



AGENDA

July 15, 2024

Meetings of Standing Committees
Council Conference Room
5:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
6:00PM

WebEx Telephone Number: 1-408-418-9388
Meeting Number (access code): 2346 462 9416
Meeting password: UWd2PkHnC22

Livestream #1:
<https://mishawaka.in.gov/government/elected-appointed-officials/common-council/>

Livestream #2
<https://www.facebook.com/cityofmishawaka/>

Livestream #3:
www.youtube.com/@cityofmishawaka635

Livestream #4:
@MichianaAccessTV on Facebook

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

Dial: 23464629416@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of July 01, 2024

5. Petitions, Communications, Remonstrance and Memorial

A letter from the Board of Zoning Appeals regarding their recommendations from their July 09, 2024 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2024-20 Amending Salary Ordinance No. 5868 -
Police Department

8. Resolutions

R2024-14	Fiscal Plan for the Annexation of the East side of Fir Rd. across from Preserve Apartments, extending to Clover Rd.
R2024-15	Use Variance to allow for two permanent storage containers - 940 E. 12 th St.
R2024-16	Use variance for Fine Line Micro Tattooing Services - 314 W. Cleveland Rd.

9. Ordinances on Second Reading

P.O. No. 2024-10	Amending the Traffic Code to add All-Way Stop at Various Intersections (Assigned to Land Use Planning Committee & Traffic Commission)
P.O. No. 2024-11	Amending the Municipal Code Park and Recreation - DORA (Assigned to Public Health & Safety Committee)
P.O. No. 2024-12	Establishing a Designated Outdoor Refreshment Area - DORA (Assigned to Public Health & Safety Committee)

P.O. No. 2024-19 Annexing and Establishing Zoning as R-1 Single Family - East side of Fir Rd across from Preserve Apartments, extending to Clover Rd. (Assigned to Land Use Planning Committee)
VOTE ONLY

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

Matter of the Mayor's veto of Ordinance No. 5893

12. New Business

13. Adjournment -

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages, <https://www.facebook.com/cityofmishawaka/> and www.youtube.com/@cityofmishawaka635 and on the Michiana Access TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

If technology is needed to present, please advise the Clerk's Office by 4:00pm the Friday before the meeting by emailing: dblock@mishawaka.in.gov or calling 574-258-1616.

Download Council Packet Link:

<https://mishawakain.portal.civicclerk.com/event/934/files/agenda/3195>

At this time, I know of no other business to come before the Council.

Deborah S. Block, IAMCA, CMO, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

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REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 1, 2024

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday July 1, 2024, at 6:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

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

Clerk Block called the roll.

Present: Mrs. Hazen (P), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (P), Mr. Emmons (P), Ms. Hahn (A), Mr. Mammolenti (P), Mr. Violi (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Also Present: Mike Trippel, Council Attorney

Minutes for the Regular Meeting on June 17, 2024, were approved as received from the Clerk's Office.

Clerk Block read the following appeals by title.

Appeal No. 2024-25 Use Variance to allow for Two Permanent Storage Containers for Fireworks – 940 E. 12th St.

Appeal No. 2024-27 Use Variance for Fine Line Micro Tattooing Services – 314 W. Cleveland Rd.

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

PROPOSED ORDINANCE NO. 2024-08

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

Rezone from C-1 General Commercial to C-10 Filling Station Commercial for proposed Casey's Convenience Store & Gas Station – SE corner of Douglas & Fir Rd.

Mr. Mammolenti reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

The chair entertained a motion to amend **PROPOSED ORDINANCE NO. 2024-08** consistent with a hard copy of the proposed amendments that had been distributed to the council. Mrs. Voelker moved the motion, Mr. Violi seconded the motion, and a voice vote was held. The motion was passed unanimously, and the ordinance was amended. Mr. Hixenbaugh stated for the record that the reason for the amendment was to provide an ordinance that was in appropriate fashion for them to have an up or a down vote on the matter that evening.

Stephen Studer, attorney with Krieg DeVault LLP, spoke in favor of **PROPOSED ORDINANCE NO. 2024-08AA**. Mr. Studer stated they were asking the council that evening to rezone Mr. Murphy's property from C-1 to C-10, which would be consistent with the exact zoning that Family Express had catty-corner to this property. Mr. Studer stated he provided them each with a copy of a booklet and page one contained a number of key facts. Mr. Studer stated at page two was some information about Casey's and he believed the Council had questions about the actual Casey's that would be coming onto this property, and they had representatives from Casey's present that evening, but even the city acknowledged that Casey's was a first-rate operation. Mr. Studer stated this was a company that was American owned, they were not a franchise, and they were company-owned stores. Mr. Studer stated there were over 2,600 stores all in the Midwest and there were over 40,000 employees. Mr. Studer stated this would be over a \$6 million investment by Casey's in the City of Mishawaka. Mr. Studer stated he had received inquiries from other vendors asking if those were to be approved, if they could contact Casey's to provide additional services. Mr. Studer stated there would be 18 to 22 employees at this location with 40% of which being full-time. Mr. Studer stated the starting rate for individuals with no prior experience would be \$13 an hour, which was well above the \$7.25 minimum wage provided by the state. Mr. Studer stated from there, the rate would continue to go up to the point where you would have full-time employees who would receive full benefits. Mr. Studer stated this was a company with over 40,000 employees, it was a well-run company, and it was considered by many to be the gold standard of these stores. Mr. Studer this property was in the vicinity of an intersection that had between 14,000 and 20,000 vehicles a day and this was precisely the type of operation that should be permitted here not only because of the fast-growing Douglas Road corridor but with the Mishawaka Athletic Facility and others, people need gasoline and stores and other things. Mr. Studer stated as they may or may not know Casey's was the fifth largest purveyor of pizza in the country. Mr. Studer stated on page 8 of what he provided the council, there was a staff report from 2015 and this report dealt not with Casey's but with Family Express. Mr. Studer stated in 2015, the staff fully supported the location and the approval of the rezone of the property where Family Express was located. Mr. Studer stated all the reasons for approval that were set forth on the second page are the exact same reasons why Casey's should be approved. Mr. Studer stated the existing conditions, the character of buildings, the most desirable and highest and best use of the property, conservation, property values, and the comprehensive plan. Mr. Studer stated nothing had changed with respect to that recommendation and in fact, the staff report provided a pro and a con recommendation and in respect to the pro and favor of zoning this, many of these mirrored Casey's as they did for Family Express. Mr. Studer stated in page 3, there was an ordinance passed by this Council some 20 years ago and this ordinance did three specific things with the first it did was delegating the authority of the City of Mishawaka for all wellhead protection issues to the St. Joe County

Health Department. Mr. Studer stated 20 years ago, this body decided that it was up to the County Health Department to administer all wellhead protection issues. Mr. Studer stated the second thing it did was it required the city to designate to the County Health Department a wellhead protection area. Mr. Studer stated the third thing it said was that if in fact the city did designate a wellhead protection area and a proposed property was located in that wellhead protection area, they needed to file a permit with the County Health Department, and this was precisely what Casey's did. Mr. Studer stated Casey's met with the County Health Department after being told that this property was in a wellhead protection area and city staff advised them of that. Mr. Studer stated they went to the County Health Department advised them that it was not in a wellhead protection area and they did not know that it was at that current time but nevertheless, they took the extra step of applying for a permit for the wellhead protection. Mr. Studer stated that permit was in the handout he provided to the council in full and it was an eight or nine page application, so despite the fact that the County Health Department told them that they were not in a wellhead protection area, they took the extra step and Casey's took the extra step in applying as if it were in a wellhead protection area, because they fully believed at some point, the city would comply with section two of the ordinance and apply for wellhead protection area, so they wanted to be ahead of the curve. Mr. Studer stated in doing so, they advised city staff that they were moving forward as they believed it was not in a wellhead protection area, but it was in a one-year time of travel which they had no way of knowing that until they met with the city staff. Mr. Studer stated after they submitted the application to the County Health Department, they advised the city staff that the application was complete and accurate. Mr. Studer stated the County Health Department told them that if they were within 200 feet of a city well, they would not approve the application. Mr. Studer stated they were 1,737 feet from the well. Mr. Studer stated the council approved the purchase of the wellfield only four months after approving Family Express. Mr. Studer stated when the council approved it in December of 2015, four months after they actually approved the purchase of the wellfield site they knew full well that Family Express was going to build there. Mr. Studer stated from their position and argument, they accepted that risk then or did not think it was a risk. Mr. Studer stated either way, Family Express was built. Mr. Studer stated on page five, there was an exhibit from the U.S. Environmental Protection Agency on their official website regarding release detection tanks. Mr. Studer stated on the third page of that, you would see after 2016, they had to install secondary containment with an interest to show monitoring and they provided an exhibit of what that looked like with the double wall tanks and there was material between that detected any leaks from the outside or inside. Mr. Studer stated of the 19,000 tanks installed by this vendor, not one had failed. Mr. Studer stated one question that was raised during the informational session was what type of inspections Casey's would perform at the site. Mr. Studer stated every day, the systems were tested so if there was any anomaly, they would be put back into headquarters and that was level one. Mr. Studer stated level two was that every month, a technician from Casey's came and inspected all of the equipment and level three was that every year, an independent third-party vendor came to inspect all of the equipment, all of the tanks, and they even included a simulated leak in the tanks to see if those leaks would be picked up by the equipment. Mr. Studer stated if it did not, the station would shut down. Mr. Studer stated these inspections occurred daily by the main office and the actual location. Mr. Studer stated page six included a quick

reference guide that was only one page long, that was posted at every store and every employee saw this. Mr. Studer stated behind that was the operating manual that every employee also had to see and take training in. Mr. Studer stated despite their position, there was no real-world risk to the city well-field. Mr. Studer stated Casey's had also offered to pay and make a commitment to install two monetary valves between the well-field and Casey's and Family Express almost as an early warning system. Mr. Studer stated there was going to be the Mishawaka Athletic Facility which, as he understood, was not going to be on concrete and it was going to be on paved asphalt with thousands of cars out there every year. Mr. Studer stated they also posed a risk, so what they were providing for the city was an early warning system that Casey's would pay for. Mr. Studer stated in conclusion, there was no identifiable additional risk for Casey's over Family Express and the city had accepted whatever minute risk there may be for Family Express, and they thought the same was true for Casey's and they had followed the Mishawaka wellhead protection ordinance. Mr. Studer stated it had also complied with the County Health Department regulations and for that reason, they requested approval of the application that evening.

Mr. Violi asked if he could explain the wells that they wanted to install and how they exactly looked. Mr. Studer stated from his prior experience, he would tell him that when you had a major wellfield, you had a zone of influence, and it drew from different areas, and it may even work against the water in this area and groundwater would roll and go to the river. Mr. Studer stated it was drawn in that direction, but wells could be very powerful, and they could draw the water from all directions. Mr. Studer stated they were not addressing any issues that might come off of the toll road or Cleveland Avenue or anywhere else, but what they were doing was addressing the particular concern that these two gas stations presented some type of risk to the wellfield and so they could put those wells wherever the city wanted them and they would pay for them as well as the installation of them and they would make a written commitment to do that so there could be an additional layer of security. Mr. Studer stated the two above ground storage tanks that were on the other side closer to the golf course could leak at any time or a truck could hit them, or a car could hit them or there could be a spill over there. Mr. Studer stated they were offering the city the opportunity to say they were going to put in some additional monitoring wells that would catch that. Mr. Violi asked if they went through that and if they felt that three would be better, would Casey's be willing to pay for a third one. Mr. Studer stated yes, they would commit to a third monitoring well if the city desired that.

Mrs. Voelker asked if it would be the city's responsibility to test the wells and not Casey's responsibility and if she was correct. Mr. Studer stated that was correct and they would want the city to have the independent authority to verify the wells. Mr. Studer stated it was up to the city to decide when and how often to test them and they would install those at their expense then turn the keys over to the city for that purpose. Mrs. Voelker asked what if Casey's decided this location was not for them anymore and decided to sell the property and it became a McDonald's, would Casey's remove the tanks. Mr. Studer stated Casey's was a growing business and he thought it was because they were considered such a fine operation in the Midwest, but they would have to remove the tanks themselves. Mr. Studer stated any gas station that closed down now had to remove all of the tanks.

Mr. Banicki stated while he was concerned about the drinking water, he was also concerned about Juday Creek and on section 8 page 3, there was a blue section and asked what that lineage was. Mr. Studer stated that part of the floodway for Juday Creek was not Juday Creek per se and it went underground there. Mr. Studer stated it was part of the floodway and this was the first part of the process as they still had to meet with the Juday Creek Task Force. Mr. Studer stated they already had some preliminary discussions with the County Surveyor. Mr. Studer stated Juday Creek from them was on the other side of Douglas Road a four-lane highway but that was part of the original floodway that was designed by the Court of Engineers. Mr. Studer stated their tanks were away from that and their detention areas away from that but they would work with the Juday Creek Task Force as well as the County Surveyor to make sure that issue was addressed and if they did not get rezoning, it did not make sense to have that so that had a couple of steps to go but in their preliminary discussions with the County Surveyor, they did not have a problem because they were on the opposite side of Douglas Road. Mr. Banicki stated it just looked like it ran under the middle of the road actually so they were comparable. Mr. Studer stated Juday Creek actually went under Culvert under that intersection and it did not rise above ground, so you could not see Juday Creek from that corner anymore. Mr. Banicki stated you could see it a little bit towards the golf course. Mr. Banicki stated common sense told him that they were taking a little bit of a risk with one and asked if they kept putting on more and more and more if that would increase the chances that one or more may contribute to contaminating either the wellfield and or Juday Creek. Mr. Studer stated his answer to that was no and if they were dealing with gas stations of 15 to 20 years ago, that new could present a risk and in his career, he cleaned up a lot of tanks and gas stations that were enclosed, sold, or whatever and these new tanks did not leak and it was almost impossible for them to leak. Mr. Studer stated if they did leak, not only would the system automatically shut it down but the way that the system was designed, if the monitors went off and said there was a leak, it actually pulled in and shut all of the systems down, so it did not let things go out. Mr. Studer stated even in a worst-case scenario, the concern would be somebody spilling something as they were filling up their gas can for their mower. Mr. Studer stated as they knew, gasoline was a highly volatile chemical in that it dissipated almost immediately and this was all on concrete, so it was impervious to leaks and anything that did leak, not only did it have to be reported to the Indiana State Department of Environment Management and to Casey's but everything would go to an oil water separator and all that was captured. Mr. Studer stated these systems were overbuilt and it was a good thing that they were overbuilt. Mr. Studer stated his grandfather had a gas station back in the 20s and they would actually take the gasoline and spread it along and would burn fires to it, but they did not do that anymore and they had overbuilt the systems to be as safe as possible. Mr. Studer stated he thought there was more of a risk coming from either the parking lot at the athletic facility with thousands of cars that could have oil leaks or gas leaks. Mr. Studer stated they could not get to the point where there would be zero risk for every eventuality that they made up, but they could say that the EPA felt these were no longer risk and were asking that all new stations installed these type of tanks and truthfully, he had to bend to what the EPA had done and there were lots of studies on this and this was what they wanted to see and were installing in accordance with that. Mr. Studer stated they had to or they would be violating federal law, so they were doing everything they could to mitigate any real-world risk. Mr. Studer stated he could not say with 100% certainty there would never be problems, but he could not say that about anything and all they could do was minimize it. Mr. Studer stated when the city bought the wellfield, Family Express was there and they knew it was going to be there and accepted a risk where they

recognized it was not a risk and he thought there was no reason to shut down Family Express, because they did not pose that risk. Mr. Studer stated if the risk was almost zero there, twice zero was still zero and he was not worried about the risk from the gasoline here or from the tank, or the pipes or anything else. Mr. Studer stated he was not worried about anything that was going to go north. Mr. Studer stated the groundwater on their side of the creek generally went south to the river, so there were competing forces and they were doing everything reasonably possible and beyond to make this a safe project. Mr. Studer stated he did not think they needed the monitoring walls truthfully, but Casey's said if it gave the Council more comfort to do it. Mr. Studer stated let's give the city something in return that they can say, we had the ability to monitor that.

Mr. Carroll asked if when he found it was not in the wellfield but still submitted the application if that was reviewed by the Health Department at all or if they just gave him certification that he did submit it. Mr. Studer stated they actually met with the County Health Department and included their counsel, the head of the County Health Department and also their Senior Director of Environmental Affairs, so they went through the whole process and where they were and they said at the time, it was not in a designated wellhead protection area. Mr. Studer stated there was nothing more to be done with the application and they did not even need to fill out the application in the first place, but they fully expected the city at some point to designate it as a wellhead protection area and followed the procedure anyway. Mr. Studer stated they went back and forth with a national engineering firm, Kimberly Horn and met with them and filled out the eight-page application. Mr. Studer stated they completed that and sent back an email saying the application was complete and accurate and told them that if they built the gas station in conjunction with the application, they would give them the permit even though they did not actually present the permit until the business was getting ready to open, but they said if they did not build it in accordance with the application, they were not going to give them a permit. Mr. Studer stated there was a lot of economic incentive for Casey's to complete the station in accordance with this. Mr. Studer stated this would not be a truck stop, it would be a family store where they sold gasoline, pizza, and other items of that nature. Mr. Studer stated the County was very comfortable with this and they told them that there were a number of gas stations in the county in wellhead protection areas who had never filed a permit but they did not want to go that route. Mr. Studer stated they wanted to be ahead of the curve. Mr. Carroll asked who at the County had eyes on the application and took a look at it. Mr. Studer stated Mark Espich, the Senior Environmental Director for the County Health Department and Marcel Levin, the Attorney for the County Health Department and they all met in a meeting with them and he did not know if the President of the County Health Board, John Linn, was there or not but he knew he communicated with these people and they met in March. Mr. Studer stated they wanted to follow the procedure and they did and the application was approved as complete and accurate. Mr. Carroll asked if the council were to approve this that evening, if there would be any further action that he would have to take with the County or if he felt like he had done his due diligence as far as that was concerned. Mr. Studer stated they were done with the County until they actually completed construction and they would come out and give them the application and see that they complied with everything they said in the application and give them the permit. Mr. Studer stated if they did not build it in accordance with the application then they would not grant them a permit but if they built it in accordance with the application, they would be granted the permit. Mr. Carroll asked if there would be further scrutiny that the County would need to do and certain eyes on it as far as that went and if there was a board that had to look at it to give them

the final approval for the permit. Mr. Studer stated he understood it as there was none but for instance, they asked them where the utilities came from and they were getting Mishawaka Utilities for sewing water, so those were things they looked at and they did not want to see septic tanks and if they had an ongoing septic tank, they would may want to come out and inspect it to make sure the septic tank was not leaking. Mr. Studer stated they were the second largest County for septic tanks in the state and septic tanks leaked probably more than any tank they had in their homes anymore, but they did not have that and they would have city utilities. Mr. Studer stated in fact, he received an inquiry from a high-tech vendor saying they would like to bring additional utilities to this location and they said that they would just see and go through the process first. Mr. Studer stated he did not think the County would have any more input on that because what they were going to build would be in accordance with their standards and the application and it was a standardized wellhead protection permit application and it took them seven weeks to get all of the information that was requested. Mr. Carroll thanked Mr. Studer.

Mr. Mammolenti stated as he understood with how he answered Mr. Carroll's question, the County, after the building was completed, would come to inspect and they had the finally say whether he got the permit or not. Mr. Studer stated that was correct and if they did not have the permit, they could not open.

Ms. Hahn stated he mentioned several times that this was a \$6 million investment and asked if they were to break ground, what the timeframe on the construction from start to finish would be. Mr. Studer stated within 6 months. Ms. Hahn asked if he planned on using local labor as far as the construction jobs were concerned. Mr. Studer stated the jobs would go up for bid.

Mr. Hixenbaugh stated he talked about the conditions with regard to the test wells and his ability to be able to commit on behalf of his client to written conditions that reflected the test wells. Mr. Hixenbaugh stated he knew in the staff report that there were additional rezoning related issues that were addressed on page 4 of the staff report with the first issue being cross access easements to allow for movement between this site and surrounding properties to the east and the south. Mr. Hixenbaugh stated the second was a reference to landscaping and using full cut-off fixtures for site lighting, exterior building lighting, and under canopy lighting given the adjacent residential uses. Mr. Hixenbaugh stated the third made note of the fact that this site was located in an area that was identified as flood fringe and as such, the finished floor of the building and fueling locations would need to be raised to two feet above the hundred year flood elevation. Mr. Hixenbaugh stated he believed that those were the three additional conditions over and above the test wells that he mentioned and asked if he had authorization on behalf of his client to include those in any written commitments. Mr. Studer stated yes and they always expected that they would have to meet those developmental requirements, so they would commit to those as well. Mr. Hixenbaugh stated their past practice had been when there as that type of written commitment, it would be drafted in conjunction with the Council Attorney so he could review it on their behalf and then they would ask the developer to pay for the cost of recording those so that they ran with the land in their record and asked if he was willing to commit to that as well. Mr. Studer stated they would agree to that as well. Mr. Hixenbaugh stated he wanted to go back to a bit of a discussion they had with regard to test wells at the informational meeting and stated with regard to the test wells and asked whether there would be two or three, if he recalled the exchange that they had at the time of the informational if it was not the case that the test wells

would not only have relevance to Casey's and its ongoing operation if approved but also would provide additional layer of protection to Family Express and their current operation. Mr. Studer stated absolutely and not only Family Express and Casey's but there was a maintenance barn for the golf course that had above ground storage tanks with both diesel and gasoline in them and it would also provide protection there as well. Mr. Studer stated with the golf course, after it was purchased by the city, there were a lot of agreements entered into about what types of chemicals and things could be used on a golf course. Mr. Studer stated they could check for anything they wanted that would impact the city wells and there was a whole litany of things under the Safe Drinking Water Act, including a two-page report on the city website about all three of the wellfields meeting requirements and they just wanted to make sure they continued to have clean water for the City of Mishawaka and so they were offering to do that and give the city one more tool they could check whenever they wanted for whatever purpose they wanted and to Mr. Violi's request that they would agree to do three. Mr. Hixenbaugh asked with regard to the test wells when they detected an issue, how did that help them to protect the integrity of the wellfield and the suitability of the water. Mr. Hixenbaugh stated he got that it picked up signs of trouble but asked what did that allow them to do that they would not be able to do without the test wells. Mr. Studer stated it was an early warning system, so you had a one-year time of travel and these, let's just say, were eight months before any water could get to the wells, for instance they were set inside the perimeter and inside the maintenance barn and if there was ever a leak, their system shut down and the state would come in. Mr. Studer stated hypothetically, if there was a tanker crash at Fir Road and Douglas and that went into the creek and also into the groundwater and it started heading towards the well, it gave the city enough time to address that issue and there were all kinds of ways to deal with groundwater contamination that they did not have years ago. Mr. Studer stated this would give the city an opportunity to see where the issues were coming from and why they were seeing this. Mr. Studer stated they just had this issue with the County on behalf of a client where they were seeing high levels of chloride in the individual drinking water and what they thought happened was the person's home water softener failed but it was caught in a way to where they could see there were high levels of chloride and where it occurred. Mr. Studer stated this gave the city and its utilities the opportunity to go back and check whatever chemical it may be. Mr. Studer stated in the old 12th Street wellfield case where they had problems was an issue, because Mishawaka was one of 146 public entities that sued the manufacturer of MTPE, which was a chemical compound put in to increase the octane level of gasoline but they found out it was not necessary so Mishawaka joined with numerous other municipalities and it was settled for \$425 million nationwide and Mishawaka received \$8 million of that. Mr. Studer stated those wellfields were still safe and they were still using those wellfields as far as he knew and the wellfields were still pumping out good water. Mr. Studer stated that was a settlement based on the fact that whoever with MTPE never should have been in the water and the EPA allowed it at the time and never should have been allowed in the gasoline as an additive. Mr. Studer stated it was an anomaly, people paid for it, and it had been cleaned up and it had not been used in decades now. Mr. Studer stated you never knew what the next chemical was going to come from and they wanted to make sure they were giving the city another tool to check that. Mr. Hixenbaugh stated on a related topic, one of the other phrases that he had mentioned in his presentation at the information meeting was that Indiana was a polluter pays state and asked if that was correct. Mr. Studer stated that was correct. Mr. Hixenbaugh asked if he could explain that concept a little more and his understanding was that whomever was identified as the source of the pollution or contamination, they were financially responsible so it

was not a municipality that had the sole responsibility to foot the bill and it was whoever was the identified source of the contamination and asked if that were correct. Mr. Studer stated yes and when the water facility over at the wellfield received chemicals and there was a tanker leak, the tanker was responsible to clean that, not the city and Indiana had adopted something called the polluter pays rule, which stated it was the polluter who paid the bill and whoever was responsible for causing that pollution was directly responsible for cleaning it up. Mr. Studer stated Indiana was the only state out of the forty nine others that had insurance coverage for these types of issues and they dealt with this all the time. Mr. Studer stated Honeywell in the City of South Bend had to pay for an old landfill over at LaSalle Park, because they were the ones who, as far as the EPA was concerned, had caused the contamination. Mr. Hixenbaugh stated and of course, Casey's was a fairly large corporation and had been successful, but it sounded like that financial obligation on the part of Casey's would not be funded solely on their corporate profits but they did in fact have insurance coverage that would pay if there was this type of issue and asked if that was correct. Mr. Studer yes and to his point, when they did a lot of tank cleanup problems and they had a lot of pollution from old gas stations, their biggest problems were the mom and pop stores as they did not have the financial wherewithal to pay for pollution or tank cleanups and they would file bankruptcy and they would have to sell assets to clean it up so they always looked wherever they could to find a corporate client that would clean it up, because they generally had more money than an individual had. Mr. Studer stated Casey's would have the ability to clean up any spill if it did come from them and there were lots of ways to do that. Mr. Studer stated he had cases where you could fingerprint gasoline from a particular station and see where it came from and what it did. Mr. Studer stated a lot of things had changed in the 50 years the EPA had been around about how they dealt with pollution, how they dealt with particularly petroleum but the serious cases now were chemical cases and non-gasoline pollution.

Mayor Dave Wood spoke in opposition to **PROPOSED ORDINANCE NO. 2024-08**. Mayor Wood stated this had absolutely nothing to do with Casey's or Family Express or any other individual operation and this was a land use issue. Mayor Wood stated they would welcome Casey's almost anywhere else in the City of Mishawaka with whatever development they wanted to bring and they understood they were a reputable company but the issue here was, as had happened after Family Express came in, the city purchased property and they could not purchase property without permission and going through government process and coming before the Council and that all happened after Family Express went in and that was when they started their significant investment and studies into putting in a wellfield to service Mishawaka's future. Mayor Wood stated since Family Express went in, they did purchase property and they put in a very significant and generational investment, \$40 million into a new wellfield to service Mishawaka's growth and to also help them with their pressure on the far north side and give them what he called water security for essentially their lifetimes. Mayor Wood stated this was a lifetime investment and this would far outlive all of them and land use was a lifetime decision and it would likely outlive all of them. Mayor Wood stated while they loved Casey's and wished them well, they could sell next year, in 2 years, 10 years, 20 years, 50 years from that time and then who would take their place. Mayor Wood asked rhetorically would the next user of the site have the same level of commitment to protecting the site that Casey's did and started that was what they did not know and again, it was a lifetime decision on land use most of the time until somebody came back to request a rezoning. Mayor Wood stated when he thought about his job, his job was to fundamentally protect health and safety and they made a lifetime investment in

safe and clean water and that was what he was there to speak for and protect that evening and they had had a wellfield that had been contaminated with MTBE and while that facility was not operational anymore, the old Baker Park, they had to abandon the wellfield because of that contamination. Mayor Wood stated the city did join in on a lawsuit and were awarded roughly \$8 million on that but that wellfield was abandoned and they had been there before with gas stations contaminating wellfields in close proximity and the other thing that was changing all the time was federal regulation. Mayor Wood stated they saw it as a moving target and that target was always getting stricter. Mayor Wood stated 50 years from now, who knew what the federal regulations would be and he promised they would not be looser and if they continued to exponentially put risk on their perimeter, he was not comfortable with that. Mayor Wood stated he was not there to speak against Casey's, nor was he there to speak against development but he was there to make sure their lifetime investment in their wellfield was protected. Mayor Wood stated not only was that wellfield designed to serve today, it was designed to serve tomorrow and they may need to expand that wellfield very soon, so they would have more wellheads out there in the near future and a bigger plant if some of the news they had seen came to fruition. Mayor Wood stated these were lifetime decisions and that was what they needed to feel comfortable with that they were making the right decisions for their citizens for a lifetime. Mayor Wood thanked the Council.

Ken Prince, Director of Planning and Community Development, spoke in opposition to **PROPOSED ORDINANCE NO. 2024-08**. Mr. Prince stated he wanted to identify that this was about minimizing risk and there were risks everywhere, they talked about this at the information session and one thing he wanted to say that Mr. Studer referenced was that there were risks potentially from the parking lot and leaking and the asphalt, in his tenure he had demolished many parking lots and there had not been one issue of contamination associated with the parking lots and in terms of the gas stations, he wanted to note that Swifty Gas on McKinley east of the railroad tracks was not owned by the city but their planned expansion of McKinley was impacted by the contamination taking place there. Mr. Prince stated Marathon at the southeast corner of Liberty and McKinley had to buy a home and tear it down and there were two vacant lots immediately south of that because of the contamination that was in the ground, the Sunoco that they bought at the southeast corner of 12th and Union had contamination in the ground that prevented the development of residential on that property. Mr. Prince stated Family Express that they partnered with to get rid of the old Blair Hills Mini Mart, when they built that they had to remediate the ground as part of that agreement because of the leaking tanks at the facility. Mr. Prince stated the gas station at the southeast corner of Main and 4th Street had groundwater contamination that impacted their ability to do excavation for their long-term control improvements that were ongoing and also it was what stopped the library from acquiring property because of what they perceived as an environmental liability on adjacent property. Mr. Prince stated with the Rebel gas station right across from City Hall, Murphy Rice had to put a vapor barrier down because of the gas station leaks and contaminants found and those were all of the examples off of the top of his head of gas stations having issues in the city that had directly impacted them. Mr. Prince stated the other thing he wanted to identify was that Mr. Studer was a very good attorney and he had no questions regarding that and he brought up and concentrated on wellhead protection because he wanted to keep the discussion away from the fact that it was a land use issue. Mr. Prince stated on a land use issue, it was very black and white that this was not a good proposal. Mr. Prince stated in terms of the wellhead, all the County was doing was

following their prescribed ordinance regarding if they met their minimum requirements, they would issue a permit and what they did not see that evening was any evidence regarding them recommending in favor of putting a gas station there and there was no professional expert that came forward and stated that they should move forward with this and heard no testimony regarding that either from the County, the State, or the federal government regarding how close these things should be constructed next to a municipal wellfield. Mr. Prince stated the other thing the city had a history of was directing uses to other sites and for example, with John's Auto Spa, they brought a proposal to the Council regarding a perfectly good proposal but it was adjacent to Juday Creek and the senior living facility that was behind it and the Council astutely recommended that it was a great project but it should find another location and this matter that evening was very similar in that regard. Mr. Prince stated lastly, regarding the findings he thought they were black and white. Mr. Prince stated when Family Express came in, they were aware of the potential that a wellfield could be located on the property, but it was strictly a potential and asked rhetorically if they could imagine him coming before the Council at that time saying they had an idea to potentially put a wellfield there with no standing in terms of an agreement, had no ownership of property and how did they astutely represent that and they did not even know at that point the Council would approve it, but yet he should somehow have standing. Mr. Prince stated this was a black and white difference between now and when Family Express was approved, because of the purchase, the standing, the investment, and the ongoing actions that they had taken as a city to protect that wellfield. Mr. Prince stated they placed restrictions that protected the city's wellfield and with this property, to him it was black and white. Mr. Prince stated the two findings he wanted to concentrate on were the current conditions and character of the current structures and uses in each district, very specifically the proposed change to allow a filling station was not appropriate given that the site was located within the one-year time of travel recently completed by the Juday Creek wellfield. Mr. Prince continued stating underground storage tanks holding large volumes of petroleum products, despite increases made in technology, still posed a potential risk to the Juday Creek wellfield. Mr. Prince stated as he said at the information session, they did not yield monitoring wells when a McDonald's went in and they did not need operating manuals that relied on potential human error regarding a Jimmy John's that would go in that location. Mr. Prince stated there were many uses that could go into that corner that did not have that inherent risk despite the best efforts of the applicant. Mr. Prince stated the finding regarding responsible development and growth he thought was also applicable and specifically that the proposed change to the filling station commercial was not desirable given the site was located within that one-year time of travel for the Juday Creek municipal wellfield. Mr. Prince stated underground storage tanks holding large volumes of petroleum, again despite the increases made in technology still posed a risk to the Juday Creek wellfield and again, they were talking about levels of risk and the risk may not be that great regarding a complete shutdown, but there was still ongoing risk. Mr. Prince asked rhetorically how many 50 year old gas stations they saw in the city and the wellfield would be there for 100 years and they knew from the improvements that Mr. Majewski managed existed for 100 years before it was recently renovated and expanded. Mr. Prince stated the tank at the golf course, an 100 year investment, was just another example of how long they expected the infrastructure to last and he could not tell them a gas station that was currently operating that was over 50 years, but they also knew the fact of how they changed over time and the problems they had to deal with with the abandoned gas stations. Mr. Prince stated he was happy to answer any questions.

Mr. Banicki stated looking at the one-year time of travel, it looked like it went almost to the railroad tracks to the east and asked in his opinion, how far from where this was did they think Casey's would have to move in order to be safe. Mr. Prince stated safe was a relative term, but when you got to the intersection of Douglas and Capital, that was beyond that area and to him that was beyond that perimeter and also logical for a c-store. Mr. Banicki stated that the intersection would have as many or more cars there than what this current proposed intersection would be. Mr. Prince stated that was correct and currently there was no infrastructure at that location, so they knew they had some large proposals that were pending that would potentially bring services to that area but that was a real impediment for any development happening at that corner until those services would be provided but it was on the horizon.

Mr. Mammolenti asked if he agreed or disagreed that the three detection wells would be a benefit to providing additional protection from other elements. Mr. Prince stated part of it was they did not want the additional burden of having the monitoring wells there and it was additional work for the city but Mr. Majewski would have to answer that question even though he knew there was work he had to do regardless of that but ultimately other certain uses did not require monitoring wells and the question would be best for Mr. Majewski.

Dave Majewski, Mishawaka Utilities Water Manager, spoke in opposition to **PROPOSED ORDINANCE NO. 2024-08**. Mr. Majewski stated after years of planning, land acquisition and three years of construction, they had a wellfield and apparatus to run the wellfield here at Juday Creek, with their support. Mr. Majewski stated federal regulations only got tighter for them with the lead and copper rule they could have unfunded mandates there and PFAs was going to be a huge one. Mr. Majewski stated the EPA was also looking at lowering the arsenic level from ten parts per billion down to five parts per billion. Mr. Majewski stated he was a first hand witness when they lost Ward Baker Park and they tested the test wells there and found a leak and that wellfield had to be abandoned, so adding a gas station in a one-year time of travel was not a chance he thought they should take with the significant investment and that was why he was respectfully speaking against this. Mr. Majewski stated Casey's was a great gas station and they had great pizza, but he just thought a better use would be more suited for that area and he would hate to see the same thing that happened to Ward Baker happen there. Mr. Majewski stated he knew the wellhead was a big topic and the preliminary delineation happened in 2016 and the final delineation happened within the year of the wellfield going online and the wellfield had been online for two and a half months. Mr. Majewski stated they data they were collecting now calibrated the model, which they would submit for the wellhead protection area and then the wellhead protection plan would come off of that and that would happen over the next year, so there was never an official plan and pretty much it would roughly come out to what they thought it was. Mr. Majewski stated he would answer any questions.

Mrs. Voelker asked about expansion of the wellfield and if that happened, if he had a vision of what that would look like and if that would increase the one-year time of travel area. Mr. Majewski stated as far as the plans, they were still in the works with that development but with adding more wells, the wellfield currently was capable of producing 8.4 million gallons a day and adding a couple of more wells would help the wellfield produce up to 12.4 million gallons a day. Mr. Majewski stated adding that pull to the aquifer, cone of depression so to speak, could

increase the time of travel and if they added new wells, they would have to do another delineation to see what would happen. Mr. Majewski stated generally speaking, the one-year time of travel probably would not change and basically they were one-year, five-year, or ten-year. Mrs. Voelker asked if they were to put more wells in, would those wells be in the same area that the current wells were in. Mr. Majewski stated generally speaking, yes on the Juday Creek Golf Course those would be added there and they had already looked at spots on the golf course. Mrs. Voelker stated given what Mr. Studer said, there were many ways that contamination could be cleaned up and they referred to the well contaminated in Baker Park and asked why they did not just clean it up if it was a good well. Mr. Majewski stated at that time, they were rehabilitating the Virgil wellfield and the cost to do that could not guarantee a total cleanup.

Mr. Violi asked if they were to develop future wells, it was not necessarily that they would get closer to the Douglas and Fir intersection and they could be built further away and asked if that was an option. Mr. Majewski stated they would not be too far from the wellfield, but they would be generally near that area. Mr. Violi stated in theory, they could be a little further northeast and they would not necessarily be closer and it depended obviously but it was not necessarily going to be closer to the intersection. Mr. Majewski stated the hydrogeology, that was a big part of it and seeing how the aquifer performed in different spots and they did test wells to see where the best spot would be.

Mrs. Hazen asked if he or anybody had any idea of the year time of travel from Mabels to the Family Express on Dragoon. Mr. Majewski stated with their delineation since they were not pumping water out of Mabels, generally it was not in consideration and generally wealth had delineation at their Virgil plant, their Gumwood plant, Juday Creek and Division, the wellhead started there where they were pumping the water and that was where it started. Mr. Majewski stated really for Mabels, if there was a wellfield to go up in the south end of town, then that delineation would take place and Mabels could fall in that time of travel. Mrs. Hazen asked about the Meijer and BP on Bremen Highway by the water tower in Blair Hills. Mr. Majewski stated if they were to put up wells there, they would look into that area but since there were no wells they did not look there. Mrs. Hazen asked for clarification just because there was a tower that did not mean there were wells. Mr. Majewski stated that was correct and above ground storage and in ground storage was a little different.

Mr. Carroll asked if he was aware how many gas stations right now had been allowed to be built with one-year time of travel, he was pretty sure there were two in his neighborhood and asked if there were more than that. Mr. Majewski stated he was not aware of any more than those two but it went back to chance that now if somebody were to do that, he would be before them again saying it would not be a good idea.

Mr. Hixenbaugh appreciated that he and Mr. Prince both worked to provide them with additional information in response to questions and he apologized that the turnaround time was so short and so close in proximity to that evening but sometimes questions arose when they did. Mr. Hixenbaugh appreciated his effort along with Mr. Prince to provide the supplemental information. Mr. Majewski stated it was his pleasure.

Mr. Banicki stated looking at the proposal, he thought that Casey's was a great company, they did well and ran a great operation and he had full respect for Mr. Studer and all the work that had been done there but some days you had to look at things and say it made sense or did not make sense and go with your gut. Mr. Banicki stated to him to risk having the wellfield they had and the development they hoped to have, he could not support the proposal that evening and he hoped everyone understood and hopefully, Casey's would build somewhere in the area at some point.

Mr. Hixenbaugh thanked everyone who made a presentation and because of the nature of this issue, he called Mr. Studer back to the podium to see if there were any additional points he would like to address.

Mr. Studer stated there were a lot of comments made and he had a great deal of respect for Mayor Wood, Mr. Prince, and Mr. Majewski but he had some comments, particularly comments in response to their statements. Mr. Studer stated he was a little surprised that the offer of putting century wells in to protect the city's wellfield at a \$40 million investment was considered additional work and an additional expense of the city, even though they admitted that because of the century type wells at Baker, that was how they discovered the pollution. Mr. Studer stated it was an offer made by Casey's to provide to city with additional protection and if they did not want the wells, they did not need the wells. Mr. Studer stated to his knowledge, every gas station that Mr. Prince mentioned was decades old and he did not mention one station that was built in the last eight to ten years, because they could always find old gas stations and Mr. Prince mentioned, for instance at Dragoon there was no gas station there that was contaminated and as a condition to put Family Express there, they had to clean up the contamination so it was clear contamination could be addressed and cleaned up. Mr. Studer stated a question was raised regarding what would happen if Casey's decided to sell and if that was the case for whatever reason, you still had the new USTs approved by the EPA as well as the century well and nothing would change besides the ownership. Mr. Studer stated it was kind of hard to prove a negative, so they were not going to get the County Health Department to come there and say they thought it was a great project, because that was not their role and their role was to say if it was a designated wellhead protection area, they would look at it and they would determine if it was one and publish that, just like South Bend did. Mr. Studer stated the County Health Department told them that they did not even think it needed a permit because it was not in a wellhead protection area. Mr. Studer stated Mr. Prince quoted from the staff report and the staff report had a pro and a con recommendation and on page five of the staff report, they talked specifically about the fact that when in favor of this project that it did not pose a substantial risk to the Juday Creek wellfield, because of the increases in technology, the petroleum storage tanks had been made safer over time. Mr. Studer stated it was the most desirable use, because of this was the hard corner of two heavily traveled roadways. Mr. Studer stated the proposed change, the fueling station commercial, was desirable given there was already a fueling station convenience store located at the northwest corner of the intersection, Family Express. Mr. Studer stated when he looked at the recommendations he made for Family Express and looked at these recommendations he made in the favorable recommendation staff report, they lined up directly. Mr. Studer stated they understood there was a \$40 million investment and he wanted their water protected too and he thought it was very important. Mr. Studer stated this was what he did for a living and he would never bring a project to the City of Mishawaka that he thought would

present any type of reasonable harm to the city, its citizens, or its water supply. Mr. Studer stated with 12th Street, Mr. Prince mentioned they permitted Family Express before purchasing the wellfield and that was true, but three years prior they knew they were looking at a wellfield in the area and when Family Express came, for three years the city had been looking for somewhere to put a wellfield. Mr. Studer stated when Family Express came, it would have been the simplest thing to say they were not in favor of it because they were proposing, negotiating and thinking about putting a wellfield in and one-year time of travel. Mr. Studer stated one-year time of travel was amorphous and Mr. Violi's questions were well taken as depending on where they would put the wells, it could change the one-year time of travel and it could move it north several hundred feet but they did not know yet. Mr. Studer stated for them to deal with an amorphous line that may or may not move or had moved and by the way, it was not delineated and not something that had been submitted that had been submitted to any state agency or county agency yet and their best guess was to where they thought the one-year time of travel was. Mr. Studer stated they believed that was a contrary factor and water went south to the river, particularly on that side of Juday Creek and Douglas Road. Mr. Studer stated there were a lot of comments made and he would be happy to answer any more questions but they believed in protecting the wellfield too and they did not think anything they were proposing that evening put any risk on the wellfield.

Mr. Hixenbaugh appreciated the presentations and the information on both sides and for him, it was understandable that the initial reflex was to always err on the side of protecting their water supply and the wellfield, particularly because of the good work the administration had done in conjunction with the Council to invest in that area and pave the way for future development in Mishawaka and a great deal of that credit went to Mayor Wood, Mr. Prince, and Mr. Majewski. Mr. Hixenbaugh stated that was an understandable initial reaction but there were certain elements of what had been presented to them that he continued to struggle with. Mr. Hixenbaugh stated the first was the discussion of risk, which was very well taken. Mr. Hixenbaugh stated that was in his mind, a critical concept in this instance and it was alluded to earlier that risk was really not an absolute and there were degrees of risk and there were degrees of risk we all assumed every day, so it was fair to bring up that risk in his opinion but what he struggled with was not being able to quantify it. Mr. Hixenbaugh stated it seemed as though that there was an analysis of the risk that was posed by Family Express when they built the wellfield and he had no doubt the city did its due diligence and looked at that in the proper context, but that appeared to be a risk that was deemed as being allowable and acceptable based upon the fact that they went forward and developed the wellfield. Mr. Hixenbaugh stated they struggled with not having a solid and more quantifiable level of risk to hang his hat on there and on the flip side, he did think that Casey's had met its burden of showing that within the bounds of modern technology and beyond that they had planned and would continue to plan around the risk and they met the burden of responsible development. Mr. Hixenbaugh stated the other thing that he struggled with was the pure geography of what they were talking about there and he struggled with the fact that they had another gas station that was directly catty corner from the parcel they were talking about there. Mr. Hixenbaugh stated what worried him was that as well taken as some of the arguments were, and he believed everyone had made arguments in good faith and appreciated that on behalf of all involved, but it was a fact nevertheless that they had a gas station on one corner and now they were being asked to turn down a gas station on another corner and to him that felt arbitrary and it opened the door to potential litigation. Mr. Hixenbaugh stated whether or not there would be litigation, it was incumbent upon the Council to try to be fair and not make

arbitrary decisions and while he could understand the argument on the other side, he was fixated on the fact that there was the other gas station in close proximity. Mr. Hixenbaugh stated to him, it felt as though it would be arbitrary to draw the line at one and only one gas station in that vicinity, particularly because he thought that an unintended consequence was with the development of the Fieldhouse and the other development that they anticipated would take place there, an unanticipated consequence there would be Family Express got a significant advantage with regard to servicing those vehicles coming to the Fieldhouse, that they hoped, if it would be successful. Mr. Hixenbaugh stated it did not feel fair and that was not anyone's intent, but that was just an unintended consequence of what would result if they would turn this down. Mr. Hixenbaugh stated he probably could work through those two concerns and reconcile himself in voting against it, but as the wellhead protection ordinance was raised at the informational meeting, he had to go back and refresh his memory with regard to the wellhead protection ordinance and when it was mentioned that it was passed in 2004, there were three of them still sitting on the Council involved in passing that and he only knew that because he went back and checked the minutes to refresh his memory. Mr. Hixenbaugh stated Mr. Emmons, Mr. Banicki and himself were on the Council and Mayor Wood sat there as well and the minutes refreshed his memory that the action that was taken to create their wellhead protection ordinance came to them as the result of a recommendation from their Mishawaka Utilities, Phil Miller who was the General Manager of the Mishawaka Utilities at the time, presented the ordinance to them and recommended they approve it and in relevant part the minutes said, Mr. Miller said that the County already enforced South Bend, Walkerton, etc. and it would be in everyone's advantage and put everyone on the same level playing field. Mr. Hixenbaugh stated there was a recommendation from the administration to adopt the wellhead protection ordinance as it read that day. Mr. Hixenbaugh stated when he looked more closely at the ordinance, not only did they approve a relationship with St. Joseph County government but the ordinance they passed literally said that they adopted the St. Joe County wellhead protection ordinance, so everything that was in their ordinance by virtue of what they did in 2004, they incorporated that by reference and he did not recall looking at the time but when he looked at the St. Joe County ordinance, it was fairly elaborate. Mr. Hixenbaugh stated it went beyond some of the points that were made and there was an advisory committee that was comprised of geologists and other folks of the scientific background and there was appointment by governmental entities, including the City of Mishawaka which had an appointment. Mr. Hixenbaugh stated he did not have any first hand knowledge of it but it had a certain structure to it that appeared to make sense in 2004 and still was incorporated in their own ordinance. Mr. Hixenbaugh addressed Mr. Prince's point because it was well taken and he could understand his argument that it was a separate issue from the land use matter in front of them and where he saw it come together was in that fifth condition that was in the statute with respect to determining the proposal, if it was approved, constituted development and growth and to him, that concept was so broad and all encompassing that that sucked into that analysis the wellhead protection ordinance and there may be a good argument to be made with regard to whether or not the relationship with the County was in Mishawaka's best interest but it was the rule at that time and until and unless they would change that rule, he felt compelled to pay some attention to it. Mr. Hixenbaugh stated he struggled with that element of it and if what they did in terms of the land use issue, disposed of the wellhead protection component before it ever got to the County to be dealt with and analyzed in terms of wellhead protection, then to him they were writing out of existence the wellhead protection ordinance before it ever had the chance to be implemented, so he struggled with that. Mr. Hixenbaugh

stated so again, while he thought that there were really good arguments on both side of the equation there on balance balance as he worked through it, he was going to support the proposal based upon the proposals that had been made with regard to honoring the commitments that were made, but regardless of what the outcome was there that evening, his hope would be they could engage in a conversation, the Administration and the Council, with regard to that current wellhead protection ordinance and as they were working through the comprehensive plan process and working through their zoning ordinances and maybe even before, take a look at whether there was some enhanced protection for all of their wellhead areas that they needed to consider. Mr. Hixenbaugh asked rhetorically if they would have a better outcome if they could articulate within their zoning ordinance and enhance protection for those wellfields so that before someone had to engage in this process, they could provide some notice and have an opportunity for that to be known. Mr. Hixenbaugh stated he would like to see them engage in that conversation to see if it made sense and revisit their relationship with St. Joseph County government as well but subject to that taking place in the future, he would be supporting the proposed ordinance that evening.

Question was called for at 7:32PM for **PROPOSED ORDINANCE NO. 2024-08 Motion passed by unanimous roll call vote (summary: Yes = 6, No = 3).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.

No: Mr. Banicki, Mr. Emmons, and Ms. Hahn. The proposed ordinance passed 6-3, thus it became **ORDINANCE NO. 5890.**

PROPOSED ORDINANCE NO. 2024-17

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2024

Additional Appropriation: CEDIT – Repairs and Maintenance 2209-50-436-02: City Maintenance, City Hall elevators - \$ 250,000.00 Battell Park Band Shell - \$500,000.00, \$750,0000

Mr. Emmons reported the Committee of Budget & Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Ken Prince, Director of Planning and Community Development, spoke in favor of **PROPOSED ORDINANCE NO. 2024-17**. Mr. Prince stated the two additional appropriations, one being for \$250,000 for city hall elevators. Mr. Prince stated as they identified in the description that was forwarded to the Council, when they purchased the building they had an elevator inspection. Mr. Prince stated the inspection revealed they were reconstructed in 2008 and they were expecting 20 years out of the elevators and did not get them and the reconstruction was only the mechanical equipment, so you would notice no difference on the exterior or the inside of the cab as part of the reconstruction. Mr. Prince stated the mechanical, as they had been told by their maintenance vendor had to be reconstructed at that time, so they were hopeful to get 20 years out of them but the reason they did not rebuild them at the time City Hall was done was because they were hoping for additional time because of that cycle and did not want to incur the additional cost. Mr.

Prince stated also, they knew that that reconstruction was independent of the remodel, so it was not dependent on something happening inside of the building for it to occur. Mr. Prince stated the second additional appropriation was for the Battell Park Band Shell. Mr. Prince stated a number of years ago, they encountered leaking and had cracked limestone in the facility and had it inspected and it was not deemed dangerous to the public. Mr. Prince stated they then had trouble finding masonry work and ended up working with Weigand based on their relationship with other projects and they did an inspection including drone footage of the issue and they were hoping they could merely contract with them to complete the work, but they identified the work was more detailed and internal and not a quick fix, so they needed to hire an architect to put together a scope to bid. Mr. Prince stated they then contacted DLZ who prepared specifications and took the project out to bid, they received bids for the project with the bids being identified as roughly in the \$420,000 range. Mr. Prince stated they had asked for \$500,000 specifically because they knew with the historic building and with the water damage, it would be routine to keep at least 10% additional because of additional work that you may encounter when you opened it up and also for additional funds to provide for the construction oversight. Mr. Prince stated he would answer any questions.

Mrs. Voelker asked with the City Hall elevators, he said there was an inspection done at the time of the remodeling of City Hall and if the report told them if they had another eight years. Mr. Prince stated no and he believed the report said that the condition was marginal and it was not identified in great condition either as it had been reconstructed in 2008 and their understanding was that the lifespan was roughly 20 years. Mrs. Voelker asked regarding the bandshell, who did the work on the bandshell 25 years ago. Mr. Prince stated he believed Ziolkowski did the construction if he remembered correctly and DLZ did prepare the plans for the reconstruction at that time. Mrs. Voelker asked why it happened. Mr. Prince stated it was not clear if there were some of the seals leaking between the copper or not or if it was only the internal drainage structure where it connected to the building, but in any event it all had to be pulled out in order to be replaced. Mrs. Voelker asked if it had nothing to do with any kind of construction flaw or a repair flaw that occurred with the structure. Mr. Prince stated not that he identified but they did identify different alternate roofs that go on the structure and they decided not to even pursue them because of the historic nature of the structure and they wanted to replicate it in kind because again, if another alternative was going to be better they wanted to consider it, but because of the historic significance of the structure they did not pursue it.

Mr. Hixenbaugh appreciated the work that went into this and both were important projects that definitely were worthy of maintenance and being saved. Mr. Hixenbaugh asked with regard to the funding source, the Controller mentioned in her cover letter that the funding source was a supplemental distribution of funds received in May, some option income tax money and he recalled this was referenced in the financial update that they received from Baker Tilly recently but off the top of his head, did he know how much in total they received as part of that supplemental distribution. Mr. Prince apologized to Mr. Hixenbaugh and stated he did not know. Mr. Hixenbaugh stated it was no problem and he would follow up with Madame Controller. Mr. Hixenbaugh asked with regard to the bandshell then, if this expenditure would address not only the problem that was front and center but would it also address other issues that would help them preserve the longevity and historical integrity of the bandshell or should they anticipate that there were always going to be unforeseen issues with the bandshell and they may well receive a

request to fund other projects in the future. Mr. Prince stated in the short term, in the next five years, he would not expect an additional appropriation for the bandshell unless something happened that they were currently not expecting.

Question was called for at 7:40PM for **PROPOSED ORDINANCE NO. 2024-17 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.

The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5891.**

PROPOSED ORDINANCE NO. 2024-18

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

PUD Amendment to allow a Third Drive-Thru Restaurant and reduction of Parking space – Vacant Lot S, of 3625 Bremen Hwy

Mr. Mammolenti reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Robin Urpso, Watermark Engineering 2631 Gingerwood Parkway Aurora, Illinois 6052, spoke in favor of **PROPOSED ORDINANCE NO. 2024-18.** Mrs. Urpso stated they were the civil engineers for the Starbucks project and they were present to request an amendment to the PUD to allow for a drive-thru for the Starbucks building as well as a reduction in the required parking spaces from 34 to 24 as currently shown on the latest site plan submitted. Mrs. Urpso stated she was there as well as a representative from Starbucks if there were any questions,

Mr. Hixenbaugh stated the staff report indicated that their Engineering Department became aware that the retention basin that was on site to handle the runoff from both Wendy’s and the site in general was not functioning as was intended and initially, there was some consideration of tabling this that matter was resolved, but the Administration decided to recommend they move forward with the amendment and then ask to have that addressed and he could appreciate their willingness to work with them on that, but he wanted to hear from her directly on the fact that if she agreed the retention basin was not working as designed and intended. Mrs. Urpso stated they agreed it was not functioning as intended and they had obtained some additional geotechnical reports as well as they just recently obtained as built topography of the basin from the general contractor, so they were looking at all of those things at that point in coming up with a proposal prior to the construction of the Starbucks and they had been working directly with the Engineering Department on those proposals. Mr. Hixenbaugh asked if she could be more specific in regard to when that issue would be resolved or if it was too soon to tell based upon all of the engineering that needed to take place. Mrs. Urpso stated she would imagine they would have a proposed planned to the city engineers sometime next week and they were looking to resolve this as soon as possible and they would go ahead and get their feedback and then it was their understanding that the city wanted them to address this from a construction standpoint as quickly

as possible prior to getting the approval of the engineering of the Starbucks and that was their intention. Mr. Hixenbaugh stated he appreciated that and he appreciated the due diligence of the city staff to raise this issue but he asked her if she was privy to the information that would help him understand how it took this request and the intervention of the city staff for them to address this before she and the underlying land owner addressed it themselves. Mrs. Urpso stated it was a matter of they were working with the city staff and they were informed that they were not allowed to outlet the basin due to the storm surge with them on Bremen Highway and therefore, it was designed with no outlet and it was designed for the criteria in the ordinance and the issue was the overflow path for it. Mrs. Urpso stated the pond was overflowing more frequently than anyone suspected because it was thought there would be some sort of seepage through their soil and there was no seepage through the soil whatsoever so the pond was functioning as designed, but it was overflowing more frequently because they were not getting any sort of infiltration through the existing soil in that area. Mrs. Urpso stated what they were proposing now was providing infiltration for the basin along with an emergency overflow outlet to Bremen Highway as allowed by the city engineers and approved by the city engineers. Mr. Hixenbaugh appreciated the information and her willingness and the point of her client's willingness to work with the Administration but at the risk of stating the obvious, he thought that they all would hope that she would continue to work with them and that if this was approved, that the expansion of the use on the site would not result in further drainage problems and issues with the retention basin but it sounded like they were moving forward with identifying a remedy and he appreciated that.

Question was called for at 7:44PM for **PROPOSED ORDINANCE NO. 2024-18 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.

The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5892.**

PROPOSED ORDINANCE NO. 2024-19

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

**Annexing and Establishing Zoning as R-1 Single Family – East side of Fir Road across
from Preserve Apartments, extending to Clover Road**

PUBLIC HEARING – NO VOTE

They were proposing a residential development on this 19.45-acre site and this would be consistent with the surrounding developments there and he would answer any questions.

Mark Weaver, representing the developer, spoke in favor of **PROPOSED ORDINANCE NO. 2024-19.** Mr. Weaver stated they were proposing a residential development on this 19.45-acre site and this would be consistent with the surrounding developments there and he would answer any questions.

Mrs. Voelker asked about the plan that was provided and if he could tell them if they were standalone homes or duplexes. Mr. Weaver stated there were standalone homes, specifically residential villas, over 2,000 square feet each. Mrs. Voelker stated they looked tightly packed and asked what would happen on the interior square of land. Mr. Weaver stated that it would be developed for stormwater drainage and it would be some sort of green area. Mrs. Voelker asked in terms of stormwater as the developer developed the property, you would be able to determine if there were areas you needed to put retention ponds or things like that and that would happen over time and asked if that was correct. Mr. Weaver stated that was correct and believed remotely that Matt Birch from Birch Frank and Associates was with them also and he may be the one to address that better than him. Mrs. Voelker asked if he had any idea what a price would be for the villas. Mr. Weaver stated the range was going to be between \$450,000 and \$600,000. Mrs. Voelker asked how many units there would be. He stated 54 units.

Matt Birch, Birch Frank and Associates 811 Lawrence Drive Fort Wayne, Indiana, spoke in favor of **PROPOSED ORDINANCE NO. 2024-19**. Mr. Birch stated based on staff review, they were recommending approval of this annexation and rezoning. Mr. Birch stated it was consistent with adjacent land and in their opinion, it was the highest and best use of the property and it was also consistent with the comprehensive plan that Mishawaka put together in 2000 that recommended the use of this property to be low density residential. Mr. Birch stated what they had before them that evening was a plan that was just a concept before the project actually came to fruition and a lot more design engineering would need to occur. Mr. Birch stated they had already received a few preliminary comments from the Planning staff that they needed to address, but what they were seeing on paper was how it might look and they received some feedback from the neighboring properties to the east and they likely needed to consider a traffic study to see if the county road known as Clover Road could even handle a second entrance. Mr. Birch stated those were things that they had to address and planned to address through the development process and that evening was just about rezoning the property and annexing the property into the city. Mr. Birch stated he would be happy to answer any questions.

Mr. Mammolenti asked if he could confirm that his client would pay for and conduct a traffic study. Mr. Birch stated they had the ability to do it in-house and that would be part of the development.

The public hearing was closed on **PROPOSED ORDINANCE NO. 2024-18** and consistent with the requirements of Indiana law they would not be taking a vote that evening, but rather the matter would be acted upon at their next regularly scheduled council meeting.

NEW BUSINESS

Mrs. Hazen invited everyone to the Food Pantry Garden to harvest some lettuce and other good greens that were ready to be harvested.

ADJOURNMENT 7:55PM

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

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

These minutes are a summary of actions taken at the Mishawaka Common Council meeting. The full video archive of the meeting is available for viewing at www.youtube.com/@cityofmishawaka635 for as long as this media is supported.



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

Deborah S. Block, IAMC, MMC

JUL 07 2024

City Clerk
Mishawaka, IN

July 10, 2024

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
July 9, 2024, Public Hearing

Honorable Members:

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

APPEAL #24-25 An appeal submitted by MCC Self Storage LLC & Morris Sales, Inc requesting a Use Variance for 940 E Twelfth Street, Mishawaka, IN, to allow for two permanent storage containers for fireworks.

The Board, with a vote of 2-1 (Tordi), provided no recommendation.

APPEAL #24-27 An appeal submitted by John C Sr & Rosemary Shea Trust requesting a Use Variance for 314 Cleveland Road, Mishawaka, IN, to allow Tattooing Services.

The Board, with a vote of 3-0, recommended approval.

Respectfully,

Donna M Burkart

Donna M Burkart, Administrative Planner
Secretary, Board of Zoning Appeals

STAFF REPORT

Location: 940 E Twelfth Street (Morris Sales, Inc)/1010 S Merrifield (MCC Self Storage) Date: July 9, 2024

Appeal: 24-25

Prepared By: CH

GENERAL INFORMATION

Applicants: MCC Self Storage LLC & Morris Sales, Inc./Joshua A Visser, Soppo, Nussbaum, Inabnit & Kaczmarek

Status: Property Owners/Legal Counsel

Request: Use Variance for up to two outside storage containers for fireworks

Zoning Classification: C-1 General Commercial

Lot Size: 7.95 Acres

Applicable Regulations: Section 137-301 C-1 Uses
Section 137-42 (4) Board of Zoning Appeals Use Variance, Indiana Code 36-7-4-918.4

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (Ozark Pawn Shop)
South: I-1 Light Industrial (LKQ Refinish Mishawaka & Jackel, Inc)
East: I-2 Heavy Industrial (Builders Iron Works)
West: C-7 Automobile Oriented Restaurant Commercial (vacant)

Thoroughfare: E Twelfth Street and S Merrifield Avenue

Council District: 2

School District: School City of Mishawaka

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identifies the area at the corner of S Merrifield Ave. and E Twelfth St. as General Commercial.

ANALYSIS

Morris Sales, Inc., a fireworks retailer, is located in the southeast corner of the building at the corner of S Merrifield Ave. and E Twelfth St. Each owner owns their building, and has split ownership of the parking lot/common areas. The address of 940 E Twelfth Street was reactivated in 2018. Last year, the owner reached out to the Planning Department about the use of storage containers for additional storage, particularly around the 4th of July holiday. There are other retailers, who receive transient merchant licenses to operate in parking lots, who are allowed to keep their fireworks supply in storage containers. However, we have not permitted this as a permanent solution in commercial areas.

Storage in accessory buildings is not allowed in commercial districts per Section 137-302 (5) c. Outside storage is only permitted as a conditional use in I-2 Heavy Industrial. Previously, storage containers have

been approved at Big Lots and Dunham's in the Town & Country shopping center, and Dick's Sporting Goods in Princess City Plaza, and Hobby Lobby in Wilshire Plaza.

The Appellant is requesting to have a maximum of two 8' wide x 40' long x 9.5' tall storage containers on the east side of the main building at 1010 S. Merrifield, which is on property owned by the neighbor MCC Self Storage LLC, who also signed the application. The storage containers would be used for additional fireworks inventory.

In an attempt to screen the site from the traveling public along Twelfth Street, the Appellant has agreed to install slats in the existing chain link fence facing south.

The initial proposed location of the storage containers was shown to block Fire Department access. The Fire Marshall states the storage containers must be 10' from the building and allow 15' of pavement for fire truck access. There were three configurations provided by Fire of appropriate locations. 1) Front to back against the truck dock retaining wall; 2) side by side in the truck dock ramp; or 3) side by side against the property line, behind the building. Planning staff prefers location #3. If the variance is approved, an Improvement Location Permit will need to be issued to identify the placement of the containers.

The storage containers shall not be stacked. There shall be a 10' maximum height. The Fire Department requires the containers be labeled as "explosives".

The Building Department is requesting State Fire Marshall approval, state permit, and local permit.

Other pertinent City departments have reviewed and approved the request. We did receive a letter of remonstrance from the neighbor to the east, Builders Iron Works, Inc.

RECOMMENDATION

The Staff recommends in favor of Appeal 24-25, a Use Variance to allow outside storage in two containers behind 1010 S. Merrifield, for the business located at 940 E Twelfth St., subject to:

- 1) Installing slats in the existing fence facing south, between the building and the east property line;
- 2) The storage containers shall not be stacked. There shall be a 10' maximum height.;
- 3) The containers shall be labeled as "explosives";
- 4) All State and local permits are received;
- 5) The location of the containers shall insure required fire access; and shall be moved at anytime at the direction of the Fire Marshall.

This recommendation is based on the following reasons per Indiana Code 36-7-4-918.4:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because, with the location being behind the building in the service area, the proposed use will have little to no additional impact on the adjacent commercial uses.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the fence is being modified to help screen the view of the containers.
3. The need for a variance arises from the small size of the location, and the lack of storage space indoors.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would not be the highest and best use for the shopping center by allowing the more intense uses of that district.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies this intersection as General Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Photographs of Site, Petition, Site Plan, Fire Department Locations, Letter of Remonstrance, Location Map



Yellow outline = location of business
Blue oval = location of storage containers



P1. Front of 1010 S. Merrifield, operating as MCC Self Storage (facing west)



P2. Side of 1010 S. Merrifield, and front of 940 E. Twelfth (facing south)



P3. Front of 940 E Twelfth St., operating as Morris Sales (south facing)



P4. Current location of one storage container (south facing)

STAFF REPORT

Location: 314 W Cleveland Rd

Date: July 9, 2024

Appeal: 24 27

Prepared By: SA

GENERAL INFORMATION

Applicant: SHEA JOHN C SR & ROSEMARY REVOCABLE LIVING TRUST JOHN C & ROSEMARY TRUSTEES UND 1/2 INT / Danielle Rzepka

Status: Property Owner / Tenant

Request: Use Variance to allow for tattoo studio

Zoning Classification: C-2 City Shopping Center Commercial

Acreage: 4.68

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance, Section 137-326 C-2 Shopping City Center Commercial Uses, Indiana Code 36-7-4-918.4

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated Saint Joseph County (Residential)
South: S-1 Extensive Open Space (Saint Joseph Valley Memorial Park)
East: S-2 Planned Unit Development (Grandview PUD)
West: C-5 Neighborhood Commercial (Everwise Credit Union)

Thoroughfare: W Cleveland Rd

Council District: 6

School District: South Bend Community

Township: Clay

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The Appellants are requesting a Use Variance to expand its current services to provide fine line micro tattooing. The tenant, Danielle Rzepka, was approved for microblading at 6910 North Main Street (University Gardens) in April 2019. The City of has recently changed the ordinance to allow microblading anywhere a beauty shop is allowed. The tenant has since moved and now micro tattooing would be an additional service to microblading/permanent makeup. The property is a tenant space located in Centennial Place shopping center on West Cleveland Road. It is surrounded by unincorporated Saint Joseph County (residential) to the north, S-1 (Cemetery) Extensive Open Space to the south, S-2 (Grandview) Planned Unit Development to the east, and C-5 (Everwise) Neighborhood Commercial to the west. The tenant, will be required to obtain all necessary licenses from the City and the County Health Department prior to opening the business. All pertinent City departments have reviewed and approved.

RECOMMENDATION

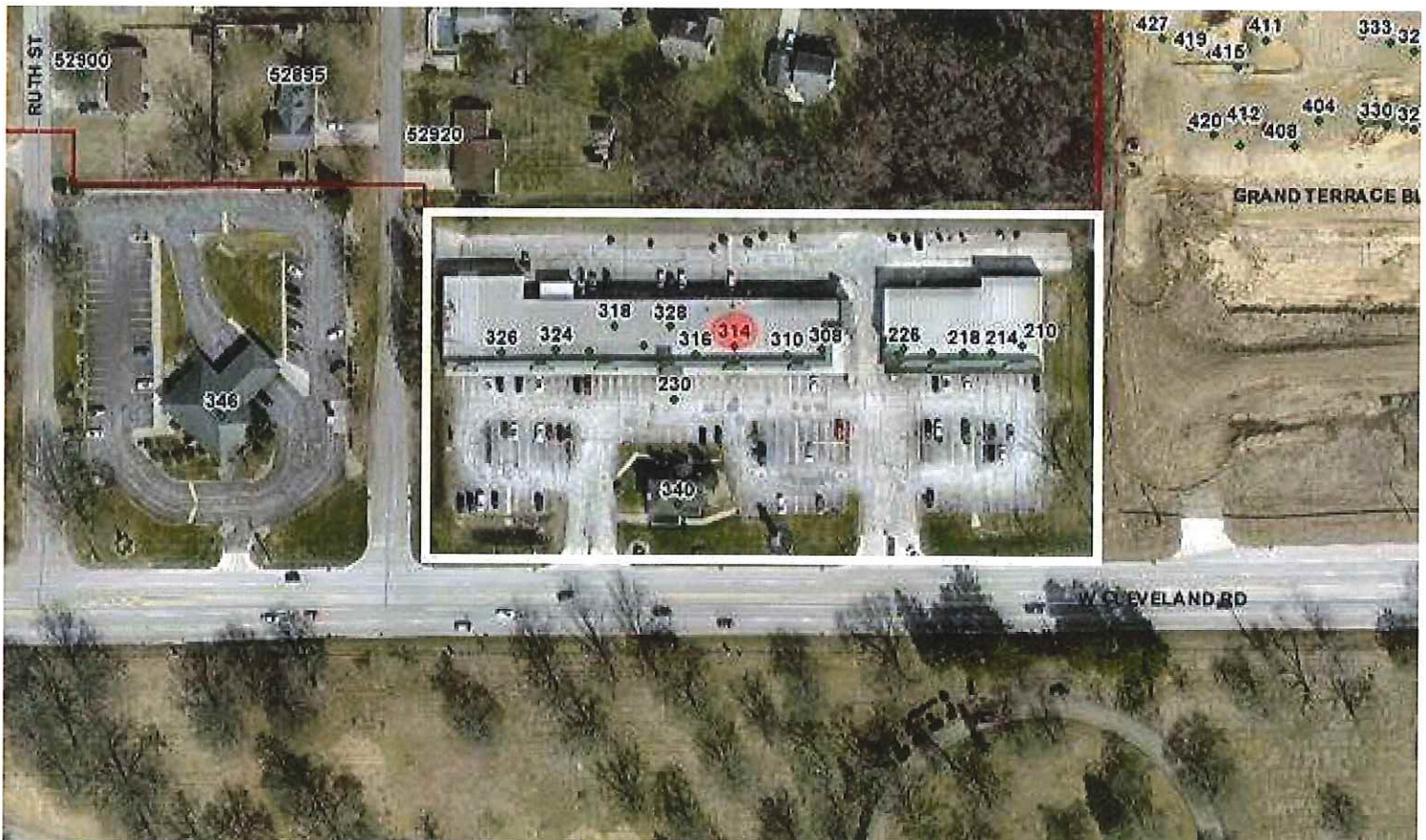
The Planning Staff recommends approval of Appeal #24-27 to allow for a micro tattooing at 314 W Cleveland Rd.

This recommendation is based upon the following findings of fact *per Indiana Code 36-7-4-918.4*:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties are zoned for a variety of commercial uses.
3. The need for the variance arises from some condition peculiar to the property in that Tattoo is a Use Variance or Conditional Use regardless of the underlying zoning.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for specific uses within commercial zoned properties;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

ATTACHMENTS

Aerial, Photographs, Appeal, Location Map



Aerial



Northeast facing from the parking lot



North facing from the parking lot



Northwest facing from the parking lot



Northeast facing from the parking lot

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

JUL 10 2024

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2024 -20

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5868 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2024.

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

Section 1. Ordinance number 5868 passed by the Common Council of the City of Mishawaka, Indiana, on the 16th of October 2023 is hereby amended as follows:

POLICE DEPARTMENT:

BIWEEKLY

SERVICES DIVISION DIRECTOR

\$2,692.31

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

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

this _____ day of August 2024 at _____ o'clock, __. m.

Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of August 2024, at _____ o'clock,
_____ m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of August 2024, at _____ o'clock, _____ m.

David A. Wood, Mayor



CITY OF MISHAWAKA



Police Department
100 Lincolnway West
Mishawaka, IN 46544

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

July 15, 2024

Mishawaka Common Council
Mayor Dave Wood

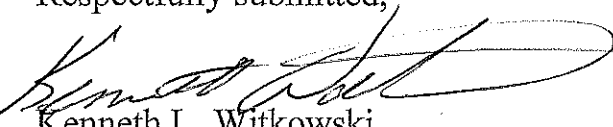
Re: Service Division Director

Mr. President and Honorable Council Members:

The Mishawaka Police Department would like to present to the Council for approval a request to convert the Division Chief of Services position to civilian status and change the title to Services Division Director.

The salary will be \$70,000 which is a reduction from the current pay of \$96,500. An additional benefit is to allow the MPD to utilize sworn personnel more efficiently to serve the public.

Respectfully submitted,


Kenneth L. Witkowski
Chief of Police

RESOLUTION NO. 2024-14

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

55770 Fir Road & 55721 Clover Road, Mishawaka, IN 46545 – East side of Fir Road approximately 1,200' north of E. 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 Planning and Community Development 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 Planning and Community Development 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:

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL II: BEGINNING AT A POINT WHICH IS 1231.2 FEET EAST OF AND 1442 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION NUMBERED TWO (2), TOWNSHIP NUMBERED THIRTY-SEVEN (37) NORTH, RANGE NUMBERED THREE (3) EAST; THENCE NORTH 240 FEET; THENCE WEST 373.27 FEET; THENCE SOUTH 240 FEET; THENCE EAST 371.59 FEET TO THE PLACE OF BEGINNING, BEING LOT NUMBERED THIRTY (30) IN THE PLAT OF WILLIAMS SULT'S BABY FARMS INCLUDING THE ADJACENT CLOVER ROAD RIGHT-OF-WAY.

COMMON ADDRESS: 55770 FIR ROAD & 55721 CLOVER ROAD, MISHAWAKA, IN
46545

Section II. Following the review of documents prepared by the Department of Planning and Community Development 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 _____, 2024, at _____ o'clock __.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,

2024, at _____ o'clock __.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____ 2024, at
_____ o'clock __.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

July 10, 2024

Dale Emmons, 1st District City Council
Matt Carroll, 2nd District City Council
Lou Ann Hazen, 3rd District City Council
Kate Voelker, 4th District City Council
Anthony Violi, 5th District City Council
Ron Banicki, 6th District City Council
Gregg Hixenbaugh, At Large City Council
Matt Mammolenti, At Large City Council
Lacy Hahn, At Large City Council
Deborah S. Block, City Clerk

Deborah S. Block, AMC, MMC

JUL 10 2024

City Clerk
Mishawaka, IN

Re: Fiscal Plan and Approving Resolution for proposed Ordinance to Annex and Zone property into the City of Mishawaka: 55770 Fir Road & 55721 Clover Road– East side of Fir Road approximately 1,200' North of E. McKinley Avenue

Dear Council Members and Clerk:

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

Prior to preparing 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 required 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 in a pocket of unincorporated area immediately adjacent to existing City limits, and that the developer is responsible for installing, and if necessary extending, all utilities to the site and constructing any required improvements within the public right-of-way, no additional expenditures are anticipated at this time.

Staff will present a brief summary of the plan and be prepared to respond to questions at the Common Council meeting on July 15, 2024.

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

Sincerely,

Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor

Deborah S. Block, AMC, MMC

JUL 10 2024

City Clerk
Mishawaka, IN



City of Mishawaka

*Robert P. Loudin, Trustee of the Robert
P. Loudin Revocable Trust 55770 Fir
Road & 55721 Clover Road Annexation*

*Property located East of Fir Road
Approximately 1,200' North of
E. McKinley Highway*

July 2024

Prepared by:
City of Mishawaka
Department of Planning & Community Development
100 Lincolnway West
Mishawaka, IN
46544-2011

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

$$f(x) = \frac{1}{2} \left(1 + \frac{x}{\sqrt{1+x^2}} \right)$$

$$f(x) = \frac{1}{2} \left(1 + \frac{x}{\sqrt{1+x^2}} \right)$$

$$f(x) = \frac{1}{2} \left(1 + \frac{x}{\sqrt{1+x^2}} \right)$$

**ROBERT P. LOUDIN, TRUSTEE OF THE ROBERT P. LOUDIN REVOCABLE TRUST
EAST OF FIR ROAD APPROXIMATELY 1,200' NORTH OF E. MCKINLEY HIGHWAY
ANNEXATION FISCAL PLAN**

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Annexation Fiscal Plan

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

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COMMON ADDRESS: 55770 FIR ROAD & 55721 CLOVER ROAD, MISHAWAKA, IN 46545

TAB A- CITY OF MISHAWAKA **ANNEXATION POLICY**

CITY OF MISHAWAKA ANNEXATION POLICY

GENERAL POLICY

The City of Mishawaka recognizes that as the population of St. Joseph County grows and development trends change, there will be a continuous demand for infrastructure and urban services provided by cities such as Mishawaka. Infrastructure includes, but is not limited to, water, sanitary sewer, electric, and transportation. Urban services include, but are not limited to, police, fire, and emergency medical services. With a stable tax rate, low crime rate, outstanding public schools, and strong neighborhoods, the City of Mishawaka is a livable community where families and businesses desire to locate. The expansion of infrastructure and services combined with the desire of families and businesses to locate in Mishawaka has necessitated the City to create a policy on annexation.

It is the policy of the City of Mishawaka to encourage the growth of the City boundary in a compact and contiguous manner concurrently with the extension of infrastructure and services. Although exceptions will be considered for large industrial projects or proposals related to specific economic development efforts, the City recognizes that compact and contiguous growth promotes the cost-effective delivery of services.

The City of Mishawaka continues to promote the logical expansion of infrastructure into the unincorporated areas of the county contiguous to the City on request provided there is availability. The voluntary extension of infrastructure, such as water and sewer, requires the benefactor(s) of that infrastructure to waive or consent to future annexation at the time of connection. The extension of infrastructure does not automatically equate to the immediate annexation of property. To meet the statutory requirements for annexation, both infrastructure and urban services must be provided. As such, many unincorporated areas are currently provided with public rate-supported utilities by the City that will not be suitable for annexation in the foreseeable future. Thus, it is the policy of the City of Mishawaka that the initiation of annexation be undertaken only at a time when the City determines that both infrastructure and urban services can be provided for unincorporated area adjacent to the City. To consider annexation, infrastructure and urban services must be available to the proposed annexation area at a standard that is comparable to similar geographic and use areas that currently exist within the City of Mishawaka.

IMPACT OF ST. JOSEPH COUNTY GROWTH

The City of Mishawaka also recognizes the impact growth and development currently occurring in unincorporated St. Joseph County has on annexation efforts. There has been a trend in St. Joseph County to allow for development on septic and well systems sporadically throughout the county. As is currently the case in St. Joseph County, there are numerous examples of the problems associated with this type of sprawling development. Septic systems based on poor installation or lack of maintenance; contribute to the pollution of both surface and groundwater. Based on groundwater concerns, residents desire to connect to public water systems. Residents are also calling for urban services, rather than the rural services typically provided by county governments. Residential streets need to be plowed, and emergency response times for police, fire and emergency medical services frequently exceed the times typically expected of suburban development.

As the population of these areas increase, the demand/need for infrastructure and increased urban services will grow exponentially. Due to the sprawling nature of this development, the cost for providing infrastructure and urban services to the existing City of Mishawaka standard far exceeds the tax revenue generated by these areas. This point has been addressed within this annexation policy because of the past concerns expressed by some residents/property owners of these areas who have been historically opposed to annexation. These concerns, for the most part, are based in fear and do not reflect the reality of the practical constraints of annexation. For the record, the cost of providing services, based on the sprawled growth and statutory limitations, makes it both undesirable and not readily feasible for the City of Mishawaka to annex large non-contiguous developed areas.

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 property without the consent of a minority of the adjacent property owners, this policy provides for a means to expand the City boundary in a compact and contiguous manner that would otherwise not be possible based on statutory requirements.

A secondary purpose of this policy is to reduce the number of separate contiguous annexation petitions that are likely to be filed within a short period of time. The potential inclusion of additional property as part a proposed annexation petition will counteract the discouraging development influence of time limitations placed by the Indiana Code.

In the past, voluntary annexations without this policy have created a chaotic City boundary that promotes the inefficient delivery of services for both the City of Mishawaka and St. Joseph County. Chaotic refers only to the physical geographic location of the boundary. Common chaotic configurations include *saw-tooth shapes*, *islands*, and *adjacent pockets*. The attributes of these boundary configurations are described as follows:

A *saw-tooth boundary* refers to shape where contiguous properties located along a single roadway change municipal boundaries multiple times in a relative short distance. This situation creates difficulties in providing for the efficient delivery of services. Specifically, it is more difficult for the postal service, police, fire, and emergency medical providers to determine the physical limits of jurisdictions in the field. Under non-emergency circumstances, this situation is likely to result in inconveniences only. However, in emergency situations, confusion on boundary locations in the field has the potential to delay providing potentially life saving services, or could otherwise promote providing double coverage for the area limiting the ability of one provider to respond to other calls.

An *island* refers to unincorporated areas that are physically surrounded by the incorporated City. This situation provides for the inefficient delivery of services for both the City of Mishawaka and unincorporated St. Joseph County. Services such as trash removal, snow plowing, road maintenance, police, fire, and emergency medical services could all potentially require one service provider to travel through another service provider's jurisdictional area. This inherently inefficient situation potentially increases the costs of providing services for both jurisdictions.

Adjacent pockets refers to unincorporated area that is reasonably adjacent to the City and is currently served at least in part by City infrastructure. When the infrastructure was provided to these areas, these areas were typically located on the fringes of the City where other services were either not available or desired at the time. However, as the demand for growth and development continues, the demand for additional services also grows. Over time, pockets are also typically provided with some peripheral City services without expense. Emergency service providers within the City of Mishawaka and St. Joseph County have consistently worked together to provide reciprocal assistance in responding to calls when the other provider is either occupied or at a considerable distance, provided resources are available. Typically, due to the general location adjacent to the City and the increased ability of the City to provide services, these pocket areas will intermittently receive City emergency services.

Furthermore, pockets become obstacles to the future expansion of infrastructure and services. They are considered obstacles due to the contiguity requirements established by the Indiana Code for annexation. If these pockets are not annexed over time, the City is prevented from expanding. The annexation of these pocket areas not only allows for the continued growth of the City, but also provides for the efficient and equitable delivery of services.

SUMMARY

- It is the policy of the City of Mishawaka to encourage the growth of the City boundary in a compact and contiguous manner concurrently with the extension of infrastructure and services.
- It is the policy of the City of Mishawaka that the annexation be undertaken only at a time when the City determines that both infrastructure and urban services can be provided for unincorporated area adjacent to the City.
- 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.

Annexation Fiscal Plan

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

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COMMON ADDRESS: 55770 FIR ROAD & 55721 CLOVER ROAD, MISHAWAKA, IN 46545

TAB B- BASIC DATA & FISCAL **ANALYSIS**

BASIC DATA & FISCAL ANALYSIS

A. LOCATION AND SIZE

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

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

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COMMON ADDRESS: 55770 FIR ROAD & 55721 CLOVER ROAD, MISHAWAKA, IN 46545

Annexation Area

The annexation area includes two parcels of property (Tax Parcels #014-1134-5198.04) located on the east side of Fir Road approximately 1,200' north of E. McKinley Highway. The site is vacant and has approximately 870' of frontage on Fir Road and 240' of frontage on Clover Road. The property is bound to the west with approximately 869.7' being incorporated into the City, while the adjacent properties to the north, east, and south are in unincorporated St. Joseph County. The property is currently zoned "R" Single Family District within unincorporated St. Joseph County. If annexed, the property will be zoned R-1 Single Family Residential District for a proposed 54 lot residential subdivision served with public roads, sanitary sewer, and water.

Contiguity with the Existing City Limits

The property to be annexed into the City totals 19.45 acres including the adjacent Fir Road and Clover Road right-of-way. The external boundary of the annexation area measures 4,256.3 linear feet with 869.7 linear feet being contiguous with the current corporate boundary of the City of Mishawaka. The border of the contiguous area is 20.4% of the total external boundary. This is in excess of the minimum 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/IMPROVEMENTS

The property slopes gently from the north to the south and east and includes several soil stockpiles and berms around the perimeter. The generalized 2' contours per the City's GIS (2006) show approximate elevations ranging from over 760' for the soil stockpiles internal to the property to 740' along Clover Road. Actual elevations may vary due to the property being cleared of all structures and trees between 2002 to 2010.

Since being cleared, the property remains vacant with historical aerals showing various periods of excavation and earth-moving activities.

C. LAND USE/CURRENT ZONING

The proposed area to be annexed is vacant and currently zoned R Single Family District within unincorporated St. Joseph County. If the Mishawaka Common Council approves the annexation request, the property will be zoned to the R-1 Single Family District for a proposed residential development.

D. ASSESSMENT

The territory to be annexed consists of two (2) parcels of property. The Land and Improvement Valuations shown below are based upon current GIS parcel data:

Tax ID Number	Property Owner	Number of Acres*	Land & Imp. Valuation**
014-1018-0223.17	Robert P. Loudin, Trustee of the Robert P. Loudin Revocable Trust	17.4	\$65,500
014-1134-5198.04	Robert P. Loudin, Trustee of the Robert P. Loudin Revocable Trust	2.05	\$7,100

*Acreage is per the City of Mishawaka/Michiana Area Council of Governments GIS parcel data.

**Only includes land value as there are no taxable structures.

E. CURRENT TAX RATE

The City's tax rate 2023 payable 2024 was \$2.0047 per \$100 of assessed valuation. For property owners in Penn Township, in which this proposed annexation is located, the total taxes will be \$3.8675 per \$100 of assessed valuation. Property owners in this area currently pay \$2.0523 per \$100 of assessed valuation. These rates are based on the best information available at the time this plan was prepared. Actual tax rates may vary.

Tax District	Existing Tax Rate	Tax Rate after Annexation
Penn Township	2.0523	3.8675

The City's tax rate has remained relatively stable over the years:

2023	\$2.0047
2022	\$1.8575
2021	\$2.0002
2020	\$1.9952
2019	\$2.0226
2018	\$2.0701
2017	\$2.0516
2016	\$1.9977
2015	\$1.8750
2014	\$2.0062
2013	\$1.9086
2012	\$1.8186
2011	\$1.7362
2010	\$1.6741
2009	\$1.6557

2008	\$1.5283
2007	\$1.3326
2006	\$1.3899
2005	\$1.3382
2004	\$1.3313
2003	\$1.2476

F. NEW ADDRESSES

If the proposed annexation is approved, the property will be zoned R-1 Single Family Residential District to allow for a proposed residential development. The property shall be developed in accordance with the requirements of the City of Mishawaka Zoning Ordinance. Addresses will be assigned by the City of Mishawaka Engineering Department prior to the construction of each house.

G. DETERMINATION OF SERVICE STANDARDS AND COSTS

Every proposed annexation area to the City of Mishawaka is reviewed by each pertinent City department or agency that would ultimately be required to provide infrastructure and/or urban services to a given area. Departments were asked to evaluate the 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 C. 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 will be the responsibility of any future property owner/ developer to bear any expense required to extend, when applicable, and connect to existing City services. Given the location of the proposed annexation area adjacent to the existing city limits, 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 2024 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 and requirement that all utilities will be extended to the property at the property owner's expense, 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.

I. FISCAL IMPACT ON TAXPAYERS, MUNICIPAL FINANCES, AND POLITICAL SUBDIVISIONS

Analysis:

The property proposed to be annexed is vacant gently sloping to the south and east. If the annexation is approved, the contingent developer is proposing to construct a residential development with approximately 54 single-family detached homes.

As indicated on the conceptual design, access to the development is currently proposed from both Fir Road and Clover Road. The access from Clover Road may be revised based on remonstrance received at the June 11th Plan Commission meeting. Stormwater detention basins required for on-site water runoff storage shall be provided within the property. The subdivision is anticipated to be platted in one phase with home construction to occur based upon market demand. Street and infrastructure construction is expected to start in fall 2024 or spring 2025 with home construction beginning in 2025.

If home construction occurs at the anticipated rate over the next four years, the annexation is expected to significantly increase the assessed valuations and provide positive impacts to all other taxing units. The developer estimated an average house value of \$525,000 (\$450,000 to \$600,000) with 40 of the 54 houses to be constructed within four years. Since home construction will be phased-in based on demand, the below analysis assumes an average of 20 houses will be constructed within the timeframe of the below analysis. The development is expected to yield an average assessed valuation of approximately \$8.4 million for the building and land valuation. The building and land valuation is based upon 80% of the construction cost.

The current and future political subdivisions and their associated tax rates were determined by the geography of the property and the attached "Tax Rate Chart for the year 2023 payable 2024". (See Tab "D" / Appendix "C".) This chart is provided by the St. Joseph County Auditor's Office.

Current property assessed valuation:

\$72,600

Future anticipated property assessed valuation:

\$8,400,000

Current Property Taxes Generated from the Property:

The current property taxes that are being generated from the property were determined utilizing an online estimator available through the Indiana Gateway for Government Units > Taxpayer Portal > Tax Bill Estimator website. The current URL address for this estimator is <https://gateway.ifionline.org/CalculatorsDLGF/taxcalculator.aspx>.

The website requires you to enter the geographic location of the property by County, Township, and School Corporation. You then enter the type of property, if it is a homestead (owner-occupied residential); residential rental, non-homestead residential, and agricultural; or other. You then input the assessed valuation and it estimates the maximum tax bill as well as the property tax cap credit if applicable.

This calculation has been done with a scenario before annexation for residential rental, non-homestead residential, and agricultural property, then following annexation for homestead (owner-occupied residential) identifying the property as now being subject to the City tax rate.

The estimated property tax value for the property is as follows:

Prior to annexation: \$1,452

Following annexation: \$84,000

Political Subdivisions before Annexation:

Percent of tax rate and corresponding yearly estimated property tax revenue*

- St. Joseph County (30.5%) - \$442.86
- Penn Township (15.8%) - \$229.42
- Penn-Harris-Madison School Corporation (45.2%) - \$656.30
- Mishawaka-Penn-Harris Public Library (6.5%) - \$94.38
- Airport Authority (2.0%) - \$29.04

** Estimates may not equal estimated tax value due to rounding.*

The current tax rate of all these entities combined is 2.0523%.

The tax rate will increase to 3.8675% upon annexation to the City, however, the homestead (owner-occupied residential) cap is set at 1%. Even though the cap is set at 1%, the revenue will greatly increase due to the estimated increase in assessed valuation realized from the proposed residential development. Thus, the distribution of property tax revenue is anticipated to increase for all existing tax entities based on getting a larger percentage of revenue when the City tax rate, and to a very minor extent, the South Bend Transpo rate is added to the overall rate.

Political Subdivisions following Annexation:

Percent of tax rate and corresponding yearly estimated revenue for existing taxing units upon annexation*

- St. Joseph County (16.2%) - \$13,608.00 (+\$13,165.14 per year)
- Penn Township (0.8%) - \$672.00 (+\$442.58 per year)
- Penn-Harris-Madison School Corporation (24.0%) - \$20,160.00 (+\$19,503.70 per year)
- Mishawaka-Penn-Harris Public Library (3.5%) - \$2,940.00 (+\$2,845.62 per year)
- Airport Authority (1.0%) - \$840.00 (+\$810.96 per year)
- South Bend Transpo (2.7%) - \$2,268.00
- City of Mishawaka (51.8%) - \$43,512.00

** Estimates may not equal estimated tax value due to rounding.*

Four Year Projection of Property Tax Revenue following Annexation & Anticipated Average of 20 Residential Units Constructed Over the Next Four Years (above numbers x4)

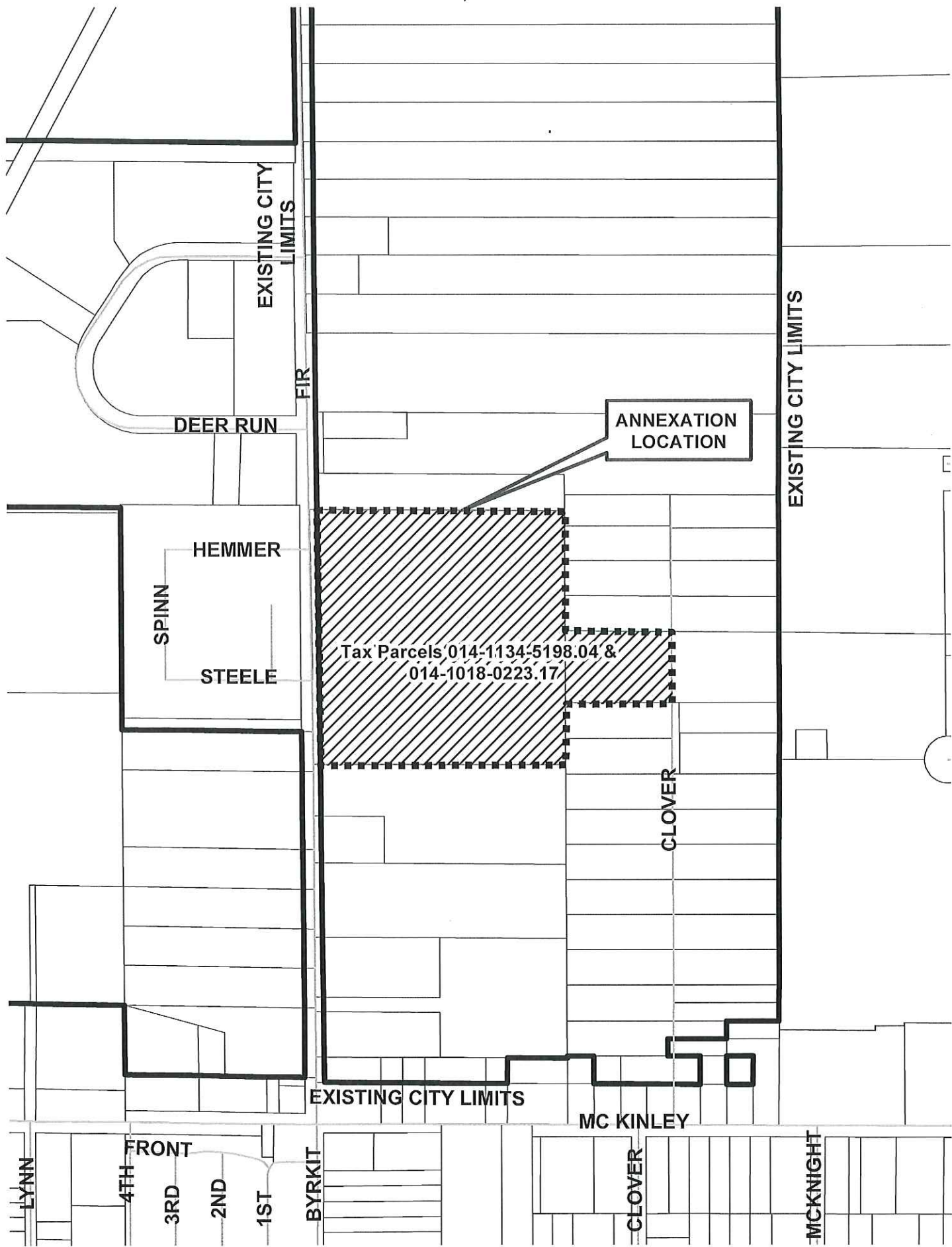
Straight line projection assuming existing use remains and the tax rate and assessed valuation remains constant

• St. Joseph County	\$54,432.00
• Penn Township	\$2,688.00
• Penn-Harris-Madison School Corporation	\$80,640.00
• Mishawaka-Penn-Harris Public Library	\$11,760.00
• Airport Authority	\$3,360.00
• South Bend Transpo	\$9,072.00
• City of Mishawaka	\$174,048.00

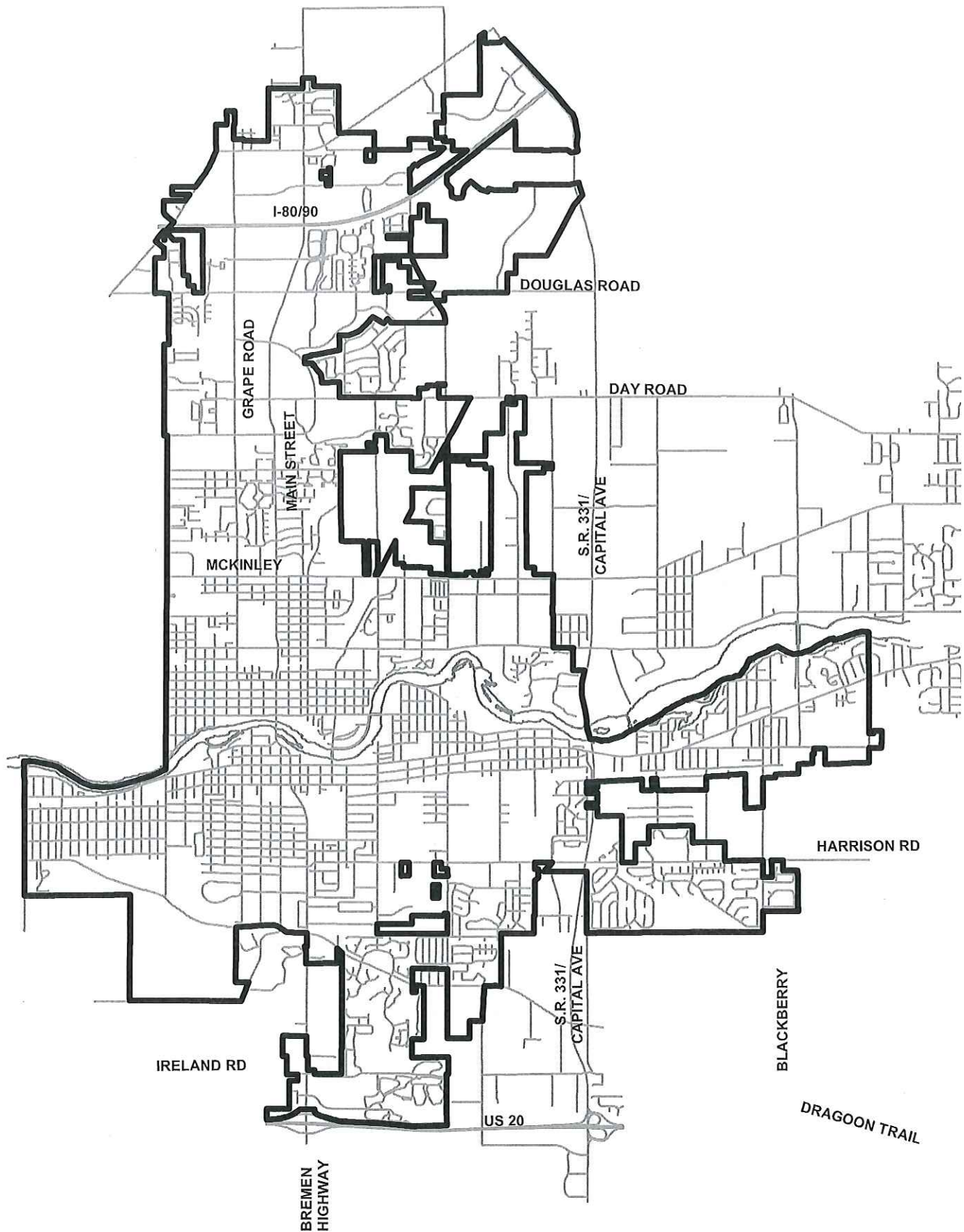
J. ASSUMED INDEBTEDNESS & COUNTY INFRASTRUCTURE REIMBURSEMENT

Pursuant to I.C. 36-4-3-4.2 under certain circumstances the City would be required to assume a portion of indebtedness as it would pertain to the proposed annexation area. Specifically, this would be required if the County had used property tax revenue to repay debt used to build infrastructure within the annexation area, or if income tax was being generated from the property in question that was being used to pay off applicable county wide debt that would now be allocated to the City upon annexation.

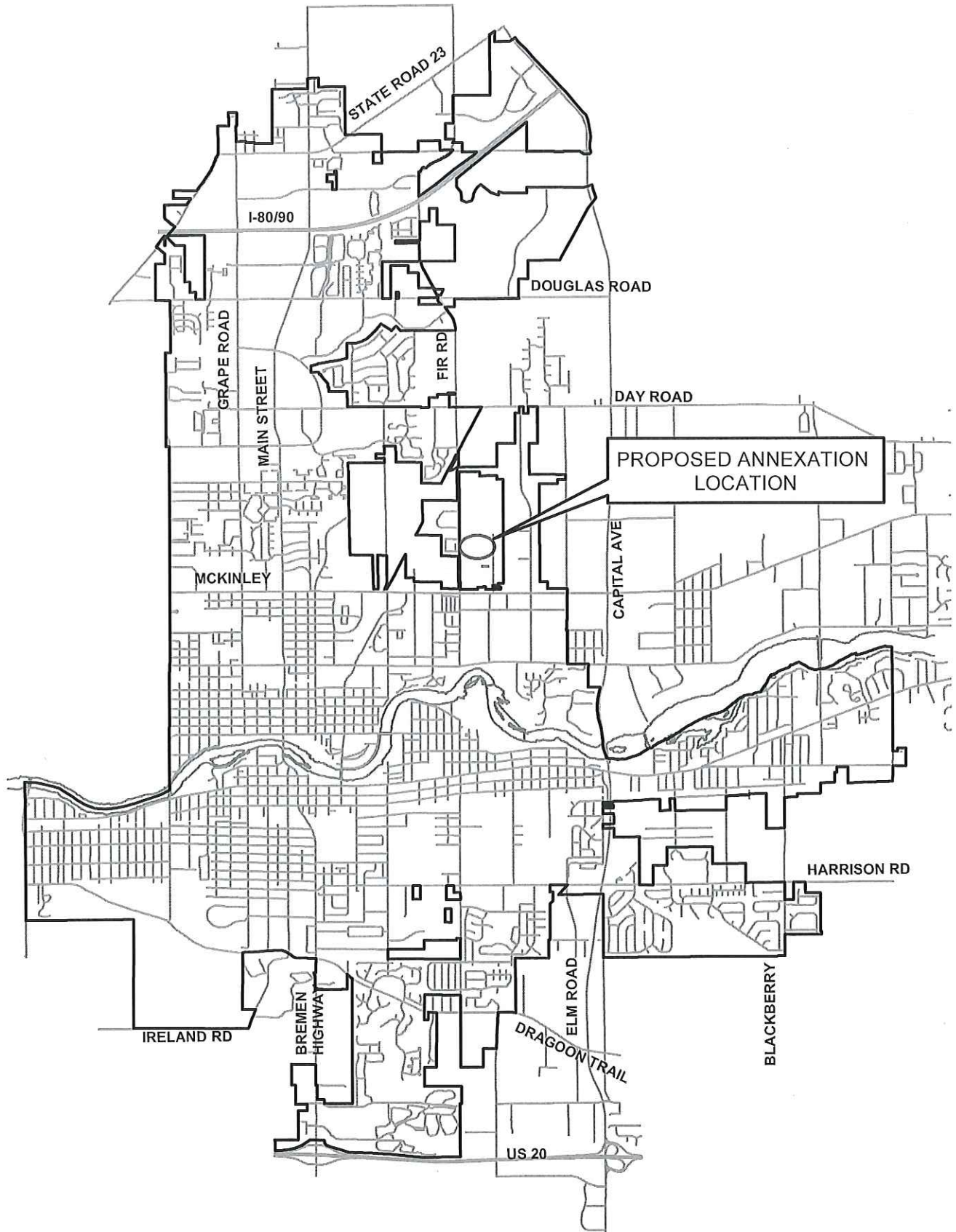
Upon reviewing the site and the information identified in Tab "D" / Appendix "D", there is no County infrastructure debt associated within the proposed annexation, nor is there any outstanding county debt on infrastructure that is payable by a local option income tax.



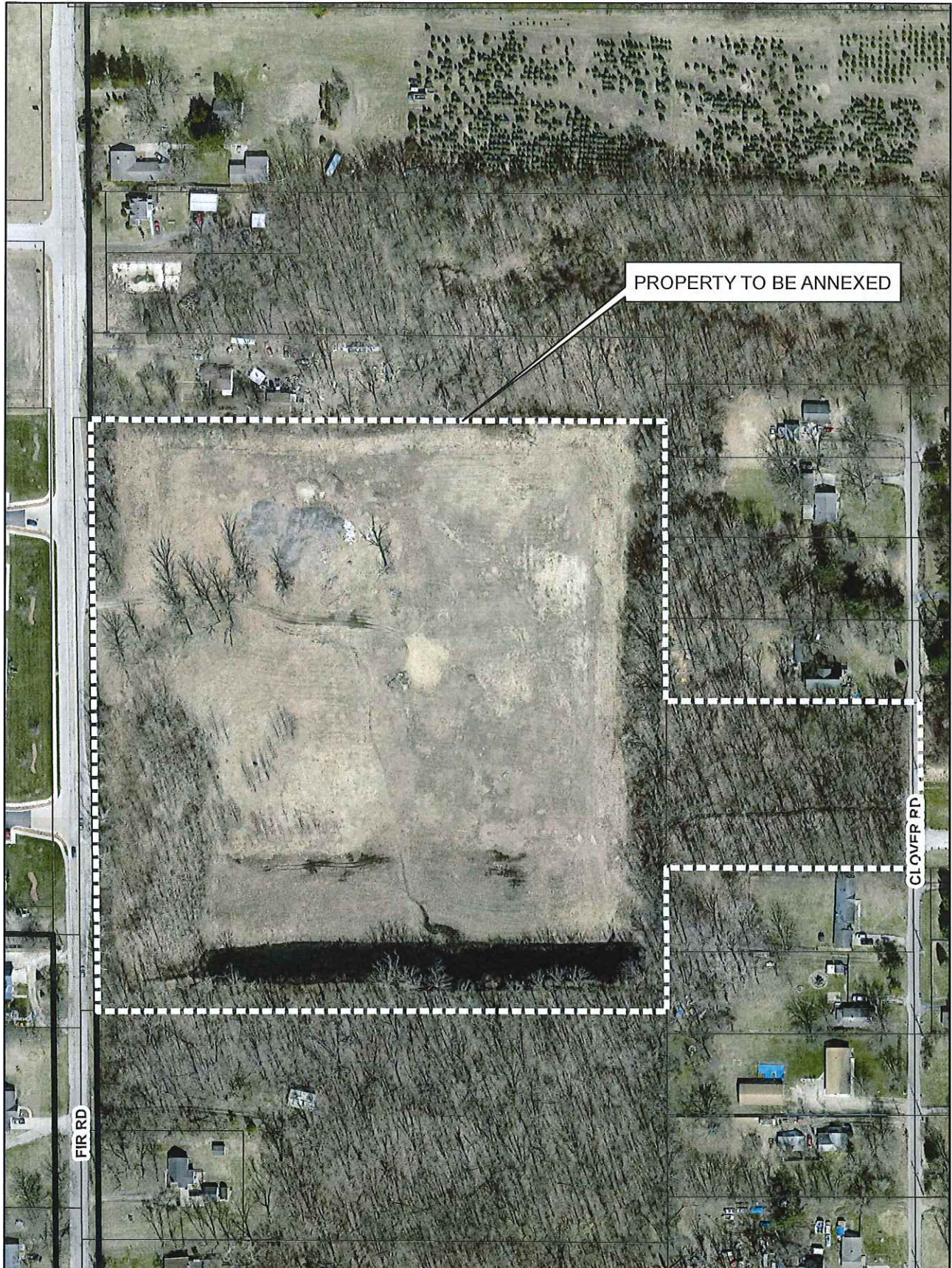
MAP OF EXISTING CITY LIMITS



MAP OF PROPOSED CITY LIMITS



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



AERIAL PHOTOGRAPHY OF LAND TO BE ANNEXED



PHOTOGRAPHS OF PROPERTY TO BE ANNEXED



Looking east from Fir Road toward the southwest area of the property.



Looking east from the south access drive to the adjacent apartments toward the property.



Looking northeasterly from the south access drive to the adjacent apartments toward the property.



Looking east from Fir Road toward the north part of the property.



Looking west from Clover Road toward the southeast corner of the property.

May 9, 2024

PK 24-08

Received

MAY 17 2024

Planning and
Community Development

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 Robert P. Loudin, Trustee of the Robert P. Loudin Revocable Trust respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS. 55770 FIR ROAD

PARCEL II: BEGINNING AT A POINT WHICH IS 1231.2 FEET EAST OF AND 1442 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION NUMBERED TWO (2), TOWNSHIP NUMBERED THIRTY-SEVEN (37) NORTH, RANGE NUMBERED THREE (3) EAST; THENCE NORTH 240 FEET; THENCE WEST 373.27 FEET; THENCE SOUTH 240 FEET; THENCE EAST 371.59 FEET TO THE PLACE OF BEGINNING, BEING LOT NUMBERED THIRTY (30) IN THE PLAT OF WILLIAMS SULT'S BABY FARMS INCLUDING THE ADJACENT CLOVER ROAD RIGHT-OF-WAY. 55721 CLOVER ROAD

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located in St. Joseph County and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a (R-1) Residential District. Petitioners further state they intend to utilize said land for the development of a residential subdivision.

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 structure(s).

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an

appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a (R-1) Residential District.



Robert P. Loudin, Trustee of the Robert P. Loudin Revocable Trust

Robert P. Loudin

Print Name

Contact Person:

Matthew G. Bertsch, P.S.
Bertsch-Frank & Assoc. LLC
811 Lawrence Drive
Ft. Wayne, IN 46808
(260) 459-9393
mbertsch@bertschfrank.com

BFA
BERTSCH-FRANK
LAND SURVEYING
1200 N. W. 10th Ave.
Fort Lauderdale, FL 33304
Tel: (954) 571-1100
Fax: (954) 571-1101

R & R Excavating, Inc.

Preliminary SD Layout #1
Fir Road Subdivision
St. Joseph County
Mishawaka, Indiana 46545

REVISIONS

NO.	DATE	DESCRIPTION
1	5/17/2024	Initial SD Layout

SUMMARY

TOTAL LOTS = 4,000

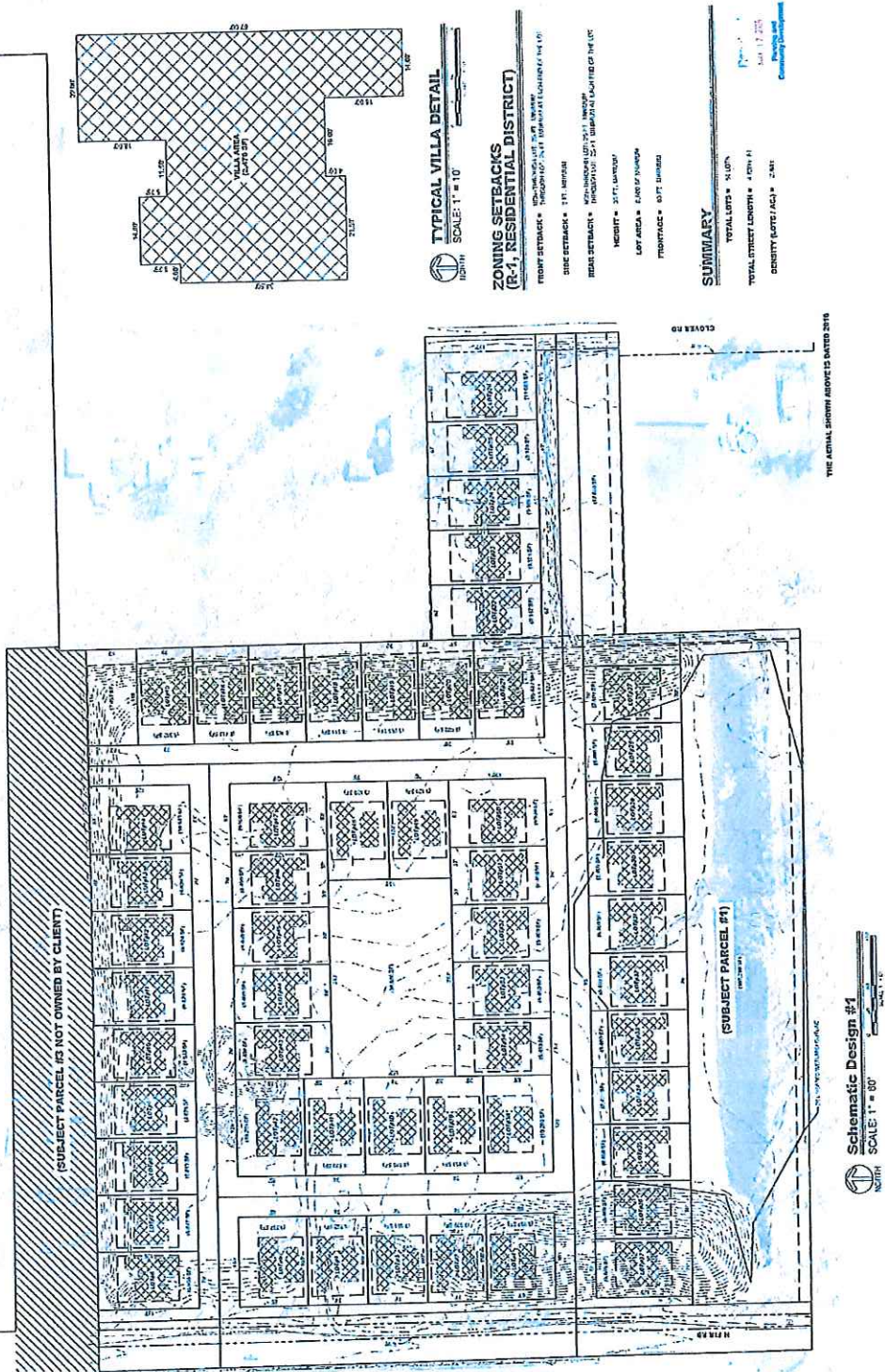
TOTAL STREET LENGTH = 4.000 MI

DENSITY RATE (AC) = 2.00

SD#1

Received
MAY 17 2024
 Planning and
 Community Development

(SUBJECT PARCEL #2)



Annexation Fiscal Plan

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL II: BEGINNING AT A POINT WHICH IS 1231.2 FEET EAST OF AND 1442 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION NUMBERED TWO (2), TOWNSHIP NUMBERED THIRTY-SEVEN (37) NORTH, RANGE NUMBERED THREE (3) EAST; THENCE NORTH 240 FEET; THENCE WEST 373.27 FEET; THENCE SOUTH 240 FEET; THENCE EAST 371.59 FEET TO THE PLACE OF BEGINNING, BEING LOT NUMBERED THIRTY (30) IN THE PLAT OF WILLIAMS SULT'S BABY FARMS INCLUDING THE ADJACENT CLOVER ROAD RIGHT-OF-WAY.

COMMON ADDRESS: 55770 FIR ROAD & 55721 CLOVER ROAD, MISHAWAKA, IN 46545

TAB C- SUMMARY OF SERVICES

SUMMARY OF SERVICES

The City of Mishawaka, known as the Princess City, was incorporated in 1833 with only a few hundred residents. Now, with an estimated population of approximately 51,000 present-day Mishawaka is continuing to grow. From the bustling Grape Road corridor to the quiet paths of the Shiojiri Garden at Merrifield Park, the city offers residents a comforting sense of community where people like to live, work and raise families.

The backbone of any city is its services, and no unincorporated area of St. Joseph County can come close to matching the number and quality of services offered in the City of Mishawaka.

Some of the services provided are basic: electric, sewer, and water. Others, such as strong police and fire protection, efficient trash removal and access to parks and libraries, greatly improve the quality of life.

Sewer, water and electric services in the City are not paid by tax dollars; rather, Mishawaka Utilities services are all paid for through the low rates given to property owners.

Instead of dealing with septic systems, property owners can tap into lines provided by Mishawaka Utilities Wastewater Division. The Division has a plant staffed 24 hours a day, and maintenance technicians are available at all times to respond to emergencies. The City's sewer insurance program provides sewer coverage for each single-family residential homeowner on the public sewer system for a small monthly fee, paid with the Mishawaka Utilities bill. With this program, the homeowner is protected from paying the cost of catastrophic sewer repairs outside the home. A \$42 million expansion of the wastewater treatment plant was completed in June 2008. From 2013 to 2020, capital improvements to the wastewater system were made including the replacement of four lift stations, three emergency generators, and final clarifier troughs. Additional plant and system improvements with a focus of implementing the Combined Sewer Overflow Long Term Control Plan are planned in the upcoming years.

The City's water rates have traditionally been among the lowest in the state. The Water Division completed a \$26 million capital improvement project in 2003. Several improvements to the overall system were made including the addition of a new well field, the replacement of water mains, and the extension of services to some areas that previously did not have water service. In late 2019, a new 2 million gallon reservoir went online with the rehabilitation of the old 3 million gallon tank occurring throughout 2020. The 3 million gallon tank went online in January 2021. Current improvements underway include a new water treatment facility and well field along Veteran's Parkway near Juday Creek and a new 1.5 million gallon elevated tank in the north part of the City. Construction began in 2021 with both projects anticipated to come online in spring 2024. Planned future improvements include the replacement of the storage reservoir at the Virgil Treatment Plant originally constructed in 1923.

Another service provided by Mishawaka Utilities is the distribution of electricity. Although Mishawaka Utilities does not generate or produce power, electricity is purchased at a wholesale rate and is distributed by Mishawaka Utilities. Mishawaka Utilities is not supported by tax dollars, but rather through revenue generated by the sales of electricity to its consumers.

But property owners get more out of being in the City of Mishawaka than just those basic services. Public safety is a priority in the City, with about 50 percent of the budget going toward fire, police and emergency medical services.

Mishawaka has a full-time Fire Department, with four stations. The Department maintains a Class 2 fire rating with the Insurance Services Office (ISO) rating improving from a Class 3 rating in November 2019. The City nearly received a Class 1 rating of which there are only five in the State of Indiana. It is expected that a Class 1 rating will be achieved during the next reevaluation which occurred in February 2024. The results of the reevaluation will be announced by the end of the year. The lower the rating, the lower a resident's homeowner's insurance will be. Additionally, the department's response time is excellent, and fire trucks arrive within six minutes on average to a call.

The Mishawaka Police Department, with approximately 100 officers and employees, responds to critical incidents within three to five minutes. The Department offers many personal services within its Community Relations and Street Crimes Units, and the Riverwalk Beat. These services include attendance at neighborhood watch meetings, administering various programs for school-aged children and senior citizens, and focusing on crime reduction in high crime areas of the city.

The City's EMS Department is a centralized system that responded to approximately 10,400 calls in 2023. The City, with its population of approximately 51,000, responds to about 50% more calls than the County ambulance service does, with its population of over 120,000 residents spread over a much larger area. The business of "saving lives" has a very narrow window of four to six minutes, so the quicker an ambulance can respond, the more likely a life will be saved.

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 28 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, 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 \$17.61. For senior citizens, the rate is \$14.28. The rates include the cost of recycling and yard waste, 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 15 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.

SANITARY SEWER, TRANSPORTATION, AND DRAINAGE

Existing Sanitary Sewer Infrastructure

The City currently does not have sanitary sewer available to this site along the frontage of Fir Rd. This development shall be served internally with properly sized gravity sanitary sewer and pumped via a regional lift station and force main, which shall connect to the existing 12" gravity sanitary sewer at the intersection of McKinley Ave and Fir Rd. The lift station and force main shall be sized to appropriately serve this development with the ability to expand capacity and serve the triangular service area bound by McKinley Ave to the south, CN Railroad to the northwest and railroad spur line to the east. The cost of the sanitary sewer connection and extension to the site shall be the responsibility of the owner/developer with the City responsible for perpetual maintenance after final acceptance. This sanitary sewer extension will discharge into the sanitary sewer system that is publicly maintained and ultimately discharges to the City of Mishawaka's Wastewater Treatment Plant. The City's sanitary sewer system has ample capacity to serve this annexation property for the proposed use.

Existing Road/Transportation Infrastructure

This annexation has frontage along Fir Rd, which is a two-lane street (one lane in each direction). A dedicated right turn lane shall be constructed for this development per Engineering Standards. The drive approaches should line up with existing drive approaches on the west side of Fir Rd (The Preserve apartment complex). If not adequate, additional public right-of-way shall be dedicated to accommodate this improvement.

Existing Storm Sewer/Drainage Infrastructure

Regarding any new development within the annexation area, sites are required to retain the stormwater generated by the development on site at the rate of 100-year return storm frequency for a 24-hour duration. A geotechnical investigation shall be conducted to determine the existing soil conditions and seasonal groundwater table, as they may limit the amount of runoff that will infiltrate into the ground. This requirement provides significant protection to both existing and proposed developments regarding the impact of stormwater run-off. Several different engineering methods are considered acceptable by the City of Mishawaka to calculate this requirement. The simplest method of calculation is using the one-line rational equation. However, the Rational Method, Curve Number Method, and TR-55 Method are also acceptable and tend to be more advanced, taking into consideration the percolation rate of soil types and ratios of developed impervious surfaces. The owner/developer is required to bear all costs associated with stormwater management. Since this is a planned residential subdivision, the owner/developer shall petition with the St. Joseph County Drainage Board to be added into the Urban Drain Fund for maintenance of retention areas. All land disturbing activities shall fully comply with the City's Erosion & Sediment Control Ordinance.

Planned Capital Expenditures, Staff and Rates

If annexed, the City Engineering Department, Street Department, and Sewer Department will be responsible for maintenance of public streets, storm sewers, or sanitary sewer systems within dedicated City right-of-way. The City Departments do not require any additional funds other than what is currently allocated within the present City budget. For general information, the repair and maintenance of sanitary sewers is supported by rates paid by its users. Otherwise, as a general percentage of City expenditures, approximately 15 cents of every dollar of the City budget is allocated for street and storm sewer expenditures.

Personal Service Programs

The Engineering Department works closely with the Sewer Department regarding the maintenance of the City sewer system. Construction records are kept for all sanitary and storm sewers and technical/administrative assistance is provided on sewer repairs for the Sewer Lateral Insurance Program. Specifically, the Sewer Lateral Insurance Program covers each single-family residential home connected to the public sewer system within the City of Mishawaka. For a \$2.20 monthly fee, which is included in the 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 an R-1 Single Family Residential, therefore each home will be eligible for this program after acceptance.

CITY OF MISHAWAKA
2024 BUDGET

ENGINEERING DEPARTMENT
1101-13

1 PERSONAL SERVICES

<u>Salaries and Wages</u>			biweekly
411-01	Director of Engineering	90,277.00	3,472.18
411-02	Assistant Director	74,944.00	2,882.43
	Project Manager	72,639.00	2,793.78
	Traffic Manager	61,938.00	2,382.23
	Project Coordinator	46,158.00	1,775.30
	Office Manager	40,778.00	1,568.36
	City GIS Coordinator	<u>61,938.00</u>	2,382.23
<i>Utility salary ordinance displays utility portion of salaries</i>			448,672.00

Other Personal Services

411-63	Longevity	11,850.00	
411-65	PE Certification	<u>10,000.00</u>	<u>192.31</u>
			470,522.00

2 SUPPLIES

Office Supplies

421-90	General Supplies	<u>8,000.00</u>	
			8,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-06	Consulting	5,000.00	
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Communication and Transportation

432-03	Travel and Training	10,000.00	
432-04	Telephone/Technology	750.00	

Repairs and Maintenance

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

439-03	Subscriptions, Dues, etc.	<u>1,000.00</u>	
			<u>19,250.00</u>
			497,772.00

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 47 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 System Reliability Supervisor, Substation Supervisor, Substation Technician, Engineering Projects Manager, and support engineering personnel.
- Construction: Consists of the Construction Superintendent, two Construction Foremen, and support construction personnel (Journeyman, 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).

Mishawaka Utilities – Electric Division is well equipped to respond to problems associated with providing electric service. The electric division utilizes a wide breadth of equipment to meet the needs of the consumer. Major equipment includes loaders, backhoes, trenchers, boring machines, pushing machines, trailers, compressors, forklifts, bucket and line trucks, and pole trailers.

The service response time to restore from a loss of electricity resulting from storm damage or other physical line damage is typically less than AEP (AEP customers are spread geographically over a much larger area). However, since Mishawaka Utilities does not produce power, the utility is not able to control service problems based on the generation of power and has minimal control of transmission to, or within, Mishawaka.

Costs Associated with Services

Mishawaka Utilities is not supported by tax dollars, but rather through revenue generated by the sales of electricity to its consumers. Mishawaka Utilities does not generate or produce power. Mishawaka Utilities purchases electricity at a wholesale rate and is responsible for distributing it to every customer within the service area. Based on the large numbers of customers in a relatively small geographic area, Mishawaka Utilities is able to deliver electricity more economically than larger companies such as AEP. Although AEP actually generates or produces power, the cost for delivering the electricity to the consumer is greater because the customers are spread geographically over a much larger area. Actual rates will vary over time.

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 31 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's average response time to calls is anywhere from 3 to just over 6 minutes within 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 Sutphen pumper truck, one aerial truck, a 105' Sutphen aerial tower, one heavy-duty K.M.E. rescue truck and one A.L.S. Paramedic ambulance unit. If annexed, this would be the primary responding station since it is the nearest to the site.

Station No. 2, located at 2332 N. Main St., is staffed by five (5) to six (6) firefighters at all times, manning one Sutphen 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 Sutphen pumper truck, one aerial truck (a 105' Sutphen aerial/pumper combination,) and one A.L.S. Paramedic ambulance unit. If annexed, this would be the primary responding station since it is the nearest to the site.

Station No. 4, located at 3000 Harrison Road, is staffed by six (6) to seven (7) firefighters at all times, manning one Sutphen pumper truck, one A.L.S. Paramedic ambulance unit and one (1) Battalion Chief Vehicle.

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

For the year 2023 out of 10,421 runs 7,903 or roughly 76% were medical in nature. The Mishawaka Fire Department restructured going to a three-platoon system in 2013. 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. Our department increased staffing in 2024 to allow us to put up a new, fourth ambulance that went into service in January of 2024. This and the availability of paramedics on some engine and ladder companies have decreased the time in which it takes to start lifesaving interventions if needed. Engine and ladder 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 thirty-one (31) to thirty-eight (38) 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 outside fire departments utilize auto and mutual aid agreements in the event of the need for an aerial device.

The City maintains a fifteen (15) member Dive/Rescue team for water emergencies.

Training

The fire department undergoes year-round training in all areas of suppression, haz-mat, emergency medical, inspection, water rescue, public education, confined space, high angle rescue, extrication and others.

In order to work on an ambulance, the State of Indiana requires personnel to be Emergency Medical Technicians Basic (minimum training). Generally speaking, while employed with an ambulance service, employees have an opportunity to advance their skills. Training is offered at two additional levels, Advanced EMT, (IV therapy, cardiac monitoring) and Paramedic, (addition of several other medications). The EMS division is highly regarded by other services and municipalities in our area offering paramedic service.

All firefighters hired by the City of Mishawaka must become an Advanced level E.M.T within eighteen (18) months of hiring and maintain it throughout their career.

In the calendar year 2023 each firefighter took part in an average of 200+ hours of continuing education.

Complete training records for all personnel are available.

Fire Insurance Rating

Mishawaka maintains a Class 2 fire rating with the Insurance Services Office. The lower the number in the rating, the lower a business's or homeowner's insurance policy could be. Thus, properties that are annexed into the city could see a reduction in property insurance. There are only thirty-three (33) Class 2 departments in Indiana.

During the last audit in November of 2019 Mishawaka's rating improved from 78.65% out of a maximum of 100% in 2012 to 88.35% out of 100% in 2020.

We are currently only 3.17 points away from a Class one (1) designation of which there are only six (6) in the State of Indiana.

Our department went through our 5-year reevaluation by the I.S.O in February 2024 and we will learn the results and classification sometime around the last quarter of this year.

Of course, the only way to determine if a reduction will occur is to contact applicable insurance providers. Homeowner's insurance portion that is fire related would benefit the least while those of a business would have a much larger impact.

For comparison, many township departments have ratings of 7 to 9. After our next reevaluation we believe Mishawaka's fire insurance rating will be the highest possible a Class one (1).

Future Plans

Additional personnel and fire stations will become necessary in the future as the City grows. This increase is due to the increased demand on department as calls for service will continue to grow. Given the numerous locations of fire stations in the city, the Fire Department is able to respond to emergency medical and accident situations in a shorter period of time than the emergency medical units alone. As the city extends its growth our department will need to expand with it to continue keeping response times down in critical situations for our community.

The next station slated for major improvements is Station #2 located at 2332 North Main Street. A new Station #2 in under construction currently at 700 E. McKinley with anticipated completion and move in dates before the end of 2024.

Potential increases in personnel, equipment, and buildings, are evaluated on a continual basis. Although these increases represent the anticipated long term needs of the department, these increases will not hinder us in the short term to provide the consistent high level of service that has been historically provided to the city.

Citizen Programs

The fire department provides regular fire inspections for businesses located in the area, and home inspections upon request.

In 2023 the Fire Prevention Bureau performed over 900 fire inspections of new and existing buildings in Mishawaka.

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, elderly service 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, 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 2024 budget has been included for reference.

CITY OF MISHAWAKA
2024 BUDGET

FIRE/EMS DEPARTMENT
1101-19

1 PERSONAL SERVICES

Salaries and Wages

		biweekly
411-01	Fire Chief	94,681.00 3,641.55
411-02	Assistant Chief	
	4 @ 87,903	351,612.00 3,380.88
	Battalion Chief	
	3 @ 80,527	241,581.00 3,097.16
	Captain 15 @ 76,596	1,148,940.00 2,945.98
	Lieutenant	
	15 @ 74,707	1,120,605.00 2,873.33
	Fire Inspector	
	1 @ 76,596 2 @ 74,707	226,010.00 2,945.98 2,873.33
	Driver Operator	
	30 @ 72,921	2,187,630.00 2,804.64
	1st Class Firefighter	
	33 @ 71,163	2,348,379.00 2,737.02
	Master Firefighter	
	18 @ 68,095	<u>1,225,710.00</u> 2,619.03
		8,945,148.00

Civilian

Administrative Assistant	<u>48,134.00</u>	1,851.28
		48,134.00

Other Personal Services

411-12	Specialty Pay	550,000.00	
411-60	Overtime	1,000,000.00	
411-63	Longevity	450.00	
411-66	Uniform Allowance 120 @ 1,250	152,000.00	
	new hires 2 @ 625		
411-67	Pension Equalization	<u>11,700.00</u>	
			<u>1,714,150.00</u>

Employee Benefits

413-01	Social Security	15,257.00	
413-02	Medicare	155,748.00	
413-03	INPRS 14.2%	34,944.00	
413-05	Health Insurance	2,900,000.00	
413-06	Life/Disability Insurance	6,500.00	
413-08	Deferred Comp Match	160,000.00	
413-09	77 Pension 19.1% + 3%	<u>1,887,243.00</u>	
			<u>5,159,692.00</u>
			15,867,124.00

CITY OF MISHAWAKA
2024 BUDGET

FIRE/EMS DEPARTMENT
1101-19

2 SUPPLIES

Office Supplies

421-90 Office Supplies 6,000.00

Operating Supplies

422-01 Operating Supplies 250,000.00

422-03 Medical Supplies 210,000.00

Other Supplies

429-10 Public Education
Training/ Seminar

Supplies/Refreshments 6,000.00

472,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Clinic Services 35,800.00

431-11 Physicals 120,000.00

Communication and Transportation

432-03 Travel and Training 80,000.00

Repairs and Maintenance

436-01 Building/ Equipment Repair 100,000.00

Professional Services

436-91 Laundry Maintenance 3,000.00

Other Services and Charges

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

358,800.00

16,697,924.00

CITY OF MISHAWAKA
2024 BUDGET

EMERGENCY MEDICAL SERVICES
6606-50

4 CAPITAL OUTLAY

Machinery and Equipment

445-07	Medical Equipment	55,000.00	
	Powerload Cot \$30K		
	Med Vending \$25K		
445-09	Ambulance - demo	400,000.00	
	Ambulance - remount	200,000.00	
			<u>655,000.00</u>

CITY OF MISHAWAKA
2024 BUDGET

AMERICAN RESCUE PLAN ACT
2403-50

4 CAPITAL OUTLAYS	
<u>Other Capital Outlays</u>	
443-93 Fire Station Improvements	116,000.00

116,000.00

PARKS AND RECREATION OPPORTUNITIES

Parks and Recreation

Mishawaka offers 28 public parks, each with its own unique natural attributes. For boating enthusiasts, there are four parks with boat launches into the St. Joseph River. East of the American Electric Dam by Capital Avenue, the river provides opportunities for water-skiers and sailors. Mishawaka parks also have an excellent swimming pool, splash pads, as well as accommodations for tennis and various field sports. Disc golf is another popular park sport. The City also contains the Eberhart-Petro 18 hole municipal golf course located along the St. Joseph River.

Some Mishawaka parks contain attractive areas for walking and picnicking, and nearly all have playground equipment and play field areas. Three parks, Shiojiri Niwa, Battell, and the Robert Beutter Riverfront Park, have attractive landscape and water amenities and are routinely the place for weddings, special events, and family pictures. The parks in Mishawaka range in size from 0.2 acres to 90 acres for the Eberhart-Petro Golf Course.

The Ball-Band Biergarten, opened in July 2020, is a unique event and gathering space along the popular Riverwalk and increasingly vibrant downtown. The center of the building will provide a service area for beverages and limited concessions to be enjoyed by all ages.

The responsibility for development of the parks and recreation system for the City rests with the Board of Parks and Recreation. The Board consists of four members and a member from the Board of School Trustees and a member from the Library Board.

Staff and Equipment

The park office staff consists of the Superintendent, Office Coordinator, and Community Center Director. There are 5 Park Divisions (Recreation, Special Events, Golf, Aquatics/Ice Rink, and Landscape). Four (4) have Division Directors and the Landscape Division is headed by the Landscape Manager.

The Mishawaka Parks Department provides budget support for its park maintenance through the Central Services Department, which manages all operations and maintenance staff and equipment for streets, parks, motor pool, and some electrical service vehicles.

Costs Associated With Services

All programs implemented through the Mishawaka Park and Recreation Department are available to all who wish to participate in them or rent the facilities. Listings of all park and recreation rates are available through the City of Mishawaka Park Department.

If annexed, the existing park system will continue to provide a level of service for the area that is equal to the services currently provided for the rest of the city. Resident services will begin immediately upon annexation.

For general information purposes, a copy of the year 2024 budget has been included for reference.

CITY OF MISHAWAKA
2024 BUDGET

PARK AND RECREATION
2204-50

1 PERSONAL SERVICES

Salaries and Wages

		biweekly
411-01 Department Head	80,000.00	3,076.92
411-02 Regular Employees	797,160.00	
Group 1: 16@23.60*2092	789,940.00	
411-03 Temporary/Summer Help	800,000.00	2,467,100.00
CS reimburse - 61,962* 1.25 for assts.	77,453.00	
Reimburse MVH Director - 78,332*5%	3,917.00	<u>81,370.00</u>
		2,548,470.00

Other Services Personal

411-60 Overtime	25,000.00	
411-63 Longevity	23,125.00	
411-64 FTO	<u>12,000.00</u>	
		60,125.00

Employee Benefits

413-01 Social Security	161,733.00	
413-02 Medicare	37,825.00	
413-03 PERF 14.2%	256,820.00	
413-04 Unemployment	5,000.00	
413-05 Employee Insurance Benefits	365,000.00	
413-06 Life Insurance	2,000.00	
413-08 Deferred Comp Match	20,000.00	
		<u>848,378.00</u>

2 SUPPLIES	3,456,973.00
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Office Supplies

421-90 Office Supplies	8,000.00
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Operating Supplies

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

429-09 Merrifield/Ironworks Complex Supplies	42,000.00	
429-14 Maintenance Supplies	110,000.00	
429-15 Program Supplies	60,000.00	
429-16 Golf Course Concessions	60,000.00	
429-18 Athletic Event Supplies	70,000.00	
429-19 Battell Center Supplies	15,000.00	
429-20 Golf Course Supplies	65,000.00	
429-21 Other Concessions	5,000.00	
429-23 Merrifield Concessions	<u>18,000.00</u>	
		526,000.00

CITY OF MISHAWAKA
2024 BUDGET

PARK AND RECREATION
2204-50

3 OTHER SERVICES AND CHARGES

Professional Services

431-09 Health Screenings/Vaccines 8,000.00

Communication and Transportation

432-02 Postage and Freight 2,000.00

432-03 Travel and Training 8,000.00

432-04 Telephone 7,000.00

Printing and Advertising

433-01 Printing/Newsletter etc. 10,000.00

Insurance

434-90 Insurance Premiums/Deductibles 200,000.00

Utility Services

435-01 MU/AEP Charges 500,000.00

435-02 NIPSCO 50,000.00

Repairs and Maintenance

436-01 Equipment/Facility Repair 100,000.00

436-90 Service Contracts 180,000.00

Rentals

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

Other Services and Charges

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

439-09 Miscellaneous/Charges 1,000.00

439-18 Instructor Fees 15,000.00

439-19 Official/Referee Fees 26,000.00

439-21 Recreation Event/Entertainment 74,000.00

439-93 Sales Tax 25,000.00

1,226,500.00

5,209,473.00

CITY OF MISHAWAKA
2024 BUDGET

PARK AND RECREATION NON-REVERTING
2211-50

1 PERSONAL SERVICES

Salaries and Wages

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

Other Supplies

429-09	Merrifield Supplies and Repairs	45,000.00	
429-09	Wilson Supplies and Repairs	12,000.00	
429-17	Landscaping/Chemical Supplies	<u>100,000.00</u>	157,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

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

Communication and Transportation

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

Repairs and Maintenance

436-01	Golf Cart Repair	5,000.00	
436-22	Athletic Field Maintenance	<u>15,000.00</u>	151,500.00

4 CAPITAL OUTLAYS

Machinery and Equipment

444-10	Golf Carts - \$89.3K	120,300.00	
	Leaf Sweeper - \$30K		<u>120,300.00</u>
			453,800.00

POLICE AND CRIME PREVENTION

The City of Mishawaka's Police Department provides residents with professional public protection and safety, helping keep the city's crime rate low. The officers are among the area's most well-trained, receiving the best training, using top-of-the-line equipment and offering personal service to Mishawaka residents.

Staffing

There are currently a total of 11 full time civilians within the Mishawaka Police Department and is budgeted for 114 sworn officers. The Department has 37 officers on the Day Shift and 35 on the Night Shift, making for a total of 72 officers in the Uniform Division, plus 2 Captains; 1 Captain for each shift. In 2024, the Uniform Division went to 12-hour days.

Because of a State Mandate, effective on January 1, 2015, the four dispatch centers in St. Joseph County (including the Mishawaka Public Safety Dispatch Center) were required to consolidate into two Dispatch Centers. The former Mishawaka Police Dispatchers are now employed by St. Joseph County; hence the reduction in civilian employees for the MPD.

There are also 10 officers in the Investigative Division and 8 officers assigned to special duty (special crimes, domestic violence, school resource, etc.)

All police officers in the State are required to successfully complete the basic program at the Indiana Law Enforcement Academy within the first year of employment. This is a 15-week program. Current ILEA standards require each Officer to complete 24 hours of service training per year. The Mishawaka Police Department averages 65 hours of training, compared with minimums of 24+ statewide.

Equipment

The Police Department has a take-home patrol car program. Currently, there are 108 take-home vehicles. Each car contains standard first aid equipment for immediate response. Each officer is also well equipped with standard equipment such as side-arms, shotguns, Tasers, and body armor. All officers have been provided with digital cameras for recording accident and crime scenes. In addition, 652 cars are equipped with video cameras to record events on patrol. The City provides for the continual maintenance, repair, and replacement of equipment. Standard equipment items such as cars and firearms are on a set replacement schedule for both reliability and performance.

Several years ago the City purchased a radar trailer, which detects a motorist's speed and flashes it on a screen, for \$9,000. This equipment assists in controlling speed by making motorists aware of their current rate of travel. This equipment can also specifically be used in the annexation area.

The Police Department has three School Resource officers available with School City of Mishawaka. One officer is assigned to Mishawaka High School, one officer is assigned to John Young Middle School and one is assigned to the elementary schools. The cost of these officers is shared with School City.

The Community Relations Unit

The Community Relations Officers handle various public relationship events such as Neighborhood Watch meetings, MPD tours for boy scouts and schools, reading to kids, bike safety rodeos, and participating in Tri-Ad Senior Citizens Organization. The unit is partnered with Nixle.com (a California-based Internet messaging-service provider). This provider offers a standardized, secure, and certified communication platform for local police departments, municipalities, and their agencies to communicate important, neighborhood-level information to the residents of their communities. This has been a great success with 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.

Street Crimes Unit

The Street Crimes Unit was implemented in July of 2009. There are 4 officers assigned to the Unit. 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.

The SCU's adaptability in various criminal situations has fostered strong relationships with multiple agencies. Joint investigations with entities such as the South Bend Police Department's Strategic Focus Unit, ATF Task Force, DEA Task Force, FBI Task Force, US Marshal Task Force, St. Joseph County Warrants Division, Elkhart County Homicide Unit, Elkhart ICE Unit, Marshal County Narcotic Unit, ISP Narcotics Division, ISP Highway Interdiction Division, Homeland Security, Michigan SWET Drug Task Force and the US Postal Inspectors Office and others have proven instrumental. This collaboration has led to notable successes, including significant drug seizures, firearm recoveries, and the dismantling of drug trafficking organizations in the Mishawaka area. As a direct result of SCU's unique ability to be associated with this type of Task Force, SCU has been involved with seizures involving the following amounts in 2023:

Meth 24,040 grams; Cocaine 46 grams; Fentanyl 275 grams; Marijuana 15,875 grams
plus approx. 90 vape cartridges; Firearms 12; Vehicles 3
Money seizures \$191,649.00 plus \$1,400 in bit coin

The success of the SCU's efforts not only reinforces law enforcement capabilities but also underscores our collective commitment to a safer Mishawaka. We commend the SCU for their dedication and impactful contributions to our community's well-being.

Riverwalk Beat

A "Riverwalk beat" was implemented in 2015 and determined to be very successful. Several methods of patrol have been utilized, including the Kawasaki mule, bicycles and motorcycle. The extra patrols have minimized reported vandalism that was seen in previous years. The renovation of Central Park has brought an increase of visitors to both the park and Riverwalk. The MPD continues its patrol efforts in the parks enhanced with the installation of a video camera surveillance system throughout the Riverwalk, Beutter and Central Park. Several emergency call boxes will also be installed, thus enhancing the safety of all Riverwalk users.

CAPS Program

The Citizens in Alliance with Police (CAPS) Program has much success in patrolling the Riverwalk and City parks and has expanded to two teams of volunteers that can be seen on the weekends.

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.

These events are not uncommon; as the uniform officer is normally the first to arrive on scene during an emergency call situation. They are the face of the Department. Promoting a positive working relationship within the community helps to keep peace and harmony in our neighborhoods.

The Uniform Division was tasked with covering over 41,698 calls for service in 2023. That number also reflects reporting on 1,901 vehicle crashes.

For general information purposes, a copy of the year 2024 budget has been included for reference. The budget itemizes the costs of providing services for the entire city.

ICJI Traffic Enforcement Grant - Stats:

There was a total of 1,716 hours of traffic enforcement worked.

Approximately 5,015 total contacts

Approximately 2,371 total written citations

Approximately 262 Arrests

Arrests were for operators driving while suspended, operating vehicles without ever having a license, habitual traffic violators, driving while intoxicated, arrest warrants, possession of drugs and/or drug paraphernalia.

Total grant money spent in the year 2023 was approximately \$128,731.

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
2024 BUDGET

POLICE DEPARTMENT

1101-20

1 PERSONAL SERVICES

Salaries and Wages

411-01	Police Chief	101,500.00	biweekly 3,903.85
411-02	Assistant Chief		
	3 @ 96,500	289,500.00	3,711.54
	Captain		
	5 @ 93,500	467,500.00	3,596.15
	Lieutenant		
	14 @ 92,000	1,288,000.00	3,538.46
	Sergeant		
	20 @ 90,500	1,810,000.00	3,480.77
	1st Class Patrol Officer		
	47 @ 89,000	4,183,000.00	3,423.08
	2nd Class Patrol Officer		
	10 @ 64,739	647,390.00	2,489.96
			8,786,890.00

Civilians

	Trainer	55,105.00	2,119.42
	Crime Tech	53,470.00	2,056.51
	Recruiter	52,789.00	2,030.33
	Digital Media/Statistical Analyst	44,794.00	1,722.83
	Administrative Assistant	48,134.00	1,851.28
	Administrative Secretary	41,315.00	1,589.02
	Secretary 2 @ 40,797	81,594.00	1,569.11
	Parking Personnel	40,797.00	1,569.11
	Property Manager	44,794.00	1,722.83
	Office Manager	44,880.00	1,726.15
			507,672.00
	Crossing Guards 15 @ 8,154	122,310.00	
411-03	Substitute Crossing Guard	2,000.00	
	Temporary Help/Part-time	30,000.00	
411-65	Certifications	4,500.00	158,810.00

Other Personal Services

411-02	Shift Differential 2nd @700	30,000.00	
411-12	Specialty	75,000.00	
411-60	Overtime/ Court-time Officer-Non Officer	600,000.00	
411-63	Longevity	11,325.00	
411-66	Uniform Allowance 1@600, 102@2050	210,700.00	
	1@1000 Crime Tech		
411-66	Equipment Allowance 102@1250	127,500.00	1,054,525.00

Employee Benefits

413-01	Social Security	42,123.00	
413-02	Medicare	137,261.00	
413-03	INPRS 14.2%	74,564.00	
413-05	Health Insurance	2,515,252.00	
413-06	Life Insurance	7,000.00	

CITY OF MISHAWAKA
2024 BUDGET

POLICE DEPARTMENT
1101-20

413-08	Deferred Comp Benefit	180,000.00	
413-10	77 Pension 19.1% + 3%	<u>2,006,238.00</u>	<u>4,962,438.00</u>
			15,470,335.00

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	120,000.00	
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Other Supplies

429-11	Seminars/ Community Relations	<u>1,000.00</u>	
			121,000.00

3 OTHER SERVICES AND CHARGES

Professional Services

431-09	Clinic Services	35,800.00	
431-11	Testing	2,000.00	

Communication and Transportation

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

433-01	Printing	1,800.00	
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Repairs and Maintenance

436-01	Building Repair/ Maintenance	100,000.00	
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Other Services and Charges

439-03	Subscriptions, Dues, etc.	18,000.00	
439-09	Miscellaneous Charges	5,000.00	
439-11	Special Expense	13,000.00	
439-12	Canine Expenses	<u>9,000.00</u>	
			<u>186,600.00</u>
			<u>15,777,935.00</u>

STREET DEPARTMENT

The Mishawaka Street Department, with its large staff and several trucks and multiple pieces of equipment, constantly maintains the City's streets and is prompt at answering to emergencies.

Staffing

The Mishawaka Street Department, headed by the Street Commissioner, has 32 union employees, two clerical personnel and two assistant street commissioners. The telephone is staffed 24 hours a day, and one manager is on call at all times, so that most emergencies can be handled in less than one hour.

Equipment

The Department uses 3 tandem axle and 11 single-axle trucks for the majority of the City's snow plowing. The Department also has 12 4-wheel drive trucks used for plowing smaller streets.

If the need arises during a winter storm, the Department also can call upon the Utilities and Parks departments to help supplement the snow removal efforts.

Along with the three loaders, two graders and the help of the manpower and equipment from other departments, the City can put a total of seven loaders, five backhoes and four additional trucks on the road to help remove snow. St. Joseph County does not have as many resources and has a larger area to plow; therefore, it takes the county longer to clear their roads.

Services

The City's leaf pick-up program is completed on a weekly basis every fall, compared with the County's leaf pick-up program, which is done by quadrants.

The City also has an aggressive street sweeping schedule, with all streets swept every 10 days. The County does little street sweeping.

Also, in the event of a wind storm that blows trees into streets, the City can have the street reopened, in most cases, in less than an hour. The county can take six to eight hours, as evidenced by calls from residents on streets just outside the City's boundaries.

Costs Associated with Services

If annexed, the City of Mishawaka Street Department is capable of providing a level of service for the area that is equal to the services currently provided for similar geographic areas within the City of Mishawaka. Given the proximity of the proposed annexation area, bordered to the south by the existing City limits, the Street Department does not require any additional funds than what have been allocated within the current city budget to provide these services. No capital expenditures are required in association with this proposed annexation. Services will begin within one year of the date of annexation as required by law.

For general information purposes, a copy of the year 2024 budget has been included for reference.

CITY OF MISHAWAKA
2024 BUDGET

CENTRAL SERVICES DEPARTMENT
1101-22

1 PERSONAL SERVICES

Salaries and Wages

411-02 Assistant 4 @ 61,962	247,848.00	biweekly 2,383.13
Fleet Maintenance Technician		
6 @ 24.84*2092	311,804.00	
Group 1: 4 @ 23.60*2092	197,522.00	
PT maintenance 1040 hrs @ 11.00	11,440.00	
3 Additional Employees	150,000.00	
		918,614.00

Other Services Personal

411-60 Overtime	15,000.00	
411-63 Longevity	<u>12,775.00</u>	
		<u>27,775.00</u>
		946,389.00

2 SUPPLIES

Office Supplies

421-90 Office Supplies	2,000.00	
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Operating Supplies

422-02 Gas, Oil, etc.	1,000,000.00	
422-05 Equipment/Vehicle/Maint Supplies	185,000.00	

Other Supplies

429-08 Uniform/Supplies	<u>7,550.00</u>	
		1,194,550.00

3 OTHER SERVICES AND CHARGES

Professional Services

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

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

436-01 Building Repair/Equipment/Maint	145,000.00	
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Rentals

437-05 Uniforms	11,080.00	
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Other Services and Charges

439-09 Miscellaneous Charges	<u>1,500.00</u>	
		<u>159,580.00</u>
		<u>2,300,519.00</u>

CITY OF MISHAWAKA
2024 BUDGET

MOTOR VEHICLE HIGHWAY
2201-50

1 PERSONAL SERVICES

Salaries and Wages

biweekly

411-01	Street Commissioner	78,332.00	3,012.74
411-02	Office Administrator	43,888.00	1,687.99
	Office Manager	40,778.00	1,568.36
	Group 1: 34 @ 23.60*2092	1,678,940.00	
	CS reimburse - 61,962* 1.25 for assts.	<u>77,453.00</u>	

1,919,391.00

Other Services Personal

411-12	Specialty CDL Instructors	5,000.00
411-60	Overtime	80,000.00
411-63	Longevity	23,015.00
411-64	FTO (Flexible Time Off) Plan	<u>8,000.00</u>

116,015.00

Employee Benefits

413-01	Social Security	126,195.00
413-02	Medicare	29,513.00
413-03	INPRS 14.2%	289,028.00
413-04	Unemployment	5,000.00
413-05	Employee Ins Benefits	600,000.00
413-06	Life Insurance	2,200.00
413-07	Deferred Comp Benefit	<u>20,000.00</u>

1,071,936.00

3,107,342.00

2 SUPPLIES

Office Supplies

421-90	Office Supplies	1,500.00
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Other Supplies

429-08	Uniform Supplies	7,500.00
429-13	Traffic Supplies	<u>45,000.00</u>

54,000.00

3 OTHER SERVICE AND CHARGES

Professional Services

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

432-03	Travel and Training	3,000.00
432-04	Telephone/ Paging	8,000.00

Printing and Advertising

433-02	Publications	500.00
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CITY OF MISHAWAKA
2024 BUDGET

MOTOR VEHICLE HIGHWAY
2201-50

Rentals

437-05 Uniforms 16,000.00

Other Services and Charges

439-09 Miscellaneous Charges 3,000.00

35,500.00

4 CAPITAL OUTLAYS MVHR

Improvements Other than Buildings

442-01 Street Repair 1,500,000.00

1,500,000.00

4,696,842.00

LOCAL ROAD AND STREET
2202-50

4 CAPITAL OUTLAYS

Improvements other than Buildings

442-01 Street Repair 500,000.00

442-04 Sidewalk and Curb Program 300,000.00

50/50 Program 25,000.00

445-02 Equipment 330,000.00

Trackless vehicle w/ plow 1,155,000.00

CV Mid size dump w/ plow

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 \$17.61. 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 \$14.28 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 varies 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 the Organic Center

The leaf pick-up and Christmas tree pick-up programs are done through the City's Street Department. The Organic Center offers recycling for residents of Mishawaka only. Brush, grass and leaves may be brought in, by residents at no charge.

Wastewater

Services

Services are provided by the Mishawaka Wastewater Division 24-hours a day, 7 days per week. There are at least two operators staffing the facility at all times. Additionally, maintenance technicians can be called in during off-hours to respond to emergencies. The thirty remote sewage lift stations are continuously monitored by radio telemetry.

Facilities

Mishawaka's wastewater treatment plant is a Class IV facility that was expanded in 2008 to provide an average design capacity of 20 million gallons per day (MGD). The peak design capacity is 42 MGD. The plant is designed to operate in the conventional activated sludge mode. Single stage nitrification is achieved in the activated sludge process to convert ammonia to nitrate. Phosphorus is removed both biologically and by chemical precipitation using ferrous chloride. Solids generated in the treatment process are anaerobically digested and mechanically dewatered. These biosolids are land applied on area farm fields for soil conditioning and fertilizing. The treated effluent from the facility is disinfected with sodium hypochlorite, then treated with sodium bisulfite to remove any chlorine residual.

Staff

Twenty-six people staff the wastewater utility. There are 6 managers/supervisors, 3 chemists, 11 operators, 5 maintenance technicians, and 1 biosolids technician. At least two operators are on duty at all times.

Support Personnel

The Wastewater Division relies on the Mishawaka Utilities Business Office for support functions such as billing, budget tracking, and customer service. The City's Engineering Division works closely with the Wastewater Division on plan reviews for sewer and lift station additions. Consulting engineering firms are used to design improvements and for comprehensive studies.

Past and Planned Capital Improvements

A \$42 million upgrade was completed in 2008 for the wastewater utility. This upgrade was necessary to provide capacity for service area growth and to address the CSO requirements established in Mishawaka's NPDES permit and CSO control regulations. The upgrade increased both the dry weather flow capacity and the plant's capability to treat wet weather flows.

The capital improvements increased the wastewater treatment plant's capacity from 12 MGD to 20 MGD. The hydraulic peak capacity increased from 24 MGD to 42 MGD. The scope of the wastewater treatment plant improvements includes the following elements:

- Parallel 60-inch interceptor sewer from CSO 009 to treatment plant
- Addition of three influent pumps and two fine screens
- New grit separation and washing equipment
- Addition of two each of grit removal tanks, primary tanks, aeration tanks and final clarifier
- Addition of a chlorine contact tank
- Conversion from gaseous chlorine and sulfur dioxide to liquid sodium hypochlorite and sodium bisulfite disinfection
- Rehabilitation of ferrous chloride storage and feed system
- Addition of two WAS gravity belt thickener
- Addition of a second belt filter press for biosolids dewatering
- 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

In 2013, the Carriage Lane and Winding Brook lift stations were replaced and stand-by emergency generators were added. The Southampton lift station was upgraded to include a stand-by emergency generator as well.

In 2017, the Oakland St. lift station was replaced. In 2020 the Willow Creek Lift Station was completely re-built following a catastrophic failure of the station.

Construction of miscellaneous plant improvements included replacement of the manual bar screen with a new automated fine screen, improvements to the hypochlorite disinfection system, improvements to

CSO 009, and replacement of the existing air monitoring systems in the Headworks and Digester Control Buildings was substantially completed in 2019. Also, replacement of the Home St. lift station was completed in 2019.

In 2020, the replacement of the effluent troughs in the 4 west side final clarifiers was completed.

Future capital improvements focusing on the Combined Sewer Overflow Long Term Control Plan 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.

In May of 2023, the Mishawaka Wastewater Division issued \$33M in revenue bonds for continued work in the collection system in order to reduce Combined Sewer Overflows and promote development. In addition, project will be conducted at the treatment facility to increase efficiency and replace aged equipment.

Statistical Information

Mishawaka's wastewater treatment plant exhibits outstanding performance. For the year 2022 the average removals and plant data were as follows:

	2023
Average Flow (MGD)	9.15
Peak Flow (MGD)	60.7
BOD Removed (%)	98
Phosphorus Removed (%)	84
Ammonia Removed (%)	95
Solids Removed (%)	98
Biosolids Produced (dry tons)	1322
Electricity Use (MkWH)	5.1
Natural Gas Use (Mcf)	10.5
Total Precipitation (inches)	35.69

Costs Associated with Services

Mishawaka Utilities Wastewater Division is predominately supported through revenue generated by the rates charged to customers. The Wastewater Treatment Plant Upgrade and Expansion 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 saved 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 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 \$3.36 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.

WATER SERVICE

Water Utilities

The Mishawaka Utilities Water Division is a medium-sized public water utility that serves a population and area larger than just the City of Mishawaka. The combined well fields average about 7 million gallons pumped each day, with a peak daily rate of 25 mgd and a maximum capacity of 32 mgd. The water is treated with chlorine, fluoride and phosphate and is regularly and comprehensively tested in accordance with state and federal regulations. The city public water supply consistently exceeds the strict standards set forth by the United States Environmental Protection Agency and the Indiana Department of Environmental Management.

Serving the Proposed Annexation Area

Currently there is a 16" water main fronting the property on Fir Road on the east side, just off of the street in the grass. An extension would need to be done from here to bring it on to the property.

The costs associated with the extension of water service to the individual property, including tap fees, are paid by developer's/property owners, and are not paid by Mishawaka Utilities. For existing properties with wells, a 1-inch copper service line is typically provided to the property line for future connection. Similar to other areas of the city, the customer would be required to pay for the tap in order to use the service. The property owner also would be responsible to run the service from the property line to any future proposed development and install a meter setter in accordance with Water Division standards.

Staff and Services

The Mishawaka Utilities Water Division has a 24-hour emergency answering service line, which calls the supervisor on duty on a cellular telephone. Crews generally report on site within an hour of an emergency. On average, service outages only last about three hours.

There are a total of thirty-three (33) employees in the Water Division consisting of twenty (24) union employees and nine (9) salaried personnel. An additional administrative staff of four (4) people and an office staff of twenty-three (23) carries out all billing and clerical work for both the electric and water divisions.

The Water Division has twenty-seven (28) vehicles and eight (9) large specialized pieces of equipment to serve the area.

Services to Residents

The Mishawaka Utilities Water Division provides three programs to replace lead services within the City's water system.

1. The Division replaces any lead service that is in need of repair.
2. The Division replaces any lead service to a current customer when the customer replaces the line from the street shut-off to the house.
3. The Division replaces any lead service that is not currently in use by a customer at a reduced cost to customer when a new structure is built.

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.

Annexation Fiscal Plan

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL II: BEGINNING AT A POINT WHICH IS 1231.2 FEET EAST OF AND 1442 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION NUMBERED TWO (2), TOWNSHIP NUMBERED THIRTY-SEVEN (37) NORTH, RANGE NUMBERED THREE (3) EAST; THENCE NORTH 240 FEET; THENCE WEST 373.27 FEET; THENCE SOUTH 240 FEET; THENCE EAST 371.59 FEET TO THE PLACE OF BEGINNING, BEING LOT NUMBERED THIRTY (30) IN THE PLAT OF WILLIAMS SULT'S BABY FARMS INCLUDING THE ADJACENT CLOVER ROAD RIGHT-OF-WAY.

COMMON ADDRESS: 55770 FIR ROAD & 55721 CLOVER ROAD, MISHAWAKA, IN 46545

TAB D - APPENDICES

RESOLUTION NO. 2024-14

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

55770 Fir Road & 55721 Clover Road, Mishawaka, IN 46545 – East side of Fir Road approximately 1,200' north of E. 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 Planning and Community Development 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 Planning and Community Development 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:

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL II: BEGINNING AT A POINT WHICH IS 1231.2 FEET EAST OF AND 1442 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION NUMBERED TWO (2), TOWNSHIP NUMBERED THIRTY-SEVEN (37) NORTH, RANGE NUMBERED THREE (3) EAST; THENCE NORTH 240 FEET; THENCE WEST 373.27 FEET; THENCE SOUTH 240 FEET; THENCE EAST 371.59 FEET TO THE PLACE OF BEGINNING, BEING LOT NUMBERED THIRTY (30) IN THE PLAT OF WILLIAMS SULT'S BABY FARMS INCLUDING THE ADJACENT CLOVER ROAD RIGHT-OF-WAY.

COMMON ADDRESS: 55770 FIR ROAD & 55721 CLOVER ROAD, MISHAWAKA, IN
46545

Section II. Following the review of documents prepared by the Department of Planning and Community Development 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 _____, 2024, at _____ o'clock __.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,

2024, at _____ o'clock __.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____ 2024, at
_____ o'clock __.M.

David A. Wood, Mayor

**Appendix "B" Annexation
Ordinance**

PETITION 24-08

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 R-1 Single Family Residential 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:

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL II: BEGINNING AT A POINT WHICH IS 1231.2 FEET EAST OF AND 1442 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION NUMBERED TWO (2), TOWNSHIP NUMBERED THIRTY-SEVEN (37) NORTH, RANGE NUMBERED THREE (3) EAST; THENCE NORTH 240 FEET; THENCE WEST 373.27 FEET; THENCE SOUTH 240 FEET; THENCE EAST 371.59 FEET TO THE PLACE OF BEGINNING, BEING LOT NUMBERED THIRTY (30) IN THE PLAT OF WILLIAMS SULT'S BABY FARMS INCLUDING THE ADJACENT CLOVER ROAD RIGHT-OF-WAY.

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

Proposed Ordinance No: _____

Ordinance No: _____

of the City of Mishawaka, Indiana, and shall carry a classification for zoning of R-1 Single Family Residential.

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

1. Existing Conditions - The subject property is located east of Fir Road approximately a quarter mile north of E. McKinley Avenue. Fir Road, which is a low to moderate travelled minor arterial road, serves as one of the primary north/south corridors in the northeast part of the city. McKinley Avenue to the south is a heavily travelled principal arterial providing major east/west access between St. Joseph and Elkhart County. Traffic volumes along these roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses, an electric utility substation, and vacant property to the north, east, and south within unincorporated St. Joseph County, and an apartment complex to the west.
2. Character of Buildings in Area - The buildings and land uses along Fir Road are primarily single and multi-family residential. An indoor amusement facility and assisted living facility are located west of Fir Road north of the property.
3. The most desirable/highest and best use – With the property's location adjacent to residential uses, the most desirable use for the property is residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single and multi-family residential uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use of the subject property and adjacent areas as low density residential.

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 _____, 2024, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: _____

Ordinance No: _____

PRESENTED by me to the Mayor this _____ day of _____,
2024, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock _____.M.

David A. Wood, Mayor

2.

1.

Appendix "C"

Tab Rate Chart for the year 2023 payable 2017ab Rate Chart for the year 2023 payable 2024

Notice is hereby given that the Tax Duplicates/Notice is hereby given that the Tax Duplicates for the Taxing Units of St. Joseph County, for the year 2023 payable 2024, are now in the hands of the St. Joseph County Auditor, who is ready to receive the Taxes charged thereon.

The following table shows the rate of taxation on each \$100.00 of Taxable Real Estate, Personal Property and Mobile Homes. The first installment will be delinquent after May 10, 2024.

	71 018	71 022	71 023	71 025	71 028	71 027	71 028	71 029	71 030	71 031	71 032	71 033	71 034	71 035	71 036	71 037
	New Carlisle	Mishawaka - Phm School	Mishawaka - Penn	Portage Township	South Bend - Portage	Union Township	Lakeville	Warren Township	Osceola	Penn Township	Penn Township - Mishawaka Schools	South Bend - Penn	Liberty Township	North Liberty	Mishawaka - Harris	South Bend Warren
Fund	Fund Name															
61	County Rainy Day															
101	County General	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673	0.4673
124	Cumulative Reassessment	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176	0.0176
180	Debt Service	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067	0.0067
181	2022 GO Highway Bond	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150	0.0150
702	Highway															
706	LR & S															
720	Major Moves SPC															
790	Cumulative Bridge	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095	0.0095
792	Major Cumulative Bridge	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
801	Health	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216
1301	Park & Recreation	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216	0.0216
2351	Cumulative Capital Development	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333	0.0333
71 1	TOTAL COUNTY	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259	0.6259
61	Township Rainy Day															
101	Township General Fund	0.0429	0.0113	0.0113			0.0683	0.0683	0.0322	0.0113	0.0113	0.0113	0.0113	0.0667	0.0075	0.0322
180	TOWNSHIP DEBT SERVICE									0.0495	0.0495	0.0495				
601	Twp Community Bldg															
840	Twp Poor Relief/Twp Assistance	0.0013	0.0207	0.0207	0.0440	0.0140	0.0035	0.0035		0.0207	0.0207	0.0207	0.0207		0.0008	
1111	Twp Fire								0.2676							
1181	Twp Fire Bldg Debt Fund						0.0792	0.0792	0.1881							
1182	Twp Fire Equipment Debt						0.0385	0.0385	0.0361							
1190	Twp Cum Fire								0.0333							
1312	Twp Recreation															
2120	Township Cemetery	0.0140														
8604	Twp Fire Territory General				0.5063		0.0839	0.0839	0.2103	0.2103	0.2103		0.2731	0.2731		
8692	Twp Fire Territory Equip Repla				0.0308		0.0331	0.0331	0.0333	0.0333	0.0333		0.0333	0.0333		
71 2	TOTAL TOWNSHIP	0.0582	0.0320	0.0320	0.5811	0.0440	0.3065	0.3065	0.5573	0.3251	0.3251	0.3251	0.3731	0.3731	0.0083	0.0322
61	City/Town Rainy Day															
101	City General	0.8031	1.7224	1.7224		2.3710		0.6649		0.1723			2.3710		0.9129	2.3710
180	City Debt Service	0.0705														
181	City/Town Debt Payment															
341	City Fire Pension															
342	City Police Pension															
706	City/Town LR & S															
708	City MVI	0.2459	0.0088	0.0088				0.2505	0.0398					0.2676	0.0088	
720	City/Town Major Moves Spc															
1109	Municipal Emerg Medical Svcs															
1301	City Park & Rec		0.2235	0.2235		0.5565						0.5565			0.2235	0.5565
1303	City/Town Park													0.0750		
1380	Park Bond					0.0308						0.0308				0.0308
2120	City Cemetery	0.0454														
2379	City/Town CCI															
2391	City Cum Cap Development	0.0500	0.0500	0.0500		0.0282		0.0421	0.0422			0.0282		0.0500	0.0500	0.0282
6290	City Cum Sewer															
8604	City Town Fire Territory Gen															
8692	City Town Fire Terr Equip Repla															
71 3	TOTAL CITY/TOWN	1.2149	2.0047	2.0047	0.0000	2.9865	0.0000	0.9575	0.0000	0.2543	0.0000	0.0000	2.9865	0.0000	1.3055	2.9865
22	Referendum-Exempt Operating			0.2434	0.3334	0.3334			0.3334			0.2434				0.3334
61	School Rainy Day															
180	School Debt Service	0.2497	0.4265	0.6870	0.2425	0.2425	0.5672	0.5672	0.2425	0.4265	0.4265	0.6870	0.4265	0.4488	0.4265	0.2425
287	Referendum Debt-Exempt Capital	0.2567		0.1040	0.0506	0.0506			0.0506			0.1040				0.0506
3101	Education															
3306	Operations	0.6457	0.5010	0.4004	0.6557	0.6557	0.4576	0.4576	0.6557	0.5010	0.5010	0.4004	0.5010	0.5564	0.5564	0.6557
71 4	TOTAL SCHOOL	1.1521	0.9275	1.4348	1.2822	1.2822	1.0248	1.0248	1.2822	0.9275	0.9275	1.4348	0.9275	1.0052	1.0052	1.2822
61	Rainy Day															
101	Library General	0.2581	0.1198	0.1198	0.2530	0.2530	0.2530	0.2530	0.1198	0.1198	0.1198	0.2530	0.2530	0.1198	0.2530	0.2530
180	Library Debt Service	0.0223	0.0139	0.0139	0.0195	0.0195	0.0195	0.0195	0.0139	0.0139	0.0139	0.0139	0.0139	0.0195	0.0139	0.0195
2011	Library LIFE															
71 5	TOTAL LIBRARY	0.2806	0.1337	0.1337	0.2725	0.2725	0.2725	0.2725	0.1337	0.1337	0.1337	0.1337	0.1337	0.2725	0.2725	0.1337
8001	So Bend Transpo		0.1036	0.1036		0.1036						0.1036			0.1036	0.1036
8090	So Bend Transpo Spec Tran Cum															
8101	Airport Authority General	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271	0.0271
8180	Airport Sp Airport Debt															
8190	Airport Authority Cum Bldg	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130	0.0130
8210	Sp Solid Waste Ma															
8604	Special Fire Protect Terr-Gen	0.4920														
8692	Spec Fire Protect Terr-Equip	0.0333														
71 6	TOTAL SPECIAL UNIT	0.5654	0.1437	0.1437	0.0401	0.1437	0.0401	0.0401	0.0401	0.0401	0.0401	0.1437	0.0401	0.0401	0.1437	0.1437
	Total Tax Rates (Less Conservancy)	3.8971	3.8675	4.3748	2.8018	5.3548	2.2698	3.2273	2.7780	2.3066	2.0523	2.5596	4.8493	2.3168	3.6223	5.3430

Property Tax

Property Tax

03/07/2024 09:00 AM by KGREGORI



2. Mishawaka-PHM School Tax Rates - Post Annexation



1. Penn Township Tax Rates - Prior to Annexation

Submitted to the State on

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification**Initial Year:****Date of last payment or bond expiration:****New (post 1989):****Newer (post 2005):****Refinanced bond:** N**Basic Debt Information****Debt Name:** Economic Development Income Tax Revenue Bonds of 2014**Debt Status:** Outstanding**Type of Indebtedness:** Bond**Base CUSIP Number:** 790607**Is this debt exempt from the property tax caps?** N**Code Cite****Code Cite Under Which Debt is Authorized:** 6-3.5-7*Code cite can typically be found in the bond resolution or ordinance.***Debt Limitation****Is this debt subject to the issuer's debt limit?** Y**Applicable Issuer:** St. Joseph County**Current Debt Limit:** \$52,426,723.00**Current Debt Capacity (after issuance of this debt):** \$35,171,723.00**Date Information****Date of Preliminary Determination:****Date of Publication of Preliminary Determination:****Newspaper(s):****Date of Public Hearing:****Date of Final Approval/Lease Execution:** 9/16/2014**Date of Appropriation Resolution:****Date of Debt Sale:** 12/11/2014**Date of Debt Closing:** 12/30/2014

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: Primary

Electric Revenues: No

Water Revenue: No

Wastewater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Construct a new Public Safety Answering Point and renovate existing facility to serve as a backup

Total Project Cost: \$9,155,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received: 11/18/2014

Date Construction Started: 9/30/2014

Estimated Date of Substantial Completion: 9/30/2015

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
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									Credit	
6/30/2015	\$210,000	2.00	\$131,866	\$341,866						\$8,945,000
12/31/2015	\$215,000	2.00	\$129,766	\$344,766		\$686,631				\$8,730,000
6/30/2016	\$215,000	2.00	\$127,616	\$342,616						\$8,515,000
12/31/2016	\$220,000	2.00	\$125,466	\$345,466		\$688,081				\$8,295,000
6/30/2017	\$220,000	2.00	\$123,266	\$343,266						\$8,075,000
12/31/2017	\$225,000	2.00	\$121,066	\$346,066		\$689,331				\$7,850,000
6/30/2018	\$225,000	2.00	\$118,816	\$343,816						\$7,625,000
12/31/2018	\$225,000	2.00	\$116,566	\$341,566		\$685,381				\$7,400,000
6/30/2019	\$230,000	2.00	\$114,316	\$344,316						\$7,170,000
12/31/2019	\$230,000	2.00	\$112,016	\$342,016		\$686,331				\$6,940,000
6/30/2020	\$235,000	2.00	\$109,716	\$344,716						\$6,705,000
12/31/2020	\$235,000	2.00	\$107,366	\$342,366		\$687,081				\$6,470,000
6/30/2021	\$240,000	3.00	\$105,016	\$345,016						\$6,230,000
12/31/2021	\$240,000	3.00	\$101,416	\$341,416		\$686,431				\$5,990,000
6/30/2022	\$245,000	3.00	\$97,816	\$342,816						\$5,745,000
12/31/2022	\$250,000	3.00	\$94,141	\$344,141		\$686,956				\$5,495,000
6/30/2023	\$255,000	3.00	\$90,391	\$345,391						\$5,240,000
12/31/2023	\$255,000	3.00	\$86,566	\$341,566		\$686,956				\$4,985,000
6/30/2024	\$260,000	3.00	\$82,741	\$342,741						\$4,725,000
12/31/2024	\$265,000	3.00	\$78,841	\$343,841		\$686,581				\$4,460,000
6/30/2025	\$190,000	3.00	\$74,866	\$264,866						\$4,270,000
12/31/2025	\$195,000	3.00	\$72,016	\$267,016		\$531,881				\$4,075,000
6/30/2026	\$200,000	3.00	\$69,091	\$269,091						\$3,875,000
12/31/2026	\$200,000	3.00	\$66,091	\$266,091		\$535,181				\$3,675,000
6/30/2027	\$205,000	3.13	\$63,091	\$268,091						\$3,470,000
12/31/2027	\$205,000	3.13	\$59,888	\$264,888		\$532,978				\$3,265,000
6/30/2028	\$210,000	3.25	\$56,684	\$266,684						\$3,055,000
12/31/2028	\$215,000	3.25	\$53,272	\$268,272		\$534,956				\$2,840,000
6/30/2029	\$215,000	3.38	\$49,778	\$264,778						\$2,625,000
12/31/2029	\$220,000	3.38	\$46,150	\$266,150		\$530,928				\$2,405,000
6/30/2030	\$225,000	3.38	\$42,438	\$267,438						\$2,180,000
12/31/2030	\$225,000	3.38	\$38,641	\$263,641		\$531,078				\$1,955,000
6/30/2031	\$230,000	3.50	\$34,844	\$264,844						\$1,725,000
12/31/2031	\$235,000	3.50	\$30,819	\$265,819		\$530,663				\$1,490,000
6/30/2032	\$240,000	3.50	\$26,706	\$266,706						\$1,250,000
12/31/2032	\$240,000	3.50	\$22,506	\$262,506		\$529,213				\$1,010,000
6/30/2033	\$245,000	3.63	\$18,306	\$263,306						\$765,000
12/31/2033	\$250,000	3.63	\$13,866	\$263,866		\$527,172				\$515,000
6/30/2034	\$255,000	3.63	\$9,334	\$264,334						\$260,000
12/31/2034	\$260,000	3.63	\$4,713	\$264,713		\$529,047				\$0

Total	\$9,155,000		\$3,027,870	\$12,182,870		\$12,182,857				
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Notes

St. Joseph County

Submitted to the State on Friday, February 17, 2017

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2023

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: St. Joseph County Redevelopment District, Special Taxing District Bonds of 2016

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 79062M

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized: I.C. 36-7-14 & I.C. 36-7-25

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: St. Joseph County Redevelopment District

Current Debt Limit: \$28,513,058.00

Current Debt Capacity (after issuance of this debt): \$15,333,058.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s): Tri-County News and South Bend Tribune

Date of Public Hearing: 7/1/2016

Date of Final Approval/Lease Execution:

Date of Appropriation Resolution: 7/12/2016

Date of Debt Sale: 11/21/2016

Date of Debt Closing: 11/30/2016

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Provide funds to finance various improvements in or serving the NewCarlisle EconomicDevelopmentArea

Total Project Cost: \$9,197,753.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
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									Credit	
2/1/2038	\$380,000	4.00	\$7,600	\$387,600		\$395,200				\$0
8/1/2037			\$7,600	\$7,600						\$380,000
2/1/2037	\$365,000	4.00	\$14,900	\$379,900		\$394,800				\$380,000
8/1/2036			\$14,900	\$14,900						\$745,000
2/1/2036	\$350,000	4.00	\$21,900	\$371,900		\$393,800				\$745,000
8/1/2035			\$21,900	\$21,900						\$1,095,000
2/1/2035	\$335,000	4.00	\$28,600	\$363,600		\$392,200				\$1,095,000
8/1/2034			\$28,600	\$28,600						\$1,430,000
2/1/2034	\$325,000	4.00	\$35,100	\$360,100		\$395,200				\$1,430,000
8/1/2033			\$35,100	\$35,100						\$1,755,000
2/1/2033	\$310,000	4.00	\$41,300	\$351,300		\$392,600				\$1,755,000
8/1/2032			\$41,300	\$41,300						\$2,065,000
2/1/2032	\$300,000	4.00	\$47,300	\$347,300		\$394,600				\$2,065,000
8/1/2031			\$47,300	\$47,300						\$2,365,000
2/1/2031	\$290,000	4.00	\$53,100	\$343,100		\$396,200				\$2,365,000
8/1/2030			\$53,100	\$53,100						\$2,655,000
2/1/2030	\$275,000	4.00	\$58,600	\$333,600		\$392,200				\$2,655,000
8/1/2029			\$58,600	\$58,600						\$2,930,000
2/1/2029	\$265,000	4.00	\$63,900	\$328,900		\$392,800				\$2,930,000
8/1/2028			\$63,900	\$63,900						\$3,195,000
2/1/2028	\$620,000	3.00	\$73,200	\$693,200		\$766,400				\$3,195,000
8/1/2027			\$73,200	\$73,200						\$3,815,000
2/1/2027	\$600,000	3.00	\$82,200	\$682,200		\$764,400				\$3,815,000
8/1/2026			\$82,200	\$82,200						\$4,415,000
2/1/2026	\$585,000	3.00	\$90,975	\$675,975		\$766,950				\$4,415,000
8/1/2025			\$90,975	\$90,975						\$5,000,000
2/1/2025	\$565,000	3.00	\$99,450	\$664,450		\$763,900				\$5,000,000
8/1/2024			\$99,450	\$99,450						\$5,565,000
2/1/2024	\$550,000	3.00	\$107,700	\$657,700		\$765,400				\$5,565,000
8/1/2023			\$107,700	\$107,700						\$6,115,000
2/1/2023	\$535,000	3.00	\$115,725	\$650,725		\$766,450				\$6,115,000
8/1/2022			\$115,725	\$115,725						\$6,650,000
2/1/2022	\$520,000	3.00	\$123,525	\$643,525		\$767,050				\$6,650,000
8/1/2021			\$123,525	\$123,525						\$7,170,000
2/1/2021	\$505,000	3.00	\$131,100	\$636,100		\$767,200				\$7,170,000
8/1/2020			\$131,100	\$131,100						\$7,675,000
2/1/2020	\$490,000	3.00	\$138,450	\$628,450		\$766,900				\$7,675,000
8/1/2019			\$138,450	\$138,450						\$8,165,000
2/1/2019	\$565,000	3.00	\$146,925	\$711,925		\$858,850				\$8,165,000
8/1/2018			\$146,925	\$146,925						\$8,730,000

2/1/2018			\$146,925	\$146,925		\$343,641				\$8,730,000
8/1/2017			\$196,716	\$196,716						\$8,730,000
Total	\$8,730,000		\$3,306,741	\$12,036,741		\$12,036,741				

Notes

St. Joseph County

Submitted to the State on Thursday, April 12, 2018

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2021

Date of last payment or bond expiration: 7/1/2025 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: N

Basic Debt Information

Debt Name: 2017 General Obligation (Guaranteed Energy Savings) Bonds

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: Saint Joseph County

Current Debt Limit: \$54,674,687.00

Current Debt Capacity (after issuance of this debt): \$44,174,687.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing: 8/8/2017

Date of Final Approval/Lease Execution: 8/15/2017

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 10/12/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Capital improvements to County facilities for energy savings

Total Project Cost: \$10,574,935.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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6/30/2032	\$430,000	3.00	\$6,450	\$436,450		\$436,450	\$0		\$0
12/30/2031	\$425,000	3.00	\$12,825	\$437,825		\$871,875	\$0		\$430,000
6/30/2031	\$415,000	3.00	\$19,050	\$434,050			\$0		\$855,000
12/30/2030	\$410,000	3.00	\$25,200	\$435,200		\$871,475	\$0		\$1,270,000
6/30/2030	\$405,000	3.00	\$31,275	\$436,275			\$0		\$1,680,000
12/30/2029	\$400,000	2.75	\$36,775	\$436,775		\$873,981	\$0		\$2,085,000
6/30/2029	\$395,000	2.75	\$42,206	\$437,206			\$0		\$2,485,000
12/30/2028	\$390,000	2.50	\$47,082	\$437,082		\$873,975	\$0		\$2,880,000
6/30/2028	\$385,000	2.50	\$51,894	\$436,894			\$0		\$3,270,000
12/30/2027	\$380,000	2.38	\$56,406	\$436,406		\$872,266	\$0		\$3,655,000
6/30/2027	\$375,000	2.38	\$60,859	\$435,859			\$0		\$4,035,000
12/30/2026	\$370,000	2.25	\$65,022	\$435,022		\$868,922	\$0		\$4,410,000
6/30/2026	\$365,000	2.13	\$68,900	\$433,900			\$0		\$4,780,000
12/30/2025	\$365,000	2.00	\$72,550	\$437,550		\$873,700	\$0		\$5,145,000
6/30/2025	\$360,000	2.00	\$76,150	\$436,150			\$0		\$5,510,000
12/30/2024	\$355,000	2.00	\$79,700	\$434,700		\$872,950	\$0		\$5,870,000
6/30/2024	\$355,000	2.00	\$83,250	\$438,250			\$0		\$6,225,000
12/30/2023	\$350,000	2.00	\$86,750	\$436,750		\$871,950	\$0		\$6,580,000
6/30/2023	\$345,000	2.00	\$90,200	\$435,200			\$0		\$6,930,000
12/30/2022	\$345,000	2.00	\$93,650	\$438,650		\$875,700	\$0		\$7,275,000
6/30/2022	\$340,000	2.00	\$97,050	\$437,050			\$0		\$7,620,000
12/30/2021	\$335,000	2.00	\$100,400	\$435,400		\$869,100	\$0		\$7,960,000
6/30/2021	\$330,000	2.00	\$103,700	\$433,700			\$0		\$8,295,000
12/30/2020	\$330,000	2.00	\$107,000	\$437,000		\$872,250	\$0		\$8,625,000
6/30/2020	\$325,000	2.00	\$110,250	\$435,250			\$0		\$8,955,000
12/30/2019	\$325,000	2.00	\$113,500	\$438,500		\$875,200	\$0		\$9,280,000
6/30/2019	\$320,000	2.00	\$116,700	\$436,700			\$0		\$9,605,000
12/30/2018	\$315,000	2.00	\$119,850	\$434,850		\$817,300	\$0		\$9,925,000
6/30/2018	\$260,000	2.00	\$122,450	\$382,450			\$0		\$10,240,000
12/30/2017	\$0	2.00	\$53,062	\$53,062		\$53,062	\$0		\$10,500,000
Total	\$10,500,000		\$2,150,156	\$12,650,156		\$12,650,156	\$0		

Notes

2017 GO Energy Savings Bond. Closed 10/12/17. Gateway debt unlocked and information updated on 4/12/18.

St. Joseph County

Submitted to the State on Thursday, October 19, 2017

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2019

Date of last payment or bond expiration: 12/31/2024 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: Y

Basic Debt Information

Debt Name: 2015 PSAP Equipment Lease (US Bank)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 3/31/2015

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 3/31/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (PSAP Charges) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology and Equipment for a 911 Center

Total Project Cost: \$12,000,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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6/30/2015	\$601,375	2.22	\$67,188					\$668,563		\$11,398,625
12/31/2015	\$542,324	2.22	\$126,240			\$1,337,127		\$668,563		\$10,856,301
6/30/2016	\$548,329	2.22	\$120,234					\$668,563		\$10,307,972
12/31/2016	\$554,403	2.22	\$114,161			\$1,337,127		\$668,563		\$9,753,569
6/30/2017	\$560,543	2.22	\$108,021					\$668,563		\$9,193,026
12/31/2017	\$566,751	2.22	\$101,813			\$1,337,127		\$668,563		\$8,626,275
6/30/2018	\$573,027	2.22	\$95,536					\$668,563		\$8,053,248
12/31/2018	\$579,374	2.22	\$89,190			\$1,337,127		\$668,563		\$7,473,874
6/30/2019	\$585,790	2.22	\$82,773					\$668,563		\$6,888,084
12/31/2019	\$592,278	2.22	\$76,286			\$1,337,127		\$668,563		\$6,295,806
6/30/2020	\$598,838	2.22	\$69,724					\$668,571		\$5,696,968
12/31/2020	\$605,469	2.22	\$63,094			\$1,337,125		\$668,563		\$5,091,499
6/30/2021	\$612,175	2.22	\$56,388					\$668,563		\$4,479,324
12/31/2021	\$618,955	2.22	\$49,609			\$1,337,127		\$668,563		\$3,860,369
6/30/2022	\$625,810	2.22	\$42,754					\$668,563		\$3,234,559
12/31/2022	\$632,741	2.22	\$35,823			\$1,337,127		\$668,563		\$2,601,818
6/30/2023	\$639,748	2.22	\$28,815					\$668,563		\$1,962,070
12/31/2023	\$646,833	2.22	\$21,730			\$1,337,127		\$668,563		\$1,315,237
6/30/2014	\$653,997	2.22	\$14,566					\$668,563		\$661,240
12/30/2014	\$661,240	2.22	\$7,323			\$1,337,127		\$668,563		\$0
Total	\$12,000,000		\$1,371,268			\$13,371,268		\$13,371,268		

Notes

2015 PSAP Equipment and Technology Lease. US Bank. \$12,000,000 original principal amount.

St. Joseph County

Submitted to the State on Wednesday, November 15, 2017

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2020

Date of last payment or bond expiration: 12/31/2028 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: Y

Basic Debt Information

Debt Name: 2017 PSAP US Bank Technology Lease Amendment

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 11/14/2017

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 11/14/2017

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (PSAP Charges for Services) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Saint Josephy County

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology Improvements at County 911 Center

Total Project Cost: \$2,500,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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11/16/2027	\$140,017	2.46	\$1,730			\$283,494		\$141,747		\$0
5/16/2027	\$138,327	2.46	\$3,420					\$141,747		\$140,017
11/16/2026	\$136,659	2.46	\$5,098			\$283,494		\$141,747		\$278,344
5/16/2026	\$134,990	2.46	\$6,757					\$141,747		\$415,003
11/16/2025	\$133,352	2.46	\$8,395			\$283,494		\$141,747		\$549,993
5/16/2025	\$131,734	2.46	\$10,013					\$141,747		\$683,345
11/16/2024	\$130,135	2.46	\$11,612			\$283,494		\$141,747		\$815,079
5/16/2024	\$128,556	2.46	\$13,191					\$141,747		\$945,214
11/16/2023	\$126,996	2.46	\$14,751			\$283,494		\$141,747		\$1,073,770
5/16/2023	\$125,454	2.46	\$16,293					\$141,747		\$1,200,766
11/16/2022	\$123,932	2.46	\$17,815			\$283,494		\$141,747		\$1,326,220
5/16/2022	\$122,428	2.46	\$19,319					\$141,747		\$1,450,152
11/16/2021	\$120,942	2.46	\$20,805			\$283,494		\$141,747		\$1,572,580
5/16/2021	\$119,474	2.46	\$22,273					\$141,747		\$1,693,522
11/16/2020	\$118,024	2.46	\$23,723			\$283,494		\$141,747		\$1,812,996
5/16/2020	\$116,592	2.46	\$25,155					\$141,747		\$1,931,020
11/16/2019	\$115,177	2.46	\$26,570			\$283,494		\$141,747		\$2,047,612
5/16/2019	\$113,779	2.46	\$27,968					\$141,747		\$2,162,789
11/16/2018	\$112,398	2.46	\$29,348			\$283,494		\$141,747		\$2,276,568
5/16/2018	\$111,034	2.46	\$30,713					\$141,747		\$2,388,966
Total	\$2,500,000		\$334,949			\$2,834,940		\$2,834,940		

Notes

2017 PSAP Technology Lease Amendment in the amount of \$2,500,000 with U.S. Bank. Approved by Commissioners on 11/14/17.

St. Joseph County

Submitted to the State on Monday, January 22, 2018

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2020

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: 2015 Taxable Economic Development Revenue Bonds (General Sheet Metal)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination: 1/7/2015

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 5/1/2015

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 5/27/2015

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (Company Guarantee) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: General Sheet Metal Expenditures

Total Project Cost: \$3,300,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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8/1/2030	\$165,000	3.00	\$2,475	\$167,475	\$0	\$332,350				\$0
2/1/2030	\$160,000	3.00	\$4,875	\$164,875	\$0					\$165,000
8/1/2029	\$160,000	3.00	\$7,275	\$167,275	\$0	\$336,950				\$325,000
2/1/2029	\$160,000	3.00	\$9,675	\$169,675	\$0					\$485,000
8/1/2028	\$155,000	3.00	\$12,000	\$167,000	\$0	\$336,325				\$645,000
2/1/2028	\$155,000	3.00	\$14,325	\$169,325	\$0					\$800,000
8/1/2027	\$150,000	3.00	\$16,575	\$166,575	\$0	\$335,400				\$955,000
2/1/2027	\$150,000	3.00	\$18,825	\$168,825	\$0					\$1,105,000
8/1/2026	\$145,000	3.00	\$21,000	\$166,000	\$0	\$334,175				\$1,255,000
2/1/2026	\$145,000	3.00	\$23,175	\$168,175	\$0					\$1,400,000
8/1/2025	\$140,000	3.00	\$25,275	\$165,275	\$0	\$332,650				\$1,545,000
2/1/2025	\$140,000	3.00	\$27,375	\$167,375	\$0					\$1,685,000
8/1/2024	\$135,000	3.00	\$29,400	\$164,400	\$0	\$330,825				\$1,825,000
2/1/2024	\$135,000	3.00	\$31,425	\$166,425	\$0					\$1,960,000
8/1/2023	\$135,000	3.00	\$33,450	\$168,450	\$0	\$323,700				\$2,095,000
2/1/2023	\$120,000	3.00	\$35,250	\$155,250	\$0					\$2,230,000
8/1/2022	\$115,000	3.00	\$36,975	\$151,975	\$0	\$300,600				\$2,350,000
2/1/2022	\$110,000	3.00	\$38,625	\$148,625	\$0					\$2,465,000
8/1/2021	\$110,000	3.00	\$40,275	\$150,275	\$0	\$302,200				\$2,575,000
2/1/2021	\$110,000	3.00	\$41,925	\$151,925	\$0					\$2,685,000
8/1/2020	\$105,000	3.00	\$43,500	\$148,500	\$0	\$298,575				\$2,795,000
2/1/2020	\$105,000	3.00	\$45,075	\$150,075	\$0					\$2,900,000
8/1/2019	\$105,000	3.00	\$46,650	\$151,650	\$0	\$299,800				\$3,005,000
2/1/2019	\$100,000	3.00	\$48,150	\$148,150	\$0					\$3,110,000
8/1/2018	\$90,000	3.00	\$49,500	\$139,500	\$0	\$189,000				\$3,210,000
2/1/2018		3.00	\$49,500	\$49,500	\$49,500					\$3,300,000
8/1/2017		3.00	\$49,500	\$49,500	\$49,500	\$99,000				\$3,300,000
2/1/2017		3.00	\$49,500	\$49,500	\$49,500					\$3,300,000
8/1/2016		3.00	\$49,500	\$49,500	\$49,500	\$116,600				\$3,300,000
2/1/2016		3.00	\$67,100	\$67,100	\$67,100					\$3,300,000
Total	\$3,300,000		\$968,150	\$4,268,150	\$265,100	\$4,268,150				

Notes

Debt Schedule No. 15 2015 Taxable Economic Development Revenue Bonds (General Sheet Metal).

St. Joseph County

Submitted to the State on Monday, February 11, 2019

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2042

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: 2019 Motorola PSAP CAD System Capital Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 1/15/2019

Date of Appropriation Resolution:

Date of Debt Sale: 1/15/2019

Date of Debt Closing: 1/15/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: New PSAP 911 CAD System

Total Project Cost: \$2,976,131.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received: 8/24/2018

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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2/1/2020	\$377,837	3.91	\$116,367			\$494,204		\$494,204		\$2,598,294
2/1/2021	\$392,611	3.91	\$101,593			\$494,204		\$494,204		\$2,205,683
2/1/2022	\$407,962	3.91	\$86,242			\$494,204		\$494,204		\$1,797,721
2/1/2023	\$423,913	3.91	\$70,291			\$494,204		\$494,204		\$1,373,802
2/1/2024	\$440,488	3.91	\$53,716			\$494,204		\$494,204		\$933,319
2/1/2025	\$457,711	3.91	\$36,493			\$494,204		\$494,204		\$475,608
2/1/2026	\$475,608	3.91	\$18,596			\$494,204		\$494,204		\$0
Total	\$2,976,130		\$483,298			\$3,459,428		\$3,459,428		

Notes

Debt Schedule No. 25

2019 Motorola PSAP Lease

Approved by PSAP Executive Board on 12/14/18

Approved by County Commissioners on 12/15/19

St. Joseph County

Submitted to the State on Thursday, October 24, 2019

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2022

Date of last payment or bond expiration: 6/30/2032 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: N

Basic Debt Information

Debt Name: St. Joseph County Redevelopment District Special Taxing District Bonds of 2019 (SS Double Tracking)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 79062M

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 36-7-14 and 36-7-25

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: St. Joseph County Redevelopment District

Current Debt Limit: \$33,579,426.00

Current Debt Capacity (after issuance of this debt): \$16,039,426.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 8/13/2019

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 10/17/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Finance a portion of County's share of the South Shore Double Tracking Project

Total Project Cost: \$9,508,859.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	-------------	-------------------

									Credit	
2/1/2038	\$2,750,000		\$36,094			\$2,786,094				\$0
8/1/2037			\$36,094			\$2,711,188				\$2,750,000
2/1/2037	\$2,600,000		\$75,094							\$2,750,000
8/1/2036			\$75,094			\$2,662,313				\$5,350,000
2/1/2036	\$2,475,000		\$112,219							\$5,350,000
8/1/2035			\$112,219			\$1,036,438				\$7,825,000
2/1/2035	\$800,000		\$124,219							\$7,825,000
8/1/2034			\$124,219			\$1,009,688				\$8,625,000
2/1/2034	\$750,000		\$135,469							\$8,625,000
8/1/2033			\$135,469			\$270,938				\$9,375,000
2/1/2033			\$135,469							\$9,375,000
8/1/2032			\$135,469			\$270,938				\$9,375,000
2/1/2032			\$135,469							\$9,375,000
8/1/2031			\$135,469			\$270,938				\$9,375,000
2/1/2031			\$135,469							\$9,375,000
8/1/2030			\$135,469			\$270,938				\$9,375,000
2/1/2030			\$135,469							\$9,375,000
8/1/2029			\$135,469			\$270,938				\$9,375,000
2/1/2029			\$135,469							\$9,375,000
8/1/2028			\$135,469			\$270,938				\$9,375,000
2/1/2028			\$135,469							\$9,375,000
8/1/2027			\$135,469			\$270,938				\$9,375,000
2/1/2027			\$135,469							\$9,375,000
8/1/2026			\$135,469			\$270,938				\$9,375,000
2/1/2026			\$135,469							\$9,375,000
8/1/2025			\$135,469			\$270,938				\$9,375,000
2/1/2025			\$135,469							\$9,375,000
8/1/2024			\$135,469			\$270,938				\$9,375,000
2/1/2024			\$135,469							\$9,375,000
8/1/2023			\$135,469			\$270,938				\$9,375,000
2/1/2023			\$135,469							\$9,375,000
8/1/2022			\$135,469			\$270,938				\$9,375,000
2/1/2022			\$135,469							\$9,375,000
8/1/2021			\$135,469			\$270,938				\$9,375,000
2/1/2021			\$135,469							\$9,375,000
8/1/2020			\$213,740			\$213,740				\$9,375,000
Total	\$9,375,000		\$4,566,655			\$13,941,655				

Notes

Debt Schedule No. 32 - 2019 Redevelopment South Shore Double Tracking Bond. County Share. Closing on October 17, 2019. Financial advisor - Cender & Company. Bond Counsel - Barnes & Thornburg and Thorne Grodtnik.

St. Joseph County

Submitted to the State on Thursday, October 24, 2019

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2020

Date of last payment or bond expiration: 12/31/2037 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: Y

Basic Debt Information

Debt Name: 2019 U.S. Bank Police Radio Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 7/2/2019

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 8/15/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Purchase of radios for the police department

Total Project Cost: \$1,760,003.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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2/15/2020	\$115,840	2.49	\$21,947	\$137,787			\$137,787	\$1,644,163
8/15/2020	\$117,285	2.49	\$20,502	\$137,787		\$275,574	\$137,787	\$1,526,878
2/15/2021	\$118,747	2.49	\$19,040	\$137,787			\$137,787	\$1,408,131
8/15/2021	\$120,228	2.49	\$17,559	\$137,787		\$275,574	\$137,787	\$1,287,903
2/15/2022	\$121,727	2.49	\$16,060	\$137,787			\$137,787	\$1,166,176
8/15/2022	\$123,245	2.49	\$14,542	\$137,787		\$275,574	\$137,787	\$1,042,931
2/15/2023	\$124,782	2.49	\$13,005	\$137,787			\$137,787	\$918,149
8/15/2023	\$126,338	2.49	\$11,449	\$137,787		\$275,574	\$137,787	\$791,811
2/15/2024	\$127,914	2.49	\$9,874	\$137,787			\$137,787	\$663,897
8/15/2024	\$129,509	2.49	\$8,279	\$137,787		\$275,574	\$137,787	\$534,388
2/15/2025	\$131,124	2.49	\$6,664	\$137,787			\$137,787	\$403,264
8/15/2025	\$132,759	2.49	\$5,029	\$137,787		\$275,574	\$137,787	\$270,505
2/15/2026	\$134,414	2.49	\$3,373	\$137,787			\$137,787	\$136,091
8/15/2026	\$136,091	2.49	\$1,699	\$137,794		\$275,581	\$137,794	\$0
Total	\$1,760,003		\$169,022	\$1,929,025		\$1,929,025	\$1,929,025	

Notes

Debt Schedule No. 30. U.S. Bank Capital Lease for police radios. seven years. 14 semi-annual payments.

St. Joseph County

Submitted to the State on Friday, October 25, 2019

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2033

Date of last payment or bond expiration: 12/31/2033 12:00:00 AM

New (post 1989): Y

Newer (post 2005): Y

Refinanced bond: Y

Basic Debt Information

Debt Name: 2019 U.S. Bank Election Equipment Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 7/2/2019

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 7/19/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Saint Joseph County

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Purchase of new election equipment

Total Project Cost: \$2,500,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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1/15/2020	\$235,946	2.56	\$31,975	\$267,921				\$267,921		\$2,264,054
7/15/2020	\$238,964	2.56	\$28,957	\$267,921		\$535,842		\$267,921		\$2,025,090
1/15/2021	\$242,021	2.56	\$25,901	\$267,921				\$267,921		\$1,783,069
7/15/2021	\$245,116	2.56	\$22,805	\$267,921		\$535,842		\$267,921		\$1,537,953
1/15/2022	\$248,251	2.56	\$19,670	\$267,921				\$267,921		\$1,289,702
7/15/2022	\$251,426	2.56	\$16,495	\$267,921		\$535,842		\$267,921		\$1,038,276
1/15/2023	\$254,642	2.56	\$13,280	\$267,921				\$267,921		\$783,634
7/15/2023	\$257,899	2.56	\$10,023	\$267,921		\$535,842		\$267,921		\$525,735
1/15/2024	\$261,197	2.56	\$6,724	\$267,921				\$267,921		\$264,538
7/15/2024	\$264,538	2.56	\$3,384	\$267,925		\$535,846		\$267,925		\$0
Total	\$2,500,000		\$179,214	\$2,679,214		\$2,679,214		\$2,679,214		

Notes

Debt Schedule No. 31. 2019 U.S. Bank Election Equipment Lease. 5-year lease. Paid with Cumulative Capital Development Fund. Vendor RBM Consulting.

St. Joseph County

Submitted to the State on Thursday, February 17, 2022

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: 2021 Ducomb Center U.S. Bank Equipment Lease

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 11/9/2021

Date of Appropriation Resolution: 10/12/2021

Date of Debt Sale:

Date of Debt Closing: 11/12/2021

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other (Fee Revenue) : Primary

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): U.S. Bank Leasing

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Ducomb Center vehicles, technology, vests, radios, and equipment

Total Project Cost: \$196,272.53

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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2/15/2022	\$19,517	1.75	\$992	\$20,509				\$20,509		\$176,756
8/15/2022	\$18,962	1.75	\$1,547	\$20,509				\$20,509		\$157,794
2/15/2023	\$19,128	1.75	\$1,381	\$20,509				\$20,509		\$138,666
8/15/2023	\$19,295	1.75	\$1,214	\$20,509				\$20,509		\$119,371
2/15/2024	\$19,464	1.75	\$1,045	\$20,509				\$20,509		\$99,907
8/15/2024	\$19,635	1.75	\$874	\$20,509				\$20,509		\$80,272
2/15/2025	\$19,806	1.75	\$703	\$20,509				\$20,509		\$60,466
8/15/2025	\$19,980	1.75	\$529	\$20,509				\$20,509		\$40,486
2/15/2026	\$20,155	1.75	\$354	\$20,509				\$20,509		\$20,331
8/15/2026	\$20,331	1.75	\$178	\$20,509				\$20,509		\$0
Total	\$196,273		\$8,817	\$205,090				\$205,090		

Notes

Debt Schedule No. 78

St. Joseph County

Submitted to the State on Wednesday, December 21, 2022

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: St. Joseph County General Obligation Series 2022

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 790603

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 36-2-6-18

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: St. Joseph County

Current Debt Limit: \$71,186,724.00

Current Debt Capacity (after issuance of this debt): \$65,386,724.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s): South Bend Tribune, Mishawaka Enterprise, Indianapolis Business Journal

Date of Public Hearing: 11/9/2022

Date of Final Approval/Lease Execution: 11/10/2022

Date of Appropriation Resolution: 11/10/2022

Date of Debt Sale: 12/14/2022

Date of Debt Closing: 12/21/2022

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Renovation of North Liberty and Woodland Highway Garages

Total Project Cost: \$5,927,782.15

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received: 12/14/2022

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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6/30/2023	\$910,000	4.00	\$121,800	\$1,031,800	\$0					
12/30/2023	\$940,000	4.00	\$97,800	\$1,037,800	\$0	\$2,069,600				
6/30/2024	\$960,000	4.00	\$79,000	\$1,039,000	\$0					
12/30/2024	\$980,000	4.00	\$59,800	\$1,039,800	\$0	\$2,078,800				
6/30/2025	\$995,000	4.00	\$40,200	\$1,035,200	\$0					
12/30/2025	\$1,015,000	4.00	\$20,300	\$1,035,300	\$0	\$2,070,500				
Total	\$5,800,000		\$418,900	\$6,218,900	\$0	\$6,218,900				

Notes

2022 General Obligation(Highway)Bonds
Closing on December 21, 2022

St. Joseph County

Submitted to the State on Friday, July 28, 2023

Report printed on Monday, June 24, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: 2023 Information Technology Lease - Network Solutions

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination: 7/25/2023

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 7/25/2023

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 7/31/2023

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Key Bank

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology Lease for Infrastructure

Total Project Cost: \$1,054,382.47

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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7/10/2023	\$163,971	0.00	\$0	\$163,971				\$163,971		\$890,412
2/5/2024	\$175,562	6.96	\$35,315	\$210,876				\$210,876		\$714,850
2/5/2025	\$161,088	6.96	\$49,788	\$210,876				\$210,876		\$553,762
2/5/2026	\$172,308	6.96	\$38,569	\$210,876				\$210,876		\$381,454
2/5/2027	\$184,309	6.96	\$26,568	\$210,876				\$210,876		\$197,146
2/5/2028	\$197,146	6.96	\$13,731	\$210,876				\$210,876		\$0
Total	\$1,054,384		\$163,971	\$1,218,351				\$1,218,351		

Notes

2023 IT Lease - Network Solutions No. 97

St. Joseph County

Submitted to the State on Friday, July 28, 2023

Report printed on Monday, June 24, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: 2023 Information Technology Lease - Network Solutions

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination: 7/25/2023

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 7/25/2023

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 7/31/2023

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation): Key Bank

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Technology Lease for Infrastructure

Total Project Cost: \$1,054,382.47

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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7/10/2023	\$163,971	0.00	\$0	\$163,971				\$163,971		\$890,412
2/5/2024	\$175,562	6.96	\$35,315	\$210,876				\$210,876		\$714,850
2/5/2025	\$161,088	6.96	\$49,788	\$210,876				\$210,876		\$553,762
2/5/2026	\$172,308	6.96	\$38,569	\$210,876				\$210,876		\$381,454
2/5/2027	\$184,309	6.96	\$26,568	\$210,876				\$210,876		\$197,146
2/5/2028	\$197,146	6.96	\$13,731	\$210,876				\$210,876		\$0
Total	\$1,054,384		\$163,971	\$1,218,351				\$1,218,351		

Notes

2023 IT Lease - Network Solutions No. 97

St. Joseph County

Submitted to the State on Thursday, March 28, 2024

Report printed on Monday, June 24, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: Taxable Economic Development Tax Increment Revenue Bonds, Series 2024 (Honeysuckle Solar)

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 36-7-11.9

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 3/1/2024

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 3/26/2024

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: Primary

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated: Solar Project EDA
Allocation Area

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Financing of a solar-powered electric generating facility.

Total Project Cost: \$50,000,000.00

Sources

Sources of Funds	Amount
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Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
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									Credit	
7/15/2025	\$2,000,000	0.00	\$0	\$2,000,000						\$48,000,000
1/15/2026	\$2,000,000	0.00	\$0	\$2,000,000		\$4,000,000				\$46,000,000
7/15/2026	\$2,000,000	0.00	\$0	\$2,000,000						\$44,000,000
1/15/2027	\$2,000,000	0.00	\$0	\$2,000,000		\$4,000,000				\$42,000,000
7/15/2027	\$1,500,000	0.00	\$0	\$1,500,000						\$40,500,000
1/15/2028	\$1,500,000	0.00	\$0	\$1,500,000		\$3,000,000				\$39,000,000
7/15/2028	\$1,500,000	0.00	\$0	\$1,500,000						\$37,500,000
1/15/2029	\$1,500,000	0.00	\$0	\$1,500,000		\$3,000,000				\$36,000,000
7/15/2029	\$1,500,000	0.00	\$0	\$1,500,000						\$34,500,000
1/15/2030	\$1,500,000	0.00	\$0	\$1,500,000		\$3,000,000				\$33,000,000
7/15/2030	\$1,500,000	0.00	\$0	\$1,500,000						\$31,500,000
1/15/2031	\$1,500,000	0.00	\$0	\$1,500,000		\$3,000,000				\$30,000,000
7/15/2031	\$1,500,000	0.00	\$0	\$1,500,000						\$28,500,000
1/15/2032	\$1,000,000	0.00	\$0	\$1,000,000		\$2,500,000				\$27,500,000
7/15/2032	\$1,000,000	0.00	\$0	\$1,000,000						\$26,500,000
1/15/2033	\$1,000,000	0.00	\$0	\$1,000,000		\$2,000,000				\$25,500,000
7/15/2033	\$1,000,000	0.00	\$0	\$1,000,000						\$24,500,000
1/15/2034	\$1,000,000	0.00	\$0	\$1,000,000		\$2,000,000				\$23,500,000
7/15/2034	\$1,000,000	0.00	\$0	\$1,000,000						\$22,500,000
1/15/2035	\$1,000,000	0.00	\$0	\$1,000,000		\$2,000,000				\$21,500,000
7/15/2035	\$1,000,000	0.00	\$0	\$1,000,000						\$20,500,000
1/15/2036	\$1,000,000	0.00	\$0	\$1,000,000		\$2,000,000				\$19,500,000
7/15/2036	\$1,000,000	0.00	\$0	\$1,000,000						\$18,500,000
1/15/2037	\$1,000,000	0.00	\$0	\$1,000,000		\$2,000,000				\$17,500,000
7/15/2037	\$1,000,000	0.00	\$0	\$1,000,000						\$16,500,000
1/15/2038	\$1,000,000	0.00	\$0	\$1,000,000		\$2,000,000				\$15,500,000
7/15/2038	\$1,000,000	0.00	\$0	\$1,000,000		\$1,000,000				\$14,500,000
1/15/2039	\$1,000,000	0.00	\$0	\$1,000,000		\$1,000,000				\$13,500,000
7/15/2039	\$1,000,000	0.00	\$0	\$1,000,000		\$1,000,000				\$12,500,000
1/15/2040	\$1,000,000	0.00	\$0	\$1,000,000		\$1,000,000				\$11,500,000
7/15/2040	\$1,000,000	0.00	\$0	\$1,000,000		\$1,000,000				\$10,500,000
1/15/2041	\$1,000,000	0.00	\$0	\$1,000,000		\$1,000,000				\$9,500,000
7/15/2041	\$1,000,000	0.00	\$0	\$1,000,000		\$1,000,000				\$8,500,000
1/15/2042	\$1,000,000	0.00	\$0	\$1,000,000		\$1,000,000				\$7,500,000
7/15/2042	\$1,000,000	0.00	\$0	\$1,000,000		\$1,000,000				\$6,500,000
1/15/2043	\$500,000	0.00	\$0	\$500,000		\$500,000				\$6,000,000
7/15/2043	\$500,000	0.00	\$0	\$500,000		\$500,000				\$5,500,000
1/15/2044	\$500,000	0.00	\$0	\$500,000		\$500,000				\$5,000,000
7/15/2044	\$500,000	0.00	\$0	\$500,000		\$500,000				\$4,500,000
1/15/2045	\$500,000	0.00	\$0	\$500,000		\$500,000				\$4,000,000

7/15/2045	\$500,000	0.00	\$0	\$500,000		\$500,000				\$3,500,000
1/15/2046	\$500,000	0.00	\$0	\$500,000		\$500,000				\$3,000,000
7/15/2046	\$500,000	0.00	\$0	\$500,000		\$500,000				\$2,500,000
1/15/2047	\$500,000	0.00	\$0	\$500,000		\$500,000				\$2,000,000
7/15/2047	\$500,000	0.00	\$0	\$500,000		\$500,000				\$1,500,000
1/15/2048	\$500,000	0.00	\$0	\$500,000		\$500,000				\$1,000,000
7/15/2048	\$500,000	0.00	\$0	\$500,000		\$500,000				\$500,000
1/15/2049	\$500,000	0.00	\$0	\$500,000		\$500,000				\$0
Total	\$50,000,000		\$0	\$50,000,000		\$50,000,000				

Notes

Project Honeysuckle

St. Joseph County

Submitted to the State on Tuesday, April 2, 2024

Report printed on Monday, June 24, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: Y

Basic Debt Information

Debt Name: Lease Rental Revenue Bonds, Series 2024A

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 79062D

Is this debt exempt from the property tax caps? Y

Code Cite

Code Cite Under Which Debt is Authorized: 36-7-14, et seq.

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 12/13/2023

Date of Appropriation Resolution:

Date of Debt Sale: 3/12/2024

Date of Debt Closing: 3/26/2024

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: Primary

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated: New Carlisle EDA #3

Allocation Area

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Finance certain road improvements and related infrastructure costs.

Total Project Cost: \$11,686,722.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
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Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
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									Credit	
8/1/2024	\$0	0.00	\$173,611	\$173,611						\$10,000,000
2/1/2025	\$0	0.00	\$250,000	\$250,000		\$423,611	\$2,000	\$426,000		\$10,000,000
8/1/2025	\$0	0.00	\$250,000	\$250,000						\$10,000,000
2/1/2026	\$0	0.00	\$250,000	\$250,000		\$500,000	\$2,000	\$503,000		\$10,000,000
8/1/2026	\$0	0.00	\$250,000	\$250,000						\$10,000,000
2/1/2027	\$0	0.00	\$250,000	\$250,000		\$500,000	\$2,000	\$503,000		\$10,000,000
8/1/2027	\$0	0.00	\$250,000	\$250,000						\$10,000,000
2/1/2028	\$0	0.00	\$250,000	\$250,000		\$500,000	\$2,000	\$503,000		\$10,000,000
8/1/2028	\$0	0.00	\$250,000	\$250,000						\$10,000,000
2/1/2029	\$0	0.00	\$250,000	\$250,000		\$500,000	\$2,000	\$503,000		\$10,000,000
8/1/2029	\$0	0.00	\$250,000	\$250,000						\$10,000,000
2/1/2030	\$0	0.00	\$250,000	\$250,000		\$500,000	\$2,000	\$503,000		\$10,000,000
8/1/2030	\$0	0.00	\$250,000	\$250,000						\$10,000,000
2/1/2031	\$0	0.00	\$250,000	\$250,000		\$500,000	\$2,000	\$503,000		\$10,000,000
8/1/2031	\$0	0.00	\$250,000	\$250,000						\$10,000,000
2/1/2032	\$0	0.00	\$250,000	\$250,000		\$500,000	\$2,000	\$503,000		\$10,000,000
8/1/2032	\$0	0.00	\$250,000	\$250,000						\$10,000,000
2/1/2033	\$0	0.00	\$250,000	\$250,000		\$500,000	\$2,000	\$503,000		\$10,000,000
8/1/2033	\$0	0.00	\$250,000	\$250,000						\$10,000,000
2/1/2034	\$275,000	5.00	\$250,000	\$525,000		\$775,000	\$2,000	\$778,000		\$9,725,000
8/1/2034	\$1,290,000	5.00	\$243,125	\$1,533,125						\$8,435,000
2/1/2035	\$1,320,000	5.00	\$210,875	\$1,530,875		\$3,064,000	\$2,000	\$3,067,000		\$7,115,000
8/1/2035	\$1,355,000	5.00	\$177,875	\$1,532,875						\$5,760,000
2/1/2036	\$1,385,000	5.00	\$144,000	\$1,529,000		\$3,061,875	\$2,000	\$3,064,000		\$4,375,000
8/1/2036	\$1,420,000	5.00	\$109,375	\$1,529,375						\$2,955,000
2/1/2037	\$1,460,000	5.00	\$73,875	\$1,533,875		\$3,063,250	\$2,000	\$3,066,000		\$1,495,000
8/1/2037	\$1,495,000	5.00	\$37,375	\$1,532,375		\$1,532,375		\$1,533,000		\$0
Total	\$10,000,000		\$5,920,111	\$15,920,111		\$15,920,111	\$26,000	\$15,958,000		

Notes

2024 GM-Samsung Bond

St. Joseph County

Submitted to the State on Tuesday, April 2, 2024

Report printed on Monday, June 24, 2024

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Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: Taxable Lease Rental Revenue Bonds, Series 2024B

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 79062D

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized: 36-7-14, et seq.

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution: 12/13/2023

Date of Appropriation Resolution:

Date of Debt Sale: 3/12/2024

Date of Debt Closing: 3/26/2024

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: No

TIF Revenue: Primary

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated: New Carlisle EDA #3

Allocation Area

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Finance certain road improvements and related infrastructure costs.

Total Project Cost: \$40,000,000.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax	Remaining Balance
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									Credit	
8/1/2024	\$0	0.00	\$726,947	\$726,947						\$40,000,000
2/1/2025	\$0	0.00	\$1,046,804	\$1,046,804		\$1,773,751	\$2,000	\$1,776,000		\$40,000,000
8/1/2025	\$0	0.00	\$1,046,804	\$1,046,804						\$40,000,000
2/1/2026	\$0	0.00	\$1,046,804	\$1,046,804		\$2,093,608	\$2,000	\$2,096,000		\$40,000,000
8/1/2026	\$870,000	0.05	\$1,046,804	\$1,916,804						\$39,130,000
2/1/2027	\$890,000	0.05	\$1,024,980	\$1,914,980		\$3,831,784	\$2,000	\$3,834,000		\$38,240,000
8/1/2027	\$915,000	0.05	\$1,003,353	\$1,918,353						\$37,325,000
2/1/2028	\$935,000	0.05	\$981,027	\$1,916,027		\$3,834,380	\$2,000	\$3,837,000		\$36,390,000
8/1/2028	\$960,000	0.05	\$958,386	\$1,918,386						\$35,430,000
2/1/2029	\$980,000	0.05	\$934,995	\$1,914,995		\$3,833,381	\$2,000	\$3,836,000		\$34,450,000
8/1/2029	\$1,005,000	0.05	\$911,118	\$1,916,118						\$33,445,000
2/1/2030	\$1,030,000	0.05	\$886,480	\$1,916,480		\$3,832,598	\$2,000	\$3,835,000		\$32,415,000
8/1/2030	\$1,055,000	0.05	\$861,086	\$1,916,086						\$31,360,000
2/1/2031	\$1,085,000	0.05	\$834,969	\$1,919,969		\$3,836,055	\$2,000	\$3,839,000		\$30,275,000
8/1/2031	\$1,110,000	0.05	\$807,893	\$1,917,893						\$29,165,000
2/1/2032	\$1,135,000	0.05	\$780,082	\$1,915,082		\$3,832,975	\$2,000	\$3,835,000		\$28,030,000
8/1/2032	\$1,165,000	0.05	\$751,520	\$1,916,520						\$26,865,000
2/1/2033	\$1,195,000	0.05	\$722,086	\$1,917,086		\$3,833,605	\$2,000	\$3,836,000		\$25,670,000
8/1/2033	\$1,225,000	0.05	\$691,715	\$1,916,715						\$24,445,000
2/1/2034	\$980,000	0.05	\$660,581	\$1,640,581		\$3,557,296	\$2,000	\$3,560,000		\$23,465,000
8/1/2034	\$0	0.00	\$635,479	\$635,479						\$23,465,000
2/1/2035	\$0	0.00	\$635,479	\$635,479		\$1,270,958	\$2,000	\$1,273,000		\$23,465,000
8/1/2035	\$0	0.00	\$635,479	\$635,479						\$23,465,000
2/1/2036	\$0	0.00	\$635,479	\$635,479		\$1,270,958	\$2,000	\$1,273,000		\$23,465,000
8/1/2036	\$0	0.00	\$635,479	\$635,479						\$23,465,000
2/1/2037	\$0	0.00	\$635,479	\$635,479		\$1,270,958	\$2,000	\$1,273,000		\$23,465,000
8/1/2037	\$0	0.00	\$635,479	\$635,479						\$23,465,000
2/1/2038	\$1,530,000	0.05	\$635,479	\$2,165,479		\$2,800,958	\$2,000	\$2,803,000		\$21,935,000
8/1/2038	\$1,570,000	0.05	\$594,911	\$2,164,911						\$20,365,000
2/1/2039	\$1,615,000	0.05	\$553,282	\$2,168,282		\$4,333,193	\$2,000	\$4,336,000		\$18,750,000
8/1/2039	\$1,655,000	0.05	\$510,138	\$2,165,138						\$17,095,000
2/1/2040	\$1,700,000	0.05	\$465,924	\$2,165,924		\$4,331,062	\$2,000	\$4,334,000		\$15,395,000
8/1/2040	\$1,750,000	0.05	\$419,591	\$2,169,591						\$13,645,000
2/1/2041	\$1,795,000	0.05	\$371,894	\$2,166,894		\$4,336,485	\$2,000	\$4,339,000		\$11,850,000
8/1/2041	\$1,845,000	0.05	\$322,972	\$2,167,972						\$10,005,000
2/1/2042	\$1,895,000	0.05	\$272,686	\$2,167,686		\$4,335,658	\$2,000	\$4,338,000		\$8,110,000
8/1/2042	\$1,945,000	0.05	\$221,038	\$2,166,038						\$6,165,000
2/1/2043	\$2,000,000	0.05	\$168,027	\$2,168,027		\$4,334,065	\$2,000	\$4,337,000		\$4,165,000
8/1/2043	\$2,055,000	0.05	\$113,517	\$2,168,517						\$2,110,000
2/1/2044	\$2,110,000	0.05	\$57,508	\$2,167,508		\$4,336,025	\$2,000	\$4,339,000		\$0

Total	\$40,000,000		\$26,879,754	\$66,879,754		\$66,879,753	\$40,000	\$66,929,000		
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Notes

2024 GM-Samsung Bond

Penn Township, St. Joseph County

Submitted to the State on Tuesday, November 12, 2019

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year: 2028

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: Penn Township General Obligation Series 2019

Debt Status: Outstanding

Type of Indebtedness: Bond

Base CUSIP Number: 707678

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? Y

Applicable Issuer: Penn Township

Current Debt Limit: \$5,146,901.00

Current Debt Capacity (after issuance of this debt): \$1,046,901.00

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution:

Date of Appropriation Resolution: 10/7/2019

Date of Debt Sale: 10/22/2019

Date of Debt Closing: 11/7/2019

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Construction of a Fire Station

Total Project Cost: \$4,100,000.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
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12/30/2026	\$315,000	2.00	\$3,150	\$318,150		\$631,400				\$0
6/30/2026	\$310,000	2.00	\$3,250	\$313,250						\$315,000
12/30/2025	\$305,000	2.00	\$9,300	\$314,300		\$631,650				\$625,000
6/30/2025	\$305,000	2.00	\$12,350	\$317,350						\$930,000
12/30/2024	\$300,000	2.00	\$15,350	\$315,350		\$633,700				\$1,235,000
6/30/2024	\$300,000	2.00	\$18,350	\$318,350						\$1,535,000
12/30/2023	\$295,000	2.00	\$21,300	\$316,300		\$630,500				\$1,835,000
6/30/2023	\$290,000	2.00	\$24,200	\$314,200						\$2,130,000
12/30/2022	\$290,000	2.00	\$27,100	\$317,100		\$632,050				\$2,420,000
6/30/2022	\$285,000	2.00	\$29,950	\$314,950						\$2,710,000
12/30/2021	\$285,000	2.00	\$32,800	\$317,800		\$633,400				\$2,995,000
6/30/2021	\$280,000	2.00	\$35,600	\$315,600						\$3,280,000
12/30/2020	\$270,000	2.00	\$38,300	\$308,300		\$631,372				\$3,560,000
6/30/2020	\$270,000	2.00	\$53,072	\$323,072						\$3,830,000
Total	\$4,100,000		\$324,072	\$4,424,072		\$4,424,072				

Notes

Penn Township, St. Joseph County

Submitted to the State on Friday, January 15, 2021

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: Republic First National Corporation Ford F550 Ambulance

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution:

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 1/1/2026

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
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Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Lease Purchase of Ford F550 Ambulance

Total Project Cost: \$262,189.00

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

7/1/2020	\$21,877		\$2,083					\$23,959		\$244,033
1/1/2021	\$2,018,386		\$3,776					\$23,959		\$223,258
7/1/2021	\$20,501		\$3,458					\$23,959		\$202,213
1/1/2022	\$20,823		\$3,136					\$23,959		\$180,892
7/1/2022	\$2,115,022		\$2,809					\$23,959		\$159,293
1/1/2023	\$21,483		\$2,477					\$23,959		\$137,413
7/1/2023	\$21,820		\$2,139					\$23,959		\$115,246
1/1/2024	\$22,163		\$1,797					\$23,959		\$92,791
7/1/2024	\$22,511		\$1,448					\$23,959		\$70,042
1/1/2025	\$22,865		\$1,095					\$23,959		\$46,997
7/1/2025	\$23,224		\$735					\$23,959		\$23,651
1/1/2026	\$23,589		\$371					\$23,959		\$0
Total	\$4,354,264		\$25,324					\$287,508		

Notes

Penn Township, St. Joseph County

Submitted to the State on Tuesday, February 8, 2022

Report printed on Tuesday, March 19, 2024

Note: Data contained in Gateway Debt Management is self-reported by local government officials and/or their designees. Debt Reports may not have been audited for accuracy or completeness by the Department of Local Government Finance. The Department is not responsible for any errors or omissions in this data.

Debt Verification

Initial Year:

Date of last payment or bond expiration:

New (post 1989):

Newer (post 2005):

Refinanced bond: N

Basic Debt Information

Debt Name: Republic First National Corporation Sutphen Pumper/Tanker 2021

Debt Status: Outstanding

Type of Indebtedness: Lease

Base CUSIP Number:

Is this debt exempt from the property tax caps? N

Code Cite

Code Cite Under Which Debt is Authorized:

Code cite can typically be found in the bond resolution or ordinance.

Debt Limitation

Is this debt subject to the issuer's debt limit? N

Applicable Issuer:

Current Debt Limit:

Current Debt Capacity (after issuance of this debt):

Date Information

Date of Preliminary Determination:

Date of Publication of Preliminary Determination:

Newspaper(s):

Date of Public Hearing:

Date of Final Approval/Lease Execution:

Date of Appropriation Resolution:

Date of Debt Sale:

Date of Debt Closing: 1/1/2028

Petition / Remonstrance

Was this debt subject to petition/remonstrance? No

Was a remonstrance conducted? No

Votes in favor debt:

Votes against debt:

Was this debt subject to referendum? No

Votes in favor debt:

Votes against debt:

Debt Rating

Type of Rating	Insurance	Agency	Rating
----------------	-----------	--------	--------

Security on the Debt - Source of Repayment

Property Tax: Primary

TIF Revenue: No

COIT: No

Motor Vehicle Highway/Local Road & Street: No

CAGIT: No

Stormwater Revenues: No

CEDIT: No

Electric Revenues: No

Water Revenue: No

Wasterwater Revenues: No

Grant Revenue: No

Other () : No

Allocation Area from which the TIF Revenues will be generated:

Name of Lessor (Building Corporation/Hold Corporation):

Does this debt refinance or refund any previously outstanding debt? No

Purpose/Cost

Purpose of Debt: Lease Purchase of Sutphen Pumper/Tanker

Total Project Cost: \$635,152.33

Sources

Sources of Funds	Amount
------------------	--------

Uses

Uses of Funds	Amount
---------------	--------

Dates

Date Bids Received:

Date Construction Started:

Estimated Date of Substantial Completion:

Amortization Schedule

Date	Principal	Interest Rate	Interest	Period Total	Capitalized Interest	Fiscal Total	Trustee Fee	Lease Payments	Federal Tax Credit	Remaining Balance
------	-----------	---------------	----------	--------------	----------------------	--------------	-------------	----------------	--------------------	-------------------

7/1/2022	\$48,421		\$9,279					\$57,700		
1/1/2023	\$49,877		\$7,823					\$57,700		\$542,127
7/1/2023	\$50,542		\$7,158					\$57,700		\$490,661
1/1/2024	\$51,216		\$6,484					\$57,700		\$438,603
7/1/2024	\$51,899		\$5,801					\$57,700		\$385,947
1/1/2025	\$52,591		\$5,109					\$57,700		\$332,685
7/1/2025	\$53,292		\$4,408					\$57,700		\$278,810
1/1/2026	\$54,003		\$3,698					\$57,700		\$224,316
7/1/2026	\$54,723		\$2,977					\$57,700		\$169,195
1/1/2027	\$55,453		\$2,248					\$57,700		\$113,440
7/1/2027	\$56,192		\$1,508					\$57,700		\$57,044
1/1/2028	\$56,941		\$759					\$57,700		\$0
Total	\$635,150		\$57,252					\$692,400		

Notes

JUL 10 2024

City Clerk
Mishawaka, IN

APPEAL #24-25

RESOLUTION NO. 2024-15

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

940 E 12th Street

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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 the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located **940 E 12th Street, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 2 as shown on the plat of MCC Self Storage Minor Subdivision recorded on March 20, 2023, in the office of the Recorder of St. Joseph County, Indiana as instrument number 2023-05675

The Use Variance will allow outside storage in two containers behind 1010 S. Merrifield, for the business located at 940 E Twelfth St., subject to the following conditions:

- 1) Installing slats in the existing fence facing south, between the building and the east property line;
- 2) The storage containers shall not be stacked. There shall be a 10' maximum height.;
- 3) The containers shall be labeled as "explosives";
- 4) All State and local permits are received;
- 5) The location of the containers shall insure required fire access; and shall be moved at any time at the direction of the Fire Marshall.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because, with the location being behind the building in the service area, the proposed use will have little to no additional impact on the adjacent commercial uses.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the fence is being modified to help screen the view of the containers.
3. The need for a variance arises from the small size of the location, and the lack of storage space indoors.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would not be the highest and best use for the shopping center by allowing the more intense uses of that district.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies this intersection as General Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2024, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2023-11
206 W Eighth St
Page 3 of 3

PRESENTED by me to the Mayor this _____ day of _____, 2024,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock ____m.

David A. Wood, Mayor

STAFF REPORT

Location: 940 E Twelfth Street (Morris Sales, Inc)/1010 S Merrifield (MCC Self Storage)

Date: July 9, 2024

Appeal: 24-25

Prepared By: CH

GENERAL INFORMATION

Applicants: MCC Self Storage LLC & Morris Sales, Inc./Joshua A Visser, Soppo, Nussbaum, Inabnit & Kaczmarek

Status: Property Owners/Legal Counsel

Request: Use Variance for up to two outside storage containers for fireworks

Zoning Classification: C-1 General Commercial

Lot Size: 7.95 Acres

Applicable Regulations: Section 137-301 C-1 Uses
Section 137-42 (4) Board of Zoning Appeals Use Variance, Indiana Code 36-7-4-918.4

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (Ozark Pawn Shop)
South: I-1 Light Industrial (LKQ Refinish Mishawaka & Jackel, Inc)
East: I-2 Heavy Industrial (Builders Iron Works)
West: C-7 Automobile Oriented Restaurant Commercial (vacant)

Thoroughfare: E Twelfth Street and S Merrifield Avenue

Council District: 2

School District: School City of Mishawaka

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identifies the area at the corner of S Merrifield Ave. and E Twelfth St. as General Commercial.

ANALYSIS

Morris Sales, Inc., a fireworks retailer, is located in the southeast corner of the building at the corner of S Merrifield Ave. and E Twelfth St. Each owner owns their building, and has split ownership of the parking lot/common areas. The address of 940 E Twelfth Street was reactivated in 2018. Last year, the owner reached out to the Planning Department about the use of storage containers for additional storage, particularly around the 4th of July holiday. There are other retailers, who receive transient merchant licenses to operate in parking lots, who are allowed to keep their fireworks supply in storage containers. However, we have not permitted this as a permanent solution in commercial areas.

Storage in accessory buildings is not allowed in commercial districts per Section 137-302 (5) c. Outside storage is only permitted as a conditional use in I-2 Heavy Industrial. Previously, storage containers have

been approved at Big Lots and Dunham's in the Town & Country shopping center, and Dick's Sporting Goods in Princess City Plaza, and Hobby Lobby in Wilshire Plaza.

The Appellant is requesting to have a maximum of two 8' wide x 40' long x 9.5' tall storage containers on the east side of the main building at 1010 S. Merrifield, which is on property owned by the neighbor MCC Self Storage LLC, who also signed the application. The storage containers would be used for additional fireworks inventory.

In an attempt to screen the site from the traveling public along Twelfth Street, the Appellant has agreed to install slats in the existing chain link fence facing south.

The initial proposed location of the storage containers was shown to block Fire Department access. The Fire Marshall states the storage containers must be 10' from the building and allow 15' of pavement for fire truck access. There were three configurations provided by Fire of appropriate locations. 1) Front to back against the truck dock retaining wall; 2) side by side in the truck dock ramp; or 3) side by side against the property line, behind the building. Planning staff prefers location #3. If the variance is approved, an Improvement Location Permit will need to be issued to identify the placement of the containers.

The storage containers shall not be stacked. There shall be a 10' maximum height. The Fire Department requires the containers be labeled as "explosives".

The Building Department is requesting State Fire Marshall approval, state permit, and local permit.

Other pertinent City departments have reviewed and approved the request. We did receive a letter of remonstrance from the neighbor to the east, Builders Iron Works, Inc.

RECOMMENDATION

The Staff recommends in favor of Appeal 24-25, a Use Variance to allow outside storage in two containers behind 1010 S. Merrifield, for the business located at 940 E Twelfth St., subject to:

- 1) Installing slats in the existing fence facing south, between the building and the east property line;
- 2) The storage containers shall not be stacked. There shall be a 10' maximum height.;
- 3) The containers shall be labeled as "explosives";
- 4) All State and local permits are received;
- 5) The location of the containers shall insure required fire access; and shall be moved at anytime at the direction of the Fire Marshall.

This recommendation is based on the following reasons per Indiana Code 36-7-4-918.4:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because, with the location being behind the building in the service area, the proposed use will have little to no additional impact on the adjacent commercial uses.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the fence is being modified to help screen the view of the containers.
3. The need for a variance arises from the small size of the location, and the lack of storage space indoors.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would not be the highest and best use for the shopping center by allowing the more intense uses of that district.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies this intersection as General Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Photographs of Site, Petition, Site Plan, Fire Department Locations, Letter of Remonstrance, Location Map



Yellow outline = location of business
Blue oval = location of storage containers



P1. Front of 1010 S. Merrifield, operating as MCC Self Storage (facing west)



P2. Side of 1010 S. Merrifield, and front of 940 E. Twelfth (facing south)



P3. Front of 940 E Twelfth St., operating as Morris Sales (south facing)



P4. Current location of one storage container (south facing)

JUN 20 2024

City Clerk
Mishawaka, IN

NP 24-25

Received

JUN 18 2024

Planning and
Community Development

DATE: June 17, 2024

TO: Board of Zoning Appeals, City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. MCC Self Storage LLC has an undivided 79% ownership interest, and Morris Sales, Inc. has an undivided 21% ownership interest, in the following described real estate (the "Real Estate") located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Lot 2 as shown on the plat of MCC Self Storage Minor Subdivision recorded on March 20, 2023, in the office of the Recorder of St. Joseph County, Indiana as instrument number 2023-05675.

Parcel Number 71-09-15-451-014.000-023

This Real Estate is outlined in red on the attached plat of the MCC Self Storage Minor Subdivision (the "Plat"), but the Real Estate excludes the building on the Plat which is depicted with hatching. The Plat is attached as Exhibit 1. An enlarged image of the portion of the Plat at issue is attached as Exhibit 2. The Real Estate does not have a common address, but it is just northeast of the intersection of Merrifield Ave. and 12th Street.

Mishawaka Fireworks, LLC ("Appellant") operates a fireworks store (the "Store") which is highlighted in blue on the Plat. The Store is on a separate neighboring parcel, and the Store occupies 100% of the area of the separate neighboring parcel. Morris Sales, Inc. owns the parcel on which the Store is located. The Store's address is 940 E. 12th Street.

2. The Real Estate has a zoning classification of Commercial C-1 District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant proposes to place two storage containers, which are forty (40) feet long, eight feet wide, and nine and one-half feet tall, on the Real Estate as depicted by the orange rectangles on the Plat. Appellant seeks to stock fireworks inventory in the storage containers.
4. Appellant requests a use variance in order to place the storage containers on the front half yard area of the Real Estate and use the storage containers for retail storage purposes.

5. The Zoning Ordinance of the City of Mishawaka, specifically Sec. 137-302(5), requires the following in a Commercial C-1 District:

(5) *Accessory buildings.*

- a. Accessory buildings not over 15 feet high **may be located in the rear half yard area**, provided the accessory buildings come not nearer than 30 inches to any rear lot line or side lot line. Additionally, accessory buildings shall not be greater than 720 square feet in floor area.
- b. No accessory building shall be used in whole or part for living or residential purposes.
- c. **No accessory building or accessory building area shall be used for commercial storage purposes.**

(Code 1985, § 159.067; Ord. No. 2930, 9-2-1986; Ord. No. 3263, 4-17-1989; Ord. No. 3297, 8-7-1989; Ord. No. 3363, 3-19-1990; Ord. No. 3466, 3-4-1991; Ord. No. 3698, 6-21-1993; Ord. No. 3703, 6-21-1993; Ord. No. 4020, 2-20-1996; Ord. No. 4565, 2-12-2001; Ord. No. 4576, 4-2-2001; Ord. No. 4584, 5-7-2001)(Emphasis added).

Sec. 106-116 of the Zoning Ordinance of the City of Mishawaka includes the following miscellaneous requirement:

Dumpster and **utility service areas** (including transformers, truck docks, and loading areas) **shall be located where they are not visible from the public right-of-way** and/or the St. Joseph River. Equipment/dumpsters on the ground shall be screened or housed in a structure that is in harmony with the surroundings. The use of screening that utilizes appropriate architectural materials shall be encouraged.

(Code 1985, § 161.58; Ord. No. 4469, 12-20-1999) (Emphasis added).

6. Strict adherence to the Ordinance requirements creates an unusual hardship for Appellant's operation of a retail store because it prohibits Appellant from stocking inventory for its Store.

7. Questions about the requested use variance.

- a. Will approval be injurious to the public health, safety, morals or general welfare of the community?

No. Allowing Appellant to stock inventory in two storage containers will alleviate the need for Appellant to keep all of its merchandise in the Store, and will encourage Appellant to have fewer fireworks in the Store.

Appellant has met the requirements of Indiana Homeland Security and obtained a Fireworks Retail Sales Permit #FR29277C (the "Permit"). The Store was renovated including installation of fire barriers and a revised fire suppression system in order to obtain the Permit.

The Appellant will continue to be subject to inspections of the State Fire Marshall and the Mishawaka Fire Marshall.

The Real Estate already has a six-foot-high chain link fence between proposed location for the storage containers and 12th Street. The fence is depicted as a green line on the Plat. Appellant would be willing to have slats installed in the fence to reduce visibility between the storage containers and 12th Street.

- b. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

No. The use of the area adjacent to the Real Estate will not be affected by the variance in an adverse manner. The parcel directly north of the proposed location of the storage containers is zoned I-2. The parcel directly east of the proposed location of the storage containers is zoned I-2. The parcel directly south of the proposed location of the storage containers, which is across 12th Street, is zoned I-1. The parcel directly west of the proposed location of the storage containers is the Store, which is zoned C-1. There is no accessory building restriction on the neighboring industrial properties. The pertinent portion of the zoning map is attached as Exhibit 3. The proposed location of the storage containers is marked with a black star. As such, storage containers are already permitted in the community. Moreover, the nearest residential property to the proposed location for the storage containers is over 550 feet away. Further, the value of the area adjacent to the Real Estate will not be affected by the variance in a substantially

adverse manner.

- c. Does the need for the variance arise from some condition peculiar to the property involved?

Yes. The Store covers 100% of the parcel on which it operates and there is no room for Appellant to stock inventory in the Store.

Further, the parcels adjacent to the Real Estate have industrial zoning classifications, and accessory buildings are not prohibited in the industrial classifications.

- d. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

Yes. The prohibition against commercial storage in an accessory building and the prohibition against accessory buildings in the front half yard area preclude Appellant from stocking merchandise for its Store.

- e. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

No, the approval of this use variance will not substantially, if in fact at all, interfere with the Mishawaka 2000 Comprehensive Plan.

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

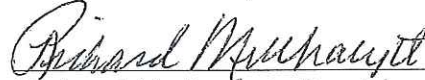
Appellant

MISHAWAKA FIREWORKS, LLC


Charles Long, Member

Co-Owner

MORRIS SALES, INC.

 6/18/24
Richard Mulhaupt, President

Co-Owner

MCC SELF STORAGE LLC

  06/18/24

Brad Beer, Member

CONTACT PERSON:

Joshua A. Visser
SOPKO, NUSSBAUM, INABNIT & KACZMAREK
5th Floor - Plaza Building
210 S. Michigan Street
South Bend, Indiana 46601
Telephone: (574) 234-3000
Email: joshv@sni-law.com

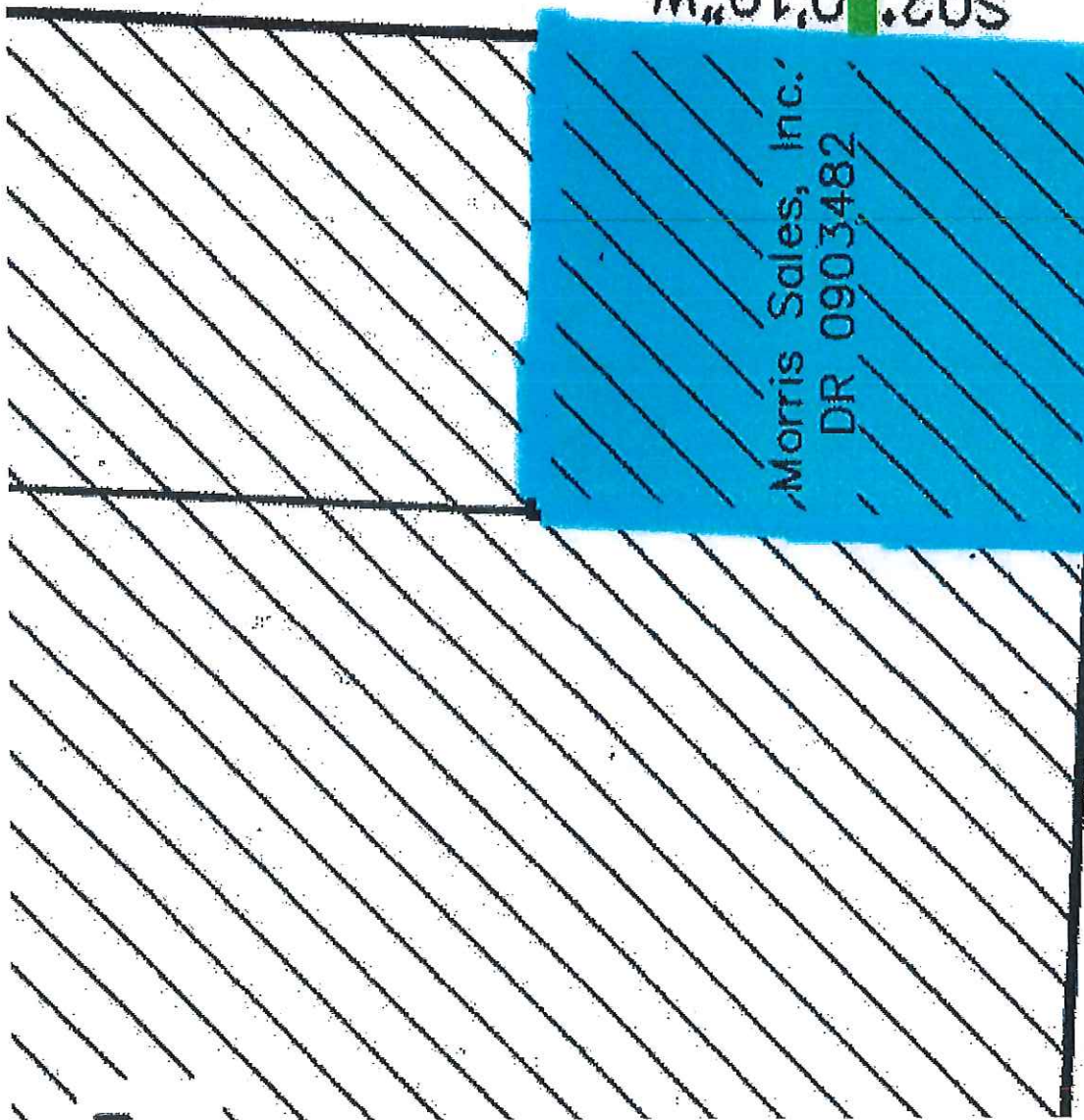
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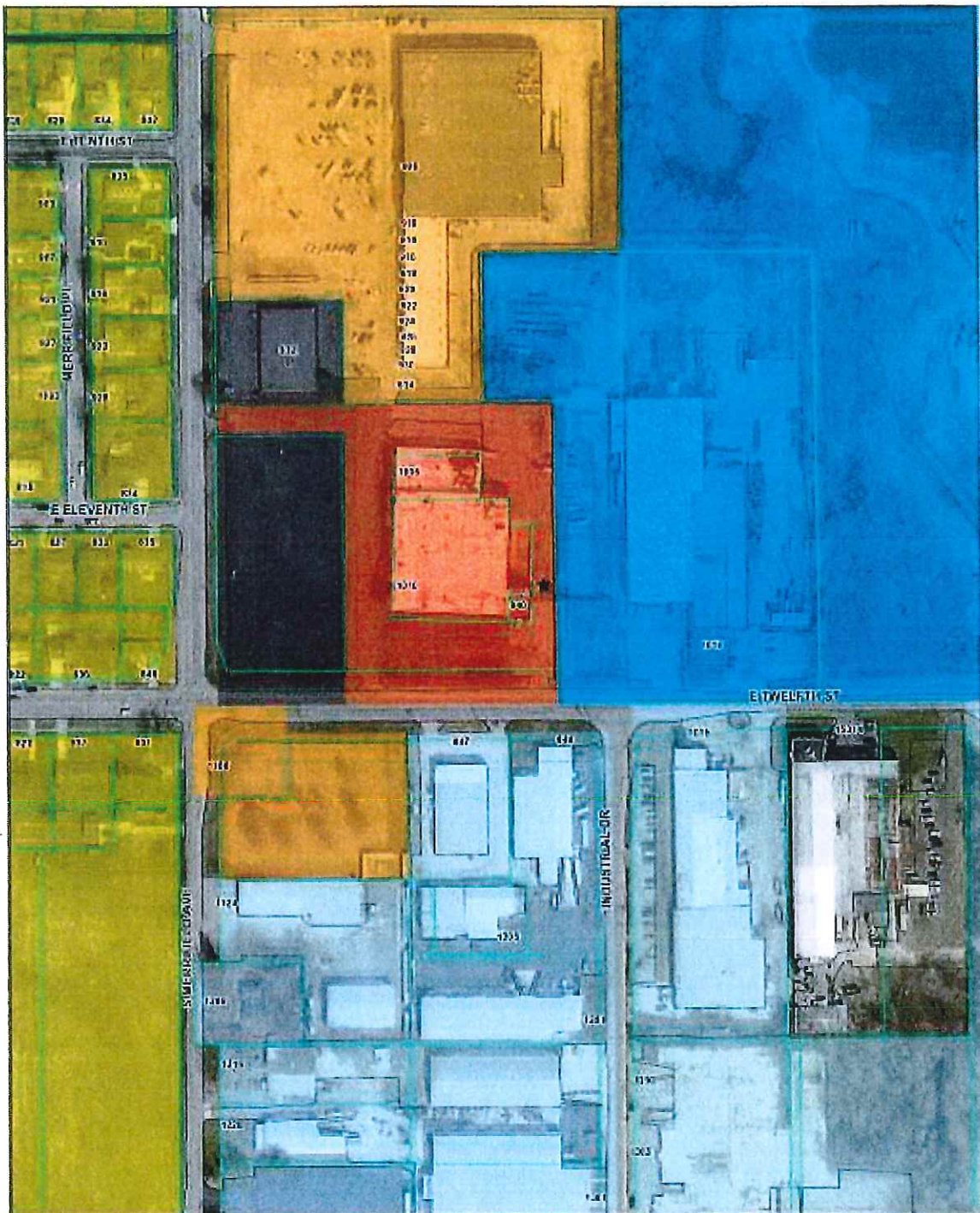


Morris Sales, Inc.
DR 0903482

N87°29'50"W
36.00'

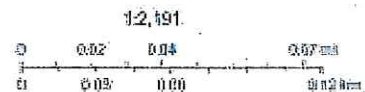
31'

City of Mishawaka Zoning



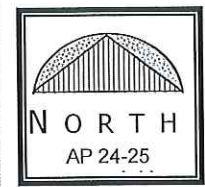
6/7/2024, 8:57:18 AM

- | | | |
|---|---|---|
| <ul style="list-style-type: none"> Property Line Street City Block Water Edge Building Proposed Survey Adjacent Property City-Designated Public Right-of-Way | <ul style="list-style-type: none"> R-1 Single-Family Residential R-2 Medium-Density Residential R-3 Single-Family Residential C-1 General Commercial C-2 Shopping Center Commercial C-3 City Center Commercial C-4 Office Commercial C-5 Professional/Community C-6 Light Industrial C-7 Heavy Industrial C-8 Community Open Space C-9 Public Use (Park/Recreation) | <ul style="list-style-type: none"> I-1 Light Industrial I-2 Heavy Industrial I-3 Medium-Density Industrial I-4 Heavy-Density Industrial I-5 Light Industrial I-6 Heavy Industrial I-7 Professional/Community I-8 Light Industrial |
|---|---|---|



R-1 R-1

E TENTH ST



S MERRIFIELD AVE

AP 24-25

I-2

I-2

C-7

C-2

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

C-7

C-1

C-1

C-1

PROPOSED²
STORAGE CONTAINER
LOCATION

I-2

E TWELFTH ST

C-2

R-1

R-1

I-1

I-1

I-1

I-1

I-1

I-1

I-1

INDUSTRIAL DR

Location Map

AP 24-25

MCC SELF STORAGE LLC & MORRIS
SALES, INC (OWNERS) / JOSHUA
VISSER (LEGAL COUNSEL)

940 E. 12TH STREET

USE VARIANCE TO ALLOW FOR
TWO PERMANENT STORAGE
CONTAINERS FOR FIREWORKS



BUILDERS IRON WORKS, INC.

1016 E 12TH STREET, MISHAWAKA, IN 46544

PHONE: 574-254-1553, FAX 574-254-1598

July 1, 2024

Planning & Community Development
100 Lincolnway West
Mishawaka, Indiana 46544
donna.burkart@mishawaka.in.gov

**RE: Appeal No. #24-25, MCC Self Storage LLC & Morris Sales, Inc.
940 E. Twelfth St., Mishawaka, Indiana
Use Variance**

Dear Board of Zoning Appeals, City of Mishawaka:

I write on behalf of Builders Iron Works, Inc., located at 1016 E. 12th St., Mishawaka, Indiana 46544. The property which is the subject of this appeal, 940 E. 12th St. (the "Subject Property"), is our neighbor to the west.

The Subject Property has applied for a use variance for two permanent storage containers for fireworks. Builders Iron Works, Inc. strongly opposes this use variance.

Throughout the years, the occupant of the Subject Property has let off large fireworks/large boom-makers from time to time, up to the present. The most recent incident was the week of June 17, 2024. In the past, debris and detritus from the Subject Property related to their fireworks have landed on our property, possibly causing a grass fire at one time. This has occurred even with the Mishawaka Fireworks business operating only part of the year. We are concerned about the potential for even worse problems if the owners of the Subject Property are allowed to store fireworks on the property for the entire year.

The grant of the use variance to allow permanent fireworks storage will be injurious to the public health, safety, morals, and general welfare of the community by making it more likely that an explosive event will occur at any point throughout the year, and the possibility of causing fires that spread to multiple properties in the area. The existence of a part-of-the-year fireworks business already negatively affects our property values negatively; if fireworks are allowed to be stored all-year-round, the negative effect will be even worse. There is nothing specific to the Subject Property which makes the use variance requested necessary or appropriate; it is just like any other business property location in the area. Mishawaka Fireworks has had a successful business for years utilizing the building only part of the year, meaning that the application of the zoning ordinance as written regarding permanent storage of fireworks does not cause them unnecessary hardship. There is simply no reason to grant the Subject Property owners the use variance they are requesting, and every reason not to.

Thank you,
Tony Balentine, V.P.
Builders Iron Works, Inc.

CC: Mishawaka Common Council

JUL 10 2024

City Clerk
Mishawaka, IN

APPEAL #24-27

RESOLUTION NO. 2024-16

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

314 W Cleveland Road, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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 the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **314 W Cleveland Road, Mishawaka, Indiana**, more particularly known and described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA BEING DESCRIBED AS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION AND THE CENTERLINE OF INDIANA HIGHWAY 23 (CLEVELAND ROAD) WHICH IS NORTH 90-00'-00" EAST, 656.26 FEET FROM THE SOUTH QUARTER POST OF SAID SECTION, SAID POINT ALSO ON THE CENTERLINE OF LEO STREET, THENCE NORTH 00-00'-46" WEST ALONG SAID CENTERLINE, 363.26 FEET TO THE SOUTH LINE OF THE RECORDED PLAT OF COUNTRY SIDE ESTATES SECTION 3; THENCE SOUTH 90-00'-00" EAST ALONG SAID SOUTH LINE, 667.79 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00-00'-46" EAST ALONG SAID EAST LINE, 363.26 FEET TO THE SOUTH LINE OF SAID SECTION AND THE CENTERLINE OF INDIANA HIGHWAY 23 (CLEVELAND ROAD); THENCE NORTH 90-00'-00" WEST ALONG SAID SOUTH LINE AND CENTERLINE, 667.79 FEET TO THE POINT OF THE BEGINNING. SUBJECT TO ALL LEGAL HIGHWAYS OF RECORD.

The Use Variance will allow a tattoo establishment within the C-2 Shopping Center Commercial District subject to the following conditions of approval:

1. The tattoo and body piercing studio must comply with all regulations and permitting requirements per Chapter 18-Business Regulations, Article X-Tattoo and Body Piercing Establishments of the City of Mishawaka.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties are zoned for a variety of commercial uses.
3. The need for the variance arises from some condition peculiar to the property in that Tattoo is a Use Variance or Conditional Use regardless of the underlying zoning.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for specific uses within commercial zoned properties;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2024, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2024,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock ____m.

David A. Wood, Mayor

STAFF REPORT

Location: 314 W Cleveland Rd

Date: July 9, 2024

Appeal: 24 27

Prepared By: SA

GENERAL INFORMATION

Applicant: SHEA JOHN C SR & ROSEMARY REVOCABLE LIVING TRUST JOHN C & ROSEMARY TRUSTEES UND 1/2 INT / Danielle Rzepka

Status: Property Owner / Tenant

Request: Use Variance to allow for tattoo studio

Zoning Classification: C-2 City Shopping Center Commercial

Acreage: 4.68

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance, Section 137-326 C-2 Shopping City Center Commercial Uses, Indiana Code 36-7-4-918.4

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated Saint Joseph County (Residential)
South: S-1 Extensive Open Space (Saint Joseph Valley Memorial Park)
East: S-2 Planned Unit Development (Grandview PUD)
West: C-5 Neighborhood Commercial (Everwise Credit Union)

Thoroughfare: W Cleveland Rd

Council District: 6

School District: South Bend Community

Township: Clay

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The Appellants are requesting a Use Variance to expand its current services to provide fine line micro tattooing. The tenant, Danielle Rzepka, was approved for microblading at 6910 North Main Street (University Gardens) in April 2019. The City of has recently changed the ordinance to allow microblading anywhere a beauty shop is allowed. The tenant has since moved and now micro tattooing would be an additional service to microblading/permanent makeup. The property is a tenant space located in Centennial Place shopping center on West Cleveland Road. It is surrounded by unincorporated Saint Joseph County (residential) to the north, S-1 (Cemetery) Extensive Open Space to the south, S-2 (Grandview) Planned Unit Development to the east, and C-5 (Everwise) Neighborhood Commercial to the west. The tenant, will be required to obtain all necessary licenses from the City and the County Health Department prior to opening the business. All pertinent City departments have reviewed and approved.

RECOMMENDATION

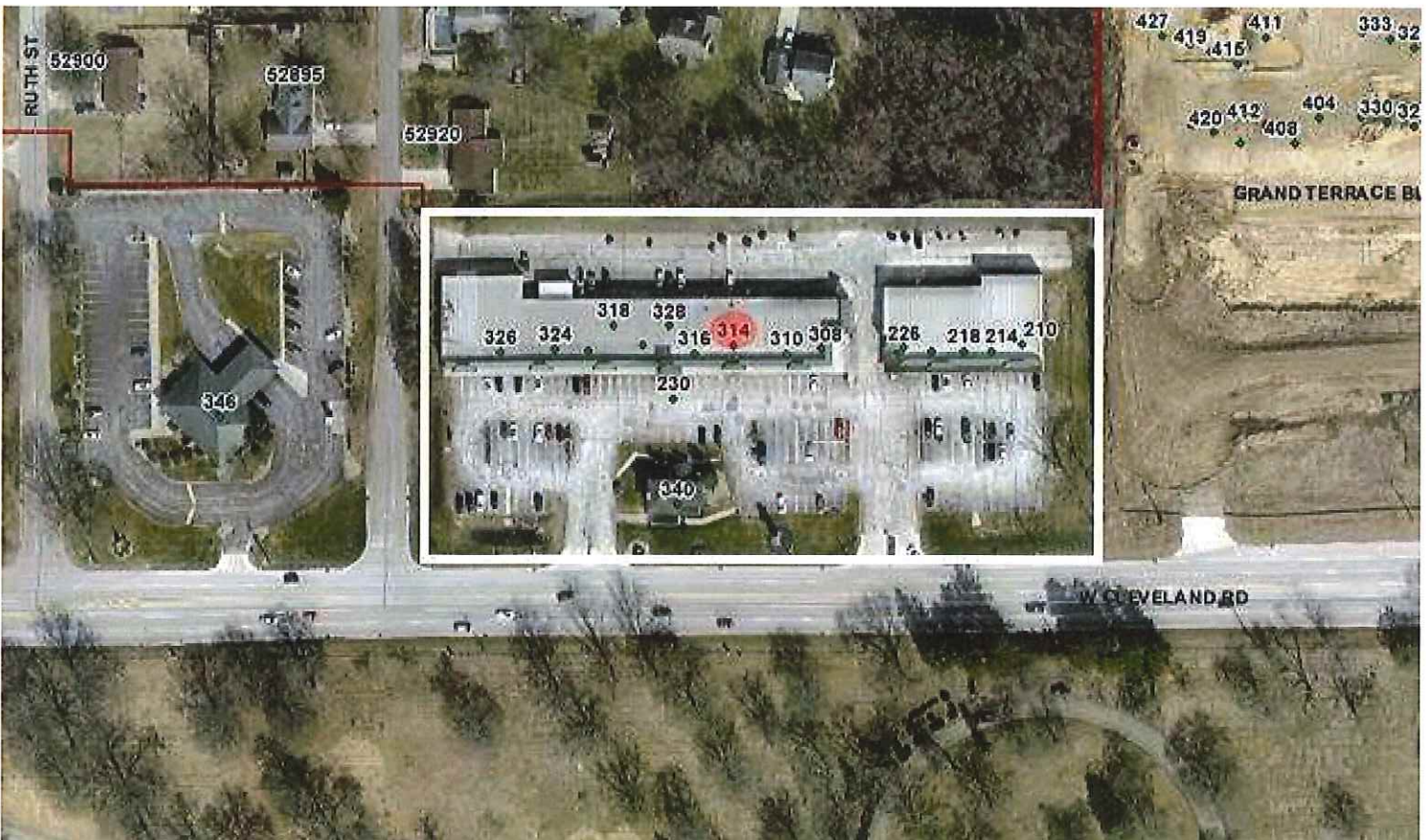
The Planning Staff recommends approval of Appeal #24-27 to allow for a micro tattooing at 314 W Cleveland Rd.

This recommendation is based upon the following findings of fact *per Indiana Code 36-7-4-918.4*:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties are zoned for a variety of commercial uses.
3. The need for the variance arises from some condition peculiar to the property in that Tattoo is a Use Variance or Conditional Use regardless of the underlying zoning.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for specific uses within commercial zoned properties;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

ATTACHMENTS

Aerial, Photographs, Appeal, Location Map



Aerial



Northeast facing from the parking lot



North facing from the parking lot



Northwest facing from the parking lot



Northeast facing form the parking lot

JUN 20 2024

City Clerk
Mishawaka, IN

AP 24-27

DATE: June 21, 2024

TO: Board of Zoning Appeals

City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Mark Shea, Trustee for The Rosemary & John C. Shea Revocable Trusts represent the owners of the following described Real Estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana to wit: W 1/2 Se 1/4 Sec 21-38-3e Beg 40' N & 142.77' W Se Cor W 513.93' N 363' E 667.35' S 23' W 142.58' S 300' and Centennial Place 340 W Cleveland Rd.
2. The above-described real estate presently has a zoning classification of C2 District under the zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above described property with retail stores as tenants and in accordance with the zoning district.
4. Appellant desires to expand a current service providing tenant to provide fine line micro tattooing services (a subset of services to microblading/permanent makeup) to be performed within approximately 1200 square feet of the existing Centennial Place building. 314 W CLEVELAND
5. The Zoning Ordinance of the City of Mishawaka requires a use variance for providers of Tattooing Services within the C-2 Commercial Shopping Center Zoning District. The Appellants' tenant, Aesthetic Beauty Studio relies on the revenue from fine line micro tattooing services in addition to their permanent make up and microblading lines of business. Limiting Aesthetic Beauty Studio to only retail permanent make up and microblading sales would be detrimental to the business.
6. The approved use variance will not be injurious to the public health, safety, morals or general welfare of the community since all services will be performed indoors and within the existing store space. Our tenant, Aesthetic Beauty Studio has been operating the business offering similar services for five years and is simply moving a few blocks west of her current location. The use and value of adjacent property of Centennial Place will not be impacted either positively or negatively. Adding fine line micro tattooing services to an existing business will be unnoticeable to adjacent property owners unless they are customers. All services will be performed in the existing store front at Centennial Place and all services will be performed on an "appointment only" basis. More than a majority of appointment services offered will be for microblading and customers will be nearly exclusively female.
7. The need for the variance only arises because the ordinance did not contemplate the combination of microblading and fine line micro tattooing services sales within one store, and limiting Aesthetic Beauty Studio to only microblading services would be detrimental to the business. The Appellant believes this proposed use is consistent with the general commercial development directed by the Mishawaka 2000 Comprehensive Plan primarily because several other stores offer the same services and have been approved.

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

Mark F Shea, Trustee

Contact:

Mark Shea

466 S Prospect Avenue

Elmhurst, IL 60126

M: 630.258.3065

E: mshea24@comcast.net

Danielle Rzepka
574 250 2195
dan.rzepka@gmail.com

Donna Burkart

From: Mark shea <mshea24@comcast.net>
Sent: Thursday, June 20, 2024 12:19 PM
To: Donna Burkart
Subject: Re: Variance Receipt - 340 W Cleveland

CAUTION: This email originated from outside the City of Mishawaka. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

I authorize Danielle Rzepka to represent Centennial Place in the use variance. The address is 314 w Cleveland
Mark Shea
630.258.3065

On Jun 20, 2024, at 11:40 AM, Donna Burkart <donna.burkart@mishawaka.in.gov> wrote:

Also, can you verify the actual location address in the plaza that the shop will be at?

Donna

Administrative Planner
City of Mishawaka
Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544
Phone: 574-258-1625
Fax: 574-968-6999

<image001.jpg>

From: Donna Burkart
Sent: Thursday, June 20, 2024 11:25 AM
To: Mark shea <mshea24@comcast.net>
Cc: danirzepka@gmail.com
Subject: RE: Variance Receipt - 340 W Cleveland

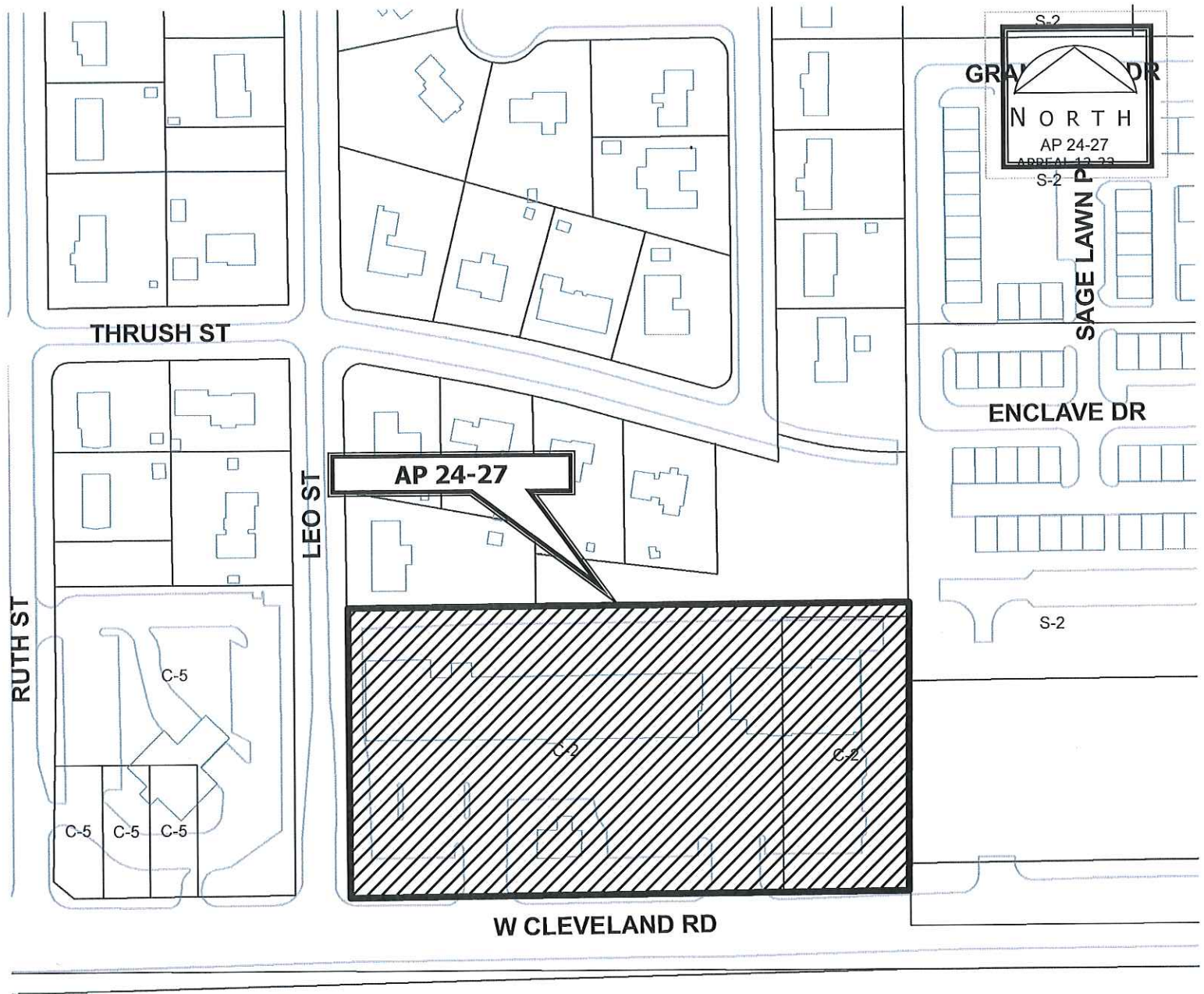
Mark,

Would you be able to send us something via email stating that you are ok with allowing Danielle Rzepka to represent the variance on your behalf? This is just to keep for our records in case anything was questioned since the variance didn't have your signature on it. It would be much appreciated!

Thanks!

Donna

Administrative Planner
City of Mishawaka



Location Map

AP 24-27

MARK SHEA, TRUSTEE FOR ROSEMARY
AND JOHN C. SHEA REVOC. TRUST
(OWNER) / DANIELLE RZEPKA
(FUTURE TENANT)

314 W. CLEVELAND ROAD

USE VARIANCE FOR FINE LINE
MICRO TATTOOING SERVICES

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, MMC, MMC

APR 18 2024

City Clerk
Mishawaka, IN

Proposed Ordinance No. 2024-10

Ordinance No. _____

**AN ORDINANCE AMENDING TITLE VIII, CHAPTER 58,
OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA,
COMMONLY REFERRED TO AS THE TRAFFIC CODE**

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

Section 1. Section 58-554 of the Municipal Code of the City of Mishawaka, Indiana, is hereby amended in order to add certain intersections to Schedule III, All Way Stop Intersections, as indicated below:

- Cleveland Street and Sixth Street
- Prospect Drive and North Mason Street
- Third Street and South Victoria Street
- Carter Court and East Edgar Avenue

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

Passed by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2014, at _____ o'clock _____.m.

Gregg A. Hixenbaugh
Presiding Officer

Attest:

Deborah S. Block, MMC
City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2024, at _____ o'clock _____.m.

Deborah S. Block, MMC
City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock _____.m.

David A. Wood
Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, WMC, MMC

MAY 02 2024

City Clerk
Mishawaka, IN

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2024-11

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "PARKS AND RECREATION ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the General Assembly for the State of Indiana has allowed the creation of Designated Outdoor Refreshment Area(s) (DORA) under Indiana Code 7.1-3-31; and

WHEREAS, the City of Mishawaka has made improvements and supported investment and growth in the downtown area including City parks such as Beutter Park, the Riverwalk and Kamm Island Park, as well as Ironworks Plaza, which downtown park development has resulted in improved and expanded recreational opportunities to draw more residents, visitors, and patrons to Mishawaka; and

WHEREAS, as a result of such downtown park development numerous stores, shops, entertainment venues and restaurants have chosen the downtown area of Mishawaka for their businesses; and

WHEREAS, having a DORA will attract more visitors, citizens, and patrons to local businesses within the downtown area; and

WHEREAS, having and implementing a DORA in downtown Mishawaka, more specifically in and around Beutter Park and the Ironworks Plaza will provide a significant economic boost to local businesses; and

WHEREAS, the Parks and Recreation Ordinance does not presently allow persons to bring possess, sell, consume beer, ale, or any other alcoholic beverage, into any park, except on written permission from the board of parks and recreation or its duly authorized agents.

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

Section 1. Chapter 50, Section 50-3(a)(7) shall be amended to read as follows:

Sec. 50-3. Prohibited acts.

- (a) It shall be unlawful for any person in a city park to:
 - (7) Bring any controlled substance as defined by the laws of the state, drugs, beer, ale, or any other alcoholic beverage, into any park or consume, or have in their possession, or sell, give away, or handle, any controlled substance, or intoxicating alcoholic beverages, except on written permission from the board of parks and recreation or its duly authorized agents or unless the park is in a Designated Outdoor Refreshment Area (DORA) as established pursuant to Indiana Code 7.1-3-31

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2024, at _____ o'clock, P.M.

Gregg A. Hixenbaugh
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____ 2024,
at _____ o'clock __.M.

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

APPROVED by me this _____ day of _____, 2024,
at _____ o'clock __.M.

David A. Wood
Mayor

PROPOSED ORDINANCE NO. 2024-12

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA

WHEREAS, Indiana Code 7.1-3-31 authorizes the establishment of a Designated Outdoor Refreshment Area;

WHEREAS, the Common Council believes it is in the best interests of the City to create a Designated Outdoor Refreshment Area in the City's downtown, as authorized by Indiana Code 7.1-3-31 et seq, which Area is shown on the attached Map- Exhibit A;

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

1. All definitions in Ind. Code 7.1-3-31 *et seq.* shall apply to this Ordinance.
2. The Common Council hereby adopts the Map of the City of Mishawaka Downtown Designated Outdoor Refreshment Area attached hereto as Exhibit A and incorporated herein by reference;
3. That the following area is designated as the City of Mishawaka Downtown Designated Outdoor Refreshment Area:

LEGAL DESCRIPTION – NOT INCLUDING RIVERWALK A PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 IN THE MILL AT IRONWORKS AS RECORDED UNDER INSTRUMENT NUMBER 1735080 IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH ALONG THE EAST RIGHT-OF-WAY LINE OF HILL STREET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF IRONWORKS AVENUE, A DISTANCE OF 450' MORE OR LESS TO A WEST WALL OF COMMERCIAL TENANT SPACES AT 235 IRONWORKS AVENUE, SUITES C, D, AND E, CURRENTLY OCCUPIED BY SUN KING BREWERY; THENCE SOUTH ALONG SAID WEST WALL, A DISTANCE OF 50' MORE OR LESS TO A SOUTH WALL OF SAID COMMERCIAL TENANT SPACES; THENCE EAST ALONG SAID SOUTH WALL, A DISTANCE OF 13' MORE OR LESS TO A WEST WALL OF COMMERCIAL TENANT SPACES AT 235

IRONWORKS AVENUE, SUITES C, D, AND E; THENCE SOUTH ALONG SAID WEST WALL, A DISTANCE OF 180' MORE OR LESS TO A NORTH WALL OF A COMMERCIAL TENANT SPACE AT 235 IRONWORKS AVENUE, SUITE A, CURRENTLY OCCUPIED BY SOCIAL CANTINA; THENCE WEST ALONG SAID NORTH WALL, A DISTANCE OF 10' MORE OR LESS TO A WEST WALL OF SAID COMMERCIAL TENANT SPACE; THENCE SOUTH ALONG SAID WEST WALL AND THE EAST EDGE OF PAVEMENT OF A ENTRANCE DRIVE TO A PUBLIC PARKING GARAGE, A DISTANCE OF 90' MORE OR LESS TO THE NORTHERN EDGE OF PAVEMENT OF W. FRONT STREET; THENCE NORTHEASTERLY ALONG SAID NORTHERN EDGE OF PAVEMENT, A DISTANCE OF 400' MORE OR LESS TO THE SOUTHERLY PROJECTED EAST LINE OF LOT 2 IN IRON WORKS PHASE II AS RECORDED UNDER INSTRUMENT NUMBER 0833003 IN SAID OFFICE OF RECORDER; THENCE NORTH ALONG THE WEST RIGHT-OF-WAY LINE OF NORTH MAIN STREET TO A NORTHEAST CORNER OF OUTLOT A IN SAID THE MILL AT IRONWORKS; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO AND 30' MORE OR LESS SOUTH OF THE SOUTH BANK OF THE ST. JOSPEH RIVER, A DISTANCE OF 185'; THENCE NORTH PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 7' MORE OR LESS TO THE SOUTH EDGE OF PAVEMENT OF THE RIVERWALK; THENCE WESTERLY ALONG SAID SOUTH EDGE OF PAVEMENT OF THE RIVERWALK, A DISTANCE OF 690' MORE OR LESS TO A NORTHERLY PROJECTED WEST LINE OF SAID OUTLOT A; THENCE SOUTH ALONG SAID PROJECTED WEST LINE, A DISTANCE OF 5' MORE OR LESS TO A SOUTH LINE OF SAID OUTLOT A ALSO BEING THE NORTH RIGHT-OF-WAY OF N. HILL STREET; THENCE WESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE OF N. HILL STREET, AND THE NORTH LINE OF LOT 2 IN SAID THE MILL AT IRONWORKS, A DISTANCE OF 260' MORE OR LESS TO A POINT 90' WEST OF THE WEST RIGHT-OF-WAY LINE OF N. HILL STREET; THENCE SOUTH PARALLEL TO SAID WEST RIGHT-OF-WAY LINE OF N. HILL STREET, A DISTANCE OF 550' MORE OR LESS TO THE SOUTH EDGE OF A SIDEWALK NORTH OF W. FRONT STREET; THENCE EAST ALONG SAID SOUTH EDGE OF A SIDEWALK, A DISTANCE OF 250' MORE OR LESS TO THE SOUTHERLY PROJECTED WEST LINE OF SAID LOT 1 IN THE MILL AT IRONWORKS; THENCE NORTH ALONG SAID PROJECTED WEST LINE, A DISTANCE OF 12' MORE OR LESS TO THE POINT OF BEGINNING. SAID DESCRIBED TRACT CONTANING 11.89 ACRES, MORE OR LESS.

Except all residential property is excluded.

DESIGNATED PERMITTEE EVENT VENDOR LOCATION WITHIN THE DORA (See exhibit B)

4. 1. Mishawaka Public House - 330 N. Hill St. .2. Ironworks Event Center - 414 N. Hill St. 4. Social Cantina - 235 Ironworks Ave., Suite A 6. Future - Mill at Ironworks, Phase II 7. Future - Mill at Ironworks, Phase II 8. Temporary Event Vendor
5. The Common Council finds that the City of Mishawaka downtown (Ironworks Plaza, The Mill and Beuter Park) Outdoor Refreshment Area is consistent with the City of Mishawaka’s Zoning Code.
6. The Common Council hereby approves and adopts the minimum signage designating the City of Mishawaka Downtown Designated Outdoor Refreshment Area attached

2hereto as Exhibit B (we need exhibit B for the (COM) and incorporated herein by reference and directs the City to place the signage at the designated locations on Exhibit C;

7. The Common Council recognizes that additional signage designating the City of Mishawaka Downtown Designated Outdoor Refreshment Area may be warranted and necessary, Exhibit B and C are only minimum standards and therefore the City of Mishawaka Board of Public Works and Safety is hereby authorized and granted full authority to increase the number or change the type of signage in their sole discretion;
8. Dates and Hours of Operation:
The City of Mishawaka Downtown Designated Outdoor Refreshment Area shall be in effect starting on July 1, 2024 until October 31st 2024 on Wednesday, Thursday, Friday from 4pm to 10:00pm with the last call at 9:30pm and from noon to 10pm on Saturday with last call at 9:30pm; and 11am to 4pm on Sunday with the last call at 3:30pm. After this defined time period the ordinance will be fully evaluated to determine if the ordinance will be amended or extended into the winter or will start again in the Spring of 2025 and beyond. The Mishawaka DORA will be only open during this specific times as outlined in the ordinance and all authorized times are pursuant to Ind. Code 7.1-3-1-14 as amended from time to time by the Indiana General Assembly. The Mayor of the City of Mishawaka in conjunction with the Chief of Police is authorized to further restrict hours as necessary and/or to suspend the DORA if issues arise that would impact public safety or require a further police presence.
9. The following retailer permittees have submitted a completed application to the City to participate in the Area as a Designated Permittee and the City finds that each of them is an appropriate Designated Permittee and requests the Indiana Alcohol Commission to issue each a “refreshment area designation:
 - a. Public House – 330 Ironworks Ave **Mishawaka**, IN 46544
 - b. Social Cantina – 235 Ironworks Ave, Ste A, Mishawaka, IN 46544
 - c. Any additional licensed premises located within the Downtown Refreshment Area who desires to be designated as “Designated Permittee” and granted a “refreshment area designation” shall apply to the Common Council for approval and recommendation by the Common Council by Resolution.
 - d. A Designated Permittee expanding their operations into the Area outside of their designated outdoor patio area;
 - e. An Approved Vendor, either by this Ordinance or future Resolution, requesting a temporary permit to serve in the Area;

10. (DRAFT)The City of Mishawaka Board of Public Works and Safety adopted the City of Mishawaka Special Event Permit Application which is attached hereto and incorporated herein by reference as Exhibit D (to be developed). A Special Event Permit Application, including the Exhibit 1 “State Form Designated Outdoor Refreshment Area Designation Form” shall be submitted to the City of Mishawaka Planning and Community Development Department for approval by the Board of Works prior to:
- a. Any Organization holding a special event in the Area with a Vendor requesting a temporary permit to serve;
11. Any establishments that desires to be a “vendor” for the Downtown Designated Refreshment Area shall submit an application to the City for approval by the Common Council. The following establishments have submitted an application and the Common Council now finds that they are appropriate Vendors for the Downtown Refreshment Area and hereby recommends their approval by the Board of Public Works and Safety upon completion of the Special Event Permit Application and the State Form Designated Outdoor Refreshment Area Designation Form for each event:
- a. TBD
 - b. TBD
 - c. TBD

Any additional establishments whom desire to be Vendor’s shall submit an application for review and approval by the Common Council by Resolution. This Application must be submitted prior to submission of the Special Event Permit Application required under paragraph 10. Upon approval by the City Council each additional Special Event Permit and Application shall be submitted to the City Planning and Building Department.

12. Designated Permittees identified in paragraph 9 have been identified on Exhibit A.
13. Vendor’s location may be at any or all of the designated areas within the Downtown Designated Outdoor Refreshment Area as shown on Exhibit A, subject to approval of the Special Event Permit and State Form by the City of Mishawaka Board of Public Works and Safety.
14. Business Participation:
- a. Nothing in this Ordinance prohibits a business, landlord, or other establishment from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises.
 - b. The City of Mishawaka maintains full authority and control over the sidewalks and common area and no one may prohibit or limit open containers in accordance with Ind. Code 7.1-3-31 within the Designated Outdoor Refreshment Area in those spaces except for the City of Mishawaka Police Department.

15. Upon receipt of “refreshment area designation” from the Indiana Alcohol Commission the Designated Permittee as defined by Ind. Code shall remove all stanchions, fencing, or other means of separation previously required by law from all common areas, sidewalks, and right of way of the City of Mishawaka as provided by Ind. Code 7.1-3-31-15. Failure to remove said enclosures within 72 hours’ notice from the City shall result in a fine in accordance with §2.

16. In accordance with Ind. Code 7.1-3-31 *et seq.*

- a. A person may consume an alcoholic beverage purchased from a designated permittee or vendor anywhere within the refreshment area boundaries, subject to the right of any retailer permittee or business within the refreshment area to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage.
- b. All Designated Permittees and Vendors may allow a person to exit the designated permittee's or vendor's licensed premises with not more than two(2) open containers of an alcoholic beverage at a time. The contents of an open container may not exceed the following:
 - i. Beer or flavored malt beverage of not more than sixteen(16) ounces.
 - ii. Wine, cider, or hard seltzer of not more than twelve (12)ounces.
 - iii. A mixed drink of not more than ten (10) ounces containing not more than two (2) ounces of liquor.

17. A sign, as required by Ind. Code 7.1-3-31-16, and attached hereto as Exhibit D (TBD) must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.

18. Glass containers may only be allowed in a Designated Permittee’s Outdoor dining area and may not be removed into the Downtown Designated Outdoor Refreshment Area.

This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.

Passed by the Common Council of the City of Mishawaka, Indiana, on this _____ day of _____, 2024.

Gregg Hixenbaugh, President

ATTEST:

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

Presented to the Mayor this _____ day of _____, 2024

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

Approved this _____ day of _____, 2024

David A. Wood
Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

OFFICE OF THE MAYOR

May 2nd, 2024

Dear President Hixenbaugh and the Honorable members of the Mishawaka Common Council;

The General Assembly for the State of Indiana has allowed the creation of Designated Outdoor Refreshment Area(s) (DORA) under Indiana Code 7.1-3-31.

The City of Mishawaka has made improvements and supported investment and growth in the downtown area including City parks such as Beutter Park, the Riverwalk and Kamm Island Park, as well as Ironworks Plaza, which downtown park development has resulted in improved and expanded recreational opportunities to draw more residents, visitors, and patrons to Mishawaka.

As a result of such downtown park development numerous stores, shops, entertainment venues and restaurants have chosen the downtown area of Mishawaka for their businesses.

It Is my belief and that of the Mayor Wood's administration that having a DORA will attract more visitors, citizens, and patrons to local businesses within the downtown area.

We also believe that implementing a DORA in downtown Mishawaka, more specifically in and around Beutter Park and the Ironworks Plaza will provide a significant economic boost to local businesses.

I therefore ask for your support of the proposed DORA ordinance and the revision to the Mishawaka Parks ordinance related to alcohol use as well.

Sincerely,
Matthew Lentsch
Executive Director of Development and Governmental Affairs



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

OFFICE OF THE MAYOR

Designated Outdoor Refreshment Areas

Effective July 1, 2023, Indiana Code 7.1-3-31 authorizes a municipality to create a Designated Outdoor Refreshment Area ("DORA"). A DORA allows individuals who are at least twenty one (21) years old to purchase alcoholic beverages from approved vendors and retail establishments and carry them outside to be consumed within the DORA boundaries.

Establishing a DORA

In order to establish a DORA, a municipal legislative body must adopt an ordinance that includes the following required information:

1. A map of the refreshment area in sufficient detail to identify its boundaries.
2. The boundaries of the refreshment area, using street addresses.
3. The location(s) of the proposed designated retail permittee(s) and temporary vendors within the refreshment area.
4. A statement that the refreshment area is consistent with the municipality's zoning ordinance.
5. The number, spacing, and type of signage designating the refreshment area.
6. The dates and the hours of operation for the refreshment area, which may not violate IC 7.1-3-1-14.

A municipality may not establish more than seven (7) designated refreshment areas within its jurisdiction.

DORA Application Process

Once a DORA is established, the municipality is required to submit the following to the Commission:

1. An application for approval of the refreshment area.
2. The completed designation forms received by the municipality from retail permittees and temporary vendors to participate in the refreshment area.
3. A copy of the ordinance adopted by the municipality under I.C. 7.1-3-31.
4. A map of the refreshment area indicating where designated retail permittees are located within the DORA and where temporary vendors are permitted to operate.

To submit an application, please [click here \(https://www.in.gov/atc/alcohol-permit-resources/alcohol-permit-applications-and-forms/#Online_Application_for_Designated_Refreshment_Areas\)](https://www.in.gov/atc/alcohol-permit-resources/alcohol-permit-applications-and-forms/#Online_Application_for_Designated_Refreshment_Areas).

Approved DORAs

Municipality	DORA Name	DORA Number	Local Ordinance	Map
Batesville	Main Street DORA	DA6900013	Ordinance No. 01-2024 (/atc/files/Batesville-DORA-Ordinance-01-2024.pdf)	View here (/atc/files/Batesville-DORA-Map.pdf)
Fort Wayne	Downtown DORA	DA0200012	Ordinance No. S-168-23 (/atc/files/Fort-Wayne-Downtown-DORA-Ordinance.pdf)	View here (/atc/files/Fort-Wayne-Downtown-DORA-Map.pdf)
Greensburg	Downtown Greensburg DORA	DA1600006	Ordinance No. 2023-29 (/atc/files/Greensburg-DORA-Ordinance-2023-29.pdf)	View here (/atc/files/Greensburg-DORA-Map.pdf)
Huntingburg	Downtown Outdoor Designated Refreshment Area	DA1900009	Ordinance No. 2023-27 (/atc/files/Huntingburg-DORA-Ordinance-2023-27.pdf)	View here (/atc/files/Huntingburg-DORA-Map.pdf)
Jasper	Jasper Downtown Social District	DA1900008	Ordinance No. 2023-26 (/atc/files/Jasper-DORA-Ordinance-2023-26.pdf)	View here (/atc/files/Jasper-DORA-Map.pdf)
Jeffersonville	Jeffersonville Outdoor Refreshment Area	DA1000011	Ordinance 2023-OR-72 (/atc/files/Jeffersonville-DORA-Ordinance-2023-OR-72.pdf)	View here (/atc/files/Jeffersonville-DORA-Map.pdf)
Kirklin	Travelers Point DORA	DA1200003	Ordinance No. 2023-8-2 (/atc/files/DORA-Ordinance-Travelers-Point-2023.pdf)	View here (/atc/files/DORA-Map-Travelers-Point-2023.pdf)
Lawrenceburg	Lawrenceburg DORA	DA1500005	Ordinance No. 7-2023 (/atc/files/Lawrenceburg-DORA-Ordinance.pdf)	View here (/atc/files/Lawrenceburg-DORA-Map.pdf)
Shelbyville	Downtown DORA	DA7300004	Ordinance No. 23-2984 (/atc/files/Shelbyville-DORA-Ordinance.pdf)	View here (/atc/files/Shelbyville-DORA-Map-2023.pdf)
Winona Lake	Village at Winona	DA4300010	Ordinance No. 2023-11-1 (/atc/files/Winona-Lake-DORA-Ordinance-2023-11-1.pdf)	View here (/atc/files/Winona-Lake-DORA-Map.pdf)
Yorktown	Downtown Yorktown	DA1800007	Ordinance No. 838 (/atc/files/Yorktown-DORA-Ordinance.pdf)	View here (/atc/files/Yorktown-DORA-Map.pdf)

Exhibit A



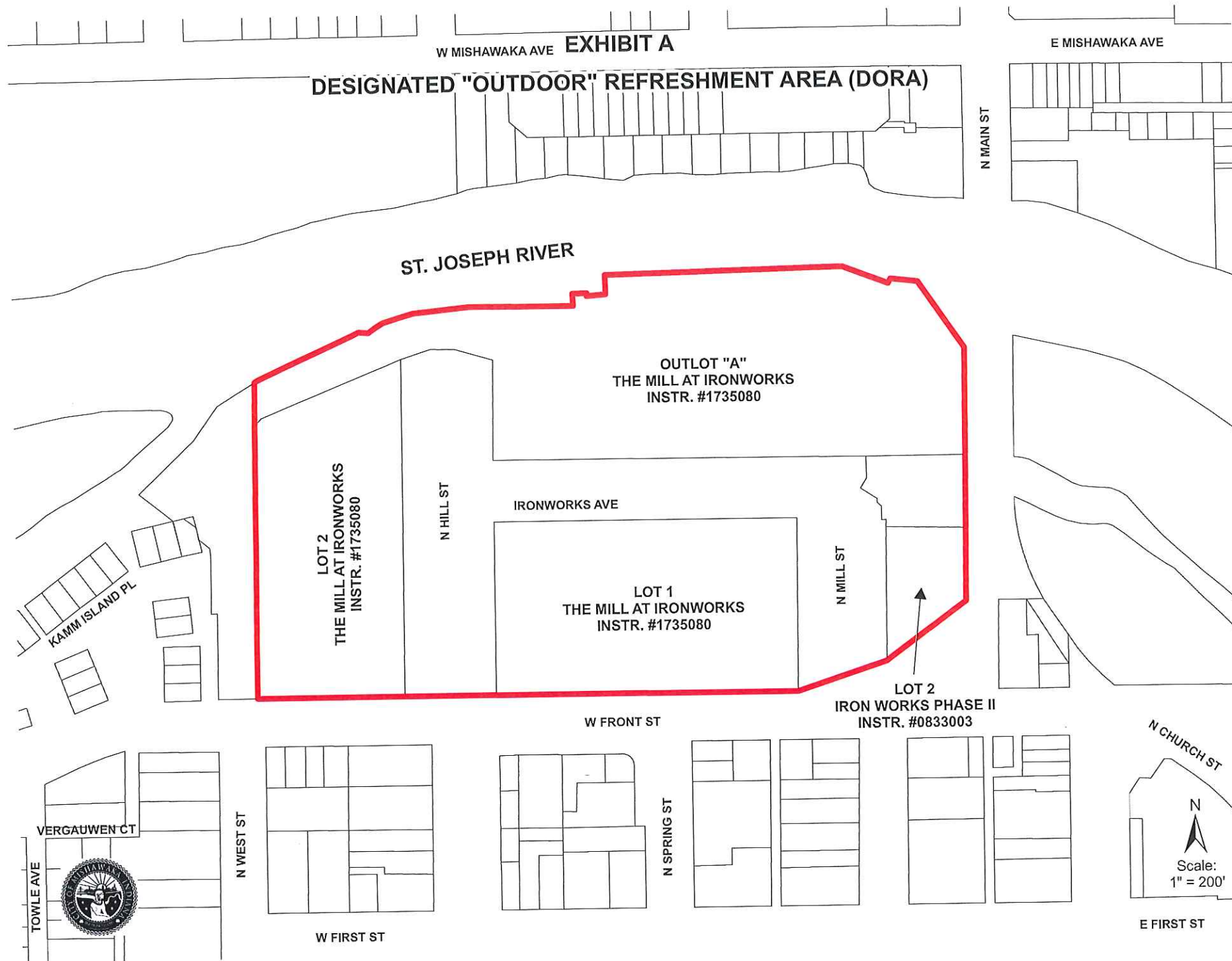


Exhibit B

EXHIBIT B

DESIGNATED "OUTDOOR" REFRESHMENT AREA (DORA)



Exhibit C

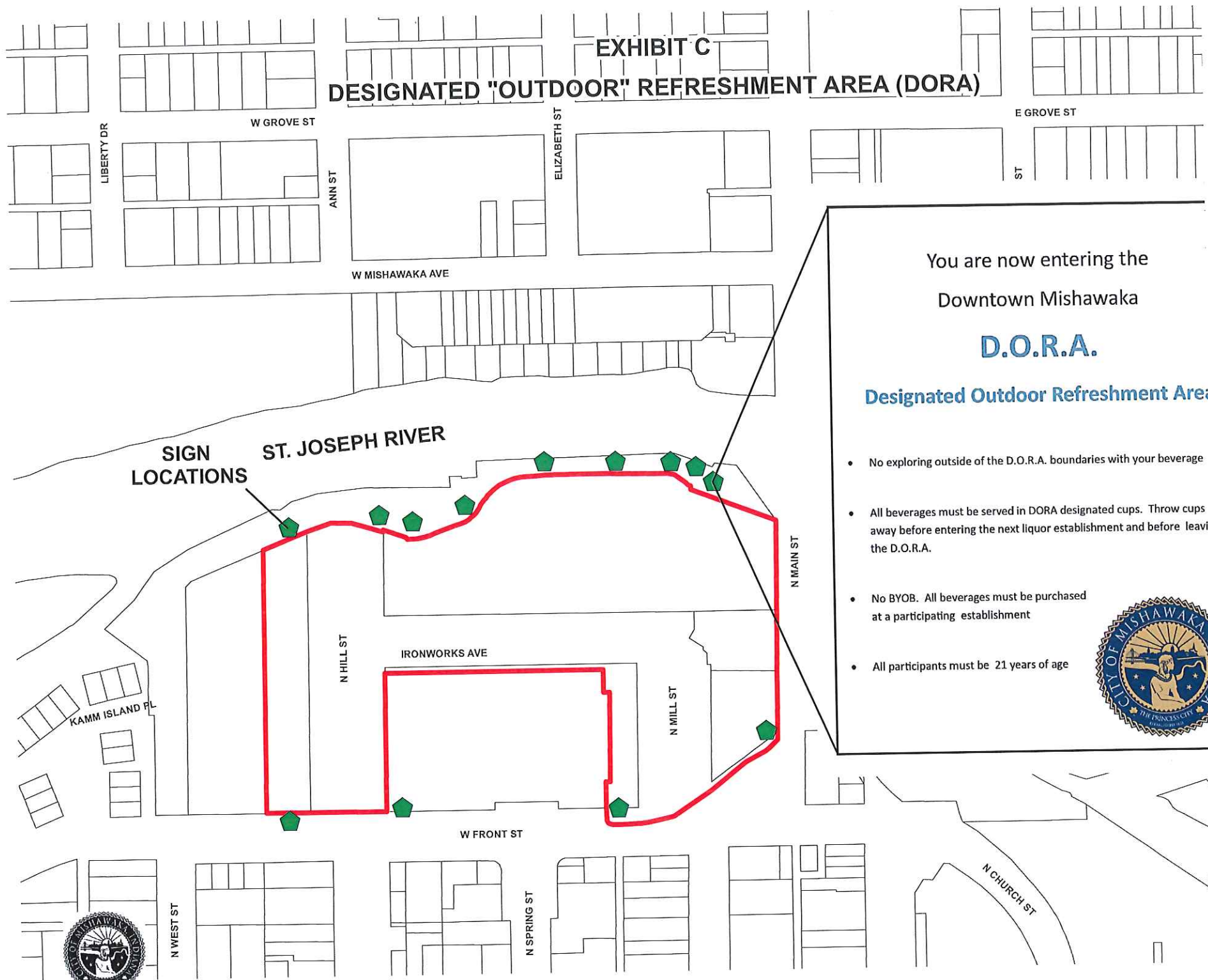
Ironworks Plaza

DOWNTOWN REVITALIZATION PROJECT

The City has dedicated itself to the revitalization of its historic downtown.

EXHIBIT C

DESIGNATED "OUTDOOR" REFRESHMENT AREA (DORA)



You are now entering the
Downtown Mishawaka

D.O.R.A.

Designated Outdoor Refreshment Area:

- No exploring outside of the D.O.R.A. boundaries with your beverage
- All beverages must be served in DORA designated cups. Throw cups away before entering the next liquor establishment and before leaving the D.O.R.A.
- No BYOB. All beverages must be purchased at a participating establishment
- All participants must be 21 years of age



Exhibit D: DORA Public Safety Plan, The Public Safety Plan will help maintain public safety within the DORA. This will be accomplished in the following manner:

- The Mishawaka Police Department shall provide law enforcement services for the Designated Outdoor Refreshment Area. The Mishawaka Police Department is located nearly adjacent to the boundary of the Area. Uniformed officers will patrol the Area as part of their regular patrol responsibilities and shall provide primary law enforcement services.
- The shift supervisor shall ensure that appropriate attention is provided to the Area during the hours of operation. In the event of the presence of an above-average number of people within the Area, the shift supervisor may assign additional officers as deemed necessary.
- As a part of the MPD regular shift strength, the DORA Area may be patrolled by foot, bicycle, Golf cart or cruiser and may be watched through the use of a drone or other surveillance tools as necessary.
- For planned events within or adjacent to the DORA that may draw larger than normal attendance, the Chief of Police may assign additional officers to patrol the DORA.
- Large special events may require the organizers to provide additional security by hiring off-duty police officers or private security personnel. The Chief of Police has determined that the Public Safety Plan described herein is sufficient to maintain the appearance and public health expectations of areas within the DORA.

The City of Mishawaka reserves the right to implement changes or modifications to the Public Safety Plan as needed from the commencement of the DORA until the dissolution of the DORA. Any significant changes will be communicated to all participating entities and stakeholders in the DORA.

DRAFT Exhibit E: DORA Public Sanitation Plan. The Public Sanitation Plan will provide a framework for maintaining the satisfactory appearance and public health of the proposed DORA, as well as the number of personnel needed to execute the Public Sanitation plan. The details are as follows:

- As of the opening of the DORA, Summer 2024, there are currently 25 trash receptacles located in the proposed outdoor refreshment area. All trash receptacles are picked up twice daily during the months from April to October. This schedule is then reduced to bi weekly or as needed in the fall and winter months.
- Additional collections will be made on an as needed basis and will be serviced the Central Services Department. The Central Services Department will monitor the receptacles and coordinate additional collections, if needed.
- Trash receptacles may be relocated, and additional trash receptacles may be added within the DORA at the discretion of the Central Services Department. Upon approval of the TBD, additional receptacles may be added by the City or any qualified permit holder, and the servicing of such additional non-City receptacles shall remain the responsibility of the installing entity.
- Each qualified permit holder located within the DORA shall be responsible for the collection of litter near or around the premises occupied by the permit holder.
- The Central Services Department shall evaluate the need and frequency of street sweeping and servicing trash receptacles. The Board of Public Works and Safety have determined that the Public Sanitation Plan described herein is sufficient to maintain the appearance and public health expectations of areas within the DORA. This Public Sanitation Plan can be executed with the existing City of Mishawaka personnel. The City of Mishawaka reserves the right to implement changes or modifications to the Public Sanitation Plan as needed from the commencement of the DORA until the dissolution of the DORA. Any significant changes will be communicated to all participating entities and stakeholders in DORA.

JUN 12 2024

City Clerk
Mishawaka, IN

PETITION 24-08

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2024-19

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 R-1 Single Family Residential 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:

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL II: BEGINNING AT A POINT WHICH IS 1231.2 FEET EAST OF AND 1442 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION NUMBERED TWO (2), TOWNSHIP NUMBERED THIRTY-SEVEN (37) NORTH, RANGE NUMBERED THREE (3) EAST; THENCE NORTH 240 FEET; THENCE WEST 373.27 FEET; THENCE SOUTH 240 FEET; THENCE EAST 371.59 FEET TO THE PLACE OF BEGINNING, BEING LOT NUMBERED THIRTY (30) IN THE PLAT OF WILLIAMS SULT'S BABY FARMS INCLUDING THE ADJACENT CLOVER ROAD RIGHT-OF-WAY.

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

Proposed Ordinance No: _____

Ordinance No: _____

of the City of Mishawaka, Indiana, and shall carry a classification for zoning of R-1 Single Family Residential.

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

1. Existing Conditions - The subject property is located east of Fir Road approximately a quarter mile north of E. McKinley Avenue. Fir Road, which is a low to moderate travelled minor arterial road, serves as one of the primary north/south corridors in the northeast part of the city. McKinley Avenue to the south is a heavily travelled principal arterial providing major east/west access between St. Joseph and Elkhart County. Traffic volumes along these roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses, an electric utility substation, and vacant property to the north, east, and south within unincorporated St. Joseph County, and an apartment complex to the west.
2. Character of Buildings in Area - The buildings and land uses along Fir Road are primarily single and multi-family residential. An indoor amusement facility and assisted living facility are located west of Fir Road north of the property.
3. The most desirable/highest and best use - With the property's location adjacent to residential uses, the most desirable use for the property is residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single and multi-family residential uses.
5. Comprehensive Plan - The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use of the subject property and adjacent areas as low density residential.

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 _____, 2024, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: _____

Ordinance No: _____

PRESENTED by me to the Mayor this _____ day of _____,
2024, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock _____.M.

David A. Wood, Mayor

MAY 23 2024

City Clerk
Mishawaka, IN

May 9, 2024

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

PA 24-03
Received

MAY 17 2024

Planning and
Community Development

RE: Petition for Annexation and Zoning Classification

The undersigned Robert P. Loudin, Trustee of the Robert P. Loudin Revocable Trust respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

PARCEL I: A PART OF THE SOUTHWEST QUARTER OF SECTION TWO (2), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE THREE (3) EAST, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT ON THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 2, 544.58 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SAID SOUTHWEST QUARTER, 869.70 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF THE SOUTHWEST QUARTER, 886.02 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF THE SOUTHWEST QUARTER, 869.70 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 886.02 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL II: BEGINNING AT A POINT WHICH IS 1231.2 FEET EAST OF AND 1442 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION NUMBERED TWO (2), TOWNSHIP NUMBERED THIRTY-SEVEN (37) NORTH, RANGE NUMBERED THREE (3) EAST; THENCE NORTH 240 FEET; THENCE WEST 373.27 FEET; THENCE SOUTH 240 FEET; THENCE EAST 371.59 FEET TO THE PLACE OF BEGINNING, BEING LOT NUMBERED THIRTY (30) IN THE PLAT OF WILLIAMS SULT'S BABY FARMS INCLUDING THE ADJACENT CLOVER ROAD RIGHT-OF-WAY.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located in St. Joseph County and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a (R-1) Residential District. Petitioners further state they intend to utilize said land for the development of a residential subdivision.

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 structure(s).

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

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an

appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a (R-1) Residential District.



Robert P. Loudin, Trustee of the Robert P. Loudin Revocable Trust

Robert P. Loudin

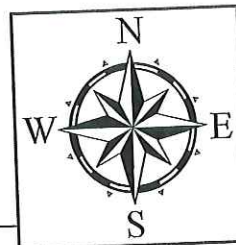
Print Name

Contact Person:

Matthew G. Bertsch, P.S.
Bertsch-Frank & Assoc. LLC
811 Lawrence Drive
Ft. Wayne, IN 46808
(260) 459-9393
mbertsch@bertschfrank.com

DEER RUN DR

PET 24-08



HEMMER LN

S-2

SPICER LN

STEELE LN

FIR RD

CLOVER RD

Location Map

PETITION 24-08

ROBERT P. LOUDIN REVOCABLE TRUST
(OWNER)

LOCATED ON THE EAST SIDE
OF FIR ROAD, ACROSS FROM
THE PRESERVE APARTMENTS,
EXTENDING TO CLOVER ROAD

WANT TO EXEMPT AND ESTABLISH ZONING AS
SINGLE FAMILY RESIDENTIAL

C-1 C-1 C-1 C-1 C-4 C-4 C-4 C-4 C-4 C-4 R-1 R-1
C-4 C-4 C-4 C-4 R-1 R-1 R-1 R-1 R-1

E MCKINLEY AVE

STAFF REPORT

Location: 55770 Fir Road & 55721 Clover Road – Vacant Land East of
The Preserve at Fir Road Apartments

Date: June 11, 2024

Petition: 24- 08

Prepared By: DJS

GENERAL INFORMATION

Applicants: Robert P. Loudin, Trustee of the Robert P. Loudin Revocable Trust / Bertsch-Frank & Associates, LLC

Status: Property Owner / Surveyor & Engineer

Request: To annex, establish zoning, and approve a conceptual design for a proposed residential development.

Existing Zoning: Unincorporated St. Joseph County (R Single-Family District)

Proposed Zoning: R-1 Single Family Residential District

Lot Size: 19.45 acres including the adjacent Fir Road and Clover Road right-of-way

Applicable Regulations: Section 137-164 thru 137-166 / R-1 Single Family Residential District,
Section 137-41 / Amendments to the Zoning Map &
Indiana Code 36-4-3-2.1 and 36-4-3-3.1, and 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County / R Single-Family Residential (Single-Family House)
South: Unincorporated St. Joseph County / R Single-Family Residential (Vacant)
East: Unincorporated St. Joseph County / R Single-Family Residential (Single-Family Houses & Public Utility / Mishawaka Electric Substation)
West: S-2 Planned Unit Development (Multi-Family Residential / The Preserve at Fir Road Apartments)

Thoroughfare: Fir Road & Clover Road

Council District: To Be Determined (Contiguous to District 5)

School District: Penn-Harris-Madison

Public Utilities: All public utilities are available and/or will be extended to/throughout the site at the owner's/developer's expense.

Comprehensive Plan: Low Density Residential

ANALYSIS

Proposal:

The petitioner is proposing to annex, establish zoning, and approve a conceptual design for a proposed single-family residential development.

The 19.45 acre site, which includes two parcels (Tax Parcels 014-1134-5198.04 & 014-1018-0223.17), is located east of Fir Road approximately 1,200' north of E. McKinley Avenue. The site is vacant and has approximately 870' of frontage on Fir Road and 240' of frontage on Clover Road. The adjacent property to the west was annexed into the City of Mishawaka in 2003 with an S-2 Planned Unit Development (PUD) zoning classification for commercial, industrial, and multi-family residential uses. In 2007, The Preserve at Fir Road apartments was developed immediately west of the property.

Per the conceptual layout for the development, the petitioner plans to construct a 54 lot residential subdivision with public roads, sanitary sewer, and water. The average price of each lot, including the home, is estimated at \$450,000 to \$600,000.

Access is shown on the conceptual site plan from both Fir Road and Clover Road. Two access points are proposed along Fir Road with one access point on Clover Road.

The petitioner is requesting a zoning classification of R-1 Single Family Residential specifically for detached single family dwellings. Development regulations were not specified in the petition. Therefore, the residential PUD shall follow all the R-1 District height, area, and development regulations (Section 137-166).

Currently, the petitioner is only proposing to establish the zoning as R-1 Single Family Residential. If the annexation and zoning request is approved, a subdivision plat for each phase of the development must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), grading, erosion control, and other required improvements.

Annexation:

In 1966 and 2003, the Fir Road right-of-way and adjacent property to the west were respectively annexed into the City. When annexed, the property west of Fir Road was zoned to the S-2 PUD District for mixed use development to include commercial, industrial, and multi-family residential uses.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing boundary to be annexed. With the previous annexations as outlined above, a total of 869.7 feet, or 20.4%, of the total 4,256.3 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located east of Fir Road nearly a quarter mile north of E. McKinley Avenue and bound to the north by a single-family residential house in unincorporated St. Joseph County, to the east by single-family residential houses and a public electric utility substation in unincorporated St. Joseph County, to the south by vacant property located in unincorporated St. Joseph County, and to the west by a multi-family residential apartment complex in the City of Mishawaka.

Zoning Change:

Staff believes that the proposed zoning of this property to the R-1 Single Family Residential District for detached residential dwellings is appropriate given that the adjacent property is zoned for and primarily occupied by single-family residential houses and an apartment complex.

Transportation/Roads:

According to the latest available traffic counts along Fir Road, there were 4,851 annual average daily trips (AADT) north of E. McKinley Avenue (May 2022) and 4,224 AADT north of the railroad spur a quarter mile

north of the property (June 2023). The counts at these locations have fluctuated between 4,038 AADT and 5,396 AADT over the last 17 years and will likely remain consistent in future years.

The 2050 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, includes an auxiliary lane project (center turn lane) along Fir Road from E. McKinley Avenue to the Indiana Toll Road (I-80/90). The plan indicates an anticipated completion date of the project by 2035. The plan and anticipated completion dates for any transportation improvements may be amended in future years dependent on projected travel demand and funding availability.

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

Planning Staff had several comments related to the conceptual subdivision design that shall be addressed with the future plat and construction plans.

The Electric Department commented that easements will be required throughout the development. This comment shall be addressed during the subdivision plat process.

RECOMMENDATION

Staff recommends **approval** of Petition 24-08 to annex, establish zoning, and approve a conceptual design for a single-family residential development on a 19.45 site located east of Fir Road approximately 1,200' north of E. McKinley Avenue. The property is proposed to be zoned R-1 Single Family Residential District subject to all the R-1 District height, area, and development regulations.

This recommendation is based on the following findings of fact:

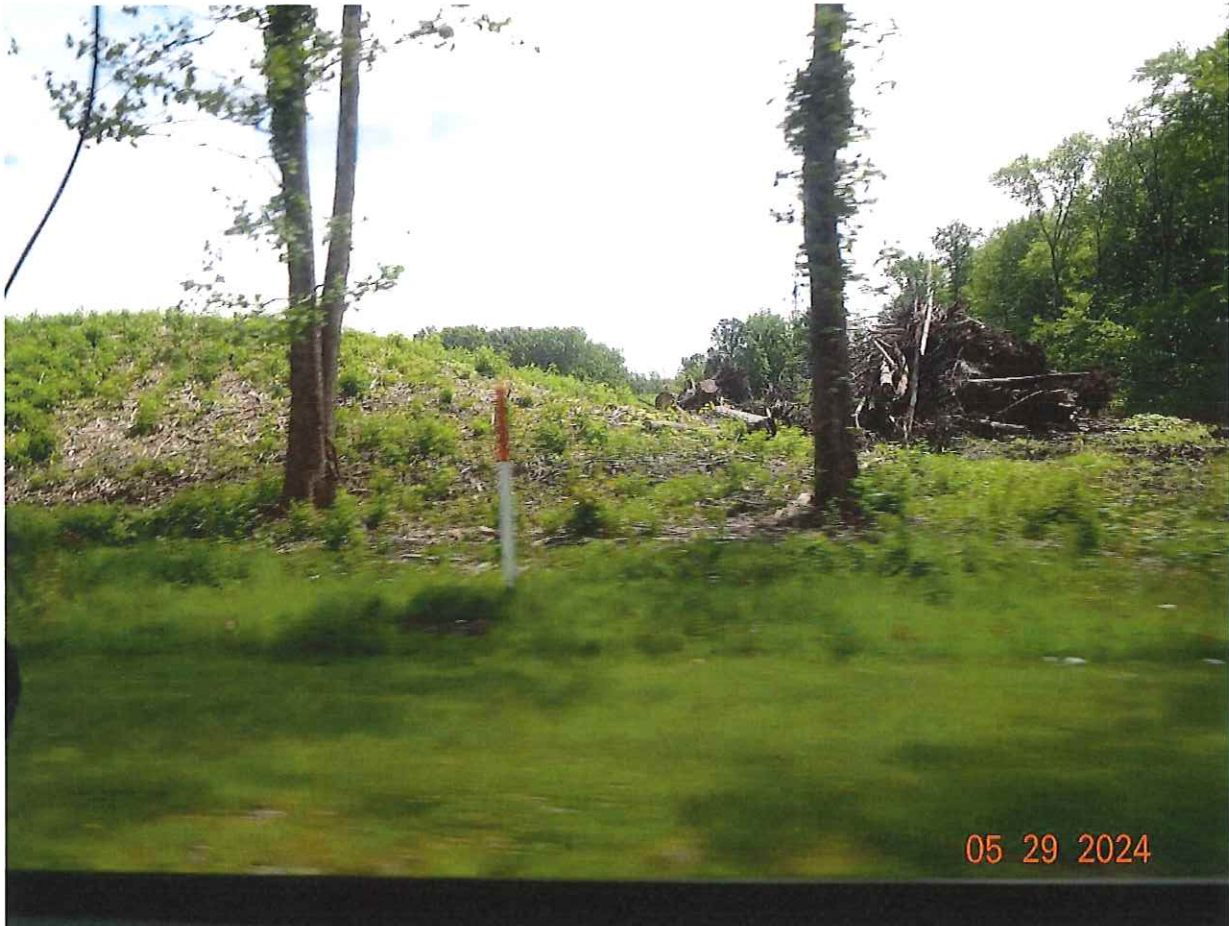
1. Existing Conditions - The subject property is located east of Fir Road approximately a quarter mile north of E. McKinley Avenue. Fir Road, which is a low to moderate travelled minor arterial road, serves as one of the primary north/south corridors in the northeast part of the city. McKinley Avenue to the south is a heavily travelled principal arterial providing major east/west access between St. Joseph and Elkhart County. Traffic volumes along these roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses, an electric utility substation, and vacant property to the north, east, and south within unincorporated St. Joseph County, and an apartment complex to the west.
2. Character of Buildings in Area - The buildings and land uses along Fir Road are primarily single and multi-family residential. An indoor amusement facility and assisted living facility are located west of Fir Road north of the property.
3. The most desirable/highest and best use - With the property's location adjacent to residential uses, the most desirable use for the property is residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single and multi-family residential uses.
5. Comprehensive Plan - The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use of the subject property and adjacent areas as low density residential.

ATTACHMENTS

Aerial Map, Photographs, Petition for Annexation and Zoning Classification, Conceptual Design for Residential Subdivision, and Location Map



Aerial Photograph – 55770 Fir Road & 55721 Clover Road
Proposed Single-Family Residential Development



P1. Looking east from Fir Road toward the southwest area of the property.



P2. Looking east from the south access drive to the adjacent apartments toward the property.



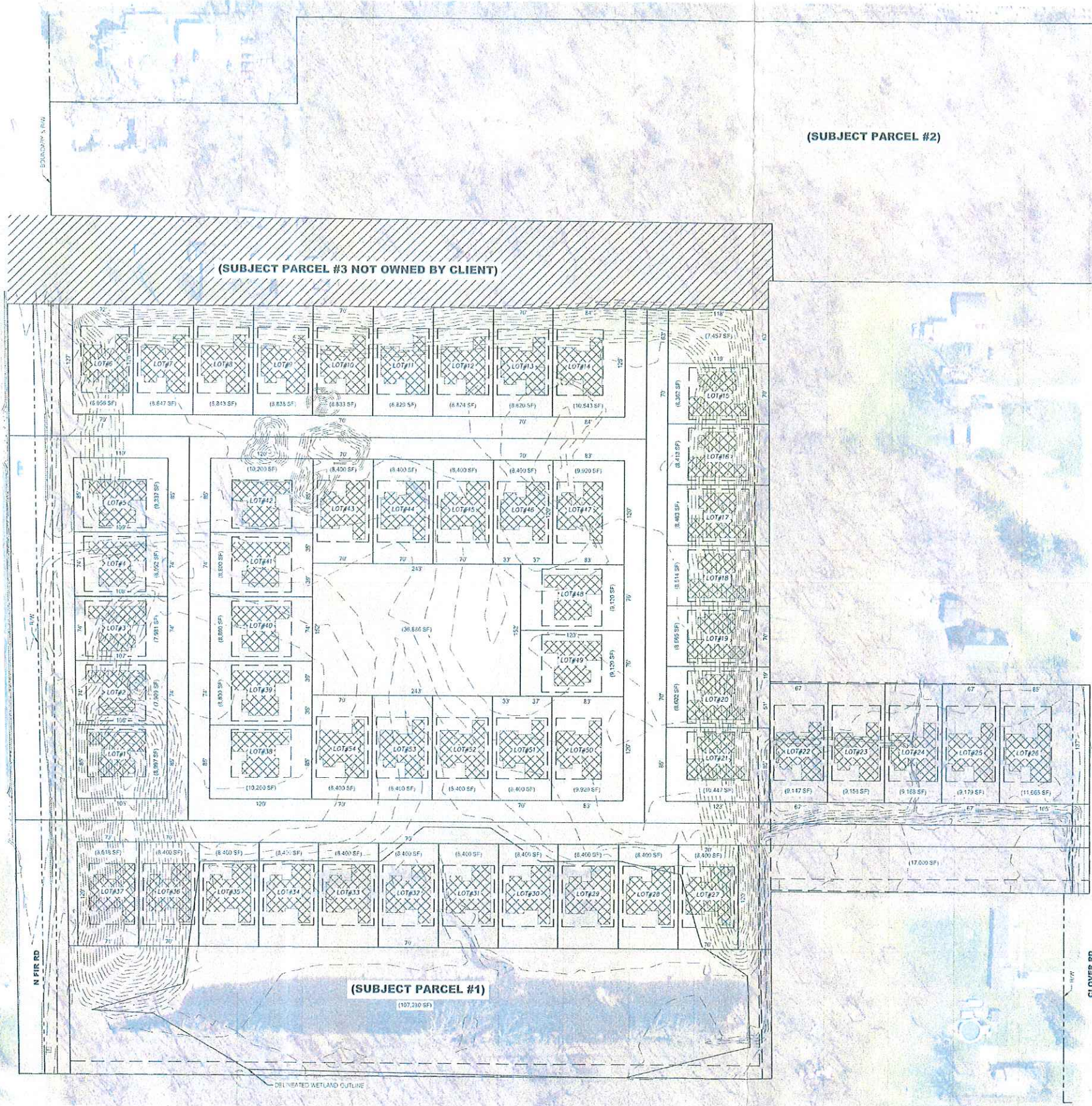
P3. Looking northeasterly from the south access drive to the adjacent apartments toward the property.



P4. Looking east from Fir Road toward the north part of the property.



P5. Looking west from Clover Road toward the southeast corner of the property.



PK 24-03

Received

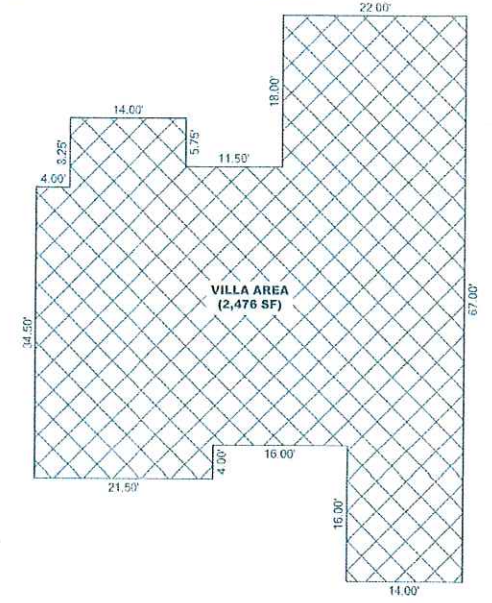
MAY 17 2024

Planning and
Community Development

(SUBJECT PARCEL #3 NOT OWNED BY CLIENT)

(SUBJECT PARCEL #2)

(SUBJECT PARCEL #1)



TYPICAL VILLA DETAIL
SCALE: 1" = 10'

ZONING SETBACKS
(R-1, RESIDENTIAL DISTRICT)

- FRONT SETBACK = NON-THROUGH LOT: 25 FT. MINIMUM
THROUGH LOT: 25 FT. MINIMUM AT EACH END OF THE LOT
- SIDE SETBACK = 5 FT. MINIMUM
- REAR SETBACK = NON-THROUGH LOT: 25 FT. MINIMUM
THROUGH LOT: 25 FT. MINIMUM AT EACH END OF THE LOT
- HEIGHT = 35 FT. MAXIMUM
- LOT AREA = 6,600 SF MINIMUM
- FRONTAGE = 60 FT. MINIMUM

SUMMARY

TOTAL LOTS = 54 LOTS
TOTAL STREET LENGTH = 4,510± FT
DENSITY (LOTS / AC.) = 2.84±

May 17 2024
Planning and
Community Development

BFA BERTSCH-FRANK & ASSOCIATES
LAND SURVEYING & CONSULTING
LAND PLANNING
811 LAWRENCE DRIVE
FORT WAYNE, IN 46804
TELEPHONE (260) 459-8883
FACSIMILE (260) 459-9303

R & R Excavating, Inc

Preliminary SD Layout #1
Fir Road Subdivision
St. Joseph County
Mishawaka, Indiana 46545

REVISIONS		
MARK	DATE	DESCRIPTION

CAD FILE	24037 SD.dwg
DRAWN BY	USC MGB
CHECKED BY	MGB
DATE	05/09/2024
PRJCT NO.	24027.100

SD#1

Schematic Design #1
SCALE: 1" = 60'

THE AERIAL SHOWN ABOVE IS DATED 2016



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

OFFICE OF THE MAYOR

July 10, 2024

Dear Members of the Mishawaka Common Council,

I am writing to inform you I am vetoing Proposed Ordinance 2024-08 with the power granted to me by the Mishawaka Common Council in the Municipal Code (section 2-103) and the State of Indiana (IC 36-4-6-16). I do not take this step lightly. This marks only the third time in my 14-year tenure as Mayor that I have felt so strongly about an issue that I believe this course of action is warranted.

First, I want to express my disappointment in the Council's recent vote to approve the rezoning for a gas station at the southeast corner of Douglas and Fir Road. My opposition to this should come as no surprise as I referenced the need to protect our newly constructed Juday Creek Wellfield in my annual State of the City this past April. While I understand the potential economic benefits of the project, I firmly believe that this decision does not align with our city's long-term priorities for responsible growth and development for the following reasons:

1. **Public Health and Safety:** As Mayor, my fundamental responsibility and duty is to preserve and protect the health and well-being of our residents and the City of Mishawaka to the best of my ability. The safety and quality of our water are of utmost importance and we must prioritize these concerns over short-term economic gains.
2. **Proximity to the Juday Creek Water Treatment Center and Wellfield:** The site is alarmingly close to the Juday Creek Water Treatment Center and our newly established Wellfield. Mishawaka recently made a generational investment of \$40 million in this critical infrastructure to ensure our City's long-term water supply and security. The introduction of a new gas station in close proximity to our wellfield poses additional risk of contamination to our water supply, which could undermine this significant investment.
3. **Responsible Growth and Development:** I believe in fostering economic development that does not compromise our essential natural resources. This project should not come at the cost of jeopardizing our water supply or adding further burden and responsibility to our City departments. Responsible development requires a balance between economic growth and the preservation of our environment and public health. The proposed change to filling station commercial is not desirable given that the site is located within the 1-year time of travel for the recently completed Juday Creek Municipal Wellfield. Underground storage tanks holding large volumes of petroleum products, despite the increases made in the technology, still poses a potential risk to the Juday Creek Wellfield for decades to come. Family Express was referenced multiple times as the City accepting risk. As you know,

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that project was approved and constructed before the City acquired and developed the wellfield. Why would we knowingly approve a project to further add more risk within the 1-year time of travel for contamination to our water supply?

The City has identified the Capital Avenue corridor and the north east area of Mishawaka as an area for significant economic development. Indeed, we have already spent hundreds of millions of dollars over the last couple of decades to extend infrastructure for anticipation of that growth. Our new wellfield investment is a key component to the area's (and City's) growth. We anticipate that the wellfield will need to greatly expand over the coming decades.

4. **We have a history of dealing with contamination from a local gas station poisoning a well field:** As I have repeatedly mentioned, the City was forced to abandon the Baker St. Wellfield following contamination of MTBE into the aquifer from a nearby gas station. That incident cost the City millions of dollars to close and relocate wellheads to another site which resulted in the City joining (and winning) a class action lawsuit.

We also know that the United States Environmental Protection Agency and the Indiana Department of Environmental Management are getting more strict with water regulations and we anticipate that will continue over the decades that this infrastructure will service the City. Despite improvements in tanks and technology, One spill, leaky tank or accident could jeopardize our water supply. Why would we risk adding more opportunity for contamination in this regulatory environment?

5. **Mishawaka's team of professional planners, engineers and utility managers have weighed in and I have heard and support them:** The City's Executive Director of Planning and Community Development, Water Division Manager, City Engineer, planning staff, the Mishawaka Plan Commission and other members of my administration and have studied this rezoning and overwhelmingly oppose it. I certainly value their expertise and input and respect their findings. These are the people we hire or who volunteer to look after the best interests of Mishawaka. Why would we blatantly abandon and disregard our technical experts and professionals we have entrusted to serve our community and provide us with guidance and expertise?

Given these concerns, I must respectfully veto the Council's decision to approve the rezoning for the gas station at Douglas and Fir Road. As I said on the Council floor, this is a lifetime decision that will not only have impact on Mishawaka far beyond our careers in public service but will impact on our citizens for generations to come.

Also, our City Attorney, John Roggeman was provided a copy of a memo dated July 3, 2024 on July 9th, 2024 from the Council's attorney concerning a legal opinion on my authority to veto the ordinance. Upon receipt, our City Attorney reached out to AIM and we were provided with applicable case law on this issue that we believe firmly illustrates that I do in fact have the ability to veto the ordinance based on what currently exists in both the Indiana Code and the Municipal

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Code of the City of Mishawaka. A copy has been attached for your use and reference. Also, just for reference, our Municipal Code states:

Sec. 2-103 Passage of ordinances, resolutions, and orders

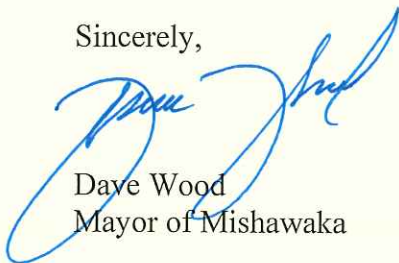
- (a) Every ordinance, order, or resolution of the common council shall immediately upon its passage, enrollment, attestation, and signature by the clerk be presented by the clerk to the mayor, and a record of the time of such presentation shall be made by the clerk.*
- (b) If the mayor approves the ordinance, order, or resolution, he shall enter his approval hereon and sign the same; the ordinance, order, or resolution shall then become law unless the council exercises its right to reconsider under rule 19, as stated in section 2-103. If the mayor does not approve the ordinance, order, or resolution, he shall return it to the clerk, with his objections in writing, within ten days after receiving it, and the clerk shall present it to the common council at its next meeting.*

Our municipal code specifically identifies that this applies to every ordinance, and does not make exceptions. It also goes to past practice. As many of you are aware, one of my other two vetoes was on an ordinance to change the zoning of property. That veto was duly considered and voted on by the Council. Please consider in your review of my veto, if there are not six votes to successfully override, including if you choose to not vote based on the memo provided by the Common Council's Counsel, the Administration will deem that the veto of the ordinance has not been overridden and that the zoning of the property has not been changed. This means the administration will not approve any site plan or use that is inconsistent with the City's zoning ordinance and the current zoning of the property being C-1 General Commercial.

Our water supply is an irreplaceable asset that our residents rely on as a basic necessity of life. It is also a strategic asset that will greatly contribute to Mishawaka's long-term growth and prosperity. Its protection must be our highest priority. History will mark what we do here. I urge the Council to reconsider this decision, deny this project on this site and respectfully encourage the developers of the project to explore alternative locations in Mishawaka that will not pose a risk to our vital resources.

Thank you for your attention to this critical matter. I look forward to working with the Council to find a balanced solution that ensures both economic growth and the safety and well-being of our community.

Sincerely,



Dave Wood
Mayor of Mishawaka

CC: Deborah S. (Ladyga) Block, City Clerk

1st Reading 4/22/24

2nd Reading 7/1/24

Passed

Failed

Continued To

PETITION 24-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2024-08

ORDINANCE NO. 5893

As Amended

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:

PARCEL 1:

PART OF LOT NUMBERED EIGHT (8) AS SHOWN ON THE RECORDED PLAT OF HOGUE'S FARM SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, IN PLAT BOOK 12, PAGE 16, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 40 FEET WEST AND 35 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 4 (SAID NORTHEAST CORNER IS LOCATED 660 FEET WEST OF THE EAST LINE OF LOT NUMBERED 8 IN SAID ADDITION), THENCE SOUTH 125 FEET; THENCE WEST 220 FEET; THENCE NORTH 125 FEET; THENCE EAST 220 FEET TO THE PLACE OF BEGINNING, IN ST. JOSEPH COUNTY, INDIANA.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34; THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST (BASIS OF BEARINGS) ON THE NORTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 40.00 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 33.0 FEET TO THE SOUTH EXISTING RIGHT OF WAY OF DOUGLAS ROAD AND BEING THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER ON THE SOUTH EXISTING RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 220.00 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 12.00 FEET TO THE SOUTH PROPOSED RIGHT OF WAY OF DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 57 MINUTES 53 SECONDS EAST ON SAID SOUTH PROPOSED RIGHT OF WAY, A DISTANCE OF 220.00 FEET, THENCE NORTH 00 DEGREES

Proposed Ordinance No: 2024-08

Ordinance No: 5893

09 MINUTES 43 SECONDS WEST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.06 ACRES MORE OR LESS.

PARCEL 2:

PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID SECTION 34, 260 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 34; THENCE SOUTH, PARALLEL WITH THE EAST LINE OF SAID SECTION 34, 160 FEET; THENCE WEST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, 233.17 FEET TO THE CENTER LINE OF FIR ROAD; THENCE NORTHWESTERLY, ON THE CENTER LINE OF FIR ROAD, 56.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE CONTINUING ON SAID CENTER LINE OF FIR ROAD AND ON SAID CURVE, HAVING A RADIUS OF 4326.33 FEET, 137.93 FEET TO THE NORTH LINE OF SAID SECTION 34; THENCE EAST, ON THE NORTH LINE OF SAID SECTION 34, 43.33 FEET TO THE POINT OF BEGINNING, IN ST. JOSEPH COUNTY, INDIANA.

EXCEPTING, A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, OF THE SECOND PRINCIPAL MERIDIAN, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34; THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST (BASIS OF BEARINGS), ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34, A DISTANCE OF 260.00 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 11.95 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST, A DISTANCE OF 131.04 FEET; THENCE SOUTH 72 DEGREES 33 MINUTES 03 SECONDS WEST, A DISTANCE OF 68.80 FEET; THENCE SOUTH 02 DEGREES 55 MINUTES 30 SECONDS EAST, A DISTANCE OF 66.44 FEET; THENCE SOUTH 27 DEGREES 23 MINUTES 21 SECONDS EAST, A DISTANCE OF 31.58 FEET; THENCE NORTH 89 DEGREES 57 DEGREES 53 SECONDS WEST, A DISTANCE OF 14.52 FEET; THENCE NORTH 35 DEGREES 21 MINUTES 31 SECONDS WEST, A DISTANCE OF 155.79 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 53 SECONDS EAST, A DISTANCE OF 283.39 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 160 FEET SOUTH AND 40 FEET WEST OF THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST; THENCE WEST, PARALLEL WITH THE SOUTH LINE OF LOT SEVEN (7), IN THE RECORDED PLAT OF HOGUE MINUTES S FARM SUBDIVISION, A DISTANCE OF 413.7 FEET, MORE OR LESS, TO THE EASTERLY LINE OF FIR ROAD; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF FIR ROAD, 191.09 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF SAID LOT 7; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 303.5 FEET, MORE OR LESS, TO A POINT 40 FEET WEST OF THE EAST LINE OF SAID SECTION 34; THENCE NORTH 157 FEET TO THE PLACE OF BEGINNING, AND BEING A PART OF LOT SEVEN (7) IN THE RECORDED PLAT OF HOGUE MINUTES S FARM SUBDIVISION, RECORDED AUGUST 10, 1935. IN PLAT BOOK 12, PAGES 16-17.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34; THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST (BASIS OF BEARINGS), ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34, A DISTANCE OF 607.20 FEET; THENCE SOUTH 35 DEGREES 21 MINUTES 31 SECONDS EAST ON THE CENTERLINE OF FIR ROAD, A DISTANCE OF 196.27 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 53 SECONDS EAST, A DISTANCE OF 40.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 57 MINUTES 53 SECONDS EAST, A DISTANCE OF 14.52 FEET; THENCE SOUTH 27 DEGREES 23 MINUTES 21 SECONDS EAST, A DISTANCE 34.67 FEET; THENCE SOUTH 35 DEGREES 21 MINUTES 31 SECONDS EAST, A DISTANCE OF 160.76 FEET; THENCE SOUTH 54 DEGREES 38 MINUTES 29 SECONDS WEST, A DISTANCE OF 7.03 FEET; THENCE NORTH 35 DEGREES 21 MINUTES 31 SECONDS WEST, A DISTANCE OF 203.51 FEET TO THE POINT OF BEGINNING.

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-10 Filling Station Commercial designated in "The Zoning Ordinance of 1966" as amended.

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

1. The applicable Comprehensive Plan is from the Capital Avenue Land Use Plan that was done jointly with St. Joseph County- the site was identified as existing residential and not guided for future development. The home(s) previously located on the property were subsequently demolished or will be demolished as part of the proposed change in use. The undeveloped area south and east of the site behind the existing residential was guided for office park and medium density residential uses. As such, the higher intensity commercial use of a convenience store/filling station is reasonably consistent with the comprehensive plan.
2. Current conditions and the character of current structures and uses in each district – The current conditions warrant the existing commercial zoning that exists for the property being located at the hard corner of two heavily travelled roadways. The proposed change to allow for a filling station is appropriate.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is commercial given that it is located at the hard corner of two heavily travelled roadways. The proposed change to filling station commercial is desirable given that there is already a fueling station convenience store located at the northwest corner of the intersection.
4. The conservation of property values throughout the jurisdiction – The most impacted properties from the proposed change are the existing single family homes in close proximity to the site. The proposed change is consistent with the continued change to commercial rather than residential uses in the area. Provided the proposed development includes landscaping and buffering consistent with the City's development standards while still allowing for access easements connecting to adjacent properties, the existing residential value should be reasonably conserved while still potentially

Proposed Ordinance No: 2024-08

Ordinance No: _____

allowing for the future conversion/higher value of commercial development in the future.

5. Responsible development and growth - The proposed change to filling station commercial is responsible development and growth because there is an existing fueling station on the northwest corner of the intersection.

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

Proposed Ordinance No: 2024-08

Ordinance No: 5893

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

1 PASSED by the Common Council of the City of Mishawaka, Indiana, this
day of July, 2024, at 7:31 o'clock P.M.



Presiding Officer
Gregg Hixenbaugh

ATTEST:


Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this 2 day of July, 2024, at
8:59 o'clock A.M.


Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock _____M.

David A. Wood, Mayor

STAFF REPORT

Location: Southeast corner of E Douglas Rd and Fir Rd

Date: April 9, 2024

Petition: 24- 05

Prepared By: SA/KP

GENERAL INFORMATION

Applicant: SEC Investments LLC / Kimley-Horn & Associates, Inc.

Status: Property Owner / Civil Engineering Consultant

Request: To rezone from C-1 General Commercial to C-10 Filling Station Commercial to allow for the construction of a Casey's General Store- a convenience store and gas station business.

Zoning Classification: C-1 General Commercial District

Lot Size: 2.3 acres

Applicable Regulations: Section 137-529 to 137-530 C-10 Filling Station Commercial / Amendments to the Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (Vacant Land)
South: Unincorporated Saint Joseph County (Vacant)
East: Unincorporated Saint Joseph County (Residential)
West: Unincorporated Saint Joseph County (Residential) & C-8 High Density Suburban Commercial

Thoroughfare: E. Douglas Rd. & Fir Rd.

Council District: 5

School District: Penn-Harris-Madison

Township: Penn

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

Comprehensive Plan: On the Capital Avenue Land Use Plan from 2003 the site was identified as existing residential and not guided for future development. The home(s) previously located on the property were subsequently demolished or will be demolished as part of the proposed change in use. The undeveloped area south and east of the site behind the existing residential was guided for office park and medium density residential uses.

ANALYSIS

The Petitioner, SEC Investments LLC, is requesting to rezone from C-1 General Commercial to C-10 Filling Station Commercial (3) three parcels containing approximately 2.3 acres of land. Located on the

southeast corner of the intersection of Douglas and Fir Roads. The (3) three parcels consists of 15022 Douglas Road (027-1078-204901) vacant house, 5328 North Fir Road (027-1078-2050) vacant land, and (027-1078-204905) a vacant lot. Surrounded by S-2 Planned Unit Development to the north, C-8 High Density Suburban Commercial to the west, and unincorporated parts of Saint Joseph County to the south, east, and west.

Over the past year, staff has communicated with the applicant's consultants multiple times and indicated that staff would be recommending denial of the proposed request. The request is very similar in scope to the Family Express located at the northwest corner of the same intersection that was annexed and zoned for a fueling station in 2015. The sole reason for the recommended denial is the presence of the City's recently completed Juday Creek Wellfield and the need to protect the public water supply long-term. The concept of placing the wellfield on the Juday Creek Golf Course was approved by the Council and Redevelopment Commission in 2016 following the approval of the Family Express. For the last 8 years the City has been working on the design and construction of not only the wellfield and filtration plant, but the many construction projects required to implement this massive piece of public infrastructure that we envision will serve the City for the next 100 years.

Staff is recommending denial of the proposed change in zoning because the site is located within the 1-year time of travel of the wellfield. We could recommend restrictions outside of the 1-year time of travel as well, and the proposed location within the 1-year time of travel represents the seriousness of the risk to the wellfield.

For general reference- time of travel means the time required for groundwater to move through the water bearing zone from a specific point to a well. In layman terms, the 1-year time of travel is the area in which it would take a molecule of water/liquid contaminants 1 year or less to reach the well. The City continues to work to make sure the entire area around the wellfield area is managed to protect our drinking water supply from viral, microbial, and direct chemical contamination.

As identified previously, when the wellfield property was purchased, the Family Express located at the northwest corner of the intersection of Fir Road and Douglas Road, which is currently located within the 1-year time of travel, had already been approved. In investigating potential locations for the wellfield, the City took into consideration all the known risks associated with placing the wellfield. Attached to this staff report is a map that identifies the one year time of travel and the various known risk factors that surround the wellfield. One of the reasons of the location chosen was that by placing the wells in the golf course, it naturally provides an area of control and protection around the wells. Just because there are existing risk factors, does not mean that more risk factors should be added, even if the additional risk is relatively small.

The total area of the one year time of travel is about 450 acres. This is a relatively large area for a City to place with no potential risks. That being said, each new development that has been proposed and approved in or adjacent to the 1-year time of travel since the approval of the wellfield in 2016 has had restrictions placed on the approval that reflect the location of the wellfield.

When the City purchased the Juday Creek Golf course, and then leased the property back to the previous owner for their continued use and operation, the following provisions were placed that restricted the use of chemicals and fertilizers on the golf course:

As part of the on-going ordinary maintenance, the Seller/Lessee shall adhere to all of the City's existing requirements and future requirements by state and federal agencies solely for the operation of the City's proposed municipal wellfield. As to Seller/Lessee's ongoing ordinary maintenance, Seller/Lessee would, pursuant to City instructions, use only those chemicals and fertilizers approved by the City. Seller/Lessee would not install any new wells for irrigation purposes, unless approved and consented to by the City. Any restriction of existing storm water areas of any storm or any storm water retention areas later created on the leased parcel by Seller/Lessee would be reviewed and be subject to the prior approval of the Buyer/Lessor. It is understood that the operation of the City's proposed municipal wellfield may, from time to time, change based upon then state and federal regulations which the parties acknowledge may be more restrictive over time. If the restrictions, federal or state, substantially restrict with Seller/Lessee's usual and normal operations of its golf

course, Seller/Lessee may, at its option, terminate this lease and any prepaid rental payments shall be refunded by the City to the Seller/Lessee.

When a portion the Penn Farm property was purchased for potential wellfield use, the following restrictions were placed over the entire Penn Farm as part of the buy-sell agreement with the City. Underground tanks are specifically prohibited as part of the restrictive covenants of the business park.

The Seller agrees to prepare and record covenants and restrictions over the Sellers property to create an association or other entity to provide for the perpetual maintenance of public improvements, as well as, create limitations on the use of the property that are consistent with the Buyer's desire to create a municipal wellfield adjacent to the site. Specifically, the Seller shall prohibit the use of underground fuel storage tanks, restrict the type of fertilizers and chemicals that can be stored or used on the property, prohibit the construction of new wells on the property, limit the means and methods of storm water retention, and otherwise identify that the all applicable requirements of the City, State, and Federal governments relating to well head protection, as may be modified over time, shall be complied with in full.

Also, as part of the proposed Auto Mall property located north of Cleveland Road, West of Capital, located outside the 1-year time of travel, a condition was placed that specifically prohibits Filling stations from being constructed on the property. This property is outside of the 1-year time of travel, but still in reasonably close proximity to the wellfield.

All of these development sites are also restricted on how stormwater is retained. No new drywells or underground percolation system is permitted to be used within these developments in close proximity to the wellfield.

Staff also acknowledges that vast improvements have been made to fuel underground storage containment systems over time and the current known risks are relatively low. Double wall tanks with an internal sensor are now an industry standard. That being said, environmental standards used for drinking water are getting more and more restrictive over time. There is also no accounting for human error or accidents that have the potential to occur over time that should be considered when considering this rezoning request.

To this end, the City already has experienced the impact of faulty storage tanks can have on a City Municipal Wellfield. There used to be municipal wells at Ward Baker Park which had to be closed as a result of leaking fuel tanks at the intersection of 12th and Byrkit. In 2008, the City received 8.15 million dollars from a class action settlement concerning the use of Methyl tert-butyl ether (MTBE) which is a flammable liquid that had been used as an additive for unleaded gasoline since the 1980s. MTBE increases octane and oxygen levels in gasoline and reduces pollution emissions. MTBE spread more easily underground than other gasoline components due to its higher solubility in water. Legislation passed in 2005 then prompted gasoline refiners to replace MTBE with ethanol. Staff brought this history up not because of a specific chemical, but as an indication of how circumstances and standards change over time. When the tanks were originally installed at the Fir/Byrkit fueling stations we are reasonably confident that the tanks met an industry standard at the time. Our understanding is that chemicals and additives also continue to evolve over time, but again, when MTBE was introduced, it was done so with the best of intentions. What is the next chemical, hazard, industry standard that is going to change that might have a causal relationship to our ability to provide clean and safe drinking water?

Staff also has a concern regarding precedent should this request ultimately be approved. If the Penn family was approached to allow a convenience store/fueling station at the intersection of Veteran's Parkway and Douglas Road, should the City allow the change in their covenants and zoning to allow it, given that is approximately the same distance from the wells as the proposed Casey's General store? This intersection will likely be a prime potential location for this type of use because this intersection will likely be signaled. With the Mishawaka Fieldhouse regional recreation facility going in, there will be a steady stream of potential customers that will be using Veteran's Parkway.

Note, the burden is on the applicant relative to this request. There is no inherent right to place a fueling station on this site. The site is currently zoned C-1 Commercial which permits a wide range of commercial uses by right including a drug store, restaurant, banks, medical clinic, hotels and many more. A convenience store could also be constructed by right on the property without fueling. Staff would also potentially support a rezoning request for drive-thru uses for this prime corner location. In short, the

reasonable use of the property is not being denied or hindered. Our singular focus is to insure the long term operation of the wellfield which has taken close to 8 years to plan and develop at a total cost of over 40 million dollars.

Although staff is recommending denial solely on the basis of the wellfield, there are also other site plan and logistical factors that will need to be worked out should the proposed change in zoning be approved.

The site is located on a hard corner in a location that was formerly residential. It is important that the adjacent properties to the east and south are both properly screened while also still allowing for the future redevelopment of those properties for commercial purposes over time. Cross access easements will need to be provided to both the east and south. If and when those properties are developed as commercial, they would then have the ability to remove screening and buffering and connect to the existing access points proposed at Casey's. We feel that this would also be beneficial for Casey's. Knowing that the traffic on both Douglas Road and Fir Road will increase over time, the stacking at the intersection and the proximity of the proposed drives to the intersection could make certain turning movements more difficult during peak traffic times. Having cross access where turning movements can potential be made further from the intersection could aid in safely moving traffic.

The concept site plan, although acceptable for rezoning purposes, does not identify important elements such as the minimum commercial landscaping required in conjunction with the development of the property. Landscaping and using full cut off fixtures for site lighting, exterior building lighting, and under canopy lighting will be important given the adjacent residential uses.

Juday Creek is located adjacent to the site and the drainage structure conveying it actually goes southwest through the middle of the intersection of Douglas and Fir. The Casey's site is currently located in area identified as flood fringe and as such the finished floor of the building and fueling locations will need to be raised to two feet above the hundred year flood elevation. Casey's consultants have this information and we believe the site can be raised without issue.

The Engineering Department has also recommended denial of the request. They commented that the applicant neglected to state how they plan to merge well head protection requirements as previously discussed on multiple occasions. They also identified that a traffic impact study has not been presented, although it would be more appropriate to follow with such a study following the rezoning of the property if it is approved. Engineering also indicated that the developer will need to identify what improvements are necessary to retain current levels of service for both Fir and Douglas Roads. Engineering identified that a minimum dedicated right turn lane and left turn lane for Fir Road will be required. A sidewalk/pathway will need to be constructed on both Fir Road and Douglas Road frontage. Left turn lane on Fir Road will need to be modified as it appears the thru lane is pushed to this proposed movement.

The Electric Department commented that they will need to discuss electric service needs with the contractor prior to construction. One of the parcels 15022 Douglas Road (027-1078-204901) is currently serviced by AEP.

RECOMMENDATION

We have been asked by the Council on known contested requests to prepare findings both for and against the petition. As such, the staff recommendation for denial is listed first. Findings for approval, which is not recommended is listed second.

Staff recommends against Petition 24-05 to rezone 2.3 acres of property located at the southeast corner of Douglas and Fir Roads from C-1 General Commercial to C-10 Filling Station Commercial for a proposed Casey's convenience store and gas station business and that it be forwarded to the Common Council with a **unfavorable** recommendation. This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603 which requires both the Planning Commission and Common Council as the Legislative Body of the City pay reasonable regard to the following:

1. The applicable Comprehensive Plan is from the Capital Avenue Land Use Plan that was done jointly with St. Joseph County- the site was identified as existing residential because of the homes that

existed on the properties at the time and the site was not guided for future development. The home(s) previously located on the property were subsequently demolished or will be demolished as part of the proposed change in use. The undeveloped area south and east of the site behind the existing residential was guided for office park and medium density residential uses. As such, if it were not for the extenuating factors associated with the City wellfield the higher intensity commercial use of a convenience store/filling station is reasonably consistent with the comprehensive plan.

2. Current conditions and the character of current structures and uses in each district – The current conditions warrant the existing commercial zoning that exists for the property being located at the hard corner of two heavily travelled roadways. The proposed change to allow for a filling station is not appropriate given that the site is located within the 1-year time of travel for the recently completed Juday Creek Municipal Wellfield. Underground storage tanks holding large volumes of petroleum products, despite the increases made in the technology still poses a potential risk to the Juday Creek Wellfield.
 3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is commercial given that it is located at the hard corner of two heavily travelled roadways. The proposed change to filling station commercial is not desirable given that the site is located within the 1-year time of travel for the recently completed Juday Creek Municipal Wellfield. Underground storage tanks holding large volumes of petroleum products, despite the increases made in the technology still poses a potential risk to the Juday Creek Wellfield.
 4. The conservation of property values throughout the jurisdiction – The most impacted properties from the proposed change are the existing single family homes in close proximity to the site. The proposed change is consistent with the continued change to commercial rather than residential uses in the area. Provided the proposed development includes landscaping and buffering consistent with the City's development standards while still allowing for access easements connecting to adjacent properties, the existing residential value should be reasonably conserved while still potentially allowing for the future conversion/higher value of commercial development in the future.
 5. Responsible development and growth - The proposed change to filling station commercial is not desirable given that the site is located within the 1-year time of travel for the recently completed Juday Creek Municipal Wellfield. Underground storage tanks holding large volumes of petroleum products, despite the increases made in the technology still poses a potential risk to the Juday Creek Wellfield.
-

The following are findings for approval of Petition 24-05 to rezone 2.3 acres of property located at the southeast corner of Douglas and Fir Roads from C-1 General Commercial to C-10 Filling Station Commercial for a proposed Casey's convenience store and gas station business and it will be forwarded to the Common Council with a **favorable** recommendation. This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603 which requires both the Planning Commission and Common Council as the Legislative Body of the City pay reasonable regard to the following:

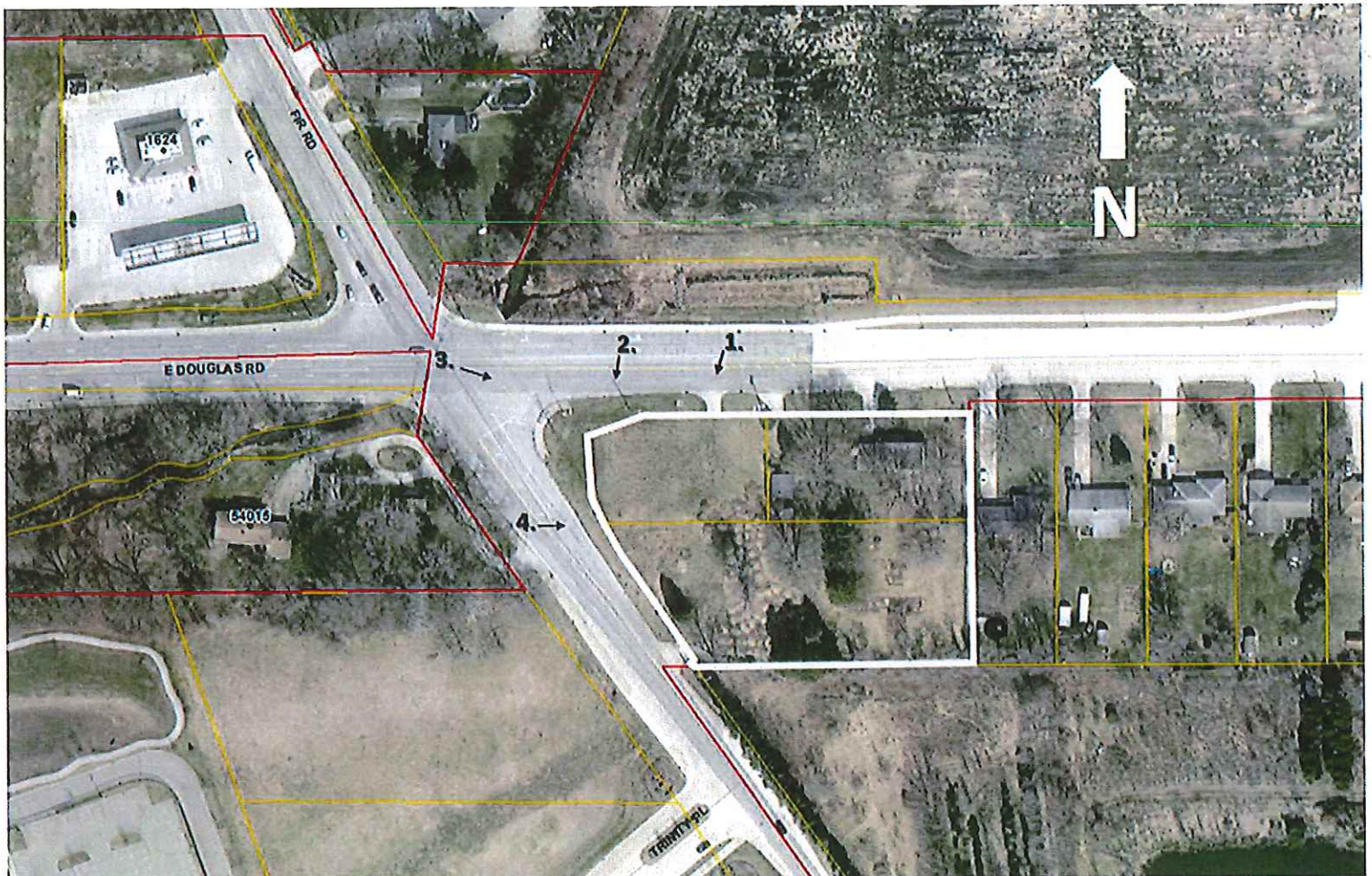
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3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is commercial given that it is located at the hard corner of two heavily travelled

roadways. The proposed change to filling station commercial is desirable given that there is already a fueling station convenience store located at the northwest corner of the intersection.

4. The conservation of property values throughout the jurisdiction – The most impacted properties from the proposed change are the existing single family homes in close proximity to the site. The proposed change is consistent with the continued change to commercial rather than residential uses in the area. Provided the proposed development includes landscaping and buffering consistent with the City's development standards while still allowing for access easements connecting to adjacent properties, the existing residential value should be reasonably conserved while still potentially allowing for the future conversion/higher value of commercial development in the future.
5. Responsible development and growth – The proposed change to filling station commercial is responsible development and growth because there is an existing fueling station on the northwest corner of the intersection. The proposed change to allow for a filling station is appropriate despite that the site is located within the 1-year time of travel for the recently completed Juday Creek Municipal Wellfield. We believe that the underground storage tanks holding large volumes of petroleum products does not pose a substantial risk to the Juday Creek Wellfield because of the increases in technology of petroleum storage tanks that have been made safer over time.

ATTACHMENTS

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



Aerial Photograph



1. South facing from Douglas Rd



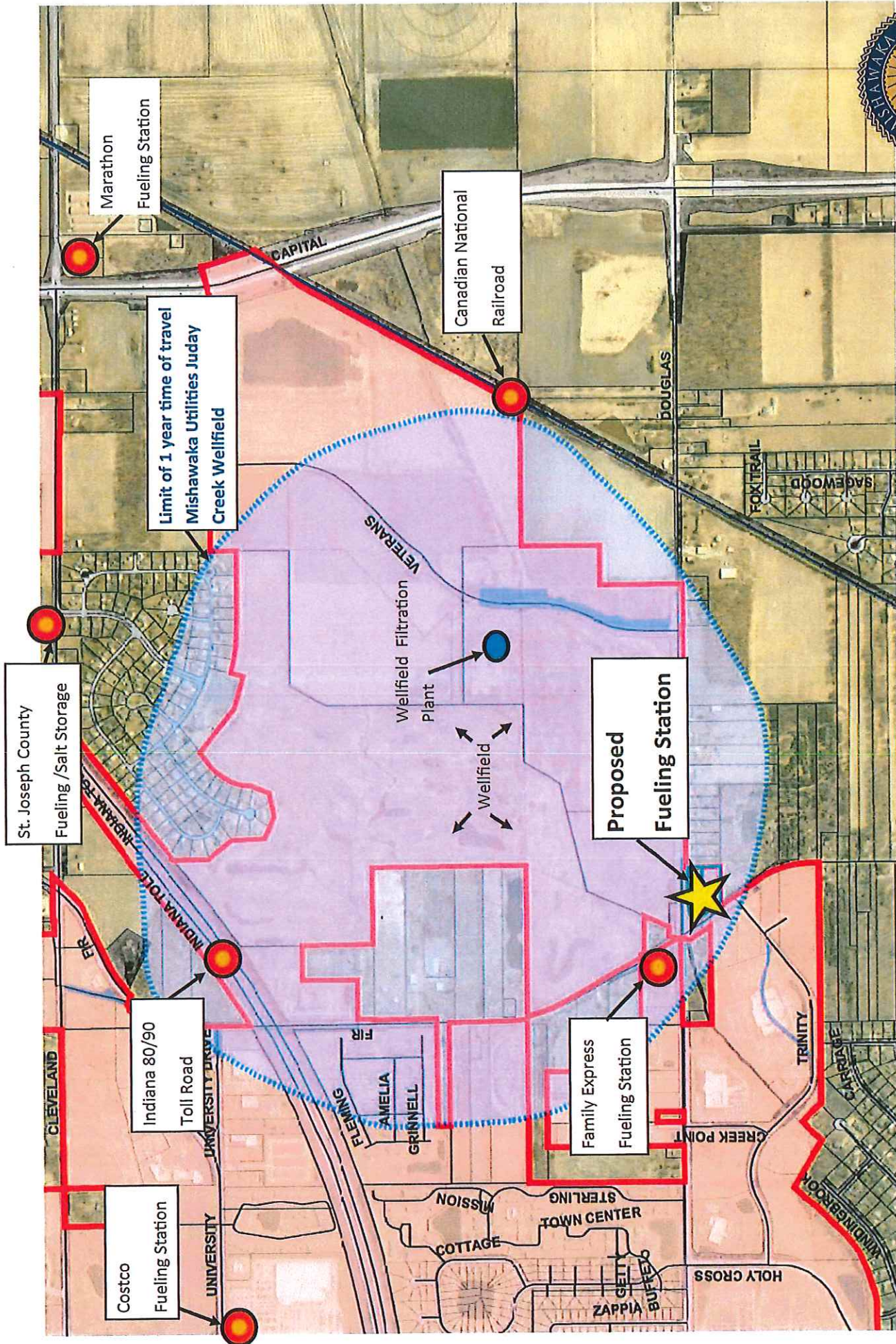
2. Southwest facing from Douglas Rd



3. Southeast facing from Fir Rd



4. East facing from Fir Rd



Mishawaka Utilities Water Division
Juday Creek Wellfield 1 year time of travel

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



RE: Petition to Rezone 3 Total Parcels (15022 Douglas Road, 5328 N Fir Road, and vacant)

The undersigned, SEC Investments LLC, ("Petitioner") is the owner of three (3) parcels of land containing approximately 2.3 acres located on the southeast corner of the intersection of Douglas and Fir Roads, Mishawaka, St. Joseph County, Indiana and further described by the legal description attached hereto as EXHIBIT "A".

The Petitioner owns one hundred (100%) percent of the above described 3 parcels of land which are currently zoned C-1 General Commercial District in the city of Mishawaka. Said real estate is improved with a vacant single family dwelling unit in addition to a detached garage and shed.

The Petitioner desires said real estate to be rezoned to C-10 Filling Station District in the city of Mishawaka. The Petitioner further states that it intends to utilize said land for the development of a proposed convenience store and gas station.

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

PETITIONER: SEC INVESTMENTS, LLC

By: _____

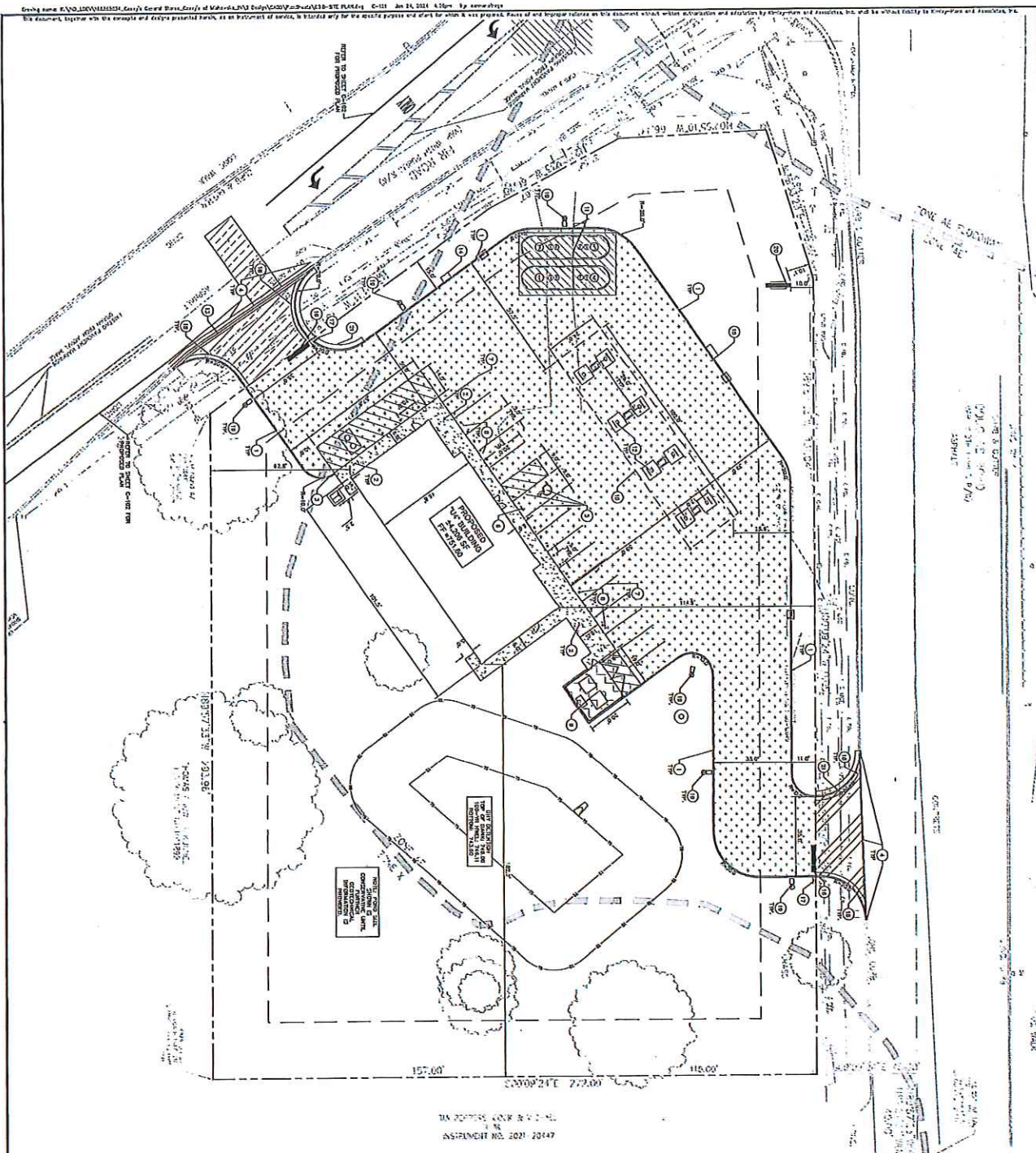
Stephen R. Murphy *3/19/24*

Stephen R. Murphy
Member

Date

Contact Person:

Name: Connor Strege, PE – Kimley-Horn & Associates, Inc.
Address: 500 East 96th Street, Suite 300, Indianapolis, IN 46240
Phone Number: (317) 218-9465
Email: connor.strege@kimley-horn.com



INSTRUMENT NO. 2021-2047

KEY NOTES

- [illegible]

SITE SUMMARY

[illegible]

PAVING LEGEND

[illegible]

GENERAL PLAN NOTES

REFERS TO SPECIAL NOTICES SHIELD TOWN MEMBERSHIP INFORMATION INCLUDING THE FOLLOWING: (DEBATE RECORD, BIDDING/WORK INFORMATION, AND SPECIAL GENERAL FUND NOTES)

DET 24-25
Received
MAR 19 2024
Planning and
Community Development

SITE PLAN



Kimley»Horn
33521 HALEY-HORN AND ASSOCIATES, INC.
500 EAST 95TH STREET, SUITE 300
PADDINGTON, PA 41213
PHONE: 217-218-1260
FAX: 217-218-1024

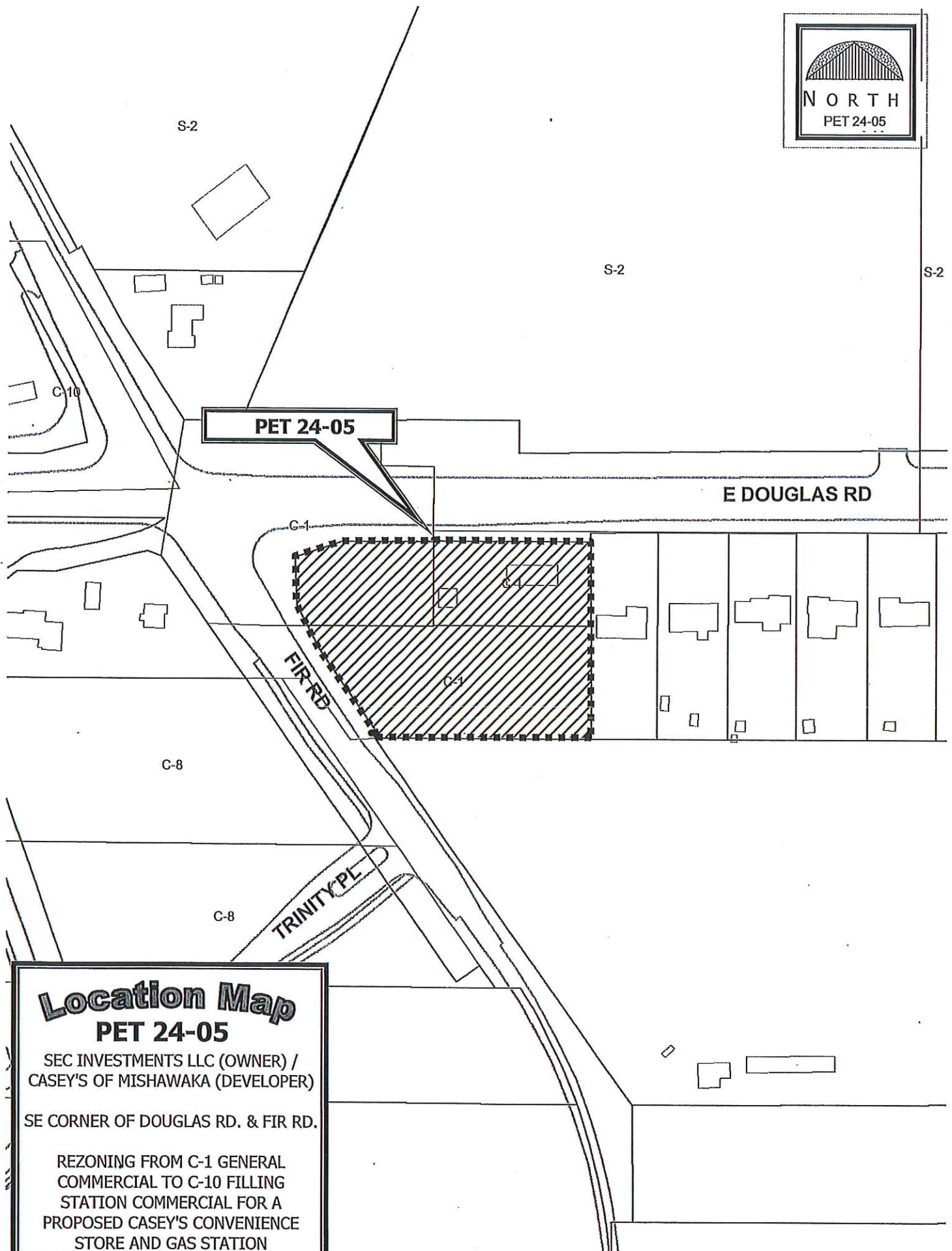
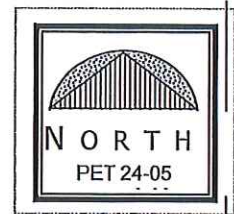
CASEY'S OF MISHAWAKA
15022 DOUGLAS RD & 5328 N FIR
RD MISHAWAKA, INDIANA

SHEET NUMBER
C-101

Indiana Utilities Protection Service
Call 811
before you dig



No.	REVISIONS	DATE	BY
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Location Map PET 24-05

SEC INVESTMENTS LLC (OWNER) /
CASEY'S OF MISHAWAKA (DEVELOPER)

SE CORNER OF DOUGLAS RD. & FIR RD.

REZONING FROM C-1 GENERAL
COMMERCIAL TO C-10 FILLING
STATION COMMERCIAL FOR A
PROPOSED CASEY'S CONVENIENCE
STORE AND GAS STATION