# AGENDA

**February 20, 2012**

**Meetings of Standing Committees**
**Council Conference Room**
**6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL**
**COUNCIL CHAMBERS/CITY HALL**
**7:00 P.M.**

**1. Call to Order**

**2. Pledge of Allegiance**

**3. Roll Call**

**4. Approval of the Minutes of the Previous Regular Meeting**

Minutes from February 6, 2012

**5. Petitions, Communications, Remonstrance and Memorials**

A letter from the Board of Zoning Appeals regarding recommendations from their February 14, 2012 meeting.

**6. Report of Special Committee**

**7. Ordinances on First Reading**

**8. Resolutions**

R2012-03 - Use variance to allow parking for automotive body work and repair shop and a sign variance to allow 3'x12' sign - 1802 W 6th St.

R2012-04 - Conditional Use Variance to allow for a composite distribution center - 1460 E. 12th St.

R2012-05 - Declaratory Resolution - North American Composites (NAC) Company - 1460 E. Twelfth St.

**9. Ordinances on Second Reading**

P.O. No. 2012-01 Additional Funds - Local Major Moves - $3,614,335.96 (Assigned to Budget and Finance Committee)

**10. Privilege of the Floor - Non-Agenda Items**

**11. Unfinished Business**

**12. New Business**

Mayor Wood's State of the City

**13. Adjournment**

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

Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

February 6, 2012

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday February 6, 2012 at 7:00 p.m. The meeting was called to order by President John Roggeman, and all were asked to stand for the Pledge of Allegiance.

City Clerk Debbie Block's roll call showed the following:
Dale "Woody" Emmons 1st District Councilman – Absent
Mike Bellovich 2nd District Councilman – Present
John Reisdorf 3rd District Councilman – Present
Marsha McClure 4th District Councilman – Present
Michael Compton 5th District Councilman – Present
Ronald Banicki 6th District Councilman – Present
John Roggeman Councilman At Large – Present
Matt Mammolenti, Councilman At Large – Present
Dan Bilancio, Councilman at Large – Present
A quorum was obtained.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel.

The minutes from the January 16, 2012 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following appeals to the Council, who referred them to the Plan Commission for their recommendation

**APPEAL NO. 2012-03** Use Variance to allow parking for Automotive body work and repair shop and a sign Variance to allow 3' X 12' sign 1802 West 6th Street.

**APPEAL NO. 2012-04** Conditional Use Variance to allow for a Composite Distribution Center 1460 East Twelfth Street.

Clerk Block read a letter regarding Appeal 2011-47 from Greg Robbins requesting to withdraw their request for a zoning variance for 2406 Schumacher Drive for outdoor dog exercise area and Dog Day Care.

The following proposed ordinance was given first reading, assigned to committee, and set for public hearing at the next regular meeting.

**PROPOSED ORDINANCE NO. 2012-01**

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITONAL FUNDS FOR THEYEAR ENDING DECEMBER 31, 2012**
(Additional Funds – Local Major Moves Fund $3.614, 335.96)
Assigned to Budget and Finance Committee

**PRIVILEGE OF THE FLOOR**

Dixie Mason 329 Imus Court said for the past year and a half the people in her neighborhood have had problems with loud barking dogs from the Humane Society located directly behind them and wanted to thank the Council for all of their help. She said George Obren and Ken Prince met with Dr. Carole Eckert from the Humane Society they were a big part of the resolution Dr. Eckert agreed to enclose the kennels and make them sound proof by March 30th. Ms. Mason stated that Mr. Obren said he had been monitoring the situation and has documented phones calls and would be following up on this. Dr. Eckert was told by Mr. Obren he would be fining the Humane Society if they did not comply to this agreement starting at $50.00 per day and could go as high at $250.00 per day.

Ms. Mason said there have been meetings throughout the year with the Council, Mayor, neighbors, and Dr. Eckert she wanted to again thank everyone for their help, including the City Clerk's Office. She said she was looking forward to a peaceful quite summer.

Ms. Mason said she wanted to address the students in the audience from Mr. Gleissner's Government class and tell them as they go through life to speak up and have a voice in their government, it was their town and as citizens they owe it to themselves to come forward when they see an issue that needs attention. Ms. Mason said there would be times when it wouldn't always come out in their favor but she assured them the Council and City Officials would listen and help where they could.

Mr. Compton thanked the Mayor, Ken Prince, and George Obren for all of their work involving the solution to this problem, this was something that needed to be done

Mr. Roggeman said sometimes things just take time to work through and wanted to thank Ms. Mason and her neighbors for their patience.

**NEW BUSINESS**

Mr. Reisdorf announced there would be a Neighborhood Watch Meeting at Twin Branch School, Wednesday February 15, 2012 at 7:00 p.m. He said the speaker would be Gary West Director of Engineering, City of Mishawaka.

Mr. Banicki announced, in Mr. Emmons absence, according to Mr. Emmons Neighborhood Watch List that there would be a meeting held on February 16, 2012 at St. Bavo's School, 7:00 p.m. the speaker would be Drema Jensen, from the Better Business Bureau.

President Roggeman said their were students present from Mishawaka High School, he asked them to stand, give their name and why they were attending the meeting, they all stated they were from Mr. Gleissner's Government class.

There being no further business to come before the Council, President Roggeman adjourned the meeting at 7:23 p.m.

| | |
|---|---|
| Deborah S. Block, ________________/s/ | John J. Roggeman /s/ |
| Deborah S. Block, IAMC, MMC | John J. Roggeman |
| City Clerk | Presiding Officer |

# City of Mishawaka

**DAVID A. WOOD, MAYOR** **DEPARTMENT OF CITY PLANNING**

February 15, 2012

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
February 14, 2012, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance and Conditional Use Permit were considered:

**APPEAL #12-03** An appeal submitted by JP's Complete Auto Care, Inc. requesting a Use Variance for **1802 West Sixth Street** to allow parking for automotive body work and repair shop, and a Sign Variance to permit a 3' X 12' sign on I-1 Light Industrial zoned property.

The Board, with a vote of 4-0, recommended approval subject to the following conditions:

1. Use Variance shall be limited to automotive body repair and automotive maintenance is limited to indoors. No outside storage of materials and/or vehicle parts will be permitted;
2. The previously submitted landscape plan plantings shall be executed in Spring 2012;
3. Freestanding Signage on the site is limited to one non-illuminated monument style sign with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (5) feet and with permits secured from Building and Planning Departments;
4. Temporary signage is prohibited.

**APPEAL #12-04** An appeal submitted by James D. Wallenfelsz Revocable Lifetime Trust requesting a Conditional Use Permit for **1460 East Twelfth Street** to permit a distribution center for resin, fiberglass, and related products to the composites industry in I-2 Heavy Industrial zoned property.

The Board, with a vote of 4-0, recommended approval.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Mrs. Jennifer Pieper
Mr. Ivan Levy

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

## STAFF REPORT

Location: 1802 West Sixth Street Date: February 14, 2012

Appeal: 12 03 Prepared By: PS

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Jon Pieper and Jennifer Pieper / JP's Complete Auto Care Inc. |
| Status: | Property Owner |
| Request: | Use Variance |
| Zoning Classification: | I-1 Light Industrial |
| Lot Size: | 150' N/S by 269' E/W (.932 Acre) Lots 66, 67, 68, 69 and 70 |
| Applicable Regulations: | Section 137-586 I-1 Uses<br>Section 137-42 (4) Board of Zoning Appeals |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | Norfolk Southern and R-1 Single Family Residential District |
| | South: | R-1 Single Family Residential District |
| | East: | I-1 Light Industrial – Chem Plas Company Inc. Headquarters |
| | West: | I-1 Light Industrial – Residence |

| | |
|---|---|
| Thoroughfare: | West Sixth Street, between Alabama and Meridian |
| School District: | Mishawaka School City |
| Township: | Penn Township |
| Public Utilities: | Available |
| Comprehensive Plan: | Industrial |

## ANALYSIS

The Appellants, Jon and Jennifer Pieper, are requesting a use variance for 1802 West Sixth Street to conduct a commercial automotive body repair/maintenance shop, to allow a wall sign measuring 3' by 12' and to permit overnight, outside parking on the .926 acre site located on the north side of the street between Alabama and Meridian Streets.

The surrounding area is a mixed use neighborhood with single family residences to the south, and north across the Norfolk Southern Railroad; residential abutting to the west on land zoned industrial and commercial to the east.

The property contains an existing 22,630 square foot commercial building which at one time was the home of X-Cel Steel Fabricating, and for the past year and half, the home of Piepers Auto Alley. The structure is approximately 245 feet wide along the alley and 130 feet at its deepest (N/S) along the west. The building encompasses more than three-fourths of the parcel mass. There are six (6) overhead doors on the south side of the building, and three (3) on the north side along the alley. Three curb cuts exist along West Sixth Street. Two years ago the City made substantial improvements to the area including the paving of Sixth Street, new curbs, new curb cut approaches, and sidewalks.

In October of 2010 a use variance was granted to allow an auto body repair and maintenance shop on the I-1 zoned property. Although in December of 2010 a use variance was granted for RBI's, a baseball training facility, to use one of the four buildings on the site, the training facility did not move in.

After being in business for over a year the Appellants find that they require the option to park vehicles overnight in their parking lot, which was prohibited in Resolution 2010-21. Without the use of their parking lot, customers are forced to park on the street overnight when they are towed to the shop or must deliver their vehicles the night before. Otherwise they would be forced to park on the street.

The Appellants also own a 3 ft by 12 ft wall sign they would like to install on the front outside wall of the business. Resolution 2010-21 limited wall signage to three signs with a letter height not to exceed 12 inches and a display area of 10 square feet.

All pertinent City Departments have reviewed this request and approved offering the following comments:

1. Sign permits shall be secured by a bonded and licensed sign contractor with the City of Mishawaka for any building and freestanding signage proposed.

## RECOMMENDATION

The Staff recommends approval of Appeal #12-03 to conduct a commercial automotive body repair/maintenance shop, to allow a wall sign measuring 3' by 12', and to permit overnight, outside parking at 1802 West Sixth Street subject to the following conditions:

1. Use variance shall be limited to automotive body repair and automotive maintenance is limited to indoors. No outside storage of materials and/or vehicle parts will be permitted;

2. The previously submitted landscape plan plantings shall be executed in Spring 2012;

3. Freestanding Signage on the site is limited to one non-illuminated monument style sign with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (5) feet and with permits secured from Building and Planning Departments;

4. Temporary signage is prohibited.

This recommendation is based on the following reasons:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed uses will have no impact on the surrounding commercial and residential uses that currently exist. The proposed use is consistent with the existing industrial properties within the area;

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because of the mixed commercial/industrial/residential nature of the area along the railroad tracks. The recommended conditions will also ensure that the business will not negatively affect the residential neighborhood to the south and north. Additionally, the Appellants own the adjacent properties to the east and west;

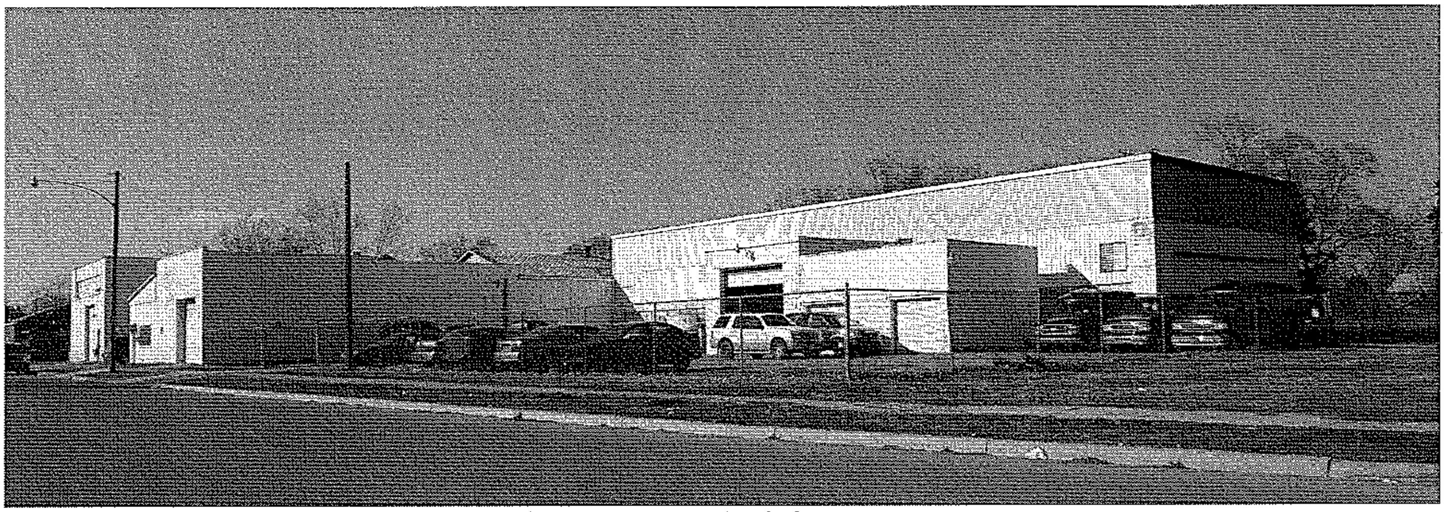
3. The need for a variance arises from the nature of the area, where property owners are very protective of the intensive zonings of their properties. By right Resolution #2010-21 allows the existing automobile, commercial use while still protecting the industrial zoning for future use and also protecting the residential users to the north and south;

4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because Resolution #2010-21 denies the Appellants' customers the safety of parking their disabled vehicles off the street in a secure, fenced area;

5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies the site as Industrial surrounding areas as Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

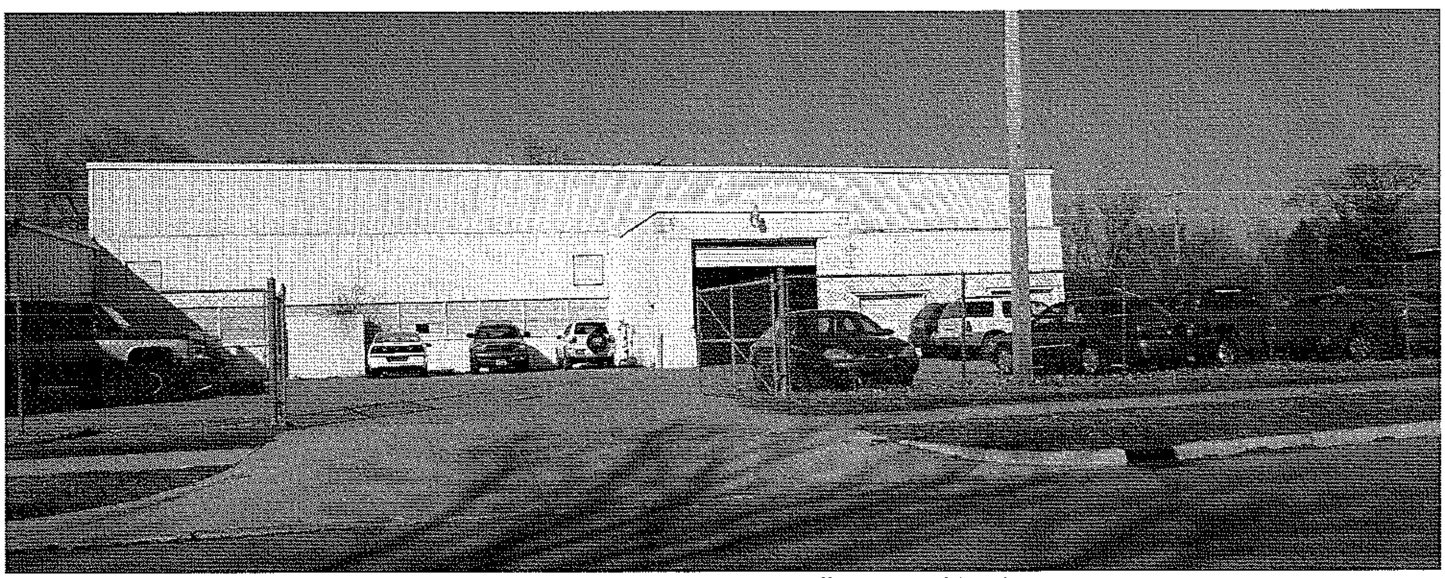
## ATTACHMENTS

PHOTOGRAPHS, VARIANCE REQUEST, SIGN GRAPHIC, AERIAL & LOCATION MAP



1806 West Sixth Street

1816 W. Sixth (owned by the Piepers) 1802 West Sixth – Piepers Auto Alley



1806 West Sixth - Piepers Auto Alley Parking Lot

## STAFF REPORT

Location: 1460 E 12th Street Date: February 14, 2012

Appeal: 12 — 04 Prepared By: GGS

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | James D. Wallenfelsz Revocable Lifetime Trust |
| Status: | Property Owners |
| Request: | Conditional Use Permit to allow chemical bulk storage and warehouse distributing |
| Zoning Classification: | I-2 Heavy Industr1al |
| Lot Size: | 4.33 acres |
| Applicable Regulations: | Section 137-609 (b)(7) I-2 Conditional Uses<br>Section 137-43 Conditional Use Permits |

## SPECIAL INFORMATION

| | |
|---|---|
| Area Development Pattern: | North: I-2 Heavy Industrial<br>South: S-2 Planned Unit Development<br>East: I-2 Heavy Industrial<br>West: I-2 Heavy Industrial & C-4 Automobile Oriented Commercial |
| Thoroughfare: | East 12th Street |
| School District: | School City of Mishawaka |
| Public Utilities: | All utilities are available to this site |
| Comprehensive Plan: | Industrial |

## ANALYSIS

The appellant, James D. Wallenfelsz Revocable Lifetime Trust, is requesting a Conditional Use Permit for property located at 1460 East 12th Street. The North American Composites Company desires to utilize the property to operate its composite distribution business. North American Composites Company (NAC) distributes resin, fiberglass, and other related products to the composites industry. NAC does not do any manufacturing. For the most part NAC simply gets drums and other containers shipped in and then they sell those containers to customers in that same way. The property is zoned I-2 Heavy Industrial. The Zoning Ordinance allows the proposed chemical bulk storage and warehouse distributing within an I-2 Heavy Industrial Zoning but only with approval of a Conditional Use Permit.

In addition to the Conditional Use Permit, the appellant has requested tax abatement for the company to locate to this property. The company anticipates spending over $600,000 in improvements to the building and property in order to establish their distribution center at this location. Furthermore, an additional $650,000 is expected to be spent on equipment necessary to operate the business. The appellant states that, except for the Condition Use Permit and local building permits from the City, the company already has all applicable licenses and permits required to conduct its business at this location.

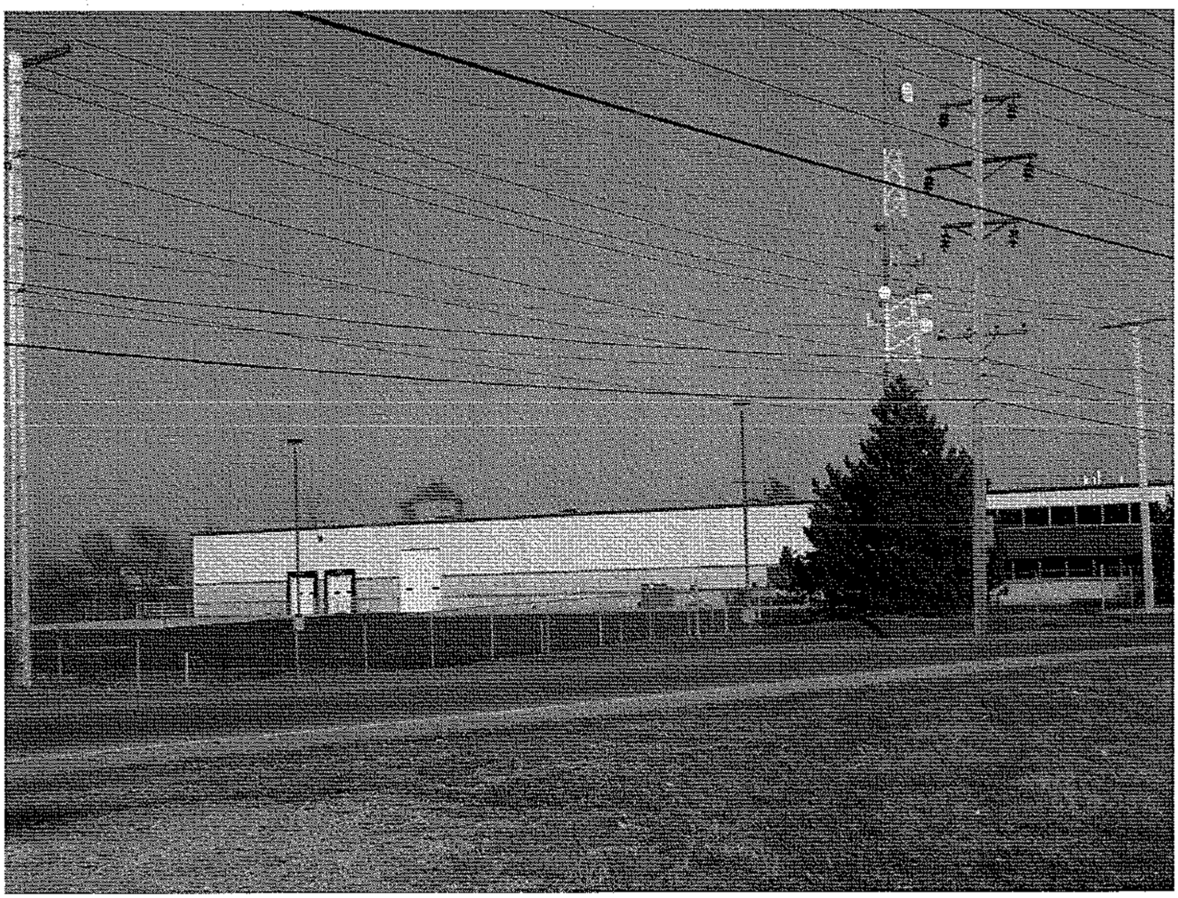
## Recommendation

The Staff recommends in favor of Appeal 12-04, a Conditional Use Permit to allow chemical bulk storage and warehouse distributing on property located at 1460 East 12th Street. This recommendation is based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because all required improvements will be made to the property and all improvements will adhere to all applicable codes.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because all required and appropriate precautionary measures will be implemented on the property. Furthermore, property adjacent to the north, east, and west are zoned for I-2 Heavy Industrial uses.
3. Adequate measures will be stipulated to mitigate any potential adverse impact of the conditional use permit upon adjacent property. The property will be required to comply with any and all applicable fire codes and environmental requirements. Improvements to the property will be implemented which are designed to meet those requirements.
4. Adequate measures have been taken to provide proper utilities, drainage, paved access roads, landscape buffering, fencing, leak proof dikes, safety precautions, and to minimize traffic congestion. The property is existing and currently consists of all applicable and required improvements to conduct the proposed use.
5. The granting of the conditional use permit is in the best interests of the community. The property is located amongst other heavy industrial type uses.

## Attachments

Appeal, Location Map



January 23, 2012

RECEIVED
JAN 25 2012
PLANNING DEVELOPMENT

AP 12-03

To: Board of Zoning Appeals
City of Mishawaka, Indiana

JP's Complete Auto Care, Inc. is the owner of the following described real estate located within the City of Mishawaka, Penn Township, St Joseph County, State of Indiana, to wit;

> Lot Numbers 66, 67 & 30' East Side Vacated Reddick St West & Adjacent; Lot 68 & 30' West Side Vacated Reddick St East & Adjacent; Lots 69 and 70 Milburn Place, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.
> **Common Address: 1802 West Sixth Street**

The above-described real estate presently has a zoning classification of I-1 Light Industrial District under the Zoning Ordinance of the City of Mishawaka.

Appellant presently occupies the above-described property in the following matter: automotive body work shop and automotive repair shop per Resolution No. 2010-21.

Appellant desires to include Lot 68 and vacated Reddick Street lot, which were left off the original variance request to allow automotive body work and repair shop. Appellant desires to install one wall sign measuring 3 feet by 12 feet to advertise their business; Appellant also desires to park customer vehicles in the existing parking lot.

Without the use of the parking lot our customers are forced to park on the street overnight. We have vehicles towed in at night and can't use the lot because of one of the Resolution conditions prohibit outside storage of vehicles. All vehicles are moveable and are being worked on, we do not part out, salvage or sell vehicles.

We have a sign we would like to use that we purchased prior to buying the building. The wall sign has an area of 36 SF which exceeding the 10 square foot condition of the Resolution. A sign company will secure the proper permits if our request is approved.

We will be painting and landscaping per city requirements. The need for drain traps are unnecessary because there are no floor drains.

1. Approval will not be injurious to the public health, safety, morals or general welfare of the community because all work is done inside the building. We meet all State of Indiana EPA requirements and all city requirements.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because we plan to keep the property maintained to or better than city standards.

3. The need for the variance arises from some condition peculiar to the property involved? Yes, the use of the parking lot sits on three lots and can't be used overnight.

4. Strict application of the terms of the Resolution constitute an unnecessary hardship if applied to the property for which the variance is sought because we need a sign to identify our business and it is necessary to be allowed to park customer vehicles on our parking lot overnight to avoid having to park on the street in the neighborhood.

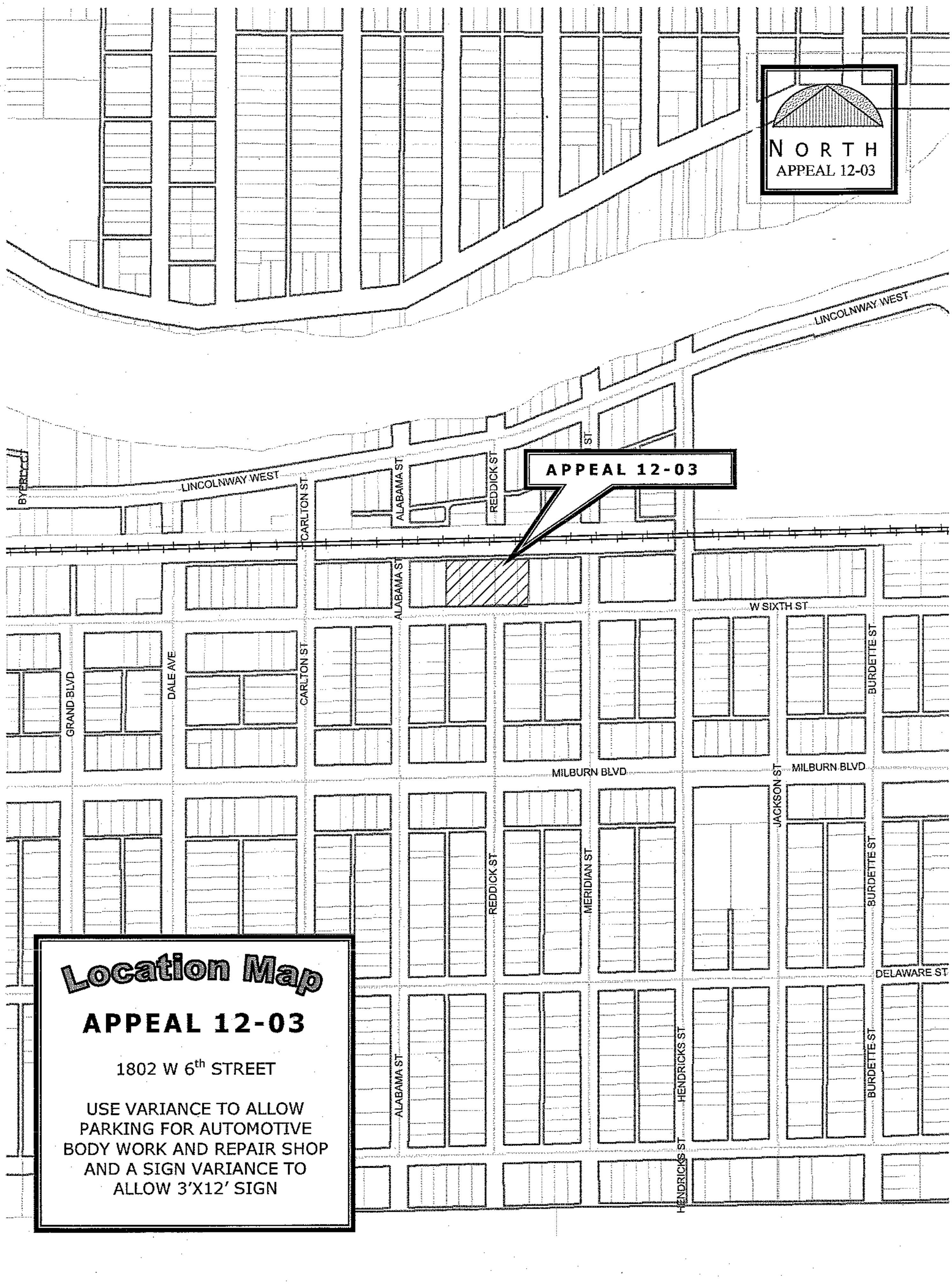
5. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? No, commercial and industrial surround the site.

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

Jennifer Pieper

Jennifer Pieper, Property Owner
JP's Complete Auto Care Inc

Jonathan Pieper, Property Owner
JP's Complete Auto Care Inc


NORTH
APPEAL 12-03
LINCOLNWAY WEST
LINCOLNWAY WEST
APPEAL 12-03
BYERLY CT
CARLTON ST
ALABAMA ST
REDDICK ST
W SIXTH ST
GRAND BLVD
DALE AVE
BURDETTE ST
MILBURN BLVD
MILBURN BLVD
MERIDIAN ST
JACKSON ST
DELAWARE ST
HENDRICKS ST
Location Map
APPEAL 12-03
1802 W 6th STREET
USE VARIANCE TO ALLOW
PARKING FOR AUTOMOTIVE
BODY WORK AND REPAIR SHOP
AND A SIGN VARIANCE TO
ALLOW 3'X12' SIGN

**Date:** January 25, 2012

| **Board of Zoning Appeals**<br>**City of Mishawaka, Indiana** | **Re:** | **Application for a**<br>**Conditional Use Permit** |
|---|---|---|

The undersigned applicant (the "Petitioner") does hereby respectfully show the following to the Board of Zoning Appeals for the City of Mishawaka, Indiana (the "Board"):

1. **Property.** This application is for the real estate that is located in the City of Mishawaka, St. Joseph County, State of Indiana, described in the Property Description which is attached hereto as <u>Appendix A</u> and made a part hereof (the "Property").

2. **Zoning.** This Property presently has a zoning classification of I-2 Heavy Industrial District in the Zoning Ordinance of the City of Mishawaka (the "Mishawaka Zoning Ordinance").

3. **Occupancy.** Petitioner proposes to occupy the Property in accordance with the provisions of this application to the Board.

4. **Use.** Petitioner desires to use the Property as a distribution center for resin, fiberglass, and related products to the composites industry.

5. **CUP Requirement.** Section 137-609(b)(7) of the Mishawaka Zoning Ordinance states that "chemical bulk storage and warehouse distributing" may be conditionally approved by the board of zoning appeals for property already zoned Heavy Industrial I-2 District.

6. **Explanation.** In the attached <u>Appendix B,</u> the provisions of which are incorporated herein and made a part hereof, Petitioner explains:
   a. Why the approval will not be injurious to the public health, safety, morals and general welfare of the community;
   b. Why the use and value of the area adjacent to the property included in the conditional use permit will not be affected in a substantially adverse manner;
   c. If adequate conditions will be stipulated to mitigate any potentially adverse impact of the conditional use permit upon adjacent property;
   d. If adequate measures have been taken to provide proper utilities, drainage, paved access roads, landscape buffering, fencing, leakproof dikes, safety precautions, and to minimize traffic congestion; and
   e. Why the granting of the conditional use permit is in the best interest of the community.

**Wherefore,** Petitioner prays and respectfully requests a hearing on this application and that after such hearing the Board grant the requested Conditional Use Permit.

**North American Composites Company**

By: Ivan M. Levy

Ivan M. Levy, Vice President & General Counsel
1225 Willow Lake Boulevard
St. Paul, MN 55110-5145
Phone: 651-481-6871 [direct]
FAX: 651-481-9836
Email: ILevy@Interplastic.com

AP 12-04

*Appendix A*

# PROPERTY DESCRIPTION

| | |
|---|---|
| **Street Address:** | 1460 East 12th Street<br>Mishawaka, IN 46544-5824<br>(St. Joseph County) |
| **Legal Description:** | Lots Numbered Nine (9), Ten (10) and Eleven (11) as shown on the recorded Plat of Byrkit Avenue Industrial Subdivision, recorded August 9, 1989, as Document Number 8920803 in the Office of the Recorder of St. Joseph County, Indiana |
| **Tax Parcel No.:** | 71-09-14-351-012.000-023 |
| **Number of Acres:** | 2.00 (approximate) |
| **Building Area:** | 40,650 square feet (approximate) |
| **Fee Owner:** | JAMES D. WALLENFELSZ, Trustee<br>James D. Wallenfelsz Revocable Lifetime Trust<br>U/A dated August 29, 1988, as amended |
| **Occupant:** | North American Composites Company ("NAC") |
| **Relationship:** | JAMES D. WALLENFELSZ is the Chairman & CEO of NAC, its sole director, and votes 100% of NAC's stock. |

*Appendix B*

# EXPLANATION

**(a) Explain why the approval will not be injurious to the public health, safety, morals and general welfare of the community.**

Nothing is more important to North American Composites Company ("NAC") than health, safety, and environmental quality. NAC is making nearly $600,000 of improvements to this Property for that very reason (the "Improvements").

**(b) Explain why the use and value of the area adjacent to the property included in the conditional use permit will not be affected in a substantially adverse manner.**

NAC strives to be a good corporate citizen. The company and its affiliates have been making sales to the composites industry for over 50 years. NAC presently has more than 25 distribution facilities in the United States and Canada. In all that time, there have been no complaints from neighbors about its operations.

**(c) Explain whether adequate conditions will be stipulated to mitigate any potentially adverse impact of the conditional use permit upon adjacent property.**

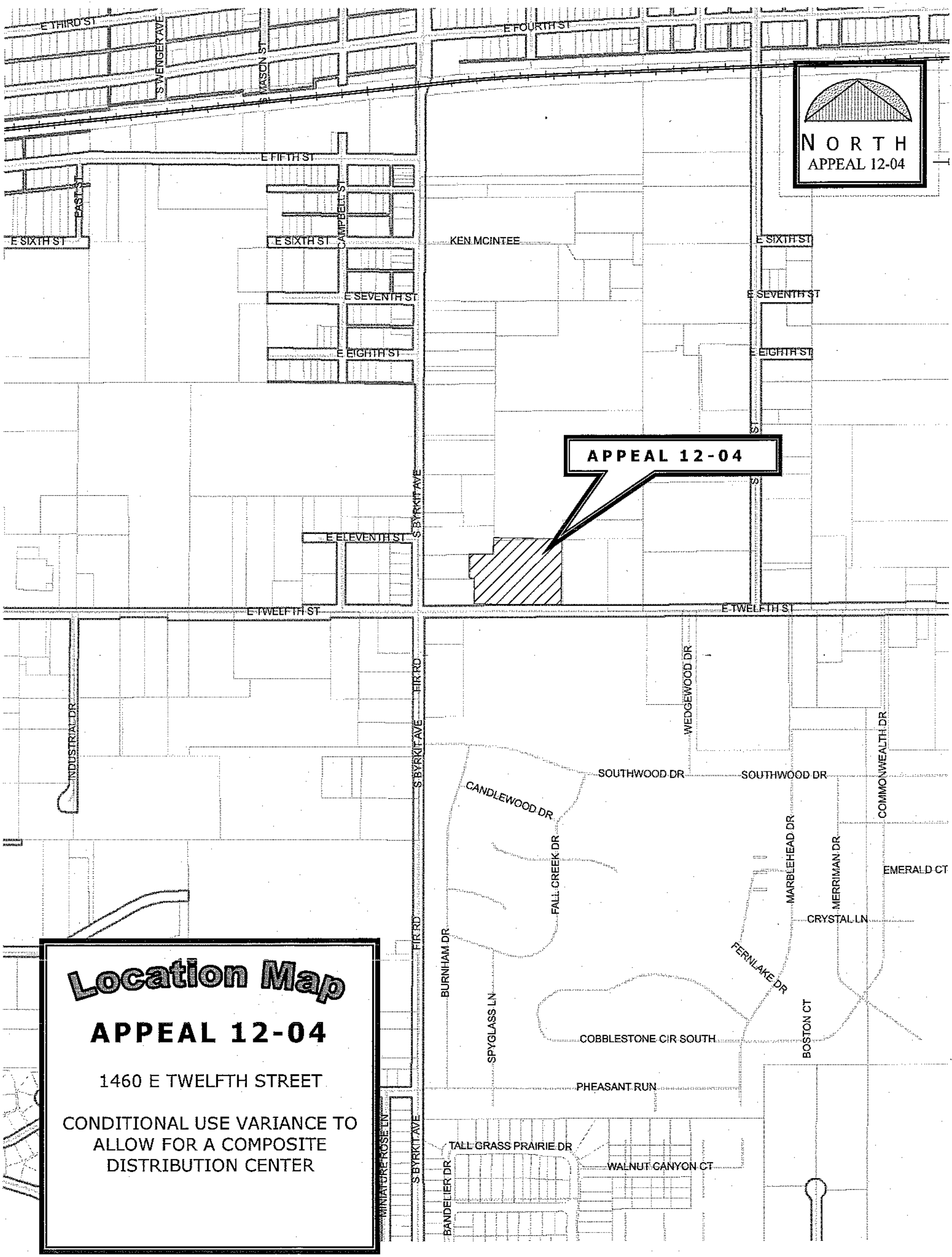
The Conditional Use Permit ("CUP") should require "compliance with any and all applicable Fire Code and environmental requirements." That will allow the CUP to adapt automatically to changes in the law. Many of the Improvements that NAC will implement are designed to meet those requirements.

**(d) Explain whether adequate measures have been taken to provide proper utilities, drainage, paved access roads, landscape buffering, fencing, leakproof dikes, safety precautions, and to minimize traffic congestion.**

There is a glut of commercial real estate on the market at the present time. One of the reasons NAC selected this Property was its excellent road access, fencing, and similar attributes.

**(e) Explain why the granting of the conditional use permit is in the best interest of the community.**

Distributors do not do manufacturing; for the most part, they simply get drums and other containers shipped in, and sell them to customers in that same way. This facility would do some tote cleaning and pouring. Most municipalities consider composites distribution to be a "clean business." Furthermore, NAC provides good jobs in the community and offers an excellent benefit package.



E THIRD ST
S WENGER AVE
MASON ST
E FOURTH ST
NORTH
APPEAL 12-04
E FIFTH ST
EAST ST
CAMPBELL ST
E SIXTH ST
E SIXTH ST
KEN MCINTEE
E SIXTH ST
E SEVENTH ST
E SEVENTH ST
E EIGHTH ST
E EIGHTH ST
APPEAL 12-04
S BYRKIT AVE
E ELEVENTH ST
E TWELFTH ST
E TWELFTH ST
WEDGEWOOD DR
FIR RD
INDUSTRIAL DR
S BYRKIT AVE
SOUTHWOOD DR
SOUTHWOOD DR
COMMONWEALTH DR
CANDLEWOOD DR
FALL CREEK DR
MARBLEHEAD DR
MERRIMAN DR
EMERALD CT
CRYSTAL LN
FERNLAKE DR
BURNHAM DR
SPYGLASS LN
BOSTON CT
COBBLESTONE CIR SOUTH
PHEASANT RUN
TALL GRASS PRAIRIE DR
WALNUT CANYON CT
BANDELIER DR
MINIATURE ROSE LN
S BYRKIT AVE
Location Map
APPEAL 12-04
1460 E TWELFTH STREET
CONDITIONAL USE VARIANCE TO
ALLOW FOR A COMPOSITE
DISTRIBUTION CENTER

RESOLUTION NO. R 2012- 5

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA

**North American Composites Company (NAC)**

DECLARATORY RESOLUTION

**WHEREAS**, the Common Council of the City of Mishawaka, Indiana, has pursuant to the "Deduction for Rehabilitation or Redevelopment of Real Property in Economic Revitalization Area Act" (Indiana Code 6-1.1-12.1-1 et. seq.) as amended hereinafter referred to as the "Act", determined and declared that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an "Economic Revitalization Area":

A lot or parcels of land described as follows:

> **Tax Key #16-1117-464817; also legally described as a 4.33 acre tract of land Lots 9 10 & 11 Byrkit Ave Industrial Sub**
>
> More commonly known as 1460 East Twelfth Street

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

**WHEREAS**, this declaration of the above described area as an "Economic Revitalization Area" shall expire one (1) year from the effective date of the declaration unless officially extended by the Common Council of the City of Mishawaka, Indiana, and

**WHEREAS**, the area so described above, shall be eligible for a deduction from an increase in assessed valuation resulting from the redevelopment or rehabilitation of said property, and

**WHEREAS**, an owner or occupant of the area described above shall be eligible for a deduction from assessed valuation resulting from the acquisition of tangible personal property used within that area so described.

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

1. That the area described hereinabove is hereby declared to be an "Economic Revitalization Area" within the meaning of the Act; and

2. That the City Clerk shall cause notice of the adoption of this Resolution to be published pursuant to I.C. 5-3-1, and shall file a copy of this Resolution with the St. Joseph County Assessor; and

3. That the City Clerk shall include in such notice the substance of this Resolution, a description of the affected area, that this Resolution may be inspected in the County Assessor's office or the office of the Mishawaka City Clerk, the date when the Common Council will receive and hear all remonstrance and objections from interested persons, and any other information required by Section 6-1.1-12.1-2.5 of the Act; and

4. That the City Clerk shall file a copy of the aforesaid public notice along with a copy of this Resolution and the Statement of Benefits (Form SB-1) with the officers of each taxing unit that has the authority to levy property taxes in the geographic area where the aforesaid economic revitalization area is located; and

5. That following the legal publication and on the date published in the public notice, a public hearing shall be held by the Common Council, at which time the Common Council shall receive and hear all remonstrance and objections from interested persons and shall then take final action determining whether the qualifications for an Economic Revitalization Area have been met and confirming, modifying and confirming, or rescinding this Resolution; and

6. That the determination of the Common Council shall be final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2.5 (d) and (e).

**ADOPTED** by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 20th day of February, 2012.

____________________________________
John Roggeman, President

ATTEST:

__________________________________
Deborah S. Block, IAMC, MMC City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of ______________________, 2012.

________________________________________
Deborah S. Block, IAMC, MMC City Clerk

APPROVED AND SIGNED by me this _____ day of ______________________, 2012, at _____ o'clock ____.M.

______________________________________
David A. Wood, Mayor

# CITY OF MISHAWAKA

**DAVID A. WOOD, MAYOR** **BUILDING - COMMUNITY DEVELOPMENT - PLANNING**

February 15th, 2012

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Marsha McClure, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

Re: Declaratory and Confirming Resolutions for Tax Abatement- North American Composites

Dear Council Members and Clerk:

Attached is a tax abatement request for consideration at your Monday February 20th and Monday March 5th 2012 meetings. The request is for North American Composites, which is proposing to locate at 1460 East Twelfth Street, in the City of Mishawaka.

This property is not within the Southside TIF District boundaries, thus, the Redevelopment Commission was not required to consider the request. As you are aware, Tax Abatement requests are considered in two steps. In this case, staff has attached both the Declaratory and Confirming Resolutions for your consideration. We have included both resolutions at this time to afford the necessary advertising time. We are asking that the Council consider the Declaratory Resolution at your Tuesday February 20th meeting. If acted upon favorably, we would then ask that the Confirming Resolution be placed on the Council's March 5th agenda.

The following information about North American Composites was obtained from their website and is printed in *italic*:

*North American Composites (NAC) is a national distributor of composites raw materials based in Lino Lakes, MN. For over 30 years, NAC has served manufacturers in marine, cast polymer, corrosion, construction, consumer and related composites industries.*

*NAC partners with more than 150 raw material suppliers and manages over 250 vendor product lines to bring its manufacturing customers the best products the industry has to offer.*

*North American Composites provides its customers with a wide range of services in manufacturing equipment, process development and regulatory assistance. NAC is also a strong supporter of the composites industry through the American Composites Manufacturers Association (ACMA) and related industry trade groups across the country.*



City Hall ◦ 600 East Third Street ◦ Mishawaka IN ◦ 46544-2241
Community Development ◦ Redevelopment ◦ Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning ◦ Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

*NAC provides national coverage with local service through its 24 distribution centers in the U.S. and Canada. Each location serves local customers with fast, efficient deliveries of the products our customers need.*

*Our warehouses maintain inventories of all the materials necessary for composites manufacturing. Our local salespeople are knowledgeable and CCT certified to insure the best possible service to every manufacturer.*

North American Composites desires to utilize the property to operate its composite distribution business (another distribution center). North American Composites does not perform any manufacturing. This proposed location is intended for the sale and distribution of product only. For the most part NAC simply gets drums and other containers shipped in and then they sell those containers to customers in that same way. They have indicated that approximately once a month they will take a shipment that will require re-packaging, moving product from one container to another. The property is zoned I-2 Heavy Industrial. The Zoning Ordinance allows the proposed chemical bulk storage and warehouse distributing within an I-2 Heavy Industrial Zoning but only with approval of a Conditional Use Permit. This Conditional use permit received a favorable recommendation from the Board of Zoning Appeals and will be presented for your final consideration on February 20th as well, just prior to hearing the request for tax abatement.

The abatement requested is for both the real and personal property associated with the improvements needed to make this into a distribution facility. NAC envisions making $597,500 worth of improvements to the building, and will require personal property improvements of $648,500. The total investment currently envisioned is $1,246,000. A listing of the anticipated costs have been attached to the SB-1 forms.

Since the request included items such as new office paint and flooring, fork lifts, leased tractors, office furniture and other items that in my few years handling abatements for the City, we haven't had requested, I asked Randy Rompola of Faegra, Baker, and Daniels to review the application. He indicated that the items that are currently listed on the SB-1 forms would likely meet the statutory definition of what would be eligible for abatement. The important distinction/question outside the purview of the City that Randy made to me is <u>if those items would actually increase the assessed valuation</u> that would then receive a benefit from the abatement. The current assessed valuation of improvements on the property (the building) is $356,500. I think it is a reasonable expectation that the assessed valuation for these improvements will be substantially less than the actual cost of the improvements. As such, staff feels that it is reasonable for the applicant to include everything eligible for abatement in the request, understanding that the assessor will be the one that ultimately determines value, not the City. It also obviously benefits the City the higher that the assessed valuation actually comes out to be. In comparison, the actual assessed valuation that has been placed on the St. Joseph Regional Medical Center, is roughly 49 million dollars, or roughly 14% of the estimated actual construction/investment costs of 350 million.

Regarding employment, the proposed operation will bring an estimated 10 new positions to the City/region. The annual estimated payroll for these 10 positions is estimated at $750,000. The payroll is significant and attractive because of the higher wage sales and management positions that will be housed at this facility. As identified in the application, the proposed hourly rates range between 14 and 48 dollars per hour, excluding benefits and overtime.

Attached to this letter you will also find the applicant's SB-1 forms for personal property (SB-1/PP) and Real Estate Improvements (SB-1 Real Property). I have also attached the tax abatement applications that were previously distributed for your reference and use. Based upon the Council's approval of previous and similar projects, the size of capital investment and the number of jobs created, we believe the request meets our past practice history for a three-year phase-in of both the personal and real estate property



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taxes. A three year abatement is reasonable and has precedent. Therefore, the Administration supports and recommend a 3-year tax abatement for this project for both the real estate and the personal property.

Below is the estimated tax impact if the 3-year tax phase in is granted. Please note, this projection has been done two ways: one-assuming the investment is assessed at the installation cost, the second is if the investment is assessed at 20% of the installation cost. As illustrated in the hospital comparison, the actual assessed valuation will likely be considerably lower. My understanding that the value of the abatement could not exceed what has been identified on the SB-1 forms. This projection also assumes that the taxes are capped at a maximum level of 3%.

**Real Estate and Personal Property:**

Abatement projection at 100% investment assessed valuation $1,246,000

| Year | Year / Year Payable | Percent Abated | Taxes Abated | Taxes Paid |
|---|---|---|---|---|
| 1 | 2012 / 2013 | 100% | $37,380 | $0 |
| 2 | 2013 / 2014 | 66.7% | $24,932 | $12,462 |
| 3 | 2014 / 2015 | 33.3% | $12,462 | $24,932 |
| | | **TOTALS** | **$74,774** | **$37,380** |

Abatement projection at 20% investment assessed valuation $249,200

| Year | Year / Year Payable | Percent Abated | Taxes Abated | Taxes Paid |
|---|---|---|---|---|
| 1 | 2012 / 2013 | 100% | $7,476 | $0 |
| 2 | 2013 / 2014 | 66.7% | $4,986 | $2,497 |
| 3 | 2014 / 2015 | 33.3% | $2,497 | $4,986 |
| | | **TOTALS** | **$14,959** | **$7,483** |

The Administration feels that the proposed additional investment of $1,246,000 and hiring of 10 additional employees is an appropriate use of the economic development tool of tax abatement as an incentive to bring this new capital investment into Mishawaka.

Thank you for your consideration. Please do not hesitate to contact me with any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor



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# STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R / 1-06)
Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**PRIVACY NOTICE**
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

*INSTRUCTIONS:*

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body* ***BEFORE*** *a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment,* ***BEFORE*** *a deduction may be approved*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001. For equipment installed prior to March 2, 2001, the schedules and statutes in effect at the time shall continue to apply. (IC 6-1.1-12.1-4.5(f) and (g))*

**SECTION 1 — TAXPAYER INFORMATION**

Name of taxpayer
North American Composites Company (NAC)

Address of taxpayer *(number and street, city, state, and ZIP code)*
300 Apollo Drive, Lino Lakes, MN 550104-3018

Name of contact person
Jerry D. Davis

Telephone number
(651) 766-5485

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

Name of designating body
City of Mishawaka, Indiana, Department Of Building, Community Development

Resolution number (s)

Location of property
1460 East 12th Street, Mishawaka, IN 46544-5824

County
St. Joseph

DLGF taxing district number
023

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

Total of $648,500 – see Exhibit A. Start Date is date of City of Mishawaka approval, if any. Bids and orders will be submitted thereafter; the actual Completion Date will vary by vendor, depending on availability & other factors.

| | ESTIMATED START DATE | ESTIMATED COMPLETION DATE |
|---|---|---|
| Manufacturing Equipment | | |
| R & D Equipment | | |
| Logist Dist Equipment | | |
| IT Equipment | | |

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

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 0 | 0.00 | 0 | 0.00 | 10 | 750,000.00 |

**SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

| **NOTE:** Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the **COST** of the property is confidential. | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Current values | | | | | | | | |
| Plus estimated values of proposed project | | | | | 611,000.00 | | 7,500.00 | |
| Less values of any property being replaced | | | | | | | | |
| Net estimated values upon completion of project | | | | | 611,000.00 | | 7,500.00 | |

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

Estimated solid waste converted *(pounds)* ____________

Estimated hazardous waste converted *(pounds)* ____________

Other benefits:

Possibility of expansion to Regional Distribution Center for NAC

**SECTION 6 — TAXPAYER CERTIFICATION**

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

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| Jerry D. Davis | Vice President - Operations | 02/06/2012 |

## FOR USE OF THE DESIGNATING BODY

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

A . The designated area has been limited to a period of time not to exceed ____________ calendar years * *(see below)*. The date this designation expires is ________________________________ .

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

1. Installation of new manufacturing equipment; ☐ Yes ☐ No
2. Installation of new research and development equipment; ☐ Yes ☐ No
3. Installation of new logistical distribution equipment. ☐ Yes ☐ No
4. Installation of new information technology equipment; ☐ Yes ☐ No

C. The amount of deduction applicable to new manufacturing equipment is limited to $ __________________ cost with an assessed value of $ ____________________.

D. The amount of deduction applicable to new research and development equipment is limited to $ _________________ cost with an assessed value of $ ____________________.

E . The amount of deduction applicable to new logistical distribution equipment is limited to $ ________________ cost with an assessed value of $ ____________________.

F. The amount of deduction applicable to new information technology equipment is limited to $ ________________ cost with an assessed value of $ ____________________.

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

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:

| | | |
|---|---|---|
| ☐ 1 year | ☐ 6 years | ** For ERA's established prior to July 1, 2000, <u>only</u> a 5 or 10 year schedule may be deducted. |
| ☐ 2 years | ☐ 7 years | |
| ☐ 3 years | ☐ 8 years | |
| ☐ 4 years | ☐ 9 years | |
| ☐ 5 years ** | ☐ 10 years ** | |

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

| Approved: *(signature and title of authorized member)* | Telephone number | Date signed *(month, day, year)* |
|---|---|---|
| Attested by: | Designated body | |

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5

**Exhibit A**

## PERSONAL PROPERTY IMPROVEMENTS *(1460 East 12th Street)*

| Row No. | Description of The Equipment | Est. Price Per Unit | Required Quantity | TOTAL PRICE | Categorization Logistics | IT | Other |
|---|---|---|---|---|---|---|---|
| 1 | Forklifts | $25,000 | 2 | $50,000 | *$50,000* | – | |
| 2 | Electric Pallet Jacks | $4,000 | 3 | $12,000 | *$12,000* | – | |
| 3 | Pallet Racks w/ In Rack Sprinklers | $30,000 | 1 | $30,000 | *$30,000* | – | |
| 4 | Van Trailers with Liftgate | $45,000 | 2 | $90,000 | *$90,000* | – | |
| 5 | New Fiberglass Slitter Machine with Hoist | $45,000 | 1 | $45,000 | *$45,000* | – | |
| 6 | New Security System | $7,500 | 1 | $7,500 | – | – | *$7,500* |
| 7 | New Telephone System | $7,500 | 1 | $7,500 | – | – | *$7,500* |
| 8 | Office Funiture | $15,000 | 1 | $15,000 | – | – | *$15,000* |
| 9 | 2 Leased Tractors (7 Year Term) | $190,000 | 2 | $380,000 | *$380,000* | – | |
| 10 | New Computer Equipment | $7,500 | 1 | $7,500 | – | *$7,500* # | |
| 11 | Miscellaneous Warehouse Equipment | $10,000 | 1 | $4,000 | *$4,000* | – | |
| 12 | (Drum Dollys, Load Locks, Security Straps, etc.) | | | | | | |
| 13 | **TOTAL** | **$386,500** | **1.68** | **$648,500** | *$611,000* | *$7,500* | *$30,000* |

**STATEMENT OF BENEFITS**
**REAL ESTATE IMPROVEMENTS**
State Form 51767 (R3 / 12-11)
Prescribed by the Department of Local Government Finance

| |
|---|
| 20____ PAY 20____ |
| FORM SB-1 / Real Property |

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

- ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- ☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

*INSTRUCTIONS:*

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body* ***BEFORE*** *the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation,* ***BEFORE*** *a deduction may be approved.*
3. *To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor, if any, or the county assessor.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j))*
5. *The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.*

**SECTION 1 — TAXPAYER INFORMATION**

| | | |
|---|---|---|
| Name of taxpayer: North American Composites Company (NAC) | | |
| Address of taxpayer (*number and street, city, state, and ZIP code*): 300 Apollo Drive, Lino Lakes, MN 550104-3018 | | |
| Name of contact person: Jerry D. Davis | Telephone number: (651) 766-6485 | E-mail address: JDavis@NAComposites.com |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

| | | |
|---|---|---|
| Name of designating body: City of Mishawaka, Indiana, Department Of Building, Community Development | | Resolution number |
| Location of property: 1460 East 12th Street, Mishawaka, IN 46544-5824 | County: St. Joseph | DLGF taxing district number: 023 |
| Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*): See attached Exhibit A — Total of $597,500 | | Estimated start date (*month, day, year*) |
| | | Estimated completion date (*month, day, year*) |

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

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 0.00 | $0.00 | 0.00 | $0.00 | 10.00 | $750,000.00 |

**SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

| NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential. | REAL ESTATE IMPROVEMENTS COST | REAL ESTATE IMPROVEMENTS ASSESSED VALUE |
|---|---|---|
| Current values | | 356,500.00 |
| Plus estimated values of proposed project | 597,500.00 | 597,500.00 |
| Less values of any property being replaced | | |
| Net estimated values upon completion of project | | 954,000.00 |

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

Estimated solid waste converted (*pounds*) ____________ Estimated hazardous waste converted (*pounds*) ____________

Other benefits

North American Composites Company (NAC) has a successful 40-year track record. Most municipalities consider it to be a clean business that adds value. NAC acquired the Mishawaka site because it provides an opportunity for expansion. NAC is a distributor to the composites business; Indiana is the 2d largest market. It's an ideal spot to make into a regional HQ.

Also, when these improvements are done, the property will be H-3 compliant. H-3 occupancy is not readily available within Indiana (or anywhere else). As such, the space tends to sell or rent very quickly. The City minimizes the chance of having vacant space that may deteriorate, etc.

**SECTION 6 — TAXPAYER CERTIFICATION**

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

| Signature of authorized representative | Title | Date signed (*month, day, year*) |
|---|---|---|
| Jerry D. Davis | Vice President - Operations | 02/06/2012 |

## FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed ___________ calendar years * *(see below)*. The date this designation expires is ______________________________ .

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

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

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

E. The deduction is allowed for ____________________________ years* *(see below)*.

F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
   If yes, attach a copy of the alternative deduction schedule to this form.

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

| Approved (*signature and title of authorized member of designating body*) | Telephone number<br>(      ) | Date signed *(month, day, year)* |
|---|---|---|
| Attested by (*signature and title of attester*) | Designated body | |

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.12-12.1-4.

A. For residentially distressed areas, the deduction period may not exceed five (5) years.
B. For redevelopment and rehabilitation or real estate improvements:
   1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
   2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
C For vacant buildings, the deduction period may not exceed two (2) years.

**Exhibit A**

## REAL PROPERTY IMPROVEMENTS *(1460 East 12th St.)*

| Row No. | Description of The Improvement | Est. Price Per Unit | Required Quantity | TOTAL PRICE |
|---|---|---|---|---|
| 1 | Secondary Containment in Warehouse | $25,000 | 1 | $25,000 |
| 2 | Cool Room - Organic Peroxide Storage | $100,000 | 1 | $100,000 |
| 3 | Vinyl Ester Resin Storage Room | $100,000 | 1 | $100,000 |
| 4 | Tanker Transfer Station Pad and Work Room | $50,000 | 1 | $50,000 |
| 5 | Improve Fire Suppression System Density | $265,000 | 1 | $265,000 |
| 6 | 2 New Docks | $25,000 | 2 | $50,000 |
| 7 | New Office Paint and Flooring | $7,500 | 1 | $7,500 |
| 8 | **TOTAL** | **$572,500** | **1.04** | **$597,500** |

PROPOSED ORDINANCE NO. 2012-01

ORDINANCE NO.____________

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2012

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, 2012, in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Local Major Moves Fund of the City of Mishawaka the sum of $3,614,335.96 for assignment as follows:

**Local Major Moves Fund**

Capital Outlay

403-50-460-06 Bennington Drive / Twelfth Street Improvements $3,614,335.96

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 ________________,2012 at _____________ o'clock, ______.M.

___________________________________
Presiding Officer

ATTEST:

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

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana on this______________day of ___________________, 2012 at________ o’clock, ______M.

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

APPROVED BY ME this ________day of ____________________, 2012 at _____________o'clock, _____.M.

_____________________________________
David A. Wood, Mayor

# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF ENGINEERING

GARY E. WEST
Director of Engineering
CHRISTINE M. JAMROSE, P.E.
Assistant Director of Engineering
TERRY R. HOGMAN
Construction Manager
DEBORAH L. WHEELER
Project Manager
R. TODD SCHEETS
Traffic Manager
MELISSA A. McGUIRE
MS4 Coordinator

February 2, 2012

Mishawaka Common Council
600 East Third Street
Mishawaka, IN 46544

Re: Appropriation of Additional Funds
Proposed Ordinance No. 2012-01
Bennington Dr. /Twelfth Street Improvements

Honorable Council Members:

Proposed Ordinance 2012-01 is for the Appropriation of $3,614,335.96 in additional funds from the Local Major Moves Fund which is the balance in the fund. These funds will establish a new project account to be utilized for engineering and construction of two major road projects.

- Bennington Drive and Utility Extension North of Harrison Road, Total $1,150,000
  Consultants have estimated the breakdown of costs as follows:
  1. Design $113,000
  2. Right of Way incl. title work, parcel engineering, appraisals and purchase $60,000
  3. Construction Costs for Bennington Dr. and Utility Extension $977,000

- Twelfth Street Improvements, Lexington extending east to Blackberry Road, Total $2,460,000
  Consultants have estimated the breakdown of costs as follows:
  1. Right of Way incl. title work, parcel engineering, appraisals and purchase $942,000
  2. City Share of Construction Costs (20%) $1,320,000
  3. Construction Engineering (15% of Constr. Cost x 20%) $198,000

Early in 2010 I appropriated funds from the Major Moves Fund to begin the design of Twelfth Street, complete soil borings and update the environmental report. With this funding in place it will allow us to proceed with the construction of the extension of Bennington Drive to serve the new fire station, later this summer. It will also provide funding to begin the land acquisition phase of the widening of Twelfth Street and will set aside funds for the local share of the construction of Twelfth Street which could begin in the spring of 2013.

If you have questions regarding this matter please contact my office.

Very truly yours

Gary E. West

Gary E. West
Director of Engineering

Cc: Mayor Wood
Yvonne Milligan

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E-Mail: Engineering@Mishawaka.IN.gov • Website: Mishawaka.IN.gov