

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 18, 2019 at 6:30pm, Council President Dave Rollo presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
September 18, 2019

Members present: Ruff, Chopra, Piedmont-Smith, Granger, Rollo, Volan, Sims, Sturbaum, Sandberg
Members absent: none

ROLL CALL [6:30pm]

Council Vice-President Dorothy Granger announced that the agreement with the American Sign Language services stated that the interpreters would work for two hours, and that if the meeting went longer than two hours, the interpreters would leave.

AGENDA SUMMATION [6:31pm]

Council President Dave Rollo summarized the agenda.

There were no minutes for approval.

APPROVAL OF MINUTES

Councilmember Susan Sandberg commented on the retirement of Joe Hoffman (Chair, Plan Commission).

REPORTS
• COUNCIL MEMBERS
[6:35pm]

Councilmember Chris Sturbaum commented about Hoffman, a UDO amendment pertaining to plexes, and state legislation.

Councilmember Jim Sims commented about Hoffman, the importance of registering to vote, and electing representatives.

Councilmember Steve Volan said he was grateful for the Special Session held on September 16, 2019. Volan said there would be a panel discussion on parking on WFHB that coming Friday.

Councilmember Alison Chopra stated that the debate pertaining to plexes in the UDO should also consider the needs of those who do not own homes. Chopra said it was not fair to the public or councilmembers to call the meeting on September 16, 2019 with such short notice.

Councilmember Isabel Piedmont-Smith referenced a discussion from the Indiana Climate Change Leadership Summit.

Granger thanked the County Commissioners for calling a meeting on September 16, 2019 to discuss the Convention Center.

Rollo said in regards to the Special Session that while he did not agree with the Planned Unit Development, he appreciated the work that went in to the discussion.

There were no reports from the Mayor or city offices.

• The MAYOR AND CITY
OFFICES [6:45pm]

There were no council committee reports.

• COUNCIL COMMITTEES

Paul Post, President of the Fraternal Order of Police, Lodge 88, said he was glad to have met with councilors and have his questions answered. Post spoke about the police union contract negotiations.

• PUBLIC [6:48pm]

Drew Bazun, Bloomington Police Department, Second Shift Representative, spoke about the police union contract negotiations.

Jeff Rodgers, Bloomington Police Department , provided the value of overtime pay and comp time for 2018, and the projected amount for 2019, as well as sick pay.

- Public (cont'd)

Jacob Woods, Bloomington Police Department, Night Shift Representative, discussed the sustainability of police department staffing, and that current staffing is the same as 2009.

Greg Alexander spoke about the need for sidewalk improvements in the city.

Granger moved and it was seconded that Jerett Alexander and Corbin Baird be appointed to the Bloomington Commission on Sustainability. It was seconded and approved by a voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS
[6:47pm]

Volan moved and it was seconded that Ordinance 19-18 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 8, Nays: 0, Abstain: 0.

Ordinance 19-18 To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5

Volan moved and it was seconded that Ordinance 19-18 be adopted.

Jeff Cockerill, Monroe County Legal, clarified that the projects being looked at included property that would be developed and that enhanced connectivity, included two roads, extension of Profile Parkway and Vernal Pike. Cockerill explained where sidewalks would be placed.

Iris Kiesling, Monroe County Redevelopment Commission, said she appreciated the partnership with the city to develop the Westside.

Volan said he appreciated the development and connectivity goals of the west side.

Council comments:

Sandberg said she supported the project.

Piedmont-Smith said she hoped the county would take into consideration the full impacts of growth and any new employers, including on environment, storm water, affordable housing, and bringing employees from outside.

Sims said he would like to know who owned Gates Drive, in regards to connectivity and that the area was sidewalk-starved.

There was no public comment.

Public comment:

Rollo stated that he supported the legislation and the county's work.

The motion to adopt Ordinance 19-18 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 19-18
[7:29pm]

Volan moved and it was seconded that Ordinance 19-15 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 8-0-0.

Volan moved and it was seconded to adopt Ordinance 19-15.

Jeff Underwood, Controller, presented the legislation to the council.

There were no council questions.

There was no public comment.

Granger said she appreciated the work on saving money.

Rollo concurred with Granger.

The motion to adopt Ordinance 19-15 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Sturbaum out of the room).

Volan moved and it was seconded that Ordinance 19-16 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, and gave the committee do-pass recommendation of 7-0-1.

Volan moved and it was seconded that Ordinance 19-16 be adopted.

Vic Kelson, Director of Utilities, presented the legislation to the council. Kelson discussed the process of bringing rate increase requests to the Common Council, establishing customer classes based on geography for sewer, the revenue raised by rate increases due to inflation and maintenance of the system, and capital projects for modernization and expansion.

Piedmont-Smith asked for clarification on the surcharge for residents outside of city limits, and if it was based on cost providing service to them.

Kelson confirmed that it was.

Volan clarified that the bulk of the increase was for capital improvements.

Kelson discussed the capacities of the Dillman Road Plant and the Blucher Poole Plant, and that the Indiana Department of Environmental Management (IDEM) required improvements and increased capacity. There was additional discussion regarding customers inside the city versus those outside of the city.

Sturbaum asked if the rate increase gave bigger consumers in the city a break that individual consumers outside of the city were making up.

Kelson said in-city consumers were subsidizing those outside of the city.

Granger asked if county consumers would see their rate decrease if the area was annexed.

Kelson said an analysis would have to happen and a new in-city and outside of city rate would be determined.

Rollo said cost-of-service was fair and remedied the subsidization of growth outside of the city so that the user paid for the service.

Ordinance 19-15 An Ordinance Authorizing the Refunding of Certain Outstanding Sewage Works Revenue Bonds of the City; Authorizing the Issuance of the City of Bloomington, Indiana Sewage Works Refunding Revenue Bonds of 2019 to Provide Funds for such Refunding and the Payment of the Costs Thereof; and Addressing Other Matters Connected Therewith

Vote to adopt Ordinance 19-15 [7:34pm]

Ordinance 19-16 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment)

Council questions:

Rollo said there was a negative impact in county residents building their own septic.

Kelson said the rate increase, around \$3/month, would not likely be the determining factor of building their own septic.

There was no public comment.

Granger said she supported the ordinance.

Sims said he would be supporting the ordinance, and appreciated the work of the staff and the consultant.

Volan explained why the rates were being addressed. Volan thanked staff for their report.

Sturbaum voiced his appreciation for the rational justification of the ordinance, but a flat rate across the board would be ideal. He would not support the ordinance.

Volan responded that the line between in-city and out of city was not arbitrary and that individuals who have been served outside of the city were now going to have to pay for services.

Rollo said the rate increase made sense because in-city residents should not subsidize the service for those outside of the city.

The motion to adopt Ordinance 19-16 received a roll call vote of Ayes: 8, Nays: 1 (Sturbaum), Abstain: 0.

Volan moved and it was seconded that Ordinance 19-17 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, and gave the committee do-pass recommendation of 8-0-0.

Volan moved and it was seconded that Ordinance 19-17 be adopted.

Chris Wheeler, Assistant City Attorney, presented the legislation. He said staff from Legal and the Utilities Department recommended the passage of the ordinance.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 19-17.

Amendment 01 Synopsis: This amendment is sponsored by Cm. Piedmont-Smith. It clarifies the circumstances under which a property owner may obtain a waiver of connection fees for purposes of converting from septic to sewer or otherwise protecting the municipal separate stormwater sewer system (MS4). It also corrects the reference to the municipal codes as it appears in the sub-title of the ordinance.

Volan clarified that the waivers were not limited to city limits. Wheeler and Kelson further commented on the sewer utility and storm water utility, inside city limits versus those who lived outside city limits.

Vic Kelson stated that a discussion would need to occur with Monroe County government for reimbursements for the waivers.

Ordinance 19-16 (cont'd)

Public comment:

Council comment:

Vote to adopt Ordinance 19-16
[7:58pm]

Ordinance 19-17 To Amend Title 10 of the Bloomington Municipal Code (BMC) Entitled "Wastewater" - Re: Amending BMC 10.08.040 (Connection Fees) to Allow Waiver of those Fees in Two Limited Circumstances – To Promote Conversion of Septic to Sewer and to Complement Certain City Affordable Housing Programs

Amendment 01 to Ordinance 19-17

Council questions:

Sturbaum asked if the waivers were an incentive.
Kelson stated that it was possible and that a septic would have to be fully abandoned and possibly certified by the Monroe County Health Department.

Ordinance 19-17 (cont'd)

There was no public comment on Amendment 01 to Ordinance 19-17.

Public comment:

Volan said the question of inside versus outside city limits was relevant and fair, and he supported the amendment.

Council comment:

The motion to adopt Amendment 01 to Ordinance 19-17 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 19-17 [8:14pm]

Sturbaum asked if HAND had a program to incentivize homeowners.
Wheeler stated that he did not know but that generally federal funds could not be applied to fees.

Council questions:

Volan asked if Utilities had a program to incentivize homeowners
Kelson said no.
Volan asked how it was determined that excess water was considered storm or waste water.
Kelson explained that it depended on where the water went.

Rollo asked if there were specific areas where storm water runoff was compromised by septic that could be targeted for the waivers.
Kelson said there was and homeowners replacing septic for sewer would be notified of the waivers. Kelson stated that the septic would need to be filled in properly. Kelson discussed the value of funding storm water properly and the improvements, current and future.

There was no public comment.

Public comment:

Granger stated that it would be beneficial to work with Monroe County government on the issues at hand.

Council comment:

Sims said the cost analysis that was conducted was sufficient and questions about the cost were not necessary. Sims stated that the incentive to homeowners on septic was the switch to sewer and that further incentives were not necessary.

The motion to adopt Ordinance 19-17 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 19-17 as amended [8:24pm]

LEGISLATION FOR FIRST
READING [8:23pm]

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

Ordinance 19-19 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by Employees Responsible for Issuing Permits

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Piedmont-Smith moved and it was seconded to replace the Committee of the Whole scheduled for Wednesday, October 2nd with a Regular Session of the Council. The motion was approved by voice vote.

COUNCIL SCHEDULE [8:26pm]

Volan moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [8:29pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ~~16th~~ day of ~~September~~, 2020.

2nd NB

APPROVE:

ATTEST:



Stephen Volan, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington