REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

October 28, 2024

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 October 28, 2024, 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.

Clerk Block called the 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

Also Present: Mike Trippel, Council Attorney

Minutes for the Regular Meeting on October 14, 2024, were approved as received from the Clerk's Office.

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

RESOLUTION R2024-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTIES LOCATED AT: 602 N. MAIN ST. AND 605 E. UNIVERSITY DR.
Use Variance to allow two cars for sale at each location – 602 N. Main St. and 605 E. University Dr.

John Catalanage, 55780 Raintree Drive Osceola, Indiana 46561, spoke in favor of **RESOLUTION R2024-21**. Mr. Catalanage stated he worked for INOVA Federal Credit Union and was representing the request for the use variance at the two branches they had cars located at, one in Mishawaka and one in Granger. Mr. Catalanage stated INOVA as an operation from time to time had repossessed vehicles from members that they looked to sell through a retail environment. Mr. Catalanage stated the request was to see if they could get two parking spots at least at each location specifically used to liquidate repossessed collateral. Mr. Catalanage stated the reason why this was important to them was credit unions were member owned, so they were nonprofit cooperative and when a member went through a very difficult time financially where they may have lost their vehicle and they would have to resell the vehicle, they still had relationships with the members so the other choice for them was they would take the cars to auto auctions and not sell them at the branch. Mr. Catalanage stated when they would sell them to an auto auction, there would be a significant difference in the value they received for the member's vehicle and sometimes, as much as 40 cents on the dollar. Mr. Catalanage stated they took vehicles that were in pretty good standing from the member and tried to sell them retail and try to get a little more money for the vehicle and then that way ultimately when they sold it, the amount of money the member owed them would be reduced and this only happened cyclical in nature. Mr. Catalanage stated at that current time, they saw their members going through a tough time with the economy, so this request would allow them to have two vehicles assigned at each location. Mr. Catalanage stated the vehicles did have some restrictions as far as signage was concerned and they worked with Ken Prince and his staff about having only 25% signage on the vehicles so that they could allow their members to save some money. Mr. Catalanage stated he could not guarantee this would be something that would happen all the time because this was cyclical, and they currently had a use for it.

Mrs. Voelker stated she happened to drive by the branch on Mishawaka Avenue often and she noticed cars had been there for some time. Mrs. Voelker asked when they started to put cars in that lot. Mr. Catalanage stated about June was when they started seeing more members going through hardship and they saw a lot more vehicles coming into inventory. Mr. Catalanage stated they also started to see the vehicles being sold below their value, so they started bringing them back and they had about ten of the vehicles that they had used at that point from a group of several hundred that they had moving through. Mr. Catalanage stated he had been moving them around for visibility between the Granger branch and Costco so people could see them. Mr. Catalanage at that point in time, they only had six that were available for sale between the four different branches and the idea was to keep them visible for the public to see them. Mr. Catalanage stated there was a QR code and you could see what vehicles were for sale and they usually sold them 10% below what the retail was on the dealership, so they were trying to give a good value to the community as well. Mr. Catalanage stated they would probably do this off and on he would say for the next year based on what the economy did. Mr. Catalanage stated if things got better, they would see less of them. Mrs. Voelker asked if he was notified by the city that he needed to have a use variance. Mr. Catalanage stated yes, and their marketing team was trying to get more visibility so they put green paper on the outside of the vehicles and the good news was they did have a higher visibility but the bad news was that was when they were notified by Code Enforcement that they needed to take a lot at the use variance and consider it for their business.

Mr. Banicki asked if he had to have an automotive dealer's license to move forward with this. Mr. Catalanage stated no, and part of the federal credit union act allowed them to buy and sell vehicles through one of their powers, powers being granted like a banking license for example. Mr. Catalanage stated they were not acting as a car dealer because they were only liquidating a small percentage of vehicles, and it was not uncommon for credit unions or banks to do that. Mr. Catalanage stated they were not doing it in a wholesale situation, and they were not planning on having more than two vehicles at one time. Mr. Catalanage stated they did not need a license, but they did need an exception with the way the zoning was to be allow them to do this. Mr. Banicki stated he was trying to figure out how it was fair and reasonable that he kind of ran a car dealership so to speak and had different rules, but obviously that was because of the credit union side of it. Mr. Catalanage stated they were not trying to compete in any way, shape, or form with car dealerships and this was strictly where they saw a couple of vehicles that could benefit their membership, because with a membership, even when a member was going through a tough time and they had to repossess or sell a vehicle, they still had relationships with them as they had to pay them over time. Mr. Catalanage stated they were trying to work through that lens to make sure they got the absolute best deal for them, but they by no means were expecting to have a large fleet of vehicles out there against car dealers. Mr. Catalanage stated this was just a way of trying to help their members and it was a very small percentage of their business. Mr. Banicki stated it sounded like they would not go to an auction or buy a car to sell them, and they would only be repossessed cars. Mr. Catalanage stated that was correct.

Mr. Mammolenti stated the new building on Mishawaka Avenue looked great and they had done a nice job with that. Mr. Mammolenti asked when he had received notification from Code Enforcement. Mr. Catalanage stated he believed it started in August when they received the notice. Mr. Mammolenti asked if they would then continue to leave the vehicles there even after they knew they needed a use variance. Mr. Catalanage stated they did call the Planning Department, and they told them that during the process, before they had made any judgement on it, they could continue to keep the vehicles there until the hearing. Mr. Mammolenti asked where the other vehicles that were in inventory that he referenced earlier were stored if they were not on the bank property. Mr. Catalanage stated a lot of them were outside of their footprint as they had members throughout the country since they were lending in 42 states. Mr. Catalanage stated the vehicles there represented vehicles that were more locally owned in Indiana and Michigan and the rest of them were all throughout the country.

Mrs. Voelker stated she happened to have accounts at Notre Dame Federal Credit Union, and she did not recall ever seeing a car on a lot at a Notre Dame Federal Credit Union. Mrs. Voelker asked if this was common practice with other credit unions or if this was a newer initiative. Mr. Catalanage stated he could not speak for Notre Dame Federal Credit Union directly, but it was not uncommon for other credit unions to do this, and he knew other ones that did it. Mr. Catalanage stated it was not uncommon for credit unions to take other vehicles or other collateral they had and try to sell them on their property.

Question was called for at 6:14PM for **RESOLUTION R2024-21 Motion passed by majority roll call vote (summary: Yes = 7 No = 2).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.
No: Mr. Banicki, Ms. Hahn. The resolution passed 7-2.

RESOLUTION R2024-22

A RESOLUTION APPROVING A WASTE AND RECYCLING REMOVAL CONTRACT WTH WASTE MANAGEMENT OF INDIANA, LLC
Approval of Solid Waste Removal Contract
REQUESTING AMENDMENT

The chair entertained a motion to delete the contract template that was provided to the Council and the public prior to their last council meeting entirely and substitute in a revised contract that had been distributed to the Council and the public via the Clerk's Office. Mr. Banicki moved the motion and Mr. Mammolenti seconded the motion. A voice vote was held on the motion, and it passed unanimously, thus the amendment was made, and the public hearing was once again opened.

Matthew Lentsch, Executive Director of Development and Governmental Affairs for Mishawaka, spoke in favor of **RESOLUTION R2024-22AA**. Mr. Lentsch began by thanking the Common Council, the administration, and all involved for working together in the best interest of the citizens of Mishawaka and ensuring that they had the best possible waste management services for Mishawaka residents and their promise was that no trash be left behind. Mr. Lentsch stated WM was the lowest and most responsive bidder. Mr. Lentsch stated he urged the Mishawaka Common Council to approve the agreement so that Mishawaka residents would receive reliable, comprehensive weekly services that included trash collection, recycling, and bulky waste disposal. Mr. Lentsch stated the services as outlined by WM aimed to provide convenience, maintain community, maintain cleanliness, and support sustainable waste practices. Mr. Lentsch stated residents would receive weekly trash collection ensuring regular removal of household waste and minimizing any sanitation issues. Mr. Lentsch stated WM would adhere to a clearly defined schedule with consistent pickup days allowing residents to know when to set out their trash each week. Mr. Lentsch stated WM would provide residents with sturdy, easy-to-manage containers brand new to ensure secure, sustainable, and sanitary waste disposal and one of the things that he wanted to point out was the two 96-gallon containers would be delivered in December if the agreement was approved. Mr. Lentsch stated if any customers wanted a smaller bin, they would have to contact WM and after the initial deployment, a smaller container would be brought out to them for the same price. Mr. Lentsch stated, if necessary, an extra bag would be allowed for refuse and if needed by the consumer, a second refuse container would be available for purchase for a nominal fee through WM. Mr. Lentsch stated dedicated weekly recycling services would also be provided and WM's single stream recycling allowed residents to place all recyclable materials in one container, reducing the need for sorting and making recycling more accessible. Mr. Lentsch stated secondly, items accepted like paper, cardboard, plastic, glass, and aluminum would be accepted, giving residents the opportunity to significantly reduce their household waste and support sustainable efforts. Mr. Lentsch stated WM would provide materials to help residents understand which items were recyclable and would offer tips on best practices, reducing contamination, and maximizing the city's recycling effectiveness. Mr. Lentsch stated WM's contract included options for disposing of large and bulky items such as furniture, mattresses, and appliances, making it easy for residents to dispose of the items without needing to make separate arrangements. Mr. Lentsch stated bulky waste collection would be available for residents to plan the disposal of larger items responsibly in keeping their neighborhoods clean and tiny. Mr. Lentsch stated WM would work with the city to handle items requiring special care or disposal methods ensuring environmental compliance in resident's convenience. Mr. Lentsch stated under this agreement, WM would provide dedicated customer service and residents would have access to WM's customer service for inquiries, missed pickups, or special needs, ensuring that any issues would be solved properly and effectively. Mr. Lentsch stated WM would offer digital tools that allowed residents to check schedules, set reminders, and receive push notifications on their mobile devices making waste management more convenient and transparent. Mr. Lentsch stated WM had a call center with extended hours of 8AM to 7PM and would be creating a specific website portal to link through the city website. Mr. Lentsch stated they would also be offering text messaging and email as an option for communication to their citizens. Mr. Lentsch stated he thought that the benefit of the WM partnership was environmental impact with convenient recycling services and a commitment to reducing landfill waste. Mr. Lentsch stated WM supported Mishawaka's goals for sustainability and environmental responsibility and long-term reliability. Mr. Lentsch stated WM established presence in waste management guaranteed consistency and developed dependability and gave residents peace of mind. Mr. Lentsch highlighted some amendments that were mentioned in the contract and stated the amendments were to tidy up a couple of things in the contract. Mr. Lentsch stated he added a period next to a sentence which was just a clean-up of punctuation there and second, they added into the contract that the company shall provide a quarterly summary report of complaints in order of accommodations received, which was added and highlighted. Mr. Lentsch stated there was a typo in Exhibit A under company rates year one for curbside recycling under senior residential that was in the first column under year one and it was $6.11. Mr. Lentsch also mentioned that the pricing had not included an extra dollar which was for the fee for Mishawaka Utilities Business Office to take care of the billing in statements. Mr. Lentsch stated there was also an amendment in Exhibit D under bid exceptions in yellow, it said page number and section references related to city project number STP-24-001 bid specifications, they added that to the title to make sure that people understood it related to the bid exceptions and the page number in the section. Mr. Lentsch stated as the lowest and most responsive bidder, WM would be focused on all the services as he had highlighted as well as making sure that no trash was left behind. Mr. Lentsch stated service quality would be a major focus as would be environmental responsibility and financial transparency. Mr. Lentsch stated by approving the amended agreement, the Common Council concurred that WM would provide Mishawaka residents with dependable waste management service and enhanced recycling options and be a partner that was committed to the city's growth and sustainable goals. Mr. Lentsch stated it was not just about waste management collection, it was about making sure Mishawaka remained a clean, sustainable, and vibrant place for residents to call home. Mr. Lentsch stated the transition from their current vendor to WM would be during the end of the year holidays in wintery weather that would make the transition challenging and that was just an admission. Mr. Lentsch stated if the contract were to be approved that evening, the city and their vendor would do everything they could to make the transition as smooth as possible. Mr. Lentsch thanked the Council for their thoughtful consideration.

Ms. Hahn asked if the carts were going to come fully assembled and ready for use or if there was going to be any type of light assembly needed by the residents. Mr. Lentsch stated it was his understanding that would be delivered fully assembled.

Mrs. Voelker asked for clarification if there would be a phone number for people to call along with all the digital tools. Mr. Lentsch stated yes, there would be. Mrs. Voelker thanked Mr. Lentsch for cleaning up the contract. Mr. Lentsch stated they appreciated her questions and clarifications as well as all the other inquiries from the Council and working together with the Council had been a joy, truly. Mr. Lentsch stated they wanted the best for the citizens of Mishawaka.

Mr. Hixenbaugh thanked Mr. Lentsch for the work he had done on this and thanked John Roggeman and Chris Jamrose for the work they had done on the trash and recycling contract as it was very much appreciated. Mr. Hixenbaugh asked although it was touched on at the last meeting, since they may have had some new residents participating remotely or replay, if he could touch on the change in price as he mentioned in his presentation that was embedded within the contract that the Council was being asked to approve that evening. Mr. Lentsch stated the price for combined average basic residential would be $20.69 and with the extra dollar, would be $21.69 with the combined average senior residential being $16.55 and with extra dollar, would be $17.55. Mr. Hixenbaugh asked for clarification if their residents would be paying for the next five years and 6 months, $21.69 per month if they were paying the basic residential trash and recycling rate and the seniors would pay $17.55 per month so there would not be any increase over the course of the contract. Mr. Lentsch stated that was correct. Mr. Hixenbaugh stated admittedly, that was an increase and the information he had in front of him indicated that the residential fees for the current relationship were $15.66 a month for the basic rate and $12.74 a month for the senior rate and asked if that was accurate. Mr. Lentsch stated that was correct. Mr. Hixenbaugh stated he wished that they lived in a world where they did not have to increase fees, rates, and other such charges but he did not think that was the realistic world that any of them lived in. Mr. Hixenbaugh stated he was pleased to hear about the commitment to service that WM had made, and he was optimistic that the rates they all would be paying in Mishawaka would be reflected in the service that had been promised to them. Mr. Hixenbaugh thanked him and the rest of the administration for the work they had done. Mr. Lentsch stated it was their pleasure, and this was a great partnership that they had between the Administration and the Council.

Mr. Mammolenti asked if a Mishawaka resident was a senior, how they would qualify for the senior rate. Mr. Lentsch stated they just had to be 65 years old or over. Mr. Mammolenti asked who they would have to contact. Mr. Lentsch stated Mishawaka Utilities would be who they would contact. Mr. Mammolenti asked if they did not contact them, if they would be charged the

normal rate. Mr. Lentsch stated that was correct and they would make sure that in collaboration with WM, would do an enormous amount of education.
Mr. Violi asked if on the bill it would say if the residents qualified for the senior rate. Mr. Lentsch stated absolutely, and it would be in the communicator in advance, it would be on the website, it would be on Facebook in advance, and then it would be on the bill when they received their bill.

Jim Metros, 3542 E 1300 N Wheatfield, IN, spoke in favor of **RESOLUTION R2024-22AA**. Mr. Metros stated he was the former Mayor of Crown Point and the government liaison for Republic Services, and he came tonight as a friend with a message and thanked them for the 10-year partnership they had. Mr. Metros stated he believed they lived in a world where people did not say thank you enough. Mr. Metros thanked them for all the years they allowed their company to service their citizens. Mr. Metros stated some of the WM representatives and himself had already exchanged cards out in the hall and they would work diligently with the city as well as WM to make it the smoothest transition that they could. Mr. Metros thanked them again and let them know that until the end of the year, they would do their best to provide impeccable service and work solidly with WM to make it a smooth transition.

Mr. Mammolenti thanked Mr. Lentsch, the administration, Mrs. Jamrose, Mr. Roggeman, and Mayor Wood. Mr. Mammolenti stated he knew it was a lot of hard and a lot of contractual back and forth and he appreciated all the people who submitted bids as well as Republic for their years of service.

Question was called for at 6:34PM **RESOLUTION R2024-22AA Motion passed by unanimous roll call vote (summary: Yes = 9 No = 0).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Ms. Hahn, Mr. Violi, Mr. Hixenbaugh. The resolution passed 9-0.

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

PROPOSED ORDINANCE NO. 2024-24

AN ORDINANCE FOR APROPRIATIONS AND TAX RATE
Civil City Budget for 2025

Mr. Emmons reported the Committee of Budget & Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Mr. Hixenbaugh stated the record would reflect that pursuant to state law, the Council conducted a public hearing on the proposed Civil City Budget for 2025 at their October 14th Council meeting.

Mrs. Voelker stated one of the things she was particularly excited about was the possibility of them being creative goose control in 2025 and she was happy to help and happy to research. Mrs.

Voelker stated it was probably the number one complaint she got as a councilwoman and if there was any way they could make it better for the people, she was all for it in a humane way and a way that worked.

Mr. Hixenbaugh thanked Becky Maguire, their Controller, for her hard work as well as the department heads not only in putting together the document that was in front of them, but in those meetings and the time that was spent with them talking about financial issues and non-financial issues that were important to the efficient operation of the city. Mr. Hixenbaugh stated Mayor Wood was correct at the last meeting when he indicated that the budget was a set of priorities and it was not just dollars and cents and he agreed that it was an appropriate budget that appropriately prioritized their responsibilities particularly to public safety as was referenced at the last meeting with 55% of their budget going to public safety as it should be since it was their number one responsibility. Mr. Hixenbaugh stated he appreciated the work that went into this, the priorities embedded in it, and he appreciated the work that the Council did to partner with the administration to get them to that point.

Question was called for at 6:38PM **PROPOSED ORDINANCE NO. 2024-24 Motion passed by unanimous roll call vote (summary: Yes = 9 No = 0).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Ms. Hahn, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5904**.

PROPOSED ORDINANCE NO. 2024-25

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 THE CITY OF MISHAWAKA, INDIANA
Rezone from C-1 General Commercial to R-3 Multi-Family Residential for a 4-Unit Apartment Building – 3728 Lincolnway East

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

John Piraccini, 633 Windy Cove Court, spoke in favor of **PROPOSED ORDINANCE NO. 2024-25**. Mr. Piraccini stated he was representing the family who owned the property and Evan Forslund, the buyer, would say a few words afterwards as well. Mr. Piraccini stated this was a commercially zoned site that was a former daycare for 25 to 30 years there on Lincolnway by Twin Branch Park. Mr. Piraccini stated they had had it for sale for about two and a half years and the owner had retired from the daycare business. Mr. Piraccini stated licensing had gotten tougher with the new policies in Indiana for daycares, so they had a lot of people look at it, but they could not get it turned over back to a daycare, because of the cost of the improvements that it would have to undergo. Mr. Piraccini gave the Council some background on the site and stated that they used to have 35 to 50 kids there so that was quite a bit of traffic through the week versus what they were going to see there. Mr. Piraccini stated the tenants lived upstairs until they moved out with apartments being upstairs currently and the downstairs was strictly a daycare. Mr. Piraccini stated if you looked at the photos, the first showed a picture of it and the second showed the parking in the back and there was quite a bit of parking back behind the building for four units. Mr. Piraccini stated he reached out to Councilwoman Hazen originally to try to get ahead of it and talked to Evan to make sure if he had any issues with the neighbors or anything like that. Mr. Piraccini stated they went to the Plan Commission and had no issues, so he asked for their support and if they had any questions, he or Evan could answer them. Mr. Piraccini stated Mr. Forslund would be keeping the property in his possession and he was not going to flip it.

Ms. Hahn stated he mentioned that the owners were living upstairs but they had also already been using it as a multi-family unit because they had other tenants up there as well and asked if that was correct. Mr. Piraccini stated they had lived up there originally with the business and then they moved away and rented it out and it probably had been up there for four to five years, but they rented it out as apartments at the time and ran their business below. Ms. Hahn asked if Mr. Forslund had purchased it or was in the process of purchasing it. Mr. Piraccini stated it had not been purchased yet and usually that did not happen until the zoning was done, so they could use it for what he wanted it for. Ms. Hahn stated she was familiar with the building as she drove by it two to three times a day taking her son to school and asked if it was not going to be zoned multi-family, what were some other uses that couple be applied to it. Mr. Piraccini stated it would remain zoned commercial, but it was not conducive for that use currently and it did not get the activity they thought it would when they put it out for sale as commercial. Mr. Piraccini stated the building was not feasible for a business. Ms. Hahn asked how many units he thought it would encompass. Mr. Piraccini stated it would just four units with two units upstairs and two units downstairs.

Evan Forslund, 1650 South Bend Avenue, spoke in favor of **PROPOSED ORDINANCE NO. 2024-25**. Mr. Forslund stated upstairs, as Mr. Piraccini mentioned, it was already residential and there was some tidying up to do. Mr. Forslund stated there was someone living up there currently, but they were going to have to renovate it with flooring and painting and downstairs, there was a big addition on the building and it was about 4,500 square feet and each unit was going to be around 1,000 square feet and to separate the daycare into two units, the only thing that needed to be done was walling off two doorways because there was two separate foundations, which was a relatively simple construction.

Mr. Mammolenti asked if each of the four units would be accessible from outdoors or if they would be entering one hallway and then have access and how he saw that. Mr. Forslund stated in the downstairs unit, there were four exterior doors, and each unit would have two exterior doors to exit and enter and with the upstairs, there were stairs on the outside you could walk up and then there was going to be two doorways to enter. Mr. Forslund stated there would be no shared spaces anywhere.

Ms. Hahn asked if the units would be one-bedroom, two-bedroom, or studios. Mr. Forslund stated they would be two-bedroom units. Ms. Hahn asked if he had any idea what he would be charging for rent on the units. Mr. Forslund stated around $1,500 probably. Ms. Hahn asked if he was going to be the property manager and interview tenants, do credit checks, and things of that nature. Mr. Forslund stated he took care of his properties himself, and he did not have property managers. Ms. Hahn asked if he had other rental units he managed as well. Mr. Forslund stated he did.

Mr. Emmons asked with the rehabbing of the facility how long he thought it was going to take for him to change it into four units. Mr. Forslund stated he had four people who worked for him full time and he also helped with the construction when he could, so it would take about two months. Mr. Emmons appreciated his endeavor to redo the building and wished him well.

Mrs. Voelker asked if the parking was all at the back of the building and if it would all be accessible from the alley. Mr. Forslund stated there was a drive off Lincolnway that went through to the back that was narrow. Mrs. Voelker stated to take a building that had been sitting there for a while and not producing much and deteriorating, she appreciated him taking the risk on it and if it passed, she wished him luck.

Mr. Emmons asked what his plans were for the playground outside that was utilized for the daycare and if he was going to redevelop that area. Mr. Forslund stated his plan was to keep it the way it was as some of his tenants had kids and it would be a good place for their kids to play and there was a pavilion with a picnic area back there too. Mr. Forslund stated there were about ten parking spots in total there right now and if he ever needed more, even though he did not think he would, he could always turn the playground into more parking spaces. Mr. Emmons asked what size the playground area was roughly. Mr. Forslund stated 30 feet by 30 feet.

Mr. Hixenbaugh stated he often drove by the building just about every day as well, so he was excited to see some new life breathed into it. Mr. Hixenbaugh stated he liked everything he had heard, and he had a lot of confidence based on his track record of being a very responsible property owner in the community that this would work out. Mr. Hixenbaugh stated the house directly to the east was close to this property and asked if he could make sure that he keeps a really close eye on what was going on so that this did not become a problem for that homeowner he would appreciate that. Mr. Hixenbaugh stated other than that, he wished him well and thanked him for his investment in the property.

Question was called for at 6:51PM **PROPOSED ORDINANCE NO. 2024-25 Motion passed by unanimous roll call vote (summary: Yes = 9 No = 0).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Ms. Hahn, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5905**.

PROPOSED ORDINANCE NO. 2024-26

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFER OF REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2024

Funds of Transfer: From: City Clerk – Other Services and Charges; 1101-03-431-04 Professional Service - $4,000.00 To: City Clerk – Supplies and Office Supplies; 1101-03-421-90 Office Supplies - $4,000.00

Mr. Emmons reported the Committee of Budget & Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Debbie Block, Mishawaka City Clerk 100 Lincolnway West, spoke in favor **of PROPOSED ORDINANCE NO. 2024-26**. Clerk Block stated they were looking to get printers in the City Clerk's Office. Clerk Block stated they had a couple of printers in the past and they were very old and not working any longer. Clerk Block stated they did have a copy machine that was a printer, but with the new big office they had, it would be nice to have better operating printers.

Question was called for at 6:54PM **PROPOSED ORDINANCE NO. 2024-26 Motion passed by unanimous roll call vote (summary: Yes = 9 No = 0).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Ms. Hahn, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5906**.

PROPOSED ORDINANCE NO. 2024-27

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT ELECTED OFFICIALS, SWORN PUBLIC SAFETY, MISHAWAKA PARK DEPARTMENT, AND MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2025
Civil City Employee Salary for 2025
REQUESTING AMENDMENT

The chair entertained a motion to amend **PROPOSED ORDINANCE NO. 2024-27** as was reflected in the revised version of the ordinance that was distributed to the Council electronically as part of their packet. Mrs. Voelker moved the motion and Mr. Banicki second the motion, thus a voice vote was held on the motion. The motion passed unanimously, and the public hearing was opened.

Mr. Violi reported the Committee of Budget & Finance 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. 2024-27AA.** Mayor Wood began by thanked the Council for their support of the Civil City Budget earlier that evening and it did, as President Hixenbaugh mentioned, outline their priorities which included public safety at the top, but the biggest part of their Civil City Budget was always their people who worked for them who provided the essential services. Mayor Wood stated roughly 75% of their budget was personnel related, and this covered the personnel aspect of the budget. Mayor Wood stated as they did from year to year, they looked at what the market bared for certain positions and certain departments, and they tried to adjust where needed where they might have struggled to hire people or to fill empty spots. Mayor Wood stated they tinkered around the edges of it every year to adjust and in the past, they made such adjustments in other line items for the police department or utility line adjustment or if they had to adjust IT based on specific issues at the time. Mayor Wood stated that year they had also requested some adjustments and tried to be responsive to the concerns and thoughts of the Council as well. Mayor Wood stated their biggest area of adjustment was at the department level position. Mayor Wood stated over time, they had always strived from the bottom up to improve salary. Mayor Wood stated they had always given raises or at least he had always requested them and sometimes in making the adjustments, they went to the staff members at the lower end of the scale and created a gap, so that year they wanted to address some of the gaps at the higher end of the pay scale. Mayor Wood stated they came up with a tiered system of compensation at the department manager level. Mayor Wood stated they were asking that they look at those in a way that was commensurate with duties, responsibilities, and personnel management. Mayor Wood stated they were asking for market increases for the department managers across the board and were also asking for some other market increases based on additional responsibilities or the need to be competitive in the marketplace. Mayor Wood stated they would be starting with the Controller's Office and were asking for market increases plus a 3.5% increase as well and noted that the Controller's Office was dealing with many more responsibilities those days, managing more funds, managing more bonds, managing a bigger budget, and having more audits. Mayor Wood stated they really had stepped up and if they had to replace anybody in their Controller's Department it would be very difficult. Mayor Wood stated they were also looking at some assistant level management positions specifically over at Central Services and they were looking at they were comparing that department with other organizations. Mayor Wood stated they were requesting an increase out of the ordinary above the typical 3.5% increase across the board to do a market-based increase with the assistants at Central Services, the Office Administrator and the Office Manager. Mayor Wood stated they were requesting not only a 3.5% wage increase, but an additional $500 for the staff members at Central Services in recognition of the additional responsibility that they were throwing at the guys there every day. Mayor Wood stated he got compliments all the time about how clean Mishawaka was and these were the folks who did a lot of work to make that happen. Mayor Wood stated Mishawaka stood apart as far as the services they provided were concerned, such as snowplowing and picking up leaves and he knew that was kind of an arrogant statement, but he believed it to be true. Mayor Wood stated in their part time positions, sometimes they did a percentage increase, but it was a slight increase and not a monetary increase, so they added a couple of those, and the amendment covered the assistant in his office. Mayor Wood stated when they thought about market conditions, that was one where the market was saying they should pay somebody more than they were, and they were always looking to make sure they were competitive but, in this case, it was a political appointment, and they would be working at the pleasure, leisure, and convenience of the mayor. Mayor Wood stated that that was where if you were in a similar position and wanted to make an internal move to that position, he would get maybe a little extra security and that was a consideration there, as well as when looking at some of the job descriptions and adding some additional duties to that. Mayor Wood stated he was happy to entertain any questions they had.

Mr. Hixenbaugh thanked Mayor Wood for the work that went into this and agreed with him that on multiple occasions they were fortunate to have high-quality public servants in all their positions and as they continued to make investments in their facilities and equipment and the training, to invest in the people was equally if not more so important. Mr. Hixenbaugh stated he appreciated his philosophy that went into this and the adjustments that were being made to capture those market outliners. Mr. Hixenbaugh stated he was certainly in favor of this and appreciated the work that he, the Controller, and everyone else did to bring it to the Council.

Question was called for at 7:05PM **PROPOSED ORDINANCE NO. 2024-27 Motion passed by unanimous roll call vote (summary: Yes = 9 No = 0).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Ms. Hahn, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5907**.

PROPOSED ORDINANCE NO. 2024-28

AN ORDINANCE FIXING THE SALARIES OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2025

Elected Officials Salary for 2025

Mr. Violi reported the Committee of Budget & Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2024-28**. Mayor Wood stated as he mentioned, they were doing a 3.5% raise increase for their staff members across the board with several outliers and all the elected officials fell under the outlier group that year. Mayor Wood stated when they looked at compensation, it had gone to everyone except for elected officials and when they did things like COVID stipends and COVID bonuses, they went to everyone except the elected officials. Mayor Wood stated there were wild rumors out there that they heard from time to time that elected officials, and the mayor in particular got a cut of the bonds, or they got a percentage of the development, and he could categorically say that that was not true. Mayor Wood stated the compensation they got was what passed there at the Council level and what was advertised and made its way into the paper. Mayor Wood stated over time, those numbers had fallen behind what other communities, especially communities their size, had in place. Mayor Wood stated they all ran a complex organization and had them put into a complex organization and they had over 500 full-time equivalent employees. Mayor Wood stated they managed a large budget in addition which separated them and made them unique from communities their size and communities that were much bigger. Mayor Wood stated they had a wholly owned utility that they managed and so, they bared a lot of responsibility and frankly all of the responsibility for the complex organization and so they had looked around at what other areas were paying, and he was requesting raises for all of their elected officials. Mayor Wood stated with the Clerk's salary, they were looking to move it up to $75,000, the Council would be set at $20,000 and for the mayor, while not a raise from the civil city budget, what he was requesting and what he would need to have played out through approval of the utilities budget was a utility stipend of $25,000. Mayor Wood stated with the utility, he had taken over much more oversight of the utility and bared a lot of the responsibility of all the decision making at the utility and the utility paid for salaries of some of their staff including some HR, some accounting, and some others but it did not really come into play in his situation. Mayor Wood stated when you looked at communities around them that were their size or even smaller, they were very competitive. Mayor Wood stated the South Bend mayor's salary was $122,990, the South Bend Clerk made $81,769, and the Council made $21,960 and those were all before raises for the following year. Mayor Wood stated Elkhart's mayor made $122,174, the Elkhart Clerk made $81,000 and their Council made $20,164 pre raise. Mayor Wood stated Goshen, a community much smaller than Mishawaka, their mayor made $105,638 with the possibility of $5,000 longevity, the Clerk Treasurer made $80,522 and the Council made $16,878.22 pre raises. Mayor Wood stated they thought that the salaries that he was proposing matched very well with the salaries of neighboring communities. Mayor Wood stated he was also proposing some minor adjustments to the specialty pays, specifically in the Clerk's Office with four of them, three he was requesting an increase in and one new one. Mayor Wood stated he was also requesting a $2,000 stipend for the Council President in recognition of the additional duties that the Council President did over and beyond the typical duties of a councilmember. Mayor Wood stated this was a common practice and was deployed by governmental bodies such as St. Joe County who just passed one a couple of years ago. Mayor Wood stated they had resisted making such increases going way back to the Beutter administration and in the 25 years that he had been involved in this government, they had always resisted doing it. Mayor Wood stated now, they were seriously falling behind to the point where when he looked at what the pay of all their civil city employees was, he was way down the list. Mayor Wood stated many of their electric lineman, most of them or probably all of them, much of their public safety and a few other employees made more than the person running the city. Mayor Wood stated this was an attempt to adjust that without being overly aggressive to get them in line with what some of their peers are doing.

Mr. Hixenbaugh appreciated the mayor's leadership on this.

Question was called for at 7:14PM **PROPOSED ORDINANCE NO. 2024-28 Motion passed by unanimous roll call vote (summary: Yes = 9 No = 0).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Ms. Hahn, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5908**.

PROPOSED ORDINANCE NO. 2024-29

AN ORDINANCE FIXING THE SALARIES OF ALL SWORN POLICE EMPLOYEES OF THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2025

All Sworn Police Employees Salary for 2025

Mrs. Voelker reported the Committee of Budget & Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2024-29**. Mayor Wood stated this was their salary ordinance on the Police side of things and the ordinance was bound by their collective bargaining agreement, which they were entering the second year of and they were bounded by contract to do a pay increase where first class officer would go up $1,000 and it would take them to the $90,000 base salary which was among the highest if not the highest in the state of Indiana. Mayor Wood stated it was something they were very proud to have negotiated working with their FOP, working with the Council, and working between the administration last year and this just followed the first step, which was last year, and this was the second step. Mayor Wood stated their civilians, who were not covered under collective bargaining agreement, were covered under the Civil City Salary Ordinance, and they were requesting a standard 3.5 % increase in which the ordinance had already passed.

Rich Freeman, President of Fraternal Order Police Lodge 91, spoke in favor of **PROPOSED ORDINANCE NO. 2024-29**. President Freeman thanked the Council and stated they were about 11 months into a massive overhaul in the staffing that they had done just with pay structure in general and with the working hours they had done, and it had performed exactly how they had predicted. President Freeman stated some of the priorities were obviously putting more police officers on the road and they reduced overtime dramatically. President Freeman stated he knew that the administration was working diligently to get the staffing numbers that they had wanted, and this pay was crucial, and he thought that had all been working well too. President Freeman stated they had a new administration, and he had looked forward to working with all of them and this was a positive thing all the way around. President Freeman stated he appreciated the conversation and looked forward to looking at the details next year and coming up with other ways to improve. President Freeman stated he looked forward to continuing the conversations.

Mr. Mammolenti thanked President Freeman and all his folks that sat on the wage committee. Mr. Mammolenti stated he enjoyed the process as he had in the past and thanked them all for their professionalism and for all the great work that they did daily to keep their entire community safe.

Mrs. Voelker stated she read the crash reports and the police press log quite often and one of the things she noticed was that she believed they were pulling over more people and that was her impression, but she just wanted to thank him. Mrs. Voelker asked that he pass her thanks on to his fellow officers because they worked so hard and did a really great job and there were a couple of officers that were very punctual in their reports. President Freeman thanked Mrs. Voelker for that and stated staffing has helped them with proactiveness and had allowed them to make better reports and had more officers on the road. President Freeman stated they also worked with the Council to amend their administrative restrictions on pursuits and whatnot and anyone who got pulled over had the options to either stop or flee and they wanted to obviously sway that and so being able to enforce the law in a way that it was written to state and federal laws was beneficial to everybody.

Mr. Hixenbaugh reiterated his thanks to him and his team for a second year of productive negotiations. Mr. Hixenbaugh stated they were collectively heading in the right direction, and he appreciated what Mr. Freeman and those who he represented brought to the table every day, but the spirit that they brought into the room when they were all together and dealing with at that time with difficult issues was much appreciated.

Mr. Hixenbaugh acknowledged the great work both regarding the police negotiations and the fire department negotiations that their administrative representatives Mr. Roggeman and Mrs. Maguire did. Mr. Hixenbaugh stated he knew Becky enjoyed the collective bargaining process more than she could say but she always provided valuable assistance to them during the process, and he also wanted to acknowledge the hard work and the diligent work that Mr. Violi, Mr. Mammolenti, and Mrs. Hahn did from the Council standpoint. Mr. Hixenbaugh stated it was a productive round of negotiations with the FOP, setting the stage for yet another round of negotiations next year.

Question was called for at 7:23PM **PROPOSED ORDINANCE NO. 2024-29 Motion passed by unanimous roll call vote (summary: Yes = 9 No = 0).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Ms. Hahn, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5909**.

PROPOSED ORDINANCE NO. 2024-30

AN ORDINANCE FIXING THE SALARIES OF ALL SWORN FIRE EMPLOYEES OF THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2025
All Sworn Fire Employees Salary for 2025

Mr. Hixenbaugh stated they had a requested amendment pursuant to the revised ordinance that was distributed to the Council and the public as part of the Council packet. The chair entertained a motion to amend the proposed ordinance accordingly. Mr. Banicki moved the motion and Mr.

Mammolenti seconded the motion and there was a voice vote. The amendment passed unanimously.

Mrs. Voelker reported the Committee of Budget & Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2024-30**. Mayor Wood stated when you thought about all their salaries, public safety was by far the biggest when it came to the actual number of employees and their biggest employee group was the Mishawaka Fire Department and that was what this covered that evening with their collective bargaining agreement that they had just reached and had recently been ratified by membership. Mayor Wood stated it still had not made its way to the Board of Public Works and Safety yet or the Council, but it was progressing towards that. Mayor Wood stated in that collective bargaining agreement, they had negotiated a 13% raise to the base salary of a first-class firefighter which would take them from about $71,163 to $80,413. Mayor Wood stated that was probably the biggest expenditure in their budget that year and when you thought about the number of employees they had, that right there was a significant number in next year's budget. Mayor Wood stated they also had the amended part of the ordinance that was just to clean up some definitions of some positions which were Advanced EMT Paramedic, Lead Paramedic, EMT Paramedic, and Supervising Paramedic. Mayor Wood stated they were striving to be among the best paid around as far as public safety was concerned. Mayor Wood stated they wanted to be the highest pay because they simply wanted the best people working for their citizens and that was what it came down to. Mayor Wood stated they strived to provide the highest level of service that they possibly could, and he mentioned earlier that they were a clean city, but they were absolutely a safe city because of their public safety and the service that they provided which they all saw they provided and risked their lives to provide. Mayor Wood stated in performing those duties, they wanted to make sure that they were able to hire people but also hired the best talent that they could find and negotiating this contract with the 13% raise and another 4.5% raise coming in the next year, he thought that put them in a very good position down at the Mishawaka Fire Department with personnel, salary, benefits, training, equipment, and a pretty nice and new firehouse as well. Mayor Wood stated he thought their investment in public safety was all encompassing.

Ben Higgins, Vice President of Local 360, spoke in favor of **PROPOSED ORDINANCE NO. 2024-30**. Vice President Higgins stated on behalf of the members of the IAFF Local 360, that they were in favor of the proposed ordinance. Vice President Higgins stated they were truly grateful for the two-year wage package that they had earned which reflected the hard work and dedication of their members to the citizens of Mishawaka and their guests. Vice President Higgins extended their sincere thanks to the City Council and their team, President Hixenbaugh, Lacy Hahn, Matt Mammolenti, and Tony Violi. Vice President Higgins stated their support had been invaluable and they had appreciated the entire Council's commitment. Vice President Higgins stated they also wanted to thank Mayor Wood and the administration including John Roggeman for their efforts and a special thanks to Becky Maguire who listened to their needs and played a crucial role in helping them achieve the wage package. Vice President Higgins thanked Chief Woodward and staff for their ongoing support and most importantly, they recognized their own team President Hyatt, Treasurer Poncellor, Secretary Sotello, and their wage team members, Anthony Tomlinson, Dave Vincent, and Andrew Lauver. Vice President Hyatt stated the countless hours spent on research, preparation, and negotiation had not gone unnoticed and Local 360 was deeply thankful.

Mr. Mammolenti thanked Vice President Higgins for coming that evening and wanted to publicly thank President Hyatt, himself, and the rest of the team for a very long but very professional negotiating session and thanked him for what they did daily.

Mr. Mammolenti stated he was the Chairman of the Wage Committee for both Police and Fire, but he could not have done it without a fantastic team with Mr. Violi and Ms. Hahn, but President Hixenbaugh really played a vital role and his past human resources expertise, and his legal expertise really came into play and was a true benefit from a Council standpoint. Mr. Mammolenti stated he did a lot of extra work outside of the meetings in preparation as well, so he wanted to thank their team and President Hixenbaugh, and that team expanded even further with Mr. Roggeman and Mrs. Maguire as well. Mr. Mammolenti thanked them for coming to the meetings and stated he knew they were extremely long at times, but he thought both teams were headed in the right direction and came up with a positive outcome. Mr. Mammolenti stated he had been on the committee for several years and some years it had been extremely tough, and they were not able to provide the raises those folks deserved but he was extremely proud of the work their group had done in the last couple of years as they provided historic raises. Mr. Mammolenti publicly thanked all that were involved.

Mr. Hixenbaugh echoed Mr. Mammolenti's comments and thanked all involved as well as their partners from Local 360. Mr. Hixenbaugh stated over the course of going on a year and a half, they had spoken on multiple occasions in the chambers about the historic investment that they had made in Mishawaka in public safety regarding the police department and they heard that evening once again how that was paying dividends. Mr. Hixenbaugh stated he did not think it was overstating the case that they now had made a historic investment in fire services in Mishawaka, and he was confident they would pay those same type of dividends as they moved forward. Mr. Hixenbaugh stated it had truly been a group effort, and it had been, in his opinion, more about problem solving than it had been in more traditional collective bargaining, and he thought that they saw the benefit of that in the outcome both regarding the police department and the fire department. Mr. Hixenbaugh stated it was not to say that they did not have work to do in the future, but they had taken a significant step forward regarding both departments and in this instance with this ordinance, regarding the fire department. Mr. Hixenbaugh also acknowledged and thanked the mayor for his willingness to partner with the Council in a different way of bargaining over the past couple of years and he thought that this validated the decision the Council and the administration made to work even more closely together throughout the process and these types of outcomes gave him great confidence that as they continued to work in the future that they would continue to enjoy success with regard to the outcome of both these

processes. Mr. Hixenbaugh thanked everybody involved for the hard work that went into making a historic investment in public safety in Mishawaka.
Question was called for at 7:35PM **PROPOSED ORDINANCE NO. 2024-30 Motion passed by unanimous roll call vote (summary: Yes = 9 No = 0).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Ms. Hahn, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5910**.

NEW BUSINESS

Mr. Carroll announced that they were starting a District 2 Community Meeting and Neighborhood Watch. Mr. Carroll stated this would be held on the second Thursday of each month and Blair Hills was nice enough to host them in their Common Room. Mr. Carroll stated their first meeting would be November 14th and if there was anybody listening in who was interested in being a watch captain within District 2, let him know.

ADJOURNMENT 7:36PM

Deborah S. Block /s/	Gregg A. Hixenbaugh /s/
Deborah S. Block, IAMC, MMC, City Clerk	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.