

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, December 06, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
December 06, 2023

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

ROLL CALL [6:30pm]

Council Vice President Isabel Piedmont-Smith gave a land acknowledgment and Council President Sue Sgambelluri summarized the agenda.

AGENDA SUMMATION  
[6:31pm]

Rollo moved and Piedmont-Smith seconded to approve the January 11, 2023, February 1, 2023, and February 15, 2023. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES  
[6:36pm]

- January 11, 2023  
(Organizational Meeting)
- February 01, 2023  
(Regular Session)
- February 15, 2023  
(Regular Session)

Piedmont-Smith noted her last constituent meeting of the year for District V. With redistricting that year, her new district would be District I.

REPORTS [6:38pm]

- COUNCIL MEMBERS

Volan commented on the original location of Indiana University (IU) and the lack of a water supply, prior to Lake Monroe. He spoke of the proposed Limitless Exploration/Advanced Paced (LEAP) innovation district in Boone County, by the Indiana Economic Development Corporation (IEDC), where there was not enough water. The proposal would pipe water into Boone County from other counties. He commented on the Indiana communities that were against the proposal, including Save the Wabash H2O. He would prepare a letter against the proposed pipeline.

There were no reports from the mayor and city offices.

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

There were no council committee reports.

- COUNCIL COMMITTEES [6:43pm]

Mark Combs spoke about the sewage leak into the pond in Gentry Estates.

- PUBLIC [6:43pm]

There were no appointments to Boards and Commissions.

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS [6:47pm]

LEGISLATION FOR  
SECOND READING AND  
RESOLUTIONS [6:48pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-29 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 23-29 - An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Sewage Works Utility, the Issuance and

Rollo moved and Piedmont-Smith seconded that Ordinance 23-29 be adopted.

Vic Kelson, Director, City of Bloomington Utilities (CBU), discussed the legislation, bonds, and projects. In 2016, Indiana Department of Environmental Management (IDEM) required the city to increase capacity at the Dillman Road treatment plant due to having exceeded rate capacity for three consecutive years. He gave details on completed projects. He noted that the COVID-19 pandemic had impacted the timeline for projects, and provided additional details on the process. He updated council on other projects like the Hidden River project, and the replacement of the Clear Creek tunnel near the Von Lee to 1<sup>st</sup> and Washington streets. There was one portion left to replace.

Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters [6:48pm]

Jared Hall, Krohn & Associates, gave details on the bond process, timeline, rates and rate analyses, debt service, sources and uses of funds, and projects. The total uses of funds was just under \$51,500,000. He discussed the bond feasibility study, timetable of the process,

Volan asked about the project by 6<sup>th</sup> Street and Indiana Avenue.

Council questions:

Kelson explained that flooding occurred because there was only one grate in the alley behind the Von Lee, and the culvert below it was too small. When there was a big rain event, there was too much water in Clear Creek to go under the bridge, near Dunn Meadow. With the update, there would be more inlets and a larger culvert behind the Von Lee.

Volan asked when the project would be completed.

Kelson said it would be by the end of the summer of 2024.

Piedmont-Smith thanked Kelson and asked about the timeline of the new service center.

Kelson stated that work had started that week to make the property developable. The Utilities Services Board (USB) had recently approved the architectural and engineering design for the service center, garage, and storage yard. Next steps included a rate case, and approval from the Indiana Utility Regulatory Commission (IURC) which could take up to three hundred days. Completion likely would not be until 2026.

Piedmont-Smith asked for clarification on the funding source.

Kelson said that 60% would be paid from sewer and 40% from water.

Rollo asked about the sewage leak in Gentry Estates, caused by drilling for fiber optic. He asked if there were fines assessed to the company.

Kelson clarified that it was unclear when the water started to leak, due to the pipe being underground. CBU had issued two press releases on the matter. Once CBU was made aware of the odor and dead fish in the pond, the Environmental team and the Transmission and Distribution team were sent right away. It was the responsibility of the contractor who caused the damage. CBU's immediately hired a sewage-pumping company to remove two thousand gallon loads to treat at the Dillman plant. The following day, CBU treated the surrounding area to eliminate any E. Coli. The fiber optic company knew they would have to reimburse the city for the cleanup. In summary, CBU responded the day staff was made aware, and the company would be held responsible. There were several strikes to underground pipes in the city due for a variety of reasons. He gave additional information including that IDEM had not issued any fines despite being notified by the city. Samples from the pond the previous week showed that E. Coli levels were lower than in swimming pools.

Rollo asked if there were additional, undetected leaks.

Kelson said it was possible. He noted that during the 2024 budget process, he had requested a dog for CBU because they could smell sewer gas at much lower concentrations than machines which was valuable to the city.

Flaherty asked about the upgrades to the Dillman wastewater treatment plant, like the ongoing consideration of shifting to anaerobic digestion.

Kelson said filtration improvement was completed a couple years ago. There were switch gear and electrical improvements needed because they were forty years old. Other improvements included another blower to help add capacity, sludge handling, and more. Anaerobic digestion would involve a disk filter that would remove primary sludge and reduce the chemical reaction demand and would help increase capacity. A report was forthcoming on that topic.

Ordinance 23-29 (cont'd)

Council questions:

Rollo asked about bond rates and the buildings at Winston-Thomas.

Hall explained the process for reviewing bond rates, which fluctuated.

Kelson said all but one of the buildings were not structurally sound. The usable one was the former superintendent's house which would be preserved and used as a public meeting space for residents to learn about the history of CBU and more.

There was no public comment.

Public comment:

Volan thanked Kelson and CBU for their work. He appreciated the efforts with water maintenance in the city.

Council comments:

Rollo echoed Volan and stated that Kelson was the best-equipped Director of CBU and had met the many challenges accordingly.

Flaherty supported Ordinance 23-29 and appreciated the planning and proactive thought from Kelson and CBU regarding much needed upgrades.

Smith thanked Kelson for his thorough explanation to council questions.

The motion to adopt Ordinance 23-29 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-29 [7:27pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-30 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.

Ordinance 23-30 - An Ordinance Concerning the Construction of Additions and Improvements to the Waterworks of the City of Bloomington, Indiana; the Issuance of Revenue Bonds to Provide the Cost Thereof, the Collection, Segregation, and Distribution of the Revenues of Said Waterworks, the Safeguarding of the Interests of the Owners of Said Revenue Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith [7:28pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-30 be adopted.

Kelson presented the legislation which were bonds with expenditures that would be reimbursed by a grant from the Indiana Finance Authority (IFA). The project was related to the lead and copper inventory project required to be completed by the following fall. There was a new device called a "Swordfish" which was able to identify the material a service line was made of, and could identify lead. It would help eliminate digging and assist where digging was not feasible. He provided some additional details.

Hall explained the grant, which was technically a principal forgiveness loan.

Rollo asked if the city paid interest.

Hall said no, and gave details.

Council questions:

There was no public comment.

Public comment:

Piedmont-Smith thanked Kelson for his excellent, innovative work. She was excited for the anaerobic digestion report. She supported Ordinance 23-30. She looked forward to having a CBU dog.

Kelson thanked council for their kind words. He appreciated his time with the city. He referenced the complicated responsibility of CBU and spoke highly of the very talented staff there.

The motion to adopt Ordinance 23-30 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Rollo moved and Piedmont-Smith seconded that Ordinance 23-31 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.

Rollo moved and Piedmont-Smith seconded that Appropriation Ordinance 23-08 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.

Sgambelluri referred the Ordinance 23-31 and Appropriation Ordinance 23-08 to the Regular Session to be held on December 13, 2023.

Ordinance 23-30 (cont'd)

Council comments:

Vote to adopt Ordinance 23-30 [7:37pm]

LEGISLATION FOR FIRST READING [7:38pm]

Ordinance 23-31 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" - Re: Amending Chapter 2.23 (Community and Family Resources Department) by adding Section 2.23.240 - Closed Captioning in Places of Public Accommodation [7:38pm]

Appropriation Ordinance 23-08 - To Specially Appropriate from the General Fund, Economic Development LIT Fund, Parks and Recreation General Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Vehicle Replacement Fund, Solid Waste Fund and Fleet Maintenance Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Economic Development LIT Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the Rental Inspection Program Fund

and Vehicle Replacement Fund) [7:40pm]

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke about accountability and the Showers West project. He commented on council process and his experience in attending council meetings.

ADDITIONAL PUBLIC COMMENT [7:41pm]

Stephen Lucas, Council Attorney, read a comment submitted via Zoom chat by Sam Dove pertaining to the \$152 million investment by Enhanced Semiconductor at the mostly vacant property on Curry Pike in west Bloomington. It would be a micro-electronics manufacturing and packaging facility, resulting in about two hundred and fifty, high-paying jobs.

Lucas reviewed the upcoming council schedule and the 2024 Annual Council Legislative Schedule.

COUNCIL SCHEDULE [7:48pm]

Piedmont-Smith noted that she informed incoming councilmembers about the proposed 2024 schedule. She commented on the ability for a third reading for legislation.

Council discussion:

Volan said that a third reading should be the default.

Flaherty discussed the proposed schedule, first, second, and third readings.

Rosenbarger appreciated the current schedule that year and spoke about changing the budget hearing process.

Volan commented on third reading, deliberation, the budget process, and the proposed schedule.

Rollo moved and Piedmont-Smith seconded to approve the 2024 Annual Council Schedule with the annual budget hearings to start at 5:30pm. The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 2 (Smith, Volan).

Vote to approve 2024 Annual Council Schedule [7:56pm]

Sgambelluri adjourned the meeting without objection.

ADJOURNMENT [7:57pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 17 day of April, 2024.

APPROVE:

ATTEST:

Isabel Piedmont-Smith, PRESIDENT  
Bloomington Common Council

Nicole Bolden, CLERK  
City of Bloomington

