they went to acquire property, they had to add properties to the acquisition list. Mr. Prince stated in 2014, they did not know all of the properties that were going to need to be added so that was why they were bringing them before the Council individually as they came available. Mr. Prince stated he was happy to answer any of their questions.

Question was called for at 7:01PM for **RESOLUTION R2026-23 Motion passed by majority roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2026-24

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: NORTHEAST CORNER OF E. MCKINLEY AVENUE AND DIVISION STREET, MISHAWAKA, INDIANA
Use Variance for Volunteer Training and Operations Facility in R-1 Single-Family Residential – NE corner of E. McKinley & Division Street**

Jim Williams, President and CEO of Habitat for Humanity of St. Joseph County at 524 E. McKinley Mishawaka, IN 46545, spoke in favor of **RESOLUTION R2026-24**. Mr. Williams stated they were there asking for a use variance to construct a volunteer center and he was happy to report to them that Habitat of St. Joseph County had planned to build over one hundred houses in the next five years and eighty-five of them would be in Mishawaka. Mr. Williams stated they really enjoyed their partnership with both Mishawaka and South Bend and they just happened to have the opportunity to build quite a few houses in Mishawaka because of their great public-private partnership. Mr. Williams stated the volunteer center they were asking the use variance for would help them engage with more volunteers since they had so many people that wanted to come build with them and engage with the mission of Habitat and this would give them an opportunity to do that and hopefully to develop that relationship into one where they not only volunteered but also helped fund their builds. Mr. Williams stated they were going to need to raise about twenty-four to thirty million dollars to build those one hundred houses. Mr. Williams the volunteer center would also enable them to keep their housing costs down and their build costs down. Mr. Williams stated there was going to be more components of the house that they could build in the volunteer center and because it was under roof and a conditioned space, they could give the volunteers a better experience and they could build year-round. Mr. Williams stated they did offer a community meeting on April 30th and opened up their building to the surrounding businesses and residents so that they could ask questions and learn about the project. Mr. Williams stated he would be happy to answer any questions.

Mr. Violi stated he believed that meeting was the night of the Mayor's State of the City Address and asked if he could give them a synopsis of how the community meeting went and if any neighbors showed up and if there were any comments or concerns. Mr. Williams stated they had one couple show up from the neighborhood and they had the Superintendent of Mishawaka schools show up as well and they answered all of their questions. Mr. Violi stated he said that having this facility would allow them to practice indoor when the weather wasn't good and would help quite a bit and it would protect those volunteers and workers from the elements. Mr. Williams stated that was absolutely right and people knew that that they typically built their walls separately and then shipped them out to the build site and this facility was going to enable them to expand the kind of projects the volunteers did. Mr. Williams stated it would have a full woodshop and a work space with plenty of space to engage their volunteers and they were hoping to partner with Mishawaka Building Trades, Penn Building Trades, and Ivy Tech and he had a meeting with the Chancellor of Ivy Tech coming up in a few weeks and also the Notre Dame School of Architecture. Mr. Williams stated they were hoping that all of those groups would also be able to utilize the space in some way. Mr. Violi thanked Mr. Williams.

Mrs. Hazen asked if they owned the old facility where they used to build walls on McKinley. Mr. Williams stated yes they owned that building and they also already had a buyer lined up who was willing to purchase that and they were thrilled to do that and they would be glad to upgrade their space. Mrs. Hazen thanked Mr. Williams.

Mr. Banicki stated looking at where the facility was going to be built, it looked like in the future they were going to have to expand that road a little bit and asked if this would be built back just enough so that they would be able to expand the road without any troubles to them in the future. Mr. Williams stated yes and the city had asked them to make sure that they take that into account and they were working with Ancon Construction and they had set it back enough. Mr. Banicki thanked Mr. Williams.

Ms. Hahn thanked Mr. Williams for coming that evening and hosting the neighborhood meeting. Ms. Hahn stated he mentioned that their previous facility that was similar to the one being proposed was going to be sold and asked what would happen to the facility after all of the homes are built and it was no longer needed. Mr. Williams stated the volunteer center would always be needed and it was part of the mission of Habitat and how they engaged volunteers to help them build their homes, so they would build one hundred homes in the next five years but hopefully two hundred homes or three hundred homes in the next ten to fifteen years.

Mr. Mammolenti thanked Mr. Williams for coming that evening and all he did for their residents in St. Joe County and particularly Mishawaka and more importantly, he thanked him for finding a way to partner with Building Trades of Mishawaka High School and Penn High School. Mr. Mammolenti stated he was sure that program will continue to grow even more now with this facility and he was sure this would open up even more doors for them.

Mayor Dave Wood spoke in favor of **RESOLUTION R2026-24**. Mayor Wood stated this was sure an exciting development and he happened to see the plans and they fit in there beautifully to

make great use of the corner and fit in well with the campus they were developing there with their headquarters. Mayor Wood stated they could not be more proud to have Habitat for Humanity in Mishawaka, because of the partnership Mr. Williams spoke of had been transformational. Mayor Wood stated they talked a lot about the fact that housing was a very difficult, complicated issue especially affordable housing and they relied on experts to make that happen because they knew it was such an important aspect and sector of housing and they needed affordable housing in Mishawaka. Mayor Wood stated there was no one better at doing that than Habitat for Humanity and you did not have to look any further than the Fields at Highland, a great Mishawaka neighborhood and it had been a stable and incredible neighborhood not only for the community but for the school corporation as well. Mayor Wood stated when he thought about a short drive down McKinley and being able to build in the middle of winter, that excited him and that was the most fun he could have in office. Mayor Wood stated he looked forward to having volunteers coming from all over the region to Mishawaka to be part of the experience and it was a highly innovative project for what it was going to do and how it was going to be used and would be a model for all others to likely follow. Mayor Wood stated he could not be more excited for the partnership and the product of the partnership which transformed Mishawaka and their residents most in need and that was the bottom line with simple, decent, and affordable homes. Mayor Wood thanked the Council for their consideration.

Question was called for at 7:12PM for **RESOLUTION R2026-24 Motion passed by majority roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2026-25

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: 1217 E MCKINLEY AVENUE, MISHAWAKA, INDIANA

Use Variance to allow Liquor Store and Retail Sales Development Variance for Reduction of Parking – 1217 E. McKinley

Tyler Glenn, 817 W. Borley Avenue in Mishawaka and Bola Singh, 11945 Adams Road in Granger, spoke in favor of **RESOLUTION R2026-25**. Mr. Singh stated they purchased the building about four or five months ago and the building had been abandoned for a few years. Mr. Singh stated when he thought it was already a retail place when they bought it, but they found out it was a warehouse so they were trying to open a liquor store as a retail. Mr. Glenn stated it was a large building and they were only requesting to use the front section that was originally a retail furniture store and it was approximately 8,250 square feet.

Mr. Banicki asked what would be done with the backside if the building. Mr. Singh stated it would be used as extra storage related to the business. Mr. Banicki asked if this was just one store of many they had so they could use it as more of a distribution type of place. Mr. Singh stated yes.

Mrs. Voelker asked if they would be redistributing alcohol from the backside of the building. Mr. Singh stated they did not sell to anybody else, but they did stock extra for their own stores so if there was a store needing some inventory, they would then send it there. Mrs. Voelker asked if that would be a regular occurrence and if it involved a lot of trucks coming in and out of their parking lot. Mr. Singh stated no and they would have a small box truck come once a week to deliver to them along with other trucks.

Mr. Violi asked how many stores they owned. Mr. Singh stated throughout Indiana, they had thirty-nine stores. Mr. Violi asked if the storage area would service all thirty-nine stores. Mr. Singh stated it would service South Bend and Mishawaka, but he had stores in cities all over Mishawaka in Nappanee, Wakarusa, and Logansport.

Question was called for at 7:17PM for **RESOLUTION R2026-25 Motion passed by majority roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 9-0.

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

PROPOSED ORDINANCE NO. 2025-45

AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF MISHAWAKA ESTABLISHING RESPONSIBLE BIDDING PRACTICES AND SUBMISSION REQUIREMENTS FOR PUBLIC WORKS PROJECTS Establishing Responsible Bidding Practices and Submission Requirements (Public Improvements Committee) Amendment Requested

The chair entertained a motion to amend **PROPOSED ORDINANCE NO. 2025-45** to reflect the deletion of the former section four dealing with pre qualifications of contractors. Mr. Banicki moved the motion and with a second from Mr. Carroll, a voice vote was held on the motion. The motion passed unanimously and the amendment was made.

Mr. Mammolenti reported the Public Improvements Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Michael Compton, 1530 South Lake George Drive Mishawaka, Indiana, spoke in favor of **PROPOSED ORDINANCE NO. 2025-45AA**. Mr. Compton apologized for not attending the public meeting a week ago as he was at his granddaughter's graduation. Mr. Compton stated he knew he spoke to each councilmember about the ordinance in question over time, so he did not want to spend any real time repeating what had already been said and opened up the floor for any questions the Council had.

Mr. Mammolenti congratulated Mr. Compton's granddaughter on her graduation and on all of the work he did while on the Council and even after his time there making sure their questions

had been answered and had great communication. Mr. Mammolenti stated he put forth great effort and they really appreciated it. Mr. Compton thanked Mr. Mammolenti.

Mr. Hixenbaugh thanked Mr. Compton for his presence and not only his work on this, but his leadership as well on the issue for many, many years. Mr. Compton stated Mr. Hixenbaugh and Ms. Hahn specifically had worked hard on this and he wanted to thank them for the work they had done and he also wanted to thank the Mayor and his staff, specifically Ken Prince and Matt Lentsch for their work on this. Mr. Compton stated it was a back-and-forth thing and that was how these things went and to make it work for Mishawaka, he thought they had something in front of them that was a good piece of legislation.

Mr. Hixenbaugh thanked all who were involved in the process, including the Administration, and this was another example of the collaboration between the Council and the Administration that took place on a regular basis in Mishawaka, and their citizens are well served as a result of that fact. Mr. Hixenbaugh stated as he mentioned at the informational meeting, he believed this was an important measure for them to pass that memorialized what they were doing all along with regard to looking at investments in public works and public works projects in Mishawaka but times changed and people changed and this was an opportunity for them to reflect not only the Council's thoughts on what went into a responsible recipient of governmental funds to construct their public works but also reflected the Administration's standards they had looked to for many years. Mr. Hixenbaugh stated this did not apply to all construction projects in Mishawaka and only to those projects funded publicly. Mr. Hixenbaugh stated it did not preclude any of their current contractors from being able to bid on their projects and it opened the door for them to continue to do the good work they had done for years on behalf of the citizens of Mishawaka and allowed them to memorialize those expectations in an ordinance and at times, to be able to have a document they could use as a yardstick for those who were asking to receive public funds to vet whether they were the best recipients of those funds. Mr. Hixenbaugh appreciated all of the work from all involved and he liked the fact that this was personalized to Mishawaka. Mr. Hixenbaugh stated he learned there were approximately seventy-one of these throughout the state of Indiana but he suggested that anybody who wanted to review Mishawaka's version of this compared to versions throughout the state would see that this was consciously tailor-made to reflect what was best and worked in their community. Mr. Hixenbaugh thanked all involved and looked forward to enthusiastically supporting it that evening.

Question was called for at 7:25PM for **PROPOSED ORDINANCE NO. 2025-45AA Motion passed by majority 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. 5990.**

NEW BUSINESS

Change Regular Scheduled Meeting for July 20th to July 27th

The chair entertained a motion to change their regularly scheduled meeting for July 20th to July 27th in light of scheduling conflicts on the part of multiple council members. Mr. Banicki moved

the motion and with a second from Mrs. Voelker, a voice vote was held on the motion. The motion passed unanimously and the meeting date was changed.

Mr. Emmons announced on June 18th, the First District West End Meeting would be having a tour of the United Petfood plant in Mishawaka, and they had been doing a fabulous job of keeping everybody abreast and had no issues. Mr. Emmons stated they had invited them to come and tour their plant so they could show them how they were handling the processing of the dog food and that would be at 7PM on June 18th. Mr. Emmons asked that people come to St. Bavo's at 6:30PM to ride a bus to the facility instead of having a lot of cars parked on the property. Mr. Emmons stated as always that they would have refreshments from the West End Bakery at the pet food facility and he looked forward to seeing everyone on the tour. Mr. Emmons stated all were welcome.

ADJOURNMENT 7:28PM

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.

Deborah S. Block, AMC, MMC

JUN 26 2026

City Clerk
Mishawaka, IN

PET 26-15
Received

JUN 24 2026

Planning and
Community Development

June 24, 2026

TO THE:

Honorable Members of the Common
City of Mishawaka, Indiana
And
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE:

Petition for Annexation and Zoning Classification

The undersigned Karen Fullmer & Eva Snyder, as represented by John A. Piraccini respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A 3.79+- acre parcel located on the South side of
Lincolnway East, 650' East of Bittersweet Road
in St. Joseph County, Indiana
Parcel aka 12340 Lincolnway East Mishawaka, In 46544
-see attached legal description labeled annexation-

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is in unincorporated St. Joseph County, Indiana and that the petitioners desire the same to be annexed to the City of Mishawaka, Indiana.

Petitioners desire to designate a zoning classification of C-1 Commercial for the approximate north 220' X 300' tract, designated as North part in exhibit A.

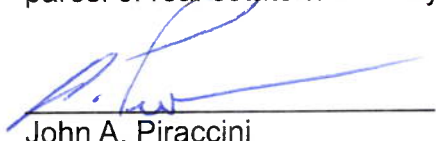
Petitioners desire to designate a zoning classification of I-1 Light Industrial for the approximate south 310' X 300' tract, designated as South part in exhibit A.

Petitioners further state they intend to utilize said land for commercial uses on the north portion of the property and industrial uses on the southern portion of the property. The southern portion will be developed first with the north portion developed at a future date. The south portion of the property will have approximately 6 buildings and will several units in each serving a variety of uses in each subunit. The buildings and development is marketed as flex space.

Accompanying the petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structures.

Petitions further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above-described parcel of real estate to the City of Mishawaka with a C-1 and I-1 zoning classification.



John A. Piraccini

Representative of owners Karen Fullmer & Eva Snyder

Contact Person:

Chris Godlewski
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, In 46601
cgodlewski@abonmarche.com
574-393-9804

John A. Piraccini
Coldwell Banker
1539 N. Ironwood Dr.
South Bend, In 46635
574-243-9522
Johnpiraccini7@gmail.com

Annexation Legal Description

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, IN PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA-MICHIGAN ELECTRIC CO. AND THE EAST LINE OF SAID SECTION 18; THENCE SOUTH 88 DEGREES 08 MINUTES 30 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 1640.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 08 MINUTES 30 SECONDS WEST 300.27 FEET TO A WOOD CORNER POST; THENCE NORTH 00 DEGREES 33 MINUTES 42 SECONDS EAST 534.24 FEET, FOLLOWING AN EXISING FENCE ROW TO THE SOUTH RIGHT-OF-WAY LINE OF A HIGHWAY KNOWN AS LINCOLNWAY EAST; THENCE SOUTH 89 DEGREES 36 MINUTES 27 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 300.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 42 SECONDS WEST 528.80 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Rezoning to C-1 (North Portion)

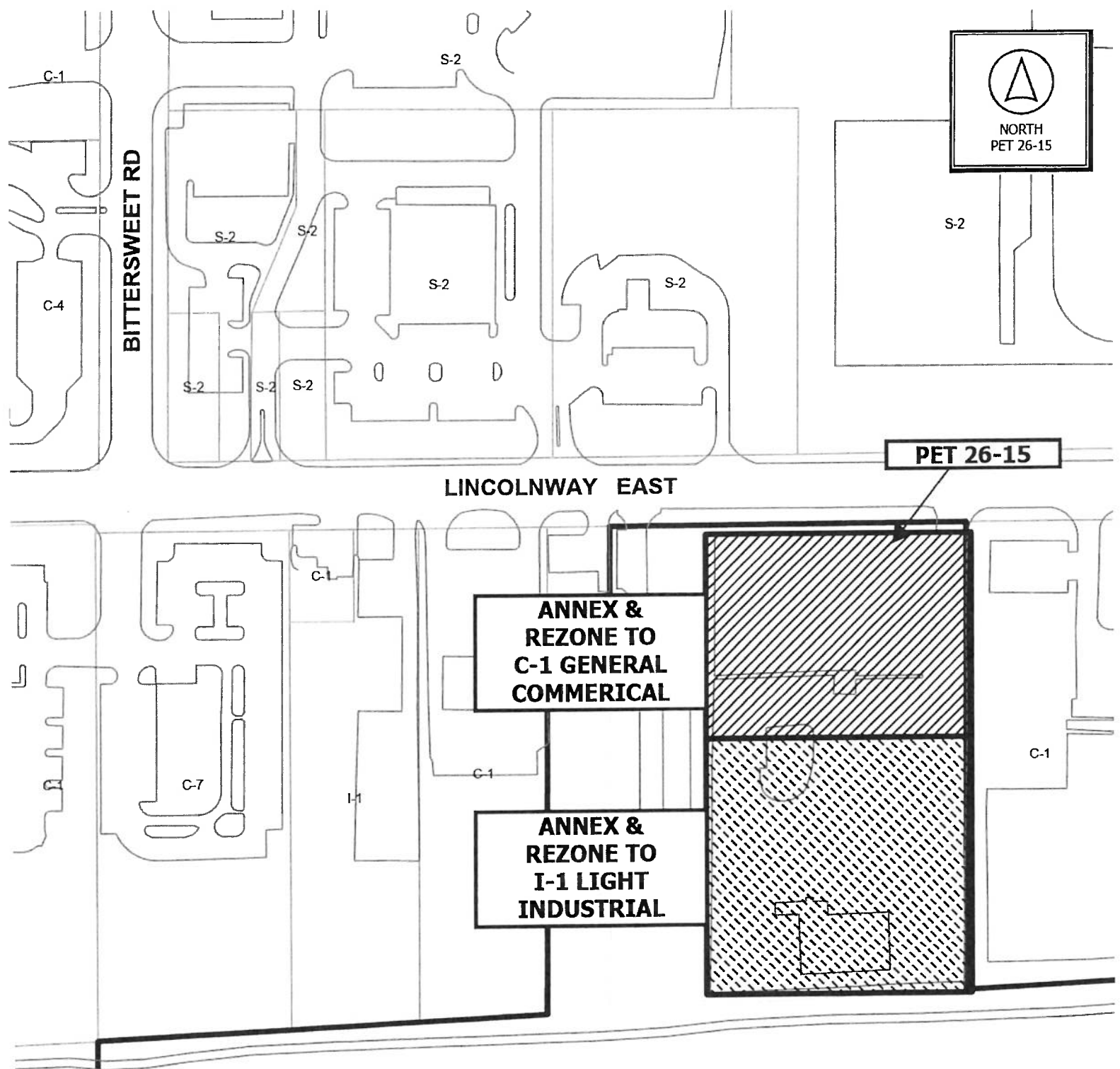
A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, IN PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA-MICHIGAN ELECTRIC CO. AND THE EAST LINE OF SAID SECTION 18; THENCE SOUTH 88 DEGREES 08 MINUTES 30 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 1640.43 FEET; THENCE CONTINUING SOUTH 88 DEGREES 08 MINUTES 30 SECONDS WEST 300.27 FEET TO A WOOD CORNER POST; THENCE NORTH 00 DEGREES 33 MINUTES 42 SECONDS EAST 314.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 33 MINUTES 42 SECONDS EAST 220.00 FEET FOLLOWING AN EXISING FENCE ROW TO THE SOUTH RIGHT-OF-WAY LINE OF A HIGHWAY KNOWN AS LINCOLNWAY EAST; THENCE SOUTH 89 DEGREES 36 MINUTES 27 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 300.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 42 SECONDS WEST 220.00 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 27 SECONDS WEST 300 FEET, MORE OR LESS, TO THE POINT OF BEGINNING

Rezoning to I-1 (South Portion)

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, IN PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA-MICHIGAN ELECTRIC CO. AND THE EAST LINE OF SAID SECTION 18; THENCE SOUTH 88 DEGREES 08 MINUTES 30 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 1640.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 08 MINUTES 30 SECONDS WEST 300.27 FEET TO A WOOD CORNER POST; THENCE NORTH 00 DEGREES 33 MINUTES 42 SECONDS EAST 314.24 FEET FOLLOWING AN EXISING FENCE ROW; THENCE SOUTH 89 DEGREES 36 MINUTES 27 SECONDS EAST 300.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 42 SECONDS WEST 308.8 FEET, MORE OF LESS, TO THE POINT OF BEGINNING.



Location Map
PETITION 26-15
 PETITIONERS:
 KAREN FULLMER & EVA SNYDER

LOCATION:
 SOUTH SIDE OF LINCOLNWAY EAST
 APPROXIMATELY 665' EAST
 OF BITTERSWEET ROAD
 COUNTY ADDRESS: 12340 LINOCLNWAY EAST

ANNEX PROPERTY AND REZONE
 NORTH 220' TO C-1 GENERAL COMMERCIAL
 & SOUTH 310' TO I-1 LIGHT INDUSTRIAL

Deborah S. Block, AMC, MMC

JUN 25 2026

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2026-23

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2026

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA INDIANA, THAT:

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2026, in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Public Safety LIT fund of the City of Mishawaka the sum of \$3,000,000.00 for assignment as follows:

	Public Safety LIT	
<u>Capital Outlays</u>		
2240-50-445-08	Police Equipment	<u>\$3,000,000.00</u>
		\$ 3,000,000.00
	Total	\$ 3,000,000.00

Section 3. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana on this

_____ day of _____, 2026 at _____ o'clock, _____ M.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 2026 at _____ o'clock, ____ M.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2026 at

_____ o'clock, ____ M.

David A. Wood, Mayor



CITY OF MISHAWAKA



Police Department
100 Lincolnway West
Mishawaka, IN 46544

David A. Wood, Mayor
Kenneth L. Witkowski, Chief

July 6, 2026

City of Mishawaka Common Council
City Hall
100 Lincoln Way West
Mishawaka, Indiana 46544

Re: Request for Additional Appropriation for Motorola Solutions Equipment Purchase

Dear Council Members,

The Mishawaka Police and Fire Departments respectfully request an additional appropriation of \$3,000,000 to purchase portable officer and firefighter radios, mobile vehicle radios, and complete body-worn and in-vehicle camera system upgrades.

The current Public Safety and Civil City radio systems were purchased in 2016. Motorola Solutions has advised that these radio models are expected to reach end-of-support status within approximately the next year. Once support is discontinued, repair and maintenance services will be limited to the availability of remaining parts and technology, creating potential reliability and operational concerns for public safety personnel.

The body-worn camera devices currently used by police officers are scheduled for a prearranged technology refresh this year under a 2024 contract with Motorola Solutions. Under the proposed 2026 agreement, the City would receive upgraded body-worn cameras at significant discounted pricing. In addition, the originally prepaid technology refresh would be deferred for an additional three years, allowing the City to lock in current pricing and extend the value of its investment.

The current in-vehicle camera systems were acquired over multiple fiscal years and consist of two different device models: the 4RE and the M500. The proposed 2026 agreement would replace the older 4RE units with the current M500 model throughout the fleet, providing standardized equipment, improved functionality, and consistent performance across all vehicles.

This project has been under review for some time by the Information Technology Department, including an evaluation of potential funding and financing options. The project has now reached end-of-support status, making it critical to move forward with implementation. Although the project was not included in the 2026 budget, delaying further action could introduce operational, security, and support risks.

This investment will ensure that police officers, firefighters, and other public safety personnel continue to have access to reliable communications equipment and modern recording technology necessary to effectively serve and protect the community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alex D. Arendt". The signature is stylized with a large, sweeping initial "A" and a long horizontal stroke extending to the right.

Alex D. Arendt
Chief of Police



City of Mishawaka

OFFICE OF THE CITY CLERK

Deborah S. Block, IAMCA, CMO, MMC, City Clerk

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATION

Notice is hereby given to the taxpayers of Mishawaka, St. Joseph County, Indiana, that the Common Council at City Hall, 100 Lincolnway West, at 6:00 p.m. on the 27th day of July 2026, will consider the following additional appropriations in excess of the budget for the current year.

P.O. No. 2026-23

Public Safety Local Income Tax

Capital Outlays

2240-50-445-08	Police Equipment	<u>\$3,000,000.00</u>
		\$3,000,000.00

P.O. No. 2026-24

Local Road & Bridge Matching Grant

Other Services and Charges

2404-50-436-03	Street Repair	<u>\$1,799,100.00</u>
		\$1,799,100.00

Total		<u>\$4,799,100.00</u>
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Taxpayers appearing at the meeting shall have the right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance. The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within 15 days of receipt of the approved proposal.

Rebecca S. Maguire – City Controller

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Susan Kile, ADA Coordinator, at (574) 258-1615

Deborah S. Block, IAMC, MMC

JUN 25 2026

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2026 - 24

ORDINANCE NO. _____

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE MATCHING GRANT FUND OF THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2026 AND AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2026

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. There is hereby transferred from the Motor Vehicle Highway Restricted (MVHR) Fund of the City of Mishawaka to the Local Road & Bridge Matching Grant Fund of the City of Mishawaka the sum of \$899,550.00 as required for the Community Crossing Grant.

Motor Vehicle Highway Restricted Fund (MVHR)

From:

Capital Outlays
2203-50-442-01

Street Repair

\$ 899,550.00

Local Bridge and Road Matching Grant Fund

To:

Other Services and Charges
2404-50-436-03

Street Repair

\$ 899,550.00

Section 2. Which requires the appropriation of additional funds for the fiscal year ending December 31, 2026, in addition to that set out in detail in the published budget.

Section 3. There is hereby appropriated from the Local Bridge and Road Matching Grant Fund of the City of Mishawaka the sum of \$1,799,100.00 for assignment as follows:

Local Road & Bridge Matching Grant Fund

Other Services and Charges

2404-50-436-03

Street Repair

\$1,799,100.00

Section 4. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

on this _____ day of _____, 2026 at _____

o'clock, _____. M.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 2026 at _____

o'clock, _____. M.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2026 at

_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: June 25, 2026

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: Transfer from MVH Restricted and Additional Appropriation Local Road & Bridge Matching Fund

I am requesting the first reading for the transfer of \$899,550.00 from the Motor Vehicle Highway Restricted Fund to the Local Road & Bridge Matching Grant Fund, as this is our necessary match for the Community Crossings Grant. These funds are budgeted for the purpose of the match and are funded from MVH funds received from the State.

This transfer, along with the \$899,550.00 Community Crossing Grant funds awarded, must be appropriated. Therefore, I also request a first reading for the additional appropriation of \$1,799,100.00.

This ordinance allows for both the transfer and additional appropriation and is required every year to show proper accounting of the grant and match.

Additional appropriations are no longer required to be advertised in the newspaper but must be uploaded to the public State Gateway portal. This notice was uploaded on June 19, 2026, meeting the 14-day requirement before the public hearing. Notices will be available to the public 10 days before the public hearing on BudgetNotices.in.gov.

Thank you for your consideration. Please contact me with any questions.

c: David A. Wood, Mayor
Christine Jamrose, City Engineer/Director



City of Mishawaka

OFFICE OF THE CITY CLERK

Deborah S. Block, IAMCA, CMO, MMC, City Clerk

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P.O. No. 2026-23

Public Safety Local Income Tax

Capital Outlays

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		\$3,000,000.00

P.O. No. 2026-24

Local Road & Bridge Matching Grant

Other Services and Charges

2404-50-436-03	Street Repair	<u>\$1,799,100.00</u>
		\$1,799,100.00

Total	\$4,799,100.00
-------	----------------

Taxpayers appearing at the meeting shall have the right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance. The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within 15 days of receipt of the approved proposal.

Rebecca S. Maguire – City Controller

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1st Reading 6/15/26

PETITION 26-13

JUN 10 2026

2nd Reading

CITY OF MISHAWAKA, INDIANA

City Clerk
Mishawaka, IN

Passed

Failed

PROPOSED ORDINANCE NO. 2026-21

Continued To

ORDINANCE NO. _____

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.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described:

property located on the west side of Elder Road (west of 55250 Elder Road) approximately 2,470' south of Day Road, Mishawaka, IN

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:

A part of the Northwest Quarter of the Northeast Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Saint Joseph County, Indiana, described as follows:

Beginning at a point that is 30.00 feet West and 150.00 feet North of the Southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 2; thence North along a line that is 30.00 feet West of and parallel with the East line of said Northwest Quarter of the Northeast Quarter, 119.00 feet; thence West along a line parallel with the South line of said Northwest Quarter of the Northeast Quarter, 300.00 feet; thence South along a line parallel with the East line of said Northwest Quarter of the Northeast Quarter, 119.00 feet; thence East along a line parallel with the South line of said Northwest Quarter of the Northeast Quarter, 300.00 feet to the Point of Beginning, containing 0.8196 of an acre, more or less; Excepting a strip of land 1 foot wide off of and from the entire Southerly boundary of said tract, containing 0.006 of an acre, more or less.

which real estate is now classified as I-1 Light Industrial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Rezoning this property to R-1 Single Family Residential would still fit into the areas current use.

Proposed Ordinance No: _____

Ordinance No: _____

- 2. Current conditions and the character of current structures and uses in each district – A zoning of R-1 Single Family Residential would adhere to the current conditions and character of the area as the surrounding area is residential and vacant land.
- 3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is a single-family home as the surrounding area is primarily single-family homes and rural vacant land.
- 4. The conservation of property values throughout the jurisdiction –The property is and has been vacant so developing the property as a single-family residence would improve the property values.
- 5. Responsible development and growth - The proposed change is desirable given the surrounding area is single-family homes and vacant land.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2026, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2026, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: West side of Elder Rd approximately 2,470' south of Day Rd	Date: June 9, 2026
Petition: 26 13	Prepared By: DMW

GENERAL INFORMATION

Applicant:	Todd A & Lori D Lange
Status:	Property Owners
Request:	Rezone from I-1 Light Industrial District to R-1 Single Family Residential
Zoning Classification:	I-1 Light Industrial District
Lot Size:	0.86 acres
Applicable Regulations:	Sec. 137-585 thru 137-587 I-1 Light Industrial District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:	North: S-2 Planned Unit Development (vacant land)	South: Unincorporated St. Joseph County (vacant land)
	East: Unincorporated St. Joseph County (single family home)	West: S-2 Planned Unit Development (vacant land)
Thoroughfare:	Elder Road	
Council District:	5	
School District:	Penn-Harris-Madison	
Township:	Penn	
Public Utilities:	Some public utilities are available but does not include sanitary sewer or public water.	
Comprehensive Plan:	Industrial	

ANALYSIS

The Petitioners, Todd & Lori Lange, are requesting to rezone vacant land located on the west side of Elder Rd approximately 2,470' south of Day Rd from I-1 Light Industrial District to R-1 Single Family Residential District. The property is located directly west of 55250 Elder Road. Properties to the east and directly south are in unincorporated St. Joseph County. Property directly to the north and west are within the City of Mishawaka and are zoned I-1 Light Industrial.

The property is currently a vacant wooded lot, and the Petitioners want to build a single-family home on the lot. City utilities will not be extended to the property so a septic system and well will be installed on

the property. Petitioners have worked with the St. Joseph County Health Department regarding installing a septic system.

Engineering Department commented that sanitary sewer is not available to this lot.

Building Department commented that permits are required.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #26-13 to rezone property located on the west side of Elder Rd approximately 2,470' south of Day Rd from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Rezoning this property to R-1 Single Family Residential would still fit into the areas current use.
2. Current conditions and the character of current structures and uses in each district – A zoning of R-1 Single Family Residential would adhere to the current conditions and character of the area as the surrounding area is residential and vacant land.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is a single-family home as the surrounding area is primarily single-family homes and rural vacant land.
4. The conservation of property values throughout the jurisdiction –The property is and has been vacant so developing the property as a single-family residence would improve the property values.
5. Responsible development and growth - The proposed change is desirable given the surrounding area is single-family homes and vacant land.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



5/27/26 11:12 AM

Westerly view from Elder Road (southern line of property).



Westerly view from Elder Road.



Westerly view from Elder Road (northern line of property).

This is NOT a fill-in form. It is to be used merely as a GUIDE in preparing your petition.

DATE:

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

PET 26-13
Received
MAY 15 2026
Planning and
Community Development

RE: PETITION TO REZONE

TODD A. & LORI D. LANGE

The undersigned (~~type names(s) of the titleholder(s) of record~~) respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

See attached Exhibit "A"

(Give accurate and complete legal description. Tax key numbers and shortened legals alone are not acceptable. Also give the common address or a definitive common location.)

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of RI District. Said property is (State the existing use of the real estate).

Petitioner(s) desire said real estate to be rezoned to RI District. Petitioner(s) further state that they intend to utilize said land for (State the proposed use for the property/ reason for the rezoning).

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)
Todd A. Lange / Lori D. Lange
Typewritten name also

Signature(s) of Property Owner(s)
Todd A. Lange / Lori D. Lange
Typewritten name also

CONTACT PERSON:

NAME Todd A. Lange
ADDRESS 554 W. 10th St
PHONE NUMBER 574-360-8389
FAX
EMAIL toddal67@gmail.com

EXHIBIT A

A part of the Northwest Quarter of the Northeast Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Saint Joseph County, Indiana, described as follows:

Beginning at a point that is 30.00 feet West and 150.00 feet North of the Southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 2; thence North along a line that is 30.00 feet West of and parallel with the East line of said Northwest Quarter of the Northeast Quarter, 119.00 feet; thence West along a line parallel with the South line of said Northwest Quarter of the Northeast Quarter, 300.00 feet; thence South along a line parallel with the East line of said Northwest Quarter of the Northeast Quarter, 119.00 feet; thence East along a line parallel with the South line of said Northwest Quarter of the Northeast Quarter, 300.00 feet to the Point of Beginning, containing 0.8196 of an acre, more or less; Excepting a strip of land 1 foot wide off of and from the entire Southerly boundary of said tract, containing 0.006 of an acre, more or less.

Elder Rd

Elder Rd

← 1 6

Elder Rd

Elder Rd

Drive

Pole big
30x80

House
28x60

septic

300ft

55235

Google Ma



ST. JOSEPH COUNTY
DEPARTMENT OF HEALTH
Prevent. Promote. Protect.

St. Joseph County Department of Health

"To promote health and wellness with compassion and integrity through partnerships, education, protection, and advocacy for all who reside in and visit St. Joseph County."

SEPTIC CONSULTATION RESULTS

DISCLAIMER:

The specifications, recommendations, and opinions shown below are based on limited information and investigation. They are intended as a guide to the requestor and shall not be construed to be definitive determinations. The Health Department shall not be held responsible for any decisions based on the information contained in this document or for changes in our guidance based on a reevaluation of the information or additional information or investigation. If the requestor requires a more definitive determination, they should contact a contractor/consultant or submit a full application for a septic permit and supply all of the required information.

THIS INFORMATION IS NOT TO BE USED FOR SYSTEM SPECIFICATIONS OR DESIGN SUBMITTAL

Applicant Name: Todd Lange
Property Location/Address: 55215 Elder Road, Mishawaka, IN 46545

General Site Information and Requirements:

Number of Bedroom Units: 3	Daily design flow: 450 gpd	Seasonal High-Water Table: 21 in
Septic Tank: 1000 gal	Dosing Tank: * gal	Discharge Rate: * gpm

System Type: FOR CONSULTATION PURPOSES ONLY

<input type="checkbox"/>	Subsurface Gravity Feed Trickle Flow	<input type="checkbox"/>	Subsurface Gravity Feed Flood Dose
<input type="checkbox"/>	Subsurface Pressure Distribution	<input checked="" type="checkbox"/>	Elevated Sand Mound – Type I
<input type="checkbox"/>	Other:	<input type="checkbox"/>	Elevated Sand Mound - Type II

Probable Absorption Area Requirements: N/A

Size of Absorption Area: square feet	Loading Rate: gallons/square foot/day
Minimum Trench Depth: inches	Maximum Trench Depth: inches

Probable Elevated Sand Mound Requirements:

Absorption Area	750 square feet
Aggregate Bed	375 square feet
Loading Rate	0.60 gallons/square foot/day
Plowed Depth	7-14 inches
Additional Spec 23 Sand	0 inches

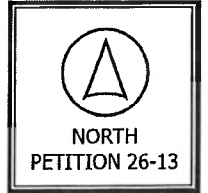
Perimeter Drain Requirements: N/A

Perimeter Drain Depth	inches
Upslope Drain Depth	inches
Distance from Absorption Area	feet

Additional Comments: *Dosing tank and pump discharge rate dependent on system design.

Issued By: Katey Myers	4/22/2026
Environmental Health Specialist	Date

DAY RD



ELDER RD

CAPITAL AVE

GLASER CT

N HOME ST

PET 26-13



EARLY RD

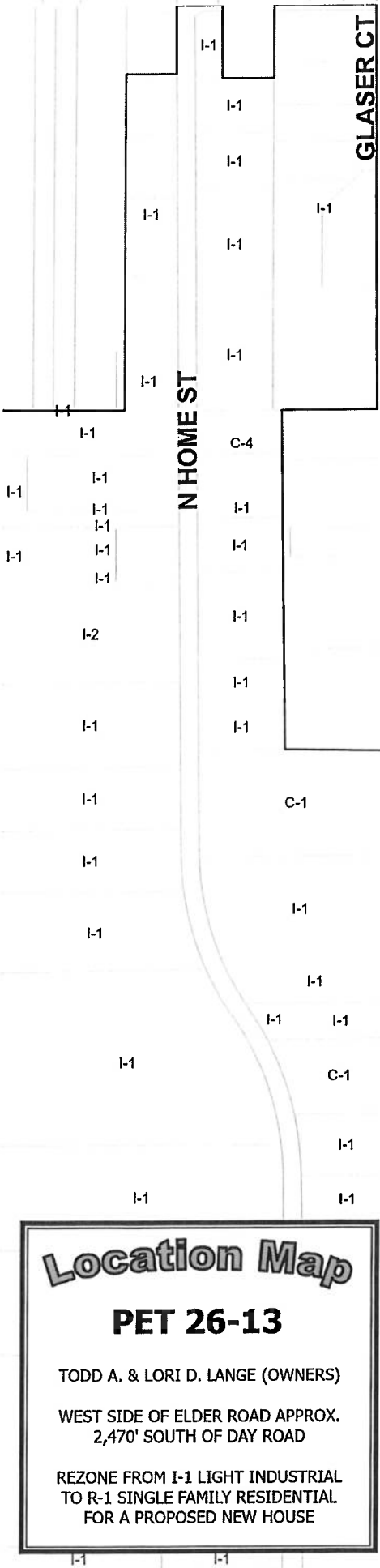
Location Map

PET 26-13

TODD A. & LORI D. LANGE (OWNERS)

WEST SIDE OF ELDER ROAD APPROX.
2,470' SOUTH OF DAY ROAD

REZONE FROM I-1 LIGHT INDUSTRIAL
TO R-1 SINGLE FAMILY RESIDENTIAL
FOR A PROPOSED NEW HOUSE



1st Reading 6/15/26

PETITION 26-14

JUN 10 2026

2nd Reading

CITY OF MISHAWAKA, INDIANA

City Clerk
Mishawaka, IN

Passed

Failed

PROPOSED ORDINANCE NO. 2026-22

Continued To

ORDINANCE NO. _____

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.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described:

3616 York Street, Mishawaka, IN

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:

Lots 160 and 161 Geyers 4th Addition

which real estate is now classified as I-2 Heavy Industrial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Since that time and before, the subject property and surrounding area was residential. The proposed request is consistent with the use in this area.
2. Current conditions and the character of current structures and uses in each district – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses are R-1 Single Family, I-2 Heavy Industrial (are single family homes), and one I-1 Light Industrial property.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Single Family Residential. The home was built in 1927 and has always been a single-family residence.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.

Proposed Ordinance No: _____

Ordinance No: _____

5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2026, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2026, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 3616 York Street

Date: June 9, 2026

Petition: 26 14

Prepared By: SA

GENERAL INFORMATION

Applicant: Expanding Investments LLC / Dustin Miller

Status: Property Owner / Contact

Request: Rezone from I-2 Heavy Industrial District to R-1 Single Family Residential

Zoning Classification: I-2 Heavy Industrial District

Lot Size: 0.24 acres

Applicable Regulations: Sec. 137-164 thru 137-166 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: Railroad & R-1 Single Family Residential
 South: R-1 Single Family Residential & I-1 Light Industrial (Burke Concrete Inc.)
 East: I-2 Heavy Industrial (single family home)
 West: I-2 Heavy Industrial (single family home)

Thoroughfare: York Street

Council District: 3

School District: School City of Mishawaka

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 3616 York Street from I-2 Heavy Industrial District to R-1 Single Family Residential District. The property is located on York Street just south of the railroad tracks. The area is predominantly single-family residential homes with one I-1 Light Industrial property to the south.

The owner wants to rezone the property to match the use which is a single-family home. There is an existing single-family home on the property that was built in 1927. The property has always been a single-family home like neighboring properties. Several of the homes on York Street have been rezoned from I-2 Heavy Industrial to R-1 Single Family Residential with the most recent being in 2025.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #26-14 to rezone 3616 York Street from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Since that time and before, the subject property and surrounding area was residential. The proposed request is consistent with the use in this area.
2. Current conditions and the character of current structures and uses in each district – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses are R-1 Single Family, I-2 Heavy Industrial (are single family homes), and one I-1 Light Industrial property.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Single Family Residential. The home was built in 1927 and has always been a single-family residence.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.
5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



North facing from York Street



South facing from East Third Street

Pet 26-14

May 18 2026

Received

MAY 18 2026

Planning and
Community Development

Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, IN

RE: PETITION TO REZONE

The Undersigned Expanding Investments LLC (Dustin Miller- Manager) respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to wit:

Parcel Number 71-09-13-254-021.000-023
Legal Description: Lots 160 and 161 Geyers 4th Add
Common Description: 3616 York St Mishawaka, IN 46544

Petitioner owns one hundred (100%) percent of the above describes parcel of land which carries a zoning classification of **I-2 Heavy Industrial** District. Said property is used as a Single Family residence.

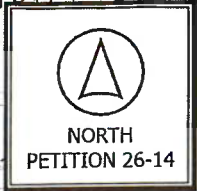
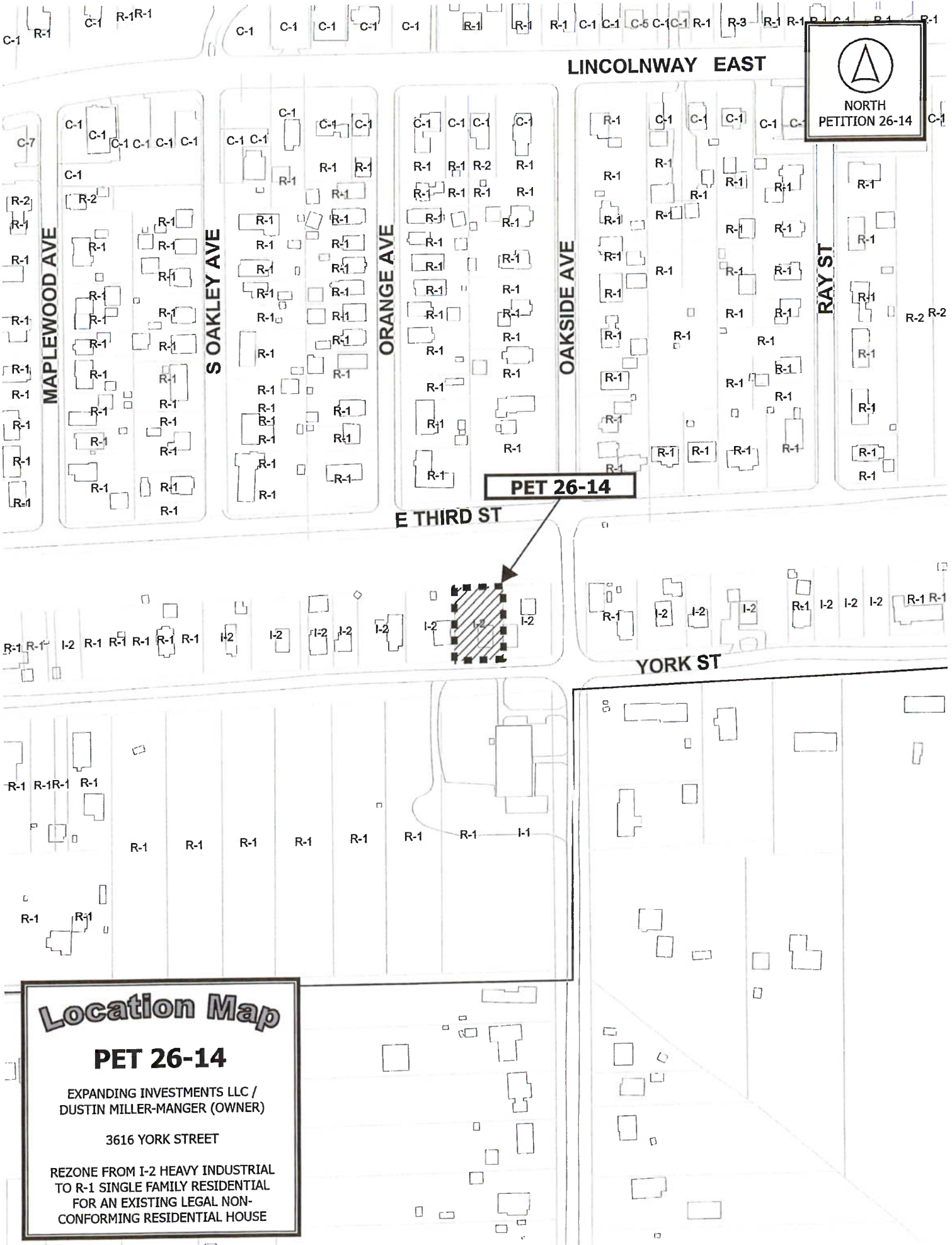
Petitioner desire said real estate to be rezoned to **R-1 Single Family** District. Petitioner further state that they intend to utilize said land for Single Family residence.

Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.



Property Owner Signature - Expanding Investments LLC (Dustin Miller- Manager)

Contact Person:
Name: Dustin Miller
Address: 16490 Chandler Blvd Mishawaka, IN 46544
Phone Number: 574-252-1908
Email: dustin@expandinginvestments.com



PET 26-14

Location Map

PET 26-14

EXPANDING INVESTMENTS LLC /
DUSTIN MILLER-MANGER (OWNER)

3616 YORK STREET

REZONE FROM I-2 HEAVY INDUSTRIAL
TO R-1 SINGLE FAMILY RESIDENTIAL
FOR AN EXISTING LEGAL NON-
CONFORMING RESIDENTIAL HOUSE