Passed: 7-2 (DS, RY)

ORDINANCE 98-29

TO AMEND VARIOUS SECTIONS OF TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "WASTEWATER" (Establishing a Storm Water Utility and Initial Rates for that Utility, and Adjusting Rates for the Wastewater Utility)

WHEREAS, the City of Bloomington, Indiana (the "City") has heretofore constructed and has in operation a wastewater collection system and treatment plants for the purpose of collecting and treating sewage wastewater and conveying the same away from the premises where produced; and

WHEREAS, the creation of a new storm water utility could help reduce costs as well as address storm water management problems; and,

WHEREAS, a new storm water utility could design, fund and construct the projects necessary to provide the safe conveyance of stormwater, as well identify additional projects that need to be funded, and begin an inspection and maintenance program of the City's stormwater infrastructure; and,

WHEREAS, a new storm water utility could develop standards and guidelines, in accordance with the Bloomington Municipal Code and good engineering practice, for designing, installing and maintaining such stormwater systems, as well as review drainage development plans; and,

WHEREAS, new requirements for stormwater quality are expected to affect Bloomington within the next two to three years, and a new stormwater utility could be responsible for all stormwater quality requirements set forth by the City, the State and the Federal governments, and could also provide technical and engineering assistance to the Planning Department when dealing with floodplain issues; and,

WHEREAS, the City and the Utilities Service Board have caused financial and engineering studies to be completed determining that storm water rates and charges need to be enacted to pay for the costs of collecting and treating such storm water; and

WHEREAS, the City intends to operate its municipal storm water utility under the provisions of IC 36-9-23, and the Common Council, under IC 36-9-23-3, hereby transfers to the Utility Service Board all powers and duties to supervise and control the storm water utility, including the ownership of the assets of the existing infrastructure, provided however, the assets of the storm water utility shall not be considered as assets of the utility for purposes of in-lieu of taxes calculations between the City and the Utility; and

WHEREAS, for purposes of setting rates and charges under IC 36-9-23-25, the Common Council of the City is authorized to consider the costs of collecting and treating storm water drainage as the definition of sewage works for purposes of such chapter includes the term storm sewers; and

WHEREAS, the Utilities Service Board has recommended, after due consideration, including public meetings on June 22 and July 6, 1998, that adjustments to rates and charges of the wastewater utility should be approved by the Common Council in respect to the existing wastewater utility and in respect to the newly established storm water utility.

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

SECTION I. Section 10.04.010 Definitions of the Bloomington Municipal Code shall be amended to add the following as paragraph (34), and existing paragraphs (34) through (40) shall be renumbered accordingly:

10.04.010 (34). "Storm water utility", "Storm water works", and "Storm water facilities" shall mean all constructed pipes, mains, facilities, structures and natural water courses under the control of the Utilities Service Board used for collecting and conducting storm water through and from drainage area to the point of final outlet, including, but not limited to, any and all of the following: mains, pipes, lift stations, inlets, conduits and pertinent features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations; and excluding therefrom any part of the system of drains and water courses under the jurisdiction of the Monroe County Drainage Board; provided, however, that the Utilities Service Board and the Monroe County Drainage Board may negotiate cooperative arrangements regarding jurisdiction, design, construction, operation and maintenance of drains located outside of the municipal corporate boundaries under the authority of Indiana Code 36-9-27-1 et.seq.

SECTION II. Section 10.08.035 Shall be added to include the following:

10.08.035 Rate -- Establishment of Storm Water Utility. There is hereby established within the City of Bloomington Wastewater Utility the powers, duties and responsibility for the construction, operation and maintenance for the storm water utility in accordance with Indiana Code 36-9-23-1 et. seq. The original jurisdictional boundaries of the storm water utility are reflected in Exhibit A, attached hereto and incorporated herein; said boundaries may be amended or extended with the approval of the Utilities Service Board.

SECTION III. Section 10.08.040 of the Bloomington Municipal Code, entitled "Rates - Metered water users," shall be amended to read as follows:

10.08.040 Rates - Metered water users. General service rates shall be applicable to all metered water users except those with other than average strengths of BOD and suspended solids. The general service rates shall be determined as follows:

	Portion of Rate Applicable to		
	Operations, Maintenance, & Replacement Expenses	Capital Related Costs	Total
	$	$	$
Monthly service charge (per meter)	2.51	0.57	3.08
User Charge			
Charge per 1,000 gallons per month for all billable usage:			
Residential [(a)]	2.45	0.56	3.01
Commercial	2.45	0.56	3.01
Indiana University	2.45	0.56	3.01
Industrial [(b)]	2.45	0.56	3.01

(a) Residential summer rates for the months of June, July, August, and September shall be based upon the average of April and May or actual usage, whichever is less. All other users shall be charged on the basis of one hundred percent of metered water consumption subject to user proof of lower wastewater use.

(b) Industrial user rates and charges shall be based on the quantity of water used as well as any special service rates that may apply.

SECTION IV. Section 10.08.045 shall be added to include the following:

10.08.045 Rates -- Storm Water Utility Users.

(a) The rates and charges of the storm water utility shall be as follows:
The storm water system user fee is applicable to all water or wastewater utility accounts within the storm water system service area with the exception of water accounts that are solely used for the purpose of irrigation. All accounts classified by the utility as being single family residential accounts and all accounts receiving wastewater service only shall pay a monthly charge of $2.35. All other metered water accounts shall be charged based upon the size of the water meter(s) as follows:

Water Meter Size "	Monthly User Charge $
5/8	2.35
3/4	2.35
1	5.88
1 ½	11.75
2	18.80
3	35.25
4	58.75
6	117.50
8	235.00
10	352.50

Private fire connection accounts shall be charged based upon the size of such connection(s) as follows:

Private Fire Connection Size "	Monthly User Charge $
5/8	2.35
3/4	2.35
1	5.88
1 ½	11.75
2	18.80
3	35.25
4	58.75
6	117.50
8	235.00
10	352.50

(b) These rates and charges shall be billed monthly, and all provisions of the Indiana Code, the Bloomington Municipal Code and the City of Bloomington Utilities Department Rules and Regulations which apply to the payment and collection of rates and charges for wastewater services shall apply equally to the rates and charges for storm water utilities services.

SECTION V. Section 10.08.070 shall be amended to read as follows:

10.08.070. Rates -- Nonmetered users. The minimum rate or charge for any service where the user is not a metered water user shall be three hundred and twenty-seven dollars per year, payable monthly. At the request of the utility or user, a meter shall be installed at the user's expense.

SECTION VI. Subsection (b) of Section 10.08.110, entitled "Special service rates," shall be amended to read as follows:

10.08.110, Subsection (b) Special Rates. Special service rates shall be applicable to all industrial users who generate wastewater which contains any nonconventional pollutants or strengths of BOD or SS that exceed the system average strengths of 300 ppm BOD or 300 ppm

SS as determined by special laboratory analysis by the utility's laboratory. Other special service rates shall be charged on a case-by-case basis for toxic pollutant discharges, with the charges being based on the difficulty of treating the toxic pollutant as well as sampling, testing, and disposal charges. Strength charges are to be computed on actual measured strengths and volumes. Special service rates shall be determined as follows:

	Portion of Rate Applicable to		
	Operations, Maintenance, & Replacement Expenses	Capital Related Costs	Total
	$	$	$
Monthly service charge (per meter)	2.51	0.57	3.08
Special laboratory analysis monthly charge			
Strength of BOD and SS sampling charge			79.12
Grease and oil sampling charge			74.18
Metal sampling charge (per metal per test)			16.49
User Charge			
Charge per 1,000 gallons per month for all billable usage:			
Non-excessive strength rate	2.45	0.56	3.01
Extra Strength Charge			
Charge per pound per month for all strength in excess of 300 ppm:			
BOD			0.146
Suspended Solids			0.119

SECTION VII. Section 10.08.120, entitled "Septic haulers - charges," shall be amended to read as follows:

10.08.120 Waste haulers -- Charges. (a) Waste shall only be accepted for treatment by the utility if the treatment processes and final effluent are not adversely affected. All haulers shall provide the utility with the names and addresses of the users whose waste is brought for treatment. The director shall designate the site where the waste will be accepted.

(b) The following types of waste may be accepted for treatment by the City of Bloomington Utilities:

(1) Domestic septage. Domestic septage refers to the waste contained in, or removed from, septic tanks or holding tanks which serve residential homes or other sources which generate only food-based waste. The charge for each delivery to the wastewater treatment system shall be $9.54 for the first 500 gallons, plus $0.55 for each additional 100 gallons. Each truckload delivered will be assumed to be a full load unless proven otherwise by the hauler.

(2) Grease waste. Grease waste is the waste contained in, or removed from, grease traps or other similar devices which have been installed for the purpose of retaining the portion of the waste stream which floats on water. For the purpose of this document, grease waste refers to greases of plant or animal origin. Petroleum based oils and greases are specifically prohibited from being discharged into the wastewater system. Analysis of the grease wastes may be required before acceptance for treatment and disposal.

The charge for each delivery to the wastewater treatment system shall be $27.25 for any amount up to 500 gallons, plus $5.45 for each additional 100 gallons. The charge will be based on the calculated volume of the pit or trap. There will be no additional charge for the water used to wash the grease from the pit.

(3) Wastewater treatment plant waste. Wastewater treatment plant waste includes the excess solids generated at municipal or semi-public wastewater treatment plants and/or the collection systems associated with those treatment plants. The waste may be in the form of sludge, mixed liquor, lagoon dredgings, or waste from lift stations, and must be compatible with the treatment system's processes and capacities. Wastes which jeopardize compliance with the Part 503 rules concerning land application of sludge are prohibited. The board shall establish parameters for the testing of these wastes.

The charge is $20.44 for the first 500 gallons or less, plus $4.09 for each additional increment

of 100 gallons, plus the cost of any testing required. Trucks delivering these wastes will be assumed to be full.

(4) Commercial/Industrial waste. Commercial/Industrial waste includes wastes generated by industrial or commercial operations, or an operation which combines domestic waste with waste generated from industrial operations. This waste may be the product of some one-time operation, or may be accumulated in some form of holding tank, such as a septic tank. The wastes may be delivered to the system facilities only after the written request for such disposal has been approved by the Director, or his designee, on a case-by-case basis. The board shall establish parameters for the testing of these wastes.

The charge is $20.44 for each increment of 500 gallons or less, plus $4.09 for each additional increment of 100 gallons, plus the cost of any testing required. Trucks delivering these wastes will be assumed to be full.

(5) Out-of-county waste. For each of the above listed categories of waste, there shall be a surcharge of fifty percent (50%) added to the respective fees for any waste which originates at any source outside the boundaries of Monroe County.

(c) The fees for the treatment and disposal of domestic septage shall be charged to the waste hauler who transports the waste to the treatment facility for disposal. Any licensed waste hauler may purchase tickets which authorize that hauler to dispose of one load of domestic septage.

Generators of non-domestic waste must request authorization to dispose of wastes in the utility treatment works. The application will be reviewed by staff and, if approved, the tickets for disposal of the waste may be purchased by the waste generator. Generators may purchase tickets in the manner outlined above. The generator must provide the appropriate ticket(s) to the waste hauler and the hauler must present the ticket(s) to the staff at the treatment facility as evidence that the disposal of the waste has been authorized.

Additional procedures that further promote an orderly system for the delivery, tracking and payment of these wastes may be adopted by the board.

SECTION VIII. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this chapter are declared to be severable.

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

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of September, 1998.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 9th day of September, 1998.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 9 day of September, 1998.

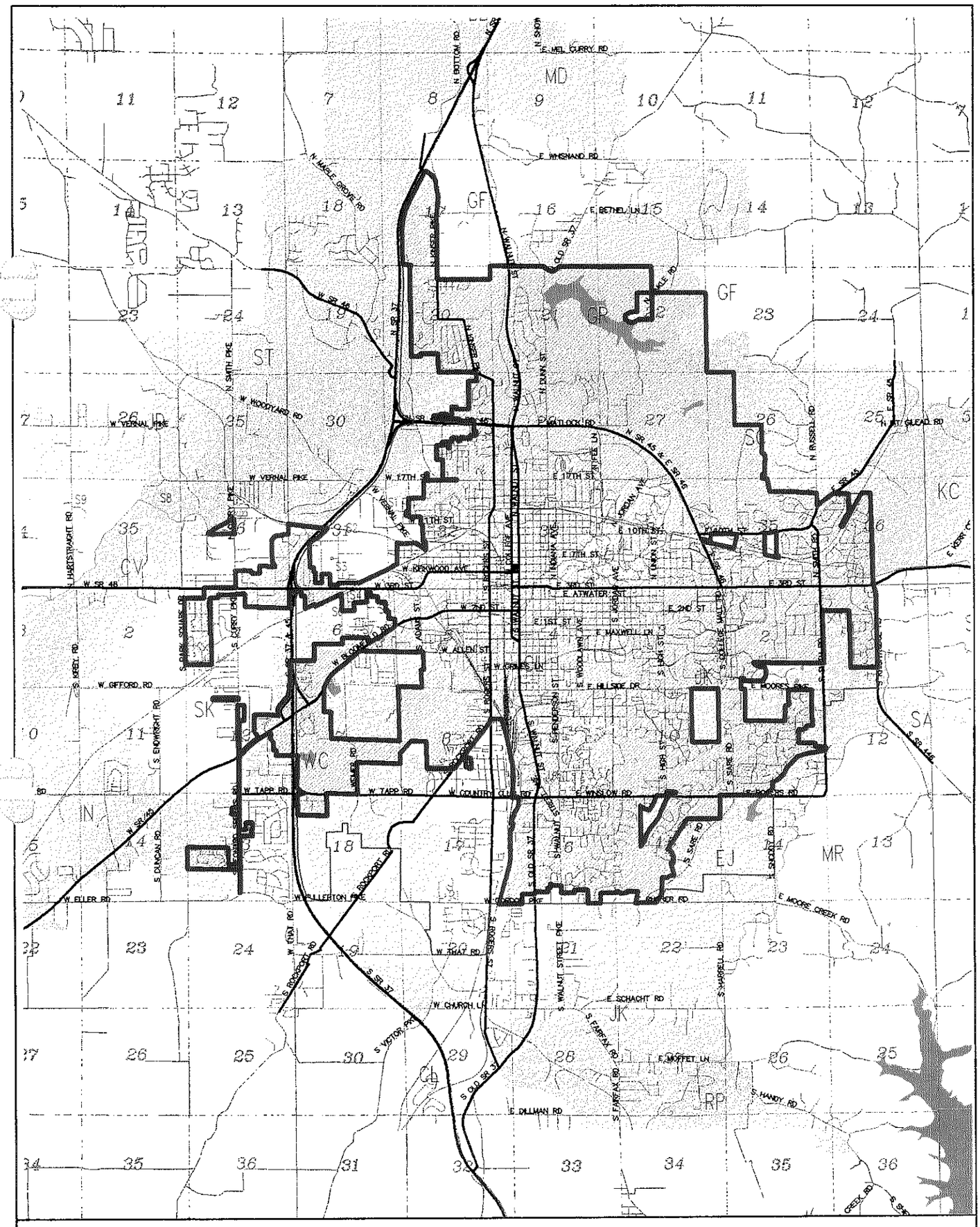
JOHN FERNANDEZ, Mayor
City of Bloomington

Synopsis

This ordinance establishes the authority and responsibility for the operation of a storm water utility and transfers existing system operations to the Utilities Service Board in accordance with Ind. Code 36-9-23. Just and equitable rates and charges are established on behalf of the storm water component of the wastewater utility, and adjustments to the existing wastewater rates are also approved. Both rates are necessary to cover the costs for operating and maintaining the facilities, financing capital construction and acquisitions, and making required debt service payments.

Note: This final version of the ordinance includes a new map of the boundaries of the storm water utility which coincides with the City's corporate boundaries and reflects the adoption of Amendment 2 (affecting one "Whereas" clause and adding three new ones), Amendment 3 (changing the effective date to the date of passage), and Amendment 4 (adding fire line connection size as a basis for storm water rates).

Signed copies to
Controller
Clerk
Utilities 3
Legal 5
BMC File
CA/CA



STORM WATER JURISDICTIONAL BOUNDARY

EXHIBIT A

31 Aug 1998

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This map was produced by the City of Bloomington GIS, for use by the City and general Public as map information. The topographic and planimetric information is based on aerial photography taken in March 1991 and March 1992 and later updated by GIS technicians. The accuracy of information contained in this document is based on National Mapping Standards, however it is NOT warranted.

Tstorm14

dbu

Utilities Engineering
City of Bloomington

LEGAL DESCRIPTIONS FOR VACATIONS OF EASEMENTS FOUND IN ORDINANCE 98-25 AND ORDINANCE 98-26.

(Ord 98-25)

SANITARY SEWER EASEMENT VACATION ON WHITEHALL CROSSING
TYPED FROM ORIGINAL EASEMENT (278/421) EXHIBIT "A" - VERBATIM

A 25-foot permanent easement for sanitary sewer by parallel lines, 12.5 foot either side of the following described line:

Commencing at the Southwest corner of the Northwest quarter of Section 31, Township 9 North, Range 1 West, Monroe County, Indiana; running North along the West line of said Section 574.19 to the southern right-of-way line of the Louisville and Nashville Railroad; Thence easterly along said right-of-way 309.51 feet to the point of beginning of this description: Thence running South parallel with the West line of said Section 1124.0 feet; thence S. 20° 38' 40" W. 304.63 feet; Thence S. 3° 36' 20" E. 336.53 feet to the West right-of-way line of State Road 37 West By-pass of the City of Bloomington, Indiana.

(Ord 98-26)

PARTIAL RELEASE OF A DRAINAGE EASEMENT
ON LOT 5 OF THE FRANKLIN BUSINESS PARK SUBDIVISION, SECTION TWO

LEGAL DESCRIPTION

A part of the West half of Section 31, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Section 31; thence South 89 degrees 38 minutes 12 seconds East 287.00 feet along the South line of Section 31; thence North 00 degrees 15 minutes 47 seconds East 583.75 feet, to a point on the East right-of-way line of State Road 37; thence North 00 degrees 31 minutes 43 seconds West along said right-of-way line 281.89 feet; thence leaving said right-of-way line South 89 degrees 48 minutes 42 seconds East 368.71 feet; thence North 00 degrees 11 minutes 18 seconds East 206.60 feet to the point of beginning; thence North 03 degrees 52 minutes 43 seconds West 195.06 feet; thence North 89 degrees 21 minutes 15 seconds West 200.55 feet; thence North 21 degrees 54 minutes 06 seconds West 16.70 feet to said right-of-way line; thence along said right-of-way line North 29 degrees 50 minutes 03 seconds East 19.10 feet; thence leaving said right-of-way line South 21 degrees 54 minutes 06 seconds East 18.51 feet; thence South 89 degrees 21 minutes 15 seconds East 227.49 feet to a point on a non-tangent curve concave Easterly with a radius of 925.00 feet and a chord bearing South 05 degrees 07 minutes 57 seconds West for 95.52 feet; thence Southerly along said curve 95.56 feet; thence South 00 degrees 11 minutes 18 seconds West 114.12

feet; thence North 89 degrees 48 minutes 42 seconds West 15.00 feet to the point of beginning, containing 0.19 acre, more or less.

PARTIAL RELEASE OF A SANITARY SEWER LINE EASEMENT
ON LOT 5 OF FRANKLIN BUSINESS PARK

LEGAL DESCRIPTION

THIS INDENTURE WITNESSETH, That the City of Bloomington ("Grantor"), RELEASES AND QUITCLAIMS to Franklin Business Park, LLC ("Grantee"), for the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, all right, title and interest which Grantor derives from that certain Easement for Sewer Line dated 5 April, 1980 from Clear Creek Stone Supply and Cont. Co. Inc. to Grantor and recorded in Deed Record Book 278, Page 421, on 22 October, 1980, in the Office of the Recorder of Monroe County, Indiana, with respect to the real estate of Bloomington Roadhouse, LLC, an Indiana limited liability company, which is more particularly described in Deed Record Book 467, Page 633, in said Recorder's Office, being Lot 5 of the Franklin Business Park, Section Two, as recorded in Plat Cabinet "C", envelope 230, in said Recorder's Office.

Said route being more particularly described as follows:

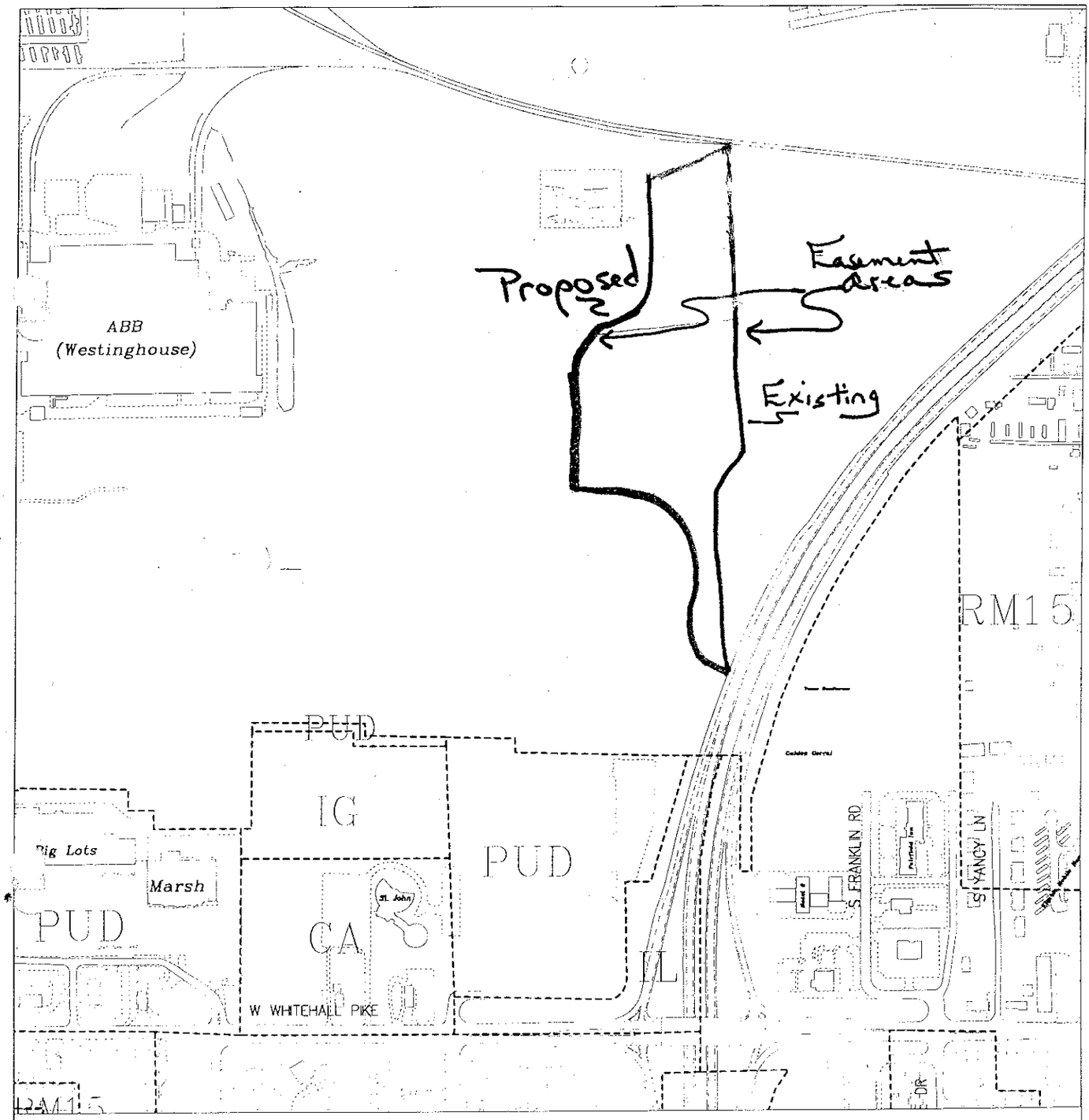
A 25.00 foot strip of land, being 12.50 feet on each side of the following described centerline:

Commencing at the Southeast corner of said Lot 5; thence North 00 degrees 11 minutes 18 seconds East along the East line of said Lot 47.93 feet to the point of beginning; thence North 62 degrees 13 minutes 20 seconds West 285.98 feet to the Easterly right-of-way line of State Road 37, said point being the end of this centerline description.

The sidelines of said strip of land are to be lengthened or shortened to terminate on the Lot lines of said Lot 5.

Grantor states that there is no Indiana Gross Income Tax due and owing on this transaction.

IN WITNESS WHEREOF, the said City of Bloomington has caused this indenture to be signed by its duly authorized agent, this ____ day of _____, 1998.



City of Bloomington
Planning Department

By: work
23 Jan 98

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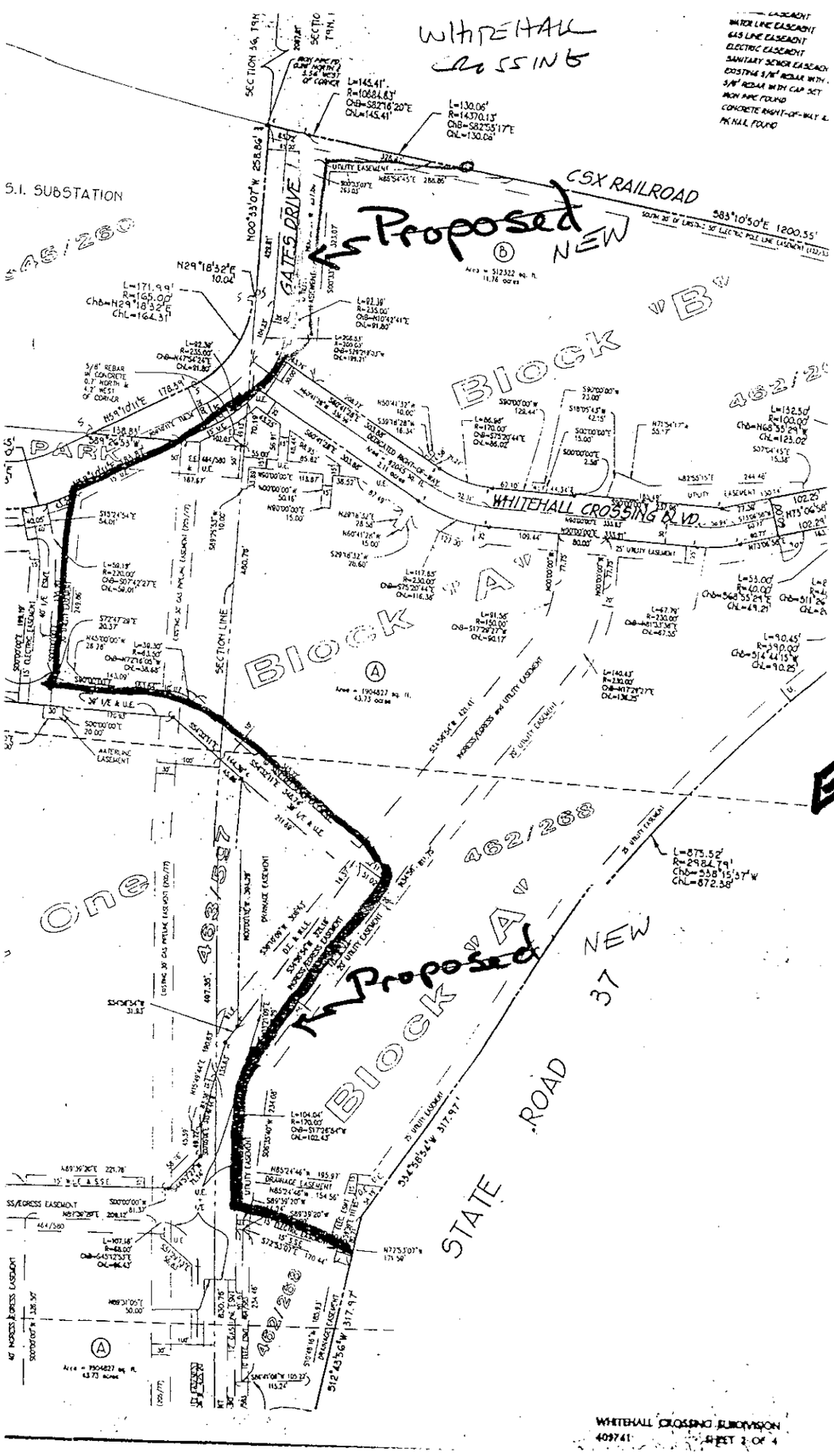
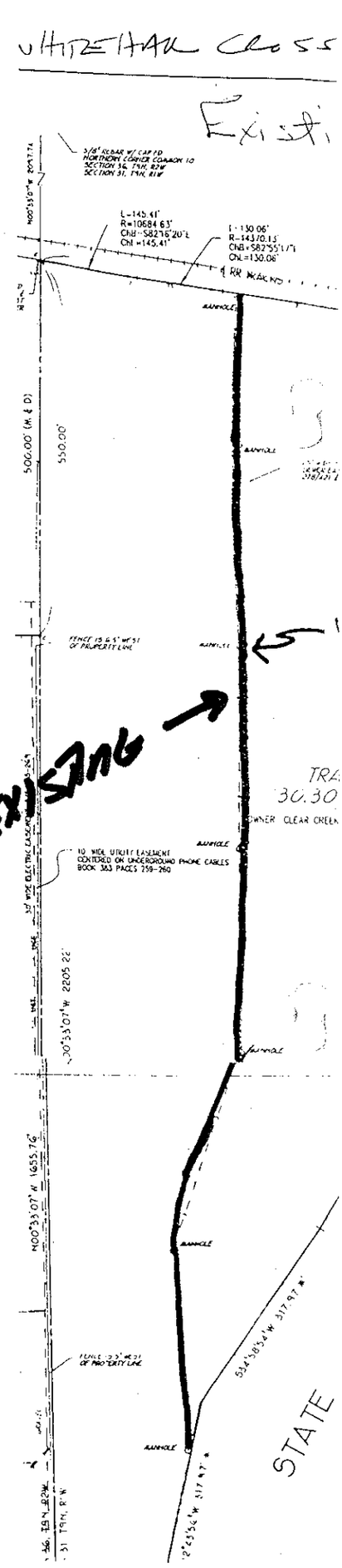
N

Scale: 1" = 500'

For reference only; map information NOT warranted.


WHITEHALL CROSSING
S.I. SUBSTATION
CSX RAILROAD
Proposed NEW
GATES DRIVE
Block "B"
Block "A"
WHITEHALL CROSSING BLVD.
PARK
One
462/268
463/597
Proposed NEW
STATE ROAD 37
WHITEHALL CROSSING SUBDIVISION
409741
SHEET 2 OF 4


WHITEHALL CROSS
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OWNER CLEAR CREEK
STATE

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

FILE # _____
1st READING _____
COMMITTEE _____
FINAL HEARING _____

Office of the Common Council
P.O. Box 100, Showers City Hall
Bloomington, IN. 47402
(812) 349-3409

Address of Property 3000 W. Third Street

Applicant's Name Whitehall Crossing LLC.

Address 544 S. College Ave. Phone 334-2837

Counsel or Consultant Whitney A. Gates

Address 544 s. College Ave. Phone 334-2837

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

_____I (we) agree that the applicant will 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: Whitney A. Gates