AGENDA
April 28, 2025

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): 2337 341 4124
Meeting password: qYTDUM3HH33

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

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

Dial:23373414124@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of April 14, 2025

5. Petitions, Communications, Remonstrance and Memorial

Appeal No. 2025-11	Use Variance to allow for a Group Home to be Occupied by Eight Unrelated Persons – vacant lot 811 W/ Catalpa)
Appeal No. 2025-13	Use Variance to allow for a Beauty/ Barbor Shop with Office Space In R-1 Single Family District -Vacant Lot S. of 1925 N. Main St.

Eagle Scout Project Presentation

Presentment of Encumbrances, Two-Year Old Checks, TIF Report

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2025-07	Use Variance to allow for Outside Storage for Landscape Materials – 2019 & 2001 Lincolnway West
R2025-10	2025 Tax Abatement Compliance Report
R2025-11	Amending Mishawaka Utility Retirement System

9. Ordinances on Second Reading

P.O. No. 2025-06	Rezone from I-1 Light Industrial & R-2 Two Family Residential to C-4 Automobile Oriented Commercial – 1032 E. Jefferson (NW corner) & 1023 E Jefferson (SW corner) (Assigned to Land Use Planning Committee)

P.O. No. 2025-07 Rezone from R-1 Light Industrial to R-1 Single Family Residential for an Existing House – 1113 Ann St.
(Assigned to Land Use Planning Committee)

P.O. No. 2025-09 **Transfer:**

Motor Vehicle Highway Restricted Fund(MVHR)
From:
Capital Outlays
2203-50-442-01 Street Repair $1,271,670.0

Local Bridge and Road Matching Grant Fund
To:
Other Services and Charges
2404-50-436-03 Street Repair $1,271,670.00

Additional Appropriation:

Local Road & Bridge Matching Grant Fund
Other Services and Charges
2404-50-436-03 Street Repair $2,543,340.00
(Assigned to Budget & Finance Committee)

P.O. No. 2025-10 Rezone from C-1 General Commercial to R-3 Multi-Family Residential to allow 7 Multi-Family Residential Building with 20 Dwelling Units – 2400 & 2406 Schumacher Dr.
(Assigned to Land Use Planning Committee)
(Petitioner Requesting postponement)

P.O. No. 2024-35AA Amending the Wellhead Protection Ordinance
(Assigned to Land Use Planning Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook 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 Packet Link below:

https://mishawakain.portal.civicclerk.com/event/996/files/agenda/3302

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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SCAN ME

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 14, 2025

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 April 14, 2025, 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.

City Clerk Debbie Ladyga-Block called the roll.

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

Minutes for the Regular Meeting on March 24, 2025, were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their April 8, 2025, meetings.

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

PROPOSED ORDINANCE NO. 2025-05

AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF MISHAWAKA ESTABLISHING RESPONSIBLE BIDDING PRACTICES AND SUBMISSION REQUIREMENTS FOR PUBLIC WORK PROJECTS

(Assigned to Public Improvements Committee)

PROPOSED ORDINANCE NO. 2025-06

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

Rezone from -1 Light Industrial & R-2 Two Family Residential to C-4 Automobile Oriented Commercial 1032 E. Jefferson (NW corner) & 1023 E. Jefferson (SW corner)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2025-07

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

Rezone from R-1 Light Industrial to R-1 Single Family Residential for an Existing House – 1113 Ann St.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2025-08

AN ORDINANCE APPROVING, AUTHORIZING, AND ESTABLISHING BOUNDARIES FROM MISHAWAKA UTILITIES TO PROVIDE FRESH WATER AND SEWER SERVICE TO THE PUBLIC UP TO FOUR MILES OUTSIDE OF MISHAWAKA CITY LIMITS

Amending Mishawaka Utilities Water and Sewer Service Boundaries

(Amendment Requested and Second Reading Requested)

The chair entertained a motion to amend the proposed ordinance by deleting the original Exhibit A attached map in its entirety and instead substituting an amended Exhibit A map. The motion was moved by Mr. Banicki and with a second from Mr. Violi, a voice vote would be held. Prior to the vote, Mr. Lentsch gave a summary regarding the nature of the proposed amendment.

Matthew Lentsch, Executive Director of Development and Governmental Affairs, spoke in favor of **PROPOSED ORDINANCE NO. 2025-08**. Mr. Lentsch stated the amended map ended at the Elkhart County line and the proposed one that they had sent to the Council originally had the map continuing beyond the Elkhart County line, which was the main difference. Mr. Lentsch stated they had also identified Granger Water and also the St. Joe County Water and Sewer District per IURC guidelines.

The voice vote on the motion was held and passed unanimously, thus the proposed ordinance was amended and became **PROPOSED ORDINANCE NO. 2025-08AA**.

The chair entertained a motion at the request of the Administration to waive their Regular Council rules and hold first and second reading on **PROPOSED ORDINANCE NO. 2025-08AA** that evening. Mr. Banicki moved the motion and with a second from Mr. Emmons, a voice vote would be held. Mr. Hixenbaugh asked Mr. Lentsch to once again summarize the reason for the request to hold first and second reading that evening.

Mr. Lentsch first thanked the Council for the opportunity to speak that evening. Mr. Lentsch stated as they knew it was a rare occurrence when he came before them asking for both a first and second reading of an ordinance in one meeting. Mr. Lentsch stated they were always respectful of the Council's process, their time, and their duty to deliberate thoroughly but tonight this was different and this was not a routine request. Mr. Lentsch stated this was what he believed was a strategic necessity. Mr. Lentsch stated the ordinance before them affirmed Mishawaka Utilities' authority to furnish water and sewer within their historic and planned service area up to four miles beyond their city limits. Mr. Lentsch stated while it modernized the language from the 2014 ordinance to align with current state law, it did far more than that. Mr. Lentsch stated this would position Mishawka to protect one of the most significant economic opportunities their city had ever seen, the Microsoft data center. Mr. Lentsch stated Granger Water and St. Joe County Regional District had signaled their clear intent to serve the same territory despite their decades of planning, investment, and existing service. Mr. Lentsch stated just that past week, the county made clear of their intention to file a competing claim with the Indiana Utility Regulatory Commission. Mr. Lentsch stated under Indiana Code H-1.5-6, the IURC followed 'first in time' review standards, which meant whichever utility filed its ordinance first had the upper hand not just for Microsoft but for future utility service in the entire Northeast Corridor. Mr. Lentsch stated Mishawaka Utilities had already invested millions of dollars in expanding their water and sewer system to serve the area. Mr. Lentsch stated they had built out capacity, they had worked in partnership up to that point with the county, they had served the City of Mishawaka, parts of Osceola, the annexed part of Granger, and the surrounding area reliably and professionally for decades. Mr. Lentsch stated all of that work was now at risk unless they acted now. Mr. Lentsch stated if they waited another two weeks, it could be too late and once a petition was filed and accepted by the IURC, it was not easy if even possible to unwind. Mr. Lentsch stated the ordinance was more than about territory, it was about protecting their infrastructure, their credibility, and their ability to serve their own community on their terms and not somebody else's. Mr. Lentsch stated it was about being proactive and not reactive and it was about sending a clear message that Mishawaka would fight to protect what they built and what they believed in. Mr. Lentsch stated a vote to approve first and second reading that evening was a vote in the best interest of Mishawaka, a vote for their economic future, a vote to protect taxpayer and ratepayer investments, and it was a vote to ensure Mishawaka decided who served their growing region. Mr. Lentsch stated he knew this was a big ask and he did not take it lightly, but this was one of the moments where they must move decisively together in the best interest of the Mishawaka citizens they served. Mr. Lentsch thanked the Council for their leadership, their consideration, and their commitment to their assured future. Mr. Lentsch urged the Council to vote yes that evening on both readings. Mr. Lentsch concluded his statement by asking the Council to stand together for Mishawaka and lead the Mishawaka way.

Mr. Hixenbaugh stated for the record for those in attendance and watching online that this was a matter that under both Indiana Lawe and their Council Rules required unanimous consent on the part of the Council if they were going to waive the standard procedure and hold first and seconding reading that evening, so unlike the voice vote that the Council took on the amendment, Mr. Hixenbaugh asked Clerk Block to poll the Council on the request to waive their Regular Council Rules and hold first and second reading on the proposed ordinance that evening.

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 motion passed unanimously thus the first and second reading would be held.

Matthew Lentsch, Executive Director of Development and Governmental Affairs, spoke in favor of **PROPOSED ORDINANCE NO. 2025-08AA**. Mr. Lentsch thanked the Council for their support that evening in moving the critical ordinance forward with a first and second reading. Mr. Lentsch stated he knew it was not their typical process, but he appreciated their understanding of just how vital the action was for Mishawaka's future. Mr. Lentsch stated that they were on the verge of putting themselves on solid legal and regulatory ground aligned with the most current version of the Indiana Code and the rules of the Indiana Utility Regulatory Commission. Mr. Lentsch stated with their approval, the ordinance in front of them would give Mishawaka Utilities a firm, defensible foundation to officially claim that the water and sewer territory they had long planned to serve had the best investment. Mr. Lentsch stated the action strengthened their ability to protect the interests of their community, their ratepayers, and their long-term growth particularly in light of their ongoing and very real competition for service territory in the northeast portion of the county. Mr. Lentsch stated passage of the ordinance that evening assured them that they could move immediately to petition the IURC which would assert Mishawaka's rights and would place them in the strongest possible position to serve new development, including the transformative Microsoft data center project. Mr. Lentsch stated it was about fairness, honor, and decades of smart and strategic investments they had made in expanding infrastructure to support their city's future and also ensuring Mishawaka maintained local control over how and where they grew. Mr. Lentsch thanked the Council again for their leadership and partnership and their action that evening would ensure Mishawaka continued to lead with purpose, foresight, and unity. Mr. Lentsch concluded by stating let's move forward together The Mishawaka Way.

Mr. Hixenbaugh stated before he opened the floor for questions from Mr. Lentsch, it was his understanding that legal counsel for the city who was involved in drafting the proposed ordinance was participating online and opened up the floor for comments from the outside counsel.

Nikki Shoultz, Bose McKiney & Evans LLP, spoke in favor of **PROPOSED ORDINANCE NO. 2025-08AA**. Mrs. Shoultz stated she had been working with Mr. Lentsch and others with the city through the issue over the last week or two. Mrs. Shoultz stated she was ready to answer any questions or provide an overview aside from Mr. Lentsch's excellent summary.

Mr. Hixenbaugh thanked Mrs. Shoultz for the work she had done on the ordinance and stated as the ordinance itself reflected, this was not the first time the City of Mishawaka had taken steps to exercise the authority that state law provided them to expand their service area beyond their city boundaries and asked if that was correct. Mrs. Shoultz stated that was correct and that was from a 2014 ordinance. Mr. Hixenbaugh stated his understanding was that in large part the proposed ordinance in question cleared up some legal infirmities with regard to the original ordinance that was passed and asked if that was correct. Mrs. Shoultz stated that was right and when the 2014 ordinance was passed, what should have happened was the city should have gone to the IURC and gotten the ordinance approved and that was the way that ordinance would then become legally enforceable and because that did not happen, they needed to move to take that action so that what was originally intended in 2014 had the effect of law that was enforceable. Mr. Hixenbaugh asked, regarding Section 1 of the proposed ordinance, would the regulated territory grow simultaneously as their city boundaries grew and would Indiana Law require further amendment of the ordinance to reflect any additional territory added to the city. Mrs. Shoultz stated if the Mishawaka boundaries changed, they would need to come in and further amend the ordinance with the map because what was controlling there was when they read through the ordinance, it defined the regulated territory further as what was depicted in the attached map. Mr. Hixenbaugh asked with regard to both Section 2 and Section 3 of the ordinance, as well as some other provisions, what impact would the ordinance if approved have on any current customers receiving utility services from another entity if they had received that service after February 2014 and prior to the adoption of this ordinance. Mrs. Shoultz stated if that were the case, they would want to find that out and if that were indeed the case, that would be a bit of a grey area, because the way the ordinance was characterized was that anyone who was within their regulated territory after 2014 would be within Mishawaka's territory, so her advice would be that it be handled on a case by case basis. Mrs. Shoultz stated she would advise, because of the practicalities involved, that the city allowed those customers to have continuity of service and continue to receive service from their current providers. Mr. Hixenbaugh asked in her opinion would their utilities administration have the discretion to be able to handle those issues on a case-by-case basis without further amendment of the ordinance that was in front of the Council that evening. Mrs. Shoultz stated she believed so and thought that made sense that the administration be given that discretion. Mrs. Shoultz stated she was not sure how much of a problem that would be, but she thought they could handle that on a case-by-case basis. Mr. Hixenbaugh stated with regard to the effect of the ordinance and the expansion of their regulated territory beyond the borders of the city, assuming there would be residential properties that would be within the regulated territory that was anticipated by the ordinance if in fact that was the case, he believed it was common knowledge that in St. Joe County there had been a history of septic systems failing. Mr. Hixenbaugh asked if in fact that occurred with regard to those residential properties, would the ordinance in its effect preclude landowners from placing their septic system or would the converse be that Mishawaka Utilities would be required to provide utility service to those landowners if their septic system failed. Mrs. Shoultz stated there was a statute where if a residential customer was within 300 feet of an existing sewer system, they could be compelled to connect and there could be a fact pattern when he asked her if they would be precluded from replacing their septic and she thought they would have to read that on a case-by-case basis and align that with the statute. Mrs. Shoultz stated she did not have the statute in front of her, but she believed it said they could be compelled to connect but she thought it was discretionary. Mrs. Shoultz stated she thought if the utility decided that the customer needed to connect, then the utility's request had to be honored. Mrs. Shoultz stated if Mishawaka was required to provide service, if it was a request by a customer and they were within the city's regulated territory then yes Mishawaka would be required to provide service. Mrs. Shoultz stated there were extension rules where it did not mean that they would do it for free, but they would have to do it and on the other hand, it did not mean that Mishawaka had an affirmative duty to go out and survey all of the people that were currently on septic and compel them to connect. Mrs. Schultz stated this ordinance would not automatically force upon Mishawaka a duty to take on and connect customers on day one. Mr. Hixenbaugh asked if in her opinion the ordinance provided and authorized the Administration to exercise any discretion necessary to effectuate the points she made in response to his question. Mrs. Schultz stated yes. Mr. Hixenbaugh thanked Mrs. Schultz for her patience with him in working through the questions and for her participation that evening.

Dan Schaetzle, President of the St. Joseph County Council, spoke in opposition of **PROPOSED ORDINANCE NO. 2025-08AA**. Mr. Schaetzle stated in May of 2024, Mr. Blum came to them and asked them to rezone the 915 acres of St. Joe Farms. Mr. Schaetzle stated many of the councilmembers had many questions and one of the questions they asked their Redevelopment Commission folks was if Mishawaka had plans to annex the property if they worked with Mishawaka for water and sewer. Mr. Schaetzle stated the answer was they did not believe so and in their meeting on May 14th, Ken Prince was present and one of the questions he asked Mr. Prince was if they planned on annexing St. Joe Farms once Microsoft moved in if they provided water and sewer. Mr. Schaetzle stated he asked two of his fellow council members who were there and a member of the Redevelopment Commission that was present at that meeting if they remembered it the same way he did, and they said they did. Mr. Schaetzle stated the answer he remembered that Mr. Prince gave was no, not at that time. Mr. Schaetzle stated he had the June 13th notes from a meeting between the Redevelopment Commission, their commissioners, Mr. Prince, Mayor Wood, and some other individuals and the first sentence was ‘city is requesting the property be annexed.’ Mr. Schaetzle stated that was pretty fast and if he would have known that was their plan, he would have voted against rezoning the property. Mr. Schaetzle stated one other member of the Council who he voted with on other rezonings in his district looked to him and asked what he thought about the rezoning and obviously, he told that councilman to vote in favor of it because based on the information he had at the time, it would be great for the County and Granger and would provide them with the money needed over the course of the next several years. Mr. Schaetzle stated that gentleman would have voted no as well. Mr. Schaetzle stated the rezoning would not have passed then at that point and Microsoft would not have bought it. Mr. Schaetzle stated he was deeply disappointed and felt misled and he thought the other members of the Council felt misled as well. Mr. Schaetzle stated this was not the way they should be working with each other.

Carl Baxmeyer, President of St. Joseph County Board of Commissioners, spoke in opposition of **PROPOSED ORDINANCE NO. 2025-08AA**. Mr. Baxmeyer stated they did have the meeting on June 13th that Mr. Schaetzle previously referred to with Mayor Wood, Ken Prince, Bill Schalliol, and himself. Mr. Baxmeyer stated Mayor Wood and Mr. Prince did talk about the potential of wanting to annex that area and they received a whole list of things to discuss as they worked towards getting a development agreement with them. Mr. Baxmeyer stated one of the key things at the time having come on the heels of Amazon on the other side of the county was their huge need for water and sewer and they were under the impression at that time that that was going to be a necessity. Mr. Baxmeyer stated as time went on and as they worked with Microsoft towards a development agreement, they were informed that they did not need the same level of utility services as Amazon and their process was a different system and the company in working towards the development agreement asked the county if there were alternatives. Mr. Baxmeyer stated a couple of weeks ago he received a phone call from Mayor Wood indicating it was his understanding that this was a done deal, and he objected to that, because in his mind it was not a done deal and they were still working with regional sewer and water and were still looking to put together a final document on the project. Mr. Baxmeyer stated what changed for the county was when they learned that they did not need extensive water and sewer and he said that to the Mayor and he was just doing his job protecting the city and said they would have to remonstrate against it and he understood that the city wanted to capture that tax base, but looking at it from the company's point of view, they did not need city water and sewer. Mr. Baxmeyer stated they could use the alternative of using St. Joe Farms water system and they could tie into the Granger sewer that went up to Ottawa Township and then over to Elkhart. Mr. Baxmeyer stated it would not make sense for them to sign a development agreement that would require them to pay an estimated $80 million more to pay for the city utilities. Mr. Baxmeyer stated Mayor Wood and Ken Prince were quite clear at the beginning that they were not going to ask the taxpayers to front the bill and it had to be from the company. Mr. Baxmeyer asked rhetorically why the company would pay for something that they did not need and their system did not need. Mr. Baxmeyer stated that was how they got to the point they were at that evening, and this should have been brought to the city sooner and they also had not signed an agreement. Mr. Baxmeyer stated the company had alternatives and wished the Council had not voted to have the first and second reading that evening so that they could better express and provide information to the Council about the matter. Mr. Baxmeyer stated he knew it was their decision ultimately and he respected that, and they would just have to move forward through the process and hoped that they would delay the decision, but it would end up going to the IURC in the future. Mr. Baxmeyer thanked the Council for giving him the time to express their point of view and the decision rightfully rested with the Council. Mr. Hixenbaugh commented for the record that he was not present at the meetings President Schaetzle referred to although he had no reason to doubt the accuracy of what he described in terms of statements made. Mr. Hixenbaugh stated he would be giving Mr. Prince the opportunity later on to come before the Council to say his piece since he was directly mentioned by name. Mr. Hixenbaugh stated he did have the opportunity to sit in on one meeting with himself, Bill Schalliol, Mayor Wood, and Ken Prince and this was the topic of discussion and whether or not that was the June 13th meeting that was previously mentioned, he left that meeting with the same impression that Mayor Wood articulated to Mr. Baxmeyer on their phone call, which was that St. Joseph County was fully in support of any actions Mishawaka took that would be consistent with the ordinance and he remembered saying to Mayor Wood and Ken Prince after the meeting that he liked his friends in St. Joe County and it was always good to see them and work with them, but he was surprised how supportive they were of the idea of Mishawaka extending utilities and taking a look at annexation. Mr. Hixenbaugh stated he remembered a specific conversation about particularly some property that would comply with the law that would allow annexation to be possible. Mr. Hixenbaugh stated this was not an annexation ordinance and he agreed with Mr. Baxmeyer on that but since the issues were raised, he wanted to set the record straight that having been another set of eyes and ears in meeting with him, Mr. Schalliol, Mayor Wood, and Mr. Prince, his recollection was the same as his honor's with regard to the subject that was discussed that day. Mr. Baxmeyer stated Mr. Hixenbaugh did correctly identify that he was also present at that meeting, and they walked out of that meeting thinking that they were going to require city services in order for their operation and Microsoft subsequently informed them that they did not need that. Mr. Baxmeyer stated they were all put in a situation where the game changed and now, they had to react to that. Mr. Hixenbaugh stated he appreciated his point.

Bryan Tanner, St. Joseph County Council District H, spoke in opposition of **PROPOSED ORDINANCE NO. 2025-08AA**. Mr. Tanner stated he would not be speaking in opposition even though it was under the opposition portion of the public hearing and was not asking them to directly vote against this measure. Mr. Tanner stated he reached out to a couple members of the Council that day after learning about the matter and shared some concerns he felt were worth sharing with the broader audience and those concerns may have fallen within the opposition realm. Mr. Tanner stated he was one of the votes at the May 2024 public hearing of the County Council for rezoning the property at the Microsoft Data Center. Mr. Tanner stated his vote at the very least was influenced by a large portion of it in favor of rezoning because of the emphatic support that Mishawaka had to extend utilities to that site and the representation of Mr. Prince at that meeting, speaking on behalf of the city to that end for two primary reasons. Mr. Tanner stated to Mr. Baxmeyer's point, they did believe at the time that it was going to be a requirement in order for that facility to be constructed that that level of service was going to be required. Mr. Tanner stated contradictory to Mr. Baxmeyer though, he saw the benefit in Mishawaka Utilities being extended to that particular site with the reason being one of the biggest concerns that was shared with them from residents from particularly the Granger area was that any water usage could be disruptive to their existing wells. Mr. Tanner stated any source that was pulled from the same aquifer that they utilized could have a detrimental impact on their residences, businesses, etc. that were on a well-based system. Mr. Tanner stated Mishawaka Utilities, as they knew, having worked and served on the Council and having worked with different members of the utility over the years, pulled from a deeper clay-capped separated aquifer that would have zero impact on any of the residences in that area. Mr. Tanner stated he wanted to be clear that he still saw the value, even if it was more expensive and took a little longer and his vote in the past year was influenced in support of this because Mishawaka Utilities was going to be extended to that particular project site and thanked the city's willingness to be a partner in that. Mr. Tanner stated he was frustrated that news was shared within the last couple of weeks that that was no longer the desire and that felt like the rug was pulled out from underneath the city pretty late in the game nearly a year later. Mr. Tanner stated he had unique experience and 18 years ago, he worked at an engineering consultant firm in the Indianapolis market before his family moved to Mishawaka 13 years ago and in that practice, they were consulting with what is now the city of Fishers on a forced annexation dictated largely by the Indiana State Department of Health of the Gist Reservoir area. Mr. Tanner stated much like Granger, it was an unincorporated area of Hamilton County, much like Granger it had sandy soils, and much like what small pockets of

Granger were experiencing thus far, they had sandy soils where their septic systems were failing. Mr. Tanner stated their neighborhoods were a little older and they were seeing 18 years ago the kind of failure on a scale that he did not think it was too far of a stretch to say that the Granger community would see in the not-too-distant future. Mr. Tanner stated he did not like to operate out of fear, and he was sure the Council did not either, but he believed that was a reality that would very quickly catch up with him based on his professional experience. Mr. Tanner stated they heard earlier from the attorney that there were certain grey areas or conditions in which the utility as a separate body may be required to extend utilities or residents may be required to connect to utilities and they may not have that independence of just replacing their septic systems which on those lot sizes in most cases they could not move it somewhere else as there was a well on the other side of their house and they could not realistically or practically dig up truckloads of dirt and replace it, because that dirt would then have to go somewhere else while it was contaminated. Mr. Tanner stated he believed what may come down the line was what happened with Fishers 18 years ago and it was not just a forced extension of utilities and in that case when the state got involved, they may require forced annexation just like it happened in that community 18 years ago. Mr. Tanner stated when talking with members of the community in both Granger and Mishawaka and when talking with Mr. Prince himself over the years in public statements and in private conversations, it did not mathematically make sense for Mishawaka on a mass scale annex large portions of the residential Granger area, because it was not just the utilities when that annexation happened if it was forced, it would bring all of the infrastructure up to the city's engineering standards and the math generally, unless somebody was shown different, did not work out for that to be a benefit for the Mishawaka community to do so. Mr. Tanner stated the Council would not be making an isolated decision that evening about that one facility or property where a very large economic property was happening and he was in favor of that, but they were talking about a 4-mile radius east of anything that was on the Logan collector within a 4-mile boundary. Mr. Tanner asked rhetorically if there was no intention on extending services, could they stomach the cost of forcibly extending services and making the other infrastructure improvements. Mr. Tanner stated it was a concern of his as a resident and as someone who voted for the particular project, and it was about what was the short-term gain versus the long-term cost. Mr. Tanner stated he thought rather than asking the Council to vote against it or asking them to act in any particular way that evening, he thought it precluded them to take a little more time. Mr. Tanner stated there were other things to fear in the process and he warranted that in their consideration and deliberation that evening, but he hoped there would be an opportunity for a melding of the minds and a reasonable outcome to result from this and he would completely support them in whatever they decided.

Mark Catanzarite, St. Joseph County Council District G, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-08AA**. Mr. Catanzarite stated he appreciated the opportunity to speak that evening and as a member of the St. Joseph County Council and having represented Mishawaka for over 20 years in the northeast side of town, he felt that he had a reason to speak in opposition to the vote to extend the utilities of Mishawaka beyond the 4-mile radius as was proposed. Mr. Catanzarite stated earlier Mr. Lentsch made the comments that this was not routine and this was a strategic necessity for the City of Mishawaka and it very unfortunate because the County and Mishawaka should be walking in tandem together to try and keep and maintain Microsoft coming into their community for the very purpose that they tried to approach things on a regional concept, much like they had done with the sports and athletic center over on Douglas Road and other joint projects they worked together with Mishawaka on. Mr. Catanzarite stated he knew Mr. Lentsch mentioned that Mishawaka had invested millions in sewer and water which were at risk, but they in the County had also invested millions which may been at risk for them if the full four-mile extension of the utility border went into the areas where they already had infrastructure built. Mr. Catanzarite stated under Section 1; he hoped that four-mile boundary could be dialed down like Mr. Tanner said before him to just the Microsoft site and also in Section 2; as their legal counsel had said that it was a grey area and would have to be handled on a case-by-case basis, that was just not a good enough answer for him at that point. Mr. Catanzarite was not necessarily asking for a no vote on this on a primitive basis, but he was hoping to ask for a no vote that evening for a temporary pause so they in the County could work with them like they had in the past so they could continue to work and try to strike a deal with both Mishawaka and the County. Mr. Catanzarite stated he had been informed by County leadership that the potential to jeopardize the project could be a case that would be made to Microsoft because there was not a need for that type of capacity with the utilities versus what they were going to be serviced by with the Granger water district and he hoped that would not be the case. Mr. Catanzarite asked his colleagues that evening if they could give the County some consideration to at least take a small pause, let them get their heads together, and work on the project moving forward so they could make sure it would be a win for Mishawaka, St. Joseph County, and the entire region. Mr. Catanzarite appreciated their time that evening.

Mr. Carroll stated a lot of this was being framed as being specific to Microsoft and he understood the background and where this was coming from and why that was intertwined and they could not pull it out, but it seemed to him it had more to do with a paperwork issue from 14 years ago. Mr. Carroll stated he was curious about who was there and had this been filed properly, they would not even be having the conversation. Mr. Carroll asked if this had simply been a technicality from 14 years ago and if this had not occurred if they would be in the same position they found themselves in and had the same conversation. Mr. Hixenbaugh stated since legal counsel had to jump off of the call for another commitment, Mr. Hixenbaugh asked Mr. Lentsch to try to answer Mr. Carroll's question.

Mr. Lentsch stated if the ordinance back then that was passed would have been filed with the IURC, there would not have been the need to be before the Council that evening. Mr. Lentsch stated there were some technical things that had been adjusted and some language that was adjusted, but the full need to get in front of them that evening would not have existed as he understood it. Mr. Carroll stated that it was his concern that this was being framed as the Council deciding the fate of Microsoft and it seemed to him that this was a discussion had 14 years ago, and paperwork was misfiled, so it seemed like it was a tough position the Council was being put in about issues that this really was not about. Mr. Carroll thanked Mr. Lentsch for that clarification.

Mr. Mammolenti asked Mr. Lentsch if he could remind them what the other entity was that would provide the service if they did not. Mr. Lentsch stated they had been told that the possibly that Granger Water served 30 people s well as the St. Joe County water and sewer district that served about 30 people which frankly went up to Edwardsburg and take a turn and go down to Elkhart but those were the only two, he was aware of. Mr. Lentsch stated from their perspective, neither of them had the history or the capacity. Mr. Mammolenti asked since they had to go through a formal process, and he knew it was a race to file, when would be the next opportunity for those folks to file or petition. Mr. Lentsch stated it would be as soon as they were ready, which would be immediately after, his hope was this would be approved, and they could move as quickly as their bodies would approve it. Mr. Lentsch stated it was not a window that was open and shut and it went according to how quickly those entities could work together and then file a petition. Mr. Mammolenti asked in his opinion since they filed in 2014 and it was just a filing error, would that give them any favor in the matter whether they filed first or second. Mr. Lentsch stated no, it would not provide them any favor, but it would be a point and a detail that they could bring up. Mr. Lentsch stated it would be something they would present and something that Mrs. Shoultz would present on their behalf, but they would not meet the standard of first in time, so if they were not the first to submit the petition, they would not be the first in time even though this was passed back in 2014, because the paperwork was not filed with the IURC at the time. Mr. Lentsch stated there were two standards that they looked at being first in time and best to serve and he felt that they were unquestionably best to serve, but they wanted to be able to ensure that they were first in time and wanted to give Mishawaka every advantage to fully do what they intended to do and that was to service that corridor. Mr. Mammolenti stated he understood that and agreed with him in terms of best of service and asked with the folks that spoke in opposition that evening, it felt that the best of service would be a hindrance to Microsoft to continue to develop and that they preferred to have the smaller entities serve that facility and asked if he was correct in stating that. Mr. Lentsch stated from the conversations he had been a part of, the County and Mishawaka worked well together and he believed that one of the reasons Microsoft came to the table was because they had the capacity and when the data centers came to them, they wanted to know if the community had the capacity to provide water, sewer, and electricity and Mishawaka was that guarantee. Mr. Lentsch stated they worked with them, and they felt like the rug was pulled out from underneath them. Mr. Lentsch stated without question there was some capacity for the two entities, but they had no track record and no history, and he believed they lacked capacity. Mr. Lentsch stated they would be more than happy to have that argument before the IURC.

Mrs. Hazen stated the amount of $80 million was thrown out which was what the city would require Microsoft to come up with to connect or do whatever and asked what they would do if Microsoft turned that down and if they then had the option to go to who they wanted to supply them and how did it work.

Mr. Lentsch stated he would defer to Ken Prince on the number, but if they indeed went forward with this, which he strongly recommended they did, they had the capacity and were the best to serve and he thought they needed to be first in time in order to make sure they were able to move forward. Mr. Lentsch stated they had spent millions of dollars already expanding their capacity so that they could serve, and they were ready, they were 2 miles away and from his vantage point, they were the best to serve, they had the capacity, and they had made the investment. Mr. Lentsch stated they obviously wanted to make sure that they, Mishawaka, continued to be the player that had those conversations. Mrs. Hazen stated Mishawaka started the Juday Creek Wellfield plans ten years ago and asked if they spent extra money because of Microsoft when they did the wellfield or was it something they had planned all along because they planned on extending. Mr. Lentsch stated he would defer that line of questioning to Ken Prince.

Mr. Carroll asked if the first in time was voted on 14 years ago. Mr. Lentsch stated yes, it was. Mr. Carroll then asked if they would be first in time by 14 years had the paperwork been filed properly. Mr. Lentsch stated yes, they would have.

Ken Prince, Director of Planning and Community Development, spoke in favor of **PROPOSED ORDINANCE NO. 2025-08AA**. Mr. Prince stated the ordinance was in 2014, so it was actually 11 years ago that it was voted on, for the record. Mr. Prince stated regarding the annexation, he remembered speaking at the hearing, and he recommended playing the tape at that hearing, but what he should have said at that time would be that the property was not contiguous to the city. Mr. Prince stated their policy was that when they provided sewer and water was that they annexed the property and that was likely what he would have said at that time, so the fact that they did not have contiguity meant that they did not at that time have the ability to annex it. Mr. Prince stated regarding a lack of desire; he did not believe that he would have ever said that. Mr. Prince stated the other issue Mr. Schaetzle brought up which was concerning to him was that somehow it was trouble to be annexed by the City of Mishawaka. Mr. Prince stated he did not understand that when every single property owner in the city paid county property taxes, so he did not understand the jurisdictional issue of the property and if anything, it being annexed into the city had benefits to the County because they were no longer providing services and the city was providing services, so if you wanted to get the most bang for your buck, you would want that property to be in the city and not in the County. Mr. Prince stated for the record regarding that comment, he did not understand where President Schaetzle was coming from regarding those statements. Mr. Prince stated the issue Commissioner Baxmeyer brought up was also equally concerning to him, because he thought they entered into this as a partnership, and he thought Councilman Tanner brought up that same scenario that this was intended to be a partnership, and he had made comments at that hearing and they stood by what they said when they presented things. Mr. Prince stated he thought what they had indicated at the time particularly to Mr. Schalliol was that they were looking at this as a partnership and that they understood that with the property being in the County, that the approval process would need to be worked out through the County, but that they would be involved in the city in providing utilities and ultimately trying to figure out how to annex the property and that was the general nature of the discussion and they talked about the good that could be done regarding the increment that would be generated that could go towards paying for road improvements and other utility improvements among other things. Mr. Prince stated what was completely disappointing about the process was that there was an active attempt in their mind right now, given the fact that they had very little discussion with what had been presented to them, to specifically exclude from the process. Mr. Prince stated on Friday March 18th, St. Joseph County Economic Director Bill Schalliol met with him following numerous requests for an update regarding Microsoft and at one point, Mr. Schalliol gave him direction that he and the County Engineer were looking at the road improvements because of the construction problems that they were having with Amazon and they had learned from that and wanted to apply those lessons to this and they at Mishawaka took that at face value, but absolutely nothing regarding water and sewer until two weeks prior to that evening. Mr. Prince stated Mr. Schalliol communicated that the County made the decision to serve the site with public sewer and water and mind you, this was an area within Mishawaka's service territory that was not theirs essentially in a different manner. Mr. Prince stated specifically with the County regional sewer district when he asked who made the decision, Mr. Schalliol replied that it was the County Commissioners and the St. Joseph regional sewer district. Mr. Prince stated the sewer district was formed by an entity basically to address the failing subsystems in downtown Granger, so they served much more than 30 homes that Mr. Lentsch represented, and they served downtown Granger, and it was extended to serve the subdivision that Mr. Matthews created, the Granger Water LLC. Mr. Prince stated this was all based on a single conversation that he had with Mr. Schalliol, and they were literally in the dark currently, so anything he said that was speculation was because they had been provided with no details from the County regarding what their proposal was. Mr. Prince stated if they could imagine going through this process, making millions of dollars in development and conducting the plans, they had not been communicated with virtually at all from the County. Mr. Prince stated his understanding from Mr. Schalliol was that the sewer district intended to buy Granger Water LLC, which was a private water company serving that small subdivision, which was currently less than 40 homes and designed and approved in 2022 to serve up to 140 homes. Mr. Prince stated this was a private utility that was given significant tax incentives by the County and had approval and compliance issues since its inception. Mr. Prince stated they had trouble operating it, they did not have a lot of people, and they had not provided the information downstate that had been requested of them. Mr. Prince stated Mr. Matthews was the CEO of the Granger Water LLC and in 2024, it was his understanding was Mr. Matthews also served as a member of the St. Joseph County sewer district which was also then buying the utility that he created. Mr. Prince stated he was mentioning that not because he thought there was anything illegal happening, but that was all the more reason that the items should be brought publicly and discussed. Mr. Prince stated Mr. Matthews had been great in terms of the relationships they had with his developments in the city, but if you were on a board and you were going to buy a utility that you had created, there should be public discussion regarding that. Mr. Prince stated Mr. Schalliol identified that the reason for the city acquisition was also to address ongoing water quality issues in Granger on private wells. Mr. Prince stated to date, other than Mr. Schalliol's visit, the city had not been contacted and informed the County was even considering this direction and when asked, Mr. Schalliol indicated the County had performed a study performed by a professional engineering consulting firm prior to their visit. Mr. Prince stated when he asked for a copy, he indicated the study had not been finalized. Mr. Prince stated again, information was requested, and the information was not available. Mr. Prince from their perspective, what that evening was about was the investment made by the city in the utilities and protecting that investment. Mr. Prince stated regarding anything else when they talked about discussions with Microsoft and pushing it down the road, they wanted to be at the table and they were not precluding any further conversations with the County and were not precluding any further conversations with Microsoft and they would love to see Microsoft locate here but at the same time, they had an obligation to protect those that had invested Mishawaka Utilities. Mr. Prince stated to their knowledge there had been no public meetings, and these had been done essentially in darkness rather than being publicly discussed and debated. Mr. Prince stated to date, Mishawaka had been treated as an outsider and a competitor rather than a partner which was what they envisioned in the first place. Mr. Prince stated every one of their ratepayers paid county taxes and lived and played in St. Joseph County. Mr. Prince stated county officials had taken those actions to date, and he thought they needed to really identify or clarify if they cared about the 60,000 residents served by Mishawaka Utilities, roughly 22% of the St. Joseph County population and this included areas outside of the city limits. Mr. Prince stated they had roughly 2,000 service connections outside the city limits currently that were not annexed and, in many cases, would never be annexed to the city. Mr. Prince stated another thing he felt the need to identify was that with his conversation with Mr. Schalliol, they wanted to build capacity to provide water service to Granger and he found it hard to take essentially that they were addressing water quality issues in the County and again, Mishawaka had nothing to review but this was based on past history, when looking at the past history, it felt disingenuous. Mr. Prince stated for example, the Juday Creek subdivision was located in unincorporated St. Joseph County and the Juday Creek subdivision would eventually be surrounded by the city, but they would have no ability to annex the property, because they would have to rip up all of the streets and provide sewer, water, and sidewalks and financially it was not feasible. Mr. Prince stated he used that as an example, because numerous homeowners in that subdivision were provided with private water filtration systems from the County, because of the salt contamination from the County highway to garage located immediately north of the subdivision. Mr. Prince stated that since the creation of the wellfield, there had been no interest expressed by the County to provide water to that subdivision despite the known problem caused by the County and this was likely due to the extreme cost of ripping up the streets and retrofitting that existing subdivision. Mr. Prince stated if the premise of this was to create your own water utility to provide that capacity in the county, those same conditions applied to most of Granger where those water quality issues were scattered over a very large geographic area. Mr. Prince stated thus, any thought for retrofitting public water needed to include a financial model that identified the cost per resident including the construction costs for the retrofit and they believed the County did not have any intent of mandating connections. Mr. Prince asked rhetorically at the very least, shouldn't the property owners know if the County was going to mandate water connections and stated again, they had no information up to that point. Mr. Prince stated another good example was the Crescent Hill subdivision located in an unincorporated county on the south side of Mishawaka. Mr. Prince stated their understanding was that the county was sued as a result of failing septic systems and was required to provide the subdivision Mishawaka sanitary sewer service. Mr. Prince stated as part of the extension, the residents were provided with service at the expense of over $1 million but were not required to connect if their septic system was not failing. Mr. Prince stated there was a financial disconnect in the model that needed to be discussed. Mr. Prince stated another example was the extension of water service on Brick Road and the County reached out to the city to install a public water line looping Gumwood, Brick, and Fir Road. Mr. Prince stated the intent was to provide hydrants where the township fire department could fill tanker trucks. Mr. Prince stated they specifically asked if the line should be sized to serve residential connections, which the county was paying for, and they were told no. Mr. Prince stated if the County were to move forward, the likely outcome would be a Microsoft Water Utility since Microsoft would be charged with paying all the related infrastructure and would pay 90% or more of the ongoing operating expenses moving forward. Mr. Prince stated essentially, if you put all of your eggs in that and Microsoft decided to retool for a year, you would be stuck holding that 90%. Mr. Prince stated in terms of Mishawaka Utilities Water Division, they had approximately 18,000 services serving roughly 60,000 people. Mr. Prince stated one of the key factors that they had in sizing the wellfield was their ability to serve the farmland along Capital Avenue. Mr. Prince stated in 2023, Mishawaka and the County jointly prepared and adopted the Capital Avenue land use plan and this planning area that included the proposed Microsoft site, Mishawaka Utilities was identified as both the public water and sewer provider for the entire Capital Avenue Planning Area. Mr. Prince stated as they knew, in 2014, Mishawaka and South Bend both established their extraterritorial jurisdictions by ordinance and that specifically included the Capital Avenue corridor. Mr. Prince stated in 2024, Mishawaka completed over $40 million worth of investments, including the new Juday Creek wellfield and the upgrade process took more than a decade to design and implement. Mr. Prince stated the Juday Creek wellfield was created not only to serve existing customers but was sized to meet future public water growth needs for decades to come. Mr. Prince stated the Juday Creek Plant had already been approved by the Indiana Department of Environmental Management and in its current configuration, the new plant could produce 8.2 million gallons of water per day and was expandable up to 12.5 million gallons a day by just adding two more wells. Mr. Prince stated the now 8.2 million gallons a day were built specifically to serve their known expansion areas including the Capital Avenue corridor and the additional capacity of 12.5 million gallons was investigated because of the city's desire to serve Granger if there was ever determined to be a need by the County. Mr. Prince stated they had essentially 5 million gallons a day sitting there to serve Granger residents if the County were desiring of connecting to that water system. Mr. Prince stated the plan for Capital Avenue was to serve St. Joseph Farms and the Microsoft site from the south and because of the necessary downstream improvements, the removal of St. Joseph Farms property from the service area also made future economic development in that corridor more difficult. Mr. Prince stated it was pretty easy to say they were going to take one piece off and move it over to another place, but what that did then would mean the water would have to go further to the south and did not have anyone to pay for that connection. Mr. Prince stated thus, it made the utility connections to that corridor more expensive and Capital Avenue more difficult to develop with what was being proposed. Mr. Prince stated Granger Water reached out to the city after significant expense had been incurred on developing a private water utility for the subdivision. Mr. Prince stated the IURC, even in the review that was done said at some point the Granger utility infrastructure should be abandoned and connected to Mishawaka. Mr. Prince stated so as part of the review, that was one of the reviewers' comments regarding the establishment of their utility and that it should be connected to Mishawaka. Mr. Prince stated part of the city's rationale for not objecting to the small subdivision was they knew the County had a need for more flow to go to the downtown Granger lift station, which currently pumped to Edwardsburg, Michigan and then to Elkhart for treatment. Mr. Prince stated another fact he thought was important to consider and bring out publicly was that Mishawaka was held to a higher standard relative to their sewer discharges to the St. Joseph River then Elkhart and it was more environmentally friendly for that sewage to come to Mishawaka than it was to be directed to Edwardsburg and then back to Elkhart. Mr. Prince stated they knew all of this was going to change and it was all a matter of question at that time, because they were not provided with information. Mr. Prince stated Granger Water Utility had a flat rate of $75, which was more than twice what Mishawaka charged. Mr. Prince stated it was also noted in the review from the IURC of the Granger Water Utility that the cost benefit analysis performed by the developer did not incorporate all the factors considered in a lifestyle cost analysis. Mr. Prince stated it was noted specifically that it did not recognize the significant operation and maintenance costs associated with operating a plant, maintaining a plant, interacting with customers, and the capital cost to expand the plant. Mr. Prince stated they had no full-time staff, and they had no trucks or equipment with everything being contracted out. Mr. Prince stated they currently had built a 747 that had available seating for all of this, and they were the equivalent of a Cessna. Mr. Prince stated to serve Microsoft, they had to build another plane to serve the site, and, in their mind, that did not make sense, and they felt like it was an obligation to their 60,000 customers that they had a seat at the table and that the items were discussed. Mr. Prince stated he was happy to answer any questions.

Mrs. Voelker stated that she voted in favor of the expanded territory 11 years ago and her vote would remain the same, but she wanted to tell him how much she appreciating him refreshing their minds about the Capital Avenue planning agreement they had with the County and that the water territory they voted on 11 years ago was based upon an understanding that it would eventually supply water to the Capital area development. Mrs. Voelker thanked Mr. Prince for pointing that out.

Mr. Carroll asked if the process for annexation really nothing had to do with what they were talking about and discussions about who annexed what could be held at a later date and the Administration could talk to County officials and if he was correct in saying that. Mr. Prince stated that that was absolutely correct and again, they did not currently have contiguity, and they did not have the ability to annex that property, even though they wanted to and any property they provided water and sewer to, they wanted to be annexed into the city.

Mrs. Hazen asked how much extra they put into planning for Microsoft. Mr. Prince stated they were not planning for Microsoft specifically, but they were planning for the area of Capital Avenue. Mr. Prince stated the area of Capital Avenue was part of their service territory where Juday Creek was intended to serve, and it currently had a capacity of 8.2 million gallons of water a day. Mr. Prince stated his understanding from Mr. Majewski was that they were at 2 million gallons per day at peak flow, so they had a little over 6 million gallons of capacity to serve the Capital Avenue corridor in the growth area on that northern part of the city. Mrs. Hazen stated she believed with the way that they were talking that evening that they were pretty much counting on the Microsoft expansion and they put in extra money for it. Mr. Prince stated they planned basically that if they knew Microsoft was going to be there, they would not have built the same size facility. Mrs. Hazen stated it had only been a year since they knew Microsoft back in May. Mr. Prince stated that that was his point and in terms of then having discussions and excluding the city from conversations after they expended $40 million and that represented over $5 million that they lost directly by not providing service and that was just from what they had already expended and not the ongoing operation and maintenance costs associated with that service area. Mrs. Hazen asked if they extended into the service area, Microsoft would have to go with them and if they would not have the option to go with someone else. Mr. Prince stated it was currently their service territory and the frustration he had was that they had no discussion regarding any of this and they had no idea what context was presented to Microsoft. Mr. Prince stated if you had the rights to an area and somebody took it and tried to sell it, that was what they were essentially talking about that evening. Mr. Prince stated they built the capacity, they did the planning, they made the investment, and now that was being proposed to be taken away from them. Mr. Prince stated at a minimum that it required conversations to take place and the action that evening would allow those conversations to occur and keep Mishawaka in a position of strength. Mr. Prince stated he had no idea what the outcome of those conversations would be, because they had not been provided with details.

Mr. Mammolenti thanked Mr. Prince for his well-prepared presentation and asked whether it was Microsoft or not and if Granger or some other water utility got the territory, they were out and their investment they had put in would be for not. Mr. Prince stated yes and if the IURC were to decide that this was a Granger Water service territory, they essentially overbuilt their wellfield and would not have any means to change it. Mr. Mammolenti asked if this was not a Microsoft thing. Mr. Prince stated this was a utility thing. Mr. Banicki asked if Mishawaka Utilities was a nonprofit. Mr. Prince stated that was correct. Mr. Banicki asked about the stakeholders in the Granger Water district and if it made sense that they were paying for what they spent. Mr. Prince stated he had only one conversation with Mr. Schalliol and his understanding was the sewer and water district which would also be considered non for profit, would be acquiring the Granger private utility and his understanding was that it would be under the sewer district. Mr. Banicki stated it was not like they were going to get fat by doing this and asked if that was correct. Mr. Prince stated they would not.

Mr. Hixenbaugh thanked Mr. Prince for his remarks and stated based upon what he had learned leading up to that evening and he heard that evening, he was going to harken back to Councilman Tanner's remarks and from his perspective, he raised some valid considerations they needed to consider, and he addressed them somewhat in his remarks. Mr. Hixenbaugh asked, to hone in on the point, in his capacity as the President of the Mishawaka Utility Board, if he believed the passage of the ordinance would subject Mishawaka Utilities to any unreasonable risk of having to assume customers that they did not anticipate at that time. Mr. Prince stated none, zero.

Dave Majewski, Mishawaka Utilities Water Division Manager, spoke in favor of **PROPOSED ORDINANCE NO. 2025-08AA**. Mr. Majewski stated Mishawaka Utilities had been in the water treatment business for over 100 years, and they had done exceptional work. Mr. Majewski stated the big thing on the table that evening was protecting their territory and that was what this was all about. Mr. Majewski stated otherwise, essentially any water system could come in and set up a water utility and all of a sudden, they had numerous water utilities in their territory providing water and that could not only hurt Mishawaka's growth, but also the development of their system. Mr. Majewski stated they spent millions of dollars in improving their system and there was no existing entity in the proposed territory of St. Joseph County that had the knowledge or technical ability to run a water treatment and distribution system properly. Mr. Majewski stated Granger Water, and the St. Joseph County District were trying to claim the district that Mishawaka had served and spent millions of dollars in investment on. Mr. Majewski stated if not protected, a substandard utility could wreak havoc to their territory which would cause irrevocable damage to Mishawaka's future growth and health of their water utility. Mr. Majewski stated Granger Water was ordered to engage a third-party engineer by the OUCC to develop a life cycle cost for their plant operations within a year of plant startup, which would include connecting to Mishawaka's system and show that the rates of the utility were just and reasonable and to date, that had not been done. Mr. Majewski stated Granger Water was trying to escape a failing utility and hand it over to the County. Mr. Majewski stated he questioned the due diligence of the County and whether Elkhart could even accept the wastewater from Granger Water or the sanitary district. Mr. Majewski stated they would also have to expand, and they could not provide first protection to Microsoft. Mr. Majewski stated Microsoft also came in and sampled Mishawaka water and seemed very interested in how their water utility was run. Mr. Majewski stated he found it troubling to believe that any average water system could serve Microsoft. Mr. Majewski stated he appreciated the Council's support that evening and it was about protecting the water system territory for Mishawaka Utilities.

Mrs. Hazen stated she would be supporting the ordinance that evening and the reason was because of the 2014 ordinance. Mrs. Hazen stated she was disappointed it was not filed correctly, but things did happen and everybody made mistakes. Mrs. Hazen stated she did not like first and second reading as it put a lot of pressure on the Council, and they had to decide in only a couple of days which she thought they should have been given more time. Mrs. Hazen stated she was disappointed in the Administration for that, but she understood. Mrs. Hazen stated she was hopeful the County and the Administration could get back together and start discussing this and do it in a reasonable manner.

Mr. Carroll echoed Mr. Hazen's comments, and he understood where the County officials were coming from, and he would probably be saying the same things if he was in their position. Mr. Carroll stated this was not about annexation and this was more about righting something that happened in 2014 than anything, so just as the County officials came supporting their role in the County, he hoped they could respect them supporting their roles on the City Council and for that reason, he would be voting in favor of the ordinance.

Mr. Hixenbaugh thanked all of the speakers that evening, particularly their friends from St. Joseph County. Mr. Hixenbaugh stated he did not find anything they said to be offensive, and he knew them all professionally and some of them personally and he found them all to be people who acted in good faith, and he appreciated the passion that they brought to the podium. Mr. Hixenbaugh stated he, like Mrs. Hazen, was also frustrated with the timing of all of this and if they could turn back the hands of time, it would have been ideal for someone to have done their job and taken the action that state law required to have taken the ordinance passed by the Council and have filed it with the regulatory body in Indianapolis. Mr. Hixenbaugh stated that did not happen and none of them could turn back the hands of time, so as frustrated as he was by the timing of this and the suspension of their council rues to hold first and second reading, particularly on a night like that unless it was unavoidable and, in that instance, he found it to be unavoidable. Mr. Hixenbaugh stated it was because of the first in time standard that was imbedded in state law and the approval of the ordinance preserved their ability to have that seat at the table as Mr. Prince referenced earlier and his hope was that this was a beginning of a conversation between themselves, their friends in St. Joseph County, and any private entity that wanted to develop in close proximity to the City of Mishawaka and in the regulated territory that was going to be reaffirmed as part of the ordinance. Mr. Hixenbaugh stated the timing was critical in this case and he agreed that they could not defer taking action that evening. Mr. Hixenbaugh stated he also found it important to underscore the fact that this was not an action that they would be taking that was unique to Mishawaka or an action being taken out of spite or frustration with anybody in the County or otherwise and this was an action every municipality in Indiana was invited to take under Indiana law and in fact, in 2014, Mishawaka and the Mishawaka Common Council and the Administration took the act that was in front of them that evening. Mr. Hixenbaugh stated what they were doing was reaffirming the action taken in 2014 and he was confident that if they all wanted to take the time, they could find any number of the ordinances enacted by multiple communities across the state of Indiana, so he thought they all needed to be clear that this was not something Mishawaka was trying to do that was unprecedented or outside of the scope of the law and this was exactly what the Indian General Assembly invited them to do as a municipality. Mr. Hixenbaugh stated what would happen in the future was speculative and they did not know who would make any decision but if they did not pass this ordinance, they would lose the ability to have a seat at the table and lose the ability to preserve their right to provide their utilities to areas outside of the city, which was clearly in the best interest of the people in Mishawaka who had been paying rates into their utilities for many, many years so that they could continue to get a return on their investment that allowed them to build out their utilities. Mr. Hixenbaugh stated the fact was that passing this kept their seat at the table and allowed for further conversations to take place on several different levels and to the extent that there was any legal dispute over this, he was not intimidated at all in having the IURC weigh in on this as that was their job to serve as the referee to try and resolve these type of disputes. Mr. Hixenbaugh stated he had great confidence in the IURC's ability to be able to exercise their discretion in an appropriate manner and resolve any disputes that may come before them in the future. Mr. Hixenbaugh stated once every four years when he had been fortunate enough to be elected, he took an oath of office that obligated him to serve in the best interest of Mishawaka and one fact he was very convinced of was that the passage of the ordinance was in the best interest of Mishawaka in 2014 and would continue to be that, so he would be supporting the passage of the ordinance that evening.

Question called for at 7:45PM for **PROPOSED ORDINANCE NO. 2025-08AA 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. 5926AA.**

PROPOSED ORDINANCE NO. 2025-09

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND OF THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2025 AND AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2025

(Assigned to Budget & Finance Committee)

PROPOSED ORDINANCE NO. 2025-10

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 R-3 Multi Family Residential to allow 7 Multifamily Residential buildings with 20 dwelling units - 2400 and 2406 Schumacher Drive

(Assigned to Land Use Planning Committee)

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

RESOLUTION R2025-06

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 526 W. MCKINLEY AVENUE

Use Variance to allow for an Assembly Hall/Event Center/Banquet Hall in C-2 Shopping Center Commercial District

Abdul Rahman Farhan, owner of the shopping center at 526 W. McKinley Avenue, spoke in favor of **RESOLUTION R2025-06**. Mr. Farhan stated this was for the simple fact that the shopping center had been neglected for a long time, and they just took over in November and wanted to get it back into good condition. Mr. Farhan stated they had been working on it for the last four or five months and were trying to get some tenants into their shopping center.

Mr. Violi asked if that was the building that was closest to the Burger King across the street. Mr. Farhan stated yes, that was the one.

Mrs. Hazen asked if he was going to turn the facility into an event center and if he was going to be the one to run it. Mr. Farhan stated he would not be running it and it would be a tenant wanting to run it. Mrs. Hazen asked if the tenant had been working with the city. Mr. Farhan stated yes, they had been working diligently with the city, and they got all of their permits and approvals and were working step-by-step with the city to get everything done inside by code. Mrs. Hazen asked if they were going to have a liquor license or not. Mr. Farhan stated as far as he knew, they would not because this would be for an assembly for a birthday party or a quinceanera for four to five hours and they would be bringing their own food, and this would be a facility where people could rent for a couple of hours. Mrs. Hazen asked what the capacity would be for the facility. Mr. Farhan stated he did not know it by heart, but they were talking about a maximum of 200 people. Mrs. Hazen asked if the tenant had ever done an event center before or if this was their first experience. Mr. Farhan stated their background was in the daycare business and she seemed like she knew what she was doing and as he had been doing business for the last 30 years, he could tell when someone had a plan, and she certainly had a plan and hopefully she would succeed.

Mrs. Voelker congratulated Mr. Farhan on purchasing that property as it had been neglected for a very long time. Mrs. Voelker asked if he was working on the parking lot. Mr. Farhan stated he was just working there that day and now that spring was coming around, they were fixing all of the islands in the parking lot and would be repainting all of it and fixing all of the holes. Mrs. Voelker thanked him for making that investment and stated his investment was a big part of making McKinley look much nicer. Mrs. Voelker asked if he did not have a liquor license for the building, would the tenant be allowed to rent to people who could bring alcohol into the building. Mr. Farhan stated if the city allowed it he would not have a problem with it but if not, that was fine with him too, because that would be the city's call.

Mr. Hixenbaugh stated it would not be up to the city whether or not alcohol could be served there, and it was a function of state law and someone beyond everyone on the Council.

Question called for at 7:54PM for **RESOLUTION R2025-06 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 resolution passed 9-0.

RESOLUTION R2025-07

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 2019 AND 2001 LINCOLNWAY WEST

Use Variance to allow for outside storage for landscaping material

Pedro Rosio, Business Owner at 2001 and 2019 Lincolnway West, spoke in favor of **RESOLUTION R2025-07**. Mr. Rosio stated all he was trying to do was to store outside materials to make it easier on himself and his workers and they were trying to store mulch, gravel, and soil.

Ms. Hahn thanked Mr. Rosio for attending the meeting that evening and asked if he would have a roof or anything to cover up the mulch and other things being stored outside. Mr. Rosio stated no, he was just asking for permission to get one of the boxes where he could put a plastic or tarp roofing over the materials in the winter.

Mr. Emmons stated he was disappointed that Mr. Rosio started bringing in landscaping materials before he had the variance and he also never contacted Mr. Emmons, the councilman of that area. Mr. Rosio apologized and did not think he was going to have to get a permit for the storage boxes. Mr. Emmons stated he was concerned that that was the gateway into the city and if he just had some landscaping material all around on the property, it would not be very inviting for people coming and going throughout their city. Mr. Emmons stated he had no idea how Mr. Rosio would store his landscaping material whether it was just timber, stone, or mulch and asked what he planned on doing. Mr. Rosio stated it was just for use by his customers. Mr. Emmons stated he would have trouble voting in favor of this if he was not going to give him answers about what he was going to do and how he was planning on doing it. Mr. Rosio stated what they had done was create some concrete boxes to keep mulch in place so that it would not be spread throughout the property. Mr. Emmons stated he had none of that now and that mulch was just coming in and he had no containers basically for it to be stored in at that point in time. Mr. Rosio stated he did not know what to say.

Mrs. Voelker stated she agreed with Mr. Emmons in that they wanted to improve how Mishawaka appeared and she thanked him for being a business in Mishawaka, but judging by what she saw on the photographs it looked very unorganized and her concern was how he would keep the property organized so it was not an unsightly mess for him to work in and for people coming into the city and at what point would something like that become a Code Enforcement problem. Mr. Rosio stated he created concrete boxes that were 48 by 32 in the area, and he was looking to put up a privacy fence to make the area look better and he wanted to block the view from the road as well as bringing in more green areas and more lawn space to make his business look better. Mrs. Voelker stated they may have wanted to table the matter for a couple of weeks to get a better idea of what his plan was so that they could understand it more. Mr. Rosio stated he had hired an architect already to help him out because he also owned 2023 Lincolnway West and he wanted to build a building there too. Mrs. Voelker made a motion to postpone further hearing on **RESOLUTION R2025-07** until their regularly scheduled meeting of April 28th of 2025.

Mr. Carroll asked if they could put specific restrictions in their conversations in the coming weeks or if it was just a yes or no change to the zoning. Mr. Hixenbaugh stated that was within their discretion but to be clear, there were already two conditions that were recommended as part of the approval with the first being that no storage shall occur between the north property line and the front facade of the primary building and then that no known hazardous material shall be stored on the site. Mr. Hixenbaugh stated his hope was that between that evening and the meeting in two weeks, they could refine some of the statements Mr. Rosio made that evening. Mr. Hixenbaugh stated as he read the conditions that would still allow the mulch and other materials to be visible from the street and his strong suspicion was that that was going to be a concern of one or more of his colleagues. Mr. Hixenbaugh stated his suggestion of putting a fence in place or something to make it less visible to the public would make his chances of success much greater as that was a gateway to the city. Mr. Hixenbaugh stated he and Mr. Emmons needed to have some conversation before the next regularly scheduled meeting, and he strongly encouraged Mr. Rosio to contact Mr. Emmons and try to come up with more detail of what his vision was and they would reconsider the matter on April 28th.

Mr. Banicki moved the motion, and Mr. Emmons seconded the motion, thus a voice vote was held. The motion passed unanimously, and the matter was postponed.

RESOLUTION R2025-08

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA ADDING PARCELS TO THE CITY'S PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY APPROVED COMMON COUNCIL RESOLUTION R2014-07 WHICH APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA, AND THE NORTHWEST IMPROVEMENT PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT AND AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION - 1216 SOUTH UNION STREET

Ken Prince, Director of Planning and Community Development, spoke in favor of **RESOLUTION R2025-08**. Mr. Prince stated this was required for the property to be added to the acquisition list and the property itself was only one property. Mr. Prince stated this was a bank-owned property, so likely a foreclosure and they were working with the realtor currently and it had been a challenging process working through the bank owned property as the process simply worked differently. Mr. Prince stated this was part of the future Union Street widening and money had been reprogrammed from McKinley to Bremen Highway to allow for the expansion from 7th Street as you moved south to Union to create a five-lane section in that area that would address some of the bottlenecks that occurred there. Mr. Prince stated this would be outside of the five-year window, so they felt it was appropriate to acquire at that time before someone bought it and made an investment in it and they were not at a point where they were ready to do a wholesale acquisition or condemnation through the section. Mr. Prince stated he was happy to answer any questions.

Question called for at 8:06PM for **RESOLUTION R2025-08 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 resolution passed 9-0.

RESOLUTION R2025-09

A RESOLUTION OF THE MISHAWAKA COMMON COUNCIL AFFIRMING SUPPORT FOR STRONG LOCAL GOVERNMENT AND THE CRITICAL ROLE OF PROPERTY TAXES AND FUNDING IN CORE SERVICES

Matthew Lentsch, Executive Director of Development and Governmental Affairs, spoke in favor of **RESOLUTION R2025-09**. Mr. Lentsch gave a prepared statement to the Council.

Mr. President, Members of the Council — Thank you for the opportunity to speak tonight in support of the resolution we've submitted regarding Senate Bill 1. I'm here not just as a public servant, but as someone who deeply believes in the strength of local government—and in our collective duty to safeguard the services that make Mishawaka such an incredible place to live, work, and raise a family. Senate Bill 1, as currently drafted, includes language that could significantly erode our ability to fund those core services. While I understand the desire to deliver tax relief to Hoosiers, we all support—the approach currently under consideration falls short of including any responsible or comprehensive plan for replacing that lost revenue at the local level. And that's the heart of the issue. Property taxes are not just a line item on a bill, they are the financial backbone of public safety, clean water, fire protection, snow removal, street repairs, and parks. Over half of Mishawaka's general fund property tax revenue goes directly to police and fire alone. Cuts of this magnitude don't just stretch us—they force impossible choices. What this resolution does is send a clear, thoughtful, and constructive message to the Indiana General Assembly: we support tax relief, but not at the expense of our ability to protect our people and serve our community. We are advocating for responsible, collaborative policymaking that strengthens—not weakens—the cities and towns that carry out 85% of all government services in Indiana. This isn't just about Mishawaka. It's about every city, town, and rural community across the state that depends on property taxes to keep the lights on, the streets plowed, and the neighborhoods safe. By passing this resolution, the Mishawaka Common Council will once again lead with principle and unity, sending a powerful signal to the Statehouse that we believe in strong local government and in keeping promises to the people we serve. Thank you for your thoughtful consideration—and thank you for standing with us in support of local leadership, responsible governance, and the continued strength of the Princess City. Let's protect what works. Let's vote yes on this resolution. Thank you.

Question called for at 8:09PM for **RESOLUTION R2025-09 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 resolution passed 9-0.

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

PROPOSED ORDINANCE NO. 2025-03

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 R-1 Single Family – 505 Carlton St.

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

Derek Swizz, Representing Savant LLC the owner of the property, spoke in favor of **PROPOSED ORDINANCE NO. 2025-03**. Mr. Swizz thanked the Council for their consideration and was present to answer any further questions they had in regard to the property.

Mr. Emmons stated he was happy that they were changing the property to R-1 as that was in his district and he had walked past there for many years when he was a child, and it was sentimental for him. Mr. Emmons stated he appreciated them taking over and bringing it back to being a residential home.

Question called for at 8:13PM for **PROPOSED ORDINANCE NO. 2025-03 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. 5927.**

PROPOSED ORDINANCE NO. 2025-04

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

Rezone from R-2 Two Family Residential to I-1 Light Industrial – 400 Block of E. 10th St.

Mr. Mammolenti reported the Land Use Planning Committee 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. 2025-04**. Mr. Prince stated this was the property immediately adjacent to the Central Services facility and they were just following up with the zoning as it was currently zoned R-2 and the proposed zoning that evening would change to I-1 which would allow them to build the storage building as intended. Mr. Prince stated as part of the hearing process, the Plan Commission sent out notice and there was no remonstrance at the meeting, and he was happy to answer any questions.

Mr. Hixenbaugh thanked the Administration for partnering with their friends from the Mishawaka Public Library on this and he thought it was a win-win for both entities, and he appreciated the work from everyone involved.

Question called for at 8:16PM for **PROPOSED ORDINANCE NO. 2025-04 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. 5928.**

NEW BUSINESS

Mr. Emmons made a reminder that the 1st District Monthly Meeting would be held at St. Bavo's on April 17th at 7PM with Phil Blasko, the Superintendent of the Parks Department as the guest speaker. Mr. Emmons stated all were welcome and as usual, doughnuts would be served from West End Bakery.

Mr. Mammolenti announced on Wednesday April 16th at 7PM, the Twin Branch Neighborhood Watch meeting would be holding their regular meeting at Fire Station #4 with Phil Blasko as their guest speaker. Mr. Mammolenti stated all were welcome.

The Common Council took a 10-minute recess prior to Mayor Dave Wood's State of the City Address.

MAYOR'S STATE OF THE CITY ADDRESS

Mayor Wood thanked everyone for joining him to talk about their favorite subject, their beloved Princess City. Mayor Wood stated this marked the 124th State of the City in Mishawaka's history and his 15th. Mayor Wood stated he would do his best to stick to the facts, not frustrate the staff with a bunch of unrealistic promises, and he might even let them in on a secret or two along the way. Mayor Wood thanked his team who made it all possible. Mayor Wood stated their hard work reflected the Mishawaka Way - focused, collaborative, and driven to serve. Mayor Wood stated they had created a sleek, easy to read, magazine style booklet, perfect for residents and businesses alike. Mayor Wood stated the State of their City was strong, safe, financially stable, and growing and that had been true for decades and it was still true today and that was the Mishawaka Way. Mayor Wood stated they were guided by the same values that built the city - vision, sacrifice, hard work, progress, and resilience and because of their shared commitment, Mishawaka was thriving with new energy, bold growth, and a future full of opportunity. Mayor Wood stated that year after year, they saw more energy and excitement pulsing through the Princess City. Mayor Wood stated they were growing faster, offering new amenities and opportunities on par with bigger cities. Mayor Wood stated yet, they were still protecting the hometown charm and their family values that set Mishawaka apart and it was a delicate balance of ambition and heart that made Mishawaka different. Mayor Wood stated they strived to maintain each and every day that Mishawaka Way and that was his theme for the State of the City. Mayor Wood stated it was more than just a slogan as it was how they did business, how they led, and how they served the people who called Mishawaka home. Mayor Wood stated it started with putting the community first and listening to their residents and responding to what really mattered to them. Mayor Wood stated they stayed focused on what improved lives right here, right now and it was purposeful planning, looking ahead, investing wisely, and building for the long term. Mayor Wood stated their growth was not just fast, it was thoughtful. Mayor Wood stated it was how they preserved what made Mishawaka special while preparing for the future and it was collaborative. Mayor Wood stated when leaders worked together, they got things done and around there, they worked together a lot and he appreciated that. Mayor Wood stated it was about not being afraid to try new things, but they stayed grounded in who they were - innovative with respect for tradition. Mayor Wood stated that was the balance they strived to strike, and it was about being accessible and transparent. Mayor Wood stated you could still talk to your mayor at the gas station, the grocery store, or at City Hall anytime or you could sit on the front porch with him at a community event. Mayor Wood stated at the end of the day, they led with heart, humility, and a deep love for Mishawaka, and it was not just public service, it was the Mishawaka Way. Mayor Wood stated that Mishawaka was strong because of the Mishawaka people and honored some lives of a couple of remarkable Mishawakans who they lost over the past year - Mary Lou Wood, Father Barry England, Ross Portolese, and Quinto Squadroni. Mayor Wood stated Mary Lou was like Mishawaka's mom with her warmth, faith, and servants heart touched generations. Mayor Wood stated her saying was "it's nice to be important, but it's important to be nice" and they were words we all should live by. Mayor Wood stated Ross and Quinto were like Mishawaka's dads as patriots, public servants, visionaries, and steady hands who helped shape the city they knew and loved. Mayor Wood stated Father Barry England was like the city's father and certainly like one to him. Mayor Wood stated he swore him in, blessed his office, blessed City Hall, and most of their facilities and memorials and he loved his adopted hometown. Mayor Wood stated these great Mishawakans were larger than life and they embodied the best of who they were. Mayor Wood stated their legacies were woven into the fabric of Mishawaka and it was up to them to carry their spirit and example forward. Mayor Wood stated the best way to keep Mishawaka strong and shape Mishawaka's future was to invest in their future leaders and that was what his Mayor's Youth Advisory Council was all about, and it remained his most important initiative. Mayor Wood stated since its start 15 years ago, 200 students had participated in the Youth Council, learning how local government worked, providing community service, and contributing to real city projects. Mayor Wood stated 33 exceptional students from schools all across the Princess City were helping lead the way that year. Mayor Wood stated they were recognized in the Governor's Office just last week and this was what servant leadership looked like, the Mishawaka Way. Mayor Wood stated Mishawaka's future was in great hands and their energy, empathy, and service-first mindset were exactly what gave him hope. Mayor Wood stated he was proud of each and every one of them and loved them like his own. Mayor Wood stated this would not happen without servant leaders leading the program and he thanked his wife Jaimi, his office coworkers Cindy, Debbie, and his intern Lizzette for their vision, their heart, and their help in guiding the young and amazing youth councilmembers. Mayor Wood stated every two years; his staff gives the Youth Council a major project with recent successes including Heroes Park, the design of the City Hall Community Room, and the Mish Pocket Park. Mayor Wood stated in 2024, the MYAC proudly launched Project Shoe City, a creative effort to reimagine and honor the legacy of Ball Band, the company that once made Mishawaka the shoe capital of the world. Mayor Wood stated that through this project, their youth were helping bridge the past with a bold and community focused art project. Mayor Wood stated their vision was to place 4 by 6 fiberglass shoe sculptures in high profile locations around the city that could be sponsored and decorated by organizations and businesses. Mayor Wood stated the sculptures would be backed up by a website accessible through a QR code on each and every shoe that would explain the history, the project, and map out each shoe along the shoe trail. Mayor Wood stated to watch for at least 15 shoes to hit the pavement in the fall of 2025. Mayor Wood stated the kids surpassed their goal of raising $35,000 in private donations and raise $88,134 plus a $35,000 match from Patronicity for a grand total of $123,134. Mayor Wood stated the project cultivated a lot of community excitement and to him, the project bridged much more than just history and art, it bridged generations around a subject that everyone could get excited about. Mayor Wood stated Mishawaka was safe and that there was no accident and it was the result of the professionalism and the dedication of the Mishawaka Police Department. Mayor Wood stated 2024 marked a milestone year with the retirement of their longest serving Chief, Ken Witkowski, after 19 long years in that position and his outstanding service. Mayor Wood stated that under his leadership, MPD transformed into the modern, well-trained force that they relied on today. Mayor Wood stated he also prepared his successor, Chief Alex Arendt, to lead with the same integrity and strength. Mayor Wood stated their department reflected the characters of its leaders and they were blessed to have two of the best anywhere. Mayor Wood stated last year in partnership with the City Council and the Fraternal Order of Police, they implemented an innovative 12-hour shift schedule. Mayor Wood stated the goals of it were to put more officers on the street, respond faster, and manage resources wisely and it had worked very well. Mayor Wood stated they were close to full capacity staff and were offering some of the highest pay in the state to attract and retain top talent. Mayor Wood stated in Mishawaka, public safety was and always would be their top priority. Mayor Wood stated he was proud to share that once again, crime had dropped in 2024 continuing a strong trend dropping 13 out of his 15 years as Mayor and the past 5 years in a row. Mayor Wood stated this did not happen by chance and was a result of outstanding police work, strong leadership, and a community that looked out for one another. Mayor Wood stated they would keep adapting, investing in their officers, and partnering with residents to face whatever challenges came their way because Mishawaka public safety was not only just a goal, but a commitment. Mayor Wood stated after nearly 3 years without a single homicide, they experienced 3 in recent months with each case being tragic, but it was important to note all were targeted with no random acts and none could have been prevented by patrols or proactive police work. Mayor Wood stated every case had been solved and the perpetrators were identified, apprehended, and were no longer a threat to the community. Mayor Wood stated one was ruled a justifiable homicide involving transit individuals and one was a domestic tragedy. Mayor Wood stated the first occurred on January 15th when a 17-year-old boy was killed in a shooting while inside a home near Mishawaka High School and hours after the incident, the first juvenile suspect, a 14-year-old was detained. Mayor Wood stated two days later, detectives from the Mishawaka Police Major Crimes Unit were able to develop information leading to the arrest of a second suspect, also a 17-year-old. Mayor Wood stated uniform patrol officers responded promptly, securing the scene and witnesses. Mayor Wood stated they quickly ascertained the initial information from County dispatch of an infant victim was inaccurate and quickly identified a teenage victim. Mayor Wood stated crime scene investigators and detectives worked together to locate suspects and evidence at multiple locations. Mayor Wood stated the coordinated efforts of all officers led to criminal charges from multiple suspects and the St. Joseph County Prosecutor reached out to commend MPD personally for their great work in this case and noted the diligence and dedication to achieving case resolution in a timely and efficient manner. Mayor Wood stated in the past year, they completed their largest fire station project in city history, the new station #2 at 25,000 square feet. Mayor Wood stated with five apparatus bays, the modern facility opened on time and on budget October 15th. Mayor Wood stated it included a survive alive house to teach kids fire safety, a public community room for meetings, and enhanced safety features to protect their firefighters at their work home and even a baby box thanks to a generous donation from a Mishawaka family. Mayor Wood stated the new station replaced their 60-year-old facility on North Main and they were actively exploring smart ways repurpose the old station. Mayor Wood stated last year, they reached a strong long-term contract with the Mishawaka firefighters and saw a small decline in run volume. Mayor Wood stated in Mishawaka, they believed excellence started with their people and their philosophy was to hire the best and plan for the worst. Mayor Wood stated at 3:08AM on March 12th, MFD Medic 1 was transporting a patient to the hospital when paramedic firefighter Max Olinger saw a fire on the roof of the Mile Phase II and he quickly reported the fire to County dispatch and crews led by Battalion Chief Jeff Hums quickly arrived on the scene and noticed heavy fire and it was obvious there was a major situation going on. Mayor Wood stated over the next 14 hours, world class response occurred with 8 chiefs in command of more than 100 firefighters over 2 shifts and deployment of 22 units in apparatus, five aerial trucks, and a thermal imaging drone. Mayor Wood stated MPD officers also secured the scene from traffic, the Mishawaka Street Department refueled trucks on scene as they fought fires and also blocked streets with barriers. Mayor Wood stated the Mishawaka Water Department also made sure that adequate pressure was supplied to firefighters who pumped over 10,000 gallons a minute on the fire without losing pressure to surrounding businesses or neighborhoods. Mayor Wood stated the Mishawka Electric Department secured power to the building and the Mishawaka Parks Department opened the Ironworks Building for firefighter use. Mayor Wood stated he was proud of the Mishawaka Fire Department for their outstanding work, which prevented a much worse situation. Mayor Wood also thanked the South Bend Fire Department, Clay Fire Territory, Penn Township Fire Department, and many local businesses and restaurants and reached out, came down to the scene, and provided food and refreshments to their firefighters on scene. Mayor Wood stated it was truly a team and community effort. Mayor Wood stated though the cause of the fire had not been officially announced, it was not suspicious in nature. Mayor Wood stated in Mishawaka, they prided themselves on excellence and when tested, they rose to the occasion. Mayor Wood stated they were put to the test on March 31st when the worst storm since the Palm Sunday tornadoes of 1965 hit the Princess City. Mayor Wood stated in just minutes, hurricane-force winds and possible tornadoes knocked out power to over 15,000 customers, brought down hundreds of trees, damaged homes – including one that caught fire – and overwhelmed County emergency dispatch with thousands of calls. Mayor Wood stated their crews from Central Services, Electric, Police, and Fire responded immediately. Mayor Wood stated that streets and alleys were cleared within hours, and by nightfall, most power was restored. Mayor Wood stated still, we recognized the scale of the damage and did something we've never done before—we requested mutual aid. Mayor Wood stated seven crews from Hoosier Edison and Bancroft Electric joined our four MU electric crews working 16-hour shifts. Mayor Wood stated together, they replaced over 30 utility poles and rebuilt entire sections of infrastructure. Mayor Wood stated all power was restored in just four days – ahead of regional recovery timelines. Mayor Wood personally thanked their lineman and mutual aid partners at Hoosier Ed and Bancroft, especially Kevin Wasmer, who led their emergency operations with calm, clarity, and command. Mayor Wood stated these men and women did not just restore power, but they reminded them of what made their team truly exceptional. Mayor Wood stated

Mishawaka was financially stable and that was because they did not just manage their finances, but they lead with discipline, transparency, and long-term vision. Mayor Wood stated under the steady leadership of Controller Rebecca Maguire and her team, they continued to prioritize fiscal conservatism while maintaining strong reserves and responsible growth. Mayor Wood stated their financial success was a team effort built on collaboration between elected officials, department managers, and community stakeholders all working together to serve their residents wisely and sustainably. Mayor Wood stated it was a distinguished honor to serve as president of AIM in 2025. Mayor Wood stated the prestigious, 125-year-old organization, represented the interests of Mishawaka and 350 other cities and towns across Indiana. Mayor Wood stated of all years to serve in role, he had to serve the year, the most volatile memory was at the Statehouse with a new governor and over a thousand bills filed, it felt as if local government was in the cross hairs and with it, their ability to fund the critical services that he detailed earlier. Mayor Wood stated he never thought he would be a lobbyist, but that was precisely what he had spent a lot of time doing the past couple months. Mayor Wood stated they had lobbied to preserve local funding for their vital public safety services, road funding, infrastructure funding, and to protect their utilities and defend their right to grow responsibly. Mayor Wood stated they were near the end of the legislative session and as he had been told, the mayor's best day of the year was when the general assembly packed up and went home. Mayor Wood stated there had been a lot of meetings and like any good negotiation, no one was leaving completely happy, and he was proud to say that in working with their Governor and legislators, their voice was heard loud and clear. Mayor Wood stated while they had some negative budget impact, it was not as near as bad as what was proposed or what could have been. Mayor Wood stated Mishawaka was clean and that was a must. Mayor Wood stated Code Enforcement was at the heart of their efforts to keep Mishawaka clean and their new Code Enforcement Director, Ken Witkowski, was off to a strong start – focused on resolving long-standing, persistent cases and strengthening accountability. Mayor Wood stated they were about to take on a major initiative in reviewing and updating decades-old codes, policies, and procedures. Mayor Wood stated a newly formed committee, including members of the Common Council, would help guide the important work. Mayor Wood stated they were committed to clean, safe, stable, and vibrant neighborhoods and that was The Mishawaka Way. Mayor Wood stated few services impacted Mishawaka's neighborhoods cleanliness more than their "No Trash Left Behind" curbside waste and recycling program. Mayor Wood stated through their new partnership with Waste Management, they helped keep their neighborhoods clean and their environment healthy. Mayor Wood stated in 2025, they rolled out a five-and-a-half-year contract after going through the bidding process, the first major change in nearly two decades. Mayor Wood stated the transition brought more than a few growing pains, but they were working through those growing pains and that was the Mishawaka Way. Mayor Wood stated Mishawaka was growing with purpose and momentum. Mayor Wood stated from US 20 Bypass, through their vibrant downtown to Toll Road Exit 83, and their now new athletic and entertainment campus anchored by the Mishawaka Fieldhouse, investment was happening throughout the Princess City. Mayor Wood stated in 2024, they saw $148.8 million in construction permits, well above their 10-year average. Mayor Wood stated that was a strong vote of confidence in Mishawaka's future. Mayor Wood stated as Mishawaka grew, so must their infrastructure and they were staying ahead with smart planning and strong partnerships. Mayor Wood stated in the summer, there would be updates to Ballard/Vistula, Vistula/Oakley/Lincolnway. Twelfth Street, Union/Bremen Highway, and a Summer Street Repaving Program to improve and enhance the many streets and roads throughout the City of

Mishawaka. Mayor Wood stated for a more comprehensive report and list of all of the upcoming projects, you could visit their engineers annual report at Mishawaka.gov. Mayor Wood stated they knew it had been tough getting around downtown near Cedar Street lately but that was about to change. Mayor Wood stated in partnership with St. Joseph County and funded by the federal government, they had been widening and restoring the Cedar Street Bridge, completing the final connection in their 3.5-mile Riverwalk loop from Logan to Cedar Street. Mayor Wood stated despite a few construction delays, they were now on track to finish ahead of schedule and the revised completion date had been adjusted to the 4th of July. Mayor Wood stated they were seeing strong residential housing growth and since 2023, they had approved nearly 700 new housing units including Mill Phase 2, Springs luxury apartments, and new single-family homes. Mayor Wood stated more was on the way, including 246 units at Grandview, 234 senior, affordable units at Stone Leaf Reserve, more than 100 units at the revitalized 100 Center, 50-75 new workforce homes in a new neighborhood in partnership with Habitat for Humanity, and hundreds of single-family home sites ready to build. Mayor Wood stated in 2027, they would have added 1,300 new homes which was a 5% increase since the 2020 Census. Mayor Wood stated this was smart, community-focused growth that strengthened their neighborhoods and secured their future. Mayor Wood stated up north, Grandview was one of the most transformative developments in their city's history. Mayor Wood stated with a $175 million investment, Phase II would break ground in the spring, bringing 246 apartments, 66 town homes, and a boutique hotel to SR 23 and Gumwood. Mayor Wood stated Grandview was more than new buildings though, it was about quality of life, walkability, green space, and community connected and it was designed to bring people together and strengthen their local economy with significantly higher long-term assessed value. Mayor Wood stated who would have thought that the Field of Highland subdivision developed by Habitat for Humanity back in 2018 with Jimmy and Rosalyn Carter Work Project would now be nearly complete with over 70 homes built. Mayor Wood stated they wanted to keep that momentum going so in 2024, they proudly partnered with Habitat for Humanity to secure property for the next subdivision by contributing $2 million in ARPA funds to create a new neighborhood at the former Oak Grove Mobile Home Park. Mayor Wood stated Habitat also secured $4.1 million in READI II funds and was also moving their new permanent home office right here to Mishawaka. Mayor Wood stated the partnership with Habitat had been transformational for the Princess City and would result in significant redevelopment in an area where it was much needed while treating current residents with compassion and dignity. Mayor Wood stated he looked forward to putting on the tool belt and swinging the hammer on property. Mayor Wood stated speaking of President Carter, he would never forget his friendship, example, and service to Mishawaka. Mayor Wood stated he built and opened many doors for them and him personally and he intended to walk through them. Mayor Wood concluded his comments regarding President Carter stating Rest in Peace, boss. Mayor Wood stated after years of decline and delay, the 100 Center and historic Kamm-Schellinger Brewery were finally getting the fresh start they deserved. Mayor Wood stated the city cleared the way for a great new partnership and project by demolishing the blighted Kamm Island Apartment. Mayor Wood stated the main brewery was now under local ownership, and plans were in motion to restore it into a vibrant mix of shops, restaurants, and residences. Mayor Wood stated in late 2024, they secured $5.7 million in READI II funds to help bring the vision to life, including 104 residential units, 20 short-term rentals, 75,000 square feet of commercial space, and a 85 student daycare. Mayor Wood stated the city had been investing in utility upgrades, Riverwalk connections, and a new event stage on Kamm Island to support the transformation. Mayor Wood stated it had been a long time coming but the momentum was real, and the future was bright at one of their city's most historic sites. Mayor Wood stated they were excited to announce a new Brownstone project was coming to downtown—a bold, smart investment in diverse, high-quality housing in one of their\ city's most walkable and vibrant areas near the corner of Main and Mishawaka Avenue. Mayor Wood stated blending timeless rowhouse charm with modern convenience, the owner-occupied homes were designed for professionals, families, and empty-nesters alike—offering easy access to the Riverwalk, parks, and downtown. Mayor Wood stated more than housing, the project reflected their values of smart growth, neighborhood revitalization, and convenient inner-city living. Mayor Wood stated after six years of planning the Mishawaka Fieldhouse opened last October—and it was already a game-changer. Mayor Wood stated 1.4 million were expected to walk through the doors that year, and with them, exposure to all that was good in the Princess City. Mayor Wood stated it was already putting Mishawaka on the map as a premier youth sports destination, while fueling growth for their hotels, restaurants, and small businesses. Mayor Wood stated the phone was ringing off the hook, not just because the parking lots were jam packed! Mayor Wood stated to expect some exciting economic development announcements in the area in the not-too-distant future. Mayor Wood stated this was more than a facility, it was a old investment in their economy and regional future. Mayor Wood stated in 2023, they reimagined the former City Hall block, partnering with local nonprofits to turn underused space into a vibrant community hub. Mayor Wood stated The Women's Care Center opened in 2024, bringing new life and lifesaving, important service to the former city hall campus. Mayor Wood stated United Way's 1Roof Center was transforming the old City Hall building into an $8 million hub for essential services—opening that year. Mayor Wood stated Mishawaka Building Trades students will soon begin building a new home on site, blending education with neighborhood investment. Mayor Wood stated together, the projects were restoring purpose, supporting people, and strengthening community on the former City Hall site. Mayor Wood stated redevelopment was underway at one of Downtown's most prominent corners, where a 25,000-square-foot outpatient healthcare facility was taking shape. Mayor Wood stated it would bring quality healthcare, new jobs, and fresh momentum; the project was set to be completed in early 2026—and was poised to spark even more revitalization in the heart of their city. The city had partnered with Beacon to add more public parking to their ever-growing downtown. Mayor Wood stated a lot of growth was happening downtown and they did not want to leave any block out of meeting its full potential. Mayor Wood stated their Comprehensive Plan survey made it clear: revitalizing downtown was a top priority for Mishawaka residents. Mayor Wood stated they didn't wait—they acted. Mayor Wood stated the goal was to reduce blight, preserve character, and attract vibrant local businesses like coffee shops, restaurants, retail, event spaces, and even upper floor living spaces that gave people a reason to gather and stay. Mayor Wood stated in late 2024, they launched the Downtown Grant and Forgivable Loan Program to breathe life into aging buildings and underused spaces in their Historic Downtown and West End. Mayor Wood stated this was funded with $500,000 in repaid COVID-era Economic Development funds with the program offers matching grants up to $50,000 for projects like façade and storefront improvements, murals and decorative lighting, hardscape and exterior enhancements, and even grease traps and fire suppression. Mayor Wood stated the program had been very well received and they had already approved of their first grant and many more were in the process. Mayor Wood stated it was the most robust program in the state and was rooted in community input, already delivering results, and was a shining example of listening, acting, and investing where it mattered most –

The Mishawaka Way. Mayor Wood stated late last year, the city officially took possession of the former Dodge manufacturing facility — a site rich in history and community pride. Mayor Wood stated they had secured the property and were now preparing for the next chapter: environmental cleanup, asbestos removal, and full redevelopment. Mayor Wood stated a Phase II environmental study was underway - and they just got some exciting news, it would be completely funded through a $200,000 grant from IFA. Mayor Wood stated demolition was expected to be bid in late 2025 and begin in 2026 and they were planning carefully and saving up for it, knowing it would take $13 million to do it right. Mayor Wood stated their long-term vision included extending 7th Street at Union to 6th Street at Laurel, creating expansion space for MFD Station 1 and Central Services facilities, and transforming the bulk of the site into affordable, workforce housing. Mayor Wood stated before demolition, they would be hosting a community walk-through — a chance for former workers and residents to say goodbye and honor the piece of our legacy. Mayor Wood gave a heartfelt thanks to their Central Services Department for cleaning and securing the site with their ingenuity and dedication, a true reflection of The Mishawaka Way. Mayor Wood stated The Veterans Walk at Battell Park was now complete, with the eternal flame lit — a powerful and lasting tribute to Mishawaka's fallen heroes. Mayor Wood stated the memorial ensured their sacrifice was never forgotten. Mayor Wood stated in 2024, they also restored the historic WWI Memorial Band-Shell, replacing the copper roof with a stunning new one, repairing stonework, and adding energy-efficient lighting to preserve the landmark for future generations. Mayor Wood stated they had also begun the thoughtful restoration of their beloved Battell Park Rock Garden, stabilizing its structure, sealing the pools, and removing invasive trees that threatened the integrity of the stonework. Mayor Wood stated in 2025, they would be completing the work with ornamental lighting, security upgrades, and botanical planting beds that reflected the garden's original vision and historic charm. Mayor Wood stated they planned to rededicate the iconic space on Memorial Day 2025, just in time for their great hometown tradition, the Mishawaka Memorial Day Parade. Mayor Wood stated in Mishawaka; they celebrated not just their people — but the places that brought them together. Mayor Wood stated neighborhood parks were at the heart of that, and he had made it a personal mission to reinvest in every one of them. Mayor Wood stated at the top of the list was Rose Park—and its transformation was well underway. Mayor Wood stated Phase I was complete with new restroom, playground and splashpad. Mayor Wood stated Phases II and III were fully funded and under construction now and set to finish later that year. Mayor Wood stated when done, Rose Park would reflect their city's spirit—blending tradition and fun with bocce ball, Belgian bolling, wiffle ball, a dog walk, and a new pump track designed and built by Mishawaka citizens and departments. Mayor Wood stated when completed, they intended to host new types of Mishawaka culturally significant events and to celebrate Mishawaka's unique immigrant population and history. Mayor Wood stated in the heart of one of their most historic neighborhoods, Normain Park was about to be completely imagined and would bring new life, energy, and purpose to a beloved community space. Mayor Wood stated work had already begun with demolition of the city's worst restroom and future plans included a playground for kids of all abilities, new shelter, and walking trails, updated ball diamonds, basketball courts, a splash pad, and a new restroom. Mayor Wood stated at the center of it all: a "Miracle Diamond" – a fully accessible turf baseball field designed for individuals with disabilities, would ensure everyone could play and belong. Mayor Wood stated the project was not fully funded but thanks to incredibly support from private donors, they had raised over $1 million to make the project a reality and they would be breaking ground on Phase One in 2025. Mayor Wood stated this was not just a park upgrade – it was a celebration of generosity, dignity, access, and community spirit – The Mishawaka Way. Mayor Wood stated the city had begun reimagining one of their most beloved green spaces – George Wilson Park. Mayor Wood stated the park was unique thanks to its topography courtesy of the last advance of glaciers during the Great Ice Age, known for its sledding hill and disc golf. Mayor Wood stated the passive park served generations of Mishawakans but as recreation evolved, so must they. Mayor Wood stated they were working with Visit South Bend/Mishawaka to transform George Wilson into a year-round destination – complete with expanded amenities and public access. Mayor Wood stated plans included a skiing, snowboarding, and tubing hill with a lift – usable even in the summer. Mayor Wood stated he would be making his State of the City Adress many more times during the year on his State of the City Traveling Roadshow Circuit, kicking off next month at Councilman Emmons' District Meeting. Mayor Wood promised more updates, more stories, and probably a few more bad dad jokes. Mayor Wood stated if that was not enough, all were welcome to come pull up a chair and join him at Front Porch Fridays during the summer. Mayor Wood stated it was a chance to sit down, sip on some lemonade, and talk about anything and everything Mishawaka with no agenda, just good conversation and community connection – The Mishawaka Way. Mayor Wood stated he hoped they got the sense of what they likely already knew which that Mishawaka was different, it was special, and it was the best hometown in America. Mayor Wood stated that evening's presentation was just a snapshot of the work their local government was doing every day and for the full story, he encouraged everyone to read the 2025 State of the City Report, now available at mishawaka.in.gov. Mayor Wood stated he was proud to say that the State of Their City was strong and getting stronger, because they stayed focused on what mattered most: safety, financial stability, infrastructure, economic opportunity, and quality of life. Mayor Wood stated they were investing in public safety, neighborhoods, parks, and jobs. Mayor Wood stated they remained one of the safest cities in the region and their economic momentum was real. Mayor Wood thanked their residents for the incredible honor of getting to serve them and stated it was a privilege he would never take for granted. Mayor Wood thanked all of their city employees and department heads as they were the best in the business, and it was his pleasure to get to work with them. Mayor Wood thanked the Common Council and Clerk Block for their collaboration and steady leadership. Mayor Wood stated that when mayors and councils worked together, things got done and Mishawaka moved forward. Mayor Wood thanked his wife Jaimi for allowing him to pursue his life's most important work and he could not and would not do it without her. Mayor Wood stated she had allowed him to take up his longtime dream of sailing as a hobby and it was a great escape and stress reliever which had come in handy over the past year. Mayor Wood stated these were fascinating times and there was a lot happening at all levels of government that had a direct influence on The Mishawaka Way. Mayor Wood stated they intended to defend and protect their interests vigorously and rough seas were all around that had a lot of impact on their ability to provide critical services in the Princess City – it was all an ill wind that blew no good. Mayor Wood stated but here in Mishawaka, they had a ship, captain, and crew in place to weather any storm and he could not be more confident in their future. Mayor Wood stated he saw fair winds and following seas ahead. Mayor Wood stated as they approached their city's bicentennial, they would continue honoring their past while building a future full of hope and promise in the best hometown in America – The Mishawaka Way. Mayor Wood concluded stating may the Princess always look over your shoulder, and may God continue to bless you, our residents, our staff, and the great City of Mishawaka.

ADJOURNMENT 9:17PM

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.

AP 25-11

Received
APR 11 2025
Planning and
Community Development

Deborah S. Block, IAMC, MMC
APR 12 2025
City Clerk
Mishawaka, IN

DATE: April 11, 2025

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

RE: Use Variance
811 West Catalpa Drive
Lot 7 Liberty Gardens 2nd Pro 4 37 3e
PARCELID 027-1020-029204

Current Owner:
City of Mishawaka, Redevelopment Commission
100 Lincolnway West
Mishawaka, IN 46544
574-258-1601

Applicant/Contingent Owner:
LOGAN Community Resources, Inc.
2505 E. Jefferson Blvd.
South Bend, IN 46615
574-289-4831

The undersigned appellant respectfully shows the Board:

1. The City of Mishawaka Redevelopment Commission is the current owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

   811 West Catalpa Drive

   Lot 7 Liberty Gardens 2nd Pro 4 37 3e
   PARCELID 027-1020-029204

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

3. The property is currently vacant. The City of Mishawaka proposes to donate the property to LOGAN Community Resources who intends to construct an 8-bedroom group home for persons with intellectual and developmental disabilities on the property equal or greater to in quality, size, and appearance to the plans attached as Exhibit "A" pages 1-8.

4. Appellant desires to allow for eight unrelated people with intellectual and developmental disabilities to reside in the home once constructed by LOGAN.

5. The Zoning Ordinance of the City of Mishawaka requires this residence to be a single-family dwelling (Residential R-1-District).

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

Strict adherence to the Ordinance would not enable people with intellectual and developmental disabilities to live in neighborhoods and communities with others while receiving the support they require.

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

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

No. People with intellectual and developmental disabilities make good neighbors and community members. The home will be staffed 24/7. Depending on the time of day and activities of the residents, one to three Direct Support Professionals will always be with them. The home will have one Residential Lead who provides direction and support to the staff of the home, is often present at the home, and reports to Program Leadership. 24-hour on-call support is also provided to personnel in the home. During traditional business hours, the residents will either be going to their job or receiving other LOGAN services.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

No. The area adjacent to the property is residential. Wherever possible, existing trees will remain on the property to present a boundary from the neighbors and enhance the look of the home and neighborhood.

(3) Does the need for the variance arise from some condition peculiar to the property involved?

Yes. The property is zoned no differently than other properties in the neighborhood. Strict adherence to the Ordinance would not enable people with intellectual and developmental disabilities to live in neighborhoods and communities with others while receiving the support they require.

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

Yes. Strict adherence to the Ordinance would not enable people with intellectual and developmental disabilities to live in neighborhoods and communities with others while receiving the support they require. In the event of any change in use or ownership, LOGAN agrees to submit a change in zoning or re-approval of a use variance. The use will not be transferable, and any further use of any structure built on the property shall comply with the R-1 single family residential requirement or shall be approved/re-approved by the city of Mishawaka.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

No. It makes use of vacant property in city. It enhances the neighborhood and the city of Mishawaka. Furthermore, it demonstrates a commitment to the inclusion of people with disabilities in Mishawaka neighborhoods.

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

Ken Prince, City of Mishawaka Redevelopment Commission

CONTACT PERSON for LOGAN Community Resources, Inc.:
Name: Cheryl Schade, VP/ Chief Program Officer
Address: 2505 E. Jefferson Blvd, South Bend, IN 46615
Day Phone Number: 574-289-4831
Fax Number: 574-544-5545
Email: Cheryls@logancenter.org

Exhibit A

ABONMARCHE

315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

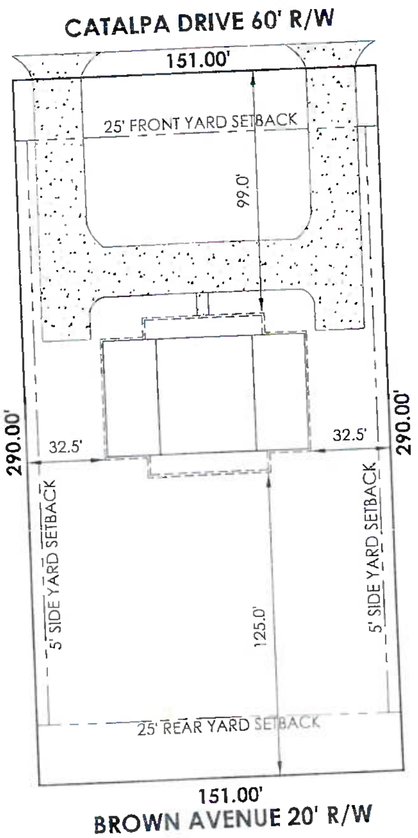
Benton Harbor
Grand Haven
Grand Rapids
Kalamazoo
Fort Wayne

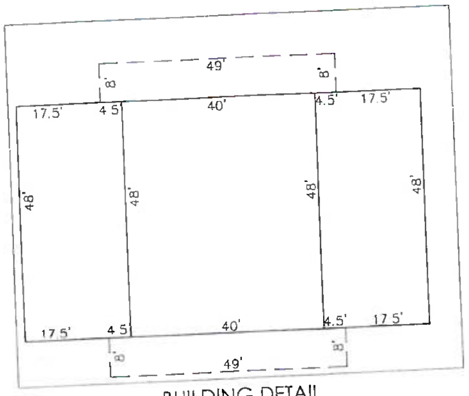
Goshen
Hobart
Lafayette
South Bend
Valparaiso

Engineering · Architecture · Land Surveying

LOT 7, LIBERTY GARDENS 2ND REPLAT UNRECORDED

SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST,
PENN TOWNSHIP, ST. JOSEPH COUNTY,
INDIANA





BUILDING DETAIL
SCALE: 1"=30'

NOTES:

1. FRONT & SIDE YARD SETBACK DIMENSIONS SHOWN ARE MEASURED TO HOUSE FACIA.
2. CONTRACTOR SHALL NOT PROCEED WITH ANY EXCAVATION OR CONSTRUCTION ACTIVITY UNTIL ALL PERMITS ARE OBTAINED.
3. THIS DRAWING DEPICTS THE APPROXIMATE LAYOUT OF THE LOT. FOR ACTUAL DIMENSIONS, SEE THE RECORDED FINAL PLAT.
4. WHEN BUILDING A STRUCTURE BELOW GRADE, SPECIAL CONSIDERATION SHOULD BE GIVEN TO SOIL CONDITIONS, FOUNDATION DESIGN, ETC. SUCH CONSIDERATION IS BEYOND, AND NOT PART OF, THE SCOPE OF THIS PLAN.

SCALE : 1" = 60'
BAR SCALE IN FEET

JOB NO. 25-0304

DRAWING FOR: BUILDING PERMITS ONLY
PREPARED FOR: LOGAN COMMUNITY RESOURCES

THE STRUCTURE IS APPROX. 99' FROM THE R/W

DATE OF FIELDWORK:
FIELDBOOK:
REVIEWED BY:
SCALE: 1"=60'

DATE: 03/05/2025
ZONING: MISHAWAKA R1
DRAWN BY: EMR
SHEET 1 OF 1

O:\Projects\2025\25-0304 Logan Community Resources Lot 7 Liberty Gardens\10 SURVEY\18 CAD\25-0304 Lot 7 Liberty Gardens 2nd Add unrecorded.dwg, SITE, 3/5/2025 11:10:34 AM, crozycki, Legal, 1:1

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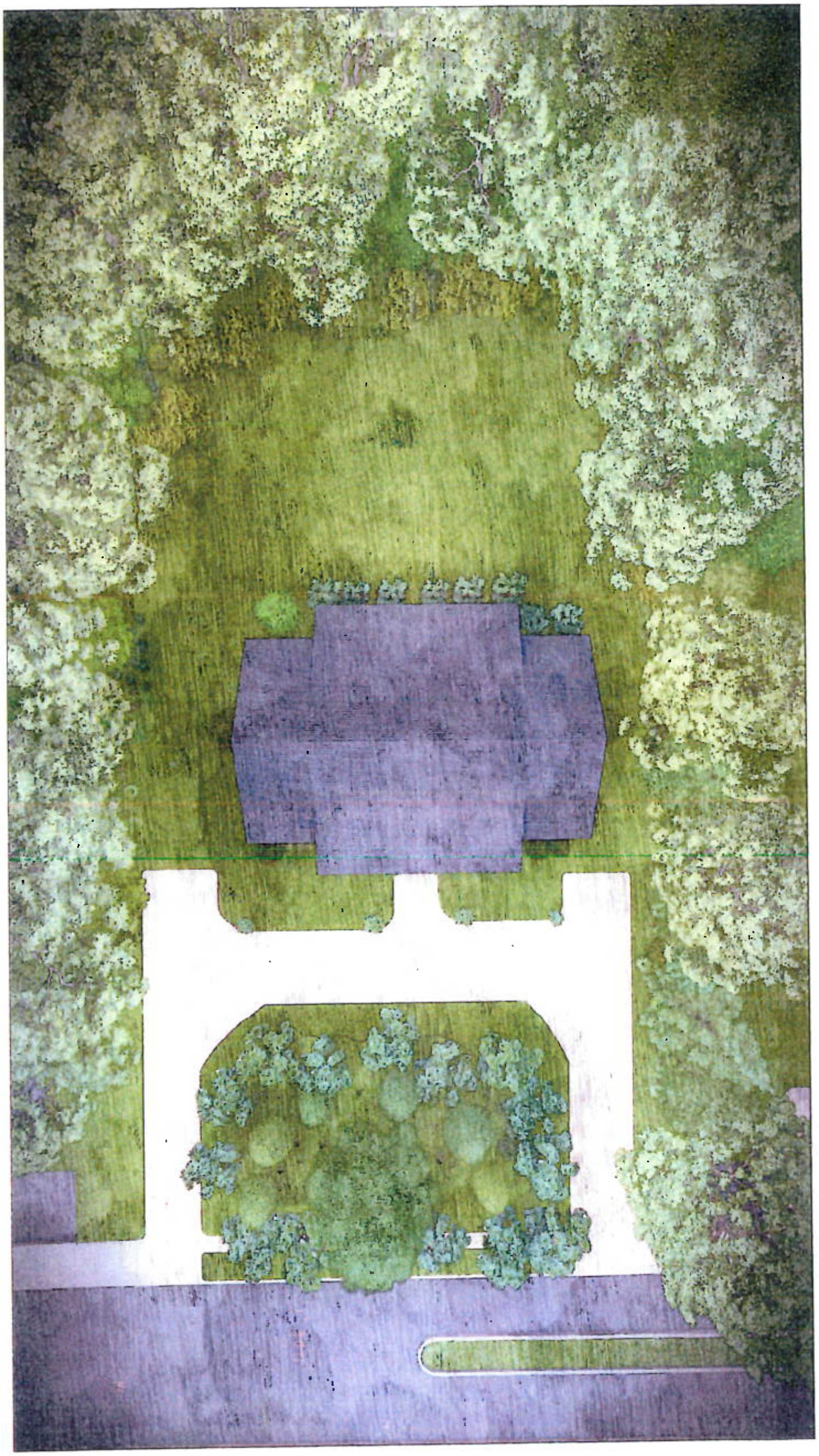

SHEET NO
1 of 3

ACI JOB #
25-0304

DATE
03/13/2025

QA/QC REVIEW

PM REVIEW

DESIGNED BY:

DRAWN BY:

SHEET TITLE:

PROJECT

ABONMARCHE

315 W. Jefferson Blvd.
South Bend, IN 46601
T 574 232.8700
F 574 251 4440
abonmarche.com

South Bend
Goshen
Valparaiso
Hobart
Ft. Wayne

Benton Harbor
Grand Haven
Grand Rapids
Kalamazoo
Lafayette

Engineering · Architecture · Land Surveying

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SHEET NO.
2 of 3

ACI JOB #
25-0304

DATE:
03/13/2025

QA/QC REVIEW

PM REVIEW

DESIGNED BY

DRAWN BY:

SHEET TITLE:

PROJECT:

ABONMARCHE

315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

South Bend
Goshen
Valparaiso
Hobart
Ft. Wayne

Benton Harbor
Grand Haven
Grand Rapids
Kalamazoo
Lafayette

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O:\Projects\2025\25-0304 Logan Community Resources Lot 7 Liberty Gardens\10 SURVEY\18 CAD\25-0304 Lot 7 Liberty Gardens 2nd Add unrecorded.dwg, PG3, 3/13/2025 1:57:24 PM, crezycki, 11 x 17, 1:1

SHEET NO.
3 of 3

AC JOB #
25-0304

DATE
03/13/2025

QA/QC REVIEW

PM REVIEW

DESIGNED BY

DRAWN BY

SHEET TITLE

PROJECT

ABONMARCHE

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South Bend, IN 46601
T 574.232.8700
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South Bend
Goshen
Valparaiso
Hobart
Ft. Wayne

Benton Harbor
Grand Haven
Grand Rapids
Kalamazoo
Lafayette

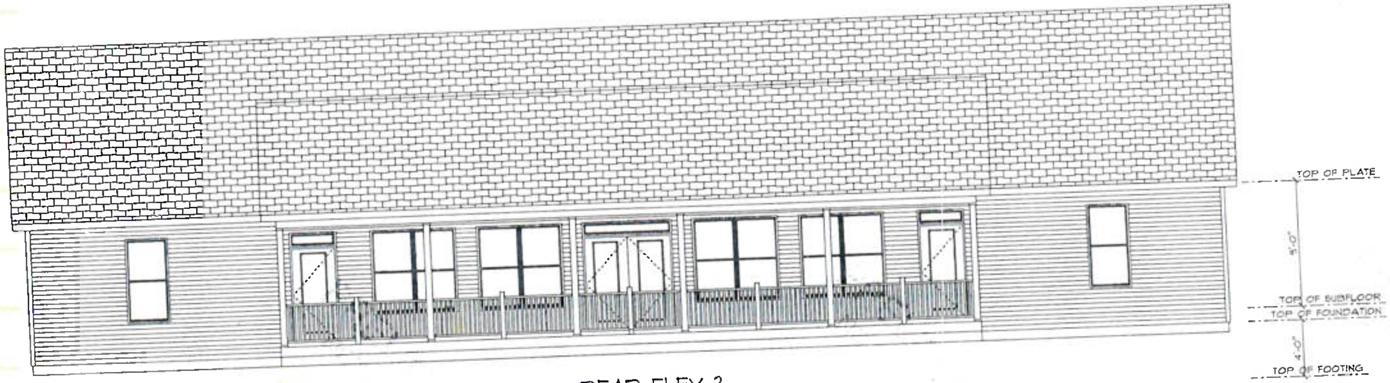
Engineering · Architecture · Land Surveying

PLEASE RECYCLE

* These plans are not approved, stamped or signed by an architect or engineer. *

- Double every other joist under kitchen and vanities
- LSL studs, walls that touch cabinets or vanities
- No interior sloping ceilings unless called out as a vault. Raise heels if needed.
- 4'x1' windows in the showers with the header all the way up
- 4'x1' windows in shower use obscure glass
- 2x4 exterior walls is standard
- Close basement stairs on two stories unless called out
- Show ½ wall on all stairs unless rails are noted

FRONT ELEV 2
SCALE: 1/4" = 1'-0"



REAR ELEV 2
SCALE: 1/4" = 1'-0"

DIMENSIONING, FLOOR, AND ROOF LOADING, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

NOTES:

- 2x6 EXTERIOR WALLS
- 9'-1 1/8" FIRST FLOOR WALL HT.
- 8' FOUNDATION WALLS (PARTIAL)
- 4' CRAWL FOUNDATION (PARTIAL)
- MAIN FLOOR LIVING AREA = 4,032 SQ. FT.

These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

RESIDENTIAL DRAFTING DEPARTMENT
574 .243 .3277
BIG C LUMBER

DESIGNED BY
LISA L

REVISIONS
12/21/2023
12/21/2023-2
01/12/2024
02/12/2024
08/28/2024
08/29/2024

FINAL

SCALE
1/4" = 1'-0"

DATE
8/29/2024

PROJECT NO
SP23265

FRONT/REAR ELEVATIONS

LOGAN CENTER

PLEASE RECYCLE

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- Double every other joist under kitchen and vanities
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- 4'x1' windows in the showers with the header all the way up
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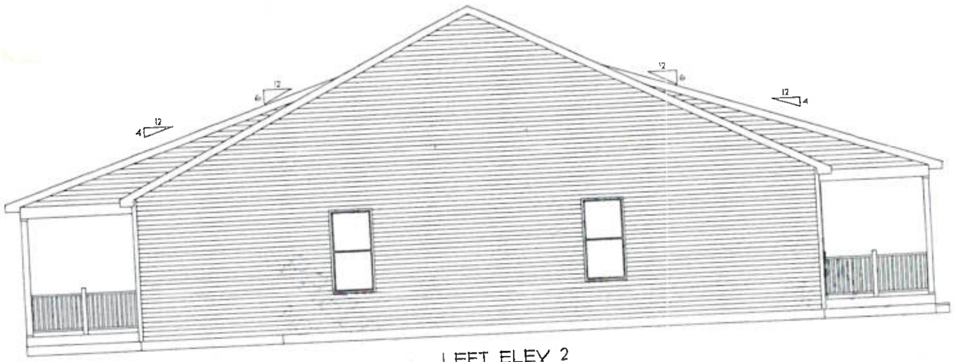
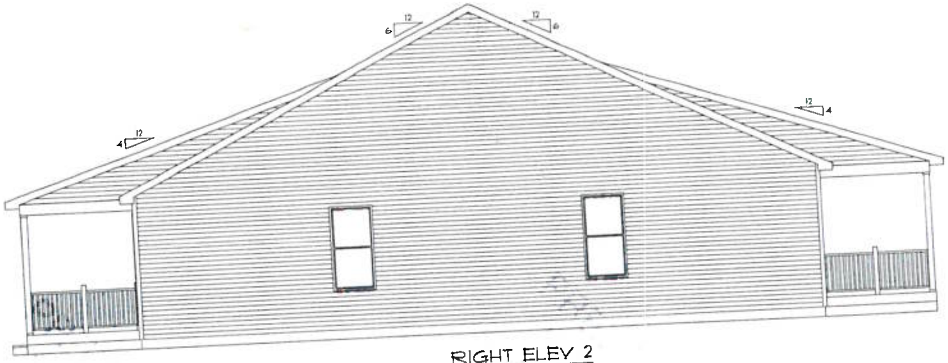
- Show ½ wall on all stairs unless rails are noted



LEFT ELEV 2
SCALE: 1/4" = 1'-0"



RIGHT ELEV 2
SCALE: 1/4" = 1'-0"

DIMENSIONING, FLOOR, AND ROOF LOADING, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

NOTES:

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- 9'-1 1/8" FIRST FLOOR WALL HT
- 8' FOUNDATION WALLS (PARTIAL)
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RESIDENTIAL DRAFTING
DEPARTMENT
574 243 3277
BIG C LUMBER

DESIGNED BY
LISA L

REVISIONS
12/21/2023
12/21/2023-2
01/12/2024
02/12/2024
06/28/2024
08/29/2024

FINAL

SCALE
1/4" = 1'-0"

DATE
8/29/2024

PROJECT NO
SP23265

LEFT/RIGHT ELEVATIONS

LOGAN CENTER

* These plans are not approved, stamped or signed by an architect or engineer. *

- Double every other joist under kitchen and vanities
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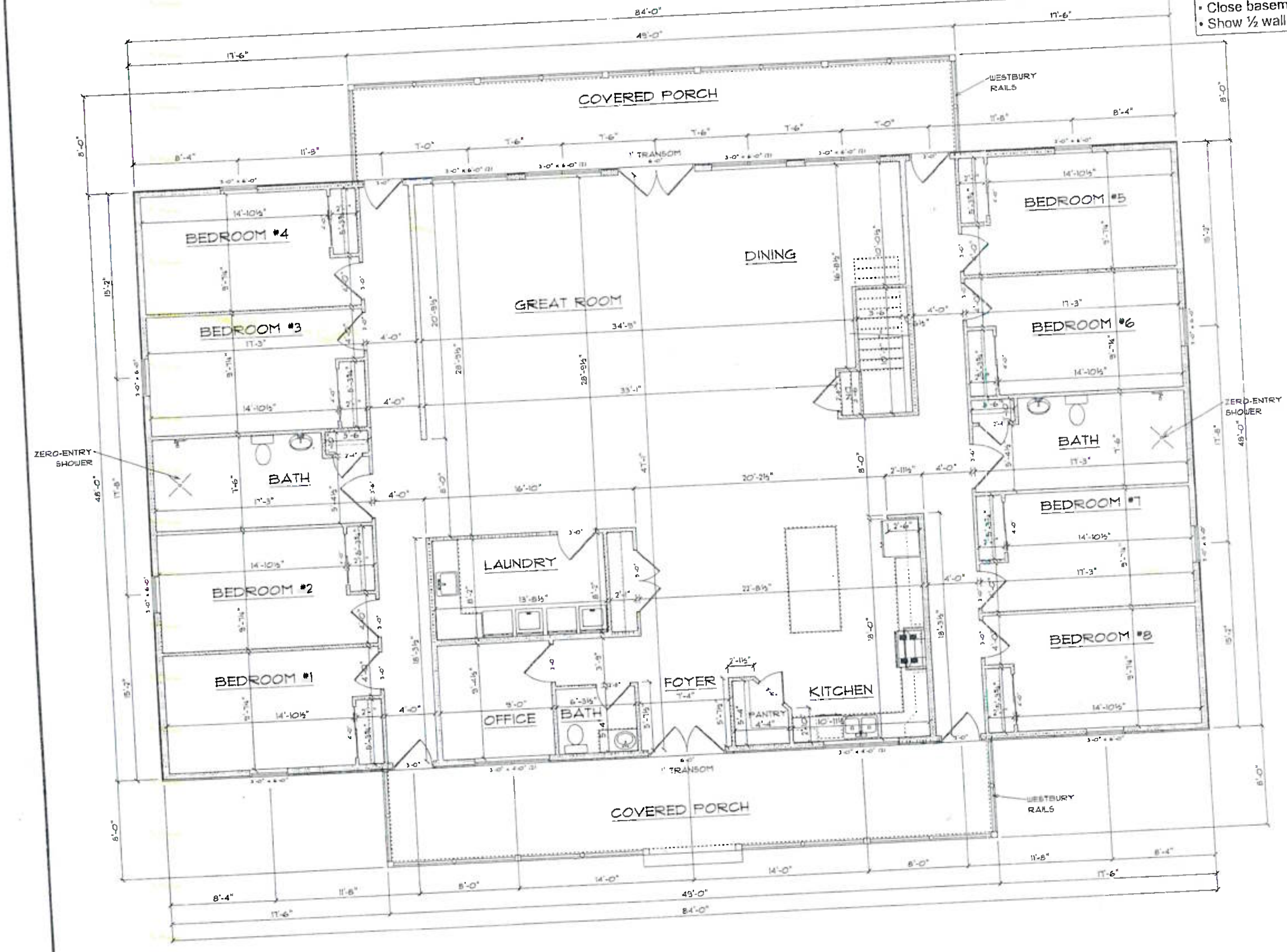
- Show ½ wall on all stairs unless rails are noted



MAIN FLOOR 2

SCALE: 1/4" = 1'-0"

These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

NOTES:

- 2x6 EXTERIOR WALLS
- 9'-1 1/8" FIRST FLOOR WALL HT.
- 8' FOUNDATION WALLS (PARTIAL)
- 4' CRAWL FOUNDATION (PARTIAL)
- MAIN FLOOR LIVING AREA = 4,032 SQ. FT.

DIMENSIONING, FLOOR, AND ROOF LOADING, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

RESIDENTIAL DRAFTING DEPARTMENT
574 .243 .3277
BIG C LUMBER

DESIGNED BY
LISA L

REVISIONS
12/21/2023
12/21/2023-2
01/12/2024
02/12/2024
04/28/2024
06/29/2024

FINAL

SCALE
1/4" = 1'-0"

DATE
8/29/2024

PROJECT NO
SP23265

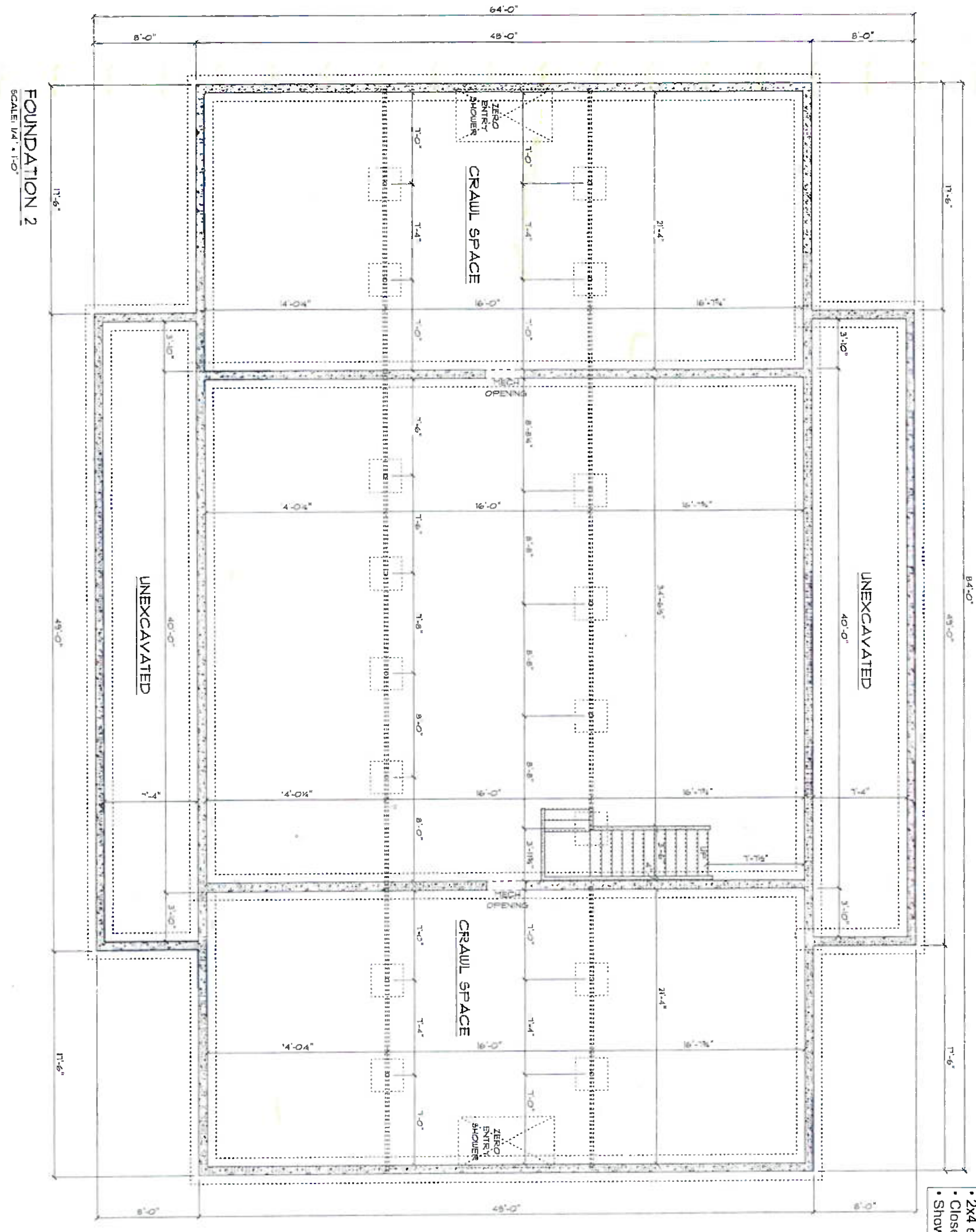
MAIN FLOOR PLAN

LOGAN CENTER

These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

FOUNDATION 2

SCALE: 1/4" = 1'-0"



* These plans are not approved, stamped or signed by an architect or engineer. *

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- Show ½ wall on all stairs unless rails are noted

DIMENSIONING, FLOOR, AND ROOF LOADING, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION

NOTES:

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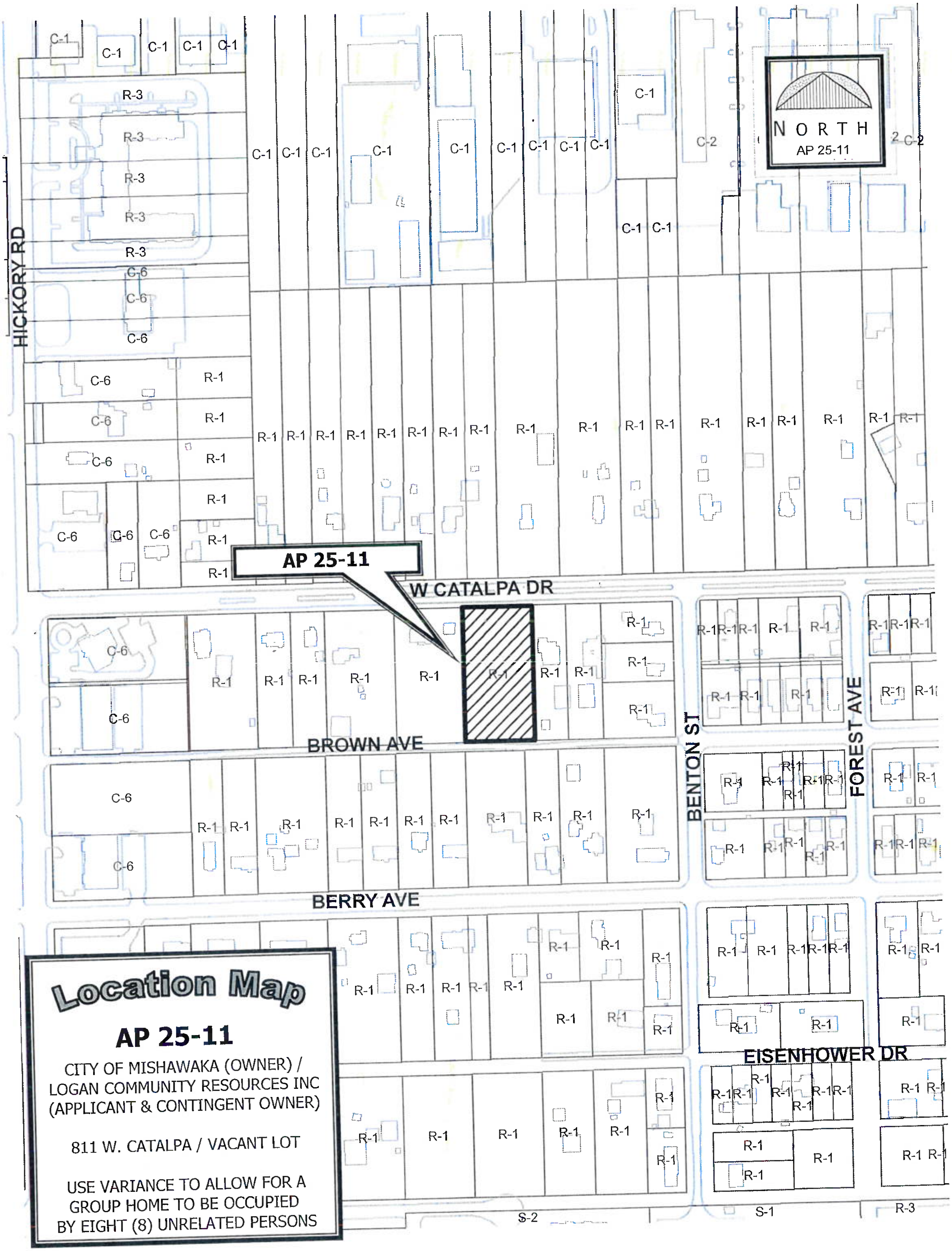
- 9'-1 1/8" FIRST FLOOR WALL HT.
- 8' FOUNDATION WALLS (PARTIAL)
- 4' CRAWL FOUNDATION (PARTIAL)
- MAIN FLOOR LIVING AREA = 4,032 SQ. FT.

RESIDENTIAL DRAFTING DEPARTMENT
574 .243 .3277
BIG C LUMBER

DESIGNED BY	REVISIONS	FINAL	SCALE	DATE	PROJECT NO.	FOUNDATION PLAN
LISA L	12/21/2023 12/21/2023-2 01/12/2024 02/12/2024 08/28/2024 08/29/2024		1/4" = 1'-0"	8/29/2024	SP23265	LOGAN CENTER



Location Map

AP 25-11

CITY OF MISHAWAKA (OWNER) /
LOGAN COMMUNITY RESOURCES INC
(APPLICANT & CONTINGENT OWNER)

811 W. CATALPA / VACANT LOT

USE VARIANCE TO ALLOW FOR A
GROUP HOME TO BE OCCUPIED
BY EIGHT (8) UNRELATED PERSONS

Deborah S. Block, IAMC, MMC
APR 12 2025
City Clerk
Mishawaka, IN

AP 25-13

Received
APR 16 2025
Planning and
Community Development

April 16, 2025

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Alliance Staffing Globalforce, Inc., am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Parcel I: The East 113 feet of Lot Lettered "D" in Martin's First addition to the City of Mishawaka, as per plat thereof, recorded October 19, 1925, in Plat Book 12, Page 41, in the Office of the Recorder of Saint Joseph County, Indiana.
Parcel II: Part of the Northeast Quarter of the Northeast Quarter of Section 9, Township 37 North, Range 3 East described as: Beginning at the southeast corner of Lot Lettered "D" as shown on the recorded Plat of Martin's First Addition to the City of Mishawaka; running thence South along the west line of Main Street in said City of Mishawaka, a distance of 42 feet; thence West, 110 feet, thence North , 42 feet to the South line of said Lot "D"; thence East along the South line of said Lot "D", 110 feet to the point of beginning and being known as Lot Numbered 1 on the unrecorded plat of Van Wiele's First Addition to the City of Mishawaka, in Saint Joseph County, Indiana.
Parcel III: Part of the Northeast Quarter of Section 9, Township 37North, Range 3 East, City of Mishawaka, Saint Joseph County, Indiana, which is described as: Beginning at a point on the West line of Main Street, which is 58.71 feet South of the south line of Colfax Avenue; thence South along the west line of Main Street, 180.00 feet; thence East, 10.00 feet; thence South, 180.18 feet; thence South 89°50'14" West, 422.21 feet, thence North 00°03'06" West, 198.00 feet; thence South 89°58'40" East, 302.03 feet; thence North, 163.50 feet; thence East, 110 feet to the Point of Beginning; EXCEPTING THEREFROM that part of the Northeast Quarter of Section, Township 37 North, Range 3 East, in the City of Mishawaka, saint Joseph County, Indiana, which is described as follows: Beginning at a point on the west line of Main Street, which is 222.21 feet South of the South Line of Colfax Avenue for the point of beginning; thence East, 10 feet; thence South along the West line of Main Street, 196.68 feet to an iron; thence West, 422.21 feet to an iron; thence North, 198 feet to an iron; thence East, 412.03 feet to the Point of beginning.

2. The above-described real estate presently has a zoning classification of R-1 Single Family District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies the above-described property in the following manner: The current use is vacant land.

4. Appellant desires a use variance to construct a small commercial building with a specific use of a Beauty/Barber Shop and additional small office space. This building shall be complimentary to that of the surrounding residential community, while including buffering between the school and residential uses, similar to that if it was zoned commercial.

5. The Zoning Ordinance of the City of Mishawaka, Section 137-165. – Uses, does not allow for any commercial use businesses with the residential districts, therefor this use variance, with designated uses, is being requested.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.
Strict adherence to the zoning ordinance would not allow for Beauty/Barber Shop, and office use. The surrounding area is of mixed residential, school and small office use. To rezone this parcel to commercial would allow for all types of retail sales, including that of tobacco and alcohol. The appellant desires a use variance to eliminate these types of sale within close proximity of the school.

7. Answer the following necessary questions for a developmental variance: n/a

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community? n/a

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? n/a

(3) Will strict application of the terms of this chapter result in practical difficulties in the use of the property? n/a

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? n/a

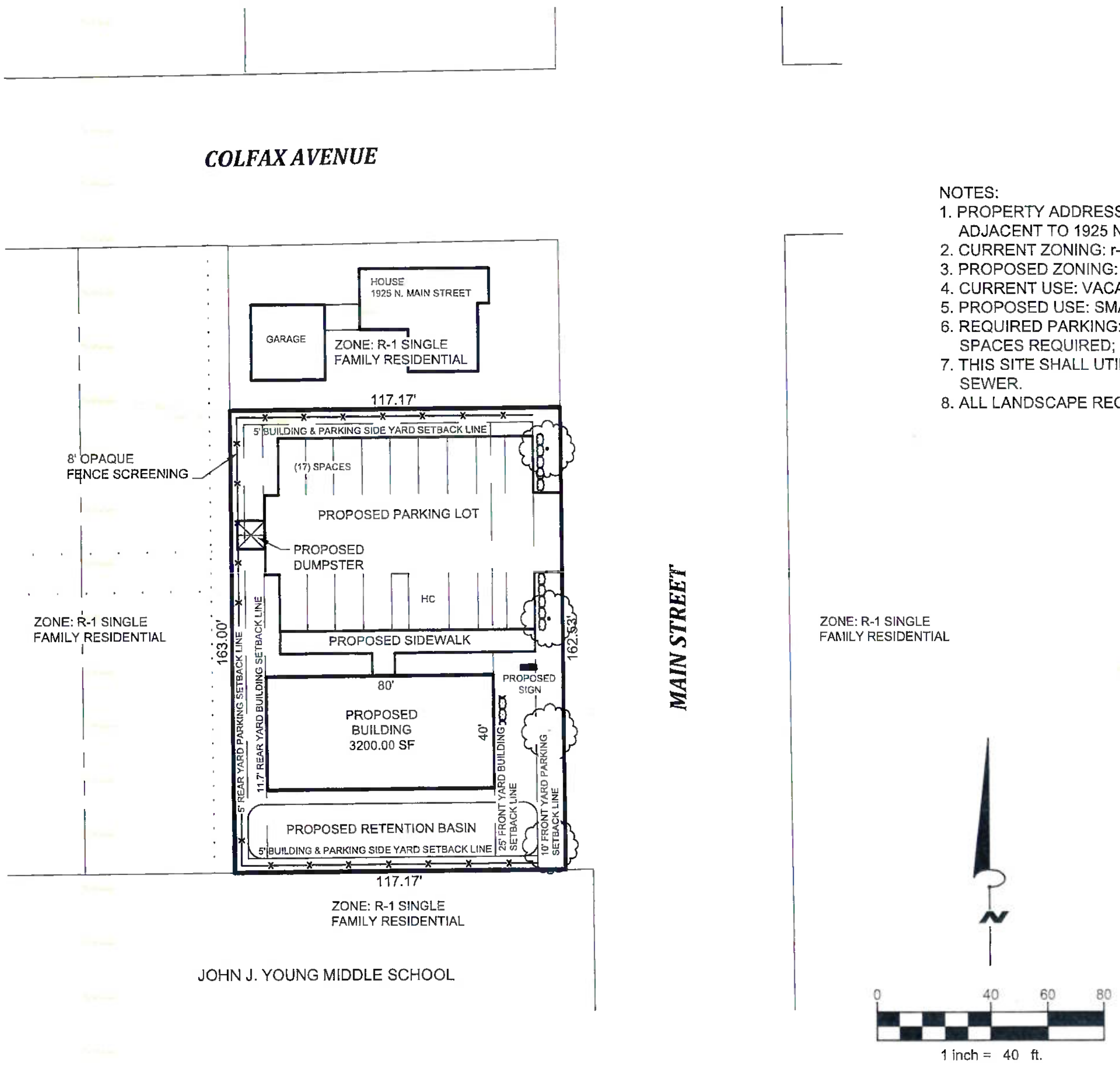
(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? n/a

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

Alliance Staffing Globalforce, Inc.
print name JORGE MORENO
12525 Beckley Street
Granger, Indiana 46530

CONTACT PERSON:

Wightman c/o Terry Lang
1402 Mishawaka Avenue
South Bend, Indiana 46615
574-233-1841
Tlang@gowightman.com
Day Phone Number:
Fax Number:
Email



NOTES:
1. PROPERTY ADDRESS: 0.43 ACRES OF VACANT LAND LYING SOUTH AND ADJACENT TO 1925 N. MAIN STREET. (TAX PARCEL No. 016-2046-1565)
2. CURRENT ZONING: r-1 SINGLE FAMILY RESIDENTIAL
3. PROPOSED ZONING: C-1 GENERAL COMMERCIAL
4. CURRENT USE: VACANT LAND
5. PROPOSED USE: SMALLER GENERAL COMMERCIAL BUSINESS USE.
6. REQUIRED PARKING: 4 SPACES PER 1000 SF OF GROSS FLOOR AREA = 13 SPACES REQUIRED; 17 SPACES PROVIDED.
7. THIS SITE SHALL UTILIZES ADJACENT MUNICIPAL WATER AND SANITARY SEWER.
8. ALL LANDSCAPE REQUIREMENTS SHALL BE MET.

Received
APR 04 2025
Planning and
Community Development

WIGHTMAN
1402 MISHAWAKA AVE
SOUTH BEND, IN 46615
574 233 1841
www.gowightman.com

PROJECT NAME
REZONE PETITION

ALLIANCE STAFFING GLOBALFORCE, INC.
12525 BECKLEY STREET
GRANGER, IN

REVISIONS

DATE: 04/02/2025
SCALE: 1" = 40'

SITE PLAN

JOB No.
Layout1

Location Map

AP 25-13

ALLIANCE STAFFING GLOBALFORCE, INC
(OWNER) / WIGHTMAN (CONSULTANT)

VACANT LOT SOUTH
OF 1925 N. MAIN ST.

USE VARIANCE TO ALLOW FOR A
BEAUTY/BARBAR SHOP AND/OR SMALL
OFFICE SPACE IN THE R-1 SINGLE-
FAMILY RESIDENTIAL DISTRICT

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: April 25, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: **Presentment of encumbered funds**

Due to contracts not completed or invoices not paid in the year in which they were budgeted, these earmarked dollars move forward to the next year's budget. Most are capital related and contractual as detailed in the attached report.

Please contact me with any questions.

c: David A. Wood

City Hall • 100 Lincolnway West • Mishawaka, IN 46544
Phone: (574) 258-1622 • Fax: (574) 258-1724 • www.mishawaka.in.gov

ENCUMBRANCES **PAGE-1**

The following appropriations which have been encumbered (carried forward by contract or purchase order) by this unit from the 2024 budget Year to the 2025 Budget year, identified by Fund, Department or Function, and by Major Budget classification as applicable.

County	Saint Joseph	Unit Name	Mishawaka	
514	2025	71	Date- 03/26/2025	
ID	YEAR	CO		
				DEPARTMENT
	FUND: GENERAL		01	**MAYOR**
		100000	PERSONAL SERVICES	
		200000	SUPPLIES	
		300000	OTHER SERVICES AND CHARGES	$216.99
		400000	CAPITAL OUTLAY	
		9999	TOTAL	$216.99
	FUND: GENERAL		02	**CONTROLLER**
		100000	PERSONAL SERVICES	
		200000	SUPPLIES	$1,252.68
		300000	OTHER SERVICES AND CHARGES	$68,546.97
		400000	CAPITAL OUTLAY	
		9999	TOTAL	$69,799.65
	FUND: GENERAL		03	**CLERK**
		100000	PERSONAL SERVICES	$761.55
		200000	SUPPLIES	$3,464.97
		300000	OTHER SERVICES AND CHARGES	$60.99
		400000	CAPITAL OUTLAY	
		9999	TOTAL	$4,287.51
	FUND: GENERAL		04	**HUMAN RESOURCES**
		100000	PERSONAL SERVICES	
		200000	SUPPLIES	$51.66
		300000	OTHER SERVICES AND CHARGES	$430.97
		400000	CAPITAL OUTLAY	
		9999	TOTAL	$482.63
	FUND: GENERAL		05	**INFORMATION TECHNOLOGY**
		100000	PERSONAL SERVICES	
		200000	SUPPLIES	$1,032.40
		300000	OTHER SERVICES AND CHARGES	$2,838.60
		400000	CAPITAL OUTLAY	
		9999	TOTAL	$3,871.00
	FUND: GENERAL		07	**CITY COUNCIL**
		100000	PERSONAL SERVICES	
		200000	SUPPLIES	$1,154.99
		300000	OTHER SERVICES AND CHARGES	$257.97
		400000	CAPITAL OUTLAY	
		9999	TOTAL	$1,412.96

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: April 25, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: **Presentment of voided two-year-old checks**

For the next meeting on April 25th is the presentment of voided two-year-old checks pursuant to IC 5-11-10.5. All checks outstanding and unpaid for a period of two years as of December 31st of each year are voided and receipted back into their original fund. No action by the council is required.

Please contact me with any questions.

c: David A. Wood

City Hall • 100 Lincolnway West • Mishawaka, IN 46544
Phone: (574) 258-1622 • Fax: (574) 258-1724 • www.mishawaka.in.gov

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Transaction Amount	Reconciled Amount	Difference

LCGN - LCB GENERAL

Check

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Transaction Amount	Reconciled Amount	Difference
79923	04/19/2022	Open			Accounts Payable	$250.00		

Paying Fund	Cash Account	Amount
1101 - General	1101.101 (Cash- Lake City-7322)	$250.00

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Transaction Amount	Reconciled Amount	Difference
80461	05/17/2022	Open			Accounts Payable	$5.00		

Paying Fund	Cash Account	Amount
1101 - General	1101.101 (Cash- Lake City-7322)	$5.00

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Transaction Amount	Reconciled Amount	Difference
81240	06/14/2022	Open			Accounts Payable	$10.00		

Paying Fund	Cash Account	Amount
1101 - General	1101.101 (Cash- Lake City-7322)	$10.00

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Transaction Amount	Reconciled Amount	Difference
82482	07/26/2022	Open			Accounts Payable	$76.66		

Paying Fund	Cash Account	Amount
1101 - General	1101.101 (Cash- Lake City-7322)	$76.66

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Transaction Amount	Reconciled Amount	Difference
82797	08/09/2022	Open			Accounts Payable	$90.00		

Paying Fund	Cash Account	Amount
1101 - General	1101.101 (Cash- Lake City-7322)	$90.00

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Transaction Amount	Reconciled Amount	Difference
85476	11/29/2022	Open			Accounts Payable	$80.70		

Paying Fund	Cash Account	Amount
1101 - General	1101.101 (Cash- Lake City-7322)	$80.70

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Transaction Amount	Reconciled Amount	Difference
86338A	12/29/2022	Open			Accounts Payable	$1,697.28		

Paying Fund	Cash Account	Amount
1101 - General	1101.101 (Cash- Lake City-7322)	$1,697.28
2209 - County Economic Development Income Tax	2209.101 (Cash- Lake City-7322)	$1,489.28
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$973.44

TOTAL (GENERAL) **2,209.64** **MISG**

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Transaction Amount	Reconciled Amount	Difference
86338B	12/29/2022	Open			Accounts Payable	$1,489.28		

Paying Fund	Cash Account	Amount
1101 - General	1101.101 (Cash- Lake City-7322)	$1,697.28
2209 - County Economic Development Income Tax	2209.101 (Cash- Lake City-7322)	$1,489.28
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$973.44

TOTAL (CEDIT) **$1,489.28** **RECD**

86338C	12/29/2022	Open	Accounts Payable	$973.44

Paying Fund	Cash Account	Amount
1101 - General	1101.101 (Cash- Lake City-7322)	$1,697.28
2209 - County Economic Development Income Tax	2209.101 (Cash- Lake City-7322)	$1,489.28
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$973.44

TOTAL (ELECTRIC MISC) **$973.44** **ELOR**

81470	06/14/2022	Open	Accounts Payable	$2,396.00

Paying Fund	Cash Account	Amount
2301 - Donations - Park	2301.101 (Cash- Lake City-7322)	$2,396.00

82412	07/26/2022	Open	Accounts Payable	$36.00

Paying Fund	Cash Account	Amount
2204 - Park and Recreation - Operating	2204.101 (Cash- Lake City-7322)	$36.00

TOTAL (PARK MISC) **$2,432.00** **MISP**

82059	07/12/2022	Open	Accounts Payable	$50.00

Paying Fund	Cash Account	Amount
6207 - Sewage Utility Sewer Insurance	6207.101 (Cash- Lake City-7322)	$50.00

TOTAL (SEWER MISC) **$50.00** **MSIN**

85876	12/13/2022	Open	Accounts Payable	$700.00

Paying Fund	Cash Account	Amount
6101 - Water Utility Operating	6101.101 (Cash- Lake City-7322)	$700.00

TOTAL (WATER MISC) **$700.00** **WTRO**

77376 01/11/2022 Open Accounts Payable $113.20

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$113.20

77380 01/11/2022 Open Accounts Payable $3.15

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$3.15

77381 01/11/2022 Open Accounts Payable $19.97

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$19.97

77395 01/11/2022 Open Accounts Payable $61.61

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$61.61

77409 01/11/2022 Open Accounts Payable $2.30

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.30

77443 01/11/2022 Open Accounts Payable $67.12

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$67.12

77450 01/11/2022 Open Accounts Payable $216.16

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$216.16

77453 01/11/2022 Open Accounts Payable $3.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$3.00

77479 01/11/2022 Open Accounts Payable $8.51

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$8.51

77483 01/11/2022 Open Accounts Payable $48.83

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$48.83

77496 01/11/2022 Open Accounts Payable $97.97

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$97.97

77500 01/11/2022 Open Accounts Payable $152.46

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$152.46

77513 01/11/2022 Open Accounts Payable $28.79

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$28.79

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

77520 01/11/2022 Open Accounts Payable $43.71

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$43.71

77526 01/11/2022 Open Accounts Payable $1.41

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$1.41

77533 01/11/2022 Open Accounts Payable $5.13

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$5.13

77543 01/11/2022 Open Accounts Payable $12.32

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$12.32

77545 01/11/2022 Open Accounts Payable $64.08

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$64.08

77557 01/11/2022 Open Accounts Payable $5.91

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$5.91

77559 01/11/2022 Open Accounts Payable $2.61

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.61

77562 01/11/2022 Open Accounts Payable $0.24

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$0.24

77566 01/11/2022 Open Accounts Payable $2.56

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.56

77570 01/11/2022 Open Accounts Payable $60.94

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$60.94

77575 01/11/2022 Open Accounts Payable $1,116.61

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$1,116.61

78009 02/08/2022 Open Accounts Payable $82.41

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$82.41

78015 02/08/2022 Open Accounts Payable $24.85

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$24.85

78021 02/08/2022 Open Accounts Payable $112.79

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$112.79

78031 02/08/2022 Open Accounts Payable $77.01

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$77.01

78038 02/08/2022 Open Accounts Payable $43.31

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$43.31

78041 02/08/2022 Open Accounts Payable $1.72

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$1.72

78053 02/08/2022 Open Accounts Payable $71.66

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$71.66

78054 02/08/2022 Open Accounts Payable $40.02

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$40.02

78055 02/08/2022 Open Accounts Payable $100.24

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$100.24

78069 02/08/2022 Open Accounts Payable $5.01

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$5.01

78072 02/08/2022 Open Accounts Payable $53.81

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$53.81

78074 02/08/2022 Open Accounts Payable $1.56

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$1.56

78087 02/08/2022 Open Accounts Payable $151.06

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$151.06

78097 02/08/2022 Open Accounts Payable $9.66

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$9.66

78104 02/08/2022 Open Accounts Payable $19.34

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$19.34

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

78122 02/08/2022 Open Accounts Payable $18.87

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$18.87

78127 02/08/2022 Open Accounts Payable $95.61

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$95.61

78398 02/22/2022 Open Accounts Payable $64.06

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$64.06

78399 02/22/2022 Open Accounts Payable $34.88

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$34.88

78409 02/22/2022 Open Accounts Payable $11.90

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$11.90

78410 02/22/2022 Open Accounts Payable $36.27

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$36.27

78412 02/22/2022 Open Accounts Payable $7.68

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$7.68

78419 02/22/2022 Open Accounts Payable $133.32

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$133.32

78421 02/22/2022 Open Accounts Payable $7.26

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$7.26

78433 02/22/2022 Open Accounts Payable $1.94

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$1.94

78456 02/22/2022 Open Accounts Payable $53.37

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$53.37

78475 02/22/2022 Open Accounts Payable $20.29

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$20.29

78729 03/08/2022 Open Accounts Payable $35.99

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$35.99

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

78734 03/08/2022 Open Accounts Payable $78.67

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$78.67

78736 03/08/2022 Open Accounts Payable $13.08

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$13.08

78738 03/08/2022 Open Accounts Payable $4.53

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$4.53

78754 03/08/2022 Open Accounts Payable $100.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$100.00

78763 03/08/2022 Open Accounts Payable $210.15

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$210.15

78764 03/08/2022 Open Accounts Payable $60.13

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$60.13

78766 03/08/2022 Open Accounts Payable $54.63

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$54.63

78775 03/08/2022 Open Accounts Payable $2.63

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.63

78782 03/08/2022 Open Accounts Payable $81.05

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$81.05

79029 03/22/2022 Open Accounts Payable $97.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$97.00

79030 03/22/2022 Open Accounts Payable $60.31

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$60.31

79037 03/22/2022 Open Accounts Payable $76.26

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$76.26

79048 03/22/2022 Open Accounts Payable $3.80

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$3.80

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

79050 03/22/2022 Open Accounts Payable $6.55

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$6.55

79060 03/22/2022 Open Accounts Payable $40.99

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$40.99

79091 03/22/2022 Open Accounts Payable $136.04

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$136.04

79094 03/22/2022 Open Accounts Payable $96.79

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$96.79

79103 03/22/2022 Open Accounts Payable $125.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$125.00

79111 03/22/2022 Open Accounts Payable $63.95

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$63.95

79377 04/05/2022 Open Accounts Payable $236.23

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$236.23

79386 04/05/2022 Open Accounts Payable $41.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$41.00

79389 04/05/2022 Open Accounts Payable $10.99

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$10.99

79390 04/05/2022 Open Accounts Payable $53.31

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$53.31

79391 04/05/2022 Open Accounts Payable $5.64

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$5.64

79400 04/05/2022 Open Accounts Payable $56.72

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$56.72

79404 04/05/2022 Open Accounts Payable $0.44

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$0.44

79407 04/05/2022 Open Accounts Payable $19.87

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$19.87

79625 04/19/2022 Open Accounts Payable $169.54

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$169.54

79640 04/19/2022 Open Accounts Payable $0.01

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$0.01

79663 04/19/2022 Open Accounts Payable $273.78

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$273.78

79664 04/19/2022 Open Accounts Payable $66.23

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$66.23

79678 04/19/2022 Open Accounts Payable $52.81

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$52.81

79682 04/19/2022 Open Accounts Payable $89.23

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$89.23

79683 04/19/2022 Open Accounts Payable $96.46

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$96.46

79691 04/19/2022 Open Accounts Payable $84.67

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$84.67

79715 04/19/2022 Open Accounts Payable $352.06

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$352.06

79719 04/19/2022 Open Accounts Payable $0.52

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$0.52

79732 04/19/2022 Open Accounts Payable $73.19

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$73.19

79738 04/19/2022 Open Accounts Payable $45.57

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$45.57

79742 04/19/2022 Open Accounts Payable $33.42

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$33.42

79754 04/19/2022 Open Accounts Payable $85.83

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$85.83

79767 04/19/2022 Open Accounts Payable $1.05

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$1.05

79784 04/19/2022 Open Accounts Payable $86.20

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$86.20

80026 05/03/2022 Open Accounts Payable $81.86

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$81.86

80030 05/03/2022 Open Accounts Payable $48.01

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$48.01

80039 05/03/2022 Open Accounts Payable $116.20

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$116.20

80046 05/03/2022 Open Accounts Payable $86.88

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$86.88

80304 05/17/2022 Open Accounts Payable $11.23

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$11.23

80333 05/17/2022 Open Accounts Payable $69.78

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$69.78

80339 05/17/2022 Open Accounts Payable $156.57

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$156.57

80344 05/17/2022 Open Accounts Payable $751.43

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$751.43

80370 05/17/2022 Open Accounts Payable $175.81

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$175.81

80372 05/17/2022 Open Accounts Payable $9.65

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$9.65

80387 05/17/2022 Open Accounts Payable $184.22

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$184.22

80391 05/17/2022 Open Accounts Payable $287.04

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$287.04

80403 05/17/2022 Open Accounts Payable $85.56

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$85.56

80408 05/17/2022 Open Accounts Payable $84.46

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$84.46

80706 05/31/2022 Open Accounts Payable $126.62

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$126.62

80710 05/31/2022 Open Accounts Payable $170.97

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$170.97

80713 05/31/2022 Open Accounts Payable $11.04

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$11.04

80717 05/31/2022 Open Accounts Payable $21.26

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$21.26

80718 05/31/2022 Open Accounts Payable $25.54

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$25.54

80719 05/31/2022 Open Accounts Payable $10.62

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$10.62

80724 05/31/2022 Open Accounts Payable $26.03

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$26.03

80728 05/31/2022 Open Accounts Payable $21.63

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$21.63

80729 05/31/2022 Open Accounts Payable $18.06

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$18.06

80748 05/31/2022 Open Accounts Payable $2.92

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.92

80753 05/31/2022 Open Accounts Payable $82.62

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$82.62

80778 05/31/2022 Open Accounts Payable $82.57

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$82.57

80788 05/31/2022 Open Accounts Payable $9.49

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$9.49

80797 05/31/2022 Open Accounts Payable $37.23

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$37.23

81029 06/14/2022 Open Accounts Payable $6.64

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$6.64

81039 06/14/2022 Open Accounts Payable $101.76

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$101.76

81052 06/14/2022 Open Accounts Payable $132.85

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$132.85

81053 06/14/2022 Open Accounts Payable $29.46

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$29.46

81056 06/14/2022 Open Accounts Payable $7.41

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$7.41

81073 06/14/2022 Open Accounts Payable $199.83

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$199.83

81076 06/14/2022 Open Accounts Payable $70.49

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$70.49

81089 06/14/2022 Open Accounts Payable $53.86

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$53.86

81097 06/14/2022 Open Accounts Payable $114.74

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$114.74

81115 06/14/2022 Open Accounts Payable $0.10

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$0.10

81123 06/14/2022 Open Accounts Payable $186.65

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$186.65

81124 06/14/2022 Open Accounts Payable $3.59

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$3.59

81132 06/14/2022 Open Accounts Payable $14.72

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$14.72

81133 06/14/2022 Open Accounts Payable $97.82

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$97.82

81147 06/14/2022 Open Accounts Payable $60.54

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$60.54

81168 06/14/2022 Open Accounts Payable $37.03

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$37.03

81174 06/14/2022 Open Accounts Payable $59.36

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$59.36

81176 06/14/2022 Open Accounts Payable $76.83

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$76.83

81186 06/14/2022 Open Accounts Payable $94.86

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$94.86

81506 06/28/2022 Open Accounts Payable $642.55

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$642.55

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

81522 06/28/2022 Open Accounts Payable $162.84

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$162.84

81526 06/28/2022 Open Accounts Payable $117.75

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$117.75

81541 06/28/2022 Open Accounts Payable $47.11

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$47.11

81547 06/28/2022 Open Accounts Payable $56.47

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$56.47

81562 06/28/2022 Open Accounts Payable $51.99

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$51.99

81570 06/28/2022 Open Accounts Payable $28.24

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$28.24

81847 07/12/2022 Open Accounts Payable $93.61

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$93.61

81852 07/12/2022 Open Accounts Payable $13.73

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$13.73

81854 07/12/2022 Open Accounts Payable $49.78

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$49.78

81857 07/12/2022 Open Accounts Payable $49.09

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$49.09

81860 07/12/2022 Open Accounts Payable $29.37

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$29.37

81861 07/12/2022 Open Accounts Payable $53.80

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$53.80

81878 07/12/2022 Open Accounts Payable $64.68

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$64.68

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

81880 07/12/2022 Open Accounts Payable $44.06

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$44.06

81889 07/12/2022 Open Accounts Payable $182.13

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$182.13

81891 07/12/2022 Open Accounts Payable $63.43

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$63.43

81895 07/12/2022 Open Accounts Payable $124.64

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$124.64

81896 07/12/2022 Open Accounts Payable $0.30

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$0.30

81902 07/12/2022 Open Accounts Payable $55.96

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$55.96

82206 07/26/2022 Open Accounts Payable $33.66

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$33.66

82217 07/26/2022 Open Accounts Payable $55.73

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$55.73

82220 07/26/2022 Open Accounts Payable $152.83

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$152.83

82223 07/26/2022 Open Accounts Payable $116.56

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$116.56

82232 07/26/2022 Open Accounts Payable $33.97

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$33.97

82237 07/26/2022 Open Accounts Payable $96.22

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$96.22

82238 07/26/2022 Open Accounts Payable $74.95

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$74.95

82278 07/26/2022 Open Accounts Payable $8.64

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$8.64

82285 07/26/2022 Open Accounts Payable $99.74

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$99.74

82287 07/26/2022 Open Accounts Payable $23.01

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$23.01

82288 07/26/2022 Open Accounts Payable $178.03

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$178.03

82306 07/26/2022 Open Accounts Payable $6.71

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$6.71

82310 07/26/2022 Open Accounts Payable $92.85

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$92.85

82320 07/26/2022 Open Accounts Payable $84.26

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$84.26

82324 07/26/2022 Open Accounts Payable $21.23

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$21.23

82326 07/26/2022 Open Accounts Payable $60.57

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$60.57

82426 07/26/2022 Open Accounts Payable $17.88

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$17.88

82593 08/09/2022 Open Accounts Payable $58.89

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$58.89

82594 08/09/2022 Open Accounts Payable $169.77

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$169.77

82595 08/09/2022 Open Accounts Payable $58.53

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$58.53

82609 08/09/2022 Open Accounts Payable $3.81

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$3.81

82620 08/09/2022 Open Accounts Payable $32.52

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$32.52

82627 08/09/2022 Open Accounts Payable $11.71

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$11.71

82635 08/09/2022 Open Accounts Payable $3.68

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$3.68

82643 08/09/2022 Open Accounts Payable $0.57

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$0.57

82658 08/09/2022 Open Accounts Payable $88.89

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$88.89

82659 08/09/2022 Open Accounts Payable $76.46

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$76.46

82660 08/09/2022 Open Accounts Payable $75.58

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$75.58

82662 08/09/2022 Open Accounts Payable $89.32

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$89.32

82671 08/09/2022 Open Accounts Payable $7.16

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$7.16

82692 08/09/2022 Open Accounts Payable $62.26

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$62.26

82696 08/09/2022 Open Accounts Payable $31.18

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$31.18

82704 08/09/2022 Open Accounts Payable $57.34

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$57.34

82728 08/09/2022 Open Accounts Payable $10.81

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$10.81

82730 08/09/2022 Open Accounts Payable $58.66

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$58.66

82731 08/09/2022 Open Accounts Payable $551.55

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$551.55

82746 08/09/2022 Open Accounts Payable $11.48

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$11.48

82749 08/09/2022 Open Accounts Payable $61.57

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$61.57

82761 08/09/2022 Open Accounts Payable $13.09

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$13.09

82769 08/09/2022 Open Accounts Payable $87.40

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$87.40

82771 08/09/2022 Open Accounts Payable $89.77

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$89.77

82968 08/23/2022 Open Accounts Payable $2.24

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.24

82979 08/23/2022 Open Accounts Payable $9.27

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$9.27

82981 08/23/2022 Open Accounts Payable $64.81

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$64.81

82987 08/23/2022 Open Accounts Payable $68.52

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$68.52

82998 08/23/2022 Open Accounts Payable $56.90

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$56.90

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

83000 08/23/2022 Open Accounts Payable $60.84

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$60.84

83010 08/23/2022 Open Accounts Payable $3.22

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$3.22

83016 08/23/2022 Open Accounts Payable $375.86

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$375.86

83023 08/23/2022 Open Accounts Payable $67.55

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$67.55

83024 08/23/2022 Open Accounts Payable $17.39

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$17.39

83026 08/23/2022 Open Accounts Payable $23.62

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$23.62

83039 08/23/2022 Open Accounts Payable $30.80

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$30.80

83044 08/23/2022 Open Accounts Payable $49.99

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$49.99

83048 08/23/2022 Open Accounts Payable $1.33

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$1.33

83054 08/23/2022 Open Accounts Payable $117.59

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$117.59

83067 08/23/2022 Open Accounts Payable $18.81

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$18.81

83071 08/23/2022 Open Accounts Payable $62.31

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$62.31

83075 08/23/2022 Open Accounts Payable $73.79

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$73.79

83088 08/23/2022 Open Accounts Payable $75.52

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$75.52

83344 09/06/2022 Open Accounts Payable $72.33

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$72.33

83385 09/06/2022 Open Accounts Payable $62.06

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$62.06

83652 09/20/2022 Open Accounts Payable $8.44

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$8.44

83655 09/20/2022 Open Accounts Payable $41.23

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$41.23

83667 09/20/2022 Open Accounts Payable $7.16

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$7.16

83671 09/20/2022 Open Accounts Payable $38.19

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$38.19

83673 09/20/2022 Open Accounts Payable $44.21

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$44.21

83680 09/20/2022 Open Accounts Payable $71.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$71.00

83685 09/20/2022 Open Accounts Payable $27.65

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$27.65

83689 09/20/2022 Open Accounts Payable $84.32

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$84.32

83734 09/20/2022 Open Accounts Payable $36.01

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$36.01

83751 09/20/2022 Open Accounts Payable $13.29

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$13.29

83753 09/20/2022 Open Accounts Payable $4.83

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$4.83

83765 09/20/2022 Open Accounts Payable $2,363.79

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2,363.79

83767 09/20/2022 Open Accounts Payable $2.84

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.84

83773 09/20/2022 Open Accounts Payable $7.25

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$7.25

83776 09/20/2022 Open Accounts Payable $82.03

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$82.03

83778 09/20/2022 Open Accounts Payable $6.72

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$6.72

83780 09/20/2022 Open Accounts Payable $1.59

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$1.59

83784 09/20/2022 Open Accounts Payable $90.58

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$90.58

84017 10/04/2022 Open Accounts Payable $51.64

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$51.64

84026 10/04/2022 Open Accounts Payable $264.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$264.00

84029 10/04/2022 Open Accounts Payable $14.85

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$14.85

84036 10/04/2022 Open Accounts Payable $35.33

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$35.33

84038 10/04/2022 Open Accounts Payable $53.31

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$53.31

84039 10/04/2022 Open Accounts Payable $10.78

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$10.78

84044 10/04/2022 Open Accounts Payable $24.52

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$24.52

84049 10/04/2022 Open Accounts Payable $65.01

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$65.01

84056 10/04/2022 Open Accounts Payable $32.81

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$32.81

84059 10/04/2022 Open Accounts Payable $79.86

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$79.86

84062 10/04/2022 Open Accounts Payable $23.28

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$23.28

84066 10/04/2022 Open Accounts Payable $85.55

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$85.55

84070 10/04/2022 Open Accounts Payable $103.50

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$103.50

84079 10/04/2022 Open Accounts Payable $0.79

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$0.79

84086 10/04/2022 Open Accounts Payable $59.39

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$59.39

84123 10/04/2022 Open Accounts Payable $27.84

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$27.84

84124 10/04/2022 Open Accounts Payable $2.95

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.95

84126 10/04/2022 Open Accounts Payable $98.74

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$98.74

84130 10/04/2022 Open Accounts Payable $73.39

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$73.39

84345 10/18/2022 Open Accounts Payable $77.70

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$77.70

84354 10/18/2022 Open Accounts Payable $62.96

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$62.96

84370 10/18/2022 Open Accounts Payable $57.07

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$57.07

84382 10/18/2022 Open Accounts Payable $3.66

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$3.66

84385 10/18/2022 Open Accounts Payable $44.68

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$44.68

84393 10/18/2022 Open Accounts Payable $29.94

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$29.94

84689 11/01/2022 Open Accounts Payable $142.02

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$142.02

84691 11/01/2022 Open Accounts Payable $0.68

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$0.68

84694 11/01/2022 Open Accounts Payable $40.78

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$40.78

84702 11/01/2022 Open Accounts Payable $19.70

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$19.70

84704 11/01/2022 Open Accounts Payable $110.45

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$110.45

84731 11/01/2022 Open Accounts Payable $153.88

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$153.88

84733 11/01/2022 Open Accounts Payable $37.93

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$37.93

84737 11/01/2022 Open Accounts Payable $13.94

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$13.94

84740 11/01/2022 Open Accounts Payable $87.75

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$87.75

84742 11/01/2022 Open Accounts Payable $74.52

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$74.52

84752 11/01/2022 Open Accounts Payable $170.23

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$170.23

84977 11/15/2022 Open Accounts Payable $28.35

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$28.35

84983 11/15/2022 Open Accounts Payable $160.40

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$160.40

84989 11/15/2022 Open Accounts Payable $498.63

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$498.63

84990 11/15/2022 Open Accounts Payable $55.94

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$55.94

84991 11/15/2022 Open Accounts Payable $13.51

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$13.51

84995 11/15/2022 Open Accounts Payable $90.10

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$90.10

84999 11/15/2022 Open Accounts Payable $43.13

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$43.13

85018 11/15/2022 Open Accounts Payable $1,380.59

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$1,380.59

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

85024 11/15/2022 Open Accounts Payable $43.39

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$43.39

85028 11/15/2022 Open Accounts Payable $87.01

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$87.01

85032 11/15/2022 Open Accounts Payable $546.20

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$546.20

85043 11/15/2022 Open Accounts Payable $500.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$500.00

85050 11/15/2022 Open Accounts Payable $49.48

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$49.48

85052 11/15/2022 Open Accounts Payable $104.93

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$104.93

85059 11/15/2022 Open Accounts Payable $6.22

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$6.22

85062 11/15/2022 Open Accounts Payable $6.42

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$6.42

85074 11/15/2022 Open Accounts Payable $2.58

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.58

85078 11/15/2022 Open Accounts Payable $75.60

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$75.60

85091 11/15/2022 Open Accounts Payable $250.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$250.00

85096 11/15/2022 Open Accounts Payable $9.28

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$9.28

85119 11/15/2022 Open Accounts Payable $83.03

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$83.03

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

85122 11/15/2022 Open Accounts Payable $2.79

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.79

85131 11/15/2022 Open Accounts Payable $351.59

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$351.59

85132 11/15/2022 Open Accounts Payable $159.30

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$159.30

85134 11/15/2022 Open Accounts Payable $20.92

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$20.92

85141 11/15/2022 Open Accounts Payable $189.37

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$189.37

85149 11/15/2022 Open Accounts Payable $71.72

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$71.72

85154 11/15/2022 Open Accounts Payable $250.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$250.00

85155 11/15/2022 Open Accounts Payable $18.92

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$18.92

85164 11/15/2022 Open Accounts Payable $54.12

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$54.12

85166 11/15/2022 Open Accounts Payable $81.27

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$81.27

85603 12/13/2022 Open Accounts Payable $2.80

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.80

85607 12/13/2022 Open Accounts Payable $7.71

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$7.71

85610 12/13/2022 Open Accounts Payable $103.02

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$103.02

85618 12/13/2022 Open Accounts Payable $198.73

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$198.73

85628 12/13/2022 Open Accounts Payable $10.68

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$10.68

85634 12/13/2022 Open Accounts Payable $49.60

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$49.60

85637 12/13/2022 Open Accounts Payable $5.21

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$5.21

85667 12/13/2022 Open Accounts Payable $76.43

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$76.43

85669 12/13/2022 Open Accounts Payable $126.06

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$126.06

85670 12/13/2022 Open Accounts Payable $70.72

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$70.72

85671 12/13/2022 Open Accounts Payable $21.27

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$21.27

85915 12/27/2022 Open Accounts Payable $2.02

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$2.02

85947 12/27/2022 Open Accounts Payable $100.00

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$100.00

85966 12/27/2022 Open Accounts Payable $20.02

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$20.02

85969 12/27/2022 Open Accounts Payable $176.35

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$176.35

85987 12/27/2022 Open Accounts Payable $12.93

Paying Fund	Cash Account	Amount
6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$12.93

85996	12/27/2022 Open	Accounts Payable		$95.83
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$95.83	
86002	12/27/2022 Open	Accounts Payable		$8.68
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$8.68	
86014	12/27/2022 Open	Accounts Payable		$38.50
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$38.50	
86029	12/27/2022 Open	Accounts Payable		$63.44
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$63.44	
86032	12/27/2022 Open	Accounts Payable		$20.78
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$20.78	
86038	12/27/2022 Open	Accounts Payable		$144.73
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$144.73	
86050	12/27/2022 Open	Accounts Payable		$34.15
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$34.15	
86071	12/27/2022 Open	Accounts Payable		$5.77
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$5.77	
86083	12/27/2022 Open	Accounts Payable		$107.81
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$107.81	
86084	12/27/2022 Open	Accounts Payable		$34.20
	Paying Fund	Cash Account	Amount	
	6301 - Electric Utility Operating	6301.101 (Cash- Lake City-7322)	$34.20	

OVERPAYMENT REFUNDS **$28,898.56** **ELOR**

GRAND TOTAL **$36,752.92**

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2022 - To Payment Date: 12/31/2022

Type Check Totals: 346 Transactions $36,752.92

LCGN - LCB GENERAL Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	346	$36,752.92	$0.00
	Total	346	$36,752.92	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	346	$36,752.92	$0.00
	Total	346	$36,752.92	$0.00

Grand Totals:

Checks	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**346**	**$36,752.92**	**$0.00**
	Total	**346**	**$36,752.92**	**$0.00**

All	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**346**	**$36,752.92**	**$0.00**
	Total	**346**	**$36,752.92**	**$0.00**

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: April 25, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: **Presentment of Activities of the Redevelopment Commission for the Previous Year**

Under IC 36-7-14-13, the Commission must file all activities for each allocation area during the previous year with the executive, fiscal, and Local Government Finance bodies. As the Treasurer of the Redevelopment Commission, please find the accompanying report.

Please contact me with any questions.

c: David A. Wood, Mayor
Ken Prince

Mishawaka Civil City St. Joseph County
Mishawaka Redevelopment Commission
Report on the Activities of 2024

Personnel

		Start Date
Janet Whitfield-Hyduk	President	
Lindsey Jon Kintner	Vice President	
Kris Ermeti	Secretary	
Mike Bellovich	Member	
Bill Pemberton	Advisory Member	

		End Date
Steve Murphy	Member	12/31/2024

Employees

Name	Amount/Salary
Roger Shields	$65,936.00
Laura Viramontes	$60,480.00
Marilyn Nelum-Jones	$48,149.00
Ken Prince	$90,277.00
Rebecca Maguire	$90,277.00

TIF District Expenditures & Revenues

TIF District	Revenues	Expenditures	Fund Balance
T71623 - MISHAWAKA CONSOLIDATED	$25,169,724.57	$15,520,143.31	$18,738,178.91
T71624 - Mish Sports Facility Area	$0.00	$0.00	
T71625 - Mishawaka Ironworks Phase 2	$0.00	$0.00	
T71626 - Block 200 (Grandview)	$0.00	$0.00	

Redevelopment Expenditures

Category	Subcategory	Description	Amount
Services and Charges	Professional Services	Cedar Bridge widening	$229,755.00
Services and Charges	Professional Services	Long Term Control Plan	$190,049.45
Services and Charges	Professional Services	Fire St #2	$1,849.75
Services and Charges	Professional Services	Central Motor Pool demo	$19,710.00
Services and Charges	Professional Services	McKinley Ave widening	$15,175.00
Services and Charges	Professional Services	Hill St Improvements	$94,679.16
Services and Charges	Professional Services	Front, Main, Church Improvements	$41,084.87
Services and Charges	Professional Services	100 Center Redevelopment	$131,442.72
Services and Charges	Professional Services	Community Crossing Jefferson Blvd	$95,692.50
Services and Charges	Professional Services	Kamm Island	$38,977.85
Services and Charges	Professional Services	Normain Park	$19,835.54
Services and Charges	Professional Services	Veterans Parkway Extended	$584,945.32
Services and Charges	Professional Services	Misc charges	$33,325.64
Services and Charges	Professional Services	Battell Center Improvements	$2,080.00
Services and Charges	Utility Services	Starboard Marine OPL	$652.22
Services and Charges	Other Services and Charg	Liberty/Mish Ave Redevelopment	$7,761.97
Capital Outlays	Land	Central Motor Pool demo 516 N Cedar	$101,330.74
Capital Outlays	Machinery, Equipment, a	Crawford Park site furnishings	$26,346.06
Capital Outlays	Machinery, Equipment, a	Pocket Park	$46,361.04
Capital Outlays	Machinery, Equipment, a	Golf Course Improvements	$66,166.33

Expenditures page 2

Category	Subcategory	Description	Amount
Capital Outlays	Other Capital Outlays	Miscellaneous	$440,438.25
Capital Outlays	Other Capital Outlays	Wilson Park Improvements	$139,945.03
Capital Outlays	Other Capital Outlays	Central Motor Pool demo	$6,858.04
Capital Outlays	Other Capital Outlays	Battell Park/Veteran's Plaza	$3,743.28
Capital Outlays	Other Capital Outlays	Front and Main Signal Improvements	$43,787.48
Capital Outlays	Other Capital Outlays	New City Hall	$2,433,337.63
Capital Outlays	Other Capital Outlays	New City Hall IT, Furnishings, misc	$935,655.19
Capital Outlays	Other Capital Outlays	Ironworks Plaza III	$46,321.91
Capital Outlays	Other Capital Outlays	Mill Phase II	$3,000,000.00
Capital Outlays	Other Capital Outlays	TIF xfr to Sewer	$3,360,000.00
Capital Outlays	Infrastructure	12th St Improvements	$538,587.33
Capital Outlays	Construction	Cedar Bridge widening	$1,353,000.00
Capital Outlays	Construction	Veterans Parkway Ph IIA	$3,519,910.98
Capital Outlays	Construction	Veterans Parkway Extended	$1,529,815.57
Capital Outlays	Construction	Liberty School Shared Access Road	$782,486.53
Capital Outlays	Construction	Front, Main, Church	$361,616.51
Debt Service	Payments on Bonds and (	2021 Lease Revenue bond	$3,345,500.00
Debt Service	Payments on Bonds and (	Battell Center bond	$35,000.00
Debt Service	Payments on Bonds and (	Battell Center bond	$19,550.00
Debt Service	Payments on Bonds and (	2021 Lease Revenue bond	$1,743,500.00
			$25,386,274.89

DEBT

Redevelopment Bond 2015

Amount owed:	$710,000.00
Amount paid:	$49,000.00

Date	Period Total	Paid in 2024
8/1/2015	$27,556.00	
2/1/2016	$24,750.00	
8/1/2016	$24,600.00	
2/1/2017	$24,450.00	
8/1/2017	$24,300.00	
2/1/2018	$24,150.00	
8/1/2018	$24,000.00	
2/1/2019	$28,850.00	
8/1/2019	$23,650.00	
2/1/2020	$28,500.00	
8/1/2020	$23,300.00	
2/1/2021	$28,150.00	
8/1/2021	$22,950.00	
2/1/2022	$27,800.00	
8/1/2022	$22,600.00	
2/1/2023	$27,450.00	
8/1/2023	$22,250.00	
2/1/2024	$27,100.00	X
8/1/2024	$21,900.00	X
2/1/2025	$26,750.00	
8/1/2025	$26,550.00	
2/1/2026	$26,350.00	
8/1/2026	$26,150.00	
2/1/2027	$25,950.00	
8/1/2027	$25,750.00	
2/1/2028	$25,550.00	
8/1/2028	$25,350.00	
2/1/2029	$25,150.00	
8/1/2029	$24,950.00	
2/1/2030	$24,750.00	
8/1/2030	$24,550.00	
2/1/2031	$24,350.00	
8/1/2031	$24,150.00	
2/1/2032	$23,950.00	
8/1/2032	$23,750.00	
2/1/2033	$28,550.00	
8/1/2033	$23,300.00	
2/1/2034	$28,100.00	
8/1/2034	$22,850.00	
2/1/2035	$27,650.00	
8/1/2035	$22,400.00	
2/1/2036	$27,200.00	
8/1/2036	$21,950.00	
2/1/2037	$26,750.00	
8/1/2037	$26,500.00	
2/1/2038	$26,250.00	
8/1/2038	$26,000.00	
2/1/2039	$25,750.00	
8/1/2039	$25,500.00	
2/1/2040	$25,250.00	

Lease Rental Revenue Bonds of 2021 (Stimulus)

Amount owed:	$39,225,000.00
Amount paid:	$5,085,000.00

Date	Period Total	Paid in 2024
2/1/2022	$1,607,000.00	
8/1/2022	$1,351,500.00	
2/1/2023	$1,351,500.00	
8/1/2023	$2,544,500.00	
2/1/2024	$2,544,500.00	X
8/1/2024	$2,545,000.00	X
2/1/2025	$2,545,000.00	
8/1/2025	$2,538,500.00	
2/1/2026	$2,538,500.00	
8/1/2026	$2,526,000.00	
2/1/2027	$2,526,000.00	
8/1/2027	$2,491,500.00	
2/1/2028	$2,491,500.00	
8/1/2028	$2,479,000.00	
2/1/2029	$2,479,000.00	
8/1/2029	$2,479,500.00	
2/1/2030	$2,479,500.00	
8/1/2030	$2,475,000.00	
2/1/2031	$2,475,000.00	
8/1/2031	$2,475,500.00	
2/1/2032	$2,475,500.00	
8/1/2032	$2,475,000.00	
2/1/2033	$2,475,000.00	

Sports Facility Project 2023

Amount owed:	$35,465,000.00
Amount paid:	$0.00

Date	Period Total	Paid in 2024
8/1/2025	$480,000.00	
2/1/2026	$1,439,000.00	
8/1/2026	$1,436,500.00	
2/1/2027	$1,436,500.00	
8/1/2027	$1,438,000.00	
2/1/2028	$1,438,000.00	
8/1/2028	$1,437,500.00	
2/1/2029	$1,437,500.00	
8/1/2029	$1,438,500.00	
2/1/2030	$1,438,500.00	
8/1/2030	$1,440,000.00	
2/1/2031	$1,440,000.00	
8/1/2031	$1,440,000.00	
2/1/2032	$1,440,000.00	
8/1/2032	$1,438,000.00	
2/1/2033	$1,438,000.00	
8/1/2033	$1,438,500.00	
2/1/2034	$1,438,500.00	
8/1/2034	$1,439,500.00	
2/1/2035	$1,439,500.00	
8/1/2035	$1,440,000.00	
2/1/2036	$1,440,000.00	
8/1/2036	$1,438,000.00	
2/1/2037	$1,438,000.00	
8/1/2037	$1,438,000.00	
2/1/2038	$1,438,000.00	
8/1/2038	$1,438,000.00	
2/1/2039	$1,438,000.00	
8/1/2039	$1,436,500.00	
2/1/2040	$1,436,500.00	
8/1/2040	$1,439,500.00	
2/1/2041	$1,439,500.00	
8/1/2041	$1,437,000.00	
2/1/2042	$1,437,000.00	
8/1/2042	$1,439,000.00	
2/1/2043	$1,439,000.00	
8/1/2043	$1,439,500.00	
2/1/2044	$1,439,500.00	
8/1/2044	$1,438,000.00	
2/1/2045	$1,438,000.00	
8/1/2045	$1,437,500.00	
2/1/2046	$1,437,500.00	
8/1/2046	$1,437,500.00	

Ironworks Phase II Project 2023

Amount owed:	$10,306,000.00
Amount paid:	$0.00

Date	Period Total	Paid in 2024
8/1/2027	$424,475.00	
2/1/2028	$424,050.00	
8/1/2028	$431,587.00	
2/1/2029	$431,788.00	
8/1/2029	$439,912.00	
2/1/2030	$439,663.00	
8/1/2030	$447,337.00	
2/1/2031	$447,638.00	
8/1/2031	$454,825.00	
2/1/2032	$454,638.00	
8/1/2032	$463,337.00	
2/1/2033	$462,587.00	
8/1/2033	$470,725.00	
2/1/2034	$471,413.00	
8/1/2034	$478,912.00	
2/1/2035	$478,963.00	
8/1/2035	$487,825.00	
2/1/2036	$488,162.00	
8/1/2036	$496,275.00	
2/1/2037	$495,862.00	
8/1/2037	$505,225.00	
2/1/2038	$504,987.00	
8/1/2038	$513,487.00	
2/1/2039	$513,388.00	
8/1/2039	$522,987.00	
2/1/2040	$522,913.00	
8/1/2040	$532,500.00	
2/1/2041	$532,375.00	
8/1/2041	$540,875.00	
2/1/2042	$541,663.00	
8/1/2042	$551,000.00	
2/1/2043	$550,550.00	
8/1/2043	$560,650.00	
2/1/2044	$560,888.00	
8/1/2044	$570,600.00	
2/1/2045	$570,413.00	
8/1/2045	$580,662.00	
2/1/2046	$579,938.00	
8/1/2046	$590,612.00	
2/1/2047	$590,238.00	
8/1/2047	$601,187.00	
2/1/2048	$601,012.00	
8/1/2048	$611,088.00	

T71623 - MISHAWAKA CONSOLIDATED

Indiana Code under which the TIF district is established:
IC 36-7-14

Establishment Date:	3/24/2014
Expiration Date:	2/1/2040
Parcels:	
Real Property:	2799
Personal Property:	0
Other:	0
Total:	2799
Total Gross AV:	$1,112,026,100.00
Total Net AV:	$908,465,807.00
Total Base AV:	$178,630,217.00
Total Incremental AV:	$729,835,590.00

T71624 - MISH SPORTS FACILITY AREA

Indiana Code under which the TIF district is established:
IC 36-7-14

Establishment Date:	11/2/2022
Expiration Date:	2/1/2040
Parcels:	
Real Property:	2
Personal Property:	0
Other:	0
Total:	2
Total Gross AV:	$0.00
Total Net AV:	$0.00
Total Base AV:	$0.00
Total Incremental AV:	$0.00

T71625 - MISHAWAKA IRONWORKS PHASE 2

Indiana Code under which the TIF district is established:
IC 36-7-14

Establishment Date:	5/22/2023
Expiration Date:	2/1/2048
Parcels:	
Real Property:	2
Personal Property:	0
Other:	0
Total:	2
Total Gross AV:	$106,700.00
Total Net AV:	$106,700.00
Total Base AV:	$106,700.00
Total Incremental AV:	$0.00

T71626 -BLOCK 200 ALLOCATION AREA

Indiana Code under which the TIF district is established:
IC 36-7-14

Establishment Date:	3/7/2024
Expiration Date:	
Parcels:	
Real Property:	0
Personal Property:	0
Other:	0
Total:	0
Total Gross AV:	$0.00
Total Net AV:	$0.00
Total Base AV:	$0.00
Total Incremental AV:	$0.00

Deborah S. Block, IAMC, MMC

APR 09 2025

City Clerk
Mishawaka, IN

APPEAL #25-08

RESOLUTION NO. 2025-07

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:

2019 & 2001 Lincolnway West, 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 **2019 & 2001 Lincolnway West, Mishawaka, Indiana**, more particularly known and described as follows:

> *Lots numbered 29, 30 and 13 as shown the Williams Ernsperger's Plat of Arbor Park, as recorded in the Plat Book 8, Page 54 of the records of St. Joseph County, Indiana, now within and a part of the City of Mishawaka, excepting therefrom a tract of land described as follows, viz: Beginning at the Southeast corner of said Lot Numbered 31, running thence north 46 feet; thence west 83 feet; thence south 46 feet to the South line of said Lot; thence East on said South line, 83 feet to the place of beginning. Subject to an easement for a sewer running in a Northeasterly direction from the dwelling house situated on the land excepted out of Lot Numbered 31 above described to Lincoln Way West.*

The Use Variance will allow an outside storage area 32' wide by 48' deep at 2001 & 2019 Lincolnway West subject to the following conditions:

1. No storage shall occur between the north property line and the front façade of the primary building; and
2. No known hazardous materials shall be stored on the site.

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.

<u>Section III.</u> 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 front of the building, the view is minimized from the road.*
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 area set aside for the outside storage is small, covering only 5% of the lot, and defined by the existing buildings.*
3. *The need for the variance arises from the need for outside storage of loose material that would not typically be kept 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 by allowing the more intense uses of that district.*
5. *The recommendation is consistent, and or, not in conflict with the Mishawaka 2000 Plan because the plan identifies this thoroughfare as General Commercial.*

<u>Section IV.</u> 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_____________________, 2025, at ______o'clock _____ .m.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________day of _____________________2025, at _______ o'clock ___m.

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

APPROVED by me this _______ day of______________________, 2025, at _______o'clock ______.m.

____
David A. Wood, Mayor

STAFF REPORT

Location: 2001 & 2019 Lincolnway West
Date: April 8, 2025
Appeal: 25-08
Prepared By: CH

GENERAL INFORMATION

Applicants:	Jessica Bauer/New Generations Landscaping & Lawn LLC
Status:	Property Owner/Tenant
Request:	Use Variance for outside storage of materials
Zoning Classification:	C-4 Automobile Oriented Commercial
Lot Size:	0.74 Acres
Applicable Regulations:	Section 137-379 C-4 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-4 Automobile Oriented Commercial (karate studio) and R-1 Single Family Residential (vacant riverside)
	South:	I-1 Light Industrial (various industrial)
	East:	C-4 Automobile Oriented Commercial (car sales)
	West:	C-1 General Commercial (single family house)

Thoroughfare:	Lincolnway West between Russell Ave & Carlton St
Council District:	1
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 as General Commercial.

ANALYSIS

Jessica Bauer and her tenant, New Generations Landscaping & Lawn LLC, would like to add an area for the outside storage of materials. Last year, the tenant contacted our office about their plans for the property. We directed them to contact their councilperson and possibly hire a surveyor to help them through their plans. Some cinder blocks were put up last month, so we reached out to them regarding the outside storage.

Outside storage is only permitted as a conditional use in I-2 Heavy Industrial. In the past, we've approved outside storage for contractors like Milestone Fence on Home Street and Direct Line Communications on McKinley.

The Appellant is requesting to have a four open stalls, consisting of a total area of 48′ x 32′, to hold mulch, soil, and gravel. The storage area will be west of the existing building, approximately 70′ back from the sidewalk. These materials are for their use as a landscaping contractor, not for public sales. This site has historically been used as a car sales lot.

Engineering wants more details/drawings showing proposed use. What materials will be stored?

Permits are required from the Planning and Building Departments.

Other pertinent City departments have reviewed and approved the request.

RECOMMENDATION

The Staff recommends in favor of Appeal 25-08, a Use Variance to allow an outside storage area 32′ wide by 48′ deep at 2001 & 2019 Lincolnway West subject to the following conditions:

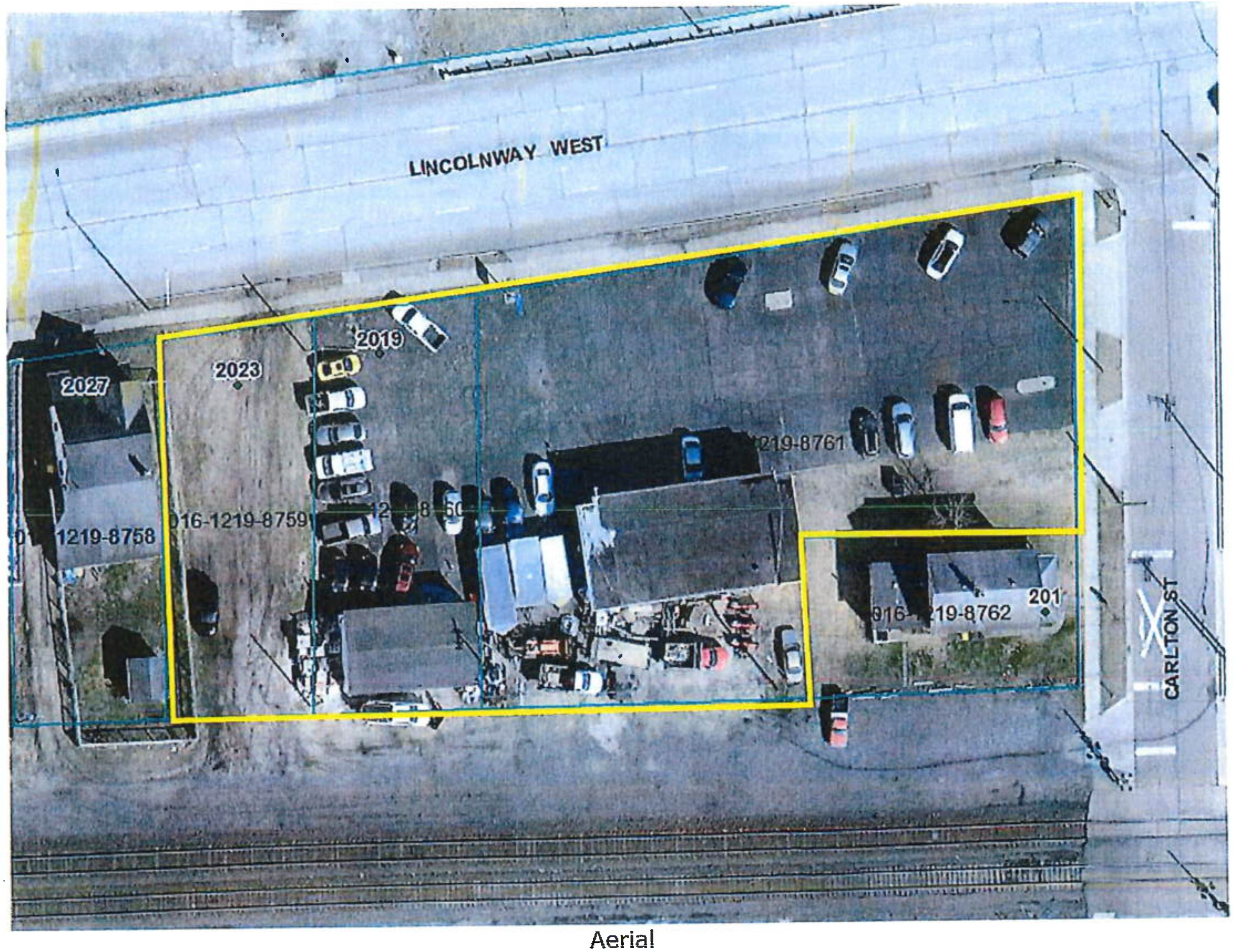
1. No storage shall occur between the north property line and the front façade of the primary building; and
2. No known hazardous materials shall be stored on the site.

This recommendation is based on the following findings of fact 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 front of the building, the view is minimized from the road.
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 area set aside for the outside storage is small, covering only 5% of the lot, and defined by the existing buildings.
3. The need for the variance arises from the need for outside storage of loose material that would not typically be kept 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 by allowing the more intense uses of that district.
5. The recommendation is consistent, and or, not in conflict with the Mishawaka 2000 Plan because the plan identifies this thoroughfare as General Commercial.

ATTACHMENTS

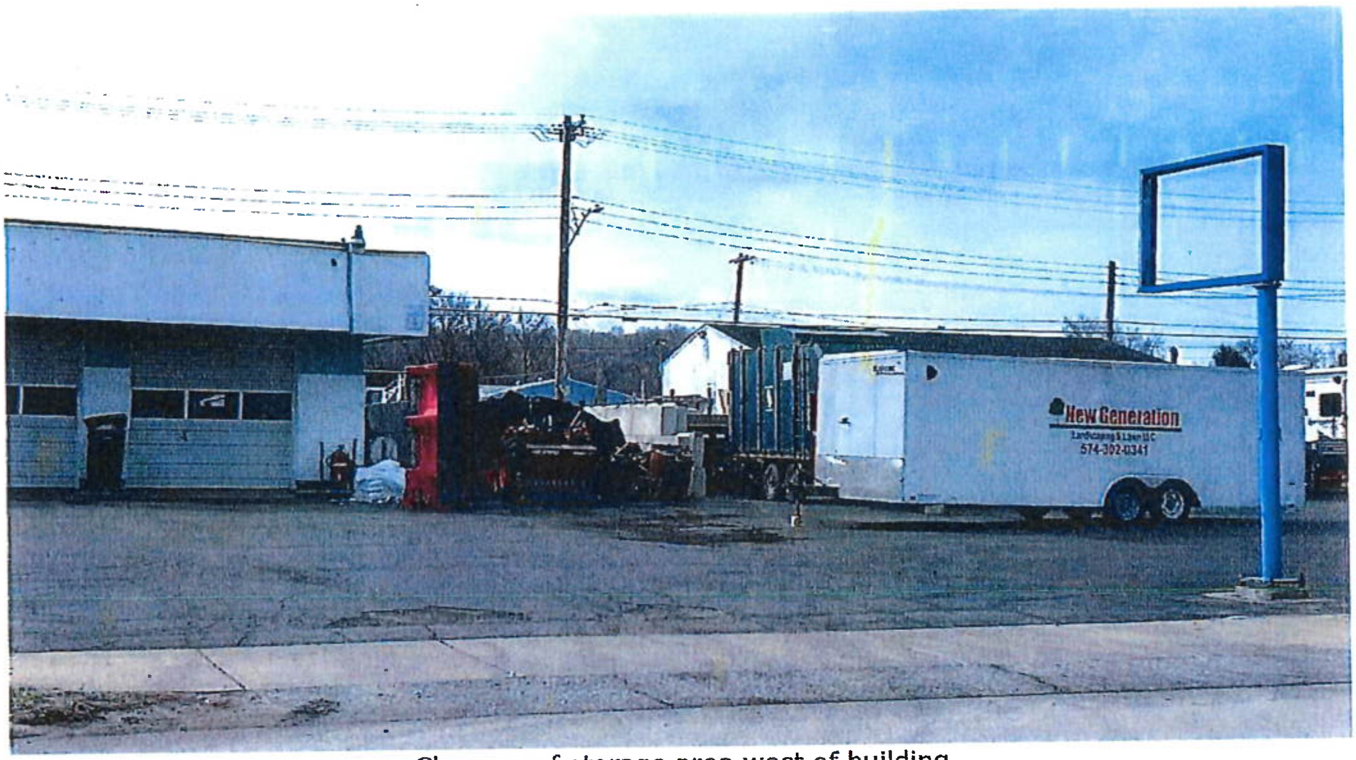
Aerial Photograph, Photographs of Site, Petition, Location Map



Aerial


3/25/25 10:56AM

Site looking south from Lincolnway West



Close up of storage area west of building

View of the containers from the alley

THIS IS NOT A FILL-IN FORM, BUT A SAMPLE APPEAL TO BE USED AS A GUIDE WHEN PREPARING YOUR APPEAL

AP 25-08

Received

MAR 18 2025

Planning and Community Development

DATE:

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, ***Jessica Bauer, New Generation Landscaping & Lawn LLC,*** am the owner of the following described real estate located within the City of Mishawaka, PENN Township, St. Joseph County, State of Indiana, to-wit:

   Lots Numbered 29, 30, & 31 as shown on William Ernsperger's Plat of Arbor Park, as recorded in Plat Book 8, page 54 of the records of St. Joseph County, Indiana, now within and a part of the City of Mishawaka, excepting therefrom a tract of land described as follows, viz: Beginning at the Southeast corner of said Lot Numbered 31; running thence North 46 feet; thence West 83 feet; thence South 46 feet to the South line of said Lot; thence East on said South line, 83 feet to the place of beginning. Subject to an easement for a sewer running in a Northeasterly direction from the dwelling house situated on the land excepted out of Lot Numbered 31 above described, to Lincoln Way West.

   2001 + 2019 LINCOLNWAY W., MISHAWAKA, IN 46544

2. The above-described real estate presently has a zoning classification of C-4 District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies (*or proposes to occupy*) the above-described property in the following manner: Landscaping Contractor.

4. Appellant desires to (*Explain what is proposed that violates the Ordinance.*) Outside storage of materials use as part of business size cover

5. The Zoning Ordinance of the City of Mishawaka requires (*Explain ordinance requirements and note Section Number of the Ordinance.*) No outside storage of materials

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. 48′ x 32′ / 4 boxes

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

   (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? *YES OR [✓ NO] and explain your reason why.* Keep from blowing

   (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *YES OR [✓ NO] and explain your reason why.* Not track material outside of property

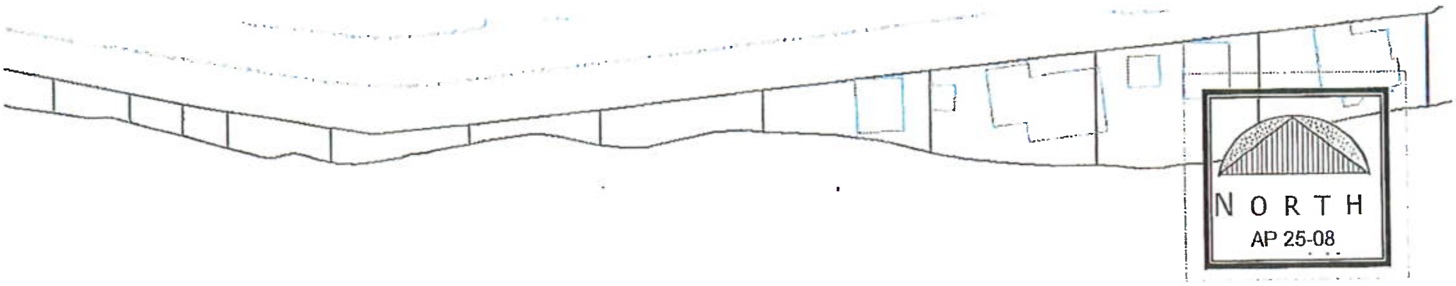
   (3) Does the need for the variance arise from some condition peculiar to the property involved? *[✓ YES] OR NO and explain your reason why.* Keep from blowing

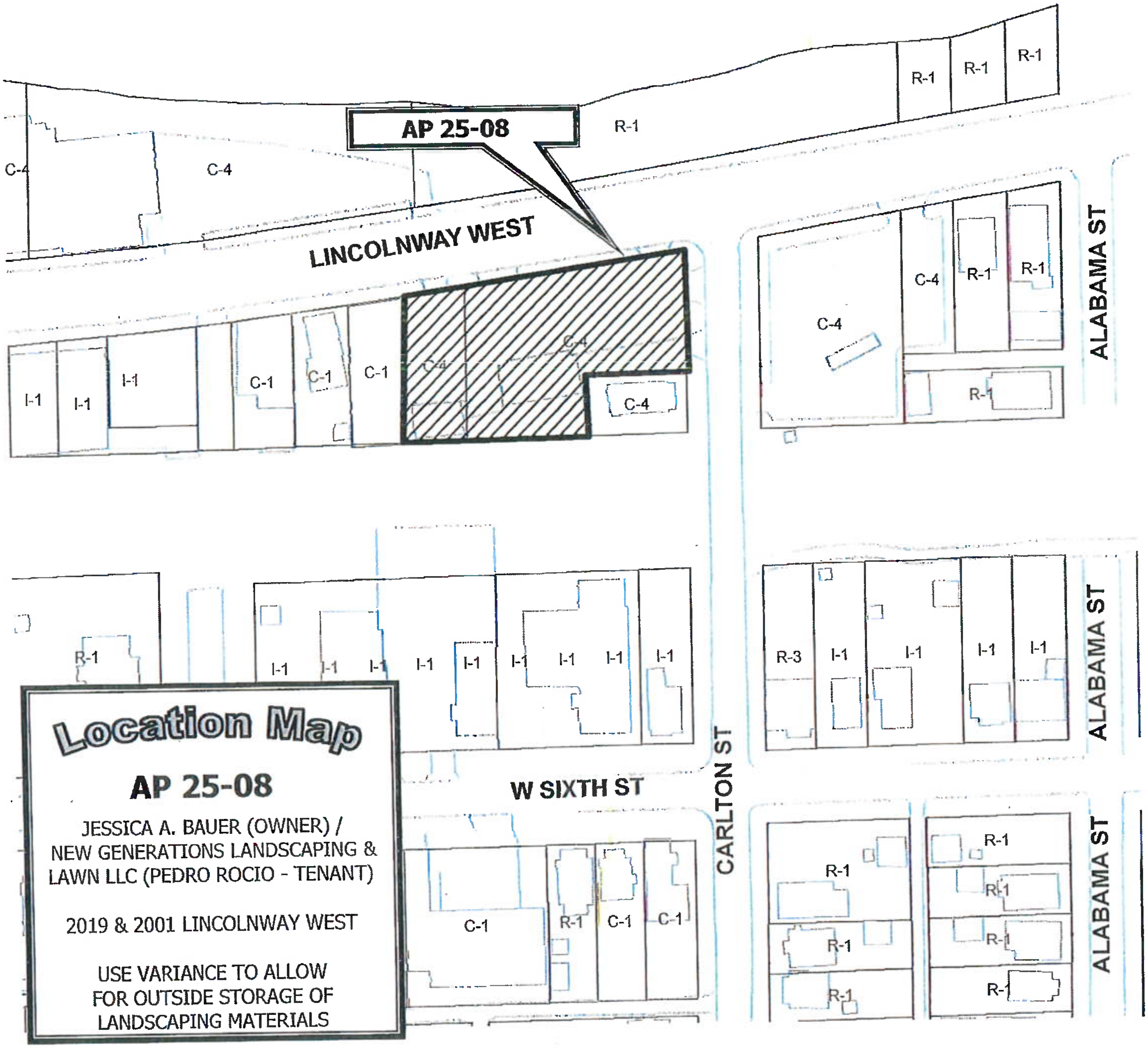
   (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *[✓ YES] OR NO and explain your reason why.*

   (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR [✓ NO] and explain your reason why.*

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


016-1219-876
LINCOLNWAY WEST
2019
2023
219-8761
32'
016-1219-8759
48'
16-1219-8762
201
CARLTON ST
016-1189-7598
016-1189-7606





Location Map

AP 25-08

JESSICA A. BAUER (OWNER) /
NEW GENERATIONS LANDSCAPING &
LAWN LLC (PEDRO ROCIO - TENANT)

2019 & 2001 LINCOLNWAY WEST

USE VARIANCE TO ALLOW
FOR OUTSIDE STORAGE OF
LANDSCAPING MATERIALS

RESOLUTION NO. 2025-10

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS AND WITHDRAWING A PREVIOUSLY APPROVED REAL AND PERSONAL PROPERTY TAX ABATEMENT FOR LIPPERT COMPONENTS MANUFACTURING INC.

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

WHEREAS, two (2) recipients of the three (3) active tax abatements that require reporting have been found to be subject to this requirement, and each have submitted the proper reports, which have been reviewed and found to be in order.

WHEREAS, Lippert Components Manufacturing, Inc. requested that a previously granted real and personal property tax abatement, which was approved by the Common Council on June 19, 2017, via Declaratory Resolution 2017-12 and on July 5, 2017, via Confirming Resolutions 2017-16 and 2017-17, be withdrawn.

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

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

   - **Front Street LLC (The Avalon – Mixed Use Building)**
   - **Helios Hydraulics Americas LLC (Building Expansion)**
   - **Helios Hydraulics Americas LLC (New Manufacturing Equipment)**

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

3. That the request to withdraw the aforesaid approved real and property tax abatement for Lippert Components Manufacturing, Inc. is accepted, thus terminating the abatement, and

4. That the President of the Mishawaka Common Council is hereby authorized to approve the aforementioned reports and withdrawal of the Lippert Components Manufacturing, Inc. tax real and personal property abatement.

____
Gregg Hixenbaugh, President

ATTEST:

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

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ______ day of _________________, 2025.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me on this _______day of _____________, 2025 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

April 23, 2025

Woody Emmons, 1st District City Council
Matt Carroll, 2nd District City Council
Lou Ann Hazen, 3rd District City Council
Kate Voelker, 4th District City Council
Tony 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 Block, City Clerk

RE: Resolution 2025-10
2025 Tax Abatement Compliance Reports & Withdrawal of Previously Approved Real and Personal Property Tax Abatement for Lippert Components

Dear Council Members and Clerk:

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

There are currently three projects with five active tax abatements in the City of Mishawaka of which all five require reporting for calendar year 2025. All property owners/companies have responded to our request to complete the Compliance with Statement of Benefits (CF-1) forms. The CF-1 forms/responses have been attached for your use and reference for the active tax abatement recipients that require reporting.

In summary, two of the projects with three active abatements which require reporting are in compliance and have exceeded, nearly met, or are working toward expectations. Lippert Components, which was granted a real and personal property abatement in July 2017, is non-compliant based solely on a reduction in employment experienced over the 2024 calendar year. A letter from Joe Salisbury, Senior Tax Director with Lippert Components, subsequent email correspondence, and the CF-1 forms showing end-of-year total employment, salaries, and capital investment are attached. Despite the recent economic downtown and reduction in employment, the company remains fully committed to their Mishawaka facility and anticipates a slow rebound to increase their headcount. As a token of good faith, the company voluntarily requested withdrawal of both the real and personal property abatements prior to discussions with Staff. Additional analysis for Lippert Components is included below.

City Hall • 100 Lincolnway West • Mishawaka, IN 46544
Phone: (574) 258-1625 • Fax: (574) 968-6999 • www.mishawaka.in.gov

Since the prior reporting period for calendar year 2024, none of the previously approved tax abatements have expired.

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

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

- **Lippert Components (Building Expansion & New Racking/Logistics Equipment)** – The attached correspondence, which provides an update on the project, and CF-1s are for both real and personal property abatements approved in 2017 for the renovation and improvements of the former AM General Warehousing facility located at 400 S. Byrkit Avenue. Lippert Components occupies the building as a distribution facility, a service center for recreational vehicles, and a call center. The proposed real estate improvements included in this abatement request, originally estimated as a $7.4 million investment, have been completed. These improvements included renovation of the existing building, a 48,000 sq. ft. building addition (less than the anticipated 79,200 sq. ft. addition as identified in the abatement request), and other site improvements such as access drives, drainage, and additional employee and semi-truck parking areas. Actual real estate investment per the CF-1 is $13,324,225. The amount of the deduction applicable to real estate improvements is limited to $7,400,000 per the approved SB-1. The personal property improvements included in this abatement request, originally estimated as a $1.625 million investment, have been purchased. The personal property investment includes new racking and general logistics distribution equipment, and new furniture and fixtures. Actual personal property investment per the CF-1 is $9,795,957. The amount of the deduction applicable to personal property improvements is limited to $1.8 million per the approved SB-1. *In addition to limiting the amount of deductions, the approved abatement request designated the area as an Economic Revitalization Area through July 5, 2018. Therefore, only the additional real and personal property investment completed by this date is applicable.* When the abatement was filed, the total existing employment was listed at 247 with an additional 200 jobs to be added. At present, there are only 249 employees, which is a substantial decrease from the 423 employees reported last year. Total payroll was listed at $15,052,591, which is more than the $10,354,808 listed on the SB-1 and only a decrease from $18,900,485 reported last year. Given that employment levels have significantly declined due to an economic downtown in the RV industry, this abatement should be considered in substantial non-compliance. For this reason, the company is requesting withdrawal of both the real and personal property tax abatement.

- **Front Street LLC (The Avalon – Mixed-Use Building)** – The CF-1 attached is for the abatement approved in October 2022 for a mixed-use building, including apartments and first floor retail space, located at 365 W. Front Street. Construction began in November 2022 and was completed by July 2024. This abatement was limited to 5 years for real property. A full property tax assessment following completion of structure should occur for the 2025 tax year payable 2026. If fully assessed in 2025, annual reporting will be required through reporting year 2029. The total new employment for the project as indicated on the CF-1 is 0. When the abatement was filed, an estimated 2-3 new jobs were anticipated. Per the attached email correspondence, the business is in the process of hiring another employee as he/she transitions from their current employer. As the residential units and commercial spaces are leased, they plan to hire an additional 1-2 employees. The current occupancy rate for the 108 apartment units is 82%. Letters of Intent have been signed to lease the main and smallest of the three commercial spaces. The potential tenants are working on a buildout budget to check the feasibility before signing a formal contract. The estimated and actual value of the construction project, as indicated on the SB-1, was $25,000,000. The current assessed value (2024) based on 60% completion is $3,508,800. Since the improvements for the project as envisioned on the SB-1 are complete, cost projections met, and additional employees anticipated, this abatement should be considered in substantial compliance.

- **Helios Hydraulics Americas LLC (Building Expansion & New Manufacturing Equipment)** – The attached CF-1s are for both real and personal property abatements approved in October 2022 for a building expansion and installation of new manufacturing equipment at Helios Hydraulics. In 2022, Helios Technologies acquired Daman Products, a manufacturer of hydraulic manifolds, located at 1811 N. Home Street. The real property improvements included an estimated $4.8 million building addition, expanded parking areas, new access drives and loading/unloading areas, and expanded and new stormwater retention basins. Construction began in December 2022 with the building addition and site improvements completed by the end of last year. Actual real estate investment is $9,249,171. The personal property improvements include an estimated $11.5 million for new manufacturing equipment and a very limited investment in IT equipment. Actual personal property investment is $14,579,554. When the abatement was filed, the total existing employment was listed at 139 with an additional 73 jobs to be added over the life of the project. By the end of last year, the company hired an additional 62 employees, which is only 11 less than envisioned. Total payroll was listed at $12,539,858 which is more than the $10,200,000 listed on the SB-1. Given that the investment and payroll is higher than the projected amounts with employment levels increasing, this abatement should be considered in substantial compliance.

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

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

Sincerely,

Derek J. Spier, AICP
City Planner

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

HISTORY OF ALL TAX ABATEMENTS 1986-CURRENT

	Name	Common Council Approval Date	No. of Years Real Estate	No. of Years Machinery	No. of Retained Jobs (Proposed)	No. of New Jobs (Proposed)	No. of Retained Jobs (Actual)	No. of New Jobs (Actual)	Date of Latest CF1 Found	Capital Investment**	Abated Through*** Collect CF-1s*	Pay*	Abatement Complete
1	Patrick Industries	October 20, 1986	10 Years			52			(-)	$ 8,622,845.00	1997	1998	YES
2	Former Baby Place	June 7, 1988	6 Years	0	0	38.5			(-)	$ 2,000,000.00	1995	1996	YES
3	Wheelabrator Area	December 19, 1988	10 Years		338	246			(-)	$ 2,500,000.00	1999	2000	YES
4	National - Standard	February 21, 1989	6 Years	5 Years	15	180			(-)	$ 10,100,000.00	1995	1996	YES
5	Thermoplastics Phase I	November 20, 1989	6 Years	5 Years	151	13			(-)	$ 2,500,000.00	1995	1996	YES
6	Thermoplastics Phase II	November 20, 1989	3 Years	5 Years	155	20			(-)	$ 3,200,000.00	1993	1994	YES
7	Contech Division I	July 2, 1990	6 Years			75			(-)	$ 10,962,483.00	1996	1997	YES
8	Hilti Steel	September 13, 1990	0	5 Years	n/a	14			(-)	$ 578,000.00	1996	1997	YES
9	Penz Products Inc.	September 24, 1990	3	0	76	10			(-)	$ 475,000.00	1994	1995	YES
10	Dodge Reliance Electrical I	January 7, 1991	0	5 Years	10	15			(-)	$ 1,050,000.00	1996	1997	YES
11	Janco Products, Inc.	May 6, 1991		5 Years	10	20			(-)	$ 220,000.00	1996	1997	YES
12	Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19	150	51	Feb-93	$ 2,750,000.00	1996	1997	YES
13	National Steel Corporation	December 16, 1991	10 Years		250	130	250	32	Mar-01	$ 10,346,394.00	2002	2003	YES
14	Maron Products, Inc.	February 3, 1992	0	5 Years	38	10	41	11	Feb-95	$ 610,794.00	1998	1999	YES
15	Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0	300+	0	Mar-96	$ 3,000,000.00	1998	1999	YES
16	Thermoplastic Phase IV	October 19, 1992	6 Years		210	50	210	148	Mar-98	$ 6,812,832.00	1999	2000	YES
17	Contech Division II	April 19, 1993		5 Years	10		15	108	Mar-99	$ 1,206,461.00	1999	2000	YES
18	Dana/Ristance Corp./Standard Motor Products - Wire and Cable Div.	January 3, 1994	10 Years		80	60	42	88	Mar-05	$ 6,067,253.00	2004	2005	YES
19	United Limo	September 6, 1994	6 Years		77	8	77	8	Jan-01	$ 1,262,200.00	2001	2002	YES
20	Dearborn Crane	December 5, 1994	10 Years	5 Years	26	4	26	7	May-99	$ 612,841.00	2005	2006	YES
21	Scott Brass II	December 18, 1995	10 Years		73	31	73	13	Mar-06, Apr-01	$ 11,934,000.00	2006	2007	YES
22	Federal Window (Fedor)	December 18, 1995	6 Years	5 Years	8	8	8	26	Apr-02, Mar-01	$ 1,018,181.00	2002	2003	YES
23	Maron Products, Inc. II	December 18, 1995		5 Years	6	4	2	8	Apr-01	$ 250,000.00	2001	2002	YES
24	Quality Dining	April 15, 1996	10 Years		73	109	73	70	Mar-06	$ 5,087,402.00	2006	2007	YES
25	Baycote Metal Finishing	January 6, 1997	6 Years	5 Years	70	15	79	7	Jul-00	$ 1,800,000.00	2003	2004	YES
26	Krizman International	January 6, 1997	6 Years		225	20	225	20	Jul-00	$ 1,500,000.00	2003	2004	YES
27	Troyer	March 3, 1997	3 Years		60	40		0	(-)	$ 1,100,000.00	2001	2002	YES
28	Nyloncraft Incorporated	May 19, 1997	6 Years	5 Years	378	40	341	58	Feb-02	$ 7,598,531.00	2004	2005	YES
29	Ristance Corporation	October 20, 1997	6 Years	5 Years	139	18		0	(-)	$ 3,600,000.00	2004	2005	YES
30	DeWald Manufac. Inc./Power Gear/Engineered Solutions	October 20, 1997	6 Years	5 Years	62	15	62	40	Mar-05	$ 1,842,833.00	2004	2005	YES
31	Thermoplastic Phase V	December 1, 1997	6 Years	5 Years	299	70	299	19	Mar-00	$ 3,181,310.00	2003	2004	YES
32	Atchison/Dodge	December 1, 1999		5 Years	325	50	230		Mar-05	$ 2,000,000.00	2006	2007	YES
33	Sampson Fiberglass	March 6, 2000	3 Years		15	20	15	5	Feb-01	$ 375,000.00	2004	2005	YES
34	RMG Foundry LLC	March 6, 2000		5 Years	325	50	202	0	Feb-06	$ 2,000,000.00	2006	2007	YES
35	WF Associates (AMG Byrkit Facility)	November 19, 2001	10 Years		285	15	234	0	Apr-11	$ 2,650,000.00	2011	2012	YES
36	Nyloncraft Incorporated	March 20, 2003		5 Years	396	16	320	9	May-09	$ 1,168,064.00	2009	2010	YES
37	Nyloncraft Incorporated	November 6, 2003		5 Years	405	13	329	27	May-09	$ 2,730,304.00	2009	2010	YES
38	Plastimatics Arts Corporation	August 18, 2004		3 Years	31	4	31	16	May-06	$ 1,450,290.00	2007	2008	YES
39	Ironwood Enterprises, LLC	September 6, 2005	5 Years		14	49	27	34	May-09	$ 6,000,000.00	2010	2011	YES
40	Daman Products Company	October 17, 2005		3 Years	95	6	82	23	Feb-07	$ 1,118,980.00	2007	2008	YES
41	Culture Systems, Inc.	December 18, 2006	3 Years	3 Years	12	7	12	2	May-09	$ 1,200,000.00	2009	2010	YES
42	Patrick Industries (Metals Div)	June 19, 2006	5 Years	5 Years	172	26			Apr-10	$ 4,600,000.00	2011	2012	YES
43	Jamil Packaging Corporation	August 21, 2006		3 Years	51	5	51	5	May-10	$ 1,250,000.00	2010	2011	YES
44	Nyloncraft Incorporated	December 6, 2007		5 Years	340	50	291	12	Apr-13	$ 2,185,000.00	2012	2013	YES
45	BD Mishawaka Development LLC	February 4, 2008	10 Years		0	370	0	403	Feb-21	$ 44,000,000.00	2020	2021	YES
46	Jamil Packaging Corporation	May 1, 2008		3 Years	64	5	62	11	Apr-12	$ 1,650,000.00	2011	2012	YES
47	Long Term Care Investments, LLC (Douglas)	June 1, 2009	3 Years		0	120	0	67	Apr-12	$ 18,000,000.00	2012	2013	YES
48	Jamil Packaging Corporation	May 16, 2011		3 Years	73	6	73	29	Apr-16	$ 900,000.00	2014	2015	YES
49	North American Composites (NAC)	March 5, 2012		3 Years	0	10	0	20	Mar-19	$ 1,577,000.00	2018	2019	YES
50	Long Term Care Investments, LLC (Fir)	October 7, 2013	4 Years		0	61	0	72	Feb-21	$ 14,490,000.00	2020	2021	YES
51	Barak River Rock LLC	November 6, 2013	5 Years		0	5 to 8	0	14	Feb-21	$ 14,565,000.00	2021	2022	YES
52	WellPet LLC	January 8, 2014		5 Years	91	6	91	33	Mar-20	$ 1,470,500.00	2019	2020	YES
53	Dearborn Crane	May 19, 2014	3 years		24	3	24	8	Mar-19	$ 859,100.00	2018	2019	YES
54	WellPet LLC	April 20, 2015		5 Years	115	4	115	5	Mar-22	$ 1,800,000.00	2023	2024	YES
~~55~~	~~Barak Group LLC (Iron Rock Café)~~	~~September 21, 2015~~	~~5 Years~~						~~Apr-16~~	~~$ 450,000.00~~	~~2020~~	~~2021~~	~~NO~~
~~56~~	~~Barak Group LLC (Iron Rock Condominiums)~~	~~September 21, 2015~~	~~5 Years~~						~~Apr-16~~	~~$ 10,000,000.00~~	~~2020~~	~~2021~~	~~NO~~
~~57~~	~~Bayer Heathcare~~	~~October 19, 2015~~	~~10 Years~~		~~471~~	~~30 to 60~~	~~203~~	~~TBD~~	~~Mar-18~~	~~$ 12,500,000.00~~	~~2025/TBD~~	~~2026~~	~~NO~~
58	Patrick Industries	February 15, 2016		3 Years	0	84	0	178	Feb-20	$ 2,048,000.00	2020	2021	YES
~~59~~	~~River Walk Development Group LLC (Mult-Family Residential)~~	~~June 5, 2017~~	~~5 Years~~		~~0~~	~~2~~	~~0~~	~~2~~	~~Mar-22~~	~~$ 12,500,000.00~~	~~2026 or 2027/TBD~~	~~2027~~	~~NO~~
60	Lippert Components	July 5, 2017	10 Years	10 Years	247 (relocated)	200	247	145	Feb-24	$ 23,120,182.00	2029	2030	NO
61	Jamil Packaging Corporation	July 24, 2017		3 Years	112	8	112	28	Mar-20	$ 976,000.00	2020	2021	YES
62	Jamil Packaging Corporation	February 18, 2019		3 Years	139	12	112	0	Mar-22	$ 1,088,000.00	2022	2023	YES
63	WellPet LLC	4/12/2021 (Rescinded 5/8/23 per R2023-09)	5 Years	5 Years	125	5	120	0	Apr-22	$ 42,592,985.00	2027	2028	YES (RESCINDED)
64	Barak Group LLC (Steelhead Apartments)	9/19/2022 (Withdrawn 4/22/23 per R2024-3AA)	5 Years		0	2	TBD	TBD		$ 7,800,000.00	2029	2030	YES (WITHDRAWN)
65	Front Street LLC (The Avalon - Mixed Use Building)	October 17, 2022	5 Years		0	3	TBD	TBD	Feb-24	$ 25,000,000.00	2030	2031	NO
66	Helios Hydraulics Americas LLC (formerly Damon Products)	October 17, 2022	5 Years	5 Years	139	73	139	58	Mar-24	$ 23,527,506.00	2031	2032	NO

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

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

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

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

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

Derek Spier

From: Joe Salsbury <jsalsbury@lci1.com>
Sent: Monday, February 24, 2025 9:00 AM
To: Derek Spier; Ken Prince
Subject: RE: Lippert Annual CF-1s

Great thanks Derek.

From: Derek Spier <dspier@mishawaka.in.gov>
Sent: Friday, February 21, 2025 4:51 PM
To: Joe Salsbury <jsalsbury@lci1.com>; Ken Prince <kprince@mishawaka.in.gov>
Subject: RE: Lippert Annual CF-1s

Good afternoon-

Thank you for the discussion earlier this week and cover letter regarding the employment levels at your Mishawaka facilities and recent industry trends.

As a part of this year's compliance reporting, we will include your correspondence stating that total salaries and capital investment exceeds what was envisioned when the abatement was approved in 2017, but employment levels have greatly declined. The reporting will state that you are non-compliant based solely on the employment level and that for this reason you are requesting that the abatement be withdrawn.

We understand that you remain fully committed to your Mishawaka facility and hope for your continued success.

Let us know if you have any questions.

Have a good weekend,

Derek J. Spier, AICP | City Planner
City of Mishawaka | Department of Planning & Community Development
City Hall, 100 Lincolnway West, Mishawaka, IN 46544
Phone: (574) 258-1625 | Fax: (574) 968-6999
Email: dspier@mishawaka.in.gov
Website: www.mishawaka.in.gov

Working together to build the "Best Hometown in America", by delivering exceptional services, promoting safe and clean neighborhoods, elevating the quality of life, and inspiring pride in our community

From: Joe Salsbury <jsalsbury@lci1.com>
Sent: Friday, February 21, 2025 10:28 AM
To: Derek Spier <dspier@mishawaka.in.gov>; Ken Prince <kprince@mishawaka.in.gov>
Subject: Lippert Annual CF-1s

Hi Derek and Ken,

Thanks for your time earlier this week. As promised, I have attached a copy of our current year CF-1s as well as a cover letter explaining a little bit more detail as well as our intention to withdraw from the abatement on a prospective basis. Let me know what else you need from us.

I sincerely appreciate your help and understanding.

Thanks!

Joe Salsbury
Sr. Director of Tax
Office: 574.312.6360 Cell: 815.742.7706
Jsalsbury@lci1.com

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LIPPERT

February 20, 2025

Derek J. Spier, Senior Planner & Economic Development Specialist
City of Mishawaka
100 Lincolnway West
Mishawaka, IN 46544

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

Dear Mr. Spier:

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

Included on the CF-1s, you will see a total headcount of 249 employees earning total salaries of $15,052,591. Lippert's total fixed asset investment at this facility has greatly exceeded the commitments. Through the end of the investment window, we invested $24,990,128 in real and personal property improvements compared to our commitment of $10,894,946.

2024 continued to be a slow year for the RV and Marine industry with RV retail unit sales down approximately 45% from their peak in 2021. Even with the downturn, certain groups within the company are experiencing growth and changes. Due to evolving the needs of these groups, we are currently going through extensive strategic planning to ensure the long-term success and growth of the company including the Mishawaka facility.

We understand that we are considerably short on our Mishawaka employment commitments. In the long run, we expect the RV and Marine industry rebounds and strategic planning efforts to result in increased headcount at the Mishawaka facility, however, this will take time. We remain fully committed to our investment in Mishawaka and our continued partnership with the city. As a token of good faith towards this partnership, Lippert would like to be a good corporate citizen and withdraw from the real and personal property tax abatements on a prospective basis.

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

Sincerely,

Joe Salsbury, CPA
Sr. Director of Tax

Enclosures

Corporate Headquarters | 3501 County Road 6 East, Elkhart, IN 46514 | Phone 574.535.1125

COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R8 / 4-23)
Prescribed by the Department of Local Government Finance

20 25 PAY 20 26

FORM CF-1 / Real Property

PRIVACY NOTICE

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

INSTRUCTIONS:

1. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
2. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
3. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))*
4. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

SECTION 1 TAXPAYER INFORMATION

Name of Taxpayer Lippert Components Manufacturing, Inc.		County St. Joseph
Address of Taxpayer *(number and street, city, state, and ZIP code)* 3501 County Road 6 East, Elkhart IN 46514		DLGF Taxing District Number 023
Name of Contact Person Joe Salsbury	Telephone Number (574) 312-6360	Email Address Jsalsbury@lci1.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY

Name of Designating Body City of Mishawaka	Resolution Number 2017-17	Estimated Start Date *(month, day, year)* 08/01/2017
Location of Property 400 S Byrkit Avenue, Mishawaka IN 46544		Actual Start Date *(month, day, year)* 08/01/2017
Description of Real Property Improvements Remodeling of existing building, adding new addition, adding paved parking lot		Estimated Completion Date *(month, day, year)* 08/01/2019
		Actual Completion Date *(month, day, year)* 08/01/2019

SECTION 3 EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	247	249
Salaries	10,354,808	15,052,591
Number of Employees Retained	247	247
Salaries	10,354,808	10,354,808
Number of Additional Employees	200	2
Salaries	7,800,000	4,697,783

SECTION 4 COST AND VALUES

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values Before Project	$ 1,760,341	$
Plus: Values of Proposed Project	$ 7,400,000	$
Less: Values of Any Property Being Replaced	$ 0	$
Net Values Upon Completion of Project	$ 9,160,341	$
ACTUAL	COST	ASSESSED VALUE
Values Before Project	$ 1,760,341	$
Plus: Values of Proposed Project	$ 13,324,225	$
Less: Values of Any Property Being Replaced	$	$
Net Values Upon Completion of Project	$ 15,084,566	$

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of Authorized Representative	Title Tax Director	Date Signed *(month, day, year)* 2/21/25

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

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

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

We have reviewed the CF-1 and find that:

☐ The Property Owner **IS** in Substantial Compliance

☒ The Property Owner **IS NOT** in Substantial Compliance

☐ Other *(specify)* ______________________________

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

Signature of Authorized Member	Date Signed *(month, day, year)*
Attested By	Designating Body City of Mishawaka

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

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

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

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

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

Signature of Authorized Member	Date Signed *(month, day, year)*
Attested By	Designating Body City of Mishawaka

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

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

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

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

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

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

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

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer: Lippert Components Manufacturing, Inc.

Address of taxpayer *(number and street, city, state, and ZIP code)*: 3501 County Road 6 East, Elkhart, IN 46514

Name of contact person	Telephone number	E-mail address
Tom Bauters	(574) 312-6159	tbauters@lci1.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number
City of Mishawaka		
Location of property	**County**	**DLGF taxing district number**
400 South Byrkit Avenue, Mishawaka, IN 46544	St. Joseph	023 - Mish

Description of real property improvements, redevelopment, or rehabilitation *(use additional sheets if necessary)*:
Remodel existing facility 347,000 sq. ft: $3,000,000
Construct new 79,200 sq. ft building addition: $3,200,000
Asphalt parking lot for 380 parking spaces and 40 semi truck spaces: $1,200,000

Estimated start date *(month, day, year)*: August 1, 2017
Estimated completion date *(month, day, year)*: August 1, 2019

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

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

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

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

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) ____________

Estimated hazardous waste converted (*pounds*) ____________

Other benefits:

SECTION 6 TAXPAYER CERTIFICATION

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

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

FOR USE OF THE DESIGNATING BODY

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

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

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

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

D. Other limitations or conditions *(specify)*

E. Number of years allowed:

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

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

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

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

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

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

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

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

COMPLIANCE WITH STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51765 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

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

FORM CF-1 / PP

2025 Pay 2026

INSTRUCTIONS:

1. *Property owners whose Statement of Benefits was approved must file this form with the local designating body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).*

SECTION 1 — TAXPAYER INFORMATION

Name of Taxpayer Lippert Components Manufacturing, Inc.		County St. Joseph
Address of Taxpayer *(number and street, city, state, and ZIP code)* 3501 County Road 6 East, Elkhart IN 46514		DLGF Taxing District Number 023
Name of Contact Person Joe Salsbury	Telephone Number (574) 312-6360	Email Address Jsalsbury@lci1.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

Name of Designating Body City of Mishawaka	Resolution Number 2017-16	Estimated State Date *(month, day, year)* 08/01/2017
Location of Property 400 S Byrkit Ave, Mishawaka IN 46544		Actual Start Date *(month, day, year)* 08/01/2017
Description of new manufacturing equipment, new research and development equipment, new information technology equipment, or new logistical distribution equipment to be acquired. Racking, Equipment, Furnitures & Fixtures		Estimated Completion Date *(month, day, year)* 08/01/2019 Actual Completion Date *(month, day, year)* 08/01/2019

SECTION 3 — EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	247	249
Salaries	10,354,808	15,052,591
Number of Employees Retained	247	247
Salaries	10,354,808	10,354,808
Number of Additional Employees	200	2
Salaries	7,800,000	4,697,783

SECTION 4 — COST AND VALUES

	MANUFACTURING EQUIPMENT		RESEARCH & DEVELOPMENT EQUIPMENT		LOGISTICAL DISTRIBUTION EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**
Values Before Project	$	$	$	$	$ 109,605	$	$	$
Plus: Values of Proposed Project	$	$	$	$	$ 1,625,000	$	$	$
Less: Values of Any Property Being Replaced	$	$	$	$	$	$	$	$
Net Values Upon Completion of Project	$	$	$	$	$ 1,734,605	$	$	$
ACTUAL	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**
Values Before Project	$	$	$	$	$ 109,605	$	$	$
Plus: Values of Proposed Project	$	$	$	$	$ 9,795,957	$	$	$
Less: Values of Any Property Being Replaced	$	$	$	$	$	$	$	$
Net Values Upon Completion of Project	$	$	$	$	$ 9,905,562	$	$	$

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

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

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

SECTION 6 — TAXPAYER CERTIFICATION

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

Signature of Authorized Representative	Title Tax Director	Date Signed *(month, day, year)* 8/21/25

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

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

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

We have reviewed the CF-1 and find that:

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

☒ The property owner **IS NOT** in substantial compliance

☐ Other *(specify)* ______________________________

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

Signature of Authorized Member	Date Signed *(month, day, year)*
Attested By	Designating Body

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

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

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

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

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

Signature of Authorized Member	Date Signed *(month, day, year)*
Attested By	Designating Body

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

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

STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

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

INSTRUCTIONS

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

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer: Lippert Components Manufacturing, Inc.

Name of contact person: Tom Bauters

Address of taxpayer *(number and street, city, state, and ZIP code)*: 3501 County Road 6 East, Elkhart, IN 46514

Telephone number: (574) 312-6159

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: City of Mishawaka

Resolution number (s):

Location of property: 400 South Byrkit, Mishawaka, IN 46544

County: St. Joseph

DLGF taxing district number: 023 - Mishawaka - Penn

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

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

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

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

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

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

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

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted *(pounds)* __________

Estimated hazardous waste converted *(pounds)* __________

Other benefits:

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of authorized representative: TJ Bauters, CPA

Date signed *(month, day, year)*: 6/12/2017

Printed name of authorized representative: Tom Bauters

Title: Assistant Treasurer & Tax Director

FOR USE OF THE DESIGNATING BODY

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

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

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

1. Installation of new manufacturing equipment;	☒ Yes	☐ No	☐ Enhanced Abatement per IC 6-1.1-12.1-18 *Check box if an enhanced abatement was approved for one or more of these types.*
2. Installation of new research and development equipment;	☒ Yes	☐ No	
3. Installation of new logistical distribution equipment.	☒ Yes	☐ No	
4. Installation of new information technology equipment;	☒ Yes	☐ No	

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

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

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

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

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

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

☐ Year 1	☐ Year 2	☐ Year 3	☐ Year 4	☐ Year 5	☐ Enhanced Abatement per IC 6-1.1-12.1-18 Number of years approved: ________ *(Enter one to twenty (1-20) years; may not exceed twenty (20) years.)*
☐ Year 6	☐ Year 7	☐ Year 8	☐ Year 9	☒ Year 10	

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

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

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

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

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

Derek Spier

From: JP Wielgos <jp@7.diamonds>
Sent: Monday, April 7, 2025 2:56 PM
To: Derek Spier
Subject: Re: Avalon Tax Abatemene

Hey Derek,

Hope you had a great weekend!

Apologies for the delay. Everyone is out on spring break and i'm the only one in the office...

Yes, we are in the process of hiring another employee as they transition from their current employer. As we fill up both the residential and commercial spaces, we will hire 1-2 additional employees. During lease up and the added expense to build the building, it was not feasible to hire everyone at once.

JP

On Fri, Apr 4, 2025 at 8:30 AM Derek Spier <dspier@mishawaka.in.gov> wrote:

> Good morning-
>
> If possible, can you provide this additional information by noon today?
>
> Thanks,
>
> Derek
>
> **From:** Derek Spier
> **Sent:** Wednesday, April 2, 2025 12:59 PM
> **To:** JP Wielgos <jp@7.diamonds>
> **Subject:** RE: Avalon Tax Abatemene

JP-

When the abatement was filed in the fall of 2022, it was indicated that 2-3 additional employees would be hired including 1-2 semi-skilled jobs and 1 salaried position.

Do you have plans to hire such positions in the near future? If not, please explain any other property management contracts you may have with local firms or other local employment increases / secondary benefits as a direct result of the Avalon project.

I'll use $25 million as both the estimated and final actual cost.

Thanks for the information.

Best,

Derek

From: JP Wielgos <jp@7.diamonds>
Sent: Wednesday, April 2, 2025 12:47 PM
To: Derek Spier <dspier@mishawaka.in.gov>
Subject: Re: Avalon Tax Abatemene

Derek,

Apologies for the delay!

0 additional employees have been hired since last year.

The $25mm amount includes the site work, land, etc. The building value is approx $23mm.

Let me know what else you need.

JP

On Thu, Mar 6, 2025 at 12:22 PM Derek Spier <dspier@mishawaka.in.gov> wrote:

> JP-
>
> Also, the Statement of Benefits included an estimated project value of $25,000,000.
>
> What was the final actual cost for the project?
>
> Thanks again.
>
> Derek
>
> **From:** Derek Spier
> **Sent:** Thursday, March 6, 2025 10:03 AM
> **To:** 'JP Wielgos' <jp@7.diamonds>
> **Subject:** RE: Avalon Tax Abatemene

Good morning-

In reviewing the Compliance with Statement of Benefits / Real Estate Improvements (CF-1) filed for the Avalon, it shows that 0 additional employees have been hired. When the abatement was approved in 2022, the Statement of Benefits for Real Estate Improvements (SB-1) showed that 3 additional employees will be hired with total approximate salaries of $130,000.

Have any additional employees been hired or do you plan on hiring soon?

Thanks,

Derek

From: JP Wielgos <jp@7.diamonds>
Sent: Friday, February 21, 2025 1:29 PM
To: Derek Spier <dspier@mishawaka.in.gov>
Cc: Shad Annis <shad.annis@mishawaka.in.gov>
Subject: Re: Avalon Tax Abatemene

Thanks, Derek.

So sorry, not sure why I was thinking this went to Shad... My mistake.

Have a great weekend!

JP

On Fri, Feb 21, 2025 at 11:50 AM Derek Spier <dspier@mishawaka.in.gov> wrote:

Good morning JP-

Thanks for completing the compliance form.

We will review and let you know if anything else is needed.

Best,

Derek

From: Shad Annis <shad.annis@mishawaka.in.gov>
Sent: Thursday, February 20, 2025 4:10 PM
To: Derek Spier <dspier@mishawaka.in.gov>
Subject: Fw: Avalon Tax Abatemene

Should this go to you?

Shad A. Annis | **Associate Planner**

City of Mishawaka | Department of Planning & Community Development

City Hall, 100 Lincolnway West, Mishawaka, IN 46544

Phone: (574) 258-1625 | Fax: (574) 968-6999

Email: shad.annis@mishawaka.in.gov

Website: www.mishawaka.in.gov

-

Working together to build the "Best Hometown in America", by delivering exceptional services, promoting safe and clean neighborhoods, elevating the quality of life, and inspiring pride in our community

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From: JP Wielgos <jp@7.diamonds>
Sent: Thursday, February 20, 2025 4:05 PM
To: Shad Annis <shad.annis@mishawaka.in.gov>
Subject: Avalon Tax Abatemene

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.

Hey Shad,

Hope all is well!

Attached is our tax abatement packet for the Avalon. Let me know if you have any questions or see any edits.

Have a great rest of your week.

JP

20____ PAY 20____

FORM CF-1 / Real Property

COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R6 / 4-23)

Prescribed by the Department of Local Government Finance

PRIVACY NOTICE

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

INSTRUCTIONS:

1. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
2. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
3. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))*
4. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

SECTION 1 TAXPAYER INFORMATION

Name of Taxpayer: Front St. LLC

County: St. Joseph

Address of Taxpayer (number and street, city, state, and ZIP code): 1130 S. Bend Ave Ste. 350 So. Bend IN 46617

DLGF Taxing District Number: 71-091

Name of Contact Person: JP Wrelgos

Telephone Number: (574) 329-0743

Email Address: JP@7.Diamonds

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY

Name of Designating Body: Common Council of the City of Mishawaka

Resolution Number: 2022-025

Estimated Start Date (month, day, year): Nov. 2022

Actual Start Date (month, day, year): Dec. 2022

Location of Property: 365 W. Front St. Mishawaka IN 46544

Estimated Completion Date (month, day, year): Nov. 2023

Description of Real Property Improvements: Development & Construction of Approx 79,000 SF of Mixed use Retail and Residential including 108 residential apartments and 3 commercial units

Actual Completion Date (month, day, year): July 2024

SECTION 3 EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	0	0
Salaries	0	0
Number of Employees Retained	0	0
Salaries	0	0
Number of Additional Employees	~~0~~ 3	0
Salaries	$140,000.00	0

SECTION 4 COST AND VALUES

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
AS ESTIMATED ON SB-1		
Values Before Project	$	$ 337,500
Plus: Values of Proposed Project	$ 25,000,000	$ TBD
Less: Values of Any Property Being Replaced	$	$
Net Values Upon Completion of Project	$ 25,000,000	$ 25,000,000
ACTUAL	COST	ASSESSED VALUE
Values Before Project	$	$
Plus: Values of Proposed Project	$	$ 3,508,800 (60% COMPLETE)
Less: Values of Any Property Being Replaced	$	$
Net Values Upon Completion of Project	$	$

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		0
Amount of Hazardous Waste Converted		0
Other Benefits:		

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of Authorized Representative:

Title: Manager

Date Signed (month, day, year): 2/20/2025

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

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

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

We have reviewed the CF-1 and find that:

☐ The Property Owner **IS** in Substantial Compliance

☐ The Property Owner **IS NOT** in Substantial Compliance

☐ Other *(specify)* ____________________

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

Signature of Authorized Member	Date Signed *(month, day, year)*
Attested By	Designating Body

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

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

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

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

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

Signature of Authorized Member	Date Signed *(month, day, year)*
Attested By	Designating Body

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

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

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

20 22 PAY 20 23

FORM SB-1 / Real Property

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

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

INSTRUCTIONS:

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

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
Front Street LLC

Address of taxpayer (*number and street, city, state, and ZIP code*)
1130 South Bend Ave. Ste. 350 South Bend, IN 46617

Name of contact person J. Patrick Matthews	Telephone number (574) 315-9668	E-mail address Pat@7.Diamonds

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body Common Council of the City of Mishawaka		Resolution number
Location of property Block of Front, Spring, Hill, and 1st Streets	County St. Joseph	DLGF taxing district number 71-091
Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*) Development and construction of approx. 79,000 square feet of mixed use retail and residential including 108 residential units and 3 commerical units.		Estimated start date (*month, day, year*) November, 2022 Estimated completion date (*month, day, year*) November, 2023

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

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
0.00	$0.00	0.00	$0.00	3.00	$130,000.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		337,500.00
Plus estimated values of proposed project	25,000,000.00	25,000,000.00
Less values of any property being replaced		337,500.00
Net estimated values upon completion of project	25,000,000.00	25,000,000.00

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) ______________________

Estimated hazardous waste converted (*pounds*) ______________________

Other benefits
Tax payer estimates that 2-3 new positions will be created within 1-year after project/building completion. This will also help the shortage of housing Downtown Mishawaka and drive additional retail and restaurants.

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of authorized representative J. Patrick Matthews	Date signed (*month, day, year*) September 13, 2022
Printed name of authorized representative J. Patrick Matthews	Title Manager

FOR USE OF THE DESIGNATING BODY

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

A. The designated area has been limited to a period of time not to exceed 3 calendar years* *(see below)*. The date this designation expires is 12/31/2025. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

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

C. The amount of the deduction applicable is limited to $ 25,000,000.

D. Other limitations or conditions *(specify)* None

E. Number of years allowed:

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

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

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

Approved *(signature and title of authorized member of designating body)* President	Telephone number ( )	Date signed *(month, day, year)* 10/17/2022
Printed name of authorized member of designating body Gregg Hixenbaugh	Name of designating body Common Council	
Attested by *(signature and title of attester)* Deborah S. Block	Printed name of attester Deborah S. Block	

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

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

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

IC 6-1.1-12.1-17
Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R6 / 4-23)

Prescribed by the Department of Local Government Finance

20_____ PAY 20_____
FORM CF-1 / Real Property

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

INSTRUCTIONS:

1. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
2. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
3. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))*
4. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

SECTION 1 TAXPAYER INFORMATION

Name of Taxpayer Helios Hydraulics Americas LLC		County St. Joseph
Address of Taxpayer *(number and street, city, state, and ZIP code)* 7456 16th Street E, Sarasota, FL 34243		DLGF Taxing District Number 022
Name of Contact Person Mark Hartman	Telephone Number (810) 334-9059	Email Address mark.hartman@heliostechnologies.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY

Name of Designating Body City of Mishawaka	Resolution Number 2022-30	Estimated Start Date *(month, day, year)* 11/1/2022
Location of Property 1811 Home Street		Actual Start Date *(month, day, year)* 11/1/2022
Description of Real Property Improvements Building Expansion		Estimated Completion Date *(month, day, year)* 6/1/2026
		Actual Completion Date *(month, day, year)* In Progress

SECTION 3 EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	139	201
Salaries	7,200,000	12,539,858
Number of Employees Retained	139	139
Salaries	7,200,000	7,200,000
Number of Additional Employees	73	62
Salaries	3,000,000	5,339,858

SECTION 4 COST AND VALUES

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values Before Project	$ 1,572,400	$ 1,572,400
Plus: Values of Proposed Project	$ 4,800,000	$ 4,800,000
Less: Values of Any Property Being Replaced	$	$
Net Values Upon Completion of Project	$ 6,372,400	$ 6,372,400
ACTUAL	COST	ASSESSED VALUE
Values Before Project	$ 1,572,400	$ 1,572,400
Plus: Values of Proposed Project	$ 9,249,171	$ 9,249,171
Less: Values of Any Property Being Replaced	$	$
Net Values Upon Completion of Project	$ 10,821,571	$ 10,821,571

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of Authorized Representative	Title M Hartman, Corp Tax Manager	Date Signed *(month, day, year)* 2/6/2025

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

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

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

We have reviewed the CF-1 and find that:

☐ The Property Owner **IS** in Substantial Compliance

☐ The Property Owner **IS NOT** in Substantial Compliance

☐ Other *(specify)* ____________________

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

Signature of Authorized Member

Date Signed *(month, day, year)* ~~2/6/2025~~

Attested By

Designating Body City of Mishawaka

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

Time of Hearing ☐ AM ☐ PM

Date of Hearing *(month, day, year)*

Location of Hearing

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

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

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

Signature of Authorized Member

Date Signed *(month, day, year)* 2/6/2025

Attested By

Designating Body City of Mishawaka

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

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

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

20 22 PAY 20 23

FORM SB-1 / Real Property

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

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

INSTRUCTIONS:

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

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer: Helios Hydraulics Americas LLC

Address of taxpayer (*number and street, city, state, and ZIP code*): 7456 16th Street East

Name of contact person: Lori Switzer

Telephone number: (248) 390-4882

E-mail address: lori.switzer@heliostechnologies.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: City of Mishawaka

Resolution number:

Location of property: 1811 Home Street

County: St Josesph

DLGF taxing district number:

Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*): Building and product line expansion.

Estimated start date (*month, day, year*): 2022

Estimated completion date (*month, day, year*): 2026

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

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
139.00	$7,200,000.00	139.00	$7,200,000.00	73.00	$3,000,000.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	1,572,400.00	1,572,400.00
Plus estimated values of proposed project	4,800,000.00	4,800,000.00
Less values of any property being replaced		
Net estimated values upon completion of project	6,372,400.00	6,372,400.00

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) ____________

Estimated hazardous waste converted (*pounds*) ____________

Other benefits

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of authorized representative:

Date signed (*month, day, year*): 9/23/2022

Printed name of authorized representative: Dave McCaffery

Title: VP, Business Development and Treasury

FOR USE OF THE DESIGNATING BODY

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

A. The designated area has been limited to a period of time not to exceed 4 calendar years* *(see below)*. The date this designation expires is 12/31/2026. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

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

C. The amount of the deduction applicable is limited to $ 4,800,000.

D. Other limitations or conditions *(specify)* None

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

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

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

Approved *(signature and title of authorized member of designating body)* President	Telephone number (574)258-1616	Date signed *(month, day, year)* 10/17/2022
Printed name of authorized member of designating body Gregg Hixenbaugh	Name of designating body Common Council	
Attested by *(signature and title of attester)* Deborah S. Block	Printed name of attester Deborah S. Block	

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

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

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

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R7 / 12-22)
Prescribed by the Department of Local Government Finance

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

FORM CF-1 / PP

20___ Pay 20___

INSTRUCTIONS:

1. *Property owners whose Statement of Benefits was approved must file this form with the local designating body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).*

SECTION 1 TAXPAYER INFORMATION

Name of Taxpayer: Helios Hydraulics Americas LLC

County: St. Joseph

Address of Taxpayer *(number and street, city, state, and ZIP code)*: 7456 16th Street E, Sarasota, FL 34243

DLGF Taxing District Number: 022

Name of Contact Person: Mark Hartman

Telephone Number: (810)334-9059

Email Address: mark.hartman@heliostechnologies.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY

Name of Designating Body: City of Mishawaka

Resolution Number: 2022-31

Estimated State Date *(month, day, year)*: 11/1/2022

Location of Property: 1811 Home Street

Actual Start Date *(month, day, year)*: 11/1/2022

Description of new manufacturing equipment, new research and development equipment, new information technology equipment, or new logistical distribution equipment to be acquired.

Misc manufacturing equipment to expand current and create new product lines

Estimated Completion Date *(month, day, year)*: 6/1/2026

Actual Completion Date *(month, day, year)*: In Progress

SECTION 3 EMPLOYEES AND SALARIES

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	139	201
Salaries	7,200,000	12,539,858
Number of Employees Retained	139	139
Salaries	7,200,000	7,200,000
Number of Additional Employees	73	62
Salaries	3,000,000	5,339,858

SECTION 4 COST AND VALUES

	MANUFACTURING EQUIPMENT		RESEARCH & DEVELOPMENT EQUIPMENT		LOGISTICAL DISTRIBUTION EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**
Values Before Project	$ 11,824,604	$ 3,547,381	$	$	$	$	$	$
Plus: Values of Proposed Project	$ 11,475,000	$ 3,442,500	$	$	$	$	$ 50,000	$ 32,500
Less: Values of Any Property Being Replaced	$	$	$	$	$	$	$	$
Net Values Upon Completion of Project	$ 23,299,604	$ 6,989,881	$	$	$	$	$ 50,000	$ 32,500
ACTUAL	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**	**COST**	**ASSESSED VALUE**
Values Before Project	$ 11,824,604	$ 3,547,381	$	$	$	$	$	$
Plus: Values of Proposed Project	$ 14,270,540	$ 3,684,612	$	$	$	$	$ 309,014	$ 200,859
Less: Values of Any Property Being Replaced	$	$	$	$	$	$	$	$
Net Values Upon Completion of Project	$ 26,095,144	$ 7,231,993	$	$	$	$	$ 309,014	$ 200,859

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

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of Authorized Representative:

Title: M Hartman, Corp Tax Manager

Date Signed *(month, day, year)*: 2/6/2025

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

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

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

We have reviewed the CF-1 and find that:

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

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

☐ Other *(specify)* ______________________________

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

Signature of Authorized Member	Date Signed *(month, day, year)*
Attested By	Designating Body

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

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

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

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

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

Signature of Authorized Member	Date Signed *(month, day, year)*
Attested By	Designating Body

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

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

STATEMENT OF BENEFITS
PERSONAL PROPERTY

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

FORM SB-1 / PP

PRIVACY NOTICE

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

INSTRUCTIONS:

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

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Helios Hydraulics America LLC

Name of contact person: Lori Switzer

Address of taxpayer *(number and street, city, state, and ZIP code)*: 7456 16th St E, Sarasota, FL 34243

Telephone number: (248) 390-4882

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: St. Joseph County

Resolution number (s):

Location of property: 1811 Home Street

County: St. Joseph

DLGF taxing district number: 022

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

Misc Manufacturing equipment to expand current product lines and create new product lines.

	ESTIMATED	
	START DATE	COMPLETION DATE
Manufacturing Equipment	11/01/2022	06/01/2026
R & D Equipment		
Logist Dist Equipment		
IT Equipment	02/01/2023	06/01/2023

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

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
139	$7.2mil	139	$7.2mil	73	$3mil

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the **COST** of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values	11,824,604	3,547,381						
Plus estimated values of proposed project	11,475,000	3,442,500					50,000	32,500
Less values of any property being replaced								
Net estimated values upon completion of project	23,299,604	6,989,881					50,000	32,500

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

Estimated solid waste converted *(pounds)* ____________

Estimated hazardous waste converted *(pounds)* ____________

Other benefits:

This project will bring increased investment in local jobs, additional revenue to Indiana suppliers, and an increased tax base for the county and the state.

SECTION 6 — TAXPAYER CERTIFICATION

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

Signature of authorized representative:

Date signed *(month, day, year)*: 9/23/2022

Printed name of authorized representative: Dave McCaffrey

Title: VP, Business Development and Treasury

FOR USE OF THE DESIGNATING BODY

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

A. The designated area has been limited to a period of time not to exceed 4 calendar years * *(see below)*. The date this designation expires is 12/31/2026. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

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

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

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

C. The amount of deduction applicable to new manufacturing equipment is limited to $ 11,475,000 cost with an assessed value of $________. *(One or both lines may be filled out to establish a limit, if desired.)*

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

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

F. The amount of deduction applicable to new information technology equipment is limited to $ 50,000 cost with an assessed value of $________. *(One or both lines may be filled out to establish a limit, if desired.)*

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

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

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

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

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

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

Approved by: *(signature and title of authorized member of designating body)* President	Telephone number (574)258-1616	Date signed *(month, day, year)* 10/17/2022
Printed name of authorized member of designating body Gregg Hixenbaugh	Name of designating body Common Council	
Attested by: *(signature and title of attester)* Deborah S Block	Printed name of attester Deborah S. Block	

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

IC 6-1.1-12.1-17
Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

RESOLUTION NO. 2025-11

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA

APPROVING AN AMENDMENT TO THE MISHAWAKA UTILITIES RETIREMENT SYSTEM

WHEREAS, The City of Mishawaka heretofore adopted the Mishawaka Utilities Retirement System ("Plan"), commonly known and referred to as the "Utility Pension Fund", for the purpose of providing annuities or pensions and death benefits for employees of the Public Utilities owned and operated by the City of Mishawaka, Indiana; and

WHEREAS, Section 9.01 of the Plan allows for its amendment; and

WHEREAS, Section 9.01 of the Plan requires all amendments, alterations and additions to be approved by the Managing Board and the Common Council of the City of Mishawaka, Indiana; and.

WHEREAS, on April 10, 2025, the Mishawaka Utilities Retirement System through its members approved the amendments set forth below, subject to approval by the Managing Board, and confirmation of the Common Council of the City of Mishawaka, Indiana; and.

WHEREAS, the Utility Board on April 22, 2025, passed its Resolution UB 2025-07, approving said amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, approves and confirms that the Plan is hereby amended as set forth in the attached revised and updated version. The most notable changes include:

1. Article III. 3.01 (r) – removes the 30 years of credited service for employees hired after 01/01/2025 as a sole criterion for Normal Retirement.
2. Article VI. 6.01 (b) – increases the base formula for the pension calculation from $120 to $175 for employees retiring after 01/01/2025.
3. Article VI. 6.01 (c) – defines the criteria for pensioners to receive a 13th check.
4. Article VII. 7.05 (e) – adds language from amendment 2007-29 to provide benefits to a spouse of an employee who passes away before retirement but had met all the necessary qualifications.
5. Article VII. 7.06 (a) – updates the vesting and payout schedule for the minimum termination benefit.

PASSED by the Common Council of the City of Mishawaka, Indiana, on this _____ day

of__________, 2025.

____

Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor of the City of Mishawaka on the ______ day of

___________, 2025, at _________ o'clock __.m.

____
Deborah S. Block, IAMCA, CMC, City Clerk

APPROVED by me this _______ day of ________________ 2025, at ______ o'clock ___.m.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: April 24, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire – Utility Pension Board Treasurer/UB Vice President

Re: Utility Pension Plan amendment resolution

The Utility Pension Board is requesting approval of the first amendment to the pension plan since 2007. May Oberfell Lorber were the legal consultants as the plan needed, first and foremost, language and definition updates for legal compliance. The plan has been approved by the Members and by the Utility Board. The Common Council has the final approval.

See the attached updated version and blue-lined original version for all changes. The most notable amendments include:

1. Page 2. 2.01 With no General Manager position at the Utilities, the Mayor may name someone to that position on the Board.
2. Page 2. 2.04 The Mayor may designate someone to fill in for him at Utility Pension Board meetings if he is unable to attend.
3. Page 4. 3.01 Update definitions
4. Page 6. (r) Update definition of Normal Retirement Date. A newly hired MU employee is not considered retired after 30 years of service unless they meet the rule of 85 or are age 65. Employees hired before 01/01/2025 are not affected by this change.
5. Page 10. (b) The formula for an employee's pension increases from $120 plus 1.5% of monthly plan compensation multiplied by the number of his full and fractional years of credited service to $175 plus 1.5%.
6. Page 10. (c) Criteria for receiving a 13th check.
7. Page 13. (e) Inserts the Beneficiary amendment approved in 2007 to allow a spouse of an employee who qualifies to be retired but hasn't, and passes away, to receive either the death benefit or the survivor's annuity.
8. Page 15. (a) Update the vesting and payout schedule.
9. Pages 17 – 33 Updates to comply with State and Federal statutes concerning pension plans.

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

c: David A. Wood, Mayor
Maureen Childress, Utility Pension Board Secretary

RESOLUTION NO. 2025 – 07

A RESOLUTION OF THE UTILITY BOARD OF THE CITY OF MISHAWAKA, INDIANA APPROVING AN AMENDMENT TO THE MISHAWAKA UTILITIES RETIREMENT SYSTEM

WHEREAS, The City of Mishawaka heretofore adopted the Mishawaka Utilities Retirement System ("Plan"), commonly known and referred to as the "Utility Pension Fund", for the purpose of providing annuities or pensions and death benefits for employees of the Public Utilities owned and operated by the City of Mishawaka, Indiana; and

WHEREAS, Section 9.01 of the Plan allows for its amendment; and

WHEREAS, Section 9.01 of the Plan requires all amendments, alterations and additions to be approved by the Managing Board, the Common Council of the City of Mishawaka, Indiana, and the Mishawaka Utilities Retirement System through its members.

WHEREAS, on April 10, 2025, the Mishawaka Utilities Retirement System through its members approved the amendments set forth below, subject to approval by the Managing Board, and confirmation of the Common Council of the City of Mishawaka, Indiana; and,

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY BOARD OF THE CITY OF MISHAWAKA, INDIANA, that the Plan amendments set forth in the attached revised and updated version be approved.

Numerous sections of the Plan have been amended to update definitions and required language concerning pension plans. The most notable changes include:

1. Article III. 3.01 (r) – removes the 30 years of credited service for employees hired after 01/01/2025 as a sole criterion for Normal Retirement.
2. Article VI. 6.01 (b) – increases the base formula for the pension calculation from $120 to $175 for employees retiring after 01/01/2025.

3. Article VI. 6.01 (c) – defines the criteria for pensioners to receive a 13th check.
4. Article VII. 7.05 (e) – adds language from amendment 2007-06 to provide benefits to a spouse of an employee who passes away before retirement but had met all the necessary qualifications.
5. Article VII. 7.06 (a) – updates the vesting and payout schedule for the minimum termination benefit.

ADOPTED by the Utility Board of the City of Mishawaka, Indiana, on this 22 day of April, 2025.

Utility Board of the
City of Mishawaka, Indiana

Kenneth B. Prince, President

Rebecca S Maguire
Rebecca S. Maguire, Vice President

Anthony Violi, Member

Attested by:

Donna M Whitt
Donna M. Whitt, Clerk of the Board

Date 4/22/25

Amendment and Restatement of Mishawaka Utilities

Retirement System

effective January 1, 2025

Mishawaka Utilities

Electric • Water • Wastewater Treatment

TABLE OF CONTENTS

MISHAWAKA UTILITIES RETIREMENT SYSTEM

ARTICLE I
Purpose

The MISHAWAKA UTILITIES RETIREMENT SYSTEM (hereinafter called "Utility Pension Fund"), has been established for the purpose of providing annuities or pensions and death benefits for the Employees of Mishawaka Utilities (hereinafter called "MU"), owned and operated by the City of Mishawaka, Indiana. The Effective Date of this Utility Pension Fund shall be the first day of April, 1944. This revision is effective, except as otherwise provided or as otherwise required by applicable law, as of January 1, 2025 and revises and supersedes the version with an effective date of January 1, 2007 and all prior versions. This restatement is intended to update this Plan with technical language changes for various laws including those commonly known as the SECURE Act, the CARES Act, and the SECURE Act 2.0.

ARTICLE II
Administrator

2.01 The general administration and management of the Utility Pension Fund shall be vested in a Board of Trustees to be composed of the Mayor of the City, the City Controller and the designee of the Mayor of the City, which said last named officials shall be ex-officio members of such Board of Trustees, and four (4) Employees of MU, to be elected at a meeting of the Employees of MU, to be held at the Council Chambers of the City on the first Wednesday of March, 1944. At this meeting of the Employees, the candidate receiving the highest number of votes shall hold the office of Trustee for four (4) years, the candidate receiving the next highest number of votes shall hold office as Trustee for three (3) years, the candidate receiving the next highest number of votes shall hold office as Trustee for two (2) years, and the candidate receiving the next highest number of votes shall hold office as Trustee for one (1) year; and thereafter on the second Thursday of March of each year there shall be elected at a meeting of the Employees of MU one Trustee to hold office for four (4) years. These Trustees shall hold their said offices until their successors shall be elected and qualified.

2.02 In the event of a vacancy in the office of any of the four (4) Trustees selected by such Employees, as aforesaid, by death, resignation, dismissal from such employment, or otherwise, then Employees of MU shall within ten (10) days thereafter and upon call of the Mayor of the City hold a special meeting at the Council Chambers of the City and elect a successor for the remainder of the term of such member.

2.03 A majority of the Trustees shall at all meetings constitute a quorum for the transaction of business pertaining to the Utility Pension Fund or for any other purpose. The Trustees shall receive no pay for their services as Trustees and shall be paid only their necessary expenses, except the Secretary, who shall be paid out of the Fund such sum for his services as Secretary as may be fixed by the Board of Trustees. Such Board of Trustees shall have power to make all necessary by-laws for meetings of the Trustees, the manner of their election, the collection of all monies and other property due or belonging to such Fund and all other matters connected with the proper execution of the purposes and provisions of this Act in relation to such Utility Pension Fund. The Mayor of the City shall be President of the Board of Trustees and the City Controller shall be its Treasurer. The Board shall elect one of its members to act and be its Secretary.

2.04 It shall be the duty of the President to preside over the meetings of the Board, call special meetings of the Employees of the Utilities and to preside over the annual and the called meetings of the same which are held with relation to the Utility Pension Fund. All meetings of said Employees or the Trustees of the Utility Pension Fund shall be held at the Council Chambers of the City or at such place as may be designated by the President. Notice of the meetings and the time thereof may be given orally or in writing as the President may decide. In the absence of the Mayor, the ex-officio designee of the Mayor of the City shall serve as acting President.

2.05 It shall be the duty of the City Controller to collect and retain all monies belonging to the Utility Pension Fund; to have custody of all its notes, bonds, and other securities or evidence of indebtedness and to collect the principal and interest of the same; and he shall be liable on his bond as the City Controller for the faithful accounting of all monies and securities which may come into his hands belonging to said Fund. The Controller shall keep a separate account which shall show at all times the true and accurate condition of the Utility Pension Fund. Such City Controller shall, upon the expiration of his term of office, account to the Board of Trustees for all monies, notes, property or other securities belonging to the Utility Pension Fund and shall turn over to his successor in office all monies, notes, property, or other securities belonging to such Fund remaining in his hands.

2.06 It shall be the duty of the Secretary to keep a true account of the proceedings of the Board of Trustees; to keep a correct statement of the accounts of each employee with the Utility Pension Fund; to collect and turn over to the Treasurer of the Board all monies belonging to said Fund and not otherwise collected by the City Controller; he shall render to the Board of Trustees a monthly statement of his acts and services as such Secretary and turn over to his successor all books, papers, property or other articles pertaining to the Utility Pension Fund. The Secretary shall execute a surety bond to be approved by the Board of Trustees in such amount as may be fixed by the Board, conditioned for the faithful discharge of the duties of his trust, the premium for such bond to be paid out of the Utility Pension Fund.

2.07 Such Secretary and Treasurer of the Utility Pension Fund shall make full, true, and accurate reports of their said trusts to the Board of Trustees at each annual meeting, copies of which reports shall be made a part of the minutes of such meeting. The books and records of the Secretary and Treasurer shall, at all times, be open to examination by any members of the Board of Trustees.

ARTICLE III
Definitions

3.01 Whenever used herein, unless the context otherwise requires:

(a) **Accrued Retirement Benefit** means, as of the date of determination, the Retirement Benefit for any Member otherwise payable at Normal Retirement Date but based upon Credited Service and Monthly Plan Compensation as of the date of determination.

(b) **Actuarial Equivalent** means a benefit of equivalent value computed on the basis of mortality and interest as adopted by the Board of Trustees upon the recommendation of the Actuary for use under the Utility Pension Fund, consistent with the provisions of this Plan including Section 9.03.

(c) **Actuary** means the person, firm or corporation enrolled under the provisions of the Internal Revenue Code and appointed by the Board of Trustees to render actuarial services in connection with the Utility Pension Fund.

(d) **Beneficiary** means any one or more primary or contingent beneficiaries or the Member's Spouse designated by him to receive any Benefit on or after his death as may be payable under the Utility Pension Fund. If the Member has no valid Beneficiary designation or if no Designated Beneficiary survives the Member, such Benefits shall be paid as follows:

(i) to the Member's Spouse, if living at the time of the Member's death, or if not living, then

(ii) to the Member's descendants, per stirpes, who shall be living at the time of his death, or, if there are no such descendants then living, then

(iii) to his estate. If no estate is opened for the Member within three (3) months after the Member's death, such Benefits shall be paid to the Member's heirs at law as determined under the intestate provisions of Indiana law without regard to the Member's domicile at the time of death.

The designation of Beneficiary shall be made, changed or revoked in writing in the form and manner prescribed by the Board of Trustees.

(e) **Board of Trustees** means the Board which is created to administer and manage the Utility Pension Fund.

(f) **Code** means the Internal Revenue Code of 1986, as amended.

(g) **Compensation** means for Plan Years beginning on or after January 1, 2002, the annual compensation of each Participant taken into account in determining all benefits provided under the plan for any determination period shall not exceed $200,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B). The cost-of-living adjustment in effect for a calendar year applies to any determination period beginning with or within such calendar year. If a determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If compensation for any prior determination period is taken into account in determining a Participant's benefits for the current Plan Year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The Plan Year shall be the determination period.

Compensation shall include only that compensation which is actually paid to the Participant during the Plan Year.

If compensation for any prior Plan Year is taken into account in determining a Participant's benefits for the current Plan Year, the compensation for such prior Plan Year is subject to the applicable annual compensation limit in effect for that prior period.

(h) **Credited Service** means the total of a Member's Prior Service and Membership Service.

(i) **Disability** means a disability as determined for purposes of the Federal Social Security Act which qualifies a Member for permanent disability insurance payments in accordance with such Act. Disability for purposes of the Utility Pension Fund shall not include any disability which is incurred while a Member is on leave of absence because of military or similar service and for which a governmental pension is payable. The Board of Trustees may require subsequent proof of continued Disability, prior to the Member's Normal Retirement Date, at intervals of not less than six (6) months. A minimal level of earnings in restricted activity during any period of Disability shall not disqualify a Member from receiving Disability Benefits for such period if the disabled Member receives disability benefits under the Social Security Act for the same period.

(j) **Disability Retirement Date** means, in the case of each Member who has completed ten (10) years of Credited Service, the date (prior to his Normal Retirement Date) as of which he retires because of his Disability.

(k) **Early Retirement Date** means the date, in the case of a Member who has attained his sixtieth (60th) birthday and has also completed fifteen (15) years of Credited Service, (prior to his Normal Retirement Date), as of which he retires prior to his Normal Retirement Date.

(l) **Employee** means any employee of Mishawaka Utilities.

(m) **Late Retirement Date** means the date, in the case of any Member whose Credited Service continues after his Normal Retirement Date with the approval of MU, as of which he retires after his Normal Retirement Date.

(n) **Managing Board** means the Mishawaka Utility Board.

(o) **Member** means any regular, full-time Employee of MU on January 1, 1976. A regular, full-time Employee of MU employed after January 1, 1976, shall become a Member upon his completion of one (1) year of employment with Mishawaka Utilities.

(p) **Membership Service** means service rendered as an Employee of MU calculated from the hiring date of the Employee until the Employee terminates service for any reason. Should a Member, while employed by MU, be called or enlist, or who was called or enlisted, in the military, naval, marine, or other armed service of the United States Government during time of war or other national emergency recognized by the Board and should such Member re-enter the employ of MU within one (1) year from the date of expiration of his required and necessary service, then such period of time shall be credited to him hereunder in the same manner as if he had served MU uninterrupted. A Member whose employment has been terminated and who is thereafter re-employed by MU shall be deemed to be newly employed for all purposes of the Utility Pension Fund and any previous service shall be disregarded for purposes of said Fund. Effective as of December 12, 1994, notwithstanding any provision of the Plan to the contrary, benefits and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Code to the extent applicable to government plans.

(q) **Monthly Plan Compensation** means, in the case of each Member, as of the date of determination, for any benefit to be paid hereunder, one-twelfth (1/12th) of the average of his annual compensation which is based upon his regular straight time rate for the five (5) consecutive calendar years of his Credited Service which produce the highest such average; or, if a Member has completed less than five (5) calendar years of Credited Service, one-twelfth (1/12th) of the average of such compensation for all full calendar years of his Credited Service. However, if a Member's annual compensation, as described above, in and during his final partial calendar year of employment is sufficient to provide for him a greater Retirement Benefit, then such compensation shall be used in determining such Benefit under the Utility Pension Fund.

(r) **Normal Retirement Date** means the earlier of: (i) the birthdate on which a Member reaches the **Normal Retirement Age** of sixty-five (65); (ii) the date on which the sum of the Member's age and his years of Credit Service equals eighty-five (85); or (iii) for Members whose hiring date is on or before December 31, 2024 only, the date on which a Member completes thirty (30) years of Credited Service.

(s) **Participant** means an Employee or former Employee who is or may become eligible to receive a benefit from the Utility Pension Fund.

(t) **Plan Year** means the period from January 1 through and including December 31.

(u) **Prior Service** means service rendered prior to the Effective Date of the Utility Pension Fund. Under such rules and regulations as the Board of Trustees shall adopt, each Member shall file a detailed statement of all service rendered by him as an employee prior to the Effective Date of the Utility Pension Fund for which he claims credit and shall furnish such other facts as such Board may require for the proper operation of said Fund. The Board shall notify the Member, in writing, of the Prior Service so credited to him.

(v) **Spouse** means any individual to whom a Participant is lawfully married under any state law or the law of any foreign jurisdiction.

3.02 The following rules of construction shall apply:

(a) Except where the context requires otherwise, use of the masculine gender shall be understood to include both masculine and feminine genders.

(b) The singular shall include the plural where appropriate.

ARTICLE IV
Sources of Revenue for Pension Fund

4.01 The Board of Trustees shall have full and exclusive charge and control of the Mishawaka Utilities Pension Fund and said Fund shall be derived from the following sources:

(a) Monies that may be given to the Board of Trustees or the Utilities Pension Fund by any person or persons for the uses and purposes for which said Fund is created. The Board may take by gift, grant, devise or bequest any money, real and personal property and interest in personal or real property; and any such gift, grant, devise or bequest may be absolute, in fee simple or upon condition that only the rents, income or profits arising therefrom shall be applied to the purposes for which the Fund is established. The Board shall be authorized and is hereby authorized and empowered to take any such gift, grant, devise or bequest under and by the style of "The Board of Trustees of the Mishawaka Utilities Pension Fund" of the City of Mishawaka and shall hold the same, or assign, transfer, encumber, pledge or sell the same whenever necessary under and by such name. The Board shall be authorized and is hereby authorized and empowered to sue and to be sued in the name of "The Board of Trustees of the Mishawaka Utilities Pension Fund" and service of process may be had upon any member of said Board of Trustees.

(b) The Managing Board shall, from time to time, contribute to the Utility Pension Fund such amounts as are estimated by the Actuary to be sufficient, upon an actuarially determined basis, to provide the Benefits under such Fund, but in no event shall such amounts be less than those necessary to satisfy minimum funding requirements determined in accordance with applicable law. Such contributions may be made in cash or in property which is an authorized investment of the Utility Pension Fund or in a combination of cash and such property pursuant to the funding policy which shall be established and carried out by the Board of Trustees.

4.02 Members shall not be required or permitted to make contributions directly to the Utility Pension Fund.

ARTICLE V
Investment of Funds

5.01 The Board of Trustees of the Utility Pension Fund shall determine how much of said Fund may be safely invested and how much of said Fund shall be retained for the needs, demands and exigencies of the fund. Without restriction to that class of investments which are defined as legal investments for trust funds under the law of the State of Indiana, the Utility Pension Fund may be invested in common or preferred stocks, bonds, debentures, notes or other evidences of indebtedness or ownership, or other securities, in any corporation, mutual investment fund, investment company, association or business trust; bonds or other obligations or securities issued by the United States of America or any State or governmental subdivision or instrumentality thereof; and real and personal property of all kinds, including leaseholds on improved and unimproved real estate.

ARTICLE VI
Retirement Benefit Options

6.01 The Standard Retirement Benefit to be provided each Member shall be a monthly pension commencing as of the first day of the month next following his Normal Retirement Date, payable for a period certain of sixty (60) months and for the lifetime thereafter of such Member. The Standard Retirement Benefit calculation shall be as follows:

(a) For a Member who retires on or before December 31, 2024, one hundred twenty dollars ($120.00) plus one and one-half percent (1.50%) of his Monthly Plan Compensation multiplied by the number of his full and fractional years of Credited Service.

(b) For a Member who retires on or after January 1, 2025, one hundred seventy-five dollars ($175.00) plus one and one-half percent (1.50%) of his Monthly Plan Compensation multiplied by the number of his full and fractional years of Credited Service.

(c) Effective for Plan Years beginning after December 31, 2024, if the Actuary determines the Plan's excess of Actuarial Value of Plan Assets over Total Entry Age Accrued Liability for a Plan Year is greater than at least three [3] times the sum of monthly benefit payments to retirees for such Plan Year, a 13th check in the amount of the Member's monthly Standard Retirement Benefit will be issued to the Member after the end of the Plan Year. If a deceased Member to whom a 13th check would be payable has multiple Designated Beneficiaries, the 13th check will be allocated based on a pro-rata portion of the monthly benefit.

6.02 A Participant entitled to receive a Standard Retirement Benefit may instead elect to receive an amount equal to the Actuarial Equivalent of his Standard Retirement Benefit paid monthly over the Participant's lifetime, with no period certain guaranteed, and with no continued payments after the Participant's death to any person.

6.03 A Participant entitled to receive a Standard Retirement Benefit may instead elect, to receive a benefit which is the Actuarial Equivalent of his Standard Retirement Benefit payable monthly over the lifetime of the Participant and the Participant's Designated Beneficiary's lifetime, with the monthly payments at the Participant's death to the Designated Beneficiary equaling, at Participant's election, (a) fifty percent (50%), (b) sixty-six and two-thirds percent (66 2/3%); or (c) one hundred percent (100%) of the monthly amount payable during the Participant's lifetime.

6.04 A Participant entitled to receive a Standard Retirement Benefit may instead elect to receive monthly an amount which is the Actuarial Equivalent of his Standard Retirement Benefit, payable as provided in Section 6.01 except that, in lieu of five (5) years guaranteed, the period of guaranteed payments shall extend, at the Participant's election, over (a) ten (10) years, (b) fifteen (15) years, or (c) twenty (20) years.

6.05 Any "Designated Beneficiary" (as used in this Article) must be an individual, not an entity.

ARTICLE VII
Plan Benefits

7.01 A Member whose Credited Service continues until the attainment of his Normal Retirement Date shall be retired thereon (except as otherwise provided in Section 7.02 hereof) and shall be entitled to a Retirement Benefit (determined in accordance with Article VI) commencing as of the first day of the month next following his Normal Retirement Date.

7.02 A Member whose employment continues after his Normal Retirement Date shall not be entitled to receive any Benefit under the Utility Pension Fund until his Late Retirement Date. Upon his Late Retirement Date, the Member shall be entitled to a monthly amount which shall be the Standard Retirement Benefit based upon his Monthly Plan Compensation and Credited Service as of his Late Retirement Date. The Benefit shall commence as of the first day of the month next following his Late Retirement Date.

7.03 Upon retirement of a Member as of an Early Retirement Date, he shall be entitled to his Accrued Retirement Benefit determined as of his Early Retirement Date and payable commencing at his Normal Retirement Date; provided, however, such Participant may elect, at any time prior to his Normal Retirement Date by written application approved by the Board of Trustees, to begin receiving a monthly amount, commencing as of the first day of any month following his Early Retirement Date, in such reduced monthly amount as shall equal the Accrued Retirement Benefit reduced one-quarter percent (.25%) for each month by which the date he begins receiving such monthly amount precedes his Normal Retirement Date. Normal Retirement Date for this purpose shall be understood to be the earliest Normal Retirement Date that would be attained assuming the retiring Member would have worked continuously until such earliest Normal Retirement Date.

7.04 Upon retirement of a Member as of a Disability Retirement Date, he shall be entitled to receive a Disability Benefit equal to fifty percent (50%) of his Standard Retirement Benefit determined as of his Normal Retirement Date based upon Monthly Plan Compensation as of his Disability Retirement Date and his Credited Service at Normal Retirement Date, assuming no interruption in employment prior to that date. The Disability Benefit shall commence on the first day of the month following his Disability Retirement Date and continue during his period of Disability or until his Normal Retirement Date. After attaining his Normal Retirement Date during his Disability, Disability Benefit payments shall be continued for his remaining lifetime thereafter.

7.05 Death Benefit

(a) If an unmarried Member's death occurs: (i) prior to his termination of employment, or (ii) after qualifying for an Early, Normal or Late Retirement Benefit under Article VI or VII of the Plan but before making a written election as to the form of payment of such benefits, the Death Benefit payable to the Beneficiary of the unmarried Member (in accordance with the provisions of Section 7.05(d) shall be an amount equal to five percent (5%) of the deceased Member's highest annual compensation, based upon a straight time rate, paid to him during a calendar year, multiplied by his Credited Service as of the date of his death. (See Section 7.05(e) below regarding death benefits of married Members dying under circumstances similar to those described in this Section 7.05(a).)

(b) If a Member's death occurs on or after his actual termination of employment after having qualified for an Early, Normal or Late Retirement Benefit under Article VI or VII of the Plan and after making a written election as to the form of payment of such benefits, there shall be payable to his Beneficiary such benefit as may be payable on or after the Member's death under the Retirement Benefit payment option elected by the Member.

(c) If a Member's death occurs after his termination of employment with a deferred vested Termination Benefit, but prior to his Normal Retirement Date, no Death Benefit shall be payable under the Utility Pension Fund, provided, however, his Beneficiary shall be entitled to receive an amount equal to his contributions, if any, together with interest thereon at the annual rate of five percent (5%) compounded annually.

(d) The Death Benefit to which a deceased Member's Beneficiary shall be entitled under subsection (a) hereof shall be paid to such Beneficiary in such method as the Board of Trustees, in its sole discretion, shall determine from among the following: A single sum cash settlement, or regular monthly, quarterly, semi-annual or annual installments over a period not exceeding five (5) years.

(e) This Section 7.05(e) applies only to a Member who as of date of death is legally married and either (1) has satisfied the requirements for Early, Normal, or Late Retirement Benefits under Article VI or VII of the Plan; or (2) dies while still employed and as of date of death has completed twenty-five (25) or more Years of Credited Service (collectively referred to in this Section 7.05(e) as a "Qualified Deceased Member"). If such a Qualified Deceased Member either dies: (i) before terminating employment; or (ii) after termination of employment (after having qualified for Early, Normal or Late Retirement Benefits) but before he has elected in writing the form of payment of such Retirement Benefit, then in such event:

(1) The Spouse of the Qualified Deceased Member shall be entitled to receive at the Spouse's option either:

(a) the Death Benefit currently provided in Section 7.05(a) of the Plan; or

(b) a 50% survivor annuity based on the Retirement Benefit earned by the Qualified Deceased Member based on age and Credited Service as of date of death, reduced if death occurs before Normal Retirement Date by one quarter percent (.25%) for each month prior to Normal Retirement Date that death occurs (and assuming that the Deceased Member if he had not died would have worked continuously until his earliest Normal

Retirement Date). No other benefits shall be payable to any other beneficiary.

(2) Notwithstanding Paragraph 7.05(e)(1), if the Spouse of the Qualified Deceased Member has consented in writing to waiving the 50% survivor annuity option and to the naming of another individual or individuals as primary or co-primary Beneficiaries by signing a valid written waiver, the Death Benefit shall be paid as provided in 7.05(a) to the primary Beneficiaries designated by the Member. If a waiver is signed by the Spouse as discussed in this paragraph, no 50% survivor annuity benefit shall be payable to the Spouse of the Qualified Deceased Member.

If a legally married Member dies before terminating employment but does not satisfy the conditions for being a Qualified Deceased Member as set forth above, then the Spouse of such a deceased Member shall be entitled to receive the death benefit provided in Section 7.05(a) but shall not be entitled to elect the 50% survivor annuity option provided in this Section 7.05(e).

(f) If a Member dies while performing qualified military service, the Member's Beneficiary is entitled to any Death Benefit available as if the Member had resumed and then terminated employment on account of death.

7.06 (a) A Member who terminates his employment for any reason other than his death or Disability prior to his becoming eligible for an Early or Normal Retirement Benefit shall be entitled to receive a minimum Termination Benefit equal to five percent (5%) of his highest annual compensation, based on straight time rate, multiplied by the Member's Credited Service as of the date of termination and in accordance with the vesting schedule listed below:

Years of Credited Service	Vested Percentage
less than 6 years	0%
6 years	20%
7 years	40%
8 years	60%
9 years	80%
10 years	100%

(b) Upon the satisfaction of the Early Retirement requirements by a Member or the Member's attainment of Normal Retirement Age, his Accrued Retirement Benefit shall be one hundred percent (100%) vested.

7.07 If any Benefit is payable to a minor or other person under legal disability, the Board of Trustees, in its discretion, may determine that payments shall be made or applied, for the benefit of such person, or to some near relative of such person, or directly for the support, maintenance or education of such person. The Board shall not be required to see to the application by any third party of any payments made pursuant to this Section.

7.08 Neither a Member or his Beneficiary nor his personal representative, administrator or other person claiming on his behalf shall be entitled to payment of any forfeiture arising from termination of the Member's employment or for any other reason. Such forfeiture must not be applied to increase the Benefits any other Member would otherwise receive under the Utility Pension Fund at any time prior to the termination of the Fund.

7.09 If any claim for benefits under the Utility Pension Fund is denied by the Board of Trustees, the Board shall give notice in writing, by registered or certified mail, of such denial to the Member or his Beneficiary, setting forth the specific reasons of such denial, and advise the Member or his Beneficiary that he may request a full and fair review by the Board of Trustees of the decision denying the claim by filing with the Board, within sixty (60) days after such notice has been mailed, a request for such review. If such request is so filed, such review shall be made by the Board of Trustees within sixty (60) days of receipt of such request at a date set by the board, and the Member or his Beneficiary shall be given written notice of the results of such review.

7.10 Despite anything else in the Plan to the contrary, no person otherwise entitled to Membership Service or Credited Service shall be denied such by reason of having attained or exceeded any age level. No benefit accrual shall cease, and the rate of benefit accrual shall not be reduced, by reason of attainment of any age level. The purpose of this amendment is to bring the Plan into compliance with the Age Discrimination and Employment Act and shall be interpreted in light of that objective.

7.11 Despite anything else in the Plan to the contrary, no Participant may receive a benefit from the Plan which, when expressed as an annual benefit (within the meaning of Internal Revenue Code Section 415(b) (2)) is greater than the lesser of $90,000.00 ($160,000 effective January 1, 2002 as adjusted each year under Section 415(d) of the Code in such manner as the Secretary may prescribe and payable in the form of a straight life annuity. The $160,000 as adjusted shall apply only as required for Government Plans and will apply to limitation years with or within the calendar year for which the adjustment applies) or 100% of said Participant's average compensation for his highest three (3) years, determined in accordance with Internal Revenue Code Section 415(b), as amended. Section 415, to the extent applicable to government plans (and only to that extent) is hereby incorporated herein by reference.

7.12 Despite anything else in the Plan to the contrary, the maximum compensation which can be considered under this Plan for an Employee for any Plan Year will be limited to $150,000.00 per Plan Year, as determined, under Internal Revenue Code Sections 401(a) (18)(A) and 404(1), and as adjusted for inflation as provided in Internal Revenue Code Sections 401(a)(17)(B), and 415(d). Only those amounts which may be considered as compensation under the Internal Revenue Code and regulations thereunder for purposes of retirement plans of this type shall be treated as compensation for purposes of this Plan.

7.13 Despite any provision of the Plan to the contrary that would otherwise limit a Distributee's election under this Section, a Distributee may elect, at the time and in the manner prescribed by the Board of Trustees, to have any portion of an Eligible Rollover Distribution that is at least equal to $500 paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover. If an Eligible Rollover Distribution is less than $500, a Distributee may not make the election described in the preceding sentence to rollover only a portion of the Eligible Rollover Distribution. The following terms shall have the meaning as herein defined for purposes of this Section 7.13:

(a) **Eligible Rollover Distribution**. An Eligible Rollover Distribution is any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee's Designated Beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and the portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to Employer securities) and any other distribution(s) that is reasonably expected to total less than $200 during a year. Effective for distributions after December 31, 2001, for purposes of the direct rollover provisions, an eligible retirement plan shall also mean an annuity contract described in section 403(b) of the Code and an eligible plan under section 475(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving Spouse, or to a Spouse or former Spouse who is the alternate payee under a qualified domestic relation order, as defined in section 414(p) of the Code.

(b) **Eligible Retirement Plans**. An Eligible Retirement Plan is an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, a traditional IRA, a Roth IRA, an annuity plan described in Section 403(a) of the Code, an annuity contract described in Section 403(b) of the Code, or a qualified defined benefit or defined contribution plan described in Section 401(a) of the Code, that accepts the Distributee's Eligible Rollover Distribution. The definition of Eligible Retirement Plan shall also apply in the case of a distribution to a surviving Spouse, or to a Spouse or former Spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code.

(c) **Distributee**. A Distributee includes an Employee or former Employee. In addition, the Employee's or former Employee's surviving Spouse and the Employee's or former Employee's Spouse or former Spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are Distributees with regard to the interest of the Spouse or former Spouse. A Distributee also includes the Participant’s non-Spouse Designated Beneficiary under Section 3.01(d) of the Plan. In the case of a non-Spouse Beneficiary, the direct rollover may be made only to a traditional IRA or Roth IRA that is established on behalf of the Designated Beneficiary and that will be treated as an inherited IRA pursuant to the provisions of Code Section 402(c)(11). Also, in this case, the determination of any required minimum distribution under Code Section 401(a)(9) that is ineligible for rollover shall be made in accordance with Notice 2007-7, Q&A 17 and 18, 2007-5 I.R.B. 395.

(d) **Direct Rollover**. A Direct Rollover is a payment by the Plan to the eligible Retirement Plan specified by the Distributee.

ARTICLE VIII
Minimum Distribution Requirements

8.01 General Rules

(a) *Precedence.* The provisions of this Article will apply for purposes of determining required minimum distributions for Plan Years beginning with the 2003 Plan Year and will take precedence over any inconsistent provisions of this Plan.

(b) *Requirements of Regulations Incorporated.* All distributions required under this Article will be determined and made in accordance with Code Section 401(a)(9), including the incidental death benefit requirement in Code Section 401(a)(9)(G) and the related Treasury Regulations.

(c) *Limits on Distribution Periods.* As of the first distribution calendar year, distributions to a participant, if not made in a single sum, may only be made over one of the following periods:

(i) the life of the Participant,

(ii) the joint lives of the Participant and a Designated Beneficiary,

(iii) a period certain not extending beyond the life expectancy of the Participant, or

(iv) a period certain not extending beyond the joint life and last survivor expectancy of the participant and a Designated Beneficiary.

8.02 Time and Manner of Distribution

(a) *Required Beginning Date.* The Participant's entire interest will be distributed, or begin to be distributed, no later than the Participant's Required Beginning Date.

(b) *Death of Participant Before Distributions Begin.* If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed, no later than as follows:

(1) If the Participant's surviving Spouse is the Participant's sole Designated Beneficiary, distributions to the surviving Spouse will begin by December 31 of the Calendar Year immediately following the Calendar Year in which the Participant died, or December 31 of the applicable Calendar Year in which the Participant would have attained the Applicable Age shown in the chart below:

Applicable Age	Attainment Period
70-1/2	For Participants who would have attained age 70-1/2 before January 1, 2020
72	For Participants who would have attained age 70-1/2 on and after January 1, 2020 and would have attained age 72 before January 1, 2023.
73	For Participants who would have attained age 72 on and after January 1, 2023.

(2) If the Participant's surviving Spouse is not the Participant's sole Designated Beneficiary, then distributions to the Designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.

(3) If there is no Designated Beneficiary as of September 30 of the year following the year of the Participant's death, the Participant's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(4) If the Participant's surviving Spouse dies after the Participant but before distributions to the surviving Spouse begin, this Section 8.02(b), other than Section 8.02(b)(2), will apply as if the surviving Spouse were the Participant.

For purposes of this Section 8.02(b) and Section 8.04, unless Section 8.02(b)(4) applies, distributions are considered to begin on the Participant's Required Beginning Date. If Section 8.02(b)(4) applies, distributions are considered to begin on the date distributions are required to begin to the surviving Spouse under this Section. If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's Required Beginning Date (or to the Participant's surviving Spouse before the date distributions are required to begin to the surviving Spouse under an election made under Section 8.02(b)(1), the date distributions are considered to begin is the date distributions actually commence.

8.03 Forms of Distribution. Unless the Participant’s interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the Required Beginning Date, as of the first distribution calendar year distributions will be made in accordance with Sections 8.04, 8.05, and 8.06 of this Article. If the participant’s interest is distributed in the form of an annuity purchased from an insurance company, distributions under the annuity will be made in accordance with the requirements of Code Section 401(a)(9) and Reg. § 1.401(a)(9)-6.

8.04 Determination of Amount to be Distributed Each Year

(a) *General Annuity Requirements.* If the Participant's interest is to be paid in the form of annuity distributions under the plan, payments under the annuity shall satisfy the following requirements:

(1) the annuity distributions will be paid in periodic payments made at uniform intervals not longer than one year;

(2) the distribution period will be over a life (or lives) or over a period certain not longer than the period described in section 8.05 or 8.06;

(3) once payments have begun over a period, the period will be changed only in accordance with section 8.07of this Article;

(4) payments will be nonincreasing.

(b) *Amount Required to be Distributed by Required Beginning Date and Later Payment Intervals.* The amount that must be distributed on or before the Participant's Required Beginning Date (or, if the Participant dies before distributions begin, the date distributions are required to begin under section 802(b)(1) or (b)(2)) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. All of the Participant's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the Participant's Required Beginning Date.

(c) *Additional Accruals After First Distribution Calendar Year.* Any additional benefits accruing to the Participant in a calendar year after the first distribution calendar year will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such benefit accrues.

8.05 Requirements For Annuity Distributions That Commence During Participant's Lifetime

(a) *Joint Life Annuities Where the Beneficiary Is Not the Participant's Spouse.* If the Participant's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the Participant and a non-Spouse Beneficiary, annuity payments to be made on or after the Participant's Required Beginning Date to the Designated Beneficiary after the Participant's death must not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the Participant, using the table set forth in Reg. § 1.401(a)(9)-6, Q&A 2(c)(2), in the manner described in Reg.§ 1.401(a)(9)-6, Q&A 2(c)(1), to determine the applicable percentage. If the form of distribution combines a joint and survivor annuity for the joint lives of the Participant and a non-Spouse Beneficiary and a period certain annuity, the requirement in the preceding sentence will apply to annuity payments to be made to the Designated Beneficiary after the expiration of the period certain.

(b) *Period Certain Annuities.* Unless the Participant's Spouse is the sole Designated Beneficiary and the form of distribution is a period certain and no life annuity, the period certain for an annuity distribution commencing during the Participant's lifetime may not exceed the applicable distribution period for the Participant under the Uniform Lifetime Table set forth in Reg. § 1.401(a)(9)–9, Q&A-2 for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the Participant reaches age 70, the applicable distribution period for the participant is the distribution period for age 70 under the Uniform Lifetime Table set forth in Reg. § 1.401(a)(9)–9, Q&A-2 plus the excess of 70 over the age of the Participant as of the Participant's birthday in the year that contains the annuity starting date. If the Participant's Spouse is the Participant's sole Designated Beneficiary and the form of distribution is a period certain and no life annuity, the period certain may not exceed the longer of the Participant's applicable distribution period, as determined under this section 8.05(b), or the joint life and last survivor expectancy of the Participant and the Participant's Spouse as determined under the Joint and Last Survivor Table set forth in Reg. § 1.401(a)(9)–9, Q&A-3, using the Participant's and Spouse's attained ages as of the Participant's and Spouse's birthdays in the calendar year that contains the annuity starting date.

8.06 Requirements For Minimum Distributions After the Participant's Death

(a) *Death After Distributions Begin.* If the Participant dies after distribution of his interest begins in the form of an annuity meeting the requirements of this Article, the remaining portion of the Participant's interest will continue to be distributed over the remaining period over which distributions commenced.

(b) *Death Before Distributions Begin.*

(1) *Participant Survived by Designated Beneficiary.* If the Participant dies before the date distribution of his interest begins and there is a Designated Beneficiary, the Participant's entire interest will be distributed, beginning no later than the time described in section 8.02(b)(1) or (b)(2), over the life of the Designated Beneficiary or over a period certain not exceeding:

(A) unless the annuity starting date is before the first distribution calendar year, the life expectancy of the Designated Beneficiary determined using the Beneficiary's age as of the Beneficiary's birthday in the calendar year immediately following the calendar year of the Participant's death; or

(B) if the annuity starting date is before the first distribution calendar year, the life expectancy of the Designated Beneficiary determined using the Beneficiary's age as of the Beneficiary's birthday in the calendar year that contains the annuity starting date.

(2) *No Designated Beneficiary.* If the Participant dies before the date distributions begin and there is no Designated Beneficiary as of September 30 of the year following the year of the Participant's death, distribution of the Participant's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(3) *Death of Surviving Spouse Before Distributions to Surviving Spouse Begin.* If the Participant dies before the date distribution of his interest begins, the Participant's surviving Spouse is the Participant's sole Designated Beneficiary, and the surviving Spouse dies before distributions to the surviving Spouse begin, this section 8.06 will apply as if the surviving Spouse were the Participant, except that the time by which distributions must begin will be determined without regard to section 8.02(b)(1).

8.07 Changes to Annuity Payment Period

(a) *Permitted Changes.* An annuity payment period may be changed only in association with an annuity payment increase in accordance with section 8.07(b).

(b) *Reannuitization.* An annuity payment period may be changed, and the annuity payments modified in accordance with that change if the conditions in section 8.07(c) are satisfied and:

(1) the modification occurs when the Participant retires or in connection with a plan termination;

(2) the payment period prior to modification is a period certain without life contingencies; or

(3) the annuity payments after modification are paid under a qualified joint and survivor annuity over the joint lives of the Participant and a Designated Beneficiary, the Participant's Spouse is the sole Designated Beneficiary, and the modification occurs in connection with the Participant's becoming married to such Spouse.

(c) *Conditions.* The conditions in this section 8.07(c) are satisfied if:

(1) the future payments after the modification satisfy the requirements of Code section 401(a)(9), Reg. § 1.401(a)(9)-13, and this Article (determined by treating the date of the change as a new annuity starting date and the actuarial present value of the remaining payments prior to modification as the entire interest of the participant);

(2) for purposes of Code sections 415 and 417, the modification is treated as a new annuity starting date;

(3) after taking into account the modification, the annuity (including all past and future payments) satisfies the requirements of Code section 415 (determined at the original annuity starting date, using the interest rates and mortality tables applicable to such date); and

(4) the end point of the period certain, if any, for any modified payment period is not later than the end point available to the employee at the original annuity starting date under Code section 401(a)(9) and this Article.

8.08 Payments to a Surviving Child

(a) *Special rule.* For purposes of this Article, payments made to a Participant's surviving child until the child reaches the age of majority (or dies, if earlier) shall be treated as if such payments were made to the surviving Spouse to the extent the payments become payable to the surviving Spouse upon cessation of the payments to the child.

(b) *Age of majority.* For purposes of this section, a child shall be treated as having not reached the age of majority if the child has not completed a specified course of education and is under the age of 26. In addition, a child who is disabled within the meaning of Code Section 72(m)(7) when the child reaches the age of majority shall be treated as having not reached the age of majority so long as the child continues to be disabled.

8.09 Definitions

(a) *Designated Beneficiary.* The individual who is designated by the Participant (or the Participant's surviving Spouse) as the Beneficiary of the Participant's interest under the plan and who is the designated beneficiary under Code section 401(a)(9) and Reg. § 1.401(a)(9)–4.

(b) *Distribution calendar year.* A calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the Participant's Required Beginning Date. For distributions beginning after the Participant's death, the first Distribution calendar year is the calendar year in which distributions are required to begin pursuant to section 8.02.

(c) *Required Beginning Date.* The later of the following:

(1) April 1 of the calendar year following the calendar year in which the Participant retires, or

(2) April 1 of the calendar year following the calendar year of the applicable calendar year in which the Participant attained the Applicable Age shown in the chart below:

Applicable Age	**Attainment Period**
70-1/2	For Participants who attained age 70-1/2 before January 1, 2020
72	For Participants who attained age 70-1/2 on and after January 1, 2020 and attained age 72 before January 1, 2023.
73	For Participants who attained age 72 on and after January 1, 2023.

A Participant's accrued benefit will be actuarially increased to take into account the period after age 70½ in which the Participant does not receive any benefits under the plan. The actuarial increase will begin on April 1 following the calendar year in which the employee attains age 70½ and will end on the date on which benefits commence after retirement in an amount sufficient to satisfy Code section 401(a)(9). The amount of actuarial increase payable as of the end of the period for actuarial increases will be no less than the actuarial equivalent of the Participant's retirement benefits that would have been payable as of the date the actuarial increase must commence plus the actuarial equivalent of additional benefits accrued after that date, reduced by the actuarial equivalent of any distributions made after that date.

ARTICLE IX
Amendment and Termination

9.01 The provisions of the Utility Pension Fund may be amended, altered, or added to by a majority vote of the Members at any annual or special meeting of the Members, provided that such amendments, alterations or additions shall be approved by the Managing Board of the City of Mishawaka, Indiana, and confirmed by the Common Council of the City of Mishawaka, Indiana.

Despite the foregoing, the Board of Trustees shall have the authority to adopt any amendments to this document which it deems appropriate to either permit the Utility Pension Fund to remain in compliance with any applicable federal or state law, regulations, or administrative requirement, or to clarify the provisions of the Utility Pension Fund or the procedures under which it operates.

9.02 (a) Upon termination of the Utility Pension Fund or upon complete discontinuance of contributions by the Managing Board, the rights of all Members to any benefits provided by the Fund which have accrued to the date of such termination or discontinuance, to the extent then funded, shall be nonforfeitable. Upon such termination or discontinuance, such accrued benefits shall be deemed to have been funded in the order of priorities set forth in subsection (c).

(b) Upon termination of the Utility Pension Fund the Board of Trustees shall determine, from among the following methods, the method of discharging and satisfying all obligations on behalf of the Members:

(1) By the continuation of the Utility Pension Fund and the payment of benefits by the Fund as they become due in accordance with the provisions of the Fund in effect immediately prior to its termination; or

(2) By the purchase of a group or individual retirement annuity contract or contracts from an insurance company qualified to do business in the State of Indiana; or

(3) By the liquidation and distribution of the assets of the Utility Pension Fund; or

(4) By any combination of such methods.

(c) Under any of the methods set forth in the preceding subsection (b), the assets of the Utility Pension Fund shall be allocated in the following order or priorities, full allocations to be made on behalf of all Members qualified in each prior Class before any allocations are made on behalf of any Member qualified in the next successive Class:

Class (1): All Members who, prior to termination of the Utility Pension Fund have retired or died and who (or their Beneficiaries) are already receiving, or are eligible to receive, Normal, Early, Late or Disability Benefits under the Fund, and all Members who are continuing employment under the Late Retirement provisions after having otherwise fulfilled the requirements for Normal Retirement Benefits: An amount equal to the Reserve Actuarial Equivalent of the Accrued Retirement Benefits.

Class (2): All Members who are continuing employment after having otherwise fulfilled the requirements for Early Retirement Benefits: An amount equal to the Actuarial Equivalent of the Accrued Retirement Benefits.

Class (3): All Members who are continuing employment after having otherwise fulfilled the requirements for deferred Termination Benefits and all terminated Participants entitled to deferred Termination Benefits: An amount equal to the Actuarial Equivalent of the Vested Accrued Retirement Benefits.

Class (4): All remaining Members and all active Members in Class (3): An amount equal to the Actuarial Equivalent of the Accrued Retirement Benefits, or, in the case of active Members in Class (3), an amount equal to the Actuarial equivalent of the Vested Accrued Retirement Benefits.

If the Utility Pension Fund is insufficient to provide full allocations on behalf of all Members in Class (1) or (2) or (3) or (4), the prorated allocations on behalf of each Member qualified in such Class shall be made in the proportion which the then Actuarial Equivalent of the Accrued Retirement Benefit for each Member qualified in such Class bears to the then Actuarial Equivalent of the Accrued Retirement Benefits for all Members qualified in such Class.

(d) After the satisfaction of all liabilities under the Utility Pension Fund, any overpayments made by the Managing Board into the Fund as a result or erroneous actuarial computation shall be repaid to the Managing Board.

9.03 Prior to April 1, 2002, "Actuarial Equivalent benefit determinations" shall be based on the 1971 Group Annuity Mortality Table (male) applied on a unisex basis and the Pension Benefit Guaranty Corporation interest rate applicable for the first day of the Plan Year in which the benefit commences. Effective April 1, 2002 and continuing through December 31, 2024, "Actuarial Equivalent benefit determinations" shall be based on the 1971 Group Annuity Mortality Table (male) applied on a unisex basis and a six percent (6%) interest rate. Effective January 1, 2025, 'Actuarial Equivalent benefit determinations' shall be based on the 2025 Applicable Mortality Table as outlined in Notice 2024-42 which is based on the Pri-2012 mixed collar base table applied on a unisex basis, adjusted for mortality improvement Scale MP-2021 and a six and one-quarter percent (6.25%) interest rate.

ARTICLE X
Miscellaneous

10.01 Nothing contained in this document shall be construed to create any permanent vested right to, or interest in any payment, payments or contributions to the Utility Pension Fund or in any position or employment now or later held by any appointees, employees, or officers of MU, nor limit, abridge, or restrict the unlimited or sole right of appointment, discharge or removal, or the fixing or changing of the different present or future employees of MU by the Managing Board or other official at any time now or later.

10.02 To the extent permitted by law, no benefit under the Utility Pension Fund shall be liable for any debt, liability, contract, engagement or tort of any Member or his Beneficiary, or be subject to anticipation, sale, assignment, transfer, encumbrance, pledge, charge, attachment, garnishment, execution or other voluntary or involuntary alienation or other legal or equitable process, or transferability by operation of law.

Despite the foregoing, Plan assets may be paid pursuant to a "qualified domestic relations order" (as defined in Code Section 414(p)(1)(A)) or as otherwise required by applicable law.

10.03 If the Utility Pension Fund is terminated, the benefit of any highly compensated active or former employee is limited to a benefit that is nondiscriminatory under Code section 401(a)(4). Benefits distributed to any of the 25 most highly compensated active and highly compensated former employees with the greatest compensation in the current or any prior year are restricted such that the annual payments are no greater than an amount equal to the payment that would be made on behalf of the employee under a straight life annuity that is the actuarial equivalent of the sum of the employee's accrued benefit, the employee's other benefits under the plan (other than a social security supplement, within the meaning of Reg. § 1.411(a)-7(c)(4)(ii)), and the amount the employee is entitled to receive under a Social Security supplement.

The preceding paragraph shall not apply if: (1) after payment of the benefit to an employee described in the preceding paragraph, the value of plan assets equals or exceeds 110% of the value of current liabilities, formerly defined in Code section 412(l)(7), (2) the value of the benefits for an employee described above is less than 1% of the value of current liabilities before distribution, or (3) the value of the benefits payable under the Utility Pension Fund to an employee described above does not exceed $5,000.

10.04 Any forfeiture shall not be applied to increase benefits which any person would otherwise receive under the Utility Pension Fund.

10.05 Prior to satisfaction of all amounts due to Members and Beneficiaries under the Utility Pension Fund, no part of any amount contributed to this Fund, or of the earnings, shall be used for, or diverted to, or paid other than for the exclusive benefit of Members or Beneficiaries.

Approved at a Special Meeting of the Membership on april 10, 2025.

BOARD OF TRUSTEES

By: Maureen Childress

Secretary

Approved by the Utility Board on April 22, 2025 (Resolution 2025-07 attached)

Approved by the Common Council on ____________________, 20___ (Resolution ______________ attached)

This document contains all amendments to the Mishawaka Utilities Retirement System through and including January 1, 2025.

Deborah S. Block, IAMC, MMC
APR 09 2025
City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 25-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-06

ORDINANCE NO. ______

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

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

1023 & 1032 E Jefferson Boulevard, Mishawaka, IN

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, St. Joseph County, State of Indiana, to-wit:

1032 E Jefferson Blvd, Mishawaka, Indiana
A said tract of land more or less, in the East half of the Northwest Quarter of Section 10, Township 37 North, Range 3 East, bounded by a line running as follows, viz: Beginning at the center of said Section 10; thence North 330 feet; thence West 132 feet; thence South 330 feet, thence East 132 feet to the place of beginning, now within and part of the City of Mishawaka.

Excepting Therefrom:
A parcel located in the Northwest Quarter of Section 10, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana being more particularly described as follows:

Commencing at the center of the said Section 10; thence North 89°18'05" West along the East and West Quarter line of said Section 10 a distance of 132.03 feet; thence North 00°29'49" West a distance of 25.00 feet to the North right of way line of Jefferson Boulevard and the point of beginning; thence North 00°29"57" West a distance of 10.00 feet; thence South 89°18'05" East a distance of 112.01 feet to the West right of way line of Merrifield Avenue; thence South 00°31'27" East along said West right of way line a distance of 10.00 feet to the North right of way line of Jefferson Boulevard; thence North 89°18'05" West along said North right of way line a distance of 112.02 feet to the point of beginning and said in a prior deed to contain 0.03 acres, more or less.

1023 E Jefferson Blvd, Mishawaka, Indiana
A parcel of land being part of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of Lot 6 Bryan's addition to the City of Mishawaka as shown on the recorded plat in the office of the recorder of St. Joseph County, Indiana; thence

North 00°51'01" West along the East line of said lot 6, a distance of 4.49 feet to the point of beginning; thence continuing North 00°45'27" West along said East line, a distance of 150.24 feet to a point on the south right of way of Jefferson Boulevard; thence North 90°00'00" East along said North right of way line, Distance of 258.52 feet to the West right of way line of Merrifield Avenue; thence South 00°55'03" East along said West right of way line, a distance of 149.66 feet; thence South 89°52'2" West, a distance of 257.79 feet to the point of beginning.

which real estate is now classified as I-1 Light Industrial and R-2 Two-Family Residential shall hereafter be within and a part of that District known as C-4 Automobile Oriented 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 the 2000 Mishawaka Comprehensive Plan which identifies the area as Commercial and Industrial. However, the area has developed as automobile oriented uses in recent years.*
2. *Current conditions and the character of current structures and uses in each district – This section of East Jefferson Boulevard, is predominately automobile oriented uses, starting with Jordan at Cedar Road and including Victory Auto, Michiana Auto Glass, Top Gear Auto Sales, Fred's Body Shop, and Pilo's Body Shop. The character of the buildings along East Jefferson Boulevard are predominantly automobile oriented or contractor's offices.*
3. *The most desirable use for which the land in each district is adopted – Because the parcels are surrounded by automobile oriented uses, zoning to the C-4 Automobile Oriented Commercial District is a desirable use for this property;*
4. *The conservation of property values throughout the jurisdiction – The proposed rezoning should not be injurious to property values in the surrounding area as the majority of the property is currently zoned C-4 Automobile Oriented Commercial. A screening fence shall be required along the north property line (1032 E Jefferson Blvd) to buffer the adjacent residential property.*
5. *Responsible development and growth - The proposed change is desirable given the existing uses in the area.*

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _________day of ____________________, 2025, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

Proposed Ordinance No: 2025-06

Ordinance No: ____________________________

PRESENTED by me to the Mayor this ________ day of __________________, 2025, at ____ o'clock ____.M.

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this __________ day of _________________, 2025, at ________o'clock ____.M.

____

David A. Wood, Mayor

CITY OF MISHAWAKA **DEPARTMENT OF CITY PLANNING**

STAFF REPORT

Location:	1023 & 1032 E Jefferson Boulevard	Date:	April 8, 2025
Petition:	25 05	Prepared By:	DMW

GENERAL INFORMATION

Applicant:	Petkov & Sons LLC/Arkos
Status:	Property Owners/Architect
Request:	Rezone from I-1 Light Industrial and R-2 Two Family Residential to C-4 Automobile Oriented Commercial District
Zoning Classification:	I-1 Light Industrial (1032 & 1023 E Jefferson Blvd) and R-2 Two Family Residential (1032 E Jefferson Blvd)
Lot Size:	1.64 acres
Applicable Regulations:	Sec. 137-40 Plan Commission; Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map; Sec. 137-379 thru 137-380 C-4 Automobile Oriented Commercial District; Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:	North:	R-1 Single Family Residential
	South:	I-1 Light Industrial (Technical Repair Services & Wilco)
	East:	C-4 Auto Oriented Commercial (Greg's Automotive)
	West:	C-4 Auto Oriented Commercial (Quality Automotive) & C-1 General Commercial (Pilo's Body Shop)
Thoroughfare:	East Jefferson Boulevard and North Merrifield Avenue	
Council District:	5	
School District:	School City of Mishawaka	
Public Utilities:	All utilities are available and/or will be extended to/throughout the site at the developer's expense	
Comprehensive Plan:	Commercial (1032 E Jefferson) & Industrial (1023 E Jefferson)	

ANALYSIS

The Petitioner is requesting to rezone the above referenced properties from I-1 Light Industrial (1032 & 1023 E Jefferson Blvd) and R-2 Two Family Residential (1032 E Jefferson Blvd) to C-4 Automobile Oriented Commercial District. The property at 1032 E Jefferson Blvd is located at the northwest corner of East Jefferson Boulevard and North Merrifield Avenue and 1023 E Jefferson Blvd is located at the southwest corner of the same intersection.

The property located at 1032 E Jefferson Blvd is split zoned with the northern 100 feet being zoned R-2 Two Family Residential and the remaining southern portion of the lot being zoned I-1 Light Industrial. The request is to rezone the entire parcel to C-4 Automobile Oriented Commercial. The property on the northwest corner was previously used as a house. The southwest corner historically was auto related (lost non-conforming status due to being vacant for six months).

The properties will need to meet the C-4 Automobile Oriented Commercial District standards. Property at 1032 E Jefferson will need screening/buffering on the north portion of the parcel that borders the R-1 Single Family Residential zoning.

The reason for the change to C-4 Automobile Oriented Commercial District is to allow the expansion of Greg's Autos to the east. With this petition the property owner is only seeking to establish the property zoning for the proposed automobile use. Preliminary drawings were submitted with the request. A detailed final site plan will address storm drainage, grading, utilities, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development.

Other pertinent City Departments reviewed and approved the request.

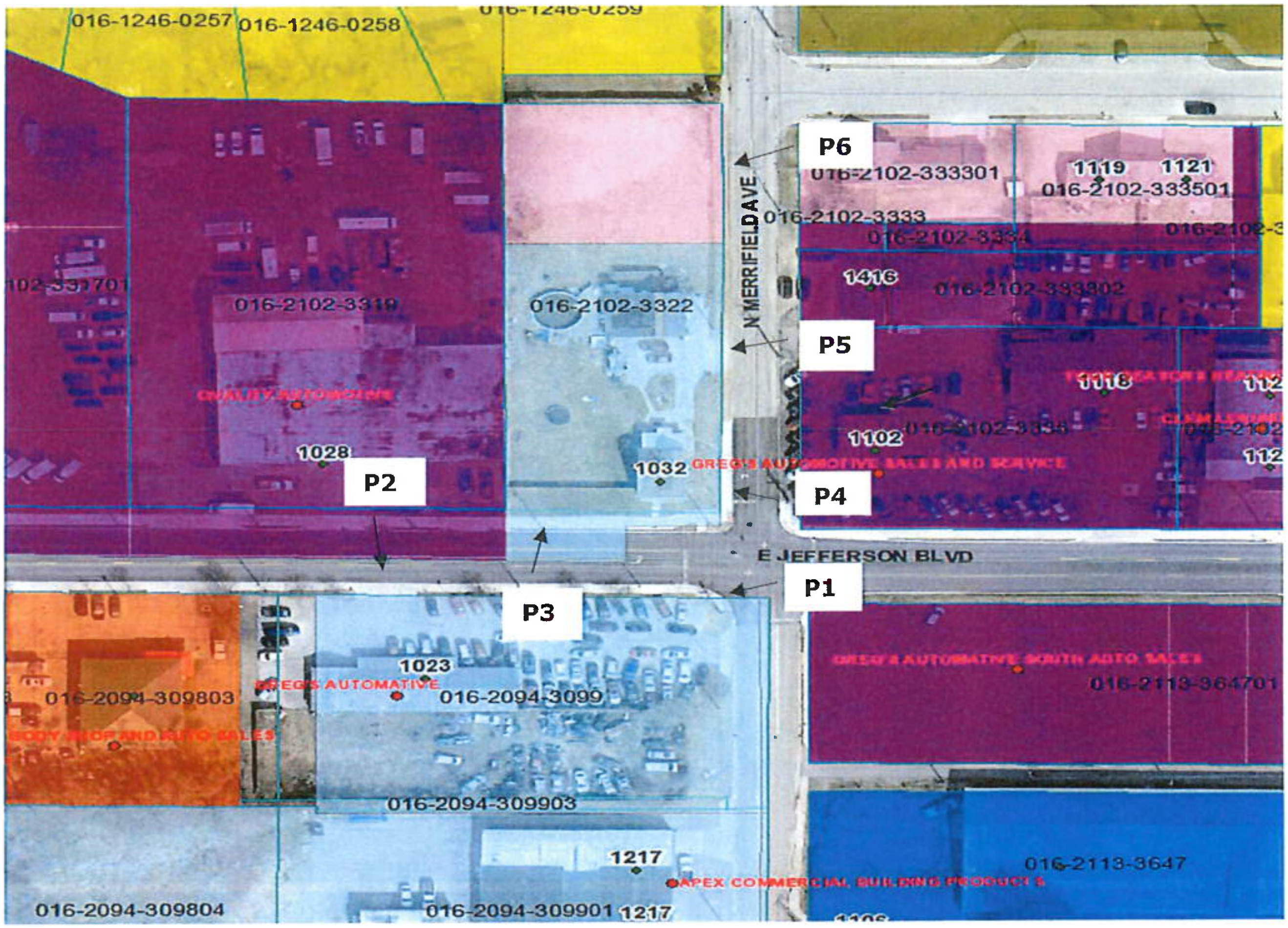
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #25-05 to rezone the properties located at 1023 & 1032 E Jefferson Blvd to C-4 Automobile Oriented Commercial District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. *The applicable Comprehensive Plan* is the 2000 Mishawaka Comprehensive Plan which identifies the area as Commercial and Industrial. However, the area has developed as automobile oriented uses in recent years.
2. *Current conditions and the character of current structures and uses in each district –* This section of East Jefferson Boulevard, is predominately automobile oriented uses, starting with Jordan at Cedar Road and including Victory Auto, Michiana Auto Glass, Top Gear Auto Sales, Fred's Body Shop, and Pilo's Body Shop. The character of the buildings along East Jefferson Boulevard are predominantly automobile oriented or contractor's offices.
3. *The most desirable use for which the land in each district is adopted* – Because the parcels are surrounded by automobile oriented uses, zoning to the C-4 Automobile Oriented Commercial District is a desirable use for this property;
4. *The conservation of property values throughout the jurisdiction* – The proposed rezoning should not be injurious to property values in the surrounding area as the majority of the property is currently zoned C-4 Automobile Oriented Commercial. A screening fence shall be required along the north property line (1032 E Jefferson Blvd) to buffer the adjacent residential property.
5. *Responsible development and growth -* The proposed change is desirable given the existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOS, PETITION, SITE PLAN, LOCATION MAP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P6
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016-2102-3333
016-2102-3334
N MERRIFIELD AVE
1416
016-2102-333302
016-2102-3319
016-2102-3322
P5
1118
QUALITY AUTOMOTIVE
1102
016-2102-3336
1028
P2
1032
GREG'S AUTOMOTIVE SALES AND SERVICE
P4
E JEFFERSON BLVD
P1
P3
1023
GREG'S AUTOMATIVE
016-2094-3099
016-2094-309803
BODY SHOP AND AUTO SALES
GREG'S AUTOMATIVE SOUTH AUTO SALES
016-2113-364701
016-2094-309903
1217
016-2113-3647
APEX COMMERCIAL BUILDING PRODUCTS
016-2094-309804
016-2094-309901
1217

P1. Looking southwest from intersection of E Jefferson & Merrifield toward 1023 E Jefferson

P2. Looking south from E Jefferson toward 1023 E Jefferson

P3. Looking north from E Jefferson to 1032 E Jefferson

P4. Looking northwest from N Merrifield toward 1032 E Jefferson

P5. Looking west from N Merrifield toward rear of 1032 E Jefferson

P6. Looking west from N Merrifield toward rear of 1032 E Jefferson

DATE: 03/19/2025

Pet 25-05

Received
MAR 19 2025
Planning and
Community Development

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

RE: PETITION TO REZONE

The undersigned Petkov & Sons LLC, respectfully show they are the owners of the following described real estate located within the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

1032 E. Jefferson Blvd. Mishawaka, IN 46545

A said 1 acre tract of land, more or less, in the East Half of the Northwest Quarter of Section 10, Township 37 North Range 3 East, bounded by a line running as follows, viz: Beginning at the center of said Section 10; thence North 330 feet; thence West 132 feet; thence South 330 feet; thence East 132 feet to the place of beginning, now within and part of the City of Mishawaka.

EXCEPTING THEREFROM:
A parcel located in in the Northwest Quarter of Section 10, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana being more particularly described as follows:

Commencing at the center of said Section 10; thence North 89°18'05" West along the East and West Quarter line of said Section 10 a distance of 132.03 feet; thence North 00°29'49" West a distance of 25.00 feet to the North right-of-way line of Jefferson Boulevard and the point of beginning; thence North 00°29'57" West a distance o 10.00 feet; thence South 89°18'05" East a distance of 112.01 feet to the West right-of-way line of Merrifield Avenue; thence South 00°31'27" East along said West right-of-way line a distance o 10.00 feet to the North right-of-way line of Jefferson Boulevard; thence North 89°18'05" West along said North right-of-way line a distance of 112.02 feet to the point of beginning and said in a prior deed to contain 0.03 acres, more or less.

1023 E. Jefferson Blvd. Mishawaka, IN 46545

A parcel of land being part of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of Lot 6 Bryan's addition to the City of Mishawaka as shown on the recorded plat in the office of the recorder of St. Joseph County, Indiana; thence North 00°51'01" West along the East line of said lot 6, a distance of 4.49 feet to the point of beginning; thence continuing North 00°45'27" West along said East line, a distance of 150.24 feet to a point on of the south right-of-way of Jefferson Boulevard; thence North 90°00'00" East along said North right-of-way line, a distance of 258.52 feet to the West right-of-way line of Merrifield Avenue; thence South 00°55'03" East along said West right-of-way line, a distance of 149.66 feet; thence South 89°52'2" West, a distance of 257.79 feet to the point of beginning.

Petitioner(s) own one hundred (100%) percent of the above-described parcel of land which carries a zoning classification of The NW corner (1032 E Jefferson Blvd.) is split zoned into R-2 Two Family Residential and I-1 Light Industrial. The SW corner (1023 E Jefferson Blvd) I-1 Light Industrial District. Said property 1032 has been used for residential and light industrial use. Said property 1023 had been used for Automobile services (E&T Export Auto LLC) under a grandfathered C-4 use variance which has since expired due to vacancy over a 6th month period.

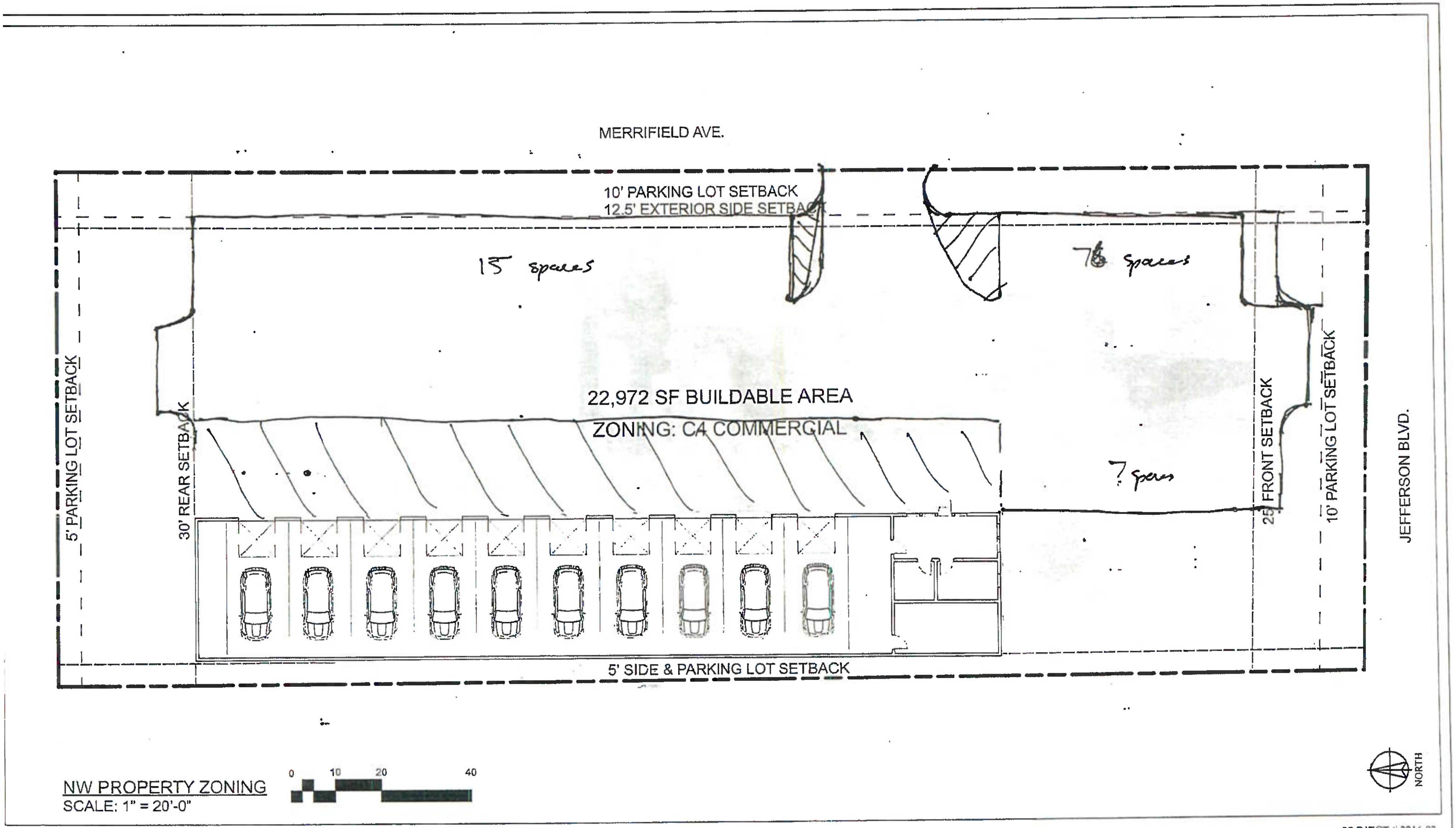
Petitioner(s) desire said real estate to be rezoned to C-4 Automobile Oriented Commercial District for both 1032 and 1023 E Jefferson Blvd.. Petitioner(s) further state that they intend to utilize said land to expand Greg's Automotive on both 1032 E Jefferson Blvd. and 1023 E Jefferson Blvd.

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

Signature(S) of Property Owner(s)

Grigor Petkov, Petkov and Sons LLC

CONTACT PERSON:
Name: Grigor Petkov
Address: 1102 E Jefferson Blvd.
Day Phone Number: 574-323-7279
Fax Number: n/a
Email: grigormpetkov@yahoo.com



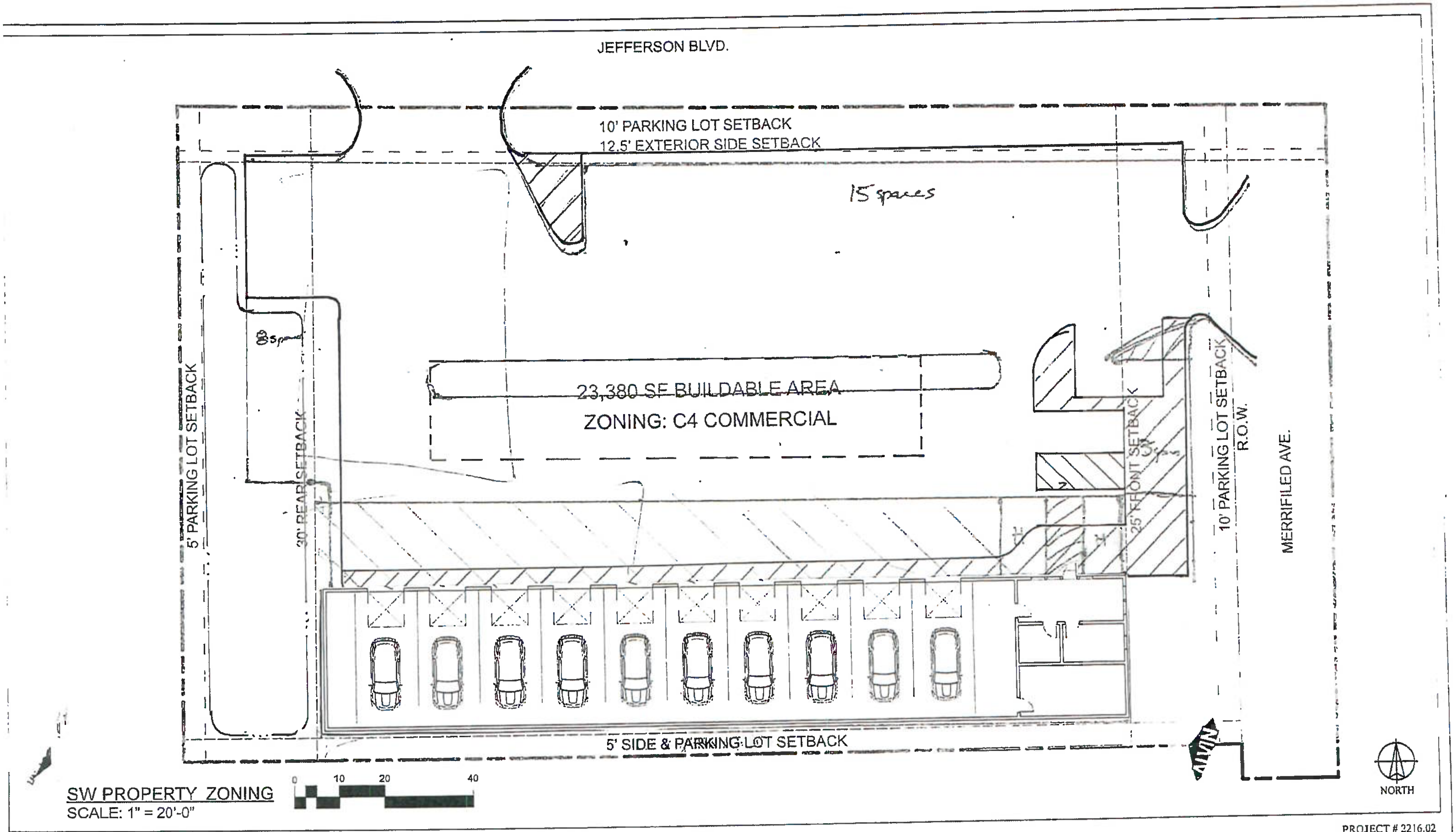
NW PROPERTY ZONING
SCALE: 1" = 20'-0"

GREG'S AUTOMOTIVE SALES + SERVICE

GREG'S AUTO -JEFFERSON EXPANSION

PRELIMINARY SITE PLANS
MARCH 19, 2025

PROJECT # 2216.02
ARKOS DESIGN



PROJECT # 2216.02

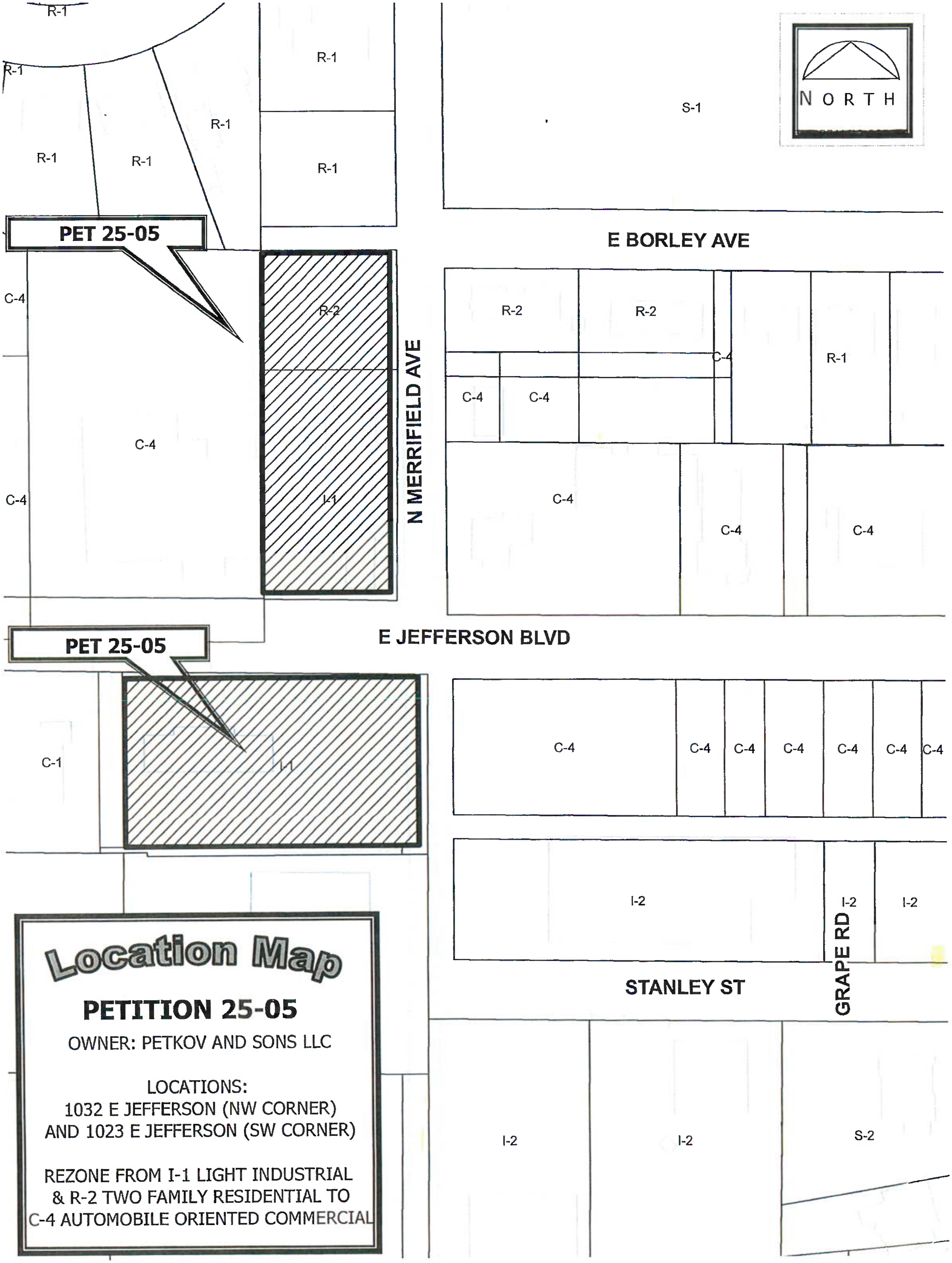
GREG'S AUTO -JEFFERSON EXPANSION

PRELIMINARY SITE PLANS

MARCH 19, 2025

Greg's AUTOMOTIVE SALES + SERVICE

ARKOS DESIGN



Location Map

PETITION 25-05

OWNER: PETKOV AND SONS LLC

LOCATIONS:
1032 E JEFFERSON (NW CORNER)
AND 1023 E JEFFERSON (SW CORNER)

REZONE FROM I-1 LIGHT INDUSTRIAL
& R-2 TWO FAMILY RESIDENTIAL TO
C-4 AUTOMOBILE ORIENTED COMMERCIAL

Deborah S. Block, IAMC, MMC
APR 09 2025
City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 25-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-07

ORDINANCE NO. ______

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

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

1113 Ann Street, Mishawaka, IN

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, St. Joseph County, State of Indiana, to-wit:

Lot 28 Guilfoyle & Houlihan

which real estate is now classified as I-1 Light Industrial District shall hereafter be within and a part of that District known as R-1 Single Family Residential 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 the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Since that time, the proposed property and surrounding area is primarily residential along with a few industrial properties. The proposed request is consistent with the use in this area.*

2. *Current conditions and the character of current structures and uses in each district – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses include R-1 Single Family, I-1 Light Industrial (are single family homes) and I-2 Heavy Industrial.*

3. *The most desirable use for which the land in each district is adopted – The most desirable use for the property is Single Family Residential. The home was built in the early 1900's and has always been a single family residence.*

4. *The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.*

5. *Responsible development and growth - The proposed change is desirable given the existing uses in the area.*

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _________day of ____________________, 2025, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________ day of __________________, 2025, at ____ o'clock ____.M.

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

APPROVED by me this __________ day of __________________, 2025, at ________o'clock ____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA DEPARTMENT OF CITY PLANNING

STAFF REPORT

Location: 1113 Ann Street

Date: April 8, 2025

Petition: 25 06

Prepared By: DMW

GENERAL INFORMATION

Applicant: RDK Property Group LLC

Status: Property Owner

Request: Rezone from I-1 Light Industrial District to R-1 Single Family Residential

Zoning Classification: I-1 Light Industrial District

Lot Size: 0.08 acres

Applicable Regulations: Sec. 137-164 thru 137-166 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:
North: I-1 Light Industrial (vacant)
South: I-1 Light Industrial (single family home)
East: I-2 Heavy Industrial (warehouse)
West: I-1 Light Industrial (single family home)

Thoroughfare: Ann Street North of W. Marion Street

Council District 4

School District: School City of Mishawaka

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: Industrial

ANALYSIS

The Petitioner is requesting to rezone 1113 Ann Street from I-1 Light Industrial District to R-1 Single Family Residential District. The property is located on Ann Street just north of W Marion Street. The area is predominantly R-1 Single Family Residential with pockets of I-1 Light Industrial and a few I-2 Heavy Industrial zoning.

With the exception of one property (1109 Ann Street), the block bound by Ann Street, W Marion Street and Howard Street is zoned I-1 Light Industrial however the properties are single family homes.

The property is being sold as a single family home and would like to have the zoning to match for financing purposes. The property has always been a single family home like neighboring properties.

The house at 1109 Ann Street was rezoned from I-1 Light Industrial to R-1 Single Family Residential in 2007.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #25-06 to rezone 1113 Ann Street from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. *The applicable Comprehensive Plan* is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Since that time, the proposed property and surrounding area is primarily residential along with a few industrial properties. The proposed request is consistent with the use in this area.

2. *Current conditions and the character of current structures and uses in each district* – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses include R-1 Single Family, I-1 Light Industrial (are single family homes) and I-2 Heavy Industrial.

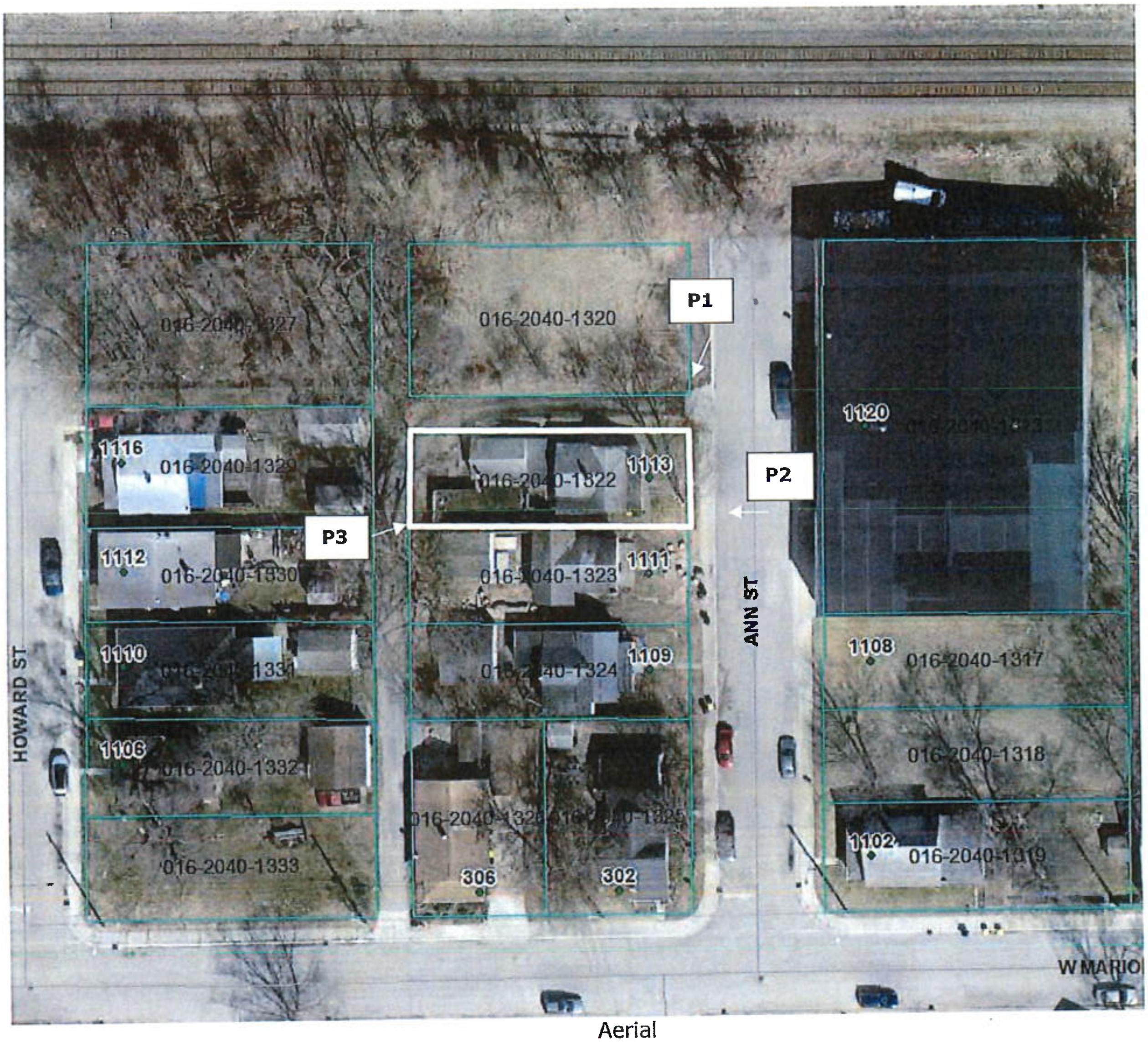
3. *The most desirable use for which the land in each district is adopted* – The most desirable use for the property is Single Family Residential. The home was built in the early 1900's and has always been a single family residence.

4. *The conservation of property values throughout the jurisdiction* – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.

5. *Responsible development and growth* - The proposed change is desirable given the existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP


016-2040-1327
016-2040-1320
P1
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016-2040-1329
016-2040-1322
1113
P2
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016-2040-1321
P3
1112
016-2040-1330
016-2040-1323
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ANN ST
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016-2040-1324
1109
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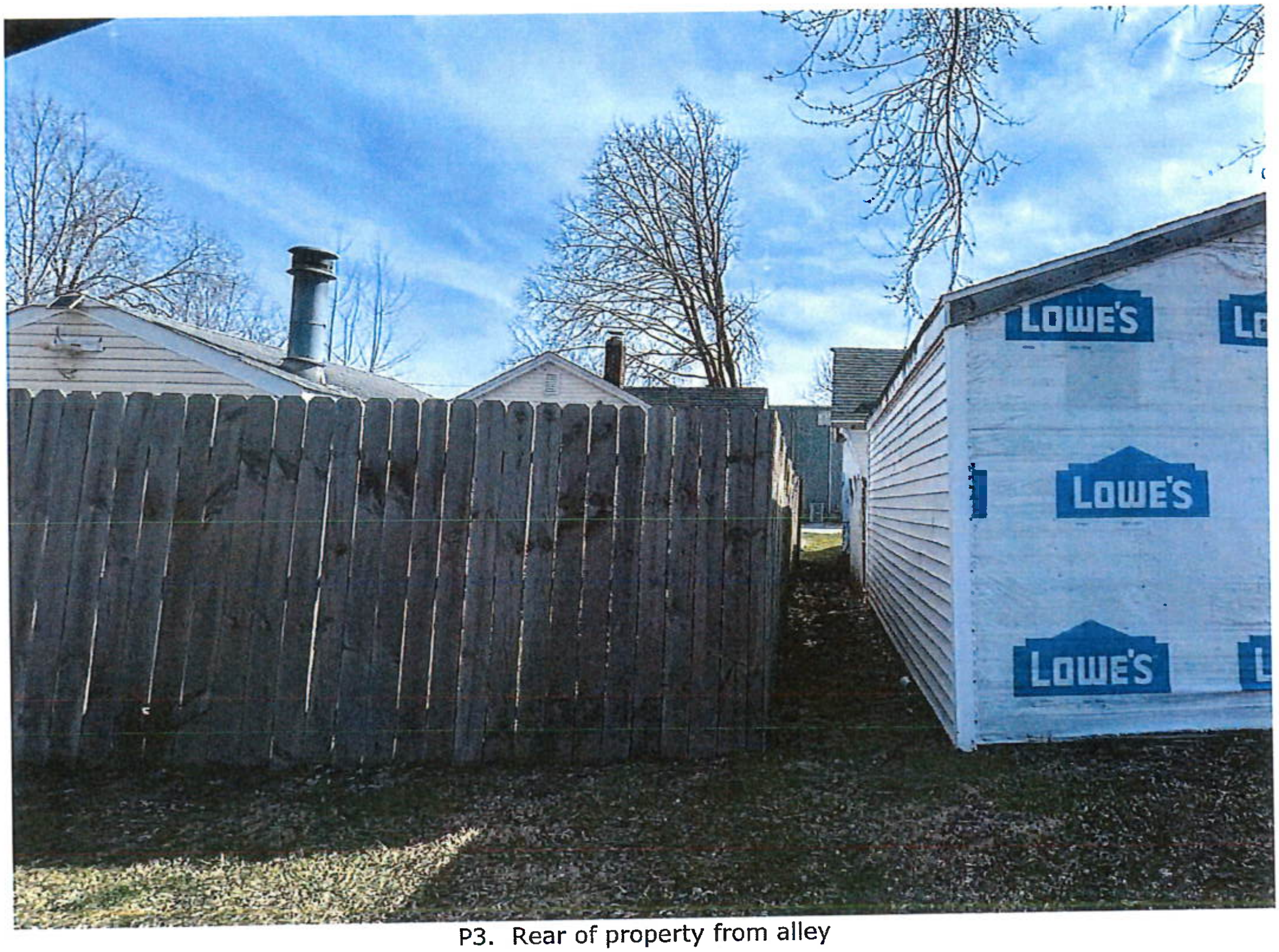
016-2040-1317
HOWARD ST
1106
016-2040-1332
016-2040-1318
016-2040-1326
016-2040-1325
1102
016-2040-1319
016-2040-1333
306
302
W MARIO

Aerial

P1. Facing southwest from Ann Street

P2. Facing west from Ann Street



P3. Rear of property from alley

1113 Ann St
Mishawaka IN

This is NOT a fill-in form. It is to be used merely as a GUIDE in preparing your petition.

Pet 25-06

Received
MAR 19 2025
Planning and
Community Development

DATE:

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

RE: ***PETITION TO REZONE***

The undersigned RDK PROPERTY GROUP LLC ~~(type names(s) of the titleholder(s) of record)~~ respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

> *(Give accurate and complete legal description. Tax key numbers and shortened legals alone are not acceptable. Also give the common address or a definitive common location.)* SEE ATTACHED

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I1 District. Said property is *(State the existing use of the real estate).*

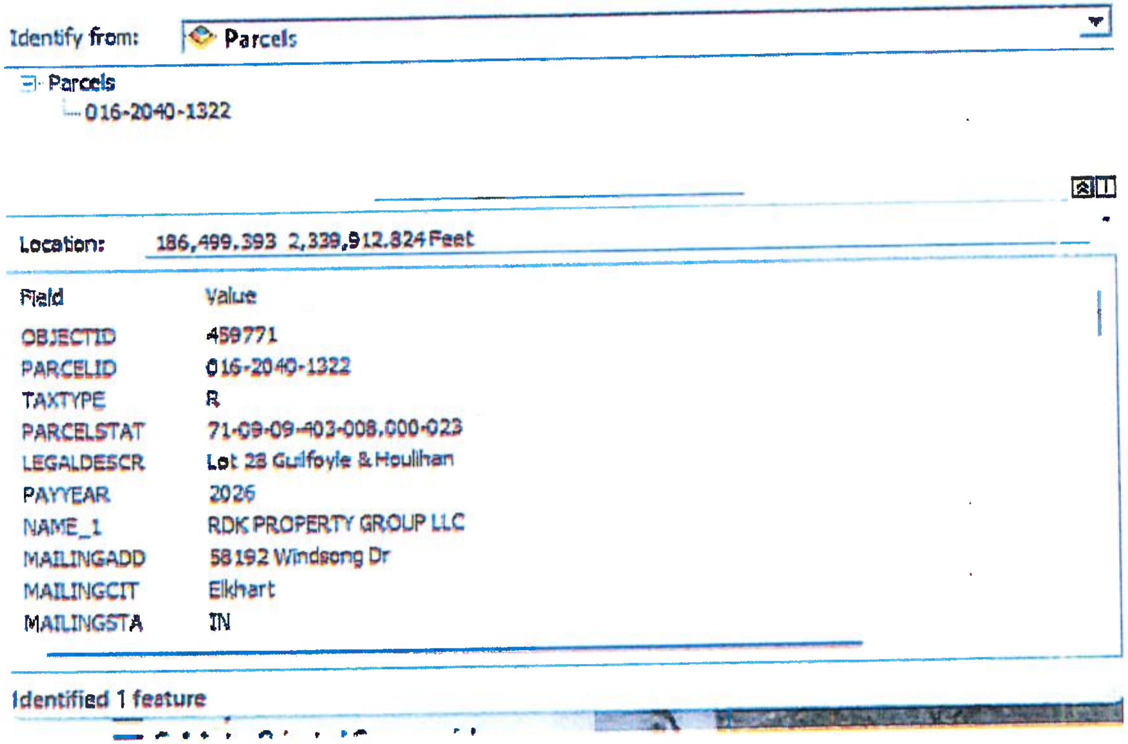
Petitioner(s) desire said real estate to be rezoned to R1 District. Petitioner(s) further state that they intend to utilize said land for (*State the proposed use for the property/ reason for the rezoning).*

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

Signature(s) of Property Owner(s)
Typewritten name also

Signature(s) of Property Owner(s)
Typewritten name also

CONTACT PERSON:
NAME Rob Kolean
ADDRESS 58192 Windsong Dr Elkhart IN 46517
PHONE NUMBER 616 886 1417
FAX
EMAIL rkolean@yahoo.com



Identify from: Parcels

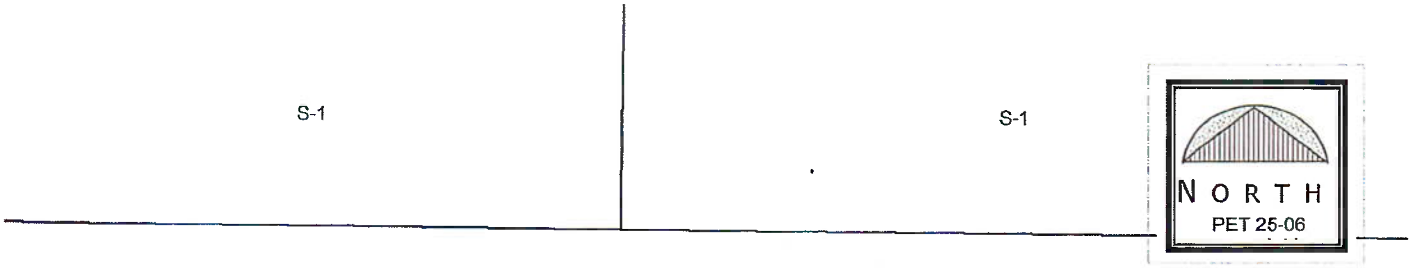
Parcels

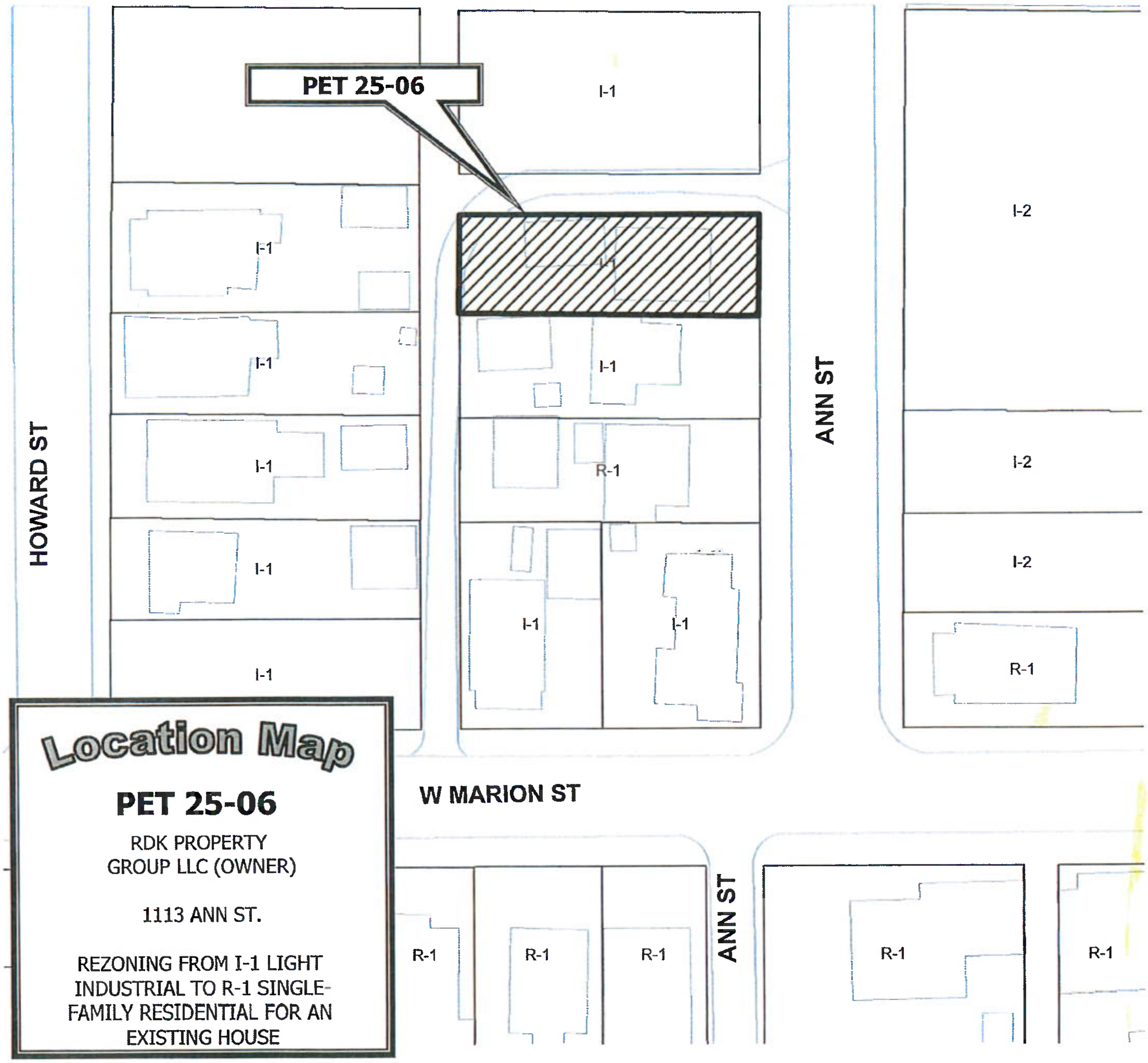
016-2040-1322

Location: 186,499.393 2,339,912.824 Feet

Field	Value
OBJECTID	459771
PARCELID	016-2040-1322
TAXTYPE	R
PARCELSTAT	71-09-09-403-008.000-023
LEGALDESCR	Lot 28 Guilfoyle & Houlihan
PAYYEAR	2026
NAME_1	RDK PROPERTY GROUP LLC
MAILINGADD	58192 Windsong Dr
MAILINGCIT	Elkhart
MAILINGSTA	IN

Identified 1 feature





Location Map

PET 25-06

RDK PROPERTY
GROUP LLC (OWNER)

1113 ANN ST.

REZONING FROM I-1 LIGHT INDUSTRIAL TO R-1 SINGLE-FAMILY RESIDENTIAL FOR AN EXISTING HOUSE

1113 Ann St
Mishawaka IN

This is NOT a fill-in form. It is to be used merely as a GUIDE in preparing your petition.

Pet 25-06

Received
MAR 19 2025
Planning and
Community Development

DATE:

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

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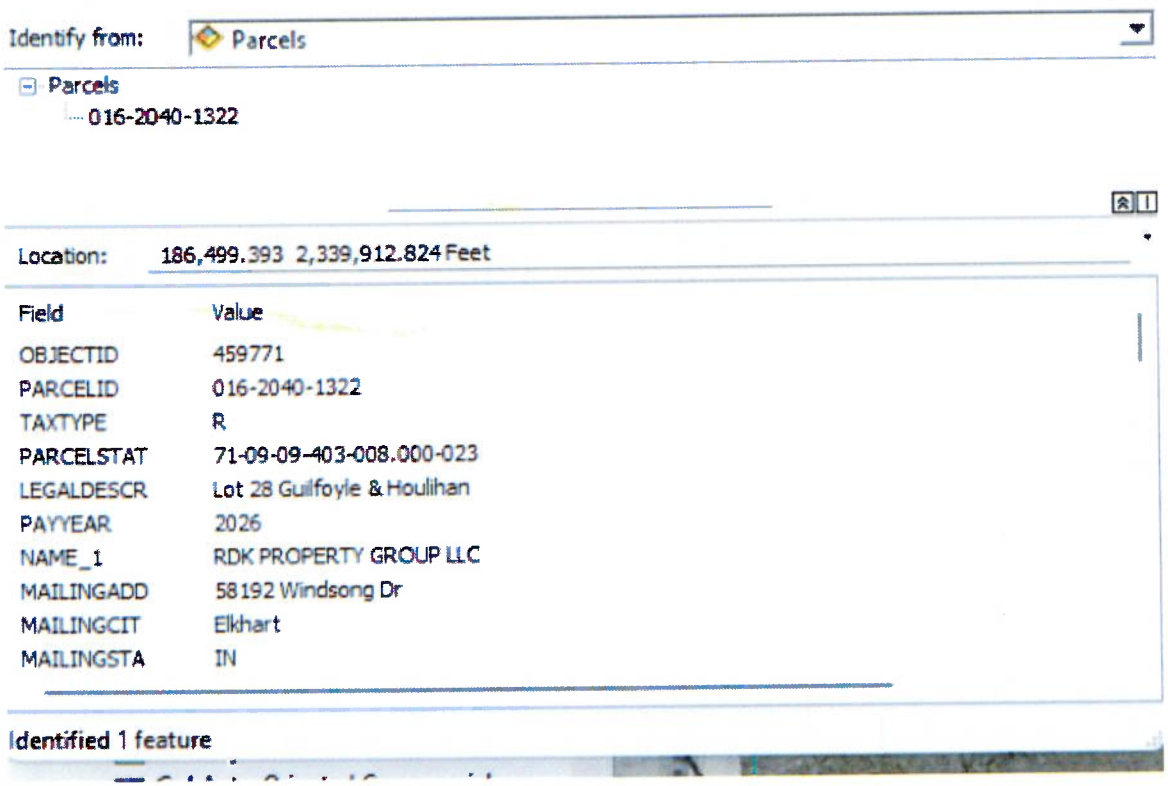
Signature(s) of Property Owner(s)
Typewritten name also

Signature(s) of Property Owner(s)
Typewritten name also

CONTACT PERSON:
NAME Rob Koleam
ADDRESS 58192 Windsong Dr Elkhart IN 46517
PHONE NUMBER 616 886 1417
FAX
EMAIL rkoleam@yahoo.com



Parcels
016-2040-1322

Location: 186,499.393 2,339,912.824 Feet

Field	Value
OBJECTID	459771
PARCELID	016-2040-1322
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PARCELSTAT	71-09-09-403-008.000-023
LEGALDESCR	Lot 28 Guilfoyle & Houlihan
PAYYEAR	2026
NAME_1	RDK PROPERTY GROUP LLC
MAILINGADD	58192 Windsong Dr
MAILINGCIT	Elkhart
MAILINGSTA	IN

Identified 1 feature


016-2046-1581
016-2046-1582
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016-2040-1336
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016-2040-1311
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016-2040-1353
016-2040-1352
016-2040-1358

Deborah S. Block, IAMC, MMC

APR 10 2025

City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2025 - 09

ORDINANCE NO._______

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE MATCHING GRANT FUND OF THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2025 AND AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2025

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

Section 1. There is hereby transferred from the Motor Vehicle Highway Restricted (MVHR) Fund of the City of Mishawaka to the Local Road & Bridge Matching Grant Fund of the City of Mishawaka the sum of $1,271,670.00 as required for the Community Crossing Grant.

Motor Vehicle Highway Restricted Fund (MVHR)

From:

Capital Outlays		
2203-50-442-01	Street Repair	$1,271,670.00

Local Bridge and Road Matching Grant Fund

To:

Other Services and Charges		
2404-50-436-03	Street Repair	$1,271,670.00

Section 2. Which requires the appropriation of additional funds for the fiscal year ending December 31, 2025, in addition to that set out in detail in the published budget.

Section 3. There is hereby appropriated from the Local Bridge and Road Matching Grant Fund of the City of Mishawaka the sum of $2,543,340.00 for assignment as follows:

Local Road & Bridge Matching Grant Fund

Other Services and Charges		
2404-50-436-03	Street Repair	$2,543,340.00

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

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

on this ____________day of ________________, 2025 at _____________

o'clock, ____. M.

____
Gregg Hixenbaugh, President

ATTEST:

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

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

on this _____________day of __________________, 2025 at_______

o'clock, ____. M.

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

APPROVED BY ME this _________day of ___________________, 2025 at

_______o'clock, ___. M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Date: April 10, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire

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

I am requesting first reading for the transfer of $1,271,670.00 from the Motor Vehicle Highway Restricted Fund to the Local Road & Bridge Matching Grant Fund as this is our necessary match for the Community Crossings Grant. These funds are budgeted for the purpose of the match and are funded from MVH funds received from the State.

This transfer along with the $1,271,670.00 Community Crossing Grant funds awarded must be appropriated. Therefore, I also request a first reading for the additional appropriation of $2,543,340.00.

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

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

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

City Hall • 100 Lincolnway West • Mishawaka, IN 46544
Phone: (574) 258-1622 • Fax: (574) 258-1724 • www.mishawaka.in.gov

City of Mishawaka

OFFICE OF THE CITY CLERK **Deborah S. Block, IAMCA, CMO, MMC, City Clerk**

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATION

Notice is hereby given the taxpayers of Mishawaka, St. Joseph County, Indiana, that the Common Council will hold a special meeting in City Hall, 100 Lincolnway West at 6:00 p.m. on the 28th day of April 2025 and will consider the following additional appropriations in excess of the budget for the current year.

PROPOSED ORDINANCE NO. 2025 -09

Local Road & Bridge Matching Grant Fund

Other Services and Charges

2404-50-436-03	Street Repair	$2,543,340.00

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriations as finally made will be referred to the State Board of Tax Commissioners. The Board shall issue a written determination within 15 days of receipt of the proposal.

Deborah S. Block, IAMC, MMC, City Clerk

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

Outlook

2406 Schumacher Dr. - City Council Hearing Postponement

From Seth Freed <sfreed@Pellani.com>
Date Fri 4/25/2025 12:59 PM
To Raven S. Boston <rboston@mishawaka.in.gov>; Terry Lang <tlang@gowightman.com>

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.

Good afternoon, Raven – We are looking to postpone our hearing that is supposed to be next week. Could you please let me know when the next meeting day is so I can let all parties involved know. I spoke with Greg Hixenbaugh emailed Shad to get your email.

Is there anything you need form me to postpone this until the next meeting? We are working with an analysis and potential options to meet with the HOA to discuss.

Please let me know if I can get you any other information.

Have a great weekend!

Seth J. Freed
Trade & Commercial Professional
Pella Windows & Doors - Northern Indiana
Cell: 260.234.1965
Email: sfreed@pellani.com

From: Raven S. Boston <rboston@mishawaka.in.gov>
Sent: Friday, August 18, 2023 10:37 AM
To: Terry Lang <tlang@gowightman.com>; Seth Freed <sfreed@Pellani.com>
Subject: Council Meeting Agenda

GRAPHUS
Warning: Sender @rboston@mishawaka.in.gov has never sent any emails to your organization.
Please be careful before replying or clicking/downloading the attachment.
Report Phishing Remove Banner
powered by Graphus®

Good morning,

Attached is the agenda for the Mishawaka Common Council meeting on Monday August 21st.

Have a great day,

Raven Boston
Chief Deputy Clerk
100 Lincolnway West
Mishawaka, IN 46544
(574)258-1616

Deborah S. Block, IAMC, MMC
APR 0 9 2025
City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 25-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-10

ORDINANCE NO. ______

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

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

2400 & 2406 Schumacher Drive, Mishawaka, IN

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, St. Joseph County, State of Indiana, to-wit:

Parcel I: A part of the Southeast Quarter of Section 4, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows: Beginning at a point on the East line of Schumacher Drive, 229.31 feet South 0°27'35" East of the Southwest corner of Lot Numbered 5 as shown on the recorded Plat of Town and Country Estates, Section "A", as recorded in Instrument No. 7705865 in the office of the Recorder of St. Joseph County, Indiana; thence North 0°27'35" West along said East line of Schumacher Drive , 229.31 feet to the Southwest corner of said Lot 5; thence North 89°32'25" East along the Southerly line of said Lot 5, 146.52 feet to the Southwest corner of Lot 4 in said recorded Plat; thence North 52°48'39" East along the Southerly line of said Lot 4, 142.47 feet to the Southwest corner of Lot 3 in said recorded Plat; thence North 47°10'54" East along the Southerly line of said Lot 3, 90.48 feet to the Southwest corner of Lot 2 in said recorded Plat; thence North 67°57'44" East along the Southerly line of said Lot 2, 83.03 feet to the Southeast corner of Lot 1 in said Plat, said corner being on the West line of the recorded Plat of Normain Heights, as recorded in Plat Book 16, Page N in Recorder's Office' thence South 0°51'43" East along said West line of Normain Heights, 408.67 feet; thence South 89°54'42" West, 407.65 feet to the point of beginning.

EXCEPTING a parcel of property commencing at the Southwest corner of Lot 5 as shown on the recorded Plat of Town and Country Estates, Section A, as recorded in Instrument No. 7705865 in the Office of the Recorder of St. Joseph County, Indiana; thence South 00°27'35" East, 139.31 feet to the true place of beginning; thence continuing South 00°27'35" East, 90.00 feet; thence North 89°32'25" East, 75.00 feet; thence North 00°27'35" West, 90.00 feet; thence South 89°32'25" West, 75.00 feet to the place of beginning.

PARCEL II: A part of the Southeast Quarter of Section 4, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows: Commencing at the Southwest corner of Lot 5 as shown on the recorded Plat of Town and Country Estates, Section A, a s recorded on Instrument No. 7705865 in the Office of the Recorder of St. Joseph County, Indiana ; thence South 00°27'35" East, 139.31 feet to the true *place of beginning; thence continuing South 00°27'35" East, 90.00 feet; thence North 00°27'35" West, 90.00 feet; thence South 89°32'25" West, 75.0 feet to the place 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 R-3 Multi Family Residential designated in "The Zoning Ordinance of 1966" as amended.

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

1. *Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as low to medium density residential, and the proposed development will be 7.14 units per acre.*

2. *Existing Conditions - This area is tucked away on Schumacher Drive, off of McKinley Avenue, but abuts long-standing residential developments like Normain Heights and Town & Country Estates. Character of Buildings - The character of the buildings accessed from Schumacher Drive are commercial and industrial in nature, however there are residential to the north and east;*

3. *The most desirable/highest and best use - Because the parcel is partially zoned R-3 Multi-Family District and located near other residential uses, downzoning to the R-3 Multi-Family District is a desirable use for this property;*

4. *Conservation of property values - The proposed rezoning should not be injurious to property values in the surrounding area as this is a downzoning to match existing neighboring zoning; and*

5. *Responsible development and growth – The proposed change from C-1 General Commercial to R-3 Multi-Family Residential is desirable as a buffer between C-9 Automobile Sales Commercial & I-1 Light Industrial and 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 ____________________, 2025, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this ________ day of __________________, 2025, at ____ o'clock ____.M.

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

APPROVED by me this ___________ day of __________________, 2025, at ________o'clock ____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA DEPARTMENT OF CITY PLANNING

STAFF REPORT

Location: 2400 & 2406 Schumacher Drive

Date: April 8, 2025

Petition: 25 04

Prepared By: SA

GENERAL INFORMATION

Applicant: Freed Capital, LLC / Wightman

Status: Property Owners / Surveyor & Site Designer

Request: Rezone from C-1 General Commercial District & R-3 Multi-Family Residential to R-3 Multi-Family Residential

Zoning Classification: C-1 General Commercial District & R-3 Multi-Family Residential

Lot Size: 2.8 acres

Applicable Regulations:
Sec. 137-40 Plan Commission;
Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map;
Sec. 137-215 thru 137-217 R-3 Multi-Family Residential Developmental Regulations;
Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:
North: R-3 Multi-Family Residential (Town & Country Estates)
South: C-9 Automobile Sales (automobile sales, service & detailing)
East: R-1 Single Family Residential (Normain Heights)
West: I-1 Light Industrial (roofing wholesaler)

Thoroughfare: Schumacher Drive

Council District 5

School District: Penn-Harris-Madison

Public Utilities: All utilities are available and/or will be extended to/throughout the site at the developer's expense

Comprehensive Plan: Low to medium density residential

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from C-1 General Commercial District & R-3 Multi-Family Residential to R-3 Multi-Family Residential. The property is located at 2406 Schumacher Drive and includes adjacent vacant property (2400 Schumacher Drive).

The property is 2.8 acres. There is an existing 1,200 square foot office building, which is proposed to be demolished. The remaining property is wooded. The northeast portion (where the retention pond is proposed) is currently zoned R-3 Multi-Family Residential.

The reason for the change is to allow the petitioner to build (3) four-unit and (4) two-unit residential buildings. Each one of the (20) units will have a driveway and garage. Although not required by the R-3 developmental regulations the end of the private drive is proposed to have (8) parking spaces. With this petition the property owner is ***only*** seeking to establish the proper zoning for the proposed multi-family use. If approved, a site plan laying out phases of development will be required prior to the beginning of any construction or issuance of any permits. A detailed final site plan will address storm drainage, grading, utilities, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development. A subdivision plat will also be required to establish all necessary easements.

This petition was originally heard by the Plan Commission on April 11, 2023 and was tabled to June 13th,2023, due to significate remonstrative. It was subsequently approved by the Plan Commission (5-2) with a favorable recommendation. At the August 21, 2023 Common Council meeting, the motion failed.

Based on the proximity to single and two-family residential homes, Planning Staff is requesting a written commitment limiting the building height standard of the R-2 Two-Family District to be applied, which is 35' as opposed to 120'.

The Engineering Department had no concerns with the change in zoning, however, did have comments that will need to be addressed on the subdivision and site plan: 1.Sanitary sewer shall be privately maintained and will not qualify for sewer insurance; 2. With roadway private, all maintenance (paving, plowing, etc.) would be the developer's responsibility; 3. Storm sewer easement shall be 30', not 20'; 4. Existing 10" sanitary stub is only 6' deep, so may need to be raised to provide adequate cover over pipe; 5. All proposed runoff shall be directed to proposed retention basin and be sized to handle 100 year, 24 hour storm event. This may have constraints with groundwater depths, provide Geotech report to confirm; 6. Sidewalk along Schumacher Dr within project limits shall be replaced.

The Electric Department has commented that a 15' electric easement will be needed.

The Water Department has commented that they need to be contacted with any questions regarding water service, metering, or backflow needs. Property is within the Virgil Street 5-year time of travel wellhead protection area. Wellhead protection permit may be required from St. Joseph County Health Department.

Other pertinent City Departments reviewed and approved the request. All permits are required prior to construction.

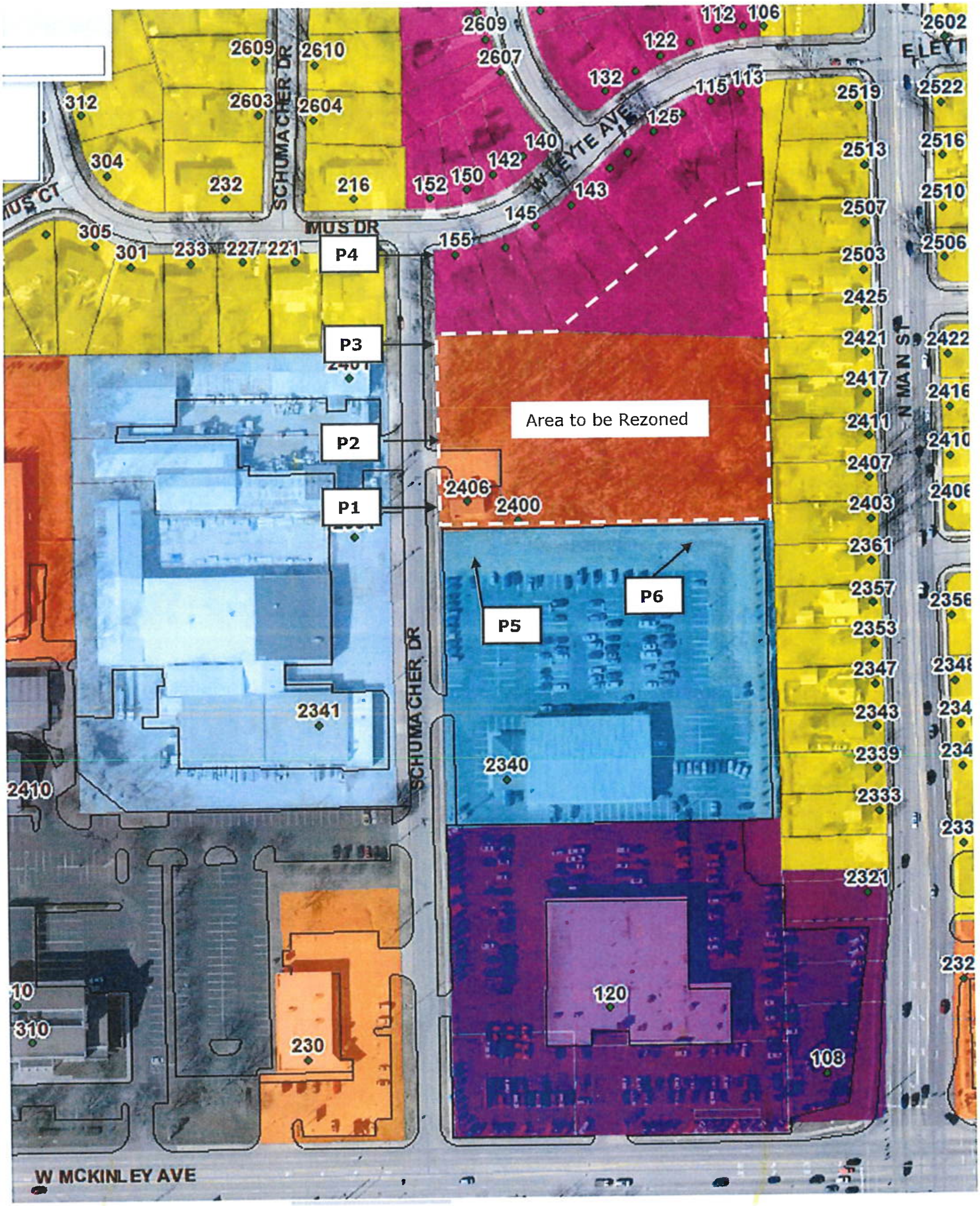
RECOMMENDATION

The Planning Department recommends **in favor** of Petition 25-04 to rezone the property at 2406 Schumacher Drive and the adjacent vacant property (2400 Schumacher Drive) to R-3 Multi-Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as low to medium density residential, and the proposed development will be 7.14 units per acre.
2. Existing Conditions - This area is tucked away on Schumacher Drive, off of McKinley Avenue, but abuts long-standing residential developments like Normain Heights and Town & Country Estates. Character of Buildings - The character of the buildings accessed from Schumacher Drive are commercial and industrial in nature, however there are residential to the north and east;
3. The most desirable/highest and best use - Because the parcel is partially zoned R-3 Multi-Family District and located near other residential uses, downzoning to the R-3 Multi-Family District is a desirable use for this property;
4. Conservation of property values - The proposed rezoning should not be injurious to property values in the surrounding area as this is a downzoning to match existing neighboring zoning; and
5. Responsible development and growth – The proposed change from C-1 General Commercial to R-3 Multi-Family Residential is desirable as a buffer between C-9 Automobile Sales Commercial & I-1 Light Industrial and residential.

ATTACHMENTS

AERIAL WITH ZONING, PHOTOS, SITE PLAN, CONCEPTUAL DRAWINGS, PETITION, LOCATION MAP



Aerial with Zoning

P1. Existing building at 2406 Schumacher (to be demolished). East facing from Schumacher Dr.

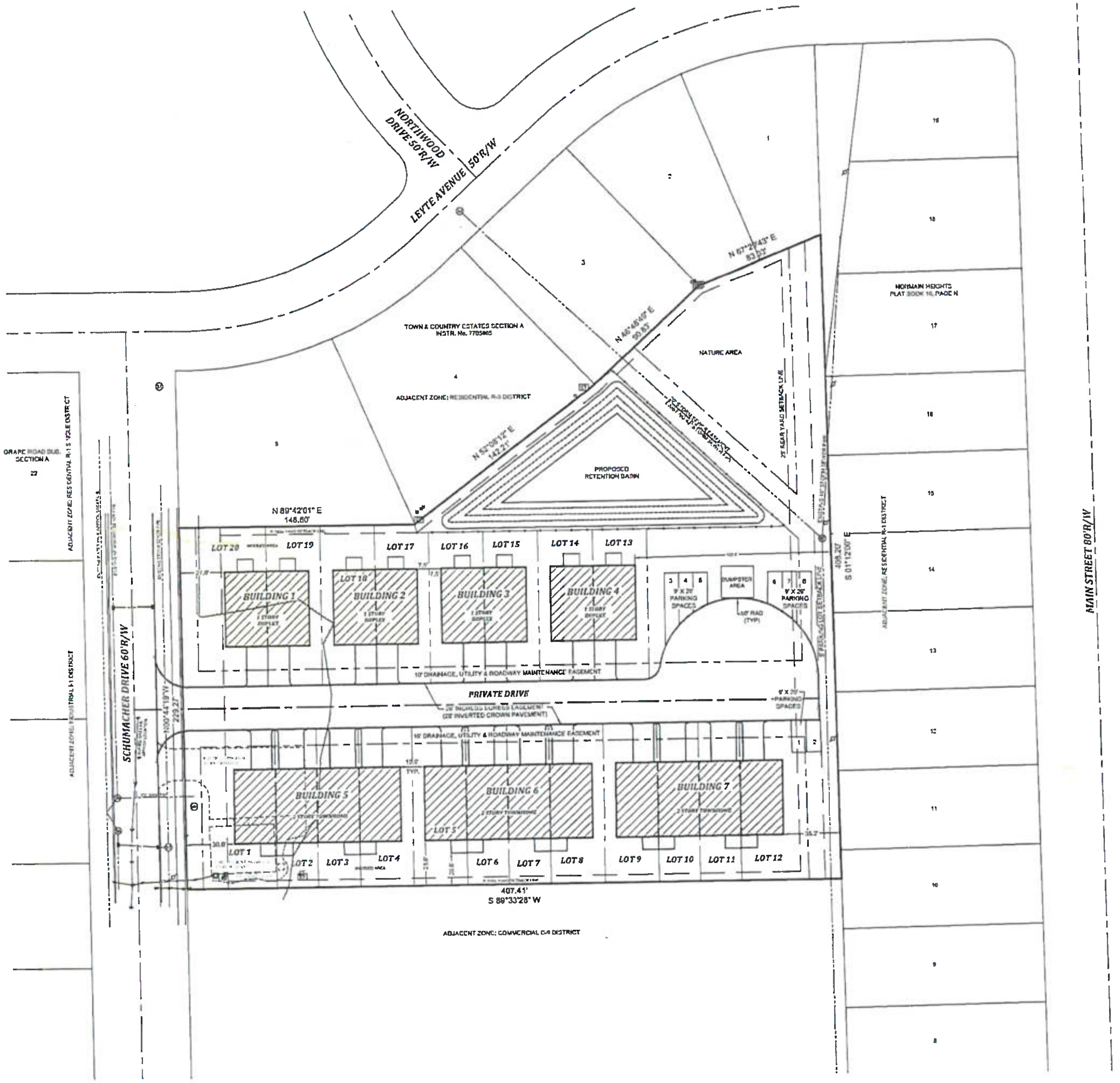
P2. Parking lot and wooded area. East facing from Schumacher Dr.

P3: North end of the property. East facing from Schumacher Dr.

P4: East facing from Schumacher Dr near Imus Dr.

P5: North facing from a parking lot to the south.

P6: Northeast facing from a parking lot to the south.

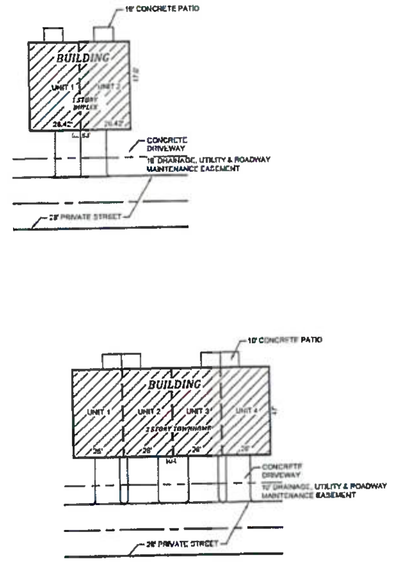


PRELIMINARY SITE PLAN

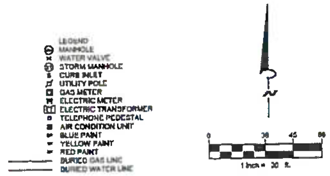
PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH,
RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

FOR REZONING PURPOSES ONLY

NOTES:
1. PROPERTY ADDRESS: 2400 AND 2408 SCHUMACHER DRIVE
2. PROPERTY OWNER: FREED CAPITAL, LLC C/O SETH FREED, MEMBER
131 E. BORELY AVENUE, MISHAWAKA, INDIANA 46545
574-415-7807; 260-234-1965; SFREED@PELLANI.COM
3. CURRENT ZONING: COMMERCIAL C-1 DISTRICT
4. PROPOSED ZONING: RESIDENTIAL R-3 DISTRICT.
5. CURRENT USE: SMALL RETAIL OFFICE AND LARGE WOODED AREA
6. PROPOSED USE: 7 MULTI FAMILY BUILDINGS
7. BUILDING SHALL BE SERVED BY MUNICIPAL WATER AND SANITARY SEWER.
8. SITE SHALL COMPLY WITH ALL SETBACK AND LANDSCAPE REQUIREMENTS OF THE RESIDENTIAL R-3 DISTRICT'S ZONING ORDINANCE.



TYPICAL BUILDING



WIGHTMAN

1402 MISHAWAKA AVE.
SOUTH BEND, IN. 46615
574.233.1841

PROJECT NAME:
REZONING PETITION

FREED CAPITAL, LLC
C/O SETH FREED
131 E. BORELY AVE.
MISHAWAKA, IN 46545

REVISIONS

DATE: 03/17/23 chg. duplex's
SCALE: 1" = 30'
DRAWN BY: JMB
CHECKED BY:

JOB No.

PC 25-04

Received

MAR 18 2025

Planning and
Community Development

December 18, 2024

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

RE: PETITION TO REZONE

The undersigned, Freed Capital, LLC, respectfully show they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

PARCEL I: A part of the Southeast Quarter of Section 4, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows: Beginning at a point on the East line of Schumacher Drive, 229.31 feet South 0°27'35" East of the Southwest corner of Lot Numbered 5 as shown on the recorded Plat of Town and Country Estates, Section "A", as recorded in Instrument No. 7705865 in the office of the Recorder of St. Joseph County, Indiana; thence North 0°27'35" West along said East line of Schumacher Drive , 229.31 feet to the Southwest corner of said Lot 5; thence North 89°32'25" East along the Southerly line of said Lot 5, 146.52 feet to the Southwest corner of Lot 4 in said recorded Plat; thence North 52°48'39" East along the Southerly line of said Lot 4, 142.47 feet to the Southwest corner of Lot 3 in said recorded Plat; thence North 47°10'54" East along the Southerly line of said Lot 3, 90.48 feet to the Southwest corner of Lot 2 in said recorded Plat; thence North 67°57'44" East along the Southerly line of said Lot 2, 83.03 feet to the Southeast corner of Lot 1 in said Plat, said corner being on the West line of the recorded Plat of Normain Heights, as recorded in Plat Book 16, Page N in Recorder's Office; thence South 0°51'43" East along said West line of Normain Heights, 408.67 feet; thence South 89°54'42" West, 407.65 feet to the point of beginning. EXCEPTING a parcel of property commencing at the Southwest corner of Lot 5 as shown on the recorded Plat of Town and Country Estates, Section A, as recorded in Instrument No. 7705865 in the Office of the Recorder of St. Joseph County, Indiana; thence South 00°27'35" East, 139.31 feet to the true place of beginning; thence continuing South 00°27'35" East, 90.00 feet; thence North 89°32'25" East, 75.00 feet; thence North 00°27'35" West, 90.00 feet; thence South 89°32'25" West, 75.00 feet to the place of beginning.

PARCEL II: A part of the Southeast Quarter of Section 4, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows: Commencing at the Southwest corner of Lot 5 as shown on the recorded Plat of Town and Country Estates, Section A, a s recorded on Instrument No. 7705865 in the Office of the Recorder of St. Joseph County, Indiana; thence South 00°27'35" East, 139.31 feet to the true place of beginning; thence continuing South 00°27'35" East, 90.00 feet; thence North 89°32'25" East, 75.00 feet; thence North 00°27'35" West, 90.00 feet; thence South 89°32'25" West, 75.0 feet to the place of beginning.

2400 + 2406 SCHUMACHER DR.
MISHAWAKA, IN 46545

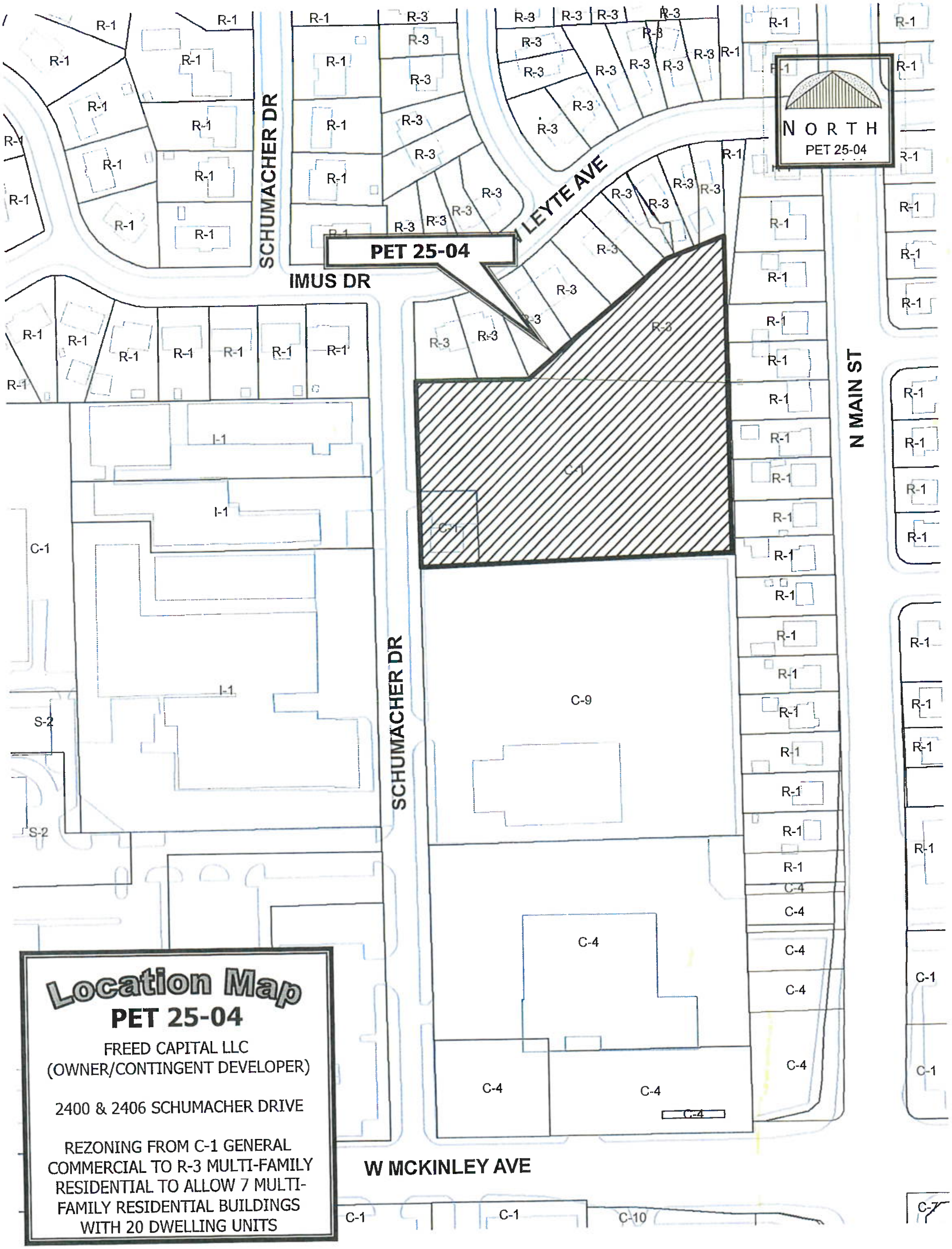
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-3 Multi Family Residential and Commercial C-1 District. Said property is currently a vacant wooded lot.

Petitioner desire said real estate to be rezoned to Residential R-3 District.
Petitioner further state that they intend to utilize said land for 7 multi family units with access provided by a private street accessing Schumacher Drive.

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

Freed Capital, LLC
Seth Freed, Member
131 E. Borley Avenue
Mishawaka, Indiana 46545
989-415-7607; 260-234-1965
sfreed@pellani.com

CONTACT PERSON:
Wightman c/o Terry Lang, PS
715 S. Michigan Street
South Bend, Indiana 46601
574-233-1841
tlang@gowightman.com



Location Map

PET 25-04

FREED CAPITAL LLC
(OWNER/CONTINGENT DEVELOPER)

2400 & 2406 SCHUMACHER DRIVE

REZONING FROM C-1 GENERAL COMMERCIAL TO R-3 MULTI-FAMILY RESIDENTIAL TO ALLOW 7 MULTI-FAMILY RESIDENTIAL BUILDINGS WITH 20 DWELLING UNITS

1st Reading 3-10-25
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC
MAR 05 2025
City Clerk
Mishawaka, IN

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2024-35

ORDINANCE NO. ______

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 THE CITY OF MISHAWAKA, INDIANA.

WELLHEAD PROTECTION LAND USE RESTRICTIONS

WHEREAS, in 1966 the City of Mishawaka adopted the Zoning Ordinance to regulate uses and development within the City, and

WHEREAS, the City has recently completed multiple water infrastructure improvement projects expending over 50 million dollars, and

WHEREAS, these improvements include the rehabilitation and expansion of a storage tank on Ireland Road, the construction of a new water tower at the Gumwood Wellfield, the replacement of a 100 year old storage tank and system improvements at Virgil Street adjacent to the Eberhart-Petro Golf Course, the construction of a new wellfield along Juday Creek that will replace the Gumwood Wellfield, new Water Treatment Facility at Juday Creek, and

WHEREAS, the City has identified that the issues surrounding wellhead protection and providing for safe drinking water needed to be further addressed, and

WHEREAS, a need was identified for additional public education and increased availability of wellhead protection maps online, and

WHEREAS, both the Administration and Council members have identified a need and desire for ordinance modifications to both increase and formally codify restrictions regarding development within wellhead protection areas, and

WHEREAS, St. Joseph County has adopted Chapter 52-Water Regulations of the St. Joseph County Code that outlines provisions to help insure safe drinking water, and

WHEREAS, included in the Water Regulations of the St. Joseph County Code is are two sub-categories- Well Drilling and Water Supply System, and Wellhead Protection, and

WHEREAS, the St. Joseph County Health Department is the administrative entity that is responsible for issuing local permits for wells, and

WHEREAS, the Wellhead Protection provisions of the County are oriented to a permit process that is designed to regulate the minimum setback distances for new wells and was not drafted to regulate uses or developmental standards which is predominantly a function of zoning, and

WHEREAS, St. Joseph County within its Wellhead protection requirements defines threats to groundwater as follows: (1) The presence of a hazardous substance or regulated substance in the vadose zone in sufficient quantity or concentration to present a reasonable likelihood that it will damage groundwater; and/or (2) The presence at a facility of any of the following activities or conditions involving hazardous or regulated substances in a manner either not in compliance with applicable federal, state or local requirements, or in a manner which represents an unreasonable risk of release to groundwater, or to soil in a quantity sufficient to present a reasonable likelihood that it will damage groundwater: Water Regulations 49 (a) An underground storage tank; (b) An above-ground storage tank; (c) A drum storage area; (d) A waste pile, including one consisting of contaminated soil awaiting removal; (e) A surface impoundment; (f) A rail or truck-loading or transfer area; and/or (g) An outdoor storage or disposal area exposed to precipitation, and

WHEREAS, the City desires to expand on this definition for the purposes of regulating the storage and distribution of chemicals, materials, uses, and storage methods that are potential threats to groundwater, and

WHEREAS, the City's water system is a public water system that is further reviewed and regulated by the Indiana Department of Environmental Management (IDEM), and

WHEREAS, the City's water system, as a public water system, is subject to continued environmental rule changes by the federal government that continues to increase the standards for public water quality where private wells are not regulated in the same way, and

WHEREAS, the ongoing environmental rule changes by the federal government include but are not limited to lead, copper, and Per- and polyfluoroalkyl substances (PFAS), arsenic, manganese, and

WHEREAS, with the increasing standards for public water, the vulnerability of groundwater infiltration, the higher cost of treatment and filtration, and the potential that exists to force the closure of wells and wellfields from contamination, the City desires to further regulate development within both the one-year and five year time of travel surrounding municipal wellfields.

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", be, and the same is hereby amended as follows:

Add the following:

DIVISION 8. – Wellhead Protection Land Use Restrictions

Sec. 137-870. – Prohibited Uses

The commercial storage and distribution of chemicals, materials, uses, and storage methods identified in Sec. 137-872 shall be prohibited within the one-year time of travel for public wellfields. Maps of the one-year and five-year time of travel shall be as adopted by the City in accordance with the Safe Drinking Water Act and the Indiana Wellhead Protection Rule (327 IAC 8-4.1) which mandates the delineation of maps that identifies the time of travel and a wellhead protection program for each well or wellfield providing groundwater to a Community Public Water System.

Sec. 137-871- Conditional uses.

The commercial storage and distribution of chemicals, materials, uses, and storage methods identified in Sec. 137-872 may be conditionally approved by the board of zoning appeals and the Common Council outside of the one-year time of travel but within the five-year time of travel for public wellfields. Maps of the one-year and five-year time of travel shall be as adopted by the City in accordance with the Safe Drinking Water Act and the Indiana Wellhead Protection Rule (327 IAC 8-4.1) which mandates the delineation of maps that identifies the time of travel and a wellhead protection program for each well or wellfield providing groundwater to a Community Public Water System.

Sec. 137-872- Identified chemicals, materials, uses, and storage methods

a) Petroleum or petroleum-based products, including fuels, fuel additives, lubricating oils, motor oils, hydraulic fluids, and other similar petroleum based products

b) Antifreeze, transmission fluids, brake fluids, and coolants

c) Solvents (raw or spent), including cleaning solvents, degreasing solvents, stripping compounds, dry cleaning solvents, painting solvents, and/or hydrocarbon or halogenated hydrocarbon solvents

d) Inks, printing and photocopying chemicals, and waste rags used for solvent-based cleaning

e) Organic pigments

f) Liquid storage batteries

g) Non-aerosol, non-latex based paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds, paint sludges, and paint filters

h) Corrosion and rust prevention solutions

i) Industrial and commercial cleaning supplies, including drain cleaners

j) Sanitizers, disinfectants, bactericides, and algaecides

k) Pesticides, herbicides, and fertilizers

l) Acids and bases with a pH less than or equal to 2 or greater than or equal to 12.5

m) Aqueous metals

n) Road salt

o) Any other regulated substance in a quantity sufficient to present a reasonable likelihood that it has or is likely to damage groundwater or surface water, and stored, transferred or used in a manner either not in compliance with applicable federal, state or local requirements; or in a manner which represents an unreasonable risk of release to the soil, groundwater or surface water

p) A drum storage area

q) Waste pile, including one consisting of contaminated soil awaiting removal

r) Waste or material surface impoundment that contains waste containing free liquids or other material susceptible to ground infiltration

s) Rail or truck-loading or transfer area;

t) Auto salvage facility;

u) An outdoor storage or disposal area with material susceptible to ground infiltration when exposed to precipitation

Sec. 137-873- Underground Storage Tanks.

Underground storage tanks (UST) shall be prohibited within the one-year time of travel for public wellfields. Underground Storage tanks shall include any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of petroleum, or any other product contain concentrations of drinking water contaminants as tracked and regulated by the Indiana Department of Environmental Management, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground. For the purposes of this section this shall not include:

a) Farm or residential tanks of 185 gallons or less capacity used for storing fuel for noncommercial purposes;

b) Tank used for storing heating oil for consumptive use on the premises where stored;

c) Septic tank; as regulated, approved, and permitted by the St. Joseph County, Indiana, Board of Health

d) Pipeline facility (including gathering lines) regulated under: 1. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.); 2. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.); or 3. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in divisions (1)(d)1. or (1)(d)2. of this definition.

e) Surface impoundment, pit, pond or lagoon;

f) Storm water or wastewater collection system as may be approved by the City of Mishawaka Engineering Department as part of a final site plan.

g) Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, Water Regulations 50 shaft or tunnel) if the storage tank is situated upon or above the surface of the floor.

h) Property that has established C-10 zoning on the effective date of the DIVISION 8. – Wellhead Protection Land Use Restrictions. This shall specifically not include C-10 Uses identified by reference within a Planned Unit Development Zoning Classification. C-10 zoned property established after the effective date shall comply with all DIVISION 8. -Wellhead Protection Land Use Restrictions.

Sec. 137-874- Conflicting Ordinances

The Wellhead Protection Land Use Restrictions identified herein shall be deemed as additional requirements to minimum legal requirements identified by zoning districts or other local codes and ordinances, also including other governmental entities. In case of conflicting requirements, the most restrictive shall apply.

Section 137-875 Prospective Application

(a) *New uses.* Consistent with the terms of Section 137-6 of the Municipal Code, in all districts, all buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alteration, enlargement, or relocation of existing buildings or structures occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which the buildings, structures, uses, or land shall be located, unless a variance is granted by the board of zoning appeals and the Common Council.

(b) *Existing uses.* In all districts, after the effective date of this Ordinance, the existing approved use of any existing lot, building, or other structure may be continued, changed, enlarged or extended, reconstructed, or relocated only in accordance with all applicable regulations of this chapter.

<u>Section 2.</u> 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 _________________, 2025, at ____________ o'clock _____.M.

____

Gregg Hixenbaugh - President

ATTEST:

____

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor this ________ day of ___________________,

2025, at ____________ o'clock _______.M.

____

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED by me this ____________ day of _________________, 2025, at

____________o'clock__________.M.

____

David A. Wood, Mayor

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. ______

ORDINANCE NO. ______

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

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WHEREAS, these improvements include the rehabilitation and expansion of a storage tank on Ireland Road, the construction of a new water tower at the Gumwood Wellfield, the replacement of a 100 year old storage tank and system improvements at Virgil Street adjacent to the Eberhart-Petro Golf Course, the construction of a new wellfield along Juday Creek that will replace the Gumwood Wellfield, new Water Treatment Facility at Juday Creek, and

~~WHEREAS, in 2024 a rezoning petition was received to place an additional gas station and convenience store within the 1 year time of travel (the time required for groundwater to move from a specified point to a well) of the newly completed Juday Creek Wellfield, and~~

WHEREAS, the ~~request was ultimately approved, the hearing process~~City has identified that the issues surrounding wellhead protection and providing for safe drinking water needed to be further addressed, and

WHEREAS, a need was identified for additional public education and increased availability of wellhead protection maps online, and

WHEREAS, both the Administration and Council members have identified a need and desire for ordinance modifications to both increase and formally codify restrictions regarding development within wellhead protection areas, and

WHEREAS, St. Joseph County has adopted Chapter 52-Water Regulations of the St. Joseph County Code that outlines provisions to help insure safe drinking water, and

WHEREAS, included in the Water Regulations of the St. Joseph County Code is are two sub-categories- Well Drilling and Water Supply System, and Wellhead Protection, and

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Commented [TG1]: There is no definition for "commercial bulk storage" or "commercial distribution". The zoning ordinance currently has a definition for "bulk storage tanks", "commercial", and "commercial storage", but you can't really put those definitions together to get a specific definition for either "commercial bulk storage" or "commercial distribution".

Sec. 137-871- Conditional uses.

The commercial ~~bulk~~ storage and distribution of chemicals, materials, uses, and storage methods identified in Sec. 137-872 may be conditionally approved by the board of zoning appeals and the Common Council outside of the one-year time of travel but within the five-year time of travel for public wellfields. Maps of the one-year and five-year time of travel shall be as adopted by the City in accordance with the Safe Drinking Water Act and the Indiana Wellhead Protection Rule (327 IAC 8-4.1) which mandates the delineation of maps that identifies the time of travel and a wellhead protection program for each well or wellfield providing groundwater to a Community Public Water System.

Commented [TG2]: See above comment.

Sec. 137-872- Identified chemicals, materials, uses, and storage methods

a) Petroleum or petroleum-based products, including fuels, fuel additives, lubricating oils, motor oils, hydraulic fluids, and other similar petroleum based products

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g) Non-aerosol, non-latex based paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds, paint sludges, and paint filters

h) Corrosion and rust prevention solutions

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Sec. 137-873- ~~Undergound~~Underground Storage Tanks.

Commented [TG3]: Misspelled.

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Commented [TG4]: Is this intended to refer to some other regulation or to the items listed in Sec. 137-872? Needs specified.

a) Farm or residential tanks of 185 gallons or less capacity used for storing fuel for noncommercial purposes;

b) Tank used for storing heating oil for consumptive use on the premises where stored;

c) Septic tank; as regulated, approved, and permitted by the St. Joseph County, Indiana, Board of Health

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e) Surface impoundment, pit, pond or lagoon;

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~~g)~~h) Property that has established C-10 zoning on the effective date of the DIVISION 8. – Wellhead Protection Land Use Restrictions. This shall specifically not include C-10 Uses identified by reference within a Planned Unit Development Zoning Classification. C-10 zoned property established after the effective date shall comply with all DIVISION 8. -Wellhead Protection Land Use Restrictions.

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Section 137-875 Prospective Application

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(b) *Existing uses.* In all districts, after the effective date of this Ordinance, the existing approved use of any existing lot, building, or other structure may be continued, changed, enlarged or extended, reconstructed, or relocated only in accordance with all applicable regulations of this chapter.

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Section 2. 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.

____
Gregg Hixenbaugh - President

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: City of Mishawaka

Date: December 10, 2024

Petition: 24- 12 / WELLHEAD PROTECTION LAND USE RESTRICTIONS

Prepared By: KBP

GENERAL INFORMATION

The Department of Planning and Community Development is requesting approval of the adoption of a modification of the zoning ordinance to add Wellhead Protection Land Use Restrictions. The need and desire for these provisions follow the review and ultimate approval of a convenience store (Casey's General Store) at the southeast corner of the intersection of Fir Road and Douglas Road which is within one-year time of travel area for the Juday Creek Municipal Wellfield. Although Casey's withdrew their request despite having received approval, the resulting C-10 zoning district which permits a convenience store/fueling station remains in place that would allow construction by right. As referenced at the time, the now rezoned property is a virtually identical distance to the Wellfield as the Family Express convenience store which is located at the northwest corner of the same intersection.

At the time of review of the Casey's site, there were numerous discussions regarding the need to have more education, better available maps, and potentially ordinance modifications that better regulate land uses surrounding the City's wellfields. Multiple members of the Administration and Council members identified a need and desire for ordinance modifications to both increase and formally codify restrictions regarding development within wellhead protection areas.

Given the contentious process that occurred as part of the Casey's approval, the Administration did not desire to re-contest a decision that was duly decided by the Council. The decision was made to draft and submit these restrictions only after the withdrawal of the Casey's project. The thought being that the proposed ordinance language could be reviewed independently of any active project. The time of travel maps are now also readily available and can be accessed on the City's website through GIS. https://mish.maps.arcgis.com/home/index.html There are currently four City Wellfields- Division Street, Gumwood, Virgil Street, and Juday Creek. Since the Gumwood wellfield has been replaced by the Juday Creek Wellfield and is in the process of being closed, we have not attached or referenced information on the Gumwood Wellfield.

The need for these additional restrictions is pragmatic given the City's recent completion of multiple water infrastructure improvement projects. These projects included the rehabilitation and expansion of a storage tank on Ireland Road, the construction of a new water tower at the Gumwood Wellfield, the replacement of a 100-year-old storage tank and system improvements at Virgil Street adjacent to the Eberhart-Petro Golf Course, and the construction of a new wellfield and Water Treatment Facility at Juday Creek. These projects represent an investment of over 50 million dollars. Our public water supply is of course critical to public health, but it was also a significant factor considered by Microsoft in their review of the St. Joseph Farms property that has been purchased for the construction of a future data center. Data centers have a very high demand for public water for cooling, and the quality of the water matters.

As part of the hearing for Casey's, the petitioner's legal counsel noted that St. Joseph County has adopted Chapter 52-Water Regulations of the St. Joseph County Code that outlines provisions to help ensure safe drinking water and they further represented that those should be considered the standard to protect the City's Wellfields. In the Water Regulations of the St. Joseph County Code, there are two sub-categories- Well Drilling and Water Supply System, as well as, Wellhead Protection. The ordinance is set up to make the St. Joseph County Health Department as the administrative entity that is responsible for issuing local permits for wells. The Wellhead Protection provisions of the county are oriented to a permit process that is designed to regulate the minimum setback distances for new wells and was not drafted to regulate uses or developmental standards which is predominantly a function of zoning. These standards are wholly inadequate relative to regulating land uses and development standards near City wellfields.

Using the example of Casey's, the County ordinance only regulates the City's ability to install a well and does nothing to restrict the placement of new uses that could pose a risk to the wellfield. The minimum setback between a public well and an underground fuel storage tank like Casey's is only 200 feet. This makes sense as a minimum relative to an existing wellfield where there are physical limitations that might dictate a closer than ideal placement of an individual well. This is far different than indicating that a safe regulatory distance of new potentially hazardous uses to an existing wellfield is 200 feet. In fact, in staff's research, there was no ordinance or standard that was found that identified a standard for locating commercial underground storage tanks within the one-year time of travel of a municipal wellfield. The County ordinance, in staff's opinion, is much more oriented to individual wells consistent with single family home construction in the County. The City's water system is a public water system that is further reviewed and regulated by the Indiana Department of Environmental Management (IDEM).

The City's water system, as a public water system, is subject to continued environmental rule changes by the federal government that continues to increase the standards for public water quality where private wells are not regulated in the same way. The ongoing environmental rule changes by the federal government include but are not limited to lead, copper, and Per- and polyfluoroalkyl substances (PFAS), arsenic, and manganese. With the ever-increasing standards for public water, the vulnerability of groundwater infiltration, the higher cost of treatment and filtration, and the potential that exists to force the closure of wells and wellfields from contamination, make it prudent to further regulate significant threats to groundwater from a land use perspective. Because wellhead protection areas are independent of zoning, these restrictions are written as an overlay that will follow the well-head time of travel maps that are required by the Indiana Code as part of the establishment of any given municipal wellfield. Specifically, the proposed ordinance identifies that the one-year and five-year time of travel shall be as adopted by the City in accordance with the Safe Drinking Water Act and the Indiana Wellhead Protection Rule (327 IAC 8-4.1) which mandates the delineation of maps that identifies the time of travel and a wellhead protection program for each well or wellfield providing groundwater to a Community Public Water System. The advantage of incorporation by reference is that the areas will evolve and change in real time as new information is obtained, wells are added, or mapping standards change based on State and Federal requirements.

For reference, as part of the St. Joseph County ordinance, within its Wellhead protection requirements, it defines threats to groundwater as follows: (1) The presence of a hazardous substance or regulated substance in the vadose zone in sufficient quantity or concentration to present a reasonable likelihood that it will damage groundwater; and/or (2) The presence at a facility of any of the following activities or conditions involving hazardous or regulated substances in a manner either not in compliance with applicable federal, state or local requirements, or in a manner which represents an unreasonable risk of release to groundwater, or to soil in a quantity sufficient to present a reasonable likelihood that it will damage groundwater: Water Regulations 49 (a) An underground storage tank; (b) An above-ground storage tank; (c) A drum storage area; (d) A waste pile, including one consisting of contaminated soil awaiting removal; (e) A surface impoundment; (f) A rail or truck-loading or transfer area; and/or (g) An outdoor storage or disposal area exposed to precipitation.

To aid in the consistency between ordinances, the proposed land use ordinance modifications incorporates much of the County ordinance language and has expanded and clarified it for the purposes of regulating the storage and distribution of chemicals, materials, uses, and storage methods that are potential threats to groundwater.

The proposed ordinance is written specifically to regulate commercial bulk storage and distribution of chemicals, materials, uses, and storage methods. The point is to make a regulatory distinction between commercial usage and incidental personal use, both at a commercial and residential level. For example, the commercial bulk storage of petroleum-based products, including fuels, fuel additives, lubricating oils, motor oils, hydraulic fluids, and other similar petroleum-based products would be prohibited within the one-year time of travel. It is known and understood that every home and business have petroleum-based products that are being stored and used on the premises. The intent of this ordinance is only to prohibit the bulk storage/commercial use of such products which by their nature pose an inherent threat and are a vulnerability to municipal wellfields. Another example is road salt. As many are aware the County Highway garage located north of Cleveland Road had issues with salt leaching into the ground and contaminating private wells in the Juday Creek subdivision located in unincorporated St. Joseph County. This bulk storage is what would be restricted and prevented from locating in the one-year time of travel. At the same time, the ordinance does not restrict anyone's storage and use of salt for personal on-site use. The City's wellfield will in fact utilize road salt as necessary for its own winter safety purposes. Relative to protecting groundwater, point source concentrations matter, and the regulations that the City is looking to place are oriented only to the most serious threats and vulnerabilities. The following list is what is being proposed to be regulated in this manner from the proposed ordinance:

a) Petroleum or petroleum-based products, including fuels, fuel additives, lubricating oils, motor oils, hydraulic fluids, and other similar petroleum based products

b) Antifreeze, transmission fluids, brake fluids, and coolants

c) Solvents (raw or spent), including cleaning solvents, degreasing solvents, stripping compounds, dry cleaning solvents, painting solvents, and/or hydrocarbon or halogenated hydrocarbon solvents

d) Inks, printing and photocopying chemicals, and waste rags used for solvent-based cleaning

e) Organic pigments

f) Liquid storage batteries

g) Non-aerosol, non-latex based paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds, paint sludges, and paint filters

h) Corrosion and rust prevention solutions

i) Industrial and commercial cleaning supplies, including drain cleaners

j) Sanitizers, disinfectants, bactericides, and algaecides

k) Pesticides, herbicides, and fertilizers

l) Acids and bases with a pH less than or equal to 2 or greater than or equal to 12.5

m) Aqueous metals

n) Road salt

o) Any other regulated substance in a quantity sufficient to present a reasonable likelihood that it has or is likely to damage groundwater or surface water, and stored, transferred or used in a manner either not in compliance with applicable federal, state or local requirements; or in a manner which represents an unreasonable risk of release to the soil, groundwater or surface water

p) A drum storage area

q) Waste pile, including one consisting of contaminated soil awaiting removal

r) Waste or material surface impoundment that contains waste containing free liquids or other material susceptible to ground infiltration

s) Rail or truck-loading or transfer area;

t) Auto salvage facility;

u) An outdoor storage or disposal area with material susceptible to ground infiltration when exposed to precipitation

In addition to specific materials and uses, the City also has identified separate restrictions for underground storage tanks (UST's). These restrictions are broader and also pertain to tanks for individual consumption. A good example is the new Auto Mall proposed north of Cleveland Road west of Capital Avenue. Although commercial fueling stations are not permitted within the Planned Unit Development that was approved, they will likely have a need for a dealer only fuel tank for their own use that will be thousands of gallons. Based on the restrictions identified below, the tank, if proposed will need to be an above-ground rather than below-ground tank. Furthermore, it is known and understood that there will continue to be a need for tanks for residential and agricultural uses. Specific exceptions have been made for heating oil, septic systems, and other limited underground storage. Again, the City is looking to place restrictions only on the most serious new threats and vulnerabilities. The following is the list of exceptions from the proposed ordinance.

a) Farm or residential tanks of 185 gallons or less capacity used for storing fuel for noncommercial purposes;

b) Tank used for storing heating oil for consumptive use on the premises where stored;

c) Septic tank; as regulated, approved, and permitted by the St. Joseph County, Indiana, Board of Health

d) Pipeline facility (including gathering lines) regulated under: 1. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.); 2. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.); or 3. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in divisions (1)(d)1. or (1)(d)2. of this definition.

e) Surface impoundment, pit, pond or lagoon;

f) Storm water or wastewater collection system as may be approved by the City of Mishawaka Engineering Department as part of a final site plan.

g) Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, Water Regulations 50 shaft or tunnel) if the storage tank is situated upon or above the surface of the floor.

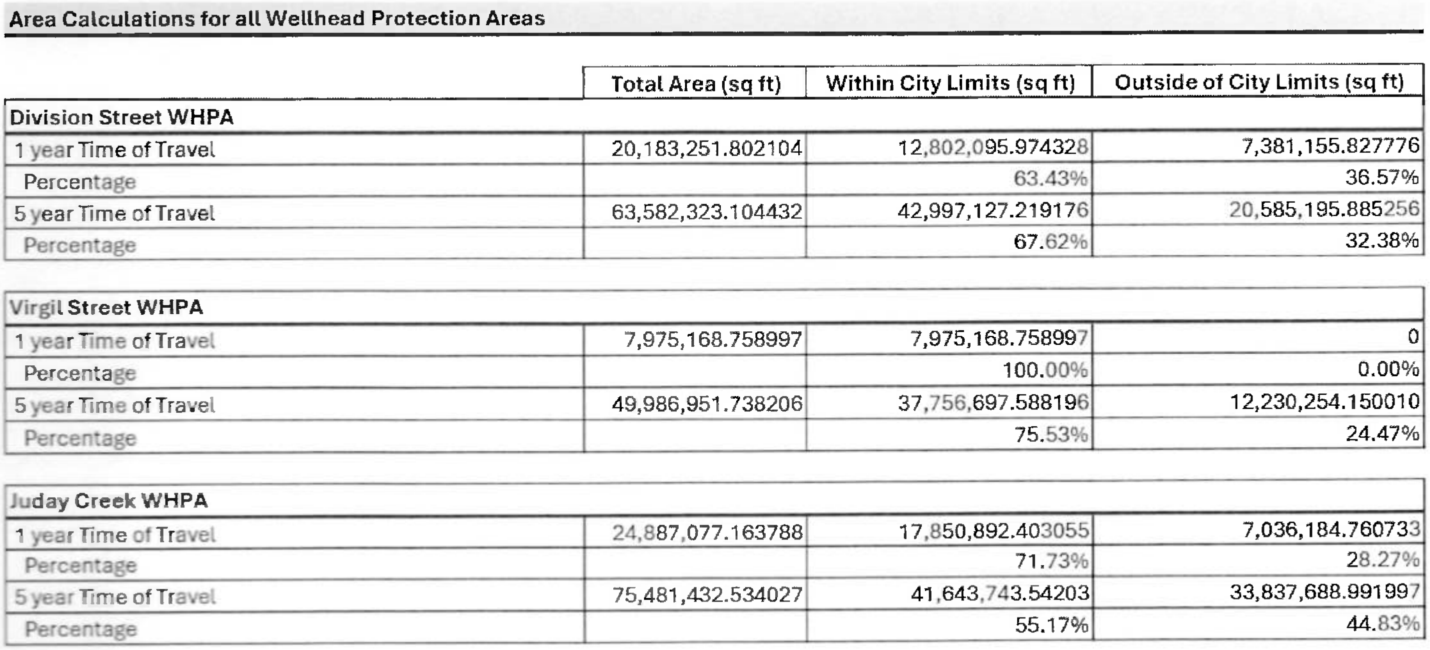
Relative to the ordinance as proposed, we have proposed to further regulate development within both the one-year and five year time of travel surrounding municipal wellfields. The idea is that within the one-year time of travel, the commercial bulk storage and distribution of chemicals, materials, uses, and storage methods, as well as the use of underground storage tanks, as identified within the ordinance would <u>be prohibited</u>. Within the five-year time of travel area, the commercial bulk storage and distribution of chemicals, materials, uses, and storage methods, as well as the use of underground storage tanks would be permitted only by <u>conditional use</u>. This would allow for both the Board of Zoning Appeals and Common Council to review each individual request within the five-year time of travel. The approval would be discretionary by the Common Council. The City would also have the ability to place conditions on any approval.

For reference, if the only current known non-conforming situation that will be created within the one-year time of travel areas is the Family Express located at the northwest corner of the intersection of Fir Road and Dougla Road which was approved by the City prior to the City having an agreement to purchase the Juday Creek Golf Course property for the wellfield, and prior to the establishment of the time of travel maps that could only be produced after testing and modeling of the wellfield. The former Casey's site is also in the one-year time of travel area and would be grandfathered if a final site plan is filed and approved prior to the effective date of this ordinance. The Common Council has deferred action on this ordinance at their first meeting in December indefinitely, likely to address this property. At this time, we are merely looking for the Planning Commission's recommendation so that the specifics can be worked on at the Council Land Use Committee level before being presented to the Council as a whole.

Within the five-year time of travel, there are multiple uses/businesses that would be grandfathered if the ordinance is adopted. The ordinance would only impact the businesses if current tanks were to be replaced, or if additional tanks are proposed as part of an expansion. If that were to occur, the replacement/expansion would be required to go through the Conditional use process.

Another element considered by staff is that the proposed ordinance only regulates property located within the City of Mishawaka. There are significant areas of both the one-year and five-year time of travel for the wellfields that are located in unincorporated St. Joseph County.

The chart below identifies those specific areas.



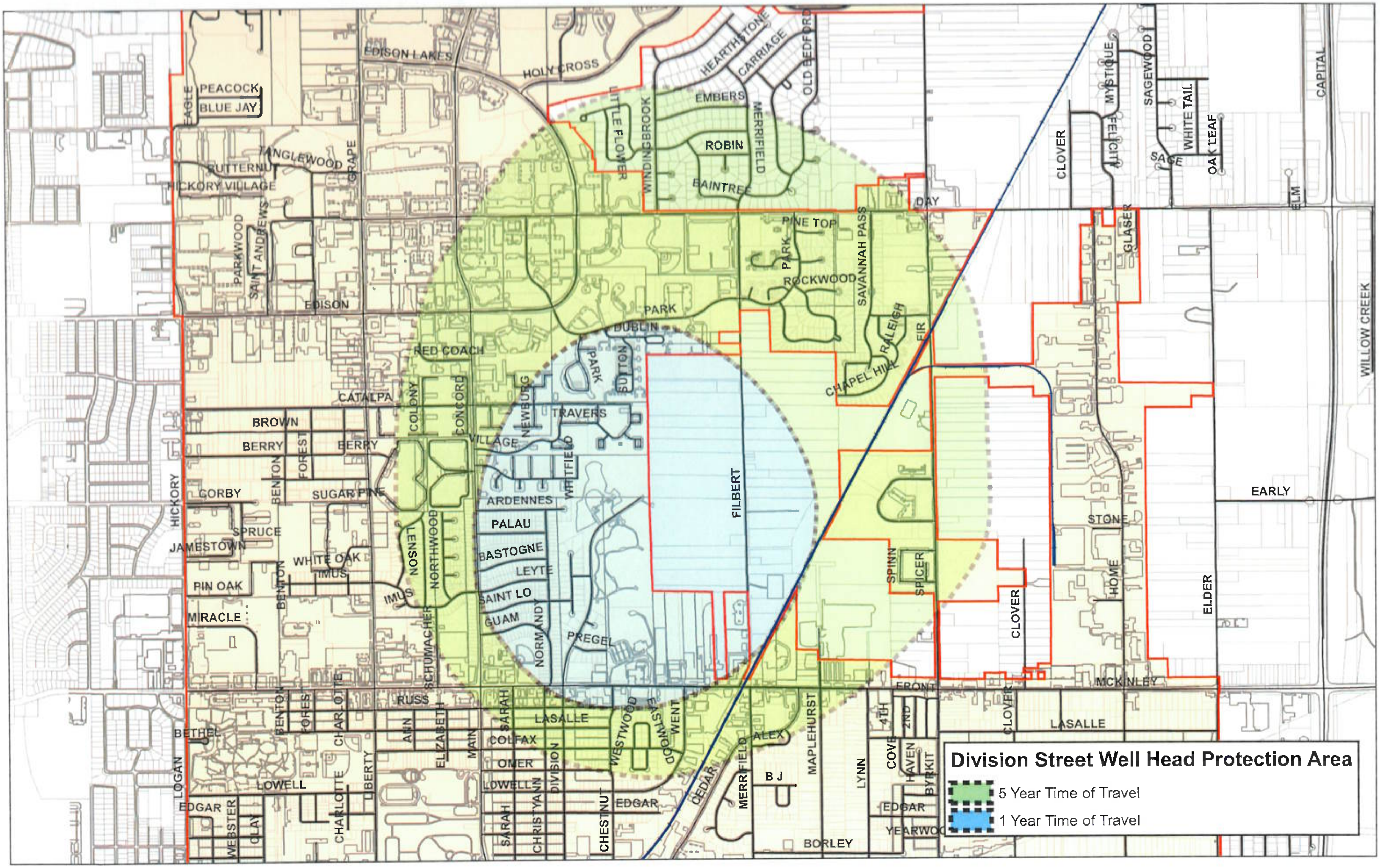
Area Calculations for all Wellhead Protection Areas

	Total Area (sq ft)	Within City Limits (sq ft)	Outside of City Limits (sq ft)
Division Street WHPA			
1 year Time of Travel	20,183,251.802104	12,802,095.974328	7,381,155.827776
Percentage		63.43%	36.57%
5 year Time of Travel	63,582,323.104432	42,997,127.219176	20,585,195.885256
Percentage		67.62%	32.38%
Virgil Street WHPA			
1 year Time of Travel	7,975,168.758997	7,975,168.758997	0
Percentage		100.00%	0.00%
5 year Time of Travel	49,986,951.738206	37,756,697.588196	12,230,254.150010
Percentage		75.53%	24.47%
Juday Creek WHPA			
1 year Time of Travel	24,887,077.163788	17,850,892.403055	7,036,184.760733
Percentage		71.73%	28.27%
5 year Time of Travel	75,481,432.534027	41,643,743.54203	33,837,688.991997
Percentage		55.17%	44.83%

Although significant areas are located within unincorporated St. Joseph County, the vast majority of these areas in the County is zoned for agricultural and residential purposes which pose a minimal threat to City Wellfields. There are some commercially and industrially zoned properties along McKinley Avenue in the County, including the Mishawaka Auto Auction site that the City would like to see some similar basic regulations on over time. If this ordinance is passed by the City, the City administration will then initiate discussions with the County. As it stands, we believe the ordinance as presented addresses the vast majority of need as it relates to regulating potential new vulnerabilities to the City Municipal Wellfields.

ATTACHMENTS

Proposed wellhead protection land use restriction ordinance modifications, Ordinance Wellhead Protection Maps for Division Street, Virgil Street, and Juday Creek Municipal Wellfields.



Division Street Well Head Protection Area

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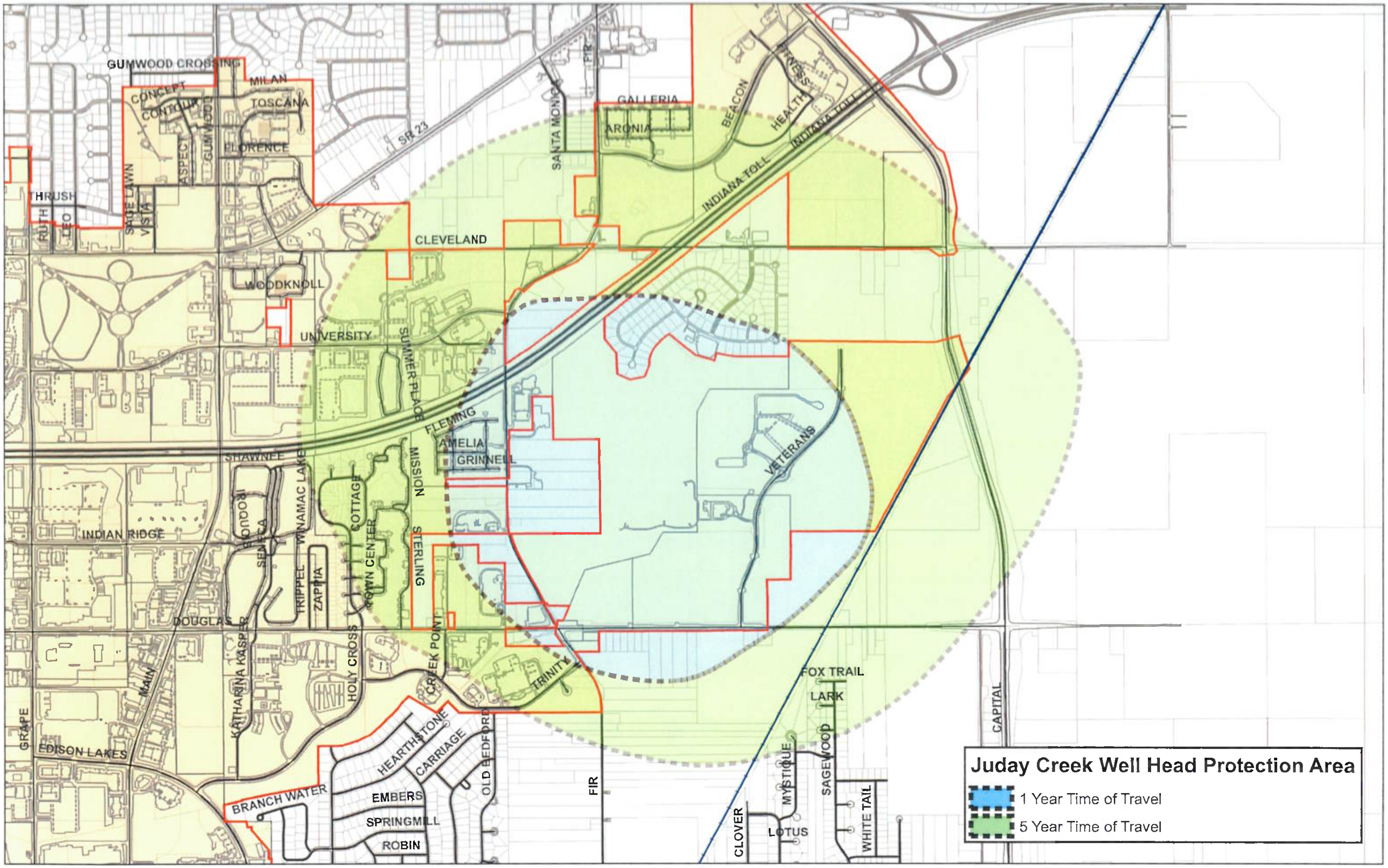
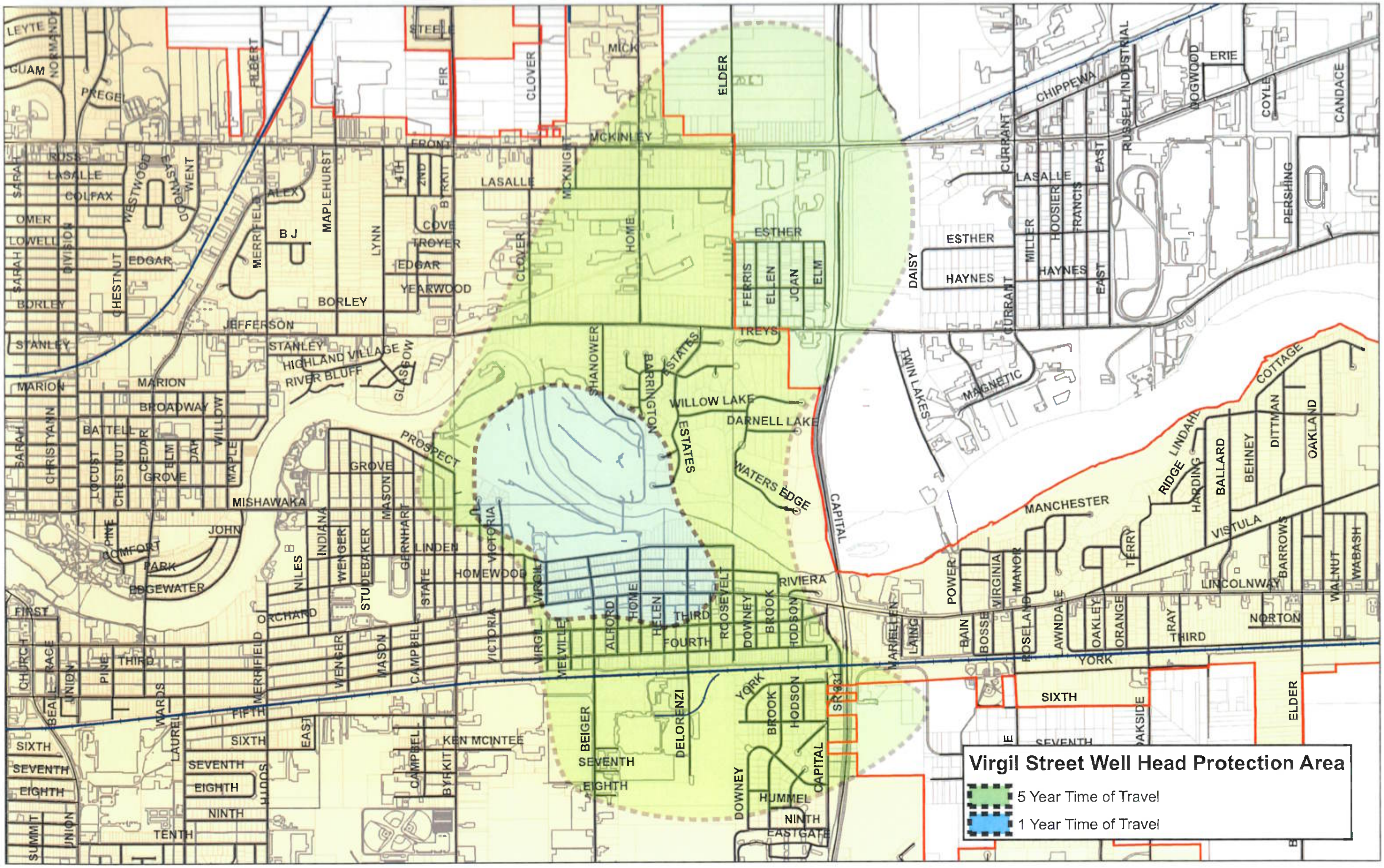


Juday Creek Well Head Protection Area


Virgil Street Well Head Protection Area
🟩 5 Year Time of Travel
🟦 1 Year Time of Travel
LEYTE
GUAM
NORMANDY
PREGE
SARAH
ROSS
LASALLE
COLFAX
OMER
LOWELL
DIVISION
BORLEY
STANLEY
MARION
CHRISTYANN
BATTELL
LOCUST
CHESTNUT
CEDAR
ELM
OAK
GROVE
WILLOW
MAPLE
BROADWAY
WESTWOOD
EASTWOOD
WENT
EDGAR
MERRIFIELD
ALEX
B J
MAPLEHURST
LYNN
JEFFERSON
HIGHLAND VILLAGE
RIVER BLUFF
GLASGOW
FILBERT
FIR
STEELE
CLOVER
MICK
FRONT
MCKINLEY
MCKNIGHT
4TH
2ND
BYRKIT
COVE
TROYER
YEARWOOD
HOME
ELDER
ESTHER
FERRIS
ELLEN
JOAN
TREYS
SHANOWER
BARRINGTON
ESTATES
WILLOW LAKE
DARNELL LAKE
WATERS EDGE
PROSPECT
MISHAWAKA
JOHN
PINE
COMFORT
PARK
EDGEWATER
NILES
INDIANA
WENGER
STUDEBAKER
MASON
GERNHART
STATE
LINDEN
HOMEWOOD
VICTORIA
VIRGIL
ALFORD
HELEN
THIRD
FOURTH
ROOSEVELT
DOWNEY
BROOK
HODSON
RIVIERA
ORCHARD
FIRST
CHURCH
BEALE
RACE
UNION
WARDS
LAUREL
FIFTH
SIXTH
SEVENTH
EIGHTH
NINTH
TENTH
SUMMIT
SOUTH
EAST
CAMPBELL
KEN MCINTEE
MELVILLE
BEIGER
DELORENZI
YORK
CAPITAL
HUMMEL
EASTGATE
SR 331
DAISY
HAYNES
CURRANT
MILLER
HOOSIER
FRANCIS
CHIPPEWA
RUSSELL INDUSTRIAL
DOGWOOD
ERIE
COYLE
CANDACE
PERSHING
TWIN LAKES
MAGNETIC
COTTAGE
RIDGE
LINDAHL
HARDING
BALLARD
BEHNEY
DITTMAN
OAKLAND
MANCHESTER
VISTULA
LINCOLNWAY
BARROWS
WALNUT
WABASH
NORTON
TERRY
RAY
POWER
VIRGINIA
MANOR
ROSELAND
LAWNDALE
OAKLEY
ORANGE
BAIN
BOSSE
MARIELLEN
LAING
OAKSIDE