

In the Council Chambers of the Showers City Hall on Wednesday, FEBRUARY 20, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
FEBRUARY 20, 2008

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

REPORTS:  
COUNCILMEMBERS

Brad Wisler noted he attended the Bloomington StartUp Weekend and would defer to Councilmember Volan for a complete report. He reported that on a business trip to Portland, Oregon and Seattle, Washington he was able to use light rail, streetcars, city bus systems, Amtrak, walking, and busses powered by overhead power. He added that his ability to take a bus from a high density area to a low density area for a business meeting would be especially useful in our community with commuters from surrounding counties coming in to Bloomington to work and conduct business. He said we needed to look beyond city limits as the economy extended beyond those geographic boundaries, also. He hoped for rail service to Indianapolis.

Isabel Piedmont congratulated City Controller Susan Clark on her Certificate of Achievement for Excellence in Financial Reporting by The Government Finance Officers Association of The United States and Canada.

Piedmont said her neighborhood association met with developers who wanted to request a zoning variance to convert a church building on South Washington to an office building. She said every neighbor was adamant that they did not want a change in zoning for fear of encroachment into the neighborhood. As a result of overwhelming opposition, the developers did not go forward with this project. She mentioned the Bloomington Playwrights Project "Voices of A People's History" based on Howard Zinn's work. She said this was developed into the theater piece by former resident Anthony Arrove. She encouraged citizens to attend.

Andy Ruff congratulated Susan Clark, calling her a 'supercontroller.'

Tim Mayer noted that during the evening a lunar eclipse would occur at 8:43 pm and that the next one would not occur for another three years. He noted that he had attended the recent performance of "A Prairie Home Companion", during which Garrison Keillor mentioned the fact that Bloomington had a recycling program. Mayer noted that the author of that legislation, former council member Jim Sherman, was present in the council chambers that evening and that the City had received an award for that recycling program during the O'Bannon administration.

Chris Sturbaum said that the Portland transportation system did not happen in a vacuum, but Portland had been in line for a federal program in the 70s, whereas there was little federal funding for this type of project now. He said that regional planning helped this happen on the West Coast. He said that the right people at the state and national level were necessary for changes to be made so that we could have that same benefit. He said our state leadership was bent on building a transportation segment that would be obsolete before it could actually be completed. He said we needed to look for a visionary.

Steve Volan noted that recently 100 participants settled into City Hall for a weekend called StartUp. He said this concept had spread across the country and Bloomington was the 15<sup>th</sup> city to try building a company in a weekend. He said the facilities were perfect to accommodate this project that began on a Friday evening and ended on Sunday evening. He said all types of expertise were involved in setting up a years worth of company start up activities in just a 54 hour weekend. Wisler noted that Volan's idea was actually chosen for the work of the weekend, and added that the enthusiasm during the weekend was great.

Reports from Councilmembers  
(cont'd)

Susan Sandberg noted the start of Arts Week, an Indiana University and the City of Bloomington collaboration. She said the Playwrights project was part of the theme of "Politics and the Arts" and said the array of arts, lectures and performances were listed on the IU website. She noted that the council was fielding a bowling team for the Big Brothers/Big Sisters fundraiser.

It was moved and seconded that Uniform Conflict of Interest Disclosure Statements be accepted from Council Members Sturbaum and Volan.

Disclosures of Conflict of Interest – Sturbaum and Volan

The Disclosure Statement from Sturbaum announced that he was the owner and operator of Golden Hands Construction and, in that capacity, obtains or seeks building and perhaps other approvals from the City. This disclosure announced that on those occasions he was acting as a representative of private and not public interests. The motion was passed by a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Sturbaum)

-- Sturbaum

A second Disclosure Statement from Sturbaum announced that he is the owner and operator of Golden Hands Construction which renovates buildings including old and historic ones, and that the proposed Conservation District for Prospect Hill and his efforts to establish it may or may not lead to more work for his company. It also was announced that he owned a home in the district and that may or may not keep or increase its value as a result of this district. The motion was passed by a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Sturbaum)

The Disclosure Statement from Volan announced that he may wish to petition the Common Council for a liquor license under a new program that would allow the Common Council to recommend eligibility for liquor licenses within 500 feet of a courthouse square historic district. The motion was passed by a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Volan)

--Volan

Mayor Mark Kruzan began his comments by thanking Jim Sherman for his efforts in the city's recycling program, saying that the city bowling team would be lacking former council member Jason Banach who headed his high school bowling team, and noting the Startup weekend success with special mention of City Hall being an incubator in this type of activity.

MAYOR and CITY OFFICES

Kruzan noted that some of his public safety initiatives and issues related to the Mayors' Climate Protection Act were not addressed in his recent State of the City address and would be presented in this forum in later weeks. He added information about the Buskirk Chumley Theater that also was not covered. He said that the city's support of the BCT was an incredibly good decision by the council and former administration. He said it was akin to the public library, downtown churches, post office, transit hub and the courthouse staying in the downtown for the fabric of the downtown area.

Kruzan gave a brief background of the theater history before its renovation and reopening as the Buskirk Chumley in 1999. He said that each year over 56,000 patrons attend over 250 performances. He said that BCT Management, Inc. was in its final year of managing the facility under city agreement which would expire on December 31, 2008. He said this agreement called for an annual subsidy to the theater's operating budget of \$80,000 in FY 2008 provided by the city's Redevelopment Commission in order to provide an arts venue for the Bloomington community. He said BCT Management was ramping up their fundraising efforts to reduce the public subsidy. He said the city staff was negotiating a new agreement with BCT Management, Inc. to continue the management.

Kruzan said that in addition to this, a recent exterior rehabilitation plan had been performed by Ratio Architects. He said the plan identified needed repair to the Theater, originally built in 1922. He reported that the cost for design, construction and construction management was estimated at \$645,000. Kruzan said he viewed all this as an investment that would pay long term dividends with funding coming from the downtown TIF. He said that construction would begin sometime in the summer with a length of about 90-180 days with adjustments for scheduling of the events. He said he wanted the council to know the expense of this renovation.

He concluded by saying that he couldn't imagine a downtown without this structure, its use in the heart of the Bloomington Entertainment and Arts District (BEAD), and its contribution to the community character and commerce.

Steve Volan asked if the city was committed to keeping the BCT. Kruzan said yes, and added that although he preferred the city not be in the theater business, he believed that the city should maintain this valuable community asset as long as needed. Volan asked if the BCT management board that was created in conjunction with the Lotus Board 7 years ago would continue to function in their role. Kruzan said that he hoped that would happen. Mick Renneisen, Parks and Recreation, which now owns the building, said city staff met with the management on a quarterly basis to discuss repairs, programming, marketing, promotion, and that a good working relationship had developed.

Piedmont asked Controller Clark for an update on TIF funds. Clark said the year end balance for 2007 was \$4M. She said it also funds lease payments for the Register and 7<sup>th</sup> and Walnut Garages.

Piedmont asked where the money originated. Clark said the Downtown TIF was the first redevelopment TIF established in the 1980s. She said a TIF area was a geographical segment of the community that, when established, noted the base assessed value of the area, and that any increase in taxes resulting from the growth of the assessed value was placed into a dedicated fund, the Downtown TIF Fund. She noted that there was no revenue lost to existing taxing bodies as all TIF money came from growth over and above that existing base.

Mayer said he served as a board member for the Buskirk Chumley Theater and noted that when the Theater transferred from the Bloomington Area Arts Council to become an independent organization, the Lotus organization acted as an interim group to help get it reestablished, but ended its financial relationship with the theater. He said the fundraising requirement for board members was extremely challenging because funds were being raised for a venue, and not a program. He encouraged contributions to this spectacular community asset that had hosted locally produced, national and international groups. He said that the city subsidy of \$80,000 a year would just about pay the heating bill.

Wisler asked Clark for the current annual lease payments for the city garages and to whom they were paid. Clark said that the Register Garage annual payment was \$492,000 to Mercury Development. The 7<sup>th</sup> and Walnut Garage payment was about \$253,000 to Winniger/Stolberg with a lease purchase agreement. She noted that the city still owned the ground for each of these buildings and leased the parking facilities from the owners.

Wisler asked about the income from the TIF, and Clark said last year the fund deposits were about \$2.1 million.

Sturbaum said that money spent on the Buskirk Chumley was spending for the common good. He said that almost every one of these old theaters in the country was subsidized this way.

He asked about consideration of local firms in projects such as this one. Renneisen said qualifications and experience were considered. He said an RFP had been sent before the assessment process and the city had chosen Ratio Architects to do that study. He added that they were then chosen to do blueprints as they had already gained much knowledge in that assessment process. Renneisen said local firms were considered first, and that prevailing wage would be paid.

Volan asked Renneisen about the annual cost of operation for the Bloomington Adult Community Center (BACC). Renneisen said his educated guess would be about \$220,000 to \$230,000 per year for a complete budget of staff, utilities, programs, supplies, repair and renovations. After Volan asked if this amount was recovered by user fees, Renneisen said that it was not, but that the department had partnered with other programs and rentals to help with the costs. Volan asked if it was safe to assume that the BACC was subsidized more than the Buskirk Chumley, to which Renneisen said that given the aforementioned \$80,000 figure, it was safe to agree with that statement.

Volan asked if it were correct that most of the parks buildings were essentially subsidized by taxpayer dollars. Renneisen said it was correct.

Volan, noting that the Bloomington Area Arts Council had been overwhelmed by the finances and management of the Buskirk Chumley Theater, asked if the administration had given thought to the fact that given the age and history of the Waldron Arts Center, the same arrangement with the city might be possible. Kruzan said it was a legitimate question and one that the city might have to face at some point.

Rollo noted that he and Council Member Piedmont had been working on the Greenhouse Gas Reduction Committee. He said that they had written a letter to the Indiana Department of Environmental Management regarding their award of an air quality permit to Duke Energy's new coal powered energy plant in Edwardsport, Indiana. Rollo read the letter to Mr. Matthew Stuckey, deputy branch chief of IDEM Office of Air Quality:

#### COUNCIL COMMITTEES

- Rollo

*Dear Mr. Stuckey,*

*We the undersigned members of the City of Bloomington Common Council urge the Indiana Department of Environmental Management to reconsider its recent decision to grant the permit to Duke Energy for its proposed expansion of the coal powered plant at Edwardsport. We feel strongly that Indiana must reduce its reliance on coal generated power and emphasize instead energy generation and conservation measures. This new policy is urgently needed to stave off the worst effects of global warming while preparing for the inevitable decline in natural gas and oil production.*

The City of Bloomington has recognized both problems through its resolutions to reduce green house gasses emissions and to prepare for the effects of reduced availability of petroleum. We urge the state of Indiana through IDEM to encourage our electricity providers to move away from coal toward renewable energy, starting with its decision on the Duke Energy project at Edwardsport. We recognize and appreciate Duke Energy's contribution to renewable energies such as the planned 100 megawatt Benton County wind farm. We also applaud Duke CEO Jim Rogers' recognition of the imperative of addressing human induced climate change. However pursuing a four-fold increase in power generation relying on coal will commit rate payers to subsidize a facility that will greatly increase greenhouse gas emissions.

While it is true that the integrated gasification combined cycle (IGCC) technology reduces emissions per unit of energy, the scale of the new plant would result in a huge increase in greenhouse gas and pollution emissions including a 785% increase in CO2. And although removing carbon by sequestration is proposed for the plant, it is not now feasible, and perhaps won't be, even within decades. The IGCC plant's high cost of approximately two billion dollars without carbon sequestration will also absorb scarce capital, thus making it harder for Indiana rate payers and government to invest in energy efficiency and renewable sources. A current analysis from renowned climate scientist James Hansen (from NASA Goddard Institute of Space Studies) using data from the Energy Information Agency indicates that combustion of known natural gas and oil are unlikely to exceed 450ppm of atmospheric loading. However if coal, not facing supply limits is used in the energy transition to a significant degree we will most likely surpass this concentration threshold that is recognized as forcing a greater than one degree rise in global temperature. This boundary is recognized by the Intergovernmental Panel on Climate Change (IPCC) as important to contain runaway global warming.

Global climate change is a great threat to Indiana agriculture, municipal water supplies, natural resources, and human quality of life. We urge that your office respond by discouraging the building and expansion of coal plants and instead favor investment in renewable energy development and conservation.

Many states are responding the threat of global climate change by adopting renewable energy portfolio standards for energy utilities. Carbon taxes may be implemented on the federal level in the near future, as well. Indiana may well find itself at a competitive disadvantage relative to other states if we continue to rely on coal as a primary energy source for electricity. Please reconsider your decision on the Edwardsport plant. Thank you.

Most Sincerely, Members of the Bloomington City Council, signed by President Susan Sandberg, Steve Volan, Dave Rollo, Andy Ruff, Chris Sturbaum and Isabel Piedmont.

## Council Committees (con't)

- Rollo

Rollo added that this scientist made a similar appeal to similar agencies in the state of Massachusetts who were considering the same issues. He thanked David Keppel, member of the Green Sanctuary Task Force at the Unitarian Church, and a member of the Interdenominational and Interfaith Alliance to Address the Threat of Climate Change.

Jim Sherman, 2129 Melville Circle, and former city council member belatedly congratulated the new council on winning their elections. He thanked returning members for their good service and told new members he envied them. He said he hoped that they enjoyed their service. He said local politics had room for creativity in solving problems and urged them to do just that.

He said the new residents of the Renwick development were not getting city services because of some of the decisions made in the department of public works. He said that communication was now good between the developer and the department officials and he was happy that the city would now be taking care of the new streets because the developer didn't have the resources to do it and the winter had produced dangerous driving situations. He said he had concerns about motorists paying attention to crosswalks and pedestrians in this city, and that he would like more done for pedestrians in the city, from ticketing motorists to increased visibility. He urged the council to work with the Bicycle and Pedestrian Safety Commission to make the city more pedestrian safe.

## PUBLIC INPUT

Steve Forrest added to his previous comments about the subsidy of parking saying that taxpayers pay for the infrastructure that provides 'free' parking. He said that free parking at the mall and other businesses was actually part of the cost of doing business for these companies and was passed on to customers. Forrest said it was time to stop deluding ourselves that free parking was actually free, and to look at the actual costs. He said that large areas of the city's most valuable real estate is taken up by parking, what he called a "low grade economic use". He said other reasons for doing away with subsidized parking included its incentive for increased automobile use, (contradiction to the stated policy goals of this city government), increased auto emissions that added to greenhouse gasses, and the unsustainable practice of being dependent on auto use. Forrest said that his efforts on parking policy reform included bringing to the attention of city officials the fact that the free parking policy had become almost unquestionable in its use. He recommended that the council hire expert Dan Burden to conduct a workshop on "walkable communities."

Buff Brown showed a number of slides based on Dan Burden's talk and the creation of an urban form that encourages pedestrians. He said that this concept needed a pleasant pedestrian environment, buildings that "honor" or face the street, and high density and diverse destinations. He showed slides of pedestrian areas to illustrate some of these and other concepts that encourage and discourage walking traffic. He also illustrated some concepts discussed by parking expert Donald Shoup, author of *The High Cost of Free Parking*. He asked how the city could create and coordinate these kinds of changes to our streets to provide for friendlier pedestrian walkways.

Michelle Cole, who moved to Bloomington from Houston, Texas, said she was delighted with the city recycling. She expressed concern for areas not covered by city recycling and encouraged the council to consider making a change to enable recycling for businesses.

It was moved and seconded that Dorothy Granger be reappointed to the Commission on the Status of Women.  
It was moved and seconded that Lorraine Farrell be appointed to the Commission on the Status of Women.  
The appointments were approved by a voice vote.

#### BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Gary Charbonneau, Gregory Travis and Peter Bane be appointed to the Peak Oil Task Force. The nominations were approved by a voice vote.

It was moved and seconded that Resolution 08-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-1, It was moved and seconded that Resolution 08-05 be adopted.

#### LEGISLATION FOR SECOND READING

Resolution 08-05 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2008

Housing and Neighborhood Department Director Lisa Abbott listed the recommendations for allocations for the physical improvements and social service requests. Abbot noted the annual action plan would be posted for public comment, available on the city's website and at the Indiana Room at the Public Library. She said that public comment would be accepted for 30 days, and that comments would be accepted by email also. She thanked citizens and staff who were involved in the allocation process, saying that the process ran smoothly because of their work.

Satterfield asked Abbot to once again repeat the availability of the Action Plan. Abbot noted the website and instructions to reach the Community Development Block Grant section.

Resolution 08-05 (cont'd)

Volan asked for the total amount allocated, to which Abbot replied that it was \$842,024 which amounted to a 3.26% cut in funds from last year. Volan asked about the trend in this funding to which Abbot noted that the funding had been going down for the last five years.

Wisler said he wanted to clarify questions from the previous week on how the allocations were actually processed. He asked about the funds for home repair and owner occupied rehab and especially how those numbers were determined. Abbot noted that the requests were based on the history of the programs that dated back to 1974, and were fairly accurate in their assessment of need. She discussed the base of binding agreements with HUD and the amount of adjustments that could be made to the two programs based on actual costs. Wisler said his question was based on making sure that the commitments were honored. Abbot said there was a small amount of flexibility. She said that there were strict guidelines for each loan program, and that based on funding source and program the income might be able to be placed back into different categories. Abbot outlined basic stipulations for home loans under the program.

Wisler asked if the resolution was based on new grant money coming from HUD and not the loan revenue. Abbot said that it was little more complicated than that simple statement, but it was basically correct.

Sturbaum noted that the council deferred to the citizen committee who reviewed the applications and made recommendations for these grants. He suggested that this group review their criteria at the beginning of the next cycle, based on the fact that some groups didn't get any funding at all. He said he didn't feel good about this, and hoped that the review process would help the goals and priorities of the community be met. Abbot says these criteria are reviewed on an annual basis.

Sandberg asked Abbot to explain more about the public comment period. Abbot said that the city was required by HUD to post their Annual Action Plan and Comprehensive Annual Evaluation Report for public comment for 30 days. She said that there had been no public comment in the last 10 years. Sandberg said she would be interested to see what came of that public comment opportunity.

Mayer said that as a former member of the committee, he assured council member Sturbaum that there was an annual review of criteria in both the physical improvements and social service subcommittees. He said the committee was very attentive and committed to a fair and equal allocation process. While he thanked all involved, he especially mentioned the citizens involved, adding that not every community used a citizen driven process. He said it was an important aspect of the city's decision making.

Sturbaum said his expression of concern stemmed from the final 'signing off' process and not one of extreme criticism. He thanked all who put in hours of review and discussion on the process.

Wisler said that this illustrated some absurdity to him. He said that this money, while coming from the pockets of city taxpayers, was returned to the city in smaller and smaller amounts each year. He asked why we would want to send this money to Washington to be absorbed in administrative fees, have a slew of rules and regulations and inefficient computer programs to it and send it back, greatly diminished. He said that this community did a good job in prioritizing and conducting these programs. He said that each time someone lamented that we got less and less back, they should question why the money was sent out in taxes in the first place. He said that participation in the upcoming Homeward Bound walk was a good way to do this and encouraged everyone who had a heart for this issue to participate.

Ruff said that as a council representative on the social services subcommittee he wanted to thank the six citizens that joined him in the process. He noted that some communities do not get CDBG grants while still paying taxes from areas that are not eligible for urban grants. He said that there was probably more money coming in than going out. He said not all governmental programs were inefficient, and reminded folks that there were things that the federal government did well – social security and Medicare.

Sandberg said she had served on the physical improvements subcommittee and that the committee took its job very seriously, and always seriously considered all applicants. She wished there was more money and praised social service agencies that stretched their dollars to the max.

Resolution 08-05 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Ordinance 08-02 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Section 2.12.100 Entitled "Bloomington Commission on Sustainability to Change Residency Requirements and Clarify the Voting Status of the Ex Officio Member.

Ordinance 08-02

There was no more public input at this point in the meeting.

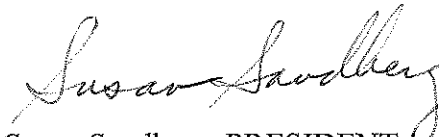
PUBLIC INPUT

The meeting was adjourned at 9:30 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT  
Bloomington Common Council



Regina Moore, CLERK  
City of Bloomington