



Packet Related Material

**Memo
Agenda
Calendar**

Notices and Agendas:

None

Legislation for Final Action:

Res 04-04 To Confirm Resolution 04-03 which Designated an Economic Revitalization Area, Approved a Statement of Benefits, and Authorized a Period of Tax Abatement - Re: 1116 South Walnut (Bloomington Paint and Wallpaper, Inc., Petitioner)

- Statement of Benefits; *(Please see the March 3rd Packet (Distributed on February 27th) for the previous legislation, background material and a more thorough explanation of this proposal)*

Contact: Ron Walker at 349-3534 or walkerr@bloomington.in.gov

Res 04-06 To Authorize Agents to Accept Pension Liability on Behalf of the City of Bloomington

- Memo from Susan Clark, Interim Controller

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov

Res 04-07 To Determine the Need to Lease a Portion of 501 North Morton Street in Bloomington, Indiana

- Memo from Vickie Renfrow, Assistant City Attorney

Contact: Vickie Renfrow at 349-3557 or renfrowv@bloomington.in.gov

Legislation and Background Material for First Reading:

None

Minutes from Special Session:

March 10, 2004

Memo

**Three Items for Final Action and No Items for Introduction
at the Rescheduled Regular Session on March 24th**

There are three resolutions ready for final action and no items ready for introduction at your Regular Session on Wednesday, March 24th. This Regular Session was originally scheduled for March 17th, but was moved back a week due to Spring Break. The three resolutions are briefly summarized below and are part of this packet. Since there are no new items being introduced you will not need to meet for a Committee of the Whole that evening and will next meet for a Regular Session on April 7th.

Item One - Res 04-04 Confirming Res 04-03 which Designated 1116 South Walnut as an ERA, Approved a Statement of Benefits, and Authorized a 5-Year Tax Abatement (Bloomington Paint and Wallpaper, LLC, Petitioner)

Res 04-04 confirms Res 04-03 which designated 1116 South Walnut as an Economic Revitalization Area (ERA), approved a Statement of Benefits, and authorized a 5-year tax abatement for the construction of new building at this site. The building will have a brick and limestone front, and contain retail uses on the first floor and six apartments above. The petitioner, Bloomington Paint and Wallpaper, LLC, will be selling its building on the north side of the courthouse square and occupy most of the space on the first floor.

On March 3rd, 2004 the Council adopted Res 04-03 as well as Ord 04-06, which designated this same parcel as an Economic Development Target Area (EDTA). This latter designation allows the retail uses and market-rate residential uses on this site to receive a tax abatement when they would not otherwise be eligible for them. *Please see the February 27th packet for the preliminary resolution, background material, and a more thorough explanation of this proposal.*

Statute requires that the Council adopt Res 04-04 before the petitioner can receive the tax abatement. And prior to adopting the resolution, statute also requires that the Council hold a legally advertised public hearing in order to hear all comments regarding this legislation. That hearing will take place during the public comment on this item at the March 24th Special Session.

Item Two - Res 04-06 - Appointing Agent to Accept Pension Liability

The second item ready for final action is Res 04-06, which appoints certain persons to certify records for the Public Employee Retirement Fund (PERF) for the City's three pension accounts. Those accounts include the main City of Bloomington, the Utilities, and the Bloomington Public Transit Corporation (BPTC) accounts.

According to I.C. 5-10.2-3-1(1)(e), the Council must perform those tasks or appoint an agent to do so. The last time the Council appointed its agents was in 1999 and, after consulting with the PERF department, that resolution (Res 99-22) appointed certain positions rather than certain persons to serve as our agent for two of the three accounts. In particular, that resolution appointed the position of Controller and Deputy Controller as pension agent for main City of Bloomington account and the Utilities account. With the departure of Tom Guevara, the Controller's Office was advised by the PERF department to return to the previous method of appointment. Given that advice, Res 04-06 appoints Susan Clark, Interim Controller, and Sharon, Deputy Controller, as the City's agent for those two accounts.

The resolution also continues to appoint Wendell D. Barnett, Controller of the Bloomington Public Transit Corporation, as the pension agent for the third PERF account (pursuant to BPTC Res 99-15).

Item Three – Res 04-07 Finding Need for CBU to Lease Portion of North Showers Complex

Res 04-07 finds that there is a need for the Utilities Department to lease space in the Indiana University Research Park at 501 North Morton Street and authorizes the Utilities Services Board to enter into a month-to-month lease for up to twenty-four months. As Vickie Renfrow, Assistant City Attorney, notes in her memo to the Council, the staff who occupied the Utilities Services Center were moved to the space on North Morton Street after the fire last November and this resolution implements certain steps required by Indiana Law (I.C. 36-1-10-1 *et seq.*) when political subdivisions decide to enter into a lease in order to carry out their operations.

In particular, statute requires that:

- The leasing agent (in this case the Utilities Services Board) receive a petition signed by no fewer than fifty taxpayers of the political subdivision or agency requesting that the lease be executed (a copy of the petition will be available in the Council Office early next week);
- The Common Council must find that the lease is needed; and
- The leasing agent approve and execute the lease at legally advertised public hearing and publish notice of the execution of the lease.

As noted above, this resolution finds that the lease is needed and authorizes the USB, as leasing agent, to enter into a month to month lease for up to twenty-four months.

Happy Birthday Chris Sturbaum!

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION*
7:30 P.M., WEDNESDAY, MARCH 24, 2004
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: Special Session, March 10, 2004

IV. REPORTS FROM:

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 04-04 To Confirm Resolution 04-03 Which Designated an Economic Revitalization Area, Approved a Statement of Benefits, and Authorized a Period of Tax Abatement - Re: 1116 South Walnut (Bloomington Paint and Wallpaper, Inc., Petitioner)

Committee Recommendation: None

2. Resolution 04-06 To Authorize Agents to Accept Pension Liability on behalf of the City of Bloomington

Committee Recommendation: None

3. Resolution 04-07 To Determine the Need to Lease a Portion of 501 North Morton Street in Bloomington, Indiana

Committee Recommendation: None

VII. LEGISLATION FOR FIRST READING

None

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURNMENT

**Please Note: This Regular Session was rescheduled from March 17, 2004 due to Spring Break.*

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
e-mail: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Calendar for the Week of
March 21, 2004 – March 27, 2004
Date: March 19, 2004

Monday, March 22, 2004

5:00 pm Utilities Service Board, IU Research Park, 501 N. Morton, Conference Room 100B
5:30 pm Bloomington Human Rights Commission, McCloskey

Tuesday, March 23, 2004

3:30 pm Housing Trust Fund Board, McCloskey
4:00 pm Board of Park Commissioners, Council Chambers
4:00 pm Board of Public Safety, Police
5:30 pm Board of Public Works, Council Chambers

Wednesday, March 24, 2004

9:30 am Tree Commission, Hooker Room
5:30 pm Traffic Commission, Council Chambers
6:30 pm Metropolitan Planning Organization – Citizen Advisory Committee, McCloskey
Bryan Park – Park and Ride Presentation
7:30 pm Common Council – Rescheduled Regular Session, Chambers

Thursday, March 25, 2004

4:00 pm Bloomington Digital Underground Advisory Committee, McCloskey
5:30 pm Martin Luther King, Jr. Birthday Commission, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers
7:00 pm Environmental Commission, McCloskey

Friday, March 26, 2004

12:00 pm Economic Development Commission, Hooker Room

Saturday, March 27, 2004

Happy Birthday, Chris Sturbaum!

RESOLUTION 04-04

TO CONFIRM RESOLUTION 04-03 WHICH DESIGNATED AN ECONOMIC REVITALIZATION AREA, APPROVED A STATEMENT OF BENEFITS, AND AUTHORIZED A PERIOD OF TAX ABATEMENT

**Re: 1116 South Walnut
(Bloomington Paint and Wallpaper, Inc., Petitioner)**

- WHEREAS, Petitioner, Bloomington Paint and Wallpaper, Inc., has filed an application for designation of three parcels it owns at 1106, 1108 and 1116 S. Walnut, Bloomington, Indiana (which will be combined under the address of 1116 S. Walnut) as an "Economic Revitalization Area"; and
- WHEREAS, the application has been reviewed by the Planning Department, and the Economic Development Commission has passed a resolution recommending to the Common Council the approval of the "Economic Revitalization Area" designation for said property and for said term of years; and
- WHEREAS, petitioner intends to construct a new building that will contain Bloomington Paint and Wallpaper, another retail facility, and apartments on the second floor, with the exterior to be constructed of all brick and limestone, which shall be referred to as the Project, and wishes to obtain tax abatement for the improvements; and
- WHEREAS, pursuant to state law, petitioners seeking designation for their property as an Economic Revitalization Area must complete a Statement of Benefits and must provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which there has been compliance with the Statement of Benefits; and
- WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part of Resolution 04-03, and has found the following:
- A. the estimate of the value of the redevelopment or rehabilitation is reasonable;
 - B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
 - C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
 - D. the redevelopment or rehabilitation has received approval from the Planning Department, is consistent with the Growth Policies Plan, is expected to be developed and used in a manner that complies with local code, and provides housing in the downtown area; and
 - E. the totality of benefits is sufficient to justify the deduction; and
- WHEREAS, the property described above has experienced a cessation of growth; and
- WHEREAS, the Common Council adopted Resolution 04-03 on March 3, 2004, which designated the above property as an "Economic Revitalization Area," approved a Statement of Benefits, and authorized a five-year period of tax abatement, and
- WHEREAS, the City Clerk published notice of the passage of that resolution, which requested that persons having objections or remonstrance to the designation appear before the Common Council at its meeting on March 24, 2004 and
- WHEREAS, the Common Council has reviewed and heard all such objections and remonstrance to such designation;

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

1. Pursuant to Indiana Code 6-1.1-12.1-1 et seq., the Common Council hereby affirms its determination made in Resolution 04-03 that the area described above is an "Economic Revitalization Area" and further finds and determines that the totality of benefits of the Project entitle the owner of the property to a deduction from the assessed value of the related improvements for a period of five (5) years.

2. In granting this designation and deduction the Common Council incorporates I.C. 6-1.1-12.1-12. It also expressly exercises the power set forth in I.C. 6-1.1-12.1-2(I)(5) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the improvements described in the application shall be commenced (defined as obtaining a building permit and actual start of construction) within twelve months of the date of this designation; and
- b. the land and improvements shall be developed and used in a manner that complies with local code.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2004.

MIKE DIEKHOF, President
Bloomington Common Council

SIGNED and APPROVED by me upon this ___ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution affirms the determination of the Common Council expressed in Resolution 04-03 to designate the property located at 1106, 1108 and 1116 South Walnut Street as an "Economic Revitalization Area," approve a Statement of Benefits, and authorize a tax abatement for a period of five (5) years for the project proposed by the petitioner, Bloomington Paint and Wallpaper, LLC, represented by R. Bradley Night. The petitioner is seeking a tax abatement in order to construct a new building to contain Bloomington Paint and Wallpaper, another retail store, and apartments. Before it may adopt the resolution, state law requires that the Common Council hold a legally advertised public hearing for the purpose of receiving public comment on this legislation.



STATEMENT OF BENEFITS

State Form 27167 (R7 / 12-01)

Prescribed by the Department of Local Government Finance

**FORM
SB - 1**

INSTRUCTIONS:

1. This statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and / or research and development equipment, or **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987 and the areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, or prior to installation of the new manufacturing equipment and / or research and development equipment, **BEFORE** a deduction may be approved.
3. To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PPME and / or 322 ERA / PPR & DE, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PPME and / or 322 ERA PPR & DE must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and / or research and development equipment becomes assessable, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved after June 30, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. The schedules established under IC 6-1.1-12.1-4(d) and IC 6-1.1-12.1-4.5 (e) effective July 1, 2000 apply to any statement of benefits filed on or after July 1, 2000. The schedules effective prior to July 1, 2000 shall continue to apply to those statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer Bloomington Paint & Wallpaper	
Address of taxpayer (street and number, city, state and ZIP code) 110 W. 6TH street Bloomington IN 47404	
Name of contact person Brad Night	Telephone number (812) 337-2468

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body City of Bloomington Common Council	Resolution number
Location of property 1116 S. Walnut St.	County Monroe
	Taxing district Perry City
Description of real property improvements and / or new manufacturing equipment and / or research and development equipment (use additional sheets if necessary) See Attached Sheet	ESTIMATED
	Start Date Completion Date
	Real Estate 03/04 10/04
	New Mfg Equipment
R & DE	

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
7	\$190,000	7	\$190,000	2-4	10k-40k

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	Real Estate Improvements		Machinery		Research and Development Equipment	
	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value
Current values	590,000					
Plus estimated values of proposed project	1,010,000					
Less values of any property being replaced						
Net estimated values upon completion of project	1,600,000					

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
Other benefits:	

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.		
Signature of authorized representative KB Night	Title PRESIDENT	Date signed (month, day, year) 2-11-04

FOR USE OF THE DESIGNATING BODY

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

- A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
- 1. Redevelopment or rehabilitation of real estate improvements; Yes No
 - 2. Installation of new manufacturing equipment; Yes No
 - 3. Installation of new research and development equipment; Yes No
 - 4. Residentially distressed areas Yes No
- C. The amount of deduction applicable for redevelopment or rehabilitation is limited to \$ _____ cost with an assessed value of \$ _____.
- D. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- E. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- F. Other limitations or conditions (specify) _____

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

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

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5

SB-1 Attachment: Bloomington Paint & Wallpaper

Description of Real Property Improvements:

New Construction of mixed-use facility: retail use on 9,000 sq ft main level , apartments on 7,000 sq ft upper level. 8,000 sq ft of main level will be occupied by Bloomington Paint & Wallpaper. Remaining 1,000 sq ft of main level will be leased for retail that is complementary with Bloomington Paint & Wallpaper and compatible with the residential units on the second floor (Ex: carpet or flooring company). The exterior of the building will be constructed solely of brick and limestone.

RESOLUTION 04-06

**TO AUTHORIZE AGENTS TO ACCEPT PENSION LIABILITY
ON BEHALF OF THE CITY OF BLOOMINGTON**

WHEREAS, state law requires that an agent be named to accept pension liability for the City's pension liabilities; and

WHEREAS, the City's three accounts are the main City of Bloomington account (1116-000), the Transit account (1116-001), and the Utilities account (1116-002); and

WHEREAS, the Council desires to appoint Mary Susan Clark, Interim Controller, and Sharon Williams, Deputy Controller, as the City's agents to handle said pension liabilities in accounts 1116-000 and 1116-002; and

WHEREAS, pursuant to Resolution 99-15 of the Bloomington Public Transit Corporation, the Council desires to continue the appointment of Wendell D. Barnett, Controller, as the agent to handle pension liabilities in the Transit Account 1116-001;

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

Section 1. Mary Susan Clark and Sharon Williams of the City of Bloomington are fully authorized and empowered to act on behalf of the City of Bloomington as its agents to accept pension liability for the main City of Bloomington account 1116-000 and Utilities account 1116-002, pursuant to I.C. 5-10.2-3-1, and further to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana.

Section 2. Wendell D. Barnett of the Bloomington Pubic Transportation Corporation, is fully authorized and empowered to act on behalf of and in the name of the City of Bloomington as its agent to accept pension liability for the Transit Account 1116-001, pursuant to I.C. 5-10.2-3-1, and further to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana.

Section 3. This resolution will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Director of PERF.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ of _____, 2004.

MICHEL DIEKHOFF, 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 _____, 2004.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

In accordance with state law, this resolution authorizes Mary Susan Clark, Interim Controller, and Sharon Williams, Deputy Controller, to accept pension liability for the main City of Bloomington Public Employees Retirement Fund (PERF) account and for the Utilities PERF account. It also continues the appointment of the Controller of the Bloomington Public Transit Corporation, Wendell D. Barnett, to accept pension liability for the Transit PERF account.



**City of Bloomington
Office of the Controller**

Memorandum

To: Council Members
From: Susan Clark, Interim Controller
Date: March 16, 2004
Re: Resolution 04-06 – To Authorize Agents to Accept Pension Liability on Behalf of the City of Bloomington

The purpose of this resolution is to authorize two individuals, Mary Susan Clark (me) and Sharon Williams to sign documents required by the Public Employees' Retirement Fund (PERF). In 1999, PERF agreed to allow us to name the positions of Controller and Deputy Controller as agents (Resolution 99-22). In February, I signed an Employer Certification of Credible Service regarding a former employee, however PERF rejected the form, stating that I was not authorized to sign.

I asked the PERF Supervisor/Employer Liaison, Karen Vise, why we were no longer allowed to designate the agents by position, and was told that the exception granted to us in 1999 was withdrawn. The lawyer who approved the exception in 1999 is no longer with PERF. Ms. Vise told me that because "The Agent authorized must be named and not designated by job title, unless such position is an elected position, such as Clerk-Treasurer" is on the agent authorization form, PERF will enforce that requirement.

Because this resolution supersedes the previous resolution, Res 99-22, we must also name Wayne Barnett to act as Transit's agent. Feel free to call me at 349-3416 if you have any questions or concerns.

RESOLUTION 04-07

**TO DETERMINE THE NEED TO LEASE A PORTION OF
501 NORTH MORTON STREET IN BLOOMINGTON, INDIANA**

WHEREAS, a petition containing the signatures of more than fifty (50) taxpayers of the City of Bloomington, Indiana, as certified by the Monroe County Auditor, has been filed with the Common Council regarding the property located at 501 North Morton Street, Bloomington, Indiana, for the purpose of expressing the need to lease a portion of the structure located thereon for use by the City of Bloomington Utilities Department; and,

WHEREAS, said property would be leased on a month-to-month basis for no more than twenty-four (24) months to provide office space for use by the City of Bloomington Utilities Department during the time that the City of Bloomington Utilities Department Service Center is not usable due to fire damage; and,

WHEREAS, the Common Council has heretofore considered the need to lease said facilities in light of the fire which occurred at the City of Bloomington Utilities Service Center;

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

Section 1. Finding of Need. The Common Council hereby determines that a need exists to lease of such facilities for the City of Bloomington, Indiana, Utilities Department, as provided under Title 36, Article 1, Chapter 10 of the Indiana Code.

Section 2. Authorization. The leasing of same to the City of Bloomington, Indiana, Utilities Department is in the public interest of the citizens of this City and it is a proper public purpose, therefore the Common Council hereby authorizes the City of Bloomington Utilities Service Board to enter into negotiations to lease of a portion of the structure located at 501 North Morton Street in Bloomington, Indiana, on a month-to-month basis for a period not to exceed twenty-four (24) months.

Section 3. Severability. If any section, sentence, or provision of this resolution, 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 resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

MICHAEL DIEKHOF, 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 _____, 2004.

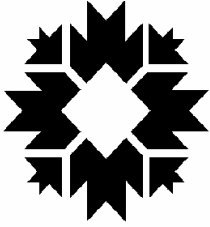
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution determines that the need exists to lease space at 501 North Morton Street for use by the City of Bloomington Utilities Department due to the fact that the City of Bloomington Utilities Department Service Center is not usable as a result of fire damage. It authorizes the City of Bloomington Utilities Service Board to lease a portion of the property located at 501 North Morton Street on a month-to-month basis for no more than twenty-four (24) months.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: Members of the Common Council

FROM: Vickie Renfrow, Assistant City Attorney

RE: Resolution 04-07 – Resolution of Need to lease office space at N. Showers

DATE: March 19, 2004

As a result of the fire which occurred at the City of Bloomington Utilities Service Center in November 2003, that structure cannot be occupied by the CBU staff who normally would have worked there. Since shortly after the fire, most of the CBU staff have been working out of office space in the Indiana University Research Park located at 501 N. Morton Street, just north of City Hall. Resolution 04-07 seeks to formalize that arrangement by authorizing the Utilities Service Board to enter into a lease for use of that space. Under Indiana law (I.C. § 36-1-10-1 *et. seq.*), before a political subdivision can enter into a lease for a part of a structure, as is the case here, it must go through several steps which include the following:

1. A petition signed by no fewer than fifty taxpayers of the political subdivision or agency requesting that the lease executed must be received
2. The Common Council must find that the lease is needed
3. After publication of notice, the lease must be approved and executed at the public hearing held by the USB, and a notice that the lease has been approved and executed must be published.

Resolution 04-07 accomplishes step two of this process by finding that there is a need to enter into a lease with IU for the space being used by CBU. The Resolution includes certain terms of the lease which make it clear that this is a temporary arrangement, e.g., that the lease is month-to-month for a maximum of twenty-four (24) months. It authorizes the Utilities Service Board to negotiate the terms of the lease and enter into the lease within these parameters.

I would be happy to answer any questions regarding the legal process for approval of the lease. Please call me at 349-3557 or e-mail me at: renfrowv@bloomington.in.gov

In the Council Chambers of the Showers City Hall on Wednesday, March 10, 2004 at 7:30 pm with Council President Diekhoff presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
March 10, 2004

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

Mayor Kruzan read a proclamation commemorating the American Red Cross Month in the City of Bloomington during the month of March. Carol Bentley, Executive Director of the Red Cross Chapter, received the proclamation and thanked the city for flying the Red Cross flag during the month.

PRELIMINARY MATTERS

It was moved and seconded that Resolution 04-05 be moved to the end of the agenda. The motion was approved by a voice vote.

LEGISLATION FOR SECOND
READING

Motion to move Resolution 04-05 to the end of the agenda.

It was moved and seconded that Appropriation Ordinance 04-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Appropriation Ordinance 04-03 be adopted.

Appropriation Ordinance 04-03 To Specially Appropriate from the Telecommunications Non-Reverting Fund (infrastructure) Expenditures Not Otherwise Appropriated (Appropriating Funds for Maintenance and Repair of the City's Fiber Infrastructure, Installing Fiber Optic Cable, Purchasing Line-Locating Equipment for the Bloomington Digital Underground, and Installing Telecommunications Wiring for the Animal Shelter Expansion)

Greg Volan, Chief Information Officer for the City of Bloomington, stated that he was the brother of Stephen Volan, Council Member from District 6 and added that he believed that there was no conflict of interest since neither of them had any financial interest in this legislation.

He outlined the purposes and amounts of expenditures as:

- \$6,000 maintenance contract for emergency repair for the fiber optic infrastructure
- \$10,000 reserve fund for cost of repair in the event of a fiber cut
- \$7,500 installation of fiber and new conduit through the CSX Switchyard
- \$1,500 line locating equipment for the fiber optic infrastructure
- \$12,000 installation of wiring at the new animal shelter.

There were no comments from the public or council at this time.

Appropriation Ordinance 04-03 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 04-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Ordinance 04-07 be adopted.

Ordinance 04-07 To Amend Ordinances Which Fixed the Salaries of Appointed Officers and Employees of the Civil City (Ordinance 03-20) and Utilities (Ordinance 03-21) for the Year 2004 – Re: Positions in the Mayor's Office, Information Services, Parking Enforcement, Traffic, Engineering, and Utilities Administration

Daniel Grundmann, Director of Employee Services, outlined the changes that the ordinance would authorize:
To add a Professional Engineer to the Civil City staff who will also serve on the Plan Commission perform other PE duties.
To add an engineering specialist with primary duties of soil erosion control inspection, enforcement, and education
To move the Communications Director to the Mayor's office from the Information Services Department
To add a Council Liason/Special Projects Manager to the Mayor's office

with the primary duties of responsiveness and efficiency of the Mayor's office with regards to action and information requests from the Mayor, Council Members and constituents, and assist the deputy mayor in preparing, researching, and tracking legislation coming before the council and state legislature and tracking and monitoring ongoing projects of city departments.

To add a Business Advocate to the Mayor's office with the primary duties to develop, conduct and review a business impact report that would analyze the impact of city policies on businesses and to act as an ombudsman for the business community.

To convert a seasonal part time position to a full time Account Clerk position in Parking Enforcement

To convert three labor positions to Motor Equipment Operators in order to reflect better the actual duties performed

To add a half time Utilities Engineer position, shared with the city engineer department

To add a Deputy Director in Utilities to help with the management of the four major divisions in the department

To delete the Environmental Projects coordinator which had not been filled for the last two years.

Sabbagh asked if the upgraded position in the Parking Enforcement Division would allow the candidate to have benefits. Grundmann said the Account Clerk would be eligible for health benefits.

During the Council Comments Banach said that additions and reclassification of positions are a serious matter and should be scrutinized carefully. He added that the Mayor, however, should be given the tools to implement his plans for administration of the city. He said he would support this ordinance.

Sturbaum said he was pleased with the changes in the Mayor's office and said that Mayor Kruzan ran on an open door policy which would benefit information flow to the council, the community and businesses.

Gaal said it was natural to expect changes with a new mayor, and added that a new administration deserved the chance to implement changes. He said he appreciated the Mayor coming to the committee meeting and engaging in extensive dialogue with the council, giving the rationale for new positions and changes. He said he believed the Council Liaison would enhance the effectiveness of the Mayor and council working together. He added that the Business Advocate would make city government more user friendly and more responsive to the needs of local business and small businesses in the community. He concluded by thanking the Mayor, and saying he looked forward to how these changes would make a difference over the next several years.

Rollo said he, too, believed that the Business Advocate would particularly advocate for small and local businesses, and would like to have occasional reports from the advocate regarding their activities.

Sabbagh said he agreed the Mayor deserved the opportunity to create his own administrative structure, but was particularly pleased with the reinstatement of the City Engineer position.

Volan said he also would like to see any reports from the Business Advocate, and was particularly interested to see what comments come forward as a result of that person's actions. He said he was a small business owner as well as council member and would be dismayed if anyone with a small business continued to say Bloomington was not business friendly if they hadn't taken advantage of the new Business Advocate to address their concerns.

Mayer, who is the council member on the Utilities Service Board, reported that the board approved the administration's proposals for the assistant director and engineering positions. He thanked the Mayor for making government friendlier towards citizens and businesses.

Ordinance 04-07 (cont'd)

Ordinance 04-07 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Appropriation Ordinance 04-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Appropriation Ordinance 04-02 be adopted.

Appropriation Ordinance 04-02 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund for New Positions in Engineering and the Mayor's Office and Transferring Funds within the General Fund to Accompany a Transfer in Position)

Susan Clark, Interim Controller, said that the appropriation ordinance was the funding component to Ordinance 04-07 allocating and transferring monies for those positions.

Bud Bernitt said the new positions with special mention of the engineer, could be a good thing. He welcomed Mayor Kruzan saying that there had been some pleasant changes in city administration and hoped it would continue. He added that the city was now heading in the right direction in regard to the city's atmosphere of being business friendly. He cautioned against city spending on consultants and outside engineers, especially those from outside the state.

Appropriation Ordinance 04-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 04-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Resolution 04-05 be adopted.

Resolution 04-05 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2004

It was moved and seconded that Amendment #1 for Resolution 04-05 be adopted.

Amendment #1 This amendment corrects allocations for four agencies and totals for one category.

Mayer read the changes in allocations that had been incorrectly printed on the original resolution.

Lisa Abbott, Assistant Director of the Housing and Neighborhood Development Department, said that the City of Bloomington was an entitlement community and the recipient of annual Community Development Block Grant funds. She outlined the monies available this year, the allocation of the funds for physical improvements, social services and administration, and the process of recommendations by the Citizen's Advisory Council, Redevelopment Commission and the Mayor.

Liz Grenat, Director of Big Brothers Big Sisters, said this group had been a recipient of funds in the past, and thanked the city for allocating 15%, the maximum allowed, for social services. She said other communities didn't do this. She said Susie Johnson, Lisa Abbott and Bob Wolford were particularly helpful in the process.

In responding to Banach's question about the recent fundraiser "Bowl For Kid's Sake," Grenat joked that the session in which the council's team participated was the longest session in the 17 year history of the event.

Rhonda Moore, Bloomington Housing Authority, thanked everyone for consideration of their funding application and specifically thanked Bob Wolford for all his help.

Amendment #1 to Resolution 04-05 received a roll call vote of Ayes:9, Nays: 0.

Vote on Amendment #1 to Resolution 04-05

Mayer noted that the CDBG allocations were citizen driven, and that this was a choice of this community. He said that the citizens recommendations were rarely, if ever, changed from the original recommendations. Mayer outlined the funds recommended for physical improvements, noting agencies, funds allocated and how the money would be used for each program. Gaal thanked the citizens who served on the CAC and then similarly outlined the allocations for the social services program.

Resolution 04-05 as amended.

Sturbaum commented that social service groups do wonderful work for the community, and said upon closer inspection one would gain even more insight into the programs that serve these needs. He said he recently visited Mother Hubbard’s Cupboard and Food Pantry and gained a greater appreciation for their special niche in the social service community regarding perishables, natural foods and nutrition education. He said he was pleased to have a part in funding these agencies, and hoped to work to increase funding in the future.

Volan said he looked forward to supporting this resolution and said he enjoyed taking part in the “Bowl for Kid’s Sake” with Hank Ruff.

Sabbagh said he had great respect for the social service agencies, but added that it was government’s obligation to give them all the help it could to help the most fragile of our society. He applauded the agencies, and said he supported the resolution.

Mayer thanked the citizen participants in the CDBG process and thanked the HAND staff for their help in guiding the process along, and for administering and monitoring the programs during the year.

Diekhoff thanked citizens, adding that he knew first hand that it was time consuming and required much work. He thanked the HAND Department and staff for their help. He recognized the importance of agencies that didn’t get funding to reapply for next year.

Resolution 04-05, as amended, received a roll call vote of Ayes: 9, Nays: 0.

The meeting was adjourned at 8:27 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Michael Diekhoff, President
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington