

In the Council Chambers of the Showers City Hall on Wednesday, January 16, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 16, 2008

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of September 19, 2007, November 28, 2007, and January 9, 2008 were approved by a voice vote.

APPROVAL OF MINUTES

REPORTS:

Tim Mayer noted that two local businesses, the Antique Mall and Roberts Camera on Kirkwood, had announced that they were closing. He said this was a loss to our community's local flavor.

COUNCILMEMBERS

Mike Satterfield thanked the council for funding his attendance at a newly elected official's workshop and said he found it beneficial.

Dave Rollo referred to a recent news article about I-69 and said that this or any superhighway flew in the face of reality imposed by climate change and peak oil. He said we must reduce our reliance on fossil fuels with a transition that would take time and require investment, and that I-69 would squander both of these resources. He noted that one of the greatest causes of CO2 emissions and one of the most alarming vulnerabilities to liquid fuel shortage and price volatility is our present mode of transportation—not just personal commuting but also shipment of goods that relies on truck trailers. He said that as oil became scarcer and more expensive, it would become apparent how inefficient interstate highways would be for this type of transport.

Rollo said that studies indicate that rail compared to truck trailers was eight times more efficient in transporting goods, and that a wiser investment of time and capital would be to reconstruct the rail system using new technologies.

Rollo also reported that State Representative Dave Crooks was sponsoring a bill in the Indiana House that would require electric utilities in the state to provide 10% of their capacity from renewable (biomass, solar and wind power) sources within ten years. He said that Indiana was first in the nation in per capita CO2 emissions and ranked 49th in environmental quality.

He said that according to the National Renewable Energy Report of November, 2007, wind power was not only competitive with coal and natural gas per kilowatt hour, but could establish 20,000-30,000 additional jobs in Indiana, as Indiana was ranked as one of the thirteen top priority states for wind power generation in the country. He concluded by saying that this was worthy of support.

Brad Wisler said he noticed a 30 cents difference in the price of gas between Bloomington and Indianapolis. He said this indicated something about our local market forces, and that there seemed to be a disconnect between the supply and demand in our community. He said that this warrants investigation and hoped that the Peak Oil Task Force would study this and find out if the local demand for fuel was higher than our neighbors.

Wisler reported that Bloomington would host a Start-Up Weekend in February. He said that this concept was started in Colorado, and will include folks who want to get together from Friday to Sunday to study and create a business model. He said that since the hosting was a result of a vote, it indicated that Bloomington was a place of great innovation and technology. He urged citizens who were interested in business to

sign up and own a business that might be created that weekend. He hoped that this weekend and start up concept would inspire others to generate high tech businesses and jobs in Bloomington.

Reports from COUNCILMEMBERS
(cont'd)

Isabel Piedmont said that her last two days were spent at the Association of Indiana Cities and Towns training session. She said it was interesting to get together with other second class cities and to see the governmental structure of smaller cities and towns.

Piedmont noted her appreciation for the city staff and department heads for meeting with her and helping her understand more of the inner workings of the city. She said she was impressed with their knowledge and looked forward to learning more.

There were no reports from the Mayor at this meeting.

MAYOR and CITY OFFICES

President Sandberg asked Council Attorney/Administrator Dan Sherman to give the Sidewalk Committee Report.

COUNCIL COMMITTEES

- Sidewalk Committee Report

Before the report, Sherman asked that his disclosure of a possible conflict of interest be accepted. He noted that a sidewalk considered by the committee (but not funded) would have been constructed along his property.

It was moved and seconded to accept the disclosure as presented by Council Attorney/Administrator Sherman. It was approved by a voice vote.

Rollo asked if in the future the disclosures would be considered prior to the acceptance of the report or at the beginning of the process. Sherman said members of the committee and staff would disclose conflicts of interest once they know the list of projects that would be considered.

Sherman named and thanked the councilmembers and staff members who worked on the committee. He explained the scope and funding of the projects and the collaboration with Utilities and other city departments. He noted that the committee reviewed over 30 projects and recommended funding for seven of these which he summarized. Sherman noted that the entire report which included committee members, schedule, meeting notes, a table of all deliberations, and a history of the Council Sidewalk Committee Funds from 2002 to 2008 along with committee recommendations was in the week's packet and was also available on line.

Volan inquired why the council was paying for a sidewalk on West 17th Street which had been requested as a result of the development at the corner of W 17th and Crescent Road, and why this cost wasn't borne by the developer. Sherman noted that this was not in the development but near it. Sturbaum said that children in the area could not traverse this area safely. He added that the developer of the project had given a verbal commitment to pay for materials while the land owners were willing to donate the right-of-way to the project to lower costs. He said the committee worked quickly to make sure that this could be built to enhance public safety in the area.

Volan followed by asking about trees being close to the road in this area, to which Sturbaum noted that the sidewalk would actually be on the other side of the trees. Sherman showed a picture of the site which he said would allow room for a tree plot.

Wisler noted that there would be traffic calming devices and other improvements in intersections near the development to mitigate traffic speeds. He said that this was an important piece of sidewalk.

Sturbaum asked neighbors to bear with the city working this out.

Piedmont noted the Henderson Street from Allen to Hillside project. She asked about other sources of funding for this project which would cost almost \$700,000. She said even with the funding proposed in this report and the Safe Routes to School Grant of \$250,000, the project came up short. Piedmont noted the neighbors were anxious to see this project to fruition. Sherman said CDBG funds and other funding sources would be explored. Volan asked about phasing this project. Sherman said it could be phased.

Sturbaum made the comment that there was always too much need with too little money and was thankful for the help from other departments to stretch the budget as far as possible.

There were no comments from the public on this report.

Rollo echoed comments by Sturbaum and Volan and added that this was the best proposal for projects that he had seen in his five years on the committee. He thanked the Mayor for his support in increased funding in the effort, the committee members for their work, Sherman and Assistant Administrator Stacy Jane Rhoads.

Ruff noted that the Mayor had demonstrated commitment to sidewalks and pedestrian safety in the community. He noted the tremendous preparation for the meetings by Sherman and Rhoads, with special commendation to Manager of Engineering Services Justin Wykoff. He also thanked Public Works Director Susie Johnson, Planning Staff, HAND Program Manager Bob Woolford, Utilities Engineer Jane Fleig, and Utilities Assistant Director Mike Bengston for their participation. Ruff specially thanked community minded, generous, public citizen Dawn Hewitt who gave right-of-way for a sidewalk near Lindbergh. He said it invigorated him that there were citizens who had voluntarily come forward to contribute to this effort for the greater good of the community. He thanked Sandberg for chairing the challenging meetings.

Wisler sympathized with Piedmont's concerns about the small amount of money going to the Henderson project, but said that it was more than the amount given to the six projects that he had requested of the committee. He said that while the District 2 projects didn't make it into the budget, he thanked his colleagues for a seat on the next year's committee where he would advocate for the projects again. He said that citizen Dawn Hewitt's dedication of the right-of-way and developers covering some of the costs of a new sidewalk would make a tremendous improvement in safety for the neighborhood, and were the main reasons he was supporting the recommendations tonight. He said that Sturbaum brought the parties together on this.

Mayer thanked the committee for their ongoing support for the 5th Street project which needed much infrastructure underneath the street and sidewalk to deal with a dangerous stormwater runoff situation. He thanked them also for the short length of sidewalk at Woodcrest and 2nd Street, which was well used by school students.

Volan said that he was a resident of Green Acres for many years, and was familiar with the rolling hill nature of the area that caused pooling of water. He reiterated his support for infrastructure improvements in the area.

It was moved and seconded that the 2007 Sidewalk Committee Report be approved. The sidewalk recommendations in the report were approved by a voice vote.

COUNCIL COMMITTEES

- Sidewalk Committee Report
(cont'd)

There was no public comment at this time.

PUBLIC INPUT

It was moved and seconded that the Mayor's appointment of Danielle Benchant-Bell to the Historic Preservation Commission be confirmed by the council as is required by statute. The confirmation was approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that the Mayor's reappointments of Marjorie Hudgins and Marleen Newmann be confirmed by the council as is required by statute. The confirmations were approved by a voice vote.

It was moved and seconded that the council appoint Councilmember Sturbaum to serve as a non-voting advisory member to the Bloomington Historic Preservation Commission. The appointment was approved by a voice vote.

It was moved and seconded that Resolution 08-04 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 08-04 be adopted.

LEGISLATION FOR SECOND READING

Resolution 08-04 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

Jennifer Osterholt, Executive Director of the Bloomington Housing Authority asked that the council waive the payment of \$8623 that the Housing Authority usually would pay to the city. She said that the operating budget of the Housing Authority would be reduced by \$206,000 this year due to a drop in funding.

Wisler asked how often the payment had been waived, and Osterholt and Mayer agreed that it was done yearly. Mayer explained that because the Housing Authority provides some of their own services that the city normally provides, the city agrees to accept a payment instead of property taxes on the project. He gave trash pickup as an example of services.

Wisler asked how the amount was calculated, to which Osterholt said the US Department of Housing and Urban Development had a computation schedule which she had provided for the council's packet. She reviewed the computation of those figures for the council.

Resolution 08-04 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 08-03 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 08-03 be adopted.

Resolution 08-03 In Support of a Continued Presence of a Downtown Post Office Retail Facility

Councilmember Sturbaum said that he was co-sponsoring this resolution with councilmembers Sandberg, Ruff and Rollo. He noted the purpose was to be very clear that the community wanted a post office presence in the downtown. He noted that even though the Chamber of Commerce drafted a letter of support on behalf of their members and the Mayor had stated the administration's support of this concept, this would add to those statements. He noted that the post office's preferred 4 acre plot was not a fitting use of urban land, but keeping a retail presence downtown and using a more suburban area for truck traffic and other post office activities might allow for everyone to be satisfied with the relocation of the present post office operations.

Sturbaum said that government, church, library, and other civic structures should be located in the downtown, and that this resolution would leave no doubt as to that goal. He proceeded to read the resolution.

Volan asked if the only site available and suitable for retail-only post office activities would be property at Third and Walnut Streets, and if the historically designated Fleener Building and the alley next to it were included in the acreage noted for the different sites available. Sturbaum noted that if the stated priority of the postal service was not a large site for all activities, other smaller sites would come into play.

City Economic Development Director Danise Alano said that the post office would certainly abide by historic preservation considerations, but didn't think the Fleener building was of interest to them. She also noted that the property was the lot at the corner and the vacant lot immediately south of it.

Wisler asked for clarification of the language of the resolution regarding the preference for the downtown locations. He was unclear if the resolution indicated preference for retail and distribution operations in one location downtown, or separate operations located in two different locations.

Sturbaum said that the resolution language was based on the original post office proposals, and that the concept of splitting the operations, while not in their original language, might work for them.

Call for public comment brought the following:

Mac Moulden, 613 W 12th Street, said he opposed the resolution. He said he preferred the old Ralph Rogers lumber company and the Patterson Drive locations because he said that businesses were moving West away from downtown. He said the properties were located on streets that connect with State Road 37 and are more suited for large trucks moving mail. He said a new modern post office might offer drive-up windows for parcels and stamps, similar to other communities in Indiana. He noted that separate facilities was not efficient in moving mail and would cause more congestion on roads. He said removing the postal substation on the IU campus was a wrong decision.

Tim Fuller, president of the local American Postal Workers Union, said there were misconceptions in the resolution. He said that mail was not distributed from the downtown location, but was distributed to downtown and Woodbridge from the West Vernal Pike location, and sent back to that location before leaving town. He said that what the council wanted was a downtown branch that would include retail operations and post office box rentals. He said that east side 47401 and 47408 zip codes were served out of Woodbridge, with west side 47403 and 47404 zip codes being served from the downtown post office. He said that this retail operation and carrier distribution should be moved to the west to serve those areas closer to their locations. He also suggested that Bloomington could use more than these two retail operations as Terre Haute had five with 10,000 fewer citizens.

Trent Deckard, Field Representative for Congressman Baron Hill, said that the congressman shared the concerns of the Mayor, Council and many citizens that a post office presence remains in the downtown area. He said that the Congressman had shared these concerns with post office officials through correspondence and in person. He concluded by saying that the congressman and his office were available to provide assistance to all partners involved in the process, and that he looked forward to working with city leaders for a favorable resolution for the City of Bloomington and the United States Postal Service.

Ray Skethrie of South Walnut Street said he favored site #2 because it was the closest location to downtown and is on rails to trails, right on

Walnut Street, will serve the south of town, is close to bus service and is close to the Cook facilities. He said that if the building was built up three feet, it would be out of the flood plain, and would dovetail with the tax office near that location. He said that the newspaper had shown the site on Rogers, but it's actually on Walnut, and hoped that the city would consider this a priority site.

Danise Alano thanked the US Post Office and Manager of Real Estate Brad Meador, Brian Schroeder and Richard Drury of Drury Real Estate Services for their cooperation. She said they had many factors to think about and have had much feedback. She thanked the citizens who offered property to the project and the public for their comments at this and other meetings. Alano then read sections from the letter to Mr. Meador written by Mark Moore, Chamber of Commerce Board of Directors Chair which thanked him for including the community in the planning process, and encouraged the USPS to include PO boxes and retail operations in the downtown. She also noted a similar letter written by Lynn Coyne, Assistant Vice President for Administration at IU which mentioned working with the USPS on a suitable location.

Sturbaum asked Mr. Fuller if the proper term for the requested downtown facility was a 'branch' of the USPS. Fuller noted that the city would benefit from a Post Office on the east and west sides with a branch downtown. Sturbaum noted that this would help everyone with more regional service.

Volan and Sturbaum noted that a simple change in the resolution would more clearly describe the intent of the council, and wondered about extending the action on the resolution to the next week. Alano noted that the official comment period would be ending in three days. Sandberg asked Council Attorney Sherman for his advice on procedure. Sherman noted that any amendment needed to be submitted in writing and could be done with a brief recess of the meeting. He also noted that waiting a week would also serve to allow a clarification of the intent which he said was more than changing a word or two.

Rollo noted that he supported the resolution as worded. He said that the resolution noted the importance of having a retail facility in the downtown, but he was not totally opposed to the tabling of the resolution.

Satterfield said that he felt the resolution didn't preclude having three sites, but didn't want to get hung up on particular terms and micromanaging the USPS. He said the resolution was clear with the intent of wanting a retail operation in the downtown.

Piedmont agreed. She said the resolution came forward as a result of a call for public comment on the closing of the post office facility on 4th Street and the moving of that facility to another location. She said how the USPS divides up its services within the community was not in the scope of this comment. She also stated it was not appropriate in this resolution, and supported it as written.

Wisler said that the phrase "distribution facility" was the term that was hanging up the council. He said that his desire was for service windows and post office boxes in the downtown with facilities for trucks near major roads. He said that the council should not pretend to be experts or micromanage the decision, but be clear about wanting retail operations in the downtown.

Sturbaum said that the long time postal worker said the term 'branch office' should be used and that Sturbaum thought that the term 'new

location in the downtown' in point two be replaced with a "minimum of a branch office in the downtown" might be more clear in intent. He noted that he had put this change in writing and could submit this for an amendment to the resolution.

Volan said that 'regardless of what other facility the USPS sees fit to establish in the city' should be added. Sturbaum said he thought it was clear. Volan said that sometimes things are not clear, and noted that because he is at the intersection of the 4 zip codes on the map, lives closest to the downtown post office, but has to drive to Woodbridge for his packages, the USPS would have been better to use 5 zip codes for the city instead of 4. He said that being clear is better than not and that at the highest levels of decisions in some organizations, obvious things are not always clear.

Ruff asked why the USPS would need another distribution center when they have an adequate one in Northwest Park. He said he appreciated the input of the public, and now had many more questions. He added that he agreed, however, that the resolution wording really did provide the essence of the council's intent. He said he would rather go forward with the resolution than amend it or table it.

Sandberg said that she agreed that the sentiment of the council was clear in joining with the Mayor and Chamber of Commerce. She said that the timeliness of the project is important, and cautioned about micromanaging the USPS. She added that this was the statement of community support and was not inclined to tweak the resolution.

Sherman noted he had spoken with the representative of the postal union and that the distinction between 'main post office' and 'branch' was not a concept developed in this resolution. If the Council wanted to do that, he recommended the postponement of the final action on the resolution. After a question from Sturbaum, Sherman noted that the location of the main post office in the future was not covered in the resolution.

Sandberg asked for further comments. Volan asked if each post office provided passport service. Someone in the audience indicated that it does not. Volan noted that the BMV's move to the west side was not convenient and that a decision by the USPS would last for decades. He said that it wouldn't hurt to take a few minutes to rework this in new wording.

Ruff noted that Sherman had just said that the branch vs. main issue was not fleshed out in the resolution, and asked Volan for clarification of his remarks.

Sturbaum said the Chamber had considered the post office boxes to be essential in the downtown, and wanted to hear more from Danise Alano. She said that the terms 'retail' had been used and that she was sure that the post office knew what concepts the lay person and citizen was concerned about, regardless of their own terminology for these items. She said that the specific of what particular services would be located where was not discussed in her conversations with post office officials.

Rollo asked Alano if the administration was comfortable with the language of this resolution to which Alano said, "yes." He commented that the first result clause allowed the discretion of the USPS to determine their needs. He said he was comfortable with the language as it stands, and that although he could be comfortable with language changes, he was not yet convinced that it needed to be done. Satterfield noted that Sherman said that the resolution had not established 'main office' vs. 'branch' language, and asked if it was

necessary for the council to do that. He said the wording of the resolution was adequate.

- Resolution 08-03 (cont'd)

Wisler said that the more it was discussed, the more it was evident it was not precise in its intent. He said another week of discussion would not hurt, and he would be willing to support a motion to table this resolution to make it more precise and be more effective. He asked that someone make that motion.

Piedmont said that the more she heard, the more she was willing to postpone the resolution to tweak the wording for more clarity. She said that there was enough question about wording the request for the main post office to be downtown, that taking time to make this clear was not out of order.

Volan asked the exact date of the end of the comment period. Alano said it was January 18th, two days from this meeting. Sturbaum said that he was fine with passing this resolution to get it in under the deadline, but that language for a clarifying letter should be worked through so that it could be sent to the USPS.

Rollo said an accompanying letter would be useful provided that it didn't ask for specifics that couldn't be met. He again stated that the resolution was in essence the request for what the community does have – a retail establishment downtown. He suggested that the council proceed with the resolution.

Sherman suggested that if it was the will of the council to write an explanatory letter, the action to vote on the resolution could proceed. He added that a motion could be brought forward to delegate the writing of the letter to the president of the council. He noted that the words at this meeting and the motion would be part of the record that would be forwarded to the relevant parties by DVD.

Volan said Sherman made a good point. He said since the resolution was not specific enough for him, the letter would help clarify intentions of the council. He was disappointed that the new information tonight couldn't be incorporated into the resolution because of the deadline.

The question was called and Resolution 08-03 received a roll call vote of Ayes: 9, Nays: 0.

After this vote was taken, Volan moved and it was seconded that Council President Sandberg write a clarifying letter to the Post Office Real Estate Office to address points discussed at this meeting. Sandberg asked Sherman for more specific language and Sherman noted the letter would elaborate on the terms 'branch' and 'main', the notion of primary retail facility in the downtown, and the concept of three facilities vs. two as long as the downtown was served.

Piedmont said that the points above did not imply that there was any consensus as to whether the main office should be downtown or whether it's a branch office downtown with a main office somewhere else or a third office or some other combination thereof.

Sturbaum said the idea of drafting a letter was that more information could be gathered and that there is consensus approval of the letter. He said that this couldn't be done at this meeting.

Volan said the council had written letters in the past with lines for each council member to sign. He said since there was a unanimous approval for Resolution 08-03, it was up to the president and who ever helped her

Resolution 08-03 (cont'd)

draft that letter to make sure that it was written so that each member felt comfortable signing it. He said his goal was that the council president creates a clarifying letter to accompany this resolution. Sherman asked if all nine council members would be signing the letter, and Volan said that wasn't really necessary as long as they agreed to the content of the.

Sturbaum asked Sherman if his original intent was to have the letter signed by the president rather than a letter with signature lines for each council member. Sherman said his suggestion of a letter would have one signature line for the president to sign, but did not want to foreclose consensus by any means.

Sturbaum noted that the president would have a consensus for the contents of the letter before it was sent.

Sherman said that she should have at least majority support.

Volan said his motion did not include a provision for there to be nine signatures on the letter, but would be willing to withdraw this motion.

Rollo asked Sandberg if she would form a consensus. Sandberg said she certainly would, after which Rollo said in that case he had no need for nine signatures.

Volan said he didn't propose that, and that either way worked for him. He asked for consent to withdraw his original motion, and the withdrawal was approved by a voice vote.

Volan moved that the council designate that the president shall draft a letter to accompany Resolution 08-03 to clarify points discussed in this deliberation.

There was no public comment.

Final Council comments included:

Wisler thanked members of the public for their patience as the council stumbled through the deliberation, and asked that they submit further comments to the council at their website or email address.

Sturbaum said this had been a good exercise, and that this had been an important issue for the community. He said that he had made progress in his own understanding of the issue at this meeting and hoped that the public had too. He said that muddling around for a while was not always a bad thing.

Volan thanked everyone for their patience. He noted that the issue came close to the deadline, and while the calendar didn't allow for more deliberation of Resolutions which actually could be passed in one night, he requested that resolutions such as this be scheduled for a longer deliberation period.

Ruff said that although Wisler commented about fumbling through this issue, his perspective was that there was a lack of information provided to the city and administration early. He said that the clarification of the terms of distribution center, needs for the operations, and what the post office really wanted to do with regards to the large space needed, would have helped with understanding of all parties. He did acknowledge that messy as this discussion was, the product and intent was not clearer. Rollo said that as awkward as the discussion was at this meeting, it was reflective of deliberation and constituent input. He said he would like the letter crafted as soon as possible.

The motion on the creation of a clarifying letter to the USPS to accompany Resolution 08-03 received a roll call vote of Ayes: 9, Nays: 0.

Resolution 08-03 (cont'd)

There was no legislation for introduction at this meeting.

LEGISLATION FOR FIRST
READING

An unidentified man in the audience noted that he just read that per a request from the Mayor, the June 18th deadline for comment had been extended.

PUBLIC INPUT


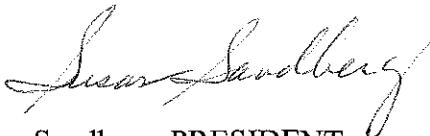
Eve Corrigan said she worked with Bloomington Transportation Options for People and Council of Neighborhood Associations. She noted an upcoming talk by Dan Burton at City Hall. She said he was an expert on sustainable and walkable community design and read a brief summary of points that he would cover.

The meeting was adjourned at 10:05 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington