

AGENDA  
COMMON COUNCIL  
REGULAR SESSION  
FEBRUARY 18, 1981, 7:30 P.M.  
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. BOARD OF FINANCE MEETING
- VI. PETITIONS AND COMMUNICATIONS: Salt Creek Wilderness Endorsement
- VII. LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS

1. Ordinance 81-16 To Amend Chapter 10.08 of the Bloomington Municipal Code, Entitled "Wastewater Rates and Charges"  
Committee Report: No recommendation
2. Resolution 81-2 To Approve a Cooperation Agreement Between the City and the Bloomington Housing Authority and to Approve an Application to HUD by the Housing Authority for a Preliminary Loan for a Proposed Housing Project  
Committee Report: Do Pass 5-0
3. Appropriation Ordinance 81-1 To Appropriate Funds from FRS, MVH and Parks and Recreation Fund  
re: Remainder of FRS budget and funds for increased casualty insurance  
Committee Report: Do Pass 5-0
4. Ordinance 81-2 To Amend Section 15.74.040 of the Bloomington Municipal Code, Entitled, "Parking Meters"  
Committee Report: No recommendation
5. Ordinance 81-19 To Amend the Bloomington Municipal Code re: "Stop Intersections"  
re: Queens Way to stop for Montclair  
Committee Report: No recommendation
6. Ordinance 81-21 To Authorize EDC Bonds for West Second Partnership Project  
Committee Report: Do Pass 5-0

WITHDRAWN  
BY MAYOR

VIII. INTRODUCTION OF ORDINANCES FOR FIRST READING

1. Ordinance 81-23 To Amend the 1981 Salary Ordinance for Appointed Officers and Employees to Correct an Error in the Salary for the Position of Golf Professional in the Parks and Recreation Department
2. Ordinance 81-27 Budget Transfers  
re: Local Road and Street Fund and Motor Vehicle Highway Fund
3. Ordinance 81-22 To Amend the Bloomington Municipal Code re: Thirty Minute Parking Zones  
re: Designation of 30-minute parking zone in front of Red Cross Bldg.
4. Ordinance 81-26 To Amend Zoning Maps  
re: 1201 W. Allen Street from RS and MG to RL, Planned Unit Development and Outline Plan Approval (Zai)
5. Ordinance 81-25 To Amend Zoning Maps  
re: S. Leonard Springs Road near Van Buren Park from RE to RS (Baker)
6. Ordinance 81-14 To Amend Zoning Maps  
re: SW corner of E. Cottage Grove and Indiana Ave. from RM to BL (Rudi Group, Inc.)

REQUEST FOR  
FIRST RDG.

- IX. MINUTES FOR APPROVAL: February 4, 1981
- X. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on February 18, 1981, with Councilpresident Towell presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
FEBRUARY 18, 1981

Councilmembers present: Allison, Towell, Olcott, Morrison, Murphy, Porter, Hogan, Dilcher and Service.

ROLL CALL

Councilmembers absent: None

Councilpresident Towell read the agenda summation, noting several changes: (1) Ordinance 81-2 re: Parking Meters has been withdrawn by the Mayor pending further study of parking fines and parking garage fees, (2) under first readings, Ordinance 81-23 re: Salary Ordinance Amendment for Golf Professional, has been withdrawn by the Personnel Department, and Ordinance 81-14, Amend Zoning re: SW corner of E. Cottage Grove and Indiana Avenue from RM to BL (Rudi Group) has been requested to be heard for first reading.

AGENDA SUMMATION

Olcott said several Councilmembers attended the kickoff for Industrial Week. He said the event was a success and this is an excellent time to honor industry for all they have contributed to the community.

MESSAGES FROM  
COUNCILMEMBERS

Hogan agreed and complimented the Chamber of Commerce for the luncheon they provided to honor Peck, Inc.

Towell continued that it was a good meeting and added that it is a positive step towards increased cooperation between the community and local industries.

Mayor McCloskey said he also enjoyed Industry Appreciation Day, stating that several Councilmembers have contributed a great deal in this area. Concerning the City's finances, he said that he testified before the Senate Finance Committee in Indianapolis today and tomorrow will go before the House Ways and Means Committee to plead the case for cities. He predicted that the City will be \$600,000 to \$800,000 short next year not counting employee salary increases and increased utility rates. There is not much talk about granting supplemental funds to the City, although some sort of local option tax will probably be adopted by the legislature. He continued that it is important to stand up for the needs of Indiana's cities, stating that the City will face severe dismantling without some sort of financial relief. Concerning the appropriation of Federal Revenue Sharing Funds before the Council this evening, he said that once these FRS funds are spent, the City will only have about \$16,000 for the remainder of 1981. Another serious issue before the Council is consideration of new wastewater rates. He commended the USB, John Goss and the Council for working so hard on various proposals, and added that several months ago he informed I.U. Vice President Ken Gros-Louis that he would not recommend a total flat rate system as has recently been discussed. However, he said there is a strong likelihood that some sort of flat rate will be adopted in the near future, and he suggested that the Council adopt Towell's proposal to postpone the flat rate rather than adopting it immediately. He thanked Mike Andrews for performing a vital community service in pursuing the flat rate and providing detailed documentation. He continued that he agrees with the flat rate idea, but stressed that the utility needs a rate increase quickly and it may be better to wait a year so that additional documentation can be worked out over the next few months to justify the flat rate.

MESSAGES FROM  
THE MAYOR

Pat Gross, City Controller, explained that the Board of Finance is made up of the Common Council and the Mayor, and they meet bi-annually to consider petitions from banks and savings and loans in the city for deposits by the City of Bloomington. She said the City deposits little since they invest most of their funds. The deposits are figured on a pro-rated share of resources and deposits of each institution. She added that the Housing Authority's funds are also included in this resolution.

BOARD OF FINANCE

Dilcher moved and Allison seconded a motion to accept the petitions as submitted by the City Controller. Motion carried by a roll call vote of Ayes: 9, Nays: 0.

John Clendenin, a representative of the Salt Creek Wilderness Committee, addressed the Council. He urged them to sign a letter of support of the proposal to designate 16,250 acres in Hoosier National Forest as a wilderness area. He explained that this proposal is actually a compromise, since the original proposal involved more land, some of it private. He described the property, passed around a map of the area, and talked about why it is important that wilderness areas be preserved.

After a short discussion with Service in which he said that both sides are happy with the compromise, Allison moved and Morrison seconded a motion to endorse the proposal. Motion carried by a roll call vote of Ayes: 9, Nays: 0, and each Councilmember then signed the letter of endorsement.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-16 by title only.

ORDINANCE 81-16  
To Amend BMC re:  
Wastewater Rates  
and Charges

Clerk Connors read Ordinance 81-16 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-16.

Dilcher read the synopsis and gave the committee report with no recommendation. The committee did recommend that if the USB rate is adopted then CWA.P.'s life-line proposal be adopted.

Murphy moved and Service seconded a motion to amend Ordinance 81-16 to adopt a flat rate structure. Murphy said this proposal has been discussed in detail and he thinks it is an equitable one since it distributes the burden for inflow and infiltration more evenly. He said he thinks that those that use less should be charged less. (Amendment forms attached to minutes to amend Section I concerning rates for metered water users and Section III concerning special service rates).

USB attorney David Rogers said he did not want to speak on the merits of the proposal, he just wants the Council to consider several problems that could arise if the flat rate is adopted. Any time rates are set there is the possibility that the Council's judgment will be subject to review by the courts and he said this rate could be challenged on the basis of being arbitrary. He continued that the USB rate has experts and consultants with studies to back it up, and he is not sure they would have the support of Black and Veatch if the flat rate were to be adopted. Without assurances from the experts, the Council would be "treading on dangerous waters". He said that the flat rate proposal presented by Mike Andrews is excellent, but the City would have a hard time qualifying Andrews as an expert. He stated that there is nothing inherently wrong with the flat rate, but it must be supported against cost-of-service and must not be an open subsidy to one class of users at the cost of another. He pointed out that they have seen a flat rate proposed by Black and Veatch in 1978, but it was modified so that it has a higher minimum service charge. Murphy's amendment does away with classifications on the basis of volume, and the utility is not sure if the flat rate will actually cover the cost to the utility of small users or whether they would be deliberately undercharging them and overcharging large users. He concluded that Towell's motion to delay the flat rate will give the utility time to see if the flat rate could be supported, and noted that it will not look good if the utility gets a "hired gun" after the fact to defend the flat rate.

Murphy said there were eight proposals before the USB, and the flat rate was one of them. He asked if it was challenged at that time and Rogers said yes, for the reasons he mentioned earlier.

Harry Yamaguchi, I.U./Community Liaison, said that Murphy's amendment has an immediacy factor, and in the interest of equity, he said that the Council has considered an equal dollar rate, but perhaps they should consider an equal percentage rate instead. He concluded that this has not even been discussed and he would like the Council to look at this possibility now or later.

Service said that just because Black & Veatch proposed one rate doesn't mean it is the only one the Council can consider. She said B&V is hired to do what those that hire them ask them. She questioned why these problems didn't surface earlier, adding that there certainly was plenty of opportunity. She then read from a letter from USB President Bill Milne which states that the USB thought that the the Council's opinion had been expressed when the USB was considering the various proposals. She said that several Councilmembers attended the meetings and expressed dissatisfaction with the USB rate. She continued that she does not like scare tactics and the threat of a lawsuit is not a good approach for the utility to take. Other communities in Indiana have adopted flat rates and there is no reason why Bloomington can't do the same.

Allison said there will be subsidies no matter how you look at it since inflow and infiltration have to be figured either according to volume or the number of customers. Rogers replied that B&V has looked at this and it is general knowledge how infiltration is figured. It is a happy compromise with the current method of 50% based on the number of customers and 50% according to volume. If based only on volume, the fact is ignored that infiltration occurs over miles of pipes and increases the more scattered the system. They realize that they must correct those lines first.

Allison noted that when new pipes are added or lift stations are built the 50/50 compromise is not used and Rogers said that there is only so far you can go in making those responsible pay for the system. Most of the infiltration problems are in older residential sections.

Utilities Director Stu McClure said that only two out of the ten Indiana cities surveyed have a flat rate (Terre Haute and Lafayette).

Towell said that I.U. is on the east side of town and the treatment plant is on the south side. The additional pipes that will be needed will run by many residential areas and it is difficult to say how much of the volume will be attributed to I.U. He used the analogy of how ridiculous it would be to make residents of Walnut Street pay to have their street fixed since they live there even if they are not responsible for road conditions. Also, larger users have been subsidized through the years by the utility while repairs to aging pipes have been neglected.

McClure said that 50% of the infiltration problem is the system and 50% is attributed to each property. Since most infiltration occurs in residential areas the rates are pro-rated on this basis.

Allison asked if anyone had spoken with B&V about the flat rate proposal and McClure answered that they have used the cost-of-service approach in the past and this is what B&V has justified. With the flat rate, the minimum charge must be increased.

Jeff Richardson said it is up to the Council to set these rates and he urged them to consider adopting the flat rate now. He said their proposal is really a compromise since a true flat rate would have no service charge. He said that Rogers defends the USB rate because he is their attorney, but he said that in one City B&V came up with 56 alternatives and if the Council wants B&V to justify the flat rate they certainly could. He said he understands I.U.'s concerns about phasing the rate in but he said the Council adopted a similar rate for water in 1978 and I.U. must have known then that the same thing could happen with wastewater rates. He said now is the time to adopt the flat rate since the new plant will be coming on line and the EPA said flat rates are the trend in this region. He concluded that this rate should have existed all along and noted that the transition from one rate to another will always be difficult but it is up to the Council to take the first step.

Morrison said he agrees with the flat rate and asked why the Council should not adopt it tonight. Mayor McCloskey replied that there have not been detailed discussions with I.U. or the business community although it is possible that they were aware of it. Delaying for a year or so would allow I.U. to make adjustments in their budget. Morrison said that previous rate structures have helped I.U. and the business community has helped pick up the tab. He said the Council should adopt the flat rate tonight.

Mike Andrews spoke about the cost-of-service approach, which is basically the cost of treating wastewater measured by unit of service (1,000 gallons). A true cost-of-service approach would be measured this way, which is very easy and very legal with volume the only consideration. Concerning timing, he said he is concerned about all users, not just I.U., and if the Council delays on the flat rate it will be the small users who pick up the tab. He then referred to the 1978 B&V study which on page nine lists the minimum charge at \$4.00, but the user charge was \$1.10 for all users regardless of class. He stressed that this study in fact serves as justification for the flat rate. Regarding the possibility of a legal challenge by not assessing infiltration with a minimum service charge, he referred to page twenty of the study which says "variable or uniform charge without service charge". In December, they spoke with B&V after the USB meeting and they sounded as though they could defend a conservation rate structure or inverted structure. Pflum and Brown of Indianapolis is another consultant that said they could defend the flat rate. If the USB thought there were legal problems with the flat rate they certainly waited until the last minute to bring them up. He continued that the flat rate is not his proposal, rather it is B&V's, which they suggested in a November 14 letter to the utility. This rate was "Rate C"; although it wasn't their first choice, it was a rate with a \$2.79 minimum service charge with no capital infiltration cost in the service charge. However, this amount was in error and the minimum was dropped to what the USB proposal requests (\$1.72). USB member Trulock agreed with Rate C when it was discussed in January. Historically, larger users received a quantity discount. With the flat rate only 19% of all commercial users (those that use 49,000 gallons/month or more) would have to pay more. Concerning infiltration costs, it is clear that the 50%/50% approach is very arbitrary, and he argued that their proposal is a true cost of service approach as opposed to David Rogers' "happy compromise", which they have not even tried to justify to the EPA. He claimed that the utility's expansionist policies have cost the small user and have created the need for the new Dillman Road Plant to be twice as big as it would have been if the pipes had been taken care of through the years and infiltration brought under control. In response to Yamaguchi's request for the Council's

consideration of a percentage rate increase, he said people don't flush their toilets with percentages, they flush them with gallons of water. The need of the majority of users should be considered foremost and talk about trade-offs should not be taken lightly.

Murphy noted that even the increases for large users would not be that much, stating that Johnson's Creamery would only pay about \$52 more a month under the flat rate proposal. Andrews said he can understand why the Council would not want to put local industries such as Johnson's at a disadvantage over out of town businesses, but the amount in question is not significant. The only user who would pay much more is I.U. and they can handle the increase in their budget much easier than can small users, both commercial and residential.

Tracy Clay, representing small businessmen, said that it is the small businesses that will be most affected by the increase and these costs will in turn end up back with the consumer through higher prices. He said it is hard to believe that the Council would choose to ignore the work of the USB and their staff which are paid for their technical expertise to advise them.

Murphy replied that the Council is not obligated to acquiesce to the USB on their rate proposals, and he doesn't think the Council should merely be a rubber stamp for the USB.

Richardson added that it is true that some costs would be passed on to consumers, but they have a choice over how many times a month they do their laundry or buy a certain product, but they have little choice as to paying their wastewater bills. He repeated that B&V could justify a flat rate and said that Mr. Clay is minimizing the Council's role in the whole process.

Olcott said it is obvious to him that the flat rate has many selling points, and he asked USB members to explain to him why he should vote for their rate instead.

Bill Milne, President of the USB, said that people should remember that the public pays for I.U. through their taxes and increases for them would also be passed on.

Gary Kent said that the other side of the coin is that the average consumer would only pay \$12 more a year with their rate than they do now. Concerning infiltration, he said if the fact was that 95% of all infiltration came from residences, he would be upset if he represented industry if they had to pay for it. The utility considers cost effectiveness when they fix pipes, and they aren't sure that it's not cost effective to pay to treat the water rather than spending millions of dollars to fix all the pipes, most of which were built in the early 1900's. He said he thinks the 50/50 formula is still most fair.

Service responded that the difference is that residents are not responsible for having leaky pipes; it is a system-wide problem and it should be treated as such.

USB member Harold Isaacs urged the Council to pass the USB rate, stating that cost-of-service is not an exact science and ideally the best system would be to have a separate meter for each customer. Unfortunately, this is not practical.

Hogan said that the rates are the same, it is only the infiltration cost that is distributed differently in the flat rate. He said this cost is related to the amount of pipe, not volume. He continued that the original rate had a higher minimum service charge and the rate before the Council from the USB is really a compromise. He said the flat rate proposal of \$1.72 doesn't cover the service-wide cost and the larger users will pay for infiltration costs. He agreed that the 50/50 formula would be fair since it spreads the cost among all users.

Porter asked if electric rates differed between residential and commercial and Harold Isaacs answered yes.

Craig Brenner of the Environmental Commission said that the EQCC recently passed a resolution to urge the Council to adopt a conservation rate, and the flat rate is the closest thing to it. He showed the Council the latest issue of Newsweek, which had a cover story on the water shortage around the country.

Council Attorney France Komoroske said that if the Council is sued, it would be easier to defend a rate that is backed by a report prepared by experts. The Council should at least find out if B&V will defend the flat rate.

Allison said it is a complicated issue, but she feels uncomfortable voting in a rate that has not been thoroughly considered (the flat rate). She said she would favor waiting and informing B&V that the Council would like to see the flat rate adopted over time and ask them to look it over.

Hogan said he favors the USB rate and said it would be ridiculous to adopt one rate now and another one that would go into effect one year from now since they are two completely different rates and philosophies.

McClure suggested that they get figures once the plant is running since it is only an estimate as to how much it will cost to run the plant.

Porter agreed that it is likely that new rates will have to be adopted soon after the plant goes on line.

Service said if there is a delay she would like the date to be specific, and if B&V can't justify the flat rate perhaps it's time the City changed consultants.

Towell said he gained as much from Andrews' presentation to the Council Committee as he did from B&V. He said he feels the flat rate is more just and he is prepared to vote for it.

The flat rate amendment was then defeated by a roll call vote of Ayes: 4, Nays: 5 (Allison, Porter, Dilcher, Olcott and Hogan).

Allison moved and Dilcher seconded a motion to amend Ordinance 81-16 to approve Towell's amendment to adopt the USB rate now but enact the flat rate proposal a year from now (attached).

Towell said the USB rate is more fair than the current rates. In answer to Hogan's comments, he said that it is not two different philosophies. It is one philosophy with gradual implementation.

Komoroske reminded the Council that the rate is not set in stone and they always have the option of coming back and changing it.

Motion carried by a vote of Ayes: 5, Nays: 4 (Morrison, Porter, Hogan and Olcott).

Allison moved and Service seconded a motion to amend Ordinance 81-16 to adopt the life-line amendment submitted by C.A.P. (attached).

Hogan said that the elderly have serious problems that need to be addressed, but it is not the Utilities Department's job to take on social-related functions. He said he did not think other users would want to subsidize this program. He continued that he thinks it is a good cause but he takes issue with the way the Council is doing it.

David Rogers said it would be difficult to administer and asked how it would be done and he was told that C.A.P. would determine eligibility according to state guidelines.

Hogan said the USB was created to remove these things from politics, and if the Council starts social programs it will become political. If the Council is not going to consider the USB's recommendations he doesn't see why we should have one.

Bill Finch, City Attorney and President of the C.A.P. Board, said that C.A.P. would be happy to help administer the program.

Allison said it may be useful for the Council to agree that there is the understanding that no one would be put on the life-line rate until they have established eligibility with the rate going into effect during the next billing period.

The motion to adopt the life-line proposal was then adopted by a roll call vote of Ayes: 8, Nays: 1 (Hogan).

Olcott moved and Murphy seconded a motion to adopt Ordinance 81-16 as amended. Motion carried by a roll call vote of Ayes: 7, Nays: 2 (Hogan and Morrison).

The Council then took a break and when they returned Allison moved and Service seconded a motion to continue the meeting past the 10:30 deadline. Motion carried by a vote of Ayes: 7, Nays: 1 (Olcott). Morrison departed before the vote.

Olcott moved and Murphy seconded a motion to introduce and read Resolution 81-2 by title only.

Clerk Connors read Resolution 81-2 by title only.

Olcott moved and Allison seconded a motion to adopt Resolution 81-2.

Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 5-0.

Gene Stokes, Housing Authority Director, explained that they are required to enter into an agreement with the City in order for the Housing Authority to exist. The loan from HUD would be used to construct 60 units which would be similar to what the Housing Authority already has. In answer to questions from Hogan, he said that they have a waiting list for public housing of 400-500 people.

Hogan asked if the Council would be supporting the project if they passed this resolution and the Mayor answered that it would mean that the City is interested in having the project developed. Stokes added that it means the City will provide services, particularly police and fire protection. It will not be coming back before the Council unless something is changed, such as the number of units.

Allison said housing shortages hit low-income people hardest and there is a definite need for this type of housing in Bloomington.

RESOLUTION 81-2  
To Approve a  
Cooperation  
Agreement Between  
the Housing  
Authority and  
to Approve Appli-  
cation to HUD for  
a Preliminary Loan  
for Proposed  
Housing Project



Hogan asked if the housing will be free and Stokes answered no, people pay 25% of their income.

Olcott asked if the Housing Authority will pay back this "loan" and Stokes answered no, it is only partial payment for engineering and preliminary studies.

Hogan asked if this could be done through Section 8 housing and Stokes said that it is his personal opinion that Section 8 housing arrangements are the best, but they have to go where the money is.

Hogan asked if they anticipate any of these funds drying up under the new administration and Stokes said they did not. They have a letter of commitment from the federal government.

Resolution 81-2 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Allison seconded a motion to introduce and read Appropriation Ordinance 81-1 by title only.

APPROPRIATION  
ORDINANCE 81-1  
Funds from FRS,  
MVH and Parks &  
Recreation Fund

Clerk Connors read Appropriation Ordinance 81-1 by title only.

Olcott moved and Allison seconded a motion to adopt Ordinance 81-1.

Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 5-0.

Towell asked whether the \$1,500 for advertising is for the bus system and Mayor McCloskey said it is promotion money, but not just for Transit. Hopefully, there will be more money available for this later in the year.

Appropriation Ordinance 81-1 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Allison seconded a motion to introduce and read Ordinance 81-19 by title only.

ORDINANCE 81-19  
Amend BMC re:  
Stop Intersec-  
tions - Queens  
Way & Montclair  
Avenue

Clerk Connors read Ordinance 81-19 by title only.

Olcott moved and Allison seconded a motion to adopt Ordinance 81-19.

Dilcher read the legislative synopsis and gave the committee report with no recommendation.

Bill Templin, area resident, said that they are requesting that the ordinance be defeated because they would like to see a four-way stop.

Murphy moved and Allison seconded a motion to amend Ordinance 81-19 from a one-way to a four-way stop intersection. Motion carried by a roll call vote of Ayes: 8, Nays: 0.

Murphy moved and Allison seconded a motion to adopt Ordinance 81-19 as amended. Motion carried by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Allison seconded a motion to introduce and read Ordinance 81-21 by title only.

ORDINANCE 81-21  
Approve EDC Bonds  
for W. Second  
Partnership  
Project

Clerk Connors read Ordinance 81-21 by title only.

Olcott moved and Allison seconded a motion to adopt Ordinance 81-21.

Dilcher read the synopsis and gave the committee report with a Do Pass recommendation of 5-0.

Service said that if standards are ever set for EDC Bonds, this would be the type of project that would be doubtful in her mind.

Ordinance 81-21 was then adopted by a roll call vote of Ayes: 8, Nays: 0.

Olcott moved and Allison seconded a motion to introduce and read the following for first reading by title only. Clerk Connors read each by title only.

FIRST READINGS

Ordinance 81-27, Budget Transfers.  
Ordinance 81-22, Amend BMC re: 30-minute parking zones.  
Ordinance 81-26, Amend Zoning re: 1201 W. Allen Street from RS and MR to RL, PUD and Outline Plan Approval (Zai)  
Ordinance 81-25, Amend Zoning re: S. Leonard Springs Road near Van Buren Park from RE to RS (Baker)

Ordinance 81-27  
Ordinance 81-22  
Ordinance 81-26  
Ordinance 81-25  
Ordinance 81-14

Olcott moved and Allison seconded a motion to amend the agenda to advance Ordinance 81-14, To Amend Zoning re: SW corner of E. Cottage Grove and Indiana Ave. from RM to BL (Rudi Group, Inc.) to first reading. Motion carried by unanimous voice vote.

Olcott moved and Allison seconded a motion to approve the minutes of February 4, 1981, as submitted. Motion carried by unanimous voice vote.

MINUTES FOR APPROVAL:  
2/4/81


The meeting was then adjourned at 11:10 p.m.


ADJOURNMENT

Minutes approved this 4<sup>th</sup> day of March, 1981.

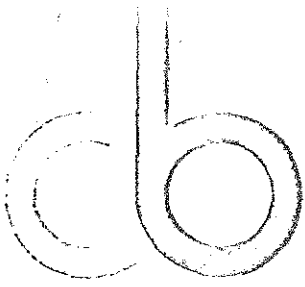
APPROVE:

ATTEST:

  
Alfred I. Towell, President  
Bloomington Common Council

  
Nora M. Connors, City Clerk

nmc



city of bloomington

box 100, municipal building, bloomington, indiana 47402

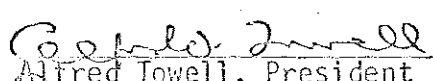
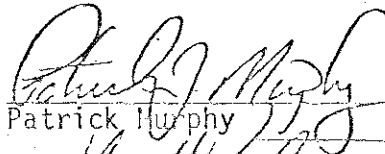
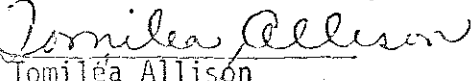
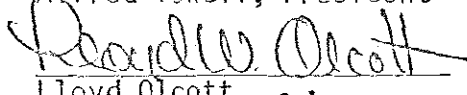
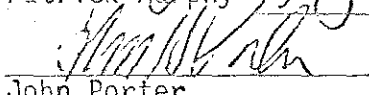
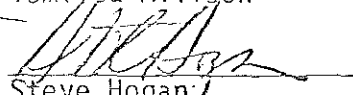
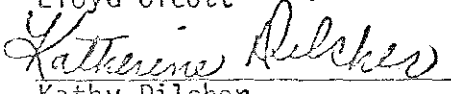
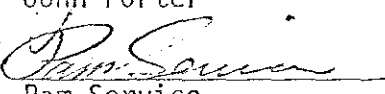
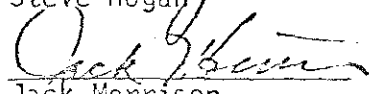
office of the common council  
(812) 339-2261 x 229

February 18, 1981

LETTER OF ENDORSEMENT FOR THE PROPOSED SALT CREEK WILDERNESS

We, the Bloomington Common Council, support the Salt Creek Compromise proposal of approximately 16,800 acre wilderness to be established by Congress in the Hoosier National Forest east of Monroe Reservoir. We understand this proposed wilderness includes only ten acres of private property, the owners of which agree with its inclusion in the wilderness. We further understand that this proposal will close approximately 6.2 miles of county roads including parts of the Elkinsville and Maumee Roads. However, the closing of the Elkinsville Road within the proposal will be contingent upon the construction of an alternate year-around access route along the northeastern border of this proposal. This will give residents in the Maumee - Elkinsville - Story area access to the eastern end of Monroe Reservoir and north to State Road 46. Finally we understand that access to Terril Cemetery by cemetery users shall not be diminished by this proposal.

We feel that under these terms, the Salt Creek Compromise is a fair and just settlement to this issue that will benefit all Hoosiers. As such we wholeheartedly endorse the Proposed Salt Creek Wilderness and urge its enactment by Congress.

|   |  |  |
|---|--|--|
| <br>Alfred Towell, President | <br>Patrick Murphy | <br>Tomilea Allison |
| <br>Lloyd Olcott             | <br>John Porter    | <br>Steve Hogan     |
| <br>Kathy Dilcher            | <br>Pam Service    | <br>Jack Morrison   |

Nora Connors  
City Clerk

Alfred Towell  
Councilmember at Large

Jack Morrison  
First District

John Porter  
Third District

Richard Tolson  
Fourth District

Tomilea Allison  
Councilmember at Large

Lloyd Olcott  
Councilmember at Large

Patrick Murphy  
Second District

Steve Hogan  
Fourth District

Richard Tolson  
Fourth District

AMENDMENT FORM

ORDINANCE # 21-16 RESOLUTION # \_\_\_\_\_ APPROPRIATION ORDINANCE # \_\_\_\_\_

SUBMITTED BY: Councilmembers Service and Murphy

COMMITTEE ACTION: None

PROPOSED AMENDMENT:

To adopt a new rate structure that has flat rates, amend Section I of the ordinance to read as follows:

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

|   | Portion of Rate Applicable to                  |                       |        |
|---|--|-----------------------|--------|
|   | Operation, Maintenance, & Replacement Expenses | Capital Related Costs | Total  |
| Monthly service charge (per meter)                        | \$1.72   | 0.00                  | \$1.72 |
| User charge   |  |                       |        |
| Charge per 1,000 gallons per month for all billable usage |  |                       |        |
| Residential   | 1.24   | .43                   | 1.67   |
| Commercial  | 1.24   | .43                   | 1.67   |
| Indiana University  | 1.24   | .43                   | 1.67   |
| Industrial  | 1.24   | .43                   | 1.67   |

AMENDMENT FORM

ORDINANCE # 81-16 RESOLUTION # \_\_\_\_\_ APPROPRIATION ORDINANCE # \_\_\_\_\_

SUBMITTED BY: Council Office

COMMITTEE ACTION: None

PROPOSED AMENDMENT:

If the flat rate schedule proposed by Pat Murphy and Pam Service is adopted, the special service rates should be changed to reflect the new schedule, and Section III of the ordinance would be amended to read as follows:

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

(b) Special service rates shall be determined as follows:

|  | Portion of Rate Applicable to                  |                          |              |
|--|--|--------------------------|--------------|
|  | Operation, Maintenance, & Replacement Expenses | Capital Related Expenses | Total        |
| Monthly service charge (per meter)                                       | \$1.72   | -0-                      | \$1.72       |
| Special laboratory analysis monthly charge                               |  |                          | 40.00        |
| Strength of BOD and SS sampling charge                                   |  |                          | 45.00        |
| Grease and oil sampling charge   |  |                          | 10.00        |
| Metal sampling charge (per metal per test)                               |  |                          |              |
| User charge  |  |                          |              |
| Charge per 1,000 gallons per month for all billable usage                |  |                          |              |
| Special service rate   | .93  | .37                      | 1.30         |
| Non-excessive strength rate  | 1.24   | .43                      | 1.67         |
| Strength charge  |  |                          |              |
| Charge per 1,000 gallons of billable usage for each part per million of: |  |                          |              |
| BOD  | .000546(.16)*                                  | .000133(.04)*            | .000679(.20) |
| Suspended solids   | .000485(.15)*                                  | .000066(.02)*            | .000551(.17) |

\* Minimum charge when only one of either BOD or SS exceeds the average

AMENDMENT FORM

ORDINANCE # 81-16 RESOLUTION # \_\_\_\_\_ APPROPRIATION ORDINANCE # \_\_\_\_\_

SUBMITTED BY: Councilmembers Pam Service & Pat Murphy

COMMITTEE ACTION: None

PROPOSED AMENDMENT:

To adopt the CAP proposal to give a credit for wastewater service to low-income elderly, add a new Section II to the ordinance and renumber other sections accordingly. New Section II to read as follows:

SECTION II. Section 10.08.085, entitled "Lifeline service", shall be added to read as follows:

10.08.085 Lifeline service. Those users who are heads of households aged sixty-two or over who are dependent on Social Security or Social Security/SSI and whose total annual household income is at or below 125% of poverty level shall receive a credit on that portion of their monthly wastewater bill that is equivalent to the amount of the capital-related costs as established in section 10.08.040.

AMENDMENT FORM

ORDINANCE # 81-16 RESOLUTION # \_\_\_\_\_ APPROPRIATION ORDINANCE # \_\_\_\_\_

SUBMITTED BY: Al Towell

COMMITTEE ACTION: No recommendation

PROPOSED AMENDMENT:

To phase in the new flat rate system and make it effective in one year, the following changes should be made:

- (1) Amend Section IV to read as follows:

SECTION IV. The rates and charges established in Sections I and III shall be in effect for the use and services rendered by the Wastewater Utility beginning February 23, 1981 and ending February 23, 1982. The rates in Section II shall become effective February 23, 1981 and shall continue in force until amended by ordinance.

- (2) Add Section V to read as follows:

SECTION V. Beginning February 23, 1982, Section 10.08.040 of the Bloomington Municipal Code, entitled "Rates - Metered Water Users", shall be amended to read as follows:

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

|   | Portion of Rate Applicable to     |                                   |        |
|---|-----------------------------------|-----------------------------------|--------|
|   | Operation, Maintenance & Expenses | Capital Replacement Related Costs | Total  |
| Monthly service charge (per meter)                        | \$1.72                            | 0.00                              | \$1.72 |
| User charge   |                                   |                                   |        |
| Charge per 1,000 gallons per month for all billable usage |                                   |                                   |        |
| Residential   | 1.24                              | .43                               | 1.67   |
| Commercial  | 1.24                              | .43                               | 1.67   |
| Indiana University  | 1.24                              | .43                               | 1.67   |
| Industrial  | 1.24                              | .43                               | 1.67   |

(3) Add Section VI to read as follows:

SECTION VI. Beginning February 23, 1982, subsection (b) of section 10.08.110, entitled "Special service rates" shall be amended to read as follows:

(b) Special service rates shall be determined as follows:

|  | Portion of Rate Applicable to                  |                          |       |
|--|--|--------------------------|-------|
|  | Operation, Maintenance, & Replacement Expenses | Capital Related Expenses | Total |

|  |               |               |              |
|--|---------------|---------------|--------------|
| Special service charge (meter)   | \$1.72        | -0-           | \$1.72       |
| Laboratory analysis monthly charge                                       |               |               | 48.00        |
| Length of BOD and SS sampling charge                                     |               |               | 45.00        |
| Grease and oil sampling charge   |               |               | 10.00        |
| Lead sampling charge (per metal per test)                                |               |               |              |
| Use charge   |               |               |              |
| Charge per 1,000 gallons per month for all billable usage                |               |               |              |
| Special service rate   | .93           | .37           | 1.30         |
| Non-excessive strength rate  | 1.24          | .43           | 1.67         |
| Strength charge  |               |               |              |
| Charge per 1,000 gallons of billable usage for each part per million of: |               |               |              |
| BOD  | .000546(.16)* | .000133(.04)* | .000679(.20) |
| Suspended solids   | .000485(.15)* | .000066(.02)* | .000551(.17) |

\* Minimum charge when only one of either BOD or SS exceeds the average

(4) Add Section VII to read as follows:

SECTION VII The rates and charges established in Section V and VI for the use and services rendered by the wastewater utility shall be in effect from February 23, 1982 and shall continue in force until amended by ordinance.

(5) Add Section VIII to read as follows:

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

(6) Add Section IX to read as follows:

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

(7) Add a new synopsis to read as follows:

IC 19-2-5-20 gives the Common Council the power to establish rates and charges for the use of and service rendered by the wastewater utility. This ordinance raises the rates for metered and nonmetered water users and for industrial users who pay special service rates. It establishes two schedules for wastewater rate charges, with the first being effective from February 23, 1981 until February 23, 1982 and the second, a flat rate, becoming effective February 23, 1982.