

# City of Bloomington Common Council

## Legislative Packet

*Meetings for the week of 19-23 October 2020*

**Wednesday, 21 October 2020**

*Regular Session*

**6:30 PM**

**Thursday, 22 October 2020**

*Jack Hopkins Social Services Funding Committee*

**6:00 PM**

**Friday, 23 October 2020**

*Council Work Session*

**12:00 PM**

Legislation and Background Materials Contained Herein:

- [Ordinance 20-18](#)
- [Ordinance 20-20](#)
- [Ordinance 20-26](#)
- [Ordinance 20-27](#)

For Legislation and Background Materials for [Ordinance 20-17](#)

Please View: [07 October 2020 Legislative Packet](#)

*\*Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



## Legislative Packet Memo – from Council Office

Materials pertaining to the week of October 19 – October 23

---

### AGENDAS & NOTICES FOR MEETINGS OF OCTOBER 19 - 23

- Common Council Regular Session – Agenda and Notice
  - Wednesday, October 21, 2020 at 6:30 pm, accessible via:  
<https://bloomington.zoom.us/j/94791090025?pwd=ZHozRjg2VTVmeUJLRWZ3VTduWHllQT09>
- Jack Hopkins Social Services Funding Committee Meeting - Notice
  - Thursday, October 22, 2020 at 6:00 pm, accessible via:  
<https://bloomington.zoom.us/j/93087288228?pwd=dzZxOW9hUjI4cEtoVWF0NStYnQzUT09>
- Common Council Work Session – Notice
  - Friday, October 23, 2020 at 12 noon, accessible via:  
<https://bloomington.zoom.us/j/99806745910?pwd=VThoWlNNYXFhZi9nV1BhdFVUUWJpUT09>

---

### MINUTES FOR APPROVAL AT REGULAR SESSION – OCTOBER 21

- February 19, 2020 | March 4, 2020 | July 22, 2020 | October 7, 2020

---

### LEGISLATION AND MATERIALS FOR SECOND READINGS AND RESOLUTIONS - WEEK OF OCTOBER 19-23

- **Ordinance 20-17** – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" By Replacing the Neighborhood Traffic Safety Program with the Traffic Calming and Greenways Program.
  - A report from the Transportation Committee is forthcoming.

→ Please see the weekly Council Legislative Packet issued for the [07 October 2020 Common Council Regular Session](#) for the above legislation, material, and summary.



## LEGISLATION AND MATERIALS FOR FIRST READINGS - WEEK OF OCTOBER 19 – 23

---

- **Ordinance 20-18** – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: amending Chapters 15.12.010 (Stop Intersections) to add several stop signs; 15.12.030 (Pedestrian Hybrid Beacon Signals) to add a hybrid beacon signal; 15.32.080 (No Parking Zones) to add several no parking zones; 15.32.100 (Loading Zones) to delete several loading zones; 15.32.100 (Loading Zones) to add a loading zone; 15.37.020 (Applicability) to delete several streets from Zone 8; and 15.37.050 (Fees) to add provision about the timing of permit sales.
  - Memo from Staff
  - Maps of affected locations→ Contact: Amir Farshchi, [farshchs@bloomington.in.gov](mailto:farshchs@bloomington.in.gov), (812)349-3423
- **Ordinance 20-20** – To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code (To Establish a Community Advisory on Public Safety Commission)
  - Memo from Council sponsors (Cms. Piedmont-Smith, Rosenbarger, and Flaherty)→ Contact: Cm. Isabel Piedmont-Smith, [piedmoni@bloomington.in.gov](mailto:piedmoni@bloomington.in.gov), 812-349-3409  
→ Contact: Cm. Kate Rosenbarger, [kate.rosenbarger@bloomington.in.gov](mailto:kate.rosenbarger@bloomington.in.gov), 812-349-3409  
→ Contact: Cm. Matt Flaherty, [matt.flaherty@bloomington.in.gov](mailto:matt.flaherty@bloomington.in.gov), 812-349-3409
- **Ordinance 20-26** – An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Sewage Works Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters
  - Exhibit A – Description of Projects
  - Exhibit B – Form of Registered Bond
  - Insert for Cost Estimates and Preliminary Design Plans (these documents available for inspection in the Office of the City Clerk)
  - Estimated Sources and Uses of Funds
  - Opinion of Probable Construction Costs – Jordan River Culvert Reconstruction→ Contact: Vic Kelson, Utilities Director, [kelsonv@bloomington.in.gov](mailto:kelsonv@bloomington.in.gov), 812-349-3650  
→ Contact: Brad Schroeder, Assistant Director-Engineering, [schroedb@bloomington.in.gov](mailto:schroedb@bloomington.in.gov), 812-349-3653  
→ Contact: Chris Wheeler, Assistant City Attorney, [wheelech@bloomington.in.gov](mailto:wheelech@bloomington.in.gov), 812-349-3426



- **Ordinance 20-27** – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater”
    - Memo from Staff
    - Strikeout version of BMC 10.17 showing proposed changes
    - Clean version of BMC 10.17 with proposed changes incorporated
    - Utilities Service Board Resolution 2020-07 (signatures forthcoming)
- Contact: Vic Kelson, Utilities Director, [kelsonv@bloomington.in.gov](mailto:kelsonv@bloomington.in.gov), 812-349-3650
- Contact: Chris Wheeler, Assistant City Attorney, [wheelech@bloomington.in.gov](mailto:wheelech@bloomington.in.gov), 812-349-3426

## SUMMARIES OF LEGISLATION

---

- **Ordinance 20-18** – To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic”

Ord 20-18 proposes various changes to Bloomington Municipal Code (“BMC”) Title 15 (“Vehicles and Traffic”), including updates to the following BMC sections as follows:

1. Section 15.12.010, Schedule A (Stop Intersections)<sup>1</sup> amended to add stop signs to the following intersections:
  - Addisyn Lane and Countryside Lane
  - Addisyn Lane and Delila Star Drive
  - Delila Star Drive and Countryside Lane
  - Delila Star Drive and Sunstone Drive
  - Eventide Drive and Addisyn Lane
  - Eventide Drive and Delila Star Drive
  - Flat Rock and Addisyn Lane
  - Sunstone Drive and Adams Street.
2. Section 15.12.030, Schedule D(2) (Pedestrian Hybrid Beacon Signals)<sup>2</sup> amended to add pedestrian hybrid beacon signals to the intersection of Walnut Street and B-Link Trail Crossing.
3. Section 15.32.080, Schedule M (No Parking Zones)<sup>3</sup> amended to add a no parking zone on Pinewood Drive from Walnut Street to 270 feet West of Walnut Street on both sides of the street at all times.

---

<sup>1</sup> [Current BMC Section 15.12.010 Stop Intersections](#)

<sup>2</sup> [Current BMC Section 15.12.030 Schedule D\(2\) Pedestrian Hybrid Beacon Signals](#)

<sup>3</sup> [Current BMC Section 15.32.080 No Parking Zones](#)



4. Section 15.32.100, Schedule O (Loading Zones)<sup>4</sup> amended to delete the following loading zones:
  - 100 - Block of West Fourth Street, first space east of College Avenue on south side.
  - 100 - Block of West Fourth Street, the first space east of the alley on the north side of Fourth Street
  - 124 – North Walnut Street
  - 124 - East/West alley between Fourth Street and Kirkwood Avenue and Dunn Street and Indiana Street to 66’ East of Dunn Street.
  - 301 - North Washington Street from 72’ to 112’ south of Eighth Street on the west side.
  - 301 - Seventh Street, first space west of College on north side.
  - 342 – South Walnut Street
  - 349 - South Walnut Street, two spaces on the east side in front of the Older Americans’ Center.
  - 417 - East Sixteenth Street, from 102’ to 124’ west of Dunn Street on the north side.
  - 508 - North Morton Street, 68’ north of Ninth Street to 77’ north of Ninth Street.
5. Section 15.32.100 (Loading Zones)<sup>5</sup> amended to add:
  - 100 – Block of West Fourth Street, first space east of the alley on the north side of Fourth Street from the hours of 5 a.m. to 5 p.m. Monday through Saturday.
6. Section 15.37.020 (Applicability)<sup>6</sup> amended by deleting Zone 8 in its entirety.
7. Section 15.37.050 (Fees)<sup>7</sup> amended to add:

(c) The Parking Services Division has the authority to begin the permit sales process at any time before August 15 of each year.

A memo and maps of affected locations provided by Amir Farshchi provide additional information about proposed changes.

---

<sup>4</sup> [Current BMC Section 15.32.100 Loading Zones](#)

<sup>5</sup> [Current BMC Section 15.32.100 Loading Zones](#)

<sup>6</sup> [Current BMC Section 15.37.020 Applicability](#)

<sup>7</sup> [Current BMC Section 15.37.050 Fees](#)



- **Ordinance 20-20** – To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code (To Establish a Community Advisory on Public Safety Commission)

Ord 20-20 amends Title 2 of the Bloomington Municipal Code (Administration and Personnel) to create an 11-member Community Advisory on Public Safety (CAPS) Commission. This Commission would, among other duties, research and make recommendations to the Common Council, the Mayor, and the Board of Public Safety on matters of public safety. The commission would be advisory in nature and would operate as follows:

**Goal:** To increase safety of all members of the Bloomington community, especially those most vulnerable among us.

**Duties:**

1. Gather data about perceptions and preference regarding public safety, specifically from groups of individuals that do not fall into the majority racial and economically advantaged demographics, as well as marginalized populations of Bloomington;
2. Research evidence-based approaches to public safety other than traditional policing, including but not limited to the establishment of an alternate crisis response phone number, investments in mental health care, addiction treatment, community centers, or job training (among other areas) to mitigate the causes of crime, and other innovative approaches;
3. Explore best practices in socially and racially just public safety measures in cities across the US and worldwide, and to examine which ideas may be best implemented in Bloomington;
4. To make recommendations to the Bloomington Common Council and the Mayor's administration on policies and programs that enhance public safety for all community members;
5. Promote a broader view of public safety through education and outreach programs
6. To provide an annual report of its activities to the Common Council, Mayor and the public.

**Composition:**

1. 11 members appointed by the City Council.
2. Interested applicants must apply to be a member and will appointed by the appropriate standing committee of the City Council after an application and interview process.
3. Individuals from traditionally underrepresented groups are especially encouraged to apply to be on the commission.

A memo provided by Cm. Piedmont-Smith, Cm. Rosenbarger, and Cm. Flaherty provides additional information about this proposed commission.



- **Ordinance 20-26** – An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, Of Certain Extensions and Improvements to the City’s Sewage Works Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters

Ord 20-26 authorizes the construction of two major utilities projects and authorizes the issuance of revenue bonds to fund the costs of the projects.

### **Overview of Proposed Capital Improvements**

Two capital improvement projects are proposed to be funded by the issuance of revenue bonds. Both projects are briefly described in Exhibit A to Ord 20-26. Detailed cost estimates and preliminary design plans are available for public inspection ([pursuant to I.C. 36-1-5-4](#)) in the Office of the City Clerk. Members of the public wishing to view these files may contact the City Clerk’s Office at 812-349-3408 or [clerk@bloomington.in.gov](mailto:clerk@bloomington.in.gov).

### **General Overview of Bond Ordinances**

Bond ordinances are long and very technical documents that set forth the procedures and the assurances necessary for the relevant financial interests to engage in these transactions involving as much as \$32 million. The following paragraphs categorize and highlight the provisions of the ordinance. In brief, the ordinance:

#### **Amount and Purpose of the Bonds (with Accompanying Documents)**

- Authorizes the City to sell a maximum of \$32 million in sewage works revenue bonds;
- Attaches Exhibit A, which provides a brief description of the Dillman Road Wastewater Treatment Plant Project and the Jordan Culvert Project;
- Indicate that the *Cost Estimates and Preliminary Design Plans* for these improvements will be made available for public inspection in the Clerk’s Office.

#### **Kinds of Bonds, Limits on Interest and Maturity, Relationship with Outstanding Bonds, and Life Cycle of Bonds**

- Authorizes bonds with a maximum interest rate of 5% per year and maximum maturity period of no more than 20 years;
- Authorizes the issuance of Bond Anticipation Notes (BANs provide money prior to sale of bonds) at an interest rate of no more than 5% and a maturity date, with extensions, of no more than 5 years after initial date of delivery of these financial instruments;
- Acknowledges outstanding bonds (See the table below) and provides for the new bonds to be issued in parity with the outstanding ones;
- Authorize Municipal Bond Insurance (which may help lower rates);
- Sets forth procedures for issuing, holding, transferring, and redeeming the BANs and bonds.



### Outstanding Wastewater Parity Bonds

Name	Original Date	Amended	Current aggregate principal amount outstanding (Oct 2020)
Amended Sewage Works Revenue of 2006, Series A-1	May 4, 2006	March 26, 2015	\$3,301,700
Sewage Works Refunding Revenue Bonds, Series 2012 A	April 10, 2012	N/A	\$3,880,000
Sewage Works Revenue Bonds, Series 2012 C	May 15, 2012	N/A	\$3,615,000
Sewage Works Refunding Revenue Bonds, Series 2013	May 17, 2013	N/A	\$6,735,000
Sewage Works Revenue Bonds of 2017	August 8, 2017		\$6,240,000
Sewage Works Refunding Revenue Bonds, Series 2019	November 6, 2019	N/A	\$5,920,000
Total			\$29,691,700

### Safeguarding Bondholders

- Requires the separation of funds into various accounts and prescribes the uses and minimum balances of these accounts;
- Requires the utility to set reasonable, just, and equitable rates and charges sufficient to cover its operations as well as reserve amounts slightly in excess of annual debt service and related obligations;
- Note: CBU completed a rate case last year for both sewer and stormwater that included the projected costs for both of the projects being funded by this bond issuance.
- Allows the bond holders to appoint a receiver in the event of default or other adverse actions on the part of the City;
- Allows for the issuance of further bonds and BANs on certain conditions;
- Prohibits the City from amending the ordinance in a manner that adversely affects bond holders without obtaining consent of owners of at least 66 2/3% of the principle;
- Requires the City to preserve the tax exempt status of the bonds by not using more than a small percentage of the funds for private purposes; and
- Repeals portions of any previous ordinances that are inconsistent with these provisions.





- **Ordinance 20-27** – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater”

Ord 20-27 proposes amendments to [Chapter 10.17](#) (“Food Service Establishment Wastewater Dischargers”) of the Bloomington Municipal Code. In brief, the ordinance:

- Adds definitions for “gravity grease interceptor” and “hydromechanical grease interceptor” and adds both to the definition of grease retention devices;
- Makes various updates to BMC 10.17.110 (“Design criteria”);
- Adds a new section, BMC 10.17.115, to provide for a new grease hauling permit program, which is free and is intended to promote best practices and education within the FOG (fats, oils, and grease) hauling industry;
- Makes various updates to BMC 10.17.120 (“Best management practices”), including accounting for the new types of devices added by the ordinance.

Both a strikeout version of BMC Chapter 10.17 with proposed changes highlighted, as well as a clean version with changes incorporated, are included herein.

The Utilities Services Board voted to recommend to the Council the changes contained in Ord 20-27 at its September 28, 2020 meeting. The resolution adopted by the USB is included in the packet (signatures for the resolution are forthcoming). Minutes from that USB meeting provide additional detail about the proposal, and can be found here:

[https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile\\_id=7713](https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=7713).

**NOTICE AND AGENDA  
THE BLOOMINGTON COMMON COUNCIL**

**REGULAR SESSION  
WEDNESDAY, 21 OCTOBER 2020 AT 6:30 PM**

*Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:*

<https://bloomington.zoom.us/j/94791090025?pwd=ZHozRjg2VTVmeUJLRWZ3VTduWHllQT09>

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES**

February 19, 2020 (Regular Session)  
March 4, 2020 (Regular Session)  
July 22, 2020 (Regular Session)  
October 7, 2020 (Regular Session)

**IV. REPORTS** *(A maximum of twenty minutes is set aside for each part of this section.)*

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public\***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING**

1. [Ordinance 20-17](#) - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" By Replacing the Neighborhood Traffic and Safety Program with the Traffic Calming and Greenways Program

Transportation Committee Recommendation      Do Pass:      4-0-0

**VII. LEGISLATION FOR FIRST READING**

1. [Ordinance 20-18](#) - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Chapters 15.12.010 (Stop Intersections) to add several stop signs; 15.12.030 (Pedestrian Hybrid Beacon Signals) to add a hybrid beacon signal; 15.32.080 (No Parking Zones) to add several no parking zones; 15.32.100 (Loading Zones) to delete several loading zones; 15.32.100 (Loading Zones) to add a loading zone; 15.37.020 (Applicability) to delete several streets from Zone 8; and 15.37.050 (Fees) to add provision about the timing of permit sales
2. [Ordinance 20-20](#) – To Amend Title 2 ("Administration and Personnel") of the Bloomington Municipal Code (To Establish a Community Advisory on Public Safety Commission)
3. [Ordinance 20-26](#) - An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Sewage Works Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters
4. [Ordinance 20-27](#) - To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater"

**VIII. ADDITIONAL PUBLIC COMMENT\***

*(A maximum of twenty-five minutes is set aside for this section.)*

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

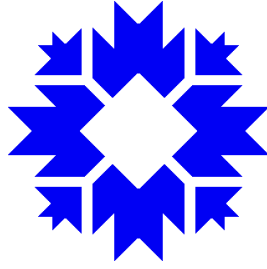
*\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.*

*Statement on public meetings during public health emergency:*

*As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:*

- allowing members of the Council or its committees to participate in meetings electronically;*
- posting notices and agendas for meetings solely by electronic means;*
- using electronic meeting platforms to allow for remote public attendance and participation (when possible);*
- encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to [council@bloomington.in.gov](mailto:council@bloomington.in.gov)).*

*Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings during the public health emergency.*



**City of Bloomington  
Office of the Common Council**

# **NOTICE**

**Wednesday, 21 October 2020**  
***Regular Session - at 6:30 pm***

***Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:***

***<https://bloomington.zoom.us/j/94791090025?pwd=ZHozRjg2VTVmeUllRWZ3VTduWHllQT09>***

**Statement on public meetings during public health emergency**

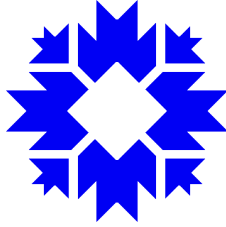
*As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:*

- *allowing members of the Council and its committees to participate in meetings electronically;*
- *posting notices and agendas for meetings solely by electronic means (See <https://bloomington.in.gov/council>);*
- *using electronic meeting platforms to allow for remote public attendance and participation; and*
- *encouraging the public to watch meetings via Community Access Television Services broadcast or livestream and encouraging remote submissions of public comment.*

*Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings during the public health emergency.*

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

**Posted: Friday, 16 October 2020**



**City of Bloomington  
Office of the Common Council**

# **NOTICE**

**Jack Hopkins Social Services Funding Committee**  
***Pre-allocation Meeting***

**Thursday, 22 October 2020**  
**6:00pm**

***Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:***

***<https://bloomington.zoom.us/j/93087288228?pwd=dzZxOW9hUjI4cEtoVWF0NStYTnQzUT09>***

***Statement on public meetings during public health emergency***

*As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:*

- allowing members of the Council and its committees to participate in meetings electronically;*
- posting notices and agendas for meetings solely by electronic means (See <https://bloomington.in.gov/council>);*
- using electronic meeting platforms to allow for remote public attendance and participation; and*
- encouraging the public to watch meetings via Community Access Television Services broadcast or livestream and encouraging remote submissions of public comment.*

*Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings during the public health emergency.*

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, 16 October 2020



City of Bloomington  
Office of the Common Council

# NOTICE

## COMMON COUNCIL WORK SESSION

**Friday, 23 October 2020**

**12:00pm**

*Per [Executive Orders](#) issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:*  
*<https://bloomington.zoom.us/j/99806745910?pwd=VThoWlNNYXFhZi9nV1BhdFVUUVJpUT09>*

*Statement on public meetings during public health emergency*

*As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:*

- allowing members of the Council and its committees to participate in meetings electronically;
- posting notices and agendas for meetings solely by electronic means (See <https://bloomington.in.gov/council>);
- using electronic meeting platforms to allow for remote public attendance and participation; and
- encouraging the public to watch meetings via Community Access Television Services broadcast or livestream and encouraging remote submissions of public comment.

*Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings during the public health emergency.*

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

**ORDINANCE 20-18**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" Re: Amending Chapters 15.12.010 (Stop Intersections) to add several stop signs; 15.12.030 (Pedestrian Hybrid Beacon Signals) to add a hybrid beacon signal; 15.32.080 (No Parking Zones) to add several no parking zones; 15.32.100 (Loading Zones) to delete several loading zones; 15.32.100 (Loading Zones) to add a loading zone; 15.37.020 (Applicability) to delete several streets from Zone 8; and 15.37.050 (Fees) to add provision about the timing of permit sales**

WHEREAS, the Traffic Commission, Parking Commission and city staff from Parking Enforcement, the Planning and Transportation Department, and the Legal Department recommend certain changes be made in Title 15 of the Bloomington Municipal Code entitled “Vehicles and Traffic,”

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 15.12.010, Schedule A, entitled “Stop Intersections,” shall be amended by adding the following:

TRAFFIC ON	SHALL STOP FOR TRAFFIC ON
Addisyn Lane	Countryside Lane
Addisyn Lane	Delila Star Drive
Delila Star Drive	Countryside Lane
Delila Star Drive	Sunstone Drive
Eventide Drive	Addisyn Lane
Eventide Drive	Delila Star Drive
Flat Rock Road	Addisyn Lane
Sunstone Drive	Adams Street

SECTION 2. Section 15.12.030, Schedule D(2), entitled “Pedestrian Hybrid Beacon Signals,” shall be amended by adding the following:

PEDESTRIAN HYBRID BEACON SIGNALS			
CROSS STREET	CROSS STREET	FLASHER HOURS AND DAYS	PREFENTIALITY
Walnut Street	B-Link Trail Crossing		

SECTION 3. Chapter 15.32.080, Schedule M, entitled “No Parking Zones,” shall be amended by adding the following:

NO PARKING ZONES				
STREET	FROM	TO	SIDE OF STREET	TIME OF RESTRICTION
Pinewood Drive	Walnut Street	270 feet West of Walnut Street	Both	Any Time

SECTION 4. Section 15.32.100, Schedule O, entitled “Loading Zones,” shall be amended by deleting the following loading zones:

LOADING ZONES	
100	Block of West Fourth Street, first space east of College Avenue on south side.
100	Block of West Fourth Street, the first space east of the alley on the north side of Fourth Street
124	North Walnut Street.
	East/West alley between Fourth Street and Kirkwood Avenue and Dunn Street and Indiana Street to 66’ East of Dunn Street.
301	North Washington Street from 72’ to 112’ south of Eighth Street on the west side.
	Seventh Street, first space west of College on north side.
342	South Walnut Street
349	South Walnut Street, two spaces on the east side in front of the Older Americans’ Center.
417	East Sixteenth Street, from 102’ to 124’ west of Dunn Street on the north side.
508	North Morton Street, 68’ north of Ninth Street to 77’ north of Ninth Street.

SECTION 5. Section 15.32.100, Schedule O, entitled, “Loading Zones,” shall be amended by adding the following loading zone:

LOADING ZONES	
100	Block of West Fourth Street, first space east of the alley on the north side of Fourth Street from the hours of 5 a.m. to 5 p.m. Monday through Saturday.

SECTION 6. Section 15.37.020, entitled “Applicability” of Residential Neighborhood Parking Permits, shall be amended by deleting the following:

North College Residential Neighborhood Zone (Zone 8) shall apply to the following streets:

Street	From	To	Side of Street
North College Avenue	1 <sup>st</sup> Alley North of Tenth Street on west side	Eleventh Street	West
North College Avenue	2 <sup>nd</sup> Alley North of Tenth Street on east side	Eleventh Street	East

SECTION 7. Section 15.37.050, entitled “Fees,” shall be amended by adding the following:

(c) The Parking Services Division has the authority to begin the permit sales process at any time before August 15 of each year.

SECTION 8. If any section, sentence or provision of this ordinance, or application thereof to any person, or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 9. This ordinance shall be in effect after its passage by the Common Council and approval by the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.



PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
STEPHEN VOLAN, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

## SYNOPSIS

This Ordinance amends Title 15, “Vehicles and Traffic,” of the Bloomington Municipal Code and comes forth at the request of City staff and the Traffic Commission. The ordinance makes the following changes:

--It adds stop intersections to South Addisyn Lane at West Countryside Lane and at South Delia Star Drive, to S. Delila Star Drive at West Countryside Lane and at West Sunstone Drive, to West Eventide Drive at South Addisyn Lane and at South Delila Star Drive, to South Flat Rock Road at South Addisyn Lane and to West Sunstone Drive at South Adams Street.

--It adds a new pedestrian hybrid beacon signal at the crossing of South Walnut Street and the B-Link Trail.

--It adds a new no parking zone on West Pinewood Drive from South Walnut Street to South Pinewood lane on both sides of the street.

--It deletes several loading zones from the municipal code that are no longer in existence and corrects the time restrictions for a loading zone on West Fourth Street.

--It deletes the current residential neighborhood zone 8, as that zone was absorbed by other zones by a previous ordinance.

--It clarifies that the parking services division has the authority to begin the neighborhood parking permit sales process for the upcoming year at any time.

---

**To:** Common Council  
**MEMO**

**Ordinance #:** 20-17  
**Date:** October 1, 2020

---

**From:** Raye Ann Cox, Parking Enforcement Manager; SeyedAmir Kaboli Farshchi, Long Range Planner; Neil Kopper, Interim Transportation & Traffic Engineer; Barbara E. McKinney, Assistant City Attorney; Beth Rosenbarger, Planning Services Manager; Michelle Wahl, Parking Services Director

**Request:** Title 15 Amendments

---

## REPORT

The Legal Department, Planning and Transportation Department, and Parking Services have compiled a number of recommendations for changes to Title 15, the vehicle and traffic section of the Bloomington Municipal Code. Link to the current Title 15 of the Bloomington Municipal Code:  
[https://library.municode.com/in/bloomington/codes/code\\_of\\_ordinances?nodeId=TIT15VETR](https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT15VETR)

The purpose of these recommendations is to address issues that have come to staff's attention through public requests, commissions' recommendations, or 180-day orders. The ordinance amending Title 15 and respective maps are included in the meeting packet. This request for changes to Title 15 was presented to the Traffic Commission on Sep. 23, 2020 and Parking Commission on Sep. 24, 2020. The Traffic Commission did not have a quorum but those present supported the changes. The Parking Commission voted to forward with a positive recommendation to the Common Council.

The ordinance includes the following changes:

- Section 1 adds some stop intersections. Based on the 180-day order 20-02, these streets were constructed by a developer and recently accepted by the Board of Public Works into the City inventory (Neil Kopper).
- Section 2 adds a new pedestrian hybrid beacon signal. Based on the 180-day order 20-03. The New Pedestrian Hybrid Beacon, which facilitates B-Link Trail crossings of S Walnut St, is currently operational (Neil Kopper).
- Section 3 adds a new no parking zone. Based on the 180-day order 20-01. Parking near the intersection of Pinewood at Walnut and along the S curve increases potential for head-on collisions, causing a potential concern for vehicles turning onto W Pinewood Dr from S Walnut St and vice versa when as few as one vehicle is parked along that short span of street just before the intersection (Neil Kopper).

- Section 4 deletes several loading zones from the municipal code that are no longer in existence (Raye Ann Cox and Michelle Wahl). The loading zone locations are included on the Parking Interactive Map and Large Parking Meter Location Maps, link: <https://data.bloomington.in.gov/dataset/parking-maps>.
- Section 5 corrects the time restrictions for one loading zone (Raye Ann Cox and Michelle Wahl).
- Section 6 deletes the current residential neighborhood zone 8, as that zone was absorbed by other zones by a previous ordinance (Raye Ann Cox and Michelle Wahl).
- Section 7 clarifies that the parking services division has the authority to begin the neighborhood parking permit sales process for the upcoming year at any time (Michelle Wahl).

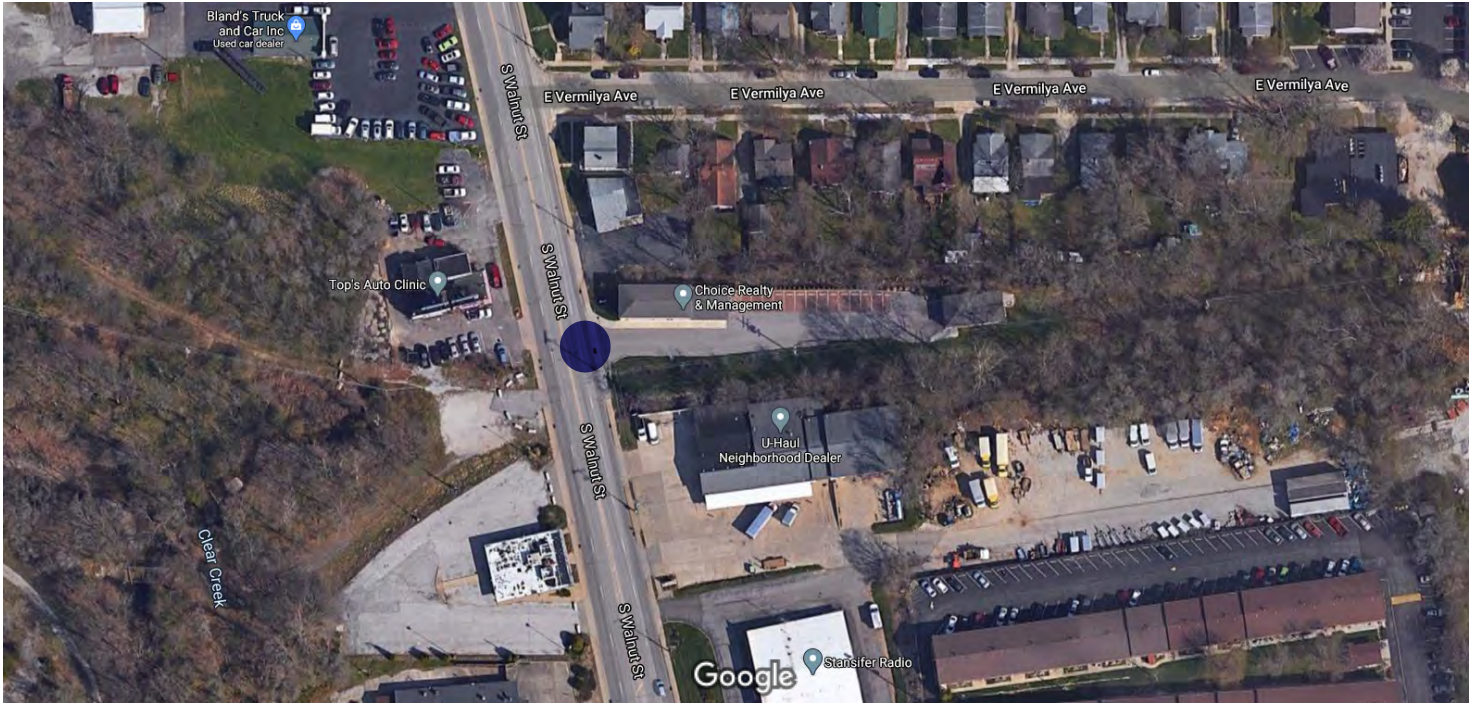
**Recommendation:** Staff recommends that the Common Council supports the changes to Title 15.

To South Addisyn Lane at West Countryside Lane and at South Delila Star Drive, to S. Delila Star Drive at West Countryside Lane and at West Sunstone Drive, to West Eventide Drive at South Addisyn Lane and at South Delila Star Drive, to South Flat Rock Road at South Addisyn Lane and to West Sunstone Drive at South Adams Street.





# Adding Pedestrian Hybrid Beacon Signals At the crossing of South Walnut Street and the B-Link Trail



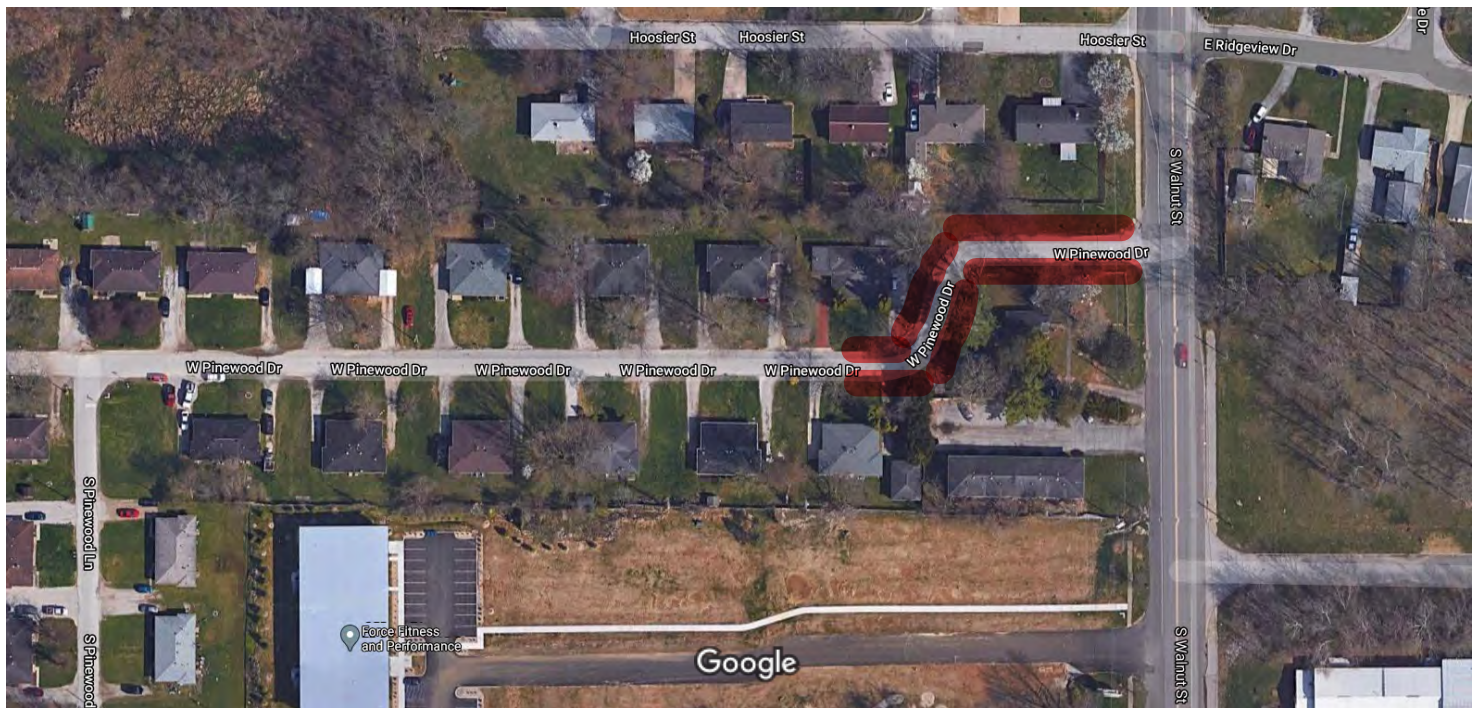
Imagery ©2020 IndianaMap Framework Data, Maxar Technologies, Map data ©2020 50 ft





### Adding a New No Parking Zone

On West Pinewood Drive from South Walnut Street to 270 feet West of South Walnut Street on both sides of the street



Imagery ©2020 IndianaMap Framework Data, Maxar Technologies, Map data ©2020 50 ft

**Deleting Loading Zone:**

100 Block of West Fourth Street, first space east of College Avenue on south side





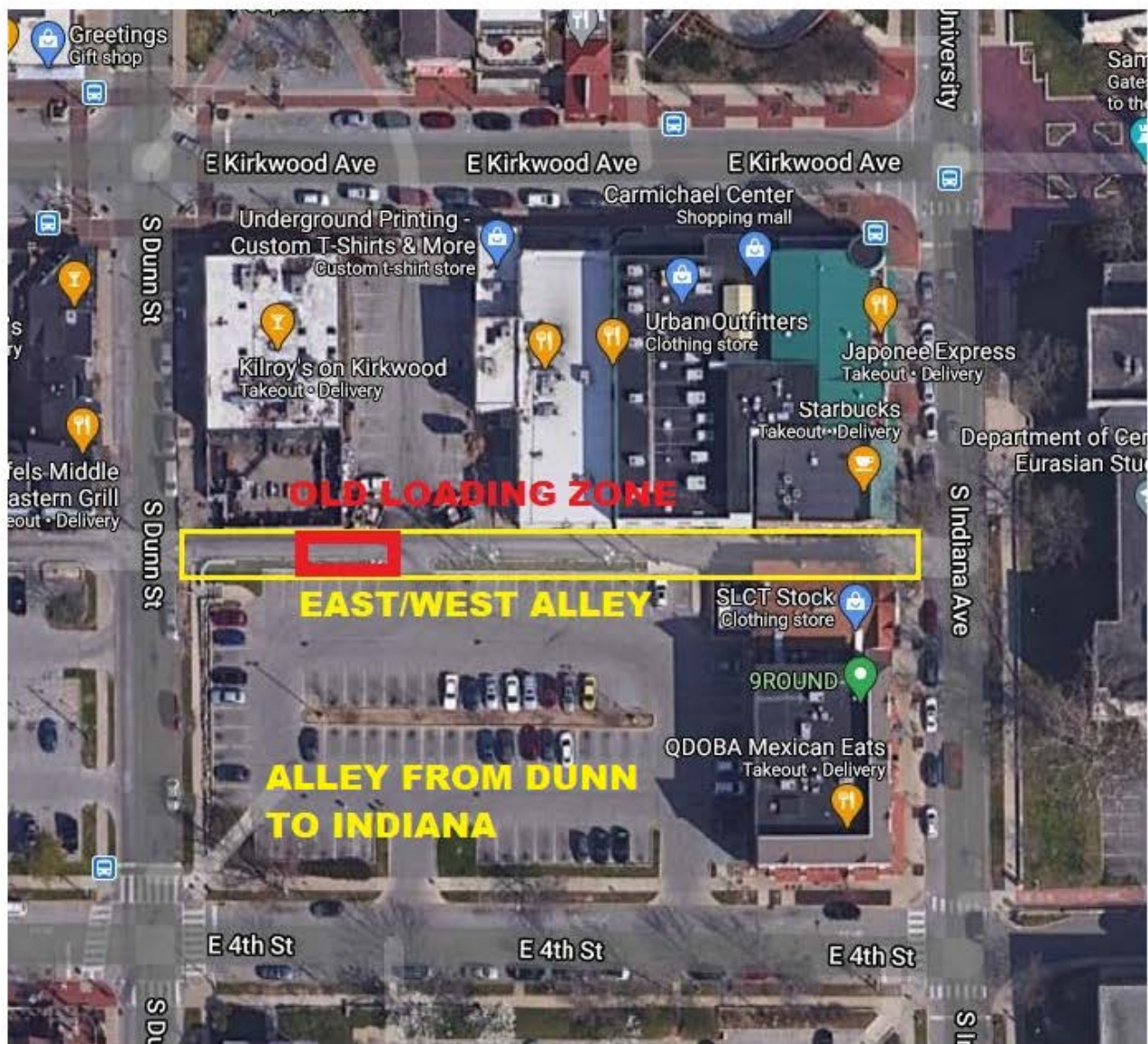
Deleting Loading Zone:  
124 North Walnut Street





**Deleting Loading Zone:**

East/West alley between Fourth Street and Kirkwood Avenue and Dunn Street and Indiana Street to 66' East of Dunn Street.



**Deleting Loading Zone:**

301 North Washington Street from 72' to 112' south of Eighth Street on the west side.





**Deleting Loading Zone:**

Seventh Street, first space west of College on north side.

-Note: The Loading Zone in front of the Hilton Garden INN is already included in the Title 15, Location: 200 Block of West Seventh Street between Regester Parking Garage entrance and College Avenue, one space on the South side from the hours of 7:00 a.m. to 5:00 p.m., Monday thru Friday.



**Deleting Loading Zone:**  
342 South Walnut Street





**Deleting Loading Zone:**

349 South Walnut Street, two spaces on the east side in front of the Older Americans' Center.



**Deleting Loading Zone:**

417 East Sixteenth Street, from 102' to 124' west of Dunn Street on the north side.





**Deleting Loading Zone:**

508 North Morton Street, 68' north of Ninth Street to 77' north of Ninth Street.



## ORDINANCE 20-20

### TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BLOOMINGTON MUNICIPAL CODE (To Establish a Community Advisory on Public Safety Commission)

WHEREAS, the City of Bloomington’s Comprehensive Plan lists as two of its core principles to “Fortify our strong commitment to equality, acceptance, openness and public engagement” and “Fortify our progress toward improving public safety and civility;” and

WHEREAS, on May 6, 2020, the Bloomington Common Council unanimously adopted Resolution 20-06, entitled “Denouncing and Condemning White Nationalism and White Supremacy,” in which it pledged “to continue pursuing policies and directing appropriate resources to ensure civil and human rights are protected and afforded to all individuals;” and

WHEREAS, law enforcement in particular and public safety in general are areas where the City of Bloomington must ensure that civil and human rights are protected for all residents and visitors; and

WHEREAS, public safety is a concept with broad meaning across community demographics; and

WHEREAS, the voices of marginalized community members are often unheard, minimized, or dismissed; and

WHEREAS, some members of our community do not feel safe, related to:

- Race;
- Gender;
- Disability;
- Mental health challenges;
- Sexual orientation;
- Sexual identity;
- Housing status;
- Experiencing domestic violence;
- Experiencing addiction;
- Previous incarceration;
- Or the intersectionality of some or all of these factors; and

WHEREAS, Bloomington law enforcement officers are overburdened with matters outside the scope of traditional law enforcement training and expertise (e.g. homelessness, substance abuse, mental health crises, etc.); and

WHEREAS, data-driven research about, and real-life examples of, improving public safety by means other than traditional policing exist and are available for study and possible application in Bloomington; and

WHEREAS, the only existing citizen commission that works in the field of public safety is the Board of Public Safety, with all five members appointed by the Mayor, as per Indiana state code. The Board of Public Safety “shall have control and oversee the police and fire department of the city pursuant to statute, and shall have the



authority to allow and approve claims” (BMC 2.17.030) but it is not specifically charged with investigating new approaches to public safety; and

WHEREAS, the City has set a Comprehensive Plan Goal 1.2, Health & Safety, to “Support programs and strategies that sustain and enhance the health and safety of residents and visitors.”

WHEREAS, there is a need to gather public input and recommendations on public safety in the City; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

**SECTION 1. Establishment of the Community Advisory on Public Safety Commission.**

There is hereby established a Community Advisory on Public Safety Commission in the Common Council Office.

**SECTION 2. Goal.** The goal of the Community Advisory on Public Safety Commission is to increase the safety of all Bloomington community members, especially those often marginalized due to race, disability, gender, sexual identity, or sexual orientation.

**SECTION 3. Code changes.** A new section of the Bloomington Municipal Code, Section 2.12.120 “Community Advisory on Public Safety Commission” shall be added to the table of contents and the text of Title 2 and shall read as follows:

Section 2.12.120 “Community Advisory on Public Safety Commission”

- (a) Establishment and Purpose. There shall be established a Community Advisory on Public Safety Commission (“Commission”), which shall:
  - (1) perform research and gather data on the perceptions and preferences about public safety from community members, with specific focus on perceptions and preference data gathered from minority community members, individuals who are disabled, and other often marginalized community members; and
  - (2) research evidence-based alternatives to traditional policing; and
  - (3) identify best practices in public safety globally and evaluate the efficacy of such practices for implementation in Bloomington.
  - (4) make recommendations to the Common Council, the Board of Public Safety, and/or the Mayor or the Mayor’s designee on policies and programs that enhance public safety for all community members.
- (b) General. This Commission is subject to the general provisions of Section 2.08.020 of the Bloomington Municipal Code.
- (c) Appointments. The Commission shall be composed of eleven (11) voting members appointed by the Common Council. Each member shall have one (1) vote and shall serve without compensation.
- (d) Qualifications. Citizen appointments to the Commission must be at least eighteen years of age and reside within the City of Bloomington. Strongly encouraged to apply are residents who are historically underrepresented in local government. Such groups may include, but are not limited to residents:
  - (1) who are Black;
  - (2) who are Latinx;

- (3) who are people of color;
  - (4) with disabilities;
  - (5) who are experiencing or who have experienced mental health challenges;
  - (6) who express non-binary gender identity or are non-cisgender;
  - (7) who are experiencing or who have experienced homelessness;
  - (8) who are experiencing or who have experienced domestic violence;
  - (9) who have a previous record of incarceration;
  - (10) with addictions; and
  - (11) who have a demonstrated background of empowering historically disadvantaged groups and working to further racial, social, and economic equity.
- (e) Officers. Officers shall be selected by a vote of the commission members annually.
- (f) Meetings. The Commission shall meet one time each month, every month of the year, unless it decides to cancel the meeting. At least four meetings shall be held each year.
- (g) Staffing. The Common Council staff shall provide general administrative support for the Commission.
- (h) Terms. The initial terms of five city resident appointments shall expire on January 31, 2022. The term of the remaining initial six city resident appointments shall expire on January 31, 2023. Thereafter, all terms of city resident appointments shall be for two years and expire on January 31.
- (i) Powers and Duties.
- (1) In its actions, the Commission shall seek to promote transparency, accountability, a collaborative spirit, long-term and strategic thinking, and effective risk management.
  - (2) The commission shall:
    - (A) gather data about perceptions and preferences regarding public safety, specifically from: racial minority; economically disadvantaged; and marginalized residents of Bloomington.
    - (B) research evidence-based approaches to public safety focusing on those approaches outside the scope of traditional policing, including, but not limited to:
      - i. the establishment of an alternate crisis response phone number;
      - ii. investments in mental health care, addiction treatment, community centers, and/or job training to mitigate the causes of crime; and
      - iii. all other innovative approaches.
    - (C) explore best practices in socially and racially just public safety measures in cities across the US and worldwide, and to examine which ideas may best be implemented in Bloomington;
    - (D) make recommendations to the Bloomington Common Council, the Board of Public Safety, and the Mayor's administration on policies and programs that enhance public safety for all community members;
    - (E) promote a broader view of public safety through education and outreach programs;
    - (F) provide an annual report of its activities to the Common Council, Mayor and the public.

SECTION 4. If any section, sentence, or provision of this ordinance, or application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provision of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication or other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
STEPHEN VOLAN, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance is authored by Councilmembers Piedmont-Smith, Rosenbarger, and Flaherty and amends Title 2 of the Bloomington Municipal Code (Administration and Personnel) to create an 11-member Community Advisory on Public Safety Commission. This Commission would, among other duties, research and make recommendations to the Common Council and the Mayor on matters of public safety.

**Community Advisory on Public Safety (CAPS) Commission**

**RATIONALE**

Because public safety means different things to different people, and because the voices of marginalized folks are often not heard or listened to, we propose the formation of a Community Advisory on Public Safety Commission.

All members of the Bloomington community have a right to feel safe. It has become apparent that some Bloomingtonians do not feel safe because of negative police interactions, both on the local and national levels, with Black people and people of color, as well as people with mental health issues and addictions. At the same time, police are being asked to do too much. The police, who are trained in law enforcement, are not the most appropriate organization to address issues that require social supports and interventions (for example, mental health crises, substance misuse, homelessness). We recognize that there are a multitude of structural and resource inequalities in our community that can lead to behaviors defined by law as criminal, but potentially solved by additional social resources and support.

We seek to better understand perceptions of public safety in Bloomington among demographic groups who don't normally have a seat at the tables of power, including city government. We also seek to improve upon our current public safety system through methods other than traditional policing, learning from programs, both successful and unsuccessful, tried in other communities. Our goal is to increase the safety of Bloomingtonians, especially those most vulnerable among us.

We therefore seek to establish a Community Advisory on Public Safety (CAPS) Commission appointed by the Bloomington City Council. The Commission should be an official body under Bloomington Municipal Code to ensure that its work will be ongoing and that its recommendations will be heeded by the City Council. A fully independent group not affiliated with the City would be more easily discounted by the City Council and by the Mayor's administration.

**COMPOSITION**

The Commission shall have 11 members, all appointed by the City Council. We consider appointments by the City Council to be more broadly representative of the community than appointments by the Mayor. Like all city commissions, interested participants must apply to be a member and will be appointed by the appropriate standing committee of the City Council after an application and interview process. Individuals from traditionally underrepresented groups are especially encouraged to apply to be on the commission. Such groups may include, but are not limited to, Black people, Latinx people, those experiencing mental health challenges, those with physical disabilities, those who express non-binary gender identity or are non-cisgender, those experiencing or having experienced homelessness, those experiencing or having experienced drug addiction, those experiencing or having experienced domestic violence, and those with a record of previous incarceration. Individuals who work directly with or serve one or more of these groups are also encouraged to apply. In the words of one community member:

“The leaders and the most heard voices should be those most impacted as long as they feel comfortable in that position. If they do not then those who support them must carry their message. It is vital that we follow the marginalized voices’ direction in this effort since their experiences and reality is why change must be made. If we, as supporters, create the narrative in this work, we are no different than any other abusive system.” - Debra Morrow, Executive Director of Middle Way House

Like with all city boards and commissions, the CAPS Commission meetings will be open to the public.

**DUTIES**

(A) To gather data about perceptions and preferences regarding public safety, specifically from groups of individuals that do not fall into the majority racial and economically advantaged demographics, as well as marginalized populations, of Bloomington.

(B) To research evidence-based approaches to public safety other than traditional policing, including but not limited to the establishment of an alternate crisis response phone

number, investments in mental health care, addiction treatment, community centers, or job training (among other areas) to mitigate the causes of crime, and other innovative approaches.

(C) To explore best practices in socially and racially just public safety measures in cities across the US and worldwide, and to examine which ideas may best be implemented in Bloomington.

(D) To make recommendations to the Bloomington Common Council and the Mayor's administration on policies and programs that enhance public safety for all community members.

(E) To promote a broader view of public safety through education and outreach programs.

(F) To provide an annual report of its activities to the Common Council, Mayor and the public.

## COMMUNITY VOLUNTEERS

The Commission is encouraged to work with community volunteers who can provide support with research, data analysis, report writing, public outreach, and other needs of the Commission. The work of community volunteers will be directed by the Commission.

## SUGGESTED TIMELINE FOR YEAR 1

Our overall goal is to have a set of recommendations from the CAPS Commission in time to incorporate any with financial implications into the budget proposal for calendar year 2022.

- Bloomington City Council establishes the Commission by November 4, 2020
- Application process opens by November 9 and interviews start by November 16, 2020
- Seats filled by December 31, 2020
- CAPS Commission performs a needs assessment/collects data through February 26, 2021
- CAPS Commission analyzes data, does additional data collection as needed and prepares a report for City Council by April 30, 2021
- CAPS Commission prepares a list of priority actions and prepares recommendations/proposals for the City Council's consideration by May 31, 2021
- City Council reviews recommendations/proposals for inclusion in the 2022 City Budget

## ORDINANCE 20-26

### **AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION BY THE CITY OF BLOOMINGTON, INDIANA, OF CERTAIN EXTENSIONS AND IMPROVEMENTS TO THE CITY'S SEWAGE WORKS UTILITY, THE ISSUANCE AND SALE OF REVENUE BONDS TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF, AND THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SUCH SEWAGE WORKS AND OTHER RELATED MATTERS**

WHEREAS, the City of Bloomington, Indiana (the "City"), has heretofore established, acquired, constructed and financed its sewage works and currently owns and operates such sewage works (the "Sewage Works") pursuant to the provisions of Indiana Code 36-9-23, as amended; and

WHEREAS, the Common Council of the City (the "Common Council") hereby finds that certain wastewater and storm water improvements, additions and extensions to the Sewage Works are necessary; and that preliminary design plans, specifications, detailed descriptions and cost estimates have been prepared and filed by the engineers employed by the City for the construction of said improvements, additions and extensions, which plans, specifications, descriptions and estimates have been or will be approved by the Utility Service Board (the "Board") and by all governmental authorities having jurisdiction thereover; and

WHEREAS, the Common Council further finds that the City has obtained estimates prepared and delivered by the engineers employed by the City for the construction of said improvements, additions and extensions and will advertise for and receive construction bids therefor; that on the basis of said estimates, the maximum estimated cost of the projects, as defined in Indiana Code 36-9-23 and Indiana Code 36-9-1, each as amended, including all authorized expenses relating thereto, including the costs of issuance of bonds on account of the financing of all or a portion thereof, is in the amount of Forty Million Dollars (\$40,000,000); and

WHEREAS, the Common Council further finds that there are not sufficient funds on hand from the Sewage Works to pay the costs of the improvements, additions and extensions thereto, and that the financing of the costs of the improvements, additions and extensions to the Sewage Works should be accomplished by the issuance of revenue bonds of the Sewage Works, in an aggregate principal amount not to exceed Thirty-Two Million Dollars (\$32,000,000), and, if necessary, bond anticipation notes, all on the terms and conditions set forth herein; and

WHEREAS, the Common Council finds that there are now outstanding bonds of the Sewage Works consisting of its (a) Amended Sewage Works Revenue of 2006, Series A-1, originally dated May 4, 2006 and amended on March 26, 2015, currently outstanding in the aggregate principal amount of \$3,301,700, (b) Sewage Works Refunding Revenue Bonds, Series 2012 A, dated April 10, 2012, currently outstanding in the aggregate principal amount of \$3,880,000, (c) Sewage Works Revenue Bonds, Series 2012 C, dated May 15, 2012, currently outstanding in the aggregate principal amount of \$3,615,000, (d) Sewage Works Refunding Revenue Bonds, Series 2013, dated May 17, 2013, currently outstanding in the aggregate principal amount of \$6,735,000, (e) Sewage Works Revenue Bonds of 2017, dated August 8, 2017, currently outstanding in the aggregate principal amount of \$6,240,000, and (f) Sewage Works Refunding Revenue Bonds, Series 2019, dated November 6, 2019, currently outstanding in the aggregate principal amount of \$5,920,000 (clauses (a) through (f), collectively, the "Outstanding Parity Bonds"), which Outstanding Parity Bonds constitute a first charge upon the Net Revenues of the sewage works; and

WHEREAS, each of the respective ordinances authorizing the Outstanding Parity Bonds allow for the issuance of additional bonds payable from the Net Revenues of the City's Sewage Works ranking on parity with the pledge thereof to the Outstanding Parity Bonds provided certain financial conditions can be met (such financial conditions, the "Parity Tests"); and

WHEREAS, the Common Council finds that the Parity Tests can be met with respect to the bonds to be issued pursuant to this ordinance, and, accordingly, such bonds will constitute a first charge against the Net Revenues (as hereinafter defined) of the Sewage Works on a parity with the pledge thereof to the Outstanding Parity Bonds and are to be issued subject to the provisions of the laws of the State of Indiana, including Indiana Code 36-9-23, as in effect on the date of delivery of the Bonds authorized herein (collectively, the "Act") and the terms and restrictions of this Ordinance; and

WHEREAS, this Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of revenue bonds and, if necessary, bond anticipation notes, have been complied with in accordance with the provisions of the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION 1. Description of Projects. The City, being the owner of and engaged in operating an unencumbered Sewage Works supplying the City, its inhabitants, and the residents adjacent thereto, with sewage treatment and collection services, now finds it necessary to proceed with the construction of improvements, additions and extensions to its Sewage Works in accordance with the cost estimates and the preliminary design plans heretofore prepared and filed by the consulting engineers employed by the City, which cost estimates and preliminary design plans are by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein and two copies of which are now on file in the Office of the City Clerk and are open for public inspection pursuant to IC 36-1-5-4, that the cost of construction of said improvements, additions and extensions to be financed by the issuance of sewage works revenue bonds shall not exceed the sum of \$32,000,000, plus investment earnings on the bond and BAN proceeds, without further authorization from this Common Council.

Where used in this Ordinance, the term "City" shall be construed also to include any department, board, commission or officer or officers of the City or of any City department, board or commission. The terms "Sewage Works", "sewage works", "works", "system" and similar terms used in this Ordinance shall be construed to mean the City's existing sewage works system together with all the real estate, equipment and appurtenances thereto used in connection therewith, and all improvements, extensions and additions thereto, and replacements thereof, now or subsequently constructed or acquired as well as the drainage of storm and surface water to relieve the sewage works system of such water.

A description of the proposed improvements, additions and extensions is set forth on Exhibit A attached hereto (collectively, the "Projects"), and the Projects shall be constructed in accordance with the plans heretofore mentioned, which plans are hereby approved. Said Projects shall be constructed and the bonds herein authorized shall be issued pursuant to and in accordance with the Act.

## SECTION 2. Issuance of Bonds and BANs.

(a) The City may issue, if necessary, bond anticipation notes ("the BANs") for the purpose of procuring interim financing to pay the costs of the Projects, and, if deemed appropriate, the costs of issuance of the BANs. The City may issue the BANs in one or more series, in an aggregate principal amount not to exceed Thirty-Two Million Dollars (\$32,000,000), to be designated "Sewage Works Revenue Bond Anticipation Notes, Series 20\_\_" (to be completed with the year in which the BAN is issued, together with such further or different series designation as may be necessary or appropriate). The BANs shall be lettered and numbered consecutively from R-1 and upward, and shall be in authorized denominations of \$1,000 or more (or such higher denominations as the Controller of the City (the "Controller") shall determine prior to the sale of the BANs). The BANs shall be dated as of the date of delivery thereof and shall bear interest at a rate not to exceed five percent (5.0%) per annum (the exact rate or rates to be determined by

bidding or through negotiations with the purchasers of the BANs) payable upon maturity. Each series of BANs will mature no later than three (3) years after their date of delivery, unless determined otherwise by the Controller with the advice of the City's Municipal Advisor (as defined below). The BANs are subject to renewal or extension at an interest rate or rates not to exceed five percent (5.0%) per annum (the exact rate or rates to be determined by bidding or negotiation). The term of any renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

The BANs shall be issued pursuant to IC 5-1-14-5, as amended, and may be sold to a financial institution or any other purchaser. The BANs shall be sold at a price not less than ninety-nine percent (99.0%) of the principal amount thereof. The principal of the BANs shall be refunded and retired out of the proceeds from the issuance and sale of the Bonds authorized hereunder. The interest on the BANs shall be payable either from the Net Revenues of the Sewage Works or from proceeds from the issuance and sale hereunder of the Bonds. The Mayor of the City (the "Mayor") and the Controller are hereby authorized and directed to execute a BAN Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The BANs may be made prepayable at the option of the City, in whole or in part, on dates and with premiums, if any, and subject to any other terms as determined by the Controller with the advice of the Municipal Advisor, prior to the sale of the BANs. In the case of prepayment, the principal and accrued interest due on the BANs shall be paid only from proceeds of the Bonds, except that such principal and interest due on the BANs may also be paid from other revenues and funds legally available therefor; provided, however, that such other funds are not pledged to the payment of the BANs. The Mayor and the Controller may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith. Unless otherwise indicated by the context, references herein to the Bonds shall also apply to the BANs.

Notwithstanding any other provision of this Ordinance, if the BANs are sold to a purchaser that so agrees, the City may receive payment for the BANs in installments, and principal shall not be payable and interest shall not accrue on the BANs until such principal amount has been advanced pursuant to requests made by the City to such purchaser. In the event that the total principal amount of the BANs sold to such purchaser is not advanced to the City, the principal amount of the BANs shall be reduced accordingly.

(b) In accordance with the Act, the City shall issue, in one or more series, its sewage works revenue bonds designated "City of Bloomington, Indiana Sewage Works Revenue Bonds of 2020", with any such further or different series designation as determined by the Controller to be necessary or appropriate, in the aggregate principal amount not to exceed Thirty-Two Million Dollars (\$32,000,000) (the "Bonds"), for the purpose of providing funds to (i) pay costs of the Projects, (ii) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, and (iii) pay the costs incurred on account of the issuance and sale of the Bonds, including any premiums for any municipal bond insurance policies. The principal of, redemption premium, if any, and interest on the Bonds shall be payable solely out of the Net Revenues deposited into the Sinking Fund, as defined and described herein. The Bonds shall rank on parity with the Outstanding Parity Bonds.

The Bonds shall be issued in one or more series as fully registered bonds in denominations of: (i) Five Thousand Dollars (\$5,000) or any integral multiple thereof, or (ii) if sold through a private placement, in denominations of One Hundred Thousand Dollars (\$100,000), plus any integral multiple of One Thousand Dollars (\$1,000) in excess thereof, or the aggregate principal amount of such Bonds maturing in any year if less than \$100,000; in either case not exceeding the aggregate principal amount of the Bonds maturing in any one year. The Bonds shall be numbered consecutively from R-1 upward, and shall bear interest at a rate not to exceed five percent (5.0%) per annum (the exact rate or rates to be determined by bidding or through negotiations). Interest on the Bonds shall be payable semiannually on January 1 and July 1 of each year (each an "Interest Payment Date"), commencing not earlier than January 1, 2021. The principal of the Bonds shall mature annually on January 1 of each year, or be subject to mandatory sinking fund redemption on January 1 of each year, commencing not earlier than January 1, 2021, and ending no later than January 1, 2041, until the principal is fully paid. Interest on the Bonds shall be calculated according to a 360-day calendar year containing twelve 30-day months. Subject to the terms and conditions herein, the Bonds shall mature on such dates and amounts as determined by the Controller prior to the sale of the Bonds with the advice of the Municipal Advisor.



The Bonds shall bear an original issue date which shall be the date of delivery and each Bond shall also bear the date of its authentication. Any Bond authenticated on or before the fifteenth (15<sup>th</sup>) day of the month immediately preceding the first Interest Payment Date, shall pay interest from its original date. Any Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such Bond to which interest thereon has been paid or duly provided for, unless such Bond is authenticated after the fifteenth (15<sup>th</sup>) day of the month immediately preceding an Interest Payment Date and on or before such Interest Payment Date, in which case interest thereon shall be paid from such Interest Payment Date.

The Controller is authorized to serve as, or the Mayor and Controller are authorized to appoint a qualified financial institution to serve as, the Registrar and Paying Agent for the Bonds (the "Registrar and Paying Agent") as will enable and facilitate the performance of its duties and responsibilities, and are authorized and directed to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacity, with such fees to be paid from the Sinking Fund as described in this Ordinance. The Registrar and Paying Agent is hereby charged with the performance of all of the duties and responsibilities customarily associated with each such position, including without limitation the authentication of the Bonds.

If wire transfer payment for the Bonds is not required, the principal of and any redemption premium on the Bonds shall be payable at the designated corporate trust operations office of the Paying Agent. Interest on the Bonds shall be paid by check or draft mailed or delivered by the Paying Agent to the registered owner thereof at the address as it appears on the registration books kept by the Registrar as of the fifteenth (15<sup>th</sup>) day of the month immediately preceding an Interest Payment Date or at such other address as may be provided to the Paying Agent in writing by such registered owner. All payments on the Bonds shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public or private debt.

Each Bond shall be transferable or exchangeable only on the books of the City maintained for such purpose at the designated corporate trust operations office of the Registrar, by the registered owner thereof in person, or by his or her attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Each Bond may be transferred or exchanged without cost to the registered owner or his or her attorney duly authorized in writing, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any transfer or exchange of any Bond (i) during the fifteen (15) days immediately preceding an Interest Payment Date or (ii) after the mailing of notice calling such Bond for redemption. The City, the Registrar and the Paying Agent may treat and consider the person in whose name any Bond is registered as the absolute owner thereof for all purposes including the purpose of receiving payment of, or on account of, the principal thereof and redemption premium, if any, and interest thereon.

In the event any Bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar may authenticate a new Bond of like date, maturity and denomination as the mutilated, lost, stolen or destroyed Bond, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event that any such mutilated, lost, stolen or destroyed Bond shall have matured or been called for redemption, instead of causing to be issued a duplicate Bond, the Registrar and Paying Agent may pay the same upon surrender of the mutilated Bond or satisfactory indemnity and proof of loss, theft or destruction in the case of a lost, stolen or destroyed Bond. The City and the Registrar and Paying Agent may charge the owner of any such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bond, constitute a substitute contractual obligation of the City pursuant to this Ordinance, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds duly issued hereunder.

In the event that any Bond is not presented for payment or redemption on the date established therefor, the City may deposit in trust with the Paying Agent an amount sufficient to pay such Bond or the redemption price thereof, as appropriate, and thereafter the owner of such Bond shall look only to the funds so deposited in trust with the Paying Agent for payment and the City shall have no further obligation or liability with respect thereto.

SECTION 3. Redemption of Bonds. The Mayor and the Controller, upon consultation with the Municipal Advisor, may designate maturities of Bonds (or portion thereof in integral multiples of \$5,000 principal amount each) that shall be subject to optional redemption and/or maturity sinking fund redemption, and the corresponding redemption dates, amounts and prices (including premium, if any). Except as otherwise set forth in this Ordinance, the Mayor and the Controller, upon consultation with the Municipal Advisor, are hereby authorized and directed to determine the terms governing any such redemption, as evidenced by the delivery of the Bonds.

If any Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the City, any Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Bond maturing as a term bond so delivered or cancelled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of optional and mandatory redemption. If less than an entire maturity is called for redemption, the Bonds to be called shall be selected by lot by the Registrar.

Notice of such redemption shall be mailed by certified or registered mail at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date to each of the registered owners of the Bonds called for redemption (unless waived by such registered owner), at the address shown on the books of the Registrar. The notice shall specify date and place of redemption, and the registration numbers of the Bonds called for redemption. The place of redemption may be at the designated corporate trust operations office of the Paying Agent or as otherwise determined by the City. Interest on the Bonds so called for redemption shall cease to accrue on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date and when such Bonds are presented for payment.

In addition to the foregoing notice, the City may also direct that further notice of redemption of the Bonds be given, including without limitation and at the option of the City, notice described in paragraph (a) below given by the Registrar to the parties described in paragraph (b) below. No defect in any such further notice and no failure to give all or any portion of any such further notice shall in any manner defeat the effectiveness of any call for redemption of Bonds so long as notice thereof is mailed as prescribed above.

(a) If so directed by the City, each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Bond being redeemed.

(b) If so directed by the City, each further notice of redemption shall be sent at least thirty (30) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds (such depositories as the Depository Trust Company of New York, New York) and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

Upon the payment of the redemption price of the Bonds being redeemed and if so directed by the City, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

**SECTION 4. Authorization for Book-Entry System.** The Bonds may, in compliance with all applicable laws and as determined by the Controller based upon the advice of the Municipal Advisor, initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (the "Clearing Agency"), without physical distribution of bonds to the purchasers. The following provisions of this Section apply in such event.

One definitive Bond of each maturity shall be delivered to the Clearing Agency (or its agent) and held in its custody. The City and Registrar may, in connection herewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Bonds as are necessary or appropriate to accomplish or recognize such book-entry form Bonds.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, (1) any such Bond may be registered upon Registration Record in the name of such Clearing Agency, or any nominee thereof, including Cede & Co.; (2) the Clearing Agency in whose name such Bond is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest and premium, if any, on such Bond, the receiving of notice and the giving of consent; (3) neither the City nor the Registrar or Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any Bond, the receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any Bond called for partial redemption, if any, prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

If either the City receives notice from the Clearing Agency which is currently the registered owner of the Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Bonds, or the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Bonds, then the City and the Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the Bonds and to transfer the ownership of each of the Bonds to such person or persons, including any other Clearing Agency, as the holder of the Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Bonds, shall be paid by the City.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of the Bonds as of a record date selected by the Registrar. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the Bonds as the bondholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Ordinance.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Mayor, the Controller and/or the Registrar are authorized to execute and deliver a Letter of Representations agreement with the Clearing Agency, or a Blanket Issuer Letter of Representations, and the provisions of any such Letter of Representations or any successor agreement shall control on the matters set forth therein. The Registrar, by accepting the duties of Registrar under this Ordinance, agrees that it will (i) undertake the duties of agent required thereby and that those duties to be undertaken by either the agent or the issuer shall be the responsibility

of the Registrar, and (ii) comply with all requirements of the Clearing Agency, including without limitation same day funds settlement payment procedures. Further, during any time that the Bonds are held in book-entry form, the provisions of this Section 4 of this Ordinance shall control over conflicting provisions in any other section of this Ordinance.

SECTION 5. Execution and Authentication of the Bonds. The Bonds shall be executed in the name of the City by the manual or facsimile signature of the Mayor, and attested by the manual or facsimile signature of the Controller, with the seal of the City, if any, or a facsimile thereof to be affixed to each of the Bonds. The Bonds shall be authenticated by the manual signature of the Registrar, and no Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed. In case any official whose signature appears on any Bond shall cease to be such official before the delivery of such Bond, the signature of such official shall nevertheless be valid and sufficient for all purposes, the same as if such official had been in office at the time of such delivery. Subject to the provisions of this Ordinance regarding the registration of the Bonds, the Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

SECTION 6. Security and Sources of Payment; Pledge of Net Revenues. The Bonds, together with the Outstanding Parity Bonds, and any bonds hereafter issued on a parity therewith, as to both principal and interest, shall be payable from and secured by, and shall constitute a first charge upon, all of the Net Revenues (herein defined as gross revenues of the Sewage Works after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the Sewage Works, including all such Net Revenues from the existing works and all additions and improvements thereto and replacements thereof subsequently constructed or acquired, to be set aside in the Sinking Fund, which are hereby irrevocably pledged to the payment of the Bonds, to the extent necessary for that purpose. The City shall not be obligated to pay the Bonds or the interest thereon except from the Net Revenues of the Sewage Works, and the Bonds shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana. The Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

SECTION 7. Form of the Bonds. The form and tenor of the Bonds shall be substantially as set forth in Exhibit B, attached hereto and incorporated herein as if set forth at this place (with all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof).

SECTION 8. Issuance, Sale and Delivery of the Bonds. The Controller is hereby authorized and directed to have the Bonds prepared, and the Mayor and the Controller are hereby authorized and directed to execute or to cause the execution of the Bonds in the form and manner herein provided. The Controller is hereby authorized and directed to deliver the Bonds to the purchaser or purchasers thereof upon compliance with the requirements established hereunder and under the Act for the sale thereof, and to collect the full amount which the purchaser or respective purchasers have agreed to pay therefor, which shall not be less than 99.0% of the par amount of the Bonds, plus accrued interest thereon to the date of delivery. The Bonds, when fully paid for and delivered to the purchaser or purchasers shall be the binding special revenue obligations of the City, payable out of the revenues of the Sewage Works to be set aside and paid into the Sinking Fund as herein provided, and the proceeds derived from the sale of the Bonds shall be and are hereby set aside for the application to the costs of the Projects and the expenses necessarily incurred in connection therewith including the expenses incurred in the issuance of the Bonds on account of the financing thereof. The authorized officers of the City are hereby authorized and directed to draw all proper and necessary warrants and to do whatever other acts and things that may be necessary or appropriate to carry out the provisions of this Ordinance.

If the Bonds are sold by competitive bid, the Controller shall cause to be published either (i) a notice of such sale two (2) times, at least one (1) week apart, with the first publication made at least fifteen (15) days before the date of such sale and the second publication at least three (3) days before the date of the sale in accordance with Indiana Code 5-3-1-2 in one (1) newspaper, as defined in and in accordance with Indiana Code 5-3-1-4, or (ii) a notice of intent to sell bonds once each week for two (2) weeks in accordance with Indiana Code 5-1-11-2 and Indiana Code 5-3-1-4 and in a newspaper of general circulation published in the State capital, in which case bids may not be received more than ninety (90) days after the first publication. Such notice, or a summary thereof, may also be published in any other publications deemed appropriate in the discretion of



the Controller. The bond sale notice shall state the time and place of sale, the purpose for which the Bonds are being issued, the total amount and maturities thereof, the maximum rate of interest thereon and any limitations as to the number of interest rates and the setting of such rates, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller and the attorneys employed by the City shall deem necessary or advisable. Such notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check or wire transfer in the amount of one percent of the par amount of the Bonds to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of and pay for the Bonds as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then such check and the proceeds thereof shall become the property of the City and shall be considered as the City's liquidated damages on account of such default.

All bids for the Bonds shall be sealed and shall be presented to the Controller or his or designee at the physical or electronic address identified in the notice. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding five percent (5.0%) per annum. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-hundredth (1/100) of one percent. Bids specifying more than one interest rate shall also specify the amount and maturities of the Bonds bearing each rate, and all Bonds maturing on the same date shall bear the same rate. The rate on any maturity shall be equal to or greater than the rate on the immediately preceding maturity. The Bonds shall be awarded by the Controller to the best bidder who has submitted a bid in accordance with the terms of this Ordinance and the notice of sale. The best bidder will be the bidder who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the Bonds from the date thereof to their respective maturities and deducting therefrom the premium bid, if any. No bid for less than all of the Bonds, plus accrued interest to the date of delivery, shall be considered. The City shall have the right to reject any and all bids. In the event an acceptable bid is not received on the date fixed in the notice, the Controller shall be authorized to continue the sale from day to day for a period of not to exceed thirty (30) days without readvertising. During the continuation of the sale, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time originally fixed for the sale of the Bonds in the bond sale notice.

As an alternative to competitive bid, the Controller may negotiate the sale of said Bonds at an interest rate or rates not exceeding five percent (5.0%) per annum. The Mayor and the Controller are hereby authorized to (i) execute a purchase agreement with the purchaser, and (ii) sell such Bonds upon such terms as are acceptable to the Mayor and the Controller consistent with the terms of this Ordinance. The final form of the purchase agreement shall be approved by the Mayor and Controller, upon the advice of the City's bond counsel and Municipal Advisor, and the Mayor and Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City so long as its provisions are consistent with the Ordinance.

Prior to the delivery of the Bonds, the Controller (i) shall be authorized, but not required, to investigate and to obtain insurance, surety bonds and/or credit ratings on the Bonds and (ii) shall obtain a legal opinion as to the validity of the Bonds from Barnes & Thornburg LLP, Indianapolis, Indiana, bond counsel for the City, and such opinion shall be furnished to the purchasers of the Bonds at the expense of the City. The costs of obtaining any such insurance, surety bonds and/or credit ratings, together with bond counsel's fee in preparing and delivering such opinion and in the performance of related services in connection with the issuance, sale and delivery of the Bonds, shall be considered as a part of the cost of issuance of the Bonds and shall be paid out of the proceeds of the sale of the Bonds.

**SECTION 9. Official Statement.** Any series of the BANs or the Bonds may be offered and sold pursuant to an Official Statement (preliminary and final) or other offering document with respect to such BANs or Bonds (collectively, the "Official Statement"), to be made available and distributed in such manner, at such times, for such periods and in such number of copies as may be required pursuant to Rule 15c2-12, as amended, promulgated by the United States Securities and Exchange Commission (the "Rule") and any and all applicable rules and regulations of the Municipal Securities Rulemaking Board, to the extent applicable to the Bonds. The City hereby authorizes the Mayor or Controller (a) to authorize and approve a Preliminary Official Statement, as the same may be appropriately confirmed, modified and amended for distribution as the Preliminary Official Statement of the City with respect to the BANs or Bonds, (b) on behalf of the City, to designate the Preliminary Official Statement a "final" Official Statement of the City with respect to the Bonds, and (c) to authorize and approve the Preliminary Official Statement to be

placed into final form and enter into such agreements or arrangements as may be necessary or advisable in order to provide for the distribution of a sufficient number of copies of the Official Statement under the Rule.

SECTION 10. Continuing Disclosure. If required under the Rule, the Common Council hereby approves, and authorizes and directs the Mayor and the Controller, for and on behalf of the City, to execute and deliver, and to perform the obligations of the City under, a Continuing Disclosure Contract from the City to each registered owner or holder of any BAN or Bond (the “Continuing Disclosure Contract”). The Mayor and the Controller are authorized to approve the form of the Continuing Disclosure Contract, upon the advice of the City’s bond counsel, with such determination to be conclusively evidenced by such Mayor’s and such Controller’s execution thereof.

SECTION 11. Construction Account; Use of Proceeds of Bonds. All of the proceeds from the sale of the Bonds, to the extent not used to refund BANs, and all proceeds of any BANs (if issued) shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts to be designated as “City of Bloomington, 2020 Sewage Works Construction Account”, or such different or further designation as determined by the Controller to be necessary or appropriate (the “Construction Account”). All funds deposited to the credit of the Sewage Works Sinking Fund or the Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly Indiana Code 5-13, as amended. The funds in the Construction Account shall be expended only for the purpose of paying the cost of the Projects, refunding the BANs (if any), or as otherwise required by the Act or for the expenses of issuance of the Bonds.

All costs of issuance of the Bonds or the BANs, including, without limitation, any rating agency fees, fiscal agency charges, fees and expenses of legal counsel and municipal advisors, printing costs, DTC and CUSIP fees and charges, and/or premiums for credit facilities or reserve fund surety policies, shall be considered as a part of the cost of the Projects on account of which the BANs and Bonds are issued, and the Controller is hereby authority to pay such costs of issuance from the proceeds of the BANs or Bonds.

If any proceeds of the Bonds will be used to fund all or a portion of the Reserve Account (as defined herein), the Controller shall transfer such proceeds of the Bonds to the Reserve Account of the Sinking Fund, as hereinafter described.

Any balance or balances remaining unexpended in such special account or accounts after completion of the Projects, which are not required to meet unpaid obligations incurred in connection with such Projects, shall be either (i) paid into the Sinking Fund and used solely for the purposes of said Sinking Fund or (ii) used for the same purpose or type of project for which the Bonds were originally issued, all in accordance with Indiana Code 5-1-13, as amended.

SECTION 12. Segregation and Application of Sewage Works Revenues. The City shall segregate, deposit and keep in a special fund, separate and apart from all other funds of the City, all gross revenues received on account of the rates and charges of the Sewage Works, which special fund was established and designated as the “City of Bloomington, Sewage Works General Account” (the “General Account”) and is continued hereby. Out of said revenues the proper and reasonable expenses of operation, repair and maintenance of the sewage works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, reserves shall be funded, and the costs of replacements, extensions, additions and improvements shall be paid as hereinafter provided.

The balance maintained in the General Account shall be sufficient to pay the expenses of operation, repair and maintenance of the Sewage Works for the then next succeeding two (2) calendar months. The moneys credited to the General Account shall be used for the payment of the reasonable and proper expenses of operation, repair and maintenance of the Sewage Works on a day-to-day basis, including the reasonable legal and professional expenses not taken into account in the definition of Net Revenues, but none of the moneys in the General Account shall be used for depreciation, payments in lieu of taxes, replacements, improvements, extensions or additions. Any moneys in the General Account may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of and interest on the outstanding bonds of the Sewage Works,

or if necessary to eliminate any deficiencies in credits to, or minimum balance in, the Reserve Account, as defined and described below.

Moneys in the General Account shall be transferred from time to time to meet the requirements of the Sinking Fund. Moneys in excess of those transferred to the Sinking Fund may be transferred to the Improvement Fund or may be retained in the General Account, in the discretion of Utility Services Board of the City (the "Board"), and in a manner consistent with the requirements of this Ordinance. Moneys in excess of those required to be in the General Account and the Sinking Fund may also be used, in the discretion of the Board, for any other lawful purpose related to the Sewage Works. Notwithstanding the foregoing, in the event that any amounts are due to any providers (including their successors and assigns) of any municipal bond insurance policies or debt service reserve surety policies acquired by the City in connection with the Bonds or any of the Outstanding Parity Bonds, any excess moneys in the General Account after making all required transfers to the Sinking Fund shall be first used to pay any amounts owed under such policies.

**SECTION 13. Sewage Works Sinking Fund.** (a) There is hereby continued a fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the Sewage Works and the payment of any fiscal agency charges in connection with the payment of the bonds and interest, which fund has been previously designated as the Sewage Works Sinking Fund ("Sinking Fund"). There shall be set aside, transferred and deposited into the Sinking Fund from the General Account, as available and as hereinafter provided, a sufficient amount of the Net Revenues of the Sewage Works to meet the requirements of the Bond and Interest Account and the Reserve Account hereby continued in the Sinking Fund. Such payments shall continue until the balances in the Bond and Interest Account and the Reserve Account equal the principal of and interest on all of the then outstanding bonds of the Sewage Works to their final maturity and provide for payment of all fiscal agency charges.

(b) **Bond and Interest Account.** The Bond and Interest Account is hereby continued. There shall be credited, on the last day of each calendar month from the General Account to the Bond and Interest Account an amount of the Net Revenues equal to at least one-sixth (1/6) of the principal of and interest on all then outstanding bonds payable on the then next succeeding Interest Payment Date and at least one-twelfth (1/12) of the principal on all then outstanding bonds payable on the then next succeeding principal payment date, until the amount of interest and principal payable on the then next succeeding interest and principal payment dates shall have been so credited; provided, that such fractional amounts shall be appropriately increased, if necessary, to provide for the first interest and principal payments on the Bonds. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges, if any, for paying principal and interest on the bonds as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of any bank fiscal agency charges.

(c) **Reserve Account.** The Reserve Account is hereby continued. On the date of delivery of the Bonds, the City shall cause funds on hand of the Sewage Works, proceeds of the Bonds or such other bonds, or a combination thereof to be deposited into the Reserve Account so that the balance therein shall equal, but not exceed, the maximum annual debt service requirements on the Outstanding Parity Bonds and the Bonds (such amount, the "Reserve Requirement").

If the initial deposit into the Reserve Account does not equal the Reserve Requirement or if no deposit is made, the City shall deposit a sum of Net Revenues into the Reserve Account on the last day of each calendar month, beginning with the first month after the Bonds are delivered, until the balance therein equals the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within five (5) years of the date of delivery of the Bonds.

The Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the Outstanding Parity Bonds, the Bonds and any Additional Parity Bonds (as defined herein), and the moneys in the Reserve Account shall be used to pay current principal and interest on the Outstanding Parity Bonds, the Bonds and any Additional Parity Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Reserve Account shall be promptly made up from the next available Net Revenues remaining after credits into the Bond and

Interest Account. If moneys in the Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on outstanding bonds, then such depletion of the balance in the Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Reserve Account in excess of the Reserve Requirement shall, at the direction of the Board, either be transferred to the General Account or be used for the purchase of outstanding bonds or installments of principal of fully registered bonds at a price not exceeding the par plus accrued interest and redemption premium, if any.

Notwithstanding anything herein to the contrary, but subject to the terms of the Prior Ordinances, the City reserves the right to satisfy the Reserve Account at any time with funds on hand of the Sewage Works, proceeds of the Bonds or other bonds, a debt service reserve surety bond or a combination thereof. Any such surety bond must be issued by an insurance company rated at the time of issuance of such instrument in one of the two highest rating categories by Standard & Poor's Global Ratings Services and Moody's Investors Service. If such surety bond is purchased, the Mayor and the Controller are hereby authorized to execute and deliver all agreements with the provider of the surety bond to the extent necessary to comply with the terms of such surety bond and the commitment to issue such surety. Such agreement shall be deemed a part of this Ordinance for all purposes and is hereby incorporated herein by reference.

SECTION 14. Sewage Works Improvement Fund. After meeting the requirements of the Sinking Fund, any excess Net Revenues may be transferred or credited to the fund previously designated as the "Sewage Works Improvement Fund" (the "Improvement Fund"), hereby continued. The Improvement Fund shall be used for improvements, replacements, additions and extensions of the sewage works, and payments in lieu of taxes. Moneys in the Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to, or minimum balance in, the Reserve Account of the Sinking Fund or may be transferred to the General Account to meet unforeseen contingencies in the operation and maintenance of the Sewage Works.

SECTION 15. Maintenance of Funds; Investments. The proceeds from the sale of the Bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the City. The General Account and the Improvement Fund may be maintained in a single account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the City and apart from the Sinking Fund account or accounts. All of the funds and accounts of the Sewage Works created or continued by this Ordinance, and all moneys deposited therein, shall be continuously maintained, deposited, held, secured and invested as public funds in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including, particularly, applicable provisions of Indiana Code 5-13 and the acts amendatory thereof and supplemental thereto. Any interest or income derived from any such investments shall become a part of the moneys in the fund or account so invested and shall be used only as provided in this Ordinance and the Prior Ordinances. In no event shall any of the Net Revenues of the Sewage Works be transferred or used for any purpose not authorized by this Ordinance or the Prior Ordinances, so long as any of the bonds secured by and payable from the Net Revenues shall be outstanding. Upon issuance of the Bonds, moneys held and on deposit in the existing funds and accounts established under the Prior Ordinances shall remain on deposit therein.

SECTION 16. Books of Records and Accounts. The City shall keep proper record books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected on account of the operation of the Sewage Works and all disbursements made therefrom and all transactions relating to the Sewage Works. Copies of all such statements and reports shall be kept on file in the office of the Controller. There shall be prepared and furnished, upon the written request, to any owner of the Bonds then outstanding, not more than ninety (90) days after the close of each fiscal year, complete financial statements of the Sewage Works, covering the preceding fiscal year. Copies of all such statements and reports shall be kept on file in the office of the Assistant Director of Finance of the Sewage Works. Any owner of the Bonds then outstanding shall have the right at all reasonable times to inspect the Sewage Works and all records, accounts and data of the City relating thereto. Such inspections may be made by representatives duly authorized by written instrument.



SECTION 17. Rate Covenant. The Common Council has previously adopted Ordinance No. 19-16 (the “Rate Ordinance”), imposing fees and charges for the several classes of users or property to be served by the Sewage Works utility, which Rate Ordinance (as the same may be subsequently amended or modified from time to time) is incorporated herein by reference as if fully included and set forth in this Ordinance. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the Sewage Works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said Sewage Works by or through any part of the sewage system of the City, or that in any way uses or is served by such works, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the City), to provide for the proper operation, repair and maintenance of the Sewage Works, to comply with and satisfy all covenants contained in this Ordinance and to pay all obligations of the Sewage Works and of the City with respect to the Sewage Works. Such rates and charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance of the Sewage Works and the requirements of the Sinking Fund. The rates or charges so established shall apply to any and all use of such Sewage Works by and service rendered to the City and all departments thereof, and shall be paid by the City or the various departments thereof as the charges accrue.

SECTION 18. Defeasance. If, when any of the Bonds issued hereunder shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or any portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds or any portion thereof and coupons then outstanding shall be paid; or (i) sufficient moneys, (ii) direct obligations of, or obligations the principal and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (iii) any combination thereof, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the City’s sewage works.

SECTION 19. Additional Bond Provisions. The City reserves the right to authorize and issue additional parity bonds, payable out of the Net Revenues of its sewage works, ranking on a parity with the pledge thereof to the Bonds and the Outstanding Parity Bonds (such bonds, the “Additional Parity Bonds”), for the purpose of financing the cost of future extensions, betterments or improvements to the Sewage Works, or to refund obligations, subject to the following conditions:

(a) All required payments into the Sinking Fund and the accounts thereof shall have been made in accordance with the provisions of this Ordinance, and the interest on and principal of all bonds payable from the Net Revenues of the sewage works shall have been paid to date in accordance with their terms.

(b) (i) The Net Revenues of the sewage works in the fiscal year immediately preceding the issuance of any such proposed Additional Parity Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all of then outstanding bonds payable from the Net Revenues of the Sewage Works and the Additional Parity Bonds proposed to be issued; or (ii) prior to the issuance of the proposed Additional Parity Bonds, the sewage rates and charges shall be increased sufficiently so that the increased rates and charges, if realized and when applied to the previous fiscal year’s operations, would have produced Net Revenues for said year equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the Net Revenues of the Sewage Works and the Additional Parity Bonds proposed to be issued. For purposes of this subsection, the records of the Sewage Works shall be analyzed and all showings shall be prepared by an independent certified public accountant or nationally recognized firm of professional consultants experienced in analyzing financial records of municipal utilities employed by the City for that purpose who shall certify the satisfaction of the foregoing conditions for the issuance of parity bonds.

(c) The interest on any Additional Parity Bonds shall be payable semiannually on the first days of January and July and the principal of, or the mandatory sinking fund redemption dates for, any Additional Parity Bonds shall be payable annually on the first day of January.

(d) The Reserve Requirement shall be satisfied for the Additional Parity Bonds either as of the date of delivery of said Additional Parity Bonds or through equal monthly deposits of Net Revenues sufficient to accumulate the reserve in a manner commensurate with and proportional to the provisions established by Section 13(c) of this Ordinance.

SECTION 20. Additional Covenants of the City. For the purpose of further safeguarding the interests of the owners of the Bonds, it is hereby specifically provided as follows:

(a) So long as any of the Bonds are outstanding, the City shall at all times maintain its sewage works system in good condition and operate the same in an efficient manner and at a reasonable cost.

(b) So long as any of the Bonds are outstanding, the City shall acquire and maintain insurance coverage, including fidelity bonds, to protect the sewage works and its operations of a kind and in an amount such as is automatically carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. All insurance proceeds and condemnation awards shall be used to replace or repair the property destroyed or damaged.

(c) So long as any of the Bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber the property and plant of its sewage works system, or any part thereof, and shall not sell, lease or otherwise dispose of any part of the same, except to replace equipment which may become worn out or obsolete.

(d) Except as hereinbefore provided in Section 19 hereof, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed, or issued by the City except such as shall be made subordinate and junior in all respects to the Bonds, unless all of the Bonds are redeemed, retired or defeased coincidentally with the delivery of such additional bonds or other obligations or, as provided in Section 18 hereof, funds sufficient to effect such redemption are available and set aside for such purpose at the time of issuance of such additional bonds or obligations.

(e) The City shall take all action or proceedings necessary and proper, to the extent permitted by law, to require connection of all property where liquid and solid waste, sewage night soil or industrial waste is produced with available sanitary sewers. The City shall, insofar as possible, and to the extent permitted by law, cause all such sanitary sewers to be connected with said sewage works.

(f) The provisions of this Ordinance shall constitute a contract by and between the City and the owners of the Bonds herein authorized, all the terms of which shall be enforceable by any bondholder by any and all appropriate proceedings in law or in equity. After the issuance of the Bonds, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the owners of the Bonds, nor shall the Common Council or any other body of the City adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the Bonds, the interest thereon remain outstanding or unpaid. Except for the changes set forth in Section 24(a)-(g), this Ordinance may be amended, however, without the consent of Bond owners, if the Common Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Bonds.

(g) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds herein authorized for the uses and purposes herein set forth, and the owners of the Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance and of the governing Act. The provisions of this Ordinance shall also be construed to create a trust in the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of said fund as in this Ordinance set forth. The owners of the Bonds shall have all the rights, remedies and privileges set forth in the provisions of the governing Act, including the right to have a receiver appointed to administer the sewage works in the event the City shall fail or refuse to fix and collect sufficient rates and charges for those purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there be a default in the payment of the interest on or principal of the Bonds.

SECTION 21. Investment of Funds. (a) The Controller is hereby authorized pursuant to IC 5-1-14-3 and the provisions of this Ordinance to invest moneys (subject to applicable requirements of federal law to insure such yield is the then current market rate) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the Bonds under federal law.

(b) The Controller shall keep full and accurate records of investment earnings and income from moneys held in the funds and accounts referenced herein. In order to comply with the provisions of the ordinance, the Controller is hereby authorized and directed to employ consultants or attorneys from time to time to advise the City as to requirements of federal law to preserve the tax exclusion. The Controller may pay any fees as operation expenses of the sewage works.

SECTION 22. Tax Covenants. In order to preserve the excludability of interest on the BANs or Bonds from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the BANs or Bonds, as the case may be ("Code") and as an inducement to purchasers of the BANs or the Bonds, the City represents, covenants and agrees that:

(a) The sewage works will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the City or another state or local governmental unit will use more than 10% of the proceeds of the Bonds or property financed or refinanced by the proceeds of the Bonds other than as a member of the general public. No person or entity other than the City or another state or local governmental unit will own property financed or refinanced by proceeds of the Bonds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Bonds. If the City enters into a management contract for the sewage works, the terms of the contract will comply with IRS Revenue Procedure 2017-13, as it may be amended, supplemented or superseded for time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Bonds, as the case may be.

(b) No more than 10% of the principal of or interest on the Bonds is (under the terms of the Bonds, this Ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the City) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Bond proceeds.

(d) The City reasonably expects, as of the date hereof, that the Bonds will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the Bonds.

(e) No more than 5% of the proceeds of the Bonds will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The City will not take any action nor fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Bonds pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion. The City covenants and agrees not to enter into any

contracts or arrangements which would cause the Bonds to be treated as private activity bonds under Section 141 of the Code.

(g) It shall be not an event of default under this Ordinance if the interest on any Bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Bonds.

(h) These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds.

(i) The City represents that it will rebate any arbitrage profits to the United States in accordance with the Code.

(j) The Common Council hereby authorizes the Mayor and the Controller to determine whether any series of Bonds qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations. Such designation, if made, will be set forth in the arbitrage certificate delivered by the City in connection with the Bonds.

SECTION 23. Waiver of Tax Covenants. Notwithstanding any other provision of this Ordinance, any of the covenants and authorizations contained in Section 22 of this Ordinance (the "Tax Covenants"), which are designed to preserve the exclusion of interest on the Bonds from gross income for purposes of federal income taxation, need not be complied with if the City receives an opinion of nationally recognized bond counsel to the effect that compliance with such Tax Covenant is unnecessary to preserve such exclusion of interest.

SECTION 24. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this Section and Section 20(f), and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds issued pursuant to this Ordinance and then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any Bond issued pursuant to this Ordinance; or

(b) A reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this Ordinance; or

(d) A preference or priority of any Bond or Bonds issued pursuant to this Ordinance over any other Bond or Bonds issued pursuant to the provisions of this Ordinance; or

(e) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the required balance to be held as a reserve for the Bonds; or

(g) The extension of mandatory sinking fund redemption dates, if any.

If the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Controller of the City, no owner of any Bond issued pursuant to this Ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon

the adoption of any supplemental ordinance pursuant to the provisions of this section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of Bonds issued pursuant to the provisions of this Ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the City and of the owners of the Bonds authorized by this Ordinance, and the terms and provisions of the Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the Bonds issued pursuant to this Ordinance then outstanding.

SECTION 25. Non-Business Days. If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, is a legal holiday or a day on which banking institutions in the area are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal day.

SECTION 26. Other Actions. Each of the Mayor and the Controller is hereby authorized and directed, for an on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the transactions contemplated by this Ordinance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

SECTION 27. Construction with Other Ordinances. All ordinances, except for the Prior Ordinance, in conflict with this Ordinance are hereby repealed.

SECTION 28. Captions. The captions in this Ordinance are inserted only as a matter of convenience and reference, and such captions are not intended and shall not be construed to define, limit, establish, interpret or describe the scope, intent or effect of any provision of this Ordinance.

SECTION 29. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
STEPHEN VOLAN, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

SYNOPSIS

This ordinance authorizes the City of Bloomington to issue its Sewage Works Revenue Bonds of 2020 in the aggregate principal amount not to exceed \$32,000,000. The 2020 bonds will be issued to finance the first phase of modernizing the Dillman Road WWTP, the replacement of the existing storm culvert system of the Jordan Culvert, and pay costs of issuance of the bonds.

## EXHIBIT A

### DESCRIPTION OF PROJECTS

#### **Dillman Road Wastewater Treatment Plant Project:**

The Dillman Road Wastewater Treatment Plant project is the first phase of the treatment plant expansion and modernization plan. The focus of this phase of the project is the replacement of select electrical and mechanical systems due to age and condition. The equipment replacement will include process modernization of the mixed liquor and aerobic digestion aeration systems. The project also includes the addition of a new disc filter and building to expand filtration capacity from 15 million gallon per day (mgd) to 20 mgd.

#### **Jordan Culvert Project:**

Jordan Culvert project is the replacement of the existing storm culvert system with new 24' x 5' and 20' x 5' storm culvert sections approximately 1,850 feet in length as well as associated replacements and relocations of the water, sanitary sewer and storm sewer systems in the vicinity of the culvert, and other surface restoration work necessary to complete the work.

EXHIBIT B

R-\_\_

[FORM OF REGISTERED BOND]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MONROE

CITY OF BLOOMINGTON, INDIANA  
SEWAGE WORKS REVENUE BOND OF 2020

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Date of Authentication</u>	<u>[CUSIP]</u>
__%	January 1, 20__	_____, 20__	_____, 20__	[_____]

REGISTERED  
OWNER: \_\_\_\_\_

PRINCIPAL AMOUNT: \_\_\_\_\_ Dollars (\$\_\_\_\_\_)

The City of Bloomington, in Monroe County, State of Indiana, (the “City”) for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, upon surrender hereof, solely out of the special revenue fund hereinafter referred to, the Principal Amount stated above as evidenced by the records of the registered owner making payments for this bond, or its assigns, on the Maturity Date specified above (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon until the Principal Amount is paid upon redemption or at maturity, at the Interest Rate per annum specified above and from the interest payment date to which interest has been paid or duly provided for next preceding the Date of Authentication of this bond as shown above (unless this bond is authenticated after the fifteenth day of the month immediately preceding an interest payment date (the “Record Date”) and on or before the next such interest payment date, in which case it shall bear interest from such interest payment date or unless this bond is authenticated on or before [January/July] 1, 20\_\_, in which case it shall bear interest from the Original Date specified above), with such interest payable semiannually on January 1 and July 1 of each year, commencing [January/July] 1, 20\_\_. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of and premium, if any, on this Bond are payable upon the surrender thereof at the principal office of \_\_\_\_\_ (the "Registrar" or the "Paying Agent") in the \_\_\_\_\_, \_\_\_\_\_. All payments of interest on this Bond shall be paid by check mailed one business day prior to the interest payment date to the Registered Owner as of the Record Date at the address as it appears on the registrations books kept by the Registrar. Each Registered Owner of \$1,000,000 or more in principal amount of the Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the Record Date for any payment. All payments of principal of, and premium, if any, on the Bonds (as hereinafter defined) shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

THE CITY SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE HEREINAFTER DESCRIBED SPECIAL FUND, AND NEITHER THIS BOND NOR THE ISSUE OF WHICH IT IS A PART SHALL IN ANY RESPECT CONSTITUTE A CORPORATE INDEBTEDNESS OF THE CITY WITHIN THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

This bond is one of an authorized series of bonds of like date, tenor and effect, except as to denomination, numbering, rates of interest, redemption terms and dates of maturity, aggregating \_\_\_\_\_ Dollars (\$\_\_\_\_\_), numbered and lettered consecutively from R-1 upward (the "Bonds"), issued for the purpose of providing funds to pay the cost of certain additions, improvements and extensions to the sewage works of the City, [fund a debt service reserve fund/pay the premium on a debt service reserve surety policy] and pay the costs of issuance of the Bonds. This Bond is issued pursuant to an ordinance adopted by the Common Council of the City on the \_\_\_\_ day of \_\_\_\_\_, 2020, entitled "An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Sewage Works Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters" (the "Ordinance"), and in accordance with the provisions of Indiana law, including, without limitation, Indiana Code 36-9-23, as amended (the "Act").

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this Bond, the Outstanding Parity Bonds (as defined in the Ordinance), and any bonds hereafter issued on a parity therewith are payable solely from the Sewage Works Sinking Fund (the "Sinking Fund") maintained under the Ordinance to be funded from the Net Revenues (herein defined as the gross revenues of the Sewage Works (defined as the City's Sewage Works system, including all real estate, equipment and appurtenances thereto used in connection therewith, and all extensions, additions and improvements thereto and replacements thereof, now or at anytime hereafter constructed or acquired, after deduction only for the payment of the reasonable expenses of operation, repair and maintenance of the System).

The City irrevocably pledges the entire Net Revenues of the Sewage Works deposited into the Sinking Fund to the prompt payment of the principal of and interest on the Bonds, the Outstanding Parity Bonds and any bonds ranking on a parity therewith to the extent necessary for such purposes, and covenants that it will cause to be fixed, maintained and collected such rates and charges for services rendered by the Sewage Works as are sufficient in each year for the payment of the proper and reasonable expenses of operation and maintenance of the Sewage Works and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. If the City or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there shall be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the System and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The City further covenants that for so long as the Bonds, the Outstanding Parity Bonds and any bonds hereafter issued on a parity therewith (the "Additional Parity Bonds") remain outstanding, it will set aside and pay into the Sinking Fund a sufficient amount of the Net Revenues of the Sewage Works for the payment of (a) the interest on all bonds payable from the revenues of the Sewage Works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying such bonds and interest, (c) the principal of all bonds payable from the revenues of the Sewage Works, and (d) an additional amount as a margin of safety to create the reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of the System. Reference is made to the Ordinance for a more complete statement of the revenues from which and conditions under which this bond is payable, a statement of the conditions on which obligations may hereafter be issued on a parity with this bond, the manner in which the Ordinance may be amended and the general covenants and provisions pursuant to which this bond has been issued.

[Insert optional redemption terms, if applicable].

[The bonds maturing on \_\_\_\_\_ 1, \_\_\_\_ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

<u>Date</u>	<u>Amount</u>
-------------	---------------

\*

\*Final Maturity]

[Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of mandatory redemption. If less than an entire maturity is called for redemption, the bonds to be redeemed shall be selected by lot by the Registrar.]



Notice of such redemption shall be mailed to the address of the registered owners of the Bonds to be redeemed as shown on the registration records of the City, as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) and not more than sixty (60) days prior to the date fixed for redemption, unless the notice is waived by the registered owner of the Bonds to be redeemed. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Bonds called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such bonds shall no longer be protected by the Ordinance and shall not be deemed to be outstanding thereunder.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Paying Agent, an amount sufficient to pay such Bond or the redemption price, as the case may be, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability with respect thereto.

This bond is transferable or exchangeable only upon the books of the City kept for that purpose at the designated corporate trust operations office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner, or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or to the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred without cost to the Registered Owner except for any tax or governmental charge required to be paid with respect to the transfer. The City, the Registrar and the Paying Agent may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal hereof and interest and premium, if any, due hereon.

This bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein. THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. The Ordinance may be amended without the consent of the owners of the Bonds as provided in the Ordinance if the Common Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the Bonds.

The Bonds are issuable only in fully registered form in the denomination of [\$5,000] or any integral multiple thereof.

[A Continuing Disclosure Contract from the City to each registered owner or holder of any Bond, dated as of the date of initial issuance of the Bonds (the "Contract"), has been executed by the City, a copy of which is available from the City and the terms of which are incorporated herein by this reference. The Contract contains certain promises of the City to each registered owner or holder of any Bond, including a promise to provide certain continuing disclosure. By its payment

for and acceptance of this bond, the registered owner or holder of this bond assents to the Contract and to the exchange of such payment and acceptance for such promises.]

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Bloomington, in Monroe County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the Mayor of the City, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Controller.

CITY OF BLOOMINGTON

\_\_\_\_\_  
Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Controller

#### CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds issued and delivered pursuant to the provisions of the within-mentioned Ordinance.

\_\_\_\_\_

By \_\_\_\_\_  
Authorized Representative

## ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ (insert name and address) the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints attorney to transfer the within bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guarantee:

NOTICE: Signature(s) must be guaranteed by a broker-dealer or a commercial bank or trust company.

## **Ordinance 20-26 - Cost Estimates and Preliminary Design Plans**

*Note: Due to the file size of the cost estimates and preliminary design plans referenced in Ordinance 20-26, copies of the following documents are on file in the Office of the City Clerk and are open for public inspection pursuant to IC 36-1-5-4. Individuals interested in viewing these documents may contact the [City Clerk's Office](#).*

### **Dillman Road Wastewater Treatment Plant Project:**

- Dillman Road WWTP Upgrade and Efficiency Improvements – Conformed Specifications – Volume 1
- Dillman Road WWTP Upgrade and Efficiency Improvements – Conformed Specifications – Volume 2
- Drawings for Dillman Road WWTP Upgrade and Efficiency Improvements

### **Jordan Culvert Project:**

- Project Manual - Jordan River Storm Culvert Reconstruction – Volume 1
- Project Manual - Jordan River Storm Culvert Reconstruction – Volume 2
- Jordan River Storm Culvert Reconstruction – Bid Plans

#### ***Contacts:***

##### ***Utilities Department (812-339-1444)***

- Vic Kelson, Director, at [kelsonv@bloomington.in.gov](mailto:kelsonv@bloomington.in.gov)
- Brad Schroeder, Assistant Director-Engineering, at [schroedb@bloomington.in.gov](mailto:schroedb@bloomington.in.gov)

##### ***Legal Department (812-349-3426)***

- Chris Wheeler at [wheelech@bloomington.in.gov](mailto:wheelech@bloomington.in.gov)

##### ***Clerk's Office (812-349-3408)***

- Nicole Bolden at [boldenn@bloomington.in.gov](mailto:boldenn@bloomington.in.gov)

BLOOMINGTON MUNICIPAL WASTEWATER UTILITY

ESTIMATED SOURCES AND USES OF FUNDS

	AMOUNT
SOURCES OF FUNDS:	
PROPOSED 2020 BONDS	\$ 30,400,000.00
FUNDS ON HAND	8,000,000.00
TOTAL SOURCES OF FUNDS	<u>\$ 38,400,000.00</u>
USES OF FUNDS:	
DILLMAN ROAD WWTP	\$ 25,043,700.00
JORDAN RIVER CULVERT	11,194,800.00
CONSTRUCTION CONTINGENCY (10%)	1,119,480.00
EASEMENTS	475,000.00
ADDITIONAL ENGINEERING	50,000.00
BOND COUNSEL, FINANCIAL ADVISOR, LEGAL COUNSEL UNDERWRITERS DISCOUNT AND ROUNDING	517,020.00
TOTAL USES OF FUNDS	<u>\$ 38,400,000.00</u>



BLOOMINGTON INDIANA  
JORDAN RIVER CULVERT RECONSTRUCTION  
95% PLANS  
OPINION OF PROBABLE CONSTRUCTION COST

ITEM	ITEM DESCRIPTION	UNIT COST	QTY "TOTAL"	EXTENSION "TOTAL"
INDOT SPEC SECTION 200				
1	EXCAVATION, COMMON	\$29.00	20500 C.Y.	\$594,500.00
2	EXCAVATION, ROCK	\$100.00	5000 C.Y.	\$500,000.00
3	STRUCTURAL BACKFILL	\$44.00	13300 C.Y.	\$585,200.00
4	FLOWABLE FILL	\$150.00	1220 C.Y.	\$183,000.00
5	SIDEWALK, CONCRETE, REMOVE	\$25.00	1789 S.Y.	\$44,725.00
6	PAVEMENT, REMOVAL (STREET)	\$17.00	8505 S.Y.	\$144,585.00
7	PAVEMENT, REMOVAL (PARKING)	\$12.00	3194 S.Y.	\$38,328.00
8	PAVEMENT, CONCRETE, REMOVAL (PARKING)	\$20.00	983 S.Y.	\$19,660.00
9	PAVEMENT, CONCRETE, HEAVILY REINFORCED, REMOVAL (STREET)	\$7.00	3571 SFT	\$24,997.00
10	CURB, CONCRETE, REMOVE	\$13.00	4314 L.F.	\$56,082.00
11	CULVERT, REMOVE	\$125.00	1609 L.F.	\$201,125.00
12	CULVERT ABANDON	\$500.00	208 L.F.	\$104,000.00
13	HOUSES AND BULDINGS, REMOVE	\$30,000.00	1 EA	\$30,000.00
14	RETAINING WALL, REMOVE	\$27.00	219 L.F.	\$5,913.00
15	MASONRY AND LIMESTONE WALL, SALVAGE/REMOVE	\$30.00	225 L.F.	\$6,750.00
16	FENCE, REMOVE	\$4.00	234 L.F.	\$936.00
17	TREE, REMOVE	\$600.00	32 EA	\$19,200.00
18	TREE, SALVAGE AND TRANSPORT	\$1,500.00	1 EA	\$1,500.00
19	SHRUB, REMOVE	\$5.00	380 SFT	\$1,900.00
20	BASKETBALL HOOP, REMOVE AND RESET	\$250.00	2 EA	\$500.00
21	CHAIN LINK FENCE, 6-FT, TEMPORARY	\$15.00	562 L.F.	\$8,430.00
22	WATER SERVICE AND METER, REMOVE	\$5.00	142 L.F.	\$710.00
23	SANITARY LATERAL, REMOVE	\$5.00	263 L.F.	\$1,315.00
24	STORM SEWER PIPE, REMOVE	\$10.00	717 L.F.	\$7,170.00
25	STORM SEWER MANHOLE, REMOVE	\$500.00	30 EA	\$15,000.00
26	WATERMAIN, REMOVE	\$10.00	571 L.F.	\$5,710.00
27	SANITARY SEWER PIPE, REMOVE	\$10.00	1995 L.F.	\$19,950.00
28	SANITARY SEWER MANHOLE, REMOVE	\$500.00	14 EA	\$7,000.00
29	FOCEMAIN, REMOVE	\$15.00	461 L.F.	\$6,915.00
30	BRICK PAVERS, REMOVE	\$3.00	364 SFT	\$1,092.00
31	CONCRETE LANDSCAPE EDGING, REMOVE	\$8.00	72 L.F.	\$576.00
32	BOLLARDS, REMOVE	\$200.00	6 EA	\$1,200.00
33	ELECTRICAL VAULT, REMOVE	\$500.00	1 EA	\$500.00
34	FIBER OPTIC, REMOVE	\$5.00	126 L.F.	\$630.00
35	WATERMAIN, ABANDON	\$2.00	262 L.F.	\$524.00
36	MASONRY BLOCK WALL RESTORATION	\$200.00	50 L.F.	\$10,000.00
37	MASONRY BLOCK WALL (RETAINING OR NOT)WITH 4 FT WOOD FENCE ON TOP	\$300.00	120 L.F.	\$36,000.00
38	BURIED RETAINING WALL	\$700.00	60 L.F.	\$42,000.00
INDOT SPEC SECTION 300				
39	COMPACTED, AGGREGATE NO. 53	\$28.00	56 T	\$1,568.00
40	COMPACTED, AGGREGATE NO. 53, BASE (STREET)	\$26.00	2973 T	\$77,298.00
41	COMPACTED, AGGREGATE NO. 53, BASE (PARKING)	\$26.00	1010 T	\$26,260.00
42	HMA SURFACE TYPE B, 9.5 mm (STREET)	\$80.00	743 T	\$59,440.00
43	HMA INTERMEDIATE TYPE B, 19.0 mm (STREET)	\$78.00	1233 T	\$96,174.00
44	HMA BASE TYPE B, 25.0 mm (STREET)	\$76.00	1966 T	\$149,416.00
45	HMA SURFACE TYPE B, 9.5 mm (PARKING)	\$80.00	253 T	\$20,240.00
46	HMA INTERMEDIATE TYPE B, 19.0 mm (PARKING)	\$78.00	420 T	\$32,760.00
INDOT SPEC SECTION 600				
47	CURB, CONCRETE	\$30.00	5276 L.F.	\$158,280.00
48	SIDEWALK, CONCRETE	\$61.00	1498 S.Y.	\$91,378.00
49	PCCP FOR APPROACHES, 8 IN	\$75.00	862 S.Y.	\$64,650.00
50	CURB RAMP, CONCRETE	\$172.00	229 S.Y.	\$39,388.00
51	BRICK PAVERS	\$177.00	61 S.Y.	\$10,797.00
52	NURSERY SODDING	\$6.00	15100 S.Y.	\$90,600.00
INDOT SPEC SECTION 700				
53	STRUCTURE, REINFORCED CONCRETE BOX SECTIONS, 20 FT X 5 FT	\$1,775.00	431 L.F.	\$765,025.00
54	STRUCTURE, REINFORCED CONCRETE BOX SECTIONS, TRANSITION	\$2,500.00	57 L.F.	\$142,500.00
55	STRUCTURE, REINFORCED CONCRETE BOX SECTIONS, 24 FT X 5 FT	\$2,200.00	1408 L.F.	\$3,097,600.00
56	UNDERPINNING NEARBY BUILDING	\$15,000.00	6 EA	\$90,000.00
57	REMOVE PLAYGROUND EQUIPMENT	\$15,000.00	1 EA	\$15,000.00
58	STORM ACCESS MANHOLE W/ CASTING	\$3,000.00	9 EA	\$27,000.00
59	48" STORM MANHOLE W/ CASTING	\$3,300.00	20 EA	\$66,000.00
60	INLET TYPE J-10	\$2,600.00	10 EA	\$26,000.00
61	12" STORM SEWER PIPE	\$47.00	323 L.F.	\$15,181.00
62	15" STORM SEWER PIPE	\$51.00	9 L.F.	\$459.00
63	18" STORM SEWER PIPE	\$53.00	66 L.F.	\$3,498.00
64	24" STORM SEWER PIPE	\$63.00	111 L.F.	\$6,993.00
65	48" SANITARY MANHOLE W/ CASTING	\$3,300.00	7 EA	\$23,100.00
66	60" SANITARY MANHOLE W/ CASTING	\$5,000.00	10 EA	\$50,000.00
67	72" SANITARY MANHOLE W/ CASTING	\$7,300.00	1 EA	\$7,300.00
68	DOWNSTREAM SANITARY SEWER SIPHON STRUCTURE	\$7,500.00	1 EA	\$7,500.00
69	UPSTREAM SANITARY SEWER SIPHON STRUCTURE	\$125,000.00	1 EA	\$125,000.00
70	6" SANITARY SEWER LATERAL	\$60.00	190 L.F.	\$11,400.00
71	8" SANITARY SEWER PIPE	\$68.00	25 L.F.	\$1,700.00
72	8" SANITARY SEWER SIPHON PIPE	\$68.00	70 L.F.	\$4,760.00
73	10" SANITARY SEWER PIPE	\$77.00	3 L.F.	\$231.00
74	12" SANITARY SEWER PIPE	\$89.00	3 L.F.	\$267.00
75	12" SANITARY SEWER SIPHON PIPE	\$89.00	72 L.F.	\$6,408.00
76	14" SANITARY SEWER PIPE SIPHON PIPE	\$92.00	72 L.F.	\$6,624.00
77	18" SANITARY SEWER PIPE	\$96.00	116 L.F.	\$11,136.00
78	18" SANITARY SEWER PIPE C-900	\$120.00	595 L.F.	\$71,400.00
79	24" SANITARY SEWER PIPE	\$120.00	759 L.F.	\$91,080.00
80	24" SANITARY SEWER PIPE C-900	\$150.00	228 L.F.	\$34,200.00

BLOOMINGTON INDIANA  
JORDAN RIVER CULVERT RECONSTRUCTION  
95% PLANS  
OPINION OF PROBABLE CONSTRUCTION COST

ITEM	ITEM DESCRIPTION	UNIT COST	QTY "TOTAL"	EXTENSION "TOTAL"
81	24" SANITARY SEWER CIPP LINER	\$100.00	360 L.F.	\$36,000.00
82	27" SANITARY SEWER PIPE C-900	\$173.00	33 L.F.	\$5,709.00
83	16" FORCEMAIN	\$200.00	491 L.F.	\$98,200.00
84	4" FORCEMAIN	\$30.00	103 L.F.	\$3,090.00
85	2" WATER SERVICE CONNECTION	\$1,000.00	13 EA	\$13,000.00
86	2" WATER SERVICE LINE	\$20.00	318 L.F.	\$6,360.00
87	6" WATERMAIN, DUCTILE IRON	\$80.00	11 L.F.	\$880.00
88	8" WATERMAIN, DUCTILE IRON	\$88.00	1107 L.F.	\$97,416.00
89	14" STEEL CASING	\$110.00	265 L.F.	\$29,150.00
90	8" GATE VALVE	\$2,500.00	5 EA	\$12,500.00
91	8" LINE STOP	\$4,500.00	4 EA	\$18,000.00
92	8" WATERMAIN HOT TAP CONNECTION	\$5,500.00	5 EA	\$27,500.00
90	CUT THRU CULVERT AND PAVEMENT AND RESTORE FROM FM AND ATT INSTALLATION	\$50,000.00	1 EA	\$50,000.00
INDOT SPEC SECTION 800				
91	LINE, THERMOPLASTIC, SOLID, WHITE, 4 IN.	\$1.00	1079 L.F.	\$1,079.00
92	TRANSVERSE MARKING, THERMOPLASTIC, CROSSHATCH LINE, WHITE, 12 IN.	\$4.00	88 L.F.	\$352.00
93	LINE, THERMOPLASTIC, BROKEN, WHITE, 4 IN.	\$1.00	430 L.F.	\$430.00
94	PAVEMENT MESSAGE MARKING, THERMOPLASTIC, BIKE SYMBOL	\$300.00	7 EA	\$2,100.00
95	TRANSVERSE MARKING, THERMOPLASTIC, CROSSWALK LINE, WHITE, 24 IN.	\$7.00	1338 L.F.	\$9,366.00
96	LINE, THERMOPLASTIC, SOLID, YELLOW, 4 IN.	\$1.00	1939 L.F.	\$1,939.00
97	LINE, THERMOPLASTIC, SOLID, WHITE, 6 IN.	\$2.00	864 L.F.	\$1,728.00
98	TRANSVERSE MARKING, THERMOPLASTIC, STOP LINE, WHITE, 24 IN.	\$7.00	181 L.F.	\$1,267.00
99	PAVEMENT MESSAGE MARKING, THERMOPLASTIC, HANDICAP	\$300.00	6 EA	\$1,800.00
100	PAVEMENT MESSAGE MARKING, THERMOPLASTIC, LANE INDICATION ARROW	\$140.00	5 EA	\$700.00

SUBTOTAL	\$8,771,800.00
8% MOBILIZATION / DEMOBILIZATION / JOB ADMIN	\$702,000.00
5% MAINTENANCE OF TRAFFIC	\$439,000.00
3% EROSION CONTROL	\$264,000.00
10% CONTINGENCY	\$1,018,000.00
TOTAL CBU PROJECT COST	\$11,194,800.00

Items below are to be paid by Planning and Transportation

1	SIGNAL POLE FOUNDATION 36 IN X 144 IN	\$3,000.00	4 EA	\$12,000.00
2	HANDHOLE, SIGNAL	\$1,300.00	1 EA	\$1,300.00
3	SIGNAL PEDESTAL FOUNDATION, A	\$800.00	6 EA	\$4,800.00
4	SIGNAL POLE, PEDESTAL, 4 FT	\$680.00	6 EA	\$4,080.00
5	CONDUIT, PVC, 2 IN, SCHEDULE 40	\$13.00	105 L.F.	\$1,365.00
6	RADIO, YAGI ANTENNA	\$1,000.00	1 EA	\$1,000.00
7	EMERGENCY VEHICLE PREEMPTION DETECTOR, SINGLE CHANNEL, ONE DIRECTION	\$2,000.00	1 EA	\$2,000.00
8	EMERGENCY VEHICLE PREEMPTION DETECTOR, TWO CHANNEL, TWO DIRECTION	\$2,500.00	1 EA	\$2,500.00
9	VIDEO VEHICLE DETECTOR SYSTEM WITH 3 CAMERAS	\$12,000.00	1 EA	\$12,000.00
10	CONTROLLER AND CABINET, MENU DRIVEN, 8 PHASE	\$19,000.00	1 EA	\$19,000.00
11	PEDESTRIAN PUSH BUTTON, APS	\$1,000.00	8 EA	\$8,000.00
12	TRAFFIC SIGNAL HEAD, 3 SECTION, 12 IN.	\$750.00	6 EA	\$4,500.00
13	TRAFFIC SIGNAL HEAD, 4 SECTION, 12 IN.	\$920.00	1 EA	\$920.00
14	SPAN, CATENARY, AND TETHER	\$3,000.00	4 EA	\$12,000.00
15	DISCONNECT HANGER	\$400.00	3 EA	\$1,200.00
16	SIGNAL SERVICE	\$1,100.00	1 EA	\$1,100.00
17	SIGNAL CABLE, CONTROL, 3C/14GA	\$2.00	1500 L.F.	\$3,000.00
18	SIGNAL CABLE, CONTROL, 5C/14GA	\$2.00	3500 L.F.	\$7,000.00
19	SIGNAL CABLE, CONTROL, 7C/14GA	\$3.00	2000 L.F.	\$6,000.00
20	PEDESTRIAN SIGNAL HEAD, COUNTDOWN, 18 IN	\$670.00	8 EA	\$5,360.00
21	CONTROLLER CABINET FOUNDATION, P1	\$1,500.00	1 EA	\$1,500.00
22	SIGNAL STRAIN POLE, STEEL, 36 FT	\$7,200.00	4 EA	\$28,800.00
23	MAST ARM, 20 FT	\$1,300.00	2 EA	\$2,600.00
24	MAST ARM, 30 FT	\$1,600.00	1 EA	\$1,600.00

SUBTOTAL	\$143,625.00
5% MOBILIZATION / DEMOBILIZATION / JOB ADMIN FOR SUBCONSULTANT	\$12,000.00
5% GENERAL CONTRACTOR MARKUP	\$8,000.00
5% CONTINGENCY	\$9,000.00
TOTAL PLANNING AND TRANSPORTATION PROJECT COST	\$172,625.00
TOTAL PROJECT COST	\$11,367,425.00

## ORDINANCE 20-27

### TO AMEND TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “WASTEWATER”

WHEREAS, Bloomington Municipal Code Title 10 sets forth uniform requirements for users of the publicly owned treatment works for the City of Bloomington’s Wastewater and Stormwater utilities and enables the City to comply with all applicable state and federal laws, including the Clean Water Act and the General Pretreatment Regulations established by the United States Environmental Protection Agency under 40 CFR 403; and

WHEREAS, the City of Bloomington, Indiana (the City) has constructed and has in operation a wastewater collection system for the purpose of collecting and treating wastewater and operates its pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and

WHEREAS, Bloomington Municipal Code Title 10 at Chapter 17 establishes the City of Bloomington Utilities Department’s (“CBU”) fats, oils and grease (“FOG”) program and is intended to minimize introduction of those substances into the wastewater collection system; and

WHEREAS, Bloomington Municipal Code Title 10 at Chapter 17 obligates all food service establishments to properly size, install and maintain FOG retention devices and establishes appropriate administrative and inspection requirements of the food service establishments; and

WHEREAS, the City wishes to reduce the economic impact to food service establishments of the requirement to install such FOG devices by expanding the types of FOG devices acceptable to the City, and incentivize education of the FOG hauling industry on the proper and best methods for cleaning and maintaining FOG devices through a permitting program; and

WHEREAS, CBU staff recommends an amendment to Title 10, Chapter 17 that expands the types of effective FOG retention devices acceptable to CBU, and to establish a FOG hauling permit program that is free to all FOG haulers and incentivizes proper education and training; and

WHEREAS, the proposed amendments to Title 10, Chapter 17 have been duly considered by the Utilities Service Board and found satisfactory, a copy of the proposed amendment is attached hereto, marked as Exhibit “A” and incorporated herein; and

WHEREAS, the City of Bloomington Utilities Service Board recommends to the Council that these Amendments be received, reviewed and adopted by the Common Council of the City of Bloomington; and

WHEREAS, the proposed amendments to Title 10, Chapter 17 have been duly considered by the Common Council of the City of Bloomington.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 10.17.020 shall be amended by adding the following additional definitional language within the alphabetical ordering of that section as follows:

“Gravity grease interceptor” means a device typically located outdoors and underground, typically constructed of concrete, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

“Hydromechanical grease interceptor” means a device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

SECTION II. Section 10.17.020 shall be further amended by adding the language “both gravity and hydromechanical” to the existing definition of a grease retention device as follows:

"Grease retention device" means a device so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer. Grease retention devices include *both gravity and hydromechanical* grease interceptors, grease traps, and alternative grease retention devices.

SECTION III. Delete and replace in its entirety Section 10.17.110 to read as follows:

10.17.110 - Design criteria.

- (a) Domestic wastewater shall not be discharged into a grease retention device.
- (b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.
- (c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.
- (d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.
- (e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred and fifty gallons. Dishwashers shall not be connected to a properly sized gravity grease interceptor.
- (j) Hydromechanical Grease Interceptors shall be of the type and capacity approved by CBU. The minimum capacity for a hydromechanical grease interceptor is two hundred and fifty (250) gallons. Dishwashers shall not be connected to a properly sized hydromechanical grease interceptor.
- (f) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.
- (g) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device. Dishwashers shall not be connected to grease traps.
- (h) Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.
- (i) Garbage disposals are prohibited in all FSEs.

SECTION IV. Add the Following new Section 10.17.115:

10.17.115 – Grease Hauling Permits.

Any and all grease haulers shall apply for and receive a grease hauling permit from CBU prior to hauling any and all fats, oils and grease content, including floating materials, wastewater and bottom sludges and solids from any and all grease retention devices.

- (a) A grease hauling permit for grease waste hauling may be obtained by:
  - (i) Submitting an application on a form provided by CBU; and
  - (ii) Completing a mandatory operator training course provided by CBU.
- (b) Along with the application, the applicant shall submit a copy of the IDEM registration license receipt issued to each vehicle that the applicant wants registered under the permit.
- (c) The grease hauling permit shall identify the person permitted to haul grease waste, the vehicles the grease hauler may use to haul grease waste, and the expiration date.
- (d) A copy of the permit shall be kept with each grease hauling vehicle at all times
- (e) Grease hauling permits are not transferrable.
- (f) Grease hauling permits expire two years from issuance. Grease hauling permits may be renewed for an additional two year period by following CBU renewal policies.
- (g) Grease hauling permits do not authorize any person from hauling any materials that are hazardous in nature.
- (h) The Director may revoke any permit.

SECTION V. Delete and replace in its entirety Section 10.17.120 to read as follows:

10.17.120 - Best management practices.

The following best management practices or BMPs shall be implemented and adhered to by all FSEs:

- (a) Installation. All new and existing FSEs are required to install a grease retention device.
- (b) Pumping. All grease retention devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
- (c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
- (d) Gravity Grease Interceptor Maintenance Frequency. Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
- (e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumping receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease interceptor maintenance.
- (k) Hydromechanical and Gravity Grease Interceptor Maintenance Frequency. Hydromechanical and Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, exceeding the manufacturer's specifications.
- (f) Grease Trap Maintenance Frequency. Grease traps must be pumped/cleaned out completely a minimum of once every thirty days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
- (g) Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to fill out the grease trap maintenance verification log. The log shall include the date, time, and volume of waste removed, disposal site, and signature. The logs must be kept on file at the facility for a minimum of two years and must also be made available to the director during inspections.
- (h) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit the grease hauler's receipts to the Director. The receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease trap maintenance.
- (i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.
- (j) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed of as solid waste.

SECTION VI. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VII. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.



PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
STEPHEN VOLAN, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

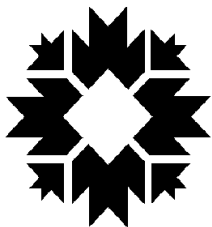
\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

SYNOPSIS

This ordinance amends the Bloomington Municipal Code Title 10 at Chapter 17 to expand the types of fats, oils and grease (“FOG”) devices acceptable to CBU in its FOG program, in an effort to reduce the overall economic impact to the food service industry for complying with the FOG program while increasing cooperation in the FOG program. These amendments also establish a new permit program which requires all FOG hauling services to first apply for and receive a permit from CBU before engaging in any hauling of FOG waste in the City. The permit program is free and contains an educational component to educate the FOG hauling industry on best practices for cleaning and maintaining FOG retention devices as well as best practices for hauling and disposing of FOG waste. This program is intended to increase the effectiveness of FOG retention device maintenance which will, in turn, increase the effectiveness of the FOG retention device in keeping FOG waste material from entering the wastewater collection system.



**CITY OF BLOOMINGTON  
LEGAL DEPARTMENT  
MEMORANDUM**

---

**TO:** City of Bloomington Common Council Members  
**FROM:** Christopher J. Wheeler, Assistant City Attorney  
**RE:** Proposed Ordinance 20-27 for Amendments to Title 10.17  
**DATE:** October 13, 2020

---

This ordinance amends the Bloomington Municipal Code Title 10 at Chapter 17 to expand the types of FOG devices acceptable to CBU in its FOG program, in an effort to reduce the overall economic impact to the food service industry for complying with the FOG program while increasing cooperation in the Fog program. These amendments also establish a new permit program which requires all FOG hauling services to first apply for and receive a permit from CBU before engaging in any hauling of FOG waste in the City. The permit program is free and contains an educational component to educate the FOG hauling industry on best practices for cleaning and maintaining FOG retention devices as well as best practices for hauling and disposing of FOG waste. This program is intended to increase the effectiveness of FOG retention device maintenance which will, in turn, increase the effectiveness of the FOG retention device in keeping FOG waste material from entering the wastewater collection system.

If you have any questions regarding this proposed ordinance, please feel free to contact me by calling City Legal at 812.349.3549 or e-mailing me at [wheelech@bloomington.in.gov](mailto:wheelech@bloomington.in.gov).

*Italicized and Underlined* language is proposed new language added.  
~~Strikethrough~~ wording is language that is proposed to be deleted.

## Chapter 10.17 - FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGERS

### 10.17.010 - Purpose and intent.

The purpose of this chapter is to minimize the introduction of fats, oils, and grease (FOG) into the city's wastewater collection system. The main components of the chapter are proper sizing, installation, and maintenance of grease traps and grease interceptors. The administrative and inspection requirements of the food service establishments are written herein as well.

### 10.17.020 - Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

"Automatic grease removal device" means a mechanical device that automatically separates grease from wastewater into a container and is usually set on a timer.

"Best management practice" or "BMP" means management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in Sections 40 Code of Federal Regulations (CFR) 403.5(a)(1) and (b).

"City" or "CBU" means the City of Bloomington, Indiana acting through its utilities service board.

"Director" means the director of the utility or any duly authorized representative acting on his behalf.

"Domestic wastewater" means wastewater from sanitary fixtures such as toilets and urinals.

"Food service establishment" or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the director.

"Garbage disposal" means a device that shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer.

"Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oils, and grease, or FOG, shall be deemed as grease by definition.

"Grease hauler or transporter" means one who transfers grease waste from the site of a user to an approved site for disposal and treatment. The hauler is responsible for assuring that all federal, state, and local regulations are followed regarding waste transport and disposal.

"Grease interceptor" means a device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

*"Gravity grease interceptor" means a device typically located outdoors and underground, typically constructed of concrete, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.*

*"Hydromechanical grease interceptor" means a device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanisms.*

"Grease retention device" means a device so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer. Grease retention devices include *both gravity and hydromechanical* grease interceptors, grease traps, and alternative grease retention devices.

"Grease trap" means a device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"New FSE" means a food service establishment that is opening for the first time, opening in a new location, or opening under new ownership or a new name.

"Newly remodeled FSE" means an FSE that is repairing, replacing, rearranging or installing:

- (1) Any kitchen plumbing system;
- (2) Any kitchen appliances, fixtures or units that attach to the plumbing system; and/or
- (3) Any sanitary sewer lateral.

#### 10.17.030 - Applicability.

This chapter shall apply to all food service establishments and to new commercial establishments being constructed in an area zoned for food service establishments.

#### 10.17.040 - Responsibility for administration.

The city shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor of the authorized enforcement agency to persons or entities acting in the beneficial interest of, or in the employ of the agency.

#### 10.17.050 - Ultimate responsibility.

The standards set forth in this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

#### 10.17.060 - Installation requirements for new food service establishments.

All new FSEs that discharge wastewater into the city sanitary sewer system shall be required to install an approved, properly operated, and maintained grease interceptor. All interceptor units shall be of the type and capacity approved by the city. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities.

#### 10.17.070 - Installation requirements for newly remodeled food service establishments.

Newly remodeled FSEs are required to install an approved, properly operated, and maintained grease interceptor. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities. All interceptor units shall be installed outdoors of the FSE's building unless the user can demonstrate to the city that an outdoor interceptor would not be feasible.

#### 10.17.080 - Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the city's sanitary sewer system are required to install an approved, properly maintained grease trap unless specifically exempted by the city. All grease traps units shall be of the type and capacity approved by the director.

#### 10.17.090 - Installation requirements for new commercial establishments.

All proposed new commercial establishments located within an area zoned for food service establishments that discharge wastewater into the city sanitary sewer system shall be required to install an approved, properly operated, and maintained grease interceptor. All interceptor units shall be of the type and capacity approved by the city. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities.

#### 10.17.110 - Design criteria.

- (a) Domestic wastewater shall not be discharged into a grease retention device.
- (b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.
- (c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.
- (d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.
- (e) Gravity grease interceptors shall be constructed and installed in accordance with ~~the city Utilities CBU~~ Standard Detail #21. ~~and shall have a minimum of two compartments with fittings~~



~~designed for grease retention. The minimum size for a gravity grease interceptor is seven hundred and fifty gallons. Garbage disposals and dishwashers shall not be connected to a properly sized gravity grease interceptor.~~

~~(j) Hydromechanical Grease Interceptors shall be of the type and capacity approved by CBU. The minimum capacity for a hydromechanical grease interceptor is two hundred and fifty (250) gallons. Dishwashers shall not be connected to a properly sized hydromechanical grease interceptor.~~

(f) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.

(g) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall ~~include a filter that is designed to prevent the discharge of grease from the unit~~ meet the definition of automatic grease removal device. Dishwashers ~~and garbage disposals~~ shall not be connected to grease traps.

(h) Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(i) Garbage disposals are prohibited in all FSEs.

#### 10.17.115 – Grease Hauling Permits.

Any and all grease haulers shall apply for and receive a grease hauling permit from CBU prior to hauling any and all fats, oils and grease content, including floating materials, wastewater and bottom sludges and solids from any and all grease retention devices.

(a) A grease hauling permit for grease waste hauling may be obtained by:

(i) Submitting an application on a form provided by CBU

(ii) Completing a mandatory operator training course provided by CBU.

(b) Along with the application, the applicant shall submit a copy of the IDEM registration license receipt issued to each vehicle that the applicant wants registered under the permit.

(c) The grease hauling permit shall identify the person permitted to haul grease waste, the vehicles the grease hauler may use to haul grease waste, and the expiration date.

(d) A copy of the permit shall be kept with each grease hauling vehicle at all times.

(e) Grease hauling permits are not transferrable.

(f) Grease hauling permits expire two years from issuance. Grease hauling permits may be renewed for an additional two year period by following CBU renewal policies.

(g) Grease hauling permits do not authorize any person from hauling any materials that are hazardous in nature.

(h) The Director may revoke any permit.

10.17.120 - Best management practices. The following best management practices or BMPs shall be implemented and adhered to by all FSEs:

(a) Installation. All new and existing FSEs are required to install a grease retention device.

- (b) Pumping. All ~~grease interceptors and traps~~ grease retention devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
- (c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
- (d) Gravity Grease Interceptor Maintenance Frequency. Gravity gGrease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
- (e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumping receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease interceptor maintenance.
- (k) Hydromechanical and Gravity Grease Interceptor Maintenance Frequency. Hydromechanical and Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, exceeding the manufacturer's specifications.
- (f) Grease Trap Maintenance Frequency. Grease traps must be pumped/cleaned out completely a minimum of once every thirty days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
- (g) Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to fill out the grease trap maintenance verification log. The log shall include the date, time, and volume of waste removed, disposal site, and signature. The logs must be kept on file at the facility for a minimum of two years and must also be made available to the director during inspections.
- (h) If the FSE hires a grease hauler to pump out the grease trap, the grease hauler must apply to and receive from CBU a grease hauler permit. The FSE is required to submit the grease hauler's receipts to the Director. The receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease trap maintenance.
- (i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from ~~grease traps, grease interceptors~~ grease retention devices or the sanitary sewer is strictly prohibited.
- (j) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed ~~of in the trash~~ of as solid waste.

## Chapter 10.17 - FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGERS

### Sections:

#### 10.17.010 - Purpose and intent.

The purpose of this chapter is to minimize the introduction of fats, oils, and grease (FOG) into the city's wastewater collection system. The main components of the chapter are proper sizing, installation, and maintenance of grease traps and grease interceptors. The administrative and inspection requirements of the food service establishments are written herein as well.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 17, 2-20-2019)

#### 10.17.020 - Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

"Automatic grease removal device" means a mechanical device that automatically separates grease from wastewater into a container and is usually set on a timer.

"Best management practice" or "BMP" means management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in Sections 40 Code of Federal Regulations (CFR) 403.5(a)(1) and (b).

"City" or "CBU" means the City of Bloomington, Indiana acting through its utilities service board.

"Director" means the director of the utility or any duly authorized representative acting on his behalf.

"Domestic wastewater" means wastewater from sanitary fixtures such as toilets and urinals.

"Food service establishment" or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the director.

"Garbage disposal" means a device that shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer.

"Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oils, and grease, or FOG, shall be deemed as grease by definition.

"Grease hauler or transporter" means one who transfers grease waste from the site of a user to an approved site for disposal and treatment. The hauler is responsible for assuring that all federal, state, and local regulations are followed regarding waste transport and disposal.

"Grease interceptor" means a device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"Gravity grease interceptor" means a device typically located outdoors and underground, typically constructed of concrete, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

"Hydromechanical grease interceptor" means a device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

"Grease retention device" means a device so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer. Grease retention devices include both gravity and hydromechanical grease interceptors, grease traps, and alternative grease retention devices.

"Grease trap" means a device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

"New FSE" means a food service establishment that is opening for the first time, opening in a new location, or opening under new ownership or a new name.

"Newly remodeled FSE" means an FSE that is repairing, replacing, rearranging or installing:

- (1) Any kitchen plumbing system;
- (2) Any kitchen appliances, fixtures or units that attach to the plumbing system; and/or
- (3) Any sanitary sewer lateral.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 17, 18, 2-20-2019)

#### 10.17.030 - Applicability.

This chapter shall apply to all food service establishments and to new commercial establishments being constructed in an area zoned for food service establishments.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 19, 2-20-2019)

#### 10.17.040 - Responsibility for administration.

The city shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor of the authorized enforcement agency to persons or entities acting in the beneficial interest of, or in the employ of the agency.

(Ord. No. 12-28, § 1, 12-19-2012)

#### 10.17.050 - Ultimate responsibility.

The standards set forth in this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. 12-28, § 1, 12-19-2012)

#### 10.17.060 - Installation requirements for new food service establishments.

All new FSEs that discharge wastewater into the city sanitary sewer system shall be required to install an approved, properly operated, and maintained grease interceptor. All interceptor units shall be of the type

and capacity approved by the city. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 20, 2-20-2019)

10.17.070 - Installation requirements for newly remodeled food service establishments.

Newly remodeled FSEs are required to install an approved, properly operated, and maintained grease interceptor. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities. All interceptor units shall be installed outdoors of the FSE's building unless the user can demonstrate to the city that an outdoor interceptor would not be feasible.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.080 - Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the city's sanitary sewer system are required to install an approved, properly maintained grease trap unless specifically exempted by the city. All grease traps units shall be of the type and capacity approved by the director.

(Ord. No. 12-28, § 1, 12-19-2012)

10.17.090 - Installation requirements for new commercial establishments.

All proposed new commercial establishments located within an area zoned for food service establishments that discharge wastewater into the city sanitary sewer system shall be required to install an approved, properly operated, and maintained grease interceptor. All interceptor units shall be of the type and capacity approved by the city. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities.

(Ord. No. 19-05, § 21, 2-20-2019)

**Editor's note**— Ord. No. 19-05, § 21, adopted Feb. 20, 2019 added a new § 10.17.090 and renumbered former § 10.17.090 as 10.17.110

10.17.110 - Design criteria.

- (a) Domestic wastewater shall not be discharged into a grease retention device.
- (b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.
- (c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.
- (d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.
- (e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred and fifty gallons. Dishwashers shall not be connected to a properly sized gravity grease interceptor.



(j) Hydromechanical Grease Interceptors shall be of the type and capacity approved by CBU. The minimum capacity for a hydromechanical grease interceptor is two hundred and fifty (250) gallons. Dishwashers shall not be connected to a properly sized hydromechanical grease interceptor.

(f) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.

(g) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal device. Dishwashers shall not be connected to grease traps.

(h) Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(i) Garbage disposals are prohibited in all FSEs.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 21, 23, 2-20-2019)

**Editor's note**— See note at § 10.17.090.

**Editor's note**— Ord. No. 19-05, § 23, adopted Feb. 20, 2019 renumbered former § 10.17.110 as 10.17.130.

#### 10.17.115 – Grease Hauling Permits.

Any and all grease haulers shall apply for and receive a grease hauling permit from CBU prior to hauling any and all fats, oils and grease content, including floating materials, wastewater and bottom sludges and solids from any and all grease retention devices.

(a) A grease hauling permit for grease waste hauling may be obtained by:

(i) Submitting an application on a form provided by CBU

(ii) Completing a mandatory operator training course provided by CBU.

(b) Along with the application, the applicant shall submit a copy of the IDEM registration license receipt issued to each vehicle that the applicant wants registered under the permit

(c) The grease hauling permit shall identify the person permitted to haul grease waste, the vehicles the grease hauler may use to haul grease waste, and the expiration date

(d) A copy of the permit shall be kept with each grease hauling vehicle at all times

(e) Grease hauling permits are not transferrable.

(f) Grease hauling permits expire two years from issuance. Grease hauling permits may be renewed for an additional two year period by following CBU renewal policies.

(g) Grease hauling permits do not authorize any person from hauling any materials that are hazardous in nature.

(h) The Director may revoke any permit

#### 10.17.120 - Best management practices.

The following best management practices or BMPs shall be implemented and adhered to by all FSEs:

(a) Installation. All new and existing FSEs are required to install a grease retention device.

(b) Pumping. All grease retention devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.

(c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.

(d) Gravity Grease Interceptor Maintenance Frequency. Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.

(e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumping receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease interceptor maintenance.

(k) Hydromechanical and Gravity Grease Interceptor Maintenance Frequency. Hydromechanical and Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, exceeding the manufacturer's specifications.

(f) Grease Trap Maintenance Frequency. Grease traps must be pumped/cleaned out completely a minimum of once every thirty days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.

(g) Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to fill out the grease trap maintenance verification log. The log shall include the date, time, and volume of waste removed, disposal site, and signature. The logs must be kept on file at the facility for a minimum of two years and must also be made available to the director during inspections.

(h) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit the grease hauler's receipts to the Director. The receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease trap maintenance.

(i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.

(j) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed of as solid waste.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 22, 24, 2-20-2019)

**Editor's note**— See note at § 10.17.100.

**Editor's note**— Ord. No. 19-05, § 24, adopted Feb. 20, 2019 repealed former § 10.17.120 which pertained to enforcement of food service establishment wastewater discharger regulations, and derived from Ord. No. 12-28, adopted Dec. 19, 2012.

#### 10.17.130 - Inspections.

Authorized personnel of the city, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, §§ 23, 25, 2-20-2019)

**Editor's note**— See note at § 10.17.110.

10.17.140 - Exemptions.

Exemptions shall be made at the director's discretion for FSEs.

(Ord. No. 12-28, § 1, 12-19-2012; Ord. No. 19-05, § 26, 2-20-2019)

**Editor's note**— Ord. No. 19-05, § 26, adopted Feb. 20, 2019 renumbered former § 10.17.130 as 10.17.140.

**RESOLUTION NO. 2020-07  
UTILITY SERVICE BOARD  
OF THE CITY OF BLOOMINGTON, INDIANA**

**TO AMEND TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE TITLED  
“WASTEWATER” AT CHAPTER 10.17 – FOOD SERVICE ESTABLISHMENT  
WASTEWATER DISCHARGERS**

**WHEREAS,** Bloomington Municipal Code Title 10, titled “Wastewater”, is the City of Bloomington Wastewater Utility’s (“CBU”) sewer use ordinance; and

**WHEREAS,** Bloomington Municipal Code Title 10 at Chapter 10.17 is CBU’s fats oils and grease (“FOG”) program and is intended to minimize introduction of those substances into the wastewater collection system; and

**WHEREAS,** CBU wishes to expand the types of FOG retention devices that are acceptable in the FOG program and build an educational component into the grease hauling industry that supports the ongoing maintenance of said FOG retention devices to improve the quality of that service industry in the City of Bloomington; and

**WHEREAS,** CBU staff believes these amendments will increase cooperation in the FOG program, by generating greater cost effectiveness through increased options in the types of acceptable FOG retention devices that food service establishments may use; and

**WHEREAS,** The proposed FOG hauling permit program is free and will incentivize FOG hauling companies to receive quality training on the best methods for cleaning FOG retention devices, hauling FOG material and disposing of FOG material; and

**WHEREAS,** CBU staff recommend amendments to Title 10 Chapter 17 to establish these new provisions; and

**WHEREAS,** the proposed amendments to Title 10 Chapter 17 have been duly considered by the Board and found satisfactory, a copy of the proposed amendment is attached hereto, marked as **Exhibit “A”** and incorporated herein; and

**WHEREAS,** the Board now desires to recommend to the Common Council of the City of Bloomington ("Common Council") the adoption of the proposed amendments.

**NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SERVICE BOARD OF THE  
CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:**

1. The Utility Service Board requests the Common Council authorize the proposed amendments to Title 10 Chapter 17 of the Bloomington Municipal Code, by the adoption of the same in substantially the same form as the attached **Exhibit “A”**.
2. The Secretary of the Utility Service Board is hereby directed to present a copy of this Resolution to the Clerk of the City for presentation to the Common Council as soon as may be done.

**PASSED AND ADOPTED THIS 28<sup>th</sup> DAY OF SEPTEMBER, 2020.**

**CITY OF BLOOMINGTON, INDIANA**

By and Through its Utility Service Board

\_\_\_\_\_  
Julie Roberts, President

\_\_\_\_\_  
Jeff Ehman, Member

\_\_\_\_\_  
Steven J. Sherman, Vice President

\_\_\_\_\_  
Jean Capler, Member

\_\_\_\_\_  
Jason Banach, Member

\_\_\_\_\_  
Megan Parmenter, Member

\_\_\_\_\_  
Amanda Burnham, Member

**ATTEST:**

\_\_\_\_\_  
LaTreana Harrington, Secretary



EXHIBIT “A”

ORDINANCE 20- \_\_\_\_\_

TO AMEND TITLE 10  
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
“WASTEWATER”

- WHEREAS, Bloomington Municipal Code Title 10 sets forth uniform requirements for users of the publicly owned treatment works for the City of Bloomington’s Wastewater and Stormwater utilities and enables the City to comply with all applicable state and federal laws, including the Clean Water Act and the General Pretreatment Regulations established by the United States Environmental Protection Agency under 40 CFR 403; and
- WHEREAS, the City of Bloomington, Indiana (the City) has constructed and has in operation a wastewater collection system for the purpose of collecting and treating wastewater and operates its pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and
- WHEREAS, Bloomington Municipal Code Title 10 at Chapter 17 establishes the City of Bloomington Utilities Department’s (“CBU”) fats oils and grease (“FOG”) program and is intended to minimize introduction of those substances into the wastewater collection system; and
- WHEREAS, Bloomington Municipal Code Title 10 at Chapter 17 obligates all food service establishments to properly size, install and maintain FOG retention devices and establishes appropriate administrative and inspection requirements of the food service establishments; and
- WHEREAS, The City wishes to reduce the economic impact to food service establishments of the requirement to install such FOG devices by expanding the types of FOG devices acceptable to the City, and incentivize education of the FOG hauling industry on the proper and best methods for cleaning and maintaining FOG devices through a permitting program; and
- WHEREAS, CBU staff recommends an amendment to Title 10 Chapter 17 that expands the types of effective FOG retention devices acceptable to CBU, and to establish a FOG hauling permit program that is free to all fog haulers and incentivized proper education and training; and
- WHEREAS, the proposed amendment to Title 10 Chapter 17 have been duly considered by the Utilities Service Board and found satisfactory, a copy of the proposed amendment is attached hereto, marked as Exhibit “A” and incorporated herein; and
- WHEREAS, the City of Bloomington Utilities Service recommends to the Council that these Amendments be received, reviewed and adopted by the Common Council of the City of Bloomington; and

WHEREAS, the proposed amendment to Title 10 Chapter 17 have been duly considered by the Common Council of the City of Bloomington.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 10.17.020 shall be amended by adding the following additional definitional language within the alphabetical ordering of that section as follows:

“Gravity grease interceptor” means a device typically located outdoors and underground, typically constructed of concrete, and designed to separate, trap and hold fats, oils, and grease based on device volume alone without the use of any flow control mechanism.

“Hydromechanical grease interceptor” means a device typically located outdoors and underground, or in the lower level of a facility, and designed to separate, trap, and hold fats, oils, and grease with the use of a flow control mechanism.

SECTION II. Section 10.17.020 shall be further amended by adding the language “both gravity and hydromechanical” to the existing definition of a grease retention device as follows:

"Grease retention device" means a device so constructed as to separate, trap, and hold fats, oils, and grease from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer. Grease retention devices include *both gravity and hydromechanical* grease interceptors, grease traps, and alternative grease retention devices.

SECTION III. Delete and replace in its entirety Section 10.17.110 to read as follows:

- (a) Domestic wastewater shall not be discharged into a grease retention device.
- (b) Wastewater from dishwashing sinks, prep sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.
- (c) Interior plumbing plans shall be submitted to the director depicting all fixtures proposed to be connected to a grease retention device.
- (d) Grease retention device proposals shall be submitted to the director. Grease retention devices shall not be installed without the prior approval of the director.
- (e) Gravity grease interceptors shall be constructed and installed in accordance with CBU Standard Detail #21. The minimum size for a gravity grease interceptor is seven hundred and fifty gallons. Dishwashers shall not be connected to a properly sized gravity grease interceptor.
- (j) Hydromechanical Grease Interceptors shall be of the type and capacity approved by CBU. The minimum capacity for a hydromechanical grease interceptor is two hundred and fifty (250) gallons. Dishwashers shall not be connected to a properly sized hydromechanical grease interceptor.
- (f) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.
- (g) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall meet the definition of automatic grease removal

device. Dishwashers shall not be connected to grease traps.

(h) Alternative grease retention devices or technologies shall be subject to the approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(i) Garbage disposals are prohibited in all FSEs.

#### SECTION IV. Add the Following new Section 10.17.115:

##### 10.17.115 – Grease Hauling Permits.

Any and all grease haulers shall apply for and receive a grease hauling permit from CBU prior to hauling any and all fats, oils and grease content, including floating materials, wastewater and bottom sludges and solids from any and all grease retention devices.

- (a) A grease hauling permit for grease waste hauling may be obtained by:
  - (i) Submitting an application on a form provided by CBU
  - (ii) Completing a mandatory operator training course provided by CBU.
- (b) Along with the application, the applicant shall submit a copy of the IDEM registration license receipt issued to each vehicle that the applicant wants registered under the permit
- (c) The grease hauling permit shall identify the person permitted to haul grease waste, the vehicles the grease hauler may use to haul grease waste, and the expiration date
- (d) A copy of the permit shall be kept with each grease hauling vehicle at all times
- (e) Grease hauling permits are not transferrable.
- (f) Grease hauling permits expire two years from issuance. Grease hauling permits may be renewed for an additional two year period by following CBU renewal policies.
- (g) Grease hauling permits do not authorize any person from hauling any materials that are hazardous in nature.
- (h) The Director may revoke any permit

#### SECTION V. Delete and replace in its entirety Section 10.17.120 to read as follows:

The following best management practices or BMPs shall be implemented and adhered to by all FSEs:

- (a) Installation. All new and existing FSEs are required to install a grease retention device.
- (b) Pumping. All grease retention devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.
- (c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.
- (d) Gravity Grease Interceptor Maintenance Frequency. Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.
- (e) Gravity and Hydromechanical Grease Interceptor Reporting Requirements. Grease hauler pumping receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease interceptor maintenance.
- (k) Hydromechanical and Gravity Grease Interceptor Maintenance Frequency.

Hydromechanical and Gravity grease interceptors must be pumped out completely a minimum of once every ninety days or more frequently if the unit has accumulated waste, both floatable and settleable, exceeding the manufacturer's specifications.

(f) Grease Trap Maintenance Frequency. Grease traps must be pumped/cleaned out completely a minimum of once every thirty days or more frequently if the unit has accumulated waste, both floatable and settleable, accounting for twenty-five percent of its wetted depth, as measured from the static water level to the interior tank bottom.

(g) Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to fill out the grease trap maintenance verification log. The log shall include the date, time, and volume of waste removed, disposal site, and signature. The logs must be kept on file at the facility for a minimum of two years and must also be made available to the director during inspections.

(h) If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit the grease hauler's receipts to the Director. The receipts must be mailed, faxed, or electronically submitted to the director within fourteen days of the date of grease trap maintenance.

(i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease retention devices or the sanitary sewer is strictly prohibited.

(j) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed of as solid waste.

If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

---

NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

---

John Hamilton, Mayor  
City of Bloomington

### SYNOPSIS

This ordinance amends the Bloomington Municipal Code Title 10 at Chapter 17 to expand the types of FOG devices acceptable to CBU in its FOG program, in an effort to reduce the overall economic impact to the food service industry for complying with the FOG program while increasing cooperation in the Fog program. These amendments also establish a new permit program which requires all FOG hauling services to first apply for and receive a permit from CBU before engaging in any hauling of FOG waste in the City. The permit program is free and contains an educational component to educate the FOG hauling industry on best practices for cleaning and maintaining FOG retention devices as well as best practices for hauling and disposing of FOG waste. This program is intended to increase the effectiveness of FOG retention device maintenance which will, in turn, increase the effectiveness of the FOG retention device in keeping FOG waste material from entering the wastewater collection system.





**City of Bloomington  
Office of the Common Council**

**Minutes for Approval**

---

February 19, 2020 | March 4, 2020 | July 22, 2020 | October 7, 2020

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 19, 2020 at 6:32pm, Council President Stephen Volan presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
FEBRUARY 19, 2020

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo (left at 10:07pm), Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims (left at 10:39pm), Ron Smith, Stephen Volan

ROLL CALL [6:32pm]

Councilmembers absent: none

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:33pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Sims declared that he had submitted a financial conflict of interest in regards to Resolution 20-04, which allocated federal funds including approximately \$160,000 to the Housing and Neighborhood Department (HAND) for the administration of the fees. Sims stated that some of that money might be used to pay the salary of his wife, Doris Sims, who was the Director of HAND.

REPORTS

- COUNCIL MEMBERS  
[6:36pm]

Rollo moved and it was seconded to accept the disclosure by Sims. The motion was approved by a voice vote.

Volan memorialized Paul Stern and specified the date and time of the memorial. Volan stated that it was traditional in Greek Orthodox culture to note the passing of someone at 40 days and at one year, and Volan memorialized his father's passing one year ago.

Alex Crowley, Director of Economic and Sustainable Development, introduced Jen Pearl, President of the Bloomington Economic Development Corporation (BEDC), and summarized the updates. Pearl provided an update on the BEDC's mission and activities. There was brief council discussion following the report.

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

Rollo asked about a way to recirculate dollars, or to capture wealth and keep it from leaking out of the community.

Council questions:

Pearl responded that that was being considered and needed to be discussed further and provided an example from Indianapolis.

Smith asked about how the best fit for Bloomington was determined.

Pearl responded that assets were examined, including the talent base and the work force pool and provided some examples.

Volan asked about traded versus local, in Pearl's presentation.

Pearl explained that the source was Cluster Mapping 101.

Volan asked if 64% of employment was local serving.

Pearl confirmed that was correct.

There was further discussion on patents, the economy, income and employment.

Flaherty asked about the focus on social impact and specifically looking at future impacts of climate change or environmental change, and about any current initiatives.

Pearl described requirements where the items mentioned could be included, and discussed some examples.

Craig Shonkwiler, City Transportation and Traffic Engineer, Department of Planning and Transportation, gave a report on the resurfacing project on 3<sup>rd</sup> Street, from College Mall Road to State Route 446. There was council discussion following the report.

Council questions (*cont'd*):

Piedmont-Smith confirmed her interpretation of the report.

Sims clarified that there would be no lane changes from College Mall Road to Clarizz Boulevard, and asked why there had been a decrease in traffic.

Shonkwiler responded that he did not know.

Rollo asked about storm drain impact on bicycle lanes.

Shonkwiler responded that the bike lanes were off of the curb and that he would ask the department about bicycle-safe drains.

Rollo asked about the center lane and asked if there would be trees or plants, or if it would be only hard space.

Shonkwiler explained that since the project was Indiana Department of Transportation's (INDOT) project, he believed that to be outside the scope, but that a request could be made at a later date.

Rosenbarger asked about what a bicyclist would encounter at Clarizz Boulevard where there is a lane change.

Shonkwiler explained that there was a lane change and there was not a multiuse path that the bicyclist could use, and that there had been discussion about this.

Rosenbarger asked cars turning left, and about safety for pedestrians and bikes, and if there would be anything on cross streets and driveways to alert drivers that there could be pedestrians and bikes.

Shonkwiler stated that that had not been discussed with this project and that it would be up to the city to fund those efforts. Shonkwiler continued that it was monumental to see bicycle lanes put in on a state road.

Flaherty asked about protected bike lanes in relation to the Transportation Plan, and about the computer model and any safety metrics.

Shonkwiler explained that the protected bike lanes are outside the scope of the project. Shonkwiler also stated that the computer model was focused on volume but that there had been studies stating that there is less crashes with lane set ups like this project.

Smith asked about why the simulation would not include safety metrics.

Shonkwiler clarified that software is a volume metric software, and there were no inputs for safety. Shonkwiler explained that when going from two lanes to one lane, the highest speed slowed down, and there was more uniform speed.

Smith asked if a traffic light would be put in.

Shonkwiler stated that the traffic signal is typically put in for entering an intersection rather than exiting, and traffic signals can also cause crashes.

Volan asked if the bike lanes would be painted like bike boxes that were a different color from the road.

Shonkwiler stated that they would not.

There were no council committee reports.

- COUNCIL COMMITTEES
- PUBLIC [7:18pm]

Greg Alexander spoke about the project that was just discussed, the difficulty of buses pulling out of the bus station, and protected bike lanes.

Jeff Mease commented on the interest of having alcohol vending at six summer concerts at Switchyard Park, and his concern of having a conflict of people bringing in their own alcohol and vendors attempting to sell alcohol. Mease advocated for the city allowing people to bring in their own alcohol.

Rollo moved and it was seconded that Valeria DeCastro be appointed to the Bloomington Arts Commission. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:29pm]

Sandberg moved and it was seconded that Megan Parmenter be appointed to the Utilities Service Board. The motion was approved by voice vote.

Piedmont-Smith moved and it was seconded that Ethan Horvath and Samantha Ginther be appointed to the Bloomington Commission on Sustainability. The motion was approved by voice vote.

Flaherty moved and it was seconded that Tim Pritchett be appointed to the Bloomington Digital Underground Advisory Committee. The motion was approved by voice vote.

Flaherty moved and it was seconded that Shelby Jade Hoshaw and Meredith Dickerson be appointed to the Environmental Commission. The motion was approved by voice vote.

Sgambelluri moved and it was seconded that Jim Rosenbarger be appointed to the Bicycle and Pedestrian Commission. The motion was approved by voice vote.

Rosenbarger moved and it was seconded that Jennifer Donegan be reappointed to the Commission on Aging. The motion was approved by voice vote.

Rosenbarger moved and it was seconded that Sita Cohen and Chris Hazel be appointed to the Animal Control Commission. The motion was approved by voice vote.

Rosenbarger moved and it was seconded that Nicholas Carder be reappointed to the Housing Quality Appeals Board. The motion was approved by voice vote.

Piedmont-Smith moved and it was seconded that council staff change the President name to Stephen Volan from Steve Volan on each piece of legislation before council. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Resolution 20-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Piedmont-Smith moved and it was seconded that Resolution 20-04 be adopted.

Doris Sims, Director, Housing and Neighborhood Development (HAND) Department, presented the legislation, including the city's Consolidated Planning Process. Eric Sader, Assistant Director, HAND, presented on the 2020 allocation under the Community Development Block Grant program.

Rollo asked about 14<sup>th</sup> Street sidewalk improvements, and if it was enough to complete the project.

Stephen Lucas, Assistant Council Attorney, stated that the amount of funding recommended in the resolution should be more than enough, even with varying construction costs.

There was no public comment.

Piedmont-Smith stated that she appreciated objective of integrating different housing types and income levels.

Sandberg said that as a member of the Citizen Advisory Committee (CAC) for Social Services, the funding was difficult to allocate because the funds were for salaries which was in high demand in the non-profit world.

Volan echoed his colleagues in thanking the CAC and HAND for the work in making the allocations happen.

The motion to adopt Resolution 20-04 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Sims).

Piedmont-Smith moved and it was seconded that Ordinance 20-03 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 5, Nays: 2, Abstain: 0. The committee do-pass recommendation for Amendment 01 was Ayes: 9, Nays: 0, Abstain: 0. The committee do-pass recommendation for Amendment 02 was Ayes: 5, Nays: 0, Abstain: 2. The committee do-pass recommendation for Amendment 03 was Ayes: 7, Nays: 0, Abstain: 0. Amendment 04 was withdrawn with a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Ordinance 20-03 be adopted.

Sims presented on the legislation and explained the extended legislative cycle to allow for additional public input on the ordinance.

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS  
[7:33pm]

Resolution 20-04 To Approve  
Recommendations of the Mayor  
for Distribution of Community  
Development Block Grant (CDBG)  
Funds for 2020

Council questions:

Public comment:

Council comment:

Vote to adopt Resolution 20-04  
[7:50pm]

Ordinance 20-03 - To Amend Title  
4 of the Bloomington Municipal  
Code Entitled "Business Licenses  
and Regulations" - Re: Adding  
Chapter 4.32 (Non-Consensual  
Towing Businesses)

Piedmont-Smith moved and it was seconded to suspend the rules in order to restructure deliberations on Ordinance 20-03 such that questions and comments be limited to no more than 2 minutes per speaker and that the total time spent on Ordinance 20-03 not exceed 90 minutes. Piedmont-Smith clarified that it was 2 minutes per amendment. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 20-03 (cont'd)

Vote to structure debate [7:56pm]

Sims moved and it was seconded to adopt Amendment 01 to Ordinance 20-03.

Amendment 01 to Ordinance 20-03

Amendment 01 Synopsis: This amendment is sponsored by Councilmember Sims and amends the maximum allowed towing and storage fees under 4.32.130 to better align with the fees allowed by other public agencies.

Piedmont-Smith asked if the amendment was brought so that the maximum fee aligns with the county and Indiana University.  
Sims confirmed that it was.

Council questions:

Martin Poutine thanked the council for its patience and for the consideration of the public.

Public comment:

Sims moved and it was seconded to adopt Amendment 01 to Ordinance 20-03. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 20-03 [8:00pm]

Sims moved and it was seconded to adopt Amendment 02 to Ordinance 20-03.

Amendment 02 to Ordinance 20-03

Amendment 02 Synopsis: This amendment is sponsored by Councilmember Sims and allows the License Administrator to decline to issue or renew a license under certain circumstances (e.g., when an applicant has received past warnings, fines, license suspensions, or license revocations or has violated other certain laws).

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Piedmont-Smith thanked council members for striking the words "...or has been issued an official warning."

Council comment:

Volan stated that he passed on this amendment in the Committee of the Whole and that he would support it now.

Sims moved and it was seconded to adopt Amendment 02 to Ordinance 20-03. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 20-03 [8:03pm]

Sims moved and it was seconded to adopt Amendment 03 to Ordinance 20-03.

Amendment 03 to Ordinance 20-03

Amendment 03 Synopsis: This amendment is sponsored by Councilmember Sims and changes a reference to the entity issuing licenses under the new chapter 4.32.

There were no council questions.

Council questions:

There were no public comments.

Public comment:



There were no council comments.

Sandberg moved and it was seconded to adopt Amendment 03 to Ordinance 20-03. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Amendment 04 to Ordinance 20-03 was not brought back for discussion.

Sgambelluri asked if the language included in the ordinance precludes charging fees for those individuals who put 20% down and develop a payment plan.

Lucas responded that it was not written to allow for interest charges or financing charges and that his reading of section A precludes those types of charges. Lucas stated that section B was written for consensual towing services.

Martin Poutine stated that he came to speak as a driver and asked council to ensure that towing rotation was open to all.

Cody Chandler stated that he appreciated the council allowing input from owners, and asked council to for clarity on the 20% an individual must pay to retrieve their car, and if it could be closer to 50%.

Max Stryker spoke to the cost of recouping money from a payment plan from individuals, and ensuring they are paid for the week they do.

Piedmont-Smith asked about the comment pertaining to towing rotation being open to all.

Michael Rouker, City Attorney, stated that the city utilized four companies on the towing rotation, for city-initiated tows. Rouker stated that the rotation was not open to all the companies, and that no money was exchanged.

Piedmont-Smith asked about the transparency for the companies that were included.

Rouker stated that it was based on the quality of service and work done, much like what is done with other contracts.

Piedmont-Smith clarified that the four companies were not paid by the city, but are paid by the people who have been towed, and that the city had chosen to partner with four companies because those companies were efficient and responded in a timely manner.

Rollo asked Rouker to comment on the towing companies recouping the 80% payment plan from individuals on a payment plan or for non-payment.

Rouker responded that, like with other debts, it might not be feasible to hire a lawyer to collect an \$80 debt.

Volan asked who the authority was that approved the contracts with the four towing companies, if it was the Police or the Board of Public Works.

Rouker stated that he did not know but would get back to Volan.

Volan asked if the contracts were reviewed.

Rouker stated that they were.

Ordinance 20-03 (cont'd)

Council comment:

Vote to adopt Amendment 03 to Ordinance 20-03 [8:04pm]

Council questions:

Public comment:

Council questions:

Piedmont-Smith stated that this ordinance would have been better handled with standing committees because the topic was so specific. Piedmont-Smith explained that the committee would have held hearings first, prior to writing the legislation.

Ordinance 20-03 (cont'd)  
Council comment:

Rollo stated that he learned a lot from the topic being before the Committee of the Whole, and that he supported the legislation, but would not be opposed to revisiting it in the future.

Flaherty stated that he would appreciate a report one year in because council was attempting to balance competing needs and the struggles of some who were not of means, and made a mistake and couldn't easily atone for their mistake. Flaherty stated that it was important to have a uniform system.

Sandberg stated that she appreciated the thoroughness of the process and the flexibility of the Committee of the Whole, and that not all issues would have a back and forth with the public. Sandberg explained that she hoped that there were not unintended consequences and that if there were, they could be addressed in the future. Sandberg thanked Sims for continuing the legislation from the previous administration.

Sims stated that he appreciated the input from the Committee of the Whole and that there had been robust debate from stakeholders including tow companies. Sims explained that if you were parked illegally and all the terms or conditions were met in the ordinance, that towing would be fine. Sims continued that it was important that everything was fair and equitable. Sims concluded that there were mechanisms for revisiting legislation. Sims discussed the costs involved in towing responsibilities on a given day in Bloomington.

Volan stated that the language of the ordinance referred to non-consensual towing and that the discussion was based on putting a cap on potential abuses of towing. Volan echoed Sims that ordinances that needed reviewing, could be reviewed. Volan concluded that council should know who approved the contracts of the city-initiated towing.

Piedmont-Smith moved and it was seconded that Ordinance 20-03 be adopted as amended. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Ordinance 20-03 as amended [8:32pm]

LEGISLATION FOR FIRST  
READING [8:32pm]

Piedmont-Smith moved and it was seconded that Resolution 20-01 be read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis.

Resolution 20-01 To Establish  
Standing Committees and Abolish  
Other Certain Committees of the  
Common Council

Piedmont-Smith moved and it was seconded that Resolution 20-01 be adopted.

Volan presented on Resolution 20-01 and explained the difference between city commissions and boards and council committees.

Volan moved and it was seconded to amend Resolution 20-01 by substitution. Volan presented on the changes to the legislation by way of the amendment by substitution.

There were no council questions.

Council questions:

Volan moved and it was seconded to adopt Amendment 01 to the amendment by substitution. Volan presented on Amendment 01.

Flaherty asked Sgambelluri about the change regarding the Redevelopment Commission (RDC).

Sgambelluri responded that by statute the RDC is related to HAND.

There were no public comments.

There were no additional comments.

Volan moved and it was seconded to adopt Amendment 01 to the amendment by substitution to Resolution 20-01. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rosenbarger moved and it was seconded to adopt Amendment 02 to the amendment by substitution to Resolution 20-02. The motion was approved by voice vote.

Amendment 02 Synopsis: This amendment is sponsored by Cm. Sgambelluri and Cm. Rosenbarger. It divides the Sustainability, Climate Action and Resilience Committee and its work between two new separate committees to be called the Climate Action and Resilience Committee and the Sustainable Growth and Development Committee.

Rosenbarger and Sgambelluri presented on Amendment 02.

Rollo asked if the sponsors of Amendment 02 would be willing to remove the word growth.

Sgambelluri stated that the rationale for including the word was intentional, and was based on Bloomington continuing to grow.

Rosenbarger stated that it could also be done at a later meeting.

Volan asked if the intent of including the word growth in the title was in an effort to reign in growth.

Sgambelluri stated that it was not to reign in growth.

Rosenbarger stated that it was in an effort to address climate change, including increasing local food production, bike lanes, and sidewalk connectivity.

Sgambelluri commented that it would be sustainability as a guiding principle.

Rollo implored council members to understand that sustainable growth was an oxymoronic term because climate change was a symptom of the problem. Rollo stated that the problem was the growth of the human impact on the Earth's biosphere.

Flaherty asked if the sponsors of Amendment 02 would consider Economic and Sustainable Development Committee or Sustainable Development Committee.

Sgambelluri stated that it would be fine for the title to be the Sustainable Committee.

Resolution 20-01 (cont'd)  
Amendment 01 to Resolution 20-01

Public comment:

Council comment:

Vote on to adopt Amendment 01 by substitution to Resolution 20-01 [8:47pm]

Amendment 02 to Resolution 20-01

Council questions:

Piedmont-Smith asked Volan if the Jack Hopkins Social Services Fund (JHSSF) was still a separate standing committee, and clarified that there would be 8 standing committees, Land Use Committee, and JHSSF. Piedmont-Smith asked if the sponsors were concerned about some council members having more work load and power based on their committees.

Rosenbarger stated that the work load would be distributed more evenly.

Rollo moved and it was seconded to suspend the rules. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Resolution 20-01 (cont'd)

Vote to suspend the rules  
[9:07pm]

Rollo moved and it was seconded to remove the words “growth and” from the Sustainable Growth and Development Committee.

There were no council questions.

Council questions:

Mick Renneisen, Deputy Mayor, stated that the Farmer’s Market Advisory Council was supposed to have been removed from the groupings because it reports to the Parks Board.

There was no public comment.

Public comment:

There were no additional comments.

Council comment:

Piedmont-Smith moved and it was seconded to remove the words “Growth and” from the Sustainable Development Committee. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to amend Amendment 02  
[9:10pm]

Volan moved and it was seconded to strike “Farmer’s Market Advisory Council” from section 3 of the amendment by substitution to Resolution 20-01.

There were no additional council comments.

Council comment:

There were no public comments.

Public comment:

Piedmont-Smith moved and it was seconded to strike “Farmer’s Market Advisory Council” from section 3 of the amendment to the amendment by substitution to Resolution 20-01. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to amend Amendment 02  
[9:12pm]

Rollo asked about legislation that could fit into more than one committee’s purview and how council would work through that.

Council questions:

Sgambelluri responded that council members were able to attend any committee and were not precluded from being a part of that committee’s consideration of legislation.

There were no public comments.

Public comment:

Flaherty stated that for legislation that overlaps, the council would send it to the most appropriate committee or to Committee of the Whole. Flaherty also mentioned that the Sidewalk Committee is another standing committee. Flaherty spoke in support of the changes.

Council comment :

Piedmont-Smith commented that the Sidewalk Committee and Jack Hopkins Social Services Fund were seasonal and didn’t deal with legislation. Piedmont-Smith stated that there would be 8 new standing committees plus Land Use Committee.

Volan spoke in favor of the amendments to the amendment by substitution and expressed that this was the type of modification he had hoped for during the discussion of the change to standing committees.

Resolution 20-01 (cont'd)

Rollo moved and it was seconded to adopt Amendment 02, as amended, to the amendment by substitution to Resolution 20-01. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 as amended [9:22pm]

Volan explained that he was happy to entertain any questions on the amendment by substitution to Resolution 20-01.

There were no council questions.

Council questions:

Mick Renneisen, Deputy Mayor, stated that he was representing city staff, and that commented on Resolution 20-01.

Public comment:

Rollo asked Renneisen about a fiscal impact if staff would have a heavier workload.

Council questions:

Renneisen stated that it was possible because professional staff were compensated after either 40 or 45 hours with paid time off, and that this was something they could track for review.

Volan asked how that tracking would be compared to previous meetings.

Renneisen stated that he would not be able to make that comparison and that he was only providing staffs' perspective.

Sandberg asked about a comment regarding council members speaking directly with staff and it being intimidating.

Renneisen stated that request for information should be directed to department heads.

Rollo spoke about dead time in between meetings and his concern about quorum in committee meetings. Rollo explained additional concerns and stated that he did not support the legislation.

Council comment:

Piedmont-Smith commented on the concerns of the proposal and spoke about the public benefit of the proposal. Piedmont-Smith gave further examples of the benefits of the proposal.

Flaherty stated that he thought the pros of the proposal outweighed the cons. Flaherty commented that there wasn't a current measurement of success with council procedures, and provided examples of how to improve processes.

Sandberg expressed her concerns on the proposal and explained that she saw it as a disservice to council members, city staff, and the public. Sandberg further explained her disdain for the standing committees.

Rosenbarger spoke of her support for standing committees and about the benefits to the public and city staff. Rosenbarger also addressed the concerns of council members who opposed the proposal.

Volan commented on the resolution and the benefit of standing committees. Volan provided examples and reasons for changing the council structure.

Rollo responded to comments from council members and spoke to the benefit of timers instead of standing committees.

Resolution 20-01 (cont'd)

Sims spoke about staff concerns, issues that should have been addressed in the past, and the importance of attempting to improve the current system.

Volan discussed timing and addressed council members' concerns on the proposed resolution.

Flaherty stated that there were already committees and that if the resolution did not pass, he hoped to add one other committee to address climate change.

Smith commented that he had listened to his colleagues and that he was leaning against the proposal.

Rollo moved and it was seconded to adopt the amendment by substitution to Resolution 20-01. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt the amendment by substitution [10:37pm]

X moved and it was seconded to adopt Resolution 20-01 as amended. The motion received a roll call vote of Ayes: 5 (Volan, Piedmont-Smith, Flaherty, Sgambelluri, Rosenbarger), Nays: 4, Abstain: 0.

Vote to adopt Resolution 20-01 [10:38pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

There was no public comment.

ADDITIONAL PUBLIC COMMENT

Dan Sherman, Council Attorney, discussed the council schedule and the Land Use Committee, and reminded council of the State of the City.

COUNCIL SCHEDULE [10:36pm]

Piedmont-Smith moved and it was seconded to cancel the work session scheduled for Friday, February 21, 2020. The motion was approved by a voice vote.

Volan named council members to standing committees per their preferences.

Administration Committee: Rollo, Sgambelluri, Smith, Volan

Community Affairs Committee: Rollo, Sandberg, Sims, Smith

Housing Committee: Rosenbarger, Sandberg, Sims, Volan

Public Safety Committee: Piedmont-Smith, Sandberg, Sgambelluri, Sims

Climate Action and Resilience Committee: Flaherty, Piedmont-Smith, Rollo, Rosenbarger

Transportation Committee: Piedmont-Smith, Rosenbarger, Smith, Volan

Utilities Committee: Flaherty, Rollo, Rosenbarger, Sims

Volan left the naming of council members to the Sustainable Development Committee until the next regular session.

Volan named Sandberg as Chair to the Jack Hopkins Social Services Fund.



Piedmont-Smith moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [10:42pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVE:

ATTEST:

\_\_\_\_\_  
Stephen Volan, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, March 4, 2020 at 6:31pm, Council President Stephen Volan presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 4, 2020

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan  
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:31pm]

Piedmont-Smith moved and it was seconded to suspend the rules and consider the minutes from 2019 as they are placed on council agendas for regular or special sessions in the coming months. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:31pm]

Vote to suspend the rules  
[6:35pm]

Rollo moved and it was seconded to approve the minutes of May 1, 2019 (Regular Session). The motion was approved by voice vote.

May 1, 2019 (Regular Session)

Rollo moved and it was seconded to approve the minutes of July 31, 2019 (Regular Session). The motion was approved by voice vote.

July 31, 2019 (Regular Session)

Rollo moved and it was seconded to approve the minutes of January 5, 2020 (Regular Session). The motion was approved by voice vote.

January 15, 2020 (Regular Session)

Rollo moved and it was seconded to approve the minutes of January 29, 2020 (Special Session). The motion was approved by voice vote.

January 29, 2020 (Special Session)

Flaherty reported an event at the Dimension Mill titled "Meeting at the Mill: A Conversation About a Sustainability Investment Fund" on March 5, 2020. Flaherty highlighted that the Climate Action and Resilience Committee would most likely be hosting a meeting on March 11, 2020.

REPORTS

- COUNCIL MEMBERS  
[6:36pm]

Piedmont-Smith stated that there would be free food at the event on March 5, 2020.

Sgambelluri mentioned her first Saturday constituent meetings at 1:30 pm in City Hall, McCloskey room.

Sims thanked Shatoyia Moss (Safe and Civil City Director), Beverly Calendar-Anderson (Director, Community and Family Resources department), Donald and Nicole Griffin (sponsors of the Living Legend Awards), the Commission on the Status of Black Males, the Herald-Times newspaper, and that he hoped that there would be similar coverage of accomplishments of people of color, women, and other minority folks.

Volan urged the public to not become accustomed to getting free food at committee meetings.

Phil Stafford, Commission on Aging, gave a report on study committees, on the responsibilities of the commission, accomplishments from the past year, and goals for the following year. There was brief council discussion following the report.

- The MAYOR AND CITY OFFICES [6:41pm]

Beth Rosenbarger, Planning and Transportation, introduced Justin Shore, Lead Consultant, Wells & Associates, provided an overview of recommendation in the report on Transportation Demand Management Plan. There was council discussion following the report.

There were no council committee reports.

- COUNCIL COMMITTEES

Greg Alexander commented on the sidewalk on the east side of Rogers St. in the Trades District.

- PUBLIC

Randy Paul spoke about an efficiency study done by the Board of Directors for Bloomington Transit, and accessibility concerns.

Sandberg moved and it was seconded that Babette Ballinger and Essence London be appointed to the Arts Commission. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Sgambelluri moved and it was seconded that A'ame Joslin, Rachel Frydman, and Nana Amoah-Ramey be appointed to the Commission on the Status of Women. The motion was approved by voice vote.

Smith moved and it was seconded that Duncan Campbell, Derek Richey, and Jenny Southern be appointed to the Historic Preservation Commission. The motion was approved by a voice vote.

Smith moved and it was seconded that Kelsey Haislip and Robert Deppert be appointed to the Commission on Aging. The motion was approved by a voice vote.

Rosenbarger moved and it was seconded to appoint Tracy Gates to the Urban Enterprise Association. The motion was approved by a voice vote.

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

Piedmont-Smith moved and it was seconded that Ordinance 20-04 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 for Reasonable 03, 04, and 05, of Ayes: 4, Nays: 0, Abstain: 0, and with a Land Use Committee recommendation, including reasonable conditions, of do-pass of Ayes: 4, Nays: 0, Abstain: 0.

Ordinance 20-04 To Amend the City of Bloomington Zoning Maps by Rezoning Property from Business Park (BP) and Residential Single Family (RS) to join an existing Planned Unit Development (PUD) and to approve the associated District Ordinance and Preliminary Plan - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner)

Piedmont-Smith moved and it was seconded that Ordinance 20-04 be adopted.

Eric Greulich, Senior Zoning Planner, presented the legislation. Greulich described the location, zoning, and usage as well as the site history. Greulich also provided an overview of the petitioner's proposal.

Kimberly Hansen, Manager of Design and Development, Trinitas Ventures, presented on the proposed development, including a description of the housing types, green space, parking, retail space, community amenities, and access points. Hansen also described the new bus route plan with Bloomington Transit.

Ordinance 20-04 (cont'd)

Piedmont-Smith, Chair, Land Use Committee, reported on the committee's work with the petitioner, including discussing bike lanes, parking, and solar power. Piedmont-Smith described neighboring residents.

Rollo asked about the phases of completion for each section.

Council questions:

Greulich responded that parcel A would have to be completed with the first phase.

Volan asked about the expectation about parking and driveways.

Jeff Fanyo, Bynum Fanyo & Associates, stated that most lots would have alleyway access to garages, and that there would be some parallel parking on street.

Volan asked to clarify that there could be parallel parking on the street between areas A and B.

Volan asked if there would be driveways in that area.

Greulich responded that it was designed so that there would not be driveways on public streets, and that the driveway would be in the alley.

Smith asked about any concerns about flooding in the area.

Fanyo stated that there was not concern and that there would be a centralized retention water quality pond to control the storm water quality and runoff.

Flaherty asked about parking on the streets in parcel A, and if it was more desirable to have narrower streets with parallel parking on one side. Flaherty asked when that decision would be made.

Greulich responded that that would be decided at the final plan stage. Greulich also described other options that were possible.

Sims asked for how long the agreement was with Bloomington Transit route 10 and the petitioner.

Fanyo stated that that was a condition of the PUD and the only way it could be eliminated was to amend the PUD and that it would have to approved by council.

Greulich stated that it was in perpetuity with the contract.

Rollo asked for clarification on the bike path and if it would connect to the multiuse path on 17<sup>th</sup> St. and if it connected east towards campus.

Greulich clarified that it would extend to the roundabout and that there were various sections that were installed on 17<sup>th</sup> St. but it was not connected.

Craig Shonkwiler, Traffic Engineer, Transportation, explained that there was a future project in the design phase for a side path on the north side of 17<sup>th</sup> St. all the way to Dunn St.

Rollo asked about the retail space.

Jeff Knable, Trinitas Development, stated that they had designed up to 1700 square feet of retail space.

Rosenbarger asked about the possibility for a dedicated space for a community garden in the green space.

Knable responded that the proposed development was densely planned but that if there were areas that were open that could be utilized for that, then the petitioner was open to that.

Ordinance 20-04 (cont'd)

Volan asked if there was room in a multifamily building for retail to expand.

Council questions:

Knable stated that the multifamily building housed the amenities for much of the community, but that there could be some reprogramming inside that multistory building.

Volan asked if there was a consideration was for putting in a hood for a restaurant.

Knable responded that it was first needed to see how successful the retail space was.

Flaherty moved and it was seconded to introduce Reasonable Condition 03. Flaherty presented on Reasonable Condition 03.

Reasonable Condition 03 to  
Ordinance 20-04

Reasonable Condition 03 Synopsis: This Reasonable Condition is sponsored by Cm. Flaherty. It addresses the Petitioner's commitment to fund transit services and sets forth the minimum frequency, days of operation per year, and hours of operation per weekday and weekends. It also establishes a minimum contribution each year to be adjusted to account for inflation. Lastly, it requires that the commitments run with the District Ordinance, be in writing, and be recorded.

Sims asked what the Bloomington Transit Board of Directors thought about this proposal.

Council questions:

Lew May, General Manager, Bloomington Transit, stated that generally speaking the board was supportive of the proposal, and of reaching an agreement with the petitioner.

Volan asked how many buses would need to be added to the fleet to accommodate the new route, and how much more capacity did the Grimes Lane facility had.

May stated that the facility was at 90% capacity and could accommodate 7-8 more buses.

Randy Paul expressed gratitude for this proposal and the sponsor and petitioner.

Public comment:

Sgambelluri expressed her appreciation for Reasonable Condition 03 and encouraged Bloomington Transit to consider to connect with a grocery store on N. Kinser.

Council comment:

Piedmont-Smith stated that she appreciated the effort and detail in Reasonable Condition 03 and was happy to support it.

Volan commented that the current debate was on frequency and accessibility, and that the new route might be more effective to go to the Krogers by the transit station. Volan also commented that the project was very good and expressed support.

Rollo moved and it was seconded to adopt Reasonable Condition 03 to Ordinance 20-04. The motion received a roll call vote of Ayes: 9. Nays: 0, Abstain: 0.

Vote on Reasonable Condition 03 to Ordinance 20-04. [8:40pm]

Volan moved and it was seconded to introduce Reasonable Condition 04. Volan presented on Reasonable Condition 04.

Reasonable Condition 04 to Ordinance 20-04

Reasonable Condition 04 Synopsis: This Reasonable Condition is sponsored by Cm. Volan. It is intended to orient the townhomes along the main street in Area B toward the street in order to improve the street’s residential character and shall be in the form of a written and recorded commitment.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comment:

Sgambelluri moved and it was seconded to adopt Reasonable Condition 04 to Ordinance 20-04. The motion received a roll call vote of Ayes: 9. Nays: 0, Abstain: 0.

Vote on Reasonable Condition 04 to Ordinance 20-04. [8:43pm]

Piedmont-Smith moved and it was seconded to introduce Reasonable Condition 05. Piedmont-Smith presented on Reasonable Condition 05.

Reasonable Condition 05 to Ordinance 20-04

Reasonable Condition 05 Synopsis: This Reasonable Condition is sponsored by Cm. Piedmont-Smith. Under the Sustainability Initiatives of the District Ordinance, the petitioner indicates that there would be a minimum of 2% or 8 plug-in ready parking spaces in Areas B-D for electrical vehicles. In elaboration, this provision also states that the petitioner intends to cover a total of 12 parking spaces with solar arrays sufficient to generate the electricity for those charging stations. This Reasonable Condition would hold the petitioner to those stated intentions and would require that the commitment be in writing and recorded.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comment:

Rollo moved and it was seconded to adopt Reasonable Condition 05 to Ordinance 20-04. The motion received a roll call vote of Ayes: 9. Nays: 0, Abstain: 0.

Vote on Reasonable Condition 05 to Ordinance 20-04 [8:45pm]

Piedmont-Smith moved and it was seconded to introduce Reasonable Condition 07. Piedmont-Smith presented on Reasonable Condition 07.

Reasonable Condition 07 to Ordinance 20-04

Reasonable Condition 07 Synopsis: Following LUC discussion on February 12th, the petitioner added more townhomes in Area D and some cottage homes in Area B. This, too, may be proposed as a change in the Preliminary Plan presented to the Council next Wednesday.

Greulich expressed concern about there not being a more specific number attached to this reasonable condition.

Knable stated that he wanted to keep the flexibility and not be locked into something that would not allow for improvements.

Sims asked if this issue had been addressed in previous Land Use Committee meetings.

Knable stated that it had been addressed and that the areas should not be homogenous, and that an amendment requiring a mixing of use in each parcel.

Piedmont-Smith stated that that seemed reasonable.

There were no public comments.

There were no council comments.

Piedmont-Smith moved and it was seconded to postpone further deliberation of Reasonable Condition 07. The motion was approved by a voice vote.

Volan moved and it was seconded to introduce Reasonable Condition 08. Volan presented on Reasonable Condition 08.

Reasonable Condition 08 Synopsis: During the course of the LUC discussion on February 26th, members inquired about having less of a “parking lot” feel to the roadway running between two rows of townhomes in Area B. The petitioner offered to redraw that streetscape and share it with staff and members before next Wednesday. This might generate another Reasonable Condition which would might, as above, be reflected in a change to the Preliminary Plan.

There were no council questions.

There were no public comments.

Flaherty stated that he appreciated the petitioners, architects, and engineers work and that it no longer seemed like a parking lot.

Piedmont-Smith commented that she thought the revised plan was well done, and that she did not like the car focus feel of other townhomes.

Volan mentioned that because there is flexibility in the proposal, there were parking design options.

Volan moved and it was seconded to adopt Reasonable Condition 08 to Ordinance 20-04. The motion received a roll call vote of Ayes: 9. Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to take Reasonable Condition 07 off the table. Piedmont-Smith read the updated language and presented on the changes.

Rosenbarger asked if the areas mentioned are limited to areas B&D. Piedmont-Smith stated that was correct and in the preceding sentence.

Flaherty moved and it was seconded to amend Reasonable Condition 07 in line with the modified version.

There were no council questions.

There were no public comments.

There were no council comments.

Council questions:

Public comment:

Council comment:

Vote to table Reasonable Condition 07 to Ordinance 20-04 [8:52pm]

Reasonable Condition 08 to Ordinance 20-04

Council questions:

Public comment:

Council comment:

Vote on Reasonable Condition 08 to Ordinance 20-04 [8:58pm]

Reasonable Condition 07 to Ordinance 20-04

Council questions:

Motion to amend Reasonable Condition 07 to Ordinance 20-04

Council questions:

Public comment:

Council comment:



Flaherty moved and it was seconded to amend Reasonable Condition 07. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to amend Reasonable Condition 07 to Ordinance 20-04 [9:02pm]

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments

Council comment:

Sgambelluri moved and it was seconded to adopt Reasonable Condition 07 as amended. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Reasonable Condition 07 to Ordinance 20-04 as amended [9:02pm]

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Piedmont-Smith thanked the Land Use Committee members for their work on the reasonable conditions and suggestions to improve the project. Piedmont-Smith also thanked the petitioner and city staff for their work on the proposal and also for the new bus route.

Council comment:

Sandberg acknowledged the Trinitas team and their work with the Plan Commission and stated that the proposal was well done.

Sgambelluri stated that the project was in her district and thanked Planning staff, Plan Commission, Land Use Committee, and neighborhood associations and residents.

Flaherty thanked the many folks who worked on this project and expressed how meaningful it was to have lots given to the city and the new bus route. Flaherty stated that he wanted to continue to brainstorm on large multifamily rental developments and planned to do so.

Volan stated that he trusted Planning and Transportation for area A streets, and commented that the project was the largest in Bloomington. Volan stated that the petitioners checked with residents and got buy in and were receptive to suggestions and council concerns.

Rollo moved and it was seconded to adopt Ordinance 20-04 as amended. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 20-04 as amended [9:12pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST  
READING  
ADDITIONAL PUBLIC COMMENT

There was no public comment.

Stephen Lucas, Assistant Council Attorney, made recommendations to adjust the council schedule.

COUNCIL SCHEDULE [9:12pm]

Rollo moved and it was seconded to cancel the Committee of the Whole that was scheduled for March 4, 2020, and the Regular Session that was scheduled for March 11, 2020. The motion was approved by voice vote.

Piedmont-Smith moved and it was seconded to schedule a Special Session immediately followed by a meeting of the Utilities Committee for March 25, 2020 at 6:30pm and to grant the president the authority to cancel any unnecessary meetings for that evening including the previously scheduled Committee of the Whole. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to schedule a Special Session and Utilities Committee meeting [9:20pm]

Flaherty moved and it was seconded to suspend the rules under Bloomington Municipal Code 2.040.255 and 2.040.270 until September 1, 2020 to give the Council President, in consultation with the Vice President and the various committee chairs, the authority to approve the agendas and starting times for meetings of council standing committees. The president shall also have the authority to refer legislation to the appropriate committee before the meeting at which the legislation is introduced for first reading but such a referral may be changed by a motion approved by a majority of the council when the legislation is introduced for first reading. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to suspend the rules[9:24pm]

Dan Sherman, Council Attorney, stated that the minutes that were approved were incorrectly listed and should be corrected to January 15, 2020

Piedmont-Smith moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [9:26pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVE:

ATTEST:

\_\_\_\_\_  
Stephen Volan, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

In Bloomington, Indiana on Wednesday, 22 July, 2020 at 6:30pm, Council President Stephen Volan presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL  
REGULAR SESSION  
July 22, 2020

Councilmembers present via teleconference: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo (arrived at 6:53pm), Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan  
Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Piedmont-Smith said that Bloomington needed to rethink its public safety strategies and that the Bloomington Police Department needed to become more of a guardian figure instead of a warrior.

REPORTS

- COUNCIL MEMBERS  
[6:34pm]

Sandberg spoke of the importance of maintaining safe health practices when IU students return in the fall. Sandberg also spoke of the Waldron Arts Center's future.

Sgambelluri mentioned her next constituents meeting scheduled for August 1, 2020. Sgambelluri applauded all constituents that reached out to the councilmembers to express their opinions on masks, the pandemic, and social rights issues.

Sims spoke of the opening of the Stride Coalition, an organization that provides aid to those with substance use disorders. Sims also spoke of his wife that recently had knee replacement surgery. Sims spoke of the honor of being awarded an Eagle Scout and the passing of Congressman John Lewis.

Smith commented on the importance of persevering in the current political and health climate of the U.S. Smith spoke of the importance of looking out for one another.

Rosenbarger expressed the importance of starting conversations to dismantle the current systemic racism in policies at the federal, state, and local level.

Flaherty spoke of his upcoming constituents meeting held on July 25 at noon. Flaherty stated of the importance of anti-racism training.

Volan spoke of the importance of creating an anti-racism training program for everyone.

Mayor John Hamilton said that he heard all of the council's comments pertaining to the COVID-19 pandemic and the importance of maintaining safe health practices. Hamilton spoke of the restrictions placed on restaurants and social gatherings to prevent the spread of COVID-19.

- The MAYOR and CITY  
OFFICES [6:55pm]

There were no council committee reports.

- COUNCIL COMMITTEES

Greg Alexander expressed the importance of creating and maintaining alternative forms of transportation, specifically the need for proper sidewalk construction etiquette.

- PUBLIC

Jim Shelton spoke of the need for CASA volunteers and explained the process for volunteering.

Jennifer Crossley spoke of the need for anti-racism training of staff officials at the city and county level.

Piedmont-Smith moved and it was seconded to reappoint Eoban Binder to the Parking Commission retroactive to February 1, 2020. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:04pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:09pm]

Piedmont-Smith moved and it was seconded that Resolution 20-11 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 20-11 – Supporting a Public Health Regulation and Order of the Monroe County Health Department

Piedmont-Smith moved and it was seconded to adopt Resolution 20-11.

Mayor John Hamilton provided an update on the spread of COVID-19 in Bloomington, and spoke of the importance of adopting a mask requirement, as well as taking steps to ensure the safety of residents. Hamilton explained of the capacity limits for social events and public spaces.

Rollo asked if Hamilton anticipated any enforcement challenges.

Hamilton said that there would be some enforcement issues, but he believed most of the enforcement would come from institutions, such as restaurants and stores.

Council questions:

Piedmont-Smith asked if an enforcement phone number would be set up for constituents to call if there were any issues.

Hamilton said that it was important to work alongside the county officials. Hamilton said that a phone number would be set up for any noise complaints or compliance issues, but an individual could call the non-emergency police phone number.

Sims asked if the city or county was going to provide masks to residents.

Hamilton said the county had stated that it was an individual's responsibility to provide their own mask.

Volan asked if the city needed to implement a new ordinance regarding new health goals, and how the Council could help in maintaining the city's public health.

Hamilton said that a city ordinance would not be needed once the county's mandatory mask order went into place. Hamilton stated that Indiana had a low-ranking health system and additional funding towards improving the health system would be beneficial.

Piedmont-Smith asked about the role the Bloomington Police Department would play in encouraging and educating citizens on the importance of wearing masks.

Hamilton said that there was a limit to what the Bloomington and IU Police Departments could do because they were not health officers. Hamilton said that the police department's main role would be to stop social events that go against the public health order.

There was no public comment.

Sandberg commented that everyone wanted to return to life before the pandemic, but that masks were crucial in helping people stay safe and preventing further infection. Sandberg spoke of the importance of compliance with the mandatory mask order.

Rollo said that other countries had been able to manage the COVID-19 pandemic because they had enforced the use of masks. Rollo said that if Bloomington wanted to fully open up the economy, people needed to take initiative to wear masks and enforce safe health practices.

Flaherty stated his support for Resolution 20-11 because it would protect workers and members of the public entering public facilities. Flaherty spoke of the importance of outdoor seating and creative uses of space.

Piedmont-Smith stated her support for Resolution 20-11. Piedmont-Smith said that people needed to wear masks to protect one another because it was the responsibility of citizens.

Sims spoke of the importance of keeping other people safe by wearing a mask in public.

Volan stated his support for the mandatory mask order and spoke of the scientific evidence that masks were effective in preventing the spread of COVID-19.

The motion to adopt Resolution 20-11 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Appropriation Ordinance 20-03 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Flaherty asked if the Committee of the Whole meeting would be held that evening to discuss Appropriation Ordinance 20-03 or if it would have to be delayed.

Stephen Lucas, Deputy Council/Attorney, said that the public was aware of all possibilities for council deliberations regarding Appropriation Ordinance 20-03.

Volan said that Appropriation Ordinance 20-03 should be referred to the Sustainable Development Committee because the legislation largely dealt with economic recovery, and that the second reading must be held no later than August 12, 2020.

## Resolution 20-11 (cont'd)

Public comment:

Council comments:

Vote to adopt Resolution 20-11  
[7:52pm]

LEGISLATION FOR FIRST  
READING [7:53pm]

Appropriation Ordinance 20-03 –  
To Specially Appropriate From the  
General Fund, the Parks General  
Fund, and the Jack Hopkins Fund  
Expenditures Not Otherwise  
Appropriated (Appropriating a  
Portion of the Amount of Funds  
Reverted to Various City Funds at  
the End Of 2019 for the Purpose of  
Assisting With Bloomington's  
Recovery Forward From The  
Covid-19 Pandemic During 2020)

Piedmont-Smith stated that Sgambelluri, Chair of the Sustainable Development Committee, sent an email to council members soliciting questions regarding Appropriation Ordinance 20-03, to be asked at the Sustainable Development Committee meeting.

Appropriation Ordinance 20-03  
(cont'd)

Sims stated his concern for not allowing the Committee of the Whole to discuss and evaluate Appropriation Ordinance 20-03 because the legislation dealt with such large sums of money.

Flaherty asked what the procedure would be if the council decided to hold another committee meeting after the initial Sustainable Development meeting.

Volan clarified that the Sustainable Development Committee would have to make its recommendation to the Council. Volan said it would be the Council's decision at the second reading to refer Appropriation Ordinance 20-03 to the Committee of the Whole for its next meeting.

Smith commented that Appropriation Ordinance 20-03 should be referred to the Committee of the Whole because the legislation dealt with a broad number of issues.

Sgambelluri said that she believed it made sense to refer Appropriation Ordinance 20-03 to the Committee of the Whole.

Sandberg asked what councilmember would chair the Committee of the Whole meeting following the Regular Session.

Lucas said that the next council member in rotation to chair the Committee of the Whole meeting was Smith. Lucas stated that the President could announce that the Committee of the Whole would evaluate Appropriation Ordinance 20-03 at the meeting held on July 30, 2020 and August 5, 2020.

Volan spoke in opposition to the motion to refer Appropriation Ordinance 20-03 to the Committee of the Whole because deliberations should be spread over a decent amount of time, with different council members.

Sims said that he believed referring Appropriation Ordinance 20-03 to the Committee of the Whole was the best decision and that it did not reflect on Sgambelluri's work in the Sustainable Development Committee.

Rosenbarger asked if the Transportation Committee meeting would be rescheduled to another night if the Committee of the Whole had to evaluate Appropriation Ordinance 20-03.

Smith stated that if debate could be limited during the Committee of the Whole meeting; the Transportation Committee could meet as scheduled afterwards.

Volan commented that the decision to limit debate time was the decision of the Committee Chair.

Smith said that the first round of debate could end by 9pm.

Flaherty spoke of his reasoning for dividing the question regarding an appropriation ordinance in the past and the importance of deliberating specific sections of a piece of legislation. Flaherty explained that he was in favor of voting on each section of the Appropriation Ordinance 20-03, which was referred to as dividing the question.

Sandberg mentioned the importance of allowing two Committee of the Whole meetings to discuss Appropriation Ordinance 20-03 to address the concerns voiced by constituents.

Sims clarified that his previous comment regarding dividing the question on an ordinance was not directed at Flaherty and he had no intention of insulting him.

Sgambelluri stated that she did not mind sending Appropriation Ordinance 20-03 to be deliberated by the Committee of the Whole.

Volan said that he did not believe that a good reason had been given for referring Appropriation Ordinance 20-03 to the Committee of the Whole.

It was moved and seconded to refer Appropriation Ordinance 20-03 to the Committee of the Whole. The motion received a roll call vote of Ayes: 7, Nays: 2 (Volan, Piedmont-Smith), Abstain: 0.

Volan asked which councilmember would Chair the Committee of the Whole meeting on August 5.

Lucas stated that it was in alphabetic order.

Volan said he believed Flaherty would be the chair.

Lucas stated that Resolution 20-12 accompanied Appropriation Ordinance 20-03.

Volan said that he intended to refer Resolution 20-12 to the Committee of the Whole that night meeting, and that it did not have to be introduced.

Appropriation Ordinance 20-03  
(cont'd)

Vote to refer Appropriation Ordinance 20-03 to the Committee of the Whole [8:24pm]

Resolution 20-12 – To Review and Approve the Intra-Category Transfer and Expenditure of \$100,000 or More Within a Covered Fund Under Ordinance 18-10 (Additional Fiscal Oversight By The Common Council) Re: A \$250,000 Transfer from Line 399 (Other Services and Charges) to Line 396 (Grants) within the Housing Trust Fund (#905) and Expenditure of Transferred Funds



Piedmont-Smith moved and it was seconded that Ordinance 20-12 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Bolden read Ordinance 20-12 by title and synopsis.

Ordinance 20-12 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Chapters 15.12.010 (Stop Intersections); 15.24.010 (Increased or Decreased Speed Limits); and 15.40.10 (Locations) to Change “Trades Street” and “Trades St.” to “Maker Way;” 12.32.080 (No Parking Zones) to Add Several No Parking Zones; 15.32.090 (Limited Parking Zones) to Change a Limited Parking Zone; and 15.32.100 (Loading Zones) to Add a Loading Zone; and 15.32.186 (Motorcycle Parking Restrictions) to Add Parking Restrictions for Motorcycles and Mopeds; and 15.36.085 (Reserved Residential On-Street Parking Permits ) to Add Temporary Visitor Parking Permit; and 15.40.019 to Add Garage Parking Space Reserved for Electric Vehicles; and 15.40.010 (On-Street Metered Parking Locations and Maximum Hourly Rate) to Add Three Locations; and 15.24.020 (Increased or Decreased Speed Limits) to Remove and Add Some Locations; and 15.12.010 (Multi-Stop Intersections) to Add and Change Some Locations; and 15.12.030 (Signalized Intersections) to Add One Location; and 15.16.010 (One-Way Street) to Remove One Location

There was no public comment.

ADDITIONAL PUBLIC COMMENT

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:30pm]

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

ADJOURNMENT [8:33pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVE:

ATTEST:

\_\_\_\_\_  
Stephen Volan, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval

In Bloomington, Indiana on Wednesday, October 07, 2020 at 6:31pm, Council President Stephen Volan presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL  
REGULAR SESSION  
October 07, 2020

Councilmembers present via teleconference: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan  
Councilmembers absent: none

ROLL CALL [6:32pm]

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:33pm]

APPROVAL OF MINUTES [6:33pm]

Piedmont-Smith moved and it was seconded to approve the Regular Session Minutes of April 06, October 05, October, 19, November 02, November 30, December 07, and December 21, 2011.  
Piedmont-Smith withdrew her motion.

April 6, 2011 (Regular Session)  
October 5, 2011 (Regular Session)  
October 19, 2011 (Regular Session)  
November 2, 2011 (Regular Session)  
November 30, 2011 (Regular Session)  
December 7, 2011 (Regular Session)  
December 21, 2011 (Regular Session)

Piedmont-Smith moved and it was seconded that the Council suspend the rules and consider the minutes appearing on tonight's agenda in the ordinary course of business. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to approve the Regular Session Minutes of April 06, October 05, October 19, November 02, November 30, December 07, and December 21, 2011. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Sims encouraged people to vote and thanked County Clerk Nicole Browne and her staff for their hard work.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Volan proposed name changes of streets in the City. He also proposed changes to the John Waldron Art Center.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES

There were no council committee reports.

- COUNCIL COMMITTEES

Greg Alexander spoke about rezoning and the need for updated signage.

- PUBLIC [6:40pm]

Alex Goodlad spoke about the need to vote. He also spoke about the proposed city budget.

Jim Shelton spoke about Judge Vi Taliaferro, and said that it would be a good idea to recognize her work.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Piedmont-Smith moved and it was seconded that Resolution 20-14 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Clerk Nicole Bolden read the legislation by title and synopsis.

Piedmont-Smith moved and it was seconded to adopt Resolution 20-14.

Stephen Lucas, Council Attorney, presented the legislation.

There were no council questions.

There was no public comment.

Sandberg thanked her colleagues for working on the committee and expressed support for the legislation.

Piedmont-Smith said that the tax represented part of the funds available for public safety.

The motion to adopt Resolution 20-14 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Ordinance 20-17 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Clerk Bolden read the legislation by title and synopsis.

Volan referred the legislation to the Transportation Committee.

Piedmont-Smith moved and it was seconded that Ordinance 20-21 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Clerk Bolden read the legislation by title and synopsis.

Volan referred the legislation to the Transportation Committee.

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS  
[6:57pm]

Resolution 20-14 - Resolution Proposing an Ordinance Modifying Local Income Tax Allocations in Monroe County and Casting 58.28 Votes In Favor Of the Ordinance - Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP) and General Public Safety Purposes Tax Rates without Changing Other Allocations or the Total Expenditure Tax Rate

Council questions:

Public comment:

Council comments:

Vote to adopt Resolution 20-14  
[7:08pm]

LEGISLATION FOR FIRST  
READING [7:08pm]

Ordinance 20-17 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" By Replacing the Neighborhood Traffic and Safety Program with the Traffic Calming and Greenways Program

Ordinance 20-21 - To Amend Title 12 ("Streets, Sidewalks and Storm Sewers") and Title 17 ("Construction Regulations") of the Bloomington Municipal Code Re: Deleting Chapter 12.08 (Excavations) and Replacing it with Chapter 12.08 (Use Of the Right Of Way) and Adding a New Chapter 12.10 (Enforcement and Penalties) and Deleting Three Sections of Chapter 12.04 (General Regulations) and Revising One Section of Chapter 17.08 (Administration and Enforcement)

There was no additional public comment	ADDITIONAL PUBLIC COMMENT
Stephen Lucas, Council Attorney, reviewed the council schedule.	COUNCIL SCHEDULE [7:16pm]
Sims moved and it was seconded to adjourn. The motion was approved by voice vote.	ADJOURNMENT [7:17pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVE:

ATTEST:

\_\_\_\_\_  
Stephen Volan, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington