AGENDA

June 6, 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): 2343 203 9134
Meeting Password: ftFmX6HVy37

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: 23432039134@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of May 16, 2022

5. Petitions, Communications, Remonstrance and Memorial

Petition No. 2022-04	Rezone from C-1 to R-2 to repurpose a salon and residential unit for two-family residential (2 units) - 1023 W. 6th St.
Petition No. 2022-05	PUD amendment to allow indoor climate controlled self-storage facility as a permitted use in an existing building – 1435 University Drive Ct.

Petition No. 2022-06	Rezone from I-1 & I-2 to C-3 City Center Commercial to match adjacent zoning and permit and future C-3 uses – Vacant lots N. Hill St. between W. Front St. and W. 1st St.
Petition No. 2022-07	Rezone from C-1 and C-7 to R-3 multi-family Residential to convert existing hotel into multi-family apartment building and construct an additional – 2754 Lincolnway East

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2022-09 — Authorizing the Investment of Public Funds

P.O. No. 2022-10 — Transfer of Funds and Additional Appropriation Motor Vehicle Highway Restricted Fund - $975,180.65

TO:
Local Bridge and Road Matching Grant fund

Additional Appropriation of Funds to:
Local Bridge and Road Matching Grant Fund - $1,950,361.00

P.O. No. 2022-11 — Reduction of Funds:

Cumulative Capital Development

Other Services and Charges

417-50-436-90	Service Contract/ Software Maintenance	$19,036.00

P.O. No. 2022-12 — Additional Appropriation:

CEDIT

Professional Services

430-50-436-90	Services Contracts/ Software Maintenance	$ 19,036.00
430-50-431-06	Consulting	$150,000.00
	Total	$169,036.00

P.O. No. 2022-13 — Additional Appropriation for Civil City personal services -$273,295

8. Resolutions

9. Ordinances on Second Reading

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

School Board Application timeline and application process

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

May 16, 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, May 16, 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.

Minutes for the Regular Meeting of May 2, 2022 were approved as received from the Clerk's Office.

Mishawaka Optimist Club Youth Appreciation Awards Presentation

Club President Jacque Geyer recognized 6 recipients of 27th Annual Dave Fisher Memorial Youth Appreciation Award. The award was given to graduating seniors who exhibited the aspirations and qualities of optimism spelled out in the optimist creed.

Mayor Wood thanked the Optimist Club and helped honor the students who received the awards.

Mrs. Geyer stated the students did not apply through the Optimist Club and it was the vision of people who were representative of the schools. Mrs. Geyer stated it could be any number of ways that the individual schools made their selection or selections.

Mr. Mammolenti thanked the Optimist Club for their presentation. Mr. Mammolenti also congratulated the young scholars on a job well done and he knew how much work it was to maintain and juggle schedules throughout their high school careers and do other items as well. Mr. Mammolenti wished the best of luck to all of them.

Mr. Hixenbaugh added his congratulations to the scholarship recipients and their families. Mr. Hixenbaugh stated they obviously had worked long and hard to receive the honor and it sounded like it was well deserved. Mr. Hixenbaugh thanked the Optimist Club for not only what they shared with the council that evening but also for the good work they did in the community on a regular basis. Mr. Hixenbaugh stated it was groups like the Optimist Club who rounded out the community made this the type of place that they all wanted to live in. Mr. Hixenbaugh stated in his opinion, it was very appropriate this award be named after Dave Fisher, who was an assistant principal at John Young Junior High School back in the day when he was there and what a wonderful man he was along with being a wonderful educator. Mr. Hixenbaugh thanked everyone involved for the good work that they were doing and thanked them for sharing it that evening. Mr. Hixenbaugh stated the recipients were welcome to stick around for the remainder of the council meeting if they choose to and that they welcome to visit them anytime they were so inclined.

Clerk Block read a letter from the Board of Zoning Appeals regarding their recommendations from their May 10th 2022 meeting.

RE: Board of Zoning Appeals Recommendation

May 10, 2022, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

Appeal No.22-10 An appeal submitted by MCC Self Storage LLC requesting a Use Variance for 1010 South Merrifield Avenue to allow self-storage in C-1 General Commercial zoning.

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

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

RESOLUTION R2022-12

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: 1010 South Merrifield Avenue, Mishawaka, Indiana
Use Variance to allow Self storage in C-1 General Commercial - 1010 S. Merrifield

Chris Chockley, Jones Petrie Rafinski 325 S Lafayette Boulevard, spoke in favor of **RESOLUTION R2022-12**. Mr. Chockley stated he was representing MCC Self Storage and back on May 10th, they had presented in front of the Board of Zoning Appeals requesting a use variance for this property. Mr. Chockley stated this was the old Kroger building and they were proposing doing indoor self-climate controlled storage facility inside that existing building. Mr.

Chockley stated as they discussed, there were some additional conditions put onto the development of the site. Mr. Chockley stated one of those conditions was to replant or rezone the facility to include an out lot right along Merrifield for potential development into a restaurant kind of element. Mr. Chockley stated there were no real opportunities there yet but they were going to set it up for that potential development on the site. Mr. Chockley stated the owners were good with those conditions as was the developer.

Mr. Mammolenti asked how long the building had been vacant. Mr. Chockley stated he could not tell him that thing. Mr. Mammolenti asked if there were still plans to sell and operate firework distribution. Mr. Chockley stated that was true and there were three owners on that lot being the pawnshop, the storage facility and the firework store so they were still playing out right there and he also believed the owner of the fireworks store owned 21 percent of the property. Mr. Chockley stated the LLC was the rest of the 79 percent of the ownership.

Mrs. Voelker asked Mr. Chockley to talk about the access and security into the building. Mr. Chockley stated they were going to be revising the front entrance to allow access there. Mr. Chockley stated the hours would be from seven to ten in the evening and no after-hours access to that. Mrs. Voelker asked for clarification if there would be a single entrance at the front of the building. Mr. Chockley stated that was his understanding.

Mr. Bellovich stated he would welcome the new business person coming in, but he hoped they would pace the parking lot. Mr. Bellovich stated a small car could have issues with the amount of holes in the parking lot. Mr. Chockley stated he believed that some of the conditions of the site was that they needed to look at the pavement, improve it, bring in new lighting for the site and simply make it look better than it was.

Mr. Hixenbaugh asked Mr. Chockley to share some of the examples of the uses that would be made for this. Mr. Chockley stated it was his understanding that the interior space would have lockers with storage units. Mr. Chockley stated they would be renovating inside of that facility so they did have their individual locations. Mr. Chockley stated he did not know the dimensions or the sizes of them. Mr. Hixenbaugh asked so this sounded like it would not be a facility where someone could bring their antique car to store and would be a smaller use that would make a smaller footprint within the building or would it be larger items as well. Mr. Chockley state he was not 100 percent sure.

Ken Prince, Executive Director of Planning, spoke on this matter. Mr. Prince stated from their discussions of the hearing, it was only smaller items and the drawer was not set up to have cars come through it.

Mr. Hixenbaugh stated as was indicated, he appreciated the commitment his client had made to the conditions that were embedded within the use variance and the work that they had done with their staff to try to make this an upgrade for the neighborhood, if you will. Mr. Hixenbaugh asked Mr. Chockley to thank their client for their willingness to do that to this point but certainly encourage them to be sensitive to the fact that this was in fairly close proximity to a neighborhood and while this was promising and would add to the quality of life in the area, it would be important for them to be cognizant of that proximity to the neighborhood. Mr. Hixenbaugh appreciated his time.

Question was called for at 7:20PM for **RESOLUTION R2022-12 Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**
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 R2022-11

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

Mayor Wood spoke in favor of **RESOLUTION R2022-11**. Mayor Wood stated this was a classic case of addition by subtraction. Mayor Wood stated they had shifted strategy a bit especially with the increased costs of doing massive projects and the uncertainty associated with that. Mayor Wood stated they were looking to do more property acquisition than they had done in the past and always had been very aggressive about going after some of their blighted properties to bring them up to code and eliminate problems. Mayor Wood stated this was a notorious property and they all knew it well as did their departments. Mayor Wood stated the Kamm Island Hotel had a history of being a nuisance for many decades along with a tremendous draw on their city services. Mayor Wood stated they were going to hear from Chief Witkowski, Chief of the Mishawaka Police Department and he would outline some of the police issues they had. Mayor Wood stated they will also hear from Assistant Fire Chief Dave Ray from the Mishawaka Fire Department talking about their history, they would hear from Joe Van Nevel from Code Enforcement, they would hear from Bo Hundt, Building Commissioner and they would hear from Ken Prince, Executive Director of Planning. Mayor Wood stated they would outline issues they had, specifically as it related to public safety, code enforcement and building. Mayor Wood stated perhaps they would mention the time they reported the previous owners for idem for piping raw sewage into the Saint Joseph River, among many other things. Mayor Wood stated this property had been problematic for surrounding neighbors and businesses and was close to a neighborhood where several of their citizens lived and had complained about this property over many, many years. Mayor Wood stated the city had been interested in acquiring this property but the circumstances were just never quite right and they would address that as well. Mayor Wood stated they had been presented a unique opportunity to purchase and demo the property at a time when they were seeing tremendous growth, momentum downtown and perhaps the best prospects they had seen in decades for improvement and redevelopment of the 100 Center itself. Mayor Wood stated securing this property would not only remove the blight and problems, but would allow them to make important connections such as two from the 100 Center to Kamm Island Park to the Riverfront and the Riverwalk making 100 Center development much more attractive as a prospect. Mayor Wood stated if they did not act now, they strongly believed that if the stayed as it was that it would never been anything more than it had been. Mayor Wood stated the fate of the 100 Center could very well depend on the vote that evening. Mayor Wood stated if they acted, they had the opportunity to change the character of the historic sight and the neighborhood and further the growth of the downtown. Mayor Wood stated the acted very decisively to deal with one of Mishawaka's legacy projects here recently with the purchase of the former Dodge site and the result was that the public looked very favorably upon that recognition. Mayor Wood stated they could also act decisively that evening to address this in Mishawaka and he strongly suspected that the public would look favorably upon this as well. Mayor Wood stated now was the time and it would not get any cheaper. Mayor Wood stated if they failed to act, he believed that history would judge them harshly.

Chief Witkowski, Chief of Mishawaka Police Department, spoke in favor of **RESOLUTION R2022-11**. Chief Witkowski stated this had been an issue property and nuisance property for the police department for many years. Chief Witkowski stated he had been in this role for 18 years and he could remember back further than that when he worked the streets making calls to this property. Chief Witkowski stated they never seemed to have cooperation from management and he remembered domestic calls, shots fired calls and a lot of drug use type of things. Chief Witkowski stated they would have outside agencies come for warrant service that they would have to help and when you did get in and were able to get into a room for a warrant service, the rooms would have two maybe three and even sometimes five or six people in there. Chief Witkowski stated the living conditions there were atrocious and he remembered the filthy living conditions specifically. Chief Witkowski stated going back to 2008, they had 917 calls for service at that address and more recently, from 2018 to present, they had 277 calls. Chief Witkowski stated they had been there many times and got familiar with the property. Chief Witkowski stated just recently, two or three weeks ago, he was driving around the city checking addresses and he drove down there and there was a big pile of debris someone had dumped right in front of the property. Chief Witkowski stated he could speak for the entirety of the police department and stated he would like to see the building go for sure or not be reused as present.

Mr. Mammolenti thanked Chief Witkowski for his words and suggestions. Mr. Mammolenti asked if the number of calls he had reference were just Mishawaka Police only or if it included Fire as well. Chief Witkowski stated it did not include Fire and it was MPD only.

Mr. Banicki asked if they blamed the tenant for the amount of calls they had received or management for not getting rid of the tenant. Chief Witkowski stated it was a combination of both, because every time he personally was there, management would not be cooperative at all. Chief Witkowski stated there would get there on a call and try to rectify the situation and management could not care less. Chief Witkowski stated there were a couple of times they had to break in some doors because of that.

Chief Ray, Chief of Operations for the Mishawaka Fire Department, spoke in favor of **RESOLUTION R2022-11**. Chief Ray stated he ran about a five-year report from March 2016 to July 2021 when they quit going there pretty much because of everyone being moved out. Chief Ray stated 750 Allen View was a 209030 unit, three-story apartment building that sat behind the brewery complex and in five years, they went there 133 time with 108 of those being EMS calls. Chief Ray stated every EMS call, you were going to get an engine and an ambulance which was five to six people and if it was a cardiac arrest or an overdose, you were going to get another truck with another three people, totaling out to three trucks out of their fleet for each one of those type of calls. Chief Ray stated there were 14 fire responses, 8 miscellaneous calls and 3 lift assists. Chief Ray stated the EMS calls consisted of types including cardiac arrest, overdose, breathing problems, assaults and many miscellaneous. Chief Ray stated many of the cardiac arrests and breathing calls were also drug related overdoses. Chief Ray stated they had the PD come with them because of the area they were responding to. Chief Ray stated the fire responses consisted of one structured fire, two electrical fires, one vehicle fire, smoke removals for many burnt hot dogs in the middle of the night and many brush and trash fires around the facility. Chief Ray stated they had many small fires all around that neighborhood because of a resident that they were investigating but he had to move when everyone else moved out and in turn left the state. Chief Ray stated the miscellaneous calls consisted of nothing found on scene or disregards in route. Chief Ray stated the lift assists consisted of Ladder Company responding to health personnel who could not move from one place to another. Chief Ray stated that was a ladder truck going out and helping people get from one place like a wheelchair to a bed or something along those lines. Chief Ray stated he ran a comparison against 133 calls in five years and did it against the 100 Center apartments which were right next to it and those were 54 units. Chief Ray stated the other one were 29 to 30 units (Kamm Island Apartments) and when he ran it from the same dates for March 2016 to July 2021 and they had 40 calls of service for 54 units. Chief Ray stated those broke down to 32 EMS, all types, 2 fire which were only trash fires and brush fires outside, two gas leaks, two miscellaneous calls which were a false alarm and a cancelled in route and two lift assists. Chief Ray stated if they compared them, they did three times the amount of calls on half the amount of apartments in the same area. Chief Ray stated he also compared it to other complexes in the city and he looked at the West Jefferson Apartments and did each building in the West Jefferson Apartments, because there were different addresses within there. Chief Ray stated each one, if you did them all, averaged out to about 12 calls per building. Chief Ray stated he did the same thing with Parkview Terrace and then if you went out to the bigger apartment complexes in the city, they just went down from there. Chief Ray added tha they asked Chief Witkowski about management and he didn't really worry about the management or who was living there but what he did look at was a firefighting problem. Chief

Ray stated getting fire trucks back there would always be a problem with the amount of space. Chief Ray stated added to their structure fire response and now with adding a potential water rescue response with the apartments being adjacent to the river, would entail them having to bring South Bend over to help them. Chief Ray stated the building had always been a worry of his personally being the Chief of Operations.

Mr. Banicki asked a similar question to Chief Ray as he did with Chief Witkowski and asked if they had management in there to get rid of the drug users and the abusers if that would cut down on their calls. Chief Ray stated it would cut down on the overall calls but you could not factor that in to EMS calls depending on what age of people lived there. Chief Ray stated if they looked at some of the places where older residents lived, they went there quite a bit. Chief Ray added, as Chief Witkowski stated, the building was built to be a hotel and in and out and not to be lived in on a long-term basis. Chief Ray stated if you were going there at 2 in the morning on a drug overdose call and you're on the third floor, it is a scary place to be and he knew Councilman Hazen was there at one time. Chief Ray stated it reminded him of the Wooden Indian and what happened there with the South Bend Police Department, because there was essentially nowhere to go when exiting those apartments. Chief Ray stated that was his big worry when folks go up there and have to enter those apartments and if that got cleaned up, they still had the problem of the firefighting. Mr. Banicki asked what if they put a sprinkler system in or things like that. Chief Ray stated there were standpipes in the building that ran up so they could run hoses through the standpipes but they were usually full of syringes and other debris and all kinds of stuff like that.

Mr. Mammolenti thanked Chief Ray for his presentation and validated his point stating a couple years ago when he rode with one of the shifts, with station #1, one of the calls was down there and it was in the polar vortex with quite a bit of snow on the ground and the engine had extreme difficulty even getting down to that area. Mr. Mammolenti just wanted to make that point more clear and they also had a call going into one of the apartments and it was just as everyone had been describing that evening. Mr. Mammolenti thanked Chief Ray for the illustrations and descriptions as well.

Mrs. Voelker stated she was glad Chief Ray made the presentation and went on to make comparisons to other apartment complexes because that was the question she originally had and thought it was very illustrative of the situation there. Mrs. Voelker thanked Chief Ray once again.

Mr. Hazen asked if they voted yes to this matter tonight, that they would sleep better at night knowing that their guys would not have to go there. Chief Ray stated every night and then if they could just get the brewery building taken care of as well that would make it even better.

Mr. Hixenbaugh appreciated the deep dive into the data he provided that evening and it was very helpful to the council. Mr. Hixenbaugh asked outside of the companion to the other apartment complexes throughout the city over the same five-year period, would this stand out as being a frequent source of calls and responses or did it look a little bit different when you compare it to just properties in general within the city of Mishawaka. Chief Ray stated he thought the only other properties that compare in terms of run volume are assistant living and retirement type of facilities in their area. Mr. Hixenbaugh stated that seemed like it was generated by a whole different set of issues rather than what they were discussing with the matter at hand. Chief Ray stated that was correct and he could not think of any other place in Mishawaka with this many type of calls in the type of structure.

Joe Van Nevel, Director of Code Enforcement, spoke in favor of **RESOLUTION R2022-11**. Mr. Van Nevel stated he had been with Code Enforcement since 2013 and he had spent a lot of time on this area since he started. Mr. Van Nevel stated they received nuisance cases and substandard cases with nuisance cases being on the grounds with things being dumped and substandard cases had to do with the structure or the apartments themselves. Mr. Van Nevel stated from 2013 to 2017, cases were frequent and after 2018, there was a decline of tenants occupying apartments which were possibly caused by continuous issues with bedbugs with most of the substandard issues being bedbugs and constant turnover in this complex was tremendous with new tenants frequently going in and out. Mr. Van Nevel stated in 2018, they were closing down some of the apartments but not addressing the issues they were having which caused the decline. Mr. Van Nevel stated nuisance cases dealt with trash and tall grass and there was a small parking lot that could not accommodate the people living there. Mr. Van Nevel stated you would find vehicles being trashed there, being left and abandoned and so on. Mr. Van Nevel stated the issues would get rendered but it seemed like they would always come back up. Mr. Van Nevel stated they had an issue in 2015 where a tenant called him and said he was evicted and wanted to report that every time their toilet would overflow, it would flow into the river and he got many departments involved in that and it turned out it was actually happening. Mr. Van Nevel stated since then, apartments had been emptied and a lot of the activity had subsided, including the small fires. Mr. Van Nevel stated personally, he’s had to put out about 25 of them and would report on them. Mr. Van Nevel stated Code had to deal with items being dumped in the river and he believed if the apartment was still continually being rented, there would still be that issue and he did not see how that would go away. Mr. Van Nevel stated he still went back there a lot and Code had spent a lot of time over the years there and that may have been the number one property as far as constantly keeping an eye on them. Mr. Van Nevel stated even though the dumpings and graffiti had slowed down, there was still some going on but they were constantly monitoring the area with the help of the Police Department and the Fire Department. Mr. Van Nevel stated this was an area that he averaged going down there 7 to 8 times a week over the years and he believed it the apartment was gotten rid of, you would eliminate the activity occurring down there. Mr. Van Nevel stated he would like to see it go and thanked the council for their time.

Mr. Compton thanked Mr. Van Nevel for all of the work he did and asked if he cited the owner of the complex and fine them for the violations. Mr. Van Nevel stated there would be a few small citations, but not many. Mr. Van Nevel stated usually over time after issuing the citation warning, they would get it taken care of by either getting rid of the tenant or take care of the issue itself. Mr. Compton asked if he knew if the fines were paid. Mr. Van Nevel stated he did not know.

Mr. Banicki asked how they knew if these tenants had bedbugs and if it was a complaint driven or if they went inside. Mr. Van Nevel stated it was complaint driven and they would actually come out of the apartment and show them in some instances. Mr. Van Nevel stated he knew Aardvark was treating them over the years and they even commented that they would get rid of them and then they would come back due to the turnover of tenants. Mr. Banicki asked if they had a bit better, cleaner facility with a more clean type of person they would not have that problem, Mr. Van Nevel stated that was correct. Mr. Banicki appreciated Mr. Van Nevel's work.

Mr. Hixenbaugh asked Mr. Van Nevel if he could put this in context of problem properties that he and his staff had to deal with and where it ranked, if at all possible to speak on that type of comparison. Mr. Van Nevel stated the other one that would be somewhat comparable to this establishment would be the Mishawaka Inn on Lincolnway but they did not get nearly as many complaints but did receive some bedbug complaints there as well. Mr. Hixenbaugh asked if there were other buildings both commercial and residential where over the course of time, there had been more than 44 nuisance cases and 48 substandard cases. Mr. Van Nevel stated he could not think of anything comparable to that.

Bo Hundt, Building Commissioner, spoke in favor of **RESOLUTION R2022-11**. Mr. Hundt stated he usually got called in at the very last time when all the other departments were out there doing their job and service. Mr. Hundt stated there were two incidents in particular, one being the sewage incidents everyone had talked about. Mr. Hundt stated he was called out when it was discovered that sewage was being distributed into the ditch area of the creek there and he did go into the building and actually walk under the building and got access from the ditch and creek area where this was occurring. Mr. Hundt stated there was a plumbing contractor out there and there was actually a pipe that was being drained directly into the river and it was backflow. Mr. Hundt stated basically instead of a preventer, it was an inhibitor to allow the sewage to go straight into the river. Mr. Hundt stated they had a cap cut and had it capped at that time and it was reported to IDEM and they took care of it going forward and their hands were off it at that time. Mr. Hundt stated the second incident was last year with the electrical box that caught on fire out of the complex and he was called out to make sure everything was taken care of. Mr. Hundt stated reconnections were done and done properly and making sure the building was secure. Mr. Hundt stated just like a residential or commercial place, if the power went out, generators were to be used for a certain period of time temporarily which was don't out there, but of course they were not done completely proper with being hooked up to batteries of cars and things of that nature. Mr. Hundt stated the fire marshal was out there and made sure those were disconnected, but they did have some generators that were running. Mr. Hundt stated power restored in the right amount of time to get that building back with electrical service. Mr. Hundt stated one of the biggest things for this building was the safety measures for building and fire codes and the safety of the residents in the building. Mr. Hundt stated when looking at the apartments up north, the fire codes were more up to date and every time they had a fire, lives were safe because of that. Mr. Hundt stated this was built before major building fire codes were brought out as Fire talked about and the access to the building, being able to get their trucks around and get in full coverage of the building was improper and would not be allowed to be built with the current building and fire codes at that time.

Mr. Banicki stated he knew back in June 2021 when this was all going on, he said they had about a month and they were condemning the building and asked if the building had been condemned. Mr. Hundt stated it had been condemned for use and that was it. Mr. Banicki stated, hypothetically, that if they were to put some shoe polish on it that day then they could open it back up tomorrow. Mr. Hundt stated yes and no and that life safety would still have to be in place and they would have to do walkthroughs with Building and Fire to make sure everything was brought into code for existing code from the time it was built.

Mr. Hixenbaugh thanked Mr. Hundt for the information and appreciated the concerns that he had articulated with regard to the property and knew he took it seriously. Mr. Hixenbaugh asked when comparing and contrasting the concerns he had with regard to this property and with other problem properties in the community, where this ranked in terms of what kept him up at night and what worried him about potential problems. Mr. Hundt this was by far up there because of the coverage, where it was located and the access to it with the ability of people, if something was to happen as far as life safety went along with the way it was built. Mr. Hundt stated it was at the top of his list by far. Mr. Hixenbaugh stated what he took from his comments was from his perspective as a representative of the city that there was appropriate interaction and follow up with the issues on the part of the management of the building and owners of the building and asked if that was accurate. Mr. Hundt stated he got involved with the contractors and that was where he tried to stay involved, so they got the certain amount of time through the contractor and were notified at that time that they had a certain window to get the electric fixed and it was done within reason. Mr. Hixenbaugh asked if it was fair to say then that the disturbing images they all saw of people running electrical cords from the car batteries to their apartment was a choice of the individuals rather than taking advantage of the opportunity to generate. Mr. Hundt stated that was correct, because they could use a gas generator but it had to be outside and they did find one that was inside of the building. Mr. Hundt stated the car battery was a single incident that was taken care of.

Mr. Mammolenti asked how many residents were living there when the power went out. Mr. Hundt stated he did not know the exact number of residents but he believed there were 13 units occupied at that time. Mr. Mammolenti asked if they knew if they had been relocated and found rehoused. Mr. Hundt stated as far as he knew, the building was empty with no residence at that time.

Mrs. DeMaegd asked what the square footage of the apartments were. Mr. Hundt stated he did not know the exact square footage of the apartments, but if he were to guess it would be 500 max, but he believed it would be more in 400 to 425 range.

Ken Prince, Director of Planning Community Development, spoke in favor of **RESOLUTION R2022-11**. Mr. Prince began stating that he was going to provide a lot of information to the council because of the importance of this property and to further help them make a decision, so he wanted to apologize about that beforehand. Mr. Prince stated they were asked a number of questions about the property they were not typically asked and he felt there was an obligation provide as many answers and as much information as they could, so he was going to start from the beginning. The big question he was asked at the beginning was the purchase price and he knew the council was aware but for the public, every property they bought, they were required to obtain two independent appraisals of the property before they made an offer of purchase. Mr. Prince stated in this case, they made the offer of $862,500 based on the average of the two appraisals that they received for the property. Mr. Prince stated for those who followed the work they did in Redevelopment, the Redevelopment Commission went through their TIF priorities and cash flow expenditures and they tried to do it on a yearly basis. Mr. Prince stated they would be doing it again in May but they had not done it since December but even in December of 2020 when they had done it, they had allocated 1 million dollars for property acquisition of the 100 Center without of course any explanation and they had to keep it private but it had been envisioned for a long time. Mr. Prince stated it went back to when he and Mayor Rea had looked at the property and at that point in time, the price was well over half a million dollars which was 20 years ago. Mr. Prince stated at the time they were shocked, but in hindsight that would have been money well spent if they would have done it at that point in time just to get rid of the nuisance and what they heard that evening could have been prevented had they pulled the trigger and brought it before the council and given the blessing. Mr. Prince stated they were not going to make that mistake twice or at least give the council to option to approve this. Mr. Prince stated they made the offer in good faith to the current owner without researching, understanding any of the bills, any of the purchase price that they made for the property but when they were asked regarding what did they pay for the property, they went back to the owners and asked that question. Mr. Prince stated they indicated they purchased it for $695,000 and invested over $150,000 into the property which included the electrical repairs, the taxes and the cost of relocating the tenants. Mr. Prince stated when adding those up, that meant they had $840,000 into the property and their offer was $862,500. Mr. Prince stated at the little over $20,000 that represented a 2.6% difference. Mr. Prince stated by every stretch of the imagination, he believed that they were not making money on this property. Mr. Prince stated the other thing they did on every buy and sell agreement was they required that the property be completely vacant with no lease interest in the property when they acquired it and that was an important part of it, because of they were to buy the property and there would be somebody living in that property, they would be completely responsible for them and finding them that new home. Mr. Prince stated the only exception would be when they condemn property, they were required to pay that relocation and they went through that process just recently over the past year on Hill Street. Mr. Prince stated this costed between $20,000 and $30,000 to relocate each one of them and the majority of that did not go to the person that was living there but it went to the process of paying for the people necessary to relocate them which made it an expensive and time consuming endeavor. Mr. Prince stated whenever talking about a public domain, this was a redevelopment project and they very specifically by law could not use eminent domain for a redevelopment project. Mr.

Prince stated they could not go and buy the property and sell it to someone else or redevelop it unless they had a public use for the property and in this case, they were not putting a road through it, doing a drainage project or doing anything that really would require eminent domain going through it. Mr. Prince stated as Mayor Wood mentioned, they wanted to buy it now because it was not going to get easier and the property was not going to get cheaper. Mr. Prince stated when they talked about Dodge and $1 million when talking about the acquisition and demolition of the property was a large investment but he equated it to the Dodge property in terms of the legacy cost being born by the city and in that case, the acquisition price was $250,000 but the reinvestment was $13 million so if you looked at it proportionately this was one of the legacy properties that they were at that point needing to deal with. Mr. Prince stated the other thing they were asked differently on the property compared to any other property was their relationship between the city and the developer. Mr. Prince stated it was important to note that until the buy sell agreement was reached with the owner's representative. Mr. Prince stated there was no relationship, no agreement, no nothing between the seller and the city. Mr. Prince stated this went back to Mayor Rea when they said to numerous people of their interest in buying the property and getting rid of the property over that period of time. Mr. Prince stated their contact with the current owner's representative happened years ago and they had other real estate interests down there and they basically made the comment 'wouldn't it be great to get rid of that piece of property.' Mr. Prince stated regarding the redevelopment efforts in the city, they were not out there pounding doors down and in terms of their staff, they communicated so when people came in whether it was an existing owner or real estate developer, they had conversations with them constantly and usually would never come to light. Mr. Prince stated the next issue that was brought up was low-income housing regarding there was nothing wrong with low-income housing and they should provide for it. Mr. Prince stated as a city, they completely agreed with that and low-income housing options were important to their city and they invested in it. Mr. Prince stated their housing stock was essentially developed as workforce housing and most of the older housing downtown, when you thought of the Uniroyal's and Dodge's of the world, was developed for the purpose of being workforce housing. Mr. Prince stated the city was very much for low-income housing, but argued in this particular case it was not the spot for it. Mr. Prince stated the reality was, when thinking of a standard motel room whatever square footage that was, this was what they had at the Kamm Island apartments with potentially five or six people living in them. Mr. Prince stated these were substandard units that would not be fit for what they were currently being used for. Mr. Prince stated they also were not managed by a company or an entity that specialized in providing that service so when you thought of low income and the housing authority, they had programs specifically for low-income people to provide them the service that they needed. Mr. Prince stated in this case, it was just a financial endeavor and the entity was ill equipped to deal with the problems and that was evident by the number of police calls and fire calls they had. Mr. Prince stated the other component to be considered was the highest and best use of the property, which was more of a zoning issue and not an acquisition issue. Mr. Prince stated in this case, the highest and best use to the property they argued would be to maximize the potential for the redevelopment of the 100 Center and he thought with the acquisition of the property, they would do that. Mr. Prince stated the building was essentially an obstacle to what they would like to do. Mr. Prince stated the property location was wonderful, but if the free market was going to deal with the overall 100 Center, it would have happened by now. Mr. Prince stated they tried to reserve the investments of significance like the city was looking to make there for the properties that were not going to be handled in another way. Mr. Prince stated the reality was over the last 10 years, they had seen the 100 Center further degrade to the point now where Indiana State Landmarks had it listed as one of their 10 most endangered structures, part of it because of the activity that was occurring at the apartments. Mr. Prince discussed the floodplain associated with the 100 Center and the Kamm Island Apartments and stated where the establishment was built on the edge of the floodplain was contributor to some of the issues as well. Mr. Prince displayed visuals to the council of the Kamm Island Apartments and surrounding establishments and showed why the issues occurred as far as the geographical problems were concerned. Mr. Prince stated the converted hotel rooms were never meant to be apartments and they did not service the way they should and did not provide value to the property. Mr. Prince stated at the end of the day, you could spend millions of dollars on renovation but you would still be in a peculiar position and that is why they wanted to get rid of it. Mr. Prince stated the apartment was not architecturally significant and in terms of pedestrian friendly, the building specifically got in the way of making the whole 100 Center pedestrian friendly. Mr. Prince presented a diagram of the area to show an area of existing parking could be reconfigured to allow for a firetruck to be able to turn around in that area so it would not be a dead end and could get in and out of there and pull the hose if necessary to service it. Mr. Prince stated with the bridge connection, when you thought of the area and the potential of it you had the beautiful façade of the 100 Center brewery complex and then behind it you had an unrealized potential of outside event space, whether it would be a party or a gathering space. Mr. Prince stated either way they would be using the amenity of the river and the park in order to aid in the redevelopment of the property and that only happened with the apartment property gone. Mr. Prince stated the developer, whoever ultimately ended up developing this would had the ability to make the choices on how the property was developed and it could be one restaurant and event space that went into the building instead of multiple ones because of the demand for parking. Mr. Prince stated the acquisition of the apartments aided in the redevelopment of the property. Mr. Prince stated this was the most economical way they could provide meaningful help in terms of the overall redevelopment of the 100 Center. Mr. Prince also stated that it would be leverage and they wanted to see it be restored to somehow its former glory and wanted it to be a destination and to be a part of the overall city moving forward one way to do it was have skin in the game and the acquisition of the property would give them skin in the game which equated to control on how the overall brewery building would be redeveloped. Mr. Prince stated for those reasons, they were asking for their consideration of adding it to the acquisition list and he was happy to answer any questions they had.

Mrs. DeMaegd asked if the sale went through that evening if he could tell them when the building might be raised. Mr. Prince stated he would hope that Fall.

Mr. Hazen asked if they bought the property for $500,000 and there was 30 to 45 people living there, what that would cost to replace. Mr. Prince stated for one, they would never have got into that situation because they would have never been able to condemn it. Mr. Prince stated if they were to put a road through and that was the public use that demanded it, he imagined it would $20,000 or $30,000 per unit in addition to the acquisition cost.

Mr. Emmons stated when the facility was built way back when, it was a nice facility and it served a purpose because of the redevelopment down there of the 100 Center and those apartments or hotel rooms were very small with a bedroom, a bathroom and like Mr. Prince had mentioned, a very small area for a kitchenette. Mr. Emmons asked if there was city code to stipulate what amount of space you could have to rent out for an apartment with the parking, the access, the fire codes and everything else and why that was allowed. Mr. Prince stated there was multiple facets of his question and first, that when the building was developed, a lot of their current codes didn't exist so it was grandfathered in. Mr. Prince sated the second thing regarding the occupancy was really question for Mr. Hundt and not Mr. Prince regarding the building code. Mr. Prince stated from a zoning perspective, the apartments and the motel were both permitted uses in the district and would have no requirement to come before them because of that change in use occupancy for it. Mr. Emmons asked what the acreage was that the apartment complex was on. Mr. Prince stated it was three-quarters of an acre.

Mr. Compton thanked Mr. Prince for the detailed report and had a couple of questions. Mr. Compton asked if the private owner was not involved in the relocation as far as fees went and asked for clarification if they were required to do any of that. Mr. Prince stated it depended on the context and he knew particularly with COVID that you were not legally allowed to evict people so he knew there were finances involved in terms of paying people too. Mr. Compton asked about the value of the property, $862,500, and what they based that on with the building not being much use of anything although it was on the river. Mr. Prince stated he did not disagree with Mr. Compton, but it went back to his discussion with Mayor Rea 20 years ago and they looked at the property and believed it was not worth it and now based on the history of the property, the use of property, they thought it was well worth it. Mr. Prince stated they wanted to get rid of the nuisance.

Mr. Banicki asked if they should do this before the 100 Center del was done because maybe they may have interest in the apartments or hotel back there to help bring people in and if that was a possibility. Mr. Prince stated he thought their opinion was that acquiring it now and tearing it down prevented it from ever going back into that apartments and also gave them leverage in terms of going into it in the last minute and not have any leverage with the developer telling them how it would be and they may not like it, but would have no say in it. Mr. Prince stated this would give them a say in what happened down there. Mr. Banicki stated by tearing them down it did not guarantee that anything would happen in the 100 Center and that deal could fall through. Mr. Prince stated it could catch fire tomorrow, which he hoped that did not happen, and it could go away but even then at that point in them, they still had river frontage and a piece of property that somebody was going to talk to them about. Mr. Banicki stated they would have a lot more parking spaces and Mr. Prince stated they would have to have a reason to park there though. Mr. Banicki referred to one of the appraisers saying the highest and best use as a vacant property from a fiscal stadpoint, the subject was located in a flood zone and therefore had some building limitations and according to soil maps, whatever was built should have a slab foundation and a load of limitations and prohibit construction on a high-rise building. Mr. Banicki continued reading the statement saying the subject was legally zoned for hotels and multi-family residential apartments and due to the high demand for multi-family residential apartments in the subject's area, the most financially feasible and most maximally productive highest and best use as a development site was a multi-family residential apartment use. Mr. Prince stated that was in the appraisal to determine value which was why they were paying higher prices for it. Mr. Prince stated it was not from a planning or a redevelopment standpoint and not in the best interest of the city. Mr. Banicki asked if that was the best use of the property. Mr. Prince stated it was the highest value use of the property but the highest value and best were two different terms. Mr. Banicki stated it was a tough call and he did not know if they were at the end of life and he saw a lot of people stand at different places whether it was daily, weekly, monthly, whatever and the man that ran them before had a business model and his model must have worked for a long period of time because he was there for a long period of time. Mr. Banicki stated it had been for sale quite a few times over the years and he thought that if someone was going to buy it, they would have a game plan for them and if the game plan were to fix them up then that's what it should have been and it seemed like this was purchased to shut down to sell. Mr. Banicki stated it did not pass the smell test for him but he appreciated all the hard work and all of the department heads being there. Mr. Banicki stated he did not know if he could support it with so many people looking for housing at that time and they spent a lot of seed money tearing down Uniroyal and getting that built up and they kept throwing money at it when individuals should want to throw money at it to up their portfolios. Mr. Prince understood his point and there was a whole lot of people who had money, not just the city, trying to achieve what they believed to be a destination, quality of life project. Mr. Prince stated and this along the river they could not remanufacture the history that was down there and if it were down on 12th Street they would not be talking about this, for example. Mr. Prince stated it was because this was river frontage, because of the history there and because of the non-conforming situation and the problems they had at the property for over 20 years, they just felt it was time. Mr. Banicki stated he would feel more comfortable if he had someone in front of him from the 100 Center group that may invest in it and if they were there and said if it were gone they would be more inclined to buy it. Mr. Banicki stated they just did not know where they stood. Mr. Prince stated he could not help with that.

Mr. Hixenbaugh thanked Mr. Prince for his diligent work in putting together the information he shared with the council that evening and the time it took. Mr. Hixenbaugh asked, with regard to the property and if it were added to the list, what would they anticipate would be the demolition cost. Mr. Prince stated the only thing they had programmed at that point in fact that the demolition cost would be estimated to be $100,000. Mr. Hixenbaugh also asked about the source of funding for this purchase and what they would use to acquire it and then figure in the demolition cost and other investments they made. Mr. Prince stated their only source real for this type of project would be their Tax Increment Financing District and would be the consolidated TIF District. Mr. Hixenbaugh asked what would the acquisition of the property and the anticipated demolition and other costs do to their plans to the use of TIF in terms of potentially forcing them to reprioritize what they otherwise had planned to do. Mr. Prince stated stay tuned in May and see what the Redevelopment Commission had outlined but regarding Dodge which was much bigger, years ago they had programmed the million dollars for an acquisition demolition project at the 100 Center. Mr. Prince stated the Dodge project in addition to significant increase cost and construction that was happening at that point, he could tell them was really throwing their projections in TIF way out the door. Mr. Prince stated their scrambling was not just with Dodge nut they had multiple projects that costed much more money than they used to, based on the current biding environment. Mr. Hixenbaugh then asked, as pertaining to making a decision that evening, if it was a fair statement that the scope of the anticipated investment in that instance was nowhere near the scale of the scope with regard to the anticipated investment for Dodge, to the point that it would not require as much reprioritization with regard to how they were going to spend their TIF money into the future. Mr. Prince stated they were reaching a point in the TIF District where it would make sense on very large projects, for example the athletic facility or the Mill phase 2, where they were going to look to create separate TIFs for the tax generated from the project paid for the infrastructure and the improvements associated with it that were needed to serve it. Mr. Prince stated when talking about the parking garage in the Mill phase two, capturing the increment from the project over a period of 20 some years was going to pay for the investment itself and they would spin it out of one TIF into another so it did not adversely affect their cash projections. Mr. Prince stated if there was a situation there, they had the million dollars that they were looking to invest immediately to put skin in the game but there could be additional public investment as well. Mr. Prince stated typically they wanted to do an investment that was commensurate to the investment being put into it. Mr. Hixenbaugh stated it sounded to him, and to correct him if he was wrong, that subject to the other factors, the reinvestment in the 100 Center and cost of whatever it was that they did on into the future, that a good working number at that point for the total investment if added to the acquisition list would be approximately $3 million. Mr. Prince stated that was correct and just from having worked on it, they did not have anything more than $1 million currently programmed in. Mr. Hixenbaugh stated that was subject to a lot of analysis and a lot of events but clearly this acquisition would trigger the potential for some other investment down the road on the part of the city. Mr. Prince stated that was a possibility. Mr. Hixenbaugh stated with regard to the map, he liked the idea with the public green plaza and with regard to that, would something along the lines of the public green plaza require some additional investment on the part of the city rather than being privately funded or did that remain to be seen. Mr. Prince stated if it was a public improvement where the public would have access to it like a park, it may warrant the city's investment. Mr. Prince stated if it was a private, only to serve the development investment, then they would stay away from it and would say it would be on the developer. Mr. Hixenbaugh asked for clarification if this was a concept and what could potentially make sense if the property was acquired and not to indicate it would be what would exactly happen subject to all of the other factors. Mr. Prince stated that was correct and it could go either way. Mr. Hixenbaugh appreciated the time and effort he put into his work and his patience with them that evening. Mr. Prince stated it was his pleasure.

Joe Grabill, a resident of the 100 Center who maintained offices at 602 Lincolnway West in Mishawaka, was present as the realtor representing the buying entity that was buying the building and assured the council that eliminating the blight would have a positive effect on the ability to redevelop the 100 Center. Mr. Grabill stated there was no guarantee, because everything was contingent on the ability to secure financing. Mr. Grabill stated he was also the realtor that represented the entity that bought the hotel. Mr. Grabill stated the hotel building was on the market for a million dollars and the reason it sold at such a dramatic cost was because many of the tenants weren't paying rent and it was in very poor condition. Mr. Grabill stated during that time, many resources provided to the residents of that apartment were in fact at the time of the transformer fire. Mr. Grabill stated at that time, the Penn Township Trustee offered emergency hotel rooms for anybody that wished it. Mr. Grabill stated free moving and negotiated subsidized rentals were also a part of the deal so the rentals inside the complex were less expensive than the rentals at the Lincolnway Inn and the ownership entity there was willing to pay the difference in rent to the landlord at the Mishawaka Inn for three months for anybody willing to move but nobody was willing to move. Mr. Grabill stated many of the folks residing in that apartment complex continued to collect Social Security disability or continued to be gainfully employed and were not eligible for the protections under the extended COVID. Mr. Grabill stated he was responsible as the property manager for paying the legal bills which was tens of thousands of dollars. Mr. Grabill stated even after eviction orders were obtained, many residents refused to be vacated and the police had to get involved. Mr. Grabill stated some residents even broke back in and moved back in after their eviction, which was apocalyptically bad. Mr. Grabill stated this seemed like a lot of money but by market metrics, it was a very small amount of money, roughly $30,000 per unit. Mr. Grabill stated the new $15 million complex proposed for Front Street had a per-unit cost of $140,000. Mr. Grabill stated that the ownership group was approached by a member of the Saint Joe County Council asking if they would be willing to make this available for the hotels for the homeless program and the revenue that would have been generated by turning it into a homeless center would have been an excess of $25,000 per month. Mr. Grabill stated although he discouraged the ownership entity from doing that because while there was a need for homeless centers throughout Saint Joe County, he felt it would be a wholly inappropriate use. Mr. Grabill stated he was there as president of the 100 Center Property Owners Association. Mr. Grabill stated he really believed this was an opportunity to eliminate blight and believed the roughly $30,000 cost per unit was not very much money.

Mr. Banicki asked what it would cost to renovate that building. Mr. Grabill stated his estimate would be between $1.5 and $2 million. Mr. Grabill stated presently, construction costs were extraordinarily high and he was at an Indiana Commercial Board of Realtors Conference and they said, in the pandemic, they were projecting a construction cost increasing by 1.5% per month. Mr. Grabill stated at the conference that year, they said construction costs were going up 3% per month, 36% annualized rate of inflation, in part because of the critical labor shortage and also because of the pandemic causing a lack of building supplies.

Mr. Mammolenti asked about the $1.5 to $2 million number he just discussed to renovate the building and asked after investing that large amount of money if the investor would not be able to maintain the current rent cost. Mr. Grabill stated the rent cost would have to be much higher and there were seven banks that were approached about financing the Kamm Island apartments which six of them passing and the one did it only because he personally pledged other property as collateral. Mr. Grabill stated no one wanted a loan on this project and that would continue until the main brewery was redeveloped. Mr. Grabill stated the ownership entities tried to be completely transparent and the flood insurance alone on the building was $14,000 a year and that was not counting the regular insurance on it or the money for utilities per month or any of the management costs. Mr. Mammolenti wanted to clarify that the people who were living there previously would not be able to afford it after this phase. Mr. Grabill stated unequivocally zero chance they could afford to live there.

Mr. Hixenbaugh thanked him for the information he shared and asked a question regarding the impact the acquisition of this property to demolition of the current structure and some high-quality redevelopment could have. Mr. Hixenbaugh stated what he took from his comments was, in his profession, all of those things would enhance the marketability and the attractiveness of an investment into the brewery itself for some further redevelopment in the vicinity. Mr. Grabill stated that was partly true but he stated you had to be a little crazy to take on the 100 Center and his attachment to the 100 Center was purely emotional. Mr. Grabill stated he had numerous memories from the 100 Center and he put his money where his mouth was and moved from Granger to Downtown Mishawaka in order to be next door to the 100 Center because he cared about Mishawaka and he wanted to see it redeveloped. Mr. Hixenbaugh stated they appreciated the investment and attachment to the community. Mr. Hixenbaugh stated it sounded like even if it would not dramatically improve the marketability of the 100 Center proper, it at least was not going to hurt the marketability of it. Mr. Grabill stated he was absolutely correct. Mr. Hixenbaugh asked if the redevelopment of the property accrue a benefit to the other owners in the periphery surrounding. Mr. Grabill stated of course and this was an instance of addition by subtraction, as the Mayor previously and believed it would be a real community benefit.

Mrs. DeMaegd asked if the building had 24 units. Mr. Grabill stated it was 30 units, but one of them had been used as a management office. Mrs. DeMaegd stated she was sure it would be cost prohibitive to take the 30 units and put them into 6 units to make them condos or townhomes or something of that nature. Mr. Grabill stated it was a fair question but that had not been explored. Mr. Grabill stated he could only imagine what reengineering this might cost in architectural fees. Mr. Grabill stated it was not impossible, but as long as the main brewery building looked the way it did he could not imagine any prudent investor committing that kind of capital and entertaining that kind of risk.

Scott and Mary Lou Stevens, one of the closest residential homeowners next to the complex, spoke under **RESOLUTION R2022-11**. Mr. Stevens knew it was something great back in the day but unfortunately now, they lived where they were for 30 years and saw nothing but negative things happen. Mr. Stevens stated he had heard the stories and he was worried about what would happen if they tried to fix it up and what kind of attendance it would attract. Mr. Stevens stated they knew the 100 Center had been going downhill for a long time and being right next to it, they were waiting for their property value to rise when the property in question's value also rose. Mr. Stevens stated they were in favor of seeing this go. Mrs. Stevens stated some of their best friends had been their neighbors and this was something they had discussed numerous times over the years and thought it was a no-brainer to see it go. Mrs. Stevens stated they also owned an event space that overlooked the parking lot and while they were fixing that up and while they were getting that going and had events, they saw somebody come out in a body bag. Mrs. Stevens stated the police had been called there multiple times and who would want to run a business with all of the activity going on. Mrs. Stevens stated this was long overdue in their minds.

William Duxbury, 505 Kamm Island Place, spoke under **RESOLUTION R2022-11**. Mr. Duxbury stated as a board member of towns at Kamm Island, all of them discussed it on a fairly regular basis and would love to see something happen. Mr. Duxbury stated they were impressed with what everyone had done and what the leadership in Mishawaka had done and it was amazing except for this property. Mr. Duxbury stated he knew it had history and it was important but to do something with this would be amazing. Mr. Duxbury stated as a fairly new resident looking at it, the progress made had been phenomenal. Mr. Duxbury stated he would be hard pressed to find anyone who was against this outside of the financial aspect possibly.

Vic Kasznia, 820 Portland, spoke under **RESOLUTION R2022-11**. Mr. Kasznia stated he had been there five years and had seen nothing but this particular area go downhill and it wasn't going to get better. Mr. Kasznia stated he looked forward to the improvements being done and this could really help out a lot.

Mr. Banicki thanked everyone for taking the time to put all of this information together and he knew there was a lot of question that he had to make sure they were doing the right thing. Mr. Banicki had one more question for Mr. Prince and asked him about an email that was distributed that had speculation from one of the close neighbors that they were in fact buying the building and were going to demolish it and then sell it to the purchasers of the 100 Center. Mr. Banicki asked if they tore it down if they were going to retain the property. Mr. Prince stated he would hope not. Mr. Prince stated it would be more logical to go with the building itself but they did not know what was going to happen on the center itself. Mr. Prince stated their goal was to aid in the redevelopment of the 100 Center main complex whether that involved the sale of the property, the direct capital improvements by the city or any other means they were looking to do for the city of Mishawaka. Mr. Prince stated it was premature to say definitively until they had a development plan.

Mr. Banicki stated he was conflicted on which way to go with this with some of the timings and the smell test. Mr. Banicki stated looking at the big picture, it would be nice to see it gone of course but it would also be nice to see it be used for people who did not have as much. Mr. Banicki stated it was a tough decision but he was ultimately going to go on the side of the administration and hope they did the right thing. Mr. Banicki stated he would support it.

Mr. Mammolenti thanked Mr. Banicki for his thoughts and stated he brought up valid points. Mr. Mammolenti stated the safety of their first responders and other city employees that had been called down there countless hours was of the utmost importance along with the nearby residents as well. Mr. Mammolenti stated the only downside he could find was eliminating thirty units of low income property. Mr. Mammolenti believed this was the missing piece to a beautiful redevelopment puzzle and he knew nostalgia was part of it as anyone else with the 100 Center and he personally used to hang around. Mr. Mammolenti stated in his opinion, this area was a gem and had the potential to be a great area once again. Mr. Mammolenti stated he thought the purchase of this building would be the catalyst to redevelopment and he thought they had taken a risk before with the Riverwalk and that seemed to pan out. Mr. Mammolenti stated of course they never know what the outcome would be but he guessed on the side of that this would be a catalyst to help develop this over neglected piece of property. Mr. Mammolenti stated he would be in support of this and thanked all of the first responders for their time and effort that they put in in years past and thanked everyone who was involved including Mr. Prince and Mayor Wood. Mr. Mammolenti stated it had been a long vision and a lot of effort to answer a lot of the questions of the council that evening.

Mrs. Voelker thanked everyone for their presentations and put on her Historic Preservation Commissioner hat on and as President of Chair, this was of course in intensive interest for the commission. Mrs. Voelker stated it was of intense interest for the state of Indiana with the 100 Center in the Kamm Brewery in particular and was very much in favor of making this the jewel it could be.

Mr. Bellovich thanked everyone who made a report that evening for the information they had provided. Mr. Bellovich stated he thought the individuals on the council who had been in their seats for 20 plus years ago could have looked at a crystal ball and seen what they heard that evening. Mr. Bellovich stated they certainly would have paid the half a million dollars to purchase and tear the facility down and he was hoping as a council they would vote to tear down the building and polish the jewel they had sitting down there to the west.

Mr. Hazen stated the purchasing would benefit public safety greatly and he had personally been in the facility at night on several calls and it was dangerous as the Fire Chief had said. Mr. Hazen stated there was not much room to get in and out of there and when you did get out, there was a chance you could fall over the railing. Mr. Hazen stated this would also benefit the complex as well as the population of Mishawaka as a whole. Mr. Hazen stated like Mr. Mammolenti said, everyone was talking about the 100 Center and everyone wanted to see it come back to life. Mr. Hazen stated like Mr. Banicki said, he knew $862,000 was a lot of money to spend and he had a bit of a problem spending that money too, but this could be the spark that would ensure that they had several millions of dollars invested in the 100 Center which he was hoping and praying for in the future. Mr. Hazen stated he was in support of this.

Mr. Emmons stated the facility at one time was a jewel and was an advantage of the city of Mishawaka, but over the years it deteriorated to the point where it was now a blight. Mr. Emmons stated it was a deterrent to where it attracted people that they really did not want in Mishawaka and had caused a lot of problems not only for the residents and neighbors but also for the Police Department, the Fire Department and all the other departments in the city of Mishawaka. Mr. Emmons stated it outlived its usefulness and by taking it down they could expand it and put something in its place that would draw people into the area. Mr. Emmons stated they needed to get rid of the facility and he would be in favor of the proposal that evening.

Mrs. DeMaegd thanked all who spoke that evening, it was what they needed to hear and she would be voting in favor of the resolution that evening. Mrs. DeMaegd stated she was voting for it because it would be the best thing for the city and the citizens if Mishawaka and they would enjoy what was to come with the 100 Center and she looked forward to enjoying it as well.

Mr. Hixenbaugh added his thanks to everyone who shared information with them that evening, particularly the department heads and all of it was very helpful in his opinion, but the data points and statistics Chief Witkowski and Chief Ray shared were very powerful. Mr. Hixenbaugh stated he could understand Mr. Banicki's hesitation with regard to this and he thought that this opportunity felt a little different to him as well as opposed to the Dodge property that was recently added to the list. Mr. Hixenbaugh stated but not only with what he shared with them that evening but in some prior conversations, he appreciated Mr. Prince helping him think out loud and work through some of the concerns that he had with it and Mr. Grabill was very helpful as well with trying to address a number of concerns and to help confirm that what occurred in the last summer was more of a function of the pandemic and some factors being on the control of anyone rather than being something else. Mr. Hixenbaugh stated what was also important for him was he had the chance to walk down to the property and Mr. Prince's pictures did not do justice to the state of the building and it looked much better on the big screen that it did live and in person and he could see why it would be difficult for public safety and others to be able to do their job down there and he understood the concerns of those who lived in close proximity. Mr. Hixenbaugh stated the flip side of it was that this was the type of issue that everybody in the community had interest in and the dollars that issue were significant enough that he thought it was important for them to spend the time they did working through the issues, asking the questions, receiving the answers and doing their due diligence. Mr. Hixenbaugh stated on balance, although he could understand the hesitation, he agreed with Mr. Prince and the market had spoken. Mr. Hixenbaugh stated if this was going to be redeveloped in any of the ways they talked about that evening, he thought it would have happened already and to him, the investment they would make there and any additional investment was an investment in helping the 100 Center in the largest sense, undergo what he hoped and they all hoped would be a renaissance that was very possibly and it could return to what it was back in the day. Mr. Hixenbaugh appreciated the information and the thoughtful questions that the council posed that evening, but he would also be joining in support of the resolution. Mr. Hixenbaugh stated he did think that while they needed to maintain the agility as a community to use TIF and other resources to try to purchase these properties and undergo the redevelopment, they were probably at the point that they will be able to take a little bit of a strategic pause and talk about what it was that they could have the wherewithal to be able to do moving forward. Mr. Hixenbaugh stated he would hope they would always be able to react to circumstances as they occurred, but he thought that the concern on the part of those in the community that they had to be a limit on how many good things they could purchase and do at one point in time was a discussion for them to have in another venue but on balance, he would support this and appreciated everybody's participating in that evening's proceedings.

Question was called for at 9:23PM for **RESOLUTION R2022-11 Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

NEW BUSINESS

Mr. Mammolenti made a reminder that their normal Twin Branch Neighborhood Watch meeting was schedule for Wednesday, May 18th but due to the conflict of the Police Memorial Service, they cancelled the meeting and were suggesting their constituents and other attendees attend the memorial service. Mr. Mammolenti stated they would not have their normal Twin Branch Neighborhood Watch meeting that Wednesday and their next scheduled meeting would be June 15th and their guest speaker ould be Mayor Wood for a condensed State of the City at 7PM at Fire Station #4.

Mr. Emmons made a reminder that the West End Neighborhood meeting would be Thursday May 19th and their guest speaker would be Mr. Joe Van Nevel, Director of Code Enforcement and he would be talking about the guidelines that the Code department had to work within. Mr. Emmons stated it would be a very interesting meeting and he invited everyone to be there. Mr. Emmons looked forward to seeing everyone there.

Mr. Hixenbaugh announced it was National Police Week and they wanted to invite all the members of the public to participate in the memorial service that coming Wednesday at 6PM at the police station downtown. Mr. Hixenbaugh stated it was certainly worth the time and it was a moving ceremony and an opportunity to spend some time and express some appreciation to their public safety and law enforcement officers who did a good job. Mr. Hixenbaugh invited people to attend that but he thought it was also important to acknowledge the hard work that the police department did on a daily basis, not just during national week but each and every day, 24 hours a day in the city of Mishawka. Mr. Hixenbaugh stated they were blessed in the community to have strong public safety and strong governmental services across the board and he was sure people who may not have attended the meetings had been impressed by the department heads and what they shared that evening and they were reflective of the quality of the people they had working for the city but in particular, he did not think they could too often recognize the public service that their police department provided and acknowledge that not just during a particular week but each and every day, they were worthy of their thanks, appreciation and support. Mr. Hixenbaugh concluded the meeting thanking their police officer and Chief Witkowski for their service to the community.

ADJOURNMENT 9:27PM

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

Deborah S. Block, IAMC, MMC

JUN 0 1 2022

City Clerk
Mishawaka, IN

DATE: May 2, 2022

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

City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned Michael A. Young *(the titleholder of record)* respectfully shows he is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

1023 W. 6th St, Mishawaka IN 46544, Parcel # 71-09-16-311-011.000-023,
Legal Description: Lot 47 Monoka Pl, Tax ID 016-1170-6859

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of ~~District 0~~23 Mishawaka-Penn. Said property is *Commercial.* C-1

Petitioner desires said real estate to remain zoned to ~~District 023~~ R-2 Mishawaka-Penn. Petitioner further states that they intend to utilize said land for *Residential.*

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

There is no change to the site plan. The property has been re-purposed for living space – all salon equipment removed and just used as a home.

Best Regards,

PET 22-04

RECEIVED
MAY 1 / 2022
COMMUNITY DEVELOPMENT

Michael Young, 1023 W. 6th St, Mishawaka IN 46544
574-206-6382, m1young@aol.com

Location Map

PET 22-04

MICHAEL YOUNG (OWNER)

1023 W. 6TH STREET

REZONING FROM C-1 TO R-2 TO REPURPOSE A SALON AND ONE RESIDENTIAL UNIT FOR TWO-FAMILY RESIDENTIAL USE (2 UNITS)

Friday, May 20, 2022

Deborah S. Block, IAMC, MMC
JUN 0 1 2022
City Clerk
Mishawaka, IN

PBS 22-05

RECEIVED
MAY 20 2022
ECONOMIC COMMUNITY DEVELOPMENT PLANNING

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

RE: PETITION FOR PUD AMENDMENT

The undersigned SOUTH BEND INDOOR SOCCER, INC., an Indiana Corporation ("Petitioner"), respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Address: 1435 University Drive Ct, Granger, IN, 46530
Parcel ID: 030-1012-015601
Legal Description: ***Lot Numbered 1A in Cass Road Plaza Minor Lot 1 Replat, as per plat thereof recorded December 9, 2014 as Instrument Number 1430875 in the Office of the Recorder of Saint Joseph County, Indiana.***

Petitioner- owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for use as an indoor soccer facility.

Petitioner desires to sell said real estate to a third-party which will use the property for a climate controlled self-storage facility, and therefore Petitioner respectfully requests that the zoning classification for the property be amended to allow for a climate controlled self-storage facility.

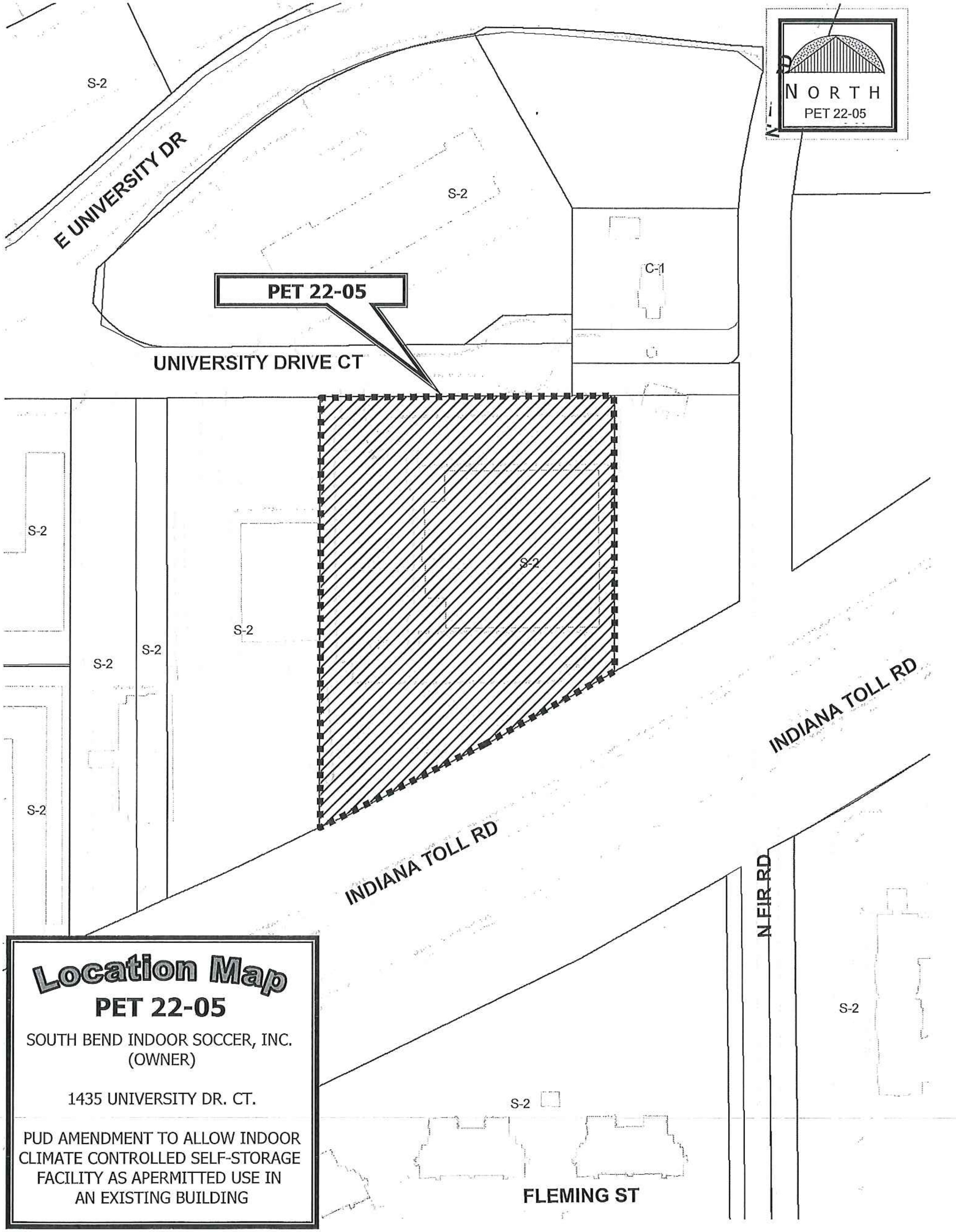
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of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

Signature(s) of Property Owner(s)

Mike Garrett

Mike Garrett
Vice President
SOUTH BEND INDOOR SOCCER, INC.,
an Indiana corporation

CONTACT PERSON:
Name: Alex Gauthreaux
Address: 201 Saint Joseph Street, STE 200
New Orleans, LA 70130
Phone Number: 985-974-2347
Email Alex@Verdad.com


NORTH
PET 22-05
E UNIVERSITY DR
S-2
C-1
PET 22-05
UNIVERSITY DRIVE CT
INDIANA TOLL RD
INDIANA TOLL RD
N FIR RD
FLEMING ST
Location Map
PET 22-05
SOUTH BEND INDOOR SOCCER, INC.
(OWNER)
1435 UNIVERSITY DR. CT.
PUD AMENDMENT TO ALLOW INDOOR
CLIMATE CONTROLLED SELF-STORAGE
FACILITY AS APERMITTED USE IN
AN EXISTING BUILDING

DATE: May 23, 2020

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

RE: PETITION TO REZONE

The undersigned the City of Mishawaka, through its Board of Public Works & Safety respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Parcel 1 (Tax Key #016-1010-0449)
Lot 3, on Hill Street, together with the east half of the adjacent vacated alley to the west and the north half of the adjacent vacated alley to the south, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel 2 (Tax Key #016-1010-0451, 016-1010-0452, 016-1010-0453, and 016-1010-0454)
The south 36' of Lot 5, and Lot 7, both on Hill Street, together with the east half of the adjacent vacated alley to the west, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

The above Parcels 1 & 2 are located within the east half of the block bound by W. Front Street, N. West Street, W. First Street, and N. Hill Street.

The Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-2 Heavy Industrial District (Parcel 1) and I-1 Light Industrial District (Parcel 2). Said property is current vacant.

Calet Partnership is the owner of the below of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Parcel 3 (Tax Key #016-1010-0458)
The north 50' of the west half of Lot 6, on Hill Street, together with the south half of the adjacent vacated alley to the north, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel 3 is located within the west half of the block bound by W. Front Street, N. Hill Street, W. First Street, and N. Spring Street.

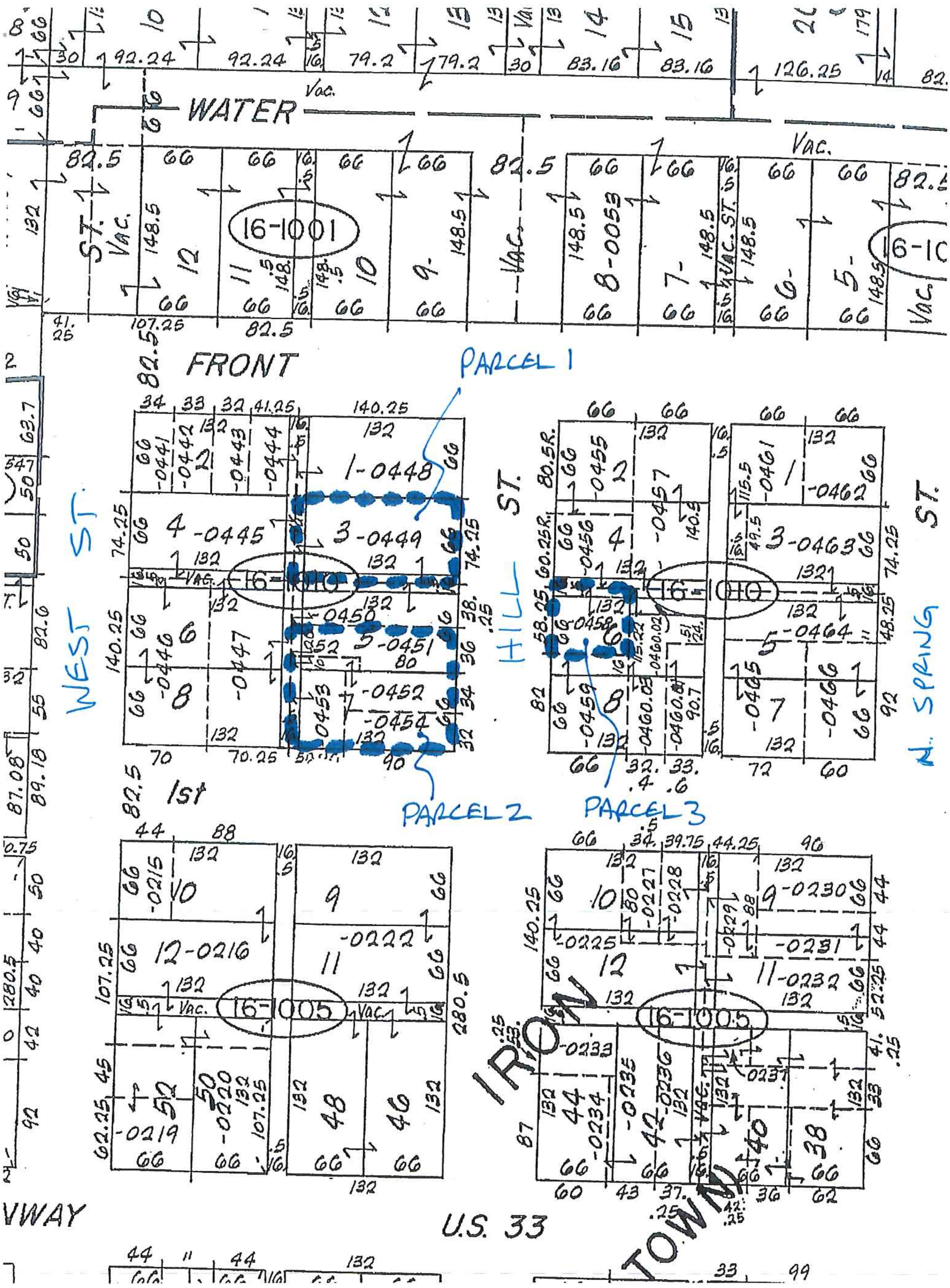
The above described parcel of land which carries a zoning I-2 Heavy Industrial (Parcel 3) is included in this petition as a Planning Department initiated amendment. Per Section 137-41 / Amendment of this Chapter and the Zoning Map, a zoning map amendment may be initiated by the Department of City Planning. Said property is currently vacant.

The Petitioners desire all parcels of said real estate to be rezoned to the C-3 City Center Commercial District. Petitioners further state that they intend to utilize said land for future development consistent with those permitted in the C-3 District.

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

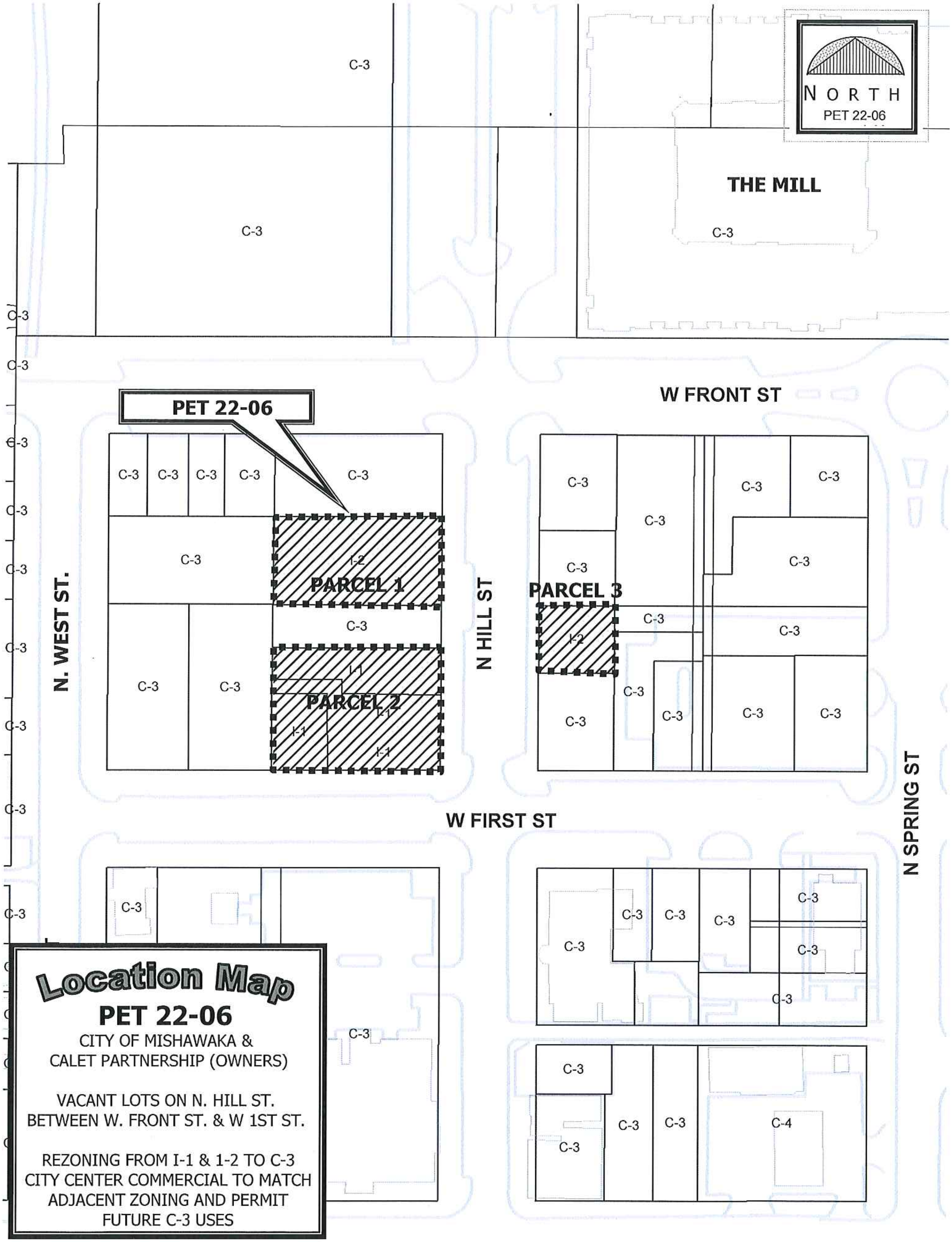
Kenneth B. Prince, ASLA, AICP
Executive Director, Planning & Community Development
President, Board of Public Works & Safety

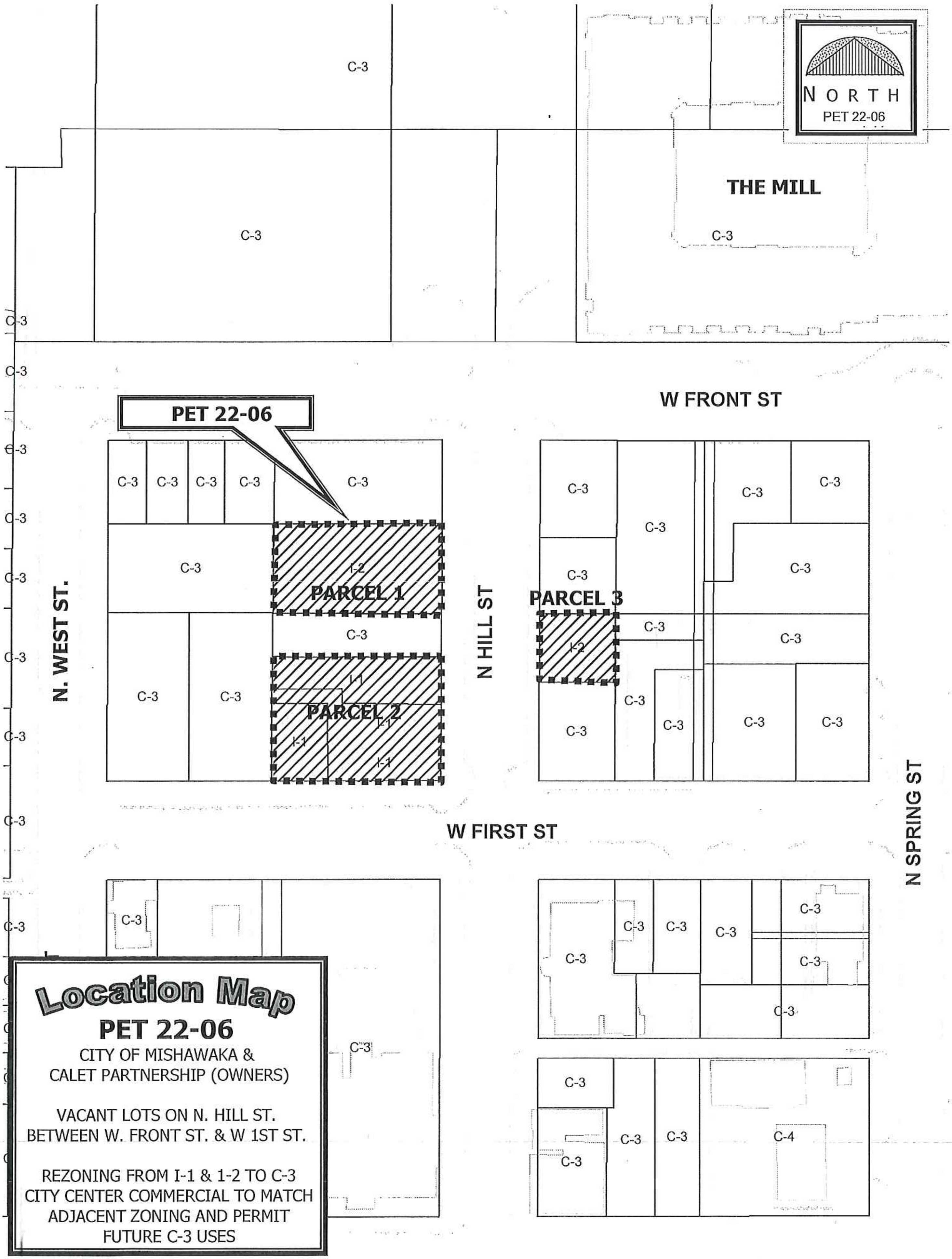
CONTACT PERSON:
DEREK J. SPIER, AICP
CITY PLANNER
600 E. THIRD STREET
MISHAWAKA, IN 46545
(574) 258-1625
DSPIER@MISHAWAKA.IN.GOV


WATER
Vac.
16-1001
FRONT
PARCEL 1
PARCEL 2
PARCEL 3
WEST ST.
HILL ST.
N. SPRING ST.
16-1010
1-0448
3-0449
5-0451
-0452
-0454
-0453
-0450
-0458
1st
16-1005
IRON TOWN
U.S. 33


IRONWORKS AVE
N HILL ST
KAMM ISLAND PL
W FRONT ST
W FRONT ST
PARCEL 1
I-2
PARCEL 3
I-2
I-1
PARCEL 2
HILL ST
W FIRST ST
SLICKS CT
N WEST ST
N SPRING ST
LINCOLNWAY WEST
S WEST ST
S HILL ST
S SPRING ST

N.T.S. ↑ N


NORTH
PET 22-06
THE MILL
W FRONT ST
PET 22-06
PARCEL 1
PARCEL 2
PARCEL 3
N. WEST ST.
N HILL ST
W FIRST ST
N SPRING ST
C-3
C-4
I-1
I-2
Location Map
PET 22-06
CITY OF MISHAWAKA &
CALET PARTNERSHIP (OWNERS)
VACANT LOTS ON N. HILL ST.
BETWEEN W. FRONT ST. & W 1ST ST.
REZONING FROM I-1 & 1-2 TO C-3
CITY CENTER COMMERCIAL TO MATCH
ADJACENT ZONING AND PERMIT
FUTURE C-3 USES


NORTH
PET 22-06
THE MILL
W FRONT ST
PET 22-06
PARCEL 1
PARCEL 2
PARCEL 3
N. WEST ST.
N HILL ST
W FIRST ST
N SPRING ST
C-3
C-4
I-1
I-2
Location Map
PET 22-06
CITY OF MISHAWAKA &
CALET PARTNERSHIP (OWNERS)
VACANT LOTS ON N. HILL ST.
BETWEEN W. FRONT ST. & W 1ST ST.
REZONING FROM I-1 & 1-2 TO C-3
CITY CENTER COMMERCIAL TO MATCH
ADJACENT ZONING AND PERMIT
FUTURE C-3 USES

ABONMARCHE

PET 22-07

Engineering • Architecture • Land Surveying

RECEIVED
MAY 31 2022
ECONOMIC
COMMUNITY DEVELOPMENT
PLANNING

REVISED

Deborah S. Block, IAMC, MMC
JUN 01 2022
City Clerk
Mishawaka, IN

DATE: May 25, 2022

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

FROM: Steve Ruby
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, Indiana 46601
(574) 360-9804
sruby@abonmarhce.com

RE: Petition for Re-Zoning Classification - 2754 Lincolnway E. Mishawaka, IN

The undersigned **Balaji Hospitality Group LLC & Smita V. Patel** respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

PROVIDED LEGAL DESCRIPTION: (Parcel: 71-09-13-102-012.000-023, 016-1082-3253, 016-1082-325202)

(See Attached Legal)

Petitioners own one hundred (100%) percent of the above-described parcel of land which is located in the State of Indiana. The petitioners desire to have the above said properties rezoned from the Current C-1 Commercial (General Commercial) AND C-7 to an R-3 Residential to be used as residential long term stay Apartment Development.

The Petitioner has Submitted a variance request to the BZA seeking to reduce the parking requirement of 1.5 parking spaces as currently stated in Sec. **137-217 (7) A1** to 1.2 Parking space per unit.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and the location of the proposed building structures.

Petitioners further show this proposed re-zoning to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be rezoned and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above-described parcel of real estate to the City of Mishawaka with a R-3 Residential District zoning classification.

Balaji Hospitality Group LLC (016-1082-325202)

Ronak Patel

Printed

Smita V. Patel (016-1082-3253 & 016-1082-3252.04)

Smita Patel

Printed

EXHIBIT A

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING A PORTION OF LAND CONVEYED TO SMITA V. PATEL, AS DESCRIBED IN INSTRUMENT NUMBER 1533882, ST. JOSEPH COUNTY RECORDER, AND ALL OF LAND CONVEYED TO BALAJI HOSPITALITY GROUP, LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1013215, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

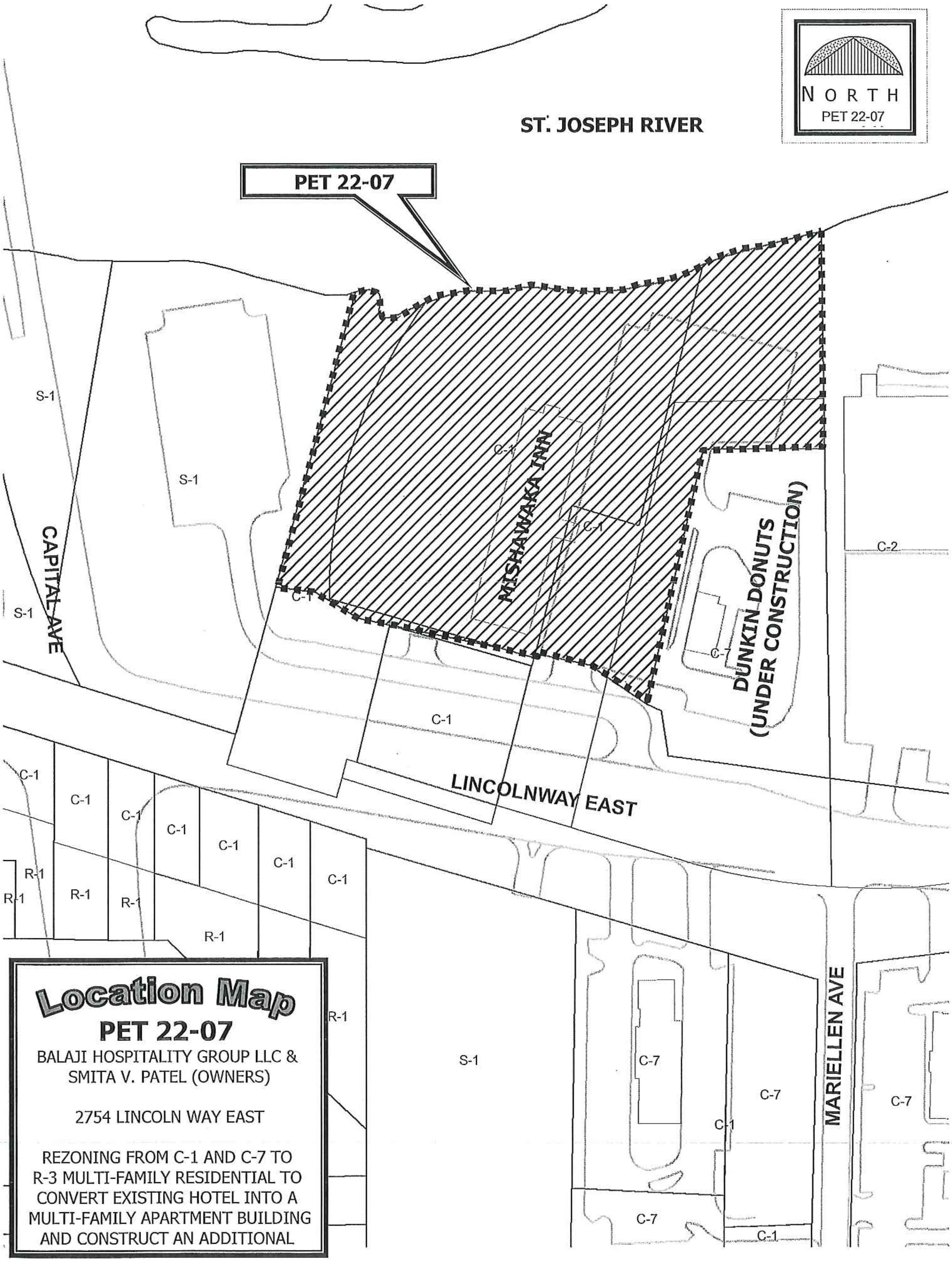
BEGINNING AT A POINT ON THE CENTER LINE OF LINCOLN HIGHWAY EAST IN THE CITY OF MISHAWKA AS FORMERLY LOCATED, PRIOR TO THE WIDENING OF SAID HIGHWAY BY RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF MISHAWAKA, PASSED APRIL 1, 1935, WHICH IS RECORDED IN MISCELLANEOUS RECORD 55 AT PAGE 327 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, WHICH POINT IS 412.5 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND IS THE SOUTHWEST CORNER OF SAID PATEL LAND; THENCE EASTERLY, FOLLOWING SAID CENTERLINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 313.2 FEET TO A POINT 725.7 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND BEING THE SOUTHEAST CORNER OF A PARCEL OF LAND WHICH WAS CONVEYED BY GEORGE F. LAING TO HARRY A. SIPLE AND OLLO D. SIPLE, HUSBAND AND WIFE, BY A WARRANTY DEED DATED FEBRUARY 20, 1937, WHICH IS RECORDED IN DEED RECORD 290 AT PAGES 446-447 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; THENCE CONTINUING EASTERLY, FOLLOWING SAID CENTER LINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 111.18 FEET; THENCE NORTH 12° 51' 58" EAST A DISTANCE OF 193.83 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF LINCOLNWAY CAPITAL CORNER MINOR SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 2022-01612, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 12° 51' 58" EAST, ALONG THE WESTERLY LINE OF SAID SUBDIVISION, A DISTANCE OF 271.49 FEET TO A MAG NAIL MARKING THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 89° 44' 21" EAST, ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 127.85 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 00° 15' 39" WEST, ALONG THE EAST LINE OF SAID PATEL LAND, 189.6 FEET, MORE OR LESS, TO THE SOUTHERLY EDGE OF WATER OF THE ST. JOSEPH RIVER; THENCE WESTERLY AND SOUTHWESTERLY, FOLLOWING THE MEANDERING OF SAID EDGE OF WATER, TO THE NORTHWESTERLY CORNER OF SAID PATEL LAND, SAID CORNER BEING NORTH 16° 4' EAST (DEED BEARING PER PATEL LAND) OF THE POINT OF BEGINNING; THENCE SOUTH 16° 4' WEST, ALONG THE WEST LINE OF SAID PATEL LAND, A DISTANCE OF 517 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD. SUBJECT TO ADDITIONAL RIGHT OF WAY FOR LINCOLN HIGHWAY (LINCOLNWAY / STATE ROUTE 933) AS SHOWN ON INDOT PLANS PROJECT NO. STP -517110151, CONTRACT "IR 31091", DATED NOVEMBER 24, 2009. PARCEL SUBJECT TO SURVEY.

THIS DOCUMENT WAS PREPARED BY HANS P. MUSSER, INDIANA REGISTERED LAND SURVEYOR, LICENSE NUMBER 29700002.

HANS P. MUSSER, PS — *5/25/2022* DATE

HANS P. MUSSER
REGISTERED
LS29700002
STATE OF
INDIANA
LAND SURVEYOR


NORTH
PET 22-07
ST. JOSEPH RIVER
PET 22-07
S-1
S-1
S-1
CAPITAL AVE
C-1
MISHAWAKA INN
C-1
C-1
DUNKIN DONUTS (UNDER CONSTRUCTION)
C-2
C-7
C-1
LINCOLNWAY EAST
C-1
C-1
C-1
C-1
C-1
C-1
C-1
R-1
R-1
R-1
R-1
R-1
R-1
S-1
C-7
C-7
C-1
C-7
C-7
C-1
MARIELLEN AVE
Location Map
PET 22-07
BALAJI HOSPITALITY GROUP LLC &
SMITA V. PATEL (OWNERS)
2754 LINCOLN WAY EAST
REZONING FROM C-1 AND C-7 TO
R-3 MULTI-FAMILY RESIDENTIAL TO
CONVERT EXISTING HOTEL INTO A
MULTI-FAMILY APARTMENT BUILDING
AND CONSTRUCT AN ADDITIONAL

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC
JUN 02 2022
City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-09

ORDINANCE NO. ________

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO IC 5-13-9-5

Whereas, the City of Mishawaka (the "City") desires pursuant to IC 5-13-9-5 to allow banks outside the political subdivision to submit quotes on public funds certificates of deposit for the purpose of investing its operating and utility funds;

Section 1. Now, therefore, pursuant to IC 5-13-9-5, the Common Council of the City of Mishawaka hereby authorizes the investing officer of the City to invest in certificates of deposit of depositories that have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. This authorization expires one (1) year after the adoption date.

Section 2. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this ___________ day of ______________, 2022 at _________ o'clock, ____. M.

____
Gregg Hixenbaugh, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this __________ day of ________________, 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

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAMC, MMC
JUN 02 2022
City Clerk
Mishawaka, IN

Date: June 2, 2022

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: Investment of Public Funds

For the June 6th meeting I am requesting first reading on our Investment of Public Funds ordinance. This ordinance has an annual renewal and is necessary to allow me to invest in financial institutions outside of the Mishawaka city limits.

I work with Baker Tilly who requests bids and recommends the most advantageous interest rates and maturity dates.

Please contact me with any questions.

c: David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC
JUN 02 2022
City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-10

ORDINANCE NO.______________

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE MATCHING GRANT FUND OF THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2022 AND AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

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

Section 1. There is hereby transferred from the Motor Vehicle Highway Restricted (MVHR) Fund of the City of Mishawaka to the Local Road & Bridge Matching Grant Fund of the City of Mishawaka the sum of $975,180.65 as required for the Community Crossing Grant.

Motor Vehicle Highway Restricted Fund (MVHR)

From:
Capital Outlays

203-50-442-01	Street Repair	$975,180.65

Local Bridge and Road Matching Grant Fund

To:
Other Services and Charges

244-50-436-03	Street Repair	$975,180.65

Section 2. Which requires the appropriation of additional funds for the fiscal year ending December 31, 2022 in addition to that set out in detail in the published budget.

Section 3. There is hereby appropriated from the Local Bridge and Road Matching Grant Fund of the City of Mishawaka the sum of $1,950,360.00 for assignment as follows:

Local Road & Bridge Matching Grant Fund

<u>Other Services and Charges</u>

244-50-436-03	Street Repair	$1,950,361.00

<u>Section 4</u>. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this ____________ day of _________________, 2022 at __________ o'clock, ____. M.

____
Gregg Hixenbaugh, Presiding Officer

ATTEST:

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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 __________________, 2021 at

_____________ o'clock, _____. M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAMC, MMC
JUN 02 2022
City Clerk
Mishawaka, IN

Date: June 2, 2022

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: Transfer from MVH Restricted and Additional Appropriation Local Road & Bridge Matching Fund

I am requesting for first reading, approval for the transfer of $975,180.65 from the Motor Vehicle Highway Restricted Fund to the Local Road & Bridge Matching Grant Fund as this is our necessary match for the Community Crossings Grant. These funds are budgeted funds for the purpose of the match.

This transfer along with the $975,180.35 grant already received from the State must be appropriated. Therefore, I am also requesting approval of the additional appropriation for a total of $1,950,361.00.

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

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

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

Deborah S. Block, IAMC, MMC

JUN 02 2022

City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2022-11

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE **REDUCTION** OF FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

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

Section 1. An emergency exists which requires the reduction of funds for the fiscal year ending December 31, 2022 as set out in detail in the published budget.

Section 2. There is hereby reduced from the Cumulative Capital Development (CCD) fund of the City of Mishawaka the sum of $19,036.00 for assignment as follows:

Cumulative Capital Development

Reduction:

Other Services and Charges		
417-50-436-90	Service Contracts/ Software Maintenance	$19,036.00

Section 3. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

on this ___________day of _______________, 2022 at ____________

o'clock, ____. M.

____
Gregg Hixenbaugh, President

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this_______________ day of ___________________, 2022 at________

o'clock, ____. M.

____
Deborah S. Block, MMC, City Clerk

APPROVED BY ME this___________day of ____________________, 2022 at

_________________o'clock, ___. M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAMC, MMC
JUN 02 2022
City Clerk
Mishawaka, IN

Date: June 2, 2022

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: Reduction in Cumulative Capital Development Fund and Additional in CEDIT

I am requesting for first reading, approval for a budget reduction in the CCD fund of $19,036.00 and the same additional appropriation in the CEDIT fund. The DLGF reduced the CCD budget from the requested $700,000 to $680,694. I expected the tax rate to be .046 and it came in at .045. Additionally, circuit breaker loss for this fund came in higher than estimated as well.

This fund is used exclusively by the IT department and due to the extensive needs concerning network security, upgrading systems, and increasing costs in maintenance contracts we budget every penny.

Next year I will ask to reestablish the rate to .05 and new legislation will prohibit the rate from eroding year after year.

Also, I am requesting additional CEDIT funds to be approved for Consulting in the amount of $150,000. Expenses this will fund include the new website, a salary study for civil city employees, and the increase in our financial statement preparation.

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

c: David A. Wood, Mayor
Patrick Stokes, IT Director

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC
JUN 02 2022
City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-12

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2022 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the CEDIT Fund of the City of Mishawaka the sum of $169,036.00 for assignment as follows:

CEDIT

Professional Services			
430-50-436-90	Services Contracts/ Software Maintenance		$ 19,036.00
430-50-431-06	Consulting		$150,000.00
		Total	$169,036.00

Section 3. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this ____________ day of ________________, 2022 at __________ o'clock, ____.M.

____

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

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC
JUN 0 2 2022
City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-13

ORDINANCE NO.__________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2022 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the General, MVH, and Park Funds of the City of Mishawaka the sum of $273,295.00 for assignment as follows:

	General Fund	
Personal Services		
101.01.411.70	Mayor	$5,118
101.02.411.70	Controller plus payroll taxes and pension	$32,918
101.03.411.70	Clerk	$5,132
101.04.411.70	Human Resources	$1,240
101.05.411.70	Information Technology	$11,616
101.06.411.70	Law	$3,670
101.07.411.70	Council	$3,927
101.13.411.70	Engineering	$12,326
101.14.411.70	Code	$10,627
101.15.411.70	Building	$6,715
101.20.411.70	Police civilian plus payroll taxes and pension	$15,222
101.21.411.70	Planning	$8,800
101.22.411.70	Central Services	$21,252
		$138,563
	Motor Vehicle Highway Fund	
Personal Services		
201.50.411.70	MVH plus payroll taxes and pension	$61,484
	Park Fund	
Personal Services		
204.50.411.70	Park plus payroll taxes and pension	$73,248
	Total	$273,295

Section 3. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

on this __________ day of ____________, 2022 at __________

o'clock, ____. M.

____

Gregg Hixenbaugh, President

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this_______________ day of __________________, 2022 at________

o'clock, ____. M.

____
Deborah S. Block, MMC, City Clerk

APPROVED BY ME this ___________day of ___________________, 2022 at

_________________o'clock, ___. M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: June 2, 2022

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: Additional Appropriation for Civil City personal services

At budget time last year, Civil City, MVH, Park, and Elected Official salary ordinances were submitted with a 2% increase. When they were amended to 5% we were too far along to amend the budget and still meet the budget deadline.

This Additional Appropriation amends the budget for those departments that had amended salary ordinances. I have used a miscellaneous personal services account line for each department.

All employees have been paid their correct amount in 2022 and this appropriation will not change anyone's salary.

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

c: David A. Wood, Mayor

City Hall • 600 East 3rd Street • Mishawaka, Indiana 46544
Telephone: (574) 258-1622 • FAX (574) 258-1724 • www.mishawaka.in.gov