

In the Council Chambers of the Showers City Hall on Wednesday, April 29, 2009 at 7:30 pm with Council President Andy Ruff presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
April 29, 2009

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler

ROLL CALL

NOTE: Wisler arrived at 7:42pm, before votes were taken. Satterfield arrived at 8:12 in time for the last two votes.

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

It was moved and seconded that Ordinance 09-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Ordinance 09-07 be adopted.

Ordinance 09-07 An Ordinance Concerning the Current Refunding by the City of Bloomington, Indiana, of its General Obligation Bonds of 1998; Authorizing the Issuance of General Obligation Refunding Bonds for Such Purpose; Providing for the Safeguarding of the Interests of the Owners of Said Refunding Bonds; Other Matters Connected Therewith; and Repealing Ordinances Inconsistent Herewith

Mike Trexler, Controller, said that there would be five separate actions regarding the refunding of bonds at the meeting. He said that the actions were similar to refinancing a loan, but were called refunding because a new bond would be issued. He said the proceeds of the bonds would be used to pay off the debt, and a new debt would be issued at a much lower rate. He said that municipal bonds were in demand and that the current interest rate was very attractive. He added that the term of paying back the debt was not changing according to state law.

He said this was the final step in a long process involving the Bloomington Municipal Facilities Corporation, the Redevelopment Commission, the Parks Board, the Board of Public Works, which had all approved actions getting to this point.

He noted that the council packet had contained information on cost of issuance and added that there were three quotes for this action and the lowest cost was selected.

He said that Ordinance 09-07 dealt with Transportation 2000 bonds issued to deal with a broad array of infrastructure projects for transportation needs. The repayment had been done with property taxes as allowed by law, and the call date, the earliest date for paying back the bonds without penalty, would be July 1, 2009. He said that the new bonds would be issued before that date, and the money would be put in escrow until the bonds were paid back. He said the maturity date would be July 1, 2017 and the rating would be AA-. He added that the savings would be over \$300,000 over the life of the bond. He reiterated that this ordinance would allow the issuance of new bonds.

There were no questions from council or comments from the public.

Mayer thanked Trexler for his work on this item.

Rollo noted that the Committee of the Whole meeting had many more questions that were answered satisfactorily.

Sandberg said she would support this issuance.

Sturbaum noted for this and other issues that the city would be saving \$1.3 Million and that was a good deal.

Ordinance 09-07 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Appropriation Ordinance 09-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Appropriation Ordinance 09-03 be adopted.

Appropriation Ordinance 09-03 To Effect Refunding of the City of Bloomington 1998 General Obligation Bonds

Mike Trexler, Controller, said that this appropriation ordinance would allow the City to appropriate the proceeds of the new bonds to pay off the previous bonds.

There were no questions from council or comments from the public.

Volan noted the Committee of the Whole process allowed for questions before this meeting and actions, and that was the reason for so little discussion on these items.

Appropriation Ordinance 09-03 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 09-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Resolution 09-05 be adopted.

Resolution 09-05 Resolution of the City of Bloomington, Indiana Approving the Current Refunding of the Bloomington Municipal Facilities Corporation Economic Development Lease Rental Bonds of 1998

Mike Trexler, Controller, said the bond was originally the second part of the T-2000 bonds for transportation projects dealing with infrastructure. He said the projects were located in and could be supported by Tax Incremental Financing (TIF) funds. He said this portion of the original bond was separated to pay for it out of the Whitehall/West Third Street TIF. He said the bond was used to pay for the Patterson Drive truck route, the Third/Fifth/Adams intersection, and widening of Third Street from Indiana to SR37. He added that the call date was August 1, 2009, the maturity date was January 1, 2017, the bond was rated as AA-, and the original issuance was \$11.75 Million with a current outstanding principle of \$8.15 Million and that net present value savings with refunding would be \$525,000.

Wisler asked about the term 'net present value savings'.

Trexler said the actual dollar savings would be higher, but the number was deflated to reflect today's dollars.

There were no comments from the public on this resolution.

Resolution 09-05 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 09-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Resolution 09-06 be adopted.

Resolution 09-06 Resolution of the City of Bloomington, Indiana Approving the Current Refunding of the Bloomington Municipal Facilities Corporation First Mortgage Refunding Bonds of 1998

Mike Trexler, Controller, said that this bond dealt with the current City Hall building. He said this payment was currently made through County Option Income Tax (COIT) funds. He added the call date was August 1, 2009, the maturity date was January 1, 2021, a rating of AA-, an original issuance amount of \$8.66 Million, outstanding principle of \$5.94 Million, with net present value savings of \$384,000.

There were no questions from council or comments from the public.

Resolution 09-06 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 09-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Ordinance 09-08 be adopted.

Mike Trexler, Controller, noted that this bond was issued by the Parks District but the Common Council had authority to approve their issuance of debt. He said the bond was used for the addition of nine holes at Cascades Golf Course in 1999. He said with this revenue bond, the debt service was paid from the revenue from the golf course with a back up of other park funds and property tax levy by the parks district. He added that only golf course revenue had been used to make these payments. He said the call date had passed and only needed a 30 day notice to call the debt. He added the maturity date was February 1, 2019, was insured to a AAA rating, issuance amount \$2.46 Million, outstanding principle of \$2.1 Million. He said the less of the principle on this bond had been paid because the new nine holes would not be generating revenue for some time. The debt was structured so that the initial payments were very small and would escalate over time. This was the main reason for refunding the bond. He said the net present value savings for this bond would be \$84,000, but that didn't reflect the added benefit of restructuring the debt to pay an even amount each year instead of escalating payments. He said this would be of benefit to the Park District.

There were no questions by council or comments from the public.

Ordinance 09-08 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 09-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 09-09 be adopted.

Doris Sims, Assistant Director of the Housing and Neighborhood Development Department, spoke about the Bloomington Urban Enterprise Association (BUEA). She gave background information on the BUEA, its board of directors and administrative oversight. She said that any business located within the Urban Enterprise Zone and that made investments could apply for a ten year investment deduction on the increased assessed value of the property. It can be applied to the purchase of a building, the rehab of a building, new construction, retooling or purchase of manufacturing equipment. State Statute dictates that if the investment was made within a TIF, the investor must appear before the Redevelopment Commission, and then apply to the governing body rather than just apply with the County Auditor. McDaniel Rentals, LLC, had renovated the exterior of their building with a Historic Façade Grant of \$10,000. She added that the council packet had information on how the investment deduction worked and the difference between it and a tax abatement. She added that 20% of the savings of the investment deduction would be paid to the BUEA as a participation fee, with a 1% fee paid to the state of Indiana if the savings was over \$1000.

Wisler asked if there were other investment deductions that did not need council approval. Sims said there were.

Piedmont-Smith asked the cost of the total renovation of the building. Sims said it was over \$772,000.

Volan asked about the BUEA expiration date. Sims said that the zone was established for ten years, and was within the last of two five year renewal terms which would expire in 2012. She said to continue this

Ordinance 09-08 An Ordinance of the Common Council of the City of Bloomington, Indiana, Approving the Issuance and Sale of Refunding Revenue Bonds by the City for and on Behalf of the Bloomington Parks and Recreation District to Provide a Savings to the Park District

Resolution 09-09 To Approve an Enterprise Zone Investment Deduction (EZID) in the Downtown Tax Increment Financing (TIF) District – Re: McDaniel Rentals, LLC at 215 North Walnut

endeavor the city would have to create a new zone with a new application process to the State of Indiana.

Resolution 09-09 (cont'd)

Volan asked if BUEA was doing good work and asked if the city should look for a new zone. Sims said it did excellent work and that the hardest thing was awareness of programs of the BUEA, grants to the Small Business Development Center to do business assistance, work with development of business plans, work with Seed Corp to make loans to businesses, operate scholarship programs for residents in the zone, and help with economic development in the zone.

Volan asked about the boundaries of the zone. Sims said that it was created to help Thompson with their inventory tax, which also helped with BUEA funds. Since that was abolished in 2006, revenue for the BUEA currently came from interest credit charged by banks to businesses or residents within the zone and the investment deduction participation fees.

Volan said that the zone had done its job in the downtown, but could think of other areas that could use these programs. He asked if the City was going to continue the program. Sims said that after 2012 there would be no revenue but the non-profit activities could continue. She said ProCure and the McDoel Grocery had used investment deductions.

Mayer asked if there were restrictions on the type of businesses that could apply for investment deductions. Sims said there were no restrictions. Mayer asked if the council then had discretion in granting or not granting the investment deductions based on the types of businesses they felt worthy. Sims said it was up to the council.

Ruff asked Sims if she knew why the General Assembly thought these issues should be heard by the Common Council. Sims said she didn't and wouldn't want to speculate.

There were no public comments or final council comments on the resolution.

Resolution 09-09 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 09-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 09-07 be adopted.

Resolution 09-07 To Review and Accept Street and Intersection Changes and Site Improvements to Support an Economic Development Project as Called for in Council Resolution 08-12 (Cook Pharmica, LLC)

Danise Alano, Director of Economic and Sustainable Development, gave background for this resolution giving the details of the original resolution regarding the Cook Pharmica, LLC business lines, property improvements and employment that would necessitate infrastructure changes. She said that the Industrial Development Fund (IDF) had received revenue from the incremental growth in the Thompson Community Revitalization Enhancement District (CREED) and said that the new infrastructure changes would allow Cook Pharmica, LLC to contribute \$4.3 Million to the IDF over the lifetime of the CREED. She said this revenue would otherwise go to the State of Indiana rather than being available for local use. She said that in the original resolution an amendment provided that the design would be presented at a later date. She was presenting the plan at this meeting for acceptance. She added that Cook Pharmica, LLC CEO Tedd Greene and Facilities Engineer George Ridgeway were present to answer questions particular to their investments.

Alano said Justin Wykoff, Manager of Engineering Services and Adrian Reid, City Engineer, were present to answer questions about infrastructure improvements.

She said the project goals were to facilitate the expansion project, and added additional development of the Indiana Enterprise Center Life Sciences Business Graduation Facility had been approved by the Plan Commission for this site. She said this would also bring more traffic to the area and that the city wanted to develop bike and pedestrian modes of traffic there in accordance with City policies. Finally she added that the streambed in the property would be restored and naturalized to be in compliance with LEED standards.

She showed slides and outlined road improvements and landscape changes proposed for the area. This included the extension of Hillside Drive west from S. Rogers Street to the Cook Pharmica property, the addition of a left turn lane for northbound Rogers Street traffic onto the new Hillside Drive extension, the addition of a traffic signal at Fairview Street and Patterson Drive, the addition of a right turn lane for eastbound traffic on Patterson Drive turning south onto Rogers Street, and rehabilitation of the stream on the property in coordination with the Department of Natural Resources.

Volan asked Alano to give more information about the crosswalk relocation. Alano said that only the ramps would be realigned. He asked if Hillside was being connected to Fairview, to which Alano clarified the position of proposed building and roads and said the improvements would not connect these two streets.

Volan asked about warrants that called for the right turn lane onto Patterson Drive. Wykoff said there were 71 right hand turns within a one hour period which backed up traffic in the area before any improvements or increased employees at Cook Pharmica. He said this was recommended by the engineering consultant firm. Volan asked about the time of day, and Wykoff said that the counts were high during the entire day. Volan had concerns about traffic maneuvering through the parking lot to avoid the intersection. Alano said the issue was discussed with Cook and there was a possibility of a gated entrance to their property. Volan said that he didn't see a need for widening the road at this time.

Rollo said that the alternative transportation greenways plan (bike and pedestrian plan) called for a future north/south sidepath along Rogers Street and asked if this plan took that into consideration. Wykoff said it did and would connect with new sidepaths. He confirmed that it would be an 8 foot sidepath.

Rollo asked if the Traffic Commission had seen the plan. Wykoff said the CAC and Bike and Pedestrian Safety Commission had reviewed the plan. He added that both bodies made a recommendation for small modifications to a tree plot. Rollo asked if there were any other suggestions that were not incorporated. Wykoff said there weren't. Rollo asked if the plantings along the riparian buffer would be native. Alano said that according to the DNR they would be.

Wisler asked if there had been a Police or Fire Department review on the pedestrian island he noted on one of the slides. Wykoff said it was not something that they had an issue with in the past, but would be glad to consult with them. He said the area was 1600 feet away from the intersection and the traffic didn't build up in that area. He discussed some pavement marking changes in the area. Wisler asked if there would be stopped traffic in the area, to which Wykoff said he didn't think there would be.

Wisler asked about the traffic counts in the area, noting that there were fewest cars turning left from Patterson north onto Rogers. Wykoff said that if the intention was to get to the neighborhood to the north, there were other ways to get there from Patterson before this intersection. Wisler verified that the right turn lane was the additional proposal. Wykoff said that all four segments of this intersection had left turn signals. Wisler asked if this proposal affected additional on street parking on Rogers that was presented with the IEC plan. Wykoff said it was still the in their plan.

Sturbaum asked if all lanes were right turn on red lanes. Wykoff said they were and they hadn't created any problems. Sturbaum asked if there were pedestrian buttons, to which Wykoff said the intersection upgrades would include pedestrian activated signals with push buttons and countdown timers which would be new to the area.

Mayer asked about the backup of traffic between Walnut and Rogers. Wykoff said Engineering was looking at that area in the general scheme of traffic flow in the area, especially with the B-line extending in that area.

Piedmont-Smith asked what the signage would be on Hillside and Rogers. Wykoff said there would be a stop sign for eastbound and westbound traffic on Hillside. Piedmont-Smith asked if a few spaces of IEC on street parking on Rogers would be lost with the proposed intersection changes. Wykoff said that that may be the case. Piedmont-Smith asked if the problem of flooding on Allen Street would be partially addressed by the naturalization of the stream. Wykoff said the area of flooding was more of a problem of the elevation and underground pipes in the area.

Ruff asked if the stream was permanently flowing rather than an intermittent one. Ruff asked Rollo why the DNR would not prefer a meandering stream to a straight channelized one to which he indicated he did not know. He asked if the City could negotiate with the DNR. Wykoff said there were difficulties in reestablishing a stream bed. Rollo said that perhaps it was too much of an intrusion or an issue of possible flooding in the area that made DNR come to their conclusion.

Rollo asked if the walking path between Patterson to Hillside was actually an 8 foot multiuse path. Wykoff said it was. Rollo asked Wykoff if it was in the interest to place native trees in the tree plots to compliment the landscaping on the property. Wykoff said this responsibility would lie with Urban Forester Lee Hess and City Landscaper Jay Davidson.

Volan asked for clarification on the south side of Patterson pedestrian path and how they would change as a result of this project. Wykoff said there would be upgraded signals, ramps and a move of the sidewalk to add a right lane and tree plot. Volan asked what would happen if the lane didn't get added, to which Alano and Wykoff said the current tree plot and sidewalk could be kept as is.

Jack Khan from the Active Aging Coalition said he was impressed by the questions asked by the council members. He said he was new to the city and asked about a planning recommendation for this item.

Michelle Cole said she appreciated the pedestrian safety in accommodating this growth. She said she was concerned about traffic on Patterson being stopped by a signal being tripped by a car on Fairview. She said that Bloomington Transportation Option for People had heard a speaker who gave information on principles of sensible

traffic, efficiency of streets and throughput of cars in intersections. She said the most efficient was two lanes with a left turn lane. She noted that there were other ways for right turns to be made in the area.

Piedmont-Smith requested another question period. She asked how many cars would trip the signal to stop traffic on Patterson for Fairview Street traffic. He said that at shift changes this was necessary.

Wisler asked for traffic counts at Patterson and Rogers again.

Volan asked about these numbers also. Wykoff said they referred to morning and afternoon peaks. Wykoff showed his slides again and Volan noted that few cars were counted on Fairview during the morning hours. Wykoff said that would fluctuate with a change in employment in the area and a signalized intersection.

Piedmont-Smith said she received an email from a constituent, Mike Tosick, who asked her to read it at the meeting. His concern was how the increased development and the associated lost floodway use would affect the flash flooding problem north of the intersection. He asked that the flood plain and/or meandering stream be used. He also wrote that the water treatment plant often flooded making the situation even worse. Piedmont-Smith said she was working with engineering and utilities staff on the flooding issues on West Allen. She said that she supported the resolution in light of the accommodations for Cook Pharmica and pedestrian changes as well.

Rollo commented that the Indiana Division of Fish and Wildlife, which had done stream evaluations, might have some advice for this stream. He added that he appreciated the petitioner's patience in allowing the council to have more time to scrutinize over the public infrastructure improvements and to make sure that pedestrian and bicycle accommodations be included in the plan. He reiterated that the city step up to provide continuity with plantings and stream restoration on the site and consider using native trees in the area. He said it would lead by example in the hope that others would do the same. He asked that fellow council members join him in signing a letter to the Urban Forester to that end.

Volan said he was disappointed that the road had to be widened for any reason. He said the addition the sidewalk on Patterson was a Faustian bargain and if he had been better prepared, he would have moved to strip the ordinance of this provision. He said that there would be additional crowding of the intersection at Fairview, and that the development in the area that would cause this and the need for the stream work. He said that this same body didn't want to widen Walnut even two feet to accommodate more traffic. He said cars either needed to have to have limits or not, and in this instance he felt that the city was saying cars could and should go every which way. He said the tree plot and sidewalk should go in and not be dependent on the addition of traffic lanes and accommodation of more cars.

Sturbaum said all modes of transportation had been considered and that he would support the resolution.

Wisler said he didn't think that the addition of a right turn lane would increase throughput as the bulk of traffic leaving Cook Pharmica would not choose to leave the site at that intersection. He said he was concerned that the city had not been pro-active in seeking feedback from public safety officials. He added that ambulance traffic would be going through the intersection also. He said he understood this was different from the Second Street islands but didn't want to hear after the fact that

it was not fully operational. He said this was a model for economic development and was the glad the city was making these changes to help with that. He thanked Cook Pharmica for their patience with the process.

Mayer thanked Cook Pharmica for their investment in the community and thanked the staff for their work. He said that he believed that the EPA had addressed the problems at the treatment plant by increasing the capacity. He suggested that John Langley, Deputy Director of Utilities, be asked to report on this issue.

Ruff said he was confused about the wishes of the DNR in not wanting a meandering stream in this area and said he'd like to approach them to change their stand. He said that the design was a decent compromise with alternative transportation issues, but if the demand decreased for the turn lanes, the old design would allow an area for bike lanes. He said he was glad that the council had taken more time on the issue.

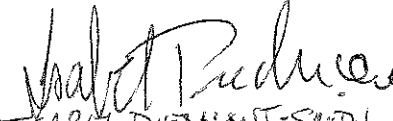
Resolution 09-07 received a roll call vote of Ayes: 8, Nays: 1 (Volan).


The meeting was adjourned at 9:25 pm.

ADJOURNMENT

APPROVE:

ATTEST:


ISABEL DIEKHOUT-SMITH
Andy Ruff, PRESIDENT
Bloomington Common Council


Regina Moore, CLERK
City of Bloomington