AGENDA
December 01, 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

Microsoft Teams Number:1-213-493-9412
Meeting ID: 222 505 450 263 8
Meeting password: kr7Tr2SZ

Dial: +1 213-493-9412,,859829763#

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

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

Livestream #3:

www.youtube.com/@cityofmishawaka635

Livestream #4:
@MichianaAccessTV on Facebook

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of November 17 2025

5. Petitions, Communications, Remonstrance, and Memorial

Petition No. 2025-21 Rezone from R-1 to R-2 Two-Family Residential to match existing use – 902& 902 ½ S. Main St.

Petition No. 2025-22 Rezone from C-4 Automobile Oriented to R-1 Single Family Residential District to match existing use- 2106 N. Byrkit

Petition No. 2025-23 Rezone from C-1 General Commercial to I-1 Light Industrial to expand business – 1825 E. 12th St.

Redevelopment Commission Spending Plan Report for 2026

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2025-36 Funds Transfer:

MVH Fund

From: Other Supplies

2201-50-429-13	Traffic Supplies	$3,500.00

To: Rentals

2201-50-437-05	Uniforms	$3,500.00

P.O. No. 2025-37 Amending ORD 5915 Civil City Salary Ord for 2025 – Central Services

P.O. NO. 2025-38 Amending ORD5950 Civil City Salary Ord for 2026 – Central Services

P.O. No. 2025-39 Amending ORD 5875 Deferred Compensation Matching Plan

P.O. No. 2025- 40 Funds Transfer various Departments:

General Fund

Human Resources

From: Personal Services

1101-04-411-03	Temporary	$	16,000.00

To: Other Services and Charges

1101-04-431-04	Professional Services	$	16,000.00

Information Technology

From: Other Services and Charges

1101-05-439-03	Subscriptions and Dues	$	2,500.00

To: Personal Services

1101-05-411-65	Professional Certifications	$	2,500.00

P.O. NO. 2025-41 Additional Appropriation: Various Departments $824,500.00

P.O. No. 2025-42 Amending Restaurant License Fees

P.O. No. 2025-43 Amending Uniform Schedule of Fees

P.O. No.2025-44 Establishing a Merit System for the Police Department

P.O. NO. 2025-45 Establishing Responsible Bidding Practices and Submission Requirements

8. Resolutions

9. Ordinances on Second Reading

P.O. No. 2025-32 Annex & Rezone to R-3 Multi-Family Residential for Apartment Complex – 53000 Block of Fir Rd. **Public Hearing – No Vote**

P.O. No. 2025-33 Rezone from R-4 to S-2 PUD Development for Single Family, Attached Single-Family, and Multi-Family dwellings and Clubhouse- SW corner of Byrkit & McKinley
(Assigned to Land Use Planning Committee)

P.O. No. 2025-34 Annex & Zone to C-1 General Commercial District for Landscaping Contractor – SE corner of State Rd 23 & Toll Rd.
Public Hearing – No Vote

P.O. No. 2025-35 Rezone from C-1 General Commercial to C-10 Filling Station Commercial for Fuel Kiosk and Pumps – Part of 3016 W. Indian Ridge Blvd. **(Assigned to Land Use Planning Committee)**

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

This meeting will be aired via live stream:

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

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

Download Packet Link:

https://mishawakain.portal.civicclerk.com/event/988/files/attachment/5409

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

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

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

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REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

November 17, 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 November 17, 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, followed by a moment of silence in remembrance of Angelo Rentin, Mayor Wood's Father-In-Law.

Mr. Hixenbaugh stated on behalf of the Mishawaka Common Council, their condolences were given to Mayor Wood, his wife Jaimi, and their entire family and may he rest in peace.

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

The chair entertained a motion to amend the agenda by adding the Council's appointment to the School City of Mishawaka Board of Trustees that evening under New Business. Mr. Banicki moved the motion and with a second from Mrs. Voelker, a voice vote was held on the motion. The motion passed unanimously.

Minutes for the Regular Meeting on October 27, 2025, were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their November 12, 2025 meeting.

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

PROPOSED ORDINANCE NO. 2025-32

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE
Annex & Rezone to R-3 Multi-Family Residential for Apartment Complex – 53000 Block of Fir Rd.
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2025-33

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "ZONING ORDINANCE" OF 1966 OF THE CITY OF MISHAWAKA, INDIANA.
Rezone from R-4 to S-2 PUD Development for Single Family, Attached Single-Family, and Multi-Family dwellings and Clubhouse – SW corner of Byrkit & McKinley
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2025-34

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA AND PROVIDING ZONING CLASSIFICATION THEREFORE
Annex & Zone to C-1 General Commercial District for Landscaping Contractor – SE corner of State Rd 23 & Toll Rd.
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2025-35

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "ZONING ORDINANCE" OF 1966 OF THE CITY OF MISHAWAKA, INDIANA.
Rezone from C-1 General Commercial to C-10 Filling Station Commercial for Fuel Kiosk and Pumps – Part of 3016 W. Indian Ridge Blvd.
(Assigned to Land Use Planning Committee)

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

RESOLUTION R2025-25

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: 1123 S. SPRING STREET MISHAWAKA, INDIANA
Use Variance to allow a Second Residential Unit – 1123 S. Spring St.

Chris Springer, 235 Ironworks Avenue Unit 163 Mishawaka, Indiana, 45644, spoke in favor of **RESOLUTION R2025-25**. Mr. Springer stated he was representing Hahn Janitorial Services with regard to the building on Spring Street. Mr. Springer stated Ms. Hahn came to him and he owned SC Services, a contractor that did business in North Central Indiana and Southwest

Michigan. Mr. Springer stated they were transitioning the building, which was an old eyesore for the neighborhood and the building went out of business in 2018, which used to be Gordies Bar and Grill. Mr. Springer stated anyone who had driven by the building over the past couple of months had seen the renovations that Hahn Janitorial had done to the building, which had enhanced the neighborhood greatly. Mr. Springer stated when they walked into the building over a year ago, the floors along with everything else had to be reconstructed and the building was essentially condemned. Mr. Springer stated it was certainly a work in progress, but he believed it was going to be a great thing for the neighborhood. Mr. Springer stated everybody he had spoken to who lived in the neighborhood really liked to see the change.

Mrs. Voelker asked how big the lot was behind the building and if it was an extra lot or if it was all one lot. Mr. Springer stated no and that the lot was best viewed from 13th Street, not Spring Street so if you turned the corner heading back you would be west on 13th Street. Mr. Springer stated at one time, Gordies Bar and Grill had a kitchen that was there on the backside of the lot and that kitchen since then had been removed and the space that was going to be occupied by another apartment was actually in the original building, so nothing more would be added to the building. Mr. Springer stated it also had come to their attention that because you needed 1.5 parking spaces per unit on that lot, they would fall short on that and that space where the old kitchen would be would eventually be a paved parking spot for somebody to come there and park. Mrs. Voelker asked for clarification if it was going to be enclosed in the original building. Mr. Springer stated yes. Mrs. Voelker stated with that being said, it would be a great building to bring to the Historic Commission for landmark status. Mr. Springer stated he agreed and it was a great building. Mrs. Voelker thanked Mr. Springer for the clarification.

Mr. Mammolenti stated he echoed what the neighbors had said in that the building looked amazing, and they had all done a great job with it. Mr. Springer thanked Mr. Mammolenti.

Ms. Hahn stated she would be recusing herself from the vote as this was her building and it would be her business that would be going in there.

Mr. Hixenbaugh thanked those who were involved with this, including Ms. Hahn, with regard to breathing new life into the property and he believed they all were pleased to see that rather than it being demolished, that it was going to be maintained. Mr. Hixenbaugh stated he loved the fact that there was going to be more living space that would be added to the mix and also had the advantage that evening of being able to take care of through the approval the non-conforming status with regard to the original apartment that was there that had long been there, so this was good for the neighborhood, good for the community, and he looked forward to supporting it.

Question was called for at 6:13PM for **RESOLUTION R2025-25 22 Motion passed by unanimous roll call vote (summary: Yes = 8 Abstain = 1).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.
Abstain: Ms. Hahn. The resolution passed 8-1 with one recusal.

PROPOSED ORDINANCE NO. 2025-26

AN ORDINANCE AMENDING PART 1 CHAPTER 62 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED
Amending Mishawaka Utilities Wastewater Rates & Charges
Requesting Amendment

The chair entertained a motion to amend **PROPOSED ORDINANCE NO. 2025-26** at the request of the Administration and as reflected in the amended copy of the ordinance that had been distributed to the Council. Mr. Banicki moved the motion and with a second from Mrs. Voelker, a voice vote was held on the motion. The motion passed unanimously, and **PROPOSED ORDINANCE NO. 2025-26** was amended.

Mr. Violi reported the Budget & Finance Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, the motion carried. The committee report passed unanimously.

Matthew Lentsch, Executive Director of Governmental Affairs, spoke in favor of **PROPOSED ORDINANCE NO. 2025-26**. Mr. Lentsch stated it was an honor for him to stand before the Council that evening to speak under the second reading for the Mishawaka Utilities Wastewater Division rate plan. Mr. Lentsch stated Mishawaka Utilities was one of the city's greatest assets and he believed together, their divisions represented over $90 million in value providing safe, reliable, and affordable services to thousands of residents and businesses every single day. Mr. Lentsch stated wastewater in particular was something most people did not think about until there was a problem. Mr. Lentsch stated when you flipped a switch, ran water down a drain, or flushed a toilet, it was the Mishawaka wastewater that made their community run safely, sustainably, and responsibly. Mr. Lentsch stated that was why that evening was important and he was there to talk about the future. Mr. Lentsch stated nobody liked to see their rates increased and he was among them and understood that as did the Mishawaka Common Council and every family and business in the city, but what they also understood was that to not act in this case would be irresponsible. Mr. Lentsch stated utilities could not stand still, infrastructure aged, regulations changed, and the demand of tomorrow must be met with planning today. Mr. Lentsch stated that was why he had been working with a team of folks from Wastewater and Baker Tilly for eleven and a half months not only on a rate plan, but an exhaustive twenty-year capital assessment audit plan. Mr. Lentsch stated this had been one of the most detailed and comprehensive looks they had ever taken at their system, and they could not have done it alone. Mr. Lentsch thanked their friends at Baker Tilly and Tim Helite at T.Y. Lynn for the extraordinary partnership and great work as well as Jill and Johnny from Wastewater as well as the great people who had preceded them, had retired, and who had done great work to date. Mr. Lentsch stated this particular plan was about sustainability, affordability, and responsibility. Mr. Lentsch stated they were protecting and planning for long-term health of their wastewater system so it could continue to serve their residents and businesses for generations. Mr. Lentsch stated they would be using a measured stairstep approach, 3.75% increase per year over five years instead of a single sharp increase that you saw a lot of times from those who were not municipal utilities and were investor owned. Mr. Lentsch stated in Mishawaka's case, they were a municipal utility and were not nonprofit and it made their residents and ratepayers their stakeholders. Mr. Lentsch stated they wanted to spread out the impact, make it more predictable, and help households and businesses budget responsibly fort taking care of today's needs while planning for tomorrow's demands and for managing their assets well and not letting problems pile up for future councils or citizens to face. Mr. Lentsch stated this was the hard work of leadership and while it was not popular in the short term, it was absolutely necessary in the long term. Mr. Lentsch stated by adopting the proposed plan, Mishawaka would continue to have one of the most reliable and well-managed utilities in the state. Mr. Lentsch stated the Council would hear from their partners that evening and from the experts who had helped them build the plan, and from their team who kept the utilities running day in and day out. Mr. Lentsch stated his role that evening was to simply remind everyone what they were talking about with regard to the plan and it was not just pipes, pumps, and treatment plants but it was about the people, their community, their neighbors, and their friends. Mr. Lentsch stated it was about families who depended on safe, affordable services and it was about businesses who needed reliability to grow and thrive, and it was about ensuring Mishawaka remained strong, sustainable, and forward-looking. Mr. Lentsch thanked each of the council members for caring about the city and its future and for their leadership and stewardship. Mr. Lentsch thanked the people of Mishawaka for entrusting them with great responsibility. Mr. Lentsch stated they planned well, they were managing well, and together they would ensure that Mishawaka Utilities remained strong today, tomorrow, and for decades to come. Mr. Lentsch stated he and his partners with him that evening would be giving more of an executive review of the plan and he had five frequently asked questions and answers along with them regarding the proposed wastewater rate plan that he wanted to read to the Council.

Q: Why was Mishawaka Utilities Wastewater proposing a new rate plan?
A: The proposed five-year plan was part of a long-term strategy to ensure that Mishawaka's wastewater system remained reliable, compliant, and sustainable. The plan provided the financial stability needed to maintain infrastructure, meet federal and state environmental regulations, a lot of them being unfunded mandates, and to protect public health and safety.

Q: What is included in this rate plan?
A: The plan proposed a modest 3.75% annual increase in wastewater rates over five years beginning in 2026. This was a gradual stairstep approach that allowed the utility to responsibly fund essential capital projects, system maintenance, and regulatory compliance while minimizing the impact on their customers.

Q: How long has it been since wastewater rates were increased?
A: It had been over six years since the Mishawaka Utilities Wastewater last implemented a rate adjustment. During that time, operational costs, construction expenses, and regulatory requirements had all increased significantly. The current plan ensured that Mishawaka Utilities Wastewater could continue to meet service demands without compromising quality or compliance.

Q: How has TIF funded supported wastewater operations and is that subsidy ending?
A: Over the past several years, the city's tax incremental finance district has helped subsidize key wastewater infrastructure projects, particularly those supporting economic development and neighborhood revitalization. However, as the TIF districts matured and the obligations phased out, the temporary subsidy was expiring which meant $5 million in funding over the next five years or so would be going away. The new rate plan replaced the outside supports with a sustainable utility-based funding model that kept Mishawaka Utilities wastewater self-sufficient and strong in the long-term.

Q: If we raise rates for wastewater, can we lower them and another utility?
A: No. We are looking at all of our utilities to make sure they were all self-sustaining and that the assets were where they needed them to be. Each of the Mishawaka Utilities departments being Electric, Wastewater, Water and Solid Waste were operated as a standalone enterprise meaning Each must remain financially independent and self-sustaining. Transferring revenue between utilities would be irresponsible and inequitable effectively strengthening one utility at the expense of another. This rate plan ensured that each utility would remain strong and properly funded while maintaining the exceptional level of service that their residents expected.

Ms. Hahn thanked Mr. Lentsch for putting the rate plan and presentation together for the Council as it was very easy to read and understand. Ms. Hahn asked if there was anywhere the public could have access to the plan if they wanted to dig deeper into it. Mr. Lentsch stated they could place the plan on the city website and he would be happy to do it.

Mr. Mammolenti thanked Mr. Lentsch for his work that evening and also in the previous months leading up to the meeting. Mr. Mammolenti asked regarding the TIF expiration, when the entire TIF supplementation would expire. Mr. Lentsch stated it would be phased out completely in 2033 and the phase out of TIF credits began in 2025. Mr. Mammolenti asked if the entire phasing out added up to about $5 million per year. Mr. Lentsch stated the total amount of TIF credits for Mishawaka Utilities was $5 million. Mr. Mammolenti asked if the increases he was proposing that evening would absorb thayt and take care of that. Mr. Lentsch stated it would do that and more.

Mr. Emmons thanked Mr. Lentsch for his presentation and letting them know about the long-term control plan for the wastewater plant. Mr. Emmons stated a constituent asked him about a raise for the wastewater plant and they wanted to know whether there would be a reduced rate for senior citizens and asked Mr. Lentsch if there would be one. Mr.

Lentsch stated they had looked at senior citizen discounts and the bottom line was they had it for solid waste, but instead of a discount that would apply to one demographic, they were working with their friends at Baker Tilly on a ratepayer assistance fund and they were looking at other communities who already had this in place and South Bend as well as other communities around the state had it. Mr. Lentsch stated he believed that was the best and most equitable way to achieve that, because not every senior would need that discount just like not every demographic or every age group would. Mr. Lentsch stated from his vantage point, he thought they were best served by researching then introducing appropriately a ratepayer assistance fund. Mr. Emmons asked if that would be something that would be put out to the community so that the people that needed a reduced rate could come in and ask for it or get qualified for it. Mr. Lentsch stated they would work with a partner like Real Services who oversaw the energy assistance program, and they would want them to administer that. Mr. Lentsch stated once they had it all squared away and ready for the rollout, they would have all of the information necessary available to the public. Mr. Emmons asked if it would be ready in 2026. Mr. Lentsch stated his hope was that in the second or third quarter of 2026, it would be ready to go.

Mr. Violi thanked Mr. Lentsch for all of his work and appreciated the plethora of information he supplied the Council with on their request. Mr. Violi asked with the discount, if it would be more of a hardship case and not something that would be done in-house and done in partnership with Real Services. Mr. Lentsch stated they would create the program with help from their friends at Baker Tilly and they would look at the administration done mostly by a Real Services type of partner as they had not formally spoken to Real Services about the assistance fund but they would because they were the ones who worked with the state to administer the energy assistance program. Mr. Lentsch stated however, there were things that they would be able to do and one of the things their folks could do would be to ask a question to some of those who may need assistance on a regular basis and direct them to Real Services or whichever organization they would work with. Mr. Lentsch stated he thought there would be things that they did especially on the introductory end on the formation of it and then how they launched it and then there would be a role for all of their customer service folks to play. Mr. Lentsch stated in terms of the administration of it, he would want an agency that was really good at what they did and did it on a regular basis. Mr. Violi asked for clarification if their friends at Baker Tilly were already currently working on the ratepayer assistance fund project. Mr. Lentsch stated they had discussed it and were working on it to make it not a carbon copy of South Bend and wanted it to be unique and autonomous for Mishawaka. Mr. Violi stated Mr. Lentsch had mentioned that the last rate increase was six years ago and asked what the percentage of increase was. Mr. Lentsch stated he would have Baker Tilly answer that question.

Mrs. Voelker thanked Mr. Lentsch and stated she knew he had done a ton of work on this and answered a lot of questions, but she had been looking at the sewer insurance analysis that they had gone over the other day and she knew that he had mentioned wastewater o and m and asked what that was referring to. Mr. Lentsch stated that was their conglomeration of funds that was operational money they had in reserve. Mrs. Voelker stated she was looking at the balances and one year there was a balance of $1 million dollars and then the next year there was a balance of $7,000. Mrs. Voelker stated that was a really big difference in the balance in the fund and she did not see that the numbers were really all that different in terms of the activity and in terms of the usage of the fund. Mrs. Voelker asked if the difference in the fund was because they paid o and m back. Mr. Lentsch stated, if possible, yes that was part of it he believed but the basic reason why they were in their current position with the sewer insurance, which made up two cents of the dollar increase they were talking about that evening, four out of six years the insurance repairs had exceeded the premium deductibles collected by more than $350,000. Mr. Lentsch stated the insurance fund was no longer solvent and they were in insolvency and when you had less money coming in than you had going out, that was an issue, and it was an issue within wastewater that they had taken care of. Mr. Lentsch stated that was what he was proposing, and it was all part of the new rate increase. Mrs. Voelker stated she understood that and it was just a big difference as it was a million dollar difference in the fund from the end of 2024 to 2025. Mr. Lentsch stated they could provide her and the rest of the Council with more clarification, but the bottom line as he said was that they were simply not taking in enough money to cover the cost and that had made the insurance fund insolvent and by building that into the rates it was $1.56 that they were adding to the insurance he had looked at it commercially and the best he could find commercially and that was with the company that provided the water line insurance was $13.80 which was because of their aging infrastructure and all of the things that would go into rating them. Mr. Lentsch stated if they went to the open market, it would be $13.80 but the reason for it was inflation as well as aging infrastructure, the cost of excavation, pipe replacement labor, and restoration had risen sharply in their sewer system. Mr. Lentsch stated like most established communities, it included newer infrastructure and he himself had a house that was built around thirty years ago and within a month, they found out that they had a major problem with the infrastructure and what they found was roots had grown through the PVC and they had to dig down and found the issue and they had to replace it. Mr. Lentsch stated it would have cost them about $7,000 to $8,000 with the deductible and what they had to pay on their part to have the system flushed out, their cost was about $1,000. Mr. Lentsch stated without that, it would have been catastrophic and that was something many folks in the community would be dealing with. Mr. Lentsch stated it was really about protecting their ratepayers and the rate increase ensured that the sewer insurance fund remained solvent and able to cover repairs without shifting costs onto all ratepayers. Mr. Lentsch stated it had been about ten years since premiums were adjusted and the gap between cost and revenue had grown too large to ignore.

Mrs. Hazen stated one thing she wanted the city to be aware of was that NIPSCO Service Partners actually offered water and sewer line protection plans to Mishawaka Utility customers. Mrs. Hazen stated none of them knew how many customers that were Mishawaka Utilities had that, but it was a very wasteful thing for Mishawaka Utility customers to carry, and she was sure they did not ask them if they had that, but that was something that they probably really needed to look into. Mr. Lentsch stated one of the things they had done was try to educate their community, and they tried to be as transparent as possible, and that was something that they had educated folks about. Mr. Lentsch stated there was not just one company, NIPSCO, and there were probably five or more companies that were mailing into Mishawaka. Mr. Lentsch started they worked with a water line company, insurance company, and what they were offering as a utility, was really a bargain, because what they would pay through, they could get it through their homeowner's insurance too, but they would be paying a lot more. Mrs. Hazen stated her concern was just that they did not check with the people first to make sure they did not have the other company's protection plans, but she did not know if Mishawaka Utilities did that or not. Mr. Lentsch stated as people came in, that was something they tried to bring up, but they were not asking them to purchase the insurance, it was mandatory, and they would continue to do education to let people know that they did not have to look at water line insurance or sewer insurance if they had it already, because it was built into the rate through Mishawaka Utilities. T

Mr. Violi asked what their deductible was. Mr. Lentsch stated it was $250 for residential and $500 for businesses.

Mr. Hixenbaugh thanked Mr. Lentsch for the work he had done, and he was very responsive to questions throughout the process and he appreciated that. Mr. Hixenbaugh stated going back to some of the points his colleagues made, and the dialogue with regard to TIF credit roll off, it was a very proactive and appropriate step for them to take as a municipality to use the TIF revenue to successfully subsidize the cost of wastewater rates for citizens throughout the community. Mr. Hixenbaugh asked if it was not in fact the case that the 2033 deadline and expiration date that related to it for their consolidated TIF area was a function of Indiana law and not a local decision that they made and was at the behest of the Indiana General Assembly so their TIF revenue was going to be impacted and the TIF area would go away as of 2033 and if that was correct. Mr. Lentsch stated that was correct. Mr. Hixenbaugh stated with regard to the question Mrs. Voelker posed related to sewer insurance, he appreciated Mr. Lentsch's answer but his suggestion would be that perhaps their financial consultants would be able to address it a little more fully, because he did not think he totally heard a full answer to Mrs. Voelker's question, so he asked for Baker Tilly to address that in their presentation. Mr. Hixenbaugh stated with the hardship program that was mentioned, he knew from multiple conversations between them both and Mr. Violi, that this had been a topic that had been discussed going back to the electric utility rate increases that they considered in the past and he tended to agree with him that a broader scope and looking at hardship rather than age as the sole trigger made sense. Mr. Hixenbaugh stated what concerned him was the timeline and some of that was related to the fact that they had the discussion going back a year or more, so he was not comfortable with waiting until the second quarter of 2026 for something to be presented to the Council and he would love if it could be presented to them in 2025 and see some thoughts on it in writing from the Administration, but he was also sensitive to the fact that it was the time of year with the holidays being what they were and everybody's schedule being crazy may not be conducive to that, but his hope was that the Council could receive some tangible thought on that type of program by no later than the end of January. Mr. Lentsch stated they could do that. Mr. Hixenbaugh thanked Mr. Lentsch.

Tim Healey, Consultant with the TyLin Group, spoke in favor of **PROPOSED ORDINANCE NO. 2025-26**. Mr. Healey stated they had been able to work with the city of Mishawaka since the late 90s at the wastewater treatment plant. Mr. Healey stated to build the comprehensive 20-year plan that Matt alluded to, they started off working with Jill and Johnny at the Wastewater Treatment Plant and just really inventoried all the assets. Mr. Healey stated he knew some of them had been there taking folks on tours and it was a big, expensive facility that the community had invested in historically to protect the St. Joe River and deliver really great service to the community. Mr. Healey stated those assets were inventoried, and really what they were trying to get at was there was a lot there. Mr. Healey stated it was kind of like your house, but instead of just your roof and your air conditioner, you had blowers and pumps and mixers and each of those things could be a few hundred thousand dollars, and maybe you had eight or ten of that one item, so assessing all these, assigned costs to each, and again, just to give them a sense of those, that even as you wen=t along the river walk and you saw some of those tanks out there, even the tank that looked like it was just full of water could have 100,000 diffusers at the bottom of the tank, and they only lasted twenty years Mr. Healey stated they needed to be replaced, and by replacing them, they could save money and treat wastewater more efficiently. Mr. Healey stated similarly, they got a pump there in the presentation and it was one of the raw sewage pumps that were rebuilt instead of replaced so that they could get them back to factory specs but not have to spend the money to buy brand new equipment. Mr. Healey stated a few of the key things that they worked with Jill and Johnny to develop and then shared with Baker Tilly were just the utilities, they had a lot of the same experience that they had. Mr. Healey stated you could go to the grocery store or buy anything you buy, they had to buy chemicals to treat the wastewater, and those costs had gone up sixty to seventy-five percent during the period where they had not had a rate increase, so that was kind of eating away at their budget to be able to do other improvements. Mr. Healey stated they had talked a lot about an improvement fund to make sure that they got the funds on hand if there was an emergency, because they got buried infrastructure, you could not see it all the time. Mr. Healey stated it could be working great underground for seventy years and then all of the sudden you could have a sinkhole. Mr. Healey stated they had looked at one of the most expensive unplanned failures they had to date, and if you looked at that in 2025 dollars, that would be $6.5 million, so that went into supporting a fund so that if they had that emergency and something else happened at the same time, they wouldn't have to come back and seek an emergency rate increase. Mr. Healey stated they had heard about it for a long time, but the Combined Sewer Overflow Long-Term Control Plan, a big part of it, with it being federally mandated, there was just a lot of work that had to be done there over the years, and while they had talked about the plan, and they had talked about the Combined Sewer Overflow Long-Term Control Plan, it also included the Sewer Department that went out and cleaned sewers, lined sewers, and did smaller projects to improve drainage throughout the year. Mr. Healey stated as they looked not at the full twenty-year plan, but at the five-year plan, there were a few of the key projects that were targeted over that time period. Mr. Healey stated there was both work at the plant that you could see in 2025, there was focus on biosolids, which were the solids that were removed from wastewater and needed to be treated and beneficially farm applied afterwards, but then you would also see at the bottom of the lists, there were a number of lift stations throughout the community that needed to be repaired and replaced just so that they continued to function properly and they did not have lift stations backing up in neighborhoods. Mr. Healey stated and then lastly, he knew of recent they had some positive engagement with the regulators regarding the Long-Term Control Plan, trying to renegotiate that plan so that instead of being at zero overflows, they could be at two overflows in an average year. Mr. Healey stated it had been a long and frustrating process and they were hopeful that they could get them to move and get to two overflows, but he thought that the thing they wanted to share that evening was really that if they could do that, it would be great. Mr. Healey stated that would be great for the community long term, but the projects that could go away or be phased in a manner that would be more beneficial to the city were the ones that were farther out in the plan, so the first five years that they were looking at, if they were fortunate enough to get it, it really would not impact the projects that were planned for the next five-year cycle, so he thought trying to do that in an abbreviated fashion, he believed that was the extent of what he wanted to share with the Council that evening.

Mr. Emmons asked if their lift stations were the same size throughout the city. Mr. Healy stated they varied in terms of how big they were and the amount of flow they could pump. Mr. Emmons asked if there were two pumps per lift station. Mr. Healy stated that was the most common, but there were some that were unique. Mr. Emmon asked if that meant they had more pumps. Mr. Healy stated yes.

Mr. Hixenbaugh stated for the non-engineers and non-operators in the audience, he wanted to talk about what happened if they did not reinvest in their wastewater treatment system. Mr. Hixenbaugh stated one thing that even he knew was a reality, was that if they did not treat their wastewater appropriately, untreated sewage had a chance of being expelled into the St. Joe River and asked if that was correct. Mr. Healey stated that was correct. Mr. Hixenbaugh stated and that brought with it all the obvious environmental and health concerns, not just for Mishawaka, but for everybody up and down the line that would be subject to the flow of that water. Mr. Healey stated that was also correct and then if they were to get to that, then you had the risk of regulatory fines and things of that sort that you would bear as well. Mr. Hixenbaugh stated so if they did not have the emergency funds and resources on hand to deal not only with the major emergencies, but with regard to emergencies on the smaller scale, and he hesitated to say a pump station or a station going out was on the smaller scale, but asked if he could provide some detail for those of us who did not fully understand, what the impact on a resident in their home would be and what an impact on a business person in their place of business would be and those who were in close proximity to those locations when they had a major sewer emergency. Mr. Healey stated unfortunately, if everything went wrong, what would happen was all the sewage would continue to flow to the pump station and would not be leaving the pump station, so then you ran the risk of stacking up into people's basements, into businesses, you got sewage where nobody wanted it to be, or into the street and things of that sort. Mr. Healey stated in the worst case that that was what would be anticipated. Mr. Hixenbaugh stated that people would be dislocated out of their residence or their place of business during the cleanup process and they incurred some expense, he had to believe that with what he described, there were health risks as well that were attendant to them. Mr. Healey stated he lived in a combined sewer area as well, and having unfortunately experienced basement backups where you had that sewage coming up through the sump in your basement, it was a horrible feeling, and then afterwards you had to deal with what had to be done and it took a lot of bleach to make you feel comfortable with your kids playing in the basement after you had sewage going across your basement floor. Mr. Hixenbaugh stated unlike their friends in St. Joseph County where they had homes, even subdivisions that were totally on a septic system, in the city of Mishawaka, they did not allow for individual residences and businesses to be on a sump and they mandated a connection to their wastewater system and their sewage treatment plant and asked if that was correct. Mr. Healey stated he did not know if he could speak authoritatively about that, but he believed that was the case. Mr. Hixenbaugh thanked Mr. Healey.

Jeff Rowe, Principal with Baker Tilly, spoke in favor of **PROPOSED ORDINANCE NO. 2025-26.** Mr. Rowe stated first of all, that he appreciated the opportunity and support and patience throughout the last ten to eleven months from the Council and Mr. Lentsch's team and in the city. Mr. Rowe stated everyone had just been really supportive and great throughout the whole process. Mr. Rowe stated he was going to hit the high points in his slides in his PowerPoint presentation in an efficient manner. Mr. Rowe stated he knew they had talked about the plan before, but just to highlight the overarching goal of the comprehensive financial plan, which covered a span of short-term needs, five years, and then also long-term needs, which was twenty years, the overall goal, he believed could be summed up in sustainability and affordability. Mr. Rowe stated the comprehensive rate plan was put together and prepared in a way that did just that, in which it provided for future sustainability in having sufficient funds coming in every month, but also sufficient cash reserves on hand to continue to operate the system at a high level. Mr. Rowe stated in terms of affordability, it was a plan that would set a rate schedule in a way that provided for frequent incremental annual increases, modest increases over time, over a five-year period, so he believed they accomplished that with the plan in front of the Council that evening. Mr. Rowe stated they had already talked about the plan at some length that evening, the TIF credit roll-off, which would occur in 2025, $600,000, another roll-off in 2028, 2031, and then finally in 2033. Mr. Rowe stated if they were just looking at the five-year window or six-year window in front of them that the rate plan covered, as was mentioned before, that accounted for nearly $5 million of reduced revenue or subsidy that would be coming into the sewage works to help pay for operating capital needs. Mr. Rowe stated that $5 million and those roll-offs had been built into the rate model so that the utility continued to collect what it needed to collect in order to provide for operations. Mr. Rowe stated with they had talked about capital projects and the plan was heavily influenced by future capital needs. Mr. Rowe stated roughly $291 million of capital needs over the next twenty years had been identified based on the very detailed asset audit that had been completed. Roughly $100 million of the $291 million was needed from then until 2030, and then the balance, roughly $190 million was needed through the balance of the plan, so roughly the remaining 15 years or so. Mr. Rowe stated about $121 million of the capital needs related to the long-term control plan, and then about $170 million of capital needs related to just normal capital replacements and aging equipment and infrastructure. Mr. Rowe stated as a way to try to keep the rate plan as affordable as possible, they had included two funding sources for those capital projects with the first being bond-funded, about $223 million of capital to be paid for through future bond issues going forward, and roughly $3.4 million per year, about $3.4 million per year to be cash-funded, so on a pay-go basis through the rates and charges that were collected. Mr. Rowe stated with inflationary environment, they all knew they had seen the trend in costs since 2020, and even though inflation did not continue to increase at the same pace as what they saw in 2020, 2021, 2022, most of the price increases had not fallen back to their original price points, so there had not been a mechanism to address that within the sewage works from a financial standpoint because of the fact that the last rate increase, going back to 2020, since the last rate adjustment, was an 11% increase, which was, to the average user, $5.76, so that was, according to our records, when the last rate increase for sewage went into effect. Mr. Rowe stated they were fighting against the inflationary increases and working the increases, not only the inflationary increases that they had seen in place currently, but also over the next five years, looking at building in a modest 3% inflationary increase in costs going forward as well. Mr. Rowe stated lastly, he wanted to speak about the increased cost to provide residential sewer insurance. Mr. Rowe stated he knew Mr. Lentsch mentioned the history there, but looking to right-size the rate again so that it was sufficient to support the current insurance needs on an ongoing basis. Mr. Rowe stated as he mentioned, they were building in future inflation and they were building in assumptions for future bond issues to help pay for the capital needs. Mr. Rowe stated they had accounted for some modest customer growth, about 1% through the first half of the twenty-year period, and then they reduced that down to about 0.5% of growth over the balance of the twenty-year period. Mr. Rowe stated within the cash reserves, of course, but they were setting aside or looking to establish a floor within the capital improvement fund. Mr. Rowe stated that floor would be roughly $8 million to always have sufficient cash on hand, reserves on hand, to pay for any large capital repairs or emergency situations that may come up, always keeping that reserve in place. Mr. Rowe stated as he mentioned before, looking to build in replenishment for the sewer insurance fund going forward was important so that they would be operating in the black. Mr. Rowe stated 2024 actual total revenue requirements were about $25.2 million, estimating that to go up to about $28.5 million in 2025, then they saw some ebbs and flows over the next three or four years, and then finally landing on an estimated annual revenue requirement in 2030 of about $29 million. Mr. Rowe stated if they were to break the average residential bill down, looking at it on dollar and cent basis, he showed an illustration of roughly every dollar that would be paid, roughly $0.35 on the dollar went to operating expenses. Mr. Rowe stated roughly $0.02 went to insurance claims and expenses and about 46%, so the largest percentage of the dollar, went back to bond repayments and reserves. Mr. Rowe stated $0.08 goes to cash-funded capital improvements and about 9% went towards payment in lieu of taxes. Mr. Rowe stated if they were to look at each fund, their operating fund, their debt funds, their capital improvement funds, all of those requirements that were established within the bond ordinance, how much, at a minimum, would be required to be kept on hand and that number for 2025 was about $20 million. Mr. Rowe stated the financial plan was structured in a way that it would provide for sufficient cash reserves and would meet at a minimum the fund-required cash reserve needed at that point in time. Mr. Rowe stated the next schedule was just a historical representation of an average residential bill, assuming 4,000 gallons, and so you could see, dating back to 2017, that the average bill was about 4,668. Mr. Rowe stated there were a series of increases that were enacted within the city up through 2020, so you could see those increases that went into effect, 6039 in 2020, and then you could see that rates remained pretty steady over the following five-year period to where they were currently, which is at 6073, and then you could see the proposed rate plan and what that would mean in terms of the average bill going forward over the next five years on the graph provided. Mr. Rowe stated it was similar information for the proposed rate plan, only it showed the percentages and then it showed the dollar increase or the dollar impact to the average residential user, so 2026 rates, 3.75% increase in terms of dollars, and that included the increase in the insurance fund, total dollar increase of 228, when they got to 2027, an increase of about 3.73%, dollar increase was 235, in 2028, a dollar increase of 245, 2029 increase, dollar increase of 254, and then in 2030, a dollar increase of $2.64. Mr. Rowe stated current rates were really somewhere in the middle right now for the city compared to other communities, and then they were also showing the 2026 rate, that first phase increase, and how the city would stack up after the 2026 increase went into place. Mr. Rowe stated it was also important to note that the numbers continued to always change, so as he looked at the graph there, he knew that there were three or four of the other communities that were either already incurring increases that would go into effect going forward, multiple years, or were in the process of amending their rates and going through a rates study to increase rates and charges. Mr. Rowe stated the last schedule gave a visual representation of a total utility bill compared to peer communities, which would include sewer, storm water, water, electric, and if a community had municipal trash, it included trash recycling as well, so as they could see, based on the peer communities, the City of Mishawaka was the lowest at that point in time. Mr. Hixenbaugh thanked Mr. Rowe for his presentation and stated it was very well done.

Mayor Dave Wood spoke in favor of **PROPOSED ORDINANCE NO. 2025-26**. Mayor Wood stated he would not come to ask for a rate in case without publicly coming before the Council and speaking in favor of it, so he asked for their support of the plan that evening. Mayor Wood stated they operated a complex business with wastewater treatment, that was costly, but it was essential. Mayor Wood stated it was required by federal and state law, and just like every household that they served, their costs were going up. Mayor Wood stated they had seen the cost of everything from chemicals to equipment going up and certainly their labor costs had gone up as well since their last rate increase many years ago and they also had unfunded mandates that were required of them from the federal government. Mayor Wood stated they continued to work and make great progress and he would put their progress against any communities that they cared to look at. Mayor Wood stated they were great actors, he believed in the eyes of the federal and state regulators. Mayor Wood stated they had many challenges. Mayor Wood stated first of all, their operation and their plant was aging and they needed to invest in it which included everything from some of the pumps and equipment that they had seen and also security. Mayor Wood stated they needed to make sure their plant was secure because it was a vital operation service that they provided, and they must make sure that it was secure. Mayor Wood stated they had been blessed and fortunate over many, many years to have had a portion of their rates as citizens subsidized by Mishawaka's growth. Mayor Wood stated that meant Tax Incremental Finance had subsidized a portion of his and every resident and ratepayer's wastewater bill. Mayor Wood stated as they heard that evening, that would be going away and the state of Indiana had sunset their TIF, not through their own action, but as a result of the state of Indiana General Assembly acting, so they lost that in 2033, but before that happened in 2033, Senate Enrolled Act 1 would chip away at their TIF revenues, which would mean increasingly that they needed to wean themselves off of TIF. Mayor Wood stated those costs had to go to the rate payer because they ran a non-profit utility, the city owned it, and they had to pay for those services. Mayor Wood stated they expected a high level of service, and that meant protecting their environment, so they heard they had a long-term control plan and they were attempting to put it together and renegotiate it over the past six or seven years. Mayor Wood stated they were making progress, but they had spent $300 million to date to make sure that their river quality was good and to redesign their system through no fault of their own. Mayor Wood stated they were a community where everything was combined underground and ran to the river, so they had to fix that and they had a responsibility to do that, and they would do that. Mayor Wood stated it was the right thing to do and they would be doing it responsibly and with common sense. Mayor Wood stated that was why they were renegotiating with the United States EPA and the Department of Justice and what that looked like was they were separating now more than they had in the past, rather than storing. Mayor Wood stated when you thought about some of the big projects you saw around Mishawaka, those were sewer projects and while TIF was going away, TIF had supported some of those major projects. Mayor Wood stated if it were in a TIF district, well, they were going to lose that ability. Mayor Wood stated secondly, they still had the unfunded mandate and they had to do some of the projects. Mayor Wood stated they had much bigger than a sewer influence on the neighborhood. Mayor Wood stated they had a much greater benefit in that they were putting in not only new sewer pipes, but they were replacing water main, and in some cases lead. Mayor Wood stated they were putting in new street lighting and they were are putting in new gutters, new curbs, new sidewalks in their oldest neighborhoods that needed some of that work the most. Mayor Wood stated it was having a very good redevelopment effect and a property value stabilizing effect and they had many projects under construction at that time. Mayor Wood stated they had many more planned that were not funded. Mayor Wood stated they could not go to TIF anymore to find them and sewer rates funded those projects. Mayor Wood stated they now had the ability with the rates and the projects that they had planned to address that. Mayor Wood stated they had already eliminated 99.95% of sewage discharge into the river and that was something as a community, as leaders, they should be very proud of and they all should be proud of, but they still had work to do and they still had unfunded mandates out there. Mayor Wood stated when you thought about PILOT, unfortunately, in their current fiscal environment, they were looking at all options to fill the gaps that were left through SEA1. Mayor Wood stated PILOT was one of those gaps and so they were simply doing what other communities around the state with similar utilities were doing and they were taking the PILOT to the max. Mayor Wood stated when you thought about some of their responsibilities, fixing a sewer break was not a cheap thing and many of their households could not afford to do that. Mayor Wood stated they could probably pau someone else to do that, but they did it themselves in a responsible fashion. Mayor Wood stated they self-funded their own program and they did it reasonably, but the program was not sustaining itself. Mayor Wood stated they were in deficit now and they needed to make it whole, and he thought it was a responsibility they could bear for all of their ratepayers, because God knows they would never need to use it, but when they did, they would be very grateful that it existed. Mayor Wood stated for those things, for those items and issues, he strongly encouraged the passage of it by the Council. Mayor Wood stated as he said before, he would not ask them to do anything or support anything without him getting up there publicly and telling them that he very much supported it.

Mr. Carroll stated he appreciated the thorough information that came out from everybody on the proposed ordinance and it was a tough decision. Mr. Carroll stated they did not like raising rates on anybody, and there were some people who spoke at the neighborhood meetings that were frustrated about that. Mr. Carroll stated, however, he did applaud that there had been a long-term vision involved in it, and that those were not a short-term Band-Aid fixes. Mr. Carroll stated he knew that when this plan was done, he would be eligible for Social Security, so he appreciated the long-term nature that they were looking at, and he thought it was a good thing, even though there was going to be some pain involved. Mr. Carroll stated for that reason, he was absolutely in support of it, and he urged everybody else to be as well and on the insurance fund, as an insurance professional, that was part of his work and when everybody put in, it eliminated many of the problems with insurance. Mr. Carroll stated they did not have to deal with adverse selection and they did not have to deal with insurance unwinding and that type of thing. Mr. Carroll stated he thought it was a great program, and he was glad they were getting it solved again.

Mr. Hixenbaugh stated as had been said multiple times that evening, including by Mr. Carroll, none of them wanted to raise rates and none of them wanted to have that be visited upon anybody in the community, especially in the economy at that point in time, but he believed that there were a couple of points that jumped out to him as a result of the information that they had received and again, he appreciated the thorough nature and the willingness to provide supplemental information that the Administration had evidenced throughout the process. Mr. Hixenbaugh stated it was that expense of what it costed to make sure that people's houses were secure and safe and when they looked at the slides and they saw not just millions of dollars, but tens and hundreds of millions of dollars of investment that was necessary, he did not know how they could avoid reinvesting in their system. Mr. Hixenbaugh stated from his perspective, he could understand the reluctance of anyone who did not want to raise any utility rates as he was not too crazy about it either nor had he been in the past, but it had always felt to him that if he did not cast a vote that went against what he really wanted to do, then in effect he was passing the buck down the line to the next people and he would be ignoring the immediacy of the issues that were front and center. Mr. Hixenbaugh stated it would not surprise him if there were people who were going to be less than enthusiastic about having to pay more of their utility rates and that was commonsensical and he did think that an important part of the process was for them to step back and in isolation from raising rates, look at the hard strip provision for those in the community who needed some additional support in order to be able to keep their families and themselves whole. Mr. Hixenbaugh stated he looked forward to working with the Administration on that initiative, but at the end of the day, as much as he did not like it, he could live with people being mad at him for raising the rates. Mr. Hixenbaugh stated what he could not live with was taking what would appear to be the easy way out and not raise the rates and he could not live with the thought that resulted in the potential of significant harm, catastrophic failure, emergency situations throughout the community that would not serve the best interests of the community, and he was simply not willing to gamble with public health and safety in that manner. Mr. Hixenbaugh stated that evening, he would also be supporting the measure.

Question was called for at 7:21PM for **PROPOSED ORDINANCE NO. 2025-26 Motion passed by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5951.**

NEW BUSINESS

The chair entertained a motion for purposes of an appointment to the School City of Mishawaka Board of School Trustees, Mr. Mammolenti made the motion and made a nomination to reappoint Mr. Dave Weber to the School City of Mishawaka Board of Trustees. Mr. Mammolenti stated Mr. Weber had done an amazing job and had done a great job of keeping the Council up to date on certain items and giving some perspective from the School Board and passing that information on to the Council. Mrs. Voelker seconded the motion; thus, a voice vote was held. The motion passed unanimously, and Mr. Weber was reappointed to the School City of Mishawaka Board of Trustees.

Mr. Emmons made an announcement that on November 20th, the 1st District West End Neighborhood meeting would be at 7PM at St. Bavos and they would be having their two neighborhood clubs represented at the meeting, the BK Club and the De Amicis Club, addressing and informing the people on exactly what they did in the community. Mr. Emmons stated it was amazing what they did, and a lot of people did not know what they did in the community and their goal was for community involvement and they would express that in the meeting. Mr. Emmons welcomed anybody and everybody to attend and listen to the representatives from the BK Club and the De Amicis Club. Mr. Emmons stated as usual, refreshments would be served from the West End Bakery.

Mr. Mammolenti announced with some scheduling conflicts, they would not be having a Twin Branch Neighborhood Watch Meeting in November and their next meeting would be January 21st at 7PM and the location and speaker were to be determined.

ADJOURNMENT 7:27PM

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

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

Docusign Envelope ID: 9FABF8FE-2C6F-407E-B227-539867987E9A

PET25-21

Received

NOV 13 2025

Planning and Community Development

DATE: November 12, 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, Edward J Sauceda and Gwyneth Sauceda (H/W) 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:

Lot Numbered 98 as shown on the plat of Gaylor's Second Plat recorded August 25, 1900 in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 8, page 4 EXCEPTING THEREFROM a tract of land 50 feet in length, North and South, taken off of and from the entire width of the South end of said Lot.
Common Address- 902 & 902 1/2 S. Main Street Mishawaka, IN 46544

Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 District. Said property is currently used as a duplex. Petitioners desire said real estate to be rezoned to District R-2.

Petitioners further state that they intend to utilize said land for use as a duplex. Petitioners request rezoning in accordance with zoning code 159.262-Restoration of non-conforming structures, in order that the property equity may be utilized through obtaining a mortgage or sold to a buyer by manner of a mortgage.

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

Signed by:
11/10/2025 | 17:14 PST
BAB37BC66305849...

Signed by:
Gwyneth Sauceda
11/11/2025 | 02:53 EST

Edward J Sauceda — Gwyneth Sauceda

CONTACT PERSON:
NAME: Julie Circle
ADDRESS: 1900 Berry St. Ste H Elkhart, IN
PHONE NUMBER: 574-386-0055
FAX
EMAIL: myhomebrokerjulie@gmail.com

DATE: November 12, 2025
Honorable Members of the Common Council
City of Mishawaka, Indiana and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

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Common Address- 902 & 902 1/2 S. Main Street Mishawaka, IN 46544

We hereby grant permission to Julie Circle, Realtor with Keller Williams Realty Group, to act as our representative in this rezoning petition process.

Signed

Signed by:
BAD57BC8C8D8491...
Edward J Sauceda
11/10/2025 | 17:14 PST

Signed by:
Gwyneth Sauceda
C5CB935BA53B4A5...
Gwyneth Sauceda
11/11/2025 | 02:53 EST

CONTACT PERSON:
NAME: Julie Circle
ADDRESS: 1900 Berry St. Ste H Elkhart, IN
PHONE NUMBER: 574-386-0055
FAX
EMAIL: myhomebrokerjulie@gmail.com

DocuSigned by:
Julie Circle
8539F972A0E148A...
Julie Circle

11/10/2025 | 20:02 EST

& CO.'S

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Mrs ◎
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Mrs
Irs
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dentist
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intersects
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Council
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36
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Mrs ◎
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tersects

931△Schroeder J Edw ◎
Broadway intersects
1002△Pozzi John P ◎
1003△McKnight Hattie B Mrs ◎
1005 Bradley Cranston R
△Muzzey Leo V
△Sperry Lee F
1005½△Cooley Robt B
1006△Nichols Willis L ◎
1009△Erne Walter V ◎
1011△Geyer Wm N ◎
Faulkner Doyle
1012 Mike's Barber Shop
Parker Earl C
Belcher Gerald L
1014 Albrecht Chas gro
1015△Birk Norman T ◎
1018△Stayton Mabel L Mrs ◎
1021△Stevens Julius A ◎ gro
1022△Gingrey Ardath ◎
Marion intersects
1101-07△Clark Geo C Metal Last Co Inc
1102△Fire Dept Hose Co No 2
1112△North Side Feed Store
GTWRR crosses 33
1204△Dannell Anna E Mrs ◎
1208△Ellis Margt A Mrs ◎
1210△Morris Forrest D
1212△Donnal Nettie Mrs ◎
1224△White Carmon L ◎
Stanley begins
1301 City Cemetery
1302△Heighn Richd M ◎
1306△Swanson John P ◎
1314△Beehler Fred W ◎
1316△Perry Minnie M Mrs ◎
1324△Robinson's Cities Service Sta filling sta
E Jefferson blvd intersects
1401△Fairview Cemetery
1410△Zielinski Ervin A
1412△Davis Raymond ◎
1414△Hesh Walter G ◎
1415△Love Robt W
1416△Landaw Donald E ◎
Watts Barnell
Hambrick Robt
1416½ Blacharski Walter E
E Borley av begins
E Donaldson av begins
1611△Hillebrand Wm J ◎
1615 Johnson Carl E ◎
1616 Under construction
1618 Under construction
1622 Under construction
1625△Kirk Tohs ◎
1627△Johnson J Arth ◎
E Edgar av begins
1701△Johnson Swan H ◎
rear△Johnson Printing Service
1702△Brown Quincy jr ◎
1710△Clark John L ◎
1711△Martin Jay A ◎
1714△Callantine Wm I ◎
1718△Nichols Wm H
1722 Termont Russell W
1725△Frank Henry J ◎
E Lowell av begins
1808 Under construction
1812△Maupin Wm L ◎
1814△Barrett Wilbur F ◎
1815△Geyer Martha O Mrs ◎
1815½ Plechter Virgil
1816△Ritter Carl ◎
1819△VanWiele Frank J ◎
E Omer av begins
1902△Miller Chas E ◎
1906△Shingledecker Owen D ◎
1914△Ernsberger Richd A ◎
1925△McLane Paul H ◎ auto repr
Colfax av intersects
2005△Costa Edw G ◎
2006△Baugher Roy G ◎
2009△Livingston Alf ◎
2020 Vacant
LaSalle av intersects
2101 Colpaert Camiel ◎
2102 No return
2109△Claeys Henry J ◎
2110△George Peter J ◎

MAIN N—Contd
2116△Scheibelhut Aloysius B ◎
2120 Gilmartin John J ◎
2123△Milliken Wm H ◎
Russ av begins
2201△Ewald Gus ◎
2205△Scheibelhut Robt J ◎
McKinley av intersects
2333 Brown Wm V ◎
2339△Kronick Doris M Mrs ◎
2340△Long Louis H ◎
2343△Hall Forrest G ◎
2344△Stayler Harold J ◎
2347△Acrey Chas W ◎
2348△Frye Eliz Mrs ◎
2353△Bucher Lloyd F ◎
2356△Hans Hillis L ◎
2357△Harringer Robt V ◎
2361△Sells Lewis E ◎
Guam av intersects
2403△Hirsch Chester D
2406△Fry Clippenger C ◎
2407△Hay Allan L ◎
2410△Clark Kenneth R ◎
2411△Springer Chas E
2416△Wilson Geo F ◎
2417△Whaley Harry E
2421△Johnson Jos W ◎
2422△Wilkinson Kenneth L ◎
2425△Chicci Walter J ◎
StLo av intersects
2503△Tuma Jas
2506△Whisnant Joe E ◎
2507△Sigsby Gene C ◎
2510 Root Clyde S ◎
2513 Bray Walker S ◎
2516△Scheetz Jas A ◎
2519△Horvath Wm ◎
2522△VanOrsdoll Eug G ◎
Leyte av intersects
2603△Gour Phillias L ◎
2604 Rice Frank D ◎
2609△Belfield Henry H ◎
2610△Robinett Nebit O ◎
2614 McCormack C Saml ◎
2617 Vacant
2620△Teeter Paul E
2623△Keb Raymond A ◎
Bastogne av intersects
2703△Fleck Clem ◎
2704△Farr Evans C ◎
2709△Pierce Irwin L ◎
2710△Bair Jos L
2716△Jackson Millard F
2717△Kelly Ralph H ◎
2720△Davis Jos L ◎
2729△Cocanower Wm E ◎
2732△Bechtold Erroll W ◎
2735△Bickel Earl J ◎
2739△Huppert Hugh F ◎
2740△Thompson Edwin H ◎
2743 Williams Stewart G ◎
2747△Cave Quentin R ◎
Palau av intersects
2803△Gehring Chas F ◎
2806△Jennings Harry C ◎
2807△West Earl R ◎
2810△Kring Wayne D ◎
2811△Hawk Marvin L ◎
2816△Flaherty Wm J ◎
2817△Clinton Wilbert C ◎
2821△Messana Victor J ◎
2822 Ostrom Roy A ◎
2825△Marshall Clifford ◎
2903 Brothers Jas W ◎
2907 Lashley Johnnie ◎
2911△Schalliol Edgar R ◎
Ardennes av intersects
City limits

MAIN S—From Lincoln way south beyond city limits (base line dividing east and west streets) 32-B-1
101½△Johnson Geo E lwyr
△Household Finance Corp
△Plodowski Wm lwyr
△Michiana Eng Co bldrs
107△Club Restaurant Inc
108 First Natl Bank Bldg
(For tenants see 101-03 Lincoln way E)
109△VanRie Edna M Mrs jwlr
109½△Stark Realty Co real est
△Cavanaugh Geo V lwyr
△Goethals Geo H genl ins
△Vance Ralph J real est
110△First Natl Bank of Mich personal loan dept
△First Ins Agcy Inc
111-13△Two-By-Four Lunch
112△Davis J Robt dentist
△Burcliff Sales mfrs agts
△Walton E Spencer lwyr
113½△Mishawaka Enterprise (weekly)
△Doolittle Robt P real est
△Jernegan Ralph H lwyr
114△Northern Indiana Public Service Co
115-17△Beiger Furn Co
116△LeMar Beauty Shoppe
116½ Major-Laing Bldg
Rooms:
201△Speiser G Fredk optom
203-04△Flack Wm S dentist
205-06△Hellenberg Arth W dentist
207-08△Shoemaker W Albert dentist
209-10△Roberts Newal J osteo
211-12△Mishawaka Credit Bureau Inc (collections)
213△Currey Robt S lwyr
214-15△Kintner Kenneth E optom
Street continued
118△Ridge Co The auto parts
119△Dill Photo Service photo fnshrs
120 Melrose Confectionery
121△Kunkel's Music Shop
122 Vacant
124 First Natl Bank parking lot
3d intersects
201△Gilman & Drover
202-06△Mishawaka Hotel Corp
Hotel Mishawaka
△Bucher Dolly W Mrs
Michiana Kennel Club
Kiwanis Club
Rotary Club
Lions Club
lobby△Ware Chas D barber
△Otrowski Mary beauty shop
lobby△Mishawaka Hotel Cocktail Bar tavern
△Mishawaka Chamber of Commerce
△Mishawaka Junior Chamber of Commerce
StJoseph Valley Broadcasting Station (br)
WJVA Radio Station (br)
△Chicago Motor Club (Mish Br AAA)
213△Laurette Beauty Shop
△Girl Scouts of Am Mish Council Inc
214△Nu-Way Grocery
214½ Moose Hall
Loyal Order of Moose
Mishawaka Lodge No 1262 (LOOM)
Women of the Moose No 98
224△City Auto Sales
4th intersects
302△Burns Standard Service
311△Mishawaka Transfer Co
312△Whitt Heating Co furnaces
313 Hopkins Hat Shop
313½ Biggs Royal R
314△Whitt Walter D ◎
317 Willard Harry L ◎
321△Marvin Wm D ◎
328△Lowe Lumber Co bldg material
△Mishawaka Builders Inc
△Mishawaka Wholesalers Inc
NYCRR crosses
400△Castleman Coal Ice & Oil Co
411△Cook Bros Coal Co
415 Sullivan Walter barber
416 Lowe Lumber Co (shop)
417△Canarecci John tavern
Apartments
1△Klugh Mark
2 Wegner Gerald H
3△Fore Scott
4△Heftie Walter
5△DePoy Glen
6△Perryman Frank W
Street continued
422△Johnston Auto Serv auto repr
424 Alex The Frenchman Cln
34
6th intersects
501△Peiffer Minnie Mrs
502△Dellmann I G A Food Store
502½△Goff Jas W ◎
506△High Maurie M Mrs beauty shop
506½ Haeck Eliz G Mrs
509△Hunsberger Victoria A Mrs ◎
516△Christian Edwin G
519△Burns Francis J
520△Garman Carrow G
521 Hardesty Richd
521½ Henigsmith Wm V
7th intersects
601 First English Evan Luth Ch
609△Allen Wilbur E Rev
611△Swift & Co ice cream div
613△Dalley Ian M ◎
614△Weisweaver Thos O ◎
615 Engine Co No 3
616½ Young Moncer L
618△Geist John C ◎
620△Bella Frank S used cars
8th intersects
701△Wachs Orville L ◎
702△South Side Pharmacy
702½ White Geo R
704△Marker Loren D gro
704½△Austin Fred F
705△Meixel Leo jr ◎
708△Kelley Frank O ◎
709△Hesch Harvey M ◎
713△Beyer Arth H
721△Schreiber Albert R
721½△DeRoo Jos A
724△Mishawaka Farmers Dairy Co
9th intersects
801△Schalliol Chas D ◎
807△Ellsasser Edw C ◎
811△Martens Richd R ◎
811½△Miller Dale G
814△Palmer Benj H ◎
817△Ruff Hattie L Mrs ◎
820△Whybrew John E
822△Goeller Victor A ◎
10th intersects
901△Bokhart Ernest ◎
902△Glass Herbert E
Goodman Raymond
902½△Harringer Paul J
908△Smith Harry O ◎
909½ Szerencse Emery S
912△Vida Steph ◎
915 Urschel John ◎
919△Wilder Elmer J ◎
920△Kaminski Steph J ◎
922△Kuhn Paul M ◎
11th intersects
1001△Huys Bros Grocery
△Huys Wm A ◎
1006 Bultinck Fred A ◎
1007△Coil Russell L
1013△Cackowski Vincent ◎
1014 Golba John
1017△Josefsberg Jos ◎
1018 Balbo Louis ◎
1021△Lammens Camiel ◎
1024△Artusi Edw ◎
12th intersects
1101△Evans Howard M ◎
1104△Evans Gro & Mkt
1105△Wilken Wilbur C ◎
1109△Weinkauf Wilfred F ◎
1113△Giacomini Ugo ◎
1118△Veevaete Mary Mrs ◎
1119△Ransberger Vinnie Mrs ◎
1122△Baumgartner Frank J ◎
1124△VanDePutte Oscar ◎
1201△Breackevelt Constant ◎
13th intersects
1202△Komick Harry ◎
1207 DeRuyter Rene ◎
1208△Andrzejewski Edw J
1211△Fain Chas W ◎

City of Mishawaka

JEFFREY L. REA, MAYOR **DEPARTMENT OF CITY PLANNING**

May 26, 2006

Mike Huszar
Mortgage Gallery
1101 Lincolnway West
Mishawaka, IN 46544

Re: 902 S. Main Street
Parcel No. 16-1147-5904

Dear Mr. Huszar:

The above referenced property is currently zoned R-1 Single Family Residential. The property is used as a two-unit duplex house.

Based on the Affidavit In Aid of Title, the property has continually been used as a two-unit house since 1952; therefore, it is classified as a legal nonconforming use. The property may continue to be used as a two-unit house until such time as the house is vacant for six months or more, an act of God destroys the house, or if it is converted back to a single unit house. Should any of the above occur, then the house must be used as a single unit house.

If you have any questions or comments, please don't hesitate to contact our office.

Sincerely,

Linda Feldmaier

Linda Feldmaier
Planning Department

City Hall, 600 East Third Street, Mishawaka, IN 46544-2241 (574) 258-1625 FAX (574) 968-6999
E-mail planning @ mishawakacity.com

CITY OF MISHAWAKA

DEPARTMENT OF CITY PLANNING **ROBERT C. BEUTTER, MAYOR**

J. Christopher Huff, AICP
City Planner

Jeffrey L. Rea
Assistant City Planner/ Zoning Administrator

13 February 1997

Byron Boyer
902 S. Main Street
Mishawaka, Indiana 46544

Re: 902 S. Main Street (Lot #98, Gaylor's Second Plat)

Dear Mr. Boyer;

The above referenced property is currently zoned R-1 Single Family Residential. The property is used as a two unit duplex house. Based on the Affidavit In Aid of Title, submitted to my office today which indicates continuous use as a two unit house since 1952, the property is classified as a legal nonconforming use. Therefore the property may continue to be used as a two unit house until such time as the house is vacant for six months or more, an act of God destroys the house, or if it is converted back to a single unit house. Should any of the above occur, then the house must be used as a single unit house in the future.

Should you have any further questions please do not hesitate to contact this office.

Sincerely,
DEPARTMENT OF CITY PLANNING

J. Christopher Huff

J. Christopher Huff, AICP
City Planner

CITY OF MISHAWAKA

DEPARTMENT OF CITY PLANNING **ROBERT C. BEUTTER, MAYOR**

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Sincerely,
DEPARTMENT OF CITY PLANNING

J. Christopher Huff, AICP
City Planner

Department of City Planning ▫ City Hall ▫ 600 East Third Street ▫ P.O. Box 363 ▫ Mishawaka, IN 46546-0363
(219) 258-1625 Fax (219) 258-1776

016-1147-5885
016-1147-5886
E TENTH ST
S MAIN ST
107
902
016-1147-5904
016-1147-5906
912
016-1147-5
108
918
6-1151-6032
151-6035

W NINTH ST
E NINTH ST
NORTH
PETITION 25-21
W TENTH ST
E TENTH ST
S MAIN ST
PET 25-21
E ELEVENTH ST
R-1
R-2
C-1
Location Map
PET 25-21
OWNER:
EDWARD J AND GWYNETH SAUCEDA
LOCATION:
902 & 902 1/2 S MAIN
REQUEST: REZONING FROM R-1
SINGLE FAMILY RESIDENTIAL DISTRICT
TO R-2 TWO FAMILY RESIDENTIAL DISTRICT
TO MATCH EXISTING USE

This is NOT a fill-in form. It is to be used merely as a GUIDE in preparing your petition.

Pet 25-22

Received
NOV 18 2025
Planning and Community Development

DATE:

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

RE: PETITION TO REZONE

The undersigned Aldor 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:

The west 230' of the South half of Lot 49 of Schindler's Proposed Sec 11 37N 3E
Commonly Known as 2106 N Byrkit

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-4 District. Said property is (Single family home).

Petitioner(s) desire said real estate to be rezoned to R-1 District. Petitioner(s) further state that they intend to utilize said land for (Single family home.

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

Signature(s) of Property Owner(s)

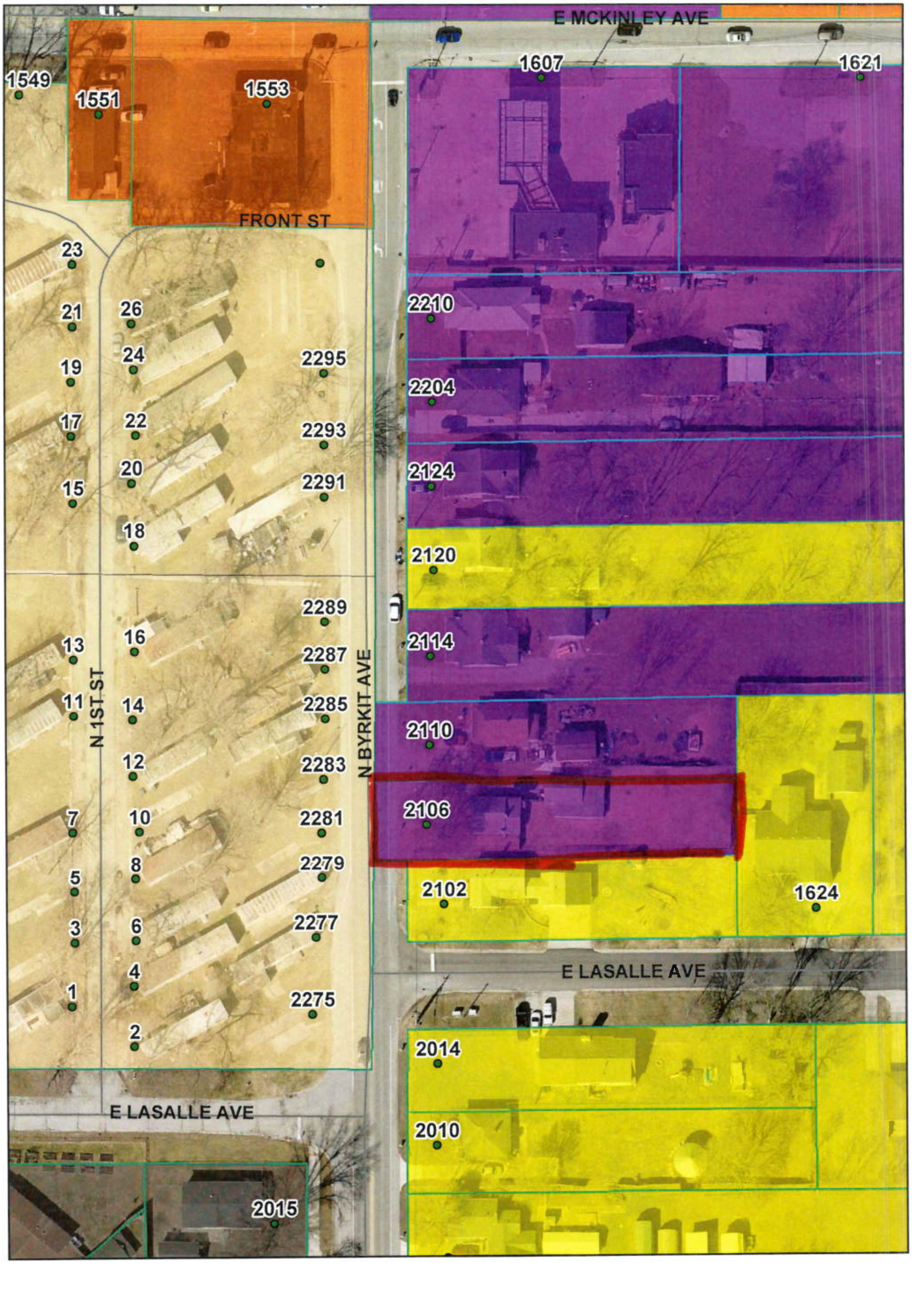
Typewritten name also

Allen Miller

Signature(s) of Property Owner(s)

Typewritten name also

CONTACT PERSON:
NAME Joseph Franks
ADDRESS 53800 Whitesell Drive, South Bend, IN 46628
PHONE NUMBER 574-404-4987
FAX
EMAIL theredhood574@gmail.com


E MCKINLEY AVE
1549
1551
1553
1607
1621
FRONT ST
23
21
26
19
24
2295
2210
17
22
2204
2293
15
20
2291
2124
18
2120
2289
13
16
2287
2114
N 1ST ST
N BYRKIT AVE
11
14
2285
2110
12
2283
2106
7
10
2281
8
2279
5
2102
1624
3
6
2277
4
E LASALLE AVE
1
2275
2
2014
E LASALLE AVE
2010
2015

General Information	
Occupancy	Single-Family
Description	Single-Family R 01
Story Height	1
Style	N/A
Finished Area	580 sqft
Make	

Floor Finish

- [ ] Earth
- [x] Slab
- [x] Sub & Joist
- [x] Wood
- [ ] Parquet
- [x] Tile
- [ ] Carpet
- [x] Unfinished
- [ ] Other

Wall Finish

- [x] Plaster/Drywall
- [ ] Paneling
- [ ] Fiberboard
- [x] Unfinished
- [ ] Other

Roofing

- [ ] Built-Up
- [ ] Metal
- [x] Asphalt
- [ ] Slate
- [ ] Tile
- [ ] Wood Shingle
- [ ] Other

Exterior Features

Description	Area	Value
Wood Deck	119	$3,300

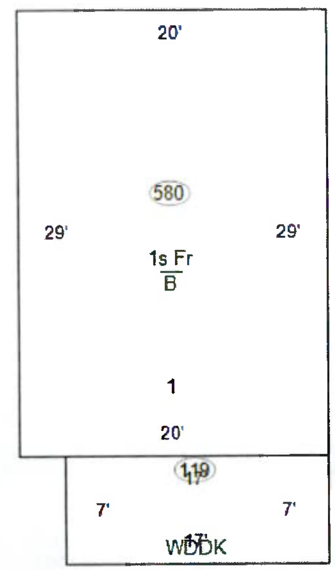
Plumbing	#	TF
Full Bath	1	3
Half Bath	0	0
Kitchen Sinks	1	1
Water Heaters	1	1
Add Fixtures	0	0
Total	3	5

Accommodations	
Bedrooms	2
Living Rooms	0
Dining Rooms	0
Family Rooms	0
Total Rooms	4

Heat Type

Central Warm Air

2



Specialty Plumbing

Description	Count	Value

Cost Ladder

Floor	Constr	Base	Finish	Value	Totals
1	1Fr	580	580	$70,500	
2					
3					
4					
1/4					
1/2					
3/4					
Attic					
Bsmt		580	0	$26,000	
Crawl					
Slab					
				Total Base	$96,500
Adjustments				1 Row Type Adj. x 1.00	$96,500
Unfin Int (-)					$0
Ex Liv Units (+)					$0
Rec Room (+)					$0
Loft (+)					$0
Fireplace (+)				PS:1	$4,700
No Heating (-)					$0
A/C (+)				1:580	$4,200
No Elec (-)					$0
Plumbing (+ / -)				5 – 5 = 0 x $0	$0
Spec Plumb (+)					$0
Elevator (+)					$0
				Sub-Total, One Unit	$105,400
				Sub-Total, 1 Units	
Exterior Features (+)				$3,300	$108,700
Garages (+) 0 sqft				$0	$108,700
				Quality and Design Factor (Grade)	0.90
				Location Multiplier	0.90
				Replacement Cost	$88,047

Summary of Improvements

Description	Story Height	Constr Type	Grade	Year Built	Eff Year	Eff Co Age nd	Base Rate	LCM	Adj Rate	Size	RCN	Norm Dep	Remain. Value	Abn Obs	PC	Nbhd	Mrkt	Cap 1	Cap 2	Cap 3	Improv Value
1: Single-Family R 01	1	Wood Fr	D+2	1930	1930	95 A		0.90		1,160 sqft	$88,047	50%	$44,020	0%	100%	1.000	1.190	100.00	0.00	0.00	$52,400
2: Detached Garage R 01	1	Wood Fr	C	1958	1958	67 A	$55.64	0.90	$50.08	13'x24'	$19,494	42%	$11,310	0%	100%	1.000	1.190	100.00	0.00	0.00	$13,500

Total all pages $65,900

Total this page $65,900

71-09-11-101-009.000-022 | Tharp Robert and Darlene E | 2106 N BYRKIT AVE | 510, 1 Family Dwell - Platted Lot | 27521 | /71220 | 1/2

General Information

Parcel Number
71-09-11-101-009.000-022

Local Parcel Number
027-1001-027301

Tax ID:

Routing Number
9-11A

Property Class 510
1 Family Dwell - Platted Lot

Year: 2025

Location Information

County
St. Joseph

Township
PENN TOWNSHIP

District 022 (Local 027)
MISHAWAKA(PENN)-PHM SCHOO

School Corp 7175
PENN-HARRIS-MADISON

Neighborhood 7122058-022
27521

Section/Plat

Location Address (1)
2106 N BYRKIT AVE
MISHAWAKA, IN 46545

Zoning

Subdivision

Lot

Market Model
7122058-022 - Residential

Characteristics

Topography Level	**Flood Hazard** ☐
Public Utilities All	**ERA** ☐
Streets or Roads Paved	**TIF** ☐

Neighborhood Life Cycle Stage
Static

Printed Monday, April 14, 2025

Review Group 2022

Ownership

Tharp Robert and Darlene E
30043 Fox Run Trl
Granger, IN 46530-5033

Legal

W 230' S 1/2 Lot 49 Schindlers Pro Sec 11 37 3e

Transfer of Ownership

Date	Owner	Doc ID	Code	Book/Page	Adj Sale Price	V/I
03/26/2013	Tharp Robert and Darl		WD	/	$26,000	V
12/17/2009	Rubio Kathleen & Rubi	9283	QC	/	$60,000	I
09/01/1994	RUBIO, ROBERT	0	WD	0/0		I
10/22/1984	STROMBECK LARRY	0	WD	0/0		I

Res

Valuation Records

Assessment Year	2025	2024	2023	2022	2021
Reason For Change	AA	AA	GenReval	GenReval	GenReval
As Of Date	01/01/2025	01/01/2024	01/01/2023	01/01/2022	01/01/2021
Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
Notice Required	☐	☐	☐	☐	☐
Land	**$24,000**	**$11,200**	**$11,200**	**$11,200**	**$13,500**
Land Res (1)	$24,000	$11,200	$11,200	$11,200	$13,500
Land Non Res (2)	$0	$0	$0	$0	$0
Land Non Res (3)	$0	$0	$0	$0	$0
Improvement	**$65,900**	**$44,200**	**$44,200**	**$42,600**	**$38,900**
Imp Res (1)	$65,900	$44,200	$44,200	$42,600	$38,900
Imp Non Res (2)	$0	$0	$0	$0	$0
Imp Non Res (3)	$0	$0	$0	$0	$0
Total	**$89,900**	**$55,400**	**$55,400**	**$53,800**	**$52,400**
Total Res (1)	$89,900	$55,400	$55,400	$53,800	$52,400
Total Non Res (2)	$0	$0	$0	$0	$0
Total Non Res (3)	$0	$0	$0	$0	$0

Land Data (Standard Depth: Res 200', CI 200' Base Lot: Res 89' X 272', CI 89' X 272')

Land Type	Pricing Method	Soil ID	Act Front.	Size	Factor	Rate	Adj. Rate	Ext. Value	Infl. %	Market Factor	Cap 1	Cap 2	Cap 3	Value
F	F		53	53x230	1.03	$550.24	$567	$30,051	0%	0.8000	100.00	0.00	0.00	$24,040

Data Source N/A **Collector** **Appraiser**

Notes

Land Computations

Calculated Acreage	0.28
Actual Frontage	53
Developer Discount	☐
Parcel Acreage	0.00
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	0.00
Total Acres Farmland	0.00
Farmland Value	$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	$0
Classified Total	$0
Farm / Classifed Value	$0
Homesite(s) Value	$0
91/92 Value	$0
Supp. Page Land Value	
CAP 1 Value	$24,000
CAP 2 Value	$0
CAP 3 Value	$0
Total Value	**$24,000**


E MCKINLEY AVE
NORTH
PETITION 25-22
FRONT ST
N 1ST ST
N BYRKIT AVE
E LASALLE AVE
C-1
C-1
C-4
C-4
C-4
C-4
C-4
C-4
C-4
R-1
C-4
R-4
R-4
PET 25-22
R-1
R-1
R-1
R-1
R-1
Location Map
PET 25-22
ALDOR INVESTMENTS LLC (OWNER)/
JOSEPH FRANKS (CONTINGENT PURCHASER)
LOCATION:
2106 N BYRKIT
REQUEST: REZONING FROM C-4 AUTOMOBILE
ORIENTED COMMERCIAL TO R-1
SINGLE FAMILY RESIDENTIAL DISTRICT
TO MATCH EXISTING USE

PET 25-23

Received

NOV 19 2025

Planning and
Community Development

City of Mishawaka, Indiana
REZONING PROCEDURE

DATE: 11/18/2025

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 Jason DeMeyer, President of D.A. Dodd 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 desctiption**.

(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.) 1825 E. 12TH ST., MISHAWAKA, IN 46544

Petitioner(s) own one hundred (100%) percent of the above-described parcel of land which carries a zoning classification of C-1 District. Said property is *(state the existing use of the real estate)* Existing industrial building, parking, retention pond, natural pond, woodlands.

Petitioner(s) desire said real estate to be rezoned to I-1 District. Petitioner(s) further state that they intend to utilize said land for *(state the proposed use for the property/ reason for the rezoning)* To construct a second building to expand business and combine 3 parcels into 1.
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.

Jason DeMeyer Digitally signed by Jason DeMeyer DN: C=US, E=jasondemeyer@dadodd.com, O="D.A Dodd LLC", CN=Jason DeMeyer Date: 2025.11.18 13:14:56 -06'00'
Signature of Property Owner / Title Holder

Signature of Second Property Owner / Title Holder

Jason DeMeyer D.A. Dodd LLC
Print Name

Print Name

CONTACT PERSON:

Name: Abonmarche - Chris Godlewski

Address: 315 West Jefferson Boulevard South Bend, In 46601

Day Phone Number: 574-393-9804

Fax Number:

Email: cgodlewski@abonmarche.com

City of Mishawaka, Indiana
REZONING PROCEDURE

Parcel 1:

Part of the North 1/2 of Section 23, Township 37 North, Range 3 East, Mishawaka, Indiana, described as follows: Commencing at the Northwest corner of Section 23, Township 37 North, Range 3 East, Mishawaka, Indiana; thence North 90°00'00" East (bearing assumed) on the North line of said Section 23, a distance of 2,744.30 feet; thence South 00°18'30" West parallel to the West line of said Section 23, a distance of 220.00 feet to the point of beginning; thence North 90°00'00" East parallel to the North line of said Section 23, a distance of 158.00 feet; thence North 00°18'30" East parallel to the West line of said Section 23, a distance of 45.00 feet; thence North 90°00'00" East parallel to the North line of said Section 23, a distance of 70.00 feet; thence North 00°18'30" East parallel to the West line of said Section 23, a distance of 175.00 feet to the North line of said Section 23; thence North 90°00'00" East on said North line, a distance of 40.00 feet; thence South 00°18'30" West parallel to the West line of Section 23, a distance of 812.69 feet; thence South 90°00'00" West parallel to the North line of said Section 23, a distance of 268.00 feet; thence North 00°18'30" East parallel to the West line of said Section 23, a distance of 592.69 feet to the point of beginning.

Less and except:

Part of the North Half of Section 23, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

Commencing at the Northwest corner of Section 23, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana; thence North 90°00'00" East (assumed bearing) on the North line of said Section 23, a distance of 2744.30 feet; thence South 00°18'30" West parallel to the West line of said Section 23, a distance of 220.00 feet; thence North 90°00'00" East parallel to the North line of said Section 23, a distance of 158.00 feet to the point of beginning; thence North 00°18'30" East parallel to the West line of said Section 23, a distance of 45.00 feet; thence North 90°00'00" East parallel to the North line of said Section 23, a distance of 70.00 feet; thence South 00°18'30" West parallel to the West line of said Section 23, a distance of 45.00 feet; thence South 90°00'00" West parallel to the North line of said Section 23, a distance of 70.00 feet to the point of beginning.

Less and except:

Part of the North Half of Section 23, Township 37 North, Range 3 East of the Second Principal Meridian, St. Joseph County, Indiana described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 23, thence North 89 degrees 46 minutes 50 seconds East a distance of 358.88 feet, along the north line of said Quarter Section to the northwest corner of the grantor's land; thence continue North 89 degrees 46 minutes 50 seconds East 40.00 feet to a point lying 3012.3 feet east of the northwest corner of said Section 23, said point being the northeast corner of the granter; thence South 00 degrees 05 minutes 19 seconds West 40.00 feet along the granters' east line; thence South 89 degrees 46 minutes 50 seconds West 40.00 feet to the grantors' west line; thence North 00 degrees 05 minutes 13 seconds East 40.00 feet along the granters' west line to the point of beginning, containing 0.037 acres, more or less inclusive of the presently existing right of way which contains 0.013 acres more or less.

City of Mishawaka, Indiana
REZONING PROCEDURE

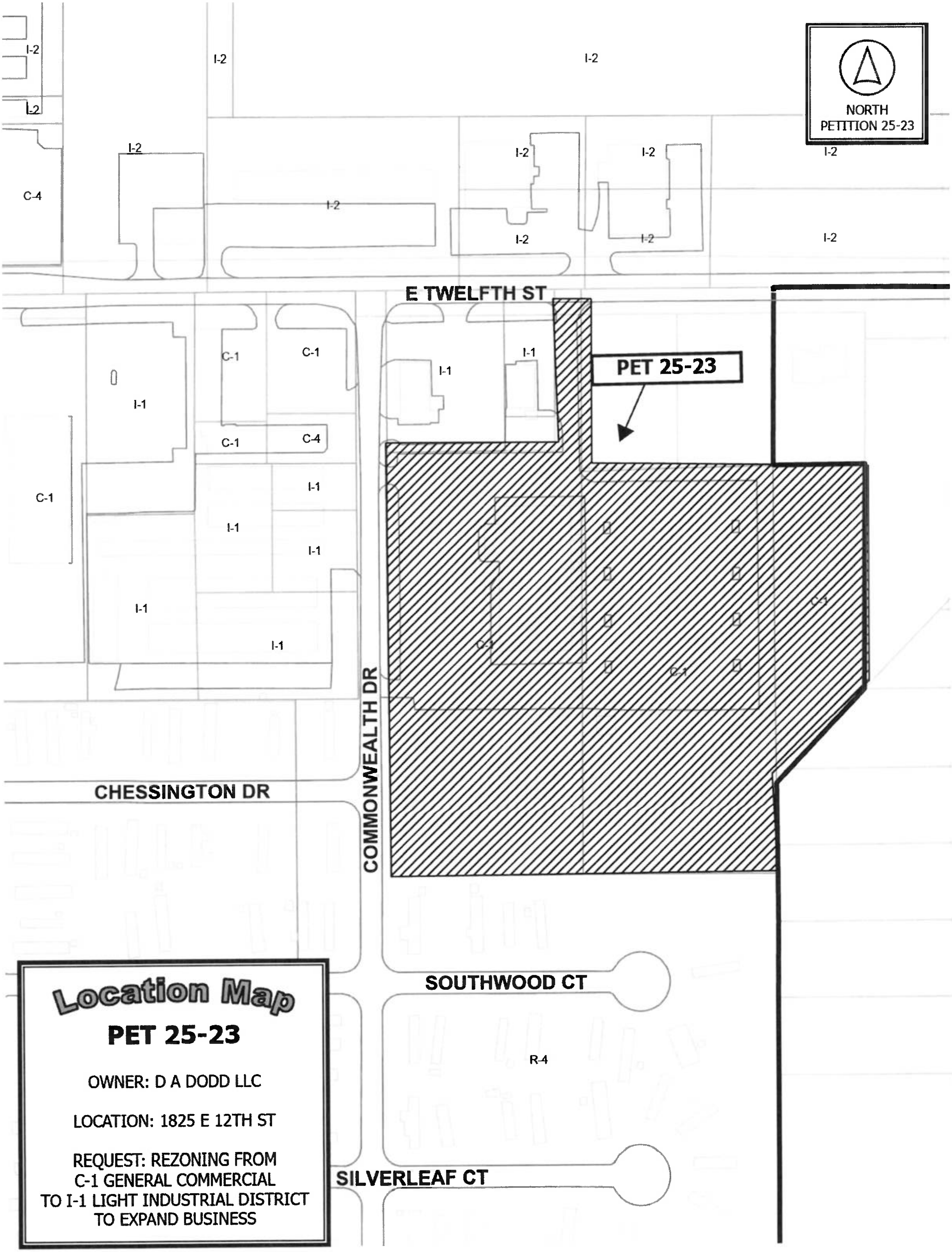
Parcel 2:

Part of the West 1 /2 of the Northeast 1 /4 of Section 23, Town ship 37 North, Range 3 East, Penn Town ship, St. Joseph County, Indiana, described as follows:
Commencing at the Northeast corner of Section 23, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana; thence South 90 degrees 00 minutes 00 seconds West (bearing assumed) on the North line of said Section 23, a distance of 1834.71 feet; thence South 00 degrees 20 minutes 00 seconds West parallel to the center line of Capital Avenue (as said center line existed on June 27, 1945), a distance of 250.00 feet to the point of beginning; thence continuing South 00 degrees 20 minutes 00 seconds West parallel to the aforementioned center line of Capital Avenue, a distance of 292.17 feet to the center line of Laing Ditch; thence South 44 degrees 44 minutes 33 seconds West on said center line of Laing Ditch, a distance of 172.00 feet to a point on a line parallel to and 1954.71 feet West of the aforementioned center line of Capital Avenue and 664.70 feet South of the North line of said Section 23; thence South 00 degrees 20 minutes 00 seconds West parallel to the aforementioned center line of Capital Avenue, a distance of 147.99 feet to a line that is parallel to and 812.69 feet South of the North line of said Section 23; thence South 90 degrees 00 minutes 00 seconds West parallel to the North line of Section 23 a distance of 261.05 feet to a point on a line that is parallel to and 3012.3 feet East of the West line of said Section 23; thence North 00 degrees 18 minutes 30 seconds East parallel to the West line of said Section 23, a distance of 562.69 feet; thence North 90 degrees 00 minutes 00 seconds East parallel to the North line of said Section 23, a distance of 381.30 feet to the point of beginning.

State ids: 71-09-23-201-008.000-022, 71-09-23-201-009.000-022, 71-09-23-201-010.000-022

Street Address: 1825 East 12th Street, Mishawaka, Indiana 46544.

Subject to easements, covenants, restrictions, ordinances and encumbrances of record, and public rights-of-way.


NORTH
PETITION 25-23
E TWELFTH ST
PET 25-23
CHESSINGTON DR
COMMONWEALTH DR
SOUTHWOOD CT
SILVERLEAF CT
I-2
C-4
C-1
I-1
R-4
Location Map
PET 25-23
OWNER: D A DODD LLC
LOCATION: 1825 E 12TH ST
REQUEST: REZONING FROM
C-1 GENERAL COMMERCIAL
TO I-1 LIGHT INDUSTRIAL DISTRICT
TO EXPAND BUSINESS

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: December 1, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire – Controller

Re: **Annual Spending Plan of the City of Mishawaka Redevelopment Commission for 2026 for presentment**

Indiana Code 36-7-14-12.7 states that:

Sec. 12.7 (a) Not later than December 1 each year, the redevelopment commissioners shall file with the Department of Local Government Finance (DLGF) and with the unit's executive and fiscal body a report setting out a spending plan for the next calendar year describing planned expenditures. The spending plan must be filed in accordance with the DLGF's prescribed requirements.

Please note that the 2026 plan is a placeholder and will be amended at a future meeting.

c: David A. Wood – Mayor

City of Mishawaka
Redevelopment Commission
2026 Spending Report

Date: December 1, 2025

To: Indiana Department of Local Government Finance
Mayor Dave Wood
Mishawaka Common Council

From: Ken Prince, Redevelopment Commission Executive Director
Rebecca Maguire, Redevelopment Commission Treasurer

2026 RDC Spending Plan

Per IC 36-7-14-12.7

A. Debt Payments	
Tax Increment Revenue Bonds of 2015 - Battell Center	$53,300
Lease Rental Revenue Bonds of 2021 - Stimulus	$5,083,500
Lease Rental Revenue Bonds of 2023 - Fieldhouse	$480,000
Tax Increment Revenue Bonds of 2023 - Ironworks Phase II	$50,000
Total Debt Payments	$5,666,800
B. Payments to Eligible Entities for Educational and Training Programs	
None	$0
Total for Educ./Training Programs	$0

C. Capital Expenditures Contemplated by the Economic Development Plans or Redevelopment Plans, as amended

Downtown	$2,350,000
Key projects:	
Ironworks Plaza	
City Hall	
Road Widening/Transportation Enhancements	$2,900,000
Key projects:	
Veteran's Parkway Extension	
Union Street Engineering and Property Acquisition	
12th Street Phase 3B Widening	
McKinley Ave Widening Ph 1	
Parks/Public Art/Lighting	$2,400,000
Key projects:	
Battell Park	
Kamm Island Pavilion	
Crawford Park Improvements	
Normain Park Improvements	
Riverwalk/Trail Projects	$1,150,000
Key projects:	
Cedar Street Bridge Match	
West Street Connector	
Riverwalk Cedar to Race Street	
Riverwalk Restoration	
Building Projects	$2,200,000
Key projects:	
Fire Station #2	
Dodge Foundry Environmental/Demo	

Misc projects/contingency	$500,000
Total Capital Expenditures	$11,500,000

D. Grants and Contributions

To Local Economic Dev. Organizations	$0
To Local Non-Profit Orgs.	$0
Grants/loans to eligible low-income families for purchase or lease	$0
Grants/loans to neighborhood development corps.	$0
Other legally permitted grants/loans:	$0
Totals Grants/Contr.	$0

E. Professional Expenses

CSO Design/Consulting	$275,000
Financial/Attorney Consulting	$200,000
Acquisition/Demolition	$500,000
Misc costs redevelopment properties	$100,000
Misc professional expenses	$100,000
Total Professional Expenses	$1,175,000

F. Capital and Operating Expenses for Police and Fire Services

none	$0
Total Police and Fire	$0

G. Payment of Operating Expenses (non-TIF)

Annual Wastewater Commitment	$2,760,000
Total Operating Expenses	$2,760,000

H. Expenditures Related to Miltary Bases

None	$0
Total Military Bases	$0

I. Payments Related to Eligible Efficiency Programs

None	$0
Total Efficiency Programs	$0

J. Permissible Reimbursements for Employee Training Expenses of Industrial Facilities

None	$0
Total Employee Training for Indust.	$0

K. Permissible Reimbursements of the City of Mishawaka

Reimbursements	$0
Total Reimbursements	$0

L. Expenditures from Proceeds of Bonds, Lease Financings or Tax Anticipation Warrants

None	$0
Total Expenditures from Bond Proceeds	$0

M. Expenditures from Property Tax Levy

None	$0
Total Expenditures from Tax Levy	$0

N. Expenditures from State/Fed. Grants or Loans, Foundation Grants or Loans, or funds provided to RDC from Other Political Subdivisions

State Grants/Loans	$0
Federal Grants/Loans	$0
Foundation Grants/Loans	$0
Other funds	$0
Total Grants/Loans	$0

O. Other Anticipated Expenditures

None	$0
Total Other Expenditures	$0

TOTAL OF A through O	**$21,101,800**

Deborah S. Block, IAMC, MMC

NOV 2 1 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO.__2025-36________

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE MOTOR VEHICLE HIGHWAY(MVH) BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2025

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

Section 1. An emergency exists that requires the transfer and reappropriation of funds within the Motor Vehicle Highway (MVH) fund for the budget adopted for the fiscal year ending December 31, 2025.

Section 2. There is hereby transferred and reappropriated the sum of $3,500.00 as follows:

MVH Fund

From:	Other Supplies 2201-50-429-13	Traffic Supplies	$3,500.00
To:	Rentals 2201-50-437-05	Uniforms	$3,500.00

Section 3. This ordinance shall be in full force and effect from and after its passage, signing, and attestation.

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

__________day of ______________________, 2025 at _______ o'clock, ______. M.

____
Gregg Hixenbaugh, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor this ______day of____________, 2025 at ________ o'clock, ____. M.

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

APPROVED BY ME this ______ day of, ____________, 2025 at ______ o'clock, ____. M.

____
David A. Wood, Mayor

Deborah S. Block, IAMC, MMC
NOV 2 1 2025
City Clerk
Mishawaka, IN

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

CENTRAL SERVICES DEPARTMENT
Tim Ryan, Street Commissioner

November 3, 2025

Mishawaka Common Council
City Hall
100 Lincolnway West
Mishawaka, IN 46544

RE: Proposed Ordinance 2025-

Honorable Council Members:

At this time, we find the need to request a transfer of Street Department funds as follows:

FROM: Street Department
Other Supplies
2201-50-429-13 Traffic Supplies **$3,500.00**

TO: Street Department
Other Supplies

Rentals
2201-50-437-05 Uniforms **$3,500.00**

Total: $3,500.00

If you have any questions concerning this transfer, please call or visit my office.

Sincerely,

Tim Ryan
Street Commissioner

PROPOSED ORDINANCE NO. 2025 – 37

ORDINANCE NO. __________

AN ORDINANCE AMENDING ORDINANCE 5915, FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS, AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2025.

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

Section 1. Ordinance number 5915, passed by the Common Council of the City of Mishawaka, Indiana, on the 16th of December 2024, is hereby amended as follows:

CENTRAL SERVICES/MVH CERTIFICATIONS	**ANNUAL**
TANKER	500
CDL B	500
CDL A	750

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

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

this _______ day of __________________ 2025 at ___________o'clock, __. m.

____
Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

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

PRESENTED BY ME, to the Mayor on this ________ day of ________________ 2025, at ______ o'clock, ___. m.

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

APPROVED BY ME this _______ day of ____________ 2025, at _______ o'clock, __.m.

____

David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAMC, MMC
NOV 25 2025
City Clerk
Mishawaka, IN

Date:	November 24, 2025
To:	Honorable Members of the Common Council
From:	Rebecca Maguire – Controller
Re:	Teamster Certifications amendment

For the first reading on December 1st there are corrections to both the 2025 and 2026 salary ordinances for the Central Services and MVH Teamster Tanker and CDL A & B certifications. Neither ordinance reflected the updated amounts from contract negotiations, and these amendments correct those.

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

c: David A. Wood, Mayor
Tim Ryan, Street Commissioner

PROPOSED ORDINANCE NO. 2025 – 38

ORDINANCE NO. __________

AN ORDINANCE AMENDING ORDINANCE 5950, FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS, AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2026.

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

Section 1. Ordinance number 5950, passed by the Common Council of the City of Mishawaka, Indiana, on the 27th of October 2025, is hereby amended as follows:

CENTRAL SERVICES/MVH CERTIFICATIONS	**ANNUAL**
TANKER	500
CDL B	500
CDL A	750

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

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

this _______ day of __________________ 2025 at ___________o'clock, __. m.

____
Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

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

PRESENTED BY ME, to the Mayor on this ________ day of ________________ 2025, at

______ o'clock, ___. m.

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

APPROVED BY ME this _________ day of _______________ 2026, at ________ o'clock, __.m.

____
David A. Wood, Mayor

Deborah S. Block, IAMC, MMC

NOV 2 4 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2025 - 39

ORDINANCE NO.________

AN ORDINANCE AMENDING ORDINANCE 5875 OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE PARTICIPATION IN THE STATE OF INDIANA DEFERRED COMP MATCHING PLAN, ADOPTION AGREEMENT, AND AMENDMENT 1

WHEREAS, the City of Mishawaka, Indiana, (hereinafter referred to as the "Participating Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a defined contribution plan, funded by employer contributions;

WHEREAS, the Participating Employer has reviewed the State of Indiana Deferred Compensation Matching Plan ("Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, the Mishawaka Common Council ("Governing Body") is authorized by law, IC 5-10-1.1-7.3, to adopt this ordinance approving the Adoption Agreement on behalf of the Participating Employer;

Therefore, the Governing Body of the Participating Employer hereby resolves:

Section 1. The Participating Employer adopts the Plan and the Trust Agreement ("Trust") for the Plan for its Employees.

Section 2. The Participating Employer acknowledges that the Deferred Compensation Committee ("Trustees") are only responsible for the Plan and have no responsibility for other employee benefit plans maintained by the Participating Employer.

Section 3. The Participating Employer hereby adopts the terms of the Adoption Agreement, which is attached hereto and made a part of this ordinance. The Adoption Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan.

Section 4. The Participating Employer hereby authorizes the Auditor of the State of Indiana ("Administrator"), in conjunction with the Deferred Compensation Committee ("Trustees"), to amend the Plan on its behalf as provided under Section 18.01 of the Plan.

The Trustees and the Administrator will maintain or have maintained on their behalf a record of the Participating Employers, and the Trustees and the Administrator will make reasonable and diligent efforts to ensure that Participating Employers have actually received and are aware of all Plan amendments.

Section 5.

(a) The Participating Employer shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

(b) The Participating Employer accepts the administrative services to be provided by the Administrator of the Plan and any services provided by a Service Manager (as defined in the Plan) as delegated by the Administrator or Trustees. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees will be charged to the Participants' Accounts, and not to the Participating Employer.

Section 6.

(a) The Participating Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements, if it takes the following actions:

(i) A ordinance must be adopted terminating its participation in the Plan.

(ii) The ordinance must specify when the participation will end.

The Trustees shall determine whether the ordinance complies with the Plan, and all applicable federal and state laws, shall determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan.

(b) The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

Section 7. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. Only the assets attributable to a particular Participating Employer and its Employees are available to pay benefits to those Employees and their Beneficiaries.

Section 8. This ordinance and the Adoption Agreement shall be submitted to the Trustees for their approval. The Trustees shall determine whether the ordinance complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Trustees may refuse to approve an Adoption Agreement by an Employer that does not have state statutory authority to participate in the Plan. The Trustees may also refuse to approve an Adoption Agreement that is ambiguous or that does not comply with the requirements of the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this ordinance and the Adoption Agreement are adopted and executed in accordance with the requirements of applicable law.

Section 9. This Adoption Agreement may be used only in conjunction with the Plan. Failure to properly complete this Adoption Agreement may result in the failure of the Plan to qualify.

Section 10. This ordinance shall be in full force and effect from and after its passage, signing, attestation and legal publication.

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

______day of ______________, 2025 at ________ o'clock, ___.M.

____
Gregg Hixenbaugh, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor this _____day of____________, 2025 at

________ o'clock, ____.M.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED BY ME this ______ day of, ________, 2025 at ______ o'clock, ___.M.

David A. Wood, Mayor

CITY OF MISHAWAKA

Deborah S. Block, IAMC, MMC
NOV 25 2025
City Clerk
Mishawaka, IN

DAVID A. WOOD, MAYOR

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

Date: November 24, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire – Controller

Re: Amending the State of Indiana Deferred Compensation Matching Plan

For first reading on December 1st is an ordinance that reduces the City's deferred compensation employer match to 1% of an eligible employee's base pay.

The City was proud to match the 2% level for the past two years. We understand that when employers provide matching contributions, it motivates employees to save for retirement.

Unfortunately, due to the estimated losses attributed to Senate Enrolled Act 1, the difficult decision to reduce the match back to the previous 1% match needs to be made. Doing so has reduced the Civil City budget by $224,000 for 2026.

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

c: David A. Wood, Mayor

THE STATE OF INDIANA DEFERRED COMPENSATION MATCHING PLAN ADOPTION AGREEMENT

ADMINISTRATOR

Auditor of the State of Indiana
200 West Washington Street
State House Suite 240
Indianapolis, Indiana 46204
Telephone: (317) 233-3300
Facsimile: (317) 233-2794

PARTICIPATING EMPLOYER

Name: City of Mishawaka

GOVERNING BODY

Name: City of Mishawaka Common Council
Address: 100 Lincolnway West, Mishawaka, IN 46544
Phone: 574-258-1616
Facsimile: 574-258-1628
E-mail: dblock@mishawaka.in.gov

Person Authorized to receive Official Notices from the Plan or Administrator and to access account and Plan information: Rebecca S. Maguire

DISCLOSURE OF OTHER 401(a) PLAN(S)

This Participating Employer ☐ does or **X** does not have an existing defined contribution plan(s). If the Participating Employer does have one or more defined contribution plans, the Governing Body must provide the plan name and name of the provider and such other information requested by the Administrator.

Section I. Types of Employer Contributions Under the Plan. The Participating Employer shall provide the following types of contributions to Eligible Employees under this Plan (check all that apply):

X Matching Contributions.

☐ Non-Matching Contributions.

Section II. Eligibility Requirements. Only Employees as defined in the Plan may be covered by the Adoption Agreement. Independent contractors may not participate in the Plan. Subject to other conditions in the Plan and this Adoption Agreement, the Participating Employer may designate which categories of employees are eligible to participate in the Plan. The Employer shall provide the Trustees with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Adoption Agreement. A Participating Employer may also establish a waiting period before an Eligible Employee may become a Participant in the Plan. For purposes of determining a period of service, any period of time during which an individual is considered employed by the Participating Employer (including sick leave, personal leave, vacation leave, and paid time off) shall be included in the period of service calculation).

A. Eligibility For Matching Contributions

1. <u>Eligible Classes of Employees</u> (check one)

☐ All Employees.

X All Employees with the following exclusions (select all that apply):

☐ Elected or appointed officials

X Employees who are not covered by the Participating Employer's defined benefit retirement plan(s)

☐ Other (must specify):____________________________________

If "Other" is selected, the exclusion must be described in a manner that is definitely determinable and that does not allow for Participating Employer discretion.

2. <u>Waiting Period</u> - The Employer hereby elects the following (elect "no waiting period" or one of the waiting period options below):

X **No waiting period**. An Eligible Employee may become a Participant for matching contributions immediately upon meeting the eligibility conditions of the Plan.

☐ Matching contributions will be made only after satisfying a waiting period described under one of the following options (check one):

☐ **Minimum Period of Service (if checked, please complete all items below):**

The waiting period for participation in the Plan shall be ______________ (not to exceed 12 months) of service, calculated from the commencement of the Eligible Employee's employment with the Employer.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior service as an Employee for purposes of satisfying the waiting period.

Separate periods of service ☐ will be ☐ will not be added together to determine whether the waiting period has been satisfied.

☐ **Minimum Period of Contributions to the Deferred Compensation Plan (if checked, please complete all items below):**

The waiting period for participation in the Plan shall be ______________ (not to exceed 12 months) from the date the Eligible Employee first makes contributions to the Deferred Compensation Plan. An eligible employee ☐ will ☐ will not be required to continuously make contributions throughout the waiting period in order to be eligible for matching contributions.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior periods of time they were making contributions to a 457(b) Plan for purposes of satisfying the waiting period.

After initially meeting the waiting period, any interruption of employee contributions to the Deferred Compensation Plan ☐ will ☐ will not require the employee to meet another waiting period to qualify for matching contributions.

Separate periods of service in which deferrals are made as an Eligible Employee ☐ will ☐ will not be added together to determine if the waiting period has been satisfied.

B. Eligibility For Non-Matching Contributions

1. **<u>Eligible Classes of Employees</u>** (check one)

☐ All Employees.

☐ All Employees with the following exclusions (select all that apply):

☐ Elected or appointed officials

☐ Employees who are not covered by the Participating Employer's defined benefit retirement plan(s)

☐ Other (must specify):______________________________

If "Other" is selected, the exclusion must be described in a manner that is definitely determinable and that does not allow for Participating Employer discretion.

2. **Waiting Period** - The Employer hereby elects the following (elect "no waiting period" or one of the waiting period options below):

☐ **No waiting period**. An Eligible Employee may become a Participant for non-matching contributions immediately upon meeting the eligibility conditions of the Plan.

☐ Non-matching contributions will be made only after satisfying a waiting period described under one of the following options (check one):

☐ **Minimum Period of Service (if checked, please complete all items below):**

The waiting period for participation in the Plan shall be ______________ (not to exceed 12 months) of service, calculated from the commencement of the Eligible Employee's employment with the Employer.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior service as an Employee for purposes of satisfying the waiting period.

Separate periods of service ☐ will be ☐ will not be added together to determine whether the waiting period has been satisfied.

☐ **Minimum Period of Contributions to the Deferred Compensation Plan (if checked, please all complete items below)**

The waiting period for participation in the Plan shall be ______________ (not to exceed 12 months) from the date the Eligible Employee first makes contributions to the Deferred Compensation Plan.

Eligible Employees who are employed on the date the plan is adopted ☐ will be ☐ will not be given credit for prior contributions made to a prior 457(b) Plan for purposes of satisfying the waiting period.

After initially meeting the waiting period, any interruption of employee contributions to the Deferred Compensation Plan ☐ will ☐ will not require the employee to meet another waiting period to qualify for matching contributions.

Separate periods of service in which deferrals are made as an Eligible Employee ☐ will ☐ will not be added together to determine if the waiting period has been satisfied.

Section III. Amount of Employer Contributions. A Participating Employer may make Matching Contributions and/or Non-Matching Contributions, pursuant to a definite, pre-determined formula, as specified below. Matching Contributions and Non-Matching Contributions that are tied to Payroll Periods (as defined in this Adoption Agreement) must be remitted to the Administrator no later than 15 business days after the Payroll Period. Annual Contributions must be remitted to the Administrator no later than 15 days after the end of the Plan Year.

A Participating Employer may impose conditions on the receipt of Matching and Non-Matching Contributions – such as the requirement to be employed as of a particular date, the requirement to have made employee contributions for a specified period of time or any other objectively determinable requirement.

For purposes of computing matching or non-matching contributions, "Compensation" is subject to the limits imposed by Internal Revenue Code 401(a)(17).

The Participating Employer hereby elects to make contributions as follows:

A. Matching Contributions.

1. Matching Contribution Amount (check one)

☐ **<u>Flat Dollar Match</u>:** For each Payroll Period in which the Participant contributed at least $__________ ($15 to $25) to the Deferred Compensation Plan, the Participating Employer will contribute a flat dollar amount as shown below (complete as applicable; amount may not result in a zero flat dollar match):

$________ per weekly Payroll Period
$________ per bi-weekly Payroll Period
$________ per semi-monthly Payroll Period
$________ per monthly Payroll Period

The amount of the matching contribution ☐ is ☐ is not subject to a maximum cap as elected in Item 2 below.

X **<u>Percentage Match</u>:** For each Payroll Period in which the Participant contributed to the Deferred Compensation Plan, the Employer will contribute _100_% (insert percentage; may not be zero) of the dollar amount contributed to the Deferred Compensation Plan. **(For example, if an**

Employer elects a 50% match, then for every $10 the Participant contributes to the Deferred Compensation Plan, the Employer will contribute $5 to this Plan).

The amount of the matching contribution X is ☐ is not subject to a maximum cap as elected in Item 2 below.

2. **Maximum Matching Contribution (if a matching contribution cap is elected in item 1 above, check one of the following):**

☐ **Flat Dollar Cap** - In no event will Matching Contributions made on behalf of a Participant exceed a flat dollar amount equal to (may not result in zero dollar amount):

$________ per weekly Payroll Period
$________ per bi-weekly Payroll Period
$________ per semi-monthly Payroll Period
$________ per monthly Payroll Period
$________ per Plan Year

X **Cap Equal to Percentage of Total Compensation:** In no event will Matching Contributions made on behalf of a Participant exceed _1_% (may not be zero) of the Participant's Compensation **X** per Payroll Period ☐ per Plan Year.

3. **Additional Allocation Conditions.** In order to receive a matching contribution, each Eligible Employee must satisfy the following additional conditions (conditions must be objectively determinable): ____.

B. Non-Matching Contributions.

1. **Non-Matching Contribution Amount** (check one):

☐ Annual Contributions: An annual contribution each Plan Year of $_______ or _____% of Compensation per Eligible Employee Participant (may not result in total contribution of zero).

☐ Special One-Time Contribution: A one-time contribution of $_______ or _____% of Compensation per Eligible Employee (may not result in total contribution of zero) to be made as of the following date: ___________.

☐ Per Payroll Period Contribution: _____% (may not be zero) of Compensation per Payroll Period or a flat dollar amount per Payroll Period as shown below (complete as applicable; amount may not result in a zero flat dollar amount):

$________ per weekly Payroll Period
$________ per bi-weekly Payroll Period
$________ per semi-monthly Payroll Period
$________ per monthly Payroll Period

2. **Additional Allocation Conditions.** In order to receive a non-matching contribution, each Eligible Employee must satisfy the following additional conditions (conditions must be objectively determinable): ______________
____

Conditions for Annual Contribution: _____________________________________
Conditions for Special One-Time Contribution: ____________________________
Conditions for Per Payroll Period Contribution: ____________________________

Section IV. Payroll Period. The payroll period of the Participating Employer is:

☐ Weekly
X Bi-Weekly
☐ Semi-Monthly
☐ Monthly

Section V. Modification and Termination of the Adoption Agreement. If a Participating Employer desires to amend any of its elections contained in this Adoption Agreement, the Governing Body by official action must adopt an amendment of the Adoption Agreement or a new Adoption Agreement must be adopted and forwarded to the Trustees for approval. The amendment of the new Adoption Agreement is not effective until approved by the Trustees and other procedures required by the Plan have been implemented. The Administrator shall inform the Participating Employer of any amendments made to the Plan.

Adoption Agreement may be terminated only in accordance with the Plan. The Administrator shall inform the Participating Employer of the discontinuance or abandonment of the Plan.

Effective Date. This Plan will be effective for this Employer as of the later of (1) the first day of the Plan Year (January 1) in which this Adoption Agreement is executed by the Employer; or (2) January 1, 2026.

EXECUTION BY EMPLOYER

The foregoing Adoption Agreement is hereby adopted and approved on the ____ day of ______________, 2025.

Signed:____

Printed Name: Rebecca S. Maguire

Title: Controller

Date of Signature:______________________________

NOTICE TO EMPLOYER

This Adoption Agreement may only be used in conjunction with The State of Indiana Deferred Compensation Matching Plan.

The failure to properly complete this Adoption Agreement or to, operate and maintain the Plan and Trust in accordance with the terms of the completed Adoption Agreement, Master Plan Document, and Trust may result in disqualification of the Plan under the Code. Inquiries regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the IRS advisory letter should be directed to the Administrator. The Administrator is the Auditor of the State of Indiana, with its primary business offices located at: 200 West Washington Street, State House Suite 240, Indianapolis, Indiana 46204. The business telephone number is: (317) 233-3300. The primary person to contact is: ______________________________.

TRUSTEES APPROVAL

The Adoption Agreement is approved by the Board of Trustees of the State of Indiana Deferred Compensation Matching Plan. Contributions shall first be remitted as follows:

☐ within 15 business days after the Payroll Period ending ____________, 20___.

☐ other (must specify): ____.

Dated: ____________________________

By:________________________________

Title:______________________________
on behalf of the Board of Trustees

State of Indiana Deferred Compensation Matching Plan Amendment
City of Mishawaka

Amendment 1
Pursuant to Section III.A.2 of the State of Indiana Deferred Compensation Matching Plan Adoption Agreement, for purposes of calculating the cap on an employer contribution, only the participant's "base salary" will be considered.

EXECUTION BY EMPLOYER

The foregoing Adoption Agreement is hereby adopted and approved on the ____ day of ______________, 2025.

Signed:______________________________

Printed Name: Rebecca S. Maguire

Title: Controller

Date of Signature:______________________________

TRUSTEES APPROVAL

The Adoption Agreement is approved by the Board of Trustees of the State of Indiana Deferred Compensation Matching Plan. Contributions shall first be remitted as follows:

☐ within 15 business days after the Payroll Period ending ____________, 20___.

☐ other (must specify): ______________________________.

Dated: ______________________________

By:______________________________

Title:______________________________
on behalf of the Board of Trustees

PROPOSED ORDINANCE NO. 2025-40

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2025

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the General Fund for the budget adopted for the fiscal year ending December 31, 2025.

Section 2. There is hereby transferred and reappropriated the sum of $18,500 as follows:

General Fund

Human Resources

From:	Personal Services		
	1101-04-411-03	Temporary	$ 16,000.00
To:	Other Services and Charges		
	1101-04-431-04	Professional Services	$ 16,000.00

Information Technology

From:	Other Services and Charges		
	1101-05-439-03	Subscriptions and Dues	$ 2,500.00
To:	Personal Services		
	1101-05-411-65	Professional Certifications	$ 2,500.00

Section 3. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this __________day of ______________________, 2025 at _________ o'clock, ______. M.

____
Gregg Hixenbaugh, 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

Deborah S. Block, IAMC, MMC
NOV 25 2025
City Clerk
Mishawaka, IN

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: December 1, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire – Controller

Re: **General Fund transfers**

For first reading on December 1st, there are two transfers related to personal services.

The first item is to transfer funds from the Temporary staffing line to the Professional Services line in the Human Resources budget. With the resignation of the Assistant Director of HR, we have been paying Creative Financial Staffing for our temp employee.

Lastly, an employee from the police department took a position in IT and this is to add their IDACS certification to the IT budget. Funds are available to transfer from the Subscriptions and Dues line.

c: David Wood, Mayor
Susan Kile, HR Director
Phil Hopson, IT Director

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

PROPOSED ORDINANCE NO. 2025-41

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2025

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2025, in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the General, Park, CEDIT, and Public Safety LIT funds of the City of Mishawaka the sum of $824,500.00 for assignment as follows:

General Fund

Mayor		
Salaries and Wages		
1101-01-411-02	Executive Asst	$ 4,500.00
Fire Department		
Other Personal Services		
1101-19-411-70	Miscellaneous	$ 200,000.00
		$ 204,500.00

Park Fund

Employee Benefits		
2204-50-413-05	Health Insurance	$ 150,000.00
		$ 150,000.00

CEDIT

<u>Other Services and Charges</u> 2209-50-431-13	EMS billing service	$ 70,000.00
<u>Utility Service</u> 2209-50-435-01	Utilities – MU	<u>$300,000.00</u>
		$ 370,000.00

Public Safety LIT

<u>Other Services and Charges</u> 2240-50-436-90	Police Service Contracts	<u>$100,000.00</u>
		$ 100,000.00
	Total	$ 824,500.00

<u>Section 3.</u> This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

____________day of ________________, at ___________ o'clock, ________. M.

____
Gregg Hixenbaugh, Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this ________ day of _________________, 2025 at ______ o'clock, ____M.

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

APPROVED BY ME this ________day of ___________________, 2025 at

____________o'clock, _____ M.

____
David A. Wood, Mayor

Deborah S. Block, IAMC, MMC
NOV 2 5 2025
City Clerk
Mishawaka, IN

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: December 1, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire – Controller

Re: **Additional Appropriations – General, Park, CEDIT, and Public Safety LIT funds**

For first reading for December 1st are additional appropriations for various funds as we approach year-end.

Mayor's budget:
Numerous adjustments were made to salaries last year, and the Executive Assistant's salary was updated after the budget was submitted. This amendment updates the budget.

Fire Department:
Due to the 2025 union contract being finalized after the budget was submitted for first reading, numerous Personal Services lines are expected to be over budget at year's end. $200,000 will be added via the Miscellaneous line in the personal services category and distributed as needed. Estimates of the budget shortfalls are as follows:

Overtime	$	50,000
Social Security	$	5,000
Medicare	$	15,000
PERF	$	5,000
Health Ins	$	25,000
Def Comp Match	$	30,000
77 Pension	$	70,000
	$	200,000

Park Department:
Increases to the employer-paid insurance benefit and adding two new employees require additional funds to be added to the Park's health insurance line.

CEDIT:
Our third-party billing service has increased its cost, and as our runs and charges increase, so does our billing.

General fund utility expenses were moved to the CEDIT fund. The amount moved was understated. This additional appropriation corrects the shortage.

Public Safety LIT:
The police department has worked for over three years with Motorola to consolidate contracts, upgrade body and dash cameras, while also funding the first and second years of the new contract. We are now up to date with equipment and contracts, but it did cause a budget shortfall. Data storage continues to be a necessary and expensive service.

PROPOSED ORDINANCE NO. 2025-42

ORDINANCE NO. ______

AN ORDINANCE AMENDING TITLE IX, CHAPTER 100: RESTAURANTS; FOOD OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA

WHEREAS, the Common Council acknowledges that restaurants and food-serving establishments are regulated by state and county health codes; and

WHEREAS, the Common Council recognizes the authority of both the Indiana and St. Joseph County Health Departments to both permit and inspect restaurants and food-serving establishments doing business in the City of Mishawaka; and

WHEREAS, since 1962 in its Code of Ordinances, the City of Mishawaka has authorized the St. Joseph County Health Department to permit and inspect restaurants in the corporation limits for City licensing purposes; and

WHEREAS, St. Joseph County has enacted its own Food Ordinance based on Indiana law, governing permitting and inspection requirements; and

WHEREAS, the Common Council believes that the St. Joseph County Food Ordinance is the proper authority for the permitting and inspection requirements, yet believes that the City should retain its own licensing for registration and enforcement purposes in a manner consistent with both St. Joseph County and Indiana law.

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

Section 1. TITLE IX, Chapter 100: Restaurants; Food of the Municipal Code of the City of Mishawaka, Indiana, is hereby repealed in its entirety and replaced to read as follows:

§100.01 **DEFINITIONS**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Definitions in this chapter are intended to be consistent with the St. Joseph County Food Ordinance and the Indiana Code.

EMPLOYEE. Any person who handles food during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room or other place in which food is stored, prepared, processed, displayed, or served; the term **EMPLOYEE** shall not include volunteer member personnel of charitable, religious, fraternal, or educational organizations or service clubs but shall include supervisors, managers, paid employees, family members, and contract employees.

FOOD. All articles used for food, drink, confectionery, or condiment whether simple, mixed, or compound and all substances or ingredients used in the preparation of the above items. (I.C. 16-42-5-1).

HEALTH OFFICER. The St. Joseph County Board of Health.

ITINERANT RESTAURANT. Also called **TEMPORARY FOOD ESTABLISHMENT**. A food market or food service establishment that operates at a fixed location for a period of time not more than seven (7) consecutive days in conjunction with a single event including but not limited to a fair, carnival, circus, public exhibition, or other similar gathering.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, or municipality, or his legal representative or agent.

RESTAURANT. Retail food service establishment, coffee shop, cafeteria, short-order café, luncheonette, tavern, sandwich stand, soda fountain, drive-in restaurant, drive-in theatre restaurant, in-plant food service, commissary, snack bar, food catering, or food establishment, whether fixed or movable, where food for human consumption is prepared or served in such manner that it is ready for consumption on the premises with or without charge. The term **RESTAURANT** shall not include a food establishment that is known as a retail food market where food is not prepared and served for consumption on the premises or private homes where food is prepared or served for individual family, friends, or acquaintance consumption. The term **RESTAURANT** shall include seasonal establishments.

RETAIL FOOD MARKET ESTABLISHMENT. Any market establishment including, but no limited to, a grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, confectionery, candy kitchen, nut store, retail bakery store, or any establishment whether fixed or movable where food is intended for human consumption off the premises is manufactured, produced, stored, prepared, handled, sold or offered with or without charge. **RETAIL FOOD MARKET ESTABLISHMENT** does not include establishments that handle only pre-packaged, non-potentially hazardous foods, roadside markets that offer only fresh, whole fruits and vegetables for sale (farm-to-table), slaughterhouses, restaurants, or food and beverage vending machines.

SEASONAL ESTABLISHMENT. Any fixed location that is open no more than eight (8) consecutive months per year due to location, menu items, or weather.

§100.02 **LICENSE REQUIRED; EXCEPTIONS.**

(A) It shall be unlawful for any person to operate a restaurant or itinerant restaurant in the city without possessing a valid license for the operation of such establishment. The license shall be for the term of one year beginning February 1 and expiring January 31 of the following year and shall be renewed annually.

(B) Such license shall be provided by the City Controller, upon presentment of a valid permit issued by the Health Officer, together with $50.00 if application for the license is made before expiration of the previous year's license. The late fee for an application made more than 30 days following expiration shall be $25.00, bringing the total fee to $75.00.

(C) If an application is made for a new restaurant after July 1 but before the restaurant opens for business, the fee for the license will be $25.00. Applications made after a restaurant opens for business are subject to the late fee.

(D) Any person who desires to operate an itinerant restaurant in the city shall, after securing a permit from the Health Officer, obtain from the City Controller a license for an itinerant restaurant. Such license shall be provided by the City Controller upon presentment of a valid permit from the Health Officer, together with $10.00 for each day of operation, not to exceed $40.00 (plus late fee if applicable) for any one continuous operation.

(E) A separate license shall be required for each restaurant or itinerant restaurant operated or to be operated by any person.

(F) License and fee exception. The provisions of this subchapter shall apply to restaurants and itinerant restaurants operated by fraternal organizations, service clubs, religious, educational, and charitable institutions. However, no license fee shall be required.

§100.03 **ADOPTION OF RULES BY REFERENCE; RESTAURANT INSPECTIONS; REVOCATION, SUSPENSION, AND REINSTATEMENT OF PERMIT**

(A) Rules of the State of Indiana and St. Joseph County governing food preparation and service, as set forth in the Indiana Administrative Code, 410 IAC 7-20, and the St. Joseph County Code, Chapter 8.36 are hereby incorporated by reference in this chapter, and shall include later amendments to those Articles as the same are published.

(B) Any and all inspections by the Health Officer which result in action being taken on behalf of the State or the County shall be binding upon the validity of the City license issued in subchapter §100.02. This shall include revocation or suspension as well as reinstatement.

(C) It is the responsibility of the person operating a restaurant seeking reinstatement of a suspended or revoked license to present a reinstated permit and apply for reinstatement of a license in the City Controller's office. There will be no application fee, if the original license has not expired, however the license must be reinstated to be valid.

§100.05 **COMPLIANCE WITH APPLICABLE CODES.**
All Restaurants and Itinerant Restaurants must fully comply at all times with all local and state Building, Zoning and Fire Codes. Compliance with the Building, Zoning, and Fire Codes is a pre-condition to the issuance, reinstatement, or renewal of any license issued under this chapter and failure to comply will result in immediate suspension or revocation of a license.

Section 2. This Ordinance shall be in full force and effect beginning January 1, 2026 after its passage by the Common Council, signature of the Mayor, attestation by the City Clerk and publication as required by law.

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

_______ day of _______________, 2025, at ______ o' clock, __ .M.

____
Gregg Hixenbaugh, Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of __________, 2025, at _________

o'clock, ___ .M.

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

APPROVED by me this ____ day of ___________, 2025, at ________ o'clock, __ .M.

____
David A. Wood, Mayor

Deborah S. Block, IAMC, MMC
NOV 2 5 2025
City Clerk
Mishawaka, IN

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: December 1, 2025

To: Honorable Members of the Common Council

From: Rebecca Maguire – Controller

Re: **Amending Title IX, Chapter 100 of the Municipal Code – Restaurants**

All,

As part of the comprehensive review of fees, I recommend that we increase the restaurant license fee to $50 annually.

The fee has been $20 for at least 25 years, and $50 will still be lower than in other cities we have reviewed. Many municipalities charge based on seating or sales receipts.

With approximately 300 licenses issued per year, I expect additional revenue of $7,500.

Please contact me with any questions.

c: Mayor Dave Wood

Deborah S. Block, IAMC, MMC

NOV 2 5 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2025- 43

ORDINANCE NO. _________

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, AMENDING THE UNIFORM SCHEDULE OF FEES

WHEREAS, a Uniform Schedule of Fees best serves the interests of Mishawaka's employees, administration, and public; and

WHEREAS, on August 17, 2010, the Common Council of the City of Mishawaka amended the Municipal Code of the City of Mishawaka by repealing and removing Sections 2-752 and 2-753 of the Municipal Code of the City of Mishawaka and creating a new Section 2-752, entitled the Uniform Schedule of Fees; and

WHEREAS, the Uniform Schedule of Fees created by Section 2-752 was attached to the Code of Ordinances as an addendum labeled Appendix A; and

WHEREAS, on April 19, 2022, the Common Council of the City of Mishawaka amended Appendix A, increasing fees charged by the Emergency Medical Services; and

WHEREAS, it has become necessary to amend Appendix A by increasing fees in various departments, as depicted in the amended addendum labeled as Appendix A-2025, attached hereto,

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

Section 1. Section 2-752 of the Municipal Code of the City of Mishawaka, Indiana is hereby amended to read as follows:

Sec. 2-752 Uniform Schedule of Fees

(a) A uniform fee schedule for the City of Mishawaka is attached to this Code of Ordinances as an addendum labeled Appendix A-2025. This list is intended to be non-exclusive, and may not contain the exhaustive list of all fees collected by the City of Mishawaka.

(b) Fees collected are to be paid to the City Controller.

Section 2. A new appendix labeled Appendix A-2025 shall be added to the Mishawaka Municipal Code, a copy of which is attached hereto as Appendix A-2025.

Section 3. This ordinance shall be in full force and effect after its passage by the Common Council, signature of the Mayor, attestation by the City Clerk and publication as required by law.

PASSED AND ADOPTED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on this _____ day of _______________, 2025.

____

Gregg A. Hixenbaugh, Presiding Officer

ATTEST:

____

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED to the Mayor of the City of Mishawaka, Indiana, this ____ day of ______________, 2025, at ____________ o'clock, _____.M.

____

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED, this _____ day of _______________, 2025, ___________, o'clock, ____.M.

____

David A. Wood, Mayor

Appendix A-2025

Department of Planning and Community Development

1. Filing Fees (non-refundable)

A.. Annexation Petition

	Under 10 acres	$500
	Over 10 acres	$1,000

B. Rezoning Petition for Single Family	$400
Rezoning Petition for other than Single Family	$800
C. Rezoning of nonconforming or legal nonconforming Properties to R-1 Single Family Residential	$100
D. Vacation of Public Right of Way (plus recording and auditing fees)	$500
E. Plan Commission Final Site Plan Review	$500
F. Administrative Site Plan Review (plus recording and auditing fees)	$300
G. Developmental & Sign Variances	
1. R-1, R-2, R-4 Districts; S-2 PUD for Residential Single & Two Unit	$250
2. R-3, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8; I-1, 1-2; S-1, S-2 for High Density Residential, Commercial & Industrial	$400
3. Residential R-1, R-2, and R-4 districts; S-2 planned unit development district for single-unit and two-unit residential; handicap accessible ramps	$300
H. Use Variance	
1. R-1, R-2, R-4 Districts; S-2 PUD for Residential Single & Two Unit	$400
2. R-3, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8; I-1, I-2; S-1, S-2 for High Density Residential	$600
I. Conditional Use Permit	$600

J. Subdivision Plats and Replats (up to 20 lots) $400
(add $5.00 for each additional lot exceeding 20 lots)

K. Tax Abatement

1. Application Fee for Residential Tax Abatement $300
2. Application Fee for Personal Property Tax Abatement $500
3. Application Fee for Real Property Tax Abatement $500

2. Ordinance Fees (Available on-line only)

A. Zoning Ordinance (Paper) $50
B. Subdivision Regulations (Paper) $25
C. Sign Ordinance (Paper) $25
D. Design Review (Paper) $50
E. Zoning, Subdivision, Sign, and
Design Review Ordinances on CD $10

3. Computer Generated Prints

A. 8.5" X 11" Black & White $0.50
8.5" X 11" Color $1.00
B. 11" X 17" Black & White $1.00
11" X 17" Color $1.00 $2.00

4. Photocopies

A. 8.5" X 11" and 8.5" X 14" Black & White $0.05
B. 11" X 17" Black & White $0.10
C. 8.5" X 11" and 8.5" X 14" Color $0.50
D. 11" X 17" Color $1.00

5. Permit Fees

A. Improvement Location Permit (ILP) for Single Family
New Principal Buildings & Uses $50
Improvement Location Permit (ILP)Two Unit,
And Attached Condominium Residential
New Principle Buildings and Uses $100
B. Improvement Location Permit (ILP) for Single, Two Unit,
And Attached Condominium Residential- Accessory,
Buildings and Uses (Including additions, garages, pools,
and fences) $20
C. Improvement Location Permits (ILP) for High Density
Residential, and all Commercial & Industrial uses
Under 1,000 Square feet $150
Over 1,000 Square feet $250

D. Parking Permits
Permits are prorated by month for new permits
All permits are non-refundable

1. Parking Permit for Municipal Lots 1, 4, 5	$70
2. Parking Permit for Municipal Lot 2	$140
E. Sign ILP for Temporary Signs	$50
F. Sign ILP for Permanent Signs (fee per individual sign)	
Freestanding signs-under 60 square feet	$150
Freestanding signs-over 60 square feet	$300
Façade signs-under 60 square feet	$100
Façade signs-over 60 square feet	$200
G. Sign ILP for Off-Premise Billboards	$600
H. Certificates of Appropriateness-HPC	$20
I. Historic Designation Request-HPC	$20

6. Requests for Formal Information

A. Zoning Verification Letter (Single Family)	$25
B. Zoning Verification Letter (Non-Single Family)	$100
C. Re-build Letter (Single Family)	$25
D. Re-build Letter (Non-Single Family Residential)	$100
E. Grandfather/Legal Non-Conforming Letter (Single Family Residential)	$25
F. Grandfather/Legal Non-Conforming Letter (Non-Single Family residential)	$100
G. Form Verification Letter Sign Off for other government Agencies (Vehicle sales, Off-Premise Signs, etc.)	$60

H. <u>Minor Information Research Requests</u>
Requests involving the equivalent of less than a half a day of staff time. This type of request could include property history, verification of adjacent property zoning, site plan approval dates and copies, certificates of occupancy, and other related information. This charge is related to researching and compiling the information and certifying the requested information in writing. Note: All files are open for public review and research free of charge. $300

I. Major Information Research Requests

Requests involving the equivalent of more than a half a day of staff time. This type of request could include property history, verification of adjacent property zoning, site plan approval dates and copies, certificates of occupancy, and other related information. This charge is related to researching and compiling the information and certifying the requested information in writing. Note: All files are open for public review and research free of charge. This fee will vary based on the information requested and shall be limited to the actual cost incurred by the City to hire a private consultant or company to perform said work. **Actual Cost**

ELECTRICAL

Minimum Permit	$50	
Meter Service (replace/repair/temporary)	$50	
Mobile Home	$50	
Circuits (new and replaced)	$45+$5 each	
Main Service and sub panel (new/replaced):		
(includes circuits) for every 200 amp over 600 amp		$100
100 amp	$100	
200 amp	$200	
400 amp	$300	
600 amp	$400	

HVAC

Minimum Permit	$50
Space Heaters	$50
Furnances	$50
Central Air	$50
Water Chillers	$75
Ventilation/Exhaust	$50
Commercial Hoods	$250
Refrigeration/Cooling	$50
Rooftop Furnance/Air	$75
Heat Pumps	$50
Earth Coupled Water	$50
Boiler/Steam/Hot Water	$50
Through Wall Combination	$50

Air Handlers	$50
Duct/Register Change	$50-$200
Gas Piping	$50
License: New/Renewal	$150

PLUMBING

Minimum Permit	$50
Each Fixture	add $5
Fire Sprinkler (1-4)	$50
Fire Sprinkler (5-50)	$100
Fire Sprinkler (50+)	$200
License: New/Renewal	$150

SIGNS

Minimum Fee	$50
License: New/Renewal	$150

BUILDING

Residential:

$0-$5,000	$50

Add $25 for every $5,000 up to $50,000
Add $25 for every $10,000 after $50,000

Building Contractor License	$150
Re-Inspection-Rough	$50
Re-Inspection-Final	$100

Commercial:
1% of total project value up to $500,000/minimum of $50
0.25% for projects greater than $500,000

Re-Inspection-Rough	$150
Re-Inspection-Final	$300

MISCELLANEOUS FEES

UNMETERED WATER AND EXHAUST FANS

Residential (150 day) in city	$65
Outside city	$75
Apartments (per building)	$65
Commercial building (240 day)	$135 minimum or $5 per unit
Outside City	$145
Industrial building (320 day)	$600
Outside city	$625
Exhaust fans (each)	$5

WRECKING AND DEMOLITION PERMITS

Minimum Fee	$50
Garage	$50
One or two story house including	
Accessory Building	$50
Residence over two stories	$150
Commercial building one story	$275
Commercial building two or more stories	$500

SWIMMING POOLS

Residential-in ground	$150
Commercial-in ground	$500

MOVING PERMITS

One or two story structure over public street or alley	$150
Building greater than two stories	$250

MISCELLANEOUS PERMITS

Minimum Fee	$50
Change of Occupancy: Commercial Building	$300
Commercial Fire Alarm	$250
Commercial Kitchen Suppression System	$50
Underground and Aboveground Storage Tank	$500
Spray Booth	$250
Fire Inspection Fees	$500

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **DEPARTMENT OF LAW**

November 25, 2025

Dear Honorable Members of Mishawaka Common Council,

Re: Ordinance amending Uniform Schedule of Fees

We are requesting your approval of Ordinance amending the Uniform Schedule of Fees. Departments have carefully reviewed their fee structures and are making the recommendations on the attached ordinance. The Schedule of Fees was last amended in 2022, and that was only for Emergency Medical Services.

Thank you for your consideration of this matter.

Sincerely,

John J. Roggeman

John J. Roggeman
Corporation Counsel

John J. Roggeman
Corporation Counsel
100 Lincolnway West
Mishawaka, Indiana 46544
(574) 258-1637
fax: (574) 254-0197

David V. Bent
Deputy City Attorney
320 West Fourth Street
Mishawaka, Indiana 46544
(574) 255-3680
fax: (574) 255-3969

www.mishawaka.in.gov

PROPOSED ORDINANCE NO. 2025-44

ORDINANCE NO. _______

AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF MISHAWAKA ESTABLISHING A MERIT SYSTEM FOR THE MISHAWAKA POLICE DEPARTMENT

WHEREAS, I.C. 36-8-3.5 *(Police and Fire Merit Systems)* sets forth the requirements for the establishment of a police department merit system for eligible departments throughout the State of Indiana; and

WHEREAS, pursuant to the definition of an eligible police department set forth in I.C. 36-8-3.5-5.5 (b), the Mishawaka Police Department ("MPD") is an eligible police department for purposes of the statute; and

WHEREAS, pursuant to the terms of I.C. 36-8-3.5-5.5 (d) & (e), a merit system for the MPD would be established by statute, effective January 1, 2025, unless, not later than December 31, 2024, a majority vote by both the Common Council for the City of Mishawaka ("Common Council") and the active, full-time members of the MPD either established its own merit system or rejected the establishment of a police merit system; and

WHEREAS, the Common Council believes that the establishment of a police merit system is in fact in the best interests of the City of Mishawaka ("City"), as well as its citizens, and its police officers.

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

Section 1. Pursuant to the terms of I.C. 36-8-3.5-3, the Common Council hereby approves the establishment of a merit system for the Mishawaka Police Department, effective January 1, 2025. As required by the terms of I.C. 36-8-3.5-4, the establishment of this police merit system must also be approved by a majority of the active full-time paid members of the MPD in a referendum. Consistent with the terms of I.C. 36-8-1-9, an "active member of the MPD" shall be defined as the Police Chief and any other sworn officer then appointed to the MPD.

Section 2. Within sixty (60) days of the adoption of this Ordinance by the Common Council, the Board of Public Works and Safety for the City of Mishawaka ("BPWS") shall facilitate a referendum vote by the active members of the MPD that complies with the requirements of I.C. 36-8-3.5-4. Should a majority of the active members of the MPD vote to approve the establishment of the police merit system, the merit system takes effect on January 1, 2025.

Section 3.

A. The police merit system established by this Ordinance shall be administered by the Mishawaka Police Department Merit Commission ("Merit Commission"). The Common Council generally authorizes the Merit Commission to exercise all the powers and duties set out in I.C. 36-8-3.5, including, but not limited to, the power of selection and appointment (subject to the applicable pension statutes), promotion and demotion, and disciplinary action or dismissal of the members of the MPD, except as said powers and duties are otherwise limited under the terms of Indiana law. Furthermore, the Common Council specifically adopts the terms of the following statutes and authorizes the Merit Commission to operate only in a manner that complies with the terms of each statute:

1. I.C. 36-8-3.5-12 *(Department Members; Appointment; Qualifications; Application; General Aptitude Test; Ratings; Eligibility List; Vacancies; Physical Agility Test; Probation);*
2. I.C. 36-8-3.5-13 *(Promotions; Rules; Requisites; Eligibility List);*
3. I.C. 36-8-3.5-14 (*Promotions; Competitive Examinations: Procedures);*
4. I.C. 36-8-3.5-15 *(Performance Ratings; Rules; Appeal);*
5. I.C. 36-8-3.5-16 *(Promotions; Certification of Eligible Members; Probation; Procedures);* and
6. I.C. 36-8-3.5-17 *(Disciplinary Actions; Grounds; Hearing; Notice; Requisites; Procedures; Appeal).*
7. I.C. 36-8-3.5-21 *(Temporary Leave of Absence; Seniority; Reinstatement)*

B. The Mayor shall retain the sole authority to appoint and remove a member of the MPD who is assigned to an upper-level policymaking position, pursuant to the terms of I.C. 36-8-3.5-11. Pursuant to I.C. 36-8-1-12, an upper-level policymaking position shall be defined as the Chief of Police and the next two (2) ranks and pay grades immediately below the Chief. The removal of a member of the MPD from an upper-level policy making position shall be considered a removal from rank only and not from employment with the MPD. Following the removal, the Commission shall reassign the member within the MPD in accordance with the requirements of I.C. 36-8-3.5-11 (d).

C. Pursuant to the terms of I.C. 36-8-3.5-19, the Chief of Police, without a hearing, shall retain the authority to reprimand in writing or suspend without pay (for a maximum of five (5) working days) a member of the MPD. Within forty-eight (48) hours of this disciplinary action, the Chief shall notify the Merit Commission in writing of the disciplinary action and the reasons for the action. The member of the MPD subject to this disciplinary action may, within forty-eight (48) hours of receiving notice of the reprimand or suspension, request in writing that the Merit Commission review the matter and either uphold or reverse the Chief's decision. Should the Merit Commission, at its sole discretion, decide to hold a hearing for purposes of this review, the Merit Commission shall conduct this hearing and render its decision in manner that comports with the requirements of I.C. 36-8-3.5-19 (b).

Section 4.

A. Pursuant to the terms of I.C. 36-8-3.5-6, the Merit Commission shall consist of five (5) Commissioners, who shall be appointed by no later than March 1, 2025, as follows:
   1. Two (2) Commissioners, who must be of different political parties, appointed by the Mayor of the City of Mishawaka;
   2. One (1) Commissioner appointed by the Common Council; and
   3. Two (2) Commissioners, who must be of different political parties, elected by the active members of the MPD.

B. To serve as a member of the Merit Commission, a Commissioner must be:
   1. A legal resident of the City of Mishawaka for the three (3) consecutive years immediately preceding the Commissioner's term;
   2. A person of good moral character; and
   3. At least twenty-one (21) years of age.

C. An individual is ineligible to serve as a member of the Merit Commission if he or she:
   1. Is an active member of a police or fire department or agency; or

2. Receives any remuneration from the City as salary.

D. Not more than two (2) of the Commissioners may be past members of a police or fire department or agency.
E. The term of office of a Commissioner is four (4) years. However, one (1) Commissioner initially appointed by the Mayor and one (1) Commissioner initially elected by the active members of the MPD shall serve only for a term of two (2) years.
F. The appointing or elected authority shall fill a vacancy on the Commission within thirty (30) days. If the vacancy relates to a Commissioner elected by the active members of the MPD, the Merit Commission shall conduct a new election that complies with the terms of I.C. 36-8-3.5-8. The individual so elected or appointed shall serve for the remainder of the unexpired term.
G. A Commissioner appointed by the Common Council or the Mayor serves at the pleasure of the appointing authority and may be removed at any time. A Commissioner elected by the active members of the MPD shall be subject to a recall vote as set out in I.C. 36-8-3.5-7 (d).

Section 5.

A. The Merit Commission shall conduct regular monthly meetings, and such special meetings as are necessary to transact the business of the Merit Commission.
B. Not later than thirty (30) days after their selection, the members of the Merit Commission shall adopt rules to govern the Merit Commission, including the time and place of its regular monthly meetings and special meetings. Additionally, within ninety (90) days after their selection, the members of the Merit Commission shall adopt rules governing: (1) the selection and appointment of persons to be employed as members of the department, subject to applicable pension statutes; (2) promotions and demotions of members of the department; and (3) disciplinary action or dismissal of members of the department (the "Section 10 Rules"). All rules adopted by the Merit Commission must be consistent with the general requirements of Indiana law, as well as the terms of the Indiana statutory provisions listed in Section 3 (A) above, as applicable. Prior to the adoption of the proposed Section 10 Rules by the Merit Commission, the Merit Commission must conduct a public hearing with advance notice pursuant to the requirements of I.C. 36-8-3.5-10. No such public hearing is required for the adoption of non-Section 10 Rules governing the Merit Commissioners.
C. The presence of a majority of the Commissioners shall constitute the quorum necessary to transact the business of the Merit Commission. A majority vote of all the Commissioners is necessary to transact the business of the Merit Commission.
D. Each year, the Commissioners shall select a president, vice president, and secretary from among their members.
E. The Merit Commission shall keep a permanent record of its proceedings.
F. The Merit Commission shall submit a proposed annual budget to the City as other such budgets are submitted. The Common Council shall include in its budget an amount sufficient for the necessary expenses of the Merit Commission.
G. Subject to the recommendation of the BPWS and subsequent approval by the Common Council, the City shall pay a *per diem* to each Commissioner for each day of actual service to the Merit Commission.

Section 6 . Pursuant to the terms of I.C. 36-8-3.5-5.5 (i), after January 1, 2029, and before January 31, 2029, the Common Council and the active full-time paid members of the MPD shall vote to either retain or dissolve the police merit system established by this Ordinance. If at least a majority of either the Common Council or the active full-time paid members of the MPD vote to dissolve the merit system, the police merit system is dissolved.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 8. This Ordinance shall be in full force and effect from and after its passage, attestation, and any legal publication required under Indiana law.

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

on this ____________day of December 2025 at ____o'clock, ____. m.

____
Gregg Hixenbaugh, President

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this_______________ day of December 2025 at______ o'clock, ____. m.

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

APPROVED BY ME this _________day of December 2025 at____ o'clock, ___. m.

____
David A. Wood, Mayor

PROPOSED ORINANCE NO. <u>2025-45</u>
ORDINANCE NO. ______

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

WHEREAS, the City of Mishawaka, Indiana ("City") is subject to the requirements of I.C. 36-1-12 *(Public Work Projects)* with respect to all public work performed or contracted for, as defined by this statute; and

WHEREAS, I.C. 36-1-12-2 *(Definitions)* specifically defines the term "public work" to include: (a) the construction, reconstruction, alteration, or renovation of a public building, airport facility, or other structure that is paid for out of a public fund or special assessment; (b) the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or special assessment; and (c) any public work leased by the City under a lease containing an option to purchase; and

WHEREAS, I.C. 36-1-12-4 *(Bidding Procedures for Projects Costing More Than a Certain Amount)* requires the City to award a contract for public works projects or improvements to the lowest responsible and responsive bidder as a general matter. However, this same statute also authorizes the City to instead award the contract to a bidder other than the lowest bidder following consideration of whether a low bidder is responsible based upon the following factors: (a) the ability and capacity of the bidder to perform the work; (b) the integrity, character, and reputation of the bidder; and (c) the competence and experience of the bidder; and

WHEREAS, it is in the best interests of the community to further define the term "responsible bidder" in the context of a public works project; and

WHEREAS, the adoption of an ordinance that further defines a responsible bidder will help to preserve administrative resources and better ensure that only qualified contractors and subcontractors are awarded contracts on public works projects; and

WHEREAS the adoption of an ordinance that further defines a responsible bidder will better ensure the efficient use of taxpayer dollars and promote quality workmanship, efficiency, safety, and the timely completion of said public works projects.

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

<u>Section 1</u>. This Ordinance shall apply when:

A. The City intends to enter into a contract for a public works project, consistent with the definition of a public works project set out in I.C. 36-1-12; and

B. The estimated cost of the project will be at least Three Hundred Thousand and 00/100 Dollars ($300,00.00).

Section 2. Bid Submission Requirements. Contractors proposing to submit bids on any City public works project when the estimated cost of the project will be at least Three Hundred Thousand and 00/100 Dollars ($300,000.00) shall, prior to the opening of bids, submit a statement made under oath which meets the requirements of this Ordinance and is subject to perjury, on a form designated by the City and must include as part of the bid the following:

A. A copy of a print-out of the Indiana Secretary of State's on-line records for the bidder dated within sixty (60) days of the submission of said document showing that the bidder is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply.

B. A list identifying all former business names.

C. Any determinations by a court or governmental agency finding violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts.

D. A statement on staffing capabilities, including labor sources.

E. Evidence of participation in apprenticeship training programs applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization; and evidence that any applicable apprenticeship program has graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprentice-able crafts dedicated exclusively to the transportation of material and equipment to and from the public works project. The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform work on the public works project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the bidder will perform on the project. The City, at its discretion, may request additional evidence of participation and graduation requirements.

F. A copy of a written plan for employee drug testing that: (1) covers all employees of the bidder who will perform work on the public works project; and (2) meets, or exceeds, the requirements set forth in I.C. 4-13-18 *(Drug Testing of Employees of Public Works Contractors)*.

G. The name and description of the management experience of each of the bidder's project managers and superintendents that the bidder intends to assign to work on the project.

H. Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and disclosure of any suspension or revocation within the previous five years of any professional or trade license held by the company, or of any director, office or manager employed by the bidder.

I. Evidence that the bidder is utilizing a surety company on the United States Department of Treasury's Listing of Approved Sureties.

J. Disclosure of any federal, state, or local tax liens or tax delinquencies owed to any federal, state, or local taxing body in the last five years.

K. A statement that individuals who will perform work on the public works project on behalf of the bidder will be properly classified as either (1) an employee or (2) an independent contractor, consistent with the requirements of all applicable state and federal laws and local ordinances.

L. A list of projects of comparable size and scope of work that the bidder has performed in the State of Indiana within three (3) years prior to the date on which the bid is due.

M. Certification that the bidder and all subcontractors are qualified under the terms of I.C. 4-13.6-4 *(Qualification for State Public Works Projects)* or I.C. 8-23-10 *(Qualifications of Bidders for Contracts)*.

N. A written list that discloses the name, address, and type of work for each subcontractor the bidder intends to employ on any part of the public works project, including individuals performing work as independent contractors.

The City reserves the right to demand supplemental information from the bidder, additional verification of any of the information provided by the bidder and may conduct random inquiries of the bidder's current and prior customers.

<u>Section 3. Post-Bid Submissions from Subcontractors.</u>

A. Each subcontractor of any tier shall be required to adhere to the requirements of Section 2 of this Ordinance, but subcontractors shall submit the required information to the successful bidder, who shall then submit said information to the City prior to the subcontractor's first day of work on the public works project.

B. Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute contractual default or breach on the part of the successful bidder. However, payment shall be withheld from any subcontractor who fails to timely submit said information until such information is submitted and approved by the City. Additionally, the City may require the successful bidder and/or relevant subcontractor to remove a subcontractor from the project and replace it with a responsive and responsible subcontractor.

C. The disclosure of a subcontractor by a bidder or a subcontractor shall not create any rights in the disclosed subcontractor. Thus, a bidder and/or a subcontractor may substitute another subcontractor for a disclosed subcontractor by giving the City written notice of the name, address, and type of work the substitute subcontractor will perform. The substitute subcontractor is subject to all the obligations of a subcontractor under this Ordinance.

<u>Section 4. Validity of Pre-Qualification Classification.</u>

A. Upon designation by the City that a bidder's or subcontractor's submission is complete and timely, and upon any further consideration deemed necessary by the City, the bidder or subcontractor may be pre-qualified for future City public works projects. Pre-qualification shall exempt the bidder or subcontractor from the comprehensive submission requirements contained herein for a period of twelve (12) months. Thereafter, bidders or subcontractors who are pre-qualified must submit a complete application for the continuation of pre-qualified standing, on a form provided by the City, (i.e., a "short form") by December 31st for the upcoming calendar year. Failure by any pre-qualified bidder or subcontractor to timely submit its complete application for continuation of pre-qualified standing shall result in automatic removal of the designation effective January 1 of the upcoming year. However, the removed bidder or subcontractor shall still be permitted to bid on or perform work on City public works projects.

B. Any material changes to a contractor's status, at any time, must be reported to the City in writing within ten (10) days of its occurrence. The pre-qualification designation is solely within the discretion of the City and the City specifically reserves the right to change or revoke the designation for a stated written reason(s).

C. The City's denial of pre-qualification shall be in writing and shall be forwarded to the contractor within seven (7) working days of such decision. Any contractor losing pre-qualification status may request reconsideration of the decision by submitting such a request in writing to the City within five (5) business days of receipt of notice of denial.

Section 5. Incomplete Submissions by Bidders. It is the sole responsibility of the bidder to comply with all submission requirements herein by no later than the public bid opening. Submissions deemed inadequate, incomplete, or untimely by the City shall result in the automatic disqualification of the bid.

Section 6. Responsible Bidder Determination. After its review of complete and timely submissions and after considering all of the information submitted by each bidder, including, but not limited to the information required by Section 2 of this Ordinance (with no single factor being deemed to be outcome determinative), the City shall, in its sole discretion, determine whether a bidder or subcontractor is responsible. The City reserves the right to utilize all information provided in the bidder or subcontractor's submission or any information obtained by the City through its own independent verification of the information provided.

Section 7. Public Records. All information submitted by a bidder or a subcontractor pursuant to this Ordinance is a public record subject to review pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3).

Section 8. Penalties for False, Deceptive, or Fraudulent Statements/Information. Any bidder or subcontractor that willfully makes, or willfully causes to be made, a false, deceptive or fraudulent statement, or willfully submits false, deceptive or fraudulent information in connection with any submission made to the City shall be disqualified from bidding or working on all City projects for a period of three (3) years.

Section 9. Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 10. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination; such provisions shall remain in full force and effect.

Section 11. This Ordinance shall be in full force and effect from and after its passage, attestation, and any required legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _________day of ____________________, 2025, at ________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _______ day of __________________, 2025, at _________ o'clock ____.M.

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

APPROVED by me this _________ day of _________________, 2025, at ________o'clock ____.M.

____
David A. Wood, Mayor

PETITION 25-17

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-32

ORDINANCE NO. ______

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

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

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

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

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

PART OF THE SOUTHEST QUARTER OF SECTION 22 AND THE NORTHEAST QUARTER OF SETION 27 BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF FIR ROAD AND THE SOUTH LINE OF A PARCEL OF GROUND DESCRIBED IN DEED BOOK #570 IN PAGE # 178 IN THE RECORDS OF THE ST JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; SAID POINT OF ALSO BEING ON THE EXISTING CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE NORTH AND NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE (ALL BEARINGS ASSUMED), A DISTANCE OF 667.50 FEET MORE OR LESS; THENCE SOUTHEASTERLY ALONG SAID CORPORATE LINE, 87.53 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG SAID CORPORATE LINE, A DISTANCE OF 1203.35 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD AND SAID CORPORATE LIMIT LINE; THENCE SOUTH A DISTANCE OF 87.50 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF A PARCEL OF GROUND DESCRIBED IN DEED DOCUMENT NUMBER 2021-12555 AS RECORDED IN THE RECORDS OF SAID COUNTY; THENCE CONTINIUNG SOUTH ALONG SAID WEST LINE, A DISTANCE OF 647.96 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD, SAID LINE ALSO BEING THE CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND CORPORATE LIMIT LINE, A DISTANCE OF 791.48 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF GROUND DESCRIBED IN DEED BOOK #570 ON PAGE #178; THENCE NORTH AND WEST ALONG THE SOUTHERLY LINE OF SAID PARCEL FOR THE NEXT TWO (2) COURSES: NORTH 58.34 FEET MORE OR LESS AND WEST 660.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 18.99 ACRES MORE OR LESS
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

Proposed Ordinance No: ____________________

Ordinance No: ____________________________

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of R-3 Multi-Family Residential District.

All the above real estate shall hereafter be amended to allow for R-3 Multi-Family Residential.

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

1. The Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the N. Fir and E. Cleveland Road corridors.

2. Current conditions and the character of current structures and uses in each district – The subject parcels are located on N. Fir Road and E. Cleveland Road, both being moderate to heavily travelled corridors on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Adjacent land uses include a single-family residential property and dental medical office to the north, a medical office building and vacant commercial property to the west, a wooded wetland and Indiana Toll Road to the south, and a single-family residential house and agricultural land to the east.

3. The most desirable use for which the land in each district is adapted – With the completion of Beacon Parkway to the north nearly a decade ago, commercial and multi-family residential development along N. Fir Road, and to a lesser extent along E. Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.

4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent single-family residential, commercial, and agricultural uses.

5. Responsible development and growth – The development of vacant land at the southeast corner of N. Fir Road and E. Cleveland Road for commercial or high-density residential uses is responsible growth and development.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this __________day of ______________________, 2025, at _________ o'clock ___.M.

____
Presiding Officer

ATTEST:

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

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

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

APPROVED by me this _________ day of ___________________, 2025, at _________o'clock ____.M.

____
David A. Wood, Mayor

STAFF REPORT

General Location:	Southeast Corner of N. Fir Road & E. Cleveland Road	Date:	Nov. 12, 2025
Petition: 25-17	Annexation, Establish Zoning, and Preliminary Site Plan for a Proposed Apartment Complex	Prepared By:	DJS

GENERAL INFORMATION

Applicants:	Terry L Seggerman & Cathy Peterson, Devisees of the last will of Helen M. Seggerman / SC Bodner Company / Danch, Harner & Associates
Status:	Property Owner / Contingent Developer / Surveyor & Engineer
Request:	To annex, establish zoning, and approve a preliminary site plan to allow for the construction of an apartment complex
Existing Zoning:	R Single-Family Residential (Unincorporated St. Joseph County)
Proposed Zoning:	R-3 Multiple Family Residential District
Lot Size:	+/-18.99 acres including the existing adjacent public right-of-way and stormwater detention basin dedicated as public right-of-way
Applicable Regulations:	Section 137-215 thru 137-217 / R-3 Multiple Family Residential Section 137-41 / Amendments to the Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1, and 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:	North:	R Single-Family District (Unincorporated) / Single-Family Residential & O Office District (Unincorporated) / Dental Medical Office
	South:	R Single-Family District (Unincorporated) / Wooded Wetland Area owned by the Indiana Toll Road & The Indiana Toll Road (I-80 /90)
	East:	R Residential (Unincorporated) / Single-Family Residential & Agricultural Land
	West:	C-6 Linear Office Commercial (Mishawaka) / Medical Office & S-2 Planned Unit Development / Vacant

Thoroughfare:	N. Fir Road & E. Cleveland Road
Council District:	6 pending annexation
School District:	Penn-Harris-Madison
Public Utilities:	All public utilities are either available or will be extended to/throughout the site at the owner's/developer's expense.
Comprehensive Plan:	This area was not included in the extents of the Mishawaka 2000 Comprehensive Plan.

Analysis

Proposal:
The applicant is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a residential apartment complex.

The 18.99 acre site, which includes the existing adjacent public right-of-way, a stormwater detention basin dedicated as 2.6 acres of public right-of-way, and two parcels (Tax #006-1012-0151 & 006-1012-0152 pre-annexation), is located at the southeast corner of N. Fir Road and E. Cleveland Road. East University Drive terminates at N. Fir Road near the southwest corner of the property. The southern part of the property is mostly wooded and includes a wetland, while the northern part of the property is cropland. No structures are present. The properties immediately adjacent to the west were annexed into the City of Mishawaka in a piecemeal fashion between 2001 to 2020 and zoned for various commercial uses.

As indicated on the preliminary site plan, the project will include six (6) three-story apartment buildings with a total of 216 residential units, a community building, and the associated access drives and parking areas. Project phasing is not shown so it is anticipated that the entire development will be constructed in one phase. The overall density will be +/-11.4 units per acre. A total of 324 parking spaces are required for the proposed 216 residential units (1.5 spaces per unit). Three hundred sixty-eight (368) parking spaces are shown on the preliminary site plan. This equates to a ratio of 1.7 spaces per unit.

The applicant is requesting a zoning classification of R-3 Multiple Family Residential District to permit to the proposed use as a multi-family residential development. The preliminary site plan indicates that the required height, area, and development regulations for the R-3 District (building and parking setbacks, off-street parking requirements, etc.) will be met.

Primary site access is proposed at the E. University Drive and N. Fir Road intersection. Modifications to the existing traffic signal, travel lane modifications within Fir Road, and deceleration and passing lanes may be required to be determined by the Engineering Department as a part of the final site plan review. A gated right in-right out only emergency/fire access is shown along Fir Road aligning with the access drive for the adjacent medical building to the north. All drives and parking lots interior to the site will be privately owned and maintained.

Due to the project being located within the Juday Creek 5-year wellhead protection area, stormwater runoff cannot be handled on-site via a system of drywells. All runoff will have to maintained on-site via a surface stormwater detention basin. The preliminary site plan only shows the existing stormwater detention basin, currently within the dedicated public right-of-way, for continued use for water runoff storage for Fir Road and the proposed new development. A vacation petition will be required after the property is annexed to permit the expansion of the detention basin and construction of other private infrastructure (access drives, parking areas, sidewalks, etc) within the current public right-of-way.

According to the U.S. Fish and Wildlife Service National Wetlands Inventory maps, a wetland is present within the south part of the property as delineated on the preliminary site plan. A wetland delineation report was prepared by Earth Source, Inc., a wetland science and environmental consultant. The preliminary site plan indicates that less than a quarter-acre of the wetland will be affected by the proposed development. The contingent developer will continue to work with their consultant regarding any required permitting through the U.S. Army Corps of Engineers and/or the Indiana Department of Environmental Management, and wetland replacement or mitigation, if required.

If the proposed rezoning and annexation request is approved, a detailed final site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), grading, erosion control, and any other required improvements.

Annexation:
Between 2001 to 2020, the adjacent properties to the west of the parcels included in this petition were annexed into the City for various commercial uses. Most of these adjacent properties are undeveloped except for the Elkhart Clinic – Pain Management. Additional medical-related office buildings were planned to go to the north and east but have not been constructed. The property to southeast of the subject parcels, being the Indiana Toll Road, was annexed into the City in 2008.

Per Indiana State annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations as outlined above, approximately 2,750 feet, or 65.4%, of the total 4,204 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:
The site is located at the southeast corner of N. Fir Road and E. Cleveland Road, and is bordered to the north by a single-family residential property and dental medical office located within unincorporated St. Joseph County; to the west by a medical office building and vacant land permitted for commercial use all within the city; to the south by a wooded wetland area owned by the Indiana Toll Road in unincorporated St. Joseph County and the Indiana Toll Road within the city; and to the east by a single-family residential house and agricultural land located within unincorporated St. Joseph County.

Zoning Change:
Staff feels that the proposed zoning of this property for multi-family residential purposes is appropriate given the adjacent commercial growth along Fir Road, Cleveland Road, and East University Drive. A multi-family residential apartment development is currently under construction to the north of the subject parcels at the northeast corner of N. Fir Road and Beacon Parkway. With the completion of Beacon Parkway nearly a decade ago, providing a major gateway into the City from the Toll Road, development pressures along the Fir Road and Cleveland Road corridors will only intensify in the future.

Transportation/Roads:
According to the latest available traffic counts, there were 10,554 annual average daily trips (AADT) (2025) along N. Fir Road south of E. University Drive; 14,464 AADT along N. Fir Road south of E. Cleveland Road; 7,711 AADT along E. Cleveland Road west of N. Fir Road; and 10,597 AADT along E. Cleveland Road east of N. Fir Road. The counts at these locations have been relatively constant over the last ten to fifteen years but will likely increase in the future. The AADT on N. Fir Road north of E. Cleveland Road has significantly increased over this time, more than doubling from 4,265 AADT in 2010 to 10,908 AADT in 2025. This growth can likely be attributed to the significant expansion of the St. Pius X Catholic School to the north, which occurred in 2015. Fir Road will continue to be a major north-south throughfare through the city serving as the primary north-south access between N. Main Street and Capital Avenue.

The 2050 Transportation Plan, prepared by the Michiana Area Council of Government with input from City staff, includes three major transportation infrastructure investments within the nearby area. The first project identified is a new auxiliary travel lane (center turn lane) along N. Fir Road from McKinely Avenue to the Indiana Toll Road. The completion year anticipated for this project is 2035. The second project identified is a new Beacon Parkway connector, which would be a new road, between E. Cleveland Road and Beacon Parkway. The completion year anticipated for this project is 2040. The third project identified is added travel lanes along E. Cleveland Road from N. Fir Road to Capital Avenue. The plan indicates a completion year of 2050, but part of this project between the Indiana Toll Road and Capital Avenue is planned for construction by the end of 2027. The timeline of this project was escalated due to the proposed Gurley Leep auto park development at the northwest corner of E. Cleveland Road and Capital Avenue. The plan and anticipated completion dates for any transportation improvements may be amended in future years dependent on projected travel demand and available funding.

The Electric Department commented that the property is outside of city's electric service territory.

All other City Departments have reviewed and approved the request for annexation and zoning without comment.

RECOMMENDATION

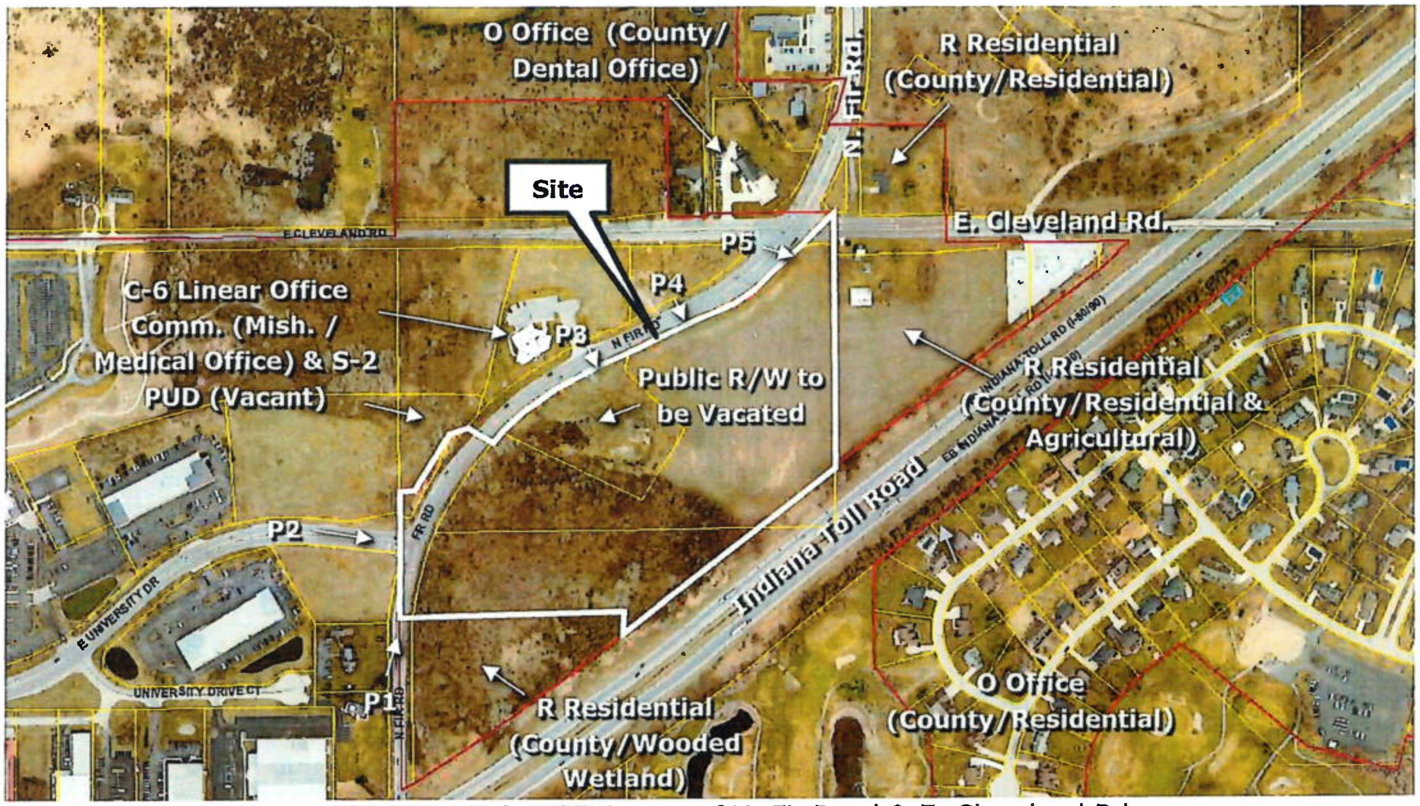
Staff recommends in favor of Petition 25-17 to annex and establish zoning to the R-3 Multi-Family Residential District for property located at the southeast corner of N. Fir Road and E. Cleveland Road (Tax #006-1012-0151 & 006-1012-0152 pre-annexation) for an apartment complex.

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

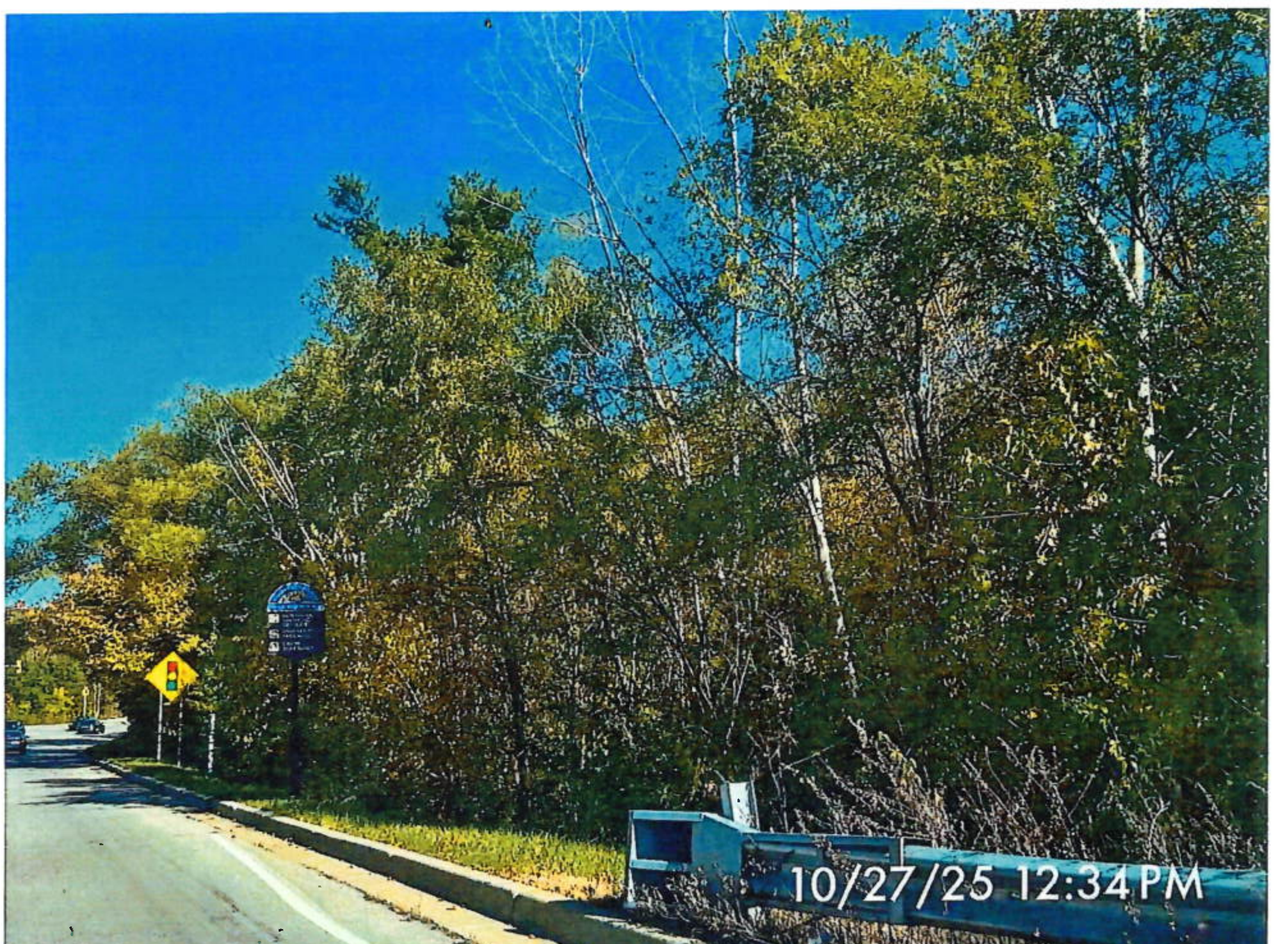
1. The Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the N. Fir and E. Cleveland Road corridors.
2. Current conditions and the character of current structures and uses in each district – The subject parcels are located on N. Fir Road and E. Cleveland Road, both being moderate to heavily travelled corridors on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Adjacent land uses include a single-family residential property and dental medical office to the north, a medical office building and vacant commercial property to the west, a wooded wetland and Indiana Toll Road to the south, and a single-family residential house and agricultural land to the east.
3. The most desirable use for which the land in each district is adapted – With the completion of Beacon Parkway to the north nearly a decade ago, commercial and multi-family residential development along N. Fir Road, and to a lesser extent along E. Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.
4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent single-family residential, commercial, and agricultural uses.
5. Responsible development and growth – The development of vacant land at the southeast corner of N. Fir Road and E. Cleveland Road for commercial or high-density residential uses is responsible growth and development.

ATTACHMENTS

Aerial Photograph, Photographs of Site Area, Rezoning & Annexation Petition, Preliminary Site Plan, Location Map



Aerial Photograph – SE Corner of N. Fir Road & E. Cleveland Rd.
Proposed Apartment Complex



P1. Looking northeasterly from N. Fir Rd. and south of E. University Dr. toward the property.

P2. Looking easterly toward the wooded south part of the property from E. University Dr.

P3. Looking southerly toward the detention pond/public right-of-way within the property from N. Fir Rd.

P4. Looking southerly toward the cropland in the north part of the property from N. Fir Rd.

P5. Looking southeasterly toward the property from the N. Fir Rd. & E. Cleveland Rd. intersection.

PET 25-17
Received

OCT 2 2 2025

Planning and
Community Development

TO THE: HONORABLE MEMBERS OF THE COMMON COUNCIL
CITY OF MISHAWAKA, INDIANA

RE: PETITION FOR ANNEXATION & REZONING FOR:

DEVISEES OF THE LAST WILL OF HELEN M. SEGGERMAN, DECEASED, SUBJECT TO THE RIGHTS OF TERRY L. SEGGERMAN AND CATHY PETERSON AS CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF SAID DECEDENT, BEING ESTATE NO. 71J01-9303-ES-00116.
52980 FIR ROAD
GRANGER, INDIANA 46530

THE UNDERSIGNED, DEVISEES OF THE LAST WILL OF HELEN M. SEGGERMAN, DECEASED, SUBJECT TO THE RIGHTS OF TERRY L. SEGGERMAN AND CATHY PETERSON AS CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF SAID DECEDENT, BEING ESTATE NO. 71J01-9303-ES-00116, RESPECTFULLY SHOW THAT THEY ARE THE OWNERS OF THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, INDIANA:

PARCEL: ANNEXATION AND REZONING LEGAL DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF SECTION 22, AND THE NORTHEAST QUARTER OF SECTION 27, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF FIR ROAD AND THE SOUTH LINE OF A PARCEL OF GROUND DESCRIBED IN DEED BOOK # 570 ON PAGE # 178 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; SAID POINT ALSO BEING ON THE EXISTING CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE NORTH AND NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE (ALL BEARINGS ASSUMED), A DISTANCE OF 667.50 FEET MORE OR LESS; THENCE SOUTHEASTERLY ALONG SAID CORPORATE LINE, 87.53 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE, A DISTANCE OF 1203.35 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD AND SAID CORPORATE LIMIT LINE; THENCE SOUTH A DISTANCE OF 87.50 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF A PARCEL OF GROUND DESCRIBED IN DEED DOCUMENT NUMBER 2021-12555 AS RECORDED IN THE RECORDS OF SAID COUNTY; THENCE CONTINUING SOUTH ALONG SAID WEST LINE, A DISTANCE OF 647.96 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD, SAID LINE ALSO BEING THE CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND CORPORATE LIMIT LINE, A DISTANCE OF 791.48 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF GROUND DESCRIBED IN DEED BOOK # 570 ON PAGE # 178; THENCE NORTH AND WEST ALONG THE SOUTHERLY LINE OF SAID PARCEL FOR THE NEXT TWO (2) COURSES; NORTH 58.34 FEET MORE OR LESS AND WEST 660.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 18.99 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

APPROXIMATE PROPERTY ADDRESS: 53000 BLOCK OF FIR ROAD.

THE ABOVE-DESCRIBED PARCEL OF LAND IS PRESENTLY ZONED "R" SINGLE-FAMILY DISTRICT IN THE UNINCORPORATED COUNTY.

PETITIONERS DESIRE TO ANNEX AND REZONE THE REAL ESTATE DESCRIBED ABOVE TO THE "R-3" RESIDENTIAL DISTRICT CLASSIFICATION. THE PURPOSE FOR THE ANNEXATION AND REZONING IS TO ALLOW FOR THE DEVELOPMENT OF A RESIDENTIAL MULTI-FAMILY APARTMENT COMPLEX.

WHEREFORE, THE PETITIONERS PRAY AND RESPECTFULLY REQUEST THAT THE COMMON COUNCIL OF THE CITY OF MISHAWAKA REFER THIS MATTER TO THE MISHAWAKA CITY PLAN COMMISSION AND THAT AFTER HEARING, AN APPROPRIATE ORDINANCE BE ENACTED ANNEXATING AND REZONING THE ABOVE DESCRIBED PARCEL OF REAL ESTATE LOCATED IN THE CITY OF MISHAWAKA.

TERRY L. SEGGERMAN

CATHY PETERSON

DEVISEES OF THE LAST WILL OF HELEN M. SEGGERMAN, DECEASED, SUBJECT TO THE RIGHTS OF TERRY L. SEGGERMAN AND CATHY PETERSON AS CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF SAID DECEDENT, BEING ESTATE NO. 71J01-9303-ES-00116.

PH.NO. ____________________

CONTACT PERSON:

MICHAEL DANCH
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628
(574) 234-4003.
MDANCH@DANCHHARNER.COM

PRELIMINARY SITE PLAN

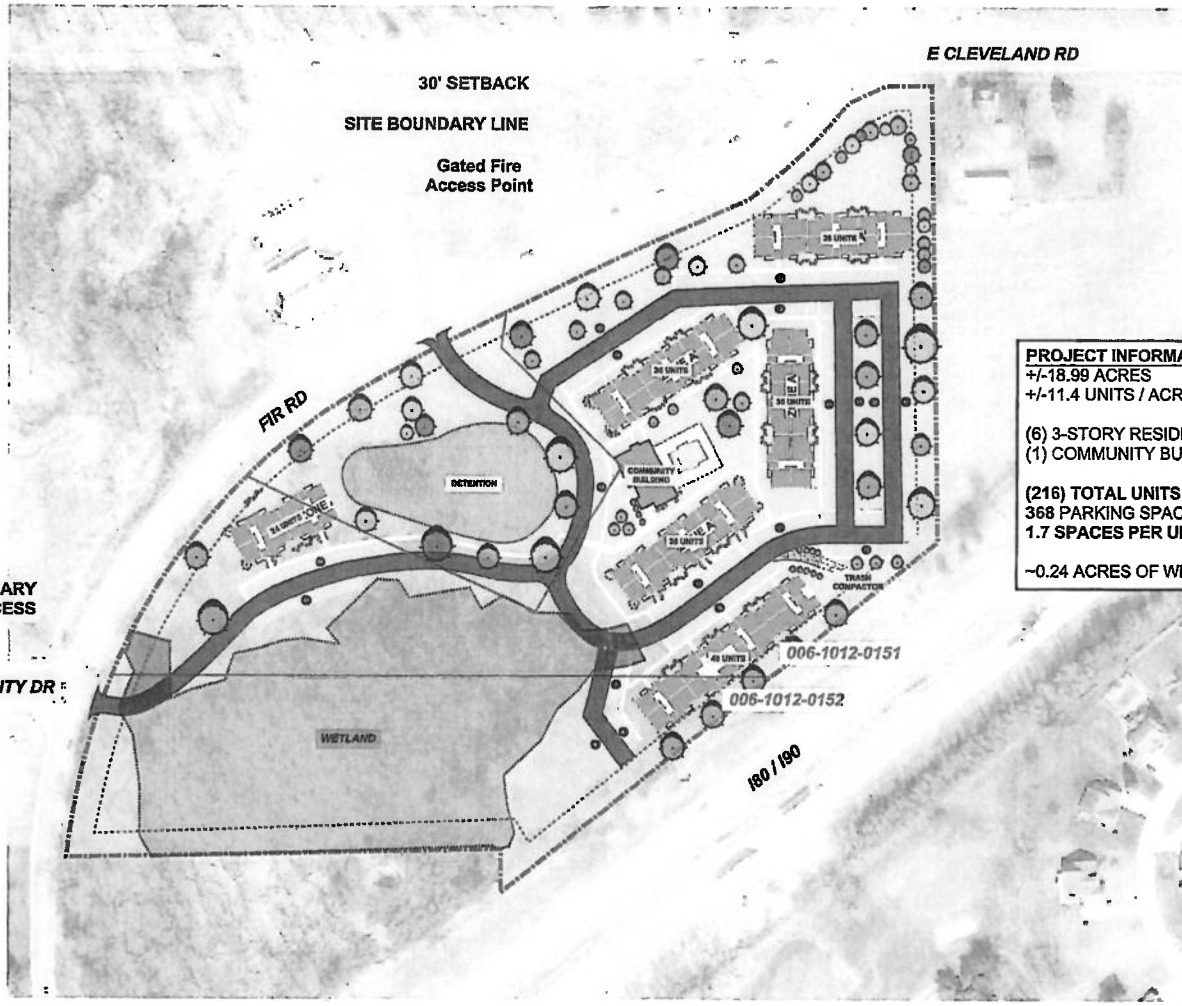
PART OF THE SOUTHEAST QUARTER OF SECTION 22, AND THE NORTHEAST QUARTER OF SECTION 27
BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

ANNEXATION AND REZONING LEGAL DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF SECTION 22, AND THE NORTHEAST QUARTER OF SECTION 27, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF FIR ROAD AND THE SOUTH LINE OF A PARCEL OF GROUND DESCRIBED IN DEED BOOK # 570 ON PAGE # 178 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; SAID POINT ALSO BEING ON THE EXISTING CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE NORTH AND NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE (ALL BEARINGS ASSUMED), A DISTANCE OF 867.50 FEET MORE OR LESS; THENCE SOUTHEASTERLY ALONG SAID CORPORATE LINE, 67.53 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE, A DISTANCE OF 1263.25 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD AND SAID CORPORATE LIMIT LINE; THENCE SOUTH A DISTANCE OF 87.50 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF A PARCEL OF GROUND DESCRIBED IN DEED DOCUMENT NUMBER 2021-12833 AS RECORDED IN THE RECORDS OF SAID COUNTY; THENCE CONTINUING SOUTH ALONG SAID WEST LINE, A DISTANCE OF 847.86 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD, SAID LINE ALSO BEING THE CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND CORPORATE LIMIT LINE, A DISTANCE OF 791.48 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF GROUND DESCRIBED IN DEED BOOK # 570 ON PAGE # 178; THENCE NORTH AND WEST ALONG THE SOUTHERLY LINE OF SAID PARCEL FOR THE NEXT TWO (2) COURSES: NORTH 58.34 FEET MORE OR LESS AND WEST 840.80 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 18.88 ACRES MORE OR LESS.

PC 25-17
Received
OCT 2 2 2025
Planning and Community Development



PROJECT INFORMATION
+/-18.99 ACRES
+/-11.4 UNITS / ACRE

(6) 3-STORY RESIDENTIAL BUILDINGS
(1) COMMUNITY BUILDING

(216) TOTAL UNITS
368 PARKING SPACES PROVIDED
1.7 SPACES PER UNIT

~0.24 ACRES OF WETLAND AFFECTED

GENERAL SURVEY DISCLAIMER NOTES:

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THIS LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NONEXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS AND HAZARDOUS OR ENVIRONMENTALLY INJURIOUS MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS ON EXTENSION OF THIS PROJECT OR FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTION BY THE ENGINEER, ARCHITECT OR SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION MAY BEGIN.

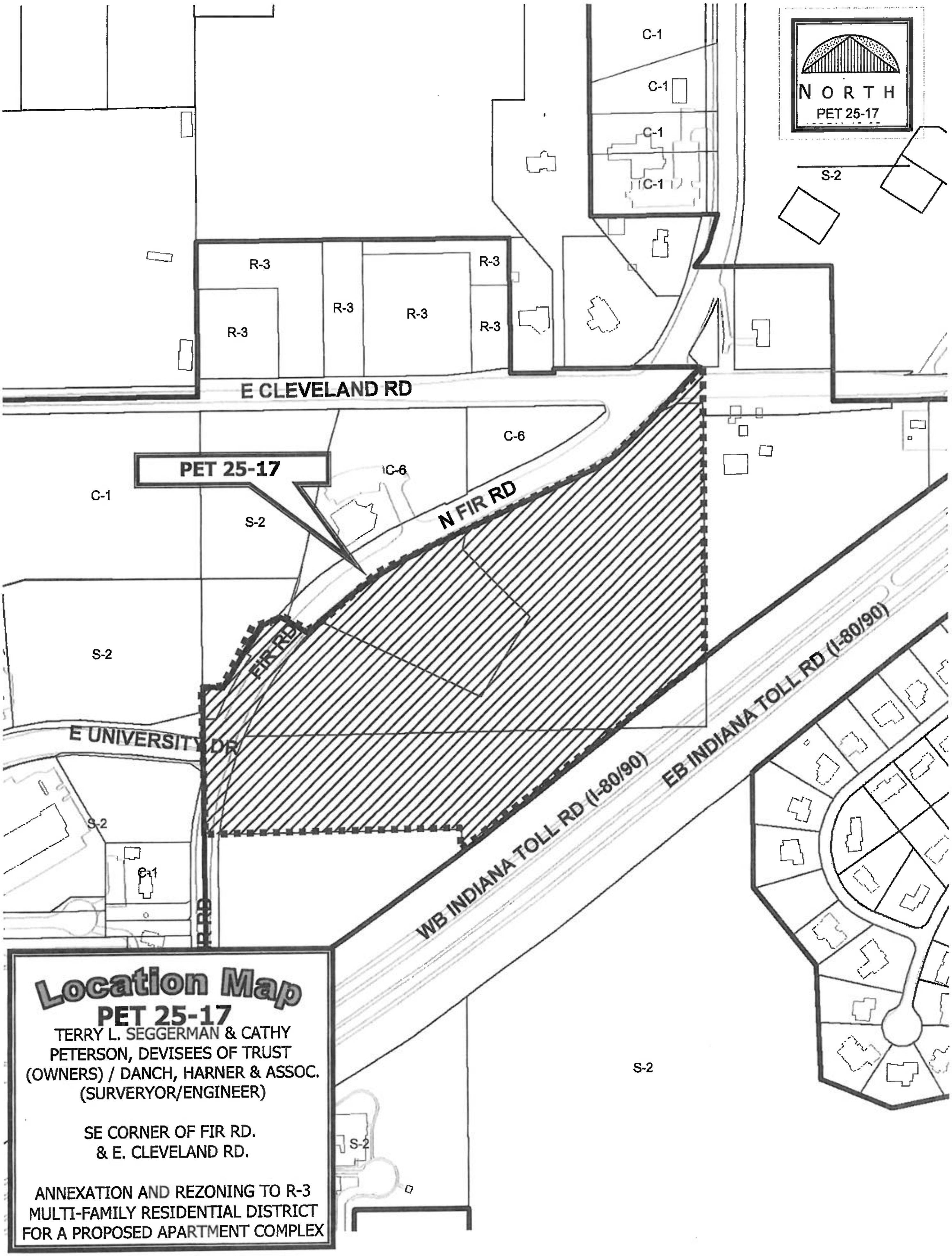
1 PRELIMINARY SITE PLAN
1" = 80'-0"

N
-DHA-

0 80 160 240
SCALE 1" = 80'

Danch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

DATE	DRAWN BY:	REVISIONS		SHEET
10/20/2025	JTB			1 OF 1
SCALE	CHECKED BY:	DATE	BY	
1" = 80'	MJO			
FILE #	PROJ. MNGR:			


NORTH
PET 25-17
C-1
C-1
C-1
C-1
S-2
R-3
R-3
R-3
R-3
R-3
R-3
E CLEVELAND RD
C-6
C-6
PET 25-17
C-1
S-2
N FIR RD
FIR RD
S-2
E UNIVERSITY DR
S-2
C-1
WB INDIANA TOLL RD (I-80/90)
EB INDIANA TOLL RD (I-80/90)
S-2
S-2
Location Map
PET 25-17
TERRY L. SEGGERMAN & CATHY PETERSON, DEVISEES OF TRUST (OWNERS) / DANCH, HARNER & ASSOC. (SURVERYOR/ENGINEER)
SE CORNER OF FIR RD. & E. CLEVELAND RD.
ANNEXATION AND REZONING TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT FOR A PROPOSED APARTMENT COMPLEX

PETITION 25-18

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-33

ORDINANCE NO. ______

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

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

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

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

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

PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN THE CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A SURVEY NAIL ON THE NORTH LINE OF SAID NORTHEAST QUARTER AT A POINT SITUATED 190.00 FEET, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, (ASSUMED BEARING AND IS USED AS THE BASIS FOR THE BEARINGS IN THIS DESCRIPTION) FROM A HARRISON MONUMENT AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ON AND ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER BEING WITHIN THE RIGHT OF WAY OF MCKINLEY AVENUE (FORMERLY U.S. HIGHWAY #20), A DISTANCE OF 470.00 FEET TO A SURVEY NAIL; THENCE SOUTH 00 DEGREES 56 MINUTES 19 SECONDS EAST AND

PARALLEL TO THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 661.59 FEET TO A #5 REBAR ON THE NORTH RIGHT OF WAY LINE OF LASALLE AVENUE AS ESTABLISHED UNDER DEED RECORD 518, PAGE 566, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ON AND ALONG THE NORTH RIGHT OF WAY LINE OF SAID LASALLE AVENUE AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 660.00 FEET TO A SURVEY NAIL ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST, ON AND ALONG SAID EAST LINE BEING WITHIN THE RIGHT OF WAY OF BYRKIT AVENUE, A DISTANCE OF 531.59 FEET TO A SURVEY NAIL SITUATED 130.00 FEET, SOUTH 00 DEGREES 50 MINUTES 19 SECONDS EAST FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST AND PARALLEL TO SAID NORTH LINE A

DISTANCE OF 150.00 FEET TO A SURVEY NAIL; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST AND PARALLEL TO SAID EAST LINE A DISTANCE OF 20.00 FEET TO A SURVEY NAIL; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST AND PARALLEL TO SAID NORTH LINE A DISTANCE OF 40.00 FEET TO A RAILROAD SPIKE; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST AND PARALLEL TO A SAID EAST LINE A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

which real estate is now classified as R-4 Manufactured Home Residential shall hereafter be within and a part of that District known as S-2 Planned Unit Development subject to the following conditions:

Proposed Uses:

1. Residential uses shall be limited to those identified within the R-1, R-2 and R-3 Residential zoning districts. A clubhouse shall be permitted and exclusive use only of the subdivision. A transition of detached and attached single family shall be integrated into the property with the clubhouse fronting McKinley.
2. Off-premise signs/billboards shall be prohibited.
3. Outside storage and display shall be prohibited.
4. Dumpsters shall be screened.

Road Connections & Traffic:

1. A hierarchy of the internal vehicular road network shall be provided as shown on the conceptual site plan with publicly dedicated local roads with private alleys. Proposed alleys may be one-way unless otherwise noted. Four (4) access points to the subdivision are proposed subject to review and approval by the Department of Engineering. Road rights-of-way are to be constructed and dedicated as public roads subject to review and approval by the Department of Engineering. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.
2. Additional right-of-way required for both McKinley Avenue and Byrkit Avenue improvements associated with the proposed development project shall be dedicated as determined by the Department of Engineering. An 8' multi-use sidewalk shall be required along Byrkit Avenue. Sidewalks interior to the property shall be a minimum of 5' in width. Phasing of improvements associated with this project shall be coordinated with the City Director of Engineering in coordination with other applicable jurisdictions.

Lighting:

1. This section shall apply for all private site lighting for private roadways, alleys, and parking areas. Private lighting shall be limited to 25 feet in height. Private site lighting that is not ornamental shall be 90-degree cut-off fixtures for both pole and wall mounted fixtures. Shielding of private lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas. All other lighting for proposed public streets shall meet the standards of the Mishawaka zoning and subdivision control ordinances. Decorative poles shall be used for street lighting. Low level bollards and other site accent lighting can be utilized at the discretion of the developer subject to the review and approval of the Department of Engineering.

Signage:

1. One directional sign shall be permitted at each entrance with a maximum size of 2'x4' and 3'6" maximum height.
2. One main subdivision (monument) sign shall be permitted for the planned unit development limited to 8' in height and contain a display area of no more than 60 sq. ft. This sign shall include a masonry base no less than 3' in height and may be illuminated.
3. All signs shall have dedicated easements on private property.

Landscaping & Buffering:

1. A landscape buffer with evergreen trees, minimum 6' height, spaced 10' to12' maximum along with a 6' minimum height opaque fence shall be provided along the west property lines abutting existing property, south of the east and west connector road.
2. A 6' minimum height opaque fence shall be provided along the west property line, with landscaping omitted, where a landscape buffer cannot be fit between the street and the property line subject to the review and approval of the Planning Department staff.

Building & Parking Standards:

1. A minimum of two (2.0) parking spaces per residential unit shall be provided for single and multi-family residential use. This includes parking on private property only. Garages, parking lots, and on-street parking may be utilized for required parking.
2. Parking spaces for the community building shall be provided as shown on the conceptual site plan.
3. A minimum 5' building setback should be provided along the proposed right-of-way for McKinley and Byrkit Avenues.
4. A minimum 5' front building setback shall be provided for all housing structures.
5. A rear setback of 25' to the alley centerline as noted as "A" on the site plan.
6. A rear setback of 25' on the north side of the alley centerline and a 15' setback on the south side of the alley centerline as noted "B" on the site plan.
7. A rear setback of 10' on the east side of the alley centerline as noted as "C" on the site plan.
8. A rear setback of 15' on the north side of the alley centerline and a rear setback of 25' on the south side of the alley centerline as noted as "D" on the site plan.
9. A rear setback of 25' on the west side of the alley centerline and a rear setback of 15' on the east side of the alley centerline as noted as "E" on the site plan.
10. A minimum 5' side yard setback for single family detached homes and a 0' side yard setback for all attached dwelling units.
11. A minimum of 2.5' pavement setback on the west property line.
12. All buildings shall have a maximum 45' height.

Lot Standards:

1. A minimum 40' width and 4,800 sq. ft. area for all R-1 Single Family lots.
2. A minimum 32' width and 2,650 sq. ft. area for all R-2 Two-Family lots. This is applicable for all side-by-side duplexes.

A minimum 50' width and 4,850 sq. ft. area for all R-3 Multi-Family lots. This is applicable for all structures with 3 or more units on an individual lot.

Proposed Ordinance No: ____________________

Ordinance No: ____________________________

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

1. The Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low-density residential development within most of the property excluding the narrow commercial corridor along E. McKinley Avenue. This proposal is consistent with the comprehensive plan.

2. Current conditions and the character of current structures and uses in each district - The subject parcel, which is a former mobile home park, is currently zoned for manufactured home residential use and located along mixed use commercial and residential corridors. The character of the buildings varies greatly and includes single tenant commercial and industrial buildings, single-family residential houses, and mobile homes. Adjacent land uses include used automobile sales, a restaurant, a tobacco/vape retailer, and vacant property to the north; automobile repair, a warehouse, and contractor to the west; a mobile home park to the south; and a convenience store/gas station and single-family residential houses to the east.

3. The most desirable use for which the land in each district is adopted – Because of the property's current residential zoning and being adjacent to existing residential and commercial zoning and development, the most desirable use of the property is residential. The proposed use will act as a buffer between the residential areas to the south and east, and commercial areas to the north and west.

4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the area. Redevelopment of the former mobile home park for residential use is compatible with the adjacent residential, commercial and industrial uses. The proposed development represents a significant investment that should conserve the adjacent property values.

5. Responsible development and growth - The proposed change in zoning is desirable given the current residential zoning of the property and the prior and preferred residential 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

Proposed Ordinance No: ____________________

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

Location:	Southwest corner of E. McKinley Avenue & N. Byrkit Avenue Former Oak Grove Mobile Home Park	Date:	Nov. 12, 2025
Petition:	25- 18	Prepared By:	DJS

GENERAL INFORMATION

Applicant:	Habitat for Humanity of St. Joseph County Inc. / Abonmarche Consultants Inc.
Status:	Property Owner / Surveyor & Civil Engineering Consultant
Request:	Rezone from R-4 Manufactured Home Residential District to the S-2 Planned Unit Development District to allow for the development of Woodfield Crossing – a residential subdivision consisting of detached single-family, attached single-family, and multi-family dwellings, and an associated community building
Zoning Classification:	S-2 Planned Unit Development
Lot Size:	Approximately 9 acres
Applicable Regulations:	Section 137-671 thru 137-679 Planned Unit Development S-2 District, Section 137-40 Plan Commission, and Section 137-41 Amendments to the Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:	North:	C-4 Auto-Oriented Commercial District (Used Automobile Sales / Header's, Vacant / Former Hub Cap Annie's recently purchased by Granger Community Church, Vacant / Former Auto Repair Business recently purchased by the City of Mishawaka) & C-1 General Commercial District (Restaurant / Petra Middle Eastern Cuisine & Tobacco Retailer-Vape Shop / U.S. 20 Vape & Smoke)
	South:	S-2 Planned Unit Development (Mobile Home Park / Cove Place)
	East:	C-4 Auto-Oriented Commercial District (Convenience Store & Fuel Pumps / BP and Single-Family Residential Houses) & R-1 Single-Family Residential (Single-Family Residential)
	West:	C-4 Auto-Oriented Commercial District (Automobile Repair / Header's & I-1 Light Industrial District (Warehouse / Fastenal Fulfillment Center & Contractor / Valley Insulating Co.)
Thoroughfare:	E. McKinely Avenue, N. Byrkit Avenue, and E. LaSalle Avenue	
Council District:	5	
School District:	School City of Mishawaka	
Township:	Penn	

Public Utilities:	All public utilities are available and/or will be extended to/throughout the site at the owner/developer's expense.
Comprehensive Plan:	General Commercial for property fronting E. McKinley Avenue and Low Density for the majority and remainder of the site.

ANALYSIS

The Petitioner is requesting to rezone property generally located at the southwest corner of E. McKinley Avenue and N. Byrkit Avenue from R-4 Manufactured Home Residential District to S-2 Planned Unit Development District to allow for the development of Woodfield Crossing – a residential subdivision consisting of detached single-family, attached single-family, and multi-family dwellings, and an associated community building.

In April, the former Oak Grove Mobile Home Park, being an approximate 9 acre parcel, was purchased by Habitat for Humanity of St. Joseph County Inc. Habitat then partnered with the University of Notre Dame School of Architecture to explore how the property could be redeveloped. Since the purchase, they have relocated most of the remaining residents within the park.

In late April, City Staff began meeting with representatives from Habitat for Humanity, the University of Notre Dame School of Architecture Housing and Community Regenerative Initiative, and Abonmarche Consultants to discuss the project design. During these discussions, it became apparent that the property should be rezoned to the S-2 Planned Unit Development District to allow for flexibility and creativity in the site design. A variety of residential unit types and structures are being proposed making it a unique development that does not fit into a specific single zoning classification.

The preliminary site plan submitted with the petition includes various residential structures consisting of detached single-family residential homes, attached single-family residential units in buildings with two to four units, multi-family residential buildings, a community building, and central park area. Although not identified in the petition or site plan, prior plans showed a total of 65 residential units. The attached and detached garages for the units will be rear loaded meaning that they face rear alleys. A minimum of two (2) off-street parking spaces per residential unit shall be provided. Access for the development will be from four locations, including one drive along E. McKinley Avenue at the northwest corner of the property, an alley along N. Byrkit Avenue south of the business at southwest corner of N. Byrkit Avenue and E. McKinley Avenue, one drive along N. Byrkit Avenue, and a drive along E. LaSalle Avenue at the southwest corner of the property being an extension of Cove Place. The roads and alleys will be dedicated as public or private as determined by the Department of Engineering.

As recommended by the Planning Staff, the petitioner is requesting a zoning classification of S-2 Planned Unit Development specifically for residential uses. The PUD will allow for specific development regulations, including but not limited to individual lot area, width, and setback requirements, to vary from the standard R-1, R-2, and R-3 zoning districts. Individual lot and other development regulations are outlined in the conditions of approval. Most of the conditions were drafted by the Applicant and were edited by Planning Staff when deemed appropriate.

With this petition, the applicant is only proposing to establish the permitted uses and basic development regulations of the planned unit development. If approved, a detailed final site plan and subdivision plat for each phase of the development must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), grading, erosion control, and other required improvements as outlined in the conditions of approval.

Since the property is currently zoned for manufactured home residential use and located along mixed use commercial and residential corridors, Staff supports the request for rezoning to the S-2 Planned Unit Development District for residential use. The proposed use of the property will not be out of character and will be compatible with existing adjacent land uses and zoning. Furthermore, residential use is consistent with the primary recommended use per the comprehensive plan.

The Engineering Department provided the following comments:

1. Provide a highlighted map distinguishing public vs. private roads and alleys.
2. Project shall follow Engineering requirements for subdivision process with City to take over maintenance of public streets and utilities.
3. Cove Place could potentially be an alley instead of a public street to establish more area for the detention basin.

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

The Water Department said to contact them with questions on water service, metering, or backflow needs.

All other pertinent information City Departments reviewed and approved the rezoning request providing no additional comments.

RECOMMENDATION

Staff recommends **approval** of Petition #25-18 to rezone approximately 9 acres located at the southwest corner of E. McKinley Avenue and N. Byrkit Avenue, being the former Oak Grove Mobile Home Park, from R-4 Manufactured Home Residential District to the S-2 Planned Unit Development District to allow for the development of Woodfield Crossing – a residential subdivision consisting of detached single-family, attached single-family, and multi-family dwellings, and an associated community building subject to the following development standards/conditions.

Proposed Uses:

1. Residential uses shall be limited to those identified within the R-1, R-2 and R-3 Residential zoning districts. A clubhouse shall be permitted and exclusive use only of the subdivision. A transition of detached and attached single family shall be integrated into the property with the clubhouse fronting McKinley.
2. Off-premise signs/billboards shall be prohibited.
3. Outside storage and display shall be prohibited.
4. Dumpsters shall be screened.

Road Connections & Traffic:

1. A hierarchy of the internal vehicular road network shall be provided as shown on the conceptual site plan with publicly dedicated local roads with private alleys. Proposed alleys may be one-way unless otherwise noted. Four (4) access points to the subdivision are proposed subject to review and approval by the Department of Engineering. Road rights-of-way are to be constructed and dedicated as public roads subject to review and approval by the Department of Engineering. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.
2. Additional right-of-way required for both McKinley Avenue and Byrkit Avenue improvements associated with the proposed development project shall be dedicated as determined by the Department of Engineering. An 8' multi-use sidewalk shall be required along Byrkit Avenue. Sidewalks interior to the property shall be a minimum of 5' in width. Phasing of improvements associated with this project shall be coordinated with the City Director of Engineering in coordination with other applicable jurisdictions.

Lighting:

1. This section shall apply for all private site lighting for private roadways, alleys, and parking areas. Private lighting shall be limited to 25 feet in height. Private site lighting that is not ornamental shall be 90-degree cut-off fixtures for both pole and wall mounted fixtures. Shielding of private lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas. All other lighting for proposed public streets shall meet the standards of the Mishawaka zoning and

subdivision control ordinances. Decorative poles shall be used for street lighting. Low level bollards and other site accent lighting can be utilized at the discretion of the developer subject to the review and approval of the Department of Engineering.

Signage:

1. One directional sign shall be permitted at each entrance with a maximum size of 2'x4' and 3'6" maximum height.
2. One main subdivision (monument) sign shall be permitted for the planned unit development limited to 8' in height and contain a display area of no more than 60 sq. ft. This sign shall include a masonry base no less than 3' in height and may be illuminated.
3. All signs shall have dedicated easements on private property.

Landscaping & Buffering:

1. A landscape buffer with evergreen trees, minimum 6' height, spaced 10' to12' maximum along with a 6' minimum height opaque fence shall be provided along the west property lines abutting existing property, south of the east and west connector road.
2. A 6' minimum height opaque fence shall be provided along the west property line, with landscaping omitted, where a landscape buffer cannot be fit between the street and the property line subject to the review and approval of the Planning Department staff.

Building & Parking Standards:

1. A minimum of two (2.0) parking spaces per residential unit shall be provided for single and multi-family residential use. This includes parking on private property only. Garages, parking lots, and on-street parking may be utilized for required parking.
2. Parking spaces for the community building shall be provided as shown on the conceptual site plan.
3. A minimum 5' building setback should be provided along the proposed right-of-way for McKinley and Byrkit Avenues.
4. A minimum 5' front building setback shall be provided for all housing structures.
5. A rear setback of 25' to the alley centerline as noted as "A" on the site plan.
6. A rear setback of 25' on the north side of the alley centerline and a 15' setback on the south side of the alley centerline as noted "B" on the site plan.
7. A rear setback of 10' on the east side of the alley centerline as noted as "C" on the site plan.
8. A rear setback of 15' on the north side of the alley centerline and a rear setback of 25' on the south side of the alley centerline as noted as "D" on the site plan.
9. A rear setback of 25' on the west side of the alley centerline and a rear setback of 15' on the east side of the alley centerline as noted as "E" on the site plan.
10. A minimum 5' side yard setback for single family detached homes and a 0' side yard setback for all attached dwelling units.
11. A minimum of 2.5' pavement setback on the west property line.
12. All buildings shall have a maximum 45' height.

Lot Standards:

1. A minimum 40' width and 4,800 sq. ft. area for all R-1 Single Family lots.
2. A minimum 32' width and 2,650 sq. ft. area for all R-2 Two-Family lots. This is applicable for all side-by-side duplexes.
3. A minimum 50' width and 4,850 sq. ft. area for all R-3 Multi-Family lots. This is applicable for all structures with 3 or more units on an individual lot.

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 low-density residential development within most of the property excluding the narrow commercial corridor along E. McKinley Avenue. This proposal is consistent with the comprehensive plan.

and located along mixed use commercial and residential corridors. The character of the buildings varies greatly and includes single tenant commercial and industrial buildings, single-family residential houses, and mobile homes. Adjacent land uses include used automobile sales, a restaurant, a tobacco/vape retailer, and vacant property to the north; automobile repair, a warehouse, and contractor to the west; a mobile home park to the south; and a convenience store/gas station and single-family residential houses to the east.

3. The most desirable use for which the land in each district is adopted – Because of the property's current residential zoning and being adjacent to existing residential and commercial zoning and development, the most desirable use of the property is residential. The proposed use will act as a buffer between the residential areas to the south and east, and commercial areas to the north and west.

4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the area. Redevelopment of the former mobile home park for residential use is compatible with the adjacent residential, commercial and industrial uses. The proposed development represents a significant investment that should conserve the adjacent property values.

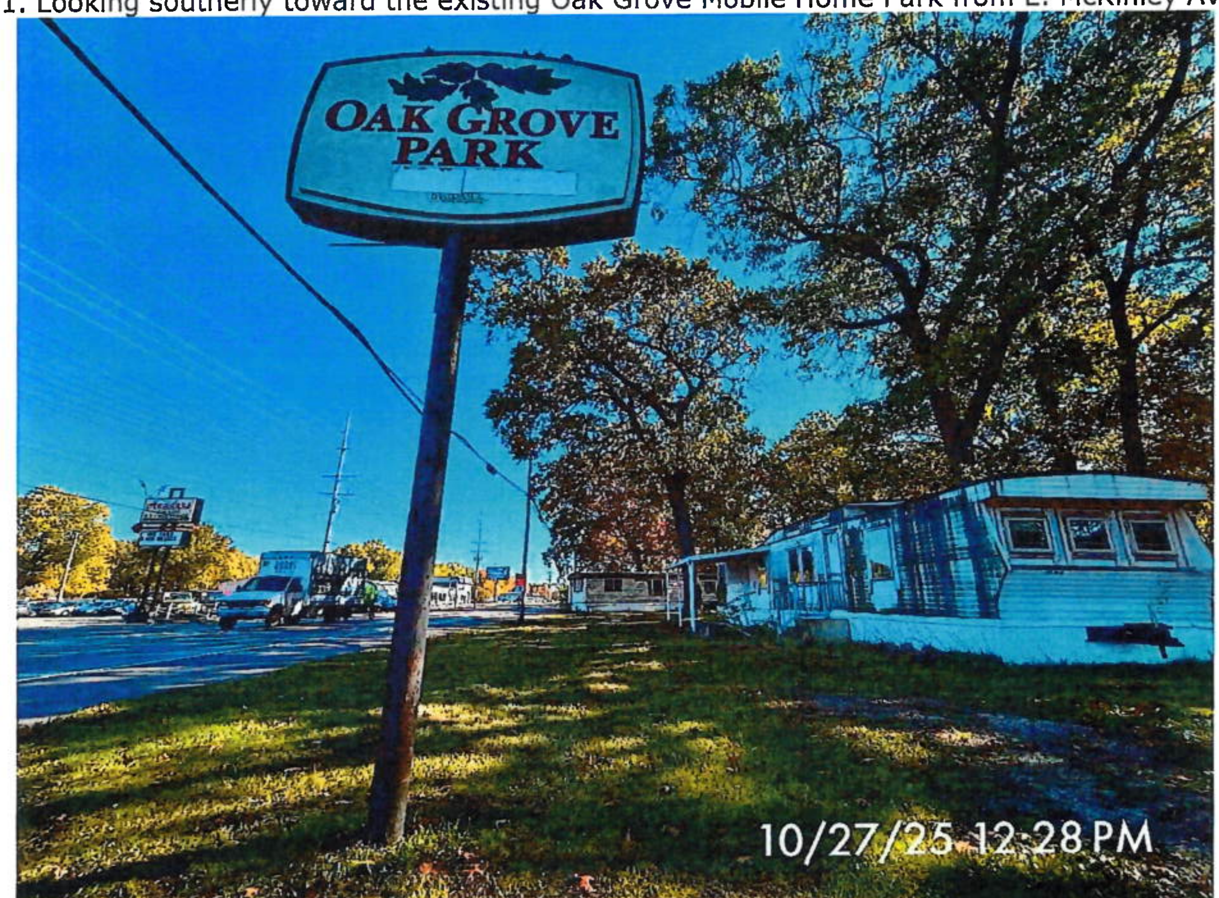
5. Responsible development and growth - The proposed change in zoning is desirable given the current residential zoning of the property and the prior and preferred residential use.

ATTACHMENTS

Aerial, Photograph(s), Petition, Preliminary Site Plan, Location Map

Aerial Photograph – SW Corner of E. McKinley Avenue & N. Byrkit Avenue
Proposed Woodfield Crossing Residential Development / Former Oak Grove Mobile Home Park

P1. Looking southerly toward the existing Oak Grove Mobile Home Park from E. McKinley Ave.



P2. Looking easterly from the access drive for the mobile home park along E. McKinley Ave.

P3. Looking easterly along Front Street interior to the mobile home park.

P4. Looking easterly from N. 4th Street interior to the mobile home park.

P5. Looking northerly from N. 4th St. & E. Lasalle Ave. toward the SW corner of the property.

P6. Looking northerly from N. 2nd St. & E. Lasalle Ave. toward the south part of the property.

P7. Looking northerly from E. LaSalle Ave. & N. Byrkit Ave. toward the SE corner of the property.

Received
OCT 22 2025
Planning and
Community Development

ABONMARCHE

Engineering • Architecture • Land Surveying

10/22/25

PET 25-18

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

RE: Petition for Rezoning of R-4 to an S-2 Planned Unit Development
Parcel # 71-09-10-227-102.000-023
Location near the SW Corner of Byrkit and McKinely in Mishawaka, In

OWNER: Owned by Habitat for Humanity of St. Joseph County, Inc.
524 East McKinley Avenue
Mishawaka, In 46545

The undersigned Habitat for Humanity of St. Joseph County, Inc. respectfully show they are, used as a located in the City of Mishawaka, County of St. Joseph, State of Indiana, to – wit:

PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN THE CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A SURVEY NAIL ON THE NORTH LINE OF SAID NORTHEAST QUARTER AT A POINT SITUATED 190.00 FEET, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, (ASSUMED BEARING AND IS USED AS THE BASIS FOR THE BEARINGS IN THIS DESCRIPTION) FROM A HARRISON MONUMENT AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ON AND ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER BEING WITHIN THE RIGHT OF WAY OF MCKINLEY AVENUE (FORMERLY U.S. HIGHWAY #20), A DISTANCE OF 470.00 FEET TO A SURVEY NAIL; THENCE SOUTH 00 DEGREES 56 MINUTES 19 SECONDS EAST AND PARALLEL TO THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 661.59 FEET TO A #5 REBAR ON THE NORTH RIGHT OF WAY LINE OF LASALLE AVENUE AS ESTABLISHED UNDER DEED RECORD 518, PAGE 566, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ON AND ALONG THE NORTH RIGHT OF WAY LINE OF SAID LASALLE AVENUE AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 660.00 FEET TO A SURVEY NAIL ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST, ON AND ALONG SAID EAST LINE BEING WITHIN THE RIGHT OF WAY OF BYRKIT AVENUE, A DISTANCE OF 531.59 FEET TO A SURVEY NAIL SITUATED 130.00 FEET, SOUTH 00 DEGREES 50 MINUTES 19 SECONDS EAST FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST PARALLEL TO SAID NORTH LINE A DISTANCE OF 150.00 FEET TOA S SURVEY NAIL; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST AND PARALLEL TO SAD EAST LINE A DISTANCE OF 20.00 FEET TO A SURVEY NAIL; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST AND PARALLEL TO SAID NORTH LINE A DISTANCE OF 40.00 FEET TO A

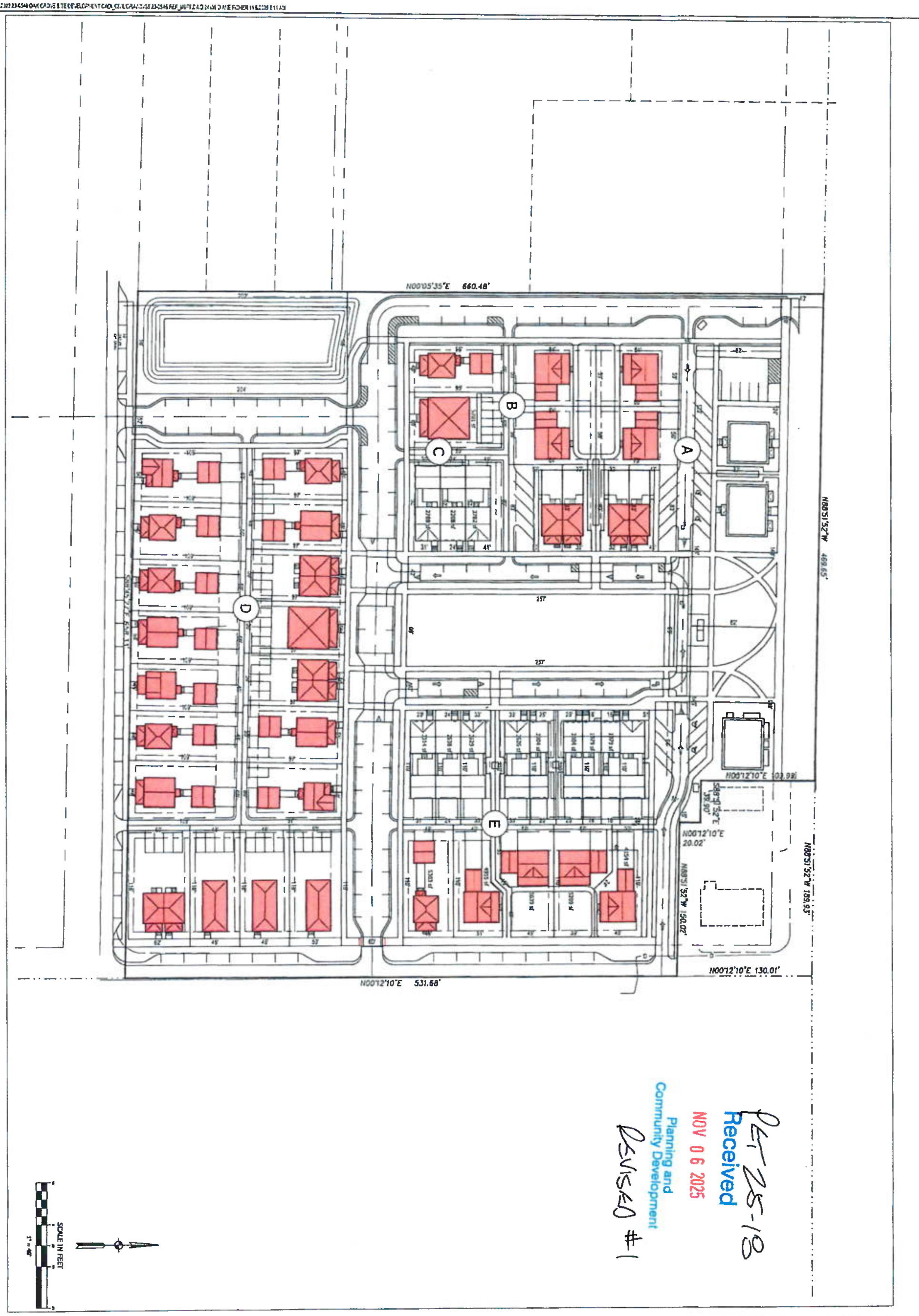
RAILROAD SPIKE; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST AND PARALLEL TOA SAID EAST LINE A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

Petitioners own one hundred percent (%100) owners of the following described real estate which carries a zoning classification of R-4 District and is used as a manufactured home subdivision.

Petitioners desires said real estate to be rezoned to a S-2 PUD District. The petitioners intend to use property for single family, attached single family, multifamily dwellings and an associated clubhouse.

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

Jim Williams, President & CEO
Habitat for Humanity of St. Joseph County



NOT FOR CONSTRUCTION

FOR INFORMATIONAL USE ONLY

HABITAT FOR HUMANITY OF ST. JOSEPH COUNTY

WOODFIELD CROSSING

NORTH BYRKIT AVENUE, MISHAWAKA, INDIANA

CONCEPT

ABONMARCHE

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

Surveying
Engineering
Architecture

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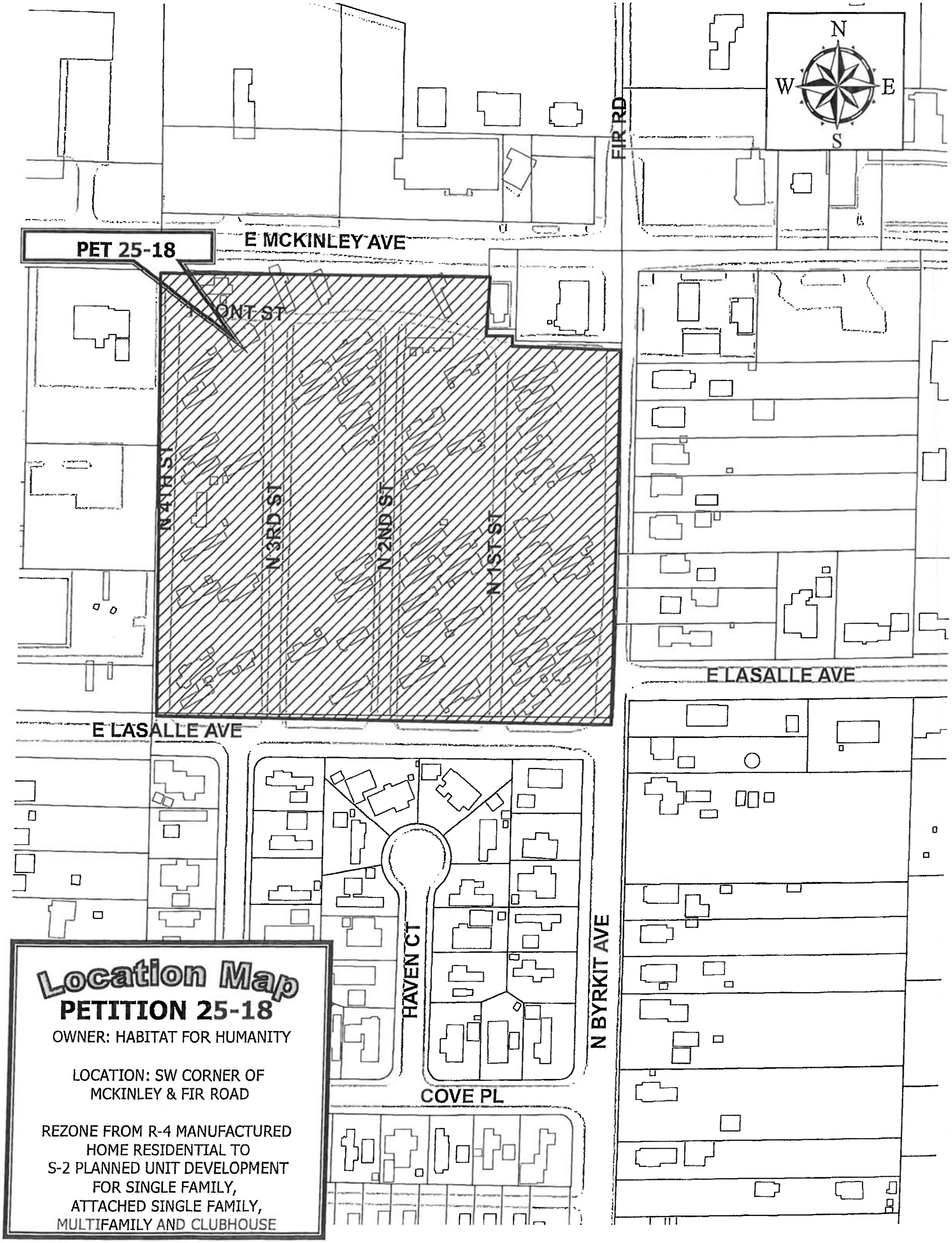
ABONMARCHE CONSULTANTS, INC.



N
W
E
S
FIR RD
E MCKINLEY AVE
PET 25-18
N 4TH ST
N 3RD ST
N 2ND ST
N 1ST ST
E LASALLE AVE
E LASALLE AVE
HAVEN CT
N BYRKIT AVE
COVE PL
Location Map
PETITION 25-18
OWNER: HABITAT FOR HUMANITY
LOCATION: SW CORNER OF MCKINLEY & FIR ROAD
REZONE FROM R-4 MANUFACTURED HOME RESIDENTIAL TO S-2 PLANNED UNIT DEVELOPMENT FOR SINGLE FAMILY, ATTACHED SINGLE FAMILY, MULTIFAMILY AND CLUBHOUSE

PETITION 25-19

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-34

ORDINANCE NO. ______

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

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

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

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

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

A parcel of land situated in the NW Quarter of the SW Quarter of Section 28, Township 38 N, Range 3 E bounded by a line running as follow:
Beginning at the NW corner of said NW Quarter of the SW Quarter of said Section 28; thence South along the West line thereof a distance of 300 feet; thence East 7.5 feet to the point of beginning of the description; thence 720 feet East; thence South 360 feet; thence West 355 feet; thence North 45 degrees 50 minutes West 510 feet to the North line of SR 23; thence North 44 degrees 10 minutes East along the North line of SR 23, 7 feet to the beginning; said parcel containing 4.5 acres, more or less, and subject to easements, covenants and right of way record.

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

All the above real estate shall hereafter be amended to allow for C-1 General Commercial District uses.

This recommendation is based on the following Findings of Fact:

1. The Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, a 4.5 acre commercial

site is reasonably consistent with adjacent and changing land uses along the S.R. 23 corridor.

2. Current conditions and the character of structures and uses in each district – The subject property is located along a heavily travelled section of S.R. 23 serving as the major gateway into Mishawaka and South Bend from the northeast part of St. Joseph County. Traffic volumes in the immediate vicinity are expected to remain consistent due to the existing commercial and residential development in northern Mishawaka and St. Joseph County. The property, which has an existing house and barn, is adjacent to a mini self-storage under construction on the south; single-family houses within unincorporated St. Joseph County across S.R. 23 on the west; the toll road on the north, and vacant land on the east.

3. The most desirable use for which the land in each district is adapted Because of the property's location along a heavily travelled mixed use corridor, the most desirable use for the property is commercial, office, or other non-single family residential use. Even the nearby residential properties across S.R. 23 to the west, residential use is not the highest and best use for an existing and transitioning commercial corridor.

4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent single-family residential, commercial, and agricultural uses. Over the last several years, single-family houses have been razed to accommodate commercial growth.

5. Responsible development and growth – The reuse of the existing house, and expansion for commercial uses is responsible grown and development along a heavily travelled of S.R. 23 where other residential properties have been converted into office and 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

Proposed Ordinance No: ____________________

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

Location: 16938, 16960 & 16972 S.R. 23 – East side of S.R. 23 & South of the Indiana Toll Road

Date: November 12, 2025

Petition: 25- 19

Prepared By: CH

GENERAL INFORMATION

Applicant:	Wilson Realty/Richard Carroll d/b/a RC Outdoor/Abonmarche Consultants
Status:	Property Owner / Contingent Purchaser/ Site Preparer
Request:	To annex property and establish zoning as C-1 General Commercial District
Existing Zoning:	Unincorporated St. Joseph County (R Single Family District)
Proposed Zoning:	C-1 General Commercial District
Lot Size:	Approximately 4.5 acres
Applicable Regulations:	Section 137-300 to 137-303 / C-1 General Commercial District & Section 137-41 / Amendments to Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1, and 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:	North:	Toll Road and C-2 Shopping Center Commercial (University Park Mall)
	South:	I-1 Light Industrial (mini storage)
	East:	Unincorporated St. Joseph County
	West:	Unincorporated St. Joseph County – R Single Family (houses)

Thoroughfare:	State Road 23
Council District:	Adjacent to District 6
School District:	South Bend Community School Corporation
Township:	Clay
Public Utilities:	All utilities are available and/or will be extended to/throughout the site at the developer's expense.
Comprehensive Plan:	This area was not included in the extents of the Mishawaka 2000 Comprehensive Plan.

ANALYSIS

Proposal:
The applicant is proposing to annex and establish C-1 General Commercial District zoning for the area on the east side of State Road 23, south of the Indiana Toll Road.

The 4.5 acre site, currently known at 16938, 16960 & 16972 State Road 23 (Parcel ID 002-2018-037802, 002-2018-037809, 002-2018-037803) is located on the east side of State Road 23 just south of the Indiana Toll Road. The parcel has approximately 120' of frontage on S.R. 23 and currently has a house and a barn on the property.

In 2021, the property to the south was annexed and rezoned to I-1 Light Industrial for construction of a mini self-storage facility.

The applicant is requesting a zoning classification of C-1 General Commercial District which allows a variety of retail, office, and service uses. The contingent purchaser intends to use the existing structures for pool and spa commercial sales. A Use Variance (AP 25-38) has been submitted concurrently for outside storage. Due to the annexation schedule, the Use Variance will not be heard by the Common Council until after the 30 day remonstrance period.

As indicated on the preliminary site plan, the existing house will be converted into an office, and the existing barn will be used for storage. A new 2,400 sq. ft. storage barn is proposed, along with 22 parking spaces, a turnaround, storm water retention, and a proposed outdoor display area.

If the proposed rezoning and annexation request is approved, a detailed final site plan for each phase of the development must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements, prior to any permits being issued.

Annexation:
The property directly south was annexed in 2021 (Petition 21-10 / Ord. 5751), and was developed as mini-storage units.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexation as outlined above, approximately 1,391 feet, or 79%, of the total 1,745 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:
The site is located to the east of S.R. 23 directly south of the Indiana Toll Road, and is bordered to the south by mini storage under construction; to the west by single-family houses located within unincorporated St. Joseph County; and to the east by the former Uniroyal dump site. The S.R. 23 corridor between Douglas Road and Cleveland Road includes a variety of commercial, medical, and office uses with a limited area of single-family residential houses.

Zoning Change:
Staff believes that the proposed zoning of this property to the C-1 General Commercial District is appropriate given the primarily commercial, medical, and office uses and non-residential growth that has occurred along the S.R. 23 corridor. Within the last several years, two (2) single-family houses were demolished on S.R. 23 near Douglas Road for the development of a children's day care facility. The property directly south was annexed in 2021 (Petition 21-10 / Ord. 5751), and was developed as mini-storage units. The S.R. 23 corridor serves as a major gateway into the City from the northeast part of St. Joseph County. Development pressures along the corridor will only intensity in the future.

Transportation/Roads:
According to the latest available traffic counts, there were 19,692 annual average daily trips (AADT) (August 2024) along S.R. 23 north of Douglas Road and 15,159 AADT along S.R. 23 north of the Toll Road The counts at these locations have been relatively stable over the last 18 years ranging from a low of 13,983 AADT (August 2015) to a high of 22,482 AADT (March 2018). With the existing commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff, the County Engineering Department, and INDOT, does not show any planned added travel lanes along the S.R. 23 corridor. S.R. 23 is currently a four-lane road between Douglas Road and Cleveland Road with a dual-left center turn lane and dedicated left-turn lanes at the signalized intersections. Douglas Road between Ivy Road and S.R. 23 is currently under construction for adding travel lanes. This project will provide a four-lane connector between the University of Notre Dame and S.R. 23 to potentially relieve future traffic congestion.

All pertinent City Departments have reviewed and approved the request for annexation and zoning with the Engineering Departments commenting if the septic system fails, may be required to connect to City sewer. Additional comments shall be addressed with the Final Site Plan.

RECOMMENDATION

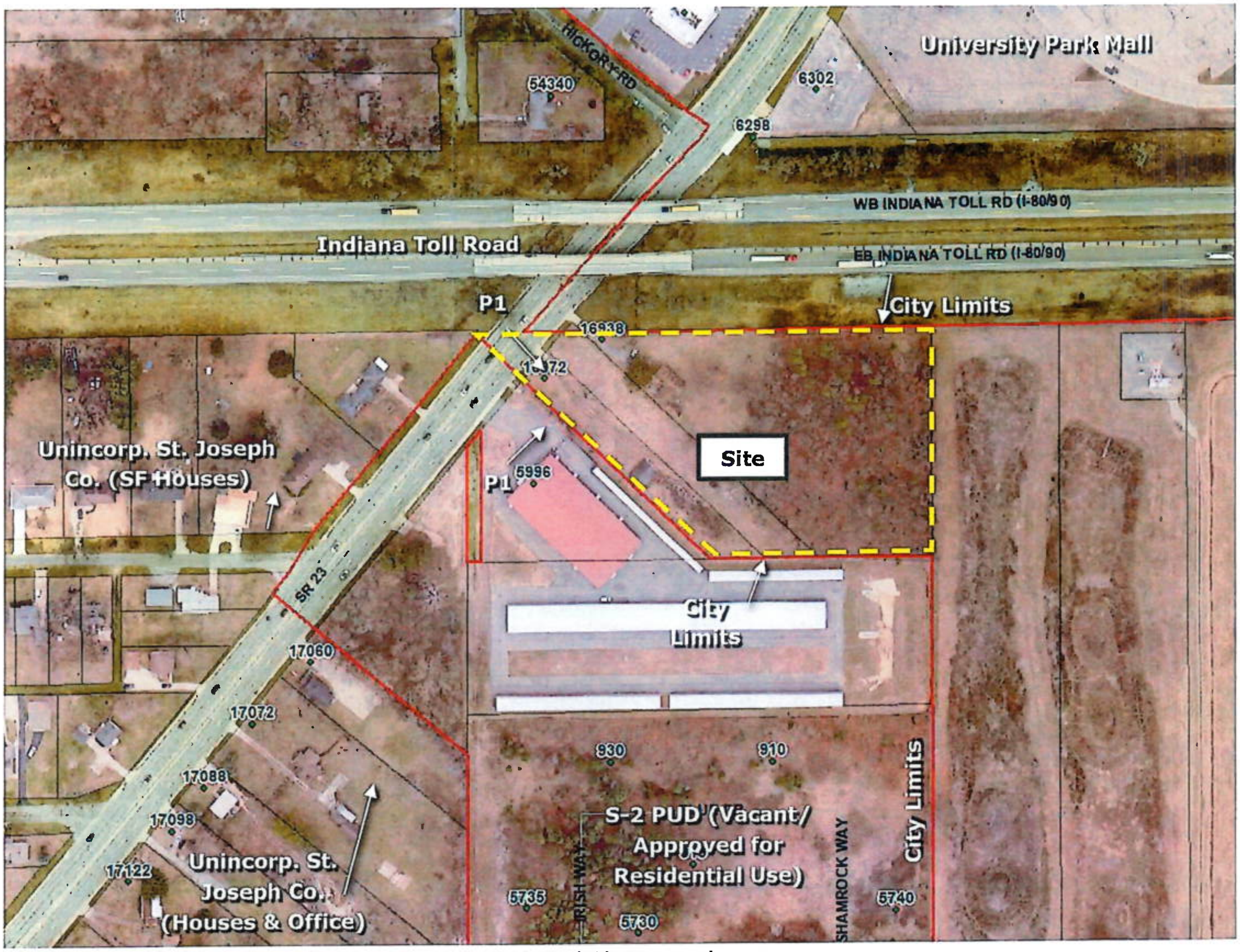
Staff recommends in **favor** of Petition 25-19 to annex and establish zoning as C-1 General Commercial District for property located on the east side of S.R. 23 south of the Indiana Toll Road (16938, 16960 & 16972 S.R. 23).

This recommendation is based on the following Findings of Fact:

1. The Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, a 4.5 acre commercial site is reasonably consistent with adjacent and changing land uses along the S.R. 23 corridor.
2. Current conditions and the character of structures and uses in each district – The subject property is located along a heavily travelled section of S.R. 23 serving as the major gateway into Mishawaka and South Bend from the northeast part of St. Joseph County. Traffic volumes in the immediate vicinity are expected to remain consistent due to the existing commercial and residential development in northern Mishawaka and St. Joseph County. The property, which has an existing house and barn, is adjacent to a mini self-storage under construction on the south; single-family houses within unincorporated St. Joseph County across S.R. 23 on the west; the toll road on the north, and vacant land on the east.
3. The most desirable use for which the land in each district is adapted Because of the property's location along a heavily travelled mixed use corridor, the most desirable use for the property is commercial, office, or other non-single family residential use. Even the nearby residential properties across S.R. 23 to the west, residential use is not the highest and best use for an existing and transitioning commercial corridor.
4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent single-family residential, commercial, and agricultural uses. Over the last several years, single-family houses have been razed to accommodate commercial growth.
5. Responsible development and growth – The reuse of the existing house, and expansion for commercial uses is responsible grown and development along a heavily travelled of S.R. 23 where other residential properties have been converted into office and commercial uses.

ATTACHMENTS

Aerial Map, Photographs, Rezoning & Annexation Petition, Concept Plan, and Location Map



Aerial Photograph
16938, 16960 & 16972 S.R. 23

P1. A view east across State Road 23

P2. A view north from mini-storage entrance.

City of Mishawaka, Indiana
ANNEXATION PROCEDURE

DATE: 10/22/25

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

RE: Petition for Annexation and Zoning Classification

The undersigned Gary Wilson of Wilson Realty LLC. respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

(SEE ATTACHED LEGAL DESCRIPTION)

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located 16938, 16960, and 16972 SR HWY 23 South Bend, In 46635 and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a (*C-1 zoning classification desired*) District. Petitioners further state they intend to utilize said land for (Pool & Spa Commercial Sales).

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

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

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

______________________________ ______________________________

Property Owner Signature

____

Contact Person:

Abonmarche - Chris Godlewski
315 W. Jefferson Blvd
South Bend, IN 46601
cgodlewski@abonmarche.com
574-232-7800

October 22nd, 2025

I, Gary Wilson, am the owner of 16938, 16960, and 16972 SR 23 HWY South Bend, In 46635. I have authorized Richard Carroll on behalf of Abonmarche Consultants, to apply for 3 applications for a R-1 to C-1 rezoning, Annexation into the City of Mishawaka, and a Use variance to have accessory storage in an C-1 district.

Please use this authorization statement for purposes of applying for and securing the necessary approvals for development on these three parcels.

Sincerely,

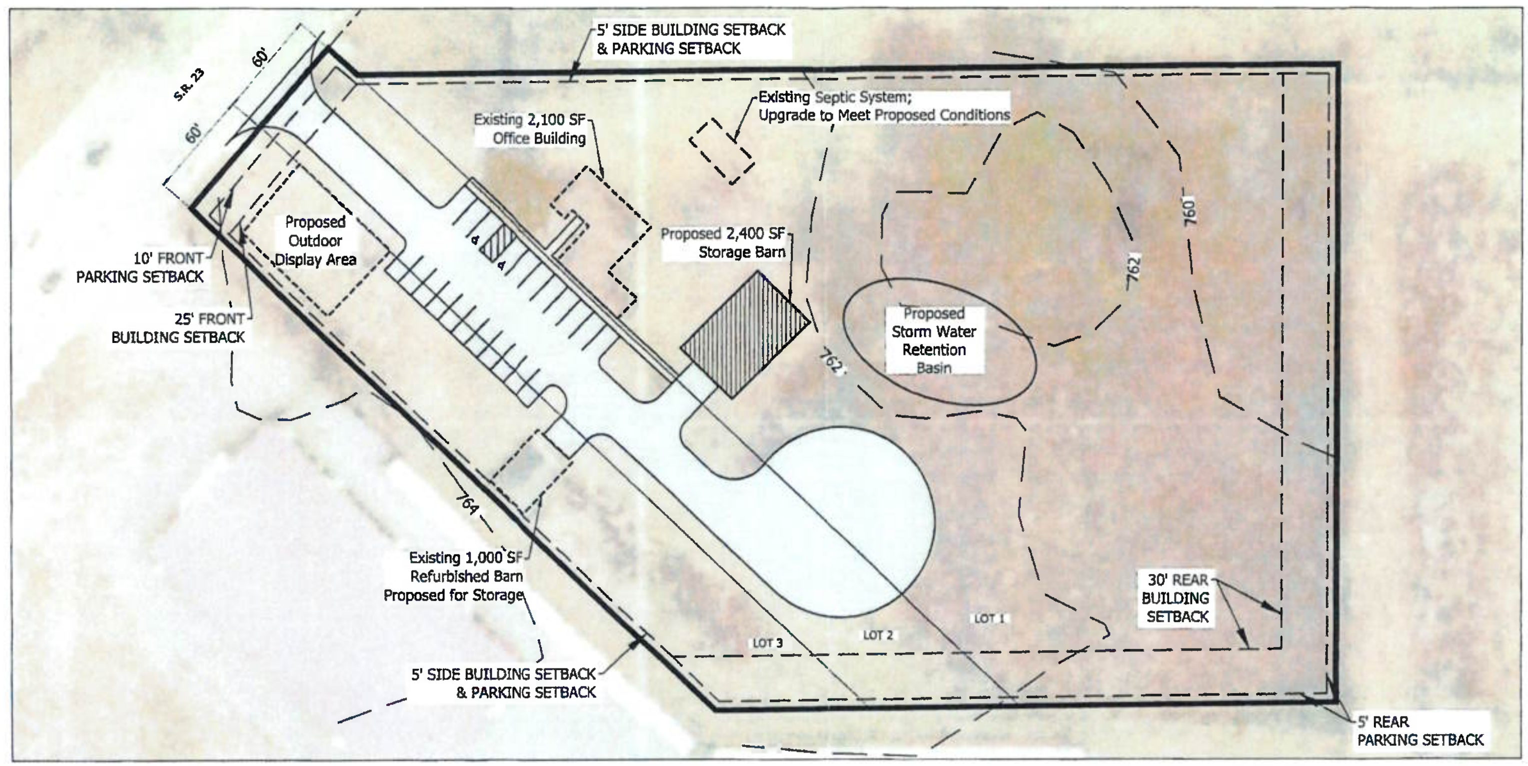
Gary Wilson 10/22/25

Gary Wilson Date

734 VISTULA RD. OSCEOLA IN 46561

Address

A parcel of land situate in the North West Quarter (NW 1/4) of the South West Quarter (SW 1/4) of Section Number Twenty-eight (28), Township Number Thirty-eight (38) North, Range Number Three (3) East, bounded by a line running as follows: Beginning at the Northwest corner of said North west Quarter of the South West Quarter of said Section 28; thence South along the West line thereof a distance of 300 feet; thence East 7.5 feet to the point of beginning of the description; thence 720 feet East; thence South 360 feet South; thence West 355 feet; thence North 45 degrees 50 minutes West 510 feet to the North line of SR 23; thence North 44 degrees 10 minutes East along the North line of SR 23, 7 feet to the beginning; said parcel containing 4.5 acres, more or less, and subject to easements, covenants, and right of way record.



GENERAL NOTES

1. Proposed Zoning: City of Mishawaka C-1 Commercial.
2. Proposed Land Use: Commercial
3. Site shall be served by municipal water: Existing City of Mishawaka water main on S. R. 23. Existing well to be abandoned.
4. Site shall be served by a private septic system.
5. Setbacks shall conform to C-1 Commercial District zoning ordinance unless proper variances have been granted.
6. The site shall conform to the area, height and development regulations of C-1 Commercial District zoning ordinance unless proper variances are granted by the Board of Zoning Appeals.
7. Proposed parking and drives shall be paved and privately owned.
8. Site/Building drainage shall be managed onsite by the Owner.
9. All landscape and lighting shall be in accordance with the C-1 Commercial District zoning ordinance unless the proper variances have been granted.
10. Coordinate with utility companies for relocation of any utilities prior to any construction activity.

TABULATED LOT DATA

LOT NO. (PARCEL ID)	
1 (002-2018-037803)	2.97 Acres
2 (002-2018-037809)	0.68 Acres
3 (002-2018-037802)	0.60 Acres
TOTAL	4.25 Acres

TABULATED SITE DATA

PROPOSED LAND COVERAGE	AREA (SF)	PERCENTAGE
Total Impervious Area	32,260	17.4%
Buildings (5,500 SF)		
Pavement & Sidewalk (26,760 SF)		
Open Space / Landscape Area	152,870	82.6%
Total	185,130	100%

WEB SOIL SURVEY

UgvA - Urban Land Tyner Compex, 0-1%
Infiltration Rate: 6-20 inches/hour
Groundwater: Greater than 80"

PARKING CALCULATIONS

Required Parking:
Office + Storage = 2,100 SF + 1,000 SF + 2,400 SF = 5,500 SF
(5,500 SF) x (4 Spaces/1,000 SF) = 22 Spaces

Provided Parking:
22 Spaces Including 2 ADA Accessible Spaces

Received
OCT 22 2025
Planning and Community Development

Dec 25-19

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315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
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Surveying
Engineering
Architecture
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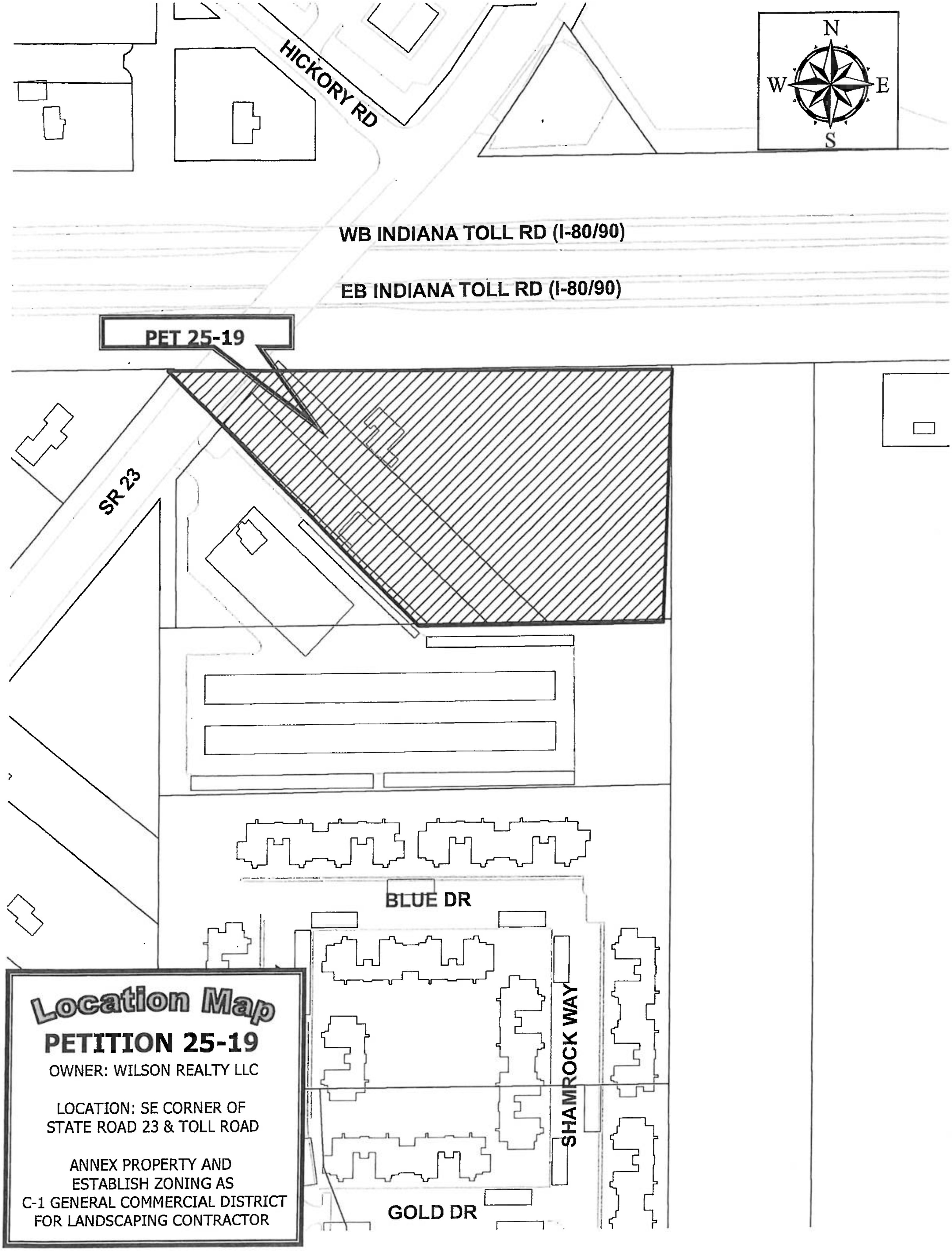
ABONMARCHE CONSULTANTS, INC.

RICHARD CARROLL
RC OUTDOOR COMMERCIAL DEVELOPMENT CONCEPT PLAN
S.R. 23, MISHAWAKA, INDIANA

NOT FOR CONSTRUCTION
FOR INFORMATIONAL USE ONLY

PROJECT NO: 25-1796
1 of 1



N
W
E
S
HICKORY RD
WB INDIANA TOLL RD (I-80/90)
EB INDIANA TOLL RD (I-80/90)
PET 25-19
SR 23
BLUE DR
SHAMROCK WAY
GOLD DR
Location Map
PETITION 25-19
OWNER: WILSON REALTY LLC
LOCATION: SE CORNER OF STATE ROAD 23 & TOLL ROAD
ANNEX PROPERTY AND ESTABLISH ZONING AS C-1 GENERAL COMMERCIAL DISTRICT FOR LANDSCAPING CONTRACTOR

Deborah S. Block, IAMC, MMC

NOV 1 3 2025

City Clerk
Mishawaka, IN

PETITION 25-20

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-35

ORDINANCE NO. ______

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

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

Pt of 316 W Indian Ridge Blvd

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:

A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON DISK FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 08 MINUTES, 05 SECONDS WEST (ASSUMED), ALONG THE EAST LINE OF SAID QUARTER OF SAID SECTION, A DISTANCE OF 287.56 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE OF SAID QUARTER OF SAID SECTION AND THE SOUTH RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD; THENCE SOUTH 89 DEGREES 42 MINUTES 59 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF SAID TOLL ROAD, A DISTANCE OF 125.00 FEET TO A POINT IN CONCRETE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET EXTENDED; THENCE SOUTH 00 DEGREES 08 MINUTES 05 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF MAIN STREET EXTENDED, A DISTANCE OF 279.26 FEET; THENCE SOUTH 03 DEGREES 21 MINUTES 52 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 251.63 FEET; THENCE SOUTH 11 DEGREES, 27 MINUTES 08 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 206.95 FEET; THENCE SOUTH 11 DEGREES 50 MINUTES 08 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 279.50 FEET; THENCE SOUTH 00 DEGREES, 04 MINUTES, 45 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 58.52 FEET; THENCE SOUTH 62 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 50.05 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF INDIAN RIDGE BOULEVARD; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF INDIAN RIDGE BOULEVARD, A DISTANCE OF 738.33 FEET TO THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG THE NORTH RIGHT OF WAY LINE OF INDIAN RIDGE BOULEVARD, A DISTANCE OF 304.00 FEET TO THE EAST LINE OF THE PROPERTY CONVEYED TO FIRST CAPITAL INSTITUTIONAL REAL ESTATE LTD, AS RECORDED IN DOCUMENT NUMBERS 8902143 AND 8902147 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE

NORTH 00 DEGREES 04 MINUTES 05 SECONDS EAST ALONG SAID EAST LINE 357.00 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 46 SECONDS EAST 304.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 05 SECONDS WEST 357.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2.491 OF AN ACRE, MORE OR LESS.

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-10 Filling Station Commercial designated in "The Zoning Ordinance of 1966" as amended.

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

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 along this area of Indian Ridge Blvd, N Main St and Grape Road. 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 the existing Walmart store, would allow ample room for a small gas station kiosk, fuel pumps and parking.

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 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

Proposed Ordinance No: ____________________

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

Location: Southwest corner of 316 W Indian Ridge Blvd | Date: November 12, 2025

Petition: 25- 20 | Prepared By: DMW

GENERAL INFORMATION

Applicant:	Walmart Stores Inc #2678/6315 / Carlson Consulting
Status:	Property Owner / Engineering Consultant
Request:	To rezone from C-1 General Commercial District to C-10 Filling Station Commercial District to allow for a fuel kiosk and pumps
Zoning Classification:	C-1 General Commercial District
Lot Size:	28.92 acres (2.5 acre area to be rezoned)
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 & S-2 Planned Unit Development (Park Plus PUD - Menards)
	South:	S-2 Planned Unit Development (University Town Center – Home Depot)
	East:	C-1 General Commercial (North Central Veterinary Emergency Center, Mixers and Jersey Mike's) & R-3 Multi-Family Residential (Indian Ridge Apartments)
	West:	C-2 Shopping Center Commercial (Indian Ridge Shopping Center)
Thoroughfare:	W Indian Ridge Blvd	
Council District:	7	
School District:	South Bend Community	
Township:	Clay	
Public Utilities:	All utilities are available and will be connected to/throughout the site at the expense of the owner	
Comprehensive Plan:	Service Commercial	

ANALYSIS

The Petitioner, Walmart Stores Inc #2678/6315, along with their consultant, Carlson Consulting, is requesting to rezone property located at the southwest corner of 316 W Indian Ridge Blvd from C-1 General Commercial District to C-10 Filling Station Commercial District for a fuel kiosk and pumps.

The 28.92 acre site, which is compiled of Walmart and Sam's Club, consists of one parcel of property (Tax Parcel 029-2018-038402). The property is bordered on the east by N Main Street, on south by Home Depot, Fifth Third Bank and Krispy Kreme, on the north by the Toll Road and the west by Indian Ridge Shopping Center.

An approximate 2.5 acre area at the southwest corner is proposed for C-10 zoning.

Per the preliminary site plan, the applicant is proposing to construct an approximate 1,618 sq. ft. one-story fuel station service building, fuel pumps with an overhead canopy, a twenty-four (24) space parking lot, and other required infrastructure (utilities, landscaping, etc.)

Access to the site will be provided from both W Indian Ridge Blvd and internally from Walmart parking lot on the 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 nine (9) parking spaces are required for the approximate 1,600 sq. ft. building. The preliminary site plan shows twenty-four (24) spaces provided within three (3) parking rows to the south and east of the building. Although not shown on the preliminary site plan, Planning Staff requested that a sidewalk be required along the entire W. Indian Ridge Boulevard frontage.

A developmental variance will be required for the existing Wal-Mart property not being redeveloped due the elimination of parking spaces. Currently, the plan shows that 785 parking spaces exist with 679 spaces remaining after the gas station is developed. Per ordinance, a total of 855 parking spaces are required for Walmart (213,565 sq. ft.) including the proposed 4,912 sq. ft. addition (AD 25-04) based on 4 spaces per 1,000 sq. ft. of gross floor area.

Landscaping and screening shall comply with the commercial landscaping regulations.

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.

A replat may be required for dedicating additional right-of-way or easements. This will be determined as a part of the final site plan process. If a replat is required, it could be filed concurrent with a final site plan and only requires Plan Commission approval.

Staff supports the request for rezoning to C-10 District and the use 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 Electric Department commented that they will need to discuss service needs with the contractor prior to construction.

The Building Department commented that a construction design release is required from the Plan Review division of the Indiana Department of Homeland Security prior to local permitting.

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# 25-20 to rezone property at the southwest corner of 316 W Indian Ridge Blvd from C-1 General Commercial District to C-10 Filling Station Commercial District for a fuel kiosk and pumps. 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 along this area of Indian Ridge Blvd, N Main St and Grape Road. 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 the existing Walmart store, would allow ample room for a small gas station kiosk, fuel pumps and parking.

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 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, Petition, Preliminary Site Plan, Location Map

Aerial Photograph

P1. Looking southerly from the subject property (parking lot) toward proposed gas station location

P2. Looking easterly from the subject property (parking lot) toward proposed gas station location

P3. Looking easterly from western entrance into Walmart off Indian Ridge Blvd

DATE: October 21, 2025

Honorable Members of the

Common Council

City of Mishawaka, Indiana

and

Mishawaka City Plan Commission

City of Mishawaka, Indiana

PCS 25-20

Received

OCT 22 2025

Planning and
Community Development

RE: PETITION TO REZONE

The undersigned Wal-Mart Stores, Inc. 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 (Defined on page 2). 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 a Walmart Supercenter and Sam's Club. Petitioner(s) desire a portion of said real estate to be rezoned to C-10 (Filling Station Commercial) District (Area defined on Page 3). Petitioner(s) further state that they intend to utilize said land for a Walmart Fueling Station. 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 rezoning the above-described parcel of land located in the City of Mishawaka.

Signature of Property Owner

____

CONTACT PERSON:

NAME: Gabriel Loth

ADDRESS: 7068 Ledgestone Commons, Bartlett, TN 38133

PHONE NUMBER: (901) 384-0404 (Ext. 140)

EMAIL: GabrielLoth@CarlsonConsulting.net

LEGAL DESCRIPTION OF PORTION TO BE REZONED:

A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON DISK FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 08 MINUTES, 05 SECONDS WEST (ASSUMED), ALONG THE EAST LINE OF SAID QUARTER OF SAID SECTION, A DISTANCE OF 287.56 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE OF SAID QUARTER OF SAID SECTION AND THE SOUTH RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD; THENCE SOUTH 89 DEGREES 42 MINUTES 59 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF SAID TOLL ROAD, A DISTANCE OF 125.00 FEET TO A POINT IN CONCRETE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET EXTENDED; THENCE SOUTH 00 DEGREES 08 MINUTES 05 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF MAIN STREET EXTENDED, A DISTANCE OF 279.26 FEET; THENCE SOUTH 03 DEGREES 21 MINUTES 52 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 251.63 FEET; THENCE SOUTH 11 DEGREES, 27 MINUTES 08 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 206.95 FEET; THENCE SOUTH 11 DEGREES 50 MINUTES 08 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 279.50 FEET; THENCE SOUTH 00 DEGREES, 04 MINUTES, 45 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 58.52 FEET; THENCE SOUTH 62 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 50.05 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF INDIAN RIDGE BOULEVARD; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF INDIAN RIDGE BOULEVARD, A DISTANCE OF 738.33 FEET TO THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG THE NORTH RIGHT OF WAY LINE OF INDIAN RIDGE BOULEVARD, A DISTANCE OF 304.00 FEET TO THE EAST LINE OF THE PROPERTY CONVEYED TO FIRST CAPITAL INSTITUTIONAL REAL ESTATE LTD, AS RECORDED IN DOCUMENT NUMBERS 8902143 AND 8902147 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 00 DEGREES 04 MINUTES 05 SECONDS EAST ALONG SAID EAST LINE 357.00 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 46 SECONDS EAST 304.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 05 SECONDS WEST 357.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2.491 OF AN ACRE, MORE OR LESS.

PRE-EXPANSION SITE ANALYSIS TABLE

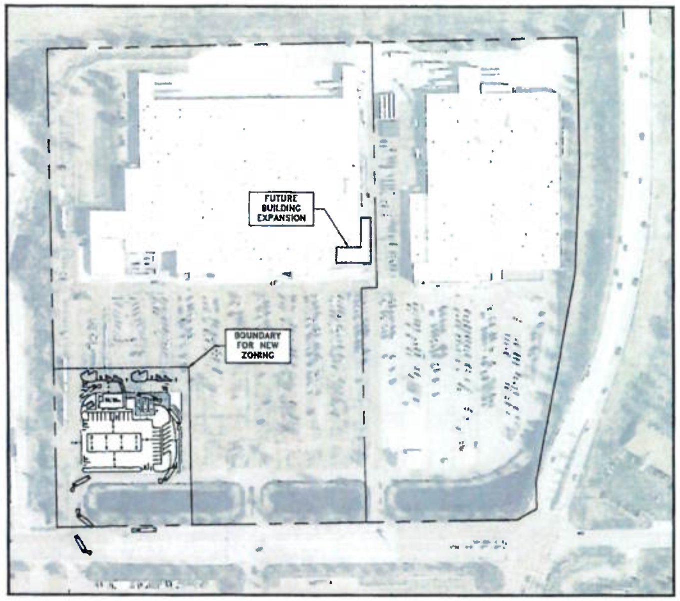
STORE ADDRESS:	316 Indian Ridge Blvd Mishawaka, IN 46545	
CURRENT ZONING:	C1 (General Commercial)	
EXISTING PARCEL AREA:	17.88 AC	
WALMART BUILDING SF:	208,653 SF	
PROPOSED FUEL AREA:	0.85 AC	
	PARKING COUNT	PARKING RATIO
EXISTING PARKING	785 SPACES	3.76/1,000 SF
PROPOSED PARKING	671 SPACES	3.19/1,000 SF
CODE REQD PARKING	841 SPACES	4.00/1,000 SF
WM REQD PARKING	841 SPACES	4.00/1,000 SF

NOTES:
1. CARLSON CONSULTING ENGINEERS HAS REVIEWED THE TITLE COMMITMENT AND THERE IS NO ECR REQUIRED PARKING
2. FUEL SALES ARE NOT PERMITTED IN THE C1 ZONE. REZONING IS REQUIRED.
3. THE EXISTING BUILDING AND GROSS FLOOR AREA SQUARE FOOTAGES WERE PROVIDED BY MS CONSULTANTS IN AN EMAIL FROM KEVIN DITRANCO ON 07/16/2025.
4. EXISTING PARKING COUNTS ARE BASED ON A FIELD COUNT COMPLETED BY CARLSON CONSULTING ENGINEERS ON 03/28/2025.
5. PROPOSED AND REQUIRED PARKING RATIOS INCLUDES 1,618 SF FUEL STATION SERVICE BUILDING.

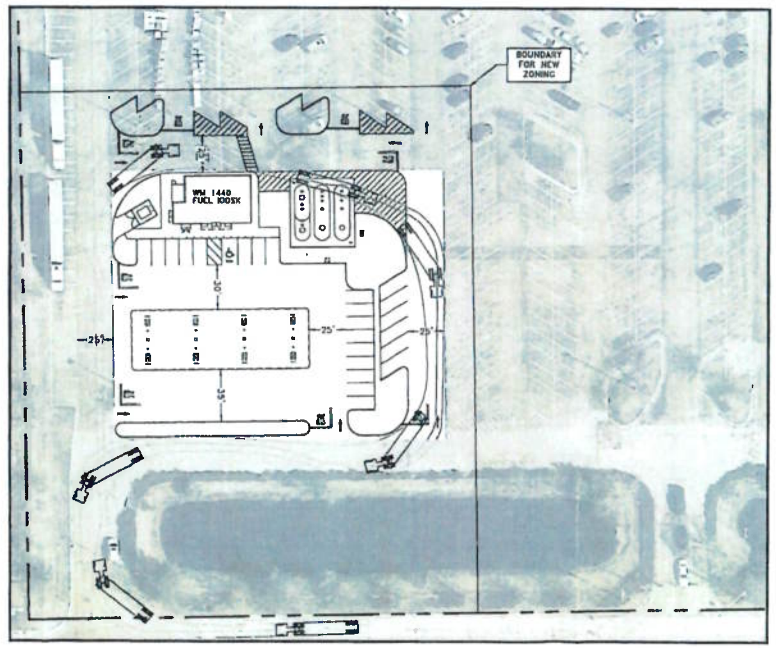
POST-EXPANSION SITE ANALYSIS TABLE

STORE ADDRESS:	316 Indian Ridge Blvd Mishawaka, IN 46545	
CURRENT ZONING:	C1 (General Commercial)	
EXISTING PARCEL AREA:	17.88 AC	
WALMART BUILDING SF:	213,565 SF	
PROPOSED FUEL AREA:	0.85 AC	
	PARKING COUNT	PARKING RATIO
EXISTING PARKING	805 SPACES	3.77/1,000 SF
PROPOSED PARKING	679 SPACES	3.16/1,000 SF
CODE REQD PARKING	861 SPACES	4.00/1,000 SF
WM REQD PARKING	861 SPACES	4.00/1,000 SF

NOTES:
1. CARLSON CONSULTING ENGINEERS HAS REVIEWED THE TITLE COMMITMENT AND THERE IS NO ECR REQUIRED PARKING
2. FUEL SALES ARE NOT PERMITTED IN THE C1 ZONE. REZONING IS REQUIRED.
3. THE EXISTING AND PROPOSED BUILDING AND GROSS FLOOR AREA SQUARE FOOTAGES FOR THE FUTURE SUPERCENTER EXPANSION WERE PROVIDED BY MS CONSULTANTS IN AN EMAIL FROM KEVIN DITRANCO ON 07/16/2025.
4. EXISTING PARKING COUNTS ARE BASED ON A FIELD COUNT COMPLETED BY CARLSON CONSULTING ENGINEERS ON 03/28/2025.
5. PROPOSED AND REQUIRED PARKING RATIOS INCLUDES 1,618 SF FUEL STATION SERVICE BUILDING.
5. ADDITIONAL 20 EXISTING PICKUP PARKING SPACES LOCATED ON SAM'S CLUB PROPERTY ARE INCLUDED IN ABOVE COUNTS/RATIOS PER DIRECTION FROM MATTHEW JONES ON 9/15/2025.
6. PROPOSED PICKUP SPACES TO BE LOCATED ON SAM'S CLUB PROPERTY PER EMAIL DISCUSSION WITH WM.



OVERALL SITE PLAN
SCALE: 1"=100'



FUEL STATION PLAN
SCALE: 1"=30'

Received
OCT 22 2025
Planning and Community Development
PC 25-20

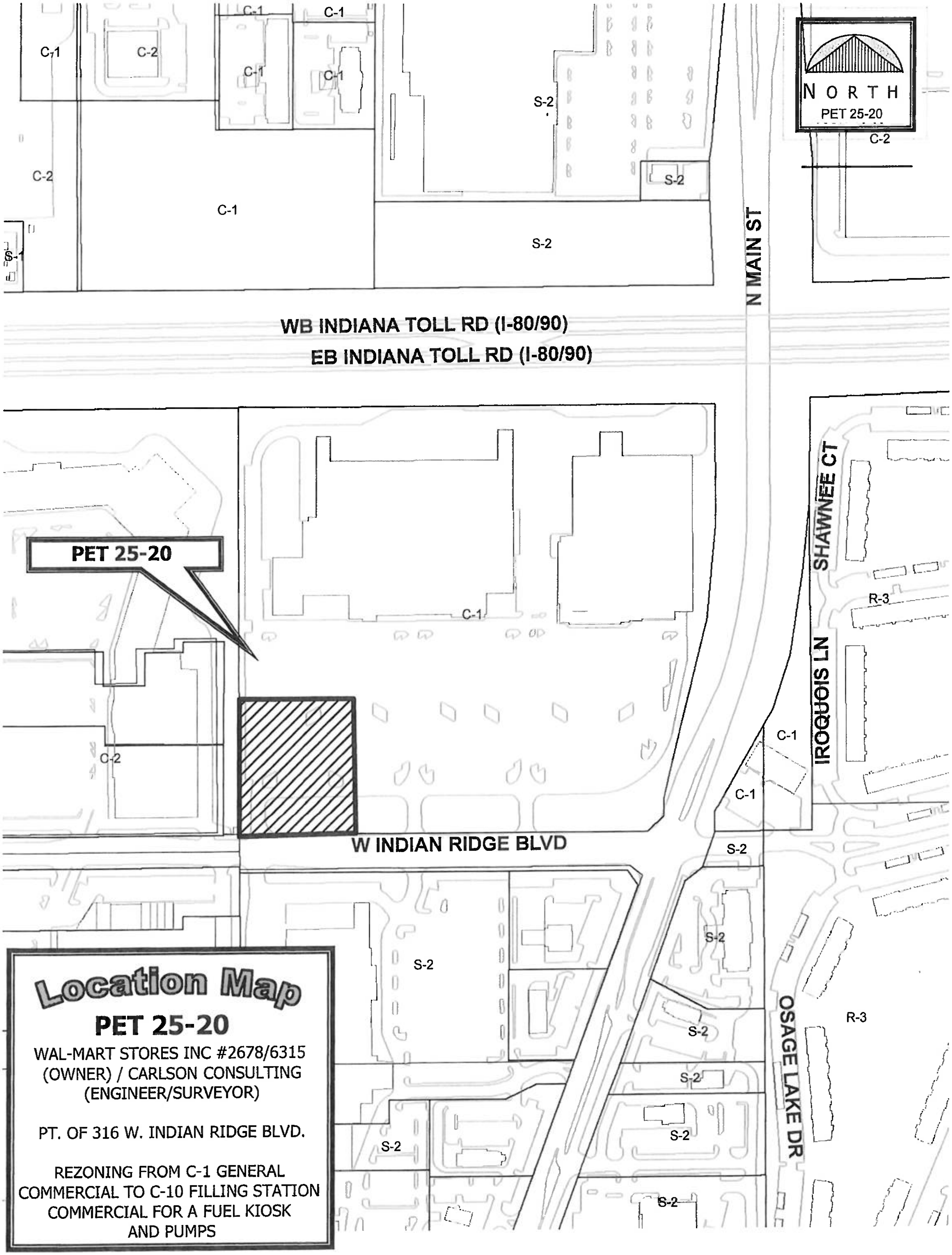
CONCEPTUAL SITE PLAN (CSP) #4B
1440 KIOSK / 8 PUMP STACKED

REVISIONS | BY

CARLSON CONSULTING ENGINEERS, INC.

WALMART SUPERCENTER #2678
MISHAWAKA, INDIANA
WALMART, INC.
2608 SE J STREET
BENTONVILLE, AR 72716

Walmart


NORTH
PET 25-20
C-1
C-2
S-1
S-2
R-3
N MAIN ST
WB INDIANA TOLL RD (I-80/90)
EB INDIANA TOLL RD (I-80/90)
SHAWNEE CT
IROQUOIS LN
PET 25-20
W INDIAN RIDGE BLVD
OSAGE LAKE DR
Location Map
PET 25-20
WAL-MART STORES INC #2678/6315
(OWNER) / CARLSON CONSULTING
(ENGINEER/SURVEYOR)
PT. OF 316 W. INDIAN RIDGE BLVD.
REZONING FROM C-1 GENERAL
COMMERCIAL TO C-10 FILLING STATION
COMMERCIAL FOR A FUEL KIOSK
AND PUMPS