

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
October 21, 2019

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday October 21, 2019, at 7:00 p.m. The meeting was called to order by President Dale “Woody” Emmons all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Absent: Mr. Compton.

Others Present: Clerk Block, Chief Deputy Clerk Hazen, Deputy Clerk Raven Boston and Council Attorney Michael Trippel.

Minutes of the Regular Meeting of October 07, 2019 was approved as received from the Clerk’s Office.

Clerk Block read the following appeal and petitions to the council who referred them to the Board of Zoning Appeals and the City Plan Commission for their recommendation.

APPEAL NO. 19-47 An appeal submitted by James and Julie Schmidt requesting a Use Variance for **623 East Fourth Street** to allow tailoring and alterations in the small detached building (formerly beauty salon).

The Board, with a vote of 4-1, recommended approval.

PETITION NO. 19-11 A request submitted by GLC-MAP McKinley Trust, LLC, requesting to rezone **410 West McKinley Avenue** from C-7 Automobile Oriented Restaurant Commercial District to C-4 Automobile Oriented Commercial District.

The Commission, with a vote of 6-0, recommended approval.

PETITION NO.19-12 A petition submitted by Szabolcs Szemethy requesting to rezone **935 East Fifth Street** from I-1 Light Industrial District to R-1 Single Family Residential District.

The Commission, with a vote of 6-0, recommended approval.

PETITION NO.19-13 A petition submitted by Beacon Health Systems, Inc., requesting to amend the NW Capital and Toll Road Planned Unit Development (**3220 Beacon Parkway, Granger**) to add a helipad as a permitted use.

The Commission, with a vote of 6-0, recommended approval.

PETITION NO.19-14 A petition submitted by Beacon Health Systems, Inc., requesting to vacate a 20' strip of right-of-way (former Evergreen Road).

The Commission, with a vote of 6-0, recommended approval.

A public hearing on Vacation R2019-01 required by State Statue on behalf of Beacon Health Systems, INC. (former Evergreen Rd.) a 20ft strip of Right-of-Way.

William Coleman, Panzica Architecture Group 416 E. Monroe Street South Bend, IN spoke on behalf of Beacon Health Systems Inc. He went on to say they Beacon were requesting a forgotten portion of land to be vacated to proceed to enter into an agreement with the Indiana Department Of Transportation for the establishment of contiguous right-of-way between Beacon property and INDOT property along Capital Avenue. Mr. Coleman said it appeared the portion of the roadway was not included in the original property Beacon purchased. He continued to say through this vacation they would be able to continue their desire to a contiguous roadway and a transfer of property between INDOT and Beacon.

Public Hearing was closed at 7:08P.M.

Clerk Block read the following proposed ordinances by title and was set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2019-30

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.

(Rez from C-1 to C-4 Car Wash Facility – 410 W. McKinley Ave.)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2019-31

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.

(Rez from I-1 to R-1 935 E. Fifth Street)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2019-32

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.**

(PUD Amd add Helipad as permitted use- 3220 Beacon Parkway)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2019-33

**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.**

(Vaca 20 ft. strip or Right-of-Way – Beacon Health Systems Inc.)
(Assigned to Land Use Planning Committee)

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

RESOLUTION NO. 2019-25

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY
OF MISHAWAKA, INDIANA, APPROVING A PETITION OF T
HE MISHAWAKA BOARD OF ZONING APPEALS F
OR THE PROPERTY LOCATED AT:**

623 East Fourth Street, Mishawaka, Indiana
(UV to allow Tailoring & Alteration)

Matt Vukovich said he was the owner of the property under a land contract. He went on to say the proposed property has sat vacant for almost a year. Mr. Vukovich said the property was previously a hair salon, they have been marketing the building as a salon searching for tenants with no luck. He mentioned the salon brought heavy traffic to the neighborhood and he knew the neighbors were not happy. Mr. Vukovich said he spoke with the Planning Department on finding other permitted uses for the property. He said when Mr. Theangy applied to do tailoring by drop off on the property, he then spoke with the Planning Department again, they told him he had to go through the process of changing the variance. Mr. Vukovich went on to say Mr. Theragene would work at the hours of 9 A.M. to 6 P.M. Monday through Friday with short hours on Saturday. He mentioned Mr. Theragene also designed suits for sale but it would not attract as much traffic as the other permitted uses as it would be a drop off and pick up only business. Mr. Vukovich said they were expecting very light traffic and they were also applied to have the handicap parking space removed in front of the business, it was a concern with congestion. He continued to say the space had not been used in over 10 years, the removal of the space would free three spaces in front of the property.

Mr. Mammonlenti asked would Mr. Theragene be the only tailor. Mr. Theragene replied yes. Mr. Mammolenti also questioned the term length Mr. Vukovich had left on the land contract and

was he planning on purchasing the building at the end of the contract term. Mr. VuKovich said he had between 1 to 3 years on the land contract and the plan was to purchase the building after. He continued to say the property provided a lot of income; they were struggling with the vacancy for a year. He mentioned the biggest complaint from the neighbor was the lack of parking and the amount of traffic the salon created. Mr. VuKovich felt this was a better fit.

Mrs. Voelker questioned the petitioners addresses. Mr. Vukovich stated his address was 1415 West Avenue in Goshen. Mr. Theragene stated his address was 1719 Lincoln Way West Mishawaka. Mrs. Voelker went on to ask was there water and restrooms in the building and when the building was purchased did Mr. Vukovich also purchase the home behind the salon. Mr. Theragene replied yes, there was a restroom and water. Mr. VuKuvich said it was the same parcel they purchased the building at the same time. She also questioned the hours of operation and would Mr. Theragene do alterations outside of operation hours. Mr. Theragene said hours would be 10A.M. to 6P.M. Monday through Friday and some Saturdays 10 A.M. to 12 P.M. He said alteration would be done during the occupied hours of operation.

Mr. Tanner asked was the home behind the proposed tailor shop occupied and were they in agreement to the proposal. Mr. VuKuvich replied yes, the building was occupied, and the residents were in agreement.

Mrs. Voelker questioned how many apartments were in the building. Mr. VuKovich said there were two apartments, both were occupied.

Mr. Mammolenti asked would there be after hour drop-off. Mr. Theragene replied no.

Mr. Emmons asked to confirm the rental was for residence and not business. He said in the past the tenant ran a music studio out of the home. Mr. Vukovich replied no it was residential only.

Ms. Petko Reisdorf questioned where Mr. Theragene currently did business and how long has he tailored. Mr. Theragene said he was currently working out of his home, but he knew it was illegal to work out of his home, so he wanted to find a business. He said he has been tailoring for a couple of years. Ms. Petko Reisdorf also questioned estimated traffic he would bring to his business a day. Mr. Theragene said not much, the customer would drop off clothing and he would give a time to pick up.

Mr. Baincki asked Ken Prince, City Planner when the property was built it was meant for the owner of the house to run the business, it was not meant to be two different situations. Mr. Prince stated zoning and ownership did not necessarily go together. He said in this case they did not have to make the correlation between someone that would have to live there in order to operate a business there. Mr. Prince said he believed it would have to be grandfathered as it was a extremely nonconforming situation. He said they had they had nonconforming situations all over the city. Mr. Prince went on to say the alternative to the situation was to demolish the building but that would deny Mr. VuKovich the use of the property, they had to provide him reasonable use of the property. Mr. Prince continued to say the property was grandfathered for a salon which created a lot of traffic. He said they believed recommending the tailor shop would be less of an impact rather than the previous existed. Mr. Prince mentioned once the tailor shop

was there for an extended period of time, any other use or changing use would have to come back before the Board of Zoning Appeals and the council. Mr. Banicki said something like this was more acceptable in the past. He continued to say for them to split the parcel to profit, it was not necessarily owner occupied on either building. He expressed he did not know how it would affect the neighborhood. Mr. Prince explained this was a zoning issue and not an ownership issue. He went on to say the city had a lot of rentals, some were very well cared for and some were not, but it was a separate issue than what was being proposed now. Mr. Prince said how the property was maintained was separate from the zoning and the use of the property and use of the building in front.

Mr. Hixenbaugh agreed with Mr. Prince legal analysis and Mr. Banicki's raised some good points. He went on to say he believed it fell more in the category of challenge for the petitioners. Mr. Hixenbaugh said in light of the unique nature of the property and history when properties like this were more common back in the day. He said he agreed with Mr. Prince comments regarding the land use component as proposed. Mr. Hixenbaugh continued to say he thought it was uncommit upon the petitioners to be more sensitives to the neighbors and the impact they would have on the neighbors than other commercial entities. He suspected his colleagues would join in challenging the petitioners to be the best neighbor at all times to the residence next door. Mr. Hixenbaugh said if it was not for the fact the property being zoned for a commercial use back in 1977, he would have voted against it. He thought in this time it made less since for it to be interjected in a residential neighborhood than it did in the 1900's. He said he would support the recommendation of staff with regard to approved proposal, but he would hold the petitioners to their commitment to be good neighbors. Mr. Hixenbaugh wished Mr. Vukovich and Mr. Theragene well on their business venture.

Mr. Emmons asked were the utility bills billed separately from the house. Mr. Prince said he was not sure. He assumed because the buildings were separate structures bills were separate. Mr. Prince said sometimes gas and electric were billed separately and if there was a combined tap for water and sewer, it would be billed together. He said he did not investigate it as a part of the zoning.

Question was called for at 7:29P.M. for **RESOLUTION NO. 2019-25**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

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

PROPOSED ORDINANCE NO. 2019-21

**AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020
(Elected Officials Salary Ord)
(Assigned to the Budget and Finance Committee)**

Mr. Hixenbaugh reported the Budget and Finance Committee recommended this proposed ordinance should be adopted. This is signed by the majority upon a second by Mr. Banicki motion carried.

Rebecca Miller, City Controller said she was seeking approval for the Elected Officials Salary Ordinance. She continued to say the salary was made with a 1.5% plus a 500 hundred dollar increase from 2019.

Question was called for at 7:32 P.M. for **PROPOSED ORDINANCE NO. 2019-21** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8) Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons** Thus, it becomes **ORDINANCE NO. 5665**

PROPOSED ORDINANCE NO. 2019-22

AN ORDINANCE THE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2020.

(City Employee Salary Ord)

(Assigned to the Budget and Finance Committee)

Mr. Hixenbaugh reported the Budget and Finance Committee recommended this proposed ordinance should be amended and adopted. This is signed by the majority upon a second by Mr. Banicki motion carried.

Mayor Wood said he was speaking in support of the proposed amendment for Proposed Ordinance No. 2019-22. He continued to say he just reviewed the amendments and he mostly approved of them. Mayor Wood went on to say he wanted to give his unequivocal support to the public safety of police and fire for the annual wage increase. He said police and fire did difficult work doing what they did; it was public service beyond what most could comprehend, it was public service that demanded respect and support. Mayor Wood said when public safety personnel discharge their duties within their guidelines, they had no bigger supporter than himself for doing their work. He continued to say public safety was public service number one, it was the top priority and his administration puts their money where their mouth was. Mayor Wood said they made sure they gave public safety the proper equipment, training, facilities, and as best of pay and benefits and retirement the city could offer. He went on to say while they have given raises each and every year of his 9 years as Mayor, some were admittedly small. Mayor Wood said the small raises were due to the planning and preparation of the universally accepted coming budget short fall known as the fiscal cliff. He continued to say they have been transparent about the impacts of the fiscal cliff and their strategy and their plans to overcome it. Mayor Wood continued to say their strategy was working, they were putting the city in a better position and pushing back the fiscal cliff. He said the fiscal cliff would primarily impact the city's general fund, they were anticipating a 10 million dollar hit in revenue due to property tax caps. Mayor Wood said the general fund predominately paid for city services, over half was

dedicated to public safety, over 75 percent was dedicated to payroll, and most of the payroll went to public safety departments. He went on to say his primary goal was to weather the fiscal cliff to provide best in area wages at the base level, good benefits and provide decent retirement for police and fire, which was a difficult juggling act. Mayor Wood said in order to achieve the goals, everyone had to be on the same page as one unified Mishawaka. He said his administration strived to be transparent to communicate any issues of relevance with the council and to be as inclusive as possible on all issues. Mayor Wood stated they did not have one party line vote in his time as mayor and there has been unparalleled cooperation. He said it was what Mishawaka citizen expected and demand from elected officials. Mayor Wood went on to say Mishawaka was not first on this issue. He said as he supports the annual salary wage increase, they did have some questions. Mayor Wood pointed out points 2 and 3 of the proposed amendment under fire were a part of a collective bargaining agreement, they had no authority to change the agreement without opening the agreement, which they were obligated to enforce and support. He said point 4 introduced a new benefit to the firefighters to approve health and wellness related expenses. Mayor Wood questioned what a health-related expense was. He said there was no language to say what was approved or not and it would also create more work for the administration to track receipts to figure out a way to reimburse. Mayor Wood expressed they were not transparent on this matter. He went on to point out point number 5 which also applied to the police regarding group health insurance plans as followed: All Firefighters represented by Mishawaka Professional Firefighter Local Union #360 and Police Officers represented by Mishawaka Fraternal Order of Police, Lodge 91 would not be subject to any increase in their respective group health insurance employee premium contribution for 2020. Mayor Wood said they made it perfectly clear the city would not seek an increase in healthcare insurance for 2020; he was not sure as to why it made into the proposed language. He said the council had no authority to discuss premium contribution. Mayor Wood went on to say they did have to take some acceptance to the proposed amendments. He went on to express he felt there was a lack of transparency in the wage committees process, he did not receive the proposed amendment until 4:00 P.M. by email and despite it being signed by October 1st and 9th by the bargaining units. Mayor Wood questioned the delay in receiving the amendments. He said he was promised a meeting with Council President Emmons to go over the proposal before a vote but there was no attempt to set a meeting. Mayor Wood said the proposed amendment would have a big impact on the budget. He continued to say there was not one member on the negotiating team to ask what the impact would be on the budget or the fiscal cliff planning. Mayor Wood stated this came with a significant cost to the city, his administration team did not have the chance to calculate. He asked did the council wage committee team factor all the cost including overtime, PERF contribution or Medicare etc. Mayor mentioned revenue had not gone up significantly. He said he recommended a plan to save some city money on overpayment the citizens were making for PSAP, he asked was there any consideration on adopting the recommendation to create more revenue to provide more equipment or man power wages for public safety. He went on to ask what changed on something that worked so well over the last 9 years with good cooperation and working together. Mayor Wood expressed it struck him as unfair, they give big raises and drop it on the administration with no notice and expect for them to pay for it with no regards of the possibility to make cuts to make it happen. He went on to ask was this fair to other public servants he worked with every day, who also made sacrifice to make the Princess City a cleaner, better, and safer place to live. Mayor Wood said they worked hard, and they deserved higher wages as well, he would strive to get them higher wages over what was provided to them to

keep up. He continued to say as he absolutely supported the salary increase for the public safety heroes, he could not be more disappointed in the council's process and complete lack of transparency in communication. Mayor Wood said the citizen and their government were not well served. He expressed in his opinion he felt they took a step backwards.

Mr. Hixenbaugh made a motion to amend **PROPOSED ORDINANCE NO. 2019-22** upon a second by Mr. Tanner motion carried.

Clerk Block read the following amendments to **PROPOSED ORDINANCE 2019-22** as followed:

FIRE

1. Increase the Biweekly Salary amounts (as well as the corresponding annual salary amount) for all Firefighters represented by Mishawaka Professional Firefighters Union Local #360 to reflect a 3.5% across the board increase for 2020.
2. Increase the Tier 2 Lead Paramedic compensation amount to \$100.00/shift.
3. Add a new term for Tier 2 Second Seat Advanced EMT/Paramedic compensation of \$50.00/shift.
4. Add a new term reflecting a One-Time Health & Wellness Stipend of \$200.00 per Firefighter represented by Mishawaka Professional Firefighters Union Local #360, payable as follows:
 - a. Each Firefighter to provide the City with receipts confirming the expenditure of at least \$200.00 for a gym membership of or another approved Health & Wellness related expense by no later than June 30, 2020, with reimbursement to be made within thirty (30) days of the submission of the receipts.
5. Add a new term related to Firefighter participation in the City's group health insurance plan as follows:
 - a. All Firefighters represented by Mishawaka Professional Firefighters Union Local #360 will not be subject to any increase in their respective group health insurance employee premium contribution for 2020.

POLICE

1. Increase the Biweekly Salary amounts (as well as the corresponding annual salary amount) for all Police Officers represented by Mishawaka Fraternal Order of Police, Lodge 91 to reflect a 3.5% across the board increase for 2020.
2. Increase the Equipment Maintenance Allowance to \$1,250.00.
3. Amend Section 5 of the Proposed Ordinance in order to delete the last sentence, thereby affording all Police Officers represented by Mishawaka Fraternal Order of Police, Lodge 91 the opportunity to participate in the State's 457B Plan under the same terms that govern the participation of other City employees.
4. Add a new term reflecting a One-Time Off Duty Weapon Stipend of \$400.00 per Police Officer represented by Mishawaka Fraternal Order of Police, Lodge 91, payable as follows:
 - a. \$200.00 payable on or about June 1, 2020, and
 - b. \$200.00 payable on or about December 1, 2020.

5. Add a new term related to Police Officer participation in the City's group health insurance plan as follows:
 - a. All Police Officers represented by Mishawaka Fraternal Order of Police, Lodge 91 will not be subject to any increase in their respective group health insurance employee premium contribution for 2020.

Mr. Emmons requested for a roll call vote to accept the amendments.

Clerk Block's roll call showed  **Vote: Motion passed (summary: Yes = 7, No = 1, Abstain = 0). Yes: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.**

No: Mrs. Voelker

Thus, **PROPOSED ORDINANCE NO. 2019-22** becomes **PROPOSED ORDINANCE NO. 2019-22AA**

Mrs. Voelker asked if collective bargaining was the way the agreements should be made, could line items number 2 and 3 for fire be removed from the ordinance.

Mr. Hixenbaugh appreciated the Mrs. Voelker's comment. He went on to say the amendment was in fact a result of the collective bargaining process enacted by ordinance in Mishawaka and it was the result of good faith negotiations between the council bargaining committee and the bargaining representative of each respective public safety unit. Mr. Hixenbaugh continued to say the proposal was the outcome of collective bargaining, it was not inconsistent with collective bargaining. He pointed out a reference made concerning the reopening of the collective bargaining agreement, he stated each collective bargaining agreement relevant to the proposed had language to allow either party to request the reopening of wage negotiations during the term of the agreement, which meant there was nothing inconsistent for there to be discussions regarding wages mid-stream. Mr. Hixenbaugh continued to say in each instance it would be inconsistent with the agreements reached in prior years with the respective associations not to discuss wages this year, since there was only a salary ordinance for 2019 approved and the only language in the collective bargaining agreement relevant for 2019 was regard to compensation that would be in place, absent renegotiation of this year. He went on to state this was in fact consistent with the collective bargaining agreements and their term and the process to his knowledge when he represented the FOP, has been in place in Mishawaka since the collective bargaining ordinance was first in established back in 1970's or 80's.

Mrs. Voelker asked was it possible during the language negotiation process for numbers 2 and 3 be renegotiated. Mr. Hixenbaugh stated by state law the council was empowered to establish compensation by ordinance. He quoted IC36-8-3-3 "The annual compensation of all members of the Police and Fire Department and other appointees shall be fixed by ordinance by the legislative body not later than November 1st of each year for the ensuing budget year." Mr. Hixenbaugh went on to say the topic of compensation was clearly a broader term of art than salaries, it has long been the practice in Mishawaka, the city's records were replete with evidence of this fact with items such as uniform and equipment allowance and other forms for

compensation gone beyond salary were negotiated between the council and the various public safety entities. He went on to say in his opinion this was consistent with the statutory authority they had been given.

Mrs. Voelker expressed she was concerned there was a conflict between the administration and the wage negotiation committee on what should and should not be negotiated. She went on to request there be more clarification to eliminate any misunderstanding next year.

Mr. Emmons mentioned during negotiations he reached out to both city attorneys to attend the negotiation meetings. He said neither attorney attended the meetings. Mr. Emmons said before they always extended the invitation and the attorneys always attended.

Mrs. Voelker made a motion to remove items number 2 and 3 under Fire from **PROPOSED ORDINANCE NO. 2019-22AA**, motion died for a lack of a second.

Mr. Hixenbaugh thanked Mr. Emmons, Mr. Bellovich, Mr. Tanner and Mr. Mammolenti for their participation in the process. He continued to thank the perspective bargaining teams for the Police and Fire Department. Mr. Hixenbaugh went on to say collectively, one of their goals were to establish a collaborative atmosphere with good faith negotiation to take place rather than having a predetermine amount. He believed the feedback they received this year was an outcome of good faith bargaining that took place between the council and each perspective public service agency. Mr. Hixenbaugh went on to say the mayor made several very appropriate points, they all needed to be concern with fiscal responsibility, in particular the impending fiscal cliff. He respectfully suggested the council negotiating team was cognizant of those factors as they engaged in the bargain. Mr. Hixenbaugh said they met with the mayor and controller prior to formal bargaining to have some discussions and receive some follow up information from the controller as requested regarding what the impact of a 1% increase would do to the city budget for public safety and city employees across the board. He continued to say they did not engage in a discussion with the administration regarding the overall philosophy or strategies regarding negotiations. Mr. Hixenbaugh said his understanding leaving the meeting with the mayor and controller was the clear discussion about 2.5% being the net impact on police and fire salaries if they took the 1.5% plus the 500 dollars which was equivalent to 2.5% on the pension base. He continued to say they ended up with a bargain on wages at 3.5%, which was more but based upon the information they received from the controller, the records should reflect the additional 1% for police totaling approximately 63,134 dollars and the additional 1% for fire totaled 68,208 dollars. Mr. Hixenbaugh said they were cognizant of the amounts, surely every tax dollar was important, and they needed to be careful with spending but as group they thought making the investment of an additional percent for 2020 was a good investment on behalf of the community. He went on to say they did a fantastic job in making investments in equipment, training and amenities in the community. Mr. Hixenbaugh said he applaud the administration for being able to enact in a raise for each of the nine past years but at some point the other investments they made would begin to lose their value if they did not make an ongoing investment in the people who provide the services throughout the city. He continued to say at some point they needed to do a little more to try to achieve parity with other communities, if nothing else. Mr. Hixenbaugh went on to say he understood one of the things that took place last year was a raise proposed by the administration and enacted with regard to the chiefs and assistant chiefs of each

public safety department. He continued to say the raise amounted to 5,000 dollars per person, the explanation for at which he agreed with, they needed to retain the highly qualified public safety officers they had in Mishawaka, but he questioned if the philosophy not only applied to the chiefs but to the rank and file working in a squad car, fire truck or work in an ambulance every day. He believed it did. Mr. Hixenbaugh confirmed there was an invitation in terms of process for the corporation counsel to participate in negotiations, he chose not to participate. He also mentioned there were some meetings with one or more of the members of bargaining committee as well as President Emmons regarding the outcome of the negotiations. Mr. Hixenbaugh went onto say there was never any intent on anyone's part to try to deny anyone the information they needed in regard to the outcome of negotiations and he understood there was some communication prior to tonight's meeting. He also mentioned as a group they took a look at the impact the proposed 1.5% salary increase plus \$500 on various salary levels throughout the city. Mr. Hixenbaugh continued to say Mr. Tanner did some number crunching, they concluded for many of the city employees with the combination of the 1.5% plus the \$500 reflected more than a portion of a 1.5% percent raise, the issue was looked at very closely. He went on to discuss the point regarding group health insurance in the negotiation strategy, it was a point discussed in the initial meeting with the administration. Mr. Hixenbaugh said he had a follow up conversation with the mayor in regard to integrating health insurance into the negotiating strategy as they worked with each perspective department. He said he also recalled Mr. Emmons having a similar conversation with the controller. Mr. Hixenbaugh said somewhere in the process it became public knowledge, despite the fact he thought they had an agreement as a part of their strategy but regardless it was difficult for him to define the term compensation as not including a lack of an increase in insurance. He said he was glad to hear no city employees would experience an increase this year, the concern regarding that provision in this bargain grazes any major issues. Mr. Hixenbaugh stated state law enacted a process where the council established compensation for police and fire and the administration would take the lead with regards to the other work groups. He said he would agree there was some inconsistency, but it was consistent with the law for the council to take the lead as it has been done in the past with this process. Mr. Hixenbaugh continued to say he believed they all had a common goal of making it work as smoothly as possible and in the best interest of the community. He expressed he hoped they could find a way to be on the same page, he personally stood behind the ordinance as amended, particularly with regard to the public safety component. Mr. Hixenbaugh went on to say the mayor was correct in the highlighting the risk the public safety personnel engaged in everyday, he believed in the additional 1.5% investment in their compensation was a good investment on the part of the community. He concluded with regard to other city employees, his suspicion was if the mayor was able to review the budget and come forward with a proposal to increase the proposed compensation for all city employees, as the law allows it to happen even into the next budget year. Mr. Hixenbaugh continued to say he would be shocked if there was not nine votes on the part of the council to approve enhance compensation for all city employee because they value all their work, it was in the best interest for the community for the city to be able to recruit and retain the best talent. He explained the reason they enacted the raise for police and fire chiefs and being asked to consider an enhanced increase in compensation for the public safety employees also supported an increase in compensation for all city employees as was possible. Mr. Hixenbaugh expressed he appreciated the work from all involved and he would vote in favor of the ordinance as amended.

Mr. Tanner thanked the members from both perspective bargaining units and fellow members of the wage negotiation committee. He went on to say they did do everything in good faith and in transparent effort. Mr. Tanner said he could not speak on behalf for the proposed amendment document being presented to the administration, but he did know the leadership teams of both departments were well aware of what the raises and other benefits were expected to be because he received calls from leadership from both departments. He went on to say he was unsure of the confusion, but the discussion was had, awareness was available, and they presented good faith effort every step of the way.

Ms. Petko Reisdorf, Mr. Mammolenti, and Mrs. Voelker thanked all involved in negotiations. They also thanked police and fire for their work. They expressed they were in support of the ordinance as amended.

Mrs. Voelker expressed hoped confusion for next year could clear before they would get to this point.

Mr. Emmons said they met a number of times this year compared to last two or three years. He continued to say before they would hold one to three meetings maximum before the settling. Mr. Emmons said this year they made a promise to both of the police and fire negotiating teams to negotiate and listen to their concerns. He said they honored the promise, they had actual negotiation sessions and negotiated with each group in good faith, it was a give and take process, as it should be. Mr. Emmons expressed he appreciated all teams involved for being professional and working together. He went on to say negotiations was an obligation the council was required to do, they met that responsibility. He thanked Mr. Tanner, Mr. Hixenbaugh, and Mr. Bellovich for their involvement.

Question was caller for at 8:14 P.M. for **PROPOSED ORDINANCE NO. 2019-22 As**

Amended  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).
Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons. Thus, it becomes **ORDINANCE NO. 5666**

PROPOSED ORDINANCE NO. 2019-23

Civil City Budget 2020
(Assigned to Budget and Finance Committee)
AS AMENDED
FINAL ADOPTION

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be adopted. This is signed by the majority of the committee upon a second by Mr. Banicki motion carried.

Mr. Hixenbaugh thanked the controller and department heads for spending some time with the wage negotiating team over the course of the budget and finance committee meetings.

Question was called for at 8:17 P.M. for **PROPOSED ORDINANCE NO. 2019-23 As Amended**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons. Thus, it becomes **ORDINANCE NO. 5667**

PROPOSED ORDINANCE NO. 2019-26

**AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2019
(TF- HR \$7,000 – Clerk \$5,000)
(Assigned to Budget and Finance Committee)**

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be adopted. This is signed by the majority of the committee upon a second by Mr. Banicki motion carried.

Rebecca Miller, City Controller said the transfers for the Human Resource Department and the City Clerk's Office were deemed necessary transfers between personnel services and contractual other services and chargers for both departments.

Question was called for at 8:19 P.M. for **PROPOSED ORDINANCE NO. 2019-26**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons. Thus, it becomes **ORDINANCE NO. 5668**

PRIVILEGE OF THE FLOOR

Mark Ryan, Union President for Mishawaka Professional Fire Department Local 360 commended the wage negotiation committee and the council committee on the wage negotiation process. He expressed he felt this was the first year in six years they had real negotiations since he's been involved in wage negotiations. Mr. Ryan continued to say in previous years they had the feeling they were told what they were going to get and that was final. He expressed he felt reasonable people met a reasonable agreement and both teams walked out of the meetings feeling like they were successful. Mr. Ryan continued to say negotiations were a give and take, he believed they gave as well as took what they felt they deserved. He went on to say he hoped the mayor would advocate for every employee of the city to receive 3.5 percent as he said he would do, they all deserved it. Mr. Ryan said all employees were important in their roles, they were the reason for why people moved to Mishawaka, enjoyed living in Mishawaka and why people stayed in Mishawaka. He said his job as union president and negotiating team was to advocate for their 111 members, to get the best wage package they could, he was happy with his progress

and happy they received the support they felt they needed, their members were beginning to feel forgotten. Mr. Ryan expressed his appreciation.

NEW BUSINESS

Clerk Block reminded the first meeting for November would be on Wednesday November 6, 2019 due to election.

ADJOURNMENT 8:24 P.M.

Deborah S. Block /s/
Deborah S. Block, IAMC, MMC, City Clerk

Dale "Woody" Emmons /s/
Dale "Woody" Emmons, President