

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

December 16, 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 December 16, 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 December 2, 2024, were approved as received from the Clerk's Office.

Clerk Block read the following letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their December 10, 2024, meetings.

Appeal No. 2024-52 An appeal submitted by Apex Realty Investments, LLC requesting a Use Variance for 917 Union Street, Mishawaka, IN, to allow for three tenants in C-1 Commercial District

The Board, with a vote of 5-0, provided a favorable recommendation.

Petition No. 2024-10 A petition submitted by Kittle Property Group Inc requesting the annexation of 7.72 acres and to rezone property at 15503 Douglas Road, Mishawaka, IN to S-2 Planned Unit Development for a senior apartment complex

The Commission, with a vote of 8-0, recommended approval.

Petition No. 2024-11 A petition submitted by the City of Mishawaka for approval of an ordinance replacing the Flood Plain Ordinance (Ord. 5503) of the City of Mishawaka, Indiana, with the Flood Damage Prevention Ordinance

The Commission, with a vote of 8-0, recommended approval.

Petition No. 2024-12

A petition submitted by the City of Mishawaka for approval of an ordinance amending the Zoning Ordinance (Chapter 137) of the City of Mishawaka, Indiana, to add Wellhead Protection Land Use Restrictions

The Commission, with a vote of 8-0, recommended approval.

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

PROPOSED ORDINANCE NO. 2024-45

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MISHAWAKA, INDIANA AND PROVIDING ZONING CLASSIFICATION
THEREFORE**

**Annexation of 7.72 Acres and Rezoning to S-2 Planned Unit Development for Apartment
Complex – Douglas Rd.
(Assigned to Land Use Planning Committee)**

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

RESOLUTION R2024-23

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT: 917 UNION STREET,
MISHAWAKA, INDIANA**

**Use Variance for 3 Tenant in C-1 Commercial District & Developmental Variance for 60
square foot Monument Sign – 917 Union Street**

Micah Horner, Owner of 917 Union Street, spoke in favor of **RESOLUTION R2024-23** remotely. Mr. Horner stated he had an extra 1500 square feet that was not being used and he knew with it being zoned C-1, they needed to receive permission to have a third tenant and that was the reason for the request.

Question was called for at 6:10PM for **RESOLUTION R2024-23 Motion passed by unanimous roll call vote (summary: Yes = 9).**

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

RESOLUTION R2024-24

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
REJECTING THE ESTABLISHMENT OF A POLICE MERIT SYSTEM PURSUANT TO
INDIANA CODE 36-8-3.5-5-5
Rejection of Police Merit System**

Clerk Block read the correspondence the Council received into the record.

President Hixenbaugh,

I have received the proposed resolution to reject the merit system, and I appreciate your involvement and conversation throughout the process. While many parts of the merit system can be a benefit to everyone involved, unfortunately, the body of the Lodge feels that there is not enough information to make a permanent decision at this time. In recent conversations with the current administration, it seems we share the same goals moving forward, such as developing our own mutually agreed upon standards for promotion and discipline and an appeal process that will allow for further context to be provided. Such standards will promote consistency while increasing the quality of leadership and decreasing uncertainty through assumption by providing documentation that officers have met the mutually agreed upon criteria for either promotion or discipline. The conversations with the administration have been positive and productive. It seems that there is a common goal to put our ideas into action fairly quickly, and I am looking forward to working together on this project. Lastly, I wanted to thank the City Council for understanding the current situation, and I am grateful for the opportunity to work things out in concert with the administration. I look forward to reporting on our progress to the Council in the very near future. Thank you.

Sincerely and respectfully,

**PFC Rich Freeman
President FOP Lodge 91
Mishawaka Police Department**

The public hearing was opened.

Alex Arendt, Chief of Police for the City of Mishawaka, spoke in favor of **RESOLUTION R2024-24**. Chief Arendt thanked the Council and the fraternal police members as well as the Board of Public Works and Safety for their work on this particular matter. Chief Arendt stated there had been a lot of research that had gone into it and discussions on the positives and negatives that the citizens of Mishawaka would benefit from or be negatively affected by regarding the merit system. Chief Arendt stated after the discussions with the representatives, his administration recommended that the Council approve the resolution to reject the establishment of the police merit system pursuant to Indiana Code. Chief Arendt stated in turn, they intended to work together with the FOP to standardize the guidelines for promotions and discipline within the department while maintaining oversight by the Board of Public Works and Safety. Chief Arendt stated he wanted to echo the comments made by President Freeman and they liked to keep an open relationship with him and the officers of the Mishawaka Police Department to make sure that they were establishing the highest standards for discipline and promotions.

Mr. Hixenbaugh thanked Chief Arendt for his willingness and that of his leadership team to continue to work with the FOP. Mr. Hixenbaugh stated he was very interested to see what the outcome of those discussions would be and thanked him for his comments and for being there that evening. Chief Arendt thanked President Hixenbaugh.

Question was called for at 6:15PM for **RESOLUTION R2024-24 Motion passed by unanimous roll call vote (summary: Yes = 9).**

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

Mr. Hixenbaugh stated at the request of the Administration, the Chair entertained a motion to amend the agenda by adding **PROPOSED RESOLUTION R2024-25** to the agenda at that point in time. Mr. Mammolenti moved the motion and with a second from Mr. Banicki, a voice vote was held on the motion. The motion passed unanimously and **RESOLUTION R2024-25** was added to the agenda.

RESOLUTION R2024-25

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, AMENDING RESOLUTIONS R2022-10, R2022-22, R2023-03, R2023-12, R2023-25, AND R2024-10 WHICH ADOPTED A PLAN FOR DISTRIBUTION OF THE PROCEEDS OF THE CITY OF MISHAWAKA'S GRANT FROM THE AMERICAN RESCUE PLAN ACT OF 2021

Rebecca Maguire, City Controller for the City of Mishawaka, spoke in favor of **RESOLUTION R2024-25**. Mrs. Maguire began by thanking President Hixenbaugh and the Council for allowing this item to be added to the agenda. Mrs. Maguire stated this was their final amendment to the ARPA Plan filing federal guidelines and the plan must be amended as the use changed and the deadline to obligate all of the funds was December 31, 2024. Mrs. Maguire stated under revenue replacement, in section 3 subsection I, \$141,962.00 would be spent for the restoration and enhancements at the Battell Rock Garden which included tree removal, irrigation, lighting, and security. Mrs. Maguire stated in section 3 subsection J, \$103,706.00 would be used by the Fire Department for various supplies such as stair climbers, flashlights, EMS pants, weighted vests, and body scans. Mrs. Maguire thanked the Council for their consideration.

Mr. Hixenbaugh thanked Mrs. Maguire for her work throughout the process and as they were talking about during the pre-meeting, it was new for all of them and she, along with every member of the Administration were very helpful to the Council and he thought the collaboration and the working together was not unique just in this issue but it was certainly an instance where they all worked together under difficult circumstances and he thought, not only what they were going to approve that evening, but every dollar that they had spent out of their ARPA Fund they had done good for the City of Mishawaka. Mr. Hixenbaugh thanked Mrs. Maguire once again for

the work she did on this. Mrs. Maguire thanked Mr. Hixenbaugh and concurred with his statement.

Question was called for at 6:18PM for **RESOLUTION R2024-25 Motion passed by unanimous roll call vote (summary: Yes = 9).**

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

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

PROPOSED ORDINANCE NO. 2024-34

AN ORDINANCE AMENDING CHAPTER 121 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, COMMONLY KNOWN AS “THE FLOOD CONTROL ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA.

**Amending the Flood Control Ordinance
(Petitioner requesting postponement)**

Mr. Hixenbaugh stated at the request of the Administration, the Chair entertained a motion to postpone second reading and public hearing on **PROPOSED ORDINANCE NO. 2024-34** until their first regularly scheduled council meeting in January of 2025. The motion was moved by Mrs. Voelker and with a second from Mr. Mammolenti, a voice vote was held on the motion. The motion passed unanimously, and the matter was postponed.

PROPOSED ORDINANCE NO. 2024-36

AN ORDINANCE AMENDING ORDINANCE NO. 5868 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, 2024

Amending 5868 Civil City Salary for 2024 – Central Services

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

Rebecca Maguire, City Controller for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2024-36**. Mrs. Maguire stated in 2023, the Teamsters received certifications for Tanker endorsements and CDLB and CDLA as an amendment, so it was missed in their regular 2024 salary ordinance, and this was correcting it.

Question was called for at 6:22PM for **PROPOSED ORDINANCE NO. 2024-36 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5914.**

PROPOSED ORDINANCE NO. 2024-37

AN ORDINANCE AMENDING ORDINANCE NO. 5907AA 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, 2024

Amending 5907AA Civil City Salary for 2025 – Central Services

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

Rebecca Maguire, City Controller for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2024-37**. Mrs. Maguire stated this would correct the 2025 salary ordinance for Teamsters, Tanker, CDLB, and CDLA endorsements and they had already added it to their 2026 draft document so they should not have another amendment on this item.

Question was called for at 6:25PM for **PROPOSED ORDINANCE NO. 2024-37 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5915.**

PROPOSED ORDINANCE NO. 2024-38

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

Transfer of Funds: Central Services – Supplies – 1101-22-422-02 (\$30,000.00) To: Central Services – Other Services & Charges – 1101-22-436-01 (\$30,000.00) Total: \$30,000.00

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

Tim Ryan, Director of Central Services, spoke in favor of **PROPOSED ORDINANCE NO. 2024-38**. Mr. Ryan stated as some of them may have known, this was the first year they took over the responsibilities of fire engines and missed the deadline by a tad, but hoped they could get it corrected for next year.

Question was called for at 6:27PM for **PROPOSED ORDINANCE NO. 2024-38** Motion passed by unanimous roll call vote (summary: Yes = 9).

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5916.**

PROPOSED ORDINANCE NO. 2024-39

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

Transfer of Funds: Park & Rec – Personnel Services – 2204-50-411-03 (\$85,000.00), Supplies – 2204-50-429-15 (\$10,000.00), and 2204-50-429-16 (\$5,000.00) To: Other Services & Charges – 2204-50-436-01 (\$15,000.00) and 2204-50-436-90 (\$85,000.00) Total: \$100,000.00

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

Phil Blasko, Parks Superintendent, spoke in favor of **PROPOSED ORDINANCE NO. 2024-39**. Mr. Blasko stated this would cover some of the unexpected expenses they had incurred, such as HVAC problems at the Battell Center, an ammonia leak at the ice rink, and they also had started off the year with a big two-inch line water main water break at Merrifield Pool that they were hopeful would be covered entirely by insurance but that was not the case. Mr. Blasko stated this would cover all of those things.

Question was called for at 6:30PM for **PROPOSED ORDINANCE NO. 2024-39** Motion passed by unanimous roll call vote (summary: Yes = 9).

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5917.**

PROPOSED ORDINANCE NO. 2024-40

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS AND TRANSFERRING THE AMERICAN RESCUE PLAN CORONAVIRUS LOCAL RECOVERY GRANT FOR THE YEAR ENDING DECEMBER 31, 2024

Additional Appropriation: ARP Coronavirus Local Fiscal Recovery Grant – Other Services & Charges (\$129,667.00) Transfer of Funds: Other Capital Outlays – 2403-50-443-93 (\$12,295.00) To: Other Services & Charges – 2403-50-459-03 (\$12,295.00) Total: \$12,295.00

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

Rebecca Maguire, City Controller for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2024-40**. Mrs. Maguire stated this ordinance coincided with the amendment to the ARPA Plan that they heard earlier that evening. Mrs. Maguire stated they were appropriating \$129,667 and that was the last of their ARPA money to appropriate. Mrs. Maguire stated this was for the Battell Rock Garden project. Mrs. Maguire stated the Fire Department had already had their funds appropriated and their quotes and costs came in a little bit less, so they were transferring \$12,295 to the Battell Rock Garden project. Mrs. Maguire stated the ARPA money for the Rock Garden was going to total \$141,962 and the ARPA funding for the Fire Department ended up at \$103,705.

Mrs. Voelker thanked Mrs. Maguire for the explanation.

Mr. Hixenbaugh thanked the members of their ARPA Committee, Mr. Carroll, Mrs. Voelker, and Mr. Mammolenti as Chair. Mr. Hixenbaugh stated since they were there at the inception of the ARPA fund, Mr. Mammolenti and Mrs. Voelker had worked on this throughout and all the members of the committee both past and present did a fantastic job in making sure they as a community spent the money in a responsible, judicious, and effective way. Mr. Hixenbaugh appreciated the work that everybody did and the leadership of Mr. Mammolenti throughout the process. Mr. Hixenbaugh thanked all involved.

Question was called for at 6:34PM for **PROPOSED ORDINANCE NO. 2024-40 Motion passed by unanimous roll call vote (summary: Yes = 9)**.

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5918**.

PROPOSED ORDINANCE NO. 2024-41

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2024

Additional Appropriation: General Fund, Personnel Services, Controller – 1101-02-411-02 (\$40,700.00) Human Resources – 1101-04-411-02 (\$55,700.00) Code Enforcement 1101-14-411-01 & 1101-14-411-63 (\$5,650.00 & \$4,425.00) Fire Department – 1101-19-411-60 (\$250,000.00) Other Services & Charges, Professional Services, Human Resources – 1101-04-431-04 (\$11,200.00) Total: \$367,675.00 Other Services & Charges, Professional Services – 2209-50-431-09 (\$250,000.00) Total: \$250,000.00

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

Rebecca Maguire, City Controller for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2024-41**. Mrs. Maguire stated this item regarded a General Fund additional

appropriation and a CEDIT item. Mrs. Maguire stated under the General Fund, they had two positions that were added after the 2024 budget was approved. Mrs. Maguire stated the first position was a bookkeeper in her department and due to numerous projects and bonds, their workload had increased greatly. Mrs. Maguire stated originally, they were down two staff members that had been working with them and it was time to add a full-time staff member back and it had helped their department greatly. Mrs. Maguire stated in Human Resources, they moved the Safety Director position from the Electric Department to Human Resources. Mrs. Maguire stated the position had increased responsibilities and expectations. Mrs. Maguire stated in Code Enforcement, they had their Director retire and this additional appropriation would cover the benefit time payout and with the new Code Enforcement Director, longevity was not budgeted because they did not know who their Code Enforcement Director was going to be and it was an internal employee changing positions and longevity went back to when you originally started with the city. Mrs. Maguire stated many times they were able to absorb and transfer within a budget, but the Code Department had a small budget, so this was why they needed to do the additional appropriation. Mrs. Maguire stated in the Fire Department they had a \$250,000 increase for overtime. Mrs. Maguire stated they were recently short-staffed, but they did hire seven new hires but due to certain delays through the states and such, it did not offset so they were doing this to cover their overtime deficit. Mrs. Maguire stated the final item in the General Fund was an additional appropriation for their temporary professional services line. Mrs. Maguire stated typically they had temporary people that they hired and that came out of professional services, and they had a temporary employee line where they would typically transfer, but they had used the temporary employee line that year and they did not have it to transfer so they were doing an additional appropriation. Mrs. Maguire stated lastly in CEDIT in their health services line, they needed to appropriate \$250,000 as they had increased their usage of their prescription program and their imaging program for their staff. Mrs. Maguire stated this line probably should have been increased already for the 2024 budget and since it was not, they had an additional deficit, and this would cover that. Mrs. Maguire stated she was happy to answer any questions.

Mrs. Voelker asked for the Clinic budget, if it had been adjusted for 2025. Mrs. Maguire stated it had been adjusted but with the way they were ending the year, she may have to come back before the Council in 2025 for an additional appropriation as well, but it got increased.

Bryon Woodward, Chief of the Mishawaka Fire Department, spoke in favor of **PROPOSED ORDINANCE NO. 2024-41**. Chief Woodward stated he appreciated the approval of the appropriation and like Mrs. Maguire said, they had four retirements and two resignations that year that they did not plan on and did not know about, so at the beginning of the year, they had three openings and then through the process of hiring people that year, they probably had five people who dropped out through the testing portion of it or through the physical or mental part of it, or decided to go to a different department at that time. Chief Woodward stated they just hired seven a month and a half ago or so and they were a few in the EMT class which would be done in another week and then would start the fire academy portion. Chief Woodward stated they started the year being down about nine to ten people for the majority of the year and could not

keep up and they thought they had enough hired going into the end of July but they lost two more people in that span and put two more people in the process and because of their system, you could not just hire one person and run them through the whole academy and you could not have a full EMT class sponsored by the state with one person and you had to have a group. Chief Woodward stated he just wanted to clarify everything a little better.

Mr. Mammolenti stated he drove by every morning and saw the seven new hires running and asked if they were going to be done with the process shortly. Chief Woodward stated they would be done with EMT class within the next week and then they would start the fire portion of the process, so it all together would take about another month. Mr. Mammolenti stated he and his kids got a kick out of it and told him to tell the new hires to keep up the good work.

Question was called for at 6:42PM for **PROPOSED ORDINANCE NO. 2024-41 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5919.**

PROPOSED ORDINANCE NO. 2024-42

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ESTABLISHING A MERIT SYSTEM FOR THE MISHAWAKA POLICE DEPARTMENT

Mr. Hixenbaugh stated at that time, the chair entertained a motion to postpone **PROPOSED ORDINANCE NO. 2024-42** indefinitely in light of the action that they took earlier that evening to approve the resolution rejecting a police merit system but also to afford them the opportunity to revisit the issue after a year as would need be. Mrs. Voelker moved the motion and with a second from Mr. Carroll, a voice vote was held. The motion passed unanimously, and the matter was postponed indefinitely.

PROPOSED ORDINANCE NO. 2024-43

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ESTABLISHING A MERIT SYSTEM FOR THE MISHAWAKA FIRE DEPARTMENT

Ms. Hahn reported the Public Health & Safety Committee recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Mr. Hixenbaugh stated before they proceeded further, there was an amendment to the proposed ordinance that had been requested and, in its nature, it was not overly substantive as it reflected some grammatical changes in a few slight variations and legal references. Mr. Hixenbaugh stated before proceeding with the public hearing, the chair entertained a motion to amend **PROPOSED ORDINANCE NO. 2024-43.** Mrs. Voelker moved the motion and with a second from Mr.

Mammolenti, a voice vote was held on the motion. The motion passed unanimously and the amendment was made to the proposed ordinance.

Eric Hyatt, President of Mishawaka Firefighters Local 360, spoke in favor of **PROPOSED ORDINANCE NO. 2024-43AA**. President Hyatt stated they had been tracking the merit system for at least a year and a half and had gone to many seminars and workshops across the state. President Hyatt stated they had worked hard to educate their members to the best of their ability to how it was going to be set up and how it was going to be ran. President Hyatt stated they believed a merit system would help with professionalizing, standardizing, and to an extent depoliticizing the Fire Department when it came to the main topics of hiring, firing, promotions, and discipline. President Hyatt stated to the Chief's credit, they had already started promoting how the merit system would go with the promotion process, so they were already on their way to working out well under the merit. President Hyatt stated they were committed to working with the Chief's administration in the new year establishing the rules of the merit committee to hopefully mutually benefit the department and the members of Local 360 as they carved out the rules for the merit committee. President Hyatt stated the merit commission was supported by Local 360's executive board and it was a due pass recommendation to its membership.

Mr. Hixenbaugh acknowledged the assistance of their attorney, Mr. Trippel, and he and Mr. Roggeman worked on this as well as the Chief and the union leadership. Mr. Hixenbaugh stated he was very optimistic that this would be a path that would be as beneficial for the Fire Department as the path would be for the Police Department even though they were slightly different paths. Mr. Hixenbaugh stated they looked forward to seeing how this played out into the future and thanked President Hyatt, and all involved for their work on this.

Question was called for at 6:48PM for **PROPOSED ORDINANCE NO. 2024-43AA Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5920**.

PROPOSED ORDINANCE NO. 2024-44

AN ORDINANCE APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MISHAWAKA AND MISHAWAKA FRATERNAL ORDER OF POLICE LODGE 91

Collective Bargaining Agreement between the City and Mishawaka Police Lodge 91 – 01-01-2025 thru 12-31-2025

Mr. Hixenbaugh stated in order to afford the Board of Public Works and Safety the opportunity to consider and vote on the matter before the Council took action as was their standard practice, at that time the chair entertained a motion to postpone second reading and public hearing on **PROPOSED ORDINANCE NO. 2024-44** until their first regularly scheduled council meeting in January. Mr. Banicki moved the motion and with a second from Mrs. Voelker, a voice vote

was held on the motion. The motion passed unanimously, and the proposed ordinance was postponed.

PRIVILEGE OF THE FLOOR

Mayor Wood spoke under **PRIVILEGE OF THE FLOOR**. Mayor Wood stated Mr. Blasko had to leave but if he were there, he would want him to remind the Council that the drones were coming to Mishawaka, and the drone show was actually postponed from their Winterfest celebration due to high winds and that had been rescheduled for Saturday December 21st at 7PM down by Ironworks Plaza and Beutter Park.

Eric Hyatt, President of Mishawaka Firefighters Local 360, spoke under **PRIVILEGE OF THE FLOOR**. President Hyatt stated most of them may know that he was not seeking another term as the Local President, and he hoped to retire in 2027. President Hyatt stated he just wanted to thank the President of the Council and all of the councilmembers and past councilmembers he had worked with for all of the work they had done. President Hyatt thanked Mayor Wood for the positive working relationship and thanked Clerk Block for all of her help in answering all of his questions over the years and thanked Mrs. Maguire as it was a pleasure working with her as well and thanked Chief Woodward. President Hyatt stated the Chief always liked to say leave it better than you found it and he believed they had accomplished that very well. President Hyatt thanked his crew on Engine 2 for always having his back as well as the executive board, Treasurer Ponzler, Vice President Higgins, Recording Secretary Randy Sotello, and all of the members of Local 360 who allowed him to be the President for the last few years. President Hyatt also thanked his wife who he loved dearly for allowing him to be in the role as she handled everything at home so he could work, and she had always been there for him and he wanted to acknowledge her also. President Hyatt thanked them all very much.

Mr. Hixenbaugh stated it was a pleasure for them to work with him as he had done a wonderful job not just on behalf of the members he represented, but on behalf of the city as well. Mr. Hixenbaugh stated they appreciated the relationship and the work he had done over the years.

Mr. Mammolenti thanked President Hyatt and stated even though the wage negotiating process was extremely long, he thought it was effective on both ends for the union members and for the citizens of Mishawaka and he just wanted to thank him and his team for all of their hard work and for always coming prepared, providing the information that was asked of them, and most importantly, the professionalism he and his team showed throughout the entire process. Mr. Mammolenti stated he hoped that continued on both ends in the near future and wished him and his wife the best of luck and thanked him for his service.

Mrs. Voelker stated she did not work with him on the negotiation committee, but she knew that he worked really hard in his role, and they certainly appreciated it.

President Hyatt stated he was still going to help the new board, try to mentor them, and get them through the next few months and get them on their way so he would not be totally disappearing. President Hyatt thanked them again.

NEW BUSINESS

Mrs. Voelker stated Thursday December 19th at 9PM, the Great American Light Fight would be on ABC and Phil Blasko's home was being featured on the grand finale on the show and if anyone was interested, they should tune in. Mr. Hixenbaugh thanked Mrs. Voelker for the reminder and wished good luck to Mr. Blasko.

Mr. Hixenbaugh stated a suggestion had been made that based upon scheduling conflicts that they change several of their regularly scheduled meeting dates in 2025 to allow for maximum participation on the part of the Council, so at that time Mr. Hixenbaugh asked Clerk Block to read the list of proposed meeting date changes for 2025.

Clerk Block read the following proposed regularly scheduled council meeting date changes in 2025:

January 6th and 20th to January 13th and 27th

March 3rd and 17th to March 10th and 24th

April 7th and 21st to April 14th and 28th

September 2nd and 15th to September 8th and 22nd

The chair entertained a motion to approve the change of their meeting dates for the calendar year 2025 consistent with the list that was read by the Clerk. Mrs. Voelker moved the motion, and Mr. Carroll seconded the motion, thus a voice vote was held on the motion. The motion passed unanimously, and the meeting dates were changed. Mr. Hixenbaugh stated they would publish the meeting date changes not only for the benefit of the media but also for the benefit of the public and they would be reflected physically as well as on their website moving forward.

Mr. Hixenbaugh thanked everyone for another productive year and stated they continued to appreciate the relationship that they had with the Administration and their ability to work together in the best interest of Mishawaka. Mr. Hixenbaugh wished his colleagues from both the Administration and the Council as well as the community a Merry Christmas and a Happy New Year.

ADJOURNMENT 6:57PM

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

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

These minutes are a summary of actions taken at the Mishawaka Common Council meeting. The full video archive of the meeting is available for viewing at www.youtube.com/@cityofmishawaka635 for as long as this media is supported.