

AGENDA

June 01, 2020

Meetings of Standing Committees
Council Conference Room
6:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00PM

WebEx Telephone Number: 1-408-418-9388
WebEx Access Code: 717 818 556

Livestream #1: <https://www.facebook.com/cityofmishawaka/>
Livestream #2: @MichianaAccessTV on Facebook
Livestream #3: Michiana Access TV
(Comcast and AT&T U-Verse Channel 99)

To connect on-line join using Microsoft Lync or Microsoft Skype for Business

Dial 717818556.mishawaka@lync.webex.com

Members of the public will be asked to place their microphone on mute during the Meeting, with the exception of any public hearing. At the appropriate point in the public hearing, the Council President will invite the public to unmute their microphone for purposes of submitting such comments, one person at a time. All persons wishing to make public comments will be asked to first state their name and address for the record. After completing his/her public comments, members of the public will once again be asked to place their microphone on mute. Thank you for your cooperation.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of May 18, 2020
5. Petitions, Communications, Remonstrance and Memorials

Appeal NO. 2020-21	Use Variance to allow Pet Grooming & Office Use 623 E. 4 th street
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Petition NO. 2020-10	Rezone from I-2 Heavy Industrial to R-1 Single Family Residential to allow addition to Garage on property with an existing Single-Family House - 3706 York Street
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Petition No. 2020-11 Annex & Zone to C-1 General Commercial for Future
Medical Office - 16813 Douglas Road

Petition NO. 2020-12 PUD Amendment to allow for Mixed Use Development to
allow Residential, Commercial, and Industrial Use - Vacant Land S. of
Vistula Road & W. of Cedar Road.

Presentation of Encumbered Funds

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2020-17 Transfer of Funds and Additional Appropriation
Motor Vehicle Highway Restricted Fund \$427,150.00
TO:
Local Bridge and Road Matching Grant fund

Additional Appropriation of Funds to:
Local Bridge and Road Matching Grant Fund \$854,300.00

P.O. No. 2020-18 Additional Appropriation to various Departments in the
amount of \$117,208.00

8. Resolutions

R2020-11 Establishing Revolving Fund and Authorizing a COVID-19
Loan Program under Revolving Program, and certain
related matters.

9. Ordinances on Second Reading

P.O. No. 2020-12 Rezone from C-1 General Commercial, C-5 Neighborhood
Commercial and I-2 Heavy Industrial to R-3 Multi-Family
Residential - 1215 & 1225 E. Jefferson
(Assigned to Land Use Planning Committee)

P.O. No. 2020-13 PUD Amendment to allow Quick Service Oil Changes as a
use and Reduction of Parking Spaces, Setbacks and
Landscaping - 317 W. Indian Ridge Blvd.
(Assigned to Land Use Planning Committee)
Petitioner Requesting Postponement

P.O. No. 2020-14 Annex and Rezone to C-1 General Commercial -
52921, 52861, 52885, & 52841 Fir Rd.
NO VOTE
(Assigned to Land Use Planning Committee)

P.O. No. 2020-15 Rezone from I-1 Light Industrial to C-3 City Center
Commercial - 407 W. Fourth St.
(Assigned to Land Use Planning Committee)

P.O. No. 2020-16 Transferring and Appropriating \$500,000 from CEDIT Fund to CEDIT Revolving Loan Fund for COVID-19 Emergency Loan Program **Amendment Requested**
(Assigned to Budget and Finance Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

Mayor Wood COVID-19 Update

13. Adjournment - This meeting will be aired Wednesday at 9:00AM on the Public Access Channel

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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

Note: The Mishawaka Common Council has instituted changes in the way in which its meetings will be conducted during the current public health emergency. These changes are consistent with the terms of multiple Executive Orders issued by Governor Holcomb, as well as related legal guidance. It is anticipated that the Council's normal meeting procedures will be reinstituted at the conclusion of the public health emergency. In the meantime, physical attendance at Council meetings will continue to be restricted in accordance with relevant guidance related to limitations on public gatherings and social distancing. During the public health emergency, Council members, as well as members of the public and media, will continue to be afforded the opportunity to remotely access Council meetings. Recordings of Council meetings (if applicable) and the minutes of the meetings will also be made available to the public and the media as soon as is possible.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

May 18, 2020

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, May 18, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh all were asked to stand for the Pledge of Allegiance, followed by a moment of silence remembering those who have been lost to the COVID-19 virus.



Roll Call.

Present: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

Others Present: Clerk Block.

Minutes for the Regular meeting of May 4, 2020 were approved as received from the Clerk's Office.

Clerk Block read the following letters from the Board of Zoning Appeal and City Plan Commission regarding their recommendations from their May 12, 2020 meeting.

APPEAL #20-10 An appeal submitted by Artisan Investment Group LLC requesting a Use Variance for **201 Smith Street** to allow three (3) units in R-1 Single Family Residential zoning.

The Board, with a vote of 4-0, recommended approval.

APPEAL #20-11 An appeal submitted by Artisan Investment Group LLC requesting a Use Variance for **1210 West Sixth Street** to allow three (3) units in R-1 Single Family Residential zoning.

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

1. A hard surface parking pad shall be provided for three (3) marked parking spaces.

APPEAL #20-16 An appeal submitted by Bethel College Inc. requesting a Use Variance for the **southeast corner of West Lowell Avenue and Clay Street** to allow a shipping container for storage purposes for the training center.

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

1. A solid row of evergreen trees shall be planted along the east property line adjacent to Lots 30 through 36, and Lot 39 in the Lowell Wood Subdivision. Trees shall be spaced a maximum of 12' apart and a minimum 6-7' in height at the time of planting. Existing trees may also be maintained to meet the screening requirement compliant with the maximum spacing and minimum height requirements. Trees shall not be required adjacent to the existing storage building.

2. Improvements to the existing storage building shall include roof replacement and painting.

PETITION #20-05 A petition submitted by Mark and Debra Kamm to rezone **1215 East Jefferson Boulevard and 1225 East Jefferson Boulevard from C-1 General Commercial District, C-5 Neighborhood Commercial District, and I-2 Heavy Industrial District to R-3 Multi-Family Residential District.**

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

PETITION #20-06 A petition submitted by Elm Street Capital, LLC, and HD Development of Maryland, Inc. seeking approval to amend the University Town Center – Home Depot Planned Unit Development to allow quick service oil change as a use and for a reduction in the number of parking spaces, setbacks, and landscaping.

The Commission, with a vote of 6-3, recommended denial.

PETITION #20-08 A petition submitted by RH Line, LLC, seeking to annex and zone **52921, 52861, 52885, and 52841 Fir Road, Granger** to C-1 General Commercial District.

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

PETITION #20-09 A petition submitted by The M Group LLC-S Series 407 W. 4th Street seeking to rezone **407 West Fourth Street** from I-1 Light Industrial District to C-3 City Center Commercial District.

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

Clerk Block read the following proposed vacation and opened the public hearing.

VACATION R2020-01

Vacating Areas of N Wenger Ave between LWE and Homewood – The East 63' of the East/West alley North of Indiana on the West and Wenger on the East- Mishawaka High School

Ken Prince, City Planner, spoke in favor of the vacation. Mr. Prince began stating the modification for the alleyways were submitted months ago with two exhibits marked the same. Mr. Prince explained his staff only found one exhibit and did not include the other legal description and wanted to correct the description so the vacation matches the ordinance.

The public hearing closed at 7:10PM.

Clerk Block read the following proposed ordinances by title and assigned committee.

PROPOSED ORDINANCE NO. 2020-11

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

Vacating Areas of N Wenger Ave between LWE and Homewood – The East 63’ of the East/West alley North of Indiana on the West and Wenger on the East- Mishawaka High School (requesting 2nd reading)

Mrs. Voelker made a motion to allow second reading for **PROPOSED ORDINANCE NO. 2020-11** upon a second by Mr. Bellovich.  **Vote:** Motion carried by roll call vote (summary: Yes = 8). **Yes:** Mrs. DeMaegd, Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.
Excused: Mr. Hazen.

Mr. Prince reiterated his comments from the previous public hearing on **Vacation Resolution No. 2020-01**.

Question was called for at 7:13 P.M. on **PROPOSED ORDINANCE NO. 2020-11**.  **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 8). **Yes:** Mrs. DeMaegd, Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Thus, it becomes **ORDINANCE No. 5692**

PROPOSED ORDINANCE NO. 2020-12

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

**Rezone from C-1 General Commercial, C-5 Neighborhood Commercial and I-2 Heavy Industrial to R-3 Multi-Family Residential – 1215 & 1225 E. Jefferson
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2020-13

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

**PUD Amendment to allow Quick Services Oil Changes as a use and Reduction of Parking Services, Setbacks and Landscaping – 317 W. Indian Ridge Blvd.
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2020-14

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

**Annex and Rezone to C-1 General Commercial – 52921, 52861, 52885 & 52841 Fir Rd.
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2020-15

**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 I-1 Light Industrial to C-3 City Center Commercial – 407 W. Fourth St.
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2020-16

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, TRANSFERRING AND APPROPRIATING FIVE HUNDRED THOUSAND
DOLLARS (\$500,000.00) FROM THE CREDIT FUND TO THE CREDIT REVOLVING
LOAN FUND AND AUTHORIZING THE USE OF SAID FUNDS FOR THE PURPOSE
OF MAKING LOANS UNDER THE COVID-19 EMERGENCY LOAN PROGRAM
(Assigned to Budget and Finance Committee)**

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

RESOLUTION NO. 2020-07

**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: 201 Smith Street Mishawaka, IN
Use Variance for 3-unit in R-1 Single Family Residential – 201 Smith St.**

Marlin Schwartz, Artisan Group, spoke in favor of **RESOLUTION NO. 2020-07**. Mr. Schwartz began stating they discovered the area was not in compliance with zoning when looking to refinancing. He continued to say the building was being used as 3 units since before 1973. Mr. Schwartz added they are looking to get the zoning lined up in order to be 3 units.

Mr. Hixenbaugh questioned Mr. Schwartz relationship was with Artisan Group. Mr. Schwartz said s he was a 50 percent member. Mr. Hixenbaugh also asked if there were any other matters to

be discussed. Mr. Shwartz stated while going through properties being sold in a package, the 2 areas were not in line with zoning compliances.

Question was called for at 7:22PM for **RESOLUTION NO. 2020-07.**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Excused: Mr. Hazen.**

RESOLUTION NO. 2020-08

**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: 1210 West Sixth Street Mishawaka, IN
Use Variance for 3-units in R01 Single Family Residential – 1210 W Sixth St.**

Marlin Shwartz also spoke in favor of **RESOLUTION NO. 2020-08.** Mr. Shwartz stated his issue was the same as the resolution before. He questioned time frames for parking. Mr. Hixenbaugh told Mr. Shwartz to contact Ken Prince, City Planner for information regarding parking.

Question was called for at 7:26 PM for **RESOLUTION NO. 2020-08.**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.**

RESOLUTION NO. 2020-09

**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: Southeast Corner of W. Lowell Avenue and Clay Street, Mishawaka, Indiana
Use Variance for relocating shipping containers and Developmental Variance for reduction of parking spaces – Bethel University Athletic Training Center – SE corner of W. Lowell Avenue and Clay Street**

Matt Lentsch, Bethel University, spoke in favor of **RESOLUTION NO. 2020-09.** Mr. Lentsch began requesting for a shipping container for storage accessories for the athletic training facility and reduction in parking spaces. Mr. Lentsch gave history on the property; in 2005 the purchasing began and in 2008 the purchasing was finalized at \$1.85 million and \$885,000 was put into property improvements. Mr. Lentsch made it clear Bethel wanted to be a great neighbor, he met with Mrs. Voelker along with several neighbors. Mr. Lentsch stated Bethel intends to improve the shed with a new roof and painting and intend to move the container and add buffers as appropriate. He continued to say there would also be a row of evergreen trees planted along the east property line adjacent to the storage building. Mr. Lentsch requested a reduction to 16 to reduce foot traffic. Mr. Lentsch stated the location of the building would be on the south edge of

campus, which will be in walking distance for facility users. Mr. Lentsch clarified the university would reopen face-to-face classes in the fall and will follow all CDC and Health Department guidelines with a quarantine facility on campus and testing when students arrive to campus. Mr. Lentsch concluded stating the university has invested a total of \$70 million to the state and \$36 million to the City of Mishawaka.

Mrs. Voelker asked was the \$36 million dollar an annual investment. Mr. Lentsch replied yes, it included taxes, aid, tourism, etc.

Mr. Compton asked would quarantine held on or off campus. Mr. Lentsch stated they will screen student when they return and told to follow all the guidelines (hand washing, social distancing), this would be enforced immediately. He continued to explain any students arriving from out of the United States, would be screened and admitted until after tests confirm no trace of the virus. Mr. Lentsch continued stating there were Bethel owned houses adjacent from campus designated for quarantine lodging.

Mr. Banicki asked how many individuals were on campus right now. Mr. Lentsch stated about 50 international students who could not return home. Mr. Lentsch continued explaining they had staff on campus sanitizing the homes.

Mr. Mammolenti asked where the neighborhood meeting was held. Mr. Lentsch said the meeting was intended to be held on campus, but a zoom meeting was held due to the virus with Mrs. Voelker in attendance. He said four neighbors were also in attendance with the addition of a few administrators where all questions were answered. Mr. Lentsch also met with the president of the Home Owners Association with a couple others to answer additional questions. Mr. Memmolenti also asked if there were any strong objections from the neighbors. Mr. Lentsch answered the only clear objected involved buffers to be made and the shed on the property and what improvements would be made.

Mr. Hixenbaugh thanked Mr. Lentsch for the presentation and asked for more inclusion of the At Large members of the council who also represented Bethel University and as students return and as plans continue to grow. Mr. Hixenbaugh also stated it was great news the university was working to welcome the students back, along with St. Mary's and Notre Dame, but it was a clear concern that Bethel is near a residential neighborhood and it was important Mr. Compton and the Public Health & Safety committee to work with the university to receive additional information in June or July.

Mrs. DeMaegd asked would the athletic facility be open to the public. Mr. Lentsch stated there will be times clinics are provided for high school track athletes along with summer camps when the public will be welcomed.

Mr. Compton asked if there would be swimming scholarships offered. Mr. Lentsch stated there were scholarships available and the new aquatic center in Elkhart would also be used by the swim team. Mr. Lentsch stated the team used several facilities around the area in the past because they could not afford one but now, they will be using the facility in Elkhart.

Mrs. Voelker commended Mr. Lentsch and the rest of the Bethel staff for their efforts with Lowell Woods and neighbors during the 6-month process.

Question was called for at 7:53PM for **RESOLUTION NO. 2020-09**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.**

RESOLUTION NO. 2020-19

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
WAIVING THE REQUIRED FILING DATE OF AUGUST 16, 2018 AND MAY 26, 2019,
AND ACCEPTANCE OF THE LATE FILING OF THE DEDUCTION APPLICATION
FOR THE REAL ESTATE REHABILITATION LOCATED IN AN ECONOMIC
REVITALIZATION AREA ESTABLISHED BY RESOLUTION NO. R2017-17 FOR
LIPPERT COMPONENTS MANUFACTURING, INC. LOCATED AT 400 SOUTH
BYRKIT AVENUE**

**Waiver of Non-Compliance for Real Personal Property Tax Abatement – Lippert
Components Manufacturing Inc.**

Ken Prince, City Planner, spoke on **RESOLUTION NO. 2020-19**. Mr. Prince began stating the form was not timely filed and Lippert started with an appeal process while working with the Assessor's office. Mr. Prince continued stating Lippert followed through with their investment and the abatement granted by the council should be received through this action. Mr. Prince concluded explaining the resolution was more of a procedural item.

Tom Bauters, Lippert Components Manufacturing Inc., appreciated the continued support from the council and explained the County Assessor came in for an assessment and took all necessary approaches to receive the abatement.

Mr. Bellovich asked what kind of investment they had in the community regarding the facility on Byrkit Street property and the Headquarters building. Mr. Bauters did not know the clear answer and asked upon Joe Salisbury to further answer the question.

Joe Salisbury, Tax Manager for Lippert, answered stating just under \$40 million dollars have been invested in the purchasing and rehabbing of the Byrkit Building and Headquarters building in Edison Lakes.

Mr. Mammolenti thanked Lippert, Mr. Bauters and Mr. Salisbury for their continued investment in Mishawaka and wished them the best of luck going forward.

Question was called for at 8:02PM for **RESOLUTION NO. 2020-19**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.**

NEW BUSINESS

Mayor Wood gave his routine update on response to COVID-19. Mayor Wood stated the curve flattened with less than 10 patients who have tested positive currently in the hospital. Mayor Wood continued stating there was an average of 2-3 calls per day, but the majority of the tests are negative, and the normal runs are being treated as pandemic runs. He said so far, no city employees have tested positive and all supplies have been received, except for a low supply on gowns. Mayor Wood continued stating normalized operations were back in all buildings and the public was now able to access buildings. He said adjustments have been made along the way in workspaces and staffs have been informed to maintain social distancing along with CDC orders. Mayor Wood continued to say thermometers have also been purchased and temperatures were being taken daily. Mayor Wood also expressed his appreciation for Susan Kile and how proud he was of her for all of the effort she has put into enforcing the guidelines, along with her normal duties in the HR Department. Mayor Wood continued stating they were continuing to work on the Recovery Plan and the funds received from the Care Act have been allocated, approved and were expected around July 1st. He said the forecast from Baker Tilly has not yet been received, but the state government took in about \$1 million dollars less in April compared to last April, and a 44% reduction in revenue which would impact Mishawaka. Mayor Wood added he delivered 4,800 to the Mishawaka Food Pantry. Mayor Wood concluded stating how proud he was of all staff for showing up and serving the citizens of Mishawaka during this time and also expressed appreciation for the citizens' dedication to following the recommendations and flattening the curve.

Mr. Compton expressed appreciation for Mayor Wood update. Mr. Compton asked if COVID-19 numbers could be seen on a regular basis by zip code. Mayor Wood did not know of the numbers until reported, but he would try to get the information and stated the numbers come from the Health Department. Mr. Compton also asked if the council could receive information from the Saint Joe Regional Medical Center & Memorial Hospital daily. Mayor Wood stated the Public Safety personnel receive the information, but he would ask for permission to share it with the council.

Mr. Mammolenti asked how far along the Loan Program was in the process. Mayor Wood stated small businesses have reached out and are interested in the program. Mayor Wood concluded answering there were options being considered with the possibility of the State Care Act allocation being a source.

Mr. Hixenbaugh thanked Mayor Wood for his update and stated there were still challenges to be addressed. Mr. Hixenbaugh followed up explaining he was concerned of the approval of future expenditures without knowing overall city finances. Mayor Wood commented the funding sources impacted by lack of revenue, general fund, local income taxes, CEDIT, etc. would not include the loan program and will go through more stable funds. Mayor Wood concluded stating

they were cognizant of potential for lost revenue and prioritizing where the funding would come from. Mr. Hixenbaugh added the thermometers being purchased for employees were a great step, but employees and the public should have mandatory testing to ensure health and safety. Mayor Wood agreed with Mr. Hixenbaugh and expressed how tough it was to regulate testing throughout the buildings, but they would continue to discuss receiving data. Mr. Hixenbaugh concluded thanking the Parks Department for regulating rules and guidelines as events were being hosted in Mishawaka and doing everything they could to keep everyone safe. Mr. Hixenbaugh also thanked Mayor Wood for the answers and information shared.

Mr. Hixenbaugh announced a discussion item to move the June 3rd meeting back to June 1st due to City Hall not being used as a polling place. Mr. Bellovich made a motion to revert the meeting date to June 1st with a second by Mrs. Voelker. Question was called for at 8:38PM  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

Mr. Mammolenti announced a virtual Twin Branch neighborhood meeting would be held on Zoom on May 20th at 7PM. The number to access the meeting will be 715-679-2539 with the password 783279.

Mr. Hixenbaugh acknowledged it was National EMS Week and congratulated all EMS workers throughout the country, particularly the ones serving the citizens of Mishawaka. Mr. Hixenbaugh also thanked the IT department and Clerk Block for their efforts to present the meeting electronically.

Mr. Hixenbaugh concluded the meeting by reading the following statement:

Note: The Mishawaka Common Council has instituted changes in the way in which its meetings will be conducted during the current public health emergency. These changes are consistent with the terms of multiple Executive Orders issued by Governor Holcomb, as well as related legal guidance. It is anticipated that the Council's normal meeting procedures will be reinstituted at the conclusion of the public health emergency. In the meantime, physical attendance at Council meetings will continue to be restricted in accordance with relevant guidance related to limitations on public gatherings and social distancing. During the public health emergency, Council members, as well as members of the public and media, will continue to be afforded the opportunity to remotely access Council meetings. Recordings of Council meetings (if applicable) and the minutes of the meetings will also be made available to the public and the media as soon as is possible.

ADJOURNMENT 8:42PM

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

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President

DATE: 5/11/2020

TO: Board of Zoning Appeals
City of Mishawaka, Indiana



The undersigned appellant respectfully shows the Board:

1. *Michiana Rental Properties, LLC* am the owner of the following described real estate located within the City of Mishawaka, Penn_ Township, St. Joseph County, State of Indiana, to-wit:

***Northwest 22' x 22' of Lot 1 Eberhart & Wards Sub
Commonly known as 623 E 4th St, Mishawaka, IN***

623 E. 4th

2. The above-described real estate presently has a zoning classification of R-1 Single Family District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (*or proposes to occupy*) the above-described property in the following manner: dog grooming salon.
4. Appellant desires to *we are asking to add the uses of dog grooming salon and office to the previously approved uses of 2 chair hair salon and tailor.*
5. The Zoning Ordinance of the City of Mishawaka does not permit commercial uses per Section 137-165. Ordinance 2094 allowed the 2 chair beauty shop in 1977.
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

I have been the owner of this property for over 2 years now. We have tried marketing this property as a salon without being able to fill it. This has caused us negative cash flow and income issues the entire ownership. We asked for a variance to have it moved to a tailor. Unfortunately the tailor feel upon hard times and had to leave. We found a lady that is renting as a dog grooming salon currently. I thought that since it was a dog salon that it was grandfathered in. This is the reason for the new variance.
7. Answer the following necessary questions for a **USE VARIANCE**:

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 26 2020

CITY CLERK
MISHAWAKA, IN

-This use variance will not be injurious or have a negative impact on the public health, safety, or welfare of the community. We are asking to allow other variances for the use of our property which will provide a service to the community.

2. Will the use and value of the adjacent property be drastically affected?

-The use and value of the adjacent property will not be affected in a large way. The positive and productive use of the building will increase property values and safety in the community. The salon will only use the parking area in front of the building. They will operate within normal business hours.

3. Does the need for the variance arise from a peculiar problem involving the property?

-The reason we are applying for the use variance is that with the current economic situation there are a number of types of businesses that could be successful in this location. The issue we ran into in the past was that we could not find a hair salon to fill the property. We realized there are many other "salons" or small business types that could work in this building. When the building is vacant it hurts property values as well as the safety of the community by having vacant buildings.

4. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

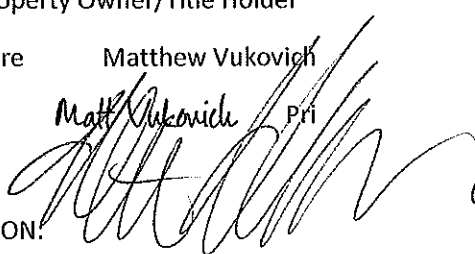
-The hardship is created when the property is vacant and isn't providing income. When this salon is vacant the cost of utilities, insurance, and taxes on top of the other 2 units create a negative cash flow situation. Having the business occupied allows for a local entrepreneur to begin their own business as well as providing income for this property.

5. Will approval interfere substantially with the Mishawaka comprehensive 2000 plan? No this variance and are will not inter _____

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

Signature of Property Owner/Title Holder

Print Name Here Matthew Vukovich

Signature Here  Pri

05/16/2020

CONTACT PERSON:

Name: Matt Vukovich

Address: 4000 e Bristol St suite #3 Elkhart in 46514

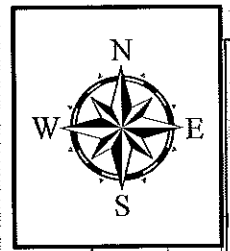
Day Phone Number: 574-370-7447

Fax Number:

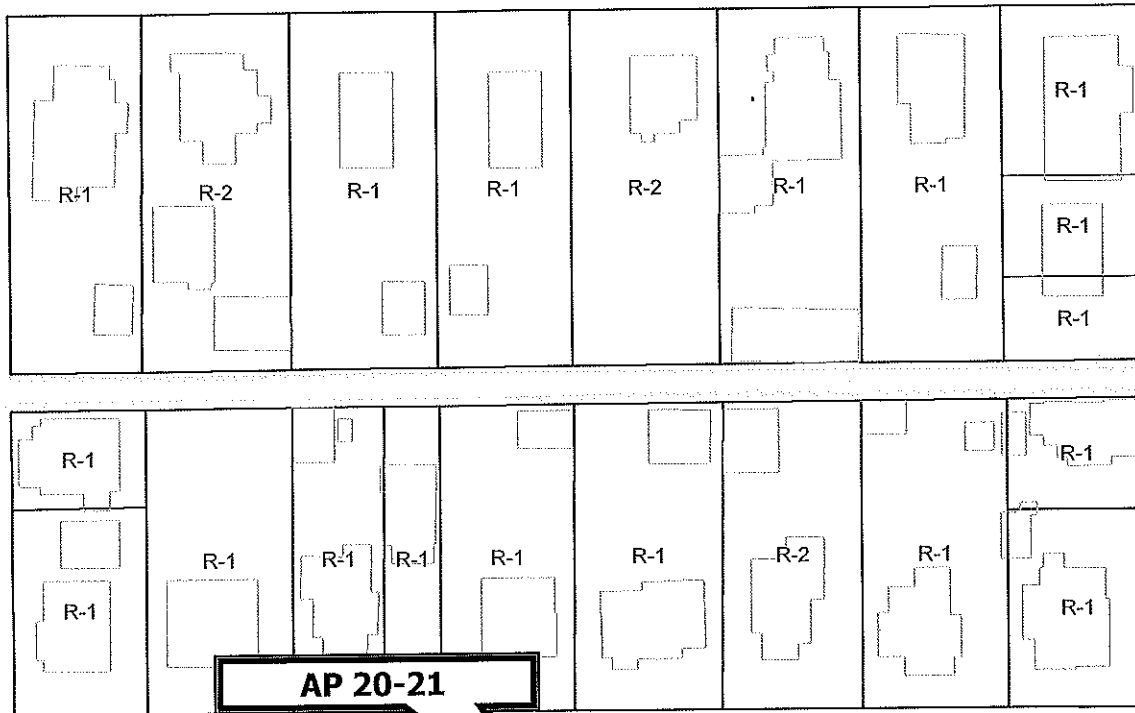
Email: matt@mattbuysindianahouses.com

E THIRD ST

S CEDAR ST

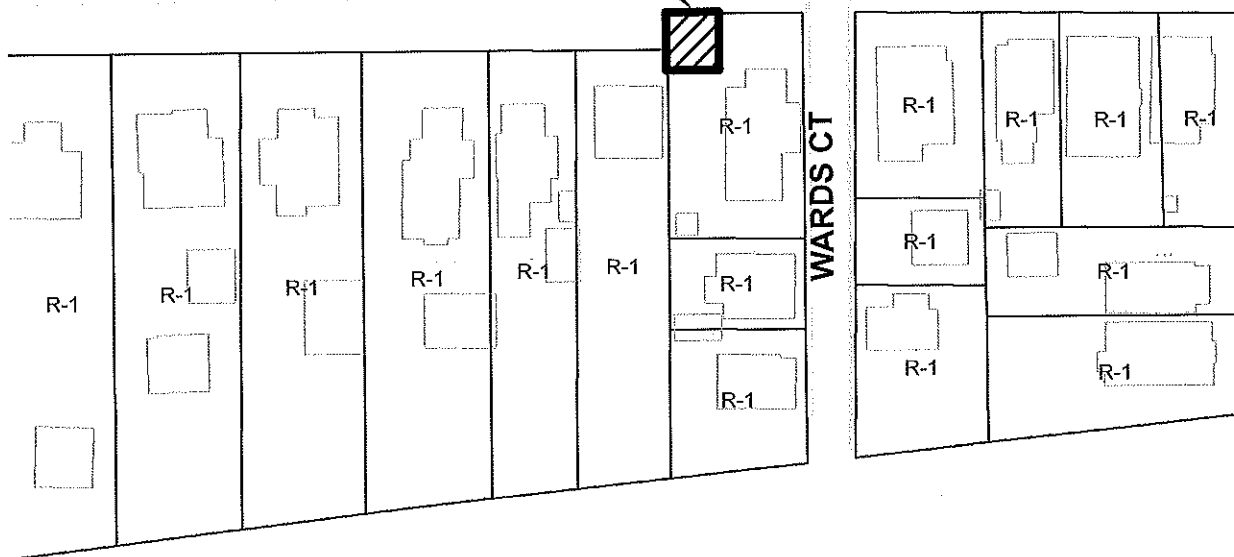


LAUREL ST



E FOURTH ST

WARDS CT

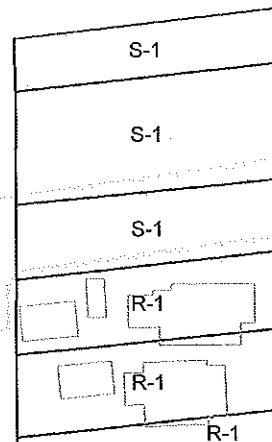
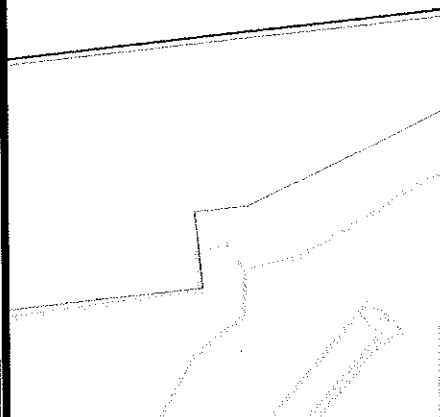


Location Map APPEAL 20-21

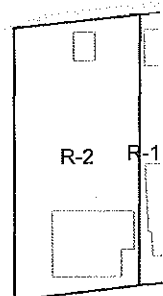
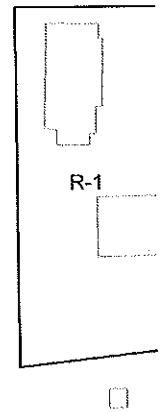
MICHIANA RENTAL
PROPERTIES / MATT VUKOVICH

623 E. 4TH ST. - PT. OF LOT 1 IN
EBERHART & WARDS SUB OF LOT
C IN STRONGS 1ST ADD.

USE VARIANCE TO ALLOW
PET GROOMING & OFFICE USES



E FIFTH ST



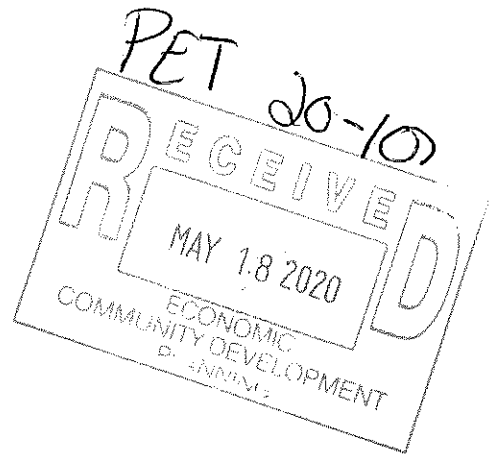
RECEIVED
DEBORAH S. BLOCK, MMC

MAY 26 2020

CITY CLERK
MISHAWAKA, IN

DATE

5/18/2020



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 Kenneth L. Bergner & Marcy J. Bergner respectfully show they are the owners of the fowing decribed real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit: Lots 156 & 157 Geyers 4th Addition (proposed) 3706 York St. Mishawaka, Indiana,46544

Petitioners own one hundred (100%) percent of the above decribed parcel of land which carries a zoning classification of I-1 Light Industrial District. Said property is Single Family residential Home .

PETITIONERS DESIRE SAID REAL ESTATE TO BE REZONED TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT. Petitioners further state that they intend to utilize said land for Single Family Residential with Addition to existing Garage.

Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka referthis matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located to the City of Mishawaka.

KENNETH L. BERGNER

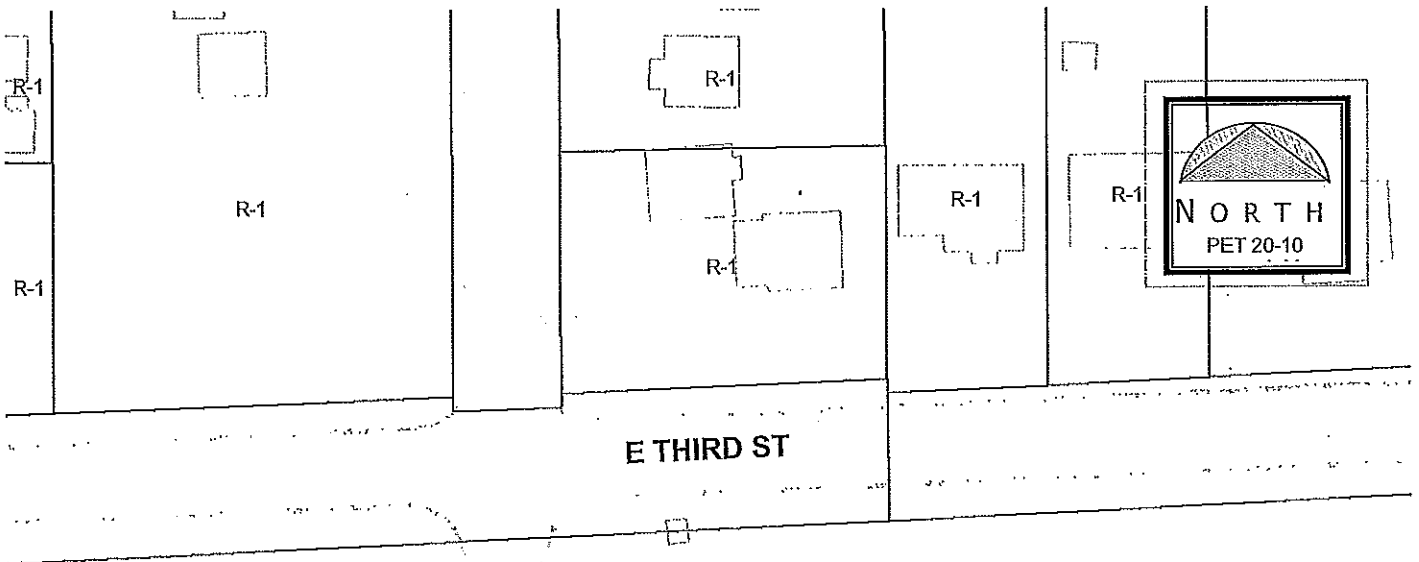
MARCY J. BERGNER

Kenneth L. Bergner

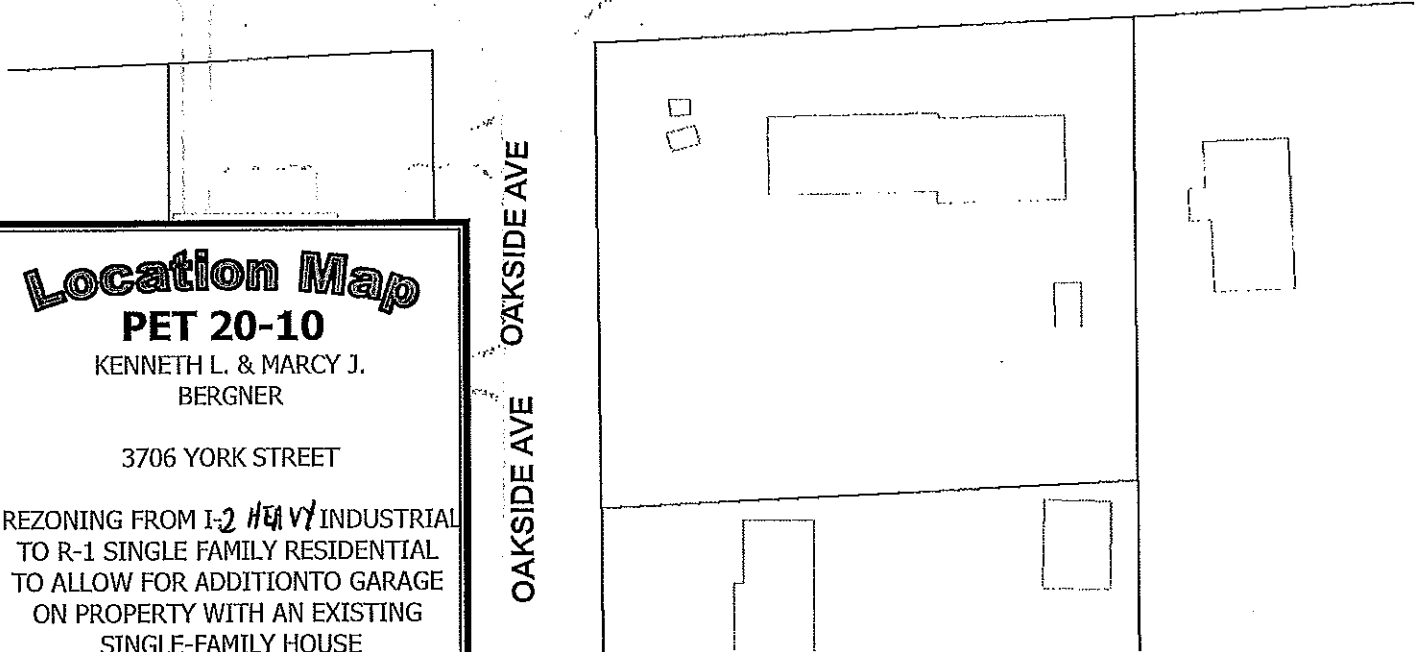
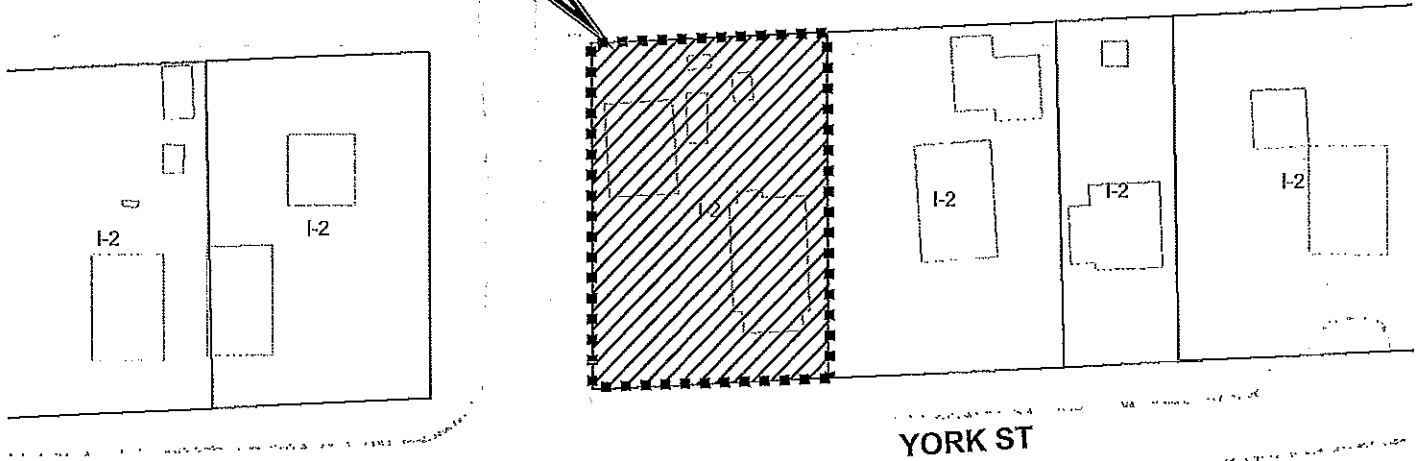
3706 York St.

574-255-7401

cell 574-276-3141



PET 20-10



Location Map

PET 20-10

KENNETH L. & MARCY J.
BERGNER

3706 YORK STREET

REZONING FROM I-2 ~~Heavy~~ INDUSTRIAL
TO R-1 SINGLE FAMILY RESIDENTIAL
TO ALLOW FOR ADDITION TO GARAGE
ON PROPERTY WITH AN EXISTING
SINGLE-FAMILY HOUSE

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 26 2020

CITY CLERK
MISHAWAKA, IN



DATE: 9 May 2020

TO THE:

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

RE: Petition for Annexation and Zoning Classification

The undersigned *C&H WALLACE FAMILY LLC* respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

16813 Douglas Road, South Bend, Indiana

Lot 1 of EPA, DOUGLAS ROAD MINOR AND ADJACENT PUBLIC RIGHT-OF-WAY

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located *16813 Douglas Road, South Bend, Indiana* and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a *C1 Zoning* District. Petitioners further state they intend to utilize said land for *a possible medical office at a later date*.

Accompanying this petition is a survey showing the above-described parcel of real estate. We will approach to council with a design of the building, showing the size of the proposed building and also the location of the proposed building structure(s) at a later date when construction is planned.

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a *C1 zone classification*.

Wayne Wallace

datloop verified
05/12/20 9:42 AM EDT
YNW-UFGQ-WUDV-7IAV

Property Owner Signature

Wayne Wallace

Print Property Owner Name

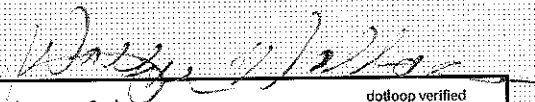
Contact Person:

NAME
ADDRESS
TELEPHONE NUMBER
FAX NUMBER
EMAIL

Satish Adusumilli
51112 Old Cottage dr, Granger, IN-46545
860-333-4670
Satishraoet@yahoo.com

To Whom It may Concern

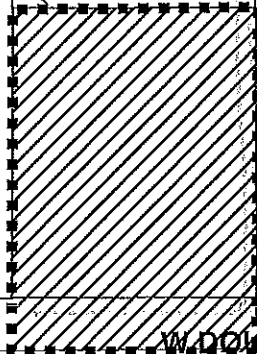
I authorize, Sree Sai Satish Adusumilli, to apply for annexation and rezoning of property located at 16813 West Douglas Road to the city of Mishawaka.


Wayne Wallace
dotloop verified
05/12/20 9:42 AM EDT
L6JE-WP0E-EJ4B-PKCP



PET 20-11

R-3



W DOUGLAS RD

LAKEWOOD DR

S-2

S-2

S-2

S-2

S-2

S-2

S-2

S-2

S-2

S-2

S-2

S-2

S-2

S-2

S-2

JENNY LN

Location Map

PET 20-11

C&H WALLACE FAMILY LLC (OWNER)/
SATISH ADUSUMILLI (CONTINGENT
PURCHASER)

16813 DOUGLAS ROAD

ANNEXATION & ZONING TO C-1
GENERAL COMMERCIAL FOR A
FUTURE MEDICAL OFFICE

R-4

RECEIVED
DEBORAH S. BLOCK, MMC

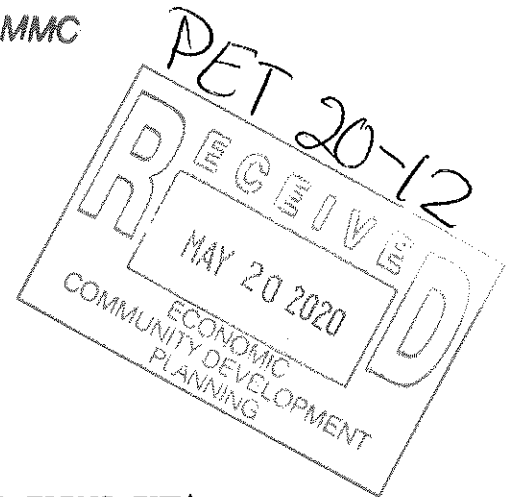
MAY 26 2020

CITY CLERK
MISHAWAKA, IN

DATE: MARCH 20, 2020

TO THE:

HONORABLE MEMBERS OF THE COMMON COUNCIL
CITY OF MISHAWAKA, INDIANA



RE: PETITION FOR AN AMENDED PUD (BERCADO FARMS PUD):

THE UNDERSIGNED MERVIN D. LUNG REVOCABLE TRUST, RESPECTFULLY SHOW THAT HE IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN THE CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA:

A PART OF THE SOUTHEAST QUARTER OF SECTION 7 AND THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF LOT #1 OF THE PLAT OF "NATIONAL CITY BANK SUBDIVISION" DOCUMENT NO. 0425385 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE WEST ALONG NORTH LINE OF SAID LOT #1, 17.00 FEET MORE OR LESS TO THE EAST LOT LINE OF A PARCEL IDENTIFIED AS COUNTY PARCEL ID NUMBER 027-1001-090502; THENCE NORTH ALONG SAID EAST LOT LINE, 722.10 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF VISTULA ROAD; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1701.16 FEET MORE OR LESS TO THE WEST LOT LINE OF A PARCEL IDENTIFIED AS PARCEL COUNTY ID NUMBER 027-1001-0906; THENCE SOUTH ALONG SAID WEST LOT LINE, 949.46 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE EAST ALONG THE SOUTH LINE OF SAID PARCEL, 303.58 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE OF CEDAR ROAD; THENCE SOUTH ALONG SAID WEST RIGHT-OF-WAY LINE, 1007.89 FEET MORE OR LESS TO THE NORTH LOT LINE OF A PARCEL IDENTIFIED AS COUNTY PARCEL ID NUMBER 027-1001-091604; THENCE WEST ALONG SAID NORTH LOT LINE, 308.00 FEET MORE OR LESS TO THE WEST LINE OF SAID PARCEL; THENCE SOUTH ALONG SAID WEST LOT LINE OF SAID PARCEL, 420.00 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF LINCOLNWAY EAST; THENCE WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 306.93 FEET MORE OR LESS TO THE EAST LOT LINE OF A PARCEL IDENTIFIED AS COUNTY PARCEL ID NUMBER 027-1001-091602; THENCE NORTH ALONG SAID EAST LINE, 900.00 FEET MORE OR LESS TO THE NORTH LOT LINE OF SAID PARCEL; THENCE WEST ALONG SAID NORTH LOT LINE, 1280.00 FEET MORE OR LESS TO THE EAST LOT LINE OF SAID LOT #1 OF THE PLAT OF "NATIONAL CITY BANK SUBDIVISION"; THENCE

NORTH ALONG SAID EAST LOT LINE, 174.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 57.16 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

THE ABOVE DESCRIBED PARCEL OF LAND IS PRESENTLY ZONED "S-2" PLANNED UNIT DEVELOPMENT DISTRICT AND CONSISTS OF VACANT LAND WITH AGRICULTURAL USE.

THE PETITIONER DESIRES TO AMEND THE EXISTING PLANNED UNIT DEVELOPMENT FOR SAID REAL ESTATE TO BE ALLOWED THE FOLLOWING USES:

A. PARCEL 'A'

- 1) MULTI-FAMILY RESIDENTIAL (162 UNITS)

B. PARCEL 'B'

- 1) SINGLE-FAMILY, CONDOMINIUMS, RENTAL OR OWNER OCCUPIED SENIOR COTTAGES (NOT TO EXCEED A DENSITY OF 5 UNITS PER ACRE)
- 2) NURSING HOMES, ASSISTED LIVING, INDEPENDENT SENIOR LIVING APARTMENTS (NO DENSITY REQUIREMENTS. LIMITED TO 2-STORIES AND 35-FT IN HEIGHT)
- 3) CHURCHES

C. PARCEL 'C'

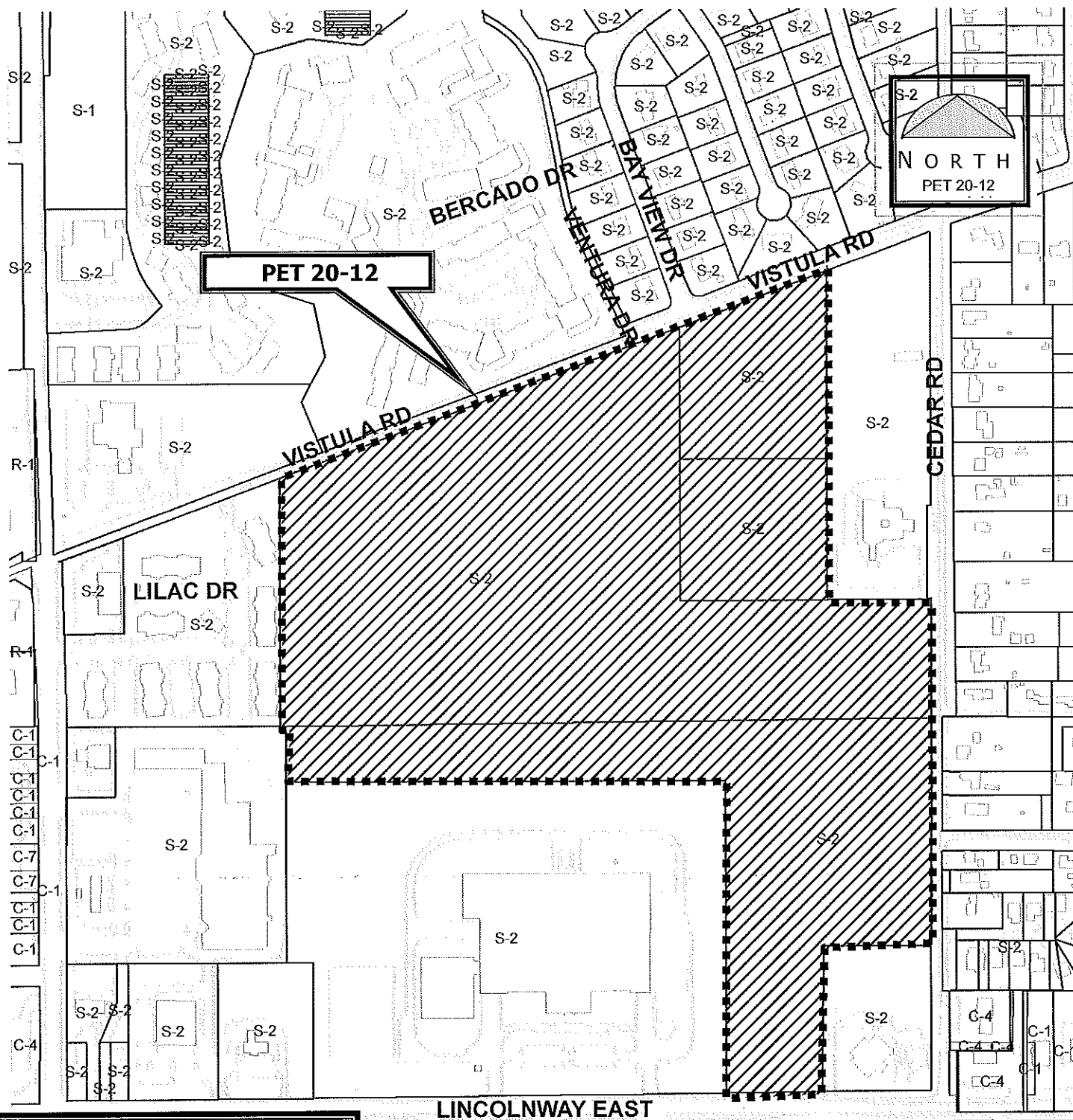
- 1) SINGLE-FAMILY, CONDOMINIUMS, RENTAL OR OWNER OCCUPIED SENIOR COTTAGES
- 2) NURSING HOMES, ASSISTED LIVING, INDEPENDENT SENIOR LIVING APARTMENTS
- 3) CHURCHES
- 4) I-1 LIGHT INDUSTRIAL USES
- 5) C-1 GENERAL COMMERCIAL USES
- 6) SPECIFIC ALLOWED SETBACK REQUIREMENT FLEXIBILITY: SELF-SERVICE STORAGE FACILITY, MINI STORAGE SHALL BE ALLOWED TO HAVE A MINIMUM SEPARATION OF STORAGE BUILDINGS FROM A SCHOOL, PARK, CHURCH, HOSPITAL, AND/OR RESIDENTIALLY-ZONED PROPERTY OF AT LEAST 30 FEET, WITH SCREENING IN THE 30 FEET CONTAINING A MIX OF A MINIMUM 7 FT. HIGH SOLID SCREENING FENCE AND EVERGREEN SCREENING AS APPROVED BY THE CITY PLANNING STAFF.

WHEREFORE, THE PETITIONER PRAYS 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 THE REZONING THE ABOVE DESCRIBED

CONTACT PERSON:
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628
(574) 234-4003

LAKE CITY BANK
BY: *Quemelle King* VICE PRESIDENT TRUST OFFICER

MERVIN D. LUNG REVOCABLE TRUST
707 RIVER POINTE PLACE
MISHAWAKA, INDIANA 46544



Location Map

PET 20-12

MERVIN D. LUNG REVOCABLE TRUST

VACANT LAND S. OF VISTULA
ROAD & W. OF CEDAR ROAD

PUD AMENDMENT TO ALLOW
FOR A MIXED USE DEVELOPMENT TO
ALLOW RESIDENTIAL, COMMERCIAL,
AND INDUSTRIAL USES



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 20 2020

CITY CLERK
MISHAWAKA, IN

Date: May 20, 2020
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Presentment of encumbered funds**

Due to contracts not completed or invoices not paid in the year in which they were budgeted, these earmarked dollars move forward to the next year's budget. Most are capital related and contractual as detailed in the attached report.

Please contact me with any questions.

c: David A. Wood

ENCUMBRANCES

PAGE-1

The following appropriations which have been encumbered (carried forward by contract or purchase order) by this unit from the 2019 Budget Year to the 2020 Budget year, identified by Fund, Department or Function, and by Major Budget classification as applicable.

County	Saint Joseph	Unit Name	Mishawaka
514	2017	71	Date- 04/13/2020
ID	YEAR	CO	
			DEPARTMENT
		FUND: GENERAL	01
			MAYOR
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL \$0.00
		FUND: GENERAL	02
			CONTROLLER
		100000	PERSONAL SERVICES
		200000	SUPPLIES \$294.56
		300000	OTHER SERVICES AND CHARGES \$10,509.37
		400000	CAPITAL OUTLAY \$1,137,019.06
		9999	TOTAL \$1,147,822.99
		FUND: GENERAL	03
			CLERK
		100000	PERSONAL SERVICES
		200000	SUPPLIES \$198.00
		300000	OTHER SERVICES AND CHARGES \$451.90
		400000	CAPITAL OUTLAY
		9999	TOTAL \$649.90
		FUND: GENERAL	04
			HUMAN RESOURCES
		100000	PERSONAL SERVICES
		200000	SUPPLIES \$30.00
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL \$30.00
		FUND: GENERAL	05
			FORMATION TECHNOLOGY
		100000	PERSONAL SERVICES
		200000	SUPPLIES \$523.30
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL \$523.30
		FUND: GENERAL	07
			CITY COUNCIL
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES \$782.86
		400000	CAPITAL OUTLAY
		9999	TOTAL \$782.86

ENCUMBRANCES		PAGE-2	
The following appropriations which have been encumbered (carried forward by contract or purchase order) by this unit from the 2019 Budget Year to the 2020 Budget year, identified by Fund, Department or Function, and by Major Budget classification as applicable.			
County	Saint Joseph	Unit Name	Mishawaka
514	2017	71	Date- 04/13/2020
ID	YEAR	CO	
			DEPARTMENT
FUND: GENERAL			ENGINEERING
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL
			\$428.06
			\$428.06
FUND: GENERAL			FIRE
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL
			\$38,763.90
			\$59,219.21
			\$3,437.58
			\$101,420.69
FUND: GENERAL			POLICE
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL
			\$37,981.49
			\$24,038.53
			\$6,590.35
			\$0.00
			\$68,610.37
FUND: GENERAL			BUILDING
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL
FUND: GENERAL			CENTRAL SERVICES
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL
			\$10,308.60
			\$3,418.34
			\$99.44
			\$0.00
			\$13,826.38
FUND: GENERAL			PLANNING
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL
			\$86.57
			\$86.57

ENCUMBRANCES

PAGE-3

The following appropriations which have been encumbered (carried forward by contract or purchase order) by this unit from the 2019 budget Year to the 2020 Budget year, identified by Fund, Department or Function, and by Major Budget classification as applicable.

County	Saint Joseph	Unit Name	Mishawaka
514	2017	71	Date- 04/13/2020
ID	YEAR	CO	
			DEPARTMENT
	FUND: GENERAL	06	LAW
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL \$0.00
	FUND: GENERAL	14	CODE
		100000	PERSONAL SERVICES
		200000	SUPPLIES \$150.00
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL \$150.00
	FUND: GENERAL	28	REDEVELOPMENT
		100000	PERSONAL SERVICES
		200000	SUPPLIES \$8.49
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL \$8.49
	FUND: GENERAL		
		100000	PERSONAL SERVICES \$87,053.99
		200000	SUPPLIES \$88,395.06
		300000	OTHER SERVICES AND CHARGES \$21,871.50
		400000	CAPITAL OUTLAY \$1,137,019.06
		9999	TOTAL \$1,334,339.61

ENCUMBRANCES		PAGE-4	
The following appropriations which have been encumbered (carried forward by contract or purchase order) by this unit from the 2019 budget Year to the 2020 Budget year, identified by Fund, Department or Function, and by Major Budget classification as applicable.			
County	Saint Joseph	Unit Name	Mishawaka
514	2017	71	Date- 04/13/2020
ID	YEAR	CO	
FUND: MOTOR VEHICLE HIGHWAY			
201	100000	PERSONAL SERVICES	\$36,154.37
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	\$317.90
	400000	CAPITAL OUTLAY	
	9999	TOTAL	\$36,472.27
FUND: LOCAL ROAD AND STREET			
202	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	
	400000	CAPITAL OUTLAY	\$53,886.36
	9999	TOTAL	\$53,886.36
FUND: PARK AND RECREATION			
204	100000	PERSONAL SERVICES	\$14,720.48
	200000	SUPPLIES	\$25,400.84
	300000	OTHER SERVICES AND CHARGES	\$36,716.48
	400000	CAPITAL OUTLAY	
	9999	TOTAL	\$76,837.80
FUND: LAW ENFORCEMENT CONTINUING EDUCATION			
210	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	\$113.85
	400000	CAPITAL OUTLAY	
	9999	TOTAL	\$113.85
FUND: PUBLIC SAFETY LOIT			
211	100000	PERSONAL SERVICES	
	200000	SUPPLIES	\$6,510.00
	300000	OTHER SERVICES AND CHARGES	\$4,168.05
	400000	CAPITAL OUTLAY	\$119,963.67
	9999	TOTAL	\$130,641.72
FUND: PARK NON REVERTING			
214	100000	PERSONAL SERVICES	
	200000	SUPPLIES	\$152.35
	300000	OTHER SERVICES AND CHARGES	\$1,694.21
	400000	CAPITAL OUTLAY	
	9999	TOTAL	\$1,846.56

ENCUMBRANCES		PAGE-5	
The following appropriations which have been encumbered (carried forward by contract or purchase order) by this unit from the 2019 budget Year to the 2020 Budget year, identified by Fund, Department or Function, and by Major Budget classification as applicable.			
County	Saint Joseph	Unit Name	Mishawaka
514	2017	71	Date- 04/13/2020
ID	YEAR	CO	
FUND: LOCAL ROAD & BRIDGE MATCHING GRANT			
244	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	\$156,680.55
	400000	CAPITAL OUTLAY	
	9999	TOTAL	
FUND: LOIT SPECIAL DISTRIBUTION *			
257	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	
	400000	CAPITAL OUTLAY	
	9999	TOTAL	
FUND: COMMUNITY DEVELOPMENT			
282	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	
	400000	CAPITAL OUTLAY	
	9999	TOTAL	
FUND: CUMULATIVE CAPITAL DEVELOPMENT			
417	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	\$1,647.86
	400000	CAPITAL OUTLAY	\$57,265.05
	9999	TOTAL	\$58,912.91
FUND: CEDIT			
430	100000	PERSONAL SERVICES	
	200000	SUPPLIES	\$15,876.85
	300000	OTHER SERVICES AND CHARGES	\$63,513.03
	400000	CAPITAL OUTLAY	\$477,568.80
	9999	TOTAL	\$556,958.68
FUND: CUMULATIVE SEWER			
432	100000	PERSONAL SERVICES	
	200000	SUPPLIES	
	300000	OTHER SERVICES AND CHARGES	\$146,552.68
	400000	CAPITAL OUTLAY	\$39,754.91
	9999	TOTAL	\$186,307.59

ENCUMBRANCES		PAGE-6	
The following appropriations which have been encumbered (carried forward by contract or purchase order) by this unit from the 2019 budget Year to the 2020 Budget year, Identified by Fund, Department or Function, and by Major Budget classification as applicable.			
County	Saint Joseph	Unit Name	Mishawaka
514	2017	71	Date- 04/13/2020
ID	YEAR	CO	

Rebecca Miller
 4-13-20

MAY 26 2020

CITY CLERK
MISHAWAKA, IN

1st Reading 6-1-20
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2020-17

ORDINANCE NO. _____

AN ORDINANCE TRANSFERRING FUNDS FROM THE
MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE
CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE
MATCHING GRANT FUND OF THE CITY OF MISHAWAKA
FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2020
AND AN ORDINANCE APPROPRIATING ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020

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

Section 1. There is hereby transferred from the Motor Vehicle Highway Restricted
(MVHR) Fund of the City of Mishawaka to the Local Road & Bridge Matching Grant Fund of
the City of Mishawaka the sum of \$427,150.00 as required for the Community Crossing
Grant.

Motor Vehicle Highway Restricted Fund (MVHR)

From:

Capital Outlays

203-50-442-01

Street Repair

\$427,150.00

Total

\$427,150.00

Local Bridge and Road Matching Grant Fund

To:

Other Services and Charges

244-50-436-03

Street Repair

\$427,150.00

Total

\$427,150.00

Section 2. Which requires the appropriation of additional funds for the fiscal year
ending December 31, 2020 in addition to that set out in detail in the published budget.

Section 3. There is hereby appropriated from the Local Bridge and Road
Matching Grant Fund of the City of Mishawaka the sum of \$854,300.00 for assignment as
follows:

Local Road & Bridge Matching Grant Fund

Other Services and Charges

244-50-436-03

Street Repair

\$854,300.00

Total

\$854,300.00

Section 4. 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 _____, 2020 at _____ o'clock, _____. M.

Gregg Hixenbaugh, 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 _____, 2020 at _____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2020 at

_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurt Vardaman, Deputy Controller

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 26 2020

CITY CLERK
MISHAWAKA, IN

Date: May 27, 2020
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: Transfer from MVH Restricted and Additional Appropriation Local
Road & Bridge Matching Fund

I am requesting for first reading, approval for the transfer of \$427,150 from the Motor Vehicle Highway Restricted Fund to the Local Road & Bridge Matching Grant Fund as this is our necessary match for the Community Crossings Grant. These funds are budgeted funds for the purpose of the match.

This transfer along with the \$427,150 grant already received from the State must be appropriated. Therefore, I am also requesting approval of the additional appropriation for \$854,300.00.

This ordinance takes care of both the transfer and appropriation in this fund and is required every year to show proper accounting of the grant and match.

Thank you for your consideration. Please contact me with any questions.

c: David A. Wood, Mayor
Christine Jamrose, Director of Engineering/City Engineer

1st Reading 6-1-20
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 28 2020

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2020-18

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020

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, 2020 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 \$117,208.00 for assignment as follows:

General Fund

Mayor	101.02.411.02	Salaries and Wages	\$ (398.00)
Controller	101.02.413.05	Employee Ins Benefits	\$ (99,286.00)
Clerk	101.03.411.03	Salaries and Wage	\$ (331.00)
Human Resources	101.04.411.03	Salaries and Wages	\$ 272.00
IT	101.05.411.02	Salaries and Wages	\$ 4,517.00
Law	101.06.411.02	Salaries and Wages	\$ (398.00)
Council	101.07.413.05	Salaries and Wages	\$ 2,845.00
Engineering	101.13.411.02	Salaries and Wages	\$ 1,343.00
Code	101.14.411.02	Salaries and Wages	\$ 302.00
Building	101.15.422.01	Operating Supplies	\$ (3,231.00)
Fire	101.19.411.02	Salaries and Wages	\$ 57,103.00
Police	101.20.411.02	Salaries and Wages	\$ 155,946.00
Planning	101.21.411.02	Salaries and Wages	\$ (207.00)
Central Services	101.22.411.02	Salaries and Wages	\$ (1,271.00)
Redevelopment	101.28.431.04	Professional Services	\$ 2.00
			\$ 117,208.00

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 _____, 2020 at _____
o'clock, _____.M.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana
on this _____ day of _____, 2020 at _____
o'clock, _____.M.

Deborah S. Block, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2020 at
_____ o'clock, _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

Date: May 28, 2020
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Additional Appropriations: General Fund**

For your approval for first reading on June 1st is an additional appropriation for the General Fund.

When the salary ordinances were finalized for 2020, the budget had already been submitted for 1st reading. If the budget is increased, the budget process must begin again with a 1st reading, public hearing, etc. We did not have the necessary time in the budget calendar so our alternative is to amend the budget.

While estimates were made for salary increases, adjustments still need to be made as some account lines were overestimated and some were underestimated resulting in a necessary additional appropriation of \$117,208.00.

Besides the 3% increase for civilians and 3.5% increase for public safety, you'll see that a few departments had other factors affecting their budget which have all been discussed previously either in the budget meetings or with a salary ordinance amendment.

Specifically:

The Department of Labor required that the lowest salary for a full-time employee not eligible for overtime must be \$35,568.

IT has a Level IV Specialist that over the course of two years was made the same salary as the other Level IV Specialist.

Engineering brought the City GIS Coordinator into their budget from IT and this salary was raised to match the GIS Coordinators in the Utility Division.

Thank you for your consideration, and please contact me with any questions.

c: David A. Wood – Mayor

MAY 28 2020

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2020-11

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, ESTABLISHING A REVOLVING FUND PURSUANT TO INDIANA CODE
5-1-14-14, AUTHORIZING A COVID-19 LOAN PROGRAM UNDER SUCH
REVOLVING FUND, AND CERTAIN RELATED MATTERS**

WHEREAS, the novel coronavirus known as COVID-19 ("COVID-19") and the resulting mandated stay-at-home orders and social distancing requirements and recommendations implemented by the federal and state government have significantly and negatively affected businesses located in the City of Mishawaka, Indiana (the "City") and many of such businesses have not been able to participate in the federal programs implemented to assist businesses suffering as a result of the effects of COVID-19; and

WHEREAS, in order to address the extraordinary consequences resulting from impact that COVID-19 has had on businesses located in the City and to provide additional support as businesses look to re-open, the Common Council of the City of Mishawaka, Indiana (the "Common Council"), the fiscal body and legislative body of the City of Mishawaka, Indiana (the "City"), desires to establish (i) a revolving fund, to be known as the "CEDIT Revolving Fund" (the "Revolving Fund"), pursuant to Indiana Code 5-1-14-14(b), as amended (the "Act"), to be funded from a portion of the City's distributive share of the local income tax revenues (the "Economic Development Revenues") allocated for economic development purposes under Indiana Code 6-3.6-6-9, as amended, and received by the City and any other moneys legally available to the City for such purpose (collectively, the "Available Revenues") and (ii) a COVID-19 Emergency Loan Program (the "Program") to provide loans from the Revolving Fund to businesses located in the City as more fully described herein;

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

Section 1. The Common Council hereby establishes the Revolving Fund pursuant to Indiana Code 5-1-14-14(b), which Revolving Fund shall be funded from Available Revenues in amounts to be approved by the Common Council from time to time in accordance with law to satisfy the loan requirements from such Revolving Fund. Notwithstanding anything herein to the contrary, moneys which constitute Economic Development Revenues may not be loaned from the Revolving Fund unless the use of such Economic Development Revenues has been included in the Capital Improvement Plan of the City (the "CIP") pursuant to Indiana Code 6-3.6-6-9.5 and are otherwise legally available and appropriated for such purposes.

Section 2. In order to assist businesses in the City with overcoming the devastating effects of COVID-19, the Common Council approves of the creation of the Program which will provide an aggregate amount of loans to qualifying businesses totaling \$500,000 with each qualifying business receiving a loan of up to \$10,000 loan from the Revolving Fund. Such loans

will have an interest rate of 0% if timely paid with repayment occurring over a two (2) year period (no payment required for the first six (6) months and equal monthly payments over the remaining eighteen (18) months). The loans under the Program may be repaid at any time. If an event of default occurs under a loan, such loan is, at the option of the City, immediately due and payable. The costs associated with the administration of the loan program shall be in addition to the \$500,000 and shall not exceed 3% of each loan, a maximum of \$15,000 for the program.

Section 3. The Common Council hereby approves of action to be taken by Mayor of the City (the "Mayor") to amend the CIP Plan to include use of Economic Development Revenues for loans under the Program.

Section 4. The Common Council finds that loans made pursuant to the Program will further the following economic development purposes set forth in the Act: (i) promoting significant opportunities for the gainful employment of the City's residents; and (ii) retaining or expanding significant business enterprises in the City.

Section 5. Loans made under the Program shall be evidenced by a Loan Agreement between the City and each borrower and a Note executed by each borrower in favor of the City (the "Loan Documents"). The Mayor and the Clerk of the City (the "Clerk") are hereby authorized to approve of the forms of the Loan Documents consistent with terms provided herein with said officers' execution and attestation of said Loan Agreement constituting conclusive evidence their approval of the Loan Documents. The Mayor and the Controller of the City (the "Controller") are hereby authorized to engage a financial institution to provide services with respect to the operation of the Program.

Section 6. The Mayor, the Clerk, and the Controller are, and each of them is, hereby authorized and directed to take all such actions with respect to the Program as the same shall deem proper and necessary upon the advice of counsel.

Section 7. This Resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-4-6.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this _____ day of _____, 2020, at _____ o'clock, P.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

Date: May 28, 2020
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Additional Appropriations: General Fund**

For your approval for first reading on June 1st is an additional appropriation for the General Fund.

When the salary ordinances were finalized for 2020, the budget had already been submitted for 1st reading. If the budget is increased, the budget process must begin again with a 1st reading, public hearing, etc. We did not have the necessary time in the budget calendar so our alternative is to amend the budget.

While estimates were made for salary increases, adjustments still need to be made as some account lines were overestimated and some were underestimated resulting in a necessary additional appropriation of \$117,208.00.

Besides the 3% increase for civilians and 3.5% increase for public safety, you'll see that a few departments had other factors affecting their budget which have all been discussed previously either in the budget meetings or with a salary ordinance amendment.

Specifically:

The Department of Labor required that the lowest salary for a full-time employee not eligible for overtime must be \$35,568.

IT has a Level IV Specialist that over the course of two years was made the same salary as the other Level IV Specialist.

Engineering brought the City GIS Coordinator into their budget from IT and this salary was raised to match the GIS Coordinators in the Utility Division.

Thank you for your consideration, and please contact me with any questions.

c: David A. Wood – Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 13 2020

CITY CLERK
MISHAWAKA, IN

PETITION 20-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-12

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:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING KNOWN AS LOTS #12 THROUGH 17 AND THE NORTH HALF OF A VACATED ALLEY BEING ADJACENT TO AND SOUTH OF SAID LOTS #16 AND #17 ALL PART OF THE PLAT OF "MILLEKEN'S SUBDIVISION (UNRECORDED)" AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF JEFFERSON BOULEVARD WITH THE EAST LINE OF SAID LOT #17; THENCE ALONG SAID EAST LINE, S. 00°00'00" EAST (ALL BEARINGS ASSUMED), A DISTANCE OF 125 FEET MORE OR LESS TO THE CENTERLINE OF SAID VACATED ALLEY; THENCE S. 90°00'00" WEST ALONG SAID CENTERLINE, A DISTANCE OF 82.50 FEET MORE OR LESS; THENCE N. 00°00'00" WEST, A DISTANCE OF 10 FEET MORE OR LESS TO THE NORTH LINE OF A PUBLIC ALLEY; THENCE S. 90°00'00" WEST, ALONG THE NORTH LINE OF SAID ALLEY, A DISTANCE OF 165 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID LOT #12; THENCE N. 00°00'00" WEST, ALONG THE WEST LINE OF SAID LOT #12, A DISTANCE OF 115 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF SAID JEFFERSON BOULEVARD; THENCE N. 90°00'00" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 247.50 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.67 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMON ADDRESSES: 1215 and 1225 East Jefferson Boulevard

Proposed Ordinance No: 20-12

Ordinance No: _____

which real estate is now classified as C-1 General Commercial District, C-5 Neighborhood Commercial District, and I-2 Heavy Industrial District shall hereafter be within and a part of that District known as R-3 Multi-Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. The R-3 Multi-Family Residential District zoning best matches the proposed use, and the use would be compatible to the area;
2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because an investment is being made in the property, given its relationship to surrounding properties, staff feels that the most desirable use for this property is the R-3 Multi-Family Residential District;
3. Because the parcel is located in an area with mixed uses, the parcel's proximity to the VFW Post, and the proposed use, the rezoning to R-3 Multi-Family Residential District is a desirable use for this property;
4. Rezoning to R-3 Multi-Family Residential will have a favorable and stabilizing impact on the neighborhood as the contingent purchaser, the VFW, will be overseeing the program and continue upkeep and maintain the property; and,
5. The City's Comprehensive Plan identifies the area as Industrial, but working with the adjacent VFW, this parcel's proposed use as multi-family is not in conflict with 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 _____, 2020, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 20-12

Ordinance No: _____

PRESENTED by me to the Mayor this _____ day of _____,
2020, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at
_____ o'clock _____.M.

David A. Wood, Mayor

Date: March 17, 2020

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

RE: Mark & Debra Kamm Petition for Rezoning for
1215 & 1225 East Jefferson Boulevard, Mishawaka, Indiana:

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

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING KNOWN AS LOTS # 12 THROUGH 17 AND THE NORTH HALF OF A VACATED ALLEY BEING ADJACENT TO AND SOUTH OF SAID LOTS # 16 AND 17 ALL PART OF THE PLAT OF "MILLEKEN'S SUBDIVISION (UNRECORDED)" AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF JEFFERSON BOULEVARD WITH THE EAST LINE OF SAID LOT # 17; THENCE ALONG SAID EAST LINE, S. 00°00'00" EAST (ALL BEARINGS ASSUMED), A DISTANCE OF 125 FEET MORE OR LESS TO THE CENTERLINE OF SAID VACATED ALLEY; THENCE S. 90°00'00" WEST ALONG SAID CENTERLINE, A DISTANCE OF 82.50 FEET MORE OR LESS; THENCE N. 00°00'00" WEST, A DISTANCE OF 10 FEET MORE OR LESS TO THE NORTH LINE OF A PUBLIC ALLEY; THENCE S. 90°00'00" WEST, ALONG THE NORTH LINE OF SAID ALLEY, A DISTANCE OF 165 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID LOT # 12; THENCE N. 00°00'00" WEST, ALONG THE WEST LINE OF SAID LOT # 12, A DISTANCE OF 115 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF SAID JEFFERSON BOULEVARD; THENCE N. 90°00'00" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 247.50 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 0.67 ACRES MORE OR LESS.

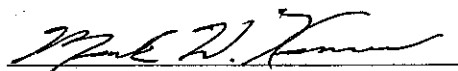
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

Also commonly known as 1215 & 1225 East Jefferson Boulevard, Mishawaka, Indiana 46545.

The above described parcel of land is presently zoned "C-1" and "C-5" Commercial and "I-2" Industrial Districts.

The Petitioners desire said real estate, to be Rezoned to the "R-3" Residential District classification. The purpose for the Rezoning is to allow for the real estate to be purchased by an interested party who desires to build seven (7) starter homes for rental to returning veterans.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of real estate located in the City of Mishawaka.



Mark Kamm
16316 Wild Cherry Drive
Granger, Indiana 46530



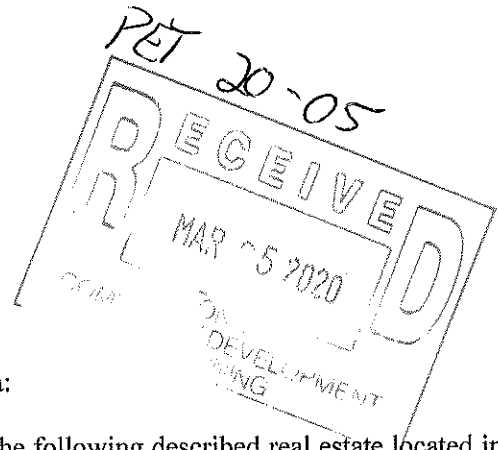
Debra Kamm
16316 Wild Cherry Drive
Granger, Indiana 46530

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

RECEIVED
DEBORAH S. BLOCK, MMC

APR 28 2020

CITY CLERK
MISHAWAKA, IN



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

March 17, 2020

To The: Honorable Members of the
Plan Commission of the City of Mishawaka, Indiana,

RE: Mark & Debra Kamm Petition for Rezoning for
1215 & 1225 East Jefferson Boulevard, Mishawaka, Indiana:

Dear Council & Plan Commission Members,

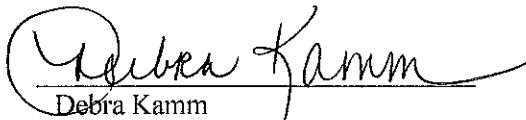
This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Rezoning Request will be heard.

If you have any questions concerning this matter, please feel free to give me (us) a call at 574-271-4060.

Sincerely,

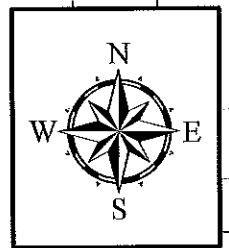
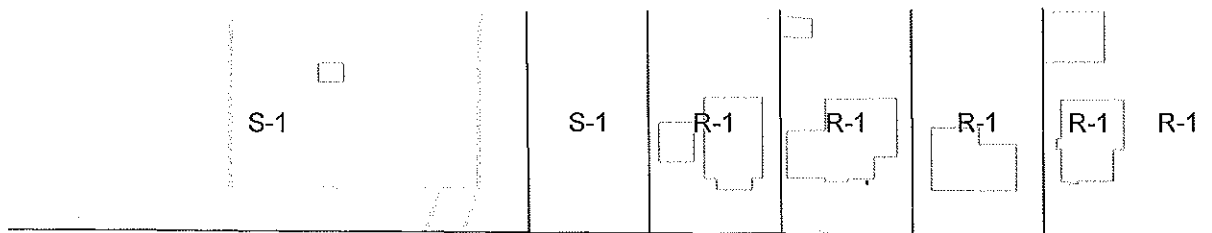


Mark Kamm
16316 Wild Cherry Drive
Granger, Indiana 46530

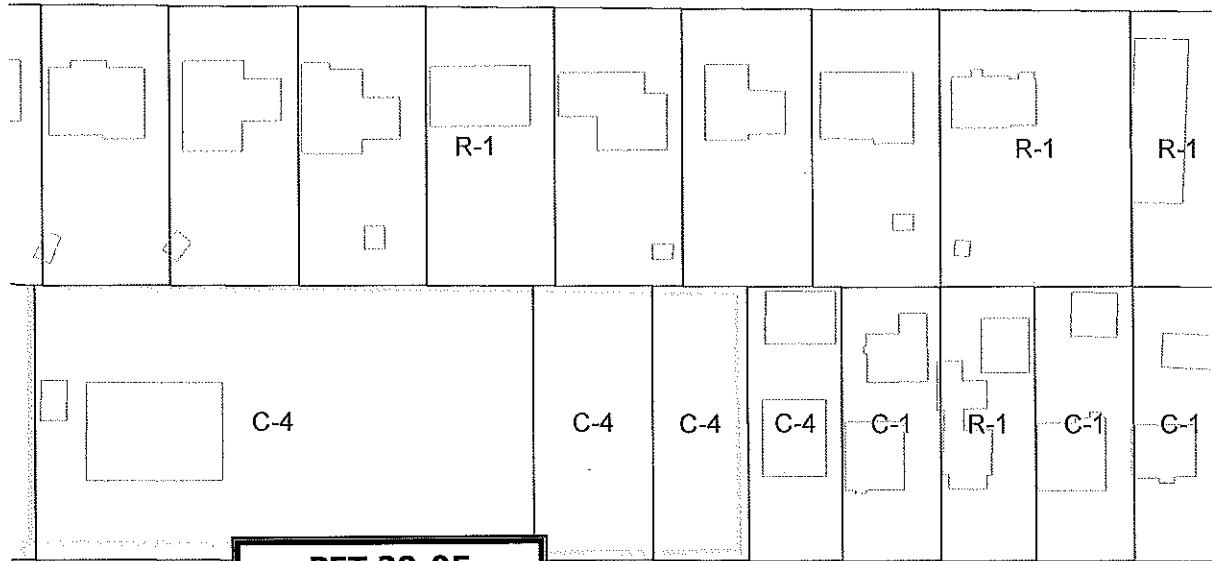


Debra Kamm
16316 Wild Cherry Drive
Granger, Indiana 46530

File No. 200123 "C" MD



E BORLEY AVE

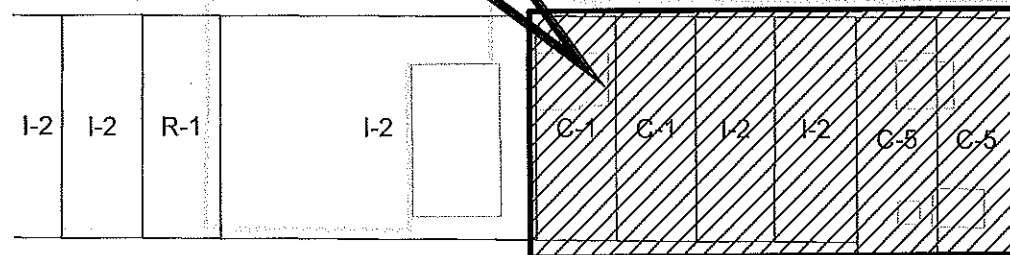


MAPLEHURST AVE

R-1

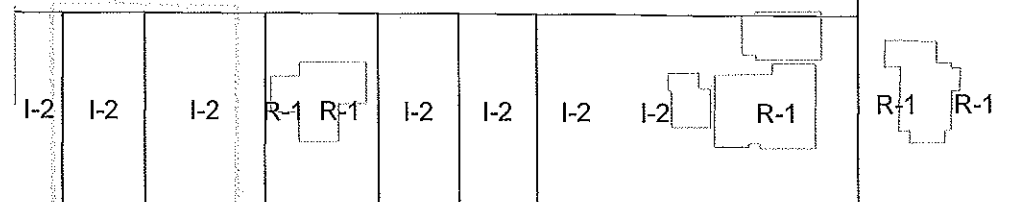
PET 20-05

E JEFFERSON BLVD



R-1

I-2



I-2

C-4

HIGHLAND VILLAGE DR

S-2

Location Map

PETITION 20-05

1215 & 1225 E JEFFERSON

REZONE FROM
C-1 GENERAL COMMERCIAL,
C-5 NEIGHBORHOOD COMMERCIAL,
AND I-2 HEAVY INDUSTRIAL
TO R-3 MULTI-FAMILY RESIDENTIAL

Deb Block

From: Peter Agostino <agostino@aaklaw.com>
Sent: Thursday, May 28, 2020 12:54 PM
To: Gregg Hixenbaugh
Cc: Michael A. Trippel; Deb Block; Dale "Woody" Emmons; Mike Bellovich; Anthony "Tony" Hazen; Kate Voelker; Michael Compton; Ron Banicki; Matt Mammolenti; Maggie DeMaegd
Subject: petition for PUD amendment (Ord. 4699AA) - Petitioner, Elm Street Capital, LLC

>>> FROM EXTERNAL SENDER <<<

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Hixenbaugh,

I am reaching out to you in your role as President of the Mishawaka Common Council. I have been retained today to represent Elm Street Capital, LLC, the petitioner for a PUD amendment dealing with a permitted use issue. It is my understanding that this matter is currently on the Agenda for the June 1, 2020, meeting of the Mishawaka Council. On behalf of the Petitioner, I am requesting that this matter be postponed until the June 15, 2020, meeting of the Mishawaka Council. This will allow me time to review any concerns and questions relating to this petition and be in position to address those at the June 15, 2020 meeting. I have copied your Council Attorney, the Clerk, and other Council members.

Would you be so kind as to let me know whether this communication is sufficient for this request; otherwise I would be prepared to appear in person at the June 1, 2020, meeting to make the request. Thank you for your attention to this and for your service.

Sincerely,

Pete

Peter J. Agostino
ANDERSON AGOSTINO & KELLER, P.C.
131 S. Taylor Street
South Bend, IN 46601
Telephone: 574.288.1510
Facsimile: 574.288.1650

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RECEIVED
DEBORAH S. BLOCK, MMC

MAY 13 2020

CITY CLERK
MISHAWAKA, IN

1st Reading 5-18-20

2nd Reading

PETITION 20-06

Passed

CITY OF MISHAWAKA, INDIANA

Failed

Continued To

PROPOSED ORDINANCE NO. 2020-13

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

Lot 1 Home Depot Minor Subdivision as recorded under Instrument #0335529 in the Office of the Recorder of St. Joseph County, Indiana

COMMON ADDRESS: South Side of Indian Ridge Boulevard, west of Main Street in Home Depot Parking Lot

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow a quick service oil change business.

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

1. Existing Conditions – The subject property is currently part of the Home Depot parking lot. adjacent uses are consistent with the original PUD which did not include automobile relates uses.
2. Character of Buildings in Area – Buildings within the area are all service commercial or restaurant uses. No automobile related uses are located within the Planned Unit Development. Automobile related uses were not submitted or requested to be included in the Planned Unit Development which was approved in 2002. The Planned Unit Development as a whole has been very successful as planned and developed.

Proposed Ordinance No: 20-13

Ordinance No: _____

3. The most desirable/highest and best use – The requested PUD amendment is not consistent with the original approval which includes a wide range of uses and excluded automobile related uses.
4. Conservation of property values – The proposed amendment could be injurious to property values in the surrounding area if automobile-oriented uses are included in the area and the qualitative characteristics of the Main Street corridor are changed for the worse.
5. Comprehensive Plan – The property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan. The proposed automobile related use is not consistent with that guided use.

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 _____, 2020, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2020, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at _____ o'clock ____M.

David A. Wood, Mayor

Pet 20-06



Date: March 20, 2020

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

RE: PETITION FOR PUD AMENDMENT (ORD. 4699AA)

The undersigned Petitioner, Elm Street Capital, LLC ("Elm Street"), and HD Development of Maryland, Inc. ("Home Depot"), the current owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lot 1 Home Depot Minor Subdivision as recorded under Instrument #0335529 in the Office of the Recorder of St. Joseph County, Indiana. Property address: 317 Indian Ridge Blvd., Mishawaka, Indiana 46545.

Newberry Real Estate LLC, on behalf of Elm Street, the contract purchaser of proposed Lot 8 (see attached Exhibit "A"), a part of the above described parcel of land to be subdivided, files this petition for PUD Amendment in conjunction with Home Depot. The above described parcel of land is presently zoned "S-2" Planned Unit Development and the real estate use is for retail. Proposed Lot 8 will have the same zoning classification as Lot 1.

Petitioner desires for the current Planned Unit Development to be amended to allow the following:

1. Proposed Lot 8 - Reduce required five (5) feet pavement setback to zero (0) feet along the west, east and south property lines, which is a direct result of splitting the parcel into separate ownerships
2. Proposed Lot 8 - No landscaping shall be provided for the west, east & south side yards, which is a direct result of splitting the lot into separate ownerships
3. Proposed Lot 8 - A quick service oil change business.
4. Lot 1 Home Depot Parcel - Reduction in the required number of parking spaces from 389 spaces to 362 spaces. Lot 1 currently has 431 parking spaces.

[continue to signature pages]

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DEBORAH S. BLOCK, MMC

APR 28 2020

CITY CLERK
MISHAWAKA, IN

Wherefore, the Petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refers this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

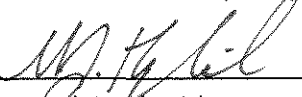
HD Development of Maryland, Inc.,
a Maryland corporation

By: 

Name: Jessica Borgert
Title: Assistant General Counsel

Signature of Petitioner

Elm Street Capital, LLC,
an Indiana limited liability company

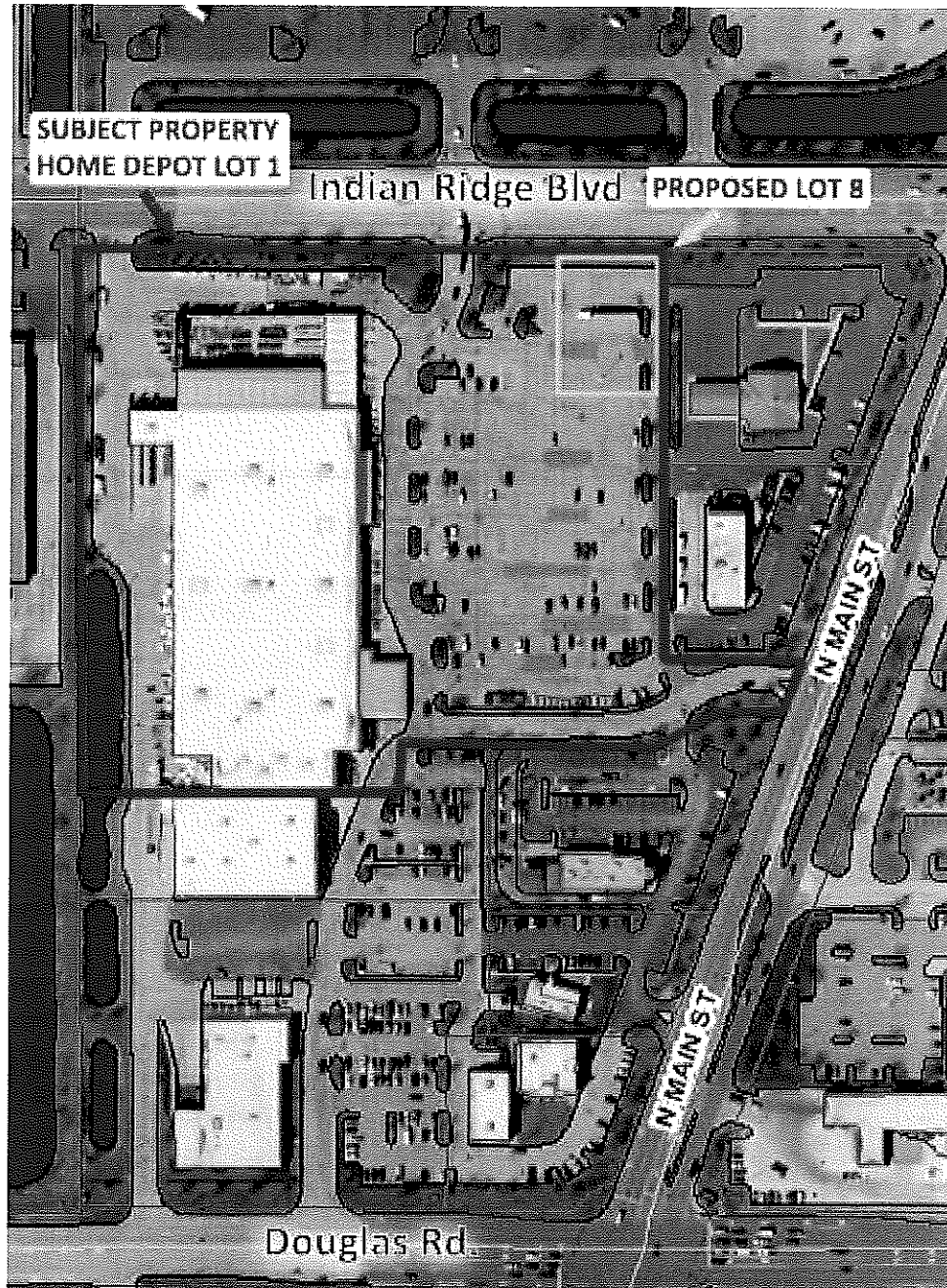
By: 

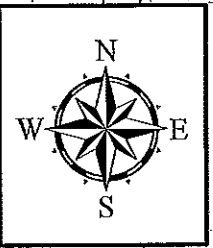
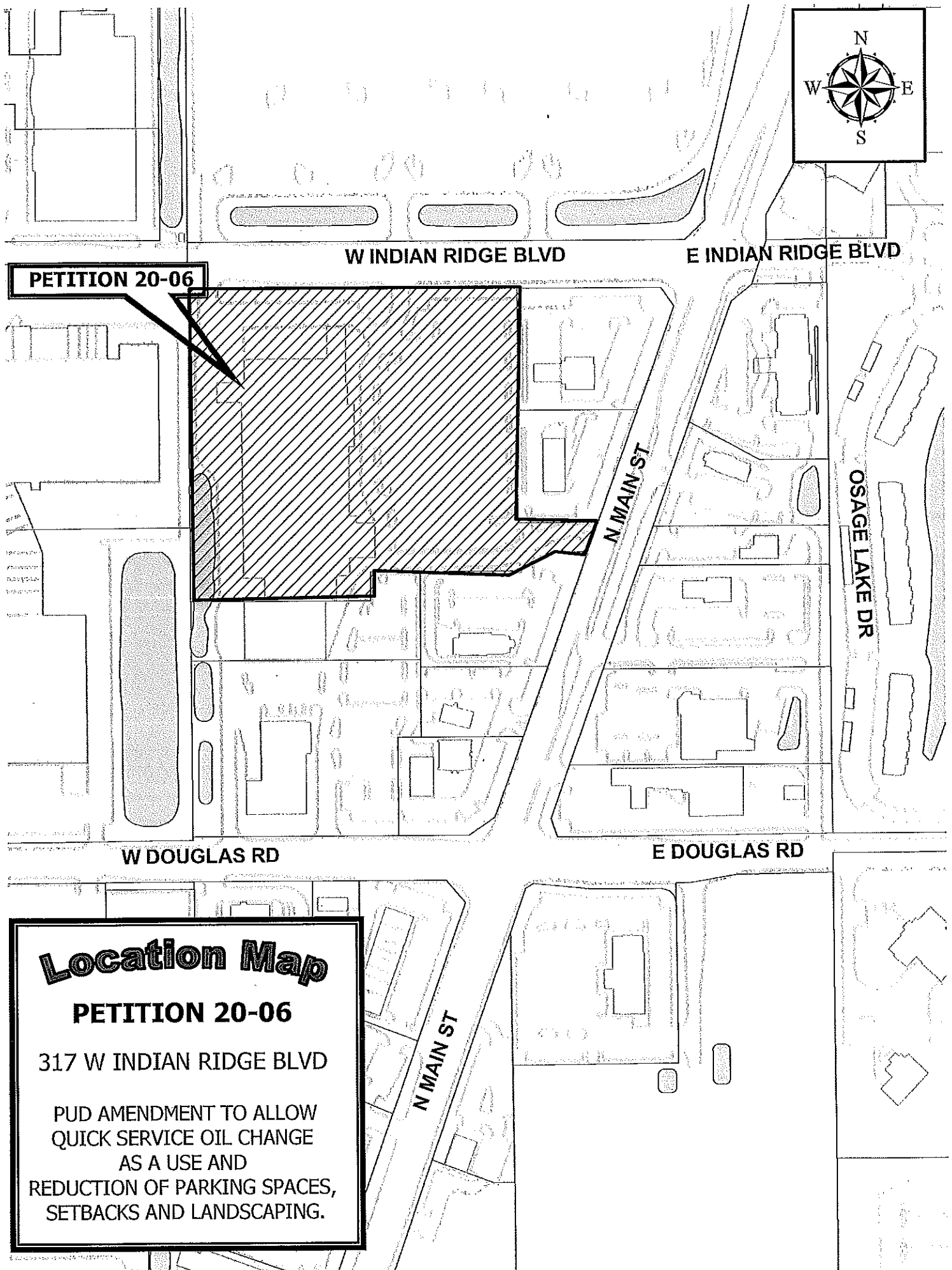
Name: Mark J. Rykovich
Title: Principal and Authorized Signatory

CONTACT PERSON:

Name: Mark Rykovich
Company: c/o Newberry Real Estate, LLC
Address: 7750 Cree Trail, Indianapolis, IN 46250
Phone #: 312-961-3021
Email: mrykovich@nbrellc.com

EXHIBIT A





W INDIAN RIDGE BLVD

E INDIAN RIDGE BLVD

PETITION 20-06

N MAIN ST

OSAGE LAKE DR

W DOUGLAS RD

E DOUGLAS RD

N MAIN ST

Location Map

PETITION 20-06

317 W INDIAN RIDGE BLVD

PUD AMENDMENT TO ALLOW
QUICK SERVICE OIL CHANGE
AS A USE AND
REDUCTION OF PARKING SPACES,
SETBACKS AND LANDSCAPING.

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION #20-08

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-14

ORDINANCE NO. _____

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DEBORAH S. BLOCK, MMC

MAY 13 2020

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

A Parcel located in the Southeast Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana: Being more particularly described as commencing at the southeast corner of said Section 22; thence North 00°00'00" East along the East line of said Section, 430.00 feet more or less and south 90°00'00" West, a distance of 30.00 feet more or less to a point on the west right-of-way line of said Fir Road and the existing Mishawaka Corporation line and the Point of Beginning of this description; thence South 90°00'00" West, a distance of 288.00 feet more or less; thence North 00°00'00" East, a distance of 572.95 feet more or less; thence North 90°00'00" East, a distance of 288.00 feet more or less to the West right-of-way line of said Fir Road and the existing Mishawaka Corporation line; thence South 00°00'00" East along said West line and Corporation line, a distance of 572.95 feet more or less to the point of beginning. Containing 3.76 acres more or less. Subject to all legal rights-of-way, easements, and restrictions of record.

COMMON ADDRESSES: 52921, 52861, 52885, and 52841 Fir Road, Granger

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of C-1 General Commercial District.

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

1. Existing Conditions – The subject property is located along a moderately travelled section of Fir Road between Beacon Parkway and Cleveland Road. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential

Proposed Ordinance No. 20-14

Ordinance No. _____

development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include vacant property and a storage building to the north, a single-family residential house to the west, a single-family residential house and medical office to the south, and vacant property to the east approved for commercial use.

2. Character of Buildings in the Area – The character of buildings and land uses located along the Fir Road corridor between State Road 23 and Douglas Road vary greatly and include single and multi-family residential, institutional, medical, senior care and rehabilitation, financial, and commercial land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north and the approved commercial use of the property to the east, commercial development along Fir Road is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing land use patterns in the area.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed mixed use development to include medical office, retail, and residential uses is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

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 _____, 2020, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No. 20-14

Ordinance No. _____

PRESENTED by me to the Mayor this _____ day of _____, 2020, at
o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at _____ o'clock
_____.M.

David A. Wood, Mayor

Date: April 17, 2020

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

Re: Petition for Annexation & Rezoning for:

RH Line, LLC
509 West Washington Street
South Bend, Indiana 46601

The undersigned, respectfully show that they are the owners of the following described real estate located in the unincorporated portion of St. Joseph County, Indiana:

Annexation and Rezoning Legal Description:

A Parcel located in the Southeast Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana: Being more particularly described as commencing at the Southeast corner of said Section 22; thence North 00°00'00" East along the East line of said Section, 430.00 feet more or less and South 90°00'00" West, a distance of 30.00 feet more or less to a point on the west right-of-way line of said Fir Road and the existing Mishawaka Corporation line and the Point of Beginning of this description; thence South 90°00'00" West, a distance of 288.00 feet more or less; thence North 00°00'00" East, a distance of 572.95 feet more or less; thence North 90°00'00" East, a distance of 288.00 feet more or less to the West right-of-way line of said Fir Road and the existing Mishawaka Corporation line; thence South 00°00'00" East along said West line and Corporation line, a distance of 572.95 feet more or less to the point of beginning.

Containing 3.76 acres more or less.

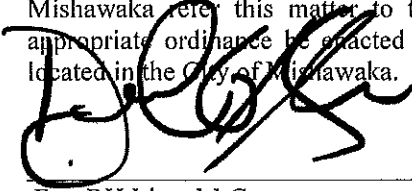
Subject to all legal rights-of-way, easements, and restrictions of record.

Also commonly known as 52921, 52861, 52885 & 52841 Fir Road, Granger, IN 46530.

The above described parcels of land are presently zoned "R" Single Family District in the unincorporated county.

Petitioners desire to annex and rezone the real estate described above to the "C-1" Commercial District classification. The purpose for the annexation and rezoning is to allow for a mixed land use development containing medical office uses, retail uses, and an existing residential use for a temporary time.

Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexation and rezoning the above described parcel of real estate located in the City of Mishawaka.


For: RH Line, LLC
509 West Washington Street
South Bend, Indiana 46601
(574) 339-1793

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DEBORAH S. BLOCK, MMC

APR 28 2020

CITY CLERK
MISHAWAKA, IN

Pet 20-08

Mishawaka Plan Commission
and the Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

April 17, 2020

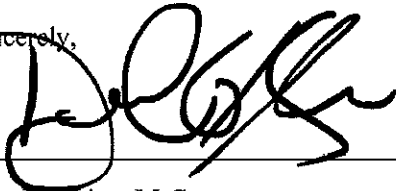
RE: Annexation and Rezoning request,
for RH Line, LLC for properties located at
52921, 52861, 52885 & 52841 Fir Road, Granger, IN;

Mishawaka Plan Commission Members and
Mishawaka Common Council Members:

This letter is to inform the Board members that I (we) have granted authority to Danch, Harner & Associates to represent me (us) before the Mishawaka Plan Commission and the Mishawaka Common Council meeting(s) and at all public meetings at which my (our) petition will be heard.

If you have any questions concerning this matter, please feel free to give me (us) a call at 574-330-1793.

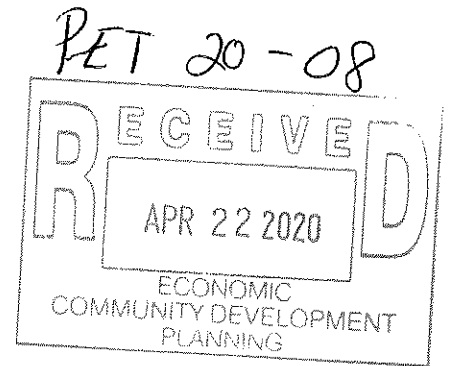
Sincerely,

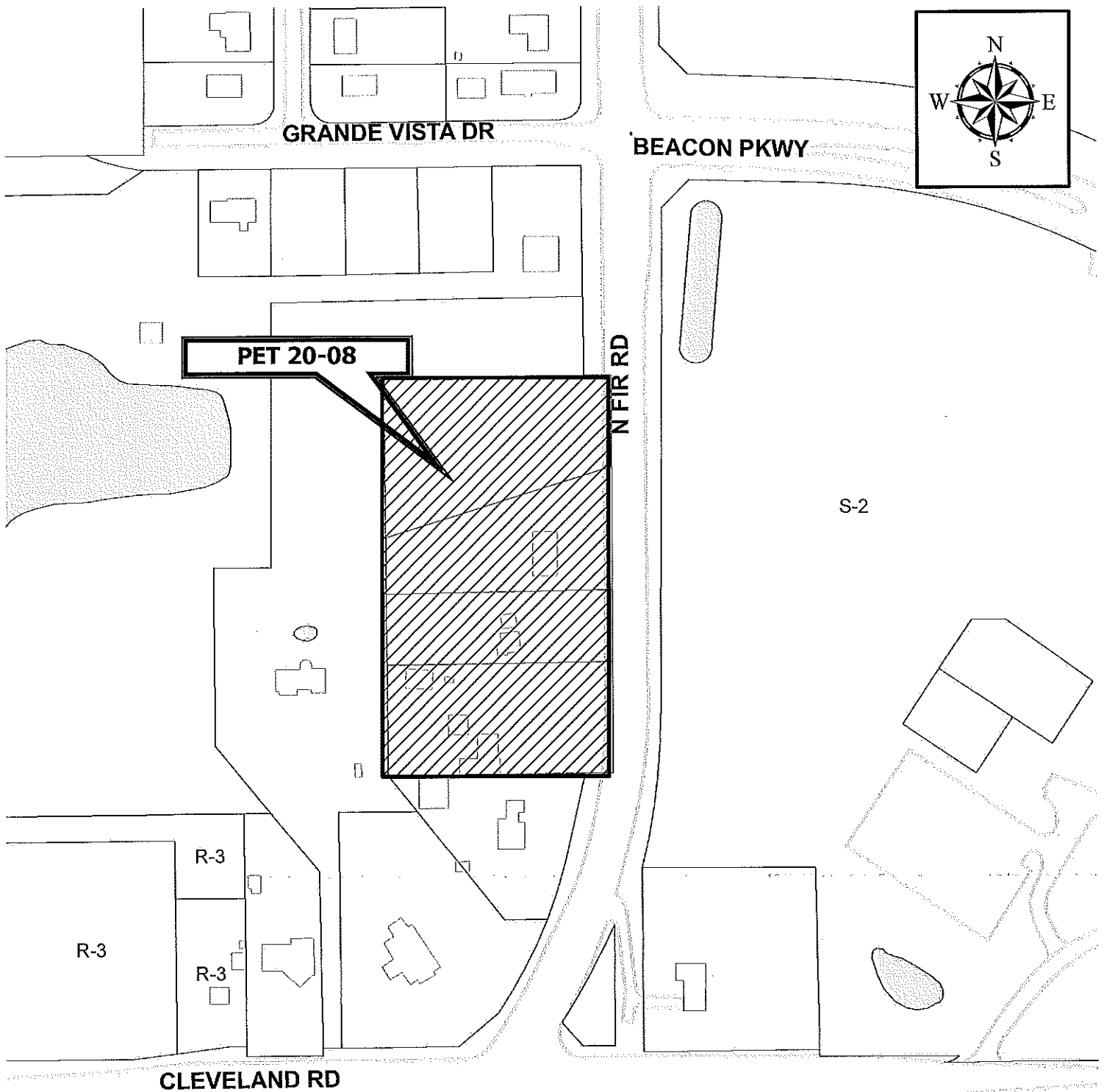


For: RH Line, LLC

Printed Name:

Daniel Klauer





Location Map

PET 20-08

52921, 52861, 52885, &
52841 FIR ROAD

ANNEXATION AND REZONING
TO C-1 GENERAL COMMERCIAL

INDIANA TOLL RD

1st Reading
2nd Reading
Passed
Failed
Continued To

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DEBORAH S. BLOCK, MMC

MAY 13 2020

CITY CLERK
MISHAWAKA, IN

PETITION 20-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-15

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:

A part of Lot Numbered Thirty-four (34) on Fourth Street as shown on the Original Plat of the Town of St. Joseph Ironworks now the City of Mishawaka, described as beginning 3 ½ rods West of the Northeast corner of said lot Numbered 34, running thence West on the North line thereof 41 feet 3 inches; thence South 19 rods to the North line of the right-of-way of the Lakeshore and Michigan Southern Railroad; thence East 41 feet 3 inches; thence North 19 rods to the place of beginning.

COMMON ADDRESS: 407 West Fourth Street

which real estate is now classified as I-1 Light Industrial District shall hereafter be within and a part of that District known as C-3 City Center Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. The City Center Commercial zoning matches most of the properties in the immediate vicinity and the use would be compatible to the area;
2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because the use is not changing and given its relationship to surrounding properties, staff feels that the most desirable use for this property is the C-3 City Center Commercial District;

Proposed Ordinance No: 20-15

Ordinance No: _____

3. Because the parcel is located in an area with commercial uses, the rezoning to C-3 City Center Commercial District is a desirable use for this property;
4. Rezoning to C-3 City Center Commercial will have a favorable and stabilizing impact on the neighborhood as the use is not changing, however if it were to change, commercial uses are preferable to industrial uses; and,
5. The City's Comprehensive Plan identifies the area as General Commercial, so rezoning it to a commercial district, which allows this parcel's historical multi-family use is consistent with 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 _____, 2020, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2020, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at _____ o'clock _____.M.

David A. Wood, Mayor

Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana



RE: PETITION TO REZONE

The undersigned The M Group LLC-S Series 407 W. 4th Street 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:

A part of Lot Numbered Thirty-four (34) on Fourth Street as shown on the Original Plat of the Town of St. Joseph Ironworks now the City of Mishawaka, described as beginning 3 ½ rods West of the Northeast corner of said lot Numbered 34, running thence West on the North line thereof 41 feet 3 inches; thence South 19 rods to the North line of the right-of-way of the Lakeshore and Michigan Southern Railroad; thence East 41 feet 3 inches; thence North 19 rods to the place of beginning.

More commonly known as 407 W. 4th Street, Mishawaka, Indiana.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of **I-1 District**. Said property is a residential rental property.

Petitioner(s) desire said real estate to be rezoned to **C-3 District**. Petitioner(s) further state that they intend to utilize said land for a residential rental property. We are requesting the rezoning to more accurately reflect the actual use of the property and to conform with like properties in the surrounding area.

Wherefore, the petitioner(s) 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.

Paul C. Mead

CONTACT PERSON:

NAME PAUL C MEAD, MEMBER AND MANAGER, THE M GROUP LLC-S
ADDRESS P.O. BOX 741, GRANGER, IN 46530
PHONE NUMBER 847-915-2165
FAX
EMAIL PCMEAD.89@GMAIL.COM

RECEIVED
DEBORAH S. BLOCK, MMC

APR 28 2020

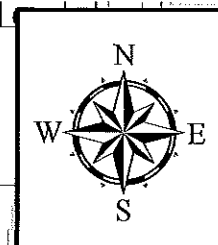
CITY CLERK
MISHAWAKA, IN

R-1 C-3

C-3 C-3 C-3 C-3

C-3 C-3

W THIRD ST



S WEST ST

S HILL ST

C-3

PET 20-09

W FOURTH ST

S WEST ST

SAINT JOSEPH CT

Location Map

PET 20-09

407 W FOURTH ST

REZONE FROM
I-1 LIGHT INDUSTRIAL
TO C-3 CITY CENTER
COMMERCIAL

C-3

I-1

I-1

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 28 2020

CITY CLERK
MISHAWAKA, IN

**PROPOSED ORDINANCE NO. 2020-16
AS AMENDED**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, TRANSFERRING AND APPROPRIATING FIVE HUNDRED AND FIFTEEN
THOUSAND DOLLARS (\$515,000.00) FROM THE CREDIT FUND TO THE CREDIT
REVOLVING LOAN FUND AND AUTHORIZING THE USE OF SAID FUNDS FOR
THE PURPOSE OF MAKING LOANS UNDER THE COVID-19 EMERGENCY LOAN
PROGRAM**

WHEREAS, the novel coronavirus known as COVID-19 ("COVID-19") and the resulting mandated stay-at-home orders and social distancing requirements and recommendations implemented by the federal and state government have significantly and negatively affected businesses located in the City of Mishawaka, Indiana (the "City") and many of such businesses have not been able to participate in the federal programs implemented to assist businesses suffering as a result of the effects of COVID-19; and

WHEREAS, in order to address the extraordinary consequences resulting from impact that COVID-19 has had on businesses located in the City and to provide additional support as businesses look to re-open, the Common Council of the City of Mishawaka, Indiana (the "Common Council"), the fiscal body and legislative body of the City of Mishawaka, Indiana (the "City"), has adopted Resolution No.2020-11 (the "Resolution") for the purpose of establishing (i) a revolving fund, to be known as the "CREDIT Revolving Fund" (the "Revolving Fund"), pursuant to Indiana Code 5-1-14-14(b), as amended (the "Act"), to be funded from a portion of the City's distributive share of the local income tax revenues (the "Economic Development Revenues") allocated for economic development purposes under Indiana Code 6-3.6-6-9, as amended, and received by the City and any other moneys legally available to the City for such purpose (collectively, the "Available Revenues") and (ii) a COVID-19 Emergency Loan Program (the "Program") to provide loans totaling Five Hundred Thousand Dollars (\$500,000) from the Revolving Fund to businesses located in the City as more fully described in the Resolution;

WHEREAS, the administrative costs of the program shall be considered in addition to the five hundred thousand-dollar (\$500,000) loan amount and shall not exceed 3% of the loan value, fifteen thousand dollars (\$15,000) maximum for the program; and

WHEREAS, it has been determined that an emergency exists which makes it necessary to appropriate more money than was originally appropriated in the annual budget for the City to fund the Program; and

WHEREAS, the Mayor and Common Council believe that the use of such Economic Development Revenues in this manner is advisable and serves to promote further economic development in the City; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication

as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other required persons had an opportunity to appear and express their views as to such appropriation;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWKA, INDIANA, AS FOLLOWS:

Section 1. There is hereby transferred and appropriated Five Hundred and Fifteen Thousand Dollars (\$515,000.00) from the CEDIT Fund to the Revolving Fund for the purpose of funding the Program so that the City may provide loans as described in the Resolution pursuant to Indiana Code 5-1-14-14(b).

Section 2. There is hereby appropriated Five Hundred and Fifteen Thousand Dollars (\$515,000.00) from the Revolving Fund for the purpose of funding loans, including administrative expenses, to qualifying businesses under the Program as set forth in the Resolution and Indiana Code 5-1-14-14(b).

Section 3. A certified copy of this Ordinance shall be transmitted by the Controller of the City to the Indiana Department of Local Government Finance in accordance with Ind. Code 6-1.1-18-5.

Section 4. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-4-6.

PASSED AND ADOPTED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this 1st day of June, 2020.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED to the Mayor of the City of Mishawaka, Indiana, this ____ day of _____, 2020, at _____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk
APPROVED, this ____ day of _____, 2020, _____, o'clock, _____.M.

David A. Wood, Mayor

FW: TIF/EDIT Funding for Recovery Loan Program

Ken Prince <kprince@mishawaka.in.gov>

Thu 5/28/2020 7:12 AM

To: Michael Hixenbaugh <mhixenbaugh@mishawaka.in.gov>; Raven S. Boston <rboston@mishawaka.in.gov>

Cc: Deb Block <dblock@mishawaka.in.gov>; David A. Wood <dwood@mishawaka.in.gov>; Rebecca Miller <rmiller@mishawaka.in.gov>

 2 attachments (50 KB)

Common Council Resolution Establishing Revolving Fund and Authorizing Loans - City of Mishawaka COVID-19.docx;
Appropriation Ordinance - COVID-19 Loan Fund.docx;

Michael,

As we discussed this morning, attached is the resolution that was sent previously that we would like to have on Monday's agenda. I added the 2020-11 number you gave me. I also inserted language capping the administrative costs of the program at 3%. This firm number was requested by the Council at the Committee Meeting.

To make the documents consistent, I amended proposed ordinance 2020-16 that was read under first reading at the last meeting. This adds the administrative expenses and adds the resolution number that was previously left blank. It would likely be cleanest to have the Council to vote to consider the amended ordinance prior to action, but I'll leave that up to Deb Block on how she would like to handle the amendments.

I will follow up today with a revised criteria that reflects some of the other changes requested by the Council for their information and review prior to the meeting. This is not a Council action item, but is part of demonstrating the refinement of the proposed program as has been requested.

Thanks for the help. Let me know if you need anything else.

Ken

Kenneth B. Prince, ASLA, AICP
Executive Director- City Planner

City of Mishawaka
Economic-Community Development-Planning
600 East Third Street
Mishawaka, IN 46544
Phone- (574) 258-1625
Email- kprince@mishawaka.in.gov
Website- www.mishawaka.in.gov

From: Ken Prince

Sent: Wednesday, May 13, 2020 11:56 AM

To: Deb Block <dblock@mishawaka.in.gov>; Gregg Hixenbaugh <gahixenbaugh@mishawaka.in.gov>
Cc: David A. Wood <dwood@mishawaka.in.gov>; Rebecca Miller <rmiller@mishawaka.in.gov>
Subject: FW: TIF/EDIT Funding for Recovery Loan Program

Good morning Deb and Gregg,

As you are aware, we are currently trying to put together the specifics associated with a small business loan program that would be funded by the City.

On Monday the Redevelopment Commission approved refunding \$934,209 of TIF funds back to the City of Mishawaka Local Income Tax Economic Development fund to pay for past eligible projects for the primary purpose of funding a small business loan fund related to the COVID-19 crisis. Barnes and Thornburg, with input from Baker Tilly identified EDIT funds as the most appropriate source of funding for such a loan program that would not potentially be tied to geography like TIF. TIF was considered as the source because it is also likely the only source where any flexibility exists.

We had envisioned a \$500,000 fund with a maximum loan amount of \$10,000, thus providing the ability to help 50 businesses or more if some choose a lower amount to borrow. Since we have a very limited ability to move funds from TIF for other purposes, we asked Barnes and Thornburg to identify the maximum amount that they would consider defensible for refunding based on how EDIT was spent in the past. Given the crisis, a much more liberal approach is being taken. What is being refunded are the improvements to Twin Branch Park and a sweeper that was purchased for the Riverwalk. In this case, Twin Branch is adjacent to the TIF (but not in) because Lincolnway was placed in it back in 2014. Barnes and Thornburg also thought the sweeper was defensible because it is solely servicing area within the TIF, and doesn't have the stigma of other Central Services, Police, or Fire equipment which other communities have been called out on regarding misuse of funds.

This means that following the initial funding of the loan program and after the administrative expenses associated with the program that would be on top of that amount, there will be roughly \$400,000 in unappropriated funds in EDIT if this all moves forward. Again, this has been done to provide a "little" more flexibility to deal with the impacts associated with the crisis. I emphasize "little" because the impacts from this we know will be much greater. As such, this \$400,000 we feel shall be held back until we have a clearer financial picture which will not be initially known for months. We also know that the financial impacts will continue to evolve over the next few years. Another benefit to the loan program is that when the loans are repaid, the resulting funds will not go back to TIF which would again have greatly limited how the returned funds could be expended.

Barnes and Thornburg has prepared a draft of the necessary resolution and ordinance. These were included in the Redevelopment Commission packet, but I have attached the word documents for reference.

As I had mentioned previously, we had taken loan documents on a similar program that was done by Grand Rapids that were provided to us by the Chamber of Commerce as a template and then modified them for the City. These were marked up by Barnes and Thornburg and the mark ups have been attached just for reference and review. We are also working with Lake City Bank regarding the administration of the program. They put together a brief summary of guidelines that I have also attached. These are in fact a works in progress, we just wanted you to have all the information for potential forwarding and input. We will have revised documents for when we meet.

Originally we were hoping to have the entire program before you for potential action on Monday. We believe now that it would not allow for the appropriate vetting and input needed. Our suggestion is that

the ordinance be assigned a number and read for first reading at this coming Monday's Council meeting. Typically it would be assigned to the Budget and Finance Committee. Our goal would then be to complete the details of the program with the Budget and Finance Committee so that the Council can take action on both the resolution and ordinance at your first meeting in June.

As such, we are asking for your help in placing the ordinance on the agenda for Monday for first reading and to arrange for a Budget and Finance Committee Meeting next week. We would prefer to meet in person if possible, but also understand if a virtual component is necessary. We believe even with an interested public we can provide safe distancing for up to 25 people in the Council Chambers itself.

Once you have had a chance to review this, please let us know how you would like to proceed.

Thanks,

Ken

Kenneth B. Prince, ASLA, AICP
Executive Director- City Planner

City of Mishawaka
Economic-Community Development-Planning
600 East Third Street
Mishawaka, IN 46544
Phone- (574) 258-1625
Email- kprince@mishawaka.in.gov
Website- www.mishawaka.in.gov

From: Rompola, Randolph <Randy.Rompola@btlaw.com>
Sent: Friday, May 8, 2020 10:32 AM
To: Ken Prince <kprince@mishawaka.in.gov>; Julien, John <John.Julien@bakertilly.com>; Rebecca Miller <rmiller@mishawaka.in.gov>; David A. Wood <dwood@mishawaka.in.gov>
Cc: Jim Schrader <jschrader@mishawaka.in.gov>; Virginia Fras <vfras@mishawaka.in.gov>; Faccenda, Philip <Philip.Faccenda@btlaw.com>
Subject: RE: TIF/EDIT Funding for Recovery Loan Program

>>> FROM EXTERNAL SENDER <<<

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attached are updated versions of the Council resolution establishing the COVID Loan Program and the appropriation ordinance appropriating \$500,000 of CEDIT funds for the program. Changed the reference to the fund names per Becky's suggestion. Have included redlines to show the few changes. Any other comments/questions, please let me know. Thanks! Randy

Randy Rompola | Partner

Barnes & Thornburg LLP

700 1st Source Bank Center, 100 North Michigan, South Bend, IN 46601-1632

Direct: (574) 237-1244 | Mobile: (574) 360-8610 | Fax: (574) 237-1125



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City of Mishawaka: COVID-relief Loan Program

Eligibility Requirements 5/28/2019

Eligibility for Program

- 1) Applicant company/organization must be located within the City limits of Mishawaka, noting that portions of Mishawaka are served by Granger and South Bend post office addresses. It is also noted that the Mishawaka post office serves areas outside the City limits. Those in the City limit would have a 3- or 4-digit address rather than 5 digits in the unincorporated County.
- 2) Applicant company/organization must certify that its economic condition was significantly impacted by the COVID-19 Pandemic, including a written paragraph that identifies items including but not limited to closures, reduced hours, layoffs, drops in revenue, and increased business expenses for pandemic related activities.
- 3) Applicant company/organization must certify that it believes funds from this program are critical in helping the company stay in business during the pandemic.
- 4) The applicant company/organization must have been in business and operational as of February 15, 2020, and must provide some form of documentation, to the City's satisfaction, to confirm its status as an active, ongoing business/organization.
- 5) The applicant company/organization must be an operating company/organization with annual revenues not in excess of \$2,000,000 per year.
- 6) Determination of ineligible applicants is based on the definition of ineligible applicants (borrowers) for the SBA's 7 (a) Loan Program: Ineligible businesses include those engaged in illegal activities, loan packaging, speculation, real estate investment firms, multi-sales distribution, gambling, investment or lending, religious organizations, or where the owner is on parole.
- 7) Charitable organizations, not for profits, service clubs, lodges and fraternal organizations are eligible only if they have a business address and commercial storefront and serve and/or are accessible to the general public.
- 8) The applicant company must indicate if it received money from either the Paycheck Protection Program (PPP) or the Economic Impact Disaster Loan (EIDL) programs. If the applicant did, its application will be pended until all applicants who have *not* received other such financial support are processed. The first round shall last for 14 calendar days. After that first round occurs, if funds are remaining in the designated loan fund then the pended applications may be considered.
- 9) The applicant will list all individuals who own 50% or more of the company. For any individual listed, a credit bureau will be obtained and a minimum credit score of 620 will be necessary for the applicant to be eligible. If no single individual owns 50% or more of the company, the individual with the highest percentage of ownership will be used to determine eligibility based on credit score. Financial worthiness of organizations not associated with individuals shall be determined by the lending institution chosen to administer the program and need only to identify a minimum credit worthiness as would normally be associated with a credit score of 620 for an individual.

1st Reading 5 -18 -20
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 15 2020

PROPOSED ORDINANCE NO. 2020-16

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, TRANSFERRING AND APPROPRIATING FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FROM THE CREDIT FUND TO THE CREDIT REVOLVING LOAN FUND AND AUTHORIZING THE USE OF SAID FUNDS FOR THE PURPOSE OF MAKING LOANS UNDER THE COVID-19 EMERGENCY LOAN PROGRAM

WHEREAS, the novel coronavirus known as COVID-19 ("COVID-19") and the resulting mandated stay-at-home orders and social distancing requirements and recommendations implemented by the federal and state government have significantly and negatively affected businesses located in the City of Mishawaka, Indiana (the "City") and many of such businesses have not been able to participate in the federal programs implemented to assist businesses suffering as a result of the effects of COVID-19; and

WHEREAS, in order to address the extraordinary consequences resulting from impact that COVID-19 has had on businesses located in the City and to provide additional support as businesses look to re-open, the Common Council of the City of Mishawaka, Indiana (the "Common Council"), the fiscal body and legislative body of the City of Mishawaka, Indiana (the "City"), has adopted Resolution No. _____ (the "Resolution") for the purpose of establishing (i) a revolving fund, to be known as the "CREDIT Revolving Fund" (the "Revolving Fund"), pursuant to Indiana Code 5-1-14-14(b), as amended (the "Act"), to be funded from a portion of the City's distributive share of the local income tax revenues (the "Economic Development Revenues") allocated for economic development purposes under Indiana Code 6-3.6-6-9, as amended, and received by the City and any other moneys legally available to the City for such purpose (collectively, the "Available Revenues") and (ii) a COVID-19 Emergency Loan Program (the "Program") to provide loans totaling Five Hundred Thousand Dollars (\$500,000) from the Revolving Fund to businesses located in the City as more fully described in the Resolution;

WHEREAS, it has been determined that an emergency exists which makes it necessary to appropriate more money than was originally appropriated in the annual budget for the City to fund the Program; and

WHEREAS, the Mayor and Common Council believe that the use of such Economic Development Revenues in this manner is advisable and serves to promote further economic development in the City; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other required persons had an opportunity to appear and express their views as to such appropriation;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE

CITY OF MISHAWKA, INDIANA, AS FOLLOWS:

Section 1. There is hereby transferred and appropriated Five Hundred Thousand Dollars (\$500,000.00) from the CEDIT Fund to the Revolving Fund for the purpose of funding the Program so that the City may provide loans as described in the Resolution pursuant to Indiana Code 5-1-14-14(b).

Section 2. There is hereby appropriated Five Hundred Thousand Dollars (\$500,000.00) from the Revolving Fund for the purpose of funding loans to qualifying businesses under the Program as set forth in the Resolution and Indiana Code 5-1-14-14(b).

Section 3. A certified copy of this Ordinance shall be transmitted by the Controller of the City to the Indiana Department of Local Government Finance in accordance with Ind. Code 6-1.1-18-5.

Section 4. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-4-6.

PASSED AND ADOPTED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this ____ day of _____, 2020.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED to the Mayor of the City of Mishawaka, Indiana, this ____ day of _____, 2020, at _____ o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED, this ____ day of _____, 2020, _____, o'clock, _____.M.



City of Mishawaka

OFFICE OF THE CITY CLERK

Deborah S. Block, IAMC, MMC, City Clerk

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATION

Notice is hereby given the taxpayers of Mishawaka, St. Joseph County, Indiana, that the Common Council will meet in City Hall, 600 East Third Street at 7:00 p.m. on the 1st day of June, 2020 and will consider the following additional appropriations in excess of the budget for the current year.

PROPOSED ORDINANCE NO. 2020-16

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, TRANSFERRING AND APPROPRIATING FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FROM THE CREDIT FUND TO THE CREDIT REVOLVING LOAN FUND AND AUTHORIZING THE USE OF SAID FUNDS FOR THE PURPOSE OF MAKING LOANS UNDER THE COVID-19 EMERGENCY LOAN PROGRAM

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriations as finally made will be referred to the State Board of Tax Commissioners. The Board shall issue a written determination within 15 days of receipt of the proposal.

Deborah S. Block, IAMC, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Susan Kile, ADA Coordinator, at (574) 258-1615.

Raven S. Boston, Chief Deputy Michael Hixenbaugh, Deputy
City Hall, 600 East Third Street Mishawaka, IN 46544-2241 (574) 258-1616 FAX (574) 258-1728
E-mail: dblock@mishawaka.in.gov Website: Mishawaka.in.gov

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State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the MISHAWAKA ENTERPRISE, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the Mishawaka Enterprise for:

XX One TWO THREE

times successively to-wit:

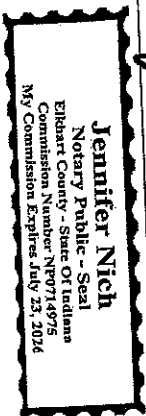
On the 21st day of May, 2020, and

On the day of 2020, and

On the day of 2020

Jennifer Nich
Subscribed & Sworn To Before Me
This 21st day of May, 2020

Jennifer Nich



CHARGES: \$ 27.24