AGENDA

Monday, November 17, 2014

Meetings of Standing Committees
Council Conference Room
6:45 P.M.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Previous Regular Meeting

November 05, 2014

5. Petitions, Communications, Remonstrance and Memorials

A letter from the City Plan Commission regarding recommendations from their November 12, 2014 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2014-34 Rezone from C-1 Commercial to R-1 Single Family Residential - 422 W. 8th St.

P.O. NO. 2014-35 Rezone from C-1 Commercial to R-1 Single Family Residential - 2410 Lincolnway West

8. Resolutions

R2014-20 Fiscal Plan Annexation West of 1904 E. McKinley

R2014-21 Fiscal Plan Annexation North of 124 Cedar Rd

R2014-22 Motor Fuel Hedge Fund for 2015

9. Ordinances on Second Reading

P.O. NO. 2014-29 Annex and Rezone from R-1 Single Family to I-1 Light Industrial - West of 1904 East McKinley Ave. - Hose Assemblies (Assigned to Land Use Planning Committee) **VOTE ONLY**

P.O. NO. 2014-30 Annex and Zone Property to C-1 Commercial North of 124 Cedar Rd - Multiple Business (Assigned to Land Use Planning Committee) **VOTE ONLY**

P.O. NO. 2014-32 Additional Funds - CEDIT - $536,000.00 (Assigned to Budget and Finance Committee)

P.O. NO. 2014-33 Transfer Funds - Police Dept. - $8,000.00 (Assigned to Budget and Finance Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

November 5, 2014

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Wednesday November 5, 2014 at 7:00 p.m. The meeting was called to order by President Matt Mammolenti all were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.
Absent/Excused: Mr. Compton.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson Chief Deputy II, and Council Attorney Mike Trippel.

The minutes from the October 20, 2014 meeting were approved as received from the City Clerk's Office.

Petitions, Communications, Remonstrance and Memorials

Outstanding and Unpaid Checks for a period of 2 years to be voided. No action was necessary.

Clerk Block presented the following Appeals and Petitions to the Council, who referred it to the Plan Commission for their recommendation.

Appeal No. 2014-26	Use Variance to allow Auto body Shop, Auto Repair, and Detailing 1910 North Cedar Street
Petition No. 2014-25	Rezone from C-1 Commercial to R-1 Single Family Residential – 422 W. 8th Street
Petition No. 2014-26	Rezone from C-1 commercial to R-1 Single Family Residential 2410 Lincolnway West.

The following proposed ordinances were given first reading, and assigned to committee, to be set for public hearing at the next regular meeting.

PROPOSED ORDINANCE NO. 2014-32
AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2014
(Additional Funds – CEDIT - $536,000.00)
Assigned to Budget and Finance Committee

PROPOSED ORDINANCE NO. 2014-33

AN ORDIANCE DECLARINIG AN EMERGENCY AND TRANSFERRING AND REAPROPRIATION FUNDS WITHIN THE BUDGET ADOPTED FOR THE CLAENDAR YEAR ENDING DECEMBER 31, 2014
(Transfer Funds – Police Dept. $8,000.00)
Assigned to Budget and Finance Committee

Clerk Block read **PROPOSED ORDINANCE NO. 2014-27** opening for public hearing.

PROPOSED ORDINANCE 2014-27

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CLAENDAR YEAR ENDING DECEMBER 31, 2014
(Transfer Funds – MVH - $99,000.00)

Mr. Emmons reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Banicki the motion carried.

Tim Ryan, Mishawaka Street Commissioner said this transfer would keep them funded in their equipment lines, street lines and materials and also some of the utility lines that have run short due to the harsh winters we have experienced.

Question was called for on **PROPOSED ORDINANCE NO. 2014-27** at 7:07 p.m. with the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons. **ORDINANCE NO. 5461.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-28** opening for public hearing.

PROPOSED ORDINANCE NO. 2014-28

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CLAENDAR YEAR ENDING DECEMBER 31, 2014
(Transfer Funds – CMP - $25,000.00)

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Banicki the motion carried.

Tim Ryan Street Commissioner said he also oversees the Central Service Division and there is a shortfall in their vehicle maintenance, which was basically the General Fund which includes all City Hall and Police Vehicles this money would get them through the end of the year.

Mr. Banicki said he would like to compliment the workers out picking up the leaves he said on the north end of town they are doing a fantastic job. Mr. Ryan said he would pass that along.

Mr. Emmons asked how long they would be picking up leaves. Mr. Ryan stated the week after Thanksgiving was the target date, it depends on the weather and how the leaves fall. He said as of now they are pretty much on target.

Mr. Mammolenti asked if they make two passes. Mr. Ryan said they go through the entire city once a week, it is divided into five sections and each section is sub-divided, they are ahead of schedule if the weather holds out. Mr. Mammolenti asked Mr. Ryan to pass it along to the workers that they are doing a great job in Reverewood also.

Question was called for on **PROPOSED ORDINANCE NO. 2014-28** at 7:10 p.m. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons. Thus it becomes **ORDINANCE NO. 5462.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-29** opening for public hearing.

PROPOSED ORDINANCE NO. 2014-29

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

(Annex and Rezone from R-1 Single Family to I-1 Light Industrial – West of 1904 East McKinley Avenue – Hose Assemblies)

Public Hearing Only No Vote

President Mammolenti opened the floor for discussion at 7:11 p.m.

Terry Lang of Lang Feeney & Associates, 715 South Michigan Street, South Bend, said he has been working with Hose Assemblies on a proposed building addition with this property immediately adjacent to their site, which is currently split zoned half in the city and have in the county and some of it residentially zoned. He said his clients moved here 10 to 12 years ago and have completely filled their facility and would like to put on a 16,000 sq. foot addition to their building, which was the reason they were before the Council to ask for the annexation and re-zoning to allow them to do that. Mr. Lang stated the business is doing very well and would like to stay at this location. He said the time line was as soon as this was approved they would begin the construction. Mr. Lang said they are anticipating 20 to 25 new jobs coming into the city.

Ms. Voelker asked if there were any homes on this property. Mr. Lang said yes there was a small house on the property and needs a lot of work was purchase by Hose Assemblies, there are three more houses in that block. Ms. Voelker asked if they have talked with the people that would be adjacent to them. Mr. Lang said yes they have and they are not interested in selling or being a part of the petition.

President Mammolenti closed the public hearing at 7:16 p.m.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-30** opening for public hearing.

PROPOSED ORDINANCE NO. 2014-30

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

(Annex and Zone Property to C-1 Commercial North of 124 Cedar Road – Multiple Business)

Public Hearing Only No Vote

Terry Lang, Lang Feeney and Associates, 715 S. Michigan Street South Bend said he was working with petitioner, John Ward, on the property located just north of Lincolnway and Cedar Road. He said they were looking to extend city water and sewer to the property just north of 124 Cedar Road. Mr. Lang said this was for an incubator of small businesses in the general commercial zoning, it is proposed in two phases, and a side road would be developed as needed. He said the time frame for this would be to break ground in the spring.

Mr. Stephen Tanger, 5110 Breezewood Dr. said he was making an offer on a piece of property that connects to this property they are talking about commercializing. He said when he heard about the home next to this property being sold and it would then become part of the Hose Assemblies' property he asked to speak to the owner. Mr. Tanger said when he spoke to him he was told about the horse shoe shape building and he and the homeowners along Cedar were concerned about the earth moving equipment being parked in the back of these buildings it sounded like it would be a very cluttered up area. He said he reduced his offer from 85 thousand to 65 thousand and they did accept the offer for less than originally planned, which he feels is an example of what was going on here, price devaluing. Mr. Tanger said the property wraps around the two homes and will impact the property values, he was very concerned about what the plans were, what type of equipment and what exactly they were planning on doing at this facility.

Mr. Mammolenti closed the public hearing at 7:23 p.m.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-31** opening it for public hearing.

PROPOSED ORDINANCE **NO. 2014-31**

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL

CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, IDNANA

(Amend the PUD for Toscana Outlot – Lot 26A Toscana Park PUD Phase III Mixed Uses)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Reisdorf the motion carried

Daryl Knip, Abonmarche Consultants 750 Lincolnway East, South Bend, said he was representing the property owner of an applicant Ryan Rans of Tuscany Reality LLC. He said their request was to amend the existing Toscana Park PUD for three items 1) to allow drive through facilities, 2) for a parking ratio of 5 spaces of parking per 1,000 square feet of building and 3) to allow the dumpster enclosure to be visible from the road.

Mr. Knip, said Toscana annexed in 2005 with a plan unit development zoning that allowed for mixed use commercial development, this particular lot was designated for C-1 uses it has since sat vacant for nearly 10 years. He went on to say Toscana Reality has acquired the property a few years ago and has been working to bring new energy and light into the previously established project since acquiring this property they have developed the high end 100 unit apartment project at the north end of the site and now has the commercial space 90% occupied or under contract. Mr. Knip said the two proposed buildings to be constructed would be within the character of the rest of the development. He said one building would be approximately 3,400 square feet with one to two tenants and the other would be 7,400 square feet set up from one to four tenants. Mr. Knip explained that each building would have one drive through on the end the drive through on the south building would be for a Smoothie King and they are ready to begin construction immediately should this be past this evening. He said the north building would be set up for a Starbucks or another similar type use at this time there is not a use under contract, the requested amendment to the PUD was specific to this site and these buildings, therefore a standalone drive-thru fast food building could not come in without again amending the PUD and having additional public hearings. Mr. Knip said the request to allow the dumpster enclosure to be visible from the road was a result of having roads on all four sides of it, therefore they plan to place it as far back as possible with a masonry enclosure and heavy landscaping.

Mr. Mammolenti asked if the smoothie drive-thru would have seating. Mr. Knip stated there are approximately 20 seats.

Mr. Reisdorf said he would like to commend City Planner Ken Prince on his outstanding communication regarding this project, there were a lot of concerns from some Granger residents and Mr. Prince addressed those concerns and kept the Council in the loop the entire time. He wanted to thank him for his correspondence with all involved and his ability to satisfy lot of people he showed great professionalism.

Mr. Mammolenti and Ms. Voelker said they wanted to echo Mr. Reisdorf's sentiments.

Question was called for at 7:30 p.m. on **PROPOSED ORDINANCE NO. 2014-31** the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons. Thus it becomes **ORDINANCE NO. 5463**

UNFINISHED BUSINESS

Clerk Block stated there was the matter of Re-consideration of **ORDINANCE NO. 5456AA** for further amendment this was the Police and Fire Salary Ordinance for 2015. She said the Council could only re-consider an ordinance at the meeting after they have passed it or taken action on it, so they are asking the Council to consider the amendments they have in front of them and amend this proposed ordinance.

Mr. Roggeman stated he would like to make a motion that they do accept the Amended Ordinance that was presented to them in their packet, with a second by Mr. Banicki the motion carried.

Clerk Block stated to be specific **ORDINANCE NO. 5456AA** was reconsidered and passed as amended.

NEW BUSINESS

Mr. Emmons announced that his neighborhood meeting for November would be canceled due to him having knee surgery. He said he does not have meetings in December so he would continue his meetings in January 2015.

Mr. Reisdorf said our two time champion runner Anna Rhor from Mishawaka High School has added to her accolades but her season does not end when the High School season does she will be going to National meets. He went on to say she has won the State Cross Country Championship with a new state record, running four races and won all four and going on to Nationals. Mr. Reisdorf stated Penn High School's running team got fourth in the state this year with a young crew and expects to see them here for commendations in the future.

Mr. Mammolenti stated his Twin Branch meeting would be on November 19th at Twin Branch School at 7:00 p.m. with Mr. Cook from the Homicide Division of Saint Joseph County as the speaker.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 7:35 p.m.

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

Matt Mammolenti_____
Matt Mammolenti, Presiding Officer

City of Mishawaka

DAVID A. WOOD, MAYOR **DEPARTMENT OF CITY PLANNING**

November 13, 2014

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 13 2014
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
November 12, 2014, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #14-25 A petition submitted by Andrea M. Butler requesting to rezone **422 West Eighth Street** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 8-0, recommended approval.

PETITION #14-26 A petition submitted by Patricia A. Griffey requesting to rezone **2410 Lincolnway West** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 8-0, recommended approval.

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

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Jeff VanPoppel
Patricia Griffey

STAFF REPORT

Location: 422 West 8th Street Date: Nov. 12, 2014

Petition: 14 25 Prepared By: GGS

GENERAL INFORMATION

Applicant:	Andrea M. Butler
Status:	Property Owner
Request:	Rezone from C-1 General Commercial to R-1 Single Family Residential District
Zoning Classification:	C-1 General Commercial (Existing)
Lot Size:	0.11 acres
Applicable Regulations:	Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	C-1 General Commercial
	South:	R-1 Single Family Residential District
	East:	C-1 General Commercial
	West:	C-1 General Commercial
Thoroughfare:	West 8th Street	
School District:	School City of Mishawaka	
Public Utilities:	Available	
Comprehensive Plan:	Residential	

ANALYSIS

The Petitioner is requesting to rezone 422 West 8th Street from C-1 General Commercial to R-1 Single Family Residential District. The property is located along West 8th Street and is adjacent to commercial zoned property to the north, east, and west. However, many, of these properties are utilized as residential.

Prior to the 1980's residential uses were permitted in commercial zoned districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts. Originally constructed as a private residence, the home historically has remained residential in its use. The Petitioner states he plans to rezone the property in order continue the residential use.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 14-25 to rezone 422 West 8th Street from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are some Commercial zonings in the neighborhood, but the neighborhood adjacent surrounding the property to the west and east are used as single family dwellings, and its historic use as a single family dwelling would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;

3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

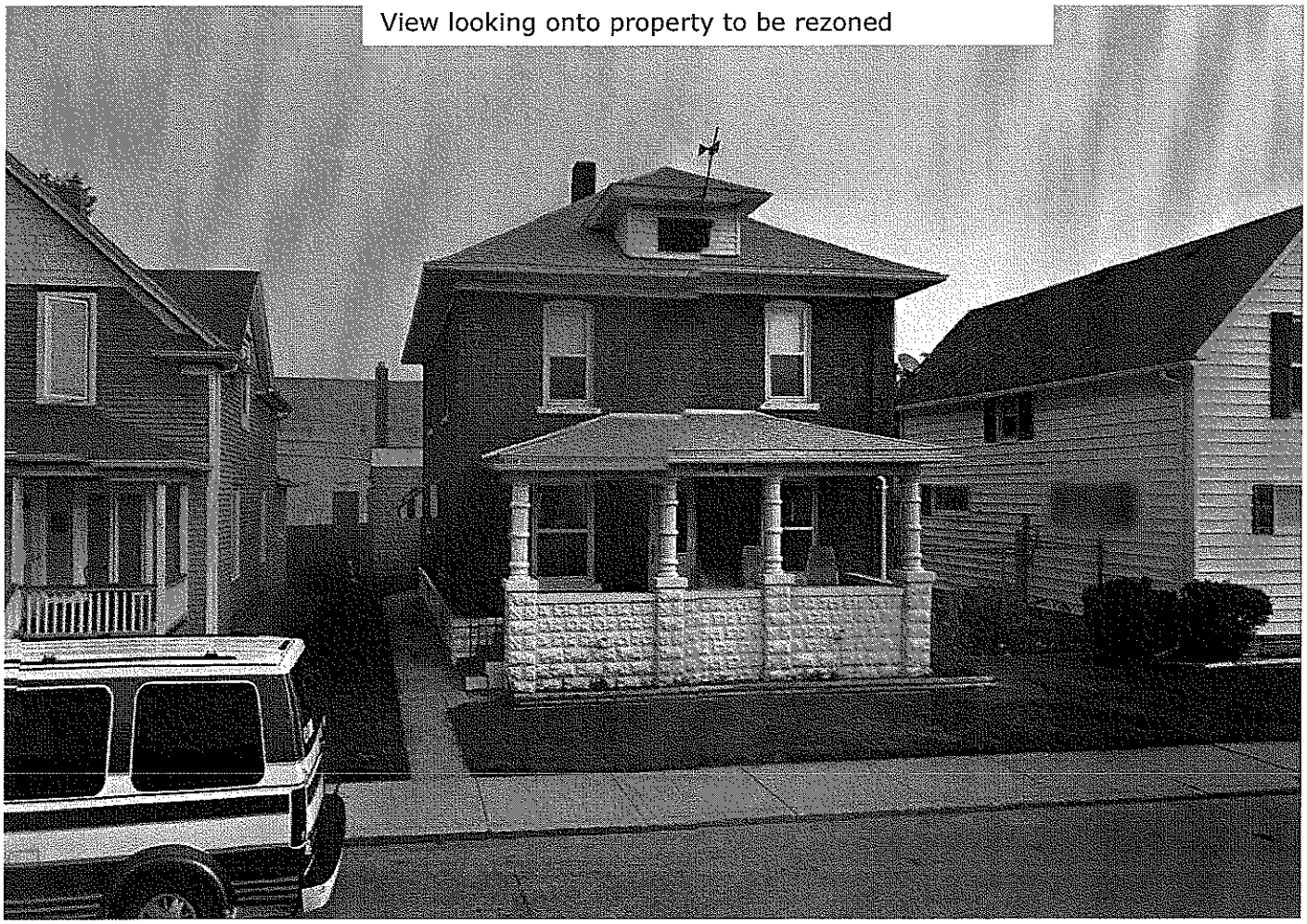
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,

5. The proposed zoning is consistent with the Comprehensive Plan which identifies Low Density Residential for this area.

ATTACHMENTS

PETITION, PHOTOGRAPH, LOCATION MAP

View looking onto property to be rezoned



STAFF REPORT

Location: 2410 Lincolnway West Date: Nov. 12, 2014

Petition: 14 26 Prepared By: GGS

GENERAL INFORMATION

Applicant:	Patricia A. (Smalley) Griffey
Status:	Property Owner
Request:	Rezone from C-1 General Commercial to R-1 Single Family Residential District
Zoning Classification:	C-1 General Commercial (Existing)
Lot Size:	0.05 acres
Applicable Regulations:	Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	C-1 General Commercial & C-5 Neighborhood Commercial
	East:	C-1 General Commercial
	West:	C-1 General Commercial
Thoroughfare:	Lincolnway West	
School District:	School City of Mishawaka	
Public Utilities:	Available	
Comprehensive Plan:	General Commercial	

ANALYSIS

The Petitioner is requesting to rezone 2410 Lincolnway West from C-1 General Commercial to R-1 Single Family Residential District. The property is located along Lincolnway West and is adjacent to commercial zoned property to the east, and west. However, these properties are utilized as residential. Single Family Residential zoned properties are located to the north.

Prior to the 1980's residential uses were permitted in commercial zoned districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts. Originally constructed as a private residence, the home historically has remained residential in its use. The Petitioner states he plans to rezone the property in order continue the residential use.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 14-26 to rezone 2410 Lincolnway West from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are some Commercial zonings in the neighborhood, but the neighborhood adjacent surrounding the property to the north, west, and east are used as single family dwellings, and its historic use as a single family dwelling would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;

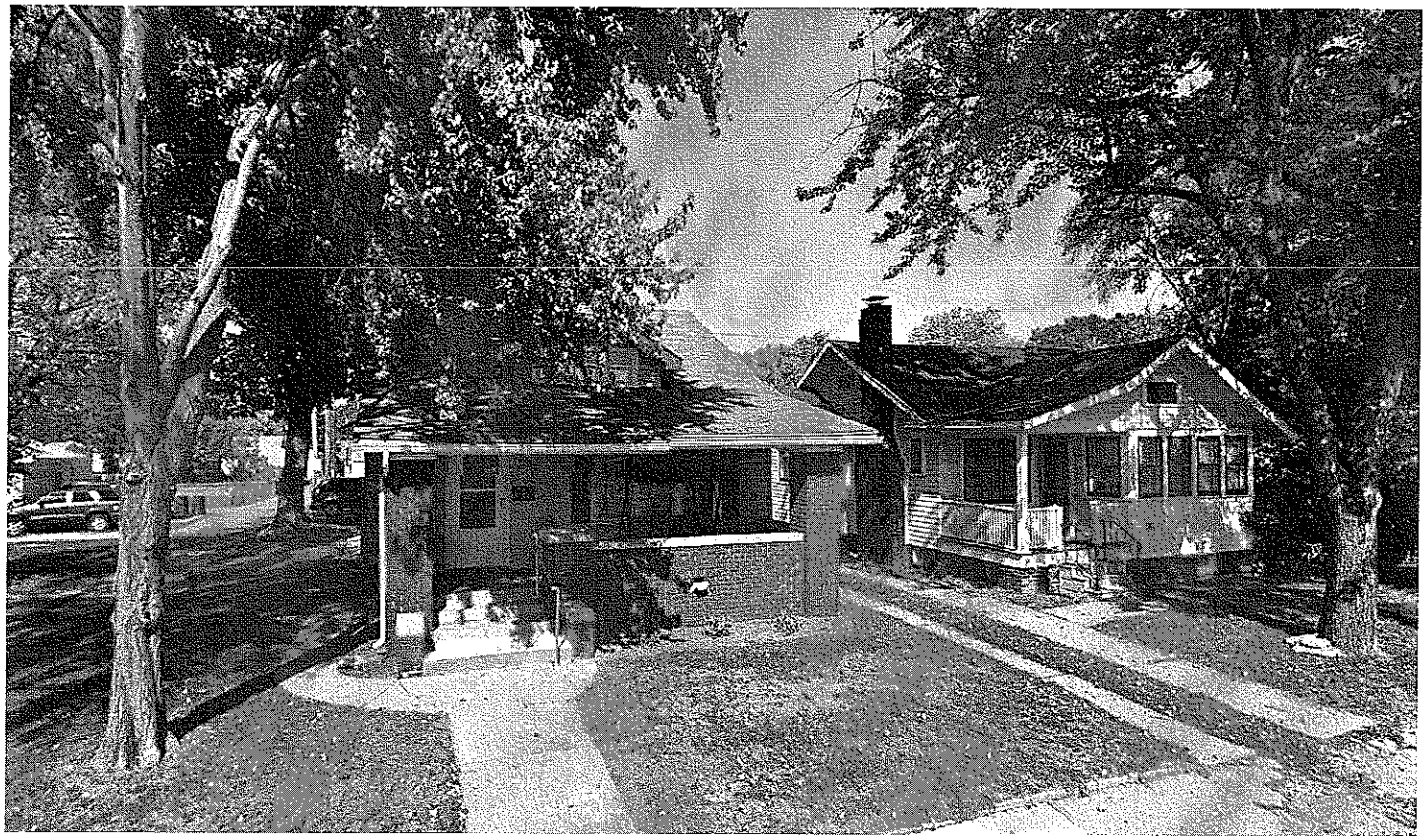
3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

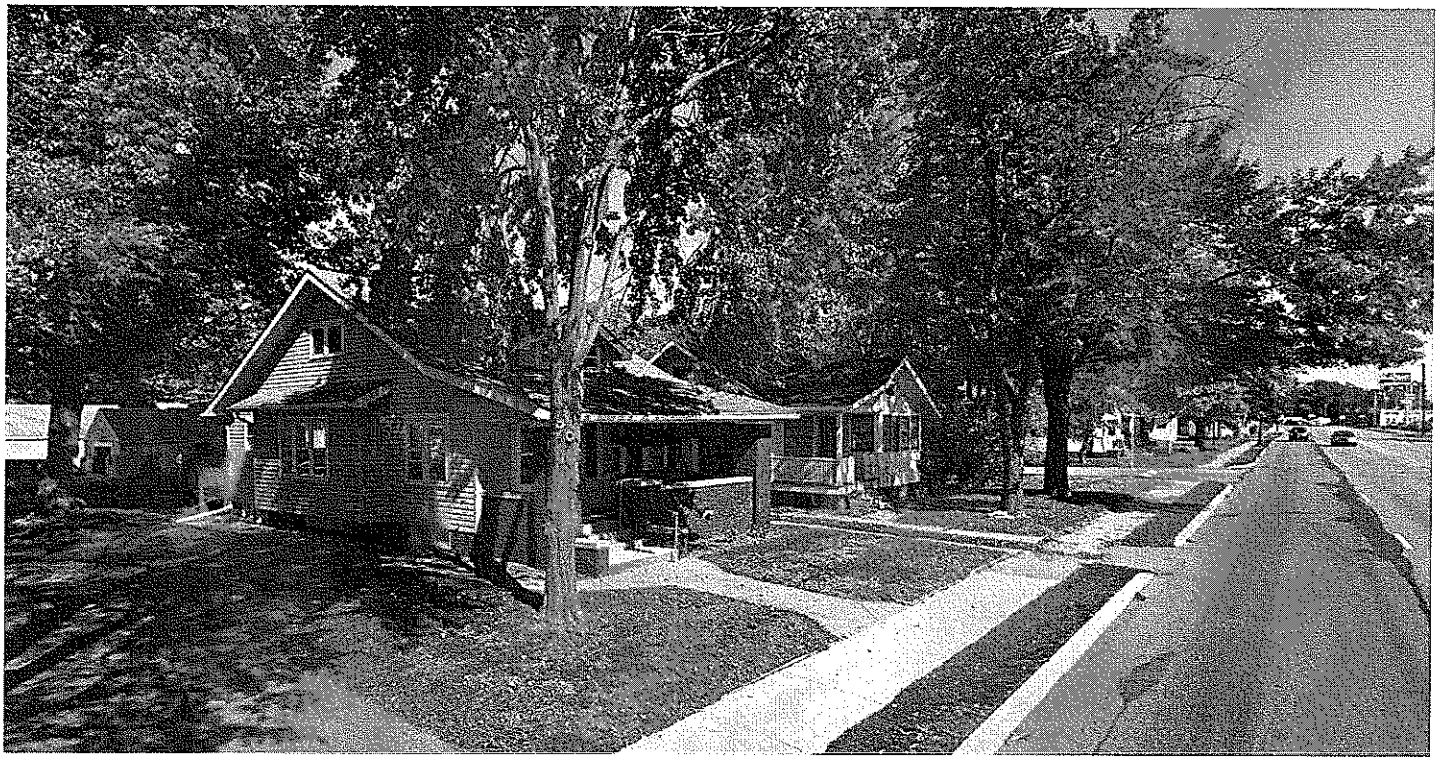
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,

5. The City's Comprehensive Plan calls for commercial use, however, the Plan calls for low density residential immediately to the north, and its historic use as a single family home is compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PETITION, PHOTOGRAPHS, LOCATION MAP





Views looking onto 2410 Lincolnway West to be rezoned to R-1 Single Family Residential

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 13 2014
CITY CLERK
MISHAWAKA, IN

1st Reading 11-17-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-25

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-34

ORDINANCE NO. _____

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

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

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

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

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

Lot 75 Ex 55 Feet S End, McInernys Second Addition, and 55 Feet S End Lot 75, McInernys Second Addition

COMMON ADDRESS: 422 West Eighth Street

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. There are some Commercial zonings in the neighborhood, but the neighborhood adjacent surrounding the property to the west and east are used as single family dwellings, and its historic use as a single family dwelling would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;

Proposed Ordinance No: 2014-34

Ordinance No: _____

3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,

5. The proposed zoning is consistent with the Comprehensive Plan which identifies Low Density Residential for this area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____day of _____, 2014, at _____ o'clock ___.M.

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock ____.M.

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

APPROVED by me this _____ day of _____, 2014, at _____o'clock ____.M.

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 30 2014

CITY CLERK
MISHAWAKA, IN

October 6, 2014

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, Andrea M. Butler, respectfully shows she is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to wit:

> Lot 75 Ex 55 Feet S End Mc Inernys Second Add and 55 Feet S End Lot 75 Mc Inerneys Second Add at 422 West 8th Street, Mishawaka, Indiana

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 Commercial District. Said property is used for residential.

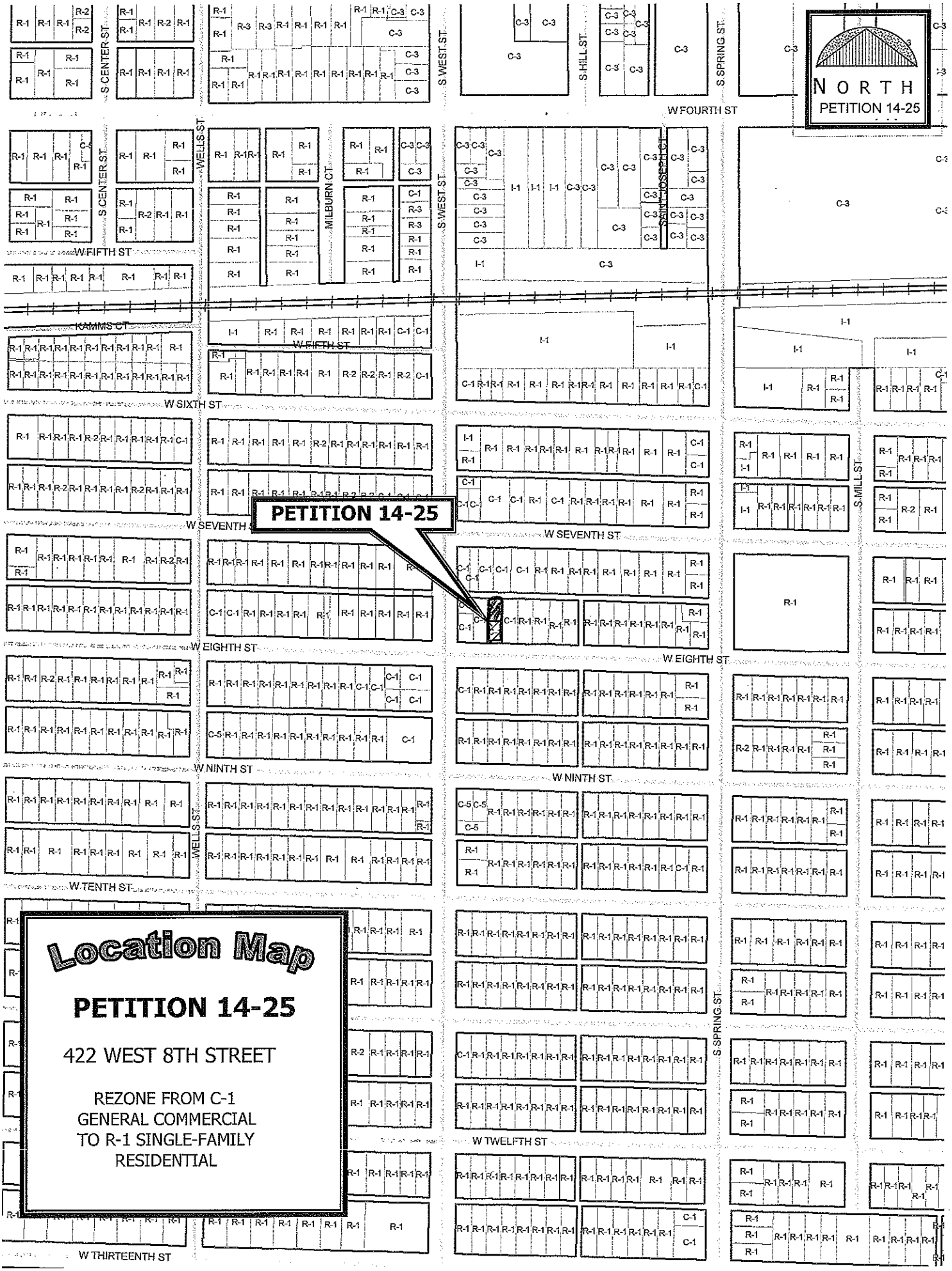
Petitioner desires said real estate to be rezoned to R-1 Residential District to sell. Petitioner further states that she intends to utilize said land for use as residential.

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 rezoning the above described parcel of land located in the City of Mishawaka.

Andrea M. Butler
Andrea M. Butler

CONTACT PERSON:
Jeff Van Poppel
713 Prism Valley Drive
Mishawaka, IN 46544
574-259-1112

Ret 14-25


NORTH
PETITION 14-25
PETITION 14-25
Location Map
PETITION 14-25
422 WEST 8TH STREET
REZONE FROM C-1
GENERAL COMMERCIAL
TO R-1 SINGLE-FAMILY
RESIDENTIAL
S CENTER ST
WELLS ST
MILBURN CT
S WEST ST
S HILL ST
SAINT JOSEPH CT
S SPRING ST
S MILL ST
KAMMS CT
W FOURTH ST
W FIFTH ST
W SIXTH ST
W SEVENTH ST
W EIGHTH ST
W NINTH ST
W TENTH ST
W TWELFTH ST
W THIRTEENTH ST

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 13 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 11-17-14
2nd Reading
Passed
Failed
Continue

PETITION 14-26

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-35

ORDINANCE NO. _____

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

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

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

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

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

Lot #1, Bowmans 1st Addition

COMMON ADDRESS: 2410 Lincolnway West

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. There are some Commercial zonings in the neighborhood, but the neighborhood adjacent surrounding the property to the north, west, and east are used as single family dwellings, and its historic use as a single family dwelling would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;

3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2014-35

Ordinance No: _____

4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,

5. The City's Comprehensive Plan calls for commercial use, however, the Plan calls for low density residential immediately to the north, and its historic use as a single family home is compatible and consistent with the historic residential uses in the area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____day of _____, 2014, at _____ o'clock ___.M.

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock _____.M.

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

APPROVED by me this _____ day of _____, 2014, at _____o'clock ____.M.

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 15 2014

CITY CLERK
MISHAWAKA, IN

October 15, 2014

OCT 15 2014

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, **Patricia A. (Smalley) Griffey** respectfully shows she is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

2410 Lincolnway West
Mishawaka, IN 46544
Lot #1 Bowmans 1st Addition
Parcel ID: 016-1216-8710

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 District. Said property is currently a residence.

Petitioner desires said real estate to be rezoned to R-1 District.
Petitioner further states that they intend to utilize said land for residential use.

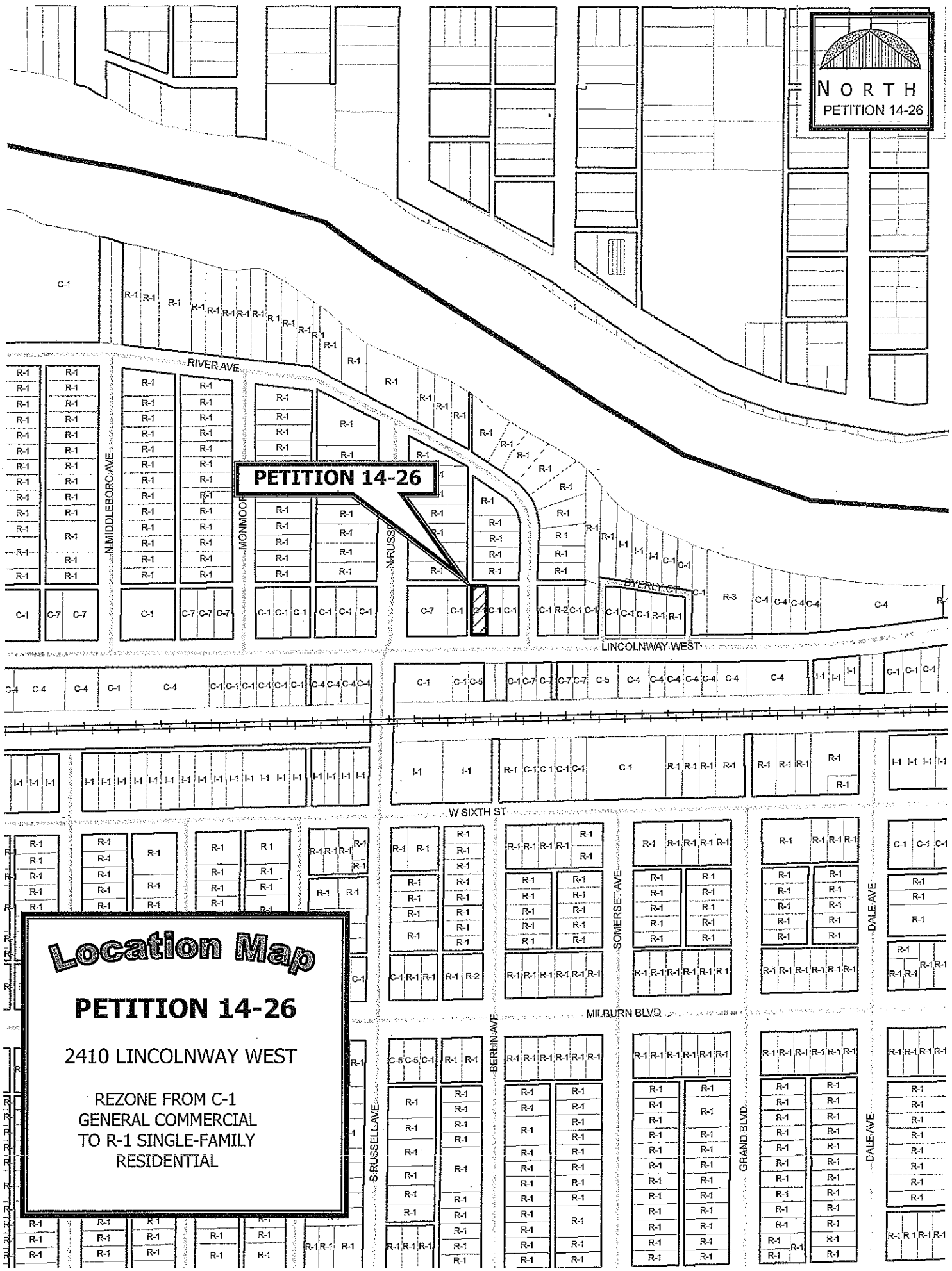
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Patricia A. (Smalley) Griffey

CONTACT PERSON:

Patricia A. Griffey
56294 Primrose Circle
Elkhart, IN 46516
FAX: 574-330-0134
Email: pgriffey@healygroup.com

Ret 14-26



Location Map

PETITION 14-26

2410 LINCOLNWAY WEST

REZONE FROM C-1
GENERAL COMMERCIAL
TO R-1 SINGLE-FAMILY
RESIDENTIAL

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 12 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014- 20

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

West of 1904 East McKinley Avenue

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

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

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

> A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2014, at _____ o'clock __.M.

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____ 2014, at _____o'clock __.M.

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

APPROVED by me this _____ day of _____ 2014, at _____ o'clock ___.M.

_____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING**

November 10, 2014

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 12 2014
CITY CLERK
MISHAWAKA, IN

Mr. Dale Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At Large City Council
Mr. Matt Mammolenti, At Large City Council
Mr. John J. Roggeman, At Large City Council
Mrs. Deborah S. Block, City Clerk

Re: Fiscal Plans and approving resolutions for proposed ordinances to Annex and Zone property into the City of Mishawaka: Property North of 124 Cedar Road & Property West of 1904 East McKinley Avenue

Dear Council Members and Clerk:

Attached herewith for your review is a copy of the Fiscal Plans and approving resolutions prepared by the Department of City Planning in accordance with the requirements of the State of Indiana Code Section 36-4-3-3.1. This document provides basic information about the areas to be annexed, and describes how the City of Mishawaka will provide services to the area to be annexed.

As you may be aware, to prepare a fiscal plan, copies of the proposed request are forwarded to all applicable City Departments. The Departments are then asked what expenditures/costs will be entailed to service the area and if the request can be accommodated with the funds currently approved within the City Budget. In this case, given that the property is immediately adjacent to existing City limits, and that the developer is responsible for extending all utilities, no additional expenditures are anticipated at this time.

I will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on November 17, 2014.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

City Hall ◦ 600 East Third Street ◦ Mishawaka IN ◦ 46544-2241
Building Phone: (574) 258-1607 Fax: (574) 968-6999
Community Development ◦ Redevelopment ◦ Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning ◦ Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

City of Mishawaka

Hose Assemblies Annexation

Property located west of
1904 East McKinley Avenue

November 2014

Prepared by:
City of Mishawaka
Department of Building, City Planning &
Community Development
600 E. Third Street
Mishawaka, IN
46544-2241

Phone: (574) 258-1625
Fax: (574) 968-6999
E-mail: planning@mishawak.in.gov

David A. Wood, Mayor

Mishawaka City Council

Dale Emmons	1st District
Mike Bellovich	2nd District
John Reisdorf	3rd District
Kate Voelker	4th District
Michael Compton	5th District
Ron Banicki	6th District
Dan Bilancio	At Large
Matt Mammolenti	At Large
John J. Roggeman	At Large

A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

TAB A- CITY OF MISHAWAKA ANNEXATION POLICY

This point has also been included to identify the reciprocal concern of the City relative to the sprawling growth within unincorporated St. Joseph County. Currently, the taxpayers within the City of Mishawaka pay City taxes to sustain infrastructure and a desired level of urban services. Furthermore, the taxpayers of the City of Mishawaka also pay county taxes that are used in part to provide similar services to county residents. Cities are wholly responsible for these services within their respective jurisdictional areas. These services include, but are not limited to, road maintenance, police patrols, and emergency medical services. These are services subsidized by general county tax dollars that the City of Mishawaka contributes to but does not receive the corresponding reciprocal benefit. The taxpayers of the county do not pay taxes that directly or indirectly support these services within the City. Based on the current division of general county funds, this equates to the City of Mishawaka financially subsidizing the sprawling growth of the county. Accordingly, the City of Mishawaka continues to seek a more equitable distribution of existing general county tax revenues. Furthermore, based on this existing inequity, it is an important objective of the City to work with county officials to ensure that there are not future increases in spending to address the problems associated with sprawling unincorporated development. The City also recognizes the need to develop fair cost-sharing practices to provide for regional services that does not adversely impact the residents of the City, while still providing for the needed/desired services in the unincorporated county.

Although the equitable distribution of tax dollars is an important concern, the City also recognizes that the problems associated with this sprawling unincorporated development also impacts the City of Mishawaka. The City is impacted by the limitations existing development has on future City growth, and the corresponding increased costs of extending infrastructure. As such, the City of Mishawaka will continue to work with the county in a cooperative effort, where possible, to address problems. However, it is only fair that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the tax payers of the City of Mishawaka.

STATUTORY LIMITATIONS

The City of Mishawaka also recognizes the burden placed on municipalities within St. Joseph County based on the statutory requirements on Municipal Annexation and Dis-annexation. The controlling legislation on annexation is established by the Indiana Code 36-4-3-series.

The statute also places minimum requirements on municipalities regarding providing services to proposed annexation areas, the timing of implementation, and contiguity requirements. The statute also requires that a fiscal plan be adopted showing how the costs associated with providing services will be paid. An estimated amount of time required for voluntary annexation is three to four months. The increased time required to process an annexation has placed a burden on real estate transactions and development on the fringe of the City. It is not uncommon to have annexation placed as a condition on the sale of property by the buyer. Annexation is typically requested because City services are desired or needed to serve the proposed project. This increased time frame when compared to the traditional rezoning process has the potential for directing appropriate contiguous growth away from the City due to the lack of suitable available property that can be developed in a short period of time.

IMPLEMENTATION OF POLICY

The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties. The purpose of this evaluation is to examine the proposed annexation area to the existing City limits relative to providing a compact and contiguous City boundary.

Annexation law significantly limits the ability of municipalities to annex property without the consent of the majority of property owners. Therefore, the City has deemed it necessary to review adjacent unincorporated properties that have not requested annexation at the time a voluntary annexation is proposed. Although this may ultimately necessitate the annexation of

- To address existing sprawl and inequitable distribution of general county tax dollars, it is the policy of the City of Mishawaka that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the taxpayers of the City of Mishawaka.

- The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties to promote the efficient delivery of services and remove chaotic boundary configurations.

BASIC DATA

A. LOCATION AND SIZE

The area proposed for annexation is illustrated on the following maps and shown on the accompanying aerials. This area is legally described as follows:

A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section.2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

Annexation Area

The property to be annexed is located northwest of 1904 East McKinley Avenue and north of 1844 East McKinley Avenue. The property is bounded by property incorporated into the City to the south and east. The property is currently zoned R-Residential within unincorporated St. Joseph County. If annexed, the Petitioner desires to zone the property to I-1 Light Industrial to allow for the construction of an addition to the existing adjacent Hose Assemblies building.

Contiguity with the Existing City Limits

The land to annexed into the City is approximately 0.44 acres total. The perimeter of the annexation area measures approximately 584.50 linear feet. A total of 246.50 linear feet is contiguous with the corporate boundary of the City of Mishawaka. The border of the contiguous area is 42.2% of the total perimeter area. This is in excess of the 12.5% or (1/8) of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE

The area is characterized as being relatively flat. The property consists of wooded vacant land.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned Residential within St. Joseph County. The property consists of vacant land. If the Mishawaka Common Council approves the annexation request, the area will be rezoned I-1 Light Industrial.

D. ASSESSMENT

The territory to be annexed consists of two parcels. The Land and Improvement Valuations are shown below based upon current GIS parcel data: (Land & Imp. Valuation for annexed parcel based on percentage of overall parcel)

location, area, and existing conditions of this proposed annexation area relative to providing infrastructure and urban services at a standard that is identical to other areas of the City. In determining required services, departments reviewed the area relative to similar geographic and use areas that currently exist within the City of Mishawaka.

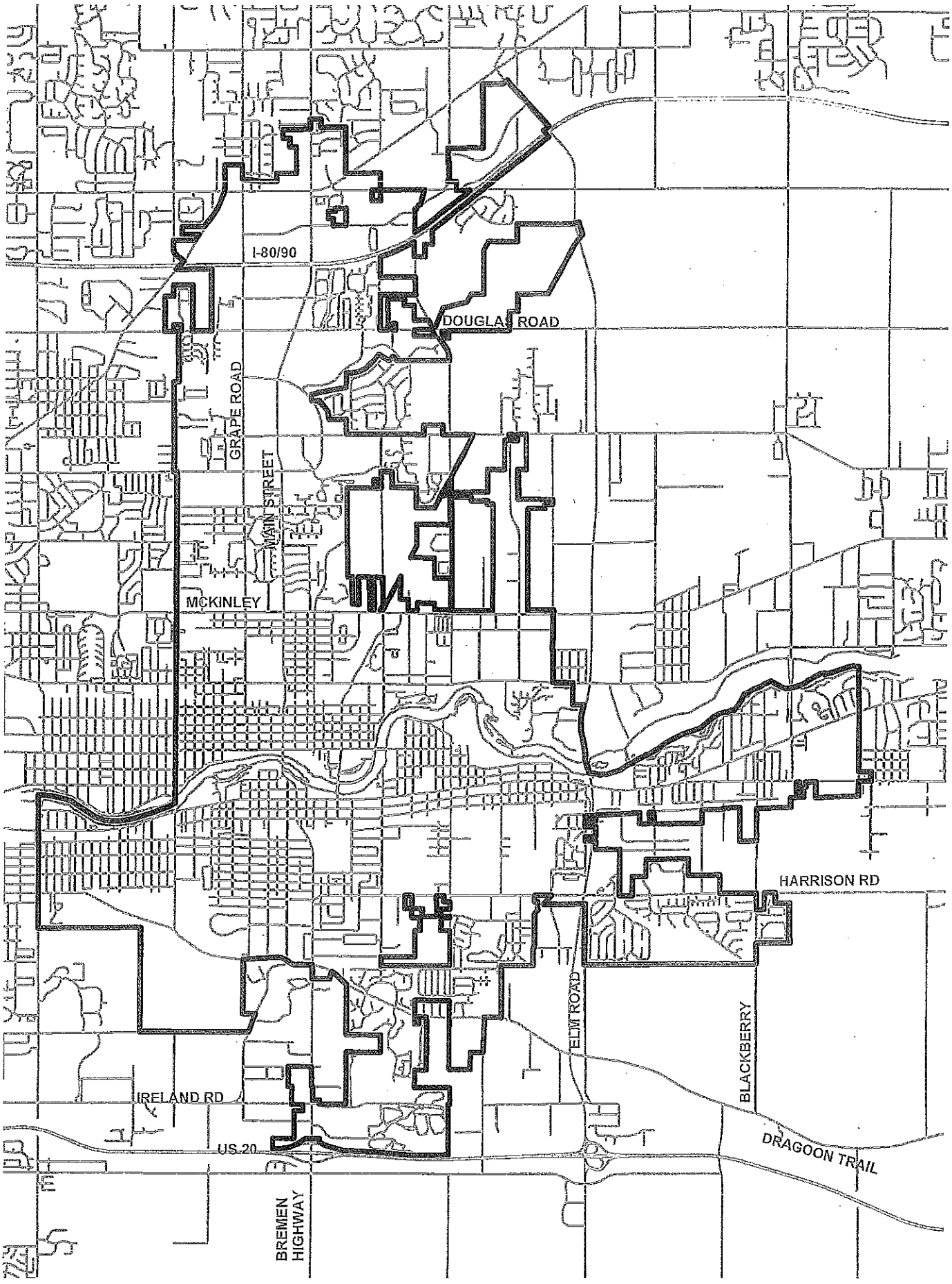
The standards for infrastructure and services provided by the City of Mishawaka, broken down by department, have been included within this document following Tab B. After establishing an understanding of the existing conditions, each department or agency was asked to identify any capital improvements required to serve the proposed annexation area to meet existing city standards. Physical infrastructure such as streets, sewer, and water were identified as already being provided to a level that met City standards. It is the responsibility of the property owner/developer to bear any expense required to connect to existing City services. Given the location of the proposed annexation area, adjacent to the existing city limits, and, considering the size of the area, each department identified that non-infrastructure-related services could be provided to the proposed annexation area with no additional expenditures. Increased maintenance costs for non-rate supported services, were identified as minimal and well within the approved budgets for each department.

Given that no consequential additional expenditures are anticipated, the itemization of costs associated with providing each service is not possible relative to the annexation area. However, to document that funds have been approved and are available for the services identified, a copy of the approved year 2014 City budget has been attached to the Summary of Service Report for each applicable non-rate supported department. These budgets identify the costs for personnel, equipment, repairs, and other expenditures anticipated for the budget year. Budgets for any department are available for the review of the public upon request at City Hall.

H. TERMS AND CONDITIONS

The City of Mishawaka will provide a level of basic services, including infrastructure and urban services, at a standard that is comparable to similar geographic and use areas that currently exist within the City of Mishawaka. The specific date of implementation of services has been identified within the description of specific services where applicable. Given the location of the proposed annexation area, the size of the area, and the presence of existing infrastructure, no capital expenditures are required to serve the proposed annexation area. Basic services, not otherwise specified, will be provided to the annexation area within one year of the effective date of the annexation as required by law. However, it is anticipated that the majority of basic services will be available immediately or at least in a timely manner.

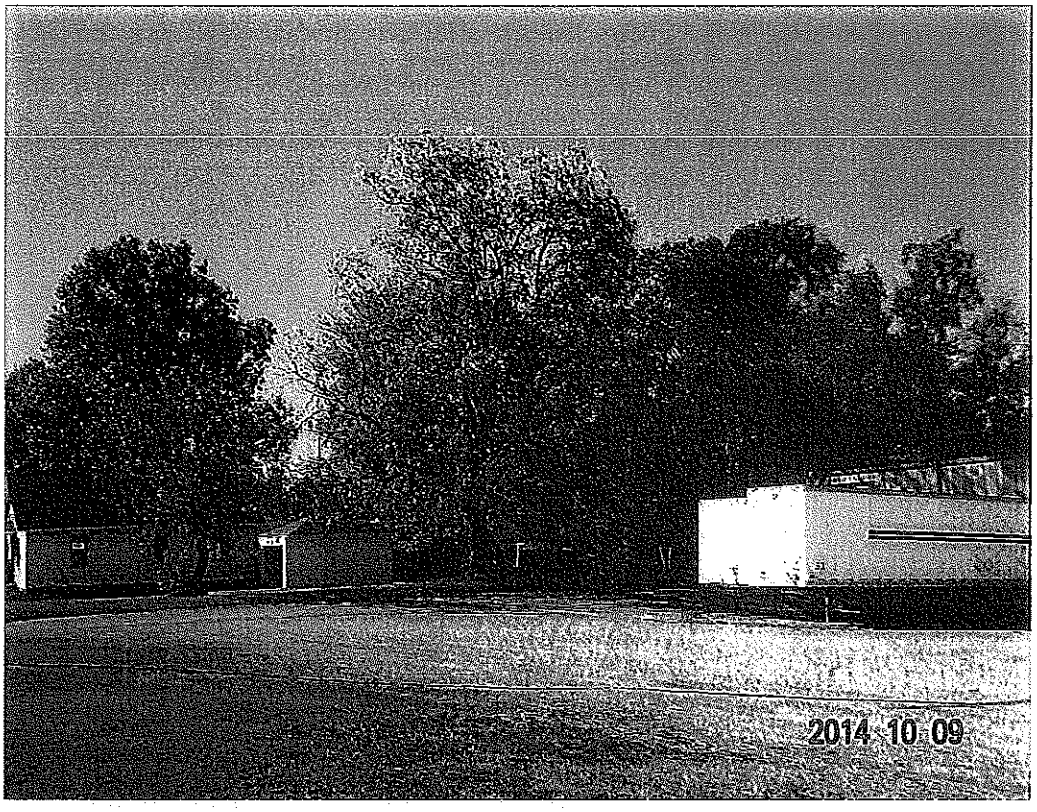
The effective date of annexation, if approved, will be thirty days from the date of approval of the annexation ordinance as required by law.



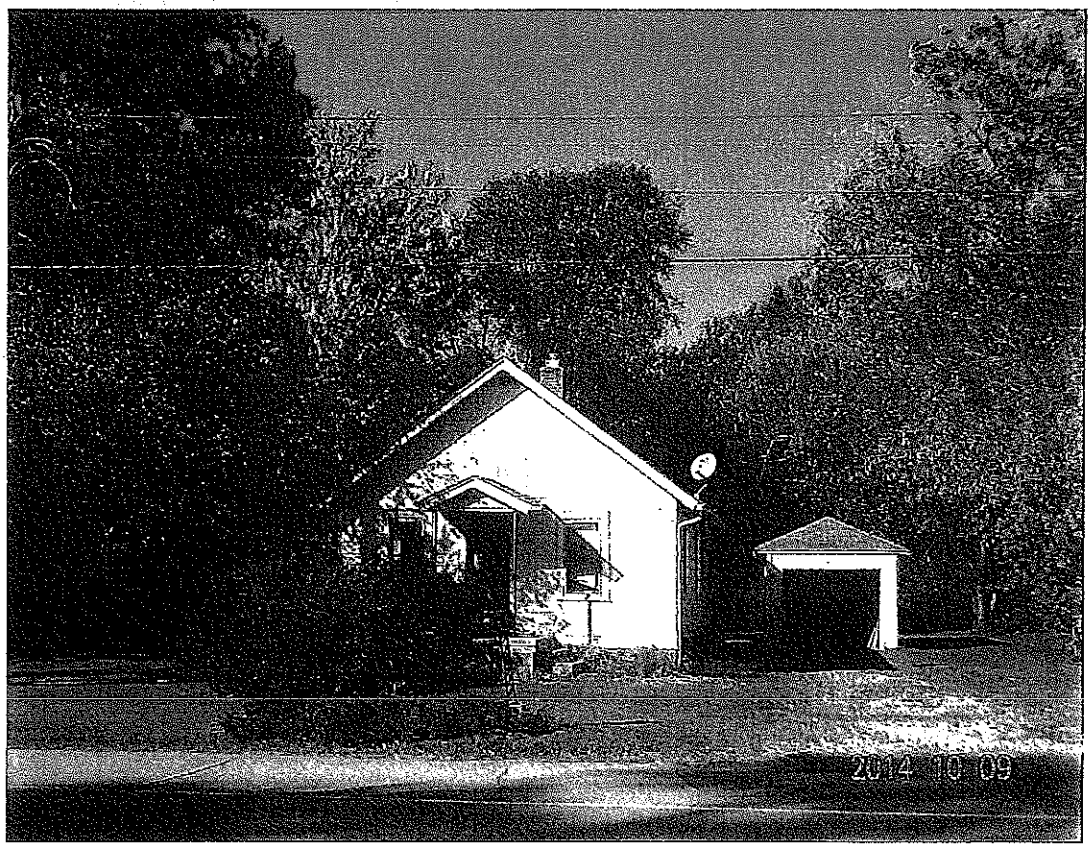
MAP OF EXISTING CITY LIMITS

AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED

PROPOSED ANNEXATION PHOTOS



View looking at the northwest corner of the existing Hose Assemblies Property



View looking onto property to be rezoned and existing structure to be demolished

PET 14-9

September 15, 2014

TO THE:

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

Re: Petition for Annexation and Zoning Classification

The undersigned, SLB Corporation, DBA: Hose Assemblies respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East, a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

Petitioner owns One Hundred (100%) percent of the above described parcel of land which is located at 1906 E. McKinley Ave., Penn township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioner desire the same to be annexed to the City of Mishawaka, Indiana, with a zoning classification of Industrial I-1 district classification desired. Petitioner further state they intend to utilize said land for manufacturing.

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

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

Wherefore, Petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a zoning classification of Industrial I-1 District.

Matthew Veldman
SLB Corporation DBA: Hose Assemblies

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601 (574-233-1841)

SEP 18 2014

~~Annexation~~

A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

TAB C- SUMMARY OF SERVICES

The efficiency of the City's Street Department is unmatched when it comes to snow removal, compared to St. Joseph County. Like other services, the county cannot provide a similar level of service because resources are spread out over a much larger area. In the event of a windstorm that blows trees and limbs into the streets, the City usually can have streets reopened in less than an hour.

Access to leisure activities is readily available in the City of Mishawaka. Residents can use all 27 City parks and the Eberhart-Petro golf course. Park rentals, for events such as weddings and receptions, are also less expensive for residents of the City.

Additionally, residents of the City of Mishawaka have access to all three branches of the Mishawaka-Penn-Harris Public Library. The Main Branch, on Church Street in downtown Mishawaka, and the Bittersweet Branch on the City's east side, and the Harris Branch on Elm Road in Granger.

Trash pick-up in the City is also inexpensive and efficient, with the monthly fee for single-family trash pickup at $12.80. For senior citizens, the rate is $10.44. The rates include the cost of recycling, which is picked up on the same day the trash.

With the exception of the trash removal, library use and Mishawaka Utilities services, the vehicle with which to pay for the rest of the city's services is through city property taxes. And the City of Mishawaka has a long history of having a low, stable tax rate – in fact, the rate has remained relatively stable for the past 10 years.

With its rich history, Mishawaka continues to prepare and grow for the future. New development within the City's Central Business District and the continued development of the city's commercial and industrial sectors guarantee its strength in the future. This growth allows the tax rates to remain low. With the low tax rate and the multitude of services provided, the City of Mishawaka is an excellent place to build homes, start businesses, and raise families.

The Engineering Department works closely with the Mishawaka Utilities Sewer Maintenance Department regarding the maintenance of the City sewer system. We maintain construction records for all sanitary and storm sewers and providing technical and administrative assistance on sewer repairs and for the Sewer Lateral Insurance Program that was initiated in 1986.

Specifically, the Sewer Lateral Insurance Program covers each single-family residential homeowner on the public sewer system within the City of Mishawaka. For a $1.50 monthly fee (included on homeowner's Mishawaka Utilities sewer bill), the homeowner is protected from paying catastrophic sanitary sewer repair costs for the portion of sewer lateral between the street right-of-way and outside of foundation wall of the home. Currently, this annexation area proposes a manufacturing use, and therefore is not eligible for this program.

ELECTRIC SERVICE

Services and Rates

Mishawaka Utilities – Electric Division currently serves the proposed annexation area as it is already in our franchise boundary.

The costs of providing service for future/planned development will be the responsibility of applicant(s) for service (reference Terms and Conditions, Section 9.0). The necessary expenditure to make connection to an applicant for service will be considered to be warranted when the estimated total revenue (i.e., net revenue) as estimated by the Utility for a period of two and one-half (2½) years to be realized by the Utility from permanent and continuing Customers on such an extension is at least equal to the estimated cost of such extension.

Whenever, in the opinion of the Utility, the necessary expenditure to make connection to an applicant for service is not warranted by the Utility's estimate of prospective revenues to be derived there from, or whenever, in the opinion of the Utility, the permanence of the Customer's load is questionable, the Utility may require the applicant to make an advance deposit for line construction or service connection. Or, the Utility may require a long-term agreement, an aid to construction payment, monthly minimum charge or such definite and written guarantee from a Customer, or group of Customers, in addition to any minimum payment required by the Rate Schedule. This requirement may also be made covering the payment by the Customer of the cost of tapping existing transmission or distribution lines for light or power service or both, when such service will not provide sufficient load or revenue, in the opinion of the Utility, to justify the cost of tapping said lines.

In those cases where it is not feasible or practicable to construct lines on public rights of way and it is necessary to secure easements or line-clearing permits on private property, the applicant or applicants shall secure the same without cost to the Utility or assist the Utility in obtaining such easements or line-clearing permits on private property before construction shall commence. The Utility shall be under no obligation to construct lines in the event the necessary easements or line-clearing permits cannot be so obtained.

Personnel

Mishawaka Utilities – Electric Division has a staff of over 40 employees. The Division, under the direction of the Electric Division Manager, is divided into the departments of engineering, construction, metering and operations:

Engineering:	Consists of the Chief Engineer, Substation Supervisor, Engineering Projects Manager, and support engineering personnel.
Construction:	Consists of the Construction Superintendent, two Construction Foremen, and support construction personnel (Journeymen, Apprentices and Linemen).
Metering:	Consists of Metering Department Manager and support metering personnel.
Operations:	Consists of the Operations Coordinator along with supporting personnel in dispatch/stores.

Description of Services

Normal working hours are from 7:30 a.m. to 4:00 p.m. Monday through Friday. During these hours, the Electric Division staff is available to provide immediate response to any system perturbation.

Services provided after normal working hours are on an emergency basis only. Customers requiring assistance can call the after-hours answering service, where a call is then placed to a duty supervisor to assess the situation. The duty supervisor then calls out required support personnel (via the answering service).

FIRE PROTECTION/EMS

The Mishawaka Fire/EMS Department is one of the area's best, with quick response times, excellent training, and the latest equipment.

Staffing and Response Times

The Mishawaka Fire Department currently has four stations located strategically throughout the City of Mishawaka. The Fire Department and the Emergency Medical Services Department merged January 1, 2002.

In accordance with the firefighter's union Collective Bargaining Agreement and the City of Mishawaka, minimum staffing of 29 personnel are available at all times. The department also has three members working in the City's Fire Inspection Bureau.

The Department's response time is excellent. The Fire Department responds to calls within three minutes for 90 percent of the City.

Fire Stations

The four fire stations are located in strategic areas around the City:

Station No. 1, built in 1991, is located on Union Street near downtown. It is staffed by a minimum of eleven (11) firefighters manning one Seagrave pumper truck, one aerial truck, a 105' Sutphen aerial/pumper combination), one heavy-duty K.M.E. rescue truck and one A.L.S. Paramedic ambulance unit.

Station No. 2, located at 2332 N. Main St., is staffed by six (6) firefighters at all times, manning one Pierce pumper truck, and one A.L.S. Paramedic ambulance unit.

Station No. 3, located at 333 E. Douglas Road, is staffed by eight (8) firefighters at all times, manning one Pierce pumper truck, one 105' Pierce Quint aerial/pumper combination, and one A.L.S. Paramedic ambulance unit.

Station No. 4, located at 3000 Harrison Road, is staffed by 5 firefighters manning one Sutphen pumper truck, and one Battalion Chief Vehicle.

All engine Companies are certified advanced life support non-transport.

For the year 2013 out of 6,425 runs 5,115 or roughly 80% were medical in nature. The Mishawaka Fire Department restructured going to a three platoon system. With the addition of a third ambulance we were able to move ambulances out of one central location to be closer to the neighborhoods they served. This and the availability of paramedics on some engine companies have decreased the time in which it takes to start lifesaving interventions if needed. Engine companies also have Advanced E.M.T.'s on board who may begin vital treatment such as 12 lead E.K.G.'s, establishing I.V. lines, and administration of a handful of drugs. Once the ambulance arrives the paramedics take over in the continuum of care depending upon the severity of the call.

Equipment

Equipment for the department is very comparable with what is available to surrounding township departments, but the City's fire department offers other advantages not available to the township fire departments. By having 29 firefighters on duty at any given time Mishawaka is able to send more resources depending upon the nature of the call. The Mishawaka Fire Department has three ladder/pumper trucks available for emergencies. Two of these are in service at all times with the third being a reserve. Depending upon the location, some volunteer departments utilize mutual aid agreements in the event of the need for an aerial device.

The City maintains an eighteen (18) member Dive/Rescue team for water emergencies.

Citizen Programs

The fire department provides regular fire inspections for businesses located in the area, and home inspections upon request.
In 2013 the Fire Prevention Bureau performed 1,720 fire inspections of new and existing buildings in Mishawaka.
In 2014 the City's Building Department began assisting the fire department in business inspections throughout the City.

In addition, residents are encouraged to take part in the department's smoke detector giveaway and installation programs.

Fire Marshals give extinguisher demonstrations and emergency planning procedures upon request to businesses in the City. Participants use real extinguishers on mock up fires to prepare them for the real thing.

The department also participates in drive through flu clinics, C.P.R. classes, Triad pill drops, car seat installations and clinics throughout the year.

Costs Associated With Services

If annexed, the City of Mishawaka Fire Department is capable of providing a level of service for the area that is equal to the services currently provided for the City. Given the proximity of the proposed annexation area, bordered to the south and east by the existing City limits, the Fire Department does not require any additional funds than what have been allocated within the current city budget to provide these services. For general information purposes, a copy of the year 2014 budget has been included for reference.

CITY OF MISHAWAKA
2014 BUDGET

FIRE/EMS DEPARTMENT 101-19		2014 Budget	
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	6,000.00	
Operating Supplies			
422-01	Operating Supplies	275,000.00	
Other Supplies			
429-10	Public Education Training/ Seminar Supplies/Refreshments	6,000.00	
			287,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-10	New Hire Testing/Physicals	75,000.00	
Communication and Transportation			
432-03	Travel and Training	30,000.00	
Repairs and Maintenance			
436-01	Building/ Equipment Repair	90,000.00	
436-90	Service Contracts	160,000.00	
436-91	Laundry Maintenance	3,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	3,000.00	
			361,000.00
			11,790,689.00

CITY OF MISHAWAKA
2014 BUDGET

PARK AND RECREATION 204-50		2014 Budget	
1 PERSONAL SERVICES			
Salaries and Wages			
411-01	Department Head	62,274.00	
411-02	Regular Employees	484,500.00	
	Group 1: 14 @18.51*2088	542,000.00	
	Reimburse CS Assts. 1.25	61,205.00	
	Reimburse MVH director 5%	2,914.00	1,152,893.00
411-03	Temporary/Summer Help	357,000.00	
			1,509,893.00
Other Services Personal			
411-60	Overtime	53,000.00	
411-62	Night Bonus	5,000.00	
411-63	Longevity	17,130.00	
411-64	FTO	15,000.00	
			90,130.00
Employee Benefits			
413-01	Social Security	102,000.00	
413-02	Medicare	25,500.00	
413-03	PERF 14.2%	178,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Insurance Benefits	516,000.00	
413-06	Life Insurance	2,200.00	
			828,700.00
			2,428,723.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	8,000.00	
Operating Supplies			
422-02	Gas, Oil, Parts, etc.	50,000.00	
Other Supplies			
429-09	Merrifield Complex Supplies	50,000.00	
429-14	Maintenance Supplies	80,000.00	
429-15	Program Supplies	25,000.00	
429-17	Landscaping, Chemical Supplies	80,000.00	
429-18	Athletic Event Supplies	16,000.00	
429-20	Golf Course Supplies	30,000.00	
429-21	Concessions	60,000.00	
			399,000.00

CITY OF MISHAWAKA
2014 BUDGET

PARK AND RECREATION NON-REVERTING 214-50		2014 Budget	
2	SUPPLIES		
	Other Supplies		
429-17	Landscaping	30,000.00	
			30,000.00
4	CAPITAL OUTLAYS		
	Improvements Other than Buildings		
443-94	Softball Field/Diamond Improve.	10,000.00	
443-99	Merrifield Improvements	13,000.00	
	Buildings		
442-05	Wilson Building Improvements	7,500.00	
			30,500.00
			60,500.00

improving how we get crime information and other important information out to the public. The unit also handles neighborhood complaints, such as drug houses, speeding, neighbor disputes, and other "quality of life" issues.

One (1) Community Relations Officer is assigned to patrol the City parks over the summer. The main concentration is in the downtown parks, which has shown an increase in vandalism. Since the park officer has started patrolling the parks, we have seen a drop in criminal activity.

The Street Crimes Unit was implemented in July of 2009. The goal of this Unit is to concentrate efforts in high crime areas of the city and work in conjunction with the Police Department's Investigative Division to identify criminals and solve crimes. So far, the SCU has worked very hard at their mission and has proven to be quite a success. Because of their determination and self-motivation, the Unit has taken several criminals, weapons and drugs off the streets and has seen crime decrease in the high crime neighborhoods.

Response Time and Crime Statistics

On average, the Mishawaka Police Department responds to critical incidents within three to five minutes. This is comparable to three to seven minutes in South Bend. South Bend has a modestly larger coverage area. Response times for the county were not available; however, with the St. Joseph County Police Department's much larger coverage area per officer, it is anticipated that the response time within the City of Mishawaka is significantly lower than in the county.

Mishawaka crime rates in general continue to remain low for cities of comparable sizes. Serious crimes such as homicides, rapes, assaults, burglaries and auto thefts have dropped from 2012 to 2013. Crimes such as robberies, larcenies and arsons have increased between 2012 and 2013. One of the potential reasons for this increase is the continued development of commercial areas within the city. As the city continues to prosper, these areas become target areas for these crimes. This point further illustrates why such a significant portion of the city budget goes to police and crime prevention. Mishawaka had 0 homicides in 2013. In 2012 there were 3 homicides. The Mishawaka Police department responded to 40,768 calls for service in 2013 with the dispatch center receiving 98,556 calls. The Department had 29,271 - 911 calls in the dispatch center in 2013.

For general information purposes, a copy of the year 2014 budget has been included for reference. The budget itemizes the costs of providing services for the entire city.

Costs Associated with Services

If annexed, the City of Mishawaka Police Department is capable of providing a level of service for the area that is equal to the services currently provided within the City of Mishawaka. The Police Department does not require any additional funds than what has been allocated within the current city budget to provide these services. No capital expenditures are required in association with this proposed annexation.

CITY OF MISHAWAKA
2014 BUDGET

POLICE DEPARTMENT 101-20	2014 Budget	
2 SUPPLIES		
Operating Supplies		
422-01 Operating Supplies	70,000.00	
Other Supplies		
429-11 Seminars/ Community Relations	1,000.00	
		71,000.00
3 OTHER SERVICES AND CHARGES		
Professional Services		
431-09 New Hire Testing/Vaccines/Physicals	22,000.00	
Communication and Transportation		
432-03 Travel and Training	4,000.00	
Printing and Advertising		
433-01 Printing	1,800.00	
Repairs and Maintenance		
436-01 Building Repair/ Maintenance Service Contracts	75,000.00	
Other Services and Charges		
439-03 Subscriptions, Dues, etc.	5,000.00	
439-11 Special Expense	13,000.00	
439-12 Canine Expenses	4,000.00	
439-16 Crime Stoppers Program	5,000.00	
		129,800.00
		11,651,552.00

CITY OF MISHAWAKA
2014 BUDGET

CENTRAL SERVICES DEPARTMENT 101-22		2014 Budget	
1 PERSONAL SERVICES			
Salaries and Wages			
411-02	Assistant 4 @ 48964	195,856.00	
	Fleet Maintenance Technician 6 @ 19.51*2088	245,000.00	
	Group 1: 4 @ 18.51*2088	155,000.00	
	PT maintenance 1040 hrs @ 11.00	11,440.00	
	Reimburse MVH Director 5%	2,914.00	
			610,210.00
Other Services Personal			
411-60	Overtime	15,000.00	
411-62	Night Bonus .60/.55 per hour	5,000.00	
411-63	Longevity	5,145.00	
			25,145.00
			635,355.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	2,000.00	
Operating Supplies			
422-02	Gas, Oil, etc.	1,100,000.00	
422-05	Equipment/ Vehicle/Maint Supplies	100,000.00	
Other Supplies			
429-08	Uniform/ Supplies	4,000.00	
			1,206,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-09	Health Screenings/ Vaccines	1,000.00	
Communication and Transportation			
432-03	Travel and Training	1,500.00	
Repairs and Maintenance			
436-01	Building Repair / Equipment/Maint	60,000.00	
Rentals			
437-05	Uniforms	5,000.00	
Other Services and Charges			
439-09	Miscellaneous Charges	2,000.00	
			69,500.00
			1,910,855.00

CITY OF MISHAWAKA
2014 BUDGET

MOTOR VEHICLE HIGHWAY 201-50		2012 Budget	
3 OTHER SERVICE AND CHARGES			
Professional Services			
431-04	Snow Removal	5,000.00	
431-09	Health Screenings/ Vaccines	6,000.00	
Communication and Transportation			
432-03	Travel and Training	5,000.00	
432-04	Telephone/ Paging	5,000.00	
Printing and Advertising			
433-02	Publications	600.00	
Insurance			
434-90	Insurance Premiums/Deductibles	150,000.00	
Utility Service			
435-01	MU Charges	110,000.00	
435-02	NIPSCO	57,000.00	
Repairs and Maintenance			
436-01	Building/ Equipment Repair	160,000.00	
436-93	Signal Maintenance	100,000.00	
Rentals			
437-05	Uniforms	8,000.00	
Other Services and Charges			
439-09	Miscellaneous Charges	3,000.00	
			609,600.00
4 CAPITAL OUTLAY			
Machinery and Equipment			
445-02	Street Equipment	200,000.00	
445-03	Office Equipment	1,000.00	
			201,000.00
			4,127,957.00

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

Trash pick-up in the City of Mishawaka is inexpensive and efficient. The monthly fee for single family trash pickup is $12.80. This includes trash, yard waste and recycling. Residents also are allowed to place up to two large items out each week for removal with their regular trash. Large items could include furniture, appliances, and similar objects that are not readily placed within containers.

A discounted rate of $10.44 per month is provided for senior citizens.

Similar to the county and other municipalities, trash removal services are not offered to multiple family developments, commercial, or industrial businesses. The waste stream generated from these uses vary widely and usually require private dumpsters. These uses are required to contract for services through private trash contractors. Given that portion of the proposed annexation is an industrial facility, waste disposal will be the responsibility of the property owner with no involvement from the City.

Leaf pick-up and Fifth Street recycling center

The leaf pick-up and Christmas tree pick-up programs are done through the City's street department. The Fifth Street recycling center is run by the Solid Waste Management District. It is open to all residents and non-residents for disposal of hazardous materials, such as paint and household chemicals. Tires, magazines, and cardboard/office paper also are collected there for recycling.

- Addition of a second belt filter press for biosolids deweatering
- New Anaerobic Digester and Rehabilitation of Existing Digesters Including New Covers
- Modifications to the Plant Electrical Feed
- Installation of a high efficiency turbo aeration blower
- New Process Air Blower Equipment
- Administration Building Modifications
- Expansion of Maintenance Facilities
- Site Landscaping

Future capital improvements are focused on the Combined Sewer Overflow Long Term Control Plan and will consist mainly of sewer system improvements to convey greater volumes of wet weather flow to the Wastewater Plant for treatment as well as sewer separation and in-line storage in selected areas.

Statistical Information

Mishawaka's wastewater treatment plant exhibits outstanding performance. From January 2000 through December 2011 average removals and effluent concentrations are as follows:

	Percent Removal	Effluent Concentration mg/l
CBOD	97%	2.7
Total Suspended Solids	96%	3.3
Phosphorus	79%	0.6
Ammonia Nitrogen	89%	2.4

During this time period there were few exceedances of NPDES permit effluent limitations. In the winter of 2007 extreme cold weather caused freezing of chlorine feed lines which resulted in loss of disinfection for several days.

Costs Associated with Services

Mishawaka Utilities Wastewater Division is predominately supported through revenue generated by the rates charged to customers. 2005 was the first full year of construction of the Wastewater Treatment Plant Upgrade and Expansion. The project was completed in June of 2008. The City financed $41.9 million for the plant improvements through a low interest State Revolving Fund Program loan, which will save considerable interest expense throughout the twenty year life of the loan. The expansion serves the dual purpose of providing capacity for continued growth in the community and will cut annual combined sewer overflow (CSO) volume in-half. Because a portion of the expanded capacity will serve growth in the Northwest TIF area, TIF funding has been pledged to the Wastewater Division to assist in funding debt service payments. An annual TIF distribution of $3.3 million reduces the rate increases necessary to fund the expansion's bond payments.

Residents of St. Joseph County who have access to city sanitary sewer pay the same sewer rate provided to residents of the city. However, Wastewater Utility customers whose premises are served by the utility and are located within the City limits shall receive a credit applied towards their monthly sewer bill in recognition of the portion of the principal and interest on Wastewater Utility bonds paid by the City from TIF revenues. City sewer facilities are available to the proposed annexation area and will have no impact on the level of service provided by the city. Mishawaka Utilities currently provides a level of service for the area that is equal to the rest of the City. No additional Wastewater Division capital expenditures are required in association with this proposed annexation.

Services to Residents – (Cont.)
The Division has no benefits geared strictly toward senior citizens, but it does accept money from the Project Safe program, provided by Real Services. Real Services provides state funds to pay utility bills of low-income families that fall within a certain income range. The low-income families must fill out an application, at the Real Services office, to become eligible for this benefit.

Costs Associated with Services
Mishawaka Utilities Water Division is not supported by tax dollars, but rather through revenue generated by the sales of water to its consumers. All costs associated with providing water service are rate generated. No tax dollars are used to provide this service. If annexed, Mishawaka Utilities is capable of providing a level of service for the area that is equal to the services currently provided within the City.

RESOLUTION NO. 2014-

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

West of 1904 East McKinley Avenue

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

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

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

> A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

PETITION #14-20

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

ORDINANCE NO. _____

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

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

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

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

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

A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

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

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

1. Existing Conditions- The subject parcel is currently located adjacent to industrial zoned property and the area to be annexed consists of vacant land.

2. Character of Buildings – The character of the buildings located adjacent to and in the surrounding area are commercial, light industrial, and residential.

Proposed Ordinance No. _____

Ordinance No. _____

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock _____.M.

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

APPROVED by me this _____ day of _____, 2014, at _____o'clock _____.M.

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 12 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014- 21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

North of 124 Cedar Road

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

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

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

> Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the west ½ of a vacated alley lying East of and adjacent to the above described real estate.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2014, at _____ o'clock __.M.

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____ 2014, at _____o'clock __.M.

_____
Deborah S. Block, IAMC MMC, City Clerk

APPROVED by me this _____ day of _____ 2014, at _____ o'clock ___.M.

_____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING**

November 10, 2014

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 12 2014
CITY CLERK
MISHAWAKA, IN

Mr. Dale Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At Large City Council
Mr. Matt Mammolenti, At Large City Council
Mr. John J. Roggeman, At Large City Council
Mrs. Deborah S. Block, City Clerk

Re: Fiscal Plans and approving resolutions for proposed ordinances to Annex and Zone property into the City of Mishawaka: Property North of 124 Cedar Road & Property West of 1904 East McKinley Avenue

Dear Council Members and Clerk:

Attached herewith for your review is a copy of the Fiscal Plans and approving resolutions prepared by the Department of City Planning in accordance with the requirements of the State of Indiana Code Section 36-4-3-3.1. This document provides basic information about the areas to be annexed, and describes how the City of Mishawaka will provide services to the area to be annexed.

As you may be aware, to prepare a fiscal plan, copies of the proposed request are forwarded to all applicable City Departments. The Departments are then asked what expenditures/costs will be entailed to service the area and if the request can be accommodated with the funds currently approved within the City Budget. In this case, given that the property is immediately adjacent to existing City limits, and that the developer is responsible for extending all utilities, no additional expenditures are anticipated at this time.

I will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on November 17, 2014.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

City Hall ◦ 600 East Third Street ◦ Mishawaka IN ◦ 46544-2241
Building Phone: (574) 258-1607 Fax: (574) 968-6999
Community Development ◦ Redevelopment ◦ Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning ◦ Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

City of Mishawaka

Ward – Cedar Road
Annexation

Property located North of
124 Cedar Road

November 2014

Prepared by:
City of Mishawaka
Department of Building, City Planning &
Community Development
600 E. Third Street
Mishawaka, IN
46544-2241

Phone: (574) 258-1625
Fax: (574) 968-6999
E-mail: planning@mishawak.in.gov

David A. Wood, Mayor

Mishawaka City Council

Dale Emmons	1st District
Mike Bellovich	2nd District
John Reisdorf	3rd District
Kate Voelker	4th District
Michael Compton	5th District
Ron Banicki	6th District
Dan Bilancio	At Large
Matt Mammolenti	At Large
John J. Roggeman	At Large

Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the west ½ of a vacated alley lying East of and adjacent to the above described real estate.

TAB A- CITY OF MISHAWAKA ANNEXATION POLICY

This point has also been included to identify the reciprocal concern of the City relative to the sprawling growth within unincorporated St. Joseph County. Currently, the taxpayers within the City of Mishawaka pay City taxes to sustain infrastructure and a desired level of urban services. Furthermore, the taxpayers of the City of Mishawaka also pay county taxes that are used in part to provide similar services to county residents. Cities are wholly responsible for these services within their respective jurisdictional areas. These services include, but are not limited to, road maintenance, police patrols, and emergency medical services. These are services subsidized by general county tax dollars that the City of Mishawaka contributes to but does not receive the corresponding reciprocal benefit. The taxpayers of the county do not pay taxes that directly or indirectly support these services within the City. Based on the current division of general county funds, this equates to the City of Mishawaka financially subsidizing the sprawling growth of the county. Accordingly, the City of Mishawaka continues to seek a more equitable distribution of existing general county tax revenues. Furthermore, based on this existing inequity, it is an important objective of the City to work with county officials to ensure that there are not future increases in spending to address the problems associated with sprawling unincorporated development. The City also recognizes the need to develop fair cost-sharing practices to provide for regional services that does not adversely impact the residents of the City, while still providing for the needed/desired services in the unincorporated county.

Although the equitable distribution of tax dollars is an important concern, the City also recognizes that the problems associated with this sprawling unincorporated development also impacts the City of Mishawaka. The City is impacted by the limitations existing development has on future City growth, and the corresponding increased costs of extending infrastructure. As such, the City of Mishawaka will continue to work with the county in a cooperative effort, where possible, to address problems. However, it is only fair that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the tax payers of the City of Mishawaka.

STATUTORY LIMITATIONS

The City of Mishawaka also recognizes the burden placed on municipalities within St. Joseph County based on the statutory requirements on Municipal Annexation and Dis-annexation. The controlling legislation on annexation is established by the Indiana Code 36-4-3-series.

The statute also places minimum requirements on municipalities regarding providing services to proposed annexation areas, the timing of implementation, and contiguity requirements. The statute also requires that a fiscal plan be adopted showing how the costs associated with providing services will be paid. An estimated amount of time required for voluntary annexation is three to four months. The increased time required to process an annexation has placed a burden on real estate transactions and development on the fringe of the City. It is not uncommon to have annexation placed as a condition on the sale of property by the buyer. Annexation is typically requested because City services are desired or needed to serve the proposed project. This increased time frame when compared to the traditional rezoning process has the potential for directing appropriate contiguous growth away from the City due to the lack of suitable available property that can be developed in a short period of time.

IMPLEMENTATION OF POLICY

The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties. The purpose of this evaluation is to examine the proposed annexation area to the existing City limits relative to providing a compact and contiguous City boundary.

Annexation law significantly limits the ability of municipalities to annex property without the consent of the majority of property owners. Therefore, the City has deemed it necessary to review adjacent unincorporated properties that have not requested annexation at the time a voluntary annexation is proposed. Although this may ultimately necessitate the annexation of

- To address existing sprawl and inequitable distribution of general county tax dollars, it is the policy of the City of Mishawaka that the residents and property owners of a particular problem area caused by sprawling development should be the party wholly responsible for the costs of desired/needed infrastructure or services- not the taxpayers of the City of Mishawaka.

- The stringent statutory requirements of annexation have necessitated the creation of a policy of the City of Mishawaka to evaluate the geographic boundary of each proposed voluntary annexation relative to the surrounding unincorporated properties to promote the efficient delivery of services and remove chaotic boundary configurations.

BASIC DATA

A. LOCATION AND SIZE

The area proposed for annexation is illustrated on the following maps and shown on the accompanying aerials. This area is legally described as follows:

Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the west ½ of a vacated alley lying East of and adjacent to the above described real estate.

Annexation Area

The property to be annexed is located north of 124 Cedar Road. The property is bounded by property incorporated into the City to the south. The property is currently zoned R-Residential within unincorporated St. Joseph County. If annexed, the Petitioner desires to zone the property to C-1 General Commercial.

Contiguity with the Existing City Limits

The land to annexed into the City is approximately 2.7 acres total. The perimeter of the annexation area measures approximately 1500 linear feet. A total of 464 linear feet is contiguous with the corporate boundary of the City of Mishawaka. The border of the contiguous area is 30.9% of the total perimeter area. This is in excess of the 12.5% or (1/8) of the boundary that is required to be contiguous based on the determination requirements of the Indiana Code.

B. TOPOGRAPHY AND EXISTING USE

The area is characterized as being relatively flat. The property consists of wooded and vacant land.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is currently zoned Residential within St. Joseph County. The property consists of wooded and vacant land. If the Mishawaka Common Council approves the annexation request, the area will be rezoned C-1 General Commercial.

D. ASSESSMENT

The territory to be annexed consists of one parcel. The Land and Improvement Valuations are shown below based upon current GIS parcel data: (Land & Imp. Valuation for annexed parcel based on percentage of overall parcel)

relative to similar geographic and use areas that currently exist within the City of Mishawaka.

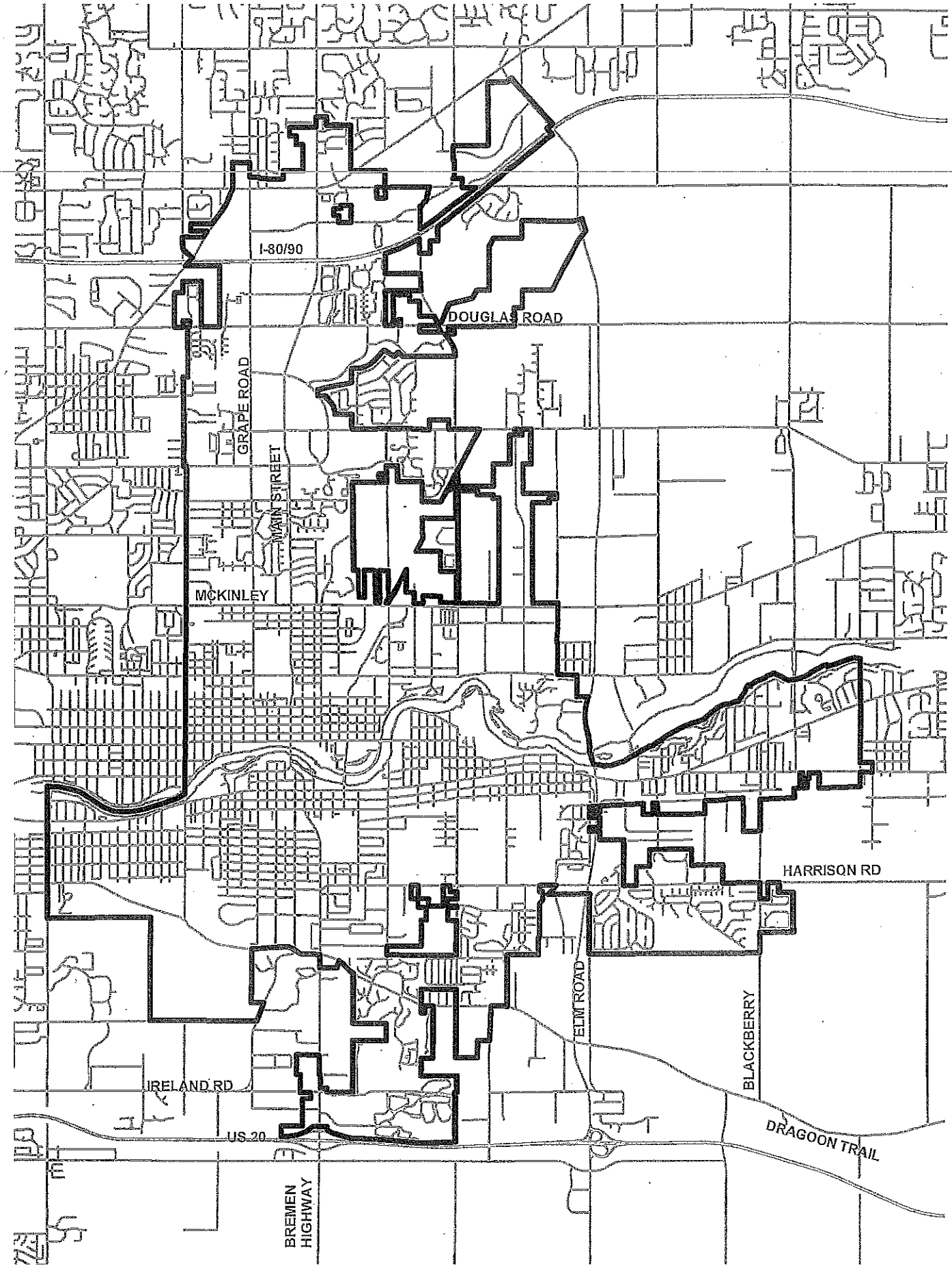
The standards for infrastructure and services provided by the City of Mishawaka, broken down by department, have been included within this document following Tab B. After establishing an understanding of the existing conditions, each department or agency was asked to identify any capital improvements required to serve the proposed annexation area to meet existing city standards. It is the responsibility of the property owner/developer to bear any expense required to connect to existing City services. Given the location of the proposed annexation area, adjacent to the existing city limits, and, considering the size of the area, each department identified that non-infrastructure-related services could be provided to the proposed annexation area with no additional expenditures. Increased maintenance costs for non-rate supported services, were identified as minimal and well within the approved budgets for each department.

Given that no consequential additional expenditures are anticipated, the itemization of costs associated with providing each service is not possible relative to the annexation area. However, to document that funds have been approved and are available for the services identified, a copy of the approved year 2014 City budget has been attached to the Summary of Service Report for each applicable non-rate supported department. These budgets identify the costs for personnel, equipment, repairs, and other expenditures anticipated for the budget year. Budgets for any department are available for the review of the public upon request at City Hall.

H. TERMS AND CONDITIONS

The City of Mishawaka will provide a level of basic services, including infrastructure and urban services, at a standard that is comparable to similar geographic and use areas that currently exist within the City of Mishawaka. The specific date of implementation of services has been identified within the description of specific services where applicable. Given the location of the proposed annexation area, the size of the area, and the presence of existing infrastructure, no capital expenditures are required to serve the proposed annexation area. Basic services, not otherwise specified, will be provided to the annexation area within one year of the effective date of the annexation as required by law. However, it is anticipated that the majority of basic services will be available immediately or at least in a timely manner.

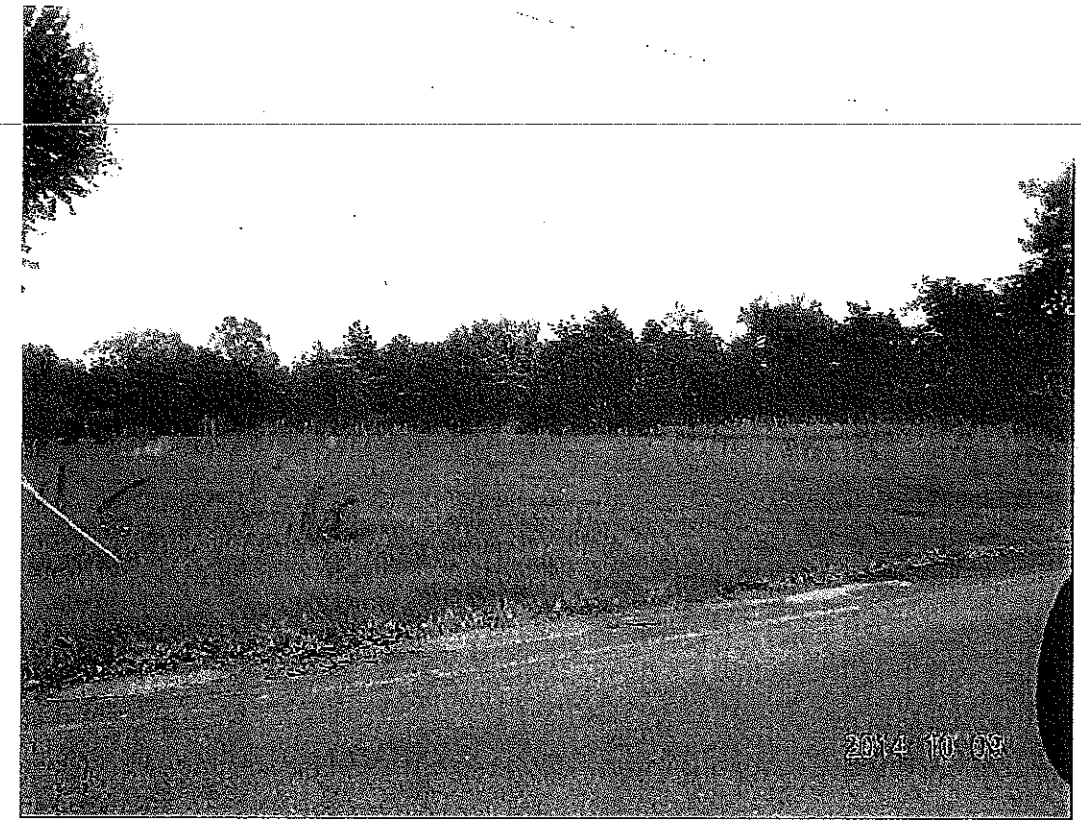
The effective date of annexation, if approved, will be thirty days from the date of approval of the annexation ordinance as required by law.



MAP OF EXISTING CITY LIMITS

AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED

PROPOSED ANNEXATION PHOTOS



View of parcel to be annexed

View of medical office west across Cedar Road

PET 14-20

September 15, 2014

TO THE:

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

Re: Petition for Annexation and Zoning Classification

The undersigned, John Ward, respectfully show he is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the West ½ of a vacated ally lying East of and adjacent to the above described real estate.

Petitioner, owns One Hundred (100%) percent of the above described parcel of land which is located on Cedar Road, Penn township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a zoning classification of Commercial C-1 District classification desired. Petitioner further state he intend to utilize said land for multiple business.

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

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

Wherefore, Petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a zoning classification of Commercial C-1 District.

John Ward

SEP 18 2014

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841

Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the west ½ of a vacated alley lying East of and adjacent to the above described real estate.

TAB C- SUMMARY OF SERVICES

The efficiency of the City's Street Department is unmatched when it comes to snow removal, compared to St. Joseph County. Like other services, the county cannot provide a similar level of service because resources are spread out over a much larger area. In the event of a windstorm that blows trees and limbs into the streets, the City usually can have streets reopened in less than an hour.

Access to leisure activities is readily available in the City of Mishawaka. Residents can use all 27 City parks and the Eberhart-Petro golf course. Park rentals, for events such as weddings and receptions, are also less expensive for residents of the City.

Additionally, residents of the City of Mishawaka have access to all three branches of the Mishawaka-Penn-Harris Public Library. The Main Branch, on Church Street in downtown Mishawaka, and the Bittersweet Branch on the City's east side, and the Harris Branch on Elm Road in Granger.

Trash pick-up in the City is also inexpensive and efficient, with the monthly fee for single-family trash pickup at $12.80. For senior citizens, the rate is $10.44. The rates include the cost of recycling, which is picked up on the same day the trash.

With the exception of the trash removal, library use and Mishawaka Utilities services, the vehicle with which to pay for the rest of the city's services is through city property taxes. And the City of Mishawaka has a long history of having a low, stable tax rate – in fact, the rate has remained relatively stable for the past 10 years.

With its rich history, Mishawaka continues to prepare and grow for the future. New development within the City's Central Business District and the continued development of the city's commercial and industrial sectors guarantee its strength in the future. This growth allows the tax rates to remain low. With the low tax rate and the multitude of services provided, the City of Mishawaka is an excellent place to build homes, start businesses, and raise families.

The Engineering Department works closely with the Mishawaka Utilities Sewer Maintenance Department regarding the maintenance of the City sewer system. We maintain construction records for all sanitary and storm sewers and providing technical and administrative assistance on sewer repairs and for the Sewer Lateral Insurance Program that was initiated in 1986.

Specifically, the Sewer Lateral Insurance Program covers each single-family residential homeowner on the public sewer system within the City of Mishawaka. For a $1.50 monthly fee (included on homeowner's Mishawaka Utilities sewer bill), the homeowner is protected from paying catastrophic sanitary sewer repair costs for the portion of sewer lateral between the street right-of-way and outside of foundation wall of the home. Currently, this annexation area proposes a commercial use, and therefore is not eligible for this program.

ELECTRIC SERVICE

Services and Rates

~~Mishawaka Utilities – Electric Division does not currently serve the proposed annexation~~ area. *If the annexation is approved, Mishawaka Utilities – Electric Division will be required to acquire the service area as it is not already in our franchise boundary.*

The costs of providing service for future/planned development will be the responsibility of applicant(s) for service (reference Terms and Conditions, Section 9.0). The necessary expenditure to make connection to an applicant for service will be considered to be warranted when the estimated total revenue (i.e., net revenue) as estimated by the Utility for a period of two and one-half (2½) years to be realized by the Utility from permanent and continuing Customers on such an extension is at least equal to the estimated cost of such extension.

Whenever, in the opinion of the Utility, the necessary expenditure to make connection to an applicant for service is not warranted by the Utility's estimate of prospective revenues to be derived there from, or whenever, in the opinion of the Utility, the permanence of the Customer's load is questionable, the Utility may require the applicant to make an advance deposit for line construction or service connection. Or, the Utility may require a long-term agreement, an aid to construction payment, monthly minimum charge or such definite and written guarantee from a Customer, or group of Customers, in addition to any minimum payment required by the Rate Schedule. This requirement may also be made covering the payment by the Customer of the cost of tapping existing transmission or distribution lines for light or power service or both, when such service will not provide sufficient load or revenue, in the opinion of the Utility, to justify the cost of tapping said lines.

In those cases where it is not feasible or practicable to construct lines on public rights of way and it is necessary to secure easements or line-clearing permits on private property, the applicant or applicants shall secure the same without cost to the Utility or assist the Utility in obtaining such easements or line-clearing permits on private property before construction shall commence. The Utility shall be under no obligation to construct lines in the event the necessary easements or line-clearing permits cannot be so obtained.

Personnel

Mishawaka Utilities – Electric Division has a staff of 42 employees. The Division, under the direction of the Electric Division Manager, is divided into the departments of engineering, construction, metering and operations:

Engineering: Consists of the Chief Engineer, Substation Supervisor, Engineering Projects Manager, and support engineering personnel.

Construction: Consists of the Construction Superintendent, two Construction Foremen, and support construction personnel (Journeymen, Apprentices and Linemen).

Metering: Consists of Metering Department Manager and support metering personnel.

Operations: Consists of the Operations Coordinator along with supporting personnel in dispatch/stores.

FIRE PROTECTION/EMS

The Mishawaka Fire/EMS Department is one of the area's best, with quick response times, excellent training, and the latest equipment.

Staffing and Response Times

The Mishawaka Fire Department currently has four stations located strategically throughout the City of Mishawaka. The Fire Department and the Emergency Medical Services Department merged January 1, 2002.

In accordance with the firefighter's union Collective Bargaining Agreement and the City of Mishawaka, minimum staffing of 29 personnel are available at all times. The department also has three members working in the City's Fire Inspection Bureau.

The Department's response time is excellent. The Fire Department responds to calls within three minutes for 90 percent of the City.

Fire Stations

The four fire stations are located in strategic areas around the City:

Station No. 1, built in 1991, is located on Union Street near downtown. It is staffed by a minimum of eleven (11) firefighters manning one Seagrave pumper truck, one aerial truck, a 105' Sutphen aerial/pumper combination), one heavy-duty K.M.E. rescue truck and one A.L.S. Paramedic ambulance unit.

Station No. 2, located at 2332 N. Main St., is staffed by six (6) firefighters at all times, manning one Pierce pumper truck, and one A.L.S. Paramedic ambulance unit.

Station No. 3, located at 333 E. Douglas Road, is staffed by eight (8) firefighters at all times, manning one Pierce pumper truck, one 105' Pierce Quint aerial/pumper combination, and one A.L.S. Paramedic ambulance unit.

Station No. 4, located at 3000 Harrison Road, is staffed by 5 firefighters manning one Sutphen pumper truck, and one Battalion Chief Vehicle.

All engine Companies are certified advanced life support non-transport.

For the year 2013 out of 6,425 runs 5,115 or roughly 80% were medical in nature. The Mishawaka Fire Department restructured going to a three platoon system. With the addition of a third ambulance we were able to move ambulances out of one central location to be closer to the neighborhoods they served. This and the availability of paramedics on some engine companies have decreased the time in which it takes to start lifesaving interventions if needed. Engine companies also have Advanced E.M.T.'s on board who may begin vital treatment such as 12 lead E.K.G.'s, establishing I.V. lines, and administration of a handful of drugs. Once the ambulance arrives the paramedics take over in the continuum of care depending upon the severity of the call.

Equipment

Equipment for the department is very comparable with what is available to surrounding township departments, but the City's fire department offers other advantages not available to the township fire departments. By having 29 firefighters on duty at any given time Mishawaka is able to send more resources depending upon the nature of the call. The Mishawaka Fire Department has three ladder/pumper trucks available for emergencies. Two of these are in service at all times with the third being a reserve. Depending upon the location, some volunteer departments utilize mutual aid agreements in the event of the need for an aerial device.

The City maintains an eighteen (18) member Dive/Rescue team for water emergencies.

Citizen Programs

The fire department provides regular fire inspections for businesses located in the area, and home inspections upon request.
In 2013 the Fire Prevention Bureau performed 1,720 fire inspections of new and existing buildings in Mishawaka.
In 2014 the City's Building Department began assisting the fire department in business inspections throughout the City.

In addition, residents are encouraged to take part in the department's smoke detector giveaway and installation programs.

Fire Marshals give extinguisher demonstrations and emergency planning procedures upon request to businesses in the City. Participants use real extinguishers on mock up fires to prepare them for the real thing.

The department also participates in drive through flu clinics, C.P.R. classes, Triad pill drops, car seat installations and clinics throughout the year.

Costs Associated With Services

If annexed, the City of Mishawaka Fire Department is capable of providing a level of service for the area that is equal to the services currently provided for the City. Given the proximity of the proposed annexation area, bordered to the south and east by the existing City limits, the Fire Department does not require any additional funds than what have been allocated within the current city budget to provide these services. For general information purposes, a copy of the year 2014 budget has been included for reference.

CITY OF MISHAWAKA
2014 BUDGET

FIRE/EMS DEPARTMENT 101-19	2014 Budget	
2 SUPPLIES		
Office Supplies		
421-90 Office Supplies	6,000.00	
Operating Supplies		
422-01 Operating Supplies	275,000.00	
Other Supplies		
429-10 Public Education Training/ Seminar Supplies/Refreshments	6,000.00	
		287,000.00
3 OTHER SERVICES AND CHARGES		
Professional Services		
431-10 New Hire Testing/Physicals	75,000.00	
Communication and Transportation		
432-03 Travel and Training	30,000.00	
Repairs and Maintenance		
436-01 Building/ Equipment Repair	90,000.00	
436-90 Service Contracts	160,000.00	
436-91 Laundry Maintenance	3,000.00	
Other Services and Charges		
439-03 Subscriptions, Dues, etc.	3,000.00	
		361,000.00
		11,790,689.00

CITY OF MISHAWAKA
2014 BUDGET

PARK AND RECREATION 204-50		2014 Budget	
1 PERSONAL SERVICES			
Salaries and Wages			
411-01	Department Head	62,274.00	
411-02	Regular Employees	484,500.00	
	Group 1: 14 @18.51*2088	542,000.00	
	Reimburse CS Assts. 1.25	61,205.00	
	Reimburse MVH director 5%	2,914.00	1,152,893.00
411-03	Temporary/Summer Help	357,000.00	
			1,509,893.00
Other Services Personal			
411-60	Overtime	53,000.00	
411-62	Night Bonus	5,000.00	
411-63	Longevity	17,130.00	
411-64	FTO	15,000.00	
			90,130.00
Employee Benefits			
413-01	Social Security	102,000.00	
413-02	Medicare	25,500.00	
413-03	PERF 14.2%	178,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Insurance Benefits	516,000.00	
413-06	Life Insurance	2,200.00	
			828,700.00
			2,428,723.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	8,000.00	
Operating Supplies			
422-02	Gas, Oil, Parts, etc.	50,000.00	
Other Supplies			
429-09	Merrifield Complex Supplies	50,000.00	
429-14	Maintenance Supplies	80,000.00	
429-15	Program Supplies	25,000.00	
429-17	Landscaping, Chemical Supplies	80,000.00	
429-18	Athletic Event Supplies	16,000.00	
429-20	Golf Course Supplies	30,000.00	
429-21	Concessions	60,000.00	
			399,000.00

CITY OF MISHAWAKA
2014 BUDGET

PARK AND RECREATION NON-REVERTING 214-50		2014 Budget	
2 SUPPLIES			
Other Supplies			
429-17	Landscaping	30,000.00	
			30,000.00
4 CAPITAL OUTLAYS			
Improvements Other than Buildings			
443-94	Softball Field/Diamond Improve.	10,000.00	
443-99	Merrifield Improvements	13,000.00	
Buildings			
442-05	Wilson Building Improvements	7,500.00	
			30,500.00
			60,500.00

improving how we get crime information and other important information out to the public. The unit also handles neighborhood complaints, such as drug houses, speeding, neighbor disputes, and other "quality of life" issues.

One (1) Community Relations Officer is assigned to patrol the City parks over the summer. The main concentration is in the downtown parks, which has shown an increase in vandalism. Since the park officer has started patrolling the parks, we have seen a drop in criminal activity.

The Street Crimes Unit was implemented in July of 2009. The goal of this Unit is to concentrate efforts in high crime areas of the city and work in conjunction with the Police Department's Investigative Division to identify criminals and solve crimes. So far, the SCU has worked very hard at their mission and has proven to be quite a success. Because of their determination and self-motivation, the Unit has taken several criminals, weapons and drugs off the streets and has seen crime decrease in the high crime neighborhoods.

Response Time and Crime Statistics

On average, the Mishawaka Police Department responds to critical incidents within three to five minutes. This is comparable to three to seven minutes in South Bend. South Bend has a modestly larger coverage area. Response times for the county were not available; however, with the St. Joseph County Police Department's much larger coverage area per officer, it is anticipated that the response time within the City of Mishawaka is significantly lower than in the county.

Mishawaka crime rates in general continue to remain low for cities of comparable sizes. Serious crimes such as homicides, rapes, assaults, burglaries and auto thefts have dropped from 2012 to 2013. Crimes such as robberies, larcenies and arsons have increased between 2012 and 2013. One of the potential reasons for this increase is the continued development of commercial areas within the city. As the city continues to prosper, these areas become target areas for these crimes. This point further illustrates why such a significant portion of the city budget goes to police and crime prevention. Mishawaka had 0 homicides in 2013. In 2012 there were 3 homicides. The Mishawaka Police department responded to 40,768 calls for service in 2013 with the dispatch center receiving 98,556 calls. The Department had 29,271 - 911 calls in the dispatch center in 2013.

For general information purposes, a copy of the year 2014 budget has been included for reference. The budget itemizes the costs of providing services for the entire city.

Costs Associated with Services

If annexed, the City of Mishawaka Police Department is capable of providing a level of service for the area that is equal to the services currently provided within the City of Mishawaka. The Police Department does not require any additional funds than what has been allocated within the current city budget to provide these services. No capital expenditures are required in association with this proposed annexation.

CITY OF MISHAWAKA
2014 BUDGET

POLICE DEPARTMENT 101-20	2014 Budget	
2 SUPPLIES		
Operating Supplies		
422-01 Operating Supplies	70,000.00	
Other Supplies		
429-11 Seminars/ Community Relations	1,000.00	
		71,000.00
3 OTHER SERVICES AND CHARGES		
Professional Services		
431-09 New Hire Testing/Vaccines/Physicals	22,000.00	
Communication and Transportation		
432-03 Travel and Training	4,000.00	
Printing and Advertising		
433-01 Printing	1,800.00	
Repairs and Maintenance		
436-01 Building Repair/ Maintenance Service Contracts	75,000.00	
Other Services and Charges		
439-03 Subscriptions, Dues, etc.	5,000.00	
439-11 Special Expense	13,000.00	
439-12 Canine Expenses	4,000.00	
439-16 Crime Stoppers Program	5,000.00	
		129,800.00
		11,651,552.00

CITY OF MISHAWAKA
2014 BUDGET

CENTRAL SERVICES DEPARTMENT 101-22		2014 Budget	
1 PERSONAL SERVICES			
Salaries and Wages			
411-02	Assistant 4 @ 48964	195,856.00	
	Fleet Maintenance Technician 6 @ 19.51*2088	245,000.00	
	Group 1: 4 @ 18.51*2088	155,000.00	
	PT maintenance 1040 hrs @ 11.00	11,440.00	
	Reimburse MVH Director 5%	2,914.00	
			610,210.00
Other Services Personal			
411-60	Overtime	15,000.00	
411-62	Night Bonus .60/.55 per hour	5,000.00	
411-63	Longevity	5,145.00	
			25,145.00
			635,355.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	2,000.00	
Operating Supplies			
422-02	Gas, Oil, etc.	1,100,000.00	
422-05	Equipment/ Vehicle/Maint Supplies	100,000.00	
Other Supplies			
429-08	Uniform/ Supplies	4,000.00	
			1,206,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-09	Health Screenings/ Vaccines	1,000.00	
Communication and Transportation			
432-03	Travel and Training	1,500.00	
Repairs and Maintenance			
436-01	Building Repair / Equipment/Maint	60,000.00	
Rentals			
437-05	Uniforms	5,000.00	
Other Services and Charges			
439-09	Miscellaneous Charges	2,000.00	
			69,500.00
			1,910,855.00

CITY OF MISHAWAKA
2014 BUDGET

MOTOR VEHICLE HIGHWAY 201-50		2012 Budget	
3	OTHER SERVICE AND CHARGES		
	Professional Services		
431-04	Snow Removal	5,000.00	
431-09	Health Screenings/ Vaccines	6,000.00	
	Communication and Transportation		
432-03	Travel and Training	5,000.00	
432-04	Telephone/ Paging	5,000.00	
	Printing and Advertising		
433-02	Publications	600.00	
	Insurance		
434-90	Insurance Premiums/Deductibles	150,000.00	
	Utility Service		
435-01	MU Charges	110,000.00	
435-02	NIPSCO	57,000.00	
	Repairs and Maintenance		
436-01	Building/ Equipment Repair	160,000.00	
436-93	Signal Maintenance	100,000.00	
	Rentals		
437-05	Uniforms	8,000.00	
	Other Services and Charges		
439-09	Miscellaneous Charges	3,000.00	
			609,600.00
4	CAPITAL OUTLAY		
	Machinery and Equipment		
445-02	Street Equipment	200,000.00	
445-03	Office Equipment	1,000.00	
			201,000.00
			4,127,957.00

WASTE DISPOSAL AND RECYCLING SERVICES

Waste Disposal and Recycling Services

Trash pick-up in the City of Mishawaka is inexpensive and efficient. The monthly fee for single family trash pickup is $12.80. This includes trash, yard waste and recycling. Residents also are allowed to place up to two large items out each week for removal with their regular trash. Large items could include furniture, appliances, and similar objects that are not readily placed within containers.

A discounted rate of $10.44 per month is provided for senior citizens.

Similar to the county and other municipalities, trash removal services are not offered to multiple family developments, commercial, or industrial businesses. The waste stream generated from these uses vary widely and usually require private dumpsters. These uses are required to contract for services through private trash contractors. Given that portion of the proposed annexation is an industrial facility, waste disposal will be the responsibility of the property owner with no involvement from the City.

Leaf pick-up and Fifth Street recycling center

The leaf pick-up and Christmas tree pick-up programs are done through the City's street department. The Fifth Street recycling center is run by the Solid Waste Management District. It is open to all residents and non-residents for disposal of hazardous materials, such as paint and household chemicals. Tires, magazines, and cardboard/office paper also are collected there for recycling.

- Addition of a second belt filter press for biosolids deweatering
- New Anaerobic Digester and Rehabilitation of Existing Digesters Including New Covers
- Modifications to the Plant Electrical Feed
- Installation of a high efficiency turbo aeration blower
- New Process Air Blower Equipment
- Administration Building Modifications
- Expansion of Maintenance Facilities
- Site Landscaping

Future capital improvements are focused on the Combined Sewer Overflow Long Term Control Plan and will consist mainly of sewer system improvements to convey greater volumes of wet weather flow to the Wastewater Plant for treatment as well as sewer separation and in-line storage in selected areas.

Statistical Information

Mishawaka's wastewater treatment plant exhibits outstanding performance. From January 2000 through December 2011 average removals and effluent concentrations are as follows:

	Percent Removal	Effluent Concentration mg/l
CBOD	97%	2.7
Total Suspended Solids	96%	3.3
Phosphorus	79%	0.6
Ammonia Nitrogen	89%	2.4

During this time period there were few exceedances of NPDES permit effluent limitations. In the winter of 2007 extreme cold weather caused freezing of chlorine feed lines which resulted in loss of disinfection for several days.

Costs Associated with Services

Mishawaka Utilities Wastewater Division is predominately supported through revenue generated by the rates charged to customers. 2005 was the first full year of construction of the Wastewater Treatment Plant Upgrade and Expansion. The project was completed in June of 2008. The City financed $41.9 million for the plant improvements through a low interest State Revolving Fund Program loan, which will save considerable interest expense throughout the twenty year life of the loan. The expansion serves the dual purpose of providing capacity for continued growth in the community and will cut annual combined sewer overflow (CSO) volume in-half. Because a portion of the expanded capacity will serve growth in the Northwest TIF area, TIF funding has been pledged to the Wastewater Division to assist in funding debt service payments. An annual TIF distribution of $3.3 million reduces the rate increases necessary to fund the expansion's bond payments.

Residents of St. Joseph County who have access to city sanitary sewer pay the same sewer rate provided to residents of the city. However, Wastewater Utility customers whose premises are served by the utility and are located within the City limits shall receive a credit applied towards their monthly sewer bill in recognition of the portion of the principal and interest on Wastewater Utility bonds paid by the City from TIF revenues. City sewer facilities are available to the proposed annexation area and will have no impact on the level of service provided by the city. Mishawaka Utilities currently provides a level of service for the area that is equal to the rest of the City. No additional Wastewater Division capital expenditures are required in association with this proposed annexation.

Services to Residents – (Cont.)
The Division has no benefits geared strictly toward senior citizens, but it does accept money from the Project Safe program, provided by Real Services. Real Services provides state funds to pay utility bills of low-income families that fall within a certain income range. The low-income families must fill out an application, at the Real Services office, to become eligible for this benefit.

Costs Associated with Services
Mishawaka Utilities Water Division is not supported by tax dollars, but rather through revenue generated by the sales of water to its consumers. All costs associated with providing water service are rate generated. No tax dollars are used to provide this service. If annexed, Mishawaka Utilities is capable of providing a level of service for the area that is equal to the services currently provided within the City.

RESOLUTION NO. 2014-

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:

North of 124 Cedar Road

WHEREAS, the Common Council of the City of Mishawaka desires to consider the annexation of territory adjacent to the City in accordance with a definite policy and all applicable laws and restrictions.

WHEREAS, the entire area proposed for annexation has either petitioned for annexation or signed a consent regarding annexation.

WHEREAS, Indiana Code Section 36-4-3-3.1 requires a municipality to develop and adopt a written fiscal plan and establish a definite policy by resolution.

WHEREAS, the said fiscal plan has been reviewed and is otherwise consistent with the requirements of Indiana Code 36-4-3-13.

WHEREAS, the Department of City Planning has prepared said fiscal plan with the input of each applicable City department. Furthermore, based on the review of each City department, a comparable level of City services can be provided to the proposed annexation area when compared to similar geographic areas of the City.

WHEREAS, the Department of City Planning has prepared a written policy on annexation that has been incorporated within the fiscal plan.

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

Section I. The Common Council has provided notice of this resolution as required by law, and is initiating an ordinance to annex the following property, legally described as:

> Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the west ½ of a vacated alley lying East of and adjacent to the above described real estate.

Section II. Following the review of documents prepared by the Department of City Planning and presentation, the Common Council hereby adopts the Fiscal Plan and Annexation Policy as it relates to the aforementioned properties.

Section III. This Resolution shall be in full force and effect after its adoption by the Common Council and approval by the Mayor, as required by law.

PETITION #14-21

CITY OF MISHAWAKA, INDIANA

~~PROPOSED ORDINANCE NO. _____~~

ORDINANCE NO. _____

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

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

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

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

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

Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the west ½ of a vacated alley lying East of and adjacent to the above described real estate.

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

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

1. Existing Conditions- The subject parcel is vacant land located within an area of existing residential, commercial/office, and agricultural uses.

2. Character of Buildings – The character of the buildings within the surrounding area is mixed with residential (north) and commercial/office (south and west).

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 12 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AUTHORIZING THE PARTICIPATION OF SAID CITY IN THE MOTOR FUEL BUDGETING PROGRAM OF THE INDIANA BOND BANK FOR THE 2015 BUDGET YEAR, THE EXECUTION OF THE QUALIFIED ENTITY REIMBURSEMENT AGREEMENT IN CONNECTION THEREWITH AND OTHER RELATED MATTERS

WHEREAS, the City of Mishawaka, Indiana (the "City") owns and operates a fleet of motor vehicles which motor vehicles are essential to the ability of the City to serve and provide municipal services to the inhabitants of the City, thereby ensuring the safety and well-being of said inhabitants; and

WHEREAS, the Common Council of the City (the "Council"), acting as the legislative body and fiscal body of the City, finds that the availability of motor vehicle fuel, which includes both gasoline and diesel motor fuel (collectively, "Motor Fuel"), is therefore critical to the City in providing such services; and

WHEREAS, the market-driven volatility of Motor Fuel presents a substantial risk to the Motor Fuel budget of the City, which may require the appropriation of additional funds for the purchase of Motor Fuel should prices increase beyond the amount of funds which have been appropriated for such purpose; and

WHEREAS, current market conditions limit the ability of the City to secure Motor Fuel with qualified suppliers of Motor Fuel in a manner which minimizes the adverse impacts of the volatile Motor Fuel market on the budget for the City; and

WHEREAS, the City has been advised by representatives of the Indiana Bond Bank (the "Bond Bank"), including Crowe Horwath LLP and Maverick Energy Consulting, that the Bond Bank has established and continued a motor fuel budgeting program (the "Program") pursuant to which "qualified entities", as defined in Indiana Code 5-1.5-1-8, may participate for the purpose of managing and mitigating the volatility of Motor Fuel prices in order to achieve budget stability; and

WHEREAS, the Council finds that the City participated in the Program for its budget years 2009 through 2014 and is eligible to participate in the Program for its 2015 budget year; and

WHEREAS, the City's Board of Public Works and Safety (the "Board") has considered the matter of the City's participation in the Program for the 2015 budget year and has adopted a resolution recommending to the Council that the City participate in the Program for the 2015 budget year; and

WHEREAS, the Council, having considered the information presented to it, including the recommendation of the Board, finds that (i) participation in the Program will allow the City to manage and mitigate the volatility of Motor Fuel prices in order to achieve stability in the City's Motor Fuel budget for the 2015 budget year, (ii) participation in the Program will enhance the City's ability to continue to operate its motor vehicle fleet in an economical manner to assure the continued provision of municipal services to the inhabitants of the City, and (iii) the City is authorized to participate in the Program pursuant to Indiana Code 5-1.5, 36-1-4 and 36-9-6; and

WHEREAS, the Bond Bank has caused to be prepared a Qualified Entity Reimbursement Agreement in connection with the Program, attached hereto as Exhibit A and incorporated herein by reference (the "Agreement"), for execution by and between the City and the Bond Bank; and

WHEREAS, the Bond Bank intends to enter into agreements substantially the same as the Agreement with other qualified entities in connection with the Program; and

WHEREAS, the Agreement has been reviewed by the Council, which has had an opportunity to obtain independent advice and counsel with respect thereto, and has also had the opportunity to review the Agreement with the Bond Bank and seek explanation of the provisions thereof from the Bond Bank; and

WHEREAS, the Agreement sets forth the obligations of the City with respect to its participation in the Program during the term of the Agreement; and

WHEREAS, based upon the foregoing, the Council finds and determines that the City should participate in the Program for the 2015 budget year, that the Agreement should be approved and that any other actions necessary to be taken to assure the City's participation in the Program for the 2015 budget year should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:

Section 1. The findings and determinations set forth in the preambles to this Resolution are hereby made findings and determinations of the City.

Section 2. The City is hereby authorized to enter into the Program with the Bond Bank for the purpose of managing and mitigating the volatility of Motor Fuel prices in order to achieve budget stability for the 2015 budget year.

Section 3. The Agreement, in the form attached hereto as Exhibit A, is hereby approved by the Council so that the City may participate in the Program. The Mayor of the City is hereby authorized and directed to execute and deliver, and the Controller of the City is hereby authorized and directed to attest, the Agreement, and to approve any such changes in form or substance thereto which are consistent with the terms of this Resolution, such changes to be conclusively evidenced by its execution. The Mayor, Clerk and Controller of the City, and any officer of the Board, are hereby further authorized and directed to take such other actions or deliver such other certificates as are necessary or desirable in connection with the City's

participation in the Program and the other documents needed for the City's participation in the Program as they deem necessary or desirable in connection therewith.

Section 4. The obligations of the City under the Agreement shall be payable from and shall not exceed the amount appropriated by the City for Motor Fuel for the 2015 budget year. The Controller is hereby authorized and directed to make any payments necessary to the Bond Bank pursuant to the terms of the Agreement from funds budgeted by the City for Motor Fuel for the 2015 budget year.

Section 5. All resolutions and parts of resolutions in conflict herewith are hereby repealed.

Section 6. This Resolution shall be in full force and effect upon its passage by the Council and approval by the Mayor of the City as required by law.

Passed this _____ day of _____, 2014.

COMMON COUNCIL, CITY OF
MISHAWAKA, INDIANA

_____
Presiding Officer

Attest:

_____
Deborah S. Block, Clerk

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of _____, 2014 at the hour of _____:_____ m.

_____
Deborah S. Block, Clerk

This resolution approved and signed by me, the Mayor of the City of Mishawaka, Indiana, on the _____ day of _____, 2014 at the hour of _____:_____m.

_____
David A. Wood, Mayor

EXHIBIT A

Form of Qualified Entity Reimbursement Agreement

QUALIFIED ENTITY REIMBURSEMENT AGREEMENT

This QUALIFIED ENTITY REIMBURSEMENT AGREEMENT, dated as of the ___ day of December, 2014 (this "Agreement"), between the INDIANA BOND BANK, a body corporate and politic ("Bond Bank"), created and existing pursuant to the provisions of Indiana Code 5-1.5, as amended (the "Act"), having its principal place of business in the City of Indianapolis, Indiana, and CITY OF MISHAWAKA, INDIANA, a political subdivision of the State of Indiana ("Qualified Entity");

WITNESSETH:

WHEREAS, pursuant to the Act, the Board of Directors of the Bond Bank has adopted a resolution (the "Bond Bank Resolution") establishing a motor fuel budgeting program (the "Fuel Budgeting Program, Series 2015 A") and authorizing the Bond Bank (i) to enter into certain transactions with the Qualified Entity for the purpose of hedging the price associated with the purchase of gasoline and/or diesel motor fuel (such gasoline and diesel motor fuel hereinafter referred to as "Motor Fuel") for use by the Qualified Entity, and (ii) to enter into one or more commodity index swap agreements with one or more commodity index swap counterparties that will allow the Qualified Entity to manage and mitigate the volatility of Motor Fuel prices in order to achieve budget stability for such Qualified Entity; and

WHEREAS, pursuant to Resolution No. _____, adopted on _____, 2014 (the "Qualified Entity Resolution") by the Common Council for the City of Mishawaka, Indiana, acting as the fiscal body for the Qualified Entity, the Qualified Entity is authorized to enter into this Agreement for the purpose of allowing the Bond Bank to (i) solicit and select creditworthy swap counterparties, (ii) negotiate and manage one or more commodity index swap agreements, and (iii) to fund all or a portion of the costs and expenses associated with any such swap agreements and the Fuel Budgeting Program, Series 2015 A, in accordance with this Agreement; and

WHEREAS, pursuant to Resolution No. _____, adopted on _____, 2014 by the Board of Public Works and Safety for the City of Mishawaka, Indiana, acting pursuant to Indiana Code 36-9-6, as amended, as the purchasing agent for the Qualified Entity with respect to Motor Fuel, the Qualified Entity is authorized to pay to the Bond Bank all or a portion of the funds budgeted for Motor Fuel by the Qualified Entity for the purpose of (i) reimbursing the Bond Bank for amounts advanced by the Bond Bank from the Reserve Account (as defined in the Bond Bank Resolution) necessary to make payments due by the Bond Bank, if any, with respect to a commodity index swap agreement, and (ii) to pay any and all expenses associated with or incurred by the Bond Bank in connection with the Fuel Budgeting Program, Series 2015 A, allocable to the Qualified Entity; and

WHEREAS, pursuant to the Bond Bank Resolution and in reliance, in part, on the adoption of the Qualified Entity Resolution and the execution and delivery of this Agreement by the Qualified Entity, the Bond Bank has entered into a commodity index swap agreement in the form of the Master Agreement, including the Schedule thereto and the Credit Support Annex thereto, each dated as of December __, 2014 (collectively, the "ISDA Agreement"), and the Confirmations entered into thereunder each dated December __, 2014 (the "Confirmations" and, together with the ISDA Agreement, the "Swap Agreement"), with _____ (the "Swap Counterparty");

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein THE BOND BANK AND THE QUALIFIED ENTITY AGREE AS FOLLOWS:

1. Representations and Warranties.

(a) The Qualified Entity makes the following representations and warranties to the Bond Bank:

(i) The Qualified Entity has been duly organized and is validly existing under and pursuant to State law.

(ii) Under State law: (A) the Qualified Entity has full legal right, power and authority (I) to enter into, execute, deliver and perform its obligations under this Agreement, (II) to adopt and perform its obligations under the Qualified Entity Resolution and (III) to carry out and consummate the transactions contemplated by this Agreement and the Qualified Entity Resolution; and (B) the Qualified Entity has complied with and will be in compliance in all respects with the terms of State law in connection with the adoption of the Qualified Entity Resolution and the entering into of this Agreement.

(iii) By all necessary official action, the Qualified Entity has duly approved and adopted the Qualified Entity Resolution, authorized the execution and delivery of this Agreement. This Agreement, when executed and delivered by the parties hereto and the consideration therefor is received by the Qualified Entity, will constitute the legal, valid and binding obligation of the Qualified Entity, enforceable in accordance with its terms, except that its enforceability may be limited by laws relating to bankruptcy, reorganization or other similar laws affecting the rights of creditors, by the exercise of judicial discretion in accordance with general principles of equity and by matters of public policy.

(iv) The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby do not and will not conflict with or result in the creation or imposition of any liens, charges or encumbrances of any nature upon any of the property or assets of the Qualified Entity under: (A) any law, regulation, order or decree to which the Qualified Entity is subject; or (B) any agreement or instrument to which the Qualified Entity is a party or by which the Qualified Entity is bound (other than this).

(v) The Qualified Entity is a "qualified entity," within the meaning of Indiana Code 5-1.5-1-8, as amended.

(vi) The Qualified Entity is not in breach of or in default under any applicable constitutional provision, law or administrative regulation of the State or the United States, or any applicable judgment or decree of any court, regulatory body or other public body or any loan agreement, indenture, bond, note, resolution, agreement or other instrument (collectively, "Laws and Agreements") to which the Qualified Entity is a party or to which the Qualified Entity or any of its property or assets is otherwise subject, and no event has occurred and is continuing, which, with the passage of time or the giving of notice, or both, would

constitute a default or event of default under any such instrument. The execution and delivery of this Agreement and the Qualified Entity's compliance with the provisions hereof will not conflict with or constitute a breach of or default under any Laws and Agreements.

(vii) The Qualified Entity will take such action as may be reasonably requested to facilitate the timely consummation of the transactions contemplated by this Agreement.

(viii) The Qualified Entity hereby covenants that it has taken all proceedings required by law to enable it to appropriate and transfer funds to the Bond Bank as provided in Section 2 hereof.

(ix) Except as disclosed in writing to the Bond Bank, there is no action, suit, proceeding, inquiry or investigation of any nature at law or in equity, before or by any court, governmental agency, public board or body pending or, to the knowledge of the Qualified Entity, threatened, seeking to restrain or enjoin the performance of any of the covenants contained in this Agreement or in any way questioning or affecting (A) the transactions contemplated by this Agreement, (B) the right or authority of the Qualified Entity to carry out the terms and provisions of this Agreement, or (C) the power of the Qualified Entity to perform its obligations under this Agreement. Neither the existence of the Qualified Entity nor the right of the officials of the Qualified Entity to their offices nor the titles of the officers of the Qualified Entity to their respective offices are being contested, and no authority or proceeding in connection with or relating to the execution and delivery of this Agreement has been repealed, revoked or rescinded.

(x) The Qualified Entity hereby covenants that it has duly, regularly and properly adopted or will adopt a budget for 2015 setting forth estimated revenues to be received and estimated expenditures for the fiscal year, including funds appropriated for the purchase of Motor Fuel to be used by the Qualified Entity; has complied with or will comply with all statutory and regulatory requirements with respect to the adoption of such budget; and will levy *ad valorem* property taxes in accordance with all statutory and regulatory requirements.

(b) The Bond Bank makes the following representations and warranties:

(i) The Bond Bank is a separate body corporate and politic, constituting an instrumentality of the State, and duly organized and validly existing as such under the Act.

(ii) The Bond Bank has all necessary power and authority under the Act to enter into this Agreement and to consummate the transactions contemplated hereby and by proper corporate action has duly authorized the execution and delivery of this Agreement.

(iii) The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby do not and will not conflict with or result in a breach of, and do not and will not constitute a default under, or result in the creation or imposition of any liens, charges or encumbrances of any nature upon any of the property or assets of the Bond Bank under: (A) any law, regulation, order or decree to which the Bond Bank is subject; or (B) any agreement or instrument to which the Bond Bank is a party or by which the Bond Bank is bound.

2. Execution of Swap Agreement; Advancements; Reimbursement by Qualified Entity.

(a) The Bond Bank hereby agrees to enter into the Swap Agreement with the Swap Counterparty for the purpose of hedging the price associated with the purchase of Motor Fuel for use by the Qualified Entity, and to advance payments owed by the Bond Bank to the Swap Counterparty, if any, with respect to the Swap Agreement from the Reserve Account.

(b) Subject to Section 9, the Qualified Entity hereby agrees to appropriate and pay funds to the Bond Bank: (i) to reimburse the Bond Bank for amounts advanced by the Bond Bank from the Reserve Account necessary to make payments due by the Bond Bank to the Swap Counterparty, if any, with respect to the Swap Agreement, which are allocable to the Qualified Entity; (ii) to pay any and all expenses associated with or incurred by Bond Bank in connection with the Fuel Budgeting Program, Series 2015 A, allocable to the Qualified Entity, including, but not limited to, the Swap Agreement, other agreements contemplated under this Agreement, and future agreements, amendments to this Agreement or the agreements contemplated herein, or transactions made pursuant to and consistent with this Agreement; and (iii) paying any other transaction or related costs contemplated hereunder, which are allocable to the Qualified Entity.

(c) Within five (5) business days following a Scheduled Payment Date (as defined in the Swap Agreement), the Bond Bank or its agent shall: (i) confirm and calculate any amounts owed under the Swap Agreement pursuant to this Agreement (A) by the Qualified Entity to the Bond Bank or (B) to the Qualified Entity by the Bond Bank; and (ii) prepare and send any bills or payments to the Qualified Entity for such purpose. In the event the Bond Bank receives payments from the Swap Counterparty on a Scheduled Payment Date, the Bond Bank shall be entitled to retain any interest earned on such payments to cover administrative expenses of the Fuel Budgeting Program, Series 2015 A, prior to disbursing such funds to the Qualified Entity as provided herein.

(d) Any payments to be sent to the Qualified Entity shall be wired in immediately available funds to the account of the City identified below:

Key Bank
ABA # 041001039
Attention: Rebecca Miller – Fuel Hedging
Account # 1009681005521

(e) Upon receipt of a bill stating the amounts owed by the Qualified Entity under this Agreement, the Qualified Entity hereby agrees to pay to the Bond Bank or its agent any amounts due as stated in the bill within fifteen (15) business days following the receipt of such bill. In the event the Bond Bank does not receive payment from the Qualified Entity within fifteen (15) business days following the Qualified Entity's receipt of a bill stating the amounts due, the amount due shall accrue interest from the due date at a rate of eight percent (8.00%) per annum until payment is received by the Bond Bank. In the event that payment is received, such payment shall be used in the following order of priority: (i) to pay any accrued interest; and then (ii) to pay the principal of any amounts owed.

(f) The Qualified Entity agrees that the portion of the Swap Agreement allocated to the Qualified Entity, for which the Qualified Entity will be responsible pursuant to this Agreement, is set forth in Exhibit A attached hereto, commencing on the effective date of the Swap Agreement, as set forth in the Confirmation, and ending on December 31, 2015. The Qualified Entity approves the ISDA Agreement, attached as Exhibit B hereto. The Qualified Entity authorizes the Bond Bank to enter into the Confirmation on or after the date of the execution of this Agreement, so long as: (i) the Confirmation includes both (A) the sale of a floor (put) and (B) the purchase of a cap (call), the combination of which is commonly referred to as a "costless collar"; and (ii) (A) the floor price is no higher than $___, with respect to gasoline, and $____, with respect to diesel, and (B) the cap price is no higher than $_____, with respect to gasoline, and $____, with respect to diesel. Upon the execution and delivery of the Confirmation by the Bond Bank and the Swap Counterparty, the Confirmation shall be attached to the ISDA Agreement, as part of the Swap Agreement, which is attached as Exhibit B hereto. The Bond Bank and the Qualified Entity agree that any amounts due by the Qualified Entity under the Swap Agreement pursuant to this Agreement will not exceed the current amount appropriated for Motor Fuel for use by the Qualified Entity.

(g) The terms and conditions for disbursement from the Reserve Account to the Swap Counterparty shall be set forth in the Swap Agreement, attached as Exhibit B hereto, and otherwise as may be entered into by the Bond Bank from time to time pursuant hereto.

(h) For the purposes provided in this Section, the Bond Bank's agent shall be The Bank of New York Mellon Trust Company, N.A., until the Bond Bank provides the Qualified Entity notice otherwise.

3. Withholding of Funds Owed to the Qualified Entity. In the event the Qualified Entity fails to remit payment to the Bond Bank within thirty (30) days after payment is due as provided in Section 2(e) hereof, the Bond Bank shall be entitled to exercise the following rights:

(a) If the Qualified Entity would otherwise be entitled to an allocable portion of amounts owed by the Swap Counterparty under the Swap Agreement pursuant to this Agreement, the Bond Bank shall be entitled to retain and apply such amounts against amounts owed by the Qualified Entity. Any amounts retained under this Section shall be used in the following order of priority: (i) to pay any accrued interest on amounts owed; then (ii) to pay the principal of any amounts owed.

(b) Pursuant to Indiana Code 5-1.5-8-5, to the extent that any department or agency of the State, including the treasurer of state, is the custodian of money payable to the Qualified Entity (other than for goods or services provided by the Qualified Entity), the Bond Bank may provide written notice to the department or agency head that the Qualified Entity is in default on the payment of any amounts owed arising from this Agreement, and the department or agency shall withhold the payment of that money from that Qualified Entity and pay over the money to the Bond Bank for the purpose of paying any amounts owed to the Swap Counterparty pursuant to the Swap Agreement entered into by the Bond Bank on behalf of the Qualified Entity. Any amounts obtained under this Section shall be used in the following order of priority: (i) to pay any accrued interest on amounts owed; then (ii) to pay the principal of any amounts owed.

4. Term of Agreement; Renewal. The term of this Agreement shall commence on January 1, 2015, and, subject to Section 5 hereof, shall remain in full force and effect up to and including December 31, 2015. This Agreement may be extended beyond December 31, 2015, only if and when duly authorized and approved by the Qualified Entity and the Bond Bank, in writing, with the amended terms set forth therein.

5. Termination.

(a) In the event this Agreement is not extended beyond December 31, 2015, and any amount then remains owed and unpaid by one party to the other under this Agreement, this Agreement shall remain in full force and effect until all such amounts have been paid.

(b) In the event the Qualified Entity fails to remit payment to the Bond Bank within thirty (30) days after payment is due as provided in Section 2(e) hereof, the Bond Bank shall be entitled to terminate this agreement in its sole discretion. If the Bond Bank exercises its right to terminate this Agreement, the Bond Bank shall immediately terminate the notional amount of Motor Fuel allocable to the Qualified Entity in the Swap Agreement.

(i) If any termination payment is owed by the Bond Bank to the Swap Counterparty in connection with the termination of the Swap Agreement pursuant to this Section, such amounts shall be immediately due by the Qualified Entity and shall accrue interest at the rate of eight percent (8.00%) per annum from the date of such termination until paid. The Bond Bank shall send the Qualified Entity written notice of the termination payment stating that such termination payment: (A) is due within ten (10) business days following receipt of such notice; (B) shall accrue interest at the rate of eight percent (8.00%) per annum from the date of such termination until repaid; and (C) is in addition to any other amounts owed to the Bond Bank by the Qualified Entity pursuant to this Agreement.

(ii) If any termination payment is received by the Bond Bank from the Swap Counterparty in connection with the termination of the Swap Agreement pursuant to this Section, the Bond Bank shall be entitled to retain and apply such amounts against amounts owed by the Qualified Entity. Any amounts retained under this Section shall be used in the following order of priority: (A) to pay any accrued interest on amounts owed; then (B) to pay the principal of any amounts owed. In the event that there are excess moneys after making the payment of interest and principal amounts due, the Bond Bank shall be entitled to retain all such excess moneys.

6. Verification of Qualified Entity Budget. Simultaneously with the execution of this Agreement, the Qualified Entity shall furnish to the Bond Bank any documentation as requested by the Bond Bank, as to, among other things, the funding and maintenance amounts budgeted for the purchase of Motor Fuel to be used by the Qualified Entity.

7. Pledge and Assignment of Payments. The Qualified Entity and the Bond Bank agree that this Agreement and any payments to be made hereunder may be pledged or assigned by the Bond Bank.

8. Annual Financial Information and Reports. The Qualified Entity agrees to furnish to the Bond Bank, so long as this Agreement or the Swap Agreement entered into by the Bond Bank on behalf of the Qualified Entity pursuant to this Agreement remains in effect, annual financial reports, audit reports and such other financial information as is reasonably requested by the Bond Bank.

9. Severability. If any provision of this Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Agreement and this Agreement shall be construed and in force as if such invalid or unenforceable provision had not been contained herein.

10. Indemnification. To the extent permitted by law, the Qualified Entity releases the Bond Bank from, agrees that the Bond Bank shall not be liable for, and to the extent permitted by law agrees to indemnify and hold the Bond Bank harmless from, any liability for, or expense resulting from (including, but not limited to, reasonable attorneys' fees and expenses), or any loss or damage that may be occasioned by, any cause whatsoever pertaining to the execution and delivery of the Swap Agreement entered into by the Bond Bank on behalf of the Qualified Entity, or the actions taken or to be taken by the Bond Bank under this Agreement, except for the willful misconduct of the Bond Bank or the Trustee.

11. Counterparts. This Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. The Bond Bank and the Qualified Entity each agree that they will execute any and all documents or other instruments, and take such other actions as may be necessary to give effect to the terms of this Agreement.

12. Waiver. No waiver by either the Bond Bank or the Qualified Entity of any term or condition of this Agreement shall be deemed or construed as a waiver of any other terms or conditions, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different section, subsection, paragraph, clause, phrase or other provision of this Agreement.

13. Entire Agreement. This Agreement, together with the Qualified Entity Resolution, merges and supersedes all prior negotiations, representations and agreements between the Bond Bank and the Qualified Entity relating to the subject matter hereof and constitutes the entire agreement between the Bond Bank and the Qualified Entity in respect hereof and thereof.

14. Governing Law. This Agreement and the rights and obligations of the parties hereunder shall be governed by and construed and enforced in accordance with the laws of the State of Indiana.

IN WITNESS WHEREOF, the Bond Bank and the Qualified Entity have caused this Agreement to be executed in their respective names, by their duly authorized officers, under the authority of resolutions adopted by each prior to the date hereof, all as of the day and year first above written.

INDIANA BOND BANK

By: _____
Dan Huge, Chairperson Ex Officio

Attest:

_____
Lisa Cottingham, Executive Director

CITY OF MISHAWAKA, INDIANA

By: _____
David A. Wood, Mayor

Attest:

_____
Rebecca Miller, Controller

EXHIBIT A

PORTION OF THE SWAP AGREEMENT ALLOCATED TO THE QUALIFIED ENTITY

(City of Mishawaka)

Month	Gasoline (in gallons)	Diesel (in gallons)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		
TOTAL:		

EXHIBIT B

SWAP AGREEMENT

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 12 2014
CITY CLERK
MISHAWAKA, IN

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: November 12, 2014

To: Honorable Members of the Common Council

From: Rebecca Miller RM

Re: Indiana Bond Bank Fuel Hedging Program

At the November 17th Council meeting there is a Resolution recommending the continued participation in the Motor Fuel Hedging Program of the Indiana Bond Bank for the year 2015.

In 2014 we have been within the collar almost the entire time. Entering the fall the market has fallen below the collar set, and we've made payments totaling $3,634.44 YTD. The Bond Bank believes the collar will be set lower due to the downward trend in fuel prices. Admin fees are also expected to be lower as they have decreased every year since inception.

With the expected lower collar, if prices jump up for any reason we will be protected. This is the same program we have participated in for the past six years and I recommend that we continue.

If you have any questions regarding this resolution, please do not hesitate to call.

MAVERICK ENERGY

5 Fuel Hedging Considerations for 2015

1) **No hedges = no protection. The riskiest position you can have on a commodity you MUST buy is to have no forward coverage at all.** Coverage can come in many forms, fixed-price ownership, options, and or min/max collar structures, but proactive hedging pays when it counts the most. Be proactive and remove some risk. Something beats nothing, and when in doubt.....just do less but still 'do it'. No right or wrong, just better management.

2) This year presents a bifurcated market energy market where bearish underlying fundamentals threaten to take energy prices substantially lower YoY while **geopolitical risks and ongoing oil shut-ins in the Middle East and North Africa threaten to reduce OPEC's output YoY, tightening fundamentals.** With only 2 mb in spare oil producing capacity globally, this market could tighten very quickly with one more OPEC shut-in or could press for fresh 5-year lows if OPEC and OECD (namely U.S.) oil production both rise (Libya back online for example). As such, upside protection is highly warranted geopolitically while an objective of maintaining some downside participation is also likely prudent. Every year is different. This is 2015 in a nutshell.

3) When thought of on an ongoing basis, proper fuel hedging will allow for downside participation while negating seriously detrimental spikes in fuel pricing. If prices move lower for a period of time, say a couple years, each successive fuel hedge will have a lower cap than the prior year and/or more downside participation than prior periods. In the end lower prices are a good thing regardless of the performance of the hedge, and fuel can't go to zero. **The goal is risk management.....the hope is always lower prices. In the end dynamic proactive management always beats inaction over the long-run.**

4) **These hedges have no comingling with physical procurement procedures or agreements, thus physical fuel operations are maintained unaltered while hedging activities work as an umbrella net-back, reimbursing the overall fiscal budget for any overrun.** This is the best of both worlds. Effective, efficient, and unaffected physical fuel operations, with broad protective measures in place taken at the 'executive level'.

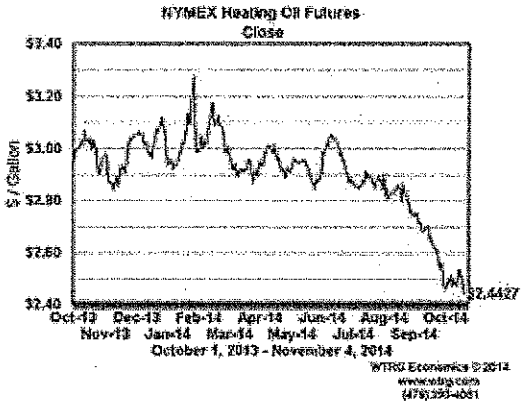
5) Hedging is a concept and without understanding users are bound to be disappointed eventually. This is **not a revenue stream but acts more like insurance,** allowing you the ability to create parameters around your realized fuel costs/exposures. Hedging is as much about lower realized fuel costs as it is about managing inherent price risk/volatility.

Rebecca Miller

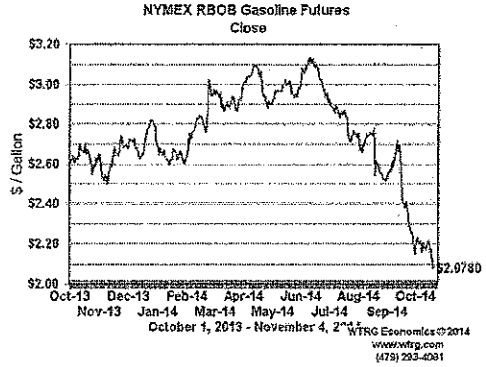
From: John Righeimer <righeimer@maverickec.com>
Sent: Wednesday, November 05, 2014 10:42 AM
To: Rebecca Miller
Cc: Ron Mangus
Subject: IBB Fuel Budget ap (for 2015)

Checking in to remind you about getting in your IBB fuel budget ap (see attached), which the IBB is now in the process of gathering from participants for the 2015 hedge/program. Also, below is my brief commentary on the market. 2015 is setting up well.

The market has softened here in late 2014, seeing prices drop $0.50 to 0.75 /gal since January, allowing those in the IBB program to participate for $0.30/gal in the falling market, yet always having a cap in place for the unknown (e.g. Middle East, etc.) if prices roared upward ***Do we think diesel and gasoline prices are attractive for the 2015 hedge/budget? Yes, and we think they'll look even better when the hedge/collar is placed towards the end of this year.*** *In the end, prices moving lower is good for the budget, while maintaining a lid/cap on upward movement…and that remains the biggest gain for us hedgers looking forward into 2015, as we scale down the market with upside protection, knowing that prices don't go lower forever.*



Please contact me with feedback and/or questions. Have a great day.



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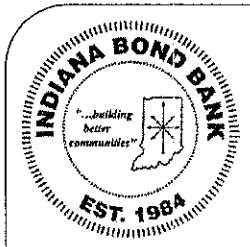


MAVERICK ENERGY

INDIANA BOND BANK FUEL BUDGETING PROGRAM

Fuel Budgeting Program

- Budgeting tool to guard against rising fuel prices (budget insurance)
- Allows smaller entities to pool their fuel budgeting needs to create an effective hedge size (42,000 gallons)
- Share program costs for cost efficiency
- Experience of IBB Staff/Professionals
- Indiana Bond Bank (IBB) Posts Collateral

How the Fuel Budgeting Program Works

- QE (Qualified Entity) continues to purchase fuel as normal
  - Cannot be fixed price contract
- QE completes short application
- QE adopts legal paperwork
- QE determines how much to hedge
  - Maximum of 80% annual consumption

How the Fuel Budgeting Program Works

- Collar
  - Floor and Ceiling
  - NYMEX (New York Mercantile Exchange) fuel pricing
- Administrative Fee
  - 2011 program fee - $0.04 per gallon
  - 2012 program fee - $0.0385 per gallon
  - 2013 program fee - $0.0380 per gallon
  - 2014 program fee - $0.3750 per gallon (or less depending on program participation)
  - 2015 program fee - entities will be notified of the fee in early December (IBB goal: reduce monthly fee again)

2014 Fuel Budgeting Program

- 13 Participants
  - 8 School Corporations
  - 4 Cities
  - 1 County
- Gasoline (RBOB) Collar $2.52 - $3.00
- Diesel (HO) Collar $2.81 - $3.2925

Example of Monthly Settlement

INDIANA BOND BANK
Fuel Budgeting Program
Example--Gasoline (RBOB)

Assumed Floor (1):	$2.52	$2.52	$2.52
Assumed Cap (2):	$3.00	$3.00	$3.00
Assumed NYMEX Price/gal	$2.49	$2.80	$3.18

	Example 1	*Example 2*	*Example 3*
	Price As Compared to Hedge		
	Lower	*Within*	*Higher*
Monthly Consumption--gallons (As in entity application)	3,000	3,000	3,000
Percentage Hedged (Determined by entity; max 80%)	65.00%	65.00%	65.00%
Monthly Hedge--Gallons	1,950	1,950	1,950
NYMEX Daily Average Price	$2.49	$2.80	$3.18
NYMEX vs. Floor/Cap	($0.03)	$ -	$0.18
Monthly Hedge--Gallons	1,950	1,950	1,950
Distribution (Payment)	$ (58.50)	-	$ 351.00
Monthly Admin Fee (3) (Assumed $.037/gallon hedged)	$ (72.00)	$ (72.00)	$ (72.00)
Total Participant Cash Flow	$ (130.50)	$ (72.00)	$ 279.00

Questions

MAVERICK ENERGY

Lisa Cottingham 317.233.0090 or lcottingham@inbondbank.com

Ron Mangus 317.233.0091 or rmangus@inbondbank.com

John Righeimer 815.498.3855 or righeimer@maverickec.com

www.in.gov/bond

2014 Diesel (HO) Results

Actual 2014 Program Results -- Heating Oil (Diesel)

Month	Floor	Cap	NYMEX Market Dly Avg	Per Gallon Net (Pay)/Rec	Total Monthly Results*
Jan	$ 2.7725	$ 3.3160	$ 3.031	$ -	$ (3,708.00)
Feb	$ 2.7725	$ 3.3160	$ 3.059	$ -	(3,584.00)
March	$ 2.7725	$ 3.3160	$ 2.951	$ -	(3,668.00)
April	$ 2.7725	$ 3.3160	$ 2.955	$ -	(3,275.00)
May	$ 2.7725	$ 3.3160	$ 2.931	$ -	(3,733.00)
June	$ 2.7725	$ 3.3160	$ 2.964	$ -	(1,759.00)
July	$ 2.7725	$ 3.3160	$ 2.887	$ -	(1,332.00)
Aug	$ 2.7725	$ 3.3160	$ 2.852	$ -	(3,247.00)
Sep	$ 2.7725	$ 3.3160	$ -	$ -	-
Oct	$ 2.7725	$ 3.3160	$ -	$ -	-
Nov	$ 2.7725	$ 3.3160	$ -	$ -	-
Dec	$ 2.7725	$ 3.3160	$ -	$ -	-
* Includes Administrative Fee					
* Summary of Payments to/(from) 13 participants					**$ (24,306.00)**

2014 Gasoline (RBOB) Results

Actual 2014 Program Results -- RBOB (Gasoline)					
Month	Floor	Cap	NYMEX Market Dly Avg	Per Gallon Net (Pay)/Rec	Total Monthly Results*
Jan	$ 2.555	$ 3.099	$ 2.646	$ -	$ (1,929.00)
Feb	$ 2.555	$ 3.099	$ 2.769	$ -	(1,823.00)
March	$ 2.555	$ 3.099	$ 2.931	$ -	(1,885.00)
April	$ 2.555	$ 3.099	$ 3.010	$ -	(1,834.00)
May	$ 2.555	$ 3.099	$ 2.957	$ -	(1,897.00)
June	$ 2.555	$ 3.099	$ 3.044	$ -	(1,893.00)
July	$ 2.555	$ 3.099	$ 2.910	$ -	(1,913.00)
Aug	$ 2.555	$ 3.099	$ 2.726	$ -	(2,004.00)
Sep	$ 2.555	$ 3.099	$ -	$ -	-
Oct	$ 2.555	$ 3.099	$ -	$ -	-
Nov	$ 2.555	$ 3.099	$ -	$ -	-
Dec	$ 2.555	$ 3.099	$ -	$ -	-
* Includes Administrative Fee					
** Summary of Payments to/(from) 11 participants					**$ (15,178.00)**

2013 Diesel (HO) Results

Actual 2013 Program Results -- Heating Oil (Diesel)					
Month	Floor	Cap	NYMEX Market Dly Avg	Per Gallon Net (Pay)/Rec	Total Monthly Results*
Jan	$ 2.810	$ 3.2925	$ 3.056	$ -	$ (5,875.00)
Feb	$ 2.810	$ 3.2925	$ 3.151	$ -	(5,531.00)
March	$ 2.810	$ 3.2925	$ 2.953	$ -	(5,338.00)
April	$ 2.810	$ 3.2925	$ 2.893	$ -	(5,495.00)
May	$ 2.810	$ 3.2925	$ 2.887	$ -	(5,426.00)
June	$ 2.810	$ 3.2925	$ 2.890	$ -	(2,005.00)
July	$ 2.810	$ 3.2925	$ 3.015	$ -	(1,868.00)
Aug	$ 2.810	$ 3.2925	$ 3.072	$ -	(5,125.00)
Sep	$ 2.810	$ 3.2925	$ 3.052	$ -	(5,499.00)
Oct	$ 2.810	$ 3.2925	$ 2.993	$ -	(4,479.00)
Nov	$ 2.810	$ 3.2925	$ 2.936	$ -	(5,663.00)
Dec	$ 2.810	$ 3.2925	$ 3.042	$ -	(4,773.00)
* Summary of Payments to/(from) 16 participants					**$ (57,077.00)**

* includes 3.8 cent per gallon administration fee

2013 Gasoline (RBOB) Results

Actual 2013 Program Results -- RBOB (Gasoline)					
Month	Floor	Cap	NYMEX Market Dly Avg	Per Gallon Net (Pay)/Rec	Total Monthly Results*
Jan	$ 2.520	$ 3.000	$ 2.827	$ -	$ (8,368.00)
Feb	$ 2.520	$ 3.000	$ 3.035	$ 0.035	(176.24)
March	$ 2.520	$ 3.000	$ 3.120	$ 0.120	5,276.66
April	$ 2.520	$ 3.000	$ 2.840	$ -	(2,365.00)
May	$ 2.520	$ 3.000	$ 2.837	$ -	(2,508.00)
June	$ 2.520	$ 3.000	$ 2.813	$ -	(2,381.00)
July	$ 2.520	$ 3.000	$ 3.005	$ 0.005	(2,188.67)
Aug	$ 2.520	$ 3.000	$ 2.966	$ -	(2,540.00)
Sep	$ 2.520	$ 3.000	$ 2.734	$ -	(2,470.00)
Oct	$ 2.520	$ 3.000	$ 2.635	$ -	(2,405.00)
Nov	$ 2.520	$ 3.000	$ 2.626	$ -	(2,416.00)
Dec	$ 2.520	$ 3.000	$ 2.722	$ -	(2,290.00)
** Summary of Payments to/(from) 13 participants					**$ (24,831.25)**

* includes 3.8 cent per gallon administration fee

Heating Oil (HO) History

Month	Floor	Cap	NYMEX Market Dly Avg	Per Gallon Net (Pay)/Rec	Total Monthly Results*	Annual Results
Apr-10	$ 2.030	$ 2.420	$ 2.230	$ -	$ (3,952.00)	
May-10	$ 2.030	$ 2.420	$ 2.047	$ -	(3,950.00)	
Jun-10	$ 2.030	$ 2.420	$ 2.046	$ -	(2,688.00)	
Jul-10	$ 2.030	$ 2.420	$ 2.007	$ (0.023)	(3,930.04)	
Aug-10	$ 2.030	$ 2.420	$ 2.053	$ -	(3,685.00)	
Sep-10	$ 2.030	$ 2.420	$ 2.112	$ -	(4,022.00)	
Oct-10	$ 2.030	$ 2.420	$ 2.260	$ -	(4,053.00)	
Nov-10	$ 2.030	$ 2.420	$ 2.330	$ -	(3,868.00)	
Dec-10	$ 2.030	$ 2.420	$ 2.490	$ 0.070	2,758.39	$ (27,389.65)
Jan-11	$ 2.440	$ 2.750	$ 2.609	$ -	$ (3,630.00)	
Feb-11	$ 2.440	$ 2.750	$ 2.777	$ 0.027	(1,384.40)	
Mar-11	$ 2.440	$ 2.750	$ 3.046	$ 0.296	24,988.66	
Apr-11	$ 2.440	$ 2.750	$ 3.207	$ 0.457	40,904.11	
May-11	$ 2.440	$ 2.750	$ 2.964	$ 0.214	18,869.01	
Jun-11	$ 2.440	$ 2.750	$ 2.977	$ 0.227	7,818.96	
Jul-11	$ 2.440	$ 2.750	$ 3.078	$ 0.328	13,435.06	
Aug-11	$ 2.440	$ 2.750	$ 2.951	$ 0.201	12,171.07	
Sep-11	$ 2.440	$ 2.750	$ 2.934	$ 0.184	13,224.41	
Oct-11	$ 2.440	$ 2.750	$ 2.959	$ 0.209	16,556.36	
Nov-11	$ 2.440	$ 2.750	$ 3.062	$ 0.312	25,262.53	
Dec-11	$ 2.440	$ 2.750	$ 2.908	$ 0.158	10,778.09	$ 178,993.86
Jan-12	$ 2.708	$ 3.200	$ 3.046	$ -	$ (7,089.00)	
Feb-12	$ 2.708	$ 3.200	$ 3.194	$ -	(6,768.00)	
Mar-12	$ 2.708	$ 3.200	$ 3.227	$ 0.027	(1,883.17)	
Apr-12	$ 2.708	$ 3.200	$ 3.156	$ -	(6,643.00)	
May-12	$ 2.708	$ 3.200	$ 2.919	$ -	(6,450.00)	
Jun-12	$ 2.708	$ 3.200	$ 2.614	$ (0.094)	(7,482.17)	
Jul-12	$ 2.708	$ 3.200	$ 2.814	$ -	(2,352.00)	
Aug-12	$ 2.708	$ 3.200	$ 3.054	$ -	(5,943.00)	
Sep-12	$ 2.708	$ 3.200	$ 3.146	$ -	(7,005.00)	
Oct-12	$ 2.708	$ 3.200	$ 3.140	$ -	(6,158.00)	
Nov-12	$ 2.708	$ 3.200	$ 3.012	$ -	(6,557.00)	
Dec-12	$ 2.708	$ 3.200	$ 2.995	$ -	(5,859.00)	$ (70,189.34)

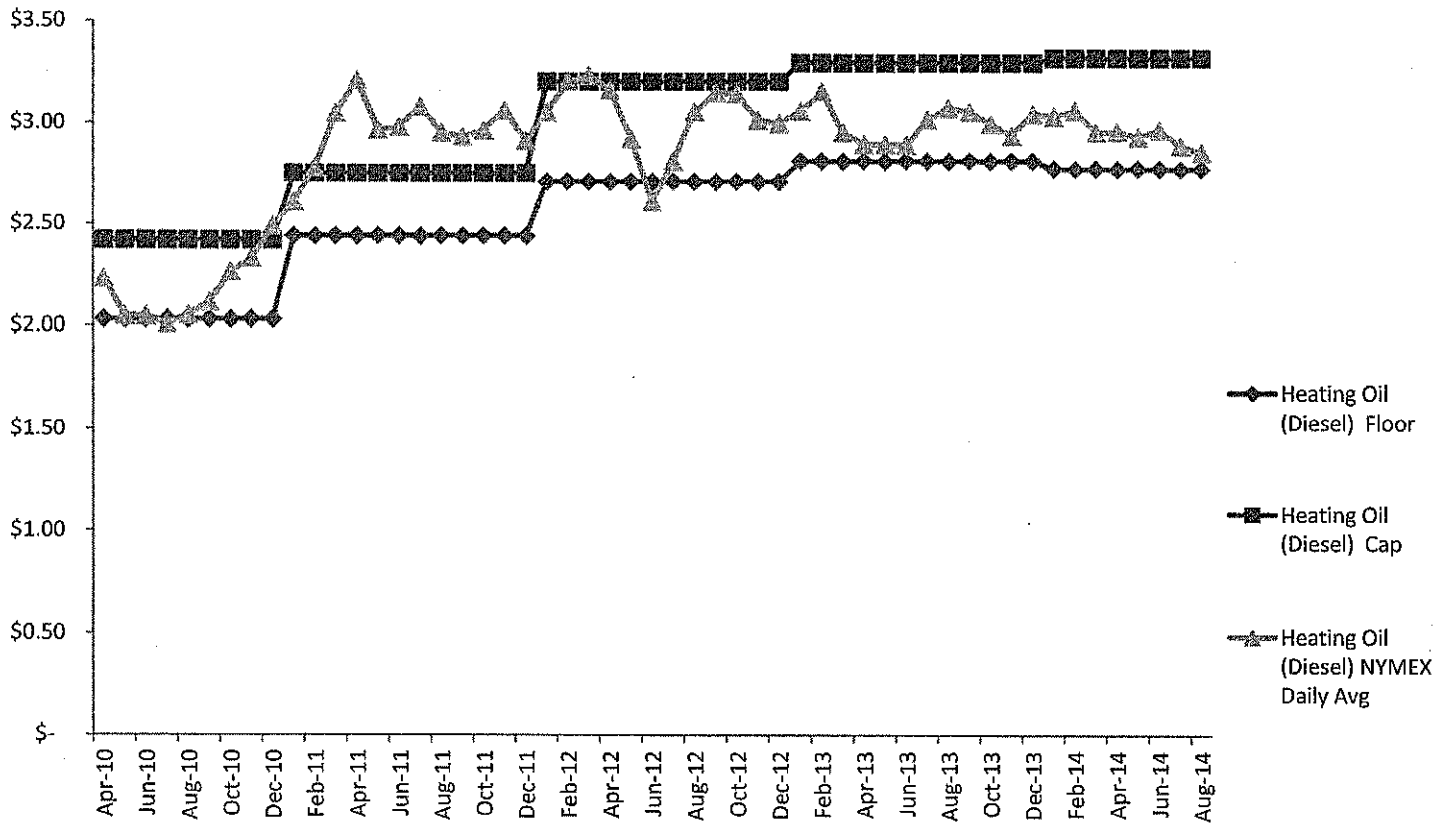
* includes administration fee

Gasoline (RBOB) History

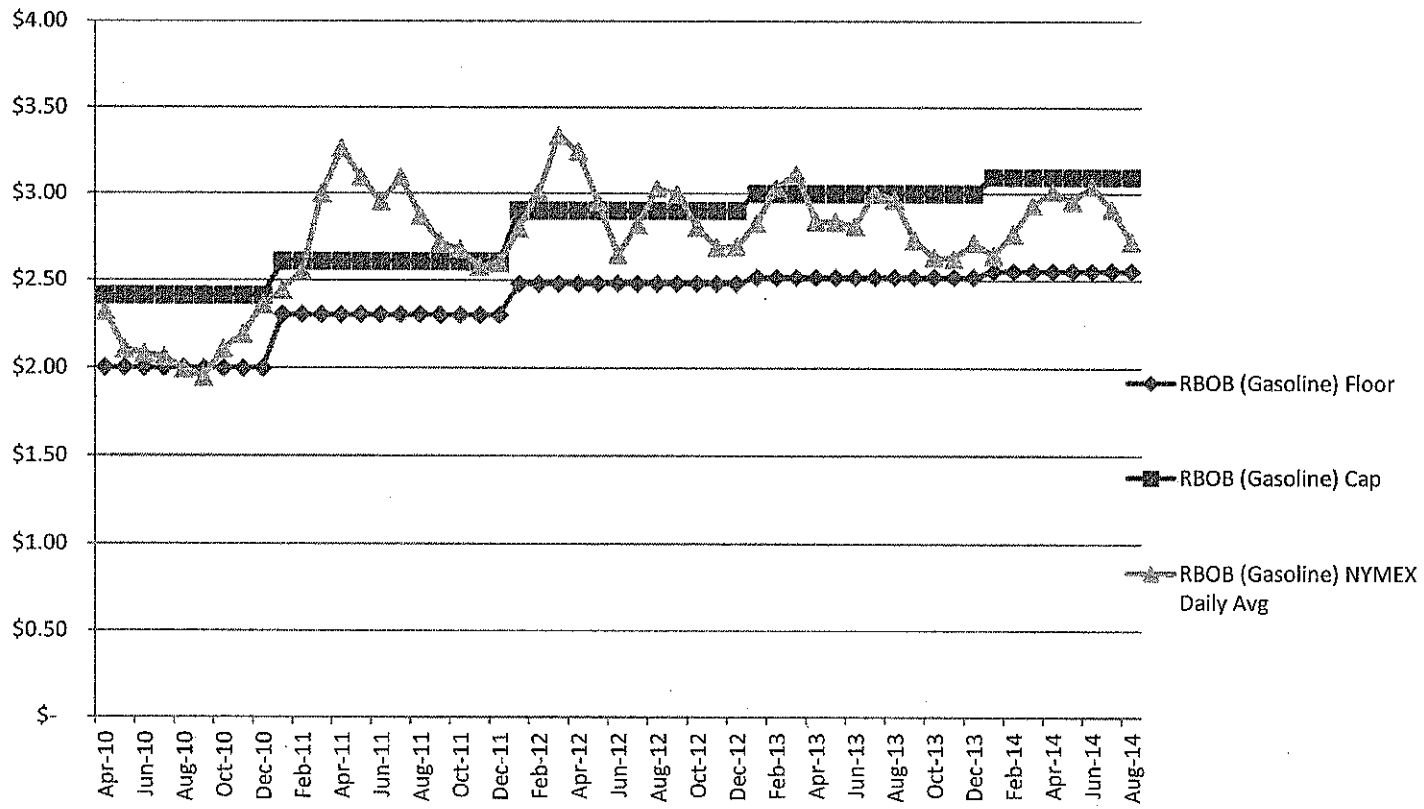
Month	Floor	Cap	NYMEX Market Dly Avg	Per Gallon Net (Pay)/Rec	Total Monthly Results*	Annual Results
Apr-10	$ 2.00	$ 2.41	$ 2.318	$ -	$ (4,115.00)	
May-10	$ 2.00	$ 2.41	$ 2.106	$ -	(4,040.00)	
Jun-10	$ 2.00	$ 2.41	$ 2.080	$ -	(4,033.00)	
Jul-10	$ 2.00	$ 2.41	$ 2.061	$ -	(4,072.00)	
Aug-10	$ 2.00	$ 2.41	$ 1.994	$ (0.006)	(4,533.79)	
Sep-10	$ 2.00	$ 2.41	$ 1.947	$ (0.053)	(9,555.88)	
Oct-10	$ 2.00	$ 2.41	$ 2.110	$ -	(4,701.00)	
Nov-10	$ 2.00	$ 2.41	$ 2.190	$ -	(3,939.00)	
Dec-10	$ 2.00	$ 2.41	$ 2.360	$ -	(4,116.00)	$ (43,105.67)
Jan-11	$ 2.30	$ 2.61	$ 2.442	$ -	$ (2,041.00)	
Feb-11	$ 2.30	$ 2.61	$ 2.552	$ -	(1,990.00)	
Mar-11	$ 2.30	$ 2.61	$ 2.997	$ 0.387	17,745.02	
Apr-11	$ 2.30	$ 2.61	$ 3.267	$ 0.657	30,567.97	
May-11	$ 2.30	$ 2.61	$ 3.096	$ 0.486	22,213.77	
Jun-11	$ 2.30	$ 2.61	$ 2.951	$ 0.341	15,553.37	
Jul-11	$ 2.30	$ 2.61	$ 3.096	$ 0.486	22,674.20	
Aug-11	$ 2.30	$ 2.61	$ 2.870	$ 0.260	11,736.54	
Sep-11	$ 2.30	$ 2.61	$ 2.725	$ 0.115	3,781.79	
Oct-11	$ 2.30	$ 2.61	$ 2.681	$ 0.069	1,635.45	
Nov-11	$ 2.30	$ 2.61	$ 2.583	$ -	(1,994.00)	
Dec-11	$ 2.30	$ 2.61	$ 2.598	$ -	(2,077.00)	$ 117,806.11
Jan-12	$ 2.48	$ 2.90	$ 2.796	$ -	$ (2,446.00)	
Feb-12	$ 2.48	$ 2.90	$ 3.009	$ 0.109	4,382.10	
Mar-12	$ 2.48	$ 2.90	$ 3.343	$ 0.443	26,373.85	
Apr-12	$ 2.48	$ 2.90	$ 3.254	$ 0.325	20,592.77	
May-12	$ 2.48	$ 2.90	$ 2.950	$ 0.050	737.34	
Jun-12	$ 2.48	$ 2.90	$ 2.651	$ -	(2,403.00)	
Jul-12	$ 2.48	$ 2.90	$ 2.821	$ -	(2,320.00)	
Aug-12	$ 2.48	$ 2.90	$ 3.030	$ 0.130	6,094.59	
Sep-12	$ 2.48	$ 2.90	$ 2.996	$ 0.096	3,480.45	
Oct-12	$ 2.48	$ 2.90	$ 2.806	$ -	(2,370.00)	
Nov-12	$ 2.48	$ 2.90	$ 2.692	$ -	(2,283.00)	
Dec-12	$ 2.48	$ 2.90	$ 2.697	$ -	(2,358.00)	$ 47,481.10

* includes adminstration fee

Diesel (HO) Graph



Gasoline (RBOB) Graph



Mary Ellen Hazen

From: Rebecca Miller
Sent: Wednesday, November 12, 2014 2:11 PM
To: Mary Ellen Hazen
Cc: Deb Block
Subject: Fuel Hedging
Attachments: Council fuel hedging resolution.pdf; Council letter and backup.pdf

Mary Ellen:

Attached is the resolution and backup/letter for the Council. This is the same format we use every year.

Thank you,

Rebecca S Miller

City Controller
City of Mishawaka
600 East 3rd Street
Mishawaka IN 46544

574-258-1622
574-258-1724 fax

www.mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 16 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 10-20-14
2nd Reading
Passed
Failed
Continued To

PETITION #14-20

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-29

ORDINANCE NO. _____

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

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

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

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

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

A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

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

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

1. Existing Conditions- The subject parcel is currently located adjacent to industrial zoned property and the area to be annexed consists of vacant land.

2. Character of Buildings – The character of the buildings located adjacent to and in the surrounding area are commercial, light industrial, and residential.

The building located to the east of the property to be annexed and zoned is industrial.

3. The most desirable/highest and best use – Because of the existing I-1 Light Industrial zoning to the east of the property to be annexed, the most desirable uses for the property is the continuation of the existing light industrial use.

4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the light industrial use is consistent with those located within the surrounding area and required screening will protect those residential properties that are located adjacent to the property to be annexed.

5. Comprehensive Plan- The Comprehensive Plan, created in 1990, guided general commercial within this area. However, industrial uses were identified adjacent to the east of the property and the expansion of the existing I-1 Light Industrial use is consistent with the Comprehensive Plan.

Furthermore, The Common Council of the City of Mishawaka, Indiana, hereby finds that relative to rezoning property located at 1844 E. McKinley Avenue from R-1 Single Family Residential to I-1 Light Industrial:

1. There are I-1 Light Industrial zonings to the east and adjacent to the property.

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, staff feels that the most desirable use for this property is the continuation of the adjacent I-1 Light Industrial use.

3. Because the parcel is located in an area of commercial, industrial, and residential properties , the rezoning to I-1 Light Industrial is a desirable use for this property and consistent with the existing industrial uses in the area;

4. Rezoning this property to the I-1 Light Industrial will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding neighborhood by expanding an existing industrial use and,

5. The Comprehensive Plan, created in 1990, guided general commercial and within this area. However, industrial uses were identified adjacent to the east of the property and the expansion of the existing I-1 Light Industrial use is consistent with the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2014, at _____ o'clock ___.M.

Proposed Ordinance No. 14-29

Ordinance No. _____

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock _____.M.

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

APPROVED by me this _____ day of _____, 2014, at _____o'clock _____.M.

_____
David A. Wood, Mayor

PET 14-20

September 15, 2014

TO THE:

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 01 2014
CITY CLERK
MISHAWAKA, IN

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

Re: Petition for Annexation and Zoning Classification

The undersigned, SLB Corporation, DBA: Hose Assemblies respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A parcel of land being a part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Southwest corner of said Section 2; thence East along the South line of said Section 2, a distance of 1542.7 feet to the place of beginning; thence North, a distance of 242 feet; thence West, a distance of 90 feet; thence North, a distance of 60 feet; thence East, a distance of 180.0 feet; thence South, a distance of 302.0 feet to the South line of said Section 2; thence West along said South line, a distance of 90 feet to the place of beginning containing 0.75 acres more or less.

Petitioner owns One Hundred (100%) percent of the above described parcel of land which is located at 1906 E. McKinley Ave., Penn township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioner desire the same to be annexed to the City of Mishawaka, Indiana, with a zoning classification of Industrial I-1 district classification desired. Petitioner further state they intend to utilize said land for manufacturing.

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

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

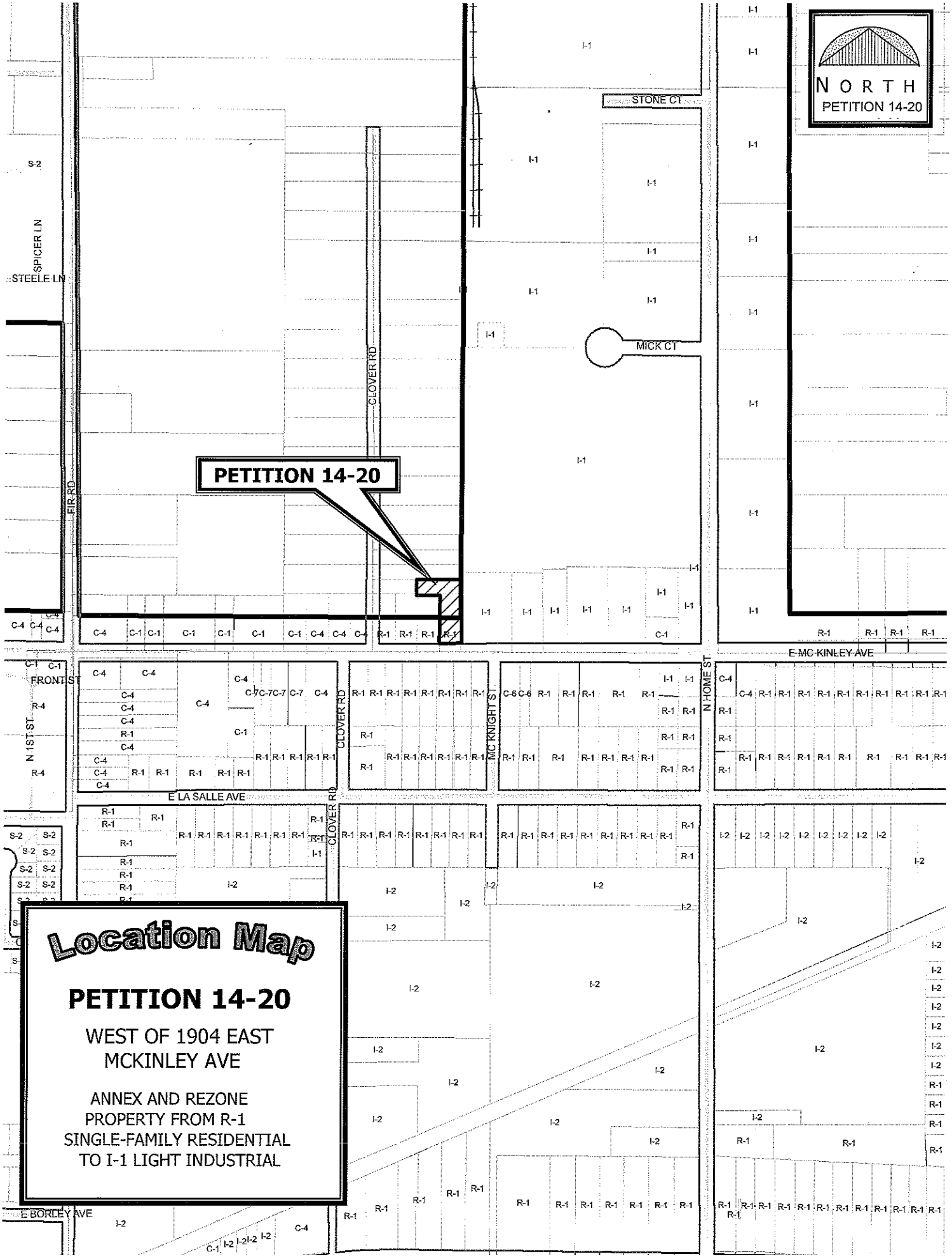
Wherefore, Petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a zoning classification of Industrial I-1 District.

Matthew Veldman
SLB Corporation DBA: Hose Assemblies

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601 (574-233-1841)

SEP 18 2014

~~AnnexPetition.doc~~



Location Map

PETITION 14-20

WEST OF 1904 EAST MCKINLEY AVE

ANNEX AND REZONE PROPERTY FROM R-1 SINGLE-FAMILY RESIDENTIAL TO I-1 LIGHT INDUSTRIAL

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 16 2014
CITY CLERK
MISHAWAKA, IN

1st Reading 10-20-14
2nd Reading
Passed
Failed
Continued To

PETITION #14-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-30

ORDINANCE NO. _____

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

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

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

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

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

Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the west ½ of a vacated alley lying East of and adjacent to the above described real estate.

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

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

1. Existing Conditions- The subject parcel is vacant land located within an area of existing residential, commercial/office, and agricultural uses.

2. Character of Buildings – The character of the buildings within the surrounding area is mixed with residential (north) and commercial/office (south and west).

Proposed Ordinance No. 2014-30

Ordinance No. _____

3. The most desirable/highest and best use – Because of the parcel's proximity to existing commercial and office uses along Cedar Road, the most desirable use for the property is a commercial zoning with the small commercial development as a proposed use.

4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because commercial use is consistent with those located within the immediate area.

5. Comprehensive Plan - This specific property was not identified in the City of Mishawaka Comprehensive Plan. However, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan. The continued change and expansion of the commercial areas of the City are commensurate to the City's status as a regional area of commerce.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ___ day of _____, 2014, at _____ o'clock ___.M.

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock _____.M.

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

APPROVED by me this _____ day of _____, 2014, at _____o'clock _____.M.

_____
David A. Wood, Mayor

Ret 14-21

September 15, 2014

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 01 2014
CITY CLERK
MISHAWAKA, IN

TO THE:

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

Re: Petition for Annexation and Zoning Classification

The undersigned, John Ward, respectfully show he is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at a point of the West Line of said Section 17, 603.75 feet South of the Northwest Corner thereof; thence running East, 168 feet; thence North 102 feet; thence East 296 feet; thence South 286 feet; thence West 464 feet to the West Line of said Section 17; thence North on said West line, 183.45 feet, more or less to the place of beginning. Together with the West ½ of a vacated ally lying East of and adjacent to the above described real estate.

Petitioner, owns One Hundred (100%) percent of the above described parcel of land which is located on Cedar Road, Penn township, St. Joseph County, City of Mishawaka, State of Indiana and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a zoning classification of Commercial C-1 District classification desired. Petitioner further state he intend to utilize said land for multiple business.

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

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

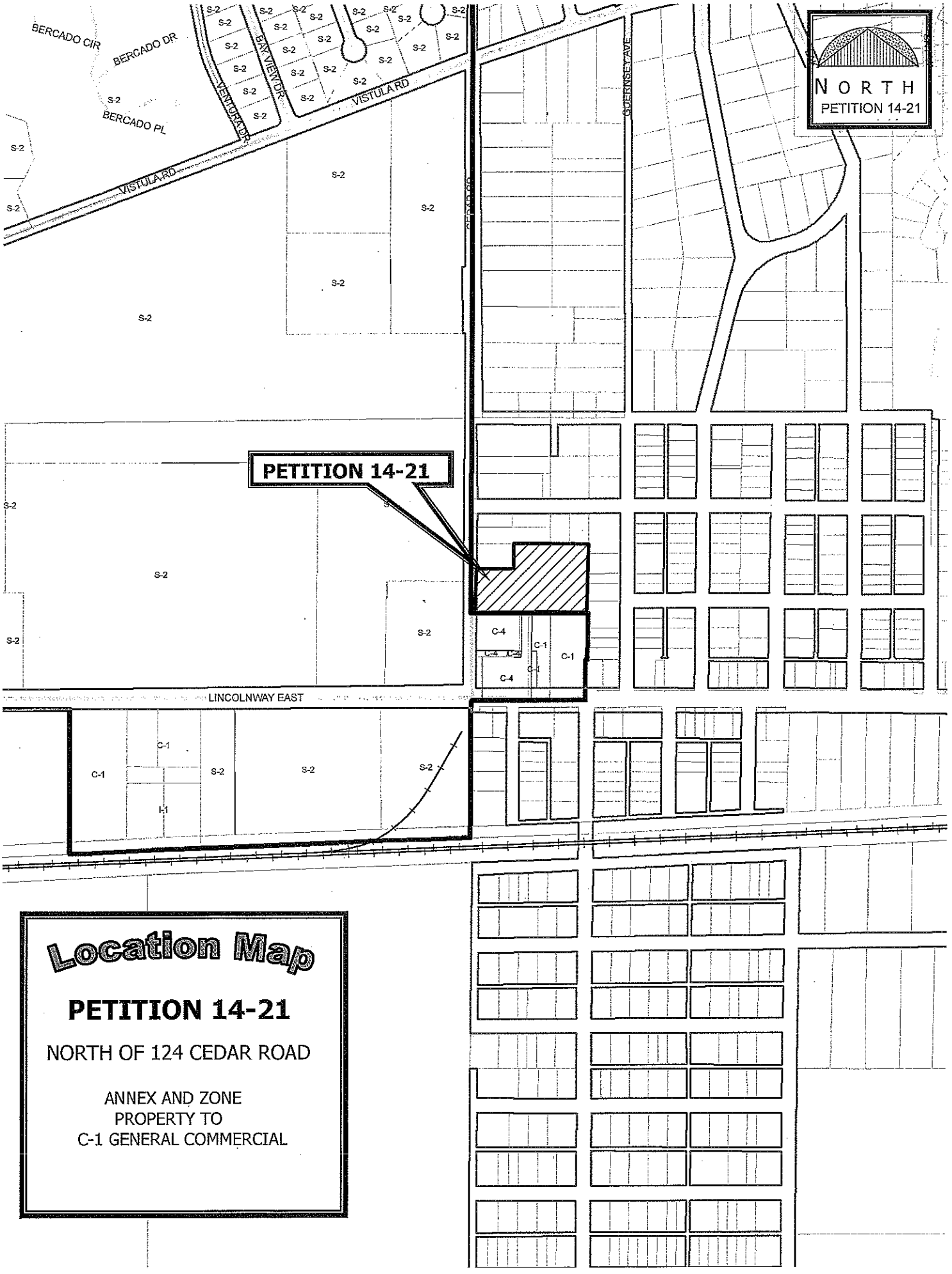
Wherefore, Petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a zoning classification of Commercial C-1 District.

John Ward

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841

SEP 18 2014

~AnnexPetition.doc



Location Map

PETITION 14-21

NORTH OF 124 CEDAR ROAD

ANNEX AND ZONE
PROPERTY TO
C-1 GENERAL COMMERCIAL

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 28 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 11-5-14
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2014-32

ORDINANCE NO._____

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2014

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, 2014 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 $536,000.00 for assignment as follows:

CEDIT

CEDIT		
Other Services and Charges		
430-50-438-01	Bond payoff	$536,000.00

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 _____, 2014 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 _____, 2014 at_____ o'clock, ____.M.

_____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____day of _____, 2014 at

_____o'clock, _____.M.

_____

David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: October 29, 2014

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Additional

As part of your packet for the November 5th meeting there is an ordinance to request $536,000.00 from CEDIT funds to cover the General Obligation bond payoff payment.

The additional is necessary as our property tax distribution for the Municipal Bond fund does not typically arrive until the last week in December. Using CEDIT funds will allow us to make a timely payment. All of the year-end tax distribution will be used to reimburse CEDIT, and the Municipal Bond fund will be closed.

The City will begin 2015 with no General Obligation debt.

Please contact me with any questions.

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 29 2014
CITY CLERK
MISHAWAKA, IN

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC
OCT 29 2014
CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. **2014-33**

ORDINANCE NO._____

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2014

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the budget for the Police Department in the General Fund adopted for the fiscal year ending December 31, 2014

Section 2. There is hereby transferred and reappropriated the sum of $8,000.00 as follows:

General Fund

From:	Police Department		
	Other Services and Charges		
	101-20-431-09	Health Services	$ 8,000.00
		Total	$ 8,000.00
To:	Police Department		
	Other Services and Charges		
	101-20-436-01	Repair & Maint. & Service Contracts	$ 8,000.00
		Total:	$ 8,000.00

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 _____, 2014 at _____o'clock, ___. M.

_____
Presiding Officer

ATTEST;

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

PRESENTED BY ME to the Mayor this _____day of

_____,2014 at _____o'clock, _____.M.

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

APPROVED BY ME this _____day of _____, 2014

at _____o'clock, ____M.

_____
David A. Wood, Mayor

CITY OF MISHAWAKA

P.O. Box 902
200 N. Church St.
Mishawaka, IN 46544

Police Department
Kenneth L. Witkowski, Chief
David A. Wood, Mayor

CITY CLERK
MISHAWAKA, IN
OCT 29 2014
DEBORAH S. BLOCK, MMC

November 5, 2014

Mishawaka Common Council
Mayor David Wood
Rebecca Miller, Controller
Budget/Finance Committee

Dear Honorable Members:

An emergency exists which requires the transfer and re-appropriation of funds within the budget for the Police Department. No additional funds are needed at this time.

FROM:	101-20-431-09	Health Services	$8,000.00
		TOTAL:	**$8,000.00**
TO:	101-20-436-01	Bldg/Equip Repair & Maint.	$8,000.00
		TOTAL:	**$8,000.00**

If you have any questions, please feel free to contact me.

Respectfully,

Kenneth L. Witkowski
Chief, Mishawaka Police Department

KLW:dcs

EMERGENCY 911
FRONT DESK ..... (574) 258-1678
DETECTIVE BUREAU ..... (574) 258-1684
RECORDS ..... (574) 258-1681
CHIEF ..... (574) 258-1683
UNIFORM CHIEF ..... (574) 258-1688
TRAFFIC DIVISION ..... (574) 259-2966
FAX ..... (574) 258-1690