

# City of Bloomington Common Council

## Legislative Packet

Containing legislation and materials related to:

Wednesday, 23 March 2022 at 6:30pm  
Regular Session



# CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:  
REGULAR SESSION  
WEDNESDAY | 6:30 PM  
23 MARCH 2022

*Council Chambers (#115), Showers Building, 401 N. Morton Street  
The public may also access the meeting at the following link:*

<https://bloomington.zoom.us/j/82223177699?pwd=b1pxaFpDOG9raUJJQzNMTGcvekFpdz09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES**
  - February 02, 2022 (Regular Session)
  - February 24, 2022 (Special Session)
- IV. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section.)*
  - A. **Councilmembers**
    - a. Recognition of Council Presidents serving in 2020 and 2021
  - B. **The Mayor and City Offices**
    - a. Environmental Commission Annual Report
  - C. **Council Committees**
  - D. **Public\***
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR FIRST READINGS**
  - A. Ordinance 22-05 - To Vacate Public Parcels – Re: Two 16.5-Foot Wide Alley Segments Located Between West 1st Street, West 2nd Street, South Rogers Street, and South Morton Street (City of Bloomington Redevelopment Commission, Petitioner)
  - B. Ordinance 22-06 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: The Johnson’s Creamery Historic District

*Note: This ordinance is being introduced this evening with the possibility that it will be considered for adoption later this same evening.*

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment 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.

Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or email [council@bloomington.in.gov](mailto:council@bloomington.in.gov).

Posted: 18 March 2022

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

- A. Resolution 22-08 – Resolution to Opt Back in to Opioids Settlement Pursuant to Indiana Code § 4-6-15-2
- B. Ordinance 22-06 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: The Johnson’s Creamery Historic District

*Note: Unanimous consent is necessary for the Council to consider adoption of an ordinance at the same meeting at which it is introduced and at least a 2/3's vote of those present is required for its passage (I.C. 36-4-6-13; BMC 2.04.300).*

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

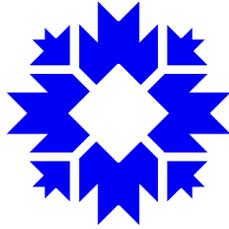
**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment 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.

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**Posted: 18 March 2022**



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

# **NOTICE**

**Wednesday, 23 March 2022**

**Regular Session  
Starting at 6:30 pm**

This meeting will be held in the Council Chambers (Suite #115, City Hall, 401 N. Morton St) and may also be accessed electronically via Zoom (see information below).

*Join Zoom Meeting*

<https://bloomington.zoom.us/j/82223177699?pwd=b1pxaFpDOG9raUJJQzNMTGcvekFpdz09>

*Meeting ID: 822 2317 7699*

*Passcode: 648033*

*One tap mobile*

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*Dial by your location*

*+1 312 626 6799 US (Chicago)*

*+1 929 205 6099 US (New York)*

*+1 301 715 8592 US (Washington DC)*

*+1 346 248 7799 US (Houston)*

*+1 669 900 6833 US (San Jose)*

*+1 253 215 8782 US (Tacoma)*

*Meeting ID: 822 2317 7699*

*Find your local number: <https://bloomington.zoom.us/j/82223177699>*

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



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

Minutes for Approval

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02 February 2022 | 24 February 2022

In Bloomington, Indiana on Wednesday, February 2, 2022, at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL  
REGULAR SESSION  
February 2, 2022

Councilmembers present via teleconference: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan  
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

Rollo moved and it was seconded to approve the minutes of August 12, 2020, October 14, 2020, December 9, 2020, December 16, 2020, and December 21, 2020. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:33pm]

August 12, 2020 (Regular Session)  
October 14, 2020 (Special Session)  
December 09, 2020 (Special Session)  
December 16, 2020 (Regular Session)  
December 21, 2020 (Special Session)

Sgambelluri noted her upcoming constituent meeting to be held via Zoom that upcoming Saturday.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Sims noted the beginning of the Lunar New Year. He discussed Black History Month and acknowledged Beverly Calendar-Anderson and Shatoyia Moss for their work on the City of Bloomington's Black History Month Kickoff Celebration. He encouraged the public to look for more events at [bloomington.in.gov/bhm](http://bloomington.in.gov/bhm).

Volan commented on the Eagleson Avenue renaming ceremony. He said he looked forward to the larger celebration ceremony that was scheduled in April.

Rollo commented on the Eagleson Avenue ceremony, noted that it was an important day in city history, and acknowledged those who were a part of the renaming task force.

Rosenbarger said that during the 2022 year her constituent meetings would be held on the second Tuesday of each month at 5:30 p.m.

Scott Robinson, Planning and Transportation Director, and Jackie Scanlan, Planning and Transportation Development Services Manager, gave a report on plexes as it related to Ordinance 21-23. There was brief council discussion following the report.

- The MAYOR AND CITY OFFICES [6:42pm]

Mary Catherine Carmichael, Director of Community Engagement, introduced Jonathan Ingram from Novak Consulting Group to give a report on their review of the City Boards and Commissions. There was council discussion following the report.

There were no council committee reports.

- COUNCIL COMMITTEES [7:48pm]

Greg Alexander commented on a previous ordinance regarding fines for public right of way, and thanked the city for its' implementation.

- PUBLIC [7:49pm]

Sandberg acknowledged that there was an error in a committee assignment from the previous regular session<sup>1</sup>, and made the following correction to the following Council appointments: for the Climate Action & Resilience Committee: Flaherty (chair), Piedmont-Smith, Rollo, and Smith.

There was brief discussion with Clerk Nicole Bolden about how that change would be recorded in the minutes.

Rollo moved and it was seconded that Ordinance 22-04 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Ordinance 22-04 be adopted.

Volan presented the legislation. He explained that the ordinance changed one seat on the Parking Commission from a mayoral appointment to a council appointment. He also noted that the legislation would restructure the Citizens Redistricting Advisory Commission, with the composition to include two members from the Democratic Party, two members from the Republican Party, and one Independent, reducing the total number of commissioners from nine to five.

Sims asked what type of feedback Volan had received from the administration regarding the change of seat on the parking commission.

Volan said that the seat has been vacant since August 2019, had previously asked the administration to appoint someone, and that the administration had refused. He commented that being in Bloomington, it shouldn't have been difficult to find someone to fill the vacated seat. Volan welcomed anyone from the administration to comment regarding the vacant seat.

Carmichael noted it had been a struggle to keep the Parking Commission filled. She added that changing the seat from mayoral to council appointment was atypical according to state statute, but understandable.

Volan said he understood the challenge to fill the commissions. He reiterated that six of the nine seats were council appointments and that the proposed change did not go against state statute. He noted that the administration was still represented on the parking commission.

Carmichael said that there had been high turnover on all of the commissions during Covid, agreed it had been an issue with the Parking Commission, and apologized for not keeping it fully staffed.

There was no public comment on Ordinance 22-04.

The motion to adopt Ordinance 22-04 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

There was no additional public comment.

Volan moved and it was seconded to cancel the Committee of the Whole scheduled for February 9. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:52pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:55pm]

Ordinance -22-04 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending BMC 2.12 (Boards, Commissions and Councils) to Make Certain Commission Memberships Easier to Fill

Council discussion:

Public comment:

Vote to adopt Ordinance 22-04[8:04pm]

ADDITIONAL PUBLIC COMMENT

COUNCIL SCHEDULE [8:06pm]

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<sup>1</sup> Please see the minutes from the Regular Session on January 19, 2022.

Rollo moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [8:09pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVE:

ATTEST:

\_\_\_\_\_  
Susan Sandberg, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval

In the Buskirk-Chumley Theater, 114 East Kirkwood Avenue,  
Bloomington, Indiana on Thursday, February 24, 2022, at 7:00pm  
Council President Susan Sandberg presided over a Special Session of  
the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
February 24, 2022

Council President Susan Sandberg welcomed everyone and called  
the meeting to order. She noted that the meeting would be  
considered adjourned when the Mayor's State of the City remarks  
concluded. She then asked Deputy Clerk Susan Stoll to call the roll.

CALL TO ORDER [7:12pm]

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith,  
Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri  
Councilmembers absent: Dave Rollo, Jim Sims, Ron Smith, Stephen  
Volan

ROLL CALL [7:12pm]

Mayor John Hamilton presented the State of the City Remarks (text  
provided by the Office of the Mayor), attached hereto.

STATE OF THE CITY REMARKS

The meeting was adjourned at 8:12pm.

ADJOURNMENT [8:12pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this  
\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVE:

ATTEST:

\_\_\_\_\_  
Susan Sandberg, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

**I.**  
Friends, how good it is to be with you again. In three dimensions, as well as two dimensions. Welcome all, in person or on Zoom, Youtube, Facebook, or CATS. Thanks to all the entertainment and artists. To Deputy Clerk Stoll to City Council.

I've had the privilege of serving as your Mayor for six years now. Over those six years, we have addressed, as a community, some big things – opportunities to pursue and barriers to overcome. Together we have made great progress. In just a bit, we'll get into that and what's ahead of us.

But first, we have to lean into what we've all been through the past two years. Since March 11, 2020, for 716 days, we have been living together through an official, worldwide pandemic.

This has strained all of us, and certainly the city government, including our department heads and Mayor's staff, who have helped the city government navigate perilous and tumultuous waters. I'd like to introduce a few of our new department heads and Mayor's Office staff; Deputy Mayor Don Griffin, Corporation Counsel Beth Cate, BT Director John Connell, HAND director John Zody, BHA Director Kate Gazunis, Communications Director Andrew Krebbs, and Mayor's office Kaisa Goodman and Rose Smith. (Asked all department heads to stand and be recognized)

I also want to ask you to join me in thanking 850 employees who have borne the burden and persevered and served with such distinction and honor during very challenging times. (stand all employees) Police officers. Bus drivers. Sanitation workers. Water plant operators. Firefighters. Housing inspectors. Street pavers. IT workers. Account clerks. Lawyers. Park's maintainers and planters, and programmers. So many more. All these city workers have kept our city running for two extreme years.

They join nurses and school teachers, pharmacists assistants and delivery drivers, food servers and office cleaners, and so many others as essential workers helping us all get through this slow-motion disaster that has claimed a million American lives.

We look back at the cooperation that helped us get through. And it's worth mentioning: "exhaustion." Some physical. Much mental. We dealt with two years of crisis, divisions, and diversions, and it was exhausting. But our community, emphasizing listening to science, took steps: masking (with the only mandate in the state for a long time), vaccinating, keeping gatherings smaller. These made a big difference, we believe.

Our community had among the very best if not the best record in Indiana navigating this. Our health care system was stretched, but it never broke. Nor did our community. We did this together, with vaccinations and masks, resilience, and collaborations, and we saved lives and livelihoods.

We don't know the coming trajectory of the pandemic. It has fooled us before. But we will celebrate victories where we can. Tonight we are hopeful. And tonight, we will look beyond the pandemic.

**II.**  
We know that much more happened in 2021 than just the pandemic. COVID changed our work and our world, but it did not derail our progress. To understand 2021's story, we need a little context.

Six years ago, we had some serious catching up to do. I'm very, very proud of the work so many in this community, in this room, have done to set the table for where we are today. You'll recall we tripled infrastructure investment in basic city government operations, and we tripled our investment in employee training. We established a \$15/hour minimum wage across the city government. We revamped our whole sanitation system and automated our entire water meter system. We are modernizing every one of our 200+ units of public housing, and we supported the construction of 5,000 more homes, including over 1,000 affordable units.

We quadrupled city solar energy production and doubled support for the arts. We built and opened the spectacular new Switchyard Park and activated a new downtown neighborhood: the Trades District booming with tech. We invested in the state's most progressive and innovative police and fire departments. We celebrated our Bicentennial with Trees and Trails. And together, we developed our city's long-overdue Comprehensive Plan, a Transportation Plan, a Sustainability Action Plan, and a Greenhouse Gas Inventory.

Our private-sector jobs grew as Cook expanded into the old GE plant. Catalent purchased Cook Pharmica at the old Thomson site. And in the old Showers Plant building, The Mill opened, now the fastest-growing co-work space in Indiana.

In that context, last year, 2021, progress accelerated. Catalent grew from its original 800 jobs to more than 3,000 and produced life-saving COVID-19 vaccines for the world. We attracted millions of dollars for a new companion building to The Mill and were named Indiana's "Rising Tech City." IU and IU Health opened the half-billion-dollar hospital and education complex to serve generations of future residents. Two weeks ago, our annual public safety report shared continued reductions in our crime rate, as well as an unprecedented fifth year in a row with no fire-related fatalities in our city. And listen closely - we now are the only city in Indiana, the only one, with a police department that has earned national CALEA accreditation and a fire department that has earned the top national rating of ISO class 1.

In 2021 we approved nineteen hundred units of housing, 280 of which will be long-term affordable (48 right next to Switchyard Park). And we began activating Hopewell, another new downtown neighborhood, at the former hospital site. Our gold-medal Parks Department got a perfect 100% score in their recent peer review, and our city scored, again, a perfect 100% in the Human Rights Campaign national review. Two green parking garages opened downtown, with solar, art, bike lockers, and public restrooms. And we celebrate two more national firsts: our pioneering CDFI Friendly Bloomington has attracted more than 20 million dollars in new mission investments. And we became part of the nation's 1st-ever domestic Sibling City pair, with Palo Alto, California, the heart of Silicon Valley. As we announced late last year, we also have pending a significant potential investment in city-wide broadband infrastructure.

I want specifically to thank you, City Council, for several major actions taken last year. You updated our zoning code with the Unified Development Ordinance, embraced our first-ever Climate Action Plan, and implemented our major "Recover Forward" investments and a critical recovery budget for this year. And you enacted historic Annexation ordinances to right-size our city after 20 years of inaction. I'll note that this process continues as the County Auditor released certain remonstrance numbers just yesterday, and they are under detailed city review even now.

Recover Forward, begun in 2020 and now supplemented with 22 million dollars of the federal American Rescue Plan funding, has truly rescued our community. It has protected businesses and families, our social safety net and nonprofits and arts organizations, city workers and school teachers, and more. These funds and programs were game-changers, helping us get through and out of the pandemic's devastating impacts. Right now, Recover Forward programs are making a difference. City Utility crews are seeking and identifying every lead water service line anywhere in our community, hundreds of them to be ready for replacement. We are helping people train for better jobs, in the life sciences sector with Ivy Tech, for example, and helping people formerly incarcerated or struggling with mental illness to get back into the workforce. We are supporting our local food growers and sellers (check out the new Farm Stop on West Kirkwood). We have doubled Jack Hopkins funding for our safety net and dramatically expanded local arts funding. We dedicated millions of dollars toward affordable housing, including the new Housing Security Coalition coordinated by the Community Foundation and United Way. We are sustaining essential city services, like public safety and our digital infrastructure. And we are helping lower our community's carbon footprint, solar panel by panel, and LED light by light.

All this is happening within a responsible city budget. The City Council and our administration purposefully used some of our cash reserves as a countercyclical response to the pandemic and recession, stepping in as the economy shrank. But with federal support and frugal management, I can report tonight that as of January 1 this year, our basic city financial reserves are still above our target of four months of operational expenses. I appreciate working together with Council to put Recover Forward into action.

Let me share two final indicators of progress from 2021. You know how important wage growth is, better pay. While the data is still somewhat preliminary, trends suggest that Bloomington wages have indeed started to accelerate over the past two to three years, surpassing comparable Indiana cities in several cases and finally tracking more in line with national wage growth trends.

Another sign of progress is direct investment, with the unprecedented 2.3 billion dollars invested by three players:

- Catalent's billion-dollar purchase of Cook Pharmica in 2017.
- IU and IU Health's half-billion-dollar investment in the Regional Academic Health Center on the east side.
- Indiana University's 800 million dollars in capital improvements over the past five years.

Beyond all that, the assessed value of all private property (which does not reflect all those big investments I just mentioned) in the past five years, our city assessed value has grown a very strong 29% and is accelerating. These are significant increases and include more than \$500 million in housing investments.

That's a lot of statistics and programs. But people stand behind every one.

Danielle Morris participated in ReBoot, a Recover-Forward-funded program at The Mill. In early recovery, New Leaf New Life pointed Danielle to the six-week program to help people formerly incarcerated identify new opportunities. Danielle has opened a viable portrait business with a mentor, guidance, training, and resources. Danielle calls the experience a "lifesaver" and is actively helping other women in recovery.

Two residents of our public housing units attended The Mill's Code School, a 10-week upskilling program to enhance their future income. Dozens of police-embedded social workers and colleagues from all around the country attended the groundbreaking conference that our Bloomington Police Department hosted last fall, exploring new frontiers in public safety with national experts. And dozens of people and family members got to move into Kinser Flats last year, 50 new apartments of permanently affordable supportive housing led by Centerstone for their clients, many of whom came from severe housing insecurity. What we do together matters to people.

So tonight, I can report that the state of the city is very strong. We are making it through this global pandemic and recession. We are resilient. We are committed to each other and to Bloomington's future. We are **READY** to go Forward Together.

### **III.**

We should look ahead with confidence. We're building on decades of real progress, very real progress, advancing opportunities and justice for many in our community and across the United States - women, people of color, the LGBTQ+ community, people with disabilities. We've made very real progress in environmental quality and public education. We've seen major progress on poverty, health, and more across the globe.

But, also, we are keenly aware of today's very real disappointments and very real threats. Of shortfalls. Of people left behind, despite this progress – working families, organized labor, our middle class. And deeply troubling income and wealth disparities, health disparities, opportunity disparities. And racist legacies that poison communities. When your zip code can say more about your future than your character or talent.

And we are acutely aware of the existential threat of climate change.

The relentless accumulation of carbon in the atmosphere, changing weather, coastlines, agriculture, livelihoods. The depressing lack of urgency and responsiveness from so many in dealing with potential devastation and loss.

This is a scary combination – our next generations may be less well-off than current ones, and the planet they inherit may be seriously less livable.

And adding to the peril, our very democracy seems more fragile than we imagined, even teetering.

Perhaps it's related to this big combination of challenges raising fears and resentments and a lack of leadership / exploitative politics and media. Social media that feeds paranoias and conspiracy theories and confirmation biases.

Amid this mix of progress on the one hand but serious, even existential, threats on the other, what are we in Bloomington to do? These very serious challenges call for collective action. Nationally. Globally. In our state. And certainly in our city. We need to dig in and do our part. And how?

The pandemic threw us off our rhythms and patterns, distracted and detoured us. But it also taught us.

It taught us that we can go forward amid challenges. Indeed, we can change quickly, even radically, to respond to serious threats when we need to.

The pandemic also taught us how much we depend on each other. How inextricably bound together, we are. A virus showed us that clearly. Over and over. No hiding. No walls high enough. We chose mutual aid and mutual reliance. We only get through by working together in health care, education, commerce, and necessities. And we needed our governments to respond together.

The same is true with what we face now. We need to change and respond to major challenges, and we need to do it together.

For a moment, let us praise our federal government for its role over the past 14 months. After brilliant scientists developed vaccines (and many doses fabricated right here in our city), and after President Biden and the democratic Congress gained the levers of power, the federal government has taken dramatic critical steps to improve lives and move forward. Together. Government matters. [A moment of personal privilege here to say hello to and thank my wife, Dawn. Many of you know Dawn has been working in the upper reaches of the US Department of Justice since last January, helping our federal government do these many good things. I believe Dawn may be watching – I miss you, sweetheart, and we are all so proud of what you and your colleagues are doing on behalf of all of us. Thank you!]

The federal government gave us the CARES Act. And the American Rescue Plan - ARPA. And the Infrastructure Bill. (And we're hoping for Build Back Better.) These emergency measures, one-time interventions, have had a dramatic impact. They saved jobs. They saved lives. They kept communities afloat. And note it was extraordinary for the federal government to send some of that aid directly to cities (and counties) like ours. Not through the state. That's been a very powerful and different way to send transformative and essential support.

We sincerely appreciate those federal actions. And, and, if we want to move forward together, we are going to have to do our part too. We cannot rely solely on federal and state actions. We can't know when and how often the federal government will act. Or the state. Their direction and focus can change. We surely know the values activating our Indiana statehouse often don't align with ours. We have to assure our own future and step up to our part.

This is Black History Month. (I still cherish the moment when we dedicated the new Eagleson Ave with family members standing proud.) And last month, on MLK day, many of us heard stirring words from Rev. William Barber, leading a people's movement - a prophet for justice and progress. Rev Barber said very directly, we "Must know who we are." He calls us to know who we are. Who are we in Bloomington?

A mayor hears from a lot of people. A community full of people with dreams and hopes, fears and anxieties, yes prejudices or preconceptions too, sometimes anger or frustration. But mostly stories and families full of hope and ambition. That's what I hear. A community of ambitions. That aims high.

This small city in the hills of southern Indiana has long aimed high. We quarried from our hills some of the greatest limestone ever known to build iconic buildings all around the country. We felled nearby hardwoods and milled and designed affordable laminated furniture in the largest such factory in the world. We built the first color television sets in America, delighting millions with new entertainment. And of course, we've grown up with a great, great public university, with Nobel prize winners and world-class artists, athletes and innovators, and the energy of new students arriving every year.

Bloomington is a city of ambitious people that aims high. And that is caring, hopeful, inclusive. We have been and want to be a leader in the midwest. A great small city of America. A special place with unsurpassed quality of life.

As we listen, we hear several common threads. Bloomingtonians say that we should be a welcoming and safe community where everyone can thrive and know and feel they belong. That is, we should be inclusive, with a place for everyone. A place where, no matter your starting point, high or low, fast or slow, young or old, you can live a better life. You can feel safe. "Quality of life" for all. No one left behind.

Bloomingtonians say that we should be nurturing a strong and sustainable local economy, with jobs that pay fair and good wages and traveling a zero-carbon path to address the climate emergency. We want families to have a good income to support quality lives. We also want to live responsibly, with a lighter footprint on our beautiful planet and community. We want affordable, decent homes, more renewable energy, and more walkable, bikeable lifestyles. We want more local, healthy food and more local, live art. We want a beautiful community of parks, trees, paths, and wild spaces.

And Bloomingtonians want a city government that reflects these values and helps achieve such goals energetically and effectively. We know things don't happen automatically. We want and appreciate federal and state help, but we must also do all we can locally to steer this way.

President Obama said, "Our destiny is not written FOR us but BY us." He described coming to government, our government, the one that belongs to us, saying, "We did not come to FEAR the future. We came here to SHAPE it."

Our community has big and broad, and important goals. How do we face this future? Not fear it, but shape it? What does that look like? We're into the decade of the 2020s - it is REALLY important what position we are in by 2030 what progress we make by then. How are we prepared for it? What can the city government specifically do to advance us?

Action is fundamental. Talk is talk. Walk is walk. My friends, going forward together, we need to walk. We need actions, pragmatic actions, to get things done.

Speaker of the House Nancy Pelosi has said about Democrats who want to get things done: "Diversity is our strength. Unity is our Power." Unity is born of diversity. We need to align and go Forward Together.

Tonight is not for all the details. That's probably a relief to hear at this point? We have time, weeks ahead of us, for that. But I want to close tonight with three things I believe will help us walk the walk, to act, forward, together.

First, to become a truly sustainable city, living responsibly and leaning into the future – we have in place an ambitious Climate Action Plan, a big set of actions to take. I believe we do need a mechanism to help our whole community advance. I call it a Green Ribbon Panel: a community-wide task force to develop specific action steps for us all together. The city government needs to do our part – more solar energy, more transportation changes, more city planning, supportive grants, and much more. And City Council may consider local ordinances (such as restricting 2-cycle engines or mandating building energy disclosures or organic composting, and more). But our Climate Action Plan makes clear that government is just one piece of a much bigger puzzle. We need private and nonprofit institutions at the table. Households. Faith communities. Working together. We can learn from other communities that have walked this walk, from Boston to Kansas City to Ann Arbor and more. I will be reaching out to assemble this panel by this summer. To lead this imperative community action, Forward Together.

And by the way, this Green Ribbon Panel could be instrumental in preparing us for 1.2 trillion dollars of critical federal infrastructure support coming soon: for transit, and electric charging stations, for broadband and water investments, and much more.

Second, to be a truly inclusive and welcoming community, we are advancing a DEI (Diversity, Equity, and Inclusion) Coalition. It is a fundamental challenge to make our community work for everyone. To be truly inclusive. This, too, requires the whole community. IU and the city are already in the process of creating this DEI Coalition to reflect, strategize, and plan for the most innovative and creative solutions for creating an inclusive community. The coalition will work to discover the barriers and challenges for people from historically marginalized communities living in Bloomington. The group will be made up of individuals from the university, the City of Bloomington, and other institutions and alliances and members of our community. Those interested in serving should contact Deputy Mayor Don Griffin.

Third, we need to talk about resources for our community—new revenue. Recent federal support has been essential, but it's not ongoing. There is no way to pursue our ambitions and walk our walk without more local resources, without our progressive community putting our shoulder to the wheel ourselves.

Nobel Economist Joseph Stiglitz says the question is not "How much does it cost if we DO this. But how much does it cost if we do NOT do this?"

We know how essential it will be to have the revenue to carry forward basic city operations and the new energies needed to meet the moment, including continuing critical Recover Forward investments.

For example, we need major investments in public safety, ongoing revenue for adequate police salaries, as City Council directed last year and as our proposed four-year labor agreement has included. And for police and fire facilities and equipment, including some damaged from the major June flood. Indeed, broadly, we expect to see increased pressures on many of our city occupations and employees – from the Great Resignation, and private competition, and frankly the fact that have to be sure that we offer not just jobs in city government, but fulfilling careers for the people who are the heart and soul of city government.

We also need major ongoing investments to maintain all that we have, from physical facilities to IT infrastructure and cybersecurity, to our existing playgrounds and ballfields and nature preserves.

We need major investments in climate-related challenges, from more and better transit options to more renewable energy and greater energy efficiencies, to better manage our waste and better plan our housing patterns.

We need major ongoing investments to enhance our quality of life – more affordable housing – both rental and ownership – and help people get better jobs through training and apprenticeships, and skills coaching. We need a strong local food sector and viable local artists and art organizations.

We need and have already committed to Council members new bonding – \$10 million every five years, to accelerate our sustainable infrastructure, such as sidewalks and trails, curb ramps and bike lanes, and enhanced city parks.

We have a lot in front of us. To walk the walk. Challenging, yes. But also exciting! It's exciting to realize that, as we meet the challenges posed by climate and inclusion, we are absolutely walking toward a better and better community, in line with our values, creating a better and better place to live in on a daily basis.

On the issue of new revenue, I look forward to continuing to work closely with City Council in the coming weeks – discussions have already begun, both about the upcoming potential bonding and potential new revenue from our local income tax, really our only feasible options under state law. We will also continue engagements with the wider community about the sources and uses of new revenue. This includes discussions with our colleagues in other local governments – also already underway.

We, of course, must assess our capacity to make these critical investments, more discussions in the coming weeks. You heard tonight that our city fiscal position is strong due to federal support and great leadership among our department heads. And notably, Bloomington's relative position among Hoosier cities and counties is quite striking. Among the 20 largest Indiana cities, Bloomington ranks about 19th with lower property tax and income tax rates than virtually all others.

Considering local income tax rates among Indiana's 92 counties, our county is in the lowest quarter of all, lower than three-quarters of all the counties in this state. And among our immediate neighbors, all six adjoining counties have a higher income tax rate than we do; we're the lowest of all. On average, these neighboring counties have rates 60% higher than ours, which means that we have substantial capacity responsibly to generate additional revenue.

It is absolutely appropriate to ask about these potential plans for walking the walk investing in our future: "how much does it cost if we do this?" But we absolutely must also ask, "how much does it cost if we do not do this?" Failure to meet our challenges has drastic costs. Human costs. Community costs. Meeting them brings better days for all.

#### **IV.**

Despite the unique pressures of our last 716 days, tonight, we've talked mostly NOT about the pandemic but about our future. How prepared we are for its challenges. And how important it is to shape our future.

Bloomington has an exciting and bright future if we make good choices, with the ambition and energy that have been in Bloomington's best tradition.

Think about the young people who performed tonight. Remember their faces, their energy, their skills, their spirit! As they continue their educations, studying history and geography, physics and algebra, violin and poetry, what do we do today, and tomorrow, for their futures?

Our work ahead is complicated in some ways – deciding budgets and setting priorities, implementing policies and projects and programs, evaluating options and tradeoffs. But in some other ways, maybe it's really simple.

Maybe if we listen again to Rev Barber – to "know who we are" – maybe that makes things simpler. Maybe it's as simple as the old adage of planting trees under whose shade we shall never sit—doing the right things now to prepare Bloomington for the next generations of Bloomingtonians. Right now, we are sitting

in the beautiful shade provided by so many hard-working, justice-seeking, visionary Bloomingtonians who came before us – people like Bill and Gayle Cook, Viola and George Talliaferro, Toby Strout, Herman Wells, Bob and Patsy Barker, and so many more. It's our turn to plant those trees. And I know together we can and shall.

The future is ours to shape. Ours to make. For our young friends and their future, and all the next generations waiting to join this beautiful city. The state of Bloomington is very strong. And our future is bright as we go forward together.

Thank you so much for your attention and for your care and vision for Bloomington. Travel safely, and good night.

FOR APPROVAL



## MEMO FROM COUNCIL OFFICE ON:

### **Resolution 22-08 – Resolution to Opt Back in to Opioids Settlement Pursuant to Indiana Code § 4-6-15-2**

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#### **Synopsis**

Resolution 22-08 allows the City to opt in to a settlement with opioid manufacturers and distributors pursuant to Indiana Code § 4-6-15-2.

#### **Relevant Materials**

- Resolution 22-08
- Memo from City Legal Department
- Draft Notice to Attorney General of Election to Opt Back In to Opioids Settlement
- Distributor Settlement Agreement exhibit – List of Opioid Remediation Uses & description of "best practices" programs for treatment, prevention and care

#### **Summary**

Resolution 22-08 would exercise the City's option to opt back in to a settlement agreement reached with certain defendants to national opioids multidistrict litigation. Please recall that in June 2021, via Resolution 21-22, the City opted out of a state-run settlement process for the ongoing litigation against opioid manufacturers and distributors. Former Corporation Counsel Philippa Guthrie explained:

On February 9, 2018, the City of Bloomington, through its attorneys, Cohen and Malad LLP, filed a complaint in the U.S. District Court for the Southern District of Indiana against various manufacturers and wholesale distributors of opioids, alleging significant harm to the City and its residents from the actions of the defendants in flooding the market with opioids. Other states and local government units across the country have filed similar lawsuits, and in February 2018, all of these local government actions from across the country were consolidated in the US District Court for the Northern District of Ohio as a "multidistrict litigation" action ("Opioids MDL").

In anticipation of an eventual settlement with defendants, Indiana enacted a statute (IC 4-6-15) to provide an allocation process for any settlement funds received within the state. This statute included an option for local units of government to opt out of the settlement process. Resolution 21-22 exercised the City's option to opt out of the then-existing Indiana settlement process and allowed the City to pursue its own claims against the opioid defendants. At the time, city legal staff and outside counsel for Bloomington felt that participating in the Indiana settlement process would be detrimental to the City's interests by (among other reasons) significantly affecting the amount of damages the City might be awarded through a settlement.



**City of Bloomington Indiana**

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

Recently, the Governor signed HB 1193 into law, which revised IC 4-6-15 by, among other changes, altering how settlement proceeds will be divided between the state and local governments. These changes are described in the memo provided by the Legal Department. Also included in this packet is a Distributor Settlement Agreement exhibit that provides more information on the types of treatment, prevention, and care programs that are considered "best practices". Under IC 4-6-15-4, 70% of local government settlement funds are designated for such programs, while 30% of local government settlement funds are unrestricted.

Should Resolution 22-08 be adopted, the City will provide certain information to the attorney general, which will be in a form similar to the Draft Notice to Attorney General included herein and attached to the resolution. If the city takes no action by July 15, 2022, it will be excluded from any settlement agreement and would be left to pursue its own claims against defendants. The Legal Department and outside legal counsel now believe it is in the City's best interest to opt back in to the opioid settlement.

**Contact**

Beth Cate, Corporation Counsel, 812-349-3426, [beth.cate@bloomington.in.gov](mailto:beth.cate@bloomington.in.gov)

Outside legal counsel – Jonathan Knoll, Cohen & Malad, LLP, 317-636-6481,

[jknoll@cohenandmalad.com](mailto:jknoll@cohenandmalad.com)

**RESOLUTION 22-08**

**RESOLUTION TO OPT BACK IN TO OPIOIDS SETTLEMENT  
PURSUANT TO INDIANA CODE § 4-6-15-2**

WHEREAS, the City of Bloomington has been actively engaged in pursuing damages caused by the manufacture, sale, and distribution of opioids through outside counsel in multidistrict litigation; and

WHEREAS, recent legislation amending Indiana Code § 4-6-15 has been adopted by the Indiana legislature and signed into law by the Governor; and

WHEREAS, the City of Bloomington, Indiana, after due consideration of said legislation, has determined that it is in the best interest of its citizens to opt back in to the opioids settlements under Indiana Code 4-6-15-2.

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

The City of Bloomington, Indiana, having considered whether to elect to opt back in to the opioids settlements under Indiana Code § 4-6-15-2, hereby resolves that the City of Bloomington now exercises its election to opt back in to the opioid settlements, and orders its duly authorized agent to submit a certified copy of this Resolution to the Indiana Attorney General by July 15, 2022.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
SUSAN SANDBERG, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

**SYNOPSIS**

Resolution 22-08 allows the City to opt in to a settlement with opioid manufacturers and distributors pursuant to Indiana Code § 4-6-15-2.



**MEMORANDUM**

**CITY OF BLOOMINGTON LEGAL DEPARTMENT**

**TO: Common Council**  
**FROM: City of Bloomington Legal Department**  
**RE: Resolution 22-08 – Resolution to Opt Back In to Opioid Settlement**  
**DATE: March 16, 2022**

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As the Council may recall, at the very end of the State’s legislative session last year, a last-second addition was slipped into the state’s biennial budget setting the terms under which local governments in Indiana would settle outstanding claims against opioid defendants. The last-second addition included conditions that many local governments judged unfavorably. The majority of Indiana’s local governments, including Bloomington, took affirmative action to opt out of the 2021 settlement.

This year, after the vast majority of Indiana’s local governments rejected the 2021 settlement, the General Assembly revised the opioid settlement favorably for local governments via House Bill 1193. House Bill 1193 resolves nearly all local governments’ prior objections to participation in the in the settlement. First, the new law establishes a fair metric for distributing settlement proceeds. Now, 50% of the settlement will go directly to local governments, with 30% of local government settlement funds being made available for unrestricted use and 70% being designated for treatment, prevention, and care. Second, the 2022 law clarifies that litigating local government units are not precluded from participating in future settlements with opioid defendants. Language that appeared to preclude future participation in settlements had been a major concern in the 2021 statute.

To date, Bloomington’s portion of settlement proceeds been calculated at \$2,130,022.86. The City and outside counsel have agreed to significantly reduce the amount of our outside attorneys’ share of the distribution to 8.7% of the recovery, or \$185,311.99 out of the present distribution. Proceeds from the settlement distribution will be paid out over time, beginning in April, and not in one lump sum.

City Legal believes that these updated settlement terms are favorable to Bloomington. We advise that the Common Council adopt Resolution 22-08 and opt back in to the opioid settlement on these updated and improved terms.

**Notice of Election to Opt Back In to Opioids Settlement Under Indiana Code 4-6-15-2**

The City of Bloomington hereby submits notice to the Indiana Attorney General that it elects to opt back in to opioids settlement pursuant Indiana Code 4-6-15-2(d). The City of Bloomington hereby submits the following information pursuant to Indiana Code 4-6-15-2(d):

- (1) The name of the political subdivision electing to opt back in is: the City of Bloomington:
  
- (1) The contact information for an individual at this political subdivision who can provide information regarding the decision to opt back in is:\_\_\_\_\_. Because this political subdivision is represented by counsel in this matter, the political subdivision requests that all communications relating to this decision to opt out be directed to its counsel as follows:

**Irwin B. Levin**  
**Cohen & Malad, LLP**  
One Indiana Square, Suite 1400  
Indianapolis, IN 46204  
317.636.6481 (office)  
[ilevin@cohenandmalad.com](mailto:ilevin@cohenandmalad.com)

- (2) A certified copy of the resolution adopted by this political subdivision evidencing its election to opt back in of the opioids settlement pursuant to Indiana Code 4-6-15-2(d) is attached hereto.
  
- (3) A copy of the agreement executed between the political subdivision and its private legal counsel that includes a term setting the amount of attorney’s fees owed to the private legal counsel is attached hereto.

Dated this \_\_\_ day of \_\_\_\_\_, 2022.

The City of Bloomington

By: \_\_\_\_\_  
Name and Title

**EXHIBIT E**

**List of Opioid Remediation Uses**

**Schedule A  
Core Strategies**

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“*Core Strategies*”).<sup>14</sup>

- A. **NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES**
1. Expand training for first responders, schools, community support groups and families; and
  2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.
- B. **MEDICATION-ASSISTED TREATMENT (“MAT”) DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT**
1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
  2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
  3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
  4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

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<sup>14</sup> As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

C. **PREGNANT & POSTPARTUM WOMEN**

1. Expand Screening, Brief Intervention, and Referral to Treatment (“*SBIRT*”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“*OUD*”) and other Substance Use Disorder (“*SUD*”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. **EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“*NAS*”)**

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. **EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES**

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. **TREATMENT FOR INCARCERATED POPULATION**

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. **PREVENTION PROGRAMS**

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. **EXPANDING SYRINGE SERVICE PROGRAMS**

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. **EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE**

**Schedule B**  
**Approved Uses**

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

**A. TREAT OPIOID USE DISORDER (OUD)**

Support treatment of Opioid Use Disorder (“OUD”) and any co-occurring Substance Use Disorder or Mental Health (“SUD/MH”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:<sup>15</sup>

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“MAT”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“ASAM”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“OTPs”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

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<sup>15</sup> As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (“*DATA 2000*”) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service for Medication–Assisted Treatment.

**B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY**

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED**  
**(CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

**D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS**

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
  1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARF*”);
  2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
  3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
  4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
  5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
  6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“CTP”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

**E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME**

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“NAS”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.
6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
10. Provide support for Children's Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION
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**F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS**

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs (“*PDMPs*”), including, but not limited to, improvements that:

1. Increase the number of prescribers using PDMPs;
2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increasing electronic prescribing to prevent diversion or forgery.
8. Educating dispensers on appropriate opioid dispensing.

**G. PREVENT MISUSE OF OPIOIDS**

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.

8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

**H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)**

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES
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**I. FIRST RESPONDERS**

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

**J. LEADERSHIP, PLANNING AND COORDINATION**

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment

intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

**K. TRAINING**

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

**L. RESEARCH**

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“ADAM”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 22-05 – To Vacate Public Parcels – Re: Two 16.5 Foot Wide Alley Segments Located between West 1<sup>st</sup> Street, West 2<sup>nd</sup> Street, South Rogers Street, and South Morton Street (City of Bloomington Redevelopment Commission, Petitioner)**

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#### **Synopsis**

The petitioner, City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way; the first between West 1<sup>st</sup> Street and West 2<sup>nd</sup> Street, and the second an alley that runs east and west between South Morton Street and a 16.5 foot platted alley to the west in order to facilitate Phase 1 East (Hopewell) Development. The right of way will be replaced with new sections of South Madison Street and West University Street.

#### **Relevant Materials**

- Ordinance 22-05
- Staff Report from Planning and Transportation
- Subdivision Plat and Exhibits
- Board of Public Works Staff Report
- Petition for Vacation of Public Right-of-Way
  - Public Right-of-Way Pre-Petition Review Request Letter from Matthew Wallace
  - Survey and Legal description for each alley and street
- Link to Bloomington Hospital Site Redevelopment webpage (<https://bloomingtonhospital.com/>), which includes
  - Information on the master planning process
  - Frequently asked questions
  - Bloomington Hospital Site Redevelopment Master Plan Report – January 2021

#### **Summary**

Ordinance 22-05 proposes to vacate two existing alleys in order to develop the Hopewell Subdivision in accordance with the Bloomington Hospital Site Redevelopment Master Plan. Resources related to the Bloomington Hospital Site Redevelopment Master Plan can be found [here](#). The petitioner, Bloomington Redevelopment Commission (RDC), requests to vacate an existing alley that runs north and south from 1<sup>st</sup> Street to 2<sup>nd</sup> Street in the block between Rogers and Morton Streets. Additionally the RDC requests the vacation of a second existing alley that runs east and west from the previously described alley to Morton Street. These right-of-way vacations will be improved with the proposed Madison Street extension and the new greenway known as University Street.



Vacations of rights-of-way are governed by procedures contained in state law (IC § 36-7-3-12 and following statutes). In addition to state law requirements, Bloomington has adopted local procedures and criteria for public right-of-way vacations. In Bloomington, the process typically begins with a pre-petition review of an application submitted to the Planning and Transportation Department. Pre-petition materials submitted by the petitioner are reviewed, and all utility services, safety services, and the Board of Public Works are notified of the proposed action. Upon completion of the pre-petition review, staff and the Board of Public Works each make a recommendation on the request. The Petitioner then submits the request to the Council Office, and upon receipt of the petition, a date is set for the required public hearing, where remonstrances and objections must be heard. The public hearing for Ordinance 22-05 is scheduled for March 30, 2022 at 6:30 p.m. The City Clerk must assure that owners of property abutting the right(s)-of-way are notified by certified mail of the proposed action. The Clerk must also advertise the hearing wherein the public may offer the Council its comments and objections

In response to a question about the fiscal impact of this ordinance, Planning and Transportation Director Scott Robinson writes:

There would be no immediate anticipated fiscal impact for the vacation of ROW:

- Land is currently not generating property any taxes.
- Current ROW is either unimproved, or an alley which typically Public Works does not maintain. If vacated, and if there were any maintenance costs for this ROW, maintenance would no longer be needed.
- Any planned redevelopment for the portions of vacated ROW would have fiscal impacts as the ownership would be transferred from the current public agency/not for profit status to a taxable unit. This would not happen immediately because the Redevelopment Commission/City will be the owner once IU Health turns over the property. It would be hard to estimate the fiscal impact other than it would generate property tax and it would also be within a TIF. Perhaps sometime in the next 2-5 years as property/lots are transferred to new owners.

Engineering Department Project Engineer Patrick Dierkes adds:

To create the developable lots per the Master Plan we need to vacate the alleys. Keeping the north-south alley in the current project design would create slivers of unusable land between the proposed road and the existing alleys. If the alleys are not vacated a redesign of the project would be required. Again placing a value on this is difficult.

I think the most straightforward way is to look at the costs for relocating the utilities from the alleys. While these costs will likely be offset by the sale and development of the lots that are created it is hard to put an accurate value to that. Below is a summary of each utility.



- Centerpoint (natural gas) - No relocation costs
- Duke (electric) - Waiting for costs from Duke for the relocation required to keep service to 3 buildings in the area. We expect this to be a minimal cost to the project.
- AT&T (communication) - Waiting for an official response from AT&T. We know this is not a transmission line. Since the lines are only distribution this will likely result in no costs to the City.
- Comcast (cable) - Waiting for an official response from Comcast. The facilities appear no longer in service. Likely remnants from serving the buildings to be removed.

We are working to get official responses from each utility and a cost estimate from Duke. I will provide updates as we receive the information.

Objections or grounds for remonstrance are generally limited by statute to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole. (See IC § 36-7-3-13). 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.

The Council's action to vacate a right-of-way must be done in the public interest. In [Resolution 87-02](#), the Council adopted the following criteria to guide its review of a request for right-of-way vacation:

1. Current Status – Access to Property: the current utilization of the right-of-way in question – as a means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.
2. Necessity for Growth of the City:
  - a. Future Status – the future potential for public utilization, possible future need for the right-of-way due to future changes in land use;
  - b. Proposed Private Ownership Utilization – the proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to the orderly growth of the City);
  - c. Compliance with regulations – the effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change of use?);
  - d. Relation to Plans – the relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.



**City of Bloomington Indiana**

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

On March 1, 2022, after hearing from staff, the Board of Public Works unanimously recommended approval of the vacation. A copy of the Board of Public Works Staff Report is included in the packet materials.

In the event the Council adopts Ordinance 22-05, the Clerk must then file a copy with the County Recorder and the County Auditor.

**Contact**

Scott Robinson, Director Planning and Transportation, [robinsos@bloomington.in.gov](mailto:robinsos@bloomington.in.gov),  
(812) 349-3566

Patrick Dierkes, Project Engineer, Engineering, [patrick.dierkes@bloomington.in.gov](mailto:patrick.dierkes@bloomington.in.gov),  
(812) 349-3913

**ORDINANCE 22-05**

**TO VACATE PUBLIC PARCELS –**

**Re: Two 16.5-Foot Wide Alley Segments Located Between West 1<sup>st</sup> Street, West 2<sup>nd</sup> Street,  
South Rogers Street, and South Morton Street  
(City of Bloomington Redevelopment Commission, Petitioner)**

WHEREAS, Ind. Code § 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, in Resolution 18-06, the Common Council approved the purchase of the legacy site of the IU Health Bloomington Hospital for redevelopment into the new Hopewell neighborhood by Petitioner, the City of Bloomington Redevelopment Commission; and

WHEREAS, part of this redevelopment includes Phase 1 East as detailed in the Hospital Reuse Master Plan, which called for the vacation of current public parcel alleys in favor of extending University Street and Madison Street; and

WHEREAS, the Petitioner, the City of Bloomington Redevelopment Commission, has ownership interest in real estate that is contiguous to the public right of way and has filed to vacate two (2) portions of public parcels more particularly described below; and

WHEREAS, pursuant to I.C. § 36-7-3-12(c), the City Clerk has provided notice to owners of abutting property and published notice of the public hearing on this matter, which will be held during the Common Council Committee of the Whole meeting on Wednesday, March 30, 2022, at 6:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and

WHEREAS, pursuant to I.C. § 36-7-3-12, upon vacation the City Clerk shall furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor;

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, two (2) portions of City owned property shall be vacated.

SECTION 2. The first property is a north/south alley segment running between Lots 37 and 9 through 14, north from West 1<sup>st</sup> Street to West 2<sup>nd</sup> Street, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the south right-of-way line of West 2<sup>nd</sup> Street; Thence on the north line of said Lot 14 and said south right-of-way line North 89 degrees 33 minutes 19 seconds West 208.78 feet to the northwest corner of said Lot 14 and the True Point of Beginning;

Thence leaving said north and south lines and on the west line of Lots 14, 13, 12, 11, 10 and 9 South 00 degrees 30 minutes 06 seconds West 658.81 feet to the north right-of-way line of West 1<sup>st</sup> Street; Thence leaving said west line and on said north line North 89 degrees 26 minutes 24 seconds West 16.50 feet to the southeast corner of said Lot 37; Thence leaving said north line and on the east line of Lot 37 North 00 degrees 30 minutes 06 seconds East 658.78 feet to the south right-of-way line of West 2<sup>nd</sup> Street; Thence leaving said east line and on said south line South 89 degrees 33 minutes 19 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.25 ACRES (10,870.19 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a

survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

SECTION 3. The second property is an east/west alley segment running between Lots 12 and 13, west from South Morton Street, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the west right-of-way line of South Morton Street; Thence on the east line of Lots 14 and 13, and on said west right-of-way line South 00 degrees 30 minutes 06 seconds West 208.74 feet to the southeast corner of Lot 13 and the True Point of Beginning;

Thence leaving said east and west line and on the south line of said Lot 13 North 89 degrees 31 minutes 10 seconds West 208.78 feet to the southwest corner of said Lot 13 and the east right-of-way of a platted alley; Thence South 00 degrees 30 minutes 06 seconds West 16.50 feet to the northwest corner of said Lot 12; Thence on the north line of said Lot 12 South 89 degrees 31 minutes 10 seconds East 208.78 feet to the northeast corner of said Lot 12 and said west right-of-way of South Morton Street; Thence leaving said north line and on said west right-of-way line North 00 degrees 30 minutes 06 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.08 ACRES (3,444.89 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

SECTION 4. 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 5. 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 AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
SUSAN SANDBERG, President  
City of Bloomington

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

## SYNOPSIS

The petitioner, City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way; the first between West 1<sup>st</sup> Street and West 2<sup>nd</sup> Street, and the second an alley that runs east and west between South Morton Street and a 16.5 foot platted alley to the west in order to facilitate Phase 1 East (Hopewell) Development. The right-of-way will be replaced with new sections of South Madison Street and West University Street.



# Memorandum

To: Members of the City of Bloomington Common Council  
From: Scott Robinson, Director of Planning & Transportation  
Regarding: Hopewell Right of Way Vacation Request  
Date: March 18, 2022

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The Bloomington Hospital Site Redevelopment Master Plan Report (Master Plan) outlined the planning, design concepts, public amenities, estimated costs, and phasing to redevelop the Hopewell Neighborhood. Phase 1 East, the area east of Rogers Street, south of 2<sup>nd</sup> Street, west of the B-Line, and north of 1<sup>st</sup> Street, is in the early implementation steps to reactivate and fulfill the vision for the legacy Bloomington Hospital site. Early site preparation includes land survey, property acquisition, building demolition, utility relocation, and street, sidewalk, greenway and other public improvement designs for bidding and construction. A primary plat was approved by the Plan Commission on February 7, 2022 and details the realignment of property boundaries and public right of way. Building demolition, utility relocation, and new infrastructure is scheduled to begin as early as June 2022.

Part of this realignment of property boundaries requires existing right of way (ROW) to be vacated (a north-south alley and east-west alley, each 16.5 feet wide) and new ROW platted to extend the traditional street grid into this area and create four city blocks. The extension of Madison Street and University Street are consistent with the design concepts of the Master Plan, with 70 and 76 foot wide ROW, respectively. The realignment also includes land for a linear park on the north side of University Street (two parcels of land totaling 0.93 acres that will be operated and maintained by the city's Parks and Recreation Department).

Planning & Transportation Department staff notified utilities of the ROW vacation application. The Phase 1 East project is in ongoing coordination with existing utilities that currently occupy the right of way. These utilities are allowed to remain in place pursuant to Indiana Code 36-7-3-16. The Indiana Code also provides the utilities legal access as needed for maintenance. The utilities will be relocated to the new public ROW after it is dedicated and cleared for their relocations.

Staff presented the proposed ROW vacation to the Board of Public Works (BPW) at their March 1, 2022 public meeting, which allowed an opportunity for additional input on this request. Information on current purchase agreements for lands bordering the alleys to be vacated and a previous alley that was vacated (CV8010-060A) in 1980 to allow the Local Council of Women to construct the hospital laundry facility was also provided. The BPW provided a positive recommendation for this ROW vacation request.

Staff is requesting Council to vacate the existing ROW within the Phase 1 East area. Maps and exhibits are also included for reference.

# HOPEWELL SUBDIVISION

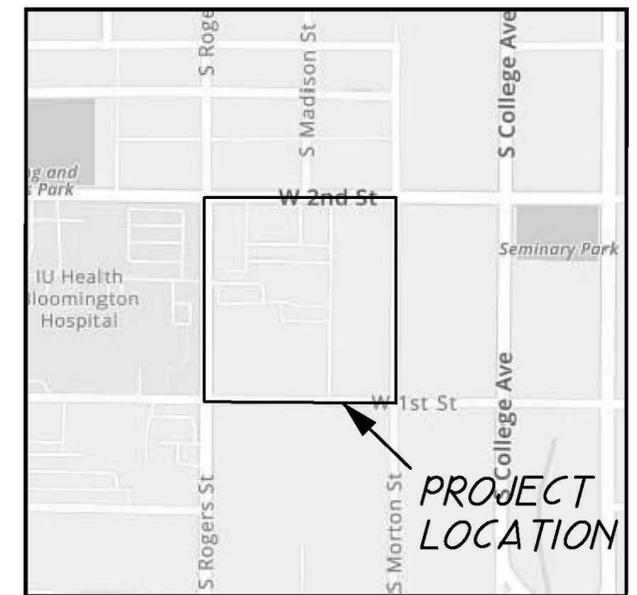
PT OF SEM. LOTS 9-14 & 37  
PERRY TOWNSHIP



NORTH



Scale 1" = 50 ft  
BASIS OF BEARING  
MONROE CO. COORD. SYS.  
NAVD88



LOCATION MAP

**FLOOD NOTE:**

According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010.

This property is located in Zone X, an area of minimal flood hazard.

Source: FEMA

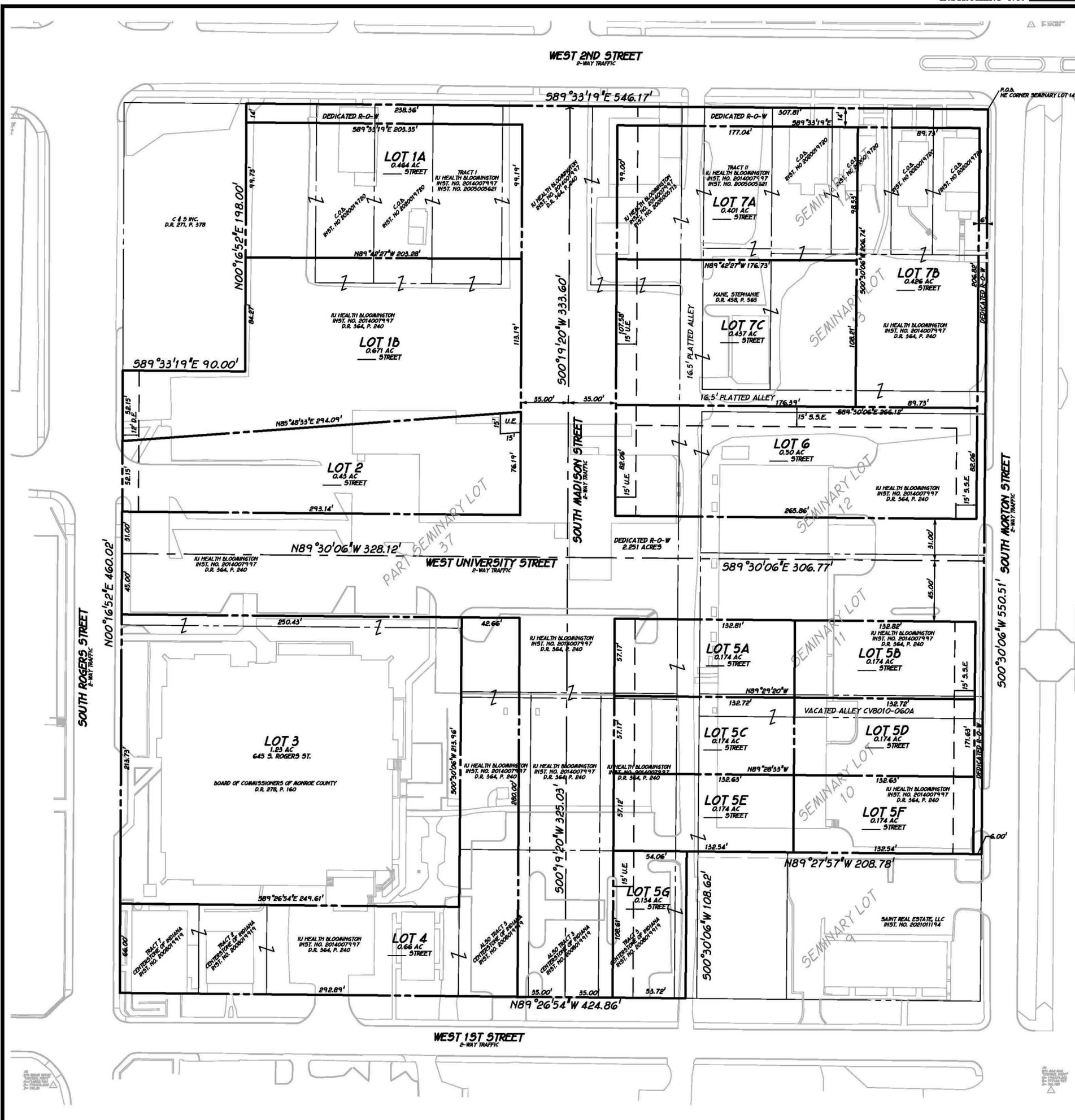
I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

**NOTE:**

See Retracement Survey dated 7/23/2021 for Surveyor's Report.



# HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37  
PERRY TOWNSHIP

## ALLEY VACATION EXHIBIT 1

 Previously Vacated Alley

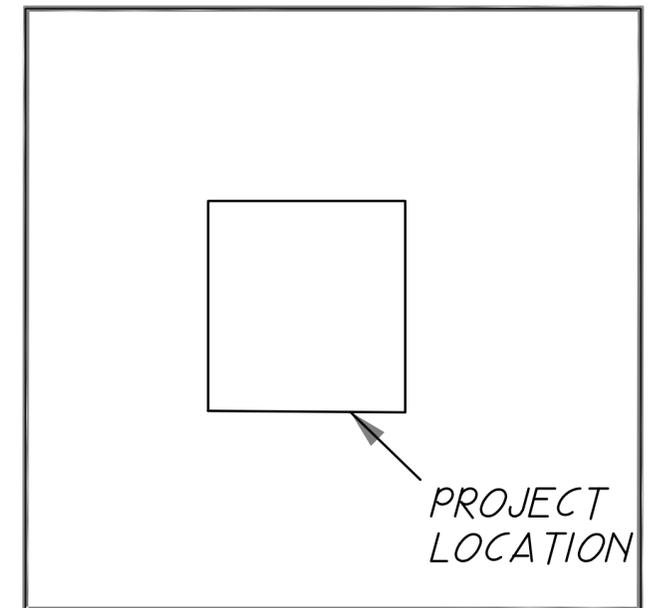
 Alleys to Vacate



NORTH



Scale 1" = 50 ft  
BASIS OF BEARING  
MONROE CO. COORD. SYS.  
NAVD88



PROJECT  
LOCATION

LOCATION MAP

**FLOOD NOTE:**

According to Flood Insurance Rate Map (FIRM) this real estate is part of  
Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010.

This property is located in Zone X, an area of minimal flood hazard.

Source: FEMA

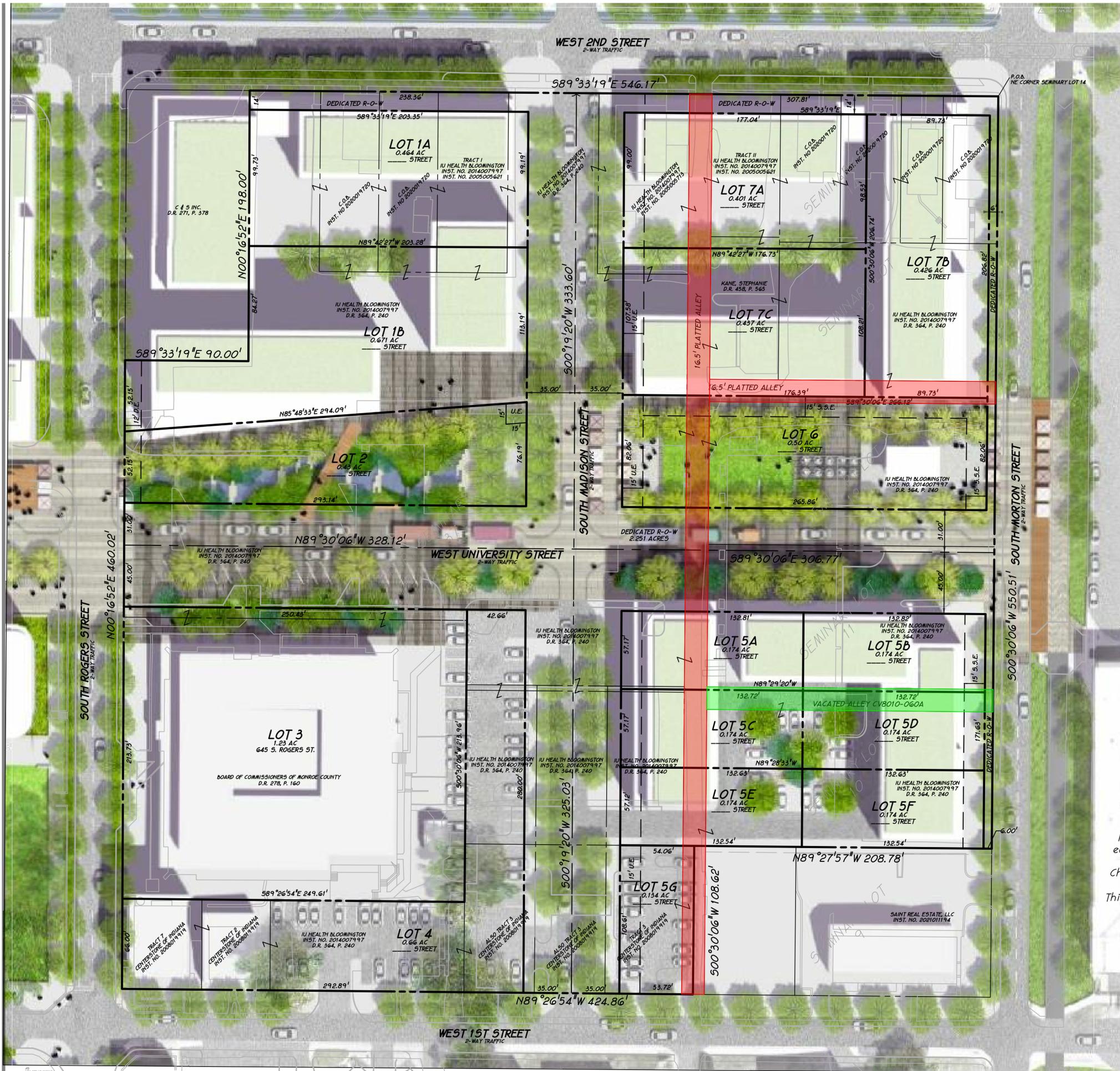
I affirm under penalties of perjury, that I have taken reasonable care to redact  
each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

**NOTE:**

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

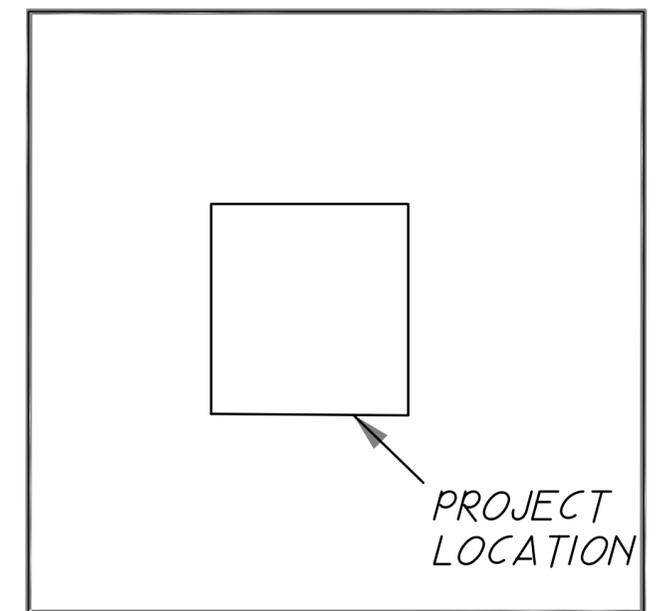


# HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37  
PERRY TOWNSHIP

## ALLEY VACATION EXHIBIT 2

- Previously Vacated Alley
  - Alleys to Vacate  
Approx. 0.33 Acres
  - ROW Dedication  
Approx. 4.03 Acres
-   
**NORTH**  
  
 Scale 1" = 50 ft  
 BASIS OF BEARING  
 MONROE CO. COORD. SYS.  
 NAVD88



LOCATION MAP

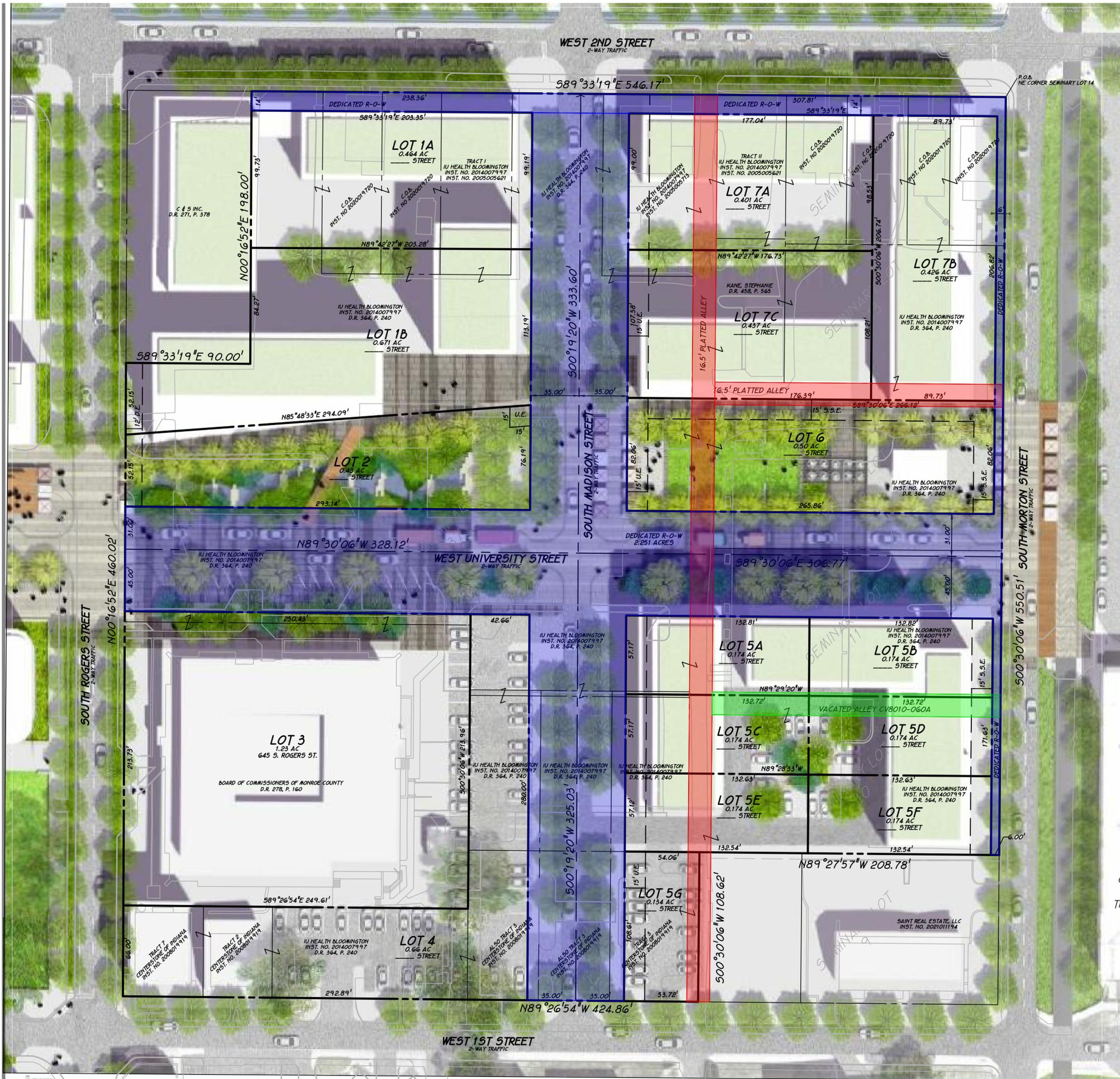
**FLOOD NOTE:**  
 According to Flood Insurance Rate Map (FIRM) this real estate is part of  
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Charles D. Graham

This instrument prepared by Charles D. Graham

**NOTE:**  
 See Retracement Survey dated 7/23/2021 for Surveyor's Report.





## Board of Public Works Staff Report

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**Project/Event:** Alley Right-of-Way Vacation – Phase 1 East (Hopewell)  
Development Proposing to Vacate Existing North-South and  
East-West Alleys

**Petitioner/Representative:** Engineering Department

**Staff Representative:** Patrick Dierkes, Project Engineer

**Date:** 03/01/2022

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**Report:** As part of the redevelopment of the Phase 1 East project the existing alleys are to be vacated to allow for new ROW for the extension of Madison St and the new greenway now known as University St. The Phase 1 East project area is bounded by 2nd Street to the north, 1st Street to the south, the B-Line Trail to the east, and Rogers Street to the west. Both existing alleys are 16.5 feet wide and will be replaced by 70 foot wide ROW for the new Madison St and 76 foot wide ROW for the new University St. The project also plans to construct a linear park on the northside of University St and deed the two parcels of land totaling 0.93 acres to Parks and Recreation. While the vacation of ROW is a City Council decision it has been the standard practice to present the vacations for BPW consideration prior to requesting the vacation from Council. The project seeks BPW opinion on the proposed ROW vacations.

The Bloomington Redevelopment Commission represented by Shrewsberry on this request has agreements to purchase the lands bordering the alleys to be vacated with the exception of one parcel owned by Saint Real Estate LLC. The parcel is located at the southeast corner of the intersection of the north-south alley and West 1st St. The Saint Real Estate parcel is currently vacant and was previously accessed by 1st St and the north-south alley. Saint Real Estate also owns the parcels to the east of this property which are accessed by 1st St and Morton St. The alley vacation does not appear to limit future use of the parcels owned by Saint Real Estate.

The alley vacations requested are in line with the Bloomington Hospital Site Redevelopment Master Plan Report dated January 2021 that underwent a rigorous public engagement process. The connections currently provided by the alleys will be improved with the proposed Madison St extension and new University St.

A previous alley was vacated in the area by CV8010-060A in 1980 to allow the Local Council of Women to construct the hospital laundry facility.

---



**City of Bloomington  
Planning and Transportation Department**

**PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY**

Filing Date \_\_\_\_\_ Ordinance # \_\_\_\_\_  
Filing Fee Paid \_\_\_\_\_ BPW Resolution # \_\_\_\_\_

1<sup>st</sup> Reading \_\_\_\_\_  
Committee \_\_\_\_\_  
Final Hearing \_\_\_\_\_

Address of Property S of 2nd St / W of Rogers St / N of 1st St / E of Morton St

Applicant's Name Redevelopment Commission - City of Bloomington

Address City Hall - 401 N. Morton St. Suite 130 Phone 812.349.3420  
E-Mail \_\_\_\_\_

Counsel or Consultant Matthew Wallace - Shrewsberry & Associates, LLC

Address 7321 Shadeland Station Suite 160, Indianapolis, IN 46256 Phone 812.306.1551  
E-Mail mwallace@shrewsusa.com

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.

\_\_\_\_\_ The undersigned agree that the applicant will 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: 



February 24, 2022

Jackie Scanlan, AICP  
Development Services Manager  
City of Bloomington – Planning & Transportation

**RE: PUBLIC RIGHT-OF-WAY PRE-PETITION REVIEW REQUEST LETTER  
HOPEWELL SUBDIVISION PROJECT  
SHREWSBERRY PROJECT No. 21-0049**

Dear Jackie,

Please accept this letter as official request for the pre-petition review to vacate public right-of-way. In order to develop our project, Hopewell Subdivision, in accordance with the Bloomington Hospital Site Redevelopment Master Plan, we request to vacate an existing alley that runs north and south from 1<sup>st</sup> Street to 2<sup>nd</sup> Street in the block between Rogers and Morton Streets. We also request to vacate an existing alley that runs east and west from the previously described alley to Morton Street. The legal descriptions and exhibit drawings of both alleys are included with this letter.

The Bloomington Redevelopment Commission represented by Shrewsberry on this request has agreements to purchase the lands bordering the alleys to be vacated with the exception of parcel 53-08-05-100-109.000-009 owned by Saint Real Estate LLC. The parcel is located at the southeast corner of the intersection of the north-south alley and West 1<sup>st</sup> St. The Saint Real Estate parcel is currently vacant and was previously accessed by 1<sup>st</sup> St and the north-south alley. Saint Real Estate also owns the parcels to the east of this property which are accessed by 1<sup>st</sup> St and Morton St. The alley vacation does not appear to limit future use of the parcels owned by Saint Real Estate.

The existing utilities that currently occupy the alley are allowed to remain in place pursuant to Indiana Code 37-7-3-16. The Indiana Code also provides the utilities legal access as needed for maintenance. The utilities will be relocated to the new public Right-of-Way after it is dedicated and cleared for their relocations.

The alley vacations requested are in line with the Bloomington Hospital Site Redevelopment Master Plan Report dated January 2021 that underwent a rigorous public engagement process. The connections currently provided by the alleys will be improved with the proposed Madison St extension and University St. A previous alley was vacated in the area by CV8010-060A in 1980 to allow the Local Council of Women to construct the hospital laundry facility.

The approved Primary Plat for Hopewell Subdivision includes the dedication of new public Right-of-Way for an extension of Madison Street from 1<sup>st</sup> to 2<sup>nd</sup> Street, as well as the dedication of various public utility easements that will replace the alleys to be vacated.

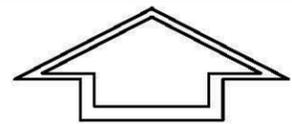
If you need any additional information or would like to discuss this further, please feel free to contact me at your convenience.

Respectfully submitted,

**SHREWSBERRY & ASSOCIATES, LLC**

A handwritten signature in black ink, appearing to read 'Matthew D. Wallace', written in a cursive style.

Matthew D. Wallace, PE, LEED AP  
Senior Engineer Project Manger

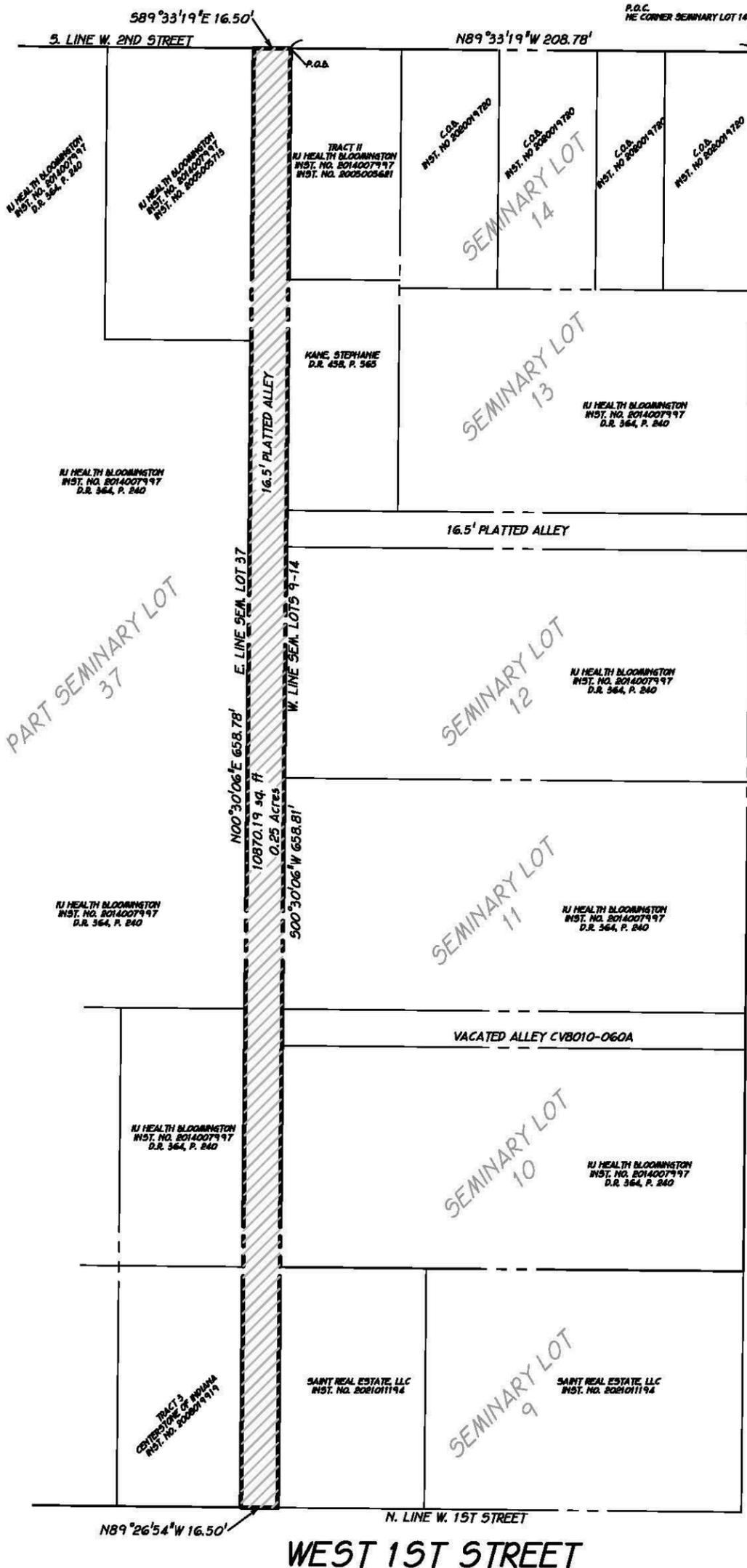


NORTH



Scale 1" = 60 ft

BASIS OF BEARING  
MONROE CO. COORD. SYS.  
NAVD88



SOUTH MORTON STREET

*C.D. Graham*

Charles D. Graham  
Indiana L.S. 29500014  
Bynum Fanyo & Associates, Inc.  
528 North Walnut Street  
Bloomington, Indiana 47404-3804  
812-332-8030



I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

NOTE:

This instrument prepared by Charles D. Graham

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

EXHIBIT "B"  
ALLEY VACATION  
BETWEEN SEMINARY LOTS 37 & 9 THROUGH 14  
BLOOMINGTON, IN

Date: 2-17-2022

SHEET 2 OF 2

Project No: 5021058



BYNUM FANYO & ASSOCIATES, INC.  
528 North Walnut Street  
Bloomington, Indiana 47404  
Phone (812)332-8030 Fax (812)339-2990

**PUBLIC RIGHT-OF-WAY VACATION**

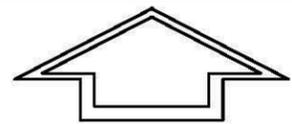
North/South Alley between Seminary Lots 37 and 9 through 14

**0.25 ACRES**

An alley that runs north and south between West 2<sup>nd</sup> Street and West 1<sup>st</sup> Street as shown by the plat of the Seminary Lots, in the City of Bloomington, Indiana, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the south right-of-way line of West 2<sup>nd</sup> Street; Thence on the north line of said Lot 14 and said south right-of-way line North 89 degrees 33 minutes 19 seconds West 208.78 feet to the northwest corner of said Lot 14 and the True Point of Beginning;

Thence leaving said north and south lines and on the west line of Lots 14, 13, 12, 11, 10 and 9 South 00 degrees 30 minutes 06 seconds West 658.81 feet to the north right-of-way line of West 1<sup>st</sup> Street; Thence leaving said west line and on said north line North 89 degrees 26 minutes 24 seconds West 16.50 feet to the southeast corner of said Lot 37; Thence leaving said north line and on the east line of Lot 37 North 00 degrees 30 minutes 06 seconds East 658.78 feet to the south right-of-way line of West 2<sup>nd</sup> Street; Thence leaving said east line and on said south line South 89 degrees 33 minutes 19 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.25 ACRES (10,870.19 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.



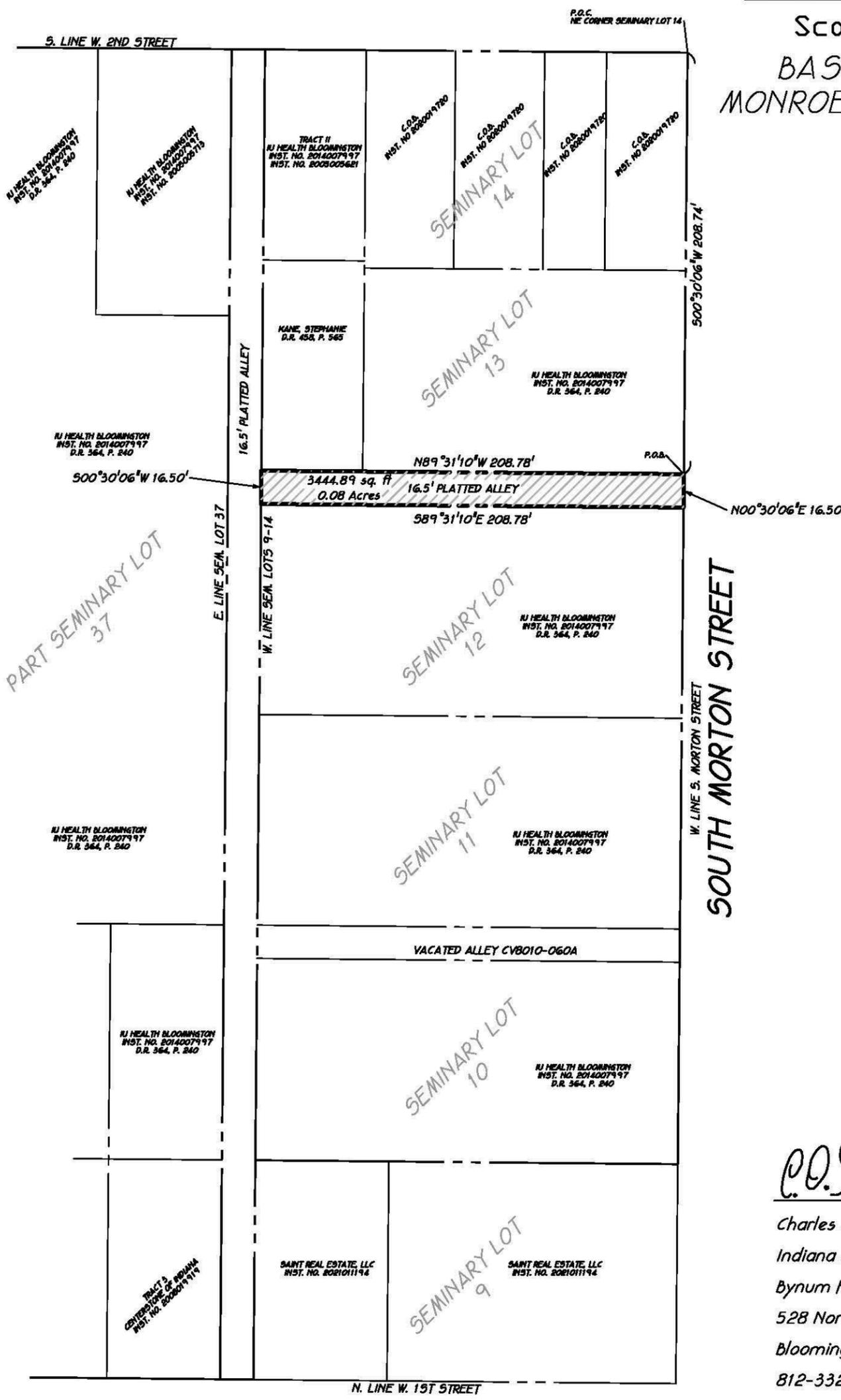
NORTH



Scale 1" = 60 ft

BASIS OF BEARING  
MONROE CO. COORD. SYS.  
NAVD88

WEST 2ND STREET



PART SEMINARY LOT  
37

SEMINARY LOT  
12

SEMINARY LOT  
11

SEMINARY LOT  
10

SEMINARY LOT  
9

SEMINARY LOT  
14

SEMINARY LOT  
13

SOUTH MORTON STREET

WEST 1ST STREET

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

NOTE:

This instrument prepared by Charles D. Graham

See Retracement Survey dated 7/23/2021 for Surveyor's Report.

Charles D. Graham  
Indiana L.S. 29500014  
Bynum Fanyo & Associates, Inc.  
528 North Walnut Street  
Bloomington, Indiana 47404-3804  
812-332-8030



EXHIBIT "B"  
ALLEY VACATION  
BETWEEN SEMINARY LOTS 12 & 13  
BLOOMINGTON, INDIANA

Date: 2-17-2022

SHT 2 OF 2

Project No: 5021058

**BFA**  
BYNUM FANYO & ASSOCIATES, INC.  
528 North Walnut Street  
Bloomington, Indiana 47404  
Phone (812)332-8030 Fax (812)339-2990

**PUBLIC RIGHT-OF-WAY VACATION**  
East/West Alley between Seminary Lots 12 and 13

**0.08 ACRES**

An alley that runs east and west between South Morton Street and a 16.5 foot platted alley as shown by the plat of the Seminary Lots, in the City of Bloomington, Indiana, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the west right-of-way line of South Morton Street; Thence on the east line of Lots 14 and 13, and on said west right-of-way line South 00 degrees 30 minutes 06 seconds West 208.74 feet to the southeast corner of Lot 13 and the True Point of Beginning;

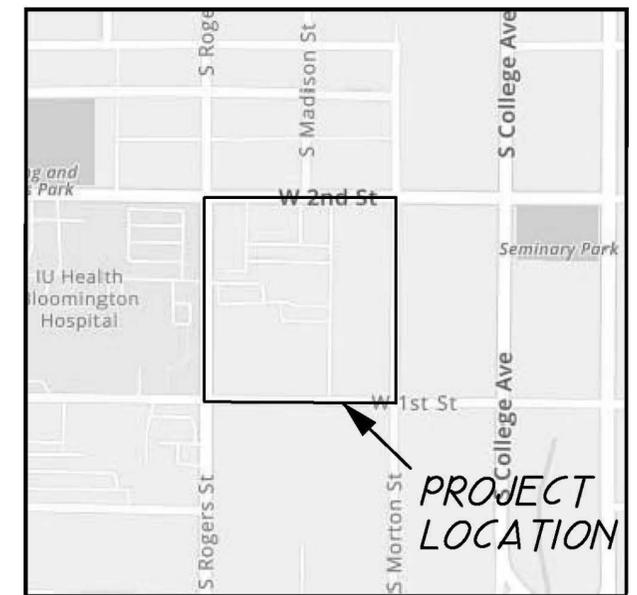
Thence leaving said east and west line and on the south line of said Lot 13 North 89 degrees 31 minutes 10 seconds West 208.78 feet to the southwest corner of said Lot 13 and the east right-of-way of a platted alley; Thence South 00 degrees 30 minutes 06 seconds West 16.50 feet to the northwest corner of said Lot 12; Thence on the north line of said Lot 12 South 89 degrees 31 minutes 10 seconds East 208.78 feet to the northeast corner of said Lot 12 and said west right-of-way of South Morton Street; Thence leaving said north line and on said west right-of-way line North 00 degrees 30 minutes 06 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.08 ACRES (3,444.89 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

# HOPEWELL SUBDIVISION

PT OF SEM. LOTS 9-14 & 37  
PERRY TOWNSHIP



Scale 1" = 50 ft  
BASIS OF BEARING  
MONROE CO. COORD. SYS.  
NAVD88



LOCATION MAP

**FLOOD NOTE:**

According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010.

This property is located in Zone X, an area of minimal flood hazard.

Source: FEMA

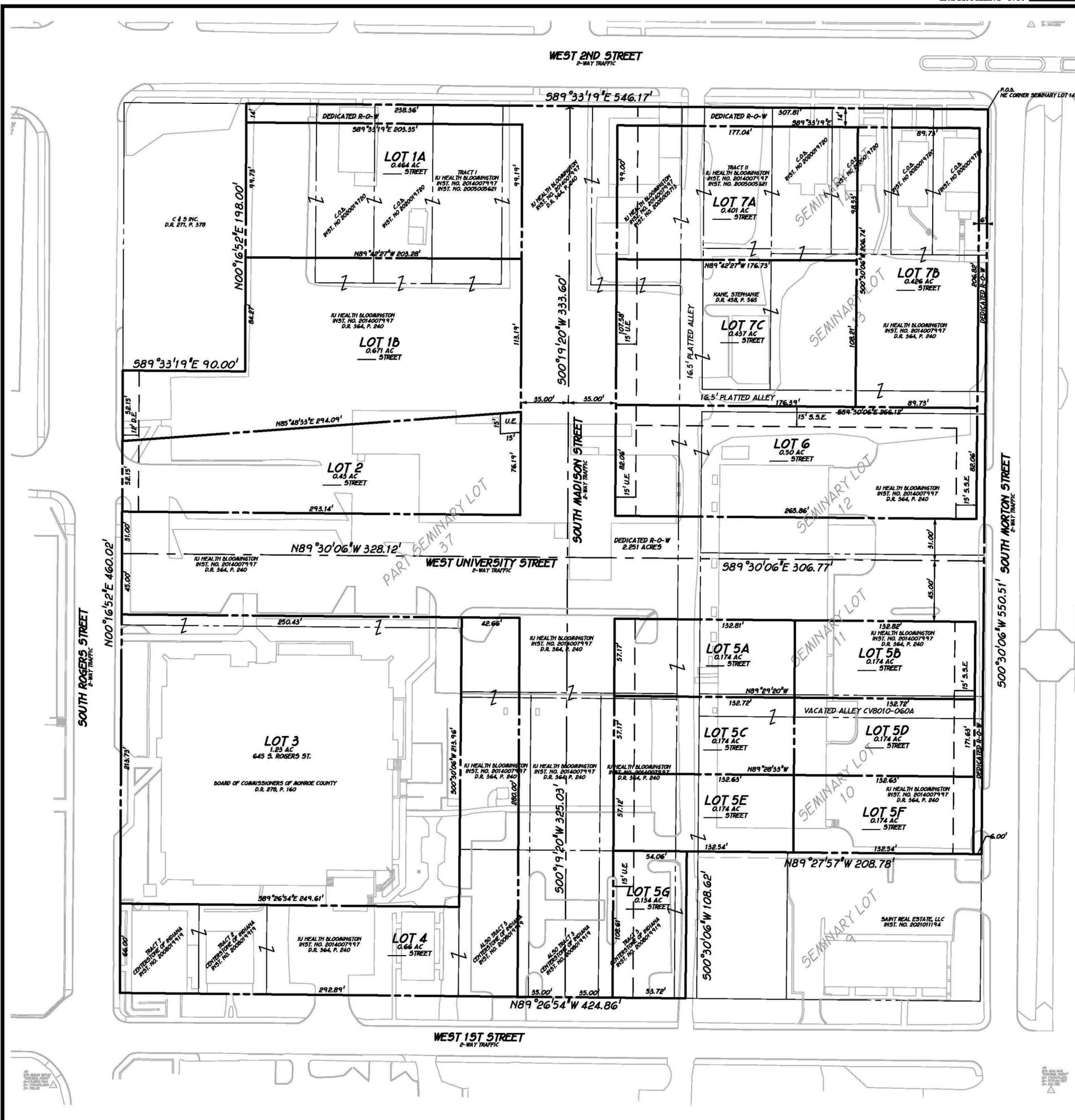
I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Charles D. Graham

This instrument prepared by Charles D. Graham

**NOTE:**

See Retracement Survey dated 7/23/2021 for Surveyor's Report.



SOURCE OF TITLE: SEE SHEET 1 FOR SOURCES

# HOPEWELL SUBDIVISION

OWNER: CENTERSTONE OF INDIANA; CITY OF BLOOMINGTON; IU HEALTH BLOOMINGTON; STEPHANIE KANE

OWNER: IU Health Bloomington PT OF SEM. LOTS 9-14 & 37 PERRY TOWNSHIP

ZONING: MH - MIXED USE MEDIUM SCALE

The undersigned, as owners of the real estate described on this plat, for and in consideration of the City of Bloomington, Indiana, granting to the undersigned the right to tap into and connect to the sewer system of the City of Bloomington for the purpose of providing sewer service to the described real estate, now release the right of the undersigned as owners of the platted real estate and their successors in title to renege against any pending or future annexation by the City of Bloomington, Indiana, of such platted real estate.

CENTERSTONE OF INDIANA, CITY OF BLOOMINGTON, IU HEALTH BLOOMINGTON & STEPHANIE KANE, the owners of the real estate shown and described herein, does hereby lay off, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as \_\_\_\_\_, an addition to the City of Bloomington. All streets and alleys shown, and not heretofore dedicated are dedicated to the public.

The strips of ground that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines, and wires. Buildings or other structures shall not be erected or maintained on these strips.

Signed and Sealed \_\_\_\_\_, 20\_\_.

OWNER: Centerstone of Indiana

Name Printed: \_\_\_\_\_

Title/Office: \_\_\_\_\_

STATE OF INDIANA )  
 ) 55:  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared \_\_\_\_\_ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

County of Residence \_\_\_\_\_ Commission Expiration \_\_\_\_\_

Notary Public, Written \_\_\_\_\_ Notary Public, Printed \_\_\_\_\_

Signed and Sealed \_\_\_\_\_, 20\_\_.

OWNER: City of Bloomington

Name Printed: \_\_\_\_\_

Title/Office: \_\_\_\_\_

STATE OF INDIANA )  
 ) 55:  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared \_\_\_\_\_ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

County of Residence \_\_\_\_\_ Commission Expiration \_\_\_\_\_

Notary Public, Written \_\_\_\_\_ Notary Public, Printed \_\_\_\_\_

Public Alleys to be vacated per this plat:

- 16.5 foot north - south alley being part of the Seminary plat in the City of Bloomington, In.
  - 1-16.5 foot east - west alleys being part of the Seminary plat in the City of Bloomington, In.
- These alleys are being vacated at the request of the property owners and with consent and approval of City of Bloomington.

Name Printed: \_\_\_\_\_

Title/Office: \_\_\_\_\_

STATE OF INDIANA )  
 ) 55:  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared \_\_\_\_\_ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

County of Residence \_\_\_\_\_ Commission Expiration \_\_\_\_\_

Notary Public, Written \_\_\_\_\_ Notary Public, Printed \_\_\_\_\_

Signed and Sealed \_\_\_\_\_, 20\_\_.

OWNER: Stephanie Kane

Name Printed: \_\_\_\_\_

Title/Office: \_\_\_\_\_

STATE OF INDIANA )  
 ) 55:  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared \_\_\_\_\_ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

County of Residence \_\_\_\_\_ Commission Expiration \_\_\_\_\_

Notary Public, Written \_\_\_\_\_ Notary Public, Printed \_\_\_\_\_

### LEGAL DESCRIPTION

A part of Seminary Lots 37 and 10 and all of Lots 11, 12, 13 and 14 in the City of Bloomington, County of Monroe, State of Indiana, more particularly described as follows:

Beginning at the northeast corner of said Lot 14, said point being on the west right-of-way of South Morton Street; Thence on and along the east lines of Lots 14, 13, 12, 11 and part of 10 and the west right-of-way of South Morton Street South 00 degrees 30 minutes 06 seconds East 550.51 feet; Thence leaving said east and west lines North 89 degrees 27 minutes 57 seconds West 208.78 feet to the east line of a platted alley; Thence on said east line South 00 degrees 30 minutes 06 seconds West 108.62 feet to the north right-of-way line of West 1st Street; Thence on said north line and on and along the south line of Lot 37 North 89 degrees 26 minutes 54 seconds West 424.86 feet to the east right-of-way of South Rogers Street; Thence leaving said north and south lines and on and along said east line North 00 degrees 16 minutes 52 seconds East 460.02 feet; Thence leaving said east line South 89 degrees 33 minutes 19 seconds East 90.00 feet; Thence North 00 degrees 16 minutes 52 seconds East 198.00 feet to the south right-of-way line of West 2nd Street and the north line of Lot 37; Thence on and along said north and south line South 89 degrees 33 minutes 19 seconds East 546.17 feet to the Point of Beginning, containing within said bounds 8.65 acres (376,794 sq. ft.).

### EASEMENT LEGEND

UE = Utility Easement

(A) Shall allow both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.

(B) Prohibits the placement of any unauthorized obstructions within the easement area.

DE = Drainage Easement

(A) Shall be required for any surface swales or other minor improvements that are intended for maintenance by the lots on which they are located.

(B) Shall prohibit any alteration within the easement that would hinder or redirect flow.

(C) Shall provide that the owner of the lot on which the easement is placed shall be responsible for maintenance of the drainage features within such easement.

(D) Shall be enforceable by the City Utilities Department and by owners of properties that are adversely affected by conditions within the easement.

(E) Shall allow the City Utilities Department to enter upon the easement for the purpose of maintenance, to charge the cost of such maintenance to the responsible parties, to construct drainage facilities within the easement, and to assume responsibility for the drainage features at its discretion.

W.L.E. = Waterline Easement.

(A) Shall allow the city utilities department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the city utilities department in conjunction with the preliminary plat. Upon written permission from the city utilities department, encroachments may be permitted after the recording of the final plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within waterline easements.

(D) Grading activity shall be prohibited within waterline easements without written permission from the city utilities department.

(E) Signs shall not be located within waterline easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the city.

SSE = Sanitary Sewer Easement

(A) Shall allow the City Utilities Department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City Utilities Department in conjunction with the Preliminary Plat. Upon written permission from the City Utilities Department, encroachments may be permitted after the recording of the Final Plats.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within the Sanitary Sewer Easement.

(D) Grading activity shall be prohibited within Sanitary Sewer Easements without written permission from the City Utilities Department.

I certify that I am a Registered Land Surveyor licensed under the laws of Indiana; that this plat accurately represents a survey made by me on December 28, 2021, and that the monuments shown on it exist; and that their locations, sizes, types, and materials are accurately shown.

Charles D. Graham

Charles D. Graham  
Indiana L.S. 29500014  
Bynum Fanyo & Associates, Inc.  
528 North Walnut Street  
Bloomington, Indiana 47404-3804  
812-332-8030



HOPEWELL SUBDIVISION  
1-20-2022  
SHEET 2 OF 2  
JOB NO. 5021058

MP-70-80

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF MONROE )

IN THE MONROE CIRCUIT COURT

IN THE MATTER OF THE PETITION )  
OF THE LOCAL COUNCIL OF WOMEN, )  
INC., TO VACATE AN ALLEY )

CAUSE NUMBER CV8010-060A

PETITION TO VACATE ALLEY

Comes now the Local Council of Women, by counsel, Bunger, Harrell & Robertson, and respectfully petitions this Court to issue an order vacating the following described alley located within the city limits of Bloomington, Indiana;

That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 11 and 12 of the City of Bloomington, Indiana. (See Exhibit "A" attached hereto)

11 11

Petitioner would indicate to this Court that the Local Council of Women are the owners of all the real estate adjacent to this alley.

This petition is filed pursuant to the provisions of Indiana Code 18-5-10-44, and the petitioner would respectfully pray that the Court grant said petition to enable the petitioner to utilize that portion of the alleyway described herein for the construction of a laundry facility for the Bloomington Hospital for all other relief.

Respectfully submitted,

BUNGER, HARRELL & ROBERTSON

BY Thomas Bunger  
Thomas Bunger  
226 South College Square  
P.O. Box 787  
Bloomington, Indiana 47402  
Telephone: (812) 332-9295

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 11 and 12 of the City of Bloomington, Indiana.

11

12

Bloomington, Indiana 47402  
Telephone: (812) 332-9295

STATE OF INDIANA)  
COUNTY OF MONROE)

SS:

FILED  
OCT 2 1984  
CLERK OF COURT

IN THE MONROE CIRCUIT COURT  
CAUSE NO. CV8010-060A

IN THE MATTER OF THE PETITION  
OF THE LOCAL COUNCIL OF WOMEN,  
INC., TO VACATE AN ALLEY

AMENDED PETITION TO VACATE  
ALLEY

Comes now the Local Council of Women, by counsel,  
Bunger, Harrell & Robertson, and respectfully petitions this  
Court to issue an order vacating the following described alley  
located within the city limits of Bloomington, Indiana:

That portion of an alleyway running east and  
west between South Morton Street and a platted  
alleyway running along the eastern boundary  
of Seminary Lot 37 which lies west of the  
intersection of the east/west alleyway with  
South Morton Street and which is adjacent to  
and between Seminary Lots 10 and 11 of the  
City of Bloomington, Indiana. (See Exhibit "A"  
attached hereto).

Petitioner would indicate to this Court that the Local  
Council of Women are the owners of all the real estate adjacent to  
this alley.

This petition is filed pursuant to the provisions of  
Indiana Code 18-5-10-44, and the petitioner would respectfully  
pray that the Court grant said petition to enable the petitioner  
to utilize that portion of the alleyway described herein for the  
construction of a laundry facility for the Bloomington Hospital and  
for all other relief.

Respectfully submitted,

BUNGER, HARRELL & ROBERTSON

BY

  
Thomas Bunger

BUNGER, HARRELL & ROBERTSON  
POST OFFICE BOX 787  
BLOOMINGTON, INDIANA 47402  
812-3329295

EXHIBIT "A"

Legal Description

That portion of an alleyway running east and west between South Morton Street and a platted alleyway running along the eastern boundary of Seminary Lot 37 which lies west of the intersection of the east/west alleyway with South Morton Street and which is adjacent to and between Seminary Lots 10 and 11 of the City of Bloomington, Indiana.

BUNGER, HARRELL & ROBERTSON

226 SOUTH COLLEGE SQUARE

P. O. Box 787

BLOOMINGTON, INDIANA 47402

TELEPHONE  
AREA CODE 812  
332-9295

LEN E. BUNGER  
HAROLD A. HARRELL  
DON M. ROBERTSON  
WILLIAM K. STEGER  
WILLIAM H. KELLEY  
GARY J. CLENDENING  
LYNN H. COYNE  
THOMAS BUNGER  
PHILIP C. HILL  
JOSEPH D. O'CONNOR III

October 29, 1980

Mr. William Finch  
City Attorney  
Post Office Box 100  
Bloomington, Indiana 47402

Dear Bill:

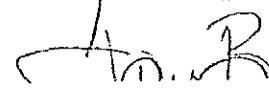
Please find enclosed Petition to Vacate Alley,  
Amended Petition to Vacate Alley and Summons  
concerning an alleyway between Seminary Lots 10  
and 11.

We inadvertantly filed the initial petition showing  
the alleyway between Seminary Lots 11 and 12 when  
in reality it is between 10 and 11 and consequently  
filed an amended petition. We have already filed with  
the Board of Public Works and the Plan Commission  
the necessary documents in order to place this  
matter on their agendum.

The Local Council of Women, the operating body of  
the Bloomington Hospital, owns all real estate which  
is adjacent to the proposed alley to be vacated.

After you have received these documents and had a  
chance to review them, I would appreciate it if you  
would call me so we may discuss this matter further.

Yours very truly,



Township  
Perry

4  
7 UW

CITY OF BLOOMINGTON

Interdepartmental Memo

TO: John Freeman , Bill Finch      SUBJ: Alley Vacation  
     Tim Mueller

FROM: Jeff Fanyo      DATE: November 6, 1980

Engineering has no objections to the attached alley vacations, however the following corrections should be made:

The alley is in Perry Township 1/4 Section 4-SW in the City of Bloomington, Indiana; which, in my opinion, to be also included in the Legal Description.

JSF/nlo

xc: file

MINUTES : OCT 27  
NOV 10

\*\*MP-70-80 LOCAL COUNCIL OF WOMEN, South Morton Street, request for alley vacation. Mr. Mueller gave the staff report noting that this vacation of an alley is on land that will be used for the hospital expansion plans. He said that there will be a lot of activity concerning this hospital expansion during the next few months. The Mental Health Center is going to be built on the corner of 1st and Rogers. The S.E. corner will be used temporarily as an employee's parking lot, as well as property on Rogers and Second for the same purpose. On Morton Street there is a proposal for a laundry facility for the hospital. Mr. Mueller concluded that the staff has a positive outlook on this petition and recommends that it be placed on the agenda for final hearing November 24, 1980 when information on the possible utilities in the alleyways may be known.

MP-70-80  
PLACED ON THE  
AGENDA

11/10

Tom Bunger, Attorney for Petitioner, said that he had nothing to add to Mr. Mueller's presentation except that as representative for the Local Council of Women, he had contacted the Utility Departments. To the best of his knowledge, there is no problem, but he said that he agrees that it should be placed on the agenda for final hearing on November 24th.

\*Mr. Zabriskie moved and Mr. Fleetwood seconded a motion to place this

11/24/80

6

\*\*MP-70-80 LOCAL COUNCIL OF WOMEN, 600 block of S. Morton Street, request for an alley vacation. Mr. Mueller gave the staff report. He added that a condition of approval should be that storm sewer pipes be relocated to the satisfaction of the City Engineer before this is passed on to the BPW.

MP-70-80  
APPROVED W/  
CONDITION

Tom Bunger, said that all utilities have been notified and that there are no problems other than the storm sewer. He said that they will address the problem.

11/24

Mr. Fanyo told the Commission that he has been in contact with Don Brock of the Hospital and there is a tentative plan to increase the sewer's capacity as needed.

Mr. Fanyo told Mr. Zabriskie that the plans are to use the existing 18" storm sewer on site to remove run off from the property and add a parallel line in another alley to the North. There was some discussion concerning the run-off downstream. After some discussion between them, Mr. Fanyo addressed Mr. Zabriskie's concerns about the need for a retention pond on-site or required downstream improvements by assuring him that there is not a significant enough run-off from this laundry project alone to warrant a retention pond (only an increase of 1/10). Mr. Fanyo said that he is trying to get an overall plan from the hospital (relating to their projected buildings) so that he can estimate the increased run-off. They will definitely need retention when the large addition is built.

\*Mr. Anderson moved and Mr. Zabriskie seconded a motion to make a positive recommendation to the BPW on the condition that storm sewer pipe be relocated to the satisfaction of the City Engineer to be resolved before this goes to the Board. The motion passed unanimously (9-0).

PLAN COMMISSION  
NOVEMBER 24, 1980  
FINAL STAFF REPORT

MP-70-80 Local Council of Women  
South Morton Street, 600 block  
Request for an alley vacation

The property is a right of way strip that extends west off of South Morton Street and terminates at a platted alleyway running parallel to South Morton Street in the 600 block.

The petitioners plan to utilize the vacated strip as part of the new laundry site for the hospital to be developed on the block interior.

Current status: Semi-improved; serving only the applicant

Future status: No potential for public sector utilization.

Proposed Private Ownership Utilization: Given vacation by the City, the Petitioners intend to construct a new building on the real estate, thereby enhancing the currently vacant property and the area in general.

Compliance with Regulations: The vacation request does not interfere with any zoning or thoroughfare regulations.

Relation to Plans: This request complies with the prevailing SM zoning, and will not pose interference to the Master Plan.

RECOMMENDATION: Staff recommends approval to the Board of Public Works.



ALLEY VACATION  
////

MP-70-80

LOCATION / ZONING

STATEMENT OF JUSTIFICATION

The Local Council of Women wishes to have the alley vacated for the following reasons:

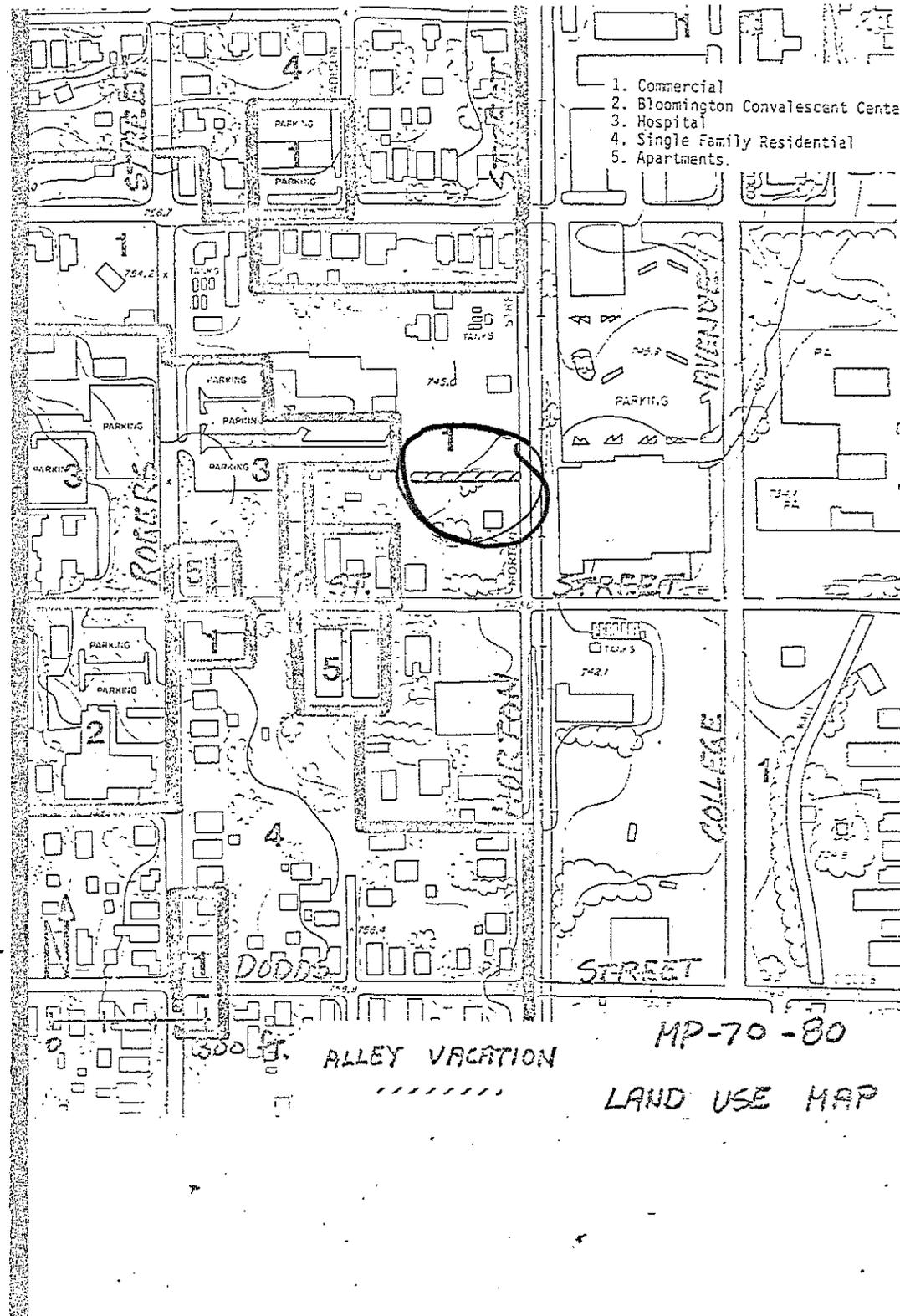
1. The Local Council of Women owns the real estate on all sides of the alley.
2. The Local Council of Women in its development plan would propose to construct a laundry facility on the real estate which they own in Seminary Lots 10 and 12. (11 + 12)
3. If the alley is vacated, Local Council of Women are planning to build a new building on the real estate. This will enhance the area and make more pleasant surroundings for all the neighbors.
4. The alley does not carry a great deal of east/west traffic. The vacation of this alley would not upset the traffic flow a great deal.

*Thomas Burger*  
 Thomas Burger  
 Attorney for Petitioner

MP-70-80

PETITIONERS STATEMENT

OCT 25 1980  
 PLANNING COMMISSION



MP-70-80  
 LAND USE MAP

PLATTED ALLEY

300

LOCAL COUNCIL OF WOMEN

SEM LOT 12  
LOCAL COUNCIL OF WOMEN

SEM LOT 11  
LOCAL COUNCIL OF WOMEN

PLATTED ALLEY

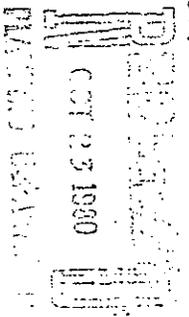
LOCAL COUNCIL OF WOMEN

SEM LOT 10

ALLEY TO BE VACATED

MP - 70 - 80

PROPOSED ALLEY VACUUM



30

LINE RAIL ROAD

SOUTH MORTON STREET



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 22-06 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” To Establish A Historic District – Re: The Johnson’s Creamery Historic District**

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#### **Synopsis**

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate “Johnson’s Creamery” as a historic district. The Bloomington Historic Preservation Commission, after a public hearing on March 10, 2022, recommended that the structure be designated historic with a rating as “Notable.” This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.101(e), entitled “Historic District Criteria.” Local designation will provide the protection needed to ensure that this property is preserved.

#### **Relevant Materials**

- Ordinance 22-06
- Map of proposed historic district
- Staff Report from Bloomington Historic Preservation Commission
- Engineering Report prepared for property owner by Arsee Engineers, Inc

#### **Summary**

Ordinance 22-06 would add “Johnson’s Creamery” as a historic district under Title 8 of the Bloomington Municipal Code (entitled “Historic Preservation and Protection”). The provisions of Title 8 are enabled by state law under Indiana Code 36-7-11 (and following provisions) and are intended to:

- protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;
- ensure the harmonious and orderly growth and development of the City;
- maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission (“HPC”) is authorized to make recommendations to the Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. In this case, the HPC acted on its own to recommend that the Johnson’s Creamery site be designated as a single-property historic district due to it meeting at least three of the criteria required by [Bloomington Municipal Code 08.08.010\(e\)](#) for the creation of a historic district.



**City of Bloomington Indiana**

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Under [BMC 08.08.020](#), once an area is designated as a historic district, a certificate of appropriateness must be issued by the HPC prior to the issuance of a permit for, or prior to work beginning on, any of the following within all areas of the historic district:

- The demolition of any building;
- The moving of any building;
- A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance, or
- Any new construction of a principal building or accessory building or structure subject to view from a public way.

Please note that an engineering report has been included in this packet, which describes the condition of the smokestack located on the property. While not the subject of this ordinance, changes to the property or to the smokestack may come to the HPC for review if the Council adopts the ordinance. The HPC promulgates [rules and procedures](#) for reviewing changes to properties within historic districts. Those reviews occur in the context of either granting or denying Certificates of Appropriateness for the proposed changes which, in some instances may be done by staff and other instances must be done by the Commission. Unless the property owner agrees to an extension, the action on the Certificate of Appropriateness must be taken with 30 days of submittal of the application. Persons who fail to comply with the Certificate of Appropriateness or other aspects of Title 8 are subject to fines and other actions set forth in BMC Chapter 8.16 (Administration and Enforcement).

According to the BMC, in order to bring forward a historic designation, the HPC must hold a public hearing and submit a map and staff report to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance (see also [BMC 08.08.01\(e\)](#)). These criteria provide the grounds for the designation.

In summary, [Ordinance 22-06](#):

- Approves the map and establishes the district, which provide the basis for the designation;
- Attaches the map and the report;
- Describes the district and classifies the properties;
- Inserts the newly-established district into the List of Historic and Conservation Districts contained within BMC 8.20.

**Contact**

Gloria Colom-Brana, Historic Preservation Program Manager, (812) 349-3507

**ORDINANCE 22-06**

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED  
“HISTORIC PRESERVATION AND PROTECTION”  
TO ESTABLISH A HISTORIC DISTRICT –  
Re: The Johnson’s Creamery Historic District**

- WHEREAS, the Common Council adopted Ordinance 95-20, which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and
- WHEREAS, on March 10, 2022, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of the Johnson’s Creamery located at 400 West Seventh Street; and
- WHEREAS, at the same hearing, the Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and
- WHEREAS, at the same hearing, the Commission approved a map and written report that accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and
- WHEREAS, at the same hearing the Commission voted to submit the map and report, which recommend local historic designation of said properties, to the Common Council; and
- WHEREAS, the report considered by the Commission at this hearing notes that this property consists of a two to three story industrial structure and an adjacent smokestack built between 1914 and 1951 that were owned by Ellis W. and Ward W. Johnson, where they produced and supplied most of the dairy products sold in Bloomington and neighboring areas for 75 years; and
- WHEREAS, the report considered by the Commission at this hearing notes that this property is rated “Notable” on the State Historic Architectural and Archeological Research Database (SHAARD).

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

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

The legal description of this property is further described as:

013-23790-00 ORIG PLAT 293-296, PT 297 & 298, &; VAC STS & ALLEY; (1.132A)  
in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The property at “400 West Seventh Street.” shall be classified as “Notable”.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to insert “Johnson’s Creamery” and such entry shall read as follows:

Johnson’s Creamery

400 West Seventh Street

SECTION 4. 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 5. 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 AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
SUSAN SANDBERG, President  
City of Bloomington

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

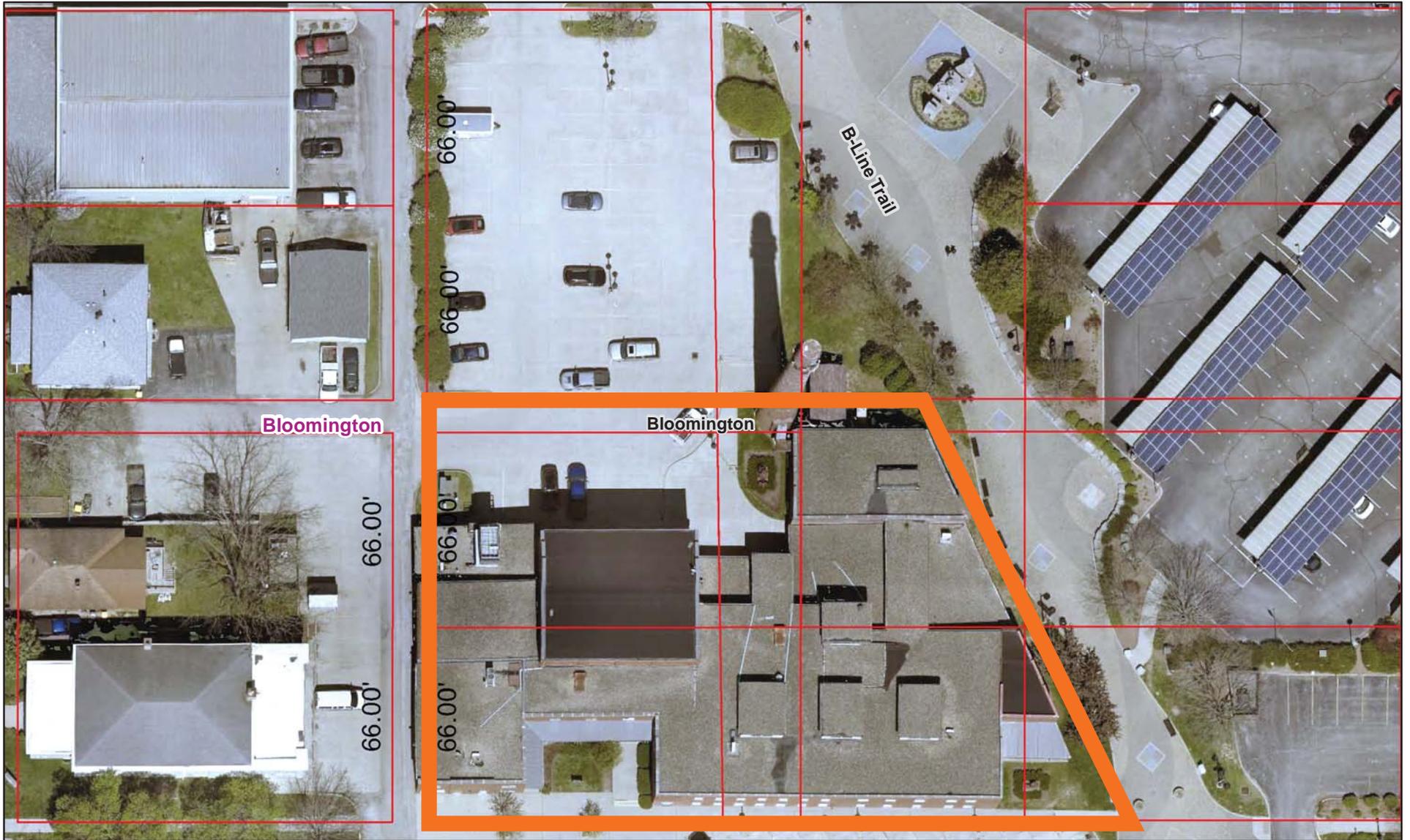
SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

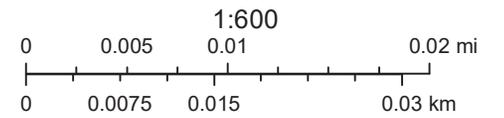
#### SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate “Johnson’s Creamery” as a historic district. The Bloomington Historic Preservation Commission, after a public hearing on March 10, 2022, recommended that the structure be designated historic with a rating as “Notable.” This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.101(e), entitled “Historic District Criteria.” Local designation will provide the protection needed to ensure that this property is preserved.

# Johnson's Creamery Site



Proposed historic site boundary



HD-22-01

400 W 7th St. (Johnson's Creamery)

Staff Report:

Bloomington Historic Preservation Commission

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The property at 400 W 7th St. qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) a // (2) b, g

1) Historic:

- a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
- b) Is the site of an historic event; or
- c) **Exemplifies the cultural, political, economic, social, or historic heritage of the community.**

2) Architectural:

- a) Embodies distinguishing characteristics of an architectural or engineering type; or
- b) Is the work of a designer whose individual work has significantly influenced the development of the community; or
- c) Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
- d) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- e) Contains any architectural style, detail, or other element in danger of being lost; or
- f) **Owing to its unique location or physical characteristics, represents an established and familiar visual feature of the city; or**
- g) **Exemplifies the built environment in an era of history characterized by a distinctive architectural style**

### **Case Background**

The proposed district consists of two buildings and a smokestack on the lot legally recorded as 013-23790-00 ORIG PLAT 293-296, PT 297 & 298, & VAC STS & ALLEY; (1.132A) Johnson's Creamery (referred to as the Creamery) is located in the heart of Bloomington's historic urban industrial center. The lot is currently zoned as Mixed-Use Downtown (MD-CD) and like other formerly industrial buildings in the area, it is currently used for office space. Just a few blocks north west of the city's courthouse square, the Creamery was nestled amongst historically significant industrial and religious buildings in the area.

Johnson's Creamery was built in 1914 by brothers Ellis W and Ward W Johnson in order to supply dairy products to Bloomington. Ellis and Ward were born in 1886 and 1888 respectively to a farming family in Orange County, Indiana. They moved to Bloomington around 1911 or 1912 and opened Bloomington Creamery Co. on 407 S Washington St where they sold ice cream and butter (Sanborn Map 1913).

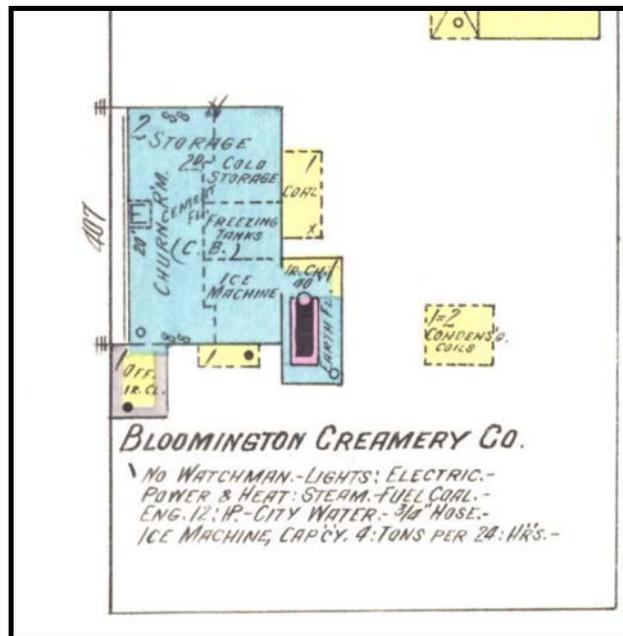


Figure 1: 1913 Sanborn map with the original location of the Johnson brother's creamery "Bloomington Creamery Co."

Their business quickly outgrew the factory space and they relocated to the current location at 400 W 7th St. and renamed their company to Johnson's Creamery. The Creamery sourced their primary materials, principally milk to produce dairy products from local farmers within Monroe County. In 1935 they were touted as being the fourth largest industry in Bloomington after stone masonry, furniture making, and Indiana University (Bloomington Evening World 1935).

The Johnson brothers quickly began adapting the Creamery's offerings to the quickly changing technology of the twentieth century, in foodways, construction technologies, and the agricultural landscape of the United States. The Creamery began to expand their offering, providing both retail and wholesale dairy products as well as ice for iceboxes. Up until 1938, most of the items were delivered directly to homes using a horse and cart system. At that time they switched to motorized vehicles but continued

delivering directly to their clients until the 1960's. By 1925 the Creamery was bottling and selling pasteurized milk, "Shady Brook" Butter, Johnson's Ice Cream and ice from distilled water for ice boxes. The Creamery had grown four times in size in order to accommodate additional storage, the engine room, milk, and a butter annex. Most of the clientele was local but they exported to cities such as Pittsburgh and New York (Johnson Creamery Company 1925).

Johnson's Creamery continued to produce dairy products until 1987 when they closed for good due to the changes in food production and distribution throughout the United States. Milk and other agricultural products could be pasteurized and processed much farther from their point of origin and multi-state supermarket chains were bringing in their own milk and dairy products into the market, often for lower prices. The building remained empty until 1994 when the then owner, Joe Harrell of Harrell Mechanical, Inc., formed the Eighth Street Development Corporation and worked with architects and historic preservationists to rehabilitate the building for adaptive reuse as office space (Campbell 1995).

Many of the windows on the western and southern facades have been replaced. A concrete block structure added in 1951 was demolished during the rehabilitation in the 1990s in order to provide parking space. The exterior of the structure reflects other changes throughout its history.

### **Historic surveys rating and designations:**

The Creamery, on its own and within the context of the surrounding buildings have been recognized for their historical significance on multiple levels.

The Creamery has been rated as Notable in the 2018 Bloomington Historical Building Survey and was included in the National Register of Historic Places (NRHP) in March of 1996 after an extensive rehabilitation project begun in 1994. The State Historic Architectural and Archaeological Research Database and Structures Map (SHAARD) maintained by Indiana's Division of Historic Preservation and Archaeology recommends "that this property be considered significant locally", as the NRHP does not offer direct protection against severe alterations or demolition. In addition, the Creamery is located within the West Side Historic District incorporated into the NRHP in 1997.

Bethel African Methodist Episcopal Church (AME), the Showers Brothers Furniture Factory, the Wholesale Food Warehouse, and the Illinois Central Railroad Depot are some of the historically and architecturally significant buildings around the Creamery. Bethel AME Church is located west of the Creamery on 7th street just across the alley. The church is rated as Outstanding and represents a significant landmark in Bloomington's African American history. The Showers Brothers Furniture Factory,

located to the east of the Creamery is rated as Notable and is a locally designated historic district. The Illinois Central Railroad Depot on the corner of Morton St. and 7th St. is rated Notable and is both a locally designated historic district and included in the NRHP.

**Historic, 1 (c):** Exemplifies the cultural, political, economic, social, or historic heritage of the community.

The history of Johnson's Creamery reflects the technological advancements related to food production, distribution, and consumption, not just in Bloomington, but in most of the United States during the twentieth century. The rise and downfall of the Creamery was directly related to quickly changing technologies that allowed for hygienic and sterile food production but also in changing tastes and changes in people's relationship to food.



Figure 2: Undated, Johnson's Creamery horse and cart delivery system (Courtesy of the Monroe County History Center).

Before electricity became widely and steadily available at the turn of the twentieth century, preparing ice cream was a labor intensive treat available to those who could store ice throughout the year. During the first few decades of the Creamery's operation, they incorporated the technologies for pasteurizing milk and distilling water at industrial levels, reflecting changing norms in health and hygiene. Ice production in particular was a substantial component of their offering during the early twentieth century in order to supply domestic ice boxes before the

advent of electricity powered refrigeration. An expansion to the Creamery was built in 1927 precisely to meet these needs as the Creamery used distilled water to prepare the year's supplies of ice in winter. The low temperatures simplified the endeavor and lowered the cost and energy use later on. When people stopped requiring the 25, 50 or 100 lbs of ice for food storage, the Creamery stopped mass production of ice and shifted their spatial usage (Johnson Creamery 1925).

Other products such as milk, butter, and ice cream remained staples throughout most of the 75 years of operations, although these too reflected changing technologies and health concerns. Pasteurization was incorporated in the first years of operation. Milk was delivered to individual households. Horse carts were used until 1939 but trucks continued delivering until the early 1960s. Two percent milk was introduced at a time when concerns on the fat content became prevalent throughout the United States. Ice cream came in up to twenty flavors, many of them seasonably dependent on local fruits (Creek 1986). All of the raw materials, including milk, eggs, and fruits were sourced from local farmers within Monroe County. The Creamery hired up to 100 employees at its peak in the 1950s and was considered a stable job provider (Brubaker 1996, 5).

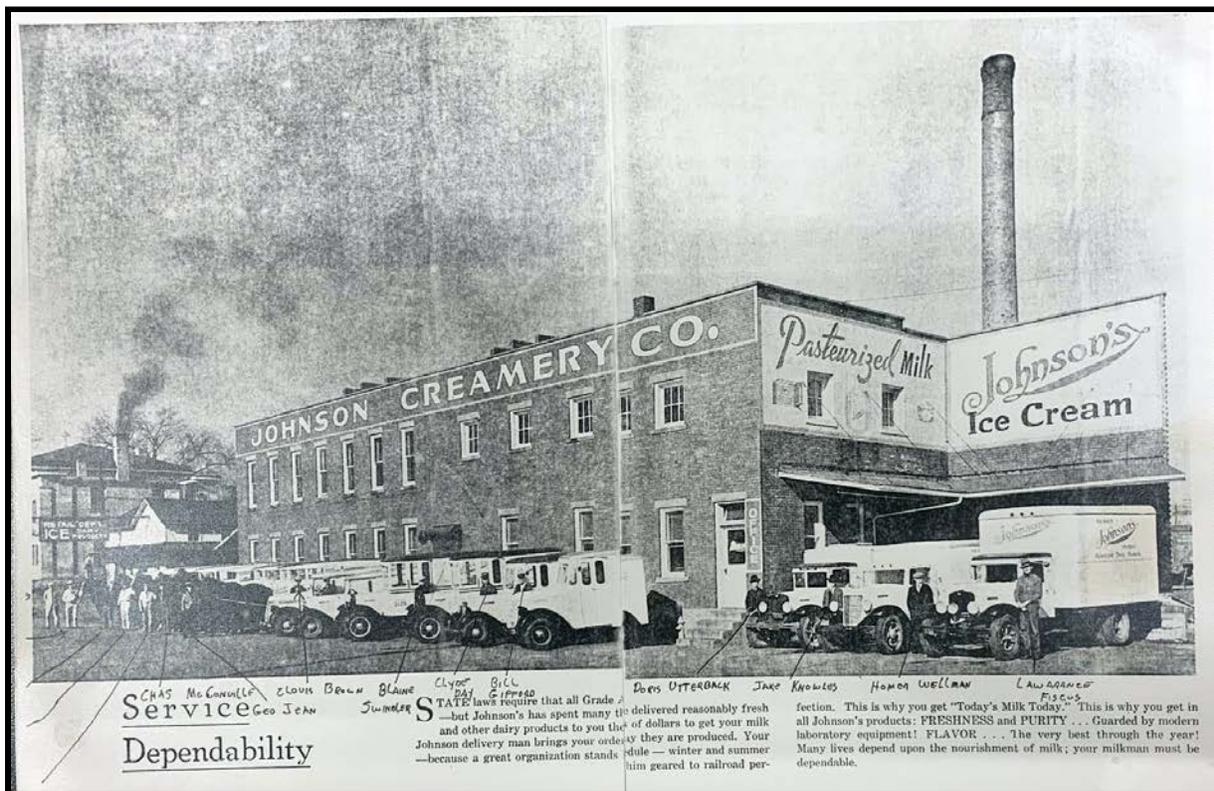


Figure 3: Circa 1939, year when horse driven carts were being phased out in favor of motorized vehicles. The names of the drivers are hand written on this image (Courtesy of the Monroe County History Center).

The technological advancements that saw the rise of the Creamery later caused its downfall and eventual closure. Milk, like other agricultural products, was being transported from farther away,

to be processed at larger plants more efficiently. Likewise, supermarkets were providing their own products from larger interstate regions. Johnson's Creamery, like many local dairy plants, could not compete pricewise with these larger companies and consolidated with Maplehurst, a larger dairy company based in Indianapolis in 1987.

During its time serving Bloomington and the surrounding region, the Johnson's Creamery was an active participant in community events, sponsoring teams and supplying treats for special events. Mary Carol Johnson, Ellis Johnson's granddaughter provided the following memory in a letter to Bloomington's Common Council in 1990:

"The creamery also provided dairy services and great joy to Indiana University. I remember when my pop, Charlie Johnson, would stay late to make up a stencil of one of the I.U. fraternity logos, for a special function, and then imprint it on a little brick of vanilla ice cream with different colored ice cream. I also remember going down to the creamery to visit pop when he was working late and hopping into the deep freeze to look at all the different ice cream figurines for special occasions. There was the vanilla and chocolate Thanksgiving turkey and then there was the strawberry and vanilla Santa Claus for Christmas (Johnson 1990)."

The Creamery continues to reflect the history of most of Bloomington's urban industrial buildings through its adaptive reuse as office space. The Creamery continues to provide a visual memory of Bloomington's food history.

**Architectural Significance, 2 (f)**: Owing to its unique location or physical characteristics, represents an established and familiar visual feature of the city.

Johnson's Creamery, with its combination of additions, provides visual markers of the rapid industrial changes with regards to food production throughout the twentieth century. The smokestack is the most visually stunning representation of this industrial history. Erected in 1949, the smokestack measuring 140 feet tall was the second, and smaller replacement for a previous smokestack that measured over 200 feet in height.



Figure 4: 1949 aerial photo showing both smokestacks

The smokestack potentially measured up to 178 feet in height when it was first built. Curved red brick was used along with white glazed brick to spell the word Johnson's in a serif font vertically. The smokestack is one of the tallest structures in Bloomington's urban center and can be seen from far away.

The smokestack has gone through multiple restoration and maintenance procedures particularly in the 1990's when the entire building was restored for adaptive reuse. 38 metal bands have been placed around it over time to fortify and provide stability. A study prepared by Arsee Engineers Inc commissioned by the current owners, Peerless Development, Inc. recommends partial demolition and stabilization due to continual deterioration. See Attachment 1.

The main structure not only adapted to the changing programmatic industrial needs over time, but hugs the former CSX railroad tracks now functioning as the B-Line trail. Both the main structure and the smokestack are enjoyed daily by users of the trail as well as visitors to the City's farmers market.

**Architectural Significance, 2 (g):** Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

The construction era of Johnson's Creamery represents multiple technological advancement in building technology between 1914 and 1951. Although the exterior of the main structure and the smokestack are made of red brick, their supporting structure, architectural styles, and reason for

being reflect the changing technological needs within the factory, as well as the changing structural techniques of the time. The original portion built in 1913 was “framed within its brick walls with timber posts, beams, joist work, and floors (Campbell 1995).” The 1921 and the 1927 three story Art Deco ice house additions incorporated steel columns and concrete floors in the interior. The 1951 office addition was built out of block with red brick facing and aluminum windows (Campbell 1995).

The additions to the original building offer a visual marker of important historical moments within the development of the Creamery’s changing technology and usage.

**Financial Impact Statement:**

There is no anticipated fiscal impact according to BMC 2.04.290 associated with this Ordinance.

**Recommendation: Approval**

Staff recommends property parcel 013-23790-00 ORIG PLAT 293-296, PT 297 & 298, & VAC STS & ALLEY; (1.132A) Johnson’s Creamery be designated as a local historic district. After careful consideration of the application and review of the Historic District Criteria as found in Ordinance 95-20 of the Municipal Code, staff finds that the property not only meets, but exceeds the minimum criteria listed in the code.

**The property meets Criteria 1(c)** because of its historical impact on Bloomington’s food, agricultural, and social history through the production and sale of dairy products.

**The property meets Criteria 2(f)** because of the unique form of the building located by the historic CMX railroad tracks, the industrial form of the building, and the visibility of the smokestack with the word Johnson’s emblazoned on it.

**The property meets Criteria 2 (g)** because the form, materials, and architectural features are representative of the changing technologies in construction as well as the changing programmatic uses of the building throughout over the course of various decades.

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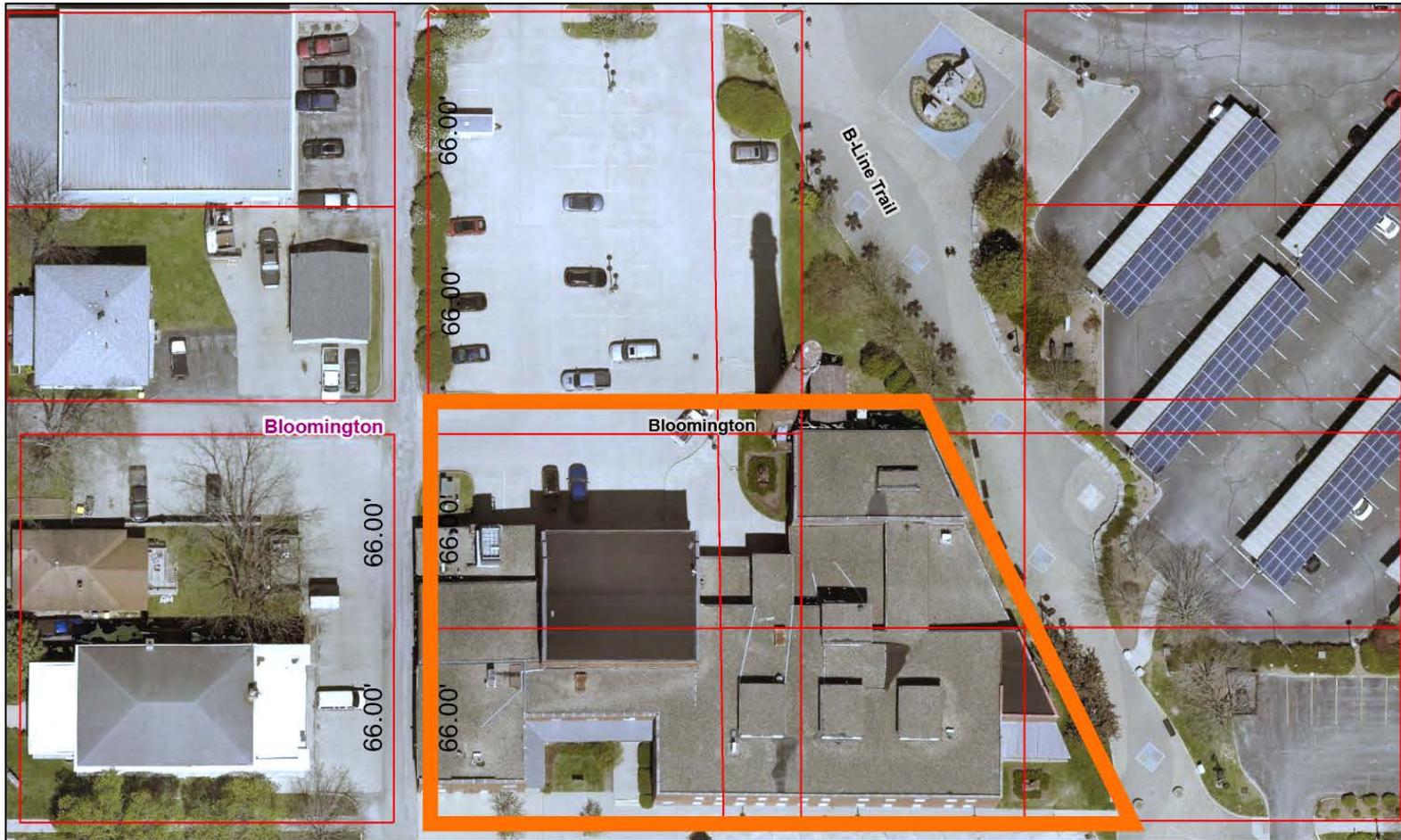
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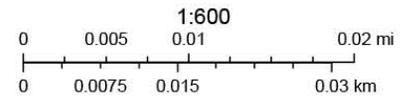
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# Johnson's Creamery Site



Proposed historic site bound-

















# **ARSEE ENGINEERS, INC.**

**CLIENT ORIENTED — BY DESIGN**

Johnson Creamery Smokestack

for

Joseph Patrick

Peerless Development

105 S. York Street, Suite 450

Elmhurst, IL 60126



March 1, 2022

Joseph Patrick  
Director of Development  
Peerless Development  
105 S. York Street, Suite 450  
Elmhurst, IL 60126

Re: Johnson Creamery Smokestack  
Bloomington, Indiana

Mr. Patrick:

## **EXECUTIVE SUMMARY**

We have completed our reassessment of the Johnson Creamery Smokestack in Bloomington, Indiana. This work has included a review of findings by others since our original assessment was performed in 2017. We have revisited the site and made comparisons to our earlier work to see how the deterioration is progressing. Using wall profiles determined by others in 2020, we have refined our structural analysis of the stability of the stack in design wind and seismic events as required by the current Building Code. Multiple options for repair have been considered.

Deterioration has progressed. New spalls are visible in at least 11 locations. One of the 38 steel straps observed in 2017 has either been removed or has fallen. Previous comments by ourselves in 2017 and others in 2020 regarding how much the stack leans were rough estimates based on visual observations. 3D point cloud analysis in 2022 reveals the stack is leaning 2'-3½" to the southeast.

Work by R & P in 2020 determined wall thicknesses and profiles throughout the height of the stack. This allowed us to refine our structural analysis and more accurately evaluate the stability of the stack with regard to the current Building Code. Our analysis has shown that even a new masonry stack built to the same height, configuration, wall thicknesses and profiles will fail in a design wind or seismic event. In its current configuration, the unreinforced brick masonry stack will have to be reduced in height to 60' to meet current Code requirements. Conceptually, the stack could be reduced to the height of 75' and meet the current Code by reinforcing the interior of the stack with concrete and enlarging and supplementing the existing foundation. Changes in the Building Code since the stack was constructed in 1949 simply make an unreinforced masonry stack of this height and wall construction impossible.

Our detailed observations and comments follow.

## **BACKGROUND OF THE STUDY**

Arsee Engineers first assessed the smokestack in the fall of 2017 as part of a due diligence assessment for the City of Bloomington. Our report summarizing this work is attached as Appendix A and is hereby included into this report by reference.

The purpose of the current study has been to reassess the condition of the stack and offer recommendations on its stability and potential repair. In order to facilitate this effort, we have performed the following

- We have reviewed work performed by others since 2017.
  - Report prepared by R and P Industrial Chimney Company, Inc. (R & P) dated April 6, 2020.
  - Report prepared by Patriot Engineering dated January 7, 2021.
  - Proposals prepared by the Gerard Chimney Company for various repair options in 2021.
- We have revisited the site and performed the following:
  - Videotaped and took still photographs with a remote controlled aerial drone.
  - Created a 3D point cloud of the stack from videos taken by the drone.
  - Taken elevations of the exposed corners of the concrete foundation.
  - Developed montages of the stack for comparison with 2017 observations.
- We have updated our structural analysis of the stack using wall thicknesses and profiles reported by R & P in their 2020 report.

## **OBSERVATIONS**

### **The Leaning of the Smokestack**

The smokestack leans or tilts to the southeast. This is severe enough that it can be seen from ground level with the naked eye as shown in Photos 1 and 2. In 2017 we determined that the top of the stack was leaning 1 foot in every 10 and estimated that the overall tilt was in the order of several feet.

In their 2020 report, R & P estimated the chimney was leaning nearly 18 inches out of plumb. They further stated the curvature appeared to start at the 70 foot level but minor displacements were also observed below.

In the current study, we attempted to determine the lean or tilt of the stack in two ways. First we used a surveying transit to create a vertical “line” through the center of the stack in a direction approximately perpendicular to the lean. This is depicted photographically in Figure 1. This eliminates any potential parallax effect from the photograph. Comparing the proportions of the difference from the centerline to the width of the stack, we estimate the stack is 1’-9” out of plumb

from this vantage point. Figure 2 shows an image from our report in 2017 for comparison. This was created without the aide of a transit. A second method to determine the distortion used a remote controlled aerial drone to create a 3D point cloud of the stack. From this “measurements” can be made showing how far it is out of plumb. Figures 3 though 11A show pairs of aerial photographs and the 3D point cloud at various positions around the stack. The maximum distortion was found to be 2’-3½’ where the stack leans to the southeast. The stack appears to start to curve or lean to the southeast just above the 25 foot level. If the stack were to fall in the direction of the lean, much like a tree being cut down, it would fall as shown in Figure 12. The overall radius of 140’ from the center of the stack is also shown to get a sense of the danger zone.

### **Foundation of the Smokestack**

The report prepared by Patriot Engineering investigated the foundation of the stack. Their report concluded that the concrete foundation is resting on bedrock and that bedrock is approximately 8.5 to 10.5 feet below grade level. They did not attempt to drill down into the rock to look for mud or clay seams.

Using a surveying level, elevations were taken at each of the eight corners of the octagonally shaped foundation. While one would not expect a foundation like this to be perfectly level there is a definite trend showing the foundation tilts to the southeast. See Figure 13. A 1 inch tilt in the 14 foot wide foundation corresponds to a 10 inch tilt out of vertical in the 140 foot tall stack. The apparent displacement of the concrete could be result of compression of a mud or clay seam in the bedrock in the southeast portion of the foundation causing it to “tilt” in that direction.

### **Visual Assessment Comparison**

The drone was also utilized to create a series of vertical montages of the stack from different angles. The orientation of the montages attempted to copy a similar set of montages taken in 2017 so that the two sets could be compared. See Figures 14 through 16. In 2017 we observed 38 steel bands in the stack. The 2022 montages show band #35 down from the top is now missing. R & P reported only 37 steel bands when they performed their assessment in 2020 and noted there was evidence of one missing. Photos 3 and 4 show this location in 2017 and 2022. Rust stains and a bead of sealant are visible in the 2022 photo where the band was located.

Evidence of spalling was also compared between the 2017 and 2022 montages. There are 11 locations in 2022 where new spalling is visible. These generally occur in the south to southwest face of the stack between 60 and 100 foot levels. Examples are shown in Photos 5 and 6. Face shell spalling was also more evident at the foundation as shown in Photos 7 and 8.

### **STRUCTRUAL ANALYSIS**

Using information reported by R & P from their investigation of the interior of the stack we were able to refine our previous structural analysis. In 2017 we assumed wall thicknesses based on previous experience with similar stacks. R & P cut a hole in the steel plate roof and lowered a camera to observe the condition of the masonry and determine a more accurate wall profile. Using the R & P wall profile we have re-evaluated the stability of the stack under current code

requirements for wind and seismic loads. Further assumptions used in the analysis are presented in Appendix B. Our findings can be summarized as follows

- The smokestack will go into tension at the base under the current Code required wind load.
- The smokestack will go into tension at the base under the current Code required seismic load.
- The stack would have to be shortened to the 100' level to eliminate tension at the base due to the current Code required wind load.
- The stack would have to be shortened to the 60' level to eliminate tension at the base due to the current Code required seismic load.

**In other words, even in its original configuration (ie: undistorted) the stack does not meet the requirements of the current Building Code for either wind or seismic loads. A design wind (120 mph gust for a period of 3 seconds) or a design seismic event would theoretically cause severe damage up to and including potential collapse of the stack.**

## **REPAIR OPTIONS**

At the onset of this study three options were to be investigated as follows:

Option 1- Removal of the stack down to the 70 foot level and repair the remaining masonry down to grade.

Option 2- Same as Option 1, but also reconstructing the stack to a height of 100 feet.

Option 3- Same as Option 1 but reconstructing the stack to a height of 140 feet.

Given the results of the latest structural analysis – none of these options will meet current Code requirements and therefore are not feasible. Given the configuration of the masonry walls of the stack any option over 60 feet in height will not meet the requirements of the Building Code for seismic loads.

In light of all this, we believe there are two viable options at this point.

### **Option A**

- Remove the entire structure down to the 60' above grade level. Salvage face shells from sound brick for spall repair below this level. Dispose of steel plate roof/beams and straps above 60' level.
- Remove the inner brick liner and all debris in the bottom of the stack.
- Inspect the remaining steel straps and repair as necessary.
- Remove spalled and/or cracked brick and patching material from previous spall repairs. Replace the entire face shell with brick salvaged from above. Assume a total of 250 of these will be repaired.
- Epoxy inject approximately 250 LF of cracks.
- Properly cut out and tuckpoint all of the remaining mortar joints.
- Install a new concrete roof system with venting.

Option A is the tallest configuration available to have the stack meet all current Building Code requirements without having to reinforce the base for seismic loads. By removing the upper 80 feet of the stack and reducing the load on the foundation we do not believe supplemental modifications to the foundation will be necessary.

### Option B

- Remove the entire structure down to the 75' above grade level. Salvage face shells from sound brick for spall repair below this level. Dispose of steel plate roof/beams and straps above the 75' level.
- Inspect the remaining steel straps and repair as necessary.
- Remove spalled and/or cracked brick and patching material from previous spall repairs. Replace the entire face shell with brick salvaged from above. Assume a total of 300 of these will be repaired.
- Epoxy inject approximately 300LF of cracks.
- Properly cut out and tuckpoint all of the remaining mortar joints.
- Install a new concrete roof system with venting.
- Remove the inner brick liner and all debris in the bottom of the stack to expose the concrete foundation.
- Install a series of 1 inch diameter vertical reinforcing bars at 12 inches on center in a circle inside the stack. These will be epoxied into holes drilled into the top of the concrete foundation. Install a series of ½ inch diameter stainless steel all thread rods into the masonry walls on the inside face of the stack (approximately 300 rods) set in epoxy.
- Fill the bottom of the stack with concrete to a depth of approximately 20 feet. This would be performed in multiple pours so that the hydrostatic pressure of the wet concrete does not blow out or distort the walls of the stack.
- Excavate around the perimeter of the foundation down to bedrock. Install reinforcing bars into the sides of the foundation and pour a reinforced concrete “doughnut” to create a larger more stable foundation.

Option B is the tallest configuration available assuming the brick from the original stack can be kept in place and (**with significant unseen modifications**) the refurbished stack can meet current Building Code requirements for wind and seismic loads.

Working with Gerard Chimney and Glenroy Construction (a local General Contractor) the following budgetary cost estimates have been developed. These are anticipated construction costs and do not include A/E fees, contingencies or other soft costs.

Option A – Remove stack down to 60' level	
Budgetary cost estimate	\$ 350,000
Option B— Remove stack to down 75' level/reinforce	
Interior and modify foundation	
Budgetary cost estimate	\$ 525,000

A key element in either option is the length of time it would take to demo the upper part of the smokestack down to the 75' or 60' so that the Farmer's Market could open in the nearby parking lot. Gerard Chimney believes this could be accomplished in approximately 4 weeks from the receipt of a Notice to Proceed.

## **TEMPORARY STABILIZATION**

During the course of this work, the question has been raised as to whether the smokestack could be temporarily stabilized in place until more permanent repairs are undertaken.

Theoretically – the answer is yes.

We have investigated two schemes to “hold” the smokestack in place with a supplemental steel frame of some type.

1. Construction of pipe scaffolding that would completely encircle the stack. The scaffold would have to tie into the walls of the tower near mid height to use the self weight of the masonry to keep windward side of the scaffold from lifting off the ground in a lateral wind or seismic event.
2. A steel frame made of wide flange beams and columns that would encircle the stack. This frame would be bolted to new concrete foundations to hold the steel frame down in a wind or seismic event.

Huge challenges for either of these schemes involve the proximity of the two buildings to the east and southeast of the stack. The pipe scaffolding or steel frame would have to extend onto/into both of these structures. No attempt has been made to determine how this would be performed. Nothing is insurmountable – but either of these temporary stabilization schemes seems very impractical.

With the aide of Specialty Contractors for scaffolding and steel erection very rough cost estimates have been developed for these two schemes.

Pipe scaffolding (2 month rental)	\$ 350,000
Steel Framing	\$ 550,000

These do not include A/E fees, contingencies or other soft costs. The pipe scaffolding would take approximately 7 weeks to design and install assuming Scaffold King could be contracted directly and assist us in the design to expedite the overall process. The steel frame would take on the order of 10 weeks to order, fabricate and install if the work did not have to be publicly bid.

## **CONCLUSION**

In our opinion, this re-evaluation of the smokestack has helped us develop a better understanding of 1) how it is constructed, 2) how it has deteriorated and 3) what options are truly available to stabilize and repair it.

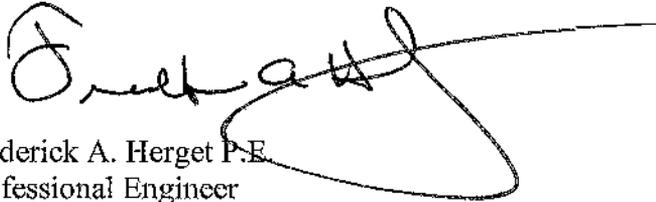
The concept of restoring it to its original height and appearance is understandable and obviously in the historical sense, desirable. The reality is the stack was constructed when the potential for

significant seismic forces was not considered in the Building Code used in Indiana. Masonry stacks typically do not fare well in seismic events and our scientific understanding of earthquakes has heightened concern enough that there are now Code provisions for them. In order for a 140 foot tall stack to meet the Building Code in this same location today it would have to be constructed from literally the ground up with different wall profiles and with a new foundation.

Lowering the stack to a level of 60 to 75 feet in height will preserve the original material to at least some degree.

This report will probably generate further questions and discussion. We are happy to try to answer them and help move this process along.

Your truly,

A handwritten signature in black ink, appearing to read "F. Herget", with a long horizontal line extending to the right and a large loop at the bottom.

Frederick A. Herget P.E.  
Professional Engineer





Photo 1 Looking up the wall of the stack on the southeast face.



Photo 2 Looking up the wall of the stack on the opposite side as Photo 1.



Photo 3 Photo taken in 2017.

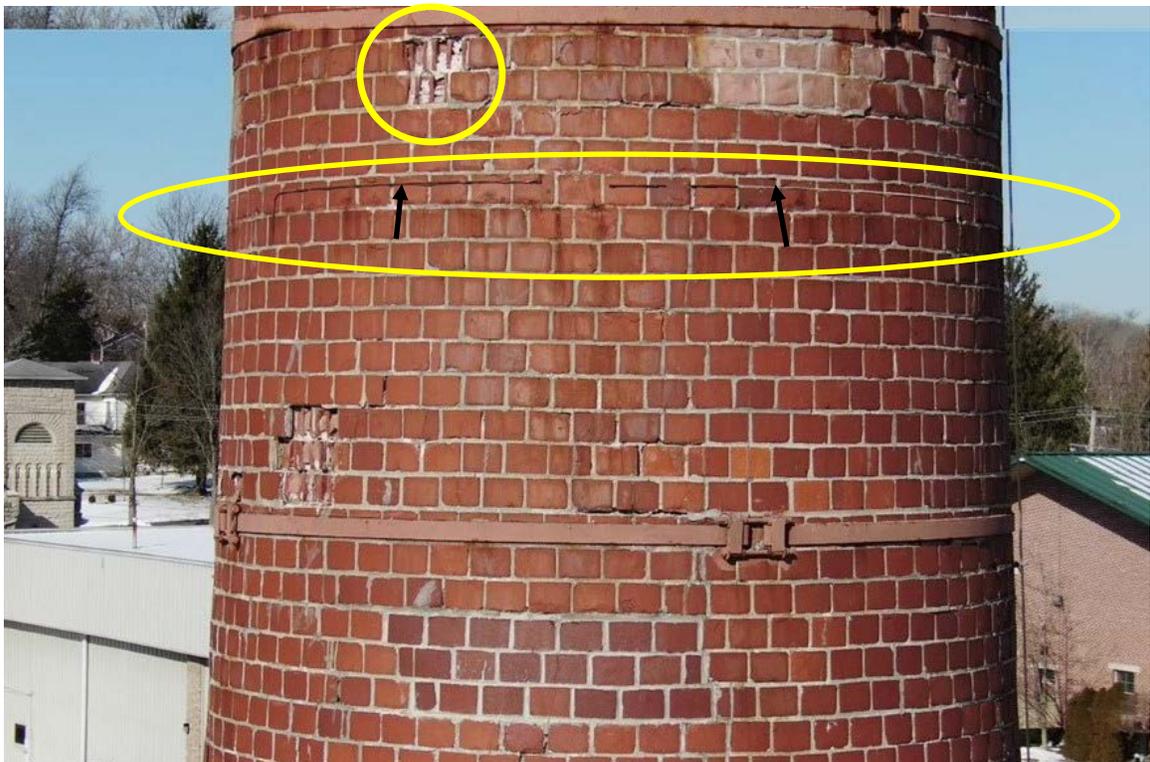


Photo 4 Photo taken in 2022. Band 35 is gone. Remnants of sealant at the top of the band are highlighted as is a new spall.



Photo 5 New spalls are highlighted in this 2022 photo.

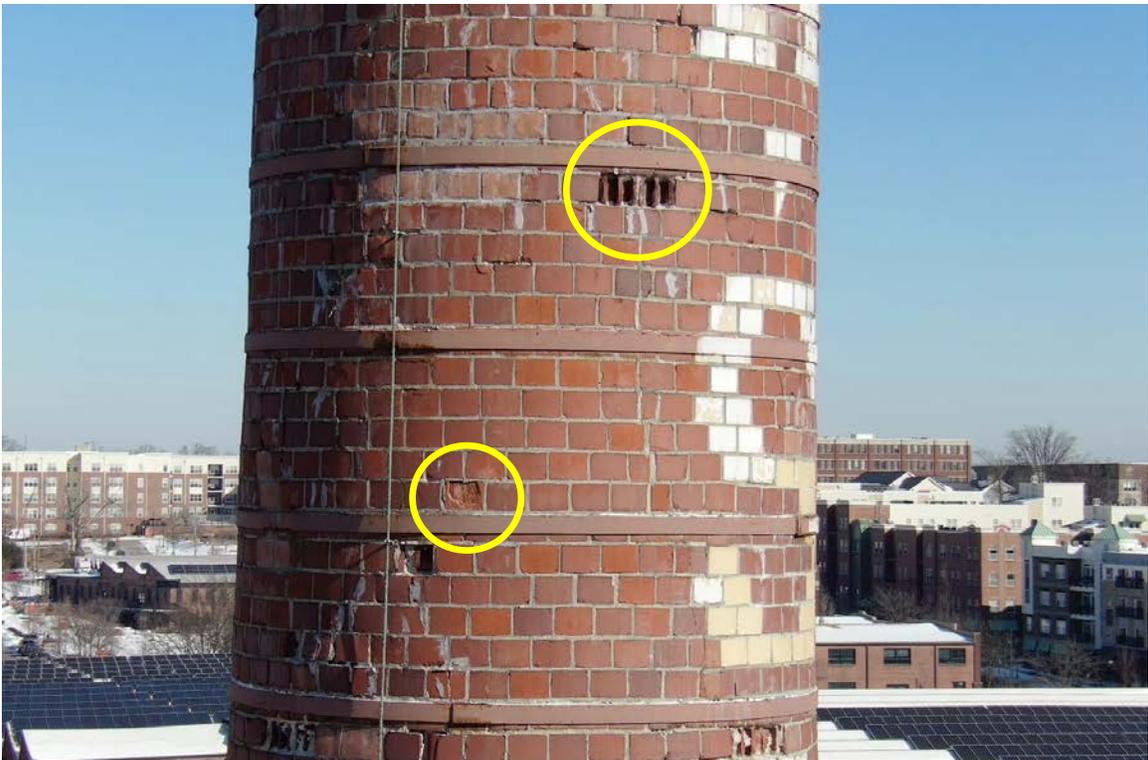


Photo 6 More new spalls are highlighted.



Photo 7  
Spalling extends to the  
base of the stack.

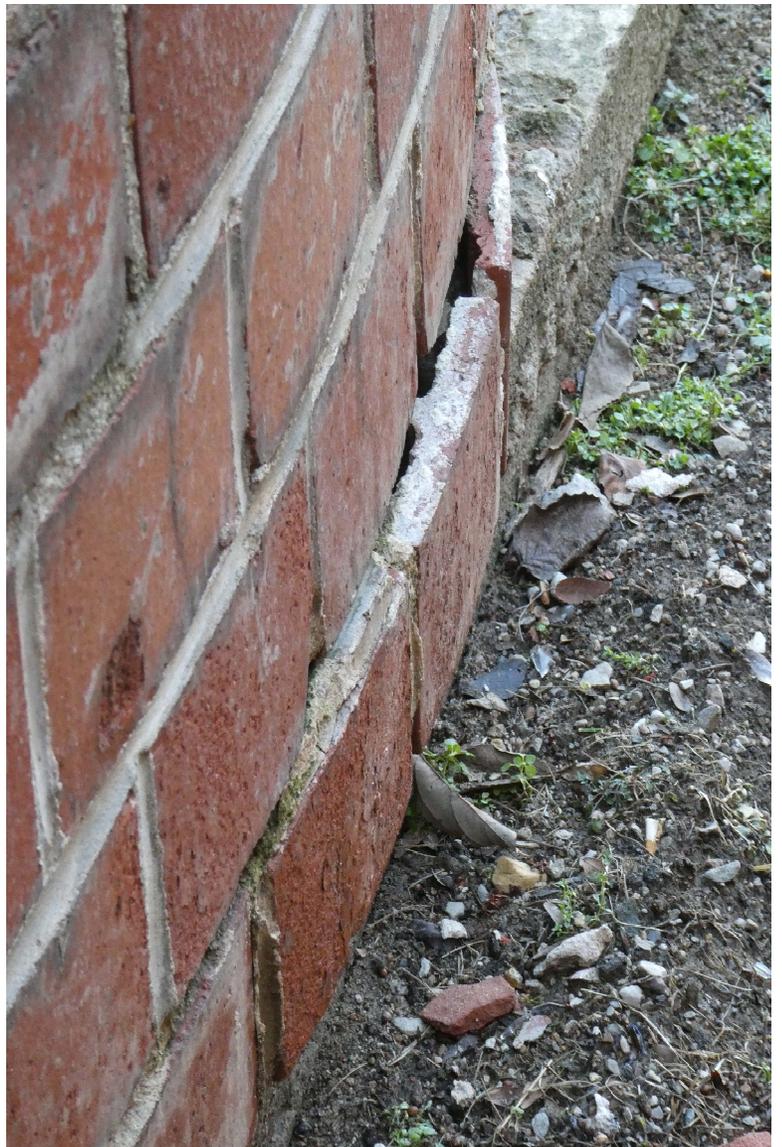


Photo 8  
The face shells are splitting off from the body of  
the brick.



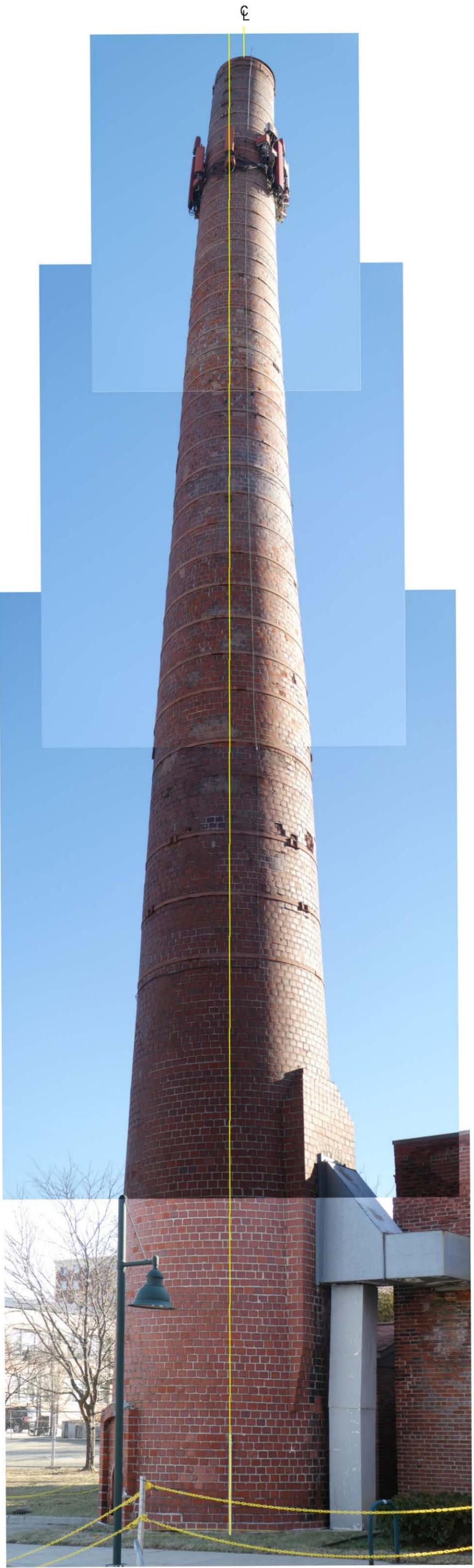


FIGURE 1

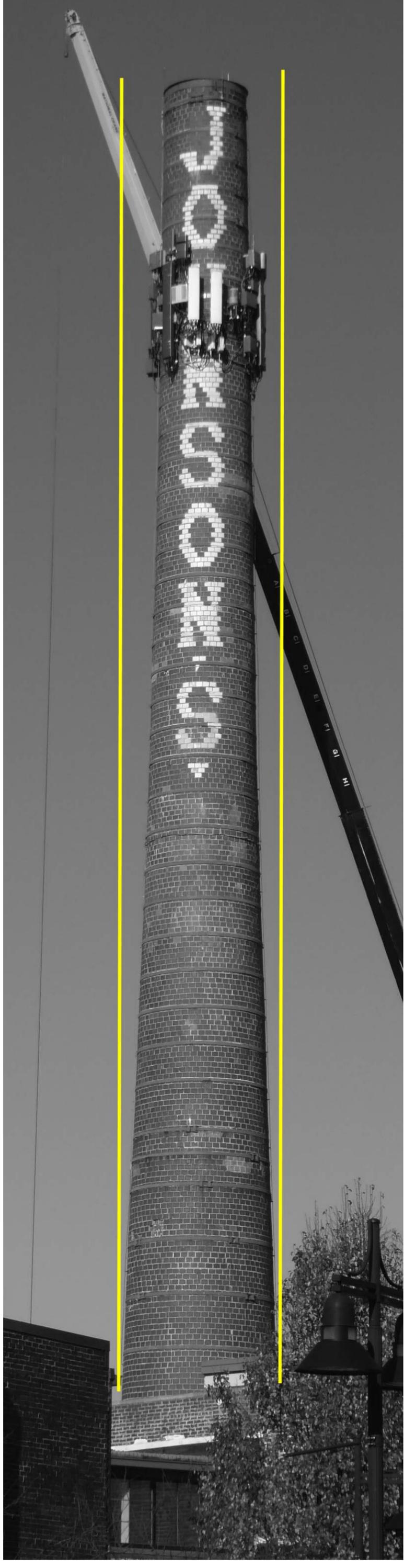
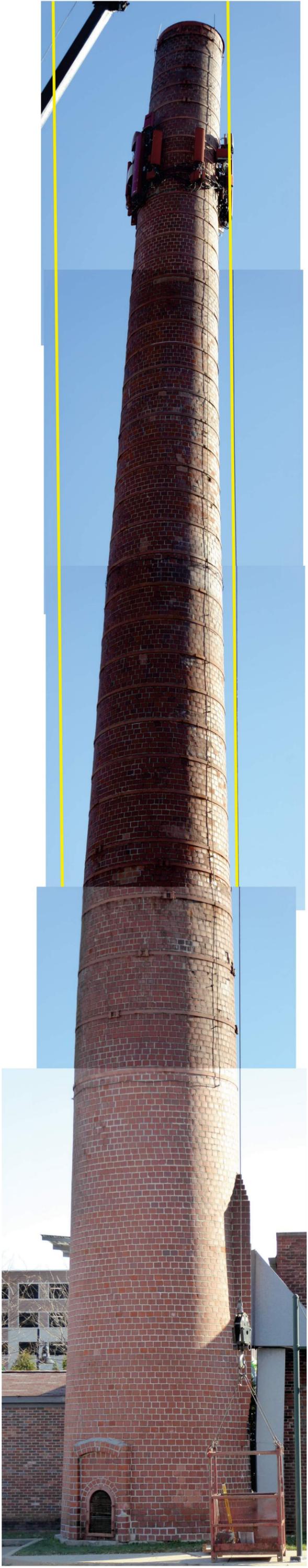


FIGURE 2



**FIGURE 3**

**ARSEE ENGINEERS** SINCE 1968  
 CLIENT ORIENTED - BY DESIGN

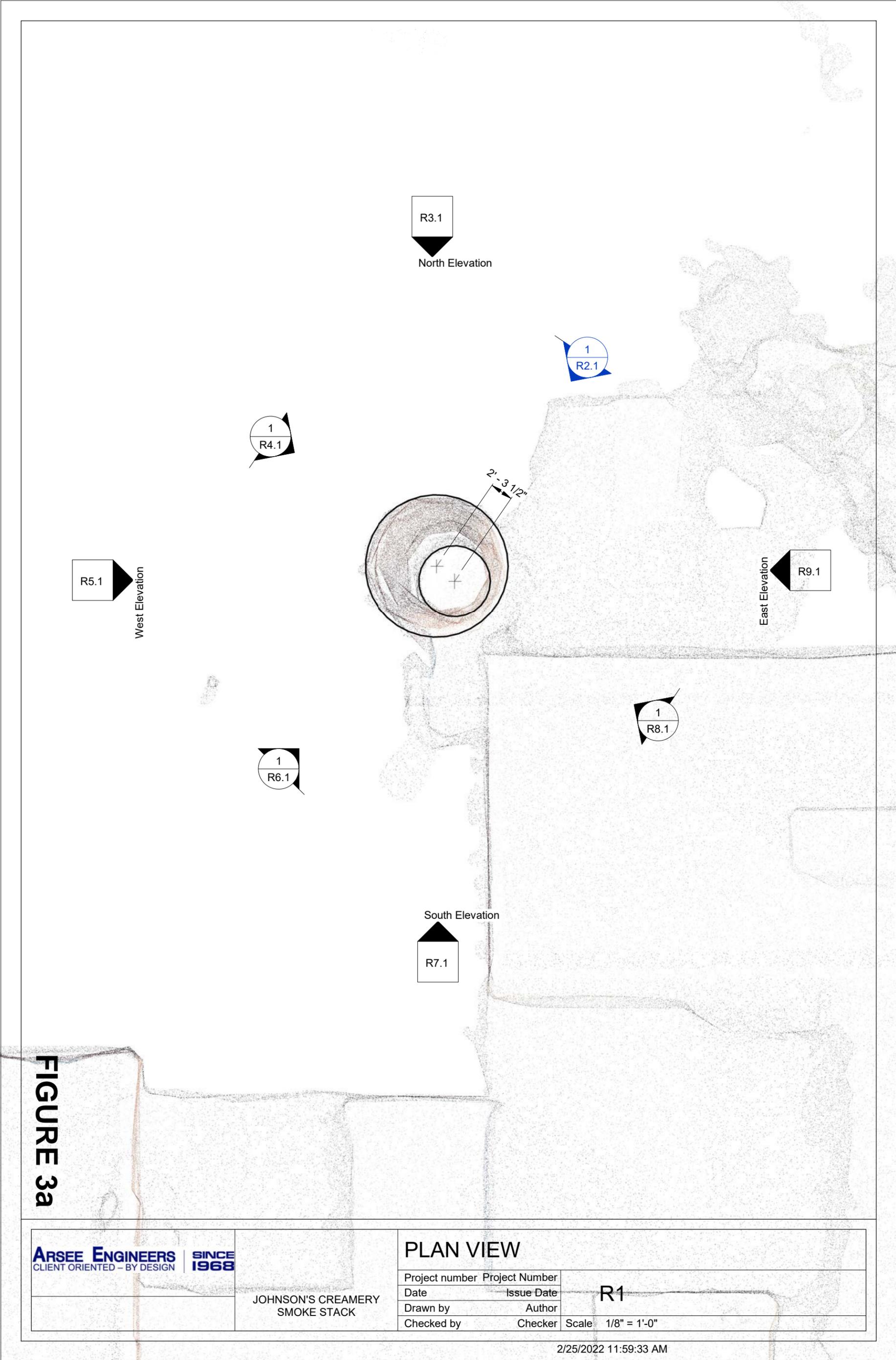
JOHNSON'S CREAMERY  
 SMOKE STACK

**PLAN VIEW PHOTO**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**R1**

Scale



**FIGURE 3a**

<b>ARSEE ENGINEERS</b> CLIENT ORIENTED - BY DESIGN	<b>SINCE 1968</b>	<b>PLAN VIEW</b>	
		Project number	Project Number
JOHNSON'S CREAMERY SMOKE STACK		Date	Issue Date
		Drawn by	Author
		Checked by	Checker
		Scale	1/8" = 1'-0"

**R1**



**FIGURE 4**

**ARSEE ENGINEERS** | SINCE 1968  
 CLIENT ORIENTED - BY DESIGN

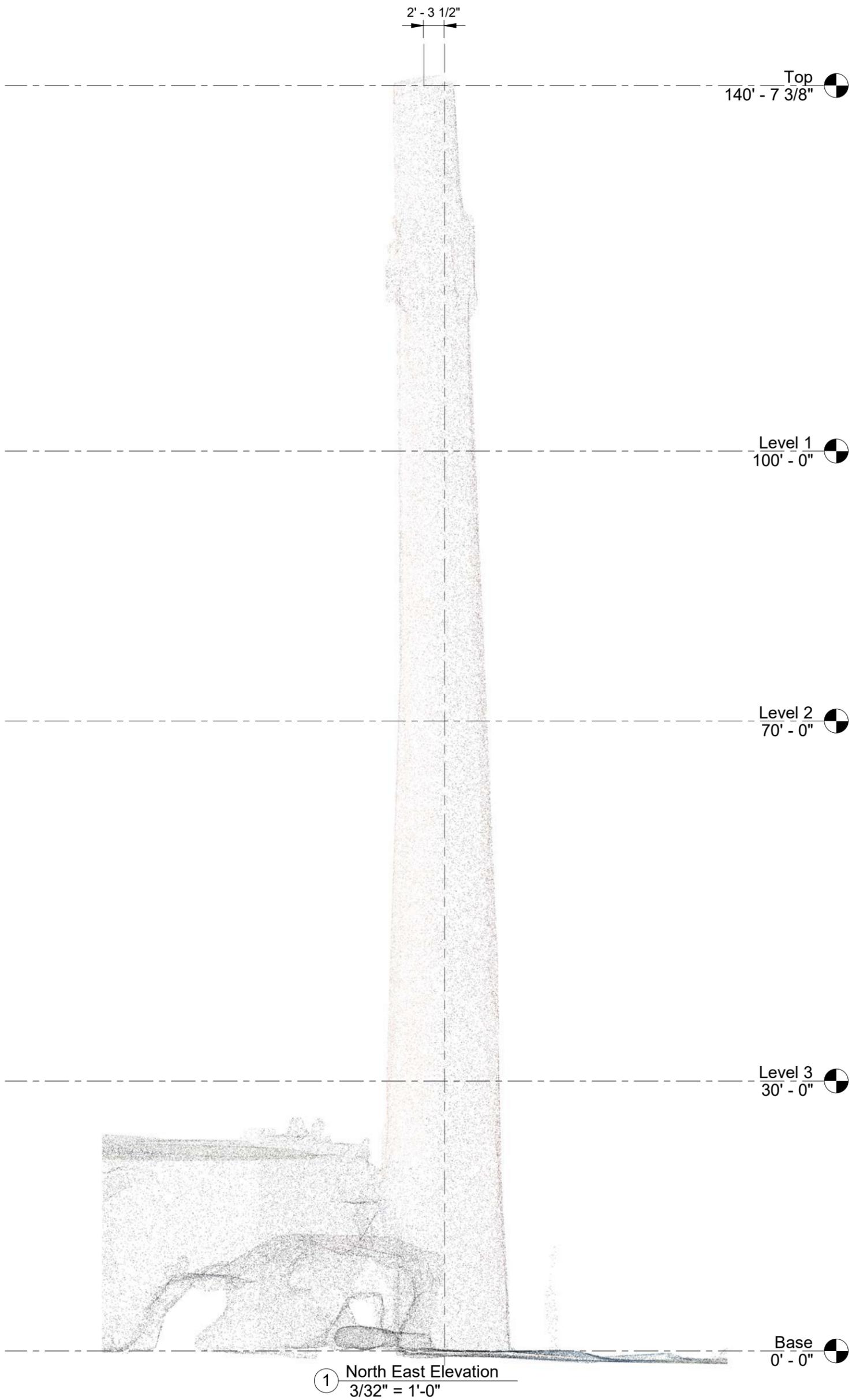
JOHNSON'S CREAMERY  
 SMOKE STACK

**NORTH EAST ELEVATION PHOTO**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**R2**

Scale



**FIGURE 4a**

① North East Elevation  
3/32" = 1'-0"

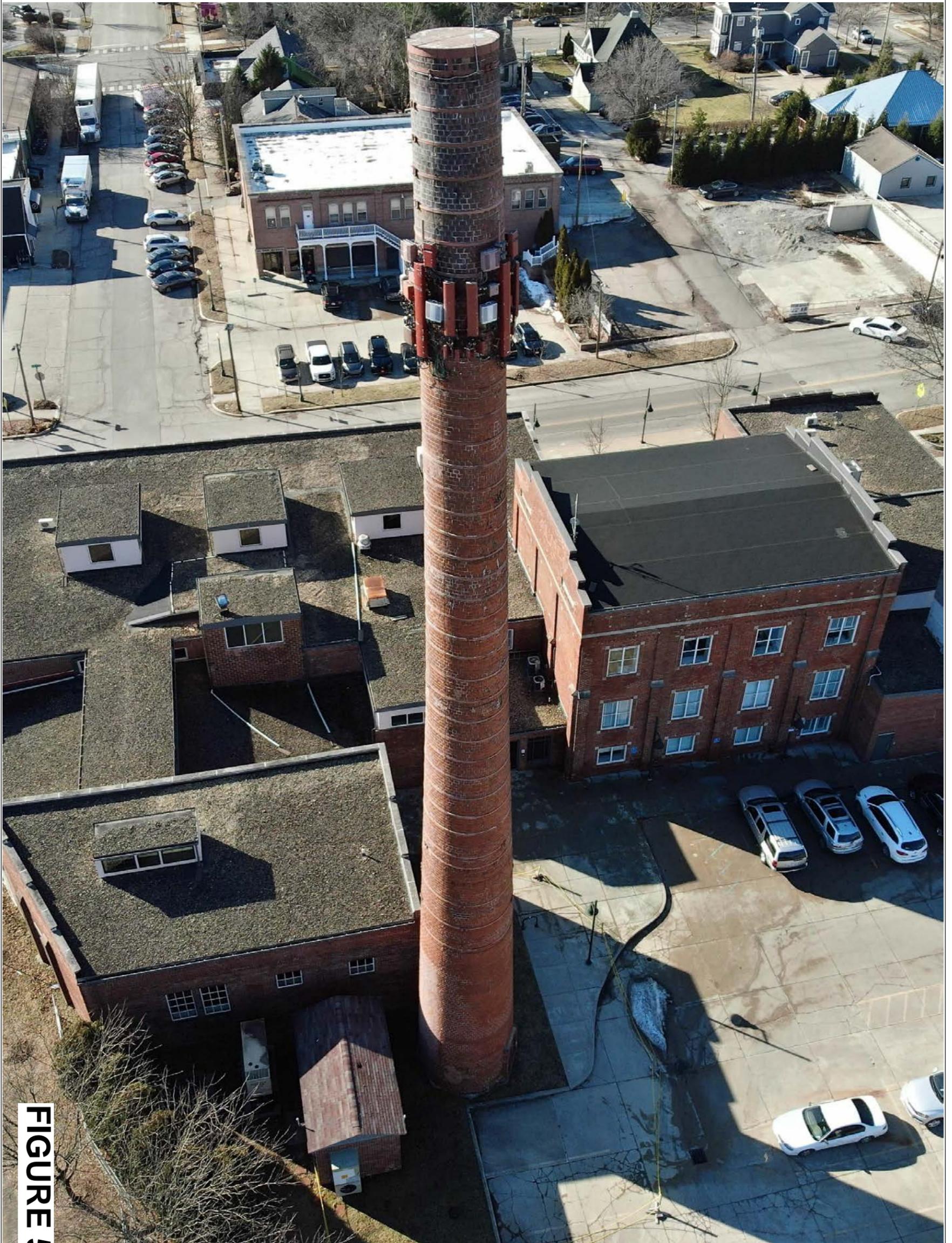
**ARSEE ENGINEERS** | SINCE 1968  
CLIENT ORIENTED - BY DESIGN

JOHNSON'S CREAMERY  
SMOKE STACK

**NORTH EAST ELEVATION**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

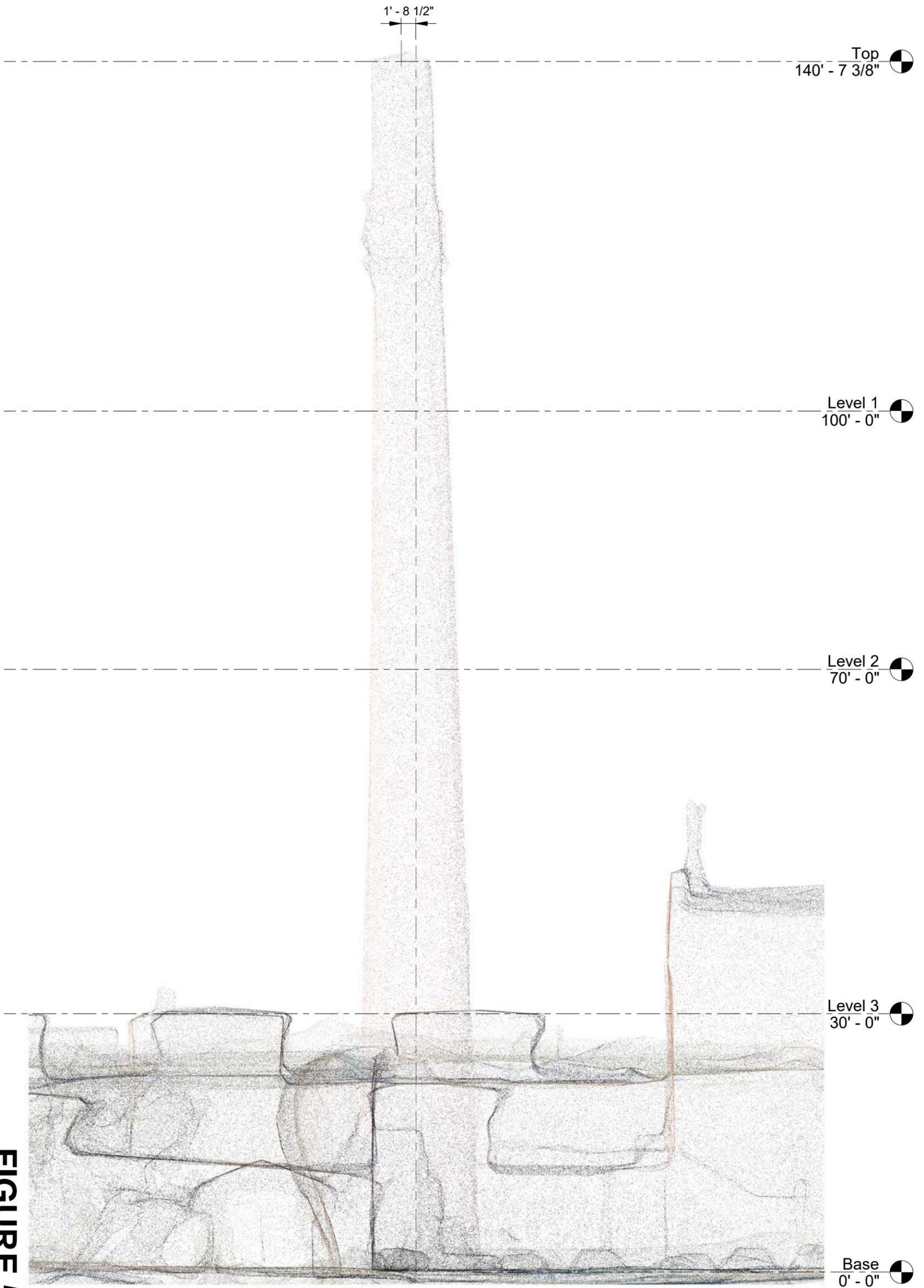
**R2.1**  
Scale 3/32" = 1'-0"



**FIGURE 5**

<b>ARSEE ENGINEERS</b> CLIENT ORIENTED - BY DESIGN	<b>SINCE 1968</b>	<b>NORTH ELEVATION PHOTO</b>	
		Project number	Project Number
JOHNSON'S CREAMERY SMOKE STACK		Date	Issue Date
		Drawn by	Author
		Checked by	Checker
		R3	Scale

**FIGURE 5a**



① North Elevation  
3/32" = 1'-0"

<b>ARSEE ENGINEERS</b> <small>CLIENT ORIENTED - BY DESIGN</small>	<b>SINCE 1968</b>	<h3>NORTH ELEVATION</h3>	
		Project number Date Drawn by Checked by	Project Number Issue Date Author Checker
JOHNSON'S CREAMERY SMOKE STACK		<b>R3.1</b> Scale 3/32" = 1'-0"	



**FIGURE 6**

**ARSEE ENGINEERS** | SINCE 1968  
 CLIENT ORIENTED - BY DESIGN

JOHNSON'S CREAMERY  
 SMOKE STACK

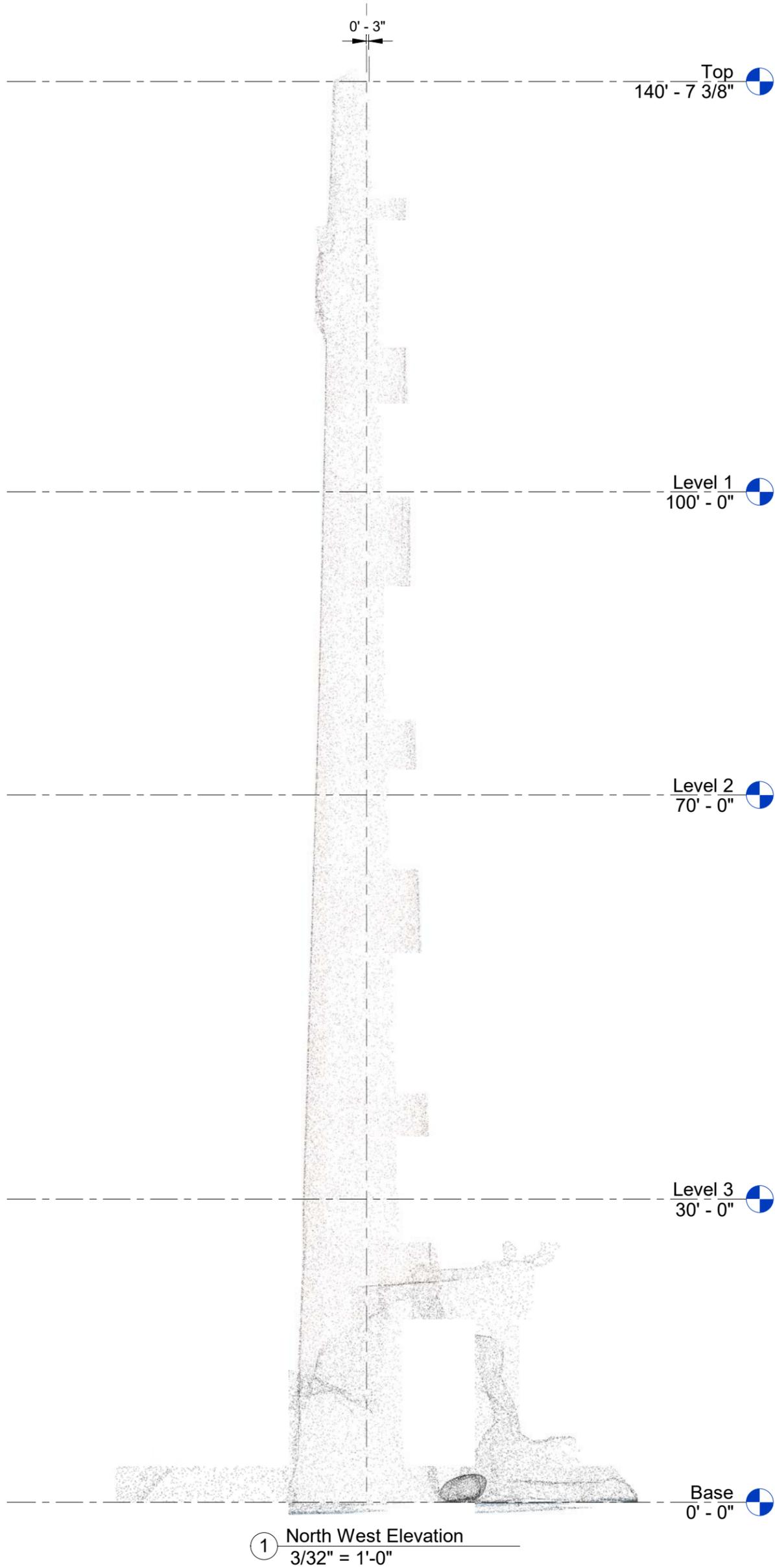
**NORTH WEST ELEVATION PHOTO**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**R4**

Scale

**FIGURE 6a**



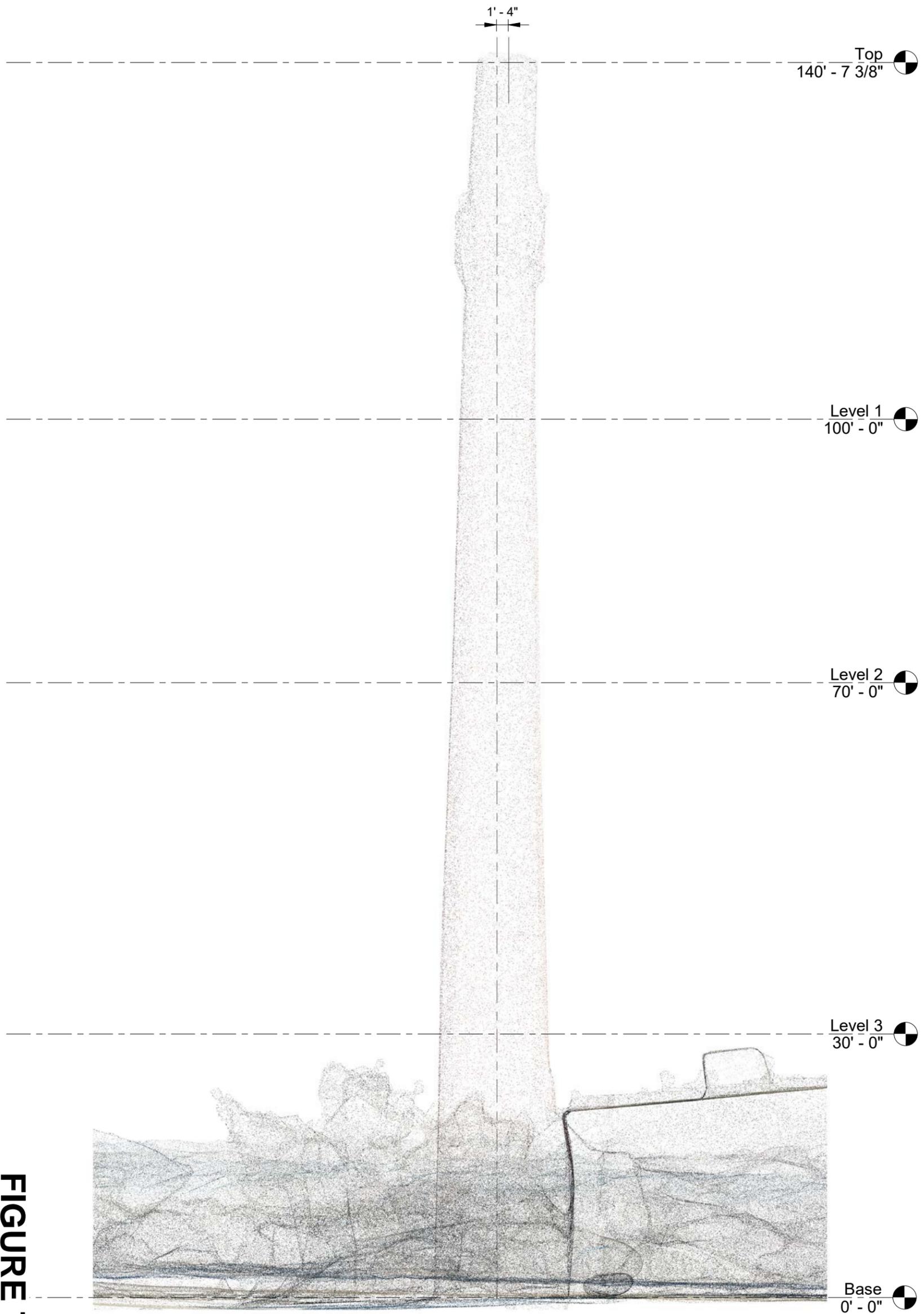
<b>ARSEE ENGINEERS</b> <small>CLIENT ORIENTED - BY DESIGN</small>	<b>SINCE 1968</b>	<b>NORTH WEST ELEVATION</b>	
		Project number Date Drawn by Checked by	Project Number Issue Date Author Checker
JOHNSON'S CREAMERY SMOKE STACK		<b>R4.1</b> Scale 3/32" = 1'-0"	



**FIGURE 7**

<b>ARSEE ENGINEERS</b> CLIENT ORIENTED - BY DESIGN	<b>SINCE 1968</b>	<b>WEST ELEVATION PHOTO</b>		
		Project number	Project Number	<b>R5</b>
Date	Issue Date			
Drawn by	Author			
Checked by	Checker	JOHNSON'S CREAMERY SMOKE STACK		

**FIGURE 7a**



① West Elevation  
3/32" = 1'-0"

**ARSEE ENGINEERS** | SINCE 1968  
CLIENT ORIENTED - BY DESIGN

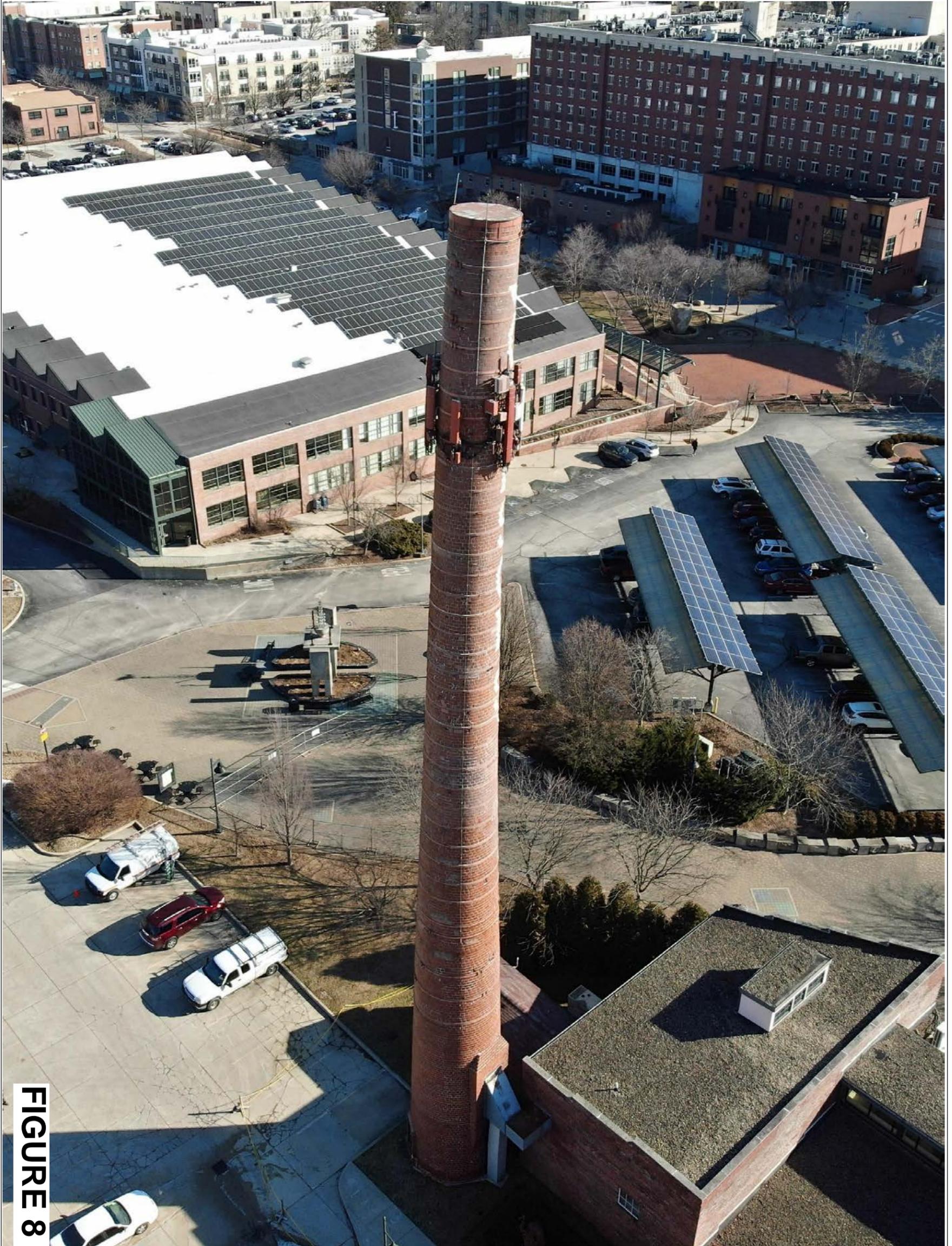
JOHNSON'S CREAMERY  
SMOKE STACK

**WEST ELEVATION**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**R5.1**

Scale 3/32" = 1'-0"



**FIGURE 8**

**ARSEE ENGINEERS** | SINCE 1968  
 CLIENT ORIENTED - BY DESIGN

JOHNSON'S CREAMERY  
 SMOKE STACK

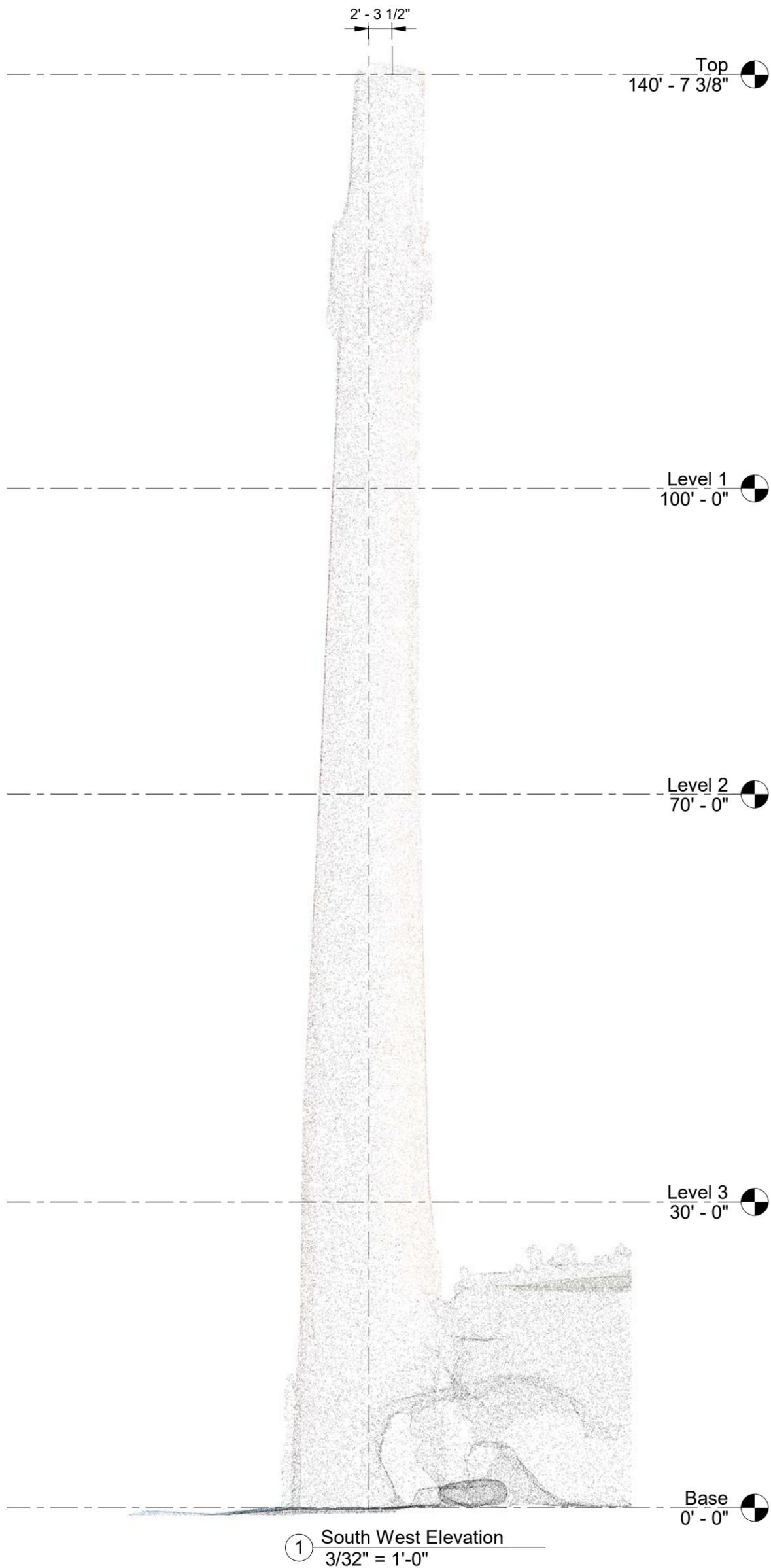
**SOUTH WEST ELEVATION PHOTO**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**R6**

Scale

**FIGURE 8a**



① South West Elevation  
3/32" = 1'-0"

<b>ARSEE ENGINEERS</b> CLIENT ORIENTED - BY DESIGN	<b>SINCE 1968</b>	<b>SOUTH WEST ELEVATION</b>	
		Project number Project Number Date Issue Date Drawn by Author Checked by Checker	R6.1 Scale 3/32" = 1'-0"
JOHNSON'S CREAMERY SMOKE STACK			



**FIGURE 9**

**ARSEE ENGINEERS** | SINCE 1968  
 CLIENT ORIENTED - BY DESIGN

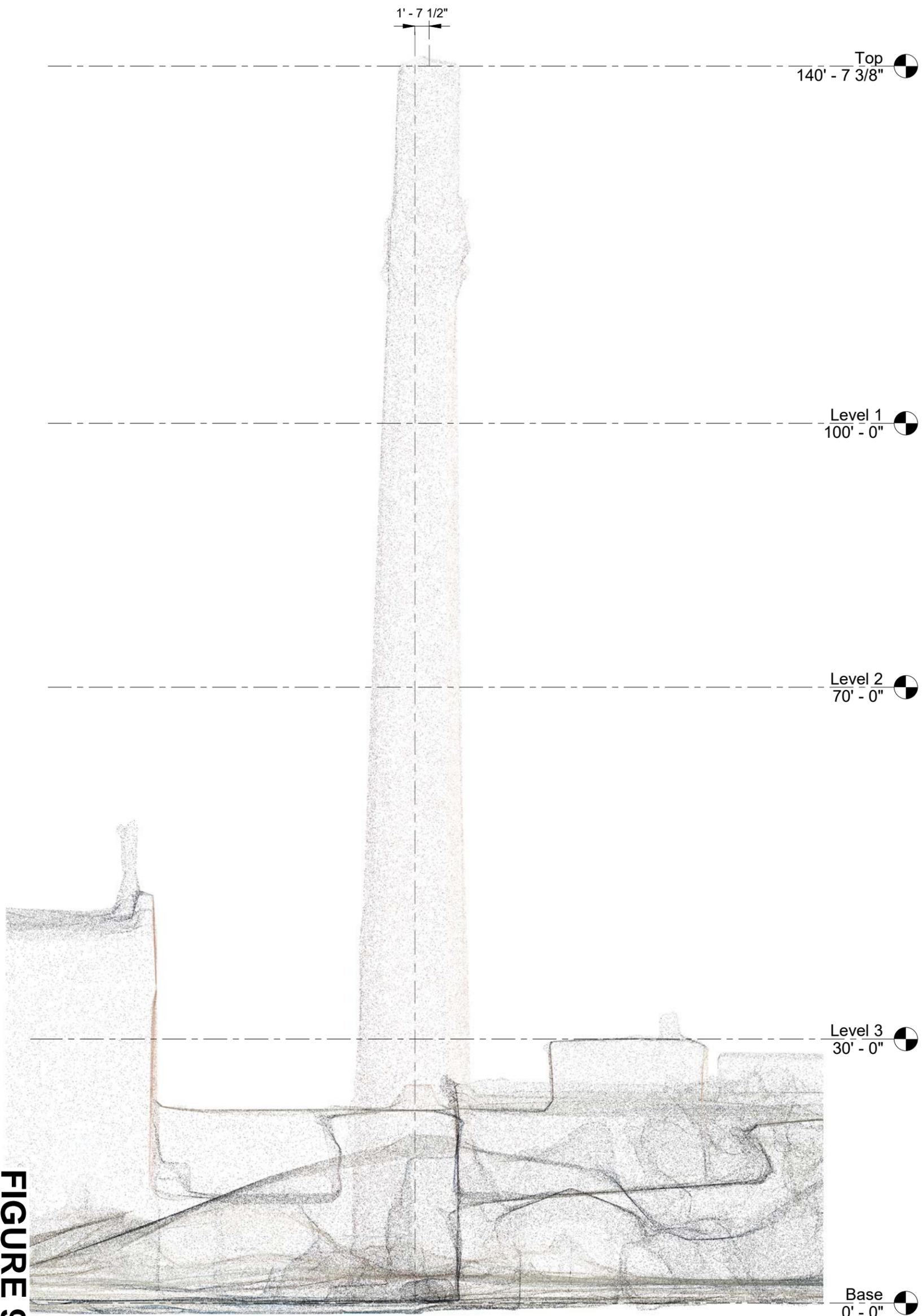
JOHNSON'S CREAMERY  
 SMOKE STACK

**SOUTH ELEVATION PHOTO**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**R7**

Scale



**FIGURE 9a**

① South Elevation  
3/32" = 1'-0"

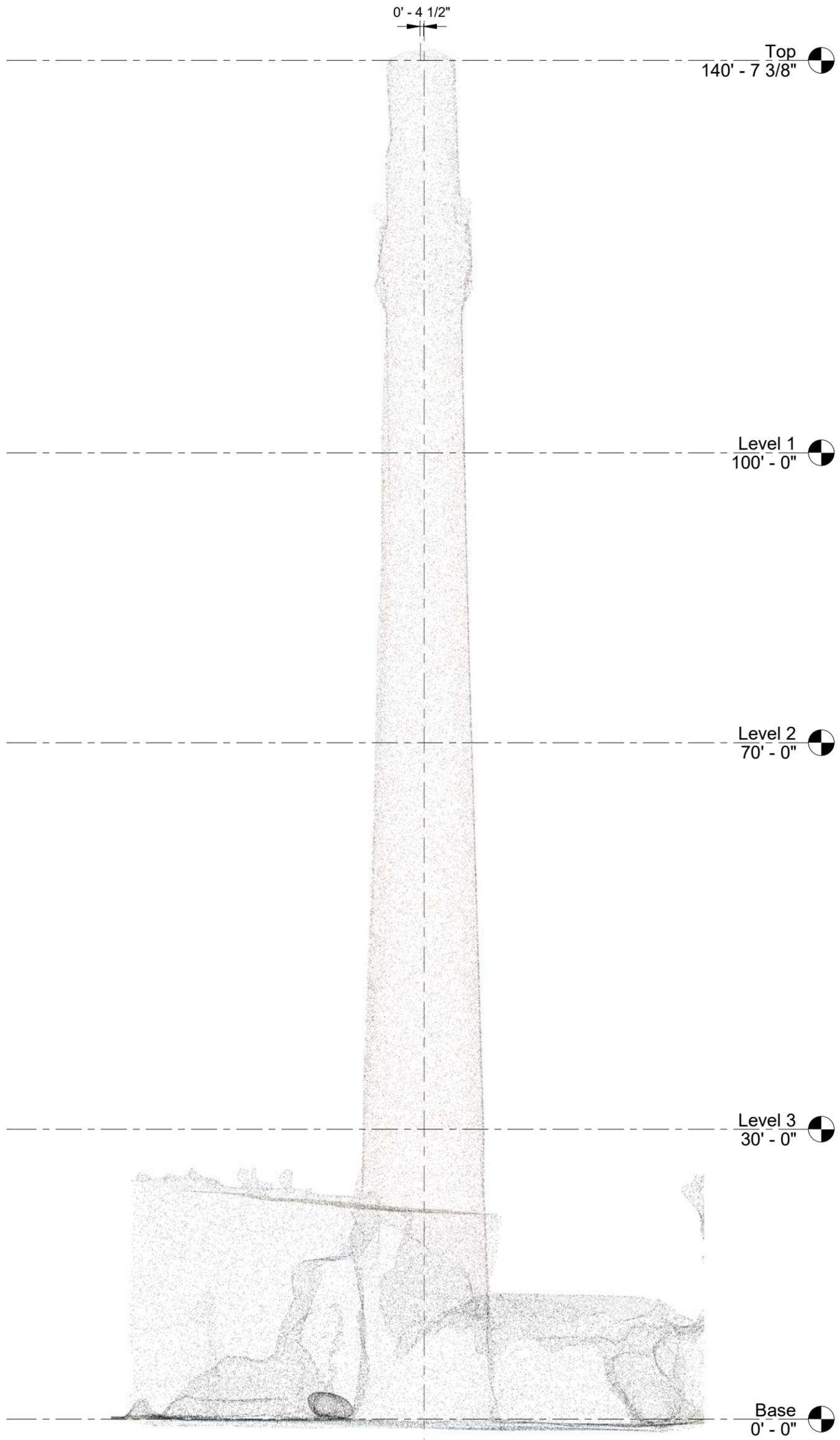
<b>ARSEE ENGINEERS</b> CLIENT ORIENTED - BY DESIGN	<b>SINCE 1968</b>	<b>SOUTH ELEVATION</b>	
		Project number Date Drawn by Checked by	Project Number Issue Date Author Checker
JOHNSON'S CREAMERY SMOKE STACK		<b>R7.1</b> Scale 3/32" = 1'-0"	



**FIGURE 10**

<b>ARSEE ENGINEERS</b> CLIENT ORIENTED - BY DESIGN	<b>SINCE 1968</b>	<b>SOUTH EAST ELEVATION PHOTO</b>		
		Project number Date Drawn by Checked by	Project Number Issue Date Author Checker	<b>R8</b> Scale
JOHNSON'S CREAMERY SMOKE STACK				

**FIGURE 10a**



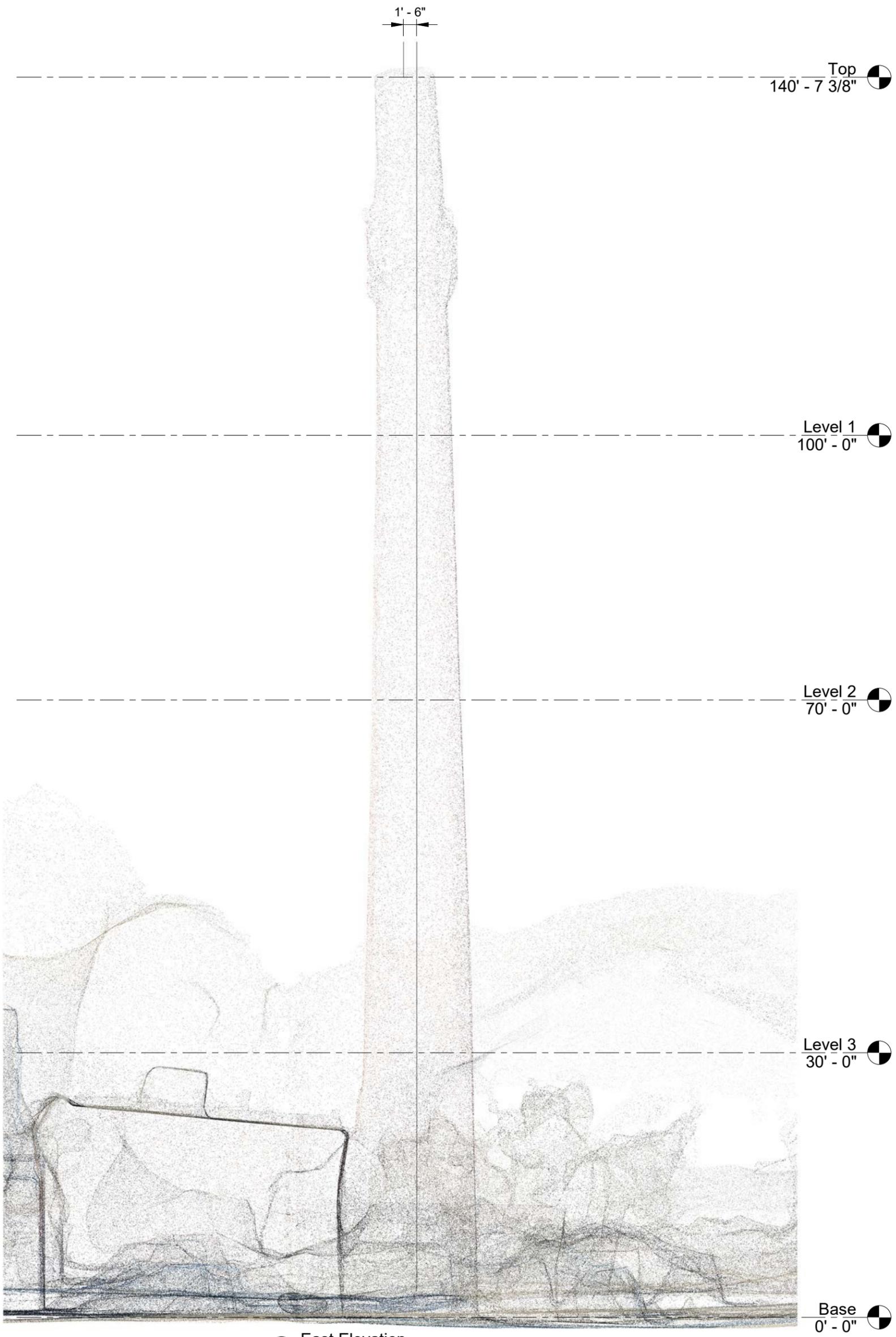
① South East Elevation  
3/32" = 1'-0"

<b>ARSEE ENGINEERS</b> <small>CLIENT ORIENTED - BY DESIGN</small>	<b>SINCE 1968</b>	<b>SOUTH EAST ELEVATION</b>	
		Project number    Project Number Date                      Issue Date Drawn by                      Author Checked by                      Checker	<b>R8.1</b>  Scale 3/32" = 1'-0"
JOHNSON'S CREAMERY SMOKE STACK			



**FIGURE 11**

<b>ARSEE ENGINEERS</b> CLIENT ORIENTED - BY DESIGN	<b>SINCE 1968</b>	<b>EAST ELEVATION PHOTO</b>		
		Project number	Project Number	<b>R9</b>
Date	Issue Date			
Drawn by	Author			
Checked by	Checker	Scale		
JOHNSON'S CREAMERY SMOKE STACK				



**FIGURE 11a**

① East Elevation  
3/32" = 1'-0"

<b>ARSEE ENGINEERS</b> CLIENT ORIENTED - BY DESIGN	<b>SINCE 1968</b>	<b>EAST ELEVATION</b>		
		Project number	Project Number	<b>R9.1</b>
Date	Issue Date			
Drawn by	Author			Scale 3/32" = 1'-0"
Checked by	Checker			
JOHNSON'S CREAMERY SMOKE STACK				

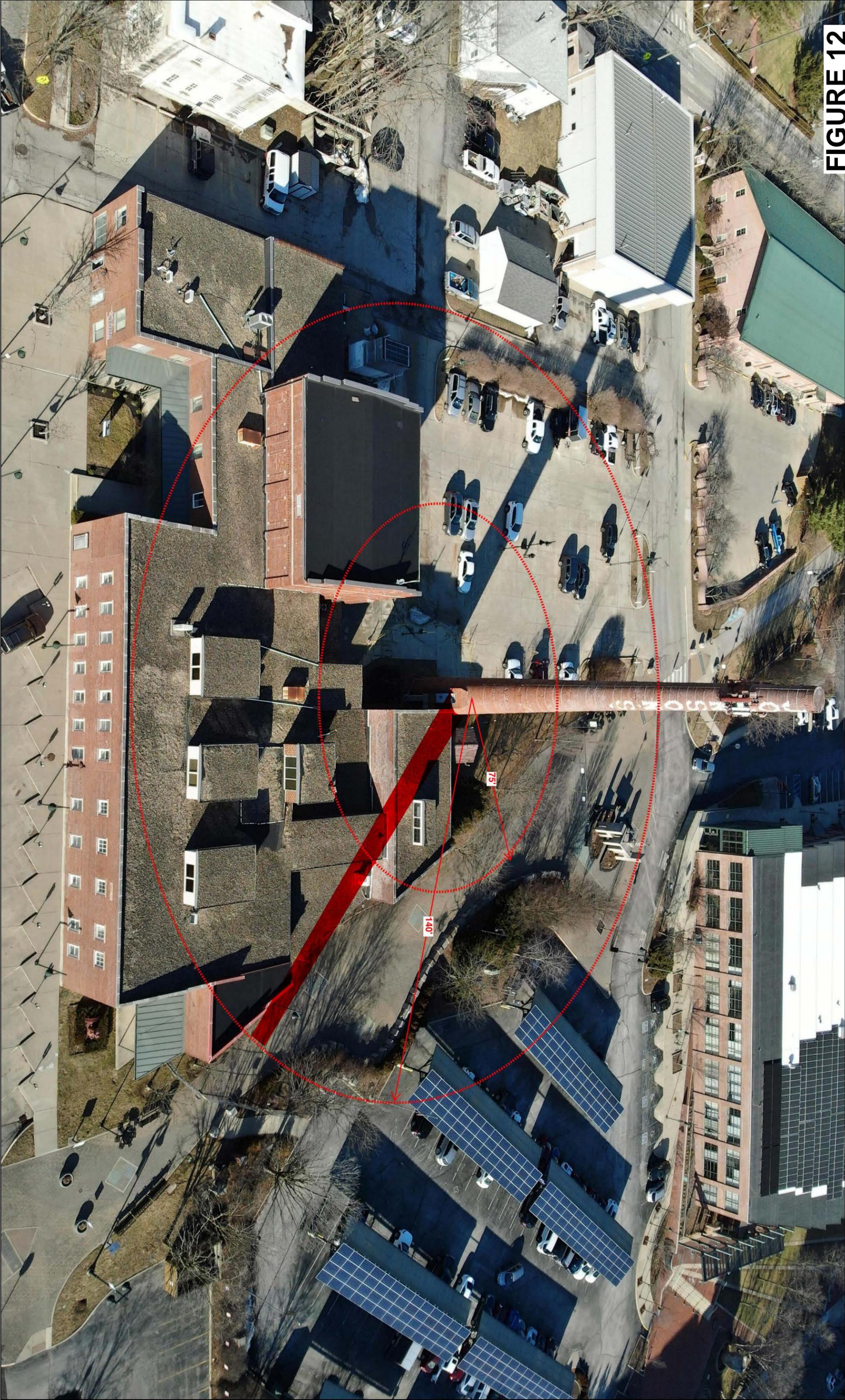
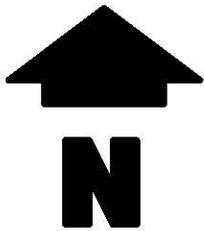
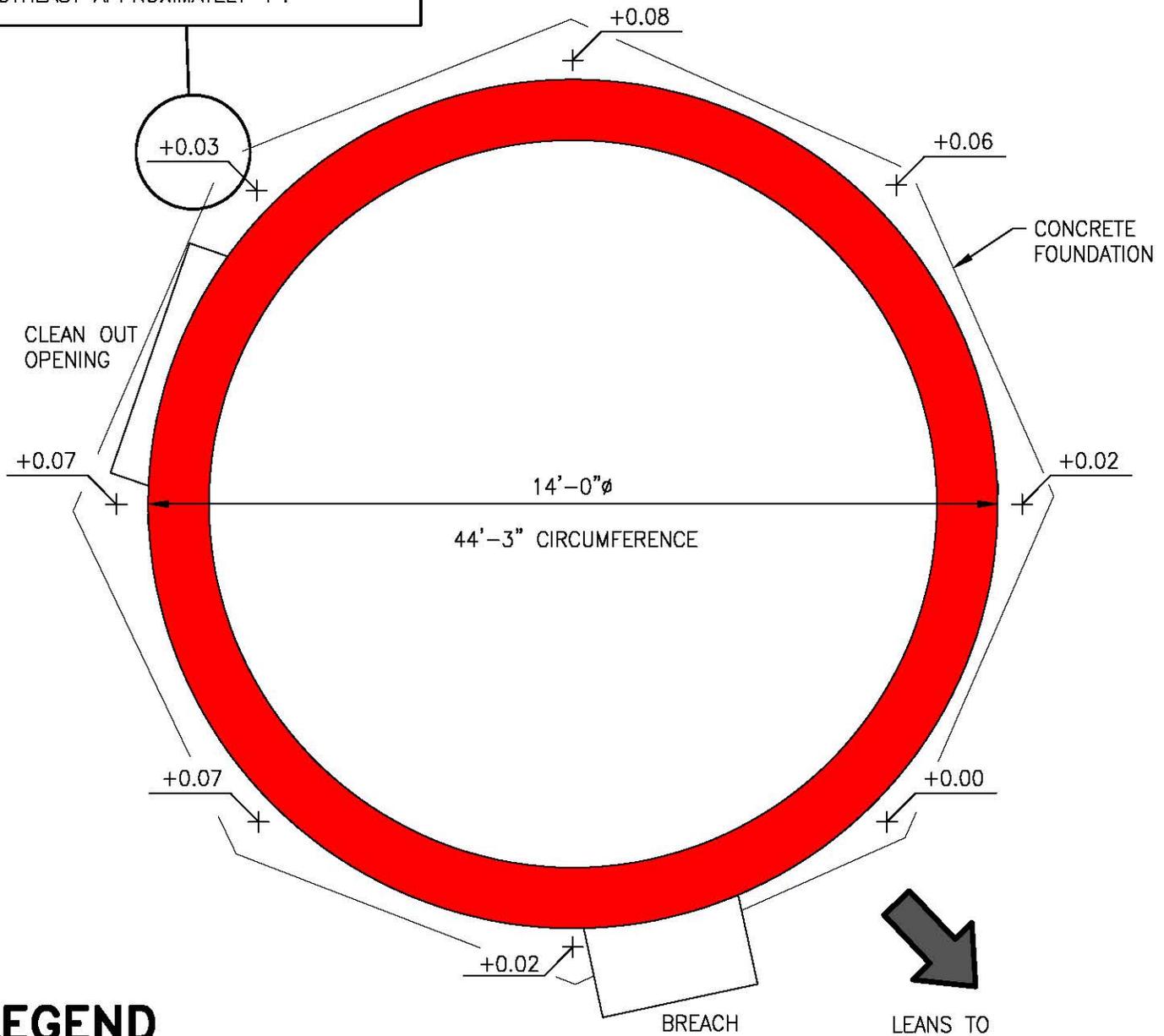


FIGURE 12



ASSUMING THIS IS AN ANOMALY, THE TOP OF THE FOUNDATION TILTS DOWN TO THE SOUTHEAST APPROXIMATELY 1".

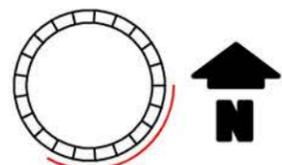
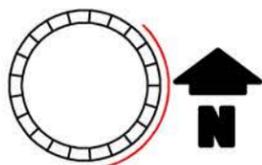
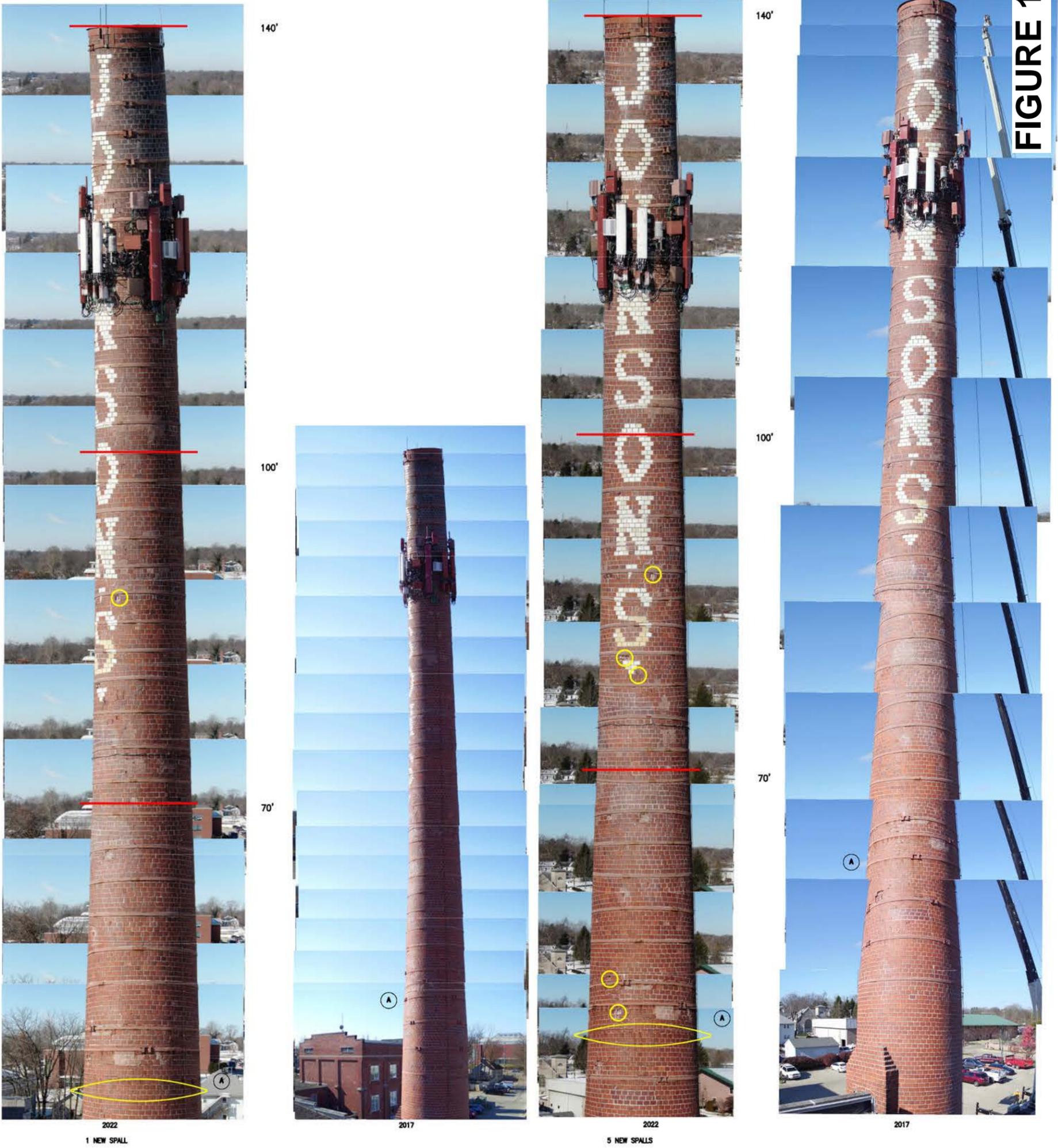


## LEGEND

X.XX  
+ SPOT ELEVATION  
IN FEET

LEANS TO  
SOUTHEAST

FIGURE 14



SHEET NO.  
S1

FILE  
EAST AND SSE  
ELEVATIONS

NO.	DATE	BY	CHKD.

JOHNSON CREAMERY  
SMOKE STACK  
2017 - 2022 COMPARISON

ARSEE ENGINEERS, INC.  
CLIENT ORIENTED — BY DESIGN  
9715 KINCAID DRIVE, SUITE 100 FISHERS, INDIANA 46037-9459  
317/594-5152 PHONE 317/594-9590 FAX

FIGURE 15

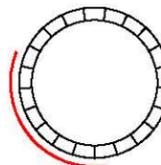
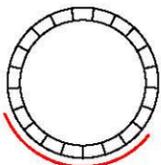


4 NEW SPALLS  
2022

2017

1 NEW SPALLS  
2022

2017



S2	SHEET NO.
	DATE
	SCALE
	DRAWN BY

TITLE	SOUTH AND SW ELEVATIONS
DESIGNED BY	
CHECKED BY	
DATE	

NO.	DATE	BY	REVISION

JOHNSON CREAMERY  
SMOKE STACK  
2017 - 2022 COMPARISON



**ARSEE ENGINEERS, INC.**  
CLIENT ORIENTED — BY DESIGN  
9715 KINCAID DRIVE, SUITE 100 317/594-5162 PHONE  
FISHERS, INDIANA 46037-9468 317/594-9590 FAX

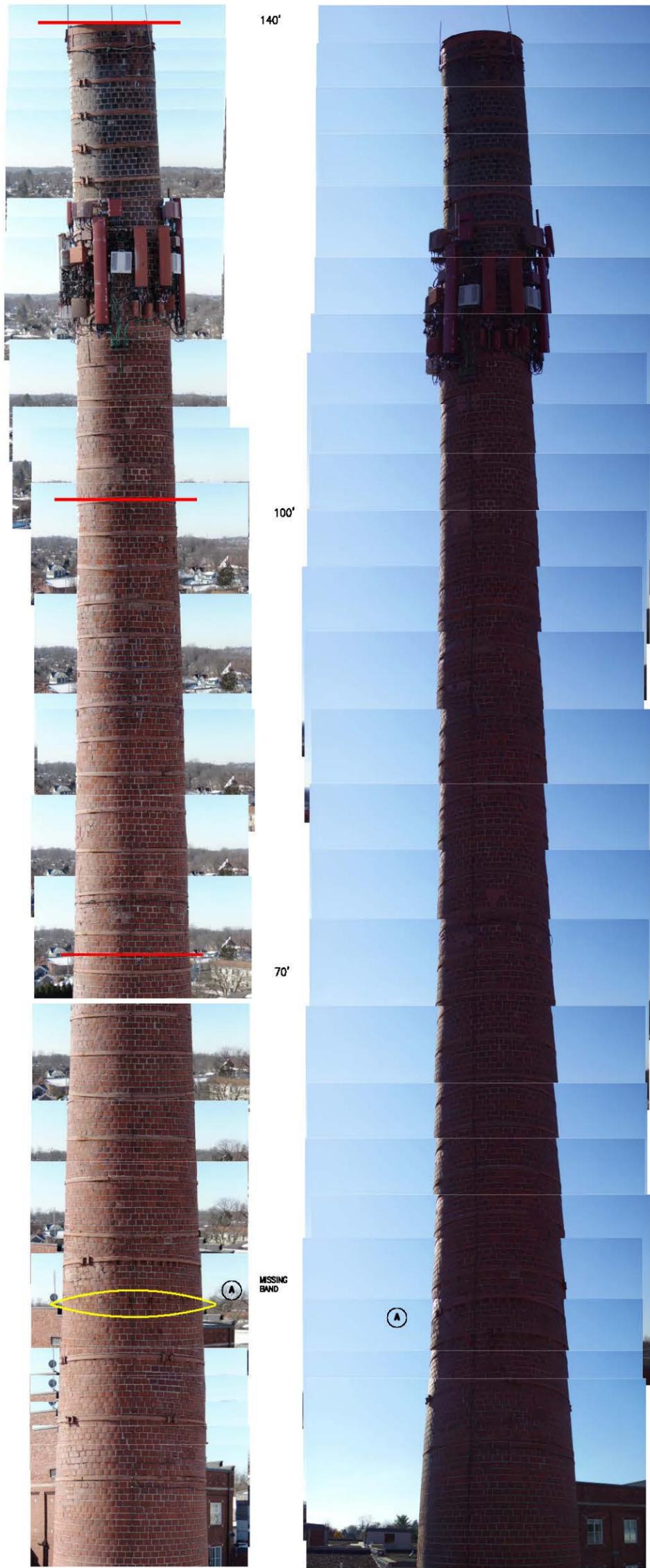
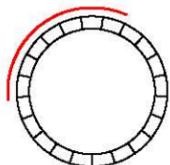


FIGURE 16

2022

2017



SHEET NO. S3

TITLE  
NNW  
ELEVATION

NO.	DATE	BY	CHKD.

JOHNSON CREAMERY  
SMOKE STACK  
2017 - 2022 COMPARISON

**ARSEE ENGINEERS, Inc.**  
CLIENT ORIENTED — BY DESIGN  
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# **ARSEE ENGINEERS, INC.**

**CLIENT ORIENTED — BY DESIGN**

Johnson Creamery Smokestack Assessment  
for

Alex Crowley  
City of Bloomington  
401 N. Morton, Suite 150  
P. O. Box 100  
Bloomington, IN 47404



**APPENDIX A**

November 30, 2017

Alex Crowley  
City of Bloomington  
401 N. Morton, Suite 150  
P. O. Box 100  
Bloomington, IN 47404

Re: Johnson Creamery Smokestack

Dear Alex:

### **EXECUTIVE SUMMARY**

We have completed our assessment of the smokestack within the Johnson's Creamery facility. This work has included up close observation/documentation using both a crane and man basket as well as drone technology.

The current stack is approximately 140 feet tall and is reported to have been constructed in 1949. The upper portion of the stack leans several feet to the south/southeast. Crude measurements show it is out of plumb one foot in every ten at the top of the stack. In our opinion, this movement has occurred after construction – it was not built this way.

Deterioration is visible throughout the height of the stack to various degrees but is more prominent in the upper half. This takes the form of spalled brick, cracking (predominantly vertical) and deteriorated mortar. There is evidence of numerous different repairs being made over the years. Most of these have been of a more cosmetic nature and the deterioration continues to progress. The top of the chimney is capped with a steel plate – this promotes deterioration on the inside face of the masonry. The extent of such deterioration is unknown.

A preliminary structural analysis of the stack shows it can go into tension under design wind or seismic loads required by current Building Codes and theoretically overturn. This analysis has not attempted to take into account the distorted shape of the stack or the cracking/spalling of the masonry. These conditions increase concerns over the stability of the stack.

Extensive repairs must be implemented if the stack is to remain. A ballpark estimate of \$350,000 has been developed with the aid of a contractor who has repaired similar stacks. Further analysis is required to finalize a repair program including assessment of the interior of the stack. Our detailed observations and comments follow.

## **BACKGROUND OF THE ASSESSMENT**

This assessment has been limited to the masonry smokestack of the Johnson's Creamery facility in Bloomington, Indiana. The current stack is approximately 140 feet tall based upon measurements taken in the field and has a total of 38 steel bands encircling it as shown in Photo 1 and Figure 1. The "Johnson's" logo is prominently visible facing to the southeast. A review of the literature reveals the oldest portion of the Johnson's Creamery facility dates back to 1913 – 14. Photographs from the Monroe County Historical Society from the period of 1921 to 1943 show an earlier stack which has a slightly different configuration at the top and does not have the Johnson's logo. See Figures 2 through 4. A National Register nomination in 1995 reports "The current 178 foot smokestack replaced an earlier one in 1949." This nomination is included as Appendix A.

The discrepancy in the height of the current stack is interesting. The 1995 nomination citing a height of 178 feet may simply be wrong or approximately 38 feet of the stack has been removed.

The stack is constructed of multiple wythes of unreinforced brick masonry supported by a concrete foundation of unknown depth. There was no indication of abnormal or significant differential movement or settlement of the foundation. The stack is approximately 12'-6" in diameter at the base and 7'-0" at the top. Individual brick are nominally sized at 6 ¼" w x 4 ½" h x 2 ¾" t.

A visual assessment was performed on November 22<sup>nd</sup>. A 50 ton crane and man basket were used to observe and photograph the stack up close. Still and video images were recorded using a DJI Matrice 600 Pro drone. See Photos 2 through 4. Mortar samples were taken of both the original and repair mortars and are available for further analysis as the need may arise. A series of holes were drilled to a depth of two inches throughout the height of the stack to get a feel for the relative hardness of the mortar. No further testing or sampling was performed. A steel grate welded over the opening at the base of the stack prevented observation of the interior.

## **OBSERVATIONS**

The following observations were made either while on site or during a review of the photographs and historic images. See Photos 5 through 47 and Figures 5 through 8.

- There is evidence of numerous significant repairs being made at multiple times since 1949.
- A total of 38 steel bands are in place throughout the upper 100 feet of the stack. All are tight and in good condition. These were installed to address vertical cracking which occurs throughout the majority of the stack.
- The steel bands appear to have been installed at different times. Extensive tuckpointing was performed prior to installation of most of the steel bands. See Figure 5. Many more repairs have been made after installation.

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Alex Crowley

City of Bloomington

Re: Johnson Creamery Smoke Stack

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- Cell phone equipment is installed approximately 120 feet above grade level.
- The top of the stack is covered with a steel plate. This prevents rainwater from entering to the interior but also promotes freeze/thaw deterioration on the inside face of the stack. Warm, moist air rises and condenses on the colder masonry surface. Numerous brick shards were visible on the interior of the stack at grade level.
- The walls of the stack vary in thickness from 20 inches (5 wythes of brick) at the base to 7 inches (2 wythes of brick) at the top. Transition points from 5 to 2 wythes are unknown.
- Faces of the brick have spalled in numerous locations. This seems to be more prevalent on the south, west and east sides. This appears to have been an ongoing problem for many years as there is evidence of multiple different ways repairs have been attempted.
- New deterioration continues to occur in areas where previous repairs have been made - the deterioration is progressive and is continuing.
- Loose shards of brick and mortar have, and will continue to fall from the outside of the stack. This presents a real danger to the public and cars parked nearby. Shards falling from the side of the stack would be expected to “slide” down until they strike a steel band and “bounce” outward.
- Glazed brick used to create the Johnson’s logo have deteriorated in a different manner. The glaze has spalled away from the body of the piece. Multiple units have been replaced in the lower “S”. This occurred prior to installation of the steel band in this location.
- More recent repairs have been of a more cosmetic nature. Tuckpointing and brick replacement have been replaced with face caulking, cementitious patches and tuckpointing efforts where mortar is “battered” over the eroded joint. The tuckpointing mortar is harder than the original mortar. It has debonded and fallen back out in numerous locations.
- We have performed similar assessment on six other smokestacks of similar or older vintage. The mortar in this stack is as soft as or softer than that in any of the other stacks we have investigated.
- New (unrepaired) cracks were observed. These occur throughout the height of the stack.
- The stack visibly leans to the south as shown in Figure 6 and Photos 44 through 47. Multiple reports indicate this condition has been present for a long period of time. Plumb bob measurements found the top of the stack is out of plumb at a slope of 1 to 10 or approximately 6.0°.

- Montage views of the upper portion of the stack are shown in Figure 7. A montage of the logo on the southeast face is shown in Figure 8.

## **STRUCTURAL ANALYSIS**

We have performed structural analyses of the smokestack, modeling it in a finite element software program, RISA 3D, primarily to determine the structural natural frequency. This was necessary to evaluate its ability to withstand lateral loads under current Building Codes. Our analyses assumes a perfectly plumb smokestack and does not account for cracking/spalling of the masonry.

These analyses assume the hollow core clay brick masonry is unreinforced and un-grouted and that it varies in thickness from two wythes at the top to five wythes at the base. We assumed mortar in the bed joints of the brick is placed only on the face shells of each brick.

The lateral analyses assumes a Type II construction and a 1.0 importance factor. The total horizontal seismic shear load required by Code is equal to 10% of the total weight of the stack, or 21,000 pounds located at a height of 55 feet above grade level. The lateral wind pressure on the stack varies from 34 pounds per square foot (psf) at the top to 13 psf at the base.

Under normal gravity loads, the compressive stresses in the brick face shells appear to be within an acceptable range. However, when either wind or seismic loads are placed on the smokestack, there is some concern for tension in the mortar joints. The magnitude of these tension stresses warrants a more detailed analysis, but can likely be resolved with vertical reinforcement in the walls at the stack base.

We also reviewed the Structural Analysis Report dated November 20, 2017, prepared by GPD Group, Inc. In general, it appears they have used rational engineering judgment. However, their assumptions of brick configuration and wall thicknesses exaggerate unit dead load of the masonry walls resulting in a computed stack weight that is more than double what our analysis shows. This is unconservative when evaluating lateral loads in the stack. Their report did not include a seismic analysis.

## **CONCLUSIONS AND RECOMMENDATIONS**

In light of the above and based upon our experience with several other smokestacks of similar construction, age and geographic location, we come to the following conclusions:

- The current smokestack was constructed in 1949 and is approximately 140 feet tall. The National Register nomination listing it at 178 feet in height was either grossly in error or some 38 feet have been removed. If the top of the stack was removed within the last 25 years it would have been a monumental event which many people would remember and one that should be recorded by newspapers, etc. We have not found any such documentation.

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Re: Johnson Creamery Smoke Stack

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- The upper portion of the stack leans visibly to the south/southeast. Crude measurements find the masonry above the cell phone equipment to be out one foot horizontally for every ten feet vertically. The top of the stack is visibly displaced several feet from where it would be if it were constructed normally and plumb. Reports by people that it has been this way for many years may be true but it is incomprehensible that it was constructed in this distorted shape.
- There is evidence of numerous repair efforts being made over the years to address brick spalling, cracking and mortar deterioration. The majority of these repairs have been more cosmetic than permanent solutions. Deterioration continues to progress – new cracks develop, more brick faces fall, existing cracks re-open and repair mortar debonds and falls out.
- Covering the top of the stack with a steel cap promotes deterioration on the interior. The extent of this deterioration is unknown.
- The original mortar is as soft as or softer than any other stack we have assessed. Mortar samples were taken and can be tested to determine composition and anticipated strength if necessary.
- Still photographs and videos were taken in vertical “drops” around the circumference of the stack. Detailed repair drawings could be generated from these but are beyond the scope of this assessment.
- In our opinion, there is no question extensive repairs are necessary if the stack is to remain. To get a sense of the order of magnitude of what these might cost, we solicited the help of a local masonry contractor who has worked on similar stacks and asked him to price the following:
  - Install six vertical steel straps welding them to the 38 circumferential bands to provide resistance to lateral loads and further leaning of the masonry. These would extend from the top of the stack down to and be attached to the concrete foundation.
  - Properly cut out and tuckpoint all of the mortar joints.
  - Remove and replace approximately 200 brick which have spalled or have been patched.
  - Epoxy inject 1,000 LF of cracks.
  - A ballpark estimate of the cost of these repairs is \$350,000. This does not include A/E or CM fees, contingencies or other indirect expenses. It would require the cell phone equipment be turned off while work is being performed in close proximity.

November 30, 2017

Alex Crowley

City of Bloomington

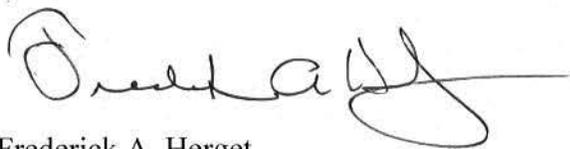
Re: Johnson Creamery Smoke Stack

Page 6

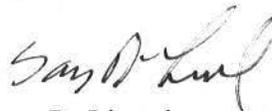
- Before such a repair program is finalized, we recommend these additional steps be undertaken:
  1. Analyze the composition of the original mortar.
  2. Remove and test prisms of brick and mortar to more accurately determine the physical characteristics of the brick and mortar assemblage.
  3. Perform some sort of assessment of the interior of the stack.
  4. Import the video taken from the drone and generate a 3-D computer model of the stack in its current condition. From this, accurate measurements of the distortion can be made and a more rigorous structural analysis can be performed.

We suspect this report will promote significant discussion regarding the condition and future of the smokestack. We will be happy to meet and discuss our observations in person if you like.

Yours truly,



Frederick A. Herget  
Professional Engineer



Gary D. Linard  
Professional Engineer

/kna





Photo 1

Overall view from the southeast.



Photo 2

Close up observations were made from a crane and basket.

Photo 3

Video and still images were recorded with a drone.

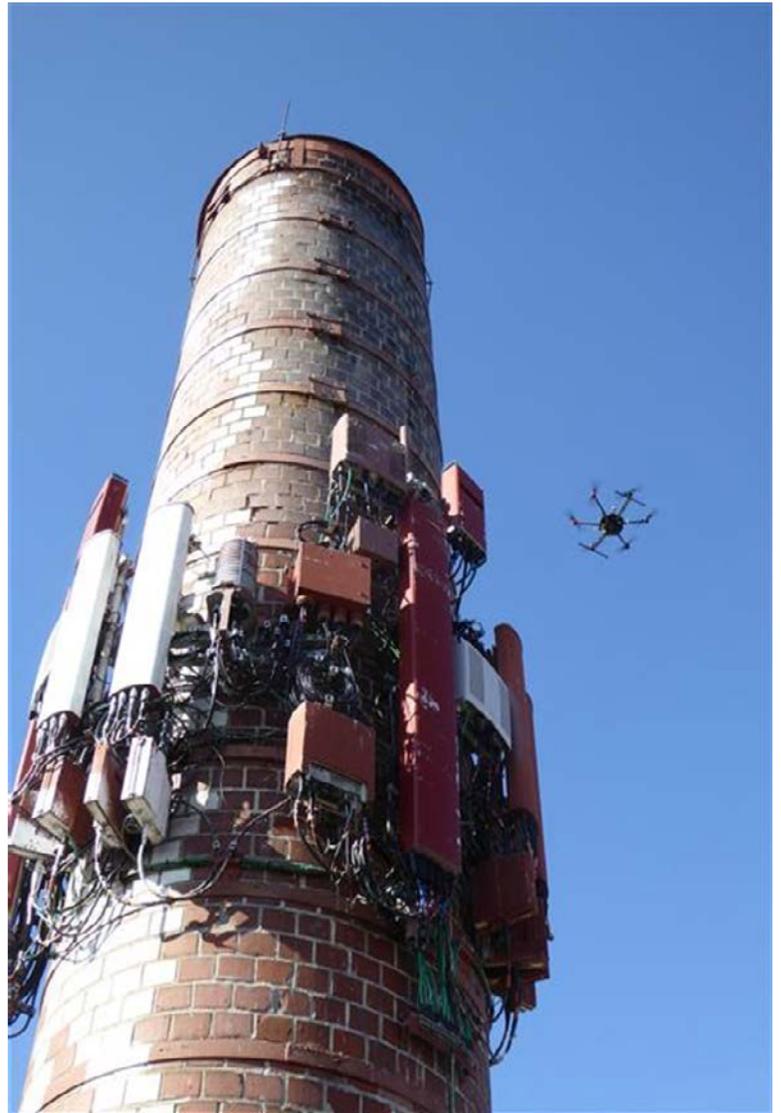


Photo 4

Close up of the drone.

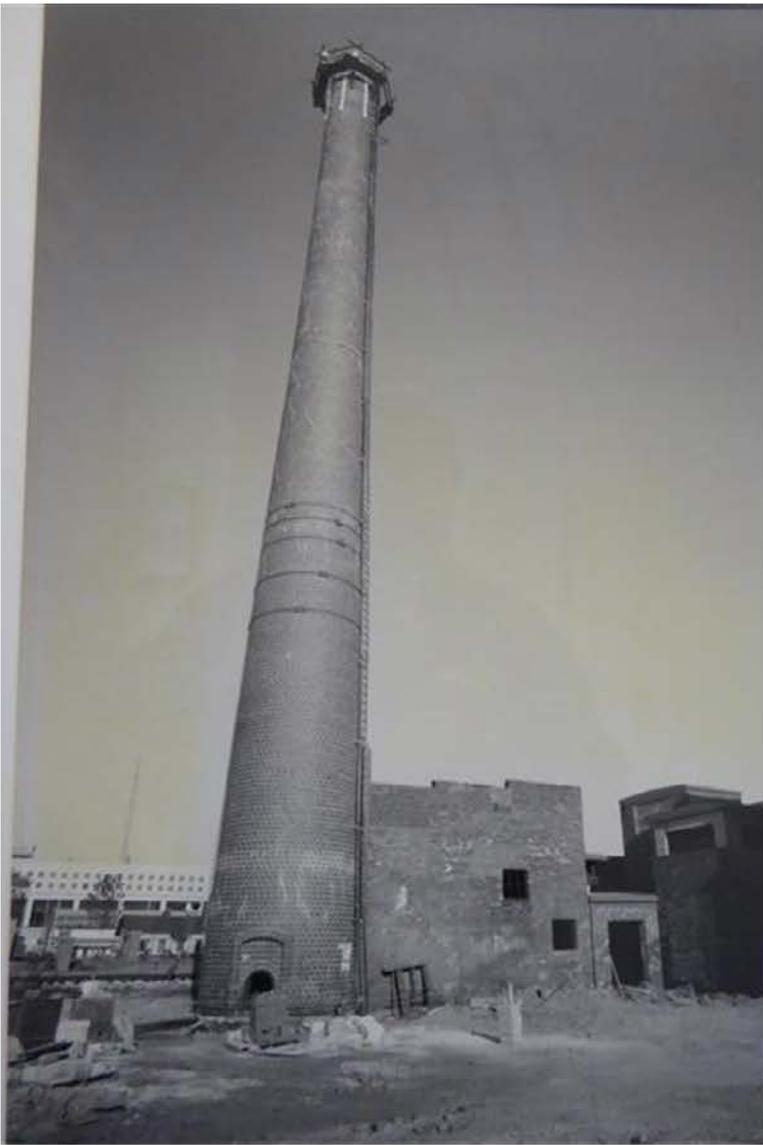


Photo 5

Historic photo (unknown year). It appears repairs are being made throughout the height of the stack. Bands 33 through 37 are visible...

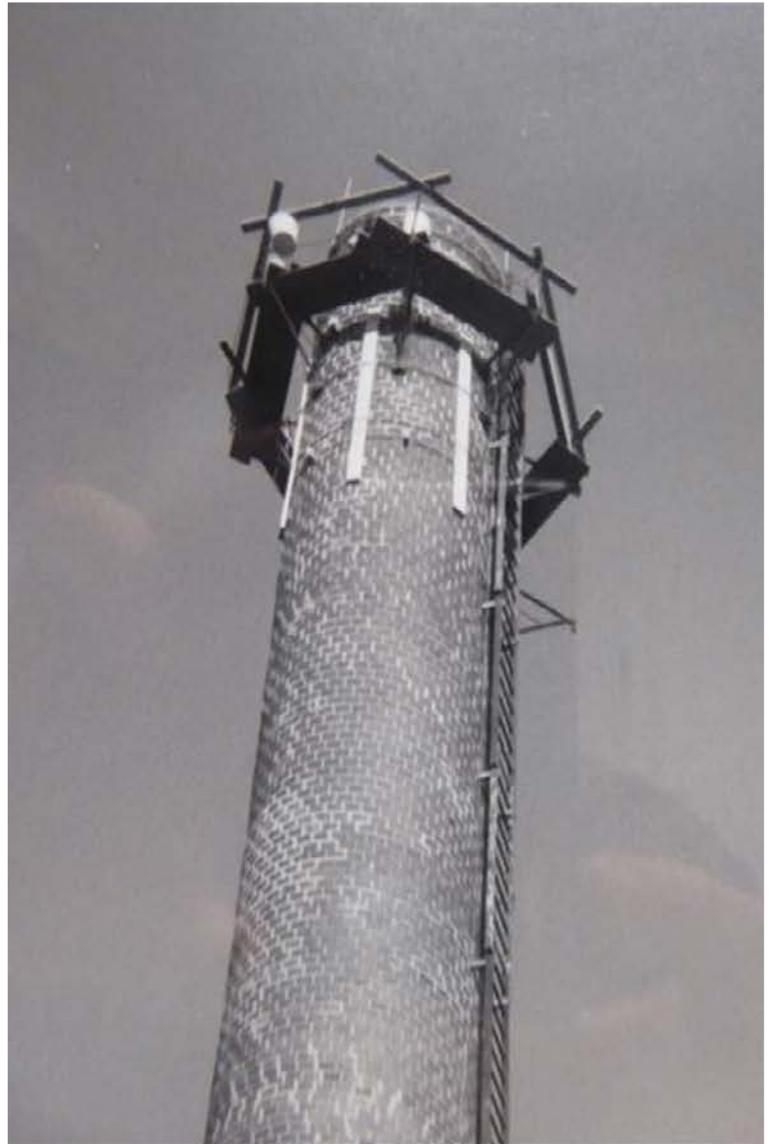


Photo 6

...and several bands have been installed at the top. The "larger" white mortar joints have been tuckpointed.



Photo 7

A total of 38 steel bands are currently in place on the stack.

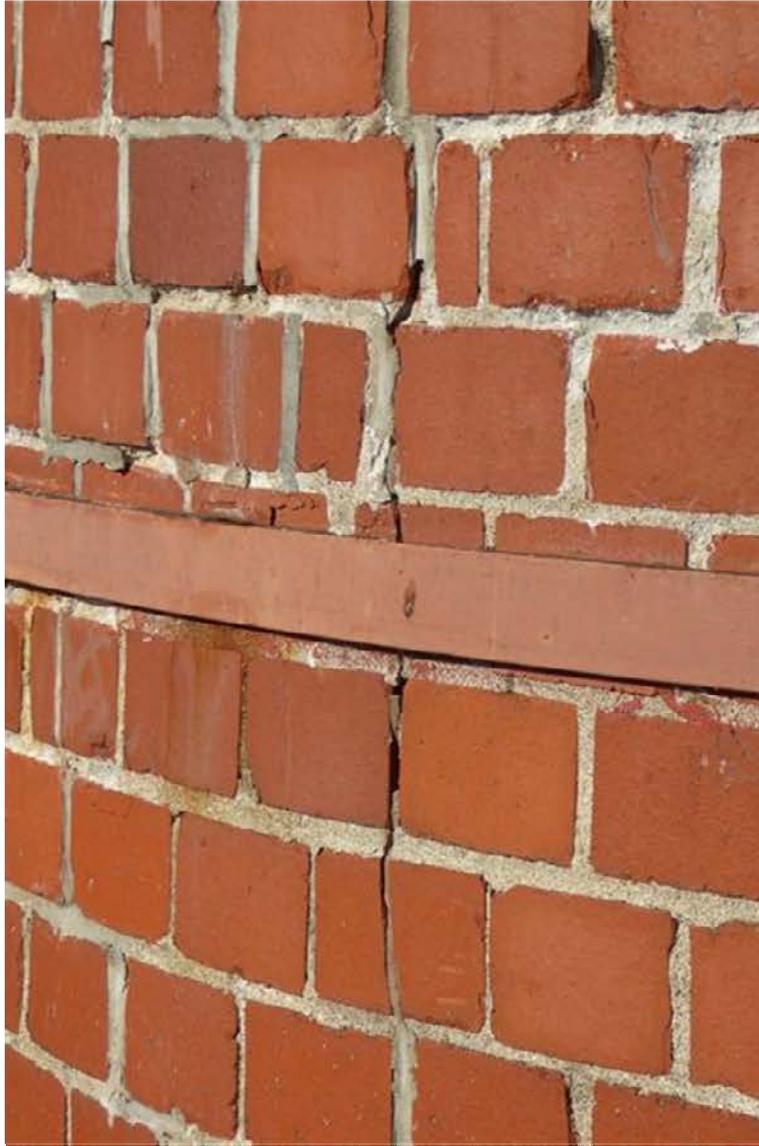


Photo 8

These were installed to address vertical cracking which occurs throughout the upper 100 feet of the stack.

Photo 9

Closer view of bands and cell phone equipment in the upper portion of the stack.



Photo 10

The 1/4 x 4 inch steel bands are secured with two, 3/4 inch diameter bolts.



Photo 11 The top of the stack has been capped with a steel plate.



Photo 12 This prevents rain from falling inside but promotes freeze/thaw deterioration due to the “chimney effect” where warm, moist air rises and condenses on the inside face of the masonry.



Photo 13 Opening at the base of the stack.



Photo 14 Wall thickness at the opening is 13 inches or 3 wythes of brick. This flares out to 5 wythes of brick or 20 inches in thickness on the sides of the opening.



Photo 15

Faces of the brick have spalled in multiple locations.

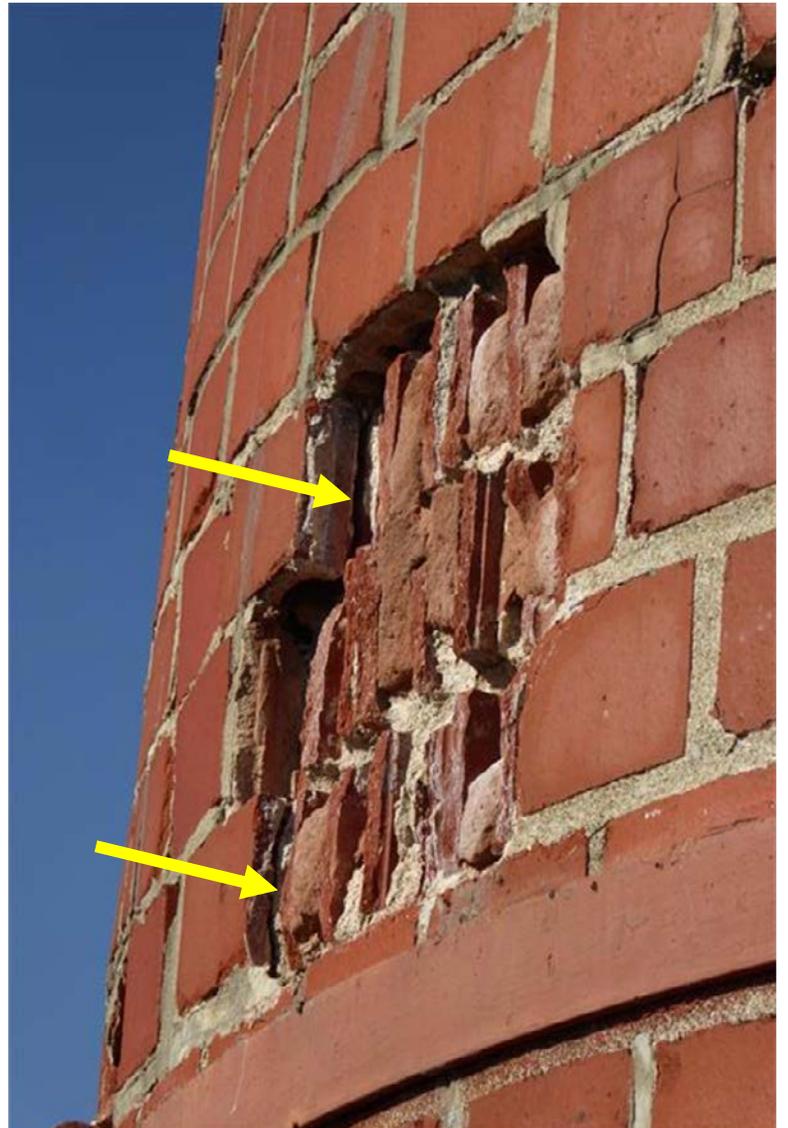


Photo 16

Splitting cracks running parallel to the face of the brick are visible adjacent to the "hole."



Photo 17 Interior face of a shard found on the ground.



Photo 18 The outer face shell is only 3/4 inches thick.

Photo 19

Multiple forms and vintages of deterioration are present:

A=Recent spalling

B=Vertical cracking

C=Spalled areas where brick were replaced with brick

D=Spalled areas where brick were replaced with patching compound

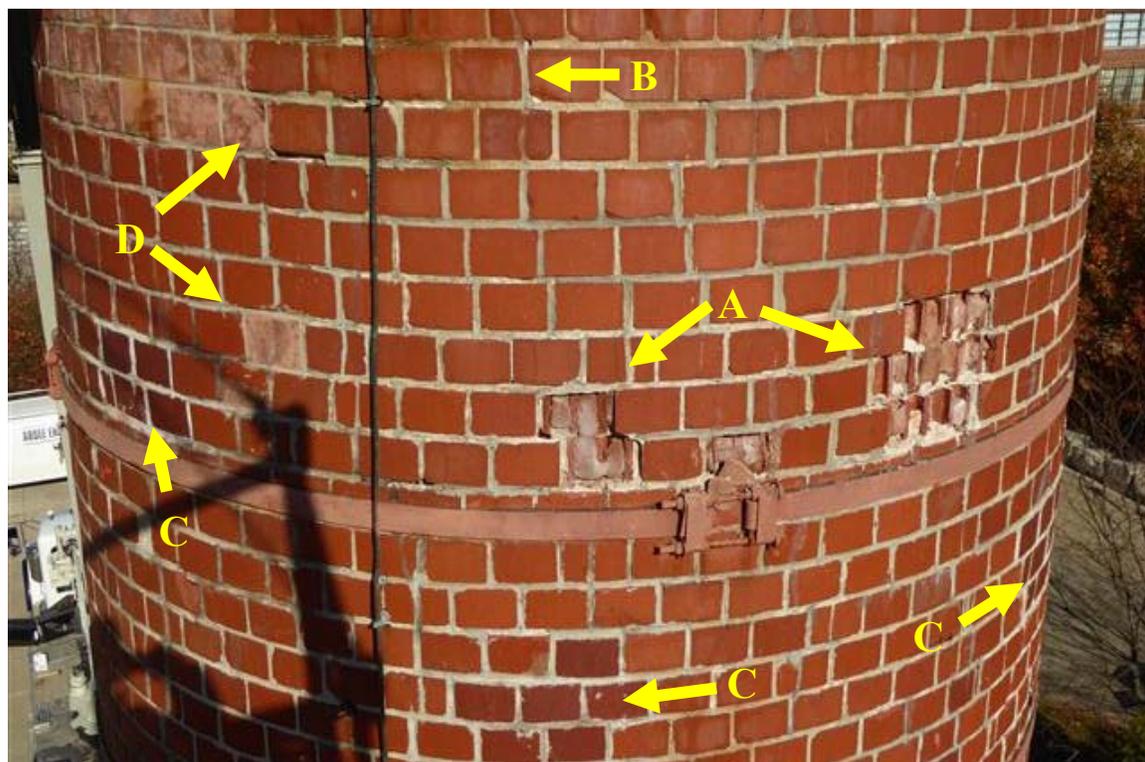
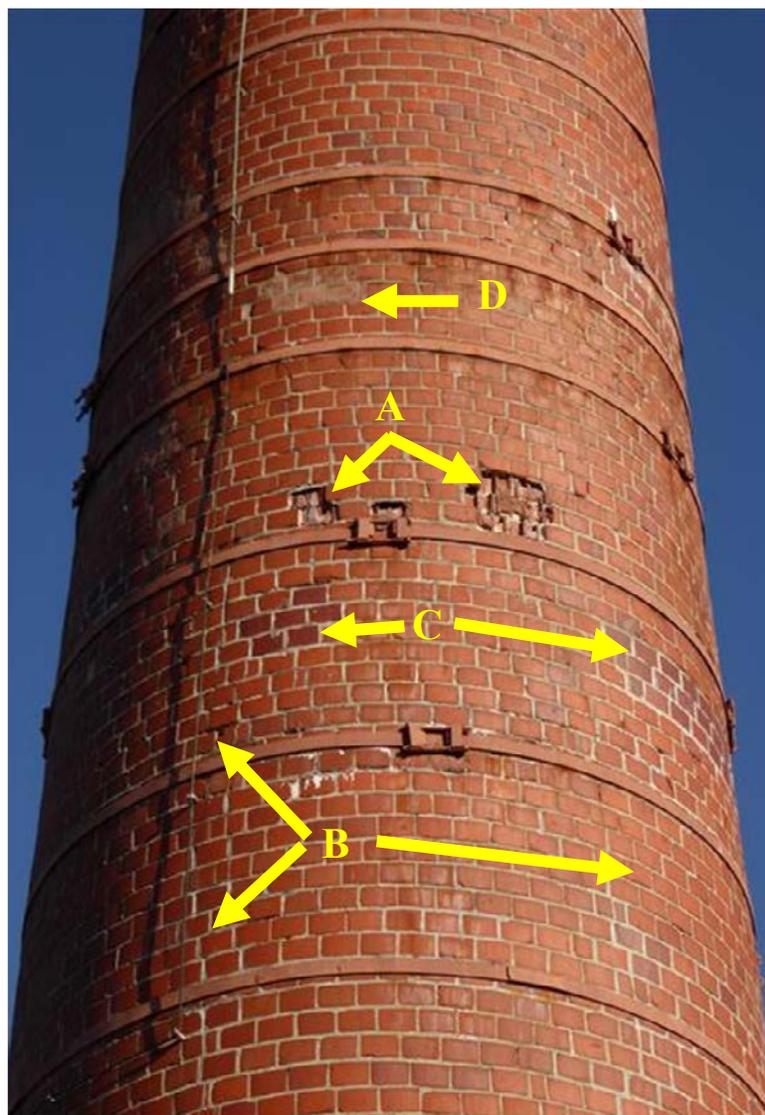


Photo 20

Closer view of these conditions.



Photo 21

Loose shards of brick up higher in the stack.



Photo 22

Such shards and spalls occur adjacent to longer vertical and/or stair step cracks.



Photo 23 Cementitious patches have been used to replace spalled brick in numerous locations.



Photo 24 The patching material cracks and falls away itself.

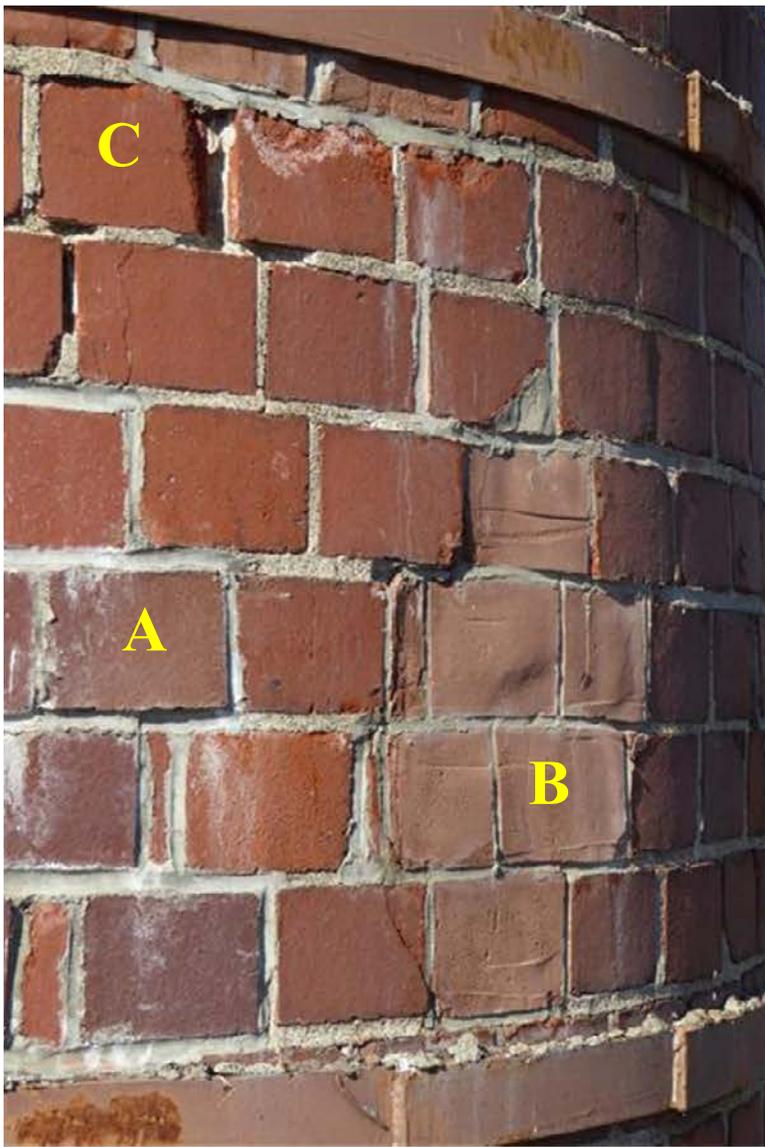


Photo 25

Area where multiple repairs have been made (probably at different times).

- A=Brick were replaced with brick
- B=Brick were patched
- C=Eroded joints were tuckpointed

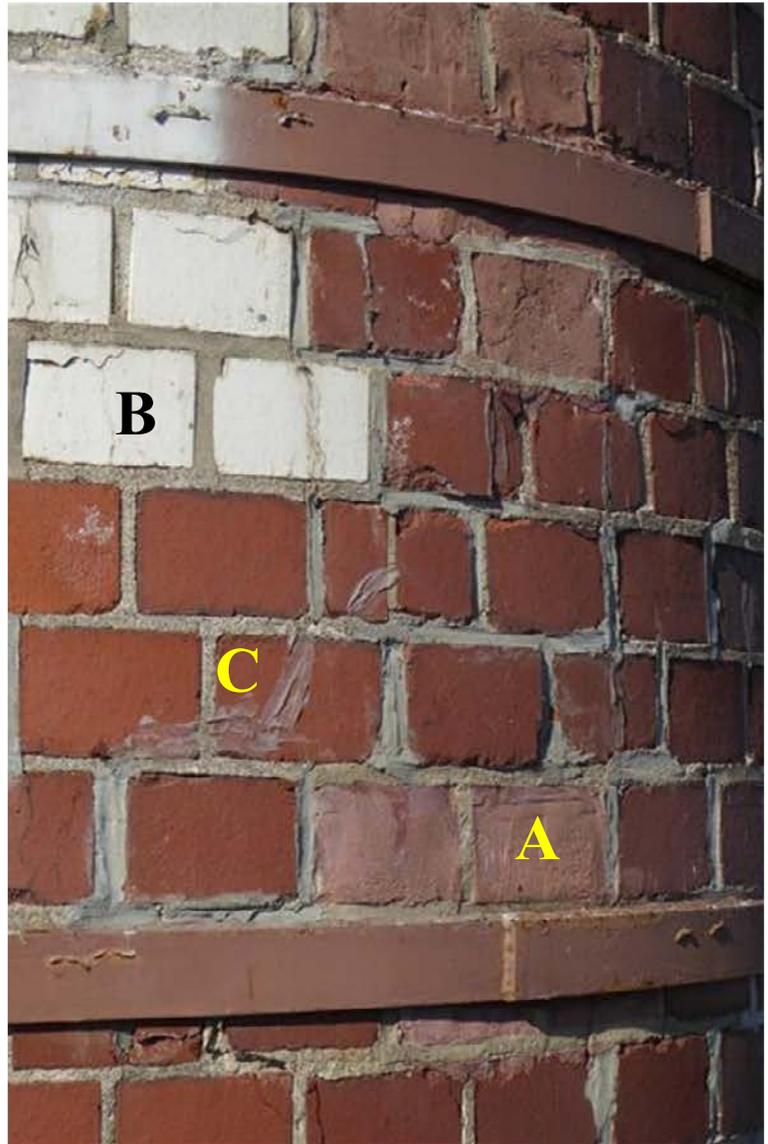


Photo 26

More multiple repair efforts.

- A=Brick were patched
- B=Tuckpointing
- C=Face caulking

Photo 27

Several of the glazed tile in the "S" were replaced.



Photo 28

This occurred prior to the steel band being placed in this location.



Photo 29 Glaze spalls continue to occur.



Photo 30 Similar condition in another location.

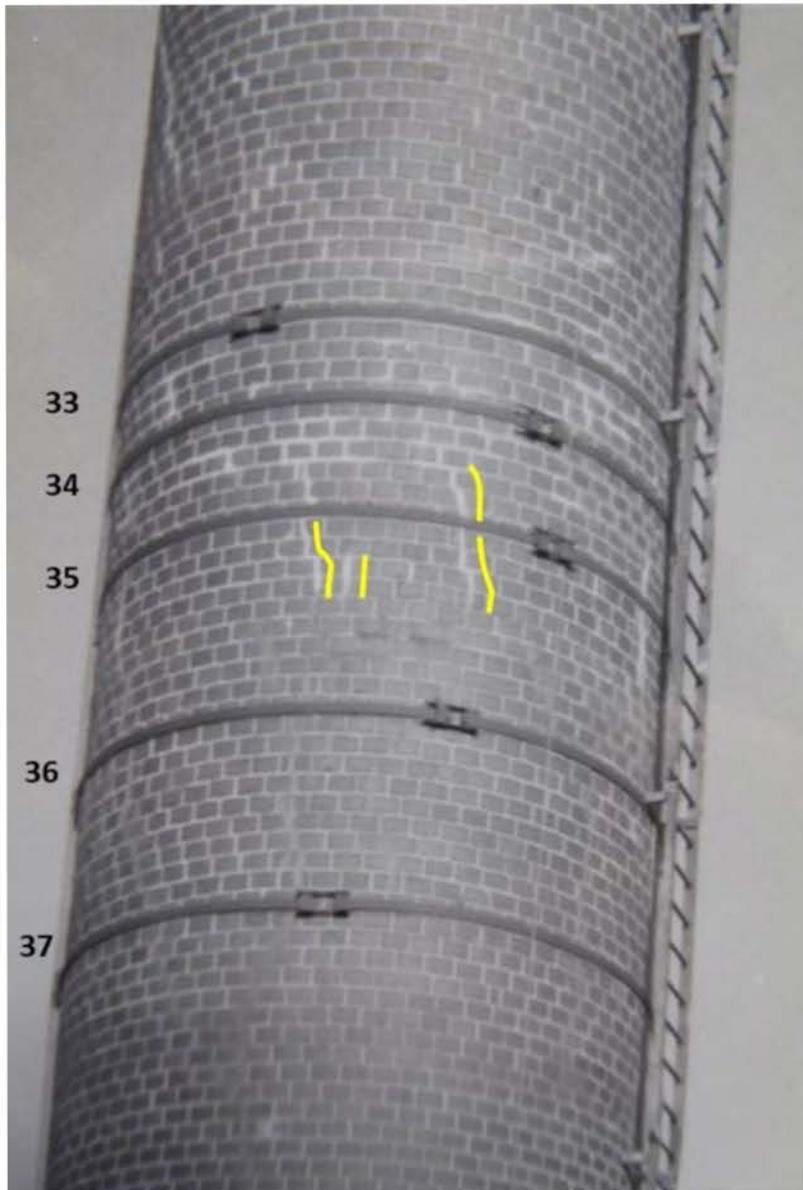


Photo 31

Historic photo showing bands 33 through 37 as seen from the southwest.

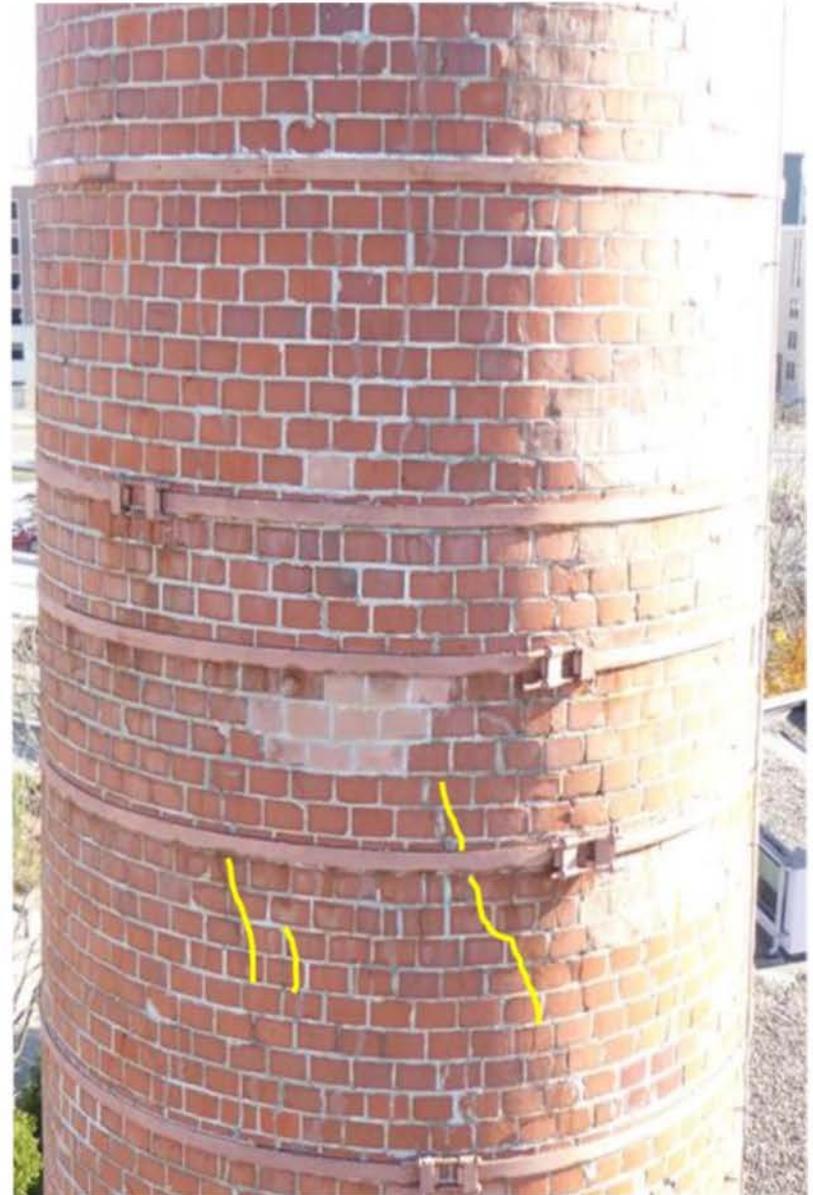


Photo 32

Tuckpointed cracks are still visible today AND many more cracks/spalls have occurred.

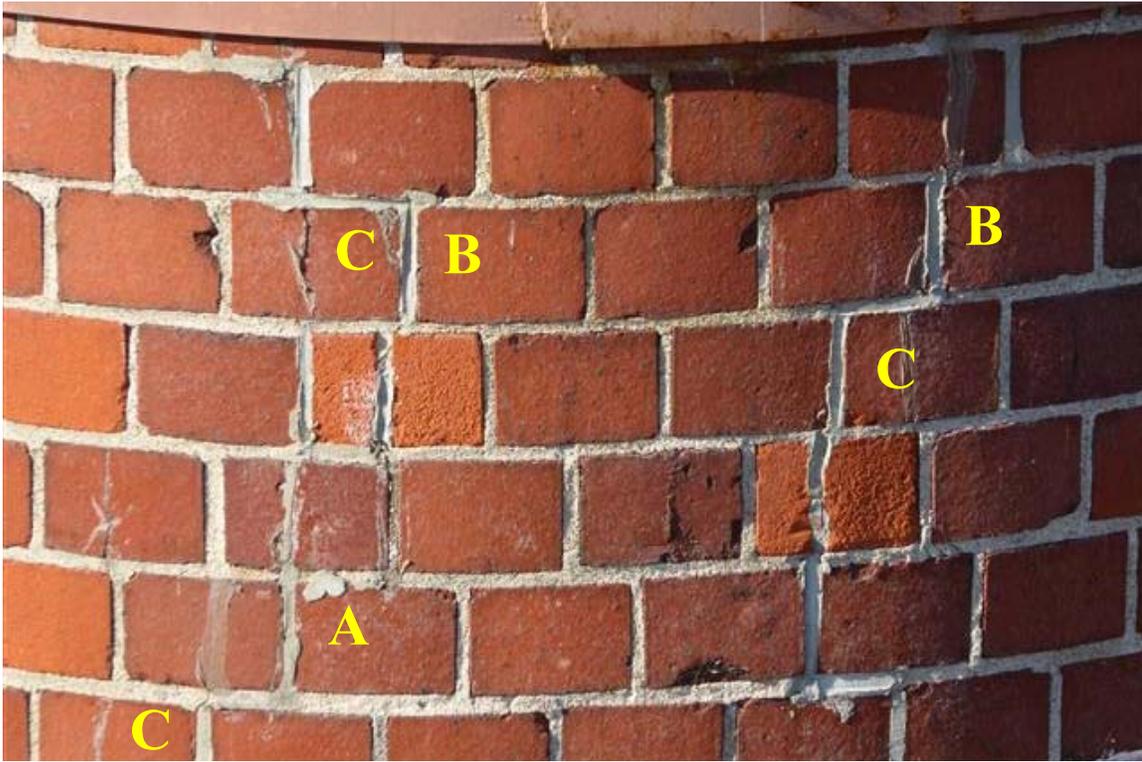


Photo 33

Three vintages of crack repair: A & B - different colors of tuckpointing mortar and C - face caulk.

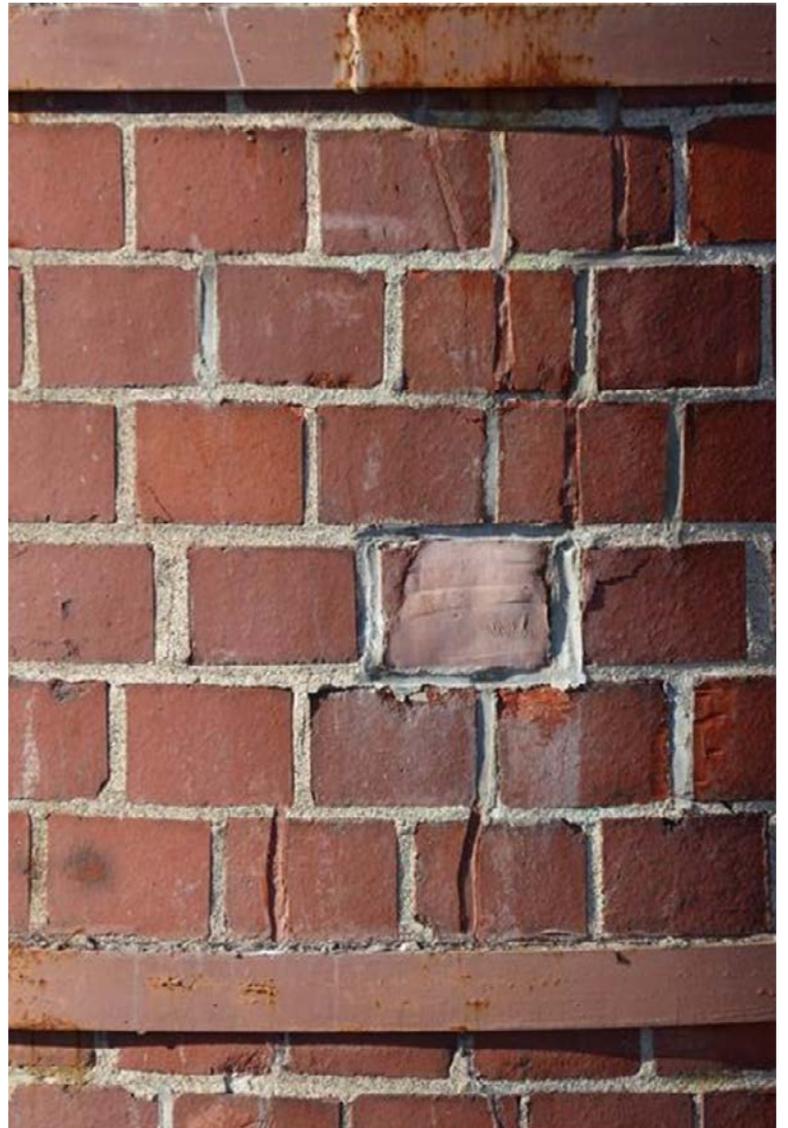


Photo 34

Yet another way of addressing cracks in the masonry.

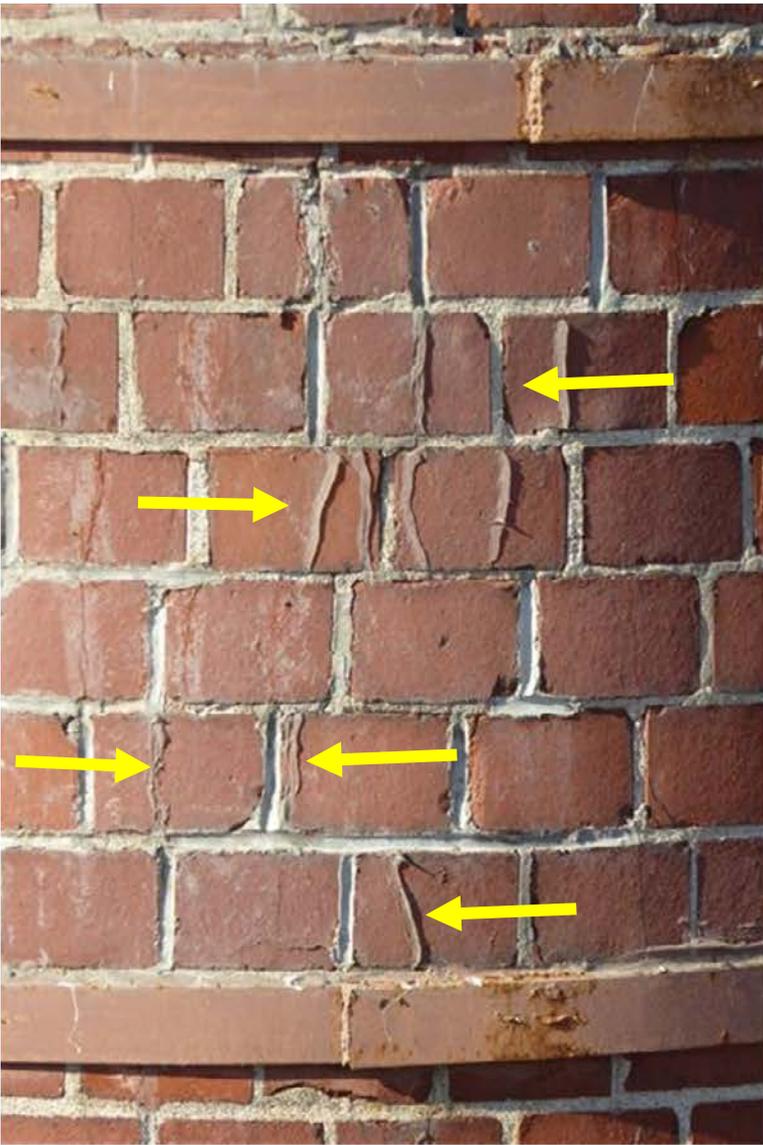


Photo 35

Face caulking over cracks.



Photo 36

Face caulk with a different color of material.

Photo 37

Unrepaired cracks lower in the stack...



Photo 38

...and near the top of the stack.

Photo 39

Tuckpointing mortar falls back out of the joints in multiple locations.

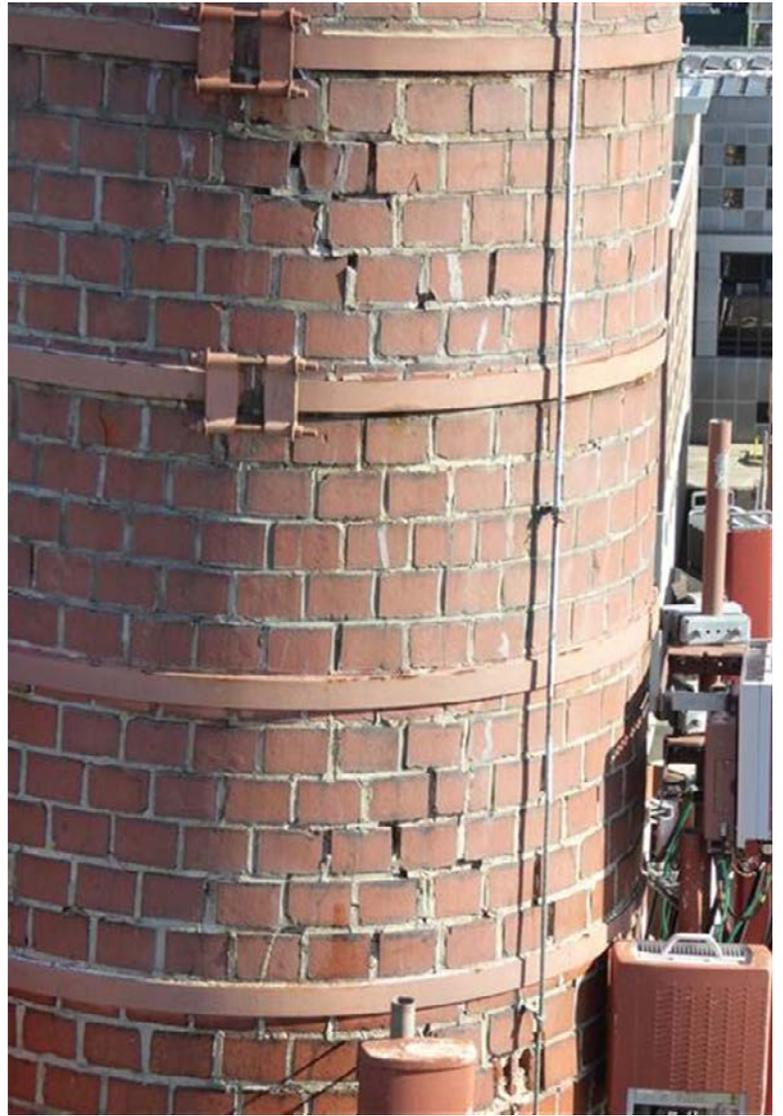


Photo 40

Closer view of one such area.



Photo 41

Similar condition in another location.

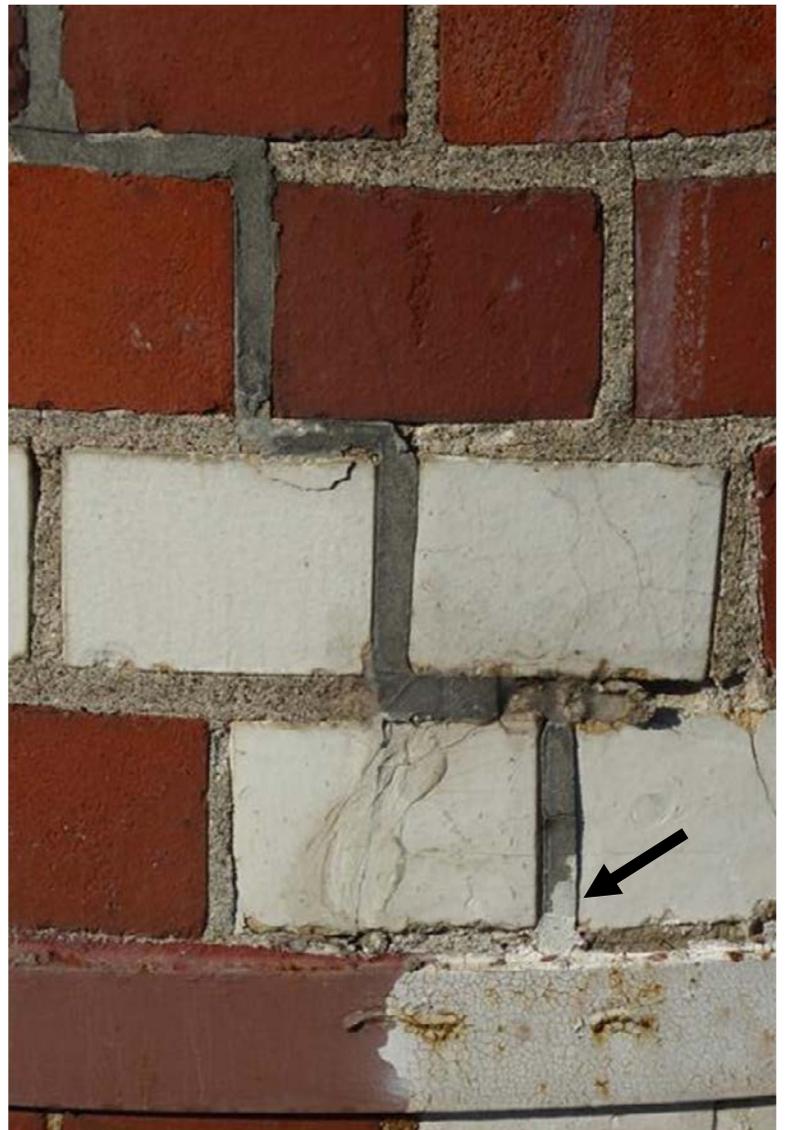


Photo 42

This repair mortar was painted over.



Photo 43A

Harder tuckpointing mortar is removed to reveal softer cracked/eroding original mortar.

Photo 43B

Similar condition in another location.



Photo 43C

The original mortar is much softer than the tuckpointing material when drilled.



Photo 44

The crane wire serves as a giant plumb bob...



Photo 45

...demonstrating how much the stack leans.



Photo 46

Measurements taken above the cell phone equipment revealed the top of the stack leans 10 inches in 90 inches.

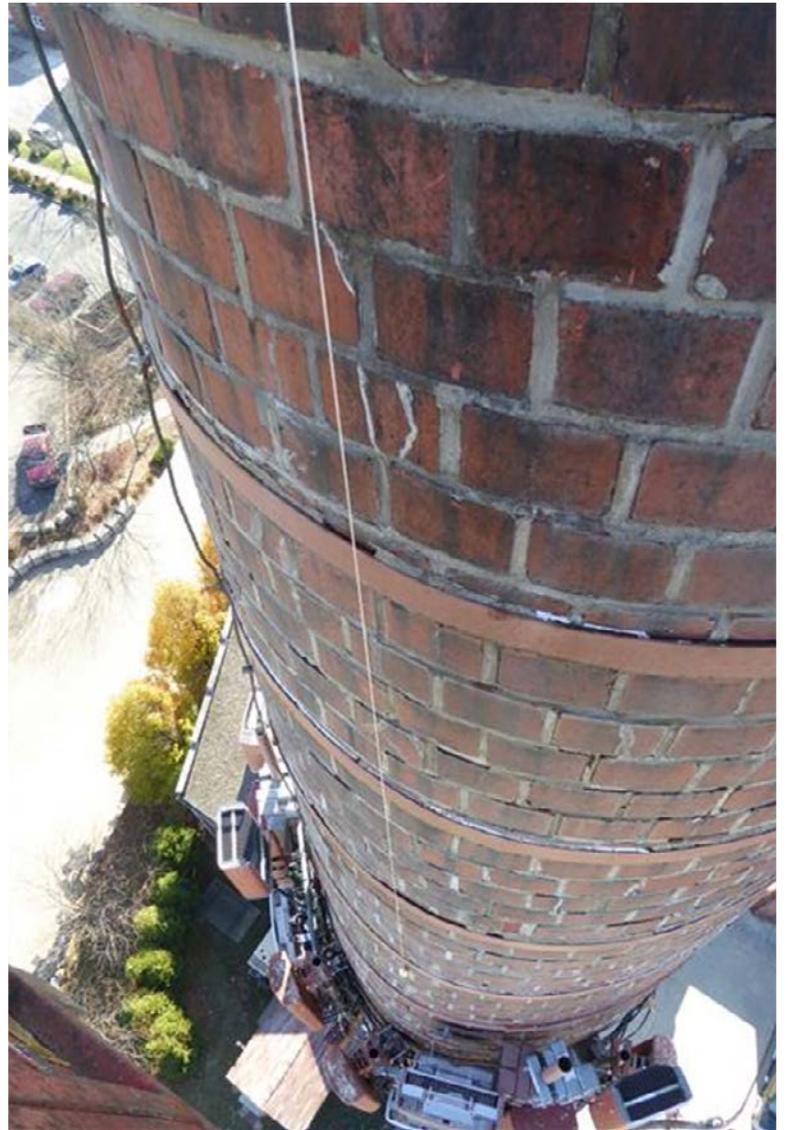


Photo 47

This was taken on the north side of the stack.



Johnson Creamery - undated (post 1921)  
Monroe County Historical Society

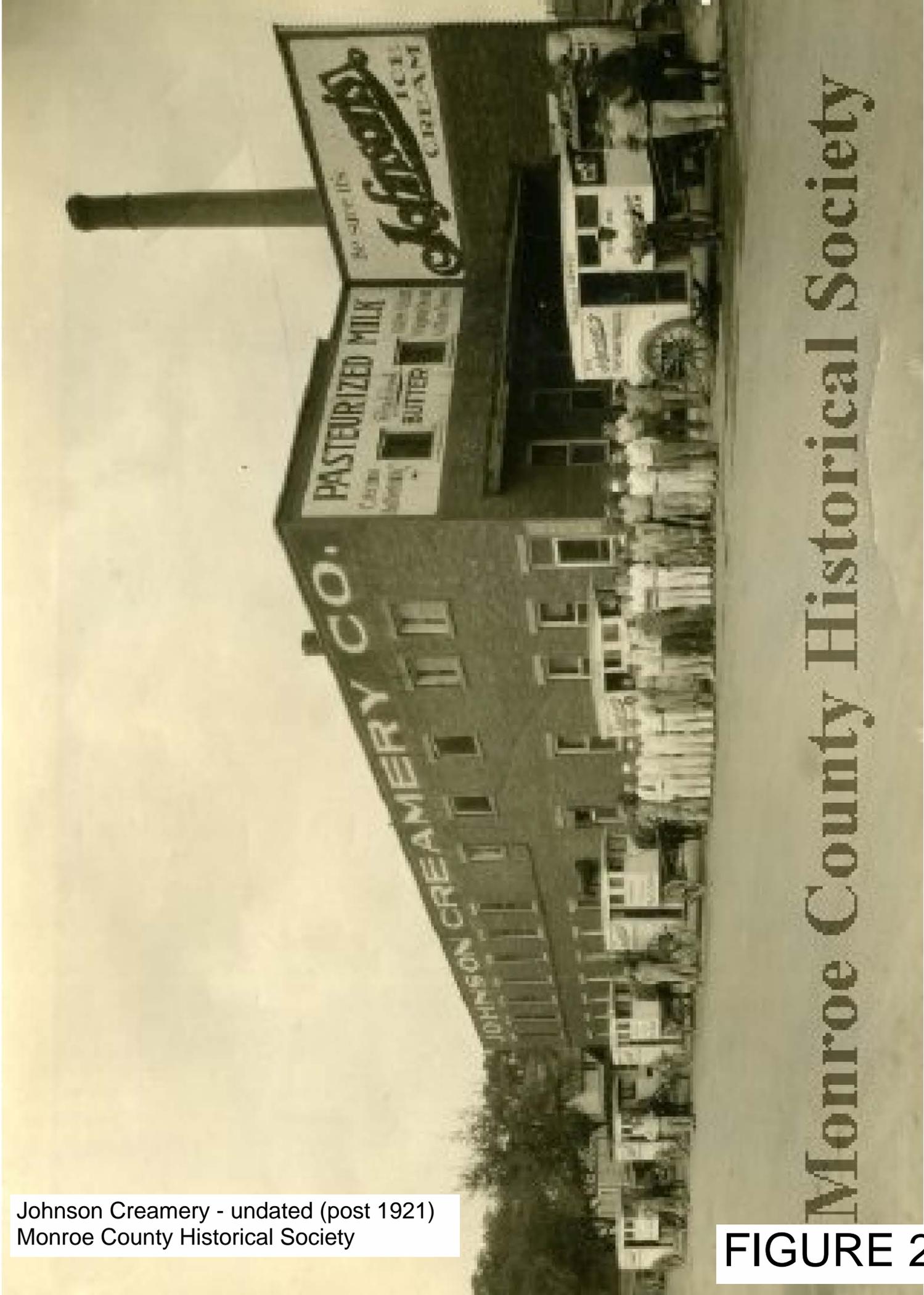
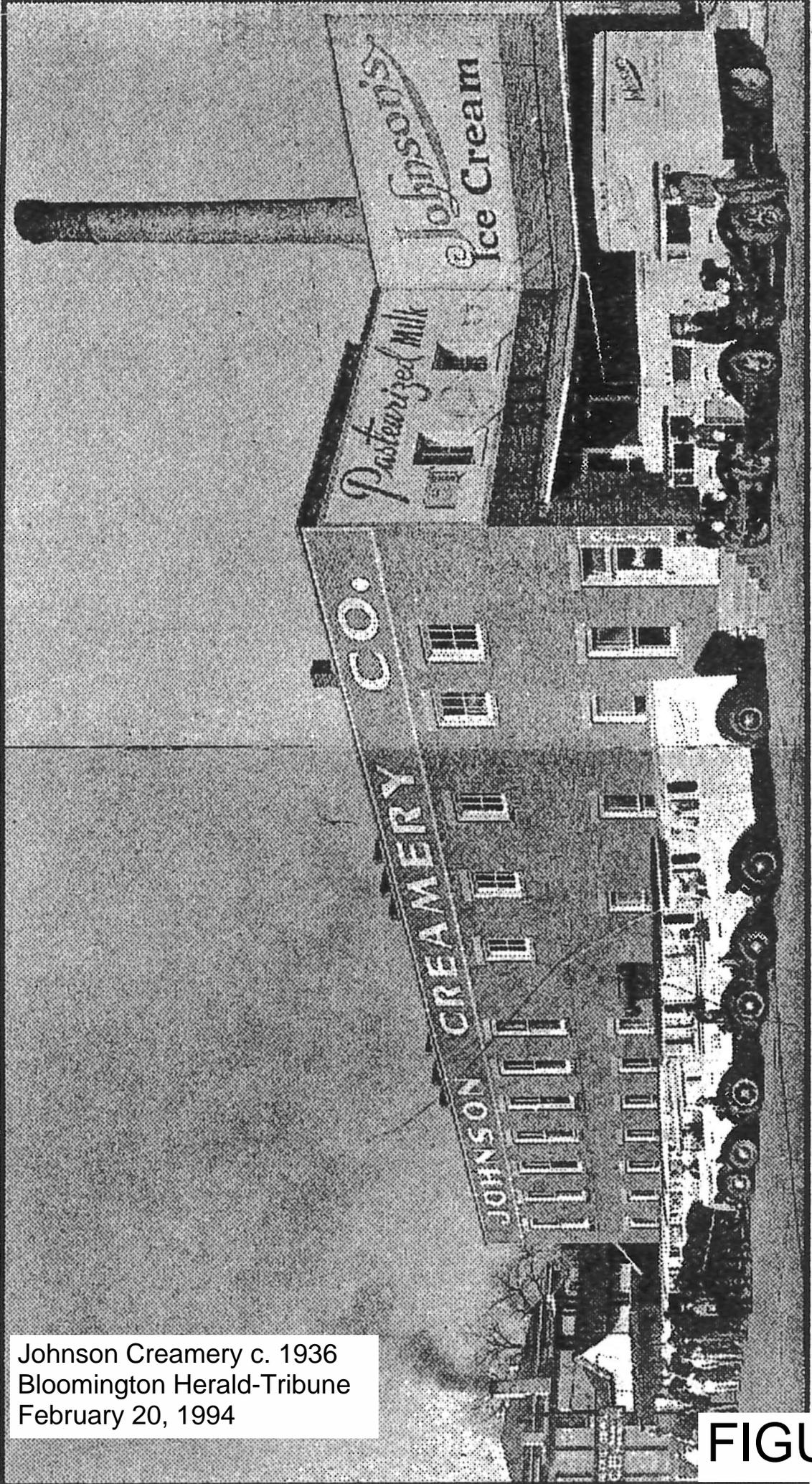


FIGURE 2

Monroe County Historical Society



Johnson Creamery c. 1936  
Bloomington Herald-Tribune  
February 20, 1994

Special to the H-T

FIGURE 3



Johnson Creamery c. 1943  
Monroe County Historical Society

FIGURE 4

Monroe County Historical Society

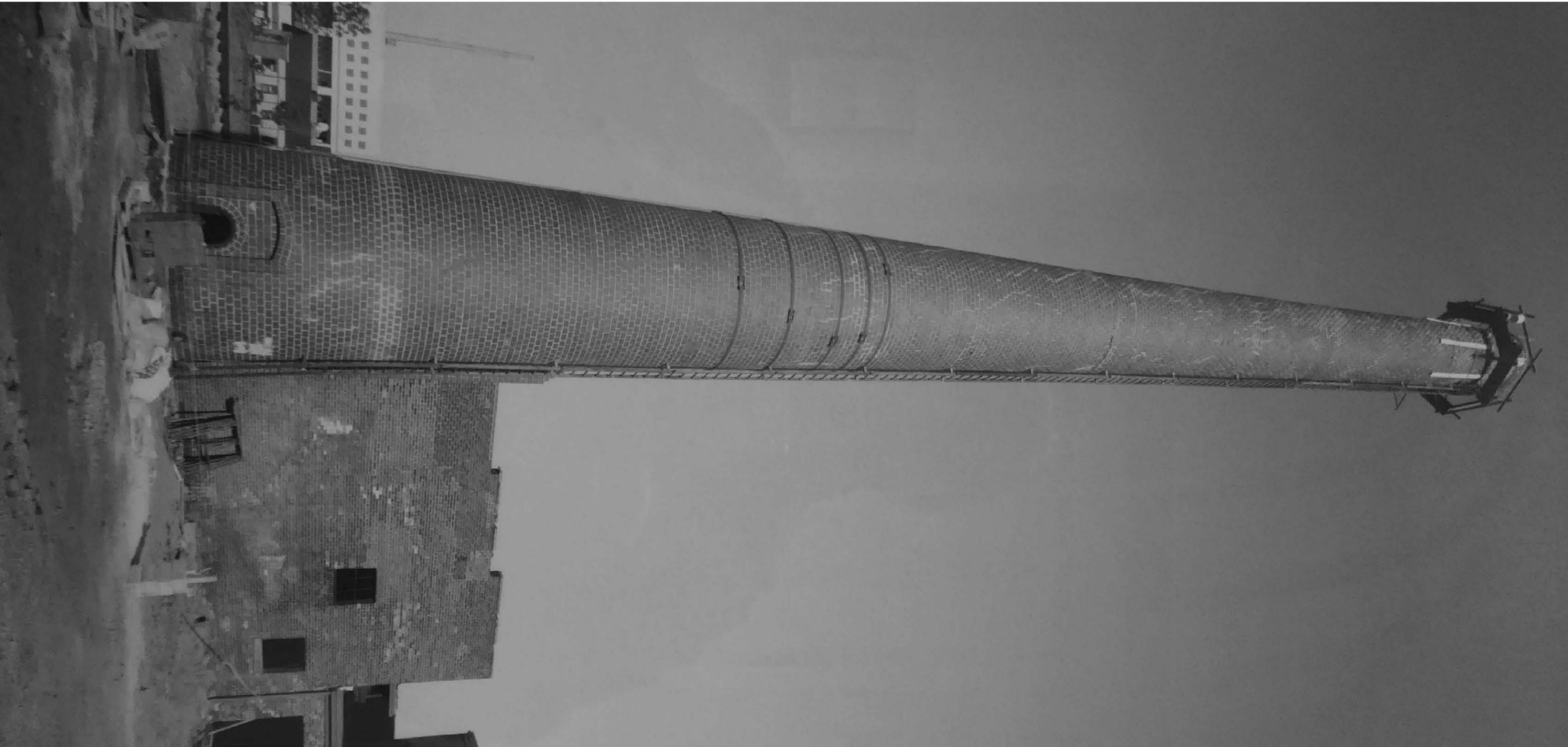


FIGURE 5

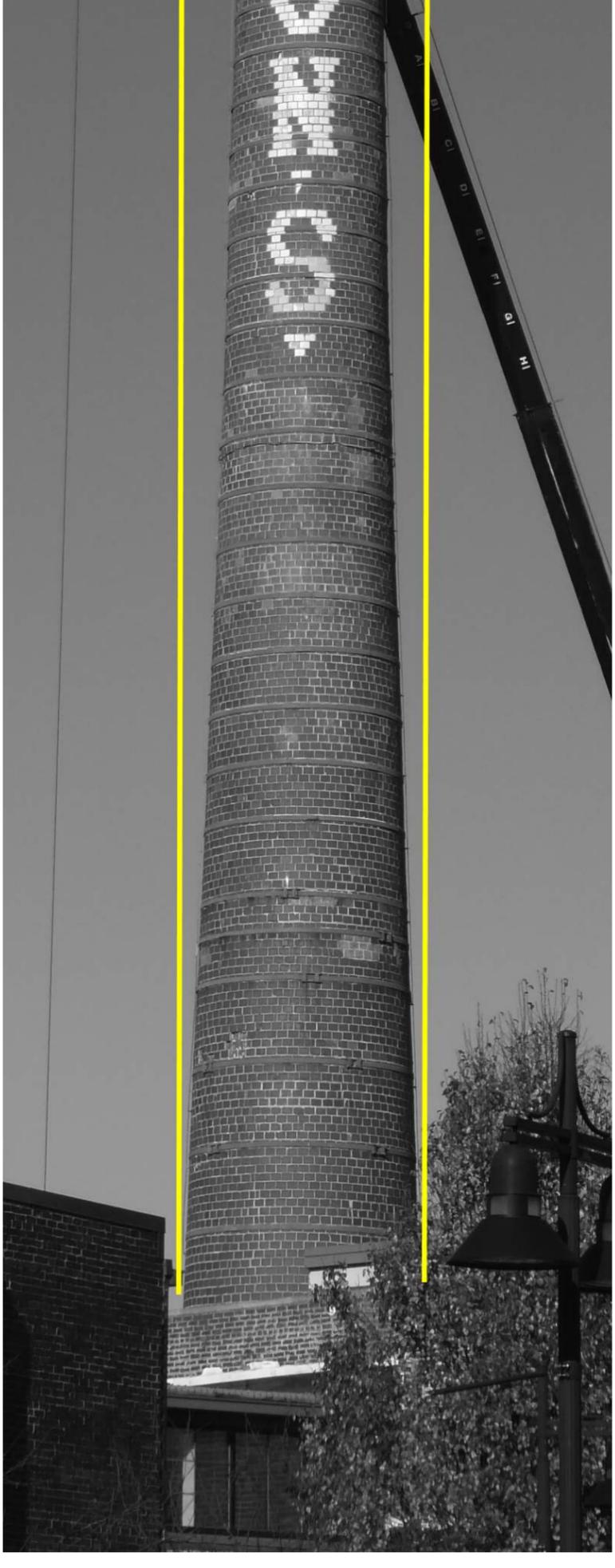


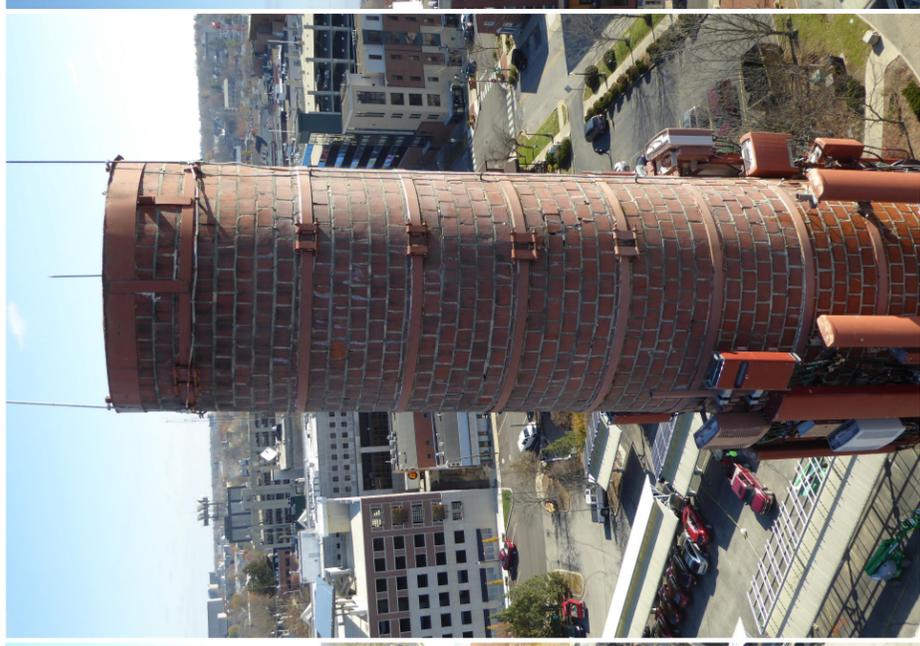
FIGURE 6



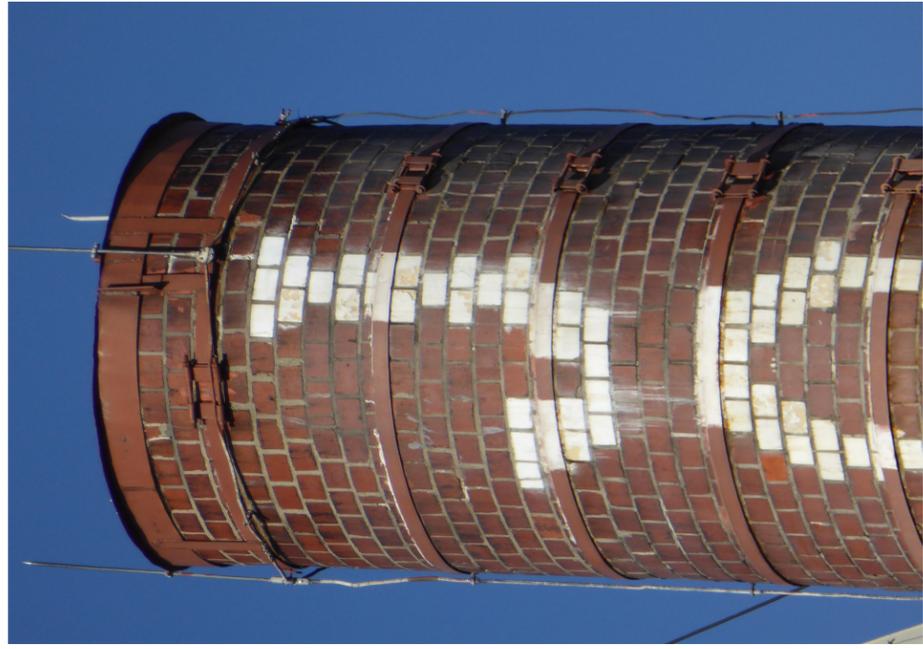
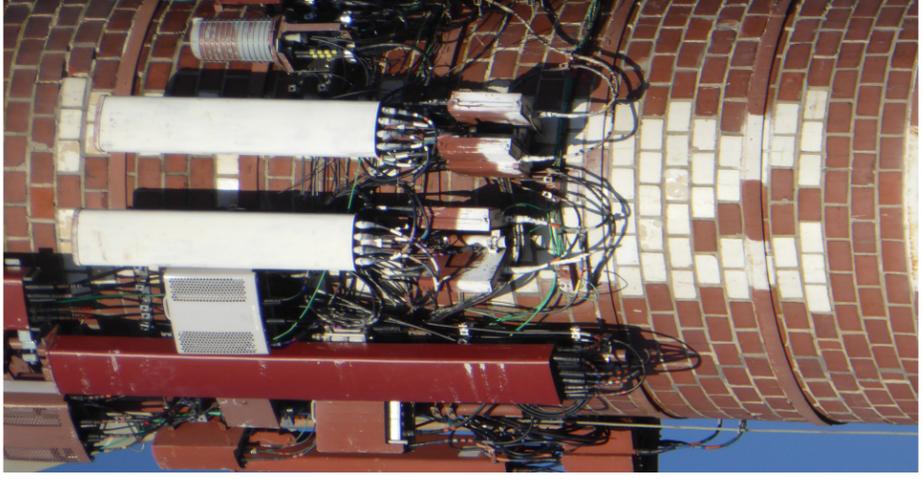
EAST



NORTHEAST



NORTHWEST





FINAL

United States Department of the Interior  
National Park Service

National Register of Historic Places  
Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Johnson's Creamery  
other names/site number N/A

2. Location

street & number 400 West Seventh Street N/A  not for publication  
city or town Bloomington N/A  vicinity  
state Indiana code IN county Monroe code 105 zip code 47404

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this  nomination  request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36CFR Part 60. In my opinion, the property  meets  does not meet the National Register criteria. I recommend that this property be considered significant  nationally  statewide  locally. (  See continuation sheet for additional comments.)

*Richard R. Roberts*

11-10-95

Signature of certifying official/Title

Date

Indiana Department of Natural Resources  
State or Federal agency and bureau

In my opinion, the property  meets  does not meet the National Register criteria. (  See continuation sheet for additional comments.)

Signature of certifying official/Title

Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that the property is:

- entered in the National Register.  
 See continuation sheet.
- determined eligible for the National Register  
 See continuation sheet.
- determined not eligible for the National Register
- removed from the National Register
- other, (explain:)

Signature of the Keeper

Date of Action

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Property

County and State

5. Classification

Ownership of Property (Check as many boxes as apply)

Category of Property (Check only one box)

Number of Resources within Property (Do not include previously listed resources in the count)

- private, public-local, public-State, public-Federal

- building, district, site, structure, object, landscape

Table with 3 columns: Contributing, Noncontributing, and Resource Type (buildings, sites, structures, objects, Total). Values: 1, 0, 0, 0, 0, 1, 0.

Name of related multiple property listing (Enter "N/A" if property is not part of a multiple property listing.)

Number of contributing resources previously listed in the National Register

N/A

0

6. Function or Use

Historic Functions (Enter categories from instructions)

Current Functions (Enter categories from instructions)

Industry: Manufacturing Facility

Commerce/Trade: Business

7. Description

Architectural Classification (Enter categories from instructions)

Materials (Enter categories from instructions)

No Style

foundation CONCRETE

walls BRICK

STONE: Limestone

roof SYNTHETICS: Vinyl

other

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

8: Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- [x] A Property is associated with events that have made a significant contribution to the broad patterns of our history.
[B] Property is associated with the lives of persons significant in our past.
[x] C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
[D] Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

Property is:

- [ ] A owned by a religious institution or used for religious purposes.
[ ] B removed from its original location.
[ ] C a birthplace or grave.
[ ] D a cemetery.
[ ] E a reconstructed building, object, or structure.
[ ] F a commemorative property.
[ ] G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance

(Enter categories from instructions)

ARCHITECTURE

INDUSTRY

Period of Significance

1914 - 1951

Significant Dates

1914

1921

1927

Significant Person

(Complete if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

Unknown

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographic References

Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- [x] preliminary determination of individual listing (36 CFR 67) has been requested
[ ] previously listed in the National Register
[ ] previously determined eligible by the National Register
[ ] designated a National Historic Landmark
[ ] recorded by Historic American Buildings Survey #
[ ] recorded by Historic American Engineering Record #

Primary location of additional data:

- [ ] State Historic Preservation Office
[ ] Other State agency
[ ] Federal agency
[ ] Local government
[ ] University
[x] Other

Name of repository:

Monroe County Public Library Indiana Room

Johnson's Creamery  
Name of Property

Monroe County, In  
County and State

### 10. Geographical Data

Acreege of Property less than one acre

#### UTM References

(Place additional UTM references on a continuation sheet.)

1 

1	6	5	3	9	9	8	0	4	3	3	5	4	0	0
Zone		Easting						Northing						

2 

Zone		Easting						Northing						

3 

Zone		Easting						Northing						

4 

Zone		Easting						Northing						

See continuation sheet

#### Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

#### Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

### 11. Form Prepared By

name/title Cynthia Brubaker

organization Preservation Development, Inc. date 06/15/95

street & number 400 West 7th Street, Suite 110 telephone (812) 336 - 2065

city or town Bloomington state Indiana zip code 47404

#### Additional Documentation

Submit the following items with the completed form:

##### Continuation Sheets

##### Maps

A USGS map (7.5 or 15 minute series) indicating the property's location.

A Sketch map for historic districts and properties having large acreage or numerous resources.

##### Photographs

Representative black and white photographs of the property.

##### Additional items

(Check with the SHPO or FPO for any additional items)

#### Property Owner

(Complete this item at the request of SHPO or FPO.)

name 8th St. Development Corp.

street & number 400 West 7th Street, P.O. Box 221 telephone (812) 335 - 2058

city or town Bloomington state Indiana zip code 47404

**Paperwork Reduction Act Statement:** This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*).

**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Projects (1024-0018), Washington, DC 20503.

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Johnson's Creamery is a rambling conglomeration of added components that form a unique complex with a functional architectural style. The 35,000 square foot complex is surrounded by other former industrial and commercial buildings, railroad tracks, surface parking lots and a church. Its larger context is the historic industrial corridor of Bloomington's near west side, which forms the eastern section of the proposed West Side National Register Historic District.

The original Johnson's Creamery building, built in late 1913 or 1914, was a two-story red brick building, rectangular in plan, at the southeast part of the current structure. The original building opens onto a loading dock at the southeast corner facing the railroad tracks and has a parapeted asphalt roof with a shallow slope towards the rear. The limestone capped parapet steps down as the roof slopes to the rear. Subsequent additions were added over the years up to 1951 that were all built of red brick masonry walls and parapeted, low-pitch asphalt roofs. No part of the Creamery was present on the August 1913 Sanborn insurance map. The 1927 Sanborn insurance map, a 1949 aerial photograph, former owners and employees and physical evidence provided guidance in dating the components.

A small two-story component, identified by its first floor interior vaulted ceiling and angled exterior that conforms to the railroad tracks, was probably added to the original building early. A painted sign and infilled window openings on interior masonry walls on the east and north sides of the building confirm that they were once exterior walls. A boiler and coal room, probably built as a separate structure at or near the time of the original building, was later linked to the original building with the construction of a mechanical, engine and tank storage room. The boiler room is two stories high with a single interior volume to accommodate large boilers. The boiler room roof is parapeted, slopes to the rear and supports a rectangular light monitor on top. The limestone capped parapet steps down towards the rear as does the original 1914 building in front. The connecting mechanical room is one story high with a continuous north-south clerestory that divides the roof with a shallow slope to the east and west. The boilers were vented to a tall red brick masonry smokestack. The current 178 foot smokestack replaced an earlier one in 1949.

A large two-story component was added in 1921 to the west of the original 1914 building. This addition is very similar to the original 1914 building with the same parapeted roof details and forms a continuous masonry front facade. According to a photograph printed in a 1938 25th anniversary bulletin, windows across the entire front facade were wood frame, one-over-one, double-hung windows with limestone lintels and sills. Windows on the second floor of the original 1914 building were smaller six-light, wood frame sash with limestone lintels and sills. "Johnson Creamery Co." was painted across the parapet of the front covering both the original 1914 building and the 1921 addition. Other signage was painted on the second floor at the southeast corner of the original 1914 building.

Sometime after 1914, a freestanding, one-story garage was constructed on the alley west of the complex. The garage was later linked to the complex with the 1927 construction of an ice house. The ice house is three stories high and was originally a single volume inside for stacking ice. Its low-pitched gable roof slopes to the north and south with stepped parapet end gables and limestone capstones. The pilastered brick facade is symmetrically adorned with simple brickwork, small limestone blocks and limestone banding.

In 1951, a two-story addition replaced a freestanding house on the alley in front of the freestanding garage described above. The 1951 addition connected to and provided a second story over the freestanding garage. The 1951 addition also included: a one-story enclosed loading bay on the west facade of the 1921 addition,

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with a concrete block west wall; a second story connecting passage to the 1921 addition across the front of the ice house; and a covered loading area on the ground floor in front of the ice house. The loading area sloped to below the first floor grade so that trucks could back up and load from a dock at the rear. The loading area was covered with a steel bar joist roof structure with wood decking and asphalt roofing.

Two freestanding buildings were also found on the property at the beginning of the project. These included a large concrete block garage built in 1949 and a small concrete block storage building built around the time of the 1951 addition.

The following list chronologically specifies each of the components described above for reference throughout the remainder of the application:

1. original 1914 building
2. vaulted space (between 1914 and 1927)
3. boiler room (between 1914 and 1927)
4. mechanical room (between 1914 and 1927)
5. 1921 addition
6. freestanding garage (between 1914 and 1921)
7. ice house (1927)
8. smokestack (1949)
9. concrete block garage (1949)
10. 1951 addition
11. small concrete block building (1951).

The Creamery survived continuous upgrades in plant operations, a fact well reflected in the more advanced building technologies found in its later additions. The 1914 portion was framed within its brick walls with timber posts, beams, joist work, and floors. In the 1921 addition and the ice house the interior structural components were steel columns, web and bar joists, and concrete floors, and by 1951 the new office addition was a block structure with brick veneer and aluminum windows.

Due to the changing nature of the Johnson's Creamery business, many changes were made to the complex over the years, both inside and outside. Window and door openings were added, infilled or moved. Window sash and doors were replaced. Vents, tanks and other equipment were added, especially at the rear of the building. Loading docks were added at the front of the building. Innumerable changes were made to the inside of the complex as dairying and refrigeration processes changed and developed and as Johnson's management made decisions on the operation of the business. Large rooms were divided into smaller work or refrigeration areas, floor levels were altered to accommodate new equipment and the need to drain liquids and walls were tiled to provide an easily cleaned surface. Interior partition walls were built of a variety of materials including:

- plaster and tile over brick and plaster and tile over concrete block in the 1914 and 1921 sections of the building
- cork, adhered and coated with an asbestos adhesive, over concrete block or brick in the ice house and former freestanding garage area that was converted to refrigeration areas
- concrete parged concrete block or brick in the 1951 addition and former freestanding garage area
- sheet metal and asbestos board panels over cork or concrete parged block or brick in the former freestanding garage area
- drywall and plaster over wood frame and parged or painted concrete block in the 1951 addition.

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After creamery operations ceased at the complex in 1987, large areas of interior and exterior walls and the roof were broken out to remove and salvage large steel tanks that were built into their locations. A temporary pyramidal roof structure was built at the southwest corner of the 1921 addition to cover a hole created for a crane to remove the large tanks. Finally, the building was subject to vandalism and graffiti during its six year period of standing empty without maintenance. The current owner is completing a historic rehabilitation that began in January 1994. The building is now known as the Johnson's Creamery Business Center and houses professional offices.

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The Johnson's Creamery building is significant for its association with early twentieth century industry in Bloomington as the structure, from 1914 to 1987, in which dairy products and ice were produced and sold and from which they were distributed door to door. The Creamery is one of very few intact industrial buildings in Bloomington, Indiana, located one block north and two blocks west of the courthouse square within Bloomington's near west side industrial corridor. First constructed in 1914, the red brick building grew to the large complex of various additions that stands today through a series of major building stages up to 1951. The complex took shape according to the developing nature of the creamery business and the constraints of its site: railroad tracks to the east, and the city's street grid to the south, west and north. The current rehabilitation has restored a level of integrity augmenting its significance as one of very few intact examples in Bloomington of a functional, industrial architectural style. The most unique identifying features of this two and three-story unpainted red brick factory building are the three-story ice house and the 178 foot tall brick smokestack with white glazed bricks that vertically spell "Johnson's" and serves as a long-standing Bloomington landmark.

History and Context

Johnson's Creamery can be evaluated in the historic context of business and industry in Bloomington between 1914 and 1951. The limestone industry provided the major source of income for Monroe County from the 1890's until World War II. Bloomington's economy was further diversified with several small industries, the Showers Brothers Company Furniture Factory, numerous commercial establishments and Indiana University. The Showers Brothers Company reached its zenith of operation in the 1920's when it produced 60% of the furniture built in this country, greatly expanded its facilities and employed more than 2000 people.

Other Bloomington industries, including Johnson's Creamery, experienced similar prosperity. They were: the Nurre Mirror Plate Glass Company, which furnished all the mirrors used in the Showers Brothers Company's furniture; the Bloomington Basket Company, which produced fruit and vegetable baskets; the Cantol Wax Company, which produced wax cleaning and lubricating products (building listed on the National Register of Historic Places, April 24, 1990); the Field Glove Company, which produced mittens and gloves; and the Seward and Company foundry and machine works. Johnson's Creamery, which produced milk, cream, ice cream, butter, cottage cheese, chocolate milk, buttermilk, orange drink and ice, can be evaluated within the context of Bloomington's industries. The Creamery, the Cantol Wax building and the Showers complex are the only intact structures from among this list of industries. The Creamery can also be evaluated within the context of creameries in Indiana.

History of Johnson's Creamery

Ward W. and Ellis W. Johnson founded the Johnson Creamery Company in 1913. The two brothers first operated a dairy on South Washington Street in 1912, where the company continued to maintain stables for delivery wagons and horses after moving to the West 7th Street address and until at least 1938. The new plant was completed in 1914 and was ideally located in downtown Bloomington's industrial corridor next to the Illinois Central railroad tracks and other industrial and commercial establishments.

Rapidly outgrowing its original 1914 plant, the factory appended major additions in 1921, 1927, and again in 1951. Large boilers were necessary for the production of power to operate the plant and required tall

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smokestacks for venting. These needs shaped the addition of mechanical spaces onto the original 1914 building. Subsequent additions and interior alterations also reflected the needs of the dairying process.

The Creamery processed dairy products from local milk suppliers and delivered its produce to the surrounding community in horse drawn wagons as late as 1939 before fully switching to motorized transport. Cutting and storing blocks of ice was a necessary sub-process to the creamery business before the advance of refrigeration technology in the late 1930's and 1940's. For this reason, the construction of the large three-story high ice house was important to the expansion of the business in the 1920's. "Today's Milk Today," the Johnson's slogan in the 1930's, told customers that the company knew the importance of moving the milk from the cow to the customer quickly. In 1938, Johnson's employed 70 people who produced and delivered properly pasteurized milk and dairy products including: coffee and whipping cream; "made-to-measure" ice cream; "Shady Brook" butter; cottage cheese; chocolate milk; "Creamo" (cultured creamed buttermilk); Johnson's Orange drink; and distilled water ice. The company also operated a retail department that sold the dairy products as well as, ice, in a small house north of the plant that was replaced with the 1951 addition. The 1951 addition retained a retail area with an ice cream counter. Most of Johnson's products were however, sold through home delivery with only 15% of its products sold to stores in the 1930's.

The number of licensed dairy plants in Indiana grew throughout the 1920's and 1930's from 234 in 1924 to over 400 throughout most of the 1940's. Most were family owned and operated with a limited geographical scope due to the constraints of refrigeration technology. As that technology advanced, the number of licensed dairy plants in Indiana declined to 224 in 1956 and has continued to decline with consolidation and competition from large supermarkets to a mere 48 in 1982. Chains such as Kroger in the Midwest and Safeway in the East, maintain their own dairies and use milk as a loss leader sales item. The increased shelf life of milk to three weeks has also contributed to the rise of large centralized dairies located closer to the milk supply, which is north of Indianapolis for the State of Indiana.

Johnson's Creamery fell victim to this trend when it vacated the building in 1987 and sold out to a larger dairy, Maplehurst, in Indianapolis a few years later. The complex remains however, as a clear example of this once important aspect of the Bloomington and Monroe County economy. The Creamery kept eighty area farmers in business from whom they bought the raw milk and employed as many as 100 people in the 1950's. It was noted as one of the larger dairies and the largest ice-manufacturer in southern Indiana. It was also known as one of the more desirable and steadfast employers in the area and as a reliable source of good quality products.

The Johnson's Creamery building is eligible for listing on the National Register under criterion A for its association with industry in Bloomington and the dairy business in Indiana. Among the historic Bloomington industries listed above, Johnson's Creamery was one of only a few, the limestone industry and Indiana University, to survive past the 1950's. A household name for 75 years, Johnson's, still holds significance for the Bloomington community in the symbol of the Creamery building and smokestack.

#### Architecture

Structures associated with historic industrial uses in Bloomington that were identified in the Indiana Historic Sites and Structures Inventory: City of Bloomington, Interim Report include: the Coca-Cola Bottling Company

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Building (ca. 1930; 153-055-80113; rated "notable") at 318 South Washington Street; the Bloomington Wholesale Foods Warehouse (1920; 153-055-80068; rated "contributing") at 300 West 7th Street; the Cantol Wax Company Building (ca. 1905; 153-055-80043; rated "contributing;" listed on the National Register, April 24, 1990) at 211 North Washington Street; and the Showers Brothers Furniture Company Building [sic] (1909 - 1924; 153-055-80064; rated "outstanding").

In addition, several structures associated with historic industrial and commercial uses in Bloomington have been identified as contributing to the proposed West Side Historic District. These include the Johnson's Creamery building itself, the I. Fell Building, at 201 South Rogers Street, the Bloomington Garage building at 316 West 6th Street, the Curry Buick building at 218 West 7th Street and the Bloomington Frosted Foods building at 213 South Rogers Street. The current rehabilitation of the Johnson's Creamery building has restored sufficient integrity that it can be considered individually eligible for the National Register as well as, contributing to the proposed West Side Historic District.

The Johnson's Creamery building is eligible for listing on the National Register under criterion C for its characteristics that reflect an industrial architectural style. Brick masonry, stepped parapets, wood windows on older buildings and aluminum and steel sash on newer buildings and additions and functional unadorned facades with minimal architectural detail are characteristics of this industrial architectural style shared by the Creamery and the other buildings listed above. Among these buildings, only the Showers building was listed as "outstanding," and is considered eligible for listing on the National Register as part of a complex of Showers related buildings. Only the Cantol Wax building is listed individually on the National Register. The Creamery, in its newly rehabilitated state, now displays a comparable level of integrity with these two buildings and persuasively portrays the industrial heritage of Bloomington.

The Creamery building is also eligible for listing on the National Register under criterion C for its characteristics that reflect the creamery business and distinguish it as such. Built during the height of industrial success in the 1920's in Bloomington, the 1921 addition and the 1927 ice house both reflect a style that was practical, industrial and functional for the processing of milk and the storage of ice. The ice house also presented a more stylish facade with decorative architectural details built into the brick and limestone masonry. Although the simple rhythm of the street facade partially disguises the building's true purpose, other features reveal it, such as the ice house that rises from the middle of the complex and the landmark smokestack that rises from behind it. These exterior features and other interior features clearly indicate factory functions. Long, open rooms for processing operations, arch-vault ceilings for ice loads, tall mechanical spaces for compressors and boilers, and a continuous rhythm of large double hung windows, roof monitors and clerestories for natural light all speak the language of technological space. Similarly, interior wall finishes of painted plaster and glazed concrete block, and quarry tile over concrete floors reflect the sanitary surroundings necessary for dairy production.

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Johnson Creamery Company brochure, "A Quarter Century —of Progress and Service," 1938.

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Orelup, Margaret. Johnson Creamery, Historic Preservation Certification Application, Part 1 - Evaluation of Significance. April 1987.

Sanborn Insurance Maps: 1913, 1927, 1947.

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Verbal Boundary Description

Beginning at the intersection of the east curbline of the alley between North Rogers Street and the CSX railroad and the north curbline of West 7th Street, proceed east along the north curbline of West 7th Street to the CSX railroad right-of-way. Then proceed northwest along the west boundary of the CSX railroad right-of-way to the south curbline of West 8th Street. Then proceed west along the south curbline of West 8th Street to the east curbline of the alley between North Rogers Street and the CSX railroad. Then proceed south to the point of beginning.

Boundary Justification

The described boundary includes the property historically associated with and owned by the Johnson's Creamery. The boundaries are slightly larger than the private property boundary to compensate for an encroachment of the building into the public right-of-way.



433

434

T. 8 N.

T. 9 N.

10'

BELMONT 9 MI.  
COLUMBUS 34 MI.

UNIONVILLE 7 MI.

N E 539980  
4335400

ZONE 16

JOHNSON'S CREAMERY  
MORROE Co, IN



## Basis of Loading

### Wind

- Based on ASCE 7-10, “Minimum Design Loads for Buildings and Other Structures”
  - Chapter 29: Wind Loads on Other Structures and Building Appurtenances – MWFRS
  - Chapter 1: General
  - Chapter 2: Combinations of Loads
  - Chapter 26: Wind Loads: General Requirements
- Building Risk/Occupancy Category III – Buildings and other structures, the failure of which could pose a substantial risk to human life
- Exposure Category B – Urban and suburban area prevails for a distance greater than 2,600 ft or 20 times the height of the building (2,800 ft), whichever is greater.
- Basic Wind Speed for Occupancy Category III – 120 mph (3 sec gust wind speed at 33 ft)
- Structure Type for Wind Directionality – Round Chimney
- No Hills or Escarpments to increase wind due to topographic factors.
- The stack has a Round cross-section and Rough ( $D'/D=0.02$ ) surface type.
- Structure is assumed to be a Dynamically Sensitive Structure.

### Seismic

- Based on ASCE 41-13, “Seismic Evaluation and Retrofit of Existing Buildings”
  - Chapter 13: Architectural, Mechanical, and Electrical Components
  - Chapter 2: Performance Objectives and Seismic Hazards
- Site Class B: Rock with  $2,500\text{ft/s} < v_s < 5,000 \text{ ft/s}$
- Unbraced Cantilever Component – Stack
- Component Importance Factor,  $I_p = 1.5$  – Operational Nonstructural Performance Level
- Fundamental Period,  $T_p = 3.1 \text{ sec}$

# APPENDIX B