AGENDA
June 02, 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): 2341 220 3303
Meeting password: ABm77jmPih3

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:23412203303@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of May 19, 2025

5. Petitions, Communications, Remonstrance and Memorial

Presentment of the Annual Operational Report for Local Roads and Streets and Bridges

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2025-13 Defining Methods of Payments accepted by the city.

8. Resolutions

R2025-14 Confirming Real Property Tax Abatement for 919 Cleveland Road – United PetFood Producers

R2025-15 Declaring Personal Property Tax Abatement for 1420 Industrial Drive – Jamail Packaging Corp.

R2025-16 Authorizing Investment of Public Funds

9. Ordinances on Second Reading

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)

P.O. No. 2025-11 Rezone from C-1 General Commercial to R-1 Single Family Residential for an Existing House – 115 Virginia St. (Assigned to Land Use Planning Committee)

P.O. No. 2025-12 Authorizing Special Utility Service Agreements for Economic Development and Customized Utility Needs
(Assigned to Budget & Finance 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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages, **https://www.facebook.com/cityofmishawaka/** and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/982/files/agenda/3318

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.

Scan the QR Code to access all Common Council Meeting Agenda's, Packets, and Meeting Minutes.

SCAN ME

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

May 19, 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 May 19, 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 (E), Mr. Violi (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Also Present: Mike Trippel, Council Attorney

Minutes for the Regular Meeting on May 5, 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 May 13, 2025, meetings.

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

PROPOSED ORDINANCE NO. 2025-11

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 Residential for an Existing House – 115 Virginia St.
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2025-12

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING SPECIAL UTILITY SERVICE AGREEMENTS FOR ECONOMIC DEVELOPMENT AND CUSTOMIZED UTILITY NEEDS

(Assigned to Budget and Finance Committee)

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

RESOLUTION R2025-12

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: 811 W. CATALPA, MISHAWAKA, INDIANA
Use Variance to allow a Group Home to be Occupied by Eight Unrelated Persons – vacant lot 811 W. Catalpa

Cheryl Shady, 2505 E. Jefferson Boulevard in South Bend, spoke in favor of **RESOLUTION R2025-12.** Mrs. Shady stated they had been working to find some new lots to replace some existing old homes that were non-accessible and dated and they reached out to Ken Prince from the city, and he talked about this property on Catalpa. Mrs. Shady stated they were really excited about it, and it would be eight gentlemen that had been living together already in a home south of town where all of the bedrooms were upstairs, and it was very difficult for them as they aged to get up there. Mrs. Shady stated they wanted to relocate that home and were looking at this property for the location. Mrs. Shady stated they had many skills, and they were pretty independent and generally during the typical weekday, they would be at work if they had a job with the community or they would be getting some kind of service from Logan. Mrs. Shady stated during the evenings and the weekends, there would be staffed with two or three staff members at all times except during the overnight when they would have one awake staff member, so they would be supervised at all times. Mrs. Shady stated they were going to have one van that did transportation for the men, and it was like a circle drive, because the first thing they noticed was that there was no street parking, so they had to figure out how to maneuver it. Mrs. Shady stated they had to build some parking pads in there for the staff to park their vehicles and then they would have the van right in there too. Mrs. Shady stated at that point, they were not planning on fencing as they wanted their individuals to be part of the community, but they did want to preserve as many trees around there as they could to give a natural barrier and enhance the look of the home in the community.

Mrs. Voelker asked if they would have an awake staff overnight on the weeknights as well as on the weekends. Mrs. Shady stated they would always have an awake staff member working overnight and she misspoke earlier during her comments. Mrs. Shady there would be two or three during the weeknights depending on all of the activities going on and it depended on the events on the day.

Ms. Hahn asked how many properties they currently had in Mishawaka. Mrs. Shady stated they actually had another home, but they had some folks living there but as far as the ones they owned, they had one on Edgar and one on Donaldson and they were both for four people, so they were kind of a different funding model. Mrs. Shady stated she also wanted to mention that they never had any complaints from their neighbors, and they made very good neighbors. Mrs. Shady stated in total they had seven group homes, and they were out in the community in 26 different locations with apartment complexes, apartments, and homes. Mrs. Shady stated they did not have a lot in Mishawaka other than the preserve and they had quite a few apartments at the preserve, but they made really good neighbors. Ms. Hahn stated she drove by the one on Edgar and Donaldson quite often and they were always very well-kept and looked very nice and had never seen anything out of the ordinary. Mrs. Shady stated the individuals that lived in Edgar did not have 24/7 supervision, but they took a lot of pride in keeping that property up. Mrs. Shady stated they did have a maintenance crew that either hired work out for or had in-house maintenance who kept up all of their properties.

Mr. Violi stated she said that they were going to be moving from another home and asked what her plans were for the other home once they left and also asked if the other home was in Mishawaka. Mrs. Shady stated the other home was in South Bend down off of York and they had a kind of domino thing going, because that was a big enough property that they could actually put another home on there, so their plan once the gentlemen had moved to Mishawaka was to demolish the existing home and build another home and then to move one of their group homes in South Bend there to make it more accessible a couple of years down the road. Mr. Violi asked if this passed, when would they be breaking ground on the new home. Mrs. Shady stated as soon as the papers were done, and they wanted everything to go forward, and the builder was all set to go, and he said he could make it happen in six months. Mrs. Shady stated as soon as Mr. Prince helped her sign the final documents they would get going. Mr. Violi stated he echoed what Ms. Hahn said earlier in that he always walked by the house on Edgar because it was right down the street from his home and it was meticulously kept. Mrs. Shady stated they were very nice homes and thanked Mr. Violi for saying that. Mrs. Shady stated she would let their maintenance guys know, because they really worked hard to keep all of the property that they owned in good shape.

Mr. Hixenbaugh thanked Mrs. Shady for her interest in Mishawaka first and foremost but with regard to her existing facilities, he, like his fellow council members, had not heard any complaints. Mr. Hixenbaugh stated with regard to other similarly situated group homes, the issue that he had heard most frequently over the years was that in certain locations where the homes were really tight and the street was not amenable to off-street parking like they had done here. Mr. Hixenbaugh stated it was really not an issue with the residents, but it was the staff issues of people parking halfway into an alley or on the street where they should not and things like that. Mr. Hixenbaugh stated he appreciated the proactivity that went into this so that she addressed it before and hopefully it did not become a concern either for her or for the neighbors. Mrs. Shady stated that was a concern that they had with some other properties and that was one of the main reasons why this lot was really attractive, and their maintenance director was the one that came up with that model that would put the parking pads in there so that their staff could park there. Mr. Hixenbaugh stated that was very much appreciated and clearly there was a need in the community that was unmet, so her helping to fill that need on behalf of many people in Mishawaka was important and he appreciated her interest and the thought that went into this.

Mrs. Shady thanked Mr. Hixenbaugh and stated they were really excited and gave Ken Prince credit, because he kept them on his radar. Mr. Hixenbaugh stated Ken did a great job.

Mr. Banicki stated just for clarification, Logan did reach out to him months and months ago with the help of Ken and they did have a neighborhood meeting that had quite a few neighbors show up and there was not one neighbor who was negative about the proposal. Mr. Banicki stated he had seen one neighbor who may have had concerns in passing who was not present at the meeting who lived right next door, and they were very pleased with the plan and there was no remonstrance against it whatsoever. Mr. Banicki stated he thought this would be a good fit for that spot and hopefully it will be ready to go before Christmas. Mrs. Shady thanked Mr. Banicki for his comments and stated they were anxious to meet the neighbors and get to know them better. Mrs. Shady stated she should have mentioned that they had that neighborhood meeting, and it was nice of Ron and Ken to make that available to them.

Question called for at 6:14PM for **RESOLUTION R2025-12 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 R2025-13

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA
Real Property Tax Abatement for United Petfood Producers USA, Inc.

Derek Spier, City Planner, spoke in favor of **RESOLUTION R2025-13**. Mr. Spier stated the resolution was submitted by United Petfood Producers USA and it was for a real property tax abatement. Mr. Spier stated the company was headquartered in Ghent, Belgium and they produced pet food. Mr. Spier stated they acquired the former WellPet facility in June of 2024. Mr. Spier stated they were proposing to demolish an existing warehouse building located at 919 Cleveland Street and construct a new 69,000 square foot building and distribution facility. Mr. Spier stated the site plan for the project was approved by the Plan Commission in February and construction was anticipated to begin next month with completion set to be at the end of the year. Mr. Spier stated the total plan investment was approximately $5.4 million. Mr. Spier stated they also had plans for a new dryer facility and other site improvements for the main campus located to the south and they were anticipating that with that project they would be seeking another tax abatement. Mr. Spier stated WellPet, the prior owner of the facility, received three tax abatements in the past from the city in 2014, 2015, and 2021 and just two years ago, the Council rescinded the last abatement because they did not follow through with the installation of the dryer and some of the odor control equipment and the company did plan on moving forward with some more additional improvements in the future. Mr. Spier stated with the current request, they planned on retaining 101 employees while adding 19 employees as a direct result of the investment and hourly wages excluding benefits would be just over $24 an hour for the eleven unskilled positions and $42 an hour for the eight salary positions. Mr. Spier stated this was a blended hourly wage of approximately $32 an hour. Mr. Spier stated annual salaries for the 19 jobs were approximately $1.2 million. Mr. Spier stated similar to the previously approved abatements, they were recommending a five-year abatement for the real property investment at a standard phase in, so it would be 100% for the first year and then 20% degrading over the life of the abatement for the five years.

Elodie Fleury, Vice President for United Petfood Producer USA, spoke in favor of **RESOLUTION R2025-13**. Mrs. Fleury stated she wanted to reiterate that this investment was about the warehouse, and it was not just a business decision, but also a commitment for them to stay in the community and invest in the community. Mrs. Fleury stated she hoped they saw that as a win-win and the current building that they had at the site was in a poor stage at that current time and they were really trying to revitalize the whole area and add to the whole community to elevate the whole neighborhood.

Mr. Emmons stated it seemed like the name of the company changed just about every month and asked if United Petfood Producers would be their name now. Mrs. Fleury stated yes and United Petfood Producer was the whole group and United Petfood Producer USA had to do with the United States entity. Mr. Emmons asked if they added the USA tag just recently. Mrs. Fleury stated it was always like that with United Petfood Producer being the parent company and then USA was the United States entity. Mr. Emmons asked regarding behind the warehouse that they were going to tear down on the corner of 11th Street and Logan going up towards 8th Street if they had any plans to acquire that vacant property between the warehouse and the bowling alley. Mrs. Fleury stated right now, the property was not theirs, so they would love to keep growing but that property was not theirs.

Amanda Turnwald, Director of Plant Operations for United Petfood, spoke in favor of **RESOLUTION R2025-13**. Mrs. Turnwald stated the property they were looking to put the warehouse on was actually at 919 Cleveland Street, which was at the corner of 11th and Cleveland so it would be all the way down towards the end of 11th. Mrs. Turnwald stated there was property behind that, but they currently did not own it at that time. Mr. Emmons stated there was land in between their building and the bowling alley. Mrs. Turnwald stated there were a number of properties that were vacant in that current area between the roller rink and the 919 Cleveland facility. Mr. Emmons asked if that land was still owned by the Cocquyt family. Mrs. Turnwald stated they were not the owners of that land any longer and they themselves owned two parcels in that area and both of those were already included and then there was another parcel right behind that between the roller skate rink and their property which was currently owned by an entity who they were not sure who they were at that time.

Ms. Hahn stated she lived in that neighborhood and wanted to thank them for being such a good neighbor and a community partner and she knew that they had done a lot to reach out to speak with herself and Mr. Emmons and the neighbors as well and they were excited to have them working in that area and developing it and cleaning it up a little bit.

Mr. Hixenbaugh echoed the comments of his colleagues and thanked Vice President Fleury as well as the rest of her team for their ongoing investment in Mishawaka. Mr. Hixenbaugh stated with the two stages of the process, the first thing that they had to do when they boiled the resolution all down was that they had to determine that the site she referenced prior qualified as an economic revitalization area and he thought that anybody who was familiar with the area and had driven by there would agree that it was an area that would not continue to develop and it would difficult for them to invest in it without the continued partnership with the city. Mr. Hixenbaugh stated as Mr. Spier referenced earlier, they had some bumps in the road under prior leadership in the past, but he was really optimistic about the direction they were heading in and this felt to him like a good investment on the part of Mishawaka to help them continue to develop and maintain that area. Mr. Hixenbaugh thanked them again for the work that they were doing and they looked forward to seeing them at the next stage of the process.

Question called for at 6:23PM for **RESOLUTION R2025-13 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.

NEW BUSINESS

Mr. Mammolenti made a brief reminder that their Twin Branch Neighborhood Watch meeting would be taking place Wednesday May 21st at 7PM at Fire Station #4 off of Harrison and their guest speaker would be Jenny Hunsberger, Vice President of the Women's Care Center. Mr. Mammolenti stated she would be discussing the program and the services they provided and would tell them all of the cool things that was related not their new location right off of Lincolnway behind the old City Hall building. Mr. Mammolenti stated all were welcome.

ADJOURNMENT 6:25PM

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

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

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAMC, MMC
MAY 29 2025
City Clerk
Mishawaka, IN

Date: May 29, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire

Re: **Presentment of the Annual Operational Report for Local Roads and Streets and Bridges**

Indiana Code 8-17-4.1-7 requires this report to be filed with the governing body annually. This report has been prepared by the Street Department with input and review from Engineering and Finance.

Please contact me with any questions.

c: David A. Wood
Chris Jamrose
Tim Ryan

State Form 54400 (8-19)
Prescribed by State Board of Accounts

City and Town Form Number 225
County Form Number 16

Deborah S. Block, IAMC, MMC
MAY 29 2025
City Clerk
Mishawaka, IN

St. Joseph COUNTY, INDIANA

City OF Mishawaka
(For City or Town Reports) *(Name of Unit)*
(City and Town Form 225 Only)

ANNUAL OPERATIONAL REPORT

FOR LOCAL ROADS AND STREETS AND BRIDGES

(IC 8-17-4.1)

FOR THE YEAR ENDED

DECEMBER 31, 20 24

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRDIGES
Part of State Form 54400 (X-2018)
Section 1 Financial Statement

Section 1 - Financial Statement	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge	Total Common Funds	Other Funds	Total All Funds
Cash - January 1	$1,777,235.00	$394,840.02	$1,067,705.07		$3,239,780.09		
Receipts							
Operating Receipts							
Taxes	$1,078,934.05	$0.00	$0.00	$0.00	$1,078,934.05	$1,133,609.82	$2,212,543.87
Intergovernmental	$1,075,508.19	$1,067,906.62	$983,407.93	$0.00	$3,126,822.74	$0.00	$3,126,822.74
Charges for Services	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Other Operating Receipts	$13,955.26	$0.00	$0.00	$0.00	$13,955.26	$0.00	$13,955.26
Total Operating Receipts	$2,168,397.50	$1,067,906.62	$983,407.93	$0.00	$4,219,712.05	$1,133,609.82	$5,353,321.87
Other Financing Sources							
Bond Proceeds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Note/Loan Proceeds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Interfund Loan Proceeds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Investments Matured or Sold	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Transfers In	$0.00	$37,253.36	$0.00	$0.00	$37,253.36	$0.00	$37,253.36
Other	$1,572.15	$0.00	$0.00	$0.00	$1,572.15	$0.00	$1,572.15
Total Receipts	$2,169,969.65	$1,105,159.98	$983,407.93	$0.00	$4,258,537.56	$1,133,609.82	$5,392,147.38
Disbursements							
Operating Disbursements							
General Administration & Unallocated	$3,079,122.75	$0.00	$0.00	$0.00	$3,079,122.75	$326,443.91	$3,405,566.66
Construction, Reconstruction & Preservation	$37,253.36	$1,500,000.00	$302,573.00	$0.00	$1,839,826.36	$145,694.19	$1,985,520.55
Maintenance & Repair	$0.00	$0.00	$378,323.78	$0.00	$378,323.78	$661,471.72	$1,039,795.50
Total Operating Disbursements	$3,116,376.11	$1,500,000.00	$680,896.78	$0.00	$5,297,272.89	$1,133,609.82	$6,430,882.71
Other Financing Sources							
Debt Service - Principal	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Debt Service - Interest	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Interfund Loan Payments	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Interfund Loans Made	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Investments Purchased	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Transfers Out	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Other	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Total Disbursements	$3,116,376.11	$1,500,000.00	$680,896.78	$0.00	$5,297,272.89	$1,133,609.82	$6,430,882.71
Excess							
Over (Under) Total Disbursements	-$946,406.46	-$394,840.02	$302,511.15	$0.00	-$1,038,735.33		
Cash - December 31	$830,828.54	$0.00	$1,370,216.22	$0.00	$2,201,044.76		
Investments - December 31							
Cash and Investments - December 31	$830,828.54	$0.00	$1,370,216.22	$0.00	$2,201,044.76		

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRDIGES
Part of State Form 54400 (X-2018)
Section 2 Receipts

Section 2 - Detail of Receipts

Receipts	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge	Other Funds	Total All Funds	CEDIT
Taxes							
General Property Taxes	$129,913.79				$0.00	$129,913.79	
LIT - Certified Shares					$0.00	$0.00	
LIT - Economic Development Income Tax					$1,133,609.82	$1,133,609.82	$1,133,609.82
Wheel and Sur Tax	$949,020.26				$0.00	$949,020.26	
Other Taxes					$0.00	$0.00	
Total Taxes	$1,078,934.05	$0.00	$0.00	$0.00	$1,133,609.82	$2,212,543.87	$1,133,609.82
Intergovernmental							
Motor Vehicle Highway Distribution	$1,067,906.57	$1,067,906.62			$0.00	$2,135,813.19	
Local Road and Street Distribution			$949,015.40		$0.00	$949,015.40	
Financial Institution Tax Distribution					$0.00	$0.00	
Vehicle/Aircraft Excise Tax Distribution	$7,601.62				$0.00	$7,601.62	
State Grants					$0.00	$0.00	
Federal Grants			$34,392.53		$0.00	$34,392.53	
Other Intergovernmental					$0.00	$0.00	
Total Intergovernmental	$1,075,508.19	$1,067,906.62	$983,407.93	$0.00	$0.00	$3,126,822.74	$0.00
Charges for Services							
Federal State and Local Reimbursement for Services					$0.00	$0.00	
Other Charges for Services					$0.00	$0.00	
Total Charges for Services	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Other Operating Receipts							
Interest					$0.00	$0.00	
Refunds/Reimbursements	$10,853.25				$0.00	$10,853.25	
Contributions/Donations					$0.00	$0.00	
Transfers from Toll Facilities					$0.00	$0.00	
Miscellaneous	$3,102.01				$0.00	$3,102.01	
Total Other Operating Receipts	$13,955.26	$0.00	$0.00	$0.00	$0.00	$13,955.26	$0.00
Other Financing Sources							
Bond Proceeds					$0.00	$0.00	
Note/Loan Proceeds					$0.00	$0.00	
Interfund Loan Proceeds					$0.00	$0.00	
Investments Matured or Sold					$0.00	$0.00	
Transfer In		$37,253.36			$0.00	$37,253.36	
Other	$1,572.15				$0.00	$1,572.15	
Total Other Financing Sources	$1,572.15	$37,253.36	$0.00	$0.00	$0.00	$38,825.51	$0.00
Total Receipts	$2,169,969.65	$1,105,159.98	$983,407.93	$0.00	$1,133,609.82	$5,392,147.38	$1,133,609.82

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRDIGES
Part of State Form 54400 (X-2018)
Section 3 Disbursements

Section 3 - Detail of Disbursements	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge	Total Other Funds	Total All Funds	CEDIT
Disbursements							
General Administration & Unallocated							
Personal Services	$3,001,064.64				$0.00	$3,001,064.64	
Supplies	$52,007.17				$98,567.96	$150,575.13	$98,567.96
Other Services and Charges	$26,050.94				$227,875.95	$253,926.89	$227,875.95
Capital Outlay					$0.00	$0.00	
Total General Administration & Unallocated	$3,079,122.75	$0.00	$0.00	$0.00	$326,443.91	$3,405,566.66	$326,443.91
Construction, Reconstruction & Preservation							
Personal Services					$0.00	$0.00	
Supplies					$145,694.19	$145,694.19	$145,694.19
Other Services and Charges					$0.00	$0.00	
Capital Outlay	$37,253.36	$1,500,000.00	$302,573.00		$0.00	$1,839,826.36	
Total Construction, Reconstruction & Preservation	$37,253.36	$1,500,000.00	$302,573.00	$0.00	$145,694.19	$1,985,520.55	$145,694.19
Maintenance and Repair							
Winter Operations							
Personal Services					$0.00	$0.00	
Supplies					$125,123.87	$125,123.87	$125,123.87
Other Services and Charges					$0.00	$0.00	
Capital Outlay			$152,206.75		$0.00	$152,206.75	
Total Winter Operations	$0.00	$0.00	$152,206.75	$0.00	$125,123.87	$277,330.62	$125,123.87
Other Maintenance and Repair							
Personal Services					$0.00	$0.00	
Supplies					$188,578.78	$188,578.78	$188,578.78
Other Services and Charges					$347,769.07	$347,769.07	$347,769.07
Capital Outlay			$226,117.03		$0.00	$226,117.03	
Total Other Maintenance and Repair	$0.00	$0.00	$226,117.03	$0.00	$536,347.85	$762,464.88	$536,347.85
Total Maintenance and Repair	$0.00	$0.00	$378,323.78	$0.00	$661,471.72	$1,039,795.50	
Other Financing Uses							
Debt Service - Principal					$0.00	$0.00	
Debt Service - Interest					$0.00	$0.00	
Interfund Loan Payments					$0.00	$0.00	
Interfund Loans Made					$0.00	$0.00	
Investments Purchased					$0.00	$0.00	
Transfer Out					$0.00	$0.00	
Other					$0.00	$0.00	
Total Other Financing Uses	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Total Disbursements	$3,116,376.11	$1,500,000.00	$680,896.78	$0.00	$1,133,609.82	$6,430,882.71	$1,133,609.82

ANNUAL OPERATIONAL REPORT

FOR LOCAL ROADS AND STREETS AND BRDIGES

Part of State Form 54400 (X-2018)

Section 5 Mileage Changes

Section 5 - Mileage	Actual Mileage (Dec 31)	Change from prior year	Reason(s)
Concrete	14.77		
Asphalt	177.43	0.08	
Chip Seal	-		
Composite	0.77		
Brick	0.10		
Gravel	0.30		
Unimproved	0.07		
Total Miles	193.44	0.08	

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
SECTION 6 - CERTIFICATION

Part of State Form 54400 (8-10)

FOR COUNTIES

Submitted by:

DATE: ______ 20 ______ ______________________
Engineer/Director (if applicable)

DATE: ______ 20 ______ ______________________
County Highway Supervisor

Approved:

____
____
DATE: ______ 20 ______ ______________________
Board of County Commissioners

FOR CITIES AND TOWNS

Submitted by:

DATE: 29-May 20 25 Christine Jamrose, PE
City Engineer (if applicable)

DATE: 29-May 20 25 Tim Ryan
Street Commissioner or Supervisor

Approved:

DATE: 29-May 20 25 David A. Wood
Mayor or President of Town Council

Deborah S. Block, IAMC, MMC

MAY 29 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2025-13

ORDINANCE NO. ____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA AMENDING THE MUNICIPAL CODE DEFINING METHODS OF PAYMENT ACCEPTED BY THE CITY

WHEREAS I.C. 36-1-8-11 allows municipalities to accept credit cards and other methods of payment by enacting a local ordinance; and

WHEREAS the Common Council of the City of Mishawaka believes that it is in the best interest of the City and the citizens to enact an ordinance defining the methods of payment accepted by the City.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Mishawaka, Indiana, hereby establishes a Chapter of the Mishawaka Municipal Code to read as follows:

Methods of Payment

(a) The City may accept payment by any of the following methods:
  (1) Cash;
  (2) Check;
  (3) Bank draft;
  (4) Money order;
  (5) Bank card or credit card; or
  (6) Electronic funds transfer.

(b) The City, by and through the Controller's office, may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. The implementation of the processing of credit card payments shall be consistent for all payments made, either in person or electronically.

(c) The City may pay any applicable bank or credit card service charge associated with the use of a bank card or credit card. (State law reference: IC 36-1-8-11)

This Ordinance shall be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

____
Gregg A. Hixenbaugh
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _______day of __________________, 2025, at _________o'clock ___.M.

____
Deborah S. Block, IAMCA, CMO, 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

Deborah S. Block, IAMC, MMC
MAY 29 2025
City Clerk
Mishawaka, IN

Date: May 29, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire – Controller

Re: Ordinance defining the methods of payment that the City will accept

I am requesting first reading of an ordinance defining the methods of payment the City will accept. Upon research, it was found that the City did not have this in place.

As we expand to accepting credit cards in City Hall departments it is in the best interest of the City to have this on record.

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

c: David A. Wood, Mayor

RESOLUTION NO. 2025-14

United PetFood Producers USA, Inc.

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

919 CLEVELAND STREET

AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF REAL PROPERTY TAX ABATEMENT

WHEREAS, the Common Council of the City of Mishawaka, Indiana, adopted a Declaratory Resolution which designated the area known as 919 Cleveland Street, Mishawaka, IN 46544, to be an Economic Revitalization Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

A lot or parcels of land described as follows:

Tax Key #016-1161-6463.04, 016-1161-6463.06, and 016-1161-6463.09; also legally described as:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN THE CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA. DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF ELEVENTH AND CLEVELAND STREETS IN SAID CITY OF MISHAWAKA; RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID CLEVELAND STREET 500 FEET; THENCE LEFT (WEST) 88 DEGREES 46 MINUTES AND PARALLEL WITH THE NORTH LINE OF ELEVENTH STREET 382.95 FEET TO A POINT 8.25 FEET EAST OF THE CENTERLINE OF A RAILROAD TRACT, THENCE LEFT (SOUTH) 91 DEGREES 05 MINUTES 30 SECONDS AND PARALLEL WITH THE CENTER LINE OF SAID RAILROAD TRACT, 169.33 FEET TO THE POINT OF A CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHERLY ON A CURVE HAVING A RADIUS OF 508.78 FEET AND AN INTERSECTING ANGLE OF 20 DEGREES 49 MINUTES, AN ARC DISTANCE OF 184.85 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTHERLY PARALLEL WITH THE CENTER OF SAID RAILROAD TRACT AND ON A LINE 8.25 FEET AT RIGHT ANGLES THEREFROM AND ALSO ON THE PRODUCED TANGENT LINE OF SAID CURVE, A DISTANCE OF 162.31 FEET TO A POINT ON THE NORTH LINE OF ELEVENTH STREET; THENCE EAST ALONG THE NORTH LINE OF SAID ELEVENTH STREET, 293.14 FEET TO THE PLACE OF BEGINNING.

More commonly known as 919 Cleveland Street, Mishawaka, IN 46544

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

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

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

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

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

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

2. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction; provided the same shall be limited to a period of five (5) years for real property only in the following applicable deduction percentages:

Year 1:	100%
Year 2	80%
Year 3	60%
Year 4	40%
Year 5	20%

3. That the petition for tax abatement, and the Statement of Benefits submitted by United PetFood Producers USA, Inc. comply with Indiana Code § 6-1.1-12.1-1 et seq. and are hereby approved.

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

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

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 2nd day of June, 2025.

____
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, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this _____ day of _______, 2025, at _____ o'clock ____.M.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
Kenneth B. Prince, FASLA, Executive Director

May 21, 2025

Deborah S. Block, MMC, MMC
MAY 21 2025
City Clerk
Mishawaka, IN

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
Anthony Violi, 5th District City Council
Ron Banicki, 6th District City Council
Gregg Hixenbaugh, At-Large City Council
Matt Mammolenti, At-Large City Council
Lacy Hahn, At-Large City Council
Deborah Block, City Clerk

Re: Confirming Resolution 2025-14
Tax Abatement – United PetFood Producers USA, Inc.
Real Property Tax Abatement – 919 Cleveland Street

Dear Council Members and Clerk:

Please find attached Confirming Resolution 2025-14 for a tax abatement request that has been filed for consideration at your June 2nd meeting. United PetFood Producers USA, Inc. is a manufacturer of high quality dry and wet pet food, biscuits and snacks for dogs and cats headquartered in Ghent, Belgium. The company acquired the facility from WellPet in June 2024.

As was previously mentioned for the declaratory resolution, United PetFood Producers is proposing to demolish their existing warehouse at the northwest corner of Cleveland Street and W. 11th Street and construct a new 69,000 sq. ft. warehouse and distribution facility. The current 33,000 sq. ft. building was constructed in 1956 making it outdated and inefficient for the company's current business operations. A copy of the approved site plan is attached to the abatement application. Construction is anticipated to begin in June 2025 with completion by the end of the year. The total planned investment is approximately $5.4 million.

The company also has plans for a new dryer facility and other site improvements for their main production facility located to the south at 1121 W. 11th Street. A separate tax abatement request is also anticipated for these planned improvements to be submitted for future consideration.

WellPet LLC, being the prior owner of the facility, received three real and personal property tax abatements approved by the Council in 2014, 2015, and 2021. The first two requests from 2014 and 2015 allowed the company to purchase equipment it would not have had the capacity to do so, along with hiring more employees than projected, and at higher wage rates. Employment levels at the facility have increased over the years from 91 employees in 2014 to 101 employees present day. Commensurate with the increase in employment, total payroll has significantly increased over these years.

As you may recall, the abatement approved in 2021 was rescinded by the Council in 2023 as the previous owner of the company did not follow through with the installation of the proposed new manufacturing and odor control equipment. As mentioned above, the new owner has plans to move forward with these improvements and is expected to file an additional abatement petition.

With the current request, United PetFood Producers will retain 101 employees while adding 19 jobs because of the investment. The estimated hourly wage, excluding benefits, is $24.27 for the 11 unskilled new positions and $42.01 for the 8 salaried new positions. These wages equate to a blended hourly rate of approximately $32. Total annual salaries for the new jobs are estimated at $1,254,427. Benefits available to employees include sick, vacation, and volunteer time off; 401 (k) with company match; short- and long-term disability insurance; health, dental, and vision insurance; and tuition reimbursement.

Similar to the previously approved abatements, Staff is recommending a 5-year abatement for the real property tax abatement request. A standard phase-in for the abatement is recommended beginning 100% for the first year and decreasing 20% annually (80%, 60%, 40%, and 20%) over the 5-year life of the abatement.

Attached is the estimated tax impact for the real property abatement if the 5-year tax phase-in is approved. Projecting the tax impact with certainty is always difficult due to differences between the investment amount and assessed value, and fluctuations in tax rates and other unknown factors over the life of the abatement. As in other abatement analyses, the following DLGF website was used to project tax revenue:

https://gateway.ifionline.org/CalculatorsDLGF/TaxCalculator.aspx

This website includes a calculator where you input the location, assessed valuation, and class of property and it outputs the maximum tax for the property. This calculator was used for the tax projections below. The current 2024 tax rate payable 2025 was used. Future years did not estimate any increase or decrease over the abatement period. Although we know the tax rate will increase, we felt that omitting estimates for these changes still provided a reasonable value estimate without being more complicated. The property tax cap rates for St. Joseph County are also factored into this analysis.

Using the calculator, based on the 2024 tax rate and a $3,225,600 assessed valuation, the real property improvements proposed would have a corresponding estimated tax bill of $107,683. The assessed valuation is projected at 60% of the construction cost, which in this case is $5,376,000. The estimated assessed value was determined by comparing other recent tax abatement analysis and known assessed valuations versus construction cost for similar properties. Since the tax benefit is based upon assessed value, the phase-in would also be proportionally adjusted per the actual assessment.

In short, if approved, the additional real property taxes associated with this project over the next five years amounts to $538,415. Over that period, the owner would have $323,049 abated and would pay $215,366.

The attached tables show the anticipated annual and total amount of tax revenue abated and paid after the completion of the project on a year-by-year basis over the five years.

As always, please do not hesitate to contact our department if you have any questions or require any additional information. Thank you for your consideration.

Sincerely,

Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor
Kenneth B. Prince, FASLA, Executive Director

Tax Abatement Schedule prepared for: 21-May-25

United PetFood Producers USA, Inc.

Personal Property

Mishawaka-Penn Township 5- Year Real Property Tax Abatement Schedule*

TOTAL PROJECT IMPACT

Total estimated Project Cost: **$5,376,000**

Base Assessed Value: **$3,225,600**

(base assessed value is estimated at 70% of project cost)

Assume constant tax rate of: **4.0997%** *(Based on 2024 pay 2025 rate)*

Year	Assessed Value	Gross Tax	Max Tax Bill	Percent Abated	Tax Abated	Tax Paid
1	$3,225,600	$132,240	$107,683	**100%**	$107,683	$0
2	3,225,600	132,240	$107,683	**80%**	86,146	21,537
3	3,225,600	132,240	$107,683	**60%**	64,610	43,073
4	3,225,600	132,240	$107,683	**40%**	43,073	64,610
5	3,225,600	132,240	$107,683	**20%**	21,537	86,146
			$538,415		**$323,049**	**$215,366**

* Maximum tax bill is per the 3% property tax cap rate plus a 0.3384% property tax exempt tax rate calculated per the Indiana DLGF on-line tax bill calculator .

Total Taxes Due During Abatement: **$538,415**
Total Taxes Abated During Abatement: **323,049**
Total Taxes Paid During Abatement: **215,366**

* - This schedule is for estimation purposes only and assumes constant tax rates.
The true tax values will ultimately be determined by the actual
assessed valuation and the then current tax rates.

Received
MAY 14 2025
Planning and
Community Development

City of Mishawaka
Planning and Community Development

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/RE) be submitted prior to the initiation of the project. Additionally, **final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.**

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/RE) and last page of the application. Incomplete or unsigned applications will not be accepted. A **non-refundable application fee** of $300.00 is required when making an application for Economic Revitalization Area designation and is payable to the **City of Mishawaka** at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:
City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Derek Spier, City Planner
574-258-1625
dspier@mishawaka.in.gov

1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

United Petfood Producers USA, Inc.

2. State the name, title, address and telephone number of a company representative who may be contacted concerning this application:

Name and Title: Terry Peterson, Controller

Address: 1101 W 11th Street, Mishawaka, IN 46544

Telephone: 574.404.5963

3. State the name, title, address and telephone number of a company representative who may be sent annual compliance surveys. Please note that the **annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated**, so the contact should be made aware of the survey's importance.

Name and Title: Terry Peterson, Controller

Address: 1101 W 11th Street, Mishawaka, IN 46544

Telephone: 574.404.5963

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

   a) Street Address: 919 Cleveland, Mishawaka, IN 46544

   b) Township: Mishawaka-Penn Township

   c) Taxing District Number: 023 Mishawaka-Penn

   d) Council District Number: 1

   e) Tax Parcel Number(s): 016-1161-646304; 016-1161-646306; 016-1161-646309

   f) Current Zoning of the Property: I-2

   g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project: SP 25-01 and Replat 25-01

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):

   Land: $133,700

Improvements: $360,500

Inventory: ______

Equipment: ______

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? X Yes ______ No

7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location?

Yes, company has been at location since June 2024

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification.

311111 - Dog and Cat Food Manufacturing

b) Please list any special certifications/designations.

New Market Tax Credit: Severely Distressed Community & Federal Opportunity Zone #18141000900

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.

No, this is the only location in the United States. Current company headquarters is in Terdonkkaai 16, 9042 Ghent, Belgium.

9. What is the size of the real estate that will be developed? (in acres) 4.22 (acreage of three parcels)

10. What is the estimated construction or rehabilitation cost? $5,376,000

11. Have building permits been obtained? *(Please note that state statute requires petitioner to file abatement application **before** obtaining permits) ______ Yes X No

12. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States? X Yes ______ No

13. What is the anticipated date for construction to begin? June 2025

14. What is the anticipated date for project completion? December 2025

15. Profile of Company that will occupy the property for which tax abatement is being requested:

   a) Are your employees represented by a union? If so, by whom? No

   b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? X Yes ______ No

c) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled		Average hourly wage rate for skilled positions	
Semi-skilled	76	Average hourly wage rate for unskilled positions	$27.65
Clerical		Average hourly wage rate for clerical positions	
Salaried	25	Average salary (per hour) for salaried positions	$47.98

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 101

d) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.)
Sick time, vacation time, volunteer time, health insurance, dental insurance, vision insurance, short term and long term disability insurance, 401k with company match, tuition reimbursement.

e) Approximate value of benefits for existing and new employees on a per hour basis (e.g. benefits are valued at an additional $3.00 per hour, etc.) approx. $8 per hour

f) What is the total dollar amount spent on retained salaries? $6,269,716

g) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	0	Average hourly wage rate for skilled positions	
Semi-skilled	11	Average hourly wage rate for unskilled positions	$24.27
Clerical	0	Average hourly wage rate for clerical positions	
Salaried	8	Average salary (per hour) for salaried positions	$42.01

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 19

h) What is the total dollar amount to be spent on new salaries? $1,254,427

i) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees	$32.68
Retained hourly employees	$32.68
New hourly employees	$31.74

j) (if applicable)What is the usual market for goods or services produced by the company? List the percentage of the company's product or service that reaches:

Inside St. Joseph County:	%
Outside St. Joseph County, but inside Indiana:	3 %
Outside Indiana, but within 500 miles	14 %
Outside of 500 miles	82 %
Outside of the United States:	1 %

k) (if applicable)List the name and location (City and State) of your five largest vendors or suppliers:

1. Badger Ingredients, Inc. Carefree, AZ
2. Diversified Ingredients Inc. Ballwin, MO
3. Anchor Ingredients Co., LLC Fargo, ND
4. The Scoular Company Omaha, NE
5. Morris Packaging, LLC Bloomington, IL

16. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made, and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.

Seeking demolition of existing warehouse and construction of a new freestanding warehouse. Company plans to maintain project space for itself.

17. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

Manufacturing of high quality dry & wet pet food, biscuits and snacks for dogs & cats.

18. What evidence can be provided to show the positive impact the abatement will have on the **project property and surrounding area?**

Abatement will support the economic revitalization of an underutilized site and contribute to increased tax revenue over time with the increase in the assessed value of the property. In additional the construction of the new building will promote the creation of new jobs in the area to bolster the local economy

19. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

Loss of production capability. Company may decide to relocate proposed investment to a new facility outside of IN for capacity expansion.

20. Will you require any additional assistance from the City of Mishawaka?

Yes. Community support for an expedited process and collaborative effort. Support for assistance on any public infrastructure improvements and training resources for recruitment and creation of new jobs

21. Have you applied for any assistance from the State of Indiana?

No, currently applying

22. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.

Elodie Fleury
Elodie Fleury (May 12, 2025 10:12 EDT)

Signature of Owner or Authorized Representative

Title

05/12/2025

Date

Tax Abatement Application Real Property 2024_Mishawaka_Revised

Final Audit Report 2025-05-12

Created:	2025-05-09
By:	Terry Peterson (tpeterson@unitedpetfood.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAFwB-n_GsupArE8W2vSRMtFyG5mkCzikY

"Tax Abatement Application Real Property 2024_Mishawaka_Revised" History

Document created by Terry Peterson (tpeterson@unitedpetfood.com)
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Document emailed to Elodie Fleury (efleury@unitedpetfood.com) for signature
2025-05-09 - 7:49:18 PM GMT

Email viewed by Elodie Fleury (efleury@unitedpetfood.com)
2025-05-09 - 8:17:37 PM GMT

Document e-signed by Elodie Fleury (efleury@unitedpetfood.com)
Signature Date: 2025-05-12 - 2:12:58 PM GMT - Time Source: server

Agreement completed.
2025-05-12 - 2:12:58 PM GMT

Exhibit A

Parcel Number: 71-09-16-352-006.000-023

Legal Description of Parcel: Irr. Tract 200 Ft. DeepOn North Side 11th. StBet. Rr. & Cleveland Sw SwSec. 16-37- E

Parcel Number: 71-09-16-352-005.000-023

Legal Description of Parcel: 265 Ft. N & S X An Irr. TractE & W Beg 200 Ft. N. Of NwCor. 11th & Cleveland St.Sec 16-37-3e

Parcel Number: 71-09-16-352-004.000-023

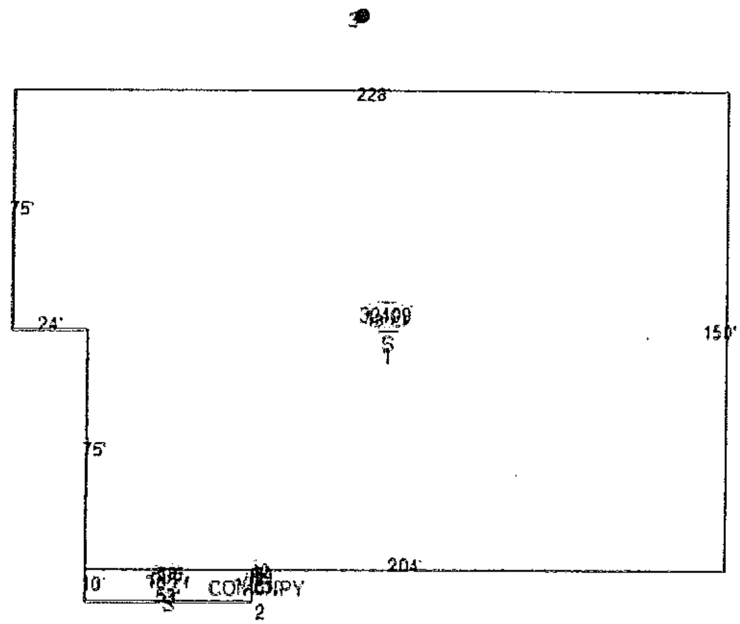
Legal Description of Parcel: 35' N & S X 382.95' E & WBeg. 465' N Of Nw Cor.11th & Cleveland St'S.Sw Sec. 16-37-3e

PARCEL 2, 3 AND 4

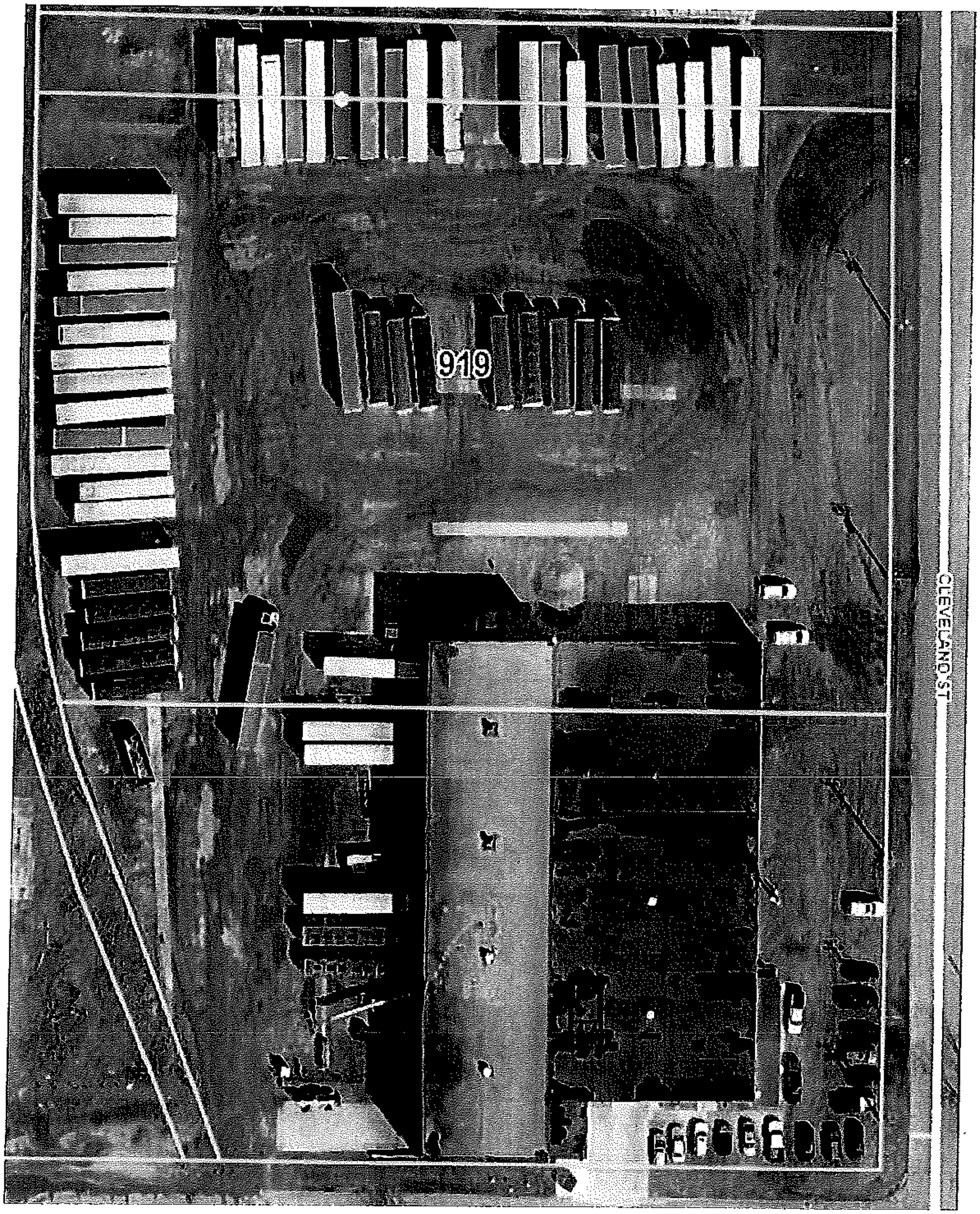
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN THE CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA. DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF ELEVENTH AND CLEVELAND STREETS IN SAID CITY OF MISHAWAKA; RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID CLEVELAND STREET 500 FEET; THENCE LEFT (WEST) 88 DEGREES 46 MINUTES AND PARALLEL WITH THE NORTH LINE OF ELEVENTH STREET 382.95 FEET TO A POINT 8.25 FEET EAST OF THE CENTERLINE OF A RAILROAD TRACT, THENCE LEFT (SOUTH) 91 DEGREES 05 MINUTES 30 SECONDS AND PARALLEL WITH THE CENTER LINE OF SAID RAILROAD TRACT, 169.33 FEET TO THE POINT OF A CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHERLY ON A CURVE HAVING A RADIUS OF 508.78 FEET AND AN INTERSECTING ANGLE OF 20 DEGI EES 49 MINUTES, AN ARC DISTANCE OF 184.85 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTHERLY PARALLEL WITH THE CENTER OF SAID RAILROAD TRACT AND ON A LINE 8.25 FEET AT RIGHT ANGLES THEREFROM AND ALSO ON THE PRODUCED TANGENT LINE OF SAID CURVE, A DISTANCE OF 162.31 FEET TO A POINT ON THE NORTH LINE OF ELEVENTH STREET; THENCE EAST ALONG THE NORTH LINE OF SAID ELEVENTH STREET, 293.14 FEET TO THE PLACE OF BEGINNING.

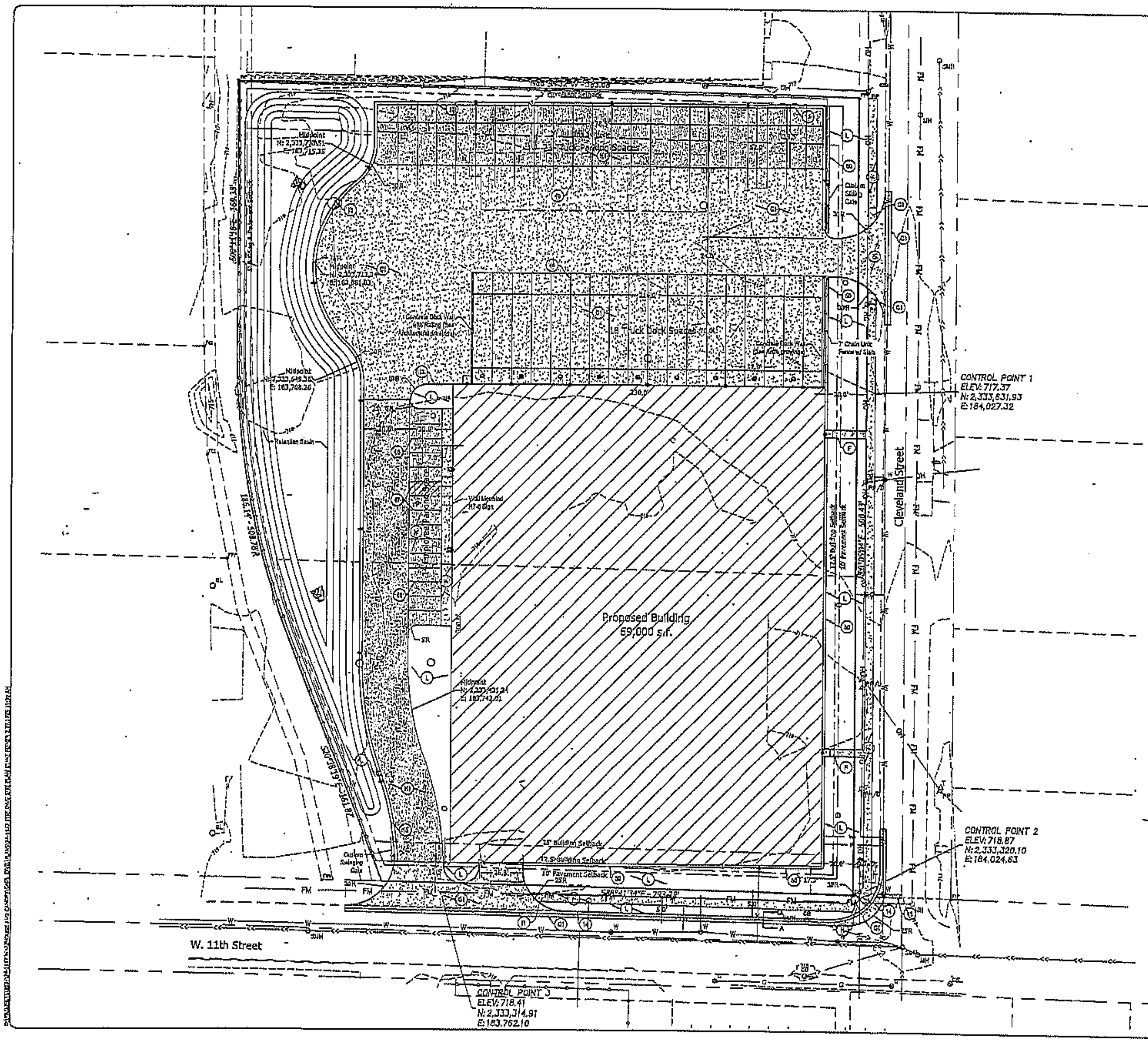
Exhibit B

Property Sketch of 919 S Cleveland (From St. Joseph County Tax Assessor website)



Aerial Photos of Parcels (United Petfoods owns Parcel labeled 919 and the two above and beneath said parcel)





GENERAL NOTES

1. Current Zoning: "I-2" Heavy Industrial.
2. Sanitary and water shall be serviced by City of Mishawaka.
3. Setbacks shall conform to City of Mishawaka Zoning Ordinance unless the proper variances have been approved.
4. Proposed parking and drives shall be paved and privately owned.
5. All landscape and lighting shall be in accordance with the City of Mishawaka Zoning Ordinance unless the proper variances have been obtained.
6. Coordinate with utility companies for relocation of any utilities prior to any construction activity.
7. All work in Right-of-Way shall conform to City of Mishawaka Engineering Standards.
8. Contractor shall submit a Maintenance of Traffic plan to the City of Mishawaka prior to installing utility connections.
9. On December 10, 2024, the Board of Zoning Appeals approved a variance (AP 24-54) will allow a 12.5' front building setback along W. 11th Street. The site shall conform to all other areas, height and developmental regulations of the I-2 Heavy Industrial District unless the proper variances are granted by the Board of Zoning Appeals.

TABULATED SITE DATA

Parcel Size = 4.14± Acres

Proposed Land Coverage	Area (Acres)	Percentage
Proposed Building	1.58	38.2%
Proposed Hard Surface	1.53	37.0%
Existing Building(s)	0.00	0.0%
Existing Hard Surface	0.00	0.0%
Open Space / Landscape Area	1.03	24.8%
Total	4.14±	100%

PARKING CALCULATIONS

Parking Required: 1 Space per Employee on Largest Shift
(1 Space / 1 Employee) x 10 Employees = 10
Total Spaces Required 10 Spaces

Parking Provided: 20 ft. x 9 ft. (Including 1 ADA Spaces) 14 Total Spaces

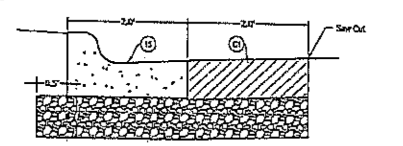
LEGEND

K — STANDARD DUTY HMA PAVEMENT
1½" HMA Surface (165 lbs/syd)
2½" HMA Base (220 lbs/syd)
6" Compacted INDOT #53 Aggregate

K1 — HEAVY DUTY HMA PAVEMENT
1½" #/SY HMA Surface (165 lbs/syd)
3½" #/SY HMA Base (304 lbs/syd)
8" Compacted INDOT #53 Aggregate

C1 — CONCRETE PAVEMENT
6" Class "A" Concrete
6" Compacted #53 Aggregate

- ♿ ADA International Symbol of Accessibility, Paint: Blue
- F Sidewalk, 4"
- L Landscape/Yard Area, See Landscape Plan
- R Sidewalk Curb Ramp – Type I
- 13 Concrete Curb – Type C
- 14 Comb. Concrete Curb & Gutter – Type C
- 15 Comb. Concrete Curb & Gutter
- 45 Stop Line, Thermoplastic, White, 24 in.
- 46 Line, Paint, Solid, White, 4 in.
- 47 Line, Paint, Solid, Blue, 4 in.
- 50 18" Mow Strip – 3" of River Rock over Filter Fabric
- Light Pole
- 7' Chain Link Fence with Slats



SECTION A-A
Scale: 1" = 1'-0"

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

1	CITY COMMENTS	DLP	2/10/2025
NO.	REVISION DESCRIPTION	BY	DATE

ABONMARCHE

Engineering • Architecture • Land Surveying

PROJECT: UNITED PETFOOD WAREHOUSE BUILDING
119 Cleveland Street, Mishawaka, IN 46544

SHEET TITLE: SITE PLAN

DRAWN BY: DLF
DESIGNED BY: DLF
PM REVIEW: SDB
QA/QC REVIEW: ETN
DATE: 1/22/2025
SEAL: ROGER T. HAWKINS, REGISTERED No. 60024071, STATE OF INDIANA, PROFESSIONAL ENGINEER
SCALE: 1" = 30'
AC JOB #: 24-1867
SHEET NO.: C2.0

7 of 10

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)
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 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 United Petfood Producers USA, Inc.		
Address of taxpayer *(number and street, city, state, and ZIP code)* 1011 W 11th Street, Mishawaka, IN 46544		
Name of contact person Terry Peterson	Telephone number (574) 404-5963	E-mail address tpeterson@unitedpetfood.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number
Location of property 919 Cleveland, Mishawaka, IN 46544	County St. Joseph	DLGF taxing district number 023
Description of real property improvements, redevelopment, or rehabilitation *(use additional sheets if necessary)* Demolition and rebuilding of company warehouse facility to promote additional capacity for production and storage		Estimated start date *(month, day, year)* June 2025 Estimated completion date *(month, day, year)* December 2025

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

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
101	$6269716.0	101	$6269716.00	19	$1254427.00

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		494200
Plus estimated values of proposed project	5376000	
Less values of any property being replaced		360500
Net estimated values upon completion of project	5420800	

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 *Elodie Fleury* Elodie Fleury (May 12, 2025 10:12 EDT)	Date signed *(month, day, year)* 05/12/2025
Printed name of authorized representative Elodie Fleury	Title

FOR USE OF THE DESIGNATING BODY

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

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

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

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

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

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

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

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

Approved (*signature and title of authorized member of designating body*)	Telephone number ( )	Date signed *(month, day, year)*
Printed name of authorized member of designating body	Name of designating body	
Attested by (*signature and title of attester*)	Printed name of attester	

* 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.

Deborah S. Block, IAMC, MMC

MAY 2 1 2025

City Clerk
Mishawaka, IN

RESOLUTION NO. 2025-15

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

1420 INDUSTRIAL DRIVE, MISHAWAKA, IN 46544

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

JAMIL PACKAGING CORPORATION

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

A lot or parcels of land described as follows:

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

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

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

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

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

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

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

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

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

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

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

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

8. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council;

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

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

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this 2nd day of June, 2025.

____

Presiding Officer

ATTEST:

____

Deborah S. Block, IAMC, MMC, City Clerk

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

____

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this _____ day of June 2025, at _____ o'clock _____.M.

____

David A. Wood, Mayor

City of Mishawaka

Department of Planning & Community Development

David A. Wood, Mayor

Deborah S. Block, MMC, MMC

MAY 2 1 2025

City Clerk
Mishawaka, IN

MEMO

Date: May 20, 2025

To: 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
Anthony Violi, 5th District City Council
Ron Banicki, 6th District City Council
Gregg Hixenbaugh, At-Large City Council
Matt Mammolenti, At-Large City Council
Lacy Hahn, At-Large City Council
Deborah Block, City Clerk

From: Derek Spier, AICP, City Planner
Kenneth B. Prince, FASLA, Director of Planning & Community Development

Re: Tax Abatement Request
Jamil Packaging Corporation – 1420 Industrial Drive
Resolution 2025-15

Attached is a tax abatement request for consideration at your June 2, 2025 meeting. The request is for Jamil Packaging Corporation, which is located at 1420 Industrial Drive, in the City of Mishawaka. Jamil Packaging Corporation manufactures corrugated paper boxes, custom retail displays, and distributes shipping and packaging supplies. Because this firm's facility is located within the City's TIF District boundary, the Redevelopment Commission was required to review and approve the request before it could be forwarded to the Common Council for consideration. The Commission approved the abatement on May 19th.

Jamil Packaging, a family owned company, was founded in 1974. The firm moved to the Mishawaka location in 2002, and purchased the vacant Elco-Thermoplastics building. The firm maintains its Midwest Operations at this facility, and has its Southeast Operations located in Gallatin, Tennessee. You may recall that the firm came before the Commission and Council in 2006, 2008, 2011, 2017, and 2019 requesting tax abatements for previous equipment purchases. The previous requests by Jamil have allowed the company to purchase equipment it otherwise would not have had the capacity to do so, along with hiring more employees than projected, and at a higher wage rate. The hometown firm has since grown dramatically and continues to strive to serve its customers and offer new and innovative products.

Jamil Packaging has approached the City with plans to make a capital investment of $4.85 million, including new manufacturing equipment. With this investment, Jamil will purchase a Bobst Expert DRO, AGS G3 Stacker along with conveyor. The new equipment will allow for printing on both sides of the packaging or display material. Currently, the material has to be passed through the existing machine twice. The new equipment will allow for increased capacity and production to meet customer demand and will aid in further growth of the business.

If approved, Jamil is committed to immediately ordering and begin installation of the new manufacturing equipment in June 2025 with an anticipated completion by the end of October 2025. In conjunction with this tax abatement request, the firm has not requested any additional assistance from the City of Mishawaka. This Mishawaka location of Jamil Packaging, includes 179,000 square feet of manufacturing and warehousing space, currently employs 131 people (108 hourly, 23 salary). Employment has remained relatively stable slightly decreasing from 139 employees when the last tax abatement was approved in early 2019. Their total current payroll is approximately $6.8 million, which is more than $1.9 million higher than total payroll in 2019. Wages for hourly workers, excluding benefits, range from just under $16 to nearly $23 with an average blended wage for all workers of $24.32.

As a direct result of this investment, Jamil estimates that an additional 9 new jobs will be created increasing total employment to 140. The hourly wage rate for the new hires, excluding benefits, is projected at $19.92. Total salaries for the new jobs are estimated at $297,783. Benefits that are available to employees include health insurance, vacation and sick leave (which are based upon length of employment), 401(k), and profit sharing plans.

Attached to this memo, you will find Declaratory Resolution 2025-15, the applicant's SB-1 form for personal property (SB-1/PP), tax abatement application, legal description, and site maps for your review. Based upon the Council's approval of previous and similar projects, the size of capital investment and the number of jobs created, the direct relationship with the growth and stability of the Mishawaka facility, and additionally, with the new equipment, the company's ability to meet the demands of current customers, we believe the request for a three-year phase-in of the personal property taxes on the new piece of equipment is reasonable and has precedent.

Below is the estimated tax impact if the 3-year tax phase-in is approved. Projecting the tax impact with certainty is always difficult due to differences between the investment amount and assessed value, and fluctuations in tax rates and other unknown factors over the life of the abatement. The below projection is based upon an anticipated assessed value equivalent to 60% of the purchase price, which equates to approximately $2.91 million. Normally, the assessment is lower than the purchase price. This is why the total capital investment is listed at $4.85 million. Since the benefit is based upon assessed value, the phase-in would also be adjusted proportionately per the actual assessment. This estimate is based upon 2025 tax rates payable 2026. The property tax cap rates for St. Joseph County are also factored into this analysis.

Personal Property:

Year	Year / Year Payable	Percent Abated	Taxes Abated	Taxes Paid
1	2025 / 2026	100%	$87,300[a]	$0
2	2026 / 2027	66%	$58,200	$29,100
3	2027 / 2028	33%	$29,100	$58,200
		TOTALS	**$174,600**	**$87,300**
4[b]	2028 / 2029	0%	$0	$87,300

[a]Property taxes are abated on new machinery only.
[b]Applicant begins paying full property taxes upon the new machinery.

We feel that the investment in new equipment should allow Jamil Packaging to remain a competitive force in the global economy, continue to improve production efficiencies, while retaining good-paying jobs and benefits to local workers. Therefore, we have utilized the economic development tool of tax abatement as an incentive to bring this new capital investment into the community.

As you are aware, tax abatement requests before the Common Council are considered in two steps. The first step is the Declaratory Resolution where the abatement is essentially accepted for consideration. Once the Declaratory Resolution is approved, the Clerk's Office has specific advertising requirements to notify other taxing entities within the jurisdiction that could be impacted by the abatement. This allows for input from those other taxing units prior to the Council's consideration and vote on the request. The second step is the hearing and consideration of a confirming resolution where the merits of the request are considered. The only item being considered at the June 2nd meeting is the declaratory resolution, which staff is recommending approval of to allow the appropriate advertising to take place. If the declaratory resolution is approved, a confirming resolution will be prepared for consideration at your June 16th meeting.

Please contact our office if you have any questions regarding this resolution.

Thank you for your consideration.

Exhibit 'A
Legal Description

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

Beginning at a set pk nail at the East Right-of-Way line of Penz Industrial Drive and the Northwest corner of Parcel III. As Parcel III is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109, which is South 00°01'18" West (South 00°01'35" East Record) a distance of 834.44 feet and North 90°00'00" East (North 89°57'07" East Record) a distance of 670.45 feet from a found 1" rod at the northwest corner of the Northeast Quarter of said Section Twenty Two (22); thence South 89°51'49" East (South 89°53'09" East Record) Along the north line of saidParcel III a distance of 786.46 feet to a set five eighths (5/8) inch rebar with cap at the Northeast corner of Parcel V as Parcel V is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109; thence South 00°01'01" West (South 00°00'09" East Record) Along the East line of said Parcel V a distance of 487.26 feet (487.37 feet Record) to a set five-eighths (5/8) rebar with cap at the Southeast corner of Parcel V and South Line of the North Half (1/2) of the Northeast Quarter (1/4) of said section Twenty-Two (22) thence North 89°52'39" West (North 89°55'32" West Record) along the South line of said Parcel V and the South line of the North Half (1/2 of the Northeast Quarter (1/4) of said Section Twenty-Two (22) a distance of 1126.50 Feet to a set five-eighths (5/8) inch rebar with cap at the Southwest Corner of Parcel II as Parcel II is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109; thence North 00°01'18" East(North 00°01'35" West Record) along the West line of said Parcel II a distance of 331.10 feet to a set five-eighths (5/8) inch rebar with cap at the Northwest corner of said Parcel II; thence North 90°00'00" East (North 89°57'07" East Record) along the North line of said Parcel II a distance of 300.00 feet to a set pk nail at the West right-of-way line of Penz Industrial Drive; thence South 00°01'18" West (South 00°01'35" East Record) along said Right-of-way line and the East line of said Parcel II a distance of 3.69 Feet to a set pk nail at a point on a curve having a radius of 71.00 Feet; thence bearing left along said curve and rightof-way line an arc distance of 77.91 feet (chord bearing and distance = South 31°27'28" West 74.06 Feet) to a set five-eighths (5/8) inch rebar with cap at a point on a curve having a radius of 54.00 feet; thence bearing right along said curve and rightof-way line an arc distance of 144.08 feet (chord bearing and distance= South 13°32'36" East, 104.99 Feet) to a set five-eighths inch rebar with cap at a point on a curve having a radius of 14.00 feet; Thence bearing left along said curve and rightof-way line an arc distance of 21.99 feet (chord bearing and distance= South 04°58'45" East 19.80 Feet) to a set pk nail; thence South 89°52'39" East a distance of 40.00 feet to a set five-eighths inch rebar with cap at the East Right-of-way line of Penz Industrial Drive; thence North 00°01'18" East (North00°01'35" West Record) a distance of 338.65 feet to the point of beginning, containing 11.07 acres, more or less, subject to public highway sand any easements of record, if any.

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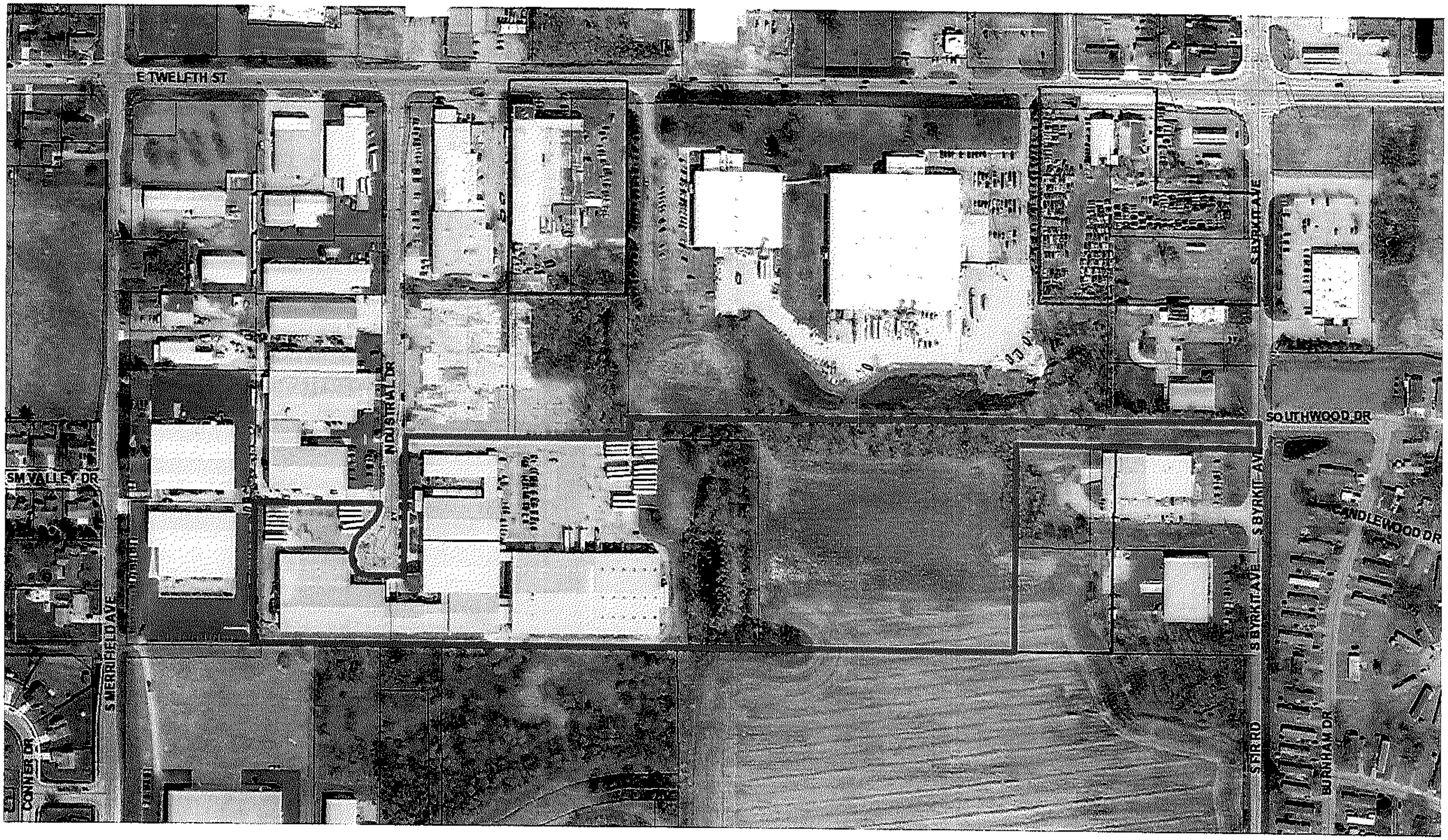


Location Map

Jamil Packaging—1420 Industrial Drive

STATEMENT OF BENEFITS
PERSONAL PROPERTY

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

FORM SB-1 / PP

PRIVACY NOTICE

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

INSTRUCTIONS:

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

SECTION 1 — TAXPAYER INFORMATION

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

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

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

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

Bobst Expert DRO 1628 with 1 top and 3 bottom print capabilities and 115" AGS G3 stacker along with conveyor.

	ESTIMATED START DATE	ESTIMATED COMPLETION DATE
Manufacturing Equipment	06/01/2025	10/31/2025
R & D Equipment		
Logist Dist Equipment		
IT Equipment		

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

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
131	6,762,290	131	6,762,290	9	297,783

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	13,826,562							
Plus estimated values of proposed project	4,849,516							
Less values of any property being replaced	0							
Net estimated values upon completion of project	18,676,078							

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)*
[signature]	May 6, 2025
Printed name of authorized representative	**Title**
David A Dirolli	President

FOR USE OF THE DESIGNATING BODY

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

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

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

1. Installation of new manufacturing equipment;	☐ Yes	☐ No	☐ 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 $ ________________ cost with an assessed value of $ ___________________. *(One or both lines may be filled out to establish a limit, if desired.)*

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

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

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

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

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

☐ Year 1	☐ Year 2	☐ Year 3	☐ Year 4	☐ Year 5	☐ 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)*	Telephone number ( )	Date signed *(month, day, year)*
Printed name of authorized member of designating body	Name of designating body	
Attested by: *(signature and title of attester)*	Printed name of attester	

* 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.

Questions, applications, and fees should be directed to the:
City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Derek Spier, City Planner
574-258-1625
dspier@mishawaka.in.gov

Received
MAY 09 2025
Planning and
Community Development

1. Name of the firm for which tax abatement is being requested:

   Jamil Packaging Corporation

2. State the name, title, address and telephone number of a company representative(s) who may be contacted concerning this application:

Name and Title: **David A. Diroll, President**

Address: **1420 Industrial Drive, Mishawaka, IN 46544**

Telephone: **574-256-2600**

3. State the name, title, address and telephone number of a company representative(s) who may be sent annual compliance forms. Please note that the **annual forms will determine if your company is compliant with the terms of the abatement and whether the abatement will continue or be terminated**, so the contact should be made aware of the form's importance.

Name and Title: **David Jasper, Controller**

Address: **1420 Industrial Drive, Mishawaka, IN 46544**

Telephone: **574-256-2600**

4. Location of property for which personal property tax abatement is being sought (this information is available through the Township Assessor's Office):

   a) Street Address: **1420 Industrial Drive, Mishawaka, IN 46544**

   b) Township: **Penn**

   c) Taxing District Number: **71022**

   d) Council District Number: **2**

   e) Tax Parcel Number(s): **71-09-22: 202-003.000-022, 201-016.000-022, 202-013.000-022**

5. What is the amount of the most recent assessment attributable to (this information is available on the most recent property tax form):

   Land: **149,100**

   Improvements: **768,000**

Inventory: 0

Equipment: 3,983,020

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? _______Yes _______XNo

7. Does your firm currently conduct manufacturing operations at this location? If so, how long has your company been at this location? ________Yes, 2002 ______________________

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification.______________________________

_______________322200_______________________________

b) Please list any special certifications/designations.
______________None______________________________

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.

__________________________540_National_Drve__________________________

__________________________Gallatin,_TN_37066__________________________

9. What is the size of the existing facility in which the equipment will be installed?

179,000 square feet

a) What is your facility currently zoned ?Industrial___ b) Do you need rezoning? No________

10. Briefly describe the product(s) manufactured by your company. Corrugated materials

11. Briefly describe the equipment to be installed by your company. Bobst Expert DRO, AGS G3 Stacker along with conveyor.

12. Has new manufacturing equipment been installed (Please note that state statute requires petitioner to delay installation until after abatement has been granted)? _______Yes _______XNo

13. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States?
_______Yes _______XNo

14. What is the anticipated date for installation to begin? ___June 1, 2025 ___________________

15. What is the anticipated date for project completion? ___October 31, 2025_________________

***(If installation will occur over a multi-year/phased-in period or involve multiple pieces of equipment, please provide a separate detailed installation timetable an note when equipment will be ready to use in production and attach this information to the SB-1/PP.)**

16. Does the equipment being installed serve the same function as the equipment currently in place at the facility? _______Yes _______XNo

   a) If no, please describe the new functions to be performed by the new manufacturing equipment:

   The Expert DRO being purchased has the capability to print on both sides of the material. Currently, the material has to be passed through the existing machine twice.

   b) What is the estimated value of the equipment to be purchased for which personal property tax abatement is being requested? (If possible, please provide a written quote or estimate attached to this application.) $4,849,516

17. Profile of firm that will occupy the property for which tax abatement is being requested:

   a) Are your employees represented by a union? If so, by whom? No

   b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? _______Yes _______XNo

   c) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	80	Average hourly wage rate for skilled positions	19.92
Semi-skilled	19	Average hourly wage rate for unskilled positions	16.62
Clerical	9	Average hourly wage rate for clerical positions	22.60
Salaried	23	Average salary (per hour) for salaried positions	45.69

TOTAL NUMBER OF TEMPORARY/ON-CALL EMPLOYEES (if any) 4

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 131

d) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) _Vacation, Health

___Vacation,_Health_Insurance,_401k,_Profit_Sharing___

e) Approximate value of benefits for existing and new employees on a per hour basis (i.e. benefits are valued at an additional $3.00 per hour, etc.) **$3.00 - $6.00**

f) What is the total dollar amount spent on retained salaries? **6,762,290**

g) Number of newly created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	9	Average hourly wage rate for skilled positions	19.92
Semi-skilled		Average hourly wage rate for unskilled positions	
Clerical		Average hourly wage rate for clerical positions	
Salaried		Average salary (per hour) for salaried positions	

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) 9

h) What is the total dollar amount to be spent on new salaries? **297,783**

i) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees	**24.32**
Retained hourly employees	**24.32**
New hourly employees	**19.92**

j) What is the usual market for goods produced by the company? List the percentage of the company's product that reaches it:

Inside St. Joseph County:	**24** %
Outside St. Joseph County, but inside Indiana:	**20** %
Outside Indiana, but within 500 miles	**33** %
Outside of 500 miles	**23** %
Outside of the United States:	%

k) Where do your company's raw materials/supplies come from? List the percentage of the supplies that are acquired from each category:

Inside St. Joseph County: **10** %

Outside St. Joseph County, but inside Indiana: **85** %

Outside Indiana, but within 500 miles: **5** %

Outside 500 miles of Indiana: ______%
Outside of the United States: ______%

l) List the name and location (City and State) of your five largest vendors or suppliers:

1. **Alliance Sheets, Bristol, IN**
2. **5-Star Sheets, New Carlisle, IN**
3. **Flutes, Indianapolis, IN**
4.
5.

18. Please give a detailed description of what the impact on your business will be if the new manufacturing equipment is not installed (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

The_new_DRO_will_provide_additional_capacity_for_the_company_to_meet_custotmer_demand_and_grow_the_business.

19. Please briefly describe how and why the manufacturing equipment to be replaced or the facility in which equipment will be added is currently technologically, economically, or energy obsolete and how and why that obsolescence may lead to a decline in employment and tax revenues.

The_current_DRO_requires_the_material_to_pass_through_the_machine_twice_versus_only_once_with_the_new_machine.

20. Will you require any additional assistance from the City of Mishawaka?

✓ Not_at_this_time

21. Have you applied for any assistance from the State of Indiana?

__Not_yet_but_planning_to_do_so. No

22. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Personal Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.

[signature]

Signature of Owner or Authorized Representative

President / Owner

Title

5/8/25

Date

EXPERT DRO 1628 With 1 Top / 3 Bottom Print
JAMIL PACKAGING: Mishawaka, IN

LIST EQUIPMENT PRICE:	***USD***	***3 840 300***
FREIGHT (TO EAST COAST):		**115 200**
TRUCKING / RIGGING (from port of entry to customer's plant):		**82 100**
INSTALLATION AND START-UP		**80 900**
TRAINING 5 Weeks Included		**55 000**
PACKAGE PARTS AND SERVICES (2 YEARS)		**100 100**

Warranty Term:
A period of two (2) years from the date on which Seller completes the installation of the Equipment and demonstrates that the Equipment is capable of producing commercially saleable product. In the event such installation completion is delayed due to reasons exclusively under control of Buyer, the warranty term shall be for a period of two (2) years from such date that is thirty (30) days following delivery of the Equipment. Complete warranty terms are contained in the General Terms and Conditions attached hereto and made a part hereof.

Includes the following:

Technical Coaching:

Includes one (1) visit during the first (1st) year of warranty and one (1) visit during the second (2nd) year of warranty. Each visit includes travel in/out and includes a minimum of three (3) days onsite. (Monday to Friday during normal working hours).

Definition: Technical coaching sessions aim to optimize 'person-machine-process' interaction. During these sessions, Seller observes each of these three elements separately in order to understand where Buyer may have potential for improvement. For example: "What does the operator need to learn?"; "What needs to be changed in terms of Buyer processes?"; "How should the Equipment be set?". Seller shall provide Buyer with feedback designed to ensure that these three elements develop in line with each other to assist Buyer in achieving maximum efficiency? These coaching sessions depend directly on the aptitude of Buyer employees and processes.

They are, therefore, custom designed based on definition of Buyer needs and shall be summarized in a written evaluation report prepared by Seller.

Maintenance Plus:

Includes one (1) visit during the first year of warranty (to take place approximately 9 months following start-up of Equipment) one (1) visit during the second year of warranty(to take place approximately 18 months following start-up of the Equipment). Each visit shall last five (5) days including travel and shall take place Monday to Friday during normal working hours.

Definition: The services provided under the Maintenance Plus Program are an overall evaluation of the condition of the Equipment, identifying areas where Buyer's maintenance may be lacking, general technical education and how to maintain the life of the Equipment. Each Maintenance Plus is based on precise checklists. A full written report shall be provided to Buyer following each visit.

Preferential Training Pricing:

As part of this package, Buyer shall have the option of purchasing one (1) additional week of training at a special price of $1,200 per day.

Training will last for five (5) consecutive days; local expenses and travel not included. Special price is valid until the end of the warranty period.

Wear Parts Cabinet:

The cabinet, which shall be placed at the Equipment center for easy access, includes an initial supply of standard wear parts stock for the Equipment. Such parts should be replaced on a proactive basis by Buyer. The cabinet is organized with bins and documentation containing pictures and replacement frequency for each part.

Subscription to Bobst Connect Essential 24/7:

Subscription is included for five (5) years and includes the following:

Connected Remote Assistance:
- Unlimited calls to provide troubleshooting assistance.
- Escalation to multiple technical experts.
- Video assistance & file sharing when needed.
- Available 24 hours a day and 7 days a week.

Connect Portal access:
- Real time key production and productivity data & indicators.
- Configurable tools to manage and monitor the usage of the Equipment.
- API to an automated data exchange with 3rd party IT system such as MES or ERP.

A more detailed product description can be found under www.bobst.com. Buyer is responsible for providing (i) internet access with an upload data transfer rate equal to or faster than 1 Mbit/s and (ii) necessary infrastructure to connect the Equipment to Buyer's LAN.

The BOBST Connect Terms and Conditions that exclusively govern the Bobst Connect Essential services described in this Addendum can be found at: https://www.bobst.com/fileadmin/user_upload/Services/Documents/BOBST_Connect_Agreement_EN.pdf.

TOTAL LIST OFFER PRICE: ***USD 4 273 600***
2 YEAR WARRANTY INCLUDED
(Excluding any applicable taxes)

Jamil Packaging
Attention: David Diroll, Bill Cessna
1420 Industrial Dr.
Mishawaka, IN 46544

115" AGS G3 Stacker + X12

QUOTE #: 20937R5
DATE: 11/13/2024
CC: Cody Brant

115" A.G. G3™ Rotary Die Cutter Stacker

115" AGS G3 Rotary Die Cut Stacker, complete stacking system includes:

HPLX™ Front End (200+ KPM) — **Standard**

- Additional Blowers
- Built For 4-Out
- Scrap Conveyor
- Accu-Nip™
- Lead Edge Guides
- Rotating Layboy Exit Guides[1]
- Layboy Touchscreen
- Laser Line

73.5" Flexi Deck™ transfer deck (Patented)	**Standard**
Carriage-Style Zero Crush Wheel	**Standard**
Main Stacking Deck	**Standard**
Deck Lock Out System	**Standard**
Air-Operated Deck Wheel Lift System	**Standard**
Accumulator Back Tamping with Air Cushion	**Standard**
Side Catchers	**Standard**
Tampers and Dividers	**Standard**
4 Pivoting Hopper Guides *for unusually shaped blanks*	**Standard**
Ventilated Lexan™ "Vision" backstop upgrade with stainless steel hinge[1]	**Standard**
Scrap Release Technology[1]	**Standard**
Order Memory Package	**Standard**
ISS Intelligent Safey System (Patented)	**Standard**
Sequester Panel (Patented) *Keeps high voltage and low voltage separated*	**Standard**
Enhanced Remote Diagnostic System – E.R.D.S. *(Connection Required)*	**Standard**

115" A.G. G3™ Rotary Die Cutter Stacker Complete System, as above $398,906

115" AGS G3 Stacker + X12

Jamil Packaging
Attention: David Diroll, Bill Cessna
1420 Industrial Dr.
Mishawaka, IN 46544

QUOTE #: 20937R5
DATE: 11/13/2024
CC: Cody Brant

Included Options:

Auto Angle Adjust (Patented) **$34,460**
with motorized, gang operated deck snubbing wheel with air lift

108"x72" Conveyor on Pitless X12 (Patented) **$60,246**
On heavy duty hi-cycle, scissor lift. No pit required.

Offer Summary

Total equipment price $493,612

Freight:	PP and ADD
F.O.B.:	Weyers Cave, VA.
Expiration of Proposal:	60 days.
Delivery:	Subject to confirmation when order is placed

Proposal

BAY MACHINERY COMPANY
11118 Thompson Hwy
Blissfield, MI 49228
(419) 727-1772

ALL PROPOSALS VALID FOR 30 DAYS

Company:	Jamil Packaging Corp.
Location:	Mishauaka, IN
System:	BOBST Conveyor
Date:	**20 January, 2025**
Proposal Number:	**NEQT-0120-25-1**

Equipment Scope:

RDC Stacker	Bundle Breaker
Press Stacker	Scissor Lift Transfer
Pre-Feeder	Bundle Conveyor
Load Former	X Floor Conveyor
	Retro-Fits

Financial Information:

Total	$	95,000.00
Deposit Amount	$	28,500.00
Deposit Received Date		
Pre-Ship Amount	$	47,500.00
Pre-Ship Date		
Final		$19,000.00

Projected Time Line

Current Lead Time: 20-24 Weeks

This date starts when DEPOSIT IS RECEIVED.

SUMMARY --Terms & Invoicing notes:

>> Travel, Shipping & Per-diem expenses ***ARE NOT*** Included.

>>Delivery time line begins at reciept of deposit

>> Pre-ship is issued 3-5 weeks prior to proposed installation, pre-ship payment must be received to secure installation date.

>> 30% down> 50% pre-ship> 20% + plus expenses net 30

	(Conveyor)
Traversing Conveyor	$42,500.00
Outfeed Conveyor	$16,434.00
Control Panels	$19,700.00
Move of Chain Transfer	$3,670.00
Onsite Installation	$10,400.00
Travel, Hotel, Perdiem	$3,257.00
Shipping	$1,800.00
Repeat Customer Discount:	($2,761.00)
Turn Key Installation	**$95,000.00**

Accounting information:

Customer P.O. Number

Customer P.O. Date

Customer Invoice Contact:

Phone:

Fax:

Email:

Customer Invoice Address
if different than ship to:

Accounting Contact:

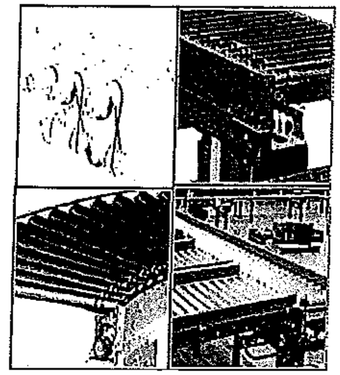
Equipment ship to address:

NOTE:

Customer must provide air and power at enclosures.
Requirements will be provided for equipment needs.
Customer will need to provide forklift. Prefer forks of 6 ft. long if available.

Company:	**Jamil Packaging Corp.**
Contact:	Mark Marshall
Title:	
Address:	1420 Industrial Dr. Mishauaka, IN 46544
Phone:	(574) 256-2600
Cell:	
Alternate Contact:	bcessna@jamilpkg.com
E-Mail:	mmarshall@jamilpkg.com
Paint Color:	Safety Blue
	LABOR/TRAVEL/PERDIEM
Install/Reg	
OT/Wk End	
Travel Labor	4.5 Hours Round Trip
Hotel	
Perdiem	
Mileage	280 Miles Round Trip
Install Total	
Shipping	FOB Blissfield, Michigan

FT	EQUIPTMENT DESCRIPTION	
	BOBST-TRAVERSING INFEED	
1	**Integrated Powered Fwd/Rev. Traversing**	$42,500.00
	Infeed conveyor with (Powered) top scissor.	
	* 96" BF (PAR) Roller Conveyor 21 Ft. (OAL	
	* (1) Drive (1) Take Up in 21 Ft. Section.	
	* 7 Ft. X 96" BF Powered Roller Top Scissor Section	
	* Overall Conveyor Length 28 Ft. Traverses Fwd/Rev.	
	independent of Die Cutter. Controls at Die Cutter.	
	* Motor Power 480V. 3PH 60 Hz 60 fpm (30 AMP)	
	* GUARDING on both sides of traversing conveyor.	
2	Control Cabinet	$10,400.00
	* Requires 30 Amp Drop	
	* 480V 30h 60 Hz	
	*Requires Air Drop	
	*Requires Remote-System-System Service	
	Ethernet Drop.	
	*Allen Bradley PLC	
3	**Outfeed Conveyor**	$16,434.00
	96" BF X 12" TOR (PAR) Conveyor	
	* (1) Drive (1) Take Up in 22 Ft. Section	
	* Motor Power 480V. 3PH 60 Hz 60 fpm (30 AMP)	
	* 2 1/2" Dia. Galv. Coated Rollers 5/8" Hex	
	* Formed and Welded Steel Frames	
2	Control Cabinet	$9,300.00
	* Requires 30 Amp Drop	
	* 480V 30h 60 Hz	
	*Requires Air Drop	
	*Requires Remote-System-System Service	
	Ethernet Drop.	
	*Allen Bradley PLC	
	MOVE OF EXISTING 8 BAR TRANSFER	$3,670.00
	* Existing 8 Bar (CTD) will require being moved	
	down in the existing mainline approximately 5' 3"	
	on center from its current position. This will require	
	moving and re-wiring current electrical junctions	
	and devices as well as potential modifications.	
	* For quoting purposes this specific component of	
	of the proposal is estimated to take (3) technicians	
	approximately a 10 hour day to complete. This will	
	be quoted as a line item separate from installation	
	labor for customer evaluation and identification.	
	(2 Mechanical/1 Electrical Technician)	



Conveyor Height: 12" T.O.R. unless otherwise noted
Construction: All welded Construction with 5" structural channel side frames or as quoted
Frame Width: Width dimension listed represents the between frame dimension. Conveyor is rated at 1000lbs per foot. I Devices are rated at 3000lbs
Capacity: Rollers: 2 ½" diameter x 11 gauge tube and 5/8 hex axles spaced on 3" centers

Abreviations Key
(OAL) Overall Length
(OAW) Overall Width
(BF) Between Frame
(TOR) Top of Roller
(LRC) Live Roller Conveyor
(PAR) Power Accumulating Conveyor
(CTD) Chain Transfer Device
(POP) Pop Up Pusher
(C.A.R.) Chain Assist Rollers
(DR) Drive
(TU) Take-Up

NEQT-0120-25-1

Traversing Conveyor	$	42,500.00
Outfeed Conveyor	$	16,434.00
Control Panels	$	19,700.00
Chain Transfer Relocation	$	3,670.00
Total With OPTIONS	**$**	**82,304.00**

FOB Blissfield, Michigan
This price does not include travel & per-diem
For travel & per-diem see pricing page.

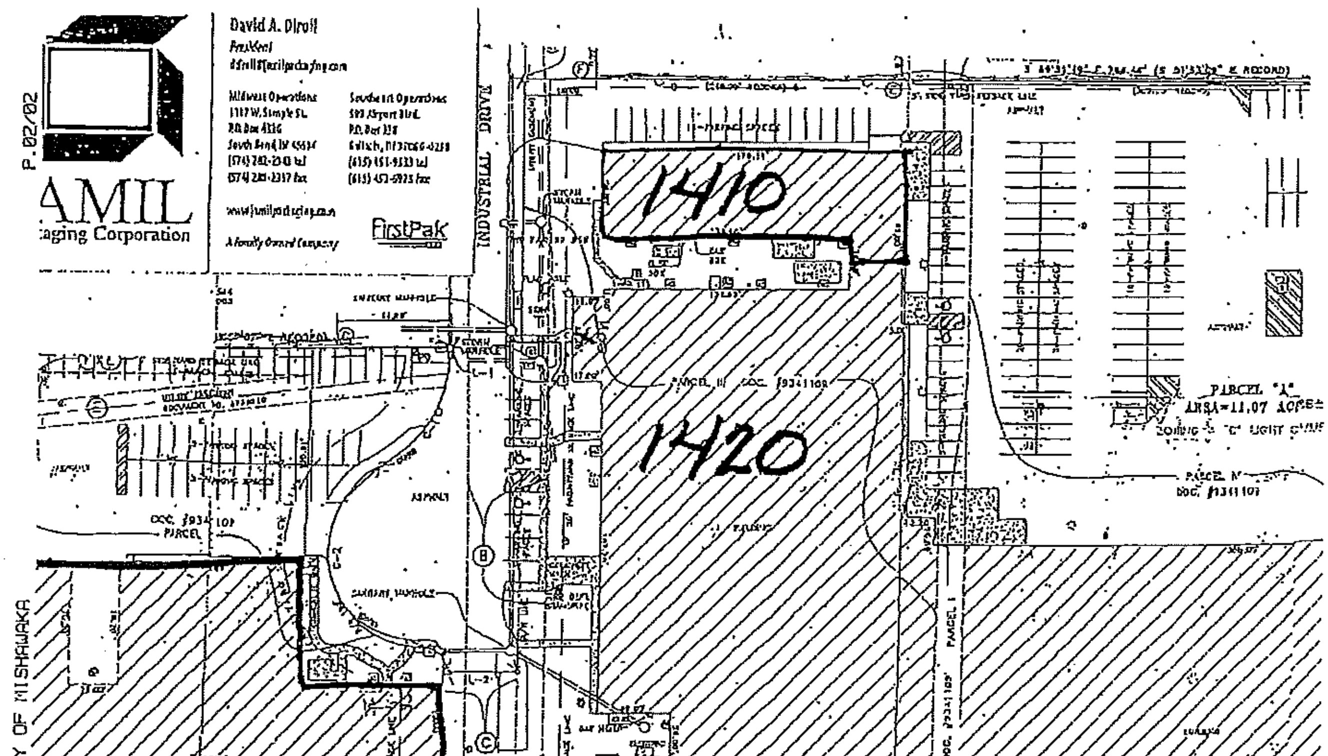
Exhibit 'A
Legal Description

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

Beginning at a set pk nail at the East Right-of-Way line of Penz Industrial Drive and the Northwest corner of Parcel III. As Parcel III is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109, which is South 00°01'18" West (South 00°01'35" East Record) a distance of 834.44 feet and North 90°00'00" East (North 89°57'07" East Record) a distance of 670.45 feet from a found 1" rod at the northwest corner of the Northeast Quarter of said Section Twenty Two (22); thence South 89°51'49" East (South 89°53'09" East Record) Along the north line of saidParcel III a distance of 786.46 feet to a set five eighths (5/8) inch rebar with cap at the Northeast corner of Parcel V as Parcel V is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109; thence South 00°01'01" West (South 00°00'09" East Record) Along the East line of said Parcel V a distance of 487.26 feet (487.37 feet Record) to a set five-eighths (5/8) rebar with cap at the Southeast corner of Parcel V and South Line of the North Half (1/2) of the Northeast Quarter (1/4) of said section Twenty-Two (22) thence North 89°52'39" West (North 89°55'32" West Record) along the South line of said Parcel V and the South line of the North Half (1/2 of the Northeast Quarter (1/4) of said Section Twenty-Two (22) a distance of 1126.50 Feet to a set five-eighths (5/8) inch rebar with cap at the Southwest Corner of Parcel II as Parcel II is recorded in the records of the St. Joseph County, Indiana Recorder's Office as Document Number 9341109; thence North 00°01'18" East(North 00°01'35" West Record) along the West line of said Parcel II a distance of 331.10 feet to a set five-eighths (5/8) inch rebar with cap at the Northwest corner of said Parcel II; thence North 90°00'00" East (North 89°57'07" East Record) along the North line of said Parcel II a distance of 300.00 feet to a set pk nail at the West right-of-way line of Penz Industrial Drive; thence South 00°01'18" West (South 00°01'35" East Record) along said Right-of-way line and the East line of said Parcel II a distance of 3.69 Feet to a set pk nail at a point on a curve having a radius of 71.00 Feet; thence bearing left along said curve and rightof-way line an arc distance of 77.91 feet (chord bearing and distance = South 31°27'28" West 74.06 Feet) to a set five-eighths (5/8) inch rebar with cap at a point on a curve having a radius of 54.00 feet; thence bearing right along said curve and rightof-way line an arc distance of 144.08 feet (chord bearing and distance= South 13°32'36" East, 104.99 Feet) to a set five-eighths inch rebar with cap at a point on a curve having a radius of 14.00 feet; Thence bearing left along said curve and rightof-way line an arc distance of 21.99 feet (chord bearing and distance= South 04°58'45" East 19.80 Feet) to a set pk nail; thence South 89°52'39" East a distance of 40.00 feet to a set five-eighths inch rebar with cap at the East Right-of-way line of Penz Industrial Drive; thence North 00°01'18" East (North00°01'35" West Record) a distance of 338.65 feet to the point of beginning, containing 11.07 acres, more or less, subject to public highway sand any easements of record, if any.

F:\DATA\Cja\1400industrial\1400Purchagr5.doc

EXHIBIT B



NOV-13-2002 11:53
P.02/02
David A. Diroll
President
AMIL
aging Corporation
FirstPak
A Family Owned Company
INDUSTRIAL DRIVE
1410
1420
1435
CITY OF MISHAWAKA
PARCEL "A"
CURVE DATA
LINE DATA
MONUMENT CHART

RESOLUTION NO. 2025-16

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

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

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

Section 2. This RESOLUTION 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, Presiding Officer

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

Deborah S. Block, IAMC, MMC
MAY 29 2025
City Clerk
Mishawaka, IN

Date: May 29, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire – Controller

Re: Investment of Public Funds

For the June 2nd meeting, I am requesting approval of the annual investment resolution as required by statute.

This item is renewed annually and authorizes the City of Mishawaka to invest outside of its political subdivision.

We utilize Baker Tilly to manage our investment process, and it has been very successful. With numerous outstanding bonds, having them manage bidding, timelines, and documentation is invaluable to increase revenue while our projects are being completed. We also invest funds where we have available cash balances.

You may recall that we have other statutory investment ordinances. Two others are on four-year terms and are not up for renewal.

Please contact me with any questions.

c: David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC
APR 0 9 2025
City Clerk
Mishawaka, IN

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

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.

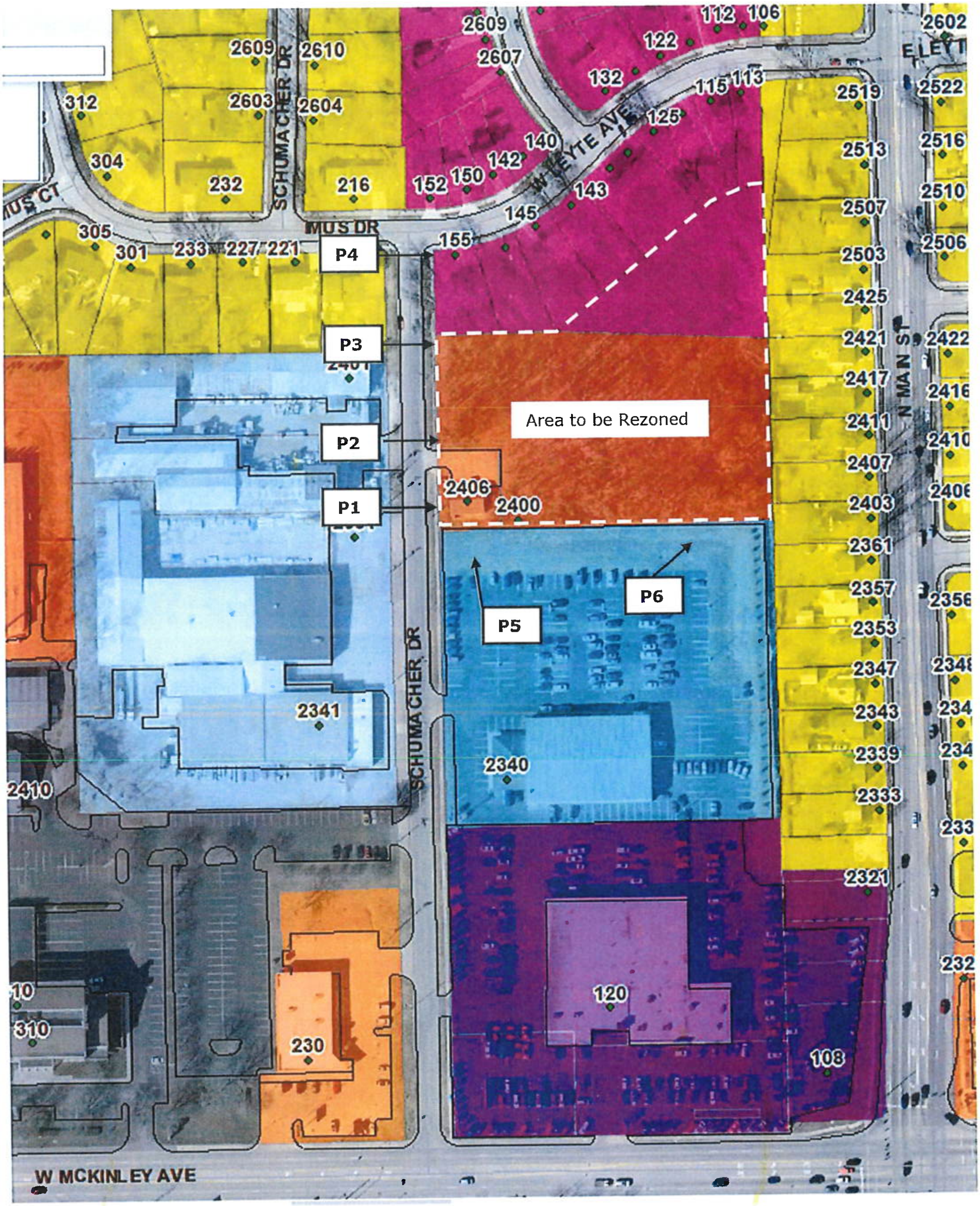
RECOMMENDATION

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.

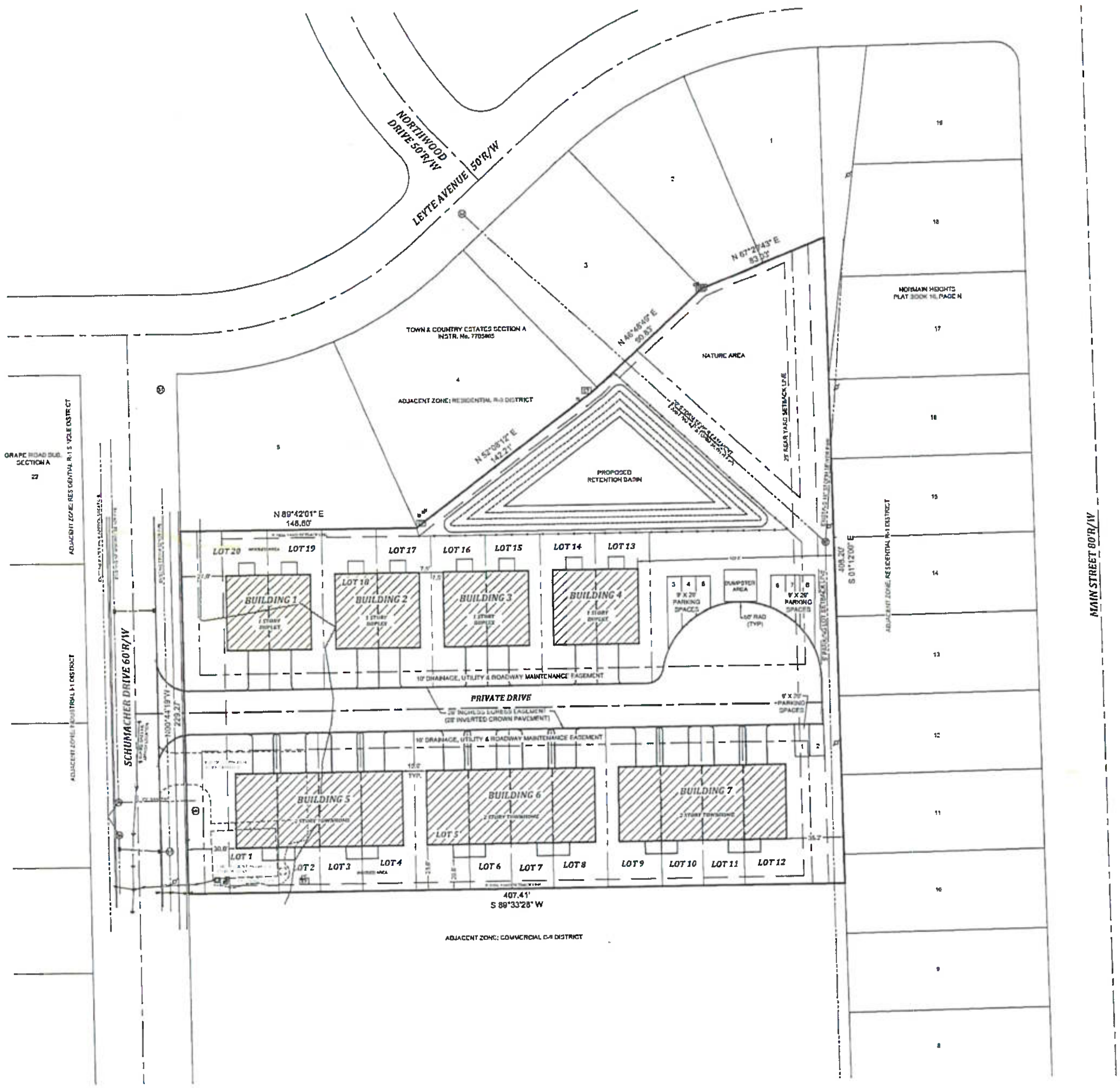
P2. Parking lot and wooded area. East facing from Schumacher Dr.

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.

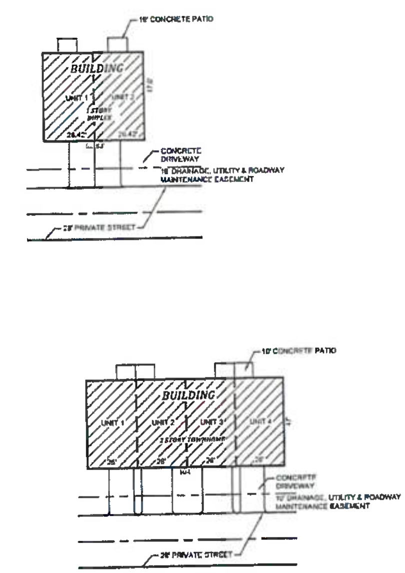


PRELIMINARY SITE PLAN

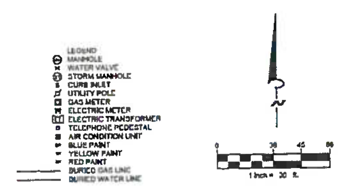
PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

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
SCALE: 1" = 30'
DRAWN BY: JME
CHECKED BY:

1 of 1

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

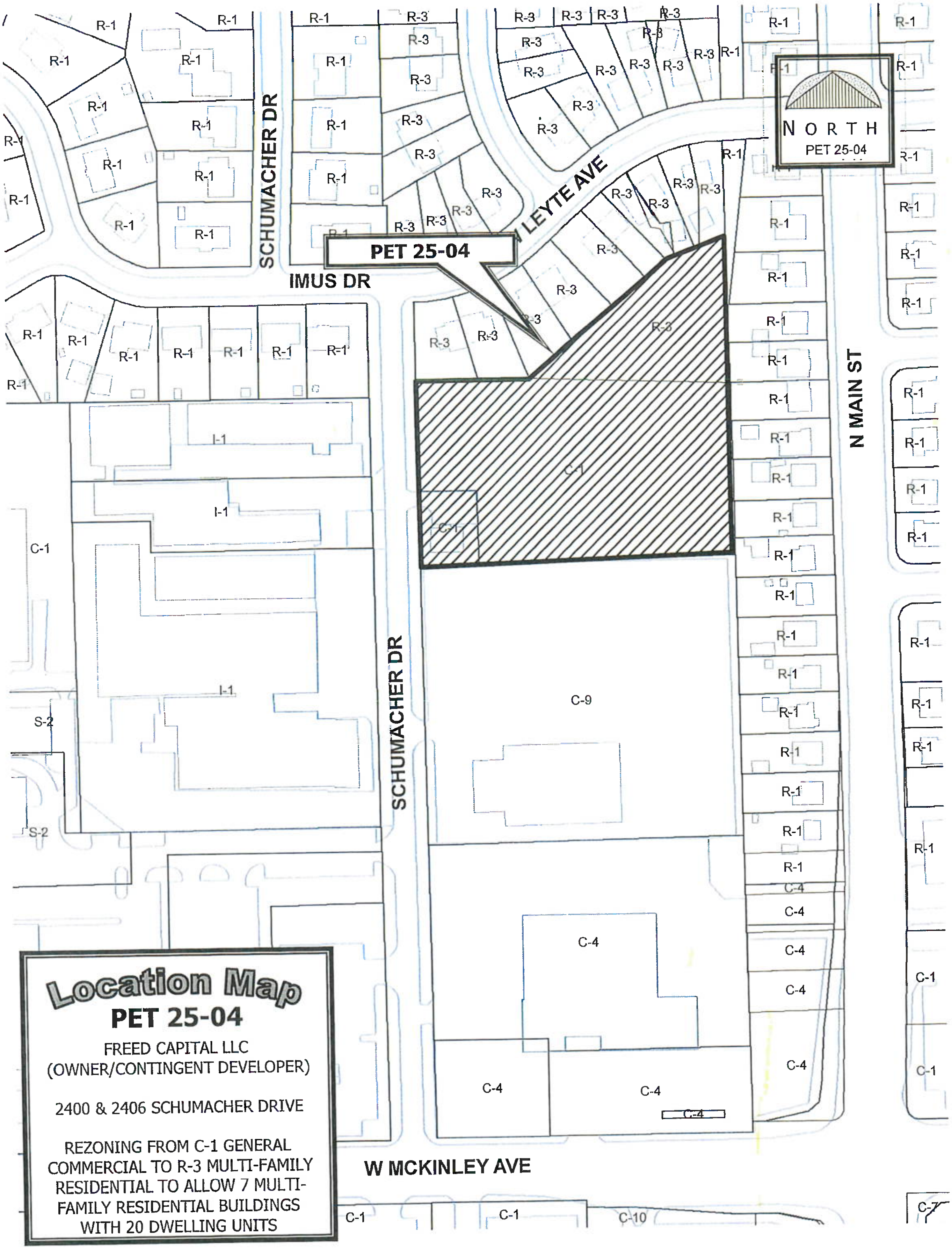
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-3 Multi Family Residential and Commercial C-1 District. Said property is currently a vacant wooded lot.

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
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC
MAY 14 2025
City Clerk
Mishawaka, IN

PETITION 25-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-11

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:

115 Virginia 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 3 & 4, C.G. Klein's Subdivision

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential 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 Low Density Residential. Rezoning this property to R-1 Single Family Residential would match the intended land use by the Comprehensive Plan.*

2. *Current conditions and the character of current structures and uses in each district – A zoning of R-1 Single Family Residential would adhere to the current conditions and character of the property as it being used a single family home.*

3. *The most desirable use for which the land in each district is adopted – The most desirable use for the property is a single family home as the Comprehensive Plan indicated.*

4. *The conservation of property values throughout the jurisdiction –The property is and has been a single family residence so there would be no impact to the neighboring properties thus conserving the property values in the neighborhood.*

5. *Responsible development and growth - The proposed change is desirable given the surrounding area north of Lincolnway East is single family homes and zoned as R-1 Single Family 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, 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: 115 Virginia Street

Date: May 13, 2025

Petition: 25 03

Prepared By: DMW

GENERAL INFORMATION

Applicant:	Carolyn A Living Trust/Robert Henry, Executor
Status:	Property Owner
Request:	Rezone from C-1 General Commercial District to R-1 Single Family Residential
Zoning Classification:	C-1 General Commercial District
Lot Size:	0.40 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:	R-1 Single Family Residential
	South:	C-1 General Commercial/C-4 Auto Oriented Commercial
	East:	R-1 Single Family Residential
	West:	R-1 Single Family Residential/C-1 General Commercial

Thoroughfare:	Virginia Street North of Lincolnway East
Council District	3
School District:	School City of Mishawaka
Public Utilities:	All public utilities are available and existing.
Comprehensive Plan:	Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 115 Virginia Street from C-1 General Commercial District to R-1 Single Family Residential District. The property is located on Virginia Street just north of Lincolnway East. Surrounding properties to the north, east and west are zoned R-1 Single Family Residential and property located on Lincolnway East are zoned C-1 General Commercial/C-4 Automobile Oriented Commercial.

The property was previously under the same ownership as the southern lot, 2934 Lincolnway East, which was sold in 2016. The property has been zoned as C-1 General Commercial since before the 1980's when single family residences were permitted in commercial districts. The current owner is selling the property.

Pertinent City Departments have reviewed and approved the request.

Recommendation

The Planning Department recommends **approval** of Petition #25-03 to rezone 115 Virginia Street from C-1 General Commercial 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 Low Density Residential. Rezoning this property to R-1 Single Family Residential would match the intended land use by the Comprehensive Plan.

2. *Current conditions and the character of current structures and uses in each district* – A zoning of R-1 Single Family Residential would adhere to the current conditions and character of the property as it being used a single family home.

3. *The most desirable use for which the land in each district is adopted* – The most desirable use for the property is a single family home as the Comprehensive Plan indicated.

4. *The conservation of property values throughout the jurisdiction* –The property is and has been a single family residence so there would be no impact to the neighboring properties thus conserving the property values in the neighborhood.

5. *Responsible development and growth* - The proposed change is desirable given the surrounding area north of Lincolnway East is single family homes and zoned as R-1 Single Family Residential.

Attachments

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP


016-1089-361003
016-1089-3649
125
124
016-1089-3650
P2
VIRG ST
120
016-1089-3652
016-1229-8993
116
016-1089-3653
115
P1
016-1089-3610
016-1229-8993
P3
016-1229-8994
016-1089-3654
2934
3002
3006
2926
2930
LINCOLNWAY EAST
Aerial

P1. Facing west from Virginia Street

P2. Facing southwest from Virginia Street

P3. Facing north from parking lot at 2934 Lincolnway East

PC25-03
Received
MAR 18 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, Robert Henry, respectfully submits this petition as the owner of the following real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana:

Property Address:
115 Virginia St, Mishawaka, IN 46544

Legal Description:
Lot 3 & 4, C.G. Klein's Subdivision

PARCEL IDs:

16-1229-8996 & 16-1229-8995

The above-described parcel is 100% owned by *Henry Carolyn A Living Trust*, with Robert Henry as the sole executor.

The lot was previously conjoined with the adjacent parcel under prior ownership and was utilized for a business. When the previous owner subdivided the parcels, this lot retained its **C-1 zoning** despite no longer being associated with the commercial use. The property is currently zoned **C-1 (Commercial District)** but is used solely as a residential home. The petitioner requests that the property be **downzoned to R-1 (Residential District)** to align with its current and intended residential use.

Wherefore, the petitioner respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission for review and, after due consideration, enact an ordinance rezoning the property to R-1.

Respectfully submitted,

Robert Henry
Date: 03/17/2025

Robert Henry, Executor of *Henry Carolyn A Living Trust*
(574)309-3939

Designated Representatives:

Sky Dawson
(260)264-8083
TC@middleamericahomes.com

Seth Dawson
(260)888-3939
Seth@middleamericahomes.com

PET 25-03

Received

MAR 18 2025

Planning and
Community Development

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

Subject: Designation of Representatives for Rezoning Matters

To whom it may concern,

I, Robert Henry, as the Executor of the *Henry Carolyn A Living Trust*, hereby designate **Seth Dawson** and **Sky Dawson** as my authorized representatives for all matters related to the rezoning process for the property located at 115 Virginia St, Mishawaka, IN 46544.

Seth Dawson is the owner of *Middle America Homes*, and Sky Dawson is the transaction manager of *Middle America Homes*. Middle America Homes is assisting me in the sale of the property, and both individuals are authorized to act on my behalf in communications, submissions, and proceedings related to rezoning.

Please direct all inquiries and correspondence regarding this matter to Seth Dawson and Sky Dawson, who will coordinate with me as necessary.

Thank you for your time and assistance.

Sincerely,

Robert Henry

Date: 03/17/2025

Robert Henry
Executor, *Henry Carolyn A Living Trust*

Designated Representatives:

Sky Dawson
(260)264-8083
TC@middleamericahomes.com

Seth Dawson
(260)888-3939
Seth@middleamericahomes.com

Proof

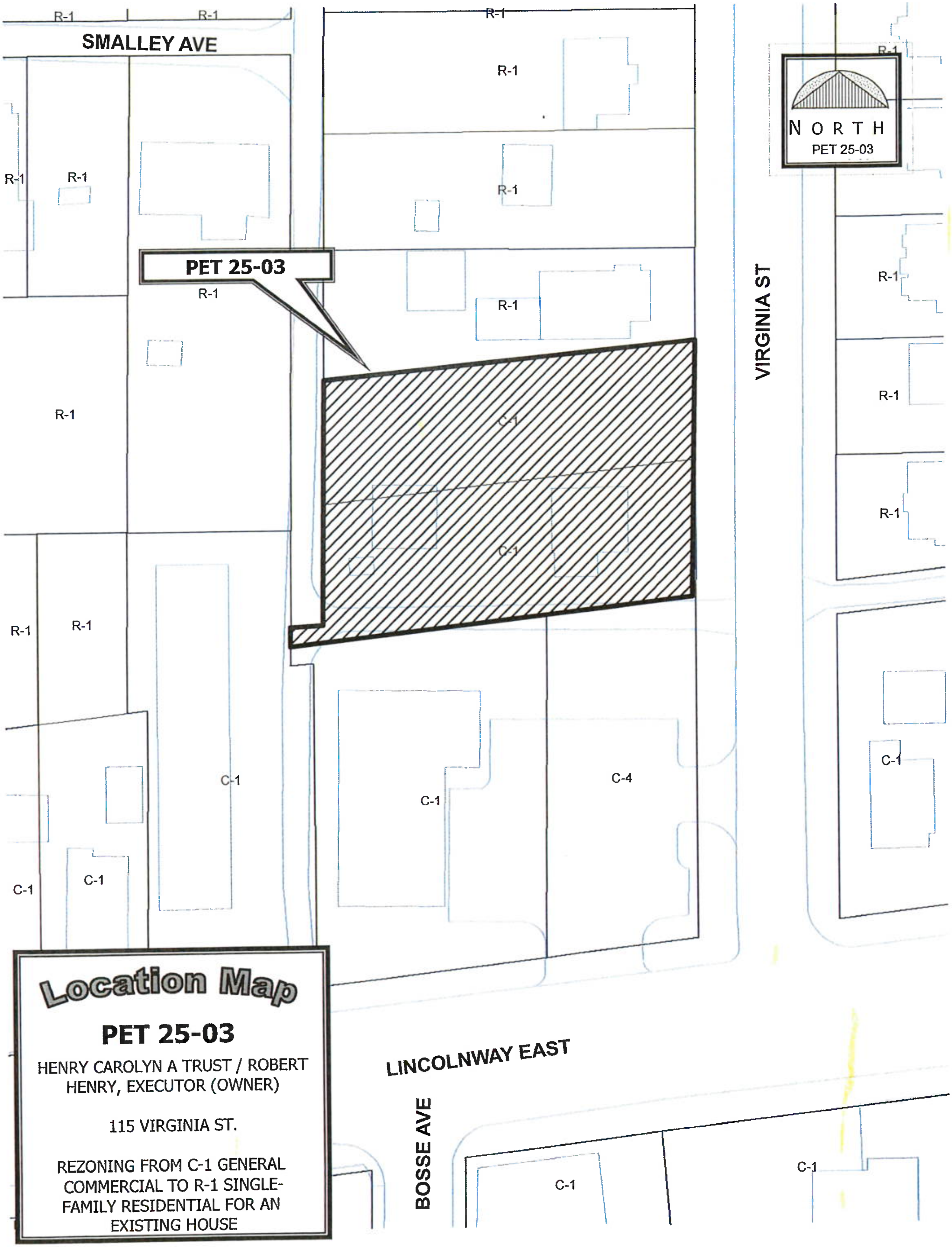
How to Verify This Transaction

Every Proof transaction is recorded and saved for a minimum of five years. Whether you receive an electronic or printed paper copy of a Proof document, you can access details of the transaction and verify its authenticity with the information below.

To get started, visit verify.proof.com and enter this information:

Access ID:	3SRND97Z
Access PIN:	UZ35SB

For more information on how to verify Proof transactions, please visit: support.proof.com


SMALLEY AVE
VIRGINIA ST
NORTH
PET 25-03
PET 25-03
R-1
C-1
C-4
LINCOLNWAY EAST
BOSSE AVE
Location Map
PET 25-03
HENRY CAROLYN A TRUST / ROBERT HENRY, EXECUTOR (OWNER)
115 VIRGINIA ST.
REZONING FROM C-1 GENERAL COMMERCIAL TO R-1 SINGLE-FAMILY RESIDENTIAL FOR AN EXISTING HOUSE

PROPOSED ORDINACE No. 2025-12

ORDNIANCE NO. ______

An ordinance of the Common Council of the of the City of Mishawaka authorizing special utility service agreements for economic development and customized Utility needs.

Whereas, the City of Mishawaka, through Mishawaka Utilities, owns and operates public water (MUW), wastewater (MUWW), and sewer utilities (MU Sewer) that provide essential services to residents and businesses; and

Whereas, the City of Mishawaka recognizes the importance of supporting economic development, encouraging capital investment, and attracting innovative, large-scale industries through flexible and responsive public utility policies; and

Whereas, certain industrial or commercial developments may require customized utility service arrangements, including volume-based pricing, infrastructure coordination, or unique delivery terms that fall outside standard rates and practices; and

Whereas, similar to investor-owned utilities operating in Indiana, which are permitted to submit special contracts to the Indiana Utility Regulatory Commission (IURC) confidentially to protect sensitive pricing and negotiation data, municipalities may seek to preserve the confidentiality of specific economic terms through recognized exemptions under Indiana's public access laws; and

Whereas, it is the intent of the City of Mishawaka to authorize Mishawaka Utilities to enter into such agreements while ensuring full protection of its ratepayers, maintaining financial integrity, and safeguarding transparency in all matters of public interest.

Now, Therefore, be it ordained by the Common Council of the City of Mishawaka, Indiana, that :

Section 1. Mishawaka Utilities is hereby authorized to negotiate and enter into special utility service agreements for the provision of water, wastewater, and sewer services to commercial, industrial, or institutional users whose operations or investments justify a tailored service approach. These may include:

- Non-standard rate structures
- Bulk or volume-based pricing
- Infrastructure delivery coordination
- Timed service implementation aligned with project milestones
- Other terms as mutually negotiated

Section 2.

A. Recognizing the competitive and strategic nature of economic development negotiations, the economic terms and conditions of any special contract may be treated as confidential and exempt from public disclosure to the extent permitted by Indiana Code § 5-14-3-4(b)(5) or other applicable provisions of the Indiana Access to Public Records Act (APRA), as related to ongoing or prospective economic development activities.

B. Such confidentiality shall extend to but is not limited to:

- Unit rate(s) and pricing structures
- Contribution amounts for infrastructure
- Service incentives or negotiated benefits
- Project-specific utility usage estimates or projections

C. While specific monetary amounts and economic details shall not be disclosed in this ordinance, the City of Mishawaka affirms that no agreement shall result in Mishawaka Utilities' ratepayers subsidizing or financially underwriting any portion of the agreement.

Section 3: To ensure transparency and maintain the integrity of the Council's decision-making process while adhering to applicable confidentiality requirements, the Administration shall keep the Common Council informed of negotiations conducted pursuant to this ordinance.

Section 4. All special utility service agreements shall:

1. Be prepared in writing with a clear scope, term, and mutually agreed obligations;
2. Include a fiscal impact assessment and legal review;
3. Be approved by the Mishawaka Utility Board prior to execution; and
4. Be submitted to the Mishawaka Common Council for final approval.

Section 5. To maintain transparency, the City shall:

- Disclose the general purpose, geographic scope, and anticipated service impacts of the agreement;
- Include confirmation that the agreement does not impose financial burden on general ratepayers;
- Make non-confidential portions of the agreement available upon request in accordance with APRA.
- In accordance with APRA, the terms of the final offer of public financial resources communicated by Mishawaka Utilities to a prospect for a special utility agreement shall be available for inspection and copying after negotiations with that prospect have terminated.

Section 6. If any section, clause, or portion of this ordinance is found to be invalid or unenforceable, the remaining portions shall remain in full force and effect.

Section 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Mishawaka and approval by the Mayor.

PASSED by the Common Council on this ___ day of ________, 2025 at _________ o'clock __.m.

____
Gregg Hixenbaugh, Council President

ATTES___________________________
Deborah S. Block, IAMCA, MMC
City Clerk

PRESENTED to the Mayor 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

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

OFFICE OF THE MAYOR

Deborah S. Block, IAMC, MMC

MAY 14 2025

City Clerk
Mishawaka, IN

Subject: Introduction of MU Special Contract Ordinance

Dear President Hixenbaugh and Members of the Mishawaka Common Council,

I am writing to formally introduce and request your consideration of the proposed MU Special Contract Ordinance.

This ordinance has been carefully developed in response to the evolving needs and opportunities within our community, particularly in relation to our continued commitment to economic development, utility service innovation, and long-term strategic partnerships. It is intended to provide the legal framework necessary for the City of Mishawaka, through its Municipal Utilities, to negotiate and enter into special utility service contracts under defined and controlled circumstances.

The need for this ordinance stems from an increasing number of unique service requests and infrastructure projects that fall outside the parameters of our existing utility rate structures. Without this flexibility, we risk missing timely opportunities to support major developments and investments that can significantly benefit our community. By enabling these contracts—with appropriate oversight and within the bounds of existing law—we aim to remain competitive while safeguarding the public interest.

Importantly, this ordinance also includes provisions to maintain transparency and Council involvement. We have incorporated language to ensure that Council leadership is kept informed of any ongoing negotiations, and when appropriate under the Open Door Law, briefed in executive session prior to final action. Where such sessions are not permitted, the ordinance provides for the Council President to be apprised of relevant details in advance, fostering a clear and consistent line of communication between the Administration and Council.

I respectfully ask for your thoughtful consideration and support of this ordinance. I believe it represents a balanced, forward-looking policy that protects public accountability while allowing our City the flexibility needed to adapt and grow in a changing economic environment.

Should you have any questions or wish to discuss the ordinance further, I am available at your convenience and welcome any input or recommendations.

Sincerely,
Matthew Lentsch, MPA
Executive Director of Development and Governmental Affairs
City of Mishawaka

City Hall • 100 Lincolnway West • Mishawaka, IN 46544
Phone: (574) 258-1601 • Fax: (574) 258-1603 • www.mishawaka.in.gov