

AGENDA

October 11, 2021

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: 408-418-9388
Meeting Number (access code): 173 139 5423
Meeting Password: twScdieE382

Livestream #1: <https://www.facebook.com/cityofmishawaka/>

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

Dial: 1731395423@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of September 20, 2021

5. Petitions, Communications, Remonstrance and Memorial

Petition No. 2021-16	Rezoning Future Outlot from C-2 Shopping Center to C-7 Automobile Oriented Restaurant Commercial
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Petition No. 2021-17	Annexation and Rezoning of 12452 & 12434 Lincolnway East from I-1 to C-1 General Commercial and I-1 Light Industrial
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6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2021-35 Elected Officials Salary Ordinance for 2022

P.O. NO. 2021-36 City Employee Salary Ordinance for 2022

P.O. NO. 2021-37 Public Safety Salary Ordinance for 2022

8. Resolutions

R2021-24 Approving Interlocal Agreement for Operation of Consolidated Public Safety Answering Point

R2021-25 Adding parcels to the City's Acquisition List

9. Ordinances on Second Reading

P.O NO. 2021-31 PUD Amendment to remove restrictions as a Senior Only Complex to become Market Rate Non-Age Restricted - Whispering Pine Apartments **(Assigned to Land Use Planning Committee)**

P.O.NO. 2021-32 Rezoning for redevelopment with three tenant Commercial Building - 422 W. McKinley Ave. **(Assigned to Land Use Planning Committee)**

P.O NO. 2021-33 Rezoning from C-1 General Commercial & R-1 Single Family Residential to C-6 Linear Office Commercial - 821 W. Jefferson Blvd. **Assigned to Land Use Planning Committee)**

P.O. NO. 2021-34 Civil City Budget and Tax Levy for 2022 **(Assigned to Budget and Finance Committee)**

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment -

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page,

<https://www.facebook.com/cityofmishawaka/> and also on the Michiana Access TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

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.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 20, 2021

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, September 20, 2021 at 7:00PM. The meeting was called to order by Vice President Matt Mammolenti. All were asked to stand for the Pledge of Allegiance.

Roll Call.

Present: Mrs. DeMaegd (P), Mr. Banicki (E), Mr. Hazen (P), Mr. Mammolenti (P), Mr. Emmons (P), Mr. Bellovich (P), Mr. Compton (P), Mrs. Voelker (A), Mr. Hixenbaugh (E)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Minutes for the Regular Meeting of September 7, 2021 were approved as received from the Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals and City Plan Commission regarding their recommendations from their September 14, 2021 meetings.

APPEAL #2021-27 An appeal submitted by Mark Shea, Trustee of the John C. Shea Sr. Revocable Trust and Rosemary Shea, Trustee of the Rosemary Shea Revocable Trust requesting a Use Variance for 318 West Cleveland Road and 320 West Cleveland Road, Granger, to allow dog grooming and cat boarding on C-2 Shopping Center Commercial property.

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

APPEAL #2021-32 An appeal submitted by GLC-MAP McKinley Trust requesting a Use Variance for 422 West McKinley Avenue to allow a three-tenant building, one with drive-thru window, on C-1 General Commercial zoning district.

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

PETITION #21-13 A petition submitted by MFD II, LLC (Miller Family Development, LLC) requesting to amend the Whispering Pines Planned Unit Development to remove the restriction as a senior-only complex to become market-rate, non-age restricted.

The Commission, with a vote of 4 (against) - 1 (for), forwarded no recommendation.

PETITION #21-14 A petition submitted by GLC-MAP McKinley Trust requesting to rezone 422 West McKinley Avenue from C-4 Automobile Oriented Commercial District to C-1 General Commercial District.

The Commission, with a vote of 5-0, recommended approval.

PETITION #21-15 A petition submitted by Stephen J. and Joellen Miller requesting to rezone 821 West Jefferson Boulevard from R-1 Single Family Residential District and C-1 General Commercial District to C-6 Linear Office Commercial District.

The Commission, with a vote of 5-0, recommended approval.

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

The introduction and swearing-in of Mayor Wood's Youth Council commenced.

Mayor Wood spoke prior to the festivities stating this was one of the special nights of the year swearing-in the class of 2021-2022 Youth Council. Mayor Wood stated next year, hopefully they would be able to swear-in the youth council in a much bigger Council Chambers new City Hall building. Mayor Wood stated they would take the same oath of office that himself, the council, and all of the public servants took. Mayor Wood stated it was something they held sacred and one they valued very much. Mayor Wood stated they would also go upstairs and select their officers for the upcoming year, so they ran it just the way the City Council operated their business. Mayor Wood stated they would operate within their budget and would effectively become Mishawaka public servants. Mayor Wood stated this was a program that he considered to be one of his most important initiatives and could not do it without the help of parent volunteers and especially Lou Ann Hazen along with his wife Jamie Wood and Debbie Gregg. Mayor Wood stated this program to him was about community service, educating on a multitude of areas of government and lastly being a leadership program. Mayor Wood stated the goal was not only to build the future of Mishawaka for the kids, but also give them the feeling to live and work in the city of Mishawaka. Mayor Wood stated they knew these kids were the best and the brightest and they wanted them to chase their dreams, wherever they may find them. Mayor Wood stated they wanted to give them a hands-on opportunity to shape Mishawaka's future and last year's class helped continue that notion. Mayor Wood referred to the designing of the city park located at the former Hums Park, which was now Heroes Park. Mayor Wood stated that project designed by the kids had won the Best Place making Project in the state of Indiana for the prior year. Mayor Wood stated in October, they would have a small contingent to appear in front of about 1,000 people and accept the award. Mayor Wood stated the only difficult thing about that was they now had to come up with something even bigger to let them do. Mayor Wood stated they had to look no farther than City Hall and they would likely give youth council a project with City Hall to work on. Mayor Wood stated when he thought about the kids, he appreciated what they did. Mayor Wood stated they came silent in most cases and then became

friends with kids they may not have met otherwise. Mayor Wood stated the youth council consisted of 30 kids from 3 different high schools (Mishawaka High School, Penn High School and Marian High School). Mayor Wood stated they had the opportunity to be mentored by other kids who went through the program or community leaders. Mayor Wood stated they would have all kinds of opportunities and they knew it was a good program, because he got mayors from all over Indiana and the Midwest looking to copy and paste the idea to their own communities, with several having done so already. Mayor Wood thanked everyone involved, but most especially the parents because it was a commitment they made along with their kids. Mayor Wood stated they expected the kids to take full advantage of the opportunities in front of them and this was their chance to shape and mold their community. Mayor Wood also stated they would keep them safe and well fed. Mayor Wood concluded thanking everyone once again for allowing the kids to serve in this way.

Mayor Wood called the kids up by name in alphabetical and accepted their oath along with a pin then returned to their seats, followed by standing together when everyone had their oaths and read off their oaths. Immediately following that, the kids adjourned upstairs to elect officers and receive their orientation.

Mayor Wood announced the sponsoring of a home in the city at the Mishawaka habitat work project that day. Mayor Wood stated they were building six homes for families in need and they got an awful lot of work done that day. Mayor Wood invited the council and any of their staff to come out from 8AM to 4PM. Mayor Wood stated they would be out there all week and hopefully would see them out there.

Mr. Mammolenti expressed his gratitude for all Mayor Wood, Jamie Wood and Lou Ann Hazen did and there was no doubt, why the youth council was the envy of many around the state. Mr. Mammolenti stated he looked forward to seeing the next project. Mr. Mammolenti concluded stating if it was anything close to what they did with Heroes Park, it would be no short of amazing.

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

PROPOSED ORDINANCE NO. 2021-31

**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 remove restrictions as a Senior Only Complex to become Market Rate
Non-Age Restricted – Whispering Pine Apartments
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2021-32

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.

Rezoning for redevelopment with three tenant Commercial Building – 422 W. McKinley Ave.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2021-33

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.

Rezoning from C-1 General Commercial & R-1 Single Family Residential to C-6 Linear Office Commercial – 821 W. Jefferson Blvd.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2021-34

CIVIL CITY BUDGET AND TAX LEVY FOR 2022

(Assigned to Budget & Finance Committee)

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

RESOLUTION R2021-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, IDNIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: 318 & 320 W CLEVELAND RD. GRANGER, IN

Use Variance to allow Dog Grooming and Cat Boarding – 318 & 320 W. Cleveland Road – Gordon’s Grooming

Mr. Compton made a motion that the council postpone the variance request to the next meeting on October 11th until they had a representative from Gordon’s Grooming to discuss the matter with the council. Mr. Banicki seconded the motion and Clerk Block called a vote on the motion.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The motion passed 8-0 and **RESOLUTION R2021-21** was postponed to the next common council meeting.

RESOLUTION R2021-22

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: 422 W. MCKINLEY AVENUE MISHAWAKA, INDIANA

Use Variance for a three-tenant building, one with Drive-Thru Window – 422 W. McKinley Ave.

Jeff Ballard, Danch Harner & Associates, spoke in favor of **RESOLUTION R2021-22**. Mr. Ballard stated the contingent purchaser and owner of the property contacted the current owner with the goal of developing a proposed three-tenant building to house a restaurant facility with a drive-thru, retail store and a small sit down restaurant on that parcel. Mr. Ballard stated they met with staff and determined the procedure to go through the rezoning process and request land use variances to allow the restaurant facility with the drive-thru and having three-tenant in a single building with the C-1 commercial zoning they were going through as well. Mr. Ballard stated that was the summary and would answer any questions.

Mr. Compton asked if this was a spec building and if there were tenants lined up. Mr. Ballard stated he heard tell of Starbucks and that was the only tenant he was aware of, but he could not commit to that.

Question was called for at 7:35PM for **RESOLUTION R2021-22** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2021-23

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY: A 9.15 ACRE PARCEL LOCATED NORTH AND EAST OF 1420 INDUSTRIAL DRIVE AND WEST OF BYRKIT AVE.

Fiscal Plan for Annexation for 58200 Block Rd. W. of 1405 & 1505 Byrkit Rd.

Ken Prince, City Planner, spoke in favor of **RESOLUTION R2021-23**. Mr. Prince stated the parcel before them for annexation was over 9 acres and as required by state law they had to identify any expenditures or additional expenditures required as part of the annexation process.

Mr. Prince stated they had been through this many times, they routed these to every applicable department in the city, and they each identified that they could serve the property under their existing budget. Mr. Prince stated the area was 64% contiguous to the city and it was part of a larger island they would expect to come into the city at a different time. Mr. Prince stated what was happening was Jamil Packaging had been looking at their long term needs and wanted to buy this parcel for their future expansion, even though they had no immediate plans to build a building or move forward with the expansion and really just wanted to lock up the property. Mr. Prince concluded stating he would answer any questions.

Question was called for at 7:38PM for **RESOLUTION R2021-23** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The resolution passed 8-0.

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

PROPOSED ORDINANCE NO. 2021-30

AN ORIDNANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CLARIFICATIONS THEREFORE

**Annexation & Rezoning for the I-1 Light Industrial District for a future expansion of
adjacent manufacturing business – vacant land 58200 Block Byrkit Rd. W. of 1405 & 1505
Byrkit Rd.
VOTE ONLY**

Mr. Bellovich reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Banicki, Clerk Block polled the council on the committee report.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The committee report passed 8-0.

Question was called for at 7:41PM for **PROPOSED ORDINANCE NO.2021-30** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus becoming **ORDINANCE NO. 5757**

PRIVILEGE OF THE FLOOR

Kate Koontz, Lacy Hahn, Janet Hyduck-Whitfield, Jeffery and Kristie Miller, and John Banes expressed their frustration regarding the escalation of crime in the 1st district neighborhood, particularly at 427 W. 7th Street.

Members of the council thanked the residents for making them aware of the issues. They expressed to the residents that this was the right thing to do and to call the police when they saw suspicious activity.

UNFINISHED BUSINESS

A motion was made by Mr. Compton to bring RESOLUTION R2021-21 back to the floor, as they were able to make contact with the petitioner. With a second from Mr. Banicki, Clerk Block polled the council on the motion.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The motion to place the proposed resolution back on the agenda passed 8-0.

RESOLUTION R2021-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, IDNIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: 318 & 320 W CLEVELAND RD. GRANGER, IN

Use Variance to allow Dog Grooming and Cat Boarding – 318 & 320 W. Cleveland Road – Gordon's Grooming

Mark Shay, 466 South Prospect Avenue in Elmhurst, Illinois, spoke in favor of **RESOLUTION R2021-21**. Mr. Shay stated his family owned Centennial Place and his tenant was Gordon's Groomers who was acting for the variance to perform grooming and boarding services in their two units that they leased from them at 318 & 320 West Cleveland Road. Mr. Shay stated Gordon's had been with them as a tenant for two years and they sold retail pet supplies as well as performed services for dog grooming. Mr. Shay stated they wanted to expand into cat grooming in a separate facility and board cats only indoors as well with no outside activity in either space. Mr. Shay concluded stating they wanted it to get done as soon as possible.

Question was called for at 9:06PM for **RESOLUTION R2021-21** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The resolution passed 8-0.

Clerk Block thanked Chief Deputy Raven Boston for working so diligently with Mr. Shay to get him back on the agenda for the council. Mr. Mammolenti thanked Raven as well.

NEW BUSINESS

Mr. Emmons acknowledged that he would be starting his monthly meetings once again and that he had been holding them for 17 years. Mr. Emmons stated they missed last year because of the pandemic and hoped to continue these monthly meetings. Mr. Emmons stated he would get guest speakers who were interested in the community as well as solving some of the problems

occurring in the district and city of Mishawaka as a whole. Mr. Emmons stated he would invite city officials and others who were needed to address situations. Mr. Emmons stated they would be honored with the Mayor's presence at the next meeting to give a synopsis of the State of the City Address from the prior year and would be there to answer any questions the community had. Mr. Emmons concluded stating the meeting would be at 7PM at St. Bavos School and the meeting would be held every month on the third Thursday, except for December. Mr. Emmons stated City Planner Ken Prince was lined up to be the guest speaker in October to speak about the development of the City of Mishawaka downtown and surrounding area. Mr. Emmons stated every month they would try to have something very pertinent to the citizens of Mishawaka and he encouraged all to attend. Mr. Emmons concluded stating he was looking forward to seeing everyone on Thursday.

Mr. Mammolenti thanked Mr. Emmons for his continued efforts in reconvening the neighborhood meetings and all he did.

Mr. Mammolenti announced the Twin Branch neighborhood watch meeting and the guest speaker would be Lieutenant Reppert to cover local crimes that occurred in the last month. Mr. Mammolenti concluded stating all were welcome.

Clerk Block reminded the council and everyone the regular council meetings in October would be held on October 11th and October 25th. Clerk Block also announced that Monday September 27th at 5:30PM, they would have the American Rescue Plan informational meeting at City Hall.

ADJOURNMENT 9:10PM

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

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

September 22, 2021

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



RE: McKinley Commons Outlot Rezoning

The undersigned, GLC-MAP McKinley Trust, 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:

Please see attached legal description.

LOCATION DESCRIPTION: Proposed new outlot – McKinley Commons Shopping Plaza

Petitioner owns one-hundred percent (100%) of the above described parcel of land which carries a zoning classification of C-1 General Commercial District. The property to be rezoned is currently being used as parking lot to support the McKinley Commons Shopping Center.

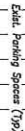
Petitioner desires to rezone the above described property to C-7 Automobile-Oriented Restaurant Commercial District for the establishment of a new drive-through restaurant. We believe the use to be consistent with the auto-oriented form of the McKinley Road corridor and the outlot development occurring with the McKinley Commons Shopping Plaza. Within the McKinley Commons shopping plaza fronting on McKinley Avenue there are two (2) existing and one (1) proposed C-7 drive-through restaurants. Additionally, the new John's Auto Spa has been approved as a C-4 Auto-Oriented Commercial use. No negative impacts should arise from locating this new drive-thru restaurant use within this established commercial corridor.

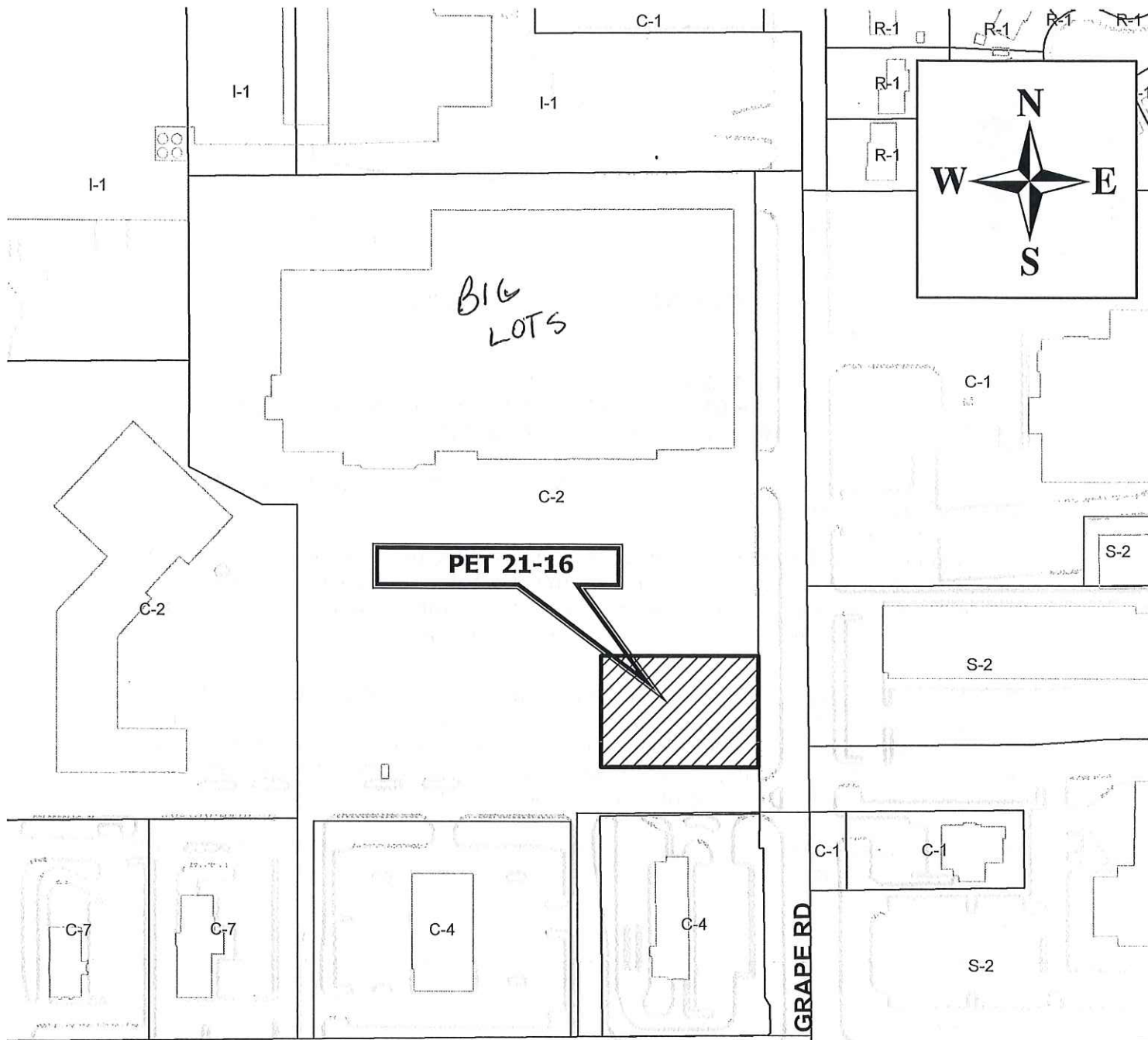
WHEREFORE, the petitioner respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka



Authorized Agent Name
John Silverman
GLC-MAP McKinley Trust

CONTACT PERSON
Mike Huber
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, IN 46601
(574) 347-4610
mhuber@abonmarche.com

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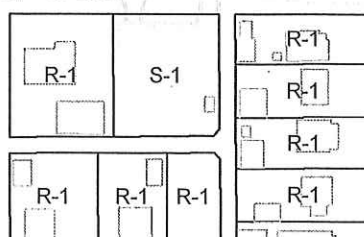
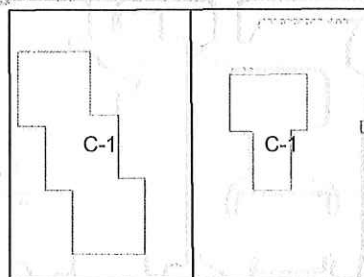


Location Map

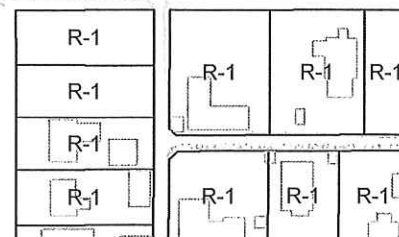
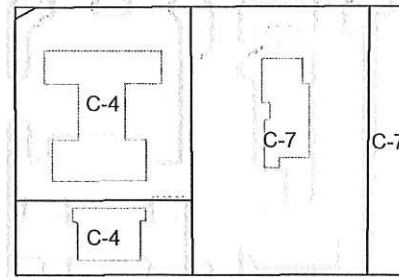
PETITION 21-16

GLC-MAP MCKINLEY TRUST (OWNER)

REZONING OF FUTURE OUTLOT
FROM C-2 SHOPPING CENTER
COMMERCIAL
TO C-7 AUTOMOBILE ORIENTED
RESTAURANT COMMERCIAL



LIBERTY DR



W MCKINLEY AVE



DATE: August 18, 2021

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 Wennigsen LLC & Fox Fire Safety Inc. respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

Lots 12 and 13 as shown on the recorded plat of Oakland First Addition in Penn Township, as recorded in Plat Book 10, Pages 188-189 in the Office of Recorder of St. Joseph County, Indiana, including adjacent Lincoln Way East public right-of-way.

Common Addresses: 12452 and 12434 Lincoln Way East, Osceola, IN 4656/4605
Lincoln Way East, Mishawaka, IN 46544

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located at 12452 and 12434/4605 Lincoln Way East, and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a C-1 General Commercial District for the north 105' of said Lot 12 and an I-1 Light Industrial District for the remainder of said Lot 12 and all of said Lot 13. Petitioners further state they intend to utilize said land for continued use as a carry-out/deliver pizza restaurant at 12452 Lincoln Way East and a fire safety equipment sales and service business at 12434/4605 Lincoln Way East.

Accompanying this petition is a drawing showing the above-described parcel of real estate, showing the location of the existing building structure(s) and other improvements.

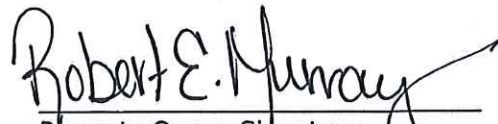
Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

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 C-1 General Commercial District and I-1 Light Industrial District as described above.



Property Owner Signature

Joseph S. Grabill
Wennigsen LLC
Lot 12 of Oakland First Addition



Property Owner Signature

Robert E. Murray
Fox Fire Safety Inc.
Lot 13 of Oakland First Addition

Contact Person:
Derek J. Spier, AICP
600 E. Third Street
Mishawaka, IN 46545
574-258-1625
dspier@mishawaka.in.gov

Prepared by: Department of City Planning

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THE SIDWELL COMPANY

PENN TWP.
W.1/2 N.E.1/4 SEC. 18 T.37N. R.4E.



① ZONED C-1 GENERAL COMMERCIAL
 ② ZONED L-1 LIGHT INDUSTRIAL

↑ 1" = 100'
 N SCALE

LINCOLNWAY EAST



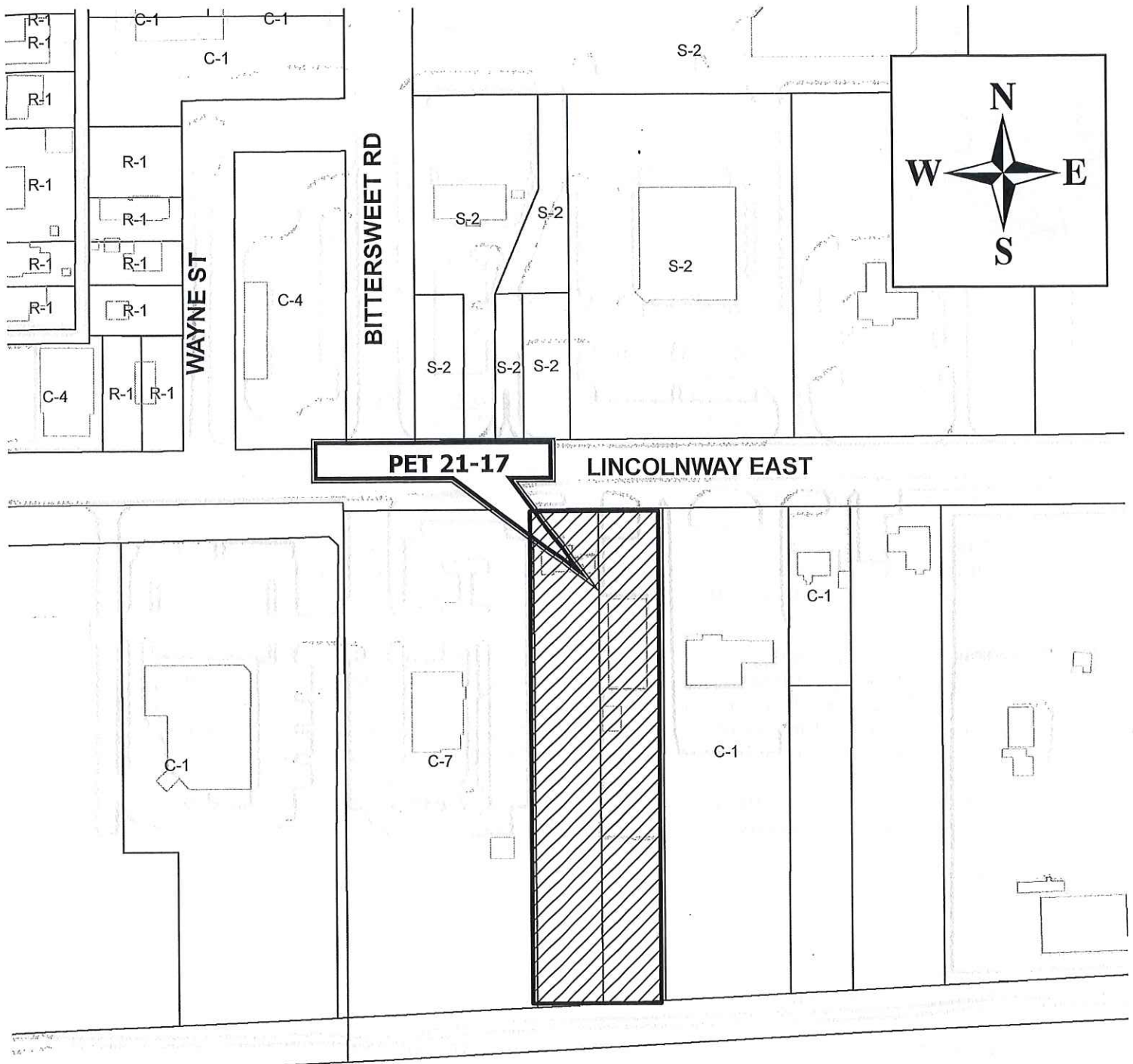
027-1105-3708

014-1105-3710

014-1105-3711

027-1105-3713

↑ 1" = 30'
N SCALE



Location Map

PETITION 21-17

WENNIGSEN LLC & FOX FIRE SAFETY INC
(OWNERS)

ANNEXATION AND REZONING OF
12452 & 12434 LINCOLNWAY EAST
FROM "I" INDUSTRIAL
(UNINCORPORATED ST. JOSEPH COUNTY)
TO C-1 GENERAL COMMERCIAL AND
I-1 LIGHT INDUSTRIAL

PROPOSED ORDINANCE NO. 2021-35

ORDINANCE NO. _____

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022

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

Section 1. The biweekly salaries of the following elected officials of the City of Mishawaka, Indiana, for the fiscal year beginning January 1, 2022 shall be payable in 26 equal biweekly pay periods beginning January 7, 2022 in the following amounts:

	Biweekly salary
Mayor	\$ 3,327.87
Clerk	2,362.09
Council member	492.68

Section 2. Clerk Certifications

IN ACCREDITED MUNICIPAL CLERK (IAMC)	38.47
CERTIFIED MUNICIPAL CLERK (CMC)	48.08
MASTER MUNICIPAL CLERK (MMC)	67.31
CERTIFIED PUBLIC FINANCE ADMINISTRATOR (CPFA)	38.47

The MMC pay substitutes and replaces the CMC pay. Pursuant to the IIMC rules, the MMC replaces the CMC and that later designation is dropped.

Section 3. Any prior ordinances in conflict herewith are hereby repealed.

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

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

This _____ day of _____, 2021, at _____ o'clock, ____ m.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor, this _____ day of _____ 2021, at
_____ o'clock, _____. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2021, at _____ o'clock,
_____. m.

David A. Wood, Mayor

PROPOSED ORDINANCE 2021 - 36

ORDINANCE _____

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT SWORN PUBLIC SAFETY, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS, AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2022.

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

Section 1. The biweekly salaries of all employees of the City of Mishawaka except sworn Public Safety, the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2022 and shall be payable in 26 bi-weekly pay periods commencing on January 7, 2022.

BIWEEKLY SALARY

MAYOR'S EXECUTIVE ASSISTANT	\$ 1,946.94
MAYOR'S ADMINISTRATIVE ASSISTANT	\$ 1,745.01
MAYOR'S EXECUTIVE SECRETARY	\$ 1,478.99

CONTROLLER	\$ 3,272.86
DEPUTY CONTROLLER	\$ 2,244.63
ACCOUNTANT	\$ 1,785.92
PAYROLL CLERK	\$ 1,628.19
BOOKKEEPER A	\$ 1,667.41
BOOKKEEPER B	\$ 1,447.82
BOOKKEEPER C	\$ 1,355.53
PURCHASING AGENT	\$ 1,684.46
CPA CERTIFICATION FT	192.31
CERTIFIED PUBLIC FUNDS INVESTMENT MGR*	19.23
ADVANCED CPFIM*	38.47
CERTIFIED PUBLIC FUNDS ADMINISTRATOR*	57.90
ADVANCED CPFA*	76.93

*only one may be held at a time

CHIEF DEPUTY CLERK I	\$ 1,726.24
CHIEF DEPUTY CLERK II	\$ 1,674.24

HR DIRECTOR	\$ 2,401.83
ASST DIRECTOR	\$ 1,635.57
OFFICE ADMINISTRATOR	\$ 1,488.48
HR OFFICE MANAGER	\$ 1,478.33
HR CERTIFICATION	19.23

DIRECTOR OF IT	\$ 2,768.98
ASSISTANT DIRECTOR OF IT	\$ 2,478.71
SYSTEM SPECIALIST IV	\$ 2,286.41
SYSTEM SPECIALIST III	\$ 1,942.80
SYSTEM SPECIALIST II	\$ 1,850.72
SYSTEM SPECIALIST I	\$ 1,709.19

CORPORATE COUNSEL	\$ 2,245.02
1 st DEPUTY CITY ATTORNEY	\$ 2,598.46

2 nd DEPUTY ASST CITY ATTORNEY	\$ 747.46
COUNCIL ATTORNEY	\$ 747.46
DIRECTOR OF ENGINEERING	\$ 3,272.86
ASSISTANT DIRECTOR	\$ 2,716.97
PROJECT MANAGER	\$ 2,633.41
TRAFFIC MANAGER	\$ 2,245.48
CONSTRUCTION COORDINATOR	\$ 2,019.36
TECHNICIAN	\$ 2,006.22
GIS COORDINATOR	\$ 2,245.48
PROJECT COORDINATOR	\$ 1,673.39
LOCATOR/INSPECTOR	\$ 1,717.14
OFFICE ADMINISTRATOR	\$ 1,488.48
OFFICE MANAGER	\$ 1,478.33
PE BONUS FT	192.31
IDEM REVIEW BOARD BONUS	153.85
FIRE ADMINSTRATIVE ASSISTANT	\$ 1,745.01
FIRE OFFICE ADMINISTRATOR	\$ 1,488.37
FIRE EXECUTIVE SECRETARY	\$ 1,478.99
FIRE OFFICE MANAGER	\$ 1,474.23
POLICE RECRUIT	\$ 1,766.36
ADMINISTRATIVE ASSISTANT	\$ 1,745.01
PROPERTY MANAGER	\$ 1,623.93
EXECUTIVE SECRETARY	\$ 1,479.36
ADMINISTRATIVE SECRETARY	\$ 1,497.80
SERVICES ADMINISTRATOR	\$ 1,676.74
OFFICE MANAGER	\$ 1,553.83
PROPERTY CLERK	\$ 1,432.92
SECRETARY	\$ 1,479.04
PARKING PERSONNEL	\$ 1,479.04
CROSSING GUARDS	21 pays@ 388.28
DIRECTOR OF CODE ENFORCEMENT	\$ 2,473.98
OFFICE ADMINISTRATOR	\$ 1,488.48
OFFICE MANAGER	\$ 1,478.33
CODE ENF OFFICER A	\$ 2,014.43
CODE ENF OFFICER B	\$ 1,690.93
BUILDING COMMISSIONER	\$ 2,531.95
ASSISTANT BUILDING COMMISSIONER	\$ 2,385.28
OFFICE ADMINISTRATOR	\$ 1,488.48
OFFICE MANAGER	\$ 1,478.33
INSPECTOR A	\$ 2,425.37
INSPECTOR B	\$ 2,202.76
EXECUTIVE DIRECTOR	\$ 3,272.86
CITY PLANNER	\$ 2,750.00
SENIOR PLANNER	\$ 2,036.29
ASSOCIATE PLANNER	\$ 1,933.43
ADMINISTRATIVE PLANNER	\$ 1,726.24
OFFICE MANAGER	\$ 1,467.20
TIF CONSTRUCTION MANAGER	\$ 2,633.41

PROGRAM CONSTRUCTION MANAGER	\$ 2,390.42
PROGRAM COORDINATOR	\$ 1,692.99
GRANT MANAGER	\$ 2,192.62
GRANT SPECIALIST	\$ 1,493.48

CENTRAL SERVICES ASSISTANT	\$ 2,246.33
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STREET COMMISSIONER	\$ 2,839.80
OFFICE ADMINISTRATOR	\$ 1,488.36
OFFICE MANAGER	\$ 1,478.33
SECRETARY	\$ 1,447.99

BIWEEKLY HOURLY

PART-TIME HELP	7.25-30.00
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CENTRAL SERVICES: FLEET MAINTENANCE TECHNICIAN	23.42
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CENTRAL SERVICES/MVH:	
GROUP 1	22.25
GROUP 2	21.09
GROUP 3	20.22
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60
PROJECT COORDINATOR	1.00

ANNUAL/MISC

BOARD OF PUBLIC WORKS AND SAFETY AND UTILITY BOARD	
PRESIDENT	1500
MEMBER	1000
PLAN COMMISSION	600
BZA MEMBER	375

INSURANCE STIPEND: ASST CITY ATTORNEY & COUNCIL ATTORNEY	500 per month
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Section 2. The City will contribute a match of 100% of the employee's contribution not to exceed 1% of the employee's base biweekly pay for all employees eligible for participation in the State's 457(b) plan.

Section 3. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees. The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employee's anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

<u>Years of Service</u>	<u>Annual Increments</u>	<u>Bonus</u>
5	0	150
6	75	225

7	75	300
8	75	375
9	75	450
10	75	525

An additional \$80.00 will be added for each year of service after the 10th year.

Section 4. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve-month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 5. This ordinance shall be in full force and effect from and after its signing and attestation.

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

this _____ day of _____ 2021, at _____ o'clock, _____. m.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of _____ 2021, at _____ o'clock, _____. m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2021, at _____ o'clock, _____. m.

David A. Wood, Mayor

PROPOSED ORDINANCE 2021 - 37

ORDINANCE _____

AN ORDINANCE FIXING THE SALARIES OF ALL SWORN
PUBLIC SAFETY EMPLOYEES OF THE CITY OF
MISHAWAKA, INDIANA FOR THE YEAR BEGINNING
JANUARY 1, 2022.

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

Section 1. The biweekly salaries of all sworn public safety employees for the City of Mishawaka for the year beginning January 1, 2022 and shall be payable in 26 bi-weekly pay periods commencing on January 7, 2022.

BIWEEKLY SALARY

FIRE CHIEF	\$ 3,283.92
ASSISTANT CHIEF	\$ 3,047.04
CHIEF FIRE PREVENTION	\$ 2,669.07
BATTALION CHIEF	\$ 2,771.67
CAPTAINS	\$ 2,638.20
FIRE INSPECTOR CAPT	\$ 2,638.20
LIEUTENANT	\$ 2,566.05
FIRE INSPECTOR LT	\$ 2,566.05
DRIVER OPERATOR	\$ 2,495.10
1 st CLASS FIREFIGHTER	\$ 2,482.56
MASTER FIREFIGHTER	\$ 2,375.54
PROBATION - FF/EMT	\$ 2,159.77
POLICE CHIEF	\$ 3,303.46
ASSISTANT CHIEF	\$ 3,067.03
CAPTAIN	\$ 2,672.92
LIEUTENANT	\$ 2,607.17
SERGEANT	\$ 2,545.08
1 st CLASS OFFICER	\$ 2,482.56
2 nd CLASS OFFICER	\$ 2,216.25
PROBATION	\$ 2,013.24
2 ND SHIFT DIFFERENTIAL	13.46
3 RD SHIFT DIFFERENTIAL	26.92

ANNUAL/MISC

FIRE:

SPECIALTY PAY:

	<u>TIER1</u>	<u>TIER 2</u>
ADVANCED EMT	1,000	3,000
PARAMEDIC	2,000	4,000
LEAD PARAMEDIC	4,000	100/shift
2 ND SEAT ADV EMT/PARA		50/shift
WATER RESCUE/RECOVERY LEADER		1,050
WATER DIVE/RESCUE TEAM MEMBER		950

SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN	1,000
MECHANIC	2,500
INFORMATION TECHNOLOGY	1,500
UNIFORM ALLOWANCE	1,250

POLICE:	
IDACS SPECIALIST	500
PARKING PERSONNEL CLOTHING	600
CROSSING GUARD SUBSTITUTE	20 per day
SUMMER SCHOOL CROSS GUARD	20 per day
UNIFORM ALLOWANCE	2,050
EQUIPMENT MAINT ALLOWANCE	1,250

Section 2. The City will contribute 3% of the employee portion to the 1977 Fire Pension for all employees eligible for participation in the 1977 Fire Pension Fund.

Section 3. The City will contribute 3% of the employee portion to the 1977 Police Pension for all employees eligible for participation in the 1977 Police Pension Fund.

Section 4. The City will contribute a match of 100% of the employee's contribution not to exceed 1% of the employee's base biweekly pay for all employees eligible for participation in the State's 457(b) plan.

Section 5. This ordinance shall be in full force and effect from and after its signing and attestation.

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

this ____ day of _____ 2021, at ____ o'clock, ____ m.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this ____ day of _____ 2021, at ____ o'clock, ____ m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ____ day of _____ 2021, at ____ o'clock, ____ . m.

David A. Wood, Mayor

RESOLUTION NO. 2021 -24

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE
INTERLOCAL AGREEMENT FOR THE OPERATION OF A CONSOLIDATED PUBLIC SAFETY ANSWERING POINT
IN ST. JOSEPH COUNTY, INDIANA

WHEREAS, the City of Mishawaka, The City of South Bend, and St. Joseph County, Indiana have collaborated to operate a Consolidated Public Safety Answering Point ("PSAP") in St. Joseph County, Indiana; and

WHEREAS, in order to outline the responsibilities and operations of the PSAP among the localities described above, it is desirable for each to execute the "Interlocal Agreement for the Operation of a Consolidated Public Safety Answering Point in St. Joseph County, Indiana" attached hereto as Exhibit "A" (the "Agreement"); and

WHEREAS, in order for the City of Mishawaka to execute the Agreement, the Common Council must approve the Agreement pursuant to Ind. Code § 36-1-7 *et seq.*; and

WHEREAS, the Common Council of the City of Mishawaka, Indiana, desires to approve the Agreement.

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

Section I. The Common Council hereby approves the Agreement attached hereto as Exhibit "A".

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2021, at _____ o'clock _____.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2021, at _____ o'clock
____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2021, at _____ o'clock _____.m.

David A. Wood, Mayor

**Interlocal Agreement for the Operation of a Consolidated
Public Safety Answering Point in
St. Joseph County, Indiana**

The parties to this Interlocal Agreement ("PSAP Agreement No. 2") are the following: the Board of Commissioners of St. Joseph County, Indiana ("County"), the City of South Bend Indiana ("South Bend,"), and the City of Mishawaka, Indiana ("Mishawaka"), (each individually a "Party" and collectively, the "Parties") and is made pursuant to IND. CODE § 36-1-7. Clay Township is executing this Agreement as evidence of its consent to the termination of the Interlocal Agreement adopted on or about August 14, 2021, to which it was party.

Article I. Purpose of Agreement

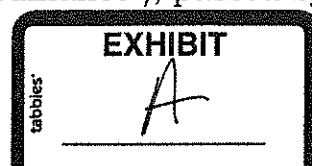
Section 1.01 Purpose and Background. Pursuant to IND. CODE § 36-8-16.7-47(e), in August of 2014, the Parties entered into an Interlocal Agreement (PSAP Agreement No. 1) under IND. CODE § 36-1-7 to ensure that the county does not contain more than the number of PSAPs authorized by IND. CODE § 36-8-16.7-47(c) after December 31, 2014. The Parties proceeded with Consolidation under PSAP Agreement No. 1, and now wish to replace that agreement with this PSAP Agreement No. 2. PSAP Agreement No. 1 was terminated by mutual agreement of the parties thereto with an effective date of termination taking effect upon approval of PSAP Agreement No. 2. Clay Township was a party to PSAP Agreement No. 1 because it had operated a dispatch center prior to the effective date of PSAP Agreement No. 1; Clay Township is not a party to this Agreement because it has completed its obligations under PSAP Agreement No. 1 and because Clay Township will not be responsible for contributing to the cost of operating the Consolidated PSAP Center established under PSAP Agreement No. 1 and maintained under PSAP Agreement No. 2.

Article II. Duration of Agreement

Section 2.01 Duration. This Agreement shall remain in effect so long as IND. CODE § 36-8-16.7-47 limits the number of PSAPs in St. Joseph County, Indiana. Should the Indiana General Assembly amend or modify IND. CODE § 36-8-16.7-47, and in the event a Party desires to withdraw from this Agreement pursuant to such amendment or modification, said Party must give twelve (12) months advance written notice to the other Parties and the withdrawal shall take effect only as of the beginning of the succeeding fiscal year of the County, unless otherwise agreed between Parties.

Article III. Administration Plan

Section 3.01 Public Safety Communications Consortium of St. Joseph County, Indiana. Ordinance 79-13 (the "Ordinance"), passed by the St. Joseph



County Council on January 14, 2014 and approved by the Board of Commissioners of the County of St. Joseph, Indiana on January 15, 2014, established the Public Safety Communications Consortium of St. Joseph County, Indiana (the "Consortium"). The Ordinance was amended subsequent to its adoption, and the Ordinance, as Amended, shall govern the Consortium. The Parties agree that the governance and administration of all PSAPs in St. Joseph County, Indiana shall be under the control and authority of the Consortium, acting by and through the County, and actions of the Executive Board (defined below) provided for herein shall be presented to the County for consideration.

Section 3.02 Consortium Governance. The governance and powers of the Consortium, its Executive Board (the "Executive Board"), its Operations Board (the "Operations Board"), and its Executive Director (the "Executive Director") are those enumerated in the Ordinance, and Amendments thereto, attached at Exhibit A. In addition, Ordinance 79-13 will be further amended to expand the Executive Board of the Consortium to include one or more members from each of the Mishawaka, South Bend, and County Councils, with an effective date of January 1, 2022, for such Amendment.

Article IV. Consolidation Plan

Section 4.01. The Parties previously adopted a transition plan for consolidation of the PSAP's in St. Joseph County, as set forth in PSAP Agreement No. 1.

Section 4.02. The Parties reaffirm certain of their obligations assumed under PSAP Agreement No. 1, as follows:

(a) any obligations created under any lease agreement between the County and South Bend for the possession and use of space and resources at the City of South Bend Police Department;

(b) any obligation created with respect to any Bonds issued to fund the construction and equipping of the Consolidated Dispatch Center;

Section 4.02 Consolidated Dispatch Center Bond Financing. The parties reaffirm that the financing of the Dispatch Center Project and the South Bend Emergency Communication Center which was completed through the issuance of bonds by the County (the "Bonds"), the security for which shall be County Economic Development Income taxes ("CEDIT") levied and collected pursuant to IND. CODE § 6-3.5-7. South Bend and Mishawaka will transfer an irrevocable portion of each City's distributive share of CEDIT to the County, pursuant to IND. CODE § 6-3.5-7-15, in such amounts as necessary so that the annual debt service payment for the Bonds shall be paid for by the Parties in the following percentages: South Bend – 29.03%, Mishawaka – 17.34% and the County – 53.62%. This Section of the Agreement may not be amended or eliminated until

the Bonds are fully retired, or some other event occurs, the result of which is that no pledge is required from the City of South Bend or the City of Mishawaka.

Article V. Funding Plan

Section 5.01 LIT FUNDING. The operating costs, including an allowance for the replacement of capital, shall be funded, to the extent possible, from an allocation of a portion of the Local Income Tax distributed to the County at a rate determined by action of the County Income Tax Council, in compliance with state law, along with any "Shortfall Assessment" required and due and payable by the Parties as set forth in Section 5.02. In the event the allocation of the Local Income Tax is more than the financial requirements for any given year, the excess shall be applied as set forth in Section 5.10 below.

Section 5.02 Shortfall Assessments: General. The Parties have an obligation to fund the operating costs, including an allowance for the replacement of capital, of the Consortium; therefore, in the event that the amount of Local Income Tax allocated for payment of the PSAP budget is insufficient, the Parties agree to pay for the shortfall as follows:

(a) Step One: As part of the budgeting process, the Executive Board shall determine if there will be a Shortfall Assessment requirement based on projected budget and LIT distribution, and shall declare the same by resolution by June 1 of each year, or as soon as thereafter as practical, but no later than August 1 of the year;

(b) Step Two: If a shortfall is projected based on Step One, the Executive Board shall further Determine if the cash reserves for PSAP operation are sufficient to cover the projected shortfall. To make this determination, only the amount of the cash reserves which exceeds 20% of the PSAP budget will be considered. This amount shall be identified as the "PSAP Excess Cash Reserve". If the PSAP Excess Cash Reserve is sufficient to cover the Shortfall, there will be no Shortfall Assessment, and the proposed budget for PSAP will reflect the use of the Excess Cash Reserve to cover the Shortfall. If there is no Excess Cash Reserve or if the Excess Cash Reserve is not sufficient to cover the Shortfall, all Parties shall be informed of the projected Shortfall Assessment in time to plan and adopt a budget to account for a Shortfall Assessment;

(c) The Executive Board shall convene in the first week of November of each year to make any adjustments to the Shortfall Assessments based on a review of certified income taxes;

(d) Parties agree that for the duration of this Agreement, the process to establish Shortfall Assessments shall be in accordance with the following formula:

Twenty Five percent (25%) of the shortfall shall be allocated based on the proportional share of net assessed real property values within the jurisdiction of a Party's boundaries, based on the average of the prior three years' of net assessed values;

And

Seventy Five percent (75%) of the shortfall shall be allocated based on the proportional share of the dispatch volume processed by the Consolidated Dispatch Center for a particular Party, based upon the average for the preceding three years.

(e) The method of allocating the Shortfall assessment may be modified by a majority vote of the Executive Board of the Consortium. If the process for establishing assessments is modified, the modification cannot result in an assessment of any Party greater than One-hundred twenty percent (120.00%) of a prior year's assessment, relative to the other parties; this restriction, however, does not apply if the increase in assessments is uniform as to all Parties (e.g., if the shortfall assessments increase by 30% for each party, such an increase is not restricted by this Agreement).

(f) The Parties agree that, pursuant to IND. CODE §36-1-7-16(b), the Assessments imposed under this Agreement provide for equitable taxation and that there shall be no decreases by the Department of Local Government Finance to any Party's maximum permissible property tax levies, maximum permissible property tax rates, or budgets.

Section 5.03 Assessments: Operating. Operating Assessments shall provide funding for the Consortium's day-to-day operating and maintenance obligations and shall be calculated and adopted by the Executive Board of the Consortium following the schedule established for adoption of its annual operating budget.

Section 5.04 Assessments: Capital Replacement. Capital Replacement Assessments shall provide funding for the payment of the Consortium's capital requirements as established by Capital Plan; the Capital Plan shall be adopted for a five year period, with the first Plan to be adopted by August 30, 2022; the Capital Plan may be updated from year to year by the Executive Board;

Section 5.05 Shortfall Assessments: Payments. Each Party shall make payment any Shortfall on their Operating Assessments and Capital Replacement

Assessments to the St Joseph County Auditor for deposit to the appropriate fund and such Assessments may be paid from any funds the Party shall choose for payment.

Section 5.06 Assessments: Appeals. A Party may only appeal an Operating Assessment or Capital Replacement Assessment if they believe the Assessment was incorrectly calculated due to failure to follow the processes established by this Agreement. The Appeals Process shall consist of an independent third party, selected by the Executive Board of the Consortium, verifying the accuracy of the Assessment Calculation. If the recalculation of an Assessment results in a modification less than two percent (2.00%), the cost of the third-party verification shall be paid by the Party requesting the calculation. Otherwise, the expense shall be funded from the Annual Operating Budget.

Section 5.07 Shortfall Assessments: Intercept. The Parties acknowledge the financial exposure assumed by the County in this Agreement. In recognition thereof, Shortfall Assessments not received in accordance with the schedule described in this Agreement shall be satisfied using an intercept process consisting of:

- (a) The County Auditor notifying the Controller of the delinquent Party of the delinquency. The notification shall be in writing and provide five (5) days to settle the Assessment.
- (b) Assessments not received within five (5) days of the written notifications shall be satisfied by the County Auditor withholding an equivalent amount of CEDIT revenues from the next monthly CEDIT distribution due to the delinquent Party, and transferring that withheld amount to the proper Fund(s).

Section 5.08 Establishing of Funds. The Parties accept the continuance and/or establishment of the following funds (the "Funds") and direct the County to take whatever actions it requires to establish and manage the same Funds for the County's records and accounts:

- (a) St. Joseph County 911 Fund (Statewide 911 Fund 1222)—The St. Joseph County 911 Fund is continued for the purposes described herein and shall receive distributions from the Indiana Statewide 911 Board pursuant to IND. CODE § 36-8-16.7, including all interest or investment income earned thereon. The St. Joseph County 911 Fund shall retain all amounts previously received by the County from the Indiana Statewide 911 Board as of the date of this Agreement.
- (b) St. Joseph County Dispatch Center Operating Fund (Dispatch Operating Fund 4930)— The St. Joseph County Dispatch Center Operating Fund is established and shall receive all Operating Assessments contributed by each

Party, interest or investment income earned thereon, and all other miscellaneous revenues.

(c) Capital Replacement Fund (Dispatch Capital 4931) — Capital Assessments contributed by the Parties shall be deposited into the Capital Replacement Fund along with any interest earnings from invested Capital Replacement Fund balances.- The balances held in the Capital Replacement Fund shall be used to purchase capital equipment used at the Consolidated Dispatch Center in accordance with the Five Year Capital Replacement Plan that is prepared annually by the Executive Director of the Consortium and approved by the Executive Board of the Consortium. The Executive Board of the Consortium, with the approval of the County, may elect to transfer funds from the Capital Replacement Fund to the St. Joseph County 911 Fund or the St. Joseph County Dispatch Center Operating Fund.

(d) Fund 4932, Dispatch Debt Service, which receives the monthly intercepts from the Parties' income taxes to build up semi annual debt service payments on the bonds.

(e) The County Treasurer shall oversee the investment of the Funds after consultation with the Executive Board of the Consortium.

Section 5.09 Minimum Fund Balances. The Parties establish the following Minimum Fund Balances and direct the County to take whatever actions are required to establish the same Minimum Fund Balance requirements for their records and accounts:

(a) Operating Funds — The combined aggregate totals of the St. Joseph County 911 Fund and the St. Joseph County Dispatch Center Operating Fund shall maintain a minimum balance equal to fifty percent (50.00%) of the current year's annual operating budget.

(b) Capital Replacement Fund — The Capital Replacement Fund shall maintain a minimum balance equal to the scheduled capital expenditures reflected in the five-year capital improvement plan. Balances in the Capital Replacement Fund can be transferred to the St. Joseph County Dispatch Center Operating Fund for the payment of operating expenses with the approval of the Executive Board of the Consortium.

Section 5.10 Excess Lit Distribution. If the distribution of Local Income Tax exceeds the amount needed to fund the operating costs and replacement of capital improvements for any given year, the excess amount shall be applied as follows:

First, to the cash reserve fund to make sure that it meets the 20% level for reserve funds as established by the Auditor for St. Joseph County;

Second, to the payment and/or retirement of debt related to the PSAP Center;

Third, to reallocations to the City of South Bend, City of Mishawaka, and St. Joseph County, in the same proportion as the DLGF determined allocation of LIT to these entities for the year in which the allocations are made.

Article VI. Budgeting Plan

Section 6.01 Annual Budget. The Executive Director of the Consortium shall prepare an annual operating budget as follows:

- (a) The draft operating budget will be prepared by May 31st of each year;
- (b) The proposed annual operating budget shall be reviewed and adopted by the Executive Board of the Consortium no later than June 30th of each year; and
- (c) The proposed annual operating budget shall thereafter be reviewed and adopted by the County as part of the County's annual budgeting process no later than October 31st of each year.

Section 6.02 Budget Amendment. Once an annual operating budget has been adopted by the Executive Board of the Consortium it may be amended as follows:

- (a) If an amendment does not increase the total annual expenditures established by an approved budget, a modification may be made by the Executive Director of the Consortium, pursuant to procedures established by the St. Joseph County Council and Auditor;
- (b) If an amendment requires the amount approved for the annual budget to be increased, then Executive Board of the Consortium must first approve the increase before it may be presented to the County Council for approval pursuant to law.. The Executive Board of the Consortium shall decide if the increase shall be funded from cash balances or from an additional assessment contributed by the Parties. The timing of any amendments shall be completed on a schedule that allows the County to make any corresponding adjustments to its budget in compliance with Department of Local Government Finance ("DLGF") requirements

Section 6.03 Budget Reports and Review. The Executive Director of the Consortium, in cooperation with the County Auditor, shall prepare a monthly financial report for the Executive Board of the Consortium that provides a comparison of Month to-Date and Year-to Date financial results, both budgeted and actual. At the end of each calendar year the Executive Board of the Consortium shall review actual financial results and provide copies to the Parties,

Section 6.04. The Executive Director shall present to the Executive Board recommendations for update of the Five Year Capital Improvement Plan

Article VII. Staffing Plan

Section 7.01 Staffing. The County agrees to hire, supervise, pay, and discharge all employees as may be required in the management, operation, and development of this Agreement and its purposes. All employees utilized by the Consortium, unless otherwise noted herein, shall formally be employees of the County.

Employment with the County shall be "At Will" for those employees whose employment is not government by a collective bargaining agreement, and nothing set forth in this Agreement is intended to modify the at will status of such employment. The County shall comply with all applicable federal, state and local laws, ordinances and regulations pertaining to all employees. The St. Joseph County 911 Fund and the St. Joseph County Dispatch Center Operating Fund shall be the only sources of funds for any employment salaries and benefits provided to the Consolidated Dispatch Center employees and personnel including health insurance benefits.

Section 7.02 Minimum Employment Qualifications and Personnel Policy. The County will develop job descriptions for the positions needed to staff the Consolidated Dispatch Center. These job descriptions shall be used by the Executive Director in reviewing applications and making staffing recommendations to the County. All staffing decisions shall be in conformity with the employment policies of St. Joseph County as set forth in the St. Joseph County Human Resources Policies and Benefits Manual, Handbook, as amended from time to time, and any applicable collective bargaining agreement.

Section 7.03 Hiring Strategy. Recognizing the value of experienced employees, the County shall seek to identify qualified employees currently holding PSAP positions. For the purposes of granting employment benefits to employees previously employed by the Parties to this Agreement, or having relevant experience with other government units, the County shall, to the extent permitted by law, recognize the seniority of such employees based on continuous, prior service at the time such employees are hired by the County,

Article VIII. Operations Plan

Section 8.01 911 Call-Receiving and Dispatching Protocols. Calls will be processed on two tier level (stage two dispatching): call-takers and dispatchers. When an emergency call is received, the call taker will obtain detailed call

information (utilizing nationally recognized protocols) and enter that call into the computer-aided dispatch system (CAD). In turn, the CAD system routes the call to the proper dispatcher. Dispatchers will be designated and trained for police, fire and emergency medical services. Call will be routed to the properly designated dispatching entity.

Article IX. Amendment

Section 9.01 Amendment. The Parties, by mutual agreement in writing, may amend, modify and supplement this Agreement. The failure of any Party to enforce at any time any provision of this Agreement shall not be construed to be a waiver of such provision nor in any way to affect the validity of this Agreement or any part hereof or the right of such party thereafter to enforce each and every such provision. No waiver of any breach of this Agreement shall be held to constitute a waiver of any other or subsequent breach.

Article X. General Provisions

Section 10.01 Assignment. No Party may assign this agreement or any of its rights, interests, obligations or duties hereunder, whether by operation of law or otherwise, without the express written consent of all Parties to this Agreement.

Section 10.02 Entire Agreement. This document, including its attachments, addendums, and amendments, encompasses the entire Agreement of the Parties. No understanding or addition to this Agreement shall be effective unless made in writing and signed by the Parties in accordance herewith.

Section 10.03 Severability. Should any part of this Agreement be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect, and shall not render any other section herein, nor this Agreement as whole, invalid. Those rights, interests, obligations, and duties hereunder, which by their nature should survive, shall remain in effect after termination, suspension, or expiration hereof.

Section 10.04 Counterparts. This Agreement may be executed in counterparts, each of which when executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same Agreement.

Section 10.05 Admission of other Jurisdictions. Additional jurisdictions may become participants by written addendum to this Agreement, with the approval of the majority of participatory Parties to this Agreement.

Section 10.06 Effective Date. This Agreement is effective when a fully executed copy is recorded with the St. Joseph County Recorder pursuant to IND. CODE § 36-1-7-6. No later than sixty (60) days after its effective date) this Agreement must be filed with the State Board of Accounts and the Statewide 911 Board.

Article XI. Termination and Dissolution

Section 11.01 Termination. If any Party should breach or terminate this Agreement, said Party shall be wholly liable for any foregone fees or penalties imposed by the Statewide 911 Board and shall indemnify all other Parties against such losses, including court costs, attorneys' fees, and any other expenses incurred to enforce this provision. Any terminating Party remains liable for all continuing financial obligations of the Bonds as provided for in Section 4.02 of this Agreement. Termination of this Agreement requires the exiting Party or Parties to resume providing PSAP services that were in effect prior to the execution of this Agreement.

Section 11.02 Property Disposal. All assets and funds of the Consortium shall be purchased or procured in the County's name and shall remain the property of the County throughout the duration of this Agreement. The purchase and maintenance of all equipment necessary to receive calls, radio transmissions, and data including, but not limited to, radios, air cards, hardware, or software, shall be procured individually by the Parties and will remain the property of the individual Parties upon termination or completion of this Agreement. The Parties may engage in cooperative purchasing activities so long as the ownership interests in said purchases are expressly defined in writing.

RESOLUTION NO. 2021-25
Miscellaneous Property Acquisitions

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S
PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY
APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH
APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN
COMMISSION APPROVING A CERTAIN DECLARATORY
RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE
NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION
OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE
NORTHWEST IMPROVEMENT PROJECT INTO ONE
CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN
AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY
THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION**

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

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

WHEREAS, on March 11, 2014, the City of Mishawaka Plan Commission (the "Plan Commission") adopted and approved its resolution 2014-01, determining that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of development for the City and approving, ratifying and

confirming the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, as required by Section 16 of the Act (the “Plan Commission Order”); and

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

WHEREAS, the Common Council of the City (the “Common Council”) previously approved the Plan Commission Order by Common Council Resolution 2014-07; and

WHEREAS, as part of the previous approval various public improvement projects were listed as part of the Economic Development Plan; and

WHEREAS, a number of those projects including the acquisition of blighted properties and improvements to the Cedar Street Bridge and redevelopment of the City’s former motor pool site off of Cedar street in the area improvement project were included in the economic development plan; and

WHEREAS, the Administration is asking the legislative body for its review and approval of adding certain properties to the City’s acquisition list to implement a portion of these projects; and

WHEREAS, the description of the property proposed to be added is as follows:

- 505 North Cedar Street.
- Tax Parcel # 016-2077-2653 & # 016-2077-2654
- Lot 1 Alberts Sub & Lot 2 Alberts Sub

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

1. The referenced parcel is hereby added to the City’s acquisition list as part of the consolidated area improvement projects
2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on October 11, 2021.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Gregg Hixenbaugh, President

ATTEST:

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

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____
day of October _____, 2021, at the hour of _____ .m.

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

This Resolution approved and signed by me on the ____ day of October, 2021, at
the hour of _____ .m.

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



BUY AND SELL AGREEMENT

THIS AGREEMENT, made and entered into as of the 9th. day of September, 2021 by and between William E. Taylor, hereinafter referred to as “Seller”, and **CITY OF MISHAWAKA**, acting by and through its Redevelopment Commission, hereinafter referred to as “Buyer”, All of St. Joseph County, State of Indiana,

WITNESSETH THAT:

The Seller promises and agrees to sell and convey to the Buyer, and the Buyer promises and agrees to purchase of and from the Seller, for the sum of **Ninety Two Thousand Dollars (\$92,000.00)**, the property located at 505 North Cedar Street, City of Mishawaka, St. Joseph County, Indiana, 46545 more particularly described as follows:

- Tax Parcel # 016-2077-2653 & # 016-2077-2654
- Lot 1 Alberts Sub & Lot 2 Alberts Sub

This purchase is contingent on the following:

1. Upon the Seller’s approval of this agreement, the Buyer will order two appraisals of the properties. The two appraisals must be completed by duly licensed appraisers. The sales price of the property shall be the average of the two property appraisals. At the Buyer’s discretion, this agreement may be terminated by the Buyer if following obtaining the two appraisals the Buyer determines that they no longer desire to proceed. To terminate the agreement, the Buyer need only submit written communication to the Seller.
1. As a public entity, the Buyer is subject to specific purchasing laws identified by the Indiana Code. This includes adding this property to an official acquisition list that requires the approval of the Common Council of the City of Mishawaka.

Subject to and upon the terms and conditions hereinafter set forth:

1. Buyer shall obtain, at Buyer's expense, a commitment for a \$92,000.00 Owner's Policy of Title Insurance in which the title insurance company shall agree to insure merchantable title in the name of the Buyer after delivery of a Deed to Buyer from Seller. Any defects in title which tend to render the same unmerchantable shall be submitted by the Buyer to the Seller in writing and the Seller shall be given reasonable time to correct the same. If the Seller shall fail or refuse to cause such defects to be corrected, Buyer shall have the option of accepting title subject to defects, or of terminating this Agreement.
2. After the title to the described real estate has been approved by the Buyer, and upon payment of the balance of the purchase price by the Buyer to the Seller, the Seller shall execute and deliver a Warranty Deed conveying the real estate above described to the Buyer, free and clear of all liens and encumbrances, except as provided herein, and subject to all covenants, restrictions, easements, and zoning ordinances of record.
3. It is understood and agreed by the parties hereto that Buyer is purchasing the real estate and personal property covered by this agreement in an "as is" condition and that Seller has made no guarantees or warranties, expressed or implied, concerning said personal property, real estate, or any improvements thereon.
4. This Transaction shall be closed on or about the 14th day of October 2021.
5. Seller shall deliver possession of the real estate above described to the Buyer at the time of closing. The Seller agrees to deliver possession to the buyer with no tenants occupying the premises nor with any tenants holding any lease hold interest in the property. The Buyer shall be permitted to inspect the premises on the day of closing to insure the building is not occupied.

6. Seller, at his option, shall have the right to limited salvage rights in the real estate. All such salvage rights are to be approved by the Buyer prior to Seller exercising his salvage rights. Salvage shall specifically not include anything that would structurally modify or impact the structure. As part of any salvage, the Seller shall be responsible for maintaining a secure structure not creating any openings that would freely allow birds, animals, or people to enter the building. The Seller shall have the time up to the closing of the transaction to complete any salvage work.
7. Risk of loss or damage to any improvements located upon the real estate above described shall remain with the Seller until the time of delivery of the Warranty Deed conveying title from Seller to Buyer and possession of the premises by Buyer.
8. Seller acknowledges that because Federal Funds may be used by the Buyer in the purchase of the subject property that the sale on behalf of the Seller is voluntary. Seller further acknowledges that the Buyer will not use the power of eminent domain to acquire the property. Seller acknowledges that the estimate of the fair market value of the property to be \$92,000.00. Seller further acknowledges that since the purchase is a voluntary, arm's length transaction, Seller would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation.
9. Seller shall pay any unpaid real estate taxes & assessments for prior years. Taxes for the year 2021, payable in 2022, shall be prorated to the date of closing based upon the last official tax rate.
10. The covenants, agreements, and conditions herein contained shall be binding upon the parties hereto and shall also extend to and be binding upon their respective heirs, legal representatives, and assigns.

11. The seller shall assist with and provide any documentation relative to known environmental conditions on the property including but not limited to underground tanks and other existing conditions on the property of an environmental nature. This shall include any existing environmental reports such as a phase 1 or Phase 2 environmental study.
12. Vendor's Affidavit. Seller shall provide Buyer with an executed Vendor's Affidavit at the Closing in form acceptable to the Title Company.
3. In addition the Buyer will pay all closing fees, plus the costs associated for deed preparation, recording the deed and Metropolitan Title Company closing fees.
13. Seller shall be responsible for maintaining the property until Closing and for paying for all necessary maintenance and repairs. Seller shall also maintain a proper insurance on the property until Closing, fully insuring it against loss.
14. In the event that the Seller or Buyer breaches any of the terms of this Agreement and the party not in default employs attorneys to protect or to enforce its rights hereunder and prevails, then the party in default agrees to pay all reasonable costs, attorney fees, and expenses incurred by the party not in default in enforcing the covenants and agreements contained herein.
15. No modification to this Agreement shall be valid unless in writing and signed by all parties.
16. If any provision of this Agreement is deemed void or unenforceable, the same shall in no way impair the validity or enforceability of any other provisions of this Agreement, which shall remain in full force and effect.

17. It is expressly agreed and understood that this Agreement contains all of the agreements of the parties and that no verbal agreements of any kind shall be binding upon the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

BUYER

CITY OF MISHAWAKA, acting by and
Through its Redevelopment Commission.

By:

Gary O'Dell, President

Kris Ermeti, Secretary

SELLER

William E. Taylor
505 N. Cedar Street
Mishawaka, Indiana 46545

William E. Taylor

Good afternoon,

Attached is resolution 2021-25 requesting to add 505 North Cedar Street to the City's acquisition list.

The property is part of the larger Cedar street redevelopment area and is located at the northwest corner of the intersection of Alice Street and Cedar Street. Acquisition of this parcel was pursued because of the homes non-conforming location very close to Cedar Street which if not acquired would require a repositioning of the sidewalk in this location and its current fair condition. The property is also a double lot which should aid in redeveloping the property. If acquired, the existing home would be razed and our goal would be to eventually replace it with a residence similar to what Center for Hospice did at the southwest corner of the intersection of Comfort Place and Cedar Street.

I have attached the approved buy-sell agreement for your use and reference.

Please let me know if you have any concerns or questions.

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



1st Reading 9-20-21

2nd Reading

Passed

Failed

Continued To:

PETITION 21-13

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2021-31

ORDINANCE NO. _____

Deborah S. Block, IAMC, MMC

SEP 16 2021

City Clerk
Mishawaka, IN

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has made no recommendation regarding 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 tract of land in the West One half (W1/2) of the Southwest One Quarter (SW1/4) of Section Four (4), Township Thirty Seven (37) North, Range Three (3) East, in St. Joseph County, State of Indiana, described as follows – Beginning at a stone set for the Northwest Corner of the Southwest One Quarter of Section 4, T37N, R3E, thence East Thirteen Hundred Eighteen (1318) feet along the North line of said quarter section, thence South Eight Hundred One and four tenths (801.4) feet; thence West Thirteen Hundred Eighteen (1318) feet to the West line of said section; thence North Thirty (30) feet; thence East Seven Hundred Seventy Seven and two tenths (777.2) feet; thence North Seven Hundred Forty Two and Three Tenth (742.3) feet; thence West Seven Hundred Seventy Seven and Two Tenths (777.2) feet; thence North Thirty (30) feet to the place of beginning.

COMMON ADDRESS: 806 Green Pine Court (Whispering Pines Apartments)

which real estate is now classified which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to remove the restriction as a senior-only complex to become market-rate, non-age restricted.

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

1. Existing Conditions – The property is currently developed as apartment buildings, with other multi-family complex in the area.
2. Character of Buildings in Area – There are other multi-family complexes in the area east of Hickory and north of McKinley.

Proposed Ordinance No: 2021-31

Ordinance No: _____

3. The Most Desirable/Highest and Best Use – Due to the property's location near other multi-family developments, and accessible to a nearby retail center (Town & Country), the similar proposed use will be compatible with the existing adjacent land uses.
4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area because the use is very similar and the physical site is not changing.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for multi-family residential (apartment complexes and nursing facilities) as currently exists to the south and west.

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 _____, 2021, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2021, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2021, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: Whispering Pines Apartments
806 Green Pine Ct. (office)

Date: September 14, 2021

Petition: 21- 13

Prepared By: CH

GENERAL INFORMATION

Applicant: MFD II, LLC

Status: Property Owner / Developer & Site Design Consultant

Request: Amend the Whispering Pines Planned Unit Development (PUD) to remove the age restriction.

Zoning Classification: S-2 Planned Unit Development (Permitted Uses include senior only apartment complex)

Lot Size: 9.75 acres

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential
South: R-3 Multi-Family Residential (Pin Oak Apartments)
East: R-3 Multi-Family Residential (Jamestown Homes of Mishawaka)
West: S-1 Extensive Open Space and Public Use (City owned retention)

Thoroughfare: Hickory Road, accessed by W Corby

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All utilities are available and currently serve the site

Comprehensive Plan: Medium Density Residential (apartment complexes and nursing facilities)

ANALYSIS

The petitioner, MFD II, LLC is requesting to amend the Whispering Pines Planned Unit Development (PUD), approved in 2000, to remove the senior citizen only age restriction. The proposed use is permitted in the R-3 Multi-Family Residential District, thus the height, area, and developmental regulations for this district will be applicable to the property unless otherwise noted.

The Planned Unit Development is generally located east of Hickory Road, accessed via West Corby Blvd. This PUD bounded by Jamestown Townhomes on the west; single family homes to the north; a City owned retention area on the east; and Pin Oak Apartments to the south.

The current PUD regulations applicable to the property, which were approved first in 1998, (Petition 98-10/Ord. 4278) which expired, and again in 2000 (Petition 00-21/Ord. 4506), permit a 192 unit senior citizen only apartment complex. The property was developed in 2000 with twelve 16-unit apartment buildings and an office, with 199 parking spaces. The density is over 19 units per acre. Subsequently, an administrative site plan was approved in 2007 for maintenance building, clubhouse addition, and carports.

There is no site plan, as the existing improvements on the property will remain unchanged. Access to the site will be maintained as is by West Corby Blvd from Hickory Road. As of the date of this staff report, the complex is at 100% occupancy with a waiting list. For the past 20 years, as far as staff knows, there has been no issues in compatibility between this development and other nearby multi-family complexes to the west and south or single-family homes to the north. The density of the Whispering Pines development is higher than the two adjacent multi-family developments; Jamestown Homes, Pin Oak Manor and The Reserve at Pin Oak.

All pertinent City Departments have reviewed and approved the PUD amendment request.

RECOMMENDATION

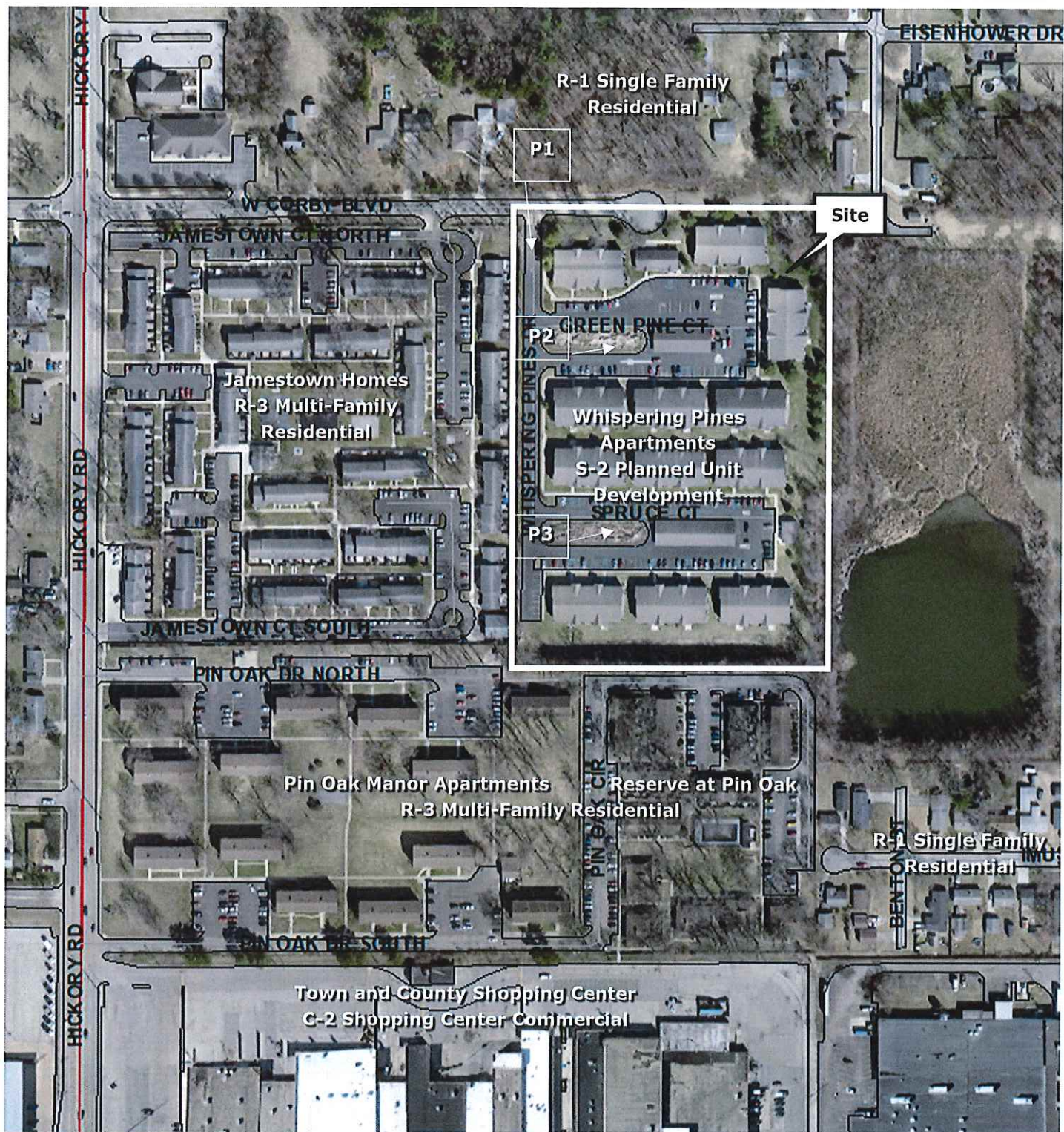
Staff recommends **approval** of Petition 21-13 to amend the Whispering Pines Planned Unit Development (PUD), approved in 2000, to remove the senior citizen only age restriction.

The recommendation is based on the following findings of fact:

1. Existing Conditions – The property is currently developed as apartment buildings, with other multi-family complex in the area.
2. Character of Buildings in Area – There are other multi-family complexes in the area east of Hickory and north of McKinley.
3. The Most Desirable/Highest and Best Use – Due to the property’s location near other multi-family developments, and accessible to a nearby retail center (Town & Country), the similar proposed use will be compatible with the existing adjacent land uses.
4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area because the use is very similar and the physical site is not changing.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for multi-family residential (apartment complexes and nursing facilities) as currently exists to the south and west.

ATTACHMENTS

Aerial, Photographs, Petition, Location Map



Aerial Photograph



Entrance from Corby



Northern buildings on Green Pine Ct



Southern buildings on Spruce Ct

8-18-21

Deborah S. Block, IAMC, MMC

SEP 01 2021

City Clerk
Mishawaka, IN



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

RE: Petition For PUD Amendment

The undersigned MFD II, LLC (Miller Family Development, LLC) of record 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:

See Attached – Property addresses include 712, 717, 722, 803, 806, 817 and 818 Green Pine Court, and 715, 720, 801, 804, 815, and 816 Spruce Court, Mishawaka, IN 46545

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for Senior Only Apt. Complex.

Petitioner desires said real estate to be amended to allow for Market Rate Apt. Complex.

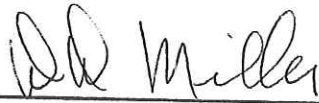
My name is Dennis Miller I am the operating member of Miller Family Development II, LLC. Our office is located at 806 Green Pine Ct. Mishawaka, In. We built, own and operate the S-2 PUD Senior Only, Whispering Pines Apt. Located east of Hickory Rd. at the end of the Corby St. cul-de-sac.

We have been operating as a market rents “Senior Only” property for tenants 55 years and older since 2002. The Fair Housing Act does allow for up to 20% of the occupants to be under age 55.

We are retiring and are under contract to sell. Buyer’s lender is requiring the “Senior Only” restriction be changed to Market Rate property.

Wherefore, the petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, and appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

Thank you for your consideration.



Dennis D. Miller

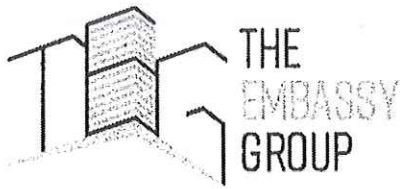
Gen. opr. Mgr.

806 Green Pine Ct.

Mish., IN. 46545

Ddm build@ATT.net

574-876-9945



August 12, 2021

The Embassy Group is currently under contract to purchase Whispering Pines Apartments in Mishawaka, IN. from Miller Family Development II LLC. The Embassy Group is a national investment group that prides itself on providing high-end housing for the community and its residents. We have been a landlord throughout many of the local Indiana markets for many years and are continuously looking to expand our footprint in this market. While working to purchase Whispering Pines we became aware that there was a Senior Only restriction tied to the property that even the current owner was unaware of. Due to the type of lending that we use to purchase properties, our lender is requiring the Senior Only status to be removed. We are requesting that this status be removed and changed to "Market Rate" so we can continue the purchase of this property. Our plan is to continue to run the community with professionalism and something that we are proud to own and operate. We thank you for your consideration and are hopeful that this will be approved so that we can add to our presence in Indiana.

TEG Acquisitions LLC

By: 

Name: Yshia David Willner

Title: Managing Member

LEGAL:

A tract of land in the West One half (W1/2) of the Southwest One Quarter (SW1/4) of Section Four (4), Township Thirty Seven (37) North, Range Three (3) East, in St. Joseph County, State of Indiana, described as follows - Beginning at a stone set for the Northwest Corner of the Southwest One Quarter of Section 4, T37N, R3E, thence East Thirteen Hundred Eighteen (1318) feet along the North Line of said quarter section, thence South Eight Hundred One and four tenths (801.4) feet; thence West Thirteen Hundred Eighteen (1318) feet to the West line of said section; thence North Thirty (30) feet; thence East Seven Hundred Seventy Seven and two tenths (777.2) feet; thence North Seven Hundred Forty Two and Three Tenth (742.3) feet; thence West Seven Hundred Seventy Seven and Two Tenths (777.2) feet; thence North Thirty (30) feet to the place of beginning.

N/A
ANNEX
FLAT
BASE
ECONOMY
WALL

Commonly known as 2730 Hickory Road, Mishawaka, Indiana 46545.

Handwritten signature

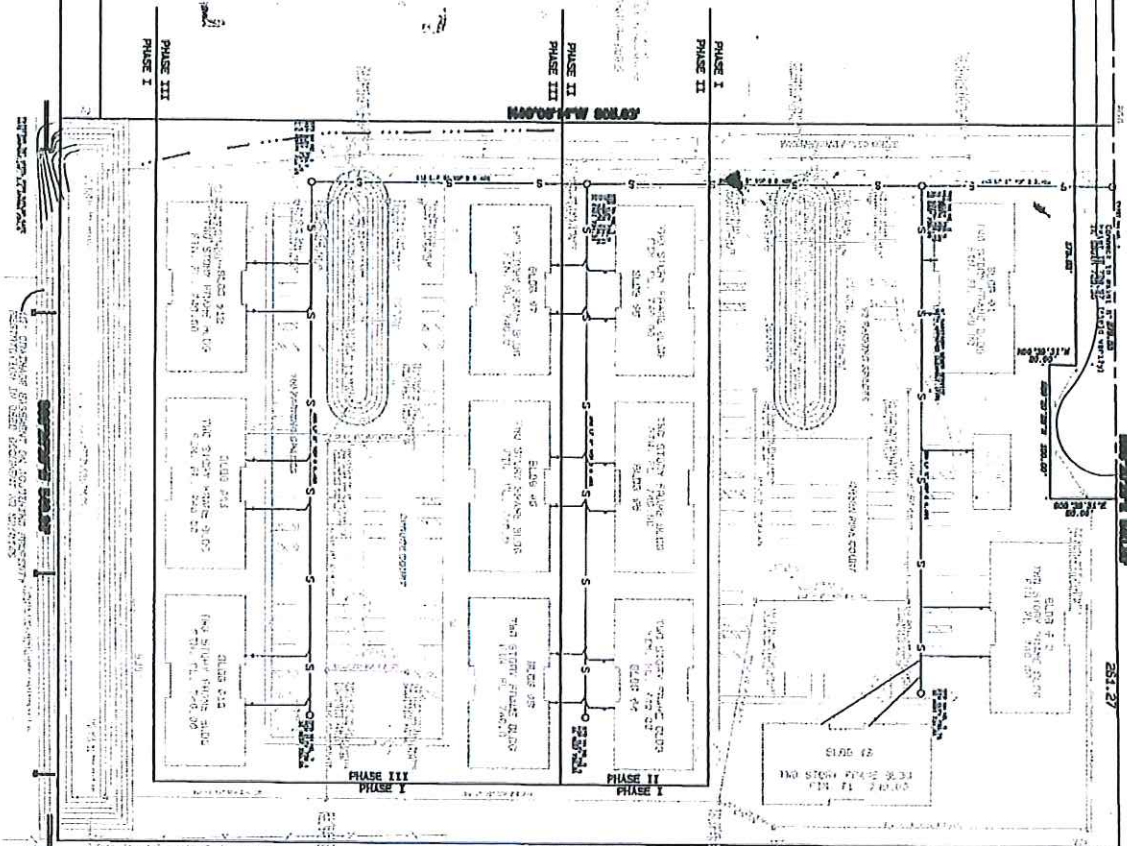
STANDARD SHALL BE APPLIED AS SHOWN ON
THIS PLAN. CANNOT BE USED FOR RECORDS
THE CITY OF INDIANAPOLIS.

- General Notes - Sanitary Sewers
1. Sanitary sewers shall be constructed in the City of Indianapolis.
 2. Sanitary sewers shall be constructed using vitrified clay pipe (VCP) and shall be installed in accordance with the City of Indianapolis Engineering Standards.
 3. Sanitary sewers shall be constructed using reinforced concrete pipe (RCP) and shall be installed in accordance with the City of Indianapolis Engineering Standards.
 4. Sanitary sewers shall be constructed using corrugated metal pipe (CMP) and shall be installed in accordance with the City of Indianapolis Engineering Standards.
 5. Sanitary sewers shall be constructed using steel pipe and shall be installed in accordance with the City of Indianapolis Engineering Standards.
 6. Sanitary sewers shall be constructed using ductile iron pipe (DIP) and shall be installed in accordance with the City of Indianapolis Engineering Standards.

MISSISSAUGA CITY
PLANNING COMMISSION

APPROVED 9/25/00

Handwritten signature



WATERWORKS PLAN

SANITARY SEWERS
PLAN

OF WORKS AND
PLANS
APPROVED BY
CITY ENGINEER
DATE

Larry E. VanOsdol & Associates
REGISTERED LAND SURVEYORS
INDIANAPOLIS, INDIANA

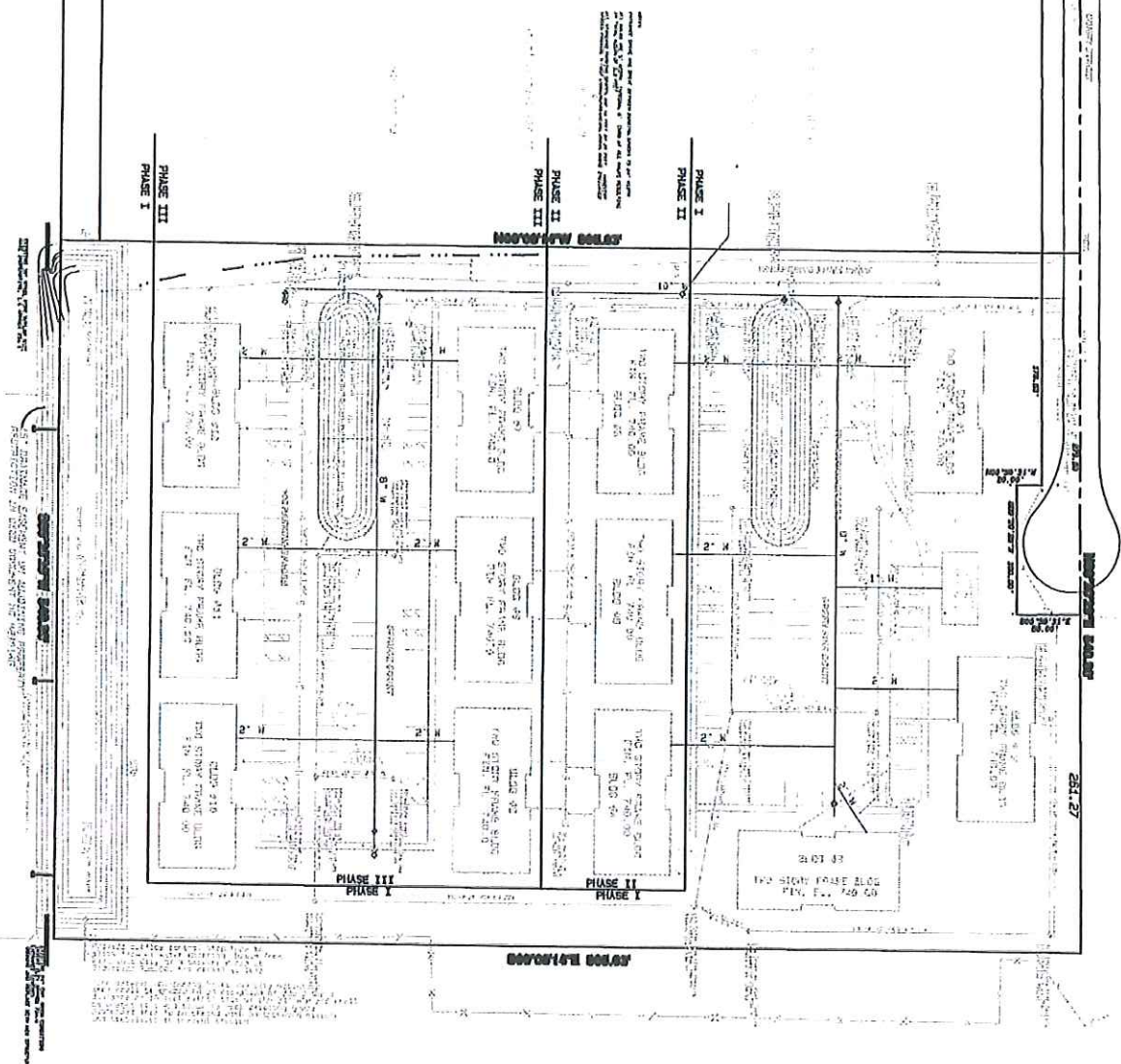
REGISTERED LAND SURVEYORS
INDIANAPOLIS, INDIANA

REGISTERED LAND SURVEYORS
INDIANAPOLIS, INDIANA

509.20.29-N 777.20'
777.20'

INVESTIGATION REPORT

261.27

**WHISPERING PINES**

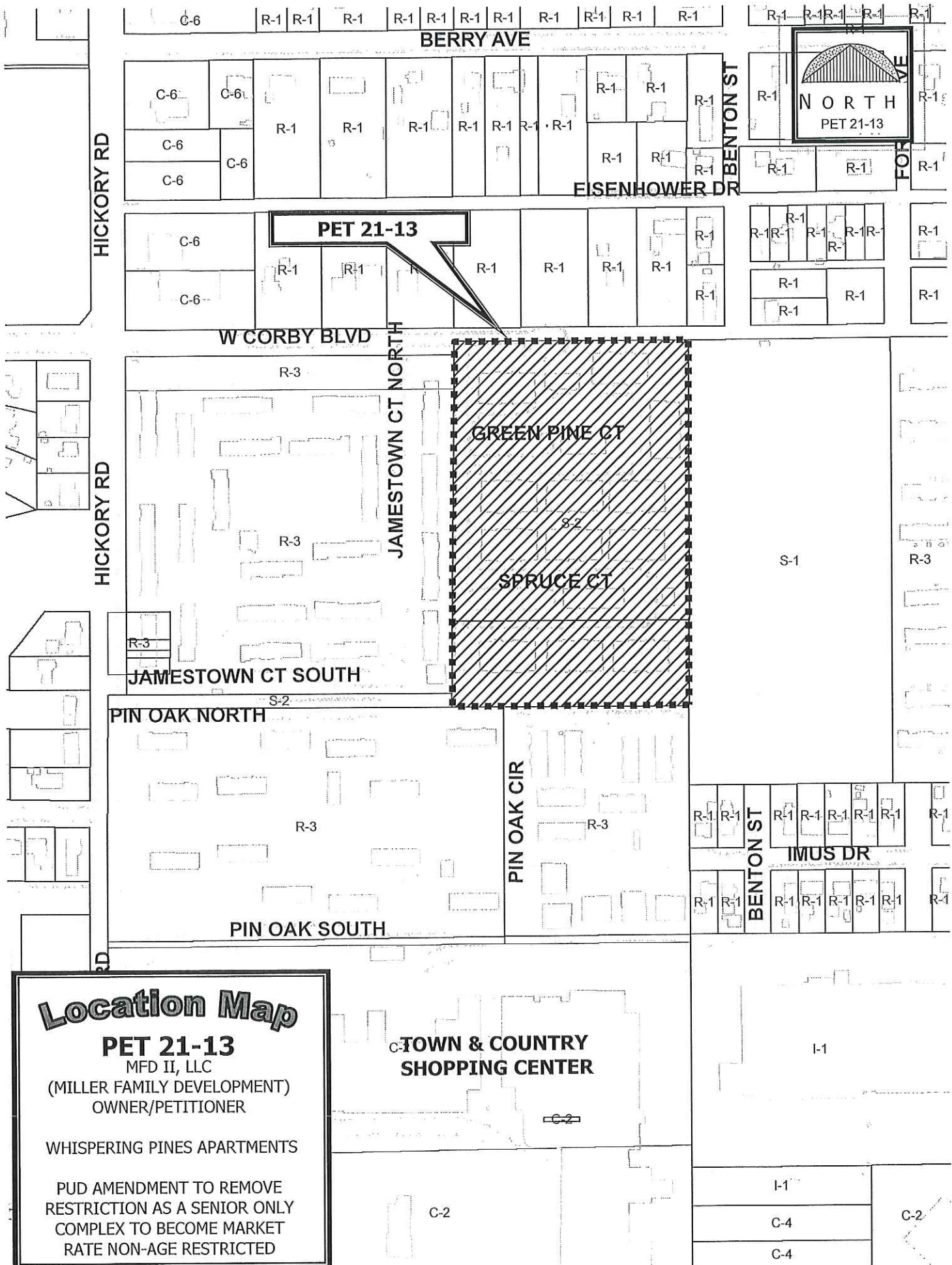
WATER PLAN AND FINAL ELEVATIONS

THE MANICRY	PAID CASH
DATE	MARCH 24, 1966
PAID TO	LARRY E. BERTHOUD, JR.
PAID BY	LARRY E. BERTHOUD, JR.
CHECKED BY	
APPROVED BY	

Larry E. VanOsdol & Associates
 General Counsel • Environmental & Planning • Construction • Real Estate • Insurance • Litigation • Regulatory • Tax • Labor & Employment • Intellectual Property • Corporate Governance • Risk Management • Compliance • Public Policy • Government Relations • International • Arbitration • Mediation • Dispute Resolution • Construction Law • Real Estate Law • Insurance Law • Litigation • Regulatory • Tax • Labor & Employment • Intellectual Property • Corporate Governance • Risk Management • Compliance • Public Policy • Government Relations • International • Arbitration • Mediation • Dispute Resolution

Registered Land Surveyors
Boundary & Topographic Surveys
G.P.C. & British Control Surveys
Publications Commission Building
Larry E. Vandorland, L.S.

[illegible]



1st Reading 9-20-21

2nd Reading

Passed

Failed

Continued To

PETITION 21-14

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2021-32

ORDINANCE NO. _____

Deborah S. Block, IAMC, MMC

SEP 16 2021

City Clerk
Mishawaka, IN

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

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

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

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

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

PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA: BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF MC KINLEY AVENUE WHICH IS NORTH 89°35'02" EAST, A DISTANCE OF 20.93 FEET MORE OR LESS AND NORTH 00°14'42" WEST, A DISTANCE OF 40.00 FEET MORE OR LESS AND NORTH 89°35'02" EAST, A DISTANCE OF 749.94 FEET MORE OR LESS FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4; THENCE NORTH 00°32'48" WEST, A DISTANCE OF 91.44 FEET MORE OR LESS; THENCE NORTH 06°08'18" EAST, A DISTANCE OF 34.49 FEET MORE OR LESS; THENCE NORTH 00°32'48" WEST, A DISTANCE OF 124.11 FEET MORE OR LESS; THENCE NORTH 89°35'02" EAST, A DISTANCE OF 282.44 FEET MORE OR LESS; THENCE SOUTH 00°32'48" EAST, A DISTANCE OF 249.00 FEET MORE OR LESS TO THE NORTH LINE OF SAID MC KINLEY AVENUE; THENCE SOUTH 89°35'02" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 286.45 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 1.62 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: 422 West McKinley Avenue

which real estate is now classified as C-4 automobile Oriented Commercial District shall hereafter be within and a part of that District known as C-1 General 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. Existing Conditions – The subject property consists of an automobile sales business and is located along McKinley Avenue. This road is a highly travelled commercial corridor providing major east-west access through the City. Adjacent land uses include a multi-tenant commercial shopping center to the north; a restaurant with drive-thru to the west; a multi-tenant commercial building, electronic cigarette retailer, and insurance office to the south across W. McKinley Avenue; and an automatic car wash facility, current under construction, to the east.

Proposed Ordinance No: 2021-32

Ordinance No: _____

2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial.
3. The most desirable/highest and best use – Because of the parcel's location and existing commercial development along McKinley Avenue, the most desirable use of the property is commercial.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The proposed uses for multi-tenant commercial building and other permitted C-1 General Commercial uses are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive 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 _____, 2021, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2021, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2021, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 422 W. McKinley Avenue – Approximately 220' West of Grape Road Date: Sept. 14, 2021
Existing RiteWay Auto Sales

Petition: 21- 14

Prepared By: DJS

GENERAL INFORMATION

Applicant: GLC-Map McKinley Trust LLC / Alrig USA / Danch, Harner & Associates, Inc.

Status: Property Owner / Contingent Developer / Agent & Consulting Engineer

Request: To rezone from C-4 Automobile Oriented Commercial District and C-2 Shopping Center Commercial District to C-1 General Commercial District to allow for the construction of a three tenant commercial building including a restaurant with drive-thru facilities, a retail store, and a dine-in restaurant

Zoning Classification: C-4 Automobile Oriented Commercial District and C-2 Shopping Center Commercial District

Lot Size: 1.62 acres being a part of an approximate 11.6 acre parent parcel – (Area to be rezoned is not currently a separate parcel or subdivided lot)

Applicable Regulations: Section 137-300 thru 137-303 / C-1 General Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-2 Shopping Center Commercial (Multi-Tenant Commercial Shopping Center / Vacant (Former K-Mart), Big Lots & Planet Fitness)

South: C-1 General Commercial (Multi-Tenant Commercial Building / Armed Forces Career Center & Olive Health Center, Electronic Cigarette Retailer / Ecig-Works, and Insurance Office / State Farm)

East: C-4 Automobile Oriented Commercial (Automatic Car Wash Facility / John's Auto Spa – Under construction)

West: C-7 Automobile Oriented Restaurant Commercial (Restaurant with Drive-Thru / Burger King)

Thoroughfare: W. McKinley Avenue

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available and will be connected to/throughout the site at the expense of the developer

Comprehensive Plan: General Commercial (Downtown Retail Sales & Shopping Centers)

ANALYSIS

The Petitioners, GLC-Map McKinley Trust LLC and Alrig USA, are requesting to rezone property located north of W. McKinley Avenue approximately 220' west of Grape Road from C-4 Automobile Oriented Commercial District and C-2 Shopping Center Commercial District to C-1 General Commercial District to allow for the construction of a three tenant commercial building. Occupants are yet to be identified, but are to include a restaurant with drive-thru facilities, a retail store, and a dine-in restaurant.

The 1.62 acre area is part of an approximate 11.6 acre parent parcel (Tax Parcel 016-2058-1939.12) developed as a multi-tenant commercial center and recently rebranded as McKinley Commons. The rezoning limits do not follow any existing parcel boundary. If the property is proposed to be separately owned, a subdivision plat is required to establish a legal lot of record. Adjacent land uses include Big Lots, Planet Fitness, and a vacant commercial space to the north; Burger King to the west; a multi-tenant commercial building, Ecig-Works, and State Farm Insurance office to the south; and John's Auto Spa currently under construction to the east.

The C-1 General Commercial District only allows for a maximum of two (2) separate tenants/uses on the property. In order to allow for a single three tenant building as proposed, the property would need to be rezoned to the C-2 Shopping Center Commercial District. However, the drive-thru restaurant use would not be allowed under the C-2 zoning classification and would need a zoning classification of C-7 Automobile Oriented Restaurant Commercial. While the C-7 zoning district would permit all of the proposed uses, this district would allow freestanding off-premise signs (i.e. billboards) which would be undesirable at this property. For these reasons, Staff recommended that the property be rezoned to the C-1 General Commercial and a use variance submitted to allow a three tenant building with one restaurant with drive-thru. The use variance (AP 21-32) will be considered by the Board of Appeals prior to the Plan Commission meeting.

Existing improvements within the area to be rezoned include an 8,600 sq. ft. one-story building, parking lot, and common access drives to the west, north and east. The building is currently occupied by RiteWay Auto Sales and was formerly Big O Tires, a tire sales and auto service business. With the proposed redevelopment of the property, all improvements will be razed with modifications to the current points of access into the site from the adjacent drives.

Per the preliminary site plan, the contingent developer is proposing to construct a one-story 9,289 sq. ft. three tenant commercial building, an eighty-nine (89) space parking lot, and other required infrastructure (utilities, a stormwater collection system, landscape, etc.).

Access to the site will be provided from W. McKinley Avenue via existing common drives to the west and east. Both drives permit unrestricted turning movements to and from W. McKinley Avenue. Access will also be provided from Grape Road via a common access drive to the north. Cross access (ingress/egress) easements to include the adjacent drives shall be dedicated on a future subdivision plat or a reciprocal easement agreement recorded if not currently in place. No new access points are proposed onto the public right-of-way. In order to prevent traffic from potentially backing up onto W. McKinley Avenue, the Engineering Department requested that the access point from the adjacent drive to the west be located as far north as possible and no access be provided to the adjacent drive to the east.

The landscaping, conceptually shown, shall comply with the commercial landscaping requirements.

The preliminary site plan shows the intent to comply with the required height, area and developmental regulations for the C-1 General Commercial District. If a variances from these regulations are required, the Board of Zoning Appeals shall be petitioned when the final site plan is submitted.

With this petition, the Applicant and contingent purchaser are only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development.

Since the property is currently zoned for general commercial and automobile oriented uses and located along the McKinley Avenue commercial corridor, the Staff supports the request for rezoning. The proposed three tenant commercial building is not out of character and is compatible with the existing adjacent land uses. Furthermore, the proposed use is consistent with the recommended use per the comprehensive plan.

The Building, Fire, Electric, and Water Departments have reviewed and approved the rezoning request providing no additional comments.

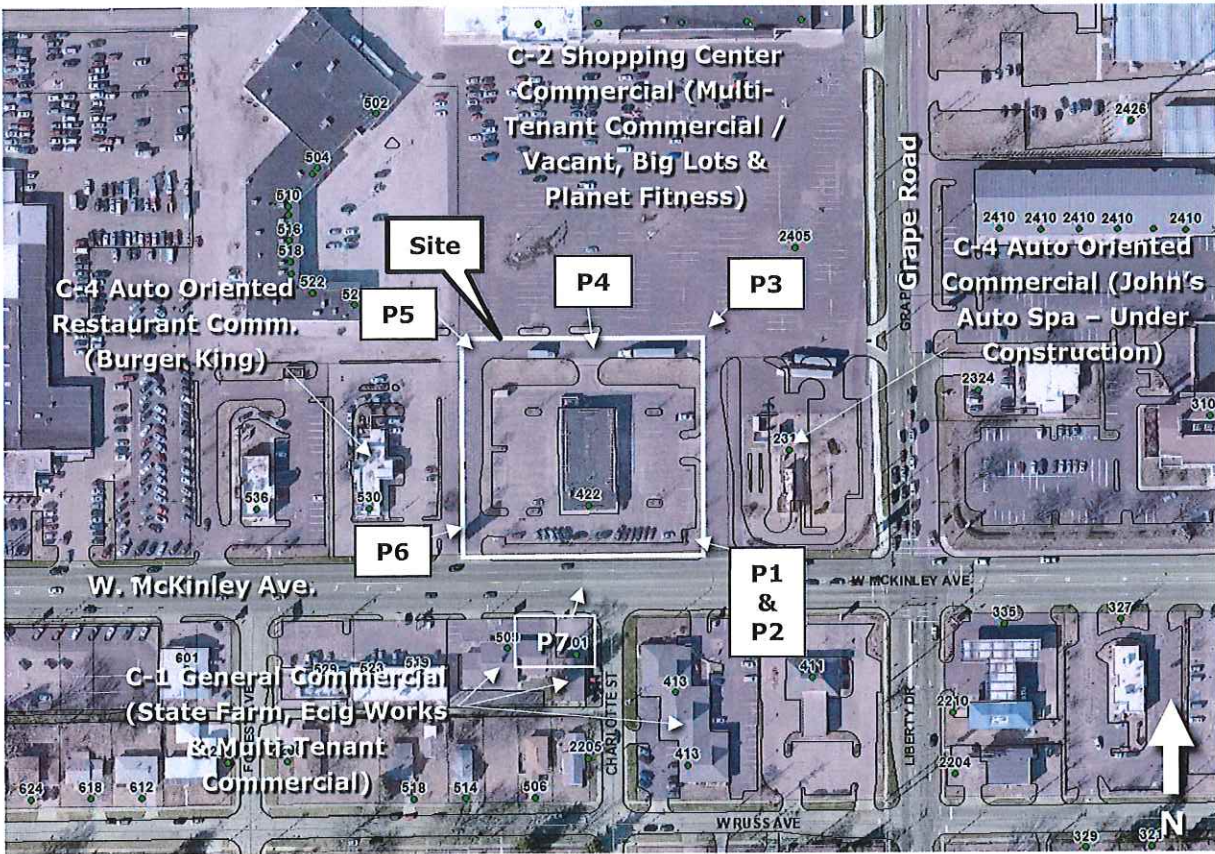
RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 21-14 to rezone a 1.62 acre area located at 422 W. McKinley Avenue from C-4 Automobile Oriented Commercial District and C-2 Shopping Center Commercial District to C-1 General Commercial District to allow for the construction of a three tenant commercial building including a restaurant with drive-thru facilities, a retail store, and a dine-in restaurant. This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property consists of an automobile sales business and is located along McKinley Avenue. This road is a highly travelled commercial corridor providing major east-west access through the City. Adjacent land uses include a multi-tenant commercial shopping center to the north; a restaurant with drive-thru to the west; a multi-tenant commercial building, electronic cigarette retailer, and insurance office to the south across W. McKinley Avenue; and an automatic car wash facility, current under construction, to the east.
2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial.
3. The most desirable/highest and best use – Because of the parcel's location and existing commercial development along McKinley Avenue, the most desirable use of the property is commercial.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The proposed uses for multi-tenant commercial building and other permitted C-1 General Commercial uses are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Site Photographs, Petition, Location Map, Preliminary Site Plan



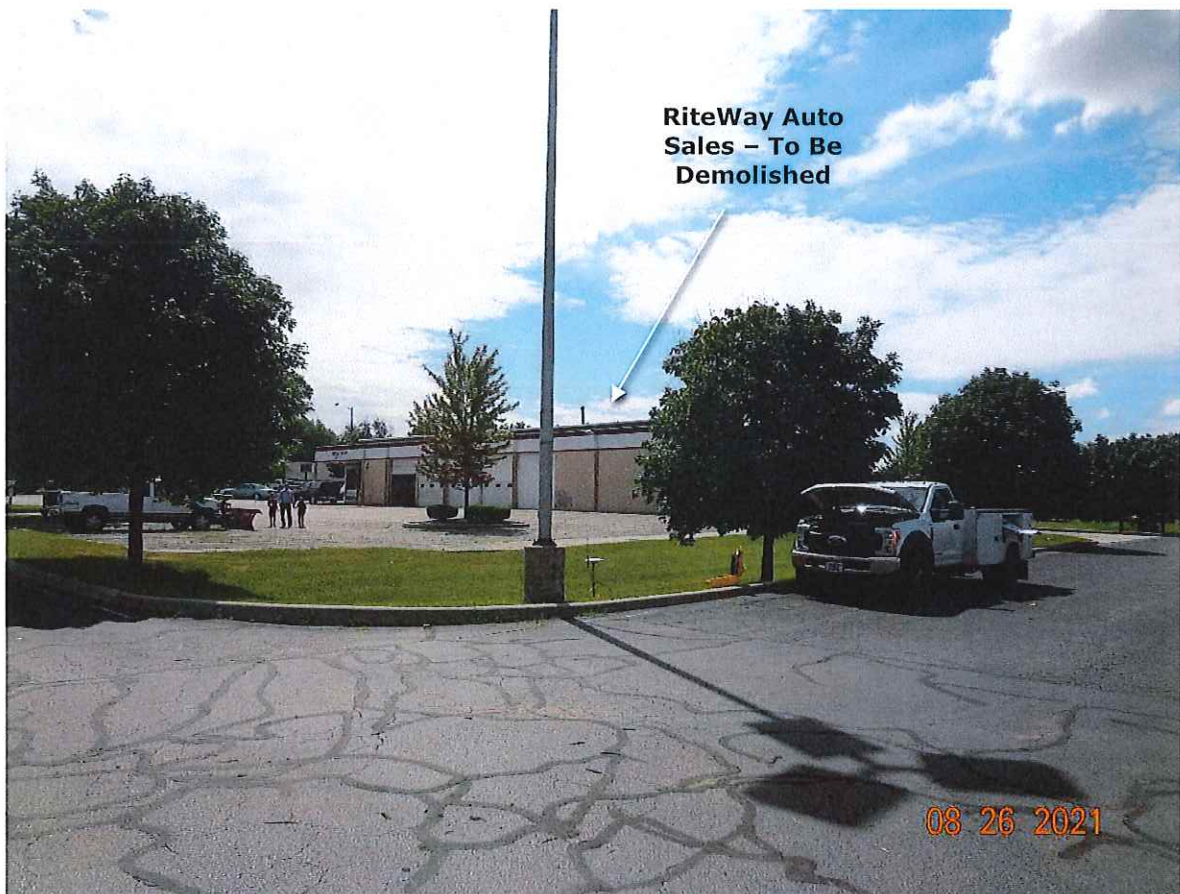
Aerial Photograph
Existing RiteWay Auto Sales – Proposed for Redevelopment
422 W. McKinley Avenue



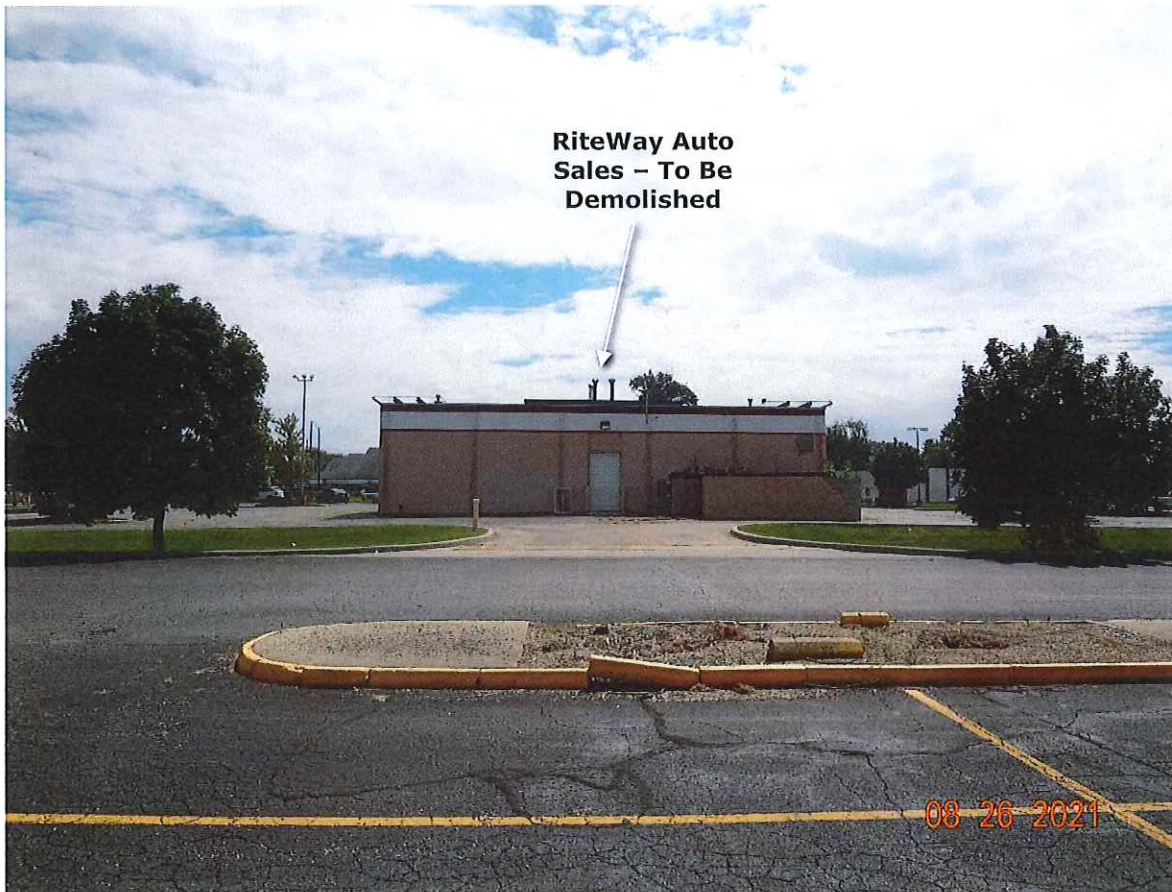
P1. Looking westerly from the existing access drive to the east toward the property to be rezoned.



P2. Looking northerly from the existing access drive to the east toward the east part property to be rezoned.



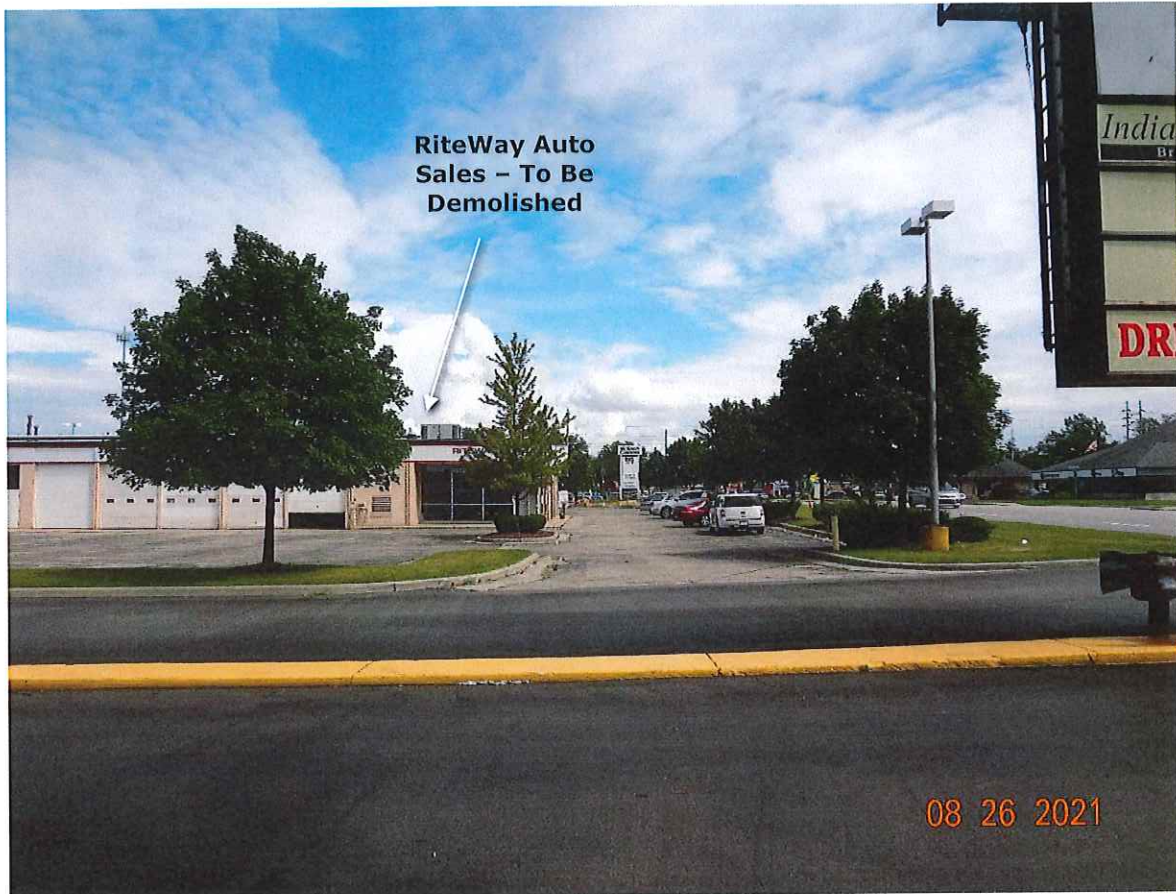
P3. Looking southwesterly from the adjacent access drives toward the property to be rezoned.



P4. Looking southerly from the existing access drive toward the property to be rezoned.



P5. Looking southeasterly from the northern and western access drives toward the property to be rezoned.



P6. Looking easterly from the existing access drive to the west toward the property to be rezoned.



P7. Looking northerly from south of W. McKinley Avenue toward the property to be rezoned.

Deborah S. Block, IAMC, MMC

SEP 01 2021

City Clerk
Mishawaka, IN



DATE: August 20, 2021

TO THE: HONORABLE MEMBERS OF THE COMMON COUNCIL
CITY OF MISHAWAKA, INDIANA

RE: PETITION FOR REZONING FOR: GLC-MAP MC KINLEY TRUST
PETITION ADDRESS: 422 WEST MC KINLEY AVENUE,
MISHAWAKA, INDIANA 46545

THE UNDERSIGNED, GLC-MAP MC KINLEY TRUST, RESPECTFULLY SHOW THAT THEY ARE THE OWNERS OF THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, INDIANA:

PARCEL: REZONING LEGAL DESCRIPTION:

PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA: BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF MC KINLEY AVENUE WHICH IS NORTH 89°35'02" EAST, A DISTANCE OF 20.93 FEET MORE OR LESS AND NORTH 00°14'42" WEST, A DISTANCE OF 40.00 FEET MORE OR LESS AND NORTH 89°35'02" EAST, A DISTANCE OF 749.94 FEET MORE OR LESS FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4; THENCE NORTH 00°32'48" WEST, A DISTANCE OF 91.44 FEET MORE OR LESS; THENCE NORTH 06°08'18" EAST, A DISTANCE OF 34.49 FEET MORE OR LESS; THENCE NORTH 00°32'48" WEST, A DISTANCE OF 124.11 FEET MORE OR LESS; THENCE NORTH 89°35'02" EAST, A DISTANCE OF 282.44 FEET MORE OR LESS; THENCE SOUTH 00°32'48" EAST, A DISTANCE OF 249.00 FEET MORE OR LESS TO THE NORTH LINE OF SAID MC KINLEY AVENUE; THENCE SOUTH 89°35'02" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 286.45 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 1.62 ACRES MORE OR LESS.

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

PROPERTY ADDRESS: 422 WEST MC KINLEY AVENUE, MISHAWAKA, INDIANA 46545.

THE ABOVE-DESCRIBED PARCEL OF LAND IS PRESENTLY ZONED: "C-2" SHOPPING CENTER COMMERCIAL, "C-4" AUTO-ORIENTED COMMERCIAL AND C-7" AUTO-ORIENTED RESTAURANT COMMERCIAL DISTRICTS UNDER THE ZONING ORDINANCE OF THE CITY OF MISHAWAKA. PETITIONERS DESIRE TO REZONE THE ABOVE-DESCRIBED DESCRIBED ABOVE TO THE "C-1" COMMERCIAL DISTRICT CLASSIFICATION. THE PURPOSE FOR THE REZONING IS TO ALLOW FOR A REDVELOPMENT OF THE PROPERTY TO BUILD A NEW STRUCTURE THAT WILL CONTAIN THREE TENANTS, INCLUDING A RESTAURANT WITH A DRIVE-THRU FACILITY, A RETAIL STORE AND A SIT-DOWN RESTAURANT IN A SINGLE BUILDING.

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.



FOR: GLC-MAP MC KINLEY TRUST
TRUSTEE JOHN SILVERMAN
420-424 MC KINLEY AVENUE
MISHAWAKA, INDIANA 46545

PH. NO. 1-513-792-5000

CONTACT PERSON:

MICHAEL DANCH
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628
(574) 234-4003.
MDANCH@DANCHHARNER.COM

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

August 20, 2021

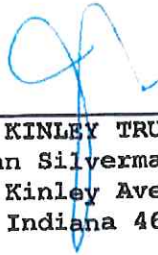
RE: Rezoning request for
GLC-MAP MC KINLEY TRUST:

Dear Board 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 meeting(s) and the Mishawaka Common Council meeting(s) at which our Rezoning request will be heard for our property located at 422 West Mc Kinley Avenue, Mishawaka, Indiana.

If you have any questions concerning this matter, please feel free to give me a call at 513-792-5000.

Sincerely,



For GLC-MAP MC KINLEY TRUST
Trustee John Silverman
420-424 Mc Kinley Avenue
Mishawaka, Indiana 46545

File No. 210211 "C" Md.

REZONING LEGAL DESCRIPTION:

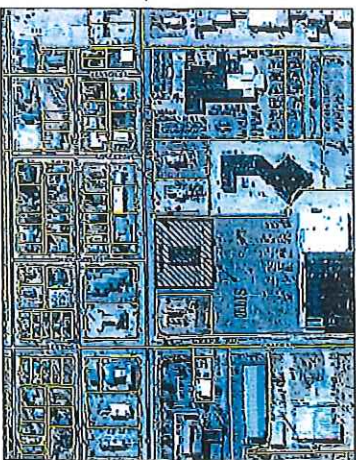
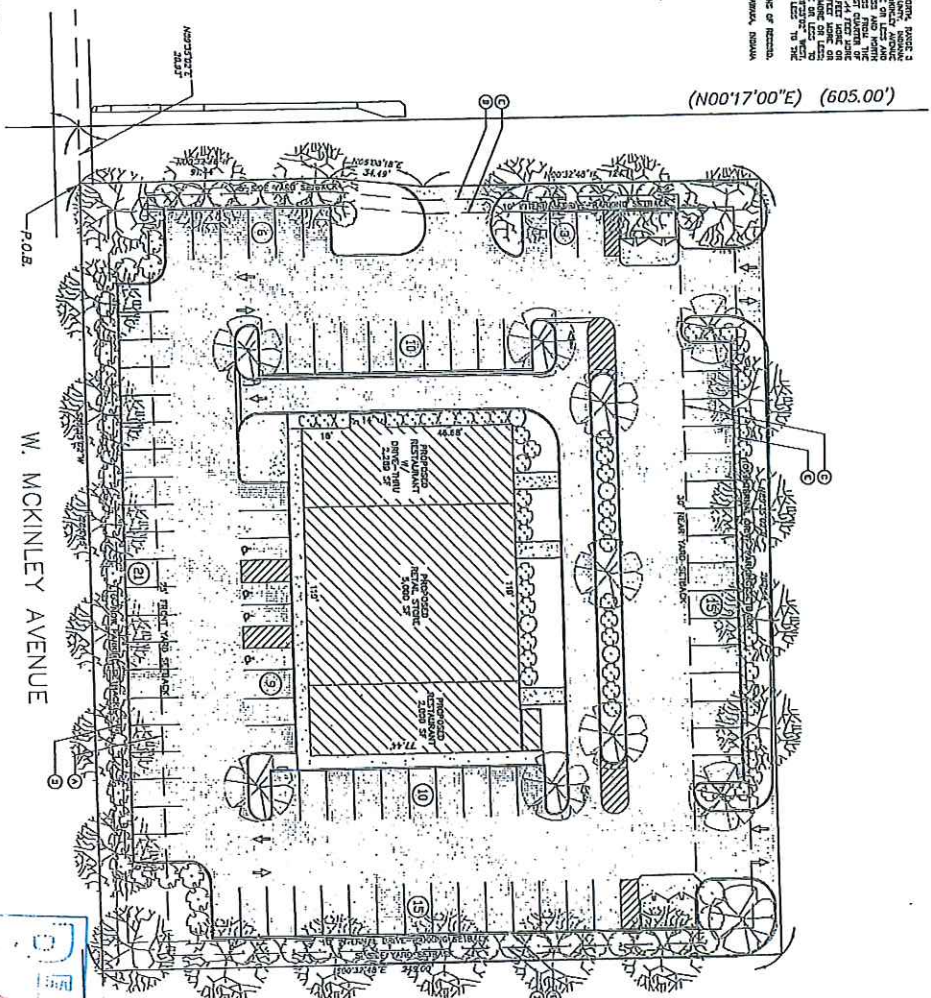
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Also commonly known as 422 West mc Kinley Avenue, Mishawaka, Indiana 46545.

[illegible]

1. A LAID OUT VARIANCE TO ALLOW FOR A RESTAURANT FACILITY WITH A DRIVE-THRU IN A "C-1" COMMERCIAL DISTRICT.
2. A LAID OUT VARIANCE TO ALLOW A MAXIMUM OF THREE (3) TOWNIES IN A DRIVE-BUILDING IN A "C-1" COMMERCIAL DISTRICT AS SHOWN.

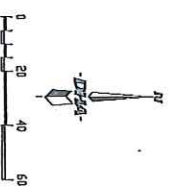
A-101 M. H.K.
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AERIAL LOCATION
N.T.S.

TABULATED SITE DATA:

- [illegible]

RECEIVED
AUG 25 2021
ECONOMIC
COMMUNITY DEVELOPMENT



BZA SITE PLAN

REVIEWS

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[illegible][illegible]

Durch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
Phone (714) 244-4323 / (949) 444-4323 • Fax (714) 244-4112
11535 Research Drive • Suite 200 • San Juan Capistrano, CA 92675

DHA

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SEP 16 2021

City Clerk
Mishawaka, IN

1st Reading 9-20-21

PETITION 21-15

2nd Reading

Passed

CITY OF MISHAWAKA, INDIANA

Failed

PROPOSED ORDINANCE NO. 2021-33

Continued To

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:

Lot 76 and 77 as shown on the recorded plat Broadway Heights Addition in the office of the Recorder of St. Joseph County, Indiana, in Plat Book 1, Page 147

COMMON ADDRESS: 821 West Jefferson Boulevard

which real estate is now classified as R-1 Single Family Residential and C-1 General Commercial District shall hereafter be within and a part of that District known as C-6 Linear Office 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. Existing Conditions – The subject property consists of a single-family home that has been used as a business for the past 20 years, and is located on West Jefferson Blvd which includes other commercial uses, although single family homes are immediately adjacent.
2. Character of Buildings – The character of the buildings in the area are predominantly single-family homes, but there is also a small multi-family building, and various commercial businesses between Jefferson and Forest Avenue including a convenience store, bar, and auto sales.
3. The most desirable/highest and best use – Because of the property's history of commercial use and current configuration, the most desirable use of the property is commercial.

Proposed Ordinance No: 2021-33

Ordinance No: _____

4. Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding area. The C-6 Linear Office Commercial District was selected because the permitted uses are compatible with the existing adjacent uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low density residential development within this property, however recognizes the areas of commercial to both the east and west. Therefore, the proposed zoning is not in conflict with the Comprehensive 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 _____, 2021, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2021, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2021, at _____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 821 W Jefferson Blvd.
(southeast corner of Jefferson Blvd. and Webster Street)

Date: September 14, 2021

Petition: 21- 15

Prepared By: CH

GENERAL INFORMATION

Applicant: Stephen J & Joellen Miller / Lang Feeney & Associates

Status: Property Owner / Surveyor & Site Design Consultant

Request: To rezone from C-1 General Commercial District and R-1 Single Family Residential to C-6 Linear Office Commercial

Zoning Classification: C-6 Linear Office Commercial

Lot Size: 0.23 acres (84' x 120')

Applicable Regulations: Section 137-426 thru 137-428 / C-6 Linear Office Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential
South: R-1 Single Family Residential
East: R-1 Single Family Residential
West: R-1 Single Family Residential

Thoroughfare: West Jefferson Blvd. & Webster Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities currently serve the property.

Comprehensive Plan: Low Density Residential (single family houses)

ANALYSIS

The Petitioner, Stephen J & Joellen Miller, are requesting to rezone approximately 0.23 acres (84' x 120') of property located at 821 W Jefferson Blvd from C-1 General Commercial and R-1 Single Family Residential to C-6 Linear Office Commercial to allow for the continuation of a commercial business at this location. The house is currently zoned R-1 Single Family Residential. The parking lot to the west is zoned C-1 General Commercial.

A petition to rezone both lots to C-5 Neighborhood Commercial was filed in 1999, but was withdrawn before a final vote by the Common Council. The Staff recommendation required the Petitioner is to submit a site plan to the Planning Department for review and approval that will include improvements to the parking lot regarding paving, stormwater retention and landscaping in accordance with current ordinances and engineering standards governing commercial lots.

The property to be rezoned includes the former Miller Guitar Academy in a house, and adjacent gravel parking lot. Per the preliminary site plan submitted with the rezoning petition, the contingent developer is proposing to keep the existing building, paving 7 parking spaces and provide a retention basin at the south end of the lot. Access will be maintained from Jefferson Blvd.

The preliminary site plan shows the intent to comply with the required height, area, and developmental regulations for the C-6 Linear Office Commercial District. If additional variances are required for landscaping/screening or any other developmental regulations, the Board of Zoning Appeals shall be petitioned when the final site plan is submitted.

With this petition, the property owner and contingent purchaser are only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development.

Since the property has a history of being used commercially and is located along near other commercial areas on Jefferson, at its intersection with Logan, and between Clay and Forest Streets, Planning Staff supports the request for rezoning. The C-6 Linear Office Commercial District was selected to be compatible with the existing adjacent land uses. Only the following uses are permitted: (1) Banks, savings and loans, credit unions, loan offices; (2) Bed and breakfasts; (3) Churches, synagogues and similar places of worship; (4) Clinics for humans; (5) Convents and rectories; (6) Medical or dental laboratories; (7) Mortuaries and funeral homes; (8) Offices; (9) Public libraries; (10) Single-unit dwellings; (11) Two-unit dwellings or duplex dwellings.

The Building, Fire, Electric, and Water Departments have reviewed and approved the rezoning request providing no additional comments.

The Engineering Department had no comments related to the rezoning petition but echoed the requirement of a site plan with comments that the drainage concept will need to be refined to not pose a concern with the alley.

RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 21-15 to rezone 0.23 acres (84' x 120') of property located at 821 W Jefferson Blvd from C-1 General Commercial and R-1 Single Family Residential to C-6 Linear Office Commercial to allow for the continuation of a commercial business at this location. This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property consists of a single family home that has been used as a business for the past 20 years, and is located on West Jefferson Blvd which includes other commercial uses, although single family homes are immediately adjacent.
2. Character of Buildings – The character of the buildings in the area are predominantly single family homes, but there is also a small multi-family building, and various commercial businesses between Jefferson and Forest Avenue including a convenience store, bar, and auto sales.
3. The most desirable/highest and best use – Because of the property's history of commercial use and current configuration, the most desirable use of the property is commercial.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding area. The C-6 Linear Office Commercial District was selected because the permitted uses are compatible with the existing adjacent uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low density residential development within this property, however recognizes the areas of commercial to both the east and west. Therefore, the proposed zoning is not in conflict with the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Photographs, Petition, Preliminary Site Plan, Location Map



A view from Jefferson



A view of the building and sign from Webster



A view of the parking lot, landscaping and alley from Webster

DATE: August 24, 2021

Deborah S. Block, IAMC, MMC

SEP 01 2021

City Clerk
Mishawaka, IN



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, Stephen J. Miller and Joellen Miller, 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:

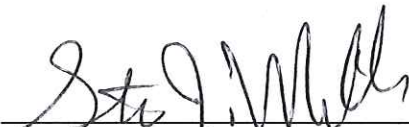
Lot 76 and Lot 77 as shown on the recorded plat Broadway Heights Addition in the office of the recorder of St. Joseph County, Indiana in Plat Book 11, Page 147.

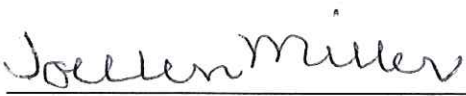
Commonly known as: 821 West Jefferson Boulevard

Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 Commercial and R-1 Single Family District. Said property is a parking lot and guitar lesson studio.

Petitioner's desires said real estate to be rezoned to C-6 Commercial District. Petitioner's further state that they intend to utilize said land for small office use while having minimal impact on surrounding residential areas.

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 land located in the City of Mishawaka.

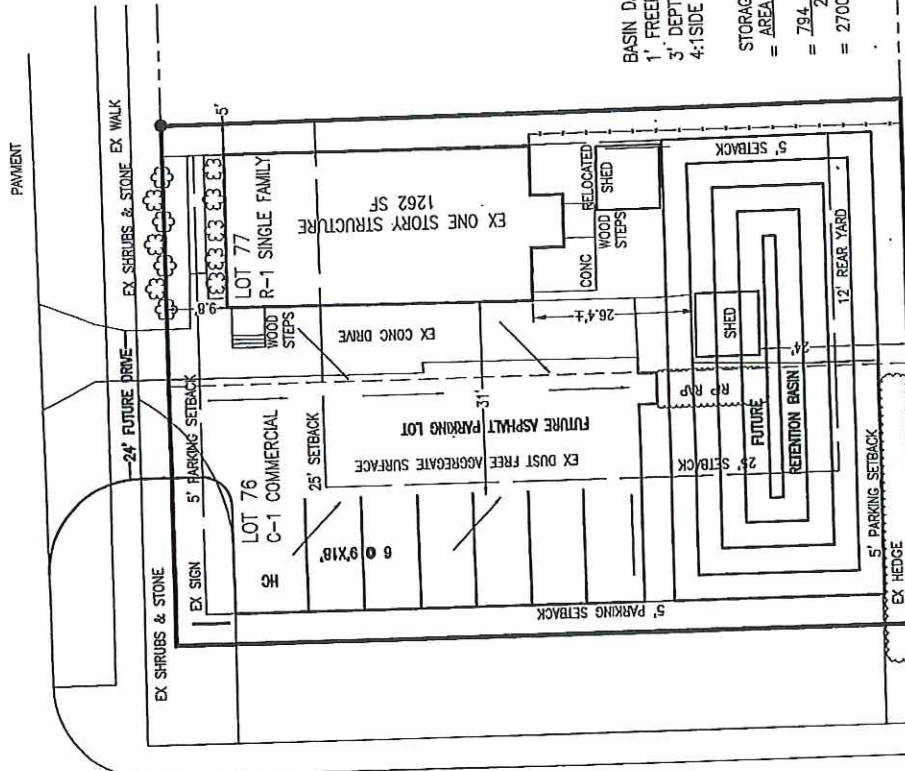

Stephen J. Miller


Joellen Miller

CONTACT PERSON:

LANG FEENEY & ASSOCIATES, INC.
TERRY LANG
715 S. MICHIGAN STREET
SOUTH BEND, INDIANA 46601
574-233-1841
TERRY@LANGFEENEY.COM

JEFFERSON BOULEVARD 40' HALF R/W



PRELIMINARY SITE PLAN

BROADWAY HEIGHTS
LOTS 76 & 77

FOR

821 W. JEFFERSON BLVD
MISHAWAKA, IN 46545

FOR REZONING PURPOSES ONLY

TABULATED DATA

	SF	ACREAGE	%
BUILDING	1262	0.03	13.04
ASPH/CONC	3523	0.08	34.78
OPEN AREA	5295.35	0.12	52.18
TOTAL	10080	0.23	100.00

DRAINAGE CALCULATIONS

$$C_{TOTAL} = C_{BUILD} + C_{ASPH} + C_{OPEN}$$

$$= 0.03 (0.96) + 0.08 (0.92) + 0.12 (0.07)$$

$$= 0.23 + 0.23 + 0.037$$

$$= 0.497$$

$$Q = CIA$$

$$= 0.497(0.233)(2.65)$$

$$= 0.262 CFS$$

STORAGE REQUIRED

$$= 0.062(24)(3600)$$

$$= 22,464 CU FT (1.06)$$

$$= 2381.2 CU FT REQUIRED$$

2700 CF PROVIDED

BASIN DATA
1' FREEBOARD
3' DEPTH
4:1 SIDE SLOPES

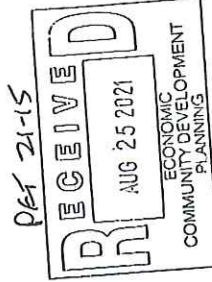
STORAGE PROVIDED

$$= \frac{AREA TOP + AREA BOTTOM}{2} (DEPTH)$$

$$= \frac{794 + 84}{2} (3')$$

$$= 2700 CF PROVIDED$$

WEBSTER STREET (R/W VARIES)



Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (317) 233-1841



Land Surveyors	Soil Scientists
Scale 1" = 20'	Drawn W/MS
Date 8-24-21	Job Name Miller, Steve Reane
Rev.	Job No.
Rev.	Rev.

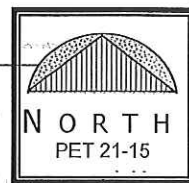


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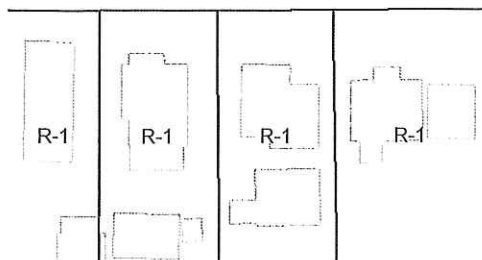
R-1 R-1 R-1 R-1 R-1 R-1

R-3

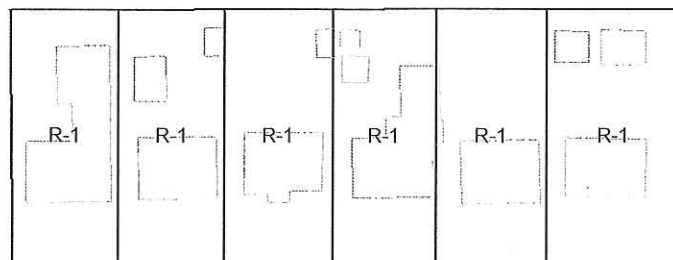
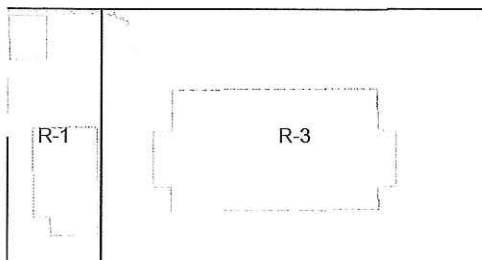
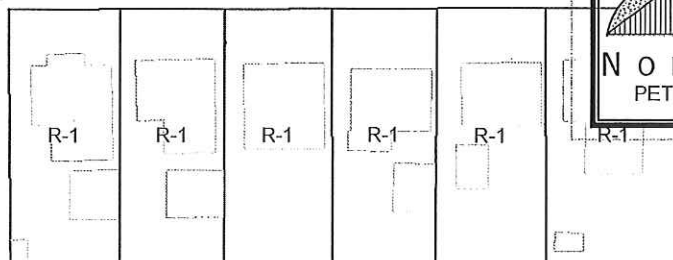
W BORLEY AVE



R-3



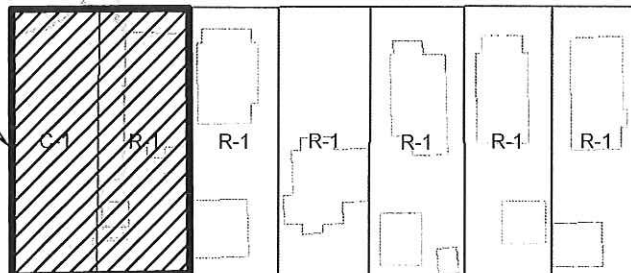
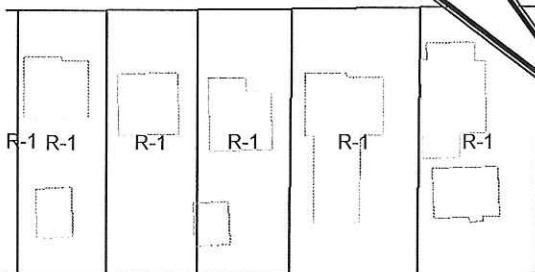
WEBSTER ST



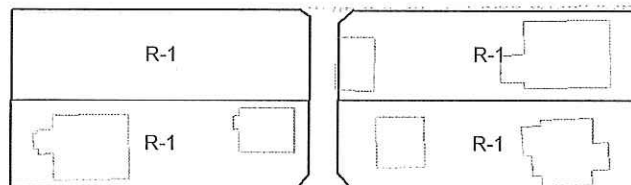
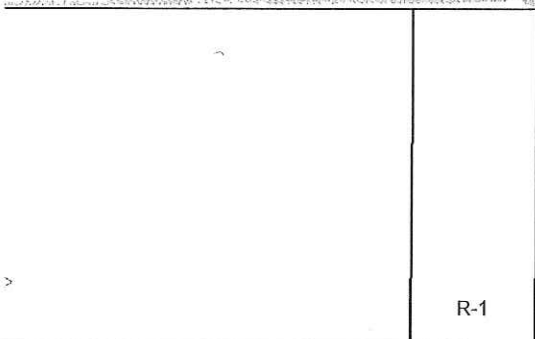
C-1

W JEFFERSON BLVD

PET 21-15



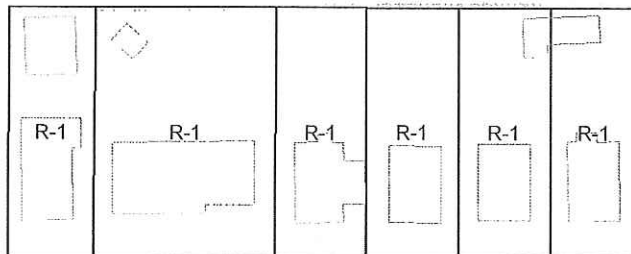
C-1



CLAY ST

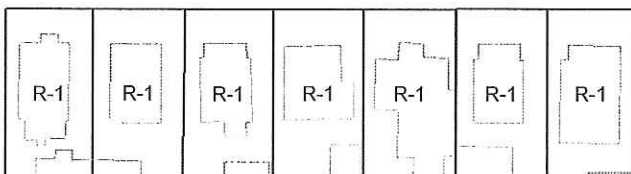
R-1

R-1



R-1

FAIRMOUNT AVE



R-1

Location Map

PET 21-15

STEPHEN J. & JOELLEN MILLER
(OWNERS)

821 W. JEFFERSON BLVD.

REZONING FROM C-1 GENERAL
COMMERCIAL & R-1 SINGLE-FAMILY
RESIDENTIAL TO C-6 LINEAR
OFFICE COMMERCIAL

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 9/17/2021 4:54:36 PM

Ordinance / Resolution Number:

Be it ordained/resolved by the **Mishawaka City Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2022** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Mishawaka City Common Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Mishawaka City Common Council	Common Council and Mayor	10/25/2021

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$37,796,869	\$31,394,523	2.4308
0254	LOCAL INCOME TAX	\$3,283,318	\$0	0.0000
0341	FIRE PENSION	\$2,050,000	\$0	0.0000
0342	POLICE PENSION	\$1,242,000	\$0	0.0000
0706	LOCAL ROAD & STREET	\$1,090,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$4,350,352	\$2,728,868	0.2113
1151	CONTINUING EDUCATION	\$100,000	\$0	0.0000
1301	PARK & RECREATION	\$4,246,964	\$4,005,020	0.3101
1310	PARK NONREVERTING - CAPITAL	\$405,400	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$111,984	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$700,000	\$2,167,390	0.1678
2411	ECONOMIC DEV INCOME TAX CREDIT	\$3,762,877	\$0	0.0000
6290	CUMULATIVE SEWER	\$200,000	\$0	0.0000
		\$59,339,764	\$40,295,801	3.1200

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 9/17/2021 4:54:36 PM

Name		Signature
Gregg Hixenbaugh	Aye ☐ Nay ☐ Abstain ☐	
Matt Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Dale "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	
Ron Banicki	Aye ☐ Nay ☐ Abstain ☐	
Kate Voelker	Aye ☐ Nay ☐ Abstain ☐	
Mike Compton	Aye ☐ Nay ☐ Abstain ☐	
Anthony "Tony" Hazen	Aye ☐ Nay ☐ Abstain ☐	
Mike Bellovich	Aye ☐ Nay ☐ Abstain ☐	
Maggie DeMaegd	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah Ladyga-Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1

Yes ☐ No ☒

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31

Yes ☐ No ☒



CITY OF MISHAWAKA
2022
BUDGET
David A. Wood, Mayor

CITY OF MISHAWAKA

2022 BUDGET

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CITY OF MISHAWAKA
2022 BUDGET

MAYOR
101-01

1 PERSONAL SERVICES

Salaries and Wages

			biweekly
411-01	Mayor	84,053.00	3,232.79
411-02	Mayor Executive Asst	49,175.00	1,891.31
	Executive Secretary	<u>37,356.00</u>	1,436.73
			170,584.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	<u>1,000.00</u>	
			1,000.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	2,500.00	
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Printing and Advertising

433-01	Printing	500.00	
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	2,500.00	
439-04	Leadership	2,000.00	
439-07	Memorial Day AL/VFW/DAR	2,500.00	
439-92	Community Promotion	<u>7,500.00</u>	
			<u>17,500.00</u>
			189,084.00

CITY OF MISHAWAKA
2022 BUDGET

CONTROLLER
101-02

1 PERSONAL SERVICES

<u>Salaries and Wages</u>		biweekly
411-01	Controller	82,664.00 3,179.35
411-02	Deputy Controller	56,693.00 2,180.49
	Accountant	45,108.00 1,734.90
	Purchasing Agent	42,545.00 1,636.34
	Bookkeeper A	42,115.00 1,619.77
	Payroll Clerk	41,124.00 1,581.67
411-03	Part time	<u>20,000.00</u>
		330,249.00
<u>Other Services Personal</u>		
411-64	FTO (Flexible Time Off) Plan	30,000.00
411-65	Certifications	<u>7,000.00</u>
		37,000.00
<u>Employee Benefits</u>		
413-01	Social Security	225,000.00
413-02	Medicare	52,000.00
413-03	INPRS 14.2%	510,000.00
413-04	Unemployment Compensation	20,000.00
413-05	Employee Insurance Benefits	1,500,000.00
413-06	Employee Life Insurance	4,000.00
413-08	Deferred Comp Match	<u>30,000.00</u>
		<u>2,341,000.00</u>
		2,708,249.00

2 SUPPLIES

<u>Office Supplies</u>		
421-90	Office Supplies/Misc Supplies	<u>15,000.00</u>
		15,000.00

3 OTHER SERVICES AND CHARGES

<u>Communication and Transportation</u>		
432-02	Postage	15,000.00
432-03	Travel and Training	4,000.00
432-04	Telephone	45,000.00
<u>Printing and Advertising</u>		
433-02	Publications	13,000.00

CITY OF MISHAWAKA
2022 BUDGET

CONTROLLER

101-02

Insurance

434-90 Insurance Premiums/ Deductible 900,000.00

Utility Services

435-01 MU Charges 850,000.00

435-02 NIPSCO 60,000.00

Repairs and Maintenance

436-01 Building/ Equipment/Software
Maintenance/Service Contracts 50,000.00

Other Services and Charges

439-03 Subscription, Dues, etc. 1,000.00

439-09 Miscellaneous Charges 1,500.00

1,939,500.00

4 CAPITAL OUTLAYS

Other Capital Outlays

444-05 Capital Outlay 500,000.00

500,000.00

5,162,749.00

CITY OF MISHAWAKA
2022 BUDGET

CITY CLERK
101-03

1 SERVICES PERSONAL

Salaries and Wages

biweekly

411-01	City Clerk	59,660.00	2,294.60
411-02	Chief Deputy Clerk I	43,600.00	1,676.92
	Chief Deputy Clerk II	42,287.00	1,626.40
411-03	Temporary	10,000.00	

Other Personal Services

411-65	Certifications	<u>2,750.00</u>	158,297.00
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2 SUPPLIES

Office Supplies

421-90	Office Supplies	2,000.00	
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Operating Supplies

422-01	Violations Bureau Supplies	<u>1,500.00</u>	3,500.00
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3 OTHER SERVICES AND CHARGES

Professional Services

431-01	Attorney Fees	1,000.00	
431-04	Professional Services	14,000.00	

Communication and Transportation

432-03	Travel and Training	4,000.00	
432-04	Telephone/Technology	1,100.00	

Other Services and Charges

439-03	Subscriptions, Dues, etc.	1,500.00	
439-92	Community Promotion	<u>1,750.00</u>	
			<u>23,350.00</u>
			185,147.00

CITY OF MISHAWAKA
2022 BUDGET

HUMAN RESOURCES
101-04

1 PERSONAL SERVICES

Salaries and Wages

411-02	Asst HR Director	41,310.00	biweekly 1,588.84
411-03	Temporary Help	<u>50,000.00</u>	

Other Personal Services

411-65	Certifications	<u>1,000.00</u>	
			92,310.00

2 SUPPLIES

Office Supplies

421-90	Supplies	<u>1,000.00</u>	
			1,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	54,000.00	
431-08	Employee Assistance Program	10,000.00	
431-09	Testing/Wellness	5,000.00	

Communication and Transportation

432-03	Travel and Training	2,000.00	
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Printing and Advertising

433-01	Printing/ Advertising	1,000.00	
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Other Services and Charges

439-03	Subscription, Dues, etc.	500.00	
439-20	Staff Development	<u>1,500.00</u>	
			<u>74,000.00</u>
			167,310.00

CITY OF MISHAWAKA
2022 BUDGET

INFORMATION TECHNOLOGY
101-05

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Director	69,937.00	2,689.86
411-02	Assistant Director	62,749.00	2,413.39
	System Specialist IV (2)	115,498.00	2,221.08
	System Specialist III	49,070.00	1,887.30
	System Specialist II	46,744.00	1,797.84
	System Specialist I	43,170.00	1,660.36
			387,168.00

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	<u>20,000.00</u>	20,000.00
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3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	35,000.00
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	<u>15,000.00</u>	50,000.00
			<u>457,168.00</u>

CITY OF MISHAWAKA
2022 BUDGET

DEPARTMENT OF LAW
101-06

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Corporation Counsel	56,703.00	2,180.87
411-02	City Attorney	<u>65,630.00</u>	2,524.21

Utility salary ordinance displays utility portion of salaries

122,333.00

2 SUPPLIES

Office Supplies

421-03	Professional Books	500.00
421-90	Office Supplies	<u>500.00</u>

1,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-01	Attorney Fees-Code Hearings	6,000.00
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Communication and Transportation

432-03	Travel and Training	3,000.00
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Insurance

434-90	Payment of Claims/Litigation	42,000.00
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	2,500.00
439-09	Miscellaneous Charges	<u>1,500.00</u>

55,000.00

178,333.00

CITY OF MISHAWAKA
2022 BUDGET

CITY COUNCIL
101-07

1 PERSONAL SERVICES

Salaries and Wages

411-04	Council members		biweekly
	9 @ 12,444	111,996.00	478.60
411-02	Council Attorney	18,879.00	726.11
413-05	Council Attorney Insurance Stipend	<u>6,000.00</u>	
			136,875.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	<u>1,500.00</u>	
			1,500.00

3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	6,000.00	
432-04	Telephone/Technology	3,500.00	
439-03	Subscriptions, Dues, etc.	2,000.00	

Other Services and Charges

439-92	Community Promotion	<u>5,000.00</u>	
			16,500.00
			<u>154,875.00</u>

CITY OF MISHAWAKA
2022 BUDGET

ENGINEERING DEPARTMENT
101-13

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Director of Engineering	82,664.00	3,179.35
411-02	Assistant Director	68,623.00	2,639.34
	Project Manager	66,513.00	2,558.17
	Traffic Manager	56,715.00	2,181.32
	Project Coordinator	42,265.00	1,625.57
	Office Manager	37,339.00	1,436.09
	City GIS Coordinator	<u>56,715.00</u>	2,181.32
	<i>Utility salary ordinance displays utility portion of salaries</i>		410,834.00

Other Personal Services

411-65	PE Certification	<u>10,000.00</u>	192.31
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420,834.00

2 SUPPLIES

Office Supplies

421-90	General Supplies	<u>8,000.00</u>	8,000.00
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3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	5,000.00	
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Communication and Transportation

432-03	Travel and Training	6,000.00	
432-04	Telephone/Technology	750.00	

Repairs and Maintenance

436-01	Equipment Repair	2,500.00	
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	<u>1,000.00</u>	
			15,250.00
			<u>444,084.00</u>

CITY OF MISHAWAKA
2022 BUDGET

CODE ENFORCEMENT DEPARTMENT
101-14

1 PERSONAL SERVICES

<u>Salaries and Wages</u>			biweekly
411-01	Director of Code Enforcement	62,486.00	2,403.29
411-02	Code Enforcement Officers		
	5 @ 50,879	254,395.00	1,956.87
	Office Manager	<u>37,339.00</u>	1,436.09
			354,220.00

2 SUPPLIES

<u>Operating Supplies</u>			
422-01	Operating Supplies	<u>3,500.00</u>	3,500.00

3 OTHER SERVICES AND CHARGES

<u>Communication and Transportation</u>			
432-03	Travel and Training	3,000.00	
432-04	Telephone/Technology	2,200.00	

Other Services and Charges

439-10	Clean up, Board up, Disposal, etc.	<u>35,000.00</u>	
			<u>40,200.00</u>
			<u>397,920.00</u>

CITY OF MISHAWAKA
2022 BUDGET

BUILDING DEPARTMENT
101-15

1 PERSONAL SERVICES

Salaries and Wages

411-01	Building Commissioner	63,950.00	biweekly 2,459.61
411-02	Office Manager	37,339.00	1,436.09
	Inspector A 2 @ 61,259	<u>122,518.00</u>	2,356.08
			223,807.00

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	<u>2,000.00</u>	2,000.00
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3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	4,000.00
432-04	Telephone/Technology	1,100.00

Other Services and Charges

439-03	Subscription, Dues, etc.	<u>800.00</u>	
			<u>5,900.00</u>
			231,707.00

CITY OF MISHAWAKA
2022 BUDGET

FIRE/EMS DEPARTMENT
101-19

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Fire Chief	85,382.00	3,283.92
411-02	Assistant Chief		
	3 @ 79223	237,669.00	3,047.04
	Battalion Chief		
	3 @ 72,064	216,192.00	2,771.67
	Captain 15 @ 68,594	1,028,910.00	2,638.20
	Lieutenant		
	15 @ 66,718	1,000,770.00	2,566.05
	Fire Inspector		
	1 @ 68,594 2 @ 66,718	202,030.00	2,638.20 2,566.05
	Driver Operator		
	30 @ 64,873	1,946,190.00	2,495.10
	1st Class Firefighter		
	34 @ 64,547	2,194,598.00	2,482.56
	Master Firefighter		
	11@ 61,765	<u>679,415.00</u>	2,375.54
			7,591,156.00
	<u>Civilian</u>		
	Administrative Assistant	<u>44,074.00</u>	1,695.15
			44,074.00

Other Personal Services

411-12	Specialty Pay	283,300.00	
411-60	Overtime	750,000.00	
411-66	Uniform Allowance 115 @ 1,250	143,750.00	
411-67	Pension Equalization	<u>11,300.00</u>	
			<u>1,188,350.00</u>
			8,823,580.00

Employee Benefits

413-01	Social Security	13,954.00	
413-02	Medicare	127,961.00	
413-03	INPRS 14.2%	31,960.00	
413-05	Health Insurance	2,800,000.00	
413-06	Life/Disability Insurance	6,500.00	
413-08	Deferred Comp Match	70,000.00	
413-09	77 Pension 20.5%	<u>1,520,000.00</u>	
			<u>4,570,375.00</u>
			13,393,955.00

CITY OF MISHAWAKA
2022 BUDGET

FIRE/EMS DEPARTMENT
101-19

2 SUPPLIES

Office Supplies

421-90 Office Supplies 6,000.00

Operating Supplies

422-01 Operating Supplies 200,000.00

422-03 Medical Supplies 150,000.00

Other Supplies

429-10 Public Education

Training/ Seminar

Supplies/Refreshments 6,000.00

362,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Clinic Services 35,800.00

431-11 Physicals 45,000.00

Communication and Transportation

432-03 Travel and Training 65,000.00

Repairs and Maintenance

436-01 Building/ Equipment Repair 150,000.00

Professional Services

436-90 Service Contracts 177,000.00

436-91 Laundry Maintenance 3,000.00

Other Services and Charges

439-03 Subscriptions, Dues, etc. 20,000.00

495,800.00

14,251,755.00

CITY OF MISHAWAKA
2022 BUDGET

POLICE DEPARTMENT

101-20

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Police Chief	85,890.00	3,303.46
411-02	Assistant Chief		
	3 @ 79,743	239,229.00	3,067.03
	Captain		
	6 @ 69,496	416,976.00	2,672.92
	Lieutenant		
	14 @ 67,787	949,018.00	2,607.17
	Sergeant		
	20 @ 66,173	1,323,460.00	2,545.08
	1st Class Patrol Officer		
	46 @ 64,547	2,969,162.00	2,482.56
	2nd Class Patrol Officer		
	18 @ 57,623	<u>1,037,214.00</u>	<u>2,216.25</u>
			7,020,949.00

Civilians

	Administrative Assistant	44,074.00	1,695.15
	Administrative Secretary	37,831.00	1,455.01
	Secretary 2 @ 37,357	76,912.00	1,436.78
	Parking Personnel	37,357.00	1,436.78
	Property Manager	41,016.00	1,577.53
	Office Manager	<u>39,246.00</u>	1,509.44
			276,436.00
	Crossing Guards 20 @ 7,922	158,440.00	
411-03	Substitute Crossing Guard	2,000.00	
	Temporary Help/Part-time	20,000.00	
411-65	IDACS Specialist	<u>500.00</u>	180,940.00

Other Personal Services

411-02	Shift Differential 2nd @350 3rd @ 700	57,600.00	
411-60	Overtime/ Court-time Officer-Non Officer	600,000.00	
411-66	Uniform Allowance 1@600, 108@2050	222,000.00	
411-66	Equipment Allowance 108@1250	135,000.00	1,014,600.00

Employee Benefits

413-01	Social Security	30,000.00	
413-02	Medicare	120,000.00	
413-03	INPRS 14.2%	40,000.00	
413-05	Health Insurance	2,650,000.00	
413-06	Life Insurance	6,250.00	
413-08	Deferred Comp Benefit	65,000.00	
413-10	77 Pension 20.5%	<u>1,429,000.00</u>	<u>4,340,250.00</u>
			12,833,175.00

CITY OF MISHAWAKA
2022 BUDGET

POLICE DEPARTMENT
101-20

2 SUPPLIES

Operating Supplies

422-01 Operating Supplies 110,000.00

Other Supplies

429-11 Seminars/ Community Relations 1,000.00

111,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Clinic Services 35,800.00

431-11 New Hire Physicals 32,000.00

Communication and Transportation

432-03 Travel and Training 2,000.00

Printing and Advertising

433-01 Printing 1,800.00

Repairs and Maintenance

436-01 Building Repair/ Maintenance 100,000.00

436-90 Service Contracts 400,000.00

Other Services and Charges

439-03 Subscriptions, Dues, etc. 3,000.00

439-09 Miscellaneous Charges 5,000.00

439-11 Special Expense 13,000.00

439-12 Canine Expenses 9,000.00

601,600.00

13,545,775.00

CITY OF MISHAWAKA
2022 BUDGET

PLANNING and COMMUNITY DEVELOPMENT
101-21

1 PERSONAL SERVICES

<u>Salaries and Wages</u>			biweekly
411-01	Executive Director	82,664.00	3,179.35
411-02	City Planner	67,048.00	2,578.75
	Senior Planner	53,500.00	2,057.69
	Associate Planner	46,500.00	1,788.46
	Administrative Planner	<u>43,600.00</u>	1,676.92
			293,312.00
411-06	Plan Commission 9 @ \$600	5,400.00	
	BZA Members 5 @ \$375	<u>1,875.00</u>	
			<u>7,275.00</u>
			300,587.00

2 SUPPLIES

<u>Operating Supplies</u>			
422-01	Operating Supplies	<u>5,000.00</u>	
			5,000.00

3 OTHER SERVICES AND CHARGES

<u>Communication and Transportation</u>			
432-03	Travel and Training	2,000.00	
<u>Other Services and Charges</u>			
439-03	Subscriptions, Dues, etc.	<u>2,500.00</u>	
			<u>4,500.00</u>
			<u>310,087.00</u>

CITY OF MISHAWAKA
2022 BUDGET

CENTRAL SERVICES DEPARTMENT
101-22

1 PERSONAL SERVICES

Salaries and Wages

411-02 Assistant 4 @ 56,736	226,944.00	biweekly 2,182.15
Fleet Maintenance Technician		
6 @ 22.75*2092	285,558.00	
Group 1: 4 @ 21.61*2092	180,832.00	
PT maintenance 1040 hrs @ 11.00	11,440.00	
Reimburse MVH Director - 72,420*5%	<u>3,621.00</u>	
		708,395.00

Other Services Personal

411-60 Overtime	15,000.00	
411-63 Longevity	<u>5,000.00</u>	
		<u>20,000.00</u>
		728,395.00

2 SUPPLIES

Office Supplies

421-90 Office Supplies	2,000.00	
------------------------	----------	--

Operating Supplies

422-02 Gas, Oil, etc.	800,000.00	
422-05 Equipment/ Vehicle/Maint Supplies	110,000.00	

Other Supplies

429-08 Uniform/ Supplies	<u>5,750.00</u>	
		917,750.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Health Screenings/ Vaccines	1,000.00	
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Communication and Transportation

432-03 Travel and Training	1,000.00	
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Repairs and Maintenance

436-01 Building Repair / Equipment/Maint	70,000.00	
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Rentals

437-05 Uniforms	10,000.00	
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Other Services and Charges

439-09 Miscellaneous Charges	<u>1,500.00</u>	
		83,500.00
		<u>1,729,645.00</u>

CITY OF MISHAWAKA
2022 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Street Commissioner	72,420.00	2,785.38
411-02	Office Administrator	37,592.00	1,445.84
	Office Manager	37,339.00	1,436.09
	Group 1: 32 @ 21.61*2092	1,446,660.00	
	CS reimburse - 56,736* 1.55 for assts.	87,941.00	
			1,681,952.00

Other Services Personal

411-60	Overtime	80,000.00	
411-63	Longevity	15,000.00	
411-64	FTO (Flexible Time Off) Plan	<u>8,000.00</u>	
			103,000.00

Employee Benefits

413-01	Social Security	105,000.00	
413-02	Medicare	24,000.00	
413-03	INPRS 14.2%	241,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	600,000.00	
413-06	Life Insurance	1,900.00	
413-07	Deferred Comp Benefit	<u>10,000.00</u>	
			<u>986,900.00</u>
			2,771,852.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	1,500.00	
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Other Supplies

429-08	Uniform Supplies	7,000.00	
429-13	Traffic Supplies	<u>35,000.00</u>	
			43,500.00

3 OTHER SERVICE AND CHARGES

Professional Services

431-09	Health Screenings/ Vaccines	5,000.00	
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Communication and Transportation

432-03	Travel and Training	3,000.00	
432-04	Telephone/ Paging	7,500.00	

Printing and Advertising

433-02	Publications	500.00	
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CITY OF MISHAWAKA
2022 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

Rentals

437-05 Uniforms 16,000.00

Other Services and Charges

439-09 Miscellaneous Charges 3,000.00

35,000.00

4 CAPITAL OUTLAYS **MVHR**

Improvements Other than Buildings

442-01 Street Repair 1,500,000.00

1,500,000.00

4,350,352.00

LOCAL ROAD AND STREET
202-50

4 CAPITAL OUTLAYS

Improvements other than Buildings

442-01 Street Repair 500,000.00

442-04 Sidewalk and Curb Program 300,000.00

50/50 Program 25,000.00

445-02 MVH Equipment 265,000.00

1,090,000.00

CITY OF MISHAWAKA
2022 BUDGET

REDEVELOPMENT
101-28

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-02	TIF Construction Manager	66,513.00	2,558.17
	Program Construction Manager	60,376.00	2,322.12
	Grant Manager	55,380.00	2,129.97
	Program Coordinator	<u>42,761.00</u>	1,644.62
			225,030.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	<u>1,000.00</u>	1,000.00
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3 OTHER SERVICES AND CHARGES

Professional Services

431-04	Professional Services	130,000.00	
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Communication and Transportation

432-03	Travel and Training	4,000.00	
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Printing and Advertising

433-02	Publications	<u>1,200.00</u>	
			135,200.00
			<u>361,230.00</u>

CEMETERY
101-29

3 OTHER SERVICES AND CHARGES

Other Services and Charges

439-09	Maintenance	<u>30,000.00</u>	
			<u>30,000.00</u>

CITY OF MISHAWAKA
2022 BUDGET

PARK AND RECREATION
204-50

1 PERSONAL SERVICES

Salaries and Wages

			biweekly
411-01	Department Head	72,420.00	2,785.38
411-02	Regular Employees	556,757.00	
	Group 1: 14@21.61*2092	633,025.00	
411-03	Temporary/Summer Help	650,000.00	1,912,202.00
	CS reimburse - 56,736* 1.55 for assts.	87,941.00	
	Reimburse MVH Director - 72,420*5%	3,621.00	<u>91,562.00</u>
			2,003,764.00

Other Services Personal

411-60	Overtime	25,000.00	
411-63	Longevity	15,200.00	
411-64	FTO	10,000.00	50,200.00

Employee Benefits

413-01	Social Security	120,000.00	
413-02	Medicare	28,000.00	
413-03	PERF 14.2%	180,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Insurance Benefits	360,000.00	
413-06	Life Insurance	1,500.00	
413-08	Deferred Comp Match	8,000.00	
			<u>702,500.00</u>

2 SUPPLIES

2,756,464.00

Office Supplies

421-90	Office Supplies	8,000.00
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Operating Supplies

422-02	Gas, Oil, Parts, etc.	73,000.00
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Other Supplies

429-09	Merrifield Complex Supplies	32,000.00
429-14	Maintenance Supplies	81,500.00
429-15	Program Supplies	37,500.00
429-16	Golf Course Concessions	40,000.00
429-18	Athletic Event Supplies	46,000.00
429-19	Battell Center Supplies	15,000.00
429-20	Golf Course Supplies	50,000.00
429-21	Other Concessions	5,000.00
429-23	Merrifield Concessions	<u>28,000.00</u>

416,000.00

CITY OF MISHAWAKA
2022 BUDGET

PARK AND RECREATION
204-50

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Health Screenings/Vaccines 8,000.00

Communication and Transportation

432-02 Postage and Freight 2,000.00

432-03 Travel and Training 8,000.00

432-04 Telephone 7,000.00

Printing and Advertising

433-01 Printing/Newsletter etc. 10,000.00

Insurance

434-90 Insurance Premiums/Deductibles 130,000.00

Utility Services

435-01 MU/AEP Charges 500,000.00

435-02 NIPSCO 50,000.00

Repairs and Maintenance

436-01 Equipment/Facility Repair 90,000.00

436-90 Service Contracts 150,000.00

Rentals

437-05 Uniforms/Port-o-lets 17,500.00

Other Services and Charges

439-03 Subscription, Dues, etc. 3,000.00

439-09 Miscellaneous/Charges 1,000.00

439-18 Instructor Fees 15,000.00

439-19 Official/Referee Fees 10,000.00

439-21 Recreation Event/Entertainment 48,000.00

439-93 Sales Tax 25,000.00

1,074,500.00

4,246,964.00

CITY OF MISHAWAKA
2022 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

1 PERSONAL SERVICES

Salaries and Wages

411-03	Temporary Help	<u>25,000.00</u>	25,000.00
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2 SUPPLIES

Other Supplies

429-09	Merrifield Supplies and Repairs	35,000.00	
429-09	Wilson Supplies and Repairs	12,000.00	
429-17	Landscaping/Chemical Supplies	<u>70,000.00</u>	117,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	95,000.00	
436-90	Animal Control	15,000.00	

Communication and Transportation

432-04	Wilson Hill Phone and Internet	2,500.00	
436-90	GPS Contract	19,000.00	

Repairs and Maintenance

436-01	Golf Cart Repair	5,000.00	
436-22	Athletic Field Maintenance	<u>8,000.00</u>	144,500.00

4 CAPITAL OUTLAYS

Machinery and Equipment

444-10	Golf Carts	68,900.00	
445-17	Dog Park	<u>50,000.00</u>	
			<u>118,900.00</u>
			405,400.00

CITY OF MISHAWAKA
2022 BUDGET

LAW ENFORCEMENT CONTINUING EDUCATION
210-50

2 SUPPLIES

Operating Supplies

422-36	Ammunition	<u>35,000.00</u>	35,000.00
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3 OTHER SERVICES AND CHARGES

Communication and Transportation

432-03	Travel and Training	<u>40,000.00</u>	40,000.00
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4 CAPITAL OUTLAYS

Machinery and Equipment

445-08	Vests	<u>25,000.00</u>	25,000.00
			<u>100,000.00</u>

CITY OF MISHAWAKA
2022 BUDGET

PUBLIC SAFETY
211-50

3 OTHER SERVICES AND CHARGES

Debt Service

principal

438-01	Fire Station Lease 20&21/30	266,668.00
438-01	Fire Truck Lease 10/10	54,590.00
438-01	Ambulance Lease 10/10	28,096.00
438-01	Records Mgmt System 8&9/20	110,000.00
438-01	Motorola Radio lease 5/5	239,178.00
438-01	New turnout gear 7&8/10	47,200.00
438-01	2020 Police car lease 4&5/10	188,657.00
438-01	2021 Police car lease 1&2/10	200,000.00

interest

438-02	Fire Station Lease	28,091.00
438-02	Fire Truck Lease	551.00
438-02	Ambulance Lease	284.00
438-02	Records Mgmt System	18,894.00
438-02	Motorola Radio lease	19,895.00
438-02	New turnout gear	1,316.00
438-02	2020 Police car lease	11,363.00
438-02	2021 Police car lease	<u>15,535.00</u>

1,230,318.00

4 CAPITAL OUTLAYS

Machinery and Equipment

443-93	St. 4 training room *possibly ARPA	50,000.00
445-08	PD misc equip	75,000.00
	weapons/ radios \$15,000	
	computers in vehicles \$60,000	
	Equipment for new unit	75,000.00
445-09	Police Cars 12 new	800,000.00
445-11	MDT Replacement & Docks	150,000.00
445-13	SCBA Replacement	653,000.00
445-13	Fire Department Equipment	<u>250,000.00</u>

2,053,000.00

3,283,318.00

CITY OF MISHAWAKA
2022 BUDGET

CUMULATIVE CAPITAL IMPROVEMENT
401-50

3 OTHER SERVICES AND CHARGES

Debt Service

438-01 Fire Truck Principal 6&7/19

100,000.00

438-02 Fire Truck Interest

11,984.00

111,984.00

111,984.00

CUMULATIVE CAPITAL DEVELOPMENT
417-50

3 OTHER SERVICES AND CHARGES

Repairs and Maintenance Supplies

436-90 Service Contracts/Software Maintenance

400,000.00

400,000.00

4 CAPITAL OUTLAYS

Machinery and Equipment

445-11 Computer Equipment/Software

300,000.00

300,000.00

700,000.00

CUMULATIVE SEWER FUND
432-50

4 CAPITAL OUTLAYS

Improvements Other than Buildings

445-21 Storm/Sanitary Reconstruction

200,000.00

200,000.00

200,000.00

CITY OF MISHAWAKA
2022 BUDGET

CEDIT
430-50

2 SUPPLIES

Repair and Maintenance Supplies

423-03	Equipment/ Parts, Supplies MVH	175,000.00
423-01	Street Material/Dust Control	175,000.00

Operating Supplies

422-02	Gas, Oil, etc. MVH	100,000.00
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Other Supplies

429-17	Landscaping Supplies/Chemicals	100,000.00
429-91	Salt	<u>175,000.00</u>

725,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-04	Chamber of Commerce	25,000.00
431-05	Humane Society	432,277.00
431-06	Consulting	150,000.00
431-07	Aim	15,000.00
	WNIT Public Access	10,000.00
431-09	Clinic Services - other portions in MU and General fund	81,600.00
436-90	EMS billing service	120,000.00

Repairs and Maintenance

436-01	City Maintenance	150,000.00
436-23	Park Repairs and Maintenance	100,000.00
436-90	Engineering Maintenance	150,000.00
436-93	Signal Maintenance	150,000.00
436-01	Building/ Equipment Repair MVH	200,000.00

Insurance

434-90	Insurance Premiums/Deductibles MVH	225,000.00
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Utility Service

435-01	MU Charges MVH	165,000.00
435-02	NIPSCO MVH	<u>70,000.00</u>

2,043,877.00

4 CAPITAL OUTLAYS

Improvements Other than Buildings

445-17	Park Development	400,000.00
	Historic Preservation signs and inventory	50,000.00

CITY OF MISHAWAKA
2022 BUDGET

Machinery and Equipment

445-02	MVH Automated trash unit	40,000.00	
	CSD Floor sweeper	70,000.00	
	CSD Column Lift	50,000.00	
	CSD John Deere mower	65,000.00	
	Park Mowers	155,000.00	
	Park vehicle for Director	30,000.00	
	Code vehicles/iPads	74,000.00	
	Weights and Measures equipped vehicle	60,000.00	
			994,000.00
			<u>3,762,877.00</u>

CITY OF MISHAWAKA
2022 BUDGET

FIRE PENSION
702-50

1 PERSONAL SERVICES			
<u>Salaries and Wages</u>			
411-05	Pension Benefits	2,003,250.00	
411-06	Secretary Salary	3,000.00	
	Pension Board Members		
	5 @ 750.00 per yr	3,750.00	
411-07	Death Benefits	<u>36,000.00</u>	
			2,046,000.00
2 SUPPLIES			
<u>Office Supplies</u>			
429-09	Misc Supplies	<u>1,000.00</u>	
			1,000.00
3 OTHER SERVICES AND CHARGES			
<u>Professional Services</u>			
431-01	Legal Fees	2,000.00	
<u>Communication and Transportation</u>			
432-03	Travel and Training	500.00	
<u>Repairs and Maintenance</u>			
436-01	Equipment Repair	<u>500.00</u>	
			3,000.00
			<u>2,050,000.00</u>

POLICE PENSION
703-50

1 PERSONAL SERVICES			
<u>Salaries and Wages</u>			
411-05	Pension Benefits	1,200,100.00	
411-06	Secretary Salary	3,000.00	
411-07	Death Benefits	<u>36,000.00</u>	
			1,239,100.00
3 OTHER SERVICES AND CHARGES			
<u>Professional Services</u>			
431-01	Legal Fees	2,500.00	
<u>Communication and Transportation</u>			
432-03	Travel and Training	<u>400.00</u>	
			2,900.00
			<u>1,242,000.00</u>