



AGENDA

September 22, 2025

Meetings of Standing Committees
Council Conference Room
5:45PM

Livestream
<http://mishawaka.in.gov/council/livestream>

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

WebEx Telephone Number:1-408-418-9388
Meeting Number (access code): 2348 170 0078
Meeting password:m3vPREd4CG3

Dial: 23481700078@mishawaka.webex.com

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

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of September 08, 2025

5. Petitions, Communications, Remonstrance, and Memorial

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2025-21	PUD Amendment to allow detached Single-Family residential use - West Side of Filbert Rd. South of Park Place
P.O. No. 2025-22	PUD Amendment to allow for Shooting Range - 3717 & 3729 Bremen Hwy
P.O. No. 2025-23	Rezone from C-7 to C-10 Filling Station Commercial - 1008 S. Merrifield
P.O. No. 2025-24	Rezone from C-1 General Commercial to C-7 Automobile Oriented Restaurant - North of 4340 N. Main St.
P.O. No. 2025-25	Civil City Budget & Tax Levy for 2026
P.O. No. 2025-26	Amending Mishawaka Utilities Wastewater Rates & Charges

8. Resolutions

9. Ordinances on Second Reading

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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages.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:

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.



REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 8, 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 September 8, 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.

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

P: Present E: Electronically Participating A: Absent

Minutes for the Regular Meeting on August 18, 2025, were approved as received from the Clerk's Office.

Mayor's Youth Council Swearing-In

Mayor Wood stated this was one of their favorite nights of the year when they swore in their future leaders in Mishawaka to begin and in some cases return to a journey where they learned an education that was not commonly taught, which was an education of their hometown and their local government where the services they depended on most cases on a daily basis happened. Mayor Wood stated they would get the opportunity to gain experience about those services, participate in those services, and most importantly serve their community and help lead their community. Mayor Wood stated as they had done for now fifteen years, they would swear the students in just as though they were public servants, because they were public servants and would be taking mainly the same oath all elected officials took and they would be swearing in on what he referred to as the Mishawaka family Bible. Mayor Wood stated it was the same Bible that he swore in on and the Bible that he swore all of their public servants in on. Mayor Wood stated they would adjourn after they swore in and they would go upstairs to select their leadership and run their meetings much like the Mishawaka Common Council did. Mayor Wood stated they would be finishing the shoe project that was started by last year's youth council, and they raised significant funds privately and they would start to see about fifteen shoes hit the street that the kids would make sure happened in an orderly and organized fashion. Mayor Wood stated last year, they formed a great partnership with the VFW and with Troop Town and they would be collecting food for Thanksgiving for their veterans, which was a very good program. Mayor Wood stated they would all get over to the VFW and distribute the food personally to them and it was one of the highlights of the year where they got to have a hands-on approach to community service. Mayor Wood stated they would also do their field trips to many of their departments and would get the chance to meet other elected officials as they went and learned

about state government and likely have some speakers come back, including alumni of the Mayor's Youth Advisory Council, and share their experiences and mentor the kids. Mayor Wood stated last year, they had two Notre Dame students, a manager of the football program and a player on the football team, who were alumni of the youth council come back and share their experiences with their youth council kids. Mayor Wood stated they had 33 kids involved in the program that year which was much in line with what they had in the past and had them from three high schools, Mishawaka High School, Mishawaka Marian High School, and Penn High School, and all of the kids were dynamic. Mayor Wood stated he could not be prouder to swear them in, but the program would not happen without the help of some volunteers and of course some staff members but especially his wife Jaimi with this being her love and passion for all of the years they had both been involved with the program. Mayor Wood stated with his staff at the office, Cindy and Debby, the program would not happen without their help, and they also had an intern who was a senior student at the University of Notre Dame who would be assisting with the program as well as many other things around the city, Mason. Mayor Wood stated they had a volunteer as well who had come back to help them who was an alum who would help mentor and coach the kids, Parker Norris. Mayor Wood stated he could not wait to get it going and the kids were their future leaders, and it gave him the upmost confidence in the future of Mishawaka knowing the kids were there learning and leading today. Mayor Wood thanked all of the parents of the students, because it was a family commitment as far as getting their kids there and he knew the kids in many cases were involved in a lot of activities but the fact that they made the youth council a priority said a lot about them and their families. Mayor Wood proceeded with the swearing in and stated all of the kids would come up one by one to accept their pin and then be sworn in as a group. The following is a list of the students who were sworn in.

Domenic Buysee

Allison Callan

Matthew Geise

John Loesch

Charles Madden

Ryan McGuire

Brynn Micinski

Marcelino Rodriguez

Annie Verslype

Claire Walczak

Reid Sutherland

Anderson Cannon

Brock Foster

Leah Gradeless

Esther Kamau

Millie Mammolenti

Dakoda Shannon

Noah Sullivan

Daniel Williams

Benjamin Galiher

Connor Geoghegan

Stephen Haughee

Maximus LaFleur

Ishita Masetty

Joseph McQueary

Isabella Persyn

Tobias Prince

Andrew Rimelspach

Kenadie Rodman

Grant Spadafore

Caitlyn “CJ” Vantine

Ranveer Verma

Eliza Wright

Parker Norris

The Mishawaka Common Council took a five-minute recess to allow the Mayor’s Youth Advisory Council to take pictures and then would reconvene after they were done with the picture taking.

Clerk Block read the following petitions by title.

Petition No. 2025-11	PUD Amendment to allow detached Single-Family residential use – West Side of Filbert Rd. South of Park Place
Petition No. 2025-12	PUD Amendment to allow for Shooting Range – 3717 & 3729 Bremen Hwy

Petition No. 2025-13 Rezone from C-7 to C-10 Filing Station Commercial – 1008 S. Merrifield

Petition No. 2025-14 Rezone from C-1 General Commercial to C-7 Automobile Oriented Restaurant – North of 4340 N. Main St.

A public hearing on Vacation 2025-01 required by State Statute on behalf of the City of Mishawaka and School City of Mishawaka have filed a petition for vacation of the public right-of-way described: Right-of-Way Vacation due to Realignment- Ballard St. south of Vistula Rd.

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **Vacation 2025-01**. Mr. Prince stated the relocation of the intersection as a result of their ongoing long-term control plan sewer separation. Mr. Prince stated as part of ripping up all of the streets to put the separated sewers in, they wanted to take the opportunity to do further and, in this case, that would be to realign Ballard as it had been offset by about 180 feet. Mr. Prince stated the area on the south side of Vistula was about 180 feet to the west of the intersection of the north side and by aligning the intersections together, it allowed for a four-way stop and those that were familiar with Twin Branch School, the crossing guard had to walk across without having a controlled intersection and they felt this was a better circumstance. Mr. Prince stated the vacation before them was because of that relocation and the old right-of-way that was adjacent to the Twin Branch School property was no longer needed, so they were asking for the vacation of that right-of-way. Mr. Prince stated he was happy to answer any questions they had.

Mr. Hixenbaugh stated he appreciated the city and the School City of Mishawaka for their partnership on this venture, and he particularly appreciated the fact that it was reopened prior to the start of school, and it was a benefit to him as a resident of that neighborhood. Mr. Hixenbaugh stated he was really happy with how traffic flowed as a result of the change. Mr. Prince stated Chris Jamrose, City Engineer, worked hard to make that happen. Mr. Hixenbaugh asked Mr. Prince to pass the Council's thanks along to her.

Mr. Mammolenti echoed Mr. Hixenbaugh's comments and thanked Mr. Prince, Chris Jamrose, and all of the folks that worked behind the scenes to make this happen and he knew it made a lot of the residents and School City employees happy. Mr. Mammolenti thanked all that were involved.

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

RESOLUTION R2025-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY

**RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE
NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION
OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE
NORTHWEST IMPROVEMENT PROJECT INTO ONE
CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN
AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY
THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION
Adding Property to the City Acquisition List – 58802 Bremen Hwy**

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **RESOLUTION R2025-22**. Mr. Prince stated as they planned for the widening of Union Street and Bremen Highway going south, they would continue to bring acquisitions to the Council for their consideration. Mr. Prince stated in this case, the property was a 10-acre property located about 1,000 feet south of the intersection of Dragoon Trail and Bremen Highway. Mr. Prince stated it was on the east side of the road, it was ten acres, and they had been partnering with the property owner with other things, such as taking leaves from the city's leaf collection in the past there. Mr. Prince stated the property owner wanted to sell the property at that point in time and they wanted to pursue the acquisition. Mr. Prince stated they knew they would need the frontage of the road for the future road widening, so now was the opportune time to do it. Mr. Prince stated the ten acres by acquiring the total piece should the city desire to have a greater green space plan in the future, it would give them the opportunity to do that also. Mr. Prince stated potentially if there were to be development in that area, it gave them a prime piece of property to help control how the development would occur in that area. Mr. Prince stated for those reasons they were asking for the acquisition at that time, and he was happy to answer any questions.

Mr. Hixenbaugh stated as they had discussed in previous meetings, he appreciated the measured and non-adversarial approach they were taking to bringing the plan to fruition for the future and thanked everyone for the work they had done on this.

Question was called for at 6:32PM for **RESOLUTION R2025-22 Motion passed by unanimous roll call vote (summary: Yes = 8)**.

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2025-23

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S
PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY
APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH
APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN
COMMISSION APPROVING A CERTAIN DECLARATORY
RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE**

**NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION
OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE
NORTHWEST IMPROVEMENT PROJECT INTO ONE
CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN
AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY
THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION
Adding Property to the City Acquisition List – 1022 S. Union St.**

Ken Prince, Director of Planning and Community Development for the City, spoke in favor of **RESOLUTION R2025-23**. Mr. Prince stated the property, 1022 South Union Street, was the Jackal Warehouse and Distribution Facility located at the northeast corner of 12th Street and Union. Mr. Prince stated as those of you that were obviously familiar with the property, it was close to the road at Union Street. Mr. Prince stated they actually worked with the property owner when we acquired the former store that was located to the south. Mr. Prince stated they were having issues with loading docks, and they wanted to see if they could acquire just a piece of the building. Mr. Prince stated it was about 10 years ago, and the price was cost prohibitive at that time, and it was about \$500,000 to take off the front of the building, leave the rest of the building, just for what they thought was going to be the future widening of the property. Mr. Prince stated they were contacted a year ago by the property owner and they thought they were in a position to acquire another facility and asked if the city was interested in it and they said they were. Mr. Prince stated they proceeded to get appraisals on the property, and the appraised value of the property was a little over \$1,050,000. Mr. Prince stated at that point in time, their potential acquisition had fallen through, so if they noticed when he sent the Council the buy-sell agreement that was approved by the Redevelopment Commission, the owner, even though that potentially fell through, wanted to have the opportunity to sign it at that point in time, so as the property became available, they did not have to go through the process again. Mr. Prince stated they really just wanted to have that price confirmed as they shopped for another location and looked to potentially build a building. Mr. Prince stated even though the property, in terms of the widening of Union Street, was a future phase, the first phase would deal with the intersection of Dragoon and Union, and the second phase would deal with 12th Street, 13th Street, and the 13th Street intersection with Union. Mr. Prince stated this was more than five years away, but because they had a willing buyer and willing seller situation, and it was so close to the road and they knew they needed the property, regardless, they were asking to add it to the acquisition list at this time. Mr. Prince stated he was happy to answer any questions that the Council had.

Mr. Mammolenti asked based on the odd shape of the parcel if it were possible that they used the front part near the road and then perhaps develop it and then resell it unused or would they be going wide enough into the other side of the parcel. Mr. Prince stated no, the property itself was about an acre and a half and so if you drew a north-south where the alley dead ended into the building, there was a north-south alley that dead ended, and the property had kind of an L-shape to it. Mr. Prince stated everything on the area by Union, that front piece would be required as part of the road-widening project because they wanted to do a multi-use trail and make it look nice going through that corridor, but the balance of that acre would be available for another development project. Mr. Prince stated what they would do was hold that until the road project was actually done. Mr. Prince stated they were not going to try to market the property even after

they acquired it and knocked the building down. Mr. Prince stated they would hold the property, and it would provide a staging area for the contractor for the work during that time, so they would not try to figure out that future redevelopment project until the road was done. Mr. Mammolenti asked if it was possible down the road. Mr. Prince stated yes, they would have an acre of extra property in a prime location. Mr. Mammolenti thanked Mr. Prince.

Mrs. Voelker stated she was curious about leaving an empty building for what could be five or ten years and asked if they would demolish the building and just hold it as an open space place marker. Mr. Prince stated no, their goal could take up to three years. Mr. Prince stated they would be active on the property until they had another place to which they could move. Mr. Prince stated they had from a one to three-year period in which to do that and once they vacated the facility, their intent was to acquire it and immediately take it to the ground and by immediately, it would take them six months to a year by the time that they did the environmental remediation and then take the building to the ground. Mr. Prince stated their intent was not to have a vacant building there. Mr. Prince stated they really did not want to leave a vacant building in place as a liability. Mrs. Voelker thanked Mr. Prince.

Mr. Violi asked if the entire building would be torn down. Mr. Prince stated that was correct. Mr. Violi asked if it would be flattened. Mr. Prince stated that was correct. Mr. Violi asked if they had a closing date and if they were going to have to come up with the cash before they moved out or if there was a closing date for the money transaction. Mr. Prince stated because the proposed purchase price was over a million dollars and they received their tax distributions every six months, they wanted to make sure that their cash flow was managed appropriately, so in that agreement, they required that they gave a six-month notice before closing on the property so that they had adequate time to ensure that they had the cash for closing. Mr. Violi asked if they may not complete the transaction for a couple of years. Mr. Prince stated that was right and they had one to three years to find another facility, and they would not acquire it until then and the closing would not happen until that distribution. Mr. Violi thanked Mr. Prince.

Mr. Carroll asked about the range of costs to take it to the ground, get rid of any hazardous materials, and those types of things and how much that would turn out to be. Mr. Prince stated a complete ballpark guess would be in the few hundred-thousand-dollar range. Mr. Carroll thanked Mr. Prince.

Mr. Hixenbaugh asked with regard to the eventual closing date and the acquisition of the property, if they had a sense at that point in time what the source of the funds would be that the city would use to acquire that property. Mr. Prince stated they were using their consolidated TIF district for all of the acquisitions and they would continue to use it. Mr. Hixenbaugh asked if it would not be a general fund purchase and if it would be that separate source of revenue that they had that allowed them to be able to acquire property and be involved in redevelopment properties. Mr. Prince stated that was correct. Mr. Hixenbaugh asked if that also would be the same with regard to the resolution that they voted in favor of earlier that evening. Mr. Prince stated that was correct and both resolutions were. Mr. Prince stated with every property that they looked to acquire along Union Street, they would be using the consolidated TIF funds for those acquisitions. Mr. Hixenbaugh thanked Mr. Prince.

Mrs. Voelker asked when they redid Union Street, if that 12th to 13th Street thing was going to stay in there and if they would reroute. Mr. Prince stated what would happen was the street that was immediately to the east, that little section of street that they were currently using for their truck loading and unloading, that section of street would go away, but the curve had to stay in place. Mr. Prince stated that vacated portion by the building would go away. Mrs. Voelker thanked Mr. Prince.

Question was called for at 6:43PM for **RESOLUTION R2025-23 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2025-24

A RESOLUTION OF THE COMMON COUNCIL OF THE OF THE CITY OF MISHAWAKA, INDIANA REGARDING NATIONAL SEE TRACKS? THINK TRAIN WEEK

Commemorating National see Tracks? Think Train Week

Clerk Block read the resolution in its entirety.

**WHEREAS SEE TRACKS? THINK TRAIN WEEK is to be held across the United States
From September 15 to 21, 2025; and**

**WHEREAS, 2,252 rail grade crossing collisions resulted in 749 personal injuries and
Were responsible for 268 fatalities in the United States during 2024; and**

**WHEREAS, 1,465 pedestrian trespassing casualties have occurred in the United States
Resulting in 821 pedestrians being killed and another 644 injured while trespassing on
railroad property rights of way during 2024; and**

**WHEREAS, educating and informing the public about rail safety (reminding the public
that railroad right of ways are private property, enhancing public awareness of the dangers
associated with highway rail grade crossings, ensuring pedestrians and motorists are
looking and listening while near railways, and obeying established traffic laws) will reduce
the number of avoidable fatalities and injuries caused by incidents involving trains and
citizens: and**

**WHEREAS, the International Association of Chiefs of Police, National Operation
Lifesaver, Inc., United States Department of Transportation, and all local, state, county,**

and railroad law enforcement officers, first responders, and railroad corporations commit to partnering together in an effort to educate at a national level all aspects of railroad safety, to enforce applicable laws in support of National See Tracks? Think Train Week;

THEREFORE, Mishawaka Common Council proclaims September 15 to 21, 2025, NATIONAL SEE TRACKS? THINK TRAIN WEEK in the City of Mishawaka, and encourage all citizens to recognize the importance of rail safety education.

Mrs. Voelker stated it seemed like that year, they really had a lot of train accidents and asked if there was an education program that was going to be going on that was associated with the resolution, whether it was with their police department or the railroads or School City or anything to back the resolution up with action in their community. Mr. Hixenbaugh stated he was unaware of specific efforts, but he did think that all of those entities that she named, including the school corporation and the police department, had embedded it in their general educational efforts with some information along these lines. Mr. Hixenbaugh stated her question was well taken, and he hoped that the railroad officials who really brought this to their attention would also be willing to partner with the community and to help supplement the resources that they had along those lines, because she hit the nail on the head. Mr. Hixenbaugh stated they may be somewhat of a different type of incident, but they had some very tragic occurrences in their community in recent months with regard to the tracks. Mr. Hixenbaugh any assistance that those who had the ability to assist, beyond just providing them with nice language and a resolution, would be appreciated and he agreed with Mrs. Voelker. Mr. Hixenbaugh stated they ought to be open to partnering with them on that. Mr. Hixenbaugh thanked Mrs. Voelker for raising that point.

Mr. Mammolenti stated he knew a former police officer, Chad Thomas, who now worked for the railroad on the security side of things, and he thought he had seen him set up a booth in certain events, such as National Night Out, providing some literature amongst other things. Mr. Mammolenti stated he would be a valuable resource to reach out to.

Mr. Carroll stated at their recent Second District neighborhood meeting, they had a couple folks ask about if school resource officers, now that they were in each building, would be willing to or if they did that kind of training for kids like they did for DARE and programs like that. Mr. Carroll stated that was just a suggestion from the Second District and he wanted to get it out there. Mr. Hixenbaugh stated Mr. Carroll's point was well taken and thanked him.

Question was called for at 6:48PM for **RESOLUTION R2025-24 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

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

PROPOSED ORDINANCE NO. 2025-19

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.

Vacation of Right-of-Way due to Realignment – Ballard St. south of Vistula Rd.

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

Adam Beery, Lawson Fisher & Associates, 525 West Washington Street, spoke in favor of **PROPOSED ORDINANCE NO. 2025-19**. Mr. Beery apologized for not getting up before as he got confused with some of the other issues that were announced beforehand. Mr. Beery stated as Mr. Prince described, this was a relocation of Ballard Street to align with Ballard Street north of Vistula Road. Mr. Beery stated he would be happy to answer any questions as Mr. Prince covered it very well earlier in the meeting.

Mr. Hixenbaugh thanked Mr. Beery for being there that evening.

Question called for at 6:51PM for **PROPOSED ORDINANCE NO. 2025-19 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5942**.

PROPOSED ORDINANCE NO. 2025-20

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA TO PROHIBIT THE USE OF PUBLIC RECORDS FOR COMMERCIAL USES
Prohibiting Public Records Request for Commercial Purposes**

Mr. Banicki reported the Personnel Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Carroll, the motion carried.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2025-20**. Mrs. Maguire stated she was requesting the Council’s approval of this ordinance that prohibited the use of public records for commercial purposes. Mrs. Maguire stated the state allowed it and it was not a true governmental function. Mrs. Maguire stated they always gave out their public records as requested. Mrs. Maguire stated they followed the law, but commercial requests had been coming more often and more cumbersome. Mrs. Maguire stated typically they got requests that covered six months, open POs, or open uncashed checks, but now they had been receiving more that covered years at a time and this was not a new type of ordinance as other cities did this. Mrs. Maguire stated if there was ever a time that it was unclear whether it was for commercial use or not, they would run it by their law department. Mrs. Maguire stated for example, one response she received after giving out purchase order information, the response was, they would begin the process of combining their records with thousands of other

government agencies' records nationwide. Mrs. Maguire stated they knew that was being done with their records. Mrs. Maguire stated she was happy to answer any questions.

Mr. Mammolenti asked for those that were listening who may not have had a full understanding of what they were talking about that evening with this item if she could give an example of this. Mrs. Maguire stated a request for five or six years of every purchase order that they issued would be an example. Mr. Mammolenti asked if it was specifically concerning the money that they were spending it. Mrs. Maguire stated that was correct and it had to do with time, money, and staff time. Mr. Mammolenti asked if she could go a little bit more into detail about the commercial aspect of this. Mrs. Maguire stated she believed they were companies that produced large databases that they were selling for use of getting municipal information. Mr. Mammolenti thanked Mrs. Maguire.

Mrs. Voelker asked if she were a company and they had been doing business with the City of Mishawaka, and she needed some information for her company's internal use if they could still work with that same company. Mrs. Maguire stated absolutely. Mrs. Voelker thanked Mrs. Maguire.

Mr. Carroll asked if one of those requests came in when it had to do with five or six years of purchase orders, what did that look like under the current ordinance or lack of ordinance they had and how many people that entailed and how long that was going to take them and what they actually had to do to comply with that records request. Mrs. Maguire stated since they had such a large amount of data per year, they could run reports, but they had to be broken down to a smaller size and she usually had to request some type of data portal from the vendor to upload them. Mrs. Maguire stated they went back and forth with one vendor three or four different times because their Dropbox was not working and then finally, she was able to get something where she could upload the files because they were just so large. Mr. Carroll asked if she could give him a ballpark of a large request like that how many manhours were wasted doing something like that on their taxpayers' dime. Mrs. Maguire stated two to three at a time, but she was in the middle of budget season and having to stop and do these complicated things. Mrs. Maguire stated they did confirm that they received the information, so they did track if you did not respond. Mr. Carroll thanked Mrs. Maguire.

Mr. Violi asked if she could tell right away by email or the correspondence that the request was for commercial purposes or if she had to take the time to figure out what it was really for. Mrs. Maguire stated no, they typically knew based on the data they wanted and the response they received back, but she would always confer with the law department if she was not sure or if she denied it, they could come back with other information showing it was not commercial. Mrs. Maguire stated these were the only requests that she received. Mr. Violi thanked Mrs. Maguire.

Mr. Carroll asked if she saw the ordinance as written in any way prohibiting any kind of transparency or accountability rules or laws. Mrs. Maguire stated no, because it was only for commercial use and it had been used in the state of Indiana for quite a few years. Mr. Carroll thanked Mrs. Maguire.

Mr. Hixenbaugh thanked Mrs. Maguire for her leadership in bringing the item to the Council and he supported her statement about other governmental entities having passed and considering passing ordinances like this one. Mr. Hixenbaugh stated he was more familiar with the work the school corporations were doing along these lines and he knew that there were school corporations in Northern Indiana that had already done this and others that were preparing to do exercise the authority the law gave them to make a limited exception to the overall obligation to provide public records to those who requested them, so this was not unique to Mishawaka by any means. Mr. Hixenbaugh stated another point he thought was important for them to highlight was with regard to the commercial requests and both the statute and the ordinance as it was drafted did not prohibit and apply to records that were requested in preparation of news publication, nonprofit activities, or academic research and asked if she agreed with that. Mrs. Maguire stated yes. Mr. Hixenbaugh stated even someone beyond an individual person who made a request still had a right to access the records and it was just the resale and commercial profit motive that was at the heart of this and asked if she agreed with that. Mrs. Maguire stated yes, the for-profit companies. Mr. Hixenbaugh thanked Mrs. Maguire.

Question called for at 6:59PM for **PROPOSED ORDINANCE NO. 2025-20 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5943.**

NEW BUSINESS

Appointment to the Transpo Board

The chair entertained a motion to appoint Ken Kahlenbeck, Director of Operations for School City of Mishawaka, to the Transpo Board. The motion was made by Ron Banicki and with a second from Mr. Mammolenti, a voice vote was held on the motion. The motion passed unanimously, and Ken Kahlenbeck was reappointed to the Transpo Board. Mr. Hixenbaugh stated they appreciated his willingness to serve.

Mr. Carroll announced the Second District meeting would take place at 7PM on Thursday September 11th at the Blair Hills Pool Complex and all Mishawaka residents were welcome to attend.

ADJOURNMENT 7:01PM

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

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

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

SEP 10 2025

City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 25-11

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-21

ORDINANCE NO. _____

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

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

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

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

Part of the Northwest ¼ of Section 3, Township 37 North, Range 3 East in Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

Commencing at the Northeast corner of the Northwest ¼ of Section 3, Township 37 North, Range 3 East (also being the Southeast corner of the Southwest ¼ of Section 34, Township 38 North, Range 3 East), Penn Township, City of Mishawaka, St. Joseph County, Indiana; thence South 01° 15' 50" East on the East line of the Northwest ¼ of said Section 3, a distance of 345.24 feet; thence North 89° 56' 29" West, a distance of 295.44 feet; thence South 01° 17' 33" East, a distance of 192.26 feet to the point of beginning; thence South 89° 18' 42" East, a distance of 295.44 feet to the East line of the Northwest ¼ of said Section 3; thence South 01° 15' 50" East on said East line, a distance of 165.00 feet; thence North 89° 20' 59" West, a distance of 450.15 feet; thence North 01° 12' 48" West, a distance of 165.294 feet; thence South 89° 18' 42" East, a distance of 154.5741 feet to the point of beginning

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for a single family residence at the property located on the west side of Filbert Road and south of Park Place.

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

This recommendation is based on the following Findings of Fact:

1. *Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided low density residential for an area not yet within the City. This parcel was annexed in 1998.*

Proposed Ordinance No: 2025-21

Ordinance No: _____

2. *Current conditions and the character of current structures and uses in each district – While the subject property is located within a Planned Unit Development (PUD), its closest neighbors along Filbert are also single family homes.*
3. *The most desirable use for which the land in each district is adopted – Because of the property's location near other single family residential uses, the most desirable use for the property is a single family residential use consistent with adjacent land uses*
4. *Conservation of property values - The proposed zoning should not be injurious to the property values in the surrounding area. The neighboring properties are single-family residential properties.*
5. *Responsible development and growth – The proposed addition of single family uses is desirable given how Filbert Road has developed. The western third of the PUD was developed as Stonebridge Villas in 2009. The center third of the PUD was developed as an assisted living facility in 2000. The remaining eastern third has been vacant since it was annexed over 25 years ago.*

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: Property South of 55051 Filbert Road (027-1059-024104)

Date: September 9, 2025

Petition: 25 11

Prepared By: CH

GENERAL INFORMATION

Applicant: Cressy Land Investments

Status: Property Owners

Request: Amend the existing Park Place PUD to include single family residential use

Existing Zoning: S-2 Planned Unit Development (senior residential living uses such as congregate care, assisted living, and independent care along with the permitted uses of office/service center, office/distribution center, office retail, medical services, office buildings and church use)

Proposed Zoning: S-2 Planned Unit Development (senior residential living uses such as congregate care, assisted living, and independent care along with the permitted uses of office/service center, office/distribution center, office retail, medical services, office buildings, church, AND SINGLE FAMILY RESIDENTIAL use)

Lot Size: 1.76 acres

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District
Section 137-41 / Amendments to Zoning Map
Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County – R Single Family (single family home) & S-2 Planned Unit Development (vacant)
South: Unincorporated St. Joseph County – R Single Family (vacant)
East: Unincorporated St. Joseph County – R Single Family (single family home)
West: S-2 Planned Unit Development (Cedarhurst Assisted Living)

Thoroughfare: Filbert Road

Council District: 5

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All utilities will be extended to/throughout the site at the contingent owner's expense.

Comprehensive Plan: Low Density Residential

ANALYSIS

The applicant, Cressy Land Investments, is proposing to add single family residential use to the Park Place Planned Unit Development to complete a sale. The contingent purchaser wishes to build a house.

The 1.76 acre site is on the west side of Filbert Road, over 600' south of Park Place (027-1059-024104). There is one house on the west side, at 55051 Filbert Road. This will be directly to the south. The site is heavily wooded. There are several single family homes on the east side of Filbert Road.

The current PUD regulations and conditions, which were originally approved in 1990 (Ord. 3410), and most recently updated in 1998 (Ord. 4289) limited permitted uses to senior residential living uses such as congregate care, assisted living, and independent care along with the permitted uses of office/service center, office/distribution center, office retail, medical services, office buildings and church use.

Since the proposed use is single family residential, there is no site plan required. The single family home will have to meet the height, area and developmental regulations of the R-1 Single Family Residential District.

Access will be from Filbert Road, and will not be connected to the assisted living or the rest of the PUD.

See department comments regarding utilities.

Engineering: City has agreed to extend sanitary sewer along Filbert Road to allow connection to this property. Owner shall reimburse City the cost to install a septic system suitable for this use to go towards the cost of installation of sewer main instead. Once payment is received, City will initiate a contract for this work. Cost to connect to newly constructed sewer main will be the owner's responsibility.

Electric: Need to discuss electric needs with contractor prior to construction.

Water: Please call with any questions regarding water service, metering, or backflow needs.

RECOMMENDATION

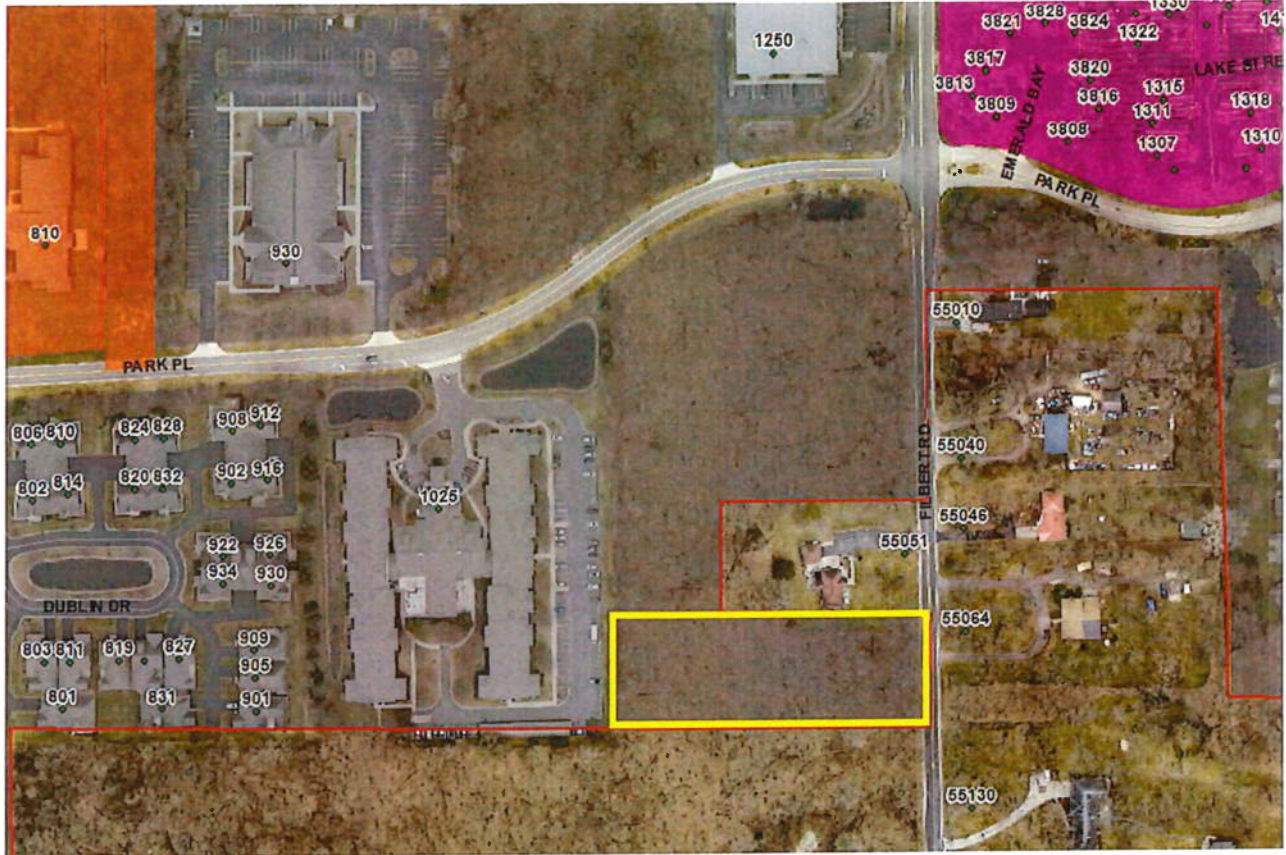
Staff recommends **approval** of Petition 25-11 amend the Park Place Planned Unit Development to include single family residential use for the property south of 55051 Filbert Road, more specifically being parcel ID 027-1059-024104.

This recommendation is based on the following Findings of Fact:

1. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided low density residential for an area not yet within the City. This parcel was annexed in 1998.
2. Current conditions and the character of current structures and uses in each district – While the subject property is located within a Planned Unit Development (PUD), its closest neighbors along Filbert are also single family homes.
3. The most desirable use for which the land in each district is adopted – Because of the property's location near other single family residential uses, the most desirable use for the property is a single family residential use consistent with adjacent land uses
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. The neighboring properties are single-family residential properties.
5. Responsible development and growth – The proposed addition of single family uses is desirable given how Filbert Road has developed. The western third of the PUD was developed as Stonebridge Villas in 2009. The center third of the PUD was developed as an assisted living facility in 2000. The remaining eastern third has been vacant since it was annexed over 25 years ago.

ATTACHMENTS

Aerial Map, Photographs, Petition, and Location Map



Aerial



View West from Filbert Road

August 16, 2025:

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

RE: PETITION FOR PUD AMENDMENT

The undersigned CRESSY LAND INVESTMENTS LLC respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Part of the Northwest ¼ of Section 3, Township 37 North, Range 3 East in Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

Commencing at the Northeast corner of the Northwest ¼ of Section 3, Township 37 North, Range 3 East (also being the Southeast corner of the Southwest ¼ of Section 34, Township 38 North, Range 3 East), Penn Township, City of Mishawaka, St. Joseph County, Indiana; thence South 01° 15' 50" East on the East line of the Northwest ¼ of said Section 3, a distance of 345.24 feet; thence North 89° 56' 29" West, a distance of 295.44 feet; thence South 01° 17' 33" East, a distance of 192.26 feet to the point of beginning; thence South 89° 18' 42" East, a distance of 295.44 feet to the East line of the Northwest ¼ of said Section 3; thence South 01° 15' 50" East on said East line, a distance of 165.00 feet; thence North 89° 20' 59" West, a distance of 450.15 feet; thence North 01° 12' 48" West, a distance of 165.294 feet; thence South 89° 18' 42" East, a distance of 154.5741 feet to the point of beginning.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for residential senior living uses such as congregate care, assisted living, and independent care along with the permitted uses of office/service center, office/distribution center, office retail, medical services, office buildings, and church use

Petitioner(s) desire said real estate to be amended to allow for detached single-family residential use.

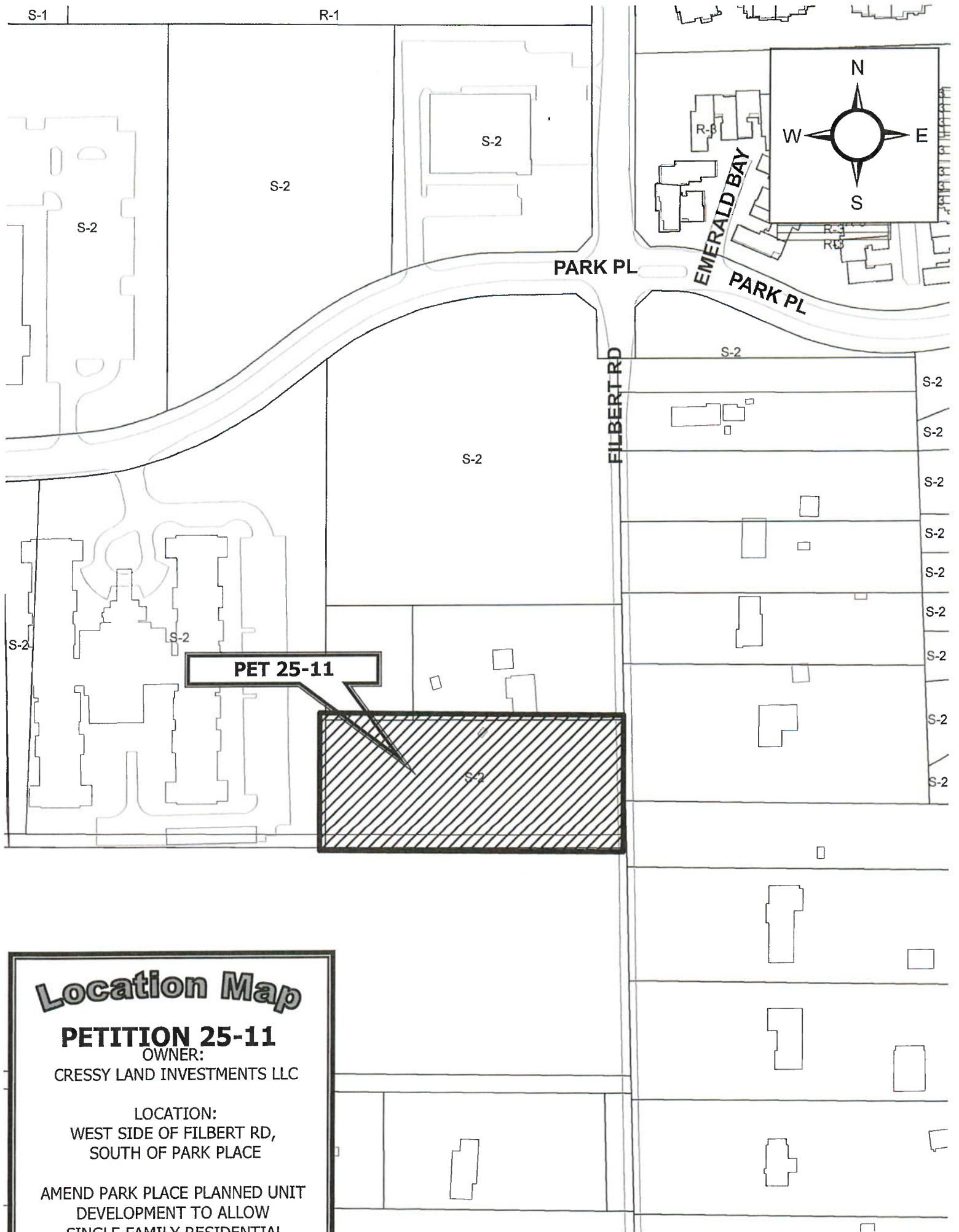
Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of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

Signature(s) of Property Owner(s)


Corey Cressy, Member
CRESSY LAND INVESTMENTS LLC

CONTACT PERSON:

Corey Cressy
200 N Church St, Suite 200
Mishawka, IN 46544
574-271-4060
ccressy@cressy.com



Location Map

PETITION 25-11

OWNER:
CRESSY LAND INVESTMENTS LLC

LOCATION:
WEST SIDE OF FILBERT RD,
SOUTH OF PARK PLACE

AMEND PARK PLACE PLANNED UNIT
DEVELOPMENT TO ALLOW
SINGLE FAMILY RESIDENTIAL

SEP 10 2025

City Clerk
Mishawaka, IN

PETITION 25-12

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-22

ORDINANCE NO. _____

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

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

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

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

PARCEL ID NO: 027-1033-056608 – NORTH PARCEL

A TRACT OF LAND IN THE SOUTHEAST PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION, 8 RODS NORTH OF THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER THEREOF; RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID SECTION, 6 RODS; THENCE WEST, 40 RODS; THENCE SOUTH, 6 RODS; THENCE EAST, 40 RODS TO THE PLACE OF BEGINNING EXCEPT THE EAST 101.04 FEET THEREOF DEEDED TO THE STATE OF INDIANA FOR STATE ROAD 331 (ALSO KNOWN AS BREMEN HIGHWAY) BY DEED RECORDED AUGUST 9, 1976 IN DEED RECORD 820, PAGE 292.

PARCEL ID NO: 027-1033-057002 – SOUTH PARCEL

THAT OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST

QUARTER OF SAID SECTION 28; THENCE RUNNING NORTH ALONG THE EAST LINE OF SECTION 28, A DISTANCE OF 8 RODS; THENCE WEST 40 RODS, THENCE SOUTH 8 RODS, TO THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28; THENCE EAST ALONG SAID SOUTH LINE 40 RODS THE PLACE OF BEGINNING, BUT EXCEPTING FROM THIS REAL

Proposed Ordinance No: 2025-22

Ordinance No: _____

ESTATE, THE SUBJECT REAL ESTATE, THAT PART WHICH WAS PURCHASED BY THE STATE OF INDIANA FOR THE U.S. 20 BYPASS AS RECORDED IN DEED RECORD 792, PAGE 261 AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION AND THE WEST BOUNDARY OF S.R. 331 (ALSO KNOWN AS BREMEN HIGHWAY) SOUTH 89 DEGREES 32'18" WEST 41.15 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER SECTION: 1) THENCE SOUTH 89 DEGREES 32'18" WEST 75.00 FEET ALONG SAID SOUTH LINE; 2) THENCE NORTH 16 DEGREES 39'57" EAST, 51.33; 3) THENCE NORTH 00 DEGREES 19'00" WEST, 82.95 FEET TO THE NORTH LINE OF THE SUBJECT REAL ESTATE; 4) THENCE NORTH 89 DEGREES 32'18" EAST 60.00 FEET ALONG SAID NORTH LINE TO THE WEST BOUNDARY OF SAID S.R. 331; 5) THENCE SOUTH 00 DEGREES 19'00" EAST 127.93 FEET ALONG SAID WEST BOUNDARY; 6) THENCE SOUTH 00 DEGREES 25'00" EAST, 4.07 FEET ALONG SAID WEST BOUNDARY TO THE POINT OF BEGINNING.

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for a shooting range and follow the C-1 General Commercial District standards for architectural materials at 3717 & 3729 Bremen Highway.

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

All other previously approved development standards and conditions of approval per Ordinance 5057 shall remain applicable to the property.

This recommendation is based upon the following findings of fact per Indiana Code Section 36-7-4-603:

- 1. The Comprehensive Plan – The property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan. An indoor shooting range, together with the other commercial uses in the PUD, are reasonably consistent with that guided use.*
- 2. Current conditions and the character of current structures and uses in each district – The subject property currently includes two residential houses, one uninhabitable and one being a rental, and has been approved for commercial development including multi-tenant buildings. Adjacent buildings and uses include a vacant property, stormwater detention basin, and two restaurants with drive-thru facilities to the north; a credit union and vacant outlot to the east; a mini-storage facility and bypass access ramp to the south; and an access drive and single family residential in unincorporated St. Joseph County to the west.*
- 3. The most desirable use for which the land in each district is adopted – The requested PUD amendment will allow the site to be developed with a different commercial use than originally envisioned over 15 years ago. Permitted uses within the original PUD were limited to C-1 General Commercial uses, multi-tenant commercial buildings, self-lock storage facilities without outside*

Proposed Ordinance No: 2025-22

Ordinance No: _____

storage, and one restaurant with drive-thru facilities. The PUD was subsequently amended to allow for two additional restaurants with drive-thru facilities.

- 4. Conservation of property values – The proposed amendment should not be injurious to property values in the surrounding area. A 6' high screening fence and landscaping is required along the west property line adjacent to the remaining residential uses in unincorporated St. Joseph County. Furthermore, the proposed exterior architectural materials will be commercial grade high quality materials than have been utilized throughout the city on other commercial buildings.*
- 5. Responsible development and growth – The proposed amendment to allow for a commercial use not currently permitted per the PUD is desirable given the existing permitted and adjacent commercial uses.*

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: 3717 & 3729 Bremen Highway
Part of the Gateway Plaza – Bremen Highway PUD

Date: Sept. 9, 2025

Petition: 25- 12

Prepared By: DJS

GENERAL INFORMATION

Applicant: KLT Properties LLC / Midwest Shooting Center Managed Services LLC / Metro Consulting Assoc.

Status: Property Owner / Contingent Owner & Tenant / Site Design & Engineering Consultant

Request: Amend a part of the Gateway Plaza – Bremen Highway Planned Unit Development to allow an indoor shooting range and follow the C-1 General Commercial District standards for architectural materials

Zoning Classification: S-2 Planned Unit Development District / Permitted C-1 General Commercial uses and multi-tenant commercial buildings

Lot Size: 2.92 acres

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District (Ord. 5057); Section 137-41 / Amendment to Zoning Ordinance & Zoning Map; and Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:

North:	S-2 Planned Unit Development District (Vacant & Stormwater Detention Basin / Permitted for C-1 General Commercial Use, Multi-Tenant Commercial, and a Restaurant with Drive-Thru)
South:	S-2 Planned Unit Development (Mini-Storage Facility & St. Joseph Parkway Access Ramp / All Secure Self Storage)
East:	C-1 General Commercial (Credit Union / United Federal Credit Union & Vacant Outlot)
West:	Unincorporated St. Joseph County (INDOT & All Access Storage Access Road, and Single-Family Residential)

Thoroughfare: Bremen Highway & Veldman Drive

Council District: 1

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All utilities are available and/or will be extended to/throughout the site at the developer's expense

Comprehensive Plan: General Commercial

ANALYSIS

The contingent owner/tenant, Midwest Shooting Center Managed Services LLC, and the site design/engineering consultant, Metro Consulting Associates, are requesting to amend a part of the Gateway Plaza – Bremen Highway Planned Unit Development (PUD) to allow for an indoor shooting range and certain exterior building materials.

Per the applicable PUD regulations (Ordinance 5057), permitted uses within the overall 16.8 acre PUD were limited to C-1 General Commercial uses, multi-tenant commercial buildings, self-lock storage facilities with no outside storage restricted to an 8.3 acre area south of high-tension power lines adjacent to the U.S. 20 bypass, and one restaurant with drive-thru facilities. The PUD was further amended twice (Ordinance 5825 & 5895) to allow for two (2) additional restaurants with drive-thru facilities including the existing Wendy's (3625 Bremen Highway) and a proposed Starbuck's. An automobile service shop was also added as a permitted use prior to the proposed Starbuck's.

An indoor shooting range is only permitted via a conditional use in the I-1 Light Industrial District and I-2 Heavy Industrial District. In addition to being a conditional use in these districts, indoor shooting ranges are also subject to a 750' separation requirement from any school, park, church, and/or hospital. No such land uses are present within a 750' radius from the property.

Due to the recession in the late 2000s and difficulty in assembling the individual properties, the 16.8 acre property has not been able to be developed as a cohesive development as originally envisioned. When approved, there were six homes within the PUD. Only three single-family homes remain within the PUD boundaries. The home in the northwest corner (215 Elmwood Avenue) is owner-occupied. The two houses within the subject parcels are owned by KLT Properties, which developed the All Secure Storage facility to the south. One was damaged by fire and is uninhabitable, and the one at 3717 Bremen Highway is unoccupied. All existing structures will be razed with the redevelopment of the properties.

The applicants are proposing to redevelop the property for the Midwest Shooting Center. Per the preliminary site plan, the 13,190 sq. ft. building will be in the northeast corner of the property with parking areas to the south and west. Veldman Drive, which currently ends at the north property line of the subject parcels, shall be extended through the site and connect to the storage unit property to the south. This access drive will be private and located within an ingress/egress easement on the future subdivision plat. When Veldman Drive is completely constructed between Meijer Drive to the north and the storage unit development, the existing access drive to the west between Elmwood Road and All Access Storage shall be permanently closed/blocked at the southern terminus.

Based on four (4) parking spaces per 1,000 sq. ft. of gross floor area, which is the applicable ratio for the proposed use, a total of 53 parking spaces are required for the 1,390 sq. ft. building. The preliminary site plan shows a total of 87 parking spaces including four (4) ADA compliant spaces. A future parking area is shown in the southwest corner of the property west of the access drive. If this parking area is not included in the final site plan and not accounted for in the stormwater drainage calculations, a future administrative site plan will be required prior to construction of the additional parking area.

Although not specifically requested in the applicant's petition, the PUD shall also be amended to follow the C-1 General Commercial District standards for architectural materials (Section 137-302(14) a). The preliminary building elevations show an exterior insulation and finish system (EIFS) on all façades exclusive of windows and doors. Currently the PUD requires 100% architecturally appropriate materials for all facades visible from the public right-of-way, of which EIFS is not included. EIFS is identified as an appropriate architectural material per the C-1 General Commercial design review guidelines.

Landscaping is required per the minimum landscaping and screening regulations for commercial property (Section 137-815), and the landscaping and additional perimeter screening/fencing per the PUD regulations (Ord. 5057).

Similar to when the original Planned Unit Development was approved, the applicant is only proposing to establish, or in this case, amend the permitted uses and development requirements of the planned unit development. If approved, a detailed Final Planned Unit Development site plan must be submitted to

address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

As previously mentioned, a subdivision plat will be required to combine the two existing parcels and dedicate all necessary easements (ingress-egress, utility, drainage, etc.) Although not required, it is recommended that the plat be submitted concurrent with the final site plan.

The final site plan and subdivision plat must be approved with all city review comments addressed, and the erosion control bond filed before any permitting or beginning construction.

All other previously approved development standards and conditions of approval per Ordinance 5057 shall remain applicable.

In addition to the prior comments in this report, the Planning Department has several comments relating to the future final site plan, including but not limited to, adhering to the required 20' pavement setback from the east property line, and reviewing and revising the access road (Veldman Drive) alignment if determined to be unfunctional due to tight turning radii.

In addition to the prior comments in this report, the Engineering Department requested several edits, including but not limited to, reviewing the radii for the curvature of the roadway (Veldman Drive extension) as it looks tight, coordinating the connection to the existing stormwater detention basin to the north with the adjacent owner, designing the stormwater drainage system and basin volume to handle back-to-back 100 year 24 hour storm events due to poor draining soils, and noted that the drive to the west is not Elmwood Drive (as labeled) but rather a private driveway (access drive to storage unit development).

The Electric Department commented that they will need to discuss electric needs with the contractor prior to construction.

All other pertinent City Departments have reviewed and approved the request providing no comments.

RECOMMENDATION

Staff recommends **approval** to amend a part of the Gateway Plaza – Bremen Highway Planned Unit Development (PUD) to allow an indoor shooting range and follow the C-1 General Commercial District standards for architectural materials.

All other previously approved development standards and conditions of approval per Ordinance 5057 shall remain applicable to the property.

This recommendation is based upon the following findings of fact per Indiana Code Section 36-7-4-603:

1. The Comprehensive Plan – The property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan. An indoor shooting range, together with the other commercial uses in the PUD, are reasonably consistent with that guided use.
2. Current conditions and the character of current structures and uses in each district – The subject property currently includes two residential houses, one uninhabitable and one being a rental, and has been approved for commercial development including multi-tenant buildings. Adjacent buildings and uses include a vacant property, stormwater detention basin, and two restaurants with drive-thru facilities to the north; a credit union and vacant outlot to the east; a mini-storage facility and bypass access ramp to the south; and an access drive and single family residential in unincorporated St. Joseph County to the west.
3. The most desirable use for which the land in each district is adopted – The requested PUD amendment will allow the site to be developed with a different commercial use than originally envisioned over 15 years ago. Permitted uses within the original PUD were limited to C-1 General Commercial uses, multi-tenant commercial buildings, self-lock storage facilities without outside

storage, and one restaurant with drive-thru facilities. The PUD was subsequently amended to allow for two additional restaurants with drive-thru facilities.

4. Conservation of property values – The proposed amendment should not be injurious to property values in the surrounding area. A 6' high screening fence and landscaping is required along the west property line adjacent to the remaining residential uses in unincorporated St. Joseph County. Furthermore, the proposed exterior architectural materials will be commercial grade high quality materials than have been utilized throughout the city on other commercial buildings.
5. Responsible development and growth – The proposed amendment to allow for a commercial use not currently permitted per the PUD is desirable given the existing permitted and adjacent commercial uses.

ATTACHMENTS

Aerial, Photographs, Petition, Preliminary Site Plan & Exterior Building Elevations, Location Map



Aerial Photograph
Two Unoccupied Single-Family Residential Houses -3717 & 3729 Bremen Highway
Proposed Midwest Shooting Center



P1. Looking easterly along the south property line from the All Access Storage access drive.



P2. Looking northeasterly toward the site from the All Access Storage Unit access drive.



P3. Looking northeasterly toward the property from All Access Storage to the south.



P4. Looking north toward the property from All Access Storage to the south.



P5. Looking north toward the property and existing fire damaged house at 3729 Bremen Highway.



P6. Looking westerly toward the property and existing unoccupied house at 3717 Bremen Highway.



P7. Looking westerly along the south property line from Bremen Highway.

PET 2512
Received

AUG 20 2025

Planning and
Community Development

August 18, 2025

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

RE: PETITION FOR PUD AMENDMENT

The undersigned KLT Properties LLC respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Legal Description (see attached)

PARCEL ID NO: 027-1033-056608 – NORTH PARCEL
3717 Bremen Highway, Mishawaka, Indiana 46544

PARCEL ID NO: 027-1033-057002 – SOUTH PARCEL
3729 Bremen Highway, Mishawaka, Indiana 46544

Petitioner(s) own one hundred (100%) percent of the above-described parcel of land which carries a zoning classification of S-2 Planned Unit Development with an existing use of single family residential.

Petitioner(s) desire said real estate be amended to allow for a shooting range to be added as a permitted use.

Wherefore, the petitioner(s) 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 amending the PUD of the above-described parcel of land located in the City of Mishawaka.


William J. Veldman

William J. Veldman
5222 W Western Avenue
South Bend, IN 46619
(574) 532-3434

LEGAL DESCRIPTIONS

PARCEL ID NO: 027-1033-056608 – NORTH PARCEL

A TRACT OF LAND IN THE SOUTHEAST PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION, 8 RODS NORTH OF THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER THEREOF; RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID SECTION, 6 RODS; THENCE WEST, 40 RODS; THENCE SOUTH, 6 RODS; THENCE EAST, 40 RODS TO THE PLACE OF BEGINNING EXCEPT THE EAST 101.04 FEET THEREOF DEEDED TO THE STATE OF INDIANA FOR STATE ROAD 331 (ALSO KNOWN AS BREMEN HIGHWAY) BY DEED RECORDED AUGUST 9, 1976 IN DEED RECORD 820, PAGE 292.

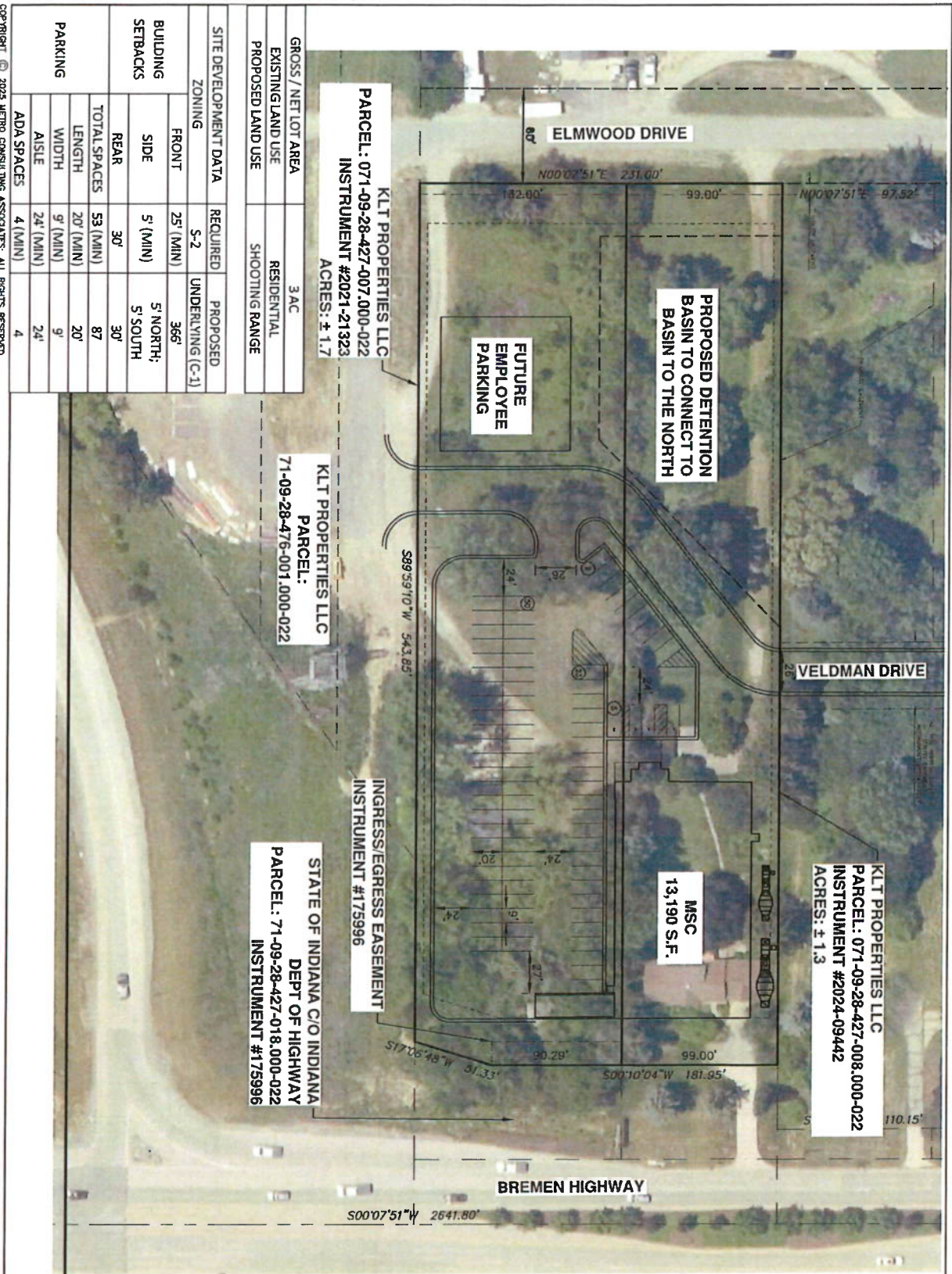
PARCEL ID NO: 027-1033-057002 – SOUTH PARCEL

THAT OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28; THENCE RUNNING NORTH ALONG THE EAST LINE OF SECTION 28, A DISTANCE OF 8 RODS; THENCE WEST 40 RODS, THENCE SOUTH 8 RODS, TO THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28; THENCE EAST ALONG SAID SOUTH LINE 40 RODS THE PLACE OF BEGINNING, BUT EXCEPTING FROM THIS REAL ESTATE, THE SUBJECT REAL ESTATE, THAT PART WHICH WAS PURCHASED BY THE STATE OF INDIANA FOR THE U.S. 20 BYPASS AS RECORDED IN DEED RECORD 792, PAGE 261 AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION AND THE WEST BOUNDARY OF S.R. 331 (ALSO KNOWN AS BREMEN HIGHWAY) SOUTH 89 DEGREES 32'18" WEST 41.15 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER SECTION: 1) THENCE SOUTH 89 DEGREES 32'18" WEST 75.00 FEET ALONG SAID SOUTH LINE; 2) THENCE NORTH 16 DEGREES 39'57" EAST, 51.33; 3) THENCE NORTH 00 DEGREES 19'00" WEST, 82.95 FEET TO THE NORTH LINE OF THE SUBJECT REAL ESTATE; 4) THENCE NORTH 89 DEGREES 32'18" EAST 60.00 FEET ALONG SAID NORTH LINE TO THE WEST BOUNDARY OF SAID S.R. 331; 5) THENCE SOUTH 00 DEGREES 19'00" EAST 127.93 FEET ALONG SAID WEST BOUNDARY; 6) THENCE SOUTH 00 DEGREES 25'00" EAST, 4.07 FEET ALONG SAID WEST BOUNDARY TO THE POINT OF BEGINNING.



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PLYMOUTH, MI 48170
(800) 525-6016

Project Number: 1051-25-13689
Date: 8/11/25
P.L. Checked by: Drew Back
DLG CS DKG BOOK

Client: SFV SERVICES

Project: MIDWEST SHOOTING CENTER

State: IN
County: ST. JOSEPH
Community: MISHAWAKA
Township: 37N
Range: 03E
Section: 28

Title: CONCEPT PLAN

Drawing Scale: 1" = 60'
Sheet Number: 01

Document Path: A:\MCA GIS\2025\1051 GIS FOLDERS\1051-25-13669\Maps\1051-25-13669B.aprx



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Feet

3717 & 3729 BREMEN HWY, MISHAWAKA, IN 46544

METRO CONSULTING ASSOCIATES

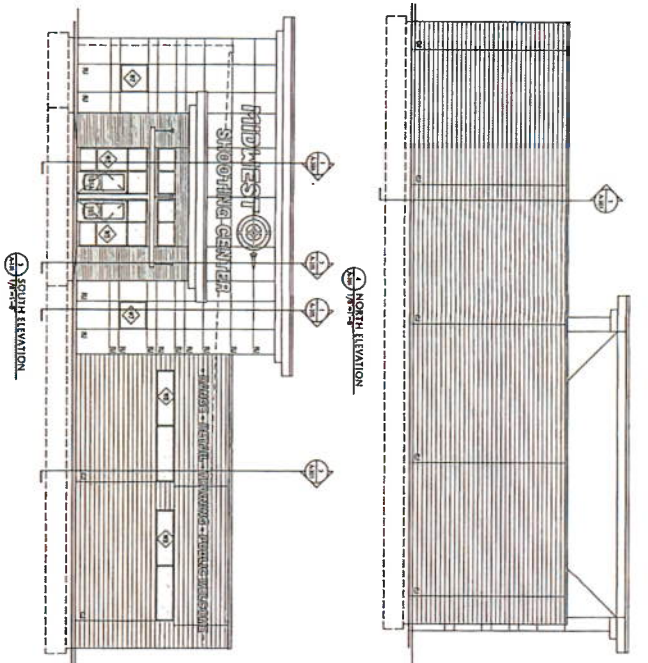
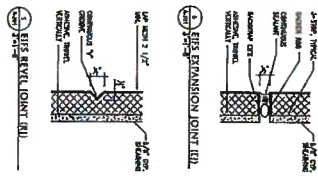
8/14/2025

Legend

- 300 foot buffer
- Purchased Parcels
- Parcels within 300 feet

pk 25-12
Received
SEP 02 2025
Planning and
Community Development

DRAFT



WALL TYPE	DESCRIPTION
1	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH
2	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
3	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
4	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
5	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
6	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
7	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
8	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
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10	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH

ROOF TYPE	DESCRIPTION
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2	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
3	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
4	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
5	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
6	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
7	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
8	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
9	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH
10	1" EPS INSULATION, 5/8" SHEETROCK, 1/2" FINISH, 1/2" FINISH

- KEYNOTE LEGEND**
1. RETAINED SOIL, EXPOSED TOP OF RETAINING WALL
 2. EXISTING RETAINING WALL, EXPOSED TOP OF RETAINING WALL
 3. EXISTING RETAINING WALL, EXPOSED TOP OF RETAINING WALL
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 10. EXISTING RETAINING WALL, EXPOSED TOP OF RETAINING WALL

LEGEND
1. EXISTING RETAINING WALL, EXPOSED TOP OF RETAINING WALL

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Midwest Shooting Center
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BEILHARZ
ARCHITECTS
INCORPORATED

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SHEET

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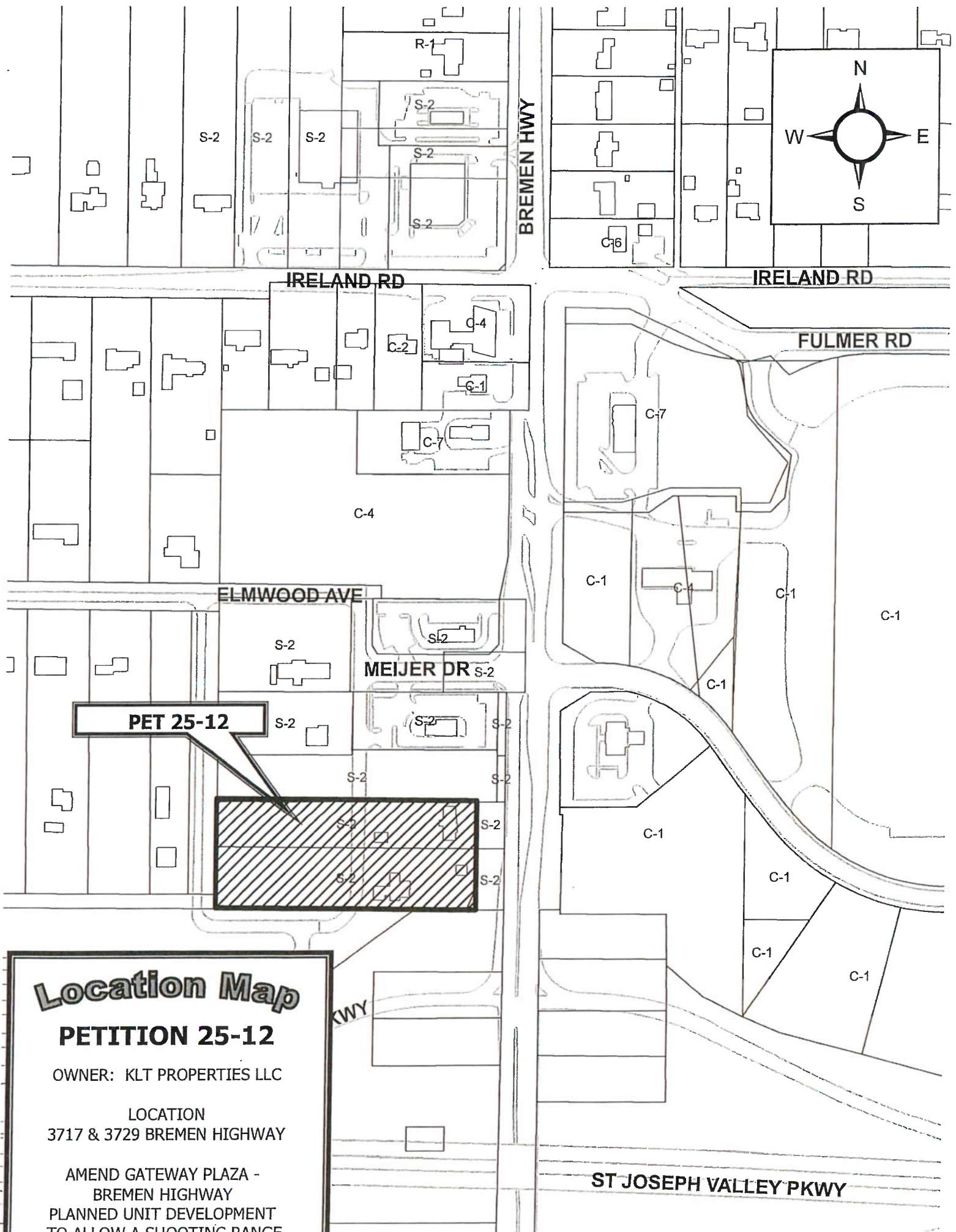
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Location Map

PETITION 25-12

OWNER: KLT PROPERTIES LLC

LOCATION
3717 & 3729 BREMEN HIGHWAY

AMEND GATEWAY PLAZA -
BREMEN HIGHWAY
PLANNED UNIT DEVELOPMENT
TO ALLOW A SHOOTING RANGE

Deborah S. Block, MMC, MMC

SEP 10 2025

City Clerk
Mishawaka, IN

PETITION 25-13

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-23

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:

1008 S Merrifield, 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:

MCC Self Storage Minor Subdivision Lot 1

which real estate is now classified as C-7 Automobile Oriented Restaurant District shall hereafter be within and a part of that District known as C-10 Filling Station Commercial designated in "The Zoning Ordinance of 1966" as amended.

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

This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

- 1. The Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.*
- 2. Current conditions and the character of current structures and uses in each district – The subject property, which includes an underutilized parking area for an existing adjacent multi-tenant commercial building, is currently zoned for commercial use and located along a mixed use commercial and residential corridor. The character of the buildings vary greatly and include single and multi-tenant commercial buildings, industrial buildings, a senior living apartment complex, and single family residential homes. Adjacent land uses include a common access drive and discount retail store to the north; single family homes to the west; vacant property zoned for commercial use to the south; and a common access drive, pawn shop, indoor self-storage unit facility, and fireworks retailer to the east.*
- 3. The most desirable use for which the land in each district is adopted – Because of the property's current commercial zoning and being adjacent to existing similar commercial zoning and development, the most desirable use of the property is commercial. The*

Proposed Ordinance No: 2025-23

Ordinance No: _____

property is currently an underutilized parking lot serving an adjacent multi-tenant commercial building.

4. *Conservation of property values – The proposed rezoning should not be injurious to property values in the area. Permitted C-10 Filling Station Commercial uses should be compatible with the adjacent existing uses.*
5. *Responsible development and growth – The proposed change in zoning is desirable given the current commercial zoning of the property and the existing and preferred commercial use.*

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: Northeast Corner of S. Merrifield Avenue & E. 12th Street
Lot 1 of "MMC Self Storage Minor Subdivision" (PLAT 22-12)

Date: Sept. 9, 2025

Petition: 25- 13

Prepared By: DJS

GENERAL INFORMATION

Applicant: VR Empire LLC / Abonmarche Consultants

Status: Property Owner / Surveyor & Engineering Consultant

Request: To rezone from C-7 Automobile-Oriented Restaurant Commercial District to C-10 Filling Station Commercial District to allow for a gas station with convenience store

Zoning Classification: C-7 Automobile-Oriented Restaurant Commercial District

Lot Size: 1.56 acres

Applicable Regulations: Section 137-529 & 137-530 / C-10 Filling Station Commercial District, Section 137-41 / Amendments to the Zoning Map, & Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (Common Access Drive for Lots 1 & 2 of the "MMC Self Storage Minor Subdivision") & C-7 Auto Oriented Restaurant Commercial District (Retail / Dollar General)

South: C-2 Shopping Center Commercial (Vacant)

East: C-1 General Commercial (Common Access Drive for Lots 1 & 2 of the "MMC Self Storage Minor Subdivision", Pawn Shop, Indoor Self-Storage Unit Facility, Fireworks Retailer)

West: R-1 Single Family Residential (Residential)

Thoroughfare: S. Merrifield Avenue & E. 12th Street

Council District: 2

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available and will be connected to/throughout the site at the expense of the developer

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, VR Empire LLC, is requesting to rezone property located at the northeast corner of S. Merrifield Avenue and E. 12th Street from C-7 Automobile Restaurant Commercial District to C-10 Filling Station Auto Oriented Restaurant Commercial District for a gas station with convenience store.

The 1.56 acre site, which is currently a parking area for the multi-tenant commercial building to the east, consists of one parcel of property (Tax Parcel 016-1125-4937.10). The adjacent parcel, being Lot 2 of the "MMC Self Storage Minor Subdivision", includes common access drives that will serve both the lot being rezoned and the adjacent building currently occupied by Mishawaka Indoor Storage, Ozark Pawn Shop, and Mishawaka Fireworks.

In May 2022, the Common Council approved a use variance (AP 22-10 / Resolution 2022-12) to allow an indoor storage unit facility in the adjacent multi-tenant building since it was not a permitted use in the C-1 General Commercial District. The Staff Report for the use variance indicated that Planning Staff would only support the proposed use if a commercial outlot, being the subject property, was subdivided within the western part of existing parking area, and rezoned, based upon future anticipated use. The outlot was zoned to the C-7 Automobile Oriented Restaurant Commercial District. Development of an outlot will establish a more active commercial use, likely resulting in increased vehicular traffic in a presently underutilized commercial property. The indoor storage facility has minimal use on a daily basis.

Per the preliminary site plan, the applicant is proposing to construct an approximate 3,400 sq. ft. one-story building, fuel pumps with an overhead canopy, a twenty-one (21) space parking lot, and other required infrastructure (utilities, a storm water retention basin, landscaping, etc.)

Access to the site will be provided from both S. Merrifield Avenue and E. 12th Street utilizing the two (2) existing curb cuts/drives on the adjacent property. A 5' non-access easement is located along the entire property frontage restricting access to the adjacent drives. Shared access and parking easements exist on both the subject property and adjacent property.

Based on 5.5 parking spaces per 1,000 sq. ft. of gross floor area, which is the applicable ratio for the proposed C-10 Filling Station Commercial use, a total of nineteen (19) parking spaces are required for the approximate 3,400 sq. ft. building. The preliminary site plan shows twenty-one (21) spaces provided within three (3) parking rows to the north, west, and south of the building. Although not shown on the preliminary site plan, Planning Staff requested that the parking and access drives on the adjacent property be included to demonstrate how this property will be incorporated into the redevelopment of the subject property. The applicant will have to contact and work with the adjacent owner regarding these off-site improvements.

Landscaping and screening shall comply with the commercial landscaping regulations. Landscaping shall include a hedgerow, earthen berm, or decorative fence along S. Merrifield Avenue and E. 12th Street; perimeter deciduous shade (overstory) trees or deciduous ornamental (understory) trees planted at the minimum on-center requirements along all property lines; and parking lot landscaping.

With this petition, the applicant is only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, soil erosion control, landscaping, and all other required improvements pertinent to the proposed development. If developmental variances or design review waivers are required, the Board of Zoning Appeals and/or Plan Commission shall be petitioned when a final site plan is submitted.

Since the property is currently zoned for automobile-oriented restaurant and general commercial use and located along a mixed use commercial and residential corridor, Staff supports the request for rezoning. C-10 District uses will not be out of character and will be compatible with the existing adjacent land uses and zoning. Furthermore, commercial use is consistent with the recommended use per the comprehensive plan.

The Engineering Department commented that a sanitary sewer lateral will be constructed as a part of a public road improvement project in the fall of 2026. The utility plan for this site will need to incorporate the location of the lateral.

The Electric Department commented that they will need to discuss service needs with the contractor prior to construction.

The Water Department commented that they should be contacted with questions on service, metering, or backflow needs.

All other pertinent City Departments have reviewed and approved the request without comment.

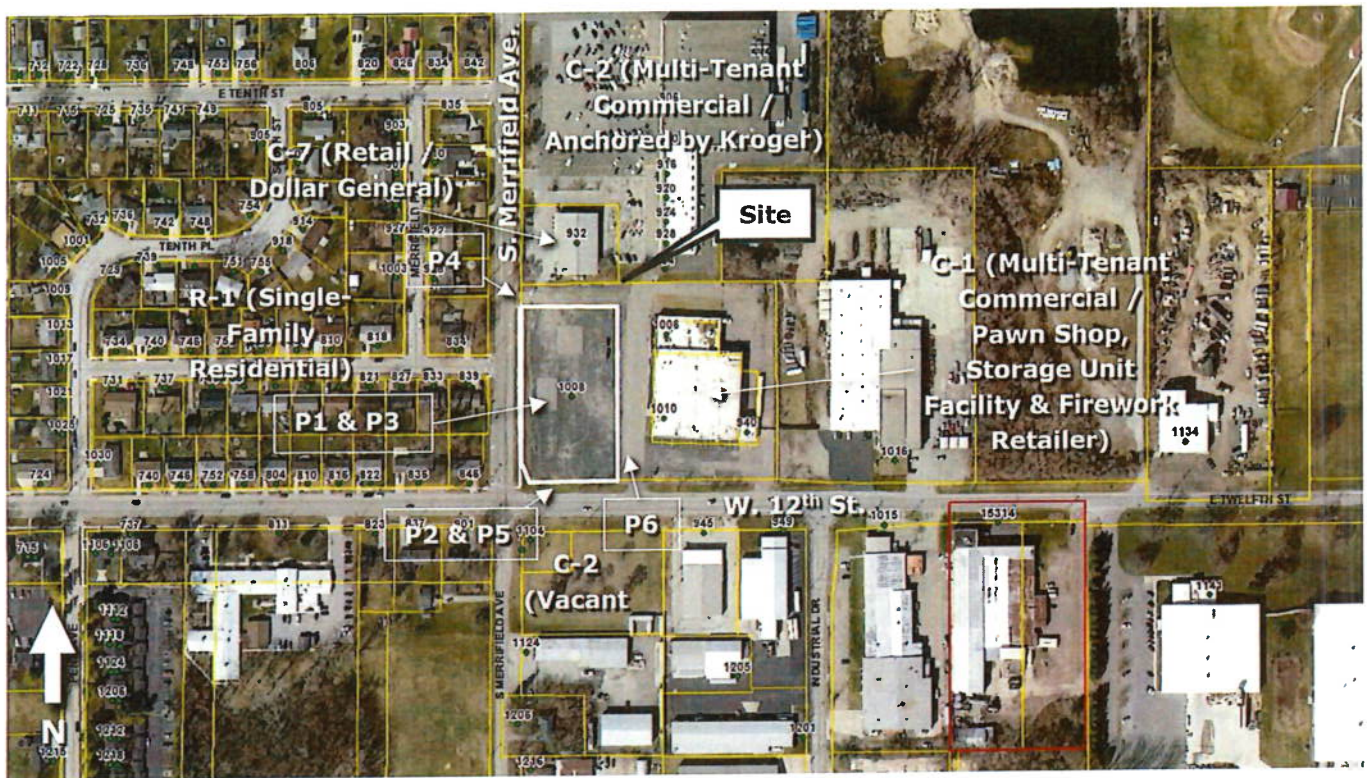
RECOMMENDATION

Staff recommends in **favor** of Petition 25-13 to rezone property at the northeast corner of S. Merrifield Drive and E. 12th Street, more specifically being Lot 1 of the MMC Self Storage Minor Subdivision, from C-7 Automobile-Oriented Restaurant Commercial District to C-10 Filling Station Commercial District for a gas station with convenience store. This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

1. The Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.
2. Current conditions and the character of current structures and uses in each district – The subject property, which includes an underutilized parking area for an existing adjacent multi-tenant commercial building, is currently zoned for commercial use and located along a mixed use commercial and residential corridor. The character of the buildings vary greatly and include single and multi-tenant commercial buildings, industrial buildings, a senior living apartment complex, and single family residential homes. Adjacent land uses include a common access drive and discount retail store to the north; single family homes to the west; vacant property zoned for commercial use to the south; and a common access drive, pawn shop, indoor self-storage unit facility, and fireworks retailer to the east.
3. The most desirable use for which the land in each district is adopted – Because of the property's current commercial zoning and being adjacent to existing similar commercial zoning and development, the most desirable use of the property is commercial. The property is currently an underutilized parking lot serving an adjacent multi-tenant commercial building.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. Permitted C-10 Filling Station Commercial uses should be compatible with the adjacent existing uses.
5. Responsible development and growth – The proposed change in zoning is desirable given the current commercial zoning of the property and the existing and preferred commercial use.

ATTACHMENTS

Aerial Photograph, Site Photographs & Google Street Views, Petition, Preliminary Site Plan, Location Map



Aerial Photograph
 Lot 1 of the MCC Self Storage Minor Subdivision
 NE Corner of S. Merrifield Ave. & E. 12th St.



P1. Looking easterly from the subject property (parking lot) toward the multi-tenant commercial building.



P2. Looking northeasterly from the S. Merrifield Ave. & E. 12th St. intersection toward the property and multi-tenant commercial building to the east.



P3. August 2025 Google Street View Looking toward the property from S. Merrifield Avenue.



P4. August 2025 Google Street View Looking toward the property and the existing access drive on S. Merrifield Avenue.



P5. August 2025 Google Street View Looking toward the property from the S. Merrifield Avenue and E. 12th Street intersection.



P6. August 2025 Google Street View Looking toward the property west of the existing access drive on E. 12 Street.

City of Mishawaka, Indiana
REZONING PROCEDURE

PET 25-13
Received

AUG 20 2025

Planning and
Community Development

DATE: 08/20/2025

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

RE: PETITION TO REZONE

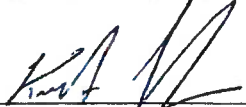
The undersigned Kuldip Singh (Owner) respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit: see attached legal description.

(Give accurate and complete legal description. Tax key numbers and shortened legals alone are not acceptable. Also give the common address or a definitive common location.)

Petitioner(s) own one hundred (100%) percent of the above-described parcel of land which carries a zoning classification of C-7 District. Said property is (state the existing use of the real estate) currently a vacant parking lot.

Petitioner(s) desire said real estate to be rezoned to C-10 District. Petitioner(s) further state that they intend to utilize said land for (state the proposed use for the property/ reason for the rezoning) a new gas station development.

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



Signature of Property Owner / Title Holder

Signature of Second Property Owner / Title Holder

Kuldip Singh

Print Name

Print Name

CONTACT PERSON:

Name: Chris Godlewski (Abonmarche Consultants)

Address: 315 W Jefferson Boulevard, South Bend, IN 46601

Day Phone Number: 574-232-8700

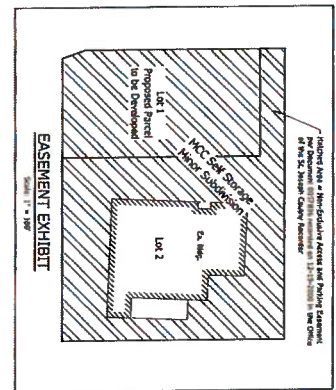
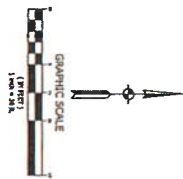
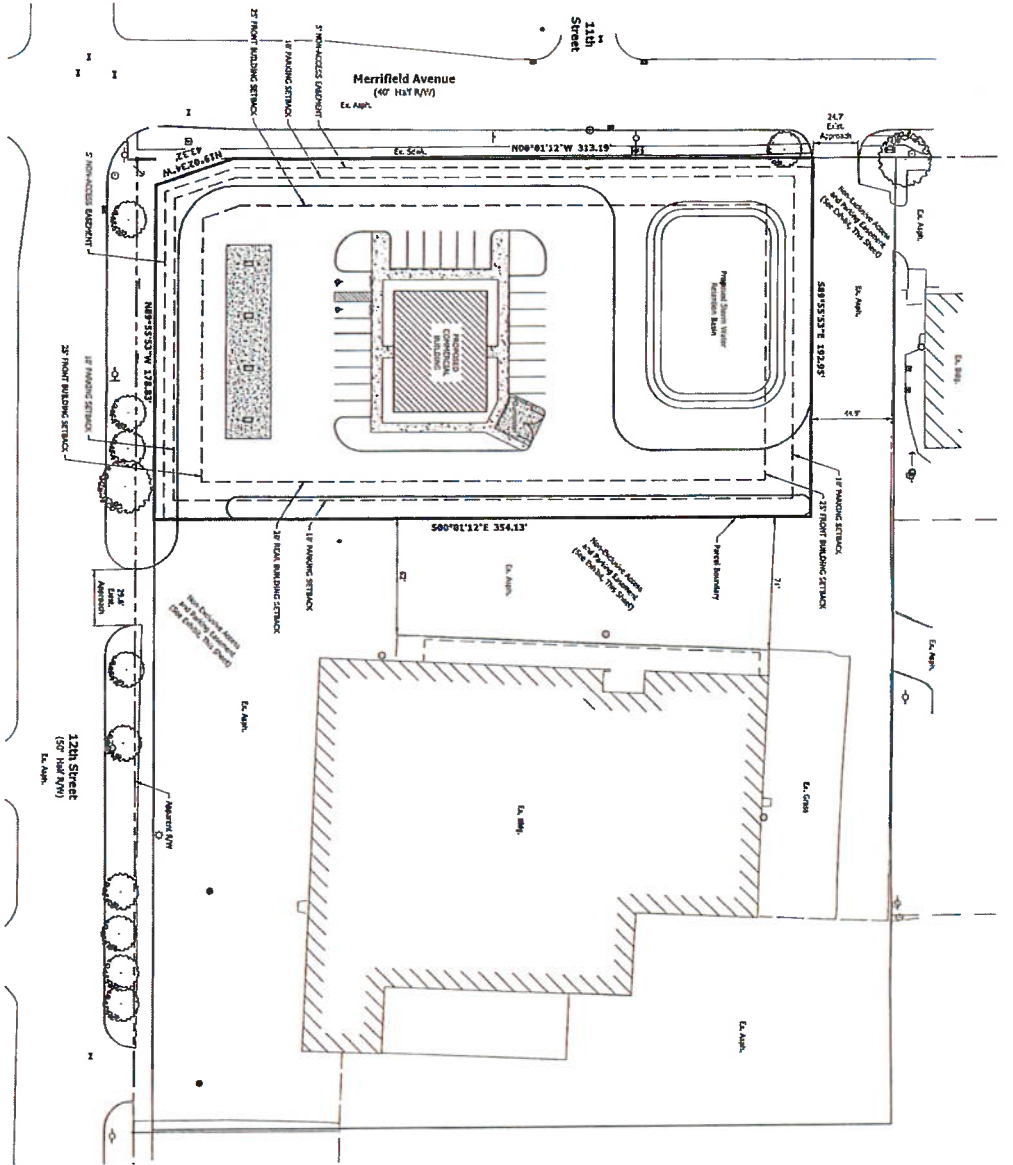
Fax Number: _____

Email: cgodlewski@abonmarche.com

City of Mishawaka, Indiana
REZONING PROCEDURE

A Part of the Southeast Quarter of Section 15 Township 37 North, Range 3 East, Penn Township,
St. Joseph County, Indiana

MCC Self Storage Minor Subdivision Lot 1



- GENERAL NOTES**
1. Project is located within City of Milwaukee C-7 (Neighborhood Commercial) zoning district.
 2. Existing building is to be demolished and replaced with a new building.
 3. Site will be served by Milwaukee water and sewer.
 4. All proposed improvements shall be installed in accordance with the City of Milwaukee Engineering Department standards.

Received
25-13
AUG 29 2025
Planning and
Community Development
DANIELA T. I.

PRELIMINARY

PROJECT NO: 23-114

DATE: 06/27/2025
DRAWN: JKS

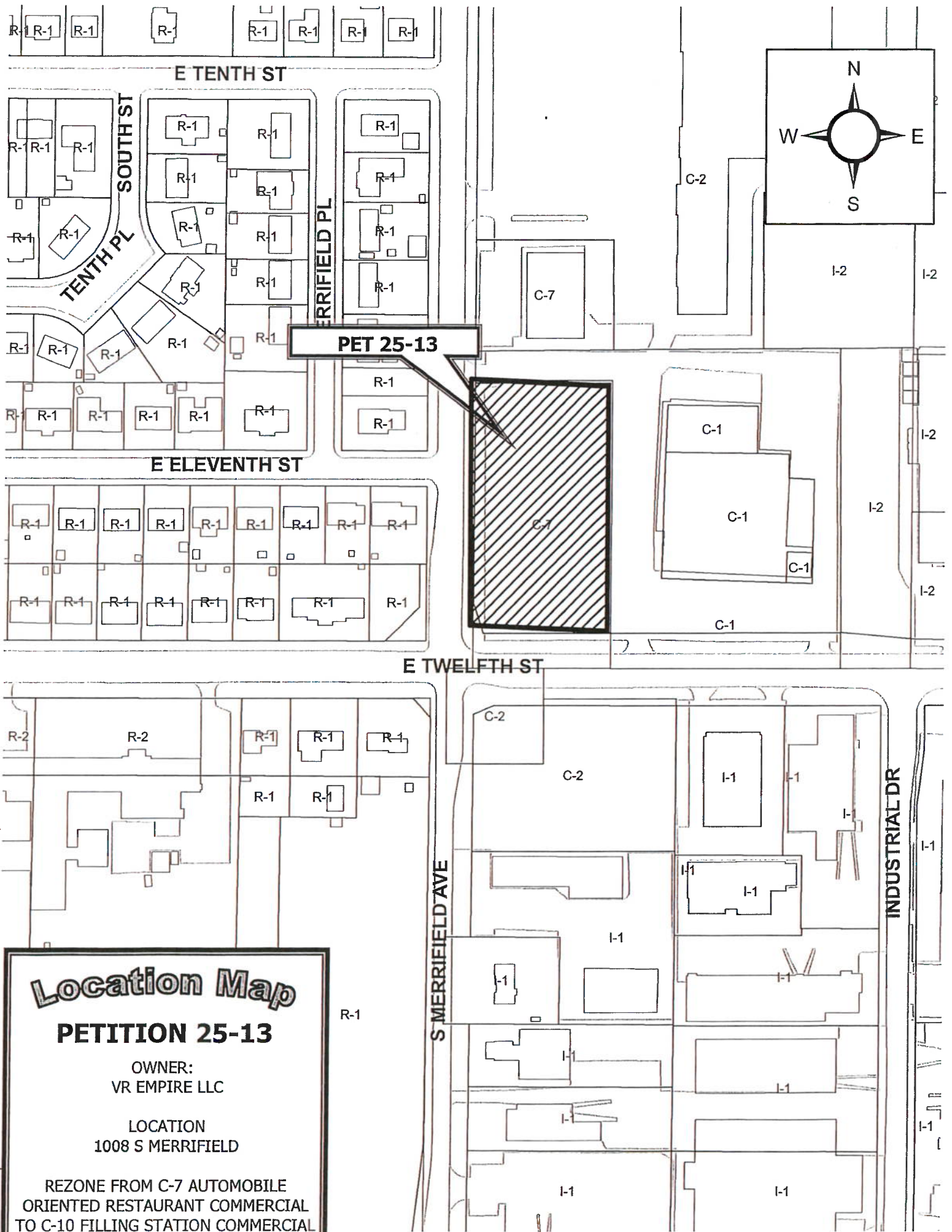
KULDIP SINGH
MERRIFIELD AVENUE GAS STATION
REZONING CONCEPT PLAN
MERRIFIELD AVENUE AT 12 STREET, MISHAWKA, WI

ABONMARCHÉ
3115 W. Jefferson Blvd.
South Bend, IN 46601
574.232.8700
abonmarche.com

Surveying
Engineering
Architecture

© 2025

ABONMARCHÉ CONSULTANTS, INC.



Location Map

PETITION 25-13

OWNER:
VR EMPIRE LLC

LOCATION
1008 S MERRIFIELD

REZONE FROM C-7 AUTOMOBILE
ORIENTED RESTAURANT COMMERCIAL
TO C-10 FILLING STATION COMMERCIAL

SEP 10 2025

City Clerk
Mishawaka, IN

PETITION 25-14

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-24

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:

Property North of 4340 N Main 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:

PART OF THE EAST HALF (E 1/2) OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE N00°11'21"E, THIS AND ALL SUBSEQUENT BEARINGS ARE ASSUMED, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SOUTHEAST QUARTER OF SAID SECTION 33, 1318.57 FEET TO THE EAST QUARTER CORNER OF SECTION 33; THENCE N00°18'32"W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 33, 432.06 FEET TO THE NORTH LINE OF PROPERTY DESCRIBED IN DOCUMENT NUMBER 0245874 AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE S89°41'28"W ALONG SAID NORTH LINE, 521.56 FEET; THENCE S35°22'58"W, 73.97 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 280.00 FEET, BEING SUBTENDED BY A CHORD OF 170.18 FEET BEARING S17°41'29"W; THENCE SOUTHERLY ALONG SAID CURVE 172.91 FEET; THENCE S00°00'00"W, 96.76 FEET TO THE CENTERLINE OF JUDAY CREEK; THENCE S78°38'00"W ALONG SAID CENTERLINE, 667.48 FEET TO THE EAST RIGHT-OF-WAY LINE OF MAIN STREET; THENCE S00°05'41"W ALONG SAID RIGHT-OF-WAY, 393.76 FEET TO A SET IRON PIN AND BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY S00°05'41"W ALONG SAID RIGHT-OF-WAY, 159.00 FEET TO A FOUND MAG NAIL; THENCE N89°58'19"E, 185.54 FEET TO A FOUND MAG NAIL AND TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, BEING SUBTENDED BY A CHORD OF 132.02 FEET, BEARING N82°23'09"E; THENCE EASTERLY ALONG SAID CURVE 132.41 FEET TO A SET IRON PIN; THENCE N00°05'41"E, 140.89 FEET TO A SET IRON PIN; THENCE N89°54'19"W, 316.37 FEET TO THE POINT OF BEGINNING.

Proposed Ordinance No: 2025-24

Ordinance No: _____

SAID PARCEL OF LAND CONTAINING A TOTAL OF 1.148 ACRES, MORE OR LESS, SUBJECT HOWEVER TO ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, AND EASEMENTS CONTAINING IN ANY INSTRUMENT OF RECORD PERTAINING TO THE ABOVE DESCRIBED TRACT OF LAND. THIS DESCRIPTION WAS PREPARED FROM A JULY 2025 FIELD SURVEY. BEARINGS ARE BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM, NAD83 NO TRANS [EAST ZONE]. ALL PINS SET ARE 5/8" X 36" WITH CAP S.J. LEESMAN 21600010.

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-7 Automobile Oriented Restaurant designated in "The Zoning Ordinance of 1966" as amended.

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

This recommendation is based upon the following findings of fact per Indiana Code Section 36-7-4-603:

- 1. The applicable Comprehensive Plan is the 2000 Mishawaka Comprehensive Plan which identifies the area as Service Commercial and the area currently has other dining with and without a drive thru.*
- 2. Current conditions and the character of current structures and uses in each district – This section of N Main Street is intended for commercial use. The current commercial uses vary from shopping centers, dine in and drive thru restaurants, medical offices and hotels.*
- 3. The most desirable use for which the land in each district is adopted – Because the parcels are surrounded by various other commercial uses, zoning to the C-7 Automobile Restaurant Oriented Commercial District is a desirable use for this property;*
- 4. The conservation of property values throughout the jurisdiction – The proposed rezoning should not be injurious to property values in the surrounding area as the majority of the property is currently zoned for various commercial properties.*
- 5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.*

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2025, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 2025-24

Ordinance No: _____

PRESENTED by me to the Mayor this _____ day of _____, 2025, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

STAFF REPORT

Date: September 9, 2025

Location: North of 4340 N Main Street

Petition: 25 14

Prepared By: DMW

GENERAL INFORMATION

Applicant: Cressy Land Investments LLC / Leesman Engineering & Associates, Inc

Status: Property Owners / Consulting Representative

Request: Rezone from C-1 General Commercial to C-7 Automobile Oriented Restaurant Commercial District

Zoning Classification: C-1 General Commercial

Lot Size: 1.15 acres

Applicable Regulations: Sec. 137-40 Plan Commission;
Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map;
Sec. 137-455 thru 137-457 C-7 Restaurant Automobile Oriented Commercial District; Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (vacant land)
South: C-1 General Commercial (former Aspen Tap House)
East: C-1 General Commercial(vacant land)/S-2 Planned Unit Development (Edison Lakes Medical Center)
West: S-2 Planned Unit Development (Princess City Plaza)

Thoroughfare: N Main Street

Council District: 6

School District: South Bend Community

Township: Clay

Public Utilities: All utilities are available and/or will be extended to/throughout the site at the developer's expense

Comprehensive Plan: Service Commercial

ANALYSIS

The Petitioner is requesting to rezone the above referenced properties from C-1 General Commercial to C-7 Automobile Oriented Restaurant Commercial District. The vacant property is located on the eastern side of N Main Street north of Day Road. The property is bordered on the south by the former Aspen Tap House, Panera Bread and Koto Casual Asian Dining. There are various medical offices to the east that are a part of the Edison Lakes Medical Center Planned Unit Development.

The reason for rezoning to C-7 Automobile Restaurant Oriented Commercial District is to allow for a Dutch Bros Coffee Shop which is a drive thru focused coffee shop. A preliminary site plan shows a 986 sf building, 26 parking spaces, a 19.5' wide green space along the south and a designated north bound right turn lane off of N Main Street. There is a current access road off of N Main Street with a connection to the former Aspen Tap House that will also be used to access the rear of the proposed development. A north south cross access easement will be needed along the eastern part of the property for access to vacant property to the north for future development. The access drive will be two lanes upon exit onto N Main Street with a designated left turn lane and a single incoming lane. There will need to be a turnaround area on the west side of the property to the north as to not restrict traffic flow from those exiting the drive thru.

With this petition, the property owner and contingent developer are only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, soil erosion control, landscaping, and all other required improvements pertinent to the proposed development. If additional variances or a design review waiver for the proposed building materials or colors are required, the Board of Zoning Appeals and/or the Plan Commission shall be petitioned when the final site plan is submitted. A subdivision plat will also be required to split the site from parent parcel and dedicate all necessary easements (ingress-egress, utility, drainage, etc).

The Electric Department commented that they will need to discuss electric needs with contractor prior to construction.

Other pertinent City Departments reviewed and approved the request.

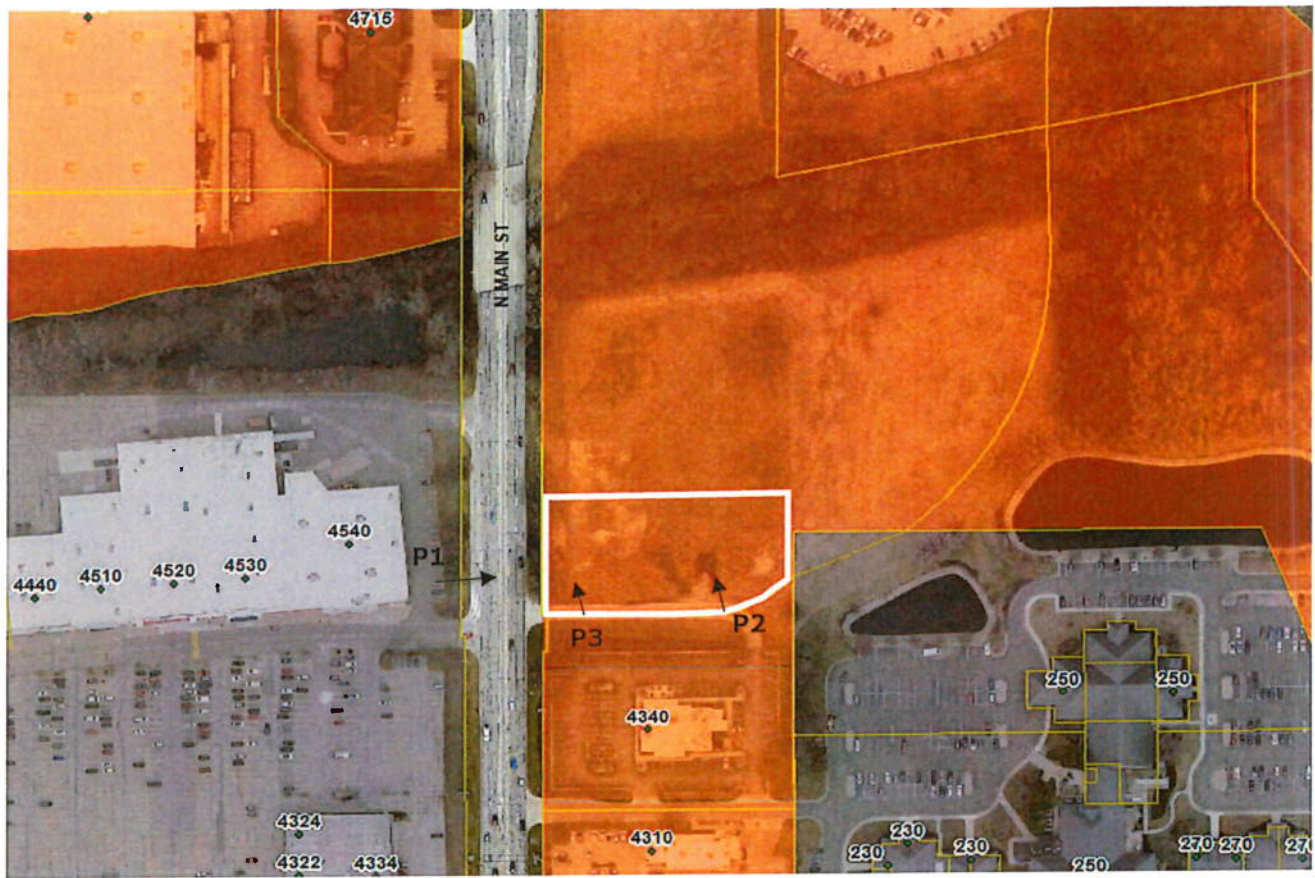
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #25-14 to rezone the vacant property located north of 4340 N Main Street to C-7 Automobile Restaurant Oriented Commercial District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the 2000 Mishawaka Comprehensive Plan which identifies the area as Service Commercial and the area currently has other dining with and without a drive thru.
2. Current conditions and the character of current structures and uses in each district – This section of N Main Street is intended for commercial use. The current commercial uses vary from shopping centers, dine in and drive thru restaurants, medical offices and hotels.
3. The most desirable use for which the land in each district is adopted – Because the parcels are surrounded by various other commercial uses, zoning to the C-7 Automobile Restaurant Oriented Commercial District is a desirable use for this property;
4. The conservation of property values throughout the jurisdiction – The proposed rezoning should not be injurious to property values in the surrounding area as the majority of the property is currently zoned for various commercial properties.
5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOS, PETITION, SITE PLAN, LOCATION MAP



Aerial



P1. Looking east toward vacant land from N Main Street



P2. North facing from entry drive toward the rear (east) of the vacant lot



P3. North facing from entry drive toward the front (west) of the vacant lot

PKT 25-14
Received

AUG 21 2025

Planning and
Community Development

August 20, 2025

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

RE: Petition to Rezone approximately 1.15 Acre tract (Parent Parcel ID 029-2024-0589)

The undersigned CRESSY LAND INVESTMENTS LLC. respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

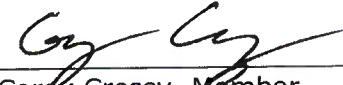
See attached legal description of proposed 1.15 acre tract of land being subdivided from parent tract of land known as Parcel 029-2024-0589.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 General Commercial District. Said property is currently vacant along N. Main Street.

Petitioner(s) desire said real estate to be rezoned to C-7 Automobile Oriented Restaurant Commercial District. Petitioner(s) further state that they intend to utilize said land for a drive thru restaurant, specifically a Dutch Bros Coffee Shop.

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

Signature(s) of Property Owner(s)


Corey Cressy, Member

CONTACT PERSON:

COREY CRESSY
200 N. CHURCH STREET, SUITE 200,
MISHAWAKA, IN 46544
574-229-8889



LEESMAN ENGINEERING & ASSOCIATES, INC.

2720 Topichills Dr. ♦ Cincinnati, OH 45248 ♦ Phone 513-417-0420 ♦ Email: email@leesmanengineering.com

NEW PARCEL LOT ____
TOTAL: 50,015 SQ. FT. / 1.148 AC.

PART OF THE EAST HALF (E 1/2) OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE N00°11'21"E, THIS AND ALL SUBSEQUENT BEARINGS ARE ASSUMED, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SOUTHEAST QUARTER OF SAID SECTION 33, 1318.57 FEET TO THE EAST QUARTER CORNER OF SECTION 33; THENCE N00°18'32"W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 33, 432.06 FEET TO THE NORTH LINE OF PROPERTY DESCRIBED IN DOCUMENT NUMBER 0245874 AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE S89°41'28"W ALONG SAID NORTH LINE, 521.56 FEET; THENCE S35°22'58"W, 73.97 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 280.00 FEET, BEING SUBTENDED BY A CHORD OF 170.18 FEET BEARING S17°41'29"W; THENCE SOUTHERLY ALONG SAID CURVE 172.91 FEET; THENCE S00°00'00"W, 96.76 FEET TO THE CENTERLINE OF JUDAY CREEK; THENCE S78°38'00"W ALONG SAID CENTERLINE, 667.48 FEET TO THE EAST RIGHT-OF-WAY LINE OF MAIN STREET; THENCE S00°05'41"W ALONG SAID RIGHT-OF-WAY, 393.76 FEET TO A SET IRON PIN AND BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY S00°05'41"W ALONG SAID RIGHT-OF-WAY, 159.00 FEET TO A FOUND MAG NAIL; THENCE N89°58'19"E, 185.54 FEET TO A FOUND MAG NAIL AND TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, BEING SUBTENDED BY A CHORD OF 132.02 FEET, BEARING N82°23'09"E; THENCE EASTERLY ALONG SAID CURVE 132.41 FEET TO A SET IRON PIN; THENCE N00°05'41"E, 140.89 FEET TO A SET IRON PIN; THENCE N89°54'19"W, 316.37 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING A TOTAL OF 1.148 ACRES, MORE OR LESS. SUBJECT HOWEVER TO ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, AND EASEMENTS CONTAINING IN ANY INSTRUMENT OF RECORD PERTAINING TO THE ABOVE DESCRIBED TRACT OF LAND. THIS DESCRIPTION WAS PREPARED FROM A JULY 2025 FIELD SURVEY. BEARINGS ARE BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM, NAD83 NO TRANS [EAST ZONE]. ALL PINS SET ARE 5/8" X 36" WITH CAP S.J. LEESMAN 21600010.


STEVEN J. LEESMAN
PLS21600010

8.19.25
DATE

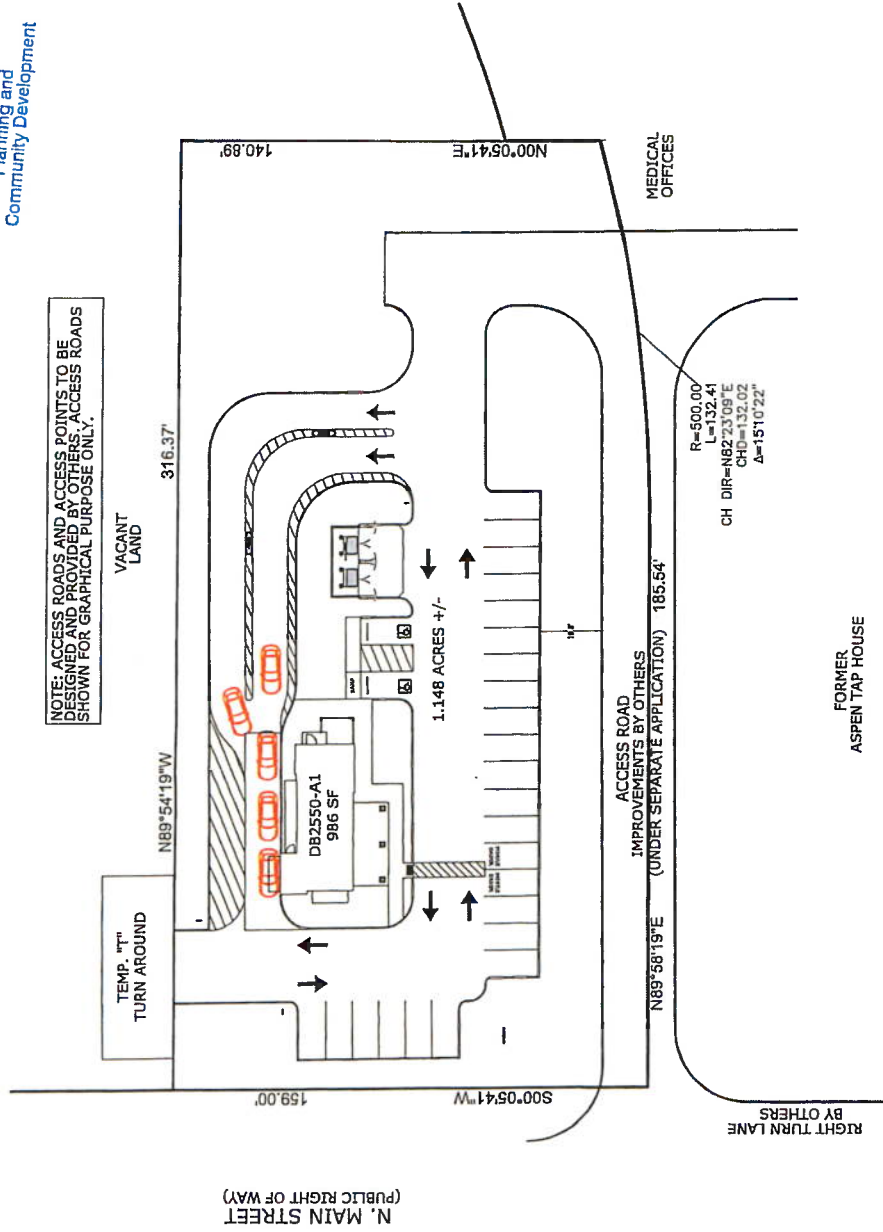


Per 25-14
Received

Aug 21 2025

Planning and
Community Development

NOTE: ACCESS ROADS AND ACCESS POINTS TO BE
DESIGNED AND PROVIDED BY OTHERS. ACCESS ROADS
SHOWN FOR GRAPHICAL PURPOSE ONLY.



SITE PLAN



3 WORKING DAYS
BEFORE YOU DIG
UTILITIES PROTECTION SERVICE

DUTCH BROS COPPER-MISHAMAKA, INC.
111 MAIN STREET
MISHAMAKA, IN 46059

571

DRAWN

CONCE
SITE P

DATE
SCALE
PROJECT

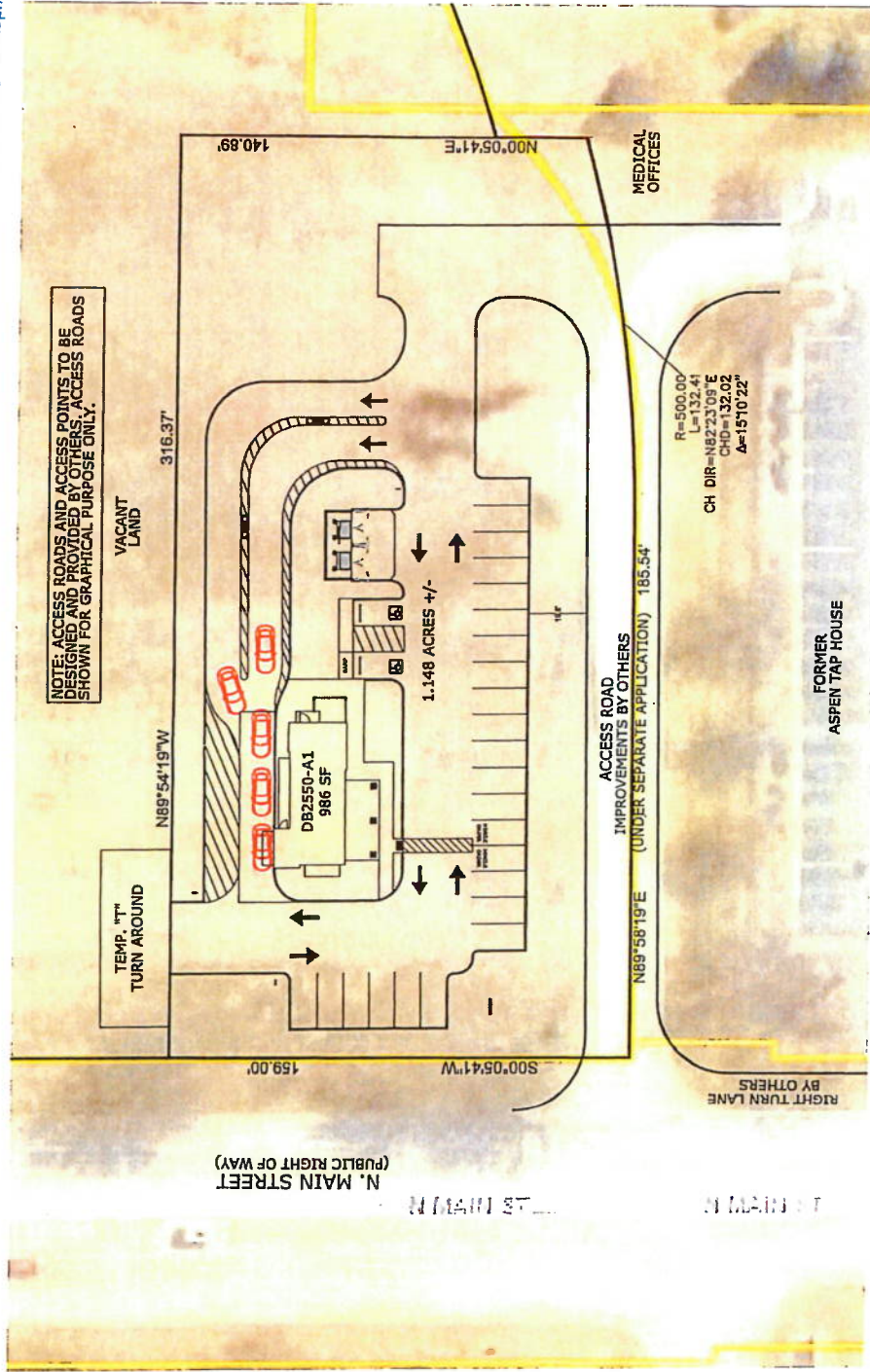
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ZC

Plat 28-14
Received

AUG 21 2025

Planning and
Community Development



SITE PLAN



3 WORKING DAYS
BEFORE YOU DIG
UTILITIES PROTECTION SERVICE

DUTCH BROS COFFEE - MISHAWAKA, IN
N. MAIN STREET
MISHAWAKA, IN

SL

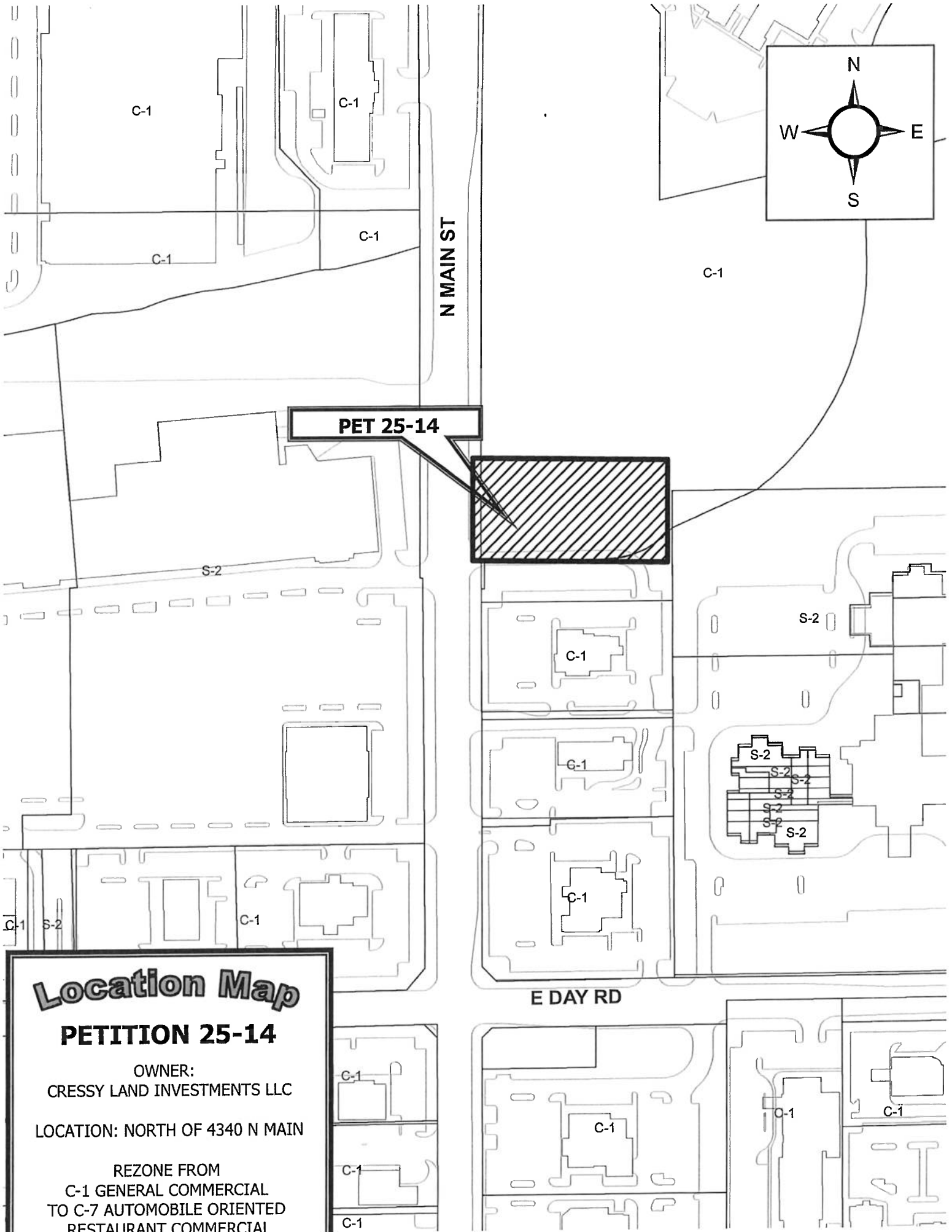
DRAWN

CONCEP
SITE PL

DATE
2/10/25

DRAWN

70



Location Map

PETITION 25-14

OWNER:

CRESSY LAND INVESTMENTS LLC

LOCATION: NORTH OF 4340 N MAIN

REZONE FROM

C-1 GENERAL COMMERCIAL
TO C-7 AUTOMOBILE ORIENTED
RESTAURANT COMMERCIAL

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 9/19/2025 11:47:25 AM

Proposed Ordinance No. 2025-25

Ordinance / Resolution Number: _____

Be it ordained/resolved by the **Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2026** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Mishawaka Common Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Mishawaka Common Council	Common Council and Mayor	10/27/2025

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$49,604,404	\$40,871,178	2.9865
0254	LOCAL INCOME TAX	\$3,673,500	\$0	0.0000
0341	FIRE PENSION	\$2,150,000	\$0	0.0000
0342	POLICE PENSION	\$1,308,000	\$0	0.0000
0706	LOCAL ROAD & STREET	\$1,065,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$4,225,519	\$5,140,361	0.3756
1109	MUNICIPAL EMERGENCY MEDICAL SERVICES	\$720,000	\$0	0.0000
1151	CONTINUING EDUCATION	\$186,200	\$0	0.0000
1301	PARK & RECREATION	\$5,830,729	\$8,278,019	0.6049
1310	PARK NONREVERTING - CAPITAL	\$467,000	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$313,000	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$800,000	\$2,317,254	0.1693
2411	ECONOMIC DEV INCOME TAX CEDIT	\$7,401,000	\$0	0.0000
6290	CUMULATIVE SEWER	\$175,000	\$0	0.0000
		\$77,919,352	\$56,606,812	4.1363

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 9/19/2025 11:47:25 AM

Name		Signature
Lou Ann Hazen	Aye ☐ Nay ☐ Abstain ☐	
Kate Voelker	Aye ☐ Nay ☐ Abstain ☐	
Ron Banicki	Aye ☐ Nay ☐ Abstain ☐	
Matt Carroll	Aye ☐ Nay ☐ Abstain ☐	
Dale "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	
Matt Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Lacy Hahn	Aye ☐ Nay ☐ Abstain ☐	
Anthony Violi	Aye ☐ Nay ☐ Abstain ☐	
Gregg Hixenbaugh	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah Ladyga-Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1

Yes ☐ No ☒

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31

Yes ☐ No ☒



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: September 19, 2025
To: Honorable Members of the Common Council
From: Rebecca Maguire – Controller

Re: Civil City 2026 Budget

The first reading of the 2026 Civil City Budget is scheduled for September 22nd. Due to significant revenue reductions expected as a result of Senate Bill 1, reductions have been made wherever possible. These reductions, coupled with payroll obligations, have resulted in a modest 1.21% increase over 2025.

Please contact me with any questions.

c: David A. Wood – Mayor

Budget Form 2 - Estimate of Miscellaneous Revenue

Year: 2026 County: St. Joseph Unit: 0117 - Mishawaka Civil City

Fund	Revenue Code	Revenue Name	July 1 - December 31, 2025	January 1 - December 31, 2026
0101 - GENERAL	R109	Alcoholic Beverage/Liquor Excise Tax Distribution	\$3,107	\$45,000
0101 - GENERAL	R110	Casino/Riverboat Distribution	\$285,840	\$285,840
0101 - GENERAL	R111	Cigarette Tax Distribution	\$11,731	\$23,462
0101 - GENERAL	R114	Motor Vehicle/Aircraft Excise Tax Distribution	\$598,373	\$1,117,606
0101 - GENERAL	R135	Commercial Vehicle Excise Tax Distribution (CVET)	\$36,285	\$97,340
0101 - GENERAL	R136	ABC Gallonage Tax Distribution	\$60,337	\$120,674
0101 - GENERAL	R138	Local Income Tax (LIT) Certified Shares	\$1,549,756	\$4,038,954
0101 - GENERAL	R202	Food and Amusement Licenses and Permits	\$0	\$6,500
0101 - GENERAL	R203	Planning, Zoning, and Building Permits and Fees	\$255,926	\$745,000
0101 - GENERAL	R207	Street and Curb Cuts Permits	\$9,375	\$22,000
0101 - GENERAL	R208	Dog Licenses	\$265	\$100
0101 - GENERAL	R209	Other Licenses and Permits	\$1,255	\$4,450
0101 - GENERAL	R408	Emergency Medical Services Fees	\$583,025	\$2,500,000
0101 - GENERAL	R423	Other Charges for Services, Sales, and Fees	\$157,916	\$210,000
0101 - GENERAL	R502	Court Costs and Fees	\$8,815	\$21,500
0101 - GENERAL	R902	Earnings on Investments and Deposits	\$53,652	\$2,000,000
0101 - GENERAL	R906	Refunds and Reimbursements	\$2,228,368	\$6,554,299
0101 - GENERAL	R910	Transfers In - Transferred from Another Fund	\$0	\$0
0101 - GENERAL	R913	Other Receipts	\$250	\$600
		GENERAL	\$5,844,276	\$17,793,325
0254 - LOCAL INCOME TAX	R139	Local Income Tax (LIT) for Public Safety	\$1,457,581	\$3,840,124
0254 - LOCAL INCOME TAX	R913	Other Receipts	\$0	\$0
		LOCAL INCOME TAX	\$1,457,581	\$3,840,124
0341 - FIRE PENSION	R111	Cigarette Tax Distribution	\$1,062,836	\$1,980,000
0341 - FIRE PENSION	R913	Other Receipts	\$0	\$0
		FIRE PENSION	\$1,062,836	\$1,980,000
0342 - POLICE PENSION	R111	Cigarette Tax Distribution	\$580,046	\$1,100,000

Fund		Revenue Code	Revenue Name	July 1 - December 31, 2025	January 1 - December 31, 2026
0342 - POLICE PENSION	R913	Other Receipts		\$0	\$0
			POLICE PENSION	\$580,046	\$1,100,000
0706 - LOCAL ROAD & STREET	R113	Local Road and Street Distribution		\$464,648	\$929,297
0706 - LOCAL ROAD & STREET	R913	Other Receipts		\$0	\$0
			LOCAL ROAD & STREET	\$464,648	\$929,297
0708 - MOTOR VEHICLE HIGHWAY	R108	Other Taxes		\$0	\$0
0708 - MOTOR VEHICLE HIGHWAY	R114	Motor Vehicle/Aircraft Excise Tax Distribution		\$73,080	\$136,494
0708 - MOTOR VEHICLE HIGHWAY	R116	Motor Vehicle Highway Distribution		\$1,073,129	\$2,146,259
0708 - MOTOR VEHICLE HIGHWAY	R135	Commercial Vehicle Excise Tax Distribution (CVET)		\$4,432	\$0
0708 - MOTOR VEHICLE HIGHWAY	R137	Wheel Tax/Surtax Distribution		\$472,767	\$850,000
0708 - MOTOR VEHICLE HIGHWAY	R406	Street Maintenance and Other Transportation Fees		\$0	\$0
0708 - MOTOR VEHICLE HIGHWAY	R913	Other Receipts		\$0	\$0
			MOTOR VEHICLE HIGHWAY	\$1,623,408	\$3,132,753
1109 - MUNICIPAL EMERGENCY MEDICAL SERVICES	R407	911 Telephone Service		\$241,133	\$400,000
			MUNICIPAL EMERGENCY MEDICAL SERVICES	\$241,133	\$400,000
1151 - CONTINUING EDUCATION	R205	Gun Permits		\$90,889	\$72,000
1151 - CONTINUING EDUCATION	R409	Document and Copy Fees		\$0	\$0
1151 - CONTINUING EDUCATION	R423	Other Charges for Services, Sales, and Fees		\$0	\$0
1151 - CONTINUING EDUCATION	R505	Other Court and Clerk Receipts		\$0	\$0
1151 - CONTINUING EDUCATION	R913	Other Receipts		\$143	\$2,000
			CONTINUING EDUCATION	\$91,032	\$74,000

Fund	Revenue Code	Revenue Name	July 1 - December 31, 2025	January 1 - December 31, 2026
1301 - PARK & RECREATION	R114	Motor Vehicle/Aircraft Excise Tax Distribution	\$110,781	\$206,911
1301 - PARK & RECREATION	R135	Commercial Vehicle Excise Tax Distribution (CVET)	\$6,718	\$0
1301 - PARK & RECREATION	R411	Park and Recreation Receipts	\$0	\$0
1301 - PARK & RECREATION	R913	Other Receipts	\$354,686	\$1,518,111
		PARK & RECREATION	\$472,185	\$1,725,022
1310 - PARK NONREVERTING - CAPITAL	R411	Park and Recreation Receipts	\$0	\$0
1310 - PARK NONREVERTING - CAPITAL	R913	Other Receipts	\$57,728	\$313,950
		PARK NONREVERTING - CAPITAL	\$57,728	\$313,950
2379 - CUMULATIVE CAPITAL IMP (CIG TAX)	R111	Cigarette Tax Distribution	\$43,013	\$86,026
2379 - CUMULATIVE CAPITAL IMP (CIG TAX)	R913	Other Receipts	\$0	\$0
		CUMULATIVE CAPITAL IMP (CIG TAX)	\$43,013	\$86,026
2391 - CUMULATIVE CAPITAL DEVELOPMENT	R114	Motor Vehicle/Aircraft Excise Tax Distribution	\$20,379	\$86,026
2391 - CUMULATIVE CAPITAL DEVELOPMENT	R135	Commercial Vehicle Excise Tax Distribution (CVET)	\$1,236	\$0
2391 - CUMULATIVE CAPITAL DEVELOPMENT	R913	Other Receipts	\$0	\$0
		CUMULATIVE CAPITAL DEVELOPMENT	\$21,615	\$86,026
2411 - ECONOMIC DEV INCOME TAX CREDIT	R140	Local Income Tax (LIT) for Economic Development	\$2,074,182	\$5,452,916
2411 - ECONOMIC DEV INCOME TAX CREDIT	R913	Other Receipts	\$0	\$0
		ECONOMIC DEV INCOME TAX CREDIT	\$2,074,182	\$5,452,916
6290 - CUMULATIVE SEWER	R114	Motor Vehicle/Aircraft Excise Tax Distribution	\$0	\$0
6290 - CUMULATIVE SEWER	R135	Commercial Vehicle Excise Tax Distribution (CVET)	\$0	\$0
6290 - CUMULATIVE SEWER	R209	Other Licenses and Permits	\$0	\$0

Fund		Revenue Code	Revenue Name	July 1 - December 31, 2025	January 1 - December 31, 2026
6290 - CUMULATIVE SEWER		R913	Other Receipts	\$68,509	\$90,000
			CUMULATIVE SEWER	\$68,509	\$90,000
			0117 - MISHAWAKA CIVIL CITY Total	\$14,102,192	\$37,003,439

Budget Form 1 - Budget Estimate

Year: 2026 County: St. Joseph Unit: Mishawaka Civil City

Fund	Department	Category	Sub-Category	Line Item Code	Line Item	Published	Adopted
0101 - GENERAL	CONTROLLER	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$3,577,848	\$3,577,848
0101 - GENERAL	CONTROLLER	SUPPLIES	Office Supplies		Office Supplies	\$15,000	\$15,000
0101 - GENERAL	CONTROLLER	SERVICES AND CHARGES	Other Services and Charges		Other Services and Charges	\$1,767,500	\$1,767,500
0101 - GENERAL	CONTROLLER	CAPITAL OUTLAYS	Other Capital Outlays		Other Capital Outlays	\$600,000	\$600,000
0101 - GENERAL	CLERK-TREASURER (CITY/TOWN UNITS ONLY)	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$203,801	\$203,801
0101 - GENERAL	CLERK-TREASURER (CITY/TOWN UNITS ONLY)	SUPPLIES	Other Supplies		Other Supplies	\$4,000	\$4,000
0101 - GENERAL	CLERK-TREASURER (CITY/TOWN UNITS ONLY)	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$31,750	\$31,750
0101 - GENERAL	MAYOR	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$210,042	\$210,042
0101 - GENERAL	MAYOR	SUPPLIES	Office Supplies		Office Supplies	\$1,000	\$1,000
0101 - GENERAL	MAYOR	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$21,000	\$21,000
0101 - GENERAL	CITY COUNCIL/TOWN BOARD (COMMON COUNCIL)	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$216,151	\$216,151
0101 - GENERAL	CITY COUNCIL/TOWN BOARD (COMMON COUNCIL)	SUPPLIES	Office Supplies		Office Supplies	\$1,500	\$1,500
0101 - GENERAL	CITY COUNCIL/TOWN BOARD (COMMON COUNCIL)	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$11,500	\$11,500
0101 - GENERAL	PROPERTY TAX CAP IMPACT - BUDGET PURPOSES ONLY	PROPERTY TAX CAP	Property Tax Cap Impact		Circuit Breaker	\$0	\$0
0101 - GENERAL	PLANNING & ZONING	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$378,475	\$378,475
0101 - GENERAL	PLANNING & ZONING	SUPPLIES	Operating Supplies		Operating Supplies	\$5,000	\$5,000
0101 - GENERAL	PLANNING & ZONING	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$10,000	\$10,000

Fund	Department	Category	Sub-Category	Line Item Code	Line Item	Published	Adopted
0101 - GENERAL	DATA PROCESSING (COMPUTERS)	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$483,742	\$483,742
0101 - GENERAL	DATA PROCESSING (COMPUTERS)	SUPPLIES	Operating Supplies		Operating Supplies	\$10,000	\$10,000
0101 - GENERAL	DATA PROCESSING (COMPUTERS)	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$19,000	\$19,000
0101 - GENERAL	CENTRAL SERVICES (CITY SVCS-MUNICIPAL SVCS-SVC CTR.)	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$870,206	\$870,206
0101 - GENERAL	CENTRAL SERVICES (CITY SVCS-MUNICIPAL SVCS-SVC CTR.)	SUPPLIES	Other Supplies		Other Supplies	\$1,094,550	\$1,094,550
0101 - GENERAL	CENTRAL SERVICES (CITY SVCS-MUNICIPAL SVCS-SVC CTR.)	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$117,000	\$117,000
0101 - GENERAL	LAW DEPARTMENT	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$75,321	\$75,321
0101 - GENERAL	LAW DEPARTMENT	SUPPLIES	Office Supplies		Office Supplies	\$500	\$500
0101 - GENERAL	LAW DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$53,000	\$53,000
0101 - GENERAL	ENGINEER	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$517,220	\$517,220
0101 - GENERAL	ENGINEER	SUPPLIES	Office Supplies		Office Supplies	\$4,000	\$4,000
0101 - GENERAL	ENGINEER	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$17,700	\$17,700
0101 - GENERAL	HUMAN RELATIONS/RESOURCES (SOCIAL SVC-COUNCIL ON AGING)	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$188,704	\$188,704
0101 - GENERAL	HUMAN RELATIONS/RESOURCES (SOCIAL SVC-COUNCIL ON AGING)	SUPPLIES	Office Supplies		Office Supplies	\$1,000	\$1,000
0101 - GENERAL	HUMAN RELATIONS/RESOURCES (SOCIAL SVC-COUNCIL ON AGING)	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$106,250	\$106,250
0101 - GENERAL	BUILDING DEPARTMENT (JAIL CONST. - BLDG. COMM. - PERMITS)	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$344,914	\$344,914
0101 - GENERAL	BUILDING DEPARTMENT (JAIL CONST. - BLDG. COMM. - PERMITS)	SUPPLIES	Operating Supplies		Supplies	\$2,000	\$2,000

Fund	Department	Category	Sub-Category	Line Item Code	Line Item	Published	Adopted
0101 - GENERAL	BUILDING DEPARTMENT (JAIL CONST. - BLDG. COMM. - PERMITS)	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$4,800	\$4,800
0101 - GENERAL	CODE ENFORCEMENT	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$437,885	\$437,885
0101 - GENERAL	CODE ENFORCEMENT	SUPPLIES	Operating Supplies		Supplies	\$3,500	\$3,500
0101 - GENERAL	CODE ENFORCEMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$43,000	\$43,000
0101 - GENERAL	FIRE DEPARTMENT	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$19,593,849	\$19,593,849
0101 - GENERAL	FIRE DEPARTMENT	SUPPLIES	Other Supplies		Other Supplies	\$492,500	\$492,500
0101 - GENERAL	FIRE DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$395,800	\$395,800
0101 - GENERAL	POLICE DEPARTMENT (TOWN MARSHAL)	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$17,086,345	\$17,086,345
0101 - GENERAL	POLICE DEPARTMENT (TOWN MARSHAL)	SUPPLIES	Other Supplies		Other Supplies	\$121,000	\$121,000
0101 - GENERAL	POLICE DEPARTMENT (TOWN MARSHAL)	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$136,600	\$136,600
0101 - GENERAL	CEMETERY	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$30,000	\$30,000
0101 - GENERAL	REDEVELOPMENT	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$193,251	\$193,251
0101 - GENERAL	REDEVELOPMENT	SUPPLIES	Office Supplies		Office Supplies	\$1,000	\$1,000
0101 - GENERAL	REDEVELOPMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$105,200	\$105,200
0101 - GENERAL Total						\$49,604,404	\$49,604,404
0254 - LOCAL INCOME TAX	NO DEPARTMENT	SUPPLIES	Other Supplies		Other Supplies	\$150,000	\$150,000
0254 - LOCAL INCOME TAX	NO DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$935,000	\$935,000
0254 - LOCAL INCOME TAX	NO DEPARTMENT	CAPITAL OUTLAYS	Other Capital Outlays		Other Capital Outlays	\$937,500	\$937,500
0254 - LOCAL INCOME TAX	NO DEPARTMENT	DEBT SERVICE	Payments on Bonds and Other Debt Principal		Principal	\$1,621,000	\$1,621,000

Fund	Department	Category	Sub-Category	Line Item Code	Line Item	Published	Adopted
0254 - LOCAL INCOME TAX	NO DEPARTMENT	DEBT SERVICE	Payments on Bonds and Other Debt Interest		Interest	\$30,000	\$30,000
0254 - LOCAL INCOME TAX	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
0254 - LOCAL INCOME TAX Total							\$3,673,500
0341 - FIRE PENSION	NO DEPARTMENT	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$2,146,000	\$2,146,000
0341 - FIRE PENSION	NO DEPARTMENT	SUPPLIES	Office Supplies		Office Supplies	\$1,000	\$1,000
0341 - FIRE PENSION	NO DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$3,000	\$3,000
0341 - FIRE PENSION	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
0341 - FIRE PENSION Total							\$2,150,000
0342 - POLICE PENSION	NO DEPARTMENT	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$1,305,500	\$1,305,500
0342 - POLICE PENSION	NO DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$2,500	\$2,500
0342 - POLICE PENSION	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
0342 - POLICE PENSION Total							\$1,308,000
0706 - LOCAL ROAD & STREET	NO DEPARTMENT	CAPITAL OUTLAYS	Other Capital Outlays		Capital Outlays	\$1,065,000	\$1,065,000
0706 - LOCAL ROAD & STREET	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
0706 - LOCAL ROAD & STREET Total							\$1,065,000
0708 - MOTOR VEHICLE HIGHWAY	PROPERTY TAX CAP IMPACT - BUDGET PURPOSES ONLY	PERSONAL SERVICES	Salaries and Wages		Salary and Wages	\$3,133,019	\$3,133,019
0708 - MOTOR VEHICLE HIGHWAY	PROPERTY TAX CAP IMPACT - BUDGET PURPOSES ONLY	SUPPLIES	Other Supplies		Supplies	\$54,000	\$54,000

Fund	Department	Category	Sub-Category	Line Item Code	Line Item	Published	Adopted
0708 - MOTOR VEHICLE HIGHWAY	PROPERTY TAX CAP IMPACT - BUDGET PURPOSES ONLY	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$38,500	\$38,500
0708 - MOTOR VEHICLE HIGHWAY	PROPERTY TAX CAP IMPACT - BUDGET PURPOSES ONLY	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
0708 - MOTOR VEHICLE HIGHWAY	CONSTRUCTION & RECONSTRUCTION	PERSONAL SERVICES	Salaries and Wages		Personal Services	\$0	\$0
0708 - MOTOR VEHICLE HIGHWAY	CONSTRUCTION & RECONSTRUCTION	SUPPLIES	Other Supplies		Other Supplies	\$0	\$0
0708 - MOTOR VEHICLE HIGHWAY	CONSTRUCTION & RECONSTRUCTION	CAPITAL OUTLAYS	Other Capital Outlays		Other Capital Outlays	\$1,000,000	\$1,000,000
0708 - MOTOR VEHICLE HIGHWAY	CONSTRUCTION & RECONSTRUCTION	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap	\$0	\$0
0708 - MOTOR VEHICLE HIGHWAY Total						\$4,225,519	\$4,225,519
1109 - MUNICIPAL EMERGENCY MEDICAL SERVICES	NO DEPARTMENT	CAPITAL OUTLAYS	Other Capital Outlays		Other Capital Outlays	\$720,000	\$720,000
1109 - MUNICIPAL EMERGENCY MEDICAL SERVICES	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
1109 - MUNICIPAL EMERGENCY MEDICAL SERVICES Total						\$720,000	\$720,000
1151 - CONTINUING EDUCATION	NO DEPARTMENT	SUPPLIES	Operating Supplies		Other Supplies	\$45,000	\$45,000
1151 - CONTINUING EDUCATION	NO DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$50,000	\$50,000
1151 - CONTINUING EDUCATION	NO DEPARTMENT	CAPITAL OUTLAYS	Other Capital Outlays		Vests	\$91,200	\$91,200
1151 - CONTINUING EDUCATION	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
1151 - CONTINUING EDUCATION Total						\$186,200	\$186,200

Fund	Department	Category	Sub-Category	Line Item Code	Line Item	Published	Adopted
1301 - PARK & RECREATION	NO DEPARTMENT	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$3,962,729	\$3,962,729
1301 - PARK & RECREATION	NO DEPARTMENT	SUPPLIES	Other Supplies		Other Supplies	\$578,000	\$578,000
1301 - PARK & RECREATION	NO DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$1,290,000	\$1,290,000
1301 - PARK & RECREATION	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Circuit Breaker	\$0	\$0
1301 - PARK & RECREATION Total						\$5,830,729	\$5,830,729
1310 - PARK NONREVERTING - CAPITAL	NO DEPARTMENT	PERSONAL SERVICES	Salaries and Wages		Salaries and Wages	\$0	\$0
1310 - PARK NONREVERTING - CAPITAL	NO DEPARTMENT	SUPPLIES	Operating Supplies		Other Supplies	\$203,000	\$203,000
1310 - PARK NONREVERTING - CAPITAL	NO DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$172,500	\$172,500
1310 - PARK NONREVERTING - CAPITAL	NO DEPARTMENT	CAPITAL OUTLAYS	Machinery, Equipment, and Vehicles		Equipment	\$91,500	\$91,500
1310 - PARK NONREVERTING - CAPITAL	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
1310 - PARK NONREVERTING - CAPITAL Total						\$467,000	\$467,000
2379 - CUMULATIVE CAPITAL IMP (CIG TAX)	NO DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$313,000	\$313,000
2379 - CUMULATIVE CAPITAL IMP (CIG TAX)	NO DEPARTMENT	DEBT SERVICE	Payments on Bonds and Other Debt Principal		Debt Service	\$0	\$0
2379 - CUMULATIVE CAPITAL IMP (CIG TAX)	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
2379 - CUMULATIVE CAPITAL IMP (CIG TAX) Total						\$313,000	\$313,000

Fund	Department	Category	Sub-Category	Line Item Code	Line Item	Published	Adopted
2391 - CUMULATIVE CAPITAL DEVELOPMENT	NO DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$400,000	\$400,000
2391 - CUMULATIVE CAPITAL DEVELOPMENT	NO DEPARTMENT	CAPITAL OUTLAYS	Other Capital Outlays		Other Capital Outlays	\$400,000	\$400,000
2391 - CUMULATIVE CAPITAL DEVELOPMENT	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Circuit Breaker	\$0	\$0
2391 - CUMULATIVE CAPITAL DEVELOPMENT Total						\$800,000	\$800,000
2411 - ECONOMIC DEV INCOME TAX CREDIT	NO DEPARTMENT	SUPPLIES	Other Supplies		Other Supplies	\$780,000	\$780,000
2411 - ECONOMIC DEV INCOME TAX CREDIT	NO DEPARTMENT	SERVICES AND CHARGES	Other Services and Charges		Other Services & Charges	\$5,071,000	\$5,071,000
2411 - ECONOMIC DEV INCOME TAX CREDIT	NO DEPARTMENT	CAPITAL OUTLAYS	Other Capital Outlays		Other Capital Outlays	\$1,550,000	\$1,550,000
2411 - ECONOMIC DEV INCOME TAX CREDIT	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Property Tax Cap Impact	\$0	\$0
2411 - ECONOMIC DEV INCOME TAX CREDIT Total						\$7,401,000	\$7,401,000
6290 - CUMULATIVE SEWER	NO DEPARTMENT	SERVICES AND CHARGES	Professional Services		Professional Services	\$0	\$0
6290 - CUMULATIVE SEWER	NO DEPARTMENT	CAPITAL OUTLAYS	Other Capital Outlays		Other Capital Outlays	\$175,000	\$175,000
6290 - CUMULATIVE SEWER	NO DEPARTMENT	PROPERTY TAX CAP	Property Tax Cap Impact		Circuit Breaker	\$0	\$0
6290 - CUMULATIVE SEWER Total						\$175,000	\$175,000
UNIT TOTAL						\$77,919,352	\$77,919,352

SEP 17 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2025-26

ORDINANCE NO. _____

**AN ORDINANCE AMENDING PART I, CHAPTER 62, OF
THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA,
INDIANA, AS FROM TIME TO TIME AMENDED.**

WHEREAS, the City of Mishawaka, Indiana, has heretofore constructed and has in operation a sewage works for the purpose of collecting sewage and waste and conveying the same away from the premises where produced and disposing of the same in a sanitary manner; and

WHEREAS, the Common Council believes that it is necessary to amend the schedule of rates and charges in three phases so as to produce sufficient revenue to pay expenses of maintenance and operation, to provide funds for necessary replacements and improvements to the sewage works, to provide adequate money for working capital, and to pay the principal and interest on the outstanding and proposed revenue bonds in accordance with the applicable bond ordinances; and

WHEREAS, Indiana Code 36-9-23-1 et seq., requires that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by Ordinance, finally adopted after due notice and public hearing; and

WHEREAS, the Common Council held a public hearing after due notice at which users of the sewage works, owners of property served or to be served by the works, and other interested persons were heard concerning the proposed fees set forth below;

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

Section 1. Section 62-147 WASTEWATER DISCHARGE LIMITATIONS, Section 62-183 RATES BASED ON WATER USAGE, STRENGTH OF DISCHARGE, Section 62-184 SCHEDULE OF RATES: MISHAWAKA WASTEWATER UTILITY and Sections 62-243 and 62-362 TIF CREDIT shall be amended as follows:

62-147 WASTEWATER DISCHARGE LIMITATIONS

Any waters or wastes containing metallic ions, or other toxic ions as determined and established from time to time by the board of public works and safety. Chemical constituents shall not exceed the following concentrations for grab or composite samples:

Mercury	0.0003 mg/l
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62-183 RATES BASED ON WATER USAGE, STRENGTH OF DISCHARGE.

The surcharges to be charged for the treatment of extra strength sewage shall be determined by the following table. The surcharge shall become effective should the concentration of Carbonaceous BOD5 (Biochemical Oxygen Demand), TSS (Total Suspended Solids), P (Phosphorus) or N-NH₃ (Ammonia Nitrogen) exceed the concentrations listed in 62-147 (8). The surcharge shall be charged for each pound of the particular pollutant in excess of these concentrations –

Phase One effective upon passage of the amending rate ordinance; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

<u>Pollutant</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
cBOD5	\$0.559	\$0.580	\$0.602	\$0.625	\$0.648
TSS	0.480	0.498	0.517	0.536	0.556
P	13.449	13.953	14.476	15.019	15.582
N-NH ₃	1.628	1.689	1.752	1.818	1.886

62-184 SCHEDULE OF RATES

- (A) Every person whose premises are served by the Wastewater Utility shall be charged for the service provided. Notwithstanding the provisions of 62-181, the sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use plus a customer charge, and plus a base charge based on the size of water meter installed as adjusted by the Meter Equivalency Factor, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). If for any reason the monthly meter reading is not available, a bill will be prepared, based on the estimated usage, and a correction will be made when meter readings are available. The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

- (1) Flow charges – Phase One effective upon passage of the amending rate ordinance; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

<u>Flow rate per month</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Rate per 100 cubic feet	\$2.13	\$2.21	\$2.23	\$2.32	\$2.40

- (2) Customer charges – Phase One effective upon passage of the amending rate ordinance; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

<u>Customer Charge</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Per month	\$2.45	\$2.55	\$2.65	\$2.75	\$2.86

- (3) Base charges – Phase One effective upon passage of the amending rate ordinance;

Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

Meter Size	Equivalency Factors	Phase One	Phase Two	Phase Three	Phase Four	Phase Five
Residential	1.0	\$54.64	\$56.48	\$55.99	\$57.98	\$60.05
5/8"	1.0	54.64	56.48	55.99	57.98	60.05
1"	2.5	136.58	141.19	139.96	144.94	150.12
1 1/4"	4.0	218.53	225.90	223.94	231.91	240.20
1 1/2"	5.8	316.87	327.56	324.72	336.27	348.29
2"	10.0	546.33	564.76	559.87	579.79	600.50
3"	23.0	1,256.56	1,298.95	1,287.70	1,333.52	1,381.15
4"	41.0	2,240.00	2,315.56	2,295.50	2,377.18	2,462.10
6"	92.0	5,026.31	5,195.85	5,150.85	5,334.12	5,524.67
8"	164.0	8,959.94	9,262.17	9,181.95	9,508.65	9,848.33
10"	256.0	13,986.23	14,458.00	14,332.78	14,842.76	15,372.98

- (4) Single family residential properties served by a water meter smaller than 1 1/4" shall be billed based on a Meter Equivalency Factor of 1.
- (5) The Base Charge shall be based on a meter size of not more than one size smaller than the service line in which the meter is installed.
- (6) The monthly sewer bill for any service where the user is not a metered water customer shall be estimated and determined by means and methods satisfactory to the Authority.

62-243 SEWER INSURANCE FUND AND CHARGES

- (A) The sum of \$3.76 per month shall be added for all single-family residential use sewer customers within the corporate city limits of the city (not including commercial, industrial, or bulk water customers) upon passage of the amending rate ordinance. All sums of money so collected shall be deposited in a separate fund of the city's wastewater utility, entitled "Sewer Insurance Fund".
- (B) All collected under section 62-246 shall also be deposited into this fund.
- (C) All sums of money so collected shall be used solely to repair or replace failing private sewer connections, and for administrative and inspection costs associated with the program, including material, labor, and equipment for sewer lateral repairs or inspection.

62-362 TIF CREDIT

- (A) Wastewater Utility customers whose premises are served by the utility and are located within the City limits shall receive a credit applied towards their monthly sewer bill in recognition of the portion of the principal and interest on Wastewater Utility bonds paid by the City from TIF revenues.
- (B) Monthly credits – Phase One effective upon passage of the amending rate ordinance; Phase Two effective January 1, 2028 in the amounts as follows:

<u>Flow credit rate per</u> <u>month</u>	<u>Phase</u> <u>One</u>	<u>Phase</u> <u>Two</u>	<u>Phase</u> <u>Three</u>	<u>Phase</u> <u>Four</u>	<u>Phase</u> <u>Five</u>
Credit per 100 cubic feet	\$0.191	\$0.191	\$0.135	\$0.135	\$0.135

(1) Base Rate Monthly Credit

<u>Meter</u> <u>Size</u>	<u>Equivalency</u> <u>Factors</u>	<u>Phase</u> <u>One</u>	<u>Phase</u> <u>Two</u>	<u>Phase</u> <u>Three</u>	<u>Phase</u> <u>Four</u>	<u>Phase</u> <u>Five</u>
Residential	1.0	\$8.21	\$8.21	\$5.81	\$5.81	\$5.81
5/8"	1.0	8.21	8.21	5.81	5.81	5.81
1"	2.5	20.54	20.54	14.52	14.52	14.52
1 1/4"	4.0	32.86	32.86	23.24	23.24	23.24
1 1/2"	5.8	47.64	47.64	33.69	33.69	33.69
2"	10.0	82.14	82.14	58.09	58.09	58.09
3"	23.0	188.93	188.93	133.61	133.61	133.61
4"	41.0	336.79	336.79	238.17	238.17	238.17
6"	92.0	755.71	755.71	534.42	534.42	534.42
8"	164.0	1,347.14	1,347.14	952.66	952.66	952.66
10"	256.0	2,102.86	2,102.86	1,487.09	1,487.09	1,487.09

- (C) Single family residential properties serviced by a water meter smaller than 1 1/4" shall receive a Base Charge TIF Credit based on a Meter Equivalency Factor of 1.
- (D) The TIF Credit shall be in effect upon passage of the amending rate ordinance.

Section 2. This ordinance shall be in full force and effect from and after its passage, signing by the Mayor, and legal publication as provided by law.

PASSED and adopted by the Common Council of the City of Mishawaka on the ____ day of _____, 2025, at ____ o'clock __.m.

Presiding Officer

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka on the ____ day of _____, 2025, at ____ o'clock __.m.

Deborah S. Block, City Clerk

APPROVED by me this ____ day of _____, 2025, at ____ o'clock __.m.

David A. Wood, Mayor

Dear Council Members,

The purpose of this correspondence is to formally present and justify the proposed rate adjustment for Mishawaka Utilities Wastewater (MUWW). After a thorough review of both current operating conditions and future capital requirements along with a modest fractional increase in the Payment in Lieu of Taxes (PILOT), I hereby recommend a **3.75% increase in rates annually over the next five years**,

Justification for Rate Adjustments

- 1. Capital Investment Needs**

MUWW faces significant infrastructure demands, including rehabilitation of aging sewer lines, facility modernization, and increased regulatory compliance requirements. These projects are critical to ensuring environmental protection, public health, and system reliability. Current revenues will not be insufficient to fund these obligations without an incremental rate adjustment.

- 2. Operational Expenditures**

Rising costs for labor, materials, energy, and regulatory compliance directly impact the wastewater utility's operating budget. While MU has consistently managed its resources prudently, inflationary pressures and increased service demands necessitate a sustainable rate structure to maintain operational excellence.

- 3. Industry Standard Approach**

Incremental, predictable rate adjustments are considered best practice in utility management. By implementing a steady 3.75% annual increase, the City avoids the volatility and hardship of large, irregular rate hikes. This approach balances fiscal responsibility with affordability for our ratepayers.

- 4. Continued Financial Contribution to the City (PILOT)**

The modest fractional increase in PILOT is both reasonable and appropriate. MUWW, as a City-owned enterprise, contributes directly to the City's financial stability through this mechanism. The adjustment ensures that the utility's contributions remain aligned with its expanded revenue base, while still preserving the majority of revenues for direct reinvestment in utility operations and capital needs.

Community Value and Impact

Mishawaka Utilities, in all its divisions, remains one of the City's greatest assets. Rates remain competitive when compared to surrounding communities, and our utilities consistently deliver safe, reliable, and affordable service. The proposed increase represents an investment in sustaining this legacy—protecting both current service levels and future reliability.

Moreover, by strengthening MUWW's financial position, the City of Mishawaka reinforces its long-term fiscal health. Ratepayer dollars remain here in our community, funding local infrastructure, supporting local jobs, and ensuring our residents benefit directly from their contributions.

Conclusion

The proposed five-year plan of **3.75% annual wastewater rate adjustments, is necessary, prudent, and in the best interest of the City of Mishawaka and its citizens.** It reflects careful planning, responsible stewardship, and a proactive approach to meeting both present and future needs.

On behalf of Mishawaka Utilities, I respectfully request the Common Council's favorable consideration and approval of this proposal.

Respectfully submitted,

Matthew M. Lentsch
Executive Director of Development & Government Affairs
City of Mishawaka

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