



GOSHEN COMMON COUNCIL

Minutes of the OCTOBER 16, 2023 Regular Meeting

Convened in the Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Mayor Gina Leichty called the meeting to order at 6:02 p.m. Assisted by the Mayor, Noah Miller led the Pledge of Allegiance. Noah, a first-grade student, is the son of Gary and Katya Miller of Goshen.

At 6:04 p.m., Mayor Leichty asked Clerk-Treasurer Aguirre to conduct the roll call.

Present: Megan Eichorn (District 4) Julia King (At-Large) Doug Nisley (District 2)
 Gilberto Pérez Jr. (District 5) Donald Riegsecker (District 1) Matt Schrock (District 3)
 Council President Brett Weddell (At-Large)

Absent: Youth Adviser Jessica Velazquez Valdes (Non-voting)

Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the Oct. 2, 2023 Regular Meeting. Councilor Eichorn moved to accept the minutes as submitted. Councilor Nisley seconded the motion. The motion passed 7-0 on a voice vote.

Approval of Meeting Agenda:

Mayor Leichty presented the agenda as submitted by the Clerk-Treasurer. Aguirre. Councilor King moved to accept the agenda as submitted. Councilor Pérez seconded the motion. Motion passed 7-0 on a voice vote.

Privilege of the Floor:

At 6:05 p.m., Mayor Leichty invited public comment for matters not on the agenda. There were no public comments, so the Mayor closed Privilege of the Floor at 6:05 p.m.

Mayor Leichty said the Council tonight would be considering five salary ordinances for City employees. She said the City was still awaiting the final version of the City compensation study from Baker Tilley Municipal Advisers. The Mayor said the results of the study would affect the distribution of the \$200,000 set aside in the 2024 budget for employee raises. Mayor Leichty said proposed Ordinance 5166, 2024 Compensation for Civil City and Utilities Employees, would be modified based on the final version of the study after a meeting Oct. 19 with Baker Tilly staff and City staff. She said Ordinance 5166 would be before the Council on Oct. 30 for final passage.

Councilor King asked how the \$200,000 figure for raises was determined. Mayor Leichty said that was the amount possible in the budget based on available City resources.

1) Ordinance 5165 – 2024 Compensation for Elected Officials (First Reading)

Mayor Leichty called for the introduction on First Reading of Ordinance 5165, *2024 Compensation for Elected Officials*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5165 by title only, which was done.

Weddell/Pérez moved to approve Ordinance 5165 on First Reading.



BACKGROUND:

Before the Council, for first reading, was Ordinance 5165, the City of Goshen's proposed 2024 Compensation for Elected Officials, including wages and benefits.

Under Ordinance 5165, Goshen elected officials would receive the following bi-weekly salaries in 2024:

(A) **Mayor – \$4,063 bi-weekly.** The salary shall be paid 60% from the general fund of the Civil City and 40% from the funds of Water and Sewer Utilities.

(B) **Clerk-Treasurer –\$3,097 bi-weekly.** The salary shall be paid 70% from the general fund of the Civil City and 30% from the funds of Water and Sewer Utilities.

(C) **Judge – \$2,225 bi-weekly.** The salary shall be paid 100% from the general fund of the Civil City.

(D) **Common Council Members – \$647 bi-weekly.** The salary shall be paid sixty percent 60% from the general fund of the Civil City and 40% from the funds of the Water and Sewer Utilities.

Ordinance 5165 also: establishes additional compensation for a Common Council member serving on a collective bargaining unit negotiation team (\$500 stipend); sets the longevity pay increases for the Mayor (\$5,000 each year commencing at the beginning of the Mayor's fifth year in office); and describes the Public Employee's Retirement Fund benefits for the Mayor, Clerk-Treasurer and Judge.

Ordinance 5165 also: describes the health insurance benefits for the Mayor and Clerk-Treasurer; sets the cell phone stipends for the Mayor, Clerk-Treasurer and Judge (\$50 maximum per month) and establishes the annual technology stipend (\$500) for Common Council members.

OCT. 16, 2023 COUNCIL DISCUSSION AND FIRST READING OF ORDINANCE 5165:

Mayor Leichty asked Councilors if they had any comments or questions about Ordinance 5165.

Councilor King said that based on the prior conversation about the City salary study, she was "feeling dissatisfied that we again" don't have the study for this Council conversation and prior to a vote on the salary ordinances. **Councilor King then made a motion to remove SECTION 2 Additional Compensation (B) – the longevity pay for the Mayor.**

SECTION 2 Additional Compensation (B) is written as follows:

Longevity Increase in Pay. Commencing at the beginning of the Mayor's fifth (5th) year in office as Mayor, the Mayor shall receive a longevity increase in pay in the amount of Five Thousand Dollars (\$5,000) during each year the Mayor serves as Mayor. The longevity increase in pay shall be included in the Mayor's regular bi-weekly paycheck, and shall be paid sixty percent (60%) from the general fund of the Civil City and forty percent (40%) from the funds of the Water and Sewer Utilities. This longevity increase in pay shall not be considered as part of the compensation of the Mayor when considering increases or decreases in the Mayor's compensation under Indiana Code § 36-4-7-2.

Councilor King said the provision could be revisited after the Council receives the salary study. She said this motion would not affect this Mayor or a future Mayor, "but it's just kind of keeping us in line with what we had requested and personally, I'm just not comfortable putting longevity bonus pay on an elected official, as an elected official, before we are sure where others (City employees) fall. That's why I would make that motion."

Councilor Pérez asked when the Baker Tilly study would be available. Mayor Leichty said she hopes this month. She noted that the study is a year and a half overdue, but that Baker Tilly employees were making a concerted effort to complete the process and were aware that the City salary ordinances must be approved by Nov. 1.

Council President Weddell noted that there was a motion on the floor. Clerk-Treasurer Aguirre said there was no second to the motion.



Mayor Leichty asked if there was additional Council discussion.

Council President Weddell noted there cannot be further conversation until the motion is seconded. **Councilor King** agreed there could be no further discussion unless the motion was seconded or died for lack of a second.

Councilor Nisley then seconded **Councilor King's** motion to amend Ordinance 5165 by removing **SECTION 2 Additional Compensation (B) – Longevity pay for the Mayor.**

Councilors Weddell and King said a Council discussion could now take place.

Councilor Nisley said he seconded the motion because he would like a vote on it. He said it should be brought to the table and voted on, adding that he was neither for nor against it at this point. **Councilor King** said she appreciated **Councilor Nisley** seconding the motion.

Council President Weddell said he appreciated **Councilor King** raising the issue before the meeting. Although he said they "may not agree on this entirely," the Council President said he has long felt that the position of the Mayor was underpaid, regardless of who was the Mayor. He said he was offering that perspective not based on what any other communities pays, but based on his experience in the private sector and the Goshen's Mayor workload. So, the Council President said that is why he has sought an increase for the Mayor and also voted to add the longevity provision – and wanted it to remain – to compensate the Mayor for having more experience.

Councilor Eichorn said she appreciated **Councilor King's** position, but said he supported retaining the longevity pay provision based on the pay of other City employees who are making more or the same as the Mayor as well as the amount of work expected of the Mayor. She said longevity pay was a great incentive for Mayors to stay in office. Councilor Eichorn also said the Mayor is not paid enough for the work performed.

Council President Weddell said he agreed 100 percent with **Councilor King** that the City compensation study is overdue, adding "there's no excuses for that."

Councilor King responded that the pay of the Goshen Mayor "exceeds the amount that most mayors of comparable size, median income and property values" receive. She said Goshen's mayor works hard, but what's unknown is if all employees down the line are also compensated at the level of comparable cities. Councilor King said Goshen's Mayor is fairly compensated and while others may believe a longevity increase is merited, she is hesitant to support that until she knows the compensation levels of City employees down the line.

There were no further Council comments on the motion to amend Ordinance 5165, so at 6:14 p.m., Mayor Leichty invited public comments.

Goshen City Court Judge Richard L. Mehl said that when one first learns about something and hasn't heard the explanation for it, one might think it's unfair. Judge Mehl said he also has learned that if one doesn't advocate for a position, no one else will. So, when he said he first learned about Ordinance 5165 and the longevity provision, Judge Mehl said he thought it was good because the Mayor would have been re-elected by the voters, is doing a better job and will receive a longevity pay increase.

"And then I said, 'Wait a minute. Why does that elected official get a longevity bonus and the other ones don't? So that would include the Judge. That would include the Clerk-Treasurer. That would include everyone on the Council. I mean, if you get re-elected, you come back. Your constituents want you here. You've done a good job. You're better and you're more experienced. So why doesn't it apply to everybody?'"



Judge Mehl continued, "So, my argument isn't against it as much as is it fair to just give it to one elected official and not the others? And I agree that if you look at the private sector at what a CEO can earn, of a business the size of Goshen, that they're underpaid. And that's probably true in any elected official position.

"I can tell you it's true as far as what I'm paid as Judge vs. what I make as a private attorney. It isn't even close. That was not a consideration that I made when I ran for Judge. I knew what the money (to be received) was. That's fine. And I ran for the position and fortunately I was elected. And that's the same way with running for re-election."

Judge Mehl added, "The pay is fine for what I do, but it just struck me as unfair that it doesn't apply to everybody. So, I'm in a part-time position, so a part-time position wouldn't get a longevity increase like a full-time position would be, but I just wanted to come and basically say it doesn't seem fair. Legally can you do it? Yeah, but it is it fair?"

There were no further public comments, so at 6:17 p.m., Mayor Leichty closed the comment period on the motion to amend Ordinance 5165. Mayor Leichty asked if the Council was ready to vote.

Council President Weddell said he appreciated **Judge Mehl's** comments. He said of the elected official positions only two are full time – the Mayor and the Clerk-Treasurer and the others are part time, although also elective positions. Council President Weddell said that before he joined the Council, **Councilor Everett Thomas** worked diligently to raise the Mayor's salary, but the proposal never passed. After Councilor Thomas decided not to seek re-election, Council President Weddell said he took on the issue and it didn't pass for many years. He said he believes the position should be paid more, but hasn't been able to get enough Council support for that and the only way he could increase the pay was to successful advocate for a longevity increase after a Mayor served five years. Council President Weddell told Judge Mehl that he would prefer to raise the Mayor's base salary, so as not to have longevity pay only for the Mayor, but implementing it was the only way to increase the Mayor's salary.

Councilor Pérez said the Council could implement a yearly series of partial increases until a Mayor has served five years and could get the full longevity bonus. He said the current Council could consider a pay increase for the Mayor.

Council President Weddell said he would prefer to make that proposal to the next Council.

Councilor King said with more information, a longevity pay increase could be reasonable again. However, without that information, Council King said it seemed arbitrary and perhaps unfair to other elected officials who could also benefit from a longevity pay increase as well as other City employees.

Councilor Pérez said he agreed with **Councilor King** that more information is good and helps the Council make better decisions. He said **Judge Mehl's** position was well taken and he said he was intrigued by the possibility that the next Council could consider conducting a performance appraisal of the Mayor, with key performance indicators. However, Councilor Pérez conceded he will not be on the next Council and instead will be in the audience asking questions. He added that he was ready to vote.

There no further Council comments. Mayor Leichty asked the Clerk-Treasurer to conduct a roll call vote.

On a roll call vote, Councilors deadlocked 3-3-1 on the King/Nisley motion to amend Ordinance 5165 by removing "SECTION 2 Additional Compensation (B) – Longevity pay for the Mayor" with Councilors King, Nisley and Schrock voting "yes," Councilors Eichorn, Perez and Weddell voting "no" and Councilor Riegsecker voting "pass." Asked if he wanted to change his vote, Councilor Riegsecker voted "no," and the amendment was defeated by a 4-3 margin at 6:21 p.m.



Mayor Leichty announced that the motion to amend failed on a 4-3 vote. She then asked if there were further Council comments on Ordinance 5165, *2024 Compensation for Elected Officials (First Reading)*.

Council President Weddell said that was "one of the most intriguing discussions so far." Mayor Leichty responded, "It's a Christmas miracle," drawing some laughter.

Council President Weddell said he appreciated Councilor King's viewpoint on the issue. Councilor Eichorn agreed.

Councilor Nisley explained his vote, saying that he affirmed Judge Mehl's perspective about "fairness" and wants to address a similar point later during the meeting.

There were no further Council comments at this point, so at 6:23 p.m., Mayor Leichty invited public comments on Ordinance 5165, *2024 Compensation for Elected Officials*, which was before the Council for First Reading. There were none.

Mayor Leichty asked if there were further Council comments or questions.

Council President Weddell asked Assistant City Attorney Don Shuler if the motion to amend Ordinance 5165, which just failed, could be brought back to the Council at its next meeting if new information was presented.

Shuler responded that if the motion was worded the same as tonight, it could not be considered again, because it already has been defeated. However, he said it could if it was adjusted and concerned a related provision, such as longevity pay for the judge and not the Mayor. He said that would be appropriate.

Councilor King asked about bringing a motion to reconsider. Shuler said in most circumstances, a motion to reconsider must be made at the same meeting.

Councilor Nisley asked what would happen if Ordinance 5165 was defeated tonight. Council President Weddell said if Ordinance 5165 was defeated tonight, it would be "dead" and pay would revert to last year's ordinance.

There were no further Council comments or questions. Council President Weddell said Councilors were ready to vote. Mayor Leichty asked the Clerk-Treasurer to conduct a roll call vote.

On a roll call vote, Councilors unanimously passed Ordinance 5165, 2024 Compensation for Elected Officials, on First Reading by a 7-0 margin, with all Councilors present voting yes at 6:26 p.m.

Councilors declined to give unanimous consent to proceed with the Second Reading of Ordinance 5165. Ordinance 5165, *2024 Compensation for Elected Officials*. It is scheduled to be back before the Common Council for Second Reading on Oct. 30, 2023.

2) Ordinance 5167 – 2024 Compensation for Fire Department Employees

Mayor Leichty called for the introduction on First Reading of Ordinance 5167, *2024 Compensation for Fire Department Employees*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5165 by title only, which was done.

Weddell/Eichorn moved to approve Ordinance 5167 on First Reading.



BACKGROUND:

Before the Council, for First Reading, was Ordinance 5167, the City of Goshen’s proposed 2024 Compensation for Fire Department Employees, including wages and benefits.

Ordinance 5167 is a 12-page document that sets forth a wide range of compensation provisions for Fire Department employees, including who is covered, wages, benefits, vacation and sick leave, holiday compensation, longevity increases in pay, uniform allowances, certification pay, classification pay, and more.

| | 2024 Base Wages: | |
|---------------------------|---------------------------|---------------------------|
| Fire Chief | \$3,822.48 Bi-weekly | |
| Assistant Fire Chief | \$3,577.38 Bi-weekly | |
| Certified Chief Inspector | \$38.31 per hour | |
| Chief Inspector | \$35.52 per hour | |
| Inspector I | \$32.71 per hour | |
| Inspector II | \$30.87 per hour | |
| | Annual Base Salary | Base Wage per Hour |
| Battalion Chief | \$84,398 | \$30.62 per hour |
| Captain | \$71,832 | \$26.06 per hour |
| Ambulance Captain | \$71,832 | \$26.06 per hour |
| Lieutenant | \$68,205 | \$24.75 per hour |
| Ambulance Lieutenant | \$68,205 | \$24.75 per hour |
| Sergeant | \$64,397 | \$23.37 per hour |
| Ambulance Sergeant | \$64,397 | \$23.37 per hour |
| Private | \$62,780 | \$22.78 per Hour |
| Probationary Private | \$62,780 | \$22.78 per hour |

OCT. 16, 2023 COUNCIL DISCUSSION AND FIRST READING OF ORDINANCE 5167:

Mayor Leichty asked if there were any comments or questions by Councilors about Ordinance 5167.

There were no Council questions, so at 6:27 p.m., Mayor Leichty invited public comments on Ordinance 5167, *2024 Compensation for Fire Department Employees*, which was before the Council for First Reading.

There were no public comments, so Mayor Leichty closed the public comment period at 6:28 p.m.

There were no Council comments or questions and Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5167, 2024 Compensation for Fire Department Employees., on First Reading by a 7-0 margin, with all Councilors present voting yes at 6:28 p.m.

Councilors declined to give unanimous consent to proceed with the Second Reading of Ordinance 5167, so it will be back before the Common Council for Second Reading on Oct. 30, 2023. Council President Weddell said Councilors preferred to only approve the ordinance on First Reading.



Clerk-Treasurer Aguirre pointed out to the Council that at last year's equivalent Common Council meeting, on Oct. 10, 2022, Councilors unanimously passed the five salary ordinances for City employees.

Council President Weddell asked if there was a deadline concern.

Mayor Leichty said the salary ordinances must be approved by Nov. 1, so they would need to be passed at the Council's next meeting on Oct. 30. She said the Council was free to pass any of the salary ordinances on second reading tonight. She added that Ordinances 5167, 5168 and 5169 reflected the outcome of union negotiations.

Council President Weddell again asked if there was unanimous consent by Councilors to consider Ordinance 5167, *2024 Compensation for Fire Department Employees*, on Second Reading. There was not.

3) Ordinance 5168, 2024 Compensation for Police Department Employees

Mayor Leichty called for the introduction on First Reading of Ordinance 5168, *2024 Compensation for Police Department Employees*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5168 by title only, which was done.

Weddell/Riegsecker moved to approve Ordinance 5168 on First Reading.

BACKGROUND:

Before the Council, for first reading, was Ordinance 5168, the City of Goshen's proposed 2024 Compensation for Police Department Employees.

Ordinance 5169 is an 11-page document that sets forth a wide range of compensation provisions for Police Department employees, including who is covered, wages, benefits, vacation, sick and personal leave, holiday compensation, longevity increases in pay, clothing allowances, technical skills pay, specialty pay, shift differentials, court time pay, a residency bonus, a hiring bonus, and more.

2024 Base Wages:

POLICE OFFICERS

Bi-Weekly Salary

| | |
|------------------------|------------|
| Police Chief | \$3,737.08 |
| Assistant Police Chief | \$3,538.77 |
| Division Chief | \$3,376.82 |

| | <i>Annual Base Salary Base</i> | <i>Wage per hour</i> |
|-----------------------------|---------------------------------------|-----------------------------|
| Captain | \$77,557 | \$36.83 |
| Lieutenant | \$72,519 | \$34.43 |
| School Resource Officer | \$72,519 | \$34.43 |
| Detective | \$72,519 | \$34.43 |
| Sergeant | \$70,471 | \$33.46 |
| Patrol Officer | \$68,045 | \$32.31 |
| Probationary Patrol Officer | \$60,386 | \$28.67 |



CIVILIAN EMPLOYEES

| | Base Wage per Hour |
|---|--------------------|
| Special Police Officer | \$26.97 |
| Special Police Officer – Investigations & Community Relations | \$27.51 |
| Secretary | \$24.11 |

OCT. 16, 2023 COUNCIL DISCUSSION AND FIRST READING OF ORDINANCE 5168:

Mayor Leichy asked if there were any comments or questions by Councilors on Ordinance 5168.

There were no Council questions, so at 6:30 p.m., Mayor Leichy invited public comments on Ordinance 5168, *2024 Compensation for Police Department Employees*, which was before the Council for First Reading. There were no public comments, so Mayor Leichy closed the public comment period at 6:30 p.m.

There were no Council comments or questions and Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5168, 2024 Compensation for Police Department Employees, on First Reading by a 7-0 margin, with all Councilors present voting yes at 6:31 p.m.

Council President Weddell asked if there was unanimous consent by Councilors to proceed to Second Reading of Ordinance 5168, *2024 Compensation for Police Department Employees*. There was not, so Ordinance 5168 will be back before the Common Council for Second Reading on Oct. 30, 2023.

4) Ordinance 5169, Authorization to Appoint Police Reserve Officers and Payment of Compensation in 2024

Mayor Leichy called for the introduction on First Reading of Ordinance 5169, *Authorization to Appoint Police Reserve Officers and Payment of Compensation in 2024*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5169 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5169 on First Reading.

BACKGROUND:

Before the Council, for first reading, was Ordinance 5169, the City of Goshen’s proposed Authorization to Appoint Police Reserve Officers and Payment of Compensation in 2024.

Ordinance 5169 would authorize the City Board of Public Works and Safety to appoint up to 10 Police Reserve Officers to be utilized by the Goshen Police Department. It also would establish the compensation for Police Reserve Officers, which would include a uniform allowance (\$500), court appearance compensation (which is the current overtime rate per hour for a Probationary Patrol Officer) and coverage and pay for a duty-related illness or injury.

OCT. 16, 2023 COUNCIL DISCUSSION AND FIRST READING OF ORDINANCE 5169:

Mayor Leichy asked if there were any comments or questions by Councilors on Ordinance 5169, *Authorization to Appoint Police Reserve Officers and Payment of Compensation in 2024*.



There were no Council questions, so at 6:31 p.m., Mayor Leichty invited public comments on Ordinance 5169, *Authorization to Appoint Police Reserve Officers and Payment of Compensation in 2024*, which was before the Council for First Reading. There were no public comments, so Mayor Leichty closed the public comment period at 6:31 p.m.

There were no Council comments or questions and Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5169, Authorization to Appoint Police Reserve Officers and Payment of Compensation in 2024, on First Reading by a 7-0 margin, with all Councilors present voting yes at 6:32 p.m.

Council President Weddell asked if there was unanimous consent by Councilors to proceed to Second Reading of Ordinance 5169, *Authorization to Appoint Police Reserve Officers and Payment of Compensation in 2024*. There was not, so Ordinance 5169 will be back before the Common Council for Second Reading on Oct. 30, 2023.

5) Ordinance 5166, 2024 Compensation for Civil City and Utilities Employees

Mayor Leichty called for the introduction on First Reading of Ordinance 5166, *2024 Compensation for Civil City and Utilities Employees*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5166 by title only, which was done.

Weddell/Eichorn moved to approve Ordinance 5166 on First Reading.

BACKGROUND:

Before the Council, for first reading, was Ordinance 5166, the City of Goshen's proposed 2024 Compensation for Civil City and Utilities Employees, including wages and benefits, as fixed by the Mayor, except for Police and Fire Department employees.

Ordinance 5166 is a 17-page document, with 14 pages of attachments, which sets forth the employees covered by the ordinance, lists positions, classifications, grades and wages, describes how and when wages are paid, pension and health insurance benefits, vacation leave, sick leave, holidays (13), floating holidays, increment pay, longevity bonuses, funeral leave, court duty pay, paid leave, clothing and fitness allowances, CPA license pay, state certification bonuses, cell phone stipends, collective bargaining agreement provisions, overtimes compensation and other provisions. Attached to Ordinance 5166 were five exhibits (documents) which list: all City positions, by Department, classifications and grades; the 2024 wages for all grades; the 2024 hourly wages for Teamster employees; the 2024 wages for ungraded positions; and the 2024 wages for certain temporary, intermittent or seasonal positions.

OCT. 16, 2023 COUNCIL DISCUSSION AND FIRST READING OF ORDINANCE 5166:

Mayor Leichty asked if there were questions, comments or discussion by Councilors on Ordinance 5166.



Councilor Nisley said he had a question about longevity pay. He asked why a union employee would receive a higher bonus for longevity pay than a non-union employee. He asked why the City wasn't being fair about that. Councilor Nisley said union employees may have asked for higher longevity pay, but it was the Council's responsibility to be fair about employee pay.

Mayor Leichty said it was a fair and pertinent question. She said all of the unions had high priorities for various aspects of compensation most relevant to their members. She said the City did not budget for higher compensation for Civil City and Utilities employees, which is why longevity pay is capped at that level.

Councilor Nisley said to be fair to City employees, the Council should revisit this issue and provide the same amount of longevity pay to non-union employees as it does to union employees. He said he will further examine this issue before the Second Reading of Ordinance 5166.

Mayor Leichty said the City is trying to be as equitable as possible, which is why the ongoing City salary study is so important. She said City staff is looking holistically at salaries and benefits to ensure employees receive as close to the mid-range (in pay) as possible for each position. So, she said **Councilor Nisley** was making a fair point.

Council Nisley asked if the City requires employees who are represented by unions to join those unions. **Mayor Leichty** responded that union membership is optional.

Council Nisley said some City employees don't have the option of joining a union. The **Mayor** agreed.

Councilor King asked for a clarification of the issue. **Mayor Leichty** said the majority of City employees are represented by unions. She estimated 85 to 90% of City employees are resented by unions and asked **Clerk-Treasurer Aguirre** to clarify this figure. **Aguirre** said that was probably accurate, noting that the largest City Departments all had union employees.

Mayor Leichty said she understood **Councilor Nisley's** larger point – that Civil City employees should have comparable pay and benefits as union employees. She said in principle she agreed and that the City is seeking to make sure employees receive equitable pay. **Councilor Nisley** said he understood that some non-union employees may receive higher pay as the result of the salary study. **Mayor Leichty** agreed.

Council President Weddell summarized the compensation of union vs. non-union employees when it came to increment pay and longevity pay as specified by Ordinance 5166. He noted that after 17 years of employment, non-union employees can earn a maximum in annual increment pay of \$1,700 a year and union employees could earn a maximum of \$2,000. But after three more years, all qualifying employees receive \$2,000 in increment pay, meaning that it takes non-union employees three more years to reach the \$2,000 level than union employees.

Assistant City Attorney Don Shuler pointed out that the longevity bonus only applies to those hired before 1990.

Councilor King asked if some City employees cannot join unions.

Mayor Leichty said no employees are prohibited from joining unions. She said she only wanted to point out that the majority of City employees have union representation.

Councilor Nisley said some City employees cannot join unions, such as administrative assistants as well as Department heads. **Mayor Leichty** agreed. **Councilor Nisley** said those City employees are as valuable as any union employees. One audience member responded with applause.

Councilor Schrock said it appeared **Councilor Nisley** was making the point that the City shouldn't penalize non-union employees. **Councilor Nisley** agreed, adding that the City is not treating everyone as equal as it can.



Council President Weddell said a distinction he would make is if an employee has the ability to join a union and chooses not to, that would be one category. And a second category would be those unable join a union. He said his father was active in a teacher's union. He said the union would advocate for teachers and what frustrated him was that the teachers who did not join the union still benefitted from those negotiations.

Councilor Nisley said if a person has the option to join a union and did not, he had no problem with that. He said he was more concerned about those who cannot join a union.

Council President Weddell said that number is pretty small.

Mayor Leichty said that doesn't mean the number is insignificant. She said she understood the point **Councilor Nisley** was making. Again, the Mayor said the City is trying to look holistically at salaries and benefits to make sure there was an equitable distribution of funds for compensation. She said some unions gave up some benefits and negotiated for other benefits, so the benefits are not equal for all employees now.

Councilor Pérez asked if it would be possible to determine the number of City employees who are not eligible to join unions. He said this could address **Councilor Nisley's** concern about the disparity in longevity pay.

Councilor Nisley said the number is insignificant to him because being fair across the board is what matters, whether five or 25 people would be affected. He said all City employees should be paid fairly, whether or not they are union members.

Councilor Eichorn thanked the Council for having this discussion. She said having just left a position with Goshen Community Schools, support staff there have raised the same question. She said she appreciated standing up for non-union employees and making sure they have fair compensation. Councilor Eichorn added that she believes the City wants to look at employee compensation holistically to make sure all employees are fairly paid.

Councilor King asked if there was a motion on the floor.

Council President Weddell said the Council was considering Ordinance 5166 as a whole.

Councilor Nisley said all employees are making close to the same pay, but some are getting larger bonuses than others. **Council President Weddell** said for long-time employees, union vs. non-union, it was only a \$300 difference.

Council President Weddell said the larger issues, as brought up by **Councilor Pérez**, was the number of people affected – those who cannot join a union. That number could help inform the Council of the extent of the issue. If it was 100 people, it could cost the City \$300 per person and \$30,000 a year overall vs. if it was five employees, it would cost the City a total of \$1,500 a year. Still, he said a \$300 payment would help affected employees in terms of the principle it represented. He asked about the City's ability to get that number by the next meeting.

Mayor Leichty said it would not be difficult to get that number.

Council President Weddell said that based upon that number "this conversation could go in a different direction."

Mayor Leichty responded that this was true to an extent, but pointed out that since the City's budget for 2024 has been approved, it cannot now be increased overall.

Council President Weddell said it also might be good to determine who choose not to join union vs. those who cannot join a union.

Councilor Pérez said it would be helpful to have that information for the next meeting.



Councilor Riegsecker asked if the Council was asking for the number of non-union employees who have worked for the City for 17 years or more. **Councilor Pérez** agreed that was the number he was seeking.

Councilor Nisley said if the Council changes the ordinance, it should only affect the 2024 compensation.

There were no further Council questions, so at 6:48 p.m., **Mayor Leichty** invited public comments on Ordinance 5166, *2024 Compensation for Civil City and Utilities Employees*, which was before the Council for First Reading.

Theresa Sailor, the Grant Writer and Educator for the City Environmental Resilience Department, said Exhibit A, the listing of 2024 positions, classifications and grades for City positions, was missing a current employee – a Forestry Assistant, who was not listed under the Department of Environmental Resilience.

Council President Weddell said this possibly was a clerical error that could be added before the next Council meeting. **Mayor Leichty** said if it's any consolation, the position was included in the 2024 budget.

Tara Hetler, an employee with the City Engineering Department, thanked Judge Richard Mehl for stating that if you don't stand up for yourself who will, "because I do not have a union and I do not have the option to join a union." She also thanked **Councilor Nisley** for his question, even though he was not citing sections of Ordinance 5166 that would apply for her.

Hetler said she has struggled over the past few weeks with the thought of whether to speak, even though she might face consequences for her comments. She said she wanted to talk about what non-represented employees feel. She said she knows union employees are getting bigger pay increases than non-union employees.

Unlike some of the union employees, whose workload is not affected by staffing shortfalls, **Hetler** said she has had a higher workload because of absences in the Engineering and Building Departments. She said she has trained three new employees, closed more than 2,000 open permits from 2019 through 2022 for the Building Department on top of her normal work duties and trying to support **City Director of Public Works & Utilities Dustin Sailor**, "who is doing the work of three engineers."

Hetler said not only will she just be getting a 3.5% pay increase, while Teamster union members get 5% increases and Police and Fire employees get more, but even Dustin Sailor is also just getting a 3.5% pay increase. She said Sailor also wasn't given the opportunity to advocate for higher pay for his employees, but other Department heads were allowed to do so.

Hetler said even though her job title is administrative assistant, she also functions as the City's technical review coordinator for the City and coordinates all plan reviews for commercial projects. **Hetler** said she also provides technical support for the City's online permitting system, trains staff and provides support before department employees are allowed to reach out to the City's technical support staff for that software.

Hetler concluded, "It is not about the money or the extras. It is the message that I am receiving. And I only speak for myself, but it's a hard message that I'm trying to accept. So, I apologize, but it is nothing personal against anyone."

Mayor Leichty responded, "You don't have to apologize, **Tara**. Thank you."

Councilor Pérez said he appreciated **Hetler's** comments, adding that they were helpful in understanding what she was experiencing as well as the workload. He said it compelled him to ask if an employee was being asked to take on more duties. He asked how the City was working on this issue. **Councilor Pérez** said he admired **Hetler** and thanked her for her comments. He said he would encourage more communication to address these issues.



Mayor Leichty responded that the situation **Hetler** identified stemmed from a significant shortage of resources in several departments that the City is working hard to remedy. He said there have been significant consequences on staff who have carried that additional load. She said the City was still working on the issue in a number of ways by adding external and internal resources. She said there are staff members like **Hetler** and others who have done an exemplary job of helping the City sustain its operations under difficult circumstances in the past year.

Councilor Eichorn said the City's wage study includes a review of job descriptions and an evaluation of what employees are doing. She asked if **Hetler's** position could be adjusted to reflect what she's actually doing.

Mayor Leichty said there were two components to that question. She said the review of job descriptions was part of the study and part of the reason it is incomplete because the consultants have been working to make sure they are accurate. The Mayor said whether or not **Hetler's** job classification would change would have more to do with the budgeting process the City has already been through and whether there's capacity within the budget to make adjustments to a certain point. She said action could be taken, if necessary, but it wouldn't be an automatic process.

Councilor King said she assumed there was an internal grievance process if an employee felt their job wasn't being described correctly. **Mayor Leichty** responded that there was a process for that as well.

Councilor Eichorn said, "I 100% resonate with what **Tara** just said. I felt the exact same thing for the past few years and it's positions that are not covered by unions that employees feel a lot of frustration and I commend her for having the courage to come up here tonight and talk to us. And I thank you"

Councilor Pérez said he wanted to point out that this could be a human resource and legal situation "if we're tacking on more things on an employee and there is no compensation for that." He said it could become problematic and the City cannot seek more work without compensation and an adjustment in an employee's job description. He asked the Assistant City Attorney to respond.

Assistant City Attorney Don Shuler said it is difficult to give a general answer because the answer would depend on the specific situation. He said his answer would depend on if the job description included a "catch-all provision of other duties as assigned." He said compensation is usually based on a general list of duties and the inclusion of time spent – compensation for hours worked. He said additional compensation can be required when the worker exceeds the agreed-upon hours or the duties. He said he hasn't reviewed all of the City job descriptions, but believes most would include the catch-all provision of "other duties as assigned." He added there would be legal and policy issues.

Councilor Pérez said if an employee was having to work 50 hours, that situation would need to be addressed with additional compensation.

Mayor Leichty said that kind of situation would be addressed and that the City follows hour and wage laws.

Assistant City Attorney Don Shuler said wages are different when it comes to certain duties, particularly in a non-union situation where there is employment at-will.

Tara Hetler said her job description does specify any duties assigned by the Department head. However, she said it is not her Department she has been working for. She said she has been doing work for another Department.

Councilor Pérez said that was a good observation.

Council President Weddell said the "elephant in the room" was the Engineering Department which has been struggling for quite some time. He said **Dustin Sailor**, **Tara Hetler** and other department employees should be commended for what they are doing. He said he is frustrated that in the private sector, employers can easily provide extra pay for employees for their extra efforts, but that's more difficult when it comes to government employees even though they are just as deserving. Council President Weddell concluded by telling **Hetler**: "Thank you for coming. If anyone gives you a hard time, you've got seven people up here who will go to bat for you."



There were no further public comments, so Mayor Leichty closed the public comment period at 7:05 p.m.

Mayor Leichty asked if Councilors had additional comments. There were none and Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5166, 2024 Compensation for Civil City and Utilities Employees, on First Reading by a 7-0 margin, with all Councilors present voting yes at 7:06 p.m.

Council President Weddell again asked for Councilors to be informed prior the next meeting about the number of City employees ineligible to join a union.

Council President Weddell also said there was not unanimous consent by Councilors to consider on Second Reading Ordinance 5166, so it will be back before the Common Council on Oct. 30, 2023.

6) Information item: Council meeting schedule for the remainder of 2023

Clerk-Treasurer Aguirre announced that at the request of Mayor Leichty, and with the affirmation of Common Council members, there will be a modification of the Council's meeting schedule for November.

Aguirre said the date of the Common Council's only scheduled meeting in November will be changed. Instead of taking place on Nov. 20, the Council will meet on **Monday, Nov. 13, at 6 p.m.**

Through the minutes of the Oct. 2 Council meeting, Aguirre said the news media and public have already been notified of this change, but the news media will be advised again, notices also will be posted at City Hall and outside the Council chamber and people will be informed through the City's website and Facebook page.

Aguirre said the final meetings of the year are scheduled to take place on **Monday, Dec. 4 and Monday, Dec. 18**. In addition, the Council will meet briefly at **5:30 p.m. on Wednesday, Dec. 27** to approve year-end Category Transfers.

Council President Weddell said the Council also will meet on **Oct. 30** to approve the salary ordinance.

Mayor Leichty said no action was required on this agenda item.

Elected Official Reports:

Councilor Eichorn said the City Community Relations Commission sponsored an **Indigenous People's Day** event last week. She said it was well attended and very well done. She commended CRC member Casey Kasper-Welles and the CRC subcommittee for their work organizing the event. Councilor Eichorn said she was impressed with the speakers and their wealth of knowledge. She added that the singing and dancing were very moving, and she can't wait to see what will be done next year.

Councilor King said she attended and also enjoyed the event. She also thanked those who made it possible.

Council President Weddell said the **City Redevelopment Commission** met last week and focused on preparation of the commission's annual report, which includes revenue, expenditures and projections. He noted that the Redevelopment Commission annually brings in \$11.5 million per year through the collection of Tax Increment Financing (TIF) revenue for projects across the City. Without TIF revenue, he said the City would only bring in \$200,000 in tax revenue. He added that he cannot imagine what the City would be like without the commission.



Councilor King asked where this information would be available, presumably in the commission's meeting packet. **Council President Weddell** said the last meeting was Oct. 10. He added that many people are not aware of the Redevelopment Commission's role and don't understand what would happen without it.

Mayor Leichty said the City of Goshen does redevelopment projects well and that's a significant advantage for the community.

Councilor King said that was the "if they weren't here" argument – if no one built anything. She said it was not as "black and white" an issue.

Council President Weddell said tax revenue is black and white.

Mayor Leichty said the issue is the amount of taxes that would be collected on those properties.

Council President Weddell said the "gray" of the issue is whether those projects would happen without the Redevelopment Commission. **Councilor King** agreed.

Council President Weddell announced that the Common Council will need to make **appointments to City Boards and Commissions in January**. He provided the following summary:

- **Redevelopment Commission** – Two one-year positions. Currently serving in the positions are Council President Weddell and Andrea Johnson.
- **Plan Commission** – One open position for a four-year term. Currently serving is Councilor Doug Nisley.
- **Shade Tree Board** – Two open positions for three-year terms. Currently serving are Melanie Helmuth and Emma Conrad.
- **Community Relations Commission** – One open position for a three-year term. Currently serving is Glenn Null.
- **Economic Development Commission** – One open position for a four-year term. Currently serving is Zack Bontrager.
- **Goshen Public Library** -- One open position for a 4-year term. Currently serving is Brad Mosness.

Councilor King asked Council President Weddell to clarify if these were openings because people are leaving boards or are their terms expiring. **Council President Weddell** said their terms are expiring.

Councilor King said it would be good to clarify that because sometimes people submit their names and are disappointed by not being chosen after an incumbent is reappointed. **Council President Weddell** said the incumbents on the board may be reappointed, but they will have to apply just like any other candidate and the Council will decide.

Councilor Eichorn asked if **Council President Weddell** could email the list to Councilors. **Council President Weddell** said he would do so.

Councilor Pérez asked if **Council President Weddell** had the full list of appointees, both by the Council and the Mayor. **Council President Weddell** said this was just a list of Council appointments. He added that when he receives the applications, he will respond to the applicants and let them know that some current board members may choose to reapply. **Councilor King** said applicants would appreciate that information.

Councilor Nisley asked when the Council will have to make the appointments. **Council President Weddell** responded that four years ago, the Council decided that appointments should happen at the first or second meeting in January. So, in this case, the Council President said the new Council will make the appointments.



Mayor Leichthy said that **Shade Tree Board member Melanie Helmuth** is now a full-time City staff member, and the Mayor assumes she can no longer serve on the Board. **Council President Weddell** said Helmuth may not be on the board now. He said he would double check on that.

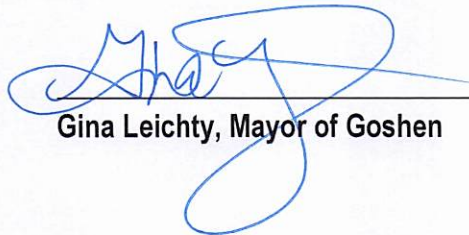
Councilor Eichorn said that given the time required by new Councilors to review applications, plenty of time should be given for the new Councilors to also contact the applicants. **Council President Weddell** agreed and said it would probably be better for appointments to be made at the last meeting in January instead of the first meeting in January. **Councilor Eichorn** agreed. **Council President Weddell** said he would recommend that time frame, but the decision will be up to the next Council.

Mayor Leichthy asked if there were additional reports by Councilors. There were not.

Councilor Nisley made a motion to adjourn the meeting, which was seconded by Councilor King. Councilors unanimously approved the motion to adjourn the meeting.

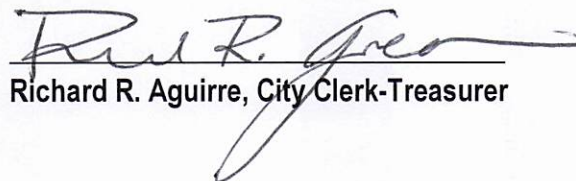
Mayor Leichthy adjourned the meeting at 7:16 p.m.

APPROVED:



Gina Leichthy, Mayor of Goshen

ATTEST:



Richard R. Aguirre, City Clerk-Treasurer