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

To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **November 24, 2004**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
None
Legislation for Final Action:
Res 04-22 To Confirm Resolution 04-21 which Designated an Economic Revitalization Area, Approved a Statement of Benefits, Authorized a Period of Tax Abatement, and Declared Intent to Waive Certain Statutory Requirements - Re: 1500 S. Patterson Drive (Schulte Corporation, Petitioner)

- Summary of Application, Ron Walker, Director of Economic Development; Statement of Benefits (with Appendices)

Contact: Ron Walker at 349-3534 or walker@bloomington.in.gov

Res 04-23 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

- Memo from Jennifer Osterholt, Director of Housing Authority

Contact: Jennifer Osterholt at 339-3491 ext 122 or josterholt@blha.net

App Ord 04-08 To Specially Appropriate from the General Fund, Parking Enforcement Fund and Cumulative Capital Improvement – Rate Fund Expenditures Not Otherwise Appropriated (Appropriating a Transfer of Funds within the General Fund – Clerk's Office; Appropriating Funds from the General Fund – Fire Department for Overtime; Appropriating a Grant in the General Fund – Police Department; Appropriating Funds from the Parking Enforcement Fund for Security Equipment; and Appropriating Funds from the Cumulative Capital Improvement – Rate Fund to Repay an Inter-Fund Loan)

Please see the packet distributed for meetings on November 17th, 2004, for the legislation, summary, and background material

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov

Ord 04-37 To Amend Ordinances which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (Ordinance 04-19) and of the Utilities Department for the Year 2005 (Ordinance 04-21) and 2004 (Ordinance 03-21) - Re: Positions in the Sanitation, Information and Technology Services, Police and Utilities Departments

Please see the packet distributed for meetings on November 17th, 2004, for the legislation, summary, and background material

Contact: Daniel Grundmann at 349-3578 or grundmad@bloomington.in.gov

Legislation and Background Material for First Reading:

Res 04-25 A Resolution Expressing Support for the Provision of Salary Increases for Non-Union Employees Effective January 1, 2005

- Memo from Susan Clark, Controller

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov

Ord 04-36 To Amend Ordinance 04-18 which Fixed the Salaries of All Elected City Officials for the City of Bloomington for the Year 2005

- Memo from Daniel Grundmann, Director, Employee Services

Contact: Daniel Grundmann at 349-3578 or grundmad@bloomington.in.gov

Ord 04-38 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" (Regulations Regarding Stop, Yield, and Signalized Intersections, One Way Streets, Various Parking Zones, and Pedestrian Crossings)

- Memo from Justin Wykoff, Manager of Engineering Services; Maps (Forthcoming)

Contact: Justin Wykoff at 349-3593 or wykoffj@bloomington.in.gov

Res 04-24 To Approve and Authorize the Execution of a Collective Bargaining Agreement Between the City of Bloomington and Professional Firefighters of Bloomington, Local 586

- Memo from Kevin Robling, Corporation Counsel; Copy of Proposed Collective Bargaining Agreement

Contact: Kevin Robling at 349-3426 or roblingk@bloomington.in.gov

Ord 04-39 To Amend Ordinance 04-20 which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2005 (Reflecting Collective Bargaining Agreement with the Bloomington Metropolitan Firefighters, Local 586)

- *See Memo for Res 04-24 (above)*

Contact: Kevin Robling at 349-3426 or roblingk@bloomington.in.gov

Minutes from Regular Session:

None

Memo

Last Legislative Cycle of the Year Begins at the Regular Session on Wednesday, December 1, 2004, Where Four Items are Ready for Final Action and Three Items are Ready for First Readings

The last legislative cycle of the year begins next Wednesday at the Regular Session when you are scheduled to take final action on four items. Two of those items are resolutions that can be found in this packet and two are ordinances that can be found in the packet distributed on November 12th, 2004 for the November 17th, 2004 Regular Session. Once you have taken action on those items, you are scheduled to introduce three ordinances. These three ordinances, as well as two companion resolutions for two of those ordinances are summarized below and included with this packet. Please note that the resolutions will be introduced at the Committee of the Whole on December 8th, 2004.

New Items for Regular Session on December 1st, 2004

Item One - Res 04-22 Confirming Res 04-21 which Gave the Schulte Corporation Preliminary Approval for a Tax Abatement for its Project Located at Building Four of the Indiana Enterprise Center

Res 04-22 confirms Res 04-21 which gave preliminary tax abatement approval for the Schulte Corporation project at Building Four of the Indiana Enterprise Center. Schulte is a manufacturer of high-end shelving and storage equipment for the home. It has 168 jobs in our community and intends to invest about $20 million to create approximately 223 new, well-paying jobs at this 48 acre site over the next five years. It is seeking a tax abatement on $6.18 million in improvements to real estate and $7.65 million for the installation of new manufacturing equipment.

The previous resolution (Res 04-21) was passed on November 17th and can be found in the packet distributed on November 5th for the November 12th Committee of the Whole. As noted in that memo, the resolution took four actions which included:

- designating an Economic Revitalization Area (ERA),
- approving a Statement of Benefits,
- authorizing a 10-year tax abatement on improvements to real estate and a 5-year tax abatement for the installation of new manufacturing equipment, and
- declaring an intent to waive certain statutory requirements.

The proposed resolution confirms the first three actions and then waives the aforementioned statutory requirements. Those requirements deal with the timing of the project in relation to the certain steps in the tax abatement procedures. Under statute, the petitioner must file a completed statement of benefits and the Council must make the necessary finding of facts as well as designate the ERA prior to commencement of the project, unless those order of events are waived by the Council after it has held a legally advertised public hearing. (See I.C. 6-1.1-12.1-11.3)

That public hearing will take place during the public comment on Res 04-22 at the December 1st Regular Session. It will also serve as an occasion for the Council to consider not only the objections to the waiver, but also the designation of the ERA.

Item Two - Res 04-23 Waiving Payments to the City from the Bloomington Housing Authority

Res 03-23 is an annual resolution requested by the Housing Authority which waives any payment that we might require in lieu of the property taxes that it does not pay. I.C. 36-7-18-25 exempts housing authorities from the payment of property taxes, but allows these entities to enter into agreements to pay political subdivisions up to the estimated cost of services, improvements, and facilities that are provided by the political subdivisions. The resolution supports the waiver by noting duties performed by the housing authority that might be provided by the City and acknowledging the benefits we receive as a City from its services. Jennifer Osterholt has replaced Peggy Gudal as Director of the Housing Authority and wrote a memo in which she estimated that the Housing Authority would otherwise pay the City about $13,459. Since Jennifer will be at a training conference on that day, Lisa Parsley, Controller, will present the resolution.

Five New Pieces of Legislation to be Considered During the Last Legislative Cycle of the Year

There are five new pieces of legislation to be considered during the last legislative cycle of the year. Although two of them are resolutions that will not be introduced until the Committee of the Whole on December 8th, 2004, all of them are included in this packet and summarized below.

Item One – Res 04-25 – Expressing Support for Providing Employee Raises at the Beginning of the Year and
Item Two – Ord 04-36 – Amending the Salary Ordinance for Elected Officials for the City in 2005 (Ord 04-18)

The following paragraphs explain two pieces of legislation that address salaries for non-union employees for 2005. The first is **Res 04-25**, which supports the commencement of City non-union employee raises at the beginning of the year. The second is **Ord 04-36**, which provides raises for elected officials. These items are briefly summarized below and are based upon memos from Susan Clark, Controller, and Daniel Grundmann, Director of Employee Services.

As you may recall, the City approved a budget for 2005 without including revenue that might be forthcoming in the event an appeal of the maximum property tax levy prevailed. That appeal was approved by the Department of Local Government Finance in November and the City is planning to allocate some of these funds in 2005 for raises to employees who were not budgeted for them because of the lack of revenue. Those employees included firefighters, whose contract at that time did not call for raises, and all non-union employees, including elected officials. While the salary ordinances for non-union employees authorized pay increases, those for elected officials and firefighters do not. **Ord 04-36** addresses raises for elected officials and, as explained at the end of this memo, **Res 04-24** and **Ord 04-39**, which address raises for the firefighters. At this point, the City anticipates that those raises will be either determined by a collective bargaining agreement (for the firefighters) or a combination of merit and market factors (for non-union employees).

Res 04-25 supports the commencement of raises for non-union employees at the beginning of 2005, which is before the Council will have an opportunity to act on an ordinance that would appropriate funds to cover the amount of those raises for the entire year. It is being brought forward now in order to give the Controller permission to commit those funds before your action on the appropriation.

Ord 04-36 amends Ord 04-18, which fixed the salaries of all of the elected officials for the City of Bloomington for the year 2005, in order to provide for a raise of 2%. It is being brought forward now because, according to I.C. 36-4-7-2, once those salaries have been fixed they can neither be changed nor reduced in the year they go into effect.

In the past few years, the elected officials of the City have received an increase in compensation which was tied to the increase for the average non-union city employee. During that time, non-union employees have received raises based upon a salary grid that accounted for an evaluation of the employee's performance (merit) and whether the compensation for that position was below, at, or above that of similar positions in the job region (market). Although work on next year's grid is now in progress and the actual raises are not yet known, Daniel Grundmann estimates that 2% would be a little below what the average employee would receive.

The existing and proposed raises are listed below:

Office	2004 Compensation	Proposed 2005 Compensation
Mayor	$78,181	$79,745
City Clerk	$40,766	$41,581
Council Members	$11,727	$11,962

Item Three - Ord 04-38 – Amending Title 15

Ord 04-38 amends Title 15 (Vehicles and Traffic) in order to modify the regulations regarding various stop, yield, and signalized intersections, one way streets, parking zones, and pedestrian crossings, which are briefly noted in the following tables:

Stop and Yield Intersections (Ordinance Sections 1 – 3)

Location	Action
Sherbrooke Estates (East of Peppergrass)	
S. Sherbrooke Drive / E. Jamie lane Berkshire Court / S. Sherbrooke Drive E. Emile Court / E. Sherbrooke Drive	Adding stop intersections on newly accepted streets
Allen Court/Sherbrooke Drive	Adding a yield intersection on newly-accepted streets

Nancy Street and Ruby Lane	Converting a Yield to a Stop Intersections Rationale: Existing site conditions justified the change.

(Traffic on the first Street will stop or yield for traffic on the second street)

One Way Streets (Ordinance Section 4)

Brenda Lane from S. Henderson to S. Stull Avenue (north of Templeton School)	Converting a Two-Way to One-Way Street at request of MCCSC and with the support of the Bryan Park Neighborhood Association.

Restricted Turn on Red Light (Ordinance Section 5)

Hillside Drive and Henderson Street	Prohibiting eastbound traffic on Hillside Drive from turning north at Henderson Street when the signal is red. Rationale: Although no accidents would have been prevented by this change in the last three years, staff acknowledged that the east bound motorist has a very limited view of north bound traffic on Henderson Street.

Limited, No Parking, and Loading Zones (Sections 6 – 13)

Location	**Action**
	No Parking Zones
Outside the Downtown Area	
Heather Drive (north side) from South Henderson Street to Laurel Court and	Adding a No Parking zone along these streets in order to improve view of potential traffic.

Laurel Court (along the inside portion of this loop street)	
Union Street (east side) from East Third Street to the first alley north	Adding a No Parking zone in order to improve view of traffic from motorists exiting east/west alley.
Inside the Downtown Area	
College Avenue (west side) from Eighth to Ninth Streets	Adding a No Parking Zone on the west side of College just south of Ninth Street for a bus stop.
	Limited Parking Zones
Kirkwood Avenue (north side) from Walnut Street to College Avenue	Correcting reference to the two 1-hour parking spaces at the east end of the block.
Eighth Street (north side) from Morton Street to College Avenue	Restoring 2-hour parking on both sides of this stretch of Eighth Street that was temporarily removed during the construction of Smallwood Plaza.
Ninth Street from Morton Street to College Avenue	Switching the 2-hour parking from the north to the south side of the street.
Morton Street (east side) from Seventh Street to Eighth Street	Converting five spaces north of the alley from 1-hour to 2-hour parking.
College Avenue from Eighth Street to 70 feet north	Converting a No Parking zone (formerly for driveways) into the downtown 2-hour parking zone.
<u>Walnut Street (west side)</u>	
from Kirkwood Avenue for three spaces to the north	Clarifying that there are two 1-hour parking spaces on this side of the block.

from Sixth to Seventh Street	Removing 30-minute parking space by the former Tuxedo shop so that the entire west side of block is a 2-hour parking zone.
from 10th to 11th Street	Adding one 30-minute parking space on this 2-hour parking zoned block at the request of Pavilion Properties. Please note that the 2-hour parking spaces still remain in the Residential Zone 5.
	Loading Zone / 2-Hour Parking Zone
<u>WonderLab</u>	
Fourth Street (north side) from the railroad tracks to first alley west of the railroad tracks	Shifting Loading zone in front of WonderLab toward the railroad tracks and adding more 2-hour parking zones.
	Angled Parking
Sixth Street from Morton Street to 1st Alley on the east.	Replacing parallel with angled parking in order to extend the angled parking to cover the entire block and increase the number of parking spaces.

Residential Neighborhood Permit Parking Zones (Ordinance Sections 13-15)

Location	Action
Zone 5	
North Lincoln Street and North Grant Street (east and west side)	Extending Zone 5 parking zone on these streets one half-block north to the railroad tracks.
North Dunn Street (west side) from Tenth Street to the railroad tracks north of Twelfth Street.	

Zone 6

North Dunn Street (east side) From East Tenth Street to railroad tracks north of East Twelfth Street	Extending the Zone 6 parking zone on this street one half-block north to the railroad tracks.

Pedestrian Crossings (Ordinance Section 16)

Location	Action
Miller Showers Park	
1800 block of North College Street 1700 block of North Walnut Street	Adding a mid-block pedestrian crosswalk on the east and west side of Miller/Showers Park.

Item Four – Res 04-24 – Approving the Proposed Collective Bargaining Agreement Between the City and Its Firefighters and
Item Five – Ord 04-39 – Amending the Police and Fire Salary Ordinance for 2005 to Reflect the Terms of the Proposed Agreement

The following paragraphs briefly explain two companion pieces of legislation coming forward in the last legislative cycle of the year. They are **Res 04-24**, which approves a collective bargaining agreement between the City of Bloomington and its firefighters, and **Ord 04-39**, which amends the Police and Fire salary ordinance for 2005 in order to reflect the terms of that agreement. Please note that although the resolution will not be introduced until the Committee of the Whole on December 8th, 2004, it is being included here in order for you to see both pieces of legislation at the same time.

This agreement is the culmination of an eight month process that began in May and, after an unsuccessful vote in July, led to the ratification of this agreement on November 22, 2004. The Management Team was represented by Kevin Robling, Corporation Counsel (as Chief Negotiator), Tricia Bernens, Susan Clark, Jeff Barlow, Daniel Grundmann, Amy Slaven, and Daniel Sherman and the Bloomington Metropolitan Firefighters, Local 586, was represented by Jim Parrott (as President of the local bargaining unit), George Cornwell, Roger Edwards, Randy Dyer, and union counselor, Matt Langenbacher.

Kevin Robling has provided a memo regarding both these pieces of legislation, summarizing the terms of the agreement and salary ordinance, noting that "the City and the Firefighters negotiated with mutual cooperation and respect and have forged a fair and reasonable contract" and "respectfully request(ing) your approval."

The remainder of this memo highlights the changes between the existing and proposed contract and pays particular attention to the monetary aspects that appear in the amendment to Police and Fire salary ordinance for 2005.

Monetary Package

Susan Clark estimates that the new contract would cost the City an additional $109,000 in 2005 and additional $850,000 over the full five-year term.

Base Pay –

The base pay of firefighters will increase 14% over the five-year agreement according to the following chart:

	2005 (2%)	2006 (2%)	2007 (2.5%)	2008 (3.5%)	2009 (4%)
Firefighter 1st Class	$38,481	$39,251	$40,232	$41,640	$43,306
Sergeant	$40,001	$40,801	$41,821	$43,285	$45,016
Captain	$43,061	$43,922	$45,020	$46,596	$48,460

Public Employee Retirement Fund (PERF) –

Retired firefighters receive a pension set by the base pay for a firefighter with 20 years of service. According to statute, during their years of employment the City provides an additional 21% of these employees' pay into this fund and the employees provide another 6%. The City, however, may pay some or all of the employees' portion as well. In this contract, the City will pay the following portion of the firefighters' PERF obligation:

2004 *(Current Benefit)*	2005	2006	2007	2008	2009
1.5 / 6 %	1.5 / 6%	1.5 / 6%	2 / 6%	2.5 / 6%	3 / 6%

Longevity and Professional Pay (Certifications, Appointments and Education) -

Longevity. The longevity pay will increase from $1,200 to $1,500 for a firefighter with 20 rather than 21 years of service. Since the pay at 20 years of service determines the amount of pension received by retired firefighters, this change will benefit retired firefighters as well as the those with that much years of service.

Education. Firefighters with degrees in higher education are currently compensated at four levels (ranging from $400 to $1,200) depending on whether the degree was an Associates or Bachelors, and whether it was particularly relevant to the work as a firefighter. This contract would give all firefighters with an Associates degree an additional $500 and all firefighters with a Bachelors degree an additional $1,200 a year.

Note: The Professional and Command appointments are listed in both the contract and the salary ordinance, and while the compensation for these appointments will remain the same, some of them have been added and one has been deleted.

Other Compensation – Holiday Pay, Bereavement, and Unscheduled Duty, Holdover, and Mandatory Training Pay -

Holiday Pay. Holiday pay will be increased from $75 to $100 per tour of duty.

Bereavement Leave. Firefighters are currently allowed to take one tour-of-duty off when there is a death in the immediate family. This contract would give firefighters another bereavement day (tour-of-duty) and extend its use to the death of a grandparent and grandchild.

Unscheduled Duty/Holdover/Mandatory Training Pay. Unscheduled duty pay (overtime pay) and mandatory training pay (when firefighters are trained on a day they are off-duty) will remain at $22.50 per hour until 2008 when they will increase to $25.00 per hour.

Vacation Days and Temporary Assignments –

Temporary Assignments. Firefighters are compensated $10 if reassigned during a tour-of-duty. This contract clarifies a number of points in regard to these reassignments.

Vacation/City Days. Firefighters may take five tours-of-duty off as vacation after 12 months of service. They also may take four "City days" off, and as of the last contract, two of those days could be taken in half-day increments with 48 hours notice. This contract allows all four the "City days" to be split in that manner.

Non-Monetary Aspects of the Agreement

There are a number of non-monetary changes to the agreement. These include:

- a new section setting forth procedures in the event of lay-off of firefighters;
- a new section on the handling of personnel service records;
- additional time off for union business (conferences) and clarification of time-off for negotiating collective bargaining agreements; and
- changes in handling of disputes regarding clothing mandates.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, DECEMBER 1, 2004
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES: None

IV. REPORTS FROM:
1. **Councilmembers**
2. **The Mayor and City Offices**
3. **Council Committees**
4. **Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 04-22 To Confirm Resolution 04-21 Which Designated an Economic Revitalization Area, Approved a Statement of Benefits, Authorized a Period of Tax Abatement, and Declared Intent to Waive Certain Statutory Requirements - Re: 1500 S. Patterson Drive
(Schulte Corporation, Petitioner)

Committee Recommendation: None

2. Resolution 04-23 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

Committee Recommendation: None

3. Ordinance 04-37 To Amend Ordinances Which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (Ordinance 04-19) and of the Utilities Department for the Year 2005 (Ordinance 04-21) and 2004 (Ordinance 03-21).

Committee Recommendation: Do Pass 5 – 0 – 4

4. Appropriation Ordinance 04-08 To Specially Appropriate From the General Fund, Parking Enforcement Fund and Cumulative Capital Improvement – Rate Fund Expenditures not Otherwise Appropriated. (Appropriating a Transfer of Funds within the General Fund – Clerk's Office; Appropriating Funds from the General Fund – Fire Department for Overtime; Appropriating a Grant in the General Fund – Police Department; Appropriating Funds from the Parking Enforcement Fund for Security Equipment; and Appropriating Funds from the Cumulative Capital Improvement – Rate Fund to Repay an Inter-Fund Loan).

Committee Recommendation: Do Pass 4 – 0 – 5

VII. LEGISLATION FOR FIRST READING

1. Ordinance 04-36 To Amend Ordinance 04-18 Which Fixed the Salaries of All Elected City Officials for the City of Bloomington for the Year 2005

2. Ordinance 04-38 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Regulations Regarding Stop, Yield, and Signalized Intersections, One Way Streets, Various Parking Zones, and Pedestrian Crossings)

3. Ordinance 04-39 To Amend Ordinance 04-20 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2005 (Reflecting the Collective Bargaining Agreement with Bloomington Metropolitan Firefighters, Local 586)

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURNMENT

Posted and Distributed: Friday, November 24, 2004

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
e-mail: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Calendar for the Week of November 29, 2004 – December 4, 2004
Date: November 24, 2004

Monday, November 29, 2004

5:00 pm Utilities Service Board – 501 N. Morton, Conference Room 100B

Tuesday, November 30, 2004

1:30 pm Development Review Committee, McCloskey
5:30 pm Board of Public Works, Council Chambers

Wednesday, December 1, 2004

10:00 am Dept. of Commerce: Community Development Action Grant Workshop, Council Chambers
2:00 pm Dept. of Commerce: Neighborhood Assistance Program Workshop, Council Chambers
7:30 pm Common Council – Regular Session, Council Chambers

Thursday, December 2, 2004

12:00 pm Bloomington Urban Enterprise Association, McCloskey
4:00 pm Bloomington Digital Underground Advisory Committee, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, December 3, 2004

There are no meetings scheduled for today.

Saturday, December 4, 2004

There are no meetings scheduled for today

RESOLUTION 04-22

TO CONFIRM RESOLUTION 04-21 WHICH DESIGNATED AN ECONOMIC REVITALIZATION AREA, APPROVED A STATEMENT OF BENEFITS, AUTHORIZED A PERIOD OF TAX ABATEMENT, AND DECLARED INTENT TO WAIVE CERTAIN STATUTORY REQUIREMENTS
Re: 1500 S. Patterson Drive
(Schulte Corporation, Petitioner)

WHEREAS, Petitioner, Schulte Corporation, has filed an application for designation of property it owns at 1300 South Patterson Drive, Bloomington, Indiana as an "Economic Revitalization Area" (ERA) pursuant to I.C. IC 6-1.1-12.1 et. seq.; and

WHEREAS, petitioner intends to renovate the building commonly known as Building Four of the Indiana Enterprise Center (IEC), install new manufacturing equipment, and make improvements to the land in order to expand its manufacturing operations, which shall be referred to as the Project, and wishes to obtain tax abatement for the improvements; and

WHEREAS, pursuant to state law, petitioners seeking designation for their property as an Economic Revitalization Area must complete a Statement of Benefits and must provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which there has been compliance with the Statement of Benefits; and

WHEREAS, the application has been reviewed by the Planning Department, and the Economic Development Commission has passed a resolution recommending that the Common Council designate an "Economic Revitalization Area," approve a Statement of Benefits, and authorize a ten (10) year period of tax abatement on the improvements to real estate and a five (5) year period of tax abatement on the new manufacturing equipment; and

WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part of Resolution 04-21, and has found the following:

A. the estimate of the value of the redevelopment or rehabilitation is reasonable;
B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
D. the other benefits about which information was requested are reasonably expected to result from this Project; and
E. the totality of benefits is sufficient to justify the deduction; and

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

WHEREAS, IC 6-1.1-12.1-11.3 authorizes the Council, after it has held a public hearing, to waive the statutory requirement that the initiation of redevelopment and installation of the new manufacturing equipment occur after the submittal of a completed statement of benefits by the Petitioner and after the designation of the ERA and the making of certain findings of facts by the Common Council; and

WHEREAS, the Common Council adopted Resolution 04-21 on November 17, 2004, which designated the above property as an "Economic Revitalization Area," approved a Statement of Benefits, authorized a ten (10) year period of tax abatement on the improvements to real estate and a five (5) year period of tax abatement on the new manufacturing equipment, and declared an intent to waive the above mentioned statutory requirements; and

WHEREAS, the City Clerk published notice of the passage of that resolution, which requested that persons having objections or remonstrance to the designation or to the waiver of the statutory requirement that the initiation of redevelopment and installation of the manufacturing equipment occur after the ERA designation, statement of benefits submission, and findings of fact appear before the Common Council at its meeting on December 1, 2004; and

WHEREAS, the Common Council has reviewed and heard all such objections and remonstrance to such designation;

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

1. Pursuant to Indiana Code 6-1.1-12.1-1 et seq., the Common Council hereby affirms its determination made in Resolution 04-21 that the area described above is an "Economic Revitalization Area" and that the totality of benefits of the Project entitle the owner of the property or its successor(s) to a deduction from the assessed value of the related improvements to real estate for a period of ten (10) years and a deduction from the assessed value of the related new manufacturing equipment for a period of five (5) years.

2. In granting this designation and deduction the Common Council incorporates I.C. 6-1.1-12.1-12. It also expressly exercises the power set forth in I.C. 6-1.1-12.1-2(i)(5) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

a. the improvements described in the application shall be commenced (defined as obtaining a building permit and actual start of construction) within twelve months of the date of this designation; and

b. the land and improvements shall be developed and used in a manner that complies with local code.

3. In granting this designation and deduction the Common Council, pursuant to I.C. 6-1.1-12.1-11.3, hereby waives the following statutory requirements:

a. I.C. 6-1.1-12.1-11.3(a)(2) Failure to submit the completed statement of benefits form to the designating body before the initiation of the redevelopment or rehabilitation or the installation of new manufacturing equipment or new research and development equipment, or both, for which the person desires to claim a deduction under [I.C. 6-1.1-12.1].

b. I.C. 6-1.1-12.1-11.3(a)(3) Failure to designate an area as an economic revitalization area before the initiation of the (A) redevelopment; (B) installation of new manufacturing equipment or new research and development equipment, or both; or (C) rehabilitation for which the person desires to claim a deduction under [I.C. 6-1.1-12.1].

c. I.C. 6-1.1-12.1-11.3(a)(4) Failure to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction for new manufacturing equipment or new research and development equipment, or both, under section 2, 3, or 4.5 of [I.C. 6-1.1-12.1].

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution affirms the determination of the Common Council expressed in Resolution 04-21 to designate the property located at 1500 South Patterson Drive as an "Economic Revitalization Area," approve a Statement of Benefits, and authorize a tax abatement for a period of ten (10) years on the improvements to real estate and five (5) years on the new manufacturing equipment for the project proposed by the petitioner, Schulte Corporation. The petitioner is seeking a tax abatement for improvements to a building and for installation of new manufacturing equipment. The petitioner is also seeking waiver of certain statutory requirements that an ERA be designated, a statement of benefits submitted, and findings of fact be made before redevelopment of the property or installation of the equipment can occur. The public comment on this resolution will serve as the legally advertised public hearing required by statute in order to receive public comment on the above actions.

Tax Abatement Applicant Summary

To: **City of Bloomington Common Council**
From: Ron Walker, Director of Economic Development
Date: October 26, 2004
Regarding:

Resolution:	**04-21 & 04-22**
Applicant:	**Schulte Corporation**
Project Address:	**1500 S. Patterson Drive**
Phone:	**812-334-8839**
Applicant Contact:	**Patrick Taylor**

Tax Abatement Information:

Project Summary: Schulte Corporation is an existing business that recently announced they will locate their manufacturing and distribution facility in the Indiana Enterprise Center. Schulte is a manufacturer of home storage and organization products with national and international product distribution. ***The company plans to invest approximately $20 million, retain 168 jobs and create 223 jobs in the next five years***. ***The City of Bloomington and State of Indiana participated in an incentive package to facilitate the location of Schulte Corporation at the Indiana Enterprise Center. As part of the incentive package, the Office of the Mayor supported a tax abatement request on real estate improvements and new manufacturing equipment.***

Real Estate Improvement Value: $6,186,168
Personal Property Improvement Value: $7,652,000

Current Zoning: Heavy Industrial

Existing Site: The site is within the Thomson Walnut Winslow TIF District and within the Thomson CRED. The property contains a 630,000 square foot former Thomson warehouse building (Building 4) built in 1992. The property is landlocked by adjacent property owners.

Job Creation: The applicant estimates that the project will create 223 new jobs in the next five years, as well as retain 168 jobs.

Projected New Annual Wages: By 2009 the annual payroll for the *new* jobs is estimated to be $6,553,478 which results in an average salary of $29,388 or $14.13 per hour, excluding benefits.

Requested Tax Abatement Term: The owner is requesting a 10-year abatement for real property improvements and a 5-year abatement for new manufacturing equipment.

Recommendation: The Office of the Mayor supports this project and recommends a 10-year abatement for real property improvements and a 5-year abatement for new manufacturing equipment.

Project Overview & Recommendation:

In 1997 Thomson Consumer Electronics announced that they would close their facility, which included Building 4, and lay off 1,200 employees. In addition to the income loss associated with the 1,200 jobs (approximately $39 million annually) the City experienced a decline of over $1 million in property tax revenues and $350,000 in COIT revenues.

A coordinated effort was initiated to redevelop the site and several economic tools were put into place to encourage new investment. A neighborhood strategies plan and a PUD were completed. To assist in marketing and business attraction the name of the site was changed to the "Indiana Enterprise Center."

In 2002 Schulte Corporation began looking at sites, both in and outside of Indiana, for a facility to locate their expanding manufacturing and distribution facilities. In June 2004 Schulte Corporation purchased the 49 acre site for their new manufacturing and distribution facility. The City of Bloomington and State of Indiana offered a combined incentive package to retain the company. Support for a 10-year tax real property abatement and a 5-year personal property abatement was included in the incentive letter from Mayor Kruzan.

On July 21, 2004 the State of Indiana announced that Schulte Corporation would remain in Bloomington and expand their manufacturing and distribution operations. On October 18, 2004 Schulte Corporation submitted a tax abatement application.

After reviewing the application, the Office of the Mayor determined that the project met the criteria for designation as an "Economic Revitalization Area" because the site has become undesirable for or impossible of normal development and occupancy because of such factors as:

- Cessation of growth
- Existence of sub-standard or obsolescent structures
- Deterioration of character of occupancy
- The facility is technologically obsolete
- The obsolescence may lead to a decline in employment and tax revenues

The project also addresses the city's goals and objectives listed in the tax abatement policy guidelines as well as having additional community benefits:

- The project facilitates the expansion of employment opportunities
- The project will encourage the retention of an existing business
- The project utilizes space that has been vacant for the previous six years
- The project will encourage additional development in the Thomson Walnut

Winslow TIF district, generating increased revenues for public infrastructure or other uses

- The project will generate increased revenues for the Thomson CRED, which may be used for public infrastructure or other uses

The new investment and improvements at 1500 S. Patterson Drive will generate an additional $1.3 million dollars in TIF property tax revenues over the life of the TIF district. Combined with the existing tax assessment, the total property tax revenue will be approximately $3.1 million through 2018 (the final year of TIF designation). Without the petitioner's investment, the project site will generate only $1.8 million in the same time period. The abatement and tax values are provided in the application packet.

As mentioned previously, Schulte expects to create approximately 223 new jobs through 2009. These new jobs will pay an average wage of $14.13 per hour. Schulte's current average wage for existing jobs is $12.08 per hour. The proposed hiring timeline, job classifications and wage structure is provided in the application packet. Schulte implements a progressive wage structure that rewards employees for training and seniority. Employees receive a wage increase 90 days after their start date, 12 months after their start date, and annually thereafter. Employee benefits are valued at 19.4% of wages. Therefore, wages and benefits combined will average $16.87 for new employees. A list of benefits is included in the abatement application.

In addition to the growth of employment, Schulte Corporation will relocate their Training University from its current home in Cincinnati, Ohio. The Training University serves employees, sales representatives and vendors and could serve up to 30 individuals per month to Bloomington.

Schulte Corporation is a basic manufacturer of home storage and organization products. The company moved to Monroe County in 1986 and has continued to invest in their operations here. It is increasingly difficult for U.S. manufacturing facilities to remain competitive in the face of international competition, but Schulte has committed to growth and investment in Bloomington. ***This situation makes the tax abatement even more critical to the long-term success of the company.***

Schulte's expansion plans come at a very good time for Bloomington workers. As many other manufacturers are reducing employment levels, Schulte remains committed to Bloomington. They provide the types of jobs that many of our community's manufacturing workers are qualified to hold.

If approved for a 10-year abatement, the petitioner's increased property tax liabilities will be phased in, allowing the investor to recoup some of the costs of the investment and improve cash flow in the most critical period of the relocation and expansion. Under a 10-year abatement term on real estate improvements, the public sector will collect just over half of the property tax revenue that they would collect without the abatement – assuming that the project could be implemented as planned. After the 10 year period, the

public sector will collect 100 percent of the increased property taxes from the real estate improvements. Equipment abatements are more difficult to predict due to the effect depreciation has on property taxes generated on equipment. Generally, the public sector will collect less than the total value of the abatement (although less than the value of the abatement to the owner, it is entirely new tax revenue for the public).

The Office of the Mayor supports this project and recommends a 10-year property tax abatement for real property improvements and a 5-year tax abatement on new manufacturing equipment for Schulte Corporation at 1500 S. Patterson Drive. This project will help revitalize Bloomington's largest industrial area into a new, thriving employment center.

STATEMENT OF BENEFITS

State Form 27167 (R7 / 12-01)
Prescribed by the Department of Local Government Finance

FORM SB - 1

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the economic revitilization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and / or research and development equipment, or **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, or prior to installation of the new manufacturing equipment and / or research and development equipment, **BEFORE** a deduction may be approved.*
3. *To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PPME and / or 322 ERA / PPR & DE, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PPME and / or 322 ERA PPR & DE must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and / or research and development equipment becomes assessable, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *The schedules established under IC 6-1.1-12.1-4(d) and IC 6-1.1-12.1-4.5 (e) effective July 1, 2000 apply to any statement of benefits filed on or after July 1, 2000.*
   The schedules effective prior to July 1, 2000 shall continue to apply to those statement of benefits filed before July 1, 2000.

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Schulte Corporation

Address of taxpayer *(street and number, city, state and ZIP code)*: 2000 Liberty Drive Bloomington, IN 47403

Name of contact person: Patrick Taylor

Telephone number: (812) 334-8839 x15

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: Common Council of the City of Bloomington

Resolution number:

Location of property: 1500 South Patterson Drive Bloomington

County: Monroe

Taxing district: Perry City

Description of real property improvements and / or new manufacturing equipment and / or research and development equipment *(use additional sheets if necessary)*: See attached Exhibits B + C

	ESTIMATED Start Date	ESTIMATED Completion Date
Real Estate	10/25/04	10/1/05
New Mfg Equipment	12/27/04	12/31/09
R & DE		

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
168	$4,222,504	168	$4,222,504	223	$6,553,478

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the **COST** of the property is confidential.

	Real Estate Improvements		Machinery		Research and Development Equipment	
	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value
Current values	5,462,500	6,300,000				
Plus estimated values of proposed project	6,186,168		7,652,000			
Less values of any property being replaced						
Net estimated values upon completion of project						

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

Estimated solid waste converted *(pounds)*: N/A

Estimated hazardous waste converted *(pounds)*: N/A

Other benefits: Revitalize Indiana Enterprise Center. Investment in goods and services of companies in Bloomington and the state of Indiana.
Reuse old, vacant industrial site.
Retain 168 jobs, their wages and benefits
Create 223 new jobs

SECTION 6 — TAXPAYER CERTIFICATION

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

Signature of authorized representative	Title	Date signed *(month, day, year)*
Patrick Taylor	VP of Operations	10/17/04

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * *(see below)*. The date this designation expires is _____ .

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements; ☐ Yes ☐ No
2. Installation of new manufacturing equipment; ☐ Yes ☐ No
3. Installation of new research and development equipment; ☐ Yes ☐ No
4. Residentially distressed areas ☐ Yes ☐ No

C. The amount of deduction applicable for redevelopment or rehabilitation is limited to $ _____ cost with an assessed value of $ _____.

D. The amount of deduction applicable to new manufacturing equipment is limited to $ _____ cost with an assessed value of $ _____.

E. The amount of deduction applicable to new research and development equipment is limited to $ _____ cost with an assessed value of $ _____.

F. Other limitations or conditions *(specify)* SEE RES 04-21 & RES 04-22 FOR FURTHER RESTRICTIONS

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

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

* If the designating body limits the time period during which an area is an economic revitilization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5

EXHIBIT B
SCHULTE EXPANSION PROJECT
Real Property Improvements

- West side of building will be renovated to create the formal business entrance. Some of the prefab concrete slabs will be removed to install a glass facade. A cul-de-sac drop-off road up to the formal entrance will be constructed. ADA and visitor parking spots will be provided near the entrance.
- A two lane east-west access road will be built on the south end of the building, connecting with the existing road on the west side of the building and to a road that the City will build on the east side. City estimates road on east side to be completed by July 2005. This will require grading the land on the south of the building and providing for drainage.
- A formal gateway entrance complete with landscaping will be installed on the southeast side of the property where employees and visitors will enter the property.
- An employee parking lot with landscaping will be constructed and located on the west side of the building. The existing ramp to this lot on the southwest side of the building will be widened and improved.
- Stairs leading from the parking lot down to the building will be constructed.
- Outdoor lighting will be added to all sides of the building as well as in the parking lot area.
- Landscaping will be installed around the perimeter of the building to enhance the look of the property.
- A two-story office structure approx. 20,000 sq. ft. will be built to include a formal lobby entrance, administrative offices, cafeteria, restrooms, large training room and conference rooms. Walls will be noise attenuating.
- The large training room will be built with platform seating, areas for hands-on training and installation of Schulte products.
- An Employee Outside Break Area in a park like setting will be constructed off the cafeteria. This area will be fenced off and contain landscaping, picnic tables and shelters to create a nice environment for our employees to take breaks.
- Windows and skylights will be installed to bring in natural lighting into the office and manufacturing areas.
- Interior walls will be constructed to partition off the Distribution Center from Manufacturing. Walls will be constructed in the Manufacturing area to partition off the different process departments.
- Interior lighting will be added throughout the building.
- Flatbed pits will be constructed on the inside of the building to allow flatbed trailers to be loaded and unloaded inside the building.
- A canopy will be built to extend over a portion of the Distribution Center office on the north end of the building. The canopy will blend in to the building façade.
- Water, natural gas and sanitary sewer lines will be installed and distributed throughout the building.
- Building heat/air systems will be installed in the building. Finishing Department needs to have a positive pressure. Welding Department negative. Melamine Department can be positive or neutral.
- Ventilation system needs to be designed to handle the Welding process emissions.
- A structure needs to be built to house the Mechanical, Electrical Rooms, Maintenance, Machine Shop, Parts Crib and Chemical Storage areas.

EXHIBIT C
SCHULTE EXPANSION PROJECT
New Manufacturing Equipment Investments

With the growth of our wire shelving business, we will be investing in resistance welding lines and their supporting equipment. The raw material that is feed in to these lines is produced off Wire Straightening equipment, which requires 4 machines for every weld line. After the wire shelf comes off the weld lines, it is powder coated in large, multi-station, spray booth coating lines.

In our melamine wood product line, we will be investing in sawing, drilling, and edgebanding work centers. Equipment to package these products will also be purchased.

To grow our Stor-Drawer Basket Systems, we will be investing in additional welding, bending and trimming equipment.

Automated assembly and packaging equipment will be purchased to produce all our hardware, which is used to mount our products to the end users walls. In addition, tooling will be purchased to manufacture our hardware out of plastic and metal stampings.

Material handling equipment to move materials from one process to another as well as equipment to pick, pack and ship product from our Distribution Center will be purchased to help grow the business. Additional material storage equipment will be purchased for both Manufacturing and Distribution.

Finally, we will be investing in Maintenance and Tool Room equipment to support our manufacturing.

Estimated Costs – New Manufacturing Equipment

Welding Lines	$2,320,000
Wire Straightening Equipment	$480,000
Powder Coating Lines	$1,800,000
Melamine Machining Equipment	$1,080,000
Stor-Drawer Basket Equipment	$155,000
Hardware Assembly/Packaging Equipment	$370,000
Tooling For Hardware	$660,000
Material Handling/Storage Equipment	$700,000
Maintenance/Tool Room Equipment	$87,000
TOTAL	$7,652,000

Schulte Corporation Tax Abatement Application

Estimated employment figures as submitted on May 25, 2004.

* Starting wage increases after 90 days of training, after 1 year of training and annually thereafter.

Year	Number of Full-time Positions	Job Title	Skill Level	Hourly Starting Wage W/O Fringe	Hourly Starting Wage W/ Fringe	Ave. Hourly Wage W/O Fringe	Ave. Hourly Wage W/ Fringe
2004	4	Gen Op's 1	unskilled	$7.54/8.24/10.24 - *	$9.00/9.84/12.23 - *	$ 10.24	$ 12.23
2004	12	Gen Op's 2	unskilled	$8.35/9.05/10.75 - *	$9.97/10.81/12.84 - *	$ 10.75	$ 12.84
2004	4	Special Op's	semi-skilled	$8.35/9.05/10.75 - *	$9.97/10.81/12.84 - *	$ 10.75	$ 12.84
2004	2	Lead Technician	skilled	$9.48/10.13/12.11 - *	$11.32/12.10/14.46 - *	$ 12.11	$ 14.46
2004	2	Maintenance	skilled	$14.69	$17.54	$ 14.69	$ 17.54
2004	5	Salaried	skilled	$20.72	$24.74	$ 20.72	$ 24.74
Total	29						

Year	Number of Full-time Positions	Job Title	Skill Level	Hourly Starting Wage W/O Fringe	Hourly Starting Wage W/ Fringe	Ave. Hourly Wage W/O Fringe	Ave. Hourly Wage W/ Fringe
2005	11	Gen Op's 1	unskilled	$7.77/8.49/10.55 - *	$9.27/10.13/12.59 - *	$ 10.55	$ 12.59
2005	19	Gen Op's 2	unskilled	$8.60/9.32/11.07 - *	$10.27/11.13/13.22 - *	$ 11.07	$ 13.22
2005	10	Special Op's	semi-skilled	$8.60/9.32/11.07 - *	$10.27/11.13/13.22 - *	$ 11.07	$ 13.22
2005	4	Lead Technician	skilled	$9.76/10.43/12.47 - *	$11.66/12.46/14.89 - *	$ 12.47	$ 14.89
2005	3	Maintenance	skilled	$15.13	$18.07	$ 15.13	$ 18.07
2005	8	Salaried	skilled	$21.34	$25.48	$ 21.34	$ 25.48
Total	55						

Year	Number of Full-time Positions	Job Title	Skill Level	Hourly Starting Wage W/O Fringe	Hourly Starting Wage W/ Fringe	Ave. Hourly Wage W/O Fringe	Ave. Hourly Wage W/ Fringe
2006	19	Gen Op's 1	unskilled	$8.00/8.74/10.86 - *	$9.55/10.44/12.97 - *	$ 10.86	$ 12.97
2006	27	Gen Op's 2	unskilled	$8.86/9.60/11.40 - *	$10.58/11.46/13.62 - *	$ 11.40	$ 13.62
2006	16	Special Op's	semi-skilled	$8.86/9.60/11.40 - *	$10.58/11.46/13.62 - *	$ 11.40	$ 13.62
2006	6	Lead Technician	skilled	$10.06/10.75/12.85 - *	$12.01/12.83/15.34 - *	$ 12.85	$ 15.34
2006	5	Maintenance	skilled	$15.58	$18.61	$ 15.58	$ 18.61
2006	11	Salaried	skilled	$21.98	$26.25	$ 21.98	$ 26.25
Total	84						

Schulte Corporation Tax Abatement Application

Year	Number of Full-time Positions	Job Title	Skill Level	Hourly Starting Wage W/O Fringe	Hourly Starting Wage W/ Fringe	Ave. Hourly Wage W/O Fringe	Ave. Hourly Wage W/ Fringe
2007	33	Gen Op's 1	unskilled	$8.24/9.00/11.19 - *	$9.84/10.75/13.36 - *	$ 11.19	$ 13.36
2007	36	Gen Op's 2	unskilled	$9.12/9.89/11.75 - *	$10.89/11.81/14.03 - *	$ 11.75	$ 14.03
2007	24	Special Op's	semi-skilled	$9.12/9.89/11.75 - *	$10.89/11.81/14.03 - *	$ 11.75	$ 14.03
2007	8	Lead Technician	skilled	$10.36/11.07/13.23 - *	$12.37/13.22/15.80 - *	$ 13.23	$ 15.80
2007	8	Maintenance	skilled	$16.05	$19.17	$ 16.05	$ 19.17
2007	15	Salaried	skilled	$22.64	$27.03	$ 22.64	$ 27.03
Total	124						

Year	Number of Full-time Positions	Job Title	Skill Level	Hourly Starting Wage W/O Fringe	Hourly Starting Wage W/ Fringe	Ave. Hourly Wage W/O Fringe	Ave. Hourly Wage W/ Fringe
2008	51	Gen Op's 1	unskilled	$8.49/9.27/11.53 - *	$10.13/11.07/13.76 - *	$ 11.53	$ 13.76
2008	46	Gen Op's 2	unskilled	$9.40/10.19/12.10 - *	$11.22/12.16/14.45 - *	$ 12.10	$ 14.45
2008	34	Special Op's	semi-skilled	$9.40/10.19/12.10 - *	$11.22/12.16/14.45 - *	$ 12.10	$ 14.45
2008	11	Lead Technician	skilled	$10.67/11.40/13.63 - *	$12.74/13.61/16.27 - *	$ 13.63	$ 16.27
2008	10	Maintenance	skilled	$16.53	$19.74	$ 16.53	$ 19.74
2008	20	Salaried	skilled	$23.32	$27.84	$ 23.32	$ 27.84
Total	172						

Year	Number of Full-time Positions	Job Title	Skill Level	Hourly Starting Wage W/O Fringe	Hourly Starting Wage W/ Fringe	Ave. Hourly Wage W/O Fringe	Ave. Hourly Wage W/ Fringe
2009	70	Gen Op's 1	unskilled	$8.74/9.55/11.87 - *	$10.44/11.41/14.17 - *	$ 11.87	$ 14.17
2009	58	Gen Op's 2	unskilled	$9.68/10.49/12.46 - *	$11.56/12.53/14.88 - *	$ 12.46	$ 14.88
2009	44	Special Op's	semi-skilled	$9.68/10.49/12.46 - *	$11.56/12.53/14.88 - *	$ 12.46	$ 14.88
2009	14	Lead Technician	skilled	$10.99/11.74/14.04 - *	$13.12/14.02/16.76 - *	$ 14.04	$ 16.76
2009	12	Maintenance	skilled	$17.03	$20.33	$ 17.03	$ 20.33
2009	25	Salaried	skilled	$24.02	$28.68	$ 24.02	$ 28.68
Total	223						

Schulte Corporation Tax Abatement Application

Net new Indiana resident employment level and payroll during each phase (cumulative, excluding bonuses, overtime and fringe benefits).

Year	Number of Full-Time Positions	Payroll	Average Annual Wage	Average Hourly Wage	Average Hourly Wage + Fringe Benefits
2004	29	$721,777	$24,888.86	$11.97	$14.29
2005	55	$1,434,537	$26,082.49	$12.54	$14.97
2006	84	$2,328,039	$27,714.75	$13.32	$15.91
2007	124	$3,527,853	$28,450.43	$13.68	$16.33
2008	172	$4,975,775	$28,928.92	$13.91	$16.61
2009	223	$6,553,478	$29,387.79	$14.13	$16.87

Current Employment (retained employment)

Number of Fulltime Positions	Job Title	Skill Level	Current Hourly Wage W/O Fringe	Current Hourly Wage W/ Fringe	Payroll
62	Gen Op's 1	unskilled	$ 9.63	$11.50	$ 1,241,884.80
28	Gen Op's 2	unskilled	$ 10.27	$12.26	$ 598,124.80
28	Special Op's	semi-skilled	$ 10.49	$12.53	$ 610,937.60
13	Lead Technician	skilled	$ 12.11	$14.46	$ 327,454.40
12	Maintenance	skilled	$ 14.69	$17.54	$ 366,662.40
25	Salaried	skilled	$ 20.72	$24.74	$ 1,077,440.00
168					$ 4,222,504.00

RESOLUTION 04-23

WAIVING CURRENT PAYMENTS IN LIEU OF TAXES BY THE BLOOMINGTON HOUSING AUTHORITY TO THE CITY

WHEREAS, the Bloomington Housing Authority provides a public service to the Bloomington community; and

WHEREAS, the Bloomington Housing Authority provides sanitary, safe and affordable housing for low income people; and

WHEREAS, the Bloomington Housing Authority also provides services to its residents which, if not so provided, would be provided by the City of Bloomington at additional expense to the City of Bloomington; and

WHEREAS, according to I.C. 36-7-18-25, the Bloomington Housing Authority is exempt from all property taxes, but may enter into an agreement with a political subdivision to pay no more than the estimated costs of services, improvements, or facilities provided by that political subdivision; and

WHEREAS, the City of Bloomington does not desire to enter into an agreement with the Bloomington Housing Authority for these payments in lieu of taxes;

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

SECTION I. In consideration for the provision of services to its residents and property by the Bloomington Housing Authority, the City of Bloomington hereby waives its right to any and all payments in lieu of taxes for the year 2004.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution waives the right of the City of Bloomington to receive payments in lieu of taxes from the Bloomington Housing Authority for the year 2004.

Bloomington Housing Authority
1007 North Summit, Bloomington, Indiana 47404
812-339-3491 fax 812-339-7177

TO: Common Council

FROM: Jennifer J. Osterholt
Executive Director

DATE: November 19, 2004

RE: Waiver of Payment in Lieu of Taxes (PILOT) for Fiscal Year Ending 9/30/04

Please accept my apologies for not being available to present the following request at the council meeting scheduled for December 1, 2004. I am the new Director (as of July 2004) of the Housing Authority of the City of Bloomington, IN. Unfortunately I will be away in training. Lisa Parsley, the Financial Manager for our Authority will be standing in for me to answer any questions you may have.

The Housing Authority of the City of Bloomington entered into a Cooperation Agreement with the City of Bloomington, Indiana on May 2, 1961 as allowed by the Department of Housing and Urban Develop.

The Cooperation Agreement states "Under the constitution and statutes of the State of Indiana, all Projects are exempt from all real and personal property taxes levied or imposed by the Taxing Body, as long as the projects continue to serve low income citizens this rule applies". The Authority also agreed to pay, as do most housing authorities, a Payment in Lieu to Taxes, following HUD's guidelines, which set forth how that calculation is to be done. Indiana State Statute does allow for the Common Council to forgive the PILOT.

I have attached a copy of our PILOT computation which is completed on HUD Form 52267.

Following HUD's prescribed formula the Housing Authority of the City of Bloomington is requesting the Bloomington Common Council to forgive the PILOT for fiscal year ending September 30, 2004. The Housing Authority of Bloomington has just completed an energy audit for our three sites and we will be moving forward through an energy performance contract and our Capital Fund Program to install energy savings devices and to renovate our current developments.

During November we awarded a two year contract to Kirkwood Design Studio to assist the Authority in planning for our renovation project which will begin in 2005. The savings provided to the Bloomington Housing Authority by forgiving PILOT will be applied to our capital improvement project. Thank you for your consideration.

PILOT Calculation For Fiscal Year Ending 9/30/04

Dwelling Rental Income	$512,855.64	
Excess Utilities Charged	$ 43,469.00	
Nondwelling Rental	$ 9,660.00	
Total Rental Charged		$565,984.64
Minus: Utilities Expense	$431,399.00	
Total Shelter Rent		$134,585.64
Pilot equals 10% of Total Shelter Rent		$ 13,459.00

RESOLUTION 04-25

A RESOLUTION EXPRESSING SUPPORT FOR THE PROVISION OF SALARY INCREASES FOR NON-UNION EMPLOYEES EFFECTIVE JANUARY 1, 2005

WHEREAS, when the City's 2005 budget was adopted in September 2004 certain revenue sources had not been confirmed, specifically, the City had concurrently filed an Excess Levy Appeal with the State, and was awaiting approval; and

WHEREAS, the State has subsequently approved the aforementioned Excess Levy Appeal for the City of Bloomington providing additional revenues; and

WHEREAS, salary increases for non-union employees had not been included in the 2005 Budget; and

WHEREAS, the City has determined that as a result of the approval of the Excess Levy Appeal sufficient funds will available for said salary increases; and

WHEREAS, the City intends to submit an appropriation ordinance to the Common Council in January, 2005 funding said salary increases;

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

The Common Council hereby expresses its support for the provision of salary increases for non-union employees effective January 1, 2005.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution supports the provision of salary increases for non-union employees effective January 1, 2005.

City of Bloomington
Office of the Controller

Memorandum

To: Council Members

cc: Mark Kruzan, Mayor
James McNamara, Deputy Mayor
Kevin Robling, Corporation Counsel
Daniel Grundmann, Director, Employee Services
Dan Sherman, Council Attorney

From: Susan Clark, Controller

Date: November 24, 2004

Re: Resolution 04-25

In Resolution 04-25, we are seeking your support for the administration's decision to provide salary increases for non-union employees effective January 1, 2005. As a result of budgetary constraints, the only salary increases included in the 2005 budget were for members of collective bargaining units. When the budget was adopted in September, our plan was to file an excess levy appeal, and if the appeal was approved, the first priority would be funding increases for our non-union employees.

Our levy appeal was approved this month, and we would like to include salary increases with the first payroll cycle in 2005. An additional appropriation including amounts needed to fund non-union salary increases will be submitted to the council for approval in January, 2005 and this resolution would support the commencement of raises prior to your action on the appropriation.

As always, feel free to contact me if you have any questions or concerns.

401 N. Morton Street • Bloomington, IN 47404 City Hall Phone: (812) 349-3412 • Fax (812) 349-3456

www.bloomington.in.gov
e-mail: controller@bloomington.in.gov

ORDINANCE 04-36

TO AMEND ORDINANCE 04-18 WHICH FIXED THE SALARIES OF ALL ELECTED CITY OFFICIALS FOR THE CITY OF BLOOMINGTON FOR THE YEAR 2005

WHEREAS, when the City's 2005 budget was adopted in September 2004 certain revenue sources had not been confirmed, specifically, the City had concurrently filed an Excess Levy Appeal with the State, and was awaiting approval; and

WHEREAS, the State has subsequently approved the aforementioned Excess Levy Appeal for the City of Bloomington providing additional revenues; and

WHEREAS, salary increases for elected officials had not been included in the 2005 Budget; and

WHEREAS, the City has determined that as a result of the approval of the Excess Levy Appeal sufficient funds will available for said salary increases; and

WHEREAS, Indiana law requires that salary increases for elected officials for budget year 2005 be approved in 2004;

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

SECTION I. Section 1 of Ordinance 04-18 shall be amended by increasing the salaries of Elected Officials for budget year 2005 by two-percent (2.0%), such that the 2005 salaries shall be fixed as follows:

Mayor	$ 79,745
Clerk	$ 41,581
Council Members	$ 11,962

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Ordinance 04-18 fixing the 2005 salary rates for elected officials for the City of Bloomington.

Employee Services

Memorandum

To: City Council members

From: Daniel Grundmann, Director, Employee Services

CC: Dan Sherman, Council Attorney

Date: 11/22/04

Re: Proposed Ordinance (Ordinance 04-36) to amend the salaries for elected officials for 2005

Ordinance 04-36 amends Ordinance 04-18 *To Fix the Salaries for Elected Officials for the City of Bloomington for 2005*. Because of the fiscal difficulties with which we were faced at the time we adopted the 2005 budget, no increase in compensation was budgeted for any City position except those covered by collective bargaining agreements setting forth a negotiated pay increase. Since that time, the City successfully appealed the maximum property tax levy. Therefore, we are now able to increase salaries of non-union City employees, including elected officials.

While the language in the ordinances setting salary ranges for Civil City and Utilities employees authorizes us to increase compensation within the maximums set by the respective ordinances, the ordinance setting compensation for elected officials establishes a specific dollar figure. In order to comply with state statute, if we are to change compensation for elected officials we must do so prior to the year in which those salary increases will take effect. Accordingly, we must amend the elected official's salary ordinance this year to take effect in 2005.

This proposed salary ordinance amendment increases the compensation for elected officials by 2% over salaries set in the existing ordinance. While, as of the time we are submitting this ordinance, decisions regarding non-union compensation are not final, we know that the 2% increase proposed for elected officials is less than the anticipated average increase for non-union employees.

As in past years, for our non-union employees we will determine compensation increases with the salary adjustment grid based on both market and merit components. Final evaluations for employee performance are not due in Employee Services until December 6. At that time we will have filled in the salary adjustment grid with percentages and will know precisely what the corresponding average increase will be for non-union employees. From our projections based on mid-year evaluations, we know that budgetary circumstances will allow us to set the percentages such that the resulting average increase for non-union employees will be greater than 2% and less than 3%.

Please feel free to contact me with any questions.

ORDINANCE 04-38

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC"
(Regulations Regarding Stop, Yield, and Signalized Intersections, One Way Streets, Various Parking Zones, and Pedestrian Crossings)

WHEREAS, the Traffic Commission has recommended certain changes be made in Title 15 of Bloomington Municipal Code entitled "Vehicles and Traffic";

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

SECTION I. Section 15.12.010 Schedule A shall be amended to add the following:

STOP INTERSECTIONS

Traffic on	**Shall Stop for Traffic on**
Berkshire Court	Sherbrooke Drive
Emilie Court	Sherbrooke Drive
Ruby Lane	Nancy Street
Sherbrooke Drive	Heather Drive

SECTION II. Section 15.12.020 Schedule C shall be amended to delete the following:

YIELD INTERSECTIONS

Traffic on	**Shall Yield to Traffic on**
Nancy Street	Ruby Lane

SECTION III. Section 15.12.020 Schedule C shall be amended to add the following:

YIELD INTERSECTIONS

Traffic on	**Shall Yield to Traffic on**
Allen Court	Sherbrooke Drive

SECTION IV. Section 15.16.010 Schedule E shall be amended to add the following:

ONE-WAY STREETS

Street	**From**	**To**	**Direction of Travel**
Brenda Lane	Henderson Street	Stull Avenue	East

SECTION V. Section 15.20.020 Schedule H shall be amended to add the following:

RESTRICTED TURNS ON RED AT SIGNALIZED INTERSECTIONS

Intersection	**From**	**To**
Hillside Drive & Henderson Street	East	North

SECTION VI. Section 15.32.030 Schedule L shall be amended to add the following:

ANGLE PARKING

Street	**From**	**To**	**Side of Street**
Sixth Street	Morton Street	1st Alley to the East of Morton St.	South

SECTION VII. Section 15.32.080 Schedule M shall be amended to delete the following:

NO PARKING ZONES

Street	**From**	**To**	**Side of Street**	**Time of Restrict.**
College Avenue	Eighth Street	70' North of Eighth Street	West	Any Time
Eighth Street	Morton Street	College Avenue	North	Any Time
Ninth Street	Morton Street	College Avenue	South	Any Time

SECTION VIII. Section 15.32.080 Schedule M shall be amended to add the following:

NO PARKING ZONES

Street	**From**	**To**	**Side of Street**	**Time of Restrict.**
College Avenue	Ninth Street	50' South of Ninth Street	West	Any Time
Heather Drive	Walnut Street Pike	Laurel Court	North	Any Time
Laurel Court	Heather Drive	Heather Drive	Odd Address Side	Any Time
Ninth Street	College Avenue	Morton Street	North	Any Time
Union Street	Third Street	The 1st Alley to the North of Third Street	East	Any Time

SECTION IX. Section 15.32.090 Schedule N shall be amended to delete the following:

LIMITED PARKING ZONES

Street	**From**	**To**	**Side of Street**	**Limit**
College Avenue	Ninth Street	70' North of Eighth Street	West	2 Hr. (8)
Fourth Street	Railroad tracks west of College Avenue	First loading zone west of railroad tracks	North	2 Hr. (8)
Kirkwood Avenue	The first two spaces west of Walnut Street	College Avenue	North	2 Hr. (8)
Morton Street	Seventh Street	1st Alley north of Seventh Street	East	2 Hr. (8)
Morton Street	1st Alley north of Seventh Street	Through the first five spaces north of 1st Alley north of Seventh Street	East	1 hour (8)
Morton Street	From but not including the fifth space north of 1st Alley north of Seventh Street	Eighth Street	East	2 Hr. (8)
Ninth Street	College Avenue	Morton Street	North	2 Hr. (8)
Walnut Street	54' south of Seventh Street	Seventh Street	West	30 Min. (8)
Walnut Street	Sixth Street	54' south of Seventh Street	West	2 Hr. (8)
Walnut Street	Tenth Street	11th Street	West	2 Hr. (9)
Walnut Street	1st space north of Kirkwood Avenue	Up to third space north of Kirkwood Ave.	West	1 Hr. (8)

SECTION X. Section 15.32.090 Schedule N shall be amended to add the following:

LIMITED PARKING ZONES

Street	**From**	**To**	**Side of Street**	**Limit**
College Avenue	Eighth Street	50' South of Ninth Street	West	2 Hr. (8)
Eighth Street	Morton Street	College Avenue	North	2 Hr. (8)
Fourth Street	37' East of First Alleyway East of Madison Street	119' East of First Alleyway East of Madison Street	North	2 Hr. (8)
Kirkwood Avenue	The 3rd Space West of Walnut Street	College Avenue	North	2 Hr. (8)
Morton Street	Seventh Street	Eighth Street	East	2 Hr. (8)
Ninth Street	Morton Street	College Avenue	South	2 Hr. (8)
Walnut Street	Sixth Street	Seventh Street	West	2 Hr. (8)
Walnut Street	30' North of Tenth Street	50' North of Tenth Street	West	30 Min. (8)
Walnut Street	50' North of Tenth Street	Eleventh Street	West	2 Hr. (9)
Walnut Street	1st space North of Kirkwood Avenue	2nd space North of Kirkwood Avenue	West	1 Hr. (8)

SECTION XI. Section 15.32.100 Schedule O shall be amended to delete the following:

LOADING ZONES

300 Block of West Fourth Street, 37' east of alley to 119' east of alley on the north side of Fourth Street

SECTION XII. Section 15.32.100 Schedule O shall be amended to add the following:

LOADING ZONES

300 Block of West Fourth Street, 119' East of Alley to Railroad Tracks on the North side of Fourth Street

SECTION XIII. Section 15.37.020 entitled "Applicability" shall be amended to delete the following areas from Old Northeast Downtown University Proximate Residential Neighborhood Permit Parking Zone (Zone 5):

Street	**From**	**To**	**Side of Street**
North Lincoln Street	East 10th	East 12th	East/West
North Grant Street	East 10th	East 12th	East/West
North Dunn	East 10th	East 12th	West

SECTION XIV. Section 15.37.020 entitled "Applicability" shall be amended to add the following areas to Old Northeast Downtown University Proximate Residential Neighborhood Permit Parking Zone (Zone 5):

Street	**From**	**To**	**Side of Street**
North Lincoln Street	East 10th Street	Railroad Tracks North of 12th Street	East/West
North Grant Street	East 10th Street	Railroad Tracks North of 12th Street	East/West
North Dunn Street	East 10th Street	Railroad Tracks North of 12th Street	West

SECTION XV. Section 15.37.020 entitled "Applicability" shall be amended to add the following areas to the Old Northeast Downtown University Proximate Residential Neighborhood Permit Parking Zone (Zone 6):

Street	**From**	**To**	**Side of Street**
North Dunn Street	East 10th Street	Railroad Tracks North of 12th Street	East

SECTION XVI. Section 15.60.050 entitled "Pedestrians" shall be amended to add the following:

1800 Block of North College Avenue at Miller Showers Park
1700 Block of North Walnut Street at Miller Showers Park

SECTION XVII. If any sections, 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 XIII. 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 _____, 2004.

_____
MIKE DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to the Bloomington Municipal Code. This includes stop intersections, yield intersections, one-way streets, restricted turns on red at signalized intersections, angle parking, no parking zones, limited parking zones, loading zones, residential neighborhood permit parking and pedestrian crossings.

To: City Council Members
From: Justin Wykoff, Manager of Engineering
Date: November 18, 2004
RE: Ordinance 04-38 (Title 15 "Vehicles and Traffic")

Dear Council Members:

Ordinance 04-38 makes several changes to the Bloomington Municipal Code. This includes stop intersections, yield intersections, one-way streets, restricted turns on red at signalized intersections, angle parking, no parking zones, limited parking zones, loading zones, residential neighborhood permit parking and pedestrians.

Section I

This section includes the addition of stop signs from streets recently accepted into the City of Bloomington's Street Inventory from Sherbrooke Estates and one that was brought to our attention with the completion of a recent sidewalk project at the intersection of Ruby Lane and Nancy Street.

Section II

This section allows for the removal of the reference to the Yield sign at the intersection of Ruby Lane and Nancy Street.

Section III

This section allows for the addition of a Yield sign in the Sherbrooke Estates area that has adequate visibility and serves as a low volume neighborhood street.

Section IV

This section makes Brenda Lane a one-way street from Henderson Street to Stull Avenue. This was requested by the Monroe County Community School Corporation (M.C.C.S.C.) to address concerns from school officials and parents regarding conflicts between busses, cars, and school children during morning arrival and afternoon departure from school. This change was brought before Traffic Commission and was passed having support from the school, Bryan Park Neighborhood Association, and Engineering Staff.

Section V

This section prohibits right turn on red turning movements at the intersection of Hillside Drive and Henderson Street when heading Westbound and turning North onto Henderson Street. This intersection did not demonstrate any accidents within the past three years that could have been prevented by this prohibition, but does have limited visibility when making this turning movement.

Section VI

This section allows for the change in parallel parking to angle parking in the Downtown area to increase available parking. This change would be a continuation of the angle parking that is existing in the ½ block to the East and just West of College Avenue along the South side of 6th Street.

Section VII

This section removes the 'No Parking' restriction on Eighth Street and allows for additional parking with the completion of the Smallwood Plaza Building. Also this section removes the 'No Parking' restriction on the South side of Ninth Street to allow for additional parking.

Section VIII

This section allows for the addition of 'No Parking Zones' in several areas allowing for a bus stop just South of the intersection of 9th Street and College Avenue; increased visibility and safety on Heather Drive and Laurel Court; removal of parking on the North side of 9th Street between College Avenue and Morton Street since parking was moved to the South side of the street to create more parking and increase the safety and visibility when exiting the business at the NE corner of 9th Street and Morton Street; and the removal of parking just North of East 3rd Street on Union Street to increase the visibility and safety when exiting the East/West alley just North of 3rd Street.

Section IX

This section allows for the removal of 'Limited Parking Zones' that allow for shifts in parking such as the addition of the bus stop just South of 9th Street, modifications to the parking and loading zone in front of the WonderLab; corrections to parking along Morton Street with regard to time limits; removal of parking time limits along the North side of 9th Street as this was moved to the South side of the street and mentioned above; removal of a 30 minute parking space on Walnut Street just South of 7th Street reverting back to 2 hour parking; and removal of 2 hour parking between 10th Street to 11th Street to make space for a 30 minute space; and reduction of short term parking spaces (1 hour) on Walnut Street just North of Kirkwood Avenue.

Section X

This section provides for the addition of 'Limited Parking Zones' in various areas of the Downtown area as mentioned in the previous section through minor changes from the existing code restrictions.

Section XI

This section allows for the modification (deletion) of the existing loading zone in front of the WonderLab that was moved one space to the East at the request of the WonderLab through Cathy Olmer.

Section XII

This section allows for the modification (addition) of the existing loading zone in a new location at the request of the WonderLab through Cathy Olmer.

Section XIII

This section allows for the modification (deletion) of several streets from the Zone 5 parking areas so that they may be added with an additional block in the next section.

This was brought about by requests from the neighborhood due to congested parking on streets and creates a better geographical boundary for the parking zone.

Section XIV

This section extends Zone 5 to the North by one ½ block to help ease congestion along these streets and extend to the railroad tracks to the existing railroad tracks at the Northern edge of the Old NorthEast Neighborhood.

Section XV

This section extends Zone 6 to the North ½ block to the existing railroad tracks and along the East side of Dunn Street.

Section XVI

This section allows for the addition of mid-block pedestrian cross-walks to provide safer access points to the newly completed Miller-Showers Park. These crossing points as well as those at the intersections to the North and South of the park should allow for complete access for citizens wishing to utilize the many scenic amenities and circular pathway in the park.

Please let me know if you have any questions regarding this ordinance and I look forward to presenting it to you in the upcoming weeks.

Thanks,

<u>Ord 04-38</u> To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" (Regulations Regarding Stop, Yield, and Signalized Intersections, One Way Streets, Various Parking Zones, and Pedestrian Crossings)

<u>Additional Materials</u>

Maps Indicating the Location and Nature of these Actions will be Distributed before the Regular Session on December 1, 2004

RESOLUTION 04-24

TO APPROVE AND AUTHORIZE THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND THE BLOOMINGTON METROPOLITAN FIREFIGHTERS, LOCAL 586

WHEREAS, Chapter 2.34 of the Bloomington Municipal Code establishes a procedure for Firefighters Collective Bargaining; and

WHEREAS, the City and the Bloomington Metropolitan Firefighters, Local 586 have negotiated and reached agreement on provisions for a collective bargaining agreement to take effect January 1, 2005 and conclude December 31, 2009; and

WHEREAS, it is in the best interests of the City to approve and execute the agreement;

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

The Common Council hereby approves and authorizes the execution of the Collective Bargaining Agreement between the City of Bloomington and the Bloomington Metropolitan Firefighters, Local 586, a copy of which Agreement is attached hereto and made a part hereof.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution approves and authorizes the execution of a five-year Collective Bargaining Agreement between the City of Bloomington and the Bloomington Metropolitan Firefighters, Local 586.

INTERDEPARTMENTAL MEMO

CITY OF BLOOMINGTON LEGAL DEPARTMENT

TO: **City Council Members**

FROM: **Kevin R. Robling, Corporation Counsel**

CC: **Mark Kruzan, Mayor**
James McNamara, Deputy Mayor
Dan Sherman, Council Attorney
Jim Parrott, President, Bloomington Metropolitan Firefighters Local 586
Jeff Barlow, Fire Chief
Susan Clark, Controller
Daniel Grundmann, Director, Employee Services

RE: **Police and Fire Salary Ordinance Amendment (Ordinance 04-39); and Resolution to Approve Collective Bargaining Agreement between the City of Bloomington and Bloomington Metropolitan Firefighters Local 586 (Resolution 04-24)**

DATE: **November 23, 2004**

Attached is a copy of Ordinance 04-39, the proposed salary ordinance amendment to the 2005 Police and Fire Salary Ordinance (Ordinance 04-20), along with the Resolution to Approve the Collective Bargaining Agreement between the City of Bloomington and Bloomington Metropolitan Firefighters Local 586 (Resolution 04-24). The contents of each are the result of negotiations between the City of Bloomington ("City") and the Bloomington Metropolitan Firefighters Local 586 ("Firefighters"). The collective bargaining agreement with the FOP was approved in 2002, and there are no changes to that agreement. *This salary ordinance amendment includes no changes to the Police portion of the 2005 Police and Fire Salary Ordinance.*

The City's new collective bargaining agreement with the Firefighters is effective January 1, 2005, through December 31, 2009. Members of the Management Team (Kevin Robling, Tricia Bernens, Susan Clark, Jeff Barlow, Daniel Grundmann, Amy Slaven, and Dan Sherman) met with Union representatives (Jim Parrott, George Cornwell, Roger Edwards, Randy Dyer, and union counselor Matt Langenbacher) to negotiate an agreement. The Firefighters voted to ratify the collective bargaining agreement on November 22, 2004.

The new five-year collective bargaining agreement provides the Firefighters with a fourteen-percent (14%) increase over the term of the agreement. Specifically, the basic salary of the Firefighters will increase 2% in 2005, 2% in 2006, 2.5% in 2007, 3.5% in 2008, and 4.0% 2009. Annual salary rates are reflected on pages 7 and 8 of the agreement. Additionally, the City will increase its contribution into the employee's retirement pension (PERF) by 0.5% in 2007, 0.5% in 2008, and 0.5% in 2009. By the end of the contract the City will contribute 3% (one-half of the employee contribution) in addition to the full employers' portion of 21%.

Longevity pay will increase from $1,200 to $1,500 after 20 years of service in the first year, and for the term of the agreement. This increase also serves to increase the Firefighters' retirement pay by increasing the base-pay-plus-20-years component of the formula used by PERF to calculate benefits.

In 2008 and 2009 both Unscheduled Duty and Mandatory Training will be compensated at the contractual rate of twenty-five dollars ($25.00) per hour, with the established minimums and maximums applied. The current rate is $22.50 and will remain at this rate for years 2005-2007.

Education pay was altered, effective in 2005, by simplifying language and condensing levels of pay from four to two. Firefighters with a 2-year Associates Degree from an accredited college or university will receive $500 per year in education pay; Firefighters with a 4-year Bachelor's Degree from an accredited college or university will receive $1,200 per year in education pay.

In addition to the aforementioned changes in the collective bargaining agreement, additional changes include, but are not limited to, increases in bereavement time; holiday pay; and flexibility in the use of City Days.

Your approval of the Collective Bargaining Agreement resolution and the salary ordinance amendment will resolve salary, benefit, and negotiable issues with our firefighters through the end of 2009; and will fulfill the statutory requirements allowing us to honor the Collective Bargaining Agreement in 2005.

The City and the Firefighters negotiated with mutual cooperation and respect and have forged a fair and reasonable contract. We respectfully request your approval.

Please do not hesitate to contact me at roblingk@bloomington.in.gov or by telephone at 349-3426 if you have any questions or comments prior to the meeting.

COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON
AND THE BLOOMINGTON METROPOLITAN FIREFIGHTERS,
LOCAL 586

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COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON
AND THE BLOOMINGTON METROPOLITAN FIREFIGHTERS, LOCAL 586

ARTICLE I. Terms, Conditions and Definitions

A. Agreement Terms and Conditions

This Agreement between the parties constitutes a five (5) year settlement of all bargainable issues, as defined in Bloomington Municipal Code §2.34, and following, for calendar years 2005, 2006, 2007, 2008 and 2009. It is understood and expressly agreed by the parties that all terms and conditions in this Agreement are contingent on and subject to the following conditions:

(1) Receipt in each and every year of the Agreement (2005, 2006, 2007, 2008 and 2009) by the Civil City of Bloomington of no less than eight hundred thousand dollars ($800,000.00) from the Utility Department of the City of Bloomington in satisfaction of what is commonly known as the "Interlocal Agreement."

(2) The City of Bloomington being legally authorized in each and every year of the Agreement (2005, 2006, 2007, 2008 and 2009) to increase its *ad valorem* property tax by a minimum of at least three percent (3%) rate of growth over the previous year's maximum permissible *ad valorem* property tax levy, and a maximum increase equal to the total non-farm personal income growth multiplied by the maximum permissible *ad valorem* property tax levy for the preceding year (beginning with fiscal year 2004) as provided for and defined in Ind. Code § 6-1.1-18.5 *et seq.* entitled "Civil Government Property Tax

Controls." The City shall not be required to petition for financial relief as provided for and defined in the above-cited chapter as a prerequisite to showing its inability to increase its *ad valorem* property tax levies in the above-stated amounts.

(3) Receipt in each and every year of the Agreement (2005, 2006, 2007, 2008 and 2009) by the Civil City of Bloomington of at least six million dollars ($6,000,000.00) as county option income tax distribution as provided for and defined in Ind. Code §6-3.5-6-1 *et seq*. entitled "County Option Income Tax."

(4) Any and all changes in State and/or Federal law, policies, procedures, or regulations which have a fiscal impact upon the City of Bloomington shall be fully funded by the source from which such change originates.

In the event that any of the above-stated conditions do not occur, then it is specifically understood and agreed by the parties that the City may declare this Agreement open with respect to the salary rates provided in Article V for all subsequent years covered by this Agreement. The City shall inform the Unit of such declaration in writing. In the event of such declaration by the City, the parties shall immediately as practicable begin new negotiations on the subject of said salary rates only, pursuant to Bloomington Municipal Code §2.34, and following.

In the event that Bloomington Municipal Code §2.34.010 "Recognition" is amended to recognize another union in lieu of the Bloomington Metropolitan Firefighters Local 586, then it is specifically understood and agreed by the parties that all terms and conditions of employment as agreed to in this Agreement shall remain in effect throughout the years covered in this Agreement.

In the event that Bloomington Municipal Code §2.34.040, "Issues Subject to Bargaining," is amended, then it is specifically understood and agreed by the parties that either party may declare this Agreement open with respect to said added issue(s) for all subsequent years covered by this Agreement.

B. Definitions

Anniversary Date: The date employee began work at the Fire Department

Certification: State approved Master Firefighter and/or NFPA certification

City: City of Bloomington

City Day: Personal day for firefighter which is one Tour of Duty

Collective Bargaining Agreement: A legally binding contract between the City and Unit which regulates the terms and conditions of employment

Department: Bloomington Fire Department

NFPA: The National Fire Protection Association

OSHA: Occupational Safety and Health Administration

BMF: The Bloomington Metropolitan Firefighters Local 586

Tour of Duty: The 24-hour shift worked by firefighters in the Department

ARTICLE II. Recognition

This Agreement between the parties is entered into pursuant to and in compliance with Bloomington Municipal Code §2.34, and following.

ARTICLE III. <u>Management Rights</u>

The City retains the responsibility and authority to manage and direct on behalf of the public the operation and activities of the City to the full extent authorized by law. Such responsibility and authority shall include, but not be limited to:

1. **The right to direct the work of its employees;**

2. **The right to establish policy;**

3. **The right to maintain the efficiency of public operations;**

4. **The right to design and implement safety programs for employees;**

5. **The right to design and implement a physical fitness and job training program for employees;**

6. **The right to determine what services shall be rendered to the public and how they can best and most efficiently be rendered;**

7. **The right to determine job content and job descriptions;**

8. **The right to determine, effectuate, and implement the objectives and goals of the City;**

9. **The right to manage and supervise all operations and functions of the City;**

10. **The right to establish, allocate, schedule, assign, modify, change, and discontinue City operations, work shifts, and working hours;**

11. **The right to establish, modify, change and discontinue work standards;**

12. **The right to hire, examine, classify, promote, train, transfer, assign, and retain employees; suspend, demote, discharge, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to lack of work or funds or other legitimate reason;**

13. **The right to increase, reduce, change, modify, and alter the composition and size of the work force;**

14. **The right to determine, establish, set and implement policies for the selection, training and promotion of employees;**

15. **The right to create, establish, change, modify, and discontinue any City functions, operation and department;**

16. **The right to establish, implement, modify, and change financial policies, accounting procedures, prices of goods, or services, public relations, and procedures and policies for the safety, health and protection of City property and personnel;**

17. **The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures and policies which are not in direct conflict with any provision of this Agreement;**

18. **The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of machinery;**

19. **The right to determine the size and character of inventories and their disposal;**

20. **The right to determine and enforce employee quality and quantity standards;**

21. **The right to contract, subcontract, merge, sell, or discontinue any function or operation of the City;**

22. **The right to engage consultants for any function or operation of the City;**

23. **The right to sell, transfer, lease, rent or otherwise dispose of any City equipment, inventories, tools, machinery, or any other type of property or service;**

24. **The right to control the use of property, machinery, inventories, and equipment owned, leased or borrowed by the City;**

25. **The location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocation of departments, divisions, subdivisions, locations and the closing and discontinuance of the same; and**

26. **The right to classify jobs and to allocate individual employees to appropriate classifications based upon duty assignments.**

The above enumeration of management rights is not inclusive of all such rights and it is understood and agreed by the parties that all rights granted the City by Constitution, statute, charter, ordinance or in any other manner are retained by the City.

ARTICLE IV. <u>Union Rights</u>

1. Dues Check-off. Upon receipt of voluntary, written and signed authorization in such form as complies with Ind. Code §22-2-6-2 from employees who are covered by this agreement and are members of the Bloomington Metropolitan Firefighters Local 586, the City shall deduct from the earnings of each said employee an amount representing their regular, monthly dues for the preceding month and shall remit such monies, together with the appropriate records to a designated BMF Local 586 official.

2. Bulletin Boards. The BMF Local 586 shall be allowed one bulletin board in each fire station. Additional bulletin boards and locations will be allowed only with the approval of the Fire Chief.

3. Non-discrimination. The City shall not prohibit any employee from joining or refusing to join the BMF Local 586 or any successor recognized under §2.34 of the Bloomington Municipal Code.

4. Time off for Union Business. The City recognizes that information from the International Association of Firefighters benefits the City as well as the Firefighters. To encourage participation in state or national events, the City shall provide the BMF Local 586 with the opportunity to schedule time off for Union Business. During the term of this Agreement, the Union may schedule a maximum of seven (7) Tours of Duty off for use by Union membership during each year of this Agreement. Union time off may be scheduled

in twelve (12) hour, one-half (1/2) tour of duty increments, from the beginning to the middle of the tour of duty, or from the middle to the end of the tour of duty. Absence for Union Business shall be scheduled with the approval of the Chief or the Chief's designee. Such absence may not jeopardize the efficient operations of the Department. The Chief's approval may not unreasonably be withheld. Time spent on Union Business shall be paid as benefit time off, and shall not count as "hours worked" for FLSA purposes.

5. Meetings. The City shall allow Union Meetings to take place in department stations. Union Members who are on duty shall be allowed to attend these meetings. If all stations are permitted to attend simultaneously, the meetings shall be held at Headquarters with a limit of twelve (12) meetings of no more than two (2) hours duration on an annual basis. Provided, however, the efficient operations of the Department shall not be jeopardized by the scheduling of Union Meetings.

ARTICLE V. <u>Basic Salary Ordinance</u>

A. Effective January 1, 2005, the base salary rate for Firefighter 1st Class, Sergeant and Captain shall increase two percent (2%) and shall be as follows:

Firefighter 1st Class	**$38,481.00**
Sergeant	**$40,001.00**
Captain	**$43,061.00**

B. Effective January 1, 2006, the base salary rate for Firefighter 1st Class, Sergeant and Captain shall increase two percent (2.0%) and shall be as follows:

Firefighter 1st Class	**$39,251.00**
Sergeant	**$40,801.00**
Captain	**$43,922.00**

C. Effective January 1, 2007, the base salary rate for Firefighter 1st Class, Sergeant and Captain shall increase two and one-half percent (2.5%) and shall be as follows:

Firefighter 1st Class	**$40,232.00**
Sergeant	**$41,821.00**
Captain	**$45,020.00**

D. Effective January 1, 2008, the base salary rate for Firefighter 1st Class, Sergeant and Captain shall increase three and one-half percent (3.5%) and shall be as follows:

Firefighter 1st Class	**$41,640.00**
Sergeant	**$43,285.00**
Captain	**$46,596.00**

E. Effective January 1, 2009, the base salary rate for Firefighter 1st Class, Sergeant and Captain shall increase four percent (4.0%) and shall be as follows:

Firefighter 1st Class	**$43,306.00**
Sergeant	**$45,016.00**
Captain	**$48,460.00**

F. **PERF**. **Additionally, for the years 2005 and 2006 of this Agreement, the City shall contribute one and one-half percent (1.5%) of the salary of a fully paid first class firefighter to the Public Employees Retirement Fund (PERF) on behalf of each fund member in the Department. Effective January 1, 2007, this contribution shall increase to two percent (2.0%). Effective January 1, 2008, this contribution shall increase to two and one-half percent (2.5%). Effective January 1, 2009, this contribution shall increase to three percent (3.0%). These payments are based on the salary of a first class fighter plus twenty years of longevity and are authorized pursuant to Ind. Code §36-8-8-8.**

ARTICLE VI. Longevity/Certification/Appointments/Education

A. Longevity Pay

Additional pay for longevity shall be credited on the firefighter's anniversary date of hire after the completion of years of service as reflected in the chart below.

YEARS OF SERVICE	2005 - 2009
1	0
2	300
3	300
4	600
5	600
6	900
7	900
8	900
9	900
10	900
11	900
12	900
13	900
14	1,200
15	1,200
16	1,200
17	1,200
18	1,200
19	1,200
20+	1,500

.

B. Certification Pay

The following amounts will be added to the annual salary of firefighters who have the following certifications:

1st Master Firefighter or NFPA equivalent	$300.00
Each additional certification	$100.00

Number	Amount
1	$300
2	$400

3	**$500**
4	**$600**
5	**$700**
6	**$800**
7	**$900**
8	**$1,000**

A maximum of eight certificates, or one thousand dollars ($1,000.00), shall apply. Additionally, firefighters who have achieved EMT certification shall receive an additional five-hundred ($500.00) per year. Any and all certifications must be current and on file at Headquarters to receive certification pay.

C. <u>Professional and Command Appointments</u>

Additional pay for professional and command appointments shall be as follows:

Headquarters Sergeant	**$400**
Headquarters Captain	**$600**
Air Mask Technician, Shift Investigator	**$600**
Engineer	**$700**
Training Officer	**$800**
Rescue Technician	**$1200**
Confined Space Rescue Team Member	**$300**
Confined Space Rescue Team Coordinator	**$500**

D. <u>Education</u>

Education Pay shall be paid to firefighters with advanced degrees from accredited colleges or universities. Education Pay shall be recognized as either Level 1 or Level 2. Those firefighters, if any, with 2-year Associate degrees shall be classified as Level 1. Those firefighters, if any, with 4-year Bachelor degrees, shall be classified Level 2.

Education Pay shall be paid as follows:

Level 1 . . . Associate 2-year degree	**$500**
Level 2 . . . Bachelor 4-year degree	**$1,200**

E. Other

Maximum additional pay under Sections A through D of this Article shall not exceed four thousand, four hundred dollars ($4,400.00) annually.

ARTICLE VII. Clothing Allowance

Effective January 1 of each year of this Agreement, each firefighter shall receive a clothing allowance of one thousand six hundred dollars ($1,600.00). Firefighters may be required to furnish and maintain all uniforms and equipment by the City pursuant to Ind. Code § 36-8-4-4. Checks for clothing allowance will be issued in two equal payments to each firefighter no later than the regularly scheduled payday which falls on or immediately preceding June 15 and December 15 of each year of this Agreement.

ARTICLE VIII. Holiday Pay

Effective January 1, 2005, and for the term of this contract, employees in the unit shall receive one-hundred ($100.00) per holiday for each holiday an employee is regularly scheduled to work. Holidays are New Year's Day, Martin Luther King Day, Good Friday, Easter, Memorial Day, July 4, Labor Day, Veteran's Day, Thanksgiving, Christmas, Election Day (when applicable), and Primary Election Day (when applicable). In addition, in any year when there is neither a Primary Election Day nor a General Election Day, the second Monday in October, known as Columbus Day, shall be a holiday for purposes of this Agreement.

ARTICLE IX. Life Insurance

During the term of this Agreement all employees in the Unit shall receive group life insurance in the amount of fifty thousand dollars ($50,000.00); and one hundred thousand dollars ($100,000) in the event of accidental death, the premiums for which shall be paid by the City.

ARTICLE X. Firefighter Health and Safety

It is recognized and agreed by the City and the employees in the unit that compliance with applicable laws and regulations governing safety and health matters are an important priority. The City will continue to make reasonable provisions in compliance with such laws and regulations for the safety and health of its employees.

If an employee has justifiable reason to believe that the employee's safety and health are in danger due to an alleged unsafe working condition, or alleged unsafe equipment, the employee shall inform the immediate supervisor who shall have the responsibility to determine what action, if any, should be taken.

If an employee is ordered to perform a task in such a manner that the performance of the task would be in direct violation of a specific safety rule or regulation, the employee has the right and responsibility to refuse to perform the task until the hazard has been evaluated and a determination of the hazard has been made.

Employees have the responsibility to communicate their OSHA concerns to their immediate supervisor. Employees may further report continuing OSHA concerns to higher levels of supervision within the Fire Department, to the Risk Management Division of the City Legal Department, or to IOSHA without fear of reprisal.

ARTICLE XI. Health Insurance/Dental Insurance

Effective January 1, 2005, through December 31, 2009, firefighters shall be eligible to participate in the City's group medical insurance plan. The City shall pay the majority of the premium cost, and the firefighter shall pay the same premium rate for coverage as other eligible City employees. The final decision as to scope of coverage and the choice of insurance carrier shall rest with the City. Retired employees covered by the terms of this Memorandum shall be eligible for inclusion in the City's group health insurance plan in accordance with State and Federal law. Retired employees shall pay the entire premium. Said payments shall be due and payable at a time and place determined by the City. The premium for retired employees may be different than the premium for present employees. Effective January 1, 2005 through December 31, 2009, the employees in the Unit may also exercise the option of being included in the City's group dental insurance plan.

The City and employees jointly recognize the problem of potential medical premium increases. In the event of premium increases, City and employees shall work cooperatively to manage insurance costs, including the consideration by them of reducing or eliminating coverage for this purpose. Dependent and family dental coverage shall be at the option of the employee and costs for such coverage shall be borne by the employee.

ARTICLE XII. Bereavement

If there is a death in the employee's immediate family (spouse, registered domestic partner, child, brother, sister, parent, parent of spouse, the parent or child of domestic partner, grandparent, grandchild, or step equivalents thereof), the employee shall be

extended two tours of duty as bereavement leave. If an additional tour of duty is required, the employee shall be permitted to schedule a vacation day or City Day off without regard to staffing level. In the event the employee is notified of the death of an immediate family member while on duty, the employee shall be relieved from duty, irrespective of time, and such relief shall not count as a bereavement day.

In the case of the death of other relatives of an employee (brother-in-law, sister-in-law or step equivalents thereof), the employee shall be permitted to schedule a vacation day or City Day off without regard to staffing level. As an alternative, if the employee elects to work their regular schedule after the death of a family member, the employee will be given time off during work to attend the funeral; such time off may not exceed four (4) hours.

Additional time off for bereavement may be scheduled and approved by the Chief if determined to be in the best interests of the employee. Such time may be allocated for payroll purposes as vacation days or City Days, without regard to staffing levels.

ARTICLE XIII. Unscheduled Duty/Holdover/Mandatory Training Pay

Effective January 1, 2005, through December 31, 2007, members of the unit shall receive Unscheduled Duty Pay at the contractual rate of twenty-two dollars and fifty cents ($22.50) per hour, at an established minimum of two (2) hours pay with no maximum limit. Unscheduled duty shall include only instances when a firefighter is called in from off-duty time, and shall not include holdover from an on-duty shift ("end-of shift run"). Holdover time shall be calculated as “time worked” in one-half (1/2) hour increments with no maximum. The two (2) hour minimum shall not apply to holdover duty.

Effective January 1, 2005, through December 31, 2007, Mandatory Training required by the Department during a firefighter's off-duty time, shall also be compensated at the contractual rate of twenty-two dollars and fifty cents ($22.50) per hour with a minimum of two (2) hours pay and a maximum of eight (8) hours pay.

Effective January 1, 2008 through December 31, 2009, both Unscheduled Duty and Mandatory Training shall be compensated at the contractual rate of twenty-five dollars ($25.00) per hour, with the established minimums and maximums applied.

The contractual overtime provided in this Article is paid in situations where the firefighter does not reach the Fair Labor Standards Act (FLSA) threshold during a work period. In rotations where the firefighter reaches the FLSA maximum hours of work during a rotation, the firefighter will receive the greater of the contractual rate per hour or the applicable FLSA overtime rate for Unscheduled Duty and Mandatory Training Pay.

ARTICLE XIV. Acting Pay/Temporary Reassignment

A firefighter in the unit may be required to perform additional duties in an "acting" capacity due to the illness, vacation, or retirement of another member of the Department. Firefighters shall not be compensated for duty served in an "acting" capacity at a higher rank on behalf of a firefighter who is sick or on vacation; but will receive "acting pay" for the position in the event the "acting" status exceeds thirty (30) days after the effective date of the retirement of the individual who created the vacancy.

A reassignment payment of ten dollars ($10.00) will be made when a firefighter is transferred from their regularly-assigned Engine, Rescue, Aerial or Truck Company to another Engine, Rescue, Aerial or Truck Company for a period of greater than twelve (12)

hours. This payment will be for each full tour of duty on the shift to which they are regularly assigned. A reassignment for a partial tour of duty of less than twelve (12) hours shall receive this payment only if the firefighter is reassigned to another station after midnight to finish out the remainder of the tour of duty due to an emergency or other situation, as determined by the Battalion Chief. If a firefighter is transferred or reassigned, as discussed above, for consecutive tours of duty, a reassignment payment of ten dollars ($10.00) shall be made for each respective tour of duty. In the event that the Headquarters Captain is reassigned to the position of Battalion Chief, the terms and conditions of this Article XIV are applicable.

In the event a call back of off-duty personnel is initiated and a "temporary" Engine Company is established for any length of time, the proper call-back pay procedure shall be followed and shall supersede any language of this Article.

If an entire Company is reassigned to another station for any length of time, this will not constitute a change or reassignment as contemplated by this Article XIV, and no reassignment payment will be made. Further, if a reserve or back-up apparatus is placed in service as a front-line apparatus, such change shall not constitute a change or reassignment as contemplated by this Article XIV.

To receive reassignment payment as contemplated by this Article XIV, the affected firefighter must complete a reassignment payment slip and turn it in to the assigned station ranking officer on the date of reassignment. Failure to complete the reassignment slip will result in forfeiture of payment.

The memorandum of March 9, 2001, executed on April 24, 2001, and entitled "Contract Interpretation of Article XIV Paragraph Two", is incorporated into this

Collective Bargaining Agreement by reference and shall be referred to in the event of any disagreement as to the interpretation of this Article XIV.

ARTICLE XV. Vacation/City Days

After having completed twelve (12) months of continuous employment, members of the unit shall receive a minimum of five (5) tours of duty as paid vacation days each calendar year. In addition, members of the unit shall receive additional tours of duty off for years of continuous active service with the Department as contained in the Table below. These vacation days must be taken within the calendar year and may not be accumulated. Vacation must be approved by the Station Captain and scheduled with the Battalion Chief no later than February 1 of the year in which they are taken in order to guarantee the tour of duty off.

Vacation days shall be considered twenty-four (24) hour tours of duty, for purposes of scheduling in accordance with the table below:

Years of Service	24-hr Tour of Duty
0	0
1	5
2	5
3	5
4	5
5	5
6	6
7	6
8	6
9	7
10	7
11	7
12	8
13	8
14	8

15	**9**
16	**9**
17	**9**
18	**10**
19	**10**
20	**10**
21	**11**
22	**11**
23	**11**
24	**12**
25	**12**
26	**12**

In addition to the above vacation days, employees in the unit shall receive four (4) additional days, commonly known as "City Days". City days may be scheduled in either twelve (12) hour, one-half (1/2) tour of duty increments from the beginning to the middle of the tour of duty, or from the middle to the end of the tour of duty; or these days may be scheduled for an entire twenty-four (24) hour tour of duty. Such days must be scheduled at least forty-eight (48) hours in advance with the Station Captain and approved by the Battalion Chief. City Days must be taken within the calendar year and may not be accumulated.

Approval of Vacation and City Days shall be dependent upon the number of personnel scheduled off for the tour of duty.

ARTICLE XVI. <u>Sickness/Injury/Pregnancy</u>

Firefighters of the department shall report sick only when they are suffering from an illness or injury which would prevent them from properly performing their assigned duties. Such report shall be made to the station captain or battalion chief no less than one hour prior to the reporting time for duty. Sick leave will require a doctor's statement containing the expected date of return to duty and any limitations of duty. The statement

shall be submitted to the Chief's office on the date of the missed tour of duty or as soon as reasonably possible thereafter. To assist management in scheduling and/or reassignment decisions, the firefighter shall contact the Station Captain or Battalion Chief prior to the next regularly scheduled tour of duty in order to inform the supervisor of the expected date of return and any limitations of duty. The firefighter shall return to duty as soon as possible after an illness or injury.

The Fire Chief or Board of Public Safety may order a member to consult a physician, psychiatrist, or clinic regarding the physical or psychological condition or for the purpose of obtaining a second opinion. Cost of such diagnostic consultation and/or testing shall be borne by the City. Cost of therapy and/or treatment shall be borne by the firefighter. Reports of diagnostic consultation and/or testing shall be submitted to the Chief or Board.

Firefighters shall be entitled to sick leave with full pay without limitation, subject to processing of medical disability pension status under current Indiana law. Additionally, the City will pay for the medical expenses of the firefighter in accordance with current Indiana law at the time of the illness or injury. Such expenses will be paid by the City to the extent that such expenses are not reimbursed by the firefighter's medical insurance or workers compensation insurance, subject to a maximum liability to the City of the amount of non-reimbursed medical expenses that would have been incurred if the firefighter was on the City's medical insurance plan.

A firefighter who is pregnant shall be treated as any other employee with a medical disability. The City shall have the option and authority to reassign the firefighter upon the recommendation of the firefighter's physician and concurrence of the Pension Board

physician that reassignment from regular duty is necessary for the health, safety and welfare of the firefighter or unborn child.

ARTICLE XVII. Layoffs

In the event that the City may find layoffs necessary, they shall notify BMF Local 586, in writing, of the number of sworn personnel to be laid off.

Sworn personnel with the least seniority will be laid off first and recalled last. Sworn personnel that have been laid off will be given the opportunity to return to duty before any new personnel will be hired.

Civilian personnel will not be hired as the result of a layoff to perform any duties previously performed by a Firefighter.

ARTICLE XVIII. Negotiation Time

Future contract negotiations, pursuant to Bloomington Municipal Code §2.34, shall be scheduled in a manner to provide that representatives of the Unit will be granted duty time off, with the approval of the Fire Chief, to participate in collective bargaining meetings and negotiations with the City scheduled to occur during duty time. Generally, not more than two (2) unit members will be excused from the same shift for participation in such meetings. In special circumstances, the Unit may request a third (3rd) member from the same shift be excused. Approval of the Fire Chief will not be unreasonably withheld.

Unit members will not be compensated by the City for time spent in negotiations or union business scheduled during firefighter's off-duty time.

ARTICLE XIX. <u>Labor-Management Committee</u>

The City and employees in the Unit agree to utilize a joint Labor-Management Committee which shall consist of three (3) representatives appointed by the Mayor and three (3) representatives appointed by the Unit. Additionally, one non-voting member shall be mutually selected by the members to serve as the Labor-Management Committee Advisor. This Committee shall meet at least on a quarterly basis, and additionally as requested by either party, in order to discuss any and all facets of the employment relationship. If a majority of the Committee decides as a result of such discussion that a change should be made, then the Committee shall forward such recommendation to the Fire Chief and to the Union President. The Chief may approve the recommendation without Board of Public Safety approval, or shall forward to the Board of Public Safety within thirty (30) days with a positive or negative recommendation or without a recommendation. A copy of the Chief's submission, if any, shall be forwarded to the Union President, who may also provide a recommendation to the Board of Public Safety, with a copy to the Chief. The Board of Public Safety shall consider the matter at its next regularly scheduled meeting.

In the event that a majority of the Committee shall fail to reach an agreement on any proposal after four (4) meetings in which the proposal was subject to good faith discussions, then any three (3) members of the Committee may forward their recommendation to the Fire Chief and Union President to resolve. Within thirty (30) days the Fire Chief and Union President shall resolve the matter or forward it on to the Board of Public Safety with their recommendations. The Board of Public Safety shall consider the matter at its next regularly scheduled meeting.

The parties recognize and acknowledge that the Board of Public Safety does not have fiscal appropriation powers.

ARTICLE XX. Non-Discrimination

The parties hereto agree that they shall not discriminate against any person because of his or her race, color, sex, disability, sexual orientation, national origin, familial status or ancestry.

The parties further acknowledge their continuing responsibility affirmatively to seek equal employment practices under the City of Bloomington's Affirmative Action Plan, whereby all employees will be given equal opportunity to be employed in positions which provide the greatest opportunity for use of their skill, ability and experience.

ARTICLE XXI. Personnel Service Records

Inspection of documents contained in an employee's personnel file shall be in accordance with state law. Each employee shall be given a copy of all additions to their file at the time such additions are made or in a reasonable time thereafter.

Complaints determined to be unfounded or those in which the employee was found not be to be involved or is exonerated will not be placed in the employee's personnel file. Sustained complaints will be retained in accordance with state law.

Adverse personnel actions may not be considered by the department beyond three (3) years from the date of the adverse personnel action.

ARTICLE XXII. <u>Agreement Grievance Procedure</u>

Any dispute between the parties arising out of the meaning, interpretation or application of this Agreement shall be resolved in conformity with the following procedures.

The term "work days" as used in this Article shall mean the days Monday through Friday inclusive and excludes Saturdays, Sundays, and holidays on which City Hall is closed.

1. **An aggrieved firefighter shall notify the Battalion Chief, in writing, of a concern or complaint within five (5) working days of its occurrence. The Battalion Chief shall attempt to resolve the matter with the firefighter and station captain, and shall provide a written response within ten (10) working days of receipt. If the matter is not satisfactorily resolved at this level, then the aggrieved officer may proceed to Step Two of this Procedure by initiating a grievance.**

2. **Any matter not resolved at Step One of this Procedure may be presented, in writing, to the Union Grievance Committee within ten (10) working days of the response of the Battalion Chief. The Union Grievance Committee shall determine if a grievance exists. The Union Grievance Committee shall consist of the three (3) shift stewards and any two (2) Executive Board members. If any member of the committee is involved in the grievance, they shall be replaced by one of the remaining executive board members. Any remaining Executive Board Member shall replace any member of the Committee that is on vacation, city day, or sick leave.**

   After the Union Grievance Committee has met, and decides that a grievance does exist, the Union shall within ten (10) working days, with or without the aggrieved person or persons in the bargaining unit, present the grievance in writing to the Chief of the Fire Department or their designee.

3. **Any grievance forwarded under Step Two of this Procedure shall be presented by the Union Grievance Committee, in writing, to the Chief within ten (10) working days. The Chief shall serve a written response upon the President of the Union within ten (10) working days of receipt.**

4. **Within ten (10) working days of receipt of the Chief's written response to Step Three, the Union Grievance Committee shall determine whether the grievance shall proceed to Step 4, the Board of Public Safety. Notification shall be made in writing to the Secretary of the Board. The Board shall hear the grievance at the**

next regularly scheduled meeting to occur at least seven (7) working days after receipt. The parties recognize and acknowledged that the Board of Public Safety does not have fiscal appropriation powers.

5. In the event that a grievance is not resolved in Step Four of this Procedure, it may be submitted to non-binding advisory arbitration by the giving of written notice by one party to the other within ten (10) working days of the response of the Board of Public Safety. If such notice is given, the parties shall jointly request the American Arbitration Association to appoint an impartial arbitrator pursuant to its rules. The arbitrator may interpret this Agreement and apply it to the particular issue presented, but shall have no authority to add to, subtract from or in any way modify the terms of this Agreement or any agreement made supplementary hereto. The arbitrator shall, in any case upon which there is power to rule under the provisions of this Agreement, hold hearings upon the issue, make such investigations as deemed necessary and proper to a decision and shall render a decision, in writing, within a reasonable time. The expenses and fees of the arbitrator shall be borne equally by the City and the Union.

ARTICLE XXIII. <u>Interdepartmental Transfer</u>

The City of Bloomington values the public service provided by employees. Effective January 1, 2005, transfer from the Fire Department to a civilian position or the Police Department shall be as follows:

Any accumulated vacation time or "City Day" shall be taken before transfer from the department or paid to the employee.

The employee will receive and accumulate vacation days based on one-half of the employee's respective of years of service, as applied to either the Police Department's vacation or Civil City's vacation/PTO schedule. As an example, if the employee has 20 years of service with the Fire Department, he or she will receive the same number of vacation days as an employee with 10 years of service with the Police Department or Civil City.

If the transfer is to the Police Department, no vacation time shall be taken in the first year of service. If the transfer is to a civilian position, no vacation time may be taken during probation or the applicable period for the new position.

The employee shall enjoy the same rights as any new employee on probationary status upon transferring to a new position.

The employee shall receive no other benefit from transfer (including, but not limited to longevity or training steps) and must start at the entry level step required for all new employees. The provisions of this article are also intended to apply equivalently to transfers to the Bloomington Fire Department. Any transfer to the Bloomington Fire Department shall require both compliance with all hiring criteria and successful completion of the probationary period. The sole benefit of inter-departmental transfer shall be eligibility for additional vacation days.

ARTICLE XXIV. Full and Complete Agreement

The parties acknowledge that during the negotiations that preceded this Agreement each had the unlimited right and opportunity to make demands and proposals with respect to any bargainable subject or matter, as defined by Bloomington Municipal Code §2.34, and that the understanding and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Subject to the conditions set forth under the title "Term and Conditions of Agreement," this Agreement, including any supplements and exhibits attached hereto, concludes all collective bargaining between the parties during the term hereof, and effective January 1, 2005, constitutes the sole, entire and existing Agreement between the parties hereto and, effective January 1, 2005,

supersedes all prior agreements and undertakings, oral and written, express or implied, or practices between the City and the Unit or its employees, and expresses all obligations and restrictions imposed on each of the respective parties during its term on all bargainable issues as defined by Bloomington Municipal Code §2.34.

Negotiations for future contracts will begin in the spring of the last year of this contract intended to result in a new agreement approved by both parties by July 1st of the last year of the contract. In the event that a new agreement is not reached before July 1st of 2009, then the terms and provisions of the Agreement shall nonetheless remain in full force and effect until an agreement on a new contract is reached; provided, however, the terms and the conditions of the agreement shall not be extended for more than one year from the expiration of this Agreement.

This Agreement between the City of Bloomington and the Bloomington Metropolitan Firefighters Local 586, or its successor in recognition, constitutes a complete agreement as to all bargainable issues, effective January 1, 2005, through December 31, 2009.

BLOOMINGTON METROPOLITAN FIREFIGHTERS LOCAL 586	**CITY OF BLOOMINGTON**
_____	_____
James Parrott, President	**Mark Kruzan, Mayor**
_____	_____
Neville Vaughan, Vice President	**Michael Diekhoff, President Bloomington Common Council**

SIGNED this _____ day of _____, 2004.

Reviewed and Approved this _____ day of _____, 2004.

_____

Kevin R. Robling
Corporation Counsel
City of Bloomington

ORDINANCE 04-39

TO AMEND ORDINANCE 04-20 WHICH FIXED THE SALARIES OF OFFICERS OF THE POLICE AND FIRE DEPARTMENTS FOR THE CITY OF BLOOMINGTON, INDIANA, FOR THE YEAR 2005
(Reflecting the Collective Bargaining Agreement with Bloomington Metropolitan Firefighters, Local 586)

WHEREAS, when the City's 2005 budget was adopted in September, the Collective Bargaining Agreement (Agreement) between the City of Bloomington and the Bloomington Metropolitan Firefighters, Local 586 had not yet been adopted; and

WHEREAS, Bloomington Metropolitan Firefighters, Local 586 has now adopted the Agreement;

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

SECTION I Ordinance 04-20 shall be amended by deleting Section 1 A. and replacing it with the following:

Section 1 A. From and after January 1, 2005, pursuant to Indiana Code § 36-8-3-3, the salary and pay schedule for the officers of the Fire Department of the City of Bloomington, Indiana, shall be fixed as follows, to wit:

FIRE DEPARTMENT

Job Title	Grade	Minimum	Maximum
Chief *	12	45,262	91,897

Job Title	Base Salary
Deputy Chief – Administration	51,019
Deputy Chief – Operations	51,019
Fire Prevention Officer	44,298
Battalion Chief	47,235
Captain	43,061
Sergeant	40,001
Firefighter 1st Class	38,481
Probationary Officer	34,151

* Salaries shown are the minimum and maximum for the job grade.

In addition to the salary and pay schedule listed above, the City shall also contribute one and one half percent (1.5%) of the salary of a fully paid Firefighter 1st Class to the Public Employees Retirement Fund on behalf of each firefighter under the authority of I.C. § 36-8-7-8 and 36-8-8-8.

SECTION II Ordinance 04-20 shall be amended by deleting Section 1 B. and replacing it with the following:

Section 1 B. Additional pay for all job positions except Chief.

Effective January 1, 2005, increases to the base salary described above on the basis of longevity, professional assignment, certification, and education shall be paid as reflected below.

Longevity:

Additional pay for longevity shall be credited on the firefighter's anniversary date of hire after the completion of years of service as reflected in the chart below.

Years of Service	Amount	Years of Service	Amount	Years of Service	Amount	Years of Service	Amount
1	$0	6	$900	11	$900	16	$1,200
2	$300	7	$900	12	$900	17	$1,200
3	$300	8	$900	13	$900	18	$1,200
4	$600	9	$900	14	$1,200	19	$1,200
5	$600	10	$900	15	$1,200	20+	$1,500

Certification:

1st Master Firefighter or NFPA Advanced certification	$	300
Each additional certificate	$	100

Maximum of eight (8) certificates, or $1,000.00 shall apply. Additionally, firefighters who have achieved EMT certification shall receive an additional $500.00 per year. Any and all certifications must be current and on file at Headquarters to receive certification pay.

Professional & Command Classifications:

Additional pay for professional and command appointments shall be as follows:

Confined Space Rescue Team Member	$	300
Confined Space Rescue Team Coordinator	$	500
Headquarters Sergeant	$	400
Air Mask Technician, Shift Investigator, Headquarters Captain	$	600
Engineer	$	700
Training Officer	$	800
Rescue Technician	$	1,200
Shift Fire Inspector	$	1,520

Education:

Education Pay shall be paid to firefighters with advanced degrees from accredited colleges or universities at two levels:

Level 1	Associate 2-year degree	$	500
Level 2	Bachelor 4-year or higher level degree	$	1,200

Other:

Unscheduled Duty Pay	$22.50 per hour Minimum 2 hours - no maximum
Holdover Pay	$11.25 per half-hour Minimum 0.5 hours - no maximum
Mandatory Training Pay	$22.50 per hour while off duty Minimum 2 hours - maximum 8 hours
Holiday Pay	$100/day
Clothing Allotment	$1,600

Maximum Additional Pay

The maximum total combined additional pay for Longevity, Certification, Professional & Command Classifications, and Education shall be $4,400.00 per employee.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Ordinance 04-20, which fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington by changing the maximum salary rates for all sworn fire personnel for the year 2005 in accordance with Council-approved collective bargaining agreement.