



City of Bloomington  
Common Council

Legislative Packet

09 January 2013

*Organizational Meeting*  
*immediately followed by*  
*Committee of the Whole*

Office of the Common Council  
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**To: Council Members  
From: Council Office  
Re: Weekly Packet Memo  
Date: January 4, 2013**

### **Packet Related Material**

**Memo  
Agenda  
Calendar**

#### **Notices and Agendas:**

- **Notice of Council Sidewalk Committee** on Tuesday, January 8, 2013 at 4:00 p.m. in the McCloskey Room
- **Notice of Council Rules Committee** on Thursday, January 10, 2013 at 3:00 p.m. in the Council Library

#### **Material Related to Action at Organizational Meeting:**

- List of Council Positions - Officers, Appointments, and Assignments for 2013 (*blank*)
- List of Council Positions - Officers, Appointments, and Assignments for 2012
- List of Interview Committee Assignments in 2013 (*blank*)
- Council Member Seating Chart for 2007 – 2012 & 2013 (*blank*)

#### **Legislation for Second Reading:**

*None*

**Legislation and Background Material for First Reading at the Regular Session and Discussion at the Committee of the Whole on Wednesday, January 9, 2013 (Listed in the Order of Discussion at the Committee of the Whole):**

- **Ord 13-01** To Vacate a Public Parcel - Re: A 50-Foot Wide, 768-Foot Long, Segment of South Tech Boulevard Running North of West Schmaltz Boulevard (Public Investment Corporation, Petitioner)
  - Aerial Map of with Vacated Alley Highlighted and Map of Site and Surrounding Zoning;
  - Memo to Council from Tom Micuda, Director of Planning;
  - Petition, Survey and Legal Description;
  - Letter from Petitioner;
  - Insert Indicating Responses from Utilities and Emergency Services; and
  - Conceptual Site Plan

*Contact: Tom Micuda at 349-3423 or micudat@bloomington.in.gov*
  
- **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*
  
- **Ord 13-02** To Amend Title 2 of The Bloomington Municipal Code Entitled “Administration and Personnel” and Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” - Re: Various Changes to Make the Local Code Consistent with Other Provisions of the Code, State Law and Federal Law, and Best Practice
  - Certification
  - Memo to Council, Tom Micuda, Director of Planning

*Contact: Tom Micuda at 349-3423 or micudat@bloomington.in.gov*

- **Res 13-01** To Adopt a New Vision Statement for Updating the Growth Policies Plan
  - Memo from Nate Nickel, Senior Long Range Planner, Planning  
*Contact: Nate Nickel at 349-3523 or nickeln@bloomington.in.gov*
  
- **Res13-04** To Consolidate the Council Board and Commission Interviewing and Nominating Committees  
*Contact: Darryl Neher at 349-3409 or neherd@bloomington.in.gov, or Dan Sherman at 349-3562 or shermand@bloomington.in.gov*

**Minutes from Regular Session:**

*None*

**Memo**

**Reminders:**

- **Sidewalk Committee**            **McCloskey Room**            **Tuesday at 4:00 p.m.**
  
- **Rules Committee**            **Council Library**            **Thursday at 3:00 p.m.**

**Organizational Meeting and Committee of the Whole  
on Wednesday, January 9<sup>th</sup>**

The Council will hold an Organizational Meeting immediately followed by a Committee of the Whole on Wednesday, January 9, 2013. The Organizational Meeting is the occasion when the Council conducts elections and appoints members to boards and commissions, and the new President assigns seating and members to serve on Council Committees. It is also begins the first legislative cycle of 2013 by introducing two ordinances which (along with three resolutions) are contained in this packet and will be discussed at the Committee of the Whole immediately following the Organizational Meeting.

**Group Photo on January 16, 2013:** The Council photo on the webpage should be changed to reflect the new officers for this year. Please let Dan or Stacy Jane know whether you will be available either before or after the Regular Session on January 16<sup>th</sup> for a brief photo session.

## **Organizational Meeting - Elections, Appointments and Assignments**

The Organizational Meeting is the time for the Council to hold elections and make appointments, and for the new President to make assignments. These actions typically occur in the following order:

- The Council elects officers – President, Vice President, and Parliamentarian (and the outgoing President is presented with the gavel);
- The new officers are seated and the new President assigns seating for rest of the Council members (*Please note that any two Council members who wish to switch seats may do so by written request to the Council President (BMC 2.04.110)*);
- The Council appoints Council members to various boards and commissions; and
- The President assigns to Council members to Council committees.

Please see the attached sheets for appointments, assignments, and seating – which include last year’s decisions (for some historical context) and blank forms for this year’s decisions.

### **Items to be Discussed at the Committee of the Whole on January 9<sup>th</sup> (In the Order They Appear on the Agenda)**

#### **Items 1 (Ord 13-01) and 2 (Res 13-02) – Re: Granting a Vacation of Right-of-Way and Approving a Tax Abatement for the Relocation of Hoosier Energy Rural Electric Cooperative, Inc within City Limits**

There are three pieces of legislation to be considered over the next month that will vacate a right-of-way and grant a tax abatement for the relocation of Hoosier Energy Rural Electric Cooperative, Inc. from North SR 37 to South Tech Boulevard in the Mill Creek PUD, which is north of Surgery Center on Tapp Road. The project and two of those pieces of legislation are summarized in the following paragraphs.

## **Description of the Project**

The vacation of right-of-way and tax abatement are intended to allow Hoosier Energy to relocate its corporate headquarters to 13.5 acres within the City just north of Tapp Road and east of SR 37. The vacation request is largely driven by the desire of Hoosier Energy to secure the roadway with a gate and realign it to provide for necessary parking. This property includes eight lots in the Mill Creek PUD (PUD-38-04). Under the terms of this PUD, Plan staff (and not Plan Commission) will review the Site Plan.

The Plan Memo highlights the following about this project. It will:

- serve as a corporate headquarters with 80,000 s.f. (with room to expand by another 30,000 s.f.);
- be “constructed in the ‘Prairie Style’ aesthetic and contain brick, limestone, and glass” with a “two story appearance from the south and a three story appearance from the north”;
- be designed to attain LEED Silver certification with many green building design components; and
- leave much of the property undisturbed but still provide approximately 230 parking spaces for permanent employees as well as some temporary employees and visitors.

In addition, the memo from Danise Alano-Martin also offered these benefits from the project. It will:

- add a \$20 million investment to the City’s tax base on parcels that have been ready for development for at least a decade;
- bring 116 well-paid jobs (all meeting the Living Wage Ordinance) with an annual payroll of \$11 million within the City; and
- meet local standards for obtaining a tax abatement by:
  - minimizing the disturbance of the land;
  - lowering the commute time for many employees and providing access to the City’s trail network; and
  - being a cooperative that promotes volunteerism, operates on principles that advocate and reflect consumer interests, and will increase its renewable energy capacity by 90 megawatts by 2015.

**Item One – Ord 13-01 – Vacating a 50-Foot Wide, 768-Foot Long, Portion of South Tech Boulevard Running North of West Schmaltz Boulevard (Public Investment Corporation, Petitioner)**

**Ord 13-01** would vacate South Tech Boulevard north West Schmaltz Boulevard at the request of the owner, Public Investment Corporation, to make way for the relocation of the Hoosier Energy Headquarters after about 60 years on a site off North State Road 37 outside of the City.

The following paragraphs will describe the procedures for vacating right-of-ways and then briefly review the proposed action in context of local criteria.

### General Vacation Procedures

Vacations of right-of-ways are governed by statutory procedures set forth at I.C. 36-7-3-12 et seq. and start with the Petitioner filing a petition with the Council. Under these procedures, the Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and must also advertise the hearing wherein the public may offer the Council its comments and objections (January 16<sup>th</sup>). Those objections or grounds for remonstrance are generally limited by statute to questions of access, use of public ways, and the orderly development of the area and unit as a whole. (See I.C. 36-7-3-13) Please note that aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the denial of vacation of right-of-way. In the event the ordinance is adopted, the Clerk must then file a copy with the County Recorder and the County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Plan staff then review the request and notify all the utility services, safety services, and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria (described below), staff prepares a report and an ordinance for the Council.

Please note that the Council's action to vacate a right-of-way or an easement must be done in the public interest. It extinguishes the City's interest in the property and generally has the effect of splitting the right-of-way between the owners of adjacent lots. In order to assure that the petitioners will, in fact, develop the site as proposed, the Plan Department actions now typically include a recordable commitment that returns the vacated parcel in the event the project does not go forward.

The following paragraphs apply the local criteria to this request and offer a summary derived from reports and background material provided by the Planning Department.

## **Petition – Description of Proposed Project** (*See above*)

**Concerns of Surrounding Property Owners.** The Memo from Planning does not mention any concerns from neighbors.

**Description of Vacated Property.** This property includes a 50-foot wide, 768-foot long, segment of South Tech Boulevard running north of West Schmaltz Boulevard. It is “a fully constructed right-of-way” adjacent to the undeveloped Lots 1, 6, 7, 8, 10, 11, 12, and 13 of the Mill Creek Subdivision, which is part of the Millcreek PUD. Please note that the survey map and the legal description of this right-of-way were provided by the Petitioner and the legal description is also set forth in the ordinance.

**Interest of Utilities and Safety Services.** I.C. 36-7-3-16 protects utilities which occupy or use all or part of the public way from losing their rights upon the vacation of the right-of-way, unless they choose to waive those rights. The Memo and materials indicate no utility or safety service had objections to this petition, but the following would need easements to access their existing utilities:

- CBU;
- Duke Energy; and
- ATT Midwest.

**Current Status - Access to Property.** The right-of-way terminates at the cul-de-sac on the north and accesses eight lots which are all vacant except one occupied by a cell tower. This lot (Lot 13) will be purchased by Hoosier Energy and accessed with the realignment of the roadway.

### **Necessity for Growth**

**Future Status** – The Memo indicates the right-of-way serves lots that will eventually be owned by Hoosier Energy. It also notes that the City of Bloomington Parks and Recreation Department owns Lot 9, which abuts this right-of-way. While Wapahani Park could possibly be accessed by this right-of-way, the underlying PUD did not so because Lot 9 has sensitive environmental features and the park is currently accessed from Weimer Road.

**Non-City Utilization** – The Memo indicates that Public Investment Corporation (PIC) owns all of the surrounding property, except Lot 9, and will be selling it to Hoosier Energy. The City of Bloomington Parks Department owns Lot 9 and has no objection to this vacation request



**Compliance with regulations** –The Memo says that the vacation “will not create any issues regarding compliance with local regulations” in light of the fact that the right-of-way was never planned to extend beyond the cul-de-sac and all but one of the surrounding lots will be acquired by one owner.

**Relation to City Plans** – The Memo indicates that “the vacation of this right-of-way and the associated corporate office proposal is consistent with City plans” and that loss of this right-of-way does not conflict with the City’s Thoroughfare Plan “which does not show this street on its official map, thereby indicating that it has no connectivity function.” It also mentions that the SR 37 Subarea and Land Use Map of the Growth Policies Plan recommend this area as an “Employment Center,” leading to the conclusion that “a unified development featuring corporate office space is the most preferred development option for these properties.”

### **Approvals and Recommendation**

The Memo indicates that the Board of Public Works voted to recommend approval of this action and that the Planning Department supports it as well.

### **Item Two - Res 13-02 Granting a Tax Abatement for the Relocation of the Headquarters for Hoosier Energy Rural Electric Cooperative, Inc.**

**Res 13-02** brings forward the first tax abatement project after the City revised its tax abatement program with the adoption the new General Standards in January of 2011. The General Standards and program procedures follow statutory provisions which, in some instances, allow localities to impose additional requirements. The following paragraphs highlight the blend of State and locally-driven actions in this legislation.

#### Initiative Requires Two Pieces of Legislation Over Two Legislative Cycles

The tax abatement for this corporate headquarters will require two resolutions.<sup>1</sup> The first resolution, **Res 13-02**, designates an Economic Revitalization Area (ERA), approves a statement of benefits, and authorizes a ten-year period of abatement. Please note that, in this case, it also acknowledges that the site of the ERA lies within the Tapp Road Tax Incremental Finance (TIF) district.

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<sup>1</sup> Sometimes, but not in this case, a tax abatement also requires the adoption of an ordinance establishing an Economic Development Target Area (EDTA). This special designation is required for projects involving residential and certain retail uses.

The second resolution needed for tax abatements, **Res 13-03**, confirms the first one. *Please note that statute requires that we hold a legally-advertised public hearing before adopting this “confirming” resolution. This public hearing is scheduled for the Regular Session on February 6, 2013.*

### **Resolution Designating the ERA, Approving the Statement of Benefits, and Authorizing a 10-Year Period Abatement**

**ERA.** The first action designates the property as an Economic Revitalization Area (ERA), which entails a finding that the property is not susceptible to normal growth and development. In that regard, the materials indicate that these lots:

- were approved as part of the Mill Creek PUD, which was approved about 10 years ago and has only seen one lot develop (Worldwide Automotive); and
- are constrained because of development cost, access and topography;

**ERA in TIF District.** Since this site lies within the Tapp Road Tax Incremental Finance (TIF) District, statute also requires that the Council approve the ERA designation in light of its location. TIF Districts are a local financing device authorized by statute, which set aside increases in property taxes above a base year which are then used to carryout improvements according to the Plan for the district. Any property taxes abated would not be deposited in the TIF and, therefore, not available for that purpose. The memo indicates that the abatement would not adversely affect the TIF because the district has no debt that needs to be repaid. The material also indicates that the project does not involve any public investment. (Please note that Alano-Martin has been asked to provide a balance sheet for the TIF as well as information on its expiration and possibility for extension.)

**Statement of Benefits.** The resolution also approves the Statement of Benefits. In so doing, it finds that the stated benefits are a reasonable and probable outcome of the development and, in their totality, justify the tax abatement. Those benefits include:

- construction of an 80,000 s.f. LEED certified corporate headquarters facility on vacant land;
- increasing the property value of this parcel from \$82,100 to \$20,000,000; and

- providing an annual payroll of \$11 million, which will retain 116 employees with an average wage of \$46.08 per hour<sup>2</sup> and a package of additional benefits worth \$32.00 per hour. Please note that, at \$12.75 an hour (excluding benefits), the lowest paid hourly position more than exceeds the living wage requirements.

**Additional Reasonable Requirements.** Statute authorizes the City to impose additional, reasonable requirements on the project beyond those listed in the Statement of Benefits, as long as those benefits are cited in the resolution. Failure to make reasonable efforts to comply with these requirements, like the commitments in the Statement of Benefits, may become a basis for rescinding the abatement. These additional requirements include:

- the \$20 million investment will be completed within 12 months of the completion date listed in the application (12/31/14);
- the land and improvements will be developed and used in a manner that complies with local code;
- the Petitioner will comply with all the compliance reporting requirements as set forth in statute and the Memorandum of Agreement (including the Living Wage requirements).

**Evaluative Criteria in New Local Guidelines.** The new Tax Abatement General Standards set forth, in part, four evaluative criteria for tax abatement projects that all address, in one way or another, whether the project makes a “significant contribution to overall economic vitality” of the City.<sup>3</sup> Those criteria and how this project meets them include:

- Quality of Life/Environmental Sustainability –
  - the project:
    - is expected to attain LEED Silver certification and to “minimize tree removal and disturbance to the property;”
    - will result in less commuting time for many of the employees; and
    - offer employees better access to the City’s trail network; and
  - the petitioner’s enterprise has voluntarily established a renewable energy policy with its 18-member cooperative that includes landfill methane facilities, hydropower and wind generation with the

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<sup>2</sup> The median salary is \$43.68.

<sup>3</sup> Please note that the General Standards offer petitioners the opportunity to offer contributions that did not fit into the four criteria.

expectation of “be(ing) able to increase renewable energy capacity to nearly 90 megawatts by 2015.”

- Affordable Housing – *Not applicable*;
- Community Service – The petitioner:
  - Encourages the volunteer efforts of its employees; and
  - “supports consumer education programs designed to enhance environmental stewardship and encourage conservation.”
- Community Character – The petitioner is a cooperative, owned by its members and founded “on seven guiding principles that reflect and advocate for consumer interests” (*see summary and application for more information*).

**Period of Abatement.** The next action relates to the 10-year period of tax abatement for this project. Please note that the State legislature provides for a 1-10 year period of abatement with, typically, a sliding scale of deductions, but also allows for an alternative schedule, with full deductions throughout the period of abatement.<sup>4</sup> Here, the resolution proposes a 10-year sliding deduction schedule.

**Tax Calculations – Real and Personal Property.** In her memo, Danise Alano-Martin, has provided estimates of the tax consequences of granting these abatements.<sup>5</sup> Those calculations indicate that the owner of the property would pay approximately \$1.96 million and would forego approximately \$1.92 million over the 10-year abatement and pay approximately \$387,800 per year thereafter.

**Additional Enforcement Provisions.** The resolution provides for two enforcement provisions that were introduced with the adoption of the new General Standards in 2011. The first requires the petitioner to enter into a Memorandum of Agreement with the City that sets forth the petitioner’s obligations and consequences for failing to comply with them. The second provides for what is called a “clawback” of payments in the event the petitioner ceases to operate at this site and the Council finds the petitioner intentionally provided false information concerning its plans to continue operation there.<sup>6</sup>

**EDC Action.** On December 21<sup>st</sup> the Economic Development Commission met and recommended these actions with the adoption of Res 12-02 (*Attached*)

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<sup>4</sup> IC 6-1.1-12.1-4 (for real estate) and IC 6-1.1-12.1-17 (for alternative deduction schedule).

<sup>5</sup> These estimates are only approximations because, without being able to know what will happen in the future, they assume the assessed valuation will equal the amount of the investment and that the tax rates for 2012 will hold throughout the period of abatement.

<sup>6</sup> These payments go to the County Treasurer per I.C. 6-1.1-12.1-12(e).

**Item Three – Ord 13-02 Amending Title 2 (Administration and Personnel) and Title 20 (Unified Development Ordinance) to Make Local Code Consistent with Other Provisions of the Local Code, State and Federal Law, and Best Practices**

**Ord 13-02** proposes numerous changes to the local code to make the code consistent throughout its provisions, with State and federal law, and best practices. According to the memo from Tom Micuda, Director of Planning, these changes:

- Reduce the days for appealing decisions of the Planning Director or Hearings Officer from 14 to 5 days as allowed by a change in State law (HEA 1311);
- Extend the time for vesting of permits and site plans for projects having commenced construction from 7 to 10 years as required by State law (HEA 1311);
- Extend the time for vesting of permits and approvals for projects not having commenced construction from 2 to 3 years as required by State law (HEA 1311);
- Allow the Plan Commission to vacate an approved subdivision plat when the owners are not in agreement with the action as required by State law (HEA 1311) (Please note that the Plan Commission has never, to Micuda's knowledge, vacated a plat);
- Prohibit the City from denying modifications of cell towers which do not substantially change the physical dimensions of the towers as is required by federal law (House Resolution 3630);
- Remove the use of greywater (i.e. wastewater generated from activities such as dishwashing, laundry and bathing) as a zoning incentive to be consistent with State law; and
- Require rezoning approvals to be followed by the dedication of right-of-ways set forth in the Master Thoroughfare Plan within 180 days after the action of the City Council. This was proposed by staff to avoid expenditure of City funds for this purpose in the event the dedication does not occur.

## Amendments to Title 2 (Administration and Personnel)

In addition to changes to Title 20, the ordinance also amends Title 2 (Administration and Personnel). Those changes remove references to Areas Intended for Annexation, which no longer exist.

## Item Four – Res 13-01 – GPP Vision Statement

Res13-01 adopts a new Vision Statement to guide the update of the City’s *Growth Policies Plan* (GPP). Required by State law, the GPP is the City’s comprehensive land use plan and is used to guide decisions about the physical environment and the allocation of resources. It provides local government officials direction in developing programs and strategies, making capital expenditures, and setting annual budgets. While the GPP outlines the policy priorities of the City, the City’s zoning ordinance (the Unified Development Ordinance [UDO]) implements the priorities of the GPP *via* specific land use laws.

The City’s current GPP was adopted by the Plan Commission and the City Council in 2002. Local communities typically update their comprehensive plans every ten years. State law requires that political subdivisions approve a comprehensive plan by resolution “for the promotion of public health, safety, morals, convenience, order, or the general welfare or for the sake of efficiency and economy in the process of development.” (IC §36-7-4 501). State code requires all comprehensive plans, at a minimum, to include the following elements:

- A statement of objectives for the future development of the jurisdiction.
- A statement of policy for the land use development of the jurisdiction.
- A statement of policy for the development of public ways, public places, public lands, public structures, and public utilities. (IC §36-7-4-502).

Adopting a Vision Statement is the first step toward updating the City’s GPP. After a Statement is approved by the Council, Plan staff will use the Statement as a foundation for defining the specific policies of the GPP. The Vision Statement advises that it is intended to provide “both City government and the broader community with policy guidance and a common understanding of the values and themes that will shape Bloomington in the future.”

### Development of the Statement

The Vision Statement is the result of an ambitious and sustained public outreach effort to solicit public opinion on what our community should look like in 2040. Led by Plan staff, the Statement is the result of feedback from hundreds of City residents and from input from board and commission members and elected officials. The result is a statement that reflects the collective priorities of the community about the values that should shape Bloomington in the future.

In the interest of updating the GPP, Plan Staff met with Councilmembers in June 2011 to discuss Council priorities and established a GPP Steering Committee in October 2011. Appointed by the Mayor, City Council and Plan Commission, the Steering Committee consists of 25 members representing a diversity of community interests.<sup>7</sup> Councilmember Ruff is the Council's appointee. Staff for the GPP project includes: Tom Micuda, Josh Desmond, Nate Nickel, Katie Bannon, Scott Robinson and Jacqui Bauer. As a first step in the GPP update process, staff recommended to the Steering Committee that a Vision Statement be developed. In the interest of soliciting wide community input on such a Statement, staff commenced a series of outreach efforts in February 2012. Branded [\*Imagine Bloomington\*](#), staff hosted a series of community workshops to work with community members. Workshops were held at the MCPL, public schools and the Bell Trace Senior Living Center. Detailed notes of each workshop were promptly posted to the [\*ImagineBloomington\*](#) webpage to allow community members to keep pace with deliberations. Staff also solicited community feedback through tabling events, working with City boards and commissions, creating an on-line survey and Facebook and Twitter pages. Additionally, staff created an on-line discussion forum to allow community members to actively participate in the discussion 24 hours a day, 7 days a week.

Following the conclusion of the outreach process, the Steering Committee reconvened in June 2012 to review public input and to develop a draft Vision Statement. Once the Statement was drafted, staff solicited further public feedback in October 2012 on the Vision Statement itself. After this second round of public feedback, the Steering Committee met again to review public comment and finalize the Statement. The Plan Commission approved the Statement on 03 December 2012. The Vision Statement before the Council is as follows:

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<sup>7</sup> Jack Baker (Plan Commission), Doug Bruce (Greater Bloomington Chamber of Commerce - Architecture), Scott Burgins (Plan Commission), John Carter (Monroe County Community School Corporation), Lynn Coyne (Indiana University - Real Estate), Susan Fernandes (Plan Commission), Don Griffin (Business Owner - Griffin Realty), Dave Harstad (Historic Preservation Commission), Doug Horn (Monroe County Apartment Association), Gwen Jones (Business Owner - Sheer Elegance Draperies, Blinds & More, LLC), Mike Litwin (Environmental Commission), Jim Murphy (CFC, Inc.), Patrick Murray (Neighborhood Representative - Prospect Hill), Andy Ruff (City Council), Jacob Sinex (Bicycle & Pedestrian Safety Commission), Liz Sluder (Neighborhood Representative - Broadview), Jan Sorby (Neighborhood Representative - Bryan Park), Chris Smith (Plan Commission), Steve Smith (Greater Bloomington Chamber of Commerce - Engineering), Phil Stafford (Indiana University - Evergreen Institute of Elder Environments), Maggie Sullivan (Commission on Sustainability), Tom Swafford (Utilities Service Board), Kerry Thomson (Habitat for Humanity), Ron Walker (Bloomington Economic Development Corporation) and Larry Wilson (Monroe County Planning Department).



### The Statement:

*This vision statement reflects the concerns, wishes and aspirations of the residents of Bloomington, Indiana. ImagineBloomington engaged hundreds of residents, along with elected officials and members of City boards and commissions, to develop this vision for the future of Bloomington. This vision statement will provide both City government and the broader community with policy guidance and a common understanding of the values and themes that will shape Bloomington in the future.*

*We begin by recognizing Bloomington's strong foundation. We are culturally rich, cherish our progressive college town atmosphere and embrace diversity. We respect our past, while using innovation and collaboration to keep moving forward. Our wealth of natural and community resources allows us to maintain a highly desirable quality of life. Together, these are the defining features of a community with many strengths and a bright future.*

*This is our vision. Bloomington achieves excellence through collaboration, creativity, cultural vitality, inclusion and sustainability. We establish the following as core principles that will guide Bloomington's future.*

- *Fortify our strong commitment to equality, acceptance, openness and public engagement.*
- *Nurture our vibrant and historic downtown as the flourishing center of the community.*
- *Ensure all land development activity makes a positive and lasting community contribution.*
- *Recognize the many virtues of preservation, rehabilitation and reuse of our historic structures.*
- *Embrace all of our neighborhoods as active and vital community assets.*
- *Celebrate our rich, eclectic blend of arts, culture and local businesses.*
- *Invest in diverse, sustainable economic development.*
- *Enhance the community's role as a regional economic hub.*
- *Offer a wide variety of excellent educational opportunities for our residents at every stage of life.*
- *Deliver efficient, responsive and forward-thinking local government services.*

- *Reduce the community's environmental footprint and enhance self-sufficiency.*
- *Offer a wide variety of quality housing options for all incomes, ages and abilities.*
- *Provide a balanced, safe, efficient, accessible and connected system of transportation.*
- *Meet basic needs and ensure self-sufficiency for all residents.*
- *Provide high quality public spaces and parks.*
- *Encourage healthy lifestyles.*
- *Improve public safety and civility.*

#### Differences between 2002 and 2013 Vision Statements

Both 2002 and 2013 Statements focus on core issue such as historic preservation, downtown vibrancy, neighborhoods, intellectual and cultural development, housing diversity and effective transportation systems. However, the 2013 Vision Statement is different in the following key ways:

Concision: The 2013 Statement is shorter – brevity being a priority of the Steering Committee early on in the process. The 2002 statement was four pages long, provided a brief descriptive history of Bloomington and development and provided narrative descriptions of each priority. The revised statement reduces each vision to one action statement. The 2013 Statement enumerates 17 succinct aspirations for the community while the 2002 Statement outlined 8 protracted goals. The abbreviated vision is intended to be more accessible and user-friendly.

Emphasis on social and economic aspects as well as land use: The 2013 Statement looks not only at the community's vision for land use, but also outlines key community ethos intended to guide policy development. Some of these ethos include: equality, openness, social services, responsive and forward-thinking government, local businesses, arts and culture and healthy lifestyles. The 2002 Statement focused almost exclusively on land use issues.

Sustainability: The 2013 Statement significantly broadens the concept of sustainability. In 2002, the environmental focus was almost exclusively on natural resources conservation. The 2013 statement expands this concept, calling for greater resident and community self-sufficiency while reducing the community's environmental footprint.

Next Steps:

Once a Vision Statement has been approved by the Council, Plan staff hope to complete the GPP update by the end of 2014. Once the Plan Commission approves the GPP updates, State law requires that the City Council approve the updates *via* resolution (IC §36-7-4-509).

**Item Five – Res 13-04 – Consolidating Council Board and Commission  
Interviewing and Nominating Committees  
as Recommended by the Council Rules Committee**

**Res 13-04** is sponsored by Councilmember Neher who is chair of the Council Rules Committee<sup>8</sup> and brings forward one of its recommendations before the Committee wraps up its work and submits a report to the Council later this year. This recommendation relates to the Council Board and Commission Interviewing and Nominating Committees, which make recommendations to the full Council regarding the appointment of citizens to the City’s 24 boards and commissions. Based upon a presentation from the City Clerk and her Deputy, who facilitate the work of these committees, the Rules Committee was persuaded that consolidating the 24, three-member committees into three, three-member committees would save time and effort, and should be brought forward now in order to be in place when the Council begins the annual task of considering the many appointments that expire at the end of January.

The three Interviewing Committees have the following names and are responsible for nominations of citizens to the following boards and commissions:

- (a) Committee “A” shall be responsible for the following boards and commissions:
- Animal Control Commission
  - Board of Zoning Appeals
  - Commission on Aging
  - Historic Preservation Commission
  - Housing Quality Appeals Board
  - Public Transportation Corporation
  - Redevelopment Commission, and
  - Bloomington Urban Enterprise Association

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<sup>8</sup> The committee is composed of Councilmembers Granger, Mayer, Neher and Ruff and began deliberations in June of 2012.

- (b) Committee “B” shall be responsible for the following boards and commissions:
- Bicycle and Pedestrian Safety Commission
  - Bloomington Digital Underground Advisory Committee
  - Commission on the Status of Black Males
  - Commission on the Status of Women
  - Environmental Commission
  - Martin Luther King, Jr. Birthday Commission
  - Telecommunications Council, and
  - Traffic Commission
- (c) Committee “C” shall be responsible for the following boards and commissions:
- Bloomington Arts Commission
  - Commission on Hispanic and Latin Affairs
  - Bloomington Commission on Sustainability
  - Commission on Children and Youth
  - Housing Trust Fund Board
  - Human Rights Commission
  - Tree Commission, and
  - Utilities Services Board.

Please note that these Interviewing Committees are Standing Committees of the Council. As such, the President of the Council is responsible for assigning members to these committees (observing as close as possible the preferences of Council members) as well as selecting the chair of each committee.<sup>9</sup>

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<sup>9</sup> BMC 2.04.210

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL ORGANIZATIONAL MEETING  
FOLLOWED BY A COMMITTEE OF THE WHOLE  
7:30 P.M., WEDNESDAY, JANUARY 9, 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. ELECTION OF OFFICERS** (The newly-elected President will assign seats to Council members before the Council makes appointments to boards and commissions).

**VI. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VII. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

*None*

**VIII. LEGISLATION FOR FIRST READING**

1. Ordinance 13-01 To Vacate a Public Parcel – Re: a 50-foot Wide, 768-Foot Long Segment of South Tech Boulevard Running North of West Schmaltz Boulevard (Public Investment Corporation, Petitioner)
2. Ordinance 13-02 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” and Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” - Re: Various Changes to Make the Local Code Consistent with Other Provisions of the Code, State and Federal Law, and Best Practice

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

**X. COUNCIL SCHEDULE**

**XI. 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.

*(and immediately reconvene for)*

## COMMITTEE OF THE WHOLE

**Chair: Dave Rollo**

1. Ordinance 13-01 To Vacate a Public Parcel – Re: A 50-foot Wide, 768-Foot Long Segment of South Tech Boulevard Running North of West Schmaltz Boulevard (Public Investment Corporation, Petitioner)

Asked to Attend: Lynne Darland, Zoning Compliance Officer, Planning Department  
Representative of Petitioner

2. Resolution 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)

Asked to Attend: Danise Alano-Martin, Economic & Sustainable Development Director  
Representative of Petitioner

3. Resolution 13-01 To Adopt a New Vision Statement for Updating the Growth Policies Plan

Asked to Attend: Nate Nickel, Senior Long Range Planner, Planning Department

4. Ordinance 13-02 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” and Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” - Re: Various Changes to Make the Local Code Consistent with Other Provisions of the Code, State and Federal Law, and Best Practice

Asked to Attend: Tom Micuda, Director, Planning Department

5. Resolution 13-04 To Consolidate the Council Board and Commission Interviewing and Nominating Committees

Sponsor: Darryl Neher, Chair, Council Rules Committee



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

To Council Members  
From Council Office  
Re Weekly Calendar – 07 – 11 January 2013

**Monday, 07 January**

5:30 pm Bicycle and Pedestrian Safety Commission – Work Session, Hooker Room

**Tuesday, 08 January**

1:30 pm Development Review Committee, McCloskey  
4:00 pm Common Council Sidewalk Committee, McCloskey  
4:30 pm Commission on Aging, Hooker Room  
6:00 pm Bloomington Commission on Sustainability, McCloskey  
6:30 pm Sister Cities International – CubAmistad, Dunlap  
6:30 pm Sister Cities International – Posoltega, Kelly  
7:30 pm Sister Cities International, Kelly  
7:30 pm Telecommunications Council, Council Chambers

**Wednesday, 09 January**

12:00 pm Bloomington Urban Enterprise Association, McCloskey  
2:00 pm Hearings Officer, Kelly  
5:30 pm Commission on the Status of Black Males, Hooker Room  
5:00 pm Bloomington Arts Commission, McCloskey  
7:30 pm Common Council – Organizational Meeting followed by a Committee of the Whole ,  
Council Chambers

**Thursday, 10 January**

12:00 pm Housing Network, Council Chambers  
3:00 pm Council Rules Committee, Council Library  
4:00 pm Monroe County Solid Waste Management District, Courthouse, Judge Nat U. Hill III Room  
4:30 pm Bloomington Historic Preservation Commission, McCloskey

**Friday, 11 January**

*No meetings are scheduled for this date.*

*Posted and Distributed: Friday, 04 January 2013*



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

# **NOTICE**

## **COUNCIL SIDEWALK COMMITTEE**

**TUESDAY, 08 JANUARY 2013**

**4:00 p.m.**

**McCLOSKEY ROOM (#135)**

**CITY HALL, 401 N. MORTON**

Because a quorum of the Council may be present, this meeting may constitute a meeting of the Council as well as of this Committee under the Indiana Open Door Law.

This statement is provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Wednesday, 02 January 2013





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

# **NOTICE**

## **COUNCIL RULES COMMITTEE**

**THURSDAY, 10 JANUARY 2013**

**3:00 p.m.**

**COUNCIL LIBRARY(#110)**

**CITY HALL, 401 N. MORTON**

Because a quorum of the Council may be present, this meeting may constitute a meeting of the Council as well as of this Committee under the Indiana Open Door Law.

This statement is provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Wednesday, 02 January 2013

# COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2013

## ACTION BY MOTIONS OF THE COUNCIL

President \_\_\_\_\_  
Vice President \_\_\_\_\_  
Parliamentarian \_\_\_\_\_

**Citizens Advisory Committee - Community Development Block Grants (CDBG)**

Social Services \_\_\_\_\_  
Physical Improvements \_\_\_\_\_

**Commission for Bloomington Downtown** \_\_\_\_\_

**Economic Development Commission (City)** \_\_\_\_\_

**Economic Development Commission (County)** \_\_\_\_\_

**Environmental Resource Advisory Committee** \_\_\_\_\_

**Metropolitan Planning Organization** \_\_\_\_\_

**Plan Commission** \_\_\_\_\_

**Solid Waste Management District** \_\_\_\_\_

**Board of the Urban Enterprise Association** \_\_\_\_\_

**Utilities Service Board** \_\_\_\_\_

**Bloomington Economic Development Corporation** \_\_\_\_\_

**Bloomington Commission on Sustainability** \_\_\_\_\_

## ACTION BY PRESIDENT (By Assignment)

**Jack Hopkins Social Services Funding Committee (5 council members)**

---

**Council Sidewalk Committee (4 council members) (Regarding 2014 Funds)**

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**Council Interview Committees for Citizen Appointments to Boards and Commissions (see accompanying list)**

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# COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2012

## ACTION BY MOTIONS OF THE COUNCIL

<b>President</b>	<u>Tim Mayer</u>
<b>Vice President</b>	<u>Susan Sandberg</u>
<b>Parliamentarian</b>	<u>Andy Ruff</u>

### **Citizens Advisory Committee - Community Development Block Grants (CDBG)**

<b>Social Services</b>	<u>Susan Sandberg</u>
<b>Physical Improvements</b>	<u>Tim Mayer</u>

**Commission for Bloomington Downtown** Chris Sturbaum

**Economic Development Commission (City)** Darryl Neher

**Economic Development Commission (County)** Regina Moore

**Environmental Resource Advisory Committee** Dave Rollo

**Metropolitan Planning Organization** Andy Ruff

**Plan Commission** Chris Sturbaum

**Solid Waste Management District** Steve Volan

**Board of the Urban Enterprise Association** Chris Sturbaum

**Utilities Service Board** Tim Mayer

**Bloomington Economic Development Corporation** Susan Sandberg/Tim Mayer  
(Share)

**Bloomington Commission on Sustainability** Dave Rollo

*\* Councilmember Rollo currently chairs the City/County Deer Task Force*

## ACTION BY PRESIDENT (By Assignment)

**Jack Hopkins Social Services Funding Committee (5 council members)**  
Dorothy Granger, Tim Mayer, Darryl Neher, Susan Sandberg & Marty Spechler

**Council Sidewalk Committee (4 council members) (Regarding 2013 Funds)**  
Dorothy Granger, Dave Rollo, Marty Spechler & Chris Sturbaum

**Council Interview Committees for Citizen Appointments to Boards and Commissions (see accompanying list)**

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**2012 COUNCIL**

**BOARD AND COMMISSION INTERVIEW COMMITTEES**

<u>Animal Control Commission</u>	<u>Bicycle &amp; Pedestrian Safety Commission</u>	<u>Bloomington Commission on Aging</u>	<u>Bloomington Commission on Sustainability</u>
<u>Bloomington Arts Commission</u>	<u>Bloomington Digital Underground</u>	<u>Bloomington Historic Preservation Commission</u>	<u>Bloomington Human Rights Commission</u>
<u>Bloomington Public Transportation Corporation</u>	<u>Bloomington Urban Enterprise Association</u>	<u>Board of Housing Quality Appeals</u>	<u>Board of Zoning Appeals</u>
<u>Commission on Hispanic and Latino Affairs</u>	<u>Commission on the Status of Black Males</u>	<u>Commission on the Status of Women</u>	<u>Community &amp; Family Resources Commission</u>
<u>Environmental Commission</u>	<u>Housing Trust Fund Board of Directors</u>	<u>Martin Luther King, Jr. Birthday Commission</u>	<u>Redevelopment Commission</u>
<u>Telecommunications Council</u>	<u>Traffic Commission</u>	<u>Tree Commission</u>	<u>Utilities Service Board</u>

*\* Notes: The Council appoints 3 advisory members to the HPC and the Mayor appoints 7 voting members with the consent of the Council.*

The President assigns members to interviewing committees (per Standing Committees - BMC 2.04.210) and these assignments usually, but need not, remain in place for the entire term. These committees meet to review applications for appointments to their respective boards/commissions after the media has been informed of the vacancies (per BMC 2.02.020), and then determine whether to interview applicants and, if so, which ones. Interviews and deliberations usually occur on a Wednesday evening before a Council meeting and then the recommendations are forwarded to the full Council for the final action. Please note that while the Open Door Law allows the initial review and cut to be done in an Executive Session, the interviews, if any, and final recommendations must occur at a public meeting (per IC 5-14-1.5-6(b)(10)).

# Council Member Seating 2007 – 2013 (Assigned by President)<sup>1</sup>

## Seating For the Year 2007

Wisler	Diekhoff	Sabbagh	Volan	Rollo	Mayer	Sturbaum	Sandberg	Ruff
			Vice President	President	Parliamentarian			

## Seating For the Year 2008

Rollo	Wisler	Piedmont	Ruff	Sandberg	Volan	Sturbaum	Satterfield	Mayer
			Vice President	President	Parliamentarian			

## Seating For the Year 2009

Rollo	Wisler	Sandberg	Piedmont- Smith	Ruff	Volan	Sturbaum	Satterfield	Mayer
			Vice President	President	Parliamentarian			

## Seating For the Year 2010

Rollo	Wisler	Sandberg	Ruff	Piedmont- Smith	Satterfield	Volan	Sturbaum	Mayer
			Vice President	President	Parliamentarian			

## Seating For the Year 2011

Wisler	Rollo	Sturbaum	Ruff	Sandberg	Mayer	Satterfield	Volan	Piedmont- Smith
			Vice President	President	Parliamentarian			

## Seating For the Year 2012

Neher	Granger	Sturbaum	Sandberg	Mayer	Ruff	Rollo	Volan	Spechler
			Vice President	President	Parliamentarian			

## Seating For the Year 2013

			Vice President	President	Parliamentarian			

<sup>1</sup> Written requests by two Council members to exchange seats will be granted by the President. (per BMC2.04.110)

**ORDINANCE 13-01**

**TO VACATE A PUBLIC PARCEL -  
Re: A 50-Foot Wide, 768-Foot Long Segment of South Tech Boulevard  
Running North of West Schmaltz Boulevard  
(Public Investment Corporation, Petitioner)**

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, (Public Investment Corporation), has filed a petition to vacate a parcel of City property more particularly described below;

WHEREAS, pursuant to I.C. 36-7-3-16, the City received written communications from utility services regarding their interests in the right-of-way and those communications are on file and available for inspection at the City Planning and Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana (47402);

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

SECTION 1. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property is a 50-foot wide, 768-foot long segment of South Tech Boulevard street right-of-way running West Schmaltz Boulevard and ending at the terminus of the cul-de-sac which is more particularly described as follows:

All that portion of Tech Park Boulevard that is adjacent to Lots 10 through 13 in Mill Creek Phase 1, Replat of Lot 10 as recorded in Plat Cabinet D, Envelope 93, Instrument Number 2009017173 and all that portion of Tech Park Boulevard that is adjacent to Lots 7 and 8 and a part of Tech Park Boulevard that is adjacent to Lot 1 in Mill Creek Phase 1 as recorded in Plat Cabinet D, Envelope 21, Instrument Number 2005022765 being more particularly described as follows:

**BEGINNING** at The Southeast corner of said Lot 8; thence NORTH 00 degrees 53 minutes 45 seconds EAST along the east line of Lot 8 a distance of 311.50 feet to the Southeast corner of Lot 9; thence along the east line of Lot 9 the next eight (8) courses:

1. NORTH 00 degrees 53 minutes 45 seconds EAST 36.69 feet; thence
2. NORTH 14 degrees 02 minutes 00 seconds EAST 144.77 feet; thence
3. NORTH 06 degrees 16 minutes 19 seconds WEST 73.40 feet; thence
4. NORTH 27 degrees 27 minutes 37 seconds WEST 56.19 feet; thence
5. NORTH 61 degrees 20 minutes 47 seconds WEST 41.84 feet; thence
6. NORTH 28 degrees 42 minutes 14 seconds WEST 31.71 feet; thence
7. NORTH 12 degrees 13 minutes 46 seconds EAST 27.13 feet; thence
8. NORTH 45 degrees 58 minutes 43 seconds EAST 18.84 feet to the Southwest corner of Lot 13 and the beginning

of a non-tangent curve concave to the south having a radius of 37.00 feet and a chord which bears SOUTH 85 degrees 27 minutes 00 seconds EAST 47.07 feet; thence SOUTHEASTERLY along the south line of Lot 13 and along said curve an arc distance of 51.02 feet to the Northwest corner of Lot 12 and the beginning of a compound curve concave to the southwest having a radius of 37.00 feet and a chord which bears SOUTH 21 degrees 58 minutes 43 seconds EAST 30.11 feet; thence along the west line of Lot 12 the next three (3) courses:

1. SOUTHERLY along said curve an arc distance of 31.01 feet to the beginning of a reverse curve concave to the northeast having a radius of 25.00 feet and a chord which bears SOUTH 18 degrees 21 minutes 39 seconds EAST 17.42 feet; thence
2. SOUTHERLY along said curve an arc distance of 17.79 feet to the beginning of a reverse curve concave to the southwest having a radius of 224.65 feet and a chord which bears SOUTH 27 degrees 22 minutes 47 seconds EAST 88.58 feet; thence
3. SOUTHERLY along said curve an arc distance of 89.17 feet to the Northwest corner of Lot 11 and the beginning of a non-tangent curve concave to the west having a radius of 223.04 feet and a chord which bears SOUTH 11 degrees 11 minutes 48 seconds EAST 38.13 feet; thence along the west line of Lot 11 the next three (3) courses:
  1. SOUTHERLY along said curve an arc distance of 38.18 feet; thence
  2. SOUTH 06 degrees 16 minutes 19 seconds EAST 9.50 feet to the beginning of a tangent curve concave to the west having a radius of 225.00 feet and a chord which bears SOUTH 03 degrees 52 minutes 51 seconds WEST 79.32 feet; thence
  3. SOUTHERLY along said curve an arc distance of 79.74 feet to the Northwest corner of Lot 10; thence along the west line of Lot 10 the next three (3) courses:

1. SOUTH 14 degrees 02 minutes 00 seconds WEST 87.52 feet to the beginning of a tangent curve concave to the east having a radius of 175.00 feet and a chord which bears SOUTH 07 degrees 27 minutes 52 seconds WEST 40.04 feet; thence
2. SOUTHERLY along said curve an arc distance of 40.13 feet; thence
3. SOUTH 00 degrees 53 minutes 45 seconds WEST 96.61 feet to the Northwest corner of Lot 7; thence SOUTH 00

degrees 53 minutes 45 seconds WEST along the west line of Lot 7 a distance of 217.92 feet to the beginning of a tangent curve concave to the northeast having a radius of 25.00 feet and a chord which bears SOUTH 43 degrees 18 minutes 32 seconds EAST 34.86 feet; thence SOUTHEASTERLY along said curve an arc distance of 38.57 feet to the north line of Schmaltz Boulevard; thence NORTH 87 degrees 29 minutes 47 seconds WEST along the westerly extension of said north line a distance of 79.33 feet to the east line of Lot 1; thence NORTH 00 degrees 53 minutes 03 seconds EAST along said east line a distance of 15.01 feet to the south line of Lot 8; thence SOUTH 89 degrees 06 minutes 15 seconds EAST along said south line a distance of 5.00 feet to the POINT OF BEGINNING, containing 0.88 acres, more or less.

SECTION 2. 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.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

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

\_\_\_\_\_  
 , President  
 Bloomington Common Council

ATTEST:

\_\_\_\_\_  
 REGINA MOORE, Clerk  
 City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
 REGINA MOORE, Clerk  
 City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

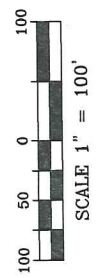
\_\_\_\_\_  
 MARK KRUZAN, Mayor  
 City of Bloomington

#### SYNOPSIS

The petitioner, Public Investment Corporation, requests vacation of a segment of street right-of-way running south/north from West Schmaltz Blvd. and ending at the terminus of the cul-de-sac to the north. The request is done on behalf of Hoosier Energy which intends to relocate its corporate headquarters from North State Road 37 to this site within City limits.



HOOSIER ENERGY  
BLOOMINGTON, IN







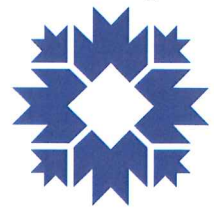
By: greulice  
22 Oct 12



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 300'



**CITY OF BLOOMINGTON  
PLANNING DEPARTMENT  
MEMORANDUM**

**DATE:** December 12, 2012  
**TO:** City of Bloomington Common Council Members  
**FROM:** Tom Micuda, Planning Director  
**SUBJECT:** Request for vacation of street right-of-way  
**PETITIONERS:** Public Investment Corporation

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**LOCATION:** The location of this right-of-way segment is South Tech Park Boulevard, which runs north of Schmaltz Blvd. and continues to the terminus of a cul-de-sac. The general location is east of State Road 37 and north of Tapp Road. The street right-of-way measures 50 feet wide by 768 feet in length.

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**BACKGROUND:** The purpose of this street vacation request is to allow for the purchase and development of vacant lots north of Tapp Road and east of State Road 37. The development project proposed is a corporate office complex for Hoosier Energy. Hoosier Energy has been located on North State Road 37 since the early 1950's and has outgrown their available space. As a result, Hoosier Energy wishes to purchase approximately 13.5 acres from the owner, Public Investment Corporation, over Lots 1, 6, 7, 8, 10, 11, 12, and 13 of the Mill Creek Subdivision.

The Site Plan request for the proposed corporate office building will be reviewed by staff per the Planned Unit Development (PUD-38-04) approval rendered by the Plan Commission. The proposed corporate headquarters building will be approximately 80,000 square feet with a possible future expansion of an additional 30,000 square feet. The building will be constructed with a "Prairie Style" aesthetic and contain brick, limestone, and glass. The building will have a two-story appearance from the south and three story appearance from the north. Hoosier Energy is working to design a LEED Silver building with many green building design components. Approximately 230 parking spaces will be provided for permanent employees as well as some temporary employees and visitors. One of the potential parking lots will not be constructed unless there is need for additional spaces.

There are two reasons why Hoosier Energy has requested a right-of-way vacation. First, the proposed headquarters will be gated for security at the Schmaltz Blvd. entry. Second, in order for the proposed building and parking layout to work, Hoosier Energy must reconfigure the existing public street - Tech Park Blvd.

There is an existing cell tower located on Lot #13. Hoosier Energy will purchase this lot from Public Investment Corporation, and the lease agreement with the cell tower will continue. Access to the cell tower will be provided as a component of the proposed Site Plan.

The City of Bloomington Parks Department has been contacted because Wapahani Park is contiguous to the proposal. The Parks Department is supportive of the request and states that they have adequate access to the park from Weimer Road.

Other approvals still required for this development are Planning staff review of the Site Plan and a tax abatement request. The tax abatement request will be considered at the same time as the right-of-way vacation. Staff site plan review has started and will conclude during the spring of 2013.

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**UTILITY INTRESTS:** The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way:

- **The City of Bloomington Public Works Department**
- **The City of Bloomington Utilities Department**
- **The City of Bloomington Information & Technology Services Department (ITS)**
- **AT&T**
- **Duke Energy**
- **Comcast Communications**
- **City of Bloomington Police Department**
- **City of Bloomington Fire Department**
- **Vectren**

The request for vacation was heard by the Board of Public Works (BPW) on December 18, 2012. The BPW voted to recommend vacation of the right-of-way. City Fire, Police, ITS, Comcast, and Vectren have no objections to the proposed vacation. CBU, Duke Energy, and ATT Midwest have no objections to the proposed vacation, but will need easements so that they can access their utilities.

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**CRITERIA:** The criteria utilized to review a public ROW or easement vacation request are as follows:

**1. Current Status - Access to Property.**

The right-of-way in question is a fully constructed street which ends in a cul-de-sac. The street, S. Tech Park Blvd., provides access to a cell tower on Lot 13 of the subdivision. All other surrounding lots are vacant. The current access to the cell tower will be maintained through realignment of the existing street.

**2. Necessity for Growth of the City:**

*Future Status:* This right-of-way is not necessary to provide future access to any properties. Because of the sensitive nature of Wapahani Park, no access to the north was ever conceived as part of the Mill Creek subdivision. All of the lots proposed for purchase will be accessible via Schmaltz Boulevard or the proposed private drive.

*Proposed Private Ownership Utilization:* The only interested parties to this right-of-way are Public Investment Corporation and the City of Bloomington, Parks Department. In this case, the right-of-way would eventually be turned over to Hoosier Energy.

*Compliance with Regulations:* The vacation of this street right-of-way will not create any issues regarding compliance with local regulations. Because Tech Park Boulevard was never proposed to access properties north of the subdivision and because the surrounding lots will be purchased by one owner, there is no concern with the street changing to a private drive with access to the existing cell tower.

*Relation to Plans:* The vacation of this right-of-way and associated corporate office proposal are consistent with City Plans. The Thoroughfare Plan does not show this street on its official map, thereby indicating that it has no connectivity function. In its State Road 37 Subarea section and Land Use Map, the Growth Policies Plan recommends development of the area as an “Employment Center”. A unified development featuring corporate office space is the most preferred development option for these properties.

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**RECOMMENDATION:** Both the Planning Department and the Board of Public Works have recommended that the City vacate the street right-of-way in question.



City of Bloomington  
Office of the Common Council

Petition for Vacation of Public Right-of-Way

<b>Ordinance:</b>		<u>Ord 13-01</u>
<b>Hearings:</b>		
<b>Council Chambers</b>	<b>Regular Session - First Reading</b>	January 9, 2013
<b>401 North Morton Street</b>	<b>Committee of the Whole – Discussion</b>	January 9, 2013 (after Regular Session)
<b>7:30 p.m.</b>	<b>Regular Session – Public Hr &amp; Final Action</b>	January 16, 2013
<b>Address of Property</b>	2790 South Tech Park Boulevard	
<b>Description of Proposed Vacation:</b>	A 50-foot wide, 768-foot long, segment of South Tech Boulevard running north of West Schmaltz Boulevard	
<b>Name of Petitioner</b>	Ted Ferguson, Public Investment Corporation	
<b>Address</b>	4101 W. Sierra Drive, Bloomington, IN 47403	
<b>Phone</b>	812-825-7690 ( <a href="mailto:tjf@ferglaw.com">tjf@ferglaw.com</a> )	
<b>Consultant</b>	Dan Neubecker, Bledsoe Riggert and Guerrettaz, Inc.	
<b>Address</b>	1351 W. Tapp Road, Bloomington, IN 47403	
<b>Phone</b>	812-336-8277 ( <a href="mailto:dlneubec@brgcivil.com">dlneubec@brgcivil.com</a> & <a href="mailto:bernie@brgcivil.com">bernie@brgcivil.com</a> )	
<b>Abutting Property Owners:</b>	City of Bloomington Parks and Recreation Department, Attention: Mick Renneisen, P.O. Box 848, Bloomington, IN 47402	

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will provide a list of and notify all adjacent property owners by certified mail at the applicant's expense.

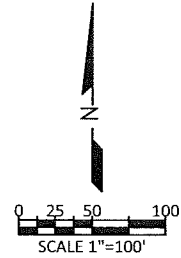
I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature:  Date: 1/2/2013

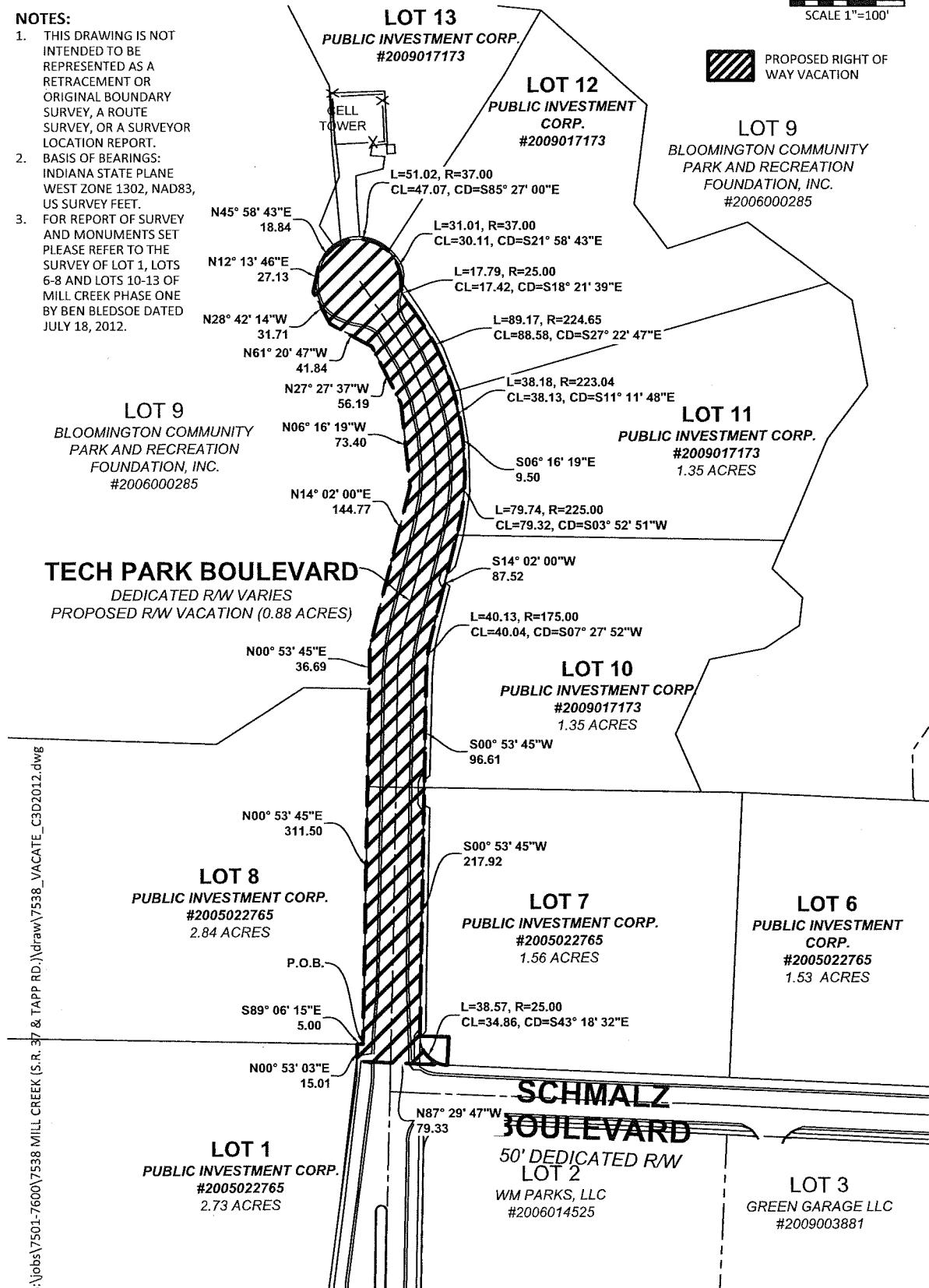
**PROPOSED RIGHT OF WAY VACATION**  
**TECH PARK BOULEVARD**  
A PART OF MILL CREEK, PHASE 1 (PLAT CABINET D, ENV. 21 AND 93)  
MONROE CO., INDIANA  
JOB No. 7662 (7538)

Client Name: PUBLIC INVESTMENT CORPORATION



**NOTES:**

1. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.
2. BASIS OF BEARINGS: INDIANA STATE PLANE WEST ZONE 1302, NAD83, US SURVEY FEET.
3. FOR REPORT OF SURVEY AND MONUMENTS SET PLEASE REFER TO THE SURVEY OF LOT 1, LOTS 6-8 AND LOTS 10-13 OF MILL CREEK PHASE ONE BY BEN BLEDSOE DATED JULY 18, 2012.



S:\jobs\7501-7600\7538 MILL CREEK (S.R. 37 & TAPP RD.)\draw\7538\_VACATE\_C3D2012.dwg

**Proposed Right of Way Vacation  
Tech Park Boulevard  
Legal Description  
Job # 7662 (7538)**

All that portion of Tech Park Boulevard that is adjacent to Lots 10 through 13 in Mill Creek Phase 1, Replat of Lot 10 as recorded in Plat Cabinet D, Envelope 93, Instrument Number 2009017173 and all that portion of Tech Park Boulevard that is adjacent to Lots 7 and 8 and a part of Tech Park Boulevard that is adjacent to Lot 1 in Mill Creek Phase 1 as recorded in Plat Cabinet D, Envelope 21, Instrument Number 2005022765 being more particularly described as follows:

**BEGINNING** at The Southeast corner of said Lot 8; thence NORTH 00 degrees 53 minutes 45 seconds EAST along the east line of Lot 8 a distance of 311.50 feet to the Southeast corner of Lot 9; thence along the east line of Lot 9 the next eight (8) courses:

1. NORTH 00 degrees 53 minutes 45 seconds EAST 36.69 feet; thence
2. NORTH 14 degrees 02 minutes 00 seconds EAST 144.77 feet; thence
3. NORTH 06 degrees 16 minutes 19 seconds WEST 73.40 feet; thence
4. NORTH 27 degrees 27 minutes 37 seconds WEST 56.19 feet; thence
5. NORTH 61 degrees 20 minutes 47 seconds WEST 41.84 feet; thence
6. NORTH 28 degrees 42 minutes 14 seconds WEST 31.71 feet; thence
7. NORTH 12 degrees 13 minutes 46 seconds EAST 27.13 feet; thence
8. NORTH 45 degrees 58 minutes 43 seconds EAST 18.84 feet to the Southwest corner of Lot 13 and the beginning of a non-tangent curve concave to the south having a radius of 37.00 feet and a chord which bears SOUTH 85 degrees 27 minutes 00 seconds EAST 47.07 feet; thence SOUTHEASTERLY along the south line of Lot 13 and along said curve an arc distance of 51.02 feet to the Northwest corner of Lot 12 and the beginning of a compound curve concave to the southwest having a radius of 37.00 feet and a chord which bears SOUTH 21 degrees 58 minutes 43 seconds EAST 30.11 feet; thence along the west line of Lot 12 the next three (3) courses:
  1. SOUTHERLY along said curve an arc distance of 31.01 feet to the beginning of a reverse curve concave to the northeast having a radius of 25.00 feet and a chord which bears SOUTH 18 degrees 21 minutes 39 seconds EAST 17.42 feet; thence
  2. SOUTHERLY along said curve an arc distance of 17.79 feet to the beginning of a reverse curve concave to the southwest having a radius of 224.65 feet and a chord which bears SOUTH 27 degrees 22 minutes 47 seconds EAST 88.58 feet; thence
  3. SOUTHERLY along said curve an arc distance of 89.17 feet to the Northwest corner of Lot 11 and the beginning of a non-tangent curve concave to the west having a radius of 223.04 feet and a chord which bears SOUTH 11 degrees 11 minutes 48 seconds EAST 38.13 feet; thence along the west line of Lot 11 the next three (3) courses:
    1. SOUTHERLY along said curve an arc distance of 38.18 feet; thence
    2. SOUTH 06 degrees 16 minutes 19 seconds EAST 9.50 feet to the beginning of a tangent curve concave to the west having a radius of 225.00 feet and a chord which bears SOUTH 03 degrees 52 minutes 51 seconds WEST 79.32 feet; thence
    3. SOUTHERLY along said curve an arc distance of 79.74 feet to the Northwest corner of Lot 10; thence along the west line of Lot 10 the next three (3) courses:
      1. SOUTH 14 degrees 02 minutes 00 seconds WEST 87.52 feet to the beginning of a tangent curve concave to the east having a radius of 175.00 feet and a chord which bears SOUTH 07 degrees 27 minutes 52 seconds WEST 40.04 feet; thence
      2. SOUTHERLY along said curve an arc distance of 40.13 feet; thence
      3. SOUTH 00 degrees 53 minutes 45 seconds WEST 96.61 feet to the Northwest corner of Lot 7; thence SOUTH 00 degrees 53 minutes 45 seconds WEST along the west line of Lot 7 a distance of 217.92 feet to the beginning of a tangent curve concave to the northeast having a radius of 25.00 feet and a chord which bears SOUTH 43 degrees 18 minutes 32 seconds EAST 34.86 feet; thence SOUTHEASTERLY along said curve an arc distance of 38.57 feet to the north line of Schmalz Boulevard; thence NORTH 87 degrees 29 minutes 47 seconds WEST along the westerly extension of said north line a distance of 79.33 feet to the east line of Lot 1; thence NORTH 00 degrees 53 minutes 03 seconds EAST along said east line a distance of 15.01 feet to the south line of Lot 8; thence SOUTH 89 degrees 06 minutes 15 seconds EAST along said south line a distance of 5.00 feet to the POINT OF BEGINNING, containing 0.88 acres, more or less.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified this 6<sup>th</sup> day of November, 2012



Ben E. Bledsoe  
Registered Land Surveyor No. 0559  
State of Indiana



November 7, 2012

Lynne Darland  
City of Bloomington Planning Department  
Showers Center City Hall  
401 North Morton Street  
Bloomington, Indiana 47402

RE: Request for Public Right-Of-Way Vacation  
2790 S Tech Park Blvd for Public Investment Corporation

Dear Lynne,

On behalf of the Public Investment Corporation we are requesting the vacation of the public right-of-way for Tech Park Boulevard (TPB), north of its intersection with Schmalz Boulevard in the Mill Creek development. Attached, for your review, is the Petition for Vacation of Public Right-Of-Way and the Proposed Right-of-Way Vacation Exhibit.

Public Investment Corporation (PIC) currently owns all the lots surrounding this section of TPB, with the exception of Lot 9, which is owned by the Bloomington Community Park and Recreation Foundation, Inc. PIC is in considering the sale of this property to a single tenant who will aggregate all the lots with frontage along this section of TPB into one zoning lot for development of a single use, single tenant office building. Access to the existing cell tower at the north end of TPB, and easement for any utilities that serve it, will be provided across the site to allow that use to continue in its current location and form.

In order to develop the site in a manner that meets the project goals with respect to circulation, parking, service areas, tree preservation, building orientation and views, etc., more site flexibility is necessary than would be possible with the public street in place. Portions of the existing Tech Park Boulevard may be used as part of this new LEED certified development, but a substantial portion of it is expected be removed in favor of pedestrian circulation, parking lot and/or building. Existing utilities will be relocated and new easements granted, as needed, to best serve the proposed facility.

We ask that this request be approved with the condition that the land sale takes place by July 31, 2013. If the land sale is not completed by that date, the TPB right-of-way will revert back to its original condition and the vacation will be voided.

Please contact me if you have any questions regarding this request.

Sincerely,

Dan Neubecker

Enclosures

xc via e-mail: Ted Ferguson, PIC  
xc: File – Project No. 7662

7662 – cob-ld-001.ltr



## ORDINANCE 13-01

### TO VACATE A PUBLIC PARCEL -

**Re: A 50-Foot Wide, 768-Foot Long, Segment of Tech Boulevard  
Running North of West Schmaltz Boulevard  
(Public Investment Corporation, Petitioner)**

### Responses from Utilities and Safety Services (Available in the Council Office)

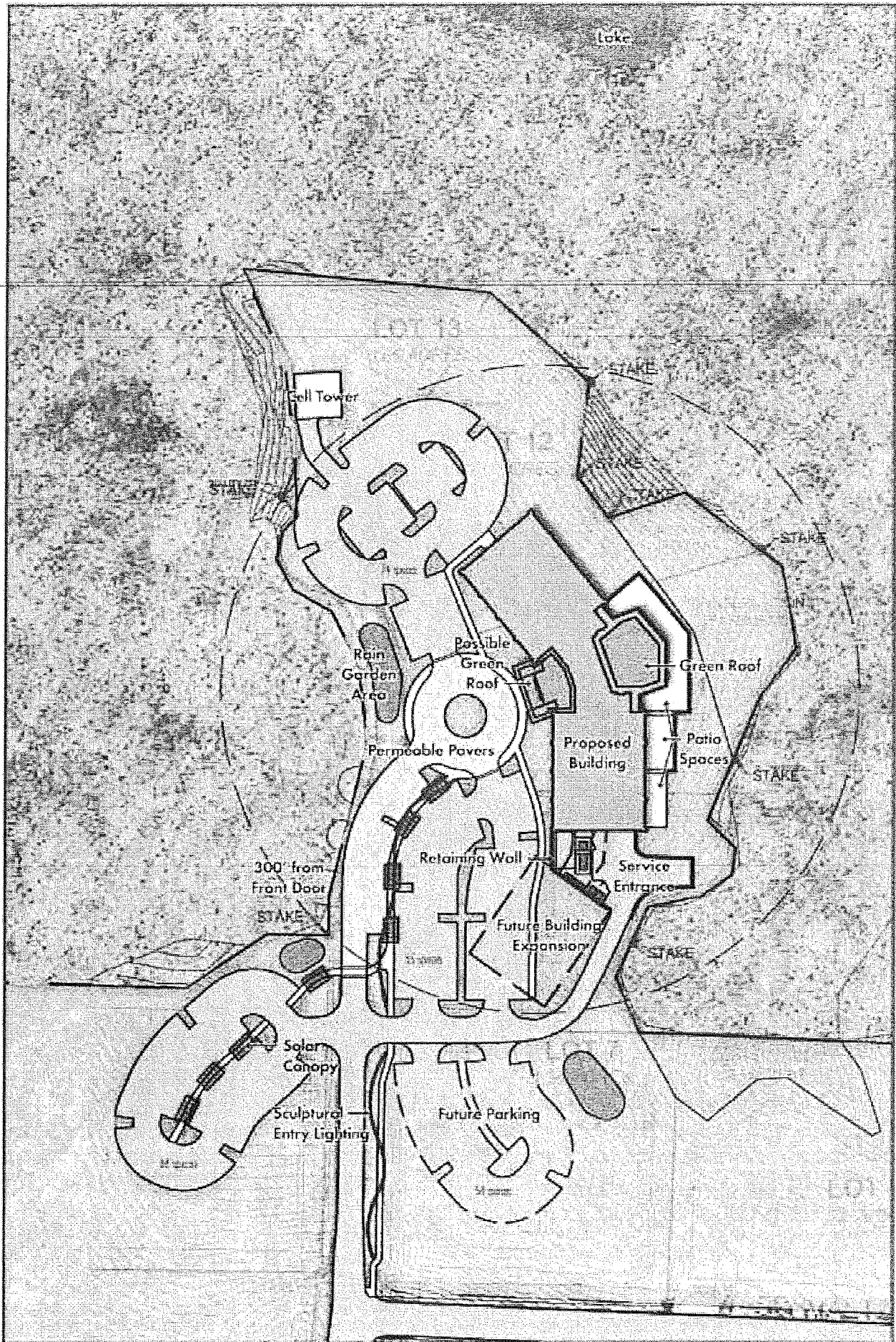
I.C. 36-7-3-16 (b) provides that utilities that are occupying and using all or part of the right-of-way for the location and operation of their facilities at the time the vacation proceedings are instituted may continue to do so after the vacation of right-of-way, unless they waive their rights by filing written consent in those proceedings.

#### Safety Services Interest in the Right-of-Way

Police Department - *has no problem with the vacation request.*  
Fire Department - *is OK with the vacation request.*

#### Utility Interests in the Alley Ways

Vectren - *has a gas line to the south, but no objection to the vacation request.*  
Duke - *has no objection to this vacation request, but will need an easement to access utilities located on this site that serve the cell tower.*  
Comcast - *has no issues with this request.*  
City of Bloomington Utilities Dept - *has no objection to this vacation request, but will need easements to access utility lines located on this site.*  
AT&T - *has no objection to this vacation request, but will need an easement to access utilities located on this site that serve the cell tower.*  
Bloomington Digital Underground (BDU) - *has no reservations with the vacation request.*



# Conceptual Plan

SITE PLAN



**SCHIMMEL** An Equal Opportunity Employer  
 Landscape Architecture  
 12140 1st Avenue, Suite 100  
 Redmond, OR 97053  
 Phone: 503.754.1111  
 www.schimmel.com

**ASSOCIATES**

## **ORDINANCE 13-01**

### **Additional Material**

- For Additional Conceptual Renderings of Site and Structures – *See Res 13-02 – Appendix D*

**RESOLUTION 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)**

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 Project is located in the Tapp Road Tax Increment Finance (TIF) district and I.C. 6-1.1-12.1-2(1) provides that when a property is located in an ERA for tax abatement purposes is also located in a TIF allocation area, the Common Council must approve the statement of benefits by resolution; and

WHEREAS, the Economic Development Commission has reviewed the Petitioner’s application and Statement of Benefits and passed Resolution 12-02 recommending that the Common Council designate the area as an ERA, approve the Statement of Benefits, and authorize a ten-year period of abatement for this project; and

WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part hereof, and found the following:

- A. the estimate of the value of the Project 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 Project as proposed;
- 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 Project as proposed;
- D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
- E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the property described above has experienced a cessation of growth; and

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

SECTION 1. The Common Council finds and determines that the area described above, which is within the Tapp Road Tax Increment Financing Area, should be designated as an "Economic Revitalization Area" as set forth in I.C. 6-1.1-12.1-1 et. seq.; and, the Common Council further finds and determines that the Petitioner, or its successors as allowed by the Memorandum of Understanding, shall be entitled to an abatement of property taxes for the Project as provided in IC 6-1.1-12.1-1 et. seq. for a period of ten (10) years with a deduction schedule as set forth in IC 6-1.1-12.1-4 Version b, subsection (d).

SECTION 2. In granting this designation and deduction the Common Council incorporates I.C. 6-1.1-12.1-12 and 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, and authorizes the City of Bloomington to negotiate a Memorandum of Understanding with the Petitioner specifying substantial compliance terms and consequences and remedies for noncompliance. 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 Agreement.

SECTION 3. The provisions of Indiana Code 6-1.1-12.1-12 are hereby incorporated into this resolution, so that if the Petitioner ceases operations at the facility for which the deduction was granted and the Common Council finds that the Petitioner obtained the deduction by intentionally providing false information concerning its plans to continue operations at the facility, the Petitioner shall pay the amount determined under Indiana Code 6-1.1-12.1-12(e) to the county treasurer.

SECTION 4. The Common Council directs the Clerk of the City to publish a notice announcing the passage of this resolution and requesting that persons having objections or remonstrances to the ERA designation appear before the Common Council at a public hearing on February 6, 2013.

SECTION 5. 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.

\_\_\_\_\_  
President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

### **Synopsis**

This resolution designates 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, as an Economic Revitalization Area (ERA) to allow Hoosier Energy Rural Electric Cooperative, Inc., to receive a ten-year tax abatement for the construction of an 80,000+/- sq ft, LEED-certified headquarters office facility. The resolution also declares the intent of the Council to hold a public hearing on February 6, 2013 to hear public comment on the ERA designation.

**RESOLUTION 12-02  
OF THE  
ECONOMIC DEVELOPMENT COMMISSION  
OF THE  
CITY OF BLOOMINGTON, INDIANA**

**WHEREAS**, the Economic Development Commission of the City of Bloomington, Indiana, recognizes the need to stimulate growth and to maintain a sound economy within the corporate limits of the City of Bloomington, Indiana; and

**WHEREAS**, the Indiana Code at 6-1.1-12.1 et. seq. provides for the designation of "Economic Revitalization Areas" (ERAs) within which property taxes may be abated on improvements to real estate; and

**WHEREAS**, in addition to the ERA designation, an applicant for tax abatement must receive Common Council approval of the Statement of Benefits resulting from the proposed project; and

**WHEREAS**, the Common Council of the City of Bloomington in Ordinance 97-06 gave to the Economic Development Commission the responsibility for making recommendations to the Council regarding requests for tax abatement; and

**WHEREAS**, the Common Council in Resolution 11-01 adopted Tax Abatement General Standards which established the standards to be used in finding an area to be an ERA; and

**WHEREAS**, Hoosier Energy Rural Electric Cooperative, Inc. ("Petitioner") has applied for tax abatement on, and has submitted a Statement of Benefits regarding, its proposed project on Tech Park Boulevard and Schmalz Boulevard, on Lots 1, 6, 7, 8, 10, 11, 12 and 13 of the Mill Creek Planned Unit Development, located in the Tapp Road Tax Increment Financing District; and

**WHEREAS**, the Economic Development Commission has met and considered Petitioner's application and Statement of Benefits, and has recommended a ten year tax abatement on the proposed improvements;

**NOW, THEREFORE, BE IT RESOLVED** that the Economic Development Commission of the City of Bloomington does hereby recommend to the Common Council that it:

1. Designate Lots 1, 6, 7, 8, 10, 11, 12 and 13 of the Mill Creek Planned Unit Development on Tech Park Boulevard and Schmalz Boulevard Tech Park Boulevard, as an ERA;
2. Approve said Statement of Benefits regarding improvements to said site proposed by Petitioner and approve a 10 year tax abatement on said improvements; and
3. Adopt the deduction schedule as specified in Indiana Code 6-1.1-12.1-4 Version b, subsection (d) for this abatement.

**APPROVED** this 21<sup>ST</sup> day of December, 2012.

  
\_\_\_\_\_  
President  
Bloomington Economic Development Commission

  
\_\_\_\_\_  
Secretary  
Bloomington Economic Development Commission



**CITY OF BLOOMINGTON**  
economic & sustainable development

## MEMORANDUM

**To:** City of Bloomington Common Council  
**CC:** Regina Moore, Dan Sherman  
**From:** Danise Alano-Martin  
**Date:** December 17, 2012  
**Re:** Resolutions 13-2 and 13-3

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Hoosier Energy Rural Electric Cooperative, Inc. has been headquartered in Monroe County since it was founded in 1949. The company is owned by 18 rural electric cooperatives, or REMCs/RECs, throughout central and southern Indiana and southeast Illinois and serves over 750,000 individuals, businesses and farms in their service territory (map attached).

Hoosier Energy's current facility on State Road 37, just north of the city limits, is outdated and functionally obsolete. The company has spent two years analyzing future facility needs and searching for a suitable site to replace its corporate headquarters building. The company hopes to purchase several vacant lots north of Tapp Road and east of State Road 37 and to utilize some of the lots to build an 80,000+/- sq ft, LEED-certified building in order to retain 116 jobs in the community as well as provide space for the company's growth in the future. Just as Hoosier Energy's current building has served their needs for nearly 50 years, the company intends for this new facility to meet their needs for several decades to come.

The company has submitted an Application to the City for an Economic Revitalization Area and Tax Abatement, and has submitted a Statement of Benefits Form (SB-1) as required by Indiana Code.

The Economic Development Commission will meet at their regularly scheduled meeting on December 21, 2012, in order to review the request and make their recommendation to the Council.

This memo provides information relevant to both City and State criteria for the City Council's consideration of the ERA establishment and authorization of a 10-year tax abatement for the Project.

### **Criteria: City of Bloomington Tax Abatement General Standards**

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#### **Full-time, living wage jobs**

The project will retain 116 jobs at an average wage of \$46.08. The median salary for the project's retained jobs is also high: \$43.68. The company already meets the City's Living Wage standards, with the lowest hourly wage at \$12.75 (excluding benefits and overtime). This is 90 cents above the 2013 Living Hourly Wage of \$11.85 (15% of which can be comprised of benefits). The aggregate payroll for jobs that will be retained by the project is currently \$11,118,764.



Furthermore, Hoosier Energy provides additional compensation to employees in the form of benefits. The average hourly benefits are valued at \$32.00 and include a defined benefit pension plan, 401k plan with company contribution, health/dental insurance, paid vacation and sick leave, 13 paid holidays per year, tuition reimbursement, disability insurance, life insurance and accidental death and dismemberment insurance.

While the company expects a stable growth rate to continue, no new jobs are projected as part of the project; however, the Administration supports the use of tax abatement for the retention of these quality, high wage jobs in Bloomington and Monroe County.

### **Capital Investment as an enhancement to the tax base**

Hoosier Energy proposes to invest \$20 million in the new construction of an 80,000+/- sq ft, LEED-certified corporate headquarters facility. Currently, only the vacant land contributes to the assessed value of the lots (a total of \$82,100), therefore all of the capital improvements will provide added assessed value to the City's tax base.

The subject property, comprised of approximately 13.5 acres over several lots in the Mill Creek PUD, is located within the City's Tapp Road Tax Increment Financing (TIF) District, an area targeted by the City for redevelopment. The addition of employment to this area is a highly desirable use and Hoosier Energy will develop the project in accordance with the City's Unified Development Ordinance.

### **Evaluative Criteria**

The City's Tax Abatement General Standards describe additional criteria to evaluate whether a project will make "a significant positive contribution to overall economic vitality" of the city. Four categories are outlined, and the petitioner may also offer a description of the project's contributions outside of those categories as appropriate. The four listed categories and the Project's contributions are as follows:

- **Quality of Life/Environmental Sustainability:** Hoosier Energy will seek LEED certification for the facility. Further, the company was attracted to the site because of the wooded nature. The development strategy is to minimize tree removal and disturbance to the property. Hoosier Energy hopes to use the existing tree canopy to create a park-like environment and construct a facility with open, collaborative workspaces that will make use of natural light. Additionally, the relocation is expected to reduce the commuting time (and vehicle miles traveled) for many of Hoosier Energy's employees, and also provide employees more proximate access to the City's existing trail network.

This headquarters office will support the work of Hoosier Energy's renewable energy profile, guided by its voluntarily established renewable energy policy. Renewable sources among Hoosier Energy's 18 member cooperatives include landfill methane facilities, hydropower and wind generation. With further investments in additional landfill methane facilities currently underway, Hoosier Energy will be able to increase renewable capacity to nearly 90 megawatts by 2015.

- **Affordable Housing:** This office project does not contain a housing component.
- **Community Service:** Locally, Hoosier Energy's tax abatement application lists support to several community organizations and demonstrates that the company widely encourages its employees to volunteer in service to the community. Further, the company supports consumer

education programs designed to enhance environmental stewardship and encourage conservation.

- **Community Character:** Formed as a cooperative in 1949, Hoosier Energy is owned by the members it serves. The cooperative model's Seven Guiding Principles reflect and advocate for consumer interests: (1) Voluntary and Open Membership; (2) Democratic Member Control (3) Members' Economic Participation (4) Autonomy and Independence (5) Education, Training and Information (6) Cooperation Among Cooperatives, and (7) Concern for Community.

## **Criteria: Indiana Code**

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Indiana Code requires that the Council review a Statement of Benefits and determine the following in order to establish an Economic Revitalization Area and authorize a tax abatement term.

- The estimate of the value of the redevelopment or rehabilitation is reasonable for the projects of that nature.
- 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.
- 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.
- Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- The totality of the benefits is sufficient to justify the deduction; and

City staff believes that the estimates and benefits described in the Application and on the Statement of Benefits form are reasonable and that the benefits, as outlined above, are sufficient to justify the tax abatement.

Furthermore, obstacles to the normal redevelopment of the property are evident. The entire PUD subdivision (of which Hoosier Energy's proposed development is a fraction) occurred more than a decade ago and since has only secured one development project (Worldwide Automotive at 2661 W Schmalz Boulevard). The lots that Hoosier Energy proposes to acquire especially present obstacles in lot configuration, development cost, access and topography. It should be noted that the unique topography and wooded nature of the site are desirable aesthetic traits that Hoosier Energy seeks to preserve as part of the character of the development project. The company intends for their LEED-certified office building to complement the existing environmental setting.

## **Criteria: Economic Revitalization Area in an Allocation Area (TIF district)**

---

Indiana Code requires that the City Council must approve by resolution any ERA in an allocation area such as a Tax Increment Financing district. The subject property is located within the Tapp Road Tax Increment Financing District. When new assessed value is abated and taxes are phased in over time in a TIF, this means that portions of the funds that would have contributed to the City's TIF account instead are retained by the company or project. A typical concern is that the lack of new tax increment may negatively impact the ability to repay debt currently serviced by the TIF. This concern does not apply to the Tapp Road TIF, however, because it does not hold any obligations.

## Recommendation

Staff recommends finding that the Hoosier Energy project meets the criteria set forth by Indiana Code and by the City of Bloomington Tax Abatement General Standards. We recommend approving Resolution 13-02, which establishes an Economic Revitalization Area that will include Lots 1, 6, 7, 8, 10, 11, 12, and 13, located on Tech Park Boulevard and Schmalz Boulevard in the Mill Creek PUD. It further approves Hoosier Energy's Statement of Benefits and authorizes an abatement term of 10 years. Staff recommends utilizing the deduction schedule set forth in Indiana Code, rather than establishing an "Alternative Deduction Schedule."

Therefore, the estimated tax abatement for each of the ten years will be as follows:

<b>Tax Abatement Calculations for Real Property Improvements</b> <b>Tech Park Blvd, Schmalz Blvd (Hoosier Energy)</b> <b>State Deduction Schedule</b>				
Improvements \$ 20,000,000 2012 Tax Rate - Perry Township 1.93900% Annual Taxes without Abatement \$ 387,800				
Year	Abatement Percent	Assessed Value Abated	Taxes Payable	Taxes Abated
1	100%	\$ 20,000,000	\$ -	\$ 387,800
2	95%	\$ 19,000,000	\$ 19,390	\$ 368,410
3	80%	\$ 16,000,000	\$ 77,560	\$ 310,240
4	65%	\$ 13,000,000	\$135,730	\$ 252,070
5	50%	\$ 10,000,000	\$193,900	\$ 193,900
6	40%	\$ 8,000,000	\$232,680	\$ 155,120
7	30%	\$ 6,000,000	\$271,460	\$ 116,340
8	20%	\$ 4,000,000	\$310,240	\$ 77,560
9	10%	\$ 2,000,000	\$349,020	\$ 38,780
10	5%	\$ 1,000,000	\$368,410	\$ 19,390
<b>Total Taxes to be Paid:</b>				\$1,958,390
<b>Total Value of Abatement:</b>				\$1,919,610

The above estimate assumes that the improvement cost will equal the new assessed value. The estimates are also limited because changes in the tax rate are not projected; 2012 tax rates are used throughout.

If the Council approves the Declaratory Resolution 13-02 and then approves the Confirmatory Resolution 13-03 at a subsequent public hearing, then the City and Hoosier Energy will enter into a Memorandum of Understanding that will specifically define substantial compliance terms and set specific consequences and remedies (or, "clawbacks") if the company does not meet substantial compliance standards annually.

Thank you for your consideration of this request. I look forward to presenting additional details to you.



**CITY OF BLOOMINGTON**  
economic & sustainable development

## Application for Designation as an Economic Revitalization Area (ERA): Real Property Tax Abatement

**City of Bloomington, Indiana**  
**Department of Economic and Sustainable Development**  
**401 N. Morton St., PO Box 100, Bloomington, Indiana 47402-0100**  
**812.349.3418**

### INSTRUCTIONS

1. State law and City of Bloomington policy require that the designation application and statement of benefits form (SB-1) be submitted **prior to the initiation of the project** (i.e., prior to filing for building permits required to initiate construction). If the project requires a rezoning, variance, or approval petition of any kind the petitioner must file prior to submission of the tax abatement application, and must be approved prior to a final hearing on the tax abatement request.
2. All questions must be answered as completely as possible and must be verified with a signature on the completed Statement of Benefits Form (SB-1) and last page of this application. Incomplete or unsigned applications will not be accepted as official filings. If attaching additional pages, please label responses with corresponding Section numbers.
3. Return completed Application and **\$100.00 non-refundable Application Fee** (payable to the **City of Bloomington**) to City of Bloomington Department of Economic & Sustainable Development, PO Box 100, 401 N Morton Street, Suite 130, Bloomington, IN 47402-0100 ([economicvitality@bloomington.in.gov](mailto:economicvitality@bloomington.in.gov)).

### Section 1 – Applicant Information

Name of Company for which ERA Designation is being requested **Hoosier Energy Rural Electric Cooperative, Inc.**

Primary Contact Information (for questions concerning this application and the Project)

Name **Harold Gutzwiller** Job Title **Manager, Economic Dev./Key Accounts**

Phone **(812) 876-0294 ext.** Email **hgutzwiller@hepn.com**

Address **P.O. Box 908**  
(street and/or PO, city, ZIP) **Bloomington, IN 47402**

Compliance Contact Information (person responsible for completion and timely submittal of mandatory annual compliance forms if designation is granted)

Name **Jon Jackson** Job Title **Controller**

Phone **(812) 876-2021 ext.** Email **jjackson@hepn.com**

Address **P.O. Box 908**  
(street and/or PO, city, ZIP) **Bloomington, IN 47402**

### Section 2 – Real Property Location and Description

Monroe County Tax Parcel ID Number(s) **Please See Attachment A** Township **Perry**

Street Address **2581,2601,2651,2701,2730,2731,2790 S.Tech Park Blvd. & 2660 W Schmalz Blvd.** ZIP **47403-**

Current Zoning **PUD** Current Use(s) of Property **Vacant**

Estimated Market Value of Property **\$1,300,000**

Property or Building(s) Listed as Historic on the City of Bloomington [Historical Survey](#)?  Outstanding  Notable  Contributing Age of Building(s), if applicable **NA**  
 Yes  No If yes, check one:

Describe any other national or local historical significance or designation, if applicable **None**

Please list all owners of the property. **Public Investment Corporation, Bloomington, Indiana**

**Attach** additional sheets as necessary to include all relevant property records. The City of Bloomington may require a copy of the property deed.

**Section 3 – Criteria for Economic Revitalization Area ("ERA") or Economic Development Target Area ("EDTA") Designation**

Describe how the project property and surrounding area have become undesirable for normal development and occupancy.  
**The property has been platted and for sale for over a decade and has not been developed due to odd configuration of lots, topography, development cost and access.**

**Section 4 – Company Profile**

Does your company currently operate at this location?  Yes  No

If yes, how long has your company been at this location? **NA**

Will this property be your company's headquarters location?  Yes  No

If no, where is/will be your company's HQ? **NA**

Company is a:  LLC  LLP  LP  Corporation  S. Corporation  Nonprofit Corporation  
 Mutual Benefit Corporation  Other-Please describe:

Provide a brief description of your company history, products and services.  
**Established over 60 years ago Hoosier Energy is a generation and transmission (G&T) electric cooperative that is owned by 18 rural electric distribution cooperatives (REMC/RECs) located in central/ southern Indiana and SE Illinois. As a non-profit cooperative owned by its member systems Hoosier Energy provides electricity through its member/owners to over 750,000 individuals, businesses and farms in its service territory. Hoosier Energy has been headquartered in Monroe County since its inception.**

Please list all persons and/or entities with ownership interests in the company. **Please See Attachment C**

**Current/Retained Jobs and Wages** (include only current permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees	<b>0</b>	Median part-time hourly wage	<b>\$0.00</b>
Number of full-time employees	<b>116</b>	Average part-time hourly wage	<b>\$0.00</b>
TOTAL current employees (permanent jobs)	<b>116</b>	Median full-time hourly wage	<b>\$43.68</b>
		Average full-time hourly wage	<b>\$46.08</b>
What is the lowest hourly wage in the company? (inc. PT, FT, other)	<b>12.75</b>		
What is the median hourly wage in the company (inc. PT, FT, other)	<b>\$43.68</b>	TOTAL Annual Payroll (current/retained)	<b>\$11,118,764.00</b>

**New Jobs and Wages As Result of the Proposed Project** (include only new permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees	<b>0</b>	Lowest starting part-time wage	<b>\$0.00</b>
Number of full-time employees	<b>0</b>	Lowest starting full-time wage	<b>\$0.00</b>
TOTAL NEW employees (new permanent jobs)	<b>0</b>	TOTAL NEW Annual Payroll (new jobs only)	<b>\$0.00</b>

Describe your company's benefit programs and include the approximate value of benefits for existing and new employees on a per hour basis (e.g., benefits are valued at an additional \$3.00 per hour, etc.) **The average hourly benefits are valued at \$32.00. These benefits include a defined benefit pension plan for the majority of employees, 401k plan with company contribution, health/dental insurance, paid vacation, sick leave, 13 paid holidays, tuition reimbursement, disability insurance (short & long-term), life insurance and accidental death and dismemberment insurance.**

**Market for Goods and Services; Local Sourcing**

To the extent possible, please estimate the relative percentages of your company's reach (via your products or services) into following markets:

4%	Inside Monroe County, Indiana
38%	Outside Monroe County, but inside Indiana
58%	Outside of Indiana
1	Outside of the United States
100%	

If applicable, list the name and location (City, State) of your five largest vendors or suppliers.

- |  |                        |
|--|------------------------|
| 1. <b>URS Energy &amp; Construction</b>    | <b>Austin, TX</b>      |
| 2. <b>Sterling Boiler &amp; Mechanical</b> | <b>Evansville, IN</b>  |
| 3. <b>Burns &amp; McDonnell</b>            | <b>Kansas City, MO</b> |
| 4. <b>Hinkle Contracting</b>               | <b>Paris, KY</b>       |
| 5. <b>Southern Environmental Inc</b>       | <b>Pensacola, FL</b>   |

**Section 5 – Proposed Improvements (the "Project")**

Describe all real estate improvements for which tax abatement on the property is being sought.

Hoosier Energy is proposing to construct a Headquarters building of approximately 80,000 sf to replace its existing outdated facility.

Estimated Total Project Cost (Capital Improvements only)	\$20,000,000.00	Has Bloomington Planning approval been obtained for the Project?  If yes, Case Number: <b>NA</b>	<input type="checkbox"/> Yes
Estimated Construction Start Date (month-year)	November 2013		<input checked="" type="checkbox"/> No
Estimated Completion Date (month-year)	12/2014		
Will the Project require any City expenditures (for public infrastructure, etc.)? If yes, please describe <b>NA</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Proposed Use(s) of the property after Project completion. Describe uses for entire Project space, including any uses not of the applicant company (e.g., if portions of space are intended to be leased to other entities, provide details).

**Hoosier Energy anticipates using this site solely for its own purposes as a Corporate Headquarters**

Describe the impact on your business if the proposed Project is **not** undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

**Hoosier Energy has taken more than 2 years to research its future facility needs and conducted an extensive site search involving multiple counties and the evaluation of over 60 sites. The hours invested in this process by internal staff and consultants and the financial resources expended have been significant.**

**Hoosier Energy's current facility is outdated and functionally obsolete and needs to be replaced. If this project does not occur at this location the company will need to identify an acceptable alternative.**

**Due to the lack of Class A Headquarters sites remaining in Bloomington/Monroe County, should Hoosier Energy need to renew its site search for a new HQ location it is conceivable the potential new location would result in the relocation of 116 existing jobs with an annual payroll exceeding \$11,500,000.**

**Attach** renderings, site plans, drawings, etc., of the Project.

**Section 6 – City of Bloomington Evaluative Criteria**

Describe how the Project will make a significant positive contribution to the community's overall economic vitality in at least one of the following areas which apply. Feel free to add details to any and all other categories which apply. See "General Standards" for explanations and examples.

<input checked="" type="checkbox"/> Quality of Life, Environmental Stewardship, and/or Sustainability	<b>Hoosier Energy plans to seek LEED certification for the new HQ facility. As well, our initial site plan discussions have focused on efforts to minimize the land dedicated to parking, minimize tree removal and disturbance to the property, use the existing trees/canopy to create a park-like environment, and construct a facility that creates open, collaborative workspaces utilizing natural light.</b>
<input type="checkbox"/> Affordable Housing	<b>NA</b>






<input checked="" type="checkbox"/> Community Service	<p>Each year Hoosier Energy supports numerous organizations financially including but not limited to: Habitat for Humanity, YMCA, CASA, various High Schools, 4 H, Chamber and Economic Development Corporation. Additionally, we participate in activities such as Red Cross blood drives, environmental education activities and YMCA Corporate Challenge to name just a few. Our employees also volunteer hundreds of hours to organizations within Bloomington and Monroe County including agencies within City government.</p>
<input checked="" type="checkbox"/> Community Character	<p>Monroe County/Bloomington has been home to Hoosier Energy since its inception in 1949. We greatly desire to remain a part of this unique, supportive, and forward-looking community. Hoosier Energy is a cooperative generation/transmission energy provider which began because of a desire to better serve Hoosiers who were without access to electricity. We have included a copy of "The Electric Cooperative Story" that includes our "Seven Guiding Principles".</p> <p>We hope to strengthen our community's character with a new, LEED-certified facility in an area that will offer alternative transportation and recreational opportunities for our staff via the Bloomington and Monroe County trails and side paths.</p>
<p>If applicable, describe any further (not yet described above) beneficial <i>and detrimental</i> impact to the community's economic, social or environmental wellbeing, resulting from the Project.</p> <p><b>With this project, Hoosier Energy will retain existing high wage jobs in the City of Bloomington/Monroe County. We believe the addition of our HQ facility within the City of Bloomington corporate limits will help raise the overall average wage for the City of Bloomington. Also, the new site will provide safer access for all employees at the facility and may reduce the commute time for many. The proposed site's proximity to the City's downtown may encourage employees to visit downtown establishments more often than they can at our current facility north of the City.</b></p>	
<p><b><i>Attach</i></b> any additional information or documentation you feel to be pertinent to the City's decision to authorize this tax abatement.</p>	



**Section 7 – Certification:**


The undersigned hereby certify the following:


**[Initials]**

-  ■ The statements in the foregoing application for tax abatement are true and complete.
-  ■ The person(s) executing this application for tax abatement have been duly authorized by the business entity for which this application is being filed to execute and file this application, and all required approvals by the appropriate board or governing body of the business entity have been received.
-  ■ The individual(s) or business entity that is applying for Economic Revitalization Area (ERA) or Economic Development Target Area (EDTA) designation or approval of a Statement of Benefits is not in arrears on any payments, fees, charges, fines or penalties owed to the City of Bloomington, Indiana, including but not limited to, City of Bloomington Utilities, Bloomington Transit, and any other City departments, boards, commissions or agencies.
-  ■ I/we understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above area as an ERA, EDTA or of approval of a Statement of Benefits for the above area, whichever occurs later, the Bloomington Common Council shall have the right to void such designation.
-  ■ I/we understand that all companies requesting ERA and/or EDTA designation will be required to execute a Memorandum of Agreement (MOA) with the City. The MOA shall contain the capital investment levels, job creation and/or retention levels and hourly wage rates and other benefits that the applicant has committed to the City in order to receive consideration for the designation. The MOA shall also contain information relative to what the City and applicant have agreed upon as "substantial compliance" levels for capital investment, job creation and/or retention and wage rates and/or salaries associated with the project.

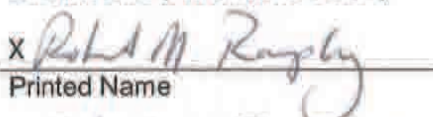
Additionally, the MOA shall indicate that the City, by and through the Economic Development Commission and the City of Bloomington Common Council, reserves the right to terminate a designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City terminates the designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be contained in the Memorandum of Agreement.

-  ■ I/we understand that if this request for property tax abatement is granted that I/we will be required to submit mandatory annual compliance forms as prescribed by State law and local policy. I/we also acknowledge that failure to do so or failure to achieve investment, job creation, retention and salary levels contained in the final resolution and MOA may result in a loss of tax abatement deductions and the repayment of tax abatement savings received.

-  ■ I/we understand that beneficiaries of a city tax abatement are subject to the City of Bloomington's Living Wage Ordinance ([BMC 2.28](#)), and therefore I/we must certify the entity's Living Wage compliance annually during the tax abatement term, if this abatement request is approved.

**OWNER(S) OR AUTHORIZED REPRESENTATIVE(S)**

SIGNATURE (Print Name Below)	TITLE	DATE
X  Printed Name	Senior Vice President Mkt & Business Development	November 27, 2012
X <u>Robert M. RAMPLEY</u> Printed Name	Senior Vice President Marketing and Business Development	November 27, 2012



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R3 / 12-11)  
Prescribed by the Department of Local Government Finance

20__ PAY 20__
<b>FORM SB-1 / Real Property</b>

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Eligible vacant building (IC 6-1.1-12.1-4.8)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.
- To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor, if any, or the county assessor.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer <b>Hoosier Energy Rural Electric Cooperative, Inc</b>		
Address of taxpayer (number and street, city, state, and ZIP code) <b>7398 North State Road 37, Bloomington, IN 47404</b>		
Name of contact person <b>Harold Gutzwiller</b>	Telephone number <b>(812) 876-0294</b>	E-mail address <b>hgutzwiller@hepn.com</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

Name of designating body <b>City Of Bloomington</b>	Resolution number
Location of property <b>Tech Park Blvd &amp; Schmalz Blvd (lots 1,6,7,8,10,11,12,13)</b>	County <b>Monroe</b>
DLGF taxing district number <b>009</b>	Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>Construction of a multi-story Headquarters building of approximately 80,000 sf</b>
Estimated start date (month, day, year) <b>11/01/2013</b>	Estimated completion date (month, day, year) <b>12/31/2014</b>

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
116.00	\$11,118,764.00	116.00	\$11,118,764.00	0.00	\$0.00

**SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	0.00	82,100.00
Plus estimated values of proposed project	20,000,000.00	20,000,000.00
Less values of any property being replaced	0.00	0.00
Net estimated values upon completion of project	20,000,000.00	20,000,000.00

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted (pounds) <u>0.00</u>	Estimated hazardous waste converted (pounds) <u>0.00</u>
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Other benefits  
It is anticipated the HQ facility will be LEED certified.

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative <i>Robert M. Rungby</i>	Title <i>Vice President</i>	Date signed (month, day, year) <i>12-7-12</i>
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**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed \_\_\_\_\_ calendar years \* (see below). The date this designation expires is \_\_\_\_\_.
- B. The type of deduction that is allowed in the designated area is limited to:
  - 1. Redevelopment or rehabilitation of real estate improvements       Yes     No
  - 2. Residentially distressed areas     Yes     No
  - 3. Occupancy of a vacant building     Yes     No
- C. The amount of the deduction applicable is limited to \$ \_\_\_\_\_.
- D. Other limitations or conditions (specify) \_\_\_\_\_
- E. The deduction is allowed for \_\_\_\_\_ years\* (see below).
- F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17?     Yes     No  
If yes, attach a copy of the alternative deduction schedule to this form.

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

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

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.12-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
  - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
  - 2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
- C. For vacant buildings, the deduction period may not exceed two (2) years.

**Monroe County, IN**  
 Property Assessment Detail Report  
 Parcel Number : 53-01-53-807-101.000-009

**Attachment A**

**Parcel Information**

**Parcel Number:** 53-01-53-807-101.000-009  
**Alt Parcel Number:** 0153807101  
**Property Address:** 2790 S Tech Park BLVD Bloomington, IN 47403  
**Neighborhood:** 69 MILL CREEK - GOM  
**Property Class:** Vacant Land  
**Legal Description:** 015-38071-01 MILL CREEK 1ST LOT 1  
**Owner Name:** Public Investment Corporation  
**Owner Address:** 4101 W Sierra Dr  
 Bloomington, IN 47403

**Taxing District**

**Township:** PERRY TOWNSHIP  
**Corporation:** MONROE COUNTY COMMUNITY

**Land Description**

Land Type	Acreage	Dimensions
91		1.0000

**Transfer Of Ownership**

Date	Name	Deed Book	Deed Page
01-01-1900	PUBLIC INVESTMENT CORP		

**Valuation Record**

Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2012	Annual Adjustment	1800	0	1800
01-01-2011	Annual Adjustment	1300	0	1300
01-01-2010	Annual Adjustment	191100	23700	214800
01-01-2010	REEVALUATION (FORM 134)	1300	0	1300
01-01-2009	MISCELLANEOUS	191100	24800	215900
01-01-2008	MISCELLANEOUS	191100	24400	215500
01-01-2007	MISCELLANEOUS	1100	0	1100
01-01-2006	SPLIT	900	0	900
01-01-2006	MISCELLANEOUS	900	0	900

Public Utilities		Exterior Features		Special Features	
Water:	Y	Exterior Feature	Size/Area	Description	Size/Area
Sewer:	N				
Gas:	N				
Electricity:	Y				
All:	N				

**Summary Of Improvements**

Buildings	Grade	Condition	Construction Year	Effective Year	Area
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**Monroe County, IN**  
 Property Assessment Detail Report  
 Parcel Number : 53-01-53-807-106.000-009

Parcel Information	
<b>Parcel Number:</b>	53-01-53-807-106.000-009
<b>Alt Parcel Number:</b>	0153807106
<b>Property Address:</b>	2860 W Schmalz BLVD Bloomington, IN 47403
<b>Neighborhood:</b>	69 MILL CREEK - COM
<b>Property Class:</b>	Vacant Land
<b>Legal Description:</b>	015-38071-06 MILL CREEK 1ST LOT 6
<b>Owner Name:</b>	Public Investment Corporation
<b>Owner Address:</b>	4101 W Sierra Dr Bloomington, IN 47403

Taxing District	
<b>Township:</b>	PERRY TOWNSHIP
<b>Corporation:</b>	MONROE COUNTY COMMUNITY

Land Description		
Land Type	Acreage	Dimensions
91		0x0

Transfer Of Ownership			
Date	Name	Deed Book	Deed Page
01-01-1900	PUBLIC, INVESTMENT CORP		

Valuation Record				
Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2012	Annual Adjustment	1600	0	1600
01-01-2011	Annual Adjustment	1500	0	1500
01-01-2010	Annual Adjustment	1300	0	1300
01-01-2009	MISCELLANEOUS	1300	0	1300
01-01-2008	MISCELLANEOUS	1200	0	1200
01-01-2007	MISCELLANEOUS	1100	0	1100
01-01-2006	SPLIT	900	0	900
01-01-2006	MISCELLANEOUS	900	0	900

Public Utilities		Exterior Features		Special Features	
Water:	Y	Exterior Feature	Size/Area	Description	Size/Area
Sewer:	N				
Gas:	N				
Electricity:	Y				
All:	N				

Summary Of Improvements					
Buildings	Grade	Condition	Construction Year	Effective Year	Area

**Monroe County, IN**  
 Property Assessment Detail Report  
 Parcel Number : 53-01-53-807-107.000-009

**Parcel Information**

**Parcel Number:** 53-01-53-807-107.000-009  
**Alt Parcel Number:** 0153807107  
**Property Address:** 2731 S Tech Park BLVD Bloomington, IN 47403  
**Neighborhood:** 69 MILL CREEK - COM  
**Property Class:** Vacant Land  
**Legal Description:** 015-38071-07 MILL CREEK 1ST LOT 7  
**Owner Name:** Public Investment Corporation  
**Owner Address:** 4101 W Sierra Dr  
 Bloomington, IN 47403

**Taxing District**

**Township:** PERRY TOWNSHIP  
**Corporation:** MONROE COUNTY COMMUNITY

**Land Description**

Land Type	Acreage	Dimensions
91		0x0

**Transfer Of Ownership**

Date	Name	Deed Book	Deed Page
01-01-1900	PUBLIC, INVESTMENT CORP		

**Valuation Record**

Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2012	Annual Adjustment	1600	0	1600
01-01-2011	Annual Adjustment	1500	0	1500
01-01-2010	Annual Adjustment	1300	0	1300
01-01-2009	MISCELLANEOUS	1300	0	1300
01-01-2008	MISCELLANEOUS	1200	0	1200
01-01-2007	MISCELLANEOUS	1100	0	1100
01-01-2006	SPLIT	900	0	900
01-01-2006	MISCELLANEOUS	900	0	900

Public Utilities		Exterior Features		Special Features	
Water:	Y	Exterior Feature	Size/Area	Description	Size/Area
Sewer:	N				
Gas:	N				
Electricity:	Y				
All:	N				

**Summary Of Improvements**

Buildings	Grade	Condition	Construction Year	Effective Year	Area
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**Monroe County, IN**  
 Property Assessment Detail Report  
 Parcel Number : 53-01-53-807-108.000-009

**Parcel Information**  
**Parcel Number:** 53-01-53-807-108.000-009  
**Alt Parcel Number:** 0153807108  
**Property Address:** 2730 S Tach Park BLVD Bloomington, IN 47403  
**Neighborhood:** 69 MILL CREEK - COM  
**Property Class:** Vacant Land  
**Legal Description:** 015-38071-08 MILL CREEK 1ST LOT 8  
**Owner Name:** Public Investment Corporation  
**Owner Address:** 4101 W Sierra Dr  
 Bloomington, IN 47403

**Taxing District**  
**Township:** PERRY TOWNSHIP  
**Corporation:** MONROE COUNTY COMMUNITY

**Land Description**  

Land Type	Acreage	Dimensions
91		0x0

**Transfer Of Ownership**

Date	Name	Deed Book	Deed Page
01-01-1900	PUBLIC, INVESTMENT CORP		

**Valuation Record**

Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2012	Annual Adjustment	1600	0	1600
01-01-2011	Annual Adjustment	1500	0	1500
01-01-2010	Annual Adjustment	1300	0	1300
01-01-2009	MISCELLANEOUS	1300	0	1300
01-01-2008	MISCELLANEOUS	1200	0	1200
01-01-2007	MISCELLANEOUS	1100	0	1100
01-01-2006	SPLIT	900	0	900
01-01-2006	MISCELLANEOUS	900	0	900

**Public Utilities**

**Water:** Y  
**Sewer:** N  
**Gas:** N  
**Electricity:** Y  
**All:** N

**Exterior Features**

Exterior Feature	Size/Area
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**Special Features**

Description	Size/Area
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**Summary Of Improvements**

Buildings	Grade	Condition	Construction Year	Effective Year	Area
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**Monroe County, IN**  
 Property Assessment Detail Report  
 Parcel Number : 53-01-53-807-110.000-009

Parcel Information		Taxing District	
<b>Parcel Number:</b>	53-01-53-807-110.000-009	<b>Township:</b>	PERRY TOWNSHIP
<b>Alt Parcel Number:</b>	0153807110	<b>Corporation:</b>	MONROE COUNTY COMMUNITY
<b>Property Address:</b>	2701 S Tech Park BLVD Bloomington, IN 47403		
<b>Neighborhood:</b>	69 MILL CREEK - COM		
<b>Property Class:</b>	Vacant Land		
<b>Legal Description:</b>	015-38071-10 Mill Creek Ph 1 Lot 10		
<b>Owner Name:</b>	Public Investment Corporation		
<b>Owner Address:</b>	4101 W Sierra Dr Bloomington, IN 47403		

Transfer Of Ownership			
Date	Name	Deed Book	Deed Page
01-01-1900	PUBLIC, INVESTMENT CORP		

Valuation Record				
Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2012	Annual Adjustment	1600	0	1600
01-01-2011	Annual Adjustment	1500	0	1500
01-01-2010	Annual Adjustment	1300	0	1300
01-01-2009	MISCELLANEOUS	1300	23500	24800
01-01-2008	MISCELLANEOUS	1200	0	1200
01-01-2007	MISCELLANEOUS	1100	0	1100
01-01-2006	SPLIT	900	0	900
01-01-2006	MISCELLANEOUS	900	0	900

Public Utilities		Exterior Features		Special Features	
		Exterior Feature	Size/Area	Description	Size/Area
<b>Water:</b>	Y				
<b>Sewer:</b>	N				
<b>Gas:</b>	N				
<b>Electricity:</b>	Y				
<b>All:</b>	N				

Summary Of Improvements					
Buildings	Grade	Condition	Construction Year	Effective Year	Area



**Monroe County, IN**  
 Property Assessment Detail Report  
 Parcel Number : 53-08-07-300-006.011-009

Parcel Information	
<b>Parcel Number:</b>	53-08-07-300-006.011-009
<b>Alt Parcel Number:</b>	0153807111
<b>Property Address:</b>	2651 S Tech Park BLVD Bloomington, IN 47401
<b>Neighborhood:</b>	69 MILL CREEK - COM
<b>Property Class:</b>	Vacant Land
<b>Legal Description:</b>	015-38071-11 Mill Creek Ph 1 Lot 11
<b>Owner Name:</b>	Public Investment Corporation
<b>Owner Address:</b>	4101 W Sierra Dr Bloomington, IN 47403

Taxing District	
<b>Township:</b>	PERRY TOWNSHIP
<b>Corporation:</b>	MONROE COUNTY COMMUNITY

Land Description		
Land Type	Acreage	Dimensions
11		1.35

Transfer Of Ownership			
Date	Name	Deed Book	Deed Page
01-01-1900	PUBLIC INVESTMENT CORP		

Valuation Record				
Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2012	Annual Adjustment	1500	0	1500
01-01-2011	Annual Adjustment	1500	0	1500
01-01-2010	Annual Adjustment	1300	0	1300

Public Utilities		Exterior Features		Special Features	
Water:	N	Exterior Feature	Size/Area	Description	Size/Area
Sewer:	N				
Gas:	N				
Electricity:	N				
All:	N				

Summary Of Improvements					
Buildings	Grade	Condition	Construction Year	Effective Year	Area

**Monroe County, IN**  
**Property Assessment Detail Report**  
**Parcel Number : 53-08-07-300-006.012-009**

Parcel Information		Taxing District	
<b>Parcel Number:</b>	53-08-07-300-006.012-009	<b>Township:</b>	PERRY TOWNSHIP
<b>Alt Parcel Number:</b>	0153807112	<b>Corporation:</b>	MONROE COUNTY COMMUNITY
<b>Property Address:</b>	2601 S Tech Park BLVD Bloomington, IN 47401		
<b>Neighborhood:</b>	69 MILL CREEK - COM		
<b>Property Class:</b>	Vacant Land		
<b>Legal Description:</b>	015-38071-12 Mill Creek Ph 1 Lot 12		
<b>Owner Name:</b>	Public Investment Corporation		
<b>Owner Address:</b>	4101 W Sierra Dr Bloomington, IN 47403		

Transfer Of Ownership			
Date	Name	Deed Book	Deed Page
01-01-1900	PUBLIC, INVESTMENT CORP		
01-26-2010	PUBLIC INVESTMENT CORP		

Valuation Record				
Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2012	Annual Adjustment	1800	0	1800
01-01-2011	Annual Adjustment	1500	0	1500
01-01-2010	Annual Adjustment	1300	0	1300

Public Utilities		Exterior Features		Special Features	
Water:	N	Exterior Feature	Size/Area	Description	Size/Area
<b>Sewer:</b>	N				
<b>Gas:</b>	N				
<b>Electricity:</b>	N				
<b>All:</b>	N				

Summary Of Improvements					
Buildings	Grade	Condition	Construction Year	Effective Year	Area

**Monroe County, IN**  
 Property Assessment Detail Report  
 Parcel Number : 53-08-07-300-006.013-009

Parcel Information	
<b>Parcel Number:</b>	53-08-07-300-006.013-009
<b>Alt Parcel Number:</b>	0153807113
<b>Property Address:</b>	2581 S Tech Park BLVD Bloomington, IN 47401
<b>Neighborhood:</b>	69 MILL CREEK - COM
<b>Property Class:</b>	Other Commercial Structures
<b>Legal Description:</b>	015-38071-13 Mill Creek Ph 1 Lot 13
<b>Owner Name:</b>	Public Investment Corporation
<b>Owner Address:</b>	4101 W Sierra Dr Bloomington, IN 47403

Taxing District		
<b>Township:</b>	PERRY TOWNSHIP	
<b>Corporation:</b>	MONROE COUNTY COMMUNITY	
Land Description		
Land Type	Acreage	Dimensions
11		0.65

**Transfer Of Ownership**

Date	Name	Deed Book	Deed Page
01-01-1900	PUBLIC INVESTMENT CORP		

**Valuation Record**

Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2012	Annual Adjustment	45500	25400	70900
01-01-2011	Annual Adjustment	45500	23300	68800
01-01-2010	Annual Adjustment	45500	23000	68500

**Public Utilities**

<b>Water:</b>	N
<b>Sewer:</b>	N
<b>Gas:</b>	N
<b>Electricity:</b>	N
<b>All:</b>	N

**Exterior Features**

Exterior Feature	Size/Area

**Special Features**

Description	Size/Area

**Summary Of Improvements**

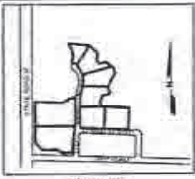
Buildings	Grade	Condition	Construction Year	Effective Year	Area
Fencing	C	A	2009	2009	
C/I Building	C	A	2009	2009	

**Commercial and Industrial Buildings**

**C/I Building**

**Wall Types**

Floor	Wall Type 0	Wall Type 1	Wall Type 2	Wall Type 3	Wall Type 4
1	0	64	0	0	0



DATUM:

HORIZONTAL DATUM: NAD 83 (2011) PLANE: NAD 83 (2011) CURVED SURFACE: GRS 1980 (NAD 83) VERTICAL DATUM: NGVD 29 (1988) HEIGHT: 100.000 FEET

Table with 4 columns: POINT #, NORTHING, EASTING, ELEVATION, DESCRIPTION. Lists control points 1 through 307 with their respective coordinates and descriptions.

NOTES:

- 1. FIELD WORK COMPLETED: 08/20/2012
2. ALL BEARS, BEYOND 2" WITH YELLOW PLASTIC FLAG STAKED TO SURFACE
3. REVISIONS: REVISION 1: 08/20/2012 - ADDED CONTROL POINTS AND BEARS
4. BASIS OF BEARINGS: GEODESIC STATE PLANE NORTH ZONE 18E; NAD 83
5. CURVED SURFACE: GRS 1980 (NAD 83)
6. VERTICAL DATUM: NGVD 29 (1988) HEIGHT: 100.000 FEET

LOT 9
BLOOMINGTON COMMUNITY PARK AND RECREATION FOUNDATION, INC.
#2008000285

LOT 9
BLOOMINGTON COMMUNITY PARK AND RECREATION FOUNDATION, INC.
#2008000285

BOUNDARY AND TOPOGRAPHIC SURVEY
A PART OF MILL CREEK PHASE I, BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 1 WEST MONROE COUNTY, INDIANA

REPORT OF SURVEY

In accordance with PLS 16-1, 16-2 through 16-5 of the Indiana Administrative Code, the following procedures and services are indicated on this report...

- 1. Reference monuments complete
2. Station locations of all corners
3. Station locations of all easements
4. Station locations of all easements

The related Professional Surveyor's (PS) report contains a measurement of all bearings within the accuracy for a station survey to the adjacent corner as indicated on this report...

In addition to the PS, the PS also conducted a topographic survey of the area shown on this report...

The survey was performed in accordance with the provisions of the Indiana Surveying Code...

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Table with 2 columns: Station, Description. Lists various survey points and their descriptions.

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Bledsoe Piggott Guarrett
1315 West High Road
Bloomington, Indiana 47403
P: 317-398-6277
E: bledsoep@aol.com

MILL CREEK PHASE I
TAPP ROAD
FOR
HOOSIER ENERGY

BOUNDARY & TOPOGRAPHIC SURVEY

1 OF 1

7538

## Hoosier Energy Members/Owners

Attachment C

### BARTHOLOMEW COUNTY REMC

1697 W. Deaver Road  
Columbus, IN 47202-0467  
PH 812-372-2546

Hoosier Director: Charles Meier

### HARRISON REMC

1165 Old Forest Road NW  
P.O. Box 517  
Corydon, IN 47112  
PH 812-738-4115

Hoosier Director: Darin Duncan

### CLARK COUNTY REMC

7810 State Road 60  
P.O. Box 411  
Sellersburg, IN 47172-1858  
PH 812-246-3316

Hoosier Director: Steve Stumler

### HENRY COUNTY REMC

201 N. Sixth St.  
P.O. Box D  
New Castle, IN 47362  
PH 765-529-1212

Hoosier Director: Donald Cross

### DAVISS-MARTIN COUNTY REMC

12628 E. 75 N.  
P.O. Box 430  
Loogootee, IN 47553  
PH 812-295-4200

Hoosier Director: August Bauer

### JACKSON COUNTY REMC

274 E. Base Rd.  
P.O. Box K  
Brownstown, IN 47220  
PH 812-358-4458

Hoosier Director: John Trinkle

### DECATUR COUNTY REMC

1430 W. Main St.  
P.O. Box 46  
Greensburg, IN 47240-0046  
PH 812-663-3391

Hoosier Director: Steven Dieckmann

### JOHNSON COUNTY REMC

750 International Drive  
P.O. Box 309  
Franklin, IN 46131-0309  
PH 317-736-6174

Hoosier Director: Herbert Haggard

### DUBOIS REC, Inc.

1400 Energy Drive  
P.O. Box 610  
Jasper, IN 47547-0610  
PH 812-482-5454

Hoosier Director: Jerry Jackle

### ORANGE COUNTY REMC

7133 N. State Road 337  
P.O. Box 208  
Orleans, IN 47452-0208  
PH 812-865-2229

Hoosier Director: W. Eugene Roberts

## Hoosier Energy Members/Owners

### RUSHSHELBY ENERGY

2777 S 840 W  
P.O. Box 55  
Manilla, IN 46150  
PH 765-544-2600

Hoosier Director: Robert Stroup

### SOUTH CENTRAL INDIANA REMC

300 Morton Ave.  
Martinsville, IN 46151  
PH 765-342-3344

Hoosier Director: Jerry Pheifer

### SOUTHEASTERN INDIANA REMC

712 S. Buckeye St.  
P.O. Box 196  
Osgood, IN 47037  
PH 812-689-4111

Hoosier Director: Harry Althoff

### SOUTHERN INDIANA POWER

1776 Tenth St.  
P.O. Box 219  
Tell City, IN 47586  
PH 812-547-2316

Hoosier Director: Donald Braun

### UTILITIES DISTRICT OF WESTERN INDIANA REMC

1666 W. State Road 54  
P.O. Box 427  
Bloomfield, IN 47424  
PH 812-384-4446

Hoosier Director: James Weimer

### WHITewater VALLEY REMC

101 Brownsville Ave.  
P.O. Box 349  
Liberty, IN 47353  
PH 765-458-5171

Hoosier Director: Dale Walther

### WIN ENERGY REMC

3981 S. U.S. Highway 41  
P.O. Box 577  
Vincennes, IN 47591  
PH 812-882-5140

Hoosier Director: Emil Page

### WAYNE-WHITE COUNTIES ELECTRIC COOPERATIVE

1501 W. Main St.  
P.O. Drawer E  
Fairland, IN 62837  
PH 618-842-2196

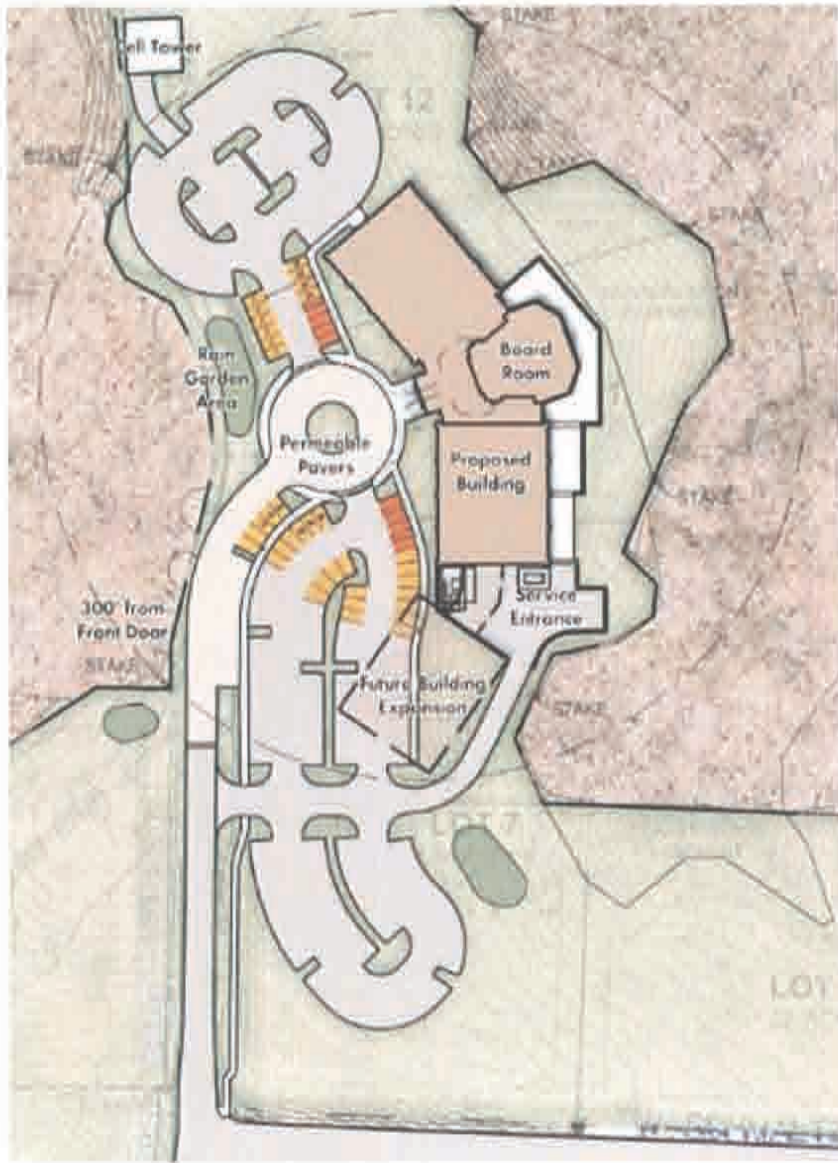
Hoosier Director: Larry Hosselton



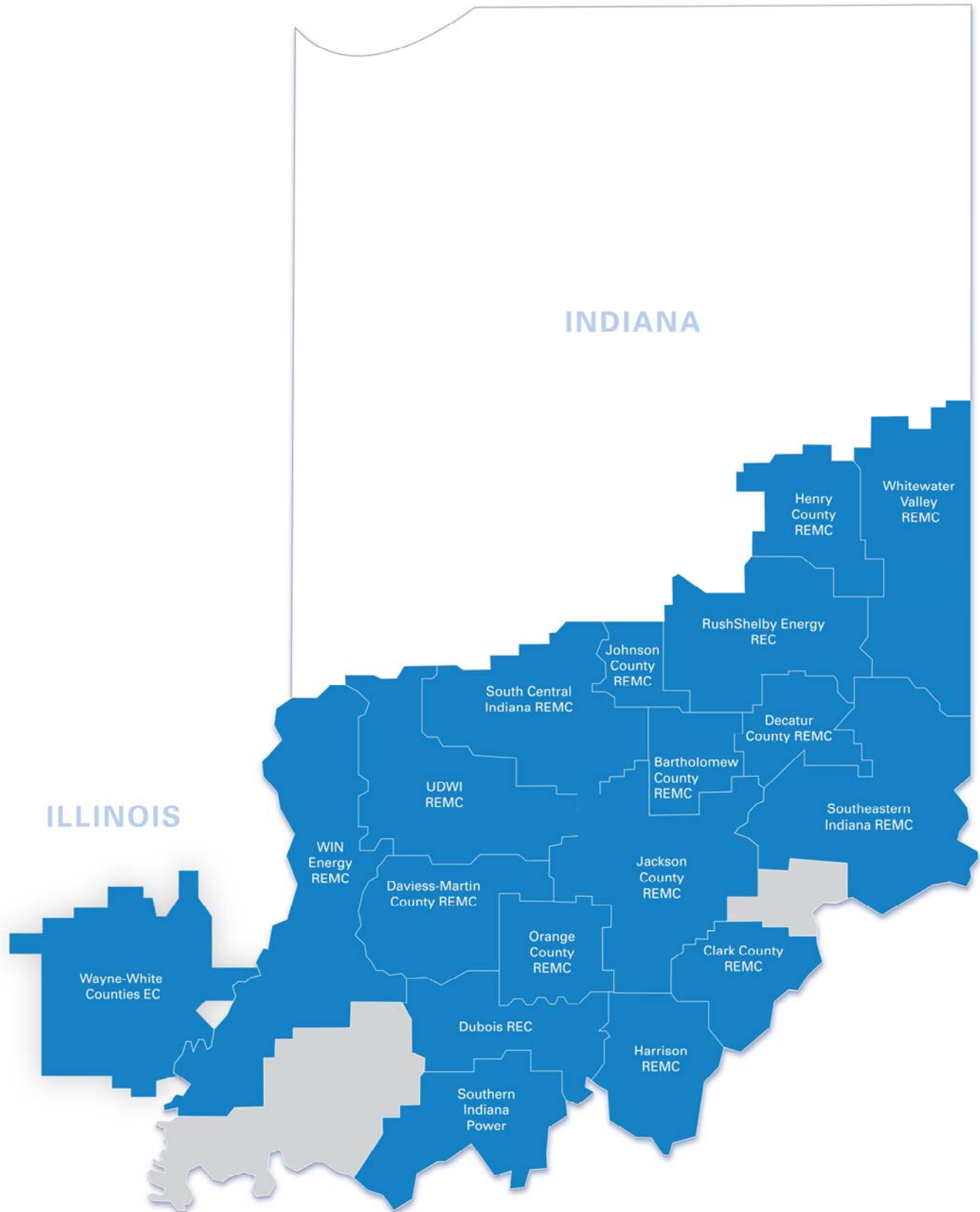




# Possible Site Plan for Hoosier Energy Headquarters/Tapp Road



# Hoosier Energy Service Territory



**ORDINANCE 13-02**

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED “ADMINISTRATION AND PERSONNEL” AND  
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
“UNIFIED DEVELOPMENT ORDINANCE”**

**- Re: Various Changes to Make the Local Code Consistent with Other Provisions of  
the Code, State and Federal Law, and Best Practice**

- WHEREAS, Bloomington Municipal Code Chapter 2.15 provides for the qualifications, terms, procedures and powers of the City’s Advisory Board of Zoning Appeals; and
- WHEREAS, Chapter 2.15 references the Areas Intended for Annexation which now falls under the jurisdiction of Monroe County making said references inapplicable; and
- WHEREAS, Chapter 2.15 references sections of the Indiana Code which have been amended by the Indiana General Assembly making said references inapplicable; and
- WHEREAS, Chapter 2.15 references sections of the Unified Development Ordinance which have been amended by the City of Bloomington Common Council making said references inapplicable; and
- WHEREAS, the Indiana General Assembly during the 2011 spring session, via its passage of House Enrolled Act 1311, reduced the amount of time in which interested parties affected by a zoning decision have to file an appeal; and
- WHEREAS, the Indiana General Assembly during the 2011 spring session, via its passage of House Enrolled Act 1311, increased the amount of time permitted for certain vesting rights of property owners;
- WHEREAS, some portions of the Unified Development Ordinance provide a duration period of two (2) years and other portions provide a duration period of three (3) years and it is believed that these portions of the ordinance: 20.04.080(i)(1) abandonment of a Preliminary Plan; 20.09.120(h)(1)(A)&(B) expiration of a Development Standards Variance; 20.190.140(h)(1)(A)&(B) expiration of a Use Variance; 20.09.150(g)(1)(A)&(B) expiration of a Conditional Use; and 20.09.200(b)(1) reinitiation of a plat vacation) should provide the same duration period, said period being three (3) years;
- WHEREAS, the Indiana General Assembly during the 2011 spring session, via its passage of House Enrolled Act 1311, created an alternate procedure for vacating a plat;
- WHEREAS, because portions of Bloomington Municipal Code Sections 2.15.020, 2.15.030, 2.15.040, 2.15.050, 20.01.400(c), 20.04.090(e)(1)(D), 20.09.120(e)(2), 20.09.120(e)(3), 20.09.350(c)(1), 20.01.210(d), are now void as a result of the House Enrolled Act 1311, the City believes it is in the best interest of the public to specifically amend those portions of said sections which are no longer valid and enforceable;
- WHEREAS, the United States Congress adopted H.R. 3630 on February 17, 2012 and was signed into law by the President on February 22, 2012; this new federal law created a prohibition against local governments from denying requests for a modification of an existing wireless tower or base station if the modification does not

substantially change the physical dimensions of the tower or base station—this new law requires changes to Bloomington Municipal Code Section 20.05.020(j); and

WHEREAS, in an effort to better ensure that required public right-of-way dedication actually occurs during a rezone or planned unit development, the City’s Planning and Public Works Department wish to codify a requirement that all required public right-of-way dedication occur within 180 days of a rezone or approval of a planned unit development; and

WHEREAS, in light of recent water restrictions in the Bloomington area and the questions that the restriction raised, it was determined that use of greywater would violate what is commonly referred to as Indiana’s Rule 13, 327 IAC 15-13, and the federal Clean Water Act—as such changes to Bloomington Municipal Code Sections 20.05.049(a)(2)(C) and 20.07.200(a)(2)(C) are needed.

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

SECTION 1. Section 2.15.020(c) shall be deleted in its entirety.

SECTION 2. Section 2.15.030(a), shall be amended by deleting the phrase “IC 36-7-4-901, 906” and replacing it with the phrase “the Indiana Code”.

SECTION 3. Section 2.15.040 (b), shall be amended by deleting the phrase “Section 20.03.04.00” and inserting the phrase “Title 20 of the” before the term “Bloomington Municipal Code” in the first sentence of that provision.

SECTION 4. Section 2.15.050, shall be amended by deleting the phrase “Chapter 20.03” and replacing it with the phrase “Title 20”.

SECTION 5. Section 20.01.400(c), shall be amended by deleting the phrase “fourteen (14)” and replacing it with the phrase “five (5)”.

SECTION 6. Section 20.04.090(e)(1)(D), shall be amended by deleting the word “fourteen ” and replacing it with the phrase “five (5)”.

SECTION 7. Section 20.09.120(e)(2), shall be amended by deleting the word “fourteen” and replacing it with the phrase “five (5)”.

SECTION 8. Section 20.09.120(e)(3), shall be amended by deleting the word “fourteen” and replacing it with the phrase “five (5)”.

SECTION 9. Section 20.09.350(c)(1), shall be amended by deleting the word “fourteen” and replacing it with the phrase “five (5)”.

SECTION 10. Section 20.01.210(d), shall be amended by deleting the word “seven” and replacing it with the phrase “ten (10)”.

SECTION 11. Section 20.04.080(i)(1), shall be amended by deleting the word “two” and replacing it with the phrase “three (3)” wherever it appears in the provision as well as by deleting the word “ten” and replacing it with the phrase “twenty-one (21)”.

SECTION 12. Section 20.09.130(h)(1)(A), shall be amended by deleting the word “two” and replacing it with the phrase “three (3)”.

SECTION 13. Section 20.09.130(h)(1)(B), shall be amended by deleting the word “two” and replacing it with the phrase “three (3)”.

SECTION 14. Section 20.09.140(h)(1)(A), shall be amended by deleting the word “two” and replacing it with the phrase “three (3)”.

SECTION 15. Section 20.09.140(h)(1)(B), shall be amended by deleting the word “two” and replacing it with the phrase “three (3)”.

SECTION 16. Section 20.09.150(g)(1)(A), shall be amended by deleting the word “two” and replacing it with the phrase “three (3)”.

SECTION 17. Section 20.09.150(g)(1)(B), shall be amended by deleting the word “two” and replacing it with the phrase “three (3)”.

SECTION 18. Section 20.09.200(b)(1), shall be amended by deleting the word “two” and replacing it with the phrase “three (3)”.

SECTION 19. Section 20.09.200(c)(1), shall be amended to read as follows:

(1) Final Plat:

- (A) The owner of land in a Final Plat may file with the Plan Commission a petition to vacate all or part of the Final Plat pertaining to the land owned by the petitioner.
- (B) In a case in which not all the owners of land in a Final Plat are in agreement regarding a proposed vacation, one (1) or more owners of the land in the Final Plat may file with the Plan Commission a petition to vacate all of the Final Plat or only that part of the Final Plat that pertains to land owned by the petitioner or petitioners. A petition under this subsection must:
  - (i) State the reasons for and the circumstances prompting the request;
  - (ii) Specifically describe the property in the Final Plat proposed to be vacated; and
  - (iii) Give the name and address of every other owner of land in the Final Plat.

SECTION 20. Section 20.05.020(j)(2) shall be amended to read as follows:

- (2) Any request for the modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment which does not substantially change the physical dimensions of such tower or base station shall be approved as required by federal law.

SECTION 21. Section 20.04.080(g)(2)(B) shall be amended to be labeled as 20.04.080(g)(2)(C).

SECTION 22. Section 20.04.080(g)(2)(C) shall be amended to be labeled as 20.04.080(g)(2)(D).

SECTION 23. A new Section 20.04.080(g)(2)(B) shall be created to read as follows:

For PUD’s located adjacent to existing public streets, all required right-of-way for such public streets shall be dedicated in compliance with the Thoroughfare Plan. Such dedication shall take place within 180 days of approval of the PUD District Ordinance. The 180 day time limit may be extended by the Planning Director, but not unless the requirement is clearly specified in a Recordable Zoning Commitment approved by the City.

SECTION 24. Section 20.09.160 (f) shall be amended to read as follows:

(f) Effect of Approval of the Amendment.

- (1) When an amended of the Official Zoning Map is approved, such amendment shall be incorporated into the Official Zoning Map in the geographic information system maintained by the City.
- (2) For Zoning Map amendments located adjacent to public streets, all required right-of-way shall be dedicated in compliance with the Thoroughfare Plan. Such dedication shall take place within 180 days of approval of the Zoning Map amendment. The 180 day time limit may be extended by the Planning Director, but not unless the requirement is clearly specified in a Recordable Zoning Commitment approved by the City.

SECTION 25. Section 20.05.049(a)(2)(C) shall be amended to read as follows:

Use of stormwater systems to capture and reuse at least fifty percent of stormwater for common and public space irrigation.

SECTION 26. Section 20.07.200(a)(2)(C) shall be amended to read as follows:

Use of stormwater systems to capture and reuse at least fifty percent of stormwater for common and public space irrigation.

SECTION 27. 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 application 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.

SECTION 28. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

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

\_\_\_\_\_  
, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington


## SYNOPSIS

Generally speaking this ordinance seeks to clean-up inconsistencies in the current Unified Development Ordinance with other portions of the municipal code, the State code and the U.S. Code. For example, Title 2 of the municipal code references incorrect Title 20 provisions and Indiana Code provisions, this ordinance corrects those mistakes. With the passage of new zoning regulations at the State level, an aggrieved party's right to an appeal was reduced from 14 days to 5 days, as such the local municipal code must also be changed. The State's new zoning regulations also increased the vesting rights of property owners from 7 years to 10 years. Since the adoption of the Unified Development Ordinance, City staff has noticed that the duration times for certain approvals differ from one another and these differences are nonsensical. In order to remedy these differences, this ordinance streamlines the duration periods throughout Title 20 so that all duration periods are for three years. With the new Indiana zoning regulations, the City was provided with a new procedure for plat vacating, this new procedure allows for a plat vacation even if not all owners of land in the Final Plat are in agreement regarding the vacation. Because of this new change, the Unified Development Ordinance must also be changed. In February of 2012 the President signed into law H.R. 3630, which prohibits local units of government from denying requests for modifications of existing wireless towers or base stations if the modifications do not substantially change the physical dimensions of the tower base stations. This new law conflicts with the City's Unified Development Ordinance and this ordinance fixes that conflict in order to ensure compliance with federal law. Over the last several years the City has experienced difficulty in having required right-of-way dedicated when a PUD or a rezoning request is proposed. As the Unified Development Ordinance does not contain specific language indicating when the right-of-way is to be dedicated, some owners have sat on this requirement until the property is subdivided—making obtaining the right-of-way difficult if not impossible at times. In an effort to alleviate this problem from occurring in the future, City staff is asking that the Unified Development Ordinance be amended to that right-of-way dedications are required to occur within 180 days of a PUD Ordinance. Finally, two sections of the Unified Development Ordinance, both pertaining to green development incentives, permit a development to use greywater. The recent water restrictions caused the City to investigate a multitude of issues and during the course of that investigation City staff discovered that allowing the use of greywater in the Unified Development Ordinance violates Section 327 IAC 15-13 of the Indiana Administrative Code (commonly referred to as Rule 13) and the United States Clean Water Act. In order to remedy these violations, staff suggests deleting any reference to the use of greywater in the Unified Development.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 13-02 is a true and complete copy of Plan Commission Case Number ZO-46-12 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 3, 2012.

Date: January 3, 2013

  
 \_\_\_\_\_  
 Thomas B. Micuda, Secretary  
 Plan Commission

Received by the Common Council Office this 3rd day of January, 2013.

  
 \_\_\_\_\_  
 Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)





**CITY OF BLOOMINGTON  
PLANNING DEPARTMENT  
MEMORANDUM**

**DATE:** December 10, 2012  
**TO:** Members of the Common Council  
**FROM:** Tom Micuda, Planning Director  
**SUBJECT:** Minor Amendments to the Unified Development Ordinance

In response to recent changes in State and Federal law, the Planning and Legal Departments are proposing a small number of UDO amendments to ensure that the local ordinance is consistent with these enabling statutes. These changes are as follows:

- 1. Changes to Appeals (UDO-001)** – Currently, parties who are aggrieved by a decision of the Hearing Officer or Planning Director have up to 14 days to appeal such decisions to the Plan Commission or Board of Zoning Appeals. The passage of House Enrolled Act 1311 reduced this time period of appeal to 5 days. In order for the UDO to be consistent with State law, Amendment# UDO-001 reduces the time for appeals in 5 sections of the code.
- 2. Changes to Vested Rights (UDO-002)** – Currently, the UDO does not allow the vesting of permits or site plan approvals for a period of longer than 7 years for projects that have started construction. However, since House Enrolled Act 1311 increased this vesting period to 10 years, the UDO is being amended to be consistent with State law.
- 3. Duration of Approvals (UDO-003)** – Because State law also requires approvals or permits to be vested for a period of 3 years without construction, staff proposes to change its approval durations for PUD Preliminary Plans, variances, Conditional Uses, and Plat Vacations in order to be completely consistent with State law.
- 4. Plat Vacations (UDO-004)** – Although the Plan Commission has never vacated an approved subdivision plat for decades, the plat vacation process is addressed in both State law and the UDO. Recently, House Enrolled Act 1311 amended State law to address the process for Plat Vacations in situations where owners are not in agreement concerning the proposed vacation. Although it is unlikely that the Plan Commission will ever need to address this scenario, the UDO is being amended to reflect the revised State law.

- 5. Removing/Replacing/Adding Equipment to Cell Towers (UDO-005)** – This amendment stems from House Resolution 3630. In this Federal legislation, local units of government are now prohibited from denying requests for modifications to cell towers when such modifications do not substantially change the physical dimensions of the towers themselves. Since the UDO currently does not reference federal law, this reference has been added to the code.
- 6. Requiring Right-of-Way Dedication for rezoning and PUD cases (UDO-006)**  
– This is the only amendment that is being proposed without reference to State or Federal law. In this case, the amendment is proposed to fix a long-standing loophole in the ordinance. For rezoning and PUD petitions, it is always required that petitioners dedicate right-of-way along adjoining streets in compliance with the Master Thoroughfare Plan. However, in the event that the rezoned property is never developed or subdivided, the required right-of-way is never dedicated from the property owner to the City. This has created significant additional expenses when the City has attempted to construct a street project adjoining rezoned properties that have never developed. Amendment 006 addresses this problem by requiring right-of-way dedication within 180 days of rezoning action by the City Council.
- 7. Removal of Zoning Incentive for Use of Greywater** – In 2007, incentives were added to the City’s zoning regulations to stimulate more sustainable development practices. One of the incentive options allowed the use of greywater for irrigation purposes. To this point, no developer has proposed this particular sustainability practice in order to receive the zoning incentives. Upon further research, it was determined that the use of greywater (wastewater generated from activities such as dishwashing, laundry, and bathing) cannot be used legally in Indiana for this purpose. As a result, this provision has been struck from the UDO.

**RECOMMENDATION:** The Plan Commission approved these amendments unanimously. Staff recommends approval of Z0-46-12.

**ORDINANCE 13-02**

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL  
CODE ENTITLED “ADMINISTRATION AND PERSONNEL” AND  
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED “UNIFIED DEVELOPMENT ORDINANCE”**

- **Re: Various Changes to Make the Local Code Consistent with  
Other Provisions of the Code, State and Federal Law, and Best  
Practice**

**Supplemental Material Available in the Council Office**

- **Excerpts from Title 2 and Title 20 Annotated with the Changes  
Proposed by this Ordinance**

**RESOLUTION 13-01**

**TO ADOPT A NEW VISION STATEMENT FOR UPDATING THE GROWTH POLICIES PLAN**

WHEREAS, the Plan Commission, in deference to I.C. 36-7-4, has responsibility for preparing comprehensive plans and amendments thereto and forwarding them to the Common Council; and

WHEREAS, with the passage of Resolution 02-19 on November 6, 2002, the Common Council updated the comprehensive plan, also known as the Growth Policies Plan; and

WHEREAS, it has now been ten years since the Growth Policies Plan was last updated; standard practice for local governments is to update their comprehensive plans every decade; the City Planning Department and the Plan Commission initiated a process to begin updating the Growth Policies Plan beginning in 2011; and

WHEREAS, a citizen Steering Committee was formed to assist and guide the Growth Policies Plan update process; their recommendation was to begin the update process by first developing a Vision Statement; and

WHEREAS, a public participatory process has been completed for developing the Vision Statement; and the Plan Commission has made a positive recommendation on the Vision Statement and forwarded it to the Common Council for adoption; and

WHEREAS, the Vision Statement will be utilized as a foundation to define the specific policies and topic areas of the Growth Policies Plan update.

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

SECTION 1. A new Vision Statement shall be adopted for the purpose of updating the Growth Policies Plan, which is attached to, and made a part of, this resolution.

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

\_\_\_\_\_  
, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

## SYNOPSIS

This resolution adopts a new Vision Statement for the City's Growth Policies Plan (GPP). The Vision Statement was developed based on the priorities that were identified by the public during numerous outreach meetings as well as input from a representative Steering Committee. This Vision Statement will be utilized as a foundation to define the specific policies and topic areas of the GPP update.

## Planning Department Memorandum

**To: Members of the Common Council**  
**From: Nate Nickel, Senior Long Range Planner**  
**Subject: Case # MP-48-12**  
**Date: December 7, 2012**

Attached is the staff report that pertains to Plan Commission Case # MP-48-12. The Plan Commission heard this petition at its December 3, 2012 meeting and voted 7-0 to send this petition to the Common Council with a favorable recommendation.

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**REQUEST:** Common Council approval of Case # MP-48-12, a resolution to adopt a new Vision Statement for the Growth Policies Plan.

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**BACKGROUND:** The Growth Policies Plan (GPP) is the comprehensive plan for the City of Bloomington. It was adopted by the Plan Commission and City Council in 2002. It is standard practice for municipal governments to update their comprehensive plans every decade. Since 2012 marks ten years since the GPP was adopted, the Plan Commission and City Council both gave the Planning Department direction to proceed with a GPP update in 2011.

In order to guide the GPP update, a Steering Committee was formed in October 2011. It consists of twenty-five members appointed by the Mayor, City Council and Plan Commission. The membership represents a wide spectrum of community interests. City staff held several educational meetings with the Steering Committee between late 2011 and early 2012. Meeting topics included comprehensive plan fundamentals, community profiles for Bloomington and Monroe County, peer city reviews and potential framework options for updating the GPP. City staff recommended to the Steering Committee that a Vision Statement be developed as the first phase of the GPP update process. The Vision Statement would then be used as a foundation for developing specific policies and topic areas to include in the updated GPP. Formally unveiled in February 2012, the visioning process was branded as "ImagineBloomington" for greater name recognition in the community.

The goal of ImagineBloomington was for the public to be directly engaged in crafting the specific elements of the Vision Statement. The workshops featured a mix of both individual and group activities designed to develop visioning priorities. This format allowed a unique opportunity for people to share their ideas, hear from others and come to consensus on differing opinions. The end result was that participants identified the most important issues currently facing

Bloomington. They then developed targeted goals and actions the community should strive for in the future. Workshops were held at the downtown Monroe County Public Library, various public schools across the community and at the Bell Trace Senior Living Center.

Outside of these workshops, there were additional ways for the public to stay involved with ImagineBloomington. Multiple “tabling events” were held, in which the public could talk with City staff and provide feedback in an informal environment. Locations for these events included the downtown Monroe County Public Library, the Wright Food Court at Indiana University and the Rhino’s Youth Center. Staff also provided status reports and progress updates to a number of City boards and commissions. These included the Common Council, Plan Commission, Arts Commission, Environmental Commission, Historic Preservation Commission, the Commission on Aging and the Commission on Sustainability.

A number of innovative input gathering tools were utilized to enhance the outreach process. These included a dedicated ImagineBloomington project website, an on-line survey, and Facebook and Twitter pages. Detailed written summaries of each workshop, along with “word cloud” images that visually showed frequently occurring workshop topics, were posted on-line. These allowed the public to have timely updates and stay connected with the progress of ImagineBloomington. Additionally, an interactive on-line discussion forum tool called UserVoice was available to foster opportunities for public involvement. UserVoice provided a way for people to actively participate, 24 hours a day, 7 days a week, in topic discussions, offer feedback, submit ideas and vote on their preferred options. The public could also submit ideas to City staff through more traditional methods, including via telephone, United States Postal Service correspondence and in-person visits.

Following the conclusion of this outreach process, the Steering Committee reconvened in June 2012 to review the public input that was received. City staff worked closely with the Steering Committee to write a draft vision statement. The topic areas of the Vision Statement were developed directly based on the priorities identified by the public during the outreach process. Once the draft Vision Statement was approved by the Steering Committee, City staff began another round of outreach efforts. The goal of this second round was to provide opportunities for the public to review and comment on the language of the draft Vision Statement.

A total of three open house events were held in late October 2012. These were open format events that allowed the public to review the Vision Statement draft,

provide feedback, offer comments and talk with City staff. Two were held at the downtown Monroe County Public Library, while the third was held in the City Hall atrium. In addition to the open house events, additional on-line opportunities were also available. The Vision Statement draft was posted on the dedicated ImagineBloomington project website for public review. An on-line survey was posted to allow a method for the public to provide feedback on each individual topic point. The UserVoice site was also reactivated on the website to provide a way for the public to discuss the Vision Statement draft, provide comments, offer suggestions and vote for their preferences.

The Steering Committee met again in November 2012 to review the public feedback on the draft Vision Statement. Again, utilizing the input received from the public, the Steering Committee worked with City staff to make final revisions and edits to the draft. Following this refinement, the Vision Statement was ready to be sent to the Plan Commission for discussion and formal consideration.

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**OVERVIEW:** the Vision Statement, developed by the Growth Policies Plan Update Steering Committee from the priorities identified by the public during the ImagineBloomington process, is listed below:

This vision statement reflects the concerns, wishes and aspirations of the residents of Bloomington, Indiana. ImagineBloomington engaged hundreds of residents, along with elected officials and members of City boards and commissions, to develop this vision for the future of Bloomington. This vision statement will provide both City government and the broader community with policy guidance and a common understanding of the values and themes that will shape Bloomington in the future.

We begin by recognizing Bloomington's strong foundation. We are culturally rich, cherish our progressive college town atmosphere and embrace diversity. We respect our past, while using innovation and collaboration to keep moving forward. Our wealth of natural and community resources allows us to maintain a highly desirable quality of life. Together, these are the defining features of a community with many strengths and a bright future.

This is our vision. Bloomington achieves excellence through collaboration, creativity, cultural vitality, inclusion and sustainability. We establish the following as core principles that will guide Bloomington's future.



- Fortify our strong commitment to equality, acceptance, openness and public engagement.
- Nurture our vibrant and historic downtown as the flourishing center of the community.
- Ensure all land development activity makes a positive and lasting community contribution.
- Recognize the many virtues of preservation, rehabilitation and reuse of our historic structures.
- Embrace all of our neighborhoods as active and vital community assets.
- Celebrate our rich, eclectic blend of arts, culture and local businesses.
- Invest in diverse, sustainable economic development.
- Enhance the community's role as a regional economic hub.
- Offer a wide variety of excellent educational opportunities for our residents at every stage of life.
- Deliver efficient, responsive and forward-thinking local government services.
- Reduce the community's environmental footprint and enhance self-sufficiency.
- Offer a wide variety of quality housing options for all incomes, ages and abilities.
- Provide a balanced, safe, efficient, accessible and connected system of transportation.
- Meet basic needs and ensure self-sufficiency for all residents.
- Provide high quality public spaces and parks.
- Encourage healthy lifestyles.
- Improve public safety and civility.

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**RECOMMENDATION:** The ImagineBloomington process featured an aggressive outreach effort to solicit public input. Based on the priorities identified by the public, the Steering Committee worked very closely with City staff to develop this Vision Statement. The next anticipated step is to utilize the Vision Statement as the foundation to define the specific policies and topic areas of the GPP update. At its December 3, 2012 meeting, the Plan Commission forwarded the Vision Statement to the Common Council with a 7-0 positive recommendation.

## **RESOLUTION 13-04**

### **TO CONSOLIDATE THE COUNCIL BOARD AND COMMISSION INTERVIEWING AND NOMINATING COMMITTEES**

WHEREAS, the Council Rules Committee is currently comprised of Councilmembers Granger, Mayer, Neher (Chair), and Ruff, and has been meeting since June of 2012 to review Council procedures; and

WHEREAS, while intending to continue its deliberations into 2013, the Committee made one recommendation that is best brought forward at this time rather than when the Committee ceases its work and submits a Report to the Council sometime later this year; and

WHEREAS, that recommendation relates to the Council Board and Commission Interviewing and Nominating Committees (Interviewing Committees) that must soon begin the annual task of making recommendations to the full Council regarding the many appointments of citizens to the City's boards and commissions that expire at the end of January; and

WHEREAS, at present, there are 24, three-member Interviewing Committees responsible for recommending the appointment of citizens to serve the City's 24 boards and commission; and

WHEREAS, after a presentation by the City Clerk and her Deputy, who facilitate the work of these committees, the Rules Committee was persuaded that the consolidation of this function into three, three-person committees would improve the efficiency and effectiveness process by:

- Making the scheduling of meetings easier and clearer to manage;
- Allowing Committees to meet simultaneously; and
- Improving communication within each committee;

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

SECTION 1. The Common Council's two dozen three-member Board and Commission Interviewing and Nominating Committees (Interviewing Committees) are Standing Committees which shall, henceforth, be consolidated into three, three-member committees. The duty of each committee shall be to review and make recommendations to the full Council regarding the appointment of citizens to the City's boards and commissions. The three Interviewing Committees shall be named and shall divide responsibilities in the following manner:

- (a) Committee "A" shall be responsible for the following boards and commissions:
  - Animal Control Commission
  - Board of Zoning Appeals
  - Commission on Aging
  - Historic Preservation Commission
  - Housing Quality Appeals Board
  - Public Transportation Corporation
  - Redevelopment Commission, and
  - Bloomington Urban Enterprise Association
  
- (b) Committee "B" shall be responsible for the following boards and commissions:
  - Bicycle and Pedestrian Safety Commission
  - Bloomington Digital Underground Advisory Committee
  - Commission on the Status of Black Males
  - Commission on the Status of Women
  - Environmental Commission
  - Martin Luther King, Jr. Birthday Commission
  - Telecommunications Council, and
  - Traffic Commission

- (c) Committee “C” shall be responsible for the following boards and commissions:
- Bloomington Arts Commission
  - Commission on Hispanic and Latin Affairs
  - Bloomington Commission on Sustainability
  - Commission on Children and Youth
  - Housing Trust Fund Board
  - Human Rights Commission
  - Tree Commission, and
  - Utilities Services Board.

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

\_\_\_\_\_  
, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution is sponsored by Councilmember Neher, Chair of the Council Rules Committee. It brings forward a recommendation of the Rules Committee to consolidate the Council’s 24, three-member Board and Commission Interviewing and Nominating Committees (Interviewing Committees) into three, three-member committees.