



Common Council Meeting – Minutes for March 7, 2022

Council Members in Attendance: Ben Leavitt, Dana Hollar, Amy Rosa, David Kauffman, Kelbi Veenstra

Also Present: Mayor: Phil Jenkins, **City Attorney:** Brian Hoffer, **Clerk Treasurer:** Jeff Knight, **Guests:** 3, and one member of the press.

- Call to Order: Mayor Jenkins called the meeting to order at 7:00 pm and opened with the Pledge of Allegiance and prayer. Mayor Jenkins also introduced the Council to his new, and first, granddaughter.
- Roll Call: Council members listed above were in attendance.
- Approval of Minutes from February 22, 2022: Councilman Leavitt motioned to approve the minutes. Councilman Hollar seconded. The minutes were approved unanimously by voice vote.
- Petitions or Comments by Citizens:
 - Prosecuting Attorney – Vickie Becker: Mayor Jenkins introduced Prosecuting Attorney Becker to the Council, thanked her for her service, and then yielded the floor to her. Attorney Becker walked the Council through the process of how cases move through the system. The various police departments handle the investigations. If the officer believes there is probably cause, the case is referred to the prosecutor's office. The prosecutor's office reviews the cases. The deputy prosecutors handle the majority of the internal review. The higher profile cases are reviewed by the prosecutor. Roughly 8,000 to 10,000 cases are sent to the prosecutor's office annually. And then a determination of whether to proceed or not, based on the merits of the case, is made.

Mayor Jenkins asked what percentage of the cases submitted to the prosecutor's office proceed to prosecution. Attorney Becker stated approximately 60%. Councilman Kauffman asked if the determination to prosecute depended upon the type of crime or the specific determination of facts. Attorney Becker replied that is a little bit of both. If there is a case involving a public safety risk, that can move to the front of the line more quickly. Councilman Leavitt talked about the number of cases presented to the office compared to the number of deputies to handle the load. Attorney Becker discussed the challenge of having to balance the workload with the staffing. All of the cases are important to somebody, but there are limitations to how fast cases can be reviewed and acted upon. She noted that while her staff



is dealing with shortages, so are the law enforcement agencies. She commented on how fortunate Nappanee is with the quality of police department it has. Councilman Hollar asked if the numbers have changed over the years. Attorney Becker said they have remained fairly consistent. Mayor Jenkins noted the prevalence of social media and asked what city councils and boards of work can do to help. Attorney Backer said to have courage. Remind people that not all Facebook posts are facts, and they need to let the court process run its course. The Council members thanked Attorney Becker for her time.

- Reports of Committees, Boards, and Commissions: There were none.
- Unfinished Business: There was none.
- New Business:
 - First Reading of Ordinance 1602 – Amending Employee Handbook: Mayor Jenkins discussed the need to amend the handbook. Ordinance #1582 references CFR 553.230 (Certified Federal Register), which is an exception to the law for when overtime occurs, and it effects police and firefighters. The city was in the process of using this for the paramedics as well since the EMS and Fire departments were combined in 2021. Subsequently, the city found out that this only applies to firefighters and not paramedics. Therefore this new ordinance will amend the handbook to reflect anything over 40 hours constitutes overtime. The prior language will be removed.

Councilman Kauffman asked if in 2021 the paramedics were not under this policy. Mayor Jenkins responded that Councilman Kauffman was correct. The prior Personnel Policy and Procedure Manual reflected overtime as anything over 40 hours. A correction will be made going back to 2021 in order to fix the mistake. Councilwoman Rosa reflected on the salary review that the finance committee did during the budget season to make sure the staff made the same, or more, so the hourly rate was adjusted. She asked if that would revert back as well. Mayor Jenkins said no, this will be handled going forward. All of the paramedics have been contacted in order to let them know that, based upon Council approval, this correction in the overtime calculation will be made. Councilman Hollar motioned to approve amending the employee handbook on first reading. Councilman Kauffman seconded. Amending the employee handbook was approved unanimously by voice vote on first reading.

- Approve Amended 2022 Appointments: Mayor Jenkins briefly discussed the amendment to the appointees. Mr. Ben Leavitt was added in place of Mr. Nunemaker on the Planning



Commission and Mr. Matt Hostetter has been appointed to the Plan Commission as well as the Board of Zoning Appeals. Mr. Hostetter takes the place of Mr. Jim Stover who passed away last month. Councilwoman Rosa motioned to approve the amended appointments for 2022. Councilwoman Veenstra seconded. The amended appointments were approved unanimously by voice vote.

- Approval of Accounts Payable Vouchers: 2022 APV's Totaling \$548,268.45: CT Knight commented that \$220,000 of the total was related to the Wellfield Park and Park Restroom projects. Councilman Kauffman asked if the transfers were part of what transpired at year end. CT Knight said that these were different due to their being tied to grants and timing, thus negative balances were not viewed as something that needed to be covered in these cases. However, Baker Tilly suggested that it would be cleaner and raise fewer questions from the SBOA during an audit if these transfers were made in order to zero out the negative balances. Mayor Jenkins explained how the Community Crossings grant works. Councilman Kauffman motioned to approve the APV's. Councilman Hollar seconded. The APV's were approved unanimously by voice vote.
- Reports of City Officers: Police Chief Rulli publicly thanked Prosecuting Attorney Becker for the work she and her office have done and for the good working relationship they have with the Nappanee police department. Chief Rulli noted that under her leadership, processes have become simpler due in part to moving to an electronic environment which has saved the city's officers a great deal of time instead of having to run back and forth to Elkhart.

Mayor Jenkins also noted that the governor has removed the state of emergency for health-related issues surrounding COVID. This means that there needs to be a resolution on how electronic meetings will be handled by the city going forward. This will be presented at the next Council meeting.

Adjournment: With no further business to be discussed, Councilman Kauffman motioned to adjourn the meeting and Councilman Leavitt seconded. The meeting was adjourned at 7:33 pm by unanimous voice vote.

Phil Jenkins, Mayor

Attest: _____
Jeff Knight, Clerk of the Council