



City of Bloomington Common Council

Legislative Packet

Special Session

followed by

Committee of the Whole Discussion

10 September 2008

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of County-Sponsored Meeting on HEA 1001 (Circuit Breaker) - Council is Invited, in Room 315 of the Courthouse at 9:00 a.m. on Monday, September 8, 2008 (Registration Begins at 8:00 a.m.)**

Budget and Budget- Related Legislation Scheduled for Final Action at the Special Session on September 10th:

- ***Please see the separate [Budget Packet](#) for the two appropriation ordinances, the three salary ordinances, the Transit ordinance, and the ordinance creating the Economic and Sustainable Development Department and all of the related background material.***

For Questions Regarding the:

- *Civil City Appropriation Ordinances - Please Contact:
Mike Trexler, Controller, at 349-3416 or trexlerm@bloomington.in.gov
(or reach the appropriate department director)*
- *Utility Appropriation Ordinance - Please Contact:
Patrick Murphy, Director, at 349-3650 or murphyp@bloomington.in.gov*
- *Salary Ordinances - Please Contact:
Daniel Grundmann, Director of Employee Services at 349-3578
or grundmad@bloomington.in.gov*
- *Transit Ordinance – Please Contact:
Lew May, Director of Bloomington Transit at 332-5688
or lmay@kiva.net*
- *Ord 0-18 Establishing the Department of Economic and Sustainable Development - Please Contact:
Danise Alano, Director of Economic Development at 349-3406
or alanod@bloomington.in.gov*

Legislation and Background Material for Discussion at Committee of the Whole to be held immediately after the Regular Session:

- **Memo to the Council - Re: Res 08-11 and Res 08-12 - from Danise Alano, Director of Economic and Sustainable Development**
 - **Aerial Photo** - Indiana Enterprise Center (IEC) Site
 - **Cash Balance Sheet** - Industrial Development Fund

- **Res 08-11 To Authorize Expenditures from the Industrial Development Fund for Attainment of Benchmarks by Cook Pharmica LLC at the Indiana Enterprise Center**
 - **Res 08-01** of the Bloomington Industrial Advisory Commission – Recommendations to Council - Benchmarks

- **Res 08-12 To Authorize Expenditures from the Industrial Development Fund for Physical Improvements to Support an Economic Development Project (Cook Pharmica, LLC) at the Indiana Enterprise Center**
 - **Res 08-02** of the Bloomington Industrial Advisory Commission – Recommendations to Council – Physical Improvements

Minutes from Regular Session:

None

Memo

Chair: Mayer

Seven Budget- Related Ordinances Ready for Final Action at Special Session and Two Resolutions Ready for Discussion at Committee of the Whole on Wednesday, September 3rd

There will be a Special Session immediately followed by a Committee of the Whole next Wednesday. The budget-related package of seven ordinances is scheduled for final action at the Special Session. All of this legislation can be found in a separate [Budget Packet](#) prepared for the 3 September 2008 Council meetings. *Please contact the Council Office if you have any amendments in mind so that they can be drafted and distributed before next Wednesday.* There will also be two resolutions ready for discussion at the Committee of the Whole. These resolutions are part of this packet and are summarized herein.

Items for Discussion at the Committee of the Whole

Res 08-11 and Res 08-12 Authorizing Expenditures from the Industrial Development Fund (IDF) for the Industrial Enterprise Center (IEC)

There are two resolutions bringing forward recommendations from the Bloomington Industrial Advisory Commission (BIDAC) to expend money from Industrial Development Fund (IDF) in regard to the Indiana Enterprise Center (IEC). **Res 08-11** authorizes the Controller to reimburse Cook Pharmica, LLC up to \$2 million once it has verified spending at least that amount toward certain benchmark renovations to its property in the IEC. **Res 08-12** authorizes the Controller to pay up to \$500,000 for certain physical improvements relating to the IEC.

City's Efforts to Redevelop the Thomson/IEC Site

As you all know, the former Thomson site (now known as the Indiana Enterprise Center - IEC), was vacated in 1998 when Thomson Consumer Electronics closed its television plant on South Rogers Street, eliminated 1,200 jobs, and left behind a 200-acre site with 1.8 million square feet of vacant facilities. Among other things, this caused the decline in City revenues of about \$1 million in property taxes and about \$350,000 in County Option Income Taxes (COIT).

The City responded by putting together a task force and retaining the Urban Land Institute to help chart a course for this former cornerstone to our local industrial base that now lay empty. Following up on the work of the task force, the City took a number of steps to encourage the redevelopment and reuse of the site. Those steps included:

- rezoning the site as a comprehensive mixed use Planned Unit Development;
- using Tax Increment Finance (TIF) District and state and federal funds to complete Patterson Drive;
- seeking a new owner for the site; and
- establishing a newly authorized Community Revitalization Enhancement District (CRED).

Community Revitalization Enhancement District (CRED) and the Industrial Development Fund (IDF)

The latter step, creating the CRED, allows the City to capture state income and sales taxes received within the district over a base amount and set them aside, along with

other monies, into the Bloomington Industrial Development Fund until the district terminates, which Danise Alano indicates will be 2019.

Monies from the fund may be used by the City to “enhance the value of real property and make it more suitable for industrial use” and may be spent upon written recommendation of the Bloomington Industrial Development Advisory Commission (BIDAC) and approval of the Council. *Please note that the BIDAC met on August 20th to consider these proposals and make these recommendations.* Under statute, the City may levy taxes (no more than 1.067 cents per \$100 assessed valuation) and issue bonds based upon CRED revenues (which the City has *not* pursued). It may also enter into a financing agreement with a developer who intends to develop or redevelop the facility and has secured use of it by a third person. When entering into such a financing agreement, the City may establish goals or benchmarks for the developer to achieve before receiving a fee (per IC 36-7-13-18(b)).

The IDF will have a balance of about \$3.5 million at the end of this year.

Cook Pharmica Expansion

One of the new enterprises to open in the IEC is Cook Pharmica, LLC, which is a contract pharmaceutical manufacturing company that started in 2004 and has already invested more than \$70 million and created about 200 jobs. A few years ago, it began planning for a “new and distinct business line” that will entail the “formulat(ing), fill(ing), and ... package(ing) (of) vials and syringes.” After exploring other sites in Indiana and North Carolina, it was persuaded to expand at the IEC, in part, due to a negotiated package of incentives including those set forth in these resolutions.

The expansion will include the renovation and equipping of an additional 80,000 s.f. of manufacturing space at a cost of about \$84 million and will bring about 206 more full-time workers with a total annual payroll of about \$9.2 million. Please note that this workforce will include about 130 manufacturing and maintenance positions, 45 engineering and quality control positions, and 25 business operations, IT, and logistics positions – all of which will comply with the Living Wage Ordinance.

Res 08-11 (Authorizing the Controller to Reimburse Cook Pharmica, LLC Up to \$2 Million from the IDF for Renovation Benchmarks at the IEC Site)

Res 08-11 authorizes the Controller to spend up to \$2 million of IDF revenues to reimburse Cook Pharmica, LLC for the attainment of renovation benchmarks at the IEC site. Briefly, the substance of the Council and BIDAC resolutions declare the

intent to reimburse Cook Pharmica, LLC up to \$2 million once Cook Pharmica, LLC has:

- entered into a financing agreement with the City for the development of the warehouse;
- entered into a development agreement with a 3rd party to use or operate the facility (as required by I.C. 36-7-3.1-18) (in this case for “fill and finish services); and
- verified that it has met the benchmarks set forth in the resolutions by spending at least \$2 million toward a menu of eligible expenditures which include: design engineering, underground work, structural steel, construction drawings, emergency generator, walls and ceilings - with a total value of \$7.62 million;

The reimbursement will come from State taxes generated by the Cook Pharmica LLC enterprise at the IEC (including income taxes and COIT of employees and the gross retail and use taxes). Under terms of the resolution, the City would pay Cook Pharmica, LLC up to 75% of those revenues each year until the \$2 million had been paid or the CRED terminates.

Res 08-12 (Authorizing the Controller to Pay up to \$500,000 to Make Certain Roadway, Intersection, and Stream Rehabilitation Improvements in the IEC)

Res 08-12 authorizes the Controller to pay up to \$500,000 to make certain roadway, intersection, and stream rehabilitation improvements related to the IEC. It acknowledges that the Redevelopment Commission has committed another \$500,000 of Tax Increment Finance (TIF) funds towards these improvements, which may cost as much as \$1.2 million. However, City Engineering is designing the projects and anticipates bringing them in under \$1 million. But additional monies from the IDF, TIF, or developer would be needed if the costs exceed \$1 million.

Those improvements will affect intersections at:

- Hillside and Rogers, where:
 - Cook Pharmica, LLC will be connected to Rogers by extending Hillside Drive west to an existing bridge;
 - a left-turn lane will be added for northbound traffic on Rogers; and
 - the stream under the bridge will be restored to improve water flow next to the Cook Pharmica, LLC building;
- Rogers and Patterson, where
 - a right-turn lane will be added for eastbound traffic on Patterson; and
 - the left-turn lane will be extended for northbound traffic on Rogers; and

- one of the entrances to Cook Pharmica, LLC onto Patterson Drive, where
 - a signal will be installed.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
SPECIAL SESSION & COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, SEPTEMBER 10, 2008
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

IV. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 08-14 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2009

Committee Recommendation: Do Pass 7 – 0 – 0

2. Ordinance 08-18 To Amend Title 2 Entitled "Administration and Personnel" (Inserting Chapter 2.29 Establishing the Department of Economic and Sustainable Development)

Committee Recommendation: Do Pass 3 – 0 – 4

3. Ordinance 08-15 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2009

Committee Recommendation: Do Pass 7 – 0 – 0

4. Ordinance 08-16 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2009

Committee Recommendation: Do Pass 6 – 1 – 0

5. Appropriation Ordinance 08-03 An Ordinance for Appropriations and Tax Rates (2009 Civil City Budget for the City of Bloomington)

Committee Recommendation: Do Pass 6 – 0 – 1

6. Appropriation Ordinance 08-04 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2009

Committee Recommendation: Do Pass 4 – 0 – 3

7. Ordinance 08-17 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation for the Year 2009

Committee Recommendation: Do Pass 1 – 1 – 5

V. ADJOURNMENT

(and immediately reconvene for)

(over)

COMMITTEE OF THE WHOLE

Chair: Timothy Mayer

1. Resolution 08-11 To Authorize Expenditures from the Industrial Development Fund for Attainment of Benchmarks by Cook Pharmica LLC at the Indiana Enterprise Center

Asked to Attend: Danise Alano, Director of Economic Development

2. Resolution 08-12 To Authorize Expenditures from the Industrial Development Fund for Physical Improvements to Support an Economic Development Project (Cook Pharmica, LLC) at the Indiana Enterprise Center

Asked to Attend: Danise Alano, Director of Economic Development



**City of Bloomington
Office of the Common Council**

To: Council Members
From: Council Office
Re: Calendar for the Week of September 8-13, 2008

Monday, September 8, 2008

9:00 am HEA 1001 (Circuit Breaker) Meeting – Registration begins at 8:00, Room 315, Monroe County Courthouse, 100 W. 5th St.
4:30 pm Plat Committee, Hooker Room
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Plan Commission, Council Chambers

Tuesday, September 9, 2008

9:30 am Emergency Management Meeting, Council Chambers
4:00 pm Bloomington Community Farmers' Market, Madison St., Between 6th & 7th Streets
5:45 pm Bloomington Community Arts Commission, Kelly
6:00 pm Bloomington Commission on Sustainability, McCloskey
6:30 pm Sister Cities International, Dunlap

Wednesday, September 10, 2008

1:00 pm Mobility Steering Committee, McCloskey
2:00 pm *Transportation Voucher Programs Webinar* - A presentation on using transportation voucher programs to support low-wage earners and workers with disabilities, McCloskey
4:00 pm Board of Housing Quality Appeals, McCloskey
4:15 pm Commission on the Status of Black Males, Hooker Room
7:30 pm Common Council Special Session *immediately followed by a* Committee of the Whole, Council Chambers

Thursday, September 11, 2008

12:00 pm Housing Network, McCloskey
3:30 pm Bloomington Historic Preservation Commission, McCloskey
7:00 pm Environmental Commission, McCloskey
7:00 pm Peak Oil Task Force, Hooker Room

Friday, September 12, 2008

1:30 pm Metropolitan Planning Organization Policy Committee, McCloskey

Saturday, September 13, 2008

8:00 am Bloomington Community Farmers' Market, Showers Common, Showers Building, 401 N. Morton

Posted and Distributed: Friday, September 5, 2008



City of Bloomington
Office of the Common Council

NOTICE OF MEETING

DISCUSSION OF HEA 1001
“THE CIRCUIT BREAKER”

MONDAY, 08 SEPTEMBER 2008
9:00 AM
(REGISTRATION BEGINS AT 8:00 AM)
MONROE COUNTY COURTHOUSE, ROOM 315
100 WEST KIRKWOOD AVENUE

Members of the Bloomington Common Council have been invited to attend a discussion of of HEA 1001, “The Circuit Breaker,” sponsored by Monroe County government.

A quorum of the Common Council may be present at this discussion. If so, such gathering would constitute a meeting under the Indiana Open Door Law. Therefore, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Wednesday, 03 September 2008



**MEMORANDUM
FROM THE MAYOR'S OFFICE
OF ECONOMIC DEVELOPMENT**

TO: City of Bloomington Common Council
CC: Margie Rice, City Attorney; Dan Sherman, Council Attorney
FROM: Danise Alano, Director of Economic Development
DATE: August 25, 2008
RE: *Resolution 08-11:* To Authorize Expenditures from the IDF for Attainment of Benchmarks by Cook Pharmica LLC at the Indiana Enterprise Center
Resolution 08-12: To Authorize Expenditures from the IDF for Improvements at the Indiana Enterprise Center

BACKGROUND

In 1997, Thomson Consumer Electronics announced that it would close its facility and lay off 1,200 employees. In addition to the income loss associated with the 1,200 jobs, the City experienced a decline of over \$1 million in property tax revenues and \$350,000 in County Option Income Tax (COIT) revenues. A coordinated community effort was initiated to redevelop the site and several economic tools were put into place to encourage new investment. A neighborhood strategies plan and a PUD were completed. To assist in marketing and business attraction, the name of the site was changed to the "Indiana Enterprise Center."

One of the economic development tools, and the first of its kind in Indiana, was the Community Revitalization Enhancement District (CRED). The CRED is an innovative economic development tool in which the portion of COIT and Indiana retail, use and income taxes generated within the CRED that exceeds a base amount, is deposited by the State of Indiana into the City's Industrial Development Fund (IDF) for use by the City.

If it were not for the CRED, the vast majority of these funds would not be available to the City of Bloomington, but would instead be State revenue. The existence of the CRED enables the City of Bloomington to receive these funds back from the State for economic development purposes. The City of Bloomington Industrial Development Advisory Commission (BIDAC) oversees the expenditures of this fund through recommendations to the Common Council. The statutory purpose of the IDF is "the development of or to enhance the value of real property used for retail purposes and to make it more suitable to industrial or retail use." (IC 36-7-13-3(e))

According to IC 36-7-13-12.1(b), the City may address certain obstacles to redevelopment in CRED areas through IDF expenditures toward:

- (1) the acquisition of land;
- (2) interests in land;
- (3) site improvements;
- (4) infrastructure improvements;
- (5) buildings;
- (6) structures;
- (7) rehabilitation, renovation, and enlargement of buildings and structures;
- (8) machinery;
- (9) equipment;
- (10) furnishings;

- (11) facilities;
- (12) administration expenses associated with such a project;
- (13) operating expenses; or
- (14) substance removal or remedial action to the area.

PROJECT

In 2004, Cook Pharmica, LLC, a start-up contract pharmaceutical manufacturing company, agreed to open its facility in the Indiana Enterprise Center (IEC) and subsequently has invested more than \$70 million and has surpassed its goal to create 200 jobs by the end of 2008.

Beginning in August 2007, the City of Bloomington Office of the Mayor and Economic Development staff began working with Cook Pharmica and the State of Indiana to attract its proposed business expansion to the site. The expansion involves a new and distinct business line for the company, rather than simply an expansion of its existing operations; therefore, proximity to the existing Cook Pharmica facility was not a major criterion for the site location. Indeed, Bloomington competed with other cities in Indiana and North Carolina specifically. It was the existence of CRED incentives that made the project more viable in Bloomington than elsewhere for the company. The State of Indiana and the City offered a package of incentives contingent upon the approval of appropriate governing bodies and Cook Pharmica accepted this offer.

As a result, on February 6, 2008, Cook Pharmica announced its intention to renovate an additional 80,000 square feet on its property at 1300 S. Patterson, and make an investment of approximately \$84 million in new equipment and construction to enable it to formulate, fill and finish (package) vials and syringes. Cook Pharmica expects to employ an additional 206 new full-time workers with a corresponding payroll of \$9,225,588.

RECOMMENDATION

On August 20, 2008, the BIDAC passed its Resolutions 08-01 and 08-02 recommending that the Council authorize expenditures from the IDF to facilitate this business expansion in the Thomson CRED. The Office of the Mayor and the Economic Development staff proposes to utilize a portion of CRED revenues to reimburse Cook Pharmica for costs associated with capital investments they will make in renovating and fitting their facilities for this new business line. In addition, the Office of the Mayor proposes to use a portion of CRED revenues for the costs associated with completing public infrastructure and other site improvements at the IEC.

1) Construction Benchmark. (Resolution 08-11)

The City wishes to provide Cook Pharmica with partial reimbursement of up to \$2 million from CRED revenues generated by the Cook Pharmica expansion through a benchmark agreement under I.C. 36-7-13-18, similar to a 2005 benchmark agreement approved by the Common Council for the original project. Cook Pharmica has proposed construction benchmark expenditures of \$7,629,100 to be considered for partial reimbursement.

Payment to the company for the construction benchmarks will be based solely on the new CRED revenues generated by the employer. This arrangement ties the actual reimbursement directly to the payroll of the employer. The City will reimburse the employer by making annual payments of 75 percent of the CRED revenues generated by the employer, until they reach the total reimbursement amount. Reimbursement under the 2005 benchmark agreement will take precedence.

This Cook Pharmica project will generate an estimated \$4.3 million in CRED revenues over the life of the CRED. This amount is based upon Cook Pharmica's estimated payroll of over \$9 million by 2010 and including an annual 3 percent growth in payroll thereafter. Given the reimbursement plan outlined above, Cook Pharmica's final reimbursement would occur in 2016.

Upon adoption by the City Council of this resolution, the City and Cook Pharmica will enter into an Economic Development Financing agreement specifying these terms of the benchmarks and the reimbursement schedule.

2) Site Improvements. (Resolution 08-12)

On August 4, 2008, the City of Bloomington Redevelopment Commission authorized the use of \$500,000 from the Thomson/Walnut/Winslow TIF specifically for public infrastructure improvements related to this Project.

The City wishes to expend up to \$500,000 from the IDF to complete certain public infrastructure and other site improvements to facilitate the expansion of Cook Pharmica.

The Project will necessitate intersection improvements at Hillside Drive and Rogers Street, including a drive connection to an existing bridge and stream rehabilitation for improved water flow adjacent to Cook Pharmica; intersection improvements at Patterson Drive and Rogers Street; and intersection improvements at the Cook Pharmica entrance on Patterson Drive to serve this expansion as well as future investment in other properties within the boundaries of the IEC. The estimated cost of the roadway, intersection and stream rehabilitation improvements is \$1,216,000.

The City's Living Wage Ordinance applies to CRED payments and thus will apply to the Project. City Legal and Economic Development staff and Cook Pharmica have met and outlined the procedures and requirements this entails.

SUMMARY

The Office of the Mayor and the Economic Development staff seek the Council's adoption of these two resolutions. The administration strongly believes that the reimbursements proposed for Cook Pharmica and the investments in the infrastructure related to the Project are appropriate expenditures for the CRED, and also that the resulting project will further the goals set forth by the revitalization plan which the City and community put in place for this former Thomson Consumer Electronics site. The use of CRED revenues as a reimbursement for capital investments was specifically outlined the City's incentive proposal offered in combination with the State of Indiana's incentive proposal to Cook Pharmica. The CRED revenues proposed as reimbursements would not be available to the City of Bloomington if it were not for Cook Pharmica first agreeing to locate its facility in the CRED, and second, choosing to locate its new expansion enterprise here as well.

Best Beers

Social Security

McDoel Grocery

***Schulte Corp**

***Cook Pharmica**

Dr. Byrne Dermatology



City of Bloomington
Bloomington Industrial Development Fund
Statement of Revenues, Expenditures and Changes in Fund Balan
Updated August 27, 2008

	<u>2007</u>	<u>2008</u>
Thomson CRED Revenues		
General	431,005	
Miscellaneous		
Interest on Investments	31,142	72,132
Subtotal Thomson CRED Revenues	462,147	72,132
Downtown CRED Revenue		
General	1,906,134	
Miscellaneous		
Interest on Investments	54,297	13,472
Subtotal Downtown CRED Revenue	1,960,431	13,472
Total Revenues	<u>2,422,578</u>	<u>85,604</u>
Expenditures		
General		
Thomson Demolition	100,000	100,000
Cook Pharmica 1	155,810	
Cook Pharmica 2		
Total Other Services & Charges	<u>255,810</u>	<u>100,000</u>
Total Capital Outlays		
Total Expenditures	<u>255,810</u>	<u>100,000</u>
Other Financing Sources		
Operating Transfers In		
Operating Transfers Out		
Excess (Deficiency) of Revenues	2,166,768	(14,396)
Fund Balance - January 1	<u>1,376,249</u>	<u>3,543,017</u>
Fund Balance - December 31	<u><u>3,543,017</u></u>	<u><u>3,528,621</u></u>

RESOLUTION 08-11

TO AUTHORIZE EXPENDITURES FROM THE INDUSTRIAL DEVELOPMENT FUND FOR ATTAINMENT OF BENCHMARKS BY COOK PHARMICA LLC AT THE INDIANA ENTERPRISE CENTER

- WHEREAS, in 1998, Thomson Consumer Electronics closed its television assembly plant in Bloomington, Indiana, eliminating twelve hundred (1200) jobs and leaving vacant a two hundred (200) acre, 1.8 million square foot industrial facility; and,
- WHEREAS, in 1997, the Common Council of the City of Bloomington created, pursuant to Indiana Code 36-7-13-4, an Industrial Development Fund (IDF), which is a special fund used for the purposes of industrial development and expansion in or serving the City of Bloomington; and,
- WHEREAS, in 1997, the Common Council also established the City of Bloomington Industrial Development Advisory Commission (“BIDAC”), which has the responsibility to make recommendations to the Common Council for expenditures from the IDF; and,
- WHEREAS, in 1999, a Community Revitalization Enhancement District (“CRED”) was established pursuant to Indiana Code 36-7-13 et seq. upon the former Thomson site, in which the portion of County Option Income Tax (“COIT”) and Indiana retail, use and income taxes generated within the CRED that exceeds a base amount is deposited by the State of Indiana (“State”) into the City’s IDF for use by the City as provided by law; and,
- WHEREAS, Indiana Code 36-7-13-18 provides that a developer who proposes to enter into or has entered into a financing agreement with a local government unit for development or redevelopment of a facility in a CRED district and has entered into a separate agreement with some other person for use or operation of the financed facility may receive specified payments from the IDF upon attainment of goals or benchmarks on the site, as approved by the BIDAC and the Common Council; and,
- WHEREAS, whereas in 2004 Cook Pharmica, LLC located its company in the Indiana Enterprise Center (“IEC”), which is within the CRED district, and now intends to further expand its operations, investing Eighty Four Million, Fifty One Thousand, Five Hundred and Sixty Three Dollars (\$84,051,563) in building renovation and improvements, machinery and equipment over the next three (3) years (the “Project”); and,
- WHEREAS, when complete and fully operational in 2010, the expansion will add more than one hundred thirty (130) manufacturing and maintenance positions requiring both skilled and unskilled labor. It will also bring more than forty five (45) new professional positions in engineering and quality control, and more than twenty five (25) positions in business operations, IT and logistics – totaling more than two hundred (200) new, full-time jobs with an annual payroll of Nine Million, Two Hundred Twenty Five Thousand, Five Hundred and Eighty Eight Dollars (\$9,225,588); and,
- WHEREAS, the Common Council of the City of Bloomington wishes to reimburse Cook Pharmica, pursuant to IC 36-7-13-18(b), for attainment of project benchmarks in an amount not to exceed Two Million Dollars (\$2,000,000); and,
- WHEREAS, elements of the Project for which expenditures may count towards the attainment of project benchmarks include the following estimates, which total Seven Million, Six Hundred Twenty Nine Thousand, One Hundred Dollars (\$7,629,100):

90% Design Engineering	\$2,000,000
Underground work	\$ 237,400
Structural steel	\$ 617,500
Construction drawings	\$ 500,000
Emergency generator	\$ 550,000
Walls & ceiling	\$3,724,200

WHEREAS, Cook Pharmica’s expenditure of at least Two Million Dollars (\$2,000,000) for any of the work listed above, and documentation of said expenditures and verification of said work to the City’s reasonable satisfaction, shall constitute attainment of project benchmarks, for purposes of Indiana Code 36-7-13-18(b); and,

WHEREAS, reimbursement by the City to Cook Pharmica of up to Two Million Dollars (\$2,000,000) for attainment of the project benchmarks shall be made using CRED Revenues received by the City that are derived from the Indiana income tax and COIT paid by persons employed by Cook Pharmica, and CRED revenues that derive from state gross retail and use taxes generated by Cook Pharmica’s sales within the Thomson CRED district; and,

WHEREAS, the City shall make annual payments of seventy five percent (75%) of said CRED revenues, until either Two Million Dollars (\$2,000,000) has been paid or the CRED district terminates; and,

WHEREAS, Cook Pharmica has entered into a separate agreement with another entity for use of the Project site on the Property for fill and finish services; and,

WHEREAS, Cook Pharmica and the City shall enter into a financing agreement containing the terms and conditions of the benchmark payments; and,

WHEREAS, the redevelopment of the IEC serves an important public purpose, and the Project is desirable for the area, in that it offers a significant investment that will enhance the tax base of the City of Bloomington and Monroe County, will create 206 new jobs, and will contribute towards the development of a life sciences initiative proposed for Bloomington and Monroe County; and,

WHEREAS, BIDAC has approved, by resolution, reimbursement as described above to Cook Pharmica and recommends that the Common Council approve the same.

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

Section 1. Pursuant to Indiana Code 36-7-13-18(b), the City shall reimburse Cook Pharmica for attainment of the Project Benchmark, as described in Section 2 below. The following elements of the Project which have an estimated total of Seven Million, Six Hundred Twenty Nine Thousand, and One Hundred Dollars (\$7,629,100), may count towards attainment of the benchmarks:

90% Design Engineering	\$2,000,000
Underground work	\$ 237,400
Structural steel	\$ 617,500
Construction drawings	\$ 500,000
Emergency generator	\$ 550,000
Walls & ceiling	\$3,724,200

Section 2. Payment by the City, upon Cook Pharmica’s attainment of project benchmarks, is authorized up to Two Million Dollars (\$2,000,000) to

Cook Pharmica by making payments annually of seventy five percent (75%) of the CRED revenues derived from state income taxes and COIT paid by Cook Pharmica employees in the Thomson CRED district and from state retail and use taxes generated by Cook Pharmica's sales in the Thomson CRED district. Said payments shall continue to be made until either Two Million Dollars (\$2,000,000) has been paid or the Thomson CRED district terminates. Said payments shall serve as partial reimbursement for Cook Pharmica's expenditures on the Project, in compliance with the provisions of IC 36-7-13-18 and are subject to the City of Bloomington's receipt from the State of Indiana of CRED revenues attributable to Cook Pharmica's employment and sales on the Property, as provided herein, and all other conditions and provisions stated herein.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ of _____, 2008.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2008.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2008.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

In accordance with state law, this resolution authorizes reimbursement to a Bloomington-based corporation, Cook Pharmica, LLC, upon completion of certain approved investments made to their real property located within the City's Community Revitalization Enhancement District ("CRED"). The total reimbursement will not exceed Two Million Dollars (\$2,000,000) and will be made by making annual payments out of the Industrial Development Fund ("IDF"), a non-reverting fund which receives County Option Income Taxes as well as Indiana retail, use, and income taxes generated within the CRED District that exceed a base amount. The IDF supports industrial development and expansion within the CRED District that serves the City of Bloomington.

**RESOLUTION 08-01
OF THE CITY OF BLOOMINGTON INDUSTRIAL DEVELOPMENT
ADVISORY COMMISSION**

**TO AUTHORIZE EXPENDITURES FROM THE INDUSTRIAL
DEVELOPMENT FUND FOR ATTAINMENT OF BENCHMARKS
BY COOK PHARMICA LLC AT THE INDIANA ENTERPRISE CENTER**

- WHEREAS, in 1998, Thomson Consumer Electronics closed its television assembly plant in Bloomington, Indiana, eliminating 1200 jobs and leaving vacant a 200 acre, 1.8 million square foot industrial facility; and,
- WHEREAS, in 1997, the Common Council created, pursuant to Indiana Code 36-7-13-4, an Industrial Development Fund (IDF), which is a special fund used for the purposes of industrial development and expansion in or serving the City of Bloomington; and,
- WHEREAS, in 1997, the Common Council also established the Bloomington Industrial Development Advisory Commission (BIDAC), which has the responsibility to make recommendations to the Common Council for expenditures from the IDF; and,
- WHEREAS, in 1999, a Community Revitalization Enhancement District ("CRED") was established pursuant to Indiana Code 36-7-13 upon the former Thomson site, in which the portion of County Option Income Tax ("COIT") and Indiana retail, use and income taxes generated within the CRED that exceeds a base amount is deposited by the State of Indiana ("State") into the City's IDF for use by the City as provided in IC 36-7-13; and,
- WHEREAS, Indiana Code 36-7-13-18 provides that a developer who proposes to enter into or has entered into a financing agreement with a local government unit for development or redevelopment of a facility in a CRED district and has entered into a separate agreement with some other person for use or operation of the financed facility may receive specified payments from the IDF upon attainment of goals or benchmarks on the site, as approved by the BIDAC and Common Council; and,
- WHEREAS, whereas Cook Pharmica, LLC located its company in the IEC in 2004 and now intends to further expand its operations, investing Eighty Four Million, Fifty One Thousand, Five Hundred and Sixty Three Dollars (\$84,051,563) in building renovation and improvements, machinery and equipment over the next three years (the "Project"); and,
- WHEREAS, when complete and fully operational in 2010, the expansion will add more than one hundred thirty (130) manufacturing and maintenance positions

requiring both skilled and unskilled labor; it will also bring more than forty five (45) new professional positions in engineering and quality, and more than twenty five (25) positions in business operations, IT and logistics – totaling more than two hundred (200) new, full-time jobs with an annual payroll of Nine Million, Two Hundred Twenty Five Thousand, Five Hundred and Eighty Eight Dollars (\$9,225,588); and,

WHEREAS, the City wishes to reimburse Cook Pharmica, pursuant to IC 36-7-13-18(b), for attainment of the Project Benchmark in an amount not to exceed \$2,000,000; and,

WHEREAS, elements of the Project for which expenditures may count towards the Project Benchmark shall be as follows:

- 90% Design Engineering \$2,000,000
- Underground work \$ 237,400
- Structural steel \$ 617,500
- Construction drawings \$ 500,000
- Emergency generator \$ 550,000
- Walls & ceiling \$3,724,200

The improvements listed above have a total estimated cost of \$7,629,100; and

WHEREAS, Developer's expenditure of at least \$2,000,000 for performance of any of the work listed above, and documentation of said expenditures and verification of said work to the City's reasonable satisfaction, shall constitute attainment of the Project Benchmark, for purposes of Indiana Code 36-7-13-18(b); and,

WHEREAS, reimbursement by the City to Developer of up to \$2,000,000 for attainment of the Project Benchmark shall be made using CRED Revenues that are derived from the Indiana income tax and COIT paid by persons employed on the Property by Developer, and CRED revenues that derive from state gross retail and use taxes generated by Developer's sales within the Thomson CRED district; and,

WHEREAS, the City shall make annual payments of 75% of said CRED revenues, until either \$2,000,000 has been paid or the CRED district terminates; and,

WHEREAS, Cook Pharmica has entered into a separate agreement with another entity for use of the Project site on the Property for fill and finish services; and,

WHEREAS, Cook Pharmica and the City will enter into a financing agreement containing the terms and conditions of the benchmark payments; and,

WHEREAS, the redevelopment of the IEC serves an important public purpose, and the Project is desirable for the area, in that it offers a significant investment that will enhance the tax base of the City of Bloomington and Monroe County, will create 206 new jobs, and will contribute towards the development of a life sciences initiative proposed for Bloomington and Monroe County;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION THAT:

SECTION 1. The Commission hereby recommends to the Common Council that it:

1. Establish the Project Benchmark as benchmarks pursuant to Indiana Code 36-7-13-18(b); and,
2. Authorize payment by the City, on account of Cook Pharmica's attainment of the Project Benchmark, of up to \$2,000,000 to Cook Pharmica by making payments annually of 75% of the CRED revenues derived from state income taxes and COIT paid by Cook Pharmica employees in the Thomson CRED district and from state retail and use taxes generated by Cook Pharmica's sales in the Thomson CRED district, until either \$2,000,000 has been paid or the Thomson CRED district terminates, as partial reimbursement for Cook Pharmica's expenditures on the Project, in compliance with the provisions of IC 36-7-13-18 and subject to the City of Bloomington's receipt from the State of Indiana of CRED revenues attributable to Cook Pharmica's employment and sales on the Property, as provided herein, and all other conditions and provisions stated herein;

Approved this 20th day of August, 2008.

BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION



Rhonda Hinds

NOT PRESENT

Roger Kent

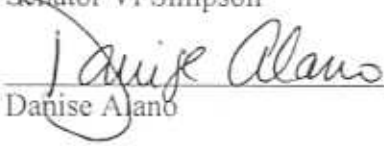

Don Moore


Joyce Poling


Richard Rampley

NOT PRESENT

Senator Vi Simpson


Danise Alano

RESOLUTION 08-12

TO AUTHORIZE EXPENDITURES FROM THE INDUSTRIAL DEVELOPMENT FUND FOR PHYSICAL IMPROVEMENTS TO SUPPORT AN ECONOMIC DEVELOPMENT PROJECT (COOK PHARMICA, LLC) AT THE INDIANA ENTERPRISE CENTER

- WHEREAS, in 1998 Thomson Consumer Electronics closed its television assembly plant in Bloomington, Indiana, eliminating twelve hundred (1200) jobs and leaving vacant a two hundred (200) acre, 1.8 million square foot industrial facility; and,
- WHEREAS, in 1997 the Common Council created pursuant to Indiana Code 36-7-13-4 an Industrial Development Fund (“IDF”), which is a special fund used for the purposes of industrial development and expansion in or serving the City of Bloomington; and,
- WHEREAS, the Common Council also established the Bloomington Industrial Development Advisory Commission (“BIDAC”) which has the responsibility to make recommendations to the Common Council for expenditures from the IDF; and,
- WHEREAS, in 1999 a Community Revitalization Enhancement District (“CRED”) was established pursuant to Indiana Code 36-7-13 et seq. upon the former Thomson site, under which the City may expend monies from the IDF for infrastructure improvements to make land more suitable for industrial use, as approved by the BIDAC and Common Council; and,
- WHEREAS, the IDF has a current balance of Three Million, Five Hundred Twenty Eight Thousand, Six Hundred Twenty One Dollars (\$3,528,621); and
- WHEREAS, the former Thomson site is being redeveloped as the Indiana Enterprise Center (IEC); and,
- WHEREAS, Cook Pharmica, LLC located its company in the IEC in 2004 and now intends to further expand its operations, investing Eighty Four Million, Fifty One Thousand, Five Hundred and Sixty Three Dollars (\$84,051,563) in building renovation and improvements, machinery and equipment over the next three (3) years (the “Project”); and,
- WHEREAS, when complete and fully operational in 2010, the expansion will add more than one hundred thirty (130) manufacturing and maintenance positions requiring both skilled and unskilled labor; it will also bring more than forty five (45) new professional positions in engineering and quality control, and more than twenty five (25) positions in business operations, IT and logistics – totaling more than two hundred (200) new, full-time jobs with an annual payroll of Nine Million, Two Hundred Twenty Five Thousand, Five Hundred and Eighty Eight Dollars (\$9,225,588); and,
- WHEREAS, the Project will necessitate intersection improvements at Hillside Drive and Rogers Street, including a possible extension of a drive connection to an existing bridge and stream rehabilitation for improved water flow adjacent to Cook Pharmica; intersection improvements at Patterson Drive and Rogers Street; and intersection improvements at the Cook Pharmica entrance on Patterson Drive to serve this expansion as well as future investment in other properties within the boundaries of the IEC; and,
- WHEREAS, the estimated cost of the roadway, intersection and stream rehabilitation improvements is estimated at One Million, Two Hundred Sixteen Thousand Dollars (\$1,216,000), (the “Project Costs”); and,

WHEREAS, the City wishes to use Five Hundred Thousand Dollars (\$500,000) from the IDF and Five Hundred Thousand Dollars (\$500,000) from the Thomson Walnut Winslow TIF fund for construction of the road and water system improvements; and,

WHEREAS, these physical improvements are expected to enhance the viability of the adjacent IEC properties for further economic development projects; and,

WHEREAS, encouraging the development of Cook Pharmica and additional economic development projects serves an important public purpose, in that the Projects offer significant investments in the area, will create new jobs, will expand Cook Pharmica LLC's presence in Bloomington; and,

WHEREAS, BIDAC and the Redevelopment Commission previously passed resolutions recommending and approving, as required, expenditures from the IDF and the TIF funds, respectively, and recommends approval of the same by the Common Council.

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

Five Hundred Thousand Dollars (\$500,000) shall be appropriated from the Industrial Development Fund to be used for physical improvements to the Hillside and Rogers intersection, including extending Hillside Drive west to an existing bridge; improvements to the Rogers and Patterson intersection; intersection improvements at the Cook Pharmica entrance on Patterson Drive; and stream rehabilitation improvements for improved water flow adjacent to Cook Pharmica. Approval of the above-mentioned payment out of the Thomson Walnut Winslow TIF Fund has previously been approved, as required by law, by the Redevelopment Commission.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ of _____, 2008.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2008.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2008.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

In accordance with state law, this resolution authorizes Five Hundred Thousand Dollars (\$500,000) to be paid out of the Industrial Development Fund (“IDF”) for physical improvements to be made to infrastructure in and near the Indiana Enterprise Center, where Cook Pharmica, LLC, has chosen to locate and make continued business investments. The IDF supports industrial development and expansion within the CRED District that serves the City of Bloomington.

**RESOLUTION 08-02
OF THE CITY OF BLOOMINGTON INDUSTRIAL DEVELOPMENT
ADVISORY COMMISSION**

**TO AUTHORIZE EXPENDITURES FROM THE INDUSTRIAL
DEVELOPMENT FUND FOR PHYSICAL IMPROVEMENTS TO SUPPORT AN
ECONOMIC DEVELOPMENT PROJECT (COOK PHARMICA, LLC) AT THE
INDIANA ENTERPRISE CENTER**

- WHEREAS, in 1998 Thomson Consumer Electronics closed its television assembly plant in Bloomington, Indiana, eliminating 1200 jobs and leaving vacant a 200 acre, 1.8 million square foot industrial facility; and
- WHEREAS, in 1997 the Common Council created pursuant to Indiana Code 36-7-13-4 an Industrial Development Fund, which is a special fund used for the purposes of industrial development and expansion in or serving the City of Bloomington; and
- WHEREAS, the Common Council also established the Bloomington Industrial Development Advisory Commission which has the responsibility to make recommendations to the Common Council for expenditures from the Industrial Development Fund; and
- WHEREAS, in 1999 a Community Revitalization Enhancement District ("CRED") was established pursuant to Indiana Code 36-7-13 upon the former Thomson site, under which the City may expend monies from the Industrial Development Fund for infrastructure improvements to make land more suitable for industrial use, as approved by the Bloomington Industrial Development Advisory Commission and Common Council; and
- WHEREAS, the Industrial Development Fund has a current balance of \$3,528,621; and
- WHEREAS, the former Thomson site is being redeveloped as the Indiana Enterprise Center (IEC); and
- WHEREAS, Cook Pharmica, LLC located its company in the IEC in 2004 and now intends to further expand its operations, investing Eighty Four Million, Fifty One Thousand, Five Hundred and Sixty Three Dollars (\$84,051,563) in building renovation and improvements, machinery and equipment over the next three years (the "Project"); and,
- WHEREAS, when complete and fully operational in 2010, the expansion will add more than one hundred thirty (130) manufacturing and maintenance positions requiring both skilled and unskilled labor; it will also bring more than forty five (45) new professional positions in engineering and quality, and more than twenty five (25) positions in business operations, IT and

logistics – totaling more than two hundred (200) new, full-time jobs with an annual payroll of Nine Million, Two Hundred Twenty Five Thousand, Five Hundred and Eighty Eight Dollars (\$9,225,588); and,

WHEREAS, the Project will necessitate intersection improvements at Hillside Drive and Rogers Street, including extending a drive connection to an existing bridge and stream rehabilitation for improved water flow adjacent to Cook Pharmica; intersection improvements at Patterson Drive and Rogers Street; and intersection improvements at the Cook Pharmica entrance on Patterson Drive to serve this expansion as well as future investment in other properties within the boundaries of the IEC; and,

WHEREAS, the estimated cost of the roadway, intersection and stream rehabilitation improvements is estimated at One Million, Two Hundred Sixteen Thousand Dollars (\$1,216,000), (the “Project Costs”); and,

WHEREAS, the City wishes to use \$500,000 from the Industrial Development Fund and \$500,000 from the Thomson Walnut Winslow TIF fund for construction of the road and water system improvements; and

WHEREAS, several of these physical improvements will enhance the viability of the adjacent IEC properties for further economic development projects;


WHEREAS, encouraging the development of the Cook Pharmica and additional economic development projects serves an important public purpose, in that the Projects offer significant investments in the area, will create new jobs, will expand Cook Pharmica LLC’s presence in Bloomington;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION THAT:

SECTION 1. The Commission hereby recommends to the Common Council that it:

1. Authorize payment of \$500,000 from the IDF for physical improvements to the Hillside and Rogers intersection, including extending Hillside Drive west to an existing bridge; improvements to the Rogers and Patterson intersection; intersection improvements at the Cook Pharmica entrance on Patterson Drive; and stream rehabilitation improvements for improved water flow adjacent to Cook Pharmica.

BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION


Rhonda Hinds


Richard Rampley

NOT PRESENT

Roger Kent


Don Moore


Joyce Poling

NOT PRESENT

Senator Vi Simpson


Danise Alano

Approved this 20th day of August, 2008.