City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 06 April 2022 at 6:30pm

Regular Session

CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
06 APRIL 2022

Council Chambers (#115), Showers Building, 401 N. Morton Street
The public may also access the meeting at the following link:
https://bloomington.zoom.us/j/86395591422?pwd=OGhGRkJNSzVvRHROc3RiaG41RTg1Zz09

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES

- January 05, 2022 (Organizational Meeting)

IV. REPORTS (*A maximum of twenty minutes is set aside for each part of this section*.)

A. Councilmembers

B. The Mayor and City Offices

a. New Revenue Package Proposal – Mayor Hamilton

C. Council Committees

D. Public*

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

A. Ordinance 22-05 - To Vacate Public Parcels – Re: Two 16.5-Foot Wide Alley Segments Located Between West 1st Street, West 2nd Street, South Rogers Street, and South Morton Street (City of Bloomington Redevelopment Commission, Petitioner)

Committee recommendation: Do Pass 5-0-1

B. Ordinance 22-06 – To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: The Johnson's Creamery Historic District

Committee recommendation: Do Pass 6-0-0
Amendment 02: Do Pass 2-4-0

(over)

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or email council@bloomington.in.gov.

Posted: 01 April 2022

VII. LEGISLATION FOR FIRST READINGS

A. Ordinance 22-12 – To Amend Title 9 of the Bloomington Municipal Code Entitled "Water" (Rate Adjustment)

B. Ordinance 22-13 – Authorizing the Issuance of the City of Bloomington, Indiana, General Obligation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality of Life Improvements for all City Residents

C. Ordinance 22-14 – Approving the Issuance of the City of Bloomington, Indiana Park District Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Park Purposes, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality Of Life Improvements for all City Residents

VIII. ADDITIONAL PUBLIC COMMENT* (*A maximum of twenty-five minutes is set aside for this section.*)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or email council@bloomington.in.gov.

Posted: 01 April 2022

City of Bloomington
Office of the Common Council

NOTICE

Wednesday, 06 April 2022

Regular Session

Starting at 6:30 pm

This meeting will be held in the Council Chambers (Suite #115, City Hall, 401 N. Morton St) and may also be accessed electronically via Zoom (see information below).

Join Zoom Meeting
https://bloomington.zoom.us/j/86395591422?pwd=OGhGRkJNSzVvRHROc3RiaG41RTg1Zz09

Meeting ID: 863 9559 1422
Passcode: 773109
One tap mobile
+13017158592,,86395591422# US (Washington DC)
+13126266799,,86395591422# US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
Meeting ID: 863 9559 1422
Find your local number: https://bloomington.zoom.us/u/kblq5ZA9SC

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, 01 April 2022

City of Bloomington
Office of the Common Council

Minutes for Approval

05 January 2022

COMMON COUNCIL
ORGANIZATIONAL MEETING
January 05, 2022

In Bloomington, Indiana on Wednesday, January 05, 2022, at 6:30 pm, Council President Jim Sims presided over an Organizational Meeting of the Common Council. This meeting was conducted electronically via Zoom per the Governor's Executive Orders.

ROLL CALL [6:32 pm]

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

AGENDA SUMMATION [6:31 pm]

Council President Jim Sims summarized the agenda.

APPROVAL OF MINUTES [6:31 pm]

There were no minutes for approval.

REPORTS

- COUNCIL MEMBERS [6:35 pm]

Sgambelluri noted her constituent meeting that was to be held on the upcoming Saturday.

Smith said Community Development Block Grant (CDBG) Committee would be meeting soon.

Volan stated that he would be bringing legislation later in the month regarding commission appointment seats.

Flaherty noted that his constituent meetings would be held on the third Monday of each month throughout the year.

Rollo spoke about the joint constituent meeting with Sandberg which would be held on the third Saturday of each month throughout the year.

Piedmont-Smith announced her constituent meetings that would be held on the second Saturday of each month during the year. She commented on the first anniversary of the January 6th insurrection and urged all voters to protect the democratic process.

Sims congratulated Jennifer Crossley on making history with her election to the Monroe County Council.

- The MAYOR AND CITY OFFICES

There were no reports from the Mayor or city offices.

- COUNCIL COMMITTEES

There were no council committee reports.

- PUBLIC

There was no public comment.

ELECTION OF OFFICERS

Flaherty moved and it was seconded to suspend the rules to conduct the election of council offers and appointment to boards and commissions.

Vote to Suspend the Rules [6:48 pm]

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Sims noted that if the candidate did not receive a majority of the vote then that candidate would be dropped and the process would continue until they concluded with a winner. He also noted once the presidency of council was completed, that the virtual gavel would be passed over to that person to complete the rest of the meeting.

There was a brief discussion about the election of officers.

Flaherty moved and it was seconded to modify his previous motion to consider the officer positions sequentially.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to Modify Process [6:52 pm]

Council President:

Rollo moved and it was seconded to nominate Sandberg to Council President.

Piedmont-Smith moved and it was seconded to nominate Flaherty to Council President.

There was a discussion about whom to choose as Council President.

Vote for Council President [7:19 pm]

The motion received a roll call vote as follows:

Matt Flaherty ***- Flaherty***
Isabel Piedmont-Smith ***- Flaherty***
Dave Rollo ***- Sandberg***
Kate Rosenbarger ***- Flaherty***
Susan Sandberg ***- Sandberg***
Sue Sgambelluri ***- Sandberg***
Jim Sims ***- Sandberg***
Ron Smith ***- Sandberg***
Stephen Volan ***- Flaherty***

Council President Final Tally: **Sandberg** 5, Flaherty 4

Sims thanked the community for support during his term as Council President. He also gave the virtual gavel to Sandberg.

Incoming Council President Susan Sandberg presided over the remainder of the meeting.

There was a brief discussion about previous presidents receiving their commemorative gavels.

Council Vice President:

President Sandberg asked if there were any nominations for Council Vice President.

Sims moved and it was seconded to nominate Sgambelluri for Council Vice President.

Rosenbarger moved and it was seconded to nominate Flaherty to Council Vice President.

There was a discussion about whom to choose as Council Vice President.

Vote for Council Vice President [7:34 pm]

The motion received a roll call vote as follows:

Matt Flaherty ***- Flaherty***
Isabel Piedmont-Smith ***- Flaherty***
Dave Rollo ***- Sgambelluri***
Kate Rosenbarger ***- Flaherty***
Susan Sandberg ***- Sgambelluri***
Sue Sgambelluri ***- Sgambelluri***
Jim Sims ***- Sgambelluri***
Ron Smith ***- Sgambelluri***
Stephen Volan ***– Flaherty***

Council Vice President Final Tally: **Sgambelluri** 5, Flaherty 4

Council Parliamentarian:

Sandberg asked if there are any nominations for Council Parliamentarian.

Smith moved and it was seconded that Rollo be elected as Parliamentarian.

There was a discussion about the role of the Parliamentarian.

Vote for Parliamentarian [7:47 pm]

The roll call vote for Rollo as Parliamentarian was Ayes: 9, Nay: 0, Abstain: 0.

Sandberg reviewed the new seating assignments for members for in-person meetings for council members.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to boards or commissions.

ASSIGNMENTS TO COUNCIL COMMITTEES

Sandberg noted she wanted to have more time to talk to council members for appointments to council committees and wanted to have a motion for the delay.

Clerk Nicole Bolden asked if the delay was for appointments to boards or commissions.

Sandberg stated the delay was for the individual council appointments to committees.

Sims moved and it was seconded to postpone the appointments to boards and commissions until the next regularly scheduled meeting on January 12, 2022, at 6:30 pm.

Vote to Postpone Appointments [7:54 pm]

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:56 pm]

Resolution 22-01 Preliminary Approval to Issue Economic Development Revenue Bonds and Lend the Proceeds for the Renovation of Affordable Housing - Re: County View Apartments, 2500 S Rockport Road (Country View Housing, LP, on behalf of itself of an affiliated to-be-formed entity, Petitioner)

Rollo moved and it was seconded that Resolution 22-01 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Resolution 22-01 be adopted.

Larry Allen, Assistant City Attorney, presented the legislation and Tyler Kalachnik and Janine Betsey co-presented. The legislation supported tax-exempt financing for the renovation of affordable housing located at 2500 S. Rockport Road.

Council discussion:

There was council discussion related to adverse competitive impact, the language related to applying for tax credits, and the percentage of affordable housing units.

Public comment:

There was no public comment on Resolution 22-01.

Council discussion:

Sims noted his support for the resolution.

Vote to adopt Resolution 22-01 [8:15pm]

The motion to adopt Resolution 22-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

ADDITIONAL PUBLIC COMMENT

Jim Shelton spoke about the need for Court Appointed Special Advocates (CASA) volunteers.

Sam Dove gave a written comment about crosswalk safety.

COUNCIL SCHEDULE [8:18 pm]

Heather Lacy reviewed the upcoming council schedule.

ADJOURNMENT [8:20 pm]

Sandberg moved and it was seconded to adjourn. The motion was approved by voice vote.

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of ____________________, 2022.

APPROVE:

____
Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

____
Nicole Bolden, CLERK
City of Bloomington

CITY OF
BLOOMINGTON

TO: Members of the Common Council

FROM: Mayor John Hamilton

RE: New Revenue Package

DATE: March 16, 2022; Revised March 18, 2022

Introduction

The City of Bloomington faces a pivotal moment. Coming out of the pandemic we can meet that moment and lead our community forward. If we don't, we risk shortchanging programs and services on which our residents rely.

Since 2016, together we have made great progress in our City in providing excellent essential services and improving opportunities for our residents. We are the only city in Indiana with a nationally accredited police force and a top-ranked fire department (ISO 1). We have seen unprecedented private investment and public infrastructure progress. Our jobs and wage rates are increasing. We've made real progress toward more affordable housing and climate action.

For the 2023 City budget and beyond, the City needs additional revenue to appropriately fund continued progress, specifically for investments in:

- **Public safety**, including newly-negotiated Police salaries, future Fire Department salary negotiations, continued innovation of service delivery, and building replacements and upgrades
- **Climate change preparedness and mitigation** to enhance public transit and advance goals set in the Climate Action Plan (CAP)
- **Equity and quality of life for all**, including access to housing, good jobs, local food, the arts, and economic stability
- **Essential city services**, to maintain assets and assure ongoing excellence

This memo outlines a range and scope of critical investments needed to move Bloomington ahead – sustainably, inclusively, and efficiently. These investments embody the values of our community and help ensure that City government can address the challenges of our time. We offer this proposal for discussion and consideration by Council and look forward to working together to finalize it.

Local Revenue Options

Difficult times persist for many in our community, who are managing ongoing impacts of the pandemic and who face availability and cost pressures with housing, health care, child care, transportation, education, and other basic needs. The climate emergency has not abated during the past two years and looms ever larger in our lives. City government has an essential role to play in helping address these challenges and opportunities locally, and it takes revenue to deliver services. The Administration first highlighted the need for new revenue in January 2020. Recent one-time federal pandemic recovery funding has been essential to bridging our gaps, but it is not ongoing, and we cannot rely on federal or state funding to meet key ongoing local challenges.

As discussed with Council during the 2022 budget cycle, the Administration is proposing an increase to the Monroe County Local Income Tax (LIT) rate and the issuance of two $5 million general obligation (G.O.) bonds on a five-year cycle. This combination offers practical, complementary tools: a LIT increase supports annual funding for ongoing programs and initiatives, including personnel; G.O. bonds efficiently fund infrastructure improvements project by project.

We would use these tools to fund proposed investments that emerged from consultations with members of the City Council and city residents, other partners and local institutions, members of the Monroe County Council and Commissioners, Ellettsville Town Council, and other interested parties. The proposed investments also reflect the priorities and goals of Bloomington embodied in many plans and documents, including the Climate Action Plan, Transportation Plan, Parks Master Plan, Sustainability Action Plan, Comprehensive Plan, Housing Study, Plan to Advance Racial Equity, Wage Growth Taskforce, City Surveys, and more. We look forward to continued refinements of this proposal through discussions with all interested parties, and robust public feedback, in the coming weeks.

The Administration will continue rigorous efforts to reduce expenses and contain costs through innovation and reform. Recent examples include:

- Major solar installations that reduce energy costs: Parks saving $50,000 annually
- Using smaller, quick response vehicles instead of large engines: Fire saving $1,200,000 in vehicle replacement costs
- Sanitation system reform and automation:
  - Eliminates the need to fill one position: the total savings of leaving the position unfilled fluctuates yearly based on other variables such as landfill fees and recycling processing costs
  - From 2020 to 2021, workers compensation costs at the City decreased a total 28%
- Street crews adjusting work shifts to improve paving efficiencies
- Innovations in the leaf collection system: saving $200,000 annually thus far

The list of needed investments demands additional revenue. Two questions pertain: what does it cost to do it? And what does it cost NOT to do it? Our needs are urgent and fundamental. Appropriate investments will continue Bloomington on a positive trajectory and offer true opportunity for all. Lack of investment would diminish our future and shortchange our residents. Indeed, not raising revenue would mean we could not meet negotiated salaries for our police officers or planned investments in climate mitigation. It would mean significant reductions in existing programs and personnel resources.

On the question of whether we have the capacity to raise additional local revenue responsibly, the answer is yes: We are at present a very low-tax city. Indiana is a relatively low-tax state, and among Indiana's 20 largest cities (excluding Indianapolis/Marion County), Bloomington is in the lowest quartile of both property and local income tax rates. Considering combined rates, we are nearly at the very bottom *(See Appendix A.1).* We have the lowest LIT rate among our seven contiguous counties, and we sit in the bottom quartile statewide *(See Appendix A.2).*

We are also low comparatively when it comes to government expenditures, revealing the capacity for responsible growth. Looking at per-capita annual spending from city general funds, Bloomington ranks 14th among Indiana's 20 largest cities (excluding Indianapolis/Marion County). Our $624 per capita annual spending is 16% below the median of $742 *(See Appendix A.3).*

In addition, recent trends suggest that Bloomington wages have accelerated over the past several years, surpassing several comparable Indiana cities and growing more in line with national wage growth trends. We have caught up to the state average, and are one of only 11 counties in the state with average weekly wages above $1,000 *(See Appendix A.4).*

Reviewing our per capita overall debt levels indicates significant capacity for additional debt investment. Looking at the public debt per capita of the 20 largest Class 2 cities in Indiana, Bloomington sits right in the middle, ranking 10th with a debt-per-capita of $2,931. After issuing $10,000,000 of additional G.O. bonds, the City will remain in 10th position, with an estimated per capita level of $3,057. *(See Appendix A.5).*

Specifically, our capacity to issue general obligation bonds (G.O. bonds) is strong: G.O. bonds have a statutory limit of 2% of adjusted net assessed value. Using this calculation, the City has an overall G.O. bonding capacity of approximately $28,000,000–which will grow over time with assessed value. Subtracting our outstanding debt of approximately $10,000,000, we retain a G.O. bonding capacity of approximately $18,000,000. With approval of the current G.O. bond proposal of $5,000,000, the City would retain approximately 46% of its current capacity. *(See Appendix A.6).*

The Parks department has authority to issue separate debt, and has outstanding Parks G.O. bond debt of $14,805,000 and total outstanding debt of $18,130,000. There is no statutory limit on Parks G.O. debt. *(See Appendix A.7).*

Proposed LIT Annual Investments

See Appendix B: LIT Details for more detailed information about the proposed items to be funded with a LIT increase.

Public Safety - $4,500,000

The City needs major additional annual investments in public safety in several areas:

- To support sworn police officer personnel costs, for retention and recruitment, following the direction of City Council and as included in our contingent four-year labor agreement with the Fraternal Order of Police (FOP)
- To continue investments in public safety reforms, including alternatives to 911 responses with non-sworn police and fire personnel, enhanced community-based public safety, and ongoing support for programs like the STRIDE Center
- To replace or upgrade essential buildings, some damaged by flood and some outdated, including a police HQ, a fire HQ, and four of five current fire stations. None of these costs are included in the 10-year Public Safety LIT capital plan

Climate Change Preparedness and Mitigation - $6,345,000

Our community needs major investments to prepare for and mitigate the impacts of climate change, including many identified in the City's Climate Action Plan (CAP). Investments include major enhancements in public transit and direct investments in accomplishing goals of the CAP:

- Bloomington Transit (BT) enhancements:
    - New East-West Express Transit line, with 15-minute frequency weekday service *(See Appendix A.8)*
    - New Paratransit service city-wide, on-call, and Microtransit services, expanding beyond fixed bus routes *(See Appendix A.9)*
    - New Sunday routes for 7-day service *(See Appendix A.10)*
    - Improved service level, with maximum 30-minute frequency on all routes
    - New pilot programs for Park and Ride services, and
    - New subsidy programs to lower costs for regular BT riders
- Climate Action Plan (CAP) direct investments:
    - Energy and built environment
    - Local food & agriculture
    - Waste management
    - Additional support for increasing Bloomington's tree canopy
    - Funding for the Green Ribbon Panel to accelerate climate action

See the FAQs for more information about proposed expenditures to support Climate Action Plan implementation

Equity and Quality of Life for All - $3,650,000

Investments are needed to advance equity and enhance the quality of life for *all* Bloomington residents. This includes:

- Improving housing affordability, for homebuyers and renters, as well as those experiencing homelessness
- Helping residents get better jobs through training, apprenticeships, and skills coaching
- Supporting access to local food for all
- Supporting a vibrant local arts community
- Expanded ADA accessibility measures
- Measures designed to lessen the LIT burden to low-income workers by providing them access to an economic equity fund

Essential City Services - $2,500,000

The City also needs major ongoing investments to maintain the essential City services on which we all rely. Increased funding will be necessary to:

- Maintain physical facilities and physical assets
- Cover increases to major expenses like insurance, materials, and services
- Improve IT infrastructure and cybersecurity
- Attract and retain City staff and fund any new positions that may be needed as a result of our increased programs and services. Use financial and non-financial retention strategies to attract and retain a diverse, qualified workforce.

General Obligation Bond Funded Projects:

See Appendix C for a list of Parks and Public Works G.O. bond items, which may be modified based on input from the Council.

Bonds are for longer-term projects and capital investments that generate revenue to repay the bond obligations; they are less applicable for providing ongoing City services. The proposed G.O. bond projects generally parallel priorities listed above, specifically “climate change preparedness” and “equity and quality of life for all.” The following proposed projects follow up on commitments made to the City Council in the context of the 2022 budget discussions:

Parks Bond

- Covenanter protected bike lanes, from College Mall Rd. to Clarizz Blvd.
- Dunn Street multi-use path from the Bypass to Old SR 37
- Griffy Loop Trail dam crossing and community access
- W. 2nd St. Signals and protected bike lane (Walker St. to B-Line trail)
- Replace gas-powered equipment with electric equipment
- Cascades Phase 6 - path/connection to Miller Showers Park

- Replace missing sidewalk on Rogers St. by Switchyard Park

Public Works Bond
- Citywide LED conversion of street lights
- Energy efficiency retrofits for all City buildings
- City fleet vehicle hybrid/electrification fund
- GPS for city vehicle fleet
- High St. Signals and multi-use path from Arden Dr. to 3rd St.
- Create green waste yard at Lower Cascades Park
- Vehicle upgrades for sustainability (hybrid/electric vehicles)
- Citywide traffic signal retiming
- Downtown ADA Curb Ramps (W. Kirkwood and Indiana Ave. corridors)
- Sidewalk projects (TBD)

Acknowledging these many projects are more than proposed revenues can support, the Administration looks forward to receiving feedback and assistance from City Council prioritizing potential General Obligation Bond Funded Projects.

Conclusion and Next Steps

Bloomington is at a crossroads. After the pandemic, in the recovery, what will our path be? New revenue is essential to meet basic obligations and address critical challenges. With this proposal, we offer an ambitious and value-centered path forward. We want this proposal to encourage dialogue and expect it to be refined over the coming weeks. The administration plans to present this proposal formally to the City Council on April 6.

The Appendices to this memo offer details for the projects we have prioritized based on prior consultations, and for other potential projects. We will soon launch on our website a public poll and a feedback form specific to new revenue. In addition, we encourage residents to provide feedback via social media messaging or by email to mayor@bloomington.in.gov. As details are developed, we will share information on the City's web page dedicated to new revenue, at bloomington.in.gov/newrevenue.

Bloomington has long been a special place to live, work, and visit. New revenue is needed to keep it so. We strive to be a leader in the midwest and across the country in livability, inclusion, access to amenities, quality of public safety services, transit options, arts, cultural opportunities, and more. New revenue is needed to achieve this and to live our values. The pandemic taught us all crucial lessons about the need to nurture community, build resilience, and close stubborn gaps in equitable access to opportunity. Our shared future depends upon our actions today.

Appendix A - Revised March 18, 2022

Figure A.1: Combined Property & Local Income Tax

Bloomington's combined tax rate relative to the 20 largest cities in Indiana.

Source: Reedy Financial Group

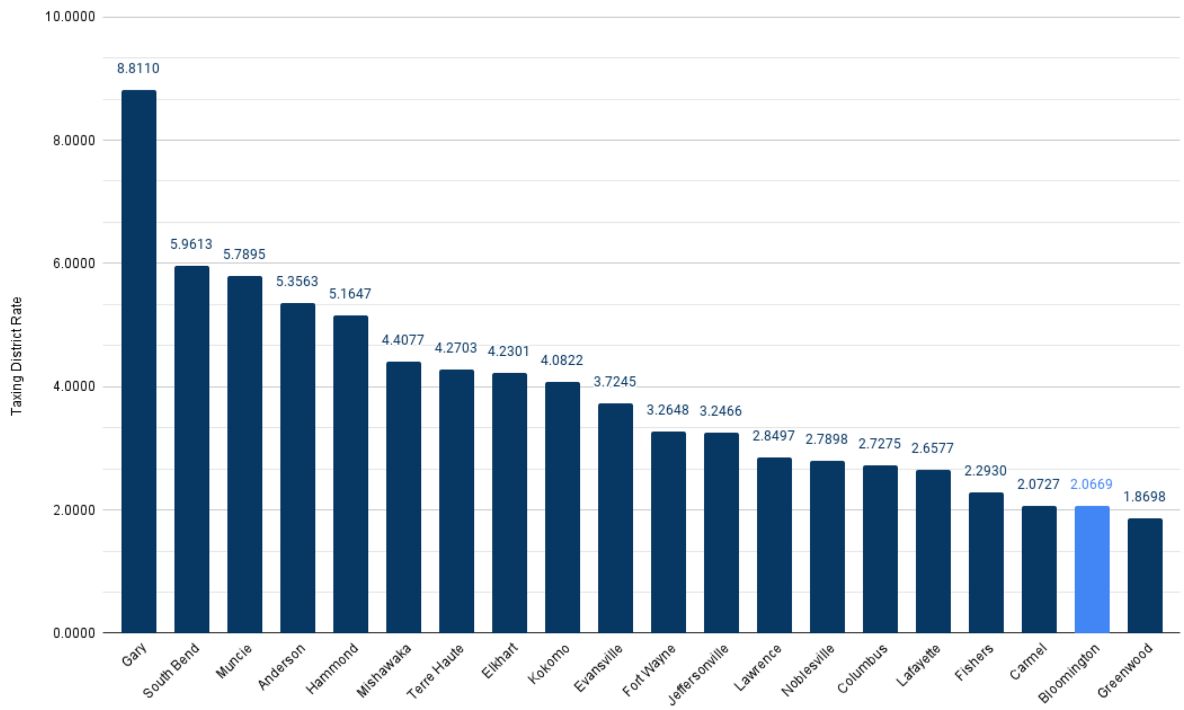


Figure A.2: County LIT Rates
Monroe County's LIT rate as compared to our six contiguous counties.
Source: Indiana Department of Revenue

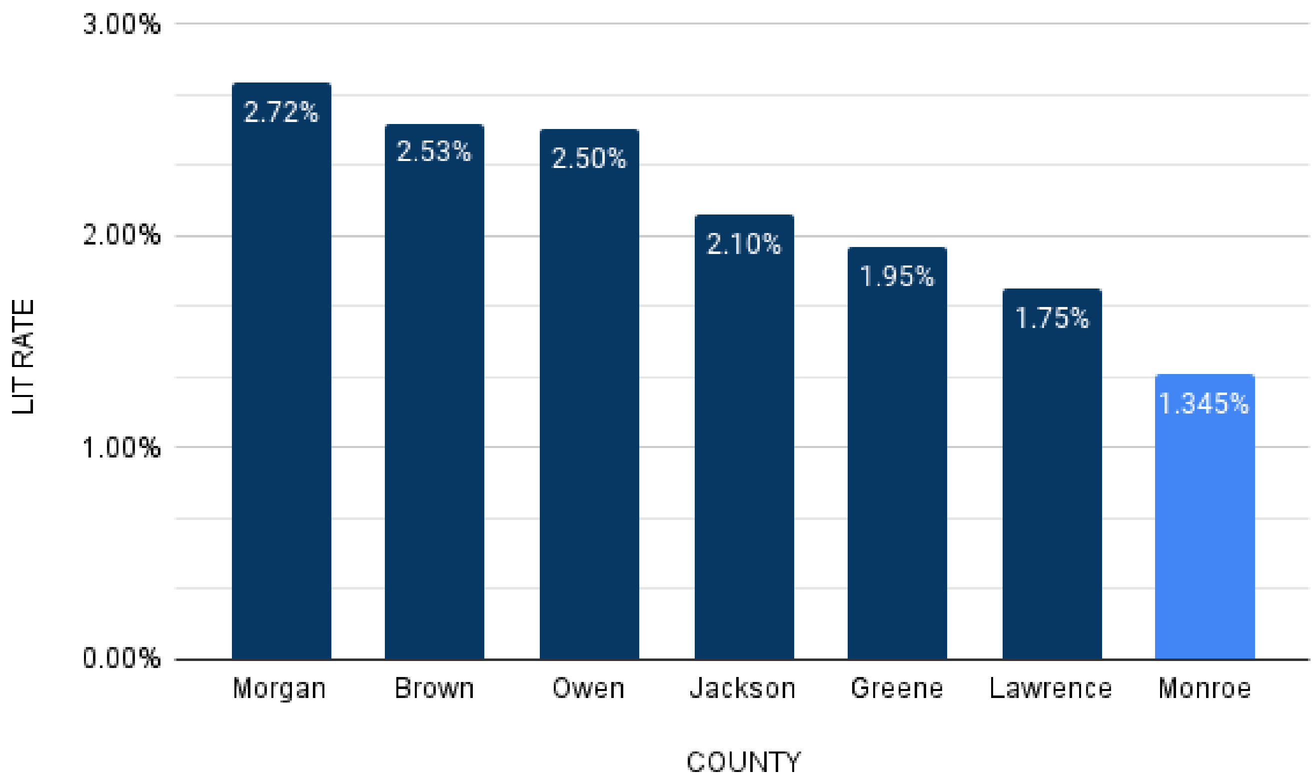


Figure A.3: Per-capita Annual Spending

The 20 largest Class 2 cities in Indiana, ranked by per-capita annual spending from the general fund.

Source #1: 2022 General Fund Budgets in Gateway
Source #2: 2020 Census Population Data

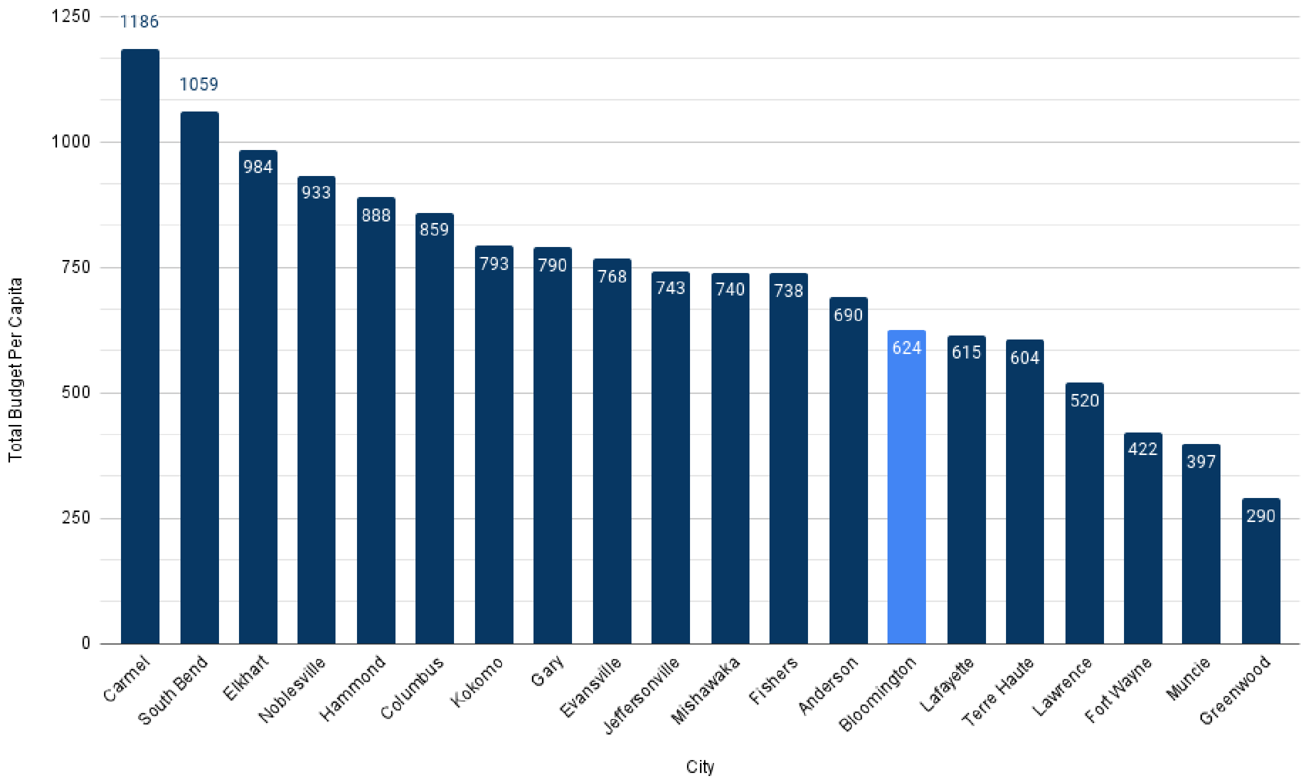


Figure A.4: Wage Growth

First-quarter wage growth in Bloomington, compared to the national and state averages and similarly-sized Indiana cities.

Source: Bureau of Labor Statistics

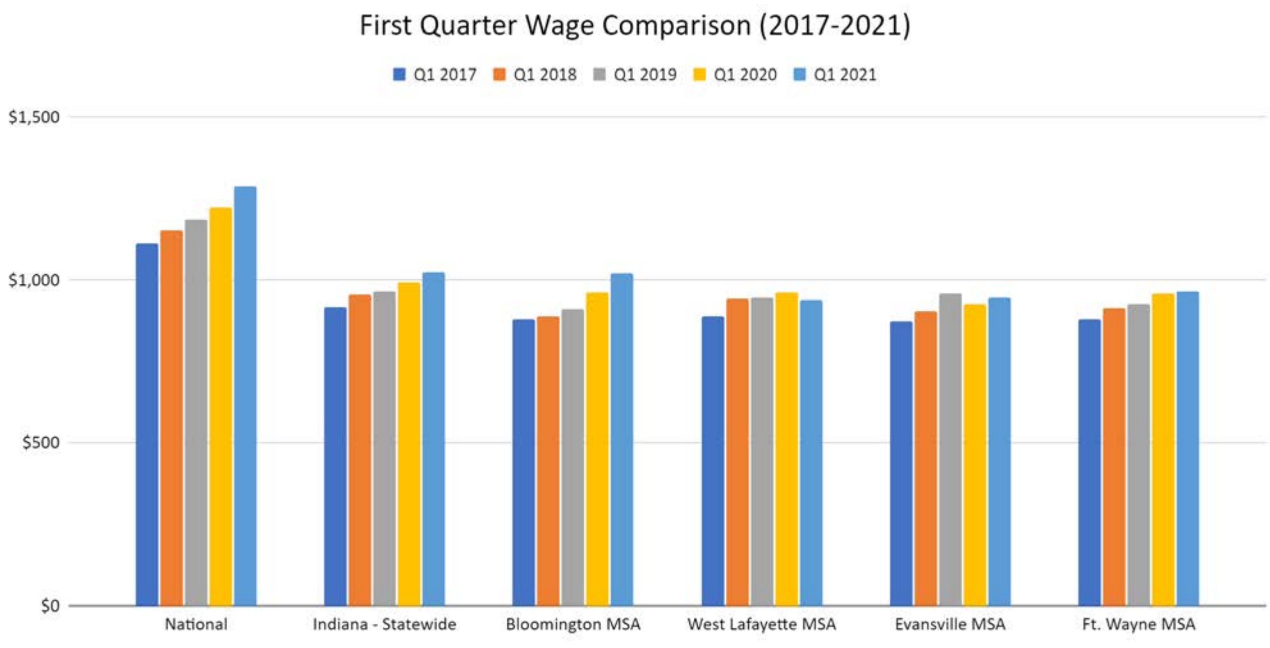


Figure A.5: Per-capita Annual Debt

The 20 largest Class 2 cities in Indiana, ranked by per-capita annual debt.

Source #1: Gateway 2021 Debt Management

Source #2: 2020 Census Population Data

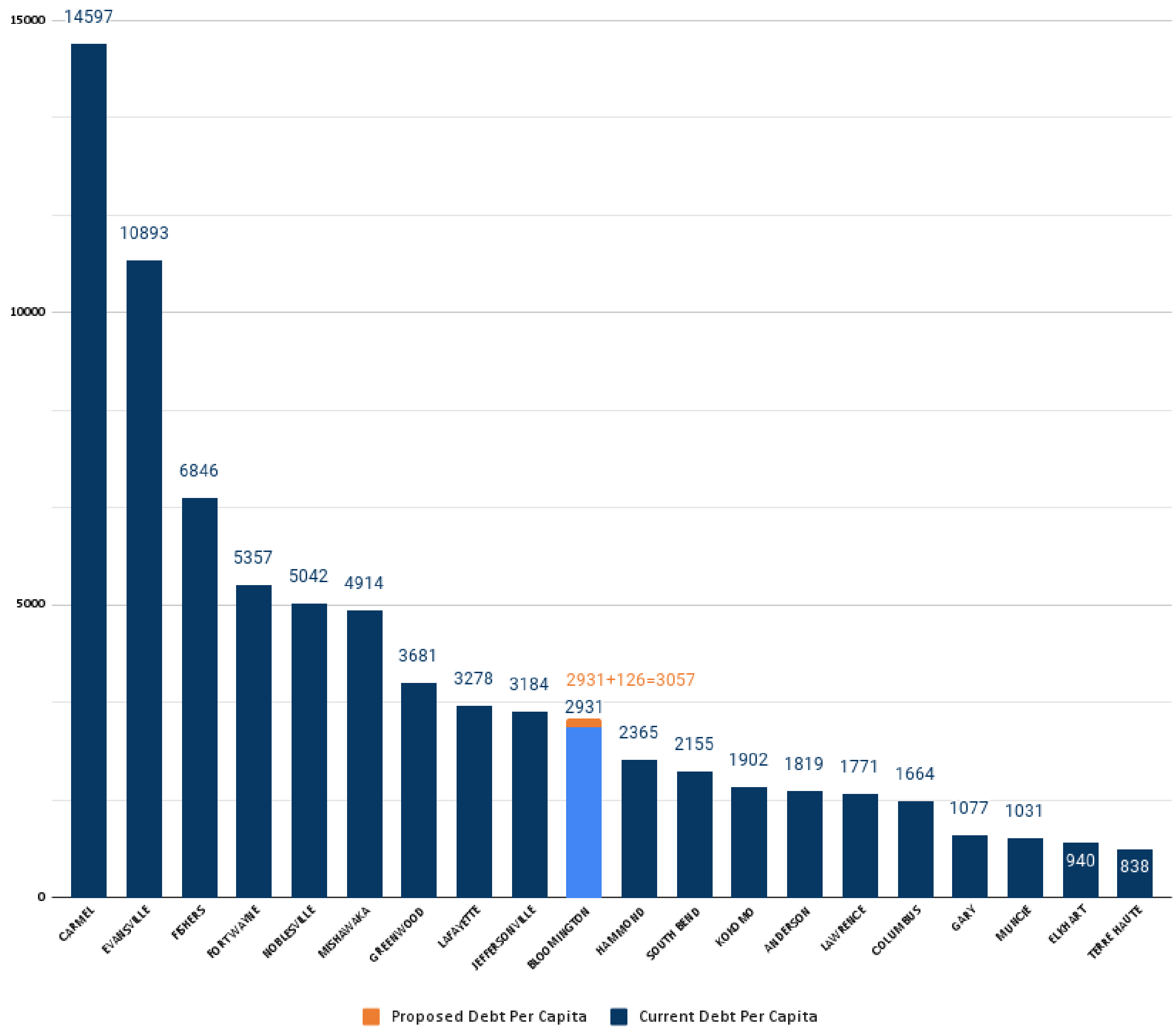


Figure A.6: City G.O. Bonding Capacity

The City's bonding capacity, with and without the issuance of another $5,000,000 in G.O. bonds.

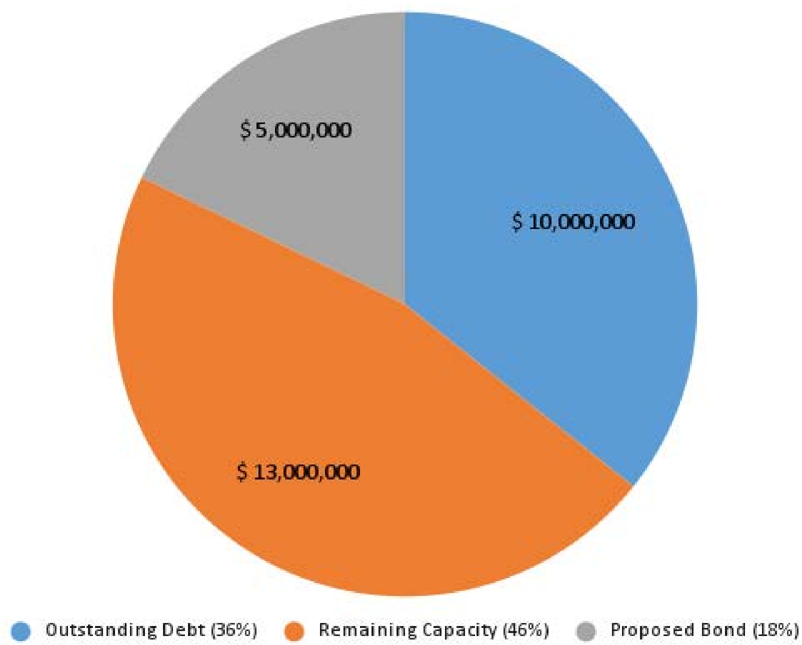


Figure A.7: Parks G.O. Bonding

Parks debt analysis: current and proposed G.O. bonds and other debt

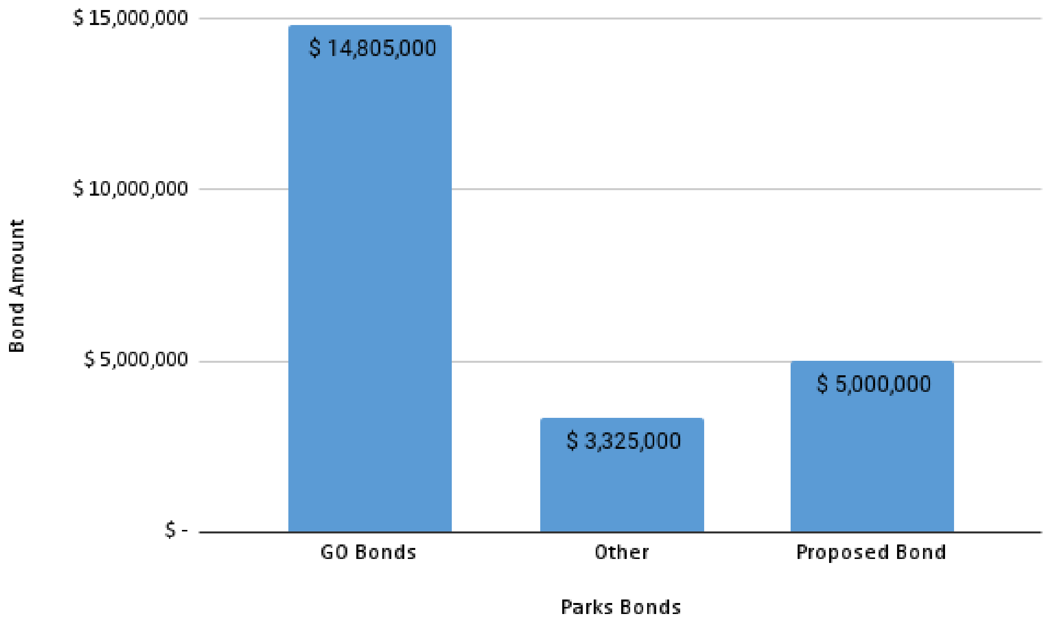


Figure A.8: Bloomington Transit New East-West Express Transit line
(Example Only)

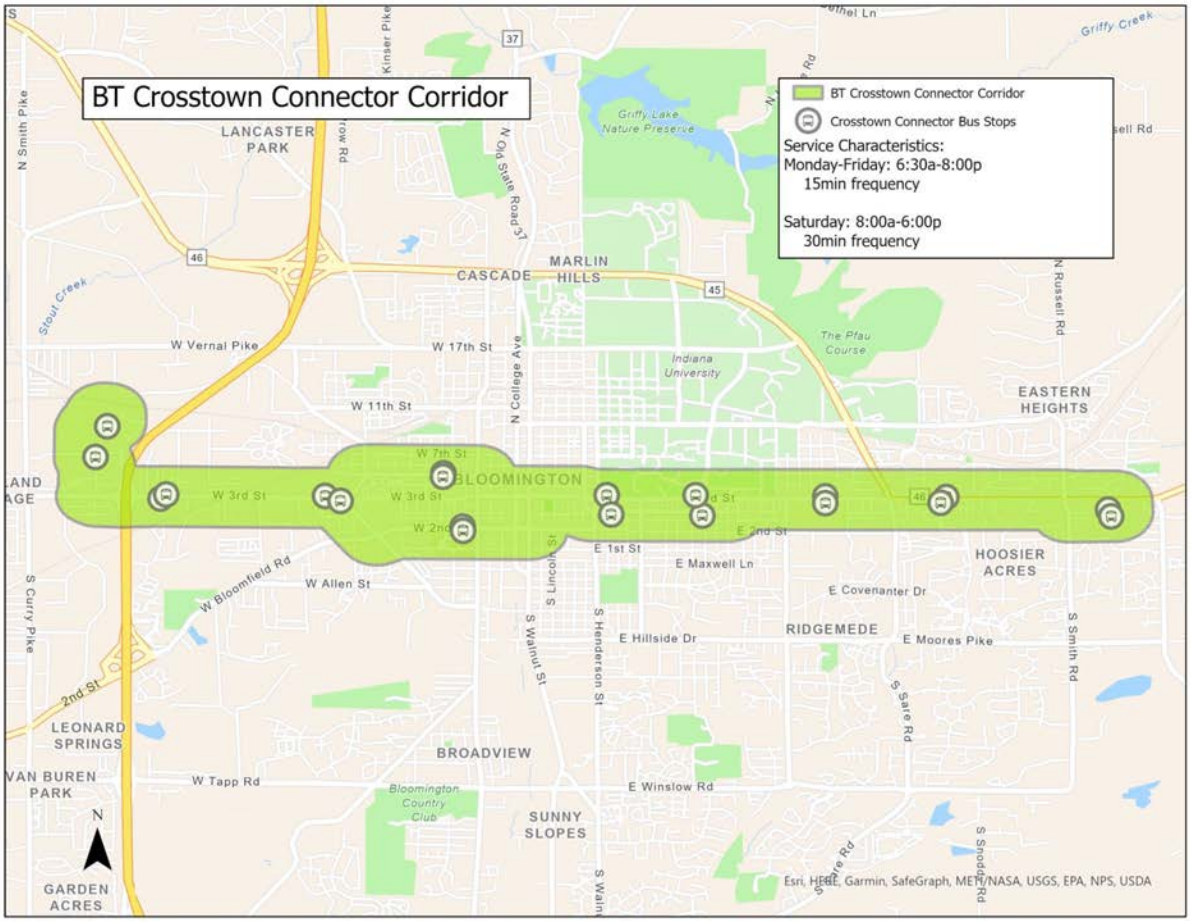


Figure A.9: Bloomington Transit New Paratransit and Microtransit Services
(Example Only)

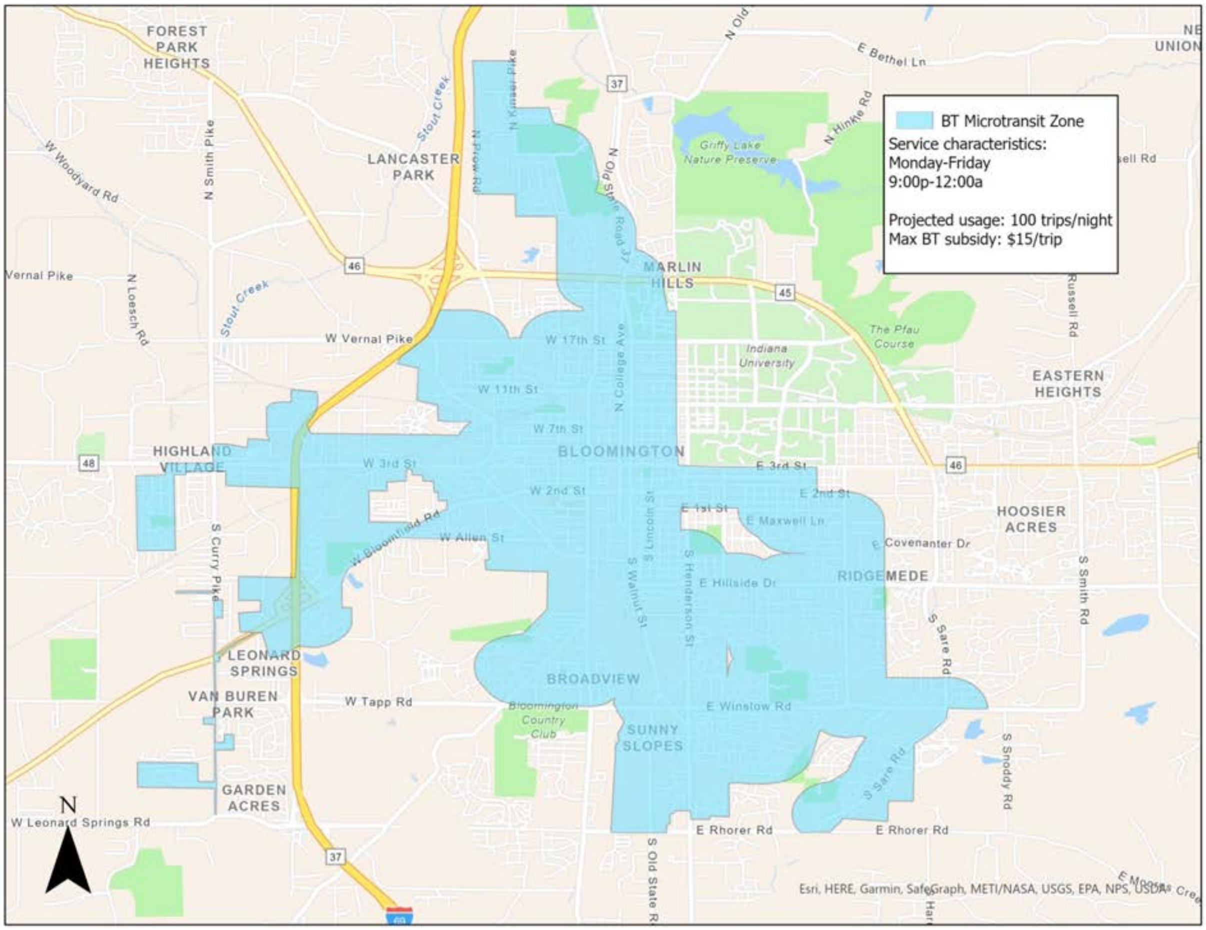
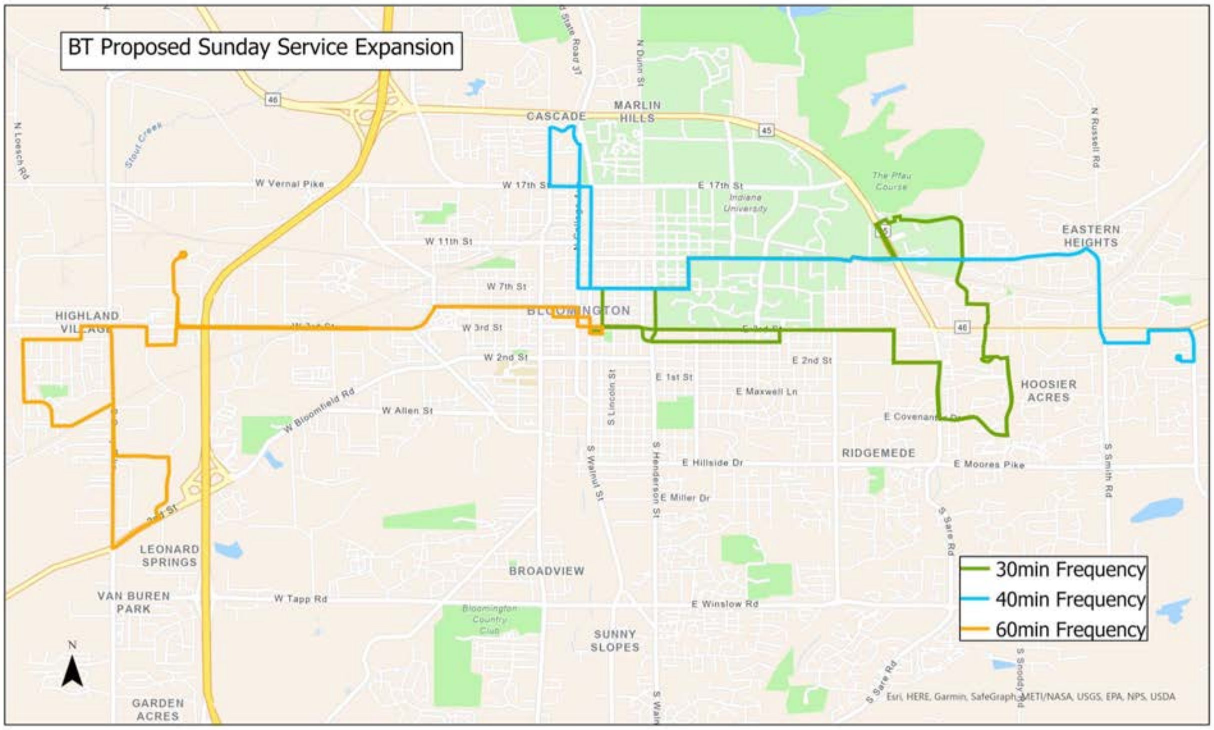


Figure A.10: Bloomington Transit Sunday Services
(Example Only)



Item	Annual Cost	Description
PUBLIC SAFETY	**$4,500,000**	
Police - Sworn Officer Salaries	$1,500,000	Fund the costs associated with the contingent Fraternal Order of Police (FOP) contract
Police - Nonsworn officer salaries and public safety programs	$250,000	Expand the roles and increase the number of Police Social Workers and Community Service Specialists to respond to some non-emergency calls for service and those calls that do not require a law enforcement response. Provide ongoing support for the STRIDE center.
Fire - public safety programs	$250,000	Tailor response options for 911 calls, health and wellness checks, etc. to divert more 911 calls to nonsworn personnel. Explore combining police/fire nonsworn.
Police & Fire headquarters	$1,000,000	Consolidate public safety headquarter operations to replace current damaged and inadequate facilities and to benefit from effeciencies of scale.
Fire - new/upgraded stations (4, including new downtown)	$1,500,000	Replace or repair damaged and aging facilities with new or upgraded facilites, in order to attract and retain employees and meet safety standards
CLIMATE CHANGE PREPAREDNESS AND MITIGATION	**$6,345,000**	
Add Bloomington Transit (BT) Sunday service	$300,000	Achieve 7-day service for greater consistency and reliability in an effort to boost ridership and reduce single occupancy vehicle use
Establish East-West Express Transit line	$2,100,000	Major new service providing 15 minute frequency across a priority East/West corridor. This route addition would boost attractiveness and convenience for riders and reduce automobile use
Enhance In-house BT Para-Transit & Microtransit	$1,400,000	Increase access/improve equity for people who can't ride fixed-route BT, qualify for paratransit, require special accomodations while enhancing convenience. and expandthose services. City-wide service expansion.
Enhance BT weekday service to maximum 30-minute frequency	$820,000	Improve convenience for all riders, boost ridership, reduce automobile use
Establish BT Park & Ride pilot program	$125,000	Focus on workforce partners to develop pilot program in collaboration with the Transportation Demand Management program; explore a potential "Park and Ride" program for special event traffic management
Subsidize BT ridership	$100,000	Improve access to public transportation with a focus on workforce and low-income riders

Item	Annual Cost	Description
Climate Action Plan (CAP) implementation	$1,500,000	Multiple efforts toward climate change prevention and preparedness. See Proposed Climate Action Plan Investments in "New Revenue FAQs" for more detail
EQUITY AND QUALITY OF LIFE FOR ALL	**$3,650,000**	
Housing funding, for ownership, rental, Housing Security	$2,000,000	Improved access to housing equity through funding assistance for the Housing Security Group/homeless; low/mod income renters; low/mod homeowners; support missing housing types
Workforce and economic development	$500,000	Funding for workforce development initiatives, including workforce re-entry, re-skilling and up-skilling, and entrepreneurship training, as well as operations and infrastructure funding for the Trades District Technology Center.
Economic equity fund	$750,000	Direct support of low income working residents / families - possible Individual Development Accounts to match savings; focused on direct impact, possibly thru SSCAP, MCUM, Trustees, others
Public art and arts development	$200,000	Funding for maintenance of existing arts spaces, execution of the recommendations of the City's Arts Feasibility Study and Public Arts Master Plan, and support for arts organizations.
Local food access and nutrition security	$200,000	Funding to improve food access and nutrition insecurity. Funding support will focus on partnerships with food service providers to address gaps in local food access for low income and food insecure residents.
ESSENTIAL CITY SERVICES	**$2,500,000**	
Personnel	$1,000,000	Offer incentives to attract and retain talented City employees, such as pay adjustments, hiring bonuses, creation of new positions, tuition reimbursement, relocation allowance, longevity bonuses, and/or housing assistance.
Maintenance/Replacement of Assets	$500,000	Maintain aging facilities and other physical assets and replace when required
Increases to major categories of expenses	$500,000	Meet obligations for city property & liability Insurance, materials & supplies, repair & maintenance.
Lost Revenue Replacement	$500,000	Replace shortfall resulting from decreased Cable Franchise Fees (cable fees lost to streaming) to fund essential IT infrastructure replacements, cybersecurity, and CATS
TOTAL	**$16,995,000**	

Item	Minimum Estimate	Maximum Estimate	General Notes	Financial Notes	Other Potential Funding That Could be Leveraged	City Plan Addressed
PARKS GO BOND	**$8,500,000**	**$9,140,000**				
Replace gas powered equipment with electric equipment	$25,000	$25,000	Advance phased approach with large purchase. Parks has been replacing gas powered equipment with battery for several years a few pieces of equipment at a time as budget allows -- namely weed eaters and blowers. This amount of funding would allow us to purchase ahead several years and speed up the replacement of gas powered equipment and investigate new battery equipment applications in Parks.	Confident in estimate.	Advances planned GF spending	Climate Action Plan
Replace missing sidewalk on Rogers St. by Switchyard Park	$200,000	$200,000	This section of sidewalk was required to be replaced by code when Switchyard was built but was missed. It is currently in design through Parks and is being coordinated with Engineering. The current sidewalk dead ends and does not connect through on the east side of Rogers to The Warehouse.	Confident in estimate from consultant.	No other funds.	Condition of Parks zoning requirement
Covenanter Drive Protected Bicycle Lanes (College Mall to Clarizz Blvd)	$2,400,000	$2,880,000	Add protected bicycle lanes per the Transportation Plan's priority bicycle network recommendations. This project will likely include bus islands, bus stop improvements, and pedestrian ramp improvements.			Comp Plan (Goal 6.1, 6.2, 6.3, 6.4) Transportation Plan (Priority Bicycle Facilities Network, Phase 2); Transportation Plan Recommended Projects Climate Action Plan (Goal TL1, Strategy TL1-A, TL1-B, TL1-C, TL1-G,
N Dunn St Multiuse Path (45/46 Bypass to Old SR 37)	$800,000	$960,000	This project would be a ~1.3 mile multiuse path on one side of N Dunn St. The proposal is to fund design in order to have a shovel-ready project for the full 1.3 miles; however, it is possible to split the project into multiple phases and start with the southern portion and create a connection to the Griffy Nature Preserve trails system and the adjacent neighborhood. The census block group south of this area (the area between Walnut and Dunn, 17th and the Bypass) is among the highest population density areas of the City. This multiuse path would create a connection for residents to the Griffy Nature Preserve and trail system.	This request will only fund the project's design phase. The intention is to create a shovel-ready project and obtain other funding for construction.	State funding could become available in the near term. Recommend funding design and a match to leverage state funds.	Comp Plan (Goal 6.1, 6.3, 6.4; Goal 1.1, Policy 1.1.3) Transportation Plan (Recommended Projects) Climate Action Plan (Goal TL1, Strategy TL1-A, TL1-B, TL1-G)
Griffy Loop Trail dam crossing and community access	$375,000	$375,000	Needed to finish Griffy Loop Trail - dam Crossing. Shovel-Ready. The Dam Crossing was value engineered out of the project due to cost when it was approved in Fall 2021. There is currently a Department of Natural Resources (DNR) permit approved for this work.	Already estimated during prior bid process and removed due to value engineering	Applied for in Next Level grant, award notifications Spring 2022.	Parks Strategic Action Plan, Parks CIP
W. 2nd Street Modernization and Protected Bike Lanes (Walker St to B-Line)	$1,500,000	$1,500,000	This project will construct multimodal safety and mobility improvements on West 2nd Street from Walker Street to the B-Line Trail. Project improvements are expected to include sidewalks, bus stops, a two-way protected bicycle lane, pavement maintenance, and traffic signal replacements.	Local funding need to leverage programmed federal dollars	Local match to leverage ~$3.1 M in MPO funding.	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, MPO TIP, Climate Action Plan, Hospital Sitei Redevelopment Master Plan, Sustainability Action Plan
Cascades Phase 6 - path/connection to Miller Showers Park	$3,200,000	$3,200,000	We propose starting with an Interdepartmental Scoping Exercise to determine the preferred multi-use path/trail route for a pedestrian connection between Miller Showers Park and the Cascades Phase 5 trail (currently being completed), then moving into design and construction of Phase 6 Trail to Miller Showers.	Large estimate, exact cost will depend on decisions made.	No other funds.	Transportation Plan; Parks Strategic Action Plan

Item	Minimum Estimate	Maximum Estimate	General Notes	Financial Notes	Other Potential Funding That Could be Leveraged	City Plan Addressed
PUBLIC WORKS GO BOND	**$7,692,500**	**$15,375,000**				
Citywide LED conversion of street lights	$1,500,000	$2,000,000	Select the 2,469 leased high pressure sodium vapor (HPS) cobra head fixtures to convert to (LED) roadway fixtures mounted on existing.	Head to head conversion approach is the most cost effective since poles and/or electrical systems are not installed -- saving $725k		Sustainability Action Plan, goal # 8.1
Downtown ADA Curb Ramps (e.g., W Kirkwood and Indiana Ave)	$500,000	$1,000,000	Accessibility improvements in downtown areas (some locations are not great candidates for federal funding). We estimate ~$7,000 to install ADA compliant ramps per intersection corner (typically 2 ADA ramps). In some cases it would be beneficial to install bump outs/curb extensions which would be ~$15,000/corner. In addition to accessibility improvements appropriately located bump outs can improve pedestrian safety and help promote speed compliance. This project would be scalable based on the amount of funding allocated.	Project can be scaled between low and high estimates	These roads are not ideal for MPO funding due to historic districts	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, ADA Transition Plan, Climate Action Plan, Sustainability Action Plan
Sidewalk projects (TBD)	$300,000	$1,000,000	The need and demand for sidewalks currently outpaces available funding. Sidewalk projects would be selected and prioritized based on impacts as well as the ability to pair with other capital projects. Sidewalk construction costs vary dramatically based on context, but on average, sidewalk on one side of a street costs about $1 million per half mile of new sidewalk. A half mile is about 7 city blocks or the distance from the B-Line Trail to the Sample Gates on Kirkwood Avenue.	Project can be scaled between low and high estimates	Could potentially supplement or pair with other capital projects (e.g., Council Sidewalk) and leverage outside funding sources (e.g., Community Development Block Grants).	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, ADA Transition Plan, Climate Action Plan, Sustainability Action Plan
Energy efficiency retrofits for all City buildings	$1,000,000	$3,000,000	First need to conduct a building energy audit on all primary City owned facilities, then implement recommendations of these audits.	Initial cost assumptions based on GESC 2016 audits	ARPA match; Duke Energy rebates	CAP Goal EB 2 (Phase 1)
City fleet vehicle hybrid/ electrification fund	$1,200,000	$2,200,000	Replacement of conventional with hybrid. This is scalable depending on investment: will start with prioritizing top 100 vehicles identified in replacement analysis that are over 10 years old and have the fastest return on investment from conversion to hybrid or electric. Approximately 25 vehicles can be replaced for $1,000,000.	Cost is scalable depending on vehicle replacement frequency and type	ARPA match	SAP Goal 8.3, CAP TL2 (2020)
GPS for city fleet	$250,000	$250,000	The telematics component of a GPS program provides realtime data on vehicle usage citywide. Case studies have shown that across an entire organization our size that a 10-15% reduction in fuel usage is feasible from reduced driving and idling.			
High Street Multiuse Path and Intersection Modernizations (Arden Dr to 3rd St)	$2,500,000	$5,000,000	This project will construct multimodal safety and mobility improvements on High Street from Arden Drive to 3rd Street. Project improvements are expected to include sidewalk curb ramps, accessible bus stops, multiuse path, and intersection modernizations. Multiple intersection alternatives would be evaluated and considered through the project's early design phase. Upon completion, the project would result in a continuous bike and pedestrian facility from 3rd St to Rhorer Rd connecting parks, schools, trails, neighborhoods, etc.	Necessary local match to leverage federal funds.	Local match to leverage ~$3.4 M in MPO funding.	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, MPO TIP, Climate Action Plan, Sustainability Action Plan

Item	Minimum Estimate	Maximum Estimate	General Notes	Financial Notes	Other Potential Funding That Could be Leveraged	City Plan Addressed
Create green waste yard at Lower Cascades Park	$400,000	$500,000	Already designed, shovel ready. We have had an initial discussion about this between Parks and Public Works (esp. Sanitation/Street): both departments generate a lot of green waste and a key disposal location in the community was recently closed. Additionally, City employees spend time and resources to haul green waste off-site. Design has already been completed to install this at Lower Cascades (south of the ball fields) but it was not completed due high bids.	Estimate should cover construction, still researching potential additional equipment costs		Climate Action Plan, Parks Strategic Action Plan, Parks CIP
Citywide traffic signal retiming	$42,500	$425,000	This is a part of continued efforts to enhance the safety and efficiency of the City's traffic signal system. This project wouldn't include changes to physical infrastructure but rather optimizes the physical infrastructure in place to be as smart/safe/efficient as possible. The project would start in FY2024 when its programmed federal Highway Safety Improvement Program funds become available.	We need a PO for $425,000 of which $382,500 will be reimbursed.	Local match to leverage $382,000 in MPO funding.	Comp Plan (6.1, 6.3, 6.4), Transportation Plan, MPO TIP, Climate Action Plan, Sustainability Action Plan
TOTAL	**$16,192,500**	**$24,515,000**				

CITY OF
BLOOMINGTON

New Revenue: Frequently Asked Questions

As of March 29, 2022. As details are developed, this document will be updated.

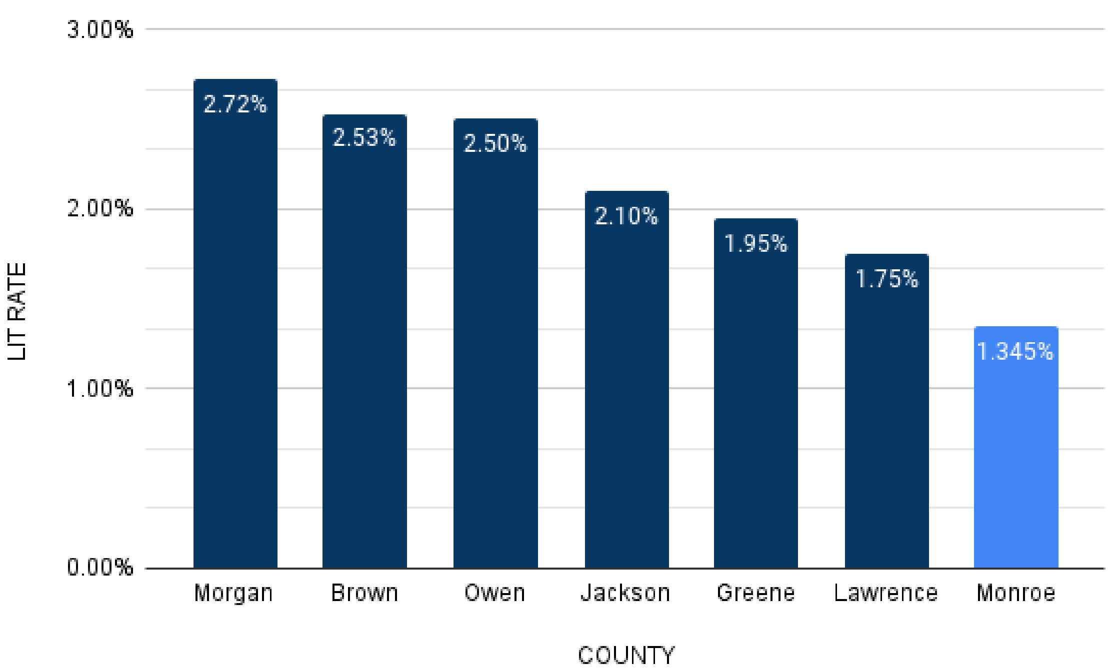
About the Local Income Tax

What is a Local Income Tax (LIT)?
The Local Income Tax (or LIT) is a tax on income, paid by individuals. It is a proportionate tax on adjusted gross income, assessed at a flat rate, meaning that the more income you earn, the more tax you pay. The LIT rate is set and imposed countywide.

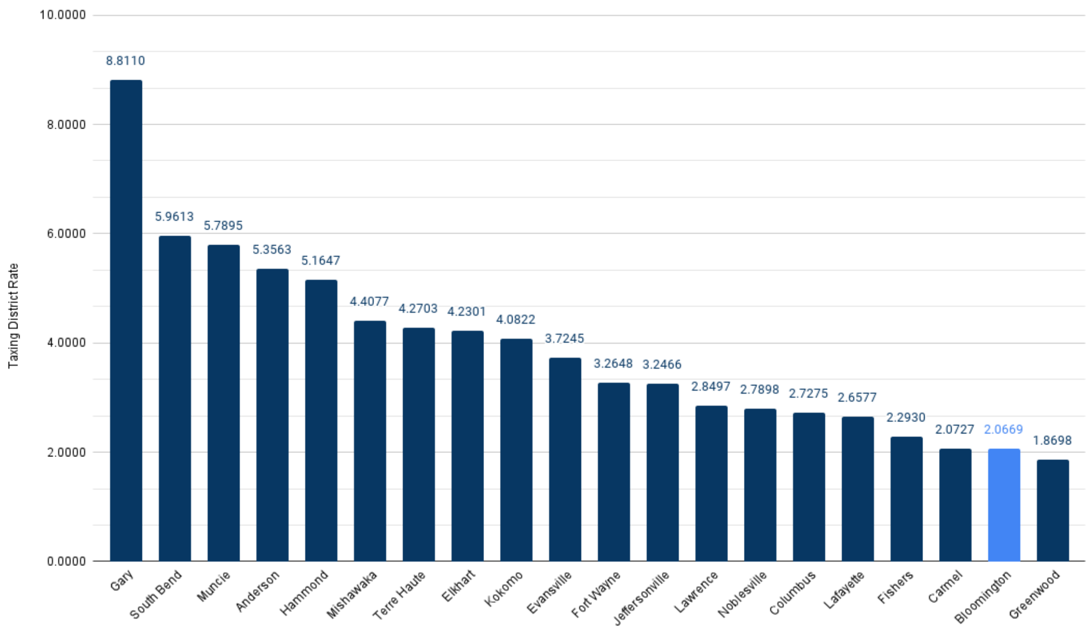
What is our current Local Income Tax rate?
The LIT rate for Monroe County is currently 1.345% of adjusted gross personal income for Monroe County residents.

How does our tax rate compare to other communities?
Historically, Monroe County has among the lowest tax rates in the region, including the lowest local income tax rate of our seven contiguous counties. Monroe County's rate ranks 23rd from the lowest among the 92 counties in the state - in the bottom quartile.

Source: Indiana Department of Revenue



Note that among Indiana's 20 largest cities (excluding the unique combined city/county of Indianapolis/Marion County), Bloomington is a very low-tax city. Specifically, we are in the lowest quartile of those cities both for property tax rates and local income tax rates.



Source: Reedy Financial Group

LIT Logistics and Implementation

How does the LIT change?

A new Monroe County tax may be proposed by the Bloomington City Council, the County Council, the Ellettsville Town Council, or the Stinesville Town Council. These Councils together form the "Local Income Tax Council" or LIT Council for Monroe County. The Councils can meet together to vote, or each council may vote on the proposed tax separately. The LIT Council has 100 votes in total, which are distributed among the member councils based on population. Because a majority of Monroe County's population lives in Bloomington, Bloomington's City Council has a majority share of the votes.

I've heard people argue this is "taxation without representation." Is that true?

No. The County's Tax Council (made up of the fiscal bodies of the County, Cities & Towns) is designated in each county with the authority to impose a local income tax. Every member of each county fiscal body, like every City Council member, has representation on the LIT Board and each gets to vote on a proposed tax, with proportional voting power. A total number of 100 votes is allocated based on the population of each of the fiscal bodies within that county, as follows:

- Each of 9 City Council members: 6.30 votes
- Each of 7 County Council members: 5.49 votes
- Each of 5 Ellettsville Council members: 0.95 votes
- Each of 3 Stinesville Council members: 0.05 votes

Any combination of affirmative votes adding to more than 50 (out of a total of 100 possible votes) determines the outcome of any LIT council vote on a proposal.

Are funds raised by the LIT put into a special fund or the general fund for the City, and why?

Funds resulting from a LIT increase would go into the general fund for the City, so there would be just one annual budget for the City. There are a few reasons for this:

- A LIT increase would be ongoing, as opposed to one-time monies, like federal America Rescue Plan Act (ARPA) funds.
- The revenue raised through this LIT increase wouldn't be only for one specific purpose, like revenue raised through a Public Safety (PS) LIT, but rather would be designed to meet several major pressing needs like climate change and public safety and cover increased expenses related to overall City operations.
- Our specific priorities may change over time, as our community evolves and our needs change.

The annual City budget process is public and requires approval by the City Council. This provides an annual opportunity to review and refine the way the LIT is spent.

Why doesn't the LIT proposal include a percentage increase?

The first step in this process is to identify necessary community projects and programs and how much those projects will cost annually. The resulting LIT rate is primarily just a function of the work done in step one--after the Council and the Mayor and the community have identified desired projects, we sort out the resulting LIT rate as step two of the process. That rate decision is ultimately what the Council formally acts upon – adopting a new rate through formal resolutions and votes. Basic parameters on the limits of a LIT rate are of course part of the conversation, but within those limits, the focus is first on deciding which projects should be funded, not on the rate itself.

State law outlines different options for a LIT, which have different impacts on City revenue. You'll note in the examples below there's a large revenue disparity between these different LIT approaches, which is another reason the focus has been on the needs, not the percentage.

Reflecting the healthy growth of our local economy, the following are estimates, **for illustration only**, of what a 1.0 percentage point increase in the LIT would produce annually for the City:

Economic Development LIT, using population method:	$21.04 million
Economic Development LIT, using assessed value method:	$16.83 million
Certified Shares LIT	$12.56 million

What does the portion of LIT for property tax relief mean?
Indiana Code 6-3.6-5-4 allows a county to impose a LIT rate to be used as a credit against property taxes. This allows the County to use LIT funds for the purpose of offsetting property taxes for all residents: this operates essentially as an exemption/credit on a person's property taxes.

Why Raise the LIT?

Why doesn't the City just cut costs and tighten its belt instead of raising the LIT?
The City consistently reviews and implements ways to save money through innovation and critical assessment of programs and services provided. Programs and services that have proven necessary and helpful to residents continue; those that are not are improved upon or discontinued. Savings in the past several years include solar panel installations that lower energy costs; adding quick response vehicles to the Fire Department fleet reducing wear and tear on expensive large equipment like ladder trucks; more efficient deployment of Public Works crews in longer day-shifts; and revamping how leaves are collected and processed. The scope of services, programs, and projects that the City seeks to provide to its residents, however, is much larger in scope; savings cannot fund these needs without drastic and damaging reductions in personnel and essential services.

What would happen if the LIT didn't pass?
Bloomington would be faced with very significant challenges in the coming years meeting our current level of services and continuing to move forward on economic, social, and environmental justice endeavors. The City Council would not be able to ratify the agreed-upon FOP contract, as there are no funds available for the additional salary costs (approximately $1.5 million annually.) Many other initiatives such as those outlined in the Climate Action Plan (CAP), affordable housing investments, or public transit improvements would also not have funding available.

Why is this being proposed now?
An increase is essential if we are to be proactive about rebuilding our community from this downturn in a way that better incorporates our goals for public safety and economic, racial, and climate justice. We also have to plan ahead, and one never knows if and when the state legislature might adjust a municipality's ability to accomplish new revenues. Mayor Hamilton proposed a 0.5% increase to the LIT in January of 2020, designed for climate change action and preparedness and equity. The onset of the COVID-19 pandemic made this not feasible at

the time. In the fall of 2020, Mayor Hamilton proposed a 0.25% increase to the LIT, focused on COVID response, climate action, and economic justice. This did not receive the necessary votes to be implemented.

We are very fortunate that federal funds arrived in time to allow continued services. Significant programs and initiatives have been operated with American Rescue Plan Act (ARPA) dollars to keep our community safe and operating, and to “Recover Forward” out of the recession toward a more equitable, sustainable future. Many of these essential efforts will not be able to continue without an increase in the LIT providing ongoing funding. As our community recovers from the COVID-19 pandemic, amid rising labor and materials costs, we will not have the resources we need to meet our stated goals as a community without this increase in the LIT.

The needs are urgent and the sooner the LIT is approved the sooner we will have resources available to address our community’s needs.

How will this revenue help Bloomington recover from the COVID pandemic?
City government has a responsibility to Bloomington’s future even as we seek immediately to repair the damage wrought by the COVID pandemic. The revenues generated by the proposed Local Income Tax are needed not only to compensate for the current downfall but to build the City back in a way that ensures long-term and widely distributed well-being and resiliency. Proposed investments will move us toward this stronger, more just, and more sustainable future by increasing access to jobs, housing, social services, transportation options, quality of life, retaining and attracting well-trained public safety professionals, and more.

LIT Impact

The LIT is a flat tax. Can we make the impact of the LIT more progressive (i.e. less burdensome on low-income residents)?

Unfortunately, the State of Indiana doesn’t allow municipalities to levy a wealth tax or a progressive income tax. The LIT proposal does include $750,000 annually for an economic equity fund that would provide direct benefits to low-income working residents and families.

Is the tax just for City residents or would it apply to all residents of Monroe County?

According to state law, local income taxes are county-specific; so the LIT would apply to all Monroe County residents. Revenues are allocated to different local jurisdictions – cities, county, etc. – according to a state formula.

Do all Indiana counties have a tax like this?

All 92 Indiana counties have a Local Income Tax.

Locally, how many new taxes or raised taxes have been enacted since 2016?

Two. The public safety local income tax was adopted by the LIT Council in 2016 at a 0.25% rate to fund police, fire, and dispatch improvements that protect us all. The food and beverage tax, enacted by County Council in 2018, was a new 1% sales tax placed on retail sales of prepared food and beverages and will be used to fund a convention center expansion and other tourism-related projects.

About General Obligation Bonds

What is a General Obligation (G.O.) bond?
A general obligation bond (G.O. bond) is a municipal bond backed solely by the credit and taxing power of the issuing jurisdiction rather than the revenue from a given project. General obligation bonds are issued with the belief that a municipality will be able to repay its debt obligation through taxation or revenue from projects. No assets are used as collateral.

What are the benefits of using G.O. bonds to fund projects?
G.O. bonds allow cities to fund high-cost long-term capital infrastructure that allows repayment of longer periods of time. Typically bonds are issued with a repayment term of 5 to 30 years. G.O. bonds are backed by and repaid with local property taxes and are guaranteed by the State to receive first priority funding. Because of this repayment source, they generally receive a Governmental unit's highest bond rating and are therefore considered a safe investment. In addition, these G.O. bonds are generally exempt from state and local taxes.

What projects are best suited to being funded with a G.O. bond?
One-time capital investments are good projects for being funded with a G.O. bond, such as a multi-use trail or essential equipment replacements.

Proposed Climate Action Plan Investments

The proposed LIT increase provides $1,500,000 annually in investments to implement the Climate Action Plan (CAP). What are examples of items that could be implemented?
The Climate Action Plan can be found here: https://bton.in/ZC2Y5

1. Transportation investments
    a. City fleet vehicle electrification *(CAP TL 2-A: support and encourage electric vehicle adoption)*

    b. Expanded micromobility options (example: electric bike share program) *(CAP TL 1-B)*
    c. Transportation demand management *(CAP TL 1-A: reduce single-occupancy vehicle use)*
2. Energy and built environment investments:
    a. Energy efficiency retrofits for all City buildings *(SAP 8.1: reduce non-renewable energy use from municipal operations)*
    b. Bloomington Housing Authority solar conversion *(CAP EB1: increase distributed renewable energy)*
    c. Continuing and expanding the Solar & Energy Efficiency Loan (SEEL) program for nonprofits and small businesses *(CAP EB5: increase financing options for energy efficiency and renewable energy)*
    d. Continuing and expanding the Bloomington Green Home Improvement Program (BGHIP) for homeowners *(CAP EB5: promote equity in energy and resource costs and ownership)*
3. Local agriculture investments:
    a. Local food purchasing incentive program *(CAP FA 3: increase and stabilize the local food market)*
    b. School food garden program *(CAP FA 3: increase local food supply)*
    c. Incentives for food processor businesses *(CAP FA 3: increase local food supply)*
    d. Increased community gardens *(Sustainability Action Plan 4.2: increase food gardens within the community)*
4. Waste management investments:
    a. Curbside composting program, parallel to trash and recycling services *(CAP WM1: increase organics diversion)*
    b. Recycling services for apartment buildings and other multi-family units (4+) *(CAP WM 1: increase recyclables diversion)*
5. Additional tree canopy measures, such as shade trees in high heat areas and/or private tree planting incentives *(CAP G2: increase citywide tree canopy coverage)*
6. Funding for the Green Ribbon Panel to accelerate climate action *(CAP CE 2: attract, create, and support businesses that are committed to sustainability and climate goals)*

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MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-05 – To Vacate Public Parcels – Re: Two 16.5 Foot Wide Alley Segments Located between West 1st Street, West 2nd Street, South Rogers Street, and South Morton Street (City of Bloomington Redevelopment Commission, Petitioner)

Synopsis

The petitioner, City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way; the first between West 1st Street and West 2nd Street, and the second an alley that runs east and west between South Morton Street and a 16.5 foot platted alley to the west in order to facilitate Phase 1 East (Hopewell) Development. The right of way will be replaced with new sections of South Madison Street and West University Street.

Relevant Materials

- Ordinance 22-05
- Staff Report from Planning and Transportation
- Subdivision Plat and Exhibits
- Board of Public Works Staff Report
- Petition for Vacation of Public Right-of-Way
    - Public Right-of-Way Pre-Petition Review Request Letter from Matthew Wallace
    - Survey and Legal description for each alley and street
- Link to Bloomington Hospital Site Redevelopment webpage (https://bloomingtonhospitalsite.com/),which includes
    - Information on the master planning process
    - Frequently asked questions
    - Bloomington Hospital Site Redevelopment Master Plan Report – January 2021

Summary

Ordinance 22-05 proposes to vacate two existing alleys in order to develop the Hopewell Subdivision in accordance with the Bloomington Hospital Site Redevelopment Master Plan. Resources related to the Bloomington Hospital Site Redevelopment Master Plan can be found here. The petitioner, Bloomington Redevelopment Commission (RDC), requests to vacate an existing alley that runs north and sound from 1st Street to 2nd Street in the block between Rogers and Morton Streets. Additionally the RDC requests the vacation of a second existing alley that runs east and west from the previously described alley to Morton Street. These right-of-way vacations will be improved with the proposed Madison Street extension and the new greenway known as University Street.

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Vacations of rights-of-way are governed by procedures contained in state law (IC § 36-7-3-12 and following statutes). In addition to state law requirements, Bloomington has adopted local procedures and criteria for public right-of-way vacations. In Bloomington, the process typically begins with a pre-petition review of an application submitted to the Planning and Transportation Department. Pre-petition materials submitted by the petitioner are reviewed, and all utility services, safety services, and the Board of Public Works are notified of the proposed action. Upon completion of the pre-petition review, staff and the Board of Public Works each make a recommendation on the request. The Petitioner then submits the request to the Council Office, and upon receipt of the petition, a date is set for the required public hearing, where remonstrances and objections must be heard. The public hearing for Ordinance 22-05 is scheduled for March 30, 2022 at 6:30 p.m. The City Clerk must assure that owners of property abutting the right(s)-of-way are notified by certified mail of the proposed action. The Clerk must also advertise the hearing wherein the public may offer the Council its comments and objections

In response to a question about the fiscal impact of this ordinance, Planning and Transportation Director Scott Robinson writes:

> There would be no immediate anticipated fiscal impact for the vacation of ROW:
> - Land is currently not generating property any taxes.
> - Current ROW is either unimproved, or an alley which typically Public Works does not maintain. If vacated, and if there were any maintenance costs for this ROW, maintenance would no longer be needed.
> - Any planned redevelopment for the portions of vacated ROW would have fiscal impacts as the ownership would be transferred from the current public agency/not for profit status to a taxable unit. This would not happen immediately because the Redevelopment Commission/City will be the owner once IU Health turns over the property. It would be hard to estimate the fiscal impact other than it would generate property tax and it would also be within a TIF. Perhaps sometime in the next 2-5 years as property/lots are transferred to new owners.

Engineering Department Project Engineer Patrick Dierkes adds:

> To create the developable lots per the Master Plan we need to vacate the alleys. Keeping the north-south alley in the current project design would create slivers of unusable land between the proposed road and the existing alleys. If the alleys are not vacated a redesign of the project would be required. Again placing a value on this is difficult.
>
> I think the most straightforward way is to look at the costs for relocating the utilities from the alleys. While these costs will likely be offset by the sale and development of the lots that are created it is hard to put an accurate value to that. Below is a summary of each utility.

- Centerpoint (natural gas) - No relocation costs
- Duke (electric) - Waiting for costs from Duke for the relocation required to keep service to 3 buildings in the area. We expect this to be a minimal cost to the project.
- AT&T (communication) - Waiting for an official response from AT&T. We know this is not a transmission line. Since the lines are only distribution this will likely result in no costs to the City.
- Comcast (cable) - Waiting for an official response from Comcast. The facilities appear no longer in service. Likely remnants from serving the buildings to be removed.

We are working to get official responses from each utility and a cost estimate from Duke. I will provide updates as we receive the information.

Objections or grounds for remonstration are generally limited by statute to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole. (See IC § 36-7-3-13). Aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the denial of vacation of right-of-way.

The Council's action to vacate a right-of-way must be done in the public interest. In Resolution 87-02, the Council adopted the following criteria to guide its review of a request for right-of-way vacation:

1. Current Status – Access to Property: the current utilization of the right-of-way in question – as a means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.

2. Necessity for Growth of the City:
   a. Future Status – the future potential for public utilization, possible future need for the right-of-way due to future changes in land use;
   b. Proposed Private Ownership Utilization – the proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to the orderly growth of the City);
   c. Compliance with regulations – the effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change of use?);
   d. Relation to Plans – the relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

On March 1, 2022, after hearing from staff, the Board of Public Works unanimously recommended approval of the vacation. A copy of the Board of Public Works Staff Report is included in the packet materials.

In the event the Council adopts Ordinance 22-05, the Clerk must then file a copy with the County Recorder and the County Auditor.

Contact
Scott Robinson, Director Planning and Transportation, robinsos@bloomington.in.gov, (812) 349-3566

Patrick Dierkes, Project Engineer, Engineering, patrick.dierkes@bloomington.in.gov, (812) 349-3913

ORDINANCE 22-05

TO VACATE PUBLIC PARCELS –
Re: Two 16.5-Foot Wide Alley Segments Located Between West 1st Street, West 2nd Street, South Rogers Street, and South Morton Street
(City of Bloomington Redevelopment Commission, Petitioner)

WHEREAS, Ind. Code § 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, in Resolution 18-06, the Common Council approved the purchase of the legacy site of the IU Health Bloomington Hospital for redevelopment into the new Hopewell neighborhood by Petitioner, the City of Bloomington Redevelopment Commission; and

WHEREAS, part of this redevelopment includes Phase 1 East as detailed in the Hospital Reuse Master Plan, which called for the vacation of current public parcel alleys in favor of extending University Street and Madison Street; and

WHEREAS, the Petitioner, the City of Bloomington Redevelopment Commission, has ownership interest in real estate that is contiguous to the public right of way and has filed to vacate two (2) portions of public parcels more particularly described below; and

WHEREAS, pursuant to I.C. § 36-7-3-12(c), the City Clerk has provided notice to owners of abutting property and published notice of the public hearing on this matter, which will be held during the Common Council Committee of the Whole meeting on Wednesday, March 30, 2022, at 6:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and

WHEREAS, pursuant to I.C. § 36-7-3-12, upon vacation the City Clerk shall furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Through the authority of I.C. § 36-7-3-12, two (2) portions of City owned property shall be vacated.

SECTION 2. The first property is a north/south alley segment running between Lots 37 and 9 through 14, north from West 1st Street to West 2nd Street, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the south right-of-way line of West 2nd Street; Thence on the north line of said Lot 14 and said south right-of-way line North 89 degrees 33 minutes 19 seconds West 208.78 feet to the northwest corner of said Lot 14 and the True Point of Beginning;

Thence leaving said north and south lines and on the west line of Lots 14, 13, 12, 11, 10 and 9 South 00 degrees 30 minutes 06 seconds West 658.81 feet to the north right-of-way line of West 1st Street; Thence leaving said west line and on said north line North 89 degrees 26 minutes 24 seconds West 16.50 feet to the southeast corner of said Lot 37; Thence leaving said north line and on the east line of Lot 37 North 00 degrees 30 minutes 06 seconds East 658.78 feet to the south right-of-way line of West 2nd Street; Thence leaving said east line and on said south line South 89 degrees 33 minutes 19 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.25 ACRES (10,870.19 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

SECTION 3. The second property is an east/west alley segment running between Lots 12 and 13, west from South Morton Street, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the west right-of-way line of South Morton Street; Thence on the east line of Lots 14 and 13, and on said west right-of-way line South 00 degrees 30 minutes 06 seconds West 208.74 feet to the southeast corner of Lot 13 and the True Point of Beginning;

Thence leaving said east and west line and on the south line of said Lot 13 North 89 degrees 31 minutes 10 seconds West 208.78 feet to the southwest corner of said Lot 13 and the east right-of-way of a platted alley; Thence South 00 degrees 30 minutes 06 seconds West 16.50 feet to the northwest corner of said Lot 12; Thence on the north line of said Lot 12 South 89 degrees 31 minutes 10 seconds East 208.78 feet to the northeast corner of said Lot 12 and said west right-of-way of South Morton Street; Thence leaving said north line and on said west right-of-way line North 00 degrees 30 minutes 06 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.08 ACRES (3,444.89 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

SECTION 4. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ______ day of __________________, 2022.

____
SUSAN SANDBERG, President
City of Bloomington

____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _______ day of ___________________, 2022.

____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _______ day of __________________, 2022.

____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way; the first between West 1st Street and West 2nd Street, and the second an alley that runs east and west between South Morton Street and a 16.5 foot platted alley to the west in order to facilitate Phase 1 East (Hopewell) Development. The right-of-way will be replaced with new sections of South Madison Street and West University Street.

Planning & Transportation

Hopewell Right-of-Way Vacation

Memorandum

To: Members of the City of Bloomington Common Council

From: Scott Robinson, Director of Planning & Transportation

Regarding: Hopewell Right of Way Vacation Request

Date: March 18, 2022

The Bloomington Hospital Site Redevelopment Master Plan Report (Master Plan) outlined the planning, design concepts, public amenities, estimated costs, and phasing to redevelop the Hopewell Neighborhood. Phase 1 East, the area east of Rogers Street, south of 2nd Street, west of the B-Line, and north of 1st Street, is in the early implementation steps to reactivate and fulfill the vision for the legacy Bloomington Hospital site. Early site preparation includes land survey, property acquisition, building demolition, utility relocation, and street, sidewalk, greenway and other public improvement designs for bidding and construction. A primary plat was approved by the Plan Commission on February 7, 2022 and details the realignment of property boundaries and public right of way. Building demolition, utility relocation, and new infrastructure is scheduled to begin as early as June 2022.

Part of this realignment of property boundaries requires existing right of way (ROW) to be vacated (a north-south alley and east-west alley, each 16.5 feet wide) and new ROW platted to extend the traditional street grid into this area and create four city blocks. The extension of Madison Street and University Street are consistent with the design concepts of the Master Plan, with 70 and 76 foot wide ROW, respectively. The realignment also includes land for a linear park on the north side of University Street (two parcels of land totaling 0.93 acres that will be operated and maintained by the city's Parks and Recreation Department).

Planning & Transportation Department staff notified utilities of the ROW vacation application. The Phase 1 East project is in ongoing coordination with existing utilities that currently occupy the right of way. These utilities are allowed to remain in place pursuant to Indiana Code 36-7-3-16. The Indiana Code also provides the utilities legal access as needed for maintenance. The utilities will be relocated to the new public ROW after it is dedicated and cleared for their relocations.

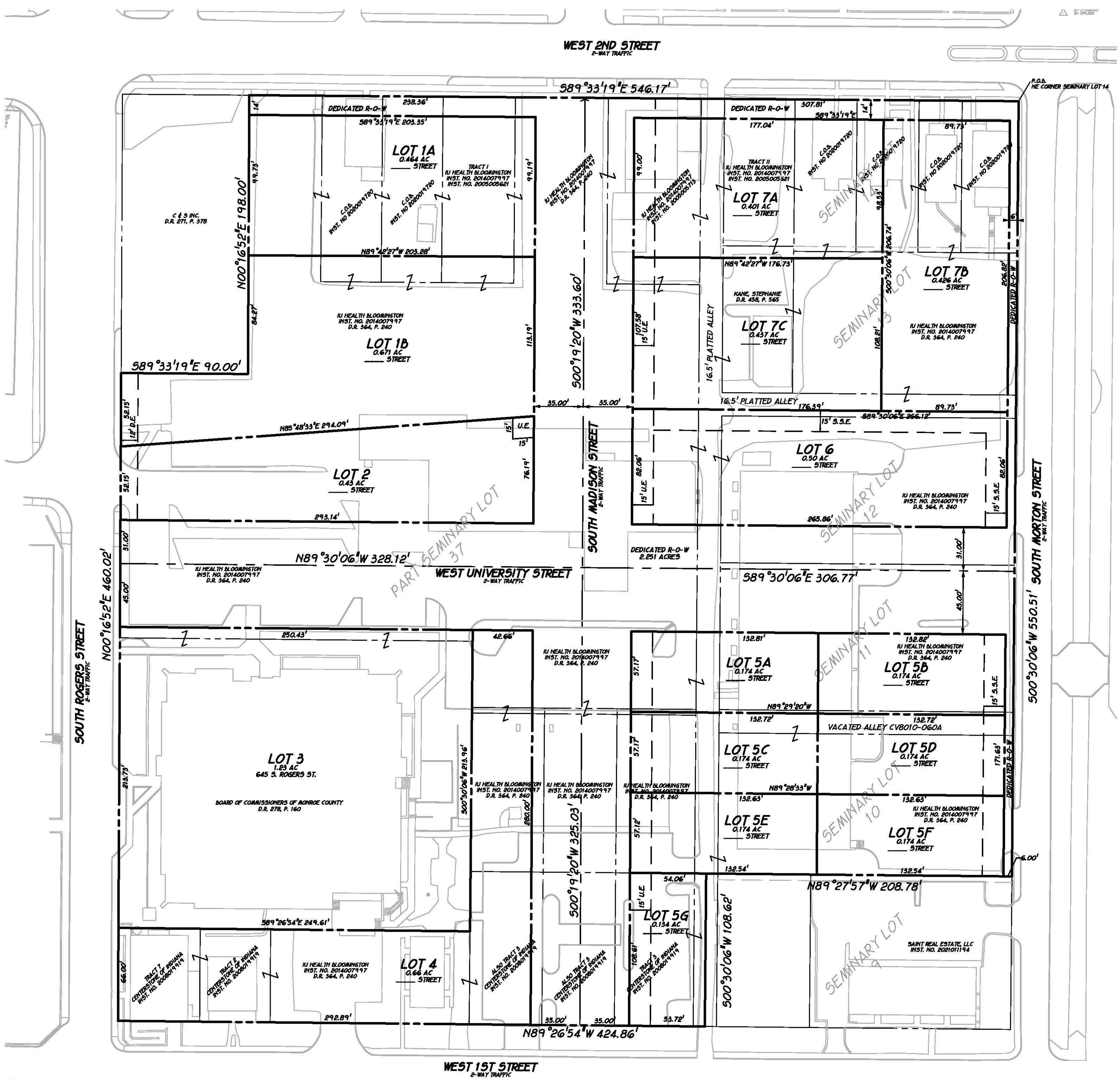
Staff presented the proposed ROW vacation to the Board of Public Works (BPW) at their March 1, 2022 public meeting, which allowed an opportunity for additional input on this request. Information on current purchase agreements for lands bordering the alleys to be vacated and a previous alley that was vacated (CV8010-060A) in 1980 to allow the Local Council of Women to construct the hospital laundry facility was also provided. The BPW provided a positive recommendation for this ROW vacation request.

Staff is requesting Council to vacate the existing ROW within the Phase 1 East area. Maps and exhibits are also included for reference.

INSTRUMENT NO. ____________ PLAT CABINET ____________ ENVELOPE ____________

HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP

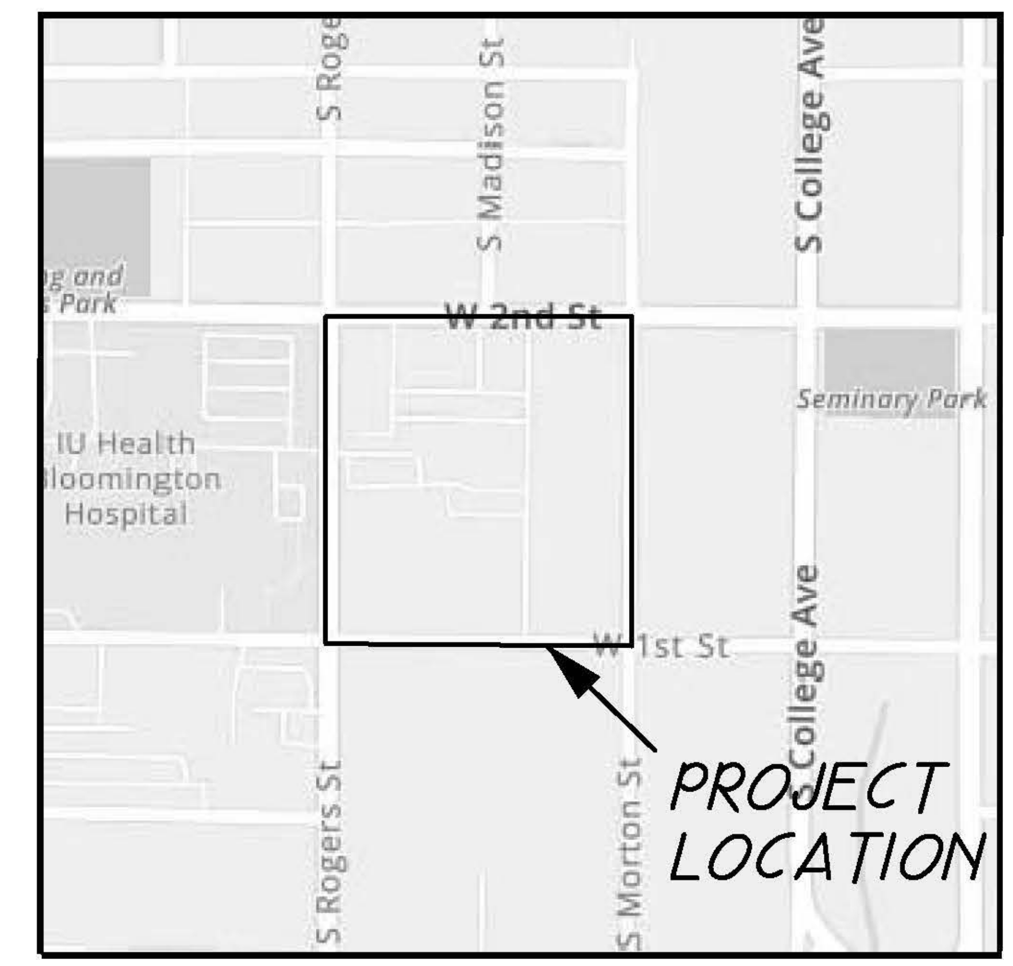


NORTH

50 0 50 100

Scale 1" = 50 ft

BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88



LOCATION MAP

FLOOD NOTE:

According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010. This property is located in Zone X, an area of minimal flood hazard.

Source: FEMA

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

NOTE:

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

HOPEWELL SUBDIVISION
1-20-2022
SHEET 1 OF 2
JOB NO. 5021058

PREPARED BY BYNUM FANYO & ASSOCIATES INC. 528 N. WALNUT ST. BLOOMINGTON, IN. 47404

HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 ¢ 37
PERRY TOWNSHIP

ALLEY VACATION EXHIBIT 1

Previously Vacated Alley

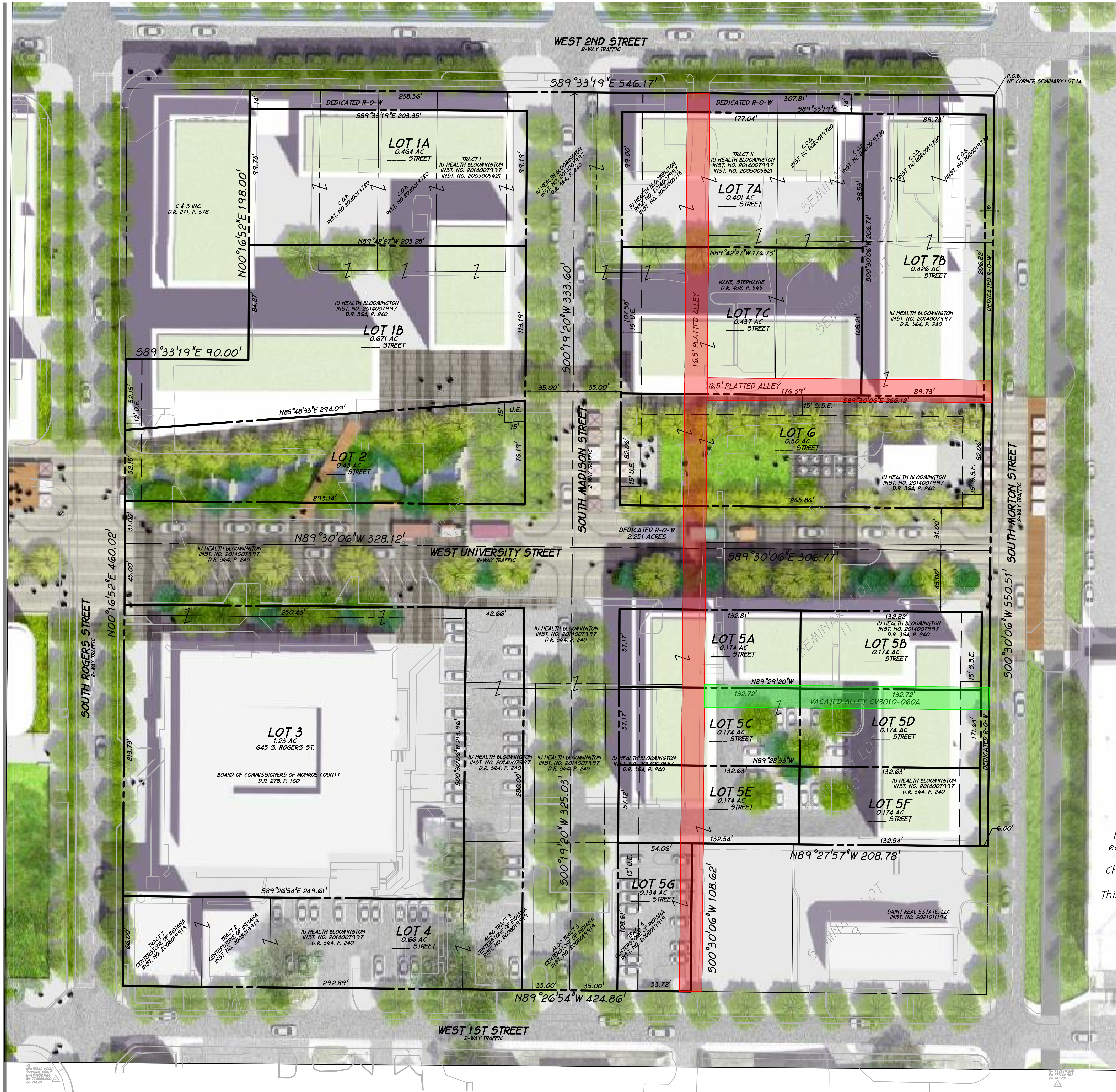
Alleys to Vacate

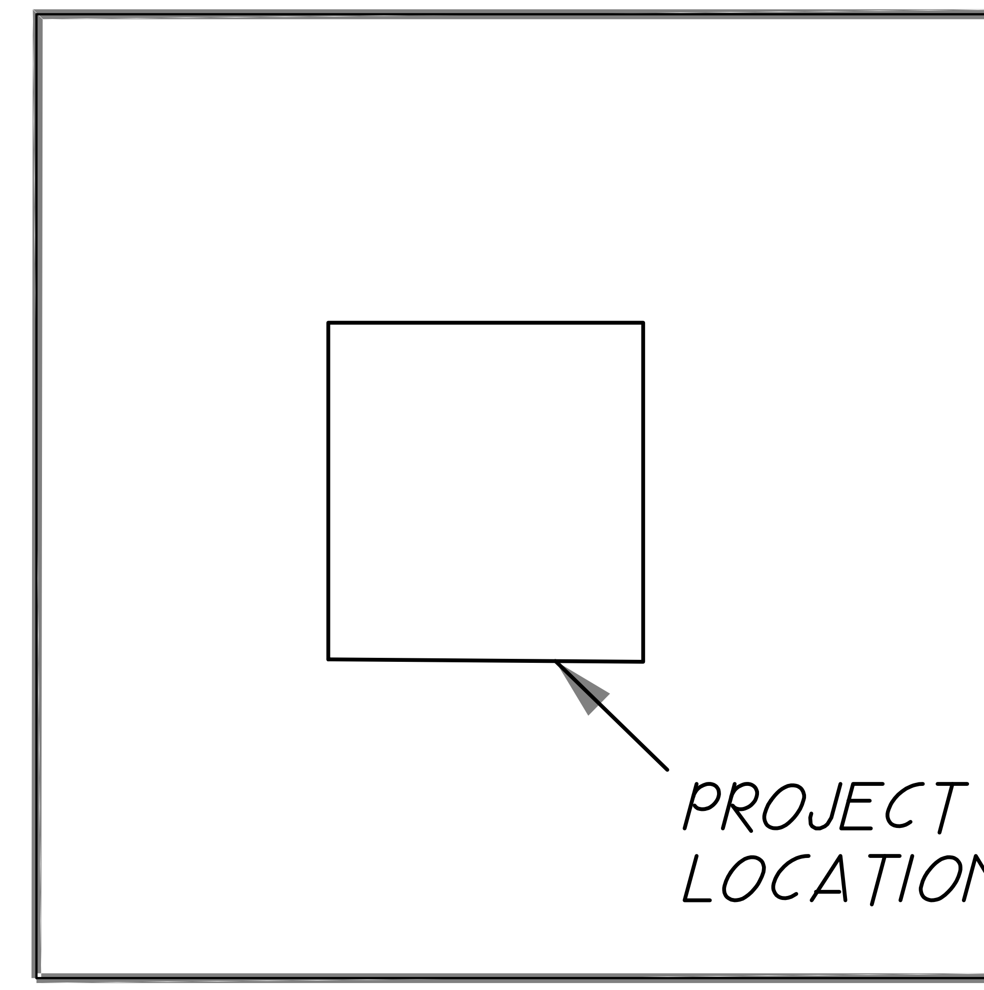
NORTH

50 0 50 100

Scale 1" = 50 ft

BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88





LOCATION MAP

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Source: FEMA

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Charles D. Graham

This instrument prepared by Charles D. Graham

NOTE:

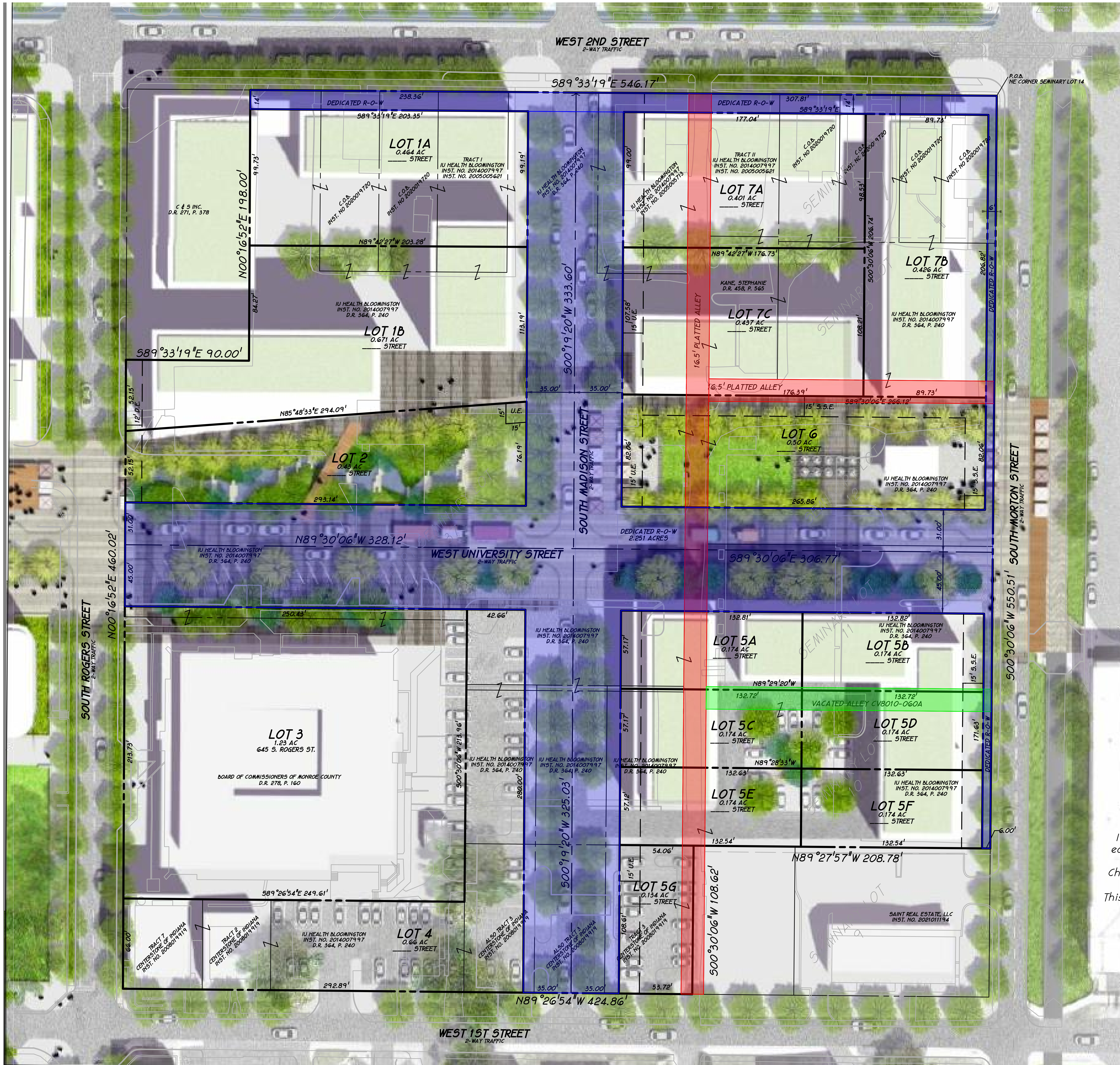
See Retracement Survey dated 7/23/2021 for Surveyor's Report.

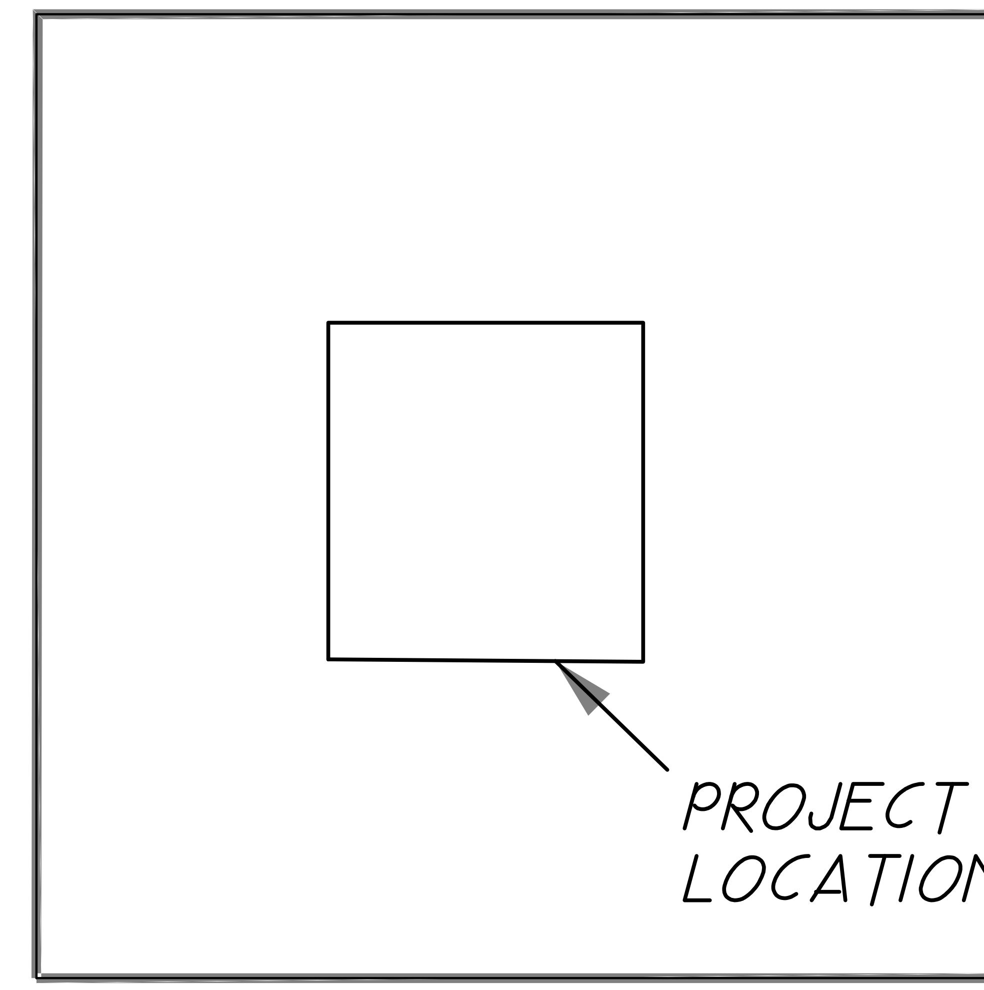
HOPEWELL SUBDIVISION
1-20-2022
SHEET 1 OF 2
JOB NO. 5021058

HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP

ALLEY VACATION EXHIBIT 2





LOCATION MAP

- Previously Vacated Alley
- Alleys to Vacate Approx. 0.33 Acres
- ROW Dedication Approx. 4.03 Acres

NORTH

50 0 50 100

Scale 1" = 50 ft

BASIS OF BEARING
MONROE CO. COORD. SYS.
NAVD88

FLOOD NOTE:

According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010.
This property is located in Zone X, an area of minimal flood hazard.
Source: FEMA

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

NOTE:

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

HOPEWELL SUBDIVISION
1-20-2022
SHEET 1 OF 2
JOB NO. 5021058

Board of Public Works
Staff Report

Project/Event:	Alley Right-of-Way Vacation – Phase 1 East (Hopewell) Development Proposing to Vacate Existing North-South and East-West Alleys
Petitioner/Representative:	Engineering Department
Staff Representative:	Patrick Dierkes, Project Engineer
Date:	03/01/2022

Report: As part of the redevelopment of the Phase 1 East project the existing alleys are to be vacated to allow for new ROW for the extension of Madison St and the new greenway now known as University St. The Phase 1 East project area is bounded by 2nd Street to the north, 1st Street to the south, the B-Line Trail to the east, and Rogers Street to the west. Both existing alleys are 16.5 feet wide and will be replaced by 70 foot wide ROW for the new Madison St and 76 foot wide ROW for the new University St. The project also plans to construct a linear park on the northside of University St and deed the two parcels of land totaling 0.93 acres to Parks and Recreation. While the vacation of ROW is a City Council decision it has been the standard practice to present the vacations for BPW consideration prior to requesting the vacation from Council. The project seeks BPW opinion on the proposed ROW vacations.

The Bloomington Redevelopment Commission represented by Shrewsberry on this request has agreements to purchase the lands bordering the alleys to be vacated with the exception of one parcel owned by Saint Real Estate LLC. The parcel is located at the southeast corner of the intersection of the north-south alley and West 1st St. The Saint Real Estate parcel is currently vacant and was previously accessed by 1st St and the north-south alley. Saint Real Estate also owns the parcels to the east of this property which are accessed by 1st St and Morton St. The alley vacation does not appear to limit future use of the parcels owned by Saint Real Estate.

The alley vacations requested are in line with the Bloomington Hospital Site Redevelopment Master Plan Report dated January 2021 that underwent a rigorous public engagement process. The connections currently provided by the alleys will be improved with the proposed Madison St extension and new University St.

A previous alley was vacated in the area by CV8010-060A in 1980 to allow the Local Council of Women to construct the hospital laundry facility.

City of Bloomington
Planning and Transportation Department

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

Filing Date ____________________ Ordinance # ______________________
Filing Fee Paid _________________ BPW Resolution # _________________

1st Reading _______________________
Committee _______________________
Final Hearing _____________________

Address of Property S of 2nd St / W of Rogers St / N of 1st St / E of Morton St

Applicant's Name Redevelopment Commission - City of Bloomington

Address City Hall - 401 N. Morton St. Suite 130 Phone 812.349.3420
E-Mail ____

Counsel or Consultant Matthew Wallace - Shrewsberry & Associates, LLC

Address 7321 Shadeland Station Suite 160, Indianapolis, IN 46256 Phone 812.306.1551
E-Mail mwallace@shrewsusa.com

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

____The undersigned agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: Matthew D. Wallace

shrewsberry
YOUR VISION. OUR FOCUS.

February 24, 2022

Jackie Scanlan, AICP
Development Services Manager
City of Bloomington – Planning & Transportation

RE: PUBLIC RIGHT-OF-WAY PRE-PETITION REVIEW REQUEST LETTER
HOPEWELL SUBDIVISION PROJECT
SHREWSBERRY PROJECT No. 21-0049

Dear Jackie,

Please accept this letter as official request for the pre-petition review to vacate public right-of-way. In order to develop our project, Hopewell Subdivision, in accordance with the Bloomington Hospital Site Redevelopment Master Plan, we request to vacate an existing alley that runs north and south from 1st Street to 2nd Street in the block between Rogers and Morton Streets. We also request to vacate an existing alley that runs east and west from the previously described alley to Morton Street. The legal descriptions and exhibit drawings of both alleys are included with this letter.

The Bloomington Redevelopment Commission represented by Shrewsberry on this request has agreements to purchase the lands bordering the alleys to be vacated with the exception of parcel 53-08-05-100-109.000-009 owned by Saint Real Estate LLC. The parcel is located at the southeast corner of the intersection of the north-south alley and West 1st St. The Saint Real Estate parcel is currently vacant and was previously accessed by 1st St and the north-south alley. Saint Real Estate also owns the parcels to the east of this property which are accessed by 1st St and Morton St. The alley vacation does not appear to limit future use of the parcels owned by Saint Real Estate.

The existing utilities that currently occupy the alley are allowed to remain in place pursuant to Indiana Code 37-7-3-16. The Indiana Code also provides the utilities legal access as needed for maintenance. The utilities will be relocated to the new public Right-of-Way after it is dedicated and cleared for their relocations.

The alley vacations requested are in line with the Bloomington Hospital Site Redevelopment Master Plan Report dated January 2021 that underwent a rigorous public engagement process. The connections currently provided by the alleys will be improved with the proposed Madison St extension and University St. A previous alley was vacated in the area by CV8010-060A in 1980 to allow the Local Council of Women to construct the hospital laundry facility.

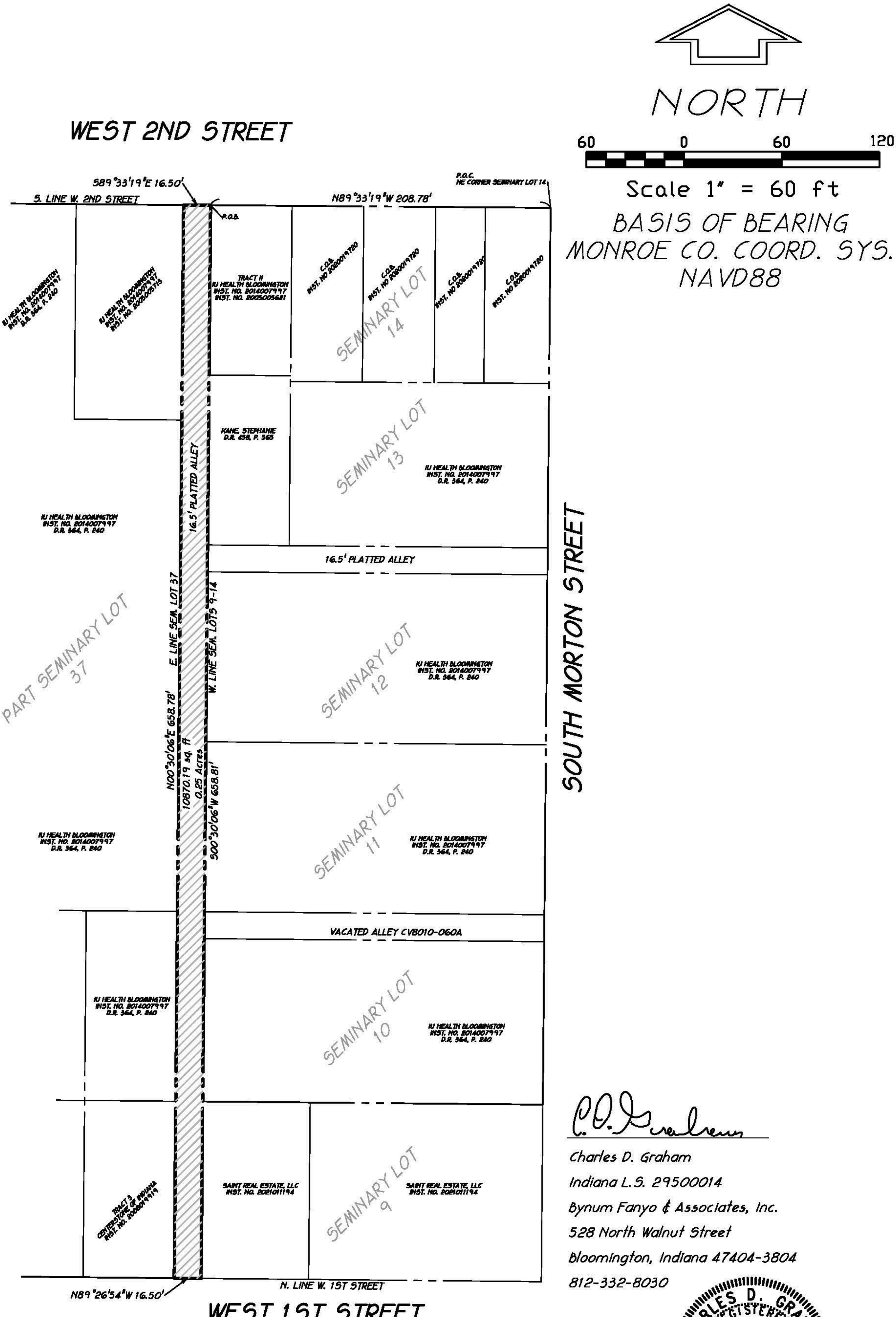
The approved Primary Plat for Hopewell Subdivision includes the dedication of new public Right-of-Way for an extension of Madison Street from 1st to 2nd Street, as well as the dedication of various public utility easements that will replace the alleys to be vacated.

If you need any additional information or would like to discuss this further, please feel free to contact me at your convenience.

Respectfully submitted,

SHREWSBERRY & ASSOCIATES, LLC

Matthew D. Wallace, PE, LEED AP
Senior Engineer Project Manger



Charles D. Graham
Indiana L.S. 29500014
Bynum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404-3804
812-332-8030

CHARLES D. GRAHAM
REGISTERED
No. LS29500014
STATE OF INDIANA
LAND SURVEYOR

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

NOTE:

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

EXHIBIT "B"
ALLEY VACATION
BETWEEN SEMINARY LOTS 37 & 9 THROUGH 14
BLOOMINGTON, IN

Date: 2-17-2022 | SHEET 2 OF 2 | Project No: 5021058

BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404
Phone (812)332-8030 Fax (812)339-2990

PUBLIC RIGHT-OF-WAY VACATION

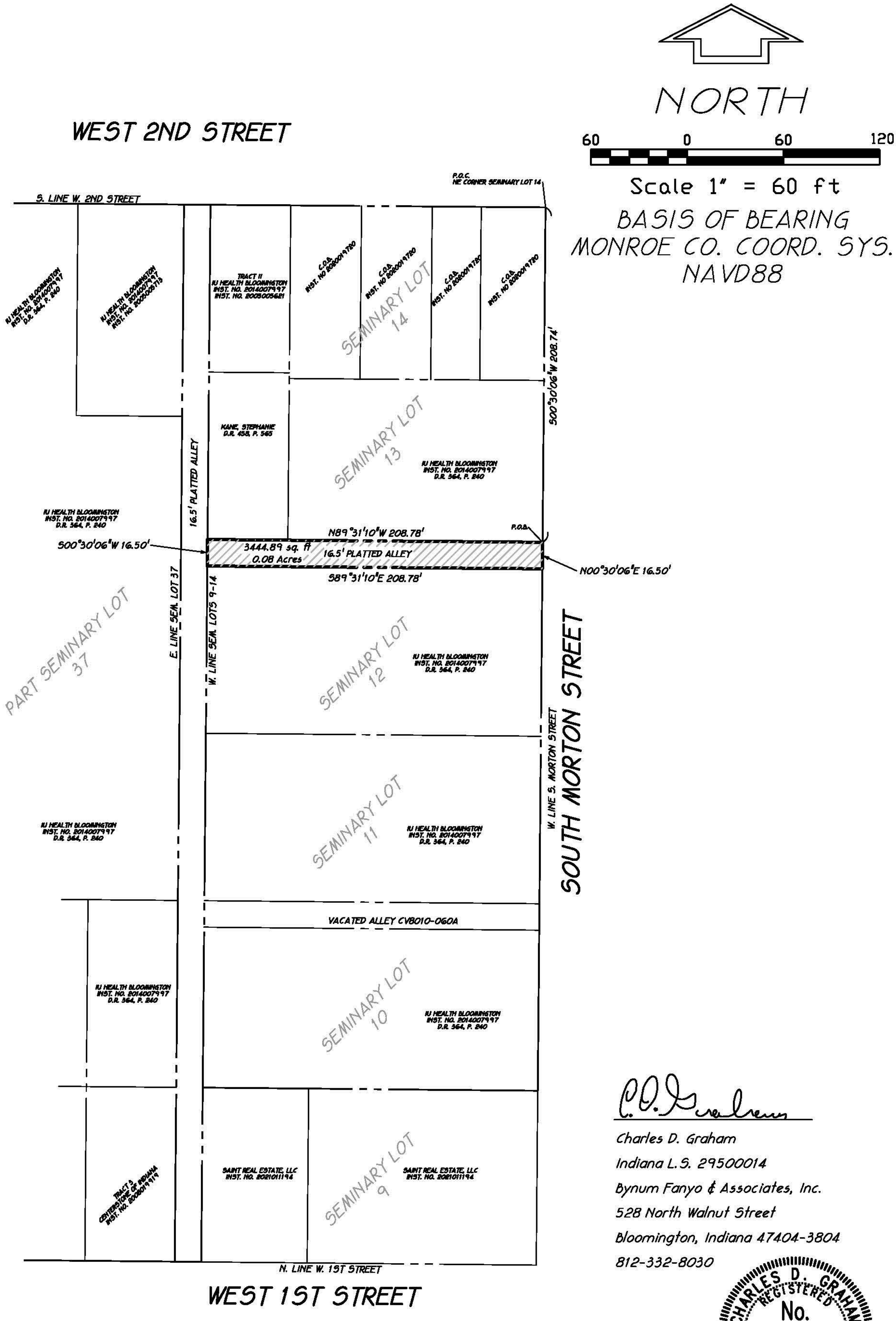
North/South Alley between Seminary Lots 37 and 9 through 14

0.25 ACRES

An alley that runs north and south between West 2nd Street and West 1st Street as shown by the plat of the Seminary Lots, in the City of Bloomington, Indiana, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the south right-of-way line of West 2nd Street; Thence on the north line of said Lot 14 and said south right-of-way line North 89 degrees 33 minutes 19 seconds West 208.78 feet to the northwest corner of said Lot 14 and the True Point of Beginning;

Thence leaving said north and south lines and on the west line of Lots 14, 13, 12, 11, 10 and 9 South 00 degrees 30 minutes 06 seconds West 658.81 feet to the north right-of-way line of West 1st Street; Thence leaving said west line and on said north line North 89 degrees 26 minutes 24 seconds West 16.50 feet to the southeast corner of said Lot 37; Thence leaving said north line and on the east line of Lot 37 North 00 degrees 30 minutes 06 seconds East 658.78 feet to the south right-of-way line of West 2nd Street; Thence leaving said east line and on said south line South 89 degrees 33 minutes 19 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.25 ACRES (10,870.19 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.



C.D. Graham

Charles D. Graham
Indiana L.S. 29500014
Bynum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404-3804
812-332-8030

CHARLES D. GRAHAM REGISTERED No. LS29500014 STATE OF INDIANA LAND SURVEYOR

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

NOTE:

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

EXHIBIT "B"
ALLEY VACATION
BETWEEN SEMINARY LOTS 12 & 13
BLOOMINGTON, INDIANA

Date: 2-17-2022 SHT 2 OF 2 Project No: 5021058

BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404
Phone (812)332-8030 Fax (812)339-2990

PUBLIC RIGHT-OF-WAY VACATION
East/West Alley between Seminary Lots 12 and 13

0.08 ACRES

An alley that runs east and west between South Morton Street and a 16.5 foot platted alley as shown by the plat of the Seminary Lots, in the City of Bloomington, Indiana, more particularly described as follows:

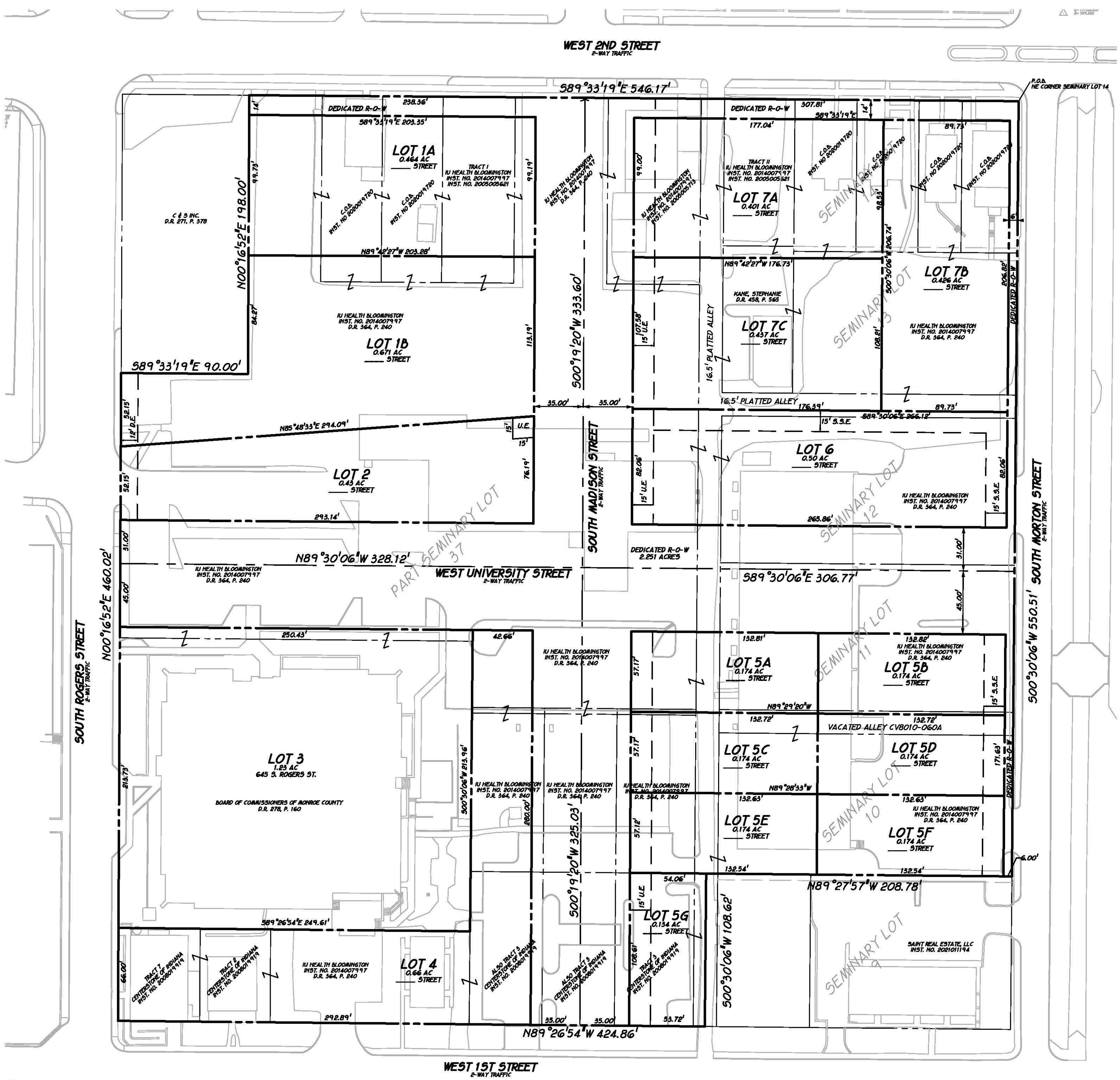
Commencing at the northeast corner of Seminary Lot 14, said point also being on the west right-of-way line of South Morton Street; Thence on the east line of Lots 14 and 13, and on said west right-of-way line South 00 degrees 30 minutes 06 seconds West 208.74 feet to the southeast corner of Lot 13 and the True Point of Beginning;

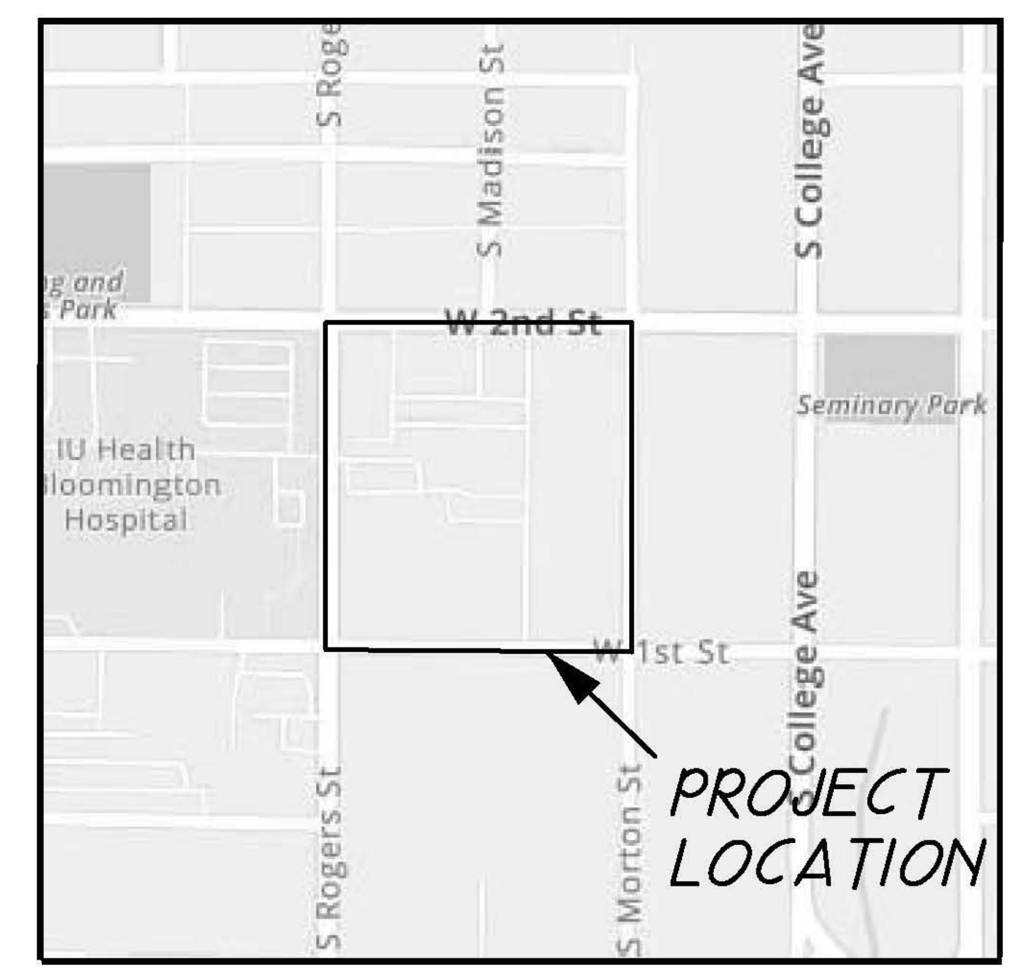
Thence leaving said east and west line and on the south line of said Lot 13 North 89 degrees 31 minutes 10 seconds West 208.78 feet to the southwest corner of said Lot 13 and the east right-of-way of a platted alley; Thence South 00 degrees 30 minutes 06 seconds West 16.50 feet to the northwest corner of said Lot 12; Thence on the north line of said Lot 12 South 89 degrees 31 minutes 10 seconds East 208.78 feet to the northeast corner of said Lot 12 and said west right-of-way of South Morton Street; Thence leaving said north line and on said west right-of-way line North 00 degrees 30 minutes 06 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.08 ACRES (3,444.89 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

INSTRUMENT NO. ____________ PLAT CABINET ____________ ENVELOPE ____________

HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP





LOCATION MAP

FLOOD NOTE:

According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010. This property is located in Zone X, an area of minimal flood hazard.

Source: FEMA

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

NOTE:

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

HOPEWELL SUBDIVISION
1-20-2022
SHEET 1 OF 2
JOB NO. 5021058

PREPARED BY BYNUM FANYO & ASSOCIATES INC. 528 N. WALNUT ST. BLOOMINGTON, IN. 47404

INSTRUMENT NO. ______________ PLAT CABINET ______________ ENVELOPE ______________

HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37
PERRY TOWNSHIP

SOURCE OF TITLE: SEE SHEET 1 FOR SOURCES

OWNER: CENTERSTONE OF INDIANA; CITY OF BLOOMINGTON; IU HEALTH BLOOMINGTON; STEPHANIE KANE

ZONING: MH - MIXED USE MEDIUM SCALE

The undersigned, as owners of the real estate described on this plat, for and in consideration of the City of Bloomington, Indiana, granting to the undersigned the right to tap into and connect to the sewer system of the City of Bloomington for the purpose of providing sewer service to the described real estate, now release the right of the undersigned as owners of the platted real estate and their successors in title to remonstrate against any pending or future annexation by the City of Bloomington, Indiana, of such platted real estate.

CENTERSTONE OF INDIANA, CITY OF BLOOMINGTON, IU HEALTH BLOOMINGTON & STEPHANIE KANE, the owners of the real estate shown and described herein,does hereby lay off, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as ____________________, an addition to the City of Bloomington. All streets and alleys shown, and not heretofore dedicated are dedicated to the public.

The strips of ground that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines, and wires. Buildings or other structures shall not be erected or maintained on these strips.

Signed and Sealed ____, 20___.

OWNER: Centerstone of Indiana

____

Name Printed: ____________________

Title/Office: ____________________

STATE OF INDIANA)
) SS:
COUNTY OF __________)

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared ____________________, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notorial seal this ______ day of __________, 20___.

County of Residence	Commission Expiration
Notary Public, Written	Notary Public, Printed

Signed and Sealed ____, 20___.

OWNER: City of Bloomington

____

Name Printed: ____________________

Title/Office: ____________________

STATE OF INDIANA)
) SS:
COUNTY OF __________)

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared ____________________, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notorial seal this ______ day of __________, 20___.

County of Residence	Commission Expiration
Notary Public, Written	Notary Public, Printed

Public Alleys to be vacated per this plat:

1. 16.5 foot north - south alley being part of the Seminary plat in the City of Bloomington, In.
2. 1-16.5 foot east - west alleys being part of the Seminary plat in the City of Bloomington, In.

These alleys are being vacated at the request of the property owners and with consent and approval of City of Bloomington.

OWNER: IU Health Bloomington

____

Name Printed: ____________________

Title/Office: ____________________

STATE OF INDIANA)
) SS:
COUNTY OF __________)

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared ____________________, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notorial seal this ______ day of __________, 20___.

County of Residence	Commission Expiration
Notary Public, Written	Notary Public, Printed

Signed and Sealed ____, 20___.

OWNER: Stephanie Kane

____

Name Printed: ____________________

Title/Office: ____________________

STATE OF INDIANA)
) SS:
COUNTY OF __________)

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared ____________________, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notorial seal this ______ day of __________, 20___.

County of Residence	Commission Expiration
Notary Public, Written	Notary Public, Printed

LEGAL DESCRIPTION

A part of Seminary Lots 37 and 10 and all of Lots 11, 12, 13 and 14 in the City of Bloomington, County of Monroe, State of Indiana, more particularly described as follows:

Beginning at the northeast corner of said Lot 14, said point being on the west right-of-way of South Morton Street; Thence on and along the east lines of Lots 14, 13, 12, 11 and part of 10 and the west right-of-way of South Morton Street South 00 degrees 30 minutes 06 seconds East 550.51 feet; Thence leaving said east and west lines North 89 degrees 27 minutes 57 seconds West 208.78 feet to the east line of a platted alley; Thence on said east line South 00 degrees 30 minutes 06 seconds West 108.62 feet to the north right-of-way line of West 1st Street; Thence on said north line and on and along the south line of Lot 37 North 89 degrees 26 minutes 54 seconds West 424.86 feet to the east right-of-way of South Rogers Street; Thence leaving said north and south lines and on and along said east line North 00 degrees 16 minutes 52 seconds East 460.02 feet; Thence leaving said east line South 89 degrees 33 minutes 19 seconds East 90.00 feet; Thence North 00 degrees 16 minutes 52 seconds East 198.00 feet to the south right-of-way line of West 2nd Street and the north line of Lot 37; Thence on and along said north and south line South 89 degrees 33 minutes 19 seconds East 546.17 feet to the Point of Beginning, containing within said bounds 8.65 acres (376,794 sq. ft.).

EASEMENT LEGEND

UE = Utility Easement

(A) Shall allow both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.

(B) Prohibits the placement of any unauthorized obstructions within the easement area.

DE = Drainage Easement

(A) Shall be required for any surface swales or other minor improvements that are intended for maintenance by the lots on which they are located.

(B) Shall prohibit any alteration within the easement that would hinder or redirect flow.

(C) Shall provide that the owner of the lot on which the easement is placed shall be responsible for maintenance of the drainage features within such easement.

(D) Shall be enforceable by the City Utilities Department and by owners of properties that are adversely affected by conditions within the easement.

(E) Shall allow the City Utilities Department to enter upon the easement for the purpose of maintenance, to charge the cost of such maintenance to the responsible parties, to construct drainage facilities within the easement, and to assume responsibility for the drainage features at its discretion.

W.L.E. = Waterline Easement.

(A) Shall allow the city utilities department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the city utilities department in conjunction with the preliminary plat. Upon written permission from the city utilities department, encroachments may be permitted after the recording of the final plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within waterline easements.

(D) Grading activity shall be prohibited within waterline easements without written permission from the city utilities department.

(E) Signs shall not be located within waterline easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the city.

SSE = Sanitary Sewer Easement

(A) Shall allow the City Utilities Department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City Utilities Department in conjunction with the Preliminary Plat. Upon written permission from the City Utilities Department, encroachments may be permitted after the recording of the Final Plats.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within the Sanitary Sewer Easement.

(D) Grading activity shall be prohibited within Sanitary Sewer Easements without written permission from the City Utilities Department.

I certify that I am a Registered Land Surveyor licensed under the laws of Indiana; that this plat accurately represents a survey made by me on December 28, 2021, _______ and that the monuments shown on it exist; and that their locations, sizes, types, and materials are accurately shown.

C.D. Graham

Charles D. Graham
Indiana L.S. 29500014
Bynum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404-3804
812-332-8030

CHARLES D. GRAHAM
REGISTERED
No.
LS29500014
STATE OF
INDIANA
LAND SURVEYOR

HOPEWELL SUBDIVISION
1-20-2022
SHEET 2 OF 2
JOB NO. 5021058

MP-70-80

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

IN THE MATTER OF THE PETITION)
OF THE LOCAL COUNCIL OF WOMEN,)
INC., TO VACATE AN ALLEY)

CAUSE NUMBER CV8010-060A

PETITION TO VACATE ALLEY

Comes now the Local Council of Women, by counsel, Bunger, Harrell & Robertson, and respectfully petitions this Court to issue an order vacating the following described alley located within the city limits of Bloomington, Indiana;

> That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/ west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 11 and 12 of the City of Bloomington, Indiana. (See Exhibit "A" attached hereto)
>
> 10 11

Petitioner would indicate to this Court that the Local Council of Women are the owners of all the real estate adjacent to this alley.

This petition is filed pursuant to the provisions of Indiana Code 18-5-10-44, and the petitioner would respectfully pray that the Court grant said petition to enable the petitioner to utilize that portion of the alleyway described herein for the construction of a laundry facility for the Bloomington Hospital for all other relief.

Respectfully submitted,

BUNGER, HARRELL & ROBERTSON

BY ______________________
Thomas Bunger
226 South College Square
P.O. Box 787
Bloomington, Indiana 47402
Telephone: (812) 332-9295

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 11 and 12 of the City of Bloomington, Indiana.

10

11

Bloomington, Indiana 47402
Telephone: (812) 332-9295

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

CAUSE NO. CV8010-060A

IN THE MATTER OF THE PETITION OF THE LOCAL COUNCIL OF WOMEN, INC., TO VACATE AN ALLEY

AMENDED PETITION TO VACATE ALLEY

Comes now the Local Council of Women, by counsel, Bunger, Harrell & Robertson, and respectfully petitions this Court to issue an order vacating the following described alley located within the city limits of Bloomington, Indiana:

> That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 10 and 11 of the City of Bloomington, Indiana. (See Exhibit "A" attached hereto).

Petitioner would indicate to this Court that the Local Council of Women are the owners of all the real estate adjacent to this alley.

This petition is filed pursuant to the provisions of Indiana Code 18-5-10-44, and the petitioner would respectfully pray that the Court grant said petition to enable the petitioner to utilize that portion of the alleyway described herein for the construction of a laundry facility for the Bloomington Hospital and for all other relief.

Respectfully submitted,

BUNGER, HARRELL & ROBERTSON

BY Thomas Bunger

Thomas Bunger

BUNGER, HARRELL & ROBERTSON
POST OFFICE BOX 787
BLOOMINGTON, INDIANA 47402
812-3329295

EXHIBIT "A"

Legal Description

That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 10 and 11 of the City of Bloomington, Indiana.

BUNGER, HARRELL & ROBERTSON
226 SOUTH COLLEGE SQUARE
P. O. BOX 787
BLOOMINGTON, INDIANA 47402

LEN E. BUNGER
HAROLD A. HARRELL
DON M. ROBERTSON
WILLIAM K. STEGER
WILLIAM H. KELLEY
GARY J. CLENDENING
LYNN H. COYNE
THOMAS BUNGER
PHILIP C. HILL
JOSEPH D. O'CONNOR III

TELEPHONE
AREA CODE 812
332-9295

October 29, 1980

Mr. William Finch
City Attorney
Post Office Box 100
Bloomington, Indiana 47402

Dear Bill:

Please find enclosed Petition to Vacate Alley, Amended Petition to Vacate Alley and Summons concerning an alleyway between Seminary Lots 10 and 11.

Township
Perry
4/7 NW

We inadvertantly filed the initial petition showing the alleyway between Seminary Lots 11 and 12 when in reality it is between 10 and 11 and consequently filed an amended petition. We have already filed with the Board of Public Works and the Plan Commission the necessary documents in order to place this matter on their agendum.

The Local Council of Women, the operating body of the Bloomington Hospital, owns all real estate which is adjacent to the proposed alley to be vacated.

After you have received these documents and had a chance to review them, I would appreciate it if you would call me so we may discuss this matter further.

Yours very truly,

CITY OF BLOOMINGTON

Interdepartmental Memo

TO: John Freeman , Bill Finch
Tim Mueller

SUBJ: Alley Vacation

FROM: Jeff Fanyo JF

DATE: November 6, 1980

Engineering has no objections to the attached alley vacations, however the following corrections should be made:

The alley is in Perry Township 1/4 Section 4-SW in the City of Bloomington, Indiana; which, in my opinion, to be also included in the Legal Description.

JSF/nlo

xc: file

MINUTES: OCT 27
NOV 10

**MP-70-80 LOCAL COUNCIL OF WOMEN, South Morton Street, request for alley vacation. Mr. Mueller gave the staff report noting that this vacation of an alley is on land that will be used for the hospital expansion plans. He said that there will be a lot of activity concerning this hospital expansion during the next few months. The Mental Health Center is going to be built on the corner of 1st and Rogers. The S.E. corner will be used temporarily as an employee's parking lot, as well as property on Rogers and Second for the same purpose. On Morton Street there is a proposal for a laundry facility for the hospital. Mr. Mueller concluded that the staff has a positive outlook on this petition and recommends that it be placed on the agenda for final hearing November 24, 1980 when information on the possible utilities in the alleyways may be known.

MP-70-80
PLACED ON THE
AGENDA

11/10

Tom Bunger, Attorney for Petitioner, said that he had nothing to add to Mr. Mueller's presentation except that as representative for the Local Council of Women, he had contacted the Utility Departments. To the best of his knowledge, there is no problem, but he said that he agrees that it should be placed on the agenda for final hearing on November 24th.

*Mr. Zabriskie moved and Mr. Fleetwood seconded a motion to place this

**MP-70-80 LOCAL COUNCIL OF WOMEN, 600 block of S. Morton Street, request for an alley vacation. Mr. Mueller gave the staff report. He added that a condition of approval should be that storm sewer pipes be relocated to the satisfaction of the City Engineer before this is passed on to the BPW.

MP=70-80
APPROVED W/
CONDITION

Tom Bunger, said that all utilities have been notified and that there are no problems other than the storm sewer. He said that they will address the problem.

11/24

Mr. Fanyo told the Commission that he has been in contact with Don Brock of the Hospital and there is a tenative plan to increase the sewer's capacity as needed.

Mr. Fanyo told Mr. Zabriskie that the plans are to use the existing 18" storm sewer on site to remove run off from the property and add a parallel line in another alley to the North. There was some discussion concerning the run-off downstream. After some discussion between them, Mr. Fanyo addressed Mr. Zabriskie's concerns about the need for a retention pond on-site or required downstream improvements by assuring him that there is not a significant enough run-off from this laundry project alone to warrant a retention pond (only an increase of 1/10). Mr. Fanyo said that he is trying to get an overall plan from the hospital (relating to their projected buildings) so that he can estimate the increased run-off. They will definitely need retention when the large addition is built.

*Mr. Anderson moved and Mr. Zabriskie seconded a motion to make a positive recommendation to the BPW on the condition that storm sewer pipe be relocated to the satisfaction of the City Engineer to be resolved before this goes to the Board. The motion passed unanimously (9-0).

PLAN COMMISSION
NOVEMBER 24, 1980
FINAL STAFF REPORT

MP-70-80	Local Council of Women South Morton Street, 600 block Request for an alley vacation

The property is a right of way strip that extends west off of South Morton Street and terminates at a platted alleyway running parallel to South Morton Street in the 600 block.

The petitioners plan to utilize the vacated strip as part of the new laundry site for the hospital to be developed on the block interior.

Current status: Semi-improved; serving only the applicant

Future status: No potential for public sector utilization.

Proposed Private Ownership Utilization: Given vacation by the City, the Petitioners intend to construct a new building on the real estate, thereby enhancing the currently vacant property and the area in general.

Compliance with Regulations: The vacation request does not interfere with any zoning or thoroughfare regulations.

Relation to Plans: This request complies with the prevailing SM zoning, and will not pose interference to the Master Plan.

RECOMMENDATION: Staff recommends approval to the Board of Public Works.

STATEMENT OF JUSTIFICATION

The Local Council of Women wishes to have the alley vacated for the following reasons:

1. The Local Council of Women owns the real estate on all sides of the alley.

2. The Local Council of Women in its development plan would propose to construct a laundry facility on the real estate which they own in Seminary Lots ~~10~~ and ~~11~~. (11 + 12)

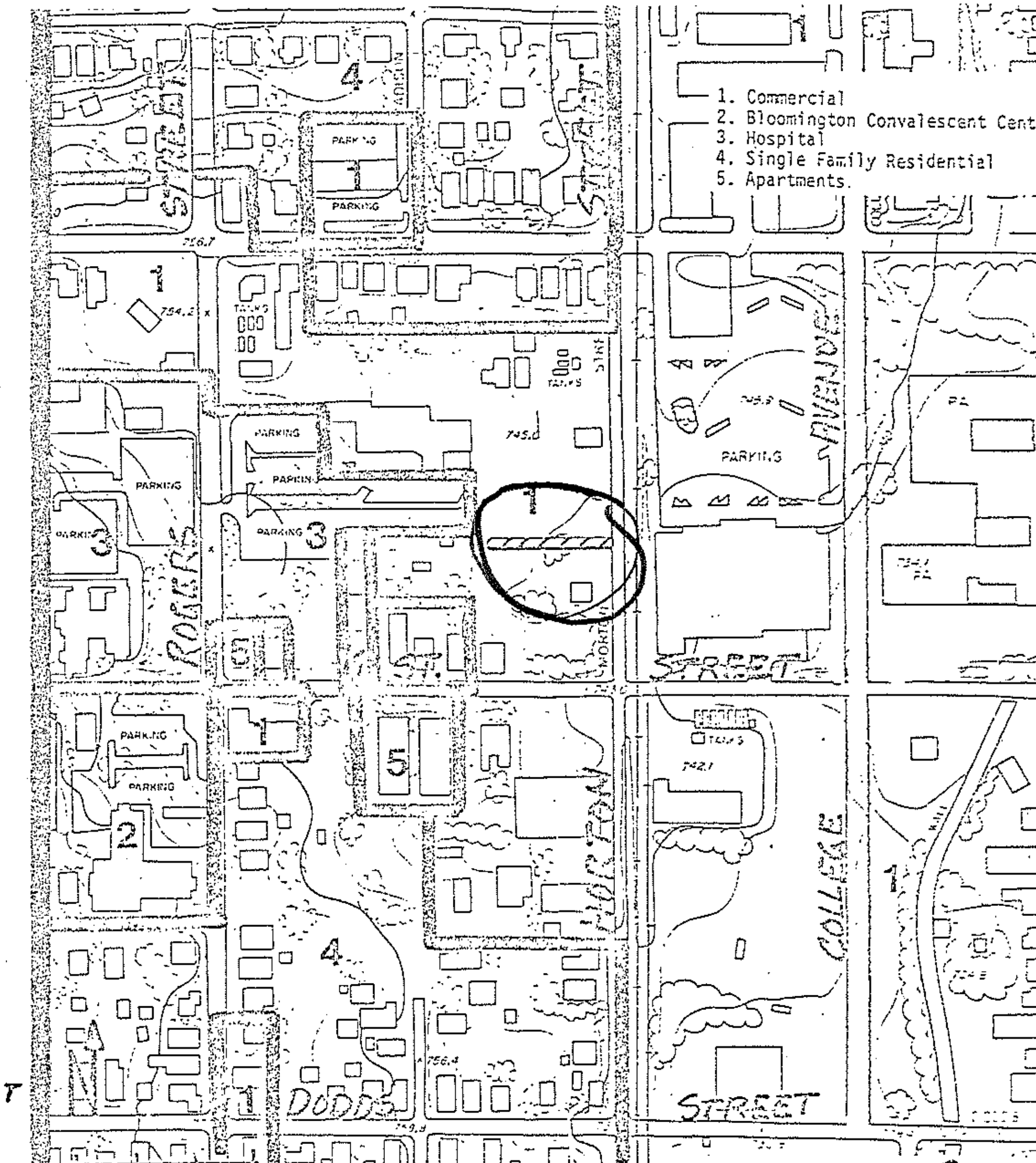
3. If the alley is vacated, Local Council of Women are planning to build a new building on the real estate. This will enhance the area and make more pleasant surroundings for all the neighbors.

4. The alley does not carry a great deal of east/west traffic. The vacation of this alley would not upset the traffic flow a great deal.

Thomas Bunger
Attorney for Petitioner

MP-70-80

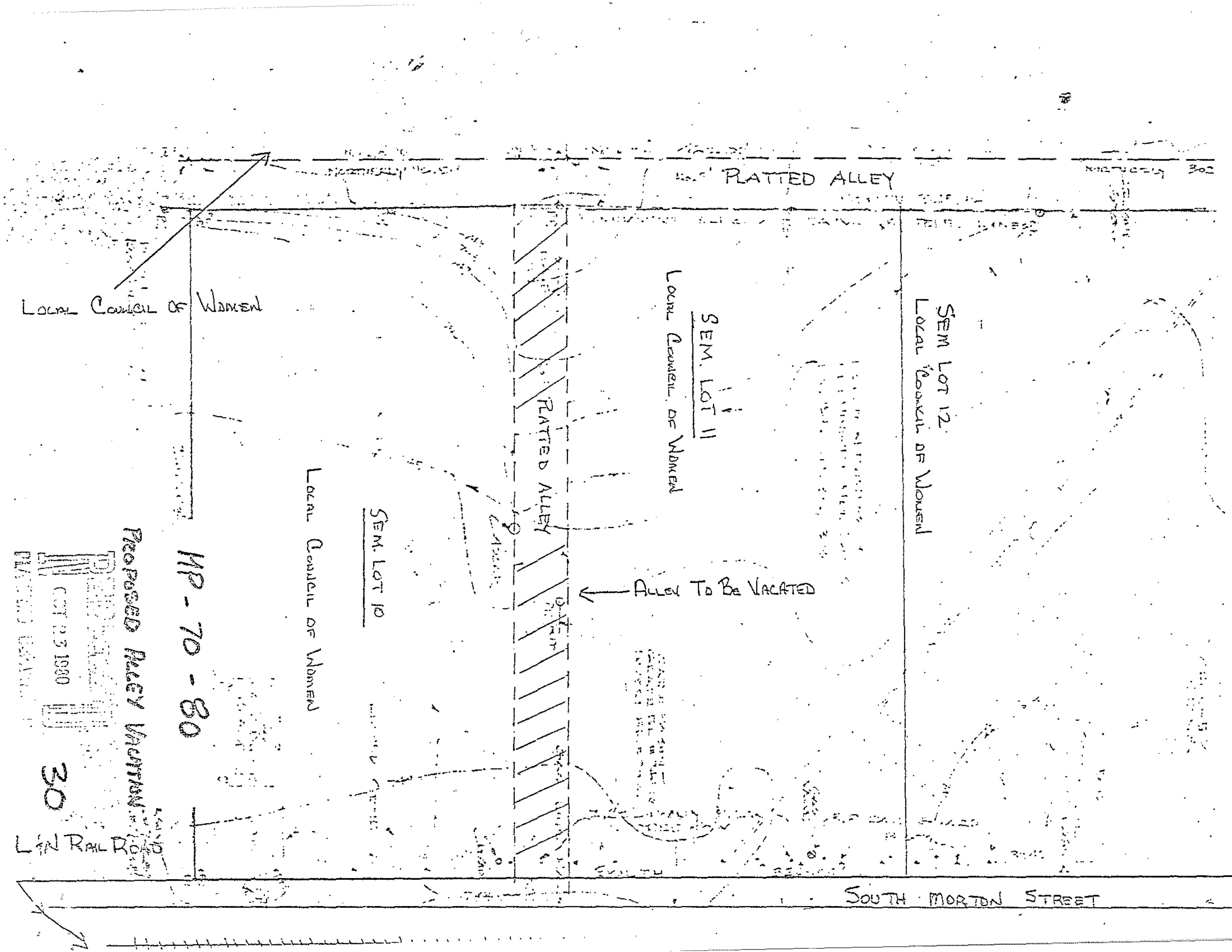
PETITIONERS STATEMENT



MP-70-80

ALLEY VACATION

LAND USE MAP


PLATTED ALLEY
LOCAL COUNCIL OF WOMEN
SEM. LOT 11
LOCAL COUNCIL OF WOMEN
SEM. LOT 12
LOCAL COUNCIL OF WOMEN
PLATTED ALLEY
SEM. LOT 10
LOCAL COUNCIL OF WOMEN
ALLEY TO BE VACATED
VP - 70 - 80
PROPOSED ALLEY VACATION
OCT 23 1980
30
L&N RAIL ROAD
SOUTH MORTON STREET

City of Bloomington Indiana
City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402
Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

MEMO FROM COUNCIL OFFICE ON:
(Updated April 1, 2022)

Ordinance 22-06 – To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" To Establish A Historic District – Re: The Johnson's Creamery Historic District

Synopsis

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled "The List of Designated Historic Districts" in order to designate "Johnson's Creamery" as a historic district. The Bloomington Historic Preservation Commission, after a public hearing on March 10, 2022, recommended that the structure be designated historic with a rating as "Notable." This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.101(e), entitled "Historic District Criteria." Local designation will provide the protection needed to ensure that this property is preserved.

Relevant Materials

- Ordinance 22-06
- Map of proposed historic district
- Staff Report from Bloomington Historic Preservation Commission
- Draft Amendment 01 to Ordinance 22-06
- Amendment 02 to Ordinance 22-06 (may be revised prior to April 6 Regular Session)
- Modified Unsafe Building Order
- Engineering Report prepared for property owner by Arsee Engineers, Inc available in the Legislative Packet from March 30, 2022

Update following the Committee of the Whole held March 30, 2022

On March 30, the Committee of the Whole considered Ordinance 22-06 and one amendment to the ordinance. Amendment 02 received a do-pass recommendation of 2-4, while the ordinance itself (without any amendments) received a do-pass recommendation of 6-0. Another prepared amendment (Am 01, described below), was not introduced or discussed.

Update following Regular Session held March 23, 2022

Please note that a draft Amendment 01 to Ordinance 22-06 was prepared and distributed ahead of the March 23 Regular Session at the request of staff, so that it could be available for any councilmember interested in proposing a change to the historic district boundary. As currently written, the amendment would amend the boundary of the proposed historic district to follow the main building and smokestack footprint. Such a change to the boundary had been requested by the owner of the property in question. However, the property owner has also expressed concern about the inclusion of the smokestack as a

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designated structure within the proposed historic district. If a councilmember is interested in sponsoring Amendment 01 as written, or is interested in proposing any additional changes to the map of the historic district, please contact the Council Office.

Please also note that an Unsafe Building Order has been issued by the Housing and Neighborhood Development Department to the property owner, which orders the property owner to demolish and complete any required repairs to stabilize the smokestack structure on the property at a height not to exceed sixty (60) feet.

Summary

Ordinance 22-06 would add "Johnson's Creamery" as a historic district under Title 8 of the Bloomington Municipal Code (entitled "Historic Preservation and Protection"). The provisions of Title 8 are enabled by state law under Indiana Code 36-7-11 (and following provisions) and are intended to:

- protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;
- ensure the harmonious and orderly growth and development of the City;
- maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission ("HPC") is authorized to make recommendations to the Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. In this case, the HPC acted on its own to recommend that the Johnson's Creamery site be designated as a single-property historic district due to it meeting at least three of the criteria required by Bloomington Municipal Code 08.08.010(e) for the creation of a historic district.

Under BMC 08.08.020, once an area is designated as a historic district, a certificate of appropriateness must be issued by the HPC prior to the issuance of a permit for, or prior to work beginning on, any of the following within all areas of the historic district:

- The demolition of any building;
- The moving of any building;
- A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance, or
- Any new construction of a principal building or accessory building or structure subject to view from a public way.

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Please note that an engineering report has been prepared and included in the Legislative Packet from March 30, 2022, which describes the condition of the smokestack located on the property. While not the subject of this ordinance, changes to the property or to the smokestack may come to the HPC for review if the Council adopts the ordinance. The HPC promulgates rules and procedures for reviewing changes to properties within historic districts. Those reviews occur in the context of either granting or denying Certificates of Appropriateness for the proposed changes which, in some instances may be done by staff and other instances must be done by the Commission. Unless the property owner agrees to an extension, the action on the Certificate of Appropriateness must be taken with 30 days of submittal of the application. Persons who fail to comply with the Certificate of Appropriateness or other aspects of Title 8 are subject to fines and other actions set forth in BMC Chapter 8.16 (Administration and Enforcement).

According the BMC, in order to bring forward a historic designation, the HPC must hold a public hearing and submit a map and staff report to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance (see also BMC 08.08.01(e)). These criteria provide the grounds for the designation.

In summary, Ordinance 22-06:

- Approves the map and establishes the district, which provide the basis for the designation;
- Attaches the map and the report;
- Describes the district and classifies the properties;
- Inserts the newly-established district into the List of Historic and Conservation Districts contained within BMC 8.20.

Contact

John Zody, Director, Housing and Neighborhood Development, (812) 349-3420, john.zody@bloomington.in.gov
Gloria Colom Braña, Historic Preservation Program Manager, (812) 349-3420, gloria.colom@bloomington.in.gov

ORDINANCE 22-06

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION" TO ESTABLISH A HISTORIC DISTRICT –
Re: The Johnson's Creamery Historic District

WHEREAS, the Common Council adopted Ordinance 95-20, which created a Historic Preservation Commission ("Commission") and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, on March 10, 2022, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of the Johnson's Creamery located at 400 West Seventh Street; and

WHEREAS, at the same hearing, the Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, at the same hearing, the Commission approved a map and written report that accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and

WHEREAS, at the same hearing the Commission voted to submit the map and report, which recommend local historic designation of said properties, to the Common Council; and

WHEREAS, the report considered by the Commission at this hearing notes that this property consists of a two to three story industrial structure and an adjacent smokestack built between 1914 and 1951 that were owned by Ellis W. and Ward W. Johnson, where they produced and supplied most of the dairy products sold in Bloomington and neighboring areas for 75 years; and

WHEREAS, the report considered by the Commission at this hearing notes that this property is rated "Notable" on the State Historic Architectural and Archeological Research Database (SHAARD).

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

The legal description of this property is further described as:

013-23790-00 ORIG PLAT 293-296, PT 297 & 298, &; VAC STS & ALLEY; (1.132A)
in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The property at "400 West Seventh Street." shall be classified as "Notable".

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled "List of Designated Historic and Conservation Districts," is hereby amended to insert "Johnson's Creamery" and such entry shall read as follows:

Johnson's Creamery 400 West Seventh Street

SECTION 4. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ______ day of ________________________________, 2022.

____
SUSAN SANDBERG, President
City of Bloomington

ATTEST:

____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this ______ day of ____________________________________, 2022.

____
NICOLE BOLDEN, Clerk
City of Bloomington

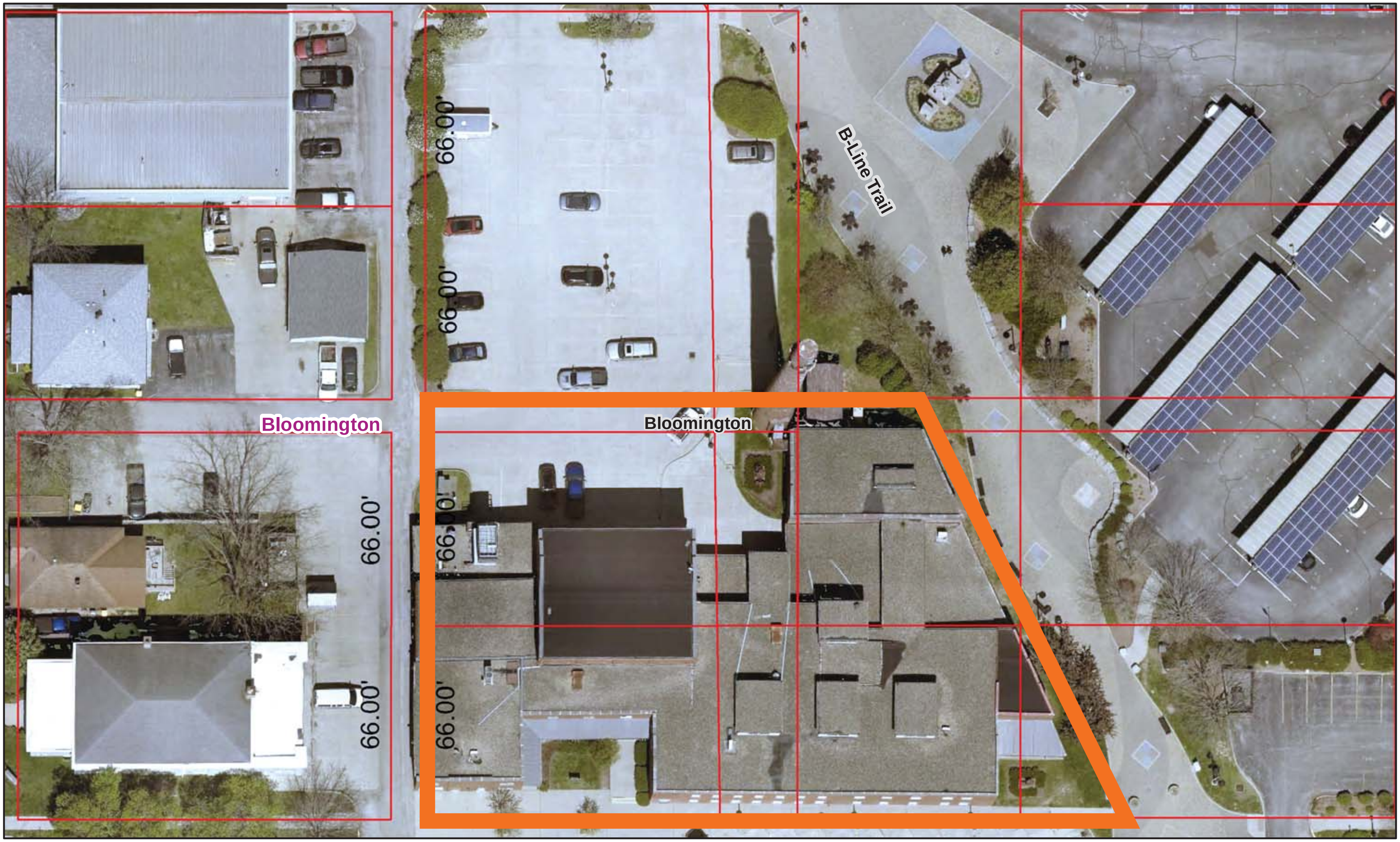
SIGNED and APPROVED by me upon this ______ day of ________________________, 2022.

____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled "The List of Designated Historic Districts" in order to designate "Johnson's Creamery" as a historic district. The Bloomington Historic Preservation Commission, after a public hearing on March 10, 2022, recommended that the structure be designated historic with a rating as "Notable." This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.101(e), entitled "Historic District Criteria." Local designation will provide the protection needed to ensure that this property is preserved.

Johnson's Creamery Site



Proposed historic site boundary

1:600

0 0.005 0.01 0.02 mi

0 0.0075 0.015 0.03 km

HD-22-01

400 W 7th St. (Johnson's Creamery)

Staff Report: **Bloomington Historic Preservation Commission**

The property at 400 W 7th St. qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) a // (2) b, g

1) Historic:
    a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
    b) Is the site of an historic event; or
    c) Exemplifies the cultural, political, economic, social, or historic heritage of the community.

2) Architectural:
    a) Embodies distinguishing characteristics of an architectural or engineering type; or
    b) Is the work of a designer whose individual work has significantly influenced the development of the community; or
    c) Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
    d) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
    e) Contains any architectural style, detail, or other element in danger of being lost; or
    f) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of the city; or
    g) Exemplifies the built environment in an era of history characterized by a distinctive architectural style

Case Background

The proposed district consists of two buildings and a smokestack on the lot legally recorded as 013-23790-00 ORIG PLAT 293-296, PT 297 & 298, &; VAC STS & ALLEY; (1.132A) Johnson's Creamery (referred to as the Creamery) is located in the heart of Bloomington's historic urban industrial center. The lot is currently zoned as Mixed-Use Downtown (MD-CD) and like other formerly industrial buildings in the area, it is currently used for office space. Just a few blocks north west of the city's courthouse square, the Creamery was nestled amongst historically significant industrial and religious buildings in the area.

Johnson's Creamery was built in 1914 by brothers Ellis W and Ward W Johnson in order to supply dairy products to Bloomington. Ellis and Ward were born in 1886 and 1888 respectively to a farming family in Orange County, Indiana. They moved to Bloomington around 1911 or 1912 and opened Bloomington Creamery Co. on 407 S Washington St where they sold ice cream and butter (Sanborn Map 1913).

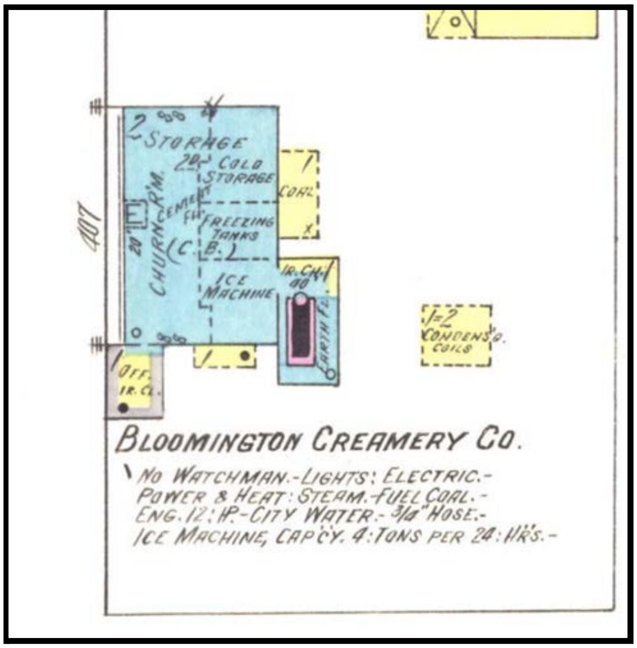


Figure 1: 1913 Sanborn map with the original location of the Johnson brother's creamery "Bloomington Creamery Co.

Their business quickly outgrew the factory space and they relocated to the current location at 400 W 7th St. and renamed their company to Johnson's Creamery. The Creamery sourced their primary materials, principally milk to produce dairy products from local farmers within Monroe County. In 1935 they were touted as being the fourth largest industry in Bloomington after stone masonry, furniture making, and Indiana University (Bloomington Evening World 1935).

The Johnson brothers quickly began adapting the Creamery's offerings to the quickly changing technology of the twentieth century, in foodways, construction technologies, and the agricultural landscape of the United States. The Creamery began to expand their offering, providing both retail and wholesale dairy products as well as ice for iceboxes. Up until 1938, most of the items were delivered directly to homes using a horse and cart system. At that time they switched to motorized vehicles but continued delivering directly to their clients until the 1960's. By 1925 the Creamery was bottling and selling pasteurized milk, "Shady Brook" Butter, Johnson's Ice Cream and ice from distilled water for ice boxes. The Creamery had grown four times in size in order to accommodate additional storage, the engine room, milk, and a butter annex. Most of the clientele was local but they exported to cities such as Pittsburgh and New York (Johnson Creamery Company 1925).

Johnson's Creamery continued to produce dairy products until 1987 when they closed for good due to the changes in food production and distribution throughout the United States. Milk and other agricultural products could be pasteurized and processed much farther from their point of origin and multi-state supermarket chains were bringing in their own milk and dairy products into the market, often for lower prices. The building remained empty until 1994 when the then owner, Joe Harrell of Harrell Mechanical, Inc., formed the Eighth Street Development Corporation and worked with architects and historic preservationists to rehabilitate the building for adaptive reuse as office space (Campbell 1995).

Many of the windows on the western and southern facades have been replaced. A concrete block structure added in 1951 was demolished during the rehabilitation in the 1990s in order to provide parking space. The exterior of the structure reflects other changes throughout its history.

Historic surveys rating and designations:

The Creamery, on its own and within the context of the surrounding buildings have been recognized for their historical significance on multiple levels.

The Creamery has been rated as Notable in the 2018 Bloomington Historical Building Survey and was included in the National Register of Historic Places (NRHP) in March of 1996 after an extensive rehabilitation project begun in 1994. The State Historic Architectural and Archaeological Research Database and Structures Map (SHAARD) maintained by Indiana's Division of Historic Preservation and Archaeology recommends "that this property be considered significant locally", as the NRHP does not offer direct protection against severe alterations or demolition. In addition, the Creamery is located within the West Side Historic District incorporated into the NRHP in 1997.

Bethel African Methodist Episcopal Church (AME), the Showers Brothers Furniture Factory, the Wholesale Food Warehouse, and the Illinois Central Railroad Depot are some of the historically and architecturally significant buildings around the Creamery. Bethel AME Church is located west of the Creamery on 7th street just across the alley. The church is rated as Outstanding and represents a significant landmark in Bloomington's African American history. The Showers Brothers Furniture Factory, located to the east of the Creamery is rated as Notable and is a locally designated historic district. The Illinois Central Railroad Depot on the corner of Morton St. and 7th St. is rated Notable and is both a locally designated historic district and included in the NRHP.

Historic, 1 (c): Exemplifies the cultural, political, economic, social, or historic heritage of the community.

The history of Johnson's Creamery reflects the technological advancements related to food production, distribution, and consumption, not just in Bloomington, but in most of the United States during the twentieth century. The rise and downfall of the Creamery was directly related to quickly changing technologies that allowed for hygienic and sterile food production but also in changing tastes and changes in people's relationship to food.

Figure 2: Undated, Johnson's Creamery horse and cart delivery system (Courtesy of the Monroe County History Center).

Before electricity became widely and steadily available at the turn of the twentieth century, preparing ice cream was a labor intensive treat available to those who could store ice throughout the year. During the first few decades of the Creamery's operation, they incorporated the technologies for pasteurizing milk and distilling water at industrial levels, reflecting changing norms in health and hygiene. Ice production in particular was a substantial component of their offering during the early twentieth century in order to supply domestic ice boxes before the advent of electricity powered refrigeration. An expansion to the Creamery was built in 1927 precisely to meet these needs as the Creamery used distilled water to prepare the year's supplies of ice in winter. The low temperatures simplified the endeavor and lowered the cost and energy use later on. When people stopped requiring the 25, 50 or 100 lbs of ice for food storage, the Creamery stopped mass production of ice and shifted their spatial usage (Johnson Creamery 1925).

Other products such as milk, butter, and ice cream remained staples throughout most of the 75 years of operations, although these too reflected changing technologies and health concerns. Pasteurization was incorporated in the first years of operation. Milk was delivered to individual households. Horse carts were used until 1939 but trucks continued delivering until the early 1960s. Two percent milk was introduced at a time when concerns on the fat content became prevalent throughout the United States. Ice cream came in up to twenty flavors, many of them seasonably dependent on local fruits (Creek 1986). All of the raw materials, including milk, eggs, and fruits were sourced from local farmers within Monroe County. The Creamery hired up to 100 employees at its peak in the 1950s and was considered a stable job provider (Brubaker 1996, 5).

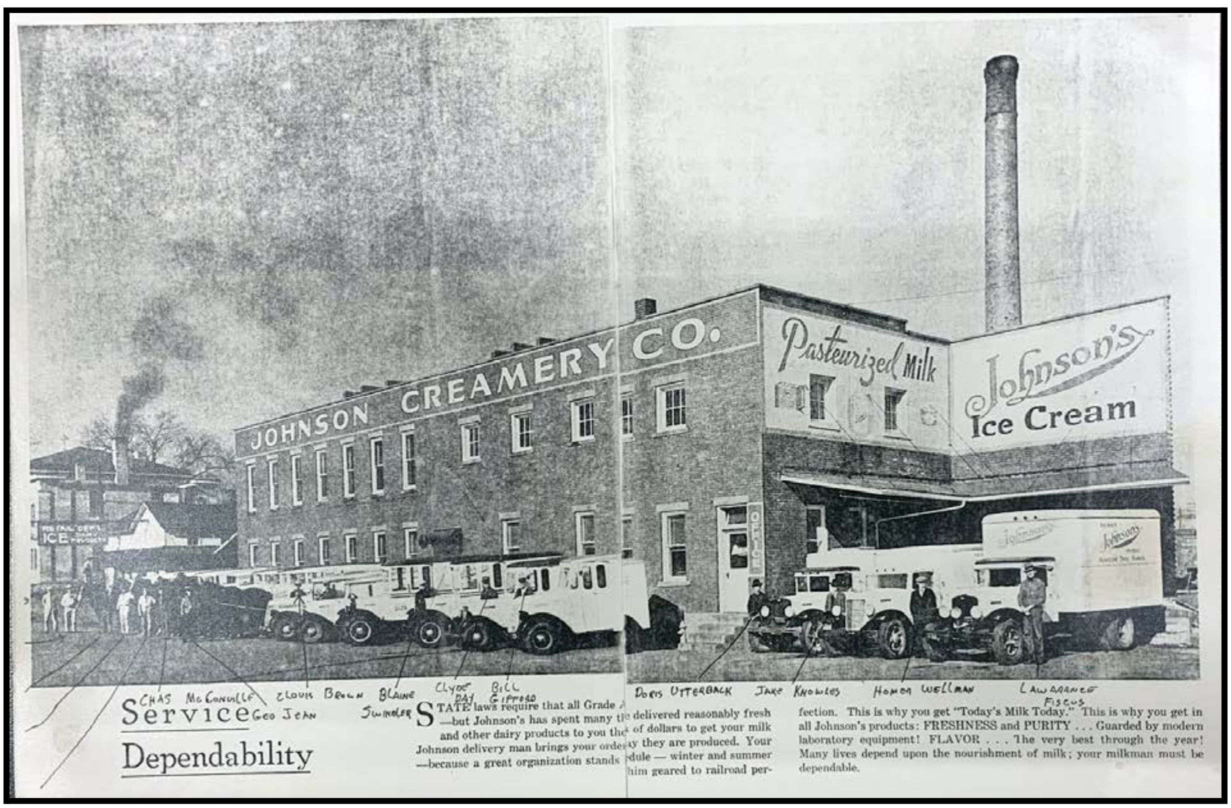


Figure 3: Circa 1939, year when horse driven carts were being phased out in favor of motorized vehicles. The names of the drivers are hand written on this image (Courtesy of the Monroe County History Center).

The technological advancements that saw the rise of the Creamery later caused its downfall and eventual closure. Milk, like other agricultural products, was being transported from farther away, to be processed at larger plants more efficiently. Likewise, supermarkets were providing their own products from larger interstate regions. Johnson's Creamery, like many local dairy plants, could not compete pricewise with these larger companies and consolidated with Maplehurst, a larger dairy company based in Indianapolis in 1987.

During its time serving Bloomington and the surrounding region, the Johnson's Creamery was an active participant in community events, sponsoring teams and supplying treats for special events. Mary Carol Johnson, Ellis Johnson's granddaughter provided the following memory in a letter to Bloomington's Common Council in 1990:

> "The creamery also provided dairy services and great joy to Indiana University. I remember when my pop, Charlie Johnson, would stay late to make up a stencil of one of the I.U. fraternity logos, for a special function, and then imprint it on a little brick of vanilla ice cream with different colored ice cream. I also remember going down to the creamery to visit pop when he was working late and hopping into the deep freeze to look at all the different ice cream figurines for special occasions. There was the vanilla and chocolate Thanksgiving turkey and then there was the strawberry and vanilla Santa Claus for Christmas (Johnson 1990)."

The Creamery continues to reflect the history of most of Bloomington's urban industrial buildings through its adaptive reuse as office space. The Creamery continues to provide a visual memory of Bloomington's food history.

Architectural Significance, 2 (f): Owing to its unique location or physical characteristics, represents an established and familiar visual feature of the city.

Johnson's Creamery, with its combination of additions, provides visual markers of the rapid industrial changes with regards to food production throughout the twentieth century. The smokestack is the most visually stunning representation of this industrial history. Erected in 1949, the smokestack measuring 140 feet tall was the second, and smaller replacement for a previous smokestack that measured over 200 feet in height.

Figure 4: 1949 aerial photo showing both smokestacks

The smokestack potentially measured up to 178 feet in height when it was first built. Curved red brick was used along with white glazed brick to spell the word Johnson's in a serif font vertically. The smokestack is one of the tallest structures in Bloomington's urban center and can be seen from far away.

The smokestack has gone through multiple restoration and maintenance procedures particularly in the 1990's when the entire building was restored for adaptive reuse. 38 metal bands have been placed around it over time to fortify and provide stability. A study prepared by Arsee Engineers Inc commissioned by the current owners, Peerless Development, Inc. recommends partial demolition and stabilization due to continual deterioration. See Attachment 1.

The main structure not only adapted to the changing programmatic industrial needs over time, but hugs the former CSX railroad tracks now functioning as the B-Line trail. Both the main structure and the smokestack are enjoyed daily by users of the trail as well as visitors to the City's farmers market.

Architectural Significance, 2 (g): Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

The construction era of Johnson's Creamery represents multiple technological advancement in building technology between 1914 and 1951. Although the exterior of the main structure and the smokestack are made of red brick, their supporting structure, architectural styles, and reason for being reflect the changing technological needs within the factory, as well as the changing structural techniques of the time. The original portion built in 1913 was “framed within its brick walls with timber posts, beams, joist work, and floors (Campbell 1995).” The 1921 and the 1927 three story Art Deco ice house additions incorporated steel columns and concrete floors in the interior. The 1951 office addition was built out of block with red brick facing and aluminum windows (Campbell 1995).

The additions to the original building offer a visual marker of important historical moments within the development of the Creamery’s changing technology and usage.

Financial Impact Statement:

There is no anticipated fiscal impact according to BMC 2.04.290 associated with this Ordinance.

Recommendation: Approval

Staff recommends property parcel 013-23790-00 ORIG PLAT 293-296, PT 297 & 298, &; VAC STS & ALLEY; (1.132A) Johnson’s Creamery be designated as a local historic district. After careful consideration of the application and review of the Historic District Criteria as found in Ordinance 95-20 of the Municipal Code, staff finds that the property not only meets, but exceeds the minimum criteria listed in the code.

The property meets Criteria 1(c) because of its historical impact on Bloomington’s food, agricultural, and social history through the production and sale of dairy products.

The property meets Criteria 2(f) because of the unique form of the building located by the historic CMX railroad tracks, the industrial form of the building, and the visibility of the smokestack with the word Johnson’s emblazoned on it.

The property meets Criteria 2 (g) because the form, materials, and architectural features are representative of the changing technologies in construction as well as the changing programmatic uses of the building throughout over the course of various decades.

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1925. “Johnson Creamery Company.” *The Bloomington Business Woman* (May) 1 no. 1: 41.

1935. “Fourth Bloomington Industry.” *Bloomington Evening World,* July 26, 1935.

Brubaker, Cynthia. 1996. “Johnson’s Creamery.” *National Register of Historic Places Application.*

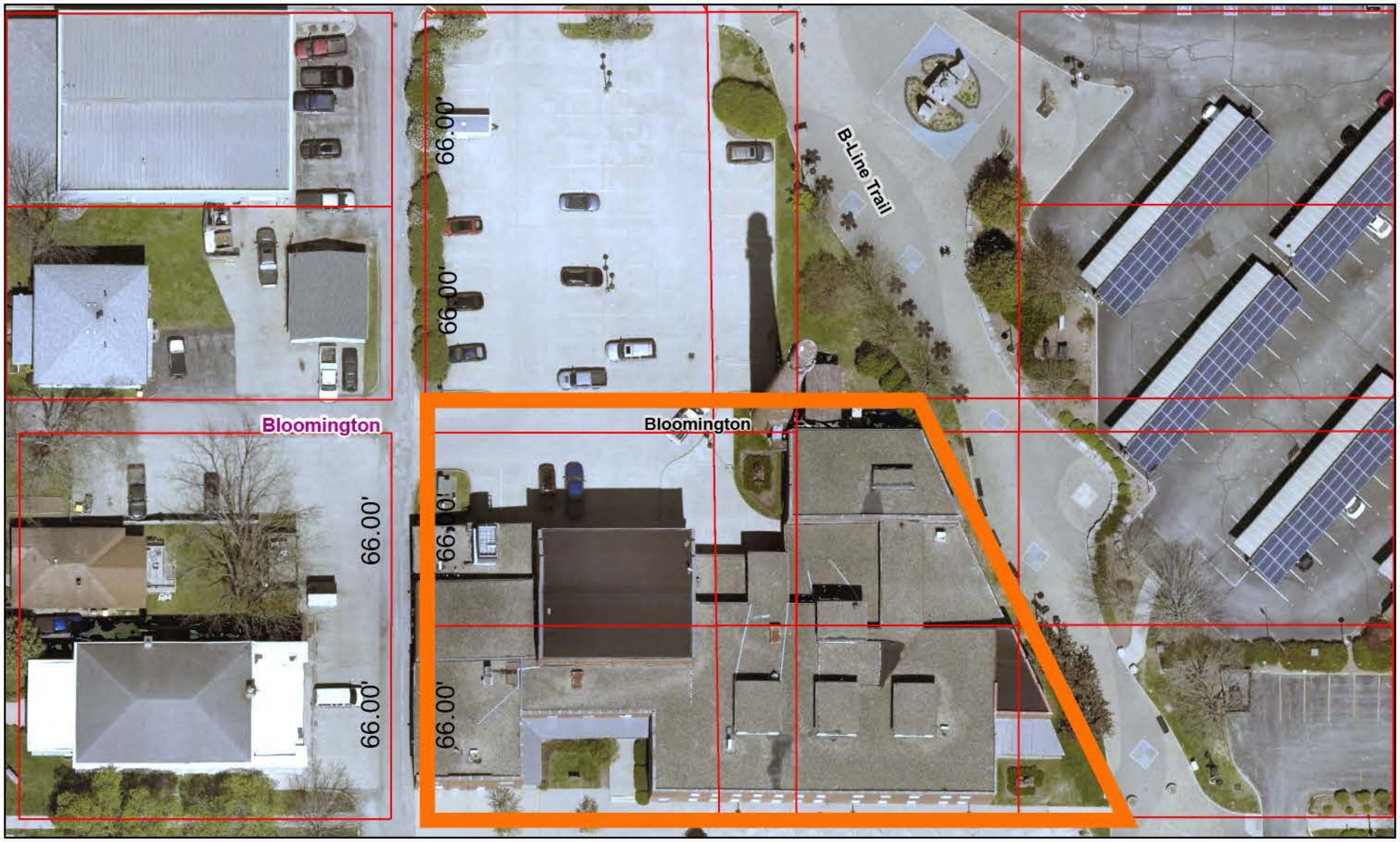
Campbell, Dunca. 1995. “Old Creamery Again Rising to the Top.” *Indiana Preservationist* (March/April) no. 2.

Creek, Julie. 1986. “From Cow to Carton: Johnson’s Creamery No Longer Processes Milk at its Bloomington Plant.” *Sunday Herald Times,* May 4, 1986.

Johnson, Mary Carol. 1990. “Letter to Bloomington City Council.”

Wise, M. W., and Robert D Loring. 1913. *Fire Insurance Maps of Downtown Bloomington, Indiana.*

Johnson's Creamery Site



Proposed historic site bound-

1:600
0 0.005 0.01 0.02 mi
0 0.0075 0.015 0.03 km


Orion
For Lease

CITY OF BLOOMINGTON
HOUSING AND NEIGHBORHOOD DEVELOPMENT

memo

City of Bloomington

To: City of Bloomington Councilmembers

From: Gloria M. Colom Braña, Historic Preservation Program Manager

Date: March 21, 2022

Re: Amendment to the proposed Ordinance 22-06 – To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: The Johnson's Creamery Historic District

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Comments: The Historic Preservation Commission staff was tasked with relaying the following amendment to the proposed Ordinance 22-06.The current owners of 400 W 7th St., also known as Johnson's Creamery, are requesting an amendment to the historic district boundaries from the current points (beginning at the lot's southeast corner at intersection of the B-line and 7th Street, the east boundary follows the B-line northward to the northern edge of the historic east-west alley that cuts through the lot, The north boundary follows the northern edge of the historic east-west alley and ends at the current north-south alley. The west boundary follows the north south alley to the southwest corner where the alley intersects with the north edge of 7th street). The owner, Peerless Development is requesting that the boundaries be amended to follow the main building and smokestack footprints. This would not include a small separate shed on the lot by the smokestack. The amended site map is attached to this memo.

*** Amendment Form ***

Ordinance #: 22-06
Amendment #: Am 01
Submitted By: [In need of sponsor] - (at request of property owner)
Date: March 23, 2022

Proposed Amendment:

1. Ordinance 22-06 shall be amended by replacing the map setting forth the proposed historic district that was submitted by the Historic Preservation Commission with the map attached hereto, which depicts amended boundaries of the proposed historic district.

2. Ordinance 22-06, Section 1 shall be amended by inserting "(as amended)" in the second sentence after the word "map", such that the entire provision shall read as follows:

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map (as amended) and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

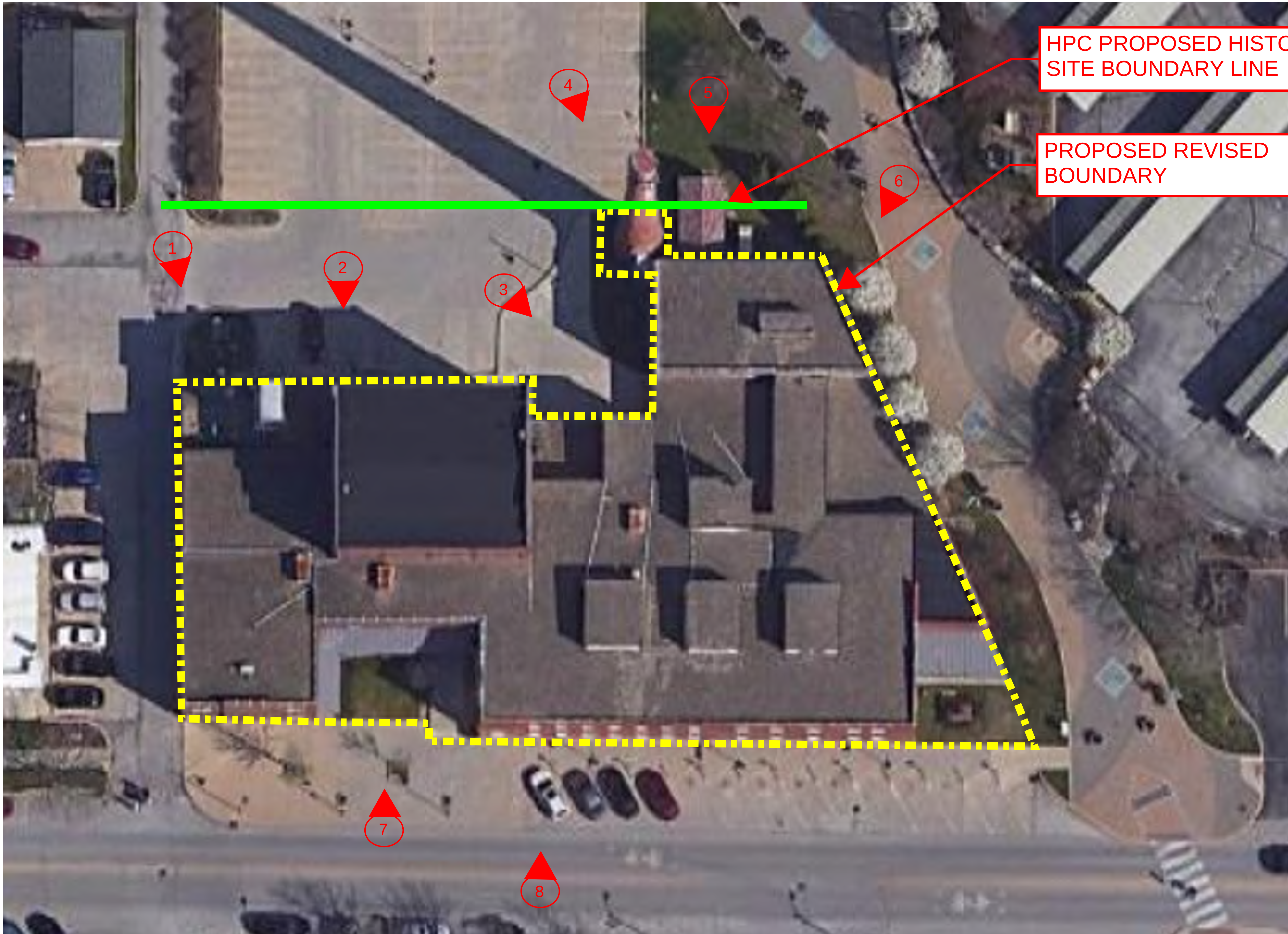
The legal description of this property is further described as:

013-23790-00 ORIG PLAT 293-296, PT 297 & 298, &; VAC STS & ALLEY; (1.132A)
in the City of Bloomington, Monroe County, Indiana.

Synopsis

This amendment is sponsored by [in need of sponsor] at the request the property owner. It would amend the boundary of the proposed historic district to follow the main building and smokestack footprint.

03/23/22 Regular Session Action: *NA*
04/06/22 Regular Sesion Action: *Pending*



PEERLESS DEVELOPMENT	400 W. 7TH ST. PROPOSED HISTORIC SITE BOUNDARY	MARCH 14, 2022


PHOTO 3

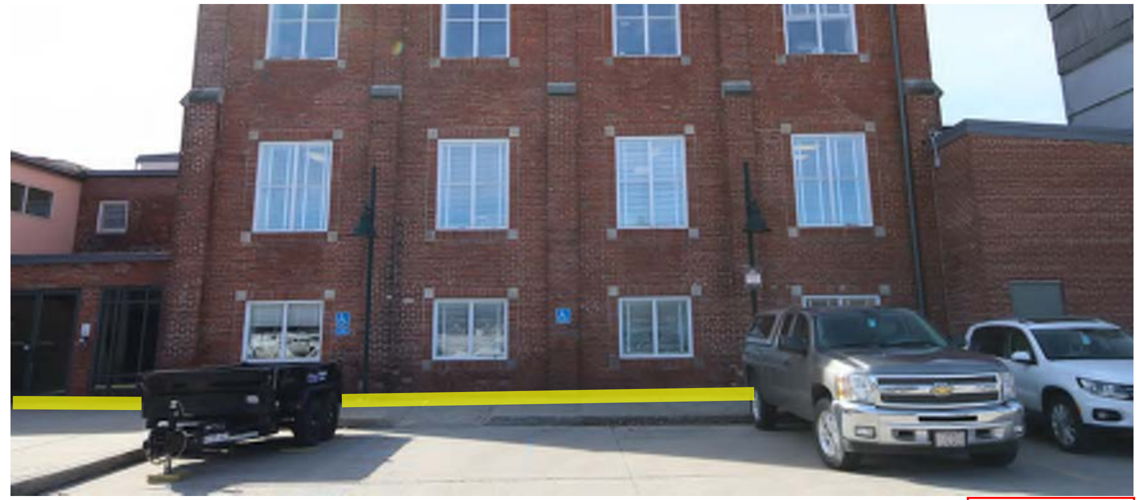


PHOTO 2


PHOTO 1


PHOTO 6


PHOTO 5


PHOTO 4


PHOTO 8

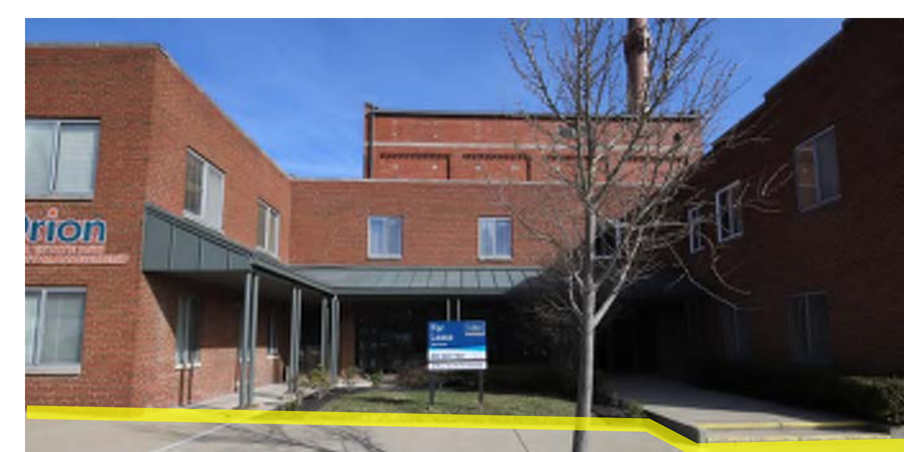


PHOTO 7

*** Amendment Form ***

Ordinance #: 22-06
Amendment #: Am 02
Submitted By: Cm. Piedmont-Smith
Date: March 30, 2022

Proposed Amendment:

1. Ordinance 22-06 shall be amended by replacing the map setting forth the proposed historic district that was submitted by the Historic Preservation Commission with the map attached hereto, which depicts amended boundaries of the proposed historic district.

2. Ordinance 22-06, Section 1 shall be amended by inserting "(as amended)" in the second sentence after the word "map", such that the entire provision shall read as follows:

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map (as amended) and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

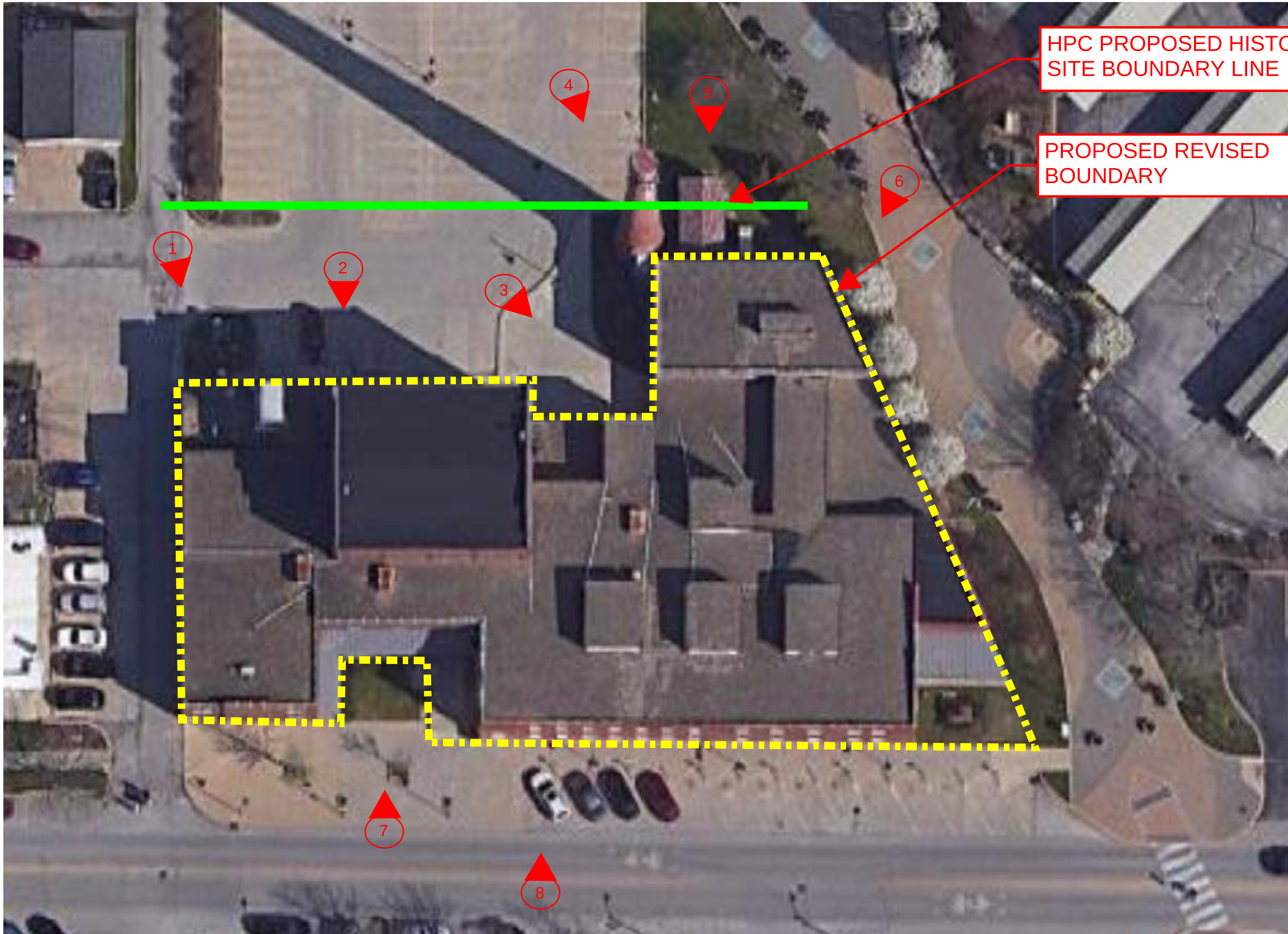
The legal description of this property is further described as:

013-23790-00 ORIG PLAT 293-296, PT 297 & 298, &; VAC STS & ALLEY; (1.132A)
in the City of Bloomington, Monroe County, Indiana.

Synopsis

This amendment is sponsored by Cm. Piedmont-Smith and is submitted by her independently of the request of the property owner. It would amend the boundary of the proposed historic district to follow the main building footprint and to exclude the smokestack structure. The exclusion of the smokestack is proposed because the current smokestack is unsafe and required by building code to be brought from its current 144 ft. to 60 ft. in height. If required to be maintained, the 60 ft. smokestack would not resemble the historically significant smokestack that now sits on the site.

03/30/22 Committee of the Whole Action: Do-pass recommendation failed - 2-4
04/06/22 Regular Session Action: *Pending*



PEERLESS DEVELOPMENT	400 W. 7TH ST. PROPOSED HISTORIC SITE BOUNDARY	MARCH 29, 2022

PHOTO 3

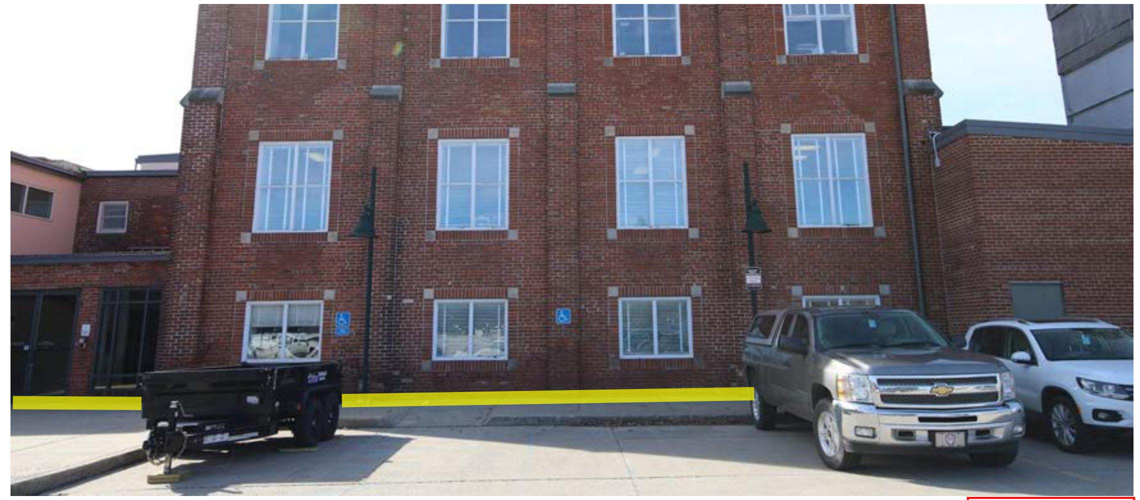


PHOTO 2

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MARCH 29, 2022

PHOTO 8

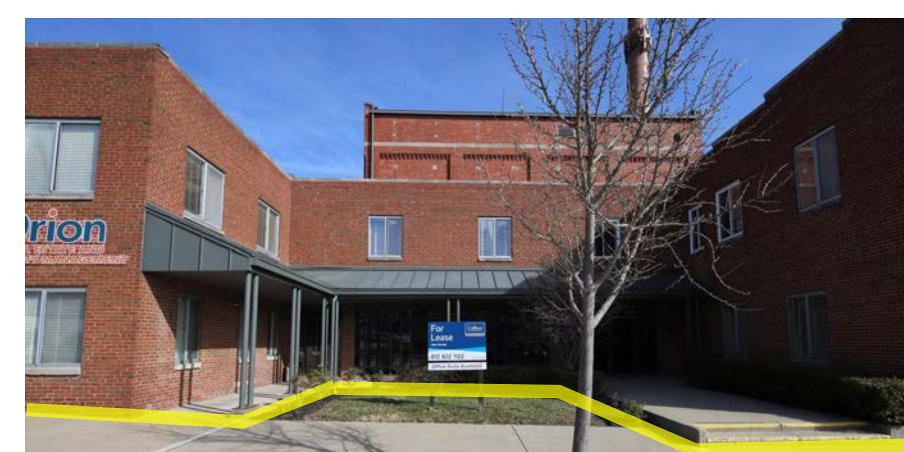

PHOTO 7

March 11, 2022

400 W 7^{th} LLC
105 S. York Su 450
Elmhurst, IL 60126

MODIFIED UNSAFE BUILDING ORDER

RE: Structure(s) located at 400 W 7^{th} St, Bloomington Indiana, 47404
Legal description of relevant property: 013-23790-00 ORIG PLAT, PT 297 & 298, & VAC STS & ALLEY (1.132A)

You are the recorded owner of the aforementioned property ("Property"). On January 10, 2022, the City of Bloomington Housing and Neighborhood Development Department ("City") issued an Order to you requiring you to repair the smokestack located on your Property pursuant to Bloomington Municipal Code ("B.M.C.") Chapter 17.16 and Indiana Code ("I.C.") Chapter 36-7-9-5(a)(5). On March 1, 2022, the City received and reviewed a report related to the structural condition of the smokestack and the viability of various repair options. In light of the findings in the study, the City, pursuant to I.C. § 36-7-9-6, hereby modifies the January 10, 2022, Order as follows:

Pursuant to B.M.C. Chapter 17.16 and I.C. § 36-7-9-5(a)(5),(6), and (7), **YOU ARE HEREBY ORDERED, SUBJECT TO ANY NECESSARY APPROVALS AND ADDITIONAL CONDITIONS IMPOSED BY THE CITY OF BLOOMINGTON HISTORIC PRESERVATION COMMISSION, TO DEMOLISH AND COMPLETE ANY REQURED REPAIRS TO STABILIZE THE SMOKESTACK STRUCTURE ON THE PROPERTY AT A HEIGHT NOT TO EXCEED 60 FEET** within **60** days from the date of this modification, to wit: commencing on the date of receipt of this Order. This Order expires two years from date of receipt/or posting on site.

The following actions must be taken to comply with this Order:

1. **Contact Monroe County Building Department to obtain the appropriate permits for the work to be performed.**

2. **Contact the City of Bloomington Historic Preservation Program Manager to determine what restrictions may apply for the work to be performed. If the property is locally designated by the City of Bloomington Common Council, a request for a certificate of appropriateness will be required from the Historic Preservation Commission so that it may review the proposal and property and approve any demolition or work plans.**

3. **Present plans for repair or demolition to HAND before completing the work necessary to comply with this modified order. This work may include, but is not limited to,**

    a. **Preventing additional listing and/or eliminating the existing list of the smokestack.**

    b. **Compliance with any recommendations put forth by professional engineers regarding the stability of the smokestack.**

    c. **Replacement/repair where bricks are deteriorated or missing.**

    d. **Any other structure work or demolition necessary for stabilization.**

The structure referenced above is being declared unsafe in accordance with B.M.C. Chapter 17.16 and I.C. § 36-7-9-4(a) and this Modified Unsafe Building Order is being issued as a result of inspection(s) conducted by HAND on December 14, 2021, followed by review of the March 1, 2022, Arsee engineering study of the structure. The inspection, together with the review, revealed that the property is:

- ☒ In an impaired structural condition that makes it unsafe to a person or property;
- ☐ A fire hazard;
- ☐ A hazard to the public health;
- ☐ A public nuisance;
- ☐ Dangerous to a person or property because of a violation of the below listed statute or ordinance concerning building condition or maintenance:
  ; and/or
- ☐ Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of the below listed statute or ordinance:
  .

The law requires a hearing be held before this Order can go into effect. To that end, a hearing will be conducted by the City's Board of Public Works ("Board") at **5:30 p.m. local time on March 29, 2022.** The hearing will take place in the City's Common Council Chambers, located at 401 North Morton Street, Bloomington, Indiana. If the meeting occurs via a hybrid meeting format, we will provide the login information for you to participate remotely if you choose. You or your legal counsel may present evidence, cross-examine witnesses, and present arguments at this hearing.

Failure to comply with this Order by the deadline(s) imposed may result in the City issuing citations for violations of the B.M.C., civil penalties being assessed against you, a civil suit being filed against you, the City making the necessary repairs (either by itself or via the use of an independent third-party contractor) and placing a lien on the Property to recover costs associated with this action, and/or demolition and repair of the Property.

You must notify the City's HAND Department within five (5) days if you transfer title, or if another person or entity agrees to take a substantial interest in the Property. This notification shall include the full name, address and telephone number of the person or entity taking title of or substantial interest in the Property. The legal instrument used in the transfer must also be supplied to the HAND Department. Failure to comply with this notification requirement may render you liable to the City if a judgment is entered for the failure of the City to provide notice to persons holding an interest in the Property.

If you have questions regarding this Order, please feel free to contact Neighborhood Compliance Officer during normal business hours at the address, telephone number, and/or email herein provided below:

Michael Arnold
Neighborhood Compliance Officer
Housing & Neighborhood Development Department (HAND)
401 N. Morton Street/P.O. Box 100
Bloomington, Indiana 47402
(812) 349-3401
arnoldm@bloomington.in.gov.

John Zody, Director
City of Bloomington
Housing & Neighborhood Development (HAND)
401 N. Morton Street/P.O. Box 100
Bloomington, Indiana 47402

3/11/22
Date

CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM

TO: Members of the Common Council of the City of Bloomington

FROM: Mayor John Hamilton
Beth Cate, Corporation Counsel
Jeff Underwood, Controller

CC: Stephen Lucas, Council Attorney

DATE: April 1, 2022

RE: 2022 Park District and General Obligation Bonds - Ordinance 22-13 and 22-14

Executive Summary: If approved, Ordinances 22-13 and 22-14 would: (1) authorize the issuance and appropriation of General Obligation Bonds in an amount not to exceed $5,800,000 and (2) approve the issuance of Park District Bonds in an amount not to exceed $5,800,000 (collectively "2022 Bonds"). The term for the 2022 Bonds will be no longer than six (6) years with an interest rate not to exceed five percent (5%). The 2022 Bonds would be used for a variety of City infrastructure needs and advance the City's climate change, equity and quality of life goals. While there is a limit on the amount of debt a municipality may have outstanding at one time, the City is well under that limit, meaning that even after the 2022 Bonds are issued the City will retain the flexibility necessary to address subsequent urgent infrastructure needs.

Proposed Projects: City staff are recommending a variety of long-term capital investments and funding for projects throughout the City to promote climate change preparedness and improve equity and quality of life for all. Once implemented, the City expects that the projects will generate revenue savings that will help offset the debt services on the 2022 Bonds.

The list of projects below are ordered by their proposed priority for each bond series. City Staff have been available to answer Councilmembers' questions about the projects and will be available at the April 13 Committee of the Whole Council meeting and April 20 public hearing to discuss the projects. The Council may choose to remove or reprioritize projects on this list. Although the total estimated costs of the listed projects exceeds $5,000,000, the Ordinances will only authorize $5,000,000 toward these projects. Once issued, the bond funds could be used for any combination of the projects in case projects are reprioritized or are no longer feasible.

2022 General Obligation Bonds (Ord. 22-13)		
Item	Min. Cost Estimate	Max. Cost Estimate
Conversion of Citywide street lights to LED technology	$1,500,000	$2,000,000

Construction of downtown ADA-compliant curb ramps (from W. Kirkwood and Indiana Ave)	$500,000	$1,000,000
Construction of various sidewalk projects throughout the City	$300,000	$1,000,000
Energy efficiency retrofits for all City buildings	$1,000,000	$3,000,000
Upgrade of City vehicle fleet to hybrid/electric vehicles	$1,200,000	$2,200,000
Purchase and installation of GPS equipment for City vehicle fleet	$250,000	$250,000
Construction of High Street Multiuse Path and Intersection Modernize (from Arden Dr to 3rd St)	$2,500,000	$5,000,000
Construction of a green waste yard at Lower Cascades Park	$400,000	$500,000
Citywide traffic signal retiming	$42,500	$425,000

2022 Parks District Bonds (Ord. 22-14)		
Item	Min. Cost Estimate	Max. Cost Estimate
Replace various gas-powered equipment with electrically-powered equipment	$25,000	$25,000
Replace missing sidewalk on Rogers St. by Switchyard Park	$200,000	$200,000
Addition of protected bicycle lanes along Covenanter Drive (from College Mall to Clarizz Blvd)	$2,400,000	$2,880,000
Design and right-of-way for North Dunn Street multiuse path (from the SR 45/46 Bypass to Old SR 37)	$800,000	$960,000
Griffy Loop Trail dam crossing and community access improvements	$375,000	$375,000
Implementation of West 2nd Street modernization, including new signalization and protected bicycle lanes (from Walker Street to B-Line trail)	$1,500,000	$1,500,000
Construction of a pathway to connect Lower Cascades Park to Miller Showers Park (Phase 6)	$3,200,000	$3,200,000

Background:
Bonds are frequently used by municipal governments to pay for large capital improvements that cannot be funded otherwise. The proposed bonds that would be authorized by passage of Ordinances 22-13 and 22-14 are general obligation (GO bonds) and special taxing district bonds of the City's Park District (Park District Bonds).

General obligation bonds (GO Bonds) are bonds that are payable from the City's general funds and secured by the full faith and credit of the city. In this case, the City is pledged repayment of the GO Bonds from its general tax revenue. The GO Bonds will count toward the City's constitutional and statutory debt limit of 2% of Adjusted Value of taxable property within the City.[1] The City's current debt limit based on its 2022 Adjusted Assessed Value is $27,998,014.00. Our existing bond obligations are $8,750,000, which leaves $19,248,014 in bonding capacity under our current debt limit.

Park District Bonds are explicitly authorized under Indiana Code § 36-10-4-35, which allows the Bloomington Park District to issue bonds to pay for improvements or land acquisitions, which are supported by a special benefits tax. The Board of Park Commissioners is charged with authorizing the issuance of Park District Bonds and appropriating the Park District Bonds. The Board of Park Commissioners approved the projects and preliminarily approved issuance of the bonds in resolution 22-02 passed on March 30, 2022. Park District Bonds must also be approved by the Council as part of the statutory approval process. Park District Bonds are not subject to the City's general constitutional debt limit because they arise from a special taxing district for parks.

Process and Next Steps:

Indiana Code § 36-4-6-19 authorizes the Common Council to approve ordinances to issue bonds. Such ordinances must include the terms of the bonds, time and manner of giving notice for the sale of the bonds, the manner in which the bonds will be sold, and the maximum total of any issue of the bonds. The Council also will authorize the additional appropriation, which shall be subject to public notice and hearing.

Likewise, Indiana Code § 36-10-4-16 requires the authorization of the Common Council by Ordinance prior to the Park District issuing bonds. Upon approval by Council, the Board of Park Commissioners will publish notice and hold a public hearing. At the conclusion of the public hearing the Park Commissioners will vote on a confirmatory resolution to issue the bonds.

Here are the dates for the meetings:

- March 30, 2022: Board of Parks Commissioners votes on initiating resolution authorizing projects and recommending issuance of bonds (completed)
- April 6, 2022: Common Council's first reading of bond resolutions

[1] Under Article 13, Section 1 of the Indiana Constitution, a municipality has a debt limit of 2% of the net assessed value of taxable property within the corporate boundaries. The State legislature enacted Indiana Code Chapter 36-1-15 which defines the Adjusted Value of assessed value for purposes of the bond limitation as one third (⅓) of the net assessed value of property.

- April 8, 2022: Notices published in The Herald-Times for additional appropriation and Park Bond public hearings
- April 13, 2022: Common Council Committee of the Whole consideration of the bond ordinances
- April 20, 2022: Common Council public hearing regarding additional appropriation and second reading of the bond ordinances
- April 26, 2022: Public hearing and Board of Park Commissioners' consideration of confirmatory resolution on Park District Bonds
- May 2, 2022: If approved, notices of decision to issue bonds published in The Herald-Times for first time pursuant to Ind. Code 5-3-1-2(d)
- May 9, 2022 (or after): Second notice of decision to issue bonds published in The Herald-Times

City of Bloomington Indiana
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MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-13 – Authorizing the Issuance of the City of Bloomington, Indiana, General Obligation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality of Life Improvements for all City Residents

Synopsis

This Ordinance approves the issuance of general obligation bonds of the City of Bloomington, Indiana, under Indiana Code § 36-4-6-19, in an aggregate principal amount not to exceed $5,800,000, for the purpose of financing longer-term capital projects and investments throughout the City in order to promote climate change preparedness and implement equity and quality of life for all City residents.

Relevant Materials

- New Revenue Package Memo and supporting materials
    - FAQs, Per-Capita Annual Debt slide, Bonding capacity slide
- Memo re: Ordinance 22-13 and 22-14 from Mayor Hamilton, Corporation Counsel Beth Cate, and Controller Jeff Underwood
- Ordinance 22-13
    - Exhibit A – Description of Projects

Summary

The Mayor and administration previously announced and discussed a new revenue package proposal in order to fund investments in public safety, climate change preparedness and mitigation, equity and quality of life improvements, and essential city services. The administration has created a webpage discussing this proposal in more detail here - https://bloomington.in.gov/newrevenue. This webpage also solicits public feedback on the proposal near the bottom of the page.

As one part of this new revenue package proposal, Ordinance 22-13 would authorize the issuance of general obligation bonds in an amount not to exceed $5.8 million to fund projects meant to address climate change preparedness and mitigation and to make equity/quality of life improvements. Another bond ordinance (Ordinance 22-14) addressing Park District bonds is scheduled to be introduced and considered alongside Ordinance 22-13.

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A related resolution proposing an increase to the local income tax (LIT) will be published on April 8, 2022 in the legislative packet issued for the April 13, 2022 Council committee meeting, where the resolution will be considered alongside the two bond ordinances.

Overview of Proposed Capital Improvements

Multiple capital improvement projects (the "2022 Projects") are proposed to be funded by the issuance of general obligation bonds. The 2022 Projects are listed in order of the administration's priorities and briefly described in Exhibit A to Ordinance 22-13. Additional information about the projects and estimated costs can be found in Appendix C to the New Revenue Package Memo provided by Mayor Hamilton and included in this packet.

General Overview of Bond Ordinances

Bond ordinances are long and very technical documents that set forth the procedures regarding the form of the bonds as well as how they are issued, registered, sold, paid out, and redeemed. In general, it is important to note that these are tax exempt bonds, which impose requirements upon the City regarding use of proceeds and reporting to the Internal Revenue Service. Also, it is important to note that the bonds are secured by a pledge of tax revenues. These bonds would apply toward the City's constitutional debt limit, described in more detail in the memo provided by the administration.

In brief, the ordinance:

- Finds that it would be of public utility and benefit and in the best interests of the City to finance all or part of the 2022 Projects with general obligation bonds;
- Authorizes the City to sell a maximum of $5.8 million in general obligation bonds in order to fund all or a portion of the costs of the 2022 Projects, as well as to fund the costs of issuing the bonds;
- States that the proceeds from the sale of the bonds are to be deposited into a construction fund called the City of Bloomington, Indiana, 2022 Projects Fund;
- Attaches Exhibit A, which provides a brief description of the 2022 Projects to be funded through the issuance of the bonds;
- Authorizes bonds with a maximum interest rate of 5% per year and maximum maturity period of no more than 6 years;
- Includes an example bond in the same form and tenor of the bonds to be issued; and
- Specifies the conditions and procedures under which the terms of the bond may be amended.

Beyond approving the issuance of the bonds, the ordinance also appropriates $5.8 million out of the proceeds of the 2022 bonds for the purpose of providing funds to pay the costs of the 2022 Projects. Additional appropriations may be made after advertising and holding a public hearing on the proposed appropriation. The consideration of this ordinance on April 20th will serve as the legally-advertised public hearing.

Contact

Office of the Mayor, mayor@bloomington.in.gov, 812-349-3406
Beth Cate, Corporation Counsel, beth.cate@bloomington.in.gov, 812-349-3426
Jeff Underwood, Controller, underwoj@bloomington.in.gov, 812-349-3412

ORDINANCE 22-13

AUTHORIZING THE ISSUANCE OF THE CITY OF BLOOMINGTON, INDIANA, GENERAL OBLIGATION BONDS, SERIES 2022, TO PROVIDE FUNDS TO FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS, INCLUDING COSTS INCURRED IN CONNECTION WITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS, AND APPROPRIATING THE PROCEEDS DERIVED FROM THE SALE OF SUCH BONDS, ALL FOR THE PURPOSE OF PROMOTING CLIMATE CHANGE PREPAREDNESS AND IMPLEMENTING EQUITY AND QUALITY OF LIFE IMPROVEMENTS FOR ALL CITY RESIDENTS

WHEREAS, the Common Council (the "Council") of the City of Bloomington, Indiana (the "City") has given consideration to the acquisition, design, construction, renovation, improvement and/or equipping of certain public infrastructure and/or other local public improvements more particularly described on Exhibit A hereto and made a part hereof, each of which is reasonably considered to be an independently desirable end in itself without reference to another capital project (collectively, the "2022 Projects"); and

WHEREAS, the Council hereby finds that it would be of public utility and benefit and in the best interests of the City and its citizens to finance the costs of all or a portion of the 2022 Projects through the issuance of general obligation bonds of the City; and

WHEREAS, the Council deems it advisable to authorize the issuance, in one or more series, of general obligation bonds of the City pursuant to Indiana Code § 36-4-6-19, as amended, designated as the "City of Bloomington, Indiana, General Obligation Bonds, Series 2022", with such different or additional series designation determined to be necessary or appropriate (the "2022 Bonds"), in the original aggregate principal amount not to exceed Five Million Eight Hundred Thousand Dollars ($5,800,000), for the purpose of providing funds to be applied to pay all or a portion of (a) the costs of the 2022 Projects, (b) capitalized interest on the 2022 Bonds, if necessary, and (c) the costs incurred in connection with the issuance and sale of the 2022 Bonds and all incidental expenses therewith, including the cost of any credit enhancement with respect thereto (if necessary), with all of the foregoing costs and expenses in an aggregate amount not to exceed $5,800,000; and

WHEREAS, the original principal amount of the 2022 Bonds, together with the outstanding principal amount of previously or contemporaneously issued bonds or other obligations which constitute a debt of the City, is no more than two percent (2%) of one-third (1/3) of the total net assessed valuation of the City; and

WHEREAS, the amount of proceeds of the 2022 Bonds allocated to pay costs of the 2022 Projects, together with estimated investment earnings thereon, does not exceed the cost of the 2022 Projects as estimated by the Council; and

WHEREAS, the Council has found that there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the costs of the 2022 Projects and has authorized the issuance of the 2022 Bonds to procure such funds and that a need exists for the making of the additional appropriation hereinafter set out; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the 2022 Bonds and an additional appropriation of the City have been complied with in accordance with the Act.

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

SECTION 1. Authorization for the Bonds. In order to provide financing for the 2022 Projects and incidental expenses incurred in connection therewith and on account of the issuance of the 2022 Bonds, the City shall borrow money and issue the 2022 Bonds as herein authorized. The Council hereby determines that each of the Projects is reasonably considered to be an independently desirable end in itself without reference to another capital project.

SECTION 2. General Terms of Bonds.

In order to procure said loan for such purposes, the Controller is hereby authorized and directed to have prepared and to issue and sell negotiable general obligation bonds of the City, in one or more series, in an aggregate principal amount not to exceed Five Million Eight Hundred Thousand Dollars ($5,800,000) (the "Authorized Amount"), to be designated "City of Bloomington, Indiana, General Obligation Bonds, Series 2022," with such different or additional series designation determined to be necessary or appropriate, for the purpose of providing financing for the 2022 Projects and incidental expenses, such expenses to include, without limitation, capitalized interest on the Bonds, if necessary, all expenses of every kind incurred preliminarily to the funding of the 2022 Projects and the costs of selling and issuing the 2022 Bonds.

The 2022 Bonds shall be signed in the name of the City by the manual or facsimile signature of the Mayor of the City and attested by the manual or facsimile signature of the Controller of the City, who shall affix the seal of the City, if any, to each of the 2022 Bonds manually or shall have the seal imprinted or impressed thereon by facsimile or other means. In case any officer whose signature or facsimile signature appears on the 2022 Bonds shall cease to be such officer before the delivery of the 2022 Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery thereof. The 2022 Bonds shall also be authenticated by the manual signature of the Registrar (as hereafter defined). Subject to the provisions of this Ordinance regarding the registration of the 2022 Bonds, the 2022 Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

The 2022 Bonds are, as to all the principal thereof and interest due thereon, general obligations of the City, payable from *ad valorem* property taxes on all taxable property within the City.

The 2022 Bonds shall be issued in fully registered form in denominations of Five Thousand Dollars ($5,000) or any integral multiple thereof, or, if determined by the Controller to be in the best interest of the City, based upon the recommendation of the financial advisor, in denominations of $100,000 plus any integral multiple of $1,000 in excess thereof. The 2022 Bonds shall be numbered consecutively from 2022R-1 upward, and shall be originally dated as of their date of issuance. The 2022 Bonds shall bear interest payable semiannually on February 15 and August 15 of each year, or such other dates as determined by the Controller prior to the sale of the Bonds, based on advice of the financial advisor to the City, beginning no earlier than February 15, 2023, at a rate or rates not exceeding five percent (5.00%) per annum (the exact rate or rates to be determined by bidding or negotiation pursuant to Section 6 of this Ordinance). Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. The 2022 Bonds shall mature or be subject to mandatory redemption on February 15 and/or August 15, or such other dates as determined by the Controller prior to the sale of the Bonds, based on advice of the financial advisor to the City, over a period ending no later than six (6) years from the date of issuance of the first series of the 2022 Bonds.

All payments of interest on the 2022 Bonds shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof as of the first (1^{st}) day of the month in which interest is payable (each, a "Record Date") at the addresses as they appear on the registration books kept by the Registrar (the "Registration Record") or at such other address as is provided to the Paying Agent (as hereafter defined) in writing by such registered owner. All principal payments on the 2022 Bonds shall be made upon surrender thereof at the principal office of the Paying Agent, in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts.

Interest on 2022 Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date thereof unless such 2022 Bonds are authenticated after the first (1^{st}) day of the month of such interest payment date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless authenticated on or before the initial Record Date, in which case they shall bear interest from the original date, until the principal shall be fully paid.

Each Bond shall be transferable or exchangeable only upon the Registration Record by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered 2022 Bond or 2022 Bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the City, except for any tax or governmental charge required to be paid in connection therewith, which shall be payable by the person requesting such transfer or exchange. The City, the Registrar and the Paying Agent may treat and consider the persons in whose names such 2022 Bonds are registered as the absolute owners thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any Bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new bond shall be marked in a manner to distinguish it from the bond for which it was issued, provided that, in the case of any mutilated bond, such mutilated bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event any such bond shall have matured, instead of issuing a duplicate bond, the City and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The City and the Registrar may charge the owner of such Bond with their reasonable fees and expenses in this connection. Any bond issued pursuant to this paragraph shall be deemed an original, substitute contractual obligation of the City, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other 2022 Bonds issued hereunder.

SECTION 3. Terms of Redemption.

The Controller, upon consultation with the City's financial advisor, may designate maturities of 2022 Bonds (or portion thereof in integral multiples of $5,000 principal amount each) that shall be subject to optional redemption and/or maturity sinking fund redemption, and the corresponding redemption dates, amounts and prices (including premium, if any). Except as otherwise set forth in this Ordinance, the Controller, upon consultation with the City's financial advisor, is hereby authorized and directed to determine the terms governing any such redemption.

Notice of redemption shall be mailed by first-class mail or by registered or certified mail to the address of each registered owner of a Bond to be redeemed as shown on the Registration Record not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption except to the extent such redemption notice is waived by owners of 2022 Bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of any proceedings for the redemption of any other 2022 Bonds. Any notice of redemption required under this section shall identify the 2022 Bonds to be redeemed including the complete name of the 2022 Bonds, the interest rate, the issue date, the maturity date, the respective CUSIP numbers (if any) and certificate numbers (and, in the case of a partial redemption, the respective principal amounts to be called) and shall state (i) the date fixed for redemption, (ii) the Redemption Price, (iii) that the 2022 Bonds called for redemption must be surrendered to collect the Redemption Price, (iv) the address of the principal corporate trust office of the registrar and paying agent at which the 2022 Bonds must be surrendered together with the name and telephone number of a person to contact from the office of the registrar and paying agent, (v) any condition precedent to such redemption, (vi) that on the date fixed for redemption, and upon the satisfaction of any condition precedent described in the notice, the Redemption Price will be due and payable upon each such 2022 Bond or portion thereof and that interest on the 2022 Bonds called for redemption ceases to accrue on the date fixed for redemption, and (vii) that if such condition precedent is not satisfied, such notice of redemption is rescinded and of no force and effect, and the principal and premium, if any, shall continue to bear interest on and after the date fixed for redemption at the interest rate borne by the 2022 Bond. The place of redemption may be determined by the City. Interest on the 2022 Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such 2022 Bonds shall no longer be protected by this Ordinance and shall not be deemed to be outstanding hereunder, and the holders thereof shall have the right only to receive the redemption price.

All 2022 Bonds which have been redeemed shall be canceled and shall not be reissued; provided, however, that one or more new registered 2022 Bonds shall be issued for the unredeemed portion of any Bond without charge to the holder thereof.

No later than the date fixed for redemption, funds shall be deposited with the Paying Agent or another paying agent to pay, and such agent is hereby authorized and directed to apply such funds to the payment of, the 2022 Bonds or portions thereof called for redemption, including accrued interest thereon to the redemption date. No payment shall be made upon any Bond or portion thereof called for redemption until such bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by this Ordinance with respect to any mutilated, lost, stolen or destroyed bond.

SECTION 4. Appointment of Registrar and Paying Agent.

The Controller is hereby authorized to serve as, or to appoint a qualified financial institution to serve as, registrar and paying agent for the 2022 Bonds (the "Registrar" or "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the 2022 Bonds, and shall keep and maintain at its principal office or corporate trust office books for the registration and transfer of the 2022 Bonds. The Controller is hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of the Registrar and Paying Agent. The Controller is authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days written notice to the Controller and to each registered owner of the 2022 Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the Controller. Such notice to the Controller may be served personally or be sent by first-class or registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the Controller, in which event the Controller may appoint a successor Registrar and Paying Agent. The Controller shall notify each registered owner of the 2022 Bonds then outstanding of the removal of the Registrar and Paying Agent. Notices to registered owners of the 2022 Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the bond register. Any predecessor Registrar and Paying Agent shall deliver all the 2022 Bonds, cash and investments in its possession and the bond register to the successor Registrar and Paying Agent. At all times, the same entity shall serve as Registrar and as Paying Agent.

SECTION 5. Form of Bonds; Clearing Agency.

(a) The form and tenor of the 2022 Bonds shall be substantially as follows, all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof:

2022R-
UNITED STATES OF AMERICA

STATE OF INDIANA COUNTY OF MONROE

CITY OF BLOOMINGTON, INDIANA
GENERAL OBLIGATION BOND, SERIES 2022

Interest Rate	Maturity Date	Original Date	Authentication Date	[CUSIP]

REGISTERED OWNER:

PRINCIPAL SUM: DOLLARS ($______)

The City of Bloomington, in Monroe County, Indiana (the "City") for value received, hereby promises to pay to the Registered Owner set forth above, the Principal Sum set forth above on the Maturity Date set forth above, and to pay interest thereon until the Principal Sum shall be fully paid, at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the first day of the month of such interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date, or unless this bond is authenticated on or before [August 1, 2023], in which case it shall bear interest from the Original Date, which interest is payable semiannually on February 15 and August 15 of each year, beginning on [August 15, 2023]. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of this bond is payable at __________________ (the "Registrar" or "Paying Agent"), in __________, Indiana. All payments of interest on this bond shall be paid by check mailed one business day prior to the interest payment date to the registered owner hereof as of the first day of the month in which interest is payable at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. Each registered owner of $1,000,000 or more in principal amount of 2022 Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the record date for any payment. All payments of principal of and premium, if any, on this bond shall be made upon surrender thereof at the principal [corporate trust] office of the Paying Agent in any coin or currency of the United States of America which on the dates of such payment shall be legal tender for the payment of public and private debts, or in the case of a Registered Owner of $1,000,000 or more in principal amount of 2022 Bonds, by wire transfer on the due date upon written direction of such owner provided at least fifteen (15) days prior to the maturity date.

This bond is one of an authorized issue of negotiable general obligation 2022 Bonds of the City, of like original date, tenor and effect, except as to denomination, numbering, interest rates, and dates of maturity, in the total amount of ____________ ($___________), numbered consecutively from 2022R-1 upward, issued for the purpose of financing the costs of (a) the costs of the acquisition, design, construction, renovation, improvement and/or equipping of certain public infrastructure and/or other local public improvement projects as more particularly described in the Ordinance (as defined herein), (b) capitalized interest on the Bonds, and (c) the costs incurred in connection with the issuance and sale of the bonds and all incidental expenses therewith, as authorized by Ordinance ______ adopted by the Common Council on the __ day of __________, 2022, entitled "AUTHORIZING THE ISSUANCE OF THE CITY OF BLOOMINGTON, INDIANA, GENERAL OBLIGATION BONDS, SERIES 2022, TO PROVIDE FUNDS TO FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS, INCLUDING COSTS INCURRED IN CONNECTION WITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS, AND APPROPRIATING THE PROCEEDS DERIVED FROM THE SALE OF SUCH BONDS, ALL FOR THE PURPOSE OF PROMOTING CLIMATE CHANGE PREPAREDNESS AND IMPLEMENTING EQUITY AND QUALITY OF LIFE IMPROVEMENTS FOR ALL CITY RESIDENTS" (the "Ordinance"), and in accordance with Indiana Code § 36-4-6-19 and other applicable provisions of the Indiana Code, as amended (collectively, the "Act"). The owner of this bond, by the acceptance hereof, agrees to all the terms and provisions contained in the Ordinance and the Act.

PURSUANT TO THE PROVISIONS OF THE ACT AND THE ORDINANCE, THE PRINCIPAL OF THIS BOND AND ALL OTHER 2022 BONDS OF SAID ISSUE AND THE INTEREST DUE THEREON ARE PAYABLE AS A GENERAL OBLIGATION OF THE CITY, FROM AN *AD VALOREM* PROPERTY TAX TO BE LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY.

[INSERT REDEMPTION TERMS, if any]

[Notice of such redemption shall be mailed by first-class mail or by registered or certified mail not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption to the address of the registered owner of each bond to be redeemed as shown on the registration record of the City except to the extent such redemption notice is waived by owners of the 2022 Bond or 2022 Bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any bond shall not affect the validity of any proceedings for the redemption of any other 2022 Bonds. Any notice of redemption required under this section shall identify the 2022 Bonds to be redeemed including the complete name of the 2022 Bonds, the interest rate, the issue date, the maturity date, the respective CUSIP numbers (if any) and certificate numbers (and, in the case of a partial redemption, the respective principal amounts to be called) and shall state (i) the date fixed for redemption, (ii) the Redemption Price, (iii) that the 2022 Bonds called for redemption must be surrendered to collect the Redemption Price, (iv) the address of the principal corporate trust office of the registrar and paying agent at which the 2022 Bonds must be surrendered together with the name and telephone number of a person to contact from the office of the registrar and paying agent, (v) any condition precedent to such redemption, (vi) that on the date fixed for redemption, and upon the satisfaction of any condition precedent described in the notice, the Redemption Price will be due and payable upon each such 2022 Bond or portion thereof and that interest on the 2022 Bonds called for redemption ceases to accrue on the date fixed for redemption, and (vii) that if such condition precedent is not satisfied, such notice of redemption is rescinded and of no force and effect, and the principal and premium, if any, shall continue to bear interest on and after the date fixed for redemption at the interest rate borne by the 2022 Bond. The place of redemption may be determined by the City. Interest on the 2022 Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such 2022 Bonds shall no longer be protected by the Ordinance and shall not be deemed to be outstanding thereunder.]

This bond is subject to defeasance prior to payment as provided in the Ordinance.

If this bond shall not be presented for payment on the date fixed therefor, the City may deposit in trust with the Paying Agent or another paying agent, an amount sufficient to pay such bond, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the books of the City kept for that purpose at the office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered 2022 Bond or 2022 Bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. The City, any registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The 2022 Bonds maturing in any one year are issuable only in fully registered form in the denomination of [$5,000 or any integral multiple thereof][$100,000 plus any integral multiple of $1,000 in excess thereof].

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Bloomington, Monroe County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signatures of its duly elected, qualified and acting Mayor, its corporate seal, if any, to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by the Controller of the City.

CITY OF BLOOMINGTON, INDIANA

By: ______________________________
Mayor

(SEAL)

ATTEST:

____
Controller

CERTIFICATE OF AUTHENTICATION

It is hereby certified that this bond is one of the 2022 Bonds described in the within-mentioned Ordinance duly authenticated by the Registrar.

______________________________, as Registrar

By: ____
Authorized Representative

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN. COM.	as tenants in common
TEN. ENT.	as tenants by the entireties
JT. TEN.	as joint tenants with right of survivorship and not as tenants in common
UNIF. TRANS. MIN. ACT	_______________ Custodian _____________________ (Cust.) (Minor)
	under Uniform Transfers to Minors Act of ______________________ (State)

Additional abbreviations may also be used, although not contained in the above list.

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto ____ (Please Print or Typewrite Name and Address) $__________________principal amount (must be a multiple of [$5,000][$100,000]) of the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints ________________________, attorney to transfer the within bond on the books kept for the registration thereof with full power of substitution in the premises.

____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

(End of Form of Bonds)

(b) The 2022 Bonds may, in compliance with all applicable laws, initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (the "Clearing Agency"), without physical distribution of 2022 Bonds to the purchasers. The following provisions of this section apply in such event.

One definitive Bond of each maturity shall be delivered to the Clearing Agency (or its agent) and held in its custody. The City and the Registrar and Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the 2022 Bonds as are necessary or appropriate to accomplish or recognize such book-entry form 2022 Bonds.

During any time that the 2022 Bonds remain and are held in book-entry form on the books of a Clearing Agency, (1) any such Bond may be registered upon the books kept by the Registrar in the name of such Clearing Agency, or any nominee thereof, including Cede & Co., as nominee of The Depository Trust Company; (2) the Clearing Agency in whose name such Bond is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest on such Bond, the receiving of notice and giving of consent; (3) neither the City nor the Registrar or Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any Bond, the receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any Bond called for partial redemption prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

If either the City receives notice from the Clearing Agency which is currently the registered owner of the 2022 Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the 2022 Bonds, or the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the 2022 Bonds, then the City and Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the 2022 Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the 2022 Bonds and to transfer the ownership of each of the 2022 Bonds to such person or persons, including any other Clearing Agency, as the holders of the 2022 Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the 2022 Bonds, shall be paid by the City.

During any time that the 2022 Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of 2022 Bonds as of a record date selected by the Registrar. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the 2022 Bonds as the bondholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Ordinance.

During any time that the 2022 Bonds are held in book-entry form on the books of a Clearing Agency, the Mayor, the Controller and/or the Registrar are authorized to execute and deliver a Letter of Representations agreement with the Clearing Agency, or a Blanket Issuer Letter of Representations, and the provisions of any such Letter of Representations or any successor agreement shall control on the matters set forth therein. The Registrar, by accepting the duties of Registrar under this Ordinance, agrees that it will (i) undertake the duties of agent required thereby and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar, and (ii) comply with all requirements of the Clearing Agency, including without limitation same day funds settlement payment procedures. Further, during any time that the 2022 Bonds are held in book-entry form, the provisions of Section 5 of this Ordinance shall control over conflicting provisions in any other section of this Ordinance.

SECTION 6. Sale of Bonds.

(a) The Bonds shall be sold through either a public sale in accordance with Ind. Code 5-1-11, or a negotiated sale in accordance with Ind. Code 5-1-11-1(a)(2), as determined by the Controller based on the recommendation of the City's financial advisor.

(b) If the Controller determines to sell the Bonds at a public sale in accordance with Ind. Code 5-1-11, the Controller shall cause to be published a notice of sale once each week for two consecutive weeks per Indiana Code § 5-3-1-2. The date fixed for the sale shall not be earlier than fifteen (15) days after the first of such publications and not earlier than three (3) days after the second of such publications. Said bond sale notice shall state the time and place of sale, the purpose for which the 2022 Bonds are being issued, the total amount thereof, the amount and date of each maturity, the maximum rate or rates of interest thereon, their denominations, the time and place of payment, that specifications and information concerning the 2022 Bonds are on file in the office of the Controller and are available on request, the terms and conditions upon which bids will be received and the sale made and such other information as is required by law or as the Controller shall deem necessary, including any terms and conditions of sale which provide an exclusion or exemption from the applicability of all or a portion of the provisions of Rule 15c2-12 of the U.S. Securities and Exchange Commission as amended (the "SEC Rule"), in which case the Controller may set the minimum authorized denomination of the 2022 Bonds at One Hundred Thousand Dollars ($100,000) as contemplated by the SEC Rule. As an alternative to the publication of a notice of sale, the Controller may sell the 2022 Bonds through the publication of a notice of intent to sell the 2022 Bonds and compliance with related procedures pursuant to Indiana Code § 5-1-11-2(b).

All bids for the 2022 Bonds shall be sealed and shall be presented to the Controller in accordance with the terms set forth in the bond sale notice. Bidders for the 2022 Bonds shall be required to name the rate or rates of interest which the 2022 Bonds are to bear, which shall be the same for all 2022 Bonds maturing on the same date and the interest rate bid on any maturity of 2022 Bonds must be no less than the interest rate bid on any and all prior maturities, not exceeding six percent (6.0%) per annum, and such interest rate or rates shall be in multiples of one-eighth or one-hundredth of one per cent. The Controller shall award the 2022 Bonds to the bidder who offers the lowest interest cost, to be determined by computing the total interest on all the 2022 Bonds to their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of the discount, if any. No bid for less than ninety-nine percent (99.0%) of the par value of the 2022 Bonds (or such higher percentage as the Controller shall determine, with the advice of the City's financial advisor, prior to the sale of the 2022 Bonds) and accrued interest, if any, shall be considered. The Controller may require that all bids shall be accompanied by certified or cashier's checks or wire transfers payable to the order of the City of Bloomington, Indiana, or a surety bond, in an amount not to exceed one percent of the aggregate principal amount of the 2022 Bonds as a guaranty of the performance of said bid, should it be accepted. In the event no satisfactory bids are received on the day named in the sale notice, the sale may be continued from day to day thereafter for a period of thirty (30) days without re-advertisement; provided, however, that if said sale be continued, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for sale in the bond sale notice. The Controller shall have full right to reject any and all bids.

(b) Alternatively, if the Controller determines to sell the Bonds through a negotiated sale, the Controller may negotiate the sale of said Bonds at an interest rate or rates not exceeding five percent (5.00%) per annum. The Mayor and the Controller are hereby authorized to (i) execute a purchase agreement with the purchaser selected by the Mayor and the Controller based upon the recommendation of the City's financial advisor, and (ii) sell such Bonds upon such terms as are acceptable to the Mayor and the Controller consistent with the terms of this Ordinance. The final form of the purchase agreement shall be approved by the Mayor and the Controller, upon the advice of the City's bond counsel and financial advisor, and the Mayor and the Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City so long as its provisions are consistent with the terms of this Ordinance.

(c) After the 2022 Bonds have been properly sold and executed, the Controller shall receive payment for the 2022 Bonds from the purchasers and shall provide for delivery of the 2022 Bonds to the purchasers.

(d) The Controller is hereby authorized and directed to obtain legal opinion as to the validity of the 2022 Bonds from Barnes & Thornburg LLP, and to furnish such opinion to the purchasers of the 2022 Bonds or to cause a copy of said legal opinion to be printed on each Bond. The cost of such opinion shall be paid out of the proceeds of the 2022 Bonds.

SECTION 7. Use of Bond Proceeds. The proceeds received from the sale of the 2022 Bonds shall be deposited in a construction fund designated as the City of Bloomington, Indiana, 2022 Projects Fund (the "2022 Projects Fund"). The proceeds deposited in the 2022 Projects Fund shall be expended only for the purpose of paying expenses incurred in connection with the 2022 Projects together with the expenses incidental thereto and on account of the issuance of the 2022 Bonds. The Controller is authorized to pay costs of issuance from the proceeds of the 2022 Bonds. Any balance remaining in the 2022 Projects Fund after the completion of the 2022 Projects which is not required to meet unpaid obligations incurred in connection therewith and on account of the issuance of the 2022 Bonds may be used to pay debt service on the 2022 Bonds or otherwise used as permitted by law.

SECTION 8. Defeasance. If, when the 2022 Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the 2022 Bonds or any portion thereof for redemption have been given, and the whole amount of the principal and the interest so due and payable upon such 2022 Bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment, then and in that case the 2022 Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Ordinance.

SECTION 9. Tax Covenants. In order to preserve the exclusion of interest from gross income for federal income tax purposes on the 2022 Bonds, and as an inducement to purchasers of the 2022 Bonds, the City represents, covenants and agrees that:

(a) The City will not take any action or fail to take any action with respect to the 2022 Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the 2022 Bonds pursuant to Section 103 of the Internal Revenue Code of 1986 as in effect on the date of issuance of the 2022 Bonds (the "Code"), including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on 2022 Bond proceeds or other monies treated as 2022 Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

(b) The City will file an information report Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(c) The City will not make any investment or do any other act or thing during the period that any 2022 Bond is outstanding hereunder which would cause any 2022 Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the 2022 Bonds.

Notwithstanding any other provisions of this Ordinance, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the 2022 Bonds from gross income under federal income tax law (the "Tax Exemption") need not be complied with to the extent the City receives an opinion of nationally recognized bond counsel that compliance with such Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 10. Amendments.

Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the 2022 Bonds then outstanding shall have the right, from time to time, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

> (a) An extension of the maturity of the principal of or interest on any Bond, without the consent of the holder of each Bond so affected; or
>
> (b) A reduction in the principal amount of any Bond or the rate of interest thereon, or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each Bond so affected; or
>
> (c) A preference or priority of any Bond over any other Bond, without the consent of the holders of all 2022 Bonds then outstanding; or
>
> (d) A reduction in the aggregate principal amount of the 2022 Bonds required for consent to such supplemental ordinance, without the consent of the holders of all 2022 Bonds then outstanding.

If the City shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the registration books held by the Registrar. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the 2022 Bonds. The Registrar shall not, however, be subject to any liability to any owners of the 2022 Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the City shall receive any instrument or instruments purporting to be executed by the owners of the 2022 Bonds of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the 2022 Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the City may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the 2022 Bonds, whether or not such owners shall have consented thereto.

No owner of any Bond shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of 2022

Bonds then outstanding, shall thereafter be determined exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the City and of the owners of the 2022 Bonds, and the terms and provisions of the 2022 Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the 2022 Bonds then outstanding.

Without notice to or consent of the owners of the 2022 Bonds, the City may, from time to time and at any time, adopt such ordinances supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental ordinances shall thereafter form a part hereof),

(a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance; or

(b) To grant to or confer upon the owners of the 2022 Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the 2022 Bonds; or

(c) To procure a rating on the 2022 Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the 2022 Bonds; or

(d) To obtain or maintain bond insurance with respect to the 2022 Bonds; or

(e) To provide for the refunding or advance refunding of the 2022 Bonds; or

(f) To make any other change which, in the determination of the Council in its sole discretion, is not to the prejudice of the owners of the 2022 Bonds.

SECTION 11. Approval of Official Statement. If the Controller of the City, with the advice of the City's financial advisor, determines that the preparation of an official statement is necessary or is in the best interest of the City, then the Controller is hereby authorized to deem final an official statement with respect to the 2022 Bonds, as of its date, subject to completion thereof, and the Council further authorizes the distribution of the deemed final official statement, and the execution, delivery and distribution of such document as further modified and amended with the approval of the Controller in the form of a final official statement.

SECTION 12. Additional Appropriation. There is hereby appropriated the sum of Five Million Eight Hundred Thousand Dollars ($5,800,000), out of the proceeds of the 2022 Bonds, together with all investment earnings thereon, for the purpose of providing funds to pay the costs of the 2022 Projects, including related costs and the costs of issuing the 2022 Bonds, as provided in this Ordinance. Such appropriation shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the described purposes.

SECTION 13. Other Action. The appropriate officers are hereby authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this ordinance. These actions include obtaining a rating, bond insurance or any other form of credit enhancement for the 2022 Bonds if economically feasible and desirable and with the favorable recommendation of the financial advisors to the City, and filing a report of an additional appropriation with the Indiana Department of Local Government Finance. In addition, the appropriate officers of the City are hereby authorized and directed to take any other action deemed necessary or advisable in order to effectuate the acquisition, construction and equipping of the 2022 Projects, the issuance of the 2022 Bonds, or any other purposes of this Ordinance.

SECTION 14. No Conflict. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed. After the issuance of the 2022 Bonds and so long as any of the 2022 Bonds or interest thereon remains unpaid, except as expressly provided herein, this Ordinance shall not be repealed or amended in any respect which will materially adversely affect the rights of the holders of the 2022 Bonds, nor shall the City adopt any law, ordinance or resolution which in any way materially adversely affects the rights of such holders.

SECTION 15. Severability; Interpretation. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance. Unless the context or laws clearly require otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

SECTION 16. Holidays, Etc. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the City or the city in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 17. Effectiveness. This Ordinance shall be in full force and effect from and after its adoption and the procedures required by law. Upon payment in full of the principal and interest respecting the 2022 Bonds authorized hereby or upon deposit of an amount sufficient to pay when due such amounts in accord with the defeasance provisions herein, all pledges, covenants and other rights granted by this ordinance shall cease.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _______________, 2022.

____
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington upon this ____ day of _____________, 2022.

____
NICOLE BOLDEN, Clerk

SIGNED and APPROVED by me upon this ____ day of ______________, 2022.

____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance approves the issuance of general obligation bonds of the City of Bloomington, Indiana, under Indiana Code § 36-4-6-19, in an aggregate principal amount not to exceed $5,800,000, for the purpose of financing longer-term capital projects and investments throughout the City in order to promote climate change preparedness and implement equity and quality of life for all City residents.

EXHIBIT A

DESCRIPTION OF THE 2022 PROJECTS

The proceeds of the 2022 Bonds will be used to fund longer-term capital projects and investments throughout the City of Bloomington, Indiana, in order to promote climate change preparedness and implement equity and quality of life for all, which, upon completion, are expected to generate revenue savings that will help offset debt service on the Bonds. Such potential projects and improvements include one or more of the following:

Item	Min. Cost Estimate	Max. Cost Estimate
Conversion of Citywide street lights to LED technology	$1,500,000	$2,000,000
Construction of downtown ADA-compliant curb ramps (from W. Kirkwood and Indiana Ave)	$500,000	$1,000,000
Construction of various sidewalk projects throughout the City	$300,000	$1,000,000
Energy efficiency retrofits for all City buildings	$1,000,000	$3,000,000
Upgrade of City vehicle fleet to hybrid/electric vehicles	$1,200,000	$2,200,000
Purchase and installation of GPS equipment for City vehicle fleet	$250,000	$250,000
Construction of High Street Multiuse Path and Intersection Modernize (from Arden Dr to 3rd St)	$2,500,000	$5,000,000
Construction of a green waste yard at Lower Cascades Park	$400,000	$500,000
Citywide traffic signal retiming	$42,500	$425,000

The total cost to the City of any single Project, including an allocable portion of the costs of issuing the 2022 Bonds, whether financed with proceeds of the 2022 Bonds or other legally available revenues of the City, shall in no event exceed Five Million Eight Hundred Thousand Dollars ($5,800,000).

City of Bloomington Indiana
City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402
Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-14 – Approving the Issuance of the City of Bloomington, Indiana Park District Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Park Purposes, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality Of Life Improvements for all City Residents

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Synopsis
This Ordinance approves the issuance of special taxing district bonds by the City of Bloomington Park District under Indiana Code § 36-10-4-35, in an aggregate principal amount not to exceed $5,800,000, for the purpose of financing longer-term capital projects and investments for park purposes throughout the City of Bloomington, Indiana Park District, in order to promote climate change preparedness and implement equity and quality of life for all.

Relevant Materials
- New Revenue Package Memo and supporting materials
    - FAQs, Per Capita Annual Debt slide, Bonding capacity slide
- Memo re: Ordinance 22-13 and 22-14 from Mayor Hamilton, Corporation Counsel Beth Cate, and Controller Jeff Underwood
- Ordinance 22-14
    - Exhibit A – Description of Projects

Summary
The Mayor and administration previously announced and discussed a new revenue package proposal in order to fund investments in public safety, climate change preparedness and mitigation, equity and quality of life improvements, and essential city services. The administration has created a webpage discussing this proposal in more detail here - https://bloomington.in.gov/newrevenue. This webpage also solicits public feedback on the proposal near the bottom of the page.

As one part of this new revenue package proposal, Ordinance 22-14 would approve the issuance of Park District Bonds in an amount not to exceed $5.8 million to fund projects meant to address climate change preparedness and mitigation and to make equity/quality of life improvements. Another bond ordinance (Ordinance 22-13) addressing general obligation bonds is scheduled to be introduced and considered alongside Ordinance 22-14.

A related resolution proposing an increase to the local income tax (LIT) will be published on April 8, 2022 in the legislative packet issued for the April 13, 2022 Council committee meeting, where the resolution will be considered alongside the two bond ordinances.

Overview of Proposed Capital Improvements

Ordinance 21-14 approves a series of Park District Bonds. The purpose of these bonds is to fund longer-term capital projects and investments for park purposes. Multiple capital improvement projects (the "2022 Projects") are proposed to be funded by the issuance of the Park District Bonds. The 2022 Projects are listed in order of the administration's priorities and briefly described in Exhibit A to Ordinance 22-14. Additional information about the projects and estimated costs can be found in Appendix C to the New Revenue Package Memo provided by Mayor Hamilton and included in this packet.

General Overview of Park District Bonds

Under statute, the Board of Park Commissioners is charged with authorizing the issuance of Park District Bonds and appropriating the proceeds, a process that includes public notice and a public hearing. Please note that, unlike general obligation bonds, Park Special Taxing District bonds are issued by the Parks District and are merely approved by the Common Council (I.C. § 36-10-4-35(g)). For that reason, this ordinance is much shorter than other bond ordinances. Also, please note that the debt on these bonds are not included in the maximum debt the City may hold under Indiana law. The Board of Park Commissioners considered a declaratory resolution approving of these bonds at a meeting on March 30, 2022 and is scheduled to conduct a public hearing and to vote on the issuance of these bonds on April 26, 2022 (pending Council action).

In brief, the ordinance:

- Approves of the sale and issuance of $5.8 million in Park District Bonds in order to fund all or a portion of the costs of the 2022 Projects, as well as to fund the costs of issuing the bonds;
- Attaches Exhibit A, which provides a brief description of the 2022 Projects to be funded through the issuance of the bonds; and
- Authorizes bonds with a maximum interest rate of 5% per year and maximum maturity period of no more than 6 years.

Contact
Office of the Mayor, mayor@bloomington.in.gov, 812-349-3406
Beth Cate, Corporation Counsel, beth.cate@bloomington.in.gov, 812-349-3426
Jeff Underwood, Controller, underwoj@bloomington.in.gov, 812-349-3412
Paula McDevitt, Director, Parks and Recreation, mcdevitp@bloomington.in.gov, 812-349-3711

ORDINANCE 22-14

APPROVING THE ISSUANCE OF THE CITY OF BLOOMINGTON, INDIANA PARK DISTRICT BONDS, SERIES 2022, TO PROVIDE FUNDS TO FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS FOR PARK PURPOSES, INCLUDING COSTS INCURRED IN CONNECTION WITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS, ALL FOR THE PURPOSE OF PROMOTING CLIMATE CHANGE PREPAREDNESS AND IMPLEMENTING EQUITY AND QUALITY OF LIFE IMPROVEMENTS FOR ALL CITY RESIDENTS

WHEREAS, the Board of Park Commissioners (the "Board") of the City of Bloomington, Indiana (the "City") has determined to issue special taxing district bonds of the Park District (the "District") of the City of Bloomington, Indiana (the "City"), designated as "City of Bloomington, Indiana Park District Bonds, Series 2022," together with such further or different series designation determined to be necessary or appropriate, in an aggregate principal amount not to exceed Five Million Eight Hundred Thousand Dollars ($5,800,000) (the "2022 Bonds"), to finance the costs of the projects described in Exhibit A hereto (collectively, the "Projects"), together with the expenses incurred in connection with or on account of the issuance of the Bonds to finance the Projects, all of which shall be included in and considered as part of the costs of the Projects; and

WHEREAS, Ind. Code § 36-10-4-35(g) and Ind. Code § 6-1.1-17-20.5 require the approval of the issuance of the 2022 Bonds of the District by the legislative and fiscal body of the City; and

WHEREAS, prior to the issuance of the 2022 Bonds, following a public hearing to be conducted upon notice duly given, the Board is expected to adopt a resolution making an additional appropriation of a sum not to exceed $5,800,000, together with all investment earnings thereon (the "Additional Appropriation"), which is to be provided for out of the proceeds of the 2022 Bonds, together with all investment earnings thereon, for the purpose of paying the costs of the Projects; and

WHEREAS, the Common Council of the City (the "Council"), as the legislative and fiscal body of the City, now desires to approve the issuance of the 2022 Bonds and the Additional Appropriation upon the terms and conditions set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

SECTION 1. The Council hereby approves the sale and issuance of the 2022 Bonds, in one or more series, in order to provide funds to finance the costs of the Projects, subject to the following conditions: (a) the maximum aggregate original principal amount of the 2022 Bonds shall not exceed Five Million Eight Hundred Thousand Dollars ($5,800,000); (b) the 2022 Bonds shall have a term not longer than six (6) years, commencing on the date of issuance of first series of the 2022 Bonds; and (c) the maximum interest rate on the 2022 Bonds shall not exceed five percent (5.0%) per annum. The proceeds of the 2022 Bonds shall be applied solely for the purpose of the Projects, including paying costs of issuance incurred on account of the issuance and sale of the 2022 Bonds. Subject to completion of all procedures required by law, the Council does hereby approve the Additional Appropriation in order to pay costs of the Projects, which includes costs of issuance incurred on account of the issuance and sale of the 2022 Bonds. The Additional Appropriation shall be in addition to all appropriations provided for in the existing budget and levy of the District, and shall continue in effect until the completion of the Projects. Any surplus of such proceeds shall be credited to the proper fund as required by law.

SECTION 2. The Council hereby determines that each of the Projects is reasonably considered to be an independently desirable end in itself without reference to another capital project.

SECTION 3. The Mayor of the City and the Controller of the City, any member of the Council, and any other officer, employee or agent of the City is hereby authorized and directed, for and on behalf of the City or the District, to execute and deliver any contract, agreement, certificate, instrument or other document and to take any action as such person determines to be necessary or appropriate to accomplish the purposes of this Ordinance, such determination to be conclusively evidenced by such person's execution of such contract, agreement, certificate, instrument or other document or such person's taking of such action.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the Council and its approval by the Mayor of the City. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

[Signature Page Follows]

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this ____ day of _______________, 2022.

____
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, this ____ day of _____________, 2022.

____
NICOLE BOLDEN, Clerk

SIGNED and APPROVED by me this ____ day of ______________, 2022.

____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance approves the issuance of special taxing district bonds by the City of Bloomington Park District under Indiana Code § 36-10-4-35, in an aggregate principal amount not to exceed $5,800,000, for the purpose of financing longer-term capital projects and investments for park purposes throughout the City of Bloomington, Indiana Park District, in order to promote climate change preparedness and implement equity and quality of life for all.

EXHIBIT A

The proceeds of the 2022 Bonds will be used to fund longer-term capital projects and investments for park purposes throughout the City of Bloomington, Indiana Park District (the "Park District"), in order to promote climate change preparedness and implement equity and quality of life for all. General descriptions of the projects to be financed with the proceeds of the 2022 Bonds (collectively, the "Projects"), include the following:

Item	Min. Cost Estimate	Max. Cost Estimate
Replace various gas-powered equipment with electrically-powered equipment	$25,000	$25,000
Replace missing sidewalk on Rogers St. by Switchyard Park	$200,000	$200,000
Addition of protected bicycle lanes along Covenanter Drive (from College Mall to Clarizz Blvd)	$2,400,000	$2,880,000
Design and right-of-way for North Dunn Street multiuse path (from the SR 45/46 Bypass to Old SR 37)	$800,000	$960,000
Griffy Loop Trail dam crossing and community access improvements	$375,000	$375,000
Implementation of West 2nd Street modernization, including new signalization and protected bicycle lanes (from Walker Street to B-Line trail)	$1,500,000	$1,500,000
Construction of a pathway to connect Lower Cascades to Miller Showers Park (Phase 6)	$3,200,000	$3,200,000

The total cost to the Park District of any single Project, including an allocable portion of the costs of issuing the 2022 Bonds, whether financed with proceeds of the 2022 Bonds or other legally available revenues of the Park District, shall in no event exceed Five Million Eight Hundred Thousand Dollars ($5,800,000).