



AGENDA

January 05, 2026

Meetings of Standing Committees
Council Conference Room
5:45PM

Livestream
<http://mishawaka.in.gov/council/livestream>

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
6:00PM

Microsoft Teams Number:1-213-493-9412
Meeting ID: 222 505 450 263 8
Meeting password: kr7Tr2SZ

Dial: [+1 213-493-9412](tel:+12134939412),859829763#

Livestream #1:
<https://mishawaka.in.gov/government/elected-appointed-officials/common-council/>

Livestream #2
<https://www.facebook.com/cityofmishawaka/>

Livestream #3:
www.youtube.com/@cityofmishawaka635

Livestream #4:
[@MichianaAccessTV on Facebook](#)

1. Call to Order

2. Pledge of Allegiance

3. Roll Call **ELECTION OF OFFICERS**

4. Approval of the Minutes of the Regular Meeting of December 15, 2025

5. Petitions, Communications, Remonstrance, and Memorial

Appeal No. 2025-42 Use Variance to allow a Second Floor Residential Unit in the Commercial Building occupied by Josephiney Photography - 340 W. Cleveland Rd.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2026-01 Amending 2026 Salary Ordinance for the Police Department

P.O. No. 2026-02 Collective Bargaining Agreement between the City and Mishawaka Police Department for 1year, **(Second Reading Requested)**

8. Resolutions

9. Ordinances on Second Reading

P.O. No. 2025-46 Rezone from R-1 to R-2 Two-Family Residential to match existing use - 902 & 902 ½ S. Main St. **(Assigned to Land Use Planning)**

P.O. No. 2025-47 Rezone from C-4 Automobile Oriented to R-1 Single Family Residential District to match existing use- 2106 N. Byrkit **(Assigned to Land Use Planning)**

P.O. No. 2025-48 Rezone from C-1 General Commercial to I-1 Light Industrial to expand business - 1825 E. 12th St. **(Assigned to Land Use Planning)**

P.O. No. 2025-49 Establishing 120 N. Race St. as a Historic
Landmark **(Assigned to Land Use Planning)**

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

P.O. No.2025-44 Establishing a Merit System for the Police
Department **(Assigned to Public Health &
Safety Committee)**

12. New Business

- Council Committees & Appointments
- Council Attorney
- Appointments to Various Boards and Commissions
 - o MBA
 - o Solid Waste
 - o MACOG
 - o Insurance Committee
 - o Redevelopment Commission
 - o Plan Commission
 - o Board of Zoning Appeals
 - o Historic Preservation Commission
 - o PSAP Executive Board
 - o School City of Mishawaka Liaison
- Acceptance of Conflict-of-Interest forms

13. Adjournment

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages.

<https://www.facebook.com/cityofmishawaka/> and
www.youtube.com/@cityofmishawaka635 and on the Michiana Access
TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

If technology is needed to present, please advise the Clerk's Office by 4:00pm the Friday before the meeting by emailing: dblock@mishawaka.in.gov or calling 574-258-1616.

Download Packet Link:

At this time, I know of
come before the

Deborah S. Block,
Clerk



no other business to
Council.

IAMCA, CMO, MMC, City

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

**Scan the QR Code to access all Common Council
Meeting Agenda's, Packets, and Meeting Minutes.**

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

December 15, 2025

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday December 15, 2025, at 6:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance led by Cub Scouts from various troops throughout the community.

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.

Each of the Cub Scouts in attendance introduced themselves by name and where they went to school.

Hendrick Williams, Moran Elementary School

Bennett Schaefer, Bittersweet Elementary School

Adriana Downer, Moran Elementary School

Paxton Bart, Moran Elementary School

Connor O'Malley, Moran Elementary School

Noah, Hums Elementary School

Emry, Twin Branch Elementary School

Maxwell Costa, Twin Branch Elementary School

Mr. Hixenbaugh thanked them for being there that evening and stated they were welcome to take a picture with the Council if they wanted to do so.

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

Minutes for the Regular Meeting on December 1, 2025, were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from its December 9, 2025 meeting.

Clerk Block read a letter from the Historic Preservation Commission regarding their recommendations from their December 2, 2025 meeting.

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

PROPOSED ORDINANCE NO. 2025-46

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE “ZONING ORDINANCE” OF 1966 OF THE CITY OF MISHAWAKA, INDIANA.

Rezone from R-1 to R-2 Two-Family Residential to match existing use – 902 & 902 ½ S. Main St.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2025-47

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE “ZONING ORDINANCE” OF 1966 OF THE CITY OF MISHAWAKA, INDIANA.

Rezone from C-1 Automobile Oriented to R-1 Single Family Residential District to match existing use – 2106 N. Byrkit

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2025-48

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE “ZONING ORDINANCE” OF 1966 OF THE CITY OF MISHAWAKA, INDIANA.

Rezone from C-1 General Commercial to I-1 Light Industrial to expand business – 1825 E. 12th St.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2025-49

AN ORDINANCE TO ESTABLISH 120 NORTH RACE STREET AS A LOCAL HISTORIC LANDMARK WITHIN THE CITY OF MISHAWAKA, INDIANA

(Assigned to Land Use Planning Committee)

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

RESOLUTION R2025-26

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED AT: SOUTHEAST CORNER OF NORTH FIR ROAD AND CLEVELAND ROAD

Fiscal Plan for the Annexation of the Southeast corner of Fir Rd. E. Cleveland

Ken Prince, Director of Planning and Community Development, spoke in favor of **RESOLUTION R2025-26**. Mr. Prince stated the parcel in consideration for annexation was a 19-acre parcel located on the east side of Fir Road. Mr. Prince stated it was across from the intersection at University Drive and went all the way up to Cleveland. Mr. Prince stated as state law required, a minimum of 12.5% of the property had to be contiguous to the city and in this case, it was 65.4%. Mr. Prince stated per the Indiana code, with every annexation they had to do a fiscal plan identifying how they would pay the cost associated with the annexation and prior to preparing the fiscal plan, they distributed it to all of the applicable city departments and in this case, all city departments had reviewed it and identified they could serve it within their existing city budget and no additional capital improvements were required. Mr. Prince stated he was happy to answer any questions the Council had.

Mrs. Voelker asked if this was the landscaping parcel. Mr. Prince stated no, it was the proposed apartments on Fir Road, and it was somewhat of a wooded area with a wetland on it. Mrs. Voelker thanked Mr. Prince.

Question was called for at 6:11PM for **RESOLUTION R2025-26 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 R2025-27

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED AT: SOUTHEAST CORNER OF STATE ROAD 23 AND THE INDIANA TOLL ROAD

Fiscal Plan for Annexation of the Southeast corner of State Rd. 23 & Toll Road

Ken Prince, Director of Planning and Community Development, spoke in favor of **RESOLUTION R2025-27**. Mr. Prince stated the parcel being proposed was a 4 1/4-acre parcel and it was 79% contiguous to the city, so it truly was a pocket that was surrounded by the city at that time. Mr. Prince stated this was for the landscaping business, as Mrs. Voelker mentioned earlier and the fiscal plan had been reviewed by all applicable departments and they all indicated

they could serve it within the existing city budget and no additional capital improvements would be required of the city. Mr. Prince stated as with all annexations, any improvements or extension of infrastructure were typically performed by the developer, not by the city as part of the request. Mr. Prince stated he was happy to answer any questions the Council had.

Chris Godlewski, Senior Urban Planner with Abonmarche located at 315 W Jefferson Boulevard South Bend, Indiana, spoke in favor of **RESOLUTION R2025-27**. Mr. Godlewski stated he was representing John Piraccini, the broker, and Richard Carroll, prospective business owner from RC Outdoors. Mr. Godlewski stated he appreciated the positive support and asked the Council to support the request.

Question was called for at 6:14PM for **RESOLUTION R2025-27 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 R2025-28

HONORING MARIAN HIGH SCHOOL GIRLS SOCCER TEAM

Clerk Block read the resolution in its entirety.

WHEREAS, the Mishawaka Marian High School Girls Soccer Team was ranked the **#1 Class 2A team in the State for most of the season**, finishing with an impressive **15-4-2 record**, competing against **14 ranked teams**, including **7 opponents from Class 3A**; and

WHEREAS, through dedication, discipline, and outstanding teamwork, the Lady Knights brought great pride to their school and community by winning the **2024 IHSAA Class 2A Girls Soccer State Championship** by defeating **Park Tudor** by a score of **3-0**, powered by two spectacular long-range goals from **Milana Micola** and an additional goal from **Aubrey Bradley**; and

WHEREAS this state championship marks the **second Girls Soccer State Championship** in school history, further solidifying Marian's legacy of excellence; and;

WHEREAS, such noteworthy team accomplishments are made possible by the hard work, sacrifice, and determination on the part of the individual athletes (and their families) who were part of the team: **Frances Bradley, Elizabeth Curylo, Dreama Root, Camila Wasoski, Annie Duthie, Olivia Micola, Theresa Reynolds, Kamryn Fimbel, Mary Cataldo, Flannery Coman, Karle Mousaw, Aubrey Bradley, Emma Murphy, Grace Hanyzewski, Milana Micola, Kendall Bradley, Claire Walczak, Sydney Reed, Claire Owens, Keely Lauver, Paytin Mason, Olivia Snell, Bella Connors, Emilia Heeter, Lucy Cataldo**; and

WHEREAS, team excellence is also dependent on the leadership, guidance, and support provided by administrators, coaches, and others: **Athletic Director Steve Ravatto, Assistant Athletic Director Kyle Hanyzewski, Head Coach Henry Vu, Associate Head Coach / Head JV Coach Hannah Graber, Assistant Coach Chuck Martin, Assistant Coach Maria Bennett**,

Assistant Coach Sophia Jones, Manager Elizabeth Dabler, Assistant Manager Lucia Dripps, Statistician Sylvia Johnson, Athletic Trainer Anne Micinski, and Team Chaplain Father Andy Barnes.

***NOW THEREFORE, IT IS HEREBY RESOLVED** by the Common Council, the City Clerk, and the Mayor of the City of Mishawaka that such efforts are deserving of recognition and commendation, and as such, we declare December 15, 2025, to be*

Marian High School Girls Soccer Team Day

and in our community, we call upon all of our citizens to join us in saluting and congratulating this talented and truly remarkable group of young women, and in thanking them for their efforts on behalf of their school, the community, and the citizens of Mishawaka.

Mr. Mammolenti thanked President Hixenbaugh and Clerk Block for putting a lot of effort into the resolution and making that evening happen, but more importantly he thanked all of the young women who played and young men who coached. Mr. Mammolenti stated he had some history with the soccer team as he had either coached with the staff or against the staff since probably third grade. Mr. Mammolenti stated this championship was very special to him, as it was to everyone involved with the team as well and he wanted to make sure the team was recognized as they should be. Mr. Mammolenti stated he knew a lot of the hard work that they put in in season and during the offseason and soccer was basically an all-year-round sport. Mr. Mammolenti stated he was very proud to have them in the City of Mishawaka and that they brought home the state championship. Mr. Mammolenti stated he enjoyed following them all season, watching the state finals, and seeing them win. Mr. Mammolenti stated he was super proud as a former coach, as a council member, and as a member of the city. Mr. Mammolenti stated he hoped to see them again the following year.

Mr. Violi stated as former president of the inner city Catholic league, he wanted to echo what Mr. Mammolenti had said and he recognized a lot of the names of the players and he was happy to be the president of the league and watch all of the student athletes flourish and he actually was the athletic director at Mishawaka Catholic when Mr. Mammolenti coached and he did promise him a championship and he delivered on that, so he wanted to give him credit for that. Mr. Violi stated he was so proud to have been associated even in the littlest part and he was so proud that the team accomplished it to represent Mishawaka and Mishawaka Marian High School. Mr. Violi congratulated them once again.

Mrs. Voelker stated she was a proud Marian alumni as were her kids, and she recognized a lot of the athletes' names. Mrs. Voelker stated her daughter Mary played soccer, and her husband striped the fields that they played on when they were in first and second grade. Mrs. Voelker thanked the parents of the student athletes, because she knew that it was a team sport and it not

only involved the athletic team itself, but it involved the entire family team that supported their efforts. Mrs. Voelker congratulated the team and stated she was looking forward to seeing what happened as they moved forward.

Mr. Carroll stated he had been involved with multiple soccer clubs around the area such as Echo, Invaders, and Junior Irish and he knew those names were familiar to all of the student athletes and since none of the directors of coaching were present that evening, he thought he could speak for them in congratulating the team and thanking them for their dedication. Mr. Carroll stated they had a saying that there was no offseason in soccer, and he knew they had spent many, many hours and seasons working very hard. Mr. Carroll congratulated them once more.

Question was called for at 6:22PM for **RESOLUTION R2025-28 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.

The Council held a round of applause for the Lady Knights soccer team and they prepared resolutions for each of them. Mr. Hixenbaugh congratulated them on a wonderful accomplishment and looked forward to seeing what they accomplished in the future. Mr. Hixenbaugh dismissed the team and coaches.

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

PROPOSED ORDINANCE NO. 2025-32

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

**Annex & Rezone to R-3 Multi-Family Residential for Apartment Complex – 53000 Block of
Fir Rd.**

VOTE ONLY

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

Mr. Hixenbaugh stated pursuant to the requirements of Indiana law, the Council conducted a public hearing on the proposed ordinance at their last council meeting, so at that time Mr. Hixenbaugh opened the floor to questions and comments from the Council.

Question was called for at 6:26PM for **PROPOSED ORDINANCE NO. 2025-32 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. 5965.**

PROPOSED ORDINANCE NO. 2025-34

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

**Annex & Zone to C-1 General Commercial District for Landscaping Contractor – SE
corner of State Rd 23 & Toll Road
VOTE ONLY**

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

Mr. Hixenbaugh stated pursuant to the requirements of Indiana law, the Council conducted a public hearing on the proposed ordinance at their last council meeting, so at that time Mr. Hixenbaugh opened the floor to questions and comments from the Council.

Question was called for at 6:28PM for **PROPOSED ORDINANCE NO. 2025-34 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. 5966.**

PROPOSED ORDINANCE NO. 2025-36

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND
REAPPROPRIATING FUNDS WITHIN THE MOTOR VEHICLE HIGHWAY
DEPARTMENT IN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING
DECEMBER 31, 2025**

**MVH Fund – From: Other Supplies (2201-50-429-12 Traffic Supplies - \$3,500.00) To:
Rentals (2201-50-437-05 Uniforms - \$3,500.00)**

Mr. Emmons reported the Budget & Finance Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2025-36.** Mrs. Maguire stated that evening they had a transfer of traffic supplies to uniforms for the MVH fund, and they had a shortage due to a budget error. Mrs. Maguire stated they did not have enough money set aside for uniforms and this item was just a simple transfer from supplies to rentals.

Question was called for at 6:30PM for **PROPOSED ORDINANCE NO. 2025-36 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. 5957.**

PROPOSED ORDINANCE NO. 2025-37

**AN ORDINANCE AMENDING ORDINANCE 5915 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,
2025**

Amending Ordinance 5915 Civil City Salary Ordinance for 2025 – Central Services

Mr. Emmons reported the Budget & Finance Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2025-37.** Mrs. Maguire stated this was a correction to the amounts for the Tanker, CDLB, and CDLA certifications for the 2025 salary ordinance. Mrs. Maguire stated they were updated in the contract negotiations, but it did not flow through the salary ordinance.

Question was called for at 6:32PM for **PROPOSED ORDINANCE NO. 2025-37 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. 5958.**

PROPOSED ORDINANCE NO. 2025-38

**AN ORDINANCE AMENDING ORDINANCE 5950 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,
2026**

Amending Ordinance 5950 Civil City Salary Ordinance for 2026 – Central Services

Mrs. Voelker reported the Budget & Finance Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2025-38.** Mrs. Maguire stated this item referenced the same certifications of Tanker, CDLB, and CDLA and in this particular ordinance, they were correcting the 2026 salary ordinance.

Question was called for at 6:35PM for **PROPOSED ORDINANCE NO. 2025-38** 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. 5959.**

PROPOSED ORDINANCE NO. 2025-39

AN ORDINANCE AMENDING ORDINANCE 5875 OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE PARTICIPATION IN THE STATE OF INDIANA DEFERRED COMP MATCHING PLAN ADOPTION AGREEMENT AND AMENDMENT ONE

Amending Ordinance 5875 Deferred Compensation Matching Plan

Mrs. Voelker reported the Budget & Finance Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Mayor Dave Wood spoke in favor of **PROPOSED ORDINANCE NO. 2025-39**. Mayor Wood stated the ordinance would effectively reduce their deferred compensation match from 2% down to 1%. Mayor Wood stated they were proud to be able to match up to 2% when they were able to do that and he thought doing so motivated their staff to save and help instill a good habit which benefited their staff when retirement came. Mayor Wood stated unfortunately due to the passage of Senate Enrolled Act 1, they were looking to cut potentially up to 20% of their budget and this was one of the things that they had to start to cut early. Mayor Wood stated in terms of dollars and cents, this would mean a reduction of \$224,000 would occur in the civil city budget for 2026.

Mr. Hixenbaugh echoed Mayor Wood's comments and stated this was not an action that neither the Administration nor the Council wished to take, but this was yet another tangible example of the real-world impact of the legislation that Mayor Wood referred to. Mr. Hixenbaugh stated at times, it was easy enough to think of 20% of the budget as just being governmental money and divorce it from the impact that it had on human beings. Mr. Hixenbaugh stated it was an action that was not in the best interest of their employees and it was an action that would reduce their benefit package, but it was a necessary action that they were forced to take because of decision made in Indianapolis about how they should spend their money in Mishawaka. Mr. Hixenbaugh stated he feared that this would be only one of many difficult decisions that they were going to have to face as a community in the coming years and he hoped that there was a chance that some of the negative impacts, if not all of the negative impacts of the legislation would be address in Indianapolis, but he applauded the Administration for being proactive and not hoping and wishing to receive some relief from Indianapolis and making the difficult decisions they had to make in order to be able to address the impending financial crisis.

Question was called for at 6:39PM for **PROPOSED ORDINANCE NO. 2025-39** 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. 5960.**

PROPOSED ORDINANCE NO. 2025-40

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2025

Funds Transfer in Various Departments: General Fund – Human Resources (From: Personal Services 1101-04-411-03: Temporary \$16,0000 To: Other Services and Charges 1101-04-431-04 Professional Services \$16,000), Information Technology (From: Other Services and Charges 1101-05-439-03 Subscriptions and Dues \$2,500 To: Personal Services 1101-05-411-65 Professional Certifications \$2,500)

Mrs. Voelker reported the Budget & Finance Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2025-40**. Mrs. Maguire stated the ordinance was for the Human Resources Department and in their department, the Assistant Director resigned earlier in 2025, and they had filled that position with a temp from a professional employment service, so to pay for that they would be transferring money from the Personnel Services line to the Other Services and Charges line. Mrs. Maguire stated another item in the ordinance was in the IT Department and they had an employee transfer who had IDAC certification from the Police Department to the IT Department and that employee had the certification and to pay for that in the IT Department, they would be transferring from Subscriptions and Dues to Professional Certifications.

Question was called for at 6:41PM for **PROPOSED ORDINANCE NO. 2025-40** 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. 5961.**

PROPOSED ORDINANCE NO. 2025-41

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2025

Additional Appropriation: Various Departments \$824,500

Mr. Violi reported the Budget & Finance Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2025-41**. Mrs. Maguire stated the first item for the additional appropriation was the mayor's budget where numerous salaries were adjusted for 2025 and the Executive Assistant position was adjusted after the budget was submitted and this would adjust that. Mrs. Maguire stated with the Fire Department, they had approximately \$200,000 for the additional and the union contract was also approved after the budget was submitted and the amount would adjust numerous personnel services lines. Mrs. Maguire stated in EMS billing service, they were charged for their third-party service based on runs and the charges that were submitted, so they needed to issue an increase in that budget line to cover the amount. Mrs. Maguire stated for the utility line, they moved MU utility charges from the General Fund to the CREDIT Fund, and they simply did not move enough over to that, so that would be covered as well. Mrs. Maguire stated in Public Safety LIT, there was an increase in police service contracts for Motorola. Mrs. Maguire stated the Police Department spent quite a few years consolidating Motorola contracts, updating them, and getting them up to speed in a timely manner and this would cover that. Mrs. Maguire stated one of the biggest expenses with Motorola was the data storage for their computers and the cameras. Mrs. Maguire stated she was happy to answer any questions.

Question was called for at 6:46PM for **PROPOSED ORDINANCE NO. 2025-41 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. 5962**.

PROPOSED ORDINANCE NO. 2025-42

AN ORDINANCE AMENDING TITLE 9 CHAPTER 100 RESTAURANTS AND FOOD OF THE MISHAWAKA MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA

Amending Restaurant License Fees

Mr. Violi reported the Budget & Finance Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2025-42**. Mrs. Maguire stated their restaurant license fees had been \$20 for almost twenty-five years and after a comprehensive review of all the city's fees and charges, they would be increasing the restaurant license to \$50. Mrs. Maguire stated based on other cities and towns, South Bend's lowest amount was \$90 and they knew certain cities charged by receipts and sales, so they still felt that \$50 was a nominal amount for the annual restaurant fee.

Question was called for at 6:49PM for **PROPOSED ORDINANCE NO. 2025-42 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. 5963.**

PROPOSED ORDINANCE NO. 2025-43

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA AMENDING THE UNIFORM SCHEDULE OF FEES

Amendment Requested

Mr. Violi reported the Budget & Finance Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

John Roggeman, Corporation Counsel for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2025-43.** Mr. Roggeman stated he wanted to remind the Council that with the proposed ordinance, there was an amendment that needed to be adopted. The chair entertained a motion to amend **PROPOSED ORDINANCE NO. 2025-43** pursuant to the information provided by the Clerk's Office via the Administration. Mr. Banicki moved the motion and with a second from Mr. Mammolenti, a voice vote was held. The motion passed unanimously and the amendment was made. The second reading and public hearing on **PROPOSED ORDINANCE NO. 2025-43AA** resumed.

Mr. Roggeman stated he was present to have the schedule of fees amended as it had not been amended in several years and there were numerous there and they were mainly from the Planning Department and the Building Department. Mr. Roggeman stated Ken Prince was present as well as Bo Hundt if they had any specific questions for them. Mr. Roggeman stated it had been a long time since the fees had been amended and he sent to them previously the amounts that they were changing to. Mr. Roggeman stated he was happy to answer any questions.

Mrs. Voelker thanked Mr. Roggeman for providing the Council with that added information so they could take a look at what the fees had been before and comparing them to what the proposed fees were.

Mr. Hixenbaugh thanked Mr. Roggeman for the work he had done on this matter and with regard to the proposed ordinance, he asked if it was assume that this was yet another example of issues that they were having to tackle as a municipality in the wake of the Senate Enrolled Act 1 that was passed which had a real negative impact on their finances. Mr. Roggeman stated it certainly was, and it was always good to review their fees, but it was certainly much needed at that point in time and likely would not have been done without the Senate Enrolled Act 1 being passed. Mr. Hixenbaugh stated he appreciated the work he did on it and he thought that he and the others

involved struck a really good balance between the need to review the fees and adjust them but not going overboard to the point where they would be burdensome. Mr. Hixenbaugh thanked Mr. Roggeman for striking that balance.

Question was called for at 6:54PM for **PROPOSED ORDINANCE NO. 2025-43 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. 5964.**

PROPOSED ORDINANCE NO. 2025-44

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

The chair entertained a motion to postpone second reading and public hearing on **PROPOSED ORDINANCE NO. 2025-44** until their next regularly scheduled council meeting on January 5, 2026, in order for them to comply with some statutory deadlines. The motion was moved by Mr. Banicki and with a second from Mrs. Voelker, a voice vote was held on the motion. The voice vote passed unanimously, and the proposed ordinance was postponed.

PROPOSED ORDINANCE NO. 2025-45

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA ESTABLISHING RESPONSIBLE BIDDING PRACTICES AND SUBMISSION REQUIREMENTS FOR PUBLIC WORKS PROJECTS Establishing Responsible Bidding Practices and Submission Requirements

The chair entertained a motion to postpone second reading and public hearing on **PROPOSED ORDINANCE NO. 2025-45** until their next regularly scheduled council meeting on January 5, 2026, in order for additional revisions of the ordinance to be considered. The motion was moved by Mr. Banicki and with a second from Mrs. Voelker, a voice vote was held on the motion. The voice vote passed unanimously, and the proposed ordinance was postponed.

PRIVILEGE OF THE FLOOR

Clerk Block thanked her staff in the Clerk's Office for the decorating of the Council Chambers and for their offices and they always did a fine job of making everything look pleasant and festive. Clerk Block also thanked her staff for all they did for them all year long. Mr. Hixenbaugh also thanked the Clerk's Office staff.

UNFINISHED BUSINESS

The chair entertained a motion to amend that evening's agenda in order to add an amendment to the annual spending plan of the City of Mishawaka Redevelopment Commission for 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 amendment was made. Mr. Hixenbaugh stated the record would reflect that in light of the amended agenda item, the amendment to the Redevelopment Commission plan for 2025 would be noted and there was no additional action required at that time.

NEW BUSINESS

Mr. Mammolenti made a reminder that the Twin Branch Neighborhood Watch would not have a meeting in December per usual and their next meeting would be January 21st with the time, location, and speaker to be determined at a later date and he would be sure to announce that to the public.

Mr. Hixenbaugh and the rest of the Council wished everyone a Merry Christmas and a Happy New Year and they would see them in 2026.

ADJOURNMENT 6:59PM

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.

DEC 18 2025

City Clerk
Mishawaka, IN

DATE: December 10, 2025

TO: Board of Zoning Appeals

City of Mishawaka, Indiana

Received

DEC 15 2025

Planning and
Community Development

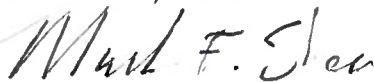
The undersigned appellant respectfully shows the Board:

1. I, Mark Shea, Trustee for The Rosemary & John C. Shea Revocable Trusts represent the owners of the following described Real Estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana to wit: W 1/2 Se 1/4 Sec 21-38-3e Beg 40' N & 142.77' W Se Cor W 513.93' N 363' E 667.35' S 23' W 142.58' S 300' and Centennial Place 340 W Cleveland Rd.
2. The above-described real estate presently has a zoning classification of C2 District under the zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above described property with a photography studio as a tenant and in accordance with the zoning district. Appellant's existing tenant desires to reside upstairs in the home that her current business occupies.
4. The Zoning Ordinance of the City of Mishawaka requires a use variance for ancillary residential use within the C-2 Commercial Zoning District.
5. The Appellants' tenant Josephiney Photography will not be materially impacted should the use variance for ancillary residential use of the existing premises be approved or not approved. However, if ancillary residential use is allowed it is logical that the financial viability of the business would be improved since the marginal expenses are lower since the business owner is already paying rent and utilities for the home.
6. The approved use variance will not be injurious to the public health, safety, morals or general welfare of the community since the ancillary residential use will be limited to a small portion of the existing home located on the property.
7. The use and value of adjacent property of Centennial Place will not be impacted either positively or negatively. Allowing ancillary residential use of a small portion of the existing home will have no impact on adjacent property owners as there a plenty of available parking spaces and the tenant is frequently at the shopping center to manage her business.
8. The Appellant believes this proposed use is consistent with the general commercial development directed by the Mishawaka 2000 Comprehensive Plan primarily because the use variance will have no impact on the Comprehensive Plan.

WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

Rosemary And John C Shea Sr Revocable Trusts

Mark F Shea, Trustee



Contact:

Mark Shea

466 S Prospect Avenue

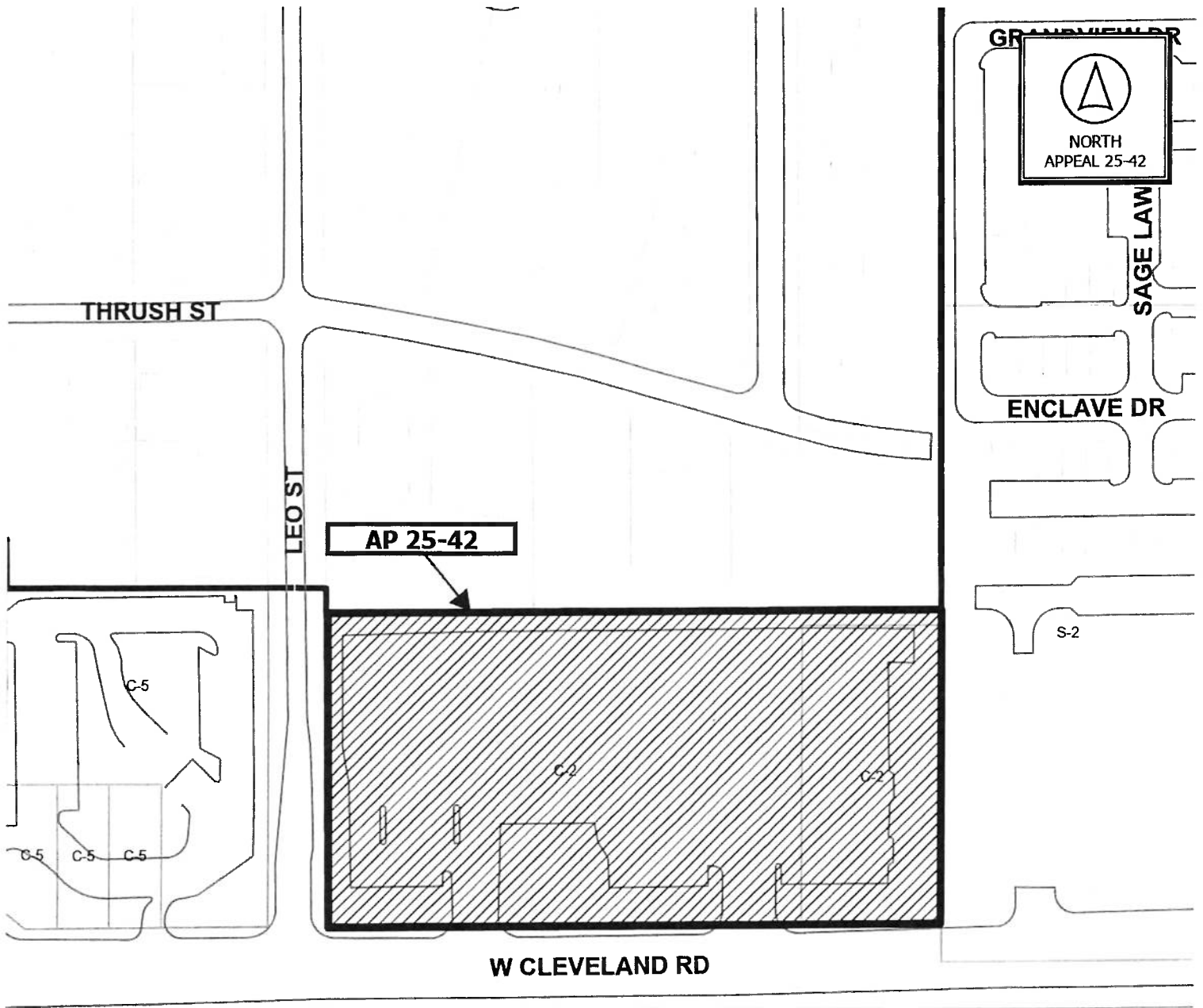
Elmhurst, IL 60126

M: 630.258.3065

E: mshea24@comcast.net

The subject property is a 1,300 sq. ft. residential structure located on a C-2-zoned parcel with two co-located commercial buildings.

- The home was used by a single family for at least seventy years before becoming a beauty salon and now a photo studio on the ground floor. We are requesting a use variance to allow limited second-floor residential occupancy while maintaining the small business on the first floor.
- Only one individual (Owner/operator of the first-floor photo studio) will reside on the second floor, using just one of the three bedrooms as the sleeping room.
- The sleeping bedroom has a window providing access to a flat roof approximately 10 ft. above grade with a grass lawn below, offering a safe area of emergency refuge.
- The first floor has three exterior exit doors and it is approximately thirty-eight feet (38) from the bedroom to the front door allowing for rapid and effective egress.
- These conditions, taken together, provide reasonable life-safety protection and support approval of the requested variance.
- We welcome any guidance or additional requirements the Fire Marshal or Building Department may recommend to ensure full compliance and safety.



Location Map

AP 25-42

MARK SHEA, TRUSTEE, ROSEMARY &
JOHN C. REVOCABLE TRUST (OWNER)

340 W. CLEVELAND ROAD

USE VARIANCE TO ALLOW A 2ND
FLOOR RESIDENTIAL UNIT IN A
COMMERCIAL BUILDING (1ST
FLOOR OCCUPIED BY
JOSEPHINEY PHOTOGRAPHY)

DEC 28 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2026 – 01

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5951, FIXING THE SALARIES OF ALL SWORN POLICE EMPLOYEES OF THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2026.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. Ordinance number 5951, passed by the Common Council of the City of Mishawaka, Indiana, on the 27th of October 2025, is hereby amended as follows:

<u>POLICE DEPARTMENT</u>	BIWEEKLY
NIGHT SHIFT DIFFERENTIAL	96.15
SPECIALTY PAY:	ANNUAL
DRONE OPERATOR	500.00

Section 2. This ordinance shall be in full force and effect from and after its signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on
this _____ day of _____ 2026 at _____ o'clock, __. m.

Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of _____ 2026, at _____
o'clock, _____. m.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2026, at _____ o'clock, _____.m.

David A. Wood, Mayor

PROPOSED ORDINANCE NO. 2026 – 01

ORDINANCE NO. _____

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BIWEEKLY

NIGHT SHIFT DIFFERENTIAL

96.15

SPECIALTY PAY:

DRONE OPERATOR

ANNUAL

500.00

Section 2. This ordinance shall be in full force and effect from and after its signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on

this _____ day of _____ 2026 at _____ o'clock, __. m.

Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of _____ 2026, at _____
o'clock, _____. m.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2026, at _____ o'clock, _____.m.

David A. Wood, Mayor



CITY OF MISHAWAKA

Deborah S. Block, IAC, MMC

DEC 28 2025

City Clerk
Mishawaka, IN

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: January 2, 2026
To: Honorable Members of the Common Council
From: Rebecca Maguire – Controller
Re: 2026 Police Salary Ordinance amendment

Submitting for the first reading is an amendment to the 2026 Police Salary Ordinance.

Contract changes include an increase in the night shift differential from \$700 to \$2,500 annually, paid biweekly, and a new annual specialty stipend of \$500 for drone operators.

Thank you for your consideration. Please contact Chief Arndt or me with any questions.

c: David A. Wood, Mayor
Alex Arndt, Chief of Police

PROPOSED ORDINANCE NO. 2026-02
ORDINANCE NO. _____

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

WHEREAS, the City of Mishawaka ("City") and the Mishawaka Fraternal Order of Police Lodge 91 ("FOP") previously entered into a Collective Bargaining Agreement (CBA") that expires on December 31, 2025; and

WHEREAS, representatives of the City and the FOP have reached a tentative agreement regarding the extension of the term of the CBA until December 31, 2026, and the revision of various provisions set forth in the CBA; and

WHEREAS, on the 31st day of December, 2025, the Board of Public Works and Safety for the City of Mishawaka approved the terms of the revised CBA.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. The attached Collective Bargaining Agreement between the City of Mishawaka and the Mishawaka Fraternal Order of Police, Lodge 91, that was approved by the Board of Public Works and Safety for the City of Mishawaka, on the 31st day of December, 2025, is hereby approved by the Common Council for the City of Mishawaka.

Section 2. This Ordinance shall be in full force and effect from and after its passage, signing, and attestation.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2026, at _____ o'clock P.M.

Common Council
City of Mishawaka, Indiana

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

Presented by me, the undersigned City Clerk of the City of Mishawaka, Indiana, to the Mayor of the City of Mishawaka, Indiana, for approval on the _____ day of _____, 2026 at _____ o'clock a.m.

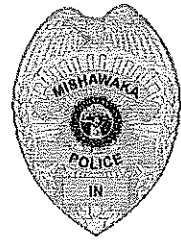
Deborah S. Block, IAMCA, MMC, City Clerk

Having examined the foregoing Ordinance, I do as the Mayor of the City of Mishawaka, Indiana, approve said Ordinance and return the same to the City Clerk of the City of Mishawaka, Indiana, this _____ day of _____, 2026.

David A. Wood, Mayor
City of Mishawaka, Indiana



City of Mishawaka



Police Department
100 Lincolnway West
Mishawaka, IN 46544

David A. Wood, Mayor
Alex D. Arendt, Chief

Deborah S. Block, IAMC, MMC

December 30, 2025

DEC 28 2025

Mishawaka Common Council
Mayor David Wood

City Clerk
Mishawaka, IN

Reference: Collective Bargaining Agreement between the City of Mishawaka and Fraternal Order of Police Lodge #91 for the calendar year of 2026

Mr. President and Honorable Council Members,

The City of Mishawaka and the Fraternal Order of Police Lodge #91 have come to an agreement for the contract for the year 2026.

The changes being brought into the Collective Bargaining Agreement for 2026 are as follows:

- Drone Operators becoming a recognized skillset and having a stipend of \$500 yearly (Article VII, Section 2, page 12)
- Light Duty working status being counted for as consecutive days (Article XXIV, Section 3, page 40)
- Detective Bureau Memorandum of Understanding regarding on call overtime hours not counting against yearly total of overtime hours for that officer (Article VII, Section 2, page 10)
- Language now exists for the City and officers to come into an agreement for attendance of training events (Article XXXI, (A), page 49)
- Random Day hours buyout is specified as the final pay period of the calendar year (Article VII, (F), page 20)

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Alex D. Arendt".

Alex D. Arendt
Chief of Police

PROPOSED ORDINANCE NO. 2026-02
ORDINANCE NO. _____

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Section 2. This Ordinance shall be in full force and effect from and after its passage, signing, and attestation.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2026, at _____ o'clock P.M.

Common Council
City of Mishawaka, Indiana

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

Presented by me, the undersigned City Clerk of the City of Mishawaka, Indiana, to the Mayor of the City of Mishawaka, Indiana, for approval on the _____ day of _____, 2026 at _____ o'clock a.m.

Deborah S. Block, IAMCA, MMC, City Clerk

Having examined the foregoing Ordinance, I do as the Mayor of the City of Mishawaka, Indiana, approve said Ordinance and return the same to the City Clerk of the City of Mishawaka, Indiana, this _____ day of _____, 2026.

David A. Wood, Mayor
City of Mishawaka, Indiana



COLLECTIVE BARGAINING AGREEMENT

Between

CITY OF MISHAWAKA, INDIANA

And

**MISHAWAKA FRATERNAL ORDER OF POLICE,
LODGE 91**

Dated January 1, 2026 - December 31, 2026

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COLLECTIVE BARGAINING AGREEMENT

This Agreement is entered into between the City of Mishawaka, Indiana, hereinafter called "City", and the Mishawaka Fraternal Order of Police, Lodge No. 91, hereinafter called "Lodge".

WITNESSETH THAT:

The parties hereto, in consideration of the mutual covenants and agreements herein contained, do hereby agree as follows:

ARTICLE I **PURPOSE AND DEFINITIONS**

Section 1 - Purpose

The parties hereto have entered into this Agreement pursuant to the authority of Ordinance Number 1666 passed by the Common Council of the City of Mishawaka on the 6th day of December, 1971, to incorporate understandings previously reached and other matters into a formal contract; to promote harmonious relations between the City and the Lodge, in the best interests of the community; to improve the public police protection; and to provide an orderly and equitable means of resolving future differences between parties.

Section 2 - Definitions

- A. "City" shall include the elected or appointed representatives of the City of Mishawaka, Indiana, including the Police Chief and Division Chiefs, but there shall be no more than three (3) Division Chiefs.
- B. "Lodge" shall include the officers or representative of the Lodge
- C. When the singular number is used, it shall include the plural.
- D. All reference to policeman or policemen or police officer (s) in this Agreement shall designate both sexes, and whenever the male gender is used, it shall be construed to include both male and female.
- E. Any reference to police officers being "called in" will mean officers will be notified by means of the current scheduling program.

ARTICLE II COVERAGE

This Agreement shall be applicable to all police officers of the Police Department of the City of Mishawaka except the Police Chief and Division Chiefs, unless noted otherwise.

ARTICLE III RECOGNITION

The City recognizes the Lodge as the sole and exclusive bargaining representative of the employees of the Police Department.

The City shall not enter into any agreements with its employees individually or collectively or with any other organization which in any way conflicts with the provisions hereof.

ARTICLE IV RIGHTS OF MANAGEMENT

Except as otherwise provided in this Agreement, or applicable federal or state law, the City in the exercise of its functions of management shall have the right to decide the policies, methods, safety rules, direction of employees, assignment of work, contracting of work, equipment to be used in the operation of the Police Department; and to determine the hours of work, the right to hire, discharge, suspend, discipline, promote, demote, and transfer police officers; it is agreed that the enumeration of the above management prerogatives shall not be deemed to exclude other prerogatives not enumerated. Nothing in this Article shall abdicate the police officer's rights to the grievance procedure.

ARTICLE V LODGE ACTIVITIES

Section 1 - General

Employees and their Lodge representatives shall have the right to join the Lodge, to engage in lawful concerted activities for the purpose of collective negotiation or bargaining or other mutual aid and protection, to express or communicate any views, grievance, complaint, or opinion related to the conditions or compensation of public employment or their betterment, all free from any and all restraint, interference, coercion, discrimination, or reprisal, except as limited by the laws of the City of Mishawaka, State of Indiana, or the United States of America.

Section 2 - Released Time

Officers and other representatives of the Lodge shall be afforded reasonable time during working hours without loss of pay to fulfill their Lodge responsibilities, including negotiations with the City, processing grievances, and administration and enforcement of this Agreement; provided, however, that such absences will not cause shift strength to fall below the minimum strength requirements for a shift as required by this Agreement.

Section 3 - Bulletin Boards

The Lodge shall retain the bulletin board rights it now has, including the right to post Lodge notices or other materials. Such boards shall be identified with the name of the Lodge and the Lodge may designate persons responsible therefore.

Section 4 - Meetings

The Lodge may schedule meetings on Police Department property, insofar as such meetings are not disruptive of the duties of the employees or the efficient operation of the Police Department.

Section 5 - Lodge Activities

The President and respective representatives of the Lodge and any members who are elected to a State or National Lodge office shall be allowed time off with pay to attend State and National conventions, seminars and meetings as long as the minimum strength requirements on their respective shifts are met. If a representative's shift is below minimum strength, then the representative shall nonetheless be allowed the time off but without pay.

Section 6 - Dues and Representation Check-Off

The City shall collect Lodge dues from Lodge members and representation fees levied by the Lodge for non-Lodge members on a monthly basis from all police officers within the bargaining unit who have executed the proper authorization for dues or representation fee check-off. The City shall deduct from the first pay check of each month the authorized Lodge dues for such month and promptly remit the same to the Secretary of the Lodge. The City shall continue to deduct monthly Lodge dues and representation fees at the rate in force on the date of the signing of this Agreement, until officially notified in writing of a change by the Lodge President, who shall be the sole authorized representative of the Lodge for the purpose of certifying the amount of such change.

Section 7 - Representation Fee

Non-members of the Lodge shall pay a representation fee for the services of the Lodge in acting as the bargaining representative. Such representation fee shall be in an amount equal to the membership dues of the Lodge less the cost of any benefits provided solely for Lodge members. Non-Lodge police officers who refuse to sign an authorization form for the deduction of such representation fee or who revoke an executed authorization form shall

have a continuing enforceable obligation to pay the representation fee directly to the Lodge. The City shall have no obligation to collect such representation fee except as set forth in Section 6 of this Article and the Lodge shall indemnify the City for any costs or expenses arising out of any suit or claim brought by a non-member of the Lodge relating to this Article.

Section 8 - Use of City Equipment

The Lodge shall have the right to make reasonable use of the Police Department duplicating equipment, computing and office equipment, all in accordance with the City's procedures, provided, however, such use shall not be disruptive of department business. The Lodge agrees to pay the reasonable costs for such use.

Section 9 - Exercise Room

The City shall continue to make available to the Lodge facilities at least equal to those presently provided for use by the Lodge as weight and exercise rooms and for the Lodge's desk and file cabinets. The Lodge agrees to keep the equipment in working order and keep the area clean.

ARTICLE VI **DIVISIONS AND HOURS OF WORK**

Section 1 – Divisions

There shall be only the following divisions within the Police Department:

- A. Uniform Division
Traffic Bureau to consist of a minimum of one (1) officer. The head of the Traffic Bureau will hold the rank of Captain.
- B. Detective Division
- C. Services Division

Section 2 - Work Schedule

The regular work schedule of police officers shall be as follows:

- A. Uniform Division police officers shall work a 2-week alternating schedule that is based off the Pittman Schedule. There shall be two (2) rotations that are on opposing days. A Rotation 1 working day shall be a Rotation 2 day off and vice versa.

Week	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	Work	Work	Off	Off	Work	Work	Work
2	Off	Off	Work	Work	Off	Off	Off

- B. The hours of the Traffic Bureau officers will be flexible to ensure the orderly function of the Traffic Bureau. Accordingly, the daily working hours and weekly rotation of the Traffic Bureau officers shall be set by mutual agreement of the Chief of Police and the Traffic Bureau Captain. No more than two thousand one hundred eighty-four hours (2,184) per year will be worked by the Traffic Bureau officers without reimbursement of overtime pay. The Traffic Bureau officers shall not be utilized in such a manner as to evade the paying of overtime to other police officers.
- C. The Detective Division and the Services Division shall work not more than two thousand one hundred eighty-four hours (2,184) per year, consistent with division work schedules and the efficient operation of the Police Department. Such employees shall work an average of forty-five (45) hours per week.
- D. A regular workday shall consist of Twelve (12) hours, which time shall include sixty (60) minutes for a meal subject to call. Coffee breaks shall also be allowed subject to call.

Section 3 - Trading Days

- A. Subject to the approval of the officer in charge of the shift or any captain in the absence of all of the officers in that shift, police officers shall be permitted to voluntarily trade work or leave days provided however no police officer may work more than sixteen (16) consecutive hours in a twenty-four (24) hour period. No police officer shall be permitted to trade for more than 480 hours in any one (1) calendar year but this limitation shall not apply if trading is for the purpose of participating in athletic events or FOP activities. It must be agreed that:
1. The trade is voluntary, and shall be made through the scheduling software;
 2. The trade is for the employee's personal benefit and not the City's benefit;
 3. The time trades will have no effect on the hours of work regarding computation of overtime.

- B. To accomplish such a change, the requesting officer shall initiate a substitution request via the scheduling software for supervisor approval.
- C. Police officers may work any of their off days, i.e. days off, vacation, random days, etc.
- D. The City shall not be involved or responsible in any way to assure that a police officer is reimbursed time owed him/her as a result of trading days.

Section 4 - Working Hours

- A. The Uniform Division shall be comprised of two shifts: Day Shift and Night Shift. Each Shift will contain two opposing workday rotations and shall be defined as Rotation One and Rotation Two. The hours of each shift shall be as follows:

Day Shift	6:30 a.m. to 6:30 p.m.
Night Shift	6:30 p.m. to 6:30 a.m.

- B. The hours of the Detective Division and the Services Division shall be set by the City but the work shift shall be nine (9) consecutive hours.

ARTICLE VII **EXTRA DUTY AND EXTRA DUTY PAY**

Section 1 - Call-In Authorization

Only the officers listed below shall have authority to call in personnel for extra duty pay:

- A. Mayor
- B. Chief of Police;
- C. Division Chief of Police;
- D. In the absence of the Chief of Police or the Division Chief, then the Officer in Charge of the Shift.

Section 2 - Extra Duty Pay

- A. Any police officer who works in excess of his/her regularly assigned work week or work day schedule shall receive extra duty pay in addition to any other benefits to which the officer may be entitled. Except as otherwise established by this Agreement, such extra duty pay shall be paid at the rate twice of the police officer's

prevailing hourly rate. A police officer's prevailing hourly rate shall be determined by dividing the annual salary by two thousand one hundred eighty-four (2,184).

- B. Extra duty shall be assigned to police officers as uniformly as possible. In no case shall the City be required to call the officer whose absence created the need for overtime, no matter where the officer's name is on the extra duty roster. The officer's name shall remain in the same order on the list.
- C. The City shall post two (2) extra duty rosters. One extra duty roster, which shall be known as the Uniform Division extra duty roster, shall list the names of all officers assigned to the Uniform Division, except the Traffic Bureau officers, DARE officers, and Community Relations officers, in order of seniority. The other extra duty roster, which shall be known as the Combined extra duty roster, shall list the names of all officers assigned to the Detective Division, as well as all officers assigned to the Services Division, the Traffic Bureau officers, DARE officers, and Community Relations officers, in order of seniority. These rosters shall be posted on January 1st of each calendar year and shall terminate on December 31st of that year. During the year, the number of extra duty hours worked by each officer shall be recorded after the police officer's name on each roster. Work "normally performed by Uniform officers" shall refer to events where officers are working on a public road and/or to control traffic, including, but not limited to, parades, running races, and Independence Day holiday park festivities. A minimum of one (1) officer from the Traffic Bureau will be represented at events that have been planned through the Traffic Bureau. Events that DO NOT require officers to be working on a public road to control traffic will also be offered to the Combined list of officers. These events include, but are not limited to, concerts and security details in City parks.

(1) Assigned Extra Duty

Whenever the City is aware more than six (6) days in advance on the following holidays: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Eve, that a police officer will be needed for extra duty, the extra duty shall be assigned as follows:

The City shall post a notice stating the number of officers needed, whether the work is that normally performed by Uniform officers, the event, the date, and the hours to be worked. Each day to be worked as extra duty shall be posted separately. The extra duty sheet will be posted for not less than four (4) days. A police officer desiring the extra duty shall sign the sheet and/or request it via the scheduling program. The City shall award the extra duty to the most senior officer with the least amount of extra duty hours worked. If the extra duty is that which is normally

performed by Uniform Division officers, then only officers whose names appear on the Uniform Division extra duty roster will be awarded the extra duty, with said hours not being posted until the start of said shift. Officers whose names appear on the Combined extra duty roster will be awarded the extra duty, with said hours not being posted until the start of said shift, only if no officer whose name appears on the Uniform Division extra duty roster requests the overtime. In the event that no officer from either extra duty roster signs the extra duty, or the duty spots have not all been signed, the Chiefs may sign and be awarded the extra duty. They will be awarded the duty based upon seniority and hours. Nothing contained in this section shall be interpreted as entitling officers assigned to the Services Division, Traffic Bureau officers, DARE officers, and/or Community Relations officers to the receipt of an extra duty assignment which is of a nature normally performed by officers assigned to the Detective Division.

Officers signing for the overtime shall be responsible to verify whether they have received the overtime assignment through the department scheduling software.

Emergency extra duty and call-in duty worked after the overtime has been assigned shall not affect the assignment.

(2) A probationary officer shall be eligible to work extra duty once the officer counts toward the minimum shift strength established by this Agreement.

(3) Emergency Extra Duty

Whenever the City is aware less than six (6) days in advance that a police officer will be needed for extra duty, except where the need for extra duty on a particular shift on a particular day arises after the commencement of the shift, the extra duty shall be assigned in the following manner:

When there is a need for Emergency Overtime at the commencement of a shift that is greater than four (4) hours in duration, the following shall apply:

1. A mass scheduling alert shall be sent out indicating the number of hours needed for the assignment of the shift needing overtime. If no officer accepts the extra duty assignment, then officers exercising vacation shall be contacted with uniform preference given.
2. If no officer accepts the overtime, two overtime assignments shall be created.
 - a. A four-hour overtime assignment (See Emergency Extra Duty call in procedures for an overtime assignment that is for four hours or less at the commencement of the shift).
 - b. An additional assignment to fill the remaining hours.

3. A mass blast shall be sent out for the remaining hours needed. If no officer accepts the assignment for the remaining hours needed, then officers exercising vacation shall be contacted and offered the assignment, with uniform preference given.
4. If no officer has accepted the overtime assignment for the remaining hours, the City may contact the chiefs and offer the overtime assignment. If no chief accepts the overtime assignment, then the lowest officer in seniority from the uniform extra duty list shall be contacted and ordered in. The City shall continue up the seniority list from least to most senior until an officer is contacted. If no officer is contacted, then the City shall call officers on the combined extra duty officer in the same manner from least to most senior.

For Emergency Overtime assignments that commence at the beginning of a shift, and last longer than four (4) hours, officers shall not receive preceding shift preference, but can sign up through the mass blast providing they do not exceed 16 consecutive hours worked.

When there is a need for Emergency Overtime at the commencement of a shift that is four (4) hours or less in duration, the following shall apply:

1. Officers working the preceding shift shall be contacted and offered the extra duty assignment.
2. If no officer from the preceding shift accepts the extra duty assignment, a mass scheduling alert will be sent out.
3. If no officer accepts the extra duty assignment from the mass scheduling alert, then officers exercising vacation shall be contacted with uniform preference given.
4. If no officer accepts the extra duty assignment from contacting officers on vacation, then the officer least in seniority from the preceding shift shall be ordered to stay and work. The officer ordered to stay may contact a chief to offer the extra duty assignment.

When there is a need for Emergency Overtime after the commencement of a shift due to an officer scheduled to leave on compensatory time, the following shall apply:

1. A mass scheduling alert shall be sent out indicating the number of hours needed for the assignment of the shift needing overtime.
2. If no officer accepts the extra duty assignment, then officers exercising vacation shall be contacted with uniform preference given.
3. If no officer accepts the overtime, then the officer scheduled to leave shall be ordered to stay and be paid at the appropriate rate.

4. The officer ordered to stay may contact a chief to offer the extra duty assignment.

When there is a need for Emergency Overtime after the commencement of a shift due to an officer illness, injury, or family emergency; the following procedures shall apply:

1. A mass scheduling alert shall be sent out indicating the number of hours needed for the assignment of the shift needing overtime.
2. If no officer accepts the extra duty assignment, then officers exercising vacation shall be contacted with uniform preference given.
3. If no officer has accepted the assignment, then a chief may be contacted and offered the overtime assignment.
4. If no chief has accepted the overtime assignment, then the lowest officer in seniority from the uniform extra duty list shall be contacted and ordered in. The City shall continue up the seniority list from least to most senior until an officer is contacted. If no officer is contacted, then the City shall call officers on the combined extra duty officer in the same manner from least to most senior.

With respect to emergency extra duty in the Detective Division, the Chief of Police or the Detective Division Chief shall have the right to award extra duty to officers within that Division as they deem necessary. Officers awarded extra duty within the Detective Division shall be paid twice the officer's prevailing hourly rate for each hour worked. A diligent effort shall be made to award extra duty to officers that have been assigned a particular case and the overtime will be directly related to such case. All extra duty hours shall be logged on the Combined extra duty roster.

In the event that a detective is needed for general investigation (emergency call in), the officer doing the call in will refer to the Combined extra duty roster (detective's) and follow the procedure set forth in ARTICLE VII for the uniform division. The FOP will concede that it would be impossible at times for the officer in charge to know who is working a particular case.

If an officer is assigned to the Investigative Division and is on-call and required to respond to an investigation while off-duty, any extra duty hours accrued from the initial incident response shall be considered mandatory extra duty and the hours shall not be logged on the combined extra duty roster. If the supervisor deems that a secondary investigator is required, and an investigator is ordered to respond to the initial incident, any extra duty hours shall not be logged on the combined extra duty roster.

In the event that a uniform shift would commence without a supervisor, the city will be entitled to fill the opening. Supervisors will be offered the opening consistent with the provisions of the bargaining agreement. A mass scheduling alert will be sent out to supervisors with uniform preference given, and if no supervisor accepts the opening, the supervisor or the officer in charge may contact the chiefs and offer the supervisor overtime assignment. This language shall in no way interfere with standard minimum shift strength overtime provisions. No supervisor on vacation shall be contacted for the sole purpose of filling an open supervisor spot. If a supervisor is as an additional overtime supervisor, then he/she shall not be considered preceding shift for the purposes of overtime.

Emergency Overtime is to be paid at double time rate (2.0) but this does not include training. The mandatory rate is to be paid at two and one-half times (2.5) on holidays.

(4) Split Shift – When an officer accepts an overtime assignment on a shift, the officer may attempt a split shift. The split shall be determined by the accepting officer in whole-hour increments. If an officer wishes to attempt a split shift, he/she will notify a supervisor or the officer in charge of the shift. The supervisor will send the notification of the available split shift to all officers except those on vacation. Each officer involved in the split shift will have the overtime hours worked added to their extra duty hours worked bank. If an officer accepts an assignment, and no other officer accepts the split shift, the accepting officer is required to work the full overtime shift.

- D. Officers not wishing to work call-in overtime may sign a waiver to this effect. This waiver may be revoked in writing at any time upon twenty-four (24) hours written notice.
- E. The City will post those officers assigned to Special Weapons and Tactics (SWAT), evidence technician, Field Training Officer (FTO), DRE (Drug Recognition Expert), motorcycle officer, breath test operator, traffic technician, Major Crimes Detective, Major Crimes Evidence Technician, Instructors, Emergency Response Team (ERT), Drone Operators and SVU Detectives. The posting shall be kept current showing the number of extra duty hours worked by each police officer within their respective specialty or specialties. All extra duty hours worked by the above listed officers shall be logged on both the appropriate specialty list and the appropriate extra duty roster. Any officer accepting an emergency extra duty assignment within a specialty area shall receive hour-for-hour extra duty pay at twice the officer's prevailing hourly rate of pay.

Current number of instructors to be maintained, with additional instructor positions to be added at the discretion of the City.

Specialty pay will be granted for officers on a yearly basis with officers being paid for the top three (3) highest specialties that they are qualified to receive. Qualification for a specialty stipend is dependent upon officer completion of any required training and continued assignment to that specialty.

The current list of specialties and stipends attached to each are as follows:

- Major Crimes Detective - \$2,000
- Major Crimes Evidence Technician - \$2,000
- SVU (Special Victims Unit) - \$1,000
- SWAT (Special Weapons and Tactics) - \$1,000
- DRE (Drug Recognition Expert) - \$500
- ERT (Emergency Response Team) - \$500
- FACT (Fatal Alcohol Crash Team) - \$500
- Negotiator - \$500
- Instructor (ILEA Instructor) - \$500
- Evidence Technician - \$500
- Traffic Technician/Diagrammer - \$500
- Drone Operator - \$500
- Breath Test Operator - \$250
- Motorcycle - \$250

If a trained specialty officer is needed in a specialty other than traffic, the City may call in a police officer for extra duty from the posted specialty list having the most senior officer on the list with the least amount of overtime worked within their specialty being called in first. If the police officer with the most seniority and the least amount of overtime hours worked within their specialty cannot be reached after a diligent effort to contact has been made, then such officer may be bypassed.

- F. Notwithstanding any contrary provision contained in this Agreement, no officer shall be entitled to work more than sixteen (16) consecutive hours, whether as the result of the acceptance of an extra duty assignment or otherwise, unless the time to be worked in excess of sixteen (16) hours is the result of the continuation of a shift.
- G. All extra duty hours worked by an officer, except those hours worked as part of the continuation of a regularly scheduled shift or where an officer is ordered to accept the extra duty assignment in accordance with this Agreement or as a result of duties

that arise while engaged in the take home car policy shall be logged on the appropriate extra duty roster. The extra duty hours shall be logged on the appropriate extra duty roster regardless of whether an officer chooses to receive monetary payment or compensatory time as compensation for the extra duty hours worked.

- H. If an officer accepts an overtime assignment beginning before, and ending after, 2:00 a.m. on the date that daylight savings time ends, the officer shall be allowed to work 17 straight hours. Any additional hours over 17 may only be worked as a result of shift continuation.
- I. When there is a need for emergency extra duty not related to minimum shift strength requirements and not related to a specialty, the following shall apply: The City shall have the right to offer the extra duty to officers via a mass blast overtime assignment offering when necessary (with uniform preference). The City shall not be required to continue through the entire departmental roster when the City deems it unnecessary. All overtime offered will be consistent with the provisions of this collective bargaining agreement.

Section 3 - Holiday Schedule

- A. For the purposes of this Agreement, the holidays shall be as follows:
 - 1. New Year's Day
 - 2. Martin Luther King Day
 - 3. Good Friday
 - 4. Easter Sunday
 - 5. Memorial Day
 - 6. Independence Day
 - 7. Labor Day
 - 8. Thanksgiving Day
 - 9. Friday after Thanksgiving
 - 10. Christmas Eve
 - 11. Christmas Day
 - 12. New Year's Eve
- B. Any police officer who works a regularly scheduled shift on one of the following seven (7) holidays – New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Eve – shall be paid at the rate of time and one-half of (1.5 times) the police officer's prevailing hourly rate of pay.

- C. Any police officer who is ordered (mandatory) to work Emergency Extra Duty on one of the twelve (12) holidays listed in paragraph A shall be paid at the rate of two and one-half (2.5) times the police officer's prevailing hourly rate of pay.

Section 4 - Court Time Pay

A Police Officer shall receive a witness fee for appearing during off-duty hours in accordance with the following provisions:

- A. When an officer appears as a necessary witness at the Mishawaka Division of the St. Joseph Superior or Circuit Court, the Mishawaka Board of Public Works and Safety, except when the Police Officer himself/herself is the subject of the disciplinary proceeding before the Board, or at the St. Joseph County Prosecutor's Office or St. Joseph County Clerk's Office for the purpose of signing affidavits, except that affidavits will be signed on duty at the Mishawaka Police Station whenever possible, the officer shall receive the sum of One Hundred Seventy-Five and 00/100 Dollars (175.00) per appearance. In addition, the officer shall receive hour-for-hour pay at the officer's appropriate prevailing hourly rate of pay for time spent at court in excess of three (3) hours, adding one (1) hour for any additional fraction thereof in excess of thirty (30) minutes.
- B. When an officer appears as a necessary witness at any other court, administrative hearing or arbitration hearing located in St. Joseph County, Indiana, or elsewhere, except as provided in Paragraph A above, the officer shall receive the sum of Two Hundred and 00/100 Dollars (\$200.00) per appearance, less any compensation received for time and travel from any other sources within the City. In addition, the officer shall receive hour-for-hour pay at the appropriate prevailing hourly rate of pay for time spent at court in excess of four (4) hours, adding one (1) hour for any additional fraction thereof in excess of thirty (30) minutes.
- C. No witness fees shall be paid for civil court trial appearances unless the subject of the litigation involves matters investigated or witnessed by the police officer in the line of duty.
- D. In the event a police officer is subpoenaed by the City to testify in any court, administrative or arbitration proceeding or hearing outside St. Joseph County, then in addition to the witness fee established herein, the police officer shall also receive reimbursement for all reasonable and necessary expenses incurred, including, without limitation, gasoline, mileage, meals and room expense. Reimbursement will only occur pursuant to compliance with the adopted City travel policy.
- E. Police officers employed in part-time employment by the terms of which compensation is received for performing police-type duties shall not be entitled to

compensation under this Article if such officers are involved in any incident or situation which is a direct result of such part-time private employment.

- F. Any police officer who retires or leaves the Department and is required to testify on behalf of the City in any court trial, arbitration hearing or administrative proceeding shall be paid by the City as specified in this Article.
- G. In all proceedings before the Board of Public Works and Safety, subpoenas for a police officer will be reviewed by the Clerk of the Board who will report any abuse of the subpoena power to the Board of Public Works and Safety. In such case, the Board shall have the right to regulate the time and date that witnesses will be required to appear in such a manner that will not impede the presentation of the respondent's case and will not result in the payment of excessive and needless witness fees to police officers subpoenaed as witnesses.
- H. When an officer appears at a proceeding described in this Section while on duty and the officer's participation in the proceeding continues past the end of the officer's regularly scheduled workday, the officer shall not receive the witness fee set out above. Rather, the officer shall receive only hour-for-hour extra duty pay under the terms set out in Article VII, Section 2 of this Agreement.
- I. When an officer receives a subpoena to appear on a single day at two (2) or more separate proceedings and at two or more different locations, the officer shall be entitled to receive a corresponding number of separate witness fees. However, if all the multiple proceedings are scheduled to commence before 12:00 P.M. (i.e. in the morning) within the same building or if all the multiple proceedings are scheduled to commence after 12:00 P.M. (i.e. in the afternoon) within the same building, then the officer shall only receive one (1) witness fee.
- J. When an officer's appearance is continued over from a morning session to an afternoon session on a single day, the officer shall be entitled to only one (1) witness fee.
- K. In the event that any shift of the Uniform Division would fall below ten (10) officers for shift strength to an officer being in court, emergency extra duty will be called in as follows:

When there is a need for Emergency Overtime after the commencement of a shift due to an officer scheduled to leave for a court appearance, the following shall apply:

1. A mass scheduling alert shall be sent out for a minimum of three (3) hours needed for the assignment of the shift needing overtime.

2. If no officer accepts the extra duty assignment, then officers exercising vacation shall be contacted with uniform preference given.
3. If no officer has accepted the overtime assignment, then the lowest officer in seniority from the uniform extra duty list shall be contacted and ordered in. The City shall continue up the seniority list from least to most senior until an officer is contacted. If no officer is contacted, then the City shall call officers on the combined extra duty officer in the same manner from least to most senior.
4. The officer ordered to stay may contact a chief to offer the extra duty assignment.

The above agreement pertains only to times when emergency overtime is needed due to officers being in court. It does not change any other provisions in this Agreement.

The minimum overtime shift would be three (3) hours. If overtime due to court would extend past three (3) hours, then the overtime would be compensated to the officer at hour-for-hour extra duty pay at the prevailing overtime rate.

- L. An officer may not take off a portion of a shift in order to receive court time pay for a witness appearance during that time off.

Section 5 - Shooting Time Pay

- A. In the event a police officer is required to shoot while off duty, the officer shall receive two (2) hours of extra duty pay unless the department required the officer to spend more than two (2) hours at the range and if so the police officer shall receive minute for minute pay.
- B. The top three (3) shooting officers each year, as determined by score on annual shooting qualification tests, will each receive an additional day off, called a shooting day. Use of the shooting day may not bring staffing below minimum shift strength and must be approved in advance by the Chief of Police.

Section 6 - Renegotiation of Wages

It is understood and agreed by the parties hereto that any wage provisions contained in this Agreement may be modified at any time by renegotiations with the members of the Common Council of the City of Mishawaka, Indiana. Both parties must agree to such renegotiation, and the refusal of one party to reopen negotiations shall not be considered a breach of this Agreement or a breach of any other duty or obligation of said party.

Section 7 - Pay Days

- A. Police officers shall be paid bi-weekly, every other Friday. An annual bi-weekly schedule of paydays shall be posted annually before each first payday.
- B. All other pay shall be disbursed by the City as follows:
 - 1. Clothing allowance checks will consist of two (2) equal checks paid on April 1st, and October 1st of each year.
 - 2. The Annual Residency Stipend will be paid on or about December 15th of each year.
 - 3. Specialty pay will be paid on or about December 15th of each year.
 - 4. Witness fees will be paid at the same time and in the same manner as is extra duty pay.
 - 5. Extra duty pay shall be paid with the next regular paycheck following the period during which such extra duty pay was earned.
 - 6. All checks paid will have the proper deductions for such items as taxes, insurance, pension, United Way, savings bonds and credit union.
- C. If an error is made in a police officer's pay, it shall be corrected no later than the next paycheck. If the amount in error is a substantial amount or is not corrected in the next paycheck, a special check shall be issued to immediately correct the error.

Section 8 - Jury Duty

Any police officer who is required to report for and/or perform jury duty shall receive time off the officer's regular scheduled workday (s) with full pay, less any compensation received from any other source other than the City.

Section 9 - Overtime Pay or Overtime Compensation

Any police officer who is entitled to overtime pay as previously stated within this Agreement shall have the option of taking the overtime in the form of cash or in the form of compensatory time. The compensatory time shall be given at a rate that is equal to the officer's rate of overtime. Compensatory time may be substituted instead of overtime for all extra hours worked with the exception of State and Federal grants.

Section 10 – Sub-Sergeant Officer in Charge of Shift

- A. When an officer holding a rank below Sergeant is placed in charge of a shift, that officer will be paid an additional \$25.00 for that shift. If the officer is in charge less than 2 hours, their time will be pro-rated minute for minute. If an officer is in charge for 2 hours or more, they will be paid twenty-five dollars (\$25.00).
- B. Prior to placing an officer holding a rank below Sergeant in charge of a shift, the City shall be entitled to initiate the following procedure. When a need arises on any of the uniform patrol shifts for the presence of at least one (1) supervisor with the rank of Sergeant or higher, an overtime alert would be sent out to Supervisors (Uniform Preference) of the Mishawaka Police Department for a 2.0 payrate open shift slot. If a supervisor accepts the overtime slot on the shift, the need for that supervisor would then be fulfilled. No supervisors shall be ordered in if the open shift slot for a supervisor goes unfilled.

ARTICLE VIII VACATIONS

Section 1 - Eligibility and Amount

- A. Vacation time shall inure to the benefit of police officers based upon years of service as follows:
 - 1. Police officers having completed one (1) year of service, but less than two (2) years, shall receive 60 hours/(5) days of vacation and 12 hour / 1 (one) random/personal day.
 - 2. Police officers having completed two (2) years of service, but less than three (3) years, shall receive 108 hours/(9) days of vacation and 24 hours / two (2) random/personal days.
 - 3. Police officers having completed three (3) years of service, but less than five (5) years, shall receive 108 hours/(9) days of vacation and 36 hours / three (3) random/personal days.
 - 4. Police officers having completed five (5) years of service, but less than ten (10) years, shall receive 156 hours/(13) days of vacation and 36 hours / three (3) random/personal days.

5. Police officers having completed ten (10) years of service, but less than fifteen (15) years, shall receive 204 hours/(17) days of vacation and 48 hours / four (4) random/personal days.

6. Police officers having completed fifteen (15) years of service, but less than twenty (20) years, shall receive 264 hours/(22) days of vacation and 60 hours / five (5) random/personal days.

7. Police officers having completed twenty (20) years of service, but less than twenty-five (25) years, shall receive 312 hours/(26) days of vacation and 72 hours / six (6) random/personal days.

8. Police officers having completed more than twenty-five (25) years of service shall receive 312 hours/(26) days of vacation and 84 hours / seven (7) random/personal days.

B. Vacation shall be selected in each division by seniority per shift.

C. In the event a police officer, while off duty as a result of vacation is ordered back to work by the City, accepts an emergency extra duty assignment, or is subpoenaed to appear in Court regarding a matter related to his/her employment as a police officer, the City shall pay the officer two (2) times the officer's prevailing hourly rate of pay for the hours worked or the witness fee established by this Agreement, whichever is applicable, and shall also return the earned vacation day to the officer, provided the officer works at least six (6) hours when called in. The City must grant all requests by an officer to exercise an earned vacation day returned in accordance with this provision if at the time of the request the affected shift is at or above the minimum shift strength established by this Agreement. Furthermore, the City must grant at least two (2) earned vacation day requests on each shift each day, even if the affected shift is already below minimum shift strength, except that if the affected shift is already one (1) below minimum shift strength as a result of an officer exercising a random day, the City must grant only one (1) earned vacation day request. The officer must make an attempt through the Chief's Office to secure an excuse from the subpoena.

Section 2 - Compensation Time Owed

Officers shall be able to request compensation time owed from any supervisor within their division and the compensation time owed shall be awarded on a first requested, first received basis. Compensation time owed requests shall be stamped on a time clock. The City must grant all compensation time owed requests, provided that the City may only grant

such requests when the affected shift is above minimum shift strength. At no time may the City grant a compensation time owed request if the resulting shift strength would drop below the minimum as set by this agreement.

Section 3 - Random Days and Personal Days

- A. Officers sworn prior to January 1, 2023, are awarded Random Days for personal time off. Officers sworn after January 1, 2023, are awarded Personal Days for personal time off.
- B. Officers shall be able to request a Random Day from any supervisor within their division and the Random Day shall be awarded on a first requested, first received basis. The Random Day selected shall be within one (1) year from the date of the request. Random Day requests shall be stamped on a time clock. The City must grant all such requests if, at the time of the request, the affected shift is at or above the minimum shift strength established by this agreement. Furthermore, the City must grant at least one (1) Random Day request on each shift each day, even if the affected shift is already below minimum shift strength, except when the affected shift has fallen below minimum shift strength as a result of an officer's absence due to a vacation day.
- C. Random Days may be accumulated from year to year. Police officers will make an effort to take all of their Random Days in the year that they are due; provided, however, that a police officer may not carryover more than 144 hours under this Section.
- D. Personal Days may be accumulated from year to year. Police officers will make an effort to take all of their Personal Days in the year that they are due; provided, however, that a police officer may not carryover more than 144 hours under this Section.
- E. Random Days and Personal Days shall be allotted as of January 1st.
- F. Officers may voluntarily sell back to the City up to a total of forty-eight (48) hours of their unused Random or Personal Days valued at their then applicable daily rate of pay. The officer will be reimbursed no later than the last payroll prior to the end of the calendar year.
- G. Officers may voluntarily choose to exchange up to forty-eight (48) hours of Random or Personal Day hours for an equivalent bank of compensation time owed on an annual basis. However, the total amount of compensation time owed that is accumulated by officers cannot exceed the maximum established under federal law of four hundred eighty (480) hours.

- H. Effective January 1, 2023, any officer hired by the City shall not be entitled to receive Random Days. Instead, the officer will receive Personal Days in an amount equivalent to the number of Random Days set out in Article VIII, Section 1 above. At no time may the City grant a Personal Day request if the resulting shift strength would drop below the minimum set by this Agreement. Otherwise, the City shall administer an officer's use of a Personal Day in the same manner as an officer's use of a Random Day is administered under the terms of this Agreement.

Section 4 – Earned Vacation Days

- A. Earned vacation days may be accumulated from year to year. A police officer may not carry over more than 48 hours of earned vacation days under this section.
- B. All earned vacation days accumulated prior to January 1, 2009, will be in a separate bank and available to be used by the police officer as established by this agreement. No additional days may be added to this bank. Any earned vacation days that are available in this bank must be used before any other earned vacation days are used.

Section 5 - Vacation Selection

- A. Vacations must be picked in consecutive workday blocks for the officer's workday rotation (1 or 2) on their assigned shift. Vacations may be picked for a minimum of 2 consecutive workdays up to 7 consecutive workdays in the first round. Vacations picked in the second round, and all further selections can be picked for a minimum of 2 consecutive workdays up to 5 consecutive workdays. Work blocks cannot be split for vacation picks. The police officer shall sign a vacation schedule and note the date and time signed. The police officer next in seniority on the shift will have not less than four (4) days to pick vacation selection. If such police officer fails to pick within the four (4) days, the next police officer in seniority can pick and so on down the list. The police officer that is passed over for failure to pick his/her vacation can sign any time but must pick the vacation from the weeks that are open at the time he/she signs.
- B. Any officer entitled to vacation may choose to take his/her selection as random days or personal days if hired after January 01, 2023. Hours of vacation time will be converted equally into the officer's random day or personal day bank.

Section 6 - Computation of Years of Service

Vacation time is computed on the basis of a police officer's years of service. If a police officer completes a sufficient number of years of service so as to entitle the officer to additional vacation time as hereinabove provided, the officer shall receive such additional vacation time during the calendar year that the officer completes such year of service.

ARTICLE IX
SENIORITY, LAYOFF AND RECALL

Section 1 - Definition of Terms

- A. Seniority shall be determined by the date of the police officer's appointment by the Board of Public Works and Safety. If more than one police officer has the same date of appointment, then, seniority shall be determined alphabetically.
- B. A "layoff" is hereby defined to be a necessary reduction of the work force of the Mishawaka Police Department. Layoffs shall be made in the reverse order of seniority; that is, the police officer with the least seniority shall be laid off first, and the police officer with the most seniority shall be laid off last.
- C. A "recall" shall be an increase in the work force of the Police Department following a layoff. Recall shall be by seniority with the police officer with the most seniority being the first officer to be recalled and the police officer with the least seniority being the last officer to be recalled.
- D. All civilian personnel shall be laid off before any police officer is laid off.

Section 2 - Seniority Pick of Shift

- A. Shift preference shall be granted to all police officers and shall be determined on the basis of Departmental Seniority.
 - 1. The City will provide a Shift Preference Slip to every police officer on or before September 1st each year.
 - a. It will be the police officer's responsibility to obtain his/her own Shift Preference Slip in cases where the police officer will be gone during the September 1st to 15th dates due to vacation, random days or trading days.
 - b. In case of illness, schools, and departmental business, the Chief will provide the police officer the Shift Preference Slip early or see that the police officer gets a slip and has the opportunity to fill it out.
 - 2. The police officer shall fill out the Shift Preference Slip and return it to the Lodge Wage & Grievance Committee officer on or before September 15th, listing their first and second choices of shifts. If the police officer fails to return the Shift Preference Slip on or before September 15th, the officer may be assigned to any shift that the Chief determines to be in the best interests of the Department.

3. On or before September 25th, the Chief and the Wage & Grievance Committee will review the slips and assign police officers on a seniority basis to each shift, as requested by the police officer. They will make a diligent effort to keep the changed police officer's rotation or work schedule as close as possible to his/her former rotation or schedule.
 4. If an officer is promoted to a rank on a specific shift and voluntarily leaves that shift, the officer's rank on the new shift will be First Class Patrol Officer.
 5. The new list will take effect the first full schedule in January.
- C. The Chief of Police will post the new list of Shift Personnel on or before October 1st, along with the work week rotation or work schedule after the new list is posted. The vacation list will be posted only after the new list and rotations are posted.
- D. No extra duty pay will be paid as a result of the Shift Change due to the September Shift Preference by Seniority Pick.
- E. A police officer can only request a Shift Preference change within his/her own division, e.g. Uniform, Detective Division, Services, etc.
- F. After the Seniority Pick of Shift process is completed and in effect, the Chief has the right to change a police officer's shift only for the betterment of the Department.
1. If there is such a change, an officer shall have the right to use the Grievance Procedure proceeding directly to the Board of Public Works and Safety.
 2. If there is such a change, the Chief will post any vacancy or opening which shall be filled as provided in Section I herein below.
 3. In the event no one applies for such a vacancy or opening, the Chief has the right to fill such vacancy or opening with the least senior officer that counts toward shift strength.
 4. Any police officer involved in such a change shall have at least sixteen (16) hours off between his/her old shift and new shift.
 5. In the event of a change under this Section, any police officer required to work more than his/her regular work week shall receive extra duty pay as provided in this Collective Bargaining Agreement.

G. Police officers will have a commitment of one (1) year on the shift after the September Seniority Pick of Shift process is completed, unless an opening or vacancy is posted in that year.

1. A committee shall be established for the purpose of ruling on any request by a police officer for a shift change for a valid reason during the year. Such committee shall be comprised of the President and Vice President of the Lodge, the Chief of Police, the appropriate Division Chief, and a fifth person from the bargaining unit, whose name shall be drawn by lot. This committee shall determine whether the request for the shift change is to be granted. In the event such request is granted, the opening shall be posted for a period of five (5) days. The most senior police officer of equal rank bidding on the opening shall have the right to make the change. If no police officer of equal rank bids for the opening, then the police officer requesting the change shall bear the responsibility to secure another police officer to change with him/her on the desired shift. The officers involved shall take one another's rotation with no extra duty time pay to either police officer.

If such a change in shift does take place, the requesting police officer will in a period of each fifteen (15) days resubmit a request setting forth reasons to continue the change. This then will be reviewed by the committee to see if the change request is still valid. If the committee finds the change request still to be valid, the change will remain in effect for fifteen (15) more days pending a new request from the requesting officer.

At such time as the request is denied, the requesting officer and changed officer from the requesting shift will be returned to their regular assigned shifts.

2. Should any police officer request a change in Divisions after the September pick, the officer will have to replace the lowest seniority Second Class Patrol Officer in the requested Division.
3. In the event of an opening or vacancy in the Detective Division, Services Division or Traffic Bureau, such opening or vacancy shall be filled by the appointment of the Chief of Police.
4. If a police officer is required to change Divisions, the Seniority Pick process shall be instituted, meaning that if a police officer is taken out of the Detective Division or Services Division, such officer shall be able to

transfer to a shift of his/her request in the Uniform Division, if the police officer has the Departmental Seniority to do so. The bumped police officer will have the same right to bump. Bumping rights shall take effect immediately.

H. In case of a non-rank opening or vacancy on a shift after the September Seniority Pick, the Chief will post the vacancy or opening for bids.

1. In the event the vacancy or opening is one with rank (Captain, Lieutenant, Sergeant), the Chief has the right to promote, transfer, or demote from any shift or Division to replace the open rank. When said position has been filled, the Chief will then post the resulting vacancy or opening for bids.
2. The Chief reserves the right to have a Probationary Officer work on any shift or any Division for the first year on the Department without changing any regular police officers on that shift.
3. The Probationary Officer's regular work week rotation will be kept as close as possible to what it was before any change; extra duty pay will be paid if the officer is required to work over his/her regular work week.
4. Immediately upon a Probationary Officer's completion of the officer's first year with the Department, the officer's slot will be posted for bid and shall be filled as set forth in Section I below.

I. Posting opening for bids.

1. The Chief will post on the bulletin board any Second Class Patrol Officer vacancy or opening on a shift during the year.
2. A posted opening or vacancy will be left up for bids ten (10) days.
3. A police officer bidding on a vacancy or opening shall sign the posted list and indicate his/her seniority date.
4. Department seniority shall determine the police officer who gets the vacancy or opening.
5. The same process will go into effect to replace the police officer who got the bid.

6. In the event no one bids on a vacancy or opening, the Chief shall have the right to fill the opening or vacancy with the lowest in seniority police officer or to fill the opening or vacancy with a probationary officer.
 7. All posted vacancies shall be filled within thirty (30) days after posting is completed.
 8. All ranks shall be filled within thirty (30) days.
- J. Emergency or Temporary Openings or Vacancies.
1. For temporary openings under two (2) weeks, Article XVII of this Agreement shall apply.
 2. In the event an opening or vacancy should occur on a shift due to illness, schooling, vacations, or other similar reasons, for a period of more than two (2) weeks, the Chief may replace the police officer in the following manner:
 - a. The temporary opening will be posted as a "temporary opening" for four (4) days. The police officer with rank of not less than Second Class Patrol Officer with the most seniority who signs for the opening shall get it.
 - b. During the temporary assignment or replacement, the police officer's regular work week shall not be changed without his/her permission.
 - c. In the event no one bids on the vacancy or opening, the Chief has the right to assign the least senior officer that counts toward shift strength to fill the opening or vacancy.
- K. The Chief shall have the right to determine the number of police officers to be assigned and which division, but this number shall be set prior with shifts being determined by the seniority pick of shift.
- L. Any officer assigned to the Traffic Bureau will remain eligible to exercise his/her rights to bump from shift to shift on the basis of seniority. Officers of the traffic bureau will also retain their rights to request transfers out of the Bureau, under the authority and provisions of this Agreement.

M. Anything in this Article to the contrary notwithstanding, the Uniform Division rank shall be not less than the following:

Day Shift

Captain (1)

Lieutenant (2)

Sergeant (6)

Night Shift

Captain (1)

Lieutenant (2)

Sergeant (6)

Any rank held in excess of the minimum set forth above shall nonetheless be subject to the bumping procedures by Second Class Patrol Officers and First Class Patrol Officers as set forth in the Seniority Pick of Shift Article.

ARTICLE X
SICK LEAVE

Section 1 – Definition

Sick leave shall be that period of time between the time and date that an officer notifies the Police Department of his/her unfitness for duty due to illness or injury and such time as that officer reports to Department management that the officer is again fit for duty. The officer shall complete a written Explanation of Absence from Duty on the form provided by the Mishawaka Police Department on the day the officer returns to duty. A copy of the form is attached to this Contract.

Section 2 – Explanation of Absence from Duty Form

The Explanation of Absence From Duty Form to be filed by an officer to terminate sick leave shall include the following information: name of officer, dates of absence, hours lost, reason for absence (personal illness, emergency, injury) with explanation, was doctor contacted, name of doctor, diagnosis, statement that officer is completely recovered from illness or injury, statement concerning any other gainful employment during or after absence, date of report and signature of officer.

Section 3 – Policy

During sickness, including pregnancy, a police officer's pay shall continue for a maximum of 480 hours, subject to the right of the Board of Public Works and Safety to require a physician's statement confirming the police officer's illness and the officer's inability to perform his/her duties. Medical disabilities shall be determined by the police officer's pension board.

Section 4 – Notice

It shall be the responsibility of each individual officer to contact the Police Department prior to the officer's assigned duty time notifying it of any illness or injury that renders the officer unfit for duty.

Section 5 - Outside Employment

No officer shall engage in employment outside the Police Department during the hours that the officer is being paid by the City or the eight (8) hours immediately following the officer's use of a sick day. This provision shall not be interpreted to in any way preclude an officer from engaging in outside employment when the officer is exercising the right to a random day, vacation day, or compensatory time.

Section 6 - Physical/Mental Condition

Every officer shall maintain adequate physical and/or mental condition at all times. If an officer is unable or unwilling to perform assigned duties due to lack of good physical and/or mental condition, the Chief may order such officer to undergo appropriate examination and testing by doctors or other health care providers to determine the officer's fitness for duty. After hearing before the Board of Safety, the Board may put the officer on sick leave status or refer him/her to the Police Pension Board for medical disability review.

Section 7 - Work-Related Injury

- A. The City agrees, for the life of this Agreement, to maintain the present level of Worker's Compensation insurance with a qualified insurance carrier.
- B. When a police officer is absent from duty due to an illness or injury arising out of or in the course of his/her employment by the City and which is compensable under the Indiana Worker's Compensation Act, the City will make up the difference between the amount of daily benefits to which the officer is entitled under such Act and the amount of daily salary the officer would have received if working for a period not to exceed fifty-two (52) weeks. Following such fifty-two (52) week period, the police officer's health and ability to perform work for the Police Department shall be reviewed by the City. If the police officer is able to return to work, the officer shall do so; and if not, the City will refer the police officer to the Police Pension Board.

Section 8 - Physical Examinations

Each officer may undergo, at the City's expense, one (1) comprehensive physical examination every three (3) years, commencing January 1, 2002. The physical examination shall be performed by a physician or physicians chosen by the City. One-third

(1/3) of the officers employed by the Police Department shall have the option to undergo the physical examination each year. No officer shall be entitled to receive additional monetary or other compensation as a result of undergoing this physical examination.

ARTICLE XI

FUNERAL LEAVE

In case of death in the police officer's immediate family or the police officer's spouse's immediate family (meaning parent, step-parent, spouse, grandparent, grandchild, parent-in-law, brother, sister, sister-in-law, brother-in-law, child or step-child) a police officer shall receive upon request, three (3) consecutive work days off without loss of regular pay to make preparations for and attend the funeral and burial of such relative and to attend to any necessary business or legal matters of the decedent or the decedent's estate.

In the event of the death of the police officer's or the police officer's spouse's aunt, uncle, niece, nephew or first cousin or in the event a police officer is designated to serve as a pallbearer at any funeral, then in such instances, a police officer will have the day of the funeral off without loss of regular pay.

In addition, the Police Chief or Division Chief, or if either are unable to be reached, then the officer in charge of the police officer's shift, shall have the right to grant, in appropriate cases and in their sole discretion, additional days off work for funerals.

ARTICLE XII

INSURANCE

Section 1 - Life and Accident

The City shall contribute at least at the present level which it is contributing toward the cost of the life insurance policy in the amount of \$15,000.00 double indemnity for each police officer.

Section 2 - Medical and Hospital

The City shall offer medical and hospital care coverage to all officers throughout the life of the Agreement complying with the terms included in the Insurance Memorandum attached to this Agreement.

ARTICLE XIII
UNIFORM ALLOWANCE

The City shall, in addition to all other compensation herein granted, pay each officer a uniform allowance of Two Thousand Fifty and 00/100 Dollars (\$2050.00) annually to purchase and maintain uniforms as prescribed by the Chief. In consideration of this allowance, the police officers agree to keep their uniforms neat, clean, and in good repair and to replace all worn-out clothing as necessary. The annual uniform allowance is not paid during the first year of employment unless the new officer is a lateral hire. When an officer reaches one year of service, clothing allowance shall be paid at a pro-rated amount for the remainder of that calendar year.

ARTICLE XIV
DUTIES OF POLICE OFFICERS

Police officers shall not be ordered or required to perform any unrelated duties not falling within the purview of full-time members of the police force except to raise or lower the flag, shovel snow on the front walk to the curb when not shoveled by the janitor and the janitor is not available to perform such duties, and perform such reasonable and necessary vehicle maintenance as is called for by any General Order and/or Rules and Regulations governing the Mishawaka Police Department's Assigned Vehicle Program.

ARTICLE XV
STRIKE PROHIBITION

The Lodge will not engage in, nor sanction, strike action, slow down, "blue flu", or similar action during the life of this Agreement or any extension thereof. If this Article is violated, the participants shall be immediately subject to discharge as provided in Ordinance Number 1666 of the City of Mishawaka.

ARTICLE XVI
JOINT SAFETY COMMITTEE

Section 1 – Definition

A joint safety program shall be adopted and enforced by a joint safety committee comprised of an equal number of representatives from the Lodge and the City.

Section 2 - Safety Equipment

A. The City shall make reasonable provisions for the safety and health of the police officers during the hours of their employment. It shall endeavor to maintain its equipment in safe operating condition. The City shall furnish such protective

devices and/or equipment as it deems necessary to properly safeguard the health and safety of the police officers and protect them from injury.

- B. In the event a police officer believes that his/her assigned vehicle is unsafe for use during his/her tour of duty, the officer shall return it to the station. If the Officer in Charge of the police officer's shift agrees with the police officer, the vehicle shall be deadlined and the condition slip made out on the vehicle. The vehicle will remain deadlined until the proper repairs are made. No police officer will be required to drive an unsafe vehicle.
- C. Officers who choose to carry a shotgun on duty will carry a department issued shotgun or one that is approved by the department range master. Shotguns will be twelve (12)-gauge. It is recommended that a shotgun be carried, but it is optional. While on duty, shotguns will be carried in a shotgun rack (inside the vehicle cabin or trunk) or in a firearms bag in the trunk. All shotguns shall be loaded to full capacity, chamber empty, with the safety in the ON position, and with at least five (5) extra shells inside the officer's vehicle.

Officers who choose to carry a patrol rifle on duty will carry a department issued patrol rifle or one approved by the department range master. Rifles will be .223/5.56 caliber. While on duty, patrol rifles will be carried in a rifle rack (inside the vehicle cabin or trunk) or in a firearms bag inside the trunk. Rifles will be carried with an empty chamber and magazine inserted with the safety in the ON position.

When officers are off duty, all department and personal weapons used in the line of duty will be properly and safely secured.

- D. All police department vehicles used in the line of duty shall be equipped with air conditioning, AM/FM radio and heater, and all of such items shall be maintained in working condition.
- E. Given the unique demand on the tires of the Uniform Division squad cars, it is essential for safety of operation of squad cars that the tires be in excellent condition. Tires on the Uniform Division squad cars which have less than 25% of the tread shall be replaced immediately. No police officer shall be forced to operate a squad car unless the tires meet or exceed these minimum requirements.

ARTICLE XVII
DEPARTMENT STRENGTH

Section 1 - Department Strength

It is agreed between the parties that the police work force will be maintained at regular strength at all times. Whenever the force is reduced below the regular scheduled level, due to sickness, vacation, leave or any other reason, the Chief of Police or Division Chief of Police will then refer to the extra duty schedule for the next officer in line to work.

The City will make a diligent effort to fill all vacancies in the Department within thirty (30) days after such vacancies occur.

Section 2 - Minimum Strength

- A. The minimum strength the Uniform Division can operate with, will be as follows:

Day Shift 6:30 a.m. to 6:30 p.m.

Sunday-Saturday: a minimum of twelve (12) officers on motorized patrol.

Night Shift 6:30 p.m. to 6:30 a.m.

Sunday-Saturday: a minimum of twelve (12) officers on motorized patrol.

- B. The "desk" position may be utilized as a light duty position if necessary. The City shall retain the right to place officers at the "desk" position outside of records hours if needed.
- C. Emergency overtime will only be required if shift strength falls below ten (10). In the event that there is a need for additional manpower, refer to Article 17, Section 2 (E).
- D. Probationary officers shall count as shift strength 30 days after successful completion of the FTO program and lateral transfers count as shift strength upon successful completion of the FTO program. However, any Probationary Officer who on the date of hiring has already graduated from either the Indiana Law Enforcement Academy or another certified law enforcement academy recognized by the State of Indiana shall be counted toward minimum shift strength three (3) months after said officer's date of hire, subject to being released from the FTO program. Probationary officers shall be eligible to work extra duty at the time they count toward minimum shift strength.

- E. When there is a need for necessary additional officers (e.g., prisoner guard and crime scene security) those necessary positions shall be considered as shift strength positions. Emergency extra duty procedures shall be followed to fill such positions. If the need for a prisoner guard or crime scene security arises after the commencement of a shift, the overtime shall immediately be offered at the double time rate. In the event no one fills the request for additional officers, the OIC may contact the ERT "On Call." The ERT will then designate an officer (or officers) from the appropriate ERT platoon to be activated in uniform capacity. The ERT officer(s) will be considered shift strength, however, shall not be used for the purpose of motorized patrol or considered preceding shift as opposed to the above stated officers who accepted the request. ERT officers activated in this manner will be compensated at a flat rate of 4 hours of twice their prevailing wage, and shall NOT count as hours worked against them as it pertains to future overtime assignments. In the event that the detail requires the officer to stay more than 4 hours, then the compensation should remain twice the prevailing rate, hour for hour. Should the shift change during the 4 hours that the ERT officer is activated, then revert back to standard emergency extra duty procedures. If the need continues into the following shift, revert back to standard emergency extra procedures.

Section 3 - Detective Division

- A. The Detective Division shall consist of not less than nine (9) detectives and one (1) Division Chief. All vacancies will be filled within thirty (30) days.
- B. In the event the City is asked to participate in a special crimes unit or similar type operation, the parties will meet for the purpose of negotiating mutually satisfactory changes in this Agreement for the purpose of allowing the City's participation.

Section 4 - First Class Patrol Officer Positions

- A. A police officer shall be automatically promoted to the rank of First Class Patrol Officer on or before the third anniversary of date of hire. The term "bargaining unit" shall mean all slotted positions, except the Police Chief and the Division Chiefs. All vacancies in rank shall be filled within thirty (30) days.

- B. Maintenance of First Class Patrol Officer Pay.

Once a police officer achieves the rank of First Class Patrol Officer or higher, the base pay for such officer thereafter shall never be less than that paid to other First Class Patrol Officers, regardless of the subsequent rank of such police officer. The Board of Safety reserves the right to refuse a request made by a police officer for voluntary demotion from the rank of First Class Patrol Officer.

Section 5 – SWAT Call Out

Upon the occurrence of an emergency SWAT call out that requires a response from an officer assigned to the Uniform Division, the City shall have the right to immediately assign another on duty officer not subject to the minimum shift requirements established by this Agreement to fill the resulting vacancy as is necessary to maintain the minimum shift strength requirements established by Article XVII. Thereafter, the City shall immediately implement the Emergency Overtime assignment procedures for filling a vacancy within the Uniform Division that are set forth in Article VII, Section 2 (Extra Duty Pay). Once the City has filled the vacancy created by the SWAT call out, either through the return of the affected SWAT officer to duty on patrol or through the filling of the vacancy using Emergency Overtime assignment procedures, the City will return the on duty officer assigned to temporarily fill the vacancy to his or her normal assigned duties. This provision will not be used to otherwise circumvent the normal Emergency Overtime assignment procedures established by the terms of this Agreement.

ARTICLE XVIII **PERSONAL SERVICE RECORDS**

- A. No person, excepting the Mayor, the members of the Board of Public Works and Safety, the Police Chief, the Division Chiefs and the Corporation Counsel or City Attorney in connection with the pending grievance or disciplinary matter involving the police officer, shall read, view, or copy a police officer's personnel file which is kept by the Police Department.
- B. A police officer shall be given a copy of all additions to his/her personnel service record.

ARTICLE XIX **GRIEVANCE PROCEDURES**

- A. Should any police officer or group of police officers feel aggrieved concerning his, her or their wages, hours and conditions as controlled by this contract, excluding the disciplining of a police officer which is governed by the Board of Public Works and Safety and excluding matters which are within and a part of the jurisdiction of the Common Council, or concerning any matter or conditions arising out of any employee-employer relationship, including any kind of unjust discrimination and any matter or condition affecting his, her or their health and safety, adjustment shall be sought as follows:
 - 1. It shall first be the responsibility of the employee or group of employees to seek relief from his, her or their immediate superior in charge of his,

her or their work position. At this stage, the grievance can be submitted orally or can be submitted in writing. The grievance must be presented within thirty (30) days from the date the Union or the individual grievant become aware of the alleged incident, whichever occurs later.

2. If such grievance is not resolved to the satisfaction of the employee or group of employees, the problem shall be put into writing by the individual or group, and together with an assigned wage and grievance committee member, presented to the Officer in Charge of his, her or their shift.
3. If the grievance is still not resolved after a period of seven (7) days, the Wage and Grievance Committee of the Lodge shall meet with the Chief of Police to settle the grievance.
4. If the aggrieved police officer shall have found no satisfaction after seven (7) days, the written grievance shall be presented to the City's Board of Public Works and Safety for determination and settlement; if the matter is not settled by the Board of Public Works and Safety within fourteen (14) days to the satisfaction of the aggrieved police officer, the issue or complaint may be submitted to arbitration in accordance with the terms and conditions set forth under this contract for arbitration.
5. The police officer may be represented by legal counsel only before the Board of Public Works and Safety and hearing before the arbitrator.
6. Nothing in this Article shall prevent a police officer from processing his/her own grievance without the assistance of the Lodge.
7. When it has been determined according to this collective bargaining agreement that an officer was incorrectly passed over for an extra duty assignment the following shall apply:
 - a. The aggrieved officer will be given thirty (30) calendar days, beginning the date when it was determined the officer was aggrieved, to work the number of hours erroneously not awarded.
 - b. The aggrieved officer has the right to choose the hours of make-up overtime.

- c. The aggrieved officer shall be paid at the prevailing hourly rate for which the officer would have been paid had he/she been correctly awarded the overtime. The officer may not be awarded a random day, time owed, or vacation time, nor may the officer do a time exchange as compensation for the make-up overtime.
 - d. The aggrieved officer shall give the City a minimum of twenty-four (24) hours' notice of the date(s) and time(s) which the officer chooses for the make-up overtime.
 - e. The aggrieved officer working make-up overtime does not count toward minimum shift strength requirements.
 - f. If a detective bureau extra duty assignment is incorrectly awarded, the Chief may have the aggrieved officer perform a police duty outside of investigations if there is no available work to be performed within the detective bureau.
- B. Should the Chief of Police feel aggrieved concerning actions initiated by the FOP Lodge #91, or a group of members of the FOP Lodge #91, which allegedly violate this contract or are in conflict with this contract, adjustment may be sought as follows:
- 1. It shall be the responsibility of the Chief of Police to put into writing such alleged violation and present it to the President of the FOP Lodge #91 and the head of the Wage and Grievance Committee.
 - 2. If the grievance is not settled at this stage within fourteen (14) days to the satisfaction of the aggrieved Chief of Police, the alleged violation shall be presented to the FOP membership by the President of the FOP Lodge #91 and the Wage and Grievance Committee.
- C. Captains shall not be part of the Lodge's Wage and Grievance committee; provided, however, that the exclusion of Captains from such committee shall not be interpreted to mean that Captains are in any way excluded from the bargaining unit set forth in this Agreement.

ARTICLE XX

CHAIN OF COMMAND

The City shall maintain and post a complete chain of command for each Division and shift within that Division. The chain of command shall include a list of all departmental ranks or positions and shall include the name of each officer who holds such rank or position.

ARTICLE XXI
ARBITRATION

The establishment of this method of arbitration shall not, in any way whatsoever, be deemed to be a recognition by the City of compulsory arbitration as a superior method of settling labor disputes but rather shall be deemed to be a recognition solely of the necessity to provide some alternative method or mode of settling labor disputes where employees must, as a matter of public policy, be denied the usual right to strike.

Therefore, in the event that the police officer and the City are unable to resolve a grievance, working conditions, contract interpretation, rules and regulations, or policies over which there is a dispute, within thirty (30) days from and including the date of their first meeting, excepting matters coming within the exclusive jurisdiction of the Board of Public Works and Safety pertaining to disciplining pursuant to Indiana statute, including methods and subjects established by the grievance procedure, any and all unresolved issues shall be submitted to arbitration as hereinafter provided, excluding matters which are within and a part of the jurisdiction of the Common Council.

- A. Within five (5) days from the expiration of the thirty (30) day period referred to above, the police officer or Lodge and the City through its Board of Public Works and Safety shall select and name an arbitrator. If on the expiration of the period allowed therefore the parties are unable to agree upon an arbitrator, the American Arbitration Association shall select an arbitrator upon request in writing from either the police officer, the Lodge, or the City.
- B. The arbitrator shall set a date for a hearing within ten (10) days after the date of the officer's appointment and shall give at least seven (7) days' notice in writing to the police officer, Lodge and City of the time and place of such hearing.
- C. The arbitrator is hereby authorized to conduct such hearing in an informal manner and without recourse to the technical common-law rules of evidence required in judicial proceedings, and such manner of proof and introduction of evidence shall be deemed sufficient and shall govern the proof, decision, and administration or judicial review of all questions of fact if substantial, reliable and probative evidence supports such arbitrator's determination. The arbitrator shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every person who is a party to such proceedings shall have the right to submit the evidence in open hearing and shall have the right of cross-examination.
- D. The hearing conducted by the arbitrator shall be concluded within twenty (20) days of the time of commencement, and within ten (10) days after the conclusion of the

hearing. The arbitrator shall make written findings and a written opinion upon the issues presented, a copy of which shall be mailed or otherwise delivered to the police officer, Lodge and the City. The decision of the arbitrator shall be binding upon both the police officer, the Lodge and the City.

- E. The arbitrator's fees and necessary expenses of arbitration shall be paid by the losing party. It is agreed by the parties that such fees and expenses shall not include the attorney fees of either party.

ARTICLE XXII

DURATION

Section 1 - Effective Date

This Agreement shall be in effect from the 1st day of January, 2023 2024 providing that it is approved by the Lodge and by Resolution of the Board of Public Works and Safety and the Common Council of the City of Mishawaka and shall remain in force and effect to and including the 31st day of December, 2024.

Section 2 - Future Negotiations

The parties agree that, commencing no later than the 31st day of August, 2024, they will undertake negotiations for a new Agreement.

Section 3 - Renegotiation and Amendment

Notwithstanding any provision herein to the contrary, it is understood and agreed by the parties hereto that any provision contained in the Agreement may be amended at any time by the mutual agreement of the parties hereto.

Section 4 - Relation to Regulations and Rules

This Agreement shall supersede any rules and regulations inconsistent herewith, provided, however, rules and regulations not inconsistent with this Agreement may be adopted and promulgated by the Board of Public Works and Safety of the City of Mishawaka pursuant to Indiana statutes.

Section 5 - State of Emergency

In the event that a state of civil emergency is declared by the Mayor (civil disorders, natural disasters, etc.), the following provisions of this Agreement - Article VI, Sections 1-4; Article VII, Section 1, Section 2 (i) and 2 (ii); Article VIII, Section 2; Article XI; Article XVII - may be suspended by the Mayor during the time of the emergency.

ARTICLE XXIII
SAVINGS CLAUSE

If any provision of this Agreement, or application thereto to any person or circumstances, is held unconstitutional or otherwise invalid, the remaining provisions of this Agreement and the application of such provisions to other persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

ARTICLE XXIV
GENERAL MATTERS

Section 1 - Police Department Rules

- A. Any changes in the Police Department Rules and Regulations will be discussed with the Lodge representatives prior to promulgation.
- B. All rules and regulations of the Police Department shall be issued in written form and shall be submitted to the Lodge at least seven (7) days before they are to take effect.

Section 2 - Job Security

The City and the Lodge agree that no permanent job presently being performed by a full-time police officer will be eliminated if it causes a reduction in the number of sworn officers.

Section 3- Light Duty

- A. There shall be at least four (4) light duty positions available. If a light duty position is available, the City shall provide light duty for any police officer requesting it during the time the police officer is temporarily disabled from performing the officer's regularly assigned duties. An officer who is placed on light duty may be reassigned to any shift or division within the Police Department.
- B. An officer will make a written request for light duty status to the Chief of Police. At that time the officer will also turn in written documentation from the officer's physician as to the reason the officer cannot perform the full duties of a police officer. The physician must be a licensed M.D. and the statement will include:
 - A description and extent of limitations;
 - The probable length of limitations;
 - The prognosis for recovery; and
 - A recommendation as to the extent of any duty restrictions.

Light duty status will be granted for a thirty (30) day period or less. At the discretion of the Chief, an officer may be granted another thirty (30) day light duty

assignment upon request, but an officer cannot be on light duty for more than one hundred twenty (120) consecutive calendar days for any single injury or illness.

Before the officer's return to regular duty, the officer must have a written statement from the Physician stating the officer may return to work. If the officer assigned to light duty is unable to return to full duty at the end of the light duty assignment, the officer will be placed on available paid sick leave. If the officer's paid sick leave has expired the officer may be placed on any other available paid leave for which the officer is eligible. If the officer is not eligible for any paid leave, the officer will be placed on unpaid leave and fully advised concerning any disability pension for which he/she may be eligible.

Section 4 - Right to Record Meetings

The Lodge or the City shall have the right to tape record any meeting held between the City and the Lodge reference wages and grievances.

Section 5 - Keeping of Police Officer's Gun

Upon leaving the department for any reason other than a quit or a fire, the police officer shall retain his/her service weapon which had been issued to him/her by the City.

Section 6 - Lodge Representation

Any police officer questioned by any superior with respect to any matter which might involve disciplinary action shall have the right to have a representative of the Lodge present during such questioning. In the event such questioning is being recorded, the police officer shall be informed prior to any such recording and shall be furnished with a copy of the recording and given the opportunity to make a transcription of the recording.

ARTICLE XXV **INDEMNIFICATION**

Section 1 - Claims and Judgments

- A. The City shall indemnify and hold harmless any police officer from all legal claims, suits, costs and judgment arising out of the acts or omissions of the officer arising out of and in the course of the performance of the duties of such officer; provided, however, that if an employer other than the City provides indemnification for the actions of the officer, the City shall not provide indemnification. Indemnity shall not be provided in the event any police officer willfully violates any legal order of a superior officer or the rules and regulations of the Police Department.
- B. Should any criminal action be instituted against any police officer for any action arising out of and in the course of the performance of the duties of such office and should such proceeding be dismissed or result in a final disposition in favor of such

person, the City shall reimburse such officer for the cost of defending such proceeding including reasonable counsel fees and expenses of the original hearing or trial or all appeals.

Section 2 - Executions on Judgments

The City shall take such actions as it deems appropriate to forestall the execution of judgment against a police officer personally and if notwithstanding such efforts by the City execution takes place, the City will indemnify and hold harmless the police officer on any judgment covered under Section 1 of this Article

Section 3 – Trials

- A. The City shall provide legal counsel of the City's choosing to any police officer against whom legal action has commenced, as set forth in Section 1 of this Article. However, in no case shall the legal counsel provided by the City have been involved in the prosecution of an administrative or disciplinary action against the officer which was based upon the same set of facts underlying the legal action in question.
- B. The police officer shall have the option to retain his/her own attorney at the officer's own expense to represent the officer's interests in litigation without any effect on the responsibilities of the City under this Article.

Section 4 - Police Officer's Responsibilities

- A. As a condition precedent to the right of indemnification under this Article, any police officer desiring indemnification shall:
 - 1. Tender in writing to the City's attorney a notice of its right to appear and defend any litigation as may result in a judgment covered by this Article and grant to the City the right to make such investigation, negotiation and settlement of any claim if the City deems appropriate.
 - 2. Give written notice containing the particulars sufficient to identify the police officer involved and information as to the time, place and circumstances thereof to the City's attorney as soon as reasonably practical following a covered occurrence.
 - 3. Forward immediately any or all suit papers, demand notices, summons, complaint or other process received by such police officer or officer's representative to the City's attorney.

4. Cooperate with the City in the conduct or settlement of any legal proceedings and additionally grant the City the right to free access and use of all hospital, medical and doctor's records and reports as to any police officer's physical or mental condition in the conduct or settlement of any legal proceedings.

ARTICLE XXVI **BILL OF RIGHTS**

All police officers within the bargaining unit shall be entitled to the protection of what shall hereafter be termed the "Mishawaka Police Officers' Bill of Rights."

- A. All police officers shall have the right to Lodge representation selected from a list prepared by the Lodge or the police officer shall have the right to select an active police officer in good standing with the Lodge, during any interview or questioning involving a disciplinary matter.
- B. When for any reason a police officer is under investigation by the City for conduct which results in dismissal, criminal charges, or suspension for more than five (5) days, the following additional rules are hereby established and shall be followed:

Section 1- Interviews

- A. Advance Notice

Prior to being interviewed for any reason which could lead to disciplinary action, an officer shall be:

1. Informed in writing of the nature of the investigation and whether the officer is a witness or a suspect, if and when known; informed of other information necessary to reasonably apprise the officer of the nature of the allegations of the complaint, including the date, time and location of the occurrence;
2. If prior to or at any time during the interrogation of a police officer it is determined that the officer may be charged with a criminal offense or be suspected of being implicated in a criminal offense, the officer shall be immediately informed of his/her constitutional rights and the investigation shall be terminated unless the officer chooses to waive his/her constitutional rights of self-incrimination;

3. Afforded an opportunity and facilities to contact and consult privately with an attorney of the officer's choosing and/or representative of the Lodge;
4. Whenever a delay in conducting the interview will not jeopardize the successful accomplishment of the investigation or when criminal culpability is not an issue, advance notice shall be given the officer not less than twenty-four (24) hours before initial interview commences, or written reports are required from the officer.

B. Interview Safeguards

Any interview of an officer shall be when the officer is on duty unless the seriousness of the complaint dictates otherwise.

1. Interviews shall take place at the Mishawaka Police Station facility, or elsewhere if mutually agreed, unless the emergency of the situation necessitates otherwise.
2. The officer may have a Lodge representative and/or an attorney present to witness the interview provided the representative and/or attorney does not participate in the interview. However, the interview may not be unduly delayed awaiting an unavailable Lodge representative when other Lodge representatives are available.
3. An attorney or representative chosen by the officer must be, depending upon the seriousness of the investigation and the need for immediate action, available within a reasonable period of time and under no circumstances will any interrogation session be delayed in excess of twenty-four (24) hours because of the unavailability of the attorney or representative chosen by the officer. However, no matter how extreme an emergency exists, no interrogation shall take place until the officer shall be given a minimal of three (3) hours to obtain the services of a representative and/or attorney.
4. During the interrogation of the officer, the attorney or representative shall not make any statements or objections of any kind to the investigator nor will the officer in any way impede the interrogation but will restrict all remarks to conferring with the officer. The representative's failure to object to a question shall not constitute a waiver of the officer's ability to later object to any questions asked.

5. The officer being interviewed shall be informed of the name, rank, and command of the Officer in Charge of the investigation and the interviewing officer.
6. Interviews shall be done under circumstances free of intimidation or coercion and shall not otherwise violate the officer's constitutional rights. The officer shall not be subjected to offensive or abusive language. No promise of award shall be made as an inducement to answer questions.
7. Interviews shall not be overly long. The officer shall be entitled to reasonable intermissions as requested for personal necessities, telephone calls, rest periods, with one ten (10) minute intermission every hour, if the officer requests.
8. All interviews shall be limited in scope in activities, circumstances, events, conduct or acts which pertain to the subject of investigation.
9. Interviews and investigations shall be concluded with no unreasonable delay.

C. When the investigation results in charges being filed:

1. The officer will be furnished with a copy of all documents in the Internal Investigation file which will contain all material facts of the matter under investigation;
2. The officer will be furnished with the names of all witnesses and complaints who will appear against him/her and/or whose statements will be used against the officer.

D. When disciplinary action results:

1. When the investigation results in a determination of a sustained complaint and disciplinary action, only the findings and the disciplinary order will be placed in the officer's personnel file unless the officer requests inclusion of the complete record.
2. No dismissal, demotion, or other punitive measures shall be taken against an officer unless the officer is notified of the action and a reason for such action prior to the effective date of such action.

Section 2 - Personal Privileges

- A. No officer shall be required for purposes of assignment or other personnel action to disclose any item of his/her property, income assets, source of income or personal or domestic expenditures including those of any member of the officer's family, unless such information is obtained pursuant to proper legal process or tends to indicate a conflict of interest with respect to the performance of the officer's official duties.
- B. No officer shall have his/her residence, private place of business, if any, private vehicle or locker space assigned to him/her by the Mishawaka Police Department searched unless a valid search warrant is obtained or the officer voluntarily agrees to such search.
- C. No member of the immediate family of the officer shall be required to give a statement to the investigator and prior to requesting any member of the immediate family of the officer to give a statement, the officer shall be given notice of such intended request and the officer shall be given an opportunity to confer with that family member before that family member shall be asked to give a statement.

Section 3 - Political Activities

Except when on duty, no officer shall be prohibited from engaging in political activities.

Section 4 - Blood, Breath and Urine Tests

Blood, breath and urine tests for controlled substances are mandatory for any member of the department who is suspected of being under the influence of alcohol or any drug while on duty; provided, however, that the officer shall not be required to submit to any such tests in regard to any occurrence at a time when he, while off duty, was compelled to take immediate police action in response to an emergency situation.

Section 5 - Polygraph Examinations

The police officer under investigation shall not be required to take a polygraph examination unless the officer's accuser or accusers agree to take such a polygraph examination, and have taken such examination prior to the police officer being asked to take such examination; provided, however, anything in this Article to the contrary notwithstanding, none of the charts, conversations, discussions, questions or results derived from such polygraph examination shall be used against such officer in any disciplinary proceeding nor used against any such officer in any civil or criminal proceeding. In the event the polygraph examiner desires to question the police officer after the polygraph test has been administered, the examiner shall first advise the officer of his/her rights in writing and if the officer waives in writing his/her rights, then any statements by such officer may be used against such officer.

Section 6 - Maintenance of Records

- A. Complaints investigated by the Department shall be maintained in accordance with state and federal statutes.
- B. A police officer shall have the opportunity at a reasonable time during office hours, to review his/her active personnel file and any closed investigative file in which the officer was the accused. Although such request may be made orally, it shall be accompanied by written request signed by the officer for a matter of record. In the event there is any comment adverse to the officer's interests in his/her personnel file, the officer shall have the right to file a written response thereto, which written response shall be attached to said adverse comments; and, additionally the officer shall have the right to file a grievance in regard to any such matter which is of such gravity that it could affect promotional opportunities which grievance shall then be processed in accordance with grievance procedures.

Section 7 - Limitations

No police officer shall be subject to internal discipline by the Mishawaka Police Department for any cause or matter occurring more than 60 (days) from the date that the City first became aware of the alleged incident. Notwithstanding this provision, and in accordance with Indiana Code §36-8-3-4(n), if an officer is subject to criminal charges as a result of an incident, the Board of Public Works and Safety may place the officer on administrative leave with or without pay. Any other disciplinary action by the City shall be stayed until the disposition of the criminal charges in the trial court. At such time the criminal charges are resolved in the trial court, no police officer shall be subject to internal discipline by the Mishawaka Police Department unless it is within the remainder of the 60-day window as provided in this section.

ARTICLE XXVII **FAMILY LEAVE**

In the event of a child born to a police officer or a police officer's spouse, a police officer shall receive one shift of continuous hours leave time without loss of pay to attend the child's birth. Any additional leave time, for family or medical purposes, shall be granted by the Chief, or in the Chief's absence the Shift Commander, in accordance with the Family and Medical Leave Act of 1993.

ARTICLE XXVIII
RANK STRUCTURE

A. The President of the Board of Public Works and Safety shall be the executive head of the Department of Police with the following officers of the department as listed below in order of rank:

1. Chief of Police
2. Division Chiefs of Police
 - (a) Uniform Division Chief
 - (b) Detective Division Chief
3. Captains of Police
4. Lieutenants of Police
5. Sergeants of Police
6. First Class Patrol Officers
7. Second Class Patrol Officers
8. Probationary Officers

The above ranks will be recognized throughout the department regardless of the individual's unit or duty assignment.

Authority within this Police Department shall be delegated through the above departmental command channels and recognized in that order.

Whenever two or more officers of equal rank are present (unless specifically stated otherwise), the officer with seniority in rank shall be in command and fully responsible for police activities. Whenever equal rank is concerned, caused by the absence of a superior officer, seniority of service in rank will prevail and that officer shall be in charge unless otherwise ordered. This order of command shall be in force on all members of the Police Department. The above and foregoing shall not affect bumping rights.

ARTICLE XXIX
CANINE AND SPECIAL ASSIGNMENT OFFICERS

Section 1 - Canine Officers

- A. Police officers assigned to Canine duty may be assigned to any division within the Police Department at the sole discretion of the Chief of Police. In the event a Canine officer is assigned to the Uniform Division that officer shall count toward minimum shift strength and shall work such hours as assigned by the Police Chief.
- B. An officer assigned to Canine duty shall be required, as part of the officer's regular duties, to spend off-duty time caring, grooming, feeding, exercising, and training the police dogs owned by the Mishawaka Police Department.
- C. Canine handlers shall be compensated for off duty care of police dogs in accordance with federal guidelines.
- D. The City shall compensate each officer assigned to Canine duty for his/her off-duty participation in any demonstration or similar activity by the payment of extra duty pay as defined by this Agreement or by awarding the officer compensatory time at a rate equal to the officer's rate of extra duty pay.

Section 2 - Special Assignment Officers

- A. Police officers assigned to the Special Operations (SOS) unit, Metro Homicide, Special Victims Unit, DARE unit, Community Relations, Canine unit, Services Division, as well as the Traffic Bureau officers shall be considered to be on special assignment. Such officers shall not count toward the minimum shift strength requirements established by this Agreement and shall work such hours as are assigned by the Chief of Police.
- B. Special assignment officers shall not be used in such a manner as to avoid the assignment of extra duty to other officers. Nor shall such special assignment officers be used in such a manner as to circumvent the minimum shift strength requirements established by this Agreement

ARTICLE XXX
SCHOOLS

- A. The City shall select and post all available openings for advanced training covering all specialties, including traffic. Officers shall be given an opportunity to attend such schooling by signing the posted list. Selections of the officers shall be made from those who have signed the list with the City choosing from the list. No officer

may be scheduled for training while on vacation. Any officer failing a specialty course more than once may be disqualified from further attendance at the discretion of the City.

- B. When an officer is directed by management to attend mandatory schooling or training, the officer will receive overtime pay at one and one-half hours for each hour spent in attending such schooling or training. No officer may be scheduled for training while on vacation. This provision will not apply, however, to officers attending the basic course of instruction at the Indiana Law Enforcement Academy.

ARTICLE XXXI COMPENSATORY TIME

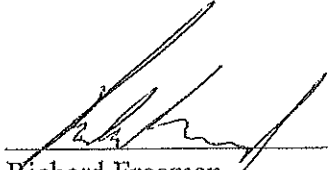
- A. When attending schooling or training on a voluntary basis, a police officer shall have the option to be paid or given compensatory time at a rate of one and one-half (1.5) times for each extra duty hour of schooling or training attended. The City and the officer who is requesting voluntary schooling are allowed to enter into a mutual agreement whereas compensation is specified on a Training Agreement Form.
- B. Compensatory time owed by the City for voluntary schooling, training or heavy maintenance work may be taken by officers but will not take precedence over random days and may not be given if the absence of the officer will cause the shift's strength to fall below minimum strength.
- C. In the event a police officer retires, resigns or is discharged with time owed on the books, past practice will be followed.
- D. Once compensatory time is authorized, the date may not be revoked or cancelled.

ARTICLE XXXII DRUG - FREE WORKPLACE

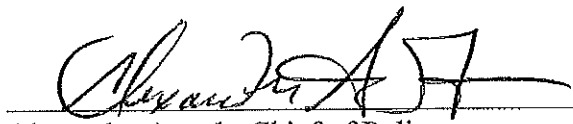
In recognition of the importance, both in human and economic terms, of alcohol and drug abuse, the City of Mishawaka and its administration is committed to make every effort to have a drug and alcohol free workplace and workforce. The rules related to Drug Free Workplace are attached and made a part of this Contract as an Exhibit.

Signed and dated the 17th day of December 2025.

The Mishawaka Fraternal Order of Police
Lodge 91, by FOP President


Richard Freeman

The City of Mishawaka, by Chief of Police


Alexander Arendt, Chief of Police

PETITION 25-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-46

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described:

902 & 902 ½ S Main Street

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:

Lot numbered 98 as shown on the Plat of Gaylor's Second Plat recorded August 25, 1900 in the Office of the Recorder of St Joseph County, Indiana in Plat Book 8, page 4 excepting therefrom a tract of land 50 feet in length, north and south, taken off of and from the entire width of the south end of said lot.

which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as R-2 Two Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

1. *The Comprehensive Plan* – The Mishawaka 2000 Comprehensive Plan, created in 1990, identifies a preferred or recommended land use of the subject property as Low Density Residential. The proposed request for a duplex that has existed since 1952 is consistent with the Comprehensive Plan.
2. *Current conditions and the character of current structures and uses in each district* – The use of this property has been the same for over 70 years. It is surrounded by single family uses and at least one other duplex.
3. *The most desirable use for which the land in each district is adopted* – The most desirable use for the property is continuing its use as a two-unit residence.

Proposed Ordinance No: 2025-46

Ordinance No: _____

4. *The conservation of property values throughout the jurisdiction* - The rezoning of this property should not be injurious to property values in the area since it has been a 2-family residence since 1952 without any incident.
5. *Responsible development and growth* – The proposed change to Multi-Family Residential is desirable given the historical use of the property and adjacent residential uses.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2025, at _____ o'clock ____ .M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2025, at _____ o'clock ____ .M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2025, at _____ o'clock ____ .M.

David A. Wood, Mayor

STAFF REPORT

Location: 902 and 902 ½ S Main Street

Date: December 9, 2025

Petition: 25- 21

Prepared By: CH

GENERAL INFORMATION

Petitioners: Edward J & Gwyneth Saucedo / Julie Circle

Status: Property Owner / Real Estate Agent & Representative

Request: Rezone from R-1 Single Family Residential to R-2 Two Family Residential

Zoning Classification: R-1 Single Family Residential

Lot Size: 66' x 47' (0.07 acres)

Applicable Regulations: Section 137-186 thru 137-188 / R-2 Two-Family Residential District;
Section 137-41 / Amendments to the Zoning Map
Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District (single family home)
South: R-1 Single Family Residential District (single family home)
East: R-1 Single Family Residential District (single family home)
West: R-1 Single Family Residential District (single family home & duplex)

Thoroughfare: S. Main Street

Council District: 1

School District: School City of Mishawaka

Public Utilities: Available and currently serve the property

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioners are requesting to rezone property at 902 & 902 ½ S. Main Street from R-1 Single Family District to R-2 Two Family District to allow the duplex to remain. The property is located on the southeast corner of S. Main Street and E. Tenth Street and is surrounded by R-1 Single Family Residential zoning, however, a property across the street is being taxed as a duplex.

The structure was built as a single-family home in 1915. According to the Polk Directories, the duplex has existed since at least 1952. Our office wrote non-conforming use letters in 1997 & 2006. The Saucedas purchased the home in 2022. There is a pending sale initiating this rezoning.

Dwellings in the R-2 District require 2 (two) parking spaces per unit. The property has a one car garage and 40' long driveway, which could fit 2 cars comfortably. Their representative is investigating ways to provide the fourth spot including repurposing the existing patio.

All pertinent City Departments have reviewed and approved the rezoning request. Engineering commented the property is no longer eligible for sewer insurance.

RECOMMENDATION

Staff recommends **approval** of Petition 25-21 to rezone property at 902 & 902 ½ S. Main Street from R-1 Single Family District to R-2 Two Family District. This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

1. *The Comprehensive Plan* – The Mishawaka 2000 Comprehensive Plan, created in 1990, identifies a preferred or recommended land use of the subject property as Low Density Residential. The proposed request for a duplex that has existed since 1952 is consistent with the Comprehensive Plan.
2. *Current conditions and the character of current structures and uses in each district* – The use of this property has been the same for over 70 years. It is surrounded by single family uses and at least one other duplex.
3. *The most desirable use for which the land in each district is adopted* – The most desirable use for the property is continuing its use as a two-unit residence.
4. *The conservation of property values throughout the jurisdiction* - The rezoning of this property should not be injurious to property values in the area since it has been a 2-family residence since 1952 without any incident.
5. *Responsible development and growth* – The proposed change to Multi-Family Residential is desirable given the historical use of the property and adjacent residential uses.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, POLK DIRECTORY FROM 1952 SHOWING 2 RESIDENTIAL UNITS, NON-CONFORMING LETTERS (1997 & 2006), LOCATION MAP



Aerial



P1. A view east from South Main Street



P2. A view south from East Tenth Street



P3. A view of the garage and driveway

DATE: November 12, 2025

Honorable Members of the Common Council
City of Mishawaka, Indiana and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

PER 25-21
Received
NOV 13 2025
Planning and
Community Development

RE: PETITION TO REZONE

The undersigned, Edward J Saucedo and Gwyneth Saucedo (H/W) respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lot Numbered 98 as shown on the plat of Gaylor's Second Plat recorded August 25, 1900 in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 8, page 4 EXCEPTING THEREFROM a tract of land 50 feet in length, North and South, taken off of and from the entire width of the South end of said Lot.

Common Address- 902 & 902 1/2 S. Main Street Mishawaka, IN 46544

Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 District. Said property is currently used as a duplex. Petitioners desire said real estate to be rezoned to District R-2.

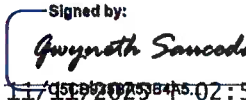
Petitioners further state that they intend to utilize said land for use as a duplex. Petitioners request rezoning in accordance with zoning code 159.262-Restoration of non-conforming structures, in order that the property equity may be utilized through obtaining a mortgage or sold to a buyer by manner of a mortgage.

Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signed by:

11/12/2025 17:14 PST

Edward J Saucedo

Signed by:

11/12/2025 02:53 EST

Gwyneth Saucedo

CONTACT PERSON:

NAME: Julie Circle
ADDRESS: 1900 Berry St. Ste H Elkhart, IN
PHONE NUMBER: 574-386-0055
FAX
EMAIL: myhomebrokerjulie@gmail.com

DATE: November 12, 2025
Honorable Members of the Common Council
City of Mishawaka, Indiana and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

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Common Address- 902 & 902 1/2 S. Main Street Mishawaka, IN 46544

We hereby grant permission to Julie Circle, Realtor with Keller Williams Realty Group, to act as our representative in this rezoning petition process.

Signed

Signed by:


Edward J Saucedo

11/10/2025 | 17:14 PST

Signed by:


Gwyneth Saucedo

11/11/2025 | 02:53 EST

CONTACT PERSON:

NAME: Julie Circle

ADDRESS: 1900 Berry St. Ste H Elkhart, IN

PHONE NUMBER: 574-386-0055

FAX

EMAIL: myhomebrokerjulie@gmail.com

DocuSigned by:


Julie Circle

11/10/2025 | 20:02 EST

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TRUCKS
PARTS**

Service

Mishawaka, Ind.

& CO.'S

32-B-5
ver bridge
's & Fur-

erber
hdw
plano

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1

Mrs @
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Mrs
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Council

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Mrs @

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931ASchroeder J Edw @ Broadway intersects
1002APozzi John P @
1003AMcKnight Hattie B Mrs @
1005Bradley Cranston R
AMuzzey Leo V
ASpery Lee F
1005½ACooley Robt B
1006ANichols Willis L @
1009AEbene Walter W @
1011ADavey Wm A @
Eaulkner Doyle
1012Alfke's Barber Shop
Parker Earl C
Belcher Gerald L
1014Albyacht Chas Gro
1015ABirk Norman T @
1018ASTayton Mabel L Mrs @
1021AStevens Julius A @ Eto
1022AGingrey Ardath @
Marion intersects
1101-07AClarke Geo C Metal Last Co Inc
1102AFire Dept Hose Co No 2
1112ADorth Slide Feed Store
GTWRR crosses 38
1204ADannell Anna E Mrs @
1208AEllis Margt A Mrs @
1210AMorris Forrest D
1212ADonnal Nellie Mrs @
1224AWhitto Carmon L @ Stanley begins

1301 City Cemetery
1302AHeighn Richd M @
1306ASwanson John P @
1314ABeecher Fred W @
1316APerry Minnie M Mrs @
1324ARobinson's Clites Service Sta filling bld
E Jefferson av intersects
1401AFairview Cemetery
1410AZielinski Ervin A
1412ADavis Raymond @
1414AHesh Walter G @
1415ALove Robt W
1416ALaudaw Donald E @ Watts Barnett Hambrick Robt
1416½Blacharski Walter E E Borley av begins E Donaldson av begins
1611AHillebrand Wm J @
1615 Johnson Carl E @
1616 Under construction
1618 Under construction
1622 Under construction
1625AKirk Tohs @
1627AJohnson J Arth @ E Edgar av begins
1701AJohnson Swau H @ rear AJohnson Printing Service
1702ABrown Quincy Jr @
1710AClarke John L @
1711AMartin Jay A @
1714ACallantine Wm I @
1718ANichols Wm H
1722 Termost Russell W
1726AFrank Henry J @ Lowell av begins
1808 Under construction
1812CAupaun Wm L @
1814ABarrett Wilbur F @
1815AGeyer Martha O Mrs @
1815½ Plechter Virgil
1816ARitter Carl @
1819AVanWiele Frank J @ E Omar av begins
1902AMiller Chas E @
1906ASHingledecker Owen D @
1914AErnsberger Richd A @
1925AMcLane Paul H @ auto repr Golfax av intersects
2005ACosta Edw G @
2006ABAughor Roy G @
2009ALivingston Alf @
2020 Vacant LaSalle av intersects
2101 Colpaert Camiel @
2102 No return
2109AClaeys Henry J @
2110AGeorge Peter J @

THOMAS L. KATOVSIKH

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MATERIALS PNEUMATICALLY APPLIED**

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Phone 7-4771

MISHAWAKA DIRECTORY OF HOUSEHOLDERS (1951-52)

MAIN N—Contd

3116♂ Scheibelhut Aloysius B ⑥
3120♂ Gilmartin John J ①
3128♂ Milliken Wm H ①
Russ av begins

3301♂ Ewald Gus ①
3304♂ Scheibelhut Robt J ②
3335♂ Brown Wm V ①
McKinley av intersects

3339♂ Kronick Doris M Mrs ②
3340♂ Long Louis H ②
3343♂ Hall Forrest G ②
3344♂ Shapler Harold J ②
3347♂ Acree Chas W ②
3348♂ Frye Elz Mrs ②
3353♂ Bucher Lloyd F ②
3356♂ Hans Hillis L ②
3357♂ Harringer Robt V ②
3391♂ Sells Lewis E ②
Guam av intersects

3403♂ Hirsch Chester D
3406♂ Fry Clippenger C ②
3407♂ Hay Allan L ②
3410♂ Clark Kenneth R ②
3411♂ Springer Chas E
3416♂ Wilson Geo F ②
3417♂ Whaley Harry E
3421♂ Johnson Jos ②
3422♂ Wilkinson Kenneth L ②
3425♂ Chicci Walter J ②
StLo av intersects

3503♂ Tuma Jas
3508♂ Whisnaut Joe E ②
3507♂ Sigsby Gene C ②
3510♂ Root Clyde S ②
3513♂ Rice Walker S ②
3516♂ Scaets Wm A ②
3519♂ Horvath Wm ②
3532♂ VanOrsdoll Eug G ②
Leyte av intersects

3603♂ Gour Phillias L ②
3604♂ Rice Frank D ②
3609♂ Beisfield Henry R ②
3610♂ Robinett Nebit O
3614♂ McCormack C Saml ②
3617 Vacant
3620♂ Teeter Paul E
3633♂ Keb Raymond A ②
Bastogne av intersects

3703♂ Fleck Clem ②
3704♂ Farr Evans C ②
3709♂ Pierce Irwin L ②
3710♂ Blair Jos L
3716♂ Jackson Millard F
3717♂ Kelly Ralph H ②
3724♂ Davis Jos L ②
3759♂ Cocanower Wm E ②
3782♂ Bechtold Erroll W ②
3783♂ Bickel Earl J ②
3786♂ Huppert Hugh F
3790♂ Thompson Edwin H ②
3793♂ Williams Stewart G ②
3797♂ Care Quentin R ②
Palau av intersects

3803♂ Gehring Chas F ②
3806♂ Jennings Harry C ②
3807♂ West Earl R ②
3810♂ Akring Wayne D ②
3811♂ Hawk Marvin L ②
3816♂ Flaherty Wm J ②
3817♂ Clinton Wilbert C ②
3821♂ Messina Victor J ②
3823♂ Ostrom Roy A ②
3825♂ Marshall Clifford ②
3893♂ Brothers Jas W ②
3907♂ Lashley Johnnie ②
3911♂ Schalliol Edgar R ②
Ardennes av intersects
City limits

32-B-1

MAIN S—From Lincoln way south
beyond city limits (base line
dividing east and west streets)

1014♂ Johnson Geo E lwyrr
① Household Finance Corp
② Plodowski Wm lwyrr
③ Michiana Eng Co bldgs
1074♂ Club Restaurant Inc
108 First Natl Bank Bldg
(For tenants see 101-03 Lin-
coln way E)

109♂ VanRie Edna M Mrs lwyrr

109½ Stark Realty Co real est
 ΔCavanaugh Geo V lwyrr
 ΔGoethals Geo H genl ins
 ΔVance Ralph J real est
 110ΔFirst Natl Bank of Mich
 personal loan dept
 ΔFirst Ins Agency Inc
 111-13ΔTwo By Four Lunch
 112ΔDavis J Robt dentist
 ΔBurelliff Sales mfrs agts
 ΔWalton E Spencer lwyrr
 113½ΔMishawaka Enterprise
 (weekly)
 ΔDoollittle Robt P real est
 ΔJernegan Ralph H lwyrr
 114ΔNorthern Indiana Public
 Service Co
 115-17ΔBeiger Furrn Co
 116ΔLemarr Beauty Shoppe
 116½ Major-Laing Bldg
 Rooms:
 201ΔSpelger G Fredk optom
 203-04ΔFlack Wm S dentist
 205-06ΔFollenberg Arth W dentist
 207-08ΔShoemaker W Albert
 dentist
 209-10ΔRoberts Newal J osteo
 211-12ΔMishawaka Credit Bureau
 Inc (collections)
 213ΔCurry Robt S lwyrr
 214-15ΔKintner Kenneth E optom
 Street continued
 118ΔRill Co The auto parts
 119ΔDill Photo Service photo
 fnshrs
 120 Melrose Confectionery
 121ΔKunkel's Music Shop
 123 Vacant
 124 First Natl Bank parking lot
 3d intersects
 201ΔGillman & Droyer
 202-06ΔMishawaka Hotel Corp
 Hotel Mishawaka
 ΔBucher Dolly W Mrs
 Michiana Kennel Club
 Kiwanis Club
 Rotary Club
 Lions Club
 lobbyΔWare Chas D barber
 ΔTrowski Mary beauty shop
 lobbyΔMishawaka Hotel Cocktail
 Bar tavern
 ΔMishawaka Chamber of Com-
 merce
 ΔMishawaka Junior Chamber
 of Commerce
 StJoseph Valley Broadcasting
 Station (br)
 WJVA Radio Station (br)
 ΔChicago Motor Club (Mish
 Br AAA)
 213ΔLaurette Beauty Shop
 ΔGirl Scouts of Am Mish
 Council Inc
 214ΔNu-Way Grocery
 214½ Moose Hall
 Loyal Order of Moose
 Mishawaka Lodge No 1262
 (LOOM)
 Women of the Moose No 98
 224ΔCity Auto Sales
 4th intersects
 302ΔBurns Standard Service
 311ΔMishawaka Transfer Co
 312ΔWhitt Heating Co furnaces
 313 Hopkins Hat Shop
 313½ Biggs Royal R
 314ΔWhitt Walter D Ⓢ
 317 Willard Harry L Ⓢ
 321ΔMarvin Wm D Ⓢ
 323ΔLowe Lumber Co bldg
 material
 ΔMishawaka Builders Inc
 ΔMishawaka Wholesalers Inc
 NYCCR crosses
 400ΔCattleman Coal Ice & Oil Co
 411ΔCook Bros Coal Co
 416 Sullivan Walter barber
 416 Lowe Lumber Co (shop)
 417ΔCannarecci John tavern
 Apartments
 1ΔKluh Mark
 3 Wegner Gerald H

34Fore Scott
44Heflie Walter
54DePoy Glen
64Perryman Frank W
Street continued
4224Johnston Auto Serv auto
1cpr
424 Alex Tho Frenchman Cln
6th Intersects
5012Paiffer Minnie Mrs
5024Dehmann I G A Food Store
5024Goff Jas W
5006High Maurile M Mrs beauty
shop
5064 Haecck Eliz G Mrs
5094Hunsberger Victoria A Mrs
5164Christina Edwin G
5184Burns Francis J
5204Garman Carrow G
521 Hardesty Richd
5214 Henigsmith Wm V
7th Intersects
601 First English Evan Luth Ch
6094Allen Wilbur E Rev
6114Swift & Co ice cream div
6134Dalley Ian M
6144Welsweaver Thos O
615 Engine Co No 3
6164 Young Moncer L
6184Geist John C
6204Bella Frank S used cars
8th Intersects
7014Wachs Orville L
7024South Side Pharmacy
7024 White Geo R
7044Marker Loren D gro
7044Austin Fred F
7054Moxel Leo Jr
7084Kelley Frank O
7094Hesch Harvey M
7134Beyer Arth H
7214Schreiber Albert R
7214DeRoos Jos A
7244Mishawaka Farmers Dairy Co
9th Intersects
8014Schalliol Chas D
8074Ellsasser Edw C
8114Martens Richd R
8114Miller Dale G
8144Palmer Benj H
8174Ruff Hattie L Mrs
8204Whybrev John E
8224Goeller Victor A
10th Intersects
9014Bokhart Ernest
9024Glass Herbert E
Goodman Raymond
9024Harringer Paul J
9084Smith Harry O
9084 Szerencse Emery S
9124Vida Steph
915 Urschel John
9194Wilder Elmer J
9204Kaminski Steph J
9224Kuhn Paul M
11th Intersects
10014Huys Bros Grocery
Huys Wm A
1006 Bullinck Fred A
10074Coll Russell L
10134Cackowski Vincent
1014 Golba John
10174Josefsberg Jos
1018 Balbo Louis
10314Lammens Camiel
10244Artusi Edw
12th Intersects
11014Evans Howard M
11044Erans Gro & Mkt
11054Wilken Wilbur C
11094Weinkauf Wilfred F
11134Giacomini Ugo
11184Veervoete Mary Mrs
11194Ransberger Vinnie Mrs
1224Baumgartner Frank J
1244VanDePutte Oscar
2014Breckevolt Constant
13th Intersects
2024Konick Harry
207 DeRuyter Rene
2084Andrzejewski Edw J
2114Fahn Chas W

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MISHAWAKA

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CITY OF MISHAWAKA

DEPARTMENT OF CITY PLANNING

ROBERT C. BEUTTER, MAYOR

J. Christopher Huff, AICP
City Planner

Jeffrey L. Rea
Assistant City Planner/ Zoning Administrator

13 February 1997

Byron Boyer
902 S. Main Street
Mishawaka, Indiana 46544

Re: 902 S. Main Street (Lot #98, Gaylor's Second Plat)

Dear Mr. Boyer;

The above referenced property is currently zoned R-1 Single Family Residential. The property is used as a two unit duplex house. Based on the Affidavit In Aid of Title, submitted to my office today which indicates continuous use as a two unit house since 1952, the property is classified as a legal nonconforming use. Therefore the property may continue to be used as a two unit house until such time as the house is vacant for six months or more, an act of God destroys the house, or if it is converted back to a single unit house. Should any of the above occur, then the house must be used as a single unit house in the future.

Should you have any further questions please do not hesitate to contact this office.

Sincerely,

DEPARTMENT OF CITY PLANNING


J. Christopher Huff, AICP
City Planner



City of Mishawaka

JEFFREY L. REA, MAYOR

DEPARTMENT OF CITY PLANNING

May 26, 2006

Mike Huszar
Mortgage Gallery
1101 Lincolnway West
Mishawaka, IN 46544

Re: 902 S. Main Street
Parcel No. 16-1147-5904

Dear Mr. Huszar:

The above referenced property is currently zoned R-1 Single Family Residential. The property is used as a two-unit duplex house.

Based on the Affidavit In Aid of Title, the property has continually been used as a two-unit house since 1952; therefore, it is classified as a legal nonconforming use. The property may continue to be used as a two-unit house until such time as the house is vacant for six months or more, an act of God destroys the house, or if it is converted back to a single unit house. Should any of the above occur, then the house must be used as a single unit house.

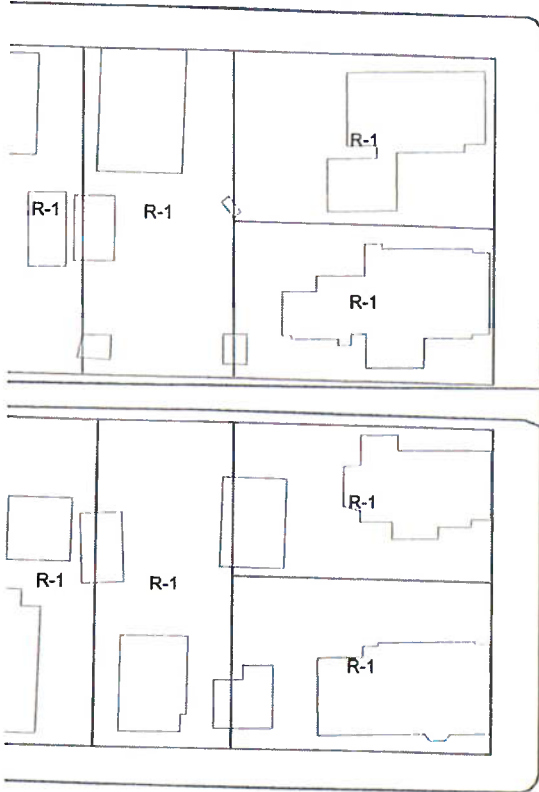
If you have any questions or comments, please don't hesitate to contact our office.

Sincerely,

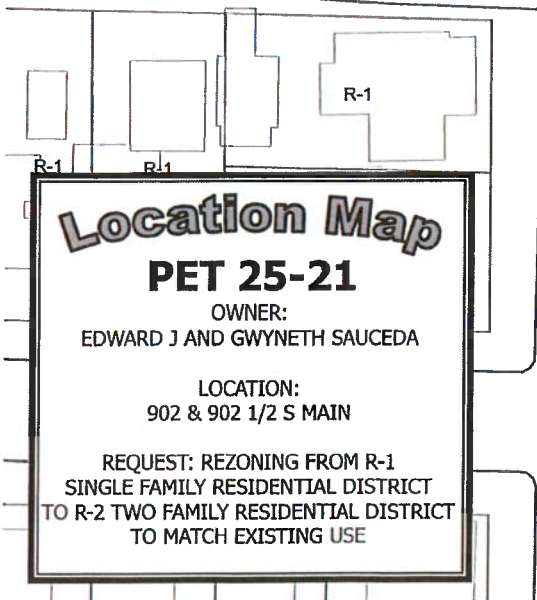
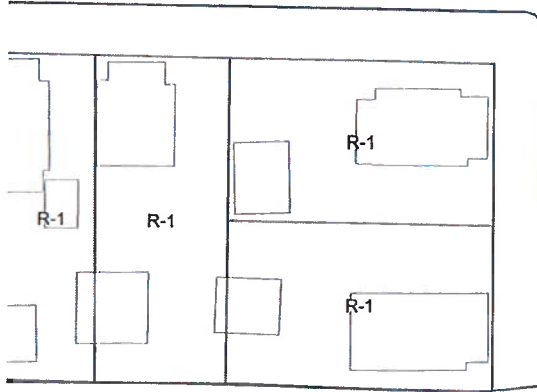
A handwritten signature in cursive script, reading "Linda Feldmaier".

Linda Feldmaier
Planning Department

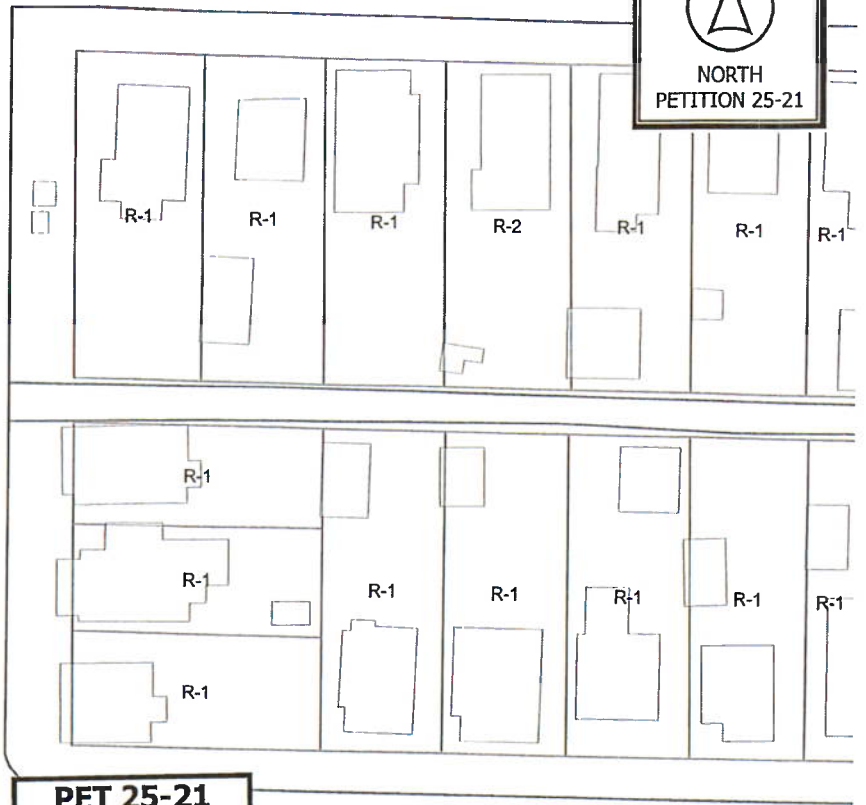
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W TENTH ST

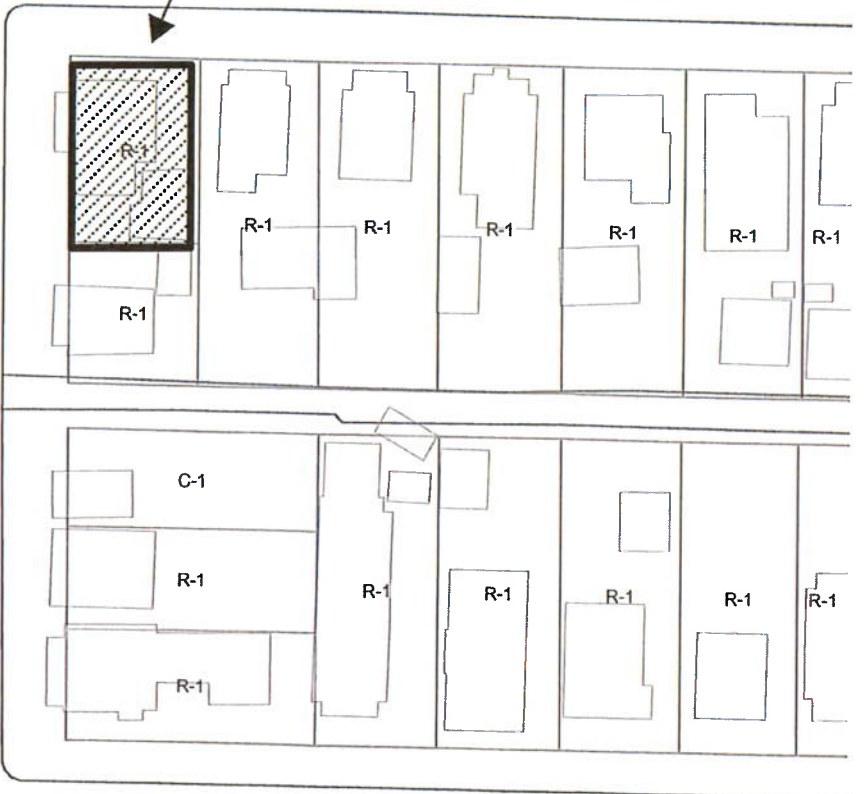


E NINTH ST

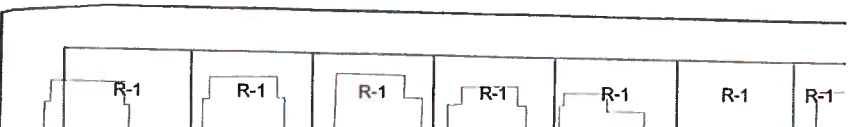


PET 25-21

E TENTH ST



E ELEVENTH ST



S MAIN ST

DEC 11 2025

City Clerk
Mishawaka, IN

PETITION 25-22

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-47

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described:

2106 N Byrkit

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:

West 230' of the South half of Lot 49 of Schindler's Proposed Sec 11 37N 3E commonly known as 2106 N Byrkit.

which real estate is now classified as C-4 Auto Oriented Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a preferred land use of the subject property as low density residential. The property and neighboring area south of McKinley is primarily residential. The proposed request is consistent with the existing and planned use in this area.
2. Current conditions and the character of current structures and uses in each district – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses include R-1 Single Family, C-4 Automobile Oriented (are single family homes) and S-2 Planned Unit Development (recently rezoned for Habitat for Humanity to include multiple housing types).
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Single Family Residential. The home was built in the 1930's and has always been a single family residence.

Proposed Ordinance No: _____

Ordinance No: _____

4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.
5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2025, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2025, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2025, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 1825 East Twelfth Street

Date: December 9, 2025

Petition: 25 23

Prepared By: SA

GENERAL INFORMATION

Applicant: D. A. Dodd LLC / Abonmarche Consultants Inc.

Status: Property Owner / Engineer & Surveyor

Request: Rezone from C-1 General Commercial to I-1 Light Industrial District

Zoning Classification: C-1 General Commercial

Lot Size: 8.43 acres

Applicable Regulations: Sec. 137-585 thru 137-587 Light Industrial I-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial (Liquor Store and vacant building)
South: R-4 Manufactured Home Residential (Village Green)
East: Unincorporated St. Joseph County (vacant)
West: I-1 Light Industrial (Self-Lock Storage) & R-4 Manufactured Home Residential (Village Green)

Thoroughfare: East Twelfth Street & Commonwealth Drive

Council District: 2

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: General Commercial & Manufactured Home, Residential

ANALYSIS

The Petitioner is requesting to rezone 1825 East Twelfth Street (027-1001-024503), including parcels 027-1001-0244 and 027-1028-047526, from C-1 General Commercial to I-1 Light Industrial District. The property is located near the corner of East Twelfth Street and Commonwealth Drive. The area is predominantly I-1 Light Industrial, C-1 General Commercial, and R-4 Manufactured Home Residential (Village Green).

D.A. Dodd currently operates a service team out of 1825 East Twelfth Street (OJS building). They also own the property to the east of the building and are planning the construction of a manufacturing facility on the property. The parcels need to be rezoned because the current commercial zoning does not permit a

manufacturing facility. The new building will include roughly 40,000 square feet of shop space and 10,000 square feet for an office. Following the rezoning from C-1 to I-1, they will need to submit for a Replat to tie the three existing parcels together and dedicate any require easements. A final site plan for the proposed building and other improvements will also need to be submitted and approved by the Plan Commission.

As a result of the rezoning to the I-1 district, a 7' high opaque fence and 10' wide area planted with a solid row of 7' high evergreens are required along the entire south and west property lines where adjacent to residential zoned property. The Planning staff will support a variance to allow no fence, if desired, but evergreens shall be planted along these property lines where no existing vegetation is present. The wooded area in the southeast and northeast corners of the property shall be maintained.

The Electric Department will need to discuss electric needs with the contractor prior to construction.

All other pertinent City Departments have reviewed and approved the request without comment.

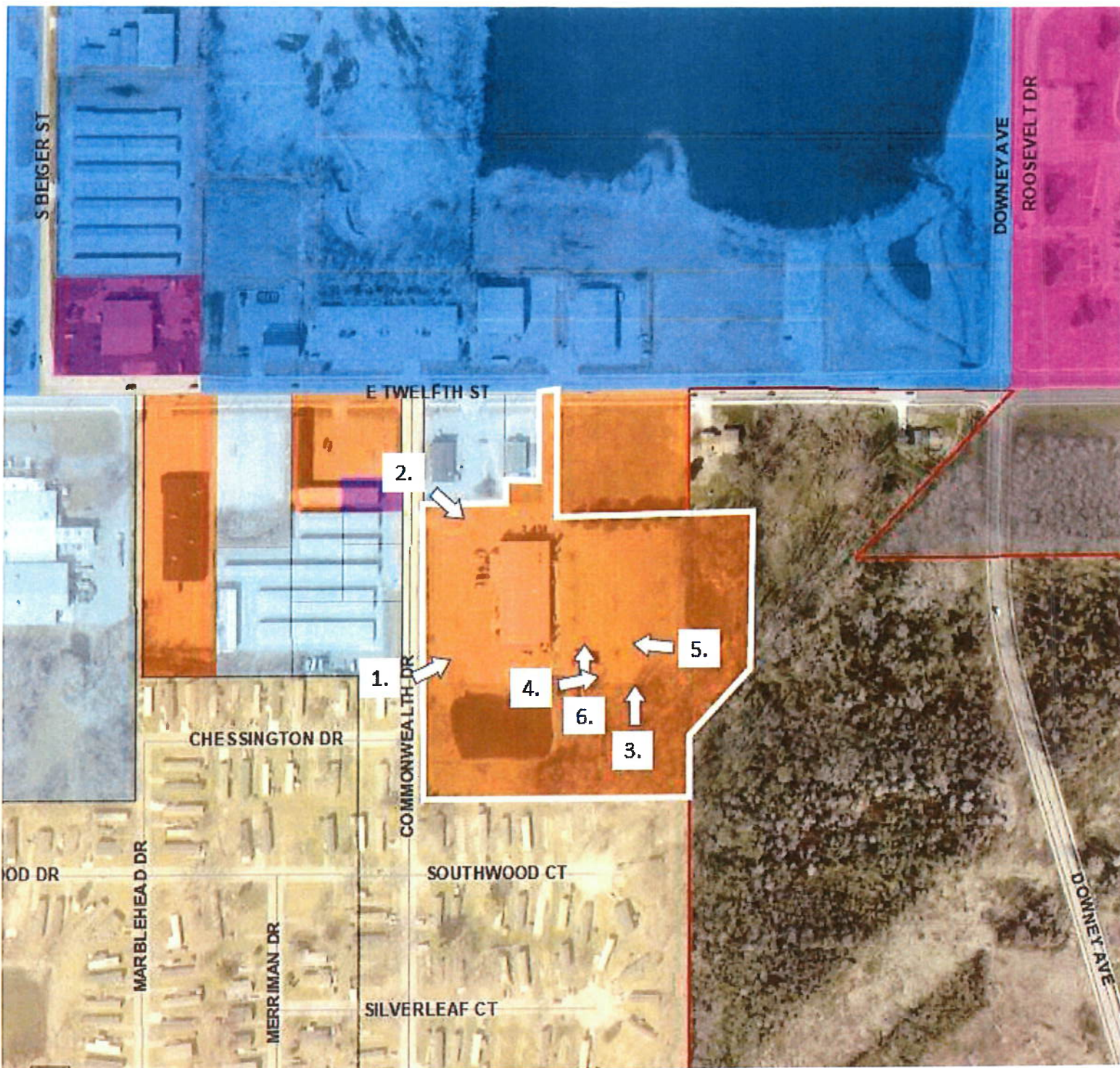
RECOMMENDATION

The Planning Department recommends **approval** of Petition #25-23 to rezone 1825 East Twelfth Street (027-1001-024503), including parcels 027-1001-0244 and 027-1028-047526, from C-1 General Commercial to I-1 Light Industrial District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a preferred land use of the subject property as Commercial or Manufactured Home Residential due to the proximity of the Village Green mobile home park. The existing building was constructed in 1993 and occupied by the Mishawaka FOP until the mid 2010's.
2. Current conditions and the character of current structures and uses in each district – The proposed I-1 Light Industrial is consistent with the properties in this area. Adjacent land uses include C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Light Industrial because of the existing use, proposed expansion, and the adjacent industrial zoned properties.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the I-1 Light Industrial classification should not affect the adjacent property values since industrial zoned and occupied properties are located nearby.
5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



1. Northeast facing from Commonwealth Drive



2. Southeast facing from the neighboring parking lot



3. North facing from the rear parking lot



4. East facing from the rear parking lot



5. West facing from the rear parking lot



6. North facing from the rear parking lot

PETITION 25-23

Deborah S. Block, IAC, MMC

CITY OF MISHAWAKA, INDIANA

DEC 10 2025

PROPOSED ORDINANCE NO. 2025-48

City Clerk
Mishawaka, IN

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described:

1825 E 12th Street

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:

Parcel 1:

Part of the North 1/2 of Section 23, Township 37 North, Range 3 East, Mishawaka, Indiana, described as follows: Commencing at the Northwest corner of Section 23, Township 37 North, Range 3 East, Mishawaka, Indiana; thence North 90°00'00" East (bearing assumed) on the North line of said Section 23, a distance of 2,744.30 feet; thence South 00°18'30" West parallel to the West line of said Section 23, a distance of 220.00 feet to the point of beginning; thence North 90°00'00" East parallel to the North line of said Section 23, a distance of 158.00 feet; thence North 00°18'30" East parallel to the West line of said Section 23, a distance of 45.00 feet; thence North 90°00'00" East parallel to the North line of said Section 23, a distance of 70.00 feet; thence North 00°18'30" East parallel to the West line of said Section 23, a distance of 175.00 feet to the North line of said Section 23; thence North 90°00'00" East on said North line, a distance of 40.00 feet; thence South 00°18'30" West parallel to the West line of Section 23, a distance of 812.69 feet; thence South 90°00'00" West parallel to the North line of said Section 23, a distance of 268.00 feet; thence North 00°18'30" East parallel to the West line of said Section 23, a distance of 592.69 feet to the point of beginning.

Less and except:

Part of the North Half of Section 23, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

Commencing at the Northwest corner of Section 23, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana; thence North 90°00'00" East (assumed bearing) on the North line of said Section 23, a distance of 2744.30 feet; thence South 00°18'30" West parallel to the West line of said Section 23, a distance of 220.00 feet; thence North 90°00'00" East parallel to the North line of said Section 23, a distance of 158.00 feet to the point of beginning; thence North 00°18'30" East parallel to the West line of said Section 23, a distance of 45.00 feet; thence North 90°00'00" East parallel to the North line of

Proposed Ordinance No: _____

Ordinance No: _____

said Section 23, a distance of 70.00 feet; thence South 00°18'30" West parallel to the West line of said Section 23, a distance of 45.00 feet; thence South 90°00'00" West parallel to the North line of said Section 23, a distance of 70.00 feet to the point of beginning.

Less and except:

Part of the North Half of Section 23, Township 37 North, Range 3 East of the Second Principal Meridian, St. Joseph County, Indiana described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 23, thence North 89 degrees 46 minutes 50 seconds East a distance of 358.88 feet, along the north line of said Quarter Section to the northwest corner of the grantor's land; thence continue North 89 degrees 46 minutes 50 seconds East 40.00 feet to a point lying 3012.3 feet east of the northwest corner of said Section 23, said point being the northeast corner of the granter; thence South 00 degrees 05 minutes 19 seconds West 40.00 feet along the granter's east line; thence South 89 degrees 46 minutes 50 seconds West 40.00 feet to the grantors' west line; thence North 00 degrees 05 minutes 13 seconds East 40.00 feet along the granter's west line to the point of beginning, containing 0.037 acres, more or less inclusive of the presently existing right of way which contains 0.013 acres more or less.

Parcel 2:

Part of the West 1 /2 of the Northeast 1 /4 of Section 23, Town ship 37 North, Range 3 East, Penn Town ship, St. Joseph County, Indiana, described as follows:

Commencing at the Northeast corner of Section 23, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana; thence South 90 degrees 00 minutes 00 seconds West (bearing assumed) on the North line of said Section 23, a distance of 1834.71 feet; thence South 00 degrees 20 minutes 00 seconds West parallel to the center line of Capital Avenue (as said center line existed on June 27, 1945), a distance of 250.00 feet to the point of beginning; thence continuing South 00 degrees 20 minutes 00 seconds West parallel to the aforementioned center line of Capital Avenue, a distance of 292.17 feet to the center line of Laing Ditch; thence South 44 degrees 44 minutes 33 seconds West on said center line of Laing Ditch, a distance of 172.00 feet to a point on a line parallel to and 1954.71 feet West of the aforementioned center line of Capital Avenue and 664.70 feet South of the North line of said Section 23; thence South 00 degrees 20 minutes 00 seconds West parallel to the aforementioned center line of Capital Avenue, a distance of 147.99 feet to a line that is parallel to and 812.69 feet South of the North line of said Section 23; thence South 90 degrees 00 minutes 00 seconds West parallel to the North line of Section 23 a distance of 261.05 feet to a point on a line that is parallel to and 3012.3 feet East of the West line of said Section 23; thence North 00 degrees 18 minutes 30 seconds East parallel to the West line of said Section 23, a distance of 562.69 feet; thence North 90 degrees 00 minutes 00 seconds East parallel to the North line of said Section 23, a distance of 381.30 feet to the point of beginning.

State ids: 71-09-23-201-008.000-022, 71-09-23-201-009.000-022, 71-09-23-201-010.000-022

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as I-1 Light Industrial District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

Proposed Ordinance No: _____

Ordinance No: _____

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a preferred land use of the subject property as Commercial or Manufactured Home Residential due to the proximity of the Village Green mobile home park. The existing building was constructed in 1993 and occupied by the Mishawaka FOP until the mid 2010's.
2. Current conditions and the character of current structures and uses in each district – The proposed I-1 Light Industrial is consistent with the properties in this area. Adjacent land uses include C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Light Industrial because of the existing use, proposed expansion, and the adjacent industrial zoned properties.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the I-1 Light Industrial classification should not affect the adjacent property values since industrial zoned and occupied properties are located nearby.
5. Responsible development and growth - The proposed change is desirable given the existing uses in the area

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2025, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2025, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2025, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 2106 N Byrkit

Date: December 9, 2025

Petition: 25 22

Prepared By: DMW

GENERAL INFORMATION

Applicant: Aldor Investments LLC / Joseph Franks

Status: Property Owner / Contingent Purchaser

Request: Rezone from C-4 Automobile Oriented Commercial District to R-1 Single Family Residential District

Zoning Classification: C-4 Automobile Oriented Commercial District

Lot Size: 0.26 acres

Applicable Regulations: Sec. 137-164 thru 137-166 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial (Single Family Home)
South: R-1 Single Family Residential
East: R-1 Single Family Residential
West: S-2 Planned Unit Development (Habitat for Humanity - Mixed housing development)

Thoroughfare: N Byrkit Avenue

Council District: 5

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 2106 N Byrkit from C-4 Automobile Oriented District to R-1 Single Family Residential District. The property is located on the east side of N Byrkit just north of E Lasalle Avenue and south of E McKinley Avenue. The area is mixed with zoning of R-1 Single Family Residential and C-4 Automobile Oriented District.

The properties to the north of 2106 N Byrkit are zoned C-4 Automobile Oriented District, but occupied by single family homes, with the exception of 2120 N Byrkit which is zoned R-1 Single Family Residential.

The property is being sold as a single family home and the contingent purchaser would like to have the zoning match for financing purposes. The property has always been a single family home like neighboring properties.

The house at 2102 N Byrkit was rezoned from C-4 Automobile Oriented to R-1 Single Family Residential in 2015. Additionally, 2120 N Byrkit and 1624 E LaSalle was rezoned to R-1 Single Family in 2005 and 1995 respectively.

Pertinent City Departments have reviewed and approved the request.

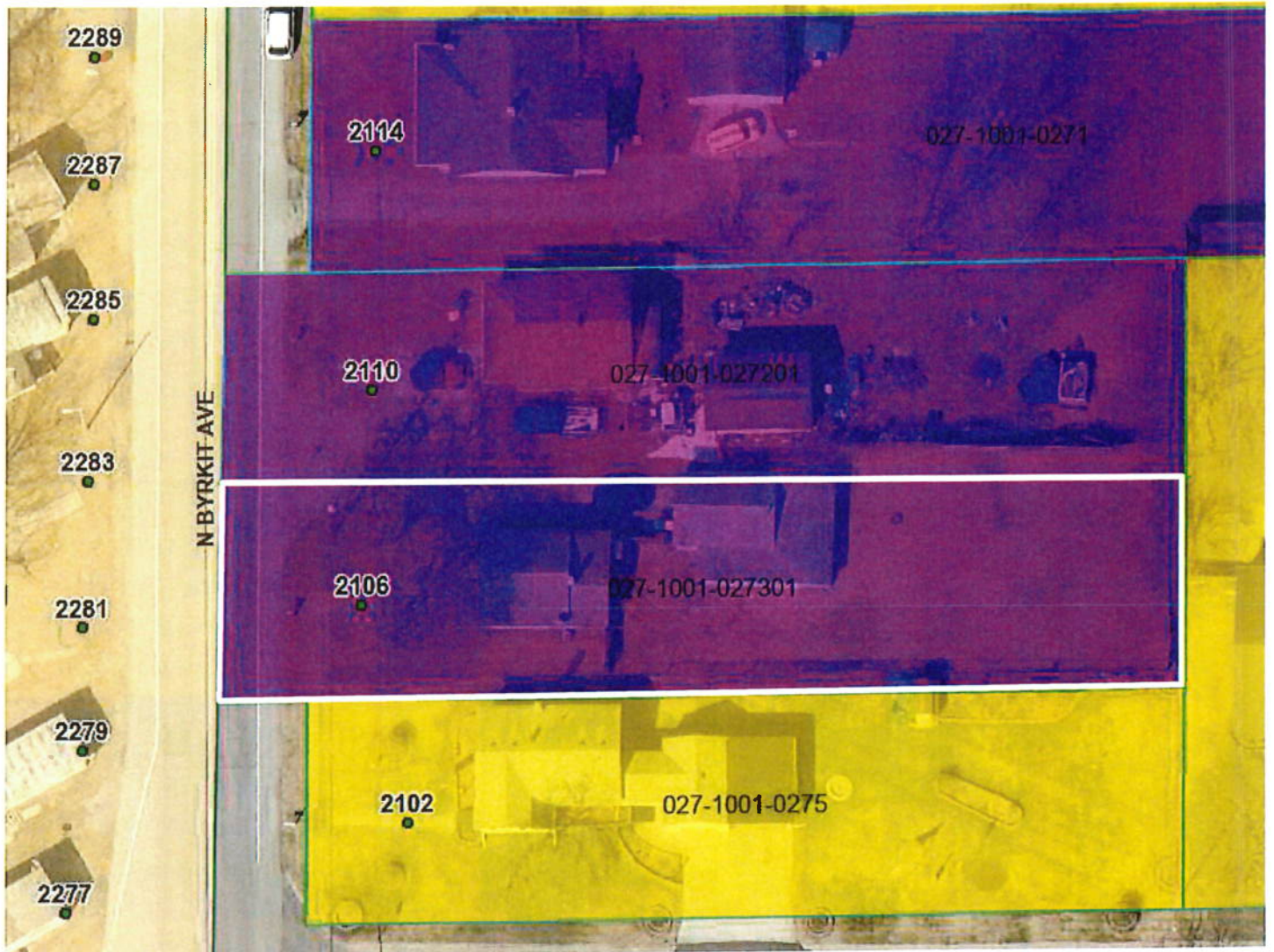
RECOMMENDATION

The Planning Department recommends **approval** of Petition #25-22 to rezone 2106 N Byrkit from C-4 Automobile Oriented District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a preferred land use of the subject property as low density residential. The property and neighboring area south of McKinley is primarily residential. The proposed request is consistent with the existing and planned use in this area.
2. Current conditions and the character of current structures and uses in each district – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses include R-1 Single Family, C-4 Automobile Oriented (are single family homes) and S-2 Planned Unit Development (recently rezoned for Habitat for Humanity to include multiple housing types).
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Single Family Residential. The home was built in the 1930's and has always been a single family residence.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.
5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



Easterly view from N Byrkit



Southeasterly view from N Byrkit

This is NOT a fill-in form. It is to be used merely as a GUIDE in preparing your petition.

DATE:

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Pet 25-22
Received
NOV 18 2025
Planning and
Community Development

RE: PETITION TO REZONE

The undersigned Aldor Investments LLC respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

The west 230' of the South half of Lot 49
of Schindler's Proposed Section 37N 3E
Commonly Known as 2106 N Byrkit

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-4 District. Said property is (single family home).

Petitioner(s) desire said real estate to be rezoned to R-1 District. Petitioner(s) further state that they intend to utilize said land for (single family home).

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)



Typewritten name also

Allen Miller

Signature(s) of Property Owner(s)

Typewritten name also

CONTACT PERSON:

NAME Joseph Franks

ADDRESS 33800 Whitesell Drive, South Bend, IN 46628

PHONE NUMBER 574-404-4987

FAX

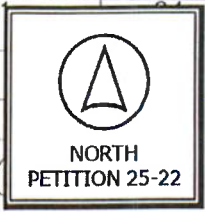
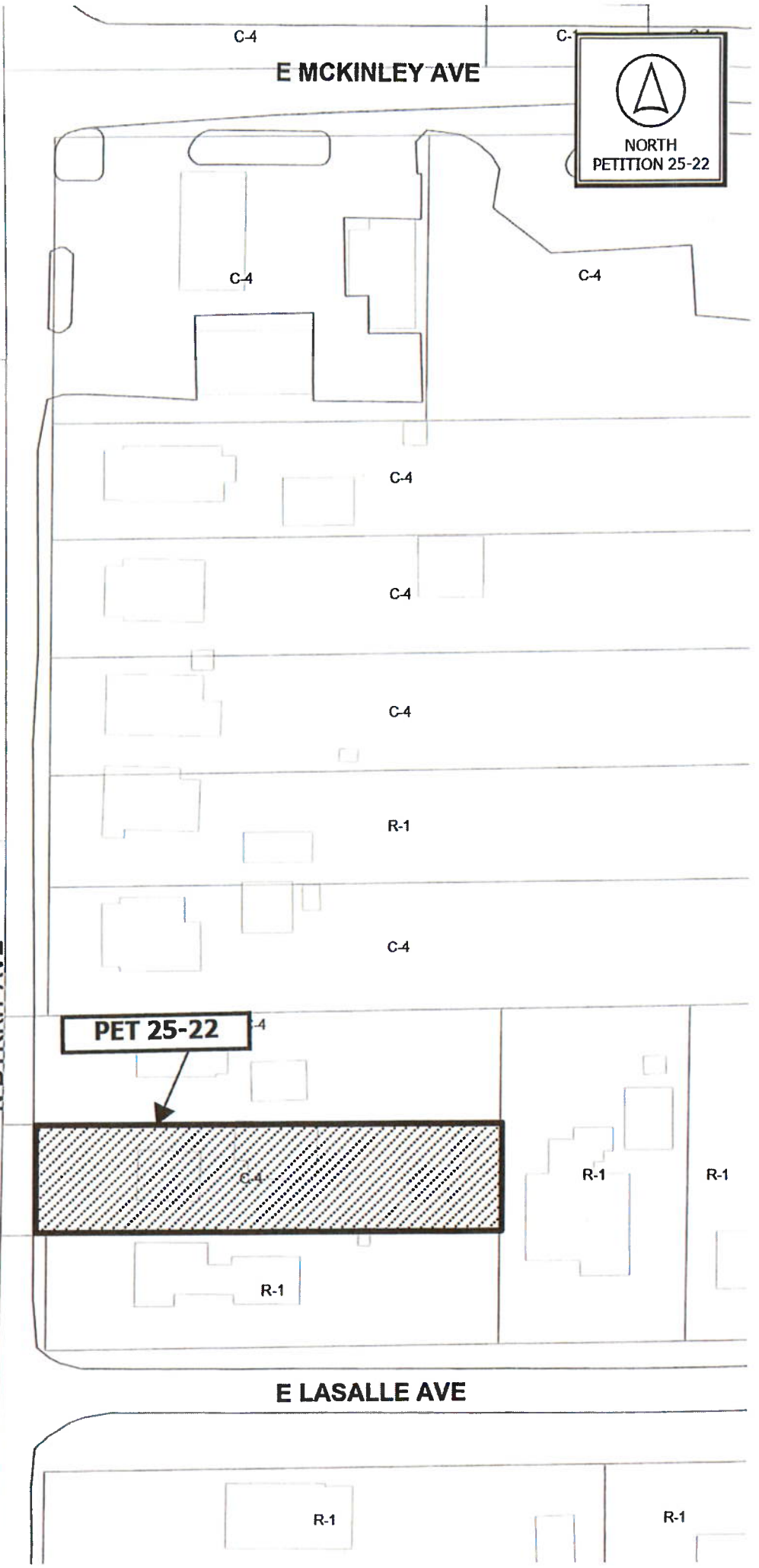
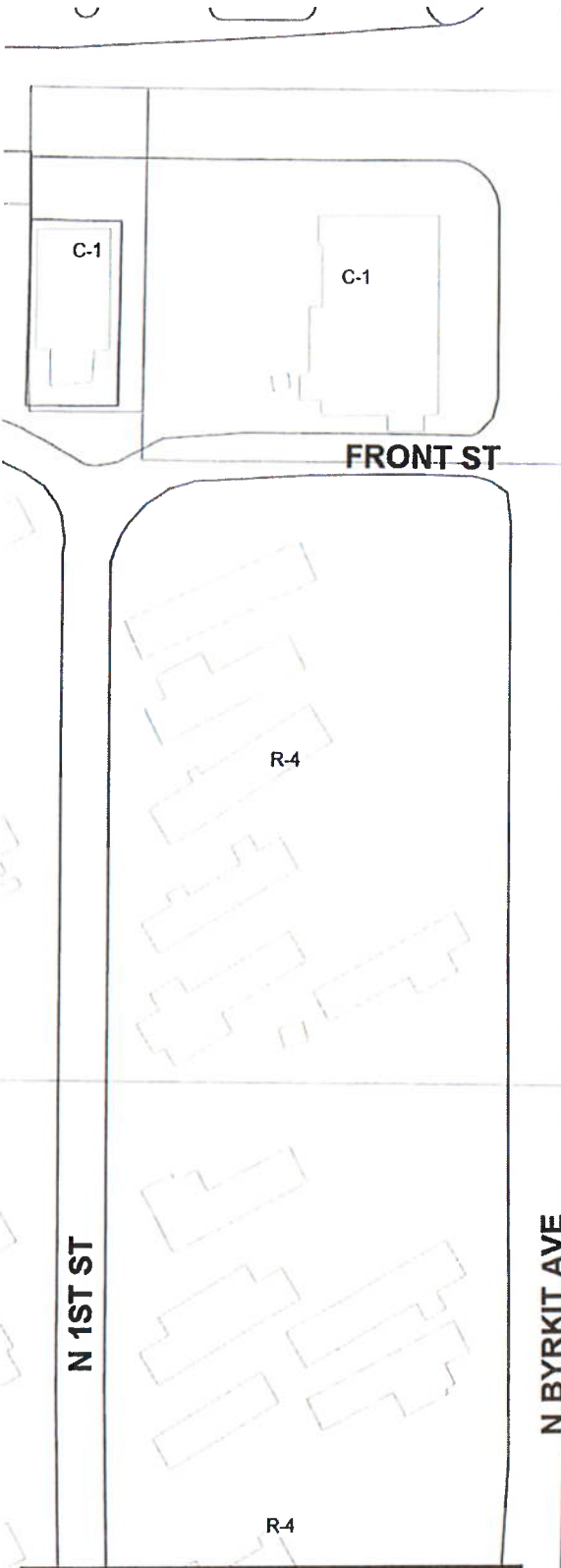
EMAIL theredhood576@gmail.com

I, Allen Miller, with Aldor Investments LLC, authorize Joseph Franks to represent me in the issue of rezoning the property at 2106 N Byrkit Avenue Mishawaka IN 46545.

A handwritten signature in blue ink, appearing to read "Allen Miller", with a long, sweeping horizontal stroke extending to the right.

Allen Miller

11/17/25



Location Map

PET 25-22

ALDOR INVESTMENTS LLC (OWNER)/
JOSEPH FRANKS (CONTINGENT PURCHASER)

LOCATION:
2106 N BYRKIT

REQUEST: REZONING FROM C-4 AUTOMOBILE
ORIENTED COMMERCIAL TO R-1
SINGLE FAMILY RESIDENTIAL DISTRICT
TO MATCH EXISTING USE

PROPOSED ORDINANCE NO. 2025-49

ORDINANCE NO. _____

HPC # 25-02

**AN ORDINANCE TO ESTABLISH 120 NORTH RACE STREET
AS A LOCAL HISTORIC LANDMARK
WITHIN THE CITY OF MISHAWAKA, INDIANA.**

WHEREAS, Chapter 125 of the Municipal Code provides for the establishment of Historic Districts within the City of Mishawaka, and

WHEREAS, the owner of 120 N. Race Street, Cody and Kathrine Rans, wish to preserve and protect the VanDinter-Rans Home by establishing it as a Local Historic Landmark, and

WHEREAS, the Historic Preservation Commission held a public hearing on December 2, 2025 for the purpose of allowing discussion and public comment on the proposed designation of 120 N. Race Street as a Local Historic Landmark, and

WHEREAS, a Staff report, application, supporting documentation, Preservation Guidelines and Location Map are attached.

WHEREAS, the Commission voted to forward the request to the Common Council with a favorable recommendation.

SECTION 1: The property is commonly described as 120 N. Race Street, and is legally described as follows:

Thirty six (36) feet on the north side by seven (7) rods on the west end of Lot 8, Race Street, in the Original Plat of St Joesph Iron Works, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Tax Key Number: 016-1012-0496

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, COUNTY OF ST. JOSEPH, STATE OF INDIANA, THAT the above reference property be designated as the VanDinter-Rans House, a Local Historic Landmark.

This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2026, at _____ o'clock p.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, CMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2026, at _____ o'clock, _____.m.

Deborah S. Block, IAMCA, CMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at _____ o'clock _____ .m.

David A. Wood, Mayor



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

Deborah S. Block, AMC, MMC

DEC 03 2025

City Clerk
Mishawaka, IN

December 3, 2025

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Historic Preservation Commission Recommendation
December 2, 2025 Public Hearing
Certification of Proposed Ordinance

Honorable Members:

A regular meeting of the Historic Preservation Commission was held on the above referenced date at which time the following Ordinance was considered:

HPC #25-02 A proposed ordinance submitted by Cody and Kathrine Rans to establish 120 N Race Mishawaka Indiana, as a Local Historic Landmark. The property is legally described as: 36 feet on the north side by 7 rods on the west end of Lot 8, Race Street, in the Original Plat of St Joesph Iron Works, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

The Commission recommended approval.

Pursuant to I.C. 36-7-11 the Historic Preservation Commission hereby certifies to the Mishawaka Common Council the attached proposed Ordinance regarding the above matter.

Sincerely,

Christa Hill
Secretary, Historic Preservation Commission

enc

TOMORROW LIVES IN THE LIGHT OF OUR PAST

CITY OF MISHAWAKA HISTORIC PRESERVATION COMMISSION

Staff Report for 120 N. Race Street Designation as a Local Landmark City of Mishawaka, Indiana



Photo provided by owner

- Name of Landmark:** VanDinter-Rans House
- Location of Landmark:** 120 N. Race Street
- Legal Description:** The property is legally described as 36 feet on the north side by 7 rods on the west end of Lot 8, Race Street, in the Original Plat of St Joesph Iron Works, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.
- Property Owner:** Cody and Kathrine Rans
- Guidelines of the District**
Attached as Exhibit C.
- Map of the District.**
Attached as an appendix in Exhibit D.

CITY OF MISHAWAKA HISTORIC PRESERVATION COMMISSION

Reasons for Historic District Designation:

Criteria 1 "good example of major architectural styles"

The 1995 Indiana Historic Sites and Structures Inventory identified the house at 120 N. Race Street as Notable in the Beiger Historic District, which runs from Race Street on the west to Cedar Street on the east, the River on the north to Third Street on the south. Architecture identified as a bungalow with a built date circa 1920. Tax records and the homeowner's research confirm this date.

It sits on the east side of Race Street, north of Lincolnway East and south of First Street. All eight houses on in this block were included in the 1995 Sites and Structures Survey, with 120 being the only Notable rating. The four northern houses were demolished in 2008.

The two-story home is wood built on a brick foundation with a covered brick front porch. Some of the architectural elements include the gable roof and central dormer with three double hung windows. The garage, also built in 1920, sits on the back of the lot and has no connection to the driveway.

At some point, the upstairs was converted into 3 apartments, however, it has been returned to a single-family home.

Criteria 2: Structures and survey areas associated with individuals or social groups of historical importance.

Ownership:

1925: William Ackerman (earliest ownership documented in Polk Directory)

1930-1938: George VanDinter

1944: Emerald Callander

1950: Clyde and Lois Cone

1955: Thomas Loughlin

1962: Charles and Mildred Maze

1977: Robert and Lillie Sheehan

2004: Cody and Kati Rans

George VanDinter, who lived in the house from 1930-1938, was the son of Louis VanDinter, an organ maker whose work appears at St. Joseph Church and First Presbyterian Church. George was employed at the VanDinter factory, located at 213 South Spring Street. VanDinter Organs had a reputation as "some of the largest organs in the West" and "are ranked with the largest and best instruments on the United States".

CITY OF MISHAWAKA HISTORIC PRESERVATION COMMISSION

Recommendation

The staff recommends in favor of creating a Local Landmark at 120 N. Race Street based on the following reasons:

1. ***Architecture/Design*** – Rated as Notable in the 1995 Historic Sites and Structures Survey, only half of the original houses on that block remain. From being converted to 3 second floor apartments, the house was returned to its original use as a single-family home.
2. ***People*** – The VanDinter family made pipe organs for churches, not just locally, but as far as Detroit and Louisville and were highly regarded in the industry.



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

HISTORIC DISTRICT/LANDMARK NOMINATION APPLICATION

Received
OCT 21 2025
Planning and
Community Development

An application for nomination of a historic landmark may only be submitted by the owner of record of the nominated site. Applications and supporting documentation should be provided to: Mishawaka Department of Planning and Community Development, 100 Lincolnway West, Mishawaka IN 46544 (574)258-1625.

APPLICANT/OWNER OF RECORD

Name(s): Cody & Kati Rans

Address: 120 N. Race St.

Mishawaka, IN 46544

Signature of Owner: [Signature]

Street Address of Property, if different from above: _____

The legal description of the property (from deed):

36'N Side 7 Rds W End Lot 8 Race St OP St. Joseph Ironworks

Please provide a written statement describing the structure, building, site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected.

Cite the specific criteria (there may be more than one) under which you are seeking historic designation (see list a attached). Attach additional information if necessary.

Provide the following information:

- Written documentation and evidence establishing that the Applicant is the current owner of record of the nominated property and consents to the proposed historic designation. Such documentation or evidence of record ownership shall include the most recent available title policy in the name of the Applicant or other evidence of record ownership acceptable to the City Planner.
- An overall site plan and front, side and rear photographs of the property. Restoration methods, material samples, etc., if applicable.
- Such other relevant information as requested by the Planning Department or the Commission.
- A list of all property owner of record within 300 feet of the subject property, provided by Planning Staff (574) 258-1625.
- Business size (4 1/2" by 9 1/2"), stamped envelopes addressed to all property owners on the list from the Auditor's office. Do NOT put your return address on the envelopes. If using a stamp meter, do not date.



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

MISHAWAKA HISTORICAL MARKER PROGRAM

Application Form

This application form must be filled out completely.
Attach documentation and supporting information as required.
Please type or print clearly.
Return Application by September 30 to: Christa Hill, Secretary

1. Proposed Title of Marker: VanDinter - Rans House

2. Address: 120 N. Race St. Mishawaka, IN 46544

3. The Marker Will Commemorate (Please check all that are appropriate:)

☒ Person	☐ Event
☒ Historic Property or District	☐ Organization
☐ Graveyard or Archaeological Site	☐ Other

4. Submission Material Included:

☒ Statement of Significance	☒ Secondary Source Material
☒ Suggested Marker Title	☒ Digital Images at Location
☒ Primary Source Material	☒ Map (with proposed marker location)

5. Applicant Information

Applicant's Name (Individual/Organization): Cody + Kari Rans

Mailing Address: 120 N. Race St

City: Mishawaka State: IN Zipcode: 46544

Telephone (including area code): (574) 952-1606 (574) 806-2136

Email: Cody.Rans@gmail.com

SIGNATURE: [Signature] DATE: 8/18/11

6. Property Owner

Applicant's Name (Individual/Organization): Same as above

Mailing Address: _____

City: _____ State: _____ Zipcode: _____

Telephone (including area code): _____

Email: _____

SIGNATURE: _____ DATE: _____

Preservation Objective

The subject structure, exterior features of the site, and architectural and historic character shall be preserved as a significant resource of Mishawaka and St. Joseph County according to the standards set forth. The VanDinter home is identified and designed as a single site in the Mishawaka Historic Preservation District.

Exhibit A

Description

The VanDinter Home was constructed in 1920. The Craftsman style home is located at 120 North Race Street which is part of Mishawaka's historic downtown core, an area that has undergone significant revitalization efforts in recent years. The two-story home is wood built on a brick foundation.

The VanDinter Home is a two-story structure with a porch on the front of the home. The primary facade and main entrance of the home faces North Race Street and is located near the southeast corner of North Race Street and First Street. The beautiful brick front porch and large windows on the first floor provide ample natural light for the interior. The second floor has regularly spaced windows. The entrance is offset to the North on the Race Street side of the building.

The home today includes an entrance into the main living space which includes a staircase that immediately leads to the second floor and living room. The dining room is adjacent to the living room. A study and first floor half bath are adjacent to the dining room. At the back of the first floor, you'll find the kitchen and stairway leading to the basement. Today, you will find an updated basement with a family room, large bathroom, large laundry/workout room, and storage room. Located on the second floor, find a master bedroom, 2 separate bedrooms, and 1 master bath. The details of each room go beyond the furnishings such as crown molding, and chandeliers.

Exhibit B

History

The VanDinter Home was constructed in 1920. The Craftsman style home is located at 120 North Race Street. The two-story home is wood built on a brick foundation with a brick front porch. George VanDinter, one of Louis VanDinter's sons, lived in the home between 1930 to at least 1938, verified from the Polk City Directories located at the Mishawaka Penn Harris Library.

According to Peter J. DeKever's book, *Lost Mishawaka*, and the Mishawaka History Museum,

the VanDinters were one of three families that were organ builders in Weert, the Netherlands in the 1700 to 1800s, along with the Beerens and the Vermeulens. The Vermeulens were the pioneers building their first organ in 1730. Louis Vandinter's great-great grandmother married Petrus Vermeulen married Petrus Vermeulen, merging the 2 families. Louis's mother, a Vermeulen, wed Mathieu in 1850.

Mathieu's Father, Petrus Franciscus, was the first VanDinter to build organs. Petrus was a nobleman with the title Baron Peter VanDinter and owned a castle, DeMunt, in Tegelen, Limburg. However, he lost his entire fortune when the State Bank of Austria went bankrupt in 1811. Louis' grandfather Petrus first started organ building due to this financial disaster. Louis' father, Mathieu, learned organ building from his father Petrus and Louis' maternal grandfather, Lambertus Vermeulen, whom Mathieu began working for in Weert around 1844. Louis was thus the beneficiary of the 2 families' organ building traditions.

Louis immigrated to the United States in 1870 to Detroit. The first VanDinter pipe organ appears in April 1875 at the First Baptist Church of Detroit. In 1884, Louis VanDinter installed 2 organs in Mishawaka: one for St. Joseph Church and the other for the First Presbyterian Church. According to the reference used in the book *Lost Mishawaka*, Louis "had already been favorably impressed with the community" of Mishawaka and decided to relocate here.

Louis partnered with August J. Erb to open "The Erb & Van Dinter Organ and Altar Factory in 1886 at 213 South Spring Street in Mishawaka. By 1893, the factory was called The Van Dinter Pipe Organ Factory and was only 1 of 3 pipe organ factories in Indiana. Van Dinter was held in high esteem in his profession and had constructed "some of the largest organs in the West."

The First Baptist Church pipe organ was originally intended for the new home of Martin Beiger, the president of Mishawaka Woolen Manufacturing Company, known as Ball-Band. Unfortunately, Martin Died unexpectedly before finishing the mansion, so Mrs. Beiger decided to sell the organ to the First Baptist Church at a 40% reduction of \$1,200.

George VanDinter was one of 3 sons who were employed at the VanDinter factory. VanDinter organs had a long-standing reputation for being of the highest quality: The Tribune stated in 1927 that they "are ranked with the largest and best instruments in the United States." Louis VanDinter passed away on March 9, 1932, and is buried in St. Joseph Catholic Cemetery, Mishawaka.

The VanDinter home was sold throughout the years and became home to several families. It was converted into multiple apartments. The Rans purchased the home in 2004 and spent many years refurbishing both the inside and the outside of the home and it is now their residence.

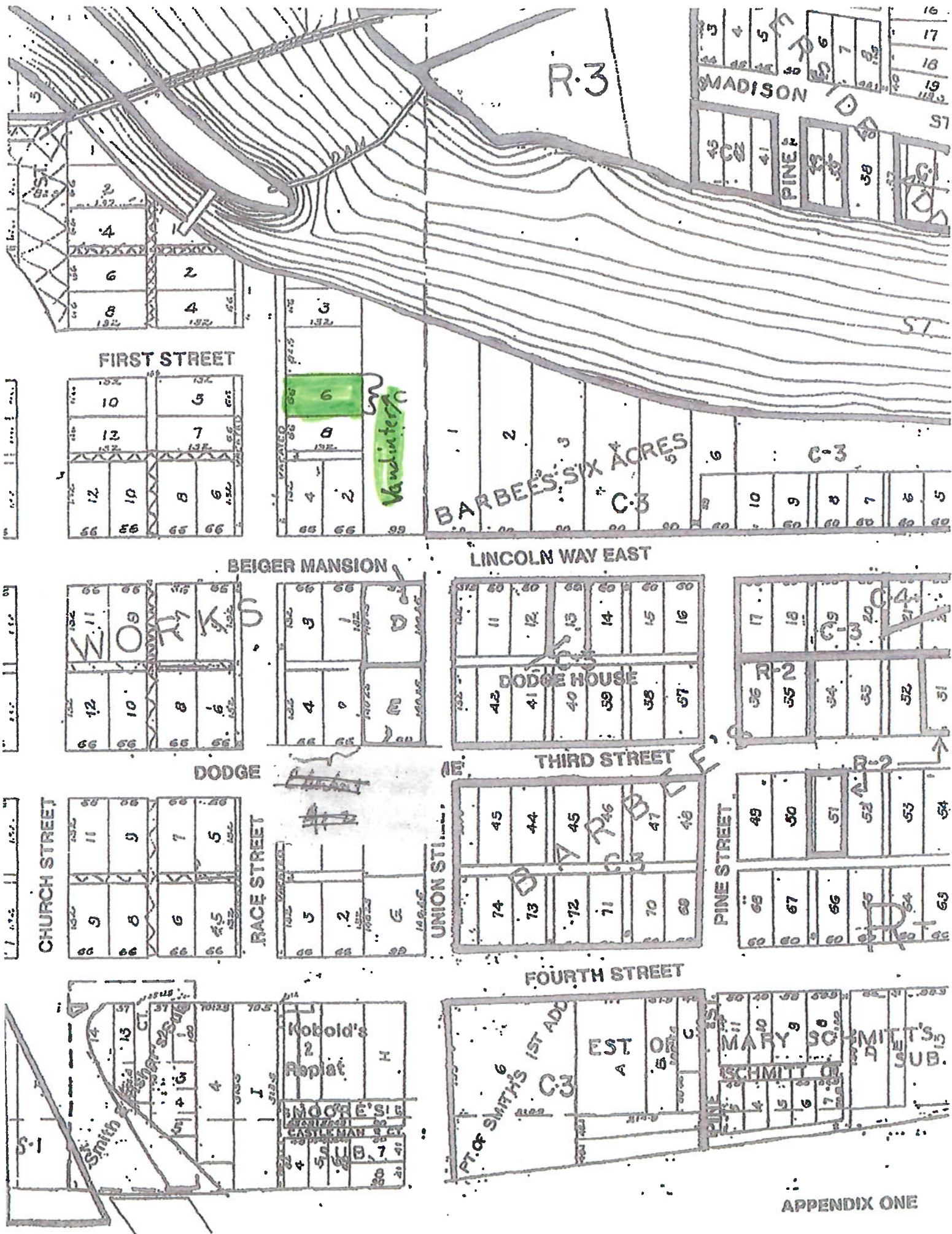
Citations

DeKever, Peter J. *Lost Mishawaka*. Published by The History Press. 2024. ISBN 9781467157919

Polk's South Bend Indiana City Directory Including Mishawaka/ Mishawaka Householders' Directory (1925, 1930, 1938, 1944). Located at the Mishawaka Penn Harris Public Library.

Additional Documentation

- A. Alterations to the site include the site being the 2nd floor converted to 3 apartments and a kitchenette prior to the Rans' taking ownership. These renovations have been removed and converted back into a single-family home. Updates include updated windows, electrical, roof, landscaping, finished basement, refinished hardwood floors, hinges and doorknobs stripped and replaced.
- B. Louis VanDinter son, George VanDinter.
- C. The earliest property ownership that is documented in the Polk City Directory.
 - 1925 – William Ackerman
 - 1930-1938 George VanDinter
 - 1944-Emeral Callander
 - 1950- Clyde and Lois Cone
 - 1955- Thomas Loughlin
 - 1962- Charles and Mildred Maze
 - 1977- Robert and Lillie Sheehan
 - 2004- Cody and Kati Rans (Current Residents)



POLK'S
SOUTH BEND
INDIANA
CITY
DIRECTORY

1925
INCLUDING
MISHAWAKA

ESTATE

S J. ROY

STATE

MOBILE INSURANCE
NTS — BONDS

Phone Mishawaka 1209

HINDLER

ip Agents
rage Loans

re, Mishawaka 62

Mishawaka, Ind.

CO.

Mishawaka, Indiana

urant

POLK'S

Mishawaka City Directory

--- 1925 ---

ALPHABETICAL LIST OF NAMES

AARDEEL

Aardeel Ivo (Erma) rubberwkr h920 W 7th
 Abberger Auseln r115 W 6th
 " John J (Eliz V) mech h234 E Marlon
 Abblehl Raymond A (Edna) lab h514 S Mill
 " Walter L lab r330 Cleveland
 Abbott Carl bollermkr r1402 E 4th
 Abdill Bert F lab r134 E Jefferson av
 Abel Leslie M bridgemn r610½ Margaret
 " Rebecca Mrs h610½ Margaret
 " Rufus (Effie) steelwkr r610½ Margaret

ADAMS

" Mary shoewkr r318 E 18th
 " Oscar shoewkr r318 E 18th
 " Paul shoewkr r318 E 18th
 " Truman Q (Emma E) farmer h604 W Jefferson av
 ADAMS & NEFF (Lube A Adams, Irvin G Neff), Real Estate and Building Contractors 202½ N Main, Phone Mishawaka 235
 Adamson Opal sten Mishawaka Rubber & Woolen Mfg Co r420 W 1st
 Adcox Saml (Mary) shoewkr r315 W 1st
 Addington Fred L (Gertrude A) clk h 121½ E Mishawaka av

STARK REALTY CO.

207-208 First National Bank Bldg.
 REALTORS

Tel. Mishawaka 460

INSURANCE AND LOANS

Abele Clarence E (Bonnie O) cost acct h1226 E 3d
 Abousamra Wm (Ruth A) mgr The Julian Goldman Store res Elkhart Ind
 Abraham Mary (wid Michl) r513 E Lawrence
 Abrams Jacob A (Beatrice R; The Hub Store) h209 N West
 Abshire Leslie F (Golda) dry clnr h614 Sarah
 " Nina Mrs r201 E Lawrence
 Ackenhusen Jack (Georgie) lab h123 State
 " John E (Minnie) shipper h112 E 11th
 Ackerman Wm r120 N Race
 Ackins E C (Eliz) lab r707 Ann
 Acsai Jos (Rose) shoemkr h317 Ward av
 Adams Bertha tohr High Sch r109 N Cedar
 " Cyrlel (Valire) rubberwkr h413 W 10th
 " Glenn (Maud) ptrr h535 W Broadway
 " John W (Loa) clk h120 S Belger
 " Lube A (Mabel I; Adams & Neff) h 416 W 3d

ADDISON EDWIN S (Louisa W) Prop Addison's North Side Hardware, 505-507 N Main, Phone Mishawaka 199, h1221 Woodward av (S Bend)
 " Wm D clk r413 E Lawrence

ADDISON'S NORTH SIDE HARDWARE, Edwin S Addison Prop, Hardware, Paints, Oils, Glass, Cutlery, Granite Ware and Sheet Metal Works 505-507 N Main, Phone Mishawaka 199 (See page 28)

Aerts Erma shoewkr r530 W 5th
 " Peter (Mary) shoewkr h530 W 5th
 " Rene shoewkr r530 W 5th

Ahara Edwin H (Emma B) v-pres Mishawaka Chamber of Commerce genl mgr Temple Theatre h716 Lincoln Way E

Ahlgren John (Nellie) gro 1922 W 6th h do

Ahrens Carson shoewkr r324 E 12th
 " Aswald lab h324 E 12th
 " Ray shoewkr r324 E 12th

Aikens Jas lab r223 S Belger

Ainlay Ohas W (Lillian) merchant police h314 W 3d

" Dossa physical director r314 W 3d
 " Jennie student r314 W 3d

The Ellsworth Store
 "The Brightest Spot in Town"

Furniture, Rugs and
 Draperies

AMERICAN TRUST COMPANY
 MICHIGAN STREET AT WASHINGTON AVENUE

Ackerman, Wm 120 N Race
1925

Van Pinter George L
1934

Callander, Emerald M
1944

FIRST BANK & TRUST CO.
SOUTH BEND'S LARGEST BANK

FIRST BANK & TRUST COMPANY
FOR

EVERY BANKING SERVICE



CONSULT THE Classified Business Lists IN THIS DIRECTORY

Who sells it? IF YOU WOULD FIND WHAT YOU WISH TO BUY



MISHAWAKA HOUSEHOLDERS' DIRECTORY (1930)

161

- 361 Miller Lloyd C
- 401 Holland Furnace Co
Force Albert J
- 402 Griffin Alec C
- 406 Dorsch Mchl
- 407 Anderson Ida Mrs
- 409 Frahl Adolph L
- 410 Shellabarger Chas A
Karr Forest G
- 10 1/2 Richardson Elmer
- 15 Young Wm H
- 16 Patterson Peter W
- 18 Dostater U Grant
- 24 Fross Garland H
- 25 Carmean Chas A
- 26 Voelkert Herbert L
- 32 Kellogg Howard E
- 3 Melser Wm E
- 7 Caskey Francis M
- 8 Sanders Chas C
- 5 Vacant
- 9 Bingham Chas W

INSYLVANIA AV—From N
lder east to city limits, I
orth of Lincoln way E
No houses

E—From 500 Lincoln way E
th to N Y C R R
Basley Geo A
Wharton Wesley G
Vacant
4 Weade David
Newman Julius A
North Western Mutual Life
Insurance Co
Vacant

Third intersects
Wolford Melvin F
lover Nathan
chnellbach Francis
rindt Geo W

Fourth intersects
loore Jesse B
tine Frank P

VANT—From 1010 Wilson
east 1 block
ollenbeck Chas T
alker Herman C

DRIVE—From 2900 Lin-
way E north to St Joseph

sscaewen Walter L
cant

E AV—From 2100 block
n way E south to N Y C

yder Walton
th Harold C
riel Edw A
derlebs Delbert

- 1803 Malcolm Jessie Mrs
- 1805 Shalley Ralph

QUEENSBORO AV—From Lin-
coln way W south to city limits,
4 east of Ironwood dr
N Y C R R crosses

- 511 Klinger Leonard
- 513 Libbey Almon G
- 517 Peacock Alice I Mrs
- 523 Mead Marvin
- Milburn blvd intersects
- 707 Miller Chester L
- 713 Taylor Vernon L
- 723 Walters Marvin
- 726 Garrett Noble H
- 727 Henney Harley
- 730 Hibray Delbert
- 801 Fox Burtlyn
- 809 Vacant
- 811 Walters Fredk J
- 813 Beck Saml
- 817 Williams Frank

Delaware intersects
905 Hatfield Chas O
915 Rice Fred
921 Blanchard Ora I
Flowers Floyd
923 Vacant
927 Vacant

RACE N—From 300 Lincoln way
E north to St Joseph river

- 109 Doyles Edw
- 113 Gosbin Hiram
- 115 Bubb Fred H
- 117 Lowell

First ends
119 Frew Douglas
120 VanDinter Geo L
123 Garrett Chas
124

Second intersects
126 Potts Marshall R

- 202 Myers King C
- 204 Gardner Della C Mrs
- 206 Bristow E B ins
- 208 Hemphill Geo

RACE S—From 300 Lincoln way
E south to Fourth

- 111 Norton Robt W
- 115 Jernegan Ralph H
- 123 Herzog Walter C
- 124 Galk Louis W

Third intersects
209 Cornwell Robt E
210 Doan Edgar A phys
Doan Anna B Mrs dentist
213 Vacant
214 Little Jas A
216 Hunt Geo F
219 Gerard Ralph C
220 VanRie Arth A

- 813 Vacant
- 818 Robb John
- 819 Keb Albert
- 820 Price John
- 822 Watkins Myrtle Mrs
- 823 Gilson Wm W
Delaware av intersects
- 901 Stoner Darrell
- 905 Bond Alvin T
- 906 Pownell Harley H
- 907 Vacant
- 910 Pippenger Archie
- 911 Boswell Farrell O
- 912 Wilson Lloyd R
- 915 Wise Everett
- 920 Davis Jennie Mrs
- 924 Friend Russell G
- 1004 Nuckles Melvin
- 1009 Hurst Jas R
- 1010 Vacant
- 1011 Price Cath Mrs
- 1013 Thiem Alex
- 1016 Elbel Hugo F

RIVER AV—From 2412 Lincoln
way W west to city limits

- 112 Mills Earl C
- 114 Landis John W
- 115 Harris Frank A
- 118 Smith Harry G
- 119 Jones Jas M
- 121 Ratkowski Paul
- 123 Sailor Claude G
- 124 Flora Vaun R
- 128 Slaybaugh Frank W
- 134 Vacant
- 135 Wolfe Glen A
- 138 Emmons Albert
- 146 Papworth Alf J
- 2416 Harlin Dale
- 2420 Harlin Fred L
- 2424 Hosteter Milton
- 2432 Hertram Pearl Mrs
Ouquette Rose
- 2518 Templin A H
- 2532 Eby Raymond
- 2538 Carlin Vernon H
- 2606 Morningstar Leo
- 2610 Erhardt Walter J
- 2612 Dick Grant A
- 2618 Finton Wm H
- 2624 McNutt Leon
- 2628 Hass Walter A
- 2702 Reaker Theo
- 2702 1/2 Vacant
- 2706 Ehresman Lory E
- 2706 1/2 Hursh Martin
- 2708 Driver M B
- 2712 Carter Leslie G
- 2720 Freedrick Glen C
- 2726 Miller Leo
- 2728 Kennedy John
- 2802 Ogle Henry
- 2803 Potter Ernest H
- 2806 Vacant

DRIVE — From 2400

— REFRIGERATORS — ELECTRICAL APPLIANCES

Bendix Home Laundry

TEL. 3-0322

AKA DIRECTORY OF HOUSEHOLDERS (1938)

209

erty dr
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Lin-
RR

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Logan

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edar

Mrs

©

401A Collins Ray M
402A Gale Geo N
406 Dorsoh Michl F ©
407 Taylor Burl L
409A Prahl Adolph L ©
410A Myers Calvin W ©
415A Young Jas G ©
418 Doxtator Eliz Mrs ©
Doxtator Jos E
424 Madden Clarence J ©
425 Carmean Chas A ©
426 DeMan Henry J
432A Cochran Willard L
433A Bach Ephraim L ©
437 Caskey Francis M ©
438A Sanders Chas N ©
445 Essex Albert G ©
449A Bingham Chas W ©

PENNSYLVANIA AV—From N
Elder east to city limits, I
north of Lincoln way E
No houses

PINE N — From 525 Madison
north to E Mishawaka av
312 Franyo Steven ©
315 Brinson Frank
Elkhart & Western RR crosses
402 Vintella Eliz Mrs ©
404 Green Garland
410 Soule Roy H

Allee begins

504 Huenerkopf Sallie ©
507A Peiffer Edw H ©
510 Ravencroft Abr F ©
513 Palmer Kathryn Mrs
514 Gooley Clarence F ©
517 Pearce Alonzo R
518 Friedman Geo ©
520 Wilde Veronica M Mrs
521 Cox Arth ©
523 Kadik Chas
527 Ipses J Delbert ©
532 Giszewski Stanley ©
533 Walker John
535 Whitaker Robt W

PINE S—From 500 Lincoln way
E south to NYCRR
109 Rasley Mina M Mrs ©
Riley Jas B Jr
110 Haase Carl E
Anthony Melvin M
110 1/2 Hover Earl V
115A Newman Julius A © ins
118 Sexson Malden S
Zumbrenen Esther
Wambach Richd
Third intersects

201 Wolkord Melvin F ©
Kiel Orville C
205 Hover Nathan © int dec
215A Schnellbach Francis C ©
217 Arrdt Geo W ©
Fourth intersects
313 Noe Steph
402 Bixler Winton E

PLEASANT — From 1010 Wilson
blvd east 1 block
1012 Goebel Lydia A ©
1014A Walker Herman C ©

POWER DRIVE—From 2880 Lin-
coln way E north to St Joseph
river
1044A Slocum Wallace C ©
118 Barr Chas A
nend & Mich Elec Co
(plant)

PRAIRIE AV—From 2100 block
Lincoln way E south to NYC
tracks
115 Vacant
123A Richardson Arth L pntr
125 Beason Fred
127 Fredericks Delbert A ©

PROSPECT DRIVE—From 800
Indiana av east to Byrkit av
1002 Spaoth Harry C ©
1008 Vacant
1123A Peterson Carl ©
1218A Miller Dennis L
1222 Krueger Chas H ©
Paskin Louis
1302A Kaiser John C ©
1312A Kolley Otto M ©
1320A Abraham Geo H ©
1321 Schmitt Regis I ©
1323A Blake Earl C ©
1324 Schmidt Kenneth E ©

QUEENSBORO AV—From Lin-
coln way W south to city limits,
4 east of Ironwood dr
NYCRR crosses

511 Delmarella Solina Mrs
513 Vacant
517 Kendle Arth Q ©
Milburn blvd intersects
707 Gant Earl L
713 Shidler Jasper C ©
721 Yates Audie
723 Vacant
726 Silvers Elden L
727 Gospel Mission of Spirit-
ualist Science
Brown Emma Rev
803 East John V
805 Williams Geo D
809 Banner Jas R
811 Walters Fredk J ©
813 Beck Saml J ©
817 Williams Franklin A ©
Delaware av intersects
905 Hatfield Ella M Mrs ©
921 Blanchard Ora I ©
1001 Hughey Gerald M ©

RACE N—From 300 Lincoln way
E north to St Joseph River
109A Haynes Worthie W ©
A Fidelity Loan & Inv Co Inc
113 Vacant
115 Vacant

110A Hadden Marie B Mrs ©
119 Hadden Martha ©
120A VanDinter Geo L ©
123 Bates Jesse W
124A Becken Daley E Mrs ©

125 Munchow
126A Potts Marshall ©
First ends
202A Kemper Llewellyn ©
204 Wallock Harry A ©
206A Fuller Hattie
208A Hemphill Geo H

RACE S—From 300 Lincoln way
E south to Fourth
111 Vacant
115A Jernegan Ralph H ©
123A Herzog Walter C ©
124 Vacant

Third intersects
209 Cornwell Robt E
210A Doan Edgar E © phys
A Doan Anna B Mrs dentist
218 Badger Everett D
214 Bock Carlton
216 Hunt Lillian B Mrs ©
219 Weist Guy
220A VanRie Arth ©
223A Gerard Ralph C ©

RAY—From 3744 Lincoln way E
south to NYCRR
109 Smalley Lewis J
111 Wreath Jesse C ©
112A Logan Marvin K ©
122 Bodine Cash C
127A Michele Anthony F ©

BENDIX

BOGDA CHEVROLET CO.
South Bend's Oldest and Largest Chevrolet Dealer
COMPLETE CHEVROLET SERVICE

the Bnd. at W. Western Ave.

Open Day and Nite

Phone 3-6182

Say it with Flowers

**SOUTH
BEND**

F L O R

SOUTH BEND EXTERMINATING CO.

Tel. 4-1151

Overnight
Service

BETWEEN

CHICAGO

SOUTH BEND

ST. LOUIS

ELKHART

FT. WAYNE

TOLEDO

DETROIT

CLEVELAND

430
ARROLL

TEL.
-1191



For
Complete
Laundry
Service

SUPERIOR

LAUNDRY CO.

213 Sycamore

GEO. E. DAVIES, Pres.

For
Complete
Dry Cleaning
Service



208

(1944) R. L. POLK & CO.'S

PINE N.—Cont'd
514 Goolley Clarence F
517A Fisher Chas O
518 Friedman Geo
520A Wilde Veronica Mrs
521 Cox Arth
522 Kedic Chas J
527 Ipes Nora Mrs

Ell ends

532 Giszewski Stanley
533 Simon Albert
535 Jennings Jas M
E Mishawaka av intersects

PINE S.—From 500 Lincoln way E
south to NYORR
102 Hostetler Elmer
102 1/2 Beck Pink C
104 Eger Sara A
109 Rasley Mina M Mrs
110A Anthony Melvin M
110 1/2 Bolovich Paul
115 Newman Josephine Mrs
116 Polley Richd Y

E Third intersects

201 Hovor Earl V
205A Hovor Florence E Mrs
215 Sullivan Wm H
217A Arndt Geo J

E Fourth intersects

304 Thorns Chas D
313 Lewis Wilfred G
402 Dawson Wm H

NYORR crosses

PLEASANT — From 1010 Wilson
blvd west to city limits
1012 Pontius Ervin T
1014A Walker Herman C
N Logan intersects
City limits

POWER DRIVE — From 2800 Lin-
coln way E north to St Joseph
river
104A Vinson Harold
118A Barr Chas A
Smallay av begins
Smith Shore dr begins
417A Ind & Mich Elec Co (plant)
St Joseph river

PRAIRIE AV.—From 2100 Lincoln
way E south to E Fourth
110 Ditsch Walter
115 Clark Raymond G
117 Clark Ray G
123 Richardson Eliz H Mrs
125A Beason Fred
127 Fredericks Delbert A

E Third intersects

201A Evans Fredk O
202 Goss Louis M
203 Ehrmin Wyatt S
208 McMullan F Lee
208A Hushover Hilton D
214 Scott Benj H Jr
215 Dubbs Ralph
216 Pyko Eug H
217A McNutt Leon F
218 Huff Thelbert C
222 Scott Benj H
223 Pherson Jerry
225 Koy Elmer F
230A Norlin Henry E

E Fourth intersects

PROSPECT DRIVE — From 800
Indiana av east to N Roosevelt
(unopened between N Byrkit av
and Home)

1002A Hanrahan Gerald M
1012A Donat Ray
A Berger Paul S
1012 Mow Chas R
Schnaible Albert P
N Wenger av ends
Studebaker ends

1167A Hower Clyde O
1112A Waterficht Albert J
1123A Petersen Carl W
N Mason ends

1230A Abraham Geo H
1321A Schmitt Regis I
State intersects
1922 Vacant
1923A Blake Earl C
1924A Schmidt Kenneth S
1930A Helmer Benj S
1930A Partridge Chas L
N Byrkit av intersects
(Not open between N Byrkit av
and Home)
Home intersects
N DeLorenz av intersects
N Roosevelt intersects

QUEENSBORO AV.—From 2800 W
Sixth south to city limits
505 Helfrich Kenneth C
511 Tavernier Veronica M Mrs
513 Enders Ralph R
517A Kendle Arth Q
Milburn blvd intersects
604 Goras Harold R
607 Funkhouser Parma
609 Lewis Russell J
718A Shidler Edna G
721A Endres Herbert W
728 Toth Alex A
727 Vacant
803 Vacant
805 Scanlon Earl J
809 Dunkleberger Olla J
811A Walters Fredk J
813 Gaby Leo G
817A Bloom Millard
Delaware av intersects
905 Hatfield Lowell C
921 Blanchard Elz Mrs
1001 Miller Milan O
Ewing av intersects
City limits

RACE N.—From 300 Lincoln way E
north to St Joseph river
109A Haynes Worthle W
A Chicago Daily News (sub
sta)
Hunsberger Beatrice
113A Frankel Paul Jr
115A Gardner Chas
Corrado Jr
117 Sch...

Earl J

Hanna Martha

120A Callender Emerald M
123 Barr Paula C

126A Potts R Marshall
E First ends
202A Kemper Llewellyn L
204 Null Jos H
206 VanBergen Mary Mrs
208A Good Vance A
St Joseph river crosses

RACE S — From Lincoln way E
south to E Fourth
110 Fry C C Inc used cars
114-16 Gates L O Chevrolet Inc
(used cars)
115A Jernegan Ralph H
123A Herzog Walter C
124A Albert Sol M
E Third intersects
209A Brewer Leo Mary Mrs
210A Dean Edgar
212A Canfield Clement J
214 Taber Alex
216A Hunt Lillie E Mrs
219A Weist Guy
220 Fuller C Ray
E Fourth intersects

RAY—From 3808 Lincoln way E
south to NYORR
108 Smallay Lewis J
111A Miller Floyd D
112 Onstott Wilbur I
122 Willingham Posey L
127A Michele Anthony F
201 Staines Phillip T
NYORR crosses

212 1/2 Rotge John J
NYORR crosses
W Sixth intersects
502 Gill Walter S
506A McCay Mervin T
506 1/2 Phillips David B auto

510A Phillips David B
515 Miller Lawrence
515 1/2 Stotzel Troy D
517 Emmons Samson C
607A Kilby Fred C
608 Roempagol Ida M Mrs
616 Gearni Maynard
Milburn blvd intersects
716A Kenner Cecil P
721A Cramer Edith E Mrs
724 DeWinter Eug
726 Bakins Ernest E
727A Cramer Thos H
730A Nellans Oren A
801A Vaorewyck Frank A
802 Dawson Nathan
806 Galloway Jacob C
808 Morgan Kenneth H
813A Kollar Emma R Mrs
818 Kronewitter Theo R
819A Kollar Norman B
820 Browning Emma T Mrs
822 Yaw J Hurlyn
822 1/2 Clarke Ralph V
823A Olson Maurice M
Gilsen Eva A Mrs
Delaware av intersects

901 Hoyle C Fredk
902 Reorganized Church of Jesus
Christ of Latter Day Saints
905 Daily Arth W
908A Pownell Harley H
907 Skaggs Wm M
910A Emerick Marvin W
911 Siders Loula
912 Wilson Lloyd V
915A Wise Everett L
920A Inks Walter H
924A Funkhouser Ross H
1004A Lawson Ashley A
1009 Smet John D
1010 Lawson Wm N
1011 Yeazel Clinton H
1015 Lax Nella G
1016 Fryta Carl B
Panama intersects
City limits

RIVER AV — From 2400 Lincoln
way W northwest to city limits
112 Sanmet John G
114A Brackelaere Chas
115A Daoust Roger H
118A Wolfe Glen A
119A Foote Ralph C
121A Ziegler Raymond O
123 Cochoyety Mary Mrs
124A Ahrbeck Geo F
123A Slaybaugh Frank W
134A Cogan Richd P
135 Kimmel Jos K
137 Linder Raymond F
138A Nelson F Dale
142A Hurtle Edw L
146 Evon Henry J
2416A Beauchamp J Scott
2420A Harlin Dale A
2424 Harlin Alice M Mrs
2432A Hertram Pearl U Mrs
Russell av ends

2518A Day Donald D
2528A Carpenter Meade B
2532A Walter Arth E
2536A Pennoy Donald F
Monmoor av ends
2600A Samson Clarence B
2610A Kilgore Hiram B
2612 Wulfeart Bene
2618 Finton Wm H
2624A Yoder Henry S
2628A Rinker Jos A
Middleboro av intersects
2702A Durham Ralph A
2702 1/2A Warren Hazel D Mrs
2706A Person Wm L
2708 1/2A Henry Norman W
2709A Wilson Eva M
2712A Jones Byron H

ST.

104-106 E. JEFFE

RIVIERA DRIVE —
Lincoln way E east
510A Wygant Marlon
512A Rohleder Roy B
513A White Geo C
514A Winkler Walter
515A Prough G O
Lincoln way

ROOSEVELT N.—Fr
coln way E north
river (No houses)
Homewood
St Joseph

ROOSEVELT S.—Fr
coln way E south
open between E
Ninth (No houses)
E F
(Not open between

York b
E Fifth Inter
E Sixth Inter
Greenlawn blvd t
E Ninth Inter

ROSELAND AV.—
coln way E
126A Gollatz Rich

RUSS AV E.—Fr
2200 Sarah
south of E M
180 Cottrell Ma

221 Leslie Har
225 Kelly Lee
231 Martin Ole
233A Martin De C

501 Whetstone
502A Collier Jo
508 Vacant

RUSS AV W.—
west beyond
McKinley at
117 Jones He
125 Vacant
133 VanLow

201A Morris
211 West Je
229 Stoffer

309A Brown
321A Workin

514 Webb
517A Wright

Bentl

RUSSELL
coln way
105A Shaw
118A Matt
119 Harri
125A Mill
129A Shai
135A Mc

RUSSELL
coln wa

402A
511 St
512A
513 514

RESIDENCE PROPERTY

INSERT NAME OF OWNER, ADDRESS AND DESCRIPTION.

496

FILE _____ BOOK _____ PLAT _____ PARCEL _____

TRANSFER OF OWNER

SECRET NO. 10

Gene, Clyde & Lois L.
c/o Mark Blak & Loan

FOIA b 7 - D-35-20

LOUGHERY, Thomas
High Bldg & Loan

#42776 DATE 2-1-55

COVE, Clyde C.
120 N. Race St., Wash.
NAZE, Charles E. & Mildred

42725 DATE 2-1-55

WD#3350 DATE 2-28-62

DATE _____

DATE _____

ADDITIONAL INFORMATION

ASK. RENT	DATE
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[illegible]

SALE PR.	DATE:
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MORTGAGE	DATE
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COST	DATE
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UNIT MAP REFERENCE	SKETCH OF LAND
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SUMMARY OF VALUATIONS AND CHANGES

YEAR	1940			BE 1962
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LAND	740			430
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BUILDING	E376			1920
----------	------	--	--	------

TOTAL	3100		2610
-------	------	--	------

CHANGES				
---------	--	--	--	--

DOCUMENT				
----------	--	--	--	--

SERVICES AND LAND IMPROVEMENTS

DIRT ST	WIDTH OF ST.	6	FL.	SEWER	ELECTRIC
GRAVEL ST	CURB & GUTTER			WATER	STREET LIGHTS
HARD SURFACE ST	SIDEWALK	12		GAS	TELEPHONE

LAND COMPUTATION

DEPTH UNIT FT. LAND COMPUTATION S. 1/4 E. 1/4 R. 1/4

FEET	DEPTH	GRADE	SPECIAL	SO. FT. OR	UNIT	TOTAL VALUE
------	-------	-------	---------	------------	------	-------------

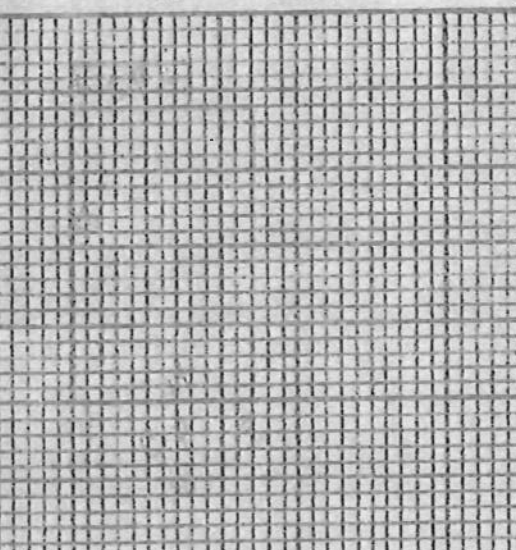
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STATION 43 1 4 5123 14011102

TOTAL LAND VALUE

NO. 100		TWP. 31. NORTH		COUNTY SEC. OR SUB. DIV.		CLASS 100					
STREET		CLASS									
STORING	ROOMS	NO. APTS.	ITEM	BUILDING DESCRIPTION				INDEX			
CLASSIFICATION	CONSTRUCTION	GRADE	1 FOUNDATION	CONCRETE	CENT. D. Y.	STONE	BRICK	FLIGHT			
SMALL DWLG.	FRAME 2	1	2 BASEMENT	FULL	MAS.	CEMENT FL.	WOOD P.	EXTERIOR PAS.			
DOUBLE DWLG.	BRICK	2	3 WALLS	STONE	BRICK	WOOD	ASPHALT	ABSTRACT			
DOUBLE DWLG.	STONE	3		STUCCO FR.	STUCCO PAS.	CON. BR.	PAVE BR.	BR. STAIR			
APARTMENT	CONCRETE	4		CEMENT BLK.	CINDER BLK.	FIELD STONE	CUT STONE				
APT. WITH STORES			4 ROOFING	FLAT	PITCHED	COMPOSITION	METAL	SHEDDING			
STORES				WOOD SHINGLE	ASBESTOS SHINGLE	SLATE	TILE				
SKETCH OF BUILDING. 			5 EXTERIOR TRIM	PLAIN	STONE	BOOMER	DAVE 1 STORY	2 STORY			
			6 INTERIOR FIN.	PINE		HARDWOOD OR BUN.	2 IN. PLANK				
			7 FLOORS	JOIST	PINE	HARDWOOD	CONCRETE	COMPOSITION			
			8 ATTIC	UNFINISHED		NO. OF ROOMS UNFINISHED					
			9 HEATING	NOT AIR	NOT WATER OR VAPOR	STEAM	AIR LBO	RADIANT			
			10 LIGHT	ELECTRIC		GAS					
			11 PLUMBING	NO. OF BATHS 2	LAVATORIES	SINKS	RIT. TUB WALKS				
				THE FLOORS	THE WALLS	SEWER	WATER	GAS			
			12 PORCHES	COVERED	50 FT.	UNCOVERED		50 FT.			
				ENCLOSED	60 FT.	WOOD	HARDENED				
			13 BUILT-IN GAR.	NO. OF CARS							
INDEX TOTAL 100											
BLDG.	SIZE	INDEX	BASE PR.	UNIT PR.	50 FT.	VALUE					
100	24 X 35	100	1,500	1,500	100	1,500					
	X										
	X										
	X										
REPRODUCTION VALUE											
DEPRECIATION INFORMATION BY		YEAR BUILT 1900 REMODELED 1 PHYSICAL DEP. FROM TABLE 10 GOOD 10 2 CONDITION 10 3 OBSOLESCENCE 11% ANY 10 4 TOTAL LINES 2 & 3 10 TIMES LINE 1 10 5 TOTAL REMAINING 5% GOOD. LINE 1 MINUS LINE 4 10									
		OWNER TENANT OFFICE ESTIMATED									
		% GOOD TIMES REPRODUCTION VALUE = DEPRECIATED VALUE									
		DEPRECIATED VALUE 100									
		OTHER BUILDINGS									
PRIVATE GARAGE 1	GRADE	WALLS	FLOOR	ROOF	DIMENSIONS	HGT.	50 FT. OR CU. FT.	UNIT	REPROD. VAL.	BUILT	% GOOD
	A	100	0	A	14 X 18				100	1000	10
					4 X 100		400	100	100	1000	10
					X						
					X						
					X						
					X						
BLDG. PERMIT		CHECKED BY		DUP. YR.		UNFINISHED VALUE		TOTAL BUILDING VALUE		1000	
EST. COST		DATE		DUP. YR.		VALUE TO BE ADDED		DISTRICT		10	
DATE ISSUED		VALUED BY		DUP. YR.		VALUE TO BE ADDED		TOTAL ASSESSED BLDG. VALUE		1000	

71-09-16-278-007.000-023

General Information

Parcel Number
71-09-16-278-007.000-023
Local Parcel Number
016-1012-0496
Tax ID:

Routing Number
9-16D

Property Class 510
1 Family Dwell - Platted Lot

Year: 2025

Location Information

County
St. Joseph
Township
PENNS TOWNSHIP

District 023 (Local 016)
MISHAWAKA-PENN

School Corp 7200
MISHAWAKA CITY

Neighborhood 7123066-023
16540-417

Section/Plat

Location Address (1)
120 N RACE ST
MISHAWAKA, IN 46544

Zoning

Subdivision

Lot

Market Model
7123066-023 - Residential

Characteristics

Topography Flood Hazard
Level ☐

Public Utilities ERA
All ☐

Streets or Roads TIF
Paved ☒

Neighborhood Life Cycle Stage
Static

Printed
Tuesday, August 6, 2024
Review Group 2023

Data Source N/A

Collector

Appraiser

Rans Cody R & Kathrine A

120 N RACE ST

Rans Cody R & Kathrine A
120 N Race St
Mishawaka, IN 46544-1429

Legal
36N Side 7 Rds W End Lot 8 Race St O P St Joseph
Iron Wks

510, 1 Family Dwell - Platted Lot

Transfer of Ownership

Date
05/30/2008
04/14/2004
11/07/1977

Owner
Rans Cody R & Kathrine
RANS, CODY R
SHEEHAN, ROBERT

Doc ID Code Book/Page Adj Sale Price VII
2747 QC / \$1
1875 WD \$80,000
0 WD 0/0

16540-417

7712

1/2

Notes

12/20/2023 CR32: INOS
10/31/2023 G24: sketch updated for conversion.
9/30/2021 BP20: BUILDING PERMIT 2020
7/15/21 KV BP35629 ext rem, some INT in process
9/30/21 KV 100% EFFAGE from 1920 to 1960 or
22/23

Res

Valuation Records (Work in Progress; values are not certified values and are subject to change)

2025	2024	2023	2022	2021	2020
W/P	AA	GenReval	GenReval	GenReval	GenReval
Reason For Change	As Of Date	01/01/2024	01/01/2023	01/01/2022	01/01/2021
04/14/2024	01/01/2024	01/01/2023	01/01/2022	01/01/2021	01/01/2020
Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1,0000	1,0000	1,0000	1,0000	1,0000	1,0000
Equalization Factor					
Notice Required					
Land	\$14,300	\$14,300	\$14,300	\$8,600	\$7,700
Land Res (1)	\$14,300	\$14,300	\$14,300	\$8,600	\$7,700
Land Non Res (2)	\$0	\$0	\$0	\$0	\$0
Land Non Res (3)	\$0	\$0	\$0	\$0	\$0
Improvement	\$136,800	\$116,200	\$116,200	\$100,000	\$87,400
Imp Res (1)	\$136,800	\$116,200	\$116,200	\$100,000	\$87,400
Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (3)	\$0	\$0	\$0	\$0	\$0
Total	\$151,100	\$130,500	\$130,500	\$108,600	\$95,100
Total Res (1)	\$151,100	\$130,500	\$130,500	\$108,600	\$95,100
Total Non Res (2)	\$0	\$0	\$0	\$0	\$0
Total Non Res (3)	\$0	\$0	\$0	\$0	\$0
Land Data (Standard Depth: Res 120', Cl 120' Base Lot: Res 48' X 111', Cl 48' X 111')					

Pricing	Soil	Act	Size	Factor	Rate	Adj.	Ext.	Inf.	Market	Cap 1	Cap 2	Cap 3	Value
Type	ID	Front				Rate	Value	%	Factor				
F	F	36	36x127	1.03	\$181.77	\$496	\$17,856	0%	0.8000	100.00	0.00	0.00	\$14,280

Land Computations

Calculated Acreage	0.10
Actual Frontage	36
Developer Discount	
Parcel Acreage	0.00
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homestead	0.00
91/92 Acres	0.00
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homestead(s) Value	\$0
91/92 Value	\$0
Supp. Page Land Value	
CAP 1 Value	\$14,300
CAP 2 Value	\$0
CAP 3 Value	\$0
Total Value	\$14,300

General Information

Occupancy	Single-Family
Description	Single-Family R 01
Story Height	1 1/2
Style	N/A
Finished Area	1833 sqft
Make	

Plumbing

#	TF
Full Bath	1
Half Bath	2
Kitchen Sinks	1
Water Heaters	1
Add Fixtures	0
Total	7

Accommodations

Bedrooms	3
Living Rooms	0
Dining Rooms	0
Family Rooms	0
Total Rooms	9

Wall Finish

☒ Plaster/Drywall	☒ Unfinished
☐ Paneling	☐ Other
☐ Fiberboard	

Heat Type

☐ Built-Up	☐ Metal	☒ Asphalt	☐ Slate	☐ Tile
☐ Wood Shingle		☐ Other		

Roofing

☐ Built-Up	☐ Metal	☒ Asphalt	☐ Slate	☐ Tile
☐ Wood Shingle		☐ Other		

Exterior Features

Description	Area	Value
Porch, Open Masonry	160	\$6,700
Stoop, Masonry	60	\$1,800
Canopy, Roof Extension	60	\$800

Cost Ladder

Floor Constr	Base	Finish	Value	Totals
1 1Fr	921	921	\$75,900	

2 \$75,900

3

4

1/4 1Fr 912 912 \$29,700

3/4

Attic

Bsmt 912 0 \$25,000

Crawl

Slab

Adjustments

Unfin Int (-)

Ex Liv Units (+)

Rec Room (+)

Loft (+)

Fireplace (+)

No Heating (-)

A/C (+)

No Elec (-)

Plumbing (+/-)

Spec Plumb (+)

Elevator (+)

Sub-Total, One Unit

Sub-Total, 1 Units

Exterior Features (+)

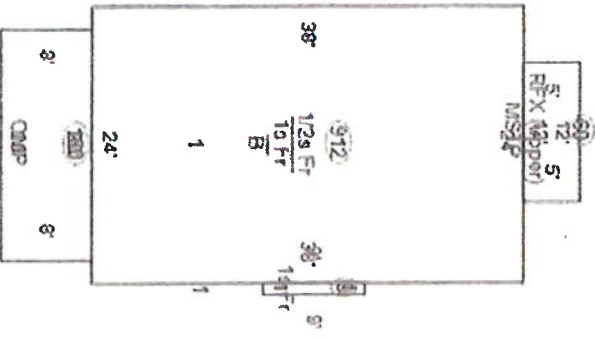
Garages (+) 0 sqft

Quality and Design Factor (Grade)

Location Multiplier

Replacement Cost

\$147,550



Summary of Improvements

Description

Count

Value

Description	Story	Const	Grade	Year	Eff	Eff Co	Base	LCM	Adj	Size	RCN	Norm	Remain.	Abn	PC	Nbhd	Mkt	Cap 1	Cap 2	Cap 3	Improv Value
1: Single-Family R 01	1 1/2	Wood Fr	C+2	1920	1960	64 A	0.92	0.92		2,745 sqft	\$147,550	42%	\$85,580	0%	100%	1,000	1,510	100.00	0.00	0.00	\$129,200
2: Detached Garage R 01	1	Wood Fr	C	1920	1920	104 A	\$42.59	0.92	\$39.18	14x20'	\$13,731	45%	\$7,550	0%	100%	1,000	1,000	100.00	0.00	0.00	\$7,800

Property Information

Subject Property:
120 N RACE ST, MISHAWAKA 46544

Parcel ID: 016-1012-0496

State ID: 71-09-16-278-007.000-023

Current Owner(s): RANS CODY R & KATHRINE A

Mailing Address: 120 N Race St, Mishawaka IN 46544

Assessed Usage: 1 Family Dwell - Platted Lot

Township: Wish Penn

Municipality: MISHAWAKA

Tax District: Mish Penn

Property Assessment Information as of Last Assessment Date

Land Value: \$14,300.00

Improved Value: \$136,800.00

Assessed Year: 2026

Acres: 0.11

Legal Description: 36N Side 7 Rds W End Lot 8 Race St O P St Joseph Iron Wks



Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized.

Date Printed: August 5, 2024





THIS IS NOT A TAX BILL

APPEAL DEADLINE IS:

June 17, 2024

MWPSAUTOSEQ***1 of 1***3033
Rans Cody R & Kathrine A
120 N RACE ST
MISHAWAKA IN 46544



Scan the QR code for access to
your property record card.

Legal Description

36'N Side 7 Rds W End Lot 8 Race St O P St Joseph Iron Wks

Parcel or Identification Number

71-09-16-278-007.000-023

Property Address (number and street, city, state, and ZIP code)

120 N RACE ST, MISHAWAKA, IN 46544

This notice indicates the assessed value of your property. Information on the valuation of your property and a copy of the property record card can be obtained from the assessing official at the telephone number and address below.

Notice to the taxpayer of the opportunity to appeal (IC 6-1.1-15-1.1, 1.2):

If the taxpayer does not agree with the action of the assessing official giving this notice, an appeal can be initiated to challenge that action. To file an appeal, the taxpayer must file a Form 130, Taxpayer's Notice to Initiate an Appeal, with the township assessor or county assessor in a timely manner. The time-frame to file an appeal on the assessment contained in this notice may have two different filing deadlines. These deadlines are based on the date that this notice is mailed. If this notice is mailed before May 1 of the assessment year, the filing deadline is June 17 of that year. If this notice is mailed on or after May 1 of the assessment year, the filing deadline is June 17 in the year that the tax statements are mailed. (IC 6-1.1-15-1.1) This form is available from the assessing official or at: <https://forms.in.gov/Download.aspx?id=6979>. An assessing official who receives a Form 130 must schedule a preliminary informal meeting with the taxpayer in order to resolve the appeal. The assessing official and taxpayer must exchange the information each party is relying on at the time of the preliminary informal meeting to support the party's respective position on each disputed issue concerning the appeal. If the taxpayer has reason to believe that the township assessor, county assessor, an employee of the township assessor or county assessor, or an appraiser has violated IC 6-1.1-35.7-3 or IC 6-1.1-35.7-4(a), the taxpayer may submit a written complaint to the Department of Local Government Finance under IC 6-1.1-35.7-4(b).

NOTE: Failure to file a timely Form 130 can be grounds for dismissal of this appeal.

PREVIOUS ASSESSMENT		NEW ASSESSMENT EFFECTIVE JANUARY 1, 2024	
LAND	14,300	LAND	14,300
STRUCTURES	116,200	STRUCTURES	136,800
TOTAL	130,500	TOTAL	151,100

Reason for Revision of Assessment: Annual Adjustment

- As required by law, your assessment is evaluated and adjusted each year to reflect market value. The 2024 assessed value is based on sales that occurred in 2023.

If the change in assessment is due to a new home, a taxpayer should be aware that there are many property tax benefits or deductions available. Please see INDIANA PROPERTY TAX BENEFITS (State Form 51781) available on the DLGF website: www.IN.gov/dlgf. Other non-residential construction may be eligible for deductions - see Forms 322/RE and Form 322/VBD.

County St. Joseph	Township Penn	Date of Notice (month, day, year) 4/26/2024
Assessing Official Cherie DeFreese, Penn Township Assessor		Telephone Number (574) 256-6204
Address (number and street, city, state, and ZIP code) 219 Lincolnway W. Mishawaka, IN 46544		









Standards & Guidelines

GUIDELINES FOR THE ENVIRONMENT

The environment is one of the most fragile aspects of any historic district. Its defining characteristics are composed of building setback, landscaping, fencing, parking areas and outbuildings. All elements combine to form the environment of a neighborhood. Careless development or alterations of any one of these characteristics will damage the overall cohesiveness of an historic neighborhood.

NEIGHBORHOOD CONTEXT

Appropriate

Retain and respect distinctive, character-defining features of the neighborhood or building site within the front yard or side yards adjacent to public right of way. These features shall include but shall not be limited to tree plots, gardens, fences, benches, walkways, steps, streets, alleys, retaining walls, and building setbacks.

Inappropriate

Avoid changes in paving, lighting, fencing, and pedestrian or vehicular traffic flow that disrupt the relationship between buildings and their environment. Signage should not block or interrupt significant rhythms or architectural features. Do not introduce inappropriately placed or screened lots.

PLANTINGS

Appropriate

Preserve mature plantings where possible and treat them with sensitivity unless they pose a threat to preservation of buildings or sites. Removal of mature trees shall be reviewed by the MHPC. The Commission shall in no way prohibit the removal of dead or dying trees, trees that threaten to fall or cause damage to structures, and trees that are otherwise located in the rear yard opposite to or away from direct view of Lincolnway East. A mature tree is a) a shade tree that is twelve inches in diameter or larger, b) an ornamental tree that is four inches in diameter or fifteen feet high, or c) an evergreen tree that is eight inches in diameter or fifteen feet high. Place new trees or shrubs so that they will not damage buildings through moisture retention, root invasion, and limb movement.

Inappropriate

Avoid removal of mature trees that contribute to the overall neighborhood canopy located in the front yard.

FENCES

Appropriate

All types of back yard fences are appropriate located in the rear yard (parallel to or behind the front of the home) of a non-corner lot. Acceptable designs located in the front of a home and on the street side of a corner lot include picket, lattice, or wrought iron subject to the provisions of the City Zoning Ordinance.

Inappropriate

Chain line, basket-weave, louver, split rail, and stockade are inappropriate fence types for installation in front of home and on the street side of a corner lot within the public view. Front yard fences are not generally characteristic along Lincolnway East and are discouraged.

PARKING

Appropriate

Construct parking lots in rear or side yard areas; they should be paved and screened so as to maintain building, site, and neighborhood relationships.

Inappropriate

Parking lots constructed in visually conspicuous areas are inappropriate.

SERVICE AND MECHANICAL EQUIPMENT

Appropriate

Locate service, mechanical, electrical, or technical equipment such as solar collectors, satellite dishes, central air conditioning equipment, or heat exchangers so that they are not visible from the street; screen them so they do not disrupt the integrity of the site or architecture.

Inappropriate

Avoid placement of service, mechanical, electrical, or technical equipment in obtrusive positions on roofs.

PATIOS AND TERRACES

Appropriate

Patios and terraces should be constructed in the rear or side yard. Appropriate materials include limestone and brick. Review of the Historic Preservation Commission shall only be required for patios and terraces in front of a home and on the street side of a corner lot.

SWIMMING POOLS

Appropriate

Swimming pools should be constructed in the rear yard and located, landscaped, and screened so that they are not within public view. In-ground pools are preferable to above-ground pools. Take into consideration the possibility of damage to surrounding historic vegetation or outbuildings when determining the location of a swimming pool.

OTHER LANDSCAPING ELEMENTS

Appropriate

Trellises are appropriate and are encouraged. Construct trellises of historically appropriate materials such as wood or metal.

Inappropriate

Brightly colored or sharply contrasting stones, tires, logs, or exposed railroad ties are inappropriate landscaping elements in front of a home and on the street side of a corner lot; alternate border controls should be explored. Do not construct trellises of plastic or similar historically inappropriate materials in front of a home and on the street side of a corner lot.

GUIDELINES FOR EXISTING BUILDINGS

BUILDING MATERIALS

Paint color and exterior finish materials give a building distinct texture, presentation and character. Alterations to buildings and structures should take into consideration the careful balance that is achieved through selection of building materials

WOOD

Appropriate

Retain and restore original exterior wood siding materials (typically clapboard) through repair, cleaning, painting, and routine maintenance. If original architectural details and trim features are deteriorated beyond repair, they should be replaced with components of the same material and design where possible. Alternative more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

Avoid application of siding materials not consistent with the character or style of the building, or materials that were unavailable at the time the building was constructed.

FOR YOUR INFORMATION

Artificial sidings such as artificial stone or brick, asphalt shingle and brick, plywood, particle board, hard board and aluminum or vinyl siding have been documented to cause and cover up serious, costly, and often irreparable damage to buildings. (See also synthetic siding, page 17.)

MASONRY

Appropriate

Maintain masonry by proper tuck pointing and appropriate cleaning. Tuck point mortar joints with mortar that duplicates the original in strength, composition, color, texture, joint size, method of application, and joint profile. Remove deteriorated mortar by hand raking or other means equally sensitive to the historic material. (*Hand raking is*

preferred but with MHPC approval, electric saws with grinding wheels may be used by a skilled operator.) When cleaning is necessary, preserve original texture and color by using a gentle method such as low pressure water and natural bristle brushes.

Inappropriate

Do not use electric saws to remove mortar during tuck pointing; this method will damage surrounding masonry surfaces and change the joint size. (See above) Avoid unnecessary tuck pointing.

FOR YOUR INFORMATION

Do not tuck point masonry using a mortar of high Portland Cement content; this mortar often creates a bond stronger than the building material itself. Damage resulting from the differing porosity and expansion rates of the material and mortar can lead to expensive replacement of the masonry units.

PAINT

Appropriate

Use period paint colors and color schemes appropriate to the building's architectural style. Consult the Mishawaka Historic Preservation Commission for assistance in choosing colors related to the building's style yet consistent with personal preference. Review of the Historic Preservation Commission, although encouraged, shall not be required to change the color of a house, structure, or other element on the property. A certificate of appropriateness is not required.

Inappropriate

Avoid painting masonry surfaces such as limestone and most brick surfaces.

FOR YOUR INFORMATION

Historic buildings constructed of softer brick often were painted for protection; removal of intact paint may hasten deterioration of the exposed surface. A test patch should be tried before extensive paint removal is attempted.

STUCCO

Appropriate

Maintain stucco surfaces by gentle cleaning and repainting when needed. To repair damaged surfaces, use a stucco mixture which duplicates the original in composition, strength and appearance.

WATERPROOFING

Inappropriate

Do not use waterproofing or water repellent coatings or surface consolidation treatments on masonry surfaces unless required in order to solve a specific problem that has been identified and studied.

FOR YOUR INFORMATION

Coatings are frequently unnecessary and expensive, and can accelerate masonry deterioration.

ABRASIVE CLEANING

Inappropriate

Avoid abrasive cleaning methods such as sandblasting on any exterior surface material. (See also Abrasive Cleaning, pages 16 and 17.)

FOR YOUR INFORMATION

High pressure water and sandblasting will remove the exterior protective layer of materials, changing the original texture and allowing the material to absorb water. Increased water absorption will accelerate the rate of deterioration of the material. (See also pages 16 and 17.)

SYNTHETIC SIDING

Appropriate

Use metal or vinyl siding **only when it is the only feasible alternative** to maintaining or replacing the original surface material. If synthetic siding must be used over wood surfaces, it shall be the same size and style as the original wood. Retain original trim around windows, doors, cornices, gables, eaves, and other architectural features. Provide ample ventilation to the structure in order to prevent increased deterioration of the structure due to moisture entrapment or insect infestation. (See also Synthetic Siding, page 17)

Inappropriate

Avoid any use of synthetic siding if at all possible; it is detrimental to the original structure and the historic character of the neighborhood.

SECURITY

Appropriate

If special security protection is desired, install interior window bars, grilles, or electronic systems.

Inappropriate

Do not install exterior bars or grilles on windows above the basement level.

ROOFS AND ROOFING

The roof is extremely important in defining the building's overall historical character. The roof's basic shape, size, color, material, and special features such as cresting, dormers, cupolas, and chimneys are part of the character and design of a building. Because a watertight roof is essential to the preservation of the entire structure, protecting and repairing the roof as a cover are critical aspects of every rehabilitation project.

DESIGN AND STRUCTURAL ELEMENTS

Appropriate

Retain the roof's original shape, materials, architectural features, and detailing such as brackets, chimneys, cornices, cupolas, dormer windows, gable end shingles, and weather vanes. Maintain and repair as needed all decorative elements found on the gable ends of the roof. If these elements must be replaced, they should imitate original design patterns. Maintain flashing, valleys, and other water repellant devices to prevent water infiltration into the building envelope.

Inappropriate

Avoid removal or change of character-defining architectural features, materials, or detailing. Also avoid addition of incompatible materials or architectural features foreign to the original structure or building style.

ROOFING MATERIALS

Appropriate

Replace deteriorated roofing materials as required with new material that matches the current roofing or the original historic roofing. Unique and inherently durable materials such as slate, tile, and architectural metal should be preserved through spot repair and replaced in kind and/or by modern materials similar in appearance and approved by the Historic Preservation Commission. Alternative, more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

Roofing materials such as roll roofing, plastic, or tarpaper are inappropriate permanent coverings.

GUTTERS AND DOWNSPOUTS

Appropriate

Rain gutters and downspouts help define the character of roof lines while serving to channel water away from the building. Distinctive designs and materials of gutters should be identified, preserved, and, when severely deteriorated, replaced. Alternative modern gutters and downspouts may be considered for replacement when the design, form, and composition of the gutter or downspout do not significantly alter the appearance of the home from the street.

Inappropriate

Avoid placing gutters or downspouts in a manner that covers architectural detail, windows, or doors unless other solutions are impossible.

WINDOWS AND DOORS

Windows or doors with unusual shapes, colors, or glazing patterns or that are of unusual material are character-defining features of a building. Because rehabilitation projects frequently include proposal to replace doors, window sashes, or even entire windows in the name of improved security, thermal efficiency, or new appearance, it is essential that the contribution of the doors and windows to the overall historic character of the building be assessed together with the physical condition before specific repair or replacement work is undertaken.

DISTINCTIVE ELEMENTS

Appropriate

Original windows and doors and their characteristic elements including sashes, lintels, sill, shutters, transoms, pediments, molding, hardware, muntins, and decorative glass should be retained and repaired rather than replaced. If original windows and doors are deteriorated beyond repair, replacements should duplicate the original in size and scale. Design, material, color, and texture should be duplicated as faithfully as possible. Alternative more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

If original windows, doors, and hardware can be restored and reused in place, they should not be replaced. Inappropriate treatments of windows and doors include (a) creation of new window or door openings, (b) changes in the scale or proportion of existing openings, (c) introduction of inappropriate styles or materials such as vinyl or aluminum or insulated steel replacement doors, and (d) addition of cosmetic detailing that creates a style or appearance that the original building never exhibited.

STORM WINDOWS AND DOORS

Appropriate

Wood frame storm windows and doors painted to match or accent the trim are historically preferable to metal units. When metal storm windows and full view storm doors are determined to be appropriate, they should be painted, anodized, or coated in a color that complements the building design and color scheme. Application of weather stripping, interior storms, or double-glazing should be investigated before replacement of the historic windows or doors is considered. Repair of existing materials is usually less expensive than purchase of new materials. If new sashes and doors are used, the existing design and hardware should be retained. High quality, energy efficient replacement windows are available. These may be used if weatherizing or repair of the original windows is not feasible and if they match the original in size, design, and detail. Alternative more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

Security storm doors containing highly decorative wrought iron insets are inappropriate.

For Your Information

Energy conservation does not require the replacement of historic windows that can be made thermally efficient by historically and aesthetically acceptable means. In fact, an historic wooden window, coupled with a high quality storm of wood or aluminum, should thermally out-perform a new double-glazed metal window that does not have thermal breaks. This occurs because the wood has far better insulating value than the metal. In addition, most historic windows have high ratios of wood to glass, thus reducing the area of highest heat transfer. Investigate new technology that is compatible with historic design of windows and doors. Consult the Mishawaka Historic Preservation Commission.

AWNINGS

Appropriate

When applying awnings to a structure, use canvas or similar compatible material.

Inappropriate

Avoid metal, fiberglass, or plastic awnings.

SHUTTERS

Appropriate

When shutters are appropriate to the building style and supported by evidence of previous existence on the building in question, they should be proportioned so as to give the appearance of covering the window opening even though they may be fixed in place.

PORCHES AND DECKS

Porches are often the focus of historic buildings, particularly when they occur on primary elevations. Together with their functional and decorative features such as doors, steps, balustrades, pilasters, entablatures, and trim work, they can be extremely important in defining the overall historic character of a building. Their retention, protection, and repair always should be considered carefully when planning rehabilitation work.

DISTINCTIVE DESIGN AND STRUCTURAL ELEMENTS

Appropriate

Retain existing original porch features and details. Repair missing or deteriorated elements or replace them with elements that duplicate the originals in design and materials. Paint new porch work.

Inappropriate

It is inappropriate to alter details that help define the character and construction of the porch and the overall style and historical development of the building.

PRESERVATION OF PORCHES

Appropriate

If possible, preserve porches that contribute to the historical character of the property or have developed architectural or significance in their own right even if they are not original.

Inappropriate

Avoid creating a false historical appearance by introducing porch elements that represent different construction periods, methods, or styles.

NEW CONSTRUCTION OR RECONSTRUCTION OF PORCHES

Appropriate

Reconstruct missing porches based on photographs, written documentation or existing physical evidence of their existence. Reconstructed porches must conform to present zoning setback requirements. In the absence of documented or physical evidence, reconstructed porches should be simple in design and ornamentation, following the guidelines for new construction.

Inappropriate

Enclosed front porches and decks that are visible from public view are inappropriate.

SERVICE BUILDINGS

Often the main structure on the site is not the only important structure. Other structures that are important to the interpretation of the history of the neighborhood include carriage houses, barns, service sheds, and garages. These elements of a site provide a vital link to the history and development of the service aspect of a residential or commercial building and should be taken into consideration when planning any work on the site such as additions to the main structure or construction of new service buildings or recreational elements. All types of service buildings are appropriate when located in the rear yard, or entirely behind the home.

CARRIAGE HOUSES

Appropriate

Maintain and preserve carriage houses according to the same guidelines as those that apply to the main structures on a site. Adaptive use of carriage houses and subsequent rehabilitation should not destroy character-defining elements such as the entrance doors or the pattern created by the walk or drive that provides access to the building.

BARNs AND SHEDS

Appropriate

Guidelines for the routine maintenance and preservation of main structures also apply for barns, service sheds, gazebos and similar structures. All types of barns and sheds are appropriate when located in the rear yard.

Inappropriate

Avoid construction of pre-manufactured sheds and barns uncharacteristic of the surrounding neighborhood in front yard areas..

GARAGES

Appropriate

Maintain original character-defining doors and windows if possible. When selecting the location of a new garage, take into consideration the historic orientation of the house and the impact of the new location on the environment of the neighborhood. All types of garages are appropriate when located in the rear yard.

Inappropriate

Avoid removal of historic garages, carriage houses, green houses and the like for the installation of swimming pools, decks, or other recreational elements.

OTHER STRUCTURES

Appropriate

Other structures such as barbecue pits, greenhouses, or pet kennels should be compatible with the historic character of the site and the neighborhood and be inconspicuous when viewed from the public right of way. All types of other structures are appropriate when located in the rear yard.

GUIDELINES FOR NEW CONSTRUCTION

New construction should harmonize with adjacent and neighborhood buildings in terms of height, scale, mass, and color. The materials, spatial rhythm, proportion, and color should also play an important role in design considerations. The height of new buildings or structures and the height to width proportion should be consistent with others in the block and in the immediate surrounding area.

BUILDING RHYTHMS

Appropriate

Incorporate into new construction the rhythms established by existing buildings. Consider the window-to-wall area or solid/void ration, bay division, proportion of openings, entrance and porch projections, space between buildings, and site coverage.

Inappropriate

Avoid designs for new construction that ignore the rhythms of the existing environment and buildings.

BUILDING MATERIALS

Appropriate

Use materials on the exterior of new construction that are compatible with those existing on adjacent buildings in scale, type, texture, size, and color. Exterior finishes should harmonize with and complement existing finishes along the streetscape. Alternative more modern materials may be considered for replacement when the design, form, and composition of the finished material closely resemble the appearance of the original.

Inappropriate

Avoid use of inappropriate materials such as asphalt shingle, aluminum or vinyl sidings, cast stone, or artificial brick.

DESIGN CONSIDERATIONS

Appropriate

Additions should be compatible to the original building in height, scale, mass, proportion, and materials. Roof form and style should be similar to those found in the neighborhood. Design guidelines for new construction are applicable for additions

FOR YOUR INFORMATION

It is desirable, when constructing an addition to an historic building, to retain as much of the existing building fabric as possible so that future removal of the addition could be achieved without significant damage to the original structure

Inappropriate

Avoid additions that add new dimensions or radically change the original scale and architectural character of a building.

BLENDING NEW AND OLD

Appropriate

Contemporary design and architectural expression in new construction which follow the preceding guidelines are appropriate and strongly encouraged.

Inappropriate

Do not seek to reproduce historic styles with the intent of creating a false impression of the building's age.

OTHER IMPORTANT INFORMATION FOR MAINTAINING HISTORIC BUILDINGS

DEMOLITION

The purpose of designating historic districts is to preserve and protect buildings that significantly represent the historical and architectural development of the City and give any interested persons or organizations the opportunity to preserve these buildings.

With historic preservation as the primary goal of local designation, *demolition of buildings is highly inappropriate.*

Once a structure has been demolished, it is often a long period of time before any infill structure is put in its place; it may never occur. The gap in the streetscape that exists after an historic building has been demolished will have a long term and negative effect on the neighborhood as a whole. This negative influence could grow and cause property values to decline and further demolition to occur. Respectful rehabilitation, rather than demolition, is always better for the neighborhood.

ABRASIVE CLEANING

Abrasive cleaning methods (such as high pressure water or sandblasting) usually are selected as a quick means of removing years of dirt accumulation, unsightly stains, or deteriorating finishes such as stucco or paint. High pressure sand, grit, or water blasting methods clean by eroding dirt or paint, but at the same time they erode the protective surface of the building material. If the material is brick or wood, abrasive cleaning removes the hard protective outer surface and exposes the soft inner core to rapid weathering and deterioration.

Abrasive cleaning can destroy or substantially diminish decorative detailing such as molded brickwork or terra cotta or ornamental carving on wood or stone. It can eliminate surface textures and evidence of historic craft techniques such as tool dressing. Perfectly sound mortar joints can be worn away by abrasive techniques, leading to a need for extensive tuck pointing. The resulting erosion and pitting of building materials reveals a greater surface area for the collection of dirt and pollutants and in effect creates the need for more frequent cleaning in the future.

It is a misconception that all historic masonry buildings were initially unpainted. Actually, many mid-19th century brick buildings were painted immediately or soon after completion to protect poor quality brick or to imitate another material such as stone. Sometimes masonry was painted to produce what was considered a more harmonious relationship between a building and its natural surroundings. Therefore, unless stains, graffiti, or dirt and pollution deposits actually threaten the building fabric, it is generally preferable to do as little cleaning as possible and to repaint only when necessary.

Efficient removal of dirt, stains, and unsound paint from historic building surfaces can be achieved by means that are sensitive to the materials involved. The

gentlest is to use an overall low pressure water wash while scrubbing areas of more persistent grime with a natural bristle brush. A commercially available chemical cleaner also can be employed if a trial test patch shows the agent is effective and does not have unwanted side effects on the building material.

Historic building materials are neither indestructible nor renewable. They must be treated in a sensitive and responsible manner involving little or no harsh cleaning at all if they are to be safely preserved for future use and enjoyment. An historic building need not look as if it were newly constructed to be an attractive or successful restoration or rehabilitation project. Only if it is in the best interest of the building should extensive cleaning be undertaken, and then using only the gentlest means possible.

SYNTHETIC SIDING

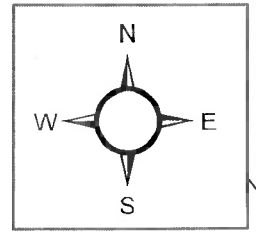
Aluminum, vinyl and other synthetic sidings frequently are considered as options to maintaining a structure's original historic appearance and material. Generally these synthetic sidings are applied to those buildings in need of maintenance and repair in the name of "home improvement". It is often implied that the new siding will be a long-lasting, economic, energy-saving, maintenance-free alternative to the original wood, brick, or stone.

Contrary to popular belief, vinyl, and aluminum will fade, weather, and eventually require regular painting to maintain their appearance. Furthermore, the Federal Trade Commission has determined that even when insulated aluminum is correctly installed there is little or no energy savings. When applied to historic buildings, synthetic sidings are inappropriate and actually no less expensive than other maintenance alternatives. Sidings essentially are used as a quick cosmetic coverup. However, when concealed and uncorrected, minor problems can progress to the point where expensive, major repairs to the structure are necessary.

Aluminum and vinyl form a vapor barrier that prevents the normal passage of humidity from the inside of a building to the outside. Trapped between the interior wall and the siding, this water vapor condenses, encouraging rot to begin in the original wood. Further complications arise when run-off water from damaged or clogged guttering, poor flashing, leaking roofs, is channeled directly into the space behind the siding. Such excessive moisture allows rot to progress at an accelerated rate, causing damage to structural members and failure of interior wall finishes. Damage from insect attack can proceed unseen behind the siding.

Most historic buildings suffer a severe loss of character and architectural integrity when important design elements and ornamental moldings are hidden behind a layer of synthetic siding. A flat, monotone appearance results with the loss of texture, color variation, projecting moldings and trim work. Brick and stone surfaces may be irreparably damaged and wood siding will split when furring strips that support the siding are nailed to the structure.

EXHIBIT "D"



E FIRST ST

HPC 25-02

N CHURCH ST

N RACE ST

LINCOLNWAY EAST

Location Map

**HISTORIC
PRESERVATION
25-02**

OWNER:
CODY AND KATHRINE RANS

ESTABLISH 120 N RACE AS A
LOCAL HISTORIC LANDMARK

E THIRD ST

S RACE ST

PROPOSED ORDINANCE NO. 2025-44

ORDINANCE NO. _____

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

WHEREAS, I.C. 36-8-3.5 (*Police and Fire Merit Systems*) sets forth the requirements for the establishment of a police department merit system for eligible departments throughout the State of Indiana; and

WHEREAS, pursuant to the definition of an eligible police department set forth in I.C. 36-8-3.5-5.5 (b), the Mishawaka Police Department (“MPD”) is an eligible police department for purposes of the statute; and

WHEREAS, pursuant to the terms of I.C. 36-8-3.5-5.5 (d) & (e), a merit system for the MPD would be established by statute, effective January 1, 2025, unless, not later than December 31, 2024, a majority vote by both the Common Council for the City of Mishawaka (“Common Council”) and the active, full-time members of the MPD either established its own merit system or rejected the establishment of a police merit system; and

WHEREAS, the Common Council believes that the establishment of a police merit system is in fact in the best interests of the City of Mishawaka (“City”), as well as its citizens, and its police officers.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA:

Section 1. Pursuant to the terms of I.C. 36-8-3.5-3, the Common Council hereby approves the establishment of a merit system for the Mishawaka Police Department, effective January 1, 2025. As required by the terms of I.C. 36-8-3.5-4, the establishment of this police merit system must also be approved by a majority of the active full-time paid members of the MPD in a referendum. Consistent with the terms of I.C. 36-8-1-9, an “active member of the MPD” shall be defined as the Police Chief and any other sworn officer then appointed to the MPD.

Section 2. Within sixty (60) days of the adoption of this Ordinance by the Common Council, the Board of Public Works and Safety for the City of Mishawaka (“BPWS”) shall facilitate a referendum vote by the active members of the MPD that complies with the requirements of I.C. 36-8-3.5-4. Should a majority of the active members of the MPD vote to approve the establishment of the police merit system, the merit system takes effect on January 1, 2025.

Section 3.

- A. The police merit system established by this Ordinance shall be administered by the Mishawaka Police Department Merit Commission (“Merit Commission”). The Common Council generally authorizes the Merit Commission to exercise all the powers and duties set out in I.C. 36-8-3.5, including, but not limited to, the power of selection and appointment (subject to the applicable pension statutes), promotion and demotion, and disciplinary action or dismissal of the members of the MPD, except as said powers and

duties are otherwise limited under the terms of Indiana law. Furthermore, the Common Council specifically adopts the terms of the following statutes and authorizes the Merit Commission to operate only in a manner that complies with the terms of each statute:

1. I.C. 36-8-3.5-12 (*Department Members; Appointment; Qualifications; Application; General Aptitude Test; Ratings; Eligibility List; Vacancies; Physical Agility Test; Probation*);
 2. I.C. 36-8-3.5-13 (*Promotions; Rules; Requisites; Eligibility List*);
 3. I.C. 36-8-3.5-14 (*Promotions; Competitive Examinations; Procedures*);
 4. I.C. 36-8-3.5-15 (*Performance Ratings; Rules; Appeal*);
 5. I.C. 36-8-3.5-16 (*Promotions; Certification of Eligible Members; Probation; Procedures*); and
 6. I.C. 36-8-3.5-17 (*Disciplinary Actions; Grounds; Hearing; Notice; Requisites; Procedures; Appeal*).
 7. I.C. 36-8-3.5-21 (*Temporary Leave of Absence; Seniority; Reinstatement*)
- B. The Mayor shall retain the sole authority to appoint and remove a member of the MPD who is assigned to an upper-level policymaking position, pursuant to the terms of I.C. 36-8-3.5-11. Pursuant to I.C. 36-8-1-12, an upper-level policymaking position shall be defined as the Chief of Police and the next two (2) ranks and pay grades immediately below the Chief. The removal of a member of the MPD from an upper-level policy making position shall be considered a removal from rank only and not from employment with the MPD. Following the removal, the Commission shall reassign the member within the MPD in accordance with the requirements of I.C. 36-8-3.5-11 (d).
- C. Pursuant to the terms of I.C. 36-8-3.5-19, the Chief of Police, without a hearing, shall retain the authority to reprimand in writing or suspend without pay (for a maximum of five (5) working days) a member of the MPD. Within forty-eight (48) hours of this disciplinary action, the Chief shall notify the Merit Commission in writing of the disciplinary action and the reasons for the action. The member of the MPD subject to this disciplinary action may, within forty-eight (48) hours of receiving notice of the reprimand or suspension, request in writing that the Merit Commission review the matter and either uphold or reverse the Chief's decision. Should the Merit Commission, at its sole discretion, decide to hold a hearing for purposes of this review, the Merit Commission shall conduct this hearing and render its decision in manner that comports with the requirements of I.C. 36-8-3.5-19 (b).

Section 4.

- A. Pursuant to the terms of I.C. 36-8-3.5-6, the Merit Commission shall consist of five (5) Commissioners, who shall be appointed by no later than March 1, 2025, as follows:
1. Two (2) Commissioners, who must be of different political parties, appointed by the Mayor of the City of Mishawaka;
 2. One (1) Commissioner appointed by the Common Council; and
 3. Two (2) Commissioners, who must be of different political parties, elected by the active members of the MPD.
- B. To serve as a member of the Merit Commission, a Commissioner must be:
1. A legal resident of the City of Mishawaka for the three (3) consecutive years immediately preceding the Commissioner's term;
 2. A person of good moral character; and
 3. At least twenty-one (21) years of age.
- C. An individual is ineligible to serve as a member of the Merit Commission if he or she:
1. Is an active member of a police or fire department or agency; or

- 2. Receives any remuneration from the City as salary.
- D. Not more than two (2) of the Commissioners may be past members of a police or fire department or agency.
- E. The term of office of a Commissioner is four (4) years. However, one (1) Commissioner initially appointed by the Mayor and one (1) Commissioner initially elected by the active members of the MPD shall serve only for a term of two (2) years.
- F. The appointing or elected authority shall fill a vacancy on the Commission within thirty (30) days. If the vacancy relates to a Commissioner elected by the active members of the MPD, the Merit Commission shall conduct a new election that complies with the terms of I.C. 36-8-3.5-8. The individual so elected or appointed shall serve for the remainder of the unexpired term.
- G. A Commissioner appointed by the Common Council or the Mayor serves at the pleasure of the appointing authority and may be removed at any time. A Commissioner elected by the active members of the MPD shall be subject to a recall vote as set out in I.C. 36-8-3.5-7 (d).

Section 5.

- A. The Merit Commission shall conduct regular monthly meetings, and such special meetings as are necessary to transact the business of the Merit Commission.
- B. Not later than thirty (30) days after their selection, the members of the Merit Commission shall adopt rules to govern the Merit Commission, including the time and place of its regular monthly meetings and special meetings. Additionally, within ninety (90) days after their selection, the members of the Merit Commission shall adopt rules governing: (1) the selection and appointment of persons to be employed as members of the department, subject to applicable pension statutes; (2) promotions and demotions of members of the department; and (3) disciplinary action or dismissal of members of the department (the "Section 10 Rules"). All rules adopted by the Merit Commission must be consistent with the general requirements of Indiana law, as well as the terms of the Indiana statutory provisions listed in Section 3 (A) above, as applicable. Prior to the adoption of the proposed Section 10 Rules by the Merit Commission, the Merit Commission must conduct a public hearing with advance notice pursuant to the requirements of I.C. 36-8-3.5-10. No such public hearing is required for the adoption of non-Section 10 Rules governing the Merit Commissioners.
- C. The presence of a majority of the Commissioners shall constitute the quorum necessary to transact the business of the Merit Commission. A majority vote of all the Commissioners is necessary to transact the business of the Merit Commission.
- D. Each year, the Commissioners shall select a president, vice president, and secretary from among their members.
- E. The Merit Commission shall keep a permanent record of its proceedings.
- F. The Merit Commission shall submit a proposed annual budget to the City as other such budgets are submitted. The Common Council shall include in its budget an amount sufficient for the necessary expenses of the Merit Commission.
- G. Subject to the recommendation of the BPWS and subsequent approval by the Common Council, the City shall pay a *per diem* to each Commissioner for each day of actual service to the Merit Commission.

Section 6. Pursuant to the terms of I.C. 36-8-3.5-5.5 (i), after January 1, 2029, and before January 31, 2029, the Common Council and the active full-time paid members of the MPD shall vote to either retain or dissolve the police merit system established by this Ordinance. If at least a majority

of either the Common Council or the active full-time paid members of the MPD vote to dissolve the merit system, the police merit system is dissolved.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 8. This Ordinance shall be in full force and effect from and after its passage, attestation, and any legal publication required under Indiana law.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

on this _____ day of December 2025 at _____ o'clock, _____. m.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of December 2025 at _____ o'clock, _____. m.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED BY ME this _____ day of December 2025 at _____ o'clock, _____. m.

David A. Wood, Mayor

