

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 6, 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 July 6, 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 Microsoft Teams. 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 (A), 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 15, 2026, were approved as received from the Clerk's Office.

Clerk Block read the following petition by title.

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

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

PROPOSED ORDINANCE NO. 2026-23

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

**Additional Appropriation – Public Safety LIT Capital Outlays 2240-50-445-08 Police Equipment: \$3,000,000.00 Total: \$3,000,000.00
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2026-24

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

**Transfer & Additional Appropriation: Motor Vehicle Highway Restricted Fund FROM: Capital Outlays 2203-50-442-01 Local Bridge and Road Matching Grant Fund TO: Other Services and Charges 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
(Assigned to Budget & Finance Committee)**

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

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.

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

Todd Lange, 554 West 10th Street Mishawaka, IN, spoke in favor of **PROPOSED ORDINANCE NO. 2026-21**. Mr. Lange stated this property was owned by his dad for over thirty years with a partner at one point and he bought it in the prior year with the intention of using it for something to help the family. Mr. Lange stated his dad bought it to run a burial vault company business and people did not want to allow the concrete and the other potential issues that it would have brought to the area. Mr. Lange stated he thought it would be a nice piece of property for residential and it was greatly located for his business, which he did low voltage to travel and he had the bypass, the toll road, and everything accessed off of it and he could actually take advantage of something that he and his partner kept a hold of for all of those years. Mr. Lange stated the only downfall to the property obviously was that you had to have septic and well water and he would be the only Mishawaka address on the whole piece of Elder Road right there, but he still thought it was important that it would be a nice thing to do and it would help him, his brother, his nephew and whoever worked for them to be more centrally located as a family and as a business. Mr. Lange stated they were a small business, and they just wanted to all be closer together.

Mr. Hixenbaugh stated he appreciated the information Mr. Lange shared with them that evening. Mr. Hixenbaugh asked on the topic of the septic system, if by chance he had spoken with the city or anyone else about what it would cost for him to be on the municipal sewer and water. Mr. Lange stated he had got in contact with the city, and they said they would not and years ago, his dad looked into it and at one point they were supposedly going to entertain making Elder Road be a part of Mishawaka Utilities. Mr. Lange stated the only way it could have ever become a part of it was if off of Home Street at Gymnastics Michiana they would have to extend it over, but that did not make financial sense for either he or the city to do that because there were no other participants on the road that would be willing to contribute to that and that was his understanding. Mr. Lange stated the guy who did his survey did four others in the area and he came up with the best solution for septic and well that would make sense down the road. Mr. Lange stated he still thought Mishawaka could annex it, but it was just not in the cards. Mr. Hixenbaugh stated he wanted to note for the record that the information that had been provided to the Council as part of the staff report indicated that the St. Joseph County Health Department had also looked into that proposed septic system and had approved that as part of his plan and asked if that was correct. Mr. Lange stated they approved a level two, which was not the worst-case scenario, and it was a mound versus a lift station. Mr. Hixenbaugh asked, jumping back to the staff report that was in front of them, if he received Mishawaka Electric services. Mr. Lange stated yes that was correct and that it was the intent on the part of Mishawaka to keep him a four-digit address and they would supply his power and he would get his well water and septic based on the scenario that the County proposed, but he would still be a four-digit address so he would still be part of Mishawaka which he was glad about. Mr. Lange stated he found it interesting that he would be the only four-digit address on that street so he would love to annex the other sixty feet next to him, but that was another whole conversation. Mr. Hixenbaugh stated he appreciated his commitment to the city and he meant that sincerely.

Joshua Lange, 607 E. Lowell Avenue Mishawaka, IN 46545, spoke in favor of **PROPOSED ORDINANCE NO. 2026-21**. Mr. Lange stated, as his uncle mentioned, his grandparents owned the property since the 1980s and it was completely underdeveloped and was essentially woodlands. Mr. Lange stated if you looked at the property on the map, it was a literal peninsula and there was a bit of land that was also Mishawaka land slightly north of it, but that was the idea of the future use of being an access road, but it was owned by Gymnastics Michiana, which was privately owned. Mr. Lange stated it was a very strange property and there were not many uses for it and his grandpa tried to put a burial vault company there and it was zoned as light industrial and it got stonewalled back in the 1980s by the Council and it was one of the issues where the homeowners that lived on Elder Road that lived in the County did not want anything but homes. Mr. Lange stated they decided that the best course of action was to develop it into a home and he looked at it as an additional home for the City of Mishawaka. Mr. Lange stated it would be built by a Mishawaka family, and it would be occupied by a Mishawaka family. Mr. Lange stated his uncle was probably a little sad to be leaving the West End, but somebody else would be moving into his property so even if the West End was going to lose a resident, they would be adding two additional occupied homes. Mr. Hixenbaugh thanked Mr. Lange.

Mr. Hixenbaugh asked Ken Prince, Director of Planning and Community Development for the City of Mishawaka, to approach the podium to answer some follow-up questions he had. Mr.

Hixenbaugh stated as a follow-up to his conversation with Mr. Lange, it sounded as though that he was accurate in saying that there were not a readily available sewer and water tap that was available to him at that location and asked Mr. Prince if he could talk a little bit about that element of the proposal. Mr. Prince stated this property was annexed back in 1966, so that was a different time and a different place and if they were to apply today's standards and their current protocol in place for annexing property, they likely would have never annexed this property at that point in time. Mr. Prince stated it was zoned industrial and he was speculating at that point, because he was not even born yet back in 1966, but the likely idea was to take sewer and water from Home Street and extended it over here. Mr. Prince stated as Mr. Lange indicated, it was now owned by Gymnastics Michiana and they owned the property that was adjacent to the north which was a little strip and also the property directly behind it and that was connected to Home Street, so if they ever chose expand over time, they could easily extend water and sewer for their own needs from Home Street to extend. Mr. Prince stated he would not even call this a peninsula, it was an island so for them to have access they would either need to work with Gymnastics Michiana, which there was no incentive for them to work with anyone to extend through their property, or it was literally thousands of feet to extend and then at that point in time because of the low flow, you were pumping a force main over that period of time and there was no practical way of doing that. Mr. Prince stated if the acres next to it were to be developed that would be completely different but it would likely require the installation of a lift station to do sewer and that was why he said likely if this were not annexed to the city and somebody were to approach them about it, they would recommend against annexation. Mr. Prince stated this property essentially belonged in the County and to Mr. Hixenbaugh's point regarding septic systems, although it was not a current standard, they did not want to encourage any development on septic and well systems. Mr. Prince stated when the zoning ordinance was adopted, they did have a separate standard for septic well system development in the City of Mishawaka, so R-1 single-family zoning district allowed for the development on septic and well systems. Mr. Prince stated with public sewer and water, the lot size minimum of 6,600 square feet without it on septic and well it was 15,000, almost three times the amount of area that you needed to put in that septic. Mr. Prince stated the other thing was that if sewer and water were available to a site, they would not allow for that development to occur on septic or well if that were available. Mr. Prince stated once again that this went back to a different time, but public sewer and water was not available and that was why they had recommended approval of the change, and he thought the R-1 single-family was the least intensive. Mr. Prince stated, for example, the current property and what their consideration was, that change of zoning from light industrial to single-family residential, he would argue that single-family residential was a much better use of the property than an industrial business being located on the property. Mr. Prince stated going back to the standard, if they were to develop at that current time, they would not recommend annexation without that further development of infrastructure to serve the property. Mr. Hixenbaugh stated he would agree with that as a general statement although in a backhanded way, in this instance, industrial development would change the cost structure with regard to sewer and water and there were still some other hurdles to that taking place with regard to the property in question and he appreciated the background provided. Mr. Hixenbaugh stated what he struggled with was that he could not recall in his time on the Council approving a standalone residential use with septic and

that did not mean that it was not allowable, it was just an outlier in terms of what he typically recalled seeing in terms of R-1 related proposals that had come before the Council. Mr. Prince stated he would argue that that was usually a discussion that they had with annexation and this annexation in particular predated their current standards, so that was why you did not see that currently as a model coming forward as they required the sewer and water to be extended as part of the annexation process. Mr. Hixenbaugh stated he appreciated the information and the thoughtful comments with regard to the topic and to summarize what Mr. Prince shared, while it may not be an impossibility it would be impractical to impose a condition related to a septic on this property given the factual background that he had shared with them and asked if that was correct. Mr. Prince stated that was correct.

Mr. Hixenbaugh stated once again that he appreciated the information and one of the findings that they had to make with regard to the types of rezonings like the one they had in front of them that evening was whether in fact the proposal that came to them represented responsible development and growth. Mr. Hixenbaugh stated everything about this screamed responsible development and growth, and he did not recall them ever being opposed to a less intensive rezoning that went from industrial use to residential use. Mr. Hixenbaugh stated he still struggled with the septic, and he struggled to wrap his mind around that component of the proposal being responsible growth and in the long-term interest of the city and he did worry about what would happen next. Mr. Hixenbaugh stated he knew this had all been vacant for many years, but sometimes one person breaking the ice jam caused other development to happen and he did worry that one septic system would become multiple septic systems if the area became residential, but that was speculative on his part and he would probably never live long enough to be able to see that happen. Mr. Hixenbaugh stated so while he did find the septic component of the proposal to be problematic through no fault of Mr. Lange, he was going to come down on the side of voting in favor of taking land that had been vacant for many years and supporting Mr. Lange's desire to return it to a higher and better use, that was in the best interest of the community. Mr. Hixenbaugh stated once again that he was concerned about the septic and from his perspective, he thought that it was important for Mr. Lange to go into this knowing that septic systems being what they were, he did not know that they had a ready-made Mishawaka in case of emergency option to come in and take care of the septic problem if that occurred. Mr. Hixenbaugh stated it was somewhat of a caveat on buyer beware, but he appreciated and loved the family connection that the Langes had to Mishawaka and the desire to take what was purchased many years ago and try to finally break some ground out there. Mr. Hixenbaugh stated despite his concerns, he was going to err on the side of voting in favor of this proposal that evening and he wished Mr. Lange well if it passed.

Mrs. Voelker stated she shared Mr. Hixenbaugh's thoughts and concerns about the septic system, but she also understood their situation. Mrs. Voelker stated what Mr. Hixenbaugh just said raised a little red flag with her and asked if Mishawaka was responsible if their septic system failed. Mr. Hixenbaugh stated he would defer to Mr. Prince, but he was not aware of any obligation on the part of the City of Mishawaka to jump in. Mr. Prince stated that was correct and they had no obligation to jump in. Mr. Prince stated his understanding was when the Board of Health

reviewed properties they now required an alternate site for septic system, so it was not only getting your current septic field approved, but you also had to approve an alternate site. Mr. Prince stated if that alternate site failed, he was not sure what would happen then, but there was some protection in place based on the County standard for development. Mrs. Voelker asked as a follow-up if somebody purchased property next door to Mr. Snyder, if they would be grandfathered into putting septic in if they were going to put a house there. Mr. Prince stated they would not recommend annexation for the property next door without public utilities, so it would develop in the County, and the County had a standard for development on septic and wells systems. Mrs. Voelker thanked Mr. Prince.

Mr. Violi stated one of the key components with this was annexation and the question being wanting to annex versus rezoning. Mr. Violi stated Mr. Prince said earlier that if they would have come before the Council and said they would like to annex, the city could not provide utilities to them because it was not economical on the city's part and they would recommend against that and asked if that was correct. Mr. Prince stated that was correct. Mr. Violi thanked Mr. Prince.

Mr. Mammolenti thanked Mr. Prince for eloquently stating his opinion and sharing the facts. Mr. Mammolenti stated he thought that this scenario was kind of a one-off basis and for that reason he would be voting in favor of the proposal as well.

Question was called for at 6:22PM for **PROPOSED ORDINANCE NO. 2026-21 Motion passed by majority roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5991.**

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.

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

Dustin Miller, 16490 Chandler Boulevard Mishawaka, IN 46544, spoke in favor of **PROPOSED ORDINANCE NO. 2026-22.** Mr. Miller stated he was the owner of the home at 3616 York Street and it had been a house since 1927 and for some odd reason back in 1990, Mishawaka decided to zone it I2. Mr. Miller stated everything around it were homes and it had been a house

for one hundred years. Mr. Miller stated his niece was living in it now and she wanted to buy it as she was from the area and wanted to stay in it, but as they knew, mortgage companies would not give loans to industrial houses. Mr. Miller asked that the Council rezone the property back to residential like it was before.

Mr. Violi thanked Mr. Miller for coming that evening and asked if they had Mishawaka Utilities for this piece of property. Mr. Miller stated yes.

Question was called for at 6:25PM for **PROPOSED ORDINANCE NO. 2026-22 Motion passed by majority roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5992.**

PRIVILEGE OF THE FLOOR

Joshua Lange, 607 East Lowell Avenue Mishawaka, IN 46545, spoke under **PRIVILEGE OF THE FLOOR.** Mr. Lange stated for the 250th anniversary of American, he and Pete DeKever decided they wanted to honor Mishawaka's only Revolutionary War veteran, Mead Hurd, who he had spoken to the Council about a few months back. Mr. Lange stated everything worked out perfectly where the Mayor's Office entrusted him with the proclamation that Mayor Wood wrote to honor Private Mead Hurd in the event that he was not able to make the event on July 19th at 2PM. Mr. Lange formally invited all Mishawaka citizens from across the city and the members of the Common Council if they would like to attend. Mr. Lange stated it would be a public event at the city cemetery and if Mayor Wood was not able to speak, himself and Pete DeKever would be more than glad if the proclamation were to be read by any members of the Council. Mr. Lange stated he believed the city cemetery was in Councilwoman Voelker's district and invited the rest of the Council to attend as well.

ADJOURNMENT 6:28PM

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.