

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 20, 2019 at 6:33pm, Council President Dave Rollo presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
February 20, 2019

Members Present: Ruff, Piedmont-Smith, Granger (left at 9:07pm), Rollo, Sturbaum, Sandberg  
Members Absent: Chopra, Volan, Sims

ROLL CALL [6:33pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:33pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Councilmember Chris Sturbaum asked for a moment of silence for Councilmember Steve Volan’s recently deceased father.

REPORTS  
• COUNCIL MEMBERS  
[6:35pm]

Councilmember Isabel Piedmont-Smith noted she was the council representative for the Hospital Site Reuse Committee. She said the committee was evaluating master developer proposals. She let the public know that there would be plenty of opportunity for public’s input on the subject.

Rollo announced that the City Hall had achieved Gold LEED status. He said the community needed to take action on insect population decline.

Phil Stafford, Chair of the Commission on Aging, presented the annual report for the commission. He discussed the current status of the members on the board, the outreach and collaboration achieved, the City of Bloomington Community Survey conducted, Lifetime Community Concept, and Dementia-Friendly Bloomington. He discussed their plan for 2019 as well.

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

Councilmember Susan Sandberg asked if the vacancies on the commission were council appointments or mayoral appointments.  
Stafford said he was not sure but explained how people could apply.

Council questions:

Sturbaum asked what neighborhood Stafford was referring to in his previous comments.  
Stafford said they were referring to the old development site of the hospital.

Councilmember Dorothy Granger presented the Sidewalk Committee report. She said the \$318,000 was an increase of \$6,000 from the previous year. Granger reviewed committee criteria for funding. She showed the project prioritization grid, that was based on the committee criteria. She said the committee looked at walkability, residential density, transit routes, linkages, and costs. Granger discussed the funding recommendation for 2019 and the different projects. She thought the committee worked together well this year. She said sidewalks were very important, but expensive.

- COUNCIL COMMITTEES  
[6:47pm]

Sturbaum said there was concern in the previous year about cut-through traffic when Rockport and Tapp Roads were closed, and the committee advocated for traffic calming on Countryside in the Braodview neighborhood. He said the committee used the leftover funds for that project. He said the neighborhood would decide how much remained to be done.

Council questions:

Piedmont-Smith asked how the Fourteenth Street segment from Madison to Woodburn made it to the top of the prioritization list.

Council Committees (*cont'd*)

Granger said all of the projects on the list were scored. She said sometimes, because their funds were limited, they would complete a smaller, less expensive project to get it off the list.

Piedmont-Smith asked if the project would be done with other funds, and if they needed just a little extra.

Dan Sherman, Council Attorney, said it had the prospect of partnership with Community Development Block Grant (CDBG) funds. He said the committee talked about Fourteenth Street and they closed out a lot of their projects and a staff member suggested they start something new. The HAND Department proposed the sidewalk as a CDBG project next year and it could be in line for a request for those funds.

Piedmont-Smith asked if the \$156,000 was tentative.

Sherman said the project was a year away and there may be other priorities, but they heard this sidewalk project could be eligible for CDBG funds.

Granger said the project was ranked fourth.

Piedmont-Smith asked what criteria it scored high on.

Granger said they looked at the length of the project, the walk score, transit, density score, traffic score, and overall project rank.

Piedmont-Smith asked about the crosswalk on West Allen Street because she thought it was a dangerous area for a crosswalk.

Granger said yes it was.

Sherman said they wanted to do traffic calming because there was a transit stop. They wanted to include speed humps and one could be where pedestrians could walk.

Piedmont-Smith asked if they were thinking of doing a raised crosswalk.

Sherman said yes, that was what they envisioned.

Granger said they were joining with Planning and Transportation.

Piedmont-Smith asked if they would involve the residents of West Allen in making the decision.

Sherman said yes, there would be an outreach effort tied to this project.

Rollo said Granger was a great chair. He said there were projects on the list that extend a mile in length and were not suited for the sidewalk committee. He said there were some projects they would not get to unless they received funding. He said they tried to leverage stormwater improvements as well.

Council comment:

Rick Phillips said pedestrian crosswalks needed to be more visible to drivers.

Public comment:

Sandberg moved and it was seconded to approve the 2019 Council Sidewalk Committee Report. The motion to approve the report received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to approve the Council Sidewalk Committee Report [7:10pm]

Sherman brought up a disclosure for an appointee, Jim Blickensdorf, to the Parking Commission. He said Blickensdorf had a business that could seek services from the City and this disclosure would allow him to do so. Sherman requested that they consider accepting this disclosure.

After some council discussion Rollo postponed the decision to accept the disclosure to a later meeting.

Greg Alexander spoke to the council about bike lanes being blocked. He discussed trees and snow not being cleared from paths and bike lanes. He reported that Firestone blocked sidewalks as well.

- PUBLIC [7:12pm]

John Clower was disappointed the letter on hate crimes did not mention the importance of accurate, conscientious reporting by police with readily accessible information to the public.

There were no appointments to Boards and Commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Sandberg moved and it was seconded that Ordinance 19-06 be read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:22pm]

Sandberg moved and it was seconded that Ordinance 19-06 be adopted.

Ordinance 19-06 Amending Title 15 of the Bloomington Municipal Code – Re: Reducing Fees for Law Enforcement Recordings and Bringing Said Fees into Compliance with State Law

Michael Rouker, City Attorney, presented the legislation. He said it was a clean up measure to reduce the fees for law enforcement recordings and to bring them in line with the most current guidance from the state.

Rollo asked for more information about the fees.

Council questions:

Rouker said the fee would be for the direct costs of providing the law enforcement recordings. He said that even if the direct costs were higher, the maximum amount that would be charged was \$150.

Granger asked how costs would be calculated, and said it seemed laborious.

Rouker said there were only two or three people in the police department that would work on this. They would log their hours in an excel spreadsheet and it would calculate the cost by their hourly rate.

There was no public comment.

Public comment:

Sandberg supported the legislation.

Council comment:

The motion to adopt Ordinance 19-06 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 19-06 [7:27pm]

Sandberg moved and it was seconded that Resolution 19-05 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Resolution 19-05 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grants (CDBG) Funds for 2019

Sandberg moved and it was seconded that Resolution 19-05 be adopted.

Doris Sims, Director of Housing and Neighborhood Development, presented the legislation. She said the Community Development Block Grant (CDBG) Funds needed to meet three objectives: to eliminate slum and blight, to benefit low/moderate income households, and to address urgent need. She discussed the Citizen Participation Plan, available funding and the distribution of such funding.

Rollo asked if CDBG funding was declining or if it had plateaued.

Sims said CDBG funding was hard to predict from year to year. She heard that the allocation from CDBG was not cut this year, but they would not know until they were told what their allocation was.

Resolution 19-05 (cont'd)

Council questions:

Sturbaum asked for an update on the Housing Rehab Program.

Sims said the Housing Rehab Program was done under the CDBG. She said it had been slow and that HAND wanted to better market the program. She said because homeowners who came to them usually still had a lot of debt on their house, so they could not make the income ratios that were needed since the program was a loan.

Sturbaum asked if the loan was deferred until the house was sold.

Sims said a portion of the funding could be a deferred loan and a portion of the funding could be a direct loan, depending on the income of the homeowner.

There was no public comment.

Public comment:

Sandberg was grateful for the CDBG funding. She said the John Hopkins Fund filled in the gaps for the organizations that were not able to get CDBG funding, so the combination went a long ways to support nonprofit organizations. She thanked the committee for working hard and making good decisions.

Rollo thanked Sims, Sandberg, and Ruff for their service on the committee.

Council comment:

The motion to adopt Resolution 19-05 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to adopt Resolution 19-05  
[7:42pm]

Sandberg moved and it was seconded that Appropriation Ordinance 19-01 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 8, Nays: 0, Abstain: 1.

Appropriation Ordinance 19-01  
To Specially Appropriate from the  
Food and Beverage Tax Fund  
Expenditures Related to the  
Convention Center Expansion  
(Appropriating Funds from the  
Food and Beverage Tax Fund)

Sandberg moved and it was seconded that Appropriation Ordinance 19-01 be adopted.

Mick Renneisen, Deputy Mayor, presented the legislation for the request to use the proceeds from the Food and Beverage tax to hire an architect to do the phase one renderings and conduct public engagement sessions for the expansion of the existing Convention Center project. He refreshed the Council on the schedule for phase one. He said phase two would lead to blueprints with a much more detailed design that would take between nine months and a year. He went over the fees for the project.

Piedmont-Smith asked if the specific time and location of the public outreach meeting had been set.

Council questions:

Renneisen believed it was Wednesday, March 6<sup>th</sup> and said it would be publicized on the City website, as well as published in the newspaper.

Rollo mentioned to the public that this topic had been discussed extensively already.

Renneisen added that the Steering Committee had engaged in discussion for quite some time to get to the architect selection process. The Food and Beverage Advisory Commission had to authorize the use of the funds and the Council had to approve the amount. He said this public project would and did have numerous checkpoints. They wanted to reflect on what the public wanted to see.

Appropriation Ordinance 19-01  
(cont'd)

Sturbaum asked if there would be a series of approvals as they went.

Renneisen said phase one was just for this component, then there would be another round that would come back before the council. He said the City Controller was working with bond counsel on how much it would cost. Next they would have to go to the Advisory Commission and the Council for approval.

Sturbaum asked if the Council and the public could be assured of updates because the money had to keep flowing.

Renneisen said he could be assured of updates because it was a big community project and it would come before the Council before they spent any funds.

Granger was pleased with the architects and said it seemed obvious to her that they were committed to the public process. She thought that in order for this operation to work, it had to be a very public process. She was glad the Convention Center was in downtown Bloomington to maintain a community feel. She asked if he agreed.

Renneisen said he agreed it was important.

Public comment:

Rick Phillips wondered if the volume could be increased.

Renneisen said the public meeting was Wednesday, March 6<sup>th</sup> from 5:30pm to 7:30pm in City Hall.

Bolden clarified that the meeting would be held at the Convention Center.

Council comment:

Sandberg supported Food and Beverage taxes to help expand the Convention Center. She thought they would have some real benefits in the City of Bloomington and the neighboring cities. She was happy to play a part in the approval of the funding for phase one. She believed this would be a true community project with true community benefits.

Sturbaum said he took his wife out the previous Saturday and saw on their receipt that the Food and Beverage tax was very insignificant and that was how they were paying for the Convention Center.

Piedmont-Smith said the County approved a tax on any food or beverage consumed in a restaurant and it charged about one cent more. She said that money was shared by the County and the City, but the City received about 90% of the money since most of the restaurants and food preparing places were in the City. The City committed to using all their money to rebuild the Convention Center because the current one was too small. She said they were talking about the first expenditure for that tax money. She said the administration was asking them to approve \$350,000 for an architectural firm to do some preliminary planning for the expansion project. She said on March 6<sup>th</sup> at 5:30pm at the Convention Center they would be having a public input meeting. She thought it was a good architectural firm, and it was actually two companies working together. She was pleased by their presentation and green building credentials. She did not like the priority on expanding a Convention Center in an age where climate change was becoming an urgent issue. She said people would have to use fossil fuels in order to come to the Convention Center. She thought more people should do their meetings virtually online. She did not think it was a good use of public money but that decision had already been made. She said given the circumstances she would vote yes.

Granger liked that it was downtown and she liked the architectural group.

Sturbaum thought that businesses could not substitute face to face interactions because it was absolutely necessary for their communication.

Councilmember Andy Ruff shared Piedmont-Smith's position on the topic. He was unsure if this was a sustainable strategy. He was impressed with the people that represented the architectural firms and he had confidence it would be done in the best way.

Rollo said there was a demand for a convention center and if they did not do it, then private firms would. He said it would be a public space that nonprofits and local events could use. He thought it was a wise investment.

The motion to adopt Appropriation Ordinance 19-01 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Sandberg moved and it was seconded that Ordinance 19-02 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Sandberg moved and it was seconded that Ordinance 19-02 be adopted.

Appropriation Ordinance 19-01  
(cont'd)

Vote to adopt Appropriation Ordinance 19-01 [8:04pm]

Ordinance 19-02 To Amend Title 10 Of the Bloomington Municipal Code Entitled "Wastewater" (Stormwater Rate Adjustment)

Ordinance 19-02 (cont'd)

Vic Kelson, Director of Utilities, said the purpose of the fee was to pay for stormwater services that were provided inside the city by the Utilities department. He said some of the stormwater systems had been in place for 100 years, so the Jordan River culvert was now undersized for the size of storms they received and the amount of constructed impermeable surfaces that had been put in place since it was constructed. He said it was also in degraded condition after over 100 years of service and it had needed to be replaced for the last 20 years. He said the fee had not been changed since 2003. He discussed some different projects that needed to be done and how the fee would be increased in phases.

Sandberg asked if Kelson wrote a guest editorial in the Herald Times for that day.

Kelson said yes.

Sandberg commended Kelson on his timing, and said using the newspaper was a great way to educate the public.

Council questions:

Sturbaum asked if Kelson had said that the dollar had lost 60% of its value since 2003.

Kelson said the construction cost index had increased by 62 cents since 2003.

Sturbaum asked if that meant a dollar in 2003, would now cost \$1.62.

Kelson said that was correct for these kinds of projects.

Sturbaum asked how it would be best for the Council to follow up if they wanted to see the residential grant program initiated for work that could not be done by anybody else.

Kelson explained the challenges for following up when related to the source and downstream aspects.

Piedmont-Smith asked how stormwater rates were calculated for properties that were not single-family residential.

Kelson said the calculation began with an estimate of what an average residential property had in terms of impermeable surface and then was scaled upward.

Piedmont-Smith asked how they got the square footage for their calculations.

Kelson believed the information was in the County's property database.

Piedmont-Smith asked how the city would know if someone expanded their parking lot.

Kelson said that would be handled through plan review as part of the stormwater approval process.

Rollo asked if the green infrastructure project was a good investment that would alleviate the need for later installation of infrastructure.

Kelson said it was the ideal goal.

Sturbaum asked what role the city could play in getting a comprehensive soil survey for neighborhoods that expressed concern about possible contamination.

Kelson said the City's role was whatever the Council and the administration decided it was. He said the Utilities Department did not do soil. He said Utilities worked on managing stormwater and the quality of it.

Sturbaum questioned who could handle it in the City if not Utilities.

Kelson said it was the Council and the Mayor's purview.

Piedmont-Smith asked Kelson to provide details about the Neighborhood Grant Program for people who were struggling with stormwater issues.

Ordinance 19-02 (cont'd)

Kelson said Utilities established a residential grant program directed to owner-occupied, single-family residences that may have developed problems over time. He said they would be seeking letters of intent for review in April and that applications would be available until May. Kelson said Utilities might have more dollars available for the 2020 budget. He said Utilities would make adjustments in the future.

Rick Phillips spoke about stormwater issues in his neighborhood, Sunny Slopes.

Public comment:

Sandy Washburn spoke about stormwater issues in front of her home.

Sturbaum asked who was responsible for cleaning storm grates.

Council questions:

Kelson said Utilities cleaned storm grates. He said there were over 6,000 storm grates that could not be cleaned all at once. He said some of the infrastructure was old and needed improvements. Kelson said the intent for the neighborhood program and green infrastructure program was to establish a dedicated crew to clean the storm sewers. He said citizens could call or file a report to get the storm grates cleared.

Rollo asked what the implications were for water moving off the streets and into someone's yard, and how it could be addressed.

Kelson said owners were responsible for their own property. He said to do a comprehensive stormwater program would be costly, but they hoped the neighborhood program could help offset costs.

Sandberg asked who would take responsibility for homes that may not have been engineered properly at the time they were built.

Kelson said he was aware of some of the problems in Sunny Slopes. He said it did not mean the property was engineered improperly but the landscape could have eroded or the owner could have made changes to their yard. He said it was a situation where all the residents needed to work together with the Utilities Department to find solutions.

Ruff asked if Kelson could provide a dollar amount to fix all of the stormwater drainage problems.

Kelson said that would be difficult because all of the homes were different. He said the purpose of the program was to facilitate these problems and put money towards them.

Ruff asked if providing no-cost engineering or advice from Utilities could be beneficial.

Kelson said they did not have engineers at the time.

Ruff asked if the grant money would be used for the owners to hire engineers.

Kelson said yes. They were reaching out to engineers and working out agreements where they would offer services at a lower cost, especially for lower income neighborhoods. He said it was a new program and this was the first year.



Rollo asked if money would be going to a crew to clean grates and if the situation would improve.

Kelson said yes.

Rollo asked if a grate could clog in a matter of minutes during a big rain event.

Kelson said yes, depending on the season.

Rollo asked how often these grates would be inspected.

Kelson was unsure of the schedule, but when there was rain in the forecast, Utilities sent everyone out to clean grates.

Rollo asked about the ease of applying for grants.

Kelson said it was a one page application with some photographs and indications of what they were trying to do.

Rollo asked if the committee took public comment.

Kelson said they had not designed the meetings yet.

Ordinance 19-02 (cont'd)

Piedmont-Smith commented that she felt for the people that were continually flooded. She had spoken with several people and their yards were being eroded by massive amounts of water. She encouraged Phillips to reach out to her and she would love to help him with the grant application. She said there was not enough money and too many problems. She said the stormwater rate increase would have some positive benefit, in that they would have some more money for these grants. She liked the investment in green infrastructure and thought they should increase the percentage that went to it. She said this increase was way overdue and Council should review it every five years. She knew some nonprofits would have a hard time with this since they may have large parking lots. She encouraged anyone to reach out to her and she would try to help.

Council comment:

Sandberg supported the additional fees and thought they were necessary. She said the money was going to what they were doing now and the increase was going to address problems. She said perhaps they could look at a jobs program and people who needed work could go around cleaning the storm drains. She said these water problems were not going to go away. She said the American Society of Civil Engineers gave the United States a D- in their ability to manage aging infrastructure. She thought this was the kind of national emergency the President should be declaring.

Sturbaum said that the councilmembers could probably come up with two or three huge areas to prioritize. He thought they needed to take responsibility for that. He said they could start small, but they would need to set priorities. He would vote yes but wanted to have an ongoing conversation and shift the responsibility more to the government.

Rollo thanked Kelson for his presentation and for joining him in his neighborhood that day. He stated it was a huge task and he thought they did not have proper design or infrastructure in the 1960s or 1970s. He thanked Washburn and Phillips for waiting to have their say. He thought the program could be applicable to things like what Phillips described.

Kelson said Phillip's situation was exactly the kind of problem they wanted to address.

The motion to adopt Ordinance 19-02 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 19-02  
[9:07pm]

Sandberg moved and it was seconded that Ordinance 19-05 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Sandberg moved and it was seconded that Ordinance 19-05 be adopted.

Kelson presented the legislation. He said Title 10 covered their industrial pretreatment program. He stated the purpose was to protect the community's investment in sanitary sewer infrastructure and sanitary wastewater treatment, which also protected the streams where the wastewater was discharged after it was treated. He went over the different activities that affected their operations and some changes they had made.

Sturbaum asked about the change in how new food establishments were defined.

Kelson said it was a food service establishment that was being built, was sold, or was remodeled.

Sturbaum asked if a business that was sold, but still did the same thing, would be considered new.

Kelson said yes.

Sturbaum asked what that meant they had to do.

Kelson said if there was no grease interceptor in place they would need to put one in.

Sturbaum asked what they would do if a son took over the restaurant.

Kelson was not sure.

Rollo asked if the last sanitary sewer flow corrected was on South Walnut.

Kelson said the last one was on College Mall Road.

Rollo asked if chronic sanitary sewer flows were treated.

Kelson said Utilities had been doing capital projects to improve the situations with chronic issues. He said Utilities asked people who had new projects to enlarge their sewers.

Rollo asked if there were sanitary sewer overflows during the rain on February 7 and if it was unavoidable.

Kelson said there were over twenty that day. He said the flooding was extreme and there were places where the water pooled over manholes.

Rollo asked about the update on local limits and self-reporting.

Kelson said they had to be permitted by the Utilities Department and they had to do testing to demonstrate that they were satisfying the categorical standards and the local limits before they could be issued a permit. When they issued the permit, any categorical standards and local limits that applied were put into their new permit. They had a reporting frequency they had to report and if they thought there were any issues they would perform their own testing.

Rollo asked about the fats, oils, and grease and if they could be treated with microbial additives.

Kelson said it did not work.

There was no public comment.

The motion to adopt Ordinance 19-05 received a roll call vote of Ayes: 5, Nays: 0, Abstain: 0 (Granger out of room).

Ordinance 19-05 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (A Substantial Rewriting of Title 10 Following a Review Conducted in Concert with the Environmental Protection Agency)

Council questions:

Public comment:

Vote to adopt Ordinance 19-05  
[9:24pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST  
READING

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Sherman reviewed the upcoming schedule.

COUNCIL SCHEDULE [9:26pm]

Sturbaum moved and it was seconded to cancel the Council Work Session on February 22, 2019. The motion was approved by voice vote.

The meeting was adjourned at 9:27pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 1<sup>st</sup> day of May, 2019.

APPROVE:

ATTEST:



Dave Rollo, PRESIDENT  
Bloomington Common Council



Nicole Bolden, CLERK  
City of Bloomington

