



City of Bloomington Common Council

Legislative Packet

06 February 2013

Regular Session

For legislation and background material relating to Ordinance 13-03, please consult the [Legislative Packet](#) issued in interest of the 16 January 2013 meeting.

For legislation and background material relating to Resolution 13-03, please consult the [Legislative Packet](#) issued in interest of the 09 January 2013 meeting.

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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of Cancellation** – Staff/Council Internal Work Session scheduled for Monday, February 4th

Legislation for Second Reading:

- **Res 13-03** To Confirm Resolution 13-02, Which Designated an Economic Revitalization Area, Approved a Statement Of Benefits, and Authorized a Period of Tax Abatement - Re: Tech Park Blvd, Schmalz Blvd, Lots 1, 6, 7, 8, 10, 11, 12, 13, Mill Creek PUD (Hoosier Energy Rural Electric Cooperative, Inc, Petitioner)
Contact: Danise Alano-Martin at 349-3477 or alanod@bloomington.in.gov

Please see the [Weekly Legislative Packet](#) prepared for the January 9th Regular Session for Res 13-02, the summary and related materials

- **Ord 13-03** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Authorizing the Expanded Use of Parking Meters in the Downtown and Related Changes
 - *Motion to Postpone - Anticipated**Contact:*
 - *Susie Johnson, 349-3411, johnsons@bloomington.in.gov*

Please see the [Weekly Legislative Packet](#) prepared for the January 16th Regular Session for the legislation, summary and related materials

Legislation and Background Material for First Reading:

None

Minutes from Regular Session:

None

Memo

Reminders

Monday

**Staff/Council Internal
Work Session**

Cancelled

**Two Items Ready for Second Readings and No Items Ready for Introduction
at the Regular Session on Wednesday, February 6th**

One resolution joins one ordinance for second readings at the Regular Session next Wednesday. The resolution, Res 13-03, affirms the tax abatement approved with adoption of Res 13-02 on January 16th. The ordinance, Ord 13-03, authorizes the expansion of metered parking in the downtown - *but is expected to be subject to a Motion to Postpone that evening*. The legislation, summaries, and related materials can be found online as indicated above. Please note that while there are no ordinances ready for introduction next week, there will be two resolutions ready for consideration this legislative cycle.

Second Readings

**Item One - Res 13-03 – Affirming Res 13-02 Approving a Tax Abatement for
Hoosier Energy at the Mill Creek PUD**

The first item under Second Readings and Resolutions, Res 13-03, affirms (as required by statute) Res 13-02, which designated an economic revitalization area, approved a statement of benefits, and authorized a period of tax abatement for eight lots in the Mill Creek PUD to make way for the relocation of Hoosier Energy. Please see the [*Weekly Legislative Packet*](#) for the January 9th Regular Session for information relating to Res 13-02. Please also note that the public comment on this agenda item serves as the legally advertised public hearing on this legislation.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, FEBRUARY 6, 2013
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: *None*

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

- 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 13-03 To Confirm Resolution 13-02 which Designated an Economic Revitalization Area, Approved a Statement Of Benefits, and Authorized a Period of Tax Abatement - Re: Tech Park Blvd, Schmalz Blvd, Lots 1, 6, 7, 8, 10, 11, 12, 13, Mill Creek PUD (Hoosier Energy Rural Electric Cooperative, Inc, Petitioner)

Committee Recommendation: *None*
January 16, 2013 Regular Session action on Resolution 13-03 Adopt: 7 – 0 - 1

Note: The public comment on this item serves as the statutorily required public hearing on this legislation.

2. Ordinance 13-03 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Authorizing the Expanded Use of Parking Meters in the Downtown and Related Changes

Committee Recommendation: *Do Pass* 3 – 0 – 6

VII. LEGISLATION FOR FIRST READING

None

VIII. ADDITIONAL PUBLIC COMMENT * (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 4 - 8 February 2013

Monday, 4 February

4:30 pm Plat Committee, Hooker Room
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room
5:30 pm Plan Commission, Council Chambers

Tuesday, 5 February

6:30 pm Black History Month Lecture – *Logan Westbrook: Black Leadership in the Music Industry*,
McCloskey
7:30 pm Telecommunications Council, Council Chambers

Wednesday, 6 February

12:00 pm Bloomington Urban Enterprise Association, McCloskey
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:30 pm Common Council – Regular Session, Council Chambers

Thursday, 7 February

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 8 February

1:30 pm Metropolitan Planning Organization Policy Committee, Council Chambers

Posted and Distributed: Friday, 1 February 2013



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

NOTICE OF MEETING CANCELLATION

**BLOOMINGTON COMMON COUNCIL
STAFF- COUNCIL INTERNAL
WORK SESSION SCHEDULED FOR
MONDAY, 04 FEBRUARY 2013
HAS BEEN CANCELLED**

Posted: 1 February 2013

RESOLUTION 13-03

**TO CONFIRM RESOLUTION 13-02 WHICH DESIGNATED AN
ECONOMIC REVITALIZATION AREA, APPROVED A STATEMENT OF BENEFITS,
AND AUTHORIZED A PERIOD OF TAX ABATEMENT**

**- Re: Tech Park Blvd, Schmalz Blvd, Lots 1, 6, 7, 8, 10, 11, 12, 13, Mill Creek PUD
(Hoosier Energy Rural Electric Cooperative, Inc, Petitioner)**

- WHEREAS, Hoosier Energy Rural Electric Cooperative, Inc, (“Petitioner”) has filed an application for designation of the property at Tech Park Blvd and Schmalz Blvd, described as Lots 1, 6, 7, 8, 10, 11, 12, 13, in the Mill Creek PUD, Bloomington, Indiana, as an “Economic Revitalization Area” (“ERA”) for construction of a new building pursuant to IC 6-1.1-12.1 et. seq. (the “Project”); and
- WHEREAS, the Petitioner has also submitted a statement of benefits to the Common Council;
- WHEREAS, according to this material, the Petitioner wishes to construct a new multi-story, LEED-certified headquarters building of approximately 80,000+/- square feet that will retain 116 full-time permanent positions with an annual payroll of \$11,118,764, excluding benefits and overtime(the “Project”); and
- WHEREAS, as required by Indiana Code, Bloomington Municipal Code and a Memorandum of Understanding to be executed pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with the Statement of Benefits, complied with the City of Bloomington’s Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding; and
- WHEREAS, the application has been reviewed by the Economic Development Commission which passed a resolution recommending that the Common Council designate an "Economic Revitalization Area," approve a Statement of Benefits, and authorize a ten (10) year period of tax abatement; 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 13-02 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 Common Council has further found that the Project will not negatively impact the ability of the Tapp Road Tax Increment Finance (TIF) district to meet its debt obligations; and
- WHEREAS, the property described above has experienced a cessation of growth; and
- WHEREAS, the Common Council adopted Resolution 13-02 on January 16, 2013, which designated the above property as an "Economic Revitalization Area," approved a Statement of Benefits, authorized a ten (10) 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 or to the waiver of the statutory requirement that the initiation of redevelopment occur after the ERA designation, statement of benefits submission, and findings of fact appear before the Common Council at its meeting on February 6, 2013; 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:

SECTION 1. Pursuant to Indiana Code 6-1.1-12.1-1 et seq., the Common Council hereby affirms its determination made in Resolution 13-02 that the area described above is an "Economic Revitalization Area" and that the totality of benefits of the Project entitle the owner of the property or its successor(s) to a deduction from the assessed value of the related improvements for a period of ten (10) years.

SECTION 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 capital investment of at least \$20 million for real estate improvements as described in the application shall be completed before or within twelve months of the completion date as listed on the application; and
- b. the land and improvements shall be developed and used in a manner that complies with local code.
- c. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code and by the Memorandum of Understanding.

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

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2013.

DARRYL NEHER, President
Bloomington Common Council

SIGNED and APPROVED by me upon this ___ day of _____, 2013.

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 13-02 to designate the property located at Lots 1, 6, 7, 8, 10, 11, 12, 13, in the Mill Creek PUD, on Tech Park Boulevard and Schmalz Boulevard, as an "Economic Revitalization Area," approve a Statement of Benefits, and authorize a tax abatement for a period of ten (10) years for the project proposed by the petitioner, Hoosier Energy Rural Electric Cooperative, Inc. The petitioner is seeking a tax abatement for a LEED-certified headquarter office facility. The public comment on this resolution will serve as the legally advertised public hearing required by statute in order to receive public comment on the above actions.

RESOLUTION 13-03

**TO CONFIRM RESOLUTION 13-02
WHICH DESIGNATED AN
ECONOMIC REVITALIZATION AREA,
APPROVED A STATEMENT OF BENEFITS,
AND AUTHORIZED A PERIOD OF TAX ABATEMENT
- Re: Tech Park Blvd, Schmalz Blvd, Lots 1, 6, 7, 8, 10, 11, 12,
13, Mill Creek PUD
(Hoosier Energy Rural Electric Cooperative, Inc, Petitioner)**

RELATED MATERIALS

Please see the [Weekly Legislative Packet](#) prepared for the January 9th Regular Session for information relating to the initial resolution, Res 13-02, which includes:

- A Summary in Packet Memo;
- Res 13-02 To Designate an Economic Revitalization Area, Approve the Statement of Benefits, and Authorize a Period of Abatement - Re: Tech Park Blvd, Schmalz Blvd, Lots 1, 6, 7, 8, 10, 11, 12, 13, Mill Creek PUD (Hoosier Energy Rural Electric Cooperative, Inc, Petitioner)
 - EDC Res 12-02
 - Memo to Council from Danise Alano-Martin, Director, Economic and Sustainable Development Department
 - Application
 - Statement of Benefits
 - Appendix A – Property Details
 - Appendix B – Boundary and Topography Details
 - Appendix C – Hoosier Energy Owner/Members
 - Appendix D – Conceptual Renderings of Site and Structures
 - Appendix E – Hoosier Energy Service Area

*Contact: Danise Alano-Martin at 349-3477 or
alanod@bloomington.in.gov*