

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL  
April 16, 2018

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday April 16, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.



**Roll Call.**

**Present:** Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.

**Absent:** Mrs. Voelker, Mr. Compton.

Others present; Council Attorney, Mike Trippel.

The minutes from the April 09, 2018 meeting were approved as received from the City Clerk's Office.

Clerk Block read the following Petition to the council, who referred them to the City Plan Commission for their recommendations.

**PETITION NO.18-11** Rezone from C-1 TO C7 Auto Oriented Restaurant 4515 LWE.

Clerk Block read a letter from the City Plan Commission regarding recommendations from their April 10, 2018 meeting.

**PETITION NO.18-11** A petition submitted by RMH Franchise Corporation, owner, Mishawaka Retail LLC, contingent purchaser, requesting to rezone **4515 Lincolnway East** from C-1 General Commercial District to C-7 Automobile Oriented Restaurant Commercial District.

The Commission, with a vote of 9-0, recommended approval.

Clerk Block read the following reports to the council, no action was necessary;

Presentation of Encumbrances

Presentation of the Tax Increment Finance Report 2017

Clerk Block read the following ordinances by title and were set for public hearing at the next meeting.

**PROPOSED ORDINANCE NO. 2018-08**

**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 to C-7 Auto Oriented Restaurant 4515 LWE)  
(Assigned to the Land Use Planning Committee)

**PROPOSED ORDINANCE NO. 2018-09**

**AN ORDINANCE CONCERNING THE CONSTRUCTION OF ADDITION AND IMPROVEMENTS TO THE SEWAGE WORKS OF THE CITY OF MISHAWAKA, THE ISSUANCE OF REVENUE BONDS TO PROVIDE THE COST THEREFOR, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WORKS, THE SAFEGUARDING OF THE INTEREST OF THE OWNER OF SAID REVENUE BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT THEREWITH,**

(Sewage Work Revenue Bond)  
(Assigned to the Budget and Finance Committee)

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

**RESOLUTION NO. 2018-09**

**A RESOLUTION HONORING THE MISHAWAKA HIGH SCHOOL ART PROGRAM**

Ryan Sergeant, Mishawaka School Art Teacher expressed this was the best for art achievement. He said this was the most talented group he has ever had. Mr. Sergeant thanked the council for the acknowledgement.

Mr. Tanner expressed he was very impressed by the amount of involvement the students had in the community. He continued to say everything the students did in the community showed the character they developed and the amount of goodwill they have given back.

Mr. Canarecci thanked Mr. Sergeant for his hard work. He expressed it was exciting to recognize students for other accomplishments other than sports.

Mr. Mammolenti thanked the students for their hard work and dedication.

Mr. Emmons expressed they were fortunate to have quality teachers at the schools, a quality teacher brought out the best in students. He congratulated Mr. Sergeant.

Question was called for at 7:15 P.M. for **RESOLUTION NO. 2018-09**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

### **RESOLUTION NO. 2018-08**

#### **RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS (Tax Abatement Compliance Report 2017)**

Ken Prince, City Planner stated by law the city had to go through the compliance of every tax abatement the city issued. He said the city issued 14 abatements that were currently active. Mr. Prince mentioned the Barak Iron Rock Development were two of the abatements, which the Redevelopment Commission let expire and the project would not be moving forward. He went on to say 9 of the 12 abatements were in compliance and have exceeded or working towards their expectations. Mr. Prince said 3 of the active abatements were for projects that have not begun or completed, which was the case for Lippert Components. He listed the active abatements. Mr. Prince briefly discussed other Compliance reports that were submitted by the following companies: BD SJRMC Mishawaka Development, LLC, NAC North American Composites, Long Term Care Investments V, LLC, Barak River Rock, LLC, WellPet, LLC (Regrind System 2014 & High Speed Packaging Line 2015), Deerborn Crane and Engineering Company, Inc., Bayer Healthcare, Patrick Industries Inc., River Walk Development Group LLC, Lippert Components Manufacturing Inc., Jamil Packaging Corporation.

Mr. Banicki questioned the 3 abatements that have not begun construction, he asked would the abatement begin when they break ground or at the completion of the project. Mr. Prince explained they match the length of the abatement with the length of time to start the project. Mr. Prince said they did some modification when Lippert Components came in, Lippert essentially had to start construction on other things by July 2018 for the abatement to start. He said if a business was applying for a 3-year abatement, they give 3 years to begin construction before the abatement begins. Mr. Prince continued to say he replicated from previous application since he has been head of the Redevelopment Department. He said they were modifying to have a reasonable start process. Mr. Banicki asked would 3 years on every project be reasonable. Mr. Prince said businesses should apply in advanced before they begin construction to prepare construction documents on a lengthy project, he believed 3 years was reasonable to get through that investment. Mr. Prince said after the 3 years they question someone's ability on if the project would move forward. He went on to discuss the River Rock Apartment project on Mishawaka Avenue, Mr. Sivan planned on moving forward sooner but they ran into a soil issue that was unexpected. Mr. Prince said the city inadvertently delayed the Riverwalk Apartment project. He continued to say they felt they have rectified it on the compliance report. Mr. Prince said they believe there were outstanding circumstance that delayed the project. Mr. Banicki also asked if a developer were to sell their property before construction would the abatement follow the project. Mr. Prince believed the abatement would follow the project. He continued to say it

would not matter as long as the new developer followed through and reached the same commitment in the same product.

Mr. Mammolenti questioned if a new developer were to come in on a project would they vote for the abatement again. Mr. Prince said if a new developer came in wanting to modify their vision, yes they would have to come before the council but if they pick up the same project and meet the same threshold, they would not.

Mr. Canarecci asked for clarification that the abatement would not start until improvements on the property began. Mr. Prince said yes.

Mr. Mammolenti questioned the taxes the developer would pay on the undeveloped lands assessed value prior to construction. Mr. Prince stated the abatement was based on improvement of the land. He said if the assessment for the land doubled from 1 to 2 million dollars, he believed the developer would pay the original tax amount and the abatement would only apply to the improvement. Mr. Trippel, Council Attorney replied Mr. Prince's statement was correct.

Mr. Tanner presumed the expectations for Lippert Components dropped. Mr. Prince said it was not a drop, when Lippert came in they explained there would be a two year ramp up period for hiring. He continued to say Lippert hired 230 employees. Mr. Prince said he imagined after next year that number would significantly increase. He said there was no reason to have concern at this time.

Mr. Emmons asked what Lippert's plans were for their purchase of Independent Concrete property. Mr. Prince said their original plan was to expand the building to build loading docks, which they have continued to re-evaluate. He also mentioned to his understanding Lippert was looking for other properties to do acquisition. Mr. Prince said they had a gentleman that was interested in moving his paint shop from his current location because of Lippert's expansion plans.

Question was called for at 7:34 P.M. for **RESOLUTION NO. 2018-08**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

## **NEW BUSINESS**

Mr. Deal announced the Twin Branch Neighborhood Meeting would be April 18<sup>th</sup>, at 7:00PM at Fire Station # 4 on Harrison Road. The speaker would be Mayor Dave Wood, presenting his State of the City.

Mr. Emmons's announced the 1<sup>st</sup> District Neighborhood Meeting would be April 19<sup>th</sup>, at 7:00PM at St. Bavos School. The speaker would be Mayor Dave Wood, presenting his State of the City.

Mr. Mammolenti reminded the regular meeting of May 7<sup>th</sup> was changed to May 9<sup>th</sup> due to Election Day.

William Simmons from Discovery Middle School was required to attend the meeting to receive his merit badge.

**ADJOURNMENT 7:37 P.M.**

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

Matt Mammolenti /s/  
Matt Mammolenti, President