AGENDA

April 11, 2022

Meetings of Standing Committees
Council Conference Room
6:45PM

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

WebEx Telephone Number:1-408-418-9388
Meeting Number (access code): 2345 691 2731
Meeting Password: cPcbjJAZ633

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

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

Dial: 23456912731@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of March 21, 2022

5. Petitions, Communications, Remonstrance and Memorial

Appeal No. 2022-05 Use Variance to permit an Event Center (Assembly Hall) IN C-2 Shopping Center Commercial – 502 W. McKinley Ave.

Appeal No. 2022-07 Use Variance to allow 3 tenant in 1 Building in C-1 General Commercial District – 309 Bittersweet Rd.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2022-08 Amending the Uniform Schedule of Fees

8. Resolutions

R2022-07 Tax Abatement Compliance Report

9. Ordinances on Second Reading

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment –

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, **https://www.facebook.com/cityofmishawaka/** and on the Michiana Access TV Facebook page, **https://www.facebook.com/MichianaAccessTV**

Council Packet Link:

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

March 21, 2022

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, March 21, 2022 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Clerk Block called the roll.

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

Others Present: Clerk Block, Mike Trippel

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.

Due to the cancellation of the regularly scheduled council meeting scheduled for March 7, 2022, there was no acceptance of the council minutes.

Clerk Block read the following appeals, letter and public hearing by title.

A public hearing on Vacation 2022-01 required by State Statute on behalf of DEV 4506 Lincolnway East, LLC for the Right-of-way vacation for planned adjacent car wash development (Drive & Shine) located at Wayne Street and Pennsylvania Avenue (undeveloped).

Steve Ruby, Abonmarche Consultants, spoke in favor of **Vacation 2022-01**. Mr. Ruby stated he was representing the Drive ‘N Shine facility that evening. Mr. Ruby stated the owner was purchasing land adjacent to the properties on the other side of Wayne Street, which would require the vacation of the street and set improvements there as well as along Pennsylvania Avenue.

Jim Schoen, Miami Club Drive, spoke in opposition of **Vacation 2022-01**. Mr. Schoen stated he was not exactly in opposition or in favor of the Vacation, but he wanted to make sure a concern was considered in the vacation of the street. Mr. Schoen stated he specifically wanted to address the fact that he was visually impaired and could not drive, so transpo as well as the trolley was his mode of transportation. Mr. Schoen stated there was a bus stop he wanted to draw their attention to and it was right around the location were the facility would be. Mr. Schoen stated it was very important for individuals, like himself, who needed those bus stops and the trolley to get where they needed to go. Mr. Schoen stated it was very important to him, because it was the only one in that vicinity with it being a very busy and dangerous intersection for pedestrians. Mr. Schoen stated he just wanted to make sure that there would be nothing done to impede the availability to it for the disabled pedestrians to wait for the bus there. Mr. Schoen stated he did not know exactly how it would change, but he also wanted to know if Maycog was contacted on this vacation issue with Maycog being the administering agency that oversaw transpo and the trolley. Mr. Schoen stated again that he was not speaking in favor or against the Vacation, but wanted to call their attention to that bus stop right about where Wayne Street would egress onto Lincolnway West on the northwest corner of Bittersweet and Lincolnway West.

Mrs. Voelker thanked Mr. Schoen for bringing that to the council's attention.

Kristin Stape, 4112 Vistula Road, spoke in opposition of the Vacation. Ms. Stape stated she did not want the Drive 'N Shine there. Mr. Hixenbaugh stated at that point they were only talking about the vacation of the street which was a technicality of Indiana law. Mr. Hixenbaugh stated later on in the meeting, they would be talking about the rezoning and the fact that Drive 'N Shine was asking to be located there. Mr. Hixenbaugh stated they were just talking about the streets that would surround the property and whether they ought to be vacated or closed to public use. Mr. Hixenbaugh stated he would let her know when they got to the point where she could talk about that.

Steve Ruby, Abonmarche Consultants, once again, spoke before the council and addressed Mr. Schoen's points regarding the bus stop and Maycog. Mr. Ruby stated the bus stop location would not be changed in any way with the vacation of Wayne Street and it was just to reduce traffic flow. Mr. Ruby stated there would be no conflict there and they would be improving the walks to and from the Lincolnway portion or southern portion of the site as well as the eastside pf the site along Bittersweet. Mr. Ruby stated in fact, they would improve pedestrian movements along the property limits, which did not exist at that point. Mr. Ruby addressed the second concern stating they had not contacted Maycog yet because they did not plan to alter the bus stop location. Mr. Ruby stated it would remain the same.

Mrs. Voelker asked about the bus stop stating it was at Wayne Street, where it became a private driveway, and asked if that private driveway would be the drive in and out of Drive 'N Shine. Mr. Ruby stated the Drive 'N Shine driveway was currently located off of Bittersweet and would remain there. Mr. Ruby stated the All Star Car Wash existing there was utilizing the same driving way, so they would not be changing the flow onto Lincolnway.

Ken Prince, Director of Planning and Community Development, spoke on **Vacation 2022-01**. Mr. Prince began stating it was great to see Mr. Schoen and noted exactly what Mr. Ruby said and that this would actually improve the situation regarding accessibility. Mr. Prince stated twith the amount of traffic on Wayne Street, it essentially would become a private driveway. Mr. Prince stated the existing bus stop would not be altered and the additional sidewalk should improve accessibility to that corner. Mr. Prince also stated that the bus stop locations were independent of anything the city did, so Maycog was the entity responsible for installing those and if they wanted to, they could adjust them how they would like. Mr. Prince stated what was being proposed did not inherently alter what they currently had at all.

The public hearing was closed on **Vacation 2022-01** and they would revisit the issue under ordinances on second reading, not only with regard to the vacation of the street but also with the rezoning issue.

A letter from the Board of Zoning Appeals regarding their recommendations from their March 08, 2022 meeting.

Appeal No. 2022-02	Use Variance to allow microblading at an existing salon – 3931 Lincoln way East – That Hair Place
Appeal No. 2022-04	Use Variance to allow microblading at an existing salon – 1238 University Dr.

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

<u>RESOLUTION R2022-03</u>

A RESOLUTION OF THE CITY OF MISHAWAKA COMMON COUNCIL ESTABLISHING A MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA WITHIN THE RECENTLY DESIGNATED REDEVELOPMENT PROJECT AREA

Ken Prince, Director of Planning and Community Development, spoke on **RESOLUTION R2022-03**. Mr. Prince stated going back to the early 2000s; the city adopted a riverfront district primarily for the purpose of establishing an area where lower priced liquor licenses could be obtained by state law. Mr. Prince stated liquor licenses were all regulated to the state and this was an avenue they saw that could increase the availability of a lower priced liquor license, which would go in hand with the development of restaurants and businesses. Mr. Prince stated they had a disproportionate number of restaurants relative to their population so that increased the price and made it harder for those restaurants that wanted to open and have a liquor license. Mr. Prince stated that was the reason this was proposed at the time and at that time it was primarily for downtown. Mr. Prince stated what they found during that time was they had repeated inquiries of people wanting a liquor license but they were not located in the area. Mr. Prince stated they decided they would expand in 2018 and take what they thought the limits were so they could remove the argument of being out of the district and put in the maximum area as required by state law. Mr. Prince stated they followed the floodplain identified by the flood insurance rate maps which they did not look at careful enough, because there was an area on the eastside of town where the water body went outside of the flood limit area. Mr. Prince stated this amendment would broaden the district to include the additional area based on the water body going outside of the floodplain and expanded the area along Lincolnway, specifically the Curve

Café. Mr. Prince stated with the passage of this; they would be able to have a liquor license at a reduced rate along with the other businesses impacted along Lincolnway in that area.

Mr. Hixenbaugh thanked Mr. Prince and his staff for their work on this. Mr. Hixenbaugh then stated as Mr. Prince mentioned, they were creating the riverfront district to the maximum extent as they interpreted Indiana law and asked if he would agree with him when saying that they did not grant the liquor licenses in that district, so an individual or entity who wanted to apply for it had to go through a separate regulatory process through the state of Indiana. Mr. Prince stated that was correct and he noted that there were other regulations every business had to follow in order to apply.

Question was called for at 7:20PM for **RESOLUTION R2022-03 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2022-04

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

Mayor Wood spoke in favor of **RESOLUTION R2022-04**. Mayor Wood stated this was a property they all knew well and many of them had special personal connection to it. Mayor Wood stated it was synonymous with manufacturing in Mishawaka going back to the late 1880s and it was the Dodge RMG site. Mayor Wood stated since the 1990s, it essentially had been decaying right on the edge of their downtown and had many service calls to the site over the years, including the second biggest buyer in city history. Mayor Wood stated it had been collecting artifacts there over time and the owners of the property, who were looking to sell the property, approached them. Mayor Wood stated before thinking about it, he said they would be interesting in buying it and after thinking about it more he was wondering why they would be interested, but it would get acquired if they did not buy it and continue to be a drag on city streets. Mayor Wood stated no one would do the improvements to it justice except the city of Mishawaka. Mayor Wood stated they were promised a good price and even if they were given the property for free, they would have to spend millions to clean it. Mayor Wood stated they were looking to acquire some of the property anyway with the need for city services. Mayor Wood stated they would like to expand their apparatus so they could have drive through opportunity at fire station #1 and they knew they needed a new salt barn and closed storage facility for the Central Services department. Mayor Wood that was one area where they could go and acquire property to do some of those improvements. Mayor Wood stated they would like have a road that connected Union Street and 7th to Laurel Street and 6th and this would give them that opportunity. Mayor Wood stated they knew this property could not be saved and knew it would take more resources than anyone could repair, therefore they thought it could be left to decay in which case the Code Enforcement department and Police department would be more involved there. Mayor Wood stated they thought it was their responsibility to add this to their acquisition list so they could acquire the property and control it's redevelopment with it being strategically located to their downtown. Mayor Wood it would figure to be a $13 million cleanup and investment into the site with it being about a 4-year period to get the site ready to be redeveloped. Mayor Wood stated with approval, they would do a purchase agreement and give the owner of the property a year to clear off the property of anything not of the structure. Mayor Wood stated the owner was knowledgeable of this and would be willing to grant them access any time while it would be in the process of being cleaned off and take position of it at the end of the year. Mayor Wood stated he or Ken Prince could answer questions and Mr. Prince would likely be the project manager. Mayor Wood stated they knew it was a big project and one of the most important ones, because of what it meant for the future of the Mishawaka along with how much it was a part of Mishawaka's past. Mayor Wood stated unfortunately, it was an industrial wasteland and there was no other way to put it than that and now was their opportunity to make it better for Mishawaka's residents.

Mr. Hixenbaugh thanked Mayor Wood for the information and stated the cleanup cost would far outweigh the cost of acquisition. Mr. Hixenbaugh asked with regard to the purchase price of the property if they were at a point where they could quantify it. Mayor Wood stated they agreed to the price of $250,000.

Mrs. Voelker made a comment stating it was such a hole in the middle of the city that it was not productive and a safety issue for everybody. Mrs. Voelker thought cleaning it up was important and putting a connecting street through there was going to be important for the growth of the city. Mrs. Voelker stated she thought in the long term, it would be beneficial for Mishawaka.

Mr. Emmons asked about the architectural building. Mayor Wood stated that was the former Dodge office building and it was owned by a different group and not part of the transaction. Mayor Wood stated they would look to square off some property lines as part of this to make sure whatever happened there benefited the neighbors and the office space around there.

Mr. Banicki stated they had gotten some assistance from previous insurance companies to help some cleanup and asked if that would be a possibility with this as well. Mayor Wood stated it would be a possibility and would look to secure some grant funding to help with their endeavors. Mayor Wood stated they had the skills to deal with this in house and with consultants to deal with this successfully. Mr. Banicki stated they could seek restitution down the road. Mayor Wood stated that could be in play.

Mr. Hixenbaugh asked Mayor Wood if he could talk about with the acquisition price and the remediation and cleanup cost what the source of the funding would be to take care of both of those operations. Mayor Wood stated it would be funded by TIF unless they could get other grant money, which they would pursue if it made sense. Mr. Hixenbaugh asked if they had the capacity within their TIF fund to cover these costs. Mayor Wood stated they did to cover the original acquisition cost and to cover the $13 million or so cleanup, they would have to rerack the deck which did not mean they would not be able to get it done, but they may have to postpone another project.

Ken Prince, Director of Planning and Community Development, added on to the Mayor's comments regarding funding. Mr. Prince stated they had a discussion with the state brownfield coordinator and they were excited to hear about this potential acquisition for the city. Mr. Prince stated regarding funding, they were looking at about a $5 million expenditure in the state that would be available to be applied for and unfortunately they would be lucky to get around $1 million for the acquisition. Mr. Prince stated that money would only be for the environmental portion of the cleanup. Mr. Prince made a distinction on the insurance and stated this was a much different facility than what Uniroyal was, when they left unpaid taxes and a much larger environmental mess. Mr. Prince stated would be environmental cleanups but it was a $6 million demolition cost but it was a much better site overall than the environmental mess the EPA had to fund millions of dollars to clean up Uniroyal. Mr. Prince stated he did not envision the EPA getting involved in this cleanup. Mr. Prince stated they would pursue all avenues but he wanted to make the distinction for the record, because the owners took care of a great deal of asbestos and the tanks along with other chemicals on the property.

Mr. Compton stated there was a lot of history there as the Mayor said and his father worked there, his father in law retired there, his brother in laws and he also worked there as a electrician doing service work there several times in his career. Mr. Compton stated it was a place he did not like to see go and a place he remembered watching hundreds of men coming out of the building when he and his mother picked his father up from work. Mr. Compton stated unfortunately nothing was forever and this was the right way to go about improving it. Mr. Compton stated he liked the fact that they were doing this and other communities would let things sit for way too soon. Mr. Compton stated the timing was right and he supported it. Mr. Compton thanked the Mayor for bringing it forward.

Mr. Hazen agreed with Mayor Wood and Mr. Compton and stated this was the time they needed to jump on it. Mr. Hazen stated he knew it would cost them a lot of money, but he guaranteed there were people waiting in line to buy it if the city did not and let it sit there for another couple of decades. Mr. Hazen stated he totally supported the resolution.

Question was called for at 7:39PM for **RESOLUTION R2022-04 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2022-05

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: 3931 Lincolnway East, Mishawaka, Indiana
Use Variance to allow mircoblading at an existing salon – 3931 Lincoln way East – That Hair Place

Steve Cook spoke in favor of the resolution on behalf of his wife Linda. Mr. Cook stated because of several things in the work environment, they made some changes and decided to go to independent contractors. Mr. Cook stated in doing that, two young women were leasing from them and the microblading was one more piece they could add to their abilities to service to their customers that other salons were doing in the city of Mishawaka.

Mr. Compton stated the council would see another one of these right after this resolution and they had seen microblading variance requests in the past. Mr. Compton asked why this had to come before the council. Mr. Hixenbaugh deferred to Mr. Prince, but stated technically under the zoning code and the law this was considered more akin to a tattoo then it was to a cosmetic activity. Mr. Hixenbaugh stated they thought long term it would be something they should look at to fit into the existing zoning ordinance structure without having people come before the council for the use variance, but they were not there yet with the existing body of law. Mr. Hixenbaugh stated when looking at the staff report, this was in close proximity of a park and school which typically was not what their zoning ordinance would anticipate would be the case, right or wrong. Mr. Hixenbaugh stated they would have to address it as time allowed.

Question was called for at 7:45PM for **RESOLUTION R2022-05 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2022-06

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: 1238 East University Drive, Granger, Indiana
Use Variance to allow microblading at an existing salon – 1238 East University Dr.

Tyler Foley, 1238 E University Drive, spoke in favor of **RESOLUTION 2022-06**. Mr. Foley stated they were requesting the use variance because their services were growing and microblading was becoming a popular business. Mr. Foley stated they requested and were approved in 2020 for their other location and were asking for the same thing at their Granger location.

Question was called for at 7:47PM for **RESOLUTION R2022-05 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

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

PROPOSED ORDINANCE NO. 2022-04

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.
Rezone from R-1 SF Residential to R-3 MF Residential for 8 Residential homes & Accessory Building – NE. Corner of E. Jefferson Blvd & Maplehurst Ave. –Troop Town (Petitioner requesting withdrawal)

Mr. Compton made a motion to honor the Petitioner's request to withdraw the proposed ordinance, with a second from Mr. Banicki. A motion was made and seconded to approve the withdrawal of **PROPOSED ORDINANCE NO. 2022-04** at the request of the petition. A roll call vote was then held and the matter passed unanimously, making the withdrawal official.

PROPOSED ORDINANCE NO. 2022-06

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.
Rezone from R-1 & C-4 to C-4 Auto Oriented Commercial for proposed Car Wash Drive N' Shine – NW corner of Lincoln Way & Bittersweet Rd.

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.

Steve Ruby, Abonmarche Consultants, spoke in favor of **PROPOSED ORDINANCE NO. 2022-06**. Mr. Ruby stated as previously mentioned, there was a few things going on here regarding the properties to the west of the main property that was purchased and the owners were looking to acquire those properties. Mr. Ruby stated they were currently zoned the Residential R-1 designation and in order for him to operate the business, they needed this to be rezoned to C-4. Mr. Ruby stated this would allow them to improve the sequence for the post-car wash, similar to the other Drive ‘N Shines in the area. Mr. Ruby concluded stating allowing the rezone would allow them to properly use the car wash facility.

Mrs. Voelker asked if the properties to the west were purchased yet or if that was dependent on the rezone. Mr. Ruby stated the purchase was dependent on the rezone.

John Piraccini, Coldwell Banker Commercial Real Estate Group, spoke in favor of **PROPOSED ORDINANCE NO. 2022-06**. Mr. Piraccini stated Mr. Turani purchased this sometime last year and as the council knew, this was a bit of a rundown corner currently. Mr. Piraccini stated during the process, they met with him and sorted out the layout and began to meet with the neighbors of the properties that would be purchased. Mr. Piraccini stated they then met with Ken Prince a couple times and he recommended Ms. Gilbert to work out the situation with her property being on the corner there. Mr. Piraccini stated they then took care of the landscaping needs and also worked with the liquor store next door about a vacation with that. Mr. Piraccini stated they were in the process of closing on two of the properties in the next couple of days and one property waiting on the tenant. Mr. Piraccini stated they met with the neighbors, at Mr. Hazen and Mr. Mammolenti’s request at the Fire Station and had a good meeting. Mr. Piraccini concluded stating this would improve the corner considerably.

Mr. Mammolenti made a comment thanking Mr. Piraccini on behalf of himself and Mr. Hazen for attending the meeting and answering all of the questions from their constituents. Mr. Mammolenti stated he did a great job. Mr. Piraccini stated they always liked to get the neighbors informed as soon as possible and it was a productive meeting.

Kristin Stape, 4112 Vistula Road, spoke in opposition to **PROPOSED ORDINANCE NO. 2022-06**. Ms. Stape stated she had lived in the area for three years and she liked the neighborhood how it was. Ms. Stape stated it was not too busy, but when you looked at Bittersweet and Lincolnway it was considerably busy with all of the businesses and restaurants in that vicinity. Ms. Stape stated it was congested and had enough cars going around the area and Drive ‘N Shine would just increase the congestion and possibly cause accidents. Ms. Stape stated they did not need it on Bittersweet and the Main Street location was a much bigger area than what would be on the corner of Bittersweet and Lincolnway. Ms. Stape stated they did not need another car wash there with the only location of the American Classic Car Wash being the area car wash in her opinion. Ms. Stape stated there were already plenty of other car washes in Mishawaka and they did not need another one.

Mrs. Voelker had a question for Mr. Ruby regarding traffic congestion. Mrs. Voelker asked if he could talk about that and how Drive ‘N Shine might impact traffic on that corner. Mr. Ruby stated currently the way they addressed the driving and mobility into and out of site, was they had stacking lanes on the location they were proposing three lanes wide and well over 150 feet. Mr. Ruby stated there would be plenty of places to pull off to the side as well, which would alleviate the stacking concern. Mr. Ruby stated it would address upwards of 20 vehicles stacking in that location as well as the line into the car wash as well.

Mr. Hixenbaugh thanked Ms. Stape for her comments and stated she did a nice job. Mr. Hixenbaugh stated in response to Mrs. Voelker's question that one of the things which was very common to hear was that they had too many of what was being proposed, whatever that may be. Mr. Hixenbaugh stated it was understandable to a certain extent, but they were not allowed under Indiana law to make decisions based upon that. Mr. Hixenbaugh stated when you had a willing seller who wanted to sell their property to a willing buyer, it was difficult for them to stand in the way of that. Mr. Hixenbaugh stated even if they did agree with her, the law did not allow them to make decisions based upon that factor and they all took an oath when they took office to follow the law. Mr. Hixenbaugh stated her points were well taken and appreciated her, but based upon that fact he continued to believe that this project would not only address some of the aesthetic issues but also the traffic concerns as well. Mr. Hixenbaugh stated he appreciated the information heard that evening, but would be voting in favor of the proposed ordinance.

Question was called for at 8:01PM for **PROPOSED ORDINANCE NO. 2022-06 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5783**.

PROPOSED ORDINANCE NO. 2022-07

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.
Right of Way Vacation for Planned Adjacent Car Wash Development Drive N' Shine – Wayne & Pennsylvania Ave.

Mr. Emmons 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.

Steve Ruby, Abonmarche Consultants, spoke in favor of **PROPOSED ORDINANCE NO. 2022-07**. Mr. Ruby stated pertaining to the right of way vacation, this would allow the Drive 'N Shine property to require the other properties and unify the property as one.

Mr. Hixenbaugh stated there was information provided to them with the staff report on the impact of the neighborhood and there were findings they had to make under state law in order to vacate a public right of way with regard to negative impact on the surrounding neighbors. Mr. Hixenbaugh asked Mr. Ruby to touch on what impact this vacation would have on the residential property immediately to the west and others who lived in close proximity to this. Mr. Ruby stated the current Wayne Street was a north south cul-de-sac and serviced three of the residents as well as the tenant immediately west off of Lincolnway. Mr. Ruby stated as part of working through the agreements with the different ownerships, some were in purchase agreements and others would come to an agreement on how to address the Wayne Street vacation and access to their properties by allowing private drive access, improving landscape and improving aesthetic features within the adjacent land use there with nice screening, nice fencing, nice buffering and additional landscaping. Mr. Ruby stated Pennsylvania was undeveloped, so there was no access through Pennsylvania and because of that, there was not a driver access point to Wayne Street off of Bittersweet and did not impact a lot of the circulation through that area. Mr. Ruby stated as far as the surrounding areas, they believed they would be improving the transportation circulation around the site because they were not having a secondary entrance point after just to the west of Bittersweet. Mr. Ruby stated it addressed a rundown facility and would strongly improve the area and surrounding neighborhoods. Mr. Hixenbaugh asked if it would be a fair summary that if the vacation of a right of way were approved, no adjoining land owner would be landlocked as a result. Mr. Ruby stated that was correct. Mr. Hixenbaugh stated the other issue outlined in the staff report was the commitments that his client was willing to make with regard to landscaping and improvements to the private drive to the west of the property. Mr. Hixenbaugh asked if he could talk a little more about those commitments. Mr. Ruby stated the owners were present that evening and the commitments they made were to improve the fencing along there, improve their drive so it became a private drive instead of a shared public street and the owner was willing to pay for all of those set improvements to their properties as well as the adjacent car wash facility. Mr. Hixenbaugh asked if his client would provide written commitments that further flushed out the conditions prior to the actual vacation of the right of way. Mr. Ruby stated that was corrected and those commitments had been made and signed off by the owners as well as the landowners themselves. Mr. Hixenbaugh asked if he was authorized by his client to make those commitments so when he stood in front of the council and say certain things would be done, he had the authority to give them peace of mind that they will be followed. Mr. Ruby stated that was correct,

Mr. Mammolenti stated he drove by the location that day and recalled seeing it in operation and did not know if that was under the agreement until the property closed and asked how long it had been operating. Mr. Ruby stated he could not speak to that and Mr. Piraccini would be better suited to answer that. Mr. Piraccini it had been open for a while and it was going to run until this got done and then check with the council.

Mr. Emmons stated Drive ‘N Shine was a very classy operation and the facilities there were second to none, but they were building more and more and seemed to have trouble with staffing. Mr. Emmons stated they did not have the staff to honor what they were selling even though you were paying the premium price. Mr. Emmons stated that was a concern. Mr. Piraccini stated they had always paid $15 to $16 an hour to workers and that may be the nature of the beast with most employers trying to get people. Mr. Emmons stated the prices were not lowered and yet you could not get in easily. Mr. Emmons asked to pass that on. Mr. Piraccini stated this would not be like the facility on Main Street, but smaller and more efficient. Mr. Piraccini stated he would pass Mr. Emmons’ concerns on.

Question was called for at 8:11PM for **PROPOSED ORDINANCE NO. 2022-07 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus becoming **ORDINANCE NO. 5784**.

PRIVILEGE OF THE FLOOR

Brad Addison, 1322 Cantdale Lane and Principal of Emmons Elementary School, spoke under privilege of the floor. Mr. Addison stated he was present as an informational session and brought to their attention an event that was three years in the making and was finally being brought to fruition. Mr. Addison stated Emmons Elementary was selected as the ISTA Outreach To Teach Grant Recipient back in 2019 and the grant, along with the event, was supposed to be fulfilled in April of 2020, but unfortunately they had been postponed for a full two years due to the pandemic. Mr. Addison stated this was an opportunity for young, up and coming educators to do an outreach project for a deserving school and they were selected out of quite a few different submissions. Mr. Addison stated the focus of the grant was to give basically a base lift to a deserving school that incorporated about 100 to 120 volunteers, with many of them being educators from around the state of Indiana from institutions such as Manchester, Vincennes, Evansville and several others. Mr. Addison stated they were looking at donations to help take on the project and were certainly open to any volunteers that would want to help them on April 9th to complete any of the projects. Mr. Addison wanted to bring the information to the council and certainly bring support and awareness to the School City of Mishawaka and make them aware of the opportunity to have the event at their school. Mr. Addison handed out information to the council and would answer any questions they had.

Mr. Emmons thanked Mr. Addison for the presentation and asked what kind of lift he was talking about as far as inside or outside. Mr. Addison said both and they could not necessarily do many large-scale construction projects because these were college kids involved and liability as well. Mr. Addison stated a lot of it had do with painting, landscaping and refurbishing of basic things within the building. Mr. Addison stated one of the focuses was the teacher's lounge and trying to give back to the teachers who were dedicating their lives to the youth of their community. Mr. Addison stated they were welcome to come visit if they had not been in their building and most of it was built in the 1950s with just some sprucing up needed. Mr. Emmons stated he was very familiar with the school and asked if it would be just a one-day project. Mr. Addison stated it would be a one-day project on April 9th with prep work that went in beforehand. Mr. Addison stated luckily this would occur during their spring break and they would be able to really get things ready the right way. Mr. Emmons stated he would be happy to volunteer. Mr. Addison stated the information was on the handouts and he could register there to get involved.

Mr. Mammolenti thanked Mr. Addison for the presentation and more importantly thanked him and his wonderful staff at Emmons for all they did. Mr. Mammolenti stated his wife was a substitute teacher there sometimes and she held them in very high regards. Mr. Addison stated they certainly appreciated her help.

Mr. Hixenbaugh thanked ISTA and for everyone involved in doing the hard work, including Mr. Addison. Mr. Hixenbaugh stated he knew there was an obligation on the part of the principal in the school chosen and although it was an honor, he juggled a lot of other responsibilities as a principal and thanked him for his work. Mr. Hixenbaugh stated he was sure his printed information had guidance with regard to how people could donate, but for the sake of anyone doing this live or view the livestream; he asked who they should contact to make a donation. Mr. Addison stated they could log on to the Indiana State Teacher's Association website and on the front part of their webpage, there was an outreach to teach tab with links to the donation portion of the site. Mr. Hixenbaugh thanked him for the presentation and information as well as for the work he was doing at Emmons Elementary.

Mayor Wood reminded the council that the annual State of the City address was next week at 6PM in the Council Chambers. Mr. Hixenbaugh thanked Mayor Wood and stated they were looking forward to it.

Betty Karinen, 431 West Lawrence, spoke under Privilege of the Floor. Ms. Karinen stated she realized the zoning for Troop Town had been approved, but she wanted to speak as a marine veteran and a veteran volunteer in the area. Ms. Karinen stated she worked with many veteran organizations in the area for the last decade and got out in April 2012. Ms. Karinen stated she prided herself in helping in getting veteran organizations to work together. Ms. Karinen stated she was a recovering alcoholic and when she got home in 2012, her family helped her and she was lucky to have family to give her the support she needed. Ms. Karinen stated she wanted to address the council on the location and take the seriousness of this. Ms. Karinen stated she was a firm supporter in Mishawaka Troop Town with it being the third in the country and she bought a brick to help support Mishawaka Troop Town. Ms. Karinen stated because of the importance of it, she did not think they should shoot themselves in the foot in the community and do it insufficiently without having full knowledge of substance abuse when it came to transitional housing and mental health issues. Ms. Karinen stated there was a chronic issue in the veteran community with the socialization of drinking and when she was getting out of the military, she was trying to get help with her drinking which was almost impossible while she was active duty. Ms. Karinen stated it was not until she got out when it was even remotely possible for her to get sober and sustain sobriety. Ms. Karinen stated she had seen this in several different organizations she worked with and it was very disheartening. Ms. Karinen stated with the location being right next to the VFW, they are almost giving them a written invitation for that to be their community with the bar establishment in there. Ms. Karinen stated she could now with almost 9 years of sobriety walk into a bar, specifically going to the level-up program at the VFW once a month, but she also had a substantial amount of sobriety under her belt and the veterans that would live in that transitional housing did not have that sobriety under their belt. Ms. Karinen stated they would have no business being in or near a facility like that and she personally had relapsed several times because of it. Ms. Karinen stated this could diminish her reputation in the community for speaking out on this and was nervous to get in front of the council at all and she did not want it to come off as her being against it, but she does want it to be done correctly so other communities could mirror what they would do. Ms. Karinen was concerned if the council or city would do anything to mandate Troop Town's qualifications as far as suicidal awareness training, substance abuse training or anything like that. Mr. Hixenbaugh stated the city was not the operator of Troop Town at that point and they did approve the rezoning for the second site, not the one where the petition was withdrawn that evening but for the original site. Mr. Hixenbaugh stated in terms of the operation, how that plays out remains to be seen. Mr. Hixenbaugh suggested that she deal with the operators of Troop Town with regard to the issues, because as much as they appreciated the concern she was raising, that was not an issue for the city or council particularly and it was for those who would operate Troop Town to address. Mr. Hixenbaugh stated his own experience was they were very open to listening to those type of concerns and encouraged her to reach out to them. Mr. Hixenbaugh appreciated the concern she brought to them that evening.

NEW BUSINESS

Clerk Block reminded the council of meeting date changes for April with the April 4th meeting being moved to April 11th and the April 18th meeting being moved to April 19th.

Mr. Mammolenti notified his colleagues and the public that he would be chairing an American Rescue Plan Act and the Covid Relief Fund Committee would be hosting an evening with presentations from some of the local entities presenting to them perhaps asking for some of the funds. Mr. Mammolenti stated himself; Mr. Compton and Mrs. Voelker would be hosting that meeting on April 25th at 6PM in the Council Chambers.

ADJOURNMENT 8:27PM

Deborah S. Block /s/	Gregg A. Hixenbaugh /s/
Deborah S. Block, IAMC, MMC, City Clerk	Gregg A. Hixenbaugh, President

Deborah S. Block, IAMC, MMC

MAR 30 2022

City Clerk
Mishawaka, IN

MAR 22 2022

COMMUNITY ... DEVELOPMENT

AP 22-05

To: City Mishawaka Common Council
From: Mishawka Commons LLC
Via: City Mishawaka Board of Zoning Appeals (BZA)

Subj: Use Variance for 502 W. McKinley Avenue, Mishawaka IN 46545

1. I, Mishawaka Commons LLC, is the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

A tract of land in the southeast quarter of the southwest quarter of section 4, township 37 north, range 3 east, city of Mishawaka, St. Joseph County Indiana, said tract being more particularly described as follows:

Commencing at the southwest corner of the southeast quarter of the southwest quarter of said section 4; thence east along the south line thereof, 400.00 feet; thence north 00 18'44' east, 290.00 feet, said point being the true place of beginning; thence continuing on the aforesaid bearing of north 00 18'44 east, 515.00 feet thence south 89 55'29'east, 225.61 feet; thence south 00 17'00" west, 118.63 feet thence south 44 43'00" east, 115.08 feet; thence south 89 43'00east, 42.63 feet; thence south 00 17'00' west, 315.00 feet; thence north 89 55'29" west, 349.85 feet to the place of beginning.– 502 W. McKinley Avenue, Mishawaka IN 46545.

2. The above-described real estate presently has a zoning classification of C-2 Shopping Center Commercial District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies the above-described property in the following manner: Multi-Tenant commercial building with a majority of the space being unoccupied.

4. Appellant desires to lease the tenant space at 502 W. McKinley Avenue to Optimus Property Management for use as an event center (assembly hall) including a bingo hall.

5. The Zoning Ordinance of the City of Mishawaka does not permit the proposed uses by right in the C-2 Shopping Center Commercial District (Section 137-326).

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. – The permitted uses do not allow for the proposed uses which are similar to and comparable to other permitted uses in the district.

7. (1). Will approval be injurious to the public health, safety, morals or general welfare of the community? No, we are asking for the ability to host an event center for people gathering and use for Bingo Hall for our Nonprofit Club.

(2). Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? No, this will enhance the foot traffic for the center for all business around.

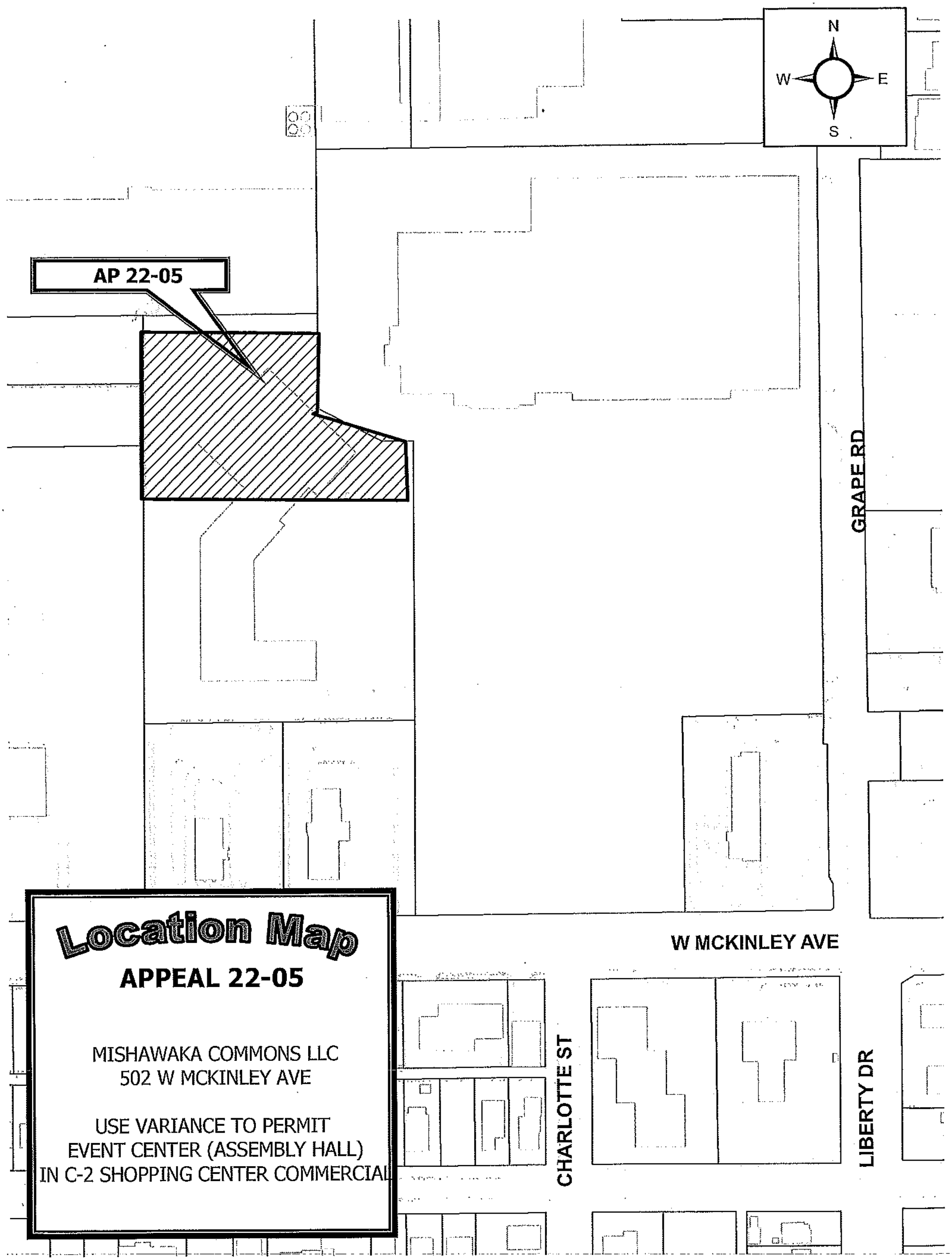
(3). Does the need for the variance arise from some condition peculiar to the Property involved? Yes, the current zoning of the property does not allow for the proposed use of the property as an assembly hall and bingo facility, building is in good condition and would fit the use of assembly place.

(4). Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? Yes, because it would not allow the use as a assemble place for a bingo operation and event place.

(5). Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? No, this parcel is identified as a commercial and does not affect Mishawaka 2000 Comprehensive Plan.

____________________________ Owner

Mishawaka Commons LLC, mbr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AP 22-05
GRAPE RD
W MCKINLEY AVE
CHARLOTTE ST
LIBERTY DR
Location Map
APPEAL 22-05
MISHAWAKA COMMONS LLC
502 W MCKINLEY AVE
USE VARIANCE TO PERMIT
EVENT CENTER (ASSEMBLY HALL)
IN C-2 SHOPPING CENTER COMMERCIAL

Deborah S. Block, IAMC, MMC

MAR 30 2022

City Clerk
Mishawaka, IN

AP 22-07

MAR 23 2022

COMMU... ...PMENT

DATE: 3/22/2022

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, ***insert property owner(s) name(s)***, am the owner of the following described real estate located within the City of Mishawaka, _______ Township, St. Joseph County, State of Indiana, to-wit:

Lot 1 of Southbridge Subdivision as recorded under Instrument #2020-14842 in of the Office of Recorder of St. Joseph County, Indiana. (Topview Holding Group LLC), the Township (Penn), and address (309 Bittersweet Road, Mishawaka, IN 46544) after the legal description.

2. The above-described real estate presently has a zoning classification of_______C-1 General Commercial__________ District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies (*or proposes to occupy)* the above-described property in the following manner: ____________Twin Branch Dental Office__________________.

4. Appellant desires to *(Explain what is proposed that violates the Ordinance.) Add two more tenants, including a __phone retailer__________ and __medical office__________, for a total of three tenants in the building.*

5. The Zoning Ordinance of the City of Mishawaka requires *(Explain ordinance requirements and note Section Number of the Ordinance.) The C-1 Commercial District only permits two contiguous uses/tenants as three or more contiguous uses require a C-2 Shopping Center Commercial District zoning. (Section 137-325).*

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.
The interested tenants would not use the full 4000 sqft available space as 1 tenant; all are interested in smaller footprints of half the space each. The frontage space allows for 20ft each for 2 additional tenants. We have had repeated interest from multiple smaller use tenants; we have received an LOI from a retailer that wants to move forward as quickly as possible. We don't want to sign a lease with them for a smaller footprint unless we know an additional 3rd tenant would be possible.

7. Answer the following necessary questions for a **USE VARIANCE**:

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community? *YES OR NO and explain your reason why. NO there would be no negative effects on any of these situations. There would be positive benefits to the community in these regards.*

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *YES OR NO and explain your reason why. NO there would be no negative effects on property value. There would be positive value increase benefits to the community in these regards.*

(3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why. Yes, since the C-1 General Commercial District does not allow for more than 2 contiguous uses/tenants in a single building.*

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why. Yes if we are not allowed an additional tenant, this would leave a potentially vacant space of 1800 sqft which would be required to stay vacant.*

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why. No, it would a benefit. We have already invested significant time, money in improving this building exterior and interior to promote further*

economic and community growth. There would be positive benefits to the community in these regards.

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

M H Owner

Signature of Property Owner/Title Holder

Print Name Here

Mike Hewlett

Owner

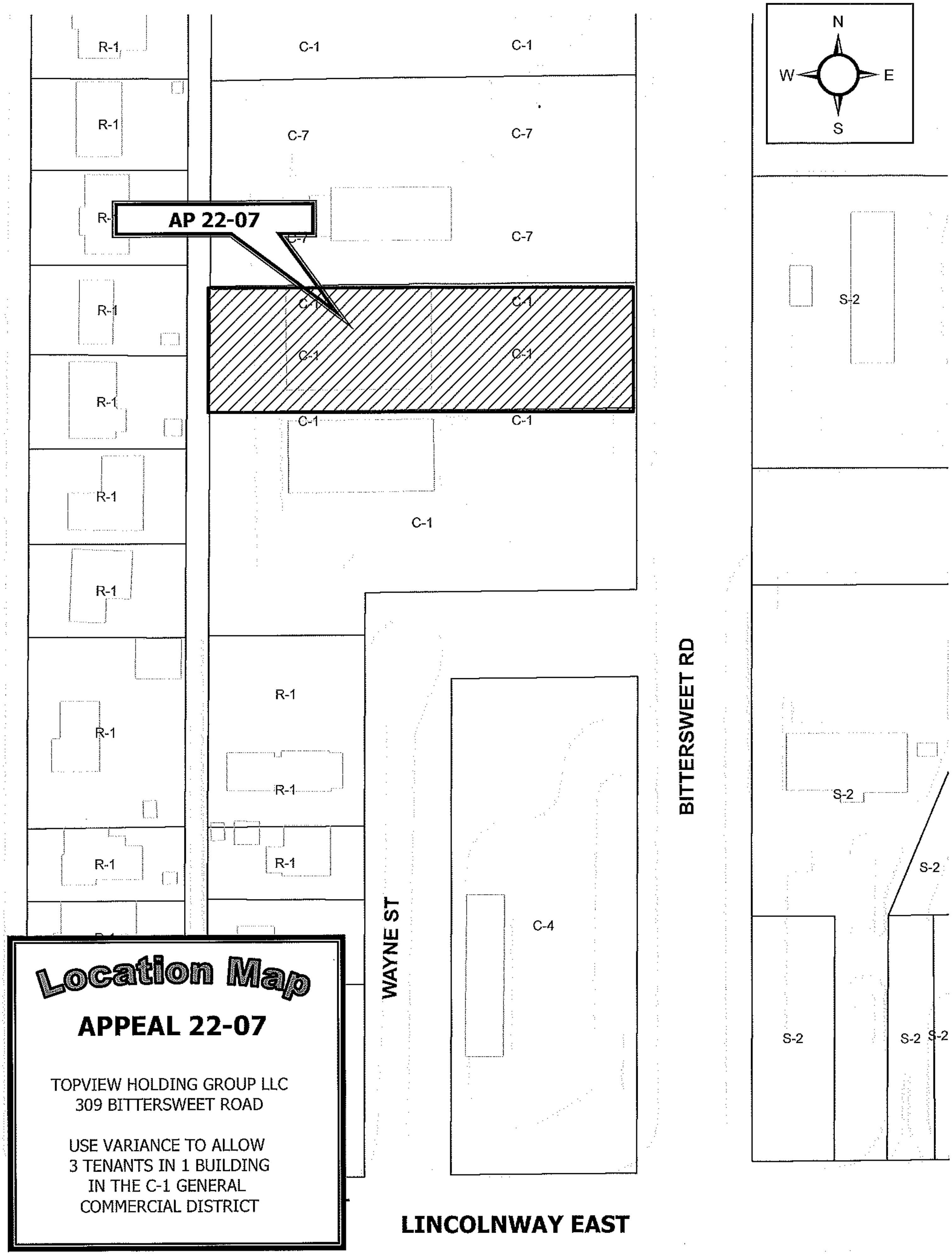
Second Property Owner/Title Holder

Print Name Here

Andrew Zaremba

CONTACT PERSON:

Name: Michael Hewlett
Address: 309 Bittersweet Rd #105
Day Phone Number: (574) 621-3553
Fax Number: (574) 413-9099
Email: twinbranchdental@gmail.com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S
E
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AP 22-07
R-1
C-1
C-7
C-4
S-2
WAYNE ST
BITTERSWEET RD
LINCOLNWAY EAST
Location Map
APPEAL 22-07
TOPVIEW HOLDING GROUP LLC
309 BITTERSWEET ROAD
USE VARIANCE TO ALLOW
3 TENANTS IN 1 BUILDING
IN THE C-1 GENERAL
COMMERCIAL DISTRICT

PROPOSED ORDINANCE NO. <u>2022-08</u>

ORDINANCE NO. _________

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, AMENDING THE UNIFORM SCHEDULE OF FEES

WHEREAS, a uniform schedule of fees best serves the interests of Mishawaka's employees, administration, and public, and

WHEREAS, on August 17, 2010, the Common Council of the City of Mishawaka amended the Municipal Code of the City of Mishawaka by repealing and removing Sections 2-752 and 2-753 of the Municipal Code of the City of Mishawaka and creating a new Section 2-752, entitled the Uniform Schedule of Fees, and

WHEREAS, the Uniform Schedule of Fees created by Section 2-752 was attached to the Code of Ordinances as an addendum labeled Appendix A, and

WHEREAS, on December 3, 2018, Appendix A, was amended to change the categories and amounts of fees charged to contractors and subcontractors for obtaining permits to work in the City of Mishawaka; and

WHEREAS, it has become necessary to amend Appendix A to increase the fees charged by Emergency Medical Services as is depicted in the amended addendum labeled as Appendix A – 2022, attached hereto, and

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

<u>Section 1.</u> Section 2-752 of the Municipal Code of the City of Mishawaka, Indiana is hereby amended to read as follows:

Sec. 2-752 Uniform schedule of fees

(a) A uniform fee schedule for the City of Mishawaka is attached to this Code of Ordinances as an addendum labeled Appendix A – 2022. This list is intended to be non-exclusive, and may not contain the exhaustive list of all fees collected by the City of Mishawaka.

(b) Fees collected are to be paid to the City Controller.

<u>Section 2.</u> A new appendix labeled Appendix A – 2022 shall be added to the Mishawaka Municipal Code a copy of which is attached hereto as Appendix A – 2022

Section 3. This ordinance shall be in full force and effect after its passage by the Common Council, signature of the Mayor, attestation by the City Clerk and publication as required by law.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana on this _____day of __________ _, 2022 at _______o'clock, ___.M.

____
Gregg A. Hixenbaugh
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC
City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana on this ____ day of _________ 2022 at ______ o'clock, __ _M.

____
Deborah S. Block,
IAMC, MMC
City Clerk

APPROVED BY ME this _____ day of ___________ 2022 at ______ o'clock, _____.M.

____
David A. Wood
Mayor

APPENDIX A - 2022

COMMERCIAL:

300	-	2,500	$50.00	ADD $100.00 FOR EVERY $10,000.00 UP TO $200,000.00
2,500	-	5,000	$100.00	ADD $20.00 FOR EVERY $10,000.00 AFTER $200,000.00 UP TO $1,000,000.00
5,000	-	7,500	$150.00	ADD $100.00 FOR EVERY $100,000 AFTER $1,000,000.00
7,500	-	10,000	$200.00	
RE-INSPECTION ROUGH			$50.00	
RE-INSPECTION FINAL			$100.00	
LICENSE-NEW/RENEWAL:			$125.00	

RESIDENTIAL:

$300.00	-	$1,000.00	$30.00	ADD $25.00 PER $5,000.00 AFTER $5,000.00 UP TO $50,000.00
$1,001.00	-	$5,000.00	$50.00	ADD $25.00 PER $10,000.00 AFTER $50,000.00 up to $200,000.00
				ADD $25.00 PER $25,000.00 AFTER $200,000.00
RE-INSPECTION ROUGH			$50.00	
RE-INSPECTION FINAL			$100.00	
LICENSE-NEW/RENEWAL:			$125.00	

ELECTRICAL:

MINIMUM PERMIT:	$30.00	MAIN SERVICE/SUB PANEL:(NEW/REPLACED)	100 AMP OR LESS	$100.00
METER SERVICE:	$30.00		200 AMP	$150.00
(REPLACE/REPAIR/TEMPORARY)			400 AMP	$200.00
ALTERNATE POWER:	$30.00		600 AMP	$250.00
CIRCUITS:	$25.00 PLUS $5.00 EACH CIRCUIT		600 AMP OR MORE	$300.00

(NEW/REPLACED)

LICENSE-NEW/RENEWAL: $125.00

HVAC:

MINIMUM PERMIT $30.00 DUCT/REGISTER INSTALLATION:

HVAC EQUIPMENT INSTALLED $15.00 + $15.00each 0 - 50
$30.00

COMMERCIAL HOODS:NO SUPPRESSION: $75.00 51 - 100
$75.00

FIRE SUPPRESSION: $150.00 101 +
$150.00

ROOFTOP FURNACE/AIR: $75.00 GAS PIPING: PRESSURE TEST:
$30.00

ALTERNATIVE HEATING/COOLING: $50.00

WATER CHILLERS: $75.00

LICENSE NEW/RENEWAL: $125.00

PLUMBING:

MINIMUM PERMIT:	$30.00	GAS PIPING: PRESSURE TEST:	$30.00
PLUMBING FIXTURES:	$25.00 + $5.00each	FIRE SPRINKLERS:	$50.00 + $3.00per head
ALTERNATIVE PLUMBING:	$30.00	LICENSE NEW/RENEWAL:	$125.00

MISCELLANEOUS PERMITS:

Minimum Permit:	$30.00	Commercial Suppression:	$50.00
Change of occupancy:	$150.00	Fire Inspection fees:	$150.00
Commercial Fire Alarm:	$100.00+$3.00 per device	Underground Storage Tank:	$150.00
Spray Booth:	$200.00		

MOVING PERMITS:

RESIDENTIAL AND COMMERCIAL: OVER PUBLIC ROAD/ALLEY

ONE-OR-TWO STORY	$150.00	GREATER THAN TWO STORY:	$250.00

SWIMMING POOLS:

RESIDENTIAL IN-GROUND:	$150.00	COMMERCIAL:	$250.00

UNMETERED WATER AND EXH. FANS:

RESIDENTIAL:	$65.00	INDUSTRIAL BUILDINGS:	$600.00
APARTMENTS: PER BUILDING:	$50.00	EXHAUST FANS: PER FIXTURE:	$5.00
COMMERCIAL:	$135.00		

WRECKING AND DEMOLITION PERMIT:

MINIMUM PERMIT:	$30.00	RESIDENTIAL HOUSE:	$50.00
GARAGE/ACCESORY STRUCTURE:	$30.00	COMMERCIAL:	$75.00

SIGNS:

0 - 50 SQ. FT.	$30.00	BILLBOARD:	$50.00
50 - 100 SQ. FT.	$50.00	TEMPORARY:	$30.00
ADD $25.00 PER 50 SQ. FT. AFTER 100 SQ. FT.		LICENSE-NEW/RENEWAL:	$125.00

Planning Fees

Name of Fee	Amount
Annexation over 10 Acres	$500.00
Rezoning Petition	$400.00
Vacation of ROW	$400.00
Administrative Site Plan	$200.00
Developmental Var. Commercial	$300.00
Use Variance Commercial	$400.00
Conditional Use Permit	$500.00
Tax Abatement Residential	$100.00
Tax Abatement Property	$300.00
Tax Abatement Real Estate	$300.00
ILP Two Unit Condominium	$50.00
ILP High Density/Commercial	$75.00-150.00
ILP Temporary Signs	$50.00
ILP Permanent Signs	$75.00-150.00
ILP Off Premise Signs	$300.00
Form Zoning Verification	$50.00

Emergency Medical Services Fees

Name of Fee	Amount
BLS Non-Transport (Resident)	$150.00

BLS Non-Transport (Non-Resident)	$250.00
ALS Non-Transport (Resident)	$360.00
ALS Non-Transport (Non-Resident)	$460.00
BLS Non-Emergency (Resident)	$347.60
BLS Non-Emergency (Non-Resident)	$463.46
ALS Non-Emergency (Resident)	$417.12
ALS Non-Emergency (Non-Resident)	$556.16
BLS Emergency (Resident)	$556.16
BLS Emergency (Non-Resident)	$741.54
ALS-1 Emergency (Resident)	$660.44
ALS-1 Emergency (Non-Resident)	$880.58
ALS-2 Emergency (Resident)	$955.91
ALS-2 Emergency (Non-Resident)	$1274.54
Loaded Miles (Resident)	$12.03
Loaded Miles (Non-Resident)	$16.04
Out of District	NA
ALS Assist	$500.00
Event Standby 1 Paramedic	$250.00/four hours
Event Standby 1 ALS Ambulance	$750.00/four hours
Event Standby 1 BLS Ambulance	$600.00/four hours

Police Fees

Name of Fee	Amount
Case Reports	$5.00
Record Check	$10.00
Fingerprint Card	$5.00
Crime Stat Report	$5.00

Copying, Information and Filing Fees

Name of Fee	Amount
Photocopies	
8½in X 11in or 8.5in X 14in	$0.05 per page
11in X 17in	$0.10 per page
Municipal Code Book	
Full code book	Actual Cost
Supplement Only	Actual Cost
On diskette	Actual Cost

Facsimile transmission	Actual Cost
Filing fees (nonrefundable)	
Annexation/zoning petition	$300.00
Rezoning petition	$300.00
Rezoning of nonconforming or legal nonconforming properties from their present zoning classifications to an R-1 zoning classification	$25.00
Vacation of public right-of-way petition (plus recording and auditing fees)	$250.00
Plan commission final site plan review (plus recording and auditing fees)	$250.00
Administrative final site plan review (plus recording and auditing fees)	$150.00
Development and sign variance appeals	
Residential R-1, R-2, and R-4 districts; S-2 planned unit development district for single-unit and two-unit residential	$100.00
Residential R-3, commercial C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10; industrial I-1, I-2; special S-1, S-2 for high-density residential, commercial and industrial	$250.00
Use variance	$250.00
Conditional use permit appeal	$250.00
Subdivision plats and replats (plus recording and auditing fees), for 20 lots or less	$250.00
Each additional lot exceeding 20 lots	Additional $3.00
Ordinance fees	
Zoning ordinances	$50.00
Subdivision regulations	$25.00

Sign ordinance	$25.00
Design review ordinance	$50.00
Zoning ordinance, subdivision regulations, sign ordinance, and design review ordinance (CD)	$10.00
Aerial photographs	
200 scale, no larger than 24in X 36in	$25.00
100 scale, no larger than 24in X 36in	$25.00
Maps, up to entire city, no larger than 24in X 36in	$25.00
Computer generated prints	
8.5in X 11in	$0.50
11in X 17in	$1.00
Permit fees	
Improvement location permit	
For single, two-unit, and attached condominium residential, new principle buildings and uses	$25.00
For single, two-unit, and attached condominium residential, accessory buildings and uses (including additions, garages, pools, and fences)	$10.00
For high-density residential, commercial and industrial principle and accessory structures	$50.00
Sign improvement location permit for temporary signs	$25.00
Sign improvement location permit for permanent signs	$25.00
Sign improvement location permits for off-premises billboards	$100.00
Historic preservation commission certificates of appropriateness	$10.00
Requests for formal information	
Zoning verification letter	
Single-family residential	$25.00
Non-single-family residential	$50.00
Rebuild letter	
Single-family residential	$25.00
Non-single-family residential	$50.00

Grandfather/legal nonconforming letter	
Single-family residential	$25.00
Non-single-family residential	$50.00
Form verification letter sign-off for other government agencies (vehicle sales, off-premises signs, etc.)	$25.00
Minor information research requests*	$200.00
Major information research requests**	Actual Cost

*Requests involving the equivalent of less than half a day of staff time. This type of request could include property history, verification of adjacent property zoning, site plan approval dates and copies, certificates of occupancy, and other related information. This charge is related to researching and compiling the information and certifying the requested information in writing. All files are open for public review and research free of charge.

** Requests involving the equivalent of more than half a day of staff time. This type of request could include property history, verification of adjacent property zoning, site plan approval dates and copies, certificates of occupancy, and other related information. This charge is related to researching and compiling the information and certifying the requested information in writing. All files are open for public review and research free of charge. This fee will vary based on the information requested and shall be limited to the actual cost incurred by the city to hire a private consultant or company to perform said work.

Deborah S. Block, IAMC, MMC

APR - 6 2022

City Clerk
Mishawaka, IN

RESOLUTION NO. R2022-07

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS

WHEREAS, property owners who have applied for and been granted a tax abatement for either real or personal property on and after July 1, 1991, must file a report with the Mishawaka Common Council and the County Auditor reporting the extent to which there has been compliance with the goals set forth in the Statement of Benefits filed at the time of the action granting the aforesaid abatement, and

WHEREAS, five (5) recipients of the seven (7) active tax abatements that require reporting have been found to be subject to this requirement, and each have submitted the proper reports, which have been reviewed and found to be in order.

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

1. That the "Compliance with Statement of Benefits" reports submitted by the following companies are found to be in order:

   - **Barak River Rock, LLC**
   - **Wellness Pet formerly WellPet, LLC (High Speed Packaging Line 2015)**
   - **River Walk Development Group LLC**
   - **Lippert Components Manufacturing Inc.**
   - **Jamil Packaging Corporation (Flexo Folder-Gluer 2019)**
   - **Wellness Pet formerly WellPet, LLC (New Production Line including dryers, odor control equipment, and conveyance systems 2021)**
   - **Wellness Pet formerly WellPet, LLC (Building Expansion 2021)**

2. That the aforesaid property owners are hereby found to be in substantial compliance, and

3. That the President of the Mishawaka Common Council is hereby authorized to approve the aforementioned reports.

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, on this ________ day of ____________, 2022.

____
Gregg Hixenbaugh
President

ATTEST:

____
Deborah S. Block, IAMC, MMC
City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ______ day of _________________, 2022.

____
Deborah S. Block, IAMC, MMC
City Clerk

APPROVED AND SIGNED by me on this _______day of _____________, 2022 at ______o'clock, ____.m.

____
David A. Wood
Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR — DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

April 6, 2022

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Anthony Hazen, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Gregg Hixenbaugh, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mrs. Maggie DeMaegd, At-Large City Council
Mrs. Deborah Block, City Clerk

RE: Resolution 2022-07
2021 Tax Abatement Compliance Reports

Dear Council Members and Clerk:

Property owners who have applied for and been granted a tax abatement for either real or personal property on or after July 1, 1991, must file a report with the Mishawaka Common Council and the St. Joseph County Auditor's Office reporting the extent of compliance with the goals set forth in the Statement of Benefits filed when granting the aforesaid abatement. The Department of Local Government Finance requires one compliance form per project, thus where applicable, there are separate compliance forms for Real Estate (CF-1/Real Property) and Personal Property (CF-1/PP).

There are currently six active tax abatements in the City of Mishawaka of which all six require reporting for calendar year 2020. All property owners/companies have responded to our request to complete the Compliance with Statement of Benefits form. CF-1 forms/responses have been attached to this letter for your use and reference for the active tax abatement recipients that require reporting.

In summary, all six of the active abatements which require reporting are in compliance and have exceeded, nearly met, or are working toward expectations. Construction for one of the active abatements, being the proposed River Walk multi-family residential project, has not yet begun. A new abatement must be submitted and approved as the existing abatement will expire in May.

Since the prior reporting period for calendar year 2020, two of the previously approved tax abatements have expired, and therefore, no longer require annual compliance reports. The expired abatements include a real property abatement for a medical office building connected to the St. Joseph Regional Medical Center for BD Mishawaka Development LLC, and a real property abatement for BellTower Health & Rehabilitation Center for Long Term Care Investments LLC.

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As you are aware, the CF-1 Compliance Forms for Real Estate and Personal Property are due to the County Auditor's Office by May 15th of each year. A copy of the history of the City's tax abatements from 1986 to present has been attached for your use. This summary identifies the current and recently closed abatements and is a beneficial reference tool.

Staff has reviewed the information submitted by all companies. The abatements are listed by the age/date of approval of the abatement oldest to newest.

- **Barak River Rock LLC** – The CF-1 attached is for the abatement approved in 2013 for the first phase of the River Rock Apartments, a mixed use building including apartments and first floor retail space along Mishawaka Avenue. Although approved in 2013, construction did not begin early 2015 with completion in late 2016. This abatement was limited to 5 years for real property. According to the County Auditor, annual reporting will be required through reporting year 2021 since the construction was not completed until 2016. Therefore, this year will conclude reporting to the City. The total employment for the project as indicated on the CF-1 is 5 jobs, which falls within the 5-8 jobs estimated on the SB-1 when the abatement was filed. As indicated in the attached correspondence, Barak River Rock employs 5 people including a managing partner, chief finance operator, regional property director, property manager, and a maintenance technician. All of these employees are based in Mishawaka and are tenants at the River Rock apartment building. Although not reported on the CF-1, approximately three additional employees are based at Tule Spa. Another commercial space, recently vacated by the Bar Method, is anticipated to soon be leased to a new business employing a minimum of 3 people. These businesses are located in the street-level retail/commercial portion of the building. Total payroll, excluding the spa employees, was listed as $230,020 which is higher than the approximate $200,000 listed on the SB-1. The estimated values of the phase one construction project, as indicated on the SB-1, was $14,000,000 to $17,000,000 with actual construction costs being $14,565,233. The current assessed value for the total completed project is $11,360,800. In early 2020, construction started on phase two to include a small addition with 9 studio apartments on the east side of the north building. Phase two did not receive a real property abatement since construction began after December 31, 2018, the expiration date of the property being designated as an Economic Revitalization Area. Since the improvements for the total project as envisioned on the SB-1 are complete and employment and construction cost projections were met, this abatement should be considered in substantial compliance.

- **WellPet LLC (High Speed Packaging Line 2015)** – The CF-1 attached is for the abatement approved in 2015 for equipment associated with a high speed packaging line at WellPet's facility at 1121 W. 11th Street. WellPet is a manufacturer of pet food. Installation of the new equipment included within this abatement request began in 2016 and is in operation. This abatement was limited to 5 years for personal property. According to the County Assessor, annual reporting is required though year 2023. The net values upon completion of the project were estimated at $17,370,388 on the SB-1 when the abatement was filed. The actual net values upon completion of the project is $25,613,556, exceeding the estimated values by $8,243,168. The total employment at the facility has increased beyond what was projected on the SB-1. When the abatement was filed, the total existing employment was listed at 115 with an additional 4 jobs to be added. The total employment reported was 120. Total payroll was listed at $6,544,946, which is 68% higher than the $3,898,000 listed on the SB-1. Given that the investment, employment, and payroll is higher than the projected amounts, this abatement should be considered in substantial compliance.

- **River Walk Development Group LLC** – The CF-1 attached is for the abatement approved in 2017 for a proposed multi-family residential apartment project to be constructed on a 2 acre city-owned area. The site is generally located north of the Riverwalk, east of N. Main Street, south of Mishawaka Avenue, and adjacent to Sarah Street if extended to the river. When originally submitted for consideration, the $12.5-$13.5 million project was to include a 120,000 sq. ft. building with 63 rental units. Over the last several years, the developer has been reevaluating the project due to changes in the

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market and the addition of new projects in the downtown area. The project scope and design will be based upon this continuing market and demographic research. The most recent discussions with the developer revealed that the project may become a condominium with owner-occupied units. The developer's original intent was to start construction during the second quarter of 2020. An amended development agreement between the City and the developer extended the project completion and occupancy date to March 2021. The COVID-19 pandemic has further delayed the project. The CF-1 indicates that the project was anticipated to begin in December 2021 with an estimated completion date by the end of 2023. *The development agreement will once again have to be amended and a new real property tax abatement submitted and approved. The current abatement expires in May 2022.* Since construction on the project has yet to begin, total investment, employment, and salary cannot be evaluated at this time. Given that this project is active and progressing with a future abatement required prior to commencing construction, this abatement should be considered in substantial compliance. A more detailed analysis will occur in future years following completion of the project.

- **Lippert Components** – The attached correspondence, which provides an update on the project, and CF-1s are for both real and personal property abatements approved in 2017 for the renovation and improvements of the former AM General Warehousing facility located at 400 S. Byrkit Avenue. Lippert Components occupies the building as a distribution facility, a service center for recreational vehicles, and a call center. The proposed real estate improvements included in this abatement request, originally estimated as a $7.4 million investment, have been completed. These improvements included renovation of the existing building, a 48,000 sq. ft. building addition (less than the anticipated 79,200 sq. ft. addition as identified in the abatement request), and other site improvements such as access drives, drainage, and additional employee and semi-truck parking areas. Actual real estate investment per the CF-1 is $13,324,225. The amount of the deduction applicable to real estate improvements is limited to $7,400,000 per the approved SB-1. The personal property improvements included in this abatement request, originally estimated as a $1.625 million investment, have been purchased. The personal property investment includes new racking and general logistics distribution equipment, and new furniture and fixtures. Actual personal property investment per the CF-1 is $9,795,957. The amount of the deduction applicable to personal property improvements is limited to $1.8 million per the approved SB-1. *In addition to limiting the amount of deductions, the approved abatement request designated the area as an Economic Revitalization Area through July 5, 2018. Therefore, only the additional real and personal property investment completed by this date is applicable.* Since the abatement was approved for 10 years for both the real and personal property, annual reporting will be required through 2028. When the abatement was filed, the total existing employment was listed at 247 with an additional 200 jobs to be added. At present, there are 392 employees, which is a substantial increase from 21 employees in 2017 but similar to the 395 employees reported last year. The 2020 increase was attributable to the relocation of the call center from the Sample Street facility in South Bend. Additional jobs are anticipated based on the company's growth projections and recent acquisition of Furrion LLC, a distributor of appliances and electronics. Distribution of Furrion products out of the Byrkit facility will likely result in an incremental employment growth in 2022. Total payroll was listed at $20,583,576 which is more than the $10,354,808 listed on the SB-1 and an increase from $19,782,513 reported last year. Given that the total investment and payroll exceeds the projected amounts with employment levels increasing annually and anticipated to increase this year, this abatement should be considered in substantial compliance.

- **Jamil Packaging Corporation (Flexo Folder-Gluer 2019)** - The CF-1 attached is for the abatement approved in 2019 for a new folder-gluer for converting corrugated board to be located at Jamil's facility at 1420 Industrial Drive. The proposed equipment, originally estimated at $1,546,591 on the SB-1, was installed and in operation by July 2019. Since the abatement was limited to 3 years for personal property, annual reporting is anticipated to be required through 2022. When the abatement was filed, the total existing employment was listed at 139 with an additional 12 jobs to be added. The total employment reported was 112 which is a decrease of 27 positions and 39 positions less than projected.

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However, it should be noted that employment has increased from 108 positions as reported last year. Per the attached correspondence as submitted with this year's CF-1, the COVID-19 pandemic severely disrupted business operations beginning in 2020 and has continued into 2021. While Jamil's production and business has recovered from the initial slowdown with the pandemic, the company has struggled to find and hire employees with the national labor shortage during 2021. Wages for existing employees have been increased to retain talent and starting pay for new employees was increased in an attempt to attract new employees. Even with the drop in employment over the last two years, total payroll was listed at $6,246,829 which is 28% higher than the $4,893,554 listed on the SB-1 and 16% higher than the wages reported on last year's CF-1. Given that total payroll is higher than the projected amount and employment levels, while decreasing over the last two years due to the COVID-19 pandemic but leveling off last year with an increase in 4 positions, this abatement should be considered in substantial compliance.

- **WellPet LLC (Building Expansion & Equipment for New Production Line 2021)** – The attached correspondence, which provides an update on the project, and CF-1s are for both real and personal property abatements approved in 2021 for a new dryer building and manufacturing equipment at WellPet's facility at 1121 W. 11th Street. Construction on the proposed real estate improvements included in this abatement request, which are estimated at $14.7 million, began last September. The proposed improvements include an 8,100 sq. ft. new dryer building, receiving building improvements, a new electrical system, a meat room expansion, and warehouse modifications. A complete list of the improvements covered by the abatement are included following the attached SB-1. After the preliminary engineering and design were completed, a decision was made to put the building construction on hold. To date, actual real estate investment is listed at $719,621 on the CF-1. A complete list of the itemized costs are included following the CF-1. A majority of the personal property improvements included in this abatement request, originally estimated at $27.9 million, are currently on hold with the exception of the purchasing and installation of the new odor control units. The proposed personal property investment includes a new packaging line, dryers, odor abatement equipment, coaters, coolers, conveyance systems, and plant-in bins. A complete list of the equipment covered by the abatement are included following the attached SB-1. Actual personal property investment to date, per the attached correspondence, is $410,263 for the odor control project. The odor control units are scheduled to be delivered this summer with installation anticipated to be complete by Q1 2023. The approved abatement request designated the area as an Economic Revitalization Area for a three year period. Therefore, additional real and personal property investment completed prior to April 2024 will be covered under the approved abatements. Since the abatements were approved for 5 years for both real and personal property, annual reporting will likely be required through 2029 if additional improvements are completed through 2024. When the abatement was filed, the total existing employment was listed at 125 with an additional 5 jobs to be added. The current employment level was listed at 120 which is a decrease from the 125 positions when the abatement filed last April. The decrease is due to lack of available workforce. There are currently 21 open positions that the company is actively recruiting. An open hiring event is scheduled for April 13th where some of the available positions will likely be filled. If all positions are filled, full employment will be 141 positions which is higher than the 130 positions per the SB-1. Although the current employment level as slightly declined, total payroll has increased to $6,544,946, which is 7% higher than the $6,131,000 listed on the SB-1. The higher total payroll is reflected in the $2 per hour raise given to hourly employees in June 2021. Although additional investment is currently on hold, excluding the installation of the odor abatement equipment, and with a recent increase in wages and anticipated increase in employment, this abatement should be considered in substantial compliance.

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This compliance review is required to be received by the Auditor no later than May 15th. If additional information is desired, or if the Council would like to review any individual abatement by committee, please contact our office at your earliest convenience so that we can arrange for the necessary participants to attend.

Thank you. Please contact me if you have any questions.

Sincerely,

Derek J. Spier, AICP
City Planner

cc: Kenneth B. Prince, ASLA, AICP, Executive Director of Planning & Community Development
David A. Wood, Mayor

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HISTORY OF ALL TAX ABATEMENTS 1986-CURRENT

	Name	Common Council Approval Date	No. of Years Real Estate	No. of Years Machinery	No. of Retained Jobs (Proposed)	No. of New Jobs (Proposed)	No. of Retained Jobs (Actual)	No. of New Jobs (Actual)	Date of Latest CF1 Found	Capital Investment**	Abated Through*** Collect CF-1s*	Pay*	Abatement Complete
1	Patrick Industries	October 20, 1986	10 Years			52			(-)	$ 8,622,845.00	1997	1998	YES
2	Former Baby Place	June 7, 1988	6 Years	0	0	38.5			(-)	$ 2,000,000.00	1995	1996	YES
3	Wheelabrator Area	December 19, 1988	10 Years		338	246			(-)	$ 2,500,000.00	1999	2000	YES
4	National - Standard	February 21, 1989	6 Years	5 Years	15	180			(-)	$ 10,100,000.00	1995	1996	YES
5	Thermoplastics Phase I	November 20, 1989	6 Years	5 Years	151	13			(-)	$ 2,500,000.00	1995	1996	YES
6	Thermoplastics Phase II	November 20, 1989	3 Years	5 Years	155	20			(-)	$ 3,200,000.00	1993	1994	YES
7	Contech Division I	July 2, 1990	6 Years			75			(-)	$ 10,962,483.00	1996	1997	YES
8	Hilti Steel	September 13, 1990	0	5 Years	n/a	14			(-)	$ 578,000.00	1996	1997	YES
9	Penz Products Inc.	September 24, 1990	3	0	76	10			(-)	$ 475,000.00	1994	1995	YES
10	Dodge Reliance Electrical I	January 7, 1991	0	5 Years	10	15			(-)	$ 1,050,000.00	1996	1997	YES
11	Janco Products, Inc.	May 6, 1991		5 Years	10	20			(-)	$ 220,000.00	1996	1997	YES
12	Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19	150	51	Feb-93	$ 2,750,000.00	1996	1997	YES
13	National Steel Corporation	December 16, 1991	10 Years		250	130	250	32	Mar-01	$ 10,346,394.00	2002	2003	YES
14	Maron Products, Inc.	February 3, 1992	0	5 Years	38	10	41	11	Feb-95	$ 610,794.00	1998	1999	YES
15	Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0	300+	0	Mar-96	$ 3,000,000.00	1998	1999	YES
16	Thermoplastic Phase IV	October 19, 1992	6 Years		210	50	210	148	Mar-98	$ 6,812,832.00	1999	2000	YES
17	Contech Division II	April 19, 1993		5 Years	10		15	108	Mar-99	$ 1,206,461.00	1999	2000	YES
18	Dana/Ristance Corp./Standard Motor Products - Wire and Cable Div.	January 3, 1994	10 Years		80	60	42	88	Mar-05	$ 6,067,253.00	2004	2005	YES
19	United Limo	September 6, 1994	6 Years		77	8	77	8	Jan-01	$ 1,262,200.00	2001	2002	YES
20	Dearborn Crane	December 5, 1994	10 Years	5 Years	26	4	26	7	May-99	$ 612,841.00	2005	2006	YES
21	Scott Brass II	December 18, 1995	10 Years		73	31	73	13	Mar-06, Apr-01	$ 11,934,000.00	2006	2007	YES
22	Federal Window (Fedor)	December 18, 1995	6 Years	5 Years	8	8	8	26	Apr-02, Mar-01	$ 1,018,181.00	2002	2003	YES
23	Maron Products, Inc. II	December 18, 1995		5 Years	6	4	2	8	Apr-01	$ 250,000.00	2001	2002	YES
24	Quality Dining	April 15, 1996	10 Years		73	109	73	70	Mar-06	$ 5,067,402.00	2006	2007	YES
25	Baycote Metal Finishing	January 6, 1997	6 Years	5 Years	70	15	79	7	Jul-00	$ 1,300,000.00	2003	2004	YES
26	Krizman International	January 6, 1997	6 Years		225	20	225	20	Jul-00	$ 1,500,000.00	2003	2004	YES
27	Troyer	March 3, 1997	3 Years		60	40		0	(-)	$ 1,100,000.00	2001	2002	YES
28	Nyloncraft Incorporated	May 19, 1997	6 Years	5 Years	378	40	341	58	Feb-02	$ 7,598,531.00	2004	2005	YES
29	Ristance Corporation	October 20, 1997	6 Years	5 Years	139	18		0	(-)	$ 3,600,000.00	2004	2005	YES
30	DeWald Manufac. Inc./Power Gear/Engineered Solutions	October 20, 1997	6 Years	5 Years	62	15	62	40	Mar-05	$ 1,842,833.00	2004	2005	YES
31	Thermoplastic Phase V	December 1, 1997	6 Years	5 Years	299	70	299	19	Mar-00	$ 3,181,310.00	2003	2004	YES
32	Atchison/Dodge	December 1, 1999		5 Years	325	50	230		Mar-05	$ 2,000,000.00	2006	2007	YES
33	Sampson Fiberglass	March 6, 2000	3 Years		15	20	15	5	Feb-01	$ 375,000.00	2004	2005	YES
34	RMG Foundry LLC	March 6, 2000		5 Years	325	50	202	0	Feb-06	$ 2,000,000.00	2006	2007	YES
35	WF Associates (AMG Byrkit Facility)	November 19, 2001	10 Years		285	15	224	0	Apr-11	$ 2,650,000.00	2011	2012	YES
36	Nyloncraft Incorporated	March 20, 2003		5 Years	396	16	320	9	May-09	$ 1,168,064.00	2009	2010	YES
37	Nyloncraft Incorporated	November 6, 2003		5 Years	405	13	329	27	May-09	$ 2,730,304.00	2009	2010	YES
38	Plastimatics Arts Corporation	August 18, 2004		3 Years	31	4	31	16	May-06	$ 1,450,290.00	2007	2008	YES
39	Ironwood Enterprises, LLC	September 6, 2005	5 Years		14	49	27	34	May-09	$ 6,000,000.00	2010	2011	YES
40	Daman Products Company	October 17, 2005		3 Years	95	6	82	23	Feb-07	$ 1,118,980.00	2007	2008	YES
41	Culture Systems, Inc.	December 18, 2006	3 Years	3 Years	12	7	12	2	May-09	$ 1,200,000.00	2009	2010	YES
42	Patrick Industries (Metals Div)	June 19, 2006	5 Years	5 Years	172	26			Apr-10	$ 4,600,000.00	2011	2012	YES
43	Jamil Packaging Corporation	August 21, 2006		3 Years	51	5	51	5	May-10	$ 1,250,000.00	2010	2011	YES
44	Nyloncraft Incorporated	December 6, 2007		5 Years	340	50	291	12	Apr-13	$ 2,185,000.00	2012	2013	YES
45	BD Mishawaka Development LLC	February 4, 2008	10 Years		0	370	0	403	Feb-21	$ 44,000,000.00	2020	2021	YES
46	Jamil Packaging Corporation	May 1, 2008		3 Years	54	5	52	11	Apr-12	$ 1,650,000.00	2011	2012	YES
47	Long Term Care Investments, LLC (Douglas)	June 1, 2009	3 Years		0	120	0	67	Apr-12	$ 18,000,000.00	2012	2013	YES
48	Jamil Packaging Corporation	May 16, 2011		3 Years	73	5	73	29	Apr-16	$ 900,000.00	2014	2015	YES
49	North American Composites (NAC)	March 5, 2012		3 Years	0	10	0	20	Mar-19	$ 1,577,000.00	2018	2019	YES
50	Long Term Care Investments, LLC (Fir)	October 7, 2013	4 Years		0	61	0	72	Feb-21	$ 14,490,000.00	2020	2021	YES
51	Barak River Rock LLC	November 5, 2013	5 Years		0	5 to 8	0	14	Feb-21	$ 14,565,000.00	2021	2022	NO
52	WellPet LLC	January 8, 2014		5 Years	91	6	91	33	Mar-20	$ 1,470,500.00	2019	2020	YES
53	Dearborn Crane	May 19, 2014	3 years		24	3	24	8	Mar-19	$ 859,100.00	2018	2019	YES
54	WellPet LLC	April 20, 2015		5 Years	115	4	115	12	Feb-21	$ 1,800,000.00	2022	2023	NO
~~55~~	~~Barak Group LLC (Iron Rock Café)~~	~~September 21, 2015~~	~~5 Years~~						~~Apr-15~~	~~$ 450,000.00~~	~~2020~~	~~2024~~	~~NO~~
~~56~~	~~Barak Group LLC (Iron Rock Condominiums)~~	~~September 21, 2015~~	~~5 Years~~						~~Apr-15~~	~~$ 10,000,000.00~~	~~2020~~	~~2024~~	~~NO~~
~~57~~	~~Bayer Heathcare~~	~~October 19, 2015~~	~~10 Years~~		~~474~~	~~30 to 60~~	~~203~~	~~TBD~~	~~Mar-18~~	~~$ 12,500,000.00~~	~~2025/TBD~~	~~2026~~	~~NO~~
58	Patrick Industries	February 15, 2016		3 Years	0	84	0	178	Feb-20	$ 2,048,000.00	2020	2021	YES
59	River Walk Development Group LLC (Mult-Family Residential)	June 5, 2017	5 Years		0	2	0	2	Feb-21	$ 12,500,000.00	2026 or 2027/TBD	2027	NO
60	Lippert Components	July 5, 2017	10 Years	10 Years	247 (relocated)	200	247	148	Feb-21	$ 23,120,182.00	2028	2029	NO
61	Jamil Packaging Corporation	July 24, 2017		3 Years	112	8	112	28	Mar-20	$ 976,000.00	2020	2021	YES
62	Jamil Packaging Corporation	February 18, 2019		3 Years	139	12	108	0	Mar-20	$ 1,088,000.00	2022	2023	NO
63	WellPet LLC	April 12, 2021	5 Years	5 Years	125	5	TBD	TBD		$ 42,592,985.00	2027	2028	NO

* The "Abated through collect CF-1s" and "Pay" column demonstrates the number of years from the completion of the project/final installation of the equipment and not the number of years from the date the abatement was approved.

The tax abatements highlighted above are active requiring the completion of annual compliance forms (CF-1s).

** The capital investment may be the proposed or actual levels of investment based on the current project status.

*** The abated through date was determined by the St. Joseph County Auditor's and/or Assessor's Office on March 30, 2020, and revised on March 16, 2021.

According to the applicants, #58 and #61 have expired so the CF-1s were not collected for 2020 abatement compliance reporting year.

RESOLUTION NO. 2022-07

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS

WHEREAS, property owners who have applied for and been granted a tax abatement for either real or personal property on and after July 1, 1991, must file a report with the Mishawaka Common Council and the County Auditor reporting the extent to which there has been compliance with the goals set forth in the Statement of Benefits filed at the time of the action granting the aforesaid abatement, and

WHEREAS, five (5) recipients of the seven (7) active tax abatements that require reporting have been found to be subject to this requirement, and each have submitted the proper reports, which have been reviewed and found to be in order.

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

1. That the "Compliance with Statement of Benefits" reports submitted by the following companies are found to be in order:

    - **Barak River Rock, LLC**
    - **Wellness Pet formerly WellPet, LLC (High Speed Packaging Line 2015)**
    - **River Walk Development Group LLC**
    - **Lippert Components Manufacturing Inc.**
    - **Jamil Packaging Corporation (Flexo Folder-Gluer 2019)**
    - **Wellness Pet formerly WellPet, LLC (New Production Line including dryers, odor control equipment, and conveyance systems 2021)**
    - **Wellness Pet formerly WellPet, LLC (Building Expansion 2021)**

2. That the aforesaid property owners are hereby found to be in substantial compliance, and

3. That the President of the Mishawaka Common Council is hereby authorized to approve the aforementioned reports.

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, on this ________ day of ____________, 2022.

____
Gregg Hixenbaugh, President

ATTEST:

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

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ______ day of _________________, 2022.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me on this _______day of _____________, 2022 at ______o'clock, ____.m.

____
David A. Wood, Mayor

COMPLIANCE WITH STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51766 (R3 / 2-13)
Prescribed by the Department of Local Government Finance

20 21 PAY 20 22

FORM CF-1 / Real Property

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

SECTION 1 — TAXPAYER INFORMATION	
Name of taxpayer: Barak River Rock LLC	County: St. Joseph
Address of taxpayer *(number and street, city, state, and ZIP code)*: 117 W Grove St. ste#103, Mishawaka, IN 46545	DLGF taxing district number: 71-023
Name of contact person: Scott Sivan, Managing Partner	Telephone number: (574) 855 2072

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY		
Name of designating body: Common Council of the City of Mishawaka	Resolution number: R2013-21	Estimated start date *(month, day, year)*: 09/01/2015
Location of property: 126 W Mishawaka Ave, Mishawaka, IN 46545		Actual start date *(month, day, year)*: 01/04/2016
Description of real property improvements: Construction of a multi-family rental complex		Estimated completion date *(month, day, year)*: 08/31/2016
		Actual completion date *(month, day, year)*: 01/11/2017

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	6-8	5
Salaries	200,000.00	230,020.00
Number of employees retained		
Salaries		
Number of additional employees		
Salaries		

SECTION 4 — COST AND VALUES

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project		
Plus: Values of proposed project		
Less: Values of any property being replaced		
Net values upon completion of project		
ACTUAL	COST	ASSESSED VALUE
Values before project	155,000.00	177,300.00
Plus: Values of proposed project	14,565,233.00	9,360,600.00
Less: Values of any property being replaced	155,000.00	177,300.00
Net values upon completion of project	14,565,233.00	9,366,600.00

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
	Managing Partner	03/01/2022

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991

INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found NOT to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has NOT made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ____________________

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 4 above*)

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

Derek Spier

From: Andrew Kolomiets <a.kolomiets@insite-dev.com>
Sent: Tuesday, March 22, 2022 4:56 PM
To: Derek Spier
Cc: Scott Sivan
Subject: Re: Tax Abatement Compliance (CF-1s for 2021 pay 2022) - River Rock Apartments & Future River Walk

>>> **FROM EXTERNAL SENDER** <<<

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

Hi Derek,

The reduction in RR from 6 to 5 is due to 1 maintenance technician leaving the company. With regards to Tule and Bar method, Tule is operating at the same staffing level as pre-Covid while Bar method went bankrupt, unfortunately. ↳ 3 EMPLOYEES PER APPLICANT

Best regards,

Andrew Kolomiets

On Tue, Mar 22, 2022 at 10:50 AM Derek Spier <dspier@mishawaka.in.gov> wrote:

Good morning Andrew-

For last year's tax abatement compliance reporting, you had provided the below information which was included in our report.

This year's CF-1, as provided, indicated that you have 5 employees with a combined total salary of $230,020.

Can you please update the below information provided last year to reflect the current 5 employees?

We currently employ 6 employees dedicated to RR:

- Managing partner

- CFO
- Regional property director
- Property manager
- 2 maintenance staff

Design and development coordinator left the company.

To the best of my knowledge, Tule Spa and the Bar Method went back to the staffing levels of 2020 pre-pandemic.

Also, can you verify the number of employees at Tule Spa and the Bar Method? Are there any other businesses operating in the commercial spaces, and if so, what is their employment level for each business?

Thanks, and let me know if you have any questions.

Best,

Derek

From: Andrew Kolomiets <a.kolomiets@insite-dev.com>
Sent: Wednesday, March 10, 2021 4:25 PM
To: Derek Spier <dspier@mishawaka.in.gov>
Cc: Scott Sivan <sivan@insite-dev.com>
Subject: Re: Tax Abatement Compliance (CF-1s for 2020 pay 2021) - River Rock Apartments

>>> FROM EXTERNAL SENDER <<<

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

Hi Derek,

We currently employ 6 employees dedicated to RR:

Derek Spier

From:	Scott Sivan <sivan@insite-dev.com>
Sent:	Wednesday, March 23, 2022 11:41 AM
To:	Andrew Kolomiets
Cc:	Derek Spier
Subject:	Re: Tax Abatement Compliance (CF-1s for 2021 pay 2022) - River Rock Apartments & Future River Walk

>>> **FROM EXTERNAL SENDER** <<<

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

hi Derek,

I don't know if this matters for the Compliance but we are in the process of closing a lease with a tenant for the Bar Method space, which will employ 2-3 people, including the owner.

↳ 3 EMPLOYEES IN FORMER BAR METHOD SPACE

All the best,

Scott

On Tue, Mar 22, 2022 at 4:56 PM Andrew Kolomiets <a.kolomiets@insite-dev.com> wrote:

Hi Derek,

The reduction in RR from 6 to 5 is due to 1 maintenance technician leaving the company. With regards to Tule and Bar method, Tule is operating at the same staffing level as pre-Covid while Bar method went bankrupt, unfortunately.

Best regards,

Andrew Kolomiets

On Tue, Mar 22, 2022 at 10:50 AM Derek Spier <dspier@mishawaka.in.gov> wrote:

Good morning Andrew-

For last year's tax abatement compliance reporting, you had provided the below information which was included in our report.

This year's CF-1, as provided, indicated that you have 5 employees with a combined total salary of $230,020.

COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R6 / 12-21)
Prescribed by the Department of Local Government Finance

PRIVACY NOTICE
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

FORM CF-1 / PP

JANUARY 1, 2022

INSTRUCTIONS:
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1, and May 16, 2022, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer WELLNESS PET	County ST. JOSEPH
Address of taxpayer *(street and number, city, state and ZIP code)* 1011 WEST 11TH ST MISHAWAKA IN 46544	DLGF taxing district number 71-023
Name of contact person TERRY PETERSON	Telephone number 574-259-7834

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body MISHAWAKA COMMON COUNCIL	Resolution number R2015-14	Estimated start date *(month, day, year)* 07/01/2015
Location of property 1121 WEST 11TH STREET MISHAWAKA IN 46544		Actual start date *(month, day, year)* / /
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. SEE ATTACHED "High Speed Packaging Line Overview 2015"		Estimated completion date *(month, day, year)* 11/01/2015 Actual completion date *(month, day, year)* / /

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	115	120
Salaries	3,890,000	6,544,946
Number of employees retained	115	115
Salaries	3,898,000	3,898,000
Number of additional employees	4	5
Salaries	200,000	2,646,946

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	15,570,380							
Plus: Values of proposed project	1,800,000							
Less: Values of any property being replaced								
Net values upon completion of project	17,370,380							
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	23,812,485	7,141,570						
Plus: Values of proposed project	1,801,071	540,321						
Less: Values of any property being replaced								
Net values upon completion of project	25,613,556	7,681,891						

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
Terry Peterson	Controller	3/2/2022

Prepared by: BADEN TAX MANAGEMENT • 6920 POINTE INVERNESS WAY, SUITE 301, FORT WAYNE, IN 46804 • 260-969-2567

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
2. *If the property owner is found NOT to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the county assessor and the county auditor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits and whether any failure to substantially compy was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has NOT made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to. (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner IS in substantial compliance

☐ the property owner IS NOT in substantial compliance

☐ other *(specify)* ______________________________

Reasons for the determination *(attach additional sheets if necessary)*

Signature of authorized member		Date signed *(month, day, year)*
Attested by:	Designating body	

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐AM ☐PM	Date of hearing *(month, day, year)*	Location of hearing

HEARING RESULTS *(to be completed after the hearing)*

☐ Approved ☐ Denied *(see insruction 5 above)*

Reasons for determination *(attach additional sheets if necessary)*

Signature of authorized member		Date signed *(month, day, year)*
Attested by:	Designating body	

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

RECEIVED
MAR 04 2022
COMMUNITY DEVELOPMENT

STATEMENT OF BENEFITS
PERSONAL PROPERTY
State Form 51764 (R5 / 12-13)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer	Name of contact person	
WellPet LLC	Michelle Talgenhorst	
Address of taxpayer (number and street, city, state, and ZIP code)		Telephone number
1011 West 11th Street		(574) 250-7084

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number(s)
Mishawaka Common Council		
Location of property	County	DLGF taxing district number
1121 West 11th Street, Mishawaka, IN 46544	St. Joseph	71-023

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.)		ESTIMATED	
		START DATE	COMPLETION DATE
SEE ATTACHED "High Speed Packaging Line Overview 2016"	Manufacturing Equipment	07/01/2016	11/01/2016
	R & D Equipment		
	Logist Dist Equipment		
	IT Equipment		

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
110	$8,000,000	110	$8,000,000	4	$200,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values	15,570,000.							
Plus estimated values of proposed project	1,800,000.00							
Less values of any property being replaced								
Net estimated values upon completion of project	16,706,039.							

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) ____________ Estimated hazardous waste converted (pounds) ____________

Other benefits:

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative		Date signed (month, day, year)
Michelle Talgenhorst (signature)		03/17/2016
Printed name of authorized representative	Title	
Michelle Talgenhorst	Controller	

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed (5) Five yrs. calendar years * (see below). The date this designation expires is 12-31-2019.

B. The type of deduction that is allowed in the designated area is limited to:
1. Installation of new manufacturing equipment; ☒ Yes ☐ No
2. Installation of new research and development equipment; ☐ Yes ☒ No
3. Installation of new logistical distribution equipment. ☐ Yes ☒ No
4. Installation of new information technology equipment; ☐ Yes ☒ No

C. The amount of deduction applicable to new manufacturing equipment is limited to $ 1,800,000 cost with an assessed value of $1,800,000 or, is determined by the assessor.

D. The amount of deduction applicable to new research and development equipment is limited to $ -------- cost with an assessed value of $ --------

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ -------- cost with an assessed value of $ --------

F. The amount of deduction applicable to new information technology equipment is limited to $ -------- cost with an assessed value of $ --------

G. Other limitations or conditions (specify) None

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☒ Year 1 ☒ Year 2 ☒ Year 3 ☐ Year 4 ☐ Year 5 (see below*)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by (signature and title of authorized member of designating body)	Telephone number	Date signed (month, day, year)
Dale "Woody" Emmons	(574) 258-1616	04-20-2015
Printed name of authorized member of designating body: Dale "Woody" Emmons, President	Name of designating body: Mishawaka Common Council	
Attested by (signature and title of attester): Deborah A. Block	Printed name of attester: Deborah S. Block, City Clerk	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

COMPLIANCE WITH STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS
State Form 51766 (R3 / 2-13)
Prescribed by the Department of Local Government Finance

20 21 PAY 20 22
FORM CF-1 / Real Property

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

SECTION 1 — TAXPAYER INFORMATION	
Name of taxpayer: River Walk Development LLC	County: St. Joseph
Address of taxpayer *(number and street, city, state, and ZIP code)*: 117 W Grove St. ste#103, Mishawaka, IN 46545	DLGF taxing district number: 71023
Name of contact person: Scott Sivan, Managing Partner	Telephone number: (574) 855 2072

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY		
Name of designating body: Common Council of the City of Mishawaka	Resolution number: 2017-08	Estimated start date *(month, day, year)*: Dec 2021
Location of property: Vacant land at 100 Block of East Mishawaka Ave		Actual start date *(month, day, year)*:
Description of real property improvements: Construction of a multi-family complex		Estimated completion date *(month, day, year)*: Dec 2023
		Actual completion date *(month, day, year)*:

SECTION 3 — EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	2	2
Salaries	75,000.00	22,360.00
Number of employees retained		
Salaries		
Number of additional employees		
Salaries		

SECTION 4 — COST AND VALUES		
COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project	0.00	
Plus: Values of proposed project	12,500,000.00	
Less: Values of any property being replaced	0.00	
Net values upon completion of project	12,500,000.00	
ACTUAL	COST	ASSESSED VALUE
Values before project		
Plus: Values of proposed project		
Less: Values of any property being replaced		
Net values upon completion of project		

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative	Title: Managing Partner	Date signed *(month, day, year)*: 03/01/2022

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991

INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found NOT to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has NOT made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

Reasons for the determination (*attach additional sheets if necessary*)	
Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 4 above*)

Reasons for the determination (*attach additional sheets if necessary*)	
Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

LIPPERT

February 22, 2022

Derek J. Spier, Senior Planner & Economic Development Specialist
City of Mishawaka
600 East Third St
Mishawaka, IN 46544

RE: Tax Abatement Compliance
Lippert Components Manufacturing, Inc.
400 S. Byrkit Avenue, Mishawaka, IN

Dear Mr. Spier:

Enclosed are the completed Real Property and Personal Property CF-1s for compliance with the existing tax abatements with the City of Mishawaka.

Included on the CF-1s, you will see a total headcount of 392 employees earning total salaries of $20,583,576. Last year we reported 395 total employees earning $19,782,513. Thus, we have approximately the same number of employees, but have increased total wages by $800k compared to last year. We recently completed an acquisition of Furrion, LLC a distributor of appliances and electronics. We plan to distribute Furrion products out of the Byrkit facility which likely will result in incremental headcount in 2022. We continue to explore opportunities to expand headcount at this facility, including but not limited to expanding our 2nd shift operation and increasing the number of call center employees at this facility.

Lippert's total fixed asset investment at the facility has greatly exceeded the commitments. Through the end of the investment window, we invested $23,120,182 in real and personal property improvements compared to our commitment of $9,025,000. We continue to make more investments as needed to grow the facility and make it a great place to work.

While we understand that we are still short on our employment commitments, we have made great strides to attaining this goal and remain fully committed to our investment in Mishawaka and our continued partnership with the city as we continue to grow.

Upon review, please let me know if you would like to discuss any of the information contained within these reports.

Sincerely,

TJ Bauters

Thomas J. Bauters, CPA
Assistant Treasurer and Tax Director

Enclosures

COMPLIANCE WITH STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51766 (R5 / 12-21)
Prescribed by the Department of Local Government Finance

20 21 PAY 20 22
FORM CF-1 / Real Property

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

INSTRUCTIONS:
1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 16, 2022, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Lippert Components Manufacturing, Inc.	County: St. Joseph
Address of taxpayer *(number and street, city, state, and ZIP code)*: 3501 County Road 6E, Elkhart, IN 46514	DLGF taxing district number: 023
Name of contact person: Tom Bauters	Telephone number: (574) 312-6159

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body: City of Mishawaka	Resolution number: 2017-17	Estimated start date *(month, day, year)*: 08/01/2017
Location of property: 400 S Byrkit Ave, Mishawaka, IN 46544		Actual start date *(month, day, year)*: 08/01/2017
Description of real property improvements: Remodeling of existing building, adding new addition, adding paved parking lot.		Estimated completion date *(month, day, year)*: 08/01/2019
		Actual completion date *(month, day, year)*: 08/01/2019

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	247	392
Salaries	10,354,808	20,583,576
Number of employees retained	247	247
Salaries	10,354,808	10,354,808
Number of additional employees	200	145
Salaries	7,800,000	10,228,768

SECTION 4 — COST AND VALUES

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project	1,760,341	
Plus: Values of proposed project	7,400,000	
Less: Values of any property being replaced	0	
Net values upon completion of project	9,160,341	
ACTUAL	COST	ASSESSED VALUE
Values before project	1,760,341	
Plus: Values of proposed project	13,324,225	
Less: Values of any property being replaced	0	
Net values upon completion of project	15,084,566	

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
[signature] CPA	ASSISTANT TREASURER	02-22-2022

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991

INSTRUCTIONS: (IC 6-1.1-12.1-5.3 and IC 6-1.1-12.1-5.9)

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination, including the date, time, and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property), and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member		Date signed (*month, day, year*)
Attested by:	Designating body	

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

Time of hearing	☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 4 above*)

Reasons for the determination (*attach additional sheets if necessary*)

Signature of authorized member		Date signed (*month, day, year*)
Attested by:	Designating body	

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

20____ PAY 20____
FORM SB-1 / Real Property
PRIVACY NOTICE Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):
☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.*
3. *To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.*
4. *A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
5. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer Lippert Components Manufacturing, Inc.		
Address of taxpayer (*number and street, city, state, and ZIP code*) 3501 County Road 6 East, Elkhart, IN 46514		
Name of contact person Tom Bauters	Telephone number (574) 312-6159	E-mail address tbauters@lci1.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body City of Mishawaka		Resolution number
Location of property 400 South Byrkit Avenue, Mishawaka, IN 46544	County St. Joseph	DLGF taxing district number 023 - Mish
Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*) Remodel existing facility 347,000 sq. ft: $3,000,000 Construct new 79,200 sq. ft building addition: $3,200,000 Asphalt parking lot for 380 parking spaces and 40 semi truck spaces: $1,200,000		Estimated start date (*month, day, year*) August 1, 2017 Estimated completion date (*month, day, year*) August 1, 2019

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
247.00	$10,354,808.00	247.00	$10,354,808.00	200.00	$7,800,000.00

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current Values	1,760,341.00	4,485,000.00
Plus estimated values of proposed project	7,400,000.00	
Less values of any property being replaced	0.00	
Net estimated values upon completion of project	9,160,341.00	

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) __________

Estimated hazardous waste converted (*pounds*) __________

Other benefits

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative TS Bauters, CPA	Date signed (*month, day, year*) 06/12/2017
Printed name of authorized representative Tom Bauters	Title Assistant Treasurer & Tax Director

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed 1 calendar years* *(see below)*. The date this designation expires is July 5, 2018.

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☒ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☒ No

C. The amount of the deduction applicable is limited to $7,400,000.

D. Other limitations or conditions *(specify)*

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☒ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☒ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved *(signature and title of authorized member of designating body)*	Telephone number	Date signed *(month, day, year)*
[signature]	(574) 258-1616	7-05-2017
Printed name of authorized member of designating body	Name of designating body	
Ross Deal, President	Mishawaka Common Council	
Attested by *(signature and title of attester)*	Printed name of attester	
Deborah S. Block	Deborah S. Block, City Clerk	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R6 / 12-21)
Prescribed by the Department of Local Government Finance

PRIVACY NOTICE
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

FORM CF-1 / PP

January 1, 2022

INSTRUCTIONS:
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 16, 2022, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Lippert Components Manufacturing, Inc.	County: St. Joseph
Address of taxpayer *(number and street, city, state, and ZIP code)*: 3501 County Road 6E, Elkhart, IN 46514	DLGF taxing district number: 023
Name of contact person: Tom Bauters	Telephone number: (574) 312-6159

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body: City of Mishawaka	Resolution number: 2017-16	Estimated start date *(month, day, year)*: 08/01/2017
Location of property: 400 S Byrkit Ave, Mishawaka, IN 46544		Actual start date *(month, day, year)*: 08/01/2017
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. Racking, Equipment, Furniture & Fixtures		Estimated completion date *(month, day, year)*: 08/01/2019
		Actual completion date *(month, day, year)*: 08/01/2019

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	247	392
Salaries	10,354,808	20,583,576
Number of employees retained	247	247
Salaries	10,354,808	10,354,808
Number of additional employees	200	145
Salaries	7,800,000	10,228,768

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project					109,605			
Plus: Values of proposed project					1,625,000			
Less: Values of any property being replaced					0			
Net values upon completion of project					1,734,605			
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project					109,605			
Plus: Values of proposed project					9,795,957			
Less: Values of any property being replaced					0			
Net values upon completion of project					9,905,562			

NOTE: The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: T Bauters CPA	Title: ASSISTANT TREASURER	Date signed *(month, day, year)*: 02-22-2022

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)

INSTRUCTIONS: (IC 6-1.1-12.1-5.9)

1. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
2. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination, including the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the county assessor and the county auditor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

Reasons for the determination (*attach additional sheets if necessary*)	
Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐ AM ☐ PM	Date of hearing (*month, day, year*)	Location of hearing

HEARING RESULTS (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)	
Signature of authorized member	Date signed (*month, day, year*)
Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the clerk of Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

STATEMENT OF BENEFITS
PERSONAL PROPERTY
State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Lippert Components Manufacturing, Inc.	Name of contact person: Tom Bauters
Address of taxpayer *(number and street, city, state, and ZIP code)*: 3501 County Road 6 East, Elkhart, IN 46514	Telephone number: (574) 312-6159

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: City of Mishawaka		Resolution number (s):
Location of property: 400 South Byrkit, Mishawaka, IN 46544	County: St. Joseph	DLGF taxing district number: 023 - Mishawaka - Penn

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(Use additional sheets if necessary.)*

Racking for distribution facility - $500,000
Equipment - $800,000
Furniture & Fixtures - $325,000

	ESTIMATED START DATE	ESTIMATED COMPLETION DATE
Manufacturing Equipment		
R & D Equipment		
Logist Dist Equipment	08/01/2017	08/01/2019
IT Equipment	08/01/2017	08/01/2019

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
247	10,354,808	247	10,354,808	200	7,800,000

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT COST	MANUFACTURING EQUIPMENT ASSESSED VALUE	R & D EQUIPMENT COST	R & D EQUIPMENT ASSESSED VALUE	LOGIST DIST EQUIPMENT COST	LOGIST DIST EQUIPMENT ASSESSED VALUE	IT EQUIPMENT COST	IT EQUIPMENT ASSESSED VALUE
Current values					109,605	43,840		
Plus estimated values of proposed project					1,625,000			
Less values of any property being replaced								
Net estimated values upon completion of project					1,734,605			

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted *(pounds)* ______________ Estimated hazardous waste converted *(pounds)* ______________

Other benefits:

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: T. J. Bauters, CTA	Date signed *(month, day, year)*: 6/12/2017
Printed name of authorized representative: Tom Bauters	Title: Assistant Treasurer & Tax Director

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed 1 calendar years * *(see below)*. The date this designation expires is July 5, 2018. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
1. Installation of new manufacturing equipment; ☒ Yes ☐ No
2. Installation of new research and development equipment; ☒ Yes ☐ No
3. Installation of new logistical distribution equipment. ☒ Yes ☐ No
4. Installation of new information technology equipment; ☒ Yes ☐ No

☐ Enhanced Abatement per IC 6-1.1-12.1-18 *Check box if an enhanced abatement was approved for one or more of these types.*

C. The amount of deduction applicable to new manufacturing equipment is limited to $ 1,800,000 cost with an assessed value of $______. *(One or both lines may be filled out to establish a limit, if desired.)*

D. The amount of deduction applicable to new research and development equipment is limited to $ 1,800,000 cost with an assessed value of $______. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ 1,800,000 cost with an assessed value of $______. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to $ 1,800,000 cost with an assessed value of $______. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions *(specify)* The total abatement not to exceed $1,800,000

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☒ Year 10

☐ Enhanced Abatement per IC 6-1.1-12.1-18 Number of years approved: ______ *(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)*

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☒ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number	Date signed (month, day, year)
Ross Deal	(574)258-1616	7-05-2017
Printed name of authorized member of designating body: Ross Deal, President	Name of designating body: Mishawaka Common Council	
Attested by: (signature and title of attester) Deborah S. Block	Printed name of attester: Deborah S. Block, City Clerk	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Jamil Packaging Corporation

Form CF-1/PP Section 3 Employees and Salaries

The COVID-19 global health emergency disrupted business operations during 2020 that continued into 2021. While Jamil's production and business has recovered from the initial slowdown with the pandemic, the Company has struggled to find and hire employees with the national labor shortage during 2021. Wages for existing employees have been increased to retain talent and starting pay for new employees was increased in an attempt to attract new hires.

COMPLIANCE WITH STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51765 (R6 / 12-21)
Prescribed by the Department of Local Government Finance

PRIVACY NOTICE
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

FORM CF-1 / PP

JANUARY 1, 2022

INSTRUCTIONS:
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1, and May 16, 2022, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer Jamil Packaging Corporation	County St. Joseph
Address of taxpayer *(street and number, city, state and ZIP code)* 1420 Industrial Drive Mishawaka IN 46544	DLGF taxing district number 71-022
Name of contact person David J. Herschberger	Telephone number 574-256-2600

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body City of Mishawaka Common Council	Resolution number R2019-03	Estimated start date *(month, day, year)* 05/01/2019
Location of property 1420 Industrial Drive Mishawaka IN 46544		Actual start date *(month, day, year)* 06/10/2019
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. Gluer and related Strapper		Estimated completion date *(month, day, year)* 06/01/2019
		Actual completion date *(month, day, year)* 07/10/2019

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL	
Current number of employees	139	112	
Salaries	4,093,554	6,246,929	
Number of employees retained	139	112	***
Salaries	4,093,554	4,093,554	***
Number of additional employees	12		***
Salaries	336,336		***

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	9,719,793							
Plus: Values of proposed project	1,546,591							
Less: Values of any property being replaced								
Net values upon completion of project	11,266,384							
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	10,973,925	3,135,483						
Plus: Values of proposed project	1,088,960	483,383						
Less: Values of any property being replaced								
Net values upon completion of project	12,062,885	3,618,866						

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title President	Date signed *(month, day, year)* 3-22-22

Prepared by: Kruggel, Lawton & Company, LLC • 317 W. Franklin Street, Elkhart, IN 46516 • 574-264-2247

*see attached

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
2. *If the property owner is found NOT to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the county assessor and the county auditor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits and whether any failure to substantially compy was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has NOT made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to, (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other *(specify)* ______________________________

Reasons for the determination *(attach additional sheets if necessary)*

Signature of authorized member		Date signed *(month, day, year)*
Attested by:	Designating body	

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐AM ☐PM	Date of hearing *(month, day, year)*	Location of hearing

HEARING RESULTS *(to be completed after the hearing)*

☐ Approved ☐ Denied *(see insruction 5 above)*

Reasons for determination *(attach additional sheets if necessary)*

Signature of authorized member		Date signed *(month, day, year)*
Attested by:	Designating body	

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

SCHEDULE OF DEDUCTION FROM ASSESSED VALUATION PERSONAL PROPERTY IN ECONOMIC REVITALIZATION AREA

State Form 52603 (R19 / 12-21)
Prescribed by the Department of Local Government Finance

JANUARY 1, 2022

FORM 103 - ERA

PRIVACY NOTICE

This form contains information confidential pursuant to IC 6-1.1-35-9.

INSTRUCTIONS:

1. *In order to receive a deduction, this schedule must be submitted with a timely filed Form 103-Long.*
2. *A separate schedule must be completed and attached to Form 103-Long for each approved Form SB-1 / PP for that abatement.*
3. *Attach a copy of the applicable approved Form CF-1 to this schedule. First-time filings must also include the SB-1 and the Resolution from the designating body.*
4. *For any acquisitions included herein since the last assessment date, attach a list of the newly included equipment on Form 103-EL.*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Jamil Packaging Corporation	Name of contact person: David J. Herschberger
Full address (number and street, city, state, and ZIP code): 1420 Industrial Drive Mishawaka IN 46544	E-mail address of contact person: / Telephone number: 574-256-2600
County: St. Joseph / Township: Penn	Taxing district: 71-022 / Fax number: 574-256-2605

SECTION 2 — ECONOMIC REVITALIZATION AREA INFORMATION

Name of body designating the Economic Revitalization Area: City of Mishawaka Common Council	Resolution number: R2019-03	Length of abatement (years): 3
Date designation approved *(month, day, year)*: 02/18/2019	Date designation will terminate *(month, day, year)*: 02/18/2021	Does resolution limit dollar amount of deduction? ☒ YES - and limit is based on equipment ☒ Cost and/or ☐ Assessed Value ☐ NO

SECTION 3 — ABATED EQUIPMENT POOLING SCHEDULE

The total cost of depreciable assets is to be reported on Form 103-Long. This schedule includes only the values attributable to the new manufacturing, research and development, logistical distribution, and/or information technology equipment under abatement per the resolution and IC 6-1.1-12.1.

The Minimum Value Ratio applies if Line 53 is greater than Line 52D on page 2 of the Form 103-Long [IC 6-1.1-12.1-4.5(g)]	Box 1 - Enter amount shown on Line 53 of Form 103-Long	Box 2 - Enter amount shown on Line 52D of Form 103-Long	Box 3 - Divide Box 1 by Box 2 (carry ratio 5 decimal places)
	3,618,866	3,424,069	1.05689

POOL NUMBER 1 (1 TO 4 YEAR LIFE)

		103 Schedule A Column C Adjusted Cost	TTV %	True Tax Value	Minimum Value Ratio (If applicable) *(5 decimal places)*	Year	Year*	Percent	Deduction Claimed
13	1-2-21 to 1-1-22	$	65%	$	1.05689	1		%	$
14	1-2-20 to 1-1-21		50%		1.05689	2			
15	1-2-19 to 1-1-20		35%		1.05689	3			
16A	1-2-18 to 1-1-19		20%		1.05689	4			
16B	1-2-17 to 1-1-18		20%		1.05689	5			
16C	1-2-16 to 1-1-17		20%		1.05689	6			
16D	3-2-15 to 1-1-16		20%		1.05689	7			
16E	3-2-14 to 3-1-15		20%		1.05689	8			
16F	3-2-13 to 3-1-14		20%		1.05689	9			
16G	3-2-12 to 3-1-13		20%		1.05689	10			
17	TOTAL POOL NUMBER 1	$	--	$	--	--	--	--	$

POOL NUMBER 2 (5 TO 8 YEAR LIFE)

		103 Schedule A Column C Adjusted Cost	TTV %	True Tax Value	Minimum Value Ratio (If applicable) *(5 decimal places)*	Year	Year*	Percent	Deduction Claimed
18	1-2-21 to 1-1-22	$	40%	$	1.05689	1		100 %	$
19	1-2-20 to 1-1-21		56%		1.05689	2		66	
20	1-2-19 to 1-1-20	1,088,960	42%	457,363	1.05689	3		33	159,516
21	1-2-18 to 1-1-19		32%		1.05689	4			
22	1-2-17 to 1-1-18		24%		1.05689	5			
23	1-2-16 to 1-1-17		18%		1.05689	6			
24A	3-2-15 to 1-1-16		15%		1.05689	7			
24B	3-2-14 to 3-1-15		15%		1.05689	8			
24C	3-2-13 to 3-1-14		15%		1.05689	9			
24D	3-2-12 to 3-1-13		15%		1.05689	10			
25	TOTAL POOL NUMBER 2	$ 1,088,960	--	$ 457,363	--	--	--	--	$ 159,516

SUB-TOTAL- POOLS 1 and 2 *(Total lines 17 and 25. Enter to the right and on Page 2)*	$ 159,516

SECTION 3 (continued)		ABATED EQUIPMENT POOLING SCHEDULE POOL NUMBER 3 (9 TO 12 YEAR LIFE)							
		103 Schedule A Column C Adjusted Cost	TTV %	True Tax Value	Minimum Value Ratio (if applicable) (5 decimal places)	Year	Year*	Percent	Deduction Claimed
26	1-2-21 to 1-1-22	$	40%	$	1.05689	1		%	$
27	1-2-20 to 1-1-21		60%		1.05689	2			
28	1-2-19 to 1-1-20		55%		1.05689	3			
29	1-2-18 to 1-1-19		45%		1.05689	4			
30	1-2-17 to 1-1-18		37%		1.05689	5			
31	1-2-16 to 1-1-17		30%		1.05689	6			
32	3-2-15 to 1-1-16		25%		1.05689	7			
33	3-2-14 to 3-1-15		20%		1.05689	8			
34	3-2-13 to 3-1-14		16%		1.05689	9			
35	3-2-12 to 3-1-13		12%		1.05689	10			
37	TOTAL POOL NUMBER 3	$	--	$	--	--	--	--	$

		POOL NUMBER 4 (13 YEAR AND LONGER LIVES)							
		103 Schedule A Column C Adjusted Cost	TTV %	True Tax Value	Minimum Value Ratio (if applicable) (5 decimal places)	Year	Year*	Percent	Deduction Claimed
38	1-2-21 to 1-1-22	$	40%	$	1.05689	1		%	$
39	1-2-20 to 1-1-21		60%		1.05689	2			
40	1-2-19 to 1-1-20		63%		1.05689	3			
41	1-2-18 to 1-1-19		54%		1.05689	4			
42	1-2-17 to 1-1-18		46%		1.05689	5			
43	1-2-16 to 1-1-17		40%		1.05689	6			
44	3-2-15 to 1-1-16		34%		1.05689	7			
45	3-2-14 to 3-1-15		29%		1.05689	8			
46	3-2-13 to 3-1-14		25%		1.05689	9			
47	3-2-12 to 3-1-13		21%		1.05689	10			
51	TOTAL POOL NUMBER 4	$	--	$	--	--	--	--	$

SUB-TOTAL- POOLS 3 and 4 *(Total lines 37 and 51. Enter at right and below)*	$

SPECIAL TOOLING									
Round all figures to the nearest $1. Report only the cost of abated special tools, dies, jigs, etc. (50 IAC 4.2-6-2)			True Tax Value (Included on Form 103-T)			Abatement			Deduction Claimed
						Year	Year*	Percent	
S1	1-2-21 to 1-1-22	$	30%		The Minimum Value Ratio Is Not Applicable To Special Tooling	1		%	$
S2	1-2-20 to 1-1-21		3%			2			
S3	1-2-19 to 1-1-20		3%			3			
S4	1-2-18 to 1-1-19		3%			4			
S5	1-2-17 to 1-1-18		3%			5			
S6	1-2-16 to 1-1-17		3%			6			
S7	3-2-15 to 1-1-16		3%			7			
S8	3-2-14 to 3-1-15		3%			8			
S9	3-2-13 to 3-1-14		3%			9			
S10	3-2-12 to 3-1-13		3%			10			
S11	TOTAL SPECIAL TOOLS	$	--		--	--	--	--	$

SUB-TOTAL POOLS 1 and 2 (from Page 1)		$ 159,516
SUB-TOTAL POOLS 3 and 4 (from above)		
SUB-TOTAL SPECIAL TOOLING (from above - line S11)		
TOTAL ALL POOLS AND SPECIAL TOOLING		$ 159,516
LIMIT ON AMOUNT OF ABATEMENT STATED IN RESOLUTION	Cost $ 1,546,591	AV $ 1,546,591
AMOUNT OF DEDUCTION CLAIMED - Lesser of resolution limit on abatement or total all pools. (Carry deduction forward to the Summary Section on page 1 of the Form 103-Long.)		$ 159,516

Obsolescence claimed on Form 106? ☐ Yes ☒ No

NOTE: If obsolescence is claimed on depreciable assets, the applicable adjustment must be taken on the Abatement Deduction being claimed. Show calculations on the Form 106. Line numbers on this form match the line numbers on the Form 103-Long. Lines were added to Pools 1 & 2 and deleted from Pools 3 & 4 to reflect the ten (10) year abatement limitation.

* This column may be used when the abatement year does not correlate with the acquisition year within the pool. An example might be when used equipment is moved into Indiana from out of state and it was granted an abatement.

STATEMENT OF BENEFITS
PERSONAL PROPERTY
State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Jamil Packaging Corporation	Name of contact person: David J. Herschberger
Address of taxpayer *(number and street, city, state, and ZIP code)*: 1420 Industrial Dr., Mishawaka, IN 46544	Telephone number: (574) 256-2600

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: City of Mishawaka Common Council		Resolution number (s):
Location of property: 1420 Industrial Dr., Mishawaka, IN 46544	County: St. Joseph	DLGF taxing district number: 71022

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(Use additional sheets if necessary.)*

	ESTIMATED START DATE	ESTIMATED COMPLETION DATE
Manufacturing Equipment	06/01/2019	06/01/2019
R & D Equipment		
Logist Dist Equipment		
IT Equipment		

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
139	4693564	139	4693564	12	336,336

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT COST	MANUFACTURING EQUIPMENT ASSESSED VALUE	R & D EQUIPMENT COST	R & D EQUIPMENT ASSESSED VALUE	LOGIST DIST EQUIPMENT COST	LOGIST DIST EQUIPMENT ASSESSED VALUE	IT EQUIPMENT COST	IT EQUIPMENT ASSESSED VALUE
Current values	9,719,793							
Plus estimated values of proposed project	1,546,591							
Less values of any property being replaced	0							
Net estimated values upon completion of project	11,266,384							

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted *(pounds)* ______ Estimated hazardous waste converted *(pounds)* ______

Other benefits:

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: David A. Diroll	Date signed *(month, day, year)*: 1/24/2019
Printed name of authorized representative: David A. Diroll	Title: President

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed 2 calendar years * *(see below)*. The date this designation expires is 2-18-2021. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment; ☒ Yes ☐ No
2. Installation of new research and development equipment; ☒ Yes ☐ No
3. Installation of new logistical distribution equipment. ☒ Yes ☐ No
4. Installation of new information technology equipment; ☒ Yes ☐ No

☐ Enhanced Abatement per IC 6-1.1-12.1-18 *Check box if an enhanced abatement was approved for one or more of these types.*

C. The amount of deduction applicable to new manufacturing equipment is limited to $ 1,546,591 cost with an assessed value of $ ______. *(One or both lines may be filled out to establish a limit, if desired.)*

D. The amount of deduction applicable to new research and development equipment is limited to $ 1,546,591 cost with an assessed value of $ ______. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ 1,546,591 cost with an assessed value of $ ______. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to $ 1,546,591 cost with an assessed value of $ ______. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions *(specify)* $1,546,591 is the total project cost

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☒ Year 1	☒ Year 2	☒ Year 3	☐ Year 4	☐ Year 5
☐ Year 6	☐ Year 7	☐ Year 8	☐ Year 9	☐ Year 10

☐ Enhanced Abatement per IC 6-1.1-12.1-18 Number of years approved: ______ *(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)*

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☒ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined. see council resolution R2019-05

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: *(signature and title of authorized member of designating body)*	Telephone number	Date signed *(month, day, year)*
Dale "Woody" Emmons	(574)258-1616	2-18-2019
Printed name of authorized member of designating body	Name of designating body	
Dale "Woody" Emmons	Mishawaka Common Council	
Attested by: *(signature and title of attester)*	Printed name of attester	
Deborah S. Block	Deborah S. Block, City Clerk	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

DEBORAH BLOCK, MMC

JAN 31 2019

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2019-03

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS:

1420 INDUSTRIAL DRIVE, MISHAWAKA, IN 46544

TO BE AN ECONOMIC REVITALIZATION AREA
AND ECONOMIC DEVELOPMENT TARGET AREA
FOR PURPOSES OF PERSONAL PROPERTY TAX ABATEMENT FOR

JAMIL PACKAGING CORPORATION

WHEREAS, a petition for personal property tax abatement has been filed with the City Clerk of the City of Mishawaka, Indiana for consideration by the Common Council of the City of Mishawaka, Indiana requesting 1420 Industrial Drive, Mishawaka, Indiana 46544 to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

A lot or parcels of land described as follows:

> TAX KEY #027-1027-043620 AND 027-1001-026008, AS LEGALLY DESCRIBED IN ATTACHMENT "A" TO THIS RESOLUTION AND HEREBY INCORPORATED HEREIN.

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

WHEREAS, the City, through its Redevelopment Commission has conducted an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area and Economic Development Target Area under Indiana Code § 6-1.1-12.1-1 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Redevelopment Commission has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area and Economic Development Target Area.

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

1. The Common Council hereby determines and finds that the Petition for Personal Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements under the Act for tax abatement;

2. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

3. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

4. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

5. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

6. That the other benefits are sufficient to justify the requested deduction, all of which satisfy the requirements of the Act;

7. The Common Council hereby accepts the report and recommendation of the Redevelopment Commission that the area herein described be designated as an Economic Revitalization Area and Economic Development Target Area, and hereby adopts a Resolution designating this area as an Economic Revitalization Area and Economic Development Target Area for purposes of personal property tax abatement;

8. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to three (3) calendar years from the date of the adoption of this Resolution by the Common Council;

9. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for the Personal Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration; AND

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

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this 4th day of February, 2019.

Dale "Woody" Emmons

Dale 'Woody' Emmons, Presiding Officer

ATTEST:

Deborah S. Block

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this 5th day of February, 2019.

Deborah S. Block

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this 5 day of February, 2019, at 11:49 o'clock A.M.

David A. Wood, Mayor

Exhibit A

Legal Description

A part of the West Half (1/2) of the Northeast Quarter (1/4) of Section Twenty-two (22), Township Thirty seven (37) North, Range Three (3) East, Penn Township, City of Mishawaka, St. Joseph County, Indiana more particularly described as follows:

Beginning at a set pk nail at the East Right-of-Way line of Penz Industrial Drive and the Northwest corner of Parcel III. As Parcel III is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109, which is South 00°01'18" West (South 00°01'35" East Record) a distance of 834.44 feet and North 90°00'00" East (North 89°57'07" East Record) a distance of 670.45 feet from a found 1" rod at the northwest corner of the Northeast Quarter of said Section Twenty Two (22); thence South 89°51'49" East (South 89°53'09" East Record) Along the north line of said Parcel III a distance of 786.46 feet to a set five eighths (5/8) inch rebar with cap at the Northeast corner of Parcel V as Parcel V is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109; thence South 00°01'01" West (South 00°00'09" East Record) Along the East line of said Parcel V a distance of 487.26 feet (487.37 feet Record) to a set five-eighths (5/8) rebar with cap at the Southeast corner of Parcel V and South Line of the North Half (1/2) of the Northeast Quarter (1/4) of said section Twenty-Two (22) thence North 89°52'39" West (North 89°55'32" West Record) along the South line of said Parcel V and the South line of the North Half (1/2 of the Northeast Quarter (1/4) of said Section Twenty-Two (22) a distance of 1126.50 Feet to a set five-eighths (5/8) inch rebar with cap at the Southwest Corner of Parcel II as Parcel II is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109; thence North 00°01'18" East (North 00°01'35" West Record) along the West line of said Parcel II a distance of 331.10 feet to a set five-eighths (5/8) inch rebar with cap at the Northwest corner of said Parcel II; thence North 90°00'00" East (North 89°57'07" East Record) along the North line of said Parcel II a distance of 300.00 feet to a set pk nail at the West right-of-way line of Penz Industrial Drive; thence South 00°01'18" West (South 00°01'35" East Record) along said Right-of-way line and the East line of said Parcel II a distance of 3.60 Feet to a set pk nail at a point on a curve having a radius of 71.00 Feet; thence bearing left along said curve and right-of-way line an arc distance of 77.91 feet (chord bearing and distance = South 31°27'28" West 74.06 Feet) to a set five-eighths (5/8) inch rebar with cap at a point on a curve having a radius of 54.00 feet; thence bearing right along said curve and right-of-way line an arc distance of 144.00 feet (chord bearing and distance= South 13°32'36" East, 104.99 Feet) to a set five-eighths inch rebar with cap at a point on a curve having a radius of 14.00 feet; Thence bearing left along said curve and right-of-way line an arc distance of 21.99 feet (chord bearing and distance= South 04°58'45" East 19.80 Feet) to a set pk nail; thence South 89°52'39" East a distance of 40.00 feet to a set five-eighths inch rebar with cap at the East Right-of-way line of Penz Industrial Drive; thence North 00°01'18" East (North 00°01'35" West Record) a distance of 338.65 feet to the point of beginning, containing 11.07 acres, more or less, subject to public highways and any easements of record, if any.

FEB 14 2019

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2019-05

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, MAKING A FINAL DETERMINATION AND CONFIRMING THE DESIGNATION OF AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

1420 INDUSTRIAL DRIVE, MISHAWAKA, IN 46544

AS AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF PERSONAL PROPERTY TAX ABATEMENT FOR

JAMIL PACKAGING CORPORATION

WHEREAS, the Common Council of the City of Mishawaka, Indiana, adopted a Declaratory Resolution which designated the area known as 1420 Industrial Drive, Mishawaka, Indiana 46544, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

A lot or parcels of land described as follows:

TAX KEY #027-1027-043620 AND 027-1001-026008, AS LEGALLY DESCRIBED IN ATTACHMENT "A" TO THIS RESOLUTION AND HEREBY INCORPORATED HEREIN. (on file in the Clerk's Office)

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code § 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area and economic development target area have been met.

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

1. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic Development Target Area for the purposes of tax abatement. Such designations are for personal property tax abatement only and is limited to two (2) calendar

years.

2. The Common Council hereby determines that the property owner is qualified for and is granted a personal property tax deduction; provided the same shall be limited to a period of three (3) years for personal property only in the following applicable deduction percentages:

Year 1:	100.00%
Year 2	66.67%
Year 3	33.33%

3. That the petition for tax abatement, and the Statement of Benefits submitted by Jamil Packaging Corporation comply with Indiana Code § 6-1.1-12.1-1 et seq. and are hereby approved and the President of the Mishawaka Common Council is hereby authorized to execute said "Statement" on behalf of the Common Council; and

4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code § 6-1.1-12.1-2-5 and subjections (d) and (e) of the Act.

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area and Economic Development Target Area for the purposes of tax abatement.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 18th day of February, 2019.

Dale "Woody" Emmons

Dale "Woody" Emmons, Presiding Officer

ATTEST:

Deborah S. Block

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this 18th day of February, 2019.

Deborah S. Block

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this 18 day of February, 2019, at 8:09 o'clock P.M.

David A. Wood, Mayor

Derek Spier

From:	Terry Peterson <tpeterson@wellnesspet.com>
Sent:	Monday, April 4, 2022 1:58 PM
To:	Derek Spier
Cc:	Kathryn Rodela
Subject:	RE: Tax Abatement Compliance Forms 21 pay 22
Attachments:	Personal PRoperty.pdf; CFf RE R2021-08 Amended v1.pdf

>>> FROM EXTERNAL SENDER <<<

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

Hello Derek

Please find attached the updated Compliance Statements for the tax abatements. There was an issue with our tax preparer, but it has been corrected now. Regarding the questions that you have about the project, we have spent $719,622 on the building. After the preliminary engineering and design work was completed a decision was made to put the building on hold. Even though the building is on hold, we are proceeding with the purchase and installation of the new odor control units. The units are scheduled to be delivered in the July/August timeframe and installation should be complete by Q1 2023. We have spent $410,263 on the odor control project to date.

Our current employment level of 120 has decreased from the 125 employees when the abatement was filed due to lack of available workforce. We currently have 21 open positions that the company is actively recruiting. We have an open hiring event on Wednesday, April 13th where we hope to fill some of the open positions. This would put our full employment at 141 versus the 130 that was in the abatement application. The company also gave all hourly workers a $2/hour increase in June, 2021 so even though we have less employees currently our actual payroll is higher than estimated on the abatement application.

Please let me know if you have any questions or need any additional information.

Thank you

Terry

Terry Peterson
Plant Controller | Mishawaka
(w) 574-259-5963 (c) 574-303-9034 | tpeterson@wellnesspet.com

WELLNESS PET COMPANY

1011 W. 11th Street Mishawaka, IN 46544
www.wellnesspet.com | LinkedIn

From: Derek Spier <dspier@mishawaka.in.gov>
Sent: Friday, April 1, 2022 10:48 AM
To: Terry Peterson <tpeterson@wellnesspet.com>
Cc: Kathryn Rodela <krodela@wellnesspet.com>
Subject: RE: Tax Abatement Compliance Forms 21 pay 22

Hello again,

Also, it was noticed that when the most recent abatements were filed last year, the SB-1 indicated that you had 125 employees with 5 additional employees to be added. The CF-1 shows that your current employment level is 120. Please explain the decrease. Lack of available work force? Also, how many positions are currently available (unfilled).

Thanks again, and sorry on the multiple emails.

Best,

Derek

From: Derek Spier
Sent: Friday, April 1, 2022 10:39 AM
To: Terry Peterson <tpeterson@wellnesspet.com>
Cc: Kathryn Rodela <krodela@wellnesspet.com>
Subject: RE: Tax Abatement Compliance Forms 21 pay 22

Good morning-

Please provide the below requested information by the end of Monday as the compliance report is being finalized next week.

Thanks,

Derek

From: Derek Spier
Sent: Friday, March 25, 2022 4:56 PM
To: Terry Peterson <tpeterson@wellnesspet.com>
Cc: Kathryn Rodela <krodela@wellnesspet.com>
Subject: RE: Tax Abatement Compliance Forms 21 pay 22

Good afternoon Terry-

In addition to the status of the real and personal property improvements, I noticed that the actual cost information was not included in either of the CF-1s. Do you have what has been currently spent on the project to date?

Thanks,

Derek

From: Derek Spier
Sent: Wednesday, March 23, 2022 3:40 PM
To: Terry Peterson <tpeterson@wellnesspet.com>
Cc: Kathryn Rodela <krodela@wellnesspet.com>
Subject: RE: Tax Abatement Compliance Forms 21 pay 22

Good afternoon-

The SB-1's for both the real and personal property abatement shows completion by September 2022.

Is the building complete and all equipment installed yet? If not, what percentage is completed, and when will the new production line be operational, if not currently operational?

I'd like to include this information in the compliance report that is submitted to the Council.

Thanks,

Derek

From: Terry Peterson <tpeterson@wellnesspet.com>
Sent: Wednesday, March 23, 2022 11:21 AM
To: Derek Spier <dspier@mishawaka.in.gov>
Cc: Kathryn Rodela <krodela@wellnesspet.com>
Subject: RE: Tax Abatement Compliance Forms 21 pay 22

>>> FROM EXTERNAL SENDER <<<

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

Hello Derek

Attached is the signed CF-1 for the real property abatement. Please let me know if you need anything else.

Regards

Terry

Terry Peterson
Plant Controller | Mishawaka
(w) 574-259-5963 (c) 574-303-9034 | tpeterson@wellnesspet.com

WELLNESS PET COMPANY

1011 W. 11th Street Mishawaka, IN 46544
www.wellnesspet.com | LinkedIn

COMPLIANCE WITH STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51766 (R6 / 12-21)
Prescribed by the Department of Local Government Finance

2022 PAY 2023
FORM CF-1 / Real Property

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

INSTRUCTIONS:

1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 16, 2022, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

SECTION 1	TAXPAYER INFORMATION
Name of taxpayer WELLNESS PET	County ST. JOSEPH
Address of taxpayer *(number and street, city, state and ZIP code)* 1011 WEST 11TH ST MISHAWAKA IN 46544	DLGF taxing district number 71-023
Name of contact person TERRY PETERSON	Telephone number 574-259-7834

SECTION 2	LOCATION AND DESCRIPTION OF PROPERTY	
Name of designating body MISHAWAKA COMMON COUNCIL	Resolution number R2021-08	Estimated start date *(month, day, year)* 04/01/2021
Location of property 1121 WEST 11TH ST MISHAWAKA IN 46544		Actual start date *(month, day, year)*
Description of real property improvements: SEE ATTACHED		Estimated completion date *(month, day, year)* 09/30/2022
		Actual completion date *(month, day, year)*

SECTION 3 — EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	125	120
Salaries	6,131,000	6,544,946
Number of employees retained	125	120
Salaries	6,131,000	6,131,000
Number of additional employees	5	
Salaries	244,800	413,946

SECTION 4 — COST AND VALUES		
COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project	15,998,566	2,181,500
Plus: Values of proposed project	14,705,700	13,235,130
Less: Values of any property being replaced		
Net values upon completion of project	30,704,266	15,416,630
ACTUAL	COST	ASSESSED VALUE
Values before project		
Plus: Values of proposed project	719,622	
Less: Values of any property being replaced		
Net values upon completion of project		

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative Terry Peterson	Title Controller	Date signed *(month, day, year)* 4/04/22

Client/Loc WELLNESS R2021-08

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991

INSTRUCTIONS: (IC 6-1.1-12.1-5.3 and IC 6-1.1-12.1-5.9)

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found NOT to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has NOT made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner (2) the county auditor, and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner IS in substantial compliance

☐ the property owner IS NOT in substantial compliance

☐ other *(specify)* ______________________

Reasons for the determination *(attach additional sheets if necessary)*

Signature of authorized member	Date signed *(month, day, year)*

Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

Time of hearing ☐AM ☐PM	Date of hearing *(month, day, year)*	Location of hearing

HEARING RESULTS *(to be completed after the hearing)*

☐ Approved ☐ Denied *(see instruction 4 above)*

Reasons for determination *(attach additional sheets if necessary)*

Signature of authorized member	Date signed *(month, day, year)*

Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

Wellness Pet
01/01/2022 Real Property Additions
R2021-08

Description	Acquisition Date	Cost
Engineering Dryer Coat Building	4/15/2021	3,000.00
Engineering Dryer Coat Building	5/15/2021	8,100.00
Engineering Dryer Coat Building	7/15/2021	280,379.65
Building, Dryer	7/15/2021	256,088.46
Engineering Dryer Coat Building	8/15/2021	67,064.65
Piping Ground Elevations	8/15/2021	1,000.00
Building, Dryer	9/15/2021	4,045.30
Piping Ground Elevations	9/15/2021	1,400.00
Engineering Dryer Coat Building	10/15/2021	23,718.74
Piping Ground Elevations	10/15/2021	1,400.00
Engineering Dryer Coat Building	11/15/2021	34,914.85
Building, Dryer	11/15/2021	18,370.00
Building, Dryer	12/15/2021	3,250.00
Retention Pond Drainage	12/15/2021	16,890.00
		719,621.65

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS
State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

20 21 PAY 20 22

FORM SB-1 / Real Property

PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):
☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:
1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.*
3. *To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.*
4. *A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)*
5. *For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Wellpet		
Address of taxpayer (number and street, city, state, and ZIP code): 1011 West 11th Street Mishawaka IN 46544		
Name of contact person: Terry Peterson	Telephone number: (574) 259-7834	E-mail address: tpeterson@wellpet.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: Mishawaka Common Council		Resolution number: R2021-08
Location of property: 1121 West 11th Street Mishawaka IN 46544	County: St Joseph	DLGF taxing district number: 71-023
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary): See Attached		Estimated start date (month, day, year): 04/01/2021
		Estimated completion date (month, day, year): 09/30/2022

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
126.00	$6,131,000.00	126.00	$6,131,000.00	5.00	$244,800.00

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS COST	REAL ESTATE IMPROVEMENTS ASSESSED VALUE
Current values	15,998,550.00	2,181,500.00
Plus estimated values of proposed project	14,705,700.00	13,235,130.00
Less values of any property being replaced		
Net estimated values upon completion of project	30,704,250.00	15,416,630.00

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) ______________ Estimated hazardous waste converted (*pounds*) ______________

Other benefits

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: Terry Peterson	Date signed (month, day, year): 3/10/2021
Printed name of authorized representative: Terry Peterson	Title: Controller

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed __________ calendar years* *(see below)*. The date this designation expires is __________________. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to $ ______________.

D. Other limitations or conditions *(specify)* ______________________________

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below) ☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number	Date signed (month, day, year)
[signature] President	(574) 258-1616	04/12/21
Printed name of authorized member of designating body	**Name of designating body**	
Gregg A. Hixenbaugh	Mishawaka Common Council	
Attested by (signature and title of attester)	**Printed name of attester**	
Deborah S. Block	Deborah S. Block	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

WellPet
Real Estate Abatement Expense Listing

		2021		2022		Total Project
Dryer Building	$	5,400,000	$	4,500,000	$	9,900,000
Receiving Building Improvement	$	1,000,000	$	500,000	$	1,500,000
New Electrical System	$	500,000	$	-	$	500,000
Meat Room Expansion	$	-	$	715,000	$	715,000
Warehouse Modifications	$	-	$	550,000	$	550,000
Gutter between Coating and WHS3	$	-	$	475,000	$	475,000
Bulk Receiving Building Improvement	$	110,000	$	-	$	110,000
Positive Air Pressure from Packaging	$	-	$	600,000	$	600,000
Floor Improvements	$	118,125	$	237,570	$	355,695
Subtotal Building and Bldg Improvements	$	7,128,125	$	7,577,570	$	14,705,695

COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R6 / 12-21)
Prescribed by the Department of Local Government Finance

PRIVACY NOTICE
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

FORM CF-1 / PP

JANUARY 1, 2022

INSTRUCTIONS:
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1, and May 16, 2022, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-I).*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer WELLNESS PET	County ST. JOSEPH
Address of taxpayer *(street and number, city, state and ZIP code)* 1011 WEST 11TH ST MISHAWAKA IN 46544	DLGF taxing district number 71-023
Name of contact person TERRY PETERSON	Telephone number 574-259-7834

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of designating body Mishawaka Common Council	Resolution number R-2021-09	Estimated start date *(month, day, year)* 04/01/2021
Location of property 1121 WEST 11TH STREET MISHAWAKA IN 46544		Actual start date *(month, day, year)* / /
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired.		Estimated completion date *(month, day, year)* 09/30/2022
		Actual completion date *(month, day, year)* / /

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	125	120
Salaries	6,131,000	6,544,946
Number of employees retained	125	120
Salaries	6,131,000	6,131,000
Number of additional employees	5	
Salaries	244,000	413,946

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	24,988,362	7,468,427						
Plus: Values of proposed project	23,085,200	16,159,640						
Less: Values of any property being replaced								
Net values upon completion of project	48,073,562	23,628,067						
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project								
Plus: Values of proposed project								
Less: Values of any property being replaced								
Net values upon completion of project								

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
Terry Peterson	Controller	4/04/22

Prepared by: BADEN TAX MANAGEMENT • 6920 POINTE INVERNESS WAY, SUITE 301, FORT WAYNE, IN 46804 • 260-969-2504

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
2. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the county assessor and the county auditor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits and whether any failure to substantially compy was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to. (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other *(specify)* ______________________

Reasons for the determination *(attach additional sheets if necessary)*

Signature of authorized member	Date signed *(month, day, year)*

Attested by:	Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing ☐AM ☐PM	Date of hearing *(month, day, year)*	Location of hearing

HEARING RESULTS *(to be completed after the hearing)*

☐ Approved ☐ Denied *(see insruction 5 above)*

Reasons for determination *(attach additional sheets if necessary)*

Signature of authorized member	Date signed *(month, day, year)*

Attested by:	Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

EQUIPMENT LIST FOR NEW ADDITIONS TO ERA DEDUCTION
PERSONAL PROPERTY IN ECONOMIC REVITALIZATION AREA

State Form 52515 (R4 / 12-21)
Prescribed by the Department of Local Government Finance

JANUARY 1, 2022

FORM 103-EL

PRIVACY NOTICE
The records in this series are confidential according to IC 6-1.1-35-9.

INSTRUCTIONS:

1. *This schedule must be filed when any new manufacturing, research and development, logistical distribution and/or information technology equipment that is claimed on the schedule of deduction from assessed valuation (Form 103-ERA) has been installed after the prior year assessment date.*
2. *A separate list must be completed for EACH APPROVED abatement (Form SB-1 / PP). The equipment list is attached to the corresponding Form 103-ERA and made part of the Business Personal Property Return (103 Long) filed with Assessor not later than May 16, 2022, unless an extension of up to thirty (30) days is granted in writing.*
3. *A taxpayer's internal list maybe attached to this form. Any data omitted from that taxpayer format must be added here, using the Reference Number Column to cross reference to the taxpayer formatted list.*
4. *The purpose column is to describe the item in sufficient detail to assist the assessing official to determine that the item is eligible for abatement as equipment as defined in IC 6-1.1-12.1-1. An entry may be left blank if the item name is self-describing.*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: WELLNESS PET	Name of contact person: TERRY PETERSON
Address of taxpayer *(number and street, city, state and ZIP code)*: 1011 WEST 11TH ST MISHAWAKA IN 46544	Telephone number: 574-259-7834
County: ST. JOSEPH	Township: 010-PENN
DLGF taxing district number: 71-023	

SECTION 2 — ECONOMIC REVITALIZATION AREA INFORMATION

Name of body designating the Economic Revitalization Area	Resolution number	Length of abatement *(years)*
Mishawaka Common Council	R-2021-09	

SECTION 3 — ABATED EQUIPMENT LIST

REFERENCE NUMBER [3]	INSTALLATION DATE	ITEM	PURPOSE [4]	COST PER 50 IAC 4.2	POOL LINE NUMBER	ASSESSOR USE ONLY
	08/15/2021	Ion02 Oder Elim		410,263	12	

☐ Check if additional Form 103-EL are attached for this abatement (103-ERA). This is Equipment List _____ of _____.

☐ Check if taxpayer's internal list is attached.

STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51764 (R5 / 1-21)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer	Name of contact person
Wellpet	Terry Peterson

Address of taxpayer (street and number, city, state, ZIP code)	Telephone number
1011 West 11th Street Mishawaka IN 46544	574-289-7034

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body	Resolution number (s)
Mishawaka Common Council	R2021-09

Location of property	County	DLGF taxing district number
1101 West 11th Street MISHAWAKA IN 46544	St. Joseph	71-023

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment *(Use additional sheets if necessary)*

See Attached

	ESTIMATED Start Date	ESTIMATED Completion Date
Manufacturing Equipment	04/01/2021	09/30/2022
R & D Equipment		
Logist Dist Equipment *		
IT Equipment *		

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
125	6,131,000	126	6,131,000	8	244,800

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value
Current values	[illegible]	7,161,131						
Plus estimated values of proposed project	27,857,871	19,831,102						
Less values of any property being replaced								
Net estimated values upon completion of project	62,175,617	[illegible]						

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted *(pounds)* ______________ Estimated hazardous waste converted *(pounds)* ______________

Other benefits:

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Date signed (month, day, year)
Terry Peterson	3/10/2021

Printed name of authorized representative	Title
Terry Peterson	Controller

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed ______ calendar years * (see below). The date this designation expires is ______. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
1. Installation of new manufacturing equipment; ☐ Yes ☐ No
2. Installation of new research and development equipment; ☐ Yes ☐ No
3. Installation of new logistical distribution equipment. ☐ Yes ☐ No
4. Installation of new information technology equipment; ☐ Yes ☐ No

☐ Enhanced Abatement per IC 6-1.1-12.1-18 *Check box if an enhanced abatement was approved for one or more of these types.*

C. The amount of deduction applicable to new manufacturing equipment is limited to $ ______ cost with an assessed value of $ ______. *(One or both lines may be filled out to establish a limit, if desired.)*

D. The amount of deduction applicable to new research and development equipment is limited to $ ______ cost with an assessed value of $ ______. *(One or both lines may be filled out to establish a limit, if desired.)*

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ ______ cost with an assessed value of $ ______. *(One or both lines may be filled out to establish a limit, if desired.)*

F. The amount of deduction applicable to new information technology equipment is limited to $ ______ cost with an assessed value of $ ______. *(One or both lines may be filled out to establish a limit, if desired.)*

G. Other limitations or conditions *(specify)* ______

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

☐ Enhanced Abatement per IC 6-1.1-12.1-18 Number of years approved: ______ *(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)*

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17 ☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member of designating body)	Telephone number	Date signed (month, day, year)
[signature] President	574-258-1616	04/12/21
Printed name of authorized member of designating body	Name of designating body	
Gregg A. Hixenbaugh	Mishawaka Common Council	
Attested by: (signature and title of attester)	Printed name of attester	
Deborah S. Block	Deborah S. Block	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

WellPet

Abatement Equipment Expense Listing

	2021	2022	Total Project
New Packaging Line	$ 7,500,000	$ 500,000	$ 8,000,000
Dryers	$ 1,840,000	$ 1,610,000	$ 3,450,000
Odor Abatement Equipment	$ 880,000	$ 770,000	$ 1,650,000
Coaters (Liquid and Dry)	$ 579,040	$ 506,660	$ 1,085,700
Final Screeners	$ 152,480	$ 133,420	$ 285,900
Coolers	$ 520,000	$ 455,000	$ 975,000
Conveyance Systems	$ 627,200	$ 1,724,800	$ 2,352,000
Wonderware upgrades and enhancements	$ 155,000	$ 1,056,600	$ 1,211,600
Bulk Liquid Tank System	$ 220,000	$ 2,025,000	$ 2,245,000
Plant-In Bins	$ 610,000	$ 1,800,000	$ 2,410,000
MicroBin Upgrades	$ -	$ 200,000	$ 200,000
Multi Stage Boiler	$ -	$ 150,000	$ 150,000
Auxiliary Miscellaneous Equipment	$ 2,021,185	$ 1,850,905	$ 3,872,090
Total Equipment	$ 15,104,905	$ 12,782,385	$ 27,887,290