

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 18, 2023

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday, September 18, 2023 at 7:00PM. 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 attend 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.

Clerk Block called the roll.

Roll Call.

Present: Mr. Hazen (P), Mr. Bellovich (P), Mr. Mammolenti (P), Mr. Banicki (P), Mr. Emmons (P), Mrs. DeMaegd (P), Mr. Compton (P), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block, Mike Trippel, Council Attorney.

Minutes for the Regular Meeting on September 11, 2023 were approved as received from the Clerk's Office.

Clerk Block announced the **Swearing-In of the Mayor's Youth Council.**

Mayor Dave Wood came to the podium to begin the swearing-in of the Mayor's Youth Advisory Council. Mayor Wood stated he considered it to be his most important initiative and the thing that they tried to do best that was not commonly done was to educate their youth, specifically about local government, the services they provided and their Mishawaka hometown that they loved so much. Mayor Wood stated this Youth Council, which they started almost 14 years ago, had about 250 alumni and they typically tried to average around 30 or so council members and this year, they slightly exceeded that. Mayor Wood stated the kids would give to Mishawaka far more than they would give to them and you did not have to look far to see all of the impact that the kids made on the community. Mayor Wood stated 3 years ago, they designed Heroes Park, formerly known as Hums Park, and it was one of their most popular parks today and the first of its kind in the city, a teen park designed by teens for teens. Mayor Wood stated it was so successful that it was named the Project of the Year by their association, Accelerating Indiana Municipalities. Mayor Wood stated when they were building the New City Hall, they thought it would be important that the Youth Council had some space in it and so they let them design that space and he thought they did an outstanding job. Mayor Wood stated now it was not uncommon to see kids coming into City Hall and into a government building to do things like homework or

just to chill out a little bit and he loved that about a government building and especially their hometown approach to government in Mishawaka. Mayor Wood stated last year, they decided to give the kids a little piece of property on site at City Hall to design whatever they wanted to design on the corner of First and Main Street and they came up with a very creative and unique pocket park, which was currently under construction. Mayor Wood stated not only did they come up with the creative plans but they went out and raised over \$50,000 which also got matched by the state of Indiana, so it was evident the kids were doing some outstanding things. Mayor Wood stated they also would have them do some community service and so he imagined that that evening they would continue their Thanksgiving food drive that they had done which fed over 1,000 Mishawaka families. Mayor Wood stated they would then begin their education process and they would take them through every department to make sure they knew how their services ran and they would get an opportunity to meet their public servants and they would be a little hands on with the things they did. Mayor Wood stated their last visit was to the Electric Training Center where they would stick them up in a bucket truck, fixing some transformers as well as operating heavy equipment. Mayor Wood stated this was education Mishawaka style and he was happy that they were able to provide it and he loved that their staff was passionate about giving it and they also loved it when the kids came and visited them. Mayor Wood stated they would treat this as it was an actual governing body with the swearing in with the same oath that he took and the Council took and they would run their meetings like the Council ran theirs with Robert's Rules of Order. Mayor Wood stated this year an exciting new aspect of it was that they would have a Treasurer's Report and account in the City Budget that they would manage and report on. Mayor Wood stated they would act as a fiscal body and he was very excited about that. Mayor Wood stated this was a two-year program and that evening was election night, so they would have some kids running for President, Vice President, Treasurer and Secretary. Mayor Wood stated they had kids in this group from four high schools; Mishawaka High School, Marian High School, Penn High School and South Bend St. Joe High School. Mayor Wood stated he could not do this program without the help from a lot of people being business owners, community members, parents and wanted to thank their parents for getting the kids there and making sure this was a priority in their life. Mayor Wood also thanked his staff, Krista Neighbour his Executive Assistant who had taken the ball and ran forward with it in an outstanding way and Debby Gregg, in his office who coordinated a lot of their meetings as well as his wife, Jamie Wood, as this was her passion and she was as responsible for the program as he was and he wanted to thank her for that. Mayor Wood stated they also had an alumni coming back out of retirement to serve in an official capacity as their mentor, Parker Norris, who would be sworn in first to begin the proceedings. Mayor Wood stated Parker loved Mishawaka first and foremost and that was what they Mayor loved about him too and he not only loved this community, but he gave back to it in so many ways. Mayor Wood stated he was doing a documentary on the Mishawaka High School football stadium and you would see him all around the high school with a camera regularly documenting, recording and doing some PR involved things but he had been a mentor for their pocket park project and now he was going to step up and be a mentor for their kids in each and every meeting they had. Mayor Wood thanked the Council for allowing them the time to swear in these kids and when he said that the kids were the future, they absolutely were just that. Mayor Wood stated they would hire from this group of kids and they would be

public servants and he had no doubt about that. Mayor Wood stated some of the kids could potentially become elected officials in the coming years and so they had been recognized as a best practice around the state of Indiana and beyond and they had so many other communities calling them frequently trying to figure out what it was they were doing and trying to copy it. Mayor Wood stated they still were held in high regard as a program so much so that the Lieutenant Governor and her department, The Indiana Housing and Community Development Authority last year called them and asked one of their Youth Council members if they could serve on their Affordable Housing Task Force, so one particular student had stepped up to do that. Mayor Wood stated he thought the coolest thing of it all was that not only had he committed himself to doing that which involved some travel but President Carter, also happened to be a fan of affordable housing, actually built his house and so he had a pretty special connection with that issue and was knowledgeable about it. Mayor Wood stated these kids could be doing anything else and quite frankly, several were that evening whether it was football practice, soccer practice, or something else but the kids had agreed to make this a priority for Mishawaka, so he thanked them once again. Mayor Wood thanked their parents once again for allowing them to serve Mishawaka in this capacity and appreciated what they did very much. The Swearing-In proceeds began.

The following students were sworn in for the Mayor's Youth Advisory Council.

Parker Norris was sworn in first and then the following students were sworn in as a group.

Ty Caruso, Lydia Choi, Sheridan Pellico, Luke VanTornHout, Jojo Murphy, Prescott Horvath, Reagan Sutherland, Patricia Kirk, Margaret Coppens-Clark, Ethan Cunningham-Gloster, Orianna Pierce, Anna Yoder, Brady Fisher, Alliana (Alli) Marshall, Josephine Phillips, Liam Bauschke, Audrey Wandling, Mckinzie Finn, Kate Gradeless, Ellis Kaplan, Ava Fox, Payton Lorman, Daniel Phillips, Addison Burgh, Sophia Hoover, Arianna Rice, Jocelyn Niedbalski, Nishorgo Proshun, Joel Cocquyt, Londyn Duval, Ellie Adams, Landen Neighbour, Lydia Shely, Ian Szypisjak

Mayor Wood thanked President Hixenbaugh for indulging them the opportunity for opening up the Council's agenda so that they could take care of this most important business. Mr. Hixenbaugh stated it was their pleasure and thanked him as well as all of the others who were involved in making this happen. Mr. Hixenbaugh congratulated all of the new Youth Council members as well as their parents and family members. Mr. Hixenbaugh asked them to let the Council know if there was anything they could do to help them as they moved forward with the year and continued to do exciting things. Mr. Hixenbaugh stated they would take a 5 minute break to dismiss the members of the Mayor's Youth Council and their families if they chose to do so.

The council meeting resumed with their regular agenda with ordinances on first reading.

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

PROPOSED ORDINANCE NO. 2023-40

**CIVIL CITY BUDGET AND TAX LEVY FOR 2024
(Assigned to Budget and Finance Committee)**

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

PROPOSED ORDINANCE NO. 2023-39

**AN ORDINANCE APPROVING A TWELVE HOUR SHIFT WORK SCHEDULE FOR
THE MISHAWAKA POLICE DEPARTMENT**

Mr. Compton reported the Committee of Public Health and Safety recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Mayor Dave Wood spoke in favor of **PROPOSED ORDINANCE NO. 2023-39**. Mayor Wood stated this had been a work in progress for quite a long time now and in fact going back to the beginning with the last collective bargaining agreement which called for a study committee for twelve hour shifts. Mayor Wood stated after the New Year, they began working collectively with Administration, Council and with the FOP to put together a look at twelve hour shifts and the potential impact they could have on their community. Mayor Wood stated they heard loud and clear from their public and first and foremost, they wanted more officers on the street. Mayor Wood stated they knew the difficult and dangerous job their police did on a daily basis and public service as well as public safety was their top priorities in Mishawaka. Mayor Wood stated they knew that they had limited resources to pay for all of their services, so they began looking creatively at how they could accomplish all of their goals. Mayor Wood stated it took a pretty good effort and he was proud to say that this solution that evening, he thought was one a good one for their officers, who were providing their most essential public service by standing in the way between them and harm and it rewarded them for not only that service but for also working more hours in the year. Mayor Wood stated this would put more officers on the street at any given point in time and that was very important to their public and as important of a reason to do this as any. Mayor Wood stated this was budget neutral and revenue neutral within their budget to the best of their ability to calculate and so it would save them. Mayor Wood stated it would be revenue neutral when they were giving \$89,000 to \$90,000 raises because they were currently budgeted for a staff of 114 and they were unfortunately currently well below that and it took a long time to hire officers and get them ready to serve. Mayor Wood stated it was critical service and they did not just hire people off of the street and put them on the street. Mayor Wood stated it was quite a lengthy process to get people hired and ready to go. Mayor Wood stated they were also experiencing a lot of retirements within the department and they did not lose a lot of officers to other communities and in fact, they gained more than they lost by far but they were seeing an aging of their police force and with all that had gone on in the national level, it was not a very popular profession for people who wanted to enter it into it. Mayor Wood stated it had the potential to be a statewide crisis where communities would not be able to hire police officers

because they simply could not find them and what they were seeing was an arms race. Mayor Wood stated it was communities raising pay to try to attract and market and put themselves in a position to hire officers. Mayor Wood stated the Indiana State Police had gotten into that as well and they had raised their salaries to really what would have been unimaginable numbers just a few years ago and unfortunately, some communities would not be able to keep up. Mayor Wood stated fortunately in Mishawaka, they found a way to keep up and do it in a way that was responsible for their taxpayers and also rewarded their police officers. Mayor Wood stated after this happened, if they were fortunate enough to get it passed, their police officers would be making more than the Mayor of the City of Mishawaka. Mayor Wood stated he thought that was an important message to them about the service they did and so they wanted to honor that and recognize that, so they would be going from essentially six shifts down to four twelve hour shifts. Mayor Wood stated their officers would be working more hours in the day, but they would be getting more important time off for their families including every other weekend that they would be able to have with their families and it would pay them for the extra hours that they would work within a year. Mayor Wood stated they thought this was great for the community too because they would have more officers on the street without losing any of the important duties that they had come to expect, including their Detective Bureau, Street Crimes Unit and others that they performed there that they considered to be important work. Mayor Wood stated they thought this put the Mishawaka Police Department among the top paying in the State of Indiana and he thought that sent a message to the rest of the state as well that they were willing to invest in their city in this way, in their department and most importantly, their people in this way. Mayor Wood thanked the FOP because they simply could not do this without them and President Rich Freeman was present that evening and was sure he would be speaking but they could not have done it without his cooperation. Mayor Wood stated their administrative team and chiefs stepped up and really went through every small detail of this from the contract to how this was going to play out, so he thanked all of their Assistant Chiefs: Chief Nowacki, Chief Arendt and Police Chief Witkowski. Mayor Wood also thanked Council President Hixenbaugh who gave a lot of time and effort and his expertise into it too as they were putting the plan together with some very valuable insights. Mayor Wood urged the Council to support this as it was a big ticket item. Mayor Wood stated they started off with it going through the FOP for a vote and now it came before the Council for their support. Mayor Wood stated it would have to be built into the budget and would start of January 1st of next year. Mayor Wood stated it was the biggest ticket item that they had in their budget currently and he thought that had been presented to the council in many, many years. Mayor Wood stated when they thought about how this would impact their city, they felt very confident about their police force, their training, their leaders, their equipment and this was an equal, if not a greater part of that than anything. Mayor Wood encouraged their approval and thanked the Council for their time.

Chief Witkowski, Chief of the Mishawaka Police Department, spoke in favor of **PROPOSED ORDINANCE NO. 2023-39**. Chief Witkowski stated right off the gate, he wanted to thank the people and give credit where credit was due and that was with the Mishawaka FOP. Chief Witkowski stated their members reached out to him late last year when there were contract talks and policing was very competitive as they all saw in the last three or four years, they were

fighting over the same people and trying to hire them. Chief Witkowski stated they had struggled in keeping their numbers up and they had tried advertising, signing bonuses which did help keep them afloat but they were still lagging behind. Chief Witkowski stated they came up with this business model, the scheduling model and they were tasked to do the work and they asked them to take it under consideration and this became the route they wanted to go and they came back and had a lot of smart people on the wage and grievance team, so he really liked the business model before the Council. Chief Witkowski stated it was not recreating the wheel and other departments throughout the state had a twelve hour shift and it had worked for them. Chief Witkowski stated with this, you could work more hours but in less days and it took less people to perform the duties of the shifts. Chief Witkowski stated he thought it was a win-win as it put more people on the street and raised their shift strength numbers up from ten to twelve. Chief Witkowski stated moving forward, for the community, he thought they were going to see more uniform in their neighborhoods and he could not see how they would lose on that. Chief Witkowski stated they did a vote, the FOP did a vote and it was a majority vote and so they would like to see it move forward. Chief Witkowski stated he would answer any questions the Council had.

Mr. Bellovich asked what their manning level was now and what the optimum level would be if this passed. Chief Witkowski stated currently they were at 97 and the next morning it would be at 96. Chief Witkowski stated with their staffing module, it would be 99 which was down from 114 and they would have 80 officers in the Uniform Division.

Mr. Mammolenti asked just to clarify, if going from 10 to 12 would be minimum strength. Chief Witkowski stated yes, that would be their minimum strength staffing. Mr. Mammolenti asked what would be scheduled per shift. Chief Witkowski stated there would be A and B shifts, with A and B day shifts as well as A and B night shifts and there would be 20 officers per shift.

Mrs. Voelker asked if they went to the twelve hour shifts and there were 20 officers per shift, how many officers were available per shift with the system that they were using currently. Chief Witkowski stated there were 20 officers so they allowed time off, vacations and random days and sometimes you had people take sick days. Chief Witkowski stated contract allowed for a random day to take you one under so that would be 11.

Mr. Hixenbaugh stated as he mentioned, 10 was the current minimum shift strength number in the collective bargaining agreement and asked if that were correct. Chief Witkowski stated yes. Mr. Hixenbaugh asked if it had been 10 for some time. Chief Witkowski stated yes. Mr. Hixenbaugh asked even though they had more officers scheduled on each shift, hadn't it been the case that they had much more often not been at 10 because of the inability to fill their vacancies in a timely fashion and officers, justifiably so, taking the time off that they had earned and that they needed. Chief Witkowski stated they were always at 10 and one way or another, they would be at 10 but they were paying overtime to get to that 10 and were having to get mandatory people to stay at that 10 number but on a daily basis, they were at 10 or they were below and so they had to backfill and pay overtime in that case. Mr. Hixenbaugh stated he agreed with Chief's

comments and compliments toward the FOP for the work that they did throughout the process, as well as himself, the chiefs and the administration but as he recalled it, the calculations that were done by the FOP that he believed they all agreed with, indicated that although 12 was the minimum shift strength that with the staffing model that would be in place, it was much more likely that there could be as many as 16 officers on the street on a daily basis. Chief Witkowski stated that was correct and it was going to take some time to get this ironed out and there would be things that come up that they probably would not foresee that they may have to deal with but yes, the prediction was that they would have 15 or 16 working a day which would allow them to take anything about that 12 number and distribute those officers to do parks or special assignments. Chief Witkowski stated they had traffic issues throughout the city as well and they could assign 2 or 3 officers to a traffic position for speeding or something like that. Chief Witkowski stated that was the exciting part and they would have the numbers, the people to distribute and take care of some of their issues. Mr. Hixenbaugh asked if it was his sense of it that moving to the staff model in conjunction with the proposed increase in compensation would in fact make them that much more of an attractive employer for experienced officers from other communities who would be interested in coming to work in Mishawaka. Chief Witkowski stated he really believed in that and he thought you needed both the young officers and also officers with experience but when you sent them to the academy, they were down there close to four months now and it just stretched their time out until the officer got back and then they had to go through the FTO program where they actually counted as shift strength and at that point, you were looking at a good 10 months to a year before they actually hit the street on their own and counted as shift strength. Mr. Hixenbaugh asked so that ability to hire officers that had already been through the academy and had already worked as police officers allowed them to put them on the street that much quicker when they had a vacancy to fill and if that were correct. Chief Witkowski stated yes and within two months at max, they counted as strength. Mr. Hixenbaugh appreciated his leadership and work throughout the process and thanked Chief Witkowski.

Rich Freeman, President of Mishawaka FOP 91, spoke in favor of **PROPOSED ORDINANCE NO. 2023-39**. President Freeman echoed a few sentiments of Mayor Wood and Chief Witkowski and began thanking the members of his committee and he could not have done this by himself and he thought they had an assortment of personalities that were not necessarily in favor of this at the beginning but he thought they came together to address a common issue not only collectively for their department and their members as well, but the citizens that they all collectively represented. President Freeman stated this would increase staffing on the street with the amount of time off that they were allowed to have. President Freeman stated if every officer were to expand their annually issued time based on their seniority and whatnot, if they expanded every single minute, the average would still be 16 officers per day, which was an increase of 50 to 60%. President Freeman stated a perfect mix would be a blend of both new hires and laterals and this was very appealing to lateral transfers. Mr. Freeman stated hopefully in future negotiations, they could address some of the attractiveness of the introductory pay to attract new hires but he thought they were geared towards laterals at that time which was the faster track of the two. President Freeman stated from start to finish, you had an application process that could take well over a year and if they were looking to go live with this January 1st, they would need to

get some laterals in the department and he thought this would do that. President Freeman stated he would answer any questions.

Mr. Hixenbaugh expressed his appreciation as well as the Council's to him and his executive board for the work they did. Mr. Hixenbaugh stated having sat on both sides of the table as a former FOP attorney, he thought this was the most productive round of talks and it was more problem solving than traditional bargaining so he was really impressed with the expertise President Freeman's group brought to the table and it was a perfect blend of his thought and the administrative thought that came together for this outcome. Mr. Hixenbaugh thanked President Freeman for his leadership throughout the process as well.

Eric Hyatt, President of Mishawaka Firefighters Local 360, spoke in favor of **PROPOSED ORDINANCE NO. 2023-39**. President Hyatt stated as members of the IEFF 360, they stood firmly in solidarity with their colleagues in the FOP and he knew when they needed them, they would stand for them also. President Hyatt extended his congratulations to Rich Freeman and his team for pulling off this remarkable achievement and as they achieved top pay in the state, they had sit at 119th in the state. President Hyatt stated the men and women in Local 360 would continue to provide world-class service to their citizens and to their guests and it was their pleasure and their privilege to represent an amazing group of people in the Mishawaka Fire Department. President Hyatt stated they eagerly awaited their wage and contract negotiations and the chance to make up the 25% pay gap that would be between them and once again, achieve parity with the police. President Hyatt stated to quote a chief officer from another fire department, 'all eyes were on Mishawaka.' President Hyatt thanked the Council.

Mr. Compton encouraged President Hyatt and his members to come up with ideas as the police did, and he knew he was aware of this but he encouraged him to do that to give the city the ability to give the kind of increases that were given to the police department. Mr. Compton stated he highly encouraged his group to have those discussions right now and then they would become much more attractive as well. Mr. Compton wished him good luck.

Question was called for at 7:52PM for **PROPOSED ORDINANCE NO. 2023-39. Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5859**.

NEW BUSINESS

Mr. Mammolenti made a brief reminder that they would be holding their Twin Branch Neighborhood meeting Wednesday September 20th at 7PM at Fire Station #4 with Barnaby's pizza being served.

ADJOURNMENT 7:53PM

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

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President