

In The Council Chambers of the Municipal Building, on Thursday, November 8, 1973, at 7:30 p.m., with Council President Charlotte T. Zietlow presiding.

SPECIAL SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

Present: James Ackerman, Richard BEHEN, Hubert Davis, Wayne Fix, Sherwin Mizell, Jack Morrison, Brian De St. Croix, Al Towell, Charlotte Zietlow.

ROLL CALL

Absent: NONE.

Mayor McCloskey; Martha Sims, Controller; James Register, Corporate Counsel; Marvard Clark, Assistant City Engineer; Grace Johnson, City Clerk; Richard Fee, William Cook, Pat Gross, Jim Wray, Harold Harrell, Utilities Service Board members; David Rogers, Utilities Attorney; John Scott, Black and Veatch; Jackie Press, Utilities Service Board Secretary; Gary Kent, Acting Utilities Manager.

CITY OFFICIALS PRESENT

About 60 people including members of the press.

OTHERS PRESENT

Council President Zietlow announced that this meeting had been called for the purpose of second reading of Ordinance No. 73-72, sewer rate ordinance. She proposed that each speaker be limited to three minutes and no one be allowed to speak twice until everyone who wished had had a chance to speak. Then, everyone speaking a second time would also be limited to three minutes. There were no objections from councilmembers to this procedure.

MEETING CALL

Councilman Behen moved that a two hour time limit be set for the meeting. Councilman Ackerman seconded the motion. The motion was carried by a voice vote presumably in favor.

Councilman De St. Croix moved that Ordinance No. 73-72 be advanced to second reading and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance No. 73-72

Grace E. Johnson, City Clerk, read Ordinance No. 73-72 in its entirety.

Councilman De St. Croix moved that Ordinance No. 73-72 be adopted. Councilman Morrison seconded the motion.

Gary Kent made a presentation on the financial status of the city utilities and then answered questions from the Council and the audience.

John Scott made a presentation on the work Black and Veatch did on developing the rate structure and then answered questions from the Council and the audience.

(The presentations and discussions of Kent and Scott will not be transcribed. The tapes will be maintained in the Common Council office for at least a year and will be available for use by private citizens and city officials.)

Councilman Fix suggested that the environmental agencies have a general overall hearing on the environmental aspects of the sewerage expansion project to answer questions raised but not answered at the environmental assessment hearing held on October 25.

Gary Miller, Inpirg, presented a statement to the Council - Inpirg asked that the Council either not pass the rate ordinance at this time, or pass it on a conditional basis and ask Black and Veatch to prepare some alternative rate figures for the Council to review in the future, amending the rate structure at such time as a "better" "more equitable" - structure is found. Inpirg cited as an example of what they consider to be inequities the minimum billing at 3000 gallons - they expressed the view that people should be permitted to use and pay for less than 3000 gallons per month which the ordinance does not permit.

Councilman De St. Croix asked whether the Council could, by itself, change the rate structure in the future.

David Rogers, Attorney for the Utilities Service Board, said that the Common Council AND the Utilities Service Board would BOTH have to approve any future changes in the rate structure.

Councilman De St. Croix then asked Richard Fee, President of the Utilities Service Board, if the Board would be willing to work with the Council on changing the rates in the future should a "better" set of rates be found.

Mr. Fee said that no member of the Board could speak for the Board and then polled all members of the Board, who were in attendance. All five members of the Utilities Service Board agreed that they would work with the Council on asking Black and Veatch to develop alternative rate structures and then on reviewing these alternatives with an eye to making any changes in the sewer rates that seem more "equitable". (Inpirg had pointed out that some of the decisions made by Black and Veatch as to what constitutes "equity" should be made by the Common Council as this was not an absolute term.)

Councilman DeSt. Croix moved that the Common Council request Black and Veatch to come up with several alternatives for assigning costs within this structure, irrespective of any action the Council make take this evening. Councilman Towell seconded the motion.

Councilman Towell said that he thought an important part of this would be for the members of the Council to point out some things they would like considered and/or considered differently - otherwise, he said he did not think Black and Veatch could be held to this request without some input from the Council.

Councilman Ackerman said he was bothered by the way in which infiltration was assigned to customers in developing this rate structure - there are various ways that Mr. Scott has mentioned that infiltration can be broken down; another thing he thought should be added in is the ways of assigning minimal costs - and there are probably other things that have been brought up tonight that should be added in.

The Council was polled on this motion - the motion was approved unanimously by a ROLL CALL POLL OF AYES 9, NAYS 0.

Councilman De St. Croix moved that Ordinance No. 73-72 be amended by changing the extra strength charges in Section 4 from \$0.7231 per million gallons to \$0.966 per million gallons and from \$0.2285 per million gallons to \$0.319 per million gallons, with the result that the Section 4 would read:

MOTION TO AMEND

"Section 4. A new and additional section shall read as follows:

Chapter 10.08.145 - Extra Strength Charges. An extra charge in addition to the meter charge shall be made to users upon the following basis:

\$0.966 per million gallons for each part per million of BOD in excess of 300 parts per million; and \$0.319 per million gallons for each part per million of suspended solids in excess of 300 parts per million."

Councilman Mizell seconded the motion.

Mr. Scott explained that this section is to be applied to customers whose strength is in excess of what might be considered normal; at this time there is no strength monitoring system in the city and so it does not apply at this time to any particular customer. We have suggested in the past and continue to suggest that a strength monitoring system be put into effect to determine whether or not there are in fact customers in excess of basic strength and if so that they should pay a different charge.

THE MOTION TO AMEND WAS APPROVED
BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman De St. Croix moved that Ordinance No. 73-72, as amended, be adopted. Councilman Behen seconded the motion.

Councilman Mizell asked about making amendments concerning the months used in computing charges and the proposed capital recovery charge for persons wishing to connect to the system being financed by residents of the city.

David Rogers said that these should not be a part of this ordinance - the summer rate ordinance is a separate ordinance and it was the recommendation of the Board that it be considered separately; the board has not had a chance to make a recommendation on the capital recovery charge - the Utilities Service Board will have a recommendation on the measure months for summer billings and will work with the council on charges for non-city customers wishing to hook onto the system.

ORDINANCE NO. 73-72 WAS PASSED BY A ROLL CALL VOTE OF AYES 7, NAYS 2 (Nays: Morrison, Mizell)

Votes were explained as follows:

Councilman Towell: Undertaking the kind of rate increase we are and the kind of expansion certainly impresses me with the responsibility to protect this investment of the citizens in this project and the way I see that this should be done is to definitely help carry out the intentions of the citizens in creating the Board and bringing the best kind of management to the utilities. I would like to say I am taking that very seriously and I vote "yes".

Councilman Mizell: I was convinced several years ago that what Bloomington needed and needed badly was a sewer improvement program. However, I am not at all happy with the rate structure that this council has

been presented with and I hope that my vote will encourage the council seek out alternative rates as quickly as possible and I vote "no."

Councilman Davis: As unpleasant as a rate increase of this magnitude is and believing that careful study has been done and no argument in favor of a significant increase in information with a delay I vote yes.

Councilman Ackerman: I share Councilman Mizell's concerns about the possible inequities of the rate structure and want very much to re-open that to examine it again. I am definitely decided that a rate increase must be carried out. I have real fears that this vote tonight in a sense the council should have the final word on a decision, rather than making a decision and going back that this may be an abdication of responsibility but I am still in favor of the rate increase and I am voting "yes".

Councilman De St. Croix: I think votes like this are kind of like being caught between a rock and a hard spot. And I think that with the council's decision to work cooperatively with the utilities board to re-open the question of rate structures that we have no choice and I vote "yes".

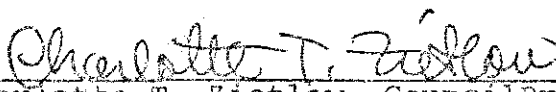
Councilman Fix: I agree that it is very obvious that we need a rate increase - I would hope that Inpirg and any other organization would also come up with a plan for this rate structure and I vote "yes".

Councilpresident Zietlow: I see also no alternative, however, I sympathize with the problems that people will have and I certainly hope that within the next month or so we can have other alternatives presented to us. I think Wayne's idea of Inpirg's presenting us and other organizations presenting us with things to think about in the alternatives is very important and I would encourage that. Of course I vote "yes".

Councilman De St. Croix moved that the meeting be adjourned. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

The meeting was adjourned at 11:30 p.m.

ADJOURNMENT


Charlotte T. Zietlow, Council President

ATTEST:


Amy G. Mann, Secretary

*****AVAILABILITY OF TAPE RECORDINGS:

NOTE: Time constraints on the Council staff did not permit a complete transcription of this meeting. Persons interested in the discussion of this ordinance are referred to the tapes of this meeting and to the tapes of the public hearing held on October 23 by the Council on Ordinance 73-72 - all of which are in the Office of the Common Council in the Municipal Building. In addition, the tapes of the environmental assessment hearing, October 25, can be obtained through the Utilities Service Board Office in the Service Center on South Henderson Street.