



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 16 November 2022

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA:
REGULAR SESSION
WEDNESDAY | 6:30 PM
16 November 2022

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

<https://bloomington.zoom.us/j/84071811107?pwd=aFqxeTYzWWdPSXNOTkF2eE9IZ1BmUT09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES**
 - A. June 16, 2021 – Regular Session
 - B. July 21, 2021 – Regular Session
 - C. August 18, 2021 – Regular Session
- IV. **REPORTS** (*A maximum of twenty minutes is set aside for each part of this section.*)
 - A. **Councilmembers**
 - B. **The Mayor and City Offices**
 - a. Housing Development Fund Update – HAND Director
 - b. Report from Clerk Bolden – AIM Ideas Summit
 - C. **Council Committees**
 - D. **Public***
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Ordinance 22-15 – To Vacate a Public Parcel – Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and the South of 8th Street (Peerless Development, Petitioner)

Committee recommendation (05/25/2022): Do Pass 0-2-3

Note: This item was last discussed at the July 20, 2022 Regular Session, when the Council adopted a motion to table the ordinance. It appears on tonight's agenda in anticipation of a motion to take the ordinance from the table and place it back in front of the Council for consideration.

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

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

Posted: 10 November 2022

- B. Ordinance 22-33 – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Rate Adjustment)

Committee recommendation: N/A

- C. Ordinance 22-34 – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater”(Stormwater Rate Adjustment)

Committee recommendation: N/A

VII. LEGISLATION FOR FIRST READINGS

- A. Appropriation Ordinance 22-05 – To Specifically Appropriate From the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks and Recreation General Fund, CC Jack Hopkins Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Housing Development Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the CC Jack Hopkins Fund, Rental Inspection Program Fund, and the Housing Development Fund)
- B. Ordinance 22-30 – An Ordinance Authorizing the Issuance of the City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Public Safety Facilities, Including Costs Incurred in Connection with and on Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, and Addressing Other Matters Connected Therewith
- C. Ordinance 22-35 --To Amend the Traffic Calming and Greenways Program Incorporated By Reference Into Title 15 (“Vehicles and Traffic”) of the Bloomington Municipal Code - Re: Amending the Traffic Calming and Greenways Program Incorporated by Reference into Bloomington Municipal Code Section 15.26.020

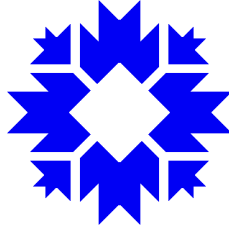
VIII. ADDITIONAL PUBLIC COMMENT* *(A maximum of twenty-five minutes is set aside for this section.)*

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

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

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

NOTICE

Wednesday, 16 November 2022

Regular Session

Starting at 6:30 pm

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

Join Zoom Meeting

<https://bloomington.zoom.us/j/84071811107?pwd=aFgxeTYzWWdPSXNOTkF2eE9lZlBmUT09>

Meeting ID: 840 7181 1107

Passcode: 247284

One tap mobile

+16469313860,,84071811107# US

+19292056099,,84071811107# US (New York)

Find your local number: <https://bloomington.zoom.us/j/84071811107?pwd=aFgxeTYzWWdPSXNOTkF2eE9lZlBmUT09>

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



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

Minutes for Approval

16 June 2021 | 21 July 2021 | 18 August 2021

In Bloomington, Indiana on Wednesday, June 16, 2021 at 6:30pm, Council President Jim Sims presided over a Regular Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
REGULAR SESSION
June 16, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith (arrived at 6:46pm, left at 11:01pm), Dave Rollo, Kate Rosenbarger, Susan Sandberg (arrived at 7:30pm), Sue Sgambelluri, Jim Sims, Ron Smith
Councilmembers absent: Stephen Volan

ROLL CALL [6:32pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:33pm]

Flaherty moved and it was seconded to approve the minutes of May 27, 2020 and July 29, 2020. The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:37pm]

May 27, 2020 (Special Session)
July 29, 2020 (Regular Session)

Sims wished everyone a Happy Freedom Day, Jubilee Day, and/or Liberation Day. He noted that the day, June 19, was also known as Juneteenth and marked the day when federal troops arrived in Galveston, TX in 1865 to ensure all slaves were freed. Sims commented that it would be a federal holiday in the near future.

REPORTS

- COUNCIL MEMBERS [6:37pm]

Devta Kidd, Director of Innovation, provided an update on the work of the Innovation Task Force established in 2016. She discussed recommendations, national trends, scope of work, innovation efforts at the city, impacts, and examples of solutions. Kidd also spoke about the leaf collection process, and incentivizing mulching and composting in collaboration with Earthkeepers. She also explained the research partnership between City of Bloomington Utilities (CBU) and 120 Water and for collecting samples of Covid-19 Ribonucleic Acid (RNA) in wastewater.

- The MAYOR AND CITY OFFICES [6:38pm]

Rollo asked about distributing compost bins and reducing kitchen waste.

Council questions:

Kidd said that the city's partnership with Earthkeepers was significant and provided data on the pilot program for composting.

Sgambelluri asked how other cities' innovation directors measured program success.

Kidd said that she connected with other innovation directors and discussed how to quantify success, which was not easy and was ongoing. Documenting innovative efforts in the city, and training staff, was providing information on successes and other opportunities for innovation.

Alex Crowley, Director of the Economic and Sustainable Development (ESD) Department mentioned that Sean Starowitz, Assistant Director for the Arts, was leaving the city for graduate studies. He highlighted Starowitz's work during his tenure with the city.

Starowitz commented on his time with the city and thanked everyone.

Sims thanked Starowitz for his work with the city.

There were no council committee reports.

- COUNCIL COMMITTEES [7:11pm]

Andrew Guenther spoke about a lawsuit he was involved in against the city, and about city boards and commissions.

- PUBLIC [7:13pm]

Mary Morgan spoke about vandalism in the downtown, pan-handling, defecation, and used needles. She highlighted the impacts on local businesses.

Jim Shelton discussed impacts of annexation on the county's Tax Increment Financing (TIF).

Alex Goodlad spoke about the unhoused population, the Greater Chamber of Commerce, businesses, and civility.

Flaherty moved and it was seconded to appoint Matthias Benko to seat C-6 on the Environmental Commission. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:29pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:32pm]

Flaherty moved and it was seconded to read Resolution 21-19 by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 21-19 - Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2021 and Related Matters

Flaherty moved and it was seconded to adopt Resolution 21-19.

Sandberg presented Resolution 21-19 and highlighted details of the recommended allocations. Sandberg thanked staff for their help with the Jack Hopkins Social Services Funding (JHSSF) program process.

Piedmont-Smith asked about the religious affiliation of some organizations and how the city ensured that there was no religious test for people to receive assistance.

Council questions:

Sandberg explained that the services provided had to meet the thorough criteria of the JHSSF program. It was carefully monitored by the Housing and Neighborhood Development (HAND) Department.

Piedmont-Smith asked Sandberg to clarify more about the organization named Persisterhood.

Sandberg explained that the group provided goods for sale and donated monies to nonprofit organizations that served individuals who met the JHSSF criteria.

Scott Tibbs opposed funding for All Options Pregnancy Resource Center.

Public comment:

Carol Canfield spoke against funding for All Options.

Vauhxx Booker commented that abortions were not being funded by All Options with JHSSF funding.

Sgambelluri thanked the organizations in the Bloomington community. She acknowledged the comments from Tibbs and Canfield, and spoke about her process in reviewing the applications. She met with organizations' leaders about separating funding via accounting procedures within the organization. She commented further on diaper drives, health, human dignity, abortion, and stated her support of Resolution 21-19.

Council comments:

Smith thanked the organizations, city staff, JHSSF Chair Sandberg, and stated his support of Resolution 21-19.

Resolution 21-19 (cont'd)

The motion to adopt Resolution 21-19 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-19 [7:54pm]

Flaherty moved and it was seconded that Resolution 21-21 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Resolution 21-21 - To Confirm Resolution 21-20 Designating an Economic Revitalization Area, Approving the Statement of Benefits, and Authorizing an Abatement Period for Real Property Improvements - Re: Property at 1730 S. Walnut Street (Retreat at Switchyard) (Real America LLC/Retreat at Switchyard, LP, Petitioner) [7:55pm]

Flaherty moved and it was seconded to adopt Resolution 21-21.

Crowley presented the legislation to the council.

Jeff Ryan, Vice President of Development for Real America Development, provided background on the company and its goal of developing affordable housing.

Council questions:

There were no council questions.

Larry Allen, Assistant City Attorney in the Legal Department, noted that the meeting was a public hearing, which would close at the conclusion of public comments.

Public comments:

There were no public comments.

Sandberg thanked Real America and the city for their collaboration. She noted affordable housing was a critical need, the project was a good step forward, and hoped it would stimulate more projects.

Council comment:

The motion to adopt Resolution 21-21 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-21 as amended [8:04pm]

Flaherty moved and it was seconded to introduce Resolution 21-22 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis only.

Resolution 21-22 - Resolution Proposing Opt Out of Opioids Settlements Pursuant to Indiana Code § 4-6-15-2 [8:05pm]

Flaherty moved and it was seconded to adopt Resolution 21-22.

Philippa Guthrie, Corporation Counsel, presented Resolution 21-22 and explained the reasoning behind opting out of the settlements. She also explained that the city could opt back in within sixty days.

Council questions:

Sims appreciated the ability to opt back in to the settlements within sixty days. He asked what could change that would prompt the city to do so. He asked if clarification on the ambiguity in the settlement would suffice for the city to opt back in.

Guthrie stated that could be a possibility and that she was not sure what could change.

Jonathan Null, outside counsel for the city, discussed the opioid litigation. He said that one could not predict what could change, but that opting out allowed the city to have more time.

Sims asked if there would be possible future settlements, either as part of the state or as individuals.

Null confirmed that was something to consider amongst other items.

Sandberg asked who would file a suit for the settlement, and if individuals would be able to do so.

Null explained that the statute was related to Indiana political subdivisions and described details.

Sandberg responded that she was interested in who would benefit from successfully filing a lawsuit from the area.

Null said the lawsuit was only on behalf of the city.

Sandberg clarified that it was not individuals but the city.

Null confirmed that was correct.

Resolution 21-22 (cont'd)

Flaherty said that Resolution 21-22 implied that the city would be better off to opt out, and asked about the potential downsides to not opt out of the state approach. He also asked what the city's participation would be going forward.

Null said that assuming the city did not opt back in after sixty days it would move forward in the court system. All of the cases filed in federal court were consolidated before one judge in northern Ohio. He provided examples of ongoing cases.

Flaherty asked if by opting out, the city would have more control and/or a larger share of the settlement.

Null said it was hard to predict, but by opting out the city did have more control over its claims.

Flaherty asked if it was unlikely that the city would be in a worse position by opting out.

Null confirmed that was correct, and that currently it was an administrative step.

There were no public comments.

Public comment:

Piedmont-Smith commented that it seemed ideal to opt out at the time. She said that staff's time and obtaining counsel would be made up with the settlement.

Council comments:

The motion to adopt Resolution 21-22 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-22 [8:24pm]

Flaherty moved and it was seconded that Resolution 21-23 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Resolution 21-23 - Recognizing the 52nd Anniversary of the Stonewall Riots and the June Celebration of Pride Month [8:25pm]

Flaherty moved and it was seconded to adopt Resolution 21-23.

Sgambelluri thanked her cosponsors and presented Resolution 21-23. She explained that the invitation to draft the legislation was brought by the Indiana Stonewall Democrats.

Flaherty echoed Sgambelluri and thanked the Indiana Stonewall Democrats. He commented that harm had been done to the Lesbian, Gay, Bisexual, Transgender, and Queer + community and Resolution 21-23 reaffirmed the city's commitment to equity and inclusion.

Sandberg said that Resolution 21-23 was just one of the many steps Bloomington had taken to show its commitment to the community who had suffered discrimination.

There were no council questions.

Council questions:

Jim Shelton spoke in enthusiastic support of Resolution 21-23.

Public comment:

Piedmont-Smith thanked the Stonewall Democrats and the cosponsors. Resolution 21-23 reaffirmed the city’s commitment to respect, including whom individuals choose to love, and how they identify.

Resolution 21-23 (cont’d)

Council comments:

Nicole Bolden thanked the council as a member of the Executive Board of the Indiana Stonewall Democrats.

Sims also thanked Stonewall Democrats and the cosponsors and spoke of the importance of legislation like Resolution 21-23. He commented on legislation that condemned and renounced white supremacy. He said that there were commonalities within marginalized and less fortunate communities and he also recognized differences. He said it was important to identify things in common like the pursuit of equality, respect, and inclusion for all.

The motion to adopt Resolution 21-23 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-23 [8:35pm]

Flaherty moved and it was seconded that Ordinance 21-30 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis, giving the Housing Committee do-pass recommendation of Ayes: 4, Nays: 0, Abstain: 0.

Ordinance 21-30 – To Amend Title 16 of the Bloomington Municipal Code Entitled “Residential Rental Unit and Lodging Establishment Inspection Program” [8:36pm]

Flaherty moved and it was seconded to adopt Ordinance 21-30.

Smith moved and it was seconded to adopt Amendment 03 to Ordinance 21-30.

Amendment 03 to Ordinance 21-30

Amendment 03 Synopsis: This amendment was prepared to reflect changes suggested by HAND staff. It makes several changes to Ordinance 21-30, as follows:

- requires property owners subject to the ordinance to complete and maintain occupancy affidavit forms after a reasonable inquiry as opposed to requiring submittal of each form to the HAND Department;
- states that property owners shall retain completed occupancy affidavit forms for a period of two years and shall be able to produce the forms upon request;
- removes the requirement to identify the familial relationship among occupants in the affidavit form;
- revises the proposed penalty to address a failure to timely maintain a required affidavit form;
- deletes Section III of the ordinance to remove the change proposed related to email notification of notices of violation; and
- revises Whereas clauses to better reflect the reason for the ordinance to reflect other changes proposed by the amendment.

John Zody, Director of HAND, presented Amendment 03 to Ordinance 21-30 and highlighted suggested changes. He stated that the goal was to collect data and have a standard by which occupancy was tracked, and to assure occupancy compliance from property owners and tenants.

Rosenbarger thanked Zody and asked about the current process for occupancy complaints. She also asked for data indicating that it was an issue that needed to be addressed.

Council questions:

Zody explained that complaints and feedback to HAND came in a variety of ways, and that staff would then research the information HAND had on the rental. Staff would verify what they could through

an investigation and by other means. The affidavit requirement would serve as a tool for staff and was better than the current process.

Amendment 03 to Ordinance 21-30 (cont'd)

Rosenbarger asked if the lease of a rental stated who lived in the home, and how the affidavit would be different.

Zody explained that leases were different and it was not always clear. He said the affidavit provided a standard for consistency.

Daniel Dixon, Assistant City Attorney in the Legal Department, said that there were times that there was not a lease agreement. The affidavit would provide a starting point in the absence of a lease.

Mark Figg commented on his interactions with HAND staff and the Monroe County Apartment Association. He said they were receptive and that he supported Amendment 03.

Public comment:

Greg Alexander echoed Figg and voiced concerns, and said that Amendment 03 addressed some of the concerns.

Kelly Taylor commented on state law regarding landlord and tenant relationships.

Andrew Guenther spoke about rentals and his concerns with the original legislation. He said Amendment 03 was necessary.

Victor Gutierrez wondered if there could be a waiver for the affidavit if the information was part of the lease.

Flaherty asked Dixon to comment on the state law.

Council comments:

Dixon explained that Senate Rule 148 passed in 2020 but was vetoed by the governor, and the veto was overridden in 2021. The issue of the legal footing had been resolved. House Rule 1541 struck out language pertaining to regulating the tenant-landlord relationship. Occupancy limits were put in place by the Unified Development Ordinance (UDO) which was authorized by the Indiana General Assembly. He did not have significant legal concerns regarding Ordinance 21-30.

Flaherty asked about a potential waiver to reduce administrative burden.

Dixon responded that it would be concerning to require the information in a lease. There was a variant process in Title 16 and explained that process.

The motion to adopt Amendment 03 to Ordinance 21-30 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Amendment 03 to Ordinance 21-30 [9:07pm]

Flaherty moved and it was seconded to adopt Amendment 04 to Ordinance 21-30.

Amendment 04 to Ordinance 21-30

Amendment 04 Synopsis: This amendment removes the requirement on property owners to complete an occupancy affidavit at least once per year. Instead, it requires owners or agents to complete such affidavits only when there is a change in the occupancy of the dwelling unit. The amendment also modifies the period during which such affidavits must be maintained.

Flaherty presented Amendment 04.

Sims asked staff's opinion of Amendment 04.

Council questions:

Zody said that the annual requirement contributed to the ongoing education process on laws for tenants. He commented on multi-year leases, and the possibility of signing the affidavit on year one.

Amendment 04 to Ordinance 21-30 (cont'd)

Flaherty clarified that if there was a multi-year lease, then the tenant would only sign that first year, and the affidavit would be considered current each year. Amendment 04 eliminated the requirement of an affidavit within the last year.

Zody commented that staff did not object to Amendment 04.

Brent Pierce, Assistant Director for HAND, said that after discussing the legislation with property owners, there was an agreement that the record of occupancy would be produced to HAND based on the inspection cycle conducted by HAND.

Zody said that if the landlord and tenants were affirming that they were aware of and were complying with the occupancy ordinance, then there would be no problem. He said Amendment 04 did not invade tenant privacy.

John Hewett, Program Manager in HAND, said that changing the annual requirement did not change inspectors' process.

Sandberg asked if any property owners had indicated that it was a burden to provide the affidavit on an annual basis. She appreciated Zody stating that it was not about enforcement, but rather compliance.

Zody said that Amendment 03 satisfied property owners with the legislation. He did not see that Amendment 04 changed that feedback.

Rollo asked if staff was apprehensive because Amendment 04 would eliminate the annual educational component which served as a reminder to the tenants of the occupancy policy being not required.

Zody responded that he was not apprehensive, but rather did not have the time to thoroughly read through Amendment 04 and digest its changes. He said staff would be okay with Amendment 04.

Rollo asked Flaherty about the intent of Amendment 04 and if he felt it was redundant to require the affidavit annually.

Flaherty said that it was redundant and an administrative burden for landlords and tenants. He said he drafted Amendment 04 based on feedback from landlords and tenants. He provided reasons for Amendment 04, including that Amendment 03 removed the September date for the submission of a form to HAND.

Rollo said those were good points and asked about apprehension regarding the annual education component and the potential for tenants to not comply since the affidavit was not required annually.

Flaherty said he did not have apprehension because it would be the same tenants and landlord. Landlords stated they communicated this with their tenants. He commented on student- and non-student renters. Non-student renters were likely to be the ones with multi-year leases.

Zody reiterated that inspections would address complaints and that Amendment 04 did not invade tenants' privacy.

Piedmont-Smith thanked Flaherty and asked him to explain if Amendment 04 was related to Amendment 02 which had passed.

Flaherty explained that Amendment 02 allowed for attestation that tenants had not changed. He said Amendment 04 was related to Amendment 02 in that if occupancy had not changed, then additional submissions were not required. He explained some differences.

Sandberg asked if Pierce had anything to add.

Pierce commented on issues like the landlord's responsibility of maintaining the occupancy affidavit and producing it should a concern arise.

Mark Figg said that Amendment 04 was better and commented on leases, rights and responsibilities form, and occupancy.

Amendment 04 to Ordinance 21-30 (cont'd)

Susan Goldsworth commented on leases and was pleased that privacy concerns were addressed.

Public comment:

Andrew Guenther spoke in support of Amendment 04.

Sandberg said that renters might turnover frequently which would automatically trigger the requirement. She would be fine with Amendment 04.

Council comments:

Piedmont-Smith commented on Amendment 02 as a cosponsor and said that members of the public had reached out giving her different perspectives. She learned that it was not necessary to have individuals read and sign the affidavit every year. It was important to not single out certain types of renters or rental units. She said that she would support Amendment 04.

Zody said that a landlord would maintain the current lease as well as the affidavit, and thus be able to produce it upon request.

Sims said that the over-occupancy issue did not occur as frequently as suspected. The education component was important, and commented on compliance. He was pleased that landlords were still using the tenant's rights form.

The motion to adopt Amendment 04 to Ordinance 21-30 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Amendment 04 to Ordinance 21-30 [9:48pm]

Flaherty asked about over-occupancy complaints and data.

Council questions:

Zody responded that there were around twenty-five to thirty allegations. There had not been a system in place to track that data but new software was being implemented and would allow for better information. He said the affidavit would assist with providing more information.

Flaherty asked if it was unknown how many notice of violations were issued for over-occupancy yearly.

Dixon said he did not have the information at the time. He said that the Planning and Transportation Department might have that information because they handle enforcement.

Flaherty asked staff about the short comings of current tools regarding over-occupancy. He worried about implementing a wide-scope solution for a very specific situation.

Zody explained that while there was a lot of institutional knowledge in HAND, there were also thousands of files on properties. A new system would allow better tracking on issues about properties. He cited overgrowth under Title 6, alleged over-occupancy, and more. There was not a standard for issues. He provided examples specific to over-occupancy.

Piedmont-Smith asked Zody why Ordinance 21-30 was limited to four, or fewer, units.

Zody said it was a city threshold for other city services, like trash and recycling. He said that most complaints of over-occupancy came from single family neighborhoods or smaller complexes.

Piedmont-Smith said that the Housing Committee discussed HAND's responsibilities regarding rental properties being safe. She said that sometimes more people living in a unit could be dangerous in a fire, but the same was true for larger buildings. She asked if over occupancy was a concern in the larger complexes, too.

Zody said that over occupancy was a concern in general, and was a safety issue too.

Ordinance 21-30 as amended (cont'd)

Dixon added that Section D in Ordinance 21-30 allowed for a requirement of the affidavit from otherwise exempt properties if there were complaints about over-occupancy.

Rosenbarger asked if apartments with five or more units were required to complete the inspection.

Zody confirmed that they did.

Dave Warren appreciated the work of staff and council to reduce concerns with Ordinance 21-30 but urged council to vote against it because it discriminated against renters.

Public comment:

Mark Figg did not support Ordinance 21-30 because there was not an over-occupancy issue. He asked council to not pass it.

Jordan Evans spoke on behalf of Monroe County Apartment Associations (MCAA), which did not support Ordinance 21-30.

Joe Bunger commented against Ordinance 21-30 as unnecessary.

Avery Thatcher spoke against Ordinance 21-30 because there was not an over-occupancy problem.

Andrew Guenther was not in support of Ordinance 21-30 because it was inequitable and urged council not to pass Ordinance 21-30.

Susan Goldsworth commented against Ordinance 21-30 and should be based on data and complaints.

Rosenbarger thanked Zody and his team for the excellent collaboration with council. She said that the city was already doing a good job with enforcing occupancy, especially since there were only around thirty complaints per year. She spoke about enforcements of other types of complaints, like trash, noise, and more. Many landlords were already voluntarily complying and using tools like the tenants' rights and responsibilities form. Rosenbarger was interested in seeking out the landlords that did not have leases or inspections, or perhaps had unsafe rentals. Owner-occupied units also had to follow the occupancy rules, per the UDO. She wanted to narrow the treatment of renters differently than homeowners, and questioned the occupancy policy of having three, unrelated adults. It was discriminatory because there were different types of families. The exclusion of adults over fifty-five was also discriminatory. Rosenbarger did not plan to support Ordinance 21-30.

Council comments:

Sandberg said it helped to have a historical perspective. She complimented Zody and HAND staff for reaching out to landlords and neighborhood groups. Bloomington had long been known for a strong HAND department. It was important for renters to have a well-managed housing supply for rentals. She commented that over-occupancy was rare which was good for the city and well-represented HAND. She encouraged councilmembers to support Ordinance 21-30.

Rollo appreciated Zody for reaching out to landlords to compromise and protect privacy. He did not believe Ordinance 21-30 was onerous and he would support it.

Smith said he would be supporting Ordinance 21-30 because it provided education and regulated compliance issues. It was a good tool for both renters and landlords.

Ordinance 21-30 as amended
(cont'd)

Flaherty explained that he would not support Ordinance 21-30 because the scope of the problem was very small. He pointed out that the data did not clarify how small the problem was. He did not believe that current city processes and tools already in place were insufficient. He believed that the policy limiting occupancy to three, unrelated adults was discriminatory based on age and went against non-traditional family structures. He referenced the strong movement in Boulder, Colorado called "Bedrooms are for People." He believed that complaints like noise, parking, or trash could be regulated in other targeted ways.

Sims agreed that the definition of family that was currently in place, could be discriminatory and inequitable. It was prudent to have further review and revision regarding that policy. Sims said that he would support Ordinance 21-30. He hoped to hear that the form was updated and acceptable by its users. It was important to move towards equity, and understand renters and the rental units in the city. He thanked the public for their comments.

Piedmont-Smith said that she had planned to vote in favor of Ordinance 21-30. However, after the discussion, she did not believe that it was necessary or that there were not already tools in place to address occupancy limits. She questioned the occupancy limits but understood why the limits were initially put in place. She commented that the occupancy policy was put in place mainly because of trash and noise, perceived to have come from student renters. It was possible to address those issues in other ways. She would be voting no on Ordinance 21-30.

The motion to adopt Ordinance 21-30 as amended received a roll call vote of Ayes: 5, Nays: 3 (Flaherty, Piedmont-Smith, Rosenbarger), Abstain: 0.

Vote to adopt Ordinance 21-30 as amended [10:43pm]

Flaherty reminded council that since it was past 10:30pm, that council was subject to a two-thirds vote for an introduction of new business.

Flaherty moved and it was seconded that Ordinance 21-25 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis only, giving the committee of the whole do-pass recommendation of Ayes: 7, Nays: 0, Abstain: 0.

Ordinance 21-25 – To Establish the American Rescue Plan Act Fund ("ARPA Fund") Supporting the City of Bloomington's Recovery from the COVID-19 Pandemic [10:44pm]

Flaherty moved and it was seconded to adopt Ordinance 21-25.

Sims passed the gavel to Vice President Sgambelluri.

Guthrie presented Ordinance 21-25 and said it was the creation of a fund in order to receive the American Rescue Plan Act (ARPA) funding. Under state guidance, the city was required to create a separate fund.

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 21-25. Guthrie clarified that Amendment 01 was a technical amendment that updated the name of the fund.

Amendment 01 to Ordinance 21-25

Amendment 01 Synopsis: This amendment updates the name of the fund to be established to “ARP Coronavirus Local Fiscal Recovery Fund” to comport with accounting directives issued by the State Examiner.

Amendment 01 to Ordinance 21-25 (cont'd)

There were no council questions.

Council questions:

There was no public comment.

Public comment:

Sgambelluri gave the gavel back to Sims.

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 21-25 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 21-25 [10:52pm]

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 21-25 as amended received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-25 as amended [10:54pm]

Flaherty moved and it was seconded that Ordinance 21-28 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis only, giving the committee of the whole do-pass recommendation for Amendment 01 of Ayes: 7, Nays: 0, Abstain: 0, and for Ordinance 21-28 as amended of Ayes: 7, Nays: 0, Abstain: 0.

Ordinance 21-28 – An Ordinance to Amend Ordinance 20-23 Which Fixed Salaries for Certain City of Bloomington Employees for the Year 2021 - Re: To Change the Grade of Existing Positions in the Office 3 of the Mayor, the Parks Department, and the Utilities Department and Revise Job Titles Within Both the Police and Fire Departments to Better Reflect the Nature of Those Positions [10:55pm]

Flaherty moved and it was seconded to adopt Ordinance 21-28.

Caroline Shaw, Director of Human Resources, presented the legislation to the council. She highlighted the proposed grade change for three current positions.

Council questions:

There were no council questions.

Sgambelluri moved and it was seconded to adopt Amendment 01 to Ordinance 21-28.

Amendment 01 to Ordinance 21-28

Amendment 01 Synopsis: This amendment revises the proposed job grade for Digital Brand Manager in the Office of the Mayor.

Council questions:

There were no council questions.

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 21-28 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 21-28 [11:03pm]

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 21-28 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-28 as amended [11:05pm]

Flaherty moved and it was seconded that Ordinance 21-29 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis only, giving the committee of the whole do-pass recommendation of Ayes: 7, Nays: 0, Abstain: 0.

Ordinance 21-29 – Amending Ordinance 20-22 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington for 2021 - Re: Title Change for Fire Inspector [11:05pm]

Flaherty moved and it was seconded to adopt Ordinance 21-29.

Shaw presented Ordinance 21-29 and explained it changed the title for Fire Inspector.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 21-29 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-29 [11:08pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Stephen Lucas, Council Attorney, reviewed the upcoming council schedule.

COUNCIL SCHEDULE [11:09pm]

Sims thanked council, staff, and the public for their participation in council meetings over the year.

Flaherty moved and it was seconded to adjourn the meeting. Sims adjourned the meeting.

ADJOURNMENT [11:11pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In Bloomington, Indiana on Wednesday, July 21, 2021 at 6:30pm, Council President Jim Sims presided over a Regular Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
REGULAR SESSION
July 21, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived at 6:32pm)
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:32pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:34pm]

Piedmont-Smith reported on her attendance at the Making Cities Livable International Conference. She discussed the organization, attendees, main themes, lessons from the pandemic, climate change, advice for public input, and case studies.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Sims asked about gentrification based on equity.

Piedmont-Smith responded that it was brought up when discussing public input. She said it was not a simple topic and that gentrification needed to be planned for and avoided.

Volan welcomed everyone back from recess. He said that meetings would still be remote, but that Covid-19 variants were still on the rise.

Sgambelluri announced her constituent meeting on August 07, 2021 via Zoom.

Smith said that he, Piedmont-Smith, Sgambelluri attended the Boys and Girls Club local legislators gathering.

Sandberg was concerned about the Covid-19 variant and urged community members to get vaccinated. She discussed the ability to meet in person.

Rollo offered gratitude to the administration for adding bike lanes on Sare Road (College Mall Road). He appreciated the leaf mulching programs and asked the administration to consider distributing composters for kitchen waste. He also regretted surrendering council's role with developments and cited the Trinitas proposal at the former K-Mart.

Deputy Mayor Donald Griffin introduced the third citywide annual survey results. The city contracted with the National Research Center and Polco to survey community members about living in Bloomington. He introduced Damema Mann, Director of National Engagement for National Research Center and Polco.

- The MAYOR AND CITY OFFICES [6:59pm]

Damema Mann provided background information on the National Research Center and Polco. She described survey methods, survey results, national benchmark communities, peer benchmark communities, and key findings. She also described perceptions of life in Bloomington, community quality, resident loyalty, community care and acceptance, responses about best and worst thing in Bloomington, safety, safety services, housing and affordability, homelessness, government performance, education, arts, and culture.

Rollo asked if affordability in Bloomington was different from peer communities.

Mann said the results were lower than the benchmarks and were trending down. She said that communities like Bloomington were all experiencing lower results.

Sgambelluri asked for information about who completed the survey and how many of the five hundred twenty-seven survey results were part of the original three thousand.

Mann explained that the survey results were all from the original three thousand making it a scientific sample. She said there was also an open-ended survey that had about two hundred fifty results and were not included in the report.

Sgambelluri asked about combining the targeted results and open-ended results.

Mann explained the process and said that the results were kept separate. She said both reports were available to council.

Smith asked about the five hundred twenty-seven self-selected respondents of the survey.

Mann explained that for the scientific survey, recipients received a paper copy of the survey and a link to use online, if preferred. She referenced the technical appendices and the methodology. She explained the process for identifying the random sample and other criteria that was considered.

Volan asked if council had the report or if it would be sent soon.

Mann stated that city staff had the report but she was not sure how, or if, it would be distributed.

Volan asked if it would be easy to compare other cities' data.

Mann said that there were averages as well as peer-community comparisons. However, other cities data was kept private.

Volan asked if it was possible to separate the data into two groups.

Mann said it was possible but that there needed to be enough jurisdictions to be scientific.

Rollo commented on the quality of life and the integral nature as livable communities that revolved around the built environment. He asked if there were questions specific to the built environment.

Mann responded that there were questions related to the built environment. Bloomington had a custom survey that had questions that addressed built environment.

Rollo asked about council's ability to submit questions.

Griffin stated that he would confer with the mayor.

Sgambelluri asked about weighting criteria within the survey.

Mann explained that there was a weighting table in the report that delineated the details. She provided examples.

Sgambelluri asked who owned the data.

Griffin responded that the city of Bloomington did.

Sims asked if population percentages were included in weighting the data.

Mann responded that the goal with weighting was to apply an accurate weight to each survey record in order to match, as best as possible, the population norms. She explained that the results could be looked at certain areas and other demographics like homeowners or renters. She said the city did not choose race.

- The MAYOR AND CITY OFFICES (*cont'd*)

Volan asked if it was possible to breakdown the data by race.
Mann said that it was possible and she could speak with city staff about pricing and timing.
Griffin asked which races should be included.
Volan said that it would be relevant to the most recent census.

- The MAYOR AND CITY OFFICES (*cont'd*)

There were no council committee reports.

- COUNCIL COMMITTEES [7:36pm]

John Goode commented on his business near Switchyard Park. He further commented on the vandalism, drug use, trash, and more. He described impacts on his business and others nearby.

- PUBLIC [7:37pm]

Mary Morgan amplified Goode's remarks. She said the impacts and dangers were increasing. She questioned if the city was dedicating sufficient resources to the problem.

CJ [inaudible] spoke about the issue of homelessness and said that simply sending the police was not sufficient. He said that the city and police pushed the unhoused from one park to another.

Smith moved and it was seconded to reappoint Nancy Obermeyer to seat C-2 on the Public Transportation Corporation Board. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:48pm]

Flaherty moved and it was seconded to reappoint Shelby Ritchie to seat C-3 on the Commission on Sustainability. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:51pm]

Flaherty moved and it was seconded to read Resolution 21-24 by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 21-24 - To Urge the United States Congress to Pass the "Protecting the Right to Organize Act" [7:51pm]

Flaherty moved and it was seconded to adopt Resolution 21-24.

Sandberg presented Resolution 21-24 and stated that it was brought to council's attention by Jerry Sutherland, Executive Vice President of the Southern Indiana Area Labor Federation of the American Federation of Labor and Congress of Industrial Organizations (AFLCIO). She stated that labor and wages were important and commented on similar policy in United States Congress.

Piedmont-Smith asked if someone was going to summarize Protecting the Right to Organize (PRO) Act.

Council questions:

Sutherland explained some details including overturning Right to Work state laws, making the formation of unions easier for workers, and making it more difficult for corporations to fight against the formation of unions. The act restored the National Labor Relations Act to what it was when it passed in the 1930s.

Lucas added that there were links in the packet to online information about the House Bill and Senate Bill, and more.

Piedmont-Smith stated that the act was timely because it defined an employee, as opposed to an independent contractor, under the direction of a business entity.

Beth Hamlin spoke in favor of the PRO Act and commented on some important changes.

Resolution 21-24 (cont'd)

Public comment:

Drew Heidershine commented in support of Resolution 21-24. He said that the PRO Act would prevent employers from firing workers attempting to form a union.

Keegan Gulick thanked council for considering Resolution 21-24 and urged council to vote in favor of it and stand with the working class.

Aaron Wells spoke in favor of Resolution 21-24 and was energized to see that all councilmembers were cosponsors. He provided examples of the need for the PRO Act.

Jackie Yenna thanked council and urged councilmembers to vote in favor of the important legislation.

Flaherty stated his support for sponsoring and voting in favor of Resolution 21-24. He thanked the Southern Indiana Area Labor Federation and the Bloomington chapter of the Democratic Socialists of America (DSA) for their work on and support for Resolution 21-24. Flaherty had brought the legislation to a meeting of the Commission on Sustainability where it was warmly received. The commission had a Just Transition working group addressing economic and social equity components of sustainability. Worker's rights were a crucial piece to equity. He provided additional reasons and said that while it was a federal policy that was being considered, it was important for the city to pass resolutions. He and other councilmembers had reached out to local economic leaders as well to attempt to augment the impact for workers' rights in the city.

Council comments:

Rollo voiced his support for the right to organize and collective bargain as a counterweight to corporate power. Right to Work laws undercut workers' rights. He agreed that the decline in worker power via unions had resulted in a massive wage and wealth disparity. He thanked everyone who worked on Resolution 21-24.

Piedmont-Smith also thanked the labor organizations and DSA for their work on the legislation and Sandberg for bringing it to council's attention. She urged community members to reach out to Senators Mike Braun and Todd Young to ask them to at least give the legislation a hearing in the senate. She said the wealth gap was destabilizing and should concern everyone. The PRO Act would create a bit more equity between labor and capital.

Rosenbarger added that she was happy to cosponsor Resolution 21-24 and thanked everyone involved in drafting it. She had worked for the AFLCIO for many years and strongly believed in the right to organize and bargain collectively. She commented on Right to Work state laws and their impacts. She echoed Piedmont-Smith about contacting senators.

Sims was pleased to be a cosponsor of Resolution 21-24 and commented on the history of union activity which coincided with a much stronger middle class. When strong union activity was decreased, so was the middle class. Sims thanked Sutherland, Yenna, and others who worked on the resolution.

The motion to adopt Resolution 21-24 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-24
[8:15pm]

Flaherty moved and it was seconded that Resolution 21-25 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Flaherty moved and it was seconded to adopt Resolution 21-25.

Mayor John Hamilton presented Resolution 21-25 and highlighted details. He explained the process from the passage of the American Rescue Plan Act (ARPA) and the robust conversation with council. Hamilton reviewed things to consider in the use of the funds, including sustainability, particularly climate, as well as inclusion and equity. He commented on collaborations, other funding sources, regulation changes, timelines, and more. Hamilton urged council to pass the proposed plan.

Philippa Guthrie, Corporation Counsel, presented the legal aspects of the proposal. She discussed what the funds were allowed to be spent on, equity, and other topics to consider. She further explained the proposal process.

John Zody, Director of the Housing and Neighborhood Development (HAND) Department, spoke about the proposed landlord mitigation fund for \$200,000 that was designed to help those who had barriers to affordable housing or housing security like an eviction or poor credit and provided details on the proposal.

Efrat Fefferman, Executive Director of United Way, thanked council for their support of Resolution 21-24. She spoke about the Community Foundation of Bloomington and Monroe County's, and United Way Monroe County's, proposed Heading Home 2021 plan. She commented on updates to the plan since 2014, and its partners. The plan was the community's guide for reducing homelessness and housing insecurity. Fefferman provided details including a data dashboard for tracking progress, increasing case management, having a housing first approach, and broadening the working group into a coalition with full time staffing in order to implement long term solutions.

Amber Skoby, Executive Director of the Bloomington Housing Authority (BHA), also thanked the council for its support. She explained the purpose of BHA and provided details. She spoke about the proposed plan for \$250,000 that would go toward building capacity of housing in Summit Hill. It included hiring experts to provide assistance with establishing a community land trust and tools to promote affordability. The funding would also fund staff dedicated to affordable housing development. She provided additional details.

Alex Crowley, Director of the Economic and Sustainable Development (ESD) Department, summarized the request of \$150,000 to accelerate inclusive job training and employment growth. He described some current programs that assisted with job skill development. He also spoke about the administration's commitment to supporting the arts by leveraging existing resources like the Waldron Arts Center. He described the proposed grants for arts organizations that had struggled during the pandemic.

Resolution 21-25 - To Adopt a Community Investment Plan Detailing the Use of Funding Provided Under the American Rescue Plan Act to Support the City of Bloomington's Recovery from the COVID-19 Pandemic [8:16pm]

Kate Galvin, Artistic Director of Cardinal Stage Company, discussed the proposal for funding the deferred maintenance of the Waldron Arts Center, recovery grants to local arts organizations, and the potentially new performing arts facility. She described the difficulties that performing arts had encountered due to the COVID-19 pandemic. She also described the benefits in the proposal.

Vic Kelson, Director of Utilities, described the request of \$700,000 for the support of the Environmental Protection Agency's (EPA) lead and copper rule. The first step was to have departments like the City of Bloomington Utilities (CBU) create an accurate inventory of all lead water mains and service lines by the end of 2024. CBU had no lead water mains, and needed to create an inventory of service lines made of lead or were made of galvanized pipe that lied downstream from a lead pipe. He provided additional details.

Rick Dietz, Director of Information and Technology Services (ITS) Department, commented on the proposal to fund wifi expansion in city parks. He spoke about Recovery Forward's grants program. The request provided an opportunity to build upon the 2020 digital equity strategic plan which called for a review of expanding wifi like city parks.

Rollo asked Kelson for clarification on evaluating the piping system and not the replacing them.

Council questions:

Kelson said that it would concur with ongoing replacements. He said that there were discussions about how to have the homeowner replace their portion of the piping.

Rollo asked if it would be throughout the city.

Kelson confirmed that it would but also those in the service distribution area including those outside the city.

Rollo asked if homeowners would be notified in cases where lead pipes were located.

Kelson said he was not sure how the process would be finalized, but that the information was public information. He described action that was already in place to identify lead by testing the drinking water for free upon request.

Piedmont-Smith said that the plan had broad categories, and the specific expenditure requests of Appropriation Ordinance 20-01 were also listed in the plan. She asked why the plan could not be general enough so as to not need to make updates.

Guthrie responded that it was difficult to comply with the State Board of Accounts (SBOA) requirements because there were no other instructions. There was outside counsel assisting the city with the plan. The main concern was being accountable for how the funds was spent without real guidelines.

Piedmont-Smith asked if it was correct that the plan would be adjusted with subsequent appropriations of the funds.

Guthrie confirmed that was correct.

Piedmont-Smith asked if the next appropriation would be part of the 2022 budget, and if a resolution would be needed.

Guthrie stated that a resolution would not be needed because of language stating there would be administrative updates by staff.

Smith asked for clarification on the difference between the proposed plan for spending \$3.3 million and the replacement funding of \$6.4 million.

Hamilton explained that the federal government arrived at \$11.1 million mathematically and had sent half. Nothing could be spent without an appropriation ordinance or consistency with a plan. By

Resolution 21-25 (cont'd)

not asking for the replacement monies, the city had more time and flexibility to decide how to spend that money. He provided additional details and said that the \$3.3 million could be well invested in the next few months of 2021.

Smith asked if there would be additional appropriations that could go towards affordable housing.

Hamilton confirmed that was a possibility and commented on the current proposals.

Sims asked if council could consider the plan before the appropriation ordinance.

Hamilton explained that any expenditures had to be done in accordance with a plan. Staff had outlined a plan for council to consider. The plan was to be generic in its goals and descriptions but would be very specific in its programmatic appropriation. The plans would be updated to match the appropriations determined by council.

Sgambelluri stated that there would be an updated plan for every appropriation ordinance.

Hamilton confirmed that was correct, that the plan would be updated to match the appropriation ordinance.

Sgambelluri asked for clarification on the loan credit program to CBU with potential future reimbursement.

Kelson explained that it was not known if there would be state or federal funding for replacement programs and whether those dollars could be used to pay for inventory.

Sgambelluri asked Crowley about the potential for new programs.

Crowley said he had described example programs and said that there was at least one new program. Staff was trying to leverage successful programs and double down on those efforts.

Flaherty asked if the landlord risk mitigation funds would be limited to those with Section 8 Housing Choice vouchers.

Zody responded that it was where the program would commence and would cover the immediate need.

Skoby added that the fund was needed for those who had a voucher or perhaps had an eviction in their record. She commented on rapid rehousing, which acted like a short term voucher and worked with private landlords. She also commented on the coordinated entry list of individuals who would need access to those funds.

Flaherty asked if the fund would not apply to the other categories and would apply only to those with vouchers.

Zody said that staff had not developed the full plan out, but that starting with those with vouchers and access to housing was ideal.

Sgambelluri asked for clarification on how the \$200,000 would be used and if it was only for staffing.

Zody responded that it would be a dual purpose starting with those who already had vouchers.

Skoby added that BHA had about \$75,000 to contribute to the risk mitigation fund too. BHA would partner with community organizations that also worked with rapid rehousing.

Sgambelluri asked how risk was mitigated.

Skoby explained that it provided funding for unpaid rent, damages, et cetera. She provided additional details including tenant education and case management.

Piedmont-Smith expressed concerns about the funds going to staff because the funds were limited and were not renewable. She

wondered what the plan was to continue funding after the ARPA funds.

Hamilton responded that the administration was balancing receiving one-time monies with the needs of the community. He said that the goal was for the organization to be able to sustainably and cited the Summit Hill land trust. The expectation was that they would be able to earn revenue through nonprofit housing development in the next few years. The housing insecurity group had proposed a five year plan, and the community would need to determine how to continue to support those efforts.

Rollo asked Zody and Crowley for an estimate on how many clients would be helped.

Skoby stated that it would be around forty families and would include education and case management.

Crowley said that it was difficult to measure the number of clients that would be helped. He described other ways to measure the success of funding programs.

Rollo asked what staff anticipated for the replacement revenue.

Underwood said that staff estimated about \$6 million dollars based on a federal formula.

Smith asked if it made more sense to complete the study for a new performing arts facility and hold off on the plans for the Waldron Arts Center since it was currently closed.

Crowley responded that if the study showed that a new facility was feasible, that it would take time to build it. He said that the plans for the Waldron had merit and it made sense to make the investment at present.

Hamilton added that the recommendations were feedback from the community.

Flaherty explained his understanding of the proposed plan and asked about the category pertaining to existing infrastructure including water, sewer, and broadband. He asked why it was limited to those three items instead of being broader at the time.

Guthrie explained that was an ARPA requirement with a very limited infrastructure bucket. The replacement revenue was less restrictive.

Piedmont-Smith asked if the revenue replacement would be based on revenue that the city did not receive in 2020. She asked what the period was that the city would be able to claim lost revenue.

Underwood said it was a formula that took the baseline in 2019 and compare the projected growth, to determine the estimated lost revenue.

Hamilton added that it was a category that helped governments calculate lost revenue and it was more flexible.

Tonda Radewan spoke about rental assistance, the mortgage moratorium, and the work she did with those facing homelessness and eviction.

Public comments:

Piedmont-Smith followed up on Radewan's question regarding tenants facing evictions by the end of the month. She asked if there were other ways that the city could help in emergency situations.

Council comment:

Hamilton said that community members were collaborative with tenant risk. The county government had provided direct-cash availability to the trustees system for assistance to those in need. The administration was trying to move investment money quickly

into organizations that could provide direct assistance and respond to emergencies.

Resolution 21-25 (cont'd)

Sgambelluri said she would support Resolution 21-25 and commented that in the coming years, there would be a difference between cities that spent the money and cities that invested the money. She hoped, and it appeared so, that Bloomington would be investing the money. She thanked staff for their work on the proposal. She also appreciated the \$1.2 million toward the transformational work of the housing insecurity group.

Rollo commented that the proposal had good application of the funds. It would support infrastructure and vulnerable populations. He said that the full extent of the pandemic was still unknown, including the economic impact. He was surprised at the \$700,000 cost of finding the lead piping. He would support Resolution 21-25.

Sandberg stated that she would support Resolution 21-25 which was an initial attempt at recovery efforts in the community. It was useful that the proposal came after the city survey which made it clear that the arts was an important part of Bloomington. She explained that the arts community needed a new facility as well as the Waldron. She said that there were many individuals in the community that made their living in the arts. It was important for Bloomington to ensure that the current spaces were viable. She thanked staff for their work on the proposal.

Flaherty thanked staff and community members for their work on the proposal, and said he would support Resolution 21-25. He said there were many good ideas in the plan that could hopefully be built upon. He commented on the landlord risk mitigation fund, which was good for those with vouchers, but it was also important to include those facing discrimination based on a criminal history, poor rental history, or source of income. He appreciated the investment with experts regarding the land trust. He would like to see an increase in the investment through funds or donations of land. He expressed concern regarding the process going forward. He hoped that the administration and council could develop the plan together and perhaps have a resolution prior to the appropriation ordinance.

Smith thanked the administration for clarifying some topics in the plan. He would support Resolution 21-25.

Piedmont-Smith would be supporting Resolution 21-25. She agreed with Flaherty that it would benefit the community for the administration and council to collaboratively revise the spending plans. She said there was room for improvement in discussing funding priorities for ARPA and city funds. She said the proposal was excellent, especially the housing issues. She said it was good to fund the Heading Home plan implementation, landlord risk mitigation fund, and the land trust. In addition to focusing on housing, mental health care needed to be addressed since it typically involved those experiencing homelessness in Bloomington.

Sims said that he would support Resolution 21-25 and appreciated the discussion. It was important to consider a more collaborative approach in the future though there was still some uncertainty with federal and state guidelines. He and council leadership received information from the administration, that it would be shared with other councilmembers for their involvement. He said that council, as

the body that approved appropriation ordinances, would have additional opportunities to work with the administration on the proposal. He thanked all who worked on the proposal including community members.

The motion to adopt Resolution 21-25 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded that Appropriation Ordinance 21-01 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Sims referred Appropriation Ordinance 21-01 to the Committee of the Whole to meet on July 28, 2021 at 6:30pm.

Greg Alexander commented on the Cascades Trail and some concerns regarding its plans and funding.

Stephen Lucas, Council Attorney, reviewed the upcoming council schedule, legislation, and possible motions for council to consider making.

Flaherty moved and it was seconded to cancel the Council's work session on July 23, 2021. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded that the Council's August 04, 2021 meeting be conducted as a Special Session starting at 3:00pm rather than a Regular Session. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Volan moved and it was seconded that the Council's August 04, 2021 meeting have an end time of 9:00pm and a 30 minute recess that would begin at 5:45pm.

Sims commented on another potential plan for breaks during the Special Session.

Volan stated that he would be willing to split one 30 minute recess into two 15 minutes recesses.

Rollo said he was not opposed to having an end time, but was concerned about not structuring debate regarding speaking time.

Volan said that because public speakers did not sign up in advance, it was unknown how many would attend. Council was obligated to hear everyone who wanted to speak, and another Special Session might be needed.

Rollo asked if it was President Sims' intention to schedule another special session if necessary.

Sims confirmed that was correct, if there was a need to continue the Special Session it would be held the following night, on August 5.

Resolution 21-25 (cont'd)

Vote to adopt Resolution 21-25 [9:49pm]

LEGISLATION FOR FIRST READING [9:50pm]

Appropriation Ordinance 21-01 - To appropriate from the ARP Coronavirus Local Fiscal Recovery Fund, IFA Coronavirus Relief Fund, General Fund, and Parks and Recreation General Fund Expenditures for Purposes that Fulfill the Intent of the American Rescue Plan Act in Aid of the City of Bloomington's Recovery from the Effects of the COVID-19 Emergency

ADDITIONAL PUBLIC COMMENT [9:52pm]

COUNCIL SCHEDULE [9:56pm]

Vote to cancel work session [9:57pm]

Vote to schedule Special Session [10:00pm]

Council discussion:

COUNCIL SCHEDULE (cont'd)

He reiterated that anyone who wanted to speak at the public hearing would be able to do so, as required statutorily.

Sandberg suggested that anyone speaking for a large group of people to identify that particular annexation area. She said that asking public speakers to raise their hands if they had a particular point of view, might help cut down on the number of speakers. She asked when the meeting would start on August 5, if needed.

Sims explained that it would start at 6:30pm and that he would remind public speakers to be efficient.

Sandberg said that August 4 was the date that was advertised and was when members of the public intended to attend.

Sims reiterated that the plan was to finish on August 4.

Volan said that, with three minutes per person, council would be able to hear approximately one hundred speakers. For two minutes, there could hear one hundred and fifty. He doubted there would be more than two hundred speakers.

Sims said it was not possible to anticipate the number of speakers until the day of the special session.

Sgambelluri asked if would be possible to extend the special session meeting end time.

Lucas responded that it would be possible by a majority vote.

Sgambelluri asked if there was an advantage in scheduling breaks at the meeting.

Lucas said it could be helpful to attendees and provided additional information.

Volan said the point was to advertise in advance that there would be a start time, end time, and break.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to have an end time for Special Session [10:16pm]

Flaherty moved and it was seconded to adjourn the meeting. Sims adjourned the meeting.

ADJOURNMENT [10:16pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In Bloomington, Indiana on Wednesday, August 18, 2021 at 6:30pm, Council President Jim Sims presided over a Regular Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
REGULAR SESSION
August 18, 2021

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

ROLL CALL [6:31pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:31pm]

Flaherty moved and it was seconded to approve the minutes of September 09, 2020 and September 23, 2020. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:35pm]

September 09, 2020 (Special Session)
September 23, 2020 (Regular Session)

Sgambelluri reminded the public of her monthly constituent meeting.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Smith thanked the Habitat for Humanity ReStore for their work.

Sandberg thanked the Blue Ridge Neighborhood Association (BRNA) for inviting council to attend their meeting which included representatives from Duke Energy.

Rollo spoke about an upcoming joint constituent meeting with Sandberg.

Sims seconded Sandberg about the BRNA and its collegiality with talking and listening. He commented on the August 04, 2021 Special Session and the timing with noticing the public of the meeting. He also commented on the Governor's extension of the health order, the recess of reconvening of the meeting, and COVID-19 variants. He thanked councilmembers for their support in making the difficult decision to recess and reconvene. He spoke about the feedback from the community.

Beverly Calender-Anderson, Director of Community and Family Resources Department, introduced the new After-Hours Ambassador, Charles Culp.

- The MAYOR AND CITY OFFICES [6:43pm]

Culp introduced himself and said he would be working evenings on Fridays, Saturdays, and Sundays, in addition to events in the downtown area to promote safety.

Sims discussed having met Culp and looked forward to his work with the public.

There were no reports from council committees.

- COUNCIL COMMITTEES [6:46pm]

Sherry Mitchell, Friends of Lake Monroe, thanked council for the support for the Watershed Management Plan. She provided an update on the action plan, other projects, and requests.

- PUBLIC [6:46pm]

Greg Alexander commented on bicycle and pedestrian lanes, unsafe routes to school, sidewalk maintenance, and risks with walking his kids to school.

Tina Irvin spoke about urban deer, risks to pets, and suggested the city would be well served by bringing the issue back for discussion.

- PUBLIC (cont'd)

Jessika Griffin said uReport was apparently defunct because there were many open reports.

Rosenbarger moved and it was seconded to approve the mayoral appointment of Matthew Seddon to the Historic Preservation Commission (HPC).

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:06pm]

Sgambelluri asked if it was an appointment to a specific seat on the HPC.

Rosenbarger explained that council approves mayoral appointments.

Sims asked if it was sufficient to approve the appointment without a specific seat on the HPC.

Clerk Nicole Bolden stated that it was important for tracking purposes to identify a specific seat, and clarified that it was seat M-5.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:08pm]

Flaherty moved and it was seconded that Appropriation Ordinance 21-01 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 21-01 - To appropriate from the ARP Coronavirus Local Fiscal Recovery Fund, IFA Coronavirus Relief Fund, General Fund, and Parks and Recreation General Fund Expenditures for Purposes that Fulfill the Intent of the American Rescue Plan Act in Aid of the City of Bloomington's Recovery from the Effects of the COVID-19 Emergency [7:08pm]

Flaherty moved and it seconded that Appropriation Ordinance 21-01 be adopted.

Philippa Guthrie, Corporation Counsel, presented Appropriation Ordinance 21-01 which proposed expenditures. She provided details and background information. She explained that the proposed plan for expenditures would be updated as Appropriation Ordinances were adopted.

Piedmont-Smith asked about Bloomington Housing Authority's (BHA) exploration of land trust options, and about Summit Hill.

Council questions:

Amber Skoby, Executive Director of BHA, reminded council that Stone Hill Development Corporation (STDC) was the 501(c)3 development arm of the BHA. Its main mission was to expand affordable housing through renovation work and to build new housing. She explained BHA's and STDC's work, processes, tax credits and financing, and managing compliance for the programs. She said the goal was to build and manage more affordable housing.

Piedmont-Smith asked if the STDC had a successful proposal for the Kohr Building.

Skoby responded that they had replied to the Request for Proposal. They were the preferred developer and would hopefully be awarded.

Piedmont-Smith asked for what the \$250,000 would be used.

Skoby said ideally it would fund a temporary staff person as gap-funding, legal fees, expertise with setting up the land trust, and understanding risk.

Flaherty moved and it was seconded to adopt Amendment 01 to Appropriation Ordinance 21-01.

Appropriation Ordinance 21-01
(cont'd)

Amendment 01 to Appropriation Ordinance 21-01

Amendment 01 Synopsis: This amendment makes two corrections. First, it adds the relevant date of passage for Resolution 21-25 as mentioned in the eighth Whereas clause. Second, it clarifies that the appropriation made to advance the goals of the Digital Equity Strategic plan will not necessarily come in the form of grants.

Flaherty described the two corrections in Amendment 01.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Appropriation Ordinance 21-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Appropriation Ordinance 21-01
[7:23pm]

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Appropriation Ordinance 21-01 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 21-01 as amended
[7:25pm]

LEGISLATION FOR FIRST
READING [7:26pm]

Flaherty moved and it was seconded that Ordinance 21-33 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 21-33 - Final Approval to Issue Economic Development Revenue Notes and Lend the Proceeds for the Renovation of Affordable Housing - Re: Crestmont Community, 1002 N. Summit Street, Bloomington, Indiana (Bloomington Rad II, LP, Petitioner) [7:26pm]

Sims referred Ordinance 21-33 to the Committee of the Whole to meet on August 18, 2021 immediately following the conclusion of that evening's Regular Session.

Flaherty moved and it was seconded that Ordinance 21-32 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 21-32 - To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District Re: The Thomas Smith House Historic District [7:29pm]

Sims referred Ordinance 21-32 to the Committee of the Whole to meet on August 18, 2021 immediately following the conclusion of that evening's Regular Session.

Flaherty moved and it was seconded that Ordinance 21-31 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 21-31 - To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan of the Curry PUD – Re: 105 S. Pete Ellis Drive (Curry Urban Properties, Petitioner) [7:32pm]

Sims referred Ordinance 21-31 to the Committee of the Whole to meet on August 18, 2021 immediately following the conclusion of that evening’s Regular Session.

Piedmont-Smith respectfully disagreed with President Sims’ referral of Ordinance 21-31 to the Committee of the Whole and not the Land Use Committee.

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [7:35pm]

Stephen Lucas, Council Attorney, reviewed the upcoming council schedule.

COUNCIL SCHEDULE [7:36pm]

Flaherty moved and it was seconded to adjourn the meeting. Sims adjourned the meeting.

ADJOURNMENT [7:38pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington



**MEMO FROM COUNCIL OFFICE ON:
(Updated November 10, 2022)**

Ordinance 22-15 – To Vacate a Public Parcel - Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and South of 8th Street (Peerless Development, Petitioner)

Synopsis

The petitioner, Peerless Development, requests vacation of a segment of an alley running east/west between the B-Line Trail and an alley to the west and situated north of 7th Street and south of 8th Street in order to continue using the right-of-way as part of the Johnson's Creamery site and to allow for a proposed development at 335 W. 8th Street.

Relevant Materials

- Ordinance 22-15
- Staff Report from Planning and Transportation
- Petition for Vacation of Public Right-of-Way
 - Pre-Petition Review Request Letter from Peerless Development
 - Legal Description
 - ALTA/NSPS Land Title Survey
 - 1940 Company Site Plan
 - 1993 Demolition Plan
 - Aerial photos of site circa 1993
- Conceptual Rendering and Site Plan for potential development
- Aerial Map with Alley Segment Highlighted
- Current photos of site and alley
- Presentation slides used by Administration to detail suggested requests to be made of Petitioner
- Petitioner's Statement dated October 26, 2022 re: Request for Alley Vacation at Johnson's Creamery site 400 W. 7th Street, Bloomington, Indiana
- [*new material*] Survey of existing and potential alley locations

Update

This item was introduced for first reading on May 18, 2022 and was subsequently considered by the Council at meetings on May 25th, June 1st, June 15th, and July 20th. On July 20, 2022, the ordinance was tabled by the Council in order to provide the Petitioner time to pursue relocating the alley in question. Council staff suggested that the Petitioner work with city administration staff to determine the best method for accomplishing this relocation. The ordinance now appears on the Council's November 16th Regular Session



agenda in anticipation of a motion to take the item from the table in order to place it back in front of the Council for consideration and possible final action.

The Petitioner has provided a statement (included herein) explaining efforts undertaken after the July 20th meeting to pursue a relocation of the alley through dedication of new right-of-way to the south of the existing alley. This mechanism would entail action by both the Common Council to vacate the existing alley and the Board of Public Works to accept the dedication of new public right-of-way. The Petitioner's statement explains that they feel somewhat caught in the middle of a process that would require approvals from both the City Council and the Board of Public Works, with each seemingly wanting some response from the other entity before taking final action.

Because of this, the Petitioner has inquired about the Council's ability to vote on the proposed alley vacation first but, in doing so, to either condition approval of Ordinance 22-15 or make it so the decision is reversible in the event a new alley is not accepted by the Board of Public Works. While the Petitioner's statement references an understanding or agreement with Council staff in this regard, please know that Council staff is still researching these questions and will update the Council and Petitioner as soon as possible.

Summary

Ordinance 22-15 proposes to vacate a 12-foot wide alley segment that bifurcates 400 W. 7th Street. The Petitioner, Peerless Development, owns the property surrounding this public right-of-way and is requesting the vacation to allow the site to be developed. Petitioner argues that the right-of-way has been informally vacated going back at least 80 years, as it had been occupied by Johnson Creamery buildings for decades and has been utilized as part of the Johnson Creamery Company property. The Plan Commission considered a major site plan approval for this property at its October 18, 2021 meeting (meeting packet available [here](#)).

Vacations of rights-of-way are governed by procedures contained in state law (IC § 36-7-3-12 and following statutes). In addition to state law requirements, Bloomington has adopted local procedures and criteria for public right-of-way vacations. In Bloomington, the process typically begins with a pre-petition review of an application submitted to the Planning and Transportation Department. Pre-petition materials submitted by the petitioner are reviewed, and all utility services, safety services, and the Board of Public Works are notified of the proposed action. Upon completion of the pre-petition review, staff and (typically) the Board of Public Works each make a recommendation on the request. Note that the Board of Public Works has not considered this petition. The Petitioner then submits the request to the Council Office, and, upon receipt of the petition, a date is set for the required public hearing, where remonstrances and objections must be heard. The public hearing for Ordinance 22-15 was held on June 1, 2022 at 6:30 p.m. The City Clerk must assure that owners of property abutting the right(s)-of-way (if any) are notified by certified mail of the proposed action. The Clerk must also advertise the hearing wherein the public may offer the Council its comments and objections.



In response to a question about the fiscal impact of this ordinance, Planning and Transportation Director Scott Robinson wrote that the act of vacating the ROW would not have a cost or impact to the city.

Senior Zoning Compliance Planner Elizabeth Carter also shared that relevant utilities were notified of the vacation request. The two responses she received are included below:

City of Bloomington Utilities: No concerns
Comcast: No issues with the ROW vacation

If additional utilities respond, those responses will be provided to the Council and made public.

Objections or grounds for remonstrance are generally limited by statute to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole. (See IC § 36-7-3-13). Aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the denial of vacation of right-of-way. Under IC § 36-7-3-15, after the termination of a vacation proceeding, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years.

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

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



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

- d. Relation to Plans – the relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

In the event the Council adopts Ordinance 22-15, the Clerk must then file a copy with the County Recorder and the County Auditor.

Contact

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

Eric Greulich, Senior Zoning Planner, Planning and Transportation, greulice@bloomington.in.gov, (812) 349-3526

ORDINANCE 22-15

TO VACATE A PUBLIC PARCEL -

Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and South of 8th Street (Peerless Development, Petitioner)

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

WHEREAS, the petitioner, Peerless Development, has filed a petition to vacate a parcel of City property more particularly described below;

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

WHEREAS, pursuant to I.C. § 36-7-3-12(c), the City Clerk has provided notice to the owners of abutting property, if any, and published notice to the general public of the petition and public hearing on this matter, which will be held during the Common Council Regular Session on Wednesday, June 1st, 2022 at 6:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and

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

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

SECTION 1. Through the authority of I.C. § 36-7-3-12, one portion of City owned property shall be vacated as described below:

Being a part of a 12 foot public alley in the original plat of the Town of Bloomington, as shown in the plat thereof, recorded in Plat Book A, Page 5, in the Office of the Recorder of Monroe County, Indiana, described as follows:

Beginning at the Northwest corner of Inlot 295, thence North 00 degrees 21 minutes 11 second East, (Indiana State Plane, West Zone) 12.00 feet to the Southwest corner of Inlot 294; thence along the South line thereof North 89 degrees 42 minutes 40 seconds East 132.00 feet to the Southeast corner of said Inlot 294; thence South 00 degrees 21 minutes 11 seconds West 12.00 feet to the Northeast corner of said Inlot 295; thence along the North line thereof South 89 degrees 42 minutes 40 seconds West 132.00 feet to the point of beginning, containing 0.036 acres, more or less.

SECTION 2. If any section, sentence of provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, President
City of Bloomington

NICOLE BOLDEN, Clerk
City of Bloomington

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

NICOLE BOLDEN, Clerk
City of Bloomington

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

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Peerless Development, requests vacation of a segment of an alley running east/west between the B-Line Trail and the first alley to the west and situated north of 7th Street and south of 8th Street in order to continue using the right-of-way as part of the Johnson's Creamery site and to allow for a proposed development at 335 W. 8th Street.

Note: This ordinance was revised after distribution in the Legislative Packet but before introduction at the May 18, 2022 Regular Session. The revision corrected the legal description of the property in question.



Planning & Transportation

Peerless Development Right- of-Way Vacation

Memorandum

To: Members of the City of Bloomington Common Council
From: Scott Robinson, Director of Planning & Transportation
Re: Peerless Development/Johnson Creamery Right of Way Vacation Request
Date: May 13, 2022

The Plan Commission approved Site Plan SP-27-21 at its October 18, 2021 meeting with a vote of 9 (for) to 0 (against). There is a condition of approval that the east-west alley between the Johnson Creamery and the proposed building be vacated. At the time of the hearing, staff was waiting for a final determination on if this alley had been previously vacated or not, thus this condition of approval was included.

Since then, there has been on-going discussions regarding the historic preservation of the Johnson Creamery site and safety issues with the iconic smokestack – unrelated to the approved site plan. Council has adopted a local historic district for the Johnson Creamery building and smokestack. Peerless Development is progressing towards smokestack modifications and safety improvements, but is waiting for AT&T to remove equipment. Now that the safety and historic preservation items have been addressed, this request can be considered.

Typically, this process includes a recommendation from the Board of Public Works. The Board of Public Works did not review or provide a recommendation to this request. It was decided to bring this before Council without this advisory step in the process. Peerless Development has expressed interest to have a decision on their request as soon as possible. They are in conversations with P&T staff about modifying their approved site plan, which would require the Plan Commission to consider these changes (the only change would be with the sustainable development incentives that are being used – changing from solar panels to low impact storm water management improvements). This is tentatively placed on the June 13th Plan Commission agenda pending a decision on this right of way request.

Technically, the alley may not have been fully utilized over time because of the railroad - today it is the B-line Trail - and the location of the iconic smokestack within the alley, which likely hindered access from the east. There are no public utilities within the alley. However, like any public land, this alley is a public asset/benefit. Given the proximity to the B-Line Trail, the historic Johnson Creamery Site, and potentially a new multifamily development with 60 units, the value of this alley may not serve public access needs, but its value to the area and context should be considered.

Staff recommends to vacate the alley upon Council's full discretion to consider both the technical benefits of the alley balanced with today's contextual needs of the area that support quality urban design and development.



City of Bloomington
Planning and Transportation Department

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

02/02/2022 (with Planning staff)
Filing Date 05/10/2022 (with Council Office) Ordinance # 22-15
Filing Fee Paid Yes BPW Resolution # N/A

1st Reading May 18, 2022
Committee May 25, 2022
Final Hearing June 1, 2022

Address of Property 400 W. 7th St. Bloomington, IN 47404

Applicant's Name Peerless Development - Michael Cordaro

Address 105 S. York St. Suite 350 Elmhurst, IL 60126 Phone (630) 712-2400
E-Mail mike@peerlesscap.com

Counsel or Consultant

Address Phone
E-Mail

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

The undersigned agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

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

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

Signature: [Handwritten Signature]

PUBLIC RIGHT-OF-WAY VACATIONS

PROCEDURE AND CRITERIA FOR COMMON COUNCIL REVIEW

Persons who own or have an interest in any lots or parts of lots contiguous to a public way or place in the City of Bloomington may file a petition for vacation of the public way or place with the Common Council of the City of Bloomington. This information packet contains instructions regarding the procedures and criteria for right-of-way vacation petitions.

The Common Council strongly advises petitioners to utilize the pre-petition review process. Because Indiana Statute requires a public hearing within thirty (30) days of petition to the Council, early submittals prior to review and notice to utilities and other owners may subject the petitioner to unnecessary continuances or denials. These problems can be avoided by the pre-petition review process.

CRITERIA

The criteria which the Common Council utilizes when reviewing a public right-of-way vacation request are as follows:

CURRENT STATUS-ACCESS TO PROPERTY:

The current utilization of the right-of-way in question--as means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.

NECESSITY FOR GROWTH OF THE CITY:

Future Status: The future potential for public utilization, possible future need for the R.O.W. due to future changes in land use;

Proposed Private Ownership Utilization: The proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (Does the proposed use contribute to City growth);

Compliance with Regulations: The effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (Does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change-of-use);

Relation to Plans: The relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

PROCEDURE

The procedure for right-of-way vacation petitions involves two basic steps. First, a pre-petition review of the petition by Planning and Transportation Department staff; second, review and action by the Common Council. This procedure is detailed as follows:

I. Pre-petition Review by Planning and Transportation staff

- A. Petitioner should submit the following information to the Planning and Transportation staff:
 - 1. A letter requesting pre-petition review, explaining and justifying the proposed utilization of the right-of-way and addressing, in detail, the criteria for vacation;
 - 2. An accurate legal description of the proposed vacation;
 - 3. A site plan or sketch map, drawn to scale, showing the right-of-way for which vacation is requested, and the adjoining properties;
 - 4. A list of the names and addresses of owners of all property abutting the proposed vacation.
- B. The Planning and Transportation staff will then commence review of the submitted information and will consult with the various utilities (List is included in this packet) who may use the right-of-way. A recommendation will be made and petitioner will be notified that Planning and Transportation review is completed. Please allow 2-3 weeks for this review. The petition for vacation should be filed, by the petitioner, with the Common Council office following completion of this review by the Planning and Transportation staff.
- C. If easements for utilities within the right-of-way to be vacated are needed, the Planning and Transportation Department will contact the petitioner so that the documents can be prepared prior to petition to the Common Council.

II. Common Council Review and Action

- A. The petitioner should submit the following to the Common Council Office following completion of review by the Planning and Transportation staff:
 - 1. A completed petition for vacation of right-of-way;
 - 2. The Planning and Transportation staff will forward additional information provided by the petitioner and the Planning and Transportation staff recommendation to the Council Office.
- B. Upon submission of the above petition, the Council Office will set a date for the public hearing. This date will likely be a committee meeting following first reading of the vacation ordinance. Following first reading and committee/public hearing,

ordinance is scheduled for second reading and vote. At that meeting, the Council may vacate the public way or place, in which case the City Clerk shall furnish a copy of the vacation ordinance to the County Recorder and the County Auditor.

III. Appeal

Any person aggrieved by a vacation of public right-of-way may appeal the vacation to the Monroe County Circuit Court within (30) days of adoption of the ordinance.

ATTACHMENT A

UTILITIES AND CITY SERVICES TO BE NOTIFIED OF VACATION REQUESTS

Board of Public Works

812-349-3410
Director
P.O. Box 100
Bloomington, IN 47402

Fire & Ambulance

812-332-9763
Fire Chief
P.O. Box 100
Bloomington, IN. 47402

Vectren Gas Co.

812-330-4008
1-800-666-2853
Superintendent
205 S. Madison St.
P.O. Box 966
Bloomington, IN. 47402

Duke Energy

812-336-6371
Manager
P.O. Box 1028
Bloomington, IN. 47402

Comcast

812-332-4152
2051 W. Vernal Pike
Bloomington, IN. 47401

Utilities Department

812-339-1444 (Ext. #206)
Utility Engineer
P.O. Box 100
Bloomington, IN 47402

Police Department

812-349-4477
Chief of Police
P.O. Box 100
Bloomington, IN 47402

TCI of Indiana, Inc.

812-332-9185
1600 W. 3rd St.
P.O. Box 729
Bloomington, IN 47402

AT&T Indiana Bell

812-334-4597
Engineering Dept.
4517 E. Indiana Bell Ct.
Bloomington, IN 47402

ITS

812-349-3454
Director
P.O. Box 100
Bloomington, IN 47402

Peerless Development
105 South York Street
Suite 450
Elmhurst, IL 60126



May 13, 2022

Planning and Transportation Department
Bloomington, IN

RE: 400 W. 7th St. / 335 W. 8th St. - Alley Vacation: Pre-Petition Review Request – Revis. 1

Dear Planning and Transportation Department,

As part of the Petition for the Vacation of a Public Right-of-Way, we are providing this letter to serve as a Pre-Petition Review Request for the Planning and Transportation Departments use and reference.

The Legal description for the Right-of-Way in question is provided in the attached Exhibit A dated 5/12/22.

This Right-of-Way is currently used as a drive aisle for vehicular access to the rear parking lot of the building located at 400 W. 7th St. (The Johnson Creamery Building). This Right-of-Way also currently houses the Johnson Creamery Smokestack structure and associated brick maintenance & equipment building for the Johnson Creamery building and provides access to these structures for repair and maintenance. These structures have been located within this Right-of-Way since approximately 1949. In addition to these structures, there was formerly a pair of one-story brick buildings with served as loading docks and service/maintenance garages for the Johnson Creamery business. These buildings were in place as early as 1940 (See attached Johnson Creamery Company site plan dated September 1940 for reference) and were demolished in approximately 1993 (See attached Demolition Plan drawing dated 10/25/93 and aerial photos for reference). For all intents and purposes, this Right-of-Way has been informally vacated since at least 1940 and utilized as part of the Johnson Creamery Company property.

We are requesting that this Right-of-Way be formally vacated by the City of Bloomington to allow it to continue to be utilized as it has for the past 80+ years as part of the Johnson Creamery Company site. We do not believe that the act of vacating this Right-of-Way will in any way impact current subdivision, zoning, access control, or parking regulations to the best of our knowledge.

Peerless Development
105 South York Street
Suite 450
Elmhurst, IL 60126



Currently, there is only (1) property owners that relate to the Right-of-Way in question, since it bifurcates the single property located at 400 W. 7th St. That Owner entity is as follows:

400 W 7th LLC
Michael Cordaro (Sole Mbr)
C/O Peerless Development
105 S. York St.
Suite 350
Elmhurst, IL 60126

Please do not hesitate to call or email with any questions you might have regarding this topic.

Thank you
Joseph Patrick

Director of Development
Peerless Development

Attachment: Exhibit A, 5/12/22

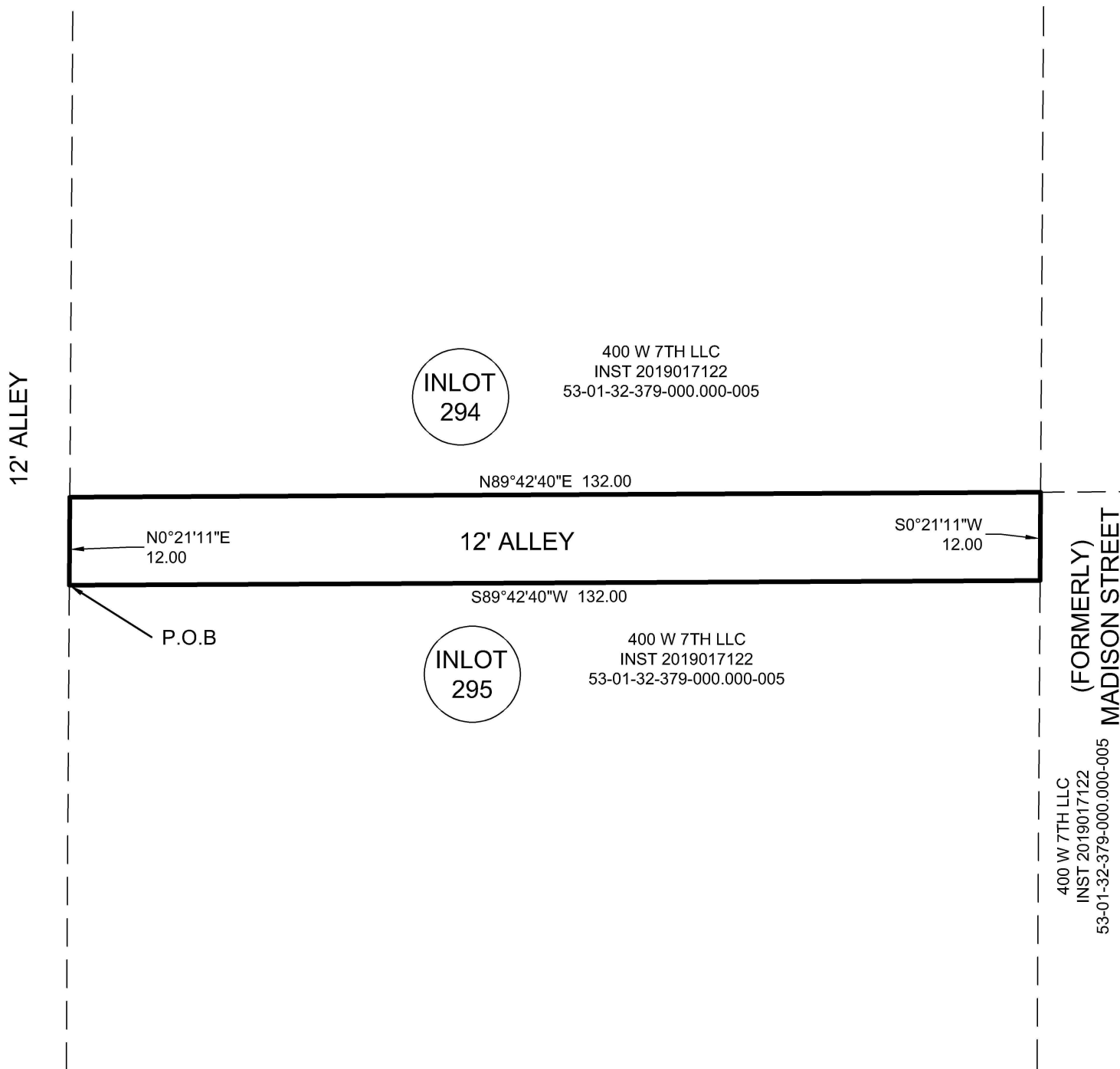
EXHIBIT 'A'

12' ALLEY

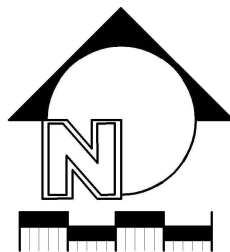
LEGAL DESCRIPTION

BEING A PART OF A 12 FOOT PUBLIC ALLEY IN THE ORIGINAL PLAT OF THE TOWN OF BLOOMINGTON, AS SHOWN IN THE PLAT THEREOF, RECORDED IN PLAT BOOK A, PAGE 5, IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF INLOT 295, THENCE NORTH 00 DEGREES 21 MINUTES 11 SECONDS EAST (INDIANA STATE PLANE, WEST ZONE) 12.00 FEET TO THE SOUTHWEST CORNER OF INLOT 294; THENCE ALONG THE SOUTH LINE THEREOF NORTH 89 DEGREES 42 MINUTES 40 SECONDS EAST 132.00 FEET TO THE SOUTHEAST CORNER OF SAID INLOT 294; THENCE SOUTH 00 DEGREES 21 MINUTES 11 SECONDS WEST 12.00 FEET TO THE NORTHEAST CORNER OF SAID INLOT 295; THENCE ALONG THE NORTH LINE THEREOF SOUTH 89 DEGREES 42 MINUTES 40 SECONDS WEST 132.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.036 ACRES, MORE OR LESS.



NOTE:
THIS EXHIBIT WAS PREPARED BASED UPON DOCUMENTS OBTAINED FROM THE OFFICE OF THE RECORDER OF MONROE COUNTY, AND OTHER SOURCES AND IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.



048

SCALE: 1"=20'

**SMITH
DESIGN
GROUP**

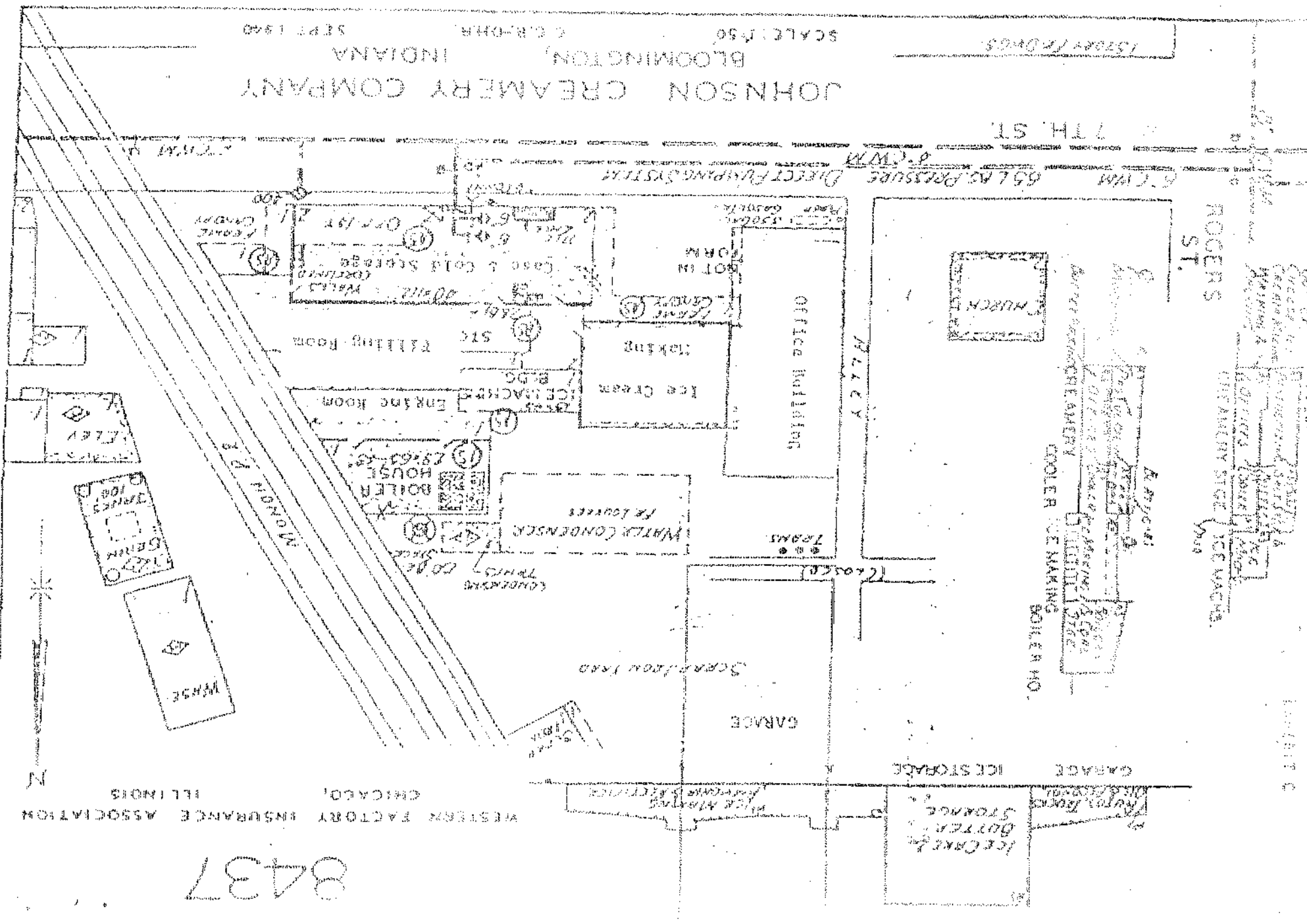
CIVIL ENGINEERING - LAND SURVEYING
2755 E Canada Dr Suite 101 Bloomington, IN 47401
(812) 336-6536 - smithdgroup.com
JOB:6028 DATE:05/12/2022 PAGE: 1/1

JOHNSON CREAMERY COMPANY
 BLOOMINGTON, INDIANA
 SCALE 1" = 50'
 E. C. BROWN
 SEPT 1940

157084 (P. DWG. 5)

77TH ST.

ROGERS ST.



Check of
 General Notes
 Foundation
 Mechanical
 Electrical
 Plumbing
 Heating & Ventilating
 Sanitary
 Structural
 Civil
 Architect
 JOHNSON CREAMERY CO.
 BLOOMINGTON, INDIANA

WESTERN FACTORY INSURANCE ASSOCIATION
 CHICAGO, ILLINOIS

8437



SCALE : 1" = 20'

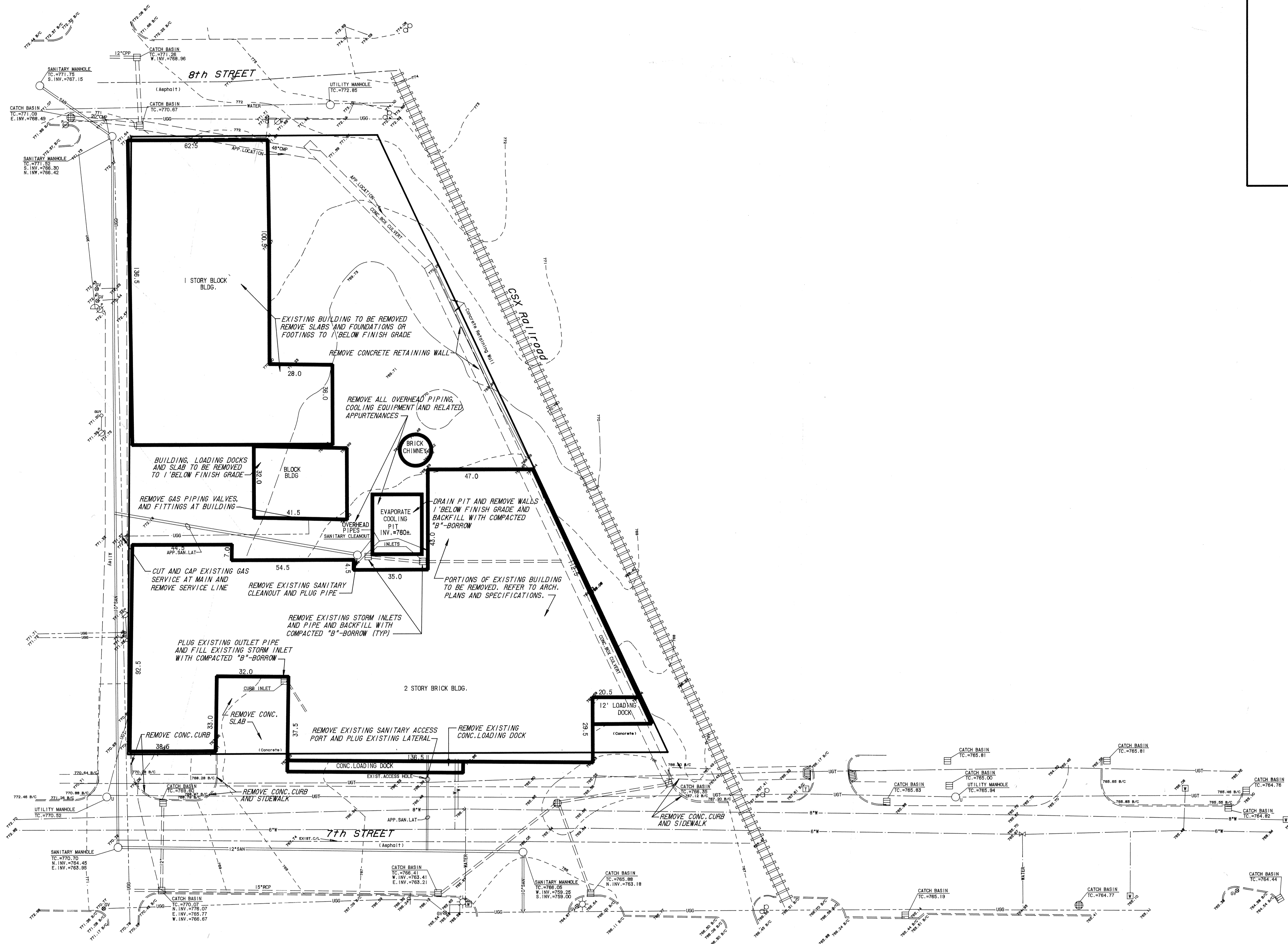
BENCHMARK
TBM= TOP OF CASTING OF SANITARY MANHOLE
IN C/L OF 7th STREET AT INTERSECTION
OF 7th STREET AND ALLEY. ELEV.=770.70

LEGEND

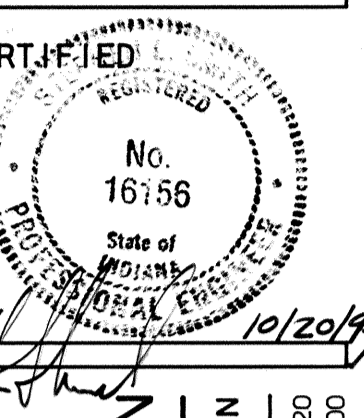
- Contour Line
- Concrete Curb
- ⊙ Light Pole
- ⊙ Ornamental Light
- ⊙ Catch Basin
- ⊙ Fire Hydrant
- ⊙ Water Meter
- ⊙ Water Valve
- ⊙ Parking Meter
- Large Info Sign
- Street Sign
- ⊙ Gas Meter
- ⊙ Gas Valve
- ⊙ Railroad Crossing Sign
- ⊙ Power Pole
- ⊙ Guy Anchor
- ⊙ Telephone Riser

GENERAL NOTES:

- 1) SEE SPECIFICATION BOOK FOR DEMOLITION INSTRUCTIONS.
- 2) ALL SIGNS (POSTS AND FOUNDATIONS) IN THE CONSTRUCTION ZONE ARE TO BE REMOVED BY THE CONTRACTOR AND REPLACED BY THE CITY OF BLOOMINGTON.



THIS INSTRUMENT PREPARED BY:
Smith Quilman Associates Inc.
4625 Morrisville Drive, Bloomington, IN 47402
(812) 330-6536



THE ODLE MCGUIRE & SHOOK CORPORATION
ARCHITECTURE ENGINEERING LANDSCAPE ARCHITECTURE INTERIOR DESIGN
307E NORTH STATE ROAD 37, POST OFFICE BOX 3432, INDIANAPOLIS, INDIANA 46205, 317/946-0000
827E ALLIUM POINT DRIVE, POST OFFICE BOX 56291, INDIANAPOLIS, INDIANA 46250, 317/946-0000

REVISIONS
1. REVISIONS FROM ALTERNATE NUMBER 2
12/21/93 SAB
01/05/94

**JOHNSON'S CREAMERY
BUILDING RENOVATION**
EIGHTH STREET DEVELOPMENT CORPORATION
INDIANA
BLOOMINGTON

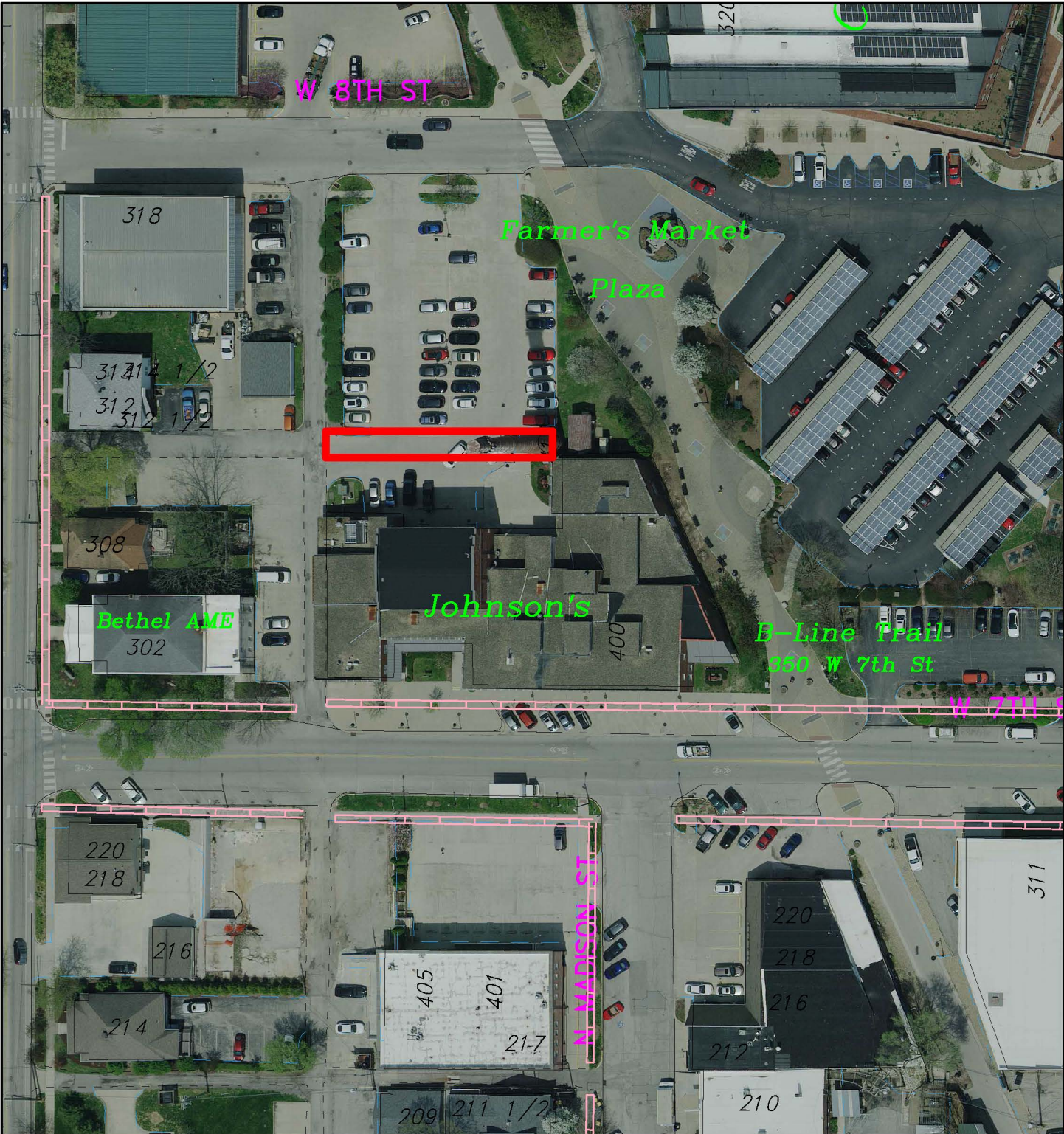
PROJECT NO. 93068
DATE: 10/25/93
drawn by: JAH
checked by: SAB

C-100
DEMOLITION PLAN

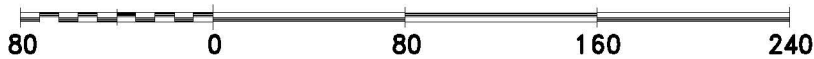






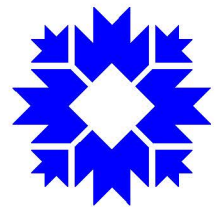


By: lucass
11 May 22



For reference only; map information NOT warranted.

City of Bloomington
Council Office



Scale: 1" = 80'





Peerless ROW Vacation Petition

Beth Cate
Corporation Counsel

May 25, 2022

The Administration recommends that Council obtain the following for the ROW vacation:

- \$250,000-\$300,000 to fund and maintain public art celebrating the historic Johnson Creamery district and stack
- Easement to allow installation
- Donation of bricks

Mechanism

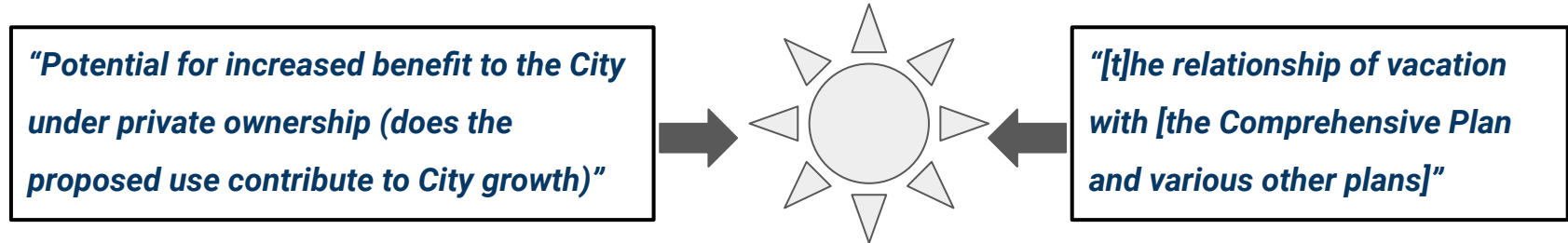
- Peerless and City draft agreement – donations and easement in exchange for ROW vacation
- Council ordinance approves agreement and approves vacation of right of way effective upon execution of agreement
- Peerless and City execute agreement and easement documentation
- Copy of ordinance, agreement, and easement documentation with County Recorder and County Auditor
- Peerless gets ROW with clear title because condition is met that same day and reflected in documentation with Recorder

Warranted

- ROW provides substantial commercial benefit to Peerless
 - \$10M project, >\$800,000 annual rent (conservative)
- Building 9' into 12' ROW heightens public concerns about integrating new building with historic structures
- Creamery and smokestack are iconic – deserve world-class project
- Amount in line with other recent art projects (Graduate Hotel \$400-\$500K)
- Amount reasonable per Peerless rents – not quite $\frac{1}{3}$ of one year's rent
 - Plus – Peerless income from Creamery tenants and AT&T
- Fixed, definite commitment – not open-ended

Permissible

- Like all Council decisions, must be done in the public interest
- State code places decision within Council discretion
- Council guidelines reflect concern with public benefit, e.g.:



2018 Comprehensive Plan goals and policies

- Goal 2.1 Public Space for Culture
 - *Policy 2.1.2*
 - *Policy 2.1.3*
 - *Policy 2.1.4*
- Goal 2.2 Preservation
 - *Policy 2.2.1*
- Program suggestion: incorporate works of public art in high-traffic areas
- Outcomes and Indicators: historic and culturally significant places are preserved and celebrated

THANK YOU.

Questions?



October 26, 2022

Joseph Patrick
Director of Development
Peerless Development

**Petitioner’s Statement – Request for Alley Vacation at Johnson’s Creamery site
400 W. 7th Street, Bloomington, Indiana**

The intent of this Petitioners Statement is to provide a brief summary of the circumstances surrounding this proposed request for the vacation of the existing, dead-end, east-west alley in the midst of the Johnson’s Creamery site at 400 W. 7th St. Based on these circumstances, we are requesting a vacation of the existing alley in question.

The proposed development at 335 W. (the address given to the north half of the 400 W. 7th St. parcel) Street previously approved by the Plan Commission on October 18, 2021. As part of the Recommendation for approval of this project, a Condition was noted that we provide “Verification of the east/west alley vacation must be submitted prior to issuance of a grading permit”.

Subsequent to this meeting, and after significant research at the City and County level by multiple parties involved, we were unable to find evidence of the formal vacation of the east/west alley. At that point, we were informed by the Plan Commission that in order for the project to proceed as approved, we would be required to submit a new request for the vacation of the east/west alley in question. This new alley vacation request would need to be reviewed by the Board of Public Works first and then formally approved by the City Council.

This request for alley vacation was presented to City Council on various occasions in the past, each being continued. The last such presentation was at the July 20, 2022 City Council meeting. During that meeting, a supplemental proposal was made by Peerless Development to Council. This supplement proposal suggested that Peerless Development would offer to dedicate a new alley, of similar length and width and with the same dead-end feature, to the City of Bloomington in exchange for the requested vacation of the existing alley. This newly proposed alley would be just south of the existing alley, yet still accessible from the existing north-south alley on that block. This proposed exchange of land was supported by staff and legal counsel, and appeared to have been met with positive response from the Council. It was requested by Council that Peerless Development present this suggested alley dedication / alley vacation exchange to the Board of Public Works first, to ensure that there were no concerns regarding utilities or other aspects related to BPW purview.



Over the past few months, we have been in contact with the BPW and their staff regarding this request and their anticipated review of the proposed exchange of land. After a number of conversations with BPW staff, we were informed that staff could not make a favorable recommendation for this proposed exchange of land, without first knowing that the City Council would definitely intend to grant approval of the requested alley vacation and with a comfort level that the applicant, Peerless Development, intended to record the official land dedication if the BPW had voted in favor of the request. We have requested a “preliminary” review of the requested alley dedication as well, to at least get an understanding of any potential concerns that BPW might have with this request, but we were informed that there is not a procedure currently in place to provide this type of response without coming for a formal vote with BPW; which we were not comfortable requesting knowing that staff was not currently recommending this dedication. With this response by BPW, we are somewhat caught in the middle, between required approvals from both the City Council and the BPW, each wanted a response from the other entity first.

Based on this challenge, we have once again reviewed the proposed request with City Council legal counsel, Stephen Lucas. Based on those discussions, we are requesting a vote by City Council on the proposed alley vacation first, with the understanding that the official record of the vote can be withheld for a certain period of time (yet to be determined by legal counsel at the time of drafting this petition). During this waiting period, Peerless Development would then present the proposed alley dedication to the Board of Public Works, now with the anticipated approval from the City Council regarding the requested alley vacation in hand. If there are any concerns or problems with the requested alley dedication during the BPW review process, then the previously approved alley vacation would become null and void, having not yet been officially recorded, being purposely delayed per our understanding and agreement with City Council legal counsel.

Based on the circumstances summarized in the statement above, we believe it is apparent that this is a unique request, requiring a unique solution. With this understanding, we are requesting a vacation of the existing alley, with the understanding / condition that final approval and recording is pending the Board of Public Works on the related alley dedication.

We appreciate the opportunity to work in the Bloomington community and would like to thank the Council for its consideration in this matter.

Sincerely,

Joseph Patrick
Director of Development
Peerless Development

UTILITY NOTES

- 1) ALL PROJECTS WILL REQUIRE A PRE-CONSTRUCTION MEETING WITH THE CITY OF BLOOMINGTON UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR AND/OR DEVELOPER MUST CONTACT THE UTILITIES TECHNICIAN AT (812) 349-3633 TO SCHEDULE THE MEETING.
- 2) CONTRACTOR SHALL NOTIFY THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPARTMENT ONE (1) WORKING DAY PRIOR TO CONSTRUCTION OF ANY WATER OR SANITARY SEWER UTILITY WORK. A CBU INSPECTOR MUST HAVE NOTICE SO WORK CAN BE INSPECTED, DOCUMENTED, AND A PROPER AS-BUILT MADE. WHEN A CONTRACTOR WORKS ON WEEKENDS, A CBU DESIGNATED HOLIDAY, OR BEYOND NORMAL CBU WORK HOURS, THE CONTRACTOR WILL PAY FOR THE INSPECTOR'S OVERTIME FOR CBU WORK HOURS AND HOLIDAY INFORMATION, PLEASE CONTACT THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPARTMENT AT (812)349-3660.
- 3) SEE SPECIFICATIONS FOR SIZES OF WATER SERVICE LINES AND SEWER LATERALS NOT SPECIFICALLY NOTED ON THE PLANS.
- 4) MS-8, IF SHOWN ON THE PLANS, IS MINIMUM SEWER ELEVATION. IT INDICATES THE LOWEST FLOOR ELEVATION THAT WILL ALLOW GRAVITY SEWER SERVICE WITHOUT A SPECIAL BACKWATER VALVE. ANY FLOOR ELEVATION THAT WILL BE SERVED BY GRAVITY SEWER MUST BE ABOVE THE RIM ELEVATION OF THE UPSTREAM SANITARY MANHOLE. IF NOT A BACKWATER VALVE MUST BE INSTALLED ACCORDING TO SEC. 400(A) OF THE UNIFORM PLUMBING CODE. SEE SPECIFICATIONS PACKET FOR MORE DETAIL.
- 5) ON ALL EXISTING SANITARY MAINS, WYES SHALL BE CUT AND SLEEVED IN PLACE BY CITY OF BLOOMINGTON UTILITIES PERSONNEL WITH CITY OF BLOOMINGTON UTILITIES FURNISHING ALL MATERIAL, EQUIPMENT, AND LABOR NECESSARY FOR INSTALLATION. DEVELOPER SHALL PROVIDE ALL NECESSARY EXCAVATION, SHORING, BACKFILL, AND SURFACE REPAIR. PLEASE CONTACT NANCY AXSON AT (812) 349-3689 FOR MORE INFORMATION.
- 6) WHEN CONNECTING A NEW PIPE TO AN EXISTING MANHOLE, THE MANHOLE SHALL BE CORE-DRILLED. PIPE SHALL BE CONNECTED TO THE MANHOLE BY EITHER A FLEXIBLE BOOT KOP-IN-SEAL, 1 OR 2 FLEXIBLE CONNECTOR OR APPROVED EQUAL TABLE AND TROUGH SHALL BE MODIFIED AS NECESSARY TO DIRECT THE FLOW FROM THE NEW PIPE. INVERT OF CONNECTION SHALL BE NO MORE THAN ONE FOOT HIGHER THAN THE INVERT OUT FOR THIS STRUCTURE.
- 7) IN ACCORDANCE WITH SECTION 4.5.2.1.5.1, OF THE CBU CONSTRUCTION SPECIFICATIONS ALL SEWER LATERALS SHALL HAVE A CLEAN-OUT AT LEAST EVERY 90 FEET. ALL CLEAN-OUTS, WHETHER IN GRASSY AREAS OR IN PAVEMENT, SHALL BE SUB-SURFACE AND PROTECTED BY A SUITABLE METAL CASTING SUCH AS EAST JORDAN CATALOGUE NO. 2975 OR NEENAH CATALOGUE NO. R-1074-A. IN GRASSY AREAS, THE CASTING SHALL BE PROVIDED WITH A CIRCULAR CONCRETE COLLAR FLUSH WITH THE TOP OF THE CASTING AND THE GROUND SURFACE. THE COLLAR SHALL BE MINIMUM 4" THICK AND SHALL EXTEND AT LEAST 8" BEYOND THE OUTSIDE OF THE CASTING ON ALL SIDES. IN PAVEMENT, THE TOP OF THE CASTING SHALL BE FLUSH WITH THE SURROUNDING PAVEMENT. TOP OF CLEAN-OUT SHALL BE NO MORE THAN 3" BELOW THE TOP OF THE CASTING. A #10 INSULATED SOLID COPPER LOCATOR WIRE SHALL BE WRAPPED AROUND ALL NON-METALLIC PIPES SO THAT ONE REVOLUTION IS MADE AT LEAST EVERY PIPE JOINT. SPLICES ARE TO BE MADE WITH AN APPROVED CONNECTOR, AND ARE TO BE SUITABLY PROTECTED AGAINST CORROSION. THE WIRE IS TO BE BROUGHT TO THE SURFACE WITH A CLEAN-OUT IN A CASTING. ALSO SEE THE CBU CONSTRUCTION SPECIFICATIONS FOR THE "STANDARD SANITARY LATERAL CLEAN-OUT DETAIL #19".
- 8) WHEREVER C900 PIPE IS USED FOR SEWER, ALL WYES SHALL BE HARCO, SIZED FOR C900 ON THE RUN AND SDR-35 ON THE BRANCH. TRANSITION FROM C900 TO SDR-35 PIPE SHALL BE MADE BY USE OF A HARCO C900 TO SDR-35 ADAPTER WYES. ALL D.I.P. USED FOR SANITARY SEWER SHALL HAVE CERAMIC EPOXY LINING, MINIMUM THICKNESS 40 MILS, AND SHALL BE PROTECTO 401, AS MANUFACTURED BY INDOURON PROTECTIVE COATINGS. WYES FOR D.I.P. TO SDR-35 ADAPTER WYES.

UTILITY KEY NOTES

- WATER LINE NOTES (W)
1. DOMESTIC WATER METER IN VAULT
 2. 12" x 6" TAPPING VALVE AND SADDLE
 3. POST INDICATOR VALVE
 4. FIRE DEPARTMENT CONNECTION
 5. RESET EXISTING MAIN HOLE CASTING
 6. EXISTING 30" STEEL CASING, DO NOT DISTURB
 7. SEE PLUMBING PLAN FOR CONTINUATION OF WATER AND FIRE
- SANITARY SEWER NOTES (S)
1. 8" SANITARY LINE FROM BUILDING. SEE PLUMBING PLAN.
 2. PVC SDR 35 SANITARY CLEANOUT PER CBU STANDARD DETAIL 19 (SEE DETAIL ON DETAILS SHEET).
 3. SANITARY MAN HOLE. SEE DETAIL
- STORM SEWER NOTES (D)
1. EXISTING STRUCTURE AND PVC PIPE SHALL REMAIN
 2. 12" INSERT A TEE CONNECTION INTO EXISTING CMP PIPE CUT EXISTING CMP PIPE FOR 12" INSERT A TEE. INSTALL PER MANUFACTURERS REQUIREMENTS.
 3. 8" ROOF DRAIN PIPE. SEE PLUMBING PLAN FOR CONTINUATION.
 4. GRAVEL FRENCH DRAIN WITH UNDERDRAIN. SEE DETAIL SHEET
 5. 6" PIPE FROM FLOOR DRAIN. SEE PLUMBING PLAN FOR CONTINUATION.
 6. FLOOR DRAIN. SEE PLUMBING PLAN
 7. 12" PIPE FROM GARAGE DRAINS. SEE PLUMBING PLAN FOR CONTINUATION
 8. OIL WATER SEPARATOR STRIEM MODEL # 05100.
 9. CONTECH CMP DETENTION SYSTEM. 3 LENGTHS OF 36" CMP. CONTRACTOR SHALL PROVIDE COMPLETE SHOP DRAWINGS FOR THE SYSTEM
 10. ADJUST CONCRETE STORM LID TO FINISH GRADE
 11. CONNECT EXISTING STORM PIPE TO BOX CULVERT. CORE AND REMOVE BLOCKS AS NECESSARY AND NEW PIPE GROUT IN PLACE.
 12. FIELD VERIFY CONDITION OF BOX CULVERT FOR INSTALLATION OF STR LID. REMOVE EXISTING CULVERT BLOCKS AND INSTALL PREFABRICATED 3 SIZED CONCRETE STRUCTURE OVER EXISTING CULVERT OPENING. CONTRACTOR SHALL PROVIDE CERTIFIED SHOP DRAWINGS FOR STRUCTURE.
- ELECTRIC NOTES (E)
1. EXISTING ELECTRICAL SPLICE BOX SHALL REMAIN. RESET IN NEW SIDEWALK. COORDINATE WITH DUKE
 2. RELOCATED ELECTRICAL LINE BY DUKE ENERGY. COORDINATE RELOCATION WITH DUKE.
 3. EXISTING ELECTRICAL LINE LOCATION. LINE WILL BE RELOCATED BY DUKE. COORDINATE WITH DUKE ENERGY.
 4. NEW LARGE DUKE PREFABRICATED PIT PAD BY CONTRACTOR. COORDINATE WITH DUKE
 5. PVC CONDUITS BY SITE CONTRACTOR FOR DUKE POWER LINE FEEDS. COORDINATE WITH ELECTRICAL PLANS.
- PAVEMENT (P)
1. ASPHALT PATCH IN ALLEY AFTER UTILITY WORK IS COMPLETE
 2. REINSTALL EXISTING SIGN AT COMPLETION OF PROJECT
- GAZ
1. ADJUST EXISTING GAS VALVE TO FINISH GRADE. SEE GRADING PLAN

UTILITY CONTACTS

AT&T (Phone) Brent McCabe - (812) 334-4521
4517 E. Indiana Bell Ct.
P.O. Box 56
Bloomington, Indiana 47408
bmi1792@att.com

COMCAST (Cable) Scott Cripe (812) 322-9612
2450 S. Henderson St.
Bloomington, IN 47401
scott_cripe@cable.comcast.com

UDW REMC 812-384-4446
1466 West State Road 54
Bloomfield, IN 47424

VECTREN (Gas) Doug Anderson (812) 330-4031
205 S. Madison
Bloomington, IN 47404
danderson@vectren.com

CITY OF BLOOMINGTON UTILITIES (Water/Sewer) Nancy Axson (812) 349-3689
600 E. Miller Dr.
Bloomington, IN 47402
axsonn@bloomington.in.gov

335 W. 8th Street
335 W. 8th Street
Bloomington, Indiana
47404

Owner
PEERLESS DEVELOPMENT
501 North Clinton Street
Chicago, Illinois 60654

Architect
RATIO
101 South Pennsylvania Street
Indianapolis, Indiana 46204
317-633-0400

Structural Engineer & BRUMLEVE, INC.
LYNCH, HARRISON & BRUMLEVE, INC.
550 Virginia Avenue
Indianapolis, Indiana 46203
317-423-1550

Mechanical / Electrical Engineer
CIRCLE DESIGN GROUP
9229 Delegates Row, Suite 150
Indianapolis, Indiana 46240
812-781-6200

Civil Engineer
SMITH DESIGN GROUP
2755 East Canada Drive, Suite 101
Bloomington, Indiana 47401
812-336-6536

Technology Consultant
ENGINEERING PLUS
9018 Heritage Parkway, Suite 1000
Woodridge, Illinois 60517
630-786-4200

Interior Designer
CLINE DESIGN
125 N. Harrington St.
Raleigh, NC 27603
704-333-7272

04/15/2022

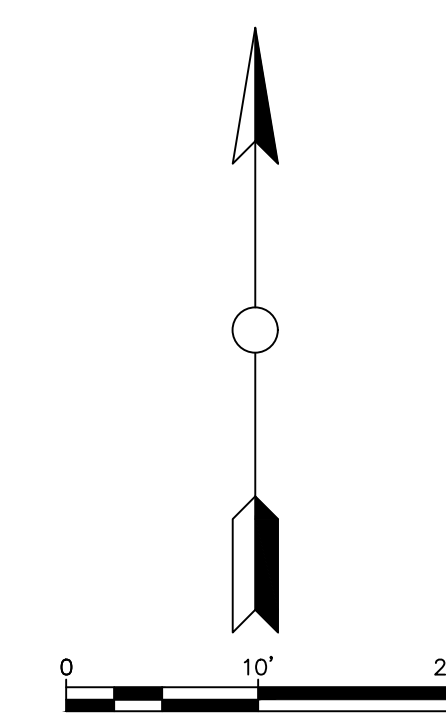
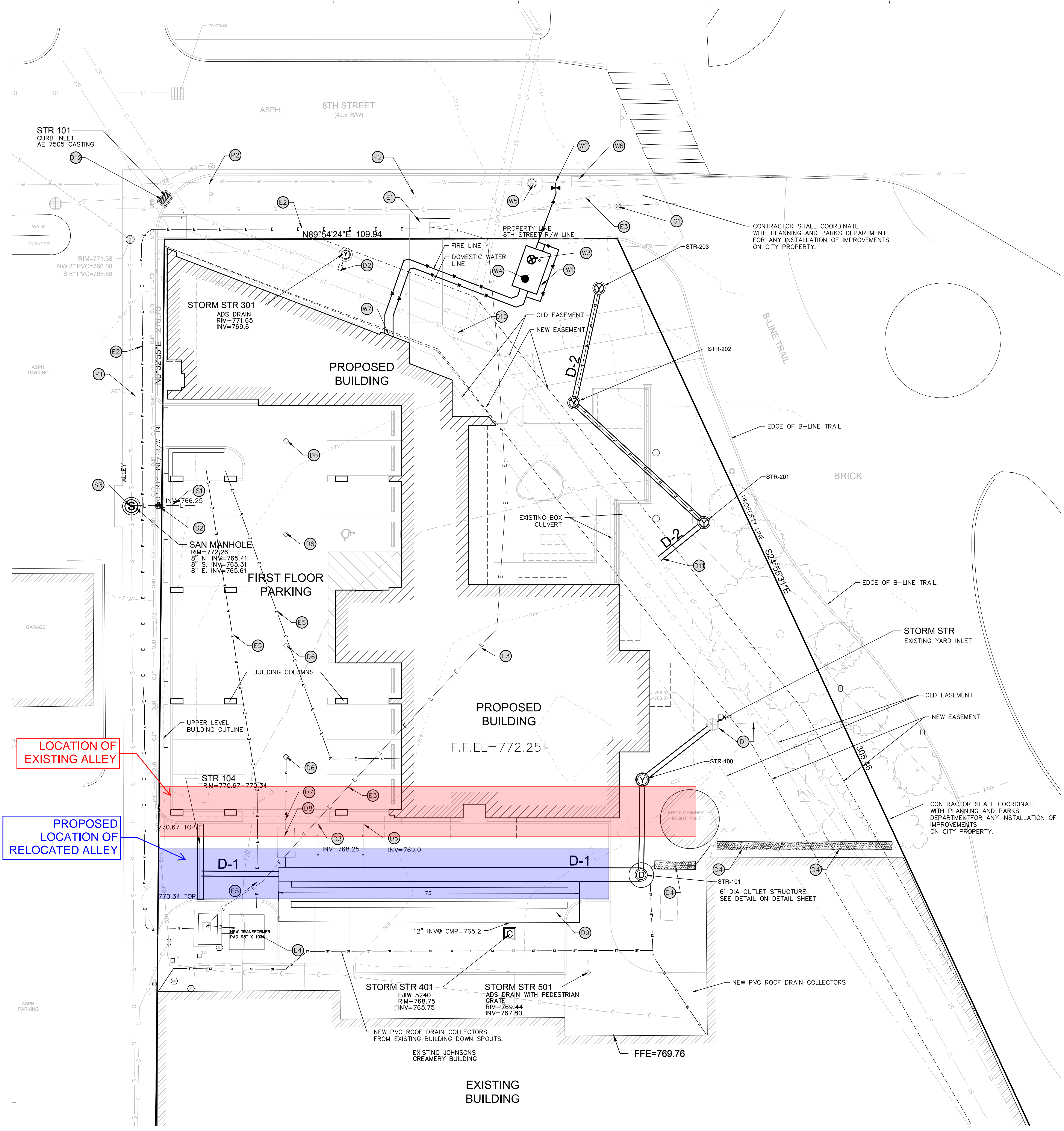


SHEET ISSUE		
1	100% DD	2/3/2022
2	GRADING PERMIT SUBMITTAL	3/10/2022
3	50% CD SET	3/17/2022
4	CBU SUBMISSION	3/23/2022
5	GMP AND PERMIT SET	4/15/2022



PROJECT NO. 21041.000
SHEET TITLE
UTILITY PLAN

SHEET NUMBER
C201



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-33 – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Rate Adjustment)

Synopsis

This ordinance amends the rates and charges in Title 10 of the Bloomington Municipal Code, entitled “Wastewater”, to meet revenue requirements for operation and maintenance expenses, on-going debt service payments, and capital improvements to the wastewater collection and treatment system including ongoing modernization and efficiency improvements and mechanical screen replacement at the Dillman Wastewater Treatment Plant, mechanical rehab and replacements, plant hydraulic expansion and end of life equipment replacement at Blucher Poole Wastewater Treatment Plant, and on-going system improvements throughout the collection system including installation of additional lift stations and interceptors, I&I reduction and the on-going 5 sewer lining project. The rate adjustment will be implemented in two phases as follows: A 12% increase effective January 1, 2023 and a 6% increase effective January 1, 2025.

Relevant Materials

- Ordinance 22-33
- Staff Memo from Chris Wheeler, Assistant City Attorney, City Legal
- Utility Service Board Resolution No. 2022-08
- Report from Crowe, LLP (applicable to both Ordinance 22-33 and Ordinance 22-34)
- Wastewater Capital Improvement Plan

Summary

Ordinance 22-33 increases the rates for wastewater services for both metered and non-metered users and also special service rates. This increase comes at the suggestion of the Utilities Service Board after reviewing a study by Crowe LLP. The rate increase will occur in two phases, the first beginning January 1, 2023, and the second January 1, 2025.

State law grants municipalities the authority to regulate sewage works under Indiana Code 36-9-23-2. Fees for rates of service are to be established by ordinance by the municipal legislative body (I.C. 36-9-23-25). The statute requires that the fees be sufficient to:

- (1) pay all expenses incidental to the operation of the works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations;
- (2) provide the sinking fund required by section 21 of [applicable state code];
- (3) provide adequate money to be used as working capital; and
- (4) provide adequate money for improving and replacing the works.

Factors that can be used in establishing fees per I.C. 36-9-23-5(d) are among the following:

- (1) A flat charge for each sewer connection.
- (2) The amount of water used on the property.
- (3) The number and size of water outlets on the property.
- (4) The amount, strength, or character of sewage discharged into the sewers.
- (5) The size of sewer connections.
- (6) Whether the property has been or will be required to pay separately for any part of the sewage works.
- (7) Whether the property, although vacant or unimproved, is benefited by a local or lateral sewer because of the availability of that sewer. However, the owner must have been notified, by recorded covenants and restrictions or deed restrictions in the chain of title of the owner's property, that a fee or assessment for sewer availability may be charged, and the fee may reflect only the capital cost of the sewer and not the cost of operation and maintenance of the sewage works.
- (8) The cost of collecting, treating, and disposing of garbage in a sanitary manner, including equipment and wages.
- (9) The amount of money sufficient to compensate the municipality for the property taxes that would be paid on the sewage works if the sewage works were privately owned.
- (10) Any other factors the legislative body considers necessary.

Here, wastewater rates are based upon two factors – the amount of water used by the customer and the treatments required to neutralize pollutants related to wastewater coming from industrial customers.

Under statute, rates and charges must produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service, or else they are unlawful. I.C. 8-1.5-3-8(d). For changing or adjusting rates that were already determined by ordinance in the past, state law permits the municipal legislative body to change or readjust the fees in the same manner by which they were established. I.C. 36-9-23-26(d).

State law requires, after the initial introduction of the ordinance but before the fees can be adopted, notice and a public hearing to be held. I.C. 36-9-23-26. The notice must set forth the proposed fee schedule, conform to state publication procedures under Indiana Code 5-3-1, and be mailed to owners of vacant property and users for service to property outside city limits.

The public hearing presents an opportunity for users of sewage works, owners of property served by sewage works, and other members of the public may be heard regarding the proposed fees. I.C. 36-9-23-26. After the hearing, the legislative body must adopt the ordinance, as originally introduced or as modified. A copy of the fee schedule must be available for public inspection. Fees established after notice and hearing are presumed just and equitable. I.C. 36-9-23-25(b). The public hearing for the rate changes to Wastewater in Ordinance 22-33 is set for November 16, 2022.

Contact

Chris Wheeler, Assistant City Attorney, wheelech@bloomington.in.gov, (812)-349-3426
Vic Kelson, Utilities Director, kelsonv@bloomington.in.gov, (812)-349-3650

ORDINANCE 22-33

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“WASTEWATER”
(Rate Adjustment)**

- WHEREAS, the City of Bloomington, Indiana (the “City”) has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the “Act”), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and
- WHEREAS, the current rates and charges of the sewage works of the City were established by Common Council under Ordinance 19-16 on September 18, 2019, with said rate adjustment taking effect on January 1, 2020; and
- WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the sewage works, including Dillman Wastewater Treatment Plant modernization, efficiency and capacity improvements, Blucher Poole Wastewater Treatment Plant waste storage building, continued reduction of I&I, and southeast and southcentral interceptor design work; and
- WHEREAS, the City, through its Utilities Service Board, engaged the services of Crowe LLP, to conduct a thorough study of the revenue requirements for continued maintenance, improvement and expansion of the wastewater system; and
- WHEREAS, Crowe LLP prepared a rate and financing report concerning the current rates and charges of the sewage works (the “Report”); and
- WHEREAS, the City, through its Utilities Service Board, upon consideration of the study prepared by Crowe LLP, accepts said report and recommends that the Common Council approve an increase over two phases in the rates and charges of the sewage works with a 12% increase in phase I and a 6% increase in phase II; and
- WHEREAS, based upon the Report, and the recommendations of the Utility Service Board, the Common Council of the City (the “Council”) finds that the current rates and charges for the use of and service rendered by the sewage works do not produce sufficient revenues to pay all the legal and necessary expenses incidental to the operation of such sewage works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the sewage works, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and
- WHEREAS, the Council finds that the current rates and charges do not produce an income sufficient to maintain the sewage works property in a sound physical and financial condition to render safe, adequate and efficient service; and
- WHEREAS, the Council finds that the current rates and charges for the use of and service rendered by the sewage works must be increased in order to provide sufficient revenue to meet such requirements; and
- WHEREAS, the Council finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the sewage works and will enable the City to meet its legal revenue requirements for the sewage works; and
- WHEREAS, the Council caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and mailed, and held a public hearing thereon, all pursuant to the Act.

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

SECTION 1. Section 10.08.040 of the Bloomington Municipal Code (the “Code”), entitled “Rates—Metered water users”, is hereby amended and restated to read as follows:

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

	Phase I	Phase II
Monthly service charge (per meter)	\$ 9.17	9.72
User Charge		
Charge per 1,000 gallons per month for all billable usage:		
Residential ^(a)	\$ 8.95	9.49
Commercial	\$ 8.95	9.49
Indiana University	\$ 8.95	9.49
Industrial ^(b)	\$ 8.95	9.49

For service rendered to lots, parcels of real estate or buildings located outside the corporate limits of the city, there shall be a 12% surcharge imposed in addition to the general service rates established in this section.

Notes:

- (a) Residential summer rates for billings issued during the months of June, July, August, and September shall be based upon the average metered water consumption for billings issued during the months of April and May or actual usage, whichever is less. In order to more accurately reflect the actual wastewater usage of these customers, the Utilities Service Board may, by the adoption of a resolution, change the months used to set the summer rates and the length of time the summer rates are in effect. All other users shall be charged on the basis of one hundred percent of metered water consumption subject to user proof of lower wastewater use.
- (b) Industrial user rates and charges shall be based on the quantity of water used as well as any special service rates that may apply.”

SECTION 2. Section 10.08.070 of the Code, entitled “Rates—Nonmetered users”, is hereby amended and restated to read as follows:

“The minimum rate or charge for any service where the user is not a metered water user shall be eight hundred ninety two dollars and thirty five cents (\$892.35) per year for phase one, and nine hundred forty five dollars and eighty nine cents (\$945.89) per year for phase two, payable monthly. At the request of the utility or user, a meter which measures either the water use of the customer or the discharge into the sanitary sewer system shall be installed at the user’s expense. Where a meter has been installed or the customer’s water use records are available at no charge from the water supplier, the charge for service shall be computed on the basis of water usage plus monthly service charge, just as it is with a metered user, subject to the annual minimum charge.

For service rendered to lots, parcels of real estate or buildings located outside the corporate limits of the city, there shall be a 12% surcharge imposed in addition to the general service rates established in this section.”

SECTION 3. Subsection (b) of Section 10.08.110 of the Code, entitled “Special service rates”, is hereby amended and restated to read as follows:

“Special service rates shall be determined as follows:

		Phase I	Phase II
Monthly service charge (per meter)	Inside City	\$ 8.95	9.49
Monthly service charge (per meter)	Outside City	\$ 10.02	10.63

Special laboratory analysis monthly charge		
Strength of BOD and SS sampling charge	\$ 192.54	204.09
Grease and oil sampling charge	\$ 180.48	191.31
Metal sampling charge (per metal per test)	\$ 40.11	42.52
User Charge		
Charge per 1,000 gallons per month for all billable usage inside city:		
Non-excessive strength rate	\$ 8.95	9.49
Charge per 1,000 gallons per month for all billable usage outside city:		
Non-excessive strength rate	\$ 10.02	10.63
Extra Strength Charge		
Charge per pound per month for all strength in excess of 300 ppm:		
BOD	\$ 0.438	0.464
Suspended Solids	\$ 0.357	0.378

SECTION 4. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; provided, however, that the rates and charges herein approved shall not take effect until January 1, 2023, for phase I and January 1, 2025, for phase II.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

 SUSAN SANDBERG, President
 Bloomington Common Council

 NICOLE BOLDEN, Clerk
 City of Bloomington

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

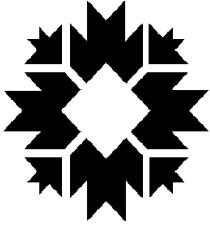
 NICOLE BOLDEN, Clerk
 City of Bloomington

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

 JOHN HAMILTON, Mayor
 City of Bloomington

SYNOPSIS

This ordinance amends the rates and charges in Title 10 of the Bloomington Municipal Code, entitled “Wastewater”, to meet revenue requirements for operation and maintenance expenses, on-going debt service payments, and capital improvements to the wastewater collection and treatment system including ongoing modernization and efficiency improvements and mechanical screen replacement at the Dillman Wastewater Treatment Plant, mechanical rehab and replacements, plant hydraulic expansion and end of life equipment replacement at Blucher Poole Wastewater Treatment Plant, and on-going system improvements throughout the collection system including installation of additional lift stations and interceptors, I&I reduction and the on-going sewer lining project. The rate adjustment will be implemented in two phases as follows: A 12% increase effective January 1, 2023 and a 6% increase effective January 1, 2025.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: City of Bloomington Common Council Members
FROM: Christopher J. Wheeler, Assistant City Attorney
RE: Proposed Ordinance 22-33 to Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Rate Adjustment)
DATE: October 26, 2022

This ordinance amends the rates and charges in Title 10 of the Bloomington Municipal Code, entitled “Wastewater”, to meet revenue requirements for operation and maintenance expenses, on-going debt service payments, and capital improvements to the wastewater collection and treatment system including ongoing modernization and efficiency improvements and mechanical screen replacement at the Dillman Wastewater Treatment Plant, mechanical rehab and replacements, plant hydraulic expansion and end of life equipment replacement at Blucher Poole Wastewater Treatment Plant, and on-going system improvements throughout the collection system including installation of additional lift stations and interceptors, I&I reduction and the on-going sewer lining project. The rate adjustment will be implemented in two phases as follows: A 12% increase effective January 1, 2023 and a 6% increase effective January 1, 2025.

If you have any questions regarding this proposed ordinance, please feel free to contact me by calling City Legal at 812.349.3549 or e-mailing me at wheelech@bloomington.in.gov.

**UTILITY SERVICE BOARD
OF THE CITY OF BLOOMINGTON, INDIANA
RESOLUTION NO. 2022-08**

**RE: THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF
IMPROVEMENTS AND EXTENSIONS TO THE CITY'S SEWAGE WORKS UTILITY, AND
APPROVING THE FORMS OF ORDINANCES ADJUSTING THE RATES AND CHARGES
FOR THE USERS OF THE SEWAGE WORKS UTILITY AND RECOMMENDING ITS
ADOPTION TO THE COMMON COUNCIL OF THE CITY**

WHEREAS, the City of Bloomington, Indiana (the "City"), has previously established and constructed and now owns and operates through its Utility Service Board (the "Board"): (i) a sewage works (the "Sewage Works"), for the collection, treatment and disposal of sewage and other wastes from inhabitants and entities in and around the City of Bloomington pursuant to Indiana Code 36-9-23, as amended through the City of Bloomington Utilities Department ("CBU") ; and

WHEREAS, CBU staff recommend necessary construction of additions and improvements to the Sewage Works, including Dillman Wastewater Treatment Plant modernization, efficiency and capacity improvements, Blucher Poole Wastewater Treatment Plant waste storage building, continued reduction of I&I, and southeast and southcentral interceptor design work; and

WHEREAS, CBU, through this Board, engaged the services of Crowe LLP, to conduct a thorough study of the revenue requirements for continued maintenance, improvement and expansion of the Sewage Works; and

WHEREAS, Crowe LLP prepared a rate and financing report concerning the current rates and charges of the Sewage Works (the "Report"); and

WHEREAS, CBU staff accepts the Report and recommends that this Board approve an increase in the rates and charges of the Sewage Works; and,

WHEREAS, based upon the Report, and the recommendations of CBU staff and Crowe LLC, this Board finds that the current rates and charges for the use of and service rendered by the Sewage Works do not produce sufficient revenues to pay all the legal and necessary expenses incidental to the operation of such Sewage Works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the Sewage Works, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and

WHEREAS, this Board finds that the current rates and charges do not produce an income sufficient to maintain the Sewage Works property in a sound physical and financial condition to render safe, adequate and efficient service; and

WHEREAS, this Board finds that the current rates and charges for the use of and service rendered by the Sewage Works must be increased in order to provide sufficient revenue to meet such requirements; and

WHEREAS, this Board finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the Sewage Works and will enable the City to meet its legal revenue requirements for the Sewage Works; and

WHEREAS, the proposed sewage works rate ordinance (the “Ordinance”) has been duly considered by this Board and found satisfactory, a copy of which is attached hereto, marked as **Exhibit “A”** and incorporated herein; and

WHEREAS, this Board desires to recommend the adoption of the proposed Ordinance to the Bloomington Common Council.


NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Board requests the Common Council authorize the modification of the rates and charges for the users of the Sewage Works as set forth in the proposed form of the Ordinance presented at this meeting, by the adoption of the proposed Ordinance, in substantially the form attached hereto as **Exhibit “A”**.
2. The Secretary of the Board is hereby directed to present a copy of this Resolution to the Bloomington City Clerk for presentation to the Bloomington Common Council as soon as may be done.
3. This Resolution shall be in full force and effect after its adoption by the Board.

PASSED AND ADOPTED THIS 26 DAY OF October, 2022.

CITY OF BLOOMINGTON, INDIANA

By and Through its Utility Service Board


Jeffrey L. Ehman (Oct 25, 2022 14:00 EDT)

Jeff Ehman, President

ATTEST:


LaTreana Teague (Oct 26, 2022 08:30 EDT)

LaTreana Teague, Secretary

ORDINANCE 22-33

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“WASTEWATER”
(Rate Adjustment)**

WHEREAS, the City of Bloomington, Indiana (the “City”) has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the “Act”), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and

WHEREAS, the current rates and charges of the sewage works of the City were established by Common Council under Ordinance 19-16 on September 18, 2019, with said rate adjustment taking effect on January 1, 2020;

WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the sewage works, including Dillman Wastewater Treatment Plant modernization, efficiency and capacity improvements, Blucher Poole Wastewater Treatment Plant waste storage building, continued reduction of I&I, and southeast and southcentral interceptor design work; and,

WHEREAS, the City, through its Utilities Service Board, engaged the services of Crowe LLP, to conduct a thorough study of the revenue requirements for continued maintenance, improvement and expansion of the wastewater system; and

WHEREAS, Crowe LLP prepared a rate and financing report concerning the current rates and charges of the sewage works (the “Report”); and

WHEREAS, the City, through its Utilities Service Board, upon consideration of the study prepared by Crowe LLP, recommends that the Common Council approve an increase over two phases in the rates and charges of the sewage works with a 12% increase in phase I and a 6% increase in phase II; and,

WHEREAS, based upon the Report, and the recommendations of the Utility Service Board, the Common Council of the City (the “Council”) finds that the current rates and charges for the use of and service rendered by the sewage works do not produce sufficient revenues to pay all the legal and necessary expenses incidental to the operation of such sewage works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the sewage works, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and

WHEREAS, the Council finds that the current rates and charges do not produce an income sufficient to maintain the sewage works property in a sound physical and financial condition to render safe, adequate and efficient service; and

WHEREAS, the Council finds that the current rates and charges for the use of and service rendered by the sewage works must be increased in order to provide sufficient revenue to meet such requirements; and

WHEREAS, the Council finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the sewage works and will enable the City to meet its legal revenue requirements for the sewage works; and

WHEREAS, the Council caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and mailed, and held a public hearing thereon, all pursuant to the Act.

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

SECTION 1. Section 10.08.040 of the Bloomington Municipal Code (the “Code”), entitled “Rates—Metered water users”, is hereby amended and restated to read as follows:

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

	Phase I	Phase II
Monthly service charge (per meter)	9.17	9.72
User Charge		
Charge per 1,000 gallons per month		
for all billable usage:		
Residential ^(a)	8.95	9.49
Commercial	8.95	9.49
Indiana University	8.95	9.49
Industrial ^(b)	8.95	9.49

For service rendered to lots, parcels of real estate or buildings located outside the corporate limits of the city, there shall be a 12% surcharge imposed in addition to the general service rates established in this section.

Notes:

- (a) Residential summer rates for billings issued during the months of June, July, August, and September shall be based upon the average metered water consumption for billings issued during the months of April and May or actual usage, whichever is less. In order to more accurately reflect the actual wastewater usage of these customers, the Utilities Service Board may, by the adoption of a resolution, change the months used to set the summer rates and the length of time the summer rates are in effect. All other users shall be

charged on the basis of one hundred percent of metered water consumption subject to user proof of lower wastewater use.

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

SECTION 2. Section 10.08.070 of the Code, entitled “Rates—Nonmetered users”, is hereby amended and restated to read as follows:

“The minimum rate or charge for any service where the user is not a metered water user shall be eight hundred ninety two dollars and thirty five cents (\$892.35) per year for phase one, and nine hundred forty five dollars and eighty nine cents (\$945.89) per year for phase two, payable monthly. At the request of the utility or user, a meter which measures either the water use of the customer or the discharge into the sanitary sewer system shall be installed at the user’s expense. Where a meter has been installed or the customer’s water use records are available at no charge from the water supplier, the charge for service shall be computed on the basis of water usage plus monthly service charge, just as it is with a metered user, subject to the annual minimum charge.

For service rendered to lots, parcels of real estate or buildings located outside the corporate limits of the city, there shall be a 12% surcharge imposed in addition to the general service rates established in this section.”

SECTION 3. Subsection (b) of Section 10.08.110 of the Code, entitled “Special service rates”, is hereby amended and restated to read as follows:

“Special service rates shall be determined as follows:

		Phase I	Phase II
Monthly service charge (per meter)	Inside City	\$ 8.95	9.49
Monthly service charge (per meter)	Outside City	\$ 10.02	10.63

Special laboratory analysis monthly charge

Strength of BOD and SS sampling charge	\$ 192.54	204.09
Grease and oil sampling charge	\$ 180.48	191.31
Metal sampling charge (per metal per test)	\$ 40.11	42.52

User Charge

Charge per 1,000 gallons per month for all billable usage inside city:

Non-excessive strength rate	\$ 8.95	9.49
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Charge per 1,000 gallons per month for all billable usage outside city:

Non-excessive strength rate	\$ 10.02	10.63
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Extra Strength Charge

Charge per pound per month for all strength in excess of 300 ppm:

BOD	\$ 0.438	0.464
Suspended Solids	\$ 0.357	0.378

SECTION 4. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; provided, however, that the rates and charges herein approved shall not take effect until January 1, 2023, for phase I and January 1, 2025, for phase II.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

Susan Sandberg, President
Bloomington Common Council

ATTEST:

Nicole Bolden, Clerk
City of Bloomington

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

Nicole Bolden, Clerk
City of Bloomington

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

John Hamilton, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the rates and charges in Title 10 of the Bloomington Municipal Code, entitled “Wastewater”, to reflect increased costs of supplying wastewater services to customers, and to make debt service payments on bond financing for required capital improvements.

ORDINANCE 22-33

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“WASTEWATER”
(Rate Adjustment)**

WHEREAS, the City of Bloomington, Indiana (the “City”) has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the “Act”), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and

WHEREAS, the current rates and charges of the sewage works of the City were established by Common Council under Ordinance 19-16 on September 18, 2019, with said rate adjustment taking effect on January 1, 2020;

WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the sewage works, including Dillman Wastewater Treatment Plant modernization, efficiency and capacity improvements, Blucher Poole Wastewater Treatment Plant waste storage building, continued reduction of I&I, and southeast and southcentral interceptor design work; and,

WHEREAS, the City, through its Utilities Service Board, engaged the services of Crowe LLP, to conduct a thorough study of the revenue requirements for continued maintenance, improvement and expansion of the wastewater system; and

WHEREAS, Crowe LLP prepared a rate and financing report concerning the current rates and charges of the sewage works (the “Report”); and

WHEREAS, the City, through its Utilities Service Board, upon consideration of the study prepared by Crowe LLP, recommends that the Common Council approve an increase over two phases in the rates and charges of the sewage works with a 12% increase in phase I and a 6% increase in phase II; and,

WHEREAS, based upon the Report, and the recommendations of the Utility Service Board, the Common Council of the City (the “Council”) finds that the current rates and charges for the use of and service rendered by the sewage works do not produce sufficient revenues to pay all the legal and necessary expenses incidental to the operation of such sewage works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the sewage works, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and

WHEREAS, the Council finds that the current rates and charges do not produce an income sufficient to maintain the sewage works property in a sound physical and financial condition to render safe, adequate and efficient service; and

WHEREAS, the Council finds that the current rates and charges for the use of and service rendered by the sewage works must be increased in order to provide sufficient revenue to meet such requirements; and

WHEREAS, the Council finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the sewage works and will enable the City to meet its legal revenue requirements for the sewage works; and

WHEREAS, the Council caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and mailed, and held a public hearing thereon, all pursuant to the Act.

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

SECTION 1. Section 10.08.040 of the Bloomington Municipal Code (the “Code”), entitled “Rates—Metered water users”, is hereby amended and restated to read as follows:

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

	<u>Phase I</u>	<u>Phase II</u>
Monthly service charge (per meter)	\$8.19 <u>9.17</u>	<u>9.72</u>
User Charge		
Charge per 1,000 gallons per month		
for all billable usage:		
Residential ^(a)	\$7.99 <u>8.95</u>	<u>9.49</u>
Commercial	\$7.99 <u>8.95</u>	<u>9.49</u>
Indiana University	\$7.99 <u>8.95</u>	<u>9.49</u>
Industrial ^(b)	\$7.99 <u>8.95</u>	<u>9.49</u>

For service rendered to lots, parcels of real estate or buildings located outside the corporate limits of the city, there shall be a 12% surcharge imposed in addition to the general service rates established in this section.

Notes:

(a) Residential summer rates for billings issued during the months of June, July, August, and September shall be based upon the average metered water consumption for billings issued during the months of April and May or actual usage, whichever is less. In order to more accurately reflect the actual wastewater usage of these customers, the Utilities Service Board may, by the adoption of a resolution, change the months used to set the summer rates and the length of time the summer rates are in effect. All other users shall be

charged on the basis of one hundred percent of metered water consumption subject to user proof of lower wastewater use.

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

SECTION 2. Section 10.08.070 of the Code, entitled “Rates—Nonmetered users”, is hereby amended and restated to read as follows:

“The minimum rate or charge for any service where the user is not a metered water user shall be ~~seven hundred and ninety-six dollars and seventy-four cents (\$796.74) per year~~ eight hundred ninety two dollars and thirty five cents (\$892.35) per year for phase one, and nine hundred forty five dollars and eighty nine cents (\$945.89) per year for phase two, payable monthly. At the request of the utility or user, a meter which measures either the water use of the customer or the discharge into the sanitary sewer system shall be installed at the user’s expense. Where a meter has been installed or the customer’s water use records are available at no charge from the water supplier, the charge for service shall be computed on the basis of water usage plus monthly service charge, just as it is with a metered user, subject to the annual minimum charge.

For service rendered to lots, parcels of real estate or buildings located outside the corporate limits of the city, there shall be a 12% surcharge imposed in addition to the general service rates established in this section.”

SECTION 3. Subsection (b) of Section 10.08.110 of the Code, entitled “Special service rates”, is hereby amended and restated to read as follows:

“Special service rates shall be determined as follows:

		<u>Phase I</u>	<u>Phase II</u>
Monthly service charge (per meter) Inside City	\$	7.95 <u>8.95</u>	<u>9.49</u>
<u>Monthly service charge (per meter) Outside City</u>	\$	<u>10.02</u>	<u>10.63</u>
Special laboratory analysis monthly charge			
Strength of BOD and SS sampling charge	\$	166.90 <u>192.54</u>	<u>204.09</u>
Grease and oil sampling charge	\$	156.45 <u>180.48</u>	<u>191.31</u>
Metal sampling charge (per metal per test)	\$	34.77 <u>40.11</u>	<u>42.52</u>
User Charge			
Charge per 1,000 gallons per month for all billable usage inside city:			
Non-excessive strength rate	\$	7.76 <u>8.95</u>	<u>9.49</u>
<u>Charge per 1,000 gallons per month for all billable usage outside city:</u>			
<u>Non-excessive strength rate</u>	\$	<u>8.95</u>	<u>10.02</u>
Extra Strength Charge			
Charge per pound per month for all strength in excess of 300 ppm:			

BOD	\$0.380	<u>0.438</u>	<u>0.464</u>
Suspended Solids	\$0.310	<u>0.357</u>	<u>0.378</u>

SECTION 4. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; provided, however, that the rates and charges herein approved shall not take effect until January 1, 2023, for phase I and January 1, 2025, for phase II.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

 Susan Sandberg, President
 Bloomington Common Council

ATTEST:

 Nicole Bolden, Clerk
 City of Bloomington

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

 Nicole Bolden, Clerk
 City of Bloomington

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

 John Hamilton, Mayor
 City of Bloomington

SYNOPSIS

This ordinance amends the rates and charges in Title 10 of the Bloomington Municipal Code, entitled “Wastewater”, to reflect increased costs of supplying wastewater services to customers, and to make debt service payments on bond financing for required capital improvements.

DILLMAN ROAD WWTP							
PROJECT	2022	2023	2024	2025	2026	2027	Total
Modernization and efficiency improvements	\$ 4,000,000						\$ 4,000,000
Modernization and capacity Phase II - Design		\$ 2,000,000					\$ 2,000,000
Modernization and capacity Phase II - Const			\$ 9,889,617				\$ 9,889,617
Clarifier Algea Control - Weir covers, 4 remaining			\$ 1,166,000				\$ 1,166,000
Mechanical Screen Replacement and Electrical Feed	\$ 320,000	\$ 4,400,000					\$ 4,720,000
Sludge Press Re-Build			\$ 470,000				\$ 470,000
PACL feed system				\$ 530,000			\$ 530,000
End of life Equipment Replacements; PS VFD's, etc					\$ 1,500,000		\$ 1,500,000
Admin HVAC				\$ 350,000			\$ 350,000
Repair or Replace Equalization Basin Liner						\$ 50,000	\$ 50,000
Addition of Video Surveillance for Security					\$ 140,000		\$ 140,000
Replace Main Plant Gate and Controls				\$ 110,000			\$ 110,000
Headworks- bar screen, replace compactor auger, replace VFD, AC, add spare pump						\$ 390,000	\$ 390,000
Asphalt drives at plant				\$ 2,140,000			\$ 2,140,000
Vortex Grit Removal						\$ 8,307,000	\$ 8,307,000
Final Clarifier Drive Motors						\$ 247,000	\$ 247,000
Replace Sand Filter Media						\$ 1,508,000	\$ 1,508,000
Replace Polymer Blending Units for Belt Presses			\$ 220,000				\$ 220,000
Demolish and Transition Annunciator Board in Admin Building						\$ 200,000	\$ 200,000
Replace Scum Pump Suction Piping and Valves						\$ 156,000	\$ 156,000
							\$ -
Total Expenditure	\$ 4,320,000	\$ 6,400,000	\$ 11,745,617	\$ 3,130,000	\$ 1,640,000	\$ 10,858,000	\$ 38,093,617

BLUCHER POOLE WWTP							
PROJECT	2022	2023	2024	2025	2026	2027	Total
Belt Press Rehab	\$ 150,000	\$ 155,000					\$ 305,000
Intake (2) and RAS (1) pump replacements and misc		\$ 175,000					\$ 175,000
End of life Equipment Replacements		\$ 200,000	\$ 200,000	\$ 200,000		\$ 200,000	\$ 800,000
North Sewer Basin and Plant hydraulic capacity study		\$ 250,000					\$ 250,000
Plant hydraulic expansion (EQ Basin/PC plus other capacity) - design			\$ 1,100,000				\$ 1,100,000
Waste storage building		\$ 2,000,000					\$ 2,000,000
solids handling building plumbing			\$ 101,920				\$ 101,920
Parking lot expansion			\$ 44,800				\$ 44,800
Human machine interface (HMI) PLC			\$ 560,000				\$ 560,000
RAS (3) pump and flow meter replacement				\$ 749,300			\$ 749,300
Secondary clarifier - painting&sanding covers, iso valves				\$ 769,360			\$ 769,360
Influent Flume rehab				\$ 118,000			\$ 118,000
Yard valve replacement (6)			\$ 168,000				\$ 168,000
Plant Generator						\$ 100,000	\$ 100,000
Electrical Upgrades			\$ 560,000				\$ 560,000
Plant hydraulic expansion					\$ 12,887,692		\$ 12,887,692
							\$ -
							\$ -
Total Expenditure	\$ 150,000	\$ 2,780,000	\$ 2,734,720	\$ 1,836,660	\$ 12,887,692	\$ 300,000	\$ 20,689,072

COLLECTION SYSTEM							
PROJECT	2022	2023	2024	2025	2026	2027	Total
I&I Reduction Program (Clear Water Reduction Program)	\$ 20,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 520,000
Sewer Lining, Manhole Rehab, FMs lining	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 2,580,000
Lift stations (morningside, cans, etc)	\$ 500,000	\$ 1,200,000	\$ 2,240,000	\$ 2,124,000	\$ 100,000	\$ 100,000	\$ 6,264,000
Road projects relocations	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 120,000
SE-Interceptor College Mall-Design (3,000')				\$ 1,500,000			\$ 1,500,000
SE Interceptor MH 8830 past goat farm-Design					\$ 1,200,000		\$ 1,200,000
SC Interceptor Gordan Pike to Rogers St-Design			\$ 1,200,000				\$ 1,200,000
Relief Interceptor Dillman WWTP to Rogers St. (3,300')-design, construction		\$ 2,916,000				\$ 15,163,200	\$ 18,079,200
Replacement of maintenance equipment (55%)		\$ 550,000	\$ 145,750	\$ 154,495	\$ 163,765	\$ 173,591	\$ 1,187,601
							\$ -
Total Expenditure	\$ 970,000	\$ 5,216,000	\$ 4,135,750	\$ 4,328,495	\$ 2,013,765	\$ 15,986,791	\$ 32,650,801

EXPENDITURE SUMMARY BY LOCATION							
	2022	2023	2024	2025	2026	2027	Total
Dillman Road WWTP	\$ 4,320,000	\$ 6,400,000	\$ 11,745,617	\$ 3,130,000	\$ 1,640,000	\$ 10,858,000	\$ 38,093,617
Blucher Poole WWTP	\$ 150,000	\$ 2,780,000	\$ 2,734,720	\$ 1,836,660	\$ 12,887,692	\$ 300,000	\$ 20,689,072
Collection System	\$ 970,000	\$ 5,216,000	\$ 4,135,750	\$ 4,328,495	\$ 2,013,765	\$ 15,986,791	\$ 32,650,801
Total Wastewater	\$ 5,440,000	\$ 14,396,000	\$ 18,616,087	\$ 9,295,155	\$ 16,541,457	\$ 27,144,791	\$ 64,288,699

DILLMAN ROAD WWTP										
PROJECT	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Modernization and efficiency improvements	\$ 18,000,000	\$ 4,000,000								\$ 22,000,000
Roof replacement	\$ 450,000									\$ 450,000
Preliminary Engineering update		\$ 100,000								
P2-1 Vortex Grit Removal			\$ 1,050,629	\$ 4,202,515						\$ 5,253,144
P2-8 Phase 1 more Electrical Improvements			\$ 229,164	\$ 916,656						\$ 1,145,820
P2-6 WAS Thickening - Gravity Belt			\$ 500,000	\$ 2,320,000						\$ 2,820,000
P2-9 Plant Wide SCADA Improvements			\$ 1,000,000	\$ 2,000,000						\$ 3,000,000
5 UV Disinfection					\$ 1,000,000	\$ 2,370,000				\$ 3,370,000
Miscellaneous Improvements							\$ 500,000	\$ 500,000	\$ 500,000	\$ 1,500,000
Clarifier Algae Control - Weir covers, 4 remaining		\$ 600,000								\$ 600,000
Mechanical Screen No. 1 Replacement		\$ 350,000								\$ 350,000
Sludge Press Re-Build		\$ 325,000								\$ 325,000
PACL										
Pump station VFDs										
Total Expenditure	\$ 18,450,000	\$ 5,375,000	\$ 2,779,793	\$ 9,439,171	\$ 1,000,000	\$ 2,370,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 40,813,964

BLUCHER POOLE WWTP										
PROJECT	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Phosphorous Removal System	\$ 500,000									\$ 500,000
Belt Press Rehab		\$ 150,000								
Miscellaneous Improvements										
Plant expansion (EQ Basin/PC plus other capacity)					\$ 1,900,000	\$ 8,000,000	\$ 4,000,000			\$ 13,900,000
Equipment replacements										\$ -
Miscellaneous Improvements		\$ 400,000	\$ 400,000			\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,800,000
Total Expenditure	\$ 500,000	\$ 550,000	\$ 400,000	\$ -	\$ 1,900,000	\$ 8,500,000	\$ 4,500,000	\$ 500,000	\$ 500,000	\$ 17,200,000

COLLECTION SYSTEM										
PROJECT	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
I&I Reduction Program Development	\$ 50,000	\$ 100,000	\$ 100,000	\$ 100,000						\$ 350,000
Sewer Lining, Manhole Rehab, FMs lining	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 3,870,000
Dunn Street Sewer (total \$2.9M, \$880K paid by IU)	\$ 2,100,000									\$ 2,100,000
Lift stations (morningside, cans, etc)		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 800,000
Edwards LS - hyde park (studying still)	\$ 50,000									\$ 50,000
Road projects relocations ??										\$ -
SE-Interceptor College Mall							\$ 3,300,000			\$ 3,300,000
SE Interceptor MH 8830 past goat farm									\$ 7,000,000	\$ 7,000,000
SC Interceptor south of Gordan Pike								\$ 5,000,000		\$ 5,000,000
										\$ -
Total Expenditure	\$ 2,630,000	\$ 630,000	\$ 630,000	\$ 630,000	\$ 530,000	\$ 530,000	\$ 3,830,000	\$ 530,000	\$ 7,530,000	\$ 18,220,000

EXPENDITURE SUMMARY BY LOCATION										
	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Dillman Road WWTP	\$ 18,450,000	\$ 5,375,000	\$ 2,779,793	\$ 9,439,171	\$ 1,000,000	\$ 2,370,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 45,913,964
Blucher Poole WWTP	\$ 500,000	\$ 550,000	\$ 400,000	\$ -	\$ 1,900,000	\$ 8,500,000	\$ 4,500,000	\$ 500,000	\$ 500,000	\$ 18,075,000
Collection System	\$ 2,630,000	\$ 630,000	\$ 630,000	\$ 630,000	\$ 530,000	\$ 530,000	\$ 3,830,000	\$ 530,000	\$ 7,530,000	\$ 18,220,000
Total Wastewater	\$ 21,580,000	\$ 6,555,000	\$ 3,809,793	\$ 10,069,171	\$ 3,430,000	\$ 11,400,000	\$ 8,830,000	\$ 1,530,000	\$ 8,530,000	\$ 82,208,964

Updated 01/4/21 1/4/21 updated and loaded

DILLMAN ROAD WWTP										
PROJECT	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Modernization and efficiency improvements	\$ 18,000,000	\$ 4,000,000								\$ 22,000,000
Roof replacement	\$ 450,000									\$ 450,000
P2-1 Vortex Grit Removal			\$ 1,050,629	\$ 4,202,515						\$ 5,253,144
P2-8 Phase 1 more Electrical Improvements			\$ 229,164	\$ 916,656						\$ 1,145,820
P2-6 WAS Thickening - Gravity Belt			\$ 500,000	\$ 2,320,000						\$ 2,820,000
P2-9 Plant Wide SCADA Improvements			\$ 1,000,000	\$ 2,000,000						\$ 3,000,000
5 UV Disinfection					\$ 1,000,000	\$ 2,370,000				\$ 3,370,000
Miscellaneous Improvements							\$ 500,000	\$ 500,000	\$ 500,000	\$ 1,500,000
Clarifier Algae Control - Weir covers, 4 remaining		\$ 600,000								\$ 600,000
Mechanical Screen No. 1 Replacement		\$ 350,000								\$ 350,000
Sludge Press Re-Build		\$ 325,000								\$ 325,000
Total Expenditure	\$ 18,450,000	\$ 5,275,000	\$ 2,779,793	\$ 9,439,171	\$ 1,000,000	\$ 2,370,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 40,813,964

BLUCHER POOLE WWTP										
PROJECT	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Phosphorous Removal System	\$ 200,000									\$ 200,000
Plant expansion (EQ Basin/PC plus other capacity)					\$ 1,900,000	\$ 8,000,000	\$ 4,000,000			\$ 13,900,000
UV System Replacement										\$ -
Miscellaneous Improvements		\$ 400,000	\$ 400,000			\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,800,000
Total Expenditure	\$ 200,000	\$ 400,000	\$ 400,000	\$ -	\$ 1,900,000	\$ 8,500,000	\$ 4,500,000	\$ 500,000	\$ 500,000	\$ 16,900,000

COLLECTION SYSTEM										
PROJECT	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
I&I Reduction Program Development	\$ 50,000	\$ 100,000	\$ 100,000	\$ 100,000						\$ 350,000
Sewer Lining, Manhole Rehab, FMs lining	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000	\$ 3,870,000
Dunn Street Sewer (total \$2.9M, \$880K paid by IU)	\$ 2,100,000									\$ 2,100,000
Lift stations (morningside, cans, etc)		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 800,000
Edwards LS - hyde park (studying still)	\$ 50,000									\$ 50,000
Road projects relocations ??										\$ -
SE-Interceptor College Mall							\$ 3,300,000			\$ 3,300,000
SE Interceptor MH 8830 past goat farm									\$ 7,000,000	\$ 7,000,000
SC Interceptor south of Gordan Pike								\$ 5,000,000		\$ 5,000,000
Total Expenditure	\$ 2,630,000	\$ 630,000	\$ 630,000	\$ 630,000	\$ 530,000	\$ 530,000	\$ 3,830,000	\$ 530,000	\$ 7,530,000	\$ 18,220,000

EXPENDITURE SUMMARY BY LOCATION										
	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Dillman Road WWTP	\$ 18,450,000	\$ 5,275,000	\$ 2,779,793	\$ 9,439,171	\$ 1,000,000	\$ 2,370,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 45,813,964
Blucher Poole WWTP	\$ 200,000	\$ 400,000	\$ 400,000	\$ -	\$ 1,900,000	\$ 8,500,000	\$ 4,500,000	\$ 500,000	\$ 500,000	\$ 17,625,000
Collection System	\$ 2,630,000	\$ 630,000	\$ 630,000	\$ 630,000	\$ 530,000	\$ 530,000	\$ 3,830,000	\$ 530,000	\$ 7,530,000	\$ 18,220,000
Total Wastewater	\$ 21,280,000	\$ 6,305,000	\$ 3,809,793	\$ 10,069,171	\$ 3,430,000	\$ 11,400,000	\$ 8,830,000	\$ 1,530,000	\$ 8,530,000	\$ 81,658,964

PHASE II	Const	Const cont	Cons other	Const + Engr	Notes	Dan's Notes Aug 2022	G&H Notes	GH priority
Deferred facility plan - phase II 2022 rate case								
Replace RAS screen control box and grit				\$ 200,000				
8 Phase II+ Electrical Improvements				\$ 6,300,000	Improvements to substation	Part under contract and part under study		1 subtracted eng design from \$7.3M
7B Septic Monitoring Improvements -hose bib, paving	\$ 300,000	\$ 390,000	\$ 440,700	\$ 528,840	Evaluate need	Not included	May not be done	
7C Clarifier Sludge Drive	\$ 30,000	\$ 39,000	\$ 44,070	\$ 52,884	needed?	Under Study	May not be done	
Replacement of remaining sludge/solid line (300'-500')				\$ 220,000				1
7E Paint Clarifier Tanks	\$ 120,000	\$ 156,000	\$ 176,280	\$ 280,000		Under Study		2
skids with sumps need replaced				\$ 330,000				2
Repair wash water tank floor				\$ 130,000				1.5
3 valves and 2 sluice gates in the drying beds need replaced				\$ 370,000				1
Polymer blending units for belt presses				\$ 220,000				
Replace Wash Water Recovery Tank Effluent Valve, add sump pump and seal				\$ 100,000				
Manhole Repairs along Clear Creek				\$ 70,000				1
			\$ 661,050	\$ 8,801,724	\$	8,140,674		
			inflation cost	\$ 9,889,617				
New things NOT in facility plan Phase II								
PACL Feed system	\$ 300,000	\$ 390,000	\$ 440,700	\$ 528,840	need better estimate	Under Study		
Admin HVAC	\$ 300,000			\$ 300,000	from lab arch, need better estimate	Under Study		
7D FRP Clarifier Launder Covers (weir covers)	\$ 600,000	\$ 780,000	\$ 881,400	\$ 1,057,680	operators really want this, 2024	Under Study	May not be done	
1 Vortex Grit Removal	\$ 2,980,000	\$ 3,874,000	\$ 4,377,620	\$ 6,390,000	Need to evaluate versus rehab existing	Under Study - may not be done	May not be done	3
Deferred, outside of 5 year CIP								
5 UV Disinfection	\$ 1,910,000	\$ 2,483,000	\$ 2,805,790	\$ 3,366,948		Under Study		
9 Plant Wide SCADA Improvements - will do a reduced version	\$ 2,190,000	\$ 2,847,000	\$ 3,217,110	\$ 3,860,532		Under Study		
Raise drying bed burms				\$ 130,000	GH 2022 #s			
Aerobic Digestion Expansion / TWAS Improvements				\$ 33,650,000	GH 2022 #s			
2 Digester Tank Mixers			\$ 2,083,333	\$ 2,500,000	Evaluate need for expansion, v. rough est.	Under Study	May not be done	don't need to do to get to 20mgd
6 Waste Activated Sludge Thickening - Gravity Belt	\$ 1,600,000	\$ 2,080,000	\$ 2,350,400	\$ 2,820,480	Evaluate need for expansion	Under Study	May not be done	don't need to do to get to 20mgd
Primary clarification				\$ 14,420,000	GH 2022 #s			
Phase 3 electrical				\$ 9,300,000	GH 2022 #s			

Additional Information

Phase II - per Dan, GH, and plant staff 9-8-22

- 9)old polymer bldg- demo equipment
- Final Clarifier Drive Motors
- Replace Wash Water Recovery Tank Effluent Valve, add sump pump and seal
- Replace Sand Filter Media
- Replace Polymer Blending Units for Belt Presses
- Demolish and Transition Annunciator Board in Admin Building
- Replace Scum Pump Suction Piping and Valves

COMPLETED

Facilities Plan - 2018

2018 cost estimates; Actual project was much more.

Complete or in-progress	Const	Const cont	Cons other	Engr	Notes	Dan's Notes Aug 2022	G&H Notes
2 Digester Tanks - Membrane with PD	\$ 2,210,000	\$ 2,873,000	\$ 3,246,490	\$ 3,895,788	Not Mixers	Complete	
3A Aeration Tanks - with RAS/WAS/Scum Pumps	\$ 2,500,000	\$ 3,250,000	\$ 3,672,500	\$ 4,407,000	also 3 GBP pumps	Complete	
3B Multi-stage Blowers	\$ 770,000	\$ 1,001,000	\$ 1,131,130	\$ 1,357,356		Complete	
4 Standalone Disc Filter Addition	\$ 1,770,000	\$ 2,301,000	\$ 2,600,130	\$ 3,120,156		Complete	
5 Modest Improvements to Chemical Disinfection	\$ 150,000	\$ 195,000	\$ 220,350	\$ 264,420	done pre-project	Complete	
8 Phase 1 Electrical Improvements	\$ 1,970,000	\$ 2,561,000	\$ 2,893,930	\$ 3,472,716	less substation	Complete	
Total	\$ 9,370,000	\$ 12,181,000	\$ 13,764,530	\$ 16,517,436	Project was \$23M, was other stuff added?		
done under phase 1							
7A EQ Aerator-Mixers	\$ 170,000	\$ 221,000	\$ 249,730	\$ 299,676	Already done?	Done	

Item	Ballpark Construction Cost	Notes
Bar Screen Heater	\$14,000	From Dan's Word file
Belt Press No. 2	\$155,000	From Dan's Word file
Sludge Handling Building - Damaged Piping Replacement	\$90,800	See tab
Sludge Storage Building	\$1,980,000	See tab. Planned for consultant to evaluate
Parking Lot Expansion	\$37,700	See tab
HMI/SCADA	\$500,000	Planned for consultant to evaluate
RAS Modifications	\$635,000	See tab. Planned for consultant to evaluate
Secondary Clarifier Rehab	\$652,000	See tab
Yard Valve Replacement	\$148,500	See tab
Electrical Upgrades	\$500,000	Planned for consultant to evaluate
Hydraulic Expansion	\$9,250,000	2018 cost opinion from BV study, minus UV Improvements, minus Plantwide SCADA, with 4.5%/yr increase over 6 years (2024 construction)
Total	\$13,963,000	

Blucher EQ

\$9,500,000.00

Possible Projects	Notes
Deferred facility plan	
2 Digester Tank Mixers	Evaluate need for expansion
6 Waste Activated Sludge Thickening - Gravity Belt	Evaluate need for expansion
1 Vortex Grit Removal	Need to evaluate versus rehab existing
8 Phase 1+ Electrical Improvements	Add substation
7A EQ Aerator-Mixers	Already done?
7B Septic Monitoring Improvements	Evaluate need
7C Clarifier Sludge Drive	Verifying if replaced
7D FRP Clarifier Launder Covers	
7E Paint Clarifier Tanks	
5 UV Disinfection	Is it worth it?
New things not in original facility plan	
PACL Feed system	need better estimate
Admin HVAC	from lab arch, need better estimate

Plant wishes; some should be in this plan, some not

- Replace the sludge transfer line that was not completed in Phase 1.
- Filter media evaluation/replacement.
- Look at raising the flood dam around the sludge beds.
- Any drain or gate replacement at the north or south lagoons
- Blacktop both of the lagoons
- Investigate and make needed repairs to the plant influent manholes along the Creek
- EQ rubber liner inspection and repair, it is 5-6 years old now.
- Video cameras in the plant to monitor the areas for safety and operations.
- Plant entrance gate replacement and controls
- Miscellaneous plant sump pump replacements.
- Repair the Wash Water Tank floor leaking.
- Remove old equipment from the polymer building. Repurpose the building.
- Replacement of the dual polyblend system on the belt press in the solids building.
- Remove the annunciator board in the Admin building.
- Scum pump suction piping replacement.

Complete or in-progress	Const	Const cont	Cons other	Engr	Notes	Dan's Notes Aug 2022	G&H Notes
Relief Interceptor W/ SSO Removal	\$ 5,000,000	\$ 6,500,000	\$ 7,345,000	\$ 8,814,000 -needs updated with GH 9-16-22 numbers		Under Study	

Year or Priority; if there is a year its on the CIP, if there is no year then use for grouping projects

Year or group in	Project	Notes	brad notes
2021-22	Modernization and efficiency improvements		
2022	Modernization and capacity Phase II - Design		
2023-24	Modernization and capacity Phase II - Const		
2024	Clarifier Algae Control - Weir covers, 4 remaining	include w/ project	
2021	Mechanical Screen No. 1 Replacement	still needed?	
2024	Sludge Press Re-Build	still needed?	
2025	PACl		
	UV Disinfection		on cip - sort of
Grouping			
1	Filter media evaluation/replacement.		how old is existing?
2	Lagoon liner inspection and repair as needed.		
2	Look at raising the flood dam around the sludge beds.		
2	Any drain or gate replacement at the north or south lagoon: is very connected to working on one that is empty, and then switching and filling up the empty one, and of course emptying the one in service.		
			This is not easily done while receiving solids from the Monroe plant and 30,000 gallons or so of grease every month. At some point they should both be repaved.
2	Blacktop both of the lagoons		
2	Investigat and make needed repairs to the plant influent manholes along the Creek		internal?
3	EQ rubber liner inspection, it is 5-6 years old now.		
4	Video cameras in the plant to monitor the areas for safety and operations.		
4	Plant entrance gate replacement and controls		
5	Miscellaneous plant sump pump replacements.		?
5	Repair the Wash Water Tank floor leaking.		
5	Spare Raw pump rotating element.		
5	Drain ditching grade between the solids and aeration basin (North and south)		
5	Remove old equipment from the polymer building. Repurpose the building.		
5	Replacement of the dual polyblend system on the belt press in the solids building.		
6	Contract for the new Generator service to connect and to run the total plant during a power out yes		
9	Remove the annunciator board in the Admin building.		
9	Plant wide pavement at project completion.		
9	Scum pump suction piping replacement.		
9	Replace the sludge transfer line that was not completed in Phase 1.		
10	Recoating and rehab of the 6 clarifiers (walls and structure)		on cip
10	Grit collection system replacement (auger's)		on cip

MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-34 – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Stormwater Rate Adjustment)

Synopsis

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled “Wastewater”, by amending Section 10.08.045-Rates – Stormwater utility users by increasing the stormwater fee from \$5.95 to \$7.50, an increase of 26%, to allow for appropriate funding of necessary improvements to the stormwater system which includes additional design work, repairs and construction of the hidden river culvert system and spankers arch as well as open channel improvements to clear creek which are all intended to reduce flooding in the downtown area.

Relevant Materials

- Ordinance 22-34
- Staff Memo from Chris Wheeler, Assistant City Attorney, City Legal
- Utility Service Board Resolution No. 2022-09
- Report by Crowe, LLP (applicable to both Ordinance 22-33 and Ordinance 22-34)
- Stormwater Capital Improvement Plan

Summary

Ordinance 22-34 increases the rates for stormwater services for all utility customers with accounts within the stormwater service area. This increase comes at the suggestion of the Utilities Service Board after reviewing a study by Crowe LLP. The rate increase will take effect on January 1, 2023.

State law grants municipalities the authority to regulate sewage works under Indiana Code 36-9-23-2. While not explicitly sewage works, the statutory authority for the regulation of stormwater utilities still comes from Indiana Code 36-9-23.

Section 25 requires the municipal legislative body to set rates for fees of service by ordinance. According to I.C. 36-9-23-25(b), the fees must be sufficient to:

- (1) pay all expenses incidental to the operation of the works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations;
- (2) provide the sinking fund required by section 21 of [applicable state code];
- (3) provide adequate money to be used as working capital; and
- (4) provide adequate money for improving and replacing the works.

Factors that can be used in establishing fees are among the following:

- (1) A flat charge for each sewer connection.
- (2) The amount of water used on the property.

- (3) The number and size of water outlets on the property.
- (4) The amount, strength, or character of sewage discharged into the sewers.
- (5) The size of sewer connections.
- (6) Whether the property has been or will be required to pay separately for any part of the sewage works.
- (7) Whether the property, although vacant or unimproved, is benefited by a local or lateral sewer because of the availability of that sewer. However, the owner must have been notified, by recorded covenants and restrictions or deed restrictions in the chain of title of the owner's property, that a fee or assessment for sewer availability may be charged, and the fee may reflect only the capital cost of the sewer and not the cost of operation and maintenance of the sewage works.
- (8) The cost of collecting, treating, and disposing of garbage in a sanitary manner, including equipment and wages.
- (9) The amount of money sufficient to compensate the municipality for the property taxes that would be paid on the sewage works if the sewage works were privately owned.
- (10) Any other factors the legislative body considers necessary.

I.C. 36-9-23-5(d). Here, the stormwater fee is generated by an estimate of the amount of storm run-off generated by users. This estimate is determined by the amount of impervious surface on users' properties. A base monthly charge is multiplied by the fraction of runoff generated by the non-single family residential (SFR) user over the average SFR user.

Under statute, rates and charges must produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service, or else they are unlawful. I.C. 8-1.5-3-8(d). For changing or adjusting rates that were already determined by ordinance in the past, state law permits the municipal legislative body to change or readjust the fees in the same manner by which they were established. I.C. 36-9-23-26(d).

State law requires, after the initial introduction of the ordinance but before the fees can be adopted, notice and a public hearing to be held. I.C. 36-9-23-26. The notice must set forth the proposed fee schedule, conform to state publication procedures under Indiana Code 5-3-1, and be mailed to owners of vacant property and users for service to property outside city limits.

The public hearing presents an opportunity for users of sewage works, owners of property served by sewage works, and other members of the public may be heard regarding the proposed fees. I.C. 36-9-23-26. After the hearing, the legislative body must adopt the ordinance, as originally introduced or as modified. A copy of the fee schedule must be available for public inspection. Fees established after notice and hearing are presumed just and equitable. I.C. 36-9-23-25(b).

The public hearing for the rate changes to Wastewater in Ordinance 22-33 is set for November 16, 2022.

Contact

Chris Wheeler, Assistant City Attorney, wheelech@bloomington.in.gov, (812)-349-3426
Vic Kelson, Utilities Director, kelsonv@bloomington.in.gov, (812)-349-3650

ORDINANCE 22-34

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“WASTEWATER”
(Stormwater Rate Adjustment)**

- WHEREAS, the City of Bloomington, Indiana (the “City”) has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the “Act”), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and
- WHEREAS, the City has established within the city wastewater utility the powers, duties and responsibility for the construction, operation and maintenance for the stormwater utility in accordance with Indiana Code 36-9-23; and
- WHEREAS, the current rates and charges of the sewage works of the City were established by Common Council under Ordinance 19-02 on February 20, 2019, with said rate adjustment taking effect on July 1, 2019 for Phase I and January 1, 2020 for Phase II; and
- WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the stormwater utility, including hidden river culvert design work, repairs and construction; spankers arch at 6th street; and clear creek open channel improvements; and
- WHEREAS, the City, through its Utilities Service Board, engaged the services of Crowe LLP to study the revenue requirements for the stormwater system; and
- WHEREAS, Crowe LLP prepared a rates and charges report concerning the current stormwater rate (the “Report”); and
- WHEREAS, the City, through its Utilities Service Board, upon consideration of the study prepared by Crowe LLP, recommends that the Common Council approve a 26% increase in rates and charges for the stormwater utility; and
- WHEREAS, based upon the Report, and the recommendations of the Utility Service Board, the Common Council of the City (the “Council”) finds that the current rates and charges for the use of and service rendered by the stormwater utility do not produce sufficient revenues to pay all the legal and necessary expenses incident to the operation of such stormwater utility, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the stormwater utility, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and
- WHEREAS, the Council finds that the current rates and charges do not produce an income sufficient to maintain the stormwater utility property in a sound physical and financial condition to render safe, adequate and efficient service; and
- WHEREAS, the Council finds that the current rates and charges for the use of and service rendered by the stormwater utility must be increased in order to provide sufficient revenue to meet such requirements; and
- WHEREAS, the Council finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the stormwater utility and will enable the City to meet its legal revenue requirements for the stormwater utility; and
- WHEREAS, the Council caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and mailed, and held a public hearing thereon, all pursuant to the Act.

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

SECTION 1. Section 10.08.045 of the Bloomington Municipal Code (the “Code”), entitled “Rates—Stormwater utility users”, is hereby amended and restated to read as follows:

10.08.045 - Rates - Stormwater utility users.

(a) The rates and charges of the stormwater utility shall be as follows:

The stormwater system user fee is applicable to all utility customers with accounts within the stormwater service area. All customers classified by the utility as being single-family residential (SFR) shall pay a monthly SFR base charge. All Non SFR customers shall be charged based upon the amount of runoff generated by the customer or the monthly SFR base charge, whichever is greater. The amount of runoff subject to the stormwater utility rate for all Non SFR customers shall be determined by a calculation based upon the following formula, minus any credits, as approved by the Utilities Service Board:

$$SFR \text{ base charge} \times \left(\frac{\text{Runoff generated by Non SFR customer}}{\text{Runoff generated by the average SFR customer}} \right)$$

The monthly SFR base charge shall be seven dollars and fifty cents (\$7.50).

(b) These rates and charges shall be billed monthly, and all provisions of the Indiana Code, the Bloomington Municipal Code and the city utilities department "Rules, Regulations and Standards of Service" which apply to the payment and collection of rates and charges for wastewater services shall apply equally to the rates and charges for stormwater utilities services.

SECTION 2. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; provided, however, that the rates and charges herein approved shall take effect on January 1, 2023.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

NICOLE BOLDEN, Clerk
City of Bloomington

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

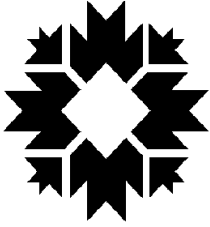
NICOLE BOLDEN, Clerk
City of Bloomington

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

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled “Wastewater”, by amending Section 10.08.045-Rates – Stormwater utility users by increasing the stormwater fee from \$5.95 to \$7.50, an increase of 26%, to allow for appropriate funding of necessary improvements to the stormwater system which includes additional design work, repairs and construction of the hidden river culvert system and spankers arch as well as open channel improvements to clear creek which are all intended to reduce flooding in the downtown area.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: City of Bloomington Common Council Members
FROM: Christopher J. Wheeler, Assistant City Attorney
RE: Proposed Ordinance 22-34 to Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater”
DATE: October 26, 2022

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled “Wastewater”, by amending Section 10.08.045-Rates – Stormwater utility users, by increasing the stormwater fee from \$5.95 to \$7.50, an increase of 26%, to meet revenue requirements for operation and maintenance expenses, on-going debt service payments, and capital improvements to the stormwater system including additional design work, repairs and construction of the hidden river culvert system and spankers arch as well as open channel improvements to clear creek which are all intended to reduce flooding in the downtown area.

If you have any questions regarding this proposed ordinance, please feel free to contact me by calling City Legal at 812.349.3549 or e-mailing me at wheelech@bloomington.in.gov.

**UTILITY SERVICE BOARD
OF THE CITY OF BLOOMINGTON, INDIANA
RESOLUTION NO. 2022-09**

RE: THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF IMPROVEMENTS AND EXTENSIONS TO THE CITY'S STORMWATER UTILITY, APPROVING THE FORMS OF ORDINANCES ADJUSTING THE RATES AND CHARGES FOR THE USERS OF SUCH STORMWATER UTILITIES AND RECOMMENDING ITS ADOPTION TO THE COMMON COUNCIL OF THE CITY, AND OTHER RELATED MATTERS

WHEREAS, the City of Bloomington, Indiana (the "City"), has previously established and constructed and now owns and operates through its Utility Service Board (the "Board"): (i) a sewage works (the "Sewage Works"), for the collection and treatment of sewage and other wastes pursuant to Indiana Code 36-9-23, as amended; and

WHEREAS, the City has established within the city wastewater utility the powers, duties and responsibility for the construction, operation and maintenance of a stormwater utility in accordance with Indiana Code 36-9-23; and

WHEREAS, CBU staff recommends necessary construction of additions and improvements to the stormwater infrastructure, including hidden river culvert design work, repairs and construction; spankers arch at 6th street; and clear creek open channel improvements; and

WHEREAS, CBU, through this Board, engaged the services of Crowe LLP, to conduct a thorough study of the revenue requirements for continued maintenance, improvement and expansion of the stormwater system; and

WHEREAS, Crowe LLP prepared a rate and financing report concerning the current rates and charges of the stormwater utility (the "Report"); and

WHEREAS, CBU staff accepts the Report and recommends that this Board approve an 18% increase in the rates and charges of the stormwater utility; and,

WHEREAS, based upon the Report, and the recommendations of CBU staff and Crowe LLC, this Board finds that the current rates and charges for the use of and service rendered by the stormwater utility do not produce sufficient revenues to pay all the legal and necessary expenses incidental to the operation of such stormwater utility, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the sewage works, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and

WHEREAS, this Board finds that the current rates and charges do not produce an income sufficient to maintain the stormwater utility in a sound physical and financial condition to render safe, adequate and efficient service; and

WHEREAS, this Board finds that the current rates and charges for the use of and service rendered by the stormwater utility must be increased in order to provide sufficient revenue to meet such requirements; and

WHEREAS, this Board finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the stormwater utility and will enable the City to meet its legal revenue requirements for the stormwater utility; and

WHEREAS, the proposed ordinance for stormwater rate adjustment has been duly considered by this Board and found satisfactory, a copy of which is attached hereto, marked as **Exhibit “A”** and by this reference incorporated herein; and


WHEREAS, this Board desires to recommend the adoption of the proposed ordinance to the Bloomington Common Council.

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Board requests the Bloomington Common Council authorize (i) modification of the rates and charges for the users of the stormwater utility as set forth in the proposed form of the ordinance presented at this meeting, by the adoption of such ordinance, in substantially the same form attached hereto as **Exhibit “A”**.
2. The Secretary of the Board is hereby directed to present a copy of this Resolution to the Bloomington City Clerk for presentation to the Bloomington Common Council as soon as may be done.
3. This Resolution shall be in full force and effect upon its adoption by the Board.


PASSED AND ADOPTED THIS 26 DAY OF October, 2022.

CITY OF BLOOMINGTON, INDIANA
By and Through its Utility Service Board


Jeffrey L. Ehman (Oct 25, 2022 14:00 EDT)

Jeff Ehman, President

ATTEST:


Latreana Teague (Oct 26, 2022 08:30 EDT)

LaTreana Teague, Secretary

ORDINANCE 22-34
TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“WASTEWATER”
(Stormwater Rate Adjustment)

- WHEREAS, the City of Bloomington, Indiana (the “City”) has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the “Act”), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and
- WHEREAS, the City has established within the city wastewater utility the powers, duties and responsibility for the construction, operation and maintenance for the stormwater utility in accordance with Indiana Code 36-9-23; and
- WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the stormwater utility, including hidden river culvert design work, repairs and construction; spankers arch at 6th street; and clear creek open channel improvements; and
- WHEREAS, the City, through its Utilities Service Board, engaged the services of Crowe LLC to study the revenue requirements for the stormwater system; and
- WHEREAS, Crowe LLC prepared a rates and charges report concerning the current stormwater rate (the “Report”); and
- WHEREAS, the City, through its Utilities Service Board, upon consideration of the study prepared by Crowe LLC, recommends that the Common Council approve an 26% increase in rates and charges for the stormwater utility; and,
- WHEREAS, based upon the Report, and the recommendations of the Utility Service Board, the Common Council of the City (the “Council”) finds that the current rates and charges for the use of and service rendered by the stormwater utility do not produce sufficient revenues to pay all the legal and necessary expenses incident to the operation of such stormwater utility, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the stormwater utility, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and
- WHEREAS, the Council finds that the current rates and charges do not produce an income sufficient to maintain the stormwater utility property in a sound physical and financial condition to render safe, adequate and efficient service; and
- WHEREAS, the Council finds that the current rates and charges for the use of and service rendered by the stormwater utility must be increased in order to provide sufficient revenue to meet such requirements; and
- WHEREAS, the Council finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the stormwater utility and will enable the City to meet its legal revenue requirements for the stormwater utility; and
- WHEREAS, the Council caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and mailed, and held a public hearing thereon, all pursuant to the Act.

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

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$$SFR \text{ base charge} \times \left(\frac{\text{Runoff generated by Non SFR customer}}{\text{Runoff generated by the average SFR customer}} \right)$$

The monthly SFR base charge shall be seven dollars and fifty cents (\$7.50).

(b) These rates and charges shall be billed monthly, and all provisions of the Indiana Code, the Bloomington Municipal Code and the city utilities department "Rules, Regulations and Standards of Service" which apply to the payment and collection of rates and charges for wastewater services shall apply equally to the rates and charges for stormwater utilities services.

SECTION 2. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; provided, however, that the rates and charges herein approved shall take effect on January 1, 2023.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

Susan Sandberg, President
Bloomington Common Council

ATTEST:

Nicole Bolden, Clerk
City of Bloomington

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

Nicole Bolden, Clerk
City of Bloomington

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

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled "Wastewater", by amending Section 10.08.045-Rates – Stormwater utility users by increasing the stormwater fee from \$5.95 to \$7.50, an increase of 26%, to allow for appropriate funding of necessary improvements to the stormwater system which includes additional design work, repairs and construction of the hidden river culvert system and spankers arch as well as open channel improvements to clear creek which are all intended to reduce flooding in the downtown area.

ORDINANCE 22-34

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OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“WASTEWATER”
(Stormwater Rate Adjustment)**

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- WHEREAS, the City has established within the city wastewater utility the powers, duties and responsibility for the construction, operation and maintenance for the stormwater utility in accordance with Indiana Code 36-9-23; and
- WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the stormwater utility, including hidden river culvert design work, repairs and construction; spankers arch at 6th street; and clear creek open channel improvements; and
- WHEREAS, the City, through its Utilities Service Board, engaged the services of Crowe LLC to study the revenue requirements for the stormwater system; and
- WHEREAS, Crowe LLC prepared a rates and charges report concerning the current stormwater rate (the “Report”); and
- WHEREAS, the City, through its Utilities Service Board, upon consideration of the study prepared by Crowe LLC, recommends that the Common Council approve an 26% increase in rates and charges for the stormwater utility; and,
- WHEREAS, based upon the Report, and the recommendations of the Utility Service Board, the Common Council of the City (the “Council”) finds that the current rates and charges for the use of and service rendered by the stormwater utility do not produce sufficient revenues to pay all the legal and necessary expenses incident to the operation of such stormwater utility, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the stormwater utility, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and
- WHEREAS, the Council finds that the current rates and charges do not produce an income sufficient to maintain the stormwater utility property in a sound physical and financial condition to render safe, adequate and efficient service; and
- WHEREAS, the Council finds that the current rates and charges for the use of and service rendered by the stormwater utility must be increased in order to provide sufficient revenue to meet such requirements; and
- WHEREAS, the Council finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the stormwater utility and will enable the City to meet its legal revenue requirements for the stormwater utility; and
- WHEREAS, the Council caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and mailed, and held a public hearing thereon, all pursuant to the Act.

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

SECTION 1. Section 10.08.045 of the Bloomington Municipal Code (the “Code”), entitled “Rates—Stormwater utility users”, is hereby amended and restated to read as follows:

10.08.045 - Rates - Stormwater utility users.

(a) The rates and charges of the stormwater utility shall be as follows:

The stormwater system user fee is applicable to all utility customers with accounts within the stormwater service area. All customers classified by the utility as being single-family residential (SFR) shall pay a monthly SFR base charge. All Non SFR customers shall be charged based upon the amount of runoff generated by the customer or the monthly SFR base charge, whichever is greater. The amount of runoff subject to the stormwater utility rate for all Non SFR customers shall be determined by a calculation based upon the following formula, minus any credits, as approved by the Utilities Service Board:

$$SFR \text{ base charge} \times \left(\frac{\text{Runoff generated by Non SFR customer}}{\text{Runoff generated by the average SFR customer}} \right)$$

The monthly SFR base charge shall ~~increase in two phases:~~

~~(1) The SFR monthly base charge for the first phase shall be four dollars and thirty two cents (\$4.32) and shall commence on July 1, 2019.~~

~~(2) The SFR monthly base charge for the second phase shall be five dollars and ninety five center (\$5.95) seven dollars and fifty cents (\$7.50) and shall commence on January 1, 2020.~~

(b) These rates and charges shall be billed monthly, and all provisions of the Indiana Code, the Bloomington Municipal Code and the city utilities department "Rules, Regulations and Standards of Service" which apply to the payment and collection of rates and charges for wastewater services shall apply equally to the rates and charges for stormwater utilities services.

SECTION 2. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; provided, however, that the rates and charges herein approved shall take effect on January 1, 2023.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

Susan Sandberg, President
Bloomington Common Council

ATTEST:

Nicole Bolden, Clerk
City of Bloomington

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

Nicole Bolden, Clerk
City of Bloomington

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

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled “Wastewater”, by amending Section 10.08.045-Rates – Stormwater utility users by increasing the stormwater fee from \$5.95 to \$7.50, an increase of 26%, to allow for appropriate funding of necessary improvements to the stormwater system which includes additional design work, repairs and construction of the hidden river culvert system and spankers arch as well as open channel improvements to clear creek which are all intended to reduce flooding in the downtown area.

300 Other Services E&R and Green Infrastructure								
PROJECT	2022	2023	2024	2025	2026	2027	total	Notes
Jordan River Culvert- repair near kirkwood	\$ 190,000						\$ 190,000	jf est 10/19
Jordan River Culvert at Indiana - design	\$ 355,000						\$ 355,000	jf em 9/27
Jordan River Culvert at Indiana - construction		\$ 2,050,000					\$ 2,050,000	Resurvey/complete design 2023; Const 2024
Spanker's Arch at 6th street			\$ 100,000	\$ 746,000			\$ 846,000	Design 2024; Const 2025
Clear Ck Open Channel Improvements - E 1st St. to Grimes Ln.	\$ 100,000	\$ 500,000					\$ 600,000	move out?study in 2022, could be more than a million
Lower Cascades storm culvert extension			\$ 250,000				\$ 250,000	
							\$ -	
Internal Neighborhood Projects \$300,000/yr		\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,500,000	material for internal construction
Somax							\$ -	
Roadside ditches (multiple neighborhoods)							\$ -	
							\$ -	
DPW Related Projects							\$ -	if usually done as part of road work
High street combined with city	\$ 70,000				\$ 200,000	\$ 300,000	\$ 570,000	jf swag, only if City proceeds with project
Weimer bridge						\$ 200,000	\$ 200,000	maybe. work with city? new road?
moores pike culvert extension					\$ 100,000		\$ 100,000	difficult - combine with trail (P&T?)
Bridge inspections	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 100,000	wkg with City. 2K / inspection. Done already.
Condition Assessment and replacement 18" and larger CMP	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000	Will apply replacement costs after assessment. Create list first from Meghan/Chuck (James).
Total Expenditure	\$ 545,000	\$ 2,590,000	\$ 1,220,000	\$ 1,116,000	\$ 670,000	\$ 870,000	\$ 7,011,000	

Green Infrastructure \$400,000/yr								
PROJECT	2022	2023	2024	2025	2026	2027	total	Notes
RSGP/Regional Detention	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000	
Wexley Road-YMCA Pond	\$ 110,000						\$ 110,000	
Wexley Road - Winslow Park			\$ 150,000				\$ 150,000	~\$300K. Work with Parks?
Wexley Road - South Hampton Pond				\$ 150,000			\$ 150,000	
Public 4 small projects	\$ 261,290						\$ 261,290	2023: Sare Rd. est + Waterman projects. (20K on top of 150K from grant)
Stormwater Master Plan	\$ 50,000						\$ 50,000	James please confirm. bs updated 11/2 based on what's in contract
Miller Showers Dredging	\$ 300,000						\$ 300,000	
DPW Engineering GI inclusion for road projects	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000	
Total Expenditure	\$ -	\$ 871,290	\$ 300,000	\$ 300,000	\$ 150,000	\$ 150,000	\$ 1,771,290	

General & Miscellaneous								
PROJECT	2022	2023	2024	2025	2026	2027	total	Notes
Replacement of equipment		\$ 321,680	\$ 51,760	\$ 54,866	\$ 58,157	\$ 61,647	\$ 548,110	
Stormwater Review Assistance	\$ 50,000	\$ 100,000					\$ 150,000	
Total Expenditure	\$ 50,000	\$ 421,680	\$ 51,760	\$ 54,866	\$ 58,157	\$ 61,647	\$ 698,110	

MS4								
PROJECT	2022	2023	2024	2025	2026	2027	total	Notes
Septic Elimination program (sewer credit)		\$ 11,200	\$ 11,200	\$ 11,200	\$ 11,200	\$ 11,200	\$ 56,000	
Wapehani wetland tree/plug replacements	\$ 23,500						\$ 23,500	Contract w/ Eco Logic + plugs and trees
MS4 Permit Software	\$ 15,000	\$ 25,000					\$ 40,000	20k - pilot 24k-annual subscription
MS4 On-call consultant		\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 100,000	
Stormwater Master Plan Implementation Items		\$ 171,000	\$ 235,000	\$ 424,000	\$ 500,000	\$ 480,000	\$ 1,810,000	
Hidden River Art (Stormwater Education)	\$ 30,000						\$ 30,000	How much can we afford?
Total Expenditure	\$ 68,500	\$ 227,200	\$ 266,200	\$ 455,200	\$ 531,200	\$ 511,200	\$ 2,059,500	

EXPENDITURE SUMMARY BY CATEGORY	2022	2023	2024	2025	2026	2027	total
Projects	\$ 545,000	\$ 2,590,000	\$ 1,220,000	\$ 1,116,000	\$ 670,000	\$ 870,000	\$ 7,011,000
Green Infrastructure	\$ -	\$ 871,290	\$ 300,000	\$ 300,000	\$ 150,000	\$ 150,000	\$ 1,771,290
General	\$ 50,000	\$ 421,680	\$ 51,760	\$ 54,866	\$ 58,157	\$ 61,647	\$ 698,110
MS4	\$ 68,500	\$ 227,200	\$ 266,200	\$ 455,200	\$ 531,200	\$ 511,200	\$ 2,059,500
Total Stormwater	\$ 663,500	\$ 4,110,170	\$ 1,837,960	\$ 1,926,066	\$ 1,409,357	\$ 1,592,847	\$ 11,539,900

	2022	
Total budget	\$ 3,101,865	
100 - Personnel Services	\$ 1,011,603	
200 - Supplies	\$ 85,280	
300 - Other Services	\$ 148,209	includes residential grants-yes
300 - Other Services- E&R	\$ 498,771	
300 - Green Infrastructure	\$ 400,000	
400- Storm Sinking (P&I)***	\$ 960,000	

300 Other Services E&R and Green Infrastructure								
PROJECT	2022	2023	2024	2024	2025	2026	total-2026	Notes
Hidden River Culvert Replacement - beyond bond	\$ 220,000							lp em 9/21
Hidden River Culvert Replacement - CO	\$ 100,000							jf est 10/1
Hidden River - environmental								bs updated 11/2
Jordan River Culvert- repair near kirkwood	\$ 190,000							jf est 10/19
Jordan River Culvert at Indiana - design	\$ 355,000							jf em 9/27
Jordan River Culvert at Indiana - construction		\$ 2,050,000						Resurvey/complete design 2023; Const 2024
Spanker's Arch at 6th street			\$ 100,000	\$ 746,000			\$ 846,000	Design 2024; Const 2025
Clear Creek Open Channel Improvements - E 1st St. to Grimes Ln.	\$ 100,000	\$ 500,000					\$ 600,000	move out?study in 2022, could be more than a million
ROW relocations								jf usually done as part of road work
								culvert top failed with bikelane project
High street combined with city		\$ 70,000			\$ 200,000	\$ 300,000	\$ 570,000	jf swag, only if City proceeds with project
Green Infrastructure \$400,000/yr								
Wexley Road-YMCA Pond	\$ 110,000							Could be ongoing 2023-24 costs. ~300K. Work with Parks?
Wexley Road - Winslow Park		\$ 150,000						
Wexley Road - South Hampton Pond			\$ 150,000					
RSGP/Regional Detention		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000		
Deer Park Devon Lane	\$ 150,000							\$180K quote in 10/21, requote for 2022 const. Consider T&D for construction.
Public 4 small projects		\$ 261,290						2023: Sare Rd. est + Waterman projects. (20K on top of 150K from grant)
Stormwater Master Plan		\$ 50,000						James please confirm. bs updated 11/2 based on what's in contract
Miller Showers Dredging		\$ 300,000						
Downtown Hydraulic Model	\$ 50,000							Part of culvert design work. was ACOE. Quote for ~40K JF
Bridge inspections	\$ 20,000							wkg with City. 2K / inspection. Done already.
Septic Elimination program (sewer credit)	\$ 11,200							
Internal Neighborhood Projects \$300,000/yr	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000		material for internal construction
Somax								
Roadside ditches (multiple neighborhoods)								Equipment (grade-all)
Lower Cascades storm culvert extension			\$ 250,000					
Condition Assessment and replacement 18" and larger CMP	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000		Will apply replacement costs after assessment. Create list first from Meghan/Chuck (James).
Weimer bridge						\$ 200,000	\$ 200,000	maybe. work with city? new road?
Wahehahi wetland tree/plug replacements	\$ 23,500							Contract w/ Eco Logic + plugs and trees
moores pike culvert extension					\$ 100,000		\$ 100,000	difficult - combine with trail (P&T?)
MS4 Permit Software	\$ 15,000	\$ 25,000						20k - pilot 24k-annual subscription
MS4 On-call consultant		\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000		
Stormwater Master Plan Implementation Items		\$ 171,000						
Stormwater Review Assistance	\$ 50,000	\$ 100,000						
Hidden River Art (Stormwater Education)	\$ 30,000							How much can we afford?
Total Expenditure \$900,000 available	\$ 1,529,700	\$ 3,431,290	\$ 1,450,000	\$ 1,196,000	\$ 750,000	\$ 950,000	\$ 2,216,000	

Project	Allocated/Paid	Needs to happen this year	Can be moved to 2023
Hidden River Culvert Replacement - beyond bond	\$	220,000	
Hidden River Culvert Replacement - CO	\$	100,000	
Hidden River - environmental			
Hidden River - repair near kirkwood	\$	190,000	
Hidden River Culvert at Indiana - design	\$	355,000	
Hidden River Culvert at Indiana - construction			
Spanker's Arch at 6th street			
Clear Creek Open Channel Improvements - E 1st St. to Grimes Ln. ROW relocations	\$	100,000	
7th and Morton bike lane repair			
High street combined with city			
Green Infrastructure \$400,000/yr			
Wexley Road	\$	110,000	
Deer Park Devon Lane	\$	150,000	
Public 4 small projects			
Stormwater Master Plan	\$	80,000	
Miller Showers Dredging			
Downtown Hydraulic Model	\$	50,000	
Bridge inspections	\$	20,000	
Griffy Dam	\$	25,000	
Septic Elimination program (sewer credit)	\$	11,200	
Internal Neighborhood Projects \$300,000/yr			
Somax			
Queen's Way			
Wexley Road			
Roadside ditches (multiple neighborhoods)			
Condition Assessment 18" and larger CMP			
Weimer bridge			
Wapehani wetland tree/plug replacements	\$	12,000	

moores pike culvert extension		
MS4 Permit Software	\$	15,000
Hidden River Art (Stormwater Education)	\$	30,000

Title 10 Rate Adjustments – Additional Materials

- Preliminary Rate and Financing Report by Crowe, LLP, October 21, 2022 (Crowe Report)

Please Note that the Crowe Report applies to both proposed Ordinances 22-33 and 22-34.

Preliminary Rate and Financing Report

Bloomington Municipal Sewage Works and
Bloomington Municipal Stormwater Utility

October 21, 2022



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Purpose of the Report

Crowe LLP (“Crowe” or “we”) has performed a study and analysis of the operating and financial reports, budgets, and other data pertaining to City of Bloomington Municipal Sewage Works (the “Sewage Works”) and City of Bloomington Municipal Stormwater Utility (the “Stormwater Utility”) (together the “Utilities”). The results of our analysis are contained in this Preliminary Rate and Financing Report (“Report”). While presented in one report, we analyzed the Utilities separately for the purpose of calculating rates and charges for each of the Utilities that would recover the respective revenue requirements of each utility.

The purpose of this Report is to estimate each utility’s on-going revenue requirements for operation and maintenance expenses, proposed debt service payments, and capital improvements to the Utilities’ systems. This Report is based on data for the twelve months ended April 30, 2022 (“Test Year”). The historical information used in this Report was taken from the books and records of the Utilities and was adjusted as necessary for fixed, known, and measurable items as disclosed in the exhibits and schedules of this Report.

In the course of preparing this Report, we have not conducted an audit of any financial or supplemental data used in the accompanying exhibits and schedules. We have made certain projections based on assumptions provided by the Utilities that may vary from actual results because events and circumstances frequently do not occur as estimated and such variances may be material. We have no responsibility to update this Report for events and circumstances occurring after the date of this Report.

If you have any questions regarding this Report, please call Jennifer Wilson at (317) 269-6699.

Crowe’s services are conducted in accordance with the Standards for Consulting Services established by the American Institute of Certified Public Accountants, and Crowe’s deliverables and other work product are based on underlying assumptions and other information determined by Client. Crowe’s services, deliverables and other work product do not constitute a forecast or projection of any kind. With no relevant precedent for the COVID-19 pandemic, it is impossible to predict with accuracy the economic repercussions of the COVID-19 pandemic, and therefore Crowe’s services, deliverables and other work product must not be relied upon for predicting such repercussions. Crowe’s services, deliverables and other work product are intended solely for the use of Crowe’s Client, and no other person or entity may rely on Crowe’s services, deliverables or other work product for any purpose. Crowe LLP disclaims any obligation to update this work product.

Financial Statements

Balance Sheets as of April 30, 2022, December 31, 2021, and December 31, 2020

ASSETS AND OTHER DEBITS	April 30, 2022	December 31, 2021	December 31, 2020
<u>Utility Plant - Sewage Works</u>			
Utility Plant in Service	\$ 186,861,948	\$ 186,876,435	\$ 175,261,884
Less: Accumulated Depreciation	(102,128,299)	(102,128,299)	(98,438,414)
Net Utility Plant in Service	84,733,649	84,748,136	76,823,470
Add: Construction Work in Progress	47,753,539	44,304,025	26,434,416
Net Utility Plant - Sewage Works	132,487,188	129,052,161	103,257,886
<u>Utility Plant - Stormwater Utility</u>			
Utility Plant in Service	19,107,169	19,107,169	19,064,363
Less: Accumulated Depreciation	(3,872,199)	(3,872,199)	(3,591,518)
Net Utility Plant in Service	15,234,970	15,234,970	15,472,845
Add: Construction Work in Progress	1,742,714	1,843,332	980,542
Net Utility Plant - Stormwater Utility	16,977,684	17,078,302	16,453,387
<u>Restricted Assets</u>			
Sinking Fund	1,659,177	211	7,518
Debt Service Reserve Fund	4,990,262	4,990,262	5,270,319
Bond and Interest Fund	745,528	4,909,089	5,538,224
Improvement Fund - Sewage Works	-	-	549,742
Improvement Fund - Stormwater Utility	600,000	600,000	-
Construction Fund - Sewage Works	-	932,164	16,926,703
Construction Fund - Stormwater Utility	3,043,790	5,069,159	13,184,000
Total Restricted Assets	11,038,757	16,500,885	41,476,506
<u>Current and Accrued Assets</u>			
Operation and Maintenance			
Fund - Sewage Works	6,373,264	8,471,358	3,773,649
Operation and Maintenance			
Fund - Stormwater Utility	1,774,862	2,977,115	1,293,415
Accounts Receivable - Net	1,364,981	616,201	1,347,693
Total Current and Accrued Assets	9,513,107	12,064,674	6,414,757
<u>Deferred Debits</u>			
Unamortized Bond Issuance Costs	125,064	125,064	155,929
Unamortized Bond Discount	189,043	189,043	201,800
Deferral Loss on Advance Refunding	256,212	256,212	341,617
Total Deferred Debits	570,319	570,319	699,346
Total Assets and Other Debits	\$ 170,587,055	\$ 175,266,341	\$ 168,301,882

Data Source: Utility trial balances

Balance Sheets as of April 30, 2022, December 31, 2021, and
December 31, 2020 (Continued)

LIABILITIES AND OTHER CREDITS	April 30, 2022	December 31, 2021	December 31, 2020
<u>Equity Capital</u>			
Unappropriated Retained Earnings	\$ 66,261,212	\$ 57,188,525	\$ 50,253,800
Current Year Earnings	3,493,755	9,072,687	6,923,533
Total Equity Capital	<u>69,754,967</u>	<u>66,261,212</u>	<u>57,177,333</u>
<u>Long Term Debt</u>			
Revenue Bonds Payable	42,626,000	45,957,400	49,816,000
Capital Lease Obligations	3,966,000	4,503,000	5,022,000
Compensated Absences - Long Term	217,427	217,427	234,692
Total Long Term Debt	<u>46,809,427</u>	<u>50,677,827</u>	<u>55,072,692</u>
<u>Current and Accrued Liabilities</u>			
Accounts Payable	(8,228)	4,627,233	1,403,730
Revenue Bonds - Current	3,331,400	3,278,600	4,320,700
Capital Lease Obligations - Current	270,000	-	-
Accounts Payable to Associated Company	10,803	8,957	9,875
Unearned Revenue	1,939,477	1,933,303	1,972,683
Accrued Payroll	101,460	101,460	78,747
Compensated Absences Payable - Short Term	96,892	96,892	86,600
Total Current and Accrued Liabilities	<u>5,741,804</u>	<u>10,046,445</u>	<u>7,872,335</u>
<u>Deferred Credits</u>			
Unamortized Bond Premium	6,654,738	6,654,738	6,544,292
Other Deferred Liabilities	19,000	19,000	19,000
Total Deferred Credits	<u>6,673,738</u>	<u>6,673,738</u>	<u>6,563,292</u>
Contributions in Aid of Construction	<u>41,607,119</u>	<u>41,607,119</u>	<u>41,607,119</u>
Prior Period Adjustments	<u>-</u>	<u>-</u>	<u>9,111</u>
Total Liabilities and Other Credits	<u>\$ 170,587,055</u>	<u>\$ 175,266,341</u>	<u>\$ 168,301,882</u>

Data Source: Utility trial balances

Sewage Works Combined Outstanding Debt

Pay Year	2006 A-1 Bonds (1)	2013 Refunding Bonds	2017 Bonds	2019 Refunding Bonds	2020 Bonds (1)	2021 Refunding Bonds	Total
2022	\$ 129,000	\$ 1,181,232	\$ 457,300	\$ 1,021,800	\$ 446,000	\$ 775,904	\$ 4,011,236
2023	130,272	1,191,296	461,300	1,023,200	446,000	778,150	4,030,218
2024	130,116	1,190,826	460,100	1,022,200	446,000	779,400	4,028,642
2025	128,770		463,800	1,022,000	446,000	785,050	2,845,620
2026	131,244		467,300	613,600	846,000	784,950	2,843,094
2027			467,250		2,023,000	789,250	3,279,500
2028			471,900		2,024,600	777,800	3,274,300
2029			471,100		2,528,600	276,050	3,275,750
2030			475,000		2,529,800	273,700	3,278,500
2031			473,450		1,482,400	281,200	2,237,050
2032			476,600		1,483,200	283,250	2,243,050
2033			479,300		1,486,800		1,966,100
2034			486,550		1,483,000		1,969,550
2035			488,200		1,482,000		1,970,200
2036			494,400		1,483,600		1,978,000
2037					1,482,600		1,482,600
2038					1,484,000		1,484,000
2039					1,482,600		1,482,600
2040					1,483,400		1,483,400
Totals	\$ 649,402	\$ 3,563,354	\$ 7,093,550	\$ 4,702,800	\$ 26,569,600	\$ 6,584,704	\$ 49,163,410
Maximum Annual Debt Service							<u>\$ 4,030,218</u>

(1) Amounts shown are net of the Stormwater Utility portion of debt service.

Sewage Works Revenue Bonds of 2006, Series A-1 Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total	Less: Stormwater (1)	Sewage Works Fiscal Total
7/1/22			\$ 59,400	\$ 59,400			
1/1/23	\$ 446,400	4.80 %	59,400	505,800	\$ 565,200	\$ (436,200)	\$ 129,000
7/1/23			48,686	48,686			
1/1/24	469,100	4.83	48,686	517,786	566,472	(436,200)	130,272
7/1/24			37,358	37,358			
1/1/25	491,600	4.83	37,358	528,958	566,316	(436,200)	130,116
7/1/25			25,485	25,485			
1/1/26	514,000	4.83	25,485	539,485	564,970	(436,200)	128,770
7/1/26			13,072	13,072			
1/1/27	541,300	4.83	13,072	554,372	567,444	(436,200)	131,244
Totals	<u>\$2,462,400</u>		<u>\$ 368,002</u>	<u>\$2,830,402</u>	<u>\$2,830,402</u>	<u>\$(2,181,000)</u>	<u>\$ 649,402</u>

- (1) The Stormwater Utility transfers \$36,350 monthly to the Sewage Works for its portion of projects from the 2006 A-1 Bonds, as provided by Management of the Utility.

Note: The 2006 A-1 Bonds were issued through the Indiana Bond Bank. The amortization schedule was amended March 26, 2015, and resulted in a reduction in the overall payments of approximately \$720,000.

Source: *Sewage Works Revenue Bonds of 2006, Series A-1 Amended Qualified Entity Purchase Agreement as recalculated by Crowe.*

Sewage Works Refunding Revenue Bonds, Series 2013 Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
7/1/22			\$ 30,616	\$ 30,616	
1/1/23	\$ 1,120,000	1.78 %	30,616	1,150,616	\$ 1,181,232
7/1/23			20,648	20,648	
1/1/24	1,150,000	1.78	20,648	1,170,648	1,191,296
7/1/24			10,413	10,413	
1/1/25	<u>1,170,000</u>	1.78	<u>10,413</u>	<u>1,180,413</u>	1,190,826
Totals	<u>\$ 3,440,000</u>		<u>\$ 123,354</u>	<u>\$ 3,563,354</u>	

Source: Sewage Works Refunding Revenue Bonds, Series 2013 Final Private Placement Memorandum, as recalculated by Crowe.

Sewage Works Revenue Bonds of 2017 Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
7/1/22			\$ 78,650	\$ 78,650	
1/1/23	\$ 300,000	2.00 %	78,650	378,650	\$ 457,300
7/1/23			75,650	75,650	
1/1/24	310,000	2.00	75,650	385,650	461,300
7/1/24			72,550	72,550	
1/1/25	315,000	2.00	72,550	387,550	460,100
7/1/25			69,400	69,400	
1/1/26	325,000	2.00	69,400	394,400	463,800
7/1/26			66,150	66,150	
1/1/27	335,000	3.00	66,150	401,150	467,300
7/1/27			61,125	61,125	
1/1/28	345,000	3.00	61,125	406,125	467,250
7/1/28			55,950	55,950	
1/1/29	360,000	3.00	55,950	415,950	471,900
7/1/29			50,550	50,550	
1/1/30	370,000	3.00	50,550	420,550	471,100
7/1/30			45,000	45,000	
1/1/31	385,000	3.00	45,000	430,000	475,000
7/1/31			39,225	39,225	
1/1/32	395,000	3.00	39,225	434,225	473,450
7/1/32			33,300	33,300	
1/1/33	410,000	3.00	33,300	443,300	476,600
7/1/33			27,150	27,150	
1/1/34	425,000	3.00	27,150	452,150	479,300
7/1/34			20,775	20,775	
1/1/35	445,000	3.00	20,775	465,775	486,550
7/1/35			14,100	14,100	
1/1/36	460,000	3.00	14,100	474,100	488,200
7/1/36			7,200	7,200	
1/1/37	<u>480,000</u>	3.00	<u>7,200</u>	<u>487,200</u>	494,400
Totals	<u>\$ 5,660,000</u>		<u>\$ 1,433,550</u>	<u>\$ 7,093,550</u>	

Source: Sewage Works Refunding Revenue Bonds, Series 2017 Final Official Statement, as recalculated by Crowe.

Sewage Works Refunding Revenue Bonds, Series 2019 Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
7/1/22			\$ 78,400	\$ 78,400	
1/1/23	\$ 865,000	3.88 % (1)	78,400	943,400	\$ 1,021,800
7/1/23			61,600	61,600	
1/1/24	900,000	3.44 (1)	61,600	961,600	1,023,200
7/1/24			46,100	46,100	
1/1/25	930,000	3.25 (1)	46,100	976,100	1,022,200
7/1/25			31,000	31,000	
1/1/26	960,000	4.00	31,000	991,000	1,022,000
7/1/26			11,800	11,800	
1/1/27	<u>590,000</u>	4.00	<u>11,800</u>	<u>601,800</u>	613,600
Totals	<u>\$ 4,245,000</u>		<u>\$ 457,800</u>	<u>\$ 4,702,800</u>	

(1) The below maturities were sold with split coupons payments. The amount shown in the schedule is the weighted average of the below amounts.

<u>1/1/2023</u>			
	100,000	3.00 %	
	765,000	4.00	
	<u>865,000</u>	<u>3.88</u> %	
<u>1/1/2024</u>			
	250,000	2.00 %	
	650,000	4.00	
	<u>900,000</u>	<u>3.44</u> %	
<u>1/1/2025</u>			
	350,000	2.00 %	
	580,000	4.00	
	<u>930,000</u>	<u>3.25</u> %	

Source: Sewage Works Refunding Revenue Bonds, Series 2019 Final Official Statement, as recalculated by Crowe.

Sewage Works Revenue Bonds of 2020 Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total	Less: Stormwater (1)	Sewage Works Fiscal Total
7/1/22			\$ 484,900	\$ 484,900			
1/1/23			484,900	484,900	\$ 969,800	\$ (523,800)	\$ 446,000
7/1/23			484,900	484,900			
1/1/24			484,900	484,900	969,800	(523,800)	446,000
7/1/24			484,900	484,900			
1/1/25			484,900	484,900	969,800	(523,800)	446,000
7/1/25			484,900	484,900			
1/1/26			484,900	484,900	969,800	(523,800)	446,000
7/1/26			484,900	484,900			
1/1/27	\$ 400,000	2.00 %	484,900	884,900	1,369,800	(523,800)	846,000
7/1/27			480,900	480,900			
1/1/28	1,585,000	4.00	480,900	2,065,900	2,546,800	(523,800)	2,023,000
7/1/28			449,200	449,200			
1/1/29	1,650,000	4.00	449,200	2,099,200	2,548,400	(523,800)	2,024,600
7/1/29			416,200	416,200			
1/1/30	2,220,000	4.00	416,200	2,636,200	3,052,400	(523,800)	2,528,600
7/1/30			371,800	371,800			
1/1/31	2,310,000	4.00	371,800	2,681,800	3,053,600	(523,800)	2,529,800
7/1/31			325,600	325,600			
1/1/32	1,355,000	4.00	325,600	1,680,600	2,006,200	(523,800)	1,482,400
7/1/32			298,500	298,500			
1/1/33	1,410,000	4.00	298,500	1,708,500	2,007,000	(523,800)	1,483,200
7/1/33			270,300	270,300			
1/1/34	1,470,000	4.00	270,300	1,740,300	2,010,600	(523,800)	1,486,800
7/1/34			240,900	240,900			
1/1/35	1,525,000	4.00	240,900	1,765,900	2,006,800	(523,800)	1,483,000
7/1/35			210,400	210,400			
1/1/36	1,585,000	4.00	210,400	1,795,400	2,005,800	(523,800)	1,482,000
7/1/36			178,700	178,700			
1/1/37	1,650,000	4.00	178,700	1,828,700	2,007,400	(523,800)	1,483,600
7/1/37			145,700	145,700			
1/1/38	1,715,000	4.00	145,700	1,860,700	2,006,400	(523,800)	1,482,600
7/1/38			111,400	111,400			
1/1/39	1,785,000	4.00	111,400	1,896,400	2,007,800	(523,800)	1,484,000
7/1/39			75,700	75,700			
1/1/40	1,855,000	4.00	75,700	1,930,700	2,006,400	(523,800)	1,482,600
7/1/40			38,600	38,600			
1/1/41	1,930,000	4.00	38,600	1,968,600	2,007,200	(523,800)	1,483,400
Totals	<u>\$24,445,000</u>		<u>\$12,076,800</u>	<u>\$36,521,800</u>	<u>\$36,521,800</u>	<u>\$ (9,952,200)</u>	<u>\$26,569,600</u>

(1) The Stormwater Utility transfers \$33,650 monthly to the Sewage Works for its portion of projects from the 2020 Bonds, as provided by Management of the Utility.

Source: Sewage Works Revenue Bonds of 2020 Final Official Statement, as recalculated by Crowe.

Sewage Works Refunding Revenue Bonds of 2021 Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
7/1/22			\$ 90,329	\$ 90,329	
1/1/23	\$ 600,000	3.00 %	85,575	685,575	\$ 775,904
7/1/23			76,575	76,575	
1/1/24	625,000	3.00	76,575	701,575	778,150
7/1/24			67,200	67,200	
1/1/25	645,000	3.00	67,200	712,200	779,400
7/1/25			57,525	57,525	
1/1/26	670,000	3.00	57,525	727,525	785,050
7/1/26			47,475	47,475	
1/1/27	690,000	3.00	47,475	737,475	784,950
7/1/27			37,125	37,125	
1/1/28	715,000	3.00	37,125	752,125	789,250
7/1/28			26,400	26,400	
1/1/29	725,000	3.00	26,400	751,400	777,800
7/1/29			15,525	15,525	
1/1/30	245,000	3.00	15,525	260,525	276,050
7/1/30			11,850	11,850	
1/1/31	250,000	3.00	11,850	261,850	273,700
7/1/31			8,100	8,100	
1/1/32	265,000	3.00	8,100	273,100	281,200
7/1/32			4,125	4,125	
1/1/33	<u>275,000</u>	3.00	<u>4,125</u>	<u>279,125</u>	283,250
Totals	<u>\$ 5,705,000</u>		<u>\$ 879,704</u>	<u>\$ 6,584,704</u>	

Source: Sewage Works Refunding Revenue Bonds of 2021 Final Official Statement, as recalculated by Crowe.

ESG Solar Lease Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total	Sewer Portion (1)
6/30/22	\$ 279,263	2.97 %	\$ 168,352	\$ 447,615		
12/30/22	283,410	2.97	164,205	447,615	\$ 895,230	\$ 394,287
6/30/23	287,619	2.97	159,996	447,615		
12/30/23	291,890	2.97	155,725	447,615	895,230	394,287
6/30/24	296,225	2.97	151,390	447,615		
12/30/24	300,623	2.97	146,991	447,614	895,229	394,286
6/30/25	305,088	2.97	142,527	447,615		
12/30/25	309,618	2.97	137,997	447,615	895,230	394,287
6/30/26	314,216	2.97	133,399	447,615		
12/30/26	318,882	2.97	128,733	447,615	895,230	394,287
6/30/27	323,618	2.97	123,997	447,615		
12/30/27	328,423	2.97	119,192	447,615	895,230	394,287
6/30/28	333,300	2.97	114,315	447,615		
12/30/28	338,250	2.97	109,365	447,615	895,230	394,287
6/30/29	343,273	2.97	104,342	447,615		
12/30/29	348,371	2.97	99,244	447,615	895,230	394,287
6/30/30	353,544	2.97	94,071	447,615		
12/30/30	358,794	2.97	88,821	447,615	895,230	394,287
6/30/31	364,122	2.97	83,493	447,615		
12/30/31	369,529	2.97	78,086	447,615	895,230	394,287
6/30/32	375,017	2.97	72,598	447,615		
12/30/32	380,586	2.97	67,029	447,615	895,230	394,287
6/30/33	386,237	2.97	61,377	447,614		
12/30/33	391,973	2.97	55,642	447,615	895,229	394,286
6/30/34	397,794	2.97	49,821	447,615		
12/30/34	403,701	2.97	43,914	447,615	895,230	394,287
6/30/35	409,696	2.97	37,919	447,615		
12/30/35	415,780	2.97	31,835	447,615	895,230	394,287
6/30/36	421,954	2.97	25,661	447,615		
12/30/36	428,220	2.97	19,395	447,615	895,230	394,287
6/30/37	434,580	2.97	13,035	447,615		
10/30/37	<u>443,227</u>	2.97	<u>4,388</u>	<u>447,615</u>	895,230	394,287
Totals	<u>\$ 11,336,823</u>		<u>\$ 2,986,855</u>	<u>\$ 14,323,678</u>		
Annual Lease Payment						<u>\$ 394,287</u>

(1) The ESG Solar Lease payments are allocated between the Sewage Works, the Bloomington Municipal Water Utility, the City of Bloomington Redevelopment Commission, and the City of Bloomington Parks & Recreation Department. The ESG Solar Lease payments are not on parity with the outstanding bonds of the Utility.

Source: ESG Solar Lease Payment Schedule, as recalculated by Crowe.

Equipment Lease Purchase for Advance Metering Infrastructure Project Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total	Sewer Portion (1)
8/15/22	\$ 450,000	3.40 %	\$ 120,020	\$ 570,020		
2/15/23	460,000	3.40	112,370	572,370	\$ 1,142,390	\$ 685,434
8/15/23	470,000	3.40	104,550	574,550		
2/15/24	470,000	3.40	96,560	566,560	1,141,110	684,666
8/15/24	485,000	3.40	88,570	573,570		
2/15/25	490,000	3.40	80,325	570,325	1,143,895	686,337
8/15/25	500,000	3.40	71,995	571,995		
2/15/26	505,000	3.40	63,495	568,495	1,140,490	684,294
8/15/26	520,000	3.40	54,910	574,910		
2/15/27	520,000	3.40	46,070	566,070	1,140,980	684,588
8/15/27	535,000	3.40	37,230	572,230		
2/15/28	540,000	3.40	28,135	568,135	1,140,365	684,219
8/15/28	555,000	3.40	18,955	573,955		
2/15/29	560,000	3.40	9,520	569,520	1,143,475	686,085
Totals	\$ 7,060,000		\$ 932,705	\$ 7,992,705		

Average Annual Lease Payment \$ 685,089

- (1) The Advance Metering Infrastructure Project payments are allocated between the Sewage Works and the Bloomington Municipal Water Utility. The Sewage Works' allocated share is sixty percent (60%). The Advance Metering Infrastructure Project lease payments are not on parity with the outstanding bonds of the Utility.

Source: *Equipment Lease Purchase for Advance Metering Infrastructure Project Agreement, as recalculated by Crowe.*

Sewage Works Statements of Income for the Twelve Months Ended April 30, 2022, December 31, 2021, and December 31, 2020

	April 30, 2022	December 31, 2021	December 31, 2020
Operating Revenues			
Metered Sales - Single Family	\$ 7,238,965	\$ 7,341,677	\$ 7,280,096
Metered Sales - Commercial	4,353,781	4,298,417	3,477,048
Metered Sales - Industrial	630,436	623,506	506,270
Metered Sales - Public Authority	3,665,161	3,390,316	3,026,846
Metered Sales - Multiple Family	7,879,925	7,691,107	7,125,106
Forfeited Discounts	116,691	137,765	69,290
Miscellaneous Operating Revenues	100,377	102,302	115,983
Total Operating Revenues	23,985,336	23,585,090	21,600,639
Operation and Maintenance Expenses			
Director	497,698	510,495	479,014
Utility Service Board	1,038,104	1,048,824	2,370,948
Accounting	477,940	562,044	443,098
Billing and Collections	607,053	608,492	442,494
Customer Relations	197,768	201,074	181,640
Purchasing	275,239	281,324	260,027
Environmental Services	339,497	329,431	358,639
Communications	198,474	189,076	170,891
Blucher Poole Treatment Plant	1,588,643	1,667,008	1,674,729
Dillman Road Treatment Plant	4,126,260	3,254,773	3,318,085
Laboratory	207,505	227,407	212,856
Transmission and Distribution	2,085,403	2,128,865	2,167,701
Booster and Lift Stations	159,175	160,273	145,273
Meters	635,657	602,157	580,074
Engineering	906,288	911,838	936,791
Total Operation and Maintenance Expenses	13,340,704	12,683,081	13,742,260
Sewage Works Depreciation Expense	3,802,100	3,802,100	3,249,161
Taxes Other Than Income Taxes			
FICA	391,222	392,509	397,483
Payment in Lieu of Property Taxes	-	-	716,626
Total Taxes Other Than Income Taxes	391,222	392,509	1,114,109
Total Operating Expenses	17,534,026	16,877,690	18,105,530
Net Operating Income	6,451,310	6,707,400	3,495,109

Data Source: Utility trial balances

Statements of Income (Continued)

	April 30, 2022	December 31, 2021	December 31, 2020
Other Income			
Interest Income	\$ 19,219	\$ 35,347	\$ 94,086
Stormwater Revenues	3,512,915	3,272,706	3,124,754
Connection Charges	536,175	648,619	582,586
Miscellaneous Other Income	1,567,717	1,156,229	2,542,457
Total Other Income	5,636,026	5,112,901	6,343,883
Other Expenses			
Stormwater Expenses	990,866	1,000,422	1,142,579
Stormwater Depreciation Expense	280,681	280,681	279,824
Interest Expense	1,676,959	1,249,741	1,178,374
Miscellaneous Expense	216,870	216,770	314,682
Total Other Expenses	3,165,376	2,747,614	2,915,459
Net Income	\$ 8,921,960	\$ 9,072,687	\$ 6,923,533

Note: Stormwater Revenues and Stormwater Expenses are included in Other Income and Other Expenses. See Stormwater Detailed Income Statement for additional information on Stormwater Utility operating results.

Data Source: Utility trial balances

Adjustments to the Sewage Works Financial Statements

Note: Expense categories with multiple adjustments are listed on separate lines.

Sewage Works Adjusted Statement of Income

	April 30, 2022	Adjustments	Adjusted
<u>Operating Revenues</u>			
Metered Sales - Single Family	\$ 7,238,965		\$ 7,238,965
Metered Sales - Commercial	4,353,781		4,353,781
Metered Sales - Industrial	630,436		630,436
Metered Sales - Public Authority	3,665,161		3,665,161
Metered Sales - Multiple Family	7,879,925		7,879,925
Forfeited Discounts	116,691		116,691
Miscellaneous Operating Revenues	100,377		100,377
Total Operating Revenues	<u>23,985,336</u>		<u>23,985,336</u>
<u>Operation and Maintenance Expenses</u>			
Director	497,698	\$ 39,978 1 5,262 2 (40,998) 3	501,940
Utility Service Board	1,038,104	(17,823) 1 724,206 4 (269,745) 5	1,474,742
Accounting	477,940	(11,111) 1 (1,453) 2 (67,227) 3	398,149
Billing and Collections	607,053	4,715 1 644 2 (15,498) 6 8,000 7	604,914
Customer Relations	197,768	13,115 1 1,894 2	212,777
Purchasing	275,239	(10,263) 1 (1,403) 2	263,573
Environmental Services	339,497	64,703 1 9,105 2	413,305
Communications	198,474	35,468 1 5,075 2	239,017
Blucher Poole Treatment Plant	1,588,643	130,431 1 18,845 2	1,737,919
Dillman Road Treatment Plant	4,126,260	150,274 1 21,440 2 223,448 8 (738,542) 9 82,570 10	3,865,450

See Appendix A: Assumptions and Adjustment Detail

Sewage Works Adjusted Statement of Income (Continued)

Note: Expense categories with multiple adjustments are listed on separate lines.

	April 30, 2022	Adjustments		Adjusted
Laboratory	\$ 207,505	\$ 9,833	1	\$ 218,754
		1,416	2	
Transmission and Distribution	2,085,403	98,140	1	2,238,779
		13,159	2	
		24,896	11	
		17,181	12	
Booster and Lift Stations	159,175	21,740	8	180,915
Meters	635,657	83,757	1	731,301
		11,887	2	
Engineering	906,288	104,505	1	1,025,514
		14,721	2	
Total Operation and Maintenance Expenses	<u>13,340,704</u>	<u>766,345</u>		<u>14,107,049</u>
Sewage Works Depreciation Expense	<u>3,802,100</u>			<u>3,802,100</u>
<u>Taxes Other Than Income Taxes</u>				
FICA	391,222	50,527	13	441,749
Payment in Lieu of Property Taxes	-	432,657	14	432,657
Total Taxes Other Than Income Taxes	<u>391,222</u>	<u>483,184</u>		<u>874,406</u>
Total Operating Expenses	<u>17,534,026</u>	<u>1,249,529</u>		<u>18,783,555</u>
Net Operating Income	<u>\$ 6,451,310</u>	<u>\$ (1,249,529)</u>		<u>\$ 5,201,781</u>

See Appendix A: Assumptions and Adjustment Detail

Sewage Works Adjustment Detail

#	Functional Area	Category	Adjustment to Test Year (1)	Description
1	Multiple	Salaries & Wages	\$695,722	To adjust Salaries & Wages to the Utility's 2023 budget.
2	Multiple	Employee Pension & Benefits	\$100,592	To adjust Employee Pension & Benefits for additional PERF contributions resulting from increased Salaries & Wages.
3	Multiple	Contract Services Accounting	(\$108,225)	To adjust Contract Services Accounting to remove expenses related to the 2021 Refunding Bonds and to provide for rate analysis to be conducted every four years.
4	USB	Contract Services Interdepartmental	\$724,206	To adjust Contractual Services Interdepartmental to remove the Utility's share of the ESG Solar Lease recorded to the Test Year, which will be included as a distinct revenue requirement, and to add in the Utility's share of the General Expenses from the 2021 Interdepartmental Agreement.
5	USB	Contracted Services Other	(\$269,745)	To adjust Contracted Services Other to exclude the adjusting entry to expense Construction Work in Progress totaling \$269,745.
6	Billing & Collections	Materials & Supplies Statements	(\$15,498)	To adjust Materials & Supplies Statements to remove two months of expenses. The average monthly bill is \$7,749.
7	Billing & Collections	Bad Debt	\$8,000	To adjust Bad Debt to the Utility's 2023 adopted budget.
8	Multiple	Purchased Power	\$245,188	To adjust Purchased Power for the anticipated increased expenses due to an electric rate increase by Duke Energy.
9	Dillman Road WWTP	Materials & Supplies Structures	(\$738,542)	To adjust Materials & Supplies Structures to remove two invoices from Electric Plus for emergency services performed at Dillman Road Wastewater Treatment Plant. Future similar expenses would be expected to be capitalized.
10	Dillman Road WWTP	Chemicals	\$82,570	To adjust Sodium Hypochlorite and Sodium Aluminate to the Utility's 2023 budget.
11	Transmission & Distribution	Materials & Supplies General	\$24,896	To adjust the Test Year to the three-year historical average.
12	Transmission & Distribution	Materials & Supplies Lines	\$17,181	To adjust the Test Year to the three-year historical average.
13	Taxes Other Than Income Taxes	FICA	\$50,527	To adjust FICA expenses due to an increase in Salaries & Wages.
14	Taxes Other Than Income Taxes	Contract Services in Lieu of Taxes	\$432,657	To adjust Contract Services in Lieu of Taxes to include the 2021 payment to be made by the Utility to the City of Bloomington.

(1) Adjustment amounts are expressed based on the net effect on the Utility's revenue requirements.

See Appendix A: Assumptions

Sewage Works Capital Improvement Plan

Project	2023	2024	2025	2026	2027	Total
Dillman Road Waste Water Treatment Plant						
Modernization and capacity Phase II - Design	\$ 2,000,000 ^					\$ 2,000,000
Modernization and capacity Phase II - Const		\$ 9,889,617 ^				9,889,617
Clarifier Algae Control - Weir Covers, 4 Remaining		1,166,000 ^				1,166,000
Mechanical Screen Replacement and Electrical Feed	4,400,000 ^					4,400,000
Sludge Press Re-Build		470,000 ^				470,000
PACL Feed System			\$ 530,000 #			530,000
End of life Equipment Replacements; PS VFDs, etc				\$ 1,500,000		1,500,000
Admin HVAC			350,000			350,000
Repair or Replace Equalization Basin Liner					\$ 50,000	50,000
Addition of Video Surveillance for Security				140,000		140,000
Replace Main Plan Gate and Controls			110,000			110,000
Headworks- Bar Screen, Replace Compactor Auger, Replace VFD, AV, Add Space Pump					390,000	390,000
Asphalt Drives at Plant			2,140,000			2,140,000
Vortex Grit Removal					8,307,000 &	8,307,000
Final Clarifier Drive Motors					247,000	247,000
Replace Sand Filter Media					1,508,000	1,508,000
Replace Polymer Blending Units for Belt Presses		220,000 ^				220,000
Demolish and Transition Annunciator Board in Admin Building					200,000	200,000
Replace Scum Pump Suction Piping and Valves					156,000	156,000
Blucher Poole Waste Water Treatment Plant						
Belt Press Rehab	155,000					155,000
Intake (2) and RAS (1) Pump Replacements and Misc.	175,000					175,000
End of life Equipment Replacements	200,000	200,000	200,000		200,000	800,000
North Sewer Basin and Plant Hydraulic Capacity Study	250,000					250,000
Plant Expansion (EQ Basin/PC Plus Other Capacity) - Design		1,100,000 ^				1,100,000

Data Source Utility

See Appendix A: Assumptions

Sewage Works Capital Improvement Plan (Continued)

Project	2023	2024	2025	2026	2027	Total
Blucher Poole Waste Water Treatment Plant (continued)						
Waste Storage Building	\$ 2,000,000 ^					\$ 2,000,000
Solids Handling Building Plumbing		\$ 101,920				101,920
Parking Lot Expansion		44,800				44,800
Human Machine Interface (HMI) PLC		560,000 ^				560,000
RAS (3) Pump and Flow Meter Replacement			\$ 749,300 #			749,300
Secondary Clarifier - Painting & Sanding Covers, ISO Valves			769,360 #			769,360
Influent Flume Rehab			118,000			118,000
Yard Valve Replacement (6)		168,000				168,000
Plant Generator					\$ 100,000	100,000
Electrical Upgrades		560,000 ^				560,000
Plant Hydraulic Expansion				\$ 12,887,692 #		12,887,692
Collection System						
I&I Reduction Program	100,000	100,000	100,000	100,000	100,000	500,000
Sewer Lining, Manhole Rehab, FMs Lining	430,000	430,000	430,000	430,000	430,000	2,150,000
Lift Stations (Morningside, Cans, etc)	1,200,000	2,240,000	2,124,000	100,000	100,000	5,764,000
Road Projects Relocations	20,000	20,000	20,000	20,000	20,000	100,000
SE-Interceptor College Mall-Design (3,000')			1,500,000 #			1,500,000
SE Interceptor MH 8830 Past Goat Farm - Design				1,200,000		1,200,000
SC Interceptor Gordan Pike to Rogers St - Design		1,200,000 ^				1,200,000
Relief Interceptor Dillman WWTP to Rogers St. (3,300')	2,916,000 ^				15,163,200 &	18,079,200
Replacement of Maintenance Equipment (55%)	550,000	145,750	154,495	163,765	173,591	1,187,601
Other						
New Service Center			22,929,759 +			22,929,759
Total Capital Improvement Plan	\$ 14,396,000	\$ 18,616,087	\$ 32,224,914	\$ 16,541,457	\$ 27,144,791	\$ 108,923,249
Projects to be Funded through Proposed 2023 Bond Issuance (^)	(11,316,000)	(15,165,617)				(26,481,617)
Projects to be Funded through Proposed 2025 Bond Issuance (#)			(3,548,660)	(12,887,692)		(16,436,352)
Projects to be Funded through Proposed Service Center Financing (+)			(22,929,759)			(22,929,759)
Projects to be Funded through Future Rate Analysis (&)					(23,470,200)	(23,470,200)
Calculated Extensions and Replacements	\$ 3,080,000	\$ 3,450,470	\$ 5,746,495	\$ 3,653,765	\$ 3,674,591	\$ 19,605,321
Five-Year Average Extensions and Replacements						\$ 3,921,064

Data Source: Utility
See Appendix A: Assumptions

Proposed Sewage Works Revenue Bonds of 2023

Estimated Sources and Uses of Funds

Estimated Sources of Funds

Par Amount	<u>\$ 34,240,000</u>
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Estimated Uses of Funds

Project Fund	
Sewage Works Projects	\$ 26,481,617
Stormwater Projects	4,080,000
Debt Service Reserve	2,860,516
Underwriter's Discount	342,400
Insurance Expense	272,710
Costs of Issuance	<u>202,757</u>
Total Estimated Uses of Funds	<u>\$ 34,240,000</u>

See Appendix A: Assumptions

Estimated Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total	Less: Stormwater (1)	Sewage Works Fiscal Total
7/1/23			\$ 774,679	\$ 774,679			
1/1/24			774,679	774,679	\$ 1,549,358	\$ (320,782)	\$ 1,228,576
7/1/24			774,679	774,679			
1/1/25			774,679	774,679	1,549,358	(320,782)	1,228,576
7/1/25			774,679	774,679			
1/1/26	\$ 1,310,000	3.70 %	774,679	2,084,679	2,859,358	(320,782)	2,538,576
7/1/26			750,444	750,444			
1/1/27	1,355,000	3.80	750,444	2,105,444	2,855,888	(320,782)	2,535,106
7/1/27			724,699	724,699			
1/1/28	1,410,000	3.90	724,699	2,134,699	2,859,398	(320,782)	2,538,616
7/1/28			697,204	697,204			
1/1/29	1,465,000	3.95	697,204	2,162,204	2,859,408	(320,782)	2,538,626
7/1/29			668,270	668,270			
1/1/30	1,520,000	4.00	668,270	2,188,270	2,856,540	(320,782)	2,535,758
7/1/30			637,870	637,870			
1/1/31	1,580,000	4.15	637,870	2,217,870	2,855,740	(320,782)	2,534,958
7/1/31			605,085	605,085			
1/1/32	1,650,000	4.20	605,085	2,255,085	2,860,170	(320,782)	2,539,388
7/1/32			570,435	570,435			
1/1/33	1,715,000	4.35	570,435	2,285,435	2,855,870	(320,782)	2,535,088
7/1/33			533,134	533,134			
1/1/34	1,790,000	4.55	533,134	2,323,134	2,856,268	(320,782)	2,535,486
7/1/34			492,411	492,411			
1/1/35	1,875,000	4.65	492,411	2,367,411	2,859,822	(320,782)	2,539,040
7/1/35			448,818	448,818			
1/1/36	1,960,000	4.70	448,818	2,408,818	2,857,636	(320,782)	2,536,854
7/1/36			402,758	402,758			
1/1/37	2,055,000	4.75	402,758	2,457,758	2,860,516	(320,782)	2,539,734
7/1/37			353,951	353,951			
1/1/38	2,150,000	4.75	353,951	2,503,951	2,857,902	(320,782)	2,537,120
7/1/38			302,889	302,889			
1/1/39	2,250,000	4.80	302,889	2,552,889	2,855,778	(320,782)	2,534,996
7/1/39			248,889	248,889			
1/1/40	2,360,000	4.85	248,889	2,608,889	2,857,778	(320,782)	2,536,996
7/1/40			191,659	191,659			
1/1/41	2,475,000	4.90	191,659	2,666,659	2,858,318	(320,782)	2,537,536
7/1/41			131,021	131,021			
1/1/42	2,595,000	4.90	131,021	2,726,021	2,857,042	(320,782)	2,536,260
7/1/42			67,444	67,444			
1/1/43	2,725,000	4.95	67,444	2,792,444	2,859,888	(320,782)	2,539,106
Totals	<u>\$ 34,240,000</u>		<u>\$ 20,302,036</u>	<u>\$ 54,542,036</u>	<u>\$ 54,542,036</u>	<u>\$ (6,415,640)</u>	<u>\$ 48,126,396</u>

(1) The Stormwater portion of the debt service payment was calculated based on a twenty-year amortization of the Stormwater Project costs at the Net Interest Cost on the Bonds of 4.76%.

Note: Coupon rates are estimated and subject to change. Arbitrage yield on the bonds is estimated at 4.65%. Coupon rate is based on "A" rates as of September 21, 2022, plus issuer credit spread and 50 basis point timing spread to account for uncertainty of future market rates at time of issuance.

See Appendix A: Assumptions

Proposed Sewage Works Revenue Bonds of 2025

Estimated Sources and Uses of Funds

Estimated Sources of Funds

Par Amount	<u>\$ 18,490,000</u>
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Estimated Uses of Funds

Project Fund	\$ 16,436,352
Debt Service Reserve	1,513,508
Underwriter's Discount	184,900
Insurance Expense	151,110
Costs of Issuance	<u>204,130</u>
Total Estimated Uses of Funds	<u>\$ 18,490,000</u>

See Appendix A: Assumptions

Estimated Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
7/1/25			\$ 468,728	\$ 468,728	
1/1/26	\$ 575,000	4.20 %	468,728	1,043,728	\$ 1,512,456
7/1/26			456,653	456,653	
1/1/27	600,000	4.30	456,653	1,056,653	1,513,306
7/1/27			443,753	443,753	
1/1/28	625,000	4.40	443,753	1,068,753	1,512,506
7/1/28			430,003	430,003	
1/1/29	650,000	4.45	430,003	1,080,003	1,510,006
7/1/29			415,540	415,540	
1/1/30	680,000	4.50	415,540	1,095,540	1,511,080
7/1/30			400,240	400,240	
1/1/31	710,000	4.65	400,240	1,110,240	1,510,480
7/1/31			383,733	383,733	
1/1/32	745,000	4.70	383,733	1,128,733	1,512,466
7/1/32			366,225	366,225	
1/1/33	780,000	4.85	366,225	1,146,225	1,512,450
7/1/33			347,310	347,310	
1/1/34	815,000	5.00	347,310	1,162,310	1,509,620
7/1/34			326,935	326,935	
1/1/35	855,000	5.10	326,935	1,181,935	1,508,870
7/1/35			305,133	305,133	
1/1/36	900,000	5.15	305,133	1,205,133	1,510,266
7/1/36			281,958	281,958	
1/1/37	945,000	5.15	281,958	1,226,958	1,508,916
7/1/37			257,624	257,624	
1/1/38	995,000	5.20	257,624	1,252,624	1,510,248
7/1/38			231,754	231,754	
1/1/39	1,050,000	5.25	231,754	1,281,754	1,513,508
7/1/39			204,191	204,191	
1/1/40	1,105,000	5.25	204,191	1,309,191	1,513,382
7/1/40			175,185	175,185	
1/1/41	1,160,000	5.35	175,185	1,335,185	1,510,370
7/1/41			144,155	144,155	
1/1/42	1,220,000	5.40	144,155	1,364,155	1,508,310
7/1/42			111,215	111,215	
1/1/43	1,290,000	5.40	111,215	1,401,215	1,512,430
7/1/43			76,385	76,385	
1/1/44	1,360,000	5.45	76,385	1,436,385	1,512,770
7/1/44			39,325	39,325	
1/1/45	1,430,000	5.50	39,325	1,469,325	1,508,650
Totals	<u>\$18,490,000</u>		<u>\$ 11,732,090</u>	<u>\$ 30,222,090</u>	

Note: Coupon rates are estimated and subject to change. Arbitrage yield on the bonds is estimated at 5.22%. Coupon rate is based on "A" rates as of September 21, 2022, plus issuer credit spread and 100 basis point timing spread to account for uncertainty of future market rates at time of issuance.

See Appendix A: Assumptions

Proposed Service Center Financing

Estimated Sources and Uses of Funds

Estimated Sources of Funds	
Par Amount	<u>\$ 25,680,000</u>
Estimated Uses of Funds	
Project Fund	\$ 22,929,759
Debt Service Reserve	2,081,306
Underwriter's Discount	256,800
Insurance Expense	207,897
Costs of Issuance	<u>204,238</u>
Total Estimated Uses of Funds	<u>\$ 25,680,000</u>

Note: As of the date of this Report, Management of the Utility is uncertain when financing of a new service center will occur. This Report provides funding for estimated financing beginning in 2023, though actual timing is preliminary and subject to change.

See Appendix A: Assumptions

Estimated Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total	Contingency Fiscal Total (1)	Sewage Works Portion (2)
7/1/23			\$ 634,960	\$ 634,960			
1/1/24	\$ 810,000	4.15 %	634,960	1,444,960	\$ 2,079,920	\$ 2,287,912	\$ 1,372,747
7/1/24			618,153	618,153			
1/1/25	845,000	4.20	618,153	1,463,153	2,081,306	2,289,437	1,373,662
7/1/25			600,408	600,408			
1/1/26	880,000	4.20	600,408	1,480,408	2,080,816	2,288,898	1,373,339
7/1/26			581,928	581,928			
1/1/27	915,000	4.30	581,928	1,496,928	2,078,856	2,286,742	1,372,045
7/1/27			562,255	562,255			
1/1/28	955,000	4.40	562,255	1,517,255	2,079,510	2,287,461	1,372,477
7/1/28			541,245	541,245			
1/1/29	995,000	4.45	541,245	1,536,245	2,077,490	2,285,239	1,371,143
7/1/29			519,106	519,106			
1/1/30	1,040,000	4.50	519,106	1,559,106	2,078,212	2,286,033	1,371,620
7/1/30			495,706	495,706			
1/1/31	1,085,000	4.65	495,706	1,580,706	2,076,412	2,284,053	1,370,432
7/1/31			470,480	470,480			
1/1/32	1,140,000	4.70	470,480	1,610,480	2,080,960	2,289,056	1,373,434
7/1/32			443,690	443,690			
1/1/33	1,190,000	4.85	443,690	1,633,690	2,077,380	2,285,118	1,371,071
7/1/33			414,833	414,833			
1/1/34	1,250,000	5.00	414,833	1,664,833	2,079,666	2,287,633	1,372,580
7/1/34			383,583	383,583			
1/1/35	1,310,000	5.10	383,583	1,693,583	2,077,166	2,284,883	1,370,930
7/1/35			350,178	350,178			
1/1/36	1,380,000	5.15	350,178	1,730,178	2,080,356	2,288,392	1,373,035
7/1/36			314,643	314,643			
1/1/37	1,450,000	5.15	314,643	1,764,643	2,079,286	2,287,215	1,372,329
7/1/37			277,305	277,305			
1/1/38	1,525,000	5.20	277,305	1,802,305	2,079,610	2,287,571	1,372,543
7/1/38			237,655	237,655			
1/1/39	1,605,000	5.25	237,655	1,842,655	2,080,310	2,288,341	1,373,005
7/1/39			195,524	195,524			
1/1/40	1,690,000	5.25	195,524	1,885,524	2,081,048	2,289,153	1,373,492
7/1/40			151,161	151,161			
1/1/41	1,775,000	5.35	151,161	1,926,161	2,077,322	2,285,054	1,371,032
7/1/41			103,680	103,680			
1/1/42	1,870,000	5.40	103,680	1,973,680	2,077,360	2,285,096	1,371,058
7/1/42			53,190	53,190			
1/1/43	1,970,000	5.40	53,190	2,023,190	2,076,380	2,284,018	1,370,411
Totals	<u>\$25,680,000</u>		<u>\$ 15,899,366</u>	<u>\$41,579,366</u>	<u>\$41,579,366</u>	<u>\$45,737,305</u>	<u>\$27,442,385</u>

Note: Coupon rates are estimated and subject to change. Arbitrage yield on the bonds is estimated at 5.11%. Coupon rate is based on "A" rates as of September 21, 2022, plus issuer credit spread and 100 basis point timing spread to account for uncertainty of future market rates at time of issuance.

- (1) Contingency amount includes a ten percent cushion on Fiscal Total Amounts, as provided by Management of the Utility.
- (2) Sewage Works Portion is sixty percent (60%) of Contingency Fiscal Total, as provided by Management of the Utility.

See Appendix A: Assumptions

Estimated Sewage Works Combined Debt after Issuance of the Proposed Bonds

Pay Year	2006 A-1 Bonds (1)	2013 Refunding Bonds	2017 Bonds	2019 Refunding Bonds	2020 Bonds (1)	2021 Refunding Bonds	Total Outstanding Bonds	Estimated 2023 Bonds (1)	Estimated 2025 Bonds	Estimated Service Center Financing WW Portion (1)	Total
2022	\$ 129,000	\$ 1,181,232	\$ 457,300	\$ 1,021,800	\$ 446,000	\$ 775,904	\$ 4,011,236				\$ 4,011,236
2023	130,272	1,191,296	461,300	1,023,200	446,000	778,150	4,030,218	\$ 1,228,576		\$ 1,372,747	6,631,541
2024	130,116	1,190,826	460,100	1,022,200	446,000	779,400	4,028,642	1,228,576		1,373,662	6,630,880
2025	128,770		463,800	1,022,000	446,000	785,050	2,845,620	2,538,576	\$ 1,512,456	1,373,339	8,269,991
2026	131,244		467,300	613,600	846,000	784,950	2,843,094	2,535,106	1,513,306	1,372,045	8,263,551
2027			467,250		2,023,000	789,250	3,279,500	2,538,616	1,512,506	1,372,477	8,703,099
2028			471,900		2,024,600	777,800	3,274,300	2,538,626	1,510,006	1,371,143	8,694,075
2029			471,100		2,528,600	276,050	3,275,750	2,535,758	1,511,080	1,371,620	8,694,208
2030			475,000		2,529,800	273,700	3,278,500	2,534,958	1,510,480	1,370,432	8,694,370
2031			473,450		1,482,400	281,200	2,237,050	2,539,388	1,512,466	1,373,434	7,662,338
2032			476,600		1,483,200	283,250	2,243,050	2,535,088	1,512,450	1,371,071	7,661,659
2033			479,300		1,486,800		1,966,100	2,535,486	1,509,620	1,372,580	7,383,786
2034			486,550		1,483,000		1,969,550	2,539,040	1,508,870	1,370,930	7,388,390
2035			488,200		1,482,000		1,970,200	2,536,854	1,510,266	1,373,035	7,390,355
2036			494,400		1,483,600		1,978,000	2,539,734	1,508,916	1,372,329	7,398,979
2037					1,482,600		1,482,600	2,537,120	1,510,248	1,372,543	6,902,511
2038					1,484,000		1,484,000	2,534,996	1,513,508	1,373,005	6,905,509
2039					1,482,600		1,482,600	2,536,996	1,513,382	1,373,492	6,906,470
2040					1,483,400		1,483,400	2,537,536	1,510,370	1,371,032	6,902,338
2041								2,536,260	1,508,310	1,371,058	5,415,628
2042								2,539,106	1,512,430	1,370,411	5,421,947
2043									1,512,770		1,512,770
2044									1,508,650		1,508,650
Totals	\$ 649,402	\$ 3,563,354	\$ 7,093,550	\$ 4,702,800	\$ 26,569,600	\$ 6,584,704	\$ 49,163,410	\$ 48,126,396	\$ 30,222,090	\$ 27,442,385	\$ 154,954,281
Average Annual Debt Service (2023-2024)											\$ 6,631,211
Average Annual Debt Service (2025-2027)											\$ 8,412,214

(1) Amounts shown are net of the Stormwater Utility portion of debt service.

Note: The Proposed 2023 Bonds, Proposed 2025 Bonds, and Proposed Service Center Financing were amortized using level debt service. The Utility may consider structuring such obligations at the time of issuance to achieve aggregate level debt service for the Utility on a combined basis.

Statement of Sewage Works Revenue Requirements

Statement of Sewage Works Revenue Requirements

	Phase I (2023)	Phase II (2025)
Adjusted Operation and Maintenance Expense	\$ 14,107,049	\$ 14,107,049
Adjusted Taxes Other Than Income Taxes	874,406	874,406
Estimated Combined Annual Debt Service	6,631,211 (1)	8,412,214 (2)
Average Annual Lease Payment: Equipment for AMI	685,089	685,089
Annual Lease Payment: Solar Lease	394,287	394,287
Extensions and Replacements (3)	<u>3,921,064</u>	<u>3,921,064</u>
Total Revenue Requirements	26,613,106	28,394,109
Less: Adjusted Operating Revenues	<u>23,985,336</u>	<u>26,837,528</u>
Deficit	2,627,770	1,556,581
Divide by: Adjustable Operating Revenues	<u>23,768,268</u>	<u>26,620,460</u>
Percent Rate Increase Required	<u>12%</u>	<u>6%</u>

- (1) Estimated average combined annual debt service of the Sewage Works for 2023 and 2024.
 (2) Estimated average combined annual debt service of the Sewage Works for 2025 through 2027.
 (3) Average Calculated Extensions and Replacements for 2023 through 2027. See Sewage Works Capital Improvement Plan.

See Appendix A: Assumptions

Schedule of Sewage Works Present and Proposed Rates and Charges

	Present Rates (1)	Phase I Proposed Rates	Phase II Proposed Rates
SEWAGE WORKS RATES			
<u>Monthly Usage Charge (Per 1,000 Gallons)</u>			
Inside City Customers	\$ 7.99	\$ 8.95	\$ 9.49
Outside City Customers	8.95	10.02 (2)	10.63 (2)
<u>Monthly Service Charge (per meter)</u>			
Inside City Customers	\$ 8.19	\$ 9.17	\$ 9.72
Outside City Customers	9.17	10.27 (2)	10.89 (2)
<u>Excess Strength Surcharge</u>			
<u>Rate per Pound in Excess of 300 ppm</u>			
Biochemical Oxygen Demand (BOD)	\$ 0.391	\$ 0.438	\$ 0.464
Suspended Solids (SS)	0.319	0.357	0.378
<u>Special Laboratory Analysis Monthly Charge</u>			
Strength of BOD and SS Sampling Charge	\$ 171.91	\$ 192.54	\$ 204.09
Grease and Oil Sampling	161.14	180.48	191.31
Metal Sampling (per metal per test)	35.81	40.11	42.52
<u>Unmetered Users</u>			
Minimum Annual Charge - Inside City Customers	\$ 796.74	\$ 892.35	\$ 945.89
Minimum Annual Charge - Outside City Customers	892.41	999.43 (2)	1,059.40 (2)

(1) Sewage Works Present Rates and Charges went into effect on January 1, 2020.

(2) Includes the Outside City Surcharge Factor of 12% applied against the Proposed Rates for Inside City customers.

Typical Monthly Bill Analysis

Inside City Customers

Gallons	Present Charges	Proposed Phase I Charge	Difference to Present	Proposed Phase II Charge	Difference to Phase I
0	\$ 8.19	\$ 9.17	\$ 0.98	\$ 9.72	\$ 0.55
1,000	16.18	18.12	1.94	19.21	1.09
2,000	24.17	27.07	2.90	28.70	1.63
3,000	32.16	36.02	3.86	38.19	2.17
4,000	40.15	44.97	4.82	47.68	2.71
5,000	48.14	53.92	5.78	57.17	3.25
6,000	56.13	62.87	6.74	66.66	3.79
7,000	64.12	71.82	7.70	76.15	4.33
8,000	72.11	80.77	8.66	85.64	4.87
9,000	80.10	89.72	9.62	95.13	5.41
10,000	88.09	98.67	10.58	104.62	5.95
11,000	96.08	107.62	11.54	114.11	6.49
12,000	104.07	116.57	12.50	123.60	7.03
13,000	112.06	125.52	13.46	133.09	7.57
14,000	120.05	134.47	14.42	142.58	8.11
15,000	128.04	143.42	15.38	152.07	8.65
16,000	136.03	152.37	16.34	161.56	9.19
17,000	144.02	161.32	17.30	171.05	9.73
18,000	152.01	170.27	18.26	180.54	10.27
19,000	160.00	179.22	19.22	190.03	10.81
20,000	167.99	188.17	20.18	199.52	11.35

Outside City Customers

Gallons	Present Charges	Proposed Phase I Charge	Difference to Present	Proposed Phase II Charge	Difference to Phase I
0	\$ 9.17	\$ 10.27	\$ 1.10	\$ 10.89	\$ 0.62
1,000	18.12	20.29	2.17	21.52	1.23
2,000	27.07	30.31	3.24	32.15	1.84
3,000	36.02	40.33	4.31	42.78	2.45
4,000	44.97	50.35	5.38	53.41	3.06
5,000	53.92	60.37	6.45	64.04	3.67
6,000	62.87	70.39	7.52	74.67	4.28
7,000	71.82	80.41	8.59	85.30	4.89
8,000	80.77	90.43	9.66	95.93	5.50
9,000	89.72	100.45	10.73	106.56	6.11
10,000	98.67	110.47	11.80	117.19	6.72
11,000	107.62	120.49	12.87	127.82	7.33
12,000	116.57	130.51	13.94	138.45	7.94
13,000	125.52	140.53	15.01	149.08	8.55
14,000	134.47	150.55	16.08	159.71	9.16
15,000	143.42	160.57	17.15	170.34	9.77
16,000	152.37	170.59	18.22	180.97	10.38
17,000	161.32	180.61	19.29	191.60	10.99
18,000	170.27	190.63	20.36	202.23	11.60
19,000	179.22	200.65	21.43	212.86	12.21
20,000	188.17	210.67	22.50	223.49	12.82

Stormwater Analysis

Stormwater Detailed Income Statement

	April 30, 2022	December 31, 2021	December 31, 2020
Stormwater Revenues			
Stormwater Single Family	\$ 952,925	\$ 950,868	\$ 931,785
Stormwater Sales Commercial	957,385	962,128	896,530
Stormwater Sales Industrial	31,743	31,743	30,628
Stormwater Sales Public Authority	602,593	601,255	577,488
Stormwater Sales Multiple Family	702,287	693,851	658,753
Stormwater Plan Review Revenue	1,445	1,190	765
Forfeited Discounts - Storm	16,260	18,037	8,305
Total Stormwater Revenues	<u>3,264,638</u>	<u>3,259,072</u>	<u>3,104,254</u>
Stormwater Operation and Maintenance Expenses			
Salaries and Wages	517,069	520,477	591,315
Employee Pension and Benefits	274,436	271,252	267,482
Materials and Supplies	82,452	83,464	72,828
Customer Assistance Program	44,944	46,961	34,874
Contractual Services	16,690	16,038	82,152
Liability Insurance	15,534	15,425	36,995
Miscellaneous Expenses	2,673	9,717	12,120
Total	<u>953,798</u>	<u>963,334</u>	<u>1,097,766</u>
Stormwater Depreciation Expense:	<u>280,681</u>	<u>280,681</u>	<u>279,824</u>
FICA	<u>37,067</u>	<u>37,088</u>	<u>44,813</u>
Total Stormwater Operating Expenses:	<u>1,271,546</u>	<u>1,281,103</u>	<u>1,422,403</u>
Stormwater Net Operating Income:	<u>1,993,092</u>	<u>1,977,969</u>	<u>1,681,851</u>
Stormwater Other Income			
Reimbursements	234,454	194	16,794
Interest Stormwater Construction	10,236	7,748	-
Revenue from Contract Work	-	1,650	-
Interest Stormwater O&M	3,588	4,043	3,707
Total Stormwater Other Income:	<u>248,278</u>	<u>13,635</u>	<u>20,501</u>
Stormwater Net Income	<u>\$ 2,241,370</u>	<u>\$ 1,991,604</u>	<u>\$ 1,702,352</u>

Stormwater Utility Adjusted Statement of Income

	April 30, 2022	Adjustments	Adjusted
Stormwater Revenues			
Stormwater Single Family	\$ 952,925		\$ 952,925
Stormwater Sales Commercial	957,385		957,385
Stormwater Sales Industrial	31,743		31,743
Stormwater Sales Public Authority	602,593		602,593
Stormwater Sales Multiple Family	702,287		702,287
Stormwater Plan Review Revenue	1,445		1,445
Forfeited Discounts - Storm	16,260		16,260
Total Stormwater Revenues	3,264,638		3,264,638
Stormwater Operation and Maintenance Expenses			
Salaries and Wages	517,069	\$ 190,937 1	708,006
Employee Pension and Benefits	274,436	27,654 2	302,090
Materials and Supplies	82,452		82,452
Customer Assistance Program	44,944		44,944
Contractual Services	16,690	6,115 3	22,805
Liability Insurance	15,534		15,534
Miscellaneous Expenses	2,673	250,000 4	252,673
Total	953,798	474,706	1,428,504
Stormwater Depreciation Expense	280,681		280,681
FICA	37,067	13,687 5	50,754
Total Stormwater Operating Expenses	1,271,546	488,393	1,759,939
Stormwater Net Operating Income	1,993,092	(488,393)	1,504,699

See Appendix A: Assumptions and Adjustment Detail

Stormwater Utility Adjustment Detail

#	Functional Area	Category	Adjustment to Test Year (1)	Description
1	Multiple	Stormwater Salaries & Wages	\$190,937	To adjust Environmental Sciences (Department 57) and Utilities Stormwater (Department 81) Salaries & Wages to the Utility's 2023 adopted budget.
2	Multiple	Employee Pension & Benefits	\$27,654	To adjust Environmental Sciences (Department 57) and Utilities Stormwater (Department 81) Employee Pensions & Benefits for additional PERF contributions resulting from increased Salaries & Wages.
3	Contractual Services	Contract Services Accounting	\$6,115	To provide funding for estimated rate analysis expenses (\$25,000) every four (4) years.
4	Multiple	Miscellaneous Expenses	\$250,000	To provide funding for Street Sweeping expenses to be incurred annually by the Stormwater Utility.
5	Taxes Other Than Income Taxes	FICA	\$13,687	To adjust FICA expenses due to an increase in Salaries & Wages.

(1) Adjustment amounts are expressed based on the net effect on the Utility's revenue requirements.

See Appendix A: Assumptions

Stormwater Utility Capital Improvement Plan

Project	2023	2024	2025	2026	2027	Total
300 Other Services E&R and Green Infrastructure						
Jordan River Culvert at Indiana - Construction	\$ 2,050,000 ^					\$ 2,050,000
Lower Cascades Storm Culvert Extension		\$ 250,000				250,000
Spanker's Arch at 6th street	100,000	100,000	\$ 746,000			946,000
Clear Creek Open Channel Improvements - E 1st St. to Grimes Ln.		500,000				500,000
ROW relocations						
High Street Combined with City	70,000			\$ 200,000	\$ 300,000	570,000
Green Infrastructure						
RGSP/Regional Detention	100,000	100,000	100,000	100,000	100,000	500,000
Wexley Road - YMCA Pond	110,000					110,000
Wexley Road - Winslow Park		150,000				150,000
Wexley Road - South Hampton Pond			150,000			150,000
Public 4 Small Projects	261,290					261,290
Stormwater Master Plan	50,000					50,000
Miller Showers Dredging	300,000 ^		50,000			350,000
DPW Engineering GI Inclusion for Road Projects	50,000	50,000	54,866	50,000	50,000	254,866
Replacement of Equipment	321,680	51,760		58,157	61,647	493,244
Stormwater Review Assistance	100,000					100,000
Bridge Inspections	20,000	20,000	20,000	20,000	20,000	100,000
Septic Elimination Program (Sewer Credit)	11,200	11,200	11,200	11,200	11,200	56,000
Internal Neighborhood Projects	300,000 ^	300,000 ^	300,000 ^	300,000	300,000	1,500,000
Condition Assessment 18" and Larger CMP	50,000	50,000	50,000	50,000	50,000	250,000
Weimer Bridge					200,000	200,000
Moores Pike Culvert Extension				100,000		100,000
MS4 Permit Software	25,000					25,000
MS4 On-call Consultant	20,000	20,000	20,000	20,000	20,000	100,000
Stormwater Master Plan Implementation Items	171,000 ^	235,000 ^	424,000 ^	500,000	480,000	1,810,000
Total Capital Improvement Plan	\$ 4,110,170	\$ 1,837,960	\$ 1,926,066	\$ 1,409,357	\$ 1,592,847	\$ 10,876,400
Less: Projects to be Funded through 2023 Bond Issuance (^)	(2,821,000)	(535,000)	(724,000)			(4,080,000)
Less: Anticipated Grant Proceeds	(150,000)					(150,000)
Calculated Extensions and Replacements	\$ 1,139,170	\$ 1,302,960	\$ 1,202,066	\$ 1,409,357	\$ 1,592,847	\$ 6,646,400
Five-Year Average Extensions and Replacements						\$ 1,329,280

Data Source: Utility
See Appendix A: Assumptions

Estimated Stormwater Utility Combined Debt After Issuance of the Proposed Bonds

Pay Year	2006 A-1	2020 Bonds	Proposed 2023 Bonds	Estimated Total Bonds
2022	\$ 436,200	\$ 523,800		\$ 960,000
2023	436,200	523,800	\$ 320,782	1,280,782
2024	436,200	523,800	320,782	1,280,782
2025	436,200	523,800	320,782	1,280,782
2026	436,200	523,800	320,782	1,280,782
2027		523,800	320,782	844,582
2028		523,800	320,782	844,582
2029		523,800	320,782	844,582
2030		523,800	320,782	844,582
2031		523,800	320,782	844,582
2032		523,800	320,782	844,582
2033		523,800	320,782	844,582
2034		523,800	320,782	844,582
2035		523,800	320,782	844,582
2036		523,800	320,782	844,582
2037		523,800	320,782	844,582
2038		523,800	320,782	844,582
2039		523,800	320,782	844,582
2040		523,800	320,782	844,582
2041			320,782	320,782
2042			320,782	320,782
Total	\$ 2,181,000	\$ 9,952,200	\$ 6,415,640	\$ 18,548,840
Estimated Average Annual Debt Service (2023-2026)				\$ 1,280,782

Statement of Stormwater Utility Revenue Requirements

Adjusted Operation and Maintenance Expense	\$ 1,428,504
Adjusted Taxes Other Than Income Taxes	50,754
Estimated Average Annual Debt Service (2023-2026)	1,280,782
Estimated Average Annual Extensions and Replacements (2023-2027)	<u>1,329,280</u>
Total Revenue Requirements	4,089,320
Less: Adjusted Operating Revenues	<u>3,264,638</u>
Deficit	824,682
Divide by: Adjustable Operating Revenues	<u>3,248,378</u>
Percent Rate Increase Required	<u><u>26%</u></u>

Stormwater Utility Present and Proposed Rates

	Present Rates (1)	Proposed Rates
<u>Stormwater Utility Monthly Charges</u>		
Single Family Residential Customers	\$ 5.95	\$ 7.50

All other customers shall be charged based upon the amount of runoff generated by the customer.

(1) Stormwater Utility Present Rates and Charges went into effect on January 1, 2020.

Appendix A: Assumptions

The following assumptions, provided by and approved by the management of the Utility, were used in preparation of the Report.

#	Report Area	Assumption
1	All	Operating Revenues, Operation and Maintenance Expenses, and Taxes Other Than Income Taxes of the Utility for the year ending April 30, 2022, ("Test Year") are representative of expected pro forma operating results, except where otherwise noted.
2	All	Assumes no provision for new debt or leases beyond those summarized in the Estimated Combined Amortization Schedule After Issuance of Proposed Bonds for the Sewage Works and Stormwater Utility.
3	Adjusted Statements of Income	Consumption patterns and number of customers are assumed to be stable and not materially fluctuate in future years from the Test Year.
4	Sewage Works Adjusted Statement of Income	Adjustment 1: Test Year overtime and 2023 Budget for Salaries and Wages will be indicative of personnel costs for the Pro Forma year.
5	Sewage Works Adjusted Statement of Income	Adjustment 2: Pro Forma PERF expense based on Pro Forma wages and assumes that PERF expense is incurred in similar proportions in the Pro Forma year as the Test Year.
6	Sewage Works Adjusted Statement of Income	Adjustment 3: Assumes future similar costs of issuance will be paid from proceeds of future bond issues.
7	Sewage Works Adjusted Statement of Income	Adjustment 4: Sewage Works will be responsible for \$1,008,674 for General Services Costs in the Pro Forma year, which is 60% of the 2021 Interdepartmental agreement value of \$1,681,123.
8	Sewage Works Adjusted Statement of Income	Adjustment 8: Contemplates a 29% increase in electricity costs for Departments 65 (Dillman Road WWTP) and Department 73 (Boosters & Lift Stations) based on the observed increases in Duke Energy rates between average Test Year costs and rates as of June 2022. Energy costs for Blucher Poole were not increased as they are not served by Duke Energy.
9	Sewage Works Adjusted Statement of Income	Adjustment 9: Assumes future similar expenses will be capitalized or non-recurring in nature.
10	Sewage Works Adjusted Statement of Income	Adjustment 13: Pro Forma FICA expense equals Pro Forma Salaries and Wages times FICA rate of 7.65%.
11	Sewage Works Capital Improvement Plan	Funding for large 2027 projects, including Vortex Grit Removal and Relief Interceptor Dillman WWTP to Rogers Street, will be determined in the Utility's 2026 rate analysis. Timing for the New Service Center is unknown as of the date of this Report. Funding is provided for the New Service Center beginning in 2023, however, actual timing of construction and financing is unknown.
12	Estimated Sources and Uses (Proposed 2023 Bonds, Proposed 2025 Bonds, and Proposed Service Center Financing)	<ul style="list-style-type: none"> Project costs based on sum of projects to be financed as indicated in the Capital Improvement Plans provided by Management of the Utilities. Debt Service Reserve Funds are based on the maximum annual debt service of the respective

#	Report Area	Assumption
		<p>bond issuances.</p> <ul style="list-style-type: none"> Costs of issuance are estimates based on similar transactions.
13	Estimated Amortization Schedules	<p>Coupon rates based on A Refinitiv MMD rates as of September 21, 2022, plus an issuer credit spread, and a 50 basis point timing spread for the 2023 Bonds, and 100 basis point timing spread for the 2025 Bonds and Service Center Financing. Rates are estimated and subject to change. The amortization schedule for the 2023 Bonds assumes level debt service after interest only payments for the first two years. The amortization schedule for the 2025 Bonds and Service Center Financing assumes level debt service. The Utility may consider structuring the obligations at the time of issuance to achieve aggregate level debt service for the Utility on a combined basis.</p>
14	Statement of Sewage Works Revenue Requirements	<p>Assumes a Phase I rate increase effective January of 2023, and a Phase II rate increase effective January of 2025. Assumes the Utility will complete an additional rate analysis in 2027 to evaluate funding needs for the projects identified on the capital improvement plan as debt financing and for the Utility's anticipated increased debt service for the years 2027 through 2030.</p>
15	Stormwater Utility Adjusted Statement of Income	<p>Adjustment 1: Test Year overtime and 2023 Budget for Salaries and Wages will be indicative of personnel costs for the Pro Forma year.</p>
16	Stormwater Utility Adjusted Statement of Income	<p>Adjustment 2 and 5: Pro Forma PERF and FICA expense based on Pro Forma wages, and assumes that PERF expense is incurred in similar proportions in the Pro Forma year as the Test Year.</p>
17	Stormwater Utility Adjusted Statement of Income	<p>Adjustment 4: Pro Forma estimated expenses attributable to Street Sweeping functions provided by Utility management.</p>
18	Stormwater Utility Capital Improvement Plan	<p>Assumes receipt of grant funding of \$150,000 for Green Infrastructure Public 4 small projects in 2023.</p>



MEMO FROM COUNCIL OFFICE ON

Appropriation Ordinance 22-05 – To Specifically Appropriate From the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks and Recreation General Fund, CC Jack Hopkins Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Housing Development Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the CC Jack Hopkins Fund, Rental Inspection Program Fund, and the Housing Development Fund)

Synopsis

This ordinance appropriates various transfers of funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks and Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, and the Fleet Maintenance Fund.

Relevant Materials

- [Appropriation Ordinance 22-05](#)
- Notice to Taxpayers
- Staff Memo from Jeffrey Underwood (Controller), Jeff McMillian, and Cheryl Gilliland, Office of the Controller

Summary

[Appropriation Ordinance 22-05](#) is a proposal often referred to as the end-of-year appropriation ordinance. For several years, the Council has considered appropriation requests during at least three occasions in a given year. The first is the “reversion” ordinances instituted by this Mayor, where some of the funds reverted at the end of the previous year are appropriated for departmental and city-wide purposes for the current year (note that a reversion ordinance was not proposed in 2022).

The second are the “budget” ordinances, which estimate the tax rates and revenues and propose expenditures for the following year. There were three budget appropriation ordinances proposed and adopted by the Council this year. The last is the “end-of-year” appropriation ordinance, which shifts, increases, or decreases appropriations to address budgetary needs for the latter part of the current year.



In the past, end-of-year appropriation ordinances have proposed to make a number of transfers: 1) within departments who wish to move monies between major budget classifications, and 2) from departments with an anticipated budget surplus to those departments that anticipate shortages. This year, the legislation also includes requests for additional appropriations in the amount of \$828,000 across three different funds (CC Jack Hopkins Fund (270), Rental Inspection Program Fund (F411), and Housing Development Fund (F905)). Please consult the supporting memorandum from Cheryl Gilliland for details on the nature and rationale of each additional appropriation.

Indiana Code 36-4-7-8 provides that the legislative body may, on the recommendation of the city executive, make further or additional appropriations by ordinance, as long as the result does not increase the city’s tax levy that was set as part of the annual budgeting process. The additional appropriations requested by Appropriation Ordinance 22-05 should not result in such an increase to the city’s tax levy. Indiana Code 36-4-7-8 also permits the legislative body, by ordinance, to decrease any appropriation. Recall that currently, within certain bounds, departments may transfer monies within a classification without Council authorization, but any transfer between classifications requires Council authorization.¹

Indiana Code 6-1.1-17-3 requires a public hearing to be held during the formulation of local budgets, with a notice to taxpayers sent out at least ten (10) days before the public hearing. The public hearing for the end of the year appropriation ordinance is set for December 7, 2022.

In order to provide some historical context, the table below lists the last ten end-of-year appropriation ordinances along with the grand total additional appropriations out of the General Fund and out of all funds combined.

Year & Appropriation Ordinance	General Fund Grand Total Additional Appropriation	All Funds Grand Total Additional Appropriation
2021 – App Ord 21-05	\$281,940	\$2,241,274
2020 – App Ord 20-07	\$871,400	\$1,630,400
2019 – App Ord 19-08	\$0	\$430,000
2018 – App Ord 18-06	\$0	\$497,030
2017 – App Ord 17-06	\$0	\$750,800
2016 – App Ord 16-07	\$40,600	\$525,600
2015 – App Ord 15-06	\$0	\$632,640
2014 – App Ord 14-06	\$0	\$282,551
2013 – App Ord 13-04	\$0	\$264,813
2012 – App Ord 12-04	-\$3,000	\$263,000

Contact

Jeffrey Underwood, Controller, 812-349-3412, underwoj@bloomington.in.gov

Jeff McMillian, Deputy Controller, 812-349-3412, mcmillij@bloomington.in.gov

Cheryl Gilliland, Director of Auditing & Financial Systems, 812-349-3412,

cheryl.gilliland@bloomington.in.gov

¹ Budget Classifications are as follows: 1 (Personnel Services), 2 (Supplies), 3 (Services and Charges), and 4 (Capital).

APPROPRIATION ORDINANCE 22-05

TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, PUBLIC SAFETY LIT FUND, ARPA LOCAL FISCAL RECOVERY FUND, PARKS AND RECREATION GENERAL FUND, CC JACK HOPKINS FUND, THE RENTAL INSPECTION PROGRAM FUND, LOCAL ROAD AND STREET FUND, PARKING FACILITIES FUND, SOLID WASTE FUND, FLEET MAINTENANCE FUND, AND HOUSING DEVELOPMENT FUND EXPENDITURES NOT OTHERWISE APPROPRIATED

(Appropriating Various Transfers of Funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the CC Jack Hopkins Fund, Rental Inspection Program Fund, and the Housing Development Fund)

- WHEREAS, various Departments within the General Fund desire to transfer Classifications – 1, 2, 3 & 4 amounts for Personnel Services, Supplies, Services and Charges, and Capital replacement not included in the adopted budgets and to increase their budgets; and
- WHEREAS, the Police Department Dispatch Division desires to transfer funds from Classification – 1 Personnel Services to Classification – 3 Services and Charges and Classification – 4 Capital in the Public Safety LIT Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Police Department desires to transfer funds from Classification – 1 Personnel Services to Classification – 3 Services and Charges in the ARPA Local Fiscal Recovery Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Parks and Recreation Department desires to transfer funds in the Parks and Recreation General Fund budget from Classification – 1 Personnel Services to Classification – 2 Supplies for expenditures not included in the adopted budget; and
- WHEREAS, the Common Council desires to increase its budget in Classification – 3 Services and Charges in the CC Jack Hopkins Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Housing & Neighborhood Development (HAND) Department desires to increase its budget in Classification – 3 Services and Charges in its Rental Inspection Program Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Street Division desires to transfer funds from Classification – 4 Capital to Classification – 2 Supplies in the Local Road and Street Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Parking Services Division desires to transfer funds from Classification – 2 Supplies to Classification – 3 Services and Charges in the Parking Facilities Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Solid Waste Division desires to transfer funds from Classification – 1 Personnel Services to Classification – 2 Supplies in its budget for the Solid Waste Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Fleet Division desires to transfer funds from Classification – 3 Services and Charges and Classification – 4 Capital Outlays to Classification – 2 Supplies in its budget for the Fleet Maintenance Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Housing & Neighborhood Development (HAND) Department desires to increase its budget in Classification – 3 Services and Charges in its Housing Development Fund for expenditures not included in the adopted budget; and
- WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance with Indiana law;

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

SECTION 1. For the expenses of said Municipal Corporation the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund (F101)	
General Fund – Animal Care & Control	
Classification – 1 Personnel Services	12,000
Classification – 2 Supplies	(5,000)
Classification – 3 Services and Charges	(7,000)
Total General Fund – AC&C	-
General Fund – Public Works Administration	
Classification – 2 Supplies	4,500
Classification – 3 Services and Charges	(34,000)
Classification – 4 Capital	45,000
Total General Fund – PWA	15,500
General Fund – Economic and Sustainability Development	
Classification – 1 Personnel Services	(60,685)
Classification – 2 Supplies	9,783
Classification – 3 Services and Charges	206,352
Total General Fund – ESD	155,450
General Fund – Engineering	
Classification – 1 Personnel Services	74,904
Classification – 4 Capital	208,123
Total General Fund – Engineering	283,027
General Fund – Fire	
Classification – 1 Personnel Services	30,000
Classification – 3 Services and Charges	(30,000)
Total General Fund – Fire	-

General Fund – Legal

Classification – 1 Personnel Services	(35,109)
Classification – 3 Services and Charges	158,600
Total General Fund – Legal	<u>123,491</u>

General Fund – Office of the Mayor

Classification – 3 Services and Charges	15,000
Total General Fund – OOTM	<u>15,000</u>

General Fund – Human Resources

Classification – 1 Personnel Services	(90,000)
Total General Fund – HR	<u>(90,000)</u>

General Fund – Planning and Transportation

Classification – 1 Personnel Services	(122,999)
Classification – 3 Services and Charges	(43,825)
Total General Fund – P&T	<u>(166,824)</u>

General Fund – Police

Classification – 1 Personnel Services	(803,394)
Classification – 2 Supplies	110,000
Classification – 3 Services and Charges	79,000
Classification – 4 Capital	100,000
Total General Fund – Police	<u>(514,394)</u>

General Fund – HAND

Classification – 1 Personnel Services	215,850
Total General Fund – HAND	<u>215,850</u>

General Fund – Facilities Maintenance

Classification – 1 Personnel Services	(20,280)
Classification – 2 Supplies	10,000
Classification – 3 Services and Charges	90,180
Classification – 4 Capital	(60,000)
Total General Fund – Facilities Maint.	<u>19,900</u>

General Fund – Information &
Technology Services

Classification – 1 Personnel Services	(45,000)
Classification – 3 Services and Charges	<u>(12,000)</u>
Total General Fund – ITS	<u>(57,000)</u>

Grand Total General Fund(F101)

-

**Public Safety Local Income Tax
Fund – Police Department Dispatch
Division**

Classification – 1 Personnel Services	(34,300)
Classification – 3 Services and Charges	13,000
Classification – 4 Capital	<u>21,300</u>
Total Public Safety LIT – Police Dispatch	<u>-</u>

**Grand Total Public Safety Local
Income Tax Fund(F151)**

-

ARPA Local Fiscal Recovery Fund

Classification – 1 Personnel Services	(165,000)
Classification – 3 Services and Charges	<u>165,000</u>
Total ARPA Local Fiscal Recovery Fund	<u>-</u>

**Grand Total ARPA Local Fiscal
Recovery Fund(F176)**

-

**Parks & Recreation General Fund –
Parks & Rec**

Classification – 1 Personnel Services	(50,000)
Classification – 2 Supplies	<u>50,000</u>
Total Parks & Rec General Fund – Parks	<u>-</u>

**Grand Total Parks & Recreation
General Fund(F200)**

-

**CC Jack Hopkins – Common
Council**

Classification – 3 Services and Charges	<u>22,000</u>
Total CC Jack Hopkins	<u>22,000</u>

**Grand Total CC Jack Hopkins
Fund(270)**

22,000

**Rental Inspection Program Fund –
HAND**

Classification – 3 Services and Charges	306,000
	<hr/>
Total Rental Inspection Program Fund – HAND	306,000
	<hr/>

**Grand Total Rental Inspection
Program Fund(F411)**

306,000

**Local Road and Street Fund –
Public Works Street Division**

Classification – 2 Supplies	75,000
	<hr/>
Classification – 4 Capital	(75,000)
	<hr/>
Total Local Road and Street – PW Street	-
	<hr/>

**Grand Total Local Road and Street
Fund(F450)**

-

**Parking Facilities Fund – Public
Works Parking Services Division**

Classification – 2 Supplies	(45,600)
	<hr/>
Classification – 3 Services and Charges	45,600
	<hr/>
Total Parking Facilities – PW Parking Services	-
	<hr/>

**Grand Total Parking Facilities
Fund(F452)**

-

**Solid Waste Fund – Public Works
Sanitation Division**

Classification – 1 Personnel Services	(25,258)
	<hr/>
Classification – 2 Supplies	25,258
	<hr/>
Total Solid Waste – PW Sanitation	-
	<hr/>

**Grand Total Solid Waste
Fund(F730)**

-

**Fleet Maintenance – Public Works
Fleet Division**

Classification – 2 Supplies	228,290
	<hr/>
Classification – 3 Services and Charges	(108,290)
	<hr/>
Classification – 4 Capital	(120,000)
	<hr/>
Total Fleet Maintenance Fund – PW Fleet Division	-
	<hr/>

**Grand Total Fleet Maintenance
Fund(F802)**

-

**Housing Development Fund –
HAND**

Classification – 3 Services and Charges	<u>500,000</u>
Total Housing Development Fund – HAND	<u>500,000</u>
Grand Total Housing Development Fund(F905)	<u>500,000</u>
Grand Total All Funds	<u><u>828,000</u></u>

SECTION 2. Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer’s having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

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

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

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

NICOLE BOLDEN, Clerk
City of Bloomington

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

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates various transfers of funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks and Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, and the Fleet Maintenance Fund.

City of Bloomington, Indiana
 Notice to Taxpayers of
 Additional Appropriations

Notice is hereby given to the taxpayers of Bloomington, Monroe County, Indiana that the Bloomington Common Council will consider the following additional appropriation in excess of the budget for the current year at a meeting to be held in the Council Chambers (Room #115) of City Hall, 401 N. Morton Street (which can also be accessed virtually at: <https://bloomington.zoom.us/j/89056934818?pwd=VWhEbzVjSC9GRmYwK0pjY3NIT3Irdz09>), at 6:30 p.m. on December 7, 2022.

Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings and for meeting materials.

Fund Amount:	Dept. Amount:	From:
\$0	\$0	General Fund 101
	\$215,850	Animal Care & Control
	\$155,450	Housing and Neighborhood
	\$19,900	Dept.
	\$0	Economic and Sustainable Dev
	\$123,491	Facilities
	\$15,000	Fire
	\$15,500	Legal
	\$283,027	Office of the Mayor
	(\$57,000)	Public Works Admin
	(\$90,000)	Engineering
	(\$166,824)	Information Technology
	(\$514,394)	Service
\$0	\$0	Human Resources
\$0	\$0	Planning and Transportation
\$0	\$0	Police
\$22,000	\$0	Public Safety Local Income Tax Fund151
\$306,000	\$0	Police – Dispatch
\$0	\$0	ARPA Local Fiscal Recovery 176
\$0	\$0	Police
\$0	\$0	Parks & Recreation General Fund 200
\$0	\$0	Jack Hopkins Fund 270
\$0	\$0	Rental Inspection Fund 411
\$0	\$0	Local Road and Street Fund 450
\$0	\$0	Parking Facilities Fund 452
\$0	\$0	Cumulative Capital Development Fund 601
\$0	\$0	Solid Waste Fund 730

\$0
\$500,000

Fleet Maintenance Fund 802
Affordable Housing Development Fund
905

Taxpayers appearing at the meeting live or virtually will have a right to be heard. The Additional Appropriations as finally made will be referred to the Department of Local Government Finance. The Department will make a written determinations as to the sufficiency of funds to support the appropriations made within 15 days of receipt of a Certified Copy of the action taken.

Dated: November 10, 2022,

Jeffrey Underwood, City of Bloomington Controller

H-T: Please advertise one time on November 27, 2022 and bill the City Controller's Office.



JOHN HAMILTON
MAYOR

JEFFREY H. UNDERWOOD
CONTROLLER

CITY OF BLOOMINGTON

CONTROLLER'S OFFICE

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Memorandum

To: Council Members
From: Jeffrey Underwood, Controller, Jeff McMillian, Cheryl Gilliland
Date: November 9, 2022
Re: Appropriation Ordinance 22-05

Appropriation Ordinance 22-05 is our comprehensive 2022 year-end appropriation. The total additional appropriation is \$828,000. In addition, there are appropriations that are simple transfers between departments that have zero net impact on the total budget.

1. **General Fund – Various** The majority of this ordinance transfers appropriations between departments and categories in order to cover changes between the initial budget prepared, and actual operational results. For 2022, the net effect on the actual appropriation from the General Fund is zero. There will be no impact on the fund balance or tax rates.
 - a. **Animal Care & Control – the Public Works Department** is requesting a \$5,000 transfer from Classification 2 – Supplies and a \$7,000 transfer from Classification 3 – Services to Classification 1 – Personnel Service to assist in covering the increase of temporary salaries, which is due to the prolonged hiring process of multiple regular positions. The savings will come from fewer supplies being purchased out of Classification 2 and having the ability to supplement Classification 3 spending from the donations account. There is no fiscal impact due to this request.
 - b. **Public Works Administration – the Public Works Department** is requesting \$34,000 transfer from Classification 3 – Services to Classification 2 – Supplies to cover the higher than expected fuel costs and a transfer to Classification 4 – Capital to cover unexpected capital purchases. In addition, the department is requesting an additional appropriation of \$15,500 for Classification 4 – Capital which will come from the release of funds from other General Fund departments. The surplus funds in Classification 3 are due from lower than budgeted liability and casualty premium insurance charges and unused travel and instruction expenses in 2022.
 - c. **ESD – the Economic and Sustainability Development Department** is requesting a transfer of \$50,902 from Classification 1 – Personnel Services to Classification 3 – Services and an additional appropriation of \$155,450 for Classification 3 – Services to cover the cost of unbudgeted maintenance at the Waldron. The department is also requesting a \$9,783 transfer from Classification 1 – Personnel Services to Classification 2 – Supplies to complete the Waldron maintenance shortfall. The surplus from Classification 1 is the result of a budgeted position not being hired

until February and temporary staff vacancies not replaced in 2022. This additional appropriation request will come from the release of funds from other General Fund departments.

- d. **Engineering** – the **Engineering Department** is requesting an additional appropriation of \$74,904 in Classification 1 – Personnel Services to cover the additional staffing costs associated with the Meridiam project and an additional appropriation of \$208,123 in Classification 4 – Capital to cover a portion of a land purchase. This request will come from the release of funds from other General Fund departments.
- e. **Fire** – the **Fire Department** is requesting a transfer of \$30,000 from Classification 3 – Services to Classification 1 – Personnel Services to cover the cost associated with hiring new firefighters before the end of 2022. The savings will come from utilizing in-house instruction for new recruits and other groups, which in turn limited the amount of outside training the department could utilize. Plus, savings will come from less equipment/machinery repair. There is no fiscal impact due to this request.
- f. **Legal** – the **Legal Department** is requesting a \$35,109 transfer from Classification 1 – Personnel Services to Classification 3 – Services to cover excess outside counsel fees due primarily to annexation litigation and the Meridiam fiber deal. An additional appropriation request in the amount of \$123,491 is being requested to fully cover Classification 3 – Services shortfall. This request will come from the release of funds from other General Fund departments.
- g. **Mayor** – the **Office of the Mayor** is requesting an additional appropriation of \$15,000 in Classification 3 – Services to cover higher than anticipated costs for technology, software, and equipment associated with additional temporary employees in communications. This request will come from other General Fund departmental funding releases.
- h. **Human Resources** – the Human Resources Department is requesting the release of \$90,000 from Classification 1 – Personnel Services. The release is due to an excess in the parking payout program. The funds are being released to cover shortfalls in other General Fund departments.
- i. **Planning** – the **Planning Department** is requesting the release of \$122,999 from Classification 1 – Personnel Services due to vacancies that took extra time to fill and a release of \$43,825 from Classification 3 – Services due to employee instruction/conferences and travel being postponed due to availability of qualified classes and/or scheduling, and planned services/programs being delayed. The savings will fund other General Fund departments.
- j. **Police** – the **Police Department** is requesting the release of \$514,394 from Classification 1 – Personnel Services which is due to 20+ officer vacancies throughout 2022. The department is also requesting a transfer of \$110,000 from Classification 1 – Personnel Services to Classification 2 – Supplies to cover excess fuel costs, a transfer of \$79,000 from Classification 1 to Classification 3 – Services to cover the unbudgeted police Social Worker Convention, excessive electricity and building repair expenses and to transfer \$100,000 from Classification 1 to Classification 4 – Capital to cover the pilot ECD Project. The released funds would cover shortfalls in other General Fund departments.

- k. **HAND** – The **Housing and Neighborhood Development Department** is requesting an additional appropriation of \$215,850 in Classification 1 – Personnel Services to cover personnel expenses which are normally covered by a supplement from grant funds. This request will come from the release of funds from other General Fund departments.
 - l. **Public Works – Facilities Maintenance** – the **Public Works Department** is requesting to transfer \$20,280 savings in Classification 1 – Personnel Services, which is due from excess temporary employee funds and \$60,000 from Classification 4 – Capital, which is due from the HVAC project not being completed in 2022 (due to higher costs). These funds would be transferred to Classification 2 – Supplies to assist with the purchase of battery powered equipment for use at City Hall and other facilities and to Classification 3 – Services to assist in covering the higher than anticipated City Hall energy costs. The department also requests an additional appropriation of \$19,900 to fully fund Classification 2 and Classification 3. This request will come from the release of funds from other General Fund departments
 - m. **Information Technology Services** – the **Information Technology Services Department** is requesting a release of \$45,000 from Classification 1 – Personnel Services due to multiple vacancies throughout 2022 and a release of \$12,000 from Classification 3 – Services due to lack of employee travel and instruction/conference attendance. The funds are being released to cover shortfalls in other General Fund departments.
2. **Public Safety Local Income Tax Fund – Police Dispatch** – the **Police Department** is requesting a \$34,300 transfer of funds from Classification 1 – Personnel Services to Classification 3 – Services to cover the cost of excess electricity expenses and Classification 4 – Capital to cover Dispatch computer replacements and purchase computers for new hires, which was not budgeted in 2022. The surplus is the result of multiple dispatch position vacancies throughout 2022. There is no fiscal impact due to this request.
3. **ARPA Local Fiscal Recovery Fund – Police** – the **Police Department** is requesting a \$165,000 transfer of funds from Classification 1 – Personnel Services to Classification 3 – Services to cover various purchases which help aid the investigation process, such as, annual software purchases and online applications. The surplus is from unutilized hiring and recruiting incentive funds. There is no fiscal impact due to this request.
4. **Parks & Recreation General Fund** – the **Parks Department** is requesting a \$50,000 transfer of funds from Classification 1 – Personnel Services to Classification 2 – Supplies to assist in covering the increased fuel costs and unanticipated increase costs of supplies in 2022. The surplus comes from position vacancies. There is no fiscal impact due to this request.
5. **CC Jack Hopkins Fund** – The **Common Council** is requesting an additional appropriation of \$22,000 in Classification 1 – Personnel to cover past-unused monies in the Jack Hopkins fund to support the 2022 grant awards made via Resolution 22-12.
6. **Rental Inspection Program** – **HAND** In 2012 the state legislature created new rules regarding rental inspection programs. This requires the City to deposit receipts from the program in a designated fund. As of September 30, that fund has collected approximately \$306,000 for the 11 prior months. Although the revenue is now accounted for in the new fund, expenses for the program are still

- appropriated in the general fund. As such, we will be creating an invoice to reimburse the general fund from the rental inspection program fund. There is no fiscal impact to this fund as this is simply a transfer of revenues collected in this fund to the General Fund where the expenses for the program are budgeted and paid. This has a positive fiscal impact of \$306,000 to the General Fund.
7. **Local Road and Street Fund – the Public Works Department, Street Division**, is requesting transfer of \$75,000 from Classification 2 – Supplies to Classification 4 – Capital to cover the purchase of traffic signal detection equipment for three (3) intersections. The surplus comes from the received Alley bid quote prices all exceeded the budgeted amount, therefore, the project was not completed. There is no fiscal impact due to this request.
 8. **Parking Facilities Fund – the Public Works Department, Parking Services Division**, is requesting transfer of \$45,600 from Classification 2 – Supplies to Classification 3 – Services to cover the cost of security patrols needed in overnight garage patrol which is due to the lack of appointed staff coverage. The surplus comes from the department not pursuing the budgeted sign installation package and a reduced amount of supplies, ticketing, and card purchases in 2022. There is no fiscal impact due to this request.
 9. **Solid Waste Fund – Sanitation – the Public Works Department, Sanitation Division**, is requesting a \$25,258 transfer of funds from Classification 1 – Personnel Services to Classification 2 – Supplies to cover the increased fuel costs. The savings will come from not utilizing any more temporary employees for the remainder of 2022. There is no fiscal impact due to this request.
 10. **Fleet Maintenance Fund – the Public Works Department, Fleet Division**, is requesting a transfer of \$108,000 from Classification 3 – Services and \$120,000 from Classification 4 - Capital to Classification 2 – Supplies to cover the higher than anticipated 2022 fuel costs. The savings will come from unused travel in Classification 3. In Classification 4, the underground fuel tank enhancement project came in under budget, the overhead door replace and repair project was completed with prior year funds, and some planned equipment purchases weren't fulfilled due to supply chain issues. There is no fiscal impact due to this request.
 11. **Housing Development Fund – the Housing and Neighborhood Development Department** is requesting an additional appropriation of \$500,000 in Classification 3 – Services. This request will be used for affordable housing projects.

Thank you for your consideration of this request. As always, we are happy to answer questions related to this request.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-30 – An Ordinance Authorizing the Issuance of the City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Public Safety Facilities, Including Costs Incurred in Connection with and on Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, and Addressing Other Matters Connected Therewith

Synopsis

This ordinance authorizes the City of Bloomington to issue its General Revenue Annual Appropriation Bonds, Series 2022, in one or more series, in the aggregate principal amount not to exceed \$29,500,000. The bonds will be issued to finance costs of constructing, renovating, replacing, repairing, improving and/or equipping certain facilities for the City's police and fire department, together with the costs of issuance thereof.

Relevant Materials

- Ordinance 22-30
 - Exhibit A – Description of the Projects
- Memo from Mayor John Hamilton, Controller Jeff Underwood, and Corporation Counsel Beth Cate

Summary

Ordinance 22-30 authorizes the issuance of up to \$29,500,000 in General Revenue Annual Appropriation Bonds, Series 2022. The purpose of the bonds is to finance the costs associated with capital projects aimed at providing improved public safety facilities for the City's police and fire departments. Exhibit A to Ordinance 22-30 describes in general terms the projects for which bond revenues could be spent, including any or all of the following:

- A new downtown fire station facility - acquisition of real property, design, construction and/or equipping thereon;
- Four existing fire station facilities - design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping;
- New consolidated headquarters for the police and fire departments - acquisition of real property (including any portion of the property comprising the existing Showers Building complex not currently owned by the City) and design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property;



- Existing police headquarter facilities - design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping;
- New public safety training center - acquisition of real property and design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property;
- Existing public safety training center - design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping;
- Any (i) property acquisition, (ii) construction, demolition, renovation, improvement and/or excavation work, (iii) utility relocation, (iv) architectural, engineering and/or surveying services, (v) site development work, and (vi) equipment, which are related to the foregoing projects.

In the wake of this ordinance appearing at a Council Work Session on October 7th, the Council Office and a number of councilmembers requested additional information about the projects to be funded with the proposed bonds. The memorandum provided by the administration (included in this packet) notes that a final proposed project list with total estimated costs for each project will be provided to the Council no later than Monday, November 28, 2022.

General Overview of Bond Ordinances

Bond ordinances are long and very technical documents that set forth the procedures and the assurances necessary for the relevant financial interests to engage in these transactions. The following paragraphs categorize and highlight the provisions of the ordinance. In brief, the ordinance:

Amount and Purpose of the Bonds; Additional Appropriation

- Authorizes the City to issue General Revenue Annual Appropriation Bonds, Series 2022 to provide financing for the projects listed above in an amount not to exceed \$29.5 million at a rate not to exceed 6% with a maturity no later than 25 years from the date of issuance;
- Appropriates \$29.5 million to be provided out of the bond proceeds for the purpose of paying for the projects listed above (a public hearing associated with this additional appropriation is scheduled for December 7th, 2022).

Form of Refunding Bonds, Source and Security of Payment, and Use of Proceeds

- Includes the form and tenor that the bonds shall take (in Section 6 of the ordinance);
- States that the bonds are payable solely from the legally available revenues of the City, subject to annual appropriation by the Council of the necessary funds;
- Sets forth the manner of execution, sale, and delivery of the bonds; and



City of Bloomington Indiana

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- Specifies the accounts and funds that bond proceeds would be placed in – notably, bond proceeds would go into a Construction Fund and expenses for the projects would be paid for out of this fund.

Safeguarding Bondholders

- Requires the Controller to provide an annual certification to the Mayor and Council of the aggregate amount of upcoming principal, interest, and any fiscal agency charges coming due on the bonds;
- States that the Mayor and Controller will use their best efforts to include an annual appropriation of revenues as part of the annual budget to ensure timely payment of the debt service;
- Requires the separation of funds into various accounts and prescribes the uses and minimum balances of these accounts;
- Prohibits the City from amending the ordinance in a manner that adversely affects bond holders without obtaining consent of owners of at least 66 2/3% of the principle; and
- Repeals portions of any previous ordinances that are inconsistent with these provisions.

Contact

Beth Cate, Corporation Counsel, beth.cate@bloomington.in.gov, 812-349-3426

Jeff Underwood, Controller, underwoj@bloomington.in.gov, 812-349-3416

ORDINANCE 22-30

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF BLOOMINGTON, INDIANA, GENERAL REVENUE ANNUAL APPROPRIATION BONDS, SERIES 2022, TO PROVIDE FUNDS TO FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS FOR PUBLIC SAFETY FACILITIES, INCLUDING COSTS INCURRED IN CONNECTION WITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS, AND APPROPRIATING THE PROCEEDS DERIVED FROM THE SALE OF SUCH BONDS, AND ADDRESSING OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the Common Council (the “Common Council”) of the City of Bloomington, Indiana (the “City”) has given consideration to the acquisition of property, if necessary, and the design, construction, renovation, replacement, repair, upgrading, improvement and/or equipping of certain capital projects and/or improvements thereon as more particularly described on Exhibit A hereto (collectively, the “Projects”), for the purpose of replacing, repairing and/or upgrading damaged or inadequate facilities of the City’s public safety departments in order to better serve residents of the City, to help attract and retain employees, and to achieve certain nationally-recognized standards for fire and police protection services; and

WHEREAS, the Common Council has determined and found that it will be of public utility and benefit and in the best interests of the inhabitants and property in the City to undertake the Projects and to finance the costs thereof; and

WHEREAS, the Common Council deems it advisable to issue the bonds authorized hereunder, pursuant to Indiana Code 36-4-6-19, as amended, and other applicable provisions of the Indiana Code (collectively, the “Act”); and

WHEREAS, the Common Council now desires to authorize the issuance, in one or more series, of bonds of the City payable from general revenues of the City, subject to annual appropriation, pursuant to Indiana Code § 36-4-6-19, as amended, designated as the “City of Bloomington, Indiana General Revenue Annual Appropriation Bonds, Series 2022”, with such different or additional series designation determined to be necessary or appropriate (the “Bonds”), in the original aggregate principal amount not to exceed Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000), for the purpose of providing funds to be applied to (a) pay all or a portion of the costs of the Projects, (b) pay capitalized interest on the Bonds, if necessary, (c) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, if necessary, and (d) pay the costs incurred in connection with the issuance and sale of the Bonds and all incidental expenses therewith, including the cost of any credit enhancement with respect thereto (if necessary); and

WHEREAS, the Monroe County Local Income Tax Council (the “Income Tax Council”) has imposed a county option income tax pursuant to IC 6-3.5-6 (repealed) on the adjusted gross income of Monroe County, Indiana (the “County”) taxpayers, which now has been codified as the local income tax at IC 6-3.6 (“LIT”), and a portion of the additional revenue derived from the LIT expenditure rate under IC 6-3.6-6 has been allocated by the Income Tax Council to economic development purposes under IC 6-3.6-6-4 (such portion of additional revenue allocated to economic development purposes, the “EDIT”); and

WHEREAS, the Common Council reasonably expects the Bonds to be paid from an annual appropriation of the EDIT revenues to be received by the City, however, the City has no legal obligation to make any such appropriations and the City is not legally pledging the EDIT revenues to pay the principal of or interest on the Bonds; and

WHEREAS, the amount of proceeds of the bonds authorized herein to finance the Projects, together with estimated investment earnings thereon, does not exceed the cost of such financing as estimated by the Common Council; and

WHEREAS, the City expects to pay for certain costs of the Bonds or costs related to the Projects (collectively, the “Expenditures”) prior to the issuance of the Bonds, and to reimburse the Expenditures with proceeds received by the City upon the issuance of the Bonds; and

WHEREAS, the Common Council desires to establish its intent, on behalf of the City, to reimburse the Expenditures pursuant to U.S. Treasury Regulation § 1.150-2 and Indiana Code § 5-1-14-6(c), each as amended; and

WHEREAS, the Common Council has found that there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the costs of the Projects and has authorized the issuance of the Bonds to procure such funds, and that an extraordinary emergency exists for the making of the additional appropriation hereinafter set out; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Bonds of the City have been complied with in accordance with the Act.

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

SECTION 1. Authorization of Bonds; Declaration of Official Intent. (a) In order to provide financing for the Projects, capitalized interest on the Bonds (if necessary), fund a debt service reserve fund (if necessary), and incidental expenses incurred in connection therewith and on account of the issuance of the Bonds, the City shall borrow money and issue the Bonds as herein authorized. Such incidental expenses shall include, without limitation, all expenses of every kind incurred preliminarily to the financing of the Projects, including the costs of issuing the Bonds. The City covenants that the proceeds of the Bonds will not be used for any purpose except as described in this Ordinance. Where used in this Ordinance, the term “City” shall be construed also to include any department, board, commission or officer or officers of the City or of any City department, board or commission.

(b) The Council hereby declares the official intent of the City to issue the Bonds to finance the costs of the Projects, and hereby declares that it reasonably expects to reimburse the City’s advancements to pay the Expenditures for the Projects as anticipated by this Ordinance, from proceeds of the Bonds, when and if issued, in accordance with U.S. Treasury Regulation § 1.150-2 and Indiana Code § 5-1-14-6(c).

SECTION 2. Additional Appropriation. There is hereby appropriated the sum of Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000), together with all investment earnings thereon, to be provided for out of the proceeds of the Bonds, for the purpose of providing funds to pay the costs of the Projects, including related costs and the costs of issuing the Bonds. Such appropriation shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the described purposes.

SECTION 3. General Terms of Bonds. In accordance with the Act and in order to procure said loan for such purposes, the Controller of the City (the “Controller”) is hereby authorized and directed to have prepared and to issue and sell, in one or more series, Bonds of the City, designated “City of Bloomington, Indiana General Revenue Annual Appropriation Bonds, Series 2022”, with any such further or different series designation as determined by the Controller to be necessary or appropriate, in the aggregate principal amount not to exceed Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000) (the “Bonds”), for the purpose of providing funds to (i) pay costs of the Projects, (ii) pay capitalized interest on the Bonds, if necessary, (iii) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, if necessary, and (iv) pay the costs incurred on account of the issuance and sale of the Bonds, including any premiums for any municipal bond insurance policies, if any.

THE PRINCIPAL OF, INTEREST ON, AND PREMIUM, IF ANY, ON THE BONDS IS PAYABLE SOLELY FROM LEGALLY AVAILABLE REVENUES OF THE CITY, BUT SUBJECT TO AND CONDITIONED UPON THE APPROPRIATION ON AN ANNUAL BASIS BY THE COMMON COUNCIL OF THE NECESSARY FUNDS TO PAY THE PRINCIPAL OF, INTEREST ON, AND PREMIUM, IF ANY, ON THE BONDS FROM ONE OR MORE FUNDS OR ACCOUNTS OF THE CITY AND THE TRANSFER AND DEPOSIT OF ANY AMOUNTS SO APPROPRIATED TO THE SINKING FUND (AS DEFINED HEREIN), AS DETERMINED BY THE COMMON COUNCIL IN ITS SOLE DISCRETION.

The principal of, interest on, and premium, if any, on the Bonds shall never be paid from “property taxes”, as such term is defined under Indiana Code 6-1.1-20-1.6, which are exempt from the levy limitations of Indiana Code 6-1.1-18.5. The Bonds and the interest thereon do not and shall not constitute an indebtedness of the City, the State of Indiana (the “State”) or any political subdivision thereof within the meaning of any constitutional limitation, but shall be special and limited obligations of the City, payable solely from any revenues annually appropriated and deposited into the Sinking Fund (as defined herein) as determined by the Common Council in its sole discretion. Each Bond must state plainly on its face that it is payable solely from any amounts annually appropriated for such purpose and deposited into the Sinking Fund and that it does not constitute a general obligation of, an indebtedness of, or charge against the general credit of, the City, the State or any political subdivision thereof. Neither the faith and credit nor the taxing power of the City is or may be pledged for the payment of the principal of, premium (if any) on, or interest on the Bonds. An owner of the Bonds is not entitled to compel the exercise of the taxing power by the City or the forfeiture of any of its property in connection with any default on the Bonds.

The Bonds shall be issued in one or more series as fully registered bonds in denominations of: (i) Five Thousand Dollars (\$5,000) or any integral multiple thereof, or (ii) if sold through a private placement, in denominations of One Hundred Thousand Dollars (\$100,000), plus any integral multiple of Five Thousand Dollars (\$5,000) in excess thereof, or the aggregate principal amount of such Bonds maturing in any year if less than \$100,000; in either case not exceeding the aggregate principal amount of the Bonds maturing in any one year. The Bonds shall be numbered consecutively from R-1 upward, and shall bear interest at a rate or rates not to exceed six percent (6.00%) per annum (the exact rate or rates to be determined by bidding or through negotiations, as determined by the Controller). Interest on the Bonds shall be payable semiannually on January 1 and July 1 of each year (each an “Interest Payment Date”), commencing not earlier than July 1, 2023. The principal of the Bonds shall mature semiannually on January 1 and July 1 of each year, or be subject to mandatory sinking fund redemption on such dates, commencing not earlier than July 1, 2023, and ending no later than twenty-five (25) years following the date of issuance thereof, until the principal is fully paid. Interest on the Bonds shall be calculated according to a 360-day calendar year containing twelve 30-day months. Subject to the terms and conditions herein, the Bonds shall mature on such dates and amounts as determined by the Controller prior to the sale of the Bonds with the advice of O.W. Krohn & Associates, LLP, as municipal advisor to the City (the “Municipal Advisor”).

All payments of interest on the Bonds shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof as of the fifteenth (15th) day of the month immediately preceding an Interest Payment Date at the addresses as they appear on the registration books kept by the Registrar (the “Registration Record”) or at such other address as is provided to the Paying Agent (as hereafter defined) in writing by such registered owner. Each registered owner of \$1,000,000 or more in principal amount of Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the record date for any payment. All principal payments on the Bonds shall be made upon surrender thereof at the principal corporate trust office of the Paying Agent, in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts.

The Bonds shall bear an original issue date which shall be the date of delivery and each Bond shall also bear the date of its authentication. Any Bond authenticated on or before the fifteenth (15th) day of the month immediately preceding the first Interest Payment Date, shall pay interest from its original date. Any Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such Bond to which interest thereon has been paid or duly provided for, unless such Bond is authenticated after the fifteenth (15th) day of the month immediately preceding an Interest Payment Date and on or before such

Interest Payment Date, in which case interest thereon shall be paid from such Interest Payment Date.

Each Bond shall be transferable or exchangeable only on the books of the City maintained for such purpose at the designated corporate trust operations office of the Registrar, by the registered owner thereof in person, or by his or her attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Each Bond may be transferred or exchanged without cost to the registered owner or his or her attorney duly authorized in writing, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any transfer or exchange of any Bond (i) during the fifteen (15) days immediately preceding an Interest Payment Date or (ii) after the mailing of notice calling such Bond for redemption. The City, the Registrar and the Paying Agent may treat and consider the person in whose name any Bond is registered as the absolute owner thereof for all purposes including the purpose of receiving payment of, or on account of, the principal thereof and redemption premium, if any, and interest thereon.

In the event any Bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar may authenticate a new Bond of like date, maturity and denomination as the mutilated, lost, stolen or destroyed Bond, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event that any such mutilated, lost, stolen or destroyed Bond shall have matured or been called for redemption, instead of causing to be issued a duplicate Bond, the Registrar and Paying Agent may pay the same upon surrender of the mutilated Bond or satisfactory indemnity and proof of loss, theft or destruction in the case of a lost, stolen or destroyed Bond. The City and the Registrar and Paying Agent may charge the owner of any such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bond, constitute a substitute contractual obligation of the City pursuant to this Ordinance, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds duly issued hereunder.

SECTION 4. Terms of Redemption. The Mayor and the Controller, upon consultation with the Municipal Advisor, may designate maturities of Bonds (or portion thereof in integral multiples of \$5,000 principal amount each) that shall be subject to optional redemption and/or maturity sinking fund redemption, and the corresponding redemption dates, amounts and prices (including premium, if any). Except as otherwise set forth in this Ordinance, the Mayor and the Controller, upon consultation with the Municipal Advisor, are hereby authorized and directed to determine the terms governing any such redemption, as evidenced by the delivery of the Bonds.

If any Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the City, any Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Bond maturing as a term bond so delivered or cancelled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of optional and mandatory redemption. If less than an entire maturity is called for redemption, the Bonds to be called shall be selected by lot by the Registrar.

Notice of redemption shall be mailed by first-class mail or by registered or certified mail to the address of each registered owner of a Bond to be redeemed as shown on the Registration Record not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption except to the extent such redemption notice is waived by owners of Bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of any proceedings for the redemption of any other Bonds. The notice shall specify the date and place of redemption, the redemption price, the CUSIP numbers (if any) of the Bonds called for redemption, and any conditions precedent to such redemption. The place of redemption may be at the designated corporate trust operations office of the Paying Agent or as otherwise determined by the City. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such Bonds shall no longer be protected by this ordinance and shall not be deemed to be outstanding hereunder, and the holders thereof shall have the right only to receive the redemption price.

All Bonds which have been redeemed shall be canceled and shall not be reissued; provided, however, that one or more new registered Bonds shall be issued for the unredeemed portion of any Bond without charge to the holder thereof.

No later than the date fixed for redemption, funds shall be deposited with the Paying Agent or another paying agent to pay, and such agent is hereby authorized and directed to apply such funds to the payment of, the Bonds or portions thereof called for redemption, including accrued interest thereon to the redemption date. No payment shall be made upon any Bond or portion thereof called for redemption until such Bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by this resolution with respect to any mutilated, lost, stolen or destroyed Bond.

SECTION 5. Appointment of Registrar and Paying Agent. The Controller is hereby authorized to serve as, or to appoint a qualified financial institution to serve as, the registrar and paying agent for the Bonds (the "Registrar" or "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the Bonds, and shall keep and maintain at its principal office or corporate trust office books for the registration and transfer of the Bonds. The Controller and the Mayor are hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of the Registrar and Paying Agent. The Controller is authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days written notice to the Controller and to each registered owner of the Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Such notice to the Controller may be served personally or be sent by first-class or registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the City, in which event the Mayor may appoint a successor Registrar and Paying Agent. The City shall notify each registered owner of the Bonds then outstanding of the removal of the Registrar and Paying Agent. Notices to registered owners of the Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Bond register. Any predecessor Registrar and Paying Agent shall deliver all the Bonds, cash and investments in its possession and the Bond register to the successor Registrar and Paying Agent. At all times, the same entity shall serve as Registrar and as Paying Agent.

SECTION 6. Form of Bonds; Authorization of Book-Entry System. (a) The form and tenor of the Bonds shall be substantially as follows, all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof:

R-__

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MONROE

CITY OF BLOOMINGTON, INDIANA
 GENERAL REVENUE ANNUAL APPROPRIATION BOND, SERIES 2022

Interest <u>Rate</u>	Maturity <u>Date</u>	Original <u>Date</u>	Authentication <u>Date</u>	[CUSIP]
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REGISTERED OWNER: _____

PRINCIPAL SUM: _____ DOLLARS (\$ _____)

The City of Bloomington, in Monroe County, Indiana (the “City”) for value received, hereby promises to pay to the Registered Owner set forth above, or registered assigns, the Principal Sum set forth above, solely out of the sinking fund hereinafter referred to, on the Maturity Date set forth above (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon until the Principal Sum shall be fully paid upon redemption or at maturity, at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond, unless this bond is authenticated after the fifteenth day of the month immediately preceding an interest payment date (the “Record Date”) and on or before the next such interest payment date, in which case it shall bear interest from such next interest payment date, or unless this bond is authenticated on or before [June 15, 2023], in which case it shall bear interest from the Original Date specified above, with such interest payable semiannually on January 1 and July 1 of each year, commencing [July 1, 2023]. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of and premium, if any, on this bond is payable at designated office of _____ (the “Registrar” or “Paying Agent”), in the City of _____, _____. All payments of interest on this bond shall be paid by check mailed one business day prior to the interest payment date to the registered owner hereof as of the Record Date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner prior to the Record Date. Each registered owner of \$1,000,000 or more in principal amount of Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the Record Date for any payment. All payments of principal of and premium, if any, on this bond shall be made upon surrender thereof at the principal corporate trust office of the Paying Agent in any coin or currency of the United States of America which on the dates of such payment shall be legal tender for the payment of public and private debts.

This bond is one of an authorized series of bonds of like date, tenor and effect, except as to denomination, numbering, rates of interest, redemption terms and dates of maturity, aggregating _____ Dollars (\$ _____), numbered and lettered consecutively from R 1 upward (the “Bonds”), issued for the purpose of providing funds to pay costs of the Projects (as defined in the Ordinance), [pay capitalized interest,] [fund a debt service reserve fund,] and pay the costs of issuance of the Bonds. This bond is issued pursuant to Ordinance No. _____ adopted by the Common Council of the City (the “Common Council”) on the ____ day of _____, 2022 (the “Ordinance”), and in accordance with the provisions of Indiana law, including, without limitation, Indiana Code 36-4-6-19, as amended, and other applicable provisions of the Indiana Code, as amended (collectively, the “Act”).

THE PRINCIPAL OF, INTEREST ON, AND PREMIUM, IF ANY, ON THE BONDS IS PAYABLE SOLELY FROM LEGALLY AVAILABLE REVENUES OF THE CITY DEPOSITED INTO THE SINKING FUND (AS DEFINED IN THE ORDINANCE), BUT SUBJECT TO AND CONDITIONED UPON THE APPROPRIATION ON AN ANNUAL BASIS BY THE COMMON COUNCIL OF THE NECESSARY FUNDS TO PAY THE PRINCIPAL OF, INTEREST ON, AND PREMIUM, IF ANY, ON THE BONDS FROM ONE OR MORE FUNDS OR ACCOUNTS OF THE CITY AND THE TRANSFER AND DEPOSIT OF ANY AMOUNTS SO APPROPRIATED TO THE SINKING FUND, AS DETERMINED BY THE COMMON COUNCIL IN ITS SOLE DISCRETION. The principal of, interest on, and premium, if any, on the Bonds shall never be paid from “property taxes”, as such term is defined under Indiana Code 6-1.1-20-1.6, which are exempt from the levy limitations of Indiana Code 6-1.1-18.5. The Bonds and the interest thereon do not and shall not constitute an indebtedness of the City, the State or any political subdivision thereof within the meaning of any constitutional limitation, but shall be special and limited obligations of the City, payable solely from revenues and other amounts annually appropriated and deposited into the Sinking Fund created and established under the Ordinance. The Bonds do not constitute a general obligation of, an indebtedness of, or charge against the general credit of, the City, the State or any political subdivision thereof. Neither the faith and credit nor the taxing power of the City is or may be pledged for the payment of the principal of, premium (if any) on, or interest on the Bonds. An owner of the Bonds is not entitled to compel the exercise of the taxing power by the City or the forfeiture of any of its property in connection with any default on the Bonds. BY ITS PAYMENT FOR AND ACCEPTANCE OF THIS BOND (OR ANY INTEREST THEREIN), THE REGISTERED OWNER AND BENEFICIAL OWNER OF THIS BOND HEREBY AGREES TO

ALL OF THE TERMS AND PROVISIONS CONTAINED IN THIS BOND, THE ORDINANCE AND THE ACT.

[Insert optional redemption terms, if applicable].

[The bonds maturing on _____ 1, ___ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

<u>Date</u>	<u>Amount</u>
-------------	---------------

*

*Final Maturity]

[Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of mandatory redemption. If less than an entire maturity is called for redemption, the bonds to be redeemed shall be selected by lot by the Registrar.]

Notice of such redemption shall be mailed to the address of the registered owners of the Bonds to be redeemed as shown on the registration records of the City, as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) and not more than sixty (60) days prior to the date fixed for redemption, unless the notice is waived by the registered owner of the Bonds to be redeemed. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Bonds called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such bonds shall no longer be protected by the Ordinance and shall not be deemed to be outstanding thereunder.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Paying Agent, an amount sufficient to pay such Bond or the redemption price, as the case may be, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability with respect thereto.

This Bond is subject to defeasance prior to payment as provided in the Ordinance.

If this bond shall not be presented for payment on the date fixed therefor, the City may deposit in trust with the Paying Agent or another paying agent, an amount sufficient to pay such Bond, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability in respect thereto.

This Bond is transferable or exchangeable only upon the books of the City kept for that purpose at the office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. The City, any registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The Bonds maturing in any one year are issuable only in fully registered form in the denomination of [\$5,000 or any integral multiple thereof][\$100,000 plus integral multiples of \$1,000 in excess thereof].

[A Continuing Disclosure Contract from the City to each registered owner or holder of any Bond, dated as of the date of initial issuance of the Bonds (the "Contract"), has been executed by the City, a copy of which is available from the City and the terms of which are incorporated herein by this reference. The Contract contains certain promises of the City to each registered owner or holder of any Bond, including a promise to provide certain continuing disclosure. By its payment for and acceptance of this bond, the registered owner or holder of this bond assents to the Contract and to the exchange of such payment and acceptance for such promises.]

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Bloomington, Indiana, in Monroe County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of its duly elected, qualified and acting Mayor, and its corporate seal, if any, to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by the Controller of the City.

CITY OF BLOOMINGTON, INDIANA

By: _____
Mayor

(SEAL)

ATTEST:

Controller

CERTIFICATE OF AUTHENTICATION

It is hereby certified that this bond is one of the Bonds described in the within-mentioned Ordinance duly authenticated by the Registrar.

_____, as Registrar

By: _____
Authorized Representative

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

- TEN. COM. as tenants in common
 - TEN. ENT. as tenants by the entireties
 - JT. TEN. as joint tenants with right of survivorship and not as tenants in common
 - UNIF. TRANS. _____ Custodian _____
MIN. ACT (Cust.) (Minor)
- under Uniform Transfers to Minors Act of _____
(State)

Additional abbreviations may also be used, although not contained in the above list.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (Please Print or Typewrite Name and Address) \$ _____ principal amount (must be a multiple of \$5,000) of the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney to transfer the within Bond on the books kept for the registration thereof with full power of substitution in the premises.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating

in a Securities Transfer Association recognized signature guarantee program.

(End of Form of Bonds)

(b) The Bonds may, in compliance with all applicable laws and as determined by the Controller based upon the advice of the Municipal Advisor, initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (the "Clearing Agency"), without physical distribution of Bonds to the purchasers. The following provisions of this section apply in such event.

One definitive Bond of each maturity shall be delivered to the Clearing Agency (or its agent) and held in its custody. The City and the Registrar and Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Bonds as are necessary or appropriate to accomplish or recognize such book-entry form Bonds.

During any time that the Bonds remain and are held in book-entry form on the books of a Clearing Agency, (1) any such Bond may be registered upon the books kept by the Registrar in the name of such Clearing Agency, or any nominee thereof, including Cede & Co., as nominee of The Depository Trust Company; (2) the Clearing Agency in whose name such Bond is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest on such Bond, the receiving of notice and giving of consent; (3) neither the City nor the Registrar or Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any Bond, the receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any Bond called for partial redemption prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

If either the City receives notice from the Clearing Agency which is currently the registered owner of the Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Bonds, or the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Bonds, then the City and Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the Bonds and to transfer the ownership of each of the Bonds to such person or persons, including any other Clearing Agency, as the holders of the Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Bonds, shall be paid by the City.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of Bonds as of a record date selected by the Registrar. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the Bonds as the Noteholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Ordinance.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Mayor, the Controller and/or the Registrar are authorized to execute and deliver a Letter of Representations agreement with the Clearing Agency, or a Blanket Issuer Letter of Representations, and the provisions of any such Letter of Representations or any successor

agreement shall control on the matters set forth therein. The Registrar, by accepting the duties of Registrar under this Ordinance, agrees that it will (i) undertake the duties of agent required thereby and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar, and (ii) comply with all requirements of the Clearing Agency, including without limitation same day funds settlement payment procedures. Further, during any time that the Bonds are held in book-entry form, the provisions of Section 5 of this Ordinance shall control over conflicting provisions in any other section of this Ordinance.

SECTION 7. Execution and Authentication of the Bonds. In accordance with the terms hereof and the provisions of Indiana Code 5-1-3 and Indiana Code 5-1-14-18, the Bonds shall be executed in the name of the City by the manual, facsimile or electronic signature (as defined in Indiana Code 26-2-8-102(10), as amended) of the Mayor, and attested by the manual, facsimile or electronic signature of the Controller, with the seal of the City, if any, or a facsimile thereof to be affixed to each of the Bonds. The Bonds shall be authenticated by the manual, facsimile or electronic signature of the Registrar, and no Bonds shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed. In case any official whose signature appears on any Bonds shall cease to be such official before the delivery of such Bonds, the signature of such official shall nevertheless be valid and sufficient for all purposes, the same as if such official had been in office at the time of such delivery. Subject to the provisions of this Ordinance regarding the registration of the Bonds, the Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

SECTION 8. Issuance, Sale and Delivery of the Bonds. The Controller is hereby authorized and directed to have the Bonds prepared, and the Mayor and the Controller are hereby authorized and directed to execute or to cause the execution of the Bonds in the form and manner herein provided. The Controller is hereby authorized and directed to deliver the Bonds to the purchaser or purchasers thereof upon compliance with the requirements established hereunder and under the Act for the sale thereof, and to collect the full amount which the purchaser or respective purchasers have agreed to pay therefor, which shall not be less than 99.0% of the par amount of the Bonds, plus accrued interest thereon to the date of delivery. The Bonds, when fully paid for and delivered to the purchaser or purchasers shall be binding special and limited obligations of the City subject to an annual appropriation, payable out of any legally available revenues of the City annually appropriated for such purpose and transferred into the Sinking Fund as herein provided; however, the Common Council has no legal obligation to appropriate any such legally available revenues from any fund or account of the City for such purpose, and the decision whether to make an appropriation in its annual budget for such purpose is within the sole discretion of the Common Council. The proceeds derived from the sale of the Bonds shall be and are hereby set aside for the application to the costs of the Projects and the expenses necessarily incurred in connection therewith including the expenses incurred in the issuance of the Bonds on account of the financing thereof. The authorized officers of the City are hereby authorized and directed to draw all proper and necessary warrants and to do whatever other acts and things that may be necessary or appropriate to carry out the provisions of this Ordinance.

If the Bonds are sold by competitive bid, the Controller shall cause to be published either (i) a notice of such sale two (2) times, at least one (1) week apart, with the first publication made at least fifteen (15) days before the date of such sale and the second publication at least three (3) days before the date of the sale in accordance with Indiana Code 5-3-1-2 in one (1) newspaper, as defined in and in accordance with Indiana Code 5-3-1-4, or (ii) a notice of intent to sell bonds once each week for two (2) weeks in accordance with Indiana Code 5-1-11-2 and Indiana Code 5-3-1-4 and in a newspaper of general circulation published in the State capital, in which case bids may not be received more than ninety (90) days after the first publication. Such notice, or a summary thereof, may also be published in any other publications deemed appropriate in the discretion of the Controller. The bond sale notice shall state the time and place of sale, the purpose for which the Bonds are being issued, the total amount and maturities thereof, the maximum rate of interest thereon and any limitations as to the number of interest rates and the setting of such rates, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller and the attorneys employed by the City shall deem necessary or advisable. Such notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check or wire transfer in the amount of one percent of the par amount of the Bonds to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of and pay for the Bonds as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then such

check and the proceeds thereof shall become the property of the City and shall be considered as the City's liquidated damages on account of such default.

All bids for the Bonds shall be sealed and shall be presented to the Controller or his or designee at the physical or electronic address identified in the notice. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding six percent (6.00%) per annum. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-hundredth (1/100) of one percent. Bids specifying more than one interest rate shall also specify the amount and maturities of the Bonds bearing each rate, and all Bonds maturing on the same date shall bear the same rate. The rate on any maturity shall be equal to or greater than the rate on the immediately preceding maturity. The Bonds shall be awarded by the Controller to the best bidder who has submitted a bid in accordance with the terms of this Ordinance and the notice of sale. The best bidder will be the bidder who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the Bonds from the date thereof to their respective maturities and deducting therefrom the premium bid, if any. No bid for less than all of the Bonds, plus accrued interest to the date of delivery, shall be considered. The City shall have the right to reject any and all bids. In the event an acceptable bid is not received on the date fixed in the notice, the Controller shall be authorized to continue the sale from day to day for a period of not to exceed thirty (30) days without readvertising. During the continuation of the sale, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time originally fixed for the sale of the Bonds in the bond sale notice.

As an alternative to competitive bid, the Controller may negotiate the sale of said Bonds at an interest rate or rates not exceeding six percent (6.00%) per annum. The Mayor and the Controller are hereby authorized to (i) execute a purchase agreement with the purchaser, and (ii) sell such Bonds upon such terms as are acceptable to the Mayor and the Controller consistent with the terms of this Ordinance. The final form of the purchase agreement shall be approved by the Mayor and Controller, upon the advice of the City's bond counsel and Municipal Advisor, and the Mayor and Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City so long as its provisions are consistent with the Ordinance.

Prior to the delivery of the Bonds, the Controller (i) shall be authorized, but not required, to investigate and to obtain insurance, surety bonds and/or credit ratings on the Bonds and (ii) shall obtain a legal opinion as to the validity of the Bonds from Barnes & Thornburg LLP, Indianapolis, Indiana, bond counsel for the City, and such opinion shall be furnished to the purchasers of the Bonds at the expense of the City. The costs of obtaining any such insurance, surety bonds and/or credit ratings, together with bond counsel's fee in preparing and delivering such opinion and in the performance of related services in connection with the issuance, sale and delivery of the Bonds, shall be considered as a part of the cost of issuance of the Bonds and shall be paid out of the proceeds of the sale of the Bonds.

By its payment for and acceptance of any Bonds (or any interest therein), each registered or beneficial owner of such Bonds hereby agrees to all of the terms and provisions contained in the Bonds, this Ordinance and the Act.

SECTION 9. Use of Bond Proceeds. Proceeds of the Bonds shall be applied as follows and in the following order of priority:

(a) *First*, if proceeds of the Bonds will be used to fund all or a portion of the Reserve Account (as defined herein), the Controller shall transfer such proceeds to the Reserve Account of the Sinking Fund, as hereinafter described.

(b) *Second*, the remaining proceeds received from the sale of the Bonds shall be deposited in a separate construction fund designated as the City of Bloomington, Indiana, 2022 Public Safety Projects Construction Fund (the "Construction Fund"). The proceeds deposited in the Construction Fund shall be expended only for the purpose of paying expenses incurred in connection with the Projects together with the costs and expenses incidental thereto and on account of the issuance of the Bonds. The Controller is authorized to pay costs of issuance from the proceeds of the Bonds deposited into the Construction Fund. Any balance remaining in the Construction Fund after the completion of the Projects which is not required to meet unpaid obligations incurred in connection therewith and on account of the issuance of the Bonds may be used to pay debt service on the Bonds or otherwise used as permitted by law.

SECTION 10. Funds and Accounts. (a) Sinking Fund. There is hereby created a separate fund, designated as the “City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds of 2022, Sinking Fund” (the “Sinking Fund”), which shall consist of an account created and designated as the “Revenues Account” (the “Revenues Account”). Prior to the sale of the Bonds, the Controller, with the advice of the Municipal Advisor, is authorized to create an account within the Sinking Fund designated as the “Debt Service Reserve Account” (the “Reserve Account”), as provided in the following paragraph. Funds deposited into the Sinking Fund shall be applied to the payment of the principal of and interest on the Bonds, together with any fiscal or administrative charges related to the Bonds.

(b) Revenues Account. There shall be deposited by the Controller into the Revenues Account, as and when received, all revenues appropriated by the Common Council in its sole discretion for transfer and deposit into the Sinking Fund during such fiscal year for the purpose of paying the principal of, premium, if any, and interest on the Bonds, together with any fiscal agency charges, as the same becomes due. Nothing herein should be construed as requiring the Common Council or any other board, department, agency, commission or special taxing district of the City to appropriate and transfer any legally available revenues to the Revenues Account from any source, other than any revenues annually appropriated by the Common Council for such purpose as determined by the Common Council in its sole discretion. Moneys in the Revenues Account shall be used by the Paying Agent solely for the purpose of paying the interest, premium, if any, and principal on the Bonds as such becomes due, whether at maturity or upon redemption. Any amounts appropriated and deposited in the Revenues Account are hereby irrevocably pledged by the City to the payment of the Bonds, such pledge being effective as set forth in Indiana Code § 5-1-14-4 without the necessity of filing or recording this Ordinance or any instrument except in the records of the City. The Mayor and the Controller are authorized to enter into agreements or undertakings as the Mayor and the Controller deem necessary or appropriate to further effectuate such pledge of amounts deposited into the Revenues Account of the Sinking Fund hereunder. If necessary in order to facilitate the deposit of any revenues or other funds so appropriated by the Common Council into the Revenues Account, the Mayor is hereby authorized to execute, and the Controller is authorized to attest, a revenue deposit agreement, in a form and substance acceptable to the Mayor and Controller, based upon the advice of the City’s bond counsel, with such approval to be conclusively evidenced by the execution thereof by Mayor and attested by the Controller.

(c) Reserve Account. If, at or prior to the sale of the Bonds, it is determined by the Controller, with the advice of the Municipal Advisor, to be necessary to establish a Reserve Account for the Bonds, then the Reserve Account shall be established, and there shall be set aside from the proceeds of such series of Bonds or other legally available money of the City and deposited in the Reserve Account an amount of money that shall be required to maintain the Reserve Account in the full amount of the Reserve Requirement (as defined below). If so established, no deposit need be made in the Reserve Account so long as there shall be on deposit therein a sum no greater than the least of (i) 10% of the stated principal amount or the issue price of the Bonds, determined in accordance with U.S. Treasury Regulation Section 1.148-2(f)(2)(ii), (ii) the maximum annual principal and interest requirements on the Bonds, and (iii) 125% of the average annual principal and interest requirements on the Bonds (the “Reserve Requirement”), with the amount of any such Reserve Requirement to be determined by the Controller prior to the sale of the Bonds, based on the recommendation of the Municipal Advisor. All money in the Reserve Account shall be used and withdrawn by the City solely for the purpose of making deposits into the Revenues Account, in the event of any deficiency at any time in such account, or for the purpose of paying the interest on or principal of or redemption premiums, if any, on the Bonds, in the event that no other money is lawfully available therefor. Any amount in the Reserve Account in excess of the Reserve Requirement shall be withdrawn from the Reserve Account and deposited in the Revenues Account. Money in the Reserve Account shall also be available to make the final payments of interest and principal on the Bonds. At its option, the City may satisfy the Reserve Requirement (if so established) with a surety bond, letter of credit or other financial instrument on terms and conditions recommended by the Municipal Advisor, so long as the provider of any such surety bond, letter of credit or other credit facility is rated, solely at the time such credit instrument is issued, in one of the two highest rating categories by any rating agency then rating the Bonds.

(d) Annual Appropriation Certification and Request. By no later than July 15 of each year, so long as the Bonds remain outstanding, the Controller of the City shall certify to the Mayor and the Common Council the aggregate amount of principal, interest and any fiscal

agency charges coming due on the Bonds on July 1 of the calendar year immediately following such annual certification and on January 1 of the second calendar year following such annual certification, together with any amount necessary to restore the balance in the Reserve Account (if so established) to the Reserve Requirement. The Mayor and the Controller shall use their best efforts to include each year as a part of the proposed annual budget for the following budget year an appropriation of revenues from one or more accounts of the City and transfer thereof to the Sinking Fund in an amount sufficient to ensure timely payment of debt service and fiscal agency charges on the Bonds when due, together with any amount necessary to restore the balance in the Reserve Account to the Reserve Requirement, if necessary. For the avoidance of doubt, the Common Council has no legal obligation to appropriate any such legally available revenues from any fund or account of the City for such purpose, and the decision whether to make an appropriation in its annual budget for such purpose is within the sole discretion of the Common Council. If such amounts are so appropriated each year, the Common Council will transfer, or cause to be transferred, any such amount to the Sinking Fund at times and in amounts sufficient to pay in full the debt service payments on the Bonds, including any amount necessary to restore the Reserve Account, if so established.

SECTION 11. Defeasance. If, when the Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or any portion thereof for redemption have been given, and the whole amount of the principal and the interest so due and payable upon such Bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment, then and in that case the Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Ordinance.

SECTION 12. Tax Covenants. If the Bonds are issued on a tax-exempt basis, in order to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the Bonds, the City represents, covenants and agrees that:

(a) The City will not take any action or fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the Bonds pursuant to Section 103 of the Internal Revenue Code of 1986 as in effect on the date of issuance of the Bonds (the "Code"), including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on Bond proceeds or other monies treated as Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

(b) The City will file an information report Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(c) The City will not make any investment or do any other act or thing during the period that any Bond is outstanding hereunder which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Bonds.

Notwithstanding any other provisions of this Ordinance, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the Bonds from gross income under federal income tax law (the "Tax Exemption") need not be complied with to the extent the City receives an opinion of nationally recognized bond counsel that compliance with such Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 13. Additional Covenant. Following the issuance of the Bonds authorized hereunder, in the event that the City makes a legal pledge of the EDIT revenues in the future to other bonds, notes, warrants, leases or other instruments, the City hereby covenants to reserve

sufficient unencumbered revenues on an annual basis in amounts adequate for appropriation to pay debt service on the Bonds authorized hereunder when due; provided, however, the mere availability of such unencumbered revenues does not require any such appropriation thereof, the Common Council has no legal obligation to appropriate any such legally available revenues from any fund or account of the City for such purpose, and the decision whether to make an appropriation in its annual budget for such purpose is within the sole discretion of the Common Council.

SECTION 14. Amendments. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the Bonds then outstanding shall have the right, from time to time, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any Bond, without the consent of the holder of each Bond so affected; or

(b) A reduction in the principal amount of any Bond or the rate of interest thereon, or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each Bond so affected; or

(c) A preference or priority of any Bond over any other Bond, without the consent of the holders of all Bonds then outstanding; or

(d) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance, without the consent of the holders of all Bonds then outstanding.

If the City shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the registration books held by the Registrar. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Bonds. The Registrar shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the City shall receive any instrument or instruments purporting to be executed by the owners of the Bonds of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the City may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Bonds, whether or not such owners shall have consented thereto.

No owner of any Bond shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of Bonds then outstanding, shall thereafter be determined exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the City and of the owners of the Bonds, and the terms and provisions of the Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in

any respect with the consent of the City and the consent of the owners of all the Bonds then outstanding.

Without notice to or consent of the owners of the Bonds, the City may, from time to time and at any time, adopt such ordinances supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental ordinances shall thereafter form a part hereof),

- (a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance; or
- (b) To grant to or confer upon the owners of the Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds; or
- (c) To procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Bonds; or
- (d) To obtain or maintain Bond insurance with respect to the Bonds; or
- (e) To provide for the refunding or advance refunding of the Bonds; or
- (f) To make any other change which, in the determination of the Common Council in its sole discretion, is not to the prejudice of the owners of the Bonds.

SECTION 15. Official Statement. Any series of the Bonds may be offered and sold pursuant to an Official Statement (preliminary and final) or other offering document with respect to such Bonds (collectively, the “Official Statement”), to be made available and distributed in such manner, at such times, for such periods and in such number of copies as may be required pursuant to Rule 15c2-12, as amended, promulgated by the United States Securities and Exchange Commission (the “Rule”) and any and all applicable rules and regulations of the Municipal Securities Rulemaking Board, to the extent applicable to the Bonds. The City hereby authorizes the Mayor or Controller (a) to authorize and approve a Preliminary Official Statement, as the same may be appropriately confirmed, modified and amended for distribution as the Preliminary Official Statement of the City with respect to the Bonds, (b) on behalf of the City, to designate the Preliminary Official Statement a “final” Official Statement of the City with respect to the Bonds, and (c) to authorize and approve the Preliminary Official Statement to be placed into final form and enter into such agreements or arrangements as may be necessary or advisable in order to provide for the distribution of a sufficient number of copies of the Official Statement under the Rule.

SECTION 16. Continuing Disclosure Contract. If required under the Rule, the Common Council hereby approves, and authorizes and directs the Mayor and the Controller, for and on behalf of the City, to execute and deliver, and to perform the obligations of the City under, a Continuing Disclosure Contract from the City to each registered owner or holder of any Bond (the “Continuing Disclosure Contract”). The Mayor and the Controller are authorized to approve the form of the Continuing Disclosure Contract, upon the advice of the City’s bond counsel, with such determination to be conclusively evidenced by such Mayor’s and such Controller’s execution thereof.

SECTION 17. Construction with Other Ordinances. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed. After the issuance of the Bonds and so long as any of the Bonds or interest thereon remains unpaid, except as expressly provided herein, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of the Bonds, nor shall the City adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders.

SECTION 18. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 19. Non-Business Days. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the City or the city in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 20. Other Actions. Each of the Mayor and the Controller is hereby authorized and directed, for an on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the transactions contemplated by this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved. Pursuant to Indiana Code 5-1-14-18, in connection with the issuance of the Bonds, the execution of the Bonds and any other contract, certificate or other document executed and delivered by or on behalf of the City in connection with the issuance of the Bonds, is authorized to be executed and delivered using electronic signatures (as defined in Indiana Code 26-2-8-102(10), as amended), rather than manual signatures, and any such Bonds or any other contract, certificate or other document executed and delivered by or on behalf of the City in connection with the issuance of the Bonds using electronic signatures shall be considered fully legal and valid for all purposes and with the same force and effect as if the execution were performed with manual signatures.

SECTION 21. Captions. The captions in this Ordinance are inserted only as a matter of convenience and reference, and such captions are not intended and shall not be construed to define, limit, establish, interpret or describe the scope, intent or effect of any provision of this Ordinance

SECTION 22. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this ____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, this ____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED this ____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance authorizes the City of Bloomington to issue its General Revenue Annual Appropriation Bonds, Series 2022, in one or more series, in the aggregate principal amount not to exceed \$29,500,000. The bonds will be issued to finance costs of constructing, renovating, replacing, repairing, improving and/or equipping certain facilities for the City's police and fire department, together with the costs of issuance thereof.

EXHIBIT A

DESCRIPTION OF THE PROJECTS

The proceeds of the Bonds will be used to pay all or any portion of the costs of the following capital projects to provide improved public safety facilities for the City's police and fire departments:

(a) the acquisition of real property and the design, construction and/or equipping thereon of a new downtown fire station facility;

(b) the design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping of all or a portion of the City's four existing fire station facilities;

(c) the acquisition of real property (including any portion of the property comprising the existing Showers Building complex not currently owned by the City) and the design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property for the purpose of providing a new consolidated headquarters for the police and fire departments to replace their current facilities;

(d) the design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping of the City's existing police headquarter facilities;

(e) the acquisition of real property and the design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property for the purpose of providing a new public safety training center;

(f) the design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping of the City's existing public safety training center; and

(g) any (i) property acquisition, (ii) construction, demolition, renovation, improvement and/or excavation work, (iii) utility relocation, (iv) architectural, engineering and/or surveying services, (v) site development work, and (vi) equipment, which are related to the foregoing projects.



**CITY OF BLOOMINGTON
MEMORANDUM**

TO: Members of the Common Council of the City of Bloomington

FROM: Mayor John Hamilton
Jeff Underwood, Controller
Beth Cate, Corporation Counsel

CC: Stephen Lucas, Council Attorney

DATE: November 10, 2022

RE: Ordinance 22-30 - 2022 General Revenue Bonds for Public Safety Capital Improvements

Executive Summary: If approved, Ordinance 22-30 would authorize the issuance of general revenue bonds and appropriation of bond proceeds in an amount not to exceed \$29,500,000, to finance capital improvements to public safety facilities in the City (“2022 Bond Series”). The 2022 Bond Series would be paid for with annually appropriated revenue from the economic development local income tax (the “EDIT”), which the Council approved in May 2022 in significant part explicitly to support public safety enhancements. The term for the 2022 Bond Series would be a maximum of 25 years and the rate would not exceed six percent (6%).

State law limits the amount of tax supported debt a municipality may have outstanding at a given time, and the City is well under that limit. The proposed “General Revenue” bonds do not have a direct property tax pledge and will not count against the City’s General Obligation debt limit. Even after the 2022 Bonds are issued the City will retain the flexibility necessary to address subsequent urgent infrastructure needs. A list of the City’s outstanding bonds is attached to this memo.

Proposed Projects: City staff are recommending funding for public safety facilities improvements throughout the City, which would include as many of the projects described in Exhibit A of the Ordinance as financially and practically feasible. We will provide to Council a final proposed project list with total estimated costs for each project, no later than Monday, November 28, 2022.

Background: Bonds are frequently used by municipal governments to pay for large capital improvements that cannot be funded otherwise. The proposed bond series that would be authorized by passage of Ordinance 22-30 would be revenue bonds issued pursuant to Indiana Code § 36-4-6-19. Annually-approved appropriations from the Common Council of revenues from the EDIT will be used to service the bonds. As a result of the annual appropriation, these bonds will not count against the City’s overall 2% debt limit as found in Article 13, Section 1 of the Indiana Constitution and Indiana Code Chapter 36-1-15.

Per Section 9(b) of Ordinance 22-30, bond proceeds would be used to establish a Construction Fund for the projects listed above. Bond proceeds would be deposited in the Construction Fund, and Council, through Section 2 of this Ordinance, would be approving an additional appropriation permitting the expenditure of the bond proceeds from the Construction Fund. No further specification in the Ordinance of one or more departments benefitting from the appropriation is needed.

Section 10(d) of Ordinance 22-30 reflects an annual certification that is not required by law, but that the City will make by July 15 of each year to assure bondholders that the City knows how much money the Common Council must appropriate to service the outstanding bonds in the next fiscal year, and that the City will ask the Common Council to appropriate such funds as part of the annual budget process.

Process and Next Steps: Indiana Code § 36-4-6-19 authorizes the Common Council to approve ordinances to issue bonds. Such ordinances must include the terms of the bonds, time and manner of giving notice for the sale of the bonds, the manner in which the bonds will be sold, and the maximum total of any issue of the bonds. Ordinance 22-30 meets these requirements. By approving the Ordinance, Council also will authorize the additional appropriation. The additional appropriation is subject to public notice and hearing.

Here are the next steps in the process:

- November 16, 2022: Common Council’s first reading of Ordinance 22-30.
- On or before November 21, 2022: Notice published in The Herald-Times for additional appropriation.
- November 30, 2022: Common Council Committee of the Whole consideration of the bond ordinance.
- December 7, 2022: Common Council public hearing regarding additional appropriation and second reading of the bond ordinance.
- If Council approves Ordinance 22-30, the City will follow the usual statutory procedures for sale of the bonds, receipt and handling of proceeds, and bidding and contracting of construction work (including necessary Board of Public Works approvals).

City of Bloomington, Indiana

Summary of Outstanding Bonds at November 10th, 2022

Per Krohn & Associates, CPAs & Bloomington's Municipal Advisor

Issuer	Total Debt		Per cent Allocable to City	Amount Allocable to City	Bloomington Direct Debt City Only
				Direct & Indirect Debt	
Revenue Supported Debt:					
City of Bloomington	41,810,000	(1)	100.00%	\$ 41,810,000	\$ 41,810,000
City of Bloomington - Park District	2,885,000	(2)	100.00%	2,885,000	2,885,000
City of Bloomington - Utilities	\$ 95,358,400	(3)	100.00%	95,358,400	95,358,400
Monroe County	2,185,989	(4)	49.17%	1,074,851	
Total Revenue Supported Debt				<u>\$ 141,128,251</u>	<u>\$ 140,053,400</u>
Property Tax Supported Debt:					
City of Bloomington Park District	\$ 19,220,000	(5)	100.00%	\$ 19,220,000	\$ 19,220,000
City of Bloomington	13,625,000	(6)	100.00%	13,625,000	13,625,000
Monroe County	1,560,000	(7)	49.17%	767,052	
Monroe County Community School Corporation	108,495,000	(8)	56.39%	61,180,331	
Richland-Bean Blossom Community Schools	40,938,436	(9)	2.86%	1,170,839	
Monroe County Library	7,770,000	(10)	49.17%	3,820,509	
Richland Township	113,000	(11)	3.29%	3,718	
Monroe County Solid Waste Management District	1,290,000	(12)	49.17%	634,293	
Total Property Tax Supported Debt				<u>\$ 100,421,742</u>	<u>\$ 32,845,000</u>
Tax Increment Supported Debt:					
City of Bloomington	\$ 65,830,000	(13)	100.00%	\$ 65,830,000	\$ 65,830,000
Monroe County	15,325,000	(14)	49.17%	7,535,303	
Total Tax Increment Supported Debt				<u>\$ 73,365,303</u>	<u>\$ 65,830,000</u>
Statutory General Obligation Bond Debt Limit:					
	<i>Net Assessed Value</i>		<i>Debt Limit</i>	<i>G.O. Debt</i>	<i>Available G.O. Capacity</i>
City of Bloomington	\$ 4,850,387,524		\$ 32,335,917	\$ 13,625,000	\$ 18,710,917
Bloomington Park District	4,850,387,524		32,335,917	19,220,000	13,115,917

NOTE:

The Outstanding Debt Schedules (above and below) present both the City's Direct and Indirect (Overlapping) Debt Obligations, as well as the City's Current Available General Obligation Bonding Capacity (after the proposed General Revenue Bonds of 2022 are Issued). The City of Bloomington will still have approximately \$31.8 million of G.O. bonding capacity (includes City and Park District).

City of Bloomington, Indiana
Detailed Listing of Outstanding Bonds at November 10th, 2022
Per Krohn & Associates, CPAs & Bloomington's Municipal Advisor

	Total Debt Including Overlapping (Indirect) Debt	Bloomington Direct Debt City Only
	Direct & Indirect Debt	
(1) Proposed General Revenue Annual Appropriation Bonds of 2022	\$ 24,685,000 *	\$ 24,685,000
General Revenue Annual Appropriation Refunding Bonds, Series 2021	10,515,000	10,515,000
Equipment Lease Purchase (2018 Advanced Metering Project)	6,610,000	6,610,000
Total	<u>\$ 41,810,000</u>	<u>\$ 41,810,000</u>
(2) Park District Refunding Revenue Bonds of 2017	<u>\$ 2,885,000</u>	<u>\$ 2,885,000</u>
(3) Waterworks Revenue Bonds of 2022	\$ 15,430,000	\$ 15,430,000
Waterworks Refunding Revenue Bonds of 2020, Series A	3,270,000	3,270,000
Taxable Waterworks Refunding Revenue Bonds of 2020, Series B	25,470,000	25,470,000
Waterworks Revenue Bonds of 2017	3,720,000	3,720,000
Waterworks Revenue Bonds of 2006, Series A	1,511,000	1,511,000
Sewage Works Refunding Revenue Bonds, Series 2021	5,705,000	5,705,000
Sewage Works Revenue Bonds of 2020	24,445,000	24,445,000
Sewage Works Refunding Revenue Bonds, Series 2019	4,245,000	4,245,000
Sewage Works Revenue Bonds of 2017	5,660,000	5,660,000
Amended Sewage Works Revenue Bonds of 2006, Series A-1	2,462,400	2,462,400
Sewage Works Refunding Revenue Bonds, Series 2013	3,440,000	3,440,000
Total	<u>\$ 95,358,400</u>	<u>\$ 95,358,400</u>
(4) Monroe County Convention Center 2016A	\$ 906,979	
Monroe County Convention Center 2016B	1,279,010	
Total	<u>\$ 2,185,989</u>	
(5) Park District Bonds, Series 2022	\$ 5,105,000	\$ 5,105,000
Park District Bonds of 2018, Series A	2,780,000	2,780,000
Park District Bonds of 2018, Series B	3,155,000	3,155,000
Park District Bonds of 2018, Series C	2,565,000	2,565,000
General Obligation Park Bonds of 2016, Series A-E	5,615,000	5,615,000
Total	<u>\$ 19,220,000</u>	<u>\$ 19,220,000</u>
(6) General Obligation Bonds, Series 2022	\$ 5,105,000	\$ 5,105,000
General Obligation Bonds of 2016, Series A-H	8,520,000	8,520,000
	<u>\$ 13,625,000</u>	<u>\$ 13,625,000</u>
(7) General Obligation Bonds, Series 2021	<u>\$ 1,560,000</u>	
(8) General Obligation Bonds of 2021	\$ 3,485,000	
General Obligation Bonds of 2020	11,335,000	
Ad Valorem Property Tax First Mortgage Bonds, Series 2020	54,525,000	
General Obligation Bonds of 2018B	450,000	
General Obligation Bonds of 2018	2,480,000	
Ad Valorem Property Tax First Mortgage Refunding Bonds, Series 2016	32,370,000	
Taxable General Obligation Pension Bonds of 2006	3,900,000	
Total	<u>\$ 108,495,000</u>	
(9) Taxable General Obligation Bonds, Series 2021	\$ 1,815,000	
First Mortgage Refunding Bonds, Series 2021	7,805,000	
First Mortgage Bonds, Series 2020	6,135,000	
Taxable Negotiable School Improvement Notes, Series 2019	1,975,000	
First Mortgage Refunding & Improvement Bonds, Series 2018	9,725,000	
Taxable Ad Valorem Property Tax First Mortgage Bonds, Series 2010A	1,335,000	
Taxable Ad Valorem Property Tax First Mortgage Bonds, Series 2010B	10,000,000	
Qualified School Construction Bonds of 2009	333,000	
First Mortgage Refunding Bonds, Series 2008A (unrefunded)	1,141,518	
Taxable First Mortgage Refunding Bonds, Series 2008B	673,918	
Total	<u>\$ 40,938,436</u>	
(10) General Obligation Bonds, Series 2021A	\$ 2,000,000	
General Obligation Bonds, Series 2021B	5,770,000	
Total	<u>\$ 7,770,000</u>	
(11) General Obligation Bonds of 2016	<u>\$ 113,000</u>	
(12) Solid Waste Management District Refunding Bonds of 2012	<u>\$ 1,290,000</u>	
(13) (a) Redevelopment District Tax Increment Revenue Bonds of 2019, Series A-1	\$ 12,845,000	\$ 12,845,000
(a) Redevelopment District Taxable Tax Increment Revenue Bonds of 2019, Series A-2	2,225,000	2,225,000
(a) Redevelopment District Tax Increment Revenue Bonds of 2019, Series B	10,615,000	10,615,000
(a) Redevelopment District Tax Increment Refunding Revenue Bonds, Series 2017	7,465,000	7,465,000
(b) Redevelopment District Tax Increment Revenue Bonds of 2015	32,680,000	32,680,000
Total	<u>\$ 65,830,000</u>	<u>\$ 65,830,000</u>
Note 13 (a): The debt service is payable from Tax Increment in the Downtown Area.		
Note 13 (b): The debt service on the Redevelopment District Bonds of 2015 is payable from Tax Increment in the Consolidated Area.		
(14) (a) Redevelopment District Bonds of 2020	\$ 5,900,000	
(b) Economic Development Revenue Bonds, Series 2018	6,175,000	
(a) Redevelopment District Bonds of 2015	3,065,000	
(a) Redevelopment District Bonds of 2013	185,000	
Total	<u>\$ 15,325,000</u>	
Total Bond Indebtedness	<u>\$ 416,405,825</u>	<u>\$ 238,728,400</u>
		City Direct Debt



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-35 - To Amend the Traffic Calming and Greenways Program Incorporated by Reference into Title 15 (“Vehicles and Traffic”) of the Bloomington Municipal Code - Re: Amending the Traffic Calming and Greenways Program Incorporated by Reference into Bloomington Municipal Code Section 15.26.020

Synopsis

This ordinance adopts an amended Traffic Calming and Greenways Program. The Traffic Calming and Greenways Program sets the standard for the prioritization and placement of neighborhood traffic calming and related traffic control devices and requires a consistent procedure for resident-led and staff-led processes. The amendments to the program include the addition of Common Council Action as a required step in both the resident-led and staff-led processes, and an increase to the required percentage of affected housing unit signatures required as part of the resident-led process.

Relevant Materials

- Ordinance 22-35
- Attachment A – Amended Traffic Calming and Greenways Program

Summary

Ordinance 22-35 would amend the city’s Traffic Calming and Greenways Program (“TCGP”). The TCGP, adopted in 2020 via [Ordinance 20-17](#), replaced the city’s previous traffic calming policy, the Neighborhood Traffic Safety Program (“NTSP”). Materials associated with [Ordinance 20-17](#) can be viewed in the Council’s [October 7, 2020 Legislative Packet](#). The NTSP was adopted in 1999 via [Ordinance 99-16](#).

The TCGP is incorporated into Bloomington Municipal Code Section [15.26.020](#) by reference and includes any amendments to the program approved by the Council by ordinance. The TCGP is administered by the Planning and Transportation Department and provides the policies and procedures used by the city to determine the appropriate location and construction of traffic calming and related devices in neighborhoods. The TCGP defines “traffic calming device” as “a device erected to slow traffic on residential streets, including the following:

- (1) traffic circles;
- (2) curb extensions;
- (3) neck downs;
- (4) diagonal diverters;
- (5) truncated diagonal diverters; or
- (6) chicanes.”



The amendments to the TCGP proposed by Ordinance 22-35 are shown in Attachment A to the ordinance and include:

1. The addition of Common Council Action as a necessary step in both the resident-led and staff-led traffic calming processes before projects can proceed to installation.
2. An increase to the percentage of affected housing unit signatures required as part of the resident-led process. Currently, twenty-four (24) or 30% signatures from affected housing units (whichever is less) are required as part of the application materials to be submitted for a resident-led project. The proposed amendment would increase the signature requirement to 51% of affected housing units.
3. Correction of various grammatical errors and adjustments to the table of contents and the visual overviews to reflect the amendments.

The proposed amendments to the TCGP have not been reviewed by the Traffic Commission or by the Bicycle and Pedestrian Safety Commission. Planning and Transportation Department Director Scott Robinson noted that the Department is not in support of these specific proposed changes but is open to discussing suggestions and improvements to the program that councilmembers wish to consider. He also noted that five projects have been implemented through the TCGP and a sixth project (Hawthorne & Weatherstone Neighborhood Greenway) is currently in process.

The ordinance sponsor, Councilmember Rollo, does not anticipate that the proposed amendments to the TCGP will directly impact city revenues, expenditures, or any debt obligations.

Contact

Cm. Dave Rollo, 812-349-3409, rollod@bloomington.in.gov

ORDINANCE 22-35

**TO AMEND THE TRAFFIC CALMING AND GREENWAYS PROGRAM
INCORPORATED BY REFERENCE INTO TITLE 15 (“VEHICLES AND TRAFFIC”)
OF THE BLOOMINGTON MUNICIPAL CODE -**

**Re: Amending the Traffic Calming and Greenways Program
Incorporated by Reference into Bloomington Municipal Code Section 15.26.020**

- WHEREAS, on June 2, 1999, the Bloomington Common Council (“Council”) adopted Ordinance 99-16, which established the Neighborhood Traffic Safety Program in order to guide the decision making process for placement of traffic calming and related traffic control devices in neighborhoods; and
- WHEREAS, on October 21, 2020, the Council adopted Ordinance 20-17, which replaced the Neighborhood Traffic Safety Program with the Traffic Calming and Greenways Program; and
- WHEREAS, Bloomington Municipal Code Section 15.26.020 (“Traffic calming and greenways program”) incorporates the Traffic Calming and Greenways Program into the municipal code by reference, including any amendments made to the program approved by ordinance of the Council; and
- WHEREAS, the Traffic Calming and Greenways Program includes a list of rationale for the program, which includes encouraging resident involvement and ensuring an appropriate process to receive traffic calming requests from residents; and
- WHEREAS, the Traffic Calming and Greenways Program includes a list of guiding principles that inform the program, including the principle that processes shall provide for reasonable but not onerous resident participation in the plan development and evaluation; and
- WHEREAS, the Traffic Calming and Greenways Program envisions a process for Bloomington that is openly shared and transparent to the community; and
- WHEREAS, under the current Traffic Calming and Greenways Program, proposed projects, which may have significant impacts on residents, do not require review by an elected governing body before proceeding to the installation phase; and
- WHEREAS, both the resident-led and staff-led traffic calming processes provided for in the Traffic Calming and Greenways Program should include a step for Council review and approval of potential projects before those projects proceed to the installation phase; and
- WHEREAS, the resident-led traffic calming process currently requires twenty-four (24) or 30% (whichever is the lesser) signatures from affected housing units to be included in the application materials for a project; and
- WHEREAS, the resident-led traffic calming process should require signatures from 51% of affected housing units to be included in the project application materials in order to help encourage consensus building and broad support for projects; and
- WHEREAS, the Bloomington Common Council believes that changes are warranted to the Traffic Calming and Greenways Program, which has been incorporated by reference into Title 15 of the 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 1. The Traffic Calming and Greenways Program (“Program”) incorporated by reference into Bloomington Municipal Code Section 15.26.020 is amended as depicted in “Attachment A”, attached hereto and incorporated herein. The visual overviews in the Program of the resident-led traffic calming process and the staff-led traffic calming/neighborhood greenway process shall be revised to reflect the amendments shown in Attachment A.

SECTION 2. The amended Program is adopted. Two copies of the amended Program shall be kept on file in the office of the City Clerk for public inspection.

SECTION 3. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

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

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

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

NICOLE BOLDEN, Clerk
City of Bloomington

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

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance adopts an amended Traffic Calming and Greenways Program. The Traffic Calming and Greenways Program sets the standard for the prioritization and placement of neighborhood traffic calming and related traffic control devices and requires a consistent procedure for resident-led and staff-led processes. The amendments to the program include the addition of Common Council Action as a required step in both the resident-led and staff-led processes, and an increase to the percentage of affected housing unit signatures required as part of the resident-led process.



TRAFFIC CALMING & GREENWAYS PROGRAM

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BACKGROUND

The City of Bloomington (the City) places a high value on livability. Livability, as a concept, has largely been the rationale for public policies which serve to benefit the community. One such policy, Chapter 15.26, added to the City’s Code on June 2, 1999, established the Neighborhood Traffic Safety Program (NTSP). The NTSP aimed to increase a neighborhood’s livability by enabling groups of organized residents to manage driving behaviors on neighborhood streets through the installation of speed cushions, chicanes, and other traffic calming devices.

The City of Bloomington Traffic Calming and Greenways Program (TCGP) seeks to replace the NTSP program and envisions a process for Bloomington which is:

- Based upon objective, measurable data
- Viewed through the lenses of connectivity and accessibility
- Aligned with the City’s Comprehensive Plan and Transportation Plan
- Managed through a consistent process
- Openly shared and transparent to the community

RATIONALE

The rationale for replacing the NTSP policy is based on the Bloomington Comprehensive Plan (2018) and the Bloomington Transportation Plan (2019):

- Continue to integrate all modes into the transportation network while prioritizing bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users (*Comprehensive Plan Goal 6.4*)
- Protect neighborhood streets that support residential character and provide a range of local transportation options (*Comprehensive Plan Goal 6.5*)
 - Implement traffic calming measures where safety concerns exist to manage motor vehicle traffic on residential streets (*Comprehensive Plan, Policy 6.5.1*)
 - Balance vehicular circulation needs with the goal of creating walkable and bike-friendly neighborhoods (*Comprehensive Plan, Policy 6.5.2*)
 - Continue to improve connectivity between existing neighborhoods, existing and proposed trails, and destinations such as commercial areas and schools (*Comprehensive Plan, Policy 6.5.3*)
- Ensure an appropriate process to receive traffic calming requests from residents and include steps for the installation of temporary, proactive traffic calming measures as well as the installation of longer-term measures as a result of a reactive process in response to local concerns (*Transportation Plan, p. 51*)
- Encourage resident involvement (*Transportation Plan, p. 64*)

GUIDING PRINCIPLES

The following eight guiding principles inform the TCGP:

1. Evaluation and prioritization of TCGP installations should be based upon objective, pre-established criteria; be in alignment with the City of Bloomington adopted plans and goals; ~~and~~ be reviewed by a designated City Commission ~~who that~~ oversees traffic calming, and/or long range transportation planning; **and be subject to approval by the Bloomington Common Council.**
2. Traffic Calming and Greenways Program projects shall enhance pedestrian, bicyclist, and other **micromobility** mode user's access through the neighborhood and preference shall be given to projects that enhance access to transit as well.
3. Traffic calming devices should be planned and designed in keeping with planning and engineering best practices.
4. Reasonable emergency and service vehicle access and circulation should be preserved.
5. City staff shall direct the installation of traffic calming measures in compliance with this policy and as adopted into Bloomington Municipal Code.
6. The TCGP is mainly intended for: **Shared Street, Neighborhood Residential Street,** and **Neighborhood Connector Street** typologies and, on occasion, may include traffic calming elements as part of a larger infrastructure project.
7. Some motorists may choose to reroute from one neighborhood street to another as a result of an TCGP project. In some cases, this rerouting may require updates to a project, but the goals of mode shift and improved safety for all road users should generally supersede minor shifts in rerouting. Minor increases in traffic volumes on adjacent streets are anticipated and acceptable levels should be defined on a project-by-project basis.
8. Processes shall provide for reasonable but not onerous resident participation in plan development and evaluation.

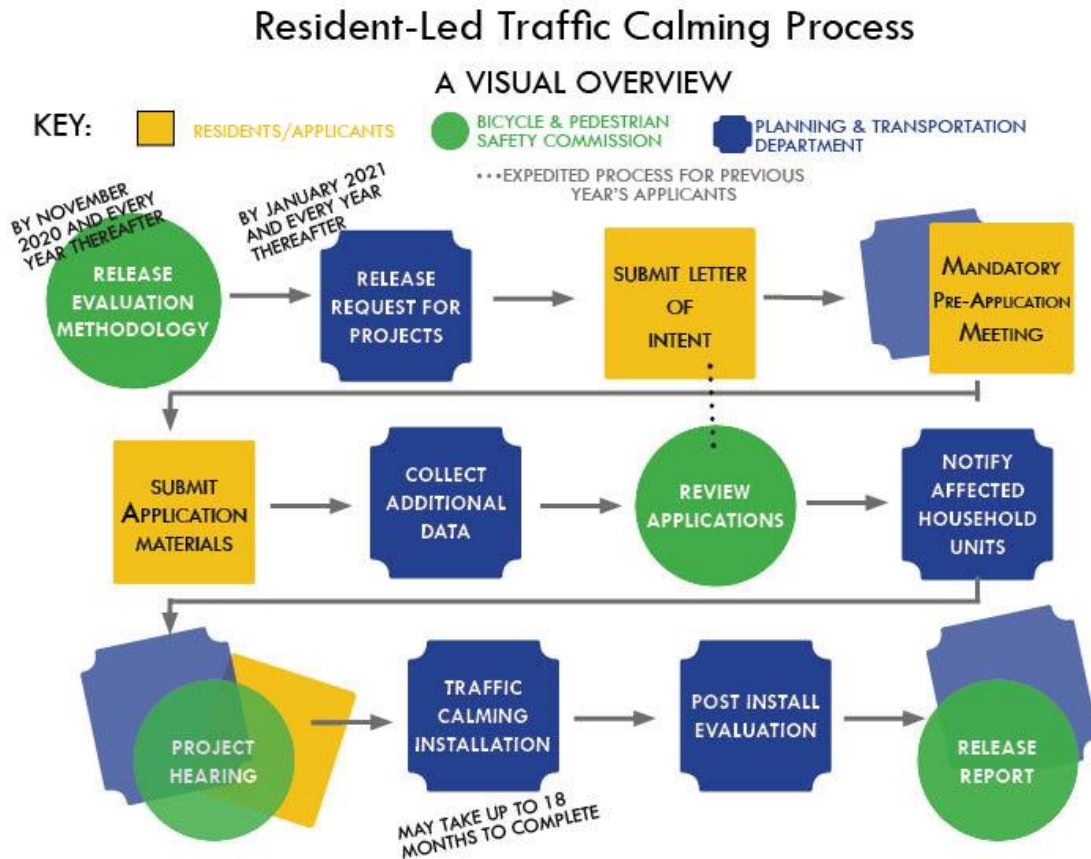
RESIDENT-LED TRAFFIC CALMING PROCESS

The TCGP provides a mechanism for residents to work with the City to manage traffic in their neighborhoods. The TCGP is intended to provide a simple process for residents to address traffic and speeding concerns on neighborhood streets. The TCGP processes also provide a consistent framework to ensure efficient use of resident and City staff time.

This section describes in detail the steps involved in participating in the Resident-led Traffic Calming process including the City’s request for projects, the application requirements, benchmark data collection, the review and prioritization of high-ranking projects, the installation of traffic calming devices, and an evaluation of the project’s success. The Resident-Led Traffic Calming Process is illustrated below in Figure 1 and in the [Appendix](#).

Traffic Calming devices primarily considered for this program include **speed cushions** and **speed humps**, in some contexts other devices may also be considered.

Figure 1: Visual Overview of the: Resident-led Traffic Calming Process



BICYCLE PEDESTRIAN SAFETY COMMISSION RELEASES EVALUATION METHODOLOGY

The Evaluation Methodology defines the objective criteria used to review project requests. The evaluation methodology is reviewed each year before the start of a new process cycle. By November 30, 2020 and by November 30 of each year thereafter, the Bicycle Pedestrian Safety Commission (BPSC) shall submit revisions of the TCGP Evaluation Methodology to the Planning and Transportation Department as well as a report that includes the following:

- Any changes to the application evaluation methodology from the previous year;
- A status report on the previous years' designed and installed projects; and
- Projects which applied for funding but did not receive funding based on the priority ranking during the previous year's cycle.

CITY RELEASES REQUEST FOR PROJECTS

In January 2021 and every year in January thereafter, the City Planning Department will release a Request for Projects (RFP) for participation in the Traffic Calming and Greenways Program. Each RFP issued shall be dependent upon funding availability, and the amount of available funding may be made known to prospective applicants. Requests for participation will be made through the BPSC and City staff to residents upon the opening of the RFP process.

STEP 1: RESIDENTS SUBMIT LETTER OF INTENT

Residents who wish to engage in the TCGP must submit a Letter of Intent (LOI) to the Planning Department before the end of the posted deadline. Prospective applicants are responsible for checking the TCGP guidelines for additional formatting and submission requirements. The LOI from the interested parties shall include but may not be limited to:

- Contact information for a minimum of two project co-organizers;
- Project organizers must represent two (2) separate dwelling units within the proposed area to be considered.
 - Individuals who reside in the same dwelling shall not be permitted to serve as project co-organizers without the collaboration of a neighbor or resident of a differing dwelling unit.
 - Individuals who reside in different dwelling units of a larger multi-family complex shall be permitted to serve as project co-organizers.
- A general description of the concern;
- A map of the proposed area to be considered;
- Acknowledgement of program policies; and
- Any supplemental information requested by staff.

Previous Applicants: Project co-organizers who have submitted an application for the previous one (1) year program cycle and did not receive funding may reapply with an updated LOI and any supplemental materials requested by City Staff.

Staff Action: When the submission window has closed, City staff shall review each of the LOIs. City staff will notify applicants who have met the requirements to advance to the application process of the Resident-led Traffic Calming Process. In the event that an application does not meet the minimum

requirements to apply, City staff may notify the project co-organizers and allow up to 4 additional business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. LOIs which do not meet the minimum requirements will not progress beyond Step 2 of the Resident-led Traffic Calming Process and shall be notified by City staff.

STEP 2: PRE-APPLICATION MEETINGS WITH CITY STAFF AND PROJECT ORGANIZERS

City staff shall schedule a mandatory meeting with each group of project co-organizers who have advanced to Step 2 of the Resident-led Traffic Calming Process. At the mandatory pre-application meeting staff shall:

- Discuss the application requirements, processes, and deadlines;
- Disseminate preliminary information required in the application;
- Provide a link to the application materials; and
- Answer questions from the project organizers.

STEP 3: RESIDENTS SUBMIT APPLICATION MATERIALS

Project co-organizers will have approximately six to eight weeks to complete and submit their applications. Application materials shall include:

- Three (3) Letters of Support from stakeholders.
 - Must include at least one (1) City Council Representative
 - May include an organization or professional which serves the residents living within the identified area (i.e., neighborhood association, school, neighborhood resource specialist, faith based organization, and/or a non-profit which serves households located within the specified area but may not necessarily be located within the specified zone)
 - Only three letters will be reviewed. Additional letters will not be reviewed with the project application.
- ~~Twenty-four (24) or~~ **Signatures from 51% of 30% (whichever is the lesser) signatures from Affected Housing Units** impacted by the traffic calming installations proposed.
 - Staff shall provide a template document for collecting signatures which must be used for collecting signatures. No other forms will be accepted.
 - Electronic signatures may be used for this purpose if deemed appropriate and with written approval of the City Planning Department Director.
- A finalized map of the proposed project area.
- Additional relevant data requested by City staff

City staff shall send a confirmation email once an application has been received. In the event that an application requires clarification or has proposed a zone which is incompatible with the program, City staff may notify the project organizers and allow up to an additional 4 business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. Incomplete applications which are submitted with insufficient supporting documents/ materials will not progress beyond Step 3 of the Resident-led Traffic Calming Process and shall be notified by City staff.

STEP 4: CITY STAFF PREPARE RELEVANT DATA

City staff shall collect preliminary information about current traffic conditions. Relevant data may include crash history, speed counts and volume data, and other relevant facts. City staff shall notify the affected safety and emergency services of the initiative to include but not be limited to: the Bloomington Police Department, Bloomington Fire Department, local ambulance services, and Bloomington Transit.

City staff may collect and summarize preliminary information about existing plans for development, census data, and pedestrian and bicycle network infrastructure near the proposed project.

STEP 5: BPSC REVIEW OF APPLICATIONS

Upon the receipt of completed applications, the BPSC will review the materials submitted and the preliminary data collected by City staff. The BPSC will validate successful applications, and rank the projects which score highest as determined by the evaluation methodology. All applications will be evaluated using the same criteria.

The evaluation criteria for the Resident-led Traffic Calming Process must account for two main areas of emphasis:

1. Prevalence of vulnerable users (e.g., children, persons with disabilities, older adults, economically disadvantaged households) and community centers.
2. Incidence of crashes and behaviors which are the causal factors for increased injury to vulnerable users (crashes, speeding, volume).

STEP 6: NOTIFICATIONS SENT TO AFFECTED HOUSING UNITS IN HIGH RANKING AREAS

Notifications will be sent via post to **Affected Housing Units** and electronically to **Network Users** in the areas surrounding projects that are likely to be funded based upon the number of applications and the designated resources for traffic calming.

Information presented in the notification shall include:

- Information related to the location and placement of the proposed traffic calming installations;
- The objectives for the traffic calming;
- Notification of all scheduled meetings associated with the project and prioritization process; and Contact information and project website to direct feedback, ask questions, or present concerns.

STEP 7: PROJECT PRIORITIZATION HEARING

The BPSC shall host a hearing in which **Affected Housing Units**, **Network Users**, and members of the public may voice their questions, concerns, support, or critique of the Traffic Calming project. Based upon information gleaned at the prioritization hearing, the BPSC may vote to **recommend and** advance fundable projects to the **Common Council Action step design/~~installation phase~~** for those which rank highest unless extenuating circumstances become known which calls into question a project's merit or evidence that an application was not put forth in good faith with the program policies.

STEP 8: COMMON COUNCIL ACTION

Based on the project meetings, collected data, and BPSC review, City staff members prepare a resolution and report for the Common Council. The report outlines the process followed, includes the project findings, and states the reasons for the BPSC's recommendations. City staff shall present the resolution and report to the Common Council for action. If the resolution is not adopted by the Common Council, the project does not proceed to installation.

-STEP 98: INSTALLATION

After the project has been approved by the Common Council, City staff will proceed with final design and installation. Planning, design, and construction may take up to 18 months depending on the scope of the project. Installations will typically be planned with permanent materials; however, using temporary materials may be appropriate to evaluate design options or to accelerate project timelines.

STEP 109A: POST-INSTALLATION EVALUATION *(TAKES PLACE CONCURRENTLY WITH STEP 109B)*

Up to 18 months after the construction of the Traffic Calming project, the City may conduct a follow-up evaluation. After the installation has been completed, City of Bloomington Planning Department Staff will work to gather data which may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be included.

STEP 109B: MAINTENANCE AND MINOR ALTERATIONS *(TAKES PLACE CONCURRENTLY WITH STEP 109A)*

The City of Bloomington Planning Department is responsible for the construction and the minor alteration of any traffic calming device implemented as part of the Resident-led Traffic Calming Process. Alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered minor alterations. Other changes which could have a more significant impact on a street's operations should follow the Staff-led Traffic Calming/Neighborhood Greenways Process or the Resident-led Traffic Calming Process in subsequent funding cycles.

The Department of Public Works will be responsible for maintenance of completed Traffic Calming installations.

OTHER PROCESSES A: INCREASED TRAFFIC CALMING AND MODIFICATIONS

If residents desire to have their traffic calming modified to include major alterations, a request in writing must be made to City Planning and Transportation staff. Requests for traffic calming tools beyond those typically used for Resident-led projects shall require staff approval in writing. Projects that are able to be supported and prioritized for increased traffic calming will follow the Staff-led Traffic Calming/Neighborhood Greenways Process beginning at [Step Six](#). In some cases, the City may choose to start at an earlier step in the process.

Residents may request to make major modifications to existing traffic-calming on public streets by applying to the Resident-led Traffic-Calming Process. To request major modifications to existing traffic

calming, residents shall follow the Resident-Led Process, starting at [Step 1](#) but may not do so within 7 years of the date which the traffic calming installation was approved.

OTHER PROCESSES B: REMOVAL PROCESS

If residents of a neighborhood request to have their traffic calming installations removed, an application shall be submitted with no less than sixty-six (66) percent of the **Affected Housing Units** in support of the removal. Removal of Traffic calming must be based upon the same boundaries as the original project request and may not be divided into smaller portions thereof. Applications for removal and required signatures shall not be submitted within 7 years of the date which the traffic calming installation was approved. City staff shall provide a template document for collecting signatures which **must** be used for collecting signatures required for traffic calming removal. No other forms will be accepted for this purpose. The City may provide an electronic signature option if deemed appropriate and with written approval of the City Planning Department Director.

City Planning Department staff shall validate completed applications and present it to the Bicycle Pedestrian Safety Commission for approval. Based upon the application materials provided, traffic speed and volume data, and public comment, BPSC shall vote to remove the traffic calming installations (or any portion thereof) unless sixty-six (66%) percent majority of BPSC appointed members vote to deny the removal of the traffic calming installations.

In some extenuating circumstances, the City Engineer may remove a traffic calming installation if they find it poses increased and unnecessary risk to public. In the event of such circumstances, the Engineer must submit a report within 180 days of the removal of a traffic calming device to both the BPSC and City Council explaining the rationale which the removal was deemed necessary.

STAFF-LED TRAFFIC CALMING/ NEIGHBORHOOD GREENWAY PROCESS:

The Staff-led Traffic Calming/ Neighborhood Greenway Process provides a framework for Planning and Engineering Department staff to identify and implement traffic calming projects, improve safety and/or support pedestrian, bicyclist, or transit initiatives.

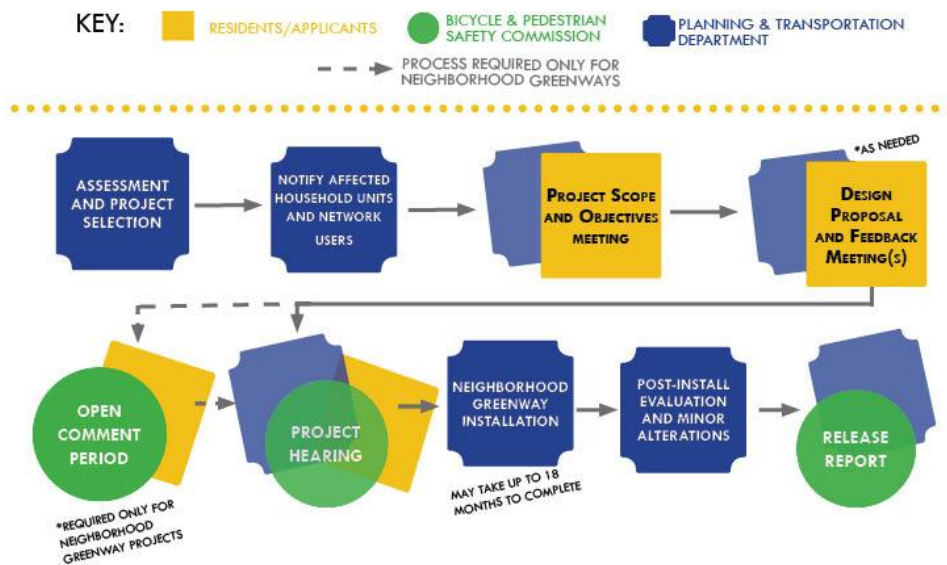
Traffic Calming, or devices used for reducing speeds on residential streets are defined by state code and may include: speed bumps, curb extensions, chicanes, and/or diagonal diverters. While the state provides a definition for specific traffic-calming devices which may be used, there are other street design elements (i.e., adding on-street parking, the design of on-street parking, narrowing lanes) which may result in slowing motorized vehicle traffic. These design elements alone do not trigger the Staff-Led Traffic Calming process. However, the design strategies may be included in a traffic-calming project.

A **Neighborhood Greenway** is a street that serves as a shared, slow street with the intention of prioritizing bicycling and improving walking. The Bloomington Transportation Plan identifies certain streets as Neighborhood Greenways. Traffic Calming installations, signs, and pavement markings are often used to create the basic elements of a Neighborhood Greenway-- but are, in and of themselves not Greenways for the purposes of the program until they are identified within the Transportation Plan. To be considered ~~for as~~ a Neighborhood Greenway, a street must be identified as a Neighborhood Greenway in the Bicycle Facilities Network in the Bloomington Transportation Plan.

This section describes in detail the steps involved in the Staff-led Traffic Calming/Neighborhood Greenways Process including the City’s notification to the public, the process for gaining feedback from **Affected Housing Units**, and the installation and evaluation for each Neighborhood Greenway project. The Staff-led Neighborhood Greenway Process is illustrated below in Figure 2 and in [the Appendix](#).

Staff-Led Neighborhood Traffic Calming/Greenway Process

A VISUAL OVERVIEW



STEP 1: NOTICE MAILING

City staff shall notify **Affected Housing Units** by a postal mailing and electronically to **Network Users** in advance of any work sessions or meetings which discuss the installation of the Traffic Calming/ Neighborhood Greenway project.

The intent of the notification is to alert residents and stakeholders of the project and provide details of upcoming meetings. Other notifications, such as postings on social media or signs posted in the vicinity of the proposed project, are additional measures which may be used to increase engagement with residents.

STEP 2: FIRST MEETING- PROJECT SCOPE AND OBJECTIVES MEETING

City Planning and Transportation Department Staff shall host a meeting about the proposed project. Staff will seek input from residents, stakeholders, and **Network Users**. Staff will present information including but not limited to the following:

- What is Traffic Calming? What is a Neighborhood Greenway?
- What are the boundaries of this phase of the project?
- How do the Traffic Calming/ Neighborhood Greenways support the City's Comprehensive Plan and Transportation Plan goals for multimodal connectivity?
- What are the funding limitations for this project or phase?

STEP 3: SECOND MEETING- FEEDBACK ON PRELIMINARY DESIGN

City staff will host a second meeting to share the preliminary design and to take input from residents and users.

STEP 4: THIRD MEETING (OPTIONAL) DESIGN/BUILD OUT OPTION WORK MEETING

A third meeting is optional, based on feedback of the preliminary design.

STEP 5: OPEN COMMENT PERIOD (NEIGHBORHOOD GREENWAY PROJECTS ONLY)

Staff-led Neighborhood Greenway plans shall be made available for comment by **Affected Housing Units, Network Users**, and other stakeholders. Comments shall be made on the project website, email, phone, or post mail. Comments housed in social media platforms and listservs will not be considered in the BPSC Discussion/ Review.

The open comment period is expected to last 4 weeks, unless extenuating circumstances require a longer timeframe. When City staff feel confident that a design best suited to the project and location has been achieved, the proposed Staff- Led Neighborhood Greenway installation will proceed forward to the BPSC Discussion and Review Phase.

STEP 6: BPSC DISCUSSION/REVIEW

City staff shall present the project, objectives, baseline data, notes from public meetings, and design concepts to the BPSC for review **and recommendation**. By default, projects will proceed **to the next step**, unless a ~~a~~ seventy-five percent (75%) of the BPSC appointed members vote to send the project back to the City staff for further refinement.

STEP 7: COMMON COUNCIL ACTION

Based on the project meetings, collected data, and BPSC review, City staff members prepare a resolution and report for the Common Council. The report outlines the process followed, includes the project findings, and states the reasons for the BPSC's recommendations. City staff shall present the resolution and report to the Common Council for action. If the resolution is not adopted by the Common Council, the project does not proceed to installation.

STEP 78: INSTALLATION

After the project has been approved by the Common Council, the City of Bloomington Planning Department shall install the Traffic Calming or Neighborhood Greenways. The installation is intended to be constructed with permanent materials; however, in some cases, using temporary materials may be appropriate in order to evaluate design techniques or to accelerate project timelines.

STEP 89A: EVALUATION (*HAPPENS CONCURRENTLY WITH STEP 98B*)

Within eighteen months after the construction of a Traffic Calming/ Neighborhood Greenway project is complete, the City may conduct a follow-up evaluation. This evaluation may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be beneficial.

STEP 89B: MAINTENANCE AND ALTERATIONS (*HAPPENS CONCURRENTLY WITH STEP 98A*)

The City of Bloomington Planning Department is responsible for the construction and the minor alterations of any traffic calming device implemented as part of the program. These alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered **minor alterations**.

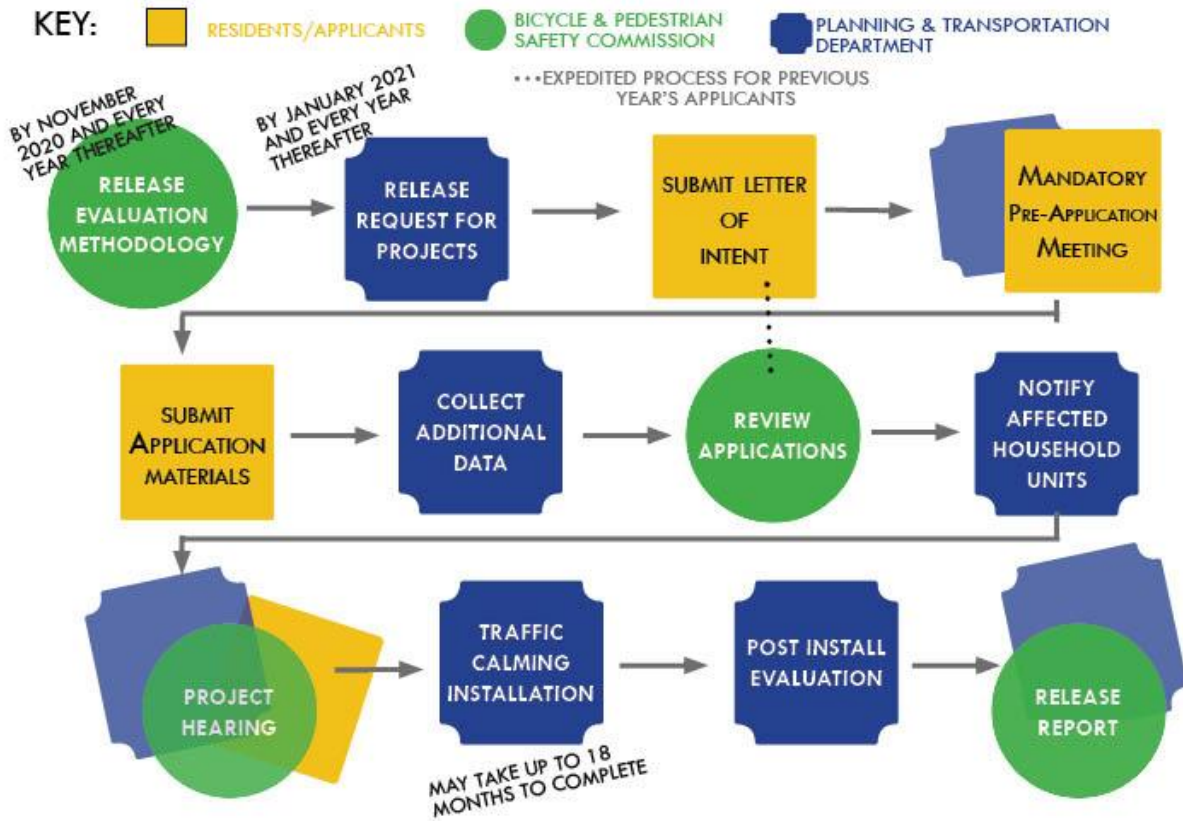
City Staff may request to make **major modifications** to existing traffic calming installations on public streets by following the Staff-led Traffic Calming and Neighborhood Greenways Process, starting at [Step 6](#). In some cases, the City may choose to start at an earlier step in the process.

The Department of Public Works will be responsible for maintenance of completed Traffic Calming/ Neighborhood Greenway installations.

APPENDIX: VISUAL OVERVIEW OF RESIDENT-LED AND STAFF-LED PROCESSES

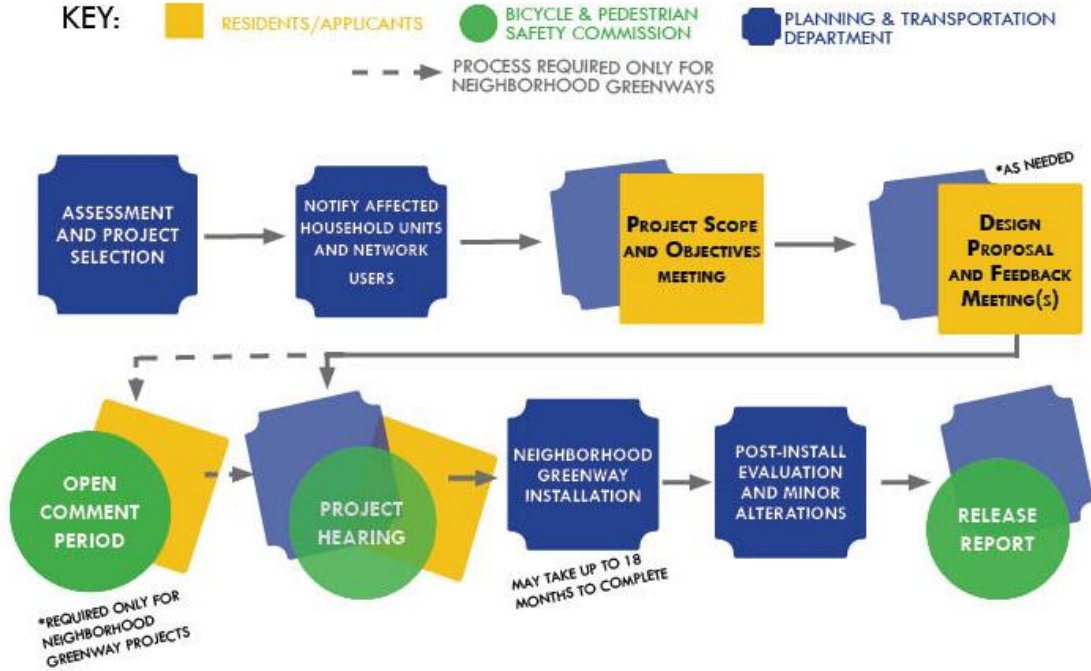
Resident-Led Traffic Calming Process

A VISUAL OVERVIEW



Staff-Led Neighborhood Traffic Calming/Greenway Process

A VISUAL OVERVIEW



APPENDIX: DEFINITIONS

Affected Housing Units: residents and property owners of record located within two lots not to exceed 300 feet of streets affected by the proposed traffic calming installation.

Major alterations: A change other than a minor alteration.

Micromobility: a category of modes of transport that are provided by very light vehicles such as scooters, electric scooters, electric skateboards.

Minor alterations: a change which has no appreciable effect on the surface area of the street dedicated to the travel for motor vehicles. Changes to signs, markings, parking policies or location of traffic calming devices may be considered minor alterations. All other changes are considered 'major alterations.'

Neighborhood Connector Street: streets which provide connections between the neighborhood residential and general urban or suburban connector streets. They collect traffic from residential neighborhoods and distribute it to the broader street network. Most of the land uses surrounding neighborhood connectors are generally low/medium-density residential with commercial nodes as it connects to the larger street network.

Neighborhood Residential Street: streets that provide access to single and multifamily homes and are not intended to be used for regional or cross-town motor vehicle commuting. Neighborhood residential streets have slow speeds and low vehicular volumes with general priority given to pedestrians.

Neighborhood Greenway: a low-speed, low-volume shared roadway that creates a high-comfort walking and bicycling environment. Neighborhood Greenways are identified in the Bloomington Transportation Plan.

Network Users: People who utilize a street for their primary means of access to pedestrian, bicycle, or transit networks.

Shared Streets: Streets designed for pedestrians, bicyclists, transit riders, and motorists to operate in a "shared" space; shared streets utilize design elements such as pavement treatments, planters, roadway widths, parking spaces, and other elements to direct traffic flow and to encourage cooperation among travel modes in typically flush or curbless environments.

Speed Cushions: speed humps that include wheel cutouts to allow large vehicles, cyclists, scooters and strollers to pass unaffected, while reducing passenger car speeds.

Speed Humps: a ridge set in a road surface, typically at intervals, to control the speed of vehicles.

Traffic Calming: methods described within the state code which are used to slow cars on residential streets. Traffic Calming devices may include curb extensions, chicanes, and/or diagonal diverters.