# AGENDA

**November 19, 2012**

**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

October 29, 2012

## 5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their November 13, 2012 meeting.

A letter from the City Plan Commission regarding recommendations from their November 13, 2012.

## 6. Report of Special Committee

## 7. Ordinances on First Reading

P.O. NO. 2012-31 Additional Funds - Engineering Dept. - $8,800.00

P.O. NO. 2012-32 Redefining the Councilmanic District Boundaries

P.O. NO. 2012-33 Additional Funds - Rainy Day Fund - $78,800.00 - School City of Mishawaka

P.O. NO. 2012-34 Rezone from C-2 Planned Shopping Center to R-3 Residential for a Senior Housing Facility SW Corner of Day Rd and Park Place

## 8. Resolutions

R2012-29 Motor Fuel Budgeting Program for 2013

R2012-30 Use Variance to allow a 10,000 Gallon Fuel Tank - Glaser Ct - Cardinal Buses

## 9. Ordinances on Second Reading

P.O. NO. 2012-30 Additional Funds - Rainy Day Fund - $970,000.00
(Assigned to Budget and Finance 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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
October 29, 2012

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 October 29, 2012 at 7:00 p.m. The meeting was called to order by President John Roggeman; and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following:
Dale "Woody" Emmons 1st District Councilman – Present
Mike Bellovich 2nd District Councilman – Present
John Reisdorf 3rd District Councilman – Present
Marsha McClure 4th District Councilman – Present
Michael Compton 5th District Councilman – Present
Ronald Banicki 6th District Councilman – Present
John Roggeman Councilman At Large – Present
Matt Mammolenti, Councilman At Large – Present
Dan Bilancio, Councilman At Large - Present
A quorum was obtained.

**Roll Call.**
**Present:** Mr. Reisdorf, Mr. Banicki, Mrs. McClure, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel.

The minutes from the October 15, 2012 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following Appeal to the Council, who referred them to the Board of Zoning Appeals for their recommendation.

| | |
|---|---|
| Appeal No. 2012-42 | Use Variance to allow a 10,000 Gallon fuel Tank – Glaser Court – Cardinal Buses |

Clerk Block presented the following Petition to the Council, who referred them to the Plan Commission for their recommendation

| | |
|---|---|
| Petitions No.2012-25 | Rezone from C-2 Planned Shopping Center to R-3 Residential for a Senior Housing Facility SW corner of Day Road and Park Place. |

The following proposed ordinance was given first reading, assigned to committee, and set for public hearing at the next regular meeting.

**PROPOSED ORDINANCE NO. 2012-30**

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2012**
(Additional Funds – Rainy Day Funds $970,000.00)
Assigned to Budget and Finance Committee

Clerk Block read **PROPOSED ORDINANCE NO. 2012-29** opening it for public hearing.

**PROPOSED ORDINANCE NO. 2012-29**

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2012**
Transfer Funds – Police Dept. $25,000.00

Mr. Emmons reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Banicki the motion carried.

Police Chief Witkowski said he was speaking in favor of this proposal they need to transfer existing funds of $25,000.00 into travel and training and maintenance line. He said they sent 8 members of their Swat Time for Specialized Training, it was mandatory by state law for a 24 hour per man training. Chief Witkowski stated it cost $8,500.00 for the team of 8 and was well worth the money.

Police Chief Witkowski went on to explain the need for the $16,500 was to put 45 new cameras in the squad cars, and repairs were needed for heating and air-conditioning unit , along with roof repairs. He said he did not think the entire $16,500 would be needed but wanted to make sure they did not fall short.

Mr. Compton asked if the heat and air-conditioning repair did not come up a couple of years ago was this going to be for a new roof. Chief Witkowski said no just repairs for leaks in roof.

Mr. Roggeman asked if St. Joseph County sent any officers to the training. Chief Witkowski said they did send some men but not their entire team. He said the training was by the Los Angles SWATT Team and was very beneficial.

Question was called for on **PROPOSED ORDINANCE 2012-29** the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).
**Yes:** Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.

**NEW BUSINESS**

Mrs. McClure announced that Marion High School Girls Soccer team won the Class 1A Championship and Anna Rohrer Cross Country State Champion from Mishawaka High School.

Mr. Emmons said his monthly neighborhood meeting would be at St. Bavo School on November 15th at 7:00 p.m. with Mr. Gleissner speaking on Historic Preservation. He thanked Mayor Wood and Dave Thomas for the tour of the Main Junior High School renovation.

Mr. Emmons said the next Twin Branch monthly meeting would be January 16, 2013 at 7:00 p.m.

There being no further business to come before the Council, President Roggeman adjourned the meeting at 7:11 p.m.

| | |
|---|---|
| Deborah S. Block ____________/s/ | John J. Roggeman ____________ |
| /s/ Deborah S. Block, IAMC, MMC | John J. Roggeman, Presiding Officer |
| City Clerk, | |

# City of Mishawaka

**DAVID A. WOOD, MAYOR** **DEPARTMENT OF CITY PLANNING**

November 14, 2012

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 14 2012
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
November 13, 2012, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

**APPEAL #12-42** An appeal submitted by Whistle Stop Square Associates LLC and Dan Shoup requesting a Use Variance for the **southwest corner of Day Road and Glaser Court** to permit a 10,000 gallon above ground fuel storage tank for bus maintenance facility.

The Board, with a vote of 5-0, recommended approval subject to the following condition:

1. This approval shall be limited to one (1) 10,000 gallon fuel storage tank. Any expansion shall require the submission, review, and approval of an additional Use Variance.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
City of Mishawaka Board of Zoning Appeals

cc: Pete Garber

# STAFF REPORT

Location: Southwest Day Road & Glaser Court Date: Nov. 13, 2012

Appeal: 12- 42 Prepared By: GGS

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Dan Shoup |
| Status: | Future land Owner |
| Request: | Use Variance to install an above ground diesel fuel tank |
| Zoning Classification: | I-1 Light Industrial District |
| Lot Size: | 3.21 acres |
| Applicable Regulations: | Section 137-586 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | Unincorporated St. Joseph County |
| | South: | I-1 Light Industrial District |
| | East: | Unincorporated St. Joseph County |
| | West: | I-1 Light Industrial District & Unincorporated St. Joseph County |
| Thoroughfare: | Day Road & Glaser Court | |
| School District: | P-H-M Schools | |
| Township: | Penn | |
| Public Utilities: | Available | |
| Comprehensive Plan: | Industrial | |

## ANALYSIS

The appellant, Dan Shoup, is requesting a use variance to allow a 10,000-gallon above ground diesel fuel storage tank on property located at the southwest corner of Day Road and Glaser Court. The site is currently vacant. The appellant desires to construct a maintenance facility for Cardinal Buses' fleet of commercial buses. The proposed improvements to the property will include a 10,000 gallon, above ground, diesel fuel storage tank.

The property is zoned I-1 Light Industrial. Above ground fuel storage tank, as proposed by the appellant, are only allowed as a conditional use within I-2 Heavy Industrial Districts. In order to allow such a tank in the I-1 zoning district, a use variance is required.

The Appellant states that the proposed fuel tank will be used to provide fuel storage to fuel their fleet of buses. The diesel fuel tank will be placed inside an appropriately designed concrete containment vault. The concrete vault will be approximately 22'x22'x4' deep and be enclosed by an 8-ft fence.

All pertinent City Departments (Fire, Electric, Water, Building and Engineering) have reviewed and approved the proposed variance.

## RECOMMENDATION

The Staff recommends in favor of Appeal 12-42 for a Use Variance to allow a 10,000 gallon above ground diesel fuel storage tank at property located at the southwest corner of Day Road and Glaser Court, subject to the following conditions:

1) This approval shall be limited to one 10,000 gallon diesel fuel storage tank. Any expansion shall require the submission, review, and approval of an additional Use Variance.

The recommendation is based on the following reasons:

1. With the stipulated condition, the approval will not be injurious to the public health, safety, morals, and general welfare of the community because the installation of the tank will conform to all applicable safety requirements as determined/interpreted by the City of Mishawaka Fire Department;

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the 10,000 gallon tank will be set at least 25 feet from property lines and will be placed in an appropriate concrete containment vault.

3. The need for the variance does arise from a condition peculiar to the property involved because an above ground storage tank is not a permitted use in the I-1 Light Industrial District;

4. The strict application of the terms of this chapter constitutes an unnecessary hardship if applied to this property in that without the availability of onsite fuel, the company would not be able to fuel their bus fleet; and

5. Granting of this variance will not compromise the integrity of the *Mishawaka 2000 Comprehensive Plan* which indicates Industrial.

## ATTACHMENTS

PHOTOGRAPHS, VARIANCE REQUEST, SITE PLAN,

View looking north onto site

# City of Mishawaka

**DAVID A. WOOD, MAYOR** **DEPARTMENT OF CITY PLANNING**

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 14 2012
CITY CLERK
MISHAWAKA, IN

November 14, 2012

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
November 13, 2012, Public Hearing
Certification of Proposed Ordinance

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed Ordinance was considered:

**PETITION #12-25** A request submitted by Cressy Land Investments, LLC, requesting to rezone property located at the southwest corner of Day Road and Park Place from C-2 Shopping Center Commercial District to R-3 Multi-Family Residential District.

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

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed Ordinance regarding the above matter.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
City of Mishawaka Plan Commission

cc: Jeff Ballard

## STAFF REPORT

Location: Southwest Corner of Day Road and Park Place Date: Nov. 13, 2012

Petition: 12 25 Prepared By: GGS

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Cressy Land Investments |
| Status: | Property Owner |
| Request: | Rezone from C-2 Shopping Center Commercial to R-3 Multi-Family Residential |
| Zoning Classification: | C-2 Shopping Center-Existing/R-3 Multi-Family Residential - Proposed |
| Lot Size: | 4.50 acres |
| Applicable Regulations: | Section 137-41 Amendment to Zoning Ordinance & Zoning Map |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | Unincorporated St. Joseph County (Winding Brook) |
| | South: | R-3 Multi-Family Residential |
| | East: | S-2 Planned Unit Development (Forest @ Edison Lakes) |
| | West: | C-2 Shopping Center Commercial |
| Thoroughfare: | Day Road and Park Place | |
| School District: | Penn-Harris-Madison School Corporation | |
| Township: | Penn | |
| Public Utilities: | All utilities are available or will be available to the site | |
| Comprehensive Plan: | Low Density Residential | |

## ANALYSIS

The petitioner is requesting to rezone property from C-2 Shopping Center Commercial to R-3 Multi-Family Residential. The purpose of the rezoning is to allow for the development of a senior housing facility focused on the care of Alzheimer and dementia patients. The development will consist of a (1) one story, 35,949 sf building, containing 54 residential apartments. Access to the site will be through two existing curb cuts, one on Day Road and one off of Park Place.

The proposed development will be located on vacant land at the southwest corner of Day Road and Park Place. The proposed rezoning to multi-family residential will be consistent with the surrounding area. To the east is the existing Forest at Edison Lakes PUD villas. To the south is property that is zoned R-3 Multi-Family Residential that consists of condos apart of the Forest at Edison Lakes. The Winding Brook residential development is located to the north.

In addition to the rezoning of the property, petitioner is requesting a developmental variance from the Board of Zoning Appeals. Regulations governing multi-family residential developments require (1) one and (1/2) half space per unit. With 54 residential units a total of (81) parking spaces would be required.

The petitioner is requesting a variance to allow a minimum of 30 parking spaces. The petitioners state that the residents of such facility typically do not drive vehicles and the proposed parking would be adequate for the approximate 15 staff personnel. This would leave an additional 15 spaces to be utilized by patient's family and friends and visiting physicians.

## RECOMMENDATION

The Planning Department recommends approval of Petition 12-24 to rezone 4.50 acres located at the southeast corner of Day Road and Park Place from C-2 Shopping Center Commercial to R-3 Multi-Family Residential. This recommendation is based upon the following findings of fact:

1. Given the property's close proximity to the adjacent residential uses and the existing R-3 zoning classification to the south, the R-3 zoning would be compatible with the surrounding residential properties by providing opportunity for residential development.

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential for commercial development under the property's current zoning, staff feels that the most desirable use for this property is R-3 Multi-Family Residential use.

3. Because the parcel is located adjacent to residential properties, the rezoning to R-3 Multi-Family Residential is a desirable use for this property;

4. R-3 Multi-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood by maintaining residential development in the area.

5. The proposed R-3 Multi-Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential. Although, the proposed is for multi-family residential zoning, the proposed care facility is consistent with lower density residential uses. Furthermore, the R-3 zoning is consistent with the existing R-3 zoning to the south.

## ATTACHMENTS

Photograph, Appeal, Site Plan, Location Map

View looking onto site to be rezoned

RECEIVED
[illegible]ORAH S. BLOCK, MMC

OCT 29 2012

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2012-31

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2012

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2012 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the General Fund of the City of Mishawaka the sum of $8,800.00 for assignment as follows:

General Fund

**Engineering**

Personal Services

| | | |
|---|---|---|
| 101.13.413.02 | Regular Employee | $ 8,800.00 |
| | Total | $ 8,800.00 |

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

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

on this ____________day of ________________,2012 at ____________

o'clock, ____.M.

______________________________
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 __________________,2012 at________

o'clock, _____ .M.

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

APPROVED BY ME this ___________day of ___________________,2012 at

_________________o'clock, _____.M.

______________________________________
David A. Wood, Mayor

# CITY OF MISHAWAKA

**DAVID A. WOOD, MAYOR**

**DEPARTMENT OF ENGINEERING**

GARY E. WEST
Director of Engineering
CHRISTINE M. JAMROSE, P.E.
Assistant Director of Engineering
TERRY R. HOGMAN
Construction Manager
DEBORAH L. WHEELER
Project Manager
R. TODD SCHEETS
Traffic Manager
MELISSA A. McGUIRE
MS4 Coordinator

November 14, 2012

Mishawaka Common Council
600 East Third Street
Mishawaka, IN 46544

Re: Appropriation of Additional Funds
Proposed Ordinance No. 2012-31

Honorable Council Members:

In the spring of this year the Project Coordinator in our department announced her retirement after ten years of service. As we began the search for a replacement we were advised that beginning in late June our Project Coordinator would be on Long Term Disability to recover from surgery.

In an effort to have a replacement on staff to learn the many diverse and complex job responsibilities of the Project Coordinator position to have a replacement on staff working in our office for four months to maintain the office operations, it was necessary to have the position filled by mid May. This Proposed Ordinance is to reimburse the Personal Services line in the amount of $8,800.00 for the four months that two employees were paid from that line item.

If you have questions regarding this matter please contact my office.

Very truly yours

Gary E. West

Gary E. West
Director of Engineering

Cc: Mayor Wood
Yvonne Milligan

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
... S. BLOCK, MMC
NOV - 1 2012
CITY CLERK
MISHAWAKA, IN

**Proposed Ordinance No. 2012- 32**

**Ordinance No. _______**

**AN ORDINANCE AMENDING SECTION 30.30 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, COMMONLY KNOWN AS "THE COUNCILMANIC DISTRICT ORDINANCE", AND HEREBY REDEFINING THE BOUNDARIES OF THE COUNCILMANIC DISTRICTS OF THE CITY OF MISHAWAKA, INDIANA.**

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

**Section 1.** Section 30.30 of the Municipal Code of the City of Mishawaka, Indiana, is hereby amended to redefine certain councilmanic districts of the City of Mishawaka, Indiana, in accordance with the various election districts as established and defined by the St. Joseph Board of County Commissioners indicated below (districts and precincts used are the current ones):

Mishawaka 1st Council District shall consist of the following voting districts (precincts)

090101
090102
090103
090104
090107
090205

Mishawaka 2nd Council District shall consist of the following voting districts (precincts)

090202
090203
090204
090206
090210
090302
090403
090404

Mishawaka 3rd Council District shall consist of the following voting districts (precincts)

090303
090304
090305
090306
090308
090309
090406

Mishawaka 4th Council District shall consist of the following voting districts (precincts)

090106
090207
090209
090401
090501
090502
090601

Mishawaka 5th Council District shall consist of the following voting districts (precincts)

090407
090408
090409
090410
090505
090506
090507

Mishawaka 6th Council District shall consist of the following voting districts (precincts)

090504
090602
090603
090604
090606
090609

**Section 2.** Any parcels or geographic areas located in St. Joseph County, Indiana but which are not part of the City of Mishawaka, Indiana and which may be wholly or partially contained within the above district descriptions are exempted from inclusion in their respective district descriptions. Any annexation subsequent to this ordinance shall be deemed to be part of that district with which they are more contiguous.

**Section 3.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** This ordinance shall be in full force and effect from and after its passage, attestation, and legal publication.

**Passed** by the Common Council of the City of Mishawaka, Indiana, this ________ day of ____________________, 2012, at _________o'clock ____.m.

_________________________________
John J. Roggeman
Presiding Officer

**Attest:**

_________________________________
Deborah S. Block, IAMC, MMC
City Clerk

**PRESENTED** by me to the Mayor this ______ day of ________________, 2012, at ________ o'clock ___.m.

_________________________________
Deborah S. Block, IAMC, MMC
City Clerk

**APPROVED** by me this _________ day of ___________________, 2012, at _____________ o'clock ____.m.

_________________________________
David A. Wood
Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 13 2012

CITY CLERK
MISHAWAKA, IN

1st Reading 11-19-12
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2012-33

ORDINANCE NO. ________________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2012

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year entering December 31, 2012, in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Rainy Day Fund of the School City of Mishawaka the sum of $78,800.00 for assignment as follows:

| Rainy Day Fund | |
|---|---|
| Administration – chiller compressor repair | $13,300.00 |
| Twin Branch Elementary – structural repairs | $30,609.00 |
| Liberty Elementary – chiller compressor repair | $16,981.00 |
| Emmons Elementary – chiller compressor repair | $ 4,525.00 |
| Emmons Elementary – boiler repair | $ 5,950.00 |
| Mishawaka High School – pool pump repair | $ 7,435.00 |
| Total Appropriation | $78,800.00 |

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

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

On this ________________day of ________________, 2012, at ________________

o'clock, ______.M.

________________________________
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _________ day of ____________________, 2012, at __________ o'clock _____.M.

_________________________________
Deborah S. Block, MMC, City Clerk

APPROVED by me this _________ day of ___________________, 2012, at _________o'clock ____.M.

_________________________________
David A. Wood, Mayor

# NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATIONS

Notice is hereby given to the Taxpayers of the School City of Mishawaka of St. Joseph County, Indiana, that the Board of School Trustees will meet on December 3, 2012, at 6:45 p.m. at the City Hall Council Chambers, to consider the following additional appropriation in excess of the Budget for the current year 2012.

| | 2012 Approved Appropriation | With Additional Appropriation |
|---|---|---|
| **Rainy Day Fund** | | |
| **0610 RAINY DAY FUND** | | |
| 25000 Repairs and Maintenance | -0- | $78,800 |
| **Total Fund** | -0- | $78,800 |

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance. The Board will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of the receipt of a certified copy of the action taken.

Mishawaka City Council

John Roggeman, President

Dale "Woody" Emmons, Vice President

Mike Bellovich, Secretary

John Reisdorf, Member

Marsha McClure, Member

Michael Compton, Member

Ronald Banicki, Member

Matt Mammolenti, Member

Dan Balancio, Member

Dated: November 19, 2012

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 12-25

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2012-34

ORDINANCE NO. ______

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 14 2012
CITY CLERK
MISHAWAKA, IN

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

THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT #2 AS SHOWN ON THE PLAT OF "THE FOREST AT EDISON LAKES SECTION ONE" AS RECORDED BY DOCUMENT NUMBER 9209773 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF PARK PLACE FOR THE FOLLOWING THREE (3) COURSES, SOUTH 45°-08'-23" EAST A DISTANCE OF 35.36 FEET AND SOUTH 00°-08'-23" EAST A DISTANCE OF 317.86 FEET AND ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 330.00 FEET, A BEARING OF SOUTH 07°-47'-42" EAST, A CHORD DISTANCE OF 87.62 FEET, AND AN ARC DISTANCE OF 88.18 FEET TO THE SOUTHEAST CORNER OF SAID LOT #2; THENCE ALONG THE SOUTH LINE OF SAID LOT, SOUTH 89°-51'-37" WEST A DISTANCE OF 467.00 FEET; THENCE NORTH 00°-19'-06" WEST A DISTANCE OF 430.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF DAY ROAD; THENCE ALONG SAID SOUTH LINE, NORTH 89°-51'-37" EAST A DISTANCE OF 429.23 FEET TO THE POINT OF BEGINNING. CONTAINING 4.50 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: Southwest Corner of Day Road and Park Place

which real estate is now classified as C-2 Shopping Center Commercial District shall hereafter be within and a part of that District known as R-3 Multi-Family Residential District and designated in "The Zoning Ordinance of 1966" as amended.

Proposed Ordinance No: 12-34

Ordinance No: ______________________________

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

1. Given the property's close proximity to the adjacent residential uses and the existing R-3 zoning classification to the south, the R-3 zoning would be compatible with the surrounding residential properties by providing opportunity for residential development.

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential for commercial development under the property's current zoning, staff feels that the most desirable use for this property is R-3 Multi-Family Residential use.

3. Because the parcel is located adjacent to residential properties, the rezoning to R-3 Multi-Family Residential is a desirable use for this property.

4. R-3 Multi-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood by maintaining residential development in the area.

5. The proposed R-3 Multi-Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential. Although, the proposed is for multi-family residential zoning, the proposed care facility is consistent with lower density residential uses. Furthermore, the R-3 zoning is consistent with the existing R-3 zoning to the south.

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 ______________________, 2012, at _________ o'clock ___.M.

______________________________
Presiding Officer

ATTEST:

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

Proposed Ordinance No: 12-34

Ordinance No: ______________________

PRESENTED by me to the Mayor this ________ day of __________________, 2012, at _________ o'clock ____.M.

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

APPROVED by me this ________ day of _________________, 2012, at _________o'clock ____.M.

______________________________
David A. Wood, Mayor

OCT 24 2012

Bt 12-25

Date: October 23, 2012

To the: Honorable Members of the
Common Council City of Mishawaka, Indiana

Re: Cressy Land Investments Petition for approval of Rezoning at the Southwest Corner of Day Road and Park Place, Mishawaka:

The undersigned, Cressy Land Investments respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT #2 AS SHOWN ON THE PLAT OF "THE FOREST AT EDISON LAKES SECTION ONE" AS RECORDED BY DOCUMENT NUMBER 9209773 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF PARK PLACE FOR THE FOLLOWING THREE (3) COURSES, SOUTH 45°-08'-23" EAST A DISTANCE OF 35.36 FEET AND SOUTH 00°-08'-23" EAST A DISTANCE OF 317.86 FEET AND ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 330.00 FEET, A BEARING OF SOUTH 07°-47'-42" EAST, A CHORD DISTANCE OF 87.62 FEET, AND AN ARC DISTANCE OF 88.18 FEET TO THE SOUTHEAST CORNER OF SAID LOT # 2; THENCE ALONG THE SOUTH LINE OF SAID LOT, SOUTH 89°-51'-37" WEST A DISTANCE OF 467.00 FEET; THENCE NORTH 00°-19'-06" WEST A DISTANCE OF 430.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF DAY ROAD; THENCE ALONG SAID SOUTH LINE, NORTH 89°-51'-37" EAST A DISTANCE OF 429.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.50 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Also commonly known as the Southwest corner of Day Road and Park Place, Mishawaka, Indiana 46545.

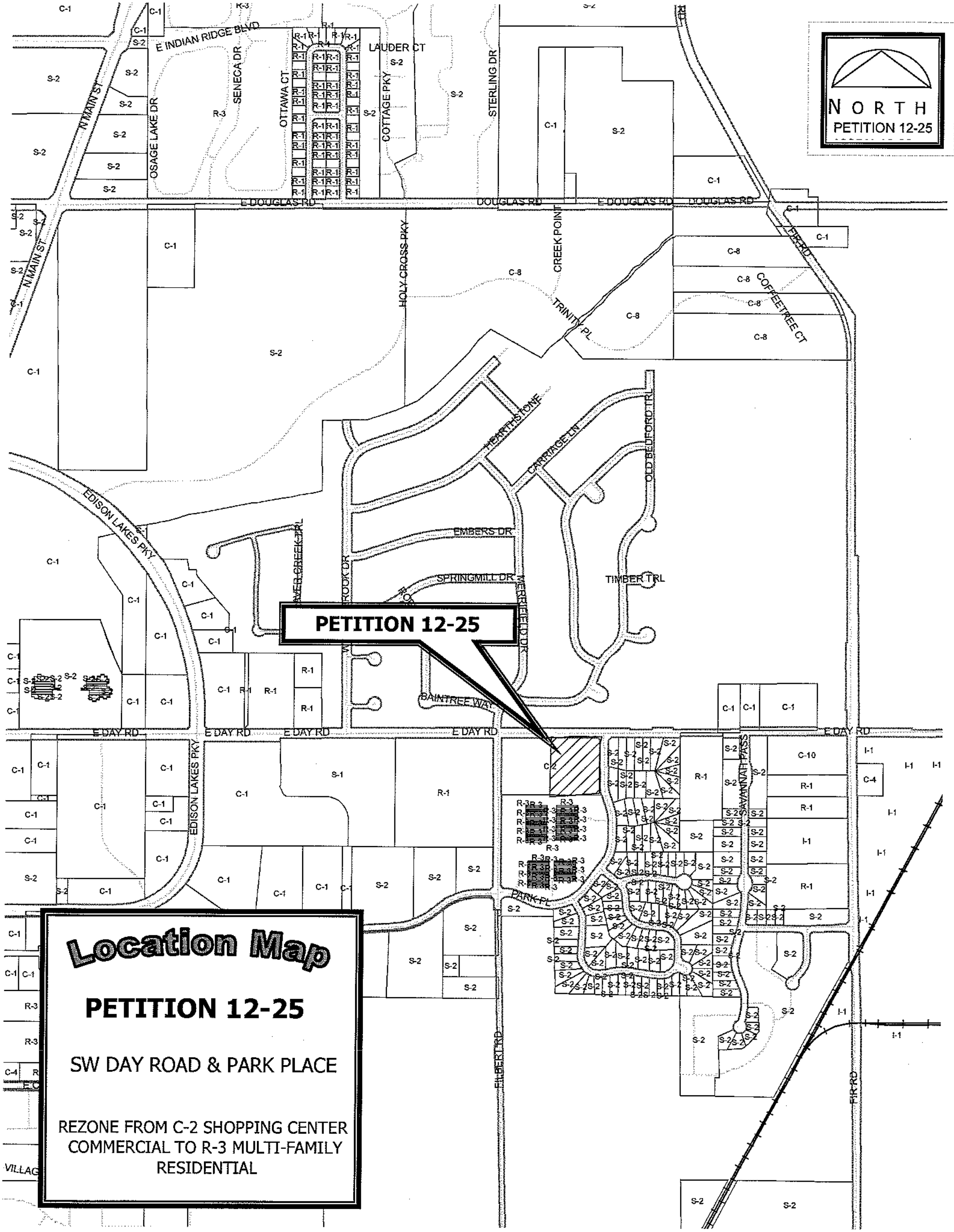
The above-described parcel of land is presently zoned "C-2" Planned Shopping Center District classification.

Petitioners of said real estate desire to rezone the property from the present "C-2" Planned Shopping Center District to the "R-3" Residential District classification. The purpose for this rezoning would allow for the addition of a senior housing facility focused on the care of Alzheimer and Dementia patients. The proposed facility would be located on the above-described 4.50-acre parcel at the Southwest corner of Day Road and Park Place. The Petitioners have also submitted a Variance Petition to the Mishawaka Board of Zoning Appeals to be allowed to develop the proposed facility with a minimum of 30 parking spaces as shown. This is a reduction of the required 81 spaces per the City's Zoning Codes. This standard applies more to a residential apartment type development than to the proposed Health care facility. The proposed facility would be developed under the City's "R-3" Residential development standards other than the request for reduction in provided parking spaces.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate Ordinance be enacted allowing for the requested rezoning to the "R-3" Residential District classification, for the above described real estate located in the City of Mishawaka.

For Cressy Land Investments

Contact Person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003.


NORTH
PETITION 12-25
PETITION 12-25
Location Map
PETITION 12-25
SW DAY ROAD & PARK PLACE
REZONE FROM C-2 SHOPPING CENTER
COMMERCIAL TO R-3 MULTI-FAMILY
RESIDENTIAL
E INDIAN RIDGE BLVD
SENECA DR
OTTAWA CT
LAUDER CT
COTTAGE PKY
STERLING DR
N MAIN ST
OSAGE LAKE DR
E DOUGLAS RD
DOUGLAS RD
HOLY CROSS PKY
CREEK POINT
TRINITY PL
COFFEETREE CT
FIR RD
HEARTHSTONE
CARRIAGE LN
OLD BEDFORD TRL
EMBERS DR
SPRINGMILL DR
TIMBER TRL
BAINTREE WAY
EDISON LAKES PKY
E DAY RD
PARK PL
SAVANNAH PASS
FILBERT RD

**RESOLUTION NO. 2012-29**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AUTHORIZING THE PARTICIPATION OF SAID CITY IN THE MOTOR FUEL BUDGETING PROGRAM OF THE INDIANA BOND BANK FOR THE 2013 BUDGET YEAR, THE EXECUTION OF THE QUALIFIED ENTITY REIMBURSEMENT AGREEMENT IN CONNECTION THEREWITH AND OTHER RELATED MATTERS**

WHEREAS, the City of Mishawaka, Indiana (the "City") owns and operates a fleet of motor vehicles which motor vehicles are essential to the ability of the City to serve and provide municipal services to the inhabitants of the City, thereby ensuring the safety and well-being of said inhabitants; and

WHEREAS, the Common Council of the City (the "Council"), acting as the legislative body and fiscal body of the City, finds that the availability of motor vehicle fuel, which includes both gasoline and diesel motor fuel (collectively, "Motor Fuel"), is therefore critical to the City in providing such services; and

WHEREAS, the market-driven volatility of Motor Fuel presents a substantial risk to the Motor Fuel budget of the City, which may require the appropriation of additional funds for the purchase of Motor Fuel should prices increase beyond the amount of funds which have been appropriated for such purpose; and

WHEREAS, current market conditions limit the ability of the City to secure Motor Fuel with qualified suppliers of Motor Fuel in a manner which minimizes the adverse impacts of the volatile Motor Fuel market on the budget for the City; and

WHEREAS, the City has been advised by representatives of the Indiana Bond Bank (the "Bond Bank"), including Crowe Horwath LLP and Maverick Energy Consulting, that the Bond Bank has established and continued a motor fuel budgeting program (the "Program") pursuant to which "qualified entities", as defined in Indiana Code 5-1.5-1-8, may participate for the purpose of managing and mitigating the volatility of Motor Fuel prices in order to achieve budget stability; and

WHEREAS, the Council finds that the City participated in the Program for its budget years 2009 through 2012 and is eligible to participate in the Program for its 2013 budget year; and

WHEREAS, the City's Board of Public Works and Safety (the "Board") has considered the matter of the City's participation in the Program for the 2013 budget year and has adopted a resolution recommending to the Council that the City participate in the Program for the 2013 budget year; and

WHEREAS, the Council, having considered the information presented to it, including the recommendation of the Board, finds that (i) participation in the Program will allow the City to manage and mitigate the volatility of Motor Fuel prices in order to achieve stability in the City's Motor Fuel budget for the 2013 budget year, (ii) participation in the Program will enhance the City's ability to continue to operate its motor vehicle fleet in an economical manner to assure the continued provision of municipal services to the inhabitants of the City, and (iii) the City is authorized to participate in the Program pursuant to Indiana Code 5-1.5, 36-1-4 and 36-9-6; and

WHEREAS, the Bond Bank has caused to be prepared a Qualified Entity Reimbursement Agreement in connection with the Program, attached hereto as Exhibit A and incorporated herein by reference (the "Agreement"), for execution by and between the City and the Bond Bank; and

WHEREAS, the Bond Bank intends to enter into agreements substantially the same as the Agreement with other qualified entities in connection with the Program; and

WHEREAS, the Agreement has been reviewed by the Council, which has had an opportunity to obtain independent advice and counsel with respect thereto, and has also had the opportunity to review the Agreement with the Bond Bank and seek explanation of the provisions thereof from the Bond Bank; and

WHEREAS, the Agreement sets forth the obligations of the City with respect to its participation in the Program during the term of the Agreement; and

WHEREAS, based upon the foregoing, the Council finds and determines that the City should participate in the Program for the 2013 budget year, that the Agreement should be approved and that any other actions necessary to be taken to assure the City's participation in the Program for the 2013 budget year should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:

Section 1. The findings and determinations set forth in the preambles to this Resolution are hereby made findings and determinations of the City.

Section 2. The City is hereby authorized to enter into the Program with the Bond Bank for the purpose of managing and mitigating the volatility of Motor Fuel prices in order to achieve budget stability for the 2013 budget year.

Section 3. The Agreement, in the form attached hereto as Exhibit A, is hereby approved by the Council so that the City may participate in the Program. The Mayor of the City is hereby authorized and directed to execute and deliver, and the Controller of the City is hereby authorized and directed to attest, the Agreement, and to approve any such changes in form or substance thereto which are consistent with the terms of this Resolution, such changes to be conclusively evidenced by its execution. The Mayor, Clerk and Controller of the City, and any officer of the Board, are hereby further authorized and directed to take such other actions or deliver such other certificates as are necessary or desirable in connection with the City's participation in the Program and the other documents needed for the City's participation in the Program as they deem necessary or desirable in connection therewith.

Section 4. The obligations of the City under the Agreement shall be payable from and shall not exceed the amount appropriated by the City for Motor Fuel for the 2013 budget year. The Controller is hereby authorized and directed to make any payments necessary to the Bond Bank pursuant to the terms of the Agreement from funds budgeted by the City for Motor Fuel for the 2013 budget year.

Section 5. All resolutions and parts of resolutions in conflict herewith are hereby repealed.

Section 6. This Resolution shall be in full force and effect upon its passage by the Council and approval by the Mayor of the City as required by law.

Passed this _____ day of ____________________, 2012.

COMMON COUNCIL, CITY OF
MISHAWAKA, INDIANA

______________________________
Presiding Officer

Attest:

______________________________
Deborah S. Block, Clerk

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of ____________________, 2012, at the hour of _____:_____ m.

______________________________
Deborah S. Block, Clerk

This resolution approved and signed by me, the Mayor of the City of Mishawaka, Indiana, on the _____ day of ____________________, 2012, at the hour of _____:_____ m.

______________________________
David A. Wood, Mayor

## EXHIBIT A

*Form of Qualified Entity Reimbursement Agreement*

## QUALIFIED ENTITY REIMBURSEMENT AGREEMENT

This QUALIFIED ENTITY REIMBURSEMENT AGREEMENT, dated as of the _____ day of December, 2012 (this "Agreement"), between the INDIANA BOND BANK, a body corporate and politic ("Bond Bank"), created and existing pursuant to the provisions of Indiana Code 5-1.5, as amended (the "Act"), having its principal place of business in the City of Indianapolis, Indiana, and CITY OF MISHAWAKA, INDIANA, a political subdivision of the State of Indiana ("Qualified Entity");

WITNESSETH:

WHEREAS, pursuant to the Act, the Board of Directors of the Bond Bank has adopted a resolution (the "Bond Bank Resolution") establishing a motor fuel budgeting program (the "Fuel Budgeting Program, Series 2013 A") and authorizing the Bond Bank (i) to enter into certain transactions with the Qualified Entity for the purpose of hedging the price associated with the purchase of gasoline and/or diesel motor fuel (such gasoline and diesel motor fuel hereinafter referred to as "Motor Fuel") for use by the Qualified Entity, and (ii) to enter into one or more commodity index swap agreements with one or more commodity index swap counterparties that will allow the Qualified Entity to manage and mitigate the volatility of Motor Fuel prices in order to achieve budget stability for such Qualified Entity; and

WHEREAS, pursuant to Resolution No. ________, adopted on ____________, 2012 (the "Qualified Entity Resolution") by the Common Council for the City of Mishawaka, Indiana, acting as the fiscal body for the Qualified Entity, the Qualified Entity is authorized to enter into this Agreement for the purpose of allowing the Bond Bank to (i) solicit and select creditworthy swap counterparties, (ii) negotiate and manage one or more commodity index swap agreements, and (iii) to fund all or a portion of the costs and expenses associated with any such swap agreements and the Fuel Budgeting Program, Series 2013 A, in accordance with this Agreement; and

WHEREAS, pursuant to Resolution No. _______, adopted on _______________, 2012 by the Board of Public Works and Safety for the City of Mishawaka, Indiana, acting pursuant to Indiana Code 36-9-6, as amended, as the purchasing agent for the Qualified Entity with respect to Motor Fuel, the Qualified Entity is authorized to pay to the Bond Bank all or a portion of the funds budgeted for Motor Fuel by the Qualified Entity for the purpose of (i) reimbursing the Bond Bank for amounts advanced by the Bond Bank from the Reserve Account (as defined in the Bond Bank Resolution) necessary to make payments due by the Bond Bank, if any, with respect to a commodity index swap agreement, and (ii) to pay any and all expenses associated with or incurred by the Bond Bank in connection with the Fuel Budgeting Program, Series 2013 A, allocable to the Qualified Entity; and

WHEREAS, pursuant to the Bond Bank Resolution and in reliance, in part, on the adoption of the Qualified Entity Resolution and the execution and delivery of this Agreement by the Qualified Entity, the Bond Bank has entered into a commodity index swap agreement in the form of the Master Agreement, including the Schedule thereto and the Credit Support Annex thereto, each dated as of May 27, 2009 (collectively, the "ISDA Agreement"), and the Confirmations entered into thereunder each dated _____________, 2012 (the "Confirmations" and, together with the ISDA Agreement, the "Swap Agreement"), with Key Bank National Association (the "Swap Counterparty");

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein THE BOND BANK AND THE QUALIFIED ENTITY AGREE AS FOLLOWS:

1. Representations and Warranties.

(a) The Qualified Entity makes the following representations and warranties to the Bond Bank:

(i) The Qualified Entity has been duly organized and is validly existing under and pursuant to State law.

(ii) Under State law: (A) the Qualified Entity has full legal right, power and authority (I) to enter into, execute, deliver and perform its obligations under this Agreement, (II) to adopt and perform its obligations under the Qualified Entity Resolution and (III) to carry out and consummate the transactions contemplated by this Agreement and the Qualified Entity Resolution; and (B) the Qualified Entity has complied with and will be in compliance in all respects with the terms of State law in connection with the adoption of the Qualified Entity Resolution and the entering into of this Agreement.

(iii) By all necessary official action, the Qualified Entity has duly approved and adopted the Qualified Entity Resolution, authorized the execution and delivery of this Agreement. This Agreement, when executed and delivered by the parties hereto and the consideration therefor is received by the Qualified Entity, will constitute the legal, valid and binding obligation of the Qualified Entity, enforceable in accordance with its terms, except that its enforceability may be limited by laws relating to bankruptcy, reorganization or other similar laws affecting the rights of creditors, by the exercise of judicial discretion in accordance with general principles of equity and by matters of public policy.

(iv) The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby do not and will not conflict with or result in the creation or imposition of any liens, charges or encumbrances of any nature upon any of the property or assets of the Qualified Entity under: (A) any law, regulation, order or decree to which the Qualified Entity is subject; or (B) any agreement or instrument to which the Qualified Entity is a party or by which the Qualified Entity is bound (other than this).

(v) The Qualified Entity is a "qualified entity," within the meaning of Indiana Code 5-1.5-1-8, as amended.

(vi) The Qualified Entity is not in breach of or in default under any applicable constitutional provision, law or administrative regulation of the State or the United States, or any applicable judgment or decree of any court, regulatory body or other public body or any loan agreement, indenture, bond, note, resolution, agreement or other instrument (collectively, "Laws and Agreements") to which the Qualified Entity is a party or to which the Qualified Entity or any of its property or assets is otherwise subject, and no event has occurred and is continuing, which, with the passage of time or the giving of notice, or both, would constitute a default or event of default under any such instrument. The execution and delivery of this Agreement and the Qualified Entity's compliance with the provisions hereof will not conflict with or constitute a breach of or default under any Laws and Agreements.

(vii) The Qualified Entity will take such action as may be reasonably requested to facilitate the timely consummation of the transactions contemplated by this Agreement.

(viii) The Qualified Entity hereby covenants that it has taken all proceedings required by law to enable it to appropriate and transfer funds to the Bond Bank as provided in Section 2 hereof.

(ix) Except as disclosed in writing to the Bond Bank, there is no action, suit, proceeding, inquiry or investigation of any nature at law or in equity, before or by any court, governmental agency, public board or body pending or, to the knowledge of the Qualified Entity, threatened, seeking to restrain or enjoin the performance of any of the covenants contained in this Agreement or in any way questioning or affecting (A) the transactions contemplated by this Agreement, (B) the right or authority of the Qualified Entity to carry out the terms and provisions of this Agreement, or (C) the power of the Qualified Entity to perform its obligations under this Agreement. Neither the existence of the Qualified Entity nor the right of the officials of the Qualified Entity to their offices nor the titles of the officers of the Qualified Entity to their respective offices are being contested, and no authority or proceeding in connection with or relating to the execution and delivery of this Agreement has been repealed, revoked or rescinded.

(x) The Qualified Entity hereby covenants that it has duly, regularly and properly adopted or will adopt a budget for 2013 setting forth estimated revenues to be received and estimated expenditures for the fiscal year, including funds appropriated for the purchase of Motor Fuel to be used by the Qualified Entity; has complied with or will comply with all statutory and regulatory requirements with respect to the adoption of such budget; and will levy *ad valorem* property taxes in accordance with all statutory and regulatory requirements.

(b) The Bond Bank makes the following representations and warranties:

(i) The Bond Bank is a separate body corporate and politic, constituting an instrumentality of the State, and duly organized and validly existing as such under the Act.

(ii) The Bond Bank has all necessary power and authority under the Act to enter into this Agreement and to consummate the transactions contemplated hereby and by proper corporate action has duly authorized the execution and delivery of this Agreement.

(iii) The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby do not and will not conflict with or result in a breach of, and do not and will not constitute a default under, or result in the creation or imposition of any liens, charges or encumbrances of any nature upon any of the property or assets of the Bond Bank under: (A) any law, regulation, order or decree to which the Bond Bank is subject; or (B) any agreement or instrument to which the Bond Bank is a party or by which the Bond Bank is bound.

2. Execution of Swap Agreement; Advancements; Reimbursement by Qualified Entity.

(a) The Bond Bank hereby agrees to enter into the Swap Agreement with the Swap Counterparty for the purpose of hedging the price associated with the purchase of Motor Fuel for use by the Qualified Entity, and to advance payments owed by the Bond Bank to the Swap Counterparty, if any, with respect to the Swap Agreement from the Reserve Account.

(b) Subject to Section 9, the Qualified Entity hereby agrees to appropriate and pay funds to the Bond Bank: (i) to reimburse the Bond Bank for amounts advanced by the Bond Bank from the Reserve Account necessary to make payments due by the Bond Bank to the Swap Counterparty, if any, with respect to the Swap Agreement, which are allocable to the Qualified Entity; (ii) to pay any and all expenses associated with or incurred by Bond Bank in connection with the Fuel Budgeting Program, Series 2013 A, allocable to the Qualified Entity, including, but not limited to, the Swap Agreement, other agreements contemplated under this Agreement, and future agreements, amendments to this Agreement or the agreements contemplated herein, or transactions made pursuant to and consistent with this Agreement; and (iii) paying any other transaction or related costs contemplated hereunder, which are allocable to the Qualified Entity.

(c) Within five (5) business days following a Scheduled Payment Date (as defined in the Swap Agreement), the Bond Bank or its agent shall: (i) confirm and calculate any amounts owed under the Swap Agreement pursuant to this Agreement (A) by the Qualified Entity to the Bond Bank or (B) to the Qualified Entity by the Bond Bank; and (ii) prepare and send any bills or payments to the Qualified Entity for such purpose. In the event the Bond Bank receives payments from the Swap Counterparty on a Scheduled Payment Date, the Bond Bank shall be entitled to retain any interest earned on such payments to cover administrative expenses of the Fuel Budgeting Program, Series 2013 A, prior to disbursing such funds to the Qualified Entity as provided herein.

(d) Any payments to be sent to the Qualified Entity shall be wired in immediately available funds to the account of the City identified below:

Key Bank
ABA # 041001039
Attention: Yvonne Milligan – Fuel Hedging
Account # 1009681005521

(e) Upon receipt of a bill stating the amounts owed by the Qualified Entity under this Agreement, the Qualified Entity hereby agrees to pay to the Bond Bank or its agent any amounts due as stated in the bill within fifteen (15) business days following the receipt of such bill. In the event the Bond Bank does not receive payment from the Qualified Entity within fifteen (15) business days following the Qualified Entity's receipt of a bill stating the amounts due, the amount due shall accrue interest from the due date at a rate of eight percent (8.00%) per annum until payment is received by the Bond Bank. In the event that payment is received, such payment shall be used in the following order of priority: (i) to pay any accrued interest; and then (ii) to pay the principal of any amounts owed.

(f) The Qualified Entity agrees that the portion of the Swap Agreement allocated to the Qualified Entity, for which the Qualified Entity will be responsible pursuant to this Agreement, is set forth in Exhibit A attached hereto, commencing on the effective date of the Swap Agreement, as set forth in the Confirmation, and ending on December 31, 2013. The Qualified Entity approves the ISDA Agreement, attached as Exhibit B hereto. The Qualified Entity authorizes the Bond Bank to enter into the Confirmation on or after the date of the execution of this Agreement, so long as: (i) the Confirmation includes both (A) the sale of a floor (put) and (B) the purchase of a cap (call), the combination of which is commonly referred to as a "costless collar"; and (ii) (A) the floor price is no higher than $______, with respect to gasoline, and $______, with respect to diesel, and (B) the cap price is no higher than $______, with respect to gasoline, and $______, with respect to diesel. Upon the execution and delivery of the Confirmation by the Bond Bank and the Swap Counterparty, the Confirmation shall be attached to the ISDA Agreement, as part of the Swap Agreement, which is attached as Exhibit B hereto. The Bond Bank and the Qualified Entity agree that any amounts due by the Qualified Entity under the Swap Agreement pursuant to this Agreement will not exceed the current amount appropriated for Motor Fuel for use by the Qualified Entity.

(g) The terms and conditions for disbursement from the Reserve Account to the Swap Counterparty shall be set forth in the Swap Agreement, attached as Exhibit B hereto, and otherwise as may be entered into by the Bond Bank from time to time pursuant hereto.

(h) For the purposes provided in this Section, the Bond Bank's agent shall be The Bank of New York Mellon Trust Company, N.A., until the Bond Bank provides the Qualified Entity notice otherwise.

3. Withholding of Funds Owed to the Qualified Entity. In the event the Qualified Entity fails to remit payment to the Bond Bank within thirty (30) days after payment is due as provided in Section 2(e) hereof, the Bond Bank shall be entitled to exercise the following rights:

(a) If the Qualified Entity would otherwise be entitled to an allocable portion of amounts owed by the Swap Counterparty under the Swap Agreement pursuant to this Agreement, the Bond Bank shall be entitled to retain and apply such amounts against amounts owed by the Qualified Entity. Any amounts retained under this Section shall be used in the following order of priority: (i) to pay any accrued interest on amounts owed; then (ii) to pay the principal of any amounts owed.

(b) Pursuant to Indiana Code 5-1.5-8-5, to the extent that any department or agency of the State, including the treasurer of state, is the custodian of money payable to the Qualified Entity (other than for goods or services provided by the Qualified Entity), the Bond Bank may provide written notice to the department or agency head that the Qualified Entity is in default on the payment of any amounts owed arising from this Agreement, and the department or agency shall withhold the payment of that money from that Qualified Entity and pay over the money to the Bond Bank for the purpose of paying any amounts owed to the Swap Counterparty pursuant to the Swap Agreement entered into by the Bond Bank on behalf of the Qualified Entity. Any amounts obtained under this Section shall be used in the following order of priority: (i) to pay any accrued interest on amounts owed; then (ii) to pay the principal of any amounts owed.

4. Term of Agreement; Renewal. The term of this Agreement shall commence on January 1, 2013, and, subject to Section 5 hereof, shall remain in full force and effect up to and including December 31, 2013. This Agreement may be extended beyond December 31, 2013, only if and when duly authorized and approved by the Qualified Entity and the Bond Bank, in writing, with the amended terms set forth therein.

5. Termination.

(a) In the event this Agreement is not extended beyond December 31, 2013, and any amount then remains owed and unpaid by one party to the other under this Agreement, this Agreement shall remain in full force and effect until all such amounts have been paid.

(b) In the event the Qualified Entity fails to remit payment to the Bond Bank within thirty (30) days after payment is due as provided in Section 2(e) hereof, the Bond Bank shall be entitled to terminate this agreement in its sole discretion. If the Bond Bank exercises its right to terminate this Agreement, the Bond Bank shall immediately terminate the notional amount of Motor Fuel allocable to the Qualified Entity in the Swap Agreement.

(i) If any termination payment is owed by the Bond Bank to the Swap Counterparty in connection with the termination of the Swap Agreement pursuant to this Section, such amounts shall be immediately due by the Qualified Entity and shall accrue interest at the rate of eight percent (8.00%) per annum from the date of such termination until paid. The Bond Bank shall send the Qualified Entity written notice of the termination payment stating that such termination payment: (A) is due within ten (10) business days following receipt of such notice; (B) shall accrue interest at the rate of eight percent (8.00%) per annum from the date of such termination until repaid; and (C) is in addition to any other amounts owed to the Bond Bank by the Qualified Entity pursuant to this Agreement.

(ii) If any termination payment is received by the Bond Bank from the Swap Counterparty in connection with the termination of the Swap Agreement pursuant to this Section, the Bond Bank shall be entitled to retain and apply such amounts against amounts owed by the Qualified Entity. Any amounts retained under this Section shall be used in the following order of priority: (A) to pay any accrued interest on amounts owed; then (B) to pay the principal of any amounts owed. In the event that there are excess moneys after making the payment of interest and principal amounts due, the Bond Bank shall be entitled to retain all such excess moneys.

6. Verification of Qualified Entity Budget. Simultaneously with the execution of this Agreement, the Qualified Entity shall furnish to the Bond Bank any documentation as requested by the Bond Bank, as to, among other things, the funding and maintenance amounts budgeted for the purchase of Motor Fuel to be used by the Qualified Entity.

7. Pledge and Assignment of Payments. The Qualified Entity and the Bond Bank agree that this Agreement and any payments to be made hereunder may be pledged or assigned by the Bond Bank.

8. Annual Financial Information and Reports. The Qualified Entity agrees to furnish to the Bond Bank, so long as this Agreement or the Swap Agreement entered into by the Bond Bank on behalf of the Qualified Entity pursuant to this Agreement remains in effect, annual financial reports, audit reports and such other financial information as is reasonably requested by the Bond Bank.

9. Severability. If any provision of this Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Agreement and this Agreement shall be construed and in force as if such invalid or unenforceable provision had not been contained herein.

10. Indemnification. To the extent permitted by law, the Qualified Entity releases the Bond Bank from, agrees that the Bond Bank shall not be liable for, and to the extent permitted by law agrees to indemnify and hold the Bond Bank harmless from, any liability for, or expense resulting from (including, but not limited to, reasonable attorneys' fees and expenses), or any loss or damage that may be occasioned by, any cause whatsoever pertaining to the execution and delivery of the Swap Agreement entered into by the Bond Bank on behalf of the Qualified Entity, or the actions taken or to be taken by the Bond Bank under this Agreement, except for the willful misconduct of the Bond Bank or the Trustee.

11. Counterparts. This Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. The Bond Bank and the Qualified Entity each agree that they will execute any and all documents or other instruments, and take such other actions as may be necessary to give effect to the terms of this Agreement.

12. Waiver. No waiver by either the Bond Bank or the Qualified Entity of any term or condition of this Agreement shall be deemed or construed as a waiver of any other terms or conditions, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different section, subsection, paragraph, clause, phrase or other provision of this Agreement.

13. Entire Agreement. This Agreement, together with the Qualified Entity Resolution, merges and supersedes all prior negotiations, representations and agreements between the Bond Bank and the Qualified Entity relating to the subject matter hereof and constitutes the entire agreement between the Bond Bank and the Qualified Entity in respect hereof and thereof.

14. Governing Law. This Agreement and the rights and obligations of the parties hereunder shall be governed by and construed and enforced in accordance with the laws of the State of Indiana.

IN WITNESS WHEREOF, the Bond Bank and the Qualified Entity have caused this Agreement to be executed in their respective names, by their duly authorized officers, under the authority of resolutions adopted by each prior to the date hereof, all as of the day and year first above written.

INDIANA BOND BANK

By: ______________________________

Richard E. Mourdock, Chairperson Ex Officio

Attest:

______________________________

Lisa Cottingham, Executive Director

CITY OF MISHAWAKA, INDIANA

By: ______________________________

David A. Wood, Mayor

Attest:

______________________________

Yvonne Milligan, Controller

## EXHIBIT A

## PORTION OF THE SWAP AGREEMENT ALLOCATED TO THE QUALIFIED ENTITY

(City of Mishawaka)

| Month | Gasoline (in gallons) | Diesel (in gallons) |
|---|---|---|
| January | | |
| February | | |
| March | | |
| April | | |
| May | | |
| June | | |
| July | | |
| August | | |
| September | | |
| October | | |
| November | | |
| December | | |
| TOTAL: | | |



2241997v1

## EXHIBIT B

## SWAP AGREEMENT

2012 Gasoline

| | Reimbursement | Fee | |
|---|---|---|---|
| January | $ - | $ 354.00 | |
| February | $ 872.96 | $ 306.00 | |
| March | $ 3,772.49 | $ 328.00 | |
| April | $ 2,567.92 | $ 279.00 | |
| May | $ 393.50 | $ 302.00 | |
| June | $ - | $ 302.00 | |
| Jule | $ - | $ 300.00 | |
| August | $ 1,071.31 | $ 318.00 | |
| September | $ 763.52 | $ 305.00 | |
| October | | | |
| November | | | |
| December | | | |
| | $ 9,441.70 | $ 2,794.00 | $ 6,647.70 |

2012 Diesel

| | | | |
|---|---|---|---|
| January | | $ 232.00 | |
| February | | $ 205.00 | |
| March | $ 75.63 | $ 107.00 | |
| April | | $ 94.00 | |
| May | | $ 112.00 | |
| June | $ 286.00 | $ 117.00 | |
| Jule | | $ 120.00 | |
| August | | $ 98.00 | |
| September | $ - | $ 106.00 | |
| October | | | |
| November | | | |
| December | | | |
| | $ 361.63 | $ 1,191.00 | $ (829.37) |

Total Reimbursement $ 5,818.33

**IBB 2012 Fuel Budgeting Program**

| Actual 2012 Program Results -- Heating Oil (Diesel) | | | | | |
|---|---|---|---|---|---|
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
| Jan | $ 2.708 | $ 3.2000 | $ 3.046 | $ - | $ (7,089.00) |
| Feb | $ 2.708 | $ 3.2000 | $ 3.194 | $ - | (6,768.00) |
| March | $ 2.708 | $ 3.2000 | $ 3.227 | $ 0.027 | (1,883.17) |
| April | $ 2.708 | $ 3.2000 | $ 3.156 | $ - | (6,643.00) |
| May | $ 2.708 | $ 3.2000 | $ 2.919 | $ - | (6,450.00) |
| June | $ 2.708 | $ 3.2000 | $ 2.614 | $ (0.094) | (7,482.17) |
| July | $ 2.708 | $ 3.2000 | $ 2.814 | $ - | (2,352.00) |
| Aug | $ 2.708 | $ 3.2000 | $ 3.054 | $ - | (5,943.00) |
| Sep | $ 2.708 | $ 3.2000 | $ 3.146 | $ - | (7,005.00) |
| Oct | $ 2.708 | $ 3.2000 | | | |
| Nov | $ 2.708 | $ 3.2000 | | | |
| Dec | $ 2.708 | $ 3.2000 | | | |
| * Summary of Payments to/(from) 19 participants | | | | | $ (51,615.34) |

| Actual 2012 Program Results -- RBOB (Gasoline) | | | | | |
|---|---|---|---|---|---|
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
| Jan | $ 2.480 | $ 2.900 | $ 2.796 | $ - | $ (2,446.00) |
| Feb | $ 2.480 | $ 2.900 | $ 3.009 | $ 0.109 | 4,382.10 |
| March | $ 2.480 | $ 2.900 | $ 3.343 | $ 0.443 | 26,373.85 |
| April | $ 2.480 | $ 2.900 | $ 3.254 | $ 0.325 | 20,592.77 |
| May | $ 2.480 | $ 2.900 | $ 2.950 | $ 0.050 | 737.34 |
| June | $ 2.480 | $ 2.900 | $ 2.651 | $ - | (2,403.00) |
| July | $ 2.480 | $ 2.900 | $ 2.821 | $ - | (2,320.00) |
| Aug | $ 2.480 | $ 2.900 | $ 3.030 | $ 0.130 | 6,094.59 |
| Sep | $ 2.480 | $ 2.900 | $ 2.996 | $ 0.096 | 3,480.45 |
| Oct | $ 2.480 | $ 2.900 | | | |
| Nov | $ 2.480 | $ 2.900 | | | |
| Dec | $ 2.480 | $ 2.900 | | | |
| ** Summary of Payments to/(from) 13 participants | | | | | $ 54,492.10 |

Note: Total Monthly Results include a $0.0385 per gallon monthly administrative fee

IBB 2011 Fuel Budgeting Program

| Actual 2011 Program Results -- Heating Oil (Diesel) | | | | | | |
|---|---|---|---|---|---|---|
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | | Total Monthly Results* |
| Jan | $ 2.44 | $ 2.75 | $ 2.609 | $ - | $ | (3,630.00) |
| Feb | $ 2.44 | $ 2.75 | $ 2.777 | $ 0.027 | | (1,384.40) |
| March | $ 2.44 | $ 2.75 | $ 3.046 | $ 0.296 | | 24,988.66 |
| April | $ 2.44 | $ 2.75 | $ 3.207 | $ 0.457 | | 40,904.11 |
| May | $ 2.44 | $ 2.75 | $ 2.964 | $ 0.214 | | 18,869.01 |
| June | $ 2.44 | $ 2.75 | $ 2.977 | $ 0.227 | | 7,818.96 |
| July | $ 2.44 | $ 2.75 | $ 3.078 | $ 0.328 | | 13,435.06 |
| Aug | $ 2.44 | $ 2.75 | $ 2.951 | $ 0.201 | | 12,171.07 |
| Sep | $ 2.44 | $ 2.75 | $ 2.934 | $ 0.184 | | 13,224.41 |
| Oct | $ 2.44 | $ 2.75 | $ 2.959 | $ 0.209 | | 16,556.36 |
| Nov | $ 2.44 | $ 2.75 | $ 3.062 | $ 0.312 | | 25,262.53 |
| Dec | $ 2.44 | $ 2.75 | $ 2.908 | $ 0.158 | | 10,778.09 |
| * Summary of Payments to/(from) 10 participants | | | | | $ | 178,993.86 |

| Actual 2011 Program Results -- RBOB (Gasoline) | | | | | | |
|---|---|---|---|---|---|---|
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | | Total Monthly Results* |
| Jan | $ 2.30 | $ 2.61 | $ 2.442 | $ | $ | (2,041.00) |
| Feb | $ 2.30 | $ 2.61 | $ 2.552 | $ - | | (1,990.00) |
| March | $ 2.30 | $ 2.61 | $ 2.997 | $ 0.387 | | 17,745.02 |
| April | $ 2.30 | $ 2.61 | $ 3.267 | $ 0.657 | | 30,567.97 |
| May | $ 2.30 | $ 2.61 | $ 3.096 | $ 0.486 | | 22,213.77 |
| June | $ 2.30 | $ 2.61 | $ 2.951 | $ 0.341 | | 15,553.37 |
| July | $ 2.30 | $ 2.61 | $ 3.096 | $ 0.486 | | 22,674.20 |
| Aug | $ 2.30 | $ 2.61 | $ 2.870 | $ 0.260 | | 11,736.54 |
| Sep | $ 2.30 | $ 2.61 | $ 2.725 | $ 0.115 | | 3,781.79 |
| Oct | $ 2.30 | $ 2.61 | $ 2.681 | $ 0.069 | | 1,635.45 |
| Nov | $ 2.30 | $ 2.61 | $ 2.583 | $ | | (1,994.00) |
| Dec | $ 2.30 | $ 2.61 | $ 2.598 | $ - | | (2,077.00) |
| ** Summary of Payments to/(from) 7 participants | | | | | $ | 117,806.11 |

Note: Total Monthly Results include a $0.04 per gallon monthly administrative fee

IBB 2010 Fuel Budgeting Program

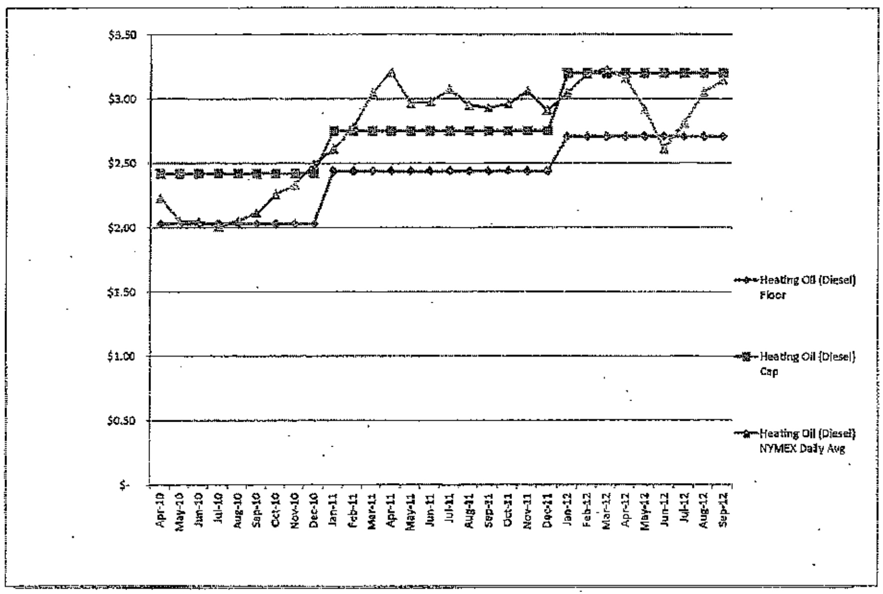
| Actual 2010 Program Results -- Heating Oil (Diesel) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Month | Floor | | Cap | | NYMEX Market Dly Avg | | Per Gallon Net (Pay)/Rec | | Total Monthly Results* |
| April | $ | 2.03 | $ 2.42 | $ | 2.23 | $ | - | $ | (3,952.00) |
| May | $ | 2.03 | $ 2.42 | $ | 2.05 | $ | - | | (3,950.00) |
| June | $ | 2.03 | $ 2.42 | $ | 2.05 | $ | - | | (2,688.00) |
| July | $ | 2.03 | $ 2.42 | $ | 2.01 | $ | (0.02) | | (3,930.04) |
| Aug | $ | 2.03 | $ 2.42 | $ | 2.05 | $ | - | | (3,685.00) |
| Sep | $ | 2.03 | $ 2.42 | $ | 2.11 | $ | - | | (4,022.00) |
| Oct | $ | 2.03 | $ 2.42 | $ | 2.26 | $ | - | | (4,053.00) |
| Nov | $ | 2.03 | $ 2.42 | $ | 2.33 | $ | - | | (3,868.00) |
| Dec | $ | 2.03 | $ 2.42 | $ | 2.49 | $ | 0.07 | | 2,758.39 |
| * Summary of Payments to/(from) 10 participants | | | | | | | | $ | (27,389.65) |

| Actual 2010 Program Results -- RBOB (Gasoline) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Month | Floor | | Cap | | NYMEX Market Dly Avg | | Per Gallon Net (Pay)/Rec | | Total Monthly Results** |
| April | $ | 2.00 | $ 2.41 | $ | 2.32 | $ | - | $ | (4,115.00) |
| May | $ | 2.00 | $ 2.41 | $ | 2.11 | $ | - | | (4,040.00) |
| June | $ | 2.00 | $ 2.41 | $ | 2.08 | $ | - | | (4,033.00) |
| July | $ | 2.00 | $ 2.41 | $ | 2.06 | $ | - | | (4,072.00) |
| Aug | $ | 2.00 | $ 2.41 | $ | 1.99 | $ | (0.01) | | (4,533.79) |
| Sep | $ | 2.00 | $ 2.41 | $ | 1.95 | $ | (0.05) | | (9,555.88) |
| Oct | $ | 2.00 | $ 2.41 | $ | 2.11 | $ | - | | (4,701.00) |
| Nov | $ | 2.00 | $ 2.41 | $ | 2.19 | $ | - | | (3,939.00) |
| Dec | $ | 2.00 | $ 2.41 | $ | 2.36 | $ | - | | (4,116.00) |
| ** Summary of Payments to/(from) 9 participants | | | | | | | | $ | (43,105.67) |

Note: Total Monthly Results include a $0.04 per gallon monthly administrative fee

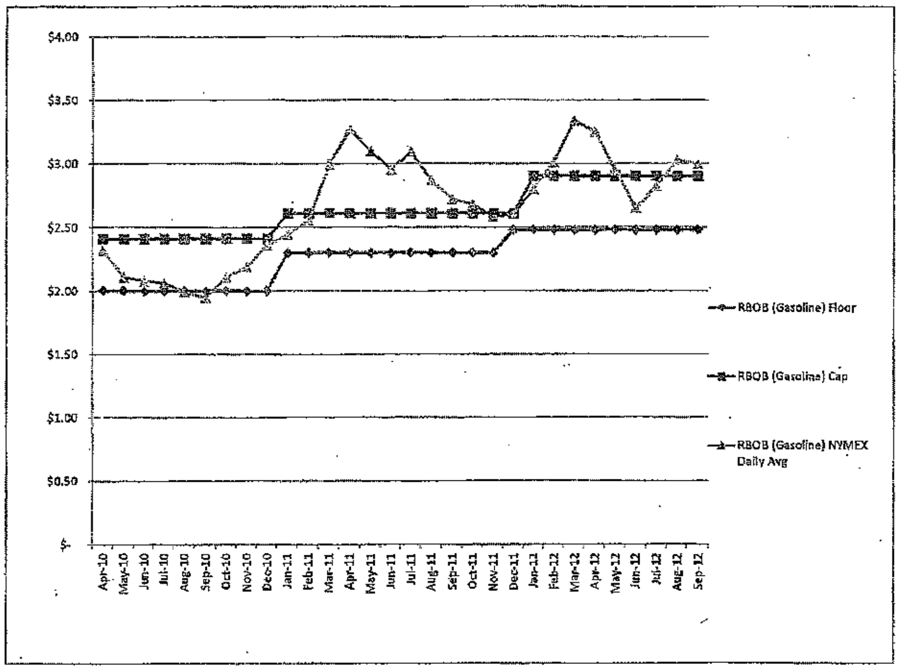
**Heating Oil (Diesel)**

| Month | | Floor | | Cap | | NYMEX Daily Avg |
|---|---|---|---|---|---|---|
| Apr-10 | $ | 2.03 | $ | 2.42 | $ | 2.23 |
| May-10 | $ | 2.03 | $ | 2.42 | $ | 2.06 |
| Jun-10 | $ | 2.03 | $ | 2.42 | $ | 2.05 |
| Jul-10 | $ | 2.03 | $ | 2.42 | $ | 2.01 |
| Aug-10 | $ | 2.03 | $ | 2.42 | $ | 2.05 |
| Sep-10 | $ | 2.03 | $ | 2.42 | $ | 2.11 |
| Oct-10 | $ | 2.03 | $ | 2.42 | $ | 2.26 |
| Nov-10 | $ | 2.03 | $ | 2.42 | $ | 2.33 |
| Dec-10 | $ | 2.03 | $ | 2.42 | $ | 2.49 |
| Jan-11 | $ | 2.44 | $ | 2.75 | $ | 2.61 |
| Feb-11 | $ | 2.44 | $ | 2.75 | $ | 2.78 |
| Mar-11 | $ | 2.44 | $ | 2.75 | $ | 3.05 |
| Apr-11 | $ | 2.44 | $ | 2.75 | $ | 3.21 |
| May-11 | $ | 2.44 | $ | 2.75 | $ | 2.96 |
| Jun-11 | $ | 2.44 | $ | 2.75 | $ | 2.98 |
| Jul-11 | $ | 2.44 | $ | 2.75 | $ | 3.08 |
| Aug-11 | $ | 2.44 | $ | 2.75 | $ | 2.95 |
| Sep-11 | $ | 2.44 | $ | 2.75 | $ | 2.93 |
| Oct-11 | $ | 2.44 | $ | 2.75 | $ | 2.96 |
| Nov-11 | $ | 2.44 | $ | 2.75 | $ | 3.06 |
| Dec-11 | $ | 2.44 | $ | 2.75 | $ | 2.91 |
| Jan-12 | $ | 2.71 | $ | 3.20 | $ | 3.05 |
| Feb-12 | $ | 2.71 | $ | 3.20 | $ | 3.20 |
| Mar-12 | $ | 2.71 | $ | 3.20 | $ | 3.23 |
| Apr-12 | $ | 2.71 | $ | 3.20 | $ | 3.16 |
| May-12 | $ | 2.71 | $ | 3.20 | $ | 2.92 |
| Jun-12 | $ | 2.71 | $ | 3.20 | $ | 2.61 |
| Jul-12 | $ | 2.71 | $ | 3.20 | $ | 2.81 |
| Aug-12 | $ | 2.71 | $ | 3.20 | $ | 3.05 |
| Sep-12 | $ | 2.71 | $ | 3.20 | $ | 3.15 |



RBOB (Gasoline)

| Month | | Floor | | Cap | | NYMEX Daily Avg |
|---|---|---|---|---|---|---|
| Apr-10 | $ | 2.00 | $ | 2.41 | $ | 2.32 |
| May-10 | $ | 2.00 | $ | 2.41 | $ | 2.11 |
| Jun-10 | $ | 2.00 | $ | 2.41 | $ | 2.08 |
| Jul-10 | $ | 2.00 | $ | 2.41 | $ | 2.06 |
| Aug-10 | $ | 2.00 | $ | 2.41 | $ | 1.99 |
| Sep-10 | $ | 2.00 | $ | 2.41 | $ | 1.95 |
| Oct-10 | $ | 2.00 | $ | 2.41 | $ | 2.11 |
| Nov-10 | $ | 2.00 | $ | 2.41 | $ | 2.19 |
| Dec-10 | $ | 2.00 | $ | 2.41 | $ | 2.36 |
| Jan-11 | $ | 2.30 | $ | 2.61 | $ | 2.44 |
| Feb-11 | $ | 2.30 | $ | 2.61 | $ | 2.55 |
| Mar-11 | $ | 2.30 | $ | 2.61 | $ | 3.00 |
| Apr-11 | $ | 2.30 | $ | 2.61 | $ | 3.27 |
| May-11 | $ | 2.30 | $ | 2.61 | $ | 3.10 |
| Jun-11 | $ | 2.30 | $ | 2.61 | $ | 2.95 |
| Jul-11 | $ | 2.30 | $ | 2.61 | $ | 3.10 |
| Aug-11 | $ | 2.30 | $ | 2.61 | $ | 2.87 |
| Sep-11 | $ | 2.30 | $ | 2.61 | $ | 2.72 |
| Oct-11 | $ | 2.30 | $ | 2.61 | $ | 2.68 |
| Nov-11 | $ | 2.30 | $ | 2.61 | $ | 2.58 |
| Dec-11 | $ | 2.48 | $ | 2.61 | $ | 2.60 |
| Jan-12 | $ | 2.48 | $ | 2.90 | $ | 2.80 |
| Feb-12 | $ | 2.48 | $ | 2.90 | $ | 3.01 |
| Mar-12 | $ | 2.48 | $ | 2.90 | $ | 3.34 |
| Apr-12 | $ | 2.48 | $ | 2.90 | $ | 3.25 |
| May-12 | $ | 2.48 | $ | 2.90 | $ | 2.95 |
| Jun-12 | $ | 2.48 | $ | 2.90 | $ | 2.65 |
| Jul-12 | $ | 2.48 | $ | 2.90 | $ | 2.82 |
| Aug-12 | $ | 2.48 | $ | 2.90 | $ | 3.03 |
| Sep-12 | $ | 2.48 | $ | 2.90 | $ | 3.00 |



# INDIANA BOND BANK
# FUEL BUDGETING PROGRAM

# Fuel Budgeting Program

- Budgeting tool to guard against rising fuel prices (budget insurance)
- Allows smaller entities to pool their fuel budgeting needs to create an effective hedge size (42,000 gallons)
- Share program costs for cost efficiency
- Experience of IBB Staff/Professionals
- IBB Collateral

# How the Fuel Budgeting Program Works

- QE (Qualified Entity) continues to purchase fuel as normal
  - Cannot be fixed price contract
- QE completes short application
- QE adopts legal paperwork
- QE determines how much to hedge
  - Maximum of 80% annual consumption

# How the Fuel Budgeting Program Works

- Collar
  - Floor and Ceiling
  - NYMEX (New York Mercantile Exchange) fuel pricing
- Administration
  - 2011 program fee - $0.04 per gallon
  - 2012 program fee - $0.0385 per gallon
- Applications will be available in the Fall for the 2013 Program

# 2012 Fuel Budgeting Program

- 19 Participants
  - 14 School Corporations
  - 4 Cities
  - 1 County
- Gasoline (RBOB) Collar \$2.48 - \$2.90
- Diesel (HO) Collar \$2.708 - \$3.20

# Diesel Fuel Example

| | | | |
|---|---|---|---|
| Assumed Floor (1): | $2.71 | $2.71 | $2.71 |
| Assumed Cap: | $3.20 | $3.20 | $3.20 |
| Assumed NYMEX Price/gal | $2.65 | $3.15 | $3.38 |

| | *Example 1* | *Example 2* | *Example 3* |
|---|---|---|---|
| | ***Price As Compared to Hedge*** | | |
| | ***Lower*** | ***Within*** | ***Higher*** |
| Monthly Consumption--gallons (As in entity application) | 3,500 | 3,500 | 3,500 |
| Percentage Hedged (Determined by entity; max 80%) | 65.00% | 65.00% | 65.00% |
| Monthly Hedge--Gallons | 2,275 | 2,275 | 2,275 |
| NYMEX Daily Average Price | $2.65 | $3.15 | $3.38 |
| NYMEX vs. Floor/Cap | ($0.06) | $ - | $0.18 |
| Monthly Hedge--Gallons | 2,275 | 2,275 | 2,275 |
| Distribution (Payment) | $ (136.50) | - | $ 409.50 |
| Monthly Admin Fee (2) (Assumed $.0385/gallon hedged) | $ (88.00) | $ (88.00) | $ (88.00) |
| Total Participant Cash Flow | $ (224.50) | $ (88.00) | $ 321.50 |

(1) Rounded to 2.71 from $2.708
(2) Rounded to the nearest dollar

# Gasoline Example

| | Example 4 | Example 5 | Example 6 |
|---|---|---|---|
| Assumed Floor: | $2.48 | $2.48 | $2.48 |
| Assumed Cap: | $2.90 | $2.90 | $2.90 |
| Assumed NYMEX Price/gal | $2.44 | $2.85 | $3.10 |

| | *Example 4* | *Example 5* | *Example 6* |
|---|---|---|---|
| | ***Price As Compared to Hedge*** | | |
| | ***Lower*** | ***Within*** | ***Higher*** |
| Monthly Consumption--gallons (As in entity application) | 3,000 | 3,000 | 3,000 |
| Percentage Hedged (Determined by entity; max 80%) | 65.00% | 65.00% | 65.00% |
| Monthly Hedge--Gallons | 1,950 | 1,950 | 1,950 |
| NYMEX Daily Average Price | $2.44 | $2.85 | $3.10 |
| NYMEX vs. Floor/Cap | ($0.04) | $ - | $0.20 |
| Monthly Hedge--Gallons | 1,950 | 1,950 | 1,950 |
| Distribution (Payment) | $ (78.00) | - | $ 390.00 |
| Monthly Admin Fee (1) (Assumed $.0385/gallon hedged) | $ (75.00) | $ (75.00) | $ (75.00) |
| Total Participant Cash Flow | $ (153.00) | $ (75.00) | $ 315.00 |

(1) Rounded to the nearest dollar

# 2012 Diesel Results

**Actual 2012 Program Results -- Heating Oil (Diesel)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| Jan | $ 2.708 | $ 3.2000 | $ 3.046 | $ - | $ (7,089.00) |
| Feb | $ 2.708 | $ 3.2000 | $ 3.194 | $ - | (6,768.00) |
| March | $ 2.708 | $ 3.2000 | $ 3.227 | $ 0.027 | (1,883.17) |
| April | $ 2.708 | $ 3.2000 | $ 3.156 | $ - | (6,643.00) |
| May | $ 2.708 | $ 3.2000 | $ 2.919 | $ - | (6,450.00) |
| June | $ 2.708 | $ 3.2000 | $ 2.614 | $ (0.094) | (7,482.17) |
| July | $ 2.708 | $ 3.2000 | $ 2.814 | $ - | (2,352.00) |
| Aug | $ 2.708 | $ 3.2000 | $ 3.054 | $ - | (5,943.00) |
| Sep | $ 2.708 | $ 3.2000 | $ 3.146 | $ - | (7,005.00) |
| Oct | $ 2.708 | $ 3.2000 | | | |
| Nov | $ 2.708 | $ 3.2000 | | | |
| Dec | $ 2.708 | $ 3.2000 | | | |
| * Summary of Payments to/(from) 19 participants | | | | | $ (51,615.34) |

Note: Monthly results include a $0.0385 per gallon administrative fee.

# 2012 Gasoline Results

**Actual 2012 Program Results -- RBOB (Gasoline)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| Jan | $ 2.480 | $ 2.900 | $ 2.796 | $ - | $ (2,446.00) |
| Feb | $ 2.480 | $ 2.900 | $ 3.009 | $ 0.109 | 4,382.10 |
| March | $ 2.480 | $ 2.900 | $ 3.343 | $ 0.443 | 26,373.85 |
| April | $ 2.480 | $ 2.900 | $ 3.254 | $ 0.325 | 20,592.77 |
| May | $ 2.480 | $ 2.900 | $ 2.950 | $ 0.050 | 737.34 |
| June | $ 2.480 | $ 2.900 | $ 2.651 | $ - | (2,403.00) |
| July | $ 2.480 | $ 2.900 | $ 2.821 | $ - | (2,320.00) |
| Aug | $ 2.480 | $ 2.900 | $ 3.030 | $ 0.130 | 6,094.59 |
| Sep | $ 2.480 | $ 2.900 | $ 2.996 | $ 0.096 | 3,480.45 |
| Oct | $ 2.480 | $ 2.900 | | | |
| Nov | $ 2.480 | $ 2.900 | | | |
| Dec | $ 2.480 | $ 2.900 | | | |
| ** Summary of Payments to/(from) 13 participants | | | | | $ 54,492.10 |

Note: Monthly results include a $0.0385 per gallon administrative fee.

# 2011 Diesel Results

**Actual 2011 Program Results -- Heating Oil (Diesel)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| Jan | $ 2.44 | $ 2.75 | $ 2.609 | $ - | $ (3,630.00) |
| Feb | $ 2.44 | $ 2.75 | $ 2.777 | $ 0.027 | (1,384.40) |
| March | $ 2.44 | $ 2.75 | $ 3.046 | $ 0.296 | 24,988.66 |
| April | $ 2.44 | $ 2.75 | $ 3.207 | $ 0.457 | 40,904.11 |
| May | $ 2.44 | $ 2.75 | $ 2.964 | $ 0.214 | 18,869.01 |
| June | $ 2.44 | $ 2.75 | $ 2.977 | $ 0.227 | 7,818.96 |
| July | $ 2.44 | $ 2.75 | $ 3.078 | $ 0.328 | 13,435.06 |
| Aug | $ 2.44 | $ 2.75 | $ 2.951 | $ 0.201 | 12,171.07 |
| Sep | $ 2.44 | $ 2.75 | $ 2.934 | $ 0.184 | 13,224.41 |
| Oct | $ 2.44 | $ 2.75 | $ 2.959 | $ 0.209 | 16,556.36 |
| Nov | $ 2.44 | $ 2.75 | $ 3.062 | $ 0.312 | 25,262.53 |
| Dec | $ 2.44 | $ 2.75 | $ 2.908 | $ 0.158 | 10,778.09 |
| * Summary of Payments to/(from) 10 participants | | | | | $ 178,993.86 |

Note: Monthly results include a $0.04 per gallon administrative fee.

# 2011 Gasoline Results

**Actual 2011 Program Results -- RBOB (Gasoline)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| Jan | $ 2.30 | $ 2.61 | $ 2.442 | $ - | $ (2,041.00) |
| Feb | $ 2.30 | $ 2.61 | $ 2.552 | $ - | (1,990.00) |
| March | $ 2.30 | $ 2.61 | $ 2.997 | $ 0.387 | 17,745.02 |
| April | $ 2.30 | $ 2.61 | $ 3.267 | $ 0.657 | 30,567.97 |
| May | $ 2.30 | $ 2.61 | $ 3.096 | $ 0.486 | 22,213.77 |
| June | $ 2.30 | $ 2.61 | $ 2.951 | $ 0.341 | 15,553.37 |
| July | $ 2.30 | $ 2.61 | $ 3.096 | $ 0.486 | 22,674.20 |
| Aug | $ 2.30 | $ 2.61 | $ 2.870 | $ 0.260 | 11,736.54 |
| Sep | $ 2.30 | $ 2.61 | $ 2.725 | $ 0.115 | 3,781.79 |
| Oct | $ 2.30 | $ 2.61 | $ 2.681 | $ 0.069 | 1,635.45 |
| Nov | $ 2.30 | $ 2.61 | $ 2.583 | $ - | (1,994.00) |
| Dec | $ 2.30 | $ 2.61 | $ 2.598 | $ - | (2,077.00) |
| ** Summary of Payments to/(from) 7 participants | | | | | **$ 117,806.11** |

Note: Monthly results include a $0.04 per gallon administrative fee.

# 2010 Diesel Results

**Actual 2010 Program Results -- Heating Oil (Diesel)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| April | $ 2.03 | $ 2.42 | $ 2.23 | $ - | $ (3,952.00) |
| May | $ 2.03 | $ 2.42 | $ 2.05 | $ - | (3,950.00) |
| June | $ 2.03 | $ 2.42 | $ 2.05 | $ - | (2,688.00) |
| July | $ 2.03 | $ 2.42 | $ 2.01 | $ (0.02) | (3,930.04) |
| Aug | $ 2.03 | $ 2.42 | $ 2.05 | $ - | (3,685.00) |
| Sep | $ 2.03 | $ 2.42 | $ 2.11 | $ - | (4,022.00) |
| Oct | $ 2.03 | $ 2.42 | $ 2.26 | $ - | (4,053.00) |
| Nov | $ 2.03 | $ 2.42 | $ 2.33 | $ - | (3,868.00) |
| Dec | $ 2.03 | $ 2.42 | $ 2.49 | $ 0.07 | 2,758.39 |
| * Summary of Payments to/(from) 10 participants | | | | | **$ (27,389.65)** |

Note: Monthly results include a $0.04 per gallon administrative fee.

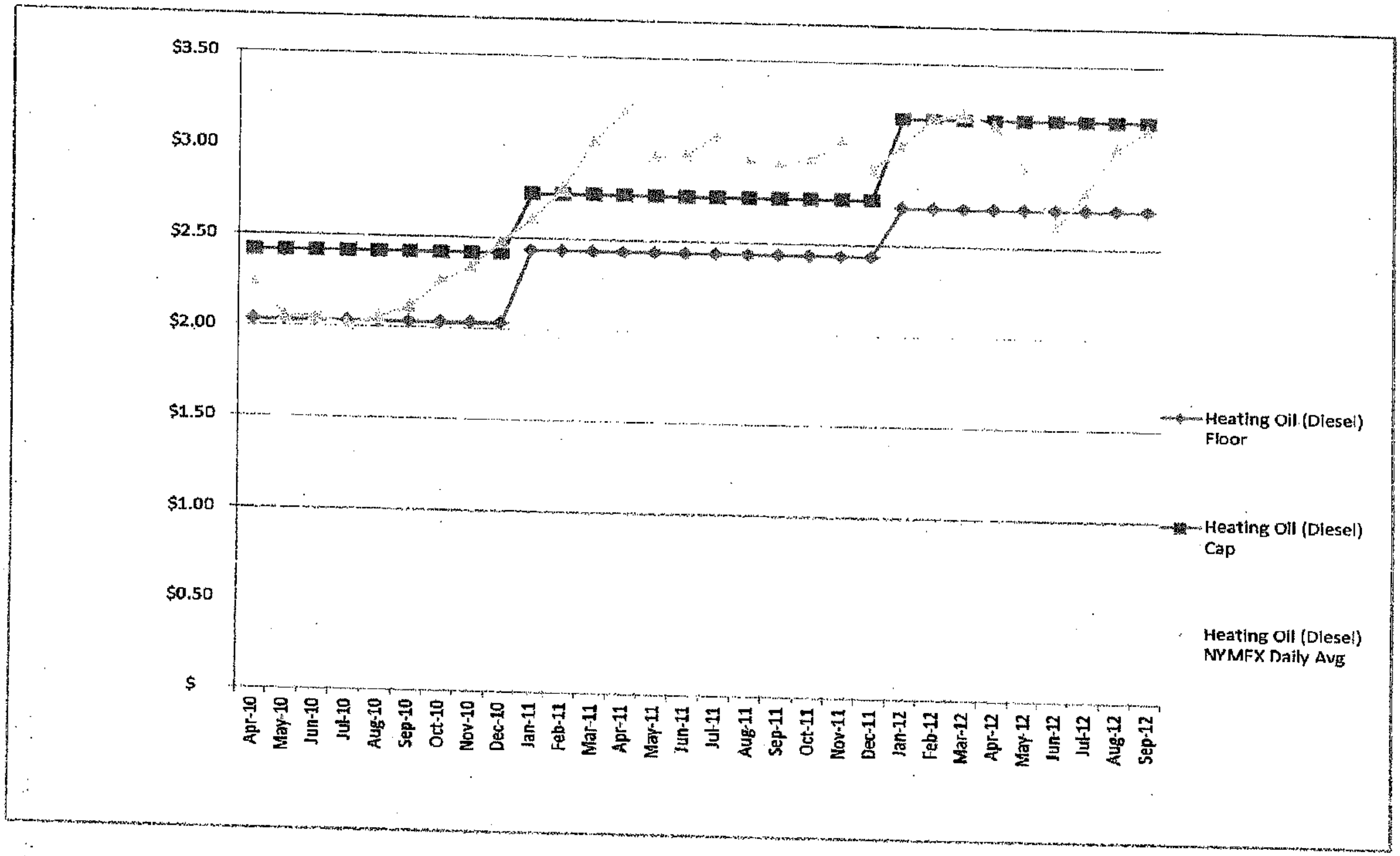
# 2010 Gasoline Results

**Actual 2010 Program Results -- RBOB (Gasoline)**

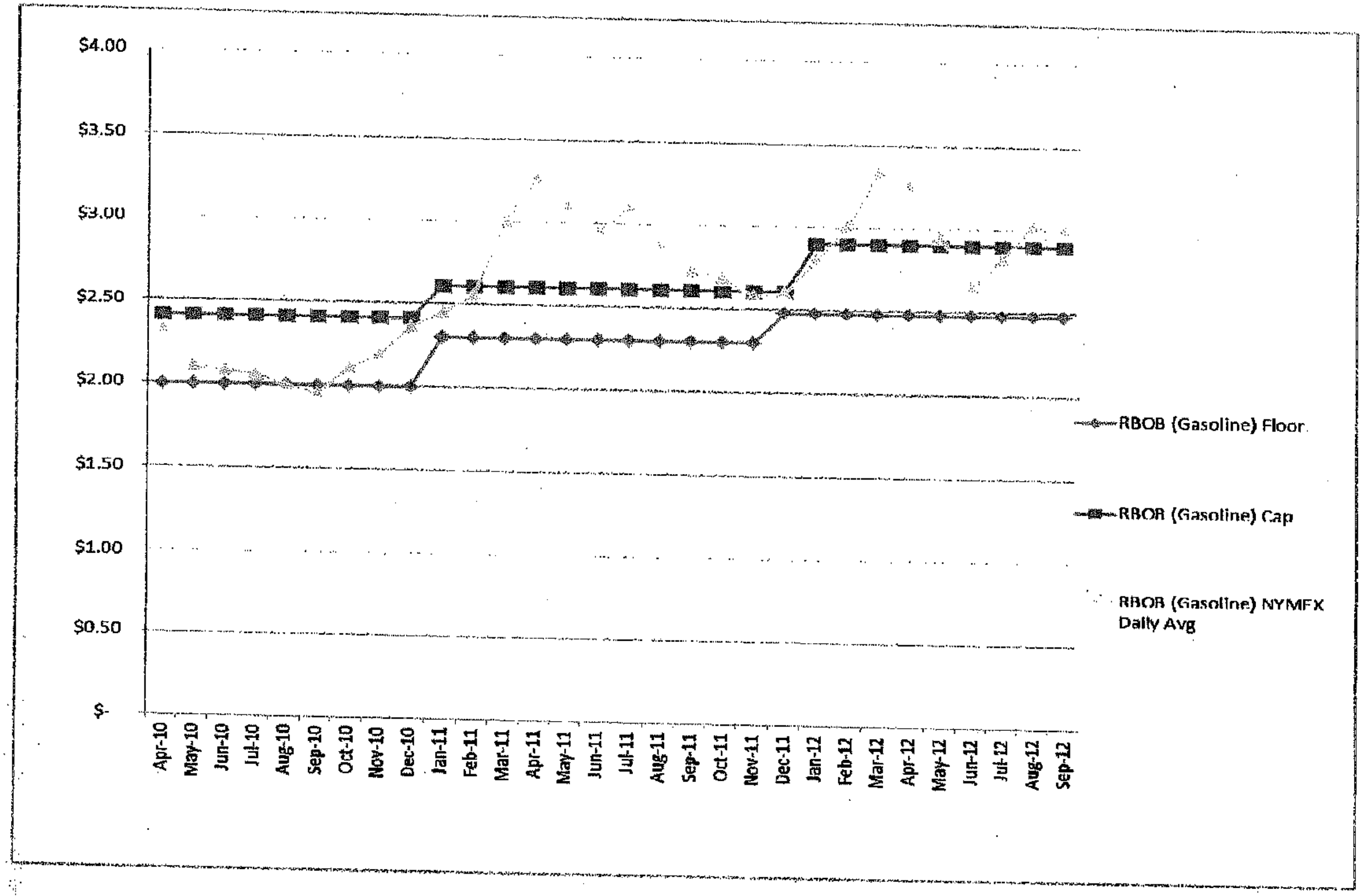
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results** |
|---|---|---|---|---|---|
| April | $ 2.00 | $ 2.41 | $ 2.32 | $ - | $ (4,115.00) |
| May | $ 2.00 | $ 2.41 | $ 2.11 | $ - | (4,040.00) |
| June | $ 2.00 | $ 2.41 | $ 2.08 | $ - | (4,033.00) |
| July | $ 2.00 | $ 2.41 | $ 2.06 | $ - | (4,072.00) |
| Aug | $ 2.00 | $ 2.41 | $ 1.99 | $ (0.01) | (4,533.79) |
| Sep | $ 2.00 | $ 2.41 | $ 1.95 | $ (0.05) | (9,555.88) |
| Oct | $ 2.00 | $ 2.41 | $ 2.11 | $ - | (4,701.00) |
| Nov | $ 2.00 | $ 2.41 | $ 2.19 | $ - | (3,939.00) |
| Dec | $ 2.00 | $ 2.41 | $ 2.36 | $ - | (4,116.00) |
| ** Summary of Payments to/(from) 9 participants | | | | | $ (43,105.67) |

Note: Monthly results include a $0.04 per gallon administrative fee.

# Diesel Cap and Collar with NYMEX Average



# Gasoline Cap and Collar with NYMEX Average



# Frequently Asked Questions (FAQs)

- *Q. Where do I purchase my fuel if I participate in the Bond Bank Fuel Budgeting Program?*
- A. Entities purchase and pay for fuel from any vendor.

- *Q. Can I participate in the Fuel Budgeting Program if I fixed my price with my vendor?*
- A. If you fix 100% of your fuel price for the entire year, you cannot participate in the program. However, you can participate if you bid and set the price each month, or have a portion of your volume that is not fixed with your vendor (avoid “double hedging”).

# FAQs Continued

- *Q. What is NYMEX?*
- A. NYMEX stands for New York Mercantile Exchange. The NYMEX daily average will be different from the pump price or the amount you pay your vendor since it does not include delivery, taxes and other costs.

- *Q. How does settlement work at the end of each month?*
- A. The Bond Bank will settle at the end of each month based upon the NYMEX daily average in relation to the collar using the amount that you hedged. The Bond Bank will notify you of the results at the end of each month. You will receive an invoice or a wire.

# FAQs Continued

- *Q. Do I need to send the Bond Bank my invoices for my fuel purchases?*
- A. No, the Bond Bank does not need your actual fuel purchase information.

- *Q. How is the collar and fee established?*
- A. The 2012 collar was established in December of 2011 based upon market conditions. The fee per gallon hedged is set to cover Bond Bank program costs.

# FAQs Continued

- *How does an entity participate in the Program?*
- A. Applications for 2013 are now available. Call the Bond Bank or visit our website at www.in.gov/bond for an application.

# Questions

Lisa Cottingham 317.233.0090 or lcottingham@inbondbank.com

Ron Mangus 317.233.0091 or rmangus@inbondbank.com

Cindy Burres 317.233.0093 or cburres@inbondbank.com

www.in.gov/bond

800-535-6974

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 06 2012

CITY CLERK
MISHAWAKA, IN

ORIGINAL

RESOLUTION NO. 2012-07

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MISHAWAKA, INDIANA, RECOMMENDING THE PARTICIPATION OF SAID CITY IN THE MOTOR FUEL BUDGETING PROGRAM OF THE INDIANA BOND BANK FOR THE 2013 BUDGET YEAR, THE EXECUTION OF THE QUALIFIED ENTITY REIMBURSEMENT AGREEMENT IN CONNECTION THEREWITH AND OTHER RELATED MATTERS**

WHEREAS, the Board of Public Works and Safety (the "Board") of the City of Mishawaka, Indiana (the "City"), is the governing body; and

WHEREAS, the City owns and operates a fleet of motor vehicles which motor vehicles are essential to the ability of the City to serve and provide municipal services to the inhabitants of the City, thereby ensuring the safety and well-being of said inhabitants; and

WHEREAS, the Board finds that the availability of motor vehicle fuel, which includes both gasoline and diesel motor fuel (collectively, "Motor Fuel"), is therefore critical to the City in providing such services; and

WHEREAS, the market-driven volatility of Motor Fuel presents a substantial risk to the Motor Fuel budget of the City, which may require the appropriation of additional funds for the purchase of Motor Fuel should prices increase beyond the amount of funds which have been appropriated for such purpose; and

WHEREAS, current market conditions limit the ability of the City to secure Motor Fuel with qualified suppliers of Motor Fuel in a manner which minimizes the adverse impacts of the volatile Motor Fuel market on the budget for the City; and

WHEREAS, the Board has been advised by representatives of the Indiana Bond Bank (the "Bond Bank"), including Crowe Horwath LLP and Maverick Energy Consulting, that the Bond Bank has established and continued a motor fuel budgeting program (the "Program") pursuant to which "qualified entities", as defined in Indiana Code 5-1.5-1-8, may participate for the purpose of managing and mitigating the volatility of Motor Fuel prices in order to achieve budget stability; and

WHEREAS, the Board finds that the City participated in the Program for its budget years 2009 through 2012 and is eligible to participate in the Program for its 2013 budget year; and

WHEREAS, the Board, having considered the information presented to it, finds that (i) participation in the Program will allow the City to manage and mitigate the volatility of Motor Fuel prices in order to achieve stability in the City's Motor Fuel budget for the 2013 budget year, (ii) participation in the Program will enhance the City's ability to continue to operate its motor vehicle fleet in an economical manner to assure the continued provision of municipal services to the inhabitants of the City, and (iii) the City is authorized to participate in the Program pursuant to Indiana Code 5-1.5, 36-1-4 and 36-9-6; and

WHEREAS, the Bond Bank has caused to be prepared a Qualified Entity Reimbursement Agreement in connection with the Program, attached hereto as Exhibit A and incorporated herein by reference (the "Agreement"), for execution by and between the City and the Bond Bank; and

WHEREAS, the Bond Bank intends to enter into agreements substantially the same as the Agreement with other qualified entities in connection with the Program; and

WHEREAS, the Agreement has been reviewed by the Board, which has had an opportunity to obtain independent advice and counsel with respect thereto, and has also had the opportunity to review the Agreement with the Bond Bank and seek explanation of the provisions thereof from the Bond Bank; and

WHEREAS, the Agreement sets forth the obligations of the City with respect to its participation in the Program during the term of the Agreement; and

WHEREAS, based upon the foregoing, the Board recommends to the Common Council of the City (the "Council") that the City should participate in the Program for the 2013 budget year, that the Agreement should be approved and that any other actions necessary to be taken to assure the City's participation in the Program for the 2013 budget year should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:

Section 1. The findings and determinations set forth in the preambles to this Resolution are hereby made findings and determinations of the Board of Public Works and Safety of the City.

Section 2. The Board hereby recommends to the Council that it authorize the City to enter into the Program with the Bond Bank for the purpose of managing and mitigating the volatility of Motor Fuel prices in order to achieve budget stability for the 2013 budget year.

Section 3. The Board hereby recommends to the Council that it approve the Agreement, in the form attached hereto as Exhibit A, so that the City may participate in the Program. The Board further recommends to the Council that it authorize the Mayor, Clerk and Controller of the City, and any officer of the Board, to take such actions or deliver such certificates as are necessary or desirable in connection with the City's participation in the Program and the other documents needed for the City's participation in the Program as they deem necessary or desirable in connection therewith, including execution and delivery of the Agreement.

Section 4. All resolutions and parts of resolutions in conflict herewith are hereby repealed. The Clerk of the Board is hereby directed to deliver this Resolution to the Council.

Section 5. This Resolution shall be in full force and effect upon its adoption.

Adopted this 6th day of NOVEMBER, 2012.

BOARD OF PUBLIC WORKS AND SAFETY,
CITY OF MISHAWAKA, INDIANA

Gary E. West
President GARY E. WEST

Ronald E. Watson
Vice-President RONALD E. WATSON

Member KENNETH B. PRINCE

Attest:

Kari Myers
Clerk of the Board KARI MYERS

2012 Gasoline

| | Reimbursement | Fee | |
|---|---|---|---|
| January | $ - | $ 354.00 | |
| February | $ 872.96 | $ 306.00 | |
| March | $ 3,772.49 | $ 328.00 | |
| April | $ 2,567.92 | $ 279.00 | |
| May | $ 393.50 | $ 302.00 | |
| June | $ - | $ 302.00 | |
| Jule | $ - | $ 300.00 | |
| August | $ 1,071.31 | $ 318.00 | |
| September | $ 763.52 | $ 305.00 | |
| October | | | |
| November | | | |
| December | | | |
| | $ 9,441.70 | $ 2,794.00 | $ 6,647.70 |

2012 Diesel

| | | | |
|---|---|---|---|
| January | | $ 232.00 | |
| February | | $ 205.00 | |
| March | $ 75.63 | $ 107.00 | |
| April | | $ 94.00 | |
| May | | $ 112.00 | |
| June | $ 286.00 | $ 117.00 | |
| Jule | | $ 120.00 | |
| August | | $ 98.00 | |
| September | $ - | $ 106.00 | |
| October | | | |
| November | | | |
| December | | | |
| | $ 361.63 | $ 1,191.00 | $ (829.37) |

Total Reimbursement $ 5,818.33

**IBB 2012 Fuel Budgeting Program**

| Actual 2012 Program Results -- Heating Oil (Diesel) | | | | | |
|---|---|---|---|---|---|
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
| Jan | $ 2.708 | $ 3.2000 | $ 3.046 | $ - | $ (7,089.00) |
| Feb | $ 2.708 | $ 3.2000 | $ 3.194 | $ - | (6,768.00) |
| March | $ 2.708 | $ 3.2000 | $ 3.227 | $ 0.027 | (1,883.17) |
| April | $ 2.708 | $ 3.2000 | $ 3.156 | $ - | (6,643.00) |
| May | $ 2.708 | $ 3.2000 | $ 2.919 | $ - | (6,450.00) |
| June | $ 2.708 | $ 3.2000 | $ 2.614 | $ (0.094) | (7,482.17) |
| July | $ 2.708 | $ 3.2000 | $ 2.814 | $ - | (2,352.00) |
| Aug | $ 2.708 | $ 3.2000 | $ 3.054 | $ - | (5,943.00) |
| Sep | $ 2.708 | $ 3.2000 | $ 3.146 | $ - | (7,005.00) |
| Oct | $ 2.708 | $ 3.2000 | | | |
| Nov | $ 2.708 | $ 3.2000 | | | |
| Dec | $ 2.708 | $ 3.2000 | | | |
| * Summary of Payments to/(from) 19 participants | | | | | **$ (51,615.34)** |

| Actual 2012 Program Results -- RBOB (Gasoline) | | | | | |
|---|---|---|---|---|---|
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
| Jan | $ 2.480 | $ 2.900 | $ 2.796 | $ - | $ (2,446.00) |
| Feb | $ 2.480 | $ 2.900 | $ 3.009 | $ 0.109 | 4,382.10 |
| March | $ 2.480 | $ 2.900 | $ 3.343 | $ 0.443 | 26,373.85 |
| April | $ 2.480 | $ 2.900 | $ 3.254 | $ 0.325 | 20,592.77 |
| May | $ 2.480 | $ 2.900 | $ 2.950 | $ 0.050 | 737.34 |
| June | $ 2.480 | $ 2.900 | $ 2.651 | $ - | (2,403.00) |
| July | $ 2.480 | $ 2.900 | $ 2.821 | $ - | (2,320.00) |
| Aug | $ 2.480 | $ 2.900 | $ 3.030 | $ 0.130 | 6,094.59 |
| Sep | $ 2.480 | $ 2.900 | $ 2.996 | $ 0.096 | 3,480.45 |
| Oct | $ 2.480 | $ 2.900 | | | |
| Nov | $ 2.480 | $ 2.900 | | | |
| Dec | $ 2.480 | $ 2.900 | | | |
| ** Summary of Payments to/(from) 13 participants | | | | | **$ 54,492.10** |

Note: Total Monthly Results include a $0.0385 per gallon monthly administrative fee

IBB 2011 Fuel Budgeting Program

| Actual 2011 Program Results -- Heating Oil (Diesel) | | | | | |
|---|---|---|---|---|---|
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
| Jan | $ 2.44 | $ 2.75 | $ 2.609 | $ - | $ (3,630.00) |
| Feb | $ 2.44 | $ 2.75 | $ 2.777 | $ 0.027 | (1,384.40) |
| March | $ 2.44 | $ 2.75 | $ 3.046 | $ 0.296 | 24,988.66 |
| April | $ 2.44 | $ 2.75 | $ 3.207 | $ 0.457 | 40,904.11 |
| May | $ 2.44 | $ 2.75 | $ 2.964 | $ 0.214 | 18,869.01 |
| June | $ 2.44 | $ 2.75 | $ 2.977 | $ 0.227 | 7,818.96 |
| July | $ 2.44 | $ 2.75 | $ 3.078 | $ 0.328 | 13,435.06 |
| Aug | $ 2.44 | $ 2.75 | $ 2.951 | $ 0.201 | 12,171.07 |
| Sep | $ 2.44 | $ 2.75 | $ 2.934 | $ 0.184 | 13,224.41 |
| Oct | $ 2.44 | $ 2.75 | $ 2.959 | $ 0.209 | 16,556.36 |
| Nov | $ 2.44 | $ 2.75 | $ 3.062 | $ 0.312 | 25,262.53 |
| Dec | $ 2.44 | $ 2.75 | $ 2.908 | $ 0.158 | 10,778.09 |
| * Summary of Payments to/(from) 10 participants | | | | | **$ 178,993.86** |

| Actual 2011 Program Results -- RBOB (Gasoline) | | | | | |
|---|---|---|---|---|---|
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
| Jan | $ 2.30 | $ 2.61 | $ 2.442 | $ - | $ (2,041.00) |
| Feb | $ 2.30 | $ 2.61 | $ 2.552 | $ - | (1,990.00) |
| March | $ 2.30 | $ 2.61 | $ 2.997 | $ 0.387 | 17,745.02 |
| April | $ 2.30 | $ 2.61 | $ 3.267 | $ 0.657 | 30,567.97 |
| May | $ 2.30 | $ 2.61 | $ 3.096 | $ 0.486 | 22,213.77 |
| June | $ 2.30 | $ 2.61 | $ 2.951 | $ 0.341 | 15,553.37 |
| July | $ 2.30 | $ 2.61 | $ 3.096 | $ 0.486 | 22,674.20 |
| Aug | $ 2.30 | $ 2.61 | $ 2.870 | $ 0.260 | 11,736.54 |
| Sep | $ 2.30 | $ 2.61 | $ 2.725 | $ 0.115 | 3,781.79 |
| Oct | $ 2.30 | $ 2.61 | $ 2.681 | $ 0.069 | 1,635.45 |
| Nov | $ 2.30 | $ 2.61 | $ 2.583 | $ - | (1,994.00) |
| Dec | $ 2.30 | $ 2.61 | $ 2.598 | $ - | (2,077.00) |
| ** Summary of Payments to/(from) 7 participants | | | | | **$ 117,806.11** |

Note: Total Monthly Results include a $0.04 per gallon monthly administrative fee

IBB 2010 Fuel Budgeting Program

**Actual 2010 Program Results -- Heating Oil (Diesel)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| April | $ 2.03 | $ 2.42 | $ 2.23 | $ - | $ (3,952.00) |
| May | $ 2.03 | $ 2.42 | $ 2.05 | $ - | (3,950.00) |
| June | $ 2.03 | $ 2.42 | $ 2.05 | $ - | (2,688.00) |
| July | $ 2.03 | $ 2.42 | $ 2.01 | $ (0.02) | (3,930.04) |
| Aug | $ 2.03 | $ 2.42 | $ 2.05 | $ - | (3,685.00) |
| Sep | $ 2.03 | $ 2.42 | $ 2.11 | $ - | (4,022.00) |
| Oct | $ 2.03 | $ 2.42 | $ 2.26 | $ - | (4,053.00) |
| Nov | $ 2.03 | $ 2.42 | $ 2.33 | $ - | (3,868.00) |
| Dec | $ 2.03 | $ 2.42 | $ 2.49 | $ 0.07 | 2,758.39 |
| * Summary of Payments to/(from) 10 participants | | | | | **$ (27,389.65)** |

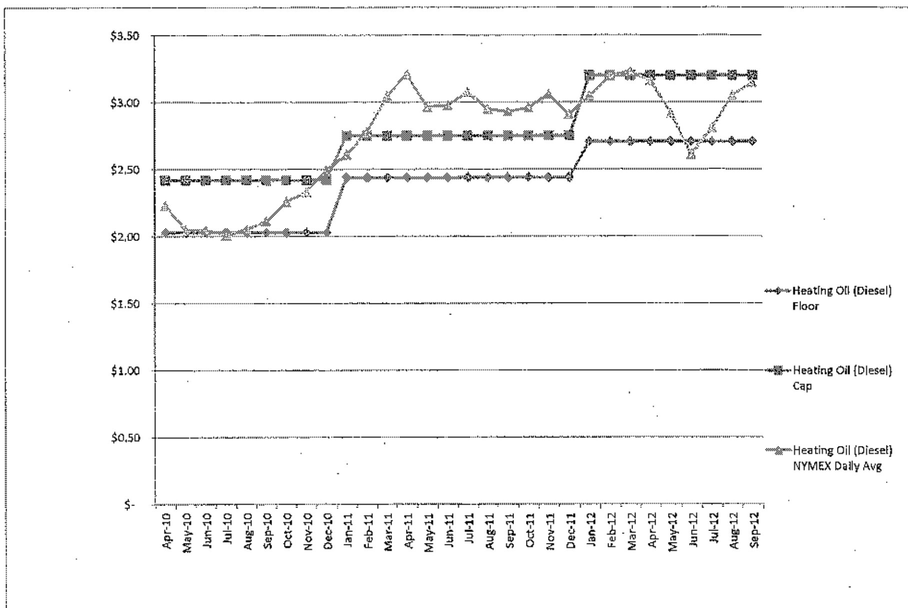
**Actual 2010 Program Results -- RBOB (Gasoline)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results** |
|---|---|---|---|---|---|
| April | $ 2.00 | $ 2.41 | $ 2.32 | $ - | $ (4,115.00) |
| May | $ 2.00 | $ 2.41 | $ 2.11 | $ - | (4,040.00) |
| June | $ 2.00 | $ 2.41 | $ 2.08 | $ - | (4,033.00) |
| July | $ 2.00 | $ 2.41 | $ 2.06 | $ - | (4,072.00) |
| Aug | $ 2.00 | $ 2.41 | $ 1.99 | $ (0.01) | (4,533.79) |
| Sep | $ 2.00 | $ 2.41 | $ 1.95 | $ (0.05) | (9,555.88) |
| Oct | $ 2.00 | $ 2.41 | $ 2.11 | $ - | (4,701.00) |
| Nov | $ 2.00 | $ 2.41 | $ 2.19 | $ - | (3,939.00) |
| Dec | $ 2.00 | $ 2.41 | $ 2.36 | $ - | (4,116.00) |
| ** Summary of Payments to/(from) 9 participants | | | | | $ (43,105.67) |

Note: Total Monthly Results include a $0.04 per gallon monthly administrative fee

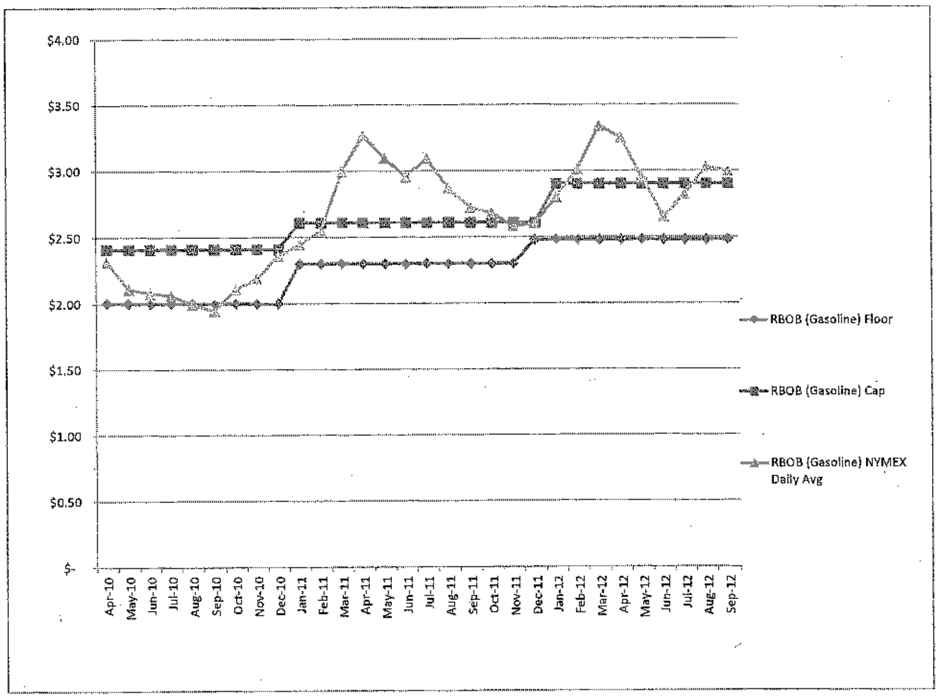
**Heating Oil (Diesel)**

| Month | Floor | | Cap | | NYMEX Daily Avg | |
|---|---|---|---|---|---|---|
| Apr-10 | $ | 2.03 | $ | 2.42 | $ | 2.23 |
| May-10 | $ | 2.03 | $ | 2.42 | $ | 2.05 |
| Jun-10 | $ | 2.03 | $ | 2.42 | $ | 2.05 |
| Jul-10 | $ | 2.03 | $ | 2.42 | $ | 2.01 |
| Aug-10 | $ | 2.03 | $ | 2.42 | $ | 2.05 |
| Sep-10 | $ | 2.03 | $ | 2.42 | $ | 2.11 |
| Oct-10 | $ | 2.03 | $ | 2.42 | $ | 2.26 |
| Nov-10 | $ | 2.03 | $ | 2.42 | $ | 2.33 |
| Dec-10 | $ | 2.03 | $ | 2.42 | $ | 2.49 |
| Jan-11 | $ | 2.44 | $ | 2.75 | $ | 2.61 |
| Feb-11 | $ | 2.44 | $ | 2.75 | $ | 2.78 |
| Mar-11 | $ | 2.44 | $ | 2.75 | $ | 3.05 |
| Apr-11 | $ | 2.44 | $ | 2.75 | $ | 3.21 |
| May-11 | $ | 2.44 | $ | 2.75 | $ | 2.96 |
| Jun-11 | $ | 2.44 | $ | 2.75 | $ | 2.98 |
| Jul-11 | $ | 2.44 | $ | 2.75 | $ | 3.08 |
| Aug-11 | $ | 2.44 | $ | 2.75 | $ | 2.95 |
| Sep-11 | $ | 2.44 | $ | 2.75 | $ | 2.93 |
| Oct-11 | $ | 2.44 | $ | 2.75 | $ | 2.96 |
| Nov-11 | $ | 2.44 | $ | 2.75 | $ | 3.06 |
| Dec-11 | $ | 2.44 | $ | 2.75 | $ | 2.91 |
| Jan-12 | $ | 2.71 | $ | 3.20 | $ | 3.05 |
| Feb-12 | $ | 2.71 | $ | 3.20 | $ | 3.20 |
| Mar-12 | $ | 2.71 | $ | 3.20 | $ | 3.23 |
| Apr-12 | $ | 2.71 | $ | 3.20 | $ | 3.16 |
| May-12 | $ | 2.71 | $ | 3.20 | $ | 2.92 |
| Jun-12 | $ | 2.71 | $ | 3.20 | $ | 2.61 |
| Jul-12 | $ | 2.71 | $ | 3.20 | $ | 2.81 |
| Aug-12 | $ | 2.71 | $ | 3.20 | $ | 3.05 |
| Sep-12 | $ | 2.71 | $ | 3.20 | $ | 3.15 |



RBOB (Gasoline)

| Month | Floor | Cap | NYMEX Daily Avg |
|---|---|---|---|
| Apr-10 | $ 2.00 | $ 2.41 | $ 2.32 |
| May-10 | $ 2.00 | $ 2.41 | $ 2.11 |
| Jun-10 | $ 2.00 | $ 2.41 | $ 2.08 |
| Jul-10 | $ 2.00 | $ 2.41 | $ 2.06 |
| Aug-10 | $ 2.00 | $ 2.41 | $ 1.99 |
| Sep-10 | $ 2.00 | $ 2.41 | $ 1.95 |
| Oct-10 | $ 2.00 | $ 2.41 | $ 2.11 |
| Nov-10 | $ 2.00 | $ 2.41 | $ 2.19 |
| Dec-10 | $ 2.00 | $ 2.41 | $ 2.36 |
| Jan-11 | $ 2.30 | $ 2.61 | $ 2.44 |
| Feb-11 | $ 2.30 | $ 2.61 | $ 2.55 |
| Mar-11 | $ 2.30 | $ 2.61 | $ 3.00 |
| Apr-11 | $ 2.30 | $ 2.61 | $ 3.27 |
| May-11 | $ 2.30 | $ 2.61 | $ 3.10 |
| Jun-11 | $ 2.30 | $ 2.61 | $ 2.95 |
| Jul-11 | $ 2.30 | $ 2.61 | $ 3.10 |
| Aug-11 | $ 2.30 | $ 2.61 | $ 2.87 |
| Sep-11 | $ 2.30 | $ 2.61 | $ 2.72 |
| Oct-11 | $ 2.30 | $ 2.61 | $ 2.68 |
| Nov-11 | $ 2.30 | $ 2.61 | $ 2.58 |
| Dec-11 | $ 2.48 | $ 2.61 | $ 2.60 |
| Jan-12 | $ 2.48 | $ 2.90 | $ 2.80 |
| Feb-12 | $ 2.48 | $ 2.90 | $ 3.01 |
| Mar-12 | $ 2.48 | $ 2.90 | $ 3.34 |
| Apr-12 | $ 2.48 | $ 2.90 | $ 3.25 |
| May-12 | $ 2.48 | $ 2.90 | $ 2.95 |
| Jun-12 | $ 2.48 | $ 2.90 | $ 2.65 |
| Jul-12 | $ 2.48 | $ 2.90 | $ 2.82 |
| Aug-12 | $ 2.48 | $ 2.90 | $ 3.03 |
| Sep-12 | $ 2.48 | $ 2.90 | $ 3.00 |



# INDIANA BOND BANK
# FUEL BUDGETING PROGRAM

# Fuel Budgeting Program

- Budgeting tool to guard against rising fuel prices (budget insurance)
- Allows smaller entities to pool their fuel budgeting needs to create an effective hedge size (42,000 gallons)
- Share program costs for cost efficiency
- Experience of IBB Staff/Professionals
- IBB Collateral

# How the Fuel Budgeting Program Works

- QE (Qualified Entity) continues to purchase fuel as normal
  - Cannot be fixed price contract
- QE completes short application
- QE adopts legal paperwork
- QE determines how much to hedge
  - Maximum of 80% annual consumption

# How the Fuel Budgeting Program Works

- Collar
  - Floor and Ceiling
  - NYMEX (New York Mercantile Exchange) fuel pricing
- Administration
  - 2011 program fee - $0.04 per gallon
  - 2012 program fee - $0.0385 per gallon
- Applications will be available in the Fall for the 2013 Program

# 2012 Fuel Budgeting Program

- 19 Participants
  - 14 School Corporations
  - 4 Cities
  - 1 County
- Gasoline (RBOB) Collar $2.48 - $2.90
- Diesel (HO) Collar $2.708 - $3.20

# Diesel Fuel Example

| | | | |
|---|---|---|---|
| Assumed Floor (1): | $2.71 | $2.71 | $2.71 |
| Assumed Cap: | $3.20 | $3.20 | $3.20 |
| Assumed NYMEX Price/gal | $2.65 | $3.15 | $3.38 |

| | ***Example 1*** | ***Example 2*** | ***Example 3*** |
|---|---|---|---|
| | ***Price As Compared to Hedge*** | | |
| | ***Lower*** | ***Within*** | ***Higher*** |
| Monthly Consumption--gallons (As in entity application) | 3,500 | 3,500 | 3,500 |
| Percentage Hedged (Determined by entity; max 80%) | 65.00% | 65.00% | 65.00% |
| Monthly Hedge--Gallons | 2,275 | 2,275 | 2,275 |
| NYMEX Daily Average Price | $2.65 | $3.15 | $3.38 |
| NYMEX vs. Floor/Cap | ($0.06) | $ - | $0.18 |
| Monthly Hedge--Gallons | 2,275 | 2,275 | 2,275 |
| Distribution (Payment) | $ (136.50) | - | $ 409.50 |
| Monthly Admin Fee (2) (Assumed $.0385/gallon hedged) | $ (88.00) | $ (88.00) | $ (88.00) |
| Total Participant Cash Flow | $ (224.50) | $ (88.00) | $ 321.50 |

(1) Rounded to 2.71 from $2.708
(2) Rounded to the nearest dollar

# Gasoline Example

| | | | |
|---|---|---|---|
| Assumed Floor: | $2.48 | $2.48 | $2.48 |
| Assumed Cap: | $2.90 | $2.90 | $2.90 |
| Assumed NYMEX Price/gal | $2.44 | $2.85 | $3.10 |

| | *Example 4* | *Example 5* | *Example 6* |
|---|---|---|---|
| | ***Price As Compared to Hedge*** | | |
| | ***Lower*** | ***Within*** | ***Higher*** |
| Monthly Consumption--gallons (As in entity application) | 3,000 | 3,000 | 3,000 |
| Percentage Hedged (Determined by entity; max 80%) | 65.00% | 65.00% | 65.00% |
| Monthly Hedge--Gallons | 1,950 | 1,950 | 1,950 |
| NYMEX Daily Average Price | $2.44 | $2.85 | $3.10 |
| NYMEX vs. Floor/Cap | ($0.04) | $ - | $0.20 |
| Monthly Hedge--Gallons | 1,950 | 1,950 | 1,950 |
| Distribution (Payment) | $ (78.00) | - | $ 390.00 |
| Monthly Admin Fee (1) (Assumed $.0385/gallon hedged) | $ (75.00) | $ (75.00) | $ (75.00) |
| Total Participant Cash Flow | $ (153.00) | $ (75.00) | $ 315.00 |

(1) Rounded to the nearest dollar

# 2012 Diesel Results

**Actual 2012 Program Results -- Heating Oil (Diesel)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| Jan | $ 2.708 | $ 3.2000 | $ 3.046 | $ - | $ (7,089.00) |
| Feb | $ 2.708 | $ 3.2000 | $ 3.194 | $ - | (6,768.00) |
| March | $ 2.708 | $ 3.2000 | $ 3.227 | $ 0.027 | (1,883.17) |
| April | $ 2.708 | $ 3.2000 | $ 3.156 | $ - | (6,643.00) |
| May | $ 2.708 | $ 3.2000 | $ 2.919 | $ - | (6,450.00) |
| June | $ 2.708 | $ 3.2000 | $ 2.614 | $ (0.094) | (7,482.17) |
| July | $ 2.708 | $ 3.2000 | $ 2.814 | $ - | (2,352.00) |
| Aug | $ 2.708 | $ 3.2000 | $ 3.054 | $ - | (5,943.00) |
| Sep | $ 2.708 | $ 3.2000 | $ 3.146 | $ - | (7,005.00) |
| Oct | $ 2.708 | $ 3.2000 | | | |
| Nov | $ 2.708 | $ 3.2000 | | | |
| Dec | $ 2.708 | $ 3.2000 | | | |
| * Summary of Payments to/(from) 19 participants | | | | | **$ (51,615.34)** |

Note: Monthly results include a $0.0385 per gallon administrative fee.

# 2012 Gasoline Results

**Actual 2012 Program Results -- RBOB (Gasoline)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| Jan | $ 2.480 | $ 2.900 | $ 2.796 | $ - | $ (2,446.00) |
| Feb | $ 2.480 | $ 2.900 | $ 3.009 | $ 0.109 | 4,382.10 |
| March | $ 2.480 | $ 2.900 | $ 3.343 | $ 0.443 | 26,373.85 |
| April | $ 2.480 | $ 2.900 | $ 3.254 | $ 0.325 | 20,592.77 |
| May | $ 2.480 | $ 2.900 | $ 2.950 | $ 0.050 | 737.34 |
| June | $ 2.480 | $ 2.900 | $ 2.651 | $ - | (2,403.00) |
| July | $ 2.480 | $ 2.900 | $ 2.821 | $ - | (2,320.00) |
| Aug | $ 2.480 | $ 2.900 | $ 3.030 | $ 0.130 | 6,094.59 |
| Sep | $ 2.480 | $ 2.900 | $ 2.996 | $ 0.096 | 3,480.45 |
| Oct | $ 2.480 | $ 2.900 | | | |
| Nov | $ 2.480 | $ 2.900 | | | |
| Dec | $ 2.480 | $ 2.900 | | | |
| ** Summary of Payments to/(from) 13 participants | | | | | **$ 54,492.10** |

Note: Monthly results include a $0.0385 per gallon administrative fee.

# 2011 Diesel Results

**Actual 2011 Program Results -- Heating Oil (Diesel)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| Jan | $ 2.44 | $ 2.75 | $ 2.609 | $ - | $ (3,630.00) |
| Feb | $ 2.44 | $ 2.75 | $ 2.777 | $ 0.027 | (1,384.40) |
| March | $ 2.44 | $ 2.75 | $ 3.046 | $ 0.296 | 24,988.66 |
| April | $ 2.44 | $ 2.75 | $ 3.207 | $ 0.457 | 40,904.11 |
| May | $ 2.44 | $ 2.75 | $ 2.964 | $ 0.214 | 18,869.01 |
| June | $ 2.44 | $ 2.75 | $ 2.977 | $ 0.227 | 7,818.96 |
| July | $ 2.44 | $ 2.75 | $ 3.078 | $ 0.328 | 13,435.06 |
| Aug | $ 2.44 | $ 2.75 | $ 2.951 | $ 0.201 | 12,171.07 |
| Sep | $ 2.44 | $ 2.75 | $ 2.934 | $ 0.184 | 13,224.41 |
| Oct | $ 2.44 | $ 2.75 | $ 2.959 | $ 0.209 | 16,556.36 |
| Nov | $ 2.44 | $ 2.75 | $ 3.062 | $ 0.312 | 25,262.53 |
| Dec | $ 2.44 | $ 2.75 | $ 2.908 | $ 0.158 | 10,778.09 |
| * Summary of Payments to/(from) 10 participants | | | | | **$ 178,993.86** |

Note: Monthly results include a $0.04 per gallon administrative fee.

# 2011 Gasoline Results

**Actual 2011 Program Results -- RBOB (Gasoline)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| Jan | $ 2.30 | $ 2.61 | $ 2.442 | $ - | $ (2,041.00) |
| Feb | $ 2.30 | $ 2.61 | $ 2.552 | $ - | (1,990.00) |
| March | $ 2.30 | $ 2.61 | $ 2.997 | $ 0.387 | 17,745.02 |
| April | $ 2.30 | $ 2.61 | $ 3.267 | $ 0.657 | 30,567.97 |
| May | $ 2.30 | $ 2.61 | $ 3.096 | $ 0.486 | 22,213.77 |
| June | $ 2.30 | $ 2.61 | $ 2.951 | $ 0.341 | 15,553.37 |
| July | $ 2.30 | $ 2.61 | $ 3.096 | $ 0.486 | 22,674.20 |
| Aug | $ 2.30 | $ 2.61 | $ 2.870 | $ 0.260 | 11,736.54 |
| Sep | $ 2.30 | $ 2.61 | $ 2.725 | $ 0.115 | 3,781.79 |
| Oct | $ 2.30 | $ 2.61 | $ 2.681 | $ 0.069 | 1,635.45 |
| Nov | $ 2.30 | $ 2.61 | $ 2.583 | $ - | (1,994.00) |
| Dec | $ 2.30 | $ 2.61 | $ 2.598 | $ - | (2,077.00) |
| ** Summary of Payments to/(from) 7 participants | | | | | **$ 117,806.11** |

Note: Monthly results include a $0.04 per gallon administrative fee.

# 2010 Diesel Results

**Actual 2010 Program Results -- Heating Oil (Diesel)**

| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results* |
|---|---|---|---|---|---|
| April | $ 2.03 | $ 2.42 | $ 2.23 | $ - | $ (3,952.00) |
| May | $ 2.03 | $ 2.42 | $ 2.05 | $ - | (3,950.00) |
| June | $ 2.03 | $ 2.42 | $ 2.05 | $ - | (2,688.00) |
| July | $ 2.03 | $ 2.42 | $ 2.01 | $ (0.02) | (3,930.04) |
| Aug | $ 2.03 | $ 2.42 | $ 2.05 | $ - | (3,685.00) |
| Sep | $ 2.03 | $ 2.42 | $ 2.11 | $ - | (4,022.00) |
| Oct | $ 2.03 | $ 2.42 | $ 2.26 | $ - | (4,053.00) |
| Nov | $ 2.03 | $ 2.42 | $ 2.33 | $ - | (3,868.00) |
| Dec | $ 2.03 | $ 2.42 | $ 2.49 | $ 0.07 | 2,758.39 |
| * Summary of Payments to/(from) 10 participants | | | | | **$ (27,389.65)** |

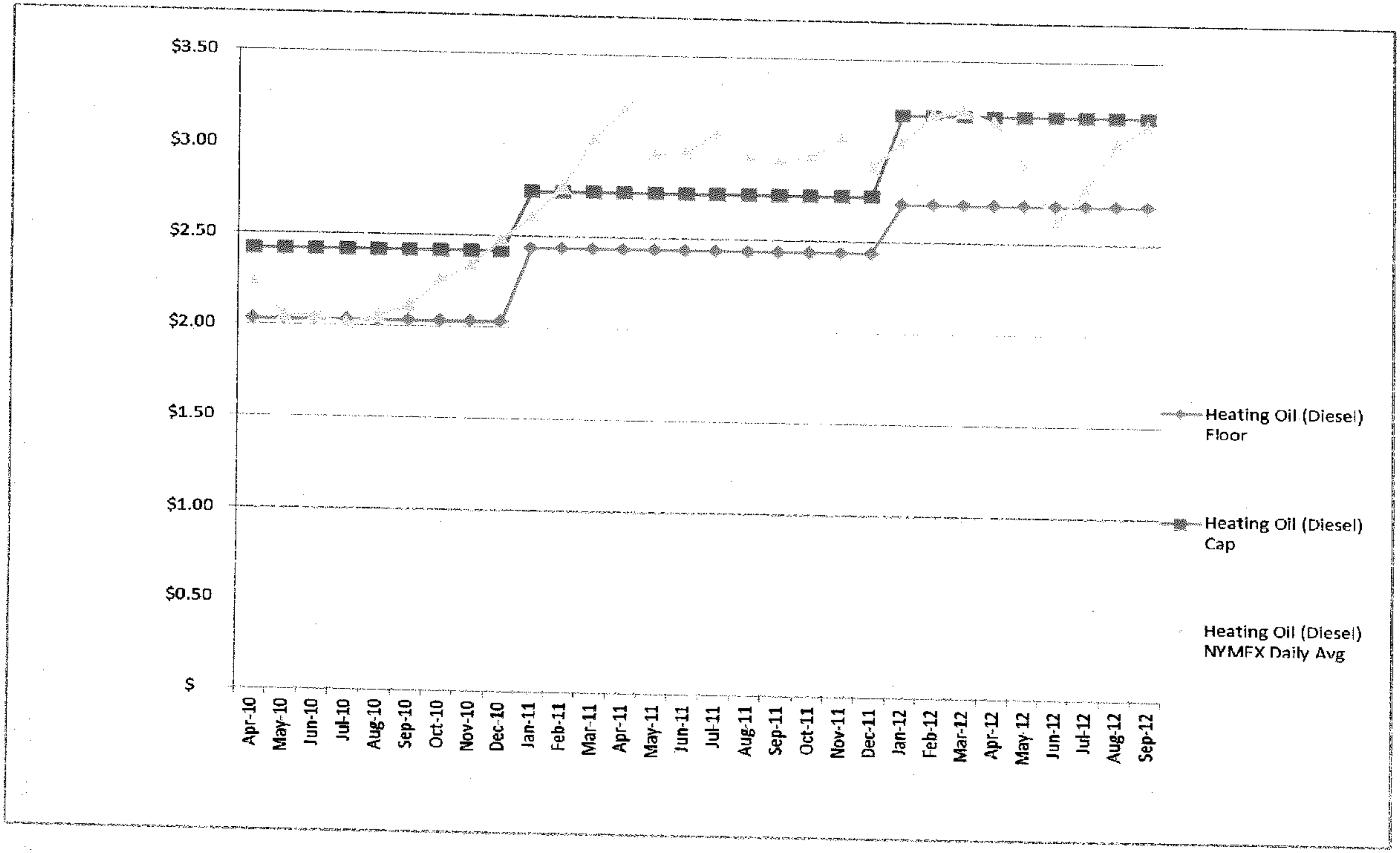
Note: Monthly results include a $0.04 per gallon administrative fee.

# 2010 Gasoline Results

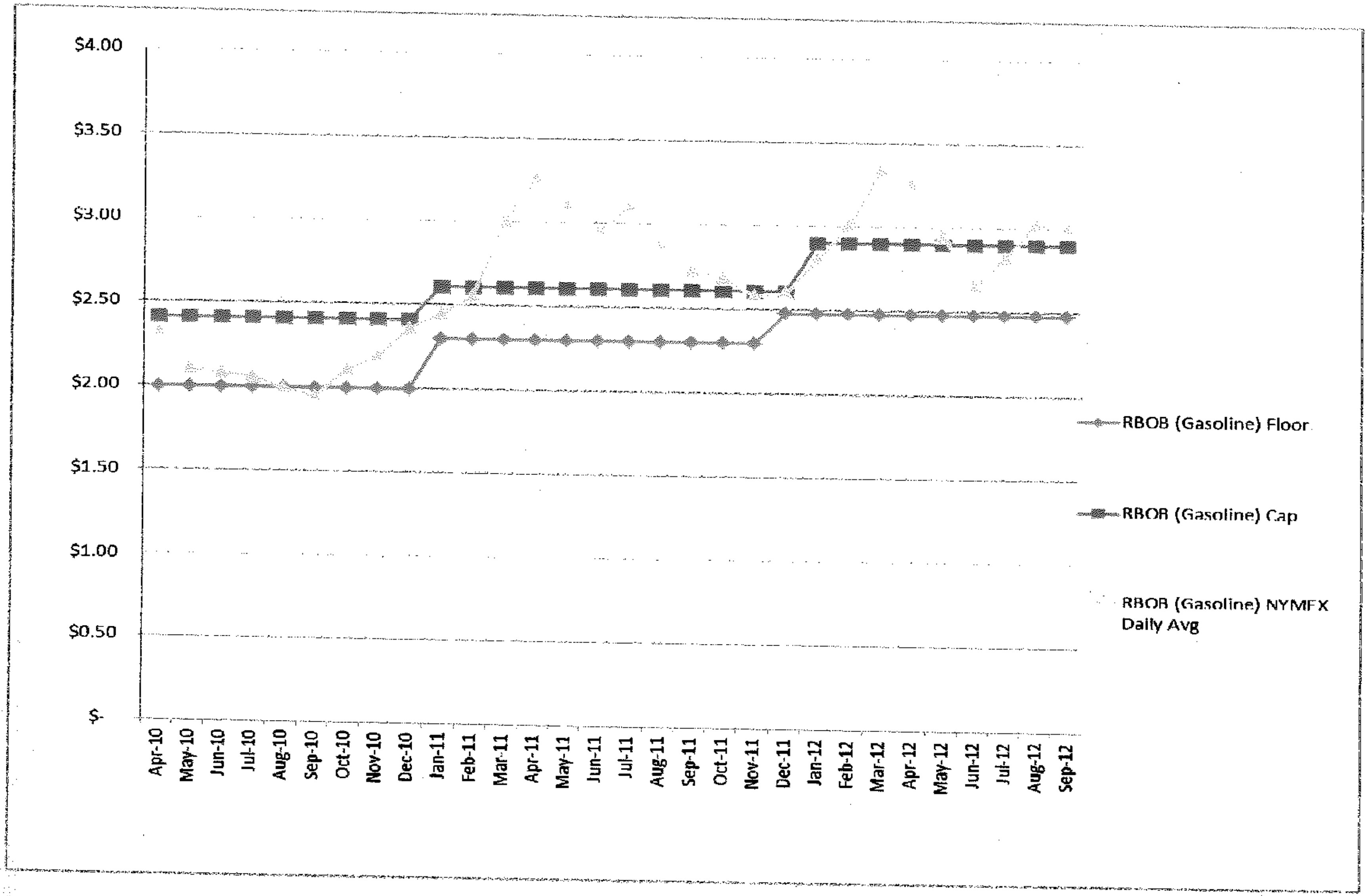
| Actual 2010 Program Results -- RBOB (Gasoline) | | | | | |
|---|---|---|---|---|---|
| Month | Floor | Cap | NYMEX Market Dly Avg | Per Gallon Net (Pay)/Rec | Total Monthly Results** |
| April | $ 2.00 | $ 2.41 | $ 2.32 | $ - | $ (4,115.00) |
| May | $ 2.00 | $ 2.41 | $ 2.11 | $ - | (4,040.00) |
| June | $ 2.00 | $ 2.41 | $ 2.08 | $ - | (4,033.00) |
| July | $ 2.00 | $ 2.41 | $ 2.06 | $ - | (4,072.00) |
| Aug | $ 2.00 | $ 2.41 | $ 1.99 | $ (0.01) | (4,533.79) |
| Sep | $ 2.00 | $ 2.41 | $ 1.95 | $ (0.05) | (9,555.88) |
| Oct | $ 2.00 | $ 2.41 | $ 2.11 | $ - | (4,701.00) |
| Nov | $ 2.00 | $ 2.41 | $ 2.19 | $ - | (3,939.00) |
| Dec | $ 2.00 | $ 2.41 | $ 2.36 | $ - | (4,116.00) |
| ** Summary of Payments to/(from) 9 participants | | | | | $ (43,105.67) |

Note: Monthly results include a $0.04 per gallon administrative fee.

# Diesel Cap and Collar with NYMEX Average



# Gasoline Cap and Collar with NYMEX Average



# Frequently Asked Questions (FAQs)

- *Q. Where do I purchase my fuel if I participate in the Bond Bank Fuel Budgeting Program?*
- A. Entities purchase and pay for fuel from any vendor.

- *Q. Can I participate in the Fuel Budgeting Program if I fixed my price with my vendor?*
- A. If you fix 100% of your fuel price for the entire year, you cannot participate in the program. However, you can participate if you bid and set the price each month, or have a portion of your volume that is not fixed with your vendor (avoid "double hedging").

# FAQs Continued

- *Q. What is NYMEX?*
- A. NYMEX stands for New York Mercantile Exchange. The NYMEX daily average will be different from the pump price or the amount you pay your vendor since it does not include delivery, taxes and other costs.

- *Q. How does settlement work at the end of each month?*
- A. The Bond Bank will settle at the end of each month based upon the NYMEX daily average in relation to the collar using the amount that you hedged. The Bond Bank will notify you of the results at the end of each month. You will receive an invoice or a wire.

# FAQs Continued

- *Q. Do I need to send the Bond Bank my invoices for my fuel purchases?*
- A. No, the Bond Bank does not need your actual fuel purchase information.

- *Q. How is the collar and fee established?*
- A. The 2012 collar was established in December of 2011 based upon market conditions. The fee per gallon hedged is set to cover Bond Bank program costs.

# FAQs Continued

- *How does an entity participate in the Program?*
- A. Applications for 2013 are now available. Call the Bond Bank or visit our website at www.in.gov/bond for an application.

# Questions

Lisa Cottingham 317.233.0090 or lcottingham@inbondbank.com

Ron Mangus 317.233.0091 or rmangus@inbondbank.com

Cindy Burres 317.233.0093 or cburres@inbondbank.com

www.in.gov/bond

800-535-6974

ORIGINAL

RESOLUTION NO. 2012-07

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MISHAWAKA, INDIANA, RECOMMENDING THE PARTICIPATION OF SAID CITY IN THE MOTOR FUEL BUDGETING PROGRAM OF THE INDIANA BOND BANK FOR THE 2013 BUDGET YEAR, THE EXECUTION OF THE QUALIFIED ENTITY REIMBURSEMENT AGREEMENT IN CONNECTION THEREWITH AND OTHER RELATED MATTERS**

WHEREAS, the Board of Public Works and Safety (the "Board") of the City of Mishawaka, Indiana (the "City"), is the governing body; and

WHEREAS, the City owns and operates a fleet of motor vehicles which motor vehicles are essential to the ability of the City to serve and provide municipal services to the inhabitants of the City, thereby ensuring the safety and well-being of said inhabitants; and

WHEREAS, the Board finds that the availability of motor vehicle fuel, which includes both gasoline and diesel motor fuel (collectively, "Motor Fuel"), is therefore critical to the City in providing such services; and

WHEREAS, the market-driven volatility of Motor Fuel presents a substantial risk to the Motor Fuel budget of the City, which may require the appropriation of additional funds for the purchase of Motor Fuel should prices increase beyond the amount of funds which have been appropriated for such purpose; and

WHEREAS, current market conditions limit the ability of the City to secure Motor Fuel with qualified suppliers of Motor Fuel in a manner which minimizes the adverse impacts of the volatile Motor Fuel market on the budget for the City; and

WHEREAS, the Board has been advised by representatives of the Indiana Bond Bank (the "Bond Bank"), including Crowe Horwath LLP and Maverick Energy Consulting, that the Bond Bank has established and continued a motor fuel budgeting program (the "Program") pursuant to which "qualified entities", as defined in Indiana Code 5-1.5-1-8, may participate for the purpose of managing and mitigating the volatility of Motor Fuel prices in order to achieve budget stability; and

WHEREAS, the Board finds that the City participated in the Program for its budget years 2009 through 2012 and is eligible to participate in the Program for its 2013 budget year; and

WHEREAS, the Board, having considered the information presented to it, finds that (i) participation in the Program will allow the City to manage and mitigate the volatility of Motor Fuel prices in order to achieve stability in the City's Motor Fuel budget for the 2013 budget year, (ii) participation in the Program will enhance the City's ability to continue to operate its motor vehicle fleet in an economical manner to assure the continued provision of municipal services to the inhabitants of the City, and (iii) the City is authorized to participate in the Program pursuant to Indiana Code 5-1.5, 36-1-4 and 36-9-6; and

WHEREAS, the Bond Bank has caused to be prepared a Qualified Entity Reimbursement Agreement in connection with the Program, attached hereto as Exhibit A and incorporated herein by reference (the "Agreement"), for execution by and between the City and the Bond Bank; and

WHEREAS, the Bond Bank intends to enter into agreements substantially the same as the Agreement with other qualified entities in connection with the Program; and

WHEREAS, the Agreement has been reviewed by the Board, which has had an opportunity to obtain independent advice and counsel with respect thereto, and has also had the opportunity to review the Agreement with the Bond Bank and seek explanation of the provisions thereof from the Bond Bank; and

WHEREAS, the Agreement sets forth the obligations of the City with respect to its participation in the Program during the term of the Agreement; and

WHEREAS, based upon the foregoing, the Board recommends to the Common Council of the City (the "Council") that the City should participate in the Program for the 2013 budget year, that the Agreement should be approved and that any other actions necessary to be taken to assure the City's participation in the Program for the 2013 budget year should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:

Section 1. The findings and determinations set forth in the preambles to this Resolution are hereby made findings and determinations of the Board of Public Works and Safety of the City.

Section 2. The Board hereby recommends to the Council that it authorize the City to enter into the Program with the Bond Bank for the purpose of managing and mitigating the volatility of Motor Fuel prices in order to achieve budget stability for the 2013 budget year.

Section 3. The Board hereby recommends to the Council that it approve the Agreement, in the form attached hereto as Exhibit A, so that the City may participate in the Program. The Board further recommends to the Council that it authorize the Mayor, Clerk and Controller of the City, and any officer of the Board, to take such actions or deliver such certificates as are necessary or desirable in connection with the City's participation in the Program and the other documents needed for the City's participation in the Program as they deem necessary or desirable in connection therewith, including execution and delivery of the Agreement.

Section 4. All resolutions and parts of resolutions in conflict herewith are hereby repealed. The Clerk of the Board is hereby directed to deliver this Resolution to the Council.

Section 5. This Resolution shall be in full force and effect upon its adoption.

Adopted this 6th day of NOVEMBER, 2012.

BOARD OF PUBLIC WORKS AND SAFETY,
CITY OF MISHAWAKA, INDIANA

Gary E. West
President GARY E. WEST

Ronald E. Watson
Vice-President RONALD E. WATSON

Member KENNETH B. PRINCE

Attest:

Kari Myers
Clerk of the Board KARI MYERS

APPEAL #12-42

RESOLUTION NO. 2012-30

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:

**Vacant Land at Southwest Corner Day Road and Glaser Court, Mishawaka, Indiana**

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located on **Vacant Land at Southwest Corner of Day Road and Glaser Court, Mishawaka, Indiana**, more particularly known and described as follows:

A part of the South Half of Section 35, Township 38 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, more particularly described as: Lots Numbered One A (1A), One B (1B) and Two A (2A) as shown on the recorded Plat of Crawford's Replat recorded July 19, 2007, as Document Number 0728315 in the Office of the Recorder of St. Joseph County, Indiana.

The Use Variance will allow one (1) 10,000 gallon above ground diesel fuel tank on I-1 Light Industrial zoned property subject to the following condition:

1. This approval shall be limited to one (1) 10,000 gallon fuel storage tank. Any expansion shall require the submission, review, and approval of an additional Use Variance.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. With the stipulated condition, the approval will not be injurious to the public health, safety, morals, and general welfare of the community because the installation of the tank will conform to all applicable safety requirements as determined/interpreted by the City of Mishawaka Fire Department;

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the 10,000 gallon tank will be set at least 25 feet from property lines and will be placed in an appropriate concrete containment vault.

3. The need for the variance does arise from a condition peculiar to the property involved because an above ground storage tank is not a permitted use in the I-1 Light Industrial District;

4. The strict application of the terms of this chapter constitutes an unnecessary hardship if applied to this property in that without the availability of onsite fuel, the company would not be able to fuel their bus fleet; and

5. Granting of this variance will not compromise the integrity of the *Mishawaka 2000 Comprehensive Plan* which indicates Industrial.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _______ day of________________, 2012, at ______o'clock ____ .m.

_________________________________
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of ____________________2012, at ________ o'clock ___m.

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

APPROVED by me this _______ day of_____________________, 2012, at ______o'clock _____.m.

_______________________________________
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 22 2012

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2012-30

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2012

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2012 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Rainy Day Fund of the City of Mishawaka the sum of $970,000.00 for assignment as follows:

Rainy Day Fund

| | | |
|---|---|---|
| Rainy Day Fund | | |
| Capital Outlay | | |
| 245.50.444.05 | Phone System | 185,000.00 |
| 245.50.449.02 | Purchase of Property | 785,000.00 |
| Total | | $ 970,000.00 |

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

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

On this ____________day of ________________, 2012 at ____________

o'clock, ________ .M.

______________________________
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 ___________________, 2012 at________

o'clock, __________________ .M.

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

APPROVED BY ME this ___________day of _______________, 2012 at

__________________ o'clock, ________________ .M.

______________________________________
David A. Wood, Mayor

# CITY OF MISHAWAKA

**DAVID A. WOOD, MAYOR**

**DEPARTMENT OF ENGINEERING**

GARY E. WEST
Director of Engineering
CHRISTINE M. JAMROSE, P.E.
Assistant Director of Engineering
TERRY R. HOGMAN
Construction Manager
DEBORAH L. WHEELER
Project Manager
R. TODD SCHEETS
Traffic Manager
MELISSA A. McGUIRE
MS4 Coordinator

October 22, 2012

Mishawaka Common Council
600 East Third Street
Mishawaka, IN 46544

Re: Appropriation of Additional Funds
Proposed Ordinance No. 2012 - 30
VOIP Telephone System

Honorable Council Members:

Proposed Ordinance 2012 - 30 is for the establishment of two (2) account numbers with an Appropriation totaling $970,000.00 in additional funds from the Rainy Day Fund which will be utilized to fund a new telephone system for all City Offices and to purchase property which is explained in a separate letter from Mike Watson.

Purchase of the new telephone system will upgrade all of the telephone systems within the city's network except the Police Department whose voice mail system experienced a failure earlier this year that required emergency replacement. The new telephone system installed at the police department included a voice mail system sized to serve for the entire city and all equipment installed with this project will be required to be fully compatible with that equipment.

The majority of telephone systems currently in service within various city and utility departments have been in operation in excess of ten years and have become technologically obsolete. A new telephone system will provide state of the art equipment and make voice mail available to all departments. The new system will also utilize Voice Over Internet Protocol (VOIP) via the city's fiber IP backbone which will enable the city to reduce the total number of CENTREX voice lines and its AT&T phone bill by as much as 50% when completely operational.

If you have questions regarding this matter please contact my office.

Very truly yours,

Gary E. West
Director of Engineering

Cc: Mayor Wood
Yvonne Milligan

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 25 2012
CITY CLERK
MISHAWAKA, IN

# CITY OF MISHAWAKA

Ronald (Mike) Watson
Street Commissioner

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 23 2012

CITY CLERK
MISHAWAKA, IN

**To:** Mishawaka Common Council
**Date:** October 23, 2012
**From:** Mike Watson
**Ref:** Purchase of the Scott Brass Property
(Building and 2 Acres Old Dodge Property)

I would like to give all the council members some background on why we began researching a different location for all the Departments that are located at the 500 North Cedar Street Complex. The original City Garage was built in 1963. Over the years, other buildings were added: a truck barn, a small Park maintenance building, a small Sewer Department building, a salt barn and a Traffic building. The newest of these is the traffic building which was erected in the mid-nineties. The City acquired the old South Bend Modern Molding Building for storage in the late nineties.

In early 2010, we hired Forum Architects to design and provide us a cost estimate on the construction of a steel building at our current location. The building would have been 105 ft. by 210 ft totaling 22,050 sq ft. at a cost of $1,700,000 or $ 77.00 per sq. ft. We were also looking at building a new salt barn at our Fifth St. location which would enable us to store approximately 4,000 tons of salt. That building was estimated to cost $350,000. The sq. ft. cost would be approximately $67.00. Soon we were over two million dollars and had not met all of our needs.

We put our plans on hold to determine if we might find a better site and building to relocate all of our functions. We looked at prices for properties on 12th St. and the Scott Brass building on Union St. In December of 2011, DLZ performed a site study of our current location and the Scott Brass site. As we compared our current location and the Scott Brass location, it was apparent to us that the Scott Brass site could be renovated to meet all of our current and future needs as they may arise. In early May, we contacted the owner to inquire if the building and property were for sale. The owner replied by letter on May 7th stating he was very pleased with our interest in purchasing the former Scott Brass property. The owner offered the Scott Brass Property and two (2) plus or minus acres of parking area behind the Fire station on Union Street. The asking price was $950,000. Indiana State law requires the City obtain at least two (2) appraisals on any land or buildings it is considering for purchase. The following will show the appraisals the City used to make an offer for the purchase of the property.

For the Scott Brass property only, using the Krause Associates appraisal of $795,000 and the Appraisal Specialist, Inc. appraisal of $515,000.
$795,000 + 515,000 = 1,310,000 divided by 2 = $655,000

For the two (2) plus or minus acres behind the Fire Station, using the Krause Associates appraisal of $160,000 and the Appraisal Specialist, Inc. appraisal of $100,000.
$160,000 + 100,000 = 260,000 divided by 2 = $130,000

$655,000 + 130,000 = $785,000

The City has made a verbal offer of $785,000, and the owner has verbally agreed to this offer.

Therefore, we are asking the council to transfer or do an additional for the needed funds.

500 N. Cedar Street, Mishawaka, IN 46545 (574) 258-1660 FAX (574) 258-1699
Street@mishawaka.in.gov