AGENDA

June 3, 2013

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

May 20, 2013

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2013-21 Use Variance to allow a duplex in a R-1 Single Family District - 1022 Willow Street

Presentation of 2013 Historic Preservation Awards

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2013-16 Additional Funds - Civil City Budget - $2,785,015.00

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2013-04 Updating ADA Compliance (Assigned to Public Health and Safety Committee)

P.O. NO. 2013-12 Additional Funds - Human Resources - $61,000.00 (Assigned to Budget and Finance Committee)

P.O. NO. 2013-13 Rezone from C-6 Office/Commercial with Residential allowed to R- 1 Single Family Residential - 617 LWW (Assigned to Land Use Planning Committee)

P.O. NO. 2013-14 Rezone from R-1 Single Family Residential to R-2 Two-Family Residentail - 317-319 E. 11th Street (Assigned to Land Use Planning Committee)

P.O. NO. 2013-15 Mishawaka Water Utility Refunding Bond (Assigned to Budget and Finance Committee)(Amendments Requested)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

Randy Squadroni, representing School City of Mishawaka reporting on the financial issues facing Mishawaka Schools.

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

May 20, 2013

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 May 20, 2013 at 7:00 p.m. The meeting was called to order by Vice President Ronald Banicki, and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following.

Roll Call.
Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.
Absent/Excused: Mr. Compton.

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

The minutes from the May 6, 2013 meeting were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding the Recommendations from their May 15, 2013 public hearing.

APPEAL NO. 13-2013 An appeal submitted by 2-BE's Properties LLC requesting a Use Variance for 4028 Liincolnway East to allow a professional office and residential use with a 4' X 7' sign on an R-1 Single Family Residential zoned property. **RECOMMENDED APPROVAL** with the following conditions:

1. The uses shall be limited to no more than one commercial office and/or one residence at a time.
2. The proposed sign shall be limited to no greater than 28 square feet of display area, it shall be no higher than 6' in height, and shall be placed to the east of the house, outside of the public right-of-way of Lincolnway.

Clerk Block read a letter from the City Plan Commission with Recommendations from their May 15, 2013 public hearing.

PETITION NO. 2013-06 A petition submitted by Kevin Scott and Mary Lou Stevens to rezone 617 Lincolnway West from C-6 Linear Office Commercial District to R-1 Single Family Residential District. **RECOMMENDED APPROVAL**

PETITION NO. 2013-07 A petition submitted by Phyllis J. Cleland to rezone 317-319 East Eleventh Street from R-1 Single Family District to R-2 Two Family Residential District. **RECOMMENDED APPROVAL**

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

PROPOSED ORDINANCE NO. 2013-12

AN ORDINANCE DECLARIANG AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2013
(Additional Funds – Human Resources $61,000.00)
Assigned to Budget and Finance Committee

PROPOSED ORDINANCE NO. 2013-13

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA
(Rezone from C-6 Office/Commercial with Residential allowed to R-1 Single Family Residential – 617 Lincolnway West)
Assigned to Land Use Planning Committee

PROPOSED ORDINANCE NO. 2013-14

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA
(Rezone from R-1 single Family Residential to R-2 Two-Family Resident 317-319 East 11th Street)
Assigned to Land Use Planning Committee

PROPOSED ORDINANCE NO. 2013-15

AN ORDINANCE CONCERNING THE CURRENT REFUNDING BY THE CITY OF MISHAWAKA OF ITS WATERWORKS REVENUE BONDS OF 2000, SERIES A AND THE ADVANCE REFUNDING OF ITS WATERWORKS REVENUE BONDS OF 2003, SERIES A; AUTHORIZING THE ISSUANCE OF WATERWORKS REFUNDING REVENUE BONDS FOR SUCH PURPOSE; PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE WATERWORKS AND THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF THE WATERWORKS

REFUNDING REVENUE BONDS AUTHORIZED HEREIN; OTHER MATTERS CONNECTED THEREWITH; AND REPEALING ORDINANCES INCONSISTENT HEREWITH
(Mishawaka Water Utility Refunding Bond)
Assigned to Budget and Finance Committee

RESOLUTIONS

RESOLUTION NO. 2013-12

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:
(Use Variance to allow a Professional Office/Residential use with a 4' X 7' Sign on a Residential Zoned Property – 4028 Lincolnway East)

Brent VanderZwaag said he was the owner of the property at 4028 Lincolnway East and was requesting a Use Variance to allow him to work and live at this residence. He stated it would be light office use. Mr. Mammolenti asked what the office hours would be. Mr. VanderZwaag replied it would be mostly daytime hours with some early evening 6-7 p.m. Mr. VanderZwaag explained he worked from Benton Harbor to Valparaiso, across to Syracuse up to Cassopolis so a lot of his clients are outside of St. Joseph County so he actually would have very little traffic in and out of his office itself as he usually goes to them. Mr. Banicki asked if he was ok with the sign specifications. Mr. VanderZwaag stated he was.

Question called for at 7:09 Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).
Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Mr. Mammolenti announced he would have his rescheduled Neighborhood Watch Meeting on May 22, 2013 at Twin Branch School 7:p.m. regarding current health care.

PRIVILEGE OF THE FLOOR

Mr. Reisdorf said he wanted to congratulate Mr. Mammolenti who was chosen by the Chamber of Commerce of St. Joseph County as a 40 under 40 recipient.

Mr. Banicki said he wanted to thank the Mishawaka Fire Department for their outstanding work and commitment to their profession. He said there was a fire on Eisenhower Street, which was in his neighborhood and the Fire Department worked very hard at putting it out saving the house next to it from going up with it. He said Mishawaka was lucky to have such fine dedicated Firefighters.

Mr. Banicki also reminded everyone of the Memorial Day Parade on Monday..

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

Deborah S. Block ____________/s/	S. Michael Compton ____________
Deborah S. Block, IAMC, MMC	S. Michael Compton,
City Clerk,	Presiding Officer

RECEIVED
MAY 22 2013
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

APPEAL FOR USE VARIANCE FOR
THE REAL ESTATE LOCATED AT
1022 WILLOW STREET, MISHAWAKA, IN 46545

AP 13-21

RECEIVED
DEBORAH S. BLOCK, MMC
MAY 30 2013
CITY CLERK
MISHAWAKA, IN

DATE: May 22, 2013

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Todd Sikorski, am purchasing the following described Real Estate pursuant to a Land Contract with the owners, Diana S. Ritchie, Jack W. Ritchie, JoAnn T. Rorie and Jessie O. Rorie:

   A parcel of land being a part of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana and being more particularly described as follows:

   Beginning at the Northwest corner of Lot "A" as shown on the Plat of Battell Hills, the same being recorded April 26, 1933 in Plat Book 14, page B-1 in the Office of the Recorder of St. Joseph County, Indiana; thence North 00°00'00" East (the basis of bearings for this legal description) along the Easterly right-of-way line of Willow Street, a distance of 91.25 feet; thence North 86°46'55" East, a distance of 251.26 feet; thence South 00°00'00" East, parallel with the Westerly right-of-way line of Merrifield Avenue, a distance of 108.04 feet; thence North 89°23'15" West, a distance of 250.88 feet to the place of beginning.

   (more commonly known as 1022 Willow Street, Mishawaka, Indiana 46545, Tax Key Number 16-2094-3102).

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

3. Appellant presently proposes to use the above-described property in the following manner: as a duplex.

4. Appellant desires to request a special use variance from Residential R-1 District to allow Appellant to utilize the Real Estate as a duplex.

5. The Zoning Ordinance of the City of Mishawaka requires that Real Estate zoned residential R-1 contain only single-family dwelling only to be occupied by no more than one family. See Chapter 137, Article IV, Division 2, Subdivision II, Section 137-164 and 137-165 of the Municipal Code of the City of Mishawaka, Indiana.

6. The structure on the Real Estate was constructed as a duplex. Strict adherence to the Ordinance requirements of residential R-1 would create an unusual hardship for the Appellant as he will be prohibited from utilizing the structure in its present formation (design).

7. Developmental Variance Questions:

   (1) Will approval be injurious to the public health, safety, morals or general welfare of the

community?

Answer: No. The structure was constructed as a duplex. Use as a duplex is the only realistic use of the Real Estate based upon its present design and layout.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

Answer: No. The variance will not affect the adjacent property adversely as the variance will serve to allow the structure to be utilized for the purpose for which it was constructed. Further, the Appellant owns neighboring business property so he will be monitoring this Real Estate on a regular basis. Given his ownership of neighboring property, the Appellant has a direct interest in ensuring the use of this Real Estate will not injure or otherwise negatively impact any other properties in the neighborhood.

(3) Will strict application of the terms of this chapter result in practical difficulties in the use of the property?

Answer: Yes. Strict application of the terms of the applicable chapter of the Municipal Code of the City of Mishawaka will serve to prohibit the Appellant from utilizing the structure for the purpose for which it was constructed.

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

Todd Sikorski

CONTACT PERSON:
James P. Knepp, Attorney-at-Law
Andrea Kurek Slagh, Attorney-at-Law
HAHN, KNEPP and SLAGH
509 West Washington Avenue
South Bend, IN 46601
Tel. No. (574) 234-2118
Fax No. (574) 234-2119
Email: jknepp@hkslaw.com
aslagh@hkslaw.com

RECEIVED
MAY 22 2013
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

AUTHORIZATION

We, the undersigned, are the owners of the following described Real Estate:

A parcel of land being a part of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana and being more particularly described as follows:

Beginning at the Northwest corner of Lot "A" as shown on the Plat of Battell Hills, the same being recorded April 26, 1933 in Plat Book 14, page B-1 in the Office of the Recorder of St. Joseph County, Indiana; thence North 00°00'00" East (the basis of bearings for this legal description) along the Easterly right-of-way line of Willow Street, a distance of 91.25 feet; thence North 86°46'55" East, a distance of 251.26 feet; thence South 00°00'00" East, parallel with the Westerly right-of-way line of Merrifield Avenue, a distance of 108.04 feet; thence North 89°23'15" West, a distance of 250.88 feet to the place of beginning.

(more commonly known as 1022 Willow Street, Mishawaka, Indiana 46545, Tax Key Number 16-2094-3102).

Todd Sikorski has an interest in this Real Estate pursuant to the terms of a Contract for Conditional Sale of Real Estate dated January 14, 2013 and recorded in the St. Joseph County Recorder's Office on January 13, 2013 as Document No. 1301795.

We hereby authorize and empower Todd Sikorski to file an Appeal for Special Use Variance for this Real Estate pursuant to which he will seek a special use variance from Residential R-1 District so that the structure constructed on said Real Estate as a duplex can be utilized as such.

Dated: 5-21-13 — Diana S. Ritchie
Diana S. Ritchie

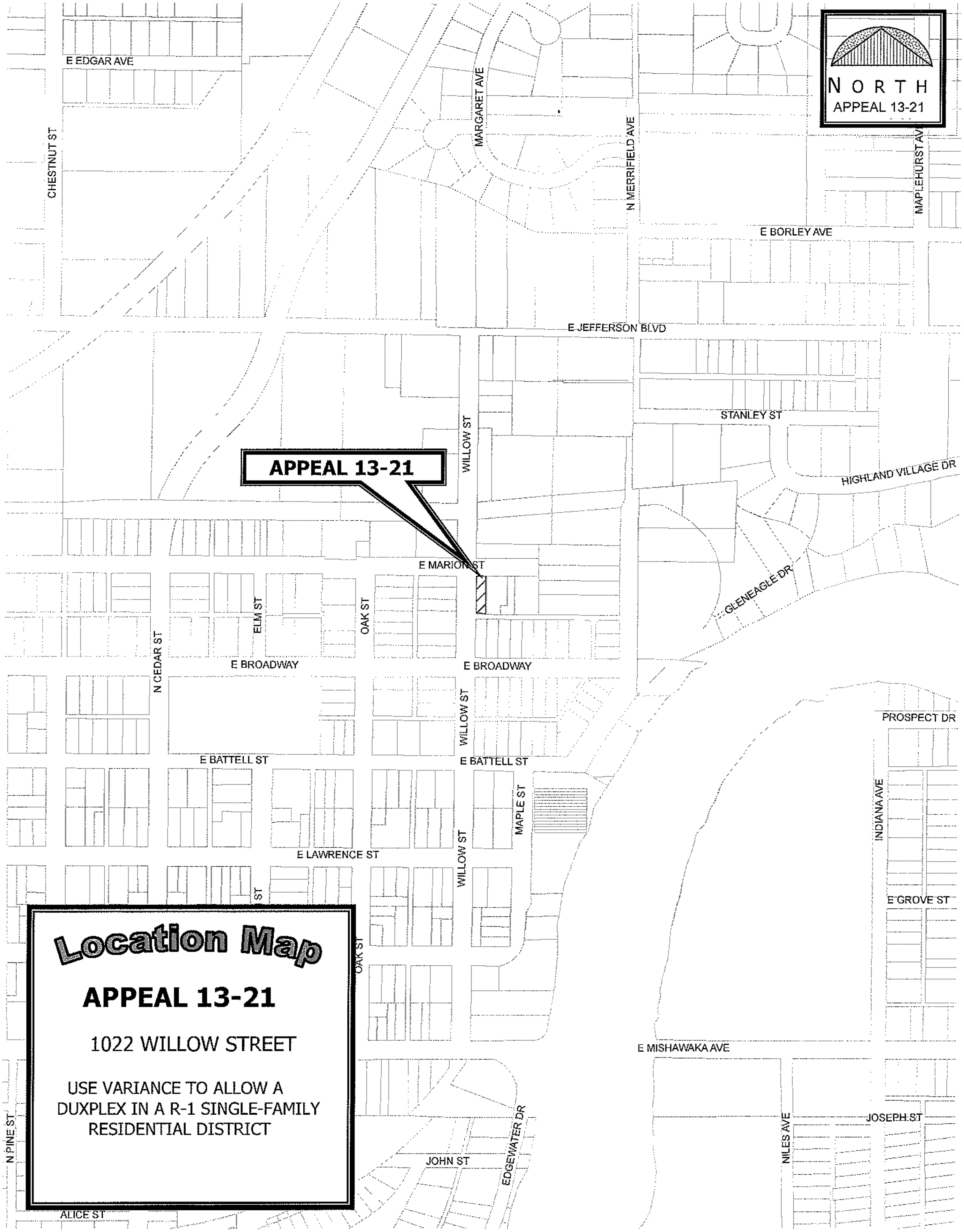
Dated: 5-21-13 — Jack W. Ritchie
Jack W. Ritchie

Dated: 5-21-13 — JoAnne T. Rorie
JoAnne T. Rorie

Dated: 5-21-13 — Jessie O. Rorie
Jessie O. Rorie

Dated: 5-21-13 — Donna R. Minarik
Donna R. Minarik

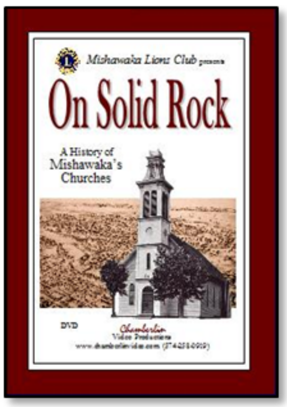
Dated: 5-21-13 — George A. Minarik
George A. Minarik



NORTH
APPEAL 13-21
E EDGAR AVE
CHESTNUT ST
MARGARET AVE
N MERRIFIELD AVE
MAPLEHURST AVE
E BORLEY AVE
E JEFFERSON BLVD
STANLEY ST
HIGHLAND VILLAGE DR
WILLOW ST
APPEAL 13-21
E MARION ST
GLENEAGLE DR
ELM ST
OAK ST
N CEDAR ST
E BROADWAY
E BROADWAY
WILLOW ST
PROSPECT DR
E BATTELL ST
E BATTELL ST
MAPLE ST
INDIANA AVE
E LAWRENCE ST
WILLOW ST
E GROVE ST
Location Map
APPEAL 13-21
1022 WILLOW STREET
USE VARIANCE TO ALLOW A DUXPLEX IN A R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
OAK ST
E MISHAWAKA AVE
JOSEPH ST
NILES AVE
N PINE ST
EDGEWATER DR
JOHN ST
ALICE ST

2013 MISHAWAKA HISTORIC PRESERVATION AWARDS RECIPIENTS

These awards are presented by the Mishawaka Historic Preservation Commission to bring attention to Mishawaka's historic homes and buildings, to build appreciation for what they contribute to our community and to encourage others to preserve their older homes and buildings. These awards recognize outstanding people and exceptional places that enhance the City of Mishawaka through historic preservation, restoration, adaptation and public service. Certificates are awarded during May, which is National Historic Preservation Month.



Mayor's Award
Ed Chamberlin
For production of
Mishawaka history vids

Award for Preservation
Brian Finch and Bill Hawse
Wilfred Dudding House
502 Calhoun St
American Four Square c.1920
Notable #41067

Award for Service
Greg Kil
Kil Architecture +
Planning

Award for Adaptive Reuse
Main Junior High Apartments
City of Mishawaka
Redevelopment Commission and
Mishawaka Housing Authority

Heritage Home Award
1202 E. Mishawaka Ave.
corner of Mish Ave and Mason
Colonial Revival c.1928
Architecture 597 #53008

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 28 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-16

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2013

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, 2013 in addition to that set out in detail in the 2012 published budget.

Section 2. There is hereby appropriated from the Budget of the City of Mishawaka the sum of $2,785,015.00 for assignment as follows:

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 ________________,2013 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 __________________,2013 at________

o'clock, _____ .M.

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

APPROVED BY ME this ___________day of ___________________,2013 at

_________________o'clock, _____.M.

____
David A. Wood, Mayor

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504 MISHAWAKA

ID YEAR CO TYPE KEY TAXING UNIT COUNTY

	2013 Budget	2012 Budget	Additional
FUND: GENERAL — DEPARTMENT: MAYOR — FUNCTION:			
100000 PERSONAL SERVICES	140,952	138,188	2,764
200000 SUPPLIES	1,500	1,500	0
300000 OTHER SERVICES AND CHARGES	12,045	12,045	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**154,497**	**151,733**	2,764
FUND: GENERAL — DEPARTMENT: CONTROLLER — FUNCTION:			
100000 PERSONAL SERVICES	2,557,089	2,313,330	243,759
200000 SUPPLIES	15,000	15,000	0
300000 OTHER SERVICES AND CHARGES	1,914,000	1,850,345	63,655
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**4,486,089**	**4,178,675**	307,414
FUND: GENERAL — DEPARTMENT: CLERK — FUNCTION:			
100000 PERSONAL SERVICES	123,454	121,036	2,418
200000 SUPPLIES	2,500	2,500	0
300000 OTHER SERVICES AND CHARGES	24,857	24,857	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**150,811**	**148,393**	2,418

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504
ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: GENERAL — DEPARTMENT: HUMAN RESOURCES — FUNCTION:

	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	102,497	100,782	1,715
200000 SUPPLIES	1,500	1,000	500
300000 OTHER SERVICES AND CHARGES	37,450	37,450	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**141,447**	**139,232**	2,215

FUND: GENERAL — DEPARTMENT: CORPORATE COUNSEL — FUNCTION:

100000 PERSONAL SERVICES	104,642	102,590	2,052
200000 SUPPLIES	1,500	1,500	0
300000 OTHER SERVICES AND CHARGES	26,500	16,500	10,000
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**132,642**	**120,590**	12,052

FUND: GENERAL — DEPARTMENT: COUNCIL — FUNCTION:

100000 PERSONAL SERVICES	96,683	94,788	1,895
200000 SUPPLIES	250	250	0
300000 OTHER SERVICES AND CHARGES	9,135	9,135	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**106,068**	**104,173**	1,895

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504 MISHAWAKA

ID YEAR CO TYPE KEY — TAXING UNIT — COUNTY

FUND: GENERAL — DEPARTMENT: DEPT OF ENGINEERING — FUNCTION:

	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	282,854	277,699	5,155
200000 SUPPLIES	4,000	4,000	0
300000 OTHER SERVICES AND CHARGES	10,250	10,000	250
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**297,104**	**291,699**	5,405

FUND: GENERAL — DEPARTMENT: CODE ENFORCEMENT — FUNCTION:

100000 PERSONAL SERVICES	225,721	221,293	4,428
200000 SUPPLIES	3,500	3,500	0
300000 OTHER SERVICES AND CHARGES	24,700	24,700	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**253,921**	**249,493**	4,428

FUND: GENERAL — DEPARTMENT: BUILDING DEPT. — FUNCTION:

100000 PERSONAL SERVICES	190,410	186,677	3,733
200000 SUPPLIES	3,000	3,000	0
300000 OTHER SERVICES AND CHARGES	3,750	3,750	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**197,160**	**193,427**	3,733

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504
ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: GENERAL — DEPARTMENT: REDEVELOPMENT — FUNCTION:

	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	251,291	246,364	4,927
200000 SUPPLIES	1,000	1,000	0
300000 OTHER SERVICES AND CHARGES	243,500	243,500	0
400000 CAPITAL OUTLAY			0
9999 TOTAL	**495,791**	**490,864**	4,927

FUND: GENERAL — DEPARTMENT: — FUNCTION:

100000 PERSONAL SERVICES	0	0	0
200000 SUPPLIES	0	0	0
300000 OTHER SERVICES AND CHARGES	0	0	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**0**	**0**	0

FUND: GENERAL — DEPARTMENT: FIRE DEPARTMENT — FUNCTION:

100000 PERSONAL SERVICES	10,745,248	10,215,372	529,876
200000 SUPPLIES	188,000	158,000	30,000
300000 OTHER SERVICES AND CHARGES	376,500	346,500	30,000
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**11,309,748**	**10,719,872**	589,876

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504
ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: GENERAL — DEPARTMENT: POLICE DEPT — FUNCTION:

	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	11,177,429	10,504,726	672,703
200000 SUPPLIES	71,000	71,000	0
300000 OTHER SERVICES AND CHARGES	129,800	129,800	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**11,378,229**	**10,705,526**	672,703

FUND: GENERAL — DEPARTMENT: CITY PLANNING — FUNCTION:

	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	196,714	192,999	3,715
200000 SUPPLIES	3,900	3,900	0
300000 OTHER SERVICES AND CHARGES	15,600	15,400	200
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**216,214**	**212,299**	3,915

FUND: GENERAL — DEPARTMENT: CENTRAL SERVICES DEPARTMENT — FUNCTION:

	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	624,255	615,515	8,740
200000 SUPPLIES	1,031,000	1,006,000	25,000
300000 OTHER SERVICES AND CHARGES	69,500	69,500	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**1,724,755**	**1,691,015**	33,740

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504 MISHAWAKA
ID YEAR CO TYPE KEY TAXING UNIT COUNTY

FUND: GENERAL	DEPARTMENT: RECYCLING		FUNCTION:
	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES			0
200000 SUPPLIES	5,000	5,000	0
300000 OTHER SERVICES AND CHARGES	15,000	15,000	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**20,000**	**20,000**	0

FUND: GENERAL	DEPARTMENT: CEMETERY		FUNCTION:
100000 PERSONAL SERVICES	0	0	0
200000 SUPPLIES	0	0	0
300000 OTHER SERVICES AND CHARGES	20,000	20,000	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**20,000**	**20,000**	0

FUND: GENERAL	DEPARTMENT: IT		FUNCTION:
100000 PERSONAL SERVICES	273,428	268,066	5,362
200000 SUPPLIES	2,000	2,000	0
300000 OTHER SERVICES AND CHARGES	6,000	56,000	-50,000
400000 CAPITAL OUTLAY			0
9999 TOTAL	**281,428**	**326,066**	-44,638

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504
ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COU

FUND: GENERAL Totals | DEPARTMENT: | FUNCTION:

	2013 Budget	2012 Budget	Additional			
100000 PERSONAL SERVICES	11,955,023	11,267,759				
200000 SUPPLIES	84,000	83,500				
300000 OTHER SERVICES AND CHARGES	448,045	447,795				
400000 CAPITAL OUTLAY	0	0				
9999 TOTAL	12,487,068	11,799,054				

FUND: | DEPARTMENT: | FUNCTION:

100000 PERSONAL SERVICES	3,084,166	2,830,212				
200000 SUPPLIES	23,900	23,900				
300000 OTHER SERVICES AND CHARGES	2,000,800	1,926,945				
400000 CAPITAL OUTLAY	0	0				
9999 TOTAL	5,108,866	4,781,057				

FUND: | DEPARTMENT: | FUNCTION:

100000 PERSONAL SERVICES	12,053,478	11,501,454		27,092,667	25599425	1,493,242
200000 SUPPLIES	1,226,750	1,171,750		1,334,650	1279150	55,500
300000 OTHER SERVICES AND CHARGES	489,742	509,742		2,938,587	2884482	54,105
400000 CAPITAL OUTLAY	0	0		0	0	0
9999 TOTAL	13,769,970	13,182,946		31,365,904	29763057	1,602,847

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504 MISHAWAKA
ID YEAR CO TYPE KEY TAXING UNIT COUNTY

FUND: PARK AND RECREATION	2013 Budget	DEPARTMENT: 2012 Budget	FUNCTION: Additional
100000 PERSONAL SERVICES	2,402,046	2,126,505	275,541
200000 SUPPLIES	396,000	376,000	20,000
300000 OTHER SERVICES AND CHARGES	729,400	700,100	29,300
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**3,527,446**	**3,202,605**	324,841

FUND: LAW ENFORCE CON'T ED		DEPARTMENT:	FUNCTION:
100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES			0
400000 CAPITAL OUTLAY			0
9999 TOTAL			0

FUND: MOTOR VEHICLE HIGHWAY		DEPARTMENT:	FUNCTION:
100000 PERSONAL SERVICES	2,360,219	2,316,937	43,282
200000 SUPPLIES	725,500	705,500	20,000
300000 OTHER SERVICES AND CHARGES	579,250	537,250	42,000
400000 CAPITAL OUTLAY	701,000	201,000	500,000
9999 TOTAL	**4,365,969**	**3,760,687**	605,282

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504 | MISHAWAKA |
ID YEAR CO TYPE KEY | TAXING UNIT | COUNTY

FUND: MUNICIPAL BOND — DEPARTMENT: — FUNCTION:

	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES	1,658,399	1,648,617	9,782
400000 CAPITAL OUTLAY			0
9999 TOTAL	**1,658,399**	**1,648,617**	9,782

FUND: CCDF — DEPARTMENT: — FUNCTION:

100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES			0
400000 CAPITAL OUTLAY	500,000	450,000	50,000
9999 TOTAL	**500,000**	**450,000**	50,000

FUND: CUMULATIVE FIRE — DEPARTMENT: — FUNCTION:

100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES			0
400000 CAPITAL OUTLAY			
9999 TOTAL			

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504
ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND: CUMULATIVE SEWER	DEPARTMENT: 2013 Budget	2012 Budget	FUNCTION: Additional
100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES	250,000	250,000	0
400000 CAPITAL OUTLAY	250,000	250,000	0
9999 TOTAL	**500,000**	**500,000**	0

FUND: CEDIT	DEPARTMENT:	FUNCTION:	
100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES			0
400000 CAPITAL OUTLAY			0
9999 TOTAL			0

FUND: FIRE PENSION	DEPARTMENT:	FUNCTION:	
100000 PERSONAL SERVICES	2,603,781	2,475,972	127,809
200000 SUPPLIES	1,000	1,000	0
300000 OTHER SERVICES AND CHARGES	3,000	3,000	0
400000 CAPITAL OUTLAY			0
9999 TOTAL	**2,607,781**	**2,479,972**	127,809

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504 | MISHAWAKA |
ID YEAR CO TYPE KEY | TAXING UNIT | COUNTY

FUND: POLICE PENSION — DEPARTMENT: — FUNCTION:

	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES	1,597,511	1,533,057	64,454
200000 SUPPLIES	0	0	0
300000 OTHER SERVICES AND CHARGES	2,950	2,950	0
400000 CAPITAL OUTLAY	0	0	0
9999 TOTAL	**1,600,461**	**1,536,007**	64,454

FUND: LOCAL ROAD AND STREET — DEPARTMENT: — FUNCTION:

100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES			0
400000 CAPITAL OUTLAY	500,000	500,000	0
9999 TOTAL	**500,000**	**500,000**	0

FUND: PARK NON-REVERTING — DEPARTMENT: — FUNCTION:

100000 PERSONAL SERVICES			0
200000 SUPPLIES			0
300000 OTHER SERVICES AND CHARGES			0
400000 CAPITAL OUTLAY			0
9999 TOTAL			0

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

Prescribed by the Department of Local Finance
Approved by the State Board of Accounts

BUDGET REPORT FOR

504 MISHAWAKA

ID YEAR CO TYPE KEY TAXING UNIT COU

FUND: DEPARTMENT: FUNCTION:

	2013 Budget	2012 Budget	Additional
100000 PERSONAL SERVICES			
200000 SUPPLIES			
300000 OTHER SERVICES AND CHARGES			
400000 CAPITAL OUTLAY	0		
9999 TOTAL	**0**		

FUND: PUBLIC SAFETY DEPARTMENT: FUNCTION:

100000 PERSONAL SERVICES			
200000 SUPPLIES			
300000 OTHER SERVICES AND CHARGES			
400000 CAPITAL OUTLAY			
9999 TOTAL			

FUND: DEPARTMENT: FUNCTION:

100000 PERSONAL SERVICES			
200000 SUPPLIES			
300000 OTHER SERVICES AND CHARGES			
400000 CAPITAL OUTLAY			
9999 TOTAL	**0**		

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

BUDGET REPORT FOR

504
ID YEAR CO TYPE KEY

MISHAWAKA
TAXING UNIT

COUNTY

FUND:Totals	DEPARTMENT: 2013 Budget	FUNCTION: 2012 Budget	Additional
100000 PERSONAL SERVICES	**15,954,580**	**14,927,321**	**1,027,259**
200000 SUPPLIES	**480,000**	**459,500**	**20,500**
300000 OTHER SERVICES AND CHARGES	**3,088,794**	**3,049,462**	**39,332**
400000 CAPITAL OUTLAY	**250,000**	**250,000**	**0**
9999 TOTAL	**19,773,374**	**18,686,283**	**1,087,091**

FUND:	DEPARTMENT:	FUNCTION:	
100000 PERSONAL SERVICES	**3,084,166**	**2,830,212**	**253,954**
200000 SUPPLIES	**23,900**	**23,900**	**0**
300000 OTHER SERVICES AND CHARGES	**2,000,800**	**1,926,945**	**73,855**
400000 CAPITAL OUTLAY	**1,000,000**	**950,000**	**50,000**
9999 TOTAL	**6,108,866**	**5,731,057**	**377,809**

FUND: TOTAL CITY	DEPARTMENT:		FUNCTION:			
100000 PERSONAL SERVICES	**17,017,478**	**16,294,363**	723,115	36,056,224	34,051,896	2,004,328
200000 SUPPLIES	**1,953,250**	**1,878,250**	75,000	2,457,150	2,361,650	95,500
300000 OTHER SERVICES AND CHARGES	**1,071,992**	**1,049,992**	22,000	6,161,586	6,026,399	135,187
400000 CAPITAL OUTLAY	**701,000**	**201,000**	500,000	1,951,000	1,401,000	550,000
9999 TOTAL	**20,743,720**	**19,423,605**	1,320,115	46,625,960	43,840,945	2,785,015

FUND TOTAL
(ONLY IF DEPARTMENTALIZED)

	FUND: 0101 General	FUND: 0188 Bond	FUND: 0341 FP
AV:	$1,329,478,738	$1,329,478,738	$1,329,478,738
1. Budget Estimate	29,763,057	1,648,617	2,479,972
2. Expenditures J1-Dec	15,502,005	824,493	1,300,558
3. Add App J1 - Dec	248,300	0	0
4A. Temporary Loans	0	0	0
4B. Loans Not Pd 12/31	0	0	0
5. TOTAL EST EXP	45,513,362	2,473,110	3,780,530
6. Cash Balance 6/30	6,840,305	884,553	1,008,152
7. Dec Tax Collection	8,187,077	679,896	0
8A. Misc Rev Jul - Dec	6,131,495	38,494	1,225,193
8B. Misc Rev Total	9,221,004	72,383	2,300,000
9. TOTAL FUNDS	30,379,881	1,675,326	4,533,345
10. NET AMT REQ	15,133,481	797,784	(752,815)
11. Operating Balance	4,791,417	841,463	752,815
12. TOTAL (10+11)	19,924,898	1,639,247	0
13A. PTRC	0	0	0
13B. LOIT	0	0	0
14. NET AMT TO RAISE	19,924,898	1,639,247	0
15. Levy Excess	0	0	0
16. TAX LEVY	19,924,898	1,639,247	0
TAX RATE	1.4987	0.1233	0.0000

	FUND: 0342 PP	FUND: 0706 LRS	FUND: 0708 MVH
AV:	$1,329,478,738	$1,329,478,738	$1,329,478,738
1. Budget Estimate	1,536,007	500,000	3,760,687
2. Expenditures J1-Dec	810,986	712,040	2,419,036
3. Add App J1 - Dec	0	0	0
4A. Temporary Loans	0	0	0
4B. Loans Not Pd 12/31	0	0	0
5. TOTAL EST EXP	2,346,993	1,212,040	6,179,723
6. Cash Balance 6/30	725,159	781,168	3,256,614
7. Dec Tax Collection	0	0	402,494
8A. Misc Rev Jul - Dec	794,238	190,557	906,560
8B. Misc Rev Total	1,400,000	428,873	2,031,123
9. TOTAL FUNDS	2,919,397	1,400,598	6,596,791
10. NET AMT REQ	(572,404)	(188,558)	(417,068)
11. Operating Balance	572,404	188,558	878,397
12. TOTAL (10+11)	0	0	461,329
13A. PTRC	0	0	0
13B. LOIT	0	0	0
14. NET AMT TO RAISE	0	0	461,329
15. Levy Excess	0	0	0
16. TAX LEVY	0	0	461,329
TAX RATE	0.0000	0.0000	0.0347

	FUND: 1191 CF	FUND: 1301 Park	FUND: 2391 CCD
AV:	$1,329,478,738	$1,329,478,738	$1,329,478,738
1. Budget Estimate	50,000	3,202,605	450,000
2. Expenditures J1-Dec	27,609	1,835,553	331,090
3. Add App J1 - Dec	0	0	0
4A. Temporary Loans	0	0	0
4B. Loans Not Pd 12/31	0	0	0
5. TOTAL EST EXP	77,609	5,038,158	781,090
6. Cash Balance 6/30	40,749	1,327,039	345,247
7. Dec Tax Collection	15,940	773,107	149,725
8A. Misc Rev Jul - Dec	910	398,142	8,543
8B. Misc Rev Total	1,643	610,305	15,616
9. TOTAL FUNDS	59,242	3,108,593	519,131
10. NET AMT REQ	18,367	1,929,565	261,959
11. Operating Balance	18,858	568,526	91,682
12. TOTAL (10+11)	37,225	2,498,091	353,641
13A. PTRC	0	0	0
13B. LOIT	0	0	0
14. NET AMT TO RAISE	37,225	2,498,091	353,641
15. Levy Excess	0	0	0
16. TAX LEVY	37,225	2,498,091	353,641
TAX RATE	0.0028	0.1879	0.0266

	FUND: 6290 CS
AV:	$1,329,478,738
1. Budget Estimate	500,000
2. Expenditures J1-Dec	1,219,873
3. Add App J1 - Dec	0
4A. Temporary Loans	0
4B. Loans Not Pd 12/31	0
5. TOTAL EST EXP	1,719,873
6. Cash Balance 6/30	1,739,690
7. Dec Tax Collection	196,977
8A. Misc Rev Jul - Dec	11,240
8B. Misc Rev Total	20,312
9. TOTAL FUNDS	1,968,219
10. NET AMT REQ	(248,346)
11. Operating Balance	708,346
12. TOTAL (10+11)	460,000
13A. PTRC	0
13B. LOIT	0
14. NET AMT TO RAISE	460,000
15. Levy Excess	0
16. TAX LEVY	460,000
TAX RATE	0.0346

	FUND	ASSESSED VALUE	RATE	LEVY	CNTRL
0101	GENERAL	1,329,478,738	1.4987	19,924,898	UT
0188	EXEMPT DEBT SVC	1,329,478,738	0.1233	1,639,247	0
0341	FIRE PENSION	1,329,478,738	0.0000	0	UT
0342	POLICE PENSION	1,329,478,738	0.0000	0	UT
0706	LR &S	1,329,478,738	0.0000	0	UT
0708	MVH	1,329,478,738	0.0347	461,329	UT
1191	CUM FIRE SPEC	1,329,478,738	0.0028	37,225	UT
1301	PARK & REC	1,329,478,738	0.1879	2,498,091	UT
2391	CCD	1,329,478,738	0.0266	353,641	UT
6290	CUM SEWER	1,329,478,738	0.0346	460,000	UT
		TOTAL	1.9086	25,374,431	

UNIT

Normal Max Levy:	24,068,441
Minus LOIT:	0
Minus Levy Excess:	0
Plus Fin Inst Tax:	65,520
Plus Misc Changes:	353,641
Working Max Levy:	24,487,602

CTL UT Working MAX 24,487,602 Under Max by 752,418

1782 Notice Notes Report
Pay 2013

UNIT NUMBER 7130117

MISHAWAKA CIVIL CITY

County 71

0101 GENERAL

Lesser of unit adopted or prior year budget because budget not properly advertised. $29,763,057

Lesser of unit adopted or prior year levy because of improper advertising.

0188 EXEMPT DEBT SVC

Lesser of unit adopted or prior year budget because budget not properly advertised. $1,648,617

Lesser of unit adopted or prior year levy because of improper advertising.

0341 FIRE PENSION

Lesser of unit adopted or prior year budget because budget not properly advertised. $2,479,972

0342 POLICE PENSION

Lesser of unit adopted or prior year budget because budget not properly advertised. $1,536,007

0706 LR &S

Lesser of unit adopted or prior year budget because budget not properly advertised. $500,000

0708 MVH

Lesser of unit adopted or prior year budget because budget not properly advertised. $3,760,687

Lesser of unit adopted or prior year levy because of improper advertising.

1191 CUM FIRE SPEC

Lesser of unit adopted or prior year budget because budget not properly advertised. $50,000

Cumulative fund rate cannot be increased over previous years rate until the fund is re-established.

1301 PARK & REC

Lesser of unit adopted or prior year budget because budget not properly advertised. $3,202,605

Lesser of unit adopted or prior year levy because of improper advertising.

2391 CCD

Lesser of unit adopted or prior year budget because budget not properly advertised. $450,000

Cum Rate reduced according to calculation described in IC 6-1.1-18.5-9.8.

6290 CUM SEWER

Lesser of unit adopted or prior year budget because budget not properly advertised. $500,000

Cumulative fund rate cannot be increased over previous years rate until the fund is re-established.

RECEIVED
DEBORAH S. BLOCK MMC
JAN 17 2013
CITY CLERK
MISHAWAKA, IN

1st Reading 1/21/13
2nd Reading
Passed
Failed
Continued To
pp

PROPOSED ORDINANCE NO. 2013 - 04

ORDINANCE NO______

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA ADOPTING THE AMERICANS WITH DISABILITIES ACT PUBLIC RIGHT-OF-WAY SELF-EVALUATION AND TRANSITION PLAN

WHEREAS, The Americans with Disabilities Act of 1990 (ADA), enacted on July 26, 1990, is a Federal civil rights statute, under the jurisdiction of the United States Department of Justice (DOJ), which provides civil rights protection to qualified individuals with disabilities in the areas of employment, public accommodations, state and local government services, transportation, and telecommunications. The law states its purpose is "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities", and

WHEREAS, the City of Mishawaka has completed a self-evaluation of all City facilities within the public right-of-way (ROW) and has prepared a Self-Evaluation and Transition Plan outlining the necessary steps to be fully compliant with the requirements of Title II of the ADA, and

WHEREAS, it is the goal of the City to continue to make accessibility improvements on a yearly basis to the pedestrian facilities within the public right-of-way, though this will be largely dependent on a number of economic factors and future changes to the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, dated July 26, 2011 and any modifications/supplements to this documents, or other unforeseen requirements that would necessitate additional improvements to the facilities. The City has committed to provide training for staff on the requirements of the ADA and make accommodations for employees with disabilities, many of which can be done without costly architectural renovations.

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

Section 1. The City will strive to ensure that all pedestrians are able to access and use all pedestrian facilities in the ROW including sidewalks, curb ramps, traffic signals and street furniture, and will promptly investigate any formal grievance filed according to the procedures outlined in the Self-Evaluation and Transition Plan. The City will strive to include annual budgetary allotments to make required improvements to these pedestrian facilities with emphasis given to the improvements providing the greatest benefit to persons with disabilities who use these facilities. Engineering Standard Construction Details will be updated to ensure they are in compliance with the latest ADA requirements and the City will require that all future public works construction plans are compliant.

Section 2. The entire text of the City of Mishawaka, Indiana Americans with Disabilities Act Public Right-of-Way Self-Evaluation and Transition Plan shall be adopted as Exhibit "A" to this ordinance and a complete copy of the Plan shall be made available for inspection in the Office of City Clerk.

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

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

this _____day of __________2013, at ____o' clock, __ .M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this_____ day of _____________, 2013, at

________o'clock, _____.M.

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

APPROVED by me this ______ day of _______________________, 2013, 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

January 16, 2013

Mishawaka Common Council
600 East Third Street
Mishawaka, IN 46544

Re: ADA Self Evaluation/Transition Plan
Pedestrian Facilities within the Public Right-of-Way
Proposed Ordinance No. 2013-04

Honorable Council Members:

Title II of the Americans with Disabilities Act (ADA) requires local governments to complete a self-evaluation of its public facilities, programs and services to ensure that we are in compliance with Title II of the Americans with Disabilities Act. Earlier this year the City, with assistance from its consultant DLZ INDIANA, completed its self-evaluation of city facilities outside of public right of way, policies, and procedures for compliance with. DLZ prepared a Self Evaluation/Transition Plan (SETP) that identified deficiencies at the various city facilities failing to meet ADA Accessibility Guidelines. This ADA SETP for the facilities outside the public Right-of-Way (ROW) was adopted by the Common Council earlier this year in April

The second element of Title II is for the City to complete an ADA SETP for facilities within the public ROW such as sidewalks and curb ramps. As of today, DLZ has completed the self-evaluation for the facilities within public ROW and have prepared a draft report. The document will be made available at several locations and our web page for public review and comment on January 11, 2013 thru February 15, 2013.

The attached Proposed Ordinance No. 2013-04 is for approval of the Draft Self-Evaluation and Transition Plan on facilities located within the public right-of-way. We have requested that that the second reading and public hearing be scheduled for March 4, 2013 where DLZ will make a presentation for adoption of the SETP. This will allow time to review any public comments received and will miss the delivery of the Mayor's State of the City.

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

Very truly yours

Gary E. West
Director of Engineering

Cc: Mayor Wood
Qasim Asghar, DLZ

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 16 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-12

ORDINANCE NO.___________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2013

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, 2013 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 $61,000.00 for assignment as follows:

General Fund

Human Resources
Other Services and Charges

101-04-431-06 Consulting	$ 61,000.00
Total	$ 61,000.00

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 _______________,2013 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 __________________,2013 at________

o'clock, ____ .M.

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

APPROVED BY ME this ___________day of ___________________,2013 at

_________________o'clock, _____.M.

____
David A. Wood, Mayor

City of Mishawaka

DEPARTMENT OF HUMAN RESOURCES
Bonnie S. Bonham, M.S., Director

David A. Wood, MAYOR

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 16 2013

CITY CLERK
MISHAWAKA, IN

May 14, 2013

Hon. S. Michael Compton, President
Hon. Dale Emmons
Hon. Mike Bellovich
Hon. John Reisdorf
Hon. Kate Voelker
Hon. Ron Banicki
Hon. Dan Bilancio
Hon. Matt Mammolenti
Hon. John Roggeman

RE: Request for additional appropriation

From time to time it becomes necessary to review our employee benefit package. The city recently requested proposals from seven (7) local broker vendors to study, analyze and research our current benefit package and assist us in the procurement of insurance needs. After interviewing each vendor and extensive review of the proposals, we have appointed Gibson to represent us in this endeavor. Gibson is authorized to negotiate on our behalf with respect to existing insurance programs. They will also assist us in developing an on-site clinic to further expand affordable services to the employees as well as reduce our health care costs.

Human Resources is requesting an additional appropriation of $54,000 for the consulting services and an additional one-time fee of $7,000 for the development of an on-side clinic totaling $61,000.

Thank you in advance and if you have any questions, feel free to contact me at 258-1615.

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 13-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-13

ORDINANCE NO. ______

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

10 ft w side lot 3 & all lot 4 & N ½ vac alley S of lot 5 Taylors Addition to St. Joseph Iron Works; and N end lots 9 & 10 & S ½ vac alley N & adj exc E 5' Taylors Addition to St. Joseph Iron Works

COMMON ADDRESS: 617 Lincolnway West

which real estate is now classified as C-6 Linear Office Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District and designated in "The Zoning Ordinance of 1966" as amended.

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

1. There are multiple zonings in the immediate vicinity and many of the structures are residential in use. This property's historic use as a single family dwelling would be compatible to the area;

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 of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;

3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owners to sell the home and make improvements as they deem necessary; and,

5. The City's Comprehensive Plan calls for general commercial but the rezoning is not inconsistent with the residential uses in the area.

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 ______________________, 2013, at _________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _________ day of ____________________, 2013, at _________ o'clock _____.M.

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

APPROVED by me this _________ day of ___________________, 2013, at _________o'clock ____.M.

____
David A. Wood, Mayor

RECEIVED
MAR 25 2013
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Pet 13-06

DATE: 3/15/2013

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

RE: PETITION TO REZONE

The undersigned Kevin Scott & Mary Lou Stevens respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

617 Lincolnway West, Mishawaka, IN 46544

Parcel ID 71-09-16-181-001.000-023 Key number 16-1017-0690
10 ft w side lot 3 & all lot 4 & n ½ vac alley S of lot 5 Taylors add to St. Joseph Iron Works zoned C-6 office/commercial with residential allowed.

Parcel ID 71-09-16-181-005.000-023 Key number 16-1017-0694
N end lots 9 & 10 & S ½ vac alley N & adj exc E 5' Taylors add to St. Joseph Iron Works zoned C-6 office/commercial with residential allowed.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-6 District.
Said property is used as single family dwelling.

Petitioner(s) desire said real estate to be rezoned to R-1 District.
Petitioner(s) further state that they intend to continue to utilize said land as single family dwelling.

Wherefore, the petitioner(s) 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 rezoning the above described parcel of land located in the City of Mishawaka.

K Scott Stevens
Kevin Scott Stevens

Mary Lou Stevens
Mary Lou Stevens

CONTACT PERSON:
KEVIN (SCOTT) STEVENS
617 LINCOLNWAY WEST, MISHAWAKA, IN 46544
(574)850-0650
SCOTT_STEVENS@COMCAST.NET


NORTH
PETITION 13-06
PETITION 13-06
Location Map
PETITION 13-06
617 LINCOLNWAY WEST
REZONE FROM C-6 LINEAR COMMERCIAL TO R-1 SINGLE FAMILY RESIDENTIAL
ISLAND VIEW LN
W FRONT ST
VERGAUWEN CT
SCHILLINGER SQ.
OLD STABLE LN
N CENTER ST
TOWLE AVE
SLICKS CT
N WEST ST
LINCOLNWAY WEST
LINCOLNWAY WEST
WELLS ST
W THIRD ST
S WEST ST
S CENTER ST
W FOURTH ST
MILBURN CT
S CENTER ST
S WEST ST
KAMMS CT

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 16 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 13-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-14

ORDINANCE NO. ______

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

E 38 ft. of lot 137 & 9 ft. west side of 168 Gaylors 3rd

COMMON ADDRESS: 317-319 East Eleventh Street

which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as R-2 Two-Family Residential District and designated in "The Zoning Ordinance of 1966" as amended.

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

1. There are multiple uses in this neighborhood that include both commercial and low density residential uses. This property's historic use as a duplex is compatible to the area and consistent with its history;

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 historic use as a duplex, staff feels that the most desirable use for this property is its historical two family residential;

3. Because the parcel is located in an area of residential properties, as well as commercial, and other two family structures, the rezoning to R-2 Two-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2013-14

Ordinance No: ____________________

4. The proposed rezoning of this property to an R-2 Two- Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owners to sell the home and make improvements as they deem necessary, by allowing for the continued financing from lending institutions; and,

5. The City's Comprehensive Plan calls for Low density residential, and the historic use and proposed classification fits within the plan.

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 ____________________, 2013, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________ day of ____________________, 2013, at _________ o'clock ____.M.

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

APPROVED by me this ________ day of __________________, 2013, at ________o'clock ____.M.

____
David A. Wood, Mayor

RECEIVED
APR 23 2013
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Pet 13-07

3/22/2013

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

RE: PETITION TO REZONE

The undersigned Phyllis J. Cleland respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to wit:

317 & 319 11th St. East, E 38 ft. of lot 137 & 9 ft. west side of 168 Gaylors 3rd, tax key number 16-1151-6069

Petitioner own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 District. Said property is a duplex used for rentals.

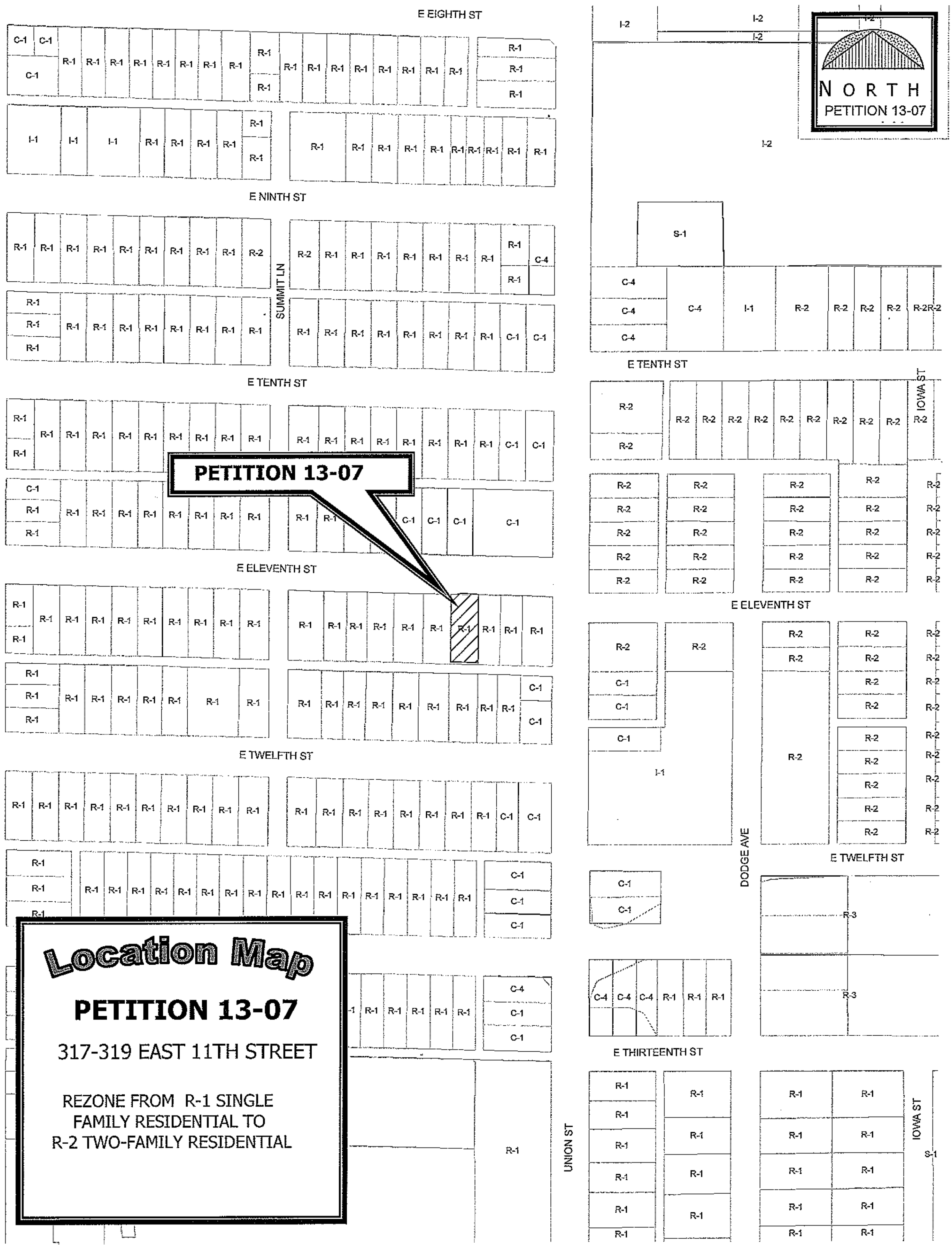
Petitioner desire said real estate to be rezoned to ~~R-3~~ R-2 District. Petitioner further state that they intend to utilize said land for a duplex rental as has always been the case since the 1920's and they are now trying to sell it and the mortgage company that the buyer is using wants the house rezoned to multi-family ~~R-3~~ R-2 zoning in order for the loan to close.

Wherefore, the petitioner 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 rezoning the above described parcel of land located in the City of Mishawaka.

Phyllis J. Cleland

Phyllis J. Cleland

Contact Person:
Lance Cleland
1410 Green Grass Dr., Osceola, IN 46561
574-532-2207
lancecleland@gmail.com



E EIGHTH ST
E NINTH ST
SUMMIT LN
E TENTH ST
E ELEVENTH ST
E TWELFTH ST
E THIRTEENTH ST
DODGE AVE
UNION ST
IOWA ST
NORTH
PETITION 13-07
PETITION 13-07
Location Map
PETITION 13-07
317-319 EAST 11TH STREET
REZONE FROM R-1 SINGLE
FAMILY RESIDENTIAL TO
R-2 TWO-FAMILY RESIDENTIAL

UMBAUGH
It's all about experience.

H. J. Umbaugh & Associates
Certified Public Accountants, LLP
112 IronWorks Avenue
Suite C
Mishawaka, IN 46544
Phone: 574-935-5178
Fax: 574-935-5928
www.umbaugh.com

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2013

CITY CLERK
MISHAWAKA, IN

May 30, 2013

Mishawaka Common Council
600 East Third Street
Post Office Box 363
Mishawaka, Indiana 46546-0363

RE: Mishawaka (Indiana) Municipal Water Utility – Refunding of 2000 and 2003 Waterworks Revenue Bonds

Dear Council Members:

The Ordinance that is before you for consideration authorizes the refunding of the Waterworks Revenue Bonds of 2000 and 2003 which were purchased by the Indiana State Revolving Fund (SRF) Program to help with construction of the new well field and water treatment plant. The Bonds that we are proposing to refunding are outstanding in interest rates ranging from 2.9% to 3.3% and are scheduled to be repaid on a semiannual basis through January 2023. With the current interest rate market, we believe the water utility has an opportunity to refund these Bonds with the new debt being paid off by July 2022 at an average interest rate closer to 2.25%. As a result, the water utility would achieve a savings, after adjusting for the cost of the refunding and application of any cash held by the water utility, of approximately $335,000, or approximately $35,000 per year.

The Ordinance was introduced at the May 20, 2013 meeting. Bond Counsel has suggested some language changes to the Ordinance that was introduced. It is my intention to be at the Council meeting on June 3, 2013, to explain the language changes and to answer any questions you may have regarding the proposed refunding. In the meantime, if we can provide any assistance, as always, please don't hesitate to contact me.

Very truly yours,

UMBAUGH

John D. Julien

JDJ/jf

cc: Honorable Dave Wood, Mayor
Mr. James M. Schrader, Utility General Manager

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2013

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2013-15

ORDINANCE NO. _____

AS AMENDED

An Ordinance concerning the current refunding by the City of Mishawaka of its Waterworks Revenue Bonds of 2000, Series A and its Waterworks Revenue Bonds of 2003, Series A; authorizing the issuance of waterworks refunding revenue bonds for such purpose; providing for the collection, segregation and distribution of the revenues of the waterworks and the safeguarding of the interests of the owners of the waterworks refunding revenue bonds authorized herein; other matters connected therewith; and repealing ordinances inconsistent herewith

WHEREAS, the Common Council ("Common Council") of the City of Mishawaka, Indiana ("City") has heretofore established, constructed and financed a municipal waterworks and now owns and operates the waterworks pursuant to IC 8-1.5, and other applicable laws; and

WHEREAS, the Common Council finds that certain hereinafter described outstanding bonds of the waterworks should be refunded to obtain a reduction in interest payments and effect a savings to the City; that the refunding of said outstanding bonds, together with redemption premium, if any, and accrued interest thereon and including all costs related to the refunding cannot be provided for out of funds of the waterworks now on hand and the refunding should be accomplished by the issuance of revenue bonds of the waterworks; and

WHEREAS, the Common Council finds that there are certain outstanding bonds of the waterworks designated "Waterworks Revenue Bonds of 2000, Series A," dated June 29, 2000 ("2000 Bonds"), originally issued in the amount of $24,335,000, now outstanding in the amount of $12,405,000, and maturing semiannually over a period ending July 1, 2022, which 2000 Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the waterworks; and

WHEREAS, the Common Council finds that there are certain outstanding bonds of the waterworks designated "Waterworks Revenue Bonds of 2003, Series A," dated January 31, 2003 ("2003 Bonds"), originally issued in the amount of $1,675,000, now outstanding in the amount of $970,000, and maturing semiannually over a period ending January 1, 2023, which 2003 Bonds constitute a first charge upon the Net Revenues of the waterworks, on a parity with the 2000 Bonds; and

WHEREAS, the Common Council finds that there are certain outstanding bonds of the waterworks designated "Waterworks Refunding Revenue Bonds of 2007," dated May 23, 2007 ("2007 Bonds"), originally issued in the amount of $4,475,000, now outstanding in the amount of $2,875,000, and maturing semiannually over a period ending July 1, 2020, which 2007 Bonds constitute a first charge upon the Net Revenues of the waterworks, on a parity with the 2000 Bonds and the 2003 Bonds; and

WHEREAS, the Common Council finds that the 2000 Bonds and the 2003 Bonds (hereinafter, collectively, "Refunded Bonds") should be refunded pursuant to the provisions of IC 5-1-5 to enable the City to obtain a reduction in interest payments and effect a savings to the City; and

WHEREAS, the 2007 Bonds are hereinafter referred to as the "Outstanding Bonds;" and

WHEREAS, the Common Council finds that it is advisable to issue its refunding revenue bonds in an amount not to exceed $13,100,000 and to use the proceeds, together with funds on hand, to refund the Refunded Bonds and to pay for all costs related to the refunding and the issuance of the bonds hereunder; and

WHEREAS, the ordinance authorizing the issuance of the Outstanding Bonds ("2007 Ordinance") permits the issuance of additional bonds ranking on a parity with the Outstanding

Bonds provided certain conditions can be met, and the City finds that the finances of the waterworks will enable the City to meet the conditions for the issuance of additional parity bonds and that, accordingly, the revenue bonds authorized herein shall rank on a parity with the Outstanding Bonds; and

WHEREAS, the bonds to be issued pursuant to this ordinance will constitute a first charge against the Net Revenues of the waterworks, on a parity with the Outstanding Bonds, and are to be issued subject to the provisions of the laws of the hereinafter defined Act, and the terms and restrictions of this ordinance; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of revenue bonds have been complied with in accordance with the provisions of IC 5-1-5 and IC 8-1.5, each as in effect on the date of delivery of the bonds authorized herein (collectively, "Act");

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

Section 1. Issuance of Refunding Bonds; Redemption of Refunded Bonds. (a) The City, being the owner of and engaged in operating a municipal waterworks furnishing the water supply to the City and its inhabitants, now finds it necessary to provide funds for refunding the Refunded Bonds thereby reducing its interest payments and effecting a savings, as reported by the City's financial advisor, H.J. Umbaugh & Associates, Certified Public Accountants, LLP, which refunding bonds shall be payable solely out of the Net Revenues (herein defined as gross revenues after deduction only for the payment of reasonable expenses of operation, repair and maintenance, excluding transfers for payment in lieu of property taxes ("PILOTs")) of said waterworks. The terms "waterworks," "waterworks system," "works," "system," and words of like import where used in this ordinance shall be construed to mean and include the existing waterworks system and all real estate and equipment used in connection therewith and appurtenances thereto, and all extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired as well as the drainage of storm and surface water to relieve the waterworks system of such water.

(b) The City shall issue its "Waterworks Refunding Revenue Bonds of 2013" ("Refunding Bonds") in an aggregate principal amount not to exceed $13,100,000 for the purpose of procuring funds to be applied to the refunding of the Refunded Bonds, the payment of costs of issuance, and all other costs related to the refunding. The City shall apply any moneys currently held for the payment of debt service on the Refunded Bonds to the refunding as provided in Section 7 hereof.

The Refunding Bonds shall be issued in the denomination of $5,000 each and integral multiples thereof, numbered consecutively from R-1 upward, and dated as of the first day of the month in which sold or delivered, or the date of delivery, as determined by the Controller, with the advice of the City's financial advisor. Interest on the Refunding Bonds shall be payable semiannually on January 1 and July 1 in each year, beginning on the first January 1 or the first July 1 following the date of delivery of the Refunding Bonds as determined by the Controller, with the advice of the City's financial advisor. The Refunding Bonds shall be sold at a price of not less than 99% of the par value thereof and shall be payable in lawful money of the United States of America, at the principal office of the Paying Agent (as hereinafter defined). Such Refunding Bonds shall bear interest at a rate or rates not exceeding 4% per annum (to be determined by negotiation) and shall mature semiannually, or shall be subject to mandatory sinking fund redemption if term bonds are issued, on January 1 and July 1 of each year, over a period ending no later than January 1, 2023, and in such amounts which will either achieve as level annual debt service as practicable taking into account the Outstanding Bonds or maximize savings. Interest on the Refunding Bonds shall be calculated according to a 360-day calendar year containing twelve 30-day months.

All or a portion of the Refunding Bonds may be issued as one or more term bonds, upon election of the Purchaser (as hereinafter defined). Such term bonds shall have a stated maturity or maturities on either January 1 or July 1 on the dates as determined by the Purchaser, but in no event later than the final serial maturity date of the Refunding Bonds as determined in accordance with the above paragraph. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on principal payment dates which are hereinafter determined in accordance with the above paragraph.

Section 2. Registrar and Paying Agent; Book Entry Provisions. The Controller is hereby authorized to appoint a qualified financial institution to serve as Registrar and Paying Agent for the Refunding Bonds ("Registrar" or "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the Refunding Bonds. The Controller is hereby authorized to enter into such agreements or understandings with the Registrar as will enable the institution to perform the services required of a registrar and paying agent. The Controller is further authorized to pay such fees as the Registrar may charge for the services it provides as Registrar and Paying Agent and such fees may be paid from the Waterworks Sinking Fund established to pay the principal of and interest on the Refunding Bonds as fiscal agency charges. Upon agreement with the Purchaser, the Controller may be designated as the Registrar and Paying Agent and in that case shall be charged with all duties of the Registrar and Paying Agent.

The principal of the Refunding Bonds shall be payable at the principal corporate trust office of the Paying Agent. All payments of interest on the Refunding Bonds shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof, as of the fifteenth day of the month preceding each payment ("Record Date"), and at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner on or before such Record Date. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Refunding Bonds shall be made in any coin or currency of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

Each Refunding Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose at the principal corporate trust office of the Registrar by the registered owner in person, or by its attorney duly authorized in writing, upon surrender of such Refunding Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered Refunding Bond or Refunding Bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the City. The City, Registrar and Paying Agent for the

Refunding Bonds may treat and consider the person in whose name such Refunding Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent upon giving 30 days' notice in writing to the City and by first class mail to each registered owner of the Refunding Bonds then outstanding, and such resignation will take effect at the end of such 30 day period or upon the earlier appointment of a successor registrar and paying agent by the City. Any such notice to the City may be served personally or sent by registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor registrar and paying agent. The City shall notify each registered owner of the Refunding Bonds then outstanding by first class mail of the removal of the Registrar and Paying Agent. Notices to the registered owners of the Refunding Bonds shall be deemed to be given when mailed by first class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar.

Upon the appointment of any successor registrar and paying agent by the City, the Controller is authorized and directed to enter into such agreements and understandings with such successor registrar and paying agent as will enable the institution to perform the services required of a registrar and paying agent for the Refunding Bonds. The Controller is further authorized to pay such fees as the successor registrar and paying agent may charge for the services it provides as registrar and paying agent and such fees may be paid from the Waterworks Sinking Fund continued in Section 13 hereof.

Any predecessor registrar and paying agent shall deliver all of the Refunding Bonds and any cash or investments in its possession with respect thereto, together with the registration books, to the successor registrar and paying agent.

The City has determined that it may be beneficial to the City to have the Refunding Bonds held by a central depository system pursuant to an agreement between the City and The Depository Trust Company, New York, New York ("Depository Trust Company") and have transfers of the Refunding Bonds effected by book-entry on the books of the central depository system ("Book Entry System"). The Refunding Bonds may be initially issued in the form of a separate single authenticated fully registered Refunding Bond for the aggregate principal amount of each separate maturity of the Refunding Bonds. In such case, upon initial issuance, the ownership of such Refunding Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the Refunding Bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the City and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner ("Beneficial Owner")) of the Refunding Bonds with respect to (i) the accuracy of the records of the Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any notice with respect to the Refunding Bonds including any notice of redemption, or (iii) the payment to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the Refunding Bonds except as otherwise provided herein.

No person other than the Depository Trust Company shall receive an authenticated Refunding Bond evidencing an obligation of the City to make payments of the principal of and premium, if any, and interest on the Refunding Bonds pursuant to this ordinance. The City and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the Refunding Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Refunding Bonds; (ii) giving notices of redemption and other notices permitted to be given to bondholders with respect to such Refunding Bonds; (iii) registering transfers with respect to such Refunding Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Refunding Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the City's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the Refunding Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the City of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this ordinance shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Refunding Bond is registered in the name of CEDE & CO., as nominee of the Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such Refunding Bonds and all notices with respect to such Refunding Bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the City to the Depository Trust Company.

Upon receipt by the City of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Refunding Bonds shall no longer be restricted to being registered in the register of the City kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the bondholders transferring or exchanging the Refunding Bonds shall designate, in accordance with the provisions of this ordinance.

If the City determines that it is in the best interest of the bondholders that they be able to obtain certificates for the fully registered Refunding Bonds, the City may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the Refunding Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the Refunding Bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the City and the Registrar to do so, the Registrar and the City will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered Refunding Bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the Refunding Bonds.

If the Refunding Bonds shall no longer be restricted to being registered in the name of the Depository Trust Company, the Registrar shall cause the Refunding Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such Refunding Bonds printed until it shall have received from the City indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to bondholders by the City or the Registrar with respect to any consent or other action to be taken by bondholders, the City or the Registrar, as the case may be, shall establish a record date for such consent or other action and give the Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as the Refunding Bonds are registered in the name of the Depository Trust Company or CEDE & CO. or any substitute nominee, the City and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the Refunding Bonds or from the Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the Refunding Bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and the Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the bondholders for purposes of this ordinance and the City and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the bondholders. Along with any such certificate or representation, the Registrar may request the Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the Refunding Bonds, together with the dollar amount of each Beneficial Owner's interest in the Refunding Bonds and the current addresses of such Beneficial Owners.

Interest on the Refunding Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date of the Refunding Bonds unless the Refunding Bonds are authenticated after the Record Date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless the Refunding Bonds are authenticated on or before the Record Date preceding the first interest payment date, in which case they shall bear interest from the original date until the principal shall be fully paid.

Section 3. Redemption of Refunding Bonds. (a) The Refunding Bonds are redeemable at the option of the City no earlier than July 1, 2021, and thereafter on any date, on thirty (30) days' notice, in whole or in part, in the order of maturity as determined by the City and by lot within a maturity, at face value, with no premium, plus in each case accrued interest to the date of redemption.

(b) If any Refunding Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Refunding Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the City, any Refunding Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Refunding Bond maturing as a term bond so delivered or cancelled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Refunding Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Refunding Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

Each authorized denomination shall be considered a separate bond for purposes of optional and mandatory redemption. If less than an entire maturity is called for redemption, the Refunding Bonds to be called shall be selected by lot within a maturity by the Registrar. If some Refunding Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Refunding Bonds for optional redemption before selecting the Refunding Bonds by lot for the mandatory sinking fund redemption.

In either case, notice of such redemption shall be given at least thirty (30) days prior to the date fixed for redemption by mail unless the notice is waived by the registered owner of a Refunding Bond. Such notice shall be mailed to the address of the registered owners as shown on the registration records of the City as of the date which is forty-five (45) days prior to such redemption date. The notice shall specify the date and place of redemption and sufficient identification of the Refunding Bonds called for redemption. The place of redemption shall be determined by the City. Interest on the Refunding Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the principal office of the Paying Agent to pay the redemption price on the date so named. Coincidentally with the payment of the redemption price, the Refunding Bonds so called for redemption shall be surrendered for cancellation.

Section 4. Execution and Negotiability. Each of the Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Mayor, countersigned by the Controller, attested by the manual or facsimile signature of its Clerk and the seal of the City shall be affixed, imprinted or impressed to or on each of the Refunding Bonds manually, by facsimile or any other means; and these officials, by the execution of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures the facsimile signatures appearing on the Refunding Bonds. In case any officer whose signature or facsimile signature appears on the Refunding Bonds shall cease to be such officer before the delivery of the Refunding Bonds, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

The Refunding Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

The Refunding Bonds shall also be authenticated by the manual signature of the Registrar and no Refunding Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed.

Section 5. Form of Refunding Bonds. The form and tenor of the Refunding Bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery:

> [Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City of Mishawaka, Indiana, or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS

WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.]

NO. _____

UNITED STATES OF AMERICA

STATE OF INDIANA COUNTY OF ST. JOSEPH

CITY OF MISHAWAKA
WATERWORKS REFUNDING REVENUE BOND OF 2013

[Interest Rate]	[Maturity Date]	Original Date	Authentication Date	[CUSIP]

REGISTERED OWNER:

PRINCIPAL SUM:

The City of Mishawaka ("City"), in St. Joseph County, State of Indiana, for value received, hereby promises to pay to the Registered Owner named above or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above [on the Maturity Date set forth above] **OR** [on January 1 and July 1 on the dates and in the amounts set forth on Exhibit A attached hereto], (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest hereon at the Interest Rate per annum [stated above] **OR** [as set forth on Exhibit A attached hereto] from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date or unless this bond is authenticated on or before __________ 15, 20__, in which case it shall bear interest from the Original Date, until the principal is paid, which interest is payable semiannually on January 1 and July 1 in each year, beginning on __________ 1, 20__. Interest shall be calculated according to a 360-day calendar year containing twelve 30-day months.

The principal of this bond [(except for mandatory sinking fund redemption payments)] is payable [upon presentation] at the principal office of The Bank of New York Mellon Trust Company, N.A. ("Registrar" or "Paying Agent"), in the City of East Syracuse, New York. [Mandatory redemption and] [A]ll payments of interest on this bond shall be paid [without presentation and] by check, mailed one business day prior to the interest payment date to the registered owner hereof as of the fifteenth day of the month preceding such interest payment date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the bond shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

[The bonds shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this bond and of the Ordinance are subject in all respects to the provisions of the Letter of Representations between the City and DTC, or any substitute agreement, effecting such Book Entry System.]

THE CITY SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE HEREINAFTER DESCRIBED SPECIAL FUND, AND NEITHER THIS BOND NOR THE ISSUE OF WHICH IT IS A PART SHALL IN ANY RESPECT CONSTITUTE A CORPORATE INDEBTEDNESS OF THE CITY WITHIN THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

This bond is [the only] one of an authorized issue of bonds of the City [of like date, tenor and effect, except as to rates of interest and dates of maturity,] aggregating ____________________________ Dollars ($____________); numbered consecutively from R-1 up; issued for the purpose of refunding certain Refunded Bonds (as defined in the hereinafter defined Ordinance) and to pay incidental expenses. This bond is issued pursuant to an Ordinance adopted by the Common Council of the City on the ____ day of ___________, 2013, entitled "An Ordinance concerning the current refunding by the City of Mishawaka of its Waterworks Revenue Bonds of 2000, Series A and its Waterworks Revenue Bonds of 2003, Series A; authorizing the issuance of waterworks refunding revenue bonds for such purpose; providing for the collection, segregation and distribution of the revenues of the waterworks and the safeguarding of the interests of the owners of the waterworks refunding revenue bonds authorized herein; other matters connected therewith; and repealing ordinances inconsistent herewith" ("Ordinance"), and in accordance with the provisions of Indiana law, including without limitation Indiana Code 5-1-5 and Indiana Code 8-1.5, each as in effect on the date of delivery of the bonds (hereinafter collectively, "Act"), the proceeds of which bonds are to be applied solely to said refunding and legal defeasance of the Refunded Bonds, including the incidental expenses incurred in connection therewith.

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this bond and all other bonds of said issue, and any bonds hereafter issued on a parity therewith are payable solely from the Waterworks Sinking Fund continued by the Ordinance ("Sinking Fund") to be provided from the Net Revenues (defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance, excluding transfers for payment in lieu of property taxes) of the waterworks of the City. This bond and the issue of which it is a part rank on a parity with the Outstanding Bonds (as defined in the Ordinance).

Pursuant to the Ordinance and the Escrow Agreement defined therein, the City has set aside securities (purchased from proceeds of the bonds of this issue and funds on hand of the

City) and certain cash in a Trust Account to provide payment of principal of and interest and redemption premium, if any, on the Refunded Bonds by the purchase of obligations of the United States of America.

The City irrevocably pledges the entire Net Revenues of the waterworks to the prompt payment of the principal of and interest on the bonds authorized by the Ordinance, of which this is one, and any bonds ranking on a parity therewith, including the Outstanding Bonds, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for services rendered by the utility as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of the waterworks and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. If the City or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for under Indiana law.

The City further covenants that it will set aside and pay into its Waterworks Sinking Fund monthly, as available, or more often if necessary, a sufficient amount of the Net Revenues of the works for payment of (a) the interest on all bonds which by their terms are payable from the revenues of the waterworks, as such interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the waterworks, as such principal shall fall due, and (d) an additional amount as a margin of safety to [create and] maintain the debt service reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of the waterworks, on a parity with the Outstanding Bonds.

The bonds of this issue maturing on and after January 1, 2022, are redeemable at the option of the City on July 1, 2021, or any date thereafter, on thirty (30) days' notice, in whole or in part, in the order of maturity determined by the City and by lot within a maturity, at face value, with no premium, plus in each case accrued interest to the date fixed for redemption.

[The bonds maturing on __________ 1, 20___ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

________ Term Bond

Date	Amount
*	

*Final Maturity]

Each authorized denomination shall be considered a separate bond for purposes of optional [and mandatory] redemption. If less than an entire maturity is called for redemption, the bonds to be redeemed shall be selected by lot by the Registrar. [If some bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the

Registrar shall select by lot the bonds for optional redemption before selecting the bonds by lot for the mandatory sinking fund redemption.]

Notice of such redemption shall be mailed to the address of the registered owner, as shown on the registration records of the City as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) days prior to the date fixed for redemption unless the notice is waived by the registered owner of this bond. The notice shall specify the date and place of redemption and sufficient identification of the bonds called for redemption. The place of redemption may be determined by the City. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with its depository bank, an amount sufficient to pay such bond or the redemption price, as the case may be, and thereafter the registered owner shall look only to the funds so deposited in trust with said bank for payment and the City shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the books of the City kept for that purpose at the principal corporate trust office of the Registrar by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. The City, the Registrar, the Paying Agent and any other registrar or paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

This bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein. THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. The Ordinance may be amended without the consent of the owners of the bonds as provided in the Ordinance if the Common Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the bonds.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of $5,000 or any integral multiple thereof.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Mishawaka, in St. Joseph County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the Controller, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Clerk.

CITY OF MISHAWAKA, INDIANA

By ________________________________
Mayor

COUNTERSIGNED:

By:________________________________
Controller

[SEAL]

Attest:

____
Clerk

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Ordinance.

________________________________,
as Registrar

By ________________________________
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto ________________________________ this bond and all rights thereunder, and hereby irrevocably constitutes and appoints ________________________________, Attorney, to transfer the within bond in the books kept for the registration thereof with full power of substitution in the premises.

Dated: ________________________________

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[EXHIBIT A]

[End of Bond Form]

Section 6. Authorization for Preparation and Sale of the Refunding Bonds; Official Statement; Continuing Disclosure. (a) The Controller is hereby authorized and directed to have the Refunding Bonds prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Refunding Bonds in the form and manner provided herein. The Controller is authorized to deliver the Refunding Bonds to a purchaser ("Purchaser") to be selected by either the Mayor, the Controller, or both, with the advice of the City's financial advisor in accordance with the Purchase Contract ("Purchase Contract"), between the City and the Purchaser. The Mayor and the Controller are authorized to execute the Purchase Contract and deliver the Refunding Bonds to the Purchaser so long as its terms are consistent with this ordinance, including a final principal amount, interest rates, maturity schedule and term bond mandatory redemptions, if any.

(b) The Controller is hereby authorized to appoint a financial institution to serve as escrow trustee ("Escrow Trustee") for the Refunded Bonds in accordance with the terms of the Escrow Agreement between the City and the Escrow Trustee ("Escrow Agreement"). The

Common Council hereby authorizes the Mayor and the Controller to complete, execute and attest the same on behalf of the City so long as its provisions are consistent with this ordinance.

(c) Distribution of an Official Statement (preliminary and final) prepared by H.J. Umbaugh & Associates, Certified Public Accountants, LLP, on behalf of the City, is hereby authorized and approved and the Mayor or the Controller are authorized and directed to execute the Official Statement on behalf of the City in a form consistent with this ordinance. The Mayor or the Controller are hereby authorized to designate the preliminary Official Statement as "nearly final" for purposes of Rule 15c2-12 as promulgated by the Securities and Exchange Commission ("Rule").

(d) The Refunding Bonds when fully paid for and delivered to the Purchaser, shall be the binding special revenue obligations of the City, payable out of the Net Revenues of the waterworks of the City. The proper officers of the City are hereby directed to sell the Refunding Bonds to the Purchaser, to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

(e) The execution, by either the Mayor, the Controller, the Purchaser or the City's financial advisor, of a subscription for United States Treasury Obligations -- State and Local Government Series for investments of proceeds of the Refunding Bonds to be held under the Escrow Agreement in a manner consistent with this ordinance is hereby approved.

(f) The Mayor and Controller are hereby authorized and directed to complete, execute and attest a Continuing Disclosure Undertaking ("Disclosure Undertaking") on behalf of the City, consistent with the terms of this ordinance, if necessary to comply with the Rule. Notwithstanding any other provisions of this ordinance, failure of the City to comply with the

Disclosure Undertaking shall not be considered an event of default under this ordinance or the Refunding Bonds.

Section 7. Refunding of the Refunded Bonds and Costs of Issuance. Concurrently with the delivery of the Refunding Bonds, the Controller may acquire, with the proceeds of the Refunding Bonds and cash on hand, direct obligations of or obligations the principal and interest on which are unconditionally guaranteed by, the United States of America ("Government Obligations") to be used, together with certain cash from the proceeds of the Refunding Bonds and cash on hand as set forth in the Escrow Agreement, to refund and legally defease the Refunded Bonds all as set forth in the Escrow Agreement. In order to refund the Refunded Bonds, the Controller shall deposit Government Obligations and certain cash with the Escrow Trustee under the Escrow Agreement in an amount sufficient to provide money for payment of the principal of and interest and redemption premium, if any, on the Refunded Bonds until the earliest date upon which the Refunded Bonds may be called for redemption.

Costs of issuance of the Refunding Bonds not otherwise paid shall be paid from the remaining proceeds of the Refunding Bonds by the Controller. When all the costs of issuance of the Refunding Bonds have been paid, the Controller shall then transfer any amount then remaining from the proceeds of the Refunding Bonds to the Waterworks Sinking Fund.

The Controller shall obtain a verification of an accountant as to the sufficiency of the funds deposited in the Trust Account under the Escrow Agreement to accomplish said refunding and legal defeasance of the Refunded Bonds.

Section 8. Accrued Interest. The accrued interest received at the time of delivery of the Refunding Bonds, if any, shall be deposited in the Waterworks Sinking Fund continued in

Section 13 and used to pay interest on the Refunding Bonds on the first interest payment date thereof.

Section 9. Financial Records and Accounts. The City shall keep proper records and books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues received on account of the operation of the waterworks and all disbursements made therefrom and all transactions relating to the utility. Copies of all such statements and reports shall be kept on file in the office of the Clerk.

Section 10. Pledge of Net Revenues. The interest on and the principal of the Refunding Bonds issued pursuant to the provisions of this ordinance, and any bonds hereafter issued on a parity therewith, shall constitute a first charge on all the Net Revenues and such Net Revenues are hereby irrevocably pledged to the payment of the interest on and principal of such Refunding Bonds, to the extent necessary for that purpose.

Section 11. Revenue Fund. There is hereby continued a fund known as the Waterworks Revenue Fund ("Revenue Fund") into which there shall be deposited all income and revenues derived from the operation of the waterworks and from the collection of water rates and charges of the waterworks. This fund shall be maintained separate and apart from all other accounts of the City. Of these revenues the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of registrars or paying agents shall be paid, the reserve shall be funded and the costs of replacements, extensions, additions and improvements to the waterworks shall be paid. All moneys deposited in the Revenue Fund may be invested in accordance with IC 5-13-9 and other applicable laws.

Section 12. Operation and Maintenance Fund. The Operation and Maintenance Fund ("O&M Fund") is hereby continued. On the last day of each calendar month, revenues of the waterworks shall thereafter be transferred from the Revenue Fund to the O&M Fund. The balance maintained in this Fund shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding two calendar months. The moneys credited to this Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the waterworks on a day-to-day basis, but none of the moneys in this Fund shall be used for PILOTS, depreciation, replacements, improvements, extensions or additions. Any monies in said Fund may be transferred to the Waterworks Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the waterworks.

Section 13. Waterworks Sinking Fund. (a) There is hereby continued a sinking fund for the payment of the principal of and premium, if any, and interest on revenue bonds which by their terms are payable from the Net Revenues of the waterworks and the payment of any fiscal agency charges in connection with the payment of bonds, which fund is designated the "Waterworks Sinking Fund" ("Sinking Fund"). There shall be set aside and deposited in the Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the Net Revenues of the waterworks to meet the requirements of the Bond and Interest Account and Reserve Account hereby continued in the Sinking Fund. Such payments shall continue until the balances in the Bond and Interest Account, the 2007 Reserve Account and the Reserve Account, equal the amount needed to redeem all the then outstanding bonds of the waterworks.

(b) Bond and Interest Account. Any moneys heretofore accumulated to pay principal and interest for the Refunded Bonds shall be credited to and become a part of the Trust Account under the Escrow Agreement and shall be applied on the first payments made from the Trust Account. There shall be credited on the last day of each month from the Revenue Fund to the Bond and Interest Account, hereby continued, an amount of the Net Revenues equal to: (i) at least one-sixth (1/6) of the interest on all then outstanding bonds payable on the then next succeeding interest payment date; and (ii) at least one-sixth (1/6) of the principal on all then outstanding bonds payable on the then next succeeding principal payment date, until the amount of interest and principal payable on the then next succeeding interest and principal payment date shall have been so credited. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on outstanding bonds as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

(c) 2007 Reserve Account; Reserve Account. (i) There is hereby continued, within the Sinking Fund, the 2002 Reserve Account which shall be hereafter titled as the 2007 Reserve Account ("2007 Reserve Account"). The Reserve Account securing the 2000 Bonds shall cease to exist on the date the 2000 Bonds are legally defeased. Any moneys heretofore accumulated as a reserve for the Refunded Bonds may be used for the redemption of the Refunded Bonds or may be maintained in either the 2007 Reserve Account or the Reserve Account and used to satisfy the requirements described in this section. The 2007 Reserve Account provides security for the Outstanding Bonds and contains a debt service reserve surety ("2007 Surety") and cash in accordance with the requirements established by the 2007 Ordinance. The City shall continue to maintain the 2007 Reserve Account in accordance with the 2007 Ordinance and the 2007 Surety.

The 2007 Reserve Account does not secure and may not be used to pay the principal of or interest on the Refunding Bonds.

(ii) A Reserve Account is hereby created for the Refunding Bonds. On the date of delivery of the Refunding Bonds, funds on hand of the waterworks, Refunding Bond proceeds or a combination thereof may be deposited into the Reserve Account. The initial deposit or the balance maintained in the Reserve Account shall equal but not exceed the least of: (i) maximum annual debt service on the Refunding Bonds; (ii) 125% of average annual debt service on the Refunding Bonds; or (iii) 10% of the proceeds of the Refunding Bonds ("Reserve Requirement"). If the initial deposit into the Reserve Account does not equal the Reserve Requirement or if no deposit is made, an amount of Net Revenues shall be credited to the Reserve Account on the last day of each calendar month until the balance therein equals the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within five years of the date of delivery of the Refunding Bonds.

The Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the Refunding Bonds, and the moneys in the Reserve Account shall be used to pay current principal and interest on the Refunding Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Reserve Account shall be made up from the next available Net Revenues remaining after credits into the Bond and Interest Account and on a parity basis with any payments made to replenish the 2007 Reserve Account. Any moneys in the Reserve Account in excess of the Reserve Requirement shall be transferred to the Waterworks Improvement Fund.

Section 14. <u>Waterworks Improvement Fund</u>. After meeting the requirements of the O&M Fund and the Sinking Fund, any excess revenues shall be transferred or credited from the Revenue Fund to a special fund hereby continued and designated the "Waterworks Improvement Fund" ("Improvement Fund") and said Fund shall be used for replacements, additions, improvements or extensions to the waterworks and to make payments representing PILOTs. The City reserves the right to transfer PILOTs from the Improvement Fund no more frequently than semiannually, in accordance with the Act, and only if all required transfers have been made to the Sinking Fund and the Accounts of the Sinking Fund contain the required balances as of the date the PILOTs are paid. Moneys in the Improvement Fund shall be transferred to the Sinking Fund, if necessary, to prevent a default in the payment of principal and interest on the then outstanding Refunding Bonds, or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the 2007 Reserve Account and the Reserve Account of the Sinking Fund or may be transferred to the O&M Fund to meet unforeseen contingencies in the operation, repair and maintenance of the waterworks.

Section 15. <u>Investments of Funds</u>. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the City. The O&M Fund and the Improvement Fund may be maintained in a single account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the City and apart from the Sinking Fund account or accounts. All moneys deposited in the accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly Indiana Code, Title 5, Article 13, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance.

Section 16. Defeasance of the Refunding Bonds. If, when the Refunding Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Refunding Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Refunding Bonds or a portion thereof then outstanding shall be paid; or (i) sufficient moneys or (ii) direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury, the principal of and the interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Refunding Bonds or any designated portion thereof issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the City's waterworks.

Section 17. Rate Covenant. The City shall establish, maintain and collect reasonable and just rates and charges for facilities and services afforded and rendered by said water utility, which shall to the extent permitted by law produce sufficient revenues at all times to pay all the legal and other necessary expense incident to the operation of such utility, to include maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide a sinking fund and debt service reserve for the liquidation of bonds or other evidences of indebtedness, to provide adequate funds to be used as working capital, as well as funds for making extensions, additions, and replacements, and also, for the payment of any taxes that may be assessed against such utility, it being the intent and purpose hereof that such charges shall produce an income sufficient to maintain such utility property in a sound physical and financial condition to render adequate and efficient service. So long as any of the Refunding Bonds herein authorized are outstanding, none of the facilities or services afforded or rendered by said system shall be furnished without a reasonable and just charge being made therefor. The City shall pay like charges for any and all services rendered by said utility to the City, and all such payments shall be deemed to be revenues of the utility. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance, and said requirements of the Sinking Fund.

Section 18. Additional Bond Provisions. The City reserves the right to authorize and issue additional bonds payable out of the Net Revenues of its waterworks ranking on a parity with the Refunding Bonds for the purpose of financing the cost of future additions, extensions and improvements to its waterworks, or to refund obligations, subject to the following conditions:

(a) The interest on and principal of all bonds or other obligations payable from the Net Revenues of the waterworks shall have been paid to date in accordance with the terms thereof, and all credits required to be made into the Waterworks Sinking Fund and the accounts thereof shall have been made to date.

(b) The Reserve Requirement for the Refunding Bonds and any outstanding parity bonds has been funded in accordance with this ordinance and the Reserve Requirement shall be increased proportionately for any additional bonds ranking on a party with the outstanding Refunding Bonds.

(c) The amount of Net Revenues of the waterworks in the fiscal year immediately preceding the issuance of any such parity bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of the parity bonds the water rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous fiscal year's operations would have produced Net Revenues for said year equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the revenues of the waterworks, including the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the waterworks shall be analyzed and all showings prepared by a certified public accountant employed by the City for that purpose.

(d) The principal, or mandatory sinking fund redemption dates, of the additional parity bonds shall be payable semiannually on January 1 and July 1 and the interest on said additional parity bonds shall be payable semiannually on January 1 and July 1 in the years in which such principal and interest are payable.

Section 19. Further Covenants of the City; Maintenance, Insurance, Pledge Not To Encumber, Subordinate Indebtedness, and Contract with Bondholders. For the purpose of further safeguarding the interests of the owners of the Refunding Bonds, it is hereby specifically provided as follows:

(a) The City shall at all times maintain its waterworks in good condition and operate the same in an efficient manner and at a reasonable cost.

(b) So long as any of the Refunding Bonds are outstanding, the City shall maintain insurance, including fidelity bonds, on the insurable parts of said works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds collected shall be used in replacing or repairing the property destroyed or damaged; or if not used for that purpose shall be treated and applied as Net Revenues of the works.

(c) So long as any of the Refunding Bonds are outstanding, the City shall not, either directly or indirectly, mortgage, pledge or otherwise encumber such works, or any part thereof, or any interest therein and it shall not sell, lease or otherwise dispose of any portion thereof except to replace equipment which may become worn out or obsolete.

(d) Except as hereinbefore provided in Section 18 hereof, so long as any of the Refunding Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said waterworks shall be authorized, executed, or issued by the City except such as shall be made subordinate and junior in all respect to the bonds herein authorized, unless all of the Refunding Bonds are redeemed, retired or defeased pursuant to Section 16 hereof coincidentally with the delivery of such additional bonds or other obligations.

(e) The provisions of this ordinance shall constitute a contract by and between the City and the owners of the Refunding Bonds, and after the issuance of the Refunding Bonds, this ordinance shall not be repealed or amended in any respect which will materially and adversely affect the rights of the owners of the Refunding Bonds, nor shall the Common Council adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the Refunding Bonds or the interest thereon remain unpaid. Except for the changes set forth in Section 20(a)-(f), this ordinance may be amended, however, without the consent of Refunding Bond owners, if the Common Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Refunding Bonds.

(f) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the Refunding Bonds herein authorized for the uses and purposes herein set forth, and the owners of the Refunding Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of the governing Act. The provisions of this ordinance shall also be construed to create a trust in the portion of the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of said fund as in this ordinance set forth. The owners of the Refunding Bonds shall have all of the rights, remedies and privileges set forth under Indiana law if there be a default in the payment of the principal of or interest on any of the Refunding Bonds herein authorized or in the event the City shall fail or refuse to fix and collect sufficient rates and charges for said purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof.

Section 20. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds issued pursuant to this ordinance and then outstanding shall have the right from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Common Council of the City of such ordinance or ordinances supplemental hereto or amendatory hereof, as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular manner any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of, mandatory sinking fund redemption date, if any, or interest on any Refunding Bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any Refunding Bond or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues or Net Revenues of the waterworks ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any Refunding Bond or Refunding Bonds issued pursuant to this ordinance over any other Refunding Bond or Refunding Bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the Refunding Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the Reserve Requirement.

In the event the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk of the City, no owner of any Refunding Bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the City and all owners of Refunding Bonds then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the City and of the owners of the Refunding Bonds authorized by this ordinance, and the terms and provisions of the Refunding Bonds and this ordinance, or any supplemental or amendatory ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the Refunding Bonds then outstanding.

Section 21. Tax Covenants. In order to preserve the exclusion of interest on the Refunding Bonds from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance of the Refunding Bonds ("Code") and as an inducement to purchasers of the Refunding Bonds, the City represents, covenants and agrees that:

(a) Since the date of issuance of the Refunded Bonds and until the earlier of the last date of the reasonably expected economic life of the projects constructed with funds from the Refunded Bonds or the latest maturity date of the Refunding Bonds ("Combined Measurement Period"), the waterworks will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. During the Combined Measurement Period, no person or entity other than the City or another state or local governmental unit will use more than 10% of the proceeds of the Refunding Bonds or property financed by the Refunded Bond proceeds other than as a member of the general public. During the Combined Measurement Period, no person or entity other than the City or another state or local governmental unit will own property financed by Refunded Bond proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Refunding Bonds. If the City enters into a management contract for the waterworks, the terms of the contract will comply with IRS Revenue Procedure 97-13, as it may be amended, supplemented or superseded for time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Refunding Bonds.

(b) No more than 10% of the principal of or interest on the Refunding Bonds over the Combined Measurement Period will be (under the terms of the Refunding Bonds, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the City) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Refunding Bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Refunding Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Refunding Bond proceeds.

(d) The City reasonably expects, as of the date hereof, that the Refunding Bonds will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above for the Combined Measurement Period.

(e) During the Combined Measurement Period, no more than 5% of the proceeds of the Refunding Bonds will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The City will not take any action nor fail to take any action with respect to the Refunding Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Refunding Bonds pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion. The City covenants and agrees not to enter into any contracts or arrangements which would cause the Refunding Bonds to be treated as private activity bonds under Section 141 of the Code.

(g) It shall be not an event of default under this ordinance if the interest on any Refunding Bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Refunding Bonds.

(h) The City represents that it will rebate any arbitrage profits to the United States in accordance with the Code.

(i) These covenants are based solely on current law in effect and in existence on the date of delivery of the Refunding Bonds.

Section 22. Noncompliance with Tax Covenants. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Refunding Bonds from gross income under federal law ("Tax Exemption") need not be complied with if the City receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 23. Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith, excluding the ordinance authorizing the Outstanding Bonds, are hereby repealed; provided, however, that this ordinance shall not be construed as adversely affecting the rights of the owners of the Refunded Bonds or the Outstanding Bonds.

Section 24. Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this ordinance.

Section 25. Effective Date. This ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

Passed and adopted by the Common Council of the City of Mishawaka this ___ day of

______________, 2013.

COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA

____
Presiding Officer

ATTEST:

____
Clerk

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of

____________________, 2013, at the hour of __:__ _.m.

____
Clerk

This ordinance approved and signed by me, the Mayor of the City of Mishawaka,

Indiana, on the _____ day of ____________________, 2013, at the hour of __:__ _.m.

____
Mayor