

AGENDA

October 25, 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): 173 600 0225
Meeting Password: 3XjsfgHNp42

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

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

Dial: 1736000225@mishawaka.webex.com

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of October 11, 2021
5. Petitions, Communications, Remonstrance and Memorial

A letter from the City Plan Commission regarding their recommendation from their October 12, 2021 meeting.

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

P.O No. 2021-38

Rezoning Future Outlot from C-2 Shopping Center to C-7 Automobile Oriented Restaurant Commercial- vacant land north of 210 W. McKinley Ave.

P.O. No. 2021-39 Annexation and Rezoning of 12452 & 12434
Lincoln way East from I-1 to C-1 General
Commercial and I-1 Light Industrial

P.O. NO. 2021-40 Amending Salary Ordinance 5712 to Add
position of Police Forensic Lab
Technician/Property Room Specialist
(1st and 2nd Reading Requested)

8. Resolutions

9. Ordinances on Second Reading

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

P.O. NO. 2021-35 Elected Officials Salary Ordinance for 2022
(Assigned to Budget and Finance Committee)
(Amendment requested)

P.O. NO. 2021-36 City Employee Salary Ordinance for 2022
(Assigned to Budget and Finance Committee)
(Amendment requested)

P.O. NO. 2021-37 Public Safety Salary Ordinance for 2022
(Assigned to Budget and Finance Committee)
(Amendment requested)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

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

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)**

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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, 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

October 11, 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, October 11, 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 (P), Mr. Hazen (P), Mr. Mammolenti (P), Mr. Emmons (A), Mr. Bellovich (P), Mr. Compton (A), Mrs. Voelker (P), Mr. Hixenbaugh (P)
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 20, 2021 were approved as received from the Clerk's Office.

Clerk Block read the following petitions to the council by title.

Petition No. 2021-16 Rezoning Future Outlot from C-2 Shopping Center to C-7
Automobile Oriented Restaurant Commercial

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

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

PROPOSED ORDINANCE NO. 2021-35

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

**Elected Officials Salary Ordinance foe 2022
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2021-36

**AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF
MISHAWAKA EXCEPT SWORN PUBLIC SAFETY, MISHAWAKA PARKS**

**DEPARTMENT, ELECTED OFFICIALS, AND THE MISHAWAKA UTILITIES FOR
THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1,
2022**

**City Employee Salary Ordinance for 2022
(Assigned to Budget & Finance Committee)**

PROPOSED ORDINANCE NO. 2021-37

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

**Public Safety Salary Ordinance for 2022
(Assigned to Budget & Finance Committee)**

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

RESOLUTION R2021-24

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

**Approving Interlocal Agreement for Operation of Consolidated Public Safety Answering
Point**

The Chair entertained a motion to postpone the public hearing of **PROPOSED RESOLUTION R2021-24** until the next regularly scheduled council meeting two weeks from that evening. The motion was moved by Mr. Banicki and seconded by Mrs. Voelker, thus the matter was postponed.

RESOLUTION R2021-25

**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
Adding Parcels to the City's Acquisition List**

Chris Jamrose, City Engineer, spoke in favor of **RESOLUTION R2021-25**. Ms. Jamrose stated they were requesting acquisition of 505 N Cedar Street. Ms. Jamrose stated this property was located on the Northwest corner of the intersection of Alice Street and Cedar Street and it was part of the larger Cedar Street redevelopment area. Ms. Jamrose stated the acquisition of the parcel was pursued, because the homes themselves were nonconforming and most of the Cedar Street homes themselves were encroaching into the right of way and the acquisition would allow them to not have to relocate the planned pathway and it was already in fair condition. Ms. Jamrose stated it would be easy for them to redevelop in the future and figured it was the right time to ask for the acquisition.

Mrs. Voelker asked if the plan for the property was to have someone put a residential there. Ms. Jamrose stated that was correct and similar to the Hospice side was the intent. Mrs. Voelker asked if once purchased if it would be folded or made available. Ms. Jamrose stated the plan was to raise it, because it was too close and in the right of way. Ms. Jamrose stated they then would be able to complete the pathway and then it was intended to be put back on the market.

Mr. Hixenbaugh thanked Ms. Jamrose for the information and asked if the funding source for the project would be TIF funding. Ms. Jamrose stated that was correct. Mr. Hixenbaugh asked regarding the property, if the contingent purchase price was \$92,000. Ms. Jamrose stated that was correct. Mr. Hixenbaugh asked for clarification on if there always was a process that state law set out when undertaking the acquisitions. Ms. Jamrose stated that was correct. Mr. Hixenbaugh thanked Ms. Jamrose.

Question was called for at 7:13PM for **RESOLUTION R2021-24** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 7-0.

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

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 Pines Apartments**

Mr. Banicki requested the council postpone the matter until their next scheduled meeting of October 25th. Mr. Bellovich seconded the motion, thus the proposed ordinance was postponed until the next scheduled council meeting.

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.

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, the motion carried.

Jeff Ballard, Danch Harner & Associates, spoke in favor of **PROPOSED ORDINANCE NO. 2021-32**. Mr. Ballard began stating he was representing the DLC trust in contingent purchase of the property. Mr. Ballard stated the property was zoned C-2 shopping center commercial, C-4 auto oriented commercial and C-7 oriented restaurant commercial. Mr. Ballard stated the developer wished to purchase the property to rezone to C-1 commercial district to allow for redevelopment of the property to build a new structure that would contain three tenants including a restaurant with a drive thru facility, a retail store and a sit-down restaurant in that same building. Mr. Ballard stated he would answer any questions.

Mr. Banicki stated they had a brand new car wash on the corner and then they were proposing this, along with another project coming down the pipe quickly in that same parking lot. Mr. Banicki stated his concern was traffic, because they were going to be adding a lot into the same parking lot. Mr. Banicki asked how the traffic would be handled. Mr. Ballard stated the traffic would be coming through a central location that was designated by the Planning Department. Mr. Ballard stated they had a preliminary site plan that had been included in the packet and the traffic came into the site from the north. Mr. Ballard stated there was enough separation between Grape Road and the entrance on the west side of the property and there were two in-and-outs that came in from the north. Mr. Banicki stated the entrance off Grape Road closest to McKinley would be almost worthless if the car wash was put in and it should almost be closed at that point. Mr. Banicki stated the access of off McKinley right next to the car wash, between his building and the other building, was supposed to be three-wide, but they went back down to one-wide. Mr. Banicki expressed concern on how the traffic will flow. Mr. Ballard stated they worked with Planning on the concept they had approved it. Mr. Ballard stated traffic would move east and west on the north side of the boundary of the property and north and south off McKinley. Mr. Ballard stated there would be plenty of access to the north and the west and everything else was corralled around it so it would not affect the site directly.

Mr. Mammolenti asked Mr. Ballard to share who the restaurant would be. Mr. Ballard stated he knew the drive thru would potentially be Starbucks and he could not confirm or deny that as the use.

Question was called for at 7:17PM for **PROPOSED ORDINANCE NO. 2021-32** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed, thus it became **ORDINANCE NO. 5758.**

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.

Mr. Mammolenti reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by a majority of the committee and upon a second by Mr. Banicki, the motion carried.

Terry Lang, Lang Feeny & Associates, spoke in favor of **PROPOSED ORDINANCE NO. 2021-33** and represented the petitioner. Mr. Lang stated the petition before the council had been used for the last 25 to 30 years as a guitar studio for Mr. Steve Miller and his wife who owned the property as well. Mr. Feeny stated the lot on the corner that had been their parking lot was zoned commercial and the house they had been using as a studio was residential. Mr. Lang stated they were looking to retire and wanted to market the house as a office use. Mr. Lang stated they sat down with the Planning Department and wanted to continue the use that had been there for the last 30 years as an insurance office, financial planner’s office, or another music teacher’s type of studio. Mr. Lang stated the staff recommended they rezoned it to the C-6, which was the impact that had been there for the last 30 years and that was the reason for the petition before the council that evening.

Mrs. Voelker stated she had talked to Mr. Miller about the project several times and they wanted to do the right thing to make it right for the city and she applauded them. Mrs. Voelker stated she applauded the efforts to make this a good fit for the city as he moved on in his life. Mr. Lang stated the council needed to remember that they lived just a couple of blocks away and they did not want to do anything to hurt the area.

Mr. Banicki asked if the parking lot was all stone and if it would be improved. Mr. Lang stated it was and once it was rezoned and a buyer was found, the contingent purchaser would be notified of an improvement needing to be done to meet the ordinance as necessary. Mr. Banicki asked if there was any way to put teeth into that in case of someone buying it and then not having the money to make those improvements. Mr. Banicki also asked how to make sure this would get

done short of doing it before it was sold. Mr. Lang stated the real estate firm marketing the property would need to be upfront with the potential buyers that improvements would need to be done for it. Mr. Lang stated it was something that would have to be marketed in that fashion. Mr. Banicki stated if they went to get a loan, it would be noncompliant for what they would want to apply for and that could be an issue. Mr. Lang stated that was correct, but it was a bit of a catch 22. Mr. Banicki stated he just wanted to make sure it got done and thanked Mr. Lang.

Mrs. Voelker followed up stating she knew that Mr. Miller was working with a reputable real estate firm in the community who was well known and she believed they would follow through with the plan.

Mr. Hixenbaugh added to the comments stating he lived in close proximity to the property and never had seen any problems with it. Mr. Hixenbaugh stated he appreciated how the underlying landowner had taken care of the property over the course of time. Mr. Hixenbaugh asked for clarification of with regard to the issue Mr. Banicki raised, if the parking improvements would be part of the site plan. Mr. Lang stated that was correct. Mr. Hixenbaugh asked if Mr. Lang was authorized to make a representation to the council, on behalf of the landowner, that the parking lot improvements would be fulfilled subject to the approval of the final site plan. Mr. Lang stated as part of the final site plan that would be part of the next step once there would be a contingent purchaser for it. Mr. Hixenbaugh stated the uses he suggested would likely not be of objection to anyone and if memory served, the house immediately adjacent to the property was currently on the market. Mr. Hixenbaugh continued asking if anything could be done to communicate with the realtor or whomever was listing that property the planned use that way someone buying into the home would be aware and not be disappointed later on. Mr. Hixenbaugh asked they work with the realtor to make sure the property immediately next door would be aware of the rezoning. Mr. Lang stated they could make sure that happened.

Question was called for at 7:25PM for **PROPOSED ORDINANCE NO. 2021-33** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).**
Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed, thus it became **ORDINANCE NO. 5759.**

PROPOSED ORDINANCE NO. 2021-34

AN ORDINANCE FOR APPROPRIATION OF TAX RATES Civil City Budget and Tax Levy for 2022 NO VOTE

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2021-34.** Mayor Wood stated his predecessor Mayor Beutter used to call the budgeting process more of an art than a science and that was because in many cases, it was a best guess or projection based on current realities, income, revenue expenses, things happening in the marketplace and all kinds of different factors. Mayor Wood stated he was happy to report it was more of a science now than it had ever been, because of the countless hours of dedicated service of the Controller, her staff, all of the department managers, the workforce, collective bargaining units, the council, Board of Public

Works and many others who were involved in the process. Mayor Wood stated it was a process that began in June every year and although it took up an awful lot of time, it was essentially the most important thing that they did and budgets were about priorities. Mayor Wood stated they certainly spent a lot of time talking about budget conditions in the past as it related to the fiscal cliff that was the property tax caps and such that did not really impact St. Joe County and Mishawaka until 2019. Mayor Wood stated they were now in that and their preparations over the past many years to get them to a point where they were in a reasonable shape to be able to deal with it paid off. Mayor Wood stated they built up reserves, planned conservatively and spent responsibly to put them in a good position relative to most. Mayor Wood thanked all of the team, including the council, for that, Mayor Wood stated that year, they certainly had some issues and they continued to address them in the budget. Mayor Wood began outlining some of the changes they had in store. Mayor Wood began in the IT department where he believed they did an exceptional job dealing with the challenges of the pandemic. Mayor Wood stated they had to change how things operated and of course, communicating with the public was always a top priority. Mayor Wood stated the IT department was able to keep up with changing demands that allowed for public meetings and stepped up in a huge way by giving up their personal time and expertise to allow them to rapidly evolve. Mayor Wood stated they had a hole of assistant director in the IT department and they were looking to fill that within along with adding an additional \$5,000 to the payroll. Mayor Wood stated perhaps their biggest priority would be in Code Enforcement. Mayor Wood stated Code Enforcement was becoming more and more challenging whether it was routine calls for trash and debris or tall grass and weeds, alley cleanup, or substandard housing, they needed more help. Mayor Wood stated they had 4 full-time Code Enforcement officers that did an outstanding job in the city trying to keep up with the demand but were at record levels of cases and reports. Mayor Wood stated the Code Enforcement Director had to act as an officer in a beat in the city and while that was certainly commendable to step up and do that, it did not allow them to focus in and do a deep dive on the bigger issues. Mayor Wood stated the goal of that year's budget in Code Enforcement was to add another officer to allow for the director to have more time to mentor, get involved intimately in code cases and in the day-to-day management, but also give them more opportunity to pursue problem properties through a hearing process that was available. Mayor Wood stated the director would also be able to work closely with the city attorney dealing with some of the issues that they would love to be able to devote more time to. Mayor Wood stated they also had an aging fleet in that department and they wanted to request two new vehicles for Code Enforcement as well. Mayor Wood stated as far as big-ticket items, the Fire Department, Police Department and Public Safety in general were more than half of the budget, so when changes were made those typically were the biggest budget impacts. Mayor Wood stated they had an increase to \$538,533 for personnel services in the Fire Department. Mayor Wood stated that would not only factor in increased overtime, but all of the things that went along with a salary increase. Mayor Wood stated in the Police Department personnel services would see a big jump as well up to \$600,205. Mayor Wood stated the other small differences and deviations in salary would come from Motor Vehicle Highway. Mayor Wood recognized their Street Commissioner, Tim Ryan, who managed a very large staff and dealt with significant challenges. Mayor Wood stated not only did he deal with employment issues, but the training that needed to happen with it being a 24/7 365 operation. Mayor Wood stated they would like to bring his salary up, because he essentially managed a vast department and organization within the city. Mayor Wood stated the addition at the Street Department and H Fund of about \$4,635. Mayor Wood stated Planning was doing

much more with all of the big projects out there. Mayor Wood stated they managed many of the COVID issues, specifically the stimulus program, in house. Mayor Wood stated predominately through Ken Prince the City Planner, who wore many hats including Deputy Mayor, President of Board and Public Works and Safety Utility Board and other things. Mayor Wood stated they were looking to create an Executive Director level position in the Planning Department and have a standalone Senior Planner position. Mayor Wood stated it would allow for a little more talent in the department and allow for extra hands on deck that needed help in dealing with the big projects. Mayor Wood stated as far as Public Safety, they would see a big credit as far as PSAP. Mayor Wood stated the Public Safety side would be reduced by about three quarters of a million dollars and see the offset come back through on the tax revenue side from local income taxes. Mayor Wood stated they did have some big-ticket items to prioritize on the Public Safety side and make happen that year. Mayor Wood stated they had been on a car-buying spree at the Mishawaka Police Department with buying 18 cars last year and they were looking to buy an additional 12 cars. Mayor Wood stated it used to be that they were reasonable, now it was over \$50,000 for an equipped police vehicle. Mayor Wood stated they were looking to do that as it was a big priority for them and it would allow them to replace all of their 2013 impalas. Mayor Wood stated they were getting great reports on their recent reliability of the vehicles they planned on buying. Mayor Wood stated at the Fire Department, it was time to replace the self-contained breathing apparatus, which were the air tanks for all of the firefighters. Mayor Wood that came at a cost of \$653,000 that would happen over the course of the next year. Mayor Wood stated overall, the budget was increasing about 5.4% in 2021 and some of the bigger ticket items would be wages that would be paid out of this budget. Mayor Wood stated their tax rate was estimated to be about 2.08%, down slightly from the 2.10% from 2021. Mayor Wood stated it was important to know that while they had built up some reserves, they were going to be eating into them in the budget. Mayor Wood stated it was not that they were seeing increases in revenue, but there was still uncertainty out there regarding the pandemic and how that would impact them. Mayor Wood stated they tried to be as innovative as possible and the Mishawaka Bond Bank was one way where they had shown that they were doing best practice things in term of budgeting. Mayor Wood stated big-ticket items cost a lot of money and they needed two fire engines. Mayor Wood stated he remembered when they used to be much cheaper when he and Mr. Hixenbaugh were on the council together years ago. Mayor Wood stated they would be borrowing money from themselves and paying it back over time in a way they could afford it, so they could purchase two new fire engines out of the bond bank for \$1.25 million next year. Mayor Wood stated it was obviously a priority to keep the Public Safety departments well equipped with state of the art equipment. Mayor Wood stated an awful lot of work went into this and they relied on the expertise of consultants to help them with their long-term planning comprehensive financial planning. Mayor Wood stated they also relied on the work of a great public servant in Becky Maguire, the City Controller, who was one of the best controllers in the State of Indiana along with her dedicated staff. Mayor Wood stated he would take any questions the council may have.

Mr. Bellovich asked if the 12 police cars were all SUVs or if any of them were cruisers. Mayor Wood stated when they bid it out, they bid it out publicly and typically, it was Ford who responded to the bid but they no longer made sedan police interceptors. Mayor Wood stated they only made the SUV version, which was what they were purchasing. Mayor Wood stated they liked having fleet commonality and it made maintenance easier.

Mrs. Voelker stated that Mrs. Maguire did a wonderful job, along with Mayor Wood and always appreciated the opportunity to discuss the budget with each of the department managers. Mrs. Voelker stated they were very meticulous about thinking through their planning for the coming year and it was always a great opportunity for herself to understand a little bit more about how the department was running with the open communication. Mrs. Voelker stated she believed this year's process had gone well and she wanted to thank the Mayor, the administration and the department managers for that. Mayor Wood thanked Mrs. Voelker for her comments. Mayor Wood stated there might be some things that could pop up along the way. Mayor Wood stated they were about fully staffed in the Police Department and they were expecting some retirements to hit, so they had a pool they were working on and typically did two a year. Mayor Wood stated there might come a time in the very near future that they would be requesting more Public Safety personnel in the form of police if it became an urgent need. Mayor Wood stated the main thing was they could not automatically fill spots needed filled, because they had to go through a process and they could have their hands full filling the ones vacated because of retirements in the department.

Mr. Mammolenti echoed Mrs. Voelker's comments and gave extreme thanks to Mayor Wood, Mrs. Maguire and all of the department heads for taking the time to meet with the council and go through the budget together. Mr. Mammolenti asked how much of the maintenance on the police vehicles were in house. Mayor Wood stated they did an awful lot of it in house and if it were an accident, for example, that would be something they would source out. Mayor Wood stated what they saw with some of the older vehicles was replacement of the transmission, major engine and suspension work and they did as much of it in house as they could. Mayor Wood stated some of the major issues were sourced out though. Mr. Mammolenti asked how that was staffed in terms of the demand of maintenance on their own pool and if they were able to keep up with what was required. Mayor Wood stated they were keeping up. Mayor Wood stated it used to be that people would get a job in the Sewer Department and then they would work there for a little while and after that, they would transfer internally as positions would open up. Mayor Wood stated they liked that to give them the opportunity to learn the culture with the city along with using the expertise learned in one department and applying it to another. Mayor Wood stated the Street Department had become more of an entry-level department now where more people were hired on and others would leave for different departments or leave in general. Mr. Mammolenti asked how they were doing as far as growth in the Central Services building. Mayor Wood stated they had filled it up quickly and they were almost maxed out with the Electric Department using a chunk of it for storage. Mayor Wood stated they acquired property and were building a storage facility for the Electric Department to house their things and would give them more room. Mayor Wood stated they saw a need for additional storage space and they were looking for options there. Mayor Wood stated the Central Services building was well used. Mr. Mammolenti thanked Mayor Wood and asked him to pass on their extreme thanks to the other department heads.

Mr. Hixenbaugh thanked Mayor Wood, Mrs. Maguire and all of the others involved in the process of putting the budget together for their efforts. Mr. Hixenbaugh stated it made for a long week for all of them when they had the budget meetings, but they all enjoyed it and gave them the opportunity to go behind the dollars and cents and really have valuable conversations about the operations of the city. Mr. Hixenbaugh stated he appreciated the suggestion of potentially

having an opportunity for them to increase the staffing in the Public Safety agencies, specifically in the Police Department. Mr. Hixenbaugh wanted to go on record as being in support of that when the time was right and he thought that would be a great investment in the community to bring themselves up a full strength to enhance the Public Safety numbers in terms of employment. Mayor Wood stated part of that too was they were going into a negotiation year and that almost coincided with minimum ship strength and different things. Mr. Hixenbaugh stated sometimes that it was frustrating to all of them that it was not as easy as snapping their fingers and making that change. Mr. Hixenbaugh stated there were a lot of moving parts to that and he appreciated his comments along those lines. Mr. Hixenbaugh wanted to make clarification that the \$12 million in American Rescue Plan Act money they were receiving from Congress and the Biden Administration was separate from what was discussed that evening and what they were considering as far as the budget. Mayor Wood stated that was correct and none of the ARP funding would be part of the civil city budget unless they could show revenue loss, in which case in some future budget it could show up there. Mayor Wood stated those two conversations were separate and distinct. Mr. Hixenbaugh thanked Mayor Wood and others in the administration again for working with the council and their friends in other local governmental units to make it happen. Mr. Hixenbaugh stated it was a significant benefit to them as a community when talking about increasing manpower, buying new squad cars and fire engines and every little bit helped. Mr. Hixenbaugh thanked him for the collaborative process and his colleagues on the council who helped work on the process as well. Mr. Hixenbaugh stated one of the things that came up during the budget hearings that made a great deal of sense was the comprehensive salary analysis they were undergoing with the use of an outside consultant and he applauded Mayor Wood, the Controller and others for that. Mr. Hixenbaugh stated they thought they did everything they could every year with the budget to be as fair as they could with people with regard to compensation benefits and he was excited to see the results of that.

The public hearing on **PROPOSED ORDINANCE NO. 2021-34** was closed at 7:54PM and final action on the proposed ordinance would take place at the next regularly scheduled council meeting on October 25th.

PRIVILEGE OF THE FLOOR

Mayor Wood shared some exciting news with the council that the City of Mishawaka received the Placemaking Award from AIM (Accelerate Indiana Municipalities) which was an association of all the towns, cities and municipalities around the state of Indiana. Mayor Wood stated they had a conference the week prior and there were nearly 1,500 participants from all over Indiana present where Mishawaka was honored to receive the Placemaking Award for Heroes Park. Mayor Wood stated that was in recognition of the great work his youth council students from Mishawaka High School, Penn High School and Marian High School did in designing their own park. Mayor Wood stated this was a teen centric park designed by teens, for teens honoring the community's heroes that had influenced their lives and especially through a pandemic. Mayor Wood stated there was a video out promoting the award and he encouraged to council to go view that. Mayor Wood stated they did many projects with some being very significant and this one on the scale of investment was not that significant, but very meaningful because of who did it and it was an educational project for kids to learn about local government. Mayor Wood stated it

gave him great confidence in the leadership of Mishawaka's future and he was happy to share that with the council.

NEW BUSINESS

Mr. Mammolenti reminded the residents of Mishawaka that they would be hosting their neighborhood watch for the Twin Branch Area on October 20th at 7PM. Mr. Mammolenti stated the location and speaker were TBD and he would let everyone know once those two things were confirmed.

Mr. Hixenbaugh announced the appointment of a special committee to lead the council efforts with respect to the ARPA funding. Mr. Hixenbaugh stated Mr. Mammolenti graciously agreed to chair the committee with Mr. Compton and Mrs. Voelker serving on the committee. Mr. Hixenbaugh suspected all of the council would want to be involved in the process as well as they moved forward.

Mr. Hixenbaugh stated it was the time of year for them to solicit applications for appointment to the School City of Mishawaka School Board of Trustees. Mr. Hixenbaugh announced beginning the next morning, October 12th, applications for the school board seat appointed by the Mishawaka Common Council would be available on their website and by paper copy available in the Clerk's Office. Mr. Hixenbaugh stated the application period commenced on October 12th and would run through October 22nd at noon. Mr. Hixenbaugh stated following the conclusion of the application period, the council would conduct interviews of applicants and reach a decision in November with regard to their appointment to the School City of Mishawaka School Board of Trustees.

ADJOURNMENT 7:59PM

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

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



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

October 14, 2021

Deborah S. Block, IAMC, MMC

OCT 14 2021

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
October 12, 2021, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #21-16 A petition submitted by GLC-MAP McKinley Trust seeking to rezone **vacant land north of 410 West McKinley Avenue** from C-2 Shopping Center Commercial District to C-7 Automobile Oriented Restaurant Commercial District for a future outlot.

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

PETITION #21-17 A petition submitted by Wennigsen LLC and Fox Fire Safety Inc. requesting to annex and zone **12452 and 12434 Lincolnway East** to C-1 General Commercial District and I-1 Light Industrial District.

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

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Mike Huber

STAFF REPORT

Location: Northwest corner of Grape and McKinley -
North of 2315 Grape Road (John's Auto Spa)

Date: October 12, 2021

Petition: 21- 16

Prepared By: CH

GENERAL INFORMATION

Applicant: GLC-MAP McKinley Trust / Abonmarche Consultants, Inc.

Status: Property Owner / Surveyor & Site Design Consultant

Request: To rezone from C-2 Shopping Center Commercial District to C-7 Auto Oriented Restaurant Commercial District to allow for the construction of a restaurant with drive-thru facilities

Zoning Classification: C-2 Shopping Center Commercial District

Lot Size: 0.64 acres

Applicable Regulations: Section 137-455 thru 137-457 / C-7 Auto Oriented Restaurant Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-2 Shopping Center Commercial (multi-tenant building including Planet Fitness and Big Lots)
South: C-4 Automobile Oriented Commercial (John's Auto Spa/under construction)
East: S-2 Planned Unit Development (multi-tenant office building)
West: C-2 Shopping Center Commercial (parking lot for multi-tenant building including Planet Fitness and Big Lots)

Thoroughfare: Grape Road and McKinley Ave

School District: School City of Mishawaka

Township: Penn

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

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

ANALYSIS

The Petitioner, GLC-MAP LLC, is requesting to rezone approximately 0.64 acres of property located at on Grape Road, north of John's Auto Spa at the northwest corner of Grape and McKinley, from C-2 Shopping Center Commercial to C-7 Auto Oriented Restaurant Commercial to allow for the construction of a restaurant with drive-thru facilities.

Per the preliminary site plan, the contingent developer is proposing to construct a one-story 1,250 square foot drive-thru restaurant, with 24 parking spaces, and stormwater collection system. Landscaping and screening shall comply with the commercial landscaping and C-7 Auto Oriented Restaurant Commercial District requirements.

The property to be rezoned is currently parking for the multi-tenant building including Planet Fitness and Big Lots. The overall parking lot includes approximately 550 spaces. The multi-tenant building would require 660 spaces at full capacity. This 0.64 acres would remove 90 spaces from the overall lot, leaving 460 parking spaces. A parking variance for the multi-tenant building will be required at the time a site plan is submitted for the drive-thru restaurant.

Access will be from the existing right-in/right-out on Grape Road due south of the site, the common drive north on Grape Road, or common drives from McKinley Ave.

With the exception of the above noted variances, the preliminary site plan shows the intent to comply with the required height, area, and developmental regulations for the C-7 Auto Oriented Restaurant Commercial District. If additional variances are required for landscaping 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 is currently zoned for commercial use and located along the highly travelled Grape Road and McKinley Avenue intersection, Planning Staff supports the request for rezoning. The proposed restaurant with drive-thru facilities is not out of character and will be compatible with the existing adjacent land uses. The property is located near other existing, or proposed drive-thru restaurants. The proposed use is also consistent with comprehensive plan.

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 provided comments to be addressed with the final site plan, which have been forwarded to the owner's agent.

RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 21-16 to rezone approximately 0.64 acres of property located on Grape Road, north of John's Auto Spa at the northwest corner of Grape and McKinley, from C-2 Shopping Center Commercial to C-7 Auto Oriented Restaurant Commercial to allow for the construction of a restaurant with drive-thru facilities.

This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property consists excess parking at the intersection of a highly travelled corridor. Adjacent land uses include a car wash; proposed multi-tenant building including a drive-thru restaurant; retail and health club.
2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial including retail, office, and restaurant.
3. The most desirable/highest and best use – Because of the property's location and the adjacent existing commercial zoning and development, 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 proposed restaurant with drive-thru and other C-7 Auto Oriented Restaurant 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, Photographs, Petition, Concept/Preliminary Site Plan, Location Map





A view of the site directly across Grape Road



A view of the site from the north along Grape Road



A view of the site from the northern part of the parking lot



A view of the site from the western parking lot

STAFF REPORT

Location: 12452 & 12434/4605 Lincoln Way East – South side of Lincoln Way East Approximately 160' East of Bittersweet Road

Date: October 12, 2021

Petition: 21- 17

Prepared By: DJS

GENERAL INFORMATION

Applicant: Wenningsen LLC & Fox Fire Safety Inc. / City of Mishawaka

Status: Property Owners / Representative

Request: To annex and establish zoning to the C-1 General Commercial District and I-1 Light Industrial District for an existing carry-out/delivery pizza restaurant and fire safety equipment sales and service business

Existing Zoning: Unincorporated St. Joseph County (I Industrial District)

Proposed Zoning: C-1 General Commercial District for the northern 105' of Lot 12 of Oakland First Addition (12452 Lincoln Way East) and I-1 Light Industrial District for the remainder of said Lot 12 and Lot 13 of Oakland First Addition (12434 Lincoln Way East)

Lot Size: 1.95 acres

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial, Section 137-585 to 137-587 / I-1 Light Industrial, Section 137-41 / Amendments to Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (Restaurant with Drive-Thru / Arby's & Pharmacy / Walgreen's)

South: Norfolk Southern Railroad & Unincorporated St. Joseph County (Agricultural)

East: C-1 General Commercial (Credit Union / Communitywide Federal)

West: C-7 Auto Oriented Restaurant Commercial (Two-Tenant Commercial Building – Restaurant with Drive Thru / Starbuck's & Retail / Verizon)

Thoroughfare: Lincoln Way East

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All utilities are available and currently serve both parcels.

Comprehensive Plan: General Commercial

ANALYSIS

Proposal:

The applicants are proposing to annex and establish zoning for two parcels of property (Tax Parcels 014-1105-3710 & 014-1105-3711), more specifically being Lots 12 and 13 of Oakland First Addition, on the south side of Lincoln Way East approximately 160' east of Bittersweet Road. The west parcel at 12452 Lincoln Way East is occupied by Bruno's, a carry-out/delivery pizza restaurant. The east parcel at 12434/4605 Lincoln Way East is occupied by Fox Fire Safety, a fire safety equipment and service business.

The purpose of the proposed annexation and requested zoning is to finalize a petition for annexation originally submitted to the City in 2000. When filed, the petition initially included only Lot 13 of Oakland First Addition (12434 Lincoln Way East). This lot had recently been developed in the County with an approximately 4,500 sq. ft. building for Fox Fire Safety. Several parcels to the west and east were then added to the petition as Planning Staff continued to discuss potential future development plans with the nearby property owners. The goal was fill in gaps between the unincorporated areas and those parcels already within the city limits. Staff continued to work on the annexation petition through 2001, but for unknown reasons, the request was never considered by the Plan Commission. Although the annexation was not finalized, the Fox Fire Safety property was issued a City address (4605 Lincoln Way). This address has been used by the business for over twenty years. Emergency responders may have difficulty in locating the property since it effectively has two addresses. For these reasons, Planning Staff initiated current annexation and zoning petition.

The proposed zoning for the northern 105' of the Bruno's property (12452 Lincoln Way East/Lot 12 of Oakland First Addition) is C-1 General Commercial. Only part of the parcel is proposed for commercial zoning as the south part of the property is anticipated to be purchased by Fox Fire Safety for a future building expansion. A carry-out/delivery restaurant, as currently exists, is a permitted use in the C-1 District, but will be legal non-conforming after being annexed. This is due to the property not meeting the city's parking requirements of 10 spaces per 1,000 sq. ft. of floor area. The 1,019 sq. ft. building would require a total of 10 spaces while the site only appears to have 6 spaces. Also, the site may not adhere to other C-1 District development standards, such as parking setbacks, etc., and does not meet the city's landscaping requirements. Subdividing the property and selling the rear part to Fox Fire Safety may require future variances as the property changes use over time.

The proposed zoning for the remainder of said Lot 12 to the south and the adjacent Fox Fire property to the east (12434 & 4605 Lincoln Way East/Lot 13 of Oakland First Addition) is I-1 Light Industrial. The I-1 District permits the existing fire safety equipment sales and service business.

Normally when an annexation and zoning petition is filed, a preliminary site plan is required to conceptually show how the property will be developed. In this case, a preliminary site plan was not required since the property is currently developed with no immediate plans for additional development.

Annexation:

In 1998, the adjacent parcel to the east was annexed and zoned to the C-1 General Commercial District (Petition 98-43/Ord. 4317) for Communitywide Federal Credit Union. In 2003, the adjacent property to the west was annexed and zoned to the C-1 General Commercial District (Petition 03-24/Ord. 4763) for Applebee's restaurant. The restaurant has since been closed and the building remodeled for two-tenant occupancy. Currently, Starbuck's and Verizon occupy the building. In 1976, the adjacent property to the north was annexed and zoned S-2 Planned Unit Development (Petition 76-25/Ord. 2002) as a part of the original Bercado Farms PUD.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations outlined above, approximately 1,286.2 feet, or 89.6%, of the total 1435.2 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located south of Lincoln Way East approximately 160' east of Bittersweet Road, and is bordered to the north by a restaurant with drive-thru facilities and pharmacy; to the west by a two-tenant

commercial building including a coffee shop with drive-thru facilities and mobile phone retailer; to the south by railroad tracks and agricultural land in unincorporated St. Joseph County; and to the east by a credit union. The Lincoln Way East corridor includes a variety of commercial, retail, restaurant, financial, and industrial land uses.

Zoning Change:

Staff believes the proposed zoning of the property to the C-1 General Commercial District and I-1 Light Industrial District is appropriate given the parcels are currently occupied by a carry-out/delivery restaurant and a fire safety equipment sales and service business. Other permitted uses within the C-1 and I-1 Districts are compatible with and conform to the existing and recommended land uses along the Lincoln Way East corridor.

Transportation/Roads:

According to the latest available traffic counts, there were 15,380 annual average daily trips (AADT) (October 2019) along Lincoln Way East immediately east of Bittersweet Road. The counts at this location have been relatively constant over the last 40 years fluctuating from a high of more than 17,400 AADT in 2004 to lows of just over 12,000 AADT in 1980 and 2013. With Lincoln Way East serving as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart, it is anticipated that traffic volumes will continue to remain constant in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff, the County Engineering Department, and INDOT, does not include any added travel lane projects on Lincoln Way East or Bittersweet Road.

All pertinent City Departments have reviewed and approved the request for annexation and zoning.

The Engineering Department commented that a new address will be assigned for 12452 Lincoln Way East (Lot 12), and the existing 4605 Lincoln Way East address will remain for Lot 13.

RECOMMENDATION

Staff recommends approval of Petition 21-17 to annex and establish zoning to the C-1 General Commercial District for the north 105' of Lot 12 of Oakland First Addition and I-1 Light Industrial District for the remainder of said Lot 12 and Lot 13 of Oakland First Addition. The parcels are currently occupied by Bruno's, a carry-out/delivery pizza restaurant, at 12452 Lincoln Way East, and Fox Fire Safety, a fire safety equipment sales and service business, at 12434 Lincoln Way East.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Lincoln Way East corridor that serves as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart. Traffic volumes in the immediate vicinity are anticipated to remain consistent. The property, which includes a carry-out/delivery restaurant and fire safety equipment sales and service business, is adjacent to a restaurant with drive-thru and pharmacy to the north, a two-tenant commercial building to the west, a railroad and agricultural land to the south, and a credit union to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along Lincoln Way East corridor vary greatly and include commercial, retail, restaurant, financial, and industrial land uses.
3. The most desirable/highest and best use – Because of the property's location along a highly travelled mixed use corridor, the most desirable use for the property is commercial or light industrial use consistent with the current land use.
4. Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area as no changes to the current uses are proposed. Additionally, other permitted uses within the C-1 General Commercial and I-1 Light Industrial Districts would be compatible with the existing adjacent and nearby land uses.

5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided commercial and industrial development along Lincoln Way East between Bittersweet Road and Cedar Road.

ATTACHMENTS

Aerial Map, Photographs, Rezoning & Annexation Petition including Existing Conditions Maps, Location Map



Aerial Photograph
Bruno's Pizza & Fox Fire Safety
12452 & 12434/4605 Lincoln Way East
Lots 12 & 13 of Oakland First Addition



P1. Looking southerly from Lincoln Way East toward Bruno's Pizza (12452 LWE).



P2. Looking southerly from Lincoln Way East toward Fox Fire Safety (12434/4605 LWE).



P2. Looking southerly from north of Lincoln Way East toward both parcels to be annexed.

OCT 14 2021

City Clerk
Mishawaka, IN

1st Reading

2nd Reading

Passed

Failed

Continued To

PETITION 21-16

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2021-38

ORDINANCE NO. _____

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

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

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

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

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

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY INDIANA AS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 231 FEET OF THE SOUTH 480 FEET (BY PARALLEL LINES) OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER, EXCEPTING THE SOUTH 290 FEET OF SAID SOUTHEAST QUARTER, AND CONTAINING 1.01 ACRES, MORE OR LESS.

COMMON ADDRESS: Vacant Land North of 410 West McKinley Avenue

which real estate is now classified as C-2 Shopping Center Commercial District shall hereafter be within and a part of that District known as C-7 Automobile Oriented Restaurant 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 excess parking at the intersection of a highly travelled corridor. Adjacent land uses include a car wash; proposed multi-tenant building including a drive-thru restaurant; retail and health club.
2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial including retail, office, and restaurant.

Proposed Ordinance No: 2021-38

Ordinance No: _____

3. The most desirable/highest and best use – Because of the property's location and the adjacent existing commercial zoning and development, 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 proposed restaurant with drive-thru and other C-7 Auto Oriented Restaurant 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: Northwest corner of Grape and McKinley -
North of 2315 Grape Road (John's Auto Spa)

Date: October 12, 2021

Petition: 21- 16

Prepared By: CH

GENERAL INFORMATION

Applicant: GLC-MAP McKinley Trust / Abonmarche Consultants, Inc.

Status: Property Owner / Surveyor & Site Design Consultant

Request: To rezone from C-2 Shopping Center Commercial District to C-7 Auto Oriented Restaurant Commercial District to allow for the construction of a restaurant with drive-thru facilities

Zoning Classification: C-2 Shopping Center Commercial District

Lot Size: 0.64 acres

Applicable Regulations: Section 137-455 thru 137-457 / C-7 Auto Oriented Restaurant Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-2 Shopping Center Commercial (multi-tenant building including Planet Fitness and Big Lots)
South: C-4 Automobile Oriented Commercial (John's Auto Spa/under construction)
East: S-2 Planned Unit Development (multi-tenant office building)
West: C-2 Shopping Center Commercial (parking lot for multi-tenant building including Planet Fitness and Big Lots)

Thoroughfare: Grape Road and McKinley Ave

School District: School City of Mishawaka

Township: Penn

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

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

ANALYSIS

The Petitioner, GLC-MAP LLC, is requesting to rezone approximately 0.64 acres of property located at on Grape Road, north of John's Auto Spa at the northwest corner of Grape and McKinley, from C-2 Shopping Center Commercial to C-7 Auto Oriented Restaurant Commercial to allow for the construction of a restaurant with drive-thru facilities.

Per the preliminary site plan, the contingent developer is proposing to construct a one-story 1,250 square foot drive-thru restaurant, with 24 parking spaces, and stormwater collection system. Landscaping and screening shall comply with the commercial landscaping and C-7 Auto Oriented Restaurant Commercial District requirements.

The property to be rezoned is currently parking for the multi-tenant building including Planet Fitness and Big Lots. The overall parking lot includes approximately 550 spaces. The multi-tenant building would require 660 spaces at full capacity. This 0.64 acres would remove 90 spaces from the overall lot, leaving 460 parking spaces. A parking variance for the multi-tenant building will be required at the time a site plan is submitted for the drive-thru restaurant.

Access will be from the existing right-in/right-out on Grape Road due south of the site, the common drive north on Grape Road, or common drives from McKinley Ave.

With the exception of the above noted variances, the preliminary site plan shows the intent to comply with the required height, area, and developmental regulations for the C-7 Auto Oriented Restaurant Commercial District. If additional variances are required for landscaping 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 is currently zoned for commercial use and located along the highly travelled Grape Road and McKinley Avenue intersection, Planning Staff supports the request for rezoning. The proposed restaurant with drive-thru facilities is not out of character and will be compatible with the existing adjacent land uses. The property is located near other existing, or proposed drive-thru restaurants. The proposed use is also consistent with comprehensive plan.

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 provided comments to be addressed with the final site plan, which have been forwarded to the owner's agent.

RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 21-16 to rezone approximately 0.64 acres of property located on Grape Road, north of John's Auto Spa at the northwest corner of Grape and McKinley, from C-2 Shopping Center Commercial to C-7 Auto Oriented Restaurant Commercial to allow for the construction of a restaurant with drive-thru facilities.

This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property consists excess parking at the intersection of a highly travelled corridor. Adjacent land uses include a car wash; proposed multi-tenant building including a drive-thru restaurant; retail and health club.
2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial including retail, office, and restaurant.
3. The most desirable/highest and best use – Because of the property's location and the adjacent existing commercial zoning and development, 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 proposed restaurant with drive-thru and other C-7 Auto Oriented Restaurant 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.

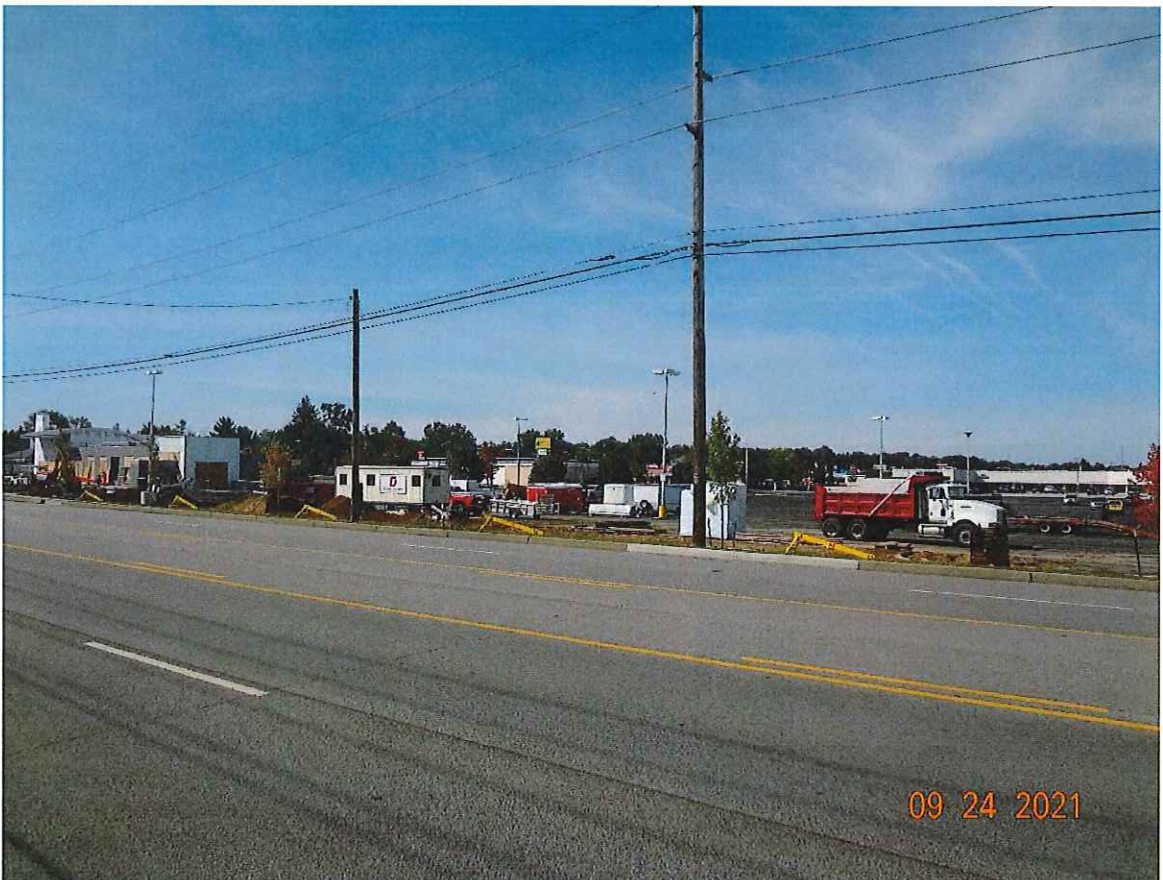
ATTACHMENTS

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





A view of the site directly across Grape Road



A view of the site from the north along Grape Road



A view of the site from the northern part of the parking lot



A view of the site from the western parking lot

September 22, 2021

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

Deborah S. Block, IAMC, MMC

OCT 06 2021

City Clerk
Mishawaka, IN**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

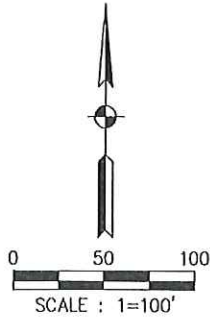
EXHIBIT 'A'

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY INDIANA AS DEPICTED ON THE ATTACHED PARCEL PLAT MARKED **EXHIBIT 'B'**, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

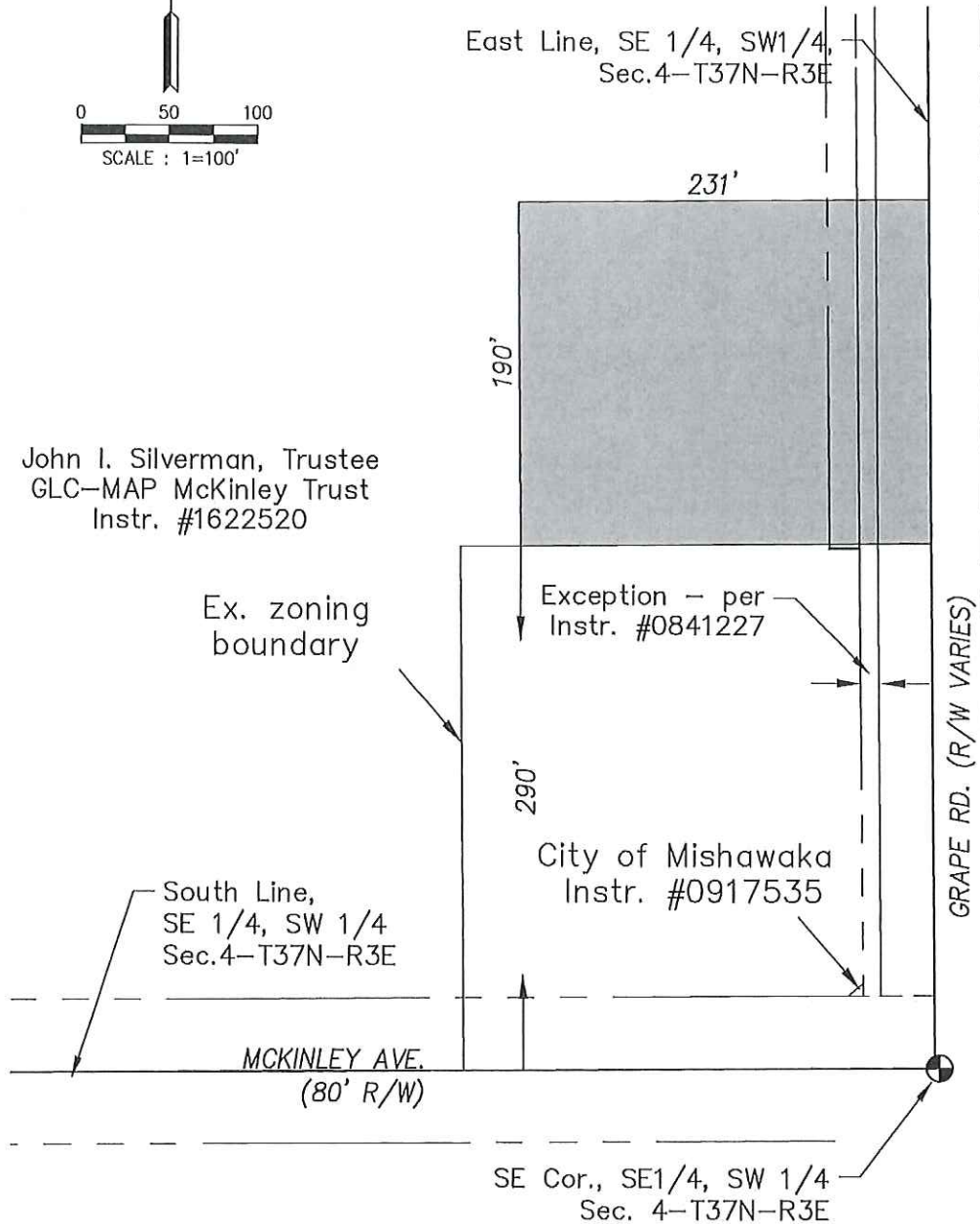
THE EAST 231 FEET OF THE SOUTH 480 FEET (BY PARALLEL LINES) OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER, EXCEPTING THE SOUTH 290 FEET OF SAID SOUTHEAST QUARTER, AND CONTAINING 1.01 ACRES, MORE OR LESS.

EXHIBIT B

BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH,
RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA



John I. Silverman, Trustee
GLC-MAP McKinley Trust
Instr. #1622520



SKETCH FOR ZONING DESCRIPTION

ABONMARCHE

351 West Jefferson Blvd
South Bend, IN. 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

Battle Creek
Benton Harbor
Valparaiso
South Haven

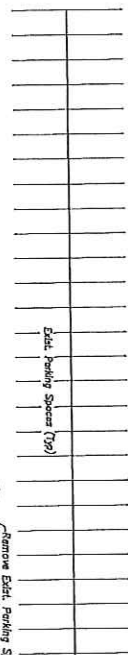
Goshen
Hobart
Lafayette
South Bend

COPYRIGHT 2021-ABONMARCHE CONSULTANTS, INC.

Engineering · Architecture · Land Surveying

DATE: 09/22/2021 ACI JOB #: 21-1493

SHT: 1 of 1



5' SIDE YARD & PARKING LOT SETBACK

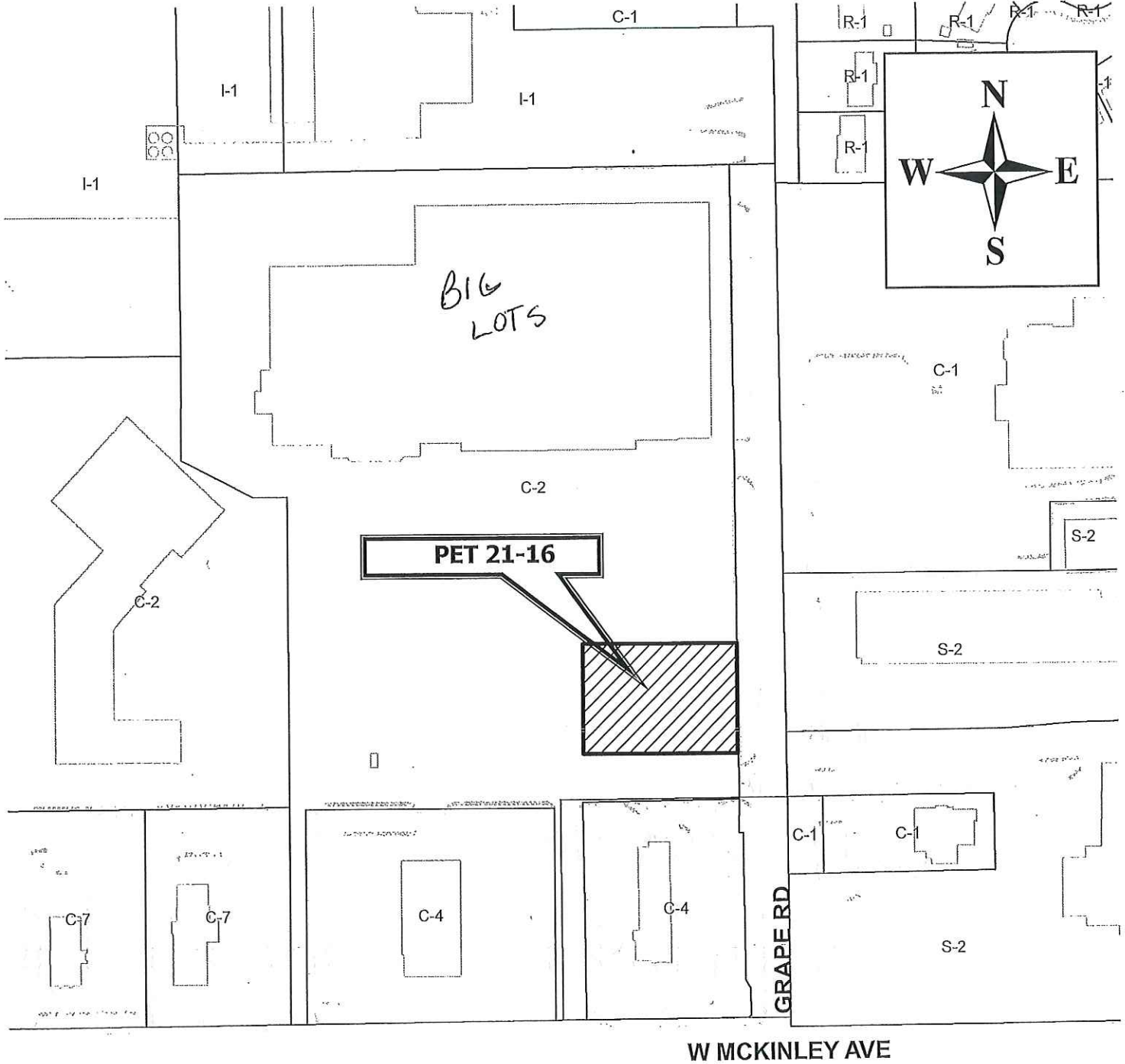
Existing, Required: 15 Spaces/7,000 SF Gross Area
 $= (1,250 \text{ SF}) \times (75/1,000) = 19 \text{ Spaces}$

Existing, Provided: 24 Spaces including 2 ADA Accessible

Building	1,250	4.5%
Pavement & Walk	12,923	71.1%
Other Street	6,843	24.4%
TOTAL	21,016	100.0%

ABONMARCHE
 315 W. Jefferson Blvd.
 Southland, PA 43551
 1-877-232-7370
 1-571-331-4440
abonmarche.com

SOURCE
 MODEL: T200
 VERT: NA
 ADDRESS:
 21-1493
 BUILD NO.:
 1 of 1

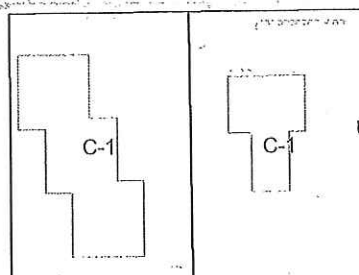


Location Map

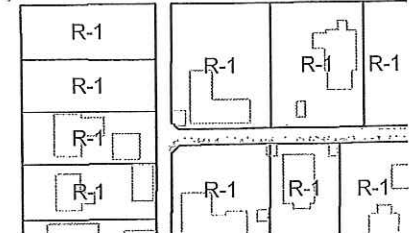
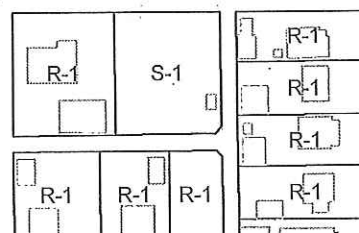
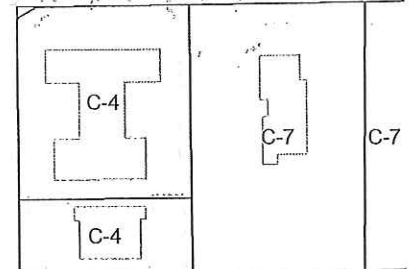
PETITION 21-16

GLC-MAP MCKINLEY TRUST (OWNER)

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



LIBERTY DR



OCT 14 2021

City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION #21-17

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2021-39

ORDINANCE NO. _____

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

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

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

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

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

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 the Recorder of St. Joseph County, Indiana, including adjacent Lincolnway East public right-of-way.

COMMON ADDRESSES: 12452 and 12434 Lincolnway East

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

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

1. Existing Conditions – The subject property is located along the heavily travelled Lincoln Way East corridor that serves as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart. Traffic volumes in the immediate vicinity are anticipated to remain consistent. The property, which includes a carry-out/delivery restaurant and fire safety equipment sales and service business, is adjacent to a restaurant with drive-thru and pharmacy to the north, a two-tenant commercial building to the west, a railroad and agricultural land to the south, and a credit union to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along Lincoln Way East corridor vary greatly and include commercial, retail, restaurant, financial, and industrial land uses.

Proposed Ordinance No. _____

Ordinance No. _____

3. The most desirable/highest and best use – Because of the property's location along a highly travelled mixed use corridor, the most desirable use for the property is commercial or light industrial use consistent with the current land use.
4. Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area as no changes to the current uses are proposed. Additionally, other permitted uses within the C-1 General Commercial and I-1 Light Industrial Districts would be compatible with the existing adjacent and nearby land uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided commercial and industrial development along Lincoln Way East between Bittersweet Road and Cedar Road.

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: 12452 & 12434/4605 Lincoln Way East – South side of Lincoln
Way East Approximately 160' East of Bittersweet Road

Date: October 12, 2021

Petition: 21- 17

Prepared By: DJS

GENERAL INFORMATION

Applicant: Wenningsen LLC & Fox Fire Safety Inc. / City of Mishawaka

Status: Property Owners / Representative

Request: To annex and establish zoning to the C-1 General Commercial District and I-1 Light Industrial District for an existing carry-out/delivery pizza restaurant and fire safety equipment sales and service business

Existing Zoning: Unincorporated St. Joseph County (I Industrial District)

Proposed Zoning: C-1 General Commercial District for the northern 105' of Lot 12 of Oakland First Addition (12452 Lincoln Way East) and I-1 Light Industrial District for the remainder of said Lot 12 and Lot 13 of Oakland First Addition (12434 Lincoln Way East)

Lot Size: 1.95 acres

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial, Section 137-585 to 137-587 / I-1 Light Industrial, Section 137-41 / Amendments to Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (Restaurant with Drive-Thru / Arby's & Pharmacy / Walgreen's)
South: Norfolk Southern Railroad & Unincorporated St. Joseph County (Agricultural)
East: C-1 General Commercial (Credit Union / Communitywide Federal)
West: C-7 Auto Oriented Restaurant Commercial (Two-Tenant Commercial Building – Restaurant with Drive Thru / Starbuck's & Retail / Verizon)

Thoroughfare: Lincoln Way East

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All utilities are available and currently serve both parcels.

Comprehensive Plan: General Commercial

ANALYSIS

Proposal:

The applicants are proposing to annex and establish zoning for two parcels of property (Tax Parcels 014-1105-3710 & 014-1105-3711), more specifically being Lots 12 and 13 of Oakland First Addition, on the south side of Lincoln Way East approximately 160' east of Bittersweet Road. The west parcel at 12452 Lincoln Way East is occupied by Bruno's, a carry-out/delivery pizza restaurant. The east parcel at 12434/4605 Lincoln Way East is occupied by Fox Fire Safety, a fire safety equipment and service business.

The purpose of the proposed annexation and requested zoning is to finalize a petition for annexation originally submitted to the City in 2000. When filed, the petition initially included only Lot 13 of Oakland First Addition (12434 Lincoln Way East). This lot had recently been developed in the County with an approximately 4,500 sq. ft. building for Fox Fire Safety. Several parcels to the west and east were then added to the petition as Planning Staff continued to discuss potential future development plans with the nearby property owners. The goal was fill in gaps between the unincorporated areas and those parcels already within the city limits. Staff continued to work on the annexation petition through 2001, but for unknown reasons, the request was never considered by the Plan Commission. Although the annexation was not finalized, the Fox Fire Safety property was issued a City address (4605 Lincoln Way). This address has been used by the business for over twenty years. Emergency responders may have difficulty in locating the property since it effectively has two addresses. For these reasons, Planning Staff initiated current annexation and zoning petition.

The proposed zoning for the northern 105' of the Bruno's property (12452 Lincoln Way East/Lot 12 of Oakland First Addition) is C-1 General Commercial. Only part of the parcel is proposed for commercial zoning as the south part of the property is anticipated to be purchased by Fox Fire Safety for a future building expansion. A carry-out/delivery restaurant, as currently exists, is a permitted use in the C-1 District, but will be legal non-conforming after being annexed. This is due to the property not meeting the city's parking requirements of 10 spaces per 1,000 sq. ft. of floor area. The 1,019 sq. ft. building would require a total of 10 spaces while the site only appears to have 6 spaces. Also, the site may not adhere to other C-1 District development standards, such as parking setbacks, etc., and does not meet the city's landscaping requirements. Subdividing the property and selling the rear part to Fox Fire Safety may require future variances as the property changes use over time.

The proposed zoning for the remainder of said Lot 12 to the south and the adjacent Fox Fire property to the east (12434 & 4605 Lincoln Way East/Lot 13 of Oakland First Addition) is I-1 Light Industrial. The I-1 District permits the existing fire safety equipment sales and service business.

Normally when an annexation and zoning petition is filed, a preliminary site plan is required to conceptually show how the property will be developed. In this case, a preliminary site plan was not required since the property is currently developed with no immediate plans for additional development.

Annexation:

In 1998, the adjacent parcel to the east was annexed and zoned to the C-1 General Commercial District (Petition 98-43/Ord. 4317) for Communitywide Federal Credit Union. In 2003, the adjacent property to the west was annexed and zoned to the C-1 General Commercial District (Petition 03-24/Ord. 4763) for Applebee's restaurant. The restaurant has since been closed and the building remodeled for two-tenant occupancy. Currently, Starbuck's and Verizon occupy the building. In 1976, the adjacent property to the north was annexed and zoned S-2 Planned Unit Development (Petition 76-25/Ord. 2002) as a part of the original Bercado Farms PUD.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations outlined above, approximately 1,286.2 feet, or 89.6%, of the total 1435.2 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located south of Lincoln Way East approximately 160' east of Bittersweet Road, and is bordered to the north by a restaurant with drive-thru facilities and pharmacy; to the west by a two-tenant

commercial building including a coffee shop with drive-thru facilities and mobile phone retailer; to the south by railroad tracks and agricultural land in unincorporated St. Joseph County; and to the east by a credit union. The Lincoln Way East corridor includes a variety of commercial, retail, restaurant, financial, and industrial land uses.

Zoning Change:

Staff believes the proposed zoning of the property to the C-1 General Commercial District and I-1 Light Industrial District is appropriate given the parcels are currently occupied by a carry-out/delivery restaurant and a fire safety equipment sales and service business. Other permitted uses within the C-1 and I-1 Districts are compatible with and conform to the existing and recommended land uses along the Lincoln Way East corridor.

Transportation/Roads:

According to the latest available traffic counts, there were 15,380 annual average daily trips (AADT) (October 2019) along Lincoln Way East immediately east of Bittersweet Road. The counts at this location have been relatively constant over the last 40 years fluctuating from a high of more than 17,400 AADT in 2004 to lows of just over 12,000 AADT in 1980 and 2013. With Lincoln Way East serving as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart, it is anticipated that traffic volumes will continue to remain constant in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff, the County Engineering Department, and INDOT, does not include any added travel lane projects on Lincoln Way East or Bittersweet Road.

All pertinent City Departments have reviewed and approved the request for annexation and zoning.

The Engineering Department commented that a new address will be assigned for 12452 Lincoln Way East (Lot 12), and the existing 4605 Lincoln Way East address will remain for Lot 13.

RECOMMENDATION

Staff recommends approval of Petition 21-17 to annex and establish zoning to the C-1 General Commercial District for the north 105' of Lot 12 of Oakland First Addition and I-1 Light Industrial District for the remainder of said Lot 12 and Lot 13 of Oakland First Addition. The parcels are currently occupied by Bruno's, a carry-out/delivery pizza restaurant, at 12452 Lincoln Way East, and Fox Fire Safety, a fire safety equipment sales and service business, at 12434 Lincoln Way East.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Lincoln Way East corridor that serves as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart. Traffic volumes in the immediate vicinity are anticipated to remain consistent. The property, which includes a carry-out/delivery restaurant and fire safety equipment sales and service business, is adjacent to a restaurant with drive-thru and pharmacy to the north, a two-tenant commercial building to the west, a railroad and agricultural land to the south, and a credit union to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along Lincoln Way East corridor vary greatly and include commercial, retail, restaurant, financial, and industrial land uses.
3. The most desirable/highest and best use – Because of the property's location along a highly travelled mixed use corridor, the most desirable use for the property is commercial or light industrial use consistent with the current land use.
4. Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area as no changes to the current uses are proposed. Additionally, other permitted uses within the C-1 General Commercial and I-1 Light Industrial Districts would be compatible with the existing adjacent and nearby land uses.

5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided commercial and industrial development along Lincoln Way East between Bittersweet Road and Cedar Road.

ATTACHMENTS

Aerial Map, Photographs, Rezoning & Annexation Petition including Existing Conditions Maps, Location Map



Aerial Photograph
Bruno's Pizza & Fox Fire Safety
12452 & 12434/4605 Lincoln Way East
Lots 12 & 13 of Oakland First Addition



P1. Looking southerly from Lincoln Way East toward Bruno's Pizza (12452 LWE).



P2. Looking southerly from Lincoln Way East toward Fox Fire Safety (12434/4605 LWE).

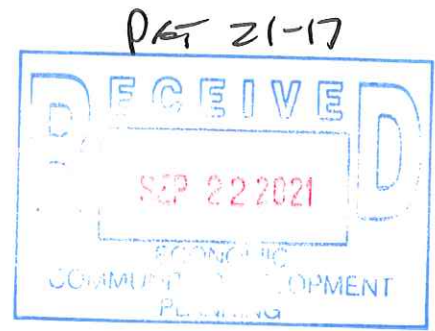


P2. Looking southerly from north of Lincoln Way East toward both parcels to be annexed.

Deborah S. Block, IAMC, MMC

OCT 06 2021

City Clerk
Mishawaka, IN



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.

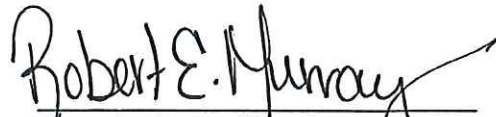
Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

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

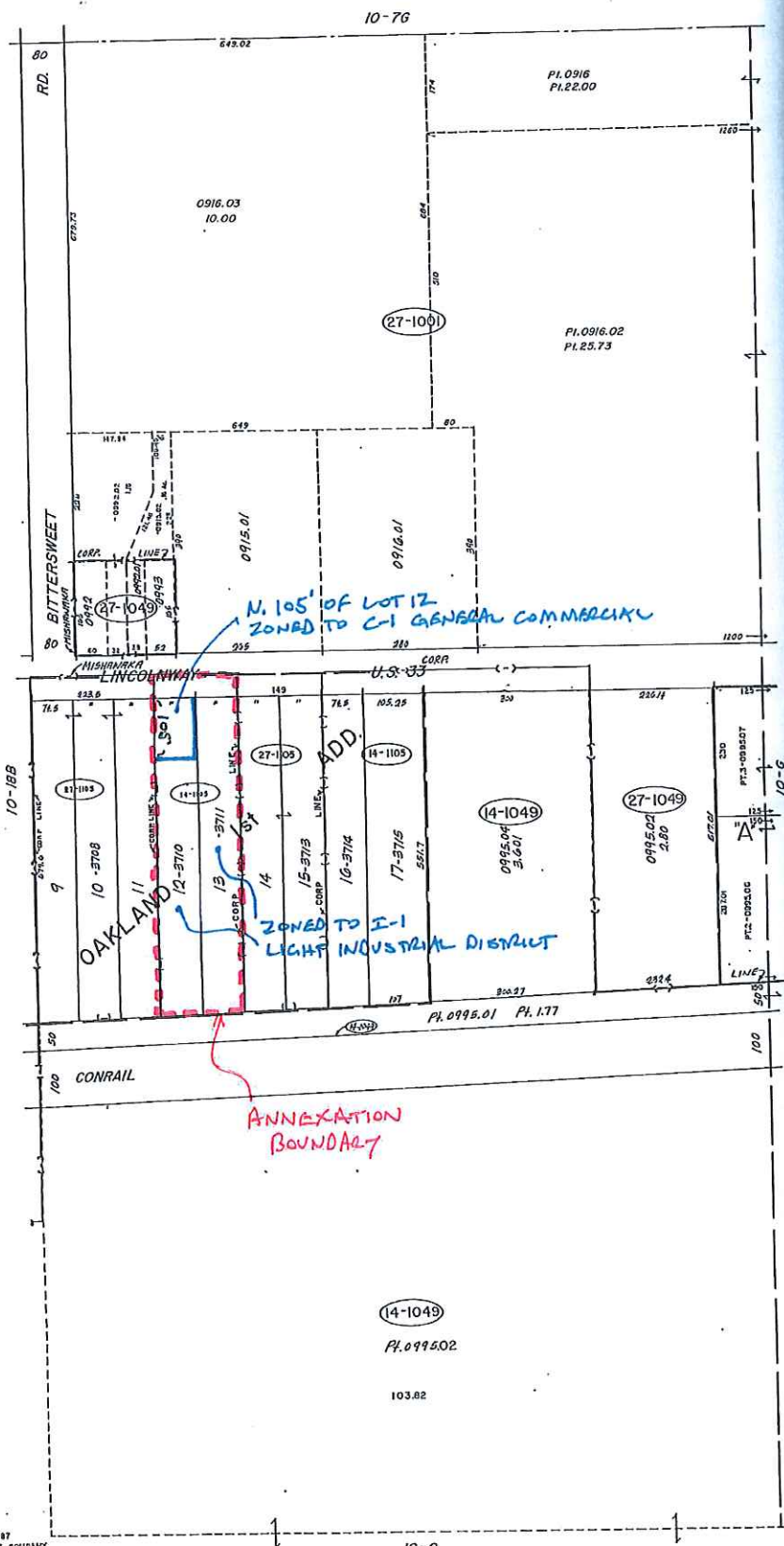


Property Owner Signature

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

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

Prepared by: Department of City Planning

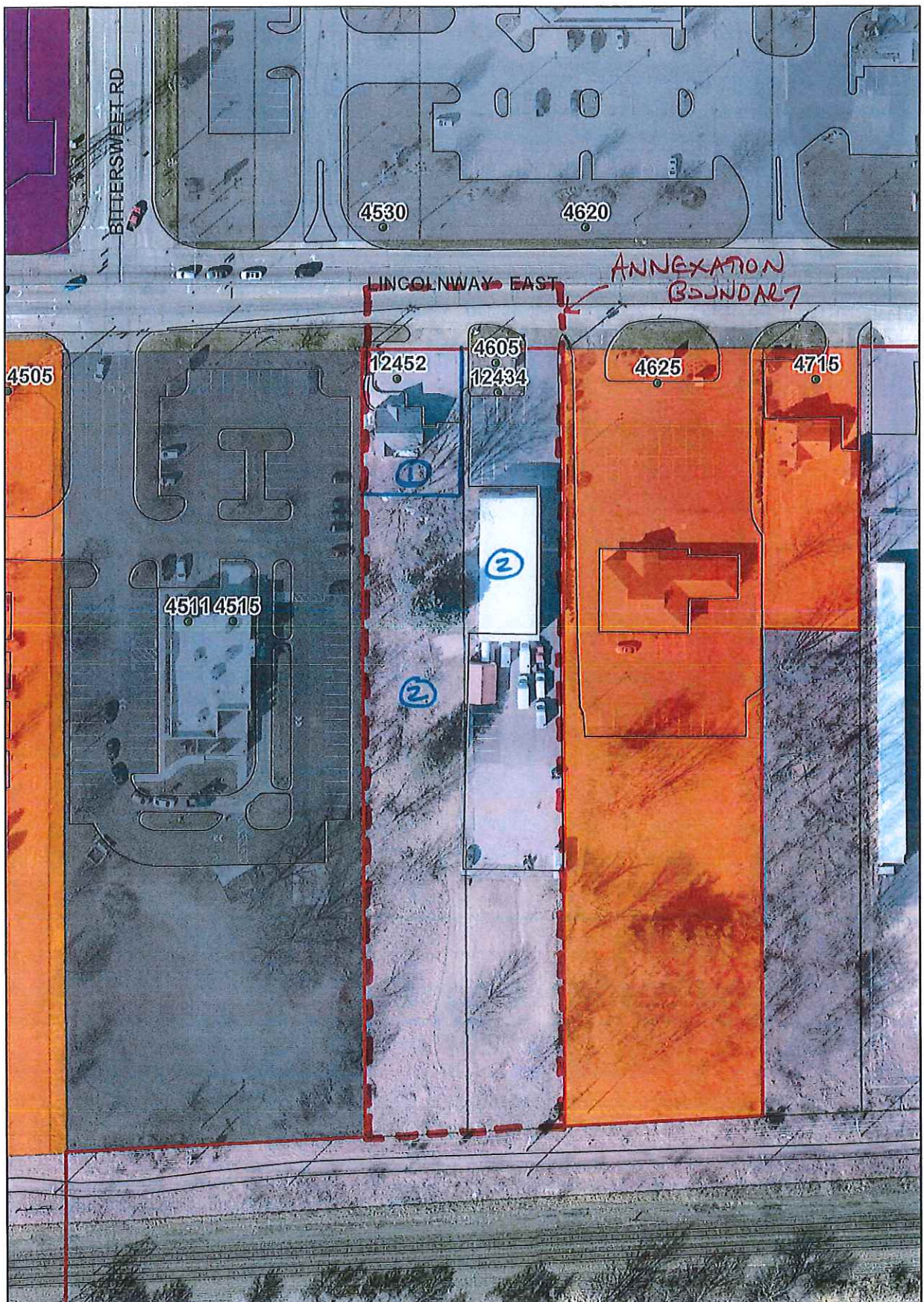


Revised Copyright 2004
Copyright 1987
THE SLOWELL COMPANY

SCALE: 1" = 100'

10-18C

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

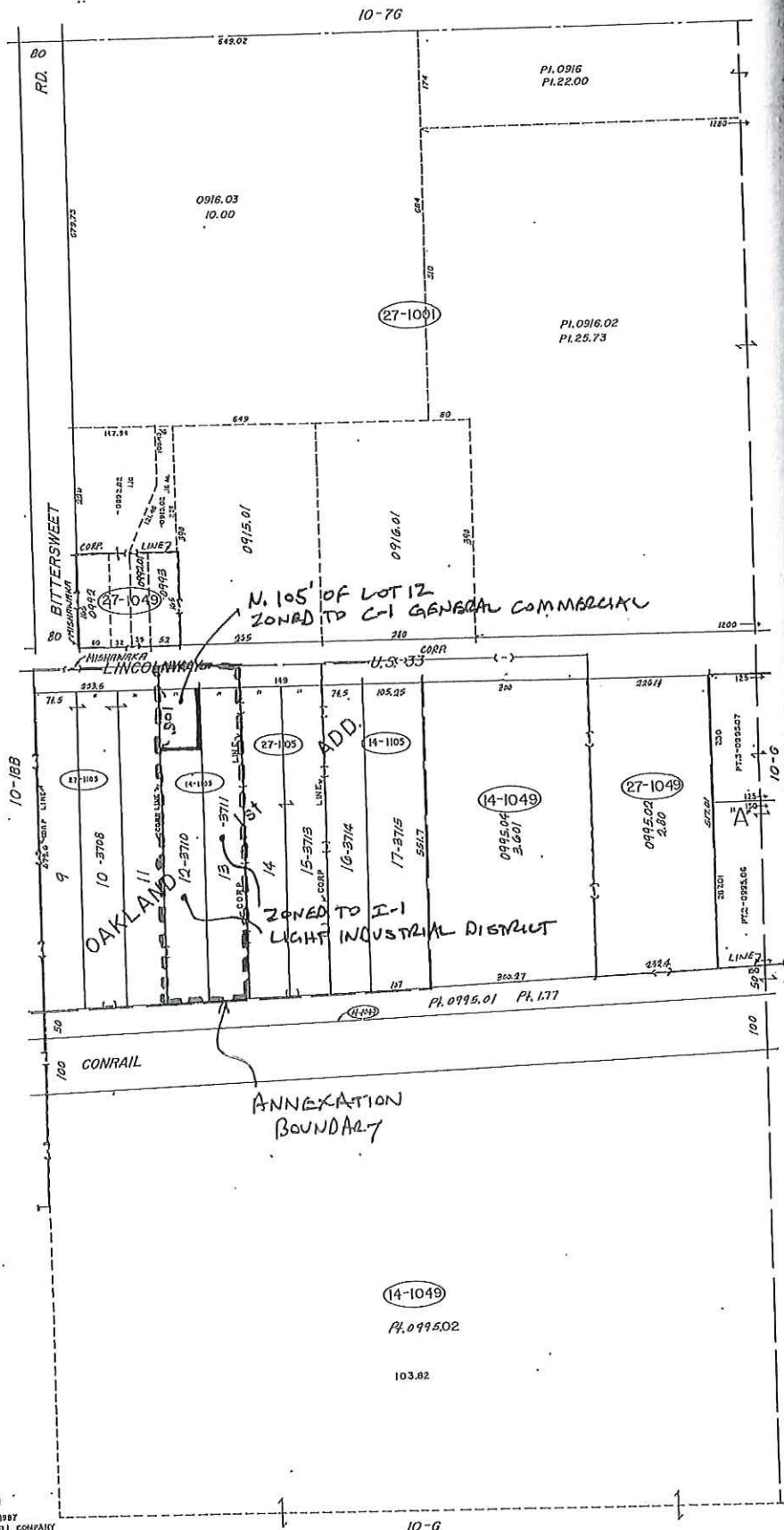
↑ 1" = 100'
 N SCALE

LINCOLNWAY EAST



↑ 1" = 30'
N SCALE

SECHER MINORSUB.

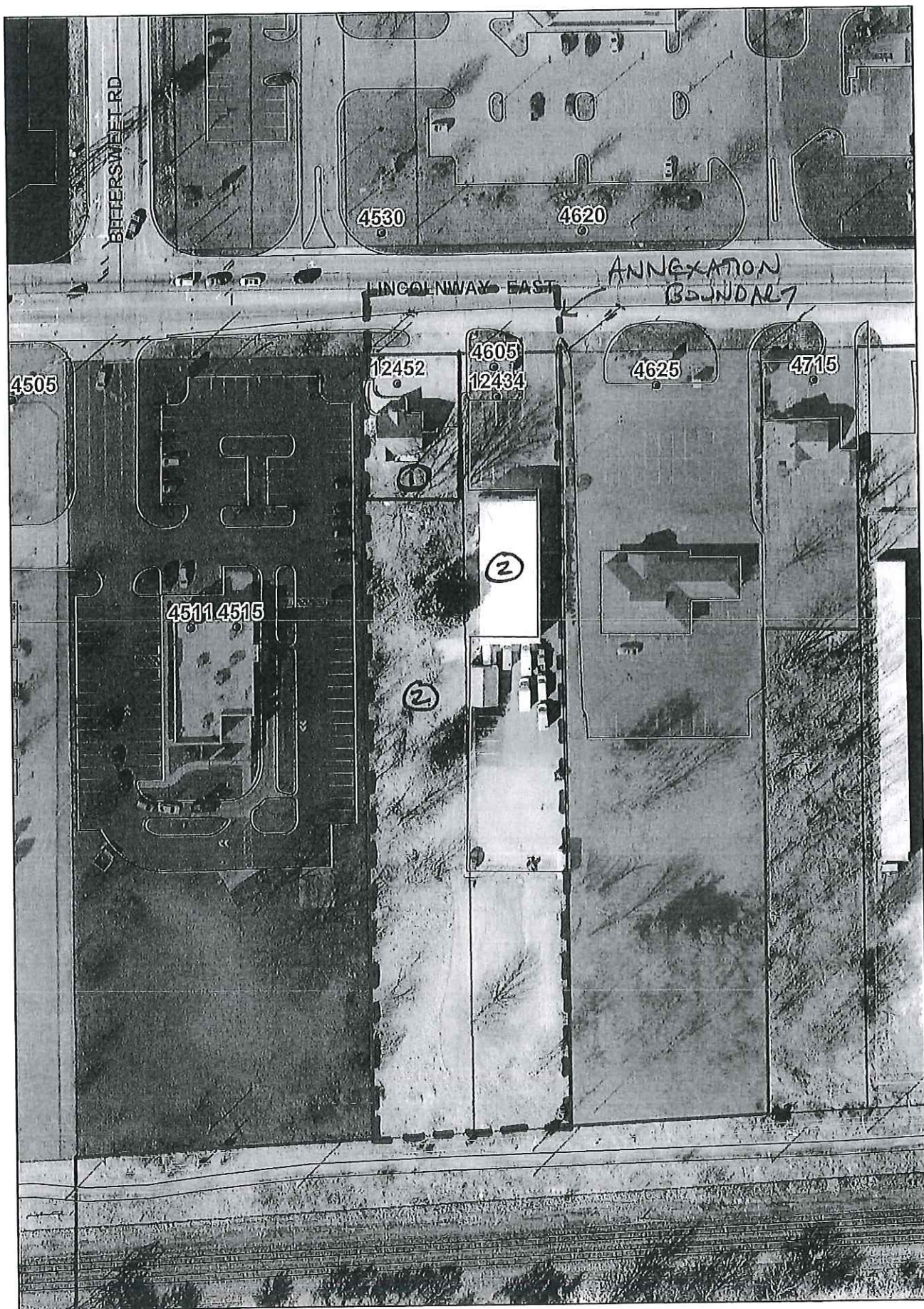


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Copyright 1987
THE SIORELL COMPANY

SCALE: 1" = 100'

10-18C

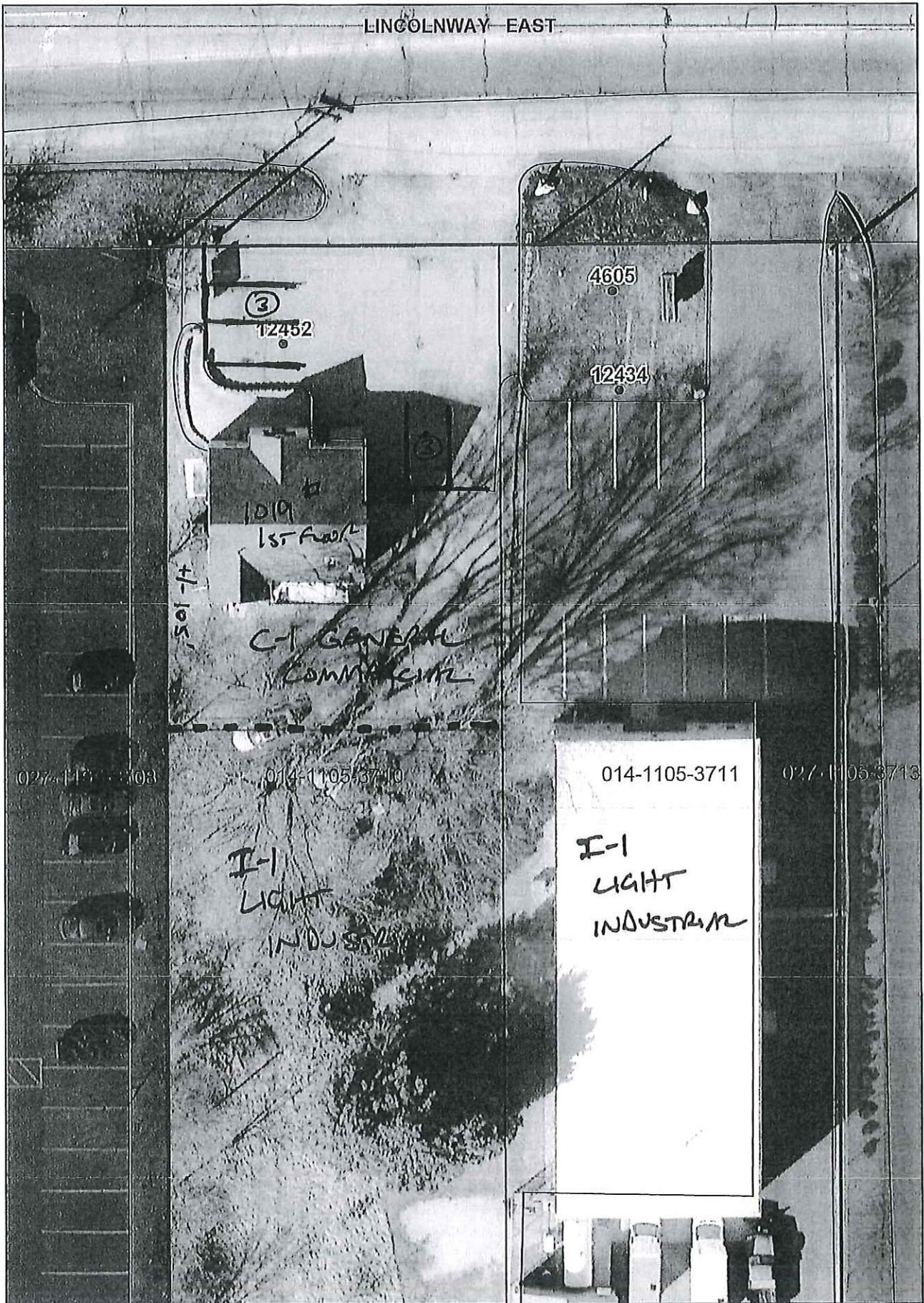
PENN TWP.
W. 1/2 NE. 1/4 SEC. 18 T.37N. R.4E.



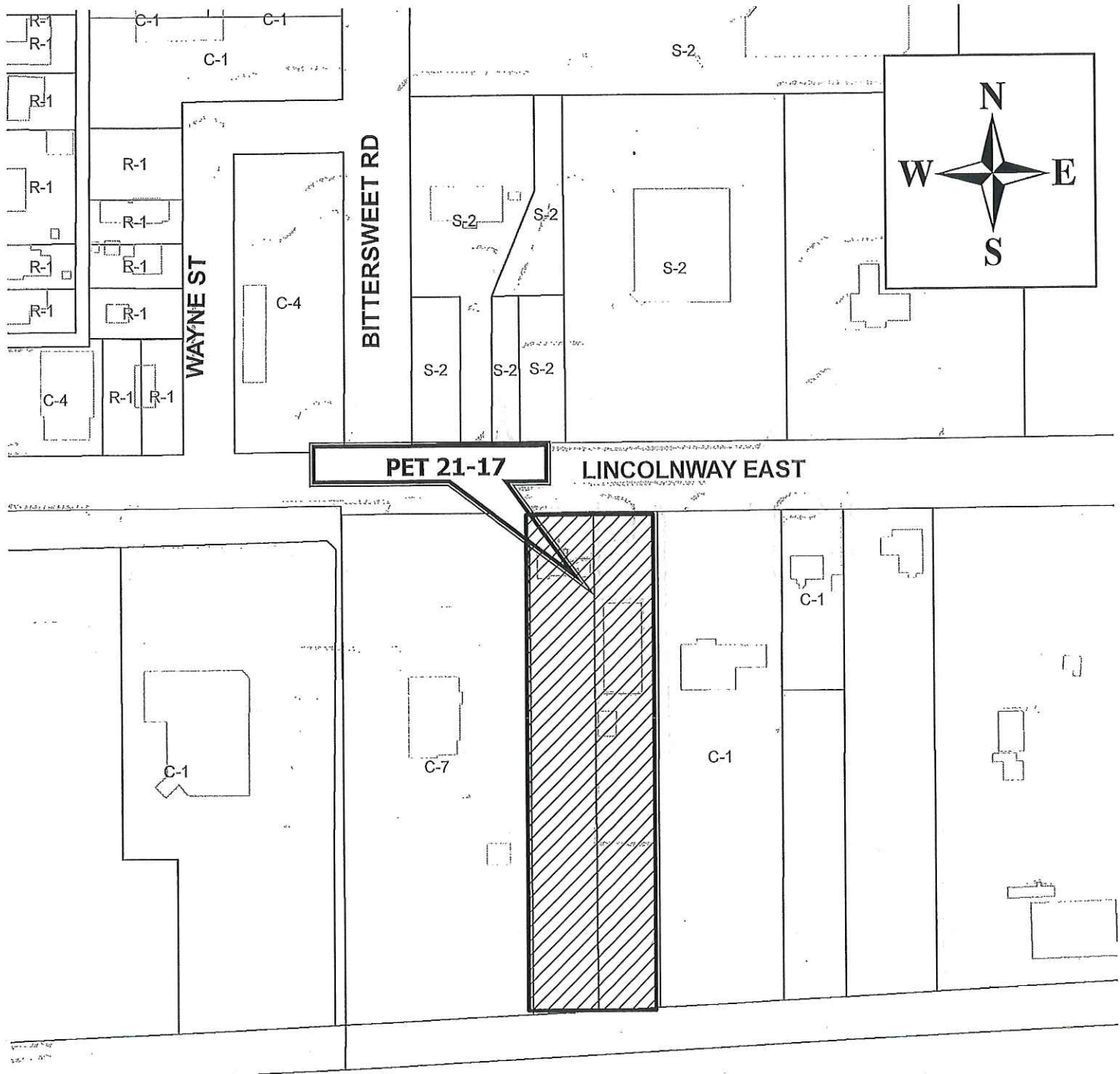
① ZONED C-1 GENERAL COMMERCIAL
 ② ZONED L-1 LIGHT INDUSTRIAL

↑ 1" = 100'
 N SCALE

LINCOLNWAY EAST



↑ 1" = 30'



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

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

OCT 21 2021

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2021- 40

ORDINANCE NO. _____

AS AMENDED

AN ORDINANCE AMENDING ORDINANCE 5712 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2021.

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

Section 1. Ordinance number 5712 passed by the Common Council of the City of Mishawaka, Indiana, on the 5th of October 2020 is hereby amended as follows:

BIWEEKLY SALARY

POLICE:

FORENSIC SCIENCE LAB TECHNICIAN/
PROPERTY ROOM SPECIALIST

\$ 1,846.15

Section 2. 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 October, 2021 at _____ o'clock, __. m.

Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

Rebecca Maguire (Miller)

From: Ken Witkowski
Sent: Friday, October 15, 2021 2:18 PM
To: Rebecca Maguire (Miller)
Cc: Alex Arendt; Chris Daggy
Subject: Lab Tech request

Deborah S. Block, IAMC, MMC

OCT 21 2021

City Clerk
Mishawaka, IN

Becky, As you know the Metro Homicide Unit has disbanded as of today Oct. 15th, 2021. This will of course cause the MPD to be responsible and start investigating our own Homicides and shooting cases moving forward. We are currently working out the logistics of how we approach this situation and the additional responsibilities this will present to my department. We can all agree that the work and investigative hours that go into these cases can be very lengthy and strenuous on everyone involved not to mention the crime scene itself must be handled in a timely manner.

I am writing you because through this process we have identified a need to employ an actual Lab Technician to take care of the responsibilities not only at these major crime scenes but also for the normal everyday evidence collecting that is now done by a sworn officer. The added burden of homicides and major crimes evidence collection would overwhelm my current sworn scene techs. I would like to propose hiring a civilian staff member to handle these duties along with taking over the normal day to day evidence responsibilities. The new position would be titled Forensic Science Lab Technician/ Property Room Specialist.

We have already identified a person of interest who has reached out to us. She currently works for South Bend P.D. and has 7 years' experience in this field. Please let me know if you need additional information.....Ken Witkowski

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

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

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>	
			40,200.00
			<u>397,920.00</u>

CITY OF MISHAWAKA
2022 BUDGET

BUILDING DEPARTMENT
101-15

1 PERSONAL SERVICES

Salaries and Wages

			biweekly
411-01	Building Commissioner	63,950.00	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

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

<u>Salaries and Wages</u>		biweekly	
411-01	Fire Chief	85,382.00	3,283.92
411-02	Assistant Chief		
	3 @ 79,223	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
<u>Other Personal Services</u>			
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>
<u>Employee Benefits</u>			8,823,580.00
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	
------------------------------------	----------	--

Communication and Transportation

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

Repairs and Maintenance

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

Rentals

437-05 Uniforms	10,000.00	
-----------------	-----------	--

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

Other Supplies

429-17 Landscaping Supplies/Chemicals 100,000.00

429-91 Salt 175,000.00

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

Utility Service

435-01 MU Charges MVH 165,000.00

435-02 NIPSCO MVH 70,000.00

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>

1st Reading

2nd Reading

Passed

Failed

Continued To

Deborah S. Block, IAMC, MMC

OCT 21 2021

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2021-35

ORDINANCE NO. _____

AN ORDINANCE AMENDING 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)	57.90

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAMC, MMC

Date: October 21, 2021
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Amendments to City Salary ordinances

OCT 21 2021

City Clerk
Mishawaka, IN

There have been a few changes/corrections since the first reading of our 2022 Salary Ordinances that I am requesting your approval.

1. The Certified Public Finance Administrator certification in the Elected Official ordinance has been increased to align with the same certification in the Controller's section of the Civil City salary ordinance. The word "Fund" was corrected to "Finance" in the Controller's section.
2. Certifications for the Clerk in the Elected Officials ordinance were added to the Clerk's section of the Civil City salary ordinance to make them available for the Clerk's staff.
3. The Public Safety salary ordinance includes the new stipend for Diver Apprentices. This stipend was left off the original in error. See Chief Woodward's attached email.
4. Due to the quickly evolving changes in the interlocal homicide unit, a Forensic Science Lab Technician/Property Room Specialist was added to the Civil City ordinance. See Chief Witkowski's attached email.

Also, being presented on Monday is an amendment to Civil City 2021 Salary Ordinance 5712. As mentioned above and in Chief Witkowski's email, a Forensic Science Lab Technician/Property Room Specialist is necessary to be added to provide a salary for the new position. I am requesting first and second reading on this amendment.

Please contact me with any questions.

c: David A. Wood, Mayor
Ken Witkowski, Police Chief
Bryon Woodward, Fire Chief

1st Reading
2nd Reading
Passed
~~Failed~~
Continued To

Deborah S. Block, IAMC, MMC

OCT 21 2021

PROPOSED ORDINANCE 2021 - 36

ORDINANCE _____

City Clerk
Mishawaka, IN

AN ORDINANCE AMENDING 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
CERTIFICATIONS:	
CPA CERTIFICATION FT	192.31
CERTIFIED PUBLIC FUNDS INVESTMENT MGR*	19.23
ADVANCED CPFIM*	38.47
CERTIFIED PUBLIC FINANCE 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
CERTIFICATIONS:	
IN ACCREDITED MUNICIPAL CLERK (IAMC)	38.47
CERTIFIED MUNICIPAL CLERK (CMC)*	48.08
MASTER MUNICIPAL CLERK (MMC)*	67.31
CERTIFIED PUBLIC FINANCE ADMINSTRATOR	57.90
*only one may be held at a time	
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
FORENSIC SCIENCE LAB TECHNICIAN/ PROPERTY ROOM SPECIALIST	\$ 1,938.46
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
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
CENTRAL SERVICES: FLEET MAINTENANCE TECHNICIAN	23.42
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

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE 2021 - 37
ORDINANCE _____

Deborah S. Block, IAMC, MMC

OCT 21 2021

City Clerk
Mishawaka, IN

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>TIER 1</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 DIVER/RESCUE TEAM MEMBER		950

DIVER APPRENTICE	500
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

Rebecca Maguire (Miller)

From: Bryon Woodward
Sent: Wednesday, October 20, 2021 6:15 PM
To: Rebecca Maguire (Miller)
Subject: RE: apprentice diver specialty

Deborah S. Block, IAMC, MMC

OCT 21 2021

City Clerk
Mishawaka, IN

Becky,

The advantages are first and foremost for our diver's safety. We have 5 per shift and a number of them could be off at the same time, it happens a lot. For a diver to enter the water they must have a backup diver 90% ready in case they need help or assistance. If the safety diver enters the water 2 divers need to be on standby then as safety divers. If 3 or less divers are working then this not possible until mutual aid from SBFD arrives or in some instances off duty MFD divers, which both have prolonged reflex times. By adding 2 apprentice divers per shift, they will go into an active role anytime a shift is at or below 3 on duty members. 70% percent of all swift water deaths are responders and the river puts us in that high risk, low frequency box of risk management every day. This is a magnanimous topic, I won't even start on the season of ice diving we are about to go into, that is enter a body of water where there is one way in and out. A diver is tethered to a rope and has 10 to 30 minutes of air, depending on a factor of conditions. Most times they should be entering in pairs of 2's for immediate assistance in freezing water. Our dive team is skilled and aggressive, they take their commitment very seriously and would have no problem putting themselves in a precarious position to help someone, I did it as a diver and I was ok with that. As a Chief I am not, our people are our most important asset we have and we need to do what is right and in our power to enable to work safely and efficiently. Diver safety trumps everything.

By adding the 2 divers, they have to meet all requirements of main team members, which allows them to gain valuable experience before they need to use it. We recently had an influx of youth to our dive team, we have to get them certified for them to even be able to SCUBA dive before they could be expected to rescue someone. It is not a good situation to be in for them, the city or the people in need. The apprentice divers act as a gate way to the normal team this way, now we are activating someone full time with experience instead of someone who may have never been under the water before. It a baked in succession plan for divers.

By even having a dive team we have a moral and ethical commitment to our citizens to be able to respond with the appropriate number of personnel and equipment to assist on a moment's notice. We are expected as a city and department to be staffed to at least get the first diver in the water appropriately. Recent events highlight the public expectation and the potential ramifications if we do not meet them.

Sorry, more than a paragraph but it's not really that simple. ☹️ If you need anything else please just let me know,

We can't solve problems by using the same kind of thinking we used when we created them.

--- Albert Einstein

The biggest problem in the world could have been solved when it was small.

--- Witter Bynner

Bryon Woodward
Fire Chief
Mishawaka Fire Department
3000 E. Harrison Road

OCT 05 2021

City Clerk
Mishawaka, IN

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

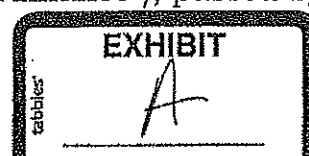
Section 1.01 Purpose and Background. Pursuant to IND. CODE § 36-8-16.7-47(e), in August of 2014, the Parties entered into an Interlocal Agreement (PSAP Agreement No. 1) under IND. CODE § 36-1-7 to ensure that the county does not contain more than the number of PSAPs authorized by IND. CODE § 36-8-16.7-47(c) 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.

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

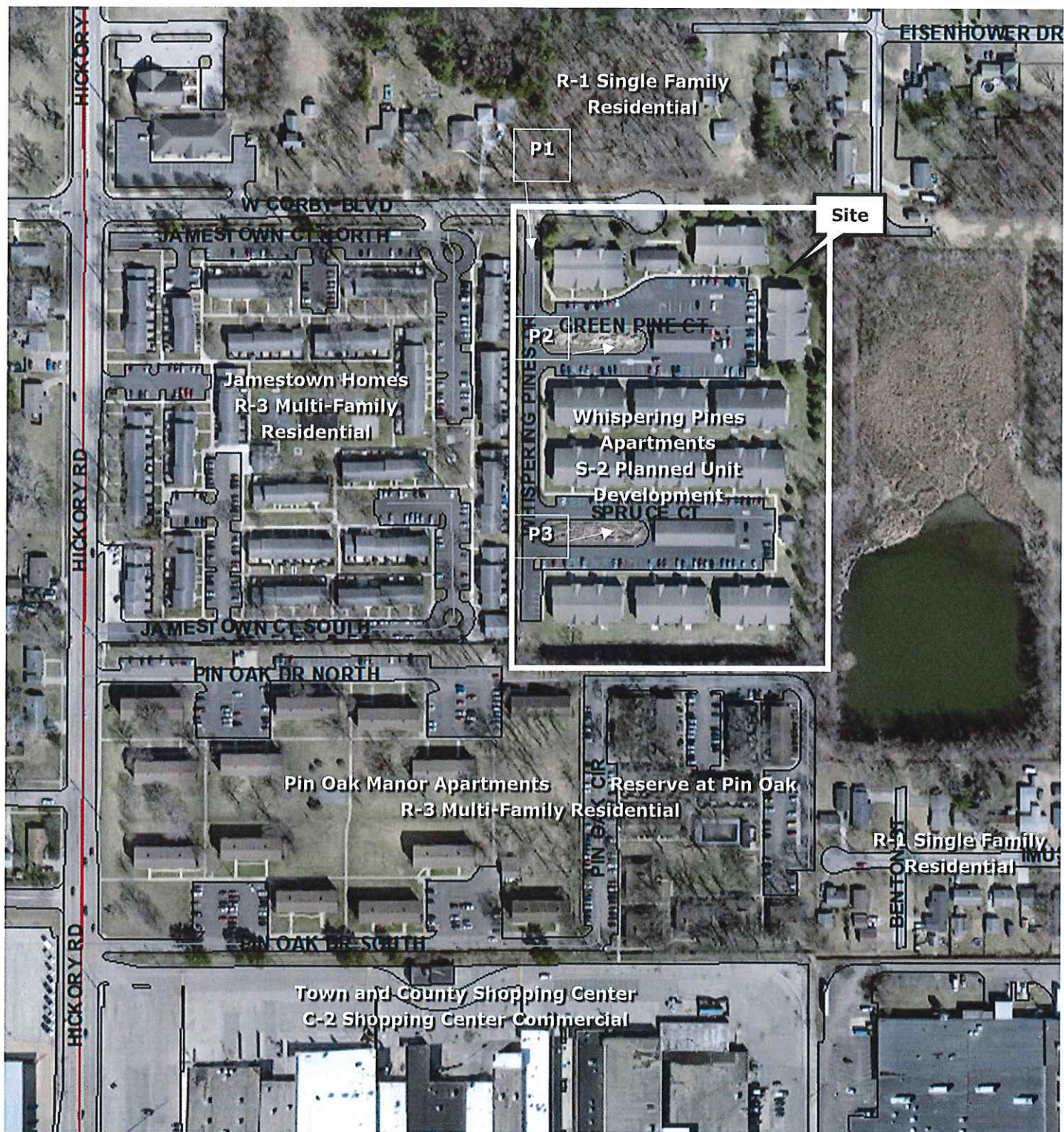
Staff recommends **approval** of Petition 21-13 to amend the Whispering Pines Planned Unit Development (PUD), approved in 2000, to remove the senior citizen only age restriction.

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.

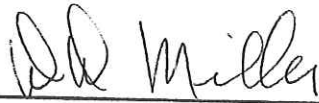
My name is Dennis Miller I am the operating member of Miller Family Development II, LLC. Our office is located at 806 Green Pine Ct. Mishawaka, In. We built, own and operate the S-2 PUD Senior Only, Whispering Pines Apt. Located east of Hickory Rd. at the end of the Corby St. cul-de-sac.

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

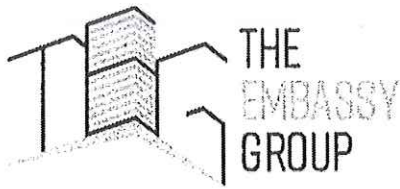
Gen. opr. Mgr.

806 Green Pine Dr.

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

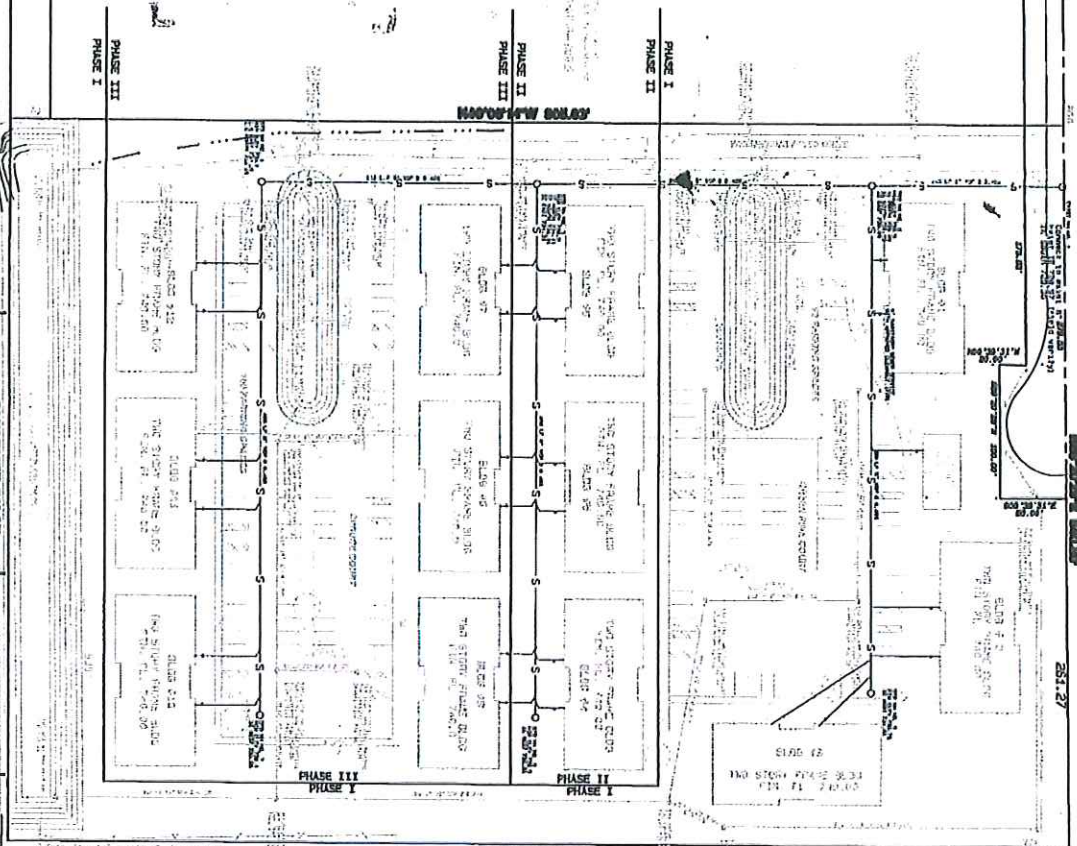
STANDARD SHALL BE APPLIED AS SHOWN ON
THIS PLAN. CANNOT BE USED FOR ANY OTHER
PROJECT OR PURPOSE.

- General Notes - Sanitary Sewers
1. All sanitary sewers shall be constructed in the City of Mishawaka, Indiana, and shall be subject to the City of Mishawaka, Indiana, Engineering Standards.
 2. All sanitary sewers shall be constructed using vitrified clay pipe (VCP) and shall be installed in accordance with the City of Mishawaka, Indiana, Engineering Standards.
 3. All sanitary sewers shall be constructed using 15" diameter VCP and shall be installed in accordance with the City of Mishawaka, Indiana, Engineering Standards.
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MISHAWAKA CITY
PLANNING COMMISSION

APPROVED 9/25/00

Handwritten signature



WASTEWATER PIPES

SANITARY SEWERS
PLAN

OF WORK AND PLAN
DATE: 9/25/00
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

Larry E. VanOsdol & Associates
Professional Land Surveyors
1000 N. Main St., Suite 200
Mishawaka, IN 46545
Phone: (219) 821-1111
Fax: (219) 821-1112
Email: larry@vanosdol.com

Registered Land Surveyors
Surveying & Topographic Services
1000 N. Main St., Suite 200
Mishawaka, IN 46545
Phone: (219) 821-1111
Fax: (219) 821-1112
Email: larry@vanosdol.com

REVISIONS
1. [Description of revision]
2. [Description of revision]
3. [Description of revision]
4. [Description of revision]
5. [Description of revision]
6. [Description of revision]
7. [Description of revision]
8. [Description of revision]
9. [Description of revision]
10. [Description of revision]

S89°20'29"N 777.20'
777.20'

[illegible]

261.27

NO. 00-174-00000

PHASE I
PHASE II

PHASE II
PHASE III

PHASE III

PHASE I

DOZONATI POLON

WHISPERING PINES

**WATER PLAN
AND
FINAL ELEVATIONS**

Mr. Mancy	Room 410
Mr. Mancy	Room 410
Mr. Mancy	Room 410
Mr. Mancy	Room 410
Mr. Mancy	Room 410

Larry E. VanOsdol & Associates

Registered Land Surveyors
Boundary & Topographic Surveys
O.P.E. & British Columbia Surveys
Public Construction Staking

System	Qty
Revised Catalog & Manual	10/1/70
Annual Directory Plan & Profile	10/1/70
Annual Election Form Plan & Profile	10/1/70

