AGENDA

Monday, February 4, 2019

Meetings of Standing Committees
Council Conference Room
6:45 P.M.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of the Minutes of the Previous Regular Meeting**

   January 21, 2019

5. **Petitions, Communications, Remonstrance and Memorials**

   Appeal No. 2019-03 Use Variance for Outpatient Day Treatment Center for Autism - 1316 W. Dragoon

   Petition No. 2019-01 Annex and Zone to R-1 & R-3 for 6 Single Family Residential lots & 7 Townhomes - 16525 Arthur St and vacant 2 acre lot

6. **Report of Special Committee**
7. **Ordinances on First Reading**
8. **Resolutions**

   R2019-03 Declaratory Resolution for Tax Abatement JAMIL Packaging Corporation 1420 Industrial Drive

9. **Ordinances on Second Reading**

   P.O. NO. 2019-02 Annex and Zone C-6 Office Com 53013 Fir Rd **NO VOTE - PUBLIC HEARING**

   P.O. NO. 2019-03 PUD Amendment to add Senior Daycare Use 6005 North Fir Rd(Assigned to Land Use Planning Committee)

10. **Privilege of the Floor – Non-Agenda Items**
11. **Unfinished Business**
12. **New Business**
13. **Adjournment**

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

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 Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
January 21, 2019

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 January 21, 2019, at 7:00 p.m. The meeting was called to order by President Emmons all were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Minutes for the Regular Meeting of January 07, 2019 were approved as received from the Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their January 09, 2019 meeting.

APPEAL #18-45 An appeal submitted by Edison Lake View Associates, LLP, requesting a Conditional Use for a tattoo establishment at **236 W. Edison Road**.

The Board with a vote of 4-0, recommended approval subject to the following conditions:

1. The tattoo and body piercing studio must comply with all regulations and permitting requirements per Chapter 18 – Business Regulations, Article X – Tattoo and Body Piercing Establishments of the City of Mishawaka.

2. There shall be no loitering or disruptive behavior in or around the business. If problems are encountered as identified by the Mishawaka Police Department, and those problems are not corrected, the Conditional Use shall be revoked by default.

3. No one under the age of 18 shall be permitted to have artwork done to their body unless accompanied by their parent or legal guardian and proof of identification is showed. Identification must include a certified birth certificate.

PETITION #18-31 A petition submitted by FHS Investments, LLC, requesting to annex and zone property located at **53013 Fir Road** to C-6 Linear Office Commercial District.

The Commission, with a vote of 7-0, recommended approval.

PETITION #18-34 A petition submitted by Darin Hurn requesting to amend the Fir Road Athletic Club Planned Unit Development to allow a senior daycare at **6005 Fir Road.**

The Commission, with a vote of 7-0, recommended approval.

Clerk Block read the following proposed ordinances by title were assigned to a committee and set for public hearing at next the meeting.

PROPOSED ORDINANCE NO, 2019-02

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THERFORE
(Annex & Zone C-6 Office 53013 Fir Rd.)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO, 2019-03

AN ORIDNANCE 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
(PUD Amend – add Senior Daycare 6005 N. Fir Rd.)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO, 2019-04

AN ORDINANCE AMENDING ORDINANCE 5642 THE 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, 2019.
(Petitioner requested second reading)

Mr. Compton made a motion to suspend council rules to allow second reading on **PROPOSED ORDINANCE NO. 2019-04** upon a second by Mr. Banicki motion carried.

Rebecca Miller, City Controller explained they were adding the Bi-weekly salaries for pre-hire from the current contract with the FOP for the 2nd class officer, probation, and recruits. She went on to say the current CBA changed 2nd class, probation and recruits hired after January 1st, 2018. Ms. Miller said when salaries were changed for everyone, they realized there were some 2nd class officers and probationary officers that were hired prior and received continued raises. She said this ordinance would amend it.

Question was called for at 7:08 P.M. for **PROPOSED ORDINANCE NO. 2019-04 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.** Thus, it becomes **ORDINANCE NO. 5647AA**

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

RESOLUTION NO. 2019-01

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

236 West Edison Road, Mishawaka, Indiana

Amber Olsen said she has been a tattoo artist for 10 years. She said she currently worked in South Bend near the Niles, Michigan border, she was looking for a place closer to home.

Mrs. Voelker questioned the number of employees. Ms. Olsen said there was an artist of interest from St. Joe, Michigan. She said she would probably run the shop by herself for a little while.

Mr. Mammolenti asked did Ms. Olsen currently own the tattoo shop in South Bend. Ms. Olsen replied no, she rented a both. Mr. Mammolenti also asked how long she has been at the South Bend location. Ms. Olsen replied 10 years.

Question was called for at 7:11 P.M. for **RESOLUTION NO. 2019-01** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9) Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.**

Clerk Block asked for the council to amend the agenda to add **RESOLUTION NO. 2019-02.** Mr. Banicki made a motion to add **RESOLUTION NO. 2019-02** to the agenda upon a second by Mr. Tanner motion carried

Clerk Block read **RESOLUTION NO. 2019-02** in its entirety and opened for public hearing.

RESOLUTION NO. 2019-02

RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING ROSS DEAL
FOR SERVICE TO THE CITY OF
MISHAWAKA

Mayor Wood congratulated Mr. Deal on a much deserved opportunity. He continued to say he was looking forward to working with Mr. Deal on a state level.

Members of the council also congratulated Mr. Deal on his opportunity. They also thanked Mr. Deal for his years of service.

Mr. Deal expressed he did not realize how much he would miss Mishawaka. He continued to say Indianapolis was not Washington; there were lots of great people on both sides. Mr. Deal said a number of State Representatives offered to help, support and work with him. He said he would always be a Mishawaka guy, it would never change. Mr. Deal continued to say if there was anything he could do on behalf of Mishawaka; he would do it to the best of his ability. He expressed his appreciation for the recognition and the opportunity to serve on the council.

Question was called for at 7:21 P.M. for **RESOLUTION NO. 2019-02** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

NEW BUSINESS

Mr. Compton made a motion to suspend the rules for Mayor Wood's State of the City on March 25th to be held at Battell Center upon a seconded by Mr. Tanner motion carried;

Mayor Wood announced they reached an agreement with Hazardous Waste Management to open the Mishawaka 5th Street location on March 01, 2019 through December 01, 2019. He said the board adopted a new property tax; it would apply to everyone in the county with an exception of the City of Mishawaka. Mayor Wood said the property tax would be nine dollars, the city's contribution was to provide the facilities and workers to accomplish a second site in Mishawaka. He continued to say they had a very successful year last year, although they were only opened for three months.

Mr. Compton thanked Mayor Wood and Mr. Emmons for keeping the Mishawaka location open.

Mrs. Voelker stated the manager of 5th Street did a great job.

ADJOURNMENT 7:32 P.M.

Deborah S. Block /s/	Dale "Woody" Emmons /s/
Deborah S. Block, IAMC, MMC, City Clerk	Dale "Woody" Emmons, President

AP 19-03

January 22, 2019

Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. Diocese of Fort Wayne – South Bend, Inc is the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

   Legal Description:
   Irr Tract In Ne Ne N Of Dragoon Trail Sec 20-37-3e 35.64 Ac M Or L
   Registered legal address for the entire property:
   1328 W. Dragoon Trl, Mishawaka, IN 46544
   Address for the building requesting a use variance:
   1316 W. Dragoon Trl, Mishawaka, IN 46544 ("building") Annotated in Attachment A.

2. The above-described real estate presently has a zoning classification of Residential R-1 District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently has an agreement to occupy the above-described property in the following manner:

   The above described property will be used as an outpatient day treatment center providing Applied Behavior Analysis ("ABA") programs for children and adolescents diagnosed with Autism. The hours of operation are 8:00am-4:30am Monday thru Friday.

4. Appellant desires to *(Explain what is proposed that violates the Ordinance.)*
   According to the ordinance the building for the proposed service is required to be zoned as a commercial medical office building. The variance is requested to use the building for this purpose. The services provided are counseling, life skills, and education preparation. They are not medical in nature. The building is appropriately constructed, has ample parking, has the appropriate life safety devices to support the proposed services.

5. The Zoning Ordinance of the City of Mishawaka requires *(Explain ordinance requirements and note Section Number of the Ordinance.)*
   According to the ordinance the building for the proposed service is required to be zoned as a commercial medical office building. The variance is requested to use the building for this purpose. The services provided are counseling, life skills, and education preparation. They are not medical in nature. The building is appropriately constructed, has ample parking, has the appropriate life safety devices to support the proposed services.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.
   The building is properly constructed for the services proposed for the building the current building zoning will not allow for the proposed services. The failure to obtain the requested variance will negatively impact the potential for needed programs in the community.

7. Answer the following necessary questions for a **USE VARIANCE**:

   (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? *YES OR NO and explain your reason why.*

   No. Approval of the use variance will allow the building to house an ABA clinical and educational program for children and adolescents with Autism. The program housed within the building provides treatment for autism creating a positive impact on the patients, their families, the local community, and society. Children and Adolescents attending programs at this facility are no different than the student population attending school at Marian High School, which is located on the grounds where the building is located. The program is based Applied Behavior Analysis which is the foremost proven and approved treatment modality for autism and is conducted under the supervision of trained and licensed professionals.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *YES OR NO and explain your reason why.*

No. Approving the requested use variance will not significantly alter the population of children and adolescents currently attending school at Marian High School. Also, there are no residential structures or commercial business directly adjacent to the building as it is located on southwest corner of the Marian High School campus. The addition of these services will not negatively impact properties adjacent to the Marian High School campus. The building will be used as with no exterior changes or improvements and the current parking lots provide ample parking space.

(3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*

No. The current building is zoned Residential R1 and was recently vacated by the historical inhabitants. However, the building is constructed to support an entity that provides outpatient day treatment ABA programs for children. Therefore, the variance is being requested to continue to provide the ABA programs in the building.

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why.*

Yes. Although the building is properly constructed for the services proposed for the building the current zoning will not allow for the proposed services.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*

No. The Mishawaka 2000 Comprehensive Plan does not specifically address plan for the annotated building. It only notates the campus the building is located upon as Education space. The proposed program for children and adolescent day treatment ABA services aligns with an education designation as the program employs education functions throughout the operation of the programs. The function of the proposed services will not impact current traffic patterns or create

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

Signature of Property Owners Representative

Joshua Smith

Print Name Here

Signature of Property Owners Representative

Leanne Suarez

Leanne Suarez

Print Name Here

CONTACT PERSON:

Name: Joshua Smith
Address: 3226 Brunswick Square Drive, Mishawaka IN 46544
Day Phone Number: 843-609-5885
Fax Number: 574-635-3201
Email: Joshua.caerus@outlook.com

January 23, 2019

TO: Board of Zoning Appeals, City of Mishawaka, Indiana

FROM: Diocese of Fort Wayne – South Bend, INC

SUBJECT: Authorization Letter - Building Zoning Variance Request

I hereby give authorization for Joshua Smith and Leanne Suarez, the owners of Journey's Behavior Learning Center, LLC, to submit a Use Variance Request for the below listed building which is owned by the Diocese of Fort Wayne - South Bend, INC.

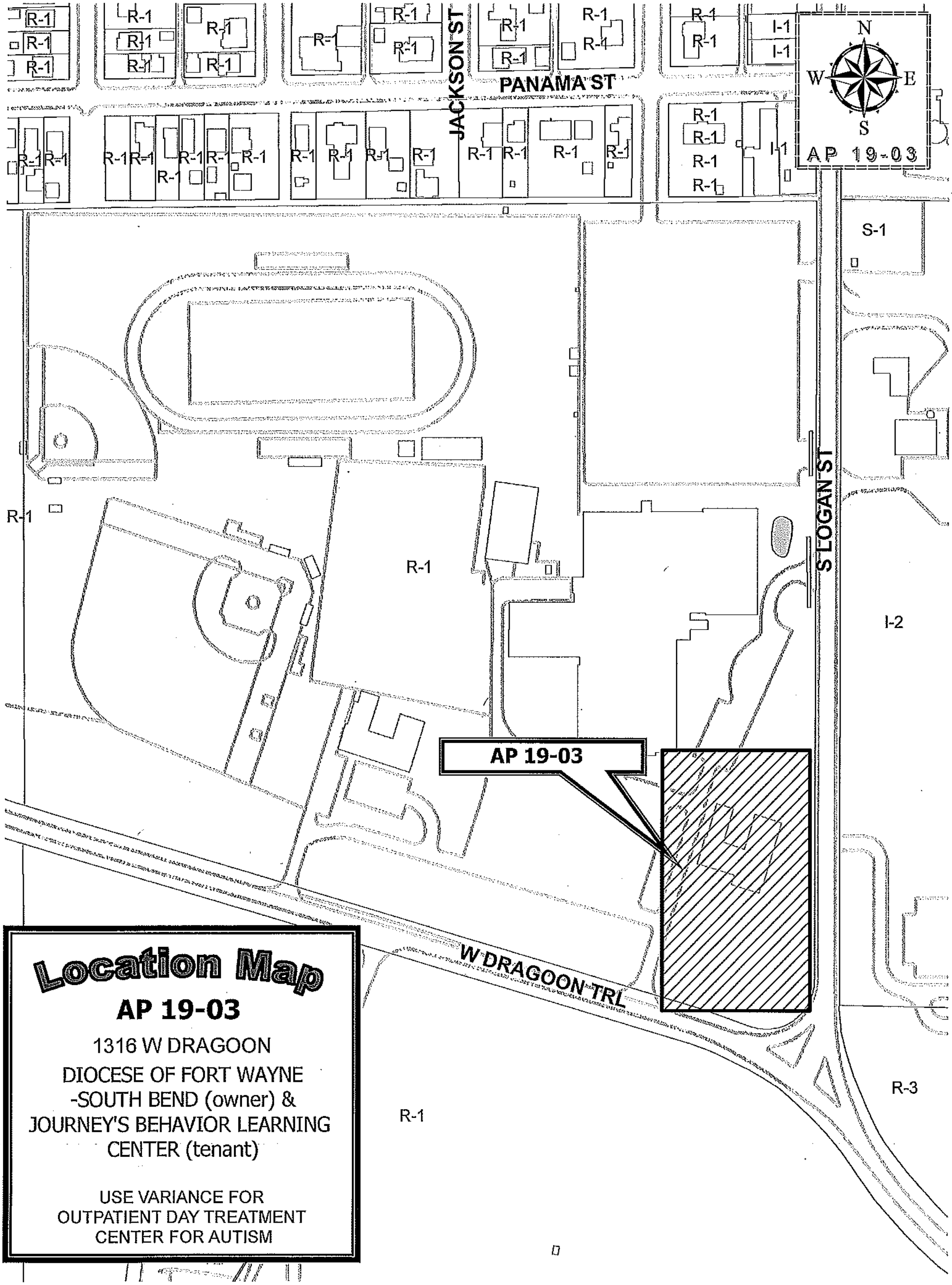
1316 W. Dragoon Trial
Mishawaka, IN 46544

This authorization is limited to submitting and completing the required processes outlined by the City of Mishawaka, Indiana for a Use Variance for the listed address.

Sincerely,

Signature

J. G. Ryan CFO
Print Name/Title


Location Map
AP 19-03
1316 W DRAGOON
DIOCESE OF FORT WAYNE
-SOUTH BEND (owner) &
JOURNEY'S BEHAVIOR LEARNING
CENTER (tenant)
USE VARIANCE FOR
OUTPATIENT DAY TREATMENT
CENTER FOR AUTISM
AP 19-03
N
W
E
S
AP 19-03
PANAMA ST
JACKSON ST
S LOGAN ST
W DRAGOON TRL
R-1
I-1
S-1
I-2
R-3

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 31 2019

CITY CLERK
MISHAWAKA, IN

PET 19-01

RECEIVED
JAN 23 2019
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

January 22, 2019

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

RE: Petition for Annexation and Zoning Classification

The undersigned DJSJ, LLC, Don Shaum, JR AND Jennifer Shaum respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

R-1 Multi Family District Area

A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00°00'00" West along the east line of said Lot 1, a distance of 183.43 feet to the point of beginning; thence continuing North 00°00'00" West along said east line, a distance of 145.00 feet to the northeast corner of said Lot 1; thence North 89°55'02" West along the north line of said Lot 1, a distance of 6.96 feet; thence North 00°00'00" West a distance of 167.900 feet; thence South 89°55'02" East, a distance of 302.00 feet to a point of the east right-of-way line of Grape Road; thence South 00°00'00" East along said east line, a distance of 312.90 feet; thence North 89°55'02" West, a distance of 295.04 feet to the point of beginning containing 2.15 acres more or less.

R-3 Multi Family District Area

A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the southeast corner of Lot 1 as shown on the Recorded plat of Crone's Arthur Street Minor Subdivision in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9320384; thence North 00-00'00" West along the east line of said Lot 1, a distance of 183.43 feet; thence South 89-55'02" East, a distance of 295.04 feet to the east right-of-way line of Grape Road; thence South 00-00'00" East along said east line, a distance of 183.43 feet; thence North 89-55'02" West, a distance of 295.04 feet to the point of beginning containing 1.24 acres more or less.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located 16525 Arthur Street and 52781 Grape Road, both in Granger, Indiana and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a R-1 Residential District and R-3 Residential District. Petitioners further state they intend to utilize said land for single family and multi-family units.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above described parcel of real estate to the City of Mishawaka with a R-1 Residential District and R-3 Residential District.

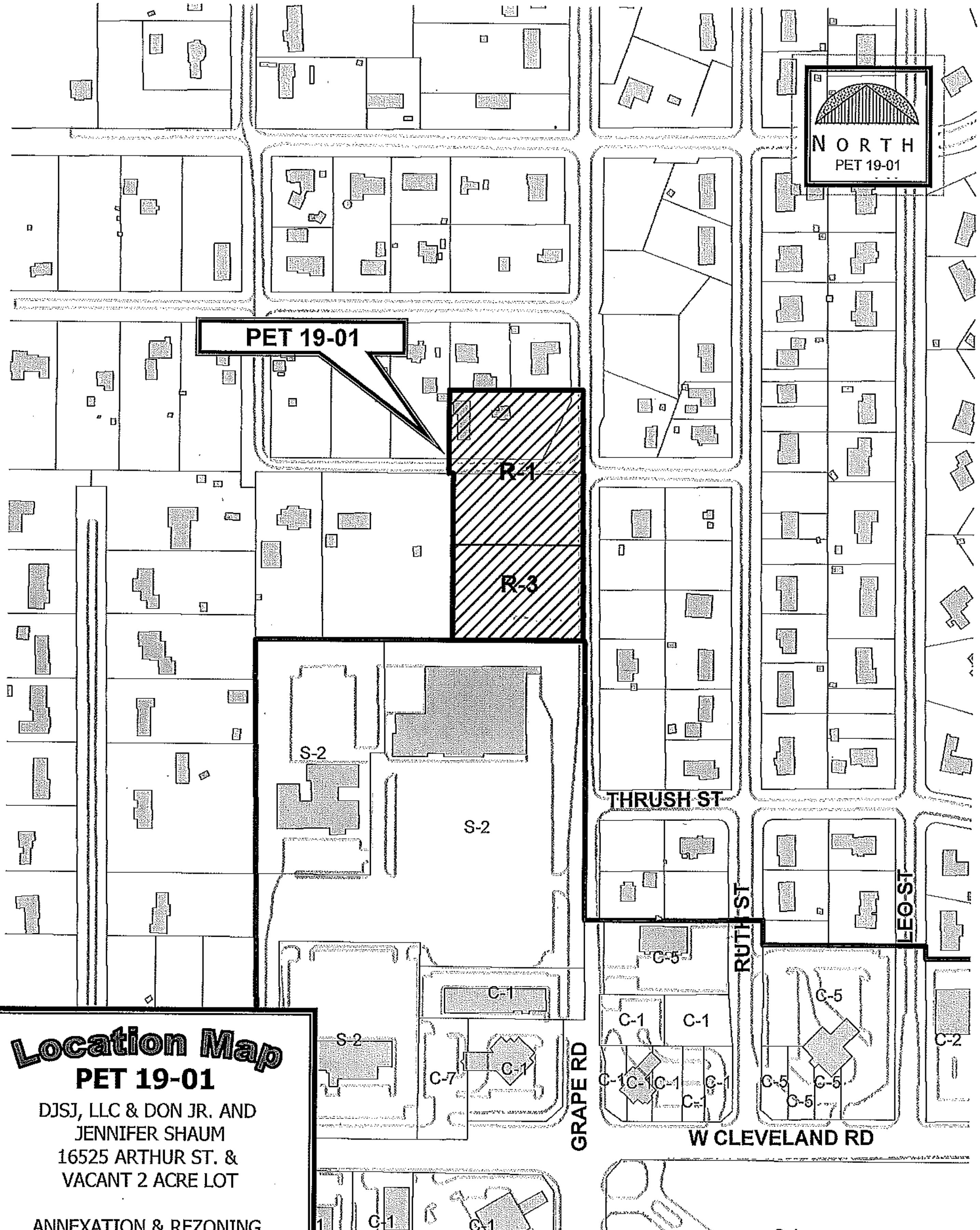
x Donald J Shaum Jr
DJSJ, LLC
By Don Shaum Jr (print name)
22040 County Road 20
Goshen, Indiana 46525

x Donald J Shaum Jr
Don Shaum, Jr.
22040 County Road 20
Goshen, Indiana 46525

x Jennifer Shaum
Jennifer Shaum
22040 County Road 20
Goshen, Indiana 46525

Contact Person:

Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com



Location Map

PET 19-01

DJSJ, LLC & DON JR. AND JENNIFER SHAUM
16525 ARTHUR ST. &
VACANT 2 ACRE LOT

ANNEXATION & REZONING TO R-1 & R-3 FOR 6 SINGLE FAMILY RESIDENTIAL LOTS & 7 TOWNHOMES

City of Mishawaka
Department of Redevelopment

David A. Wood , Mayor

MEMO

Date: January 24, 2019

To: Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Ms.Stacy Petko Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Gregg Hixenbaugh, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mr. Bryan Tanner, At-Large City Council
Mrs. Deborah Block, City Clerk

From: Derek Spier, AICP, Senior Planner & Economic Development Specialist
Kenneth B. Prince, ASLA, AICP, City Planner

Re: Tax Abatement Request
Jamil Packaging Corporation – 1420 Industrial Drive
Resolution 2019-03

Attached is a tax abatement request for consideration at your February 4th, 2019 meeting. The request is for Jamil Packaging Corporation, which is located at 1420 Industrial Drive, in the City of Mishawaka. Jamil Packaging Corporation manufactures corrugated paper boxes and distributes shipping supplies. Because this firm's facility is located within the City's TIF District boundary, the Redevelopment Commission was required to review and approve the request before it could be forwarded to the Common Council for consideration. The Commission approved the abatement on January 25th.

Jamil Packaging, a family owned company, was founded in 1974. The firm moved to the Mishawaka location in 2002, and purchased the vacant Elco-Thermoplastics building. The firm maintains its Midwest Operations at this facility, and has its Southeast Operations located in Gallatin, Tennessee. You may recall that the firm came before the Commission and Council in 2006, 2008, 2011, and 2017 requesting tax abatements for previous equipment purchases. The previous requests by Jamil have allowed the company to purchase equipment it otherwise would not have had the capacity to do so, along with hiring more employees than projected, and at a higher wage rate. The hometown firm has since grown dramatically and continues to strive to serve its customers and offer new and innovative products.

Jamil Packaging has approached the City with plans to make a capital investment of $1.55 million, including new manufacturing equipment. With this investment, Jamil will purchase a Flexo folder-gluer for converting corrugated board more specifically being the Expertfold 300 A-4 Motorized manufactured by Bobst. The new equipment will allow for increased production as their current customer demand has exceeded their manufacturing capacity. .

If approved, Jamil is committed to immediately ordering and begin installation of the new manufacturing equipment in the second quarter of 2019 with an anticipated completion in June 2019. In conjunction with this tax abatement request, the firm has not requested any additional assistance from the City of Mishawaka.

This Mishawaka location of Jamil Packaging, includes 179,000 square feet of manufacturing and warehousing space, currently employs 139 people (116 hourly, 23 salary). Employment has increased 24 percent, up from 112 employees when the last tax abatement was approved in 2017. Their total current payroll is approximately $4.9 million, which is more than $1.2 million higher than total payroll in 2017. Wages for hourly workers, excluding benefits, range from $12.00 to just under $16.00 with an average wage of $16.93.

As a direct result of this investment, Jamil estimates that an additional 12 new jobs will be created increasing total employment to 151. The hourly wage rate for the new hires, excluding benefits, is projected at $11.50 to $15.45 with an average wage of $13.48. Total salaries for the new jobs are estimated at $336,336. Benefits that are available to employees include health insurance, vacation and sick leave (which are based upon length of employment), 401(k), and profit sharing plans.

Attached to this memo, you will find Declaratory Resolution 2019-03, the applicant's SB-1 form for personal property (SB-1/PP), tax abatement application, legal description, and site maps for your review. Based upon the Council's approval of previous and similar projects, the size of capital investment and the number of jobs created, the direct relationship with the growth and stability of the Mishawaka facility, and additionally, with the new equipment, the company's ability to meet the demands of current customers, we believe the request for a three-year phase-in of the personal property taxes on the new piece of equipment is reasonable and has precedent.

Below is the estimated tax impact if the 3-year tax phase-in is approved. Projecting the tax impact with certainty is always difficult due to differences between the investment amount and assessed value, and fluctuations in tax rates and other unknown factors over the life of the abatement. Per discussions with Jamil's CFO, this projection is based upon an anticipated assessed value equivalent to $910,000. Normally, the assessment is lower than the purchase price. This is why the total capital investment is listed at $1.55 million. Since the benefit is based upon assessed value, the phase-in would also be adjusted proportionately per the actual assessment. This estimate is based upon 2018 tax rates payable 2019 since the 2019 tax rates payable 2010 are not yet available. The property tax cap rates for St. Joseph County are also factored into this analysis.

Personal Property:

Year	Year / Year Payable	Percent Abated	Taxes Abated	Taxes Paid
1	2019 / 2020	100%	$28,924[a]	$0
2	2020 / 2021	66%	$19,283	$9,641
3	2021 / 2022	33%	$9,641	$19,283
		TOTALS	**$57,848**	**$28,924**

[a]Property taxes are abated on new machinery only.

We feel that the investment in new equipment should allow Jamil Packaging to remain a competitive force in the global economy, continue to improve production efficiencies, while retaining good-paying jobs and benefits to local workers. Therefore, we have utilized the economic development tool of tax abatement as an incentive to bring this new capital investment into the community.

As you are aware, tax abatement requests before the Common Council are considered in two steps. The first step is the Declaratory Resolution where the abatement is essentially accepted for consideration. Once the Declaratory Resolution is approved, the Clerk's Office has specific advertising requirements to notify other taxing entities within the jurisdiction that could be impacted by the abatement. This allows for input from those other taxing units prior to the Council's consideration and vote on the request. The second step is the hearing and consideration of a confirming resolution where the merits of the request are considered. The only item being considered at the February 4th meeting is the declaratory resolution, which staff is recommending approval of to allow the appropriate advertising to take place. If the declaratory resolution is approved, a confirming resolution will be prepared for consideration at your February 18th meeting.

Please contact our office if you have any questions regarding this resolution.

Thank you for your consideration.

RESOLUTION NO. 2019-03

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS:

1420 INDUSTRIAL DRIVE, MISHAWAKA, IN 46544

TO BE AN ECONOMIC REVITALIZATION AREA
AND ECONOMIC DEVELOPMENT TARGET AREA
FOR PURPOSES OF PERSONAL PROPERTY TAX ABATEMENT FOR

JAMIL PACKAGING CORPORATION

WHEREAS, a petition for personal property tax abatement has been filed with the City Clerk of the City of Mishawaka, Indiana for consideration by the Common Council of the City of Mishawaka, Indiana requesting 1420 Industrial Drive, Mishawaka, Indiana 46544 to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

A lot or parcels of land described as follows:

> TAX KEY #027-1027-043620 AND 027-1001-026008, AS LEGALLY DESCRIBED IN ATTACHMENT "A" TO THIS RESOLUTION AND HEREBY INCORPORATED HEREIN.

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

WHEREAS, the City, through its Redevelopment Commission has conducted an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area and Economic Development Target Area under Indiana Code § 6-1.1-12.1-1 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Redevelopment Commission has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area and Economic Development Target Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka, Indiana, as follows:

1. The Common Council hereby determines and finds that the Petition for Personal Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements under the Act for tax abatement;

2. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

3. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

4. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

5. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

6. That the other benefits are sufficient to justify the requested deduction, all of which satisfy the requirements of the Act;

7. The Common Council hereby accepts the report and recommendation of the Redevelopment Commission that the area herein described be designated as an Economic Revitalization Area and Economic Development Target Area, and hereby adopts a Resolution designating this area as an Economic Revitalization Area and Economic Development Target Area for purposes of personal property tax abatement;

8. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to three (3) calendar years from the date of the adoption of this Resolution by the Common Council;

9. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for the Personal Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration; AND

10. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this 4th day of February, 2019.

____

Dale 'Woody' Emmons, Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _______ day of February, 2019.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this _____ day of July, 2019, at _____ o'clock _____.M.

____

David A. Wood, Mayor

Exhibit 'A
Legal Description

A part of the West Half (1/2) of the Northeast Quarter (1/4) of Section Twenty-two (22), Township Thirty seven (37) North, Range Three (3) East, Penn Township, City of Mishawaka, St. Joseph County, Indiana more particularly described as follows:

Beginning at a set pk nail at the East Right-of-Way line of Penz Industrial Drive and the Northwest corner of Parcel III. As Parcel III is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109, which is South 00°01'18" West (South 00°01'35" East Record) a distance of 834.44 feet and North 90°00'00" East (North 89°57'07" East Record) a distance of 670.45 feet from a found 1" rod at the northwest corner of the Northeast Quarter of said Section Twenty Two (22); thence South 89°51'49" East (South 89°53'09" East Record) Along the north line of saidParcel III a distance of 786.46 feet to a set five eighths (5/8) inch rebar with cap at the Northeast corner of Parcel V as Parcel V is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109; thence South 00°01'01" West (South 00°00'09" East Record) Along the East line of said Parcel V a distance of 487.26 feet (487.37 feet Record) to a set five-eighths (5/8) rebar with cap at the Southeast corner of Parcel V and South Line of the North Half (1/2) of the Northeast Quarter (1/4) of said section Twenty-Two (22) thence North 89°52'39" West (North 89°55'32" West Record) along the South line of said Parcel V and the South line of the North Half (1/2 of the Northeast Quarter (1/4) of said Section Twenty-Two (22) a distance of 1126.50 Feet to a set five-eighths (5/8) inch rebar with cap at the Southwest Corner of Parcel II as Parcel II is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109; thence North 00°01'18" East(North 00°01'35" West Record) along the West line of said Parcel II a distance of 331.10 feet to a set five-eighths (5/8) inch rebar with cap at the Northwest corner of said Parcel II; thence North 90°00'00" East (North 89°57'07" East Record) along the North line of said Parcel II a distance of 300.00 feet to a set pk nail at the West right-of-way line of Penz Industrial Drive; thence South 00°01'18" West (South 00°01'35" East Record) along said Right-of-way line and the East line of said Parcel II a distance of 3.69 Feet to a set pk nail at a point on a curve having a radius of 71.00 Feet; thence bearing left along said curve and rightof-way line an arc distance of 77.91 feet (chord bearing and distance = South 31°27'28" West 74.06 Feet) to a set five-eighths (5/8) inch rebar with cap at a point on a curve having a radius of 54.00 feet; thence bearing right along said curve and rightof-way line an arc distance of 144.08 feet (chord bearing and distance= South 13°32'36" East, 104.99 Feet) to a set five-eighths inch rebar with cap at a point on a curve having a radius of 14.00 feet; Thence bearing left along said curve and rightof-way line an arc distance of 21.99 feet (chord bearing and distance= South 04°58'45" East 19.80 Feet) to a set pk nail; thence South 89°52'39" East a distance of 40.00 feet to a set five-eighths inch rebar with cap at the East Right-of-way line of Penz Industrial Drive; thence North 00°01'18" East (North00°01'35" West Record) a distance of 338.65 feet to the point of beginning, containing 11.07 acres, more or less, subject to public highway sand any easements of record, if any.

Location Map

Jamil Packaging—1420 Industrial Drive

STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body* ***BEFORE*** *a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Jamil Packaging Corporation	Name of contact person: David J. Herschberger
Address of taxpayer *(number and street, city, state, and ZIP code)*: 1420 Industrial Dr., Mishawaka, IN 46544	Telephone number: (574) 256-2600

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: City of Mishawaka Common Council		Resolution number (s):
Location of property: 1420 Industrial Dr., Mishwaka, IN 46544	County: St. Joseph	DLGF taxing district number: 71022

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(Use additional sheets if necessary.)*

	ESTIMATED START DATE	ESTIMATED COMPLETION DATE
Manufacturing Equipment	05/01/2019	06/01/2019
R & D Equipment		
Logist Dist Equipment		
IT Equipment		

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
139	4893554	139	4893554	12	336,336

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the **COST** of the property is confidential.

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values	9,719,793							
Plus estimated values of proposed project	1,546,591							
Less values of any property being replaced	0							
Net estimated values upon completion of project	11,266,384							

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted *(pounds)* ____________ Estimated hazardous waste converted *(pounds)* ____________

Other benefits:

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: [signature]	Date signed *(month, day, year)*: 1/24/2019
Printed name of authorized representative: David A. Diroll	Title: President

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed ___________ calendar years * *(see below)*. The date this designation expires is ______________________________. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment; ☐ Yes ☐ No
2. Installation of new research and development equipment; ☐ Yes ☐ No
3. Installation of new logistical distribution equipment. ☐ Yes ☐ No
4. Installation of new information technology equipment; ☐ Yes ☐ No

☐ Enhanced Abatement per IC 6-1.1-12.1-18 *Check box if an enhanced abatement was approved for one or more of these types.*

C. The amount of deduction applicable to new manufacturing equipment is limited to $ ________________ cost with an assessed value of $ __________________. *(One or both lines may be filled out to establish a limit, if desired.)*

D. The amount of deduction applicable to new research and development equipment is limited to $ ________________ cost with an assessed value of $ __________________. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ ________________ cost with an assessed value of $ __________________. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to $ ________________ cost with an assessed value of $ __________________. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions *(specify)*____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

☐ Enhanced Abatement per IC 6-1.1-12.1-18
Number of years approved: __________
(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: *(signature and title of authorized member of designating body)*	Telephone number ( )	Date signed *(month, day, year)*
Printed name of authorized member of designating body	Name of designating body	
Attested by: *(signature and title of attester)*	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17
Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

RECEIVED
JAN 24 2019
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

City of Mishawaka
Building - Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

PERSONAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/PP) be submitted prior to the initiation of the project. Additionally, **final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.**

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/PP) and last page of the application. Incomplete or unsigned applications will not be accepted. A **non-refundable application fee** of $300.00 is required when making an application for Economic Revitalization Area designation and is payable to the **City of Mishawaka** at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:
City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Kenneth B. Prince, City Planner
574-258-1625
kprince@mishawaka.in.gov

1. Name of the firm for which tax abatement is being requested:
Jamil Packaging Corporation

2. State the name, title, address and telephone number of a company representative(s) who may be contacted concerning this application:

Name and Title: **David A. Diroll, President**

Address: **1420 Industrial Dr., Mishawaka, IN 46544**

Telephone: **574-256-2600**

3. State the name, title, address and telephone number of a company representative(s) who may be sent annual compliance forms. Please note that the **annual forms will determine if your company is compliant with the terms of the abatement and whether the abatement will continue or be terminated**, so the contact should be made aware of the form's importance.

Name and Title: **David Herschberger, CFO**

Address: **1420 Industrial Dr., Mishawaka, IN 46544**

Telephone: **574-256-2600**

4. Location of property for which personal property tax abatement is being sought (this information is available through the Township Assessor's Office):

   a) Street Address: **1420 Industrial Dr., Mishawaka, IN 46544**

   b) Township: **Penn**

   c) Taxing District Number: **71022**

   d) Council District Number: **2**

   e) Tax Parcel Number(s): **71-027-1027-043620 and 027-1001-026008**

5. What is the amount of the most recent assessment attributable to (this information is available on the most recent property tax form):

   Land: **$137,500**

   Improvements: **$534,600**

   Inventory: ______

Equipment: **$2,151,660**

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? _______Yes X_____No

7. Does your firm currently conduct manufacturing operations at this location? If so, how long has your company been at this location? Yes, 2002

 a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification.

 322212

 b) Please list any special certifications/designations.

 N/A

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.

 540 National Dr

 Gallatin, TN, 37066

9. What is the size of the existing facility in which the equipment will be installed?

 179,000 square feet

 a) What is your facility currently zoned? Industrial b) Do you need rezoning? No

10. Briefly describe the product(s) manufactured by your company. Corrugated materials

11. Briefly describe the equipment to be installed by your company. Flexo folder gluer for converting corrugated

12. Has new manufacturing equipment been installed (Please note that state statute requires petitioner to delay installation until after abatement has been granted)? _______Yes X_____No

13. What is the anticipated date for installation to begin? 2nd quarter 2019

14. What is the anticipated date for project completion? 6/1/19

***(If installation will occur over a multi-year/phased-in period or involve multiple pieces of equipment, please provide a separate detailed installation timetable an note when equipment will be ready to use in production and attach this information to the SB-1/PP.)**

15. Does the equipment being installed serve the same function as the equipment currently in place at the facility? X Yes ____ No

    a) If no, please describe the new functions to be performed by the new manufacturing equipment:

    ____

    ____

    ____

    ____

    b) What is the estimated value of the equipment to be purchased for which personal property tax abatement is being requested? (If possible, please provide a written quote or estimate attached to this application.) $1,546,591

16. Profile of firm that will occupy the property for which tax abatement is being requested:

    a) Are your employees represented by a union? If so, by whom? **No**

    b) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	101	Average hourly wage rate for skilled positions	13.50
Semi-skilled	10	Average hourly wage rate for unskilled positions	12.00
Clerical	3	Average hourly wage rate for clerical positions	15.90
Salaried	23	Average salary (per hour) for salaried positions	34.07

TOTAL NUMBER OF TEMPORARY/ON-CALL EMPLOYEES (if any) 0

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 139

    c) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) Vacation, Health Insurance, 401(k),profit-sharing,

    d) Approximate value of benefits for existing and new employees on a per hour basis (i.e. benefits are valued at an additional $3.00 per hour, etc.) **$3.00 – $7.00**

    e) What is the total dollar amount spent on retained salaries? **4,893,554 per 16.b**

f) Number of newly created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	6	Average hourly wage rate for skilled positions	15.45
Semi-skilled	6	Average hourly wage rate for unskilled positions	11.50
Clerical	0	Average hourly wage rate for clerical positions	0
Salaried	0	Average salary (per hour) for salaried positions	0

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 12

g) What is the total dollar amount to be spent on new salaries? **$336,336**

h) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees **16.93**

Retained hourly employees **16.93**

New hourly employees **13.48**

f) What is the usual market for goods produced by the company? List the percentage of the company's product that reaches it:

Inside St. Joseph County: **24** %

Outside St. Joseph County, but inside Indiana: **20** %

Outside Indiana, but within 500 miles **33** %

Outside of 500 miles **23** %

Outside of the United States: **0** %

g) Where do your company's raw materials/supplies come from? List the percentage of the supplies that are acquired from each category:

Inside St. Joseph County: **10** %

Outside St. Joseph County, but inside Indiana: **85** %

Outside Indiana, but within 500 miles: **5** %

Outside 500 miles of Indiana: ______ %

Outside of the United States: ______ %

h) List the name and location (City and State) of your five largest vendors or suppliers:

1. **Alliance Sheets, Bristol, IN**

2. **5-Star Sheets, New Carlisle, IN**

3. **Flutes, Indianapolis, IN**

4. **Georgia Pacific, Akron, Ohio**

5.

17. Please give a detailed description of what the impact on your business will be if the new manufacturing equipment is not installed (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

    The current customer volume has exceeded current manufacturing capacity.

18. Please briefly describe how and why the manufacturing equipment to be replaced or the facility in which equipment will be added is currently technologically, economically, or energy obsolete and how and why that obsolescence may lead to a decline in employment and tax revenues.

    Not applicable.

19. Will you require any additional assistance from the City of Mishawaka?

    Not at this time

20. Have you applied for any assistance from the State of Indiana?

    Not yet but we are planning on doing that.

21. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Personal Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.

David Q. Diehl

Signature of Owner or Authorized Representative

President

Title

1-24-19

Date

Expertfold 300 A-4 Motorized

Delivery Term and Included Installation / Training Services:

The delivery term applicable to this Agreement is **DDP Buyer's Plant Floor (Incoterms 2010).** Schedule B includes information regarding transfer of ownership and risk of loss; a detailed description of the delivery terms; installation and training services; additional service terms that are incorporated herein; and any other specific terms not covered by Incoterms rules.

Total Preliminary Purchase Price **$1,546,591.00**

(THIS PRICE EXCLUDES ANY APPLICABLE TAXES.)

Note: If any of the foregoing prices are manually changed, then such changes must be initialed and dated by both Buyer and Seller to be valid.

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 10 2019
CITY CLERK
MISHAWAKA, IN

1st Reading 1-21-19
2nd Reading
Passed
Failed
Continued To

PETITION #18-31

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2019-02

ORDINANCE NO. ___________

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

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 38 North, Range 3 East in St. Joseph County, Indiana, described as follows: Beginning at a point in the center of Fir Road 180 feet west of the Northeast corner of said Section 27; thence West 476 feet; thence South 313.2 feet to the center of Fir Road; thence Northeast with the center of Fir Road 576.4 feet to the place of beginning. Also, all that portion of the right-of-way for Fir Road and Cleveland Road lying adjacent to said described parcel.

COMMON ADDRESS: 53013 Fir Road, Granger, IN 46530 and the adjacent right-of-way to include approximately 3.2 acres

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of C-6 Linear Office Commercial District.

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

1. Existing Conditions - The subject parcel is located along low to moderately travelled sections of Cleveland Road and Fir Road. Traffic volumes on these roadways are expected to increase due to commercial and residential development in the northwest part of the City. Cleveland Road does not currently serve as a major east-west corridor. However, Fir Road now serves as the primary gateway into the City from the Toll Road due the completion of Beacon Parkway to the north. Adjacent land uses include single-family residential properties and a medical office building to the north, a commercial property to the west occupied by a medical office, and agricultural property to the southeast.

2. Character of Buildings in Area - The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Fir Road and along the Fir Road corridor between Beacon Parkway and University Drive vary greatly. Buildings and uses include low-density single family residential homes, an assisted living/memory care facility, an independent living senior facility, a residential apartment complex, a church, medical office buildings, and agricultural land.

Proposed Ordinance No. 2019-02

Ordinance No. ___________

3. The most desirable/highest and best use – With the recent completion of Beacon Parkway to the north, commercial and multi-family residential development along Fir Road, and to a lesser extent along Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area. The proposed commercial use is compatible with the adjacent single-family residential and medical office uses.

5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed commercial use is reasonably consistent with adjacent and changing land uses along the Cleveland and Fir Road corridors.

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 ___________________, 2019, at _______ o'clock ___.M.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ______ day of _________________, 2019, at ______ o'clock ____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of ________________, 2019, at _____ _______o'clock _______.M.

____
David A. Wood, Mayor

DATE: November 19, 2018

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 28 2018
CITY CLERK
MISHAWAKA, IN

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

RE: Petition for Annexation and Zoning Classification

The undersigned FHS Investments, LLC respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:
A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 38 North, Range 3 East in St. Joseph County, Indiana, described as follows: Beginning at a point in the center of Fir Road 180 feet west of the Northeast corner of said Section 27; thence West 476 feet; thence South 313.2 feet to the center of Fir Road; thence Northeast with the center of Fir Road 576.4 feet to the place of beginning. Except: A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 38 North, Range 3 East, St. Joseph County, Indiana and being that part of the grantor's land lying within the right-of-way lines depicted on the attached right-of-way parcel plat, described as follows: Beginning at a point on the north line of said Section South 89°25'05" West 220.17 feet from the Northeast corner of said Section and which point of beginning is on the Northwest boundary of Fir Road; thence along the boundary of said Fir Road Southwesterly 325.91 feet along an arc to the right having a radius of 784.64 feet and subtended by a long chord having a bearing of South 52°14'59" West and a length of 323.57 feet; thence along said boundary South 64°08'56" West 196.82 feet to the West line of grantor's land; thence North 00°34'55" West 11.06 feet along said West line; thence North 64°08'56" East 192.10 feet; thence Northeasterly 218.92 feet along an arc to the left having a radius of 774.64 feet and subtended by a chord having a bearing of North 56°03'10" East and a length of 218.19 feet; thence North 18°08'01" West 32.98 feet; thence South 89°25'05" West 346.00 feet to the West line of grantor's land; thence North 00°34'55" West 35.00 feet along said West line to the north line of said Section; thence North 89°25'05" East 435.83 feet along said north line to the point of beginning and containing 0.460 acres more or less, inclusive of the presently existing right-of-way which contains 0.145 acres, more or less. Commonly described as 53013 Fir Road. LEGAL ATTACHED

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located 53013 Fir Road and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a Commercial C-6 District. Petitioners further state they intend to utilize said land for similar use as adjacent C-6 zoned property lying to the west.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above described parcel of real estate to the City of Mishawaka with a Commercial C-6 District.

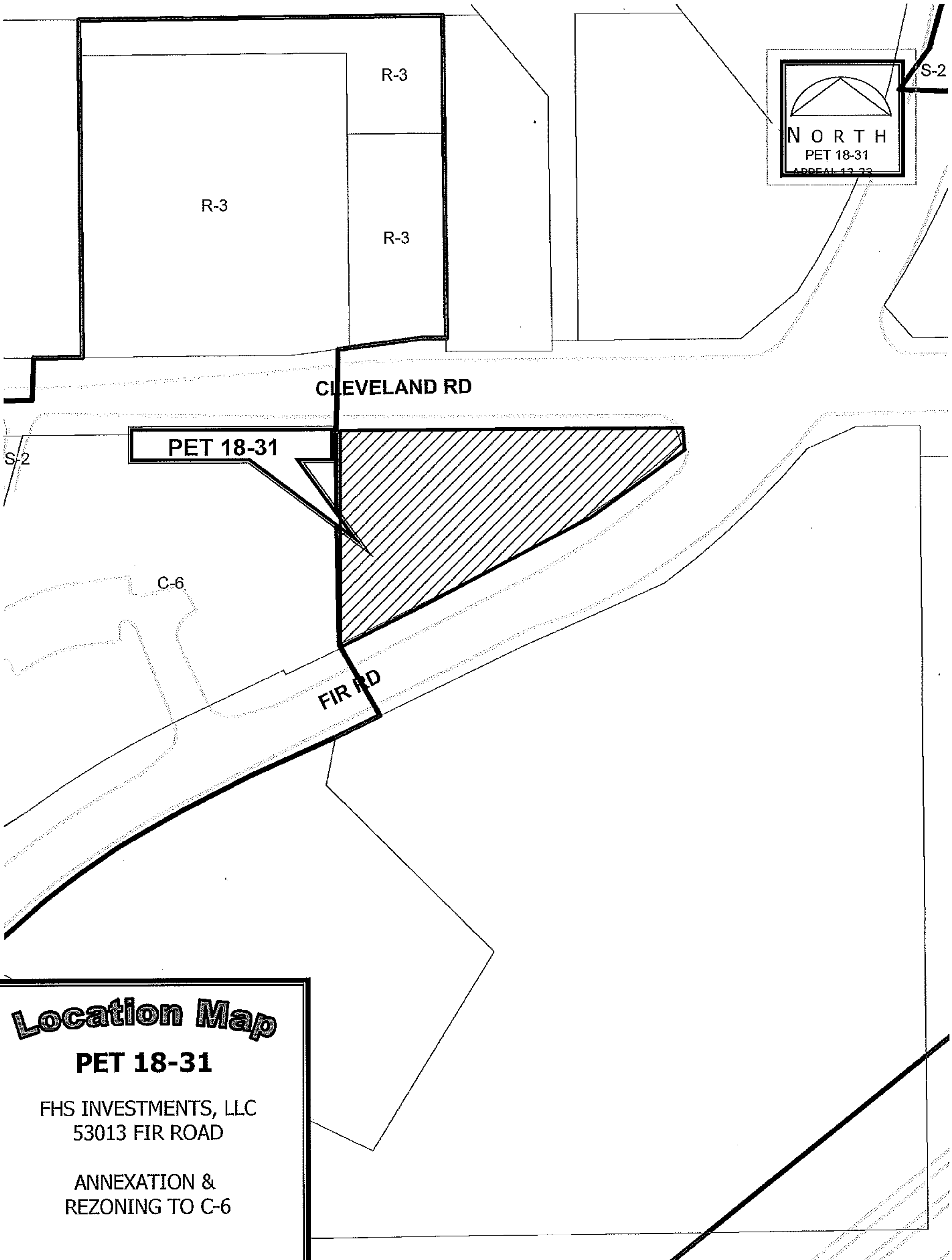
FHS Investment, LLC

Contact Person:
Lang, Feeney & Associates, Inc.
Terry Lang, RLS No. S-0523
715 South Michigan Street
South Bend, Indiana 46601

RECEIVED
NOV 21 2018
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

15-1831

A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 38 North, Range 3 East in St. Joseph County, Indiana, described as follows: Beginning at a point in the center of Fir Road 180 feet west of the Northeast corner of said Section 27; thence West 476 feet; thence South 313.2 feet to the center of Fir Road; thence Northeast with the center of Fir Road 576.4 feet to the place of beginning. Also, all that portion of the right-of-way for Fir Road and Cleveland Road lying adjacent to said described parcel.



Location Map

PET 18-31

FHS INVESTMENTS, LLC
53013 FIR ROAD

ANNEXATION &
REZONING TO C-6

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 10 2019

CITY CLERK
MISHAWAKA, IN

1st Reading 1-21-19
2nd Reading
Passed
Failed
Continued To

PETITION 18-34

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2019-03

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.

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, Harris Township, St. Joseph County, State of Indiana, to-wit:

Beginning at an iron stake located on the South line of the Northwest Quarter of the Southeast Quarter of Section 27, Township 38 North, Range 3 East, and the center line of Fir Road and 495.7 feet North thereof and being the beginning point of this description; thence West and parallel with the South line of the Northwest Quarter of the Southeast Quarter of Section 27, Township 38 North, Range 3 East to an iron stake located on the North and South center line of said Section 27; thence North on said centerline a distance of 165 feet to an iron stake; thence East and parallel with the South line of the Northwest Quarter of the Southeast Quarter of Section 27, a distance of 1355.8 feet to the center line of Fir Road; thence South on the center line of Fir Road, a distance of 165 feet to the point of beginning.

COMMON ADDRESS: 6005 Fir Road

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for a senior daycare.

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

1. Existing Conditions – The use will be located in an existing building which was previously used as an insurance office.

2. Character of Buildings in Area – There is a Health and Rehabilitation Center also included in the PUD. To the north is a 290 unit apartment project. The

character of the buildings located within this development and the surrounding area are residential.

3. The most desirable/highest and best use – Because of the parcel's location within an area that is mostly residential, the continuation of a service commercial business is the most desirable use for the property.

4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of the previous insurance office and not generate more traffic.

5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial 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 ______________________, 2019, at _________ o'clock ___.M.

____

Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _________ day of ____________________, 2019, at _________ o'clock ____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _________ day of ___________________, 2019, at _________o'clock ____.M.

____

David A. Wood, Mayor

Petition #2018-34

12/18/2018

Honorable Members of the

Common Council

City of Mishawaka, Indiana

And

Mishawaka City Plan Commission

City of Mishawaka, Indiana

RECEIVED
DEBORAH S. BLOCK MMC

DEC 28 2018

CITY CLERK
MISHAWAKA, IN

PETITION FOR PUD AMENDMENT

Darin Hurn

Property address

6005 North Fir road

Granger

46530

Tax ID No.

30-1012-0164

71-04-27-378-059.000-036

Legal description

S END N END NW SE 27 38 3E 5 AC

Existing property was rented to a Insurance company. I respectfully request that I can use the house to accommodate a Senior Daycare, ~~hours of operation will be 7am to 6pm.~~

Darin Hurn

Darin Hurn

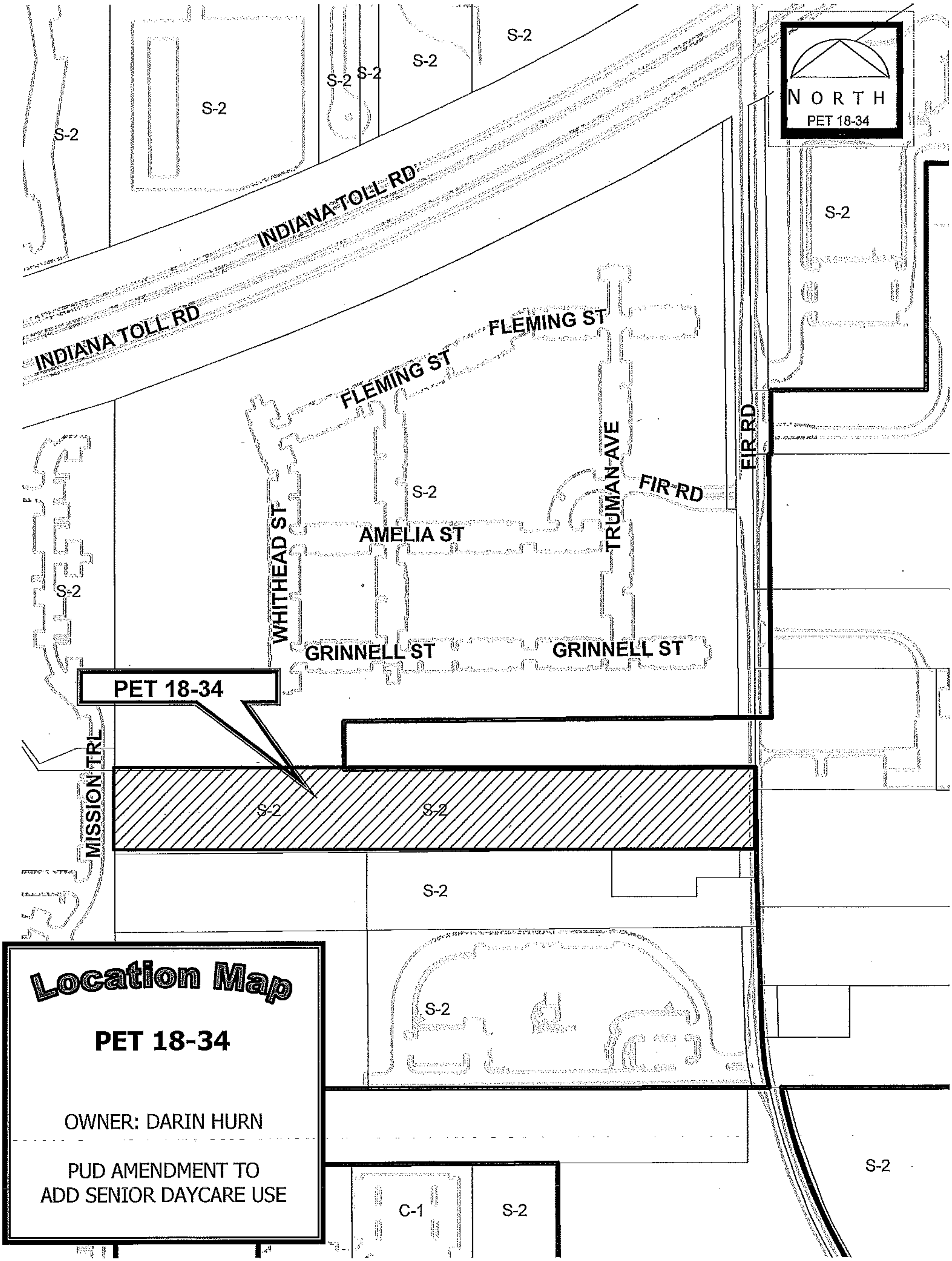
10982 Lakeshore drive

Osceola, In

46530

574 303 2455

darin@currentclassics23.com



NORTH
PET 18-34
INDIANA TOLL RD
INDIANA TOLL RD
FLEMING ST
FLEMING ST
TRUMAN AVE
FIR RD
FIR RD
WHITHEAD ST
AMELIA ST
GRINNELL ST
GRINNELL ST
MISSION TRL
PET 18-34
S-2
C-1
Location Map
PET 18-34
OWNER: DARIN HURN
PUD AMENDMENT TO
ADD SENIOR DAYCARE USE