AGENDA

Monday, March 17, 2014

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**

   March 03, 2014

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

   A letter from the City Plan Commission regarding recommendations from their March 11, 2014 meeting.

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

   P.O. NO. 2014-04 Rezone from C-5 Neighborhood Commercial to R-1 Single Family Residential Vacant Land East of 119 E. Donaldson Ave.

8. **Resolutions**

   R2014-07 Changing TIF Boundaries

9. **Ordinances on Second Reading**
10. **Privilege of the Floor – Non-Agenda Items**
11. **Unfinished Business**
12. **New Business**
13. **Adjournment**

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
March 3, 2014

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, March 3, 2014 at 7:00 p.m. The meeting was called to order by President Matt Mammolenti all were asked to stand for the Pledge of Allegiance.

Clerk Block asked for a moment of silence for Bonnie Britton, who served as Deputy Clerk from 1981 to 1988 who recently passed.

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

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

The minutes from the February 28, 2014 meeting were approved as received from the City Clerk's Office.

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

PETTITION NO. 2014-03 Rezone from C-5 Neighborhood Commercial to R-1 Single – Family Residential Vacant Land East of 119 East Donaldson Avenue.

NEW BUSINESS

Mr. Reisdorf made a motion to change Council Meeting dates for the April meetings from Monday April 7^{th} to Tuesday April 1^{st} and Monday April 21^{st} to Monday April 14, with a second from Kate Voelker the motion carried.

Mr. Reisdorf said as a reminder the first meeting in May would be on the 7^{th} because of election day being May 6^{th}.

President Mammolenti said Twin Branch Neighborhood Meeting at Twin Branch School at 7:00 p.m. on Wednesday March 19, 2014. He said Mayor Wood would be presenting a short version of the State of the City. .

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 7:05 p.m.

Deborah S. Block	□□ Matt Mammolenti
Deborah S. Block, IAMC, MMC, City Clerk	Matt Mammolenti, Presiding Officer

City of Mishawaka

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

March 12, 2014

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
March 11, 2014, Public Hearing
Certification of Proposed Ordinance

Honorable Members:

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

PETITION #14-03 A petition submitted by the City of Mishawaka Redevelopment Commission requesting to rezone vacant property **west of 119 East Donaldson Avenue** from C-5 Neighborhood Commercial to R-1 Single Family Residential.

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

RESOLUTION #14-01 A Resolution amending and consolidating existing City Tax Increment Financing (TIF) Districts.

The Commission, with a vote of 7-0, approved Resolution #14-01.

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

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

RECEIVED
DEBORAH S. BLOCK, MMC
MAR 12 2014
CITY CLERK
MISHAWAKA, IN

City Hall, 600 East Third Street, Mishawaka, IN 46544-2241 (574) 258-1625 FAX (574) 968-6999
E-mail planning @ Mishawaka.in.gov

STAFF REPORT

Location: Vacant land west of 119 E Donaldson Avenue Date: March 11, 2014

PET: 14 03 Prepared By: GGS

GENERAL INFORMATION

Applicant:	City of Mishawaka Redevelopment Commission
Status:	Property Owners
Request:	Rezone property to R-1 Single Family Residential
Zoning Classification:	C-5 Neighborhood Commercial
Lot Size:	Approximately 0.22 acres
Applicable Regulations:	Sec. 137-40 Plan Commission Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	R-1 Single Family Residential
	East:	R-1 Single Family Residential
	West:	C-6 Linear Office Commercial
Thoroughfare:	East Donaldson Avenue	
School District:	School City of Mishawaka	
Township:	Penn	
Public Utilities:	All utilities area available to the site	
Comprehensive Plan:	Low Density Residential	

ANALYSIS

The Petitioner, City of Mishawaka Redevelopment Commission, is requesting to rezone vacant property located west of 119 E Donaldson Avenue. This property is currently zoned C-5 Neighborhood Commercial.

The parcel to be rezoned is a residual property that the City purchased for the Main Street widening and underpass improvements. At a future date, a public offering will be presented in which these properties will be sold to private developers. Those properties that will be zoned R-1 Single-Family Residential may potentially be retained by the City and donated to Habitat for Humanity are be utilized for the City's First-Home Buyer Program for newly constructed single-family residential homes. The proposed rezoning represent what the City feels is the best and most appropriate zoning classification for these lots given the adjacent properties, the overall area, and existing traffic patterns.

At this time, there are no developmental plans that have been submitted for any of these lots.

Recommendation

The Planning Department recommends approval of Petition 14-03 to rezone property located west of 119 E Donaldson Avenue from C-5 Neighborhood Commercial to R-1 Single-Family Residential. This recommendation is based on the following findings of fact:

1. Given the property's close proximity to the existing residential uses, the R-1 Single Family Residential zoning classification would be compatible with the surrounding residential uses;

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, staff feels that the most desirable use for this property is the R-1 Single Family Residential zoning classification;

3. Because the parcels sizes are small and not appropriate for commercial and/or industrial development, the proposed R-1 Single Family Residential zoning classification is a desirable use for these properties;

4. The R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by continuing the existing residential use within the area;

5. The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

Attachments

Petition, Location Map

STAFF REPORT

Location: Amendment and consolidation of existing City Tax Increment Financing (TIF) Districts

Date: March 11, 2014

Resolution 14 01

Prepared By: KBP

GENERAL INFORMATION

Applicant:	Initiated through the City of Mishawaka Redevelopment Commission
Request:	State law requires that the Planning Commission review proposed changes to Tax Increment Financing Districts to "confirm that the proposed amendment conforms to the plans of the development of the City".
Applicable Regulations:	Indiana Code 36-7-14-16

ANALYSIS

At its February 24th 2014 meeting, the City of Mishawaka Redevelopment Commission initiated proposed changes to the two existing tax increment financing districts within the City. The proposed amendment includes the modification of boundaries that both adds and removes area from the existing districts. The Amendment will also consolidate the two existing districts into one larger district.

As part of the amendment process, state law requires that the Planning Commission review proposed changes to Tax Increment Financing Districts to "confirm that the proposed amendment conforms to the plans of the development of the City". Currently, the City has three applicable comprehensive planning documents that are relevant to consider as part of this review. The Mishawaka 2000 Comprehensive Plan, the Mishawaka Rivercenter 1999 Master Plan, and the Capital Avenue Land Use Plan from 2002 that was prepared jointly with St. Joseph County.

In short, many of the projects, corridors, changes in use, and development envisioned would not/will not be possible without the ongoing use of Tax Increment Finance districts. As part of the proposed amendment, population and growth projections were performed that have been attached to this report. Financial projections as prepared by HJ Umbaugh have also been included. Much of this information will be incorporated into a future comprehensive plan amendment "the 2033 plan" which is intended to replace/update the Mishawaka 2000 comprehensive plan.

Tax increment financing districts are a complex issue. As such, although much of it is not relevant for the Planning Commissions component that you are charged with reviewing, staff has included the relevant information that was provided to the Redevelopment Commission for your use and information. The only items that have not been included are the past amendments and legal descriptions which would have added hundreds of additional pages, but no real additional information. I would suggest that at a minimum, Planning Commission members read staff's February 20, 2014 letter to the Redevelopment Commission which outlines the reasons/necessity of the proposed amendments.

To document the approval of the Planning Commission, we also asked our special legal counsel concerning tax increment financing issues to prepare a resolution regarding the amendment for your specific approval. This is Planning Commission Resolution 2014-01 which has been attached. Although the resolution addresses all the necessary legal points, again, the only item the Planning Commission is responsible for determining is that the proposed amendments "conform to the plan of development of the City".

Recommendation

The Planning Department recommends **approval** of Planning Commission resolution 2014-01. This recommendation is based upon the fact that the Plan Commission finds that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of the development of the City.

Attachments

Planning Commission Resolution 2014-01, February 20, 2014 letter to the Redevelopment Commission, Timetable, February 13 and February 20, 2014 Tax Increment Financing Analysis prepared by H. J. Umbaugh, Projected Population and Development Growth 2014 -2033, Redevelopment Commission Resolution 2014-03, TIF Project Needs

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 12 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014-01

A RESOLUTION OF THE CITY OF MISHAWAKA PLAN COMMISSION, APPROVING A RESOLUTION OF THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING CERTAIN AREAS AS ECONOMIC DEVELOPMENT AREAS, AMENDING THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATING THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST AREA IMPROVEMENT PROJECT INTO ONE AREA, AND AMENDING THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT

WHEREAS, the City of Mishawaka Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for the City of Mishawaka, Indiana (the "City"); and

WHEREAS, on February 24, 2014, the City of Mishawaka Redevelopment Commission (the "Commission") approved and adopted its Resolution No. 2014-03 entitled "Resolution of the City of Mishawaka Redevelopment Commission Designating and Declaring Certain Areas as Economic Development Areas, Amending the Boundaries of the Northwest Area Improvement Project, Consolidating the Southside Economic Development Area and the Northwest Area Improvement Project Into One Area, And Amending the Economic Development Plan for the Consolidated Area Improvement Project" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas for purposes of tax increment financing (the "Expansion Areas") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) ("Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the economic development plan for the Northwest Area (as amended by the Plan Amendment, such plan shall be referred to herein as the "Economic Development Plan") to provide for such Economic Development Plan to serve as the economic development plan for the Consolidated Area; and

WHEREAS, the Commission has submitted the Declaratory Resolution and the Plan Amendment to the Plan Commission for approval pursuant to the provision of Indiana Code 36-7-14, as amended (the "Act"), which Declaratory Resolution and Plan Amendment are attached hereto and made a part hereof; and

WHEREAS, pursuant to the provisions of the Act, the Plan Commission desires to issue its written order approving the Declaratory Resolution and the Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Mishawaka, Indiana, as follows:

1. That the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of the development of the City.

2. That the Economic Development Plan, including the Plan Amendment, is in all respects approved, ratified and confirmed.

3. That the Declaratory Resolution of the Commission, designating and declaring the Expansion Areas, removing certain parcels from the Northwest Area, consolidating the Northwest Area and the Southwest Area into one area and adopting the Plan Amendment, is in all respects approved, ratified and confirmed.

4. With the adoption of the Declaratory Resolution, the Commission does not propose to acquire any interest in real property in the Expansion Areas.

5. That this Resolution hereby constitutes the written order of the Plan of Commission approving the Declaratory Resolution and the Economic Development Plan, including the Plan Amendment, pursuant to Indiana Code 36-7-14-16.

6. That the Secretary of the Plan Commission is hereby directed to file a copy of the Declaratory Resolution and the Plan Amendment with the minutes of this public meeting.

7. That this Resolution shall be in full force and effect from and after its adoption by the Plan Commission.

* * * * *

PASSED, ISSUED AND APPROVED at a meeting of the City of Mishawaka Plan Commission held on the 11th day of March, 2014.

CITY OF MISHAWAKA
PLAN COMMISSION

Murray Winn

Murray Winn, President

ATTEST:

Kari Myers

Kari Myers, Secretary

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DEBORAH S. BLOCK, MMC

MAR 12 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 3-10-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-04

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:

Lots #79 and #80, Lowell Heights

COMMON ADDRESS: Vacant property west of 119 East Donaldson Avenue

which real estate is now classified as C-5 Neighborhood 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. Given the property's close proximity to the existing residential uses, the R-1 Single Family Residential zoning classification would be compatible with the surrounding residential uses;

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, staff feels that the most desirable use for this property is the R-1 Single Family Residential zoning classification;

Proposed Ordinance No: 2014-04

Ordinance No: ______________________

3. Because the parcels sizes are small and not appropriate for commercial and/or industrial development, the proposed R-1 Single Family Residential zoning classification is a desirable use for these properties;

4. The R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by continuing the existing residential use within the area;

5. The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing 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 ____________________, 2014, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________ day of __________________, 2014, at _________ o'clock ____.M.

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

APPROVED by me this ________ day of __________________, 2014, at _________o'clock ____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING**

February 24, 2014

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

RE: Petition Rezoning Classification

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

Lot #79 & Lot #80 Lowell Heights, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Commonly known vacant land west of 119 E. Donaldson Avenue

Petitioner(s) own one hundred (100%) percent of the above described parcels of land which carries a zoning classification as C-5 Neighborhood Commercial.

Petitioner(s) desire said real estate to be rezoned R-1 Single-Family Residential.

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.

Sincerely,

David Thomas
Director, Dept. of Community development
City of Mishawaka

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DEBORAH S. BLOCK, MMC

MAR 08 2014

CITY CLERK
MISHAWAKA, IN

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

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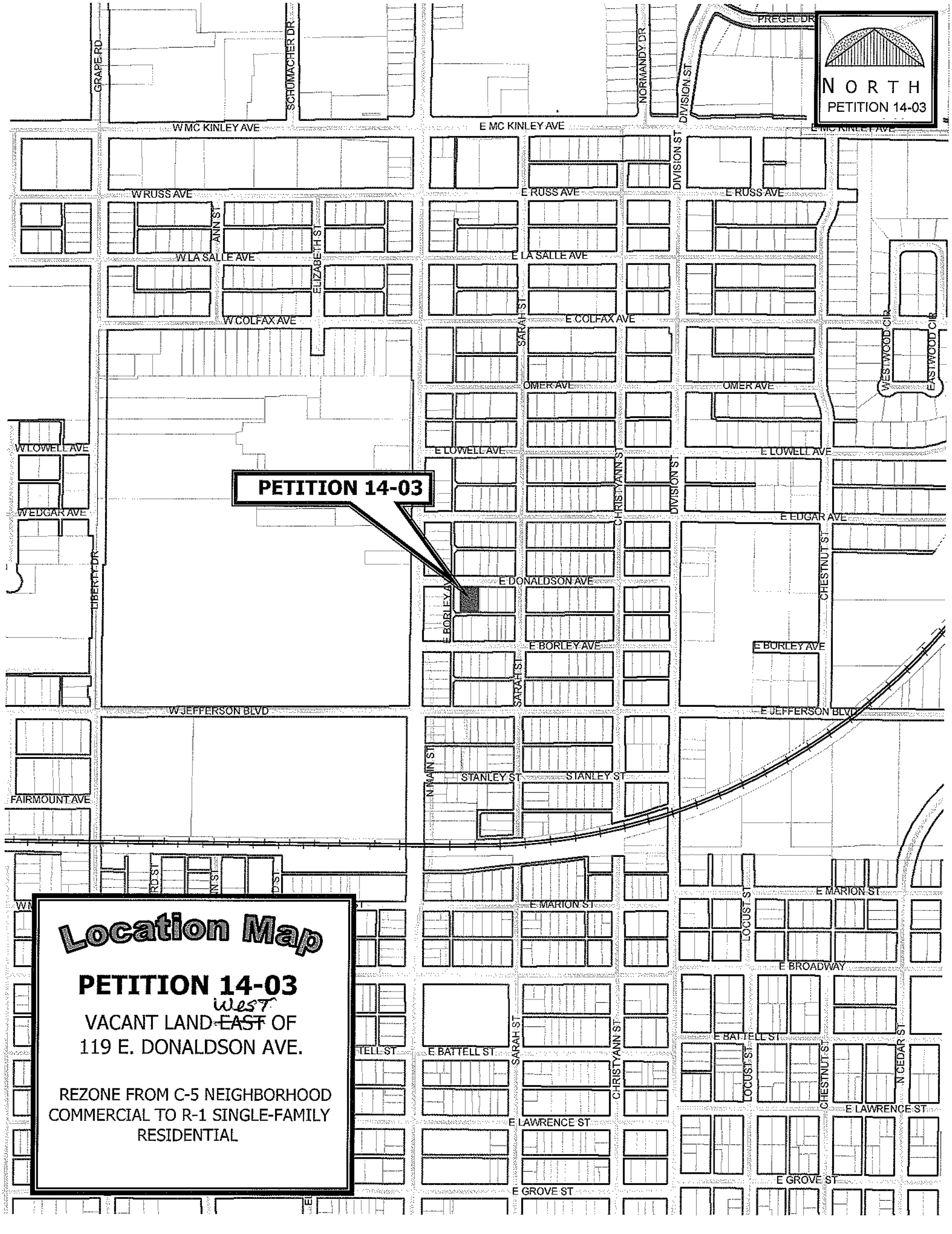
Pet 1403


NORTH
PETITION 14-03
PETITION 14-03
Location Map
PETITION 14-03
VACANT LAND ~~EAST~~ West OF
119 E. DONALDSON AVE.
REZONE FROM C-5 NEIGHBORHOOD
COMMERCIAL TO R-1 SINGLE-FAMILY
RESIDENTIAL
PREGEL DR
GRAPE RD
SCHUMACHER DR
NORMANDY DR
DIVISION ST
W MC KINLEY AVE
E MC KINLEY AVE
W RUSS AVE
E RUSS AVE
ANN ST
ELIZABETH ST
W LA SALLE AVE
E LA SALLE AVE
SARAH ST
W COLFAX AVE
E COLFAX AVE
OMER AVE
WESTWOOD CIR
EASTWOOD CIR
W LOWELL AVE
E LOWELL AVE
CHRISTYANN ST
W EDGAR AVE
E EDGAR AVE
LIBERTY DR
CHESTNUT ST
E DONALDSON AVE
E BORLEY AVE
W JEFFERSON BLVD
E JEFFERSON BLVD
N MAIN ST
STANLEY ST
FAIRMOUNT AVE
E MARION ST
LOCUST ST
E BROADWAY
E BATTELL ST
N CEDAR ST
E LAWRENCE ST
E GROVE ST

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **BUILDING - COMMUNITY DEVELOPMENT - PLANNING**

March 12, 2014

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

Re: Resolution 2014-07, confirming Mishawaka Plan Commission Resolution 2014-01 amending and consolidating the current northwest, and south side tax increment finance districts into one consolidated district, including an amendment to the economic development plan.

Dear Council Members and Clerk:

Attached is Resolution 2014-07, which if approved, would confirm the resolution of the Mishawaka Plan Commission, which confirmed that the proposed amendment as proposed by the City Redevelopment Commission "*conforms to the plans of the development of the City*". This is the statutory responsibility as dictated by the Indiana Code. That being said, the Administration feels that there is a greater obligation to inform the elected officials of the City of all the details of the proposal, and not limit the discussion to just the isolated piece prescribed by law. As such, from its inception, staff has provided the Council and Clerk with all the information that has been prepared and presented regarding the proposed amendments and consolidation.

As of the date of this letter, no changes have been made to the boundaries as originally proposed. All the supporting information has remained the same. As such, we have not re-attached the previous information that was forwarded by e-mail. A hard paper copy of these documents has been provided to the Clerk's office for public review. Although numerous questions have been asked, by elected officials, school officials, the general public, and developers, only one person has remonstrated against the modification to date. He was kind enough to put his concerns in writing so they could be attached to this correspondence.

Relative to the process, if this resolution is approved by the Council, the proposed modifications would then proceed back to the Redevelopment Commission for a final vote on its approval. This would potentially occur on Monday March 24, 2014.

As you know, the proposed amendment includes the modification of boundaries that both adds and removes area from the existing districts. The Amendment will also consolidate the two existing districts into one larger district. In short, many of the projects, corridors, changes in use, and development envisioned would not/will not be possible without the ongoing use of Tax Increment Finance districts. As previously indicated, state law requires that the Council confirm the Planning Commission's resolution that the proposed changes to Tax Increment Financing Districts "conforms to the plans of the

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E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

development of the City". As you are aware, the City has three applicable comprehensive planning documents that are relevant to consider as part of this review. The Mishawaka 2000 Comprehensive Plan, the Mishawaka Rivercenter 1999 Master Plan, and the Capital Avenue Land Use Plan from 2002 that was prepared jointly with St. Joseph County. Of those members present, the Planning Commission unanimously approved the resolution.

To document the approval of the Council, we asked our special legal counsel, Randy Rompola of Faegre Baker Daniels LLP to prepare resolution 2014-07 which has been attached along with the executed copy of Plan Commission resolution 2014-01. Given the complexity of the subject matter, laws, and tax code, we have relied heavily on both Faegre Baker Daniels LLP and H. J. Umbaugh to make sure the advertising, legal notices, and financial projections were all as accurate as possible in order for the amendment process. We have asked that both Randy Rompola and John Julian attend the Council meeting as a resource to answer questions.

We understand that tax increment financing is a complex and sometime controversial issue. We hope to be able to provide an update on the pending changes in State legislation at the meeting. If there are questions, particularly those that may require financial projections before then, please contact me as soon as possible so that we are able to provide a detailed response.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

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E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

RESOLUTION NO. 2014-07

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST IMPROVEMENT PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION

WHEREAS, on February 24, 2014, the City of Mishawaka Redevelopment Commission (the "Commission") approved and adopted its Resolution No. 2014-03 entitled "Resolution of the City of Mishawaka Redevelopment Commission Designating and Declaring Certain Areas as Economic Development Areas, Amending the Boundaries of the Northwest Area Improvement Project, Consolidating the Southside Economic Development Area and the Northwest Area Improvement Project Into One Area, And Amending the Economic Development Plan for the Consolidated Area Improvement Project" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas (the "Expansion Areas") for purposes of tax increment financing pursuant to Section 39 of Indiana Code 36-7-14 (the "Act") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) (the "Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the Economic Development Plan for the Northwest Area (the "Economic Development Plan") to provide for such Economic Development as amended to serve as the economic development plan for the Consolidated Area Improvement Project (as amended by the Plan Amendment shall hereinafter be referred to as the "Economic Development Plan"); and

WHEREAS, on March 11, 2014, the City of Mishawaka Plan Commission (the "Plan Commission") adopted and approved its resolution 2014-01, a copy of which is attached hereto, determining that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of development for the City and approving, ratifying and confirming the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, as required by Section 16 of the Act (the "Plan Commission Order"); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the "Common Council") is the legislative body of the City and now desires to approve the Plan Commission Order in order to permit the Commission to proceed with the redevelopment and economic development of the Consolidated Area;

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

1. The Plan Commission Order attached hereto are hereby approved, ratified and confirmed in all respects.

2. The determination that the Expansion Areas constitute an economic development area under the Act is hereby approved pursuant to Indiana Code 36-7-14-41(c).

3. The determination to consolidate the Southside Area and the Northwest Area into one (1) area known as the Consolidated Area Improvement Project is hereby approved.

4. This Resolution shall be in full force and effect from and after its passage by the Common Council.

* * * * *

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on March 17, 2014.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

____
Matt Mammolenti, President

ATTEST:

____
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the ______ day of March, 2014, at the hour of _______ ____.m.

____
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the ____ day of March, 2014, at the hour of _________ ___.m.

____
David A. Wood
Mayor of the City of Mishawaka, Indiana

RESOLUTION NO. 2014-01

A RESOLUTION OF THE CITY OF MISHAWAKA PLAN COMMISSION, APPROVING A RESOLUTION OF THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING CERTAIN AREAS AS ECONOMIC DEVELOPMENT AREAS, AMENDING THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATING THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST AREA IMPROVEMENT PROJECT INTO ONE AREA, AND AMENDING THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT

WHEREAS, the City of Mishawaka Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for the City of Mishawaka, Indiana (the "City"); and

WHEREAS, on February 24, 2014, the City of Mishawaka Redevelopment Commission (the "Commission") approved and adopted its Resolution No. 2014-03 entitled "Resolution of the City of Mishawaka Redevelopment Commission Designating and Declaring Certain Areas as Economic Development Areas, Amending the Boundaries of the Northwest Area Improvement Project, Consolidating the Southside Economic Development Area and the Northwest Area Improvement Project Into One Area, And Amending the Economic Development Plan for the Consolidated Area Improvement Project" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas for purposes of tax increment financing (the "Expansion Areas") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) ("Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the economic development plan for the Northwest Area (as amended by the Plan Amendment, such plan shall be referred to herein as the "Economic Development Plan") to provide for such Economic Development Plan to serve as the economic development plan for the Consolidated Area; and

WHEREAS, the Commission has submitted the Declaratory Resolution and the Plan Amendment to the Plan Commission for approval pursuant to the provision of Indiana Code 36-7-14, as amended (the "Act"), which Declaratory Resolution and Plan Amendment are attached hereto and made a part hereof; and

WHEREAS, pursuant to the provisions of the Act, the Plan Commission desires to issue its written order approving the Declaratory Resolution and the Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Mishawaka, Indiana, as follows:

1. That the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of the development of the City.

2. That the Economic Development Plan, including the Plan Amendment, is in all respects approved, ratified and confirmed.

3. That the Declaratory Resolution of the Commission, designating and declaring the Expansion Areas, removing certain parcels from the Northwest Area, consolidating the Northwest Area and the Southwest Area into one area and adopting the Plan Amendment, is in all respects approved, ratified and confirmed.

4. With the adoption of the Declaratory Resolution, the Commission does not propose to acquire any interest in real property in the Expansion Areas.

5. That this Resolution hereby constitutes the written order of the Plan of Commission approving the Declaratory Resolution and the Economic Development Plan, including the Plan Amendment, pursuant to Indiana Code 36-7-14-16.

6. That the Secretary of the Plan Commission is hereby directed to file a copy of the Declaratory Resolution and the Plan Amendment with the minutes of this public meeting.

7. That this Resolution shall be in full force and effect from and after its adoption by the Plan Commission.

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PASSED, ISSUED AND APPROVED at a meeting of the City of Mishawaka Plan Commission held on the 11th day of March, 2014.

CITY OF MISHAWAKA
PLAN COMMISSION

Murray Winn

Murray Winn, President

ATTEST:

Kari Myers

Kari Myers, Secretary

dms.us.53734374.01

MISHAWAKA PLAN COMMISSION PUBLIC HEARING – MARCH 11, 2014 – 7 P.M.
RE: Resolution #14-03 "A Resolution amending and consolidating existing City Tax Increment Financing (TIF) Districts."

Testimony of Robert Raz
10760 Kubitschek Drive, Osceola, Indiana 574-675-9460

Thank you for hearing my testimony this evening. I respectfully request that my written statement be incorporated into the preserved record of this meeting of the Plan Commission.

You are in the process of taking almost 500 acres of land into a TIF for the next quarter century. That is very troubling to me as a county, school district and public library taxpayer. And if the public were truly educated on this matter, I don't think you could garner a majority to support it. I have several reasons to urge you to reconsider your action and vote against it.

1. You are hurrying this process up to get out ahead of the possible passage of Indiana S.B. 118 and H.B. 1266 that would eliminate your ability to create these new TIF areas. I say eliminate because as you know, St. Joseph County already exceeds the 12% threshold for the percentage of land that is presently dedicated to TIF areas. So if H.B. 1266 were now law, you could not accomplish what is outlined in your agenda item. It would not be legal.

2. You are getting in on the ground floor by establishing these new TIF areas even while the bulldozers are leveling the land for new development. I know you have to be in a hurry to get this done, get the assessor to provide a nice small tax base and then you can capture all of the expected increase in value to be used for the next 25 years. Not a bad plan at all if you are trying to get the maximum amount of money set aside. And I see no mention in your paperwork that you are taking money from the county, school districts, public library, townships, and even your very own general fund budget that would otherwise be used to operate important services. Of course, that leaves it to the rest of us poor taxpayers out here to wonder why the county sheriff might have to cut back on patrols or the schools have to make reductions.

3. I wonder how a South Bend School District taxpayer would react if that person were given just one example of how the Northwest TIF takes money that should be going to their schools. I developed a chart that shows how all of the property taxes at the University Park Mall are taken for the Northwest TIF account.

The chart shows the property taxes paid on properties of the University Park Mall in 2013. This mall pays out a total of $1,746,688 in property taxes and ALL of these taxes go directly to the Northwest TIF account. The "Base Net Assessment" for all mall properties is "zero", so there are no taxes going directly to any of the taxing jurisdictions shown in my chart from any mall property. The St. Joseph County taxes taken for the TIF are $267,009; Clay Township - $4,879; City of Mishawaka - $757,115; South Bend Schools - $535,248; Penn-Harris-Madison Public Library - $128,011; and from the Airport Authority $54,425.

I suppose there is some irony here because the City of Mishawaka is capturing its own tax money (and a lot of it) that will not ever be deposited into the general fund for city operations such as fire protection and police protection or to pay the Mayor. That leaves the rest of the city's taxpayers (mainly property owners) to pay for all the general fund services.

Taxing Entity	Factor	%	$1,746,688
St. Joseph County	0.6731	15.29%	$267,009.38
Clay Township	0.0123	0.28%	$4,879.24
City of Mishawaka	1.9086	43.35%	$757,114.99
South Bend Schools	1.3493	30.64%	$535,248.48
PHM Public Library	0.3227	7.33%	$128,010.59
Airport Authority	0.1372	3.12%	$54,425.33
TOTALS	4.4032	100.00%	$1,746,688.00

Source: St. Joseph County Assessor's Office TIF Area – 202 MI North Clay provided on March 6, 2014

4. The Umbaugh projections for tax revenues in the TIF areas you are creating are very conservative estimates. Of course, it does look a bit better to have a low-ball estimate. My expectation is that you will reap a much larger total amount of money over the 19 years in their projections. But what happens after the nineteen years in the chart? TIF areas have a tendency to just never end.

5. Your agenda packet leaves out perhaps the most important information for this hearing. And, of course, it is not something you want to make that obvious to the taxpayer. (I'm sure you want to keep that Wizard behind the curtain.) You should be showing just how much money will be taken from the other taxing bodies as I have done in the above chart Because (as I know you are well-aware) ALL of the TIF revenue projected in the Umbaugh charts is coming from the taxes that should go to these important institutions. Let me repeat……it does leave the rest of us taxpayers to cover the costs.

6. This is simply very bad tax policy….taking property taxes (in the multi-millions of dollars) from the county, school districts, libraries and using it for other purposes. It is really time to put this nonsense to bed. And that is why California (where TIF was invented 60 years ago) has awakened to the fact that several billion dollars a year was taken by TIFs. In 2012 the California legislature voted to disband this cancer on the tax bases they are intended to support because at that time more than $8 billion a year was being drained away by the TIFs, threatening to send California into bankruptcy. Indiana is still one of the top states continuing to use this absurd tax take. The State Legislature is on the right track to limit this, but really should follow California's example and give the taxing process back to voters where it belongs.

7. And finally, I am suggesting that the State Legislature add a section to H.B. 1266 or S.B. 118 that I would call the TITTT section. The TITTT stands for TRUTH IN TIFF TAX TAKING and would require each TIF district to publish each year the amounts of money that have been taken away from every taxing entity. We could just use the acronym TITTT. Because we know for sure that we taxpayers are getting milked.