

# City of Bloomington Common Council

## Legislative Packet

Containing legislation and materials related to:

Wednesday, 03 March 2021

Regular Session at 6:30 pm

*\*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](#).*



# CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:  
REGULAR SESSION  
WEDNESDAY | 6:30 PM  
03 March 2021

*Per Executive Orders issued by the Governor, these meetings will be conducted electronically.*

*The public may access the meetings at the following link:*

<https://bloomington.zoom.us/j/97745792909?pwd=bkZ0cU1zcTVXcFdXbjFvdjhBWExwQT09>

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES**

- 06 January 2021
- 25 February 2021
- 24 February 2021

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

- A. Councilmembers**
- B. The Mayor and City Offices**
- C. Council Committees**
- D. Public\***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**

- A. Resolution 21-03 – To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds For 2021
- B. Resolution 21-06 – To Approve “The City of Bloomington Tax Abatement Program General Standards” Which Amends and Supersedes All Former Versions of the City’s Tax Abatement Program Criteria and Procedures.
- C. Ordinance 21-06 – To Amend Title 2 (“Administration and Personnel”) of the Bloomington Municipal Code Re: Adding Chapter 2.87 (Protections for People Experiencing Homelessness)

**Committee of the Whole Recommendation (24 February 2021) – No Recommendation**

**VII. LEGISLATION FOR FIRST READINGS**

- A. Ordinance 21-07 – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD. Re: 300 W. Hillside Drive (Tom Brennan, Petitioner)

*(Continued on next page)*

Posted: 26 February 2021



- B. Ordinance 21-08 – To Amend the City of Bloomington Zoning Maps by Rezoning 87 Acres from Planned Unit Development to Mixed-Use Corridor (MC) – Re: 3100 W. Fullerton Pike (Bill C Brown Revocable Trust, Petitioner)
- C. Ordinance 21-09 – To Amend Title 9 of the Bloomington Municipal Code Entitled “Water” (Rate Adjustment)
- D. Ordinance 21-10 – An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City’s Waterworks 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 Waterworks Utility and Other Related Matters

**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.

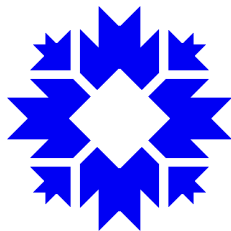
**STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY**

*As a result of Executive Orders issued by Indiana Governor Eric Holcomb, 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 on how the public can access Council meetings during the public health emergency.*

**Posted: 26 February 2021**



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

# **NOTICE**

**Wednesday, 03 March 2021**  
***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/97745792909?pwd=bkZ0cU1zcTVXcFdXbjFvdjhBWExwQT09>*

#### **STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY**

*As a result of Executive Orders issued by Indiana Governor Eric Holcomb, 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*

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.



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

**Minutes for Approval**

---

06 January 2021 | 24 February 2021 | 25 February 2021

In Bloomington, Indiana on Wednesday, January 6, 2021 at 6:30pm, Council President Stephen Volan presided over an Organizational Meeting of the Common Council. Per the Governor’s Executive Orders, this meeting was conducted electronically.	COMMON COUNCIL ORGANIZATIONAL MEETING January 6, 2021
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 [6:32pm]
There were no minutes for approval.	APPROVAL OF MINUTES
Sandberg commented on the chaos and national tragedy that occurred in the nation’s capital.	REPORTS
Smith discussed being shocked at the recent events, worried at national, state, and local levels, and hoped people would work together.	• COUNCIL MEMBERS [6:33pm]
Flaherty spoke about members of the community experiencing homelessness, housing and zoning, and thanked the Hopewell Group.	
Piedmont-Smith discussed homelessness and short-term solutions, and the disgraceful attack on the democratic institutions in Washington, D.C.	
Sgambelluri commented on the actions of protestors who violently stormed the capitol building, and spoke about equity.	
Rosenbarger echoed her colleagues and reflected on the last year as a councilmember.	
Sims commented on the event that happened in Washington D.C. and compared that to other protests, like Black Lives Matter.	
Volan spoke about the history of Bloomington’s Common Council and reflected on his time in Bloomington as well as the pandemic and the violence in Washington D.C.	
There were no reports from the Mayor or city offices.	• The MAYOR AND CITY OFFICES
There were no council committee reports.	• COUNCIL COMMITTEES
Jim Shelton spoke about the Court Appointed Special Advocates (CASA) training and services.	• PUBLIC [6:42pm]
Greg Alexander commented on homelessness, the Trades District parking garage, car and pedestrian transportation, sidewalks	
Molly Stewart discussed homelessness and solutions available, and her work with the Bloomington Homeless Coalition.	
Nathan Mutchler asked people to reflect on being homeless in the middle of winter and discussed homelessness.	
Marc Teller spoke about homelessness and the death that occurred after clearing an encampment.	

Piedmont-Smith moved and it was seconded to extend the public comment period to accommodate all speakers. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to Extend Public Comment Period [7:13pm]

Renee Miller discussed the need for bathroom facilities at encampments, and asked the city to put a “Port-a-John” up for citizens in the community.

Public comment: (cont’d)

Alex Goodlad spoke about homelessness and listed demands to help the unhoused.

Tyna Hunnicut commented on homelessness and the upcoming eviction of an encampment at Seminary Park.

Marshall Bailey discussed homelessness and urged the council to act.

Mark Sturdivant spoke about living with Bipolar Disorder and his experience with Centerstone.

Heather Lake commented on the eviction at Seminary Park, homelessness and the need for bathrooms and sanitizing stations.

Nicole Johnson talked about the housing crisis, safety, solutions, and Center for Disease Control (CDC) guidelines.

Shelby Querry discussed homelessness, and commented on her experience in helping those experiencing homelessness.

Sam Dove commented on homelessness during the winter.

ELECTION OF OFFICERS [7:45pm]

Piedmont-Smith moved and it was seconded to suspend the rules to conduct the election of council officers and appointments to boards and commissions, in the following manner:

Motion to Suspend the Rules [7:48pm]

- A candidate for president, vice president, or parliamentarian of Council shall require a nomination and second by other members.
- A candidate for appointment to a board or commission may express their interest in the position without need for a nomination or second by another member.
- All Council officer positions with only one nominee shall be determined by a single rollcall vote, followed by a separate vote for each office with two or more nominees.
- The same procedure shall be used to determine the appointments to all board and commission seats.
- Members may ask questions and discuss the nominations of any seat before a final vote is taken.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to Suspend the Rules [7:50pm]

Sandberg moved and it was seconded that the following slate of officers be elected:

President: **Jims Sims**  
Vice President: **Sue Sgambelluri**

Piedmont-Smith moved and it was seconded that the following officer be elected:

Parliamentarian: **Matt Flaherty**

The slate of officers was approved by a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

The councilmembers took virtual new seats as assigned by the new president. Council President Jim Sims presided for the remainder of the meeting.

Motion to Approve the Slate of Officers [7:51pm]

Vote to Approve the Slate of Officers [7:52pm]

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS  
[7:58pm]

Volan moved and it was seconded that Resolution 21-01 be introduced and read by title and synopsis only. The motion was approved by a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

There was extensive council discussion.

Sandberg moved and it was seconded that Resolution 21-01 be postponed until January 13, 2021.

There was brief council discussion.

Sandberg withdrew the motion to postpone Resolution 21-01 until January 13, 2021.

Volan presented Resolution 21-01.

There was extensive council discussion.

Alex Goodlad commented on council committees.

Mark Stosberg spoke about the Sidewalk Committee.

Dave Askins commented on council committees.

Cathi Crabtree commented on council committee appointments.

Janna Arthur spoke about homelessness.

Volan stated that Resolution 21-01 did not affect the Community Advisory on Public Safety (CAPS) Commission. Volan expressed that the legislation was about consolidating standing committees and not reconsidering them.

Piedmont-Smith commented that the Housing Committee and that the Climate Action and Resilience Committee should both remain as standing committees. Piedmont-Smith stated that Utilities and Sanitation folding into Community Affairs was fine, as was

Resolution 21-01 To Consolidate  
Standing Committees of the  
Common Council

Council questions:

Motion to Postpone Resolution 21-01

Council discussion:

Withdrawal of the Motion to  
Postpone Resolution 21-01

Council discussion:

Public comment:

Council comment:

eliminating the Sidewalk Committee. Piedmont-Smith expressed that Jack Hopkins as a full committee was ideal. Piedmont-Smith also expressed that it was fine for the Public Safety Committee to make appointments to the CAPS Commission.

Council comment: (cont'd)

Rosenbarger commented that it made sense to combine the Climate Action and Resilience committee because there were several meetings that councilmembers couldn't attend because it would constitute a quorum and would've needed to be noticed. Rosenbarger stated that task forces could be used instead. Rosenbarger stated that she was in support of dissolving the Sidewalk Committee because it was inequitable and takes an abundance of multiple staff time.

Smith discussed his view on Resolution 21-01 and that he wanted to take time to think about it more. Smith stated that perhaps additional committees were needed such as homelessness, finance and budget. Smith also stated that if there were not going to be standing committees in the future, then perhaps the discussion was moot, but that he wanted a good process in place.

Flaherty reiterated that for the CAPS Commission, Resolution 21-01 only clarified where that commission was placed within the standing committees. Flaherty stated that there was some non-controversial items, like dissolving Utilities and Sanitation, and elevating Jack Hopkins to a full committee. Flaherty also stated that he did not have strong feelings about the Housing Committee and Climate and Resilience Committee because it did not change the importance of those committees. Flaherty discussed the Equity Audit Report on Sidewalks by Mark Stosberg, and stated that it made sense to fold the Sidewalk Committee into the Transportation Committee. Flaherty also stated that the Committee of the Whole was still a tool that was available, and that there was legislation heard in that committee last year.

Rollo commented that council should refer to the report provided by council staff on the utility and time spent on having standing committees, and that it made a compelling case to return to the Committee of the Whole. Rollo stated that the Sidewalk report by Mr. Stosberg had useful information but did not consider historical context, such as the paucity of sidewalks and the general trend of developers not building sidewalks or storm water drains in the 70s and 80s. Rollo expressed that it would be a mistake to turn the funding allocation, of the Sidewalk Committee, to staff because it was hard won funding. Rollo stated that very large projects would still need to find other funding, and that councilmembers knew what was needed in their district.

Volan stated that Resolution 21-01 was drafted to be amendable by striking language, and that there would be changes to appointments. Volan also stated that the Committee of the Whole was supposed to be an exceptional tool. Volan commented on Cm. Smith's comments on additional committees. Volan explained how he chose the standing committees the previous year, and stated that, for example, having a standing committee on finance and budget would be beneficial to the council. Volan clarified that the purpose of standing committees was to better handle legislation, and stated that some standing committees worked better than others and urged councilmembers to fix them.

Sims stated that while the discussion was important, he supported the Committee of the Whole. Sims commented that those councilmembers who were opposed to standing committees, tried their best to make them function. Sims stated that it was his preference to abolish the standing committees, though there was merit in some standing committees, and stated that Cm. Flaherty had suggested a hybrid model of standing committees, which was more collaborative. Sims explained that time was needed to consider the legislation and amendments, and that the delay in the consideration of Resolution 21-01 was ideal. Sims spoke of the Sidewalk Committee and that staff was going to update criteria and look at the equity issues.

Council comment: (cont'd)

Sandberg moved and it was seconded that Resolution 21-01 be postponed until January 13, 2021. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to Postpone Resolution 21-01 [9:48pm]

Sims announced the new seating order, starting from his left, which was Sandberg, Smith, Piedmont-Smith, Flaherty, Sims, Sgambelluri, Rosenbarger, Volan, and Rollo.

APPOINTMENTS TO  
COMMITTEES, BOARDS, AND  
COMMISSIONS

Sims announced Council appointments to the following list of Boards and Commissions be approved:

Citizens Advisory Committee-Community Development Block Grants-Social Services **Smith**  
Citizens Advisory Committee- Community Development Block Grants-Physical Improvements **Rosenbarger**  
Commission for Bloomington Downtown, Inc. **Sgambelluri**  
Economic Development Commission (City) **Rosenbarger**  
Economic Development Commission (County) **Smith**  
Environmental Resource Advisory Council **Flaherty**  
Metropolitan Planning Organization **Volan**  
Solid Waste Management District **Piedmont-Smith**  
Board of the Urban Enterprise Association **Rosenbarger**  
Utilities Services Board **Sims**  
Bloomington Economic Development Corporation **Sims**  
Bloomington Commission on Sustainability **Flaherty**  
Parking Commission **Volan**  
Public Safety Local Income Tax Allocation Committee **Piedmont-Smith, Sgambelluri, Sims, and Smith**  
Monroe County Food and Beverage Tax Advisory Commission **Smith**

Piedmont-Smith moved and it was seconded to accept those appointments. The motion was approved by a roll call vote of Ayes: 8, Nays: 0, Abstain: 0, (Rollo out of the room).

Vote to Accept Appointments to  
Boards and Commissions  
[10:18pm]

Piedmont-Smith and Sandberg read their statement of interest to serve on the Plan Commission and in consideration of appointment.

Statement of Interest for  
Appointment to Plan Commission  
[10:18pm]

There was council discussion about the Plan Commission appointment.

Cm. Sandberg was elected to the Plan Commission by a roll call vote of Sandberg: 5 (Rollo, Sgambelluri, Sims, Smith, Sandberg), Piedmont-Smith: 4, Abstain: 0.

Vote to Appoint Councilor to Plan  
Commission [10:36pm]



Jesse Graves spoke of his military service and homelessness. PUBLIC COMMENT [10:37pm]

Janna Arthur spoke about homelessness.

Cathi Crabtree discussed homelessness and that she supported a moratorium on the removal of the encampment at Seminary Park.

Stephen Lucas, Council Attorney, reviewed the upcoming schedule. COUNCIL SCHEDULE [10:45pm]

Flaherty moved and it was seconded to adjourn. Sims adjourned the meeting. ADJOURNMENT [10:50pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVE:

ATTEST:

\_\_\_\_\_  
Jim Sims, PRESIDENT  
Bloomington Common Council

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

In Bloomington, Indiana on Wednesday, February 24 at 6:00pm, Council Vice President Sue Sgambelluri presided over a Special Session of the Common Council. Per the Governor’s Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL  
SPECIAL SESSION  
February 24, 2021

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Ron Smith

ROLL CALL [6:02pm]

Councilmembers absent: Jim Sims, Stephen Volan

Council Vice President Sue Sgambelluri summarized the agenda.

AGENDA SUMMATION [6:02pm]

Andrew Guenther, Chair of the Bloomington Environmental Commission, gave a report on 2019/2020 Annual Report of the Environmental Commission. There was brief council discussion following the report.

REPORTS

- The MAYOR AND CITY OFFICES [6:04pm]

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

ADJOURNMENT [6:20 pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVE:

ATTEST:

\_\_\_\_\_  
Jim Sims, PRESIDENT  
Bloomington Common Council

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

In Bloomington, Indiana on Thursday, February 25, 2020 at 7:00pm with Council Vice President Sue Sgambelluri presiding over a Special Session of the Common Council. Per the Governor’s Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL  
SPECIAL SESSION  
February 25, 2021

Council Vice President Sue Sgambelluri called the meeting to order. She noted that the meeting would be considered adjourned when the Mayor’s State of the City remarks concluded. She then asked Clerk Nicole Bolden to call the roll.

CALL TO ORDER [7:06pm]

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Ron Smith, Stephen Volan  
Councilmembers absent: Jim Sims

ROLL CALL [7:07pm]

Mayor Hamilton presented the State of the City Remarks (text provided by the Office of the Mayor), attached hereto.

STATE OF THE CITY REMARKS

The meeting was adjourned at 7:44pm.

ADJOURNMENT [7:44pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVE:

ATTEST:

\_\_\_\_\_  
Jim Sims, PRESIDENT  
Bloomington Common Council

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

That was a very powerful reminder for our community of what we've been through. This is my Sixth State of the City, and it is a distinct privilege to serve as your Mayor. I feel great optimism about the years ahead. But, what a year we have just had. 2020 was extraordinary - challenging and clarifying. In our time this evening I'd like to spend a few minutes remembering this past most unusual year. And also talking about how we are now recovering and will recover. And finally, how I believe we can renew our community. Where we are headed next. These three things frame our time tonight: remember, recover, and renew. With this annual, formal gathering, held as usual in Black History Month, we begin by acknowledging the historical experience of Black people, whose immeasurable contributions to our country and our community have been in the face of 400 years of racial discrimination, which demands our current attention and energy. We also acknowledge at the outset that this land--southern Indiana--was first called home by indigenous peoples, including the Miami, Delaware, Potawatomi, Shawnee and others, also subject to centuries of discrimination and abuse, and to whom we owe ongoing respect and honor.

**Part 1. REMEMBER.** Let's begin tonight remembering. Think back just a year ago. Last year's State of the City was February 20th. I did not mention the words "coronavirus" or "COVID." I didn't foresee what was coming. The first reported U.S. COVID-19 death was just over a week away, in the state of Washington. Let's think back. What has happened to your family and you since then? To your workplace, or your school? Your friendships? Your daily patterns. Your home, and gatherings with others. Your plans. Your worries. A city is a great big family, a collection of thousands of individual family stories that make up Bloomington's story.

Those family stories have often been tragic. 160 Monroe County families lost loved ones, including my own family. Last April, my wife Dawn was hospitalized and very sick with COVID. She was in the Bloomington hospital, and her brother in another one near Indy, when her mother died alone in a third hospital, from COVID. Across the country more than 500,000 families share that burden, of empty chairs at family gatherings, lost to COVID. Broken hearts. And of course families lose loved ones for other reasons as well, and our hearts go out to them. It was a hard year for many of us.

The stories of 2020 have also been inspiring, as neighbors helped neighbors, as health care workers soldiered on through great risk and exhaustion, as essential workers made sure we had milk, and prescriptions, and food and electricity and water, and transportation and deliveries and public education and child care and public safety, and more. We cooperated with and cared for each other. We faced national misinformation and denial, but locally worked together and put tighter controls in place to help Bloomington be among Indiana's strongest communities in dealing with this deadly, enormously disruptive pandemic.

We will get out of this terrible hole, and likely this year, with vaccinations -- please get yours when it's your turn! (I'm looking forward to mine in mid-March) -- and with continued distancing and masking. Let's remember a few shared lessons from 2020.

We learned that Change is Possible. As a community, and as people, we really can change, and very quickly sometimes, and radically when we have to. Our Schools. Our Workplaces. Our Families. Our recreation and socializing? How dramatically did we have to change **so many** of our ways? It's good to know we have that capacity. Inside city government, within two weeks last March, we revamped entire departments and work styles. From zoom council meetings to the drive-through Farmers Market to remote police roll calls. I convened two community-wide working groups, to support the economic recovery, and our safety net, and established weekly press conferences with the city, the county, and IU, to keep everyone informed. We trained tenants to do their own apartment inspections with kits left at their doors. We closed Kirkwood to cars to allow safer outdoor dining. New high efficiency filtration systems at firehouses provided safer air against the pandemic.

And of course, stores, restaurants, retailers, performing arts groups and galleries, therapists and exercise classes, schools and pupils and teachers -- everyone had to adapt so dramatically and so quickly. We even had to learn new language: parklets and PPE and PUDO zones!

We learned that One Emergency doesn't make others disappear. The pandemic was an unusual emergency. But other emergencies persisted and intensified. Climate Change marched inexorably on. Whether we pay attention or not, our climate emergency threatens our lives and our planet. Economic hardship and inequality, in jobs and in housing were exacerbated terribly by the pandemic. People suffered from substance use disorder, and experienced homelessness. Mental health issues rose.

Racial bigotry and bias took center stage during 2020. Bloomington witnessed our largest racial awareness and inclusion demonstrations of a generation or more. Affirming that Black Lives Matter. Even as the pandemic disproportionately took the lives of people of color. Black and Latino Americans were hospitalized at twice the rate and died from COVID at three times the rate of white Americans.

We learned that Trust is Essential. We had to trust science and facts to get through the pandemic. Hoping and fantasizing or arguing and pontificating don't protect us from the virus. Nor drinking bleach. Masking and distancing do. Testing does. The vaccine does. We learned we need to trust each other to protect each other. Dave Chappelle noted that trust wasn't evident when COVID started, when people bought bullets and hoarded toilet paper. It was hard to trust government when the President focused not on science and facts but on bluster and denial. But thankfully we are on steadier ground nationally now, and locally we have worked extremely closely together from the start, with real trust, to take steps needed.

And we re-learned that We all Count – We all depend on each other, and we need all to be involved and included, as we re-learned in new ways this year. Our health depended on thousands of workers willing to show up and step up. Our community's very survival depended on essential workers of all kinds being on the job every day, even at risk to themselves and their families. Thousands of students depended on their teachers learning new skills. Communities survive, with resilience, cooperation and vision. Even when those essential qualities are missing elsewhere, we can nurture and cherish them here. Bloomington was able to do as well as we did thanks to the exceptional teamwork from and with Penny Caudill and the county health department, Lauren Robel and Indiana University, Brian Shockney and IU Health system, with our local public schools, and with so many others.

Local arts organizations faced this crisis that decimated their audiences and threatened their own survival. Our artists--so central to Bloomington's identity and so powerful in these troubled times--showed resilience and adaptability and yes great creativity. Let's take a moment now to appreciate how a couple organizations, among the many we so esteem, took their arts into new territory so the show could go on. Thanks to Cardinal Stage Company, first, for taking us behind the scenes of making their "Walkabout Radio Plays" for folks to enjoy on earbuds while strolling outdoors; then thanks to the Bloomington Symphony Orchestra for showing us how they spread out and masked up in the Buskirk Chumley Theatre to celebrate Beethoven's birthday in style. 2020 was tough; our artists made it more bearable. I hope you enjoy the examples.

**Part 2. RECOVER.** We are so touched by how many people, including artists, found ways to cope and create, during the last tough, tough year. As we remember, let's consider our recovery. Where are we now, in early 2021? The short answer is, and it's no surprise: we still face major threats as a community. The worst pandemic in a hundred years isn't over. That is job one - to climb out of it, and save lives. We will, but it will take many more months, perhaps all year. Continued strong cooperation among our health sector players, and continued good individual actions, distancing and masking, are essential, and will steer us to calmer waters. Please, we have to stay the course, even while relief is in sight.

In the meantime, our economy is in a serious recession. Certain sectors in a depression. In the past 12 months our metropolitan area lost thousands of jobs -- at one point nearly 12,000 and still many thousands are gone. That's an enormous ongoing cost. Family income lost. Employers gone or at risk. Treasured nonprofits hanging on by fingertips. Restaurants and venues and events may go under. Families face eviction or foreclosure. Our country is down nearly 10 million jobs in the past 12 months.

Federal support efforts are finally ramping up, thank goodness, with more sensible, responsible leadership in Washington. I'm so glad city council and my administration teamed up with "Recover Forward" to support job growth, and job training, and nonprofits who help support those in need. "Recover Forward" began last summer, dedicating about \$8 million to help claw up from this economic calamity, reflecting a shared commitment of our administration and city council to be a countercyclical force, providing vital economic stimulus and support. This is how government can indeed help, to support and sustain our local economy, and our local people. That's what we did and should continue to do.

Beyond these front-burner efforts on our pandemic and our recession, many other significant projects and efforts are on our plate right now, Here are five big ones:

One: Many Bloomingtonians face serious housing insecurity. Together in the past five years we've created or preserved nearly 1,400 bedrooms of affordable housing -- and another 5,000 market rate. Even as we continue this focus, we know many more are needed to address the real pressures felt by so many of our neighbors or future residents. And the pandemic only intensifies the need and the risks. I appreciate our United Way and Community Foundation stepping up to coordinate a regional response for our community.

Two: we have big Infrastructure projects underway and in the pipeline. Thanks to the Bicentennial Bonds, we anticipate four major new trails, at the 7-Line, at Griffy Lake, at Cascades, and from Switchyard past RCA Park. We will open two downtown garages this year, one replacement and one supporting new jobs in the Trades District. We are investing nearly forty million dollars for historic upgrades to our downtown stormwater system, wastewater plant expansions, and water main replacements. We're adding electric buses and improving bus stops and expanding sidewalks and activating downtown alleys. All this investment helps our city and supports hundreds of precious local jobs too.

Three: We embrace the extraordinary opportunity of a new neighborhood in our city's core -- with the recently completed Hospital Re-use Master Plan, and years of collaborative development ahead, to create new homes for people from all walks of life, as well as great new public spaces and sustainable places for jobs and retail and entertainment.

Four: two significant planning efforts will conclude this year, with the zoning map and Unified Development Ordinance, as well as our first comprehensive Climate Action Plan. We also look forward to the continuing work of the Divided Communities Project's Racial Equity, and Future of Policing task forces.

Finally, we have two significant reviews underway: what is the future for the Convention Center and its planned expansion? And what is the future for the Waldron, which the City again owns.

That's a big to-do list. Now, remember our plate has been very full not just last year but for five years, and our shared accomplishments are many. To borrow from a local songwriter: "We can do these hard things." Don't be daunted by a big to-do list! Remember **just a sample** of our community's recent accomplishments that have positioned us so well: Opening the jobs-focused Trades District, with the state's fastest-growing co-work space, The Mill. Opening Switchyard Park, our biggest parks project in history. Helping employers expand, such as Catalent tripling to 2,200 local jobs, and opening later this year the new 550 million dollar IU Health Regional Academic Health Center, our community's biggest-ever single economic development project. The City bought the current hospital property and completed that Master Plan for redevelopment. We added those fourteen hundred affordable bedrooms. We enhanced our basic services with a Public Safety Local Income Tax. We planted thousands of new trees, upgraded our citywide trail network, and dramatically expanded solar energy production. We reimaged and reformed our Sanitation Department, our Utilities department, and our Housing Authority. We doubled our investments in basic city infrastructure, and completed a Comprehensive Plan, a Transportation Plan, and a Sustainability Plan. Our Parks department won a national Gold Medal and our City just won LEED for Cities designation. I can't help mention the importance of passing a school referendum and a Food and Beverage tax, and oh yes, dealing with a new interstate highway that opened nearby.

I do not know of any other five-year period in Bloomington history with this much major activity. We can do, we did, these hard things, and are dealing with a pandemic and a recession too. This is what we do -- even when times are hard and when it's easy to get down. City government doesn't stop. We work on. Let's pause just a moment and share some special thanks. First thanks to all our city employees, who have gone above and beyond this past year, and these past five years. They are true public servants; they are a treasure to our community, all 850 people who work for the City of Bloomington and our affiliated entities. So please join, however you can, in a big, big thank you to our public servants. Second, I want to give a special shout out to two stalwart and stellar city employees: Doris Sims who retired last month as Director of Housing and Neighborhood Development, and Mick Renneisen who is retiring in April as Deputy Mayor. I cannot imagine the past five years without their leadership and efforts, so please join me in expressing a big Bloomington thank you for their combined 78 years of city service!

As we review this recovery-in-progress, these efforts to support individuals and families and our community, we'll share a brief video tribute to those city employees who've helped us recover this far and will keep at it--by showing up, every day and late into the night, rain or shine, snowing or flooding or steaming, good times and bad--to make sure residents are protected and served. After that, we'll have the

privilege of hearing a more personal expression of how important recovery is -- how what we do as a community can change lives, together, as we hear from a member of Women Writing for a Change, a program serving women in incarceration in our community, read by the creative director Beth Lodge-Rigal.

**Part 3. RENEW.** Thank you to Beth Lodge-Rigal and Olivia STROH-zhur for that poem and message, and for Women Writing for (a) Change and New Leaf, New Life.

Recovery, both community and individual, is critical, and front burner. It matters to real people, right now, right here. And we must recover forward. That's renewal. If 2020 was a low point, we make 2021 a turning point. Pivot out of the pandemic and recession, into the future we want to live in. To Renew our community takes vision, and grit, and cooperation. President Biden calls it Build Back Better.

The fundamental question in our renewal is who do we want to be? As we pivot from the debilitating, deadly start of 2020, how will we act in the rest of the decade? What is the role of a progressive community like Bloomington, in the heartland of America, as we navigate the next 10 years? I hope we all can agree that when Bloomington thrives, our county thrives and our region thrives. If Bloomington falters or weakens, so too our county and region. With Bloomington as the economic, social and cultural engine of the region, our renewal, our future, depend on us doing the right things, and being the Bloomington we should be.

Early last year, I highlighted what I see as the two major challenges, and opportunities, facing us -- the issues of the decade: **Inclusion** and **Sustainability**. Inclusion: does everyone in fact belong? And **feel** they belong? And experience justice and fairness and opportunity? Whatever your income. Or skin color. Whatever language you speak or god you worship. Whatever your ability or disability. Whomever you love. Whatever your age or gender identity. Does everyone feel a part of, belong to, our community, and our future? Can everyone succeed and thrive here? We are politically more liberal, but demographically less diverse than America. We are more educated, but poorer than America. How do we become more diverse, more just, and more prosperous, for all?

And Sustainability. Do we advance climate justice and do our part? Are we helping all our residents live high-quality lives with low-carbon impact? We have a higher carbon footprint than the average American community. How do we adequately lean into the climate emergency all around us? Here's the good news -- when we make our community more inclusive and more sustainable, we are making our quality of life better and better. It's making Bloomington reflect our values and also helping us just be a great place to live.

Good things are already underway. Our community has been working on these two issues for years. On Inclusion: investing in economic recovery with more and better jobs, and more housing security. Our Divided Communities racial equity plan and new taskforces. Anti-Racism training. On Sustainability: a Climate Action Plan this spring, building on last year's Sustainability Action Plan. A Green Ribbon Panel by fall. And all the many efforts toward a more walkable, greener, high-quality city. As next steps, perhaps we should name some new goals to aim for, like an expanded, more-subsidized network of public transportation serving more people more effectively; like 300 new affordable housing units every year; like 500 new good-paying jobs every year; like increasing our diversity and lowering our per-capita carbon footprint.

We are making progress, but we don't have all the answers to keep advancing on these two big opportunities of Inclusion and Sustainability, and how to reach the next level, to lift up every one of our people, and to help save our fragile planet. I have ideas, and so do you. Council and administration, let's get together. City and county and region, let's get together. Government and residents and private sector, let's get together. Town and gown, let's get together, so our community can and will rise up to meet these challenges in the coming decade.

As we pivot out of 2020 two structural issues also face us, both basic to Bloomington's long-term future.

Just over four years ago, in February, 2017, we began a long-overdue annexation process. That orderly, public effort was unceremoniously and unconstitutionally interrupted by a radical, overreaching act of our State Legislature. The Indiana Supreme Court just recently ruled in Bloomington's favor and said the legislature acted illegally, violating the state constitution. We now must choose how to move forward.

Strong and healthy cities grow through time -- it's natural and it's important. For the first 185 years of our history, our boundaries grew steadily in tempo with our population. But since 2004, despite steady population growth, we have been frozen in size. A city whose boundaries don't grow with its population becomes an unhealthy mishmash of services, planning, oversight, and political accountability. We are stronger together. An integrated, vibrant Bloomington can thrive and help all the people of our entire region prosper. We can sustain and protect that important healthy regional balance between urban and rural areas. I look forward to working with city council and all our partners to chart a path forward in the coming months.

Second, last year, I urged the importance of new revenue to match our community's goals and purpose. Meeting great ambitions and putting values into practice requires resources. Is Indiana's most progressive community generating revenue commensurate with our values and goals? Do we have the resources to invest in putting our values into practice? To address inclusion and sustainability? We have very low combined local property and income taxes -- among the lowest of Indiana's 30 largest cities. We have a lower income tax rate than three quarters of Indiana's counties, and lower than all six of our contiguous counties. I believe as we pivot in 2021 to the future, to renewal, we will need thoughtfully to align our ambitions and goals -- our expectations for our community and ourselves -- explicitly with our available resources. I look forward to working again with city and county partners on this issue. And we can hope and urge that Congress will quickly pass pandemic relief packages including support for local governments like ours.

I believe we need big dreams and ambitious goals, and also need to work in the quotidian messiness of improving things day by day and year by year. Our vision for the decade and beyond should be audacious and bold. Our approach must be practical, as we work to make actual progress on the ground, step by step. And as we work to get things done, we need to find **the helpers**, the positive forces for change, the people and institutions who cooperate and roll up their sleeves. Negativity and attacks are often easier than positivity and trust. Our social media culture and our finger pointing and what-about-ism and virtue signaling can sometimes overwhelm the nitty gritty day-to-day hard work of making progress through dialogue and compromise and mutual aid. We have to find a way to work together on hard things, with trust, and positive energy -- to help each other.

Didn't the pandemic, after all, show us, teach us, **just this** -- that we can work together, we can meet extraordinary challenges, one step at a time, with trust? That we can change quickly? With the helpers in the lead? With good will and with reason? With transparency and accountability.

The pandemic taught us the stakes of having racial equity in health care. Of caring for and respecting **all** our workers and residents. Inclusion matters. The pandemic taught us that distant events around the globe or over time can dramatically change things right here in Bloomington. Whether tiny viruses or molecules of CO2. Sustainability matters. We learned that we can do so much together, when we set our minds to it, to protect and strengthen our beloved community.

Tonight we Remember. We remember loved ones and friends we lost. We remember heroes and doers and helpers we cherish. We Recover. We recover, together, out of a pandemic and out of a recession, holding hands and connecting hearts, pulling out of a dismal hollow onto higher ground. And we Renew. We renew our vision and our optimism, pivoting into what could and should be a grand decade to chart and change our future. Toward Inclusion. Toward Sustainability. We pivot To Better Times Ahead. When Bloomington thrives, our county and our region thrive. We need to lead the way To Better Times Ahead. And I am confident that that is just what we can do. We're going through some very tough times, but the state of our city is strong, and our future is bright. Remember. Recover. Renew.

Thank you city council. Thank you all, for participating in this event. Please enjoy a final video tribute now, and be well. The meeting is officially adjourned at its conclusion.





## MEMO FROM COUNCIL OFFICE ON:

### **Resolution 21-03 – To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds For 2021**

---

#### **Synopsis**

The City of Bloomington is eligible for a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development estimated to be \$1,018,000. This resolution outlines program recommendations by the Mayor with input from the Citizen's Advisory Committee and the Redevelopment Commission. Pursuant to federal regulations, CDBG allocations are made across the following general program areas: Social Services Programs, Physical Improvements, and Administrative Services.

#### **Relevant Materials**

- Resolution 21-03
- Memo – Brent Pierce, Acting Director, HAND
- CDBG Eligibility Guidelines
- Redevelopment Commission Resolution 21-03
  - Exhibit A – Physical Improvement Recommendations
  - Exhibit B – Social Service Recommendations
- Physical Improvements
  - Project Summaries
  - Committee Membership
  - Calendar
  - Citations to Consolidated Plan
  - Allocation Worksheet
- Social Services
  - Project Summaries
  - Committee Membership
  - Calendar
  - Application Scoring Criteria
  - Allocation Worksheet



## Summary

Resolution 21-03 approves the Mayor's recommendations for allocating Community Development Block Grant (CDBG) funds for 2021 (additional information and resources related to the CDBG Program online - <https://www.hudexchange.info/programs/cdbg/>). As an "entitlement" city, the City of Bloomington receives CDBG funds from the U.S. Housing and Urban Development Department (HUD). HUD determines the amount of each entitlement grantee's annual funding allocation by a statutory formula which uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas. The City expects to receive approximately \$1,018,000 in CDBG funding this year.

### Citizen Advisory Committees

HUD administers and regulates CDBG funds. HUD requires that funding for all projects and programs be tied to HAND's Consolidated Plan ([linked](#)). The *2020-2024 Consolidated Plan*, was used to inform this round of allocations. The City also relies on a CDBG Citizen Advisory Committee (CAC) which is divided into two subcommittees: Social Services and Physical Improvements.<sup>1</sup> These two subcommittees make recommendations for the allocation of funds and review applications.

### Process

The CDBG funding process spans about 10 months from September/October of one year to June/July of the next. Council consideration of allocations typically occurs in February/March and funds may become available in June/July. In the months prior to that, the following occurs:

- In September, application and submission information becomes available for interested agencies.
- In October agencies must submit a letter of intent outlining their proposal and attend a mandatory training.
- In Late November/early December, completed applications are due.
- In January, CAC holds public hearings to consider and make recommendations.
- In February, the Redevelopment Commission reviews the recommendations of CAC and forwards its decision to the Mayor who then forwards them to the Council.

---

<sup>1</sup> The membership of CAC is as follows: two City Council members, two Redevelopment Commission members, and up to 18 community members appointed by the Mayor. The CAC meets as a whole committee only at the beginning of the process for an Organizational meeting. After that, each subcommittee meets separately.



**City of Bloomington Indiana**

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

**Eligibility and Allocation**

HUD regulations require that the city use at least 70% of CDBG funds for the benefit of low-to-moderate income persons. The remaining funds may be used to prevent or eliminate blighted areas or to address community development needs arising from serious and immediate threats to the health or welfare of the community. HUD regulations also require that CDBG funds be allocated among three categories according to the following formula: no more than 15% may be allocated for social service programs; no more than 20% may be used for administrative costs; and, at least 65% must be used for physical improvements.

As noted in the opening paragraph, the funding figure is an estimate and HUD may send the city more or less than the expected amount of funds. For that reason, the recommendations and resolution specify how funds will be allocated in the event of a surplus or shortfall.

**Contact**

Brent Pierce, Acting Director, HAND, [brent.pierce@bloomington.in.gov](mailto:brent.pierce@bloomington.in.gov), 812-349-3420

## **RESOLUTION 21-03**

### **TO APPROVE RECOMMENDATIONS OF THE MAYOR FOR DISTRIBUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR 2021**

WHEREAS, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the approximate amount of \$1,018,000 of grant funds for Fiscal Year 2021 pursuant to the Housing and Community Development Act of 1974 as amended; and

WHEREAS, the national objectives of the Community Development Program are:

1. first and foremost, the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and
2. the elimination of slums and blight, and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and
3. the elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities; and
4. the conversion and expansion of the Nation's housing stock in order to provide a decent home and suitable living environment for all persons, but principally those of low and moderate income; and
5. the expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for development of viable urban communities; and
6. the integration of income groups throughout the community by spreading persons of lower income into more prosperous neighborhoods and drawing persons of higher income to declining and deteriorated neighborhoods; and
7. the alleviation of physical and economic distress through the stimulation of private investment and community revitalization; and

WHEREAS, federal guidelines set forth a formula for funding where no more than 15% of the total grant may be allocated for social services programs, no more than 20% of the total grant may be allocated for administering these funds, and at least 65% of the total grant must be allocated for physical improvements; and

WHEREAS, the allocation for administering the grant may be used for a broad range of direct and indirect costs which includes but is not limited to salaries, rent, and fuel; and

WHEREAS, a statement of community development objectives and projected use of the funds has been advertised; and

WHEREAS, said statement and projected use of funds reflects programs recommended by the Mayor with input from the Citizen's Advisory Committee and the Redevelopment Commission and are consistent with local and national objectives of the Housing and Community Development Act of 1974, as amended;

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

SECTION 1. The following programs be approved as follows:

COMMUNITY DEVELOPMENT PROGRAMS	FISCAL YEAR 2021
SOCIAL SERVICES PROGRAMS FUNDING	ALLOCATION
Hoosier Hills Food Bank	\$25,000.00
Broadview Learning Center	\$2,700.00
Community Kitchen	\$25,000.00
Boys & Girls Clubs of Bloomington	\$25,000.00
New Leaf - New Life	\$25,000.00
Mother Hubbard’s Cupboard	\$25,000.00
New Leaf - New Life	\$25,000.00
TOTAL	\$152,700.00

COMMUNITY DEVELOPMENT PROGRAMS	FISCAL YEAR 2021
PHYSICAL IMPROVEMENTS PROGRAMS FUNDING	ALLOCATION
Summit Hill Community Development Corp. Bloomington Housing Authority - Crestmont Site Improvements	\$150,000.00
Summit Hill Community Development Corp. Bloomington Housing Authority – Accessibility Upgrades	\$50,000.00
Monroe County United Ministries – Security Cameras	\$27,727.00
New Hope for Families – Playgrounds for Childcare Facility	\$190,151.00
LIFEDesigns – Winslow and Dunn Group Homes Renovation	\$39,911.00
Centerstone – 635 S. Rogers St. Hoosier House Exterior Work	\$53,000.00
Middle Way House – Upgrade and add cameras to security system	\$12,000.00
LIFEDesigns – Tankless water heater for Housing Options 1	\$31,110.00
Monroe County United Ministries – Carpet and Paint for Digital Resource Center	\$2,019.00
New Hope for Families – Landscaping for new building site	\$25,750.00
Centerstone – 416 W. 1 <sup>st</sup> St. - bring wiring up to code, new HVAC	\$40,000.00
City of Bloomington, Utilities – Evergreen Village Drainage Improvements	\$40,000.00
TOTAL	\$661,668.00

COMMUNITY DEVELOPMENT PROGRAMS	FISCAL YEAR 2020
ADMINISTRATION FUNDING	ALLOCATION
Administration of Housing and Neighborhood Development Department	\$203,600.00
TOTAL	\$203,600.00

TOTAL ALLOCATION	\$1,017,968.00
------------------	----------------

SECTION 2. In the event the City of Bloomington receives more or less of the anticipated funding, that amount shall be distributed in the following manner:

Social Services: If the 2021 funding level is greater than \$152,700.00, overage funds will be distributed as follows: Broadview Learning Center will receive funding in an amount not to exceed \$14,400.00 per their original request.

If the 2021 funding level is less than \$152,700.00, funds will be distributed as follows: (1) Community Kitchen and Boys & Girls Club will each receive 21% of total funds, (2) Hoosier Hills Food Banks and Mother Hubbard's Cupboard will each receive 20% of total funds, and (3) Monroe County United Ministries will receive 18% of total funds.

Physical Improvements: If funding exceeds \$661,668 then additional funds will be allocated for Public Infrastructure and Housing Rehabilitation Projects administered by HAND. If funds are under \$661,668 then CBU, 2nd Round SHCDC/BHA, 2nd Round LifeDesigns, 2nd Round New Hope For Families, 2nd Round Centerstone will each be reduced by the same percentage.

SECTION 3. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JIM SIMS, 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 \_\_\_\_\_, 2021.

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

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

SYNOPSIS

The City of Bloomington is eligible for a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development estimated to be \$1,018,000. This resolution outlines program recommendations by the Mayor with input from the Citizen’s Advisory Committee and the Redevelopment Commission. Pursuant to federal regulations, CDBG allocations are made across the following general program areas: Social Services Programs, Physical Improvements, and Administrative Services.



**To:** Bloomington Common Council  
**From:** Brent Pierce, Acting Director – Housing and Neighborhood Development  
**Date:** February 23, 2021  
**Subject:** 2021-2022 Community Development Block Grant Funding

The Community Development Block Grant, or CDBG program, is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The primary objective is to develop viable urban communities by providing low to moderate income individuals with decent housing, a suitable living environment, and expanded economic opportunity. The City of Bloomington is an entitlement community under this program and we receive an annual allocation of CDBG funds.

The US Housing and Urban Development Department (US HUD) requires entitlement communities to present a Consolidated Plan every five years. The Consolidated Plan outlines the objectives and anticipated program activities for the next five years that will utilize CDBG funds. This document requires the City to analyze its housing policies and practices, as well as evaluate access to housing within the community and make sure there are not discriminatory practices which would prevent access to free and affordable housing choices.

In addition, each entitlement community is required by US HUD to develop a citizen participation plan as part of its Consolidated Plan. This plan sets out procedures for public input into the allocation process. The City of Bloomington has an extremely open process for public input. The allocation recommendations are made by the Citizens Advisory Council (CAC), which is made up of citizens from various councils and commissions, as well as interested parties who apply for appointments. A membership list is included in this packet. The CAC is divided into two sub-committees; one to review Physical Improvement applications and one to review Social Service applications. Attached, please find copies of the schedules. In addition to each sub-committee's public hearing, the Redevelopment Commission meeting during which the CDBG funding is considered for approval is also open to public comment.

Each year, an Annual Action Plan is developed outlining the programs and activities that will be undertaken with the upcoming year's CDBG funds. The activities that will receive funding are divided into three distinct categories: Physical Improvements, Social Services, and Administration. By law, no more than 15% of the total grant may be used for Social Services and no more than 20% may be used for Administration. The remaining 65% is used for Physical Improvements. Additionally, the City can allocate any program income received. Program income is defined as gross income received by the grantee and its sub-recipients directly



generated from the use of CDBG funds. The fiscal year 2021-2022 estimated allocations are as follows:

Total Allocation:	\$1,018,000
Physical Improvements:	\$661,700 (65%)
Social Services:	\$152,700 (15%)
Administration:	<u>\$203,600 (20%)</u>
Total:	\$1,018,000

I have included in this packet a brief description of each program and recommended allocation amount. Also attached is the Redevelopment Commission Resolution 21-09 in which they unanimously approved the CAC recommendations. Please note that at the time of the CAC recommendations and the passing of Resolution 21-09 the CDBG annual allocation amount is an estimation. The Redevelopment Commission and Common Council Resolutions outline how funds should be allocated if more or less of the estimated amount is received. If approved, this Common Council Resolution will affirm the recommendations of the CAC, the Redevelopment Commission, and the Mayor.

Thank you for your time, consideration, and service to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Pierce", is written over a faint, light blue circular background.

Brent M. Pierce  
Acting Director  
City of Bloomington  
Housing and Neighborhood Development



## **CDBG ELIGIBLE AND INELIGIBLE PROJECTS**

(Excerpts from the CDBG regulations)

### 570.201 – Basic Eligible Activities

- (a) Acquisition of real property.
- (b) Disposition of real property.
- (c) Public facilities and improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements.
- (d) Clearance activities.
- (e) Public services: Provision of public services (including labor, supplies, and materials) which are directed toward improving the community's public services and facilities; including, but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare, or recreational needs.
- (f) Interim assistance. Activities undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration. And activities to alleviate emergency conditions threatening the public health and safety.
- (n) Homeownership assistance. Acquisition, down payment and closing cost assistance to low- or moderate-income homebuyers.
- (o) Microenterprise Assistance.

### 570.202 – Eligible Rehabilitation and Preservation Activities

- (a) CDBG funds may be used to finance the rehabilitation of :
  - (1) Privately owned buildings and improvements for residential purposes;
  - (2) Low-income public housing and other publicly owned residential buildings and improvements; and
  - (3) Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvements to the exterior of the building and the correction of code violations.
  - (4) Nonprofit-owned nonresidential building and improvements not eligible under 570.201 (c).
- (b) Types of assistance. To assist various types of rehabilitation activities, and related cost for buildings and improvements described in paragraph (a) of this section.

- (c) Code enforcement.
- (d) Historic Preservation: CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned.
- (f) Lead-based paint hazard evaluation and reduction.

570.203 – Eligible Special Economic Development Activities

- (a) The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements.

570.204 – Special Activities by Community-Based Development Organizations (CDBOs)

- (a) Eligible activities.
  - (1) Neighborhood revitalization projects.
  - (2) Community economic development projects.
  - (3) Energy conservation projects.

570.205 – Eligible Planning, Urban Environmental Design and Policy-Planning-Management-Capacity Building Activities

- (a) Costs of data-gathering, studies, analysis, and preparation of plans and identification of actions that will implement such plans.
- (b) Policy-planning-management-capacity building activities.

570.206 – Program Administration Costs

570.207 – Ineligible Activities

- (a) The following activities may not be assisted with CDBG funds:
  - (1) Buildings or portions thereof, used for the general conduct of government;
  - (2) General government expenses; and
  - (3) Political activities.
- (b) The following activities are generally ineligible for CDBG funds:
  - (1) Purchase of equipment;
  - (2) Operating and maintenance expenses; and
  - (3) Construction of new permanent residential structures.

**21-09  
RESOLUTION  
OF THE  
REDEVELOPMENT COMMISSION  
OF THE  
CITY OF BLOOMINGTON, INDIANA**

**APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOMMENDATIONS  
BY THE CITIZENS ADVISORY COMMITTEE**

WHEREAS, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the approximate amount of \$1,018,000 of grant funds for Fiscal Year 2021; and

WHEREAS, 15% of the grant can be used for social services, 20% for program administration, and 65% for physical improvements, which amounts to the following allocation:

\$152,700 for Social Services,  
\$203,600 for Program Administration, and  
\$661,700 for Physical Improvements; and

WHEREAS, the advice and input of the community as to the allocation of the Community Development Block Grant funds has been solicited and received through the efforts of the Citizens Advisory Committee; and

WHEREAS, the Citizens Advisory Committee has made recommendations on how to distribute any funds received that are more or less than the estimated amount, because the final allocation amount has not been received; and

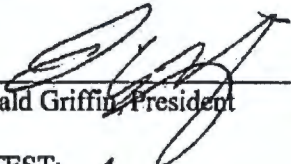
WHEREAS, the Redevelopment Commission has reviewed the recommendations of the Citizens' Advisory Committee for allocation of funds anticipated to be received, which are attached to this Resolution as Exhibits A and B;

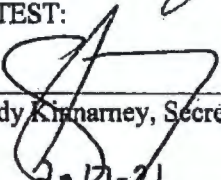
**NOW, THEREFORE, BE IT RESOLVED BY THE BLOOMINGTON REDEVELOPMENT COMMISSION THAT:**

1. The RDC finds that Citizens Advisory Committee's recommendations of the programs (attached hereto and made a part herein as Exhibit A and Exhibit B) will best serve the local and national objectives of the program.
2. If the received allocation is more or less than expected, the adjustment will be made to all of the approved social service programs and the approved physical improvement programs in accordance with the recommendations of the Citizens Advisory Committees as outlined in Exhibit A and Exhibit B.



**BLOOMINGTON REDEVELOPMENT COMMISSION**

  
\_\_\_\_\_  
Donald Griffin, President

ATTEST:  
  
\_\_\_\_\_  
Cindy Kinnarney, Secretary

2-17-21  
\_\_\_\_\_  
Date

**EXHIBIT A**  
**PHYSICAL IMPROVEMENT RECOMMENDATIONS**

	<b><u>2021 Request</u></b>	<b><u>CAC</u> <u>Recommendation</u></b>
<b><u>HOUSING ASSISTANCE</u></b>		
Summit Hill Community Development Corp. Bloomington Housing Authority - Crestmont Site Improvements	\$150,000	\$150,000
Summit Hill Community Development Corp. Bloomington Housing Authority - Accessibility Upgrades	\$50,000	\$50,000
<b>Housing Assistance Subtotal:</b>	<b>\$200,000</b>	<b>\$200,000</b>
<b><u>FACILITY IMPROVEMENTS</u></b>		
MCUM – Security Cameras	\$27,727	\$27,727
New Hope For Families – Playgrounds for Childcare Facility	\$190,151	\$190,151
LifeDesigns – Winslow and Dunn Group Homes Renovation	\$39,911	\$39,911
Centerstone – 635 S Rogers St. Hoosier House Exterior Work	\$53,000	\$53,000
Middle Way House – Upgrade and add cameras to security sys.	\$12,000	\$12,000
LifeDesigns – Tankless water heater for Housing Options 1	\$31,110	\$31,110
MCUM – Carpet and Paint for Digital Resource Center	\$2,019	\$2,019
New Hope For Families – Landscaping for new building site	\$25,750	\$25,750
Centerstone – 416 W. 1 <sup>st</sup> St. Bring wiring up to code new HVAC	\$40,000	\$40,000
<b>Facility Improvements Subtotal:</b>	<b>\$421,668</b>	<b>\$421,668</b>
<b><u>COMMUNITY-WIDE INFRASTRUCTURE PROJECTS</u></b>		
City of Bloomington, Utilities – Evergreen Village Drainage Improvements	\$40,000	\$40,000
<b><i>SUBTOTAL</i></b>	<b>\$40,000</b>	<b>\$40,000</b>
<b>TOTAL REQUESTED /ALL FUNDED PROJECTS:</b>	<b>\$661,668</b>	<b>\$661,668.00</b>
<b>TOTAL AMOUNT ALLOCATED</b>		<b>\$661,668.00</b>

All projects are to be funded at 100%. If funding exceeds \$661,668 then additional funds will be allocated for Public Infrastructure and Housing Rehabilitation Projects administered by HAND. If funds are under \$661,668 then CBU, 2<sup>nd</sup> Round SHCDC/BHA, 2<sup>nd</sup> Round LifeDesigns, 2<sup>nd</sup> Round New Hope For Families, 2<sup>nd</sup> Round Centerstone will each be reduced by the same percentage.

**EXHIBIT B**  
**SOCIAL SERVICE RECOMMENDATIONS**

	<u><b>2021 Request</b></u>	<u><b>CAC Recommendations</b></u>
<b><u>EMERGENCY NEEDS</u></b>		
Community Kitchen	\$25,000.00	\$25,000.00
Mother Hubbard's Cupboard	\$25,000.00	\$25,000.00
Hoosier Hills Food Bank	\$25,000.00	\$25,000.00
 <b><i>SUBTOTAL</i></b>	 <b>\$75,000.00</b>	 <b>\$75,000.00</b>
<b><u>NON-EMERGENCY NEEDS</u></b>		
Boys & Girls Clubs of Bloomington	\$25,000.00	\$25,000.00
Monroe County United Ministries	\$25,000.00	\$25,000.00
New Leaf-New Life – Criminal Justice Transition	\$25,000.00	\$ 25,000.00
Broadview Learning Center-MCCSC	\$14,400.00	\$2,700.00
 <b><i>SUBTOTAL</i></b>	 <b>89,400.00</b>	 <b>\$77,700.00</b>
 <b>TOTAL REQUESTED ALL FUNDED AGENCIES</b>	 <b>\$164,400.00</b>	
 <b>TOTAL AMOUNT OF FUNDS AVAILABLE</b>		 <b>\$152,700.00</b>
 <b>TOTAL AMOUNT ALLOCATED</b>		 <b>\$152,700.00</b>

If the 2021 funding level is greater than \$152,700.00, overage funds will be distributed as follows: Broadview Learning Center will receive funding in an amount not to exceed \$14,400.00 per their original request.

If the 2021 funding level is less than \$152,700.00, funds will be distributed as follows: (1) Community Kitchen and Boys & Girls Club will each receive 21% of total funds, (2) Hoosier Hills Food Banks and Mother Hubbard's Cupboard will each receive 20% of total funds, and (3) Monroe County United Ministries will receive 18% of total funds.

## **2021 CDBG Projects**

### **Physical Improvements Projects Summary**

#### **Summit Hill Community Development Corporation's (SHCDC)**

Contact- Rhonda Moore

Amount- \$150,000

Project- They intend to do site improvement to the Crestmont complex.

#### **LifeDesigns Inc.**

Contact- Cindy Fleetwood

Amount- \$39,911

Project- They intend to replace flooring, siding, and guttering at their group homes.

#### **MCUM**

Contact- Mary Jean Howager

Amount- \$27,727

Project- They intend to add security systems and panic buttons to their buildings.

#### **New Hope For Families**

Contact- Emily Pike

Amount- \$190,151

Project- They intend to expand their shelter and daycare facilities.

#### **Centerstone**

Contact- Rene Llewellyn

Amount- \$53,000

Project- They intend to replace windows and doors, and repair masonry on the building.

#### **City of Bloomington Utilities (CBU)**

Contact- Phil Peden

Amount- \$40,000

Project- Evergreen Village Drainage

#### **Middle Way House (MWH) The Rise**

Contact- Sam Ujdak

Amount- \$12,000

Project- Upgrading and expanding security camera coverage.

#### **Summit Hill Community Development Corporation's (SHCDC)**

Contact- Rhonda Moore

Amount- \$50,000

Project- ADA Ramps

**LifeDesigns Inc.**

Contact- Cindy Fleetwood

Amount- \$31,110

Project- They intend to replace the tankless gas water heaters in Housing Options 1.

**MCUM**

Contact- Mary Jean Holwager

Amount- \$2,019

Project- Creating a digital resource center.

**New Hope For Families**

Contact- Emily Pike

Amount- \$25,750

Project- Complete required landscaping for new facility.

**Centerstone**

Contact- Rene Llewellyn

Amount- \$40,000

Project- Bring wiring up to code and replace HVAC at 416 W 1<sup>st</sup> St.



**CDBG  
Physical Improvements  
Citizen Advisory Committee**

**Supplemental Material**

Membership

Calendar

Citations to the Consolidated Plan used for  
Scoring Criteria

Allocation Work Sheet

**Community Development Block Grant  
Citizen Advisory Committee  
For Physical Improvements  
Program Years 2020-2021  
Updated November 14, 2019**

<b>Name</b>	<b>Subcommittee</b>	<b>Term Expires</b>
Rick Coppock 3800 S. Bainbridge Drive Bloomington, IN 47401 H: 327-6325 W: 332-8030 <a href="mailto:rcoppock@bynumfanyo.com">rcoppock@bynumfanyo.com</a>	Physical Improvements (Mayor)	August 31, 2021
Beth Rosenbarger P.O. Box 100 Bloomington, IN 47402 W: 349-3423 <a href="mailto:rosenbab@bloomington.gov">rosenbab@bloomington.gov</a>	Physical Improvements (Mayor)	August 31, 2021
Tim Mayer 1001 S. Jordan Ave Bloomington, IN 47401 <a href="mailto:timmayer3268@att.net">timmayer3268@att.net</a>	Physical Improvements (Mayor)	August 31, 2021
Cindy Kinnarney Bloomington Redevelopment Commission representative <a href="mailto:cindkinn@gmail.com">cindkinn@gmail.com</a>	Physical Improvements RDV Commission	August 31, 2021 Annual BRC appointment
Matthew Hutchinson 1335 S. Cobble Creek Circle Bloomington, IN 47401 <a href="mailto:maahutch@gmail.com">maahutch@gmail.com</a>	Physical Improvements, (Mayor)	August 31, 2021
Trisa Chakraborty 924 E. Atwater Avenue Bloomington, IN 47401 <a href="mailto:trischak@iu.edu">trischak@iu.edu</a>	Physical Improvements, (Mayor)	August 31, 2021
Kate Rosenbarger 808 W. Howe Street Bloomington, IN 47403 <a href="mailto:krosenbarger@gmail.com">krosenbarger@gmail.com</a>	Physical Improvements, (Mayor)	August 31, 2021
Lillian Hagadorn <a href="mailto:ljhagado@iu.edu">ljhagado@iu.edu</a>	Physical Improvements, (Intern)	
<b>HAND STAFF FOR CDBG PHYSICAL IMPROVEMENTS</b> Matt Swinney 812-349-3580 <a href="mailto:swinneym@bloomington.in.gov">swinneym@bloomington.in.gov</a>		

**Physical Improvement  
Citizen Advisory Committee  
WORKING CALENDAR  
For  
CDBG Funding – Fiscal Year 2021**

**APPLICANT SCHEDULE**

October 19 (Monday)                      *Mandatory Letter of Intent* due in HAND by 4:00 p.m.

New Applicant Mandatory Training (New Applicants *must* attend meeting):

October 29 (Thursday)    10:00 A.M. (Zoom Meeting)

November 30 (Monday)                      *Completed Applications Due in HAND by 4:00 p.m.*

**January 7, 2021 (Thursday)**                      **PUBLIC HEARING for Physical Improvement Applications**  
(Zoom Meeting @ 5:30 p.m.)    Mandatory Attendance

**PHYSICAL IMPROVEMENT CAC SUBCOMMITTEE SCHEDULE**

November 19 (Thursday)                      CAC Organizational & Con Plan Meeting (Zoom Meeting @ 5:30 p.m.)

December 7 (Monday)                      Physical Improvement Subcommittee members receive electronic packets.

**January 7, 2021 (Thursday)**                      **PUBLIC HEARING for Physical Improvement Applications**  
(Zoom Meeting @ 5:30 p.m.) Applicant's Attendance Mandatory

**January 12, 2021 (TUESDAY)**                      **Scores due to Matt Swinney by 4:00 p.m. (swinney@bloomington.in.gov)**

**January 14, 2021 (Thursday)**                      Physical Improvement Subcommittee allocation meeting (Zoom Meeting @ 5:30 p.m.)

**CDBG FUNDING SCHEDULE**

**February 1, 2021 (Monday)**                      **PUBLIC HEARING** – CAC recommendations presented to Bloomington  
(Tentative)                      Redevelopment Commission (Zoom Meeting @ 5 p.m.)

**February 17, 2021**                      **PUBLIC HEARING** – City Council Discussion Meeting (date tentative)  
**(Wednesday)** (Tentative)

**February 24, 2021**                      **PUBLIC HEARING** – City Council Final Action Meeting (date tentative)  
**(Wednesday)** (Tentative)

**June, 2021**                      **FUNDING AVAILABLE**  
(Tentative)

CONSOLIDATED PLAN REFERENCES  
FOR  
CDBG PHYSICAL IMPROVEMENT APPLICATIONS

CAC members should review the following sections of the Consolidated Plan for scoring the Physical Improvement applications.

- Antipoverty Strategy—pg. 55+
- Community Development Objectives—pg. 54 +
- Homeless Strategy —pg.68+
- Housing Market Analysis—pg. 30+
- Barriers to Affordable Housing (inc. infrastructure) —pg. 42+
- Lead Base Paint—pg. 39+
- Public Housing Strategy —pg. 36+
- Priority Housing Needs—pg. 25+
- Housing Needs —pg. 23+
- Specific Special Needs Objectives—pg. 80+

**PHYSICAL IMPROVEMENT FUNDING REQUESTS  
FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT  
PY - 2021**

PROJECT		2021 Request	CAC Recommendations
<b>HOUSING ASSISTANCE</b>			
Summit Hill Community Development Corporation (SHCDC) (Bloomington Housing Authority) Crestmont site improvements		150,000	150,000
Summit Hill Community Development Corporation (SHCDC) (Bloomington Housing Authority) 1213-1215 ADA Ramps		50,000	50,000
<b>Housing Assistance Subtotal:</b>		<b>200,000</b>	<b>200,000</b>
<b>FACILITY IMPROVEMENTS</b>			
Monroe County United Ministries (MCUM) Add security cameras		27,727	27,727
New Hope For Families Building playgrounds for the childcare facility		190,151	190,151
LifeDesigns -- Winslow and Dunn Group Homes Renovation		39,911	39,911
Centerstone -- 635 S. Rogers St -- Hoosier House exterior improvements		53,000	53,000
CBU -- Evergreen Village Drainage		40,000	40,000
Middle Way House (MWH) The Rise -- Upgrading and expanding security camera coverage		12,000	12,000
LifeDesigns -- Tankless water heaters for Housing Options 1		31,110	31,110
Monroe County United Ministries (MCUM) Carpet and Paint for the Digital Resource Center		2,019	2,019
New Hope For Families -- Landscaping for new building site		25,750	25,750
Centerstone -- 416 W. 1st St -- Bring wiring up to code and new HVAC system		40,000	40,000
<b>Facility Improvement Subtotal:</b>		<b>461,668</b>	<b>461,668</b>
		<b>0</b>	<b>0</b>
<b>Anticipated 2021 Physical Improvement Allocation</b>	<b>661,700</b>		
<b>TOTAL REQUESTED</b>		<b>661,668</b>	<b>661,668</b>

## **2021 CDBG Projects**

### **Social Services Project Summary**

#### **Hoosier Hills Food Bank**

Contact- Julio Alonso

Amount- \$25,000

Project- Purchase Food for Distribution

#### **Broadview Learning Center**

Contact- Robert Moore

Amount- \$2,700

Project- Cover Test fees for low income individuals to receive High School Equivalency Diplomas

#### **Community Kitchen**

Contact- Vicki Pierce

Amount- \$25,000

Project- Support the agency's ongoing program: free meals service

#### **Boys and Girls Club**

Contact- Jeff Baldwin

Amount- \$25,000

Project- Steve & Connie Ferguson Crestmont Unity Director and Program Director Salary

#### **New Leaf New Life**

Contact- Jordan McIntire

Amount- \$25,000

Project- Provide direct assistance for formerly incarcerated individuals to aide in their transition back into the community, and advocate for economic, educational, and housing opportunities for the formerly incarcerated.

#### **Mother Hubbard's Cupboard**

Contact- Sarah Cahillane

Amount- \$25,000

Project- Support of Food Pantry Program

#### **Monroe County United Ministries**

Contact- Katie Broadfoot

Amount- \$25,000

Project- Support of Compass Early Learning Center's Pre-K program

**CDBG  
Social Services Citizen Advisory  
Committee**

**Supplemental Material**

Membership

Calendar

Application Scoring Criteria

Allocation Work Sheet

**Community Development Block Grant Citizen Advisory Committee  
Social Services Subcommittee  
Fiscal Year 2021**

<b>Name</b>	<b>Subcommittee</b>	<b>Term Expires</b>
Kira Richardson 631 W. Clover Terrace Bloomington, IN 47404 Kira.lynn.richardson@gmail.com	Social Services (Status of Children & Youth Commission)	Annual Appointment
Nicholas Kappas nicholas.kappas@gmail.com	Social Services (RDV Commission)	Newly Appointed
Ron Smith Council Office 4325 Weymouth Lane Bloomington IN 47408 (o:) <a href="tel:812.349.3409">812.349.3409</a>	Social Services (Council Appointment)	Annual Appointment
Becky Boustani 1220 E. 1 <sup>st</sup> St. Bloomington, IN 47401 317-626-3897 Rboustan@iu.edu	Social Services (Mayor)	August 31, 2021
Chris Hazel United Way 441 S. College Avenue Bloomington, IN 47403 W:812-334-8370 x12 chris@monroeunitedway.org	Social Services (Mayor)	August 31, 2021
Caitlin Watkins 405 E. Southern Dr. Bloomington, IN 47401 574-303-9642 caiwatki@indiana.edu	Social Services (Mayor)	August 31, 2021
Jonathan Barada 2420 E. Canada Dr. Bloomington, IN 47401 <a href="mailto:Jonbarada@hotmail.com">Jonbarada@hotmail.com</a> C: 765-561-2247 Work: 812-558-2461	Social Services (Mayor)	August 31, 2021



**Social Service  
Citizen Advisory Committee  
WORKING CALENDAR  
For  
CDBG Funding – Fiscal Year 2021**

<b>APPLICANT SCHEDULE</b>
---------------------------

<b>October 19 (Friday)</b>	<b><i>Mandatory Letter of Intent</i></b> due in HAND by 4:00 p.m.
----------------------------	---

<b><u>Applicant Mandatory Training</u></b> (Applicants <i>must</i> attend <b>one</b> of these two meetings):
--

<b>October 29 (Tuesday)</b> 10:00 A.M. (McCLOSKEY ROOM)
---

<b>November 30 (Friday)</b>	<b><i>Completed Applications Due in HAND by 4:00 p.m.</i></b>
-----------------------------	---

<b>January 12, 2021 (Thursday)</b>	<b>PUBLIC HEARING for Social Service Applications</b> (COUNCIL CHAMBERS @ 5:30 p.m.) <b>Mandatory Attendance</b>
------------------------------------	---

<b>SOCIAL SERVICE CAC SUBCOMMITTEE SCHEDULE</b>
---

<b>November 12 (Thursday)</b>	CAC Organizational & Con Plan Meeting (Zoom @ 5:30 p.m.)
<b>December 7 (Monday)</b>	Social Service Subcommittee Mandatory Meeting to review ranking system and pick up packets (Zoom @ 5:30 p.m.)
<b>January 5, 2021 (Tuesday)</b>	Pre Public Hearing Meeting (Zoom @ 5:30 p.m.)
<b>January 12, 2021 (Tuesday)</b>	<b>PUBLIC HEARING for Social Service Applications</b> (Zoom, 5:30 p.m.) <b>Mandatory Attendance</b>
<b>January 18, 2021 (Monday)</b>	<b>Scores due to Cody Toothman by 4:00 p.m.</b> (cody.toothman@bloomington.in.gov)
<b>January 21, 2021 (Thursday)</b>	Social Service Subcommittee meeting (Zoom)

<b>CDBG FUNDING SCHEDULE</b>
------------------------------

<b>February 2021 (Tentative)</b>	<b>PUBLIC HEARING</b> – CAC recommendations presented to Bloomington Redevelopment Commission (Zoom)
<b>February 2021 (Tentative)</b>	<b>PUBLIC HEARING</b> – City Council Discussion Meeting
<b>February/March 2021 (Tentative)</b>	<b>PUBLIC HEARING</b> – City Council Final Action Meeting
<b>June, 2021 (Tentative)</b>	<b>FUNDING AVAILABLE</b>

**Application Forms and Instructions available at:**  
<https://bloomington.in.gov/grants/community-development-block-grants/application-information>

## Social Service CDBG Application Scoring Criteria

Total number of points available is **100**.

- A. Question 3 – Program Need – **35** points total
  - Organization has documented need for program in the community.
  - Organization has described how the program fits within the need of the community.
- B. Question 4 – Evaluation Methodology/Outcome Measurement – **30** points total
  - Agency describes how it evaluates its program or has a measurement tool in place to evaluate program effectiveness.
  - Agency provides documentation of program effectiveness within the community using its evaluation or outcome measurement tool.
- C. Question 5 – Client Data – **20** points total
  - Agency serves large number/**percentage** of low income individuals (refer to Part I Question 1(b) and 2(b)).
  - A large percentage of their clients are city residents (check Part II, question 1 vs. Part II, question 1(a))
- D. Question 6 – Budget Information – **15** points total
  - All requested budget information was provided.
  - Budget information clearly shows how requested funds will be utilized for this program.
  - Budget shows that this program does not rely heavily on CDBG funds for the project (50% or more of funding comes from other sources).

**Program Year 2021**

CDBG Social Service Citizens Advisory Committee

Agency	2021 Request	Program Need	Evaluation/ Outcome Measurement	Clients Served	Budget Information	Total Points Out of 100	% Score	CAC Recommendation
Agency A	\$ 25,000.00	34.60	29.00	16.80	14.00	94.40	94.40%	25,000.00 Hoosier Hills Food Bank
Agency B	\$ 25,000.00	34.80	29.60	18.80	14.00	97.20	97.20%	25,000.00 Community Kitchen
Agency C	\$ 14,255.00	29.00	26.20	12.80	12.00	80.00	80.00%	2,700.00 Broadview
Agency D	\$ 25,000.00	33.40	25.60	16.40	12.80	88.20	88.20%	25,000.00 New Leaf New Life
Agency E	\$ 25,000.00	34.00	27.00	17.00	15.00	93.00	93.00%	25,000.00 Mother Hubbard's Cupboard
Agency F	\$ 25,000.00	33.00	28.00	16.80	14.60	92.40	92.40%	25,000.00 Boys and Girls Club
Agency G	\$ 25,000.00	33.60	27.40	13.80	14.40	89.20	89.20%	25,000.00 MCUM
<b>Total</b>	\$164,255.00							152,700.00
Estimated to be available	\$152,700.00							\$ -

Should extra funding come in agencies New Leaf New Life (D) and Monroe County United Ministries (G) will receive additional funding with the total not exceeding \$20,000. Additional funds past that will be spread out amongst agencies Hoosier Hills Food Bank (A), Mother Hubbard's Cupboard (E), Boys and Girls Club (F) evenly not to exceed \$25,000.



## MEMO FROM COUNCIL OFFICE ON:

### **Resolution 21-06 – To Approve “The City of Bloomington Tax Abatement Program General Standards” Which Amends and Supersedes All Former Versions of the City’s Tax Abatement Program Criteria and Procedures**

---

#### **Synopsis**

This resolution amends the general standards of the Tax Abatement program of the City of Bloomington. Based upon the recommendation of the City’s Economic Development Commission, this resolution amends the eligibility criteria required of Tax Abatement Applicants and allows for the creation of affordable housing units to be considered as a threshold criterion, independently of economic development considerations.

#### **Relevant Materials**

- Resolution 21-06
- Exhibit A – The City of Bloomington Tax Abatement Program General Standards
- Memo from Economic Development Commission

#### **Summary**

Resolution 21-06 would amend the City of Bloomington Tax Abatement Program General Standards to reflect changes to the standards recommended by the Economic Development Commission (“EDC”), which are shown in the attached memorandum provided by the EDC. Staff has also incorporated corrections to formatting and citation errors within the standards.

Indiana Code provides that the Council may adopt a resolution establishing general standards to be used, along with requirements set forth in state law, by the Council in finding an area to be an economic revitalization area (and thus potentially eligible for a tax abatement).<sup>1</sup> The standards adopted by the Council cannot conflict with the requirements in state law and must bear a “reasonable relationship to the development objectives” of the locality.

The EDC recommends amending the Review Criteria section of the standards to provide that basic eligibility for the program can be demonstrated by the creation of capital investment that enhances the tax base and: a significant increase in full-time, permanent living-wage jobs, a significant increase in existing wages, or the creation of affordable housing units. Currently, the standards state that basic eligibility is achieved through demonstrating the creation of capital investment that enhances the tax base and the

---

<sup>1</sup> [I.C. 6-1.1-12.1-2\(g\)](#)



**City of Bloomington Indiana**

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

creation of full-time, permanent living-wage jobs. The EDC also recommends amending the Additional Evaluative Criteria section of the standards to make reference to current planning documents.

Bloomington's tax abatement program's criteria and procedures were formalized in 1986 with [Resolution 86-8](#). Those criteria and standards were amended at various points with subsequent resolutions. The current standards of the tax abatement program were approved by the Council in 2011 via [Resolution 11-01](#), which superseded all previous versions of the guidelines and procedures. A history and description of the program up to 2011 can be found in the [January 5, 2011 Legislative Packet](#). No amendments to the standards have been made since 2011.

**Contact**

Jane Kupersmith, Assistant Director of Small Business Development,  
[jane.kupersmith@bloomington.in.gov](mailto:jane.kupersmith@bloomington.in.gov), 812-349-3418

Larry Allen, Assistant City Attorney, [allenl@bloomington.in.gov](mailto:allenl@bloomington.in.gov), 812-349-3426

Alex Crowley, Director, Economic & Sustainable Development,  
[crowleya@bloomington.in.gov](mailto:crowleya@bloomington.in.gov), 812-349-3418

**RESOLUTION 21-06**

**TO APPROVE “THE CITY OF BLOOMINGTON TAX ABATEMENT PROGRAM  
GENERAL STANDARDS” WHICH AMENDS AND SUPERSEDES ALL FORMER  
VERSIONS OF THE CITY’S TAX ABATEMENT PROGRAM CRITERIA AND  
PROCEDURES.**

WHEREAS, the Common Council of the City of Bloomington (“Common Council”) is the fiscal body of the city and is defined as the “Designating Body” under Indiana Code Chapter 6-1.1-12.1; and

WHEREAS, the Indiana Code Chapter 6-1.1-12.1 authorizes the Common Council, as the designating body, to establish areas within the corporate boundaries as Economic Revitalization Areas (“ERA”) as well as Economic Development Target Areas (“EDTA”) within which property taxes may be abated on real property as well as eligible new equipment (personal property); and

WHEREAS, Indiana Code Section 6-1.1-12.1-2 authorizes the Common Council to adopt a resolution establishing general standards to be used in finding an area to be an ERA; and

WHEREAS, in an ERA or EDTA, an applicant for tax abatement must receive Common Council approval of the Statement of Benefits resulting from a proposed project; and

WHEREAS, the Common Council approved the current City of Bloomington Tax Abatement Program General Standards in Resolution 11-01; and

WHEREAS, the Common Council of the City of Bloomington in Ordinance 97-06 gave to the Economic Development Commission, a statutory commission established by the Council pursuant to Indiana Code Section 36-7-12-5 and Bloomington Municipal Code Section 2.30, the responsibility for making recommendations to the Council regarding requests for tax abatement; and

WHEREAS, upon request by the Common Council, the Economic Development Commission has proposed amendments to the general standards of the tax abatement program and procedures and recommends that the Common Council enact those amendments, which are included in “Exhibit A,” entitled “City of Bloomington Tax Abatement Program General Standards” and attached hereto and incorporated herein;

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

SECTION 1. The Common Council approves the attached document entitled the "City of Bloomington Tax Abatement Program General Standards" in its entirety as an amendment to the guidelines and procedures for administration of the program. These general standards supersede any previous version of the guidelines and procedures, and shall remain in effect until amended or superseded by another version of the general standards.

SECTION 2. This resolution shall be effective from and after passage and execution by the Mayor and until rescinded or amended by the Council.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JIM SIMS, 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 \_\_\_\_\_, 2021.

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

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

#### SYNOPSIS

This resolution amends the general standards of the Tax Abatement program of the City of Bloomington. Based upon the recommendation of the City's Economic Development Commission, this resolution amends the eligibility criteria required of Tax Abatement Applicants and allows for the creation of affordable housing units to be considered as a threshold criterion, independently of economic development considerations.

## **City of Bloomington**

### **Tax Abatement Program: General Standards**

This document sets forth the General Standards under which the City of Bloomington may authorize deductions on the rehabilitation of real and personal property (also known as tax abatement), as allowed under Indiana law.

#### **Program Description:**

The City of Bloomington recognizes tax abatement as a useful economic development tool which can be implemented to improve the overall economic lives of citizens and to aid in achieving the Administration's vision of a strong and diverse economy, with an eye toward sustainability and balance. City of Bloomington tax abatements allow taxes on real estate improvements or eligible equipment installation to be phased in over a period of time, thus promoting new business and agencies and initiatives that improve the overall quality of life in our community. New construction, rehabilitation of existing buildings or installation of eligible equipment within designated ERAs receives tax abatement through a reduced assessed valuation on those improvements over a specified period of time.

Indiana law (Ind. Code § 6-1.1-12.1) allows up to ten year abatement on the increased assessed valuation due to construction or rehabilitation improvements in the areas of the city where development needs to be encouraged. I.C. § 6-1.1-12.1 also allows a one- to ten-year abatement on "new manufacturing equipment." The equipment must be used in "the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining or finishing or other tangible personal property; and never before used by its owner for any purpose in Indiana." Further, "enterprise information technology equipment" purchased after June 30, 2009 may also be eligible for abatement if the project is approved prior to January 1, 2013. See I.C. § 6-1.1-10-44 for the statutory definitions of "enterprise information technology equipment" and eligibility requirements.

The rate at which the new assessed valuation will be phased in for approved abatements is set forth by Indiana law (I.C. § 6-1.1-12.1-3 for real property; I.C. § 6-1.1-12.1-4.5 for eligible equipment or personal property). The City of Bloomington Economic Development Commission shall recommend a term of abatement for each project, which shall be authorized by the City Council in the process outlined below and allowed for by Indiana law. With respect to new construction and personal property, the City Council may choose to limit the dollar amount of the deduction that will be allowed.

#### **Project Eligibility:**

In order for a project to be eligible for tax abatement, the area in which it is located must be designated as an Economic Revitalization Area (ERA) by the City of Bloomington. Decisions to designate areas as ERAs are determined on a project-by-project basis for any project located within the corporate limits of the City of Bloomington.



An Economic Revitalization Area (ERA) must have “become undesirable for or impossible of, normal development and occupancy,” because of such factors as “a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property,” and includes “any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.” (I.C. § 6-1.1-12.1-1)

**Review Criteria:**

Each project is reviewed on its own merits, and the effect of each project on the revitalization of the surrounding areas and employment is considered. Basic eligibility is achieved through demonstrating the following:

- Creation of capital investment as an enhancement to the tax base
  1. Significantly increases full-time, permanent living-wage jobs<sup>1</sup>;
  2. Significantly increases existing wages; or
  3. Creates affordable housing units.

In addition, other qualifying and evaluative criteria will be considered. The following page provides a general list of such criteria and their definitions. It is intended to be neither exhaustive nor definitive, and applicants are encouraged to submit proposals of projects that may not be found on this list but make a significant positive contribution to overall economic vitality and quality of life in the City of Bloomington.

Projects must be in accordance with the current City of Bloomington Unified Development Ordinance (UDO) and should be located within current areas of economic development focus.

---

<sup>1</sup> In accordance with Chapter 2.28 (Bloomington Living Wage Ordinance) of the City of Bloomington Municipal Code.

**Additional Evaluative Criteria:**

In addition to the creation of full-time, living wage employment, capital investment enhancements to the tax base, and the creation of affordable housing units, other evaluative criteria will be considered in the review of tax abatement applications, outlined below. This list is neither exhaustive nor definitive, and applicants are encouraged to submit proposals of projects that may not be found on this list but make a significant positive contribution to overall economic vitality and quality of life in the City of Bloomington.

<b>Criteria</b>	<b>Definition</b>
<b>Quality of Life and Environmental/Sustainability</b>	A project that is consistent with or advances principles found in the Sustainability Action Plan (2018), Climate Vulnerability and Risk Assessment (2020), or the Climate Action Plan (draft, 2020), and any other future sustainability planning documents; and/or a project which results in responsible sustainable development; and/or a project that results in environmental remediation or protection which makes a positive contribution to the overall quality of life within the City of Bloomington.
<b>Affordable Housing</b>	A project which is consistent with or advances principles found in the Community Housing Needs Assessment (2016), the City of Bloomington Comprehensive Plan (2018), Bloomington Housing Study (2020) and any other future planning documents related to affordable housing. Residential developments with a recorded restriction that requires the housing for a certain number of years to be rented or owned by qualified very low and low income households are considered affordable housing. Projects of this nature may be directed toward specified individuals, for example, first-time homebuyers and persons with disabilities.
<b>Community Service</b>	Volunteerism and civic engagement, such as serving on and working with boards, commissions and foundations, in the Bloomington community.
<b>Community Character</b>	A project that preserves and/or enhances the unique character of the city of Bloomington.

*A list of examples for all criteria is provided in Appendix 1.*

**Ineligible Projects:**

Facilities as listed in Indiana Code § 6-1.1-12.1-3 are ineligible. Some facilities which are generally prohibited under this law (such as retail or residential) may be eligible to apply under these General Standards for abatement if the area of the project is designated by the City Council as an Economic Development Target Area (EDTA), as allowed by I.C. § 6-1.1-12.1-7.

Other factors which may render a project ineligible for designation by the City of Bloomington include the following:

- A building permit has been obtained or construction has been initiated prior to final approval.
- The petitioner holds outstanding obligation or debt to the City which is in default or arrears, or is currently in litigation with the City.
- The project involves the demolition or removal of structures that are listed on the local Historic Register, that are eligible for individual listing on the National Historic Register or that are contributing structures within a nationally or locally designated historic district.
- The project requires major public infrastructure improvements at additional cost to the City of Bloomington.
- The project is not consistent with the City's long-range plans for the area in question.

The City Council may void the tax abatement designation awarded to a project if the project has not been initiated within twelve (12) months of the date of the confirmatory resolution (final approval) of the tax abatement, or if the actual use is different than that approved.

**Application Procedure and Review:**

I.C. 6-1.1-12.1 requires an applicant to file a Statement of Benefits. The Economic Development Commission shall develop and implement, with the City of Bloomington Economic & Sustainable Development Department, application and Commission review procedures to ensure consistency with Indiana statutory requirements as set forth in I.C. § 6-1.1-12.1-1 and to fulfill the purpose of these General Standards.

Each application shall be reviewed by the Economic Development Commission and any other City commission as may be required by law. The Economic Development Commission shall make the final recommendation regarding designation to the City Council, based upon criteria in these General Standards and according to Indiana Code.

A non-refundable \$100.00 application fee shall be required for each application.

The Economic Development Commission's recommendation shall be submitted to the City Council, along with all application and supplementary documents as necessary for the designating body's review.

The City Council's determination of whether the area shall be designated as an Economic Revitalization Area shall be based on procedures and the following findings as set forth in Indiana Code (I.C. 6-1.1-12.1):

- Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for the projects of that nature.
- Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- Whether the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- Whether the totality of the benefits is sufficient to justify the deduction.

If the City Council makes the above findings in the affirmative, it shall pass a declaratory resolution to designate an area an Economic Revitalization Area, approve a Statement of Benefits and authorize the term of abatement.

If the Council recommends designation of an ERA and approval thereof, the City Clerk shall:

- A. Certify a copy of the resolution and the application to the Monroe County Assessor and Auditor's Office;
- B. Publish a legal notice to inform interested parties that the tax abatement application is available for inspection at the Assessor's Office;
- C. Set a meeting date, at which time the Common Council shall hear all remonstrance and objections to the area being designated an "Economic Revitalization Area".

The Common Council shall subsequently hold a regular meeting and vote on a resolution confirming, modifying, or rescinding the earlier resolution recommending designation and approval.

**Memorandum of Agreement:**

Upon approval by the Common Council of a confirmatory resolution:

- A. The applicant will sign a Memorandum of Agreement with the City of Bloomington, thereby agreeing to all terms set forth by the Common Council approval and as required by the City of Bloomington.
- B. The City Clerk shall certify a copy of the confirming resolution and the application to the Applicant, the Monroe County Assessor and Auditor's Office.

### **Compliance Procedures and Annual Review:**

The Department of Economic & Sustainable Development will compile a yearly compliance report related to all active tax abatement projects to present to the Economic Development Commission. The Commission will forward the report to the City Council. The report will be based upon Compliance with Statement of Benefits Forms (CF-1s) as submitted by property owners receiving tax abatement. The annual compliance process for the property owner is set forth in I.C. § 6-1.1-12.1-5.1 and additional terms may be set forth in the Memorandum of Agreement.

If the CF-1 is not filed, the benefits promised are not materialized, or other terms of the Memorandum of Agreement are not fulfilled, the Council may find the property owner not in Substantial Compliance as described below, and may act to rescind the remaining term of abatement, or enforce similar penalties as set forth in the Memorandum of Agreement.

### **Substantial Compliance Requirements:**

In addition to terms set forth in I.C. § 6-1.1-12.1-5.9, the Memorandum of Agreement may set forth additional terms related to what may constitute substantial compliance or noncompliance.

Noncompliance occurs when the designating bodies (Economic Development Commission and City Council) determine that the property owner has not made reasonable efforts to comply with the Statement of Benefits. Noncompliance may not result from factors beyond the control of the property owner, such as declining demand for the owner's products or services. If factors beyond the property owner's control do not cause noncompliance, the termination of deduction procedure will be implemented as prescribed by I.C. § 6-1.1-42-30.

Factors within the control of the property owner that may contribute to noncompliance may include, but are not limited to, the following:

- Failure to comply with any terms set forth in the Memorandum of Agreement;
- An incomplete, inaccurate, or missing CF-1;
- Petitioner vacates the city of Bloomington during the term of abatement;
- Fraud on the part of petitioner;
- Initiation of litigation with the City of Bloomington.

The City Council may void the tax abatement designation awarded to a project if the project has not been initiated within twelve (12) months of the date of the confirmatory resolution (final approval) of the tax abatement, or if the actual use is different than that approved.

## **Appendix 1:**

### **Project Eligibility Criteria Examples**

The following is a list of general examples. It is not intended to be exhaustive nor definitive. The Department of Economic and Sustainable Development will assist potential applicants with understanding project eligibility on a case-by-case basis.

#### **-- Job creation**

- Full-time, living-wage jobs are created for Bloomington residents – from new business or expansion of existing employee base
- Compensation may include wages and benefits such as childcare.

#### **-- Creation of capital investment as enhancement to the tax base**

- Projects that provide a major private infrastructure improvement paid by the developer
- Includes real property investment – new and existing buildings
- Includes eligible manufacturing and other eligible equipment

#### **-- Quality of Life and Environmental/Sustainability**

- Urban infill redevelopment and/or brownfield remediation<sup>2</sup>
- Green building according to “Leadership in Energy and Environmental Design” (LEED)<sup>3</sup> or other commonly accepted green building standards
- A business engaged in research and development of alternative energy production or other methods to build community resilience in a volatile energy market
- A social enterprise or business helping formerly incarcerated persons re-enter the workforce
- A business specializing in fine arts/crafts (bolstering the arts sector and assisting with diversifying the local economy).

#### **-- Affordable Housing**

- A housing development sets aside 50% of the units to be affordable (at, e.g., HUD Fair Market rent) for low income to moderate income individuals
- Housing units for workforce housing
- Housing stipulated for sale to first-time homebuyers
- Affordable housing with handicap-accessible units, and/or the units are designed for occupancy by senior citizens.

#### **-- Community Service**

- Volunteering labor, materials, money, or a combination of the three to charitable organizations and non-profit agencies that make a significant impact in Bloomington.
- Serving on boards, commissions, and/or foundations whose mission involves community service and the betterment of Bloomington.

#### **-- Community Character**

- Art space and art studio expansion and development
- Petitioner is a local home-grown business, headquartered in and/or unique to Bloomington
- Rehabilitation, preservation, and renovation of historic properties according to Secretary of the Interior Standards in consultation with the City Historic Preservation Officer.

---

<sup>2</sup> 1 By definition, a brownfield site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. 42 U.S.C. §9601(39) (Public Law 107-118 (H.R. 2869) – “Small Business Liability Relief and Brownfields Revitalization act” – signed into law Jan. 11, 2002).

<sup>3</sup> [www.usgbc.org](http://www.usgbc.org)

## **Appendix 2:**

### **Excerpt from IC 6-1.1-12.1-5.9: Determination of substantial compliance with statement of benefits; notice of noncompliance; hearing; resolution; appeal**

- (a) This section does not apply to a deduction under section 3 of this chapter for property located in a residentially distressed area; or
- (b) Not later than forty-five (45) days after receipt of the information described in section 5.1, 5.3(j), or 5.6 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits approved under section 3, 4.5, or 4.8 of this chapter. If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner (such as declines in demand for the property owner's products or services), the designating body shall mail a written notice to the property owner. The written notice must include the following provisions:
  - (1) An explanation of the reasons for the designating body's determination.
  - (2) The date, time, and place of a hearing to be conducted by the designating body for the purpose of further considering the property owner's compliance with the statement of benefits. The date of the hearing may not be more than thirty (30) days after the date on which the notice is mailed.
- (c) On the date specified in the notice described in subsection (b)(2), the designating body shall conduct a hearing for the purpose of further considering the property owner's compliance with the statement of benefits. Based on the information presented at the hearing by the property owner and other interested parties, the designating body shall again determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner. If the designating body determines that the property owner has not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution terminating the property owner's deduction under section 3, 4.5, or 4.8 of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.
- (d) If the designating body adopts a resolution terminating a deduction under subsection (c), the designating body shall immediately mail a certified copy of the resolution to:
  - (1) the property owner;
  - (2) the county auditor; and (3) the county assessor.

The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the designating body's resolution is adopted after the county treasurer has mailed the statement required by IC 6-1.1-22-8.1, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.
- (e) A property owner whose deduction is terminated by the designating body under this section may appeal the designating body's decision by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.
- (f) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

*As added by P.L.14-1991, SEC.6. Amended by P.L.90-2002, SEC.124; P.L.256-2003, SEC.7; P.L.1932005, SEC.5; P.L.154-2006, SEC.30; P.L.3-2008, SEC.37; P.L.146-2008, SEC.128; P.L.288-2013, SEC.17, eff. July 1, 2013.*





**CITY OF BLOOMINGTON**  
economic & sustainable development

## MEMORANDUM

**To:** Jim Sims, President, Common Council  
**Cc:** Common Council members  
Stephen Lucas, Counsel, Common Council  
**From:** C. Kurt Zorn, President, Economic Development Commission  
Jane Kupersmith, Assistant Director Small Business Development, Economic & Sustainable Development  
**Date:** February 25, 2021  
**Re:** Recommendations for amending City Tax Abatement Guidelines

---

At the behest of councilmembers during the 2018 tax abatement review process, ESD staff reviewed and recommended updates to the Tax Abatement Guidelines (attached) to unambiguously permit applications that offer capital investment and significant affordable housing, but do not expressly promise permanent, full-time employment.

In 2019 the Economic Development Commission reviewed and approved the changes, along with a letter to Council. However given staff turnover and the intervening global pandemic, these recommendations were never presented to Council for formal approval. As of December 2020, ESD staff and the Economic Development Commission have updated both the guidelines and the formal recommendation to Council to include the new review criteria as well as current planning documents.

The EDC's intent is to provide additional flexibility in the eligibility criteria without diminishing any existing criteria. Contained below are those recommendations, in the form of specific, minimal proposed amendments (in red) to the existing guidelines (in black):

### **Review Criteria:**

Each project is reviewed on its own merits, and the effect of each project on the revitalization of the surrounding areas and employment is considered. Basic eligibility is achieved through demonstrating the following:

- ~~Creation of full-time, permanent living-wage jobs;~~
- Creation of capital investment as an enhancement to the tax base



1. Significantly increases full-time, permanent living-wage jobs<sup>1</sup>;
2. Significantly increases existing wages; or
3. Creates affordable housing units.

Criteria	Definition
<b>Quality of Life and Environmental/Sustainability</b>	A project which that is consistent with or advances principles found in the <del>Redefining Prosperity report (2009)</del> Sustainability Action Plan (2018), Climate Vulnerability and Risk Assessment (2020), the Climate Action Plan (draft, 2020), and any other future sustainability planning documents; and/or a project which results in responsible sustainable development; and/or a project that results in environmental remediation or protection which makes a positive contribution to the overall quality of life within the City of Bloomington.
<b>Affordable Housing</b>	A project that is consistent with or advances principles found in the Community Housing Needs Assessment (2016), the City of Bloomington Comprehensive Plan (2018), Bloomington Housing Study (2020), and any other future planning documents related to affordable housing. Residential developments with a recorded restriction that requires the housing for a certain number of years to be rented or owned by qualified very low and low income households are considered affordable housing. Projects of this nature may be directed toward specified individuals, for example, first-time homebuyers and persons with disabilities.
<b>Community Service</b>	Volunteerism and civic engagement, such as serving on and working with boards, commissions and foundations, in the Bloomington community.
<b>Community Character</b>	A project that preserves and/or enhances the unique character of the city of Bloomington.

<sup>1</sup> In accordance with Chapter 2.28 (Bloomington Living Wage Ordinance) of the City of Bloomington Municipal Code.

EDC believes that capital investment as an enhancement to the tax base is a non-negotiable threshold criterion for tax abatement eligibility, both ideologically and practically. However, in light of the current demand and projected growth in demand for affordable housing in Bloomington, and the unique nature of affordable housing projects, the Commission suggests that the creation of affordable housing constitutes a sufficiently important public benefit to achieve threshold eligibility for consideration. In addition to job creation, EDC finds that significant wage growth may also be a good indicator of economic development.

In our view, these proposed amendments clarify and expand the threshold eligibility criteria in the City Tax Abatement Guidelines to recognize the increasing and important need for housing affordability, more flexibly allow wage-enhancing projects to be considered by City staff, EDC, and Common Council, and eliminate an important dissonance between the eligibility criteria and the more comprehensive review that takes place at EDC and Common Council hearings.

Thank you for the opportunity to review the guidelines, and we hope these recommendations are helpful.



## MEMO FROM COUNCIL OFFICE ON:

**Ordinance 21-06** - To Amend Title 2 (“Administration and Personnel”) of the Bloomington Municipal Code Re: Adding Chapter 2.87 (Protections for People Experiencing Homelessness)

---

### Synopsis

This ordinance is sponsored by Councilmember Flaherty, Councilmember Rosenbarger, and Councilmember Piedmont-Smith, and amends the Bloomington Municipal Code to add a new Chapter 2.87 entitled “Protections for People Experiencing Homelessness.” The new chapter includes procedures to be followed by the city before displacing individuals experiencing homelessness from certain public spaces. The procedures applicable to the city would include a notice requirement, collaboration with relevant service providers, a prohibition on displacing individuals if there is insufficient available housing, storage of personal property, and the ability to designate certain limited areas where these procedures would apply.

### Relevant Materials

- Ordinance 21-06
- Memo from sponsors
  - Letters of support (*added to materials on Feb. 26*)
- Relevant definitional sections from the Code of Federal Regulations
- Fiscal Impact Statement forthcoming

### Summary

Ordinance 21-06 proposes to add a new chapter to the Bloomington Municipal Code under Title 2 (“Administration and Personnel”). The new chapter 2.87 (“Protections for People Experiencing Homelessness”) would put several procedures in place that the city would need to follow before displacing individuals experiencing homelessness from certain public areas. The ordinance is largely modeled off of a similar Indianapolis ordinance that was adopted in 2016 (available in the Indianapolis-Marion County code online here:

[https://library.municode.com/in/indianapolis -  
marion county/codes/code of ordinances?nodeId=TITIORAD CH231DEMEDE ARTVPRH  
0](https://library.municode.com/in/indianapolis_-_marion_county/codes/code_of_ordinances?nodeId=TITIORAD_CH231DEMEDE_ARTVPRH0)).



The new Section 2.87.010 expresses the purpose and intent of the chapter, which is to lessen the adverse effects and conditions caused by a lack of housing.

The new Section 2.87.020 provides definitions for certain terms used throughout the chapter, many of which are defined by reference to the Code of Federal Regulations (CFR). The relevant CFR definitions are included in the materials herein.

The new Section 2.87.030 includes several subsections containing procedural requirements applicable to an action by the city to displace a person experiencing homelessness (as defined) from a camp (as defined). The procedures would include:

- Written notice to be provided by the city to the individual experiencing homelessness, to the Bloomington Common Council, and to the Region 10 Continuum of Care Board (the regional planning council for Morgan, Owen, Greene, Monroe, Lawrence, Martin counties, tasked with the development and implementation of strategies for homelessness alleviation – more information available on the Indiana Housing & Community Development Authority website: <https://www.in.gov/ihcda/4147.htm>);
- Exceptions to the notice requirements in cases of emergency (as defined) or if the notice period lapses;
- Collaboration between the city and the Region 10 Continuum of Care Board to ensure the individuals to be displaced are offered available transitional housing (as defined) or permanent housing (as defined);
- A prohibition on displacing a person experiencing homelessness from a camp if there is insufficient available housing as described in the ordinance;
- Storage by the city of certain nonperishable personal items;
- The ability of the city to designate certain limited areas on public property where camps are allowed and where the procedures contained in the new chapter would apply.

As previously stated, this ordinance is largely based on a similar Indianapolis ordinance adopted in 2016. Both the sponsors of this ordinance and members of the administration have contacted Indianapolis officials in an effort to gather feedback about the effectiveness of Indianapolis's ordinance, to learn of potential challenges to its implementation, and to build on what the Indianapolis ordinance does well. Members of the administration may wish to voice concerns, both legal and practical, about the impact of this ordinance on city operations.

## Contact

Councilmember Matt Flaherty, [matt.flaherty@bloomington.in.gov](mailto:matt.flaherty@bloomington.in.gov), (812) 349-3409

Councilmember Kate Rosenbarger, [kate.rosenbarger@bloomington.in.gov](mailto:kate.rosenbarger@bloomington.in.gov), (812) 349-3409

Councilmember Isabel Piedmont-Smith, [piedmoni@bloomington.in.gov](mailto:piedmoni@bloomington.in.gov), (812) 349-3409

## ORDINANCE 21-06

### TO AMEND TITLE 2 (“ADMINISTRATION AND PERSONNEL”) OF THE BLOOMINGTON MUNICIPAL CODE

#### Re: Adding Chapter 2.87 (Protections for People Experiencing Homelessness)

- WHEREAS, on January 22, 2020, outreach workers counted 334 persons in Monroe County who were homeless, as reported in the Region 10 Point-in-Time Homeless Count for 2020; and
- WHEREAS, in January 2021, local street outreach workers from Beacon, Inc. conducted surveys by name with unsheltered individuals, identifying 39 individuals sleeping in or near Seminary Park and estimating that another 20 to 25 individuals were sleeping in camps elsewhere in Bloomington; and
- WHEREAS, according to members of the South Central Housing Network, the above referenced number of unsheltered persons is substantially greater than during past winters, possibly due to the COVID-19 pandemic and related economic hardship; and
- WHEREAS, research<sup>1</sup> from national experts suggests that the number of persons who experience homelessness at some point during the year is around three times greater than the number counted during an annual point-in-time count, such as the January 22, 2020 count; and
- WHEREAS, the estimated number of persons in Monroe County who experience homelessness during the course of a year may be around 1,000 persons; and
- WHEREAS, according to members of the South Central Housing Network, Bloomington and Monroe County experience, at times, a shortage of shelters that can accommodate all people in the community experiencing homelessness; and
- WHEREAS, according to members of the South Central Housing Network, Bloomington and Monroe County experience, at times, a shortage of transitional housing and permanent housing for those experiencing homelessness; and
- WHEREAS, persons experiencing homelessness may, at times, be ineligible for or prohibited from certain shelters, or otherwise feel uncomfortable going to certain emergency shelters; and
- WHEREAS, the United Nations Universal Declaration of Human Rights (1948), Article 25(1), states, “*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services;*” and
- WHEREAS, all persons experiencing homelessness should be entitled to protection from arbitrary and capricious treatment by local government;

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

SECTION 1. A new Chapter, Chapter 2.87, shall be added to the Bloomington Municipal Code. The new Chapter shall be entitled “Protections for People Experiencing Homelessness” and shall be inserted into the Table of Contents for the Title 2 and shall read as follows:

---

<sup>1</sup> Shinn, M., & Khadduri, J. (2020). *In the midst of plenty: Homelessness and what to do about it*.  
Chichester: Wiley Blackwell.

**Sections:**

<b>2.87.010</b>	<b>Purpose and intent</b>
<b>2.87.020</b>	<b>Definitions</b>
<b>2.87.030</b>	<b>Protections in the event of displacement</b>

**Sec. 010. Purpose and intent**

No person should suffer unnecessarily or be subject to unfair discrimination or arbitrary treatment based on their housing status. It is the intent of this Chapter to lessen the adverse effects and conditions caused by a lack of housing.

**Sec. 020. Definitions**

For purposes of this Chapter:

“Camp” means a place in an outdoor public park (excluding equipment, courts, sidewalks, paths, and performance venues during performance season) or other public space as designated in section 030(g) below, with temporary accommodations of tents or other structures in which homeless persons have been sleeping overnight.

“Emergency” means a situation when one or both of the following conditions exist:

- (1) A camp being used by homeless persons has accumulated food waste, human waste, or other litter to a degree that the Monroe County Public Health Department or other public health authority determines that the camp presents a public health hazard to the residents of the camp or the public that cannot adequately be redressed by less disruptive clean-up measures;
- (2) A failure to act could immediately lead to serious harm to public health or safety.

“Homeless” or “person experiencing homelessness” has the definition set forth at 24 CFR Sections 91.5 582.5, and 583.5.

“Permanent housing” has the definition set forth at 24 CFR Section 578.3.

“Transitional housing” has the definition set forth at 24 CFR Sections 91.5.

**Sec. 030. Protections in the event of displacement**

- (a) For purposes of subsections (a) through (g) of this section, the term “city” refers to all city departments, including but not limited to Parks and Recreation, Public Works, and the Bloomington Police Department. Before the city may displace a person experiencing homelessness from a camp, the city must give at least fifteen (15) days’ written notice to the person experiencing homelessness living in the camp, to the Region 10 Continuum of Care Board (known as the South Central Housing Network), and to the Bloomington Common Council. However, if the Mayor, the Mayor’s designee, or the Chief of Police makes a written determination that an emergency exists, the city may give as much notice as is reasonable under the circumstances. Such written determination shall be made available to the public online and communicated with the Bloomington Common Council and the Region 10 Continuum of Care Board. Posting of a conspicuous written notice near the camp will satisfy this notice requirement, but all reasonable efforts should be made to provide individualized verbal notice to the person(s) experiencing homelessness as well. The notice provided under this subsection shall include the date the city expects to displace the person(s) experiencing homelessness.
- (b) Upon issuing the notice described in subsection (a), the city will collaborate with the Region 10 Continuum of Care Board in order to work with relevant service providers, faith-based organizations, and/or volunteers to ensure that the persons to be displaced are offered available transitional housing or permanent housing, and any necessary wrap-around services for which they are eligible. Any transitional or permanent housing offered must be a Continuum of Care program approved by the Indiana Housing and Community Development Authority.

- (c) If there is sufficient available housing as described in subsection (b) for all persons to be displaced, the city may proceed with closing the camp after providing the notice required in subsection (a). The city may proceed in this manner even if any persons experiencing homelessness refuse the assistance offered.
- (d) If there is insufficient available housing as described in subsection (b) to meet the needs of all displaced persons experiencing homelessness in a camp scheduled to be closed by the city, the city must wait until there is sufficient available housing before it can close the camp. However, if the city makes a written determination under subsection (a) that an emergency exists, the city does not need to wait until there is sufficient available housing before it can close the camp.
- (e) If a fifteen-day notice period, pursuant to subsection (a), elapses and the city does not displace the persons experiencing homelessness from the camp, then the city must give a minimum of 48 hours' notice to the persons to be displaced, the Region 10 Continuum of Care Board and the Bloomington Common Council in the manner described in subsection (a) before proceeding with any displacement in subsequent days.
- (f) If a person experiencing homelessness is to be displaced from a camp, the city, through the department of public works or other city department, must, to the extent reasonable, maintain and catalogue their nonperishable personal items, including but not limited to, clothing, blankets, tents, medical supplies, identification documents, birth certificates, and other personal documents and effects, in a safe and secure place for a minimum of 60 days. After 60 days, if the city has made reasonable efforts to notify the displaced person, including by working in collaboration with the Region 10 Continuum of Care Board, the city may securely dispose of any unclaimed personal items. For purposes of this subsection, the obligations to maintain and catalogue personal items shall be limited to those items that may fit entirely within one 96-gallon container per displaced person.
- (g) The city may designate certain limited areas on public property where camps are allowed, and the requirements of BMC 2.87 shall apply only in those areas, provided that the designated areas are within one (1) mile of an organization that provides prepared meals at least five (5) days per week for people experiencing homelessness, allow adequate space for persons experiencing unsheltered homelessness, and include access to restrooms.

SECTION 2. 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 3. This ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JIM SIMS, 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 \_\_\_\_\_, 2021.

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

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

#### SYNOPSIS

This ordinance is sponsored by Councilmember Flaherty, Councilmember Rosenbarger, and Councilmember Piedmont-Smith, and amends the Bloomington Municipal Code to add a new Chapter 2.87 entitled “Protections for People Experiencing Homelessness.” The new chapter includes procedures to be followed by the city before displacing individuals experiencing homelessness from certain public spaces. The procedures applicable to the city would include a notice requirement, collaboration with relevant service providers, a prohibition on displacing individuals if there is insufficient available housing, storage of personal property, and the ability to designate certain limited areas where these procedures would apply.

*Note: This ordinance was revised after distribution in the Legislative Packet but before introduction at the Regular Session on February 17, 2021. The revision corrected a reference in the definition of “camp” to Sec. 030(g).*



## MEMORANDUM

To: Members of the Bloomington Common Council  
From: Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger  
Subject: Ordinance 21-06  
Date: February 12, 2021

In recent months, there has been renewed attention in our community on people experiencing homelessness who are camping in public spaces. Ideally, every person in our community would have safe and accessible housing. Nobody thinks it is ideal for people to sleep in tents, especially during the winter. However, the reality is that some people temporarily lack housing and may be unable to go to emergency shelters. Ordinance 21-06 focuses on finding a short-term solution for these people by ensuring a legal place for them to sleep if they have no other options.

This ordinance proposes adding a new chapter, entitled “Protections for People Experiencing Homelessness,” to Title 2 of Bloomington Municipal Code. The ordinance addresses several areas of concern related to unhoused community members, as described below.

### BACKGROUND

This ordinance is modeled after a 2016 ordinance passed with bipartisan support by the Indianapolis City-Council Council.<sup>1</sup> Over the past several months, we have developed the ordinance while in direct consultation with people experiencing homelessness, the Bloomington Homeless Coalition, area homelessness service providers, and city staff. The Region 10 Continuum of Care Board,<sup>2</sup> also known as the South Central Housing Network, considered a draft of the ordinance at a board meeting, voting to support the ordinance. A letter of support is expected soon, pending review of the final draft of the ordinance. We believe that people with lived experience of homelessness and the professionals working in homelessness services are best suited to inform the issues covered by Ordinance 21-06.

### CONTENT OF ORDINANCE

First, the ordinance sets procedures the city must follow if it displaces people experiencing homelessness from a public park, as it did in the Seminary Park area in December 2020 and January 2021. More specifically, the ordinance specifies the following:

- a uniform approach to how the city provides notice prior to displacing any unhoused person from public parks, including communication with the Bloomington Common Council and the Region 10 Continuum of Care Board;
- the protection and storage of personal property of any displaced person with limits as described in section 2.87.030(f); and
- the need for transitional housing or permanent housing to be available and offered to unhoused persons prior to displacement.

---

<sup>1</sup> Title I, Chapter 231, Article V of Indianapolis City-County Code. [https://library.municode.com/in/indianapolis\\_-\\_marion\\_county/codes/code\\_of\\_ordinances?nodeId=TITIORAD\\_CH231DEMEDE\\_ARTVPRHO](https://library.municode.com/in/indianapolis_-_marion_county/codes/code_of_ordinances?nodeId=TITIORAD_CH231DEMEDE_ARTVPRHO)

<sup>2</sup> This is the board sanctioned by the Indiana Housing and Community Development Authority for our region, representing area sheltering agencies that comply with IHDA standards. <https://www.in.gov/ihcda/4147.htm>

Second, the ordinance addresses a simple, if challenging, question that the sponsors believe it is essential to answer. Specifically, when a person experiencing homelessness is unable to go to a shelter (e.g., if they have been prohibited or if a shelter is full), where are they legally allowed to spend the night? The longstanding de facto answer seems to be nowhere at all, even if in practice the government may at times look the other way while people sleep in parks or in the woods.

We believe that as a matter of human rights and dignity, unhoused residents need a designated area of public space where they are allowed to sleep if unable or unwilling to go to an emergency shelter. This is something other cities provide, and there are at least two possible approaches:

- One approach, which Indianapolis has taken, is to allow unhoused persons to legally sleep anywhere in public space, with some exceptions. Ordinance 21-06 takes a similar overarching approach, but further limits this space to public parks, with some exceptions.
- Another possible approach is to designate specific locations of public property where people experiencing homelessness are allowed to sleep. Section 2.87.030(g) would allow the city to designate such an area or areas, thus limiting where Chapter 2.87 would apply. Any designated space must have access to restrooms and be within one mile of an organization providing prepared meals for people experiencing homelessness.

#### LONGER-TERM SOLUTIONS

We also recognize the importance of working towards better long-term solutions to homelessness. We welcome the renewed focus in the community on implementing evidence-based solutions, such as housing first policies. Specifically, a Housing Insecurity group, headed by Tina Peterson from the Community Foundation of Bloomington & Monroe County and Efrat Feferman from the United Way of Monroe County, is leading community efforts to make homelessness rare, brief, and non-repeating. However, this group has not been tasked with the questions raised above, and the group leaders do not think the group is well suited to address them.

People experiencing homelessness are among the most vulnerable of our Bloomington neighbors. We need a whole-community approach to addressing all aspects of homelessness, including the tragic situation where someone has no bed in which to sleep for the night.

February 23, 2021

Bloomington Common Council,

The Bloomington Homeless Coalition is in full support of Ordinance 21-06. This is a very encouraging Ordinance, and its passing would be beneficial to all residents of Bloomington. In addition to giving our unhoused residents of Bloomington dignity and space, this proposal would ease the trials and tribulations of said populace, give them the ability and chance to make moves to improve their lives instead of constantly worrying about what the City of Bloomington will do, and allow them to breathe air as a free people. In addition to this, it would free up City resources previously used to fight against this populace and allow us the time to come together and cooperate on a lasting solution to Bloomington's unhoused issues.

Our members have fought painstakingly to prevent further death and destruction in regards to Bloomington's unhoused populace. This ordinance would aid us, along with other organizations, in several ways. It would provide a space where we would be able to find the most at-risk of our populace, whereas now we do not know where people are hiding to sleep. It would provide a clear path to be followed in the event of an eviction, whereas now the steps to do so are unclear. It would provide an alternative to those unhoused residents in such events as said evictions in the form of temporary or permanent housing to those evicted. And it would prevent the destruction of private belongings that always happen, intentional or otherwise, in the event of an eviction.

The board members of the Bloomington Homeless Coalition encourage the passing of this Ordinance. We would also like to thank the authors; Matt Flaherty, Kate Rosenbarger, and Isabel Piedmont-Smith, and anyone who votes to pass this much needed ordinance.

Bloomington Homeless Coalition  
Harry Collins  
Marc Teller  
Shelby Querry  
Tammie Clark-Meek  
Heather Rose  
Molly Stewart

February 23, 2021

To the City of Bloomington Common Council:

By a majority vote of member agencies, the South Central Housing Network supports the proposed ordinance 21-06, "Protections for People Experiencing Homelessness." As the regional planning council for Region 10 of the Indiana Balance of State Continuum of Care, the purpose of the South Central Housing Network is to provide, coordinate, and advocate for the best possible housing resources and supportive services for those in need in South Central Indiana.

As providers of shelter and supportive services for people experiencing homelessness in Monroe and surrounding counties, we know that housing resources for very low income and extremely low income households are far too few. For that reason, many of our impoverished neighbors find themselves without homes. When that happens, it is essential for the character of our community that we treat those households with dignity and respect.

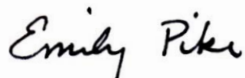
Currently, people frequently sleep outdoors on both public and private property, which can create liability and expense for property owners, inconvenience community members, and foster uncertainty and anxiety for people experiencing homelessness. This ordinance allows our community to decriminalize sleeping outdoors for people to whom a home is not available, which protects the people experiencing homelessness, local landowners, and our community in general by outlining the ways in which sleeping outdoors can be done lawfully.

By designating a place for people to sleep outdoors lawfully when they do not have a legal residence, the city can mitigate the effects on local private property owners and preserve other spaces for their intended use while also helping promote the safety of people experiencing homelessness.

Additionally, provisions for the preservation of property and notice of eviction are essential protections for this vulnerable population.

We thank you for your dedicated work for our community and urge you to vote in favor of this ordinance.

Sincerely,

A handwritten signature in black ink that reads "Emily Pike". The signature is written in a cursive, flowing style.

Emily Pike, Chair  
South Central Housing Network

# Code of Federal Regulations - Definitions.

## Homeless - [§ 91.5](#), [§ 582.5](#), [§ 583.5](#)

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or

(iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(4) Any individual or family who:

(i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;

(ii) Has no other residence; and

(iii) Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

### **Permanent housing - [§ 578.3](#)**

Permanent housing means community-based housing without a designated length of stay, and includes both permanent supportive housing and rapid rehousing. To be permanent housing, the program participant must be the tenant on a lease for a term of at least one year, which is renewable for terms that are a minimum of one month long, and is terminable only for cause.

### **Transitional housing - [§ 91.5](#)**

A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD. For purposes of the HOME program, there is no HUD-approved time period for moving to independent living.



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 21-07 – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD. Re: 300 W. Hillside Drive (Tom Brennan, Petitioner)**

---

#### **Synopsis**

Ordinance 21-07 amends the District Ordinance and Preliminary Plan for Parcel E of the Thompson PUD to allow for the construction of 19 townhomes and 104 multifamily residences.

#### **Relevant Materials**

- Ordinance 21-07
- Certification of Ord 21-07 by Plan Commission
- Staff Memo from Eric Greulich
- Maps
- Thomson PUD Narrative
- Illustrative Site Plan Context
- District Ordinance and Preliminary Plan
- Fiscal Impact statement

#### **Certified by Plan Commission**

Ord 21-07 was certified to the Council by the Plan Commission on January 20, 2021 with a favorable recommendation (7-1) with the following conditions of approval:

1. The proposed buildings in the Final Plan must be consistent with the currently submitted elevations including orientation, modulation, and materials. The west elevations of all buildings must be similar to the design of the east elevations as presented.
2. The District Ordinance shall be amended prior to Council to allow a maximum 80% impervious surface coverage and minimum 20% landscape area for the Lot with Building #7 and the maximum height of that building shall be limited to 4 stories or 50'.
3. Per the petitioner statement, the townhome buildings must be designed to LEED standards and the commercial buildings must be LEED Silver certified.
4. A minimum of 6' wide concrete sidewalk and 5' wide tree plot are required along the south side of Hillside Drive adjacent to Building #7.
5. The District Ordinance shall be amended to require two design elements for the Pedestrian Entrances as required in the UDO.



## Summary

The Council's review of a PUD proposal is guided by state statute. Council has wide discretion but must have a rational basis for its decision. Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal and may also exercise powers set forth under Indiana Code 36-7-4-1500 et seq. Those powers include:

- Imposing reasonable conditions;
- Conditioning the issuance of a certificate of zoning compliance on bond or certain guarantees; and
- Allowing or requiring the owner of real property to make written commitments.

If the Council fails to act on the proposal within 90 days after certification the ordinance would take effect as if it had been adopted as certified by the Plan Commission.<sup>1</sup>

In consideration of Ordinance 21-07, the Indiana Code directs that Council shall pay reasonable regard to the following<sup>2</sup>:

- the [comprehensive plan](#);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.

It is not necessary that Council find absolute conformity with each of the factors outlined above. Rather, Council is to take into consideration the entire constellation of criteria, balancing the statutory factors.

Further, the BMC calls for the Council to consider the following criteria relevant to a PUD proposal<sup>3</sup>:

- Is consistent with the purpose of the UDO and the Planned Unit Development District; and
- The petitioner has demonstrated that the proposed rezoning is compatible with surrounding development or can be made compatible with surrounding development through commitments or conditions; and
- Any portion of the PUD zoning district to be occupied by multifamily, mixed-use, or industrial development shall provide a greater level of internal connectivity and connectivity to surrounding developments than would be required by this UDO if the project were not being developed in a PUD zoning district; and

---

<sup>1</sup> IC 36-7-4-608

<sup>2</sup> IC 36-7-4-603

<sup>3</sup> BMC 20.04.070





- Each multifamily, mixed-use, or nonresidential principal structure in the PUD zoning district shall provide a greater level of design quality than would be required by this UDO if the project were not being developed in a PUD zoning district; and
- At least one of the following criteria are met:
  - The proposed PUD zoning district will include construction of a substantial open space, recreational, entertainment, or cultural amenity that will be open to and usable by the general public, and that would not otherwise be required by this UDO. Reconfiguration of open space required by this UDO does not satisfy these criteria;
  - The proposed PUD zoning district will protect a significant ecological, natural, historical, architectural, or archeological resource that was not already protected from development by this UDO or by state or federal law. Avoidance of designated floodplains or wetland areas, or the provision of additional buffers around such areas, does not satisfy these criteria; or
  - The proposed PUD zoning district provides affordable housing beyond the amounts that the petitioner would have been required to provide in order to earn a Tier 1 or Tier 2 affordable housing incentive under Section 20.04.110(c)(5) by either:
    - Income-restricting at least 10 percent more of the dwelling units at or below the income levels required to earn a Tier 1 or Tier 2 incentive, or
    - Income restricting the same number of dwelling units required to earn a Tier 1 or Tier 2 affordable housing incentive, but limiting incomes to at least 10 percent lower AMI level than would have been required to earn a Tier 1 or Tier 2 incentive 20.04.110(c)(5)

The findings of the Planning Commission are outlined in the staff memo from Eric Greulich.

Finally, the BMC also provides that permitted uses in a PUD are subject to the discretion and approval of the Plan Commission and the Council. Permitted uses are determined in consideration of the Comprehensive Plan, existing zoning, land uses contiguous to the area being rezoned, and the development standards outlined in the UDO. If the terms of the PUD approved by the Common Council do not clearly address the availability of specific uses in all or part of the development, then the uses and use-specific standards that would otherwise be applicable to development of the same character and scale if it were zoned into one of the base zoning districts in BMC 20.02.020 through 20.02.040 as determined by the Planning and Transportation Director, shall apply. <sup>4</sup>

---

<sup>4</sup> BMC 20.02.050



## City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

### **What Happens Next**

Council's role ends with the adoption or rejection of the zoning ordinance. There is no obligation to develop a property after the adoption of a zoning ordinance but if a developer chooses to do so, the zoning ordinance provides the framework for how the property can be developed. In the event Council adopts Ordinance 21-07, the next step would be for a developer to present a site plan to the Plan Commission for approval. Once a site plan is submitted, the Plan Commission reviews the plan to ensure that it meets with the provisions of the zoning ordinance including any reasonable conditions and commitments. There is no time constraint for the submission of a site plan; but once approved, a site plan is valid for a defined period of time.

### **Contact**

Eric Greulich, Senior Zoning Planner, [greulice@bloomington.in.gov](mailto:greulice@bloomington.in.gov), (812) 349-3526

**ORDINANCE 21-07**

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY AMENDING THE  
DISTRICT ORDINANCE AND PRELIMINARY PLAN FOR PARCEL E OF THE  
THOMSON PUD**

**- Re: 300 W. Hillside Drive  
(Tom Brennan, Petitioner)**

WHEREAS, Ordinance 20-06, repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"; and

WHEREAS, the Plan Commission has considered this case, PUD-17-20, and recommended that the petitioner, Tom Brennan, be granted an approval to amend the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD to allow for the construction of 19 townhomes and 104 multifamily residences; and;

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.06 of the Bloomington Municipal Code, the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD shall be amended. The property is further described as follows:

A part of the Southeast Quarter of Section 5 Township 8 North Range 1 West and Part of Lot 53 of Dodds Addition to the City of Bloomington, all of which is situated in Monroe County, IN and being more particularly described as follows:

Commencing at the northwest corner of Lot 53 of Dodds Addition to the City of Bloomington being marked by a 5/8 inch diameter rebar; thence SOUTH 01 degrees 52 minutes 17 seconds EAST along the west line of said Lot 53, (Basis of Bearings per ALTA-ASCM Survey dated December 30th, 1998 by Bledsoe Tapp & Riggert, Inc., Job #2429), a distance of 372.39 feet to the Point of Beginning of this description being marked by a 5/8 inch rebar with yellow plastic cap stamped "BRG PC50920004", (BRG rebar); thence continuing SOUTH 01 degrees 52 minutes 17 seconds EAST along the west line of said Lot 53 a distance of 617.56 feet to a 1/2 inch rebar marking the southwest corner of said Lot 53 being on the north right of way of Hillside Drive; thence leaving said west line and along said north right of way NORTH 89 degrees 40 minutes 30 seconds EAST a distance of 168.01 feet to a BRG rebar; thence leaving said north right-of-way NORTH 02 degrees 05 minutes 50 seconds WEST a distance of 124.23 feet to a point inside an existing concrete block building as-built; thence SOUTH 90 degrees 00 minutes 00 seconds EAST a distance of 40.00 feet to the east line of said Lot 53; thence NORTH 87 degrees 54 minutes 10 seconds EAST a distance of 2.00 feet to a BRG rebar; thence NORTH 02 degrees 05 minutes 50 seconds WEST parallel to the east line of said Lot 53 a distance of 499.26 feet to a BRG rebar; thence SOUTH 88 degrees 06 minutes 51 seconds WEST through said Lot 53 being 1.0 feet north of the north face of existing steel columns as-built inside a concrete block building a distance of 207.45 feet to the Point of Beginning, containing 2.85 acres, more or less. Subject to any and all easements, agreements, and restrictions of record.

ALSO

Tract 2:

Lot Number 1 in the Libey Subdivision, as shown by the recorded plat thereof, recorded in Plat Cabinet C, Envelope 245, in the office of the Recorder of Monroe County, Indiana.

SECTION 2. The District Ordinance and the Preliminary Plan shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to

any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other 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 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JIM SIMS, 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 \_\_\_\_\_, 2021.

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

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

SYNOPSIS

Ordinance 21-07 would amend the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD to allow for the construction of 19 townhomes and 104 multifamily residences.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-07 is a true and complete copy of Plan Commission Case Number PUD-17-20 which was given a recommendation of approval by a vote of 7 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 11, 2021.

Date: January 20, 2021

  
\_\_\_\_\_  
Scott Robinson, Secretary  
Plan Commission

Received by the Common Council Office this 20th day of January, 2021.

  
\_\_\_\_\_  
Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

\_\_\_\_\_

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

\_\_\_\_\_  
Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes \_\_\_\_\_ No X Sk

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

## Interdepartmental Memo

**To:** Members of the Common Council  
**From:** Eric Greulich, Senior Zoning Planner  
**Subject:** PUD-17-20  
**Date:** January 19, 2021

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case PUD-17-20. The Plan Commission heard this petition at the January 11, 2021 hearing and voted 7-1 to send this petition to the Common Council with a favorable recommendation. The Plan Commission report is attached.

---

**REQUEST:** The petitioner is requesting an amendment to the preliminary plan and district ordinance for the Thomson PUD to allow 19 townhomes and 104 multi-family residences on Parcel E.

---

**BACKGROUND:**

<b>Area:</b>	3.7 acres
<b>Current Zoning:</b>	Planned Unit Development
<b>Comp Plan Designation:</b>	Urban Corridor and Switchyard North Focus Area
<b>Existing Land Use:</b>	Office and Warehouse
<b>Proposed Land Use:</b>	Mixed Use
<b>Surrounding Uses:</b>	North – Warehouse (Storage Express) West – Single family residences (McDoel Neighborhood) East – Switchyard Park South – Crosley Warehouse (community center)

---

**REPORT:** The site is located at 300 E. Hillside Drive and is zoned Planned Unit Development (Thomson PUD). The petition site is at the east end of the Hillside Drive stub and includes a 2.85 acre property on the north side of Hillside Drive and a 0.85 acre property on the south side of Hillside Drive. Surrounding zoning includes the Thomson PUD to the north and south, Residential Small Lot (R3) to the west, and Mixed Use Institutional (MI) to the east. The surrounding properties have been developed with a mix of single family residences to the west, a storage warehouse to the north, Crosley Warehouse (community center) to the south, and the Switchyard Park to the east. This site has been developed with a 150,000 square foot warehouse that has a property line about 2/3 through the warehouse and a surface parking lot. The northern 1/3 of the warehouse, which is owned separately and contains Storage Express, is not part of this petition.

The petitioner is proposing to remove the southern 2/3 of the warehouse and redevelop the property north of Hillside Drive with several buildings, including a four-story, mixed-use building with 5,000 square feet of commercial space, 18 internal parking spaces, and 30 units; a five-story, mixed-use building with 2,000 square feet of commercial space, 16 internal parking spaces, and 32 units; and 4, three-story owner-occupied townhome buildings with a total of 19 units. A surface parking lot behind the units with 60 parking spaces would span all of the development north of Hillside Drive to be used by the residents. The property to the south of Hillside Drive would feature a five-story, multi-family building with 42 units and 90 internal parking spaces. The bottom two floors of the building south of Hillside Drive would be entirely parking. A 5' wide tree plot and 5' wide sidewalk from this site to Rogers Street has been shown along the north side of Hillside Drive. No sidewalk or tree plot on the south side of Rogers Street has been shown yet. The

petitioner has committed that the mixed-use and multi-family buildings will be LEED silver certified. The townhome buildings will also be built to a comparable requirement. Each building will have a minimum of 15% of the units set aside for affordable housing as required by the UDO.

One of the main continuing areas for discussion with this petition has been the desired housing type, density, and building design along the Switchyard Park. Last year, at the request of the Administration, a conceptual design for the redevelopment of two large areas adjacent to Switchyard Park was envisioned by the design consultant of Switchyard Park. One of the two areas in the study was this location. The other location in that study is the area where Night Moves was located and Meineke currently exists on S. Walnut Street. The desire of the Administration was to explore redevelopment opportunities of these important properties. The study aimed to provide a guide for appropriate development that would place as many eyes as possible on the trail for security, provide optimal utilization of a public open space and park, add housing stock to the community, and provide high quality development along a major open space and trail system reflective of the City's substantial investment in the Park. The Consultant's design showed four story buildings along the entire frontage of the park with the 4<sup>th</sup> floors stepped back. The design also showed buildings directly facing the trail. A commercial component along the ground floor of the buildings is also desired to provide services to the residents, neighborhood, and trail users. The plan scaled back to two stories closer to the neighborhood to the west with a parking area along the back for further separation from the neighborhood. Although that study and conceptual design was an internal request and not a publicly approved document, it showed a design that complimented the Switchyard Park and its purpose was to envision a development that placed an appropriate design and density along the Park.

The petitioner's redesigned site plan more closely matches that document and desire to place more units along the Switchyard Park. The location of this property directly on the Switchyard Park creates an important need for architecture and interaction along the facades facing the Park and the Department felt that possible additional improvements can be made to the townhome buildings to improve the look of them along the Park façade, and those were addressed since last month.

---

**COMPREHENSIVE PLAN:** This property is designated as *Urban Corridor* and within the *Switchyard North Focus Area*. The Comprehensive Plan identifies several characteristics and provides land use guidance for this area.

Additional guidance specifically includes-

- The City is making a long-term investment in the Switchyard Park, and redevelopment efforts along the Park must focus on capitalizing on both the direct and indirect benefits of that commitment. These interests must serve multiple needs related to entrepreneurship, employment, single family and multifamily housing, and green building.
- Increases in residential density around the Switchyard Park are strongly supported for both market rate and sustainably affordable units.
- Secondly, locations should also utilize the underlying Land Use District designations within this chapter and apply the Transform theme for approvals.
- Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods and other 20-minute walking destinations.
- Ensure that appropriate linkages to neighborhood destinations are provided.

One of the predominant themes throughout the Comprehensive Plan is the need to add housing

stock to meet the community's housing needs. Especially housing for families and young professionals. The Comprehensive Plan is clear that areas adjacent to Switchyard Park should be planned with increased residential densities, for the benefit of a wide array of residents, not a select few.

---

## **PRELIMINARY PLAN:**

**Uses/Development Standards:** The proposed District Ordinance outlines specific standards for each parcel as well as a list of permitted uses. Neither the site plan nor a subdivision are being approved at this time, only the standards that will govern those later approvals.

The Plan Commission and the Department had two concerns regarding the proposed standards for the building south of Hillside Drive that have been addressed in the District Ordinance. First, the District Ordinance proposed a 100% maximum impervious surface coverage allowance for the property. The Plan Commission required that this be adjusted to a maximum 80% and a minimum 20% landscape area, which matches the standards proposed for the other two commercial lots. Second, the petitioner was proposing to allow a 5-story building. The Plan Commission was concerned about the height of this building since it is closer to the neighborhood than the two other buildings of similar height located on the other parcels to the north. This building is only three floors of dwelling units and the bottom two floors are strictly parking. The Plan Commission required that a minimum 15' stepback was required along the west side of the building. The overall building is allowed to then be 5 stories or 65' tall.

**Parking, Streetscape, and Access:** The petitioner is showing a 24' wide parking aisle running through the site with perpendicular parking spaces on either side. The parking aisle connects to Hillside Drive and stubs to the north property line for future extension once the adjacent property to the north redevelops. A roundabout is shown interior to the parking area to meet Fire Department needs. There is a 5' wide sidewalk and 5' wide tree plot proposed along the north side of Hillside Drive that would connect from Rogers Street to the Park, although this is an off-site improvement, this is essential to connecting this development to Rogers Street. No sidewalk or tree plot are shown along the Hillside Drive frontage along Building #7 and must be shown with the final plan approval. There are 4 internal pedestrian connections, including a central courtyard, shown to connect this development to Switchyard Park. Approval from the Parks Department must be received prior to any work on Park's property.

**Alternative Transportation:** This petition would be required to meet all of the standards of the UDO for bicycle parking and would require one bicycle parking space per five bedrooms. The Department encourages the petitioner to incorporate several areas of covered bicycle parking spaces along the Park frontage for the residents of the development.

**Architecture/Materials:** Renderings of all of the proposed buildings have been submitted and are included in the packet. With the revisions to the building elevations along the Trail, the design of these buildings presents a much better appearance from the Trail and achieves the type of design and interaction that is appropriate.

The Department is still concerned about the bottom two floors of building #7 proposed south of Hillside Drive, however with the bottom floors being used for parking garage there is little that can be done to improve that portion of the building. The bottom two floors of that building still consist entirely of parking with no active ground floor use, especially along the Park façade. An



additional area of concern regarding Building #7 involves the proposed height and massing of this building adjacent to the single family neighborhood. This concern is also reiterated in the review memo from Schmidt and Associates. Unlike the other two multi-family buildings (Building #1 and #2) to the north, there is not a drive aisle and parking area and large buffer to separate the massing of those buildings from the single family residences. The Department believes that a 5-story building adjacent to the residences is not appropriate and has recommended a condition of approval to limit the height of Building #7 to 4 stories or 50'.

**Environmental Considerations:** There are no known environmental constraints on this property.

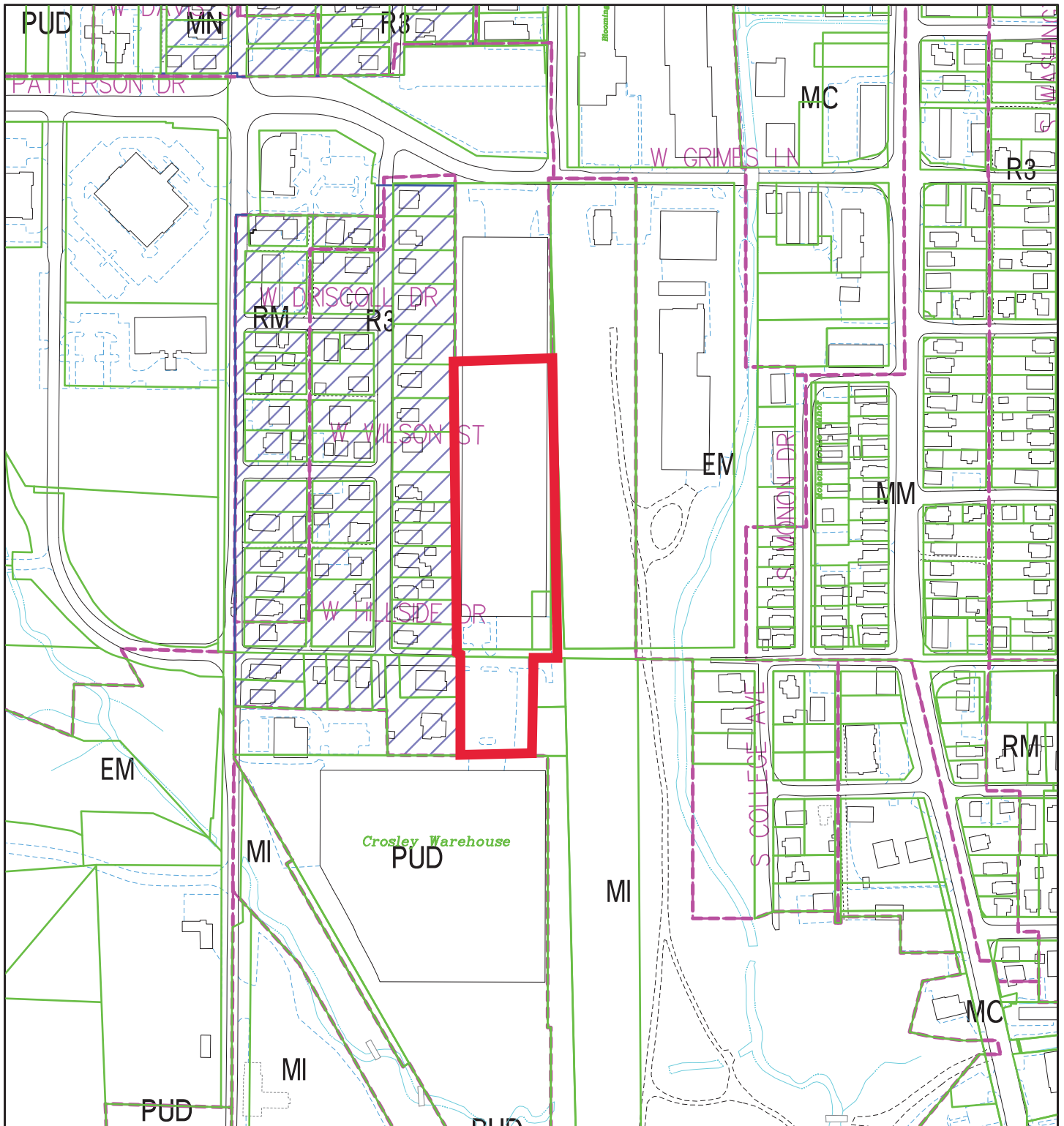
---

**CONCLUSION:** Based on the revised elevations and submitted renderings, the Plan Commission found that the proposed preliminary plan and District Ordinance matches the goals of the Comprehensive Plan and needs of the community. The review from Schmidt and Associates provides several good recommendations for small design improvements that will be more closely reviewed with the final plan approval.

---

**RECOMMENDATION:** The Plan Commission voted 7-1 to forward this petition to the Common Council with a positive recommendation and the following conditions of approval:

1. The proposed buildings in the Final Plan must be consistent with the currently submitted elevations including orientation, modulation, and materials. The west elevations of all building must be similar to the design of the east elevations as presented.
2. The District Ordinance shall be amended prior to Council to allow a maximum 80% impervious surface coverage and minimum 20% landscape area for the Lot with Building #7 and the maximum height of that building shall be limited to 4 stories or 50'.
3. Per the petitioner statement, the townhome buildings must be designed to LEED standards and the commercial buildings must be LEED Silver certified.
4. A minimum 6' wide concrete sidewalk and 5' wide tree plot are required along the south side of Hillside Drive adjacent to Building #7.
5. The District Ordinance shall be amended to require two design elements for the Pedestrian Entrances as required in the UDO.



By: greulice  
11 Dec 20



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation

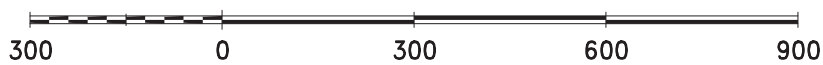


Scale: 1" = 300'



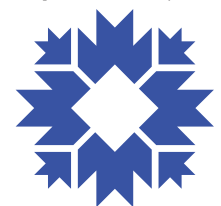


By: greulice  
11 Dec 20



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 300'



## **Thompson PUD Narrative**

### **300 West Hillside Drive Tract E-Thompson PUD**

#### **Overview-Existing site**

The site as it exists, is a large industrial use site with access only from Hillside drive along it's south border. The parcel is 208 ft x 618 ft or 2.95 acres in size, and a .7 acre site currently entirely paved as a parking lot. The North parcel currently contains a single story steel building that was long used as a warehouse with loading docks, while the rail yard was used as a hub for the RCA TV manufacturing facility.

Currently, the structure is used as a mixed-use industrial complex for storage, warehousing and light manufacturing. It has some office spaces and is bordered at its north portion by a self-storage business, located on a separate parcel that is not a part of this PUD request.

#### **Location**

The location of this site and the changes that have occurred adjoining it, are the reasons for bringing this PUD request forward. The initial purchase by the city of Bloomington and the conversion of the rail yard into the city's largest park, with a new future, have not only made the redevelopment of this site feasible, but necessary. The city's investment in the new Switchyard park has changed forever, the need to have an industrial or warehouse use at this site. The entire western border of the site borders on many existing, small scale, single family homes. No connections to any existing city blocks exist along this western border. The site is adjacent to the McDoel Gardens historic district, a district consisting of a diversity of home sizes and styles. The site is the last few remaining sites, not in a flood plain, that a mixed-use community may be built along the new Switchyard park and the B-Line trail. This is an ideal location for a new, walk-able neighborhood, away from the traditional student housing and connected to the park.

#### **Changes not foreseen in the initial Thompson PUD**

The Thompson PUD was created to keep a healthy balance of industrial uses within Monroe County and a way to ensure it remained where we had access to rail service and even a newly constructed Patterson Drive, which was created to connect this warehouse and truck traffic, to highway 37 for better access to these industrial uses. Residential uses were not included within this PUD because they were not seen as compatible with the industrial uses and their needed warehouses and rail yard. All of this changed when the RCA (Thompson Consumer Electronics) plant was closed and removed, and the park idea was generated as a new use. Like that change from rail to a park, this change from warehouse, to residential just makes sense.



## **Key PUD Attributes**

### **Architectural Character**

While it is important that the new uses be compatible with the traditions exhibited by vernacular rail yard structures, the larger commercial structures will be a more modern interpretation of these building archetypes. These structures will be of larger sized brick masonry veneers, metal and cement board panels, and large, metal framed windows to imitate older building styles. The residential town home structures on lot 3 (Buildings 3,4,5,6) will be of similar style and materials to the mixed-use apartment structures with smaller scale brick veneers, cement board panels and siding.

### **Uses**

Commercial spaces will be provided at a portion of the ground floor of the two larger, mixed use structures with residential apartments on the upper floors. Some parking will be provided within these mixed use buildings, along with some on-street parking. These commercial spaces will be the closest commercial spaces to Switchyard park and should be uses that complement the park visitor's experience. The neighborhood will be a mix of apartment structures and owner occupied town homes. First floor uses shall be those uses as allowed in the MN requirements in the UDO. This site is the closest site to Switchyard park for access to small scale retail services, so it is hoped that smaller square foot ground floor spaces will provide amenities for both users of the park and the existing neighborhood.

### **Site**

A new, two-way street will connect the south end of the site to Hillside Drive for parking and access to the site and act as part of a buffer between the existing residential homes along South Madison Street. This buffer will also have a 14 foot bufferyard. Currently, the existing warehouse sits within 2 feet of the west existing property line, with no real buffer yard. The access drive will have a potential for extension to the north parcel for future connectivity if that lot were to be developed at a future time. The new site plan is also designed for a future pedestrian path to connect near West Wilson Street, if a connection would be possible in the future to allow for neighborhood access to the park. Within lot 3, will be a large green space of over 70 feet in width, that will act as a main connector from this development to the park and as a landscaped rain garden. Two other large paths will connect the park to this development and vice versa, to provide access to the B-line and the community connectivity of our linear park system.

### **Mass, Scale and Form**

The project is a medium scale density and structures. Building heights will vary as they do in Downtown Bloomington and yet there will be a strong sense of similarity in scale, through the use of banding and materials. Setting upper floors back from the building front along the park will also contribute to a visual reduction in height.

The residential Town home structures, with smaller footprints, will be three stories, and are orientated to project their short facade along the park and allow for more views from each unit into the park and keep the site from presenting itself as a long wall of structures. This will allow for a better connectivity through the site to the park.

**LEED requirements**

The residential Town home single family units will require all units to meet the LEED for homes designation with items such as:

- Heat Island effect
- Rainwater management
- Non-toxic pest control
- Water efficiency
  - Outdoor water
  - Indoor water
- Minimum energy performance
- Energy Monitoring
- Homeowner education
- Annual energy use
  - Solar panels
- Efficient hot water distribution
- HVAC systems
- Materials and resources
  - Durable materials
  - Recycled content
- Construction waste management
- Material efficient framing
- Indoor environmental quality
- Solar compatibility
- Heat Island effect-Roofing
- Ventilation
- Radon resistant construction
- Air filtering
- Low emitting products

The commercial structures will also require at a minimum, LEED Silver designations and many of the LEED for homes requirements as well as other more detailed requirements.

This will include at a minimum:

- Green roofs and rooftop Solar Panels
- Rainwater management
- Minimum energy performance
- Energy efficient HVAC and plumbing systems

**Affordability**

The multifamily structures would provide at a minimum, 15% of the apartment units as affordable units per the City of Bloomington's definition and requirements as defined in the UDO. This would also include a total of 3 of the Town home units. (15% of the 19 townhome units). The south parcel is proposed to be Senior or affordable housing, or apartments as well and 15% of those units or 7 of the proposed 42 units, will be designated affordable as well.

## Site Breakdown

### Lot 1 structure

- 4 stories (1 grade level parking/commercial level-3 residential stories)
- 14,300 sq feet footprint
- 24- Two bedroom units
- 6- One bedroom units
- 54 total bedrooms
- 30 total units
- 5 units affordable per city requirements
- 5,000 sq ft available, ground floor commercial space
- 18 total parking spaces within building
- Parking available maximum 34 spaces = .62 ratio

### Lot 2 structure

- 5 stories (1 grade level parking/Commercial level-4 residential stories)
- 10,000 sq feet footprint
- 24-Two bedroom units
- 8-One bedroom units
- 56 total bedrooms
- 32 total units
- 5 units affordable per city requirements
- 2,000 sq ft available, ground floor commercial space
- 16 total in-building parking spaces
- Parking available maximum 33 spaces = .58 ratio

### Lot 4-South Hillside structure

- .7 acres
- 5 stories (2 grade level parking levels-3 residential stories)
- 21,600 sq feet footprint
- 39-Two bedroom units
- 3-One bedroom units
- 81 Total bedrooms
- 7 units affordable per city requirements
- 90 total in-building parking spaces
- Parking available maximum 90 spaces = 1.10 ratio (Parking available for commercial uses and 20 spaces are reserved to Storage Express per a use agreement).

### Residential Town home lot 3 (19 total units)

- 3 story-single family Town homes (Owner occupied)
- 785 sq ft footprint (2,400 sq ft total unit-each)
- Each Town home has a maximum of 4 bedrooms
- Total 19 units and 76 bedrooms
- Parking available maximum 31 spaces = .40 ratio

Our vision, and even outlined in the existing Thompson PUD, is to “minimize negative land use impacts on adjacent residential properties”, and “increase the viability of the PUD and its industrial component by providing office, retail, AND RESIDENTIAL USES. The existing PUD does not reduce truck traffic along Hillside Drive. The existing PUD does recognize that Tract E is adjacent to a core neighborhood and will require special design challenges if the use changes-it is this very reason we feel that the plan as presented meets and enhances the existing PUD as well as the adjacent McDoel neighborhood. No other development has the ability to provide the community access, diversified housing types, or affordable entry into home ownership as this proposal along the B-Line and Switchyard park. Our proposal with affordable homes, apartments, commercial uses, and green design, is an appropriate mix that will encourage investment and home ownership. This development will provide an attractive landscape along the edge of the park and respect the homes that border it to the west.

Thank you for your consideration.

---

Doug Bruce NCARB-LEED AP  
TABOR/BRUCE ARCHITECTURE & DESIGN, Inc.  
1101 S Walnut Street  
Bloomington, IN 47401  
(812) 332-6258



## Commercial Lot 1-Building 1

Utilizing MM-Mixed-Use Medium Scale zoning district

Changes to the following:

Impervious surface coverage (maximum) 80%

Landscape area (minimum) 20%

Primary structure height G (maximum) 65 feet or 5 stories

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Minimum 14-foot landscaped buffer yard (Type 2 per Table 04-19-14 feet not 15 feet) from adjacent single family residential dwellings.

Neighborhood transition zoning does not apply

20.02.060 Overlay district requirements to be met

(2) Building entrances

(5) Upper floor setbacks. Any facade along the B-Line trail, above the 4<sup>th</sup> story, shall set back a minimum of 5 feet.

(6) Windows and doors on the primary facade. 60% required for first floor facing the B-Line trail and a public street.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Primary building entrances

Any façade of a primary building facing a public street or B-Line trail shall be considered a primary façade.

All primary facades shall meet Table 02-26 standards for Windows and Door areas as DC requirements

All primary facades of a primary building shall incorporate the requirements of Table 02-27, Primary Pedestrian Entrances-DC requirements.

## B-Line trail frontage standards

A minimum of one pedestrian entrance shall be provided for any primary building façade facing the B-Line trail.

Building entrances shall incorporate Two or more of the following:

- 1 Benches (Minimum of two)
- 2 Bike racks
- 3 Public art
- 4 Landscaped area or planter
- 5 Plaza or patios
- 6 Protruding canopy
- 7 Recessed entry

## Allowed uses (upper floors only)

Multifamily apartments

Allowed commercial uses (Ground floor only) per 20.02.020 Table for MN including parking within the ground level floor of the building.

## Building setbacks

Front (East) 10 feet

Front (South) 12 feet

Side (North) 15 feet

Rear (West) 65 feet

## Parking setbacks

West-0 feet (Buffer yard only)

South-20 feet behind primary structure's front building wall

East and north 0 feet

Bicycle parking required per Table 04-13

## Commercial Lot 2-Building 2

Utilizing MM-Mixed-Use Medium Scale zoning district

Changes to the following:

Impervious surface coverage (maximum) 80%

Landscape area (minimum) 20%

Primary structure height G (maximum) 65 feet or 5 stories

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Minimum 14-foot landscaped buffer yard (Type 2 per Table 04-19-14 feet not 15 feet) from adjacent single family residential dwellings.

Neighborhood transition zoning does not apply

20.02.060 Overlay district requirements to be met

(2) Building entrances

(5) Upper floor setbacks. Any facade along the B-Line trail, above the 4<sup>th</sup> story, shall set back a minimum of 10 feet.

(6) Windows and doors on the primary facade. 60% required for first floor facing the B-Line trail and a public street.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards.

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Primary building entrances

Any façade of a primary building facing a public street or B-Line trail shall be considered a primary façade.

All primary facades shall meet Table 02-26 standards for Windows and Door areas as DC requirements

All primary facades of a primary building shall incorporate the requirements of Table 02-27, Primary Pedestrian Entrances-DC requirements.

B-Line trail frontage standards

A minimum of one pedestrian entrance shall be provided for any primary building façade facing the B-Line trail.

Building entrances shall incorporate Two or more of the following:

- 1 Benches (Minimum of two)
- 2 Bike racks
- 3 Public art
- 4 Landscaped area or planter
- 5 Plaza or patios
- 6 Protruding canopy
- 7 Recessed entry

Allowed uses (upper floors only)

Multifamily apartments

Allowed commercial uses (Ground floor only) per 20.02.020 Table for MN including parking within the ground level floor of the building.

Building setbacks

Front (East) 10 feet

Side (North & South) 10 feet

Rear (West) 65 feet

Parking setbacks

West-0 feet (Buffer yard only)

East and South and North 0 feet

Bicycle parking required per Table 04-13

**LOT 3-Townhome buildings 3-4-5-6 (19 units total in 4 buildings)**

Utilizing RM-Residential Multifamily zoning district

Changes only to the following:

## Building Setbacks

Front (East) 5 feet minimum

Rear (West) 65 feet Minimum

Side yard (North and South) 8 feet Minimum

## Parking setbacks

West-0 feet (Buffer yard only)

East and South and North 0 feet

No garage or carport allowed

Minimum 14-foot landscaped buffer yard (Type 2 per Table 04-19-14 feet not 15 feet) from adjacent single family residential dwellings.

Impervious surface coverage (Maximum) 70%

Landscape area (minimum) 30%

Primary structure height F (maximum) 40 feet or 3 stories

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Neighborhood transition zoning does not apply

Anti-Monotony standards do not apply.

20.02.060 Overlay district requirements to be met

(2) Building entrances

(6) Windows and doors on the primary facade. 60% required for first floor facing the B-Line trail.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Allowed uses:

Dwelling Multi Family units (Townhomes) allowed. Maximum number of units for Lot 3, 20 units. per 20.03.030 Residential uses

B-Line trail frontage standards

A minimum of one pedestrian entrance shall be provided for any primary building façade facing the B-Line trail.

Building entrances shall incorporate Two or more of the following:

- 1 Benches (Minimum of two)
- 2 Bike racks
- 3 Public art
- 4 Landscaped area or planter
- 5 Plaza or patios
- 6 Protruding canopy
- 7 Recessed entry

Bicycle parking required per Table 04-13

## Commercial Lot 4-Building 7

Utilizing MM-Mixed-Use Medium Scale zoning district

Changes to the following:

Impervious surface coverage (maximum) 80%

Landscape area (minimum) 20%

Primary structure height G (maximum) 65 feet or 5 stories

Upper floor setback. The 5<sup>th</sup> story facing the western property line shall be stepped back no less than 15 feet from the property line

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Neighborhood transition zoning does not apply

Building setbacks

Front (North) None

Rear (South) 6 feet

Side (East & West) 5 feet

Parking setbacks

Same as building setbacks

20.02.060 Overlay district requirements to be met

(2) Building entrances

(5) Upper floor setbacks. None required.

(6) Windows and doors on the primary facade. 60% required for first floor facing a public street.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Primary building entrances

Any façade of a primary building facing a public street or B-Line trail shall be considered a primary façade.

All primary facades shall meet Table 02-26 standards for Windows and Door areas as DC requirements

All primary facades of a primary building shall incorporate the requirements of Table 02-27, Primary Pedestrian Entrances-DC requirements.

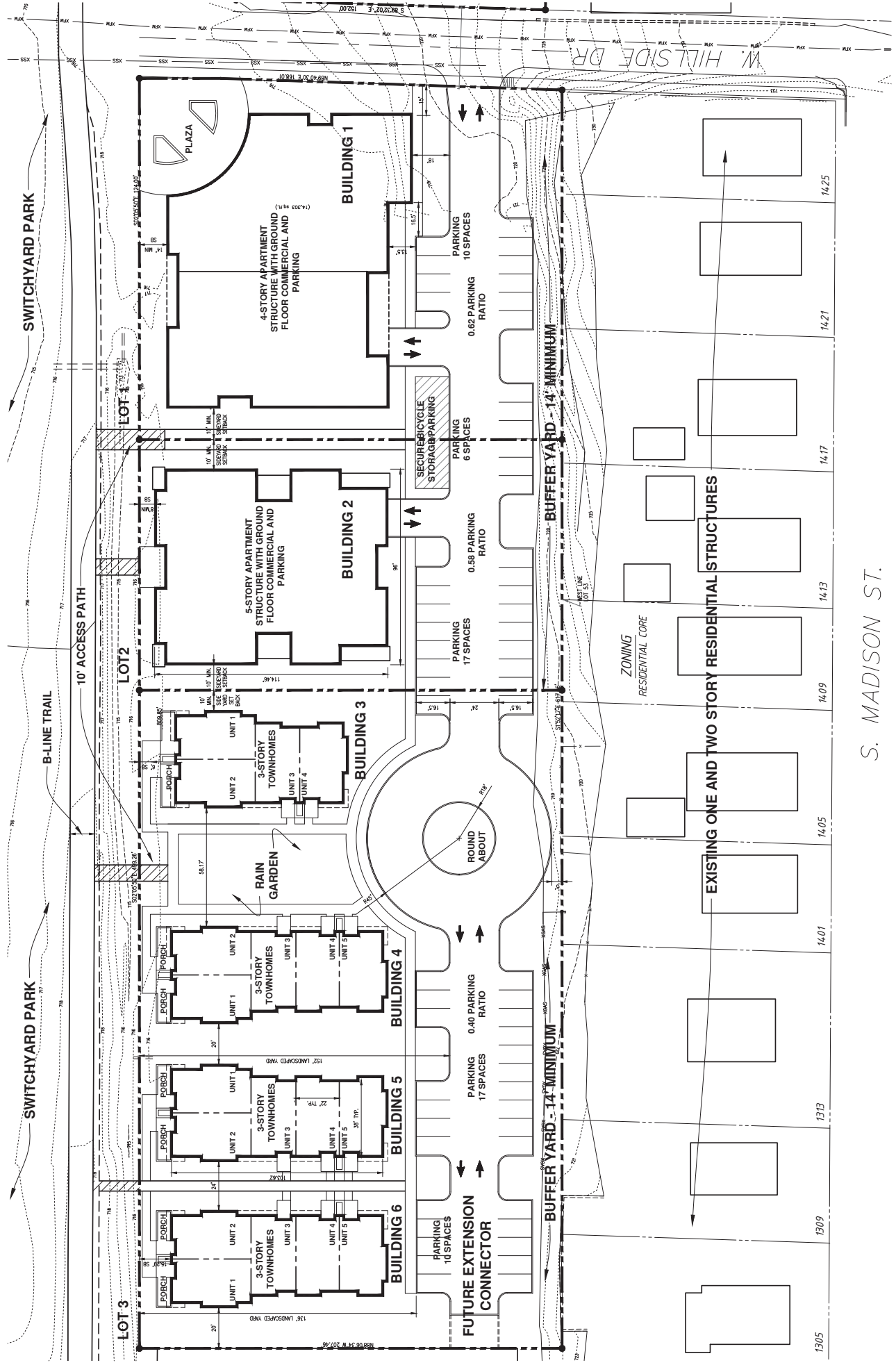
Allowed uses (upper floors only)

Multifamily apartments

Allowed commercial uses (Ground floor only) per 20.02.020 Table for MN including parking within the ground level floor of the building.

Bicycle parking required per Table 04-13





PROJECT NAME		PROJECT LOCATION	DATE
SWITCHYARD		WEST HILLSIDE AND THE BLINE	DECEMBER 28, 2020
DESIGN STAGE		CONCEPT PLANNING	DRAWING SCALE
CONCEPT PLANNING		1" = 20' 0"	

SCHEMATIC LOT LAYOUT - 2020G

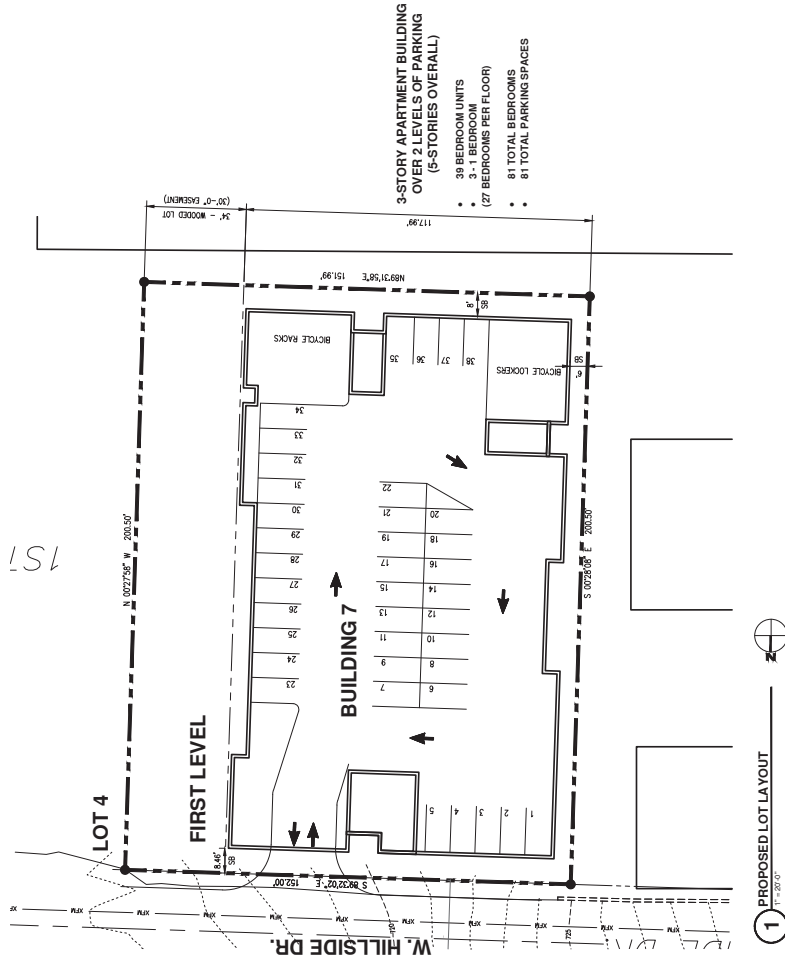
W. WILSON ST.

S. MADISON ST.

EXISTING ONE AND TWO STORY RESIDENTIAL STRUCTURES

ZONING RESIDENTIAL CORE

1305 1309 1313 1401 1405 1409 1413 1417 1421 1425



PROJECT NAME			
SWITCHYARD			
DESIGN FASE			
CONCEPT PLANNING			
PROJECT LOCATION		DATE	
WEST HILLSIDE AND THE BLUNE		DECEMBER 28, 2021	
2020 MAJOR BRUCE ARCHITECTURE & DESIGN		DRAWING SCALE	
		1" = 20' 0"	





















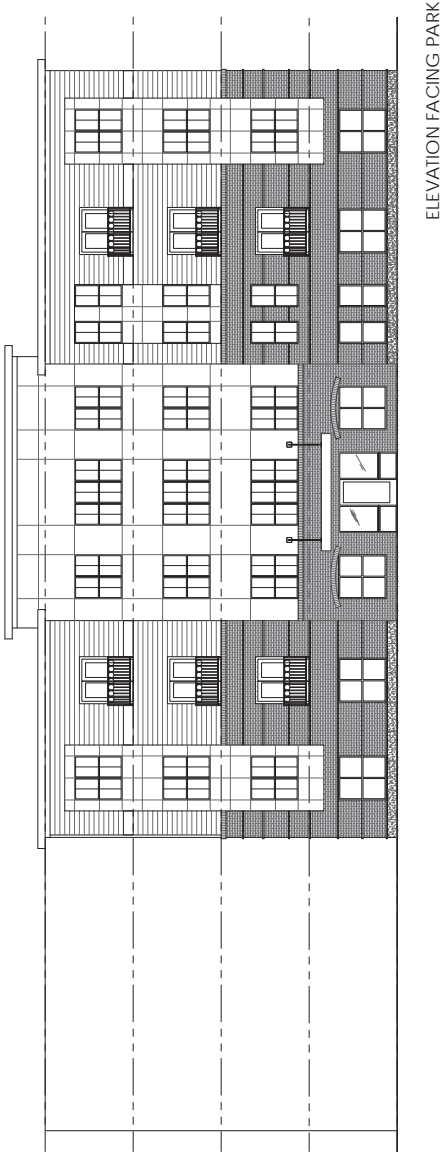
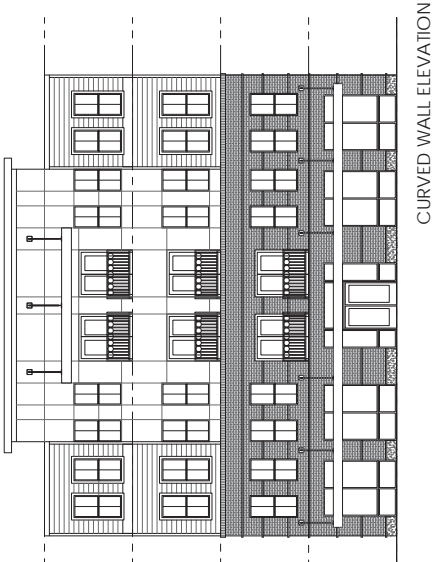


Legend  
• Parking









PROJECT NAME

SWITCHYARD

DESIGN PHASE

CONCEPT PLANNING

PROJECT LOCATION

WEST HILSDALE AND THE BLVD

DATE

DECEMBER 28, 2020

DATE

DECEMBER 28, 2020

DRAWING SCALE

1/8" = 1' 0"

PROJECT LOCATION

WEST HILSDALE AND THE BLVD

DATE

DECEMBER 28, 2020

DATE

DECEMBER 28, 2020

DRAWING SCALE

1/8" = 1' 0"

MAJOR BRUCE ARCHITECTURE & DESIGN, INC.

ARCHITECTURE & DESIGN, INC.

10000 N. 10TH AVE., SUITE 200, DENVER, CO 80231

MAJOR BRUCE ARCHITECTURE & DESIGN, INC.

ARCHITECTURE & DESIGN, INC.

10000 N. 10TH AVE., SUITE 200, DENVER, CO 80231

PROJECT NAME

SWITCHYARD

DESIGN PHASE

CONCEPT PLANNING

PROJECT LOCATION

WEST HILSDALE AND THE BLVD

DATE

DECEMBER 28, 2020

DATE

DECEMBER 28, 2020

DRAWING SCALE

1/8" = 1' 0"

PROJECT LOCATION

WEST HILSDALE AND THE BLVD

DATE

DECEMBER 28, 2020

DATE

DECEMBER 28, 2020

DRAWING SCALE

1/8" = 1' 0"

MAJOR BRUCE ARCHITECTURE & DESIGN, INC.

ARCHITECTURE & DESIGN, INC.

10000 N. 10TH AVE., SUITE 200, DENVER, CO 80231

MAJOR BRUCE ARCHITECTURE & DESIGN, INC.

ARCHITECTURE & DESIGN, INC.

10000 N. 10TH AVE., SUITE 200, DENVER, CO 80231



## BUILDING 2 PROPOSED ELEVATIONS

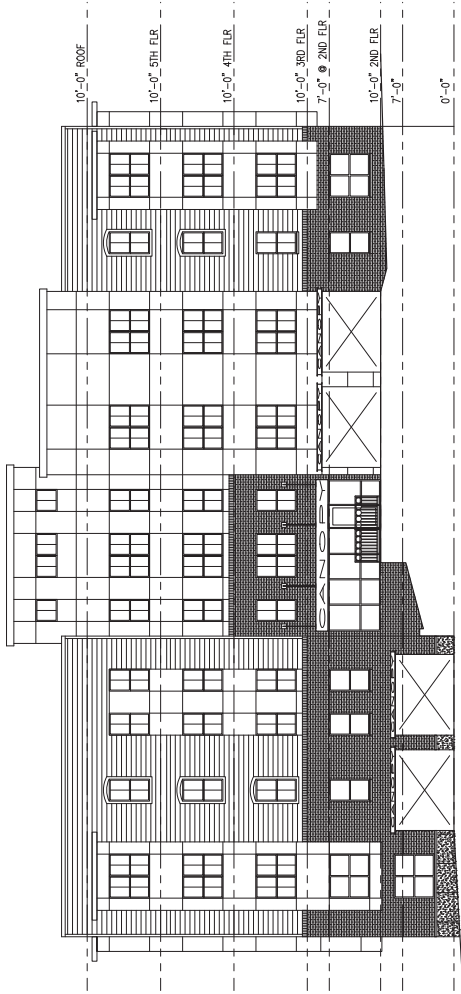
# BUILDING 2 PROPOSED ELEVATIONS



**TABOR  
BUICE**  
ARCHITECTURE & DESIGN

101 S WALNUT STREET, SUITE 200 • CHICAGO, IL 60601  
TEL: 312.329.0000 • WWW.TABORBUICE.COM

PROJECT NAME	PROJECT LOCATION	DATE	
SWITCHBOARD	WEST HULSEDALE AND THE PLUME	DECEMBER 28, 2020	
DESIGN PHASE	<input checked="" type="radio"/> 2020 TABOR BUICE ARCHITECTURE & DESIGN		
CONCEPT PLANNING	DRAWING SCALE: 1/8" = 1'-0"		



ELEVATION FACING HILLSIDE DRIVE



SIDE ELEVATION

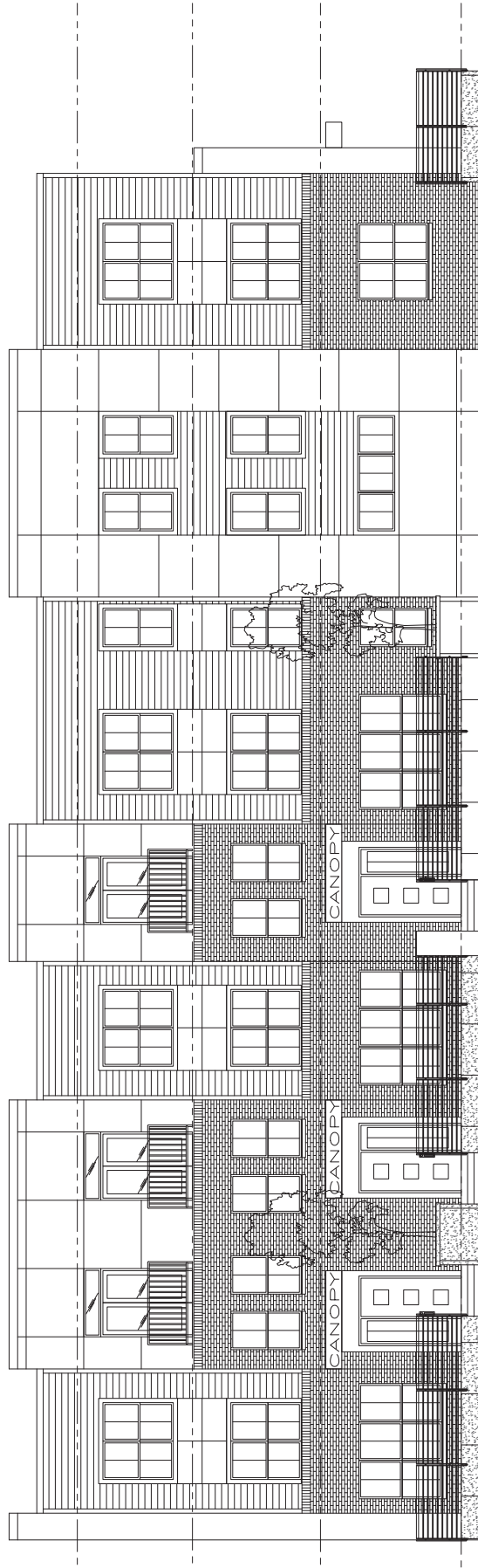
**BUILDING 7 PROPOSED ELEVATIONS**

PROJECT NAME	PROJECT LOCATION	DATE
SWITCHYARD	WEST HILLSIDE AND THE BLINE	DECEMBER 28, 2021
DRAWN BY	ARCHITECTURE & DESIGN	DRAWING SCALE
CONCEPT PLANING	© 2021 MAJOR BRUCE ARCHITECTURE & DESIGN	1/8" = 1' - 0"

MAJOR BRUCE ARCHITECTURE & DESIGN, INC.  
10000 10TH AVENUE, SUITE 200, DENVER, CO 80231



ELEVATION FACING PARK



SIDE ELEVATION

**BUILDINGS 3-6 PROPOSED ELEVATIONS**

PROJECT NAME	PROJECT LOCATION	DATE
SWITCHYARD	WEST HILLSIDE AND THE BLVD	DECEMBER 28, 2020
DESIGN FIRM	DESIGNING SCALE	
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/4" = 1' - 0"

TABOR BRUCE ARCHITECTURE & DESIGN, INC.  
 1000 14TH AVENUE, SUITE 200, DENVER, CO 80202  
 (303) 733-1100



Per BMC §2.04.290, any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement.

Ord 21-07 - To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel R of the Thomson PUD.  
Re: 300 W. Hillside Drive (Tom Brennan, Petitioner)

## LEGISLATION NUMBER AND TITLE

**PROPOSED EFFECTIVE DATE**

TBD

**FISCAL IMPACT.** Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

☐ YES ☒ NO. If the legislation will not have a major fiscal impact, briefly explain below.

This legislation seeks to amend the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD to allow for the construction of 19 townhomes and 104 multifamily residences. There is no major fiscal impact associated with this ordinance. Fiscal impact will be re-evaluated at the time the property is developed.

**FISCAL IMPACT FOUND.** If the legislation appropriates funds and/or will have a major fiscal impact, please complete the following:

	FY -- CURRENT	FY -- SUCCEEDING	ANNUAL CONTINUING COSTS THEREAFTER
REVENUES			
EXPENDITURES			
NET			

### IMPACT ON REVENUE (DESCRIBE)

### IMPACT ON EXPENDITURES (DESCRIBE)

**FUTURE IMPACT.** Describe factors which could lead to significant additional expenditures in the future.

**FUNDS AFFECTED: TO BE COMPLETED BY CITY CONTROLLER**

If the proposal affects City funds, please describe the funds affected and the effects of the legislation on these funds.

\_\_\_\_\_

Signature of Controller

 2/19/2021  
Signature of City Official responsible for submitting legislation



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 21-08 – To Amend the City of Bloomington Zoning Maps by Rezoning 87 Acres from Planned Unit Development to Mixed-Use Corridor (MC) – Re: 3100 W. Fullerton Pike (Bill C Brown Revocable Trust, Petitioner)**

---

#### **Synopsis**

Ordinance 21-08 rezones 87 acres from Planned Unit Development to Mixed-Use Corridor (MC).

#### **Relevant Materials**

- Ordinance 21-08
- Certification of Ord 21-08 by Plan Commission
- Staff Memo from Eric Greulich
- Use for MC District
- Memo from Bloomington Environmental Commission to Bloomington Plan Commission
- Maps
- Commitment Concerning the Use and Development of Real Estate
- Petitioner's Rezoning Statement
- Conservancy and Karst Easements
- Illustrative Site Plan Context
- Permitted Uses MP Zone
- Petition of Bill C. Brown
- 1999 Interdepartmental Memo from Tom Micuda, Planning Department
- Fiscal Impact Statement

#### **Certified by Plan Commission**

Ord 21-08 was certified by the Plan Commission to the Council on January 20, 2021 and was given no recommendation by a vote of 6-2-1.

#### **Summary**

The Council's review of a proposal to change the city's zone maps is guided by state statute.<sup>1</sup> Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal.<sup>2</sup> If the Council fails to act on the proposal within 90 days after certification, the ordinance would take effect as if it had been adopted as certified by the Plan Commission.<sup>3</sup> As a condition to the adoption of a rezoning proposal, the owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel, subject to certain requirements contained in state law.<sup>4</sup>

---

<sup>1</sup> IC 36-7-4 et. seq.

<sup>2</sup> IC 36-7-4-608(f)

<sup>3</sup> IC 36-7-4-608(f)(4)

<sup>4</sup> IC 36-7-4-1015





In preparing and considering zoning proposals, Council shall pay reasonable regard to the following<sup>5</sup>:

- the [comprehensive plan](#);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.

### **Zoning Commitments**

As a condition to the adoption of a rezoning proposal, the owner of a parcel of real property may be required or allowed to make a commitment concerning the use of development of that parcel.<sup>6</sup> Commitments are subject to a number of statutory provisions as to form, binding effect, modification, or termination, and effectiveness. Indiana Code provides that commitments shall be recorded and that after recording, commitments are binding on subsequent owners or any other person who acquires an interest in the property. Commitments may contain terms providing for their expiration or terms that provide that the commitment automatically terminates. During the time a rezoning proposal is being considered by the Council, it is possible for an owner to make a new commitment or modify the terms of a commitment that was made when the proposal was being considered by the Plan Commission. In this case, the Petitioner has proposed a Commitment concerning the use and development of the subject property, which would prohibit a number of otherwise permitted uses in the MC Zone. A copy of the proposed Commitment is included in the Exhibits.

### **What Happens Next**

Council's role ends with the adoption or rejection of the zoning ordinance. There is no obligation to develop a property after the adoption of a zoning ordinance but if a developer chooses to do so, the zoning ordinance provides the framework for how the property can be developed. In the event Council adopts [Ordinance 21-08](#), the next step would be for a developer to present a site plan to the Plan Commission for approval. Once a site plan is submitted, the Plan Commission reviews the plan to ensure that it meets with the provisions of the zoning ordinance including any commitments. There is no time constraint for the submission of a site plan; but once approved, a site plan is valid for a defined period of time.

### **Contact**

Eric Greulich, Senior Zoning Planner, [greulice@bloomington.in.gov](mailto:greulice@bloomington.in.gov), (812) 349-3526

---

<sup>5</sup> IC 36-7-4-603

<sup>6</sup> IC 36-7-4-1015

## ORDINANCE 21-08

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY REZONING 87  
ACRES FROM PLANNED UNIT DEVELOPMENT TO MIXED-USE CORRIDOR (MC)  
- Re: 3100 W. Fullerton Pike  
(Bill C. Brown Revocable Trust, Petitioner)**

WHEREAS, Ordinance 20-06, repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, “Unified Development Ordinance”; and

WHEREAS, the Plan Commission has considered this case, ZO-23-20, and forwarded with no recommendation the petition from Bill C. Brown Revocable Trust to rezone 87 acres from Planned Unit Development to Mixed-Use Corridor (MC).

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.06 of the Bloomington Municipal Code, the zoning for the property at 3100 W. Fullerton Pike shall be amended to be zoned to Mixed-Use Corridor (MC). The property is further described as follows:

A part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point 884.99 feet West of the Southeast corner of said Southwest Quarter, said point being on the South line of said Southwest Quarter, thence North 00 degrees 00 minutes 00 seconds East for a distance of 2628.76 feet to the North line of said Southwest Quarter, thence South 89 degrees 57 minutes 30 seconds West over and along said North line for a distance of 1682.50 feet to the East right-of-way of State Road 37, thence over and along the East right-of-way by the following courses and distances: South 01 degrees 11 minutes 19 seconds East 310.82 feet Southeasterly 703.88 feet on an arc to the left having a radius of 5564.58 feet and being subtended by a long chord bearing South 04 degrees 47 minutes 19 seconds East 703.41 feet; South 05 degrees 59 minutes 03 seconds East, 293.42 feet; Southeasterly 1266.37 feet on an arc to the left having a radius of 5584.58 feet and being subtended by a long chord bearing South 17 degrees 55 minutes 30 seconds East, 1263.66 feet; South 69 degrees 50 minutes 09 seconds East 215.25 feet; North 89 degrees 16 minutes 53 seconds East 488.72 feet; South 01 degrees 41 minutes 45 seconds East 57.64 feet to the South line of said Southwest Quarter, thence North 89 degrees 32 minutes 51 seconds East over and along said South line for a distance of 505.39 feet to the point of beginning. Containing 90.89 acres, more or less.

EXCEPTING THEREFROM a part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana and being that part lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat, marked as EXHIBIT B, in that certain Agreed Finding and Judgment recorded September 1, 2016, at Instrument No. 2016012211, in the office of the Recorder of Monroe County, Indiana and described as follows: Beginning at a point on the South Line of said Section, North 88 degrees 49 minutes 50 seconds West 921.00 feet, (884.99 feet by Instrument Number 2008006074), from the Southeast corner of said quarter Section, said Southeast corner being designated as point “81825” on said Plat; thence North 88 degrees 49 minutes 50 seconds West 505.39 feet along said South Line to the Southwest corner of the above described Parcel ; thence North 0 degrees 14 minutes 08 seconds West 73.33 feet, (57.64 feet by said Instrument Number 2008006074), along a West line of the above described Parcel to a South line of the above described Parcel; thence North 89 degrees 39 minutes 34 seconds West 495.34 feet, (488.72 feet by said Instrument Number 2008006074), along said South Line to the Northeastern boundary of the intersection of State Road 37 and said Fullerton Pike as described in Deed Record 205, page 157; thence North 68 degrees 46 minutes 36 seconds West 215.25 feet along the boundary of the intersection of said State Road 37 and Fullerton Pike to the Northeastern boundary of said State Road 37; thence along the boundary of said State Road 37, Northwesterly 17.17 feet along an arc to the right having a radius of 5,584.58 feet and subtended



by a long chord having a bearing of North 23 degrees 16 minutes 26 seconds West and a length of 17.17 feet to point “4183” designated on said Plat; thence North 87 degrees 49 minutes 24 seconds East 633.67 feet to point “4182” designated on said Plat; thence North 77 degrees 21 minutes 33 seconds East 230.49 feet to point “4181” designated on said Plat, thence South 52 degrees 57 minutes 06 seconds East 157.61 feet to point “4180” designated on said Plat; thence South 89 degrees 25 minutes 55 seconds East 227.35 feet to the East Line of the above described Parcel; thence South 1 degree 03 minutes 00 seconds West 157.61 feet along said East Line to the point of beginning and containing 3.770 acres, more or less, inclusive of the presently existing right-of-way which contains 0.239 acres, more or less, leaving after said exception 87.12 acres, more or less.

SECTION 2. This rezoning shall be approved and the zoning maps amended.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other 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 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JIM SIMS, 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 \_\_\_\_\_, 2021.

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

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

SYNOPSIS

Ordinance 21-08 would rezone 87 acres from Planned Unit Development to Mixed-Use Corridor (MC).

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-08 is a true and complete copy of Plan Commission Case Number ZO-23-20 which was given no recommendation by a vote of 6 Ayes, 2 Nays, and 1 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 11, 2021.

Date: January 19, 2021

  
\_\_\_\_\_  
Scott Robinson, Secretary  
Plan Commission

Received by the Common Council Office this 20th day of January, 2021.

  
\_\_\_\_\_  
Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes \_\_\_\_\_ No \_\_\_\_\_

X SP

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

## Interdepartmental Memo

**To:** Members of the Common Council  
**From:** Eric Greulich, Senior Zoning Planner  
**Subject:** ZO-23-20  
**Date:** January 19, 2021

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case ZO-23-20. The Plan Commission heard this petition at the January 11, 2021 hearing and voted 6-2-1 to send this petition to the Common Council with no recommendation. The Plan Commission report is attached.

---

**REQUEST:** The petitioner is requesting to rezone 87 acres from Planned Unit Development (PUD) to Mixed Use Corridor (MC).

---

### BACKGROUND:

<b>Area:</b>	87 acres
<b>Current Zoning:</b>	Planned Unit Development
<b>Comp Plan Designation:</b>	Employment
<b>Existing Land Use:</b>	Undeveloped
<b>Proposed Land Use:</b>	None
<b>Surrounding Uses:</b>	North – Southern Indiana Medical Park South – Undeveloped (County Jurisdiction) East – Quarry (County Jurisdiction) West – Interstate 69 (County Jurisdiction)

---

**REPORT:** This 87 acre property is located at the northeast corner of State Road 37 and W. Fullerton Pike. The site is currently undeveloped. This property was zoned Planned Unit Development (PUD) in 1988 (PCD-36-88) largely for industrial uses. The property received a final plan approval for an assisted care living facility in 1997 (PUD-6-97) and a PUD amendment in 1999 (PUD-15-99) to include a nine-hole, Par 3 golf course to the list of approved uses. This site was also evaluated in 2003 and 2004 in association with rezoning requests for the large vacant property to the north (Southern Indiana Medical Park II). No formal approvals for this parcel were sought at that time. A site plan approval (PUD-10-15) was approved in 2015 to allow for some of the topsoil from this site to be removed for the construction of I-69. The portions of the site that contain tree canopy coverage and riparian buffers were set aside in the required easements with the 2015 site plan approval.

The petitioner is requesting to rezone this property from a Planned Unit Development to Mixed-Use Corridor (MC). No development plan is being requested at this time and no conceptual site plan has been submitted. For reference, on the draft zoning map that has been proposed, this area is proposed to be rezoned to Mixed-Use Employment. While there are some uses within the Mixed-Use Corridor District (MC) that are also allowed in the Mixed-Use Employment (ME) district, there are some specific uses that may not be appropriate for this area including big box retail, car washes, vehicle sales, bar/tavern, and vehicle repair. Through the map update and text amendment process, the Department is evaluating possible changes to the use list for the Mixed-Use Employment district.

The petitioner has submitted a list of proposed uses that would be restricted on the property through a zoning commitment. The following uses are proposed to be prohibited on the property-

- ◆ Student housing or dormitory
- ◆ Sexually oriented business
- ◆ Bed & Breakfast
- ◆ Tattoo or piercing parlor
- ◆ Pawn shop
- ◆ Retail sales (big box)
- ◆ Transportation terminal
- ◆ Vehicle fleet operations, small
- Vehicle fleet operations, large

While this list does restrict certain uses that would be low employee generating uses and not appropriate for this location, there are still many uses that would be allowed that don't match the intent of the Comprehensive Plan. For reference, the Department has included in the packet a comparison chart of the list of uses between the Mixed Use Corridor (MC) zoning district and the Mixed Use Employment (ME) zoning district. As the Department has discussed in previous reports and presentations, the rezoning of this property to Mixed Use Corridor (MC) would not fit the intent and goals of the Comprehensive Plan. While we understand the petitioner's desire to increase the list of uses on the property to improve marketability, the rezoning would substantially decrease the likelihood of the property to be developed in a manner consistent with the recently approved Comprehensive Plan for predominantly employment generating uses. In addition, the Department is concerned that rezoning this property would lead to requests to rezone other ME zoned properties.

---

#### **20.06.070(b)(3)(E)(i)(1) ZONING MAP AMENDMENT PLAN COMMISSION REVIEW AND RECOMMENDATION:**

The following criteria are those that the Plan Commission must consider when reviewing a zoning map amendment request.

[a] The recommendations of the Comprehensive Plan;

**PROPOSED FINDING:** The Comprehensive Plan designates this site as 'Employment Center'. The Employment Center district includes professional and business offices, light assembly plants, flex-tenant facilities, and research and development centers. The Plan also states that the Employment Center district should contain a mix of office and light/high-tech manufacturing uses that provide quality employment opportunities for the Bloomington community. The proposed district, MC, would not align as well with the Employment Center category as the Employment or Mixed-Use Employment zoning districts would.

[b] Current conditions and character of structures and uses in each zoning district;

**PROPOSED FINDING:** The site is undeveloped and is in a prime location for employment uses with direct access from Interstate 69. This ease of access to a regional interstate makes this an ideal location for employment uses that would employ people from a wide area surrounding this site.

[c] The most desirable use for which the land in each zoning district is adapted;

**PROPOSED FINDING:** The most desirable use for this land is to follow the recommendations of the recently adopted Comprehensive Plan that call out for employment uses. The Comprehensive Plan recommendation for this site is in keeping with the Employment Center designation for this entire area along Interstate 69 and continues the employment uses to the north of this site. In addition, the amount of undeveloped property within the community that is zoned for Mixed Use Employment is much less than the amount of land zoned for Mixed Use Corridor, which places a great importance on preserving land for Employment uses.

[d] The conservation of sensitive environmental features;

**PROPOSED FINDING:** The environmental features on this site were set aside in the 2015 approval and placed in the required easements.

[e] The conservation of property values throughout the jurisdiction; and

**PROPOSED FINDING:** The rezoning of this PUD to either the Mixed Use Employment district or the Mixed Use Corridor are not anticipated to have any negative impacts on adjacent property values throughout the jurisdiction.

[f] Responsible development and growth

**PROPOSED FINDING:** The rezoning of this property to Mixed Use Corridor (MC) would result in the loss of a large area of property that is appropriately located adjacent to a regional interstate system that would best be served for Employment Uses. This location is not easily accessed from within the City and therefore not ideal for uses with high daily vehicular traffic as are typically found with uses in the MC zoning district such as restaurants, bars/taverns, retail shops, etc. It is also essential to protect property that is best served for Employment uses to maintain responsible development and growth for the community by providing areas for office parks and other employment uses to locate. Furthermore, the Comprehensive Plan designates Employment Center for many similar locations and this request, if approved, may introduce numerous inconsistencies with the pending zoning map updates.

---

**CONCLUSION:** Although the Department recommended denial of the petition, the Plan Commission struggled with a consensus on a recommendation for this petition. Some members of the Plan Commission believed that some flexibility was needed to allow for this property to redevelop, however were concerned about implications for other properties within the Community that were zoned as Mixed-Use Employment and a precedent for other properties to follow suit with rezoning petitions. Additional problems revolved around possible changes to the use list for the Mixed-Use Employment district that might accommodate some of the proposed uses that the petitioner is seeking. The Plan Commission was concerned that forwarding this to the Council with a negative recommendation might result in the petition not being heard and the Plan Commission felt that additional conversations were warranted for this petition at the Council.

The Department believes that the rezoning of this site to Mixed Use Corridor would not match the Comprehensive Plan designation of the site as Employment Center. While some of the uses in MC are conducive to employment, many more uses are not and the EM or ME zoning districts are more

appropriate for this prominent intersection, and in line with the Comprehensive Plan. In addition, the Department has proposed to rezone this Planned Unit Development to Mixed Use Employment in the proposed draft zoning map and approving this rezoning to a Mixed Use Corridor District could create problems for other properties with the Employment designation within the City.

---

**RECOMMENDATION:** The Plan Commission voted 6-2-1 to forward this petition to the Common Council with no recommendation.

Use	MC	ME
<b>RESIDENTIAL USES</b>		
<b>Household Living</b>		
Dwelling, single-family (detached)	P*	P*
Dwelling, duplex	C*	
Dwelling, triplex	C*	
Dwelling, fourplex	P*	
Dwelling, multifamily	P	P*
Dwelling, live/work	P*	
<b>Group Living</b>		
Assisted living facility	P	
Continuing care retirement facility	P	
Group care home, FHAA small	P*	
Group care facility, FHAA large	P*	P*
Nursing or convalescent home	P	P
Opioid rehabilitation home, small	P*	
Opioid rehabilitation home, large	P*	P*
Residential rooming house	P	C*
<del>Student housing or dormitory</del>	P*	
Supportive housing, small	C	
Supportive housing, large	C	
<b>PUBLIC, INSTITUTIONAL, AND CIVIC USES</b>		
<b>Community and Cultural Facilities</b>		
Art gallery, museum, or library	P	
Club or lodge	P	
Community center	P	
Conference or convention center	P	P

Crematory	C	
Day-care center, adult or child	P*	C*
Government service facility	P	P
Meeting, banquet, or event facility	P	P
Mortuary	P	
Park	P	P
Place of worship	P	C
Police, fire, or rescue station	P	P
Urban agriculture, noncommercial	P*	P*
<b>Educational Facilities</b>		
School, college or university	C	C
School, public or private	P*	C*
School, trade or business	P	P
<b>Healthcare Facilities</b>		
Medical clinic	P	P
Methadone treatment facility	P*	
Opioid rehabilitation facility	C*	C*
<b>COMMERCIAL USES</b>		
<b>Agricultural and Animal Uses</b>		
Crops and pasturage	A*	A*
Kennel	C*	
Orchard or tree farm, commercial	A*	A*
Pet grooming	P*	
Plant nursery or greenhouse, commercial	P	P
Veterinarian clinic	P*	



Entertainment and Recreation		
Amenity center	P	P
Country club	P	
Recreation, indoor	P	
Recreation, outdoor	C	P
<del>Sexually oriented business</del>	P*	
Food, Beverage, and Lodging		
Bar or dance club	P	
<del>Bed and breakfast</del>	P	
Brewpub, distillery, or winery	P*	P*
Hotel or motel	P	C
Restaurant	P	P*
Office, Business, and Professional Services		
Artist studio or workshop	P	C
Check cashing	C	
Financial institution	P	C
Fitness center, small	P	A
Fitness center, large	P	
Office	P	P
Personal service, small	P	P
Personal service, large	P	P
<del>Tattoo or piercing parlor</del>	P	
Retail Sales		
Building supply store	P	
Grocery or supermarket	P	P
Liquor or tobacco sales	P	
<del>Pawn shop</del>	P	

Retail sales, small	P	P
Retail sales, medium	P	
Retail sales, large	P	
<del>Retail sales, big box</del>	P	
<b>Vehicles and Equipment</b>		
Equipment sales or rental	P*	
<del>Transportation terminal</del>	P	
<del>Vehicle fleet operations, small</del>	P	
<del>Vehicle fleet operations, large</del>	P	
Vehicle fuel station	P*	P*
Vehicle impound storage		
Vehicle parking garage	P	P
Vehicle repair, major	P*	
Vehicle repair, minor	P*	
Vehicle sales or rental	P	P
Vehicle wash	P*	
<b>EMPLOYMENT USES</b>		
<b>Manufacturing and Processing</b>		
Commercial laundry	P	
Food production or processing	C	C
Manufacturing, artisan	P	C
Manufacturing, light		P
<b>Storage, Distribution, or Warehousing</b>		
Contractor's yard	P	C
Distribution, warehouse, or wholesale facility	C	C
Storage, self-service	P*	P*
<b>UTILITIES AND COMMUNICATION</b>		
Communication facility	C*	C*

Solar collector, ground- or building-mounted	A*	A*
Utility substation and transmission facility	P*	P*
Wind energy system, large		P*
Wind energy system, small	A*	A*
<b>ACCESSORY USES</b>		
Chicken flock	A*	A*
Drive-through	A	
Dwelling, accessory unit	A*	A*
Electric vehicle charging facility	A	A
Greenhouse, noncommercial	A	A
Home occupation	A*	A*
Outdoor retail and display	T*	
Outdoor trash and recyclables receptacles	A*	A*
Recycling drop-off, self-serve	A	A
Swimming pool	A*	A*
<b>TEMPORARY USES</b>		
Book buyback	T*	
Construction support activities	T*	T*
Farm produce sales	T*	T*
Real estate sales or model home	T*	T*

Seasonal sales	T*	T*
Special event	T	T



City of Bloomington  
Bloomington Environmental Commission

## MEMORANDUM

Date: November 9, 2020

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Subject: ZO-23-20: Bill C. Brown Revocable Trust Rezone  
3100 W. Fullerton Pike

---

The purpose of this memo is to convey the environmental concerns and recommendations for conditions of approval from the Environmental Commission (EC) with the hope that action will follow to enhance its environment-enriching attributes. The request is to rezone the property from PUD to Mixed-Use Corridor (MC).

The EC has no objection to the rezoning of this property with the following conditions of approval.

### COMMENTS

#### 1. Conservation Easement signs

All easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

#### 2. Additional information regarding the karst geology

At the time of the previous petitioner's request, the EC recommended a through geologic investigation. The reason is that the soil is very thin and there are sinkholes and springs on the site and the surrounding area. Excavation of the soil and bedrock will likely expose more sensitive features. Because karst features that are not now obvious should also be protected if exposed, the EC believes the geologic investigation should be conducted. The staff report from 2015 states that staff thinks this investigation should be completed at the time of rezone, which is now.

Below you find the part of the staff report referred to. Additionally, you will find the 2015 EC memo requesting further investigations. The part that is struck out, does not relate to this petition.

**BLOOMINGTON PLAN COMMISSION CASE NO: PUD-10-15**

**STAFF REPORT DATE: April 13, 2015**

**LOCATION: 3100 W. Fullerton Pike**

**PETITIONER: Bill C. Brown**

300 S. SR 446, Bloomington

**ENVIRONMENTAL COMMISSION:** The Environmental Commission has reviewed this petition and offered the following recommendations:

1.) The Petitioner should get a geological evaluation to describe what karst features are hidden beneath the ground surface and describe how the surface and subsurface water regime will be impacted with soil excavation.

2.) The Petitioner should get an evaluation from a Soil Scientist that describes the health and vitality of the subsurface soil that will eventually be on the surface.

**Staff's Response (1 & 2):** Staff finds that the proposed testing would only be appropriately required if it were attached through a rezoning process and not at a final plan stage. The proposed grading meets the environmental standards and will be protected in a manner consistent with the UDO and the PUD.

3.) The Petitioner should reconsider the location of the road bed to avoid the high quality woods to the north.

**Staff's Response:** Staff finds that the proposed location is both appropriate and consistent with the past approvals for this property and the property to the north. Furthermore, no construction of the road is proposed and future construction will be reviewed by the Plan Commission.

**CONCLUSION:** As previously stated, this proposal does not include any buildings or use of the property and only proposes grading activities. The proposal must receive Plan Commission approval only because no grading can occur without a PUD final plan approval. The proposed grading will not excessively denude the site of usable soil and will not encroach into environmentally sensitive portions of the site as regulated by the Unified Development Ordinance. Therefore, staff is supportive of this request.

**RECOMMENDATION:** Staff recommends approval of PUD-10-15 with the following conditions:

1. The petitioner must retain 50 percent of the topsoil for use on-site to promote stabilization of the soil after grading.

2. No grading is permitted without an approved grading permit.

3. Required easements for slopes over 18 percent, riparian buffers, and karst features must be identified and recorded prior to the release of a grading permit



City of Bloomington  
Bloomington Environmental Commission

**MEMORANDUM**

**Date:** April 6, 2015  
**To:** Bloomington Plan Commission  
**From:** Bloomington Environmental Commission  
**Through:** Linda Thompson, Senior Environmental Planner  
**Subject:** PUD-10-2015, Bill Brown Trust, Fullerton Pike  
South SR 37 and West Fullerton Pike

---

*This memorandum contains the Environmental Commission's (EC) input and recommendations regarding a request for a PUD Final Plan for grading work. The request includes removal of several feet of topsoil and road bed preparation. The EC believes this project will have negative environmental effects that may not be apparent at first glance, thus does not support the proposal.*

**ISSUES OF SOUND ENVIRONMENTAL DESIGN:**

**1.) KARST PROTECTION:**

*There are two sinkholes on the western edge of the site where it is nearly the highest point on the property. The sinkholes will be protected during excavation, and afterwards the outer edge of the sinkholes will be higher than the surrounding surface. To help envision this after grading is complete, imagine a volcano that extends upward from the ground surface, or perhaps a sump drain that is elevated above the floor. What this means is that no water will be able to flow into the sinkholes, thus cutting off the existing water supply to the subsurface karst system. The UDO (20.05.042 (a) (6)) states "Stormwater discharge into a karst feature shall not be increased over its pre-development rate. In addition, such discharge into a karst feature shall not be substantially reduced from pre-development conditions." The EC fears that depleting the sinkholes of their current water infiltration will diminish the water reaching the spring just downslope and change the entire water regime leading to the wetlands near the bottom of the watershed.*

*Because of the probable negative impact to this entire ecosystem, the EC believes that the Petitioner should do more research regarding the effects of changing the hydrologic behavior in the entire watershed. Some information to be gleaned before approval include the following.*

*A geotechnical audit that identifies karst features that may be uncovered with excavation, thus revealing the limitations such features impose on site development, and predict changes in hydrologic behavior.*

*This will require a geologic investigation conducted by a Professional Geologist. The investigation results need to include, depict, illustrate, and/or portray at least the following to the satisfaction of the EC and the Senior Environmental Planner.*

- a. A karst inventory for the whole sub watershed. The site is an integral part of a regional karst system and does not stand alone; therefore, it cannot be evaluated without considering the whole surface and subsurface drainage system. This includes all karst features (sinkholes, springs, grikes, underground water conduits, fracture liniments, voids, caves, etc.) expressed on the surface and in the subsurface.*
- b. Due to the intensity of karst features in the vicinity, any soil borings used to portray the bedrock surface should be drilled on a grid spaced more densely than typically used to identify a bedrock surface.*
- c. After identifying any newly-found karst features, which will contribute to the control and form the drainage regime, the stormwater and groundwater flow patterns must be identified and mapped.*
- d. Map the bedrock topography (this means the top of the subsurface rock and not the surface soil topography) and locate bedrock voids.*
- e. The results of the research and methods used to reach the conclusions of the above suggestions should be included within the environmental review plan. Examples of research methods that could be employed are:*

*Natural Potential (NP)  
Electrical Resistivity Tomography (ERT)  
Seismic  
Electromagnetic (EM)  
Microgravity  
Infrared Thermal Scanning  
Dye Tracing  
Exploratory Soil Boring  
Exploratory Rock Coring  
Ground-Penetrating Radar*

## 2.) DENUDED SOIL BIOLOGY:

*Because there are so many living organisms in soil, the EC recommends that a Soil Scientist be employed to describe what the remaining surface will contain and whether or not it will be able to support life. If terra Rosa is all that is left on the surface, amendments may need to be applied in order for plant life to regenerate. The soil ecosystem is teeming with biodiverse organisms that enable plants to take up nutrients necessary for survival. A chart from Colorado State University Extension <http://www.ext.colostate.edu/mg/gardennotes/212.html> exemplifies this.*





## City of Bloomington Bloomington Environmental Commission

*Table 1.  
Organisms typically found in one cup of undisturbed native soil*

<i>Organism</i>	<i>Number</i>
<i>Bacteria</i>	<i>200 billion</i>
<i>Protozoa</i>	<i>20 million</i>
<i>Fungi</i>	<i>100,000 meters</i>
<i>Nematodes</i>	<i>100,000</i>
<i>Arthropods</i>	<i>50,000</i>

### *3.) ROAD CONNECTION:*

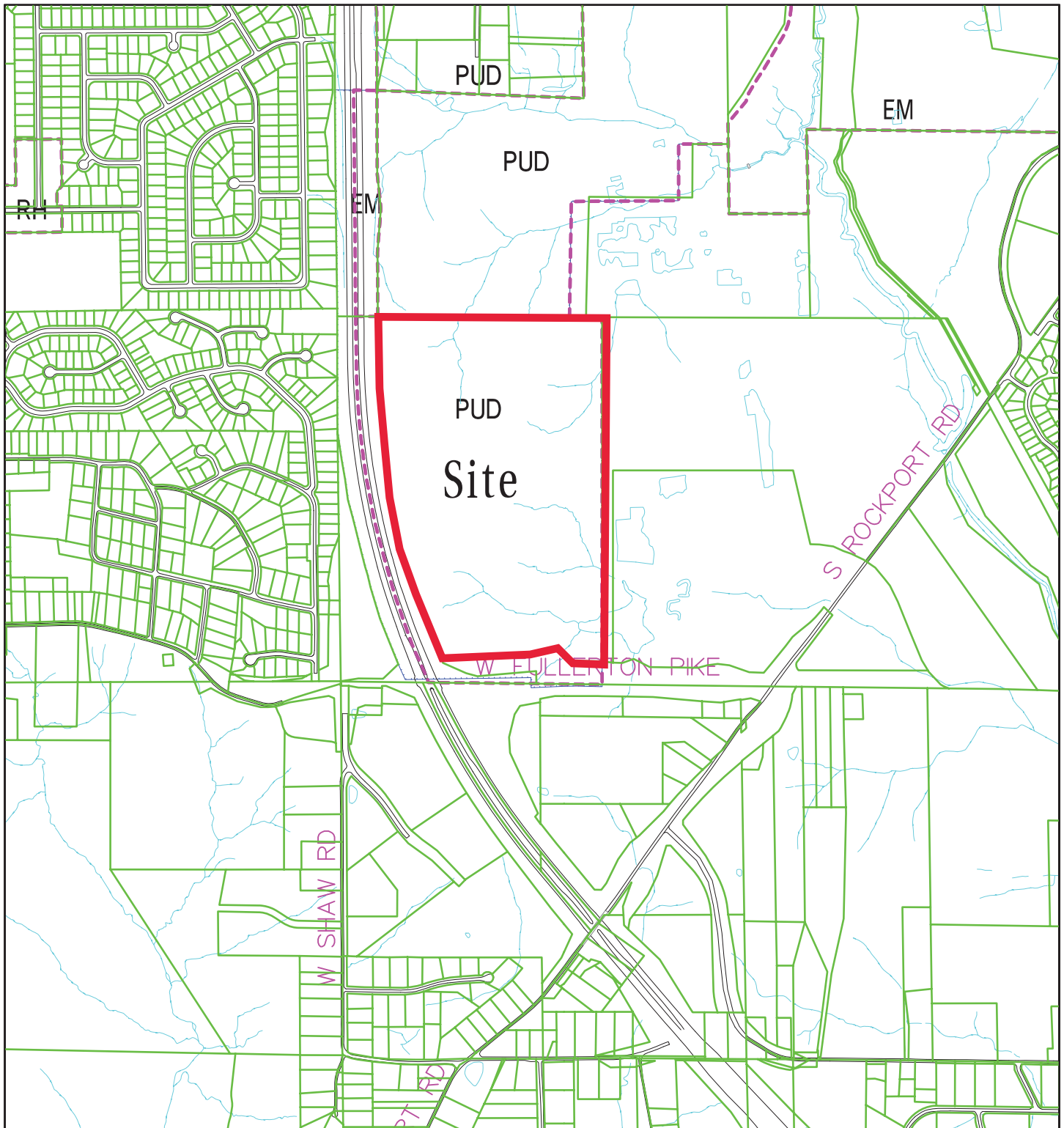
*The EC is not in favor of the future road stubbing into the adjoining woods at the location shown on the plans. In the past, there was much discussion regarding saving the mature woodland to the north of this property. The EC would still recommend protecting that woods.*

### **EC RECOMMENDATIONS:**

- 1.) The Petitioner should get a geological evaluation to describe what karst features are hidden beneath the ground surface and describe how the surface and subsurface water regime will be impacted with soil excavation.*
- 2.) The Petitioner should get an evaluation from a Soil Scientist that describes the health and vitality of the subsurface soil that will eventually be on the surface.*
- 3.) The Petitioner should reconsider the location of the road bed to avoid the high quality woods to the north.*

### **RECOMMENDED CONDITIONS OF APPROVAL for November 9, 2020**

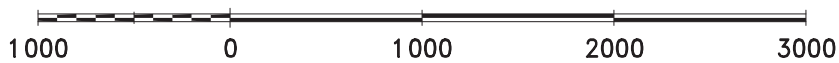
1. All signs that were required to be installed at the edges of the Conservancy Easements shall be installed now. This requirement is found in both the previous and current UDOs.
2. A geologic evaluation of the hydrology, soil health, and karst features will be conducted by a Licensed Professional Geologist (LPG) per the request in the April 6, 2015 EC memo to the Plan Commission before the issuance of any permits.



Bill Brown Fullerton Pike

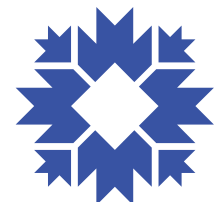
By: greulice

9 Oct 20



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation

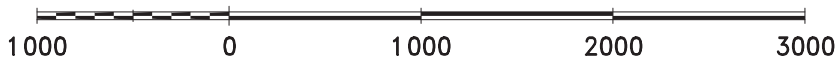


Scale: 1" = 1000'





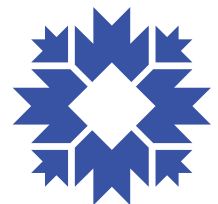
By: greulice  
9 Oct 20



For reference only; map information NOT warranted.



City of Bloomington  
Planning & Transportation



Scale: 1" = 1000'



## **COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE**

Bill C. Brown Revocable Trust (“Owner”) makes the following commitment to the City of Bloomington Plan Commission (the “Commission”) regarding the use and development of the following described real estate in Monroe County, Indiana:

### **Section 1: Real Estate.**

A part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point 884.99 feet West of the Southeast corner of said Southwest Quarter, said point being on the South line of said Southwest Quarter, thence North 00 degrees 00 minutes 00 seconds East for a distance of 2628.76 feet to the North line of said Southwest Quarter, thence South 89 degrees 57 minutes 30 seconds West over and along said North line for a distance of 1682.50 feet to the East right-of-way of State Road 37, thence over and along the East right-of-way by the following courses and distances: South 01 degrees 11 minutes 19 seconds East 310.82 feet Southeasterly 703.88 feet on an arc to the left having a radius of 5564.58 feet and being subtended by a long chord bearing South 04 degrees 47 minutes 19 seconds East 703.41 feet; South 05 degrees 59 minutes 03 seconds East, 293.42 feet; Southeasterly 1266.37 feet on an arc to the left having a radius of 5584.58 feet and being subtended by a long chord bearing South 17 degrees 55 minutes 30 seconds East, 1263.66 feet; South 69 degrees 50 minutes 09 seconds East 215.25 feet; North 89 degrees 16 minutes 53 seconds East 488.72 feet; South 01 degrees 41 minutes 45 seconds East 57.64 feet to the South line of said Southwest Quarter, thence North 89 degrees 32 minutes 51 seconds East over and along said South line for a distance of 505.39 feet to the point of beginning. Containing 90.89 acres, more or less.

EXCEPTING THEREFROM a part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana and being that part lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat, marked as EXHIBIT B, in that certain Agreed Finding and Judgment recorded September 1, 2016, at Instrument No. 2016012211, in the office of the Recorder of Monroe County, Indiana and described as follows: Beginning at a point on the South Line of said Section, North 88 degrees 49 minutes 50 seconds West 921.00 feet, (884.99 feet by Instrument Number 2008006074), from the Southeast corner of said quarter Section, said Southeast corner being designated as point “81825” on said Plat; thence North 88 degrees 49 minutes 50 seconds West 505.39 feet along said South Line to the Southwest corner of the above described Parcel ; thence North 0 degrees 14 minutes 08 seconds West 73.33 feet, (57.64 feet by said Instrument Number 2008006074), along a West line of the above described Parcel to a South line of the above described Parcel; thence North 89 degrees 39 minutes 34 seconds

West 495.34 feet, (488.72 feet by said Instrument Number 2008006074), along said South Line to the Northeastern boundary of the intersection of State Road 37 and said Fullerton Pike as described in Deed Record 205, page 157; thence North 68 degrees 46 minutes 36 seconds West 215.25 feet along the boundary of the intersection of said State Road 37 and Fullerton Pike to the Northeastern boundary of said State Road 37; thence along the boundary of said State Road 37, Northwesterly 17.17 feet along an arc to the right having a radius of 5,584.58 feet and subtended by a long chord having a bearing of North 23 degrees 16 minutes 26 seconds West and a length of 17.17 feet to point "4183" designated on said Plat; thence North 87 degrees 49 minutes 24 seconds East 633.67 feet to point "4182" designated on said Plat; thence North 77 degrees 21 minutes 33 seconds East 230.49 feet to point "4181" designated on said Plat, thence South 52 degrees 57 minutes 06 seconds East 157.61 feet to point "4180" designated on said Plat; thence South 89 degrees 25 minutes 55 seconds East 227.35 feet to the East Line of the above described Parcel; thence South 1 degree 03 minutes 00 seconds West 157.61 feet along said East Line to the point of beginning and containing 3.770 acres, more or less, inclusive of the presently existing right-of-way which contains 0.239 acres, more or less, leaving after said exception 87.12 acres, more or less.

## **Section 2: Excluded Uses.**

- a. Owner has applied for rezoning of the Real Estate from PUD to Mixed Use – Corridor (MC).
- b. The City of Bloomington Unified Development Ordinance at Section 20.03.020 Allowed Use Table identifies permitted and conditional uses of the property in the MC zone.
- c. In consideration for Owner's Petition to Rezone the real estate from PUD to MC, Owner makes this Commitment Concerning the Use and Development of Real Estate.

## **Section 3: Statement of Commitment.**

- a. Bill C. Brown, Trustee, Bill C. Brown Revocable Trust is the owner of the Real Estate.

**Deed Reference:** Instrument No. 2008006074

- b. Owner commits that the Real Estate will not be allowed for use for the following uses otherwise permitted in the MC zone, Unified Development Ordinance:

♦ Student housing or dormitory

- ◆ Sexually oriented business
- ◆ Bed & Breakfast
- ◆ Tattoo or piercing parlor
- ◆ Pawn shop
- ◆ Retail sales (big box)
- ◆ Transportation terminal
- ◆ Vehicle fleet operations, small
- Vehicle fleet operations, large

**Section 4: Binding Effect.**

- a. Failure to honor these commitments shall constitute a violation of the zoning ordinance and shall be subject to the penalties for the violation in addition to all other enforcement remedies.
- b. These commitments are binding on the owners of the Real Estate, including any part thereof and any lot comprising part of the Real Estate derived from a subdivision of the Real Estate.
- c. These commitments may be modified or terminated only upon approval the City of Bloomington Plan Commission.

**Section 5: Recording.** This Commitment shall be recorded by or on behalf Owner and upon failure to do so the Director of the City of Bloomington Planning Department is authorized to record this Commitment in the Office of the Recorder of Monroe County, Indiana at the expense of Owner. A copy of the recorded Commitment bearing the recording stamp of the Recorder of Monroe County, Indiana shall be submitted to the City of Bloomington Planning Department within thirty (30) days of approval of the Petition to Rezone the Real Estate from PUD to MC.

**Section 6: Enforcement.** This Commitment is perpetual and is binding on the Owner and all successors in interest to the Real Estate. This Commitment may be enforced by the City of Bloomington Plan Commission.

IN WITNESS WHEREOF, Owner has caused this Commitment to be executed as of the \_\_\_\_ day of January 2021.

Bill C. Brown Revocable Trust

By: \_\_\_\_\_  
Bill C. Brown, Trustee

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MONROE    )

Before me, a Notary Public in and for said county and state, this \_\_\_\_ day of January, 2021, at which time Bill C. Brown personally appeared and acknowledged the execution of the above and foregoing Commitment Concerning the Use and Development of Real Estate to be a voluntary act and deed.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Name Printed)

A resident of \_\_\_\_\_ County, Indiana

### **CERTIFICATE OF PROOF**

WITNESS to the signature(s) on the foregoing instrument to which this Proof is attached:

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Name (must be typed/printed)

### **PROOF:**

STATE OF INDIANA  
COUNTY OF MONROE

Before me, a Notary Public in and for said County and State, on January \_\_\_\_, 2021, personally appeared the above named WITNESS to the foregoing instrument, who, being by me duly sworn, did depose and say that he/she knows Bill C. Brown to be the individual described in and who executed the foregoing instrument; that said WITNESS was present and saw said Bill C. Brown execute the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(name printed)

A resident of \_\_\_\_\_ County

Commission No.: \_\_\_\_\_

*I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael L. Carmin.*

This Instrument Prepared By  
Michael L. Carmin, Attorney at Law  
CARMINPARKER, P.C.  
116 W. 6th St., Suite 200, P.O. Box 2639  
Bloomington, Indiana 47402-2639  
Telephone: (812) 332-6556

425381 / 2761-5



## **PETITIONER'S REZONING STATEMENT**

Bill C. Brown Revocable Trust, Petitioner, requests rezoning of the PUD land located at Fullerton Pike and I-69 (northeast corner) consisting of 87.12 acres to mixed use-corridor (MC).

Unified Development Ordinance states the purpose for the MC zone as “intended to accommodate medium scaled developments with a mix of store front retail, professional office, and/or residential dwelling units along arterial and collector corners at a scale larger than the neighborhood-scale uses accommodated by the MN zoning district.”

**Current Planned Unit Development zone.** The existing PUD contains a variety of permitted uses, including:

- ◆ Commercial, retail
- ◆ Commercial, trade
- ◆ Commercial, wholesale
- ◆ Industrial – manufacturing and processing uses
- ◆ Industrial – non-processing use (warehouse)
- ◆ Professional, corporate and commercial offices
- ◆ Healthcare (extended care)
- ◆ Mail order sales offices and storage with limited retail

**PUD Development.** The Fullerton Pike PUD remains undeveloped. Approximately three acres of the PUD land along the south property line adjacent to Fullerton Pike was acquired by State of Indiana in connection with the I-69 development project. West Fullerton Pike adjacent to the PUD was widened and a roundabout constructed.

Proposed/Anticipated future development of the property includes:

- ◆ Hotel/motel
- ◆ Trade offices
- ◆ Governmental uses, including a training center
- ◆ Other employment uses
- ◆ Multi-family apartments

**Adjacent and surrounding uses.** The property is bordered on the east by a limestone quarry operation, on the north by vacant, undeveloped land, on the west by I-69 and west of I-69 are single family home developments, southwest is the Monroe Hospital development and the remaining land bordering on the south side of Fullerton Pike is one single family lot and undeveloped ground.

**Environmental Issues.** In August, 2015, Petitioner granted to the City of Bloomington conservancy and karst easements encumbering the PUD to identify, protect and preserve natural areas, slope areas, drainage ways and karst features.

**Petitioner's Intent.** The MC zone closely matches the PUD permitted uses. The property is bordered by I-69, an established corridor through the Monroe County community. Fullerton Pike is under development and is projected with land improvements and further development east to become a corridor from I-69 to South Walnut Street/Old State Road 37. The permitted uses in the MC zone are closely aligned with the breadth and scope of permitted uses in the existing PUD. Development standards for the MC zone are suitable for future development at this location. A specific development of the property is not planned at this time. Petitioner has been approached for possible development of a hotel in the southwest corner of the property, adjacent to I-69. Petitioner has also been approached to develop a large part of the property as a training center for fire and emergency services. It is expected that the City of Bloomington will seek to rezone the PUD at a future date. In order to promote development of the property, Petitioner seeks to clarify the zoning classification consistent with the recently adopted new Unified Development Ordinance with permitted uses appropriate to the zone without undue delay.

Petitioners request waiver of second hearing before the Plan Commission.

  
Michael L. Carmin  
Attorney for Petitioners

423648

2015011604 EASE \$36.00  
08/18/2015 12:26:50P 12 PGS  
Eric Schmitz  
Monroe County Recorder IN  
Recorded as Presented



## CONSERVANCY AND KARST EASEMENTS

THIS INDENTURE WITNESSETH, that Bill C. Brown Revocable Trust, hereinafter called GRANTOR, of Monroe County, State of Indiana grants to The City of Bloomington, the Grantee, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Conservancy Easements and Karst Easements as defined below and as described on the attached exhibit "A"

**Conservancy Easement** – This easement is to protect natural areas and includes wooded areas, sloped areas, drainage ways and karst features. The following restrictions apply within the easement area;

- Any land disturbing activity including the placement of a fence, or alteration of any vegetative cover, including mowing, is prohibited in the easement area.
- Removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic species is allowed only after first obtaining written approval from the City of Bloomington Planning & Transportation Department.
- In cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material is allowed with written approval from the City of Bloomington Planning & Transportation Department prior to any proposed removal and restoration.
- Karst areas within this Conservancy Easement are also subject to any additional restrictions provided by the Karst Conservancy Easement.

**Karst Easement** – This easement is to protect the Karst features. The following restrictions apply within the easement area;

- No land disturbing activity, including the placement of a fence or the placement of any fill material is allowed within the easement area.
- No structures shall be located within 10 of the easement.
- Storm water discharge into the easement area shall not be substantially changed. The easement are shall not be used for storm water detention.
- Spring or cave entrances shall not be modified except for the placement of a gate to prevent human access.
- Mowing is allowed in the easement area. Removal of dead or diseased trees that pose a safety risk or impede draining as well as removal of exotic invasive species is allowed only after first obtaining written approval from the City of Bloomington Planning & Transportation Department.
- Right is granted to the City of Bloomington to enter the property to inspect the easement and alter or repair the karst feature.
- Any use of pesticides, herbicides, or fertilizers is prohibited within the easement area.

- Where removal of exotic invasive species is proposed, the restoration of the disturbed area with native plant material is allowed. Written approval of the City of Bloomington Planning & Transportation Department is required prior to any proposed removal and restoration.

IN WITNESS WHEREOF, the said Grantor has executed this instrument this \_\_\_\_\_ day of August, 2015.

Bill C. Brown Revocable Trust

By: \_\_\_\_\_

Bill C. Brown, Trustee

STATE OF INDIANA        )  
                                      ) SS:  
COUNTY OF MONROE    )

SUBSCRIBED AND SWORN TO before me this 17th day of August, 2015.

My Commission Expires:

August 10, 2016

Larry J. Beckman / Larry J. Beckman

Notary Public

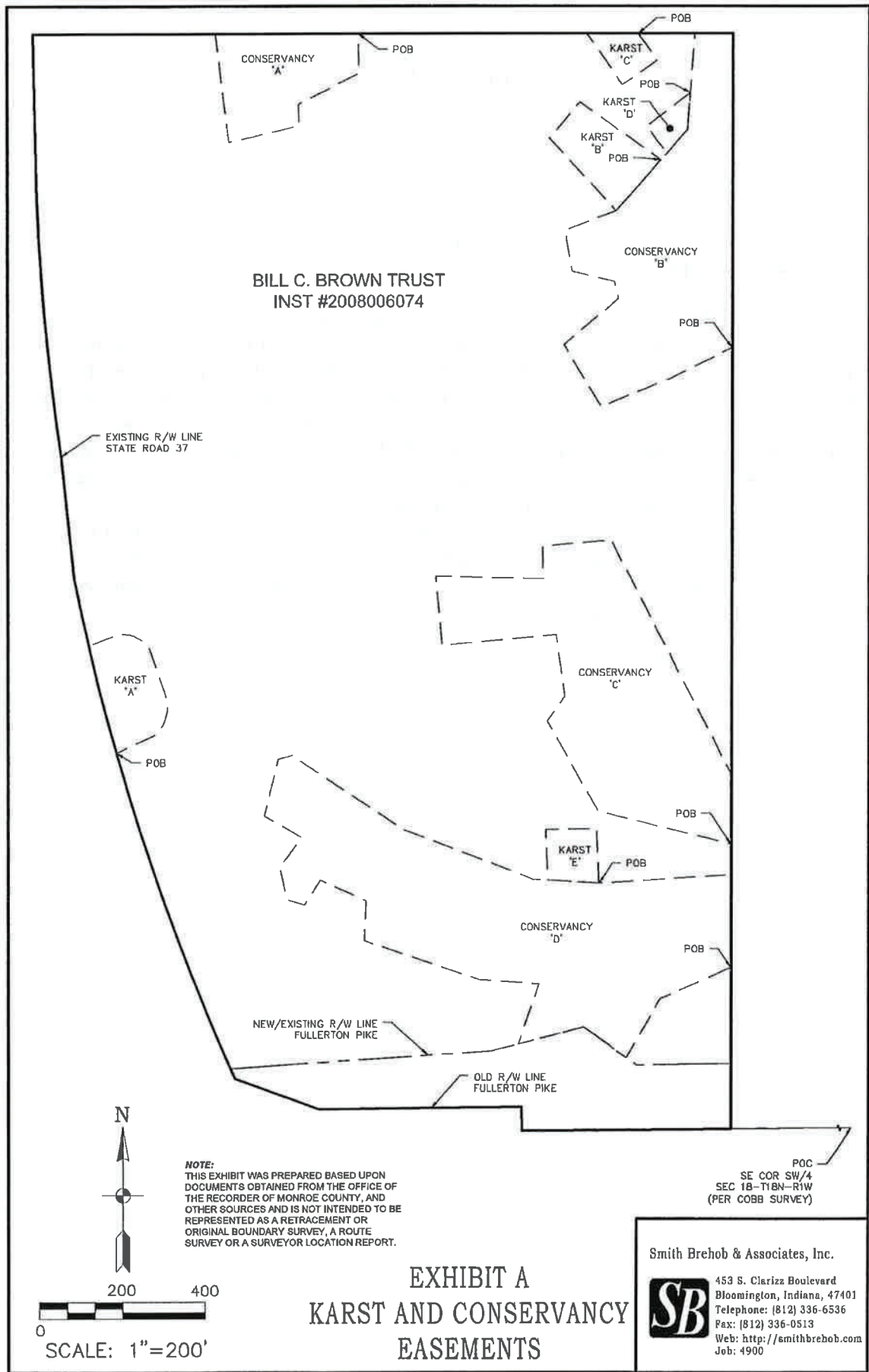
Resident of Monroe County

I affirm, under penalties of perjury that I have taken reasonable care to redact each social security number from this document unless required by law.

Stephen L. Smith



This instrument prepared by Smith Brehob & Associates, Inc.  
453 South Clarizz Boulevard, Bloomington, IN 47401



**Exhibit "A"**  
**"Conservancy Easement A"**

Project Number: 4900

**LEGAL DESCRIPTION:**

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 2628.76 feet, thence leaving said east line and following north line of said property South 89 degrees 56 minutes 28 seconds West 901.21 feet to the POINT OF BEGINNING; thence continuing along said north line South 89 degrees 56 minutes 28 seconds West 341.42 feet; thence South 06 degrees 53 minutes 17 seconds East 261.41 feet; thence North 76 degrees 41 minutes 22 seconds East 171.94 feet; thence North 01 degrees 40 minutes 08 seconds West 50.99 feet; thence North 62 degrees 58 minutes 56 seconds East 164.48 feet; thence North 01 degrees 23 minutes 27 seconds West 94.63 to the POINT OF BEGINNING, containing 1.45 acres more or less.

**Exhibit "A"**  
**"Conservancy Easement B"**

Project Number: 4900

**LEGAL DESCRIPTION:**

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 1875.23 feet to the POINT OF BEGINNING; thence continuing on said east line of said property North 00 degrees 01 minutes 11 seconds East 753.53; thence leaving said east line and following the north line of said property South 89 degrees 56 minutes 28 seconds West 90.98 feet; thence leaving the north line of said property South 04 degrees 21 minutes 56 seconds West 231.89 feet; thence South 41 degrees 22 minutes 46 seconds West 259.24 feet; thence South 69 degrees 32 minutes 56 seconds West 131.82 feet; thence South 10 degrees 29 minutes 21 seconds East 100.61 feet; thence South 76 degrees 26 minutes 07 seconds East 105.45 feet; thence South 14 degrees 04 minutes 29 seconds East 40.30 feet; thence South 49 degrees 51 minutes 40 seconds West 173.60 feet; thence South 31 degrees 06 minutes 21 seconds East 173.72 feet; thence North 67 degrees 57 minutes 31 seconds East 184.23 feet; thence North 63 degrees 22 minutes 02 seconds East 162.02 feet to the POINT OF BEGINNING, containing 4.71 acres more or less.



**Exhibit "A"**  
**"Conservancy Easement C"**

Project Number: 4900

**LEGAL DESCRIPTION:**

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 683.70 feet to the POINT OF BEGINNING; thence leaving east line of said property North 76 degrees 08 minutes 59 seconds West 331.31 feet; thence North 29 degrees 35 minutes 48 seconds West 249.48 feet; thence North 35 degrees 30 minutes 41 seconds East 73.49 feet; thence North 08 degrees 02 minutes 01 seconds West 148.13 feet; thence South 84 degrees 43 minutes 31 seconds West 277.39 feet; thence North 05 degrees 21 minutes 35 seconds West 166.77 feet; thence South 88 degrees 38 minutes 10 seconds East 261.19 feet; thence North 01 degrees 24 minutes 29 seconds West 77.69 feet; thence North 84 degrees 51 minutes 42 seconds East 166.16 feet; thence South 27 degrees 17 minutes 23 seconds East 632.66 feet to said east line; thence South 00 degrees 01 minutes 11 seconds West along said east line 167.37 feet to the POINT OF BEGINNING, containing 5.52 acres more or less.



**Exhibit "A"**  
**"Conservancy Easement D"**

Project Number: 4900

**LEGAL DESCRIPTION:**

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following the east line of said property North 00 degrees 01 minutes 11 seconds East 388.00 feet to the POINT OF BEGINNING; thence continuing on the east line of said property North 00 degrees 01 minutes 11 seconds East 222.40 feet; thence leaving the east line of said property South 86 degrees 18 minutes 32 seconds East 320.63 feet; thence North 86 degrees 24 minutes 33 seconds West 159.11 feet; thence North 69 degrees 14 minutes 20 seconds West 333.42 feet; thence North 56 degrees 32 minutes 29 seconds West 325.46 feet; thence South 73 degrees 43 minutes 37 seconds West 33.43 feet; thence South 13 degrees 51 minutes 44 seconds West 139.77 feet; thence South 59 degrees 58 minutes 16 seconds East 103.04 feet; thence South 36 degrees 17 minutes 33 seconds West 87.83 feet; thence South 12 degrees 13 minutes 16 seconds East 80.84 feet; thence South 73 degrees 34 minutes 39 seconds East 44.21 feet; thence North 32 degrees 16 minutes 02 seconds East 70.27 feet; thence South 65 degrees 49 minutes 55 seconds East 120.47 feet; thence South 02 degrees 24 minutes 30 seconds West 96.59 feet; thence South 71 degrees 25 minutes 46 seconds East 293.77 feet; thence South 86 degrees 04 minutes 49 seconds East 145.63 feet; thence South 19 degrees 22 minutes 08 seconds West 152.98 feet to existing right-of-way line of Fullerton Pike, the next (2) calls are along said right-of-way; thence (1) North 75 degrees 42 minutes 16 seconds East 163.63 feet; thence (2) South 54 degrees 36 minutes 23 seconds East 125.98 feet; thence North 30 degrees 20 minutes 41 seconds East 163.31 feet; thence North 66 degrees 09 minutes 05 seconds East 163.63 feet to the POINT OF BEGINNING, containing 7.68 acres more or less.

**Exhibit "A"**  
**"Karst Easement A"**

Project Number: 4900

**LEGAL DESCRIPTION:**

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence continuing on said south line South 89 degrees 30 minutes 53 seconds West 505.39 feet; thence leaving said south line and following on the old right-of-way of Fullerton Pike the following three (3) courses: (1) North 01 degrees 09 minutes 42 seconds West 57.41 feet; thence (2) South 89 degrees 16 minutes 53 seconds West 488.72 feet; thence (3) North 69 degrees 50 minutes 09 seconds West 215.25 feet to the east right-of-way line of State Road 37; thence following said east right of way 834.38 feet along a 5584.58 foot radius curve to the right whose chord bears North 20 degrees 08 minutes 28 seconds West 833.61 feet to the POINT OF BEGINNING; thence continuing on said east right of way 266.36 feet along a 5584.58 foot radius curve to the right whose chord bears North 14 degrees 29 minutes 40 seconds West 266.33 feet; thence leaving said east right-of-way, North 69 degrees 14 minutes 58 seconds East 65.38 feet; thence 99.33 feet along a 75.00 foot radius curve to the right whose chord bears South 69 degrees 47 minutes 12 seconds East 92.23 feet; thence South 19 degrees 19 minutes 25 seconds East 128.66 feet; thence 90.65 feet along a 100.00 foot radius curve to the right whose chord bears South 19 degrees 43 minutes 29 seconds West 90.65 feet; thence South 65 degrees 29 minutes 03 seconds West 102.22 feet to the POINT OF BEGINNING, containing 0.83 acres more or less.

**Exhibit "A"**  
**"Karst Easement B"**

Project Number: 4900

**LEGAL DESCRIPTION:**

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 2628.76, thence leaving said east line and following north line of said property South 89 degrees 56 minutes 28 seconds West 90.98 feet, thence leaving said north line, South 04 degrees 21 minutes 56 seconds West 231.89 feet, thence South 41 degrees 22 minutes 46 seconds West 96.09 feet to the POINT OF BEGINNING; thence North 54 degrees 42 minutes 31 seconds west 239.53 feet; thence South 40 degrees 17 minutes 55 seconds West 113.89 feet; thence South 42 degrees 50 minutes 38 seconds East 237.24 feet; thence North 41 degrees 22 minutes 46 seconds East 163.15 feet to the POINT OF BEGINNING, containing 0.75 acres more or less.

**Exhibit "A"**  
**"Karst Easement C"**

Project Number: 4900

**LEGAL DESCRIPTION:**

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 2628.76, thence leaving said east line and following north line of said property South 89 degrees 56 minutes 28 seconds West 227.30 feet to the POINT OF BEGINNING; thence continuing along said north line South 89 degrees 56 minutes 28 seconds West 123.29 feet; thence South 34 degrees 53 minutes 29 seconds East 148.62 feet; thence North 55 degrees 47 minutes 03 seconds East 102.05 feet; thence North 35 degrees 30 minutes 02 seconds West 79.41 feet to the POINT OF BEGINNING, containing 0.27 acres more or less.

**Exhibit "A"**  
**"Karst Easement D"**

Project Number: 4900

**LEGAL DESCRIPTION:**

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 2628.76, thence leaving said east line and following north line of said property South 89 degrees 56 minutes 28 seconds West 90.98 feet, thence leaving said north line, South 04 degrees 21 minutes 56 seconds West 143.21 feet to the POINT OF BEGINNING; thence South 52 degrees 42 minutes 22 seconds West 131.34 feet; thence South 37 degrees 12 minutes 37 seconds East 80.78 feet; thence North 41 degrees 22 minutes 46 seconds East 73.95 feet; thence North 04 degrees 21 minutes 56 seconds East 88.69 feet to the POINT OF BEGINNING, containing 0.17 acres more or less.

**Exhibit "A"**  
**"Karst Easement E"**

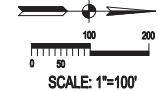
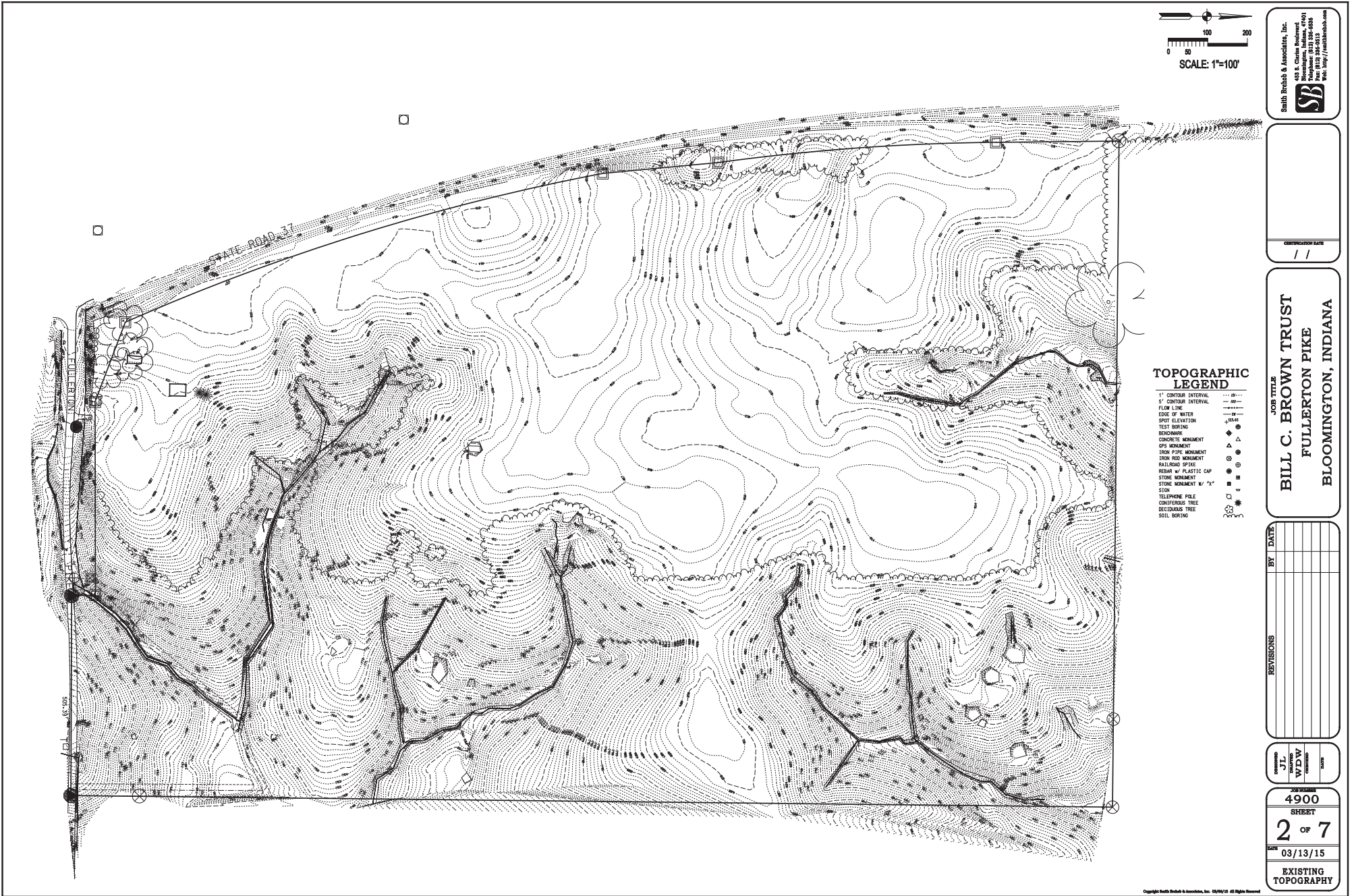
Project Number: 4900

**LEGAL DESCRIPTION:**

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds West 610.40 feet, thence leaving said east line South 86 degrees 18 minutes 32 seconds West 320.63 feet to the POINT OF BEGINNING; thence North 02 degrees 01 minutes 59 seconds West 131.01 feet; thence South 88 degrees 52 minutes 18 seconds West 123.52 feet; thence South 02 degrees 30 minutes 11 seconds East 120.91 feet; thence South 86 degrees 24 minutes 33 seconds East 123.11 feet to the POINT OF BEGINNING, containing 0.36 acres more or less.





- TOPOGRAPHIC LEGEND**
- 1' CONTOUR INTERVAL
  - 5' CONTOUR INTERVAL
  - FLOW LINE
  - EDGE OF WATER
  - SPOT ELEVATION
  - TEST BORING
  - BENCHMARK
  - CONCRETE MONUMENT
  - GPS MONUMENT
  - IRON PIPE MONUMENT
  - IRON ROD MONUMENT
  - RAILROAD SPIKE
  - REBAR w/ PLASTIC CAP
  - STONE MONUMENT
  - STONE MONUMENT 1/2" x 1"
  - SIGN
  - TELEPHONE POLE
  - CONIFEROUS TREE
  - DECIDUOUS TREE
  - SOIL BORING

South Branch & Associates, Inc.  
443 S. Center Boulevard  
Bloomington, IN 47404  
Phone: (317) 334-6581  
Fax: (317) 334-6513  
Web: <http://southbranch.com>

**SB**

JOB TITLE  
**BILL C. BROWN TRUST  
FULLERTON PIKE  
BLOOMINGTON, INDIANA**

REVISIONS	BY	DATE

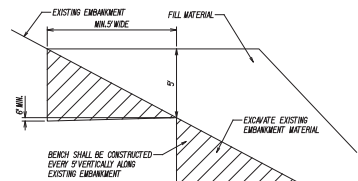
DESIGNED	CHECKED	DATE
JL	WDW	03/13/15

JOB NUMBER  
**4900**

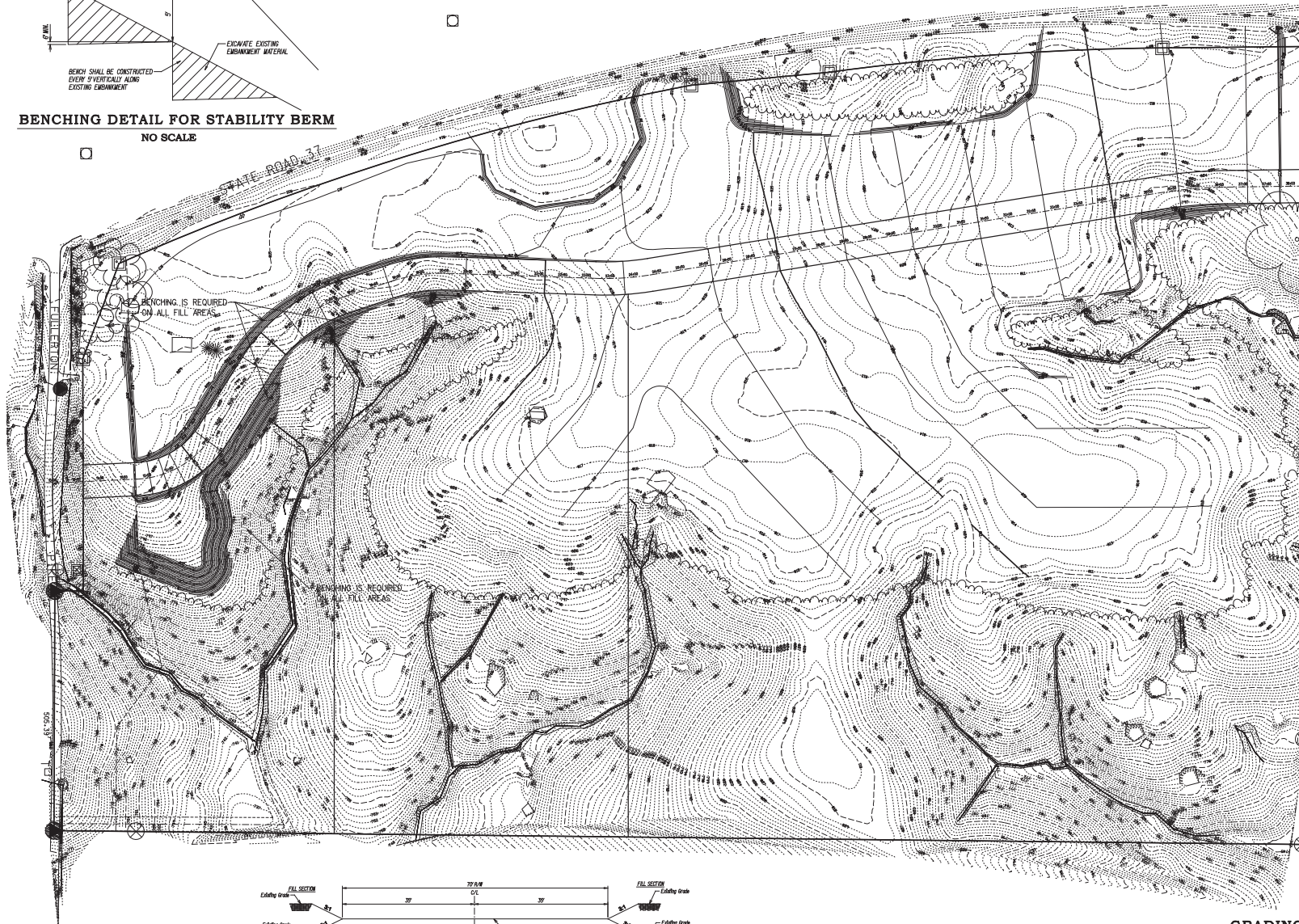
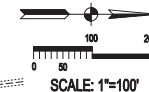
SHEET  
**2 OF 7**

DATE  
**03/13/15**

EXISTING  
TOPOGRAPHY

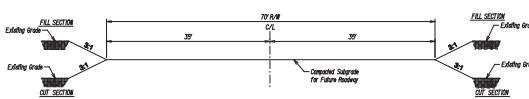


**BENCHING DETAIL FOR STABILITY BERM**  
NO SCALE



**GRADING & EROS. CTRL LEGENDS**

- PROPOSED 1' CONTOUR ———
- PROPOSED 5' CONTOUR ———
- PROPOSED SPOT ELEVATION —●—
- SOIL BORING —○—
- RIP-RAP ———
- SILT TRAP —○—
- INLET PROTECTION —○—
- DETENTION BASIN —○—
- STRAW BALE DAM —○—
- ROCK CHECK DAM —○—
- PAVED SIDE SLOTT —○—
- SEVERITY DITCH —○—
- TREE PROTECTION FENCE —○—
- FLOOD LINE ———
- GRADING LIMITS ———
- SEDIMENT BASIN —○—
- SILT FENCE ———



**TYPICAL CROSS SECTIONS FOR FUTURE ROADWAY**  
NO SCALE

**GRADING NOTES**

- 1) 100% FILL - IF SHOWN ON THE PLANS, = 100% FLOOD ELEV.
- 2) GRADING LIMITS - IF SHOWN ON THE PLANS, INDICATE THE LINE AT WHICH THE PROPOSED GRADING MEETS THE EXISTING GRADE AND THE EDGE OF THE AREA THAT SHOULD BE OBTAINED DURING THE CONSTRUCTION PROCESS.
- 3) PROPOSED SPOT ELEVATIONS - IF SHOWN, ARE AT FINISH GRADE UNLESS NOTED OTHERWISE ON THE PLANS

Copyright South & Associates, Inc. 03/13/15 All Rights Reserved

South & Associates, Inc.  
435 S. Clinton Boulevard  
Bloomington, IL 61701  
Phone: (317) 334-4354  
Fax: (317) 334-4313  
Web: http://southand.com

**BILL C. BROWN TRUST**  
**FULLERTON PIKE**  
**BLOOMINGTON, INDIANA**

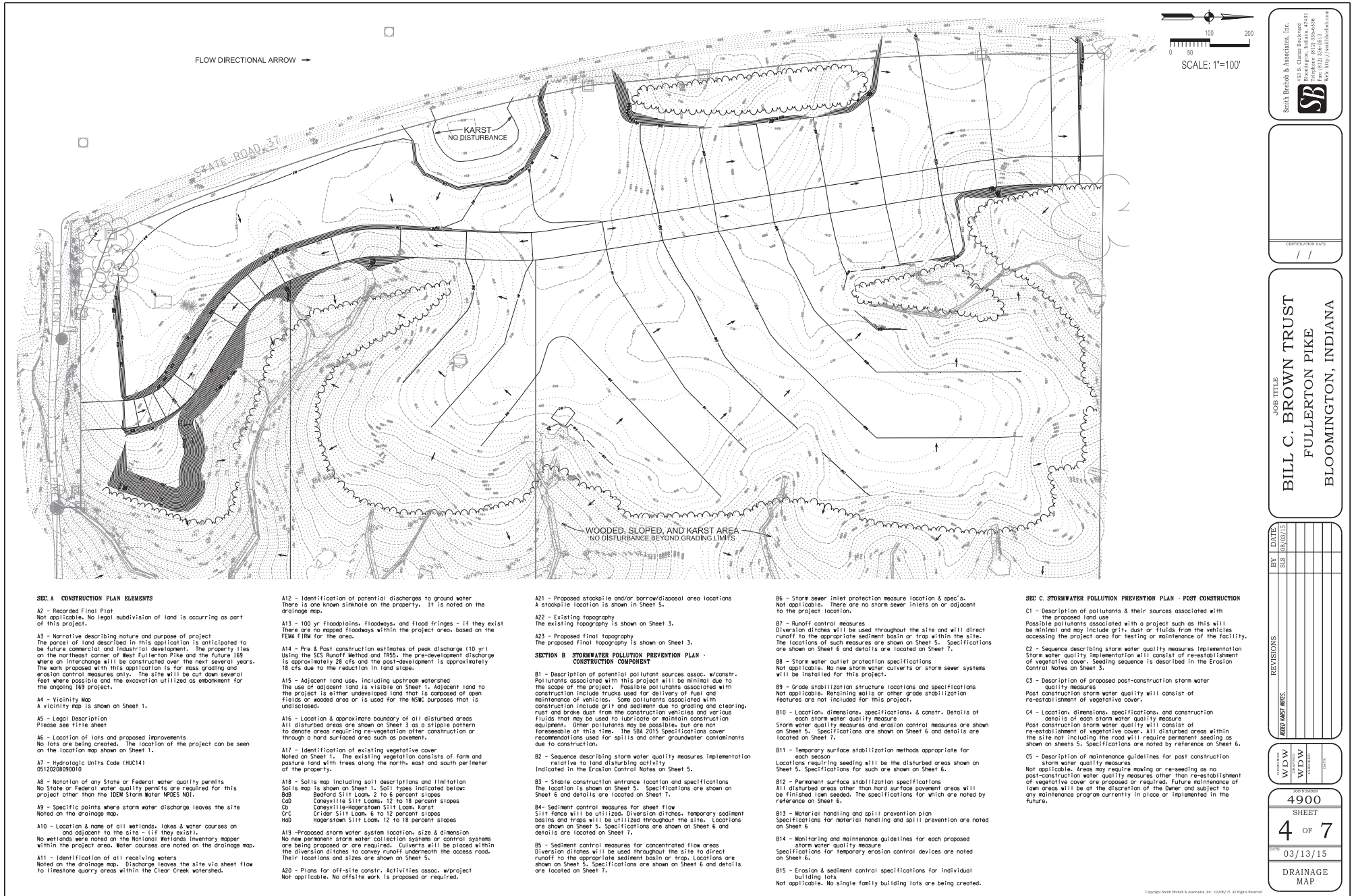
REVISIONS	BY	DATE

DESIGNED	WDW
CHECKED	WDW
DATE	

**4900**  
**SHEET**  
**3 OF 7**  
**DATE** 03/13/15

**GRADING PLAN**





**SEC. A CONSTRUCTION PLAN ELEMENTS**

- A2 - Recorded Final Plat  
Not applicable. No legal subdivision of land is occurring as part of this project.
- A3 - Narrative describing nature and purpose of project  
The parcel of land described in this application is anticipated to be future commercial and industrial development. The property lies on the northeast corner of West Fullerton Pike and the future I69 where an interchange will be constructed over the next several years. The work proposed with this application is for mass grading and erosion control measures only. The site will be cut down several feet where possible and the excavation utilized as embankment for the ongoing I69 project.
- A4 - Vicinity Map  
A vicinity map is shown on Sheet 1.
- A5 - Legal Description  
Please see title sheet
- A6 - Location of lots and proposed improvements  
No lots are being created. The location of the project can be seen on the location map shown on Sheet 1.
- A7 - Hydrologic Units Code (HUC14)  
051202080010
- A8 - Notation of any State or Federal water quality permits  
No State or Federal water quality permits are required for this project other than the IDEM Storm Water NPDES NOI.
- A9 - Specific points where storm water discharge leaves the site  
Noted on the drainage map.
- A10 - Location & name of all wetlands, lakes & water courses on and adjacent to the site - (if they exist).  
No wetlands were noted on the National Wetlands Inventory map within the project area. Water courses are noted on the drainage map.
- A11 - Identification of all receiving waters  
Noted on the drainage map. Discharge leaves the site via sheet flow to limestone quarry areas within the Clear Creek watershed.

- A12 - Identification of potential discharges to ground water  
There is one known sinkhole on the property. It is noted on the drainage map.
- A13 - 100 yr floodplains, floodways, and flood fringes - if they exist  
There are no mapped floodways within the project area, based on the FEMA FIRM for the area.
- A14 - Pre & Post construction estimates of peak discharge (10 yr)  
Using the SCS Runoff Method and 1955, the pre-development discharge is approximately 28 cfs and the post-development is approximately 18 cfs due to the reduction in land slope.
- A15 - Adjacent land use, including upstream watershed  
The use of adjacent land is visible on Sheet 1. Adjacent land to the project is either undeveloped land that is composed of open fields or wooded area or is used for the NSWC purposes that is undeveloped.
- A16 - Location & approximate boundary of all disturbed areas  
All disturbed areas are shown on Sheet 3 as a stipple pattern to denote areas requiring re-vegetation after construction or through a hard surfaced area such as pavement.
- A17 - Identification of existing vegetative cover  
Noted on Sheet 1. The existing vegetation consists of farm and pasture land with trees along the north, east and south perimeter of the property.
- A18 - Soils map including soil descriptions and limitation  
Soils map is shown on Sheet 1. Soil types indicated below:  
B6 Bedford Silt Loom, 2 to 6 percent slopes  
C60 Caneyville Silt Loom, 12 to 18 percent slopes  
C6 Caneyville-Hogerslow Silt Loom, Karst  
C6 Crider Silt Loom, 6 to 12 percent slopes  
H60 Rogerslow Silt Loom, 12 to 18 percent slopes
- A19 - Proposed storm water system location, size & dimension  
No new permanent storm water collection systems or control systems are being proposed or are required. Culverts will be placed within the diversion ditches to convey runoff underneath the access road. Their locations and sizes are shown on Sheet 5.
- A20 - Plans for off-site constr. Activities assoc. w/project  
Not applicable. No offsite work is proposed or required.

- A21 - Proposed stockpile and/or borrow/disposal area locations  
A stockpile location is shown in Sheet 5.
- A22 - Existing topography  
The existing topography is shown on Sheet 3.
- A23 - Proposed final topography  
The proposed final topography is shown on Sheet 3.
- SECTION B STORMWATER POLLUTION PREVENTION PLAN - CONSTRUCTION COMPONENT**
- B1 - Description of potential pollutant sources assoc. w/constr.  
Pollutants associated with this project will be minimal due to the scope of the project. Possible pollutants associated with construction include trucks used for delivery of fuel and maintenance of vehicles. Some pollutants associated with construction include grit and sediment due to grading and clearing, rust and brake dust from the construction vehicles and various fluids that may be used to lubricate or maintain construction equipment. Other pollutants may be possible, but are not foreseeable at this time. The SBA 2015 Specifications cover recommendations used for spills and other groundwater contaminants due to construction.
- B2 - Sequence describing storm water quality measures implementation relative to land disturbing activity  
Indicated in the Erosion Control Notes on Sheet 5.
- B3 - Stable construction entrance location and specifications  
The location is shown on Sheet 5. Specifications are shown on Sheet 6 and details are located on Sheet 7.
- B4 - Sediment control measures for sheet flow  
Silt fence will be utilized. Diversion ditches, temporary sediment basins and traps will be utilized throughout the site. Locations are shown on Sheet 5. Specifications are shown on Sheet 6 and details are located on Sheet 7.
- B5 - Sediment control measures for concentrated flow areas  
Diversion ditches will be used throughout the site to direct runoff to the appropriate sediment basin or trap. Locations are shown on Sheet 5. Specifications are shown on Sheet 6 and details are located on Sheet 7.

- B6 - Storm sewer inlet protection measure location & spec's.  
Not applicable. There are no storm sewer inlets on or adjacent to the project location.
- B7 - Runoff control measures  
Diversion ditches will be used throughout the site and will direct runoff to the appropriate sediment basin or trap within the site. The locations of such measures are shown on Sheet 5. Specifications are shown on Sheet 6 and details are located on Sheet 7.
- B8 - Storm water outlet protection specifications  
Not applicable. No new storm water culverts or storm sewer systems will be installed for this project.
- B9 - Grade stabilization structure locations and specifications  
Not applicable. Retaining walls or other grade stabilization features are not included for this project.
- B10 - Location, dimensions, specifications, & constr. Details of each storm water quality measure  
Storm water quality measures and erosion control measures are shown on Sheet 5. Specifications are shown on Sheet 6 and details are located on Sheet 7.
- B11 - Temporary surface stabilization methods appropriate for each season  
Locations requiring seeding will be the disturbed areas shown on Sheet 5. Specifications for such are shown on Sheet 6.
- B12 - Permanent surface stabilization specifications  
All disturbed areas other than hard surface pavement areas will be finished lawn seeded. The specifications for which are noted by reference on Sheet 6.
- B13 - Material handling and spill prevention plan  
Specifications for material handling and spill prevention are noted on Sheet 6.
- B14 - Monitoring and maintenance guidelines for each proposed storm water quality measure  
Specifications for temporary erosion control devices are noted on Sheet 6.
- B15 - Erosion & sediment control specifications for individual building lots  
Not applicable. No single family building lots are being created.

- SEC. C STORMWATER POLLUTION PREVENTION PLAN - POST CONSTRUCTION**
- C1 - Description of pollutants & their sources associated with the proposed land use  
Possible pollutants associated with a project such as this will be minimal and may include grit, dust or fluids from the vehicles accessing the project area for testing or maintenance of the facility.
- C2 - Sequence describing storm water quality measures implementation  
Storm water quality implementation will consist of re-establishment of vegetative cover. Seeding sequence is described in the Erosion Control Notes on Sheet 5.
- C3 - Description of proposed post-construction storm water quality measures  
Post construction storm water quality will consist of re-establishment of vegetative cover.
- C4 - Location, dimensions, specifications, and construction details of each storm water quality measure  
Post construction storm water quality will consist of re-establishment of vegetative cover. All disturbed areas within the site not including the road will require permanent seeding as shown on sheets 5. Specifications are noted by reference on Sheet 6.
- C5 - Description of maintenance guidelines for post construction storm water quality measures  
Not applicable. Areas may require mowing or re-seeding as no post-construction water quality measures other than re-establishment of vegetative cover are proposed or required. Future maintenance of lawn areas will be at the discretion of the Owner and subject to any maintenance program currently in place or implemented in the future.

South Branch & Associates, Inc.  
435 S. Clinton Boulevard  
Bloomington, Indiana 47401  
Tel: (317) 336-0513  
Fax: (317) 336-0513  
Web: http://southbranch.com

**SB**

CONFIRMATION DATE  
/ /

JOB TITLE  
**BILL C. BROWN TRUST**  
**FULLERTON PIKE**  
**BLOOMINGTON, INDIANA**

BY	DATE	REVISIONS
SS	06/03/15	

REVISIONS	DATE	BY	CHKD	APPD	DATE

CONTRACT NO. **4900**

SHEET **4** OF **7**

DATE **03/13/15**

**DRAINAGE MAP**

PCL-36-8688

## Permitted Uses MP Zone

### MP Manufacturing--Park

#### 20.07.05.00 BUSINESS

##### A. Commercial, Retail

NA

##### B. Commercial Trade

1. Business Service
2. Business & Prof. \*23
3. Schools (Trade & Bus.)
4. Building Trades Shop
5. Warehouses

##### C. Commercial, Wholesale

1. Building Material \*24
2. Farm Products \*24
3. Farm Supplies \*24
4. Food Products
5. Household Goods

#### 20.07.06.00 INDUSTRIAL

##### A. Manufacturing, Processing

1. Apparel
2. Bakery, Dairy Products, Confectionary
3. Beverage, Bottling
4. Chemicals & Chemical Products
5. Clock, Scientific Instruments
6. Drugs & Pharmaceuticals
7. Electronic Equipment
8. Furniture
9. Machinery, tool & die \*25
10. Meat, Poultry, Seafood \*18
11. Medical Equipment
12. Metal Fabrication \*25
13. Musical Instruments
14. Paper Products
15. Printing/Newspapers
16. Research Laboratories
17. Misc. Small Products
18. Sporting Goods, Toys, Novelties

##### B. Industrial Non-processing

1. Warehouse, Storage

\*18 Processing or freezing of dressed meat and poultry permitted in all M zones. Slaughter or dressing must receive special permission of the Plan Commission and is permitted only in the MG zone.

\*23 Corporate only; consumer-oriented offices prohibited.

\*24 All activities and storage must be conducted within a fully enclosed building.

\*25 Proposed facility shall be reviewed by Plan Commission and may be permitted only if its impacts are found to be consistent with those of other uses permitted in the MP district.

PETITION OF BILL C. BROWN

Fullerton Pike and State Road 37 By-Pass

The Petitioner submits the following additional statement in support of his Petition.

ADDITIONAL USES.

Professional corporate and commercial offices  
Health care (extended care)  
Motel with sit down restaurant (limited to 100 lodging units and 125 seating capacity for restaurant. Restaurant will have no drive-up or carry-out)  
Mail order sales offices and storage with limited retail (retail will be a secondary or ancillary use only and will be limited to 3,000 square feet of sales and display)

COVENANTS. (to be part of the approval and made a covenant on the plat)

1. No tract shall be smaller than two (2) acres.
2. Buildings shall cover no more than thirty-five percent (35%) of the site.
3. All open space will be landscaped.
4. Existing vegetation/topography will be maintained to the maximum extent reasonably possible.
5. Loading docks and outside storage shall be screened by landscaping or decorative fence (if fence, the appearance and design shall be subject to the Architectural Committee approval)
6. All buildings and their maintenance will be subject to architectural approval by a committee selected by the developer. The following minimum standards shall be required:
  - a. No smooth surface concrete block will be used more than eighteen inches (18") above grade.
  - b. No pole barn construction will be permitted. No exterior walls giving the appearance of pole barn construction will be permitted.
  - c. One Hundred percent (100%) of exterior walls visible from State Road 37 By-Pass and Fullerton Pike shall be of masonry or glass construction. Use of metal for exterior walls will be permitted only if the metal has architectural style and is approved by the developer's architectural committee.
7. No structure or building shall be erected within fifty feet (50') of the right-of-way of State Road 37 By-Pass or Fullerton Pike.

OTHER AGREEMENT: Developer agrees to phase in the improvement of the Fullerton Pike entrance as the traffic generation of the development requires to meet accepted standards.

CONDITIONS OF APPROVAL FOR BROWN INDUSTRIAL PARK - FULLERTON PIKE

1. Eliminate hotel/restaurant
2. Limit mail order/retail to
  - one only
  - maximum retail 3,000 sq. ft.
  - minimum mail order 12,000 sq. ft.
  - retail limited to products distributed by mail order component of business
3. Road access north and east - location to be determined at development plan
4. Fullerton access to be 390' east of east edge of northbound 37 pavement
5. Upgrade Fullerton from east end of entrance improvements to 3 lanes and improved pavement specifications
6. The design standards in the packet will govern development plan approval by Plan Commission. MP landscape requirements apply.

Motion for approval carried 64 (no's were: Behnke, Bonnell, Cooksey, Kiesling)



## Interdepartmental Memo

**To: Members of the Common Council**

**From: <sup>TM</sup>Tom Micuda, Planning Department**

**Subject: Case # PUD-15-99**

**Date: May 25, 1999**

Attached are the staff reports, petitioner's statements, location maps, and site plan exhibits which pertain to Plan Commission Case # PUD-15-99. The Plan Commission voted 9-0 to send the petition to the Council with a favorable recommendation.

---

### BACKGROUND

The petitioners are requesting a preliminary plan amendment to the permitted land use list for this 90 acre Planned Unit Development (PUD). This amendment would allow a nine-hole, Par 3 golf course to be constructed on the central 30 acres of this tract.

The property in question is located at the northeast corner of Fullerton Pike and State Road 37. This parcel was originally granted PUD approval in 1988. The focus of the 1998 PUD was to create pre-zoned land for both light and heavy manufacturing land uses. In addition to these uses, the petitioner was granted the right to develop health care facilities at this location.

For nine years, no final plan approvals were ever granted by the Plan Commission and the property remained vacant. However, on April 28, 1997, a final plan was approved which would have allowed the construction of a large assisted care facility. More specifically, the final plan authorized construction of a 96 unit assisted care facility on five acres, 32 condominium units on an additional 10 acre tract, future business park/office uses along SR 37 and Fullerton Pike, and future elderly housing on approximately 37 acres of sensitive wooded area to the east.

The owner of the PUD has since informed staff that the 1997 final plan approval will not be acted upon by the petitioner. This is due to a lack of sewer service. The nearest sewer line with adequate capacity is located at Tapp Road and cannot be realistically extended until adjacent property is developed. With this limitation in mind, the petitioner is seeking a PUD amendment to allow a nine hole, Par 3 golf



BLOOMINGTON COMMON COUNCIL  
FISCAL IMPACT STATEMENT

Per BMC §2.04.290, any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement.

LEGISLATION NUMBER AND TITLE      Ord 21-08 - To Amend the City of Bloomington Zoning Maps by  
Rezoing 87 Acres from PUD to MC - Re: W. Fullerton Pike  
Bill C. Brown Revocable Trust, Petitioner

PROPOSED EFFECTIVE DATE      TBD

FISCAL IMPACT. Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?  
☐ YES    ☒ NO. If the legislation will not have a major fiscal impact, briefly explain below.

This legislation seeks to rezone 87 acres from PUD to MC.  
There is no major fiscal impact associated with this ordinance.  
Fiscal impact will be re-evaluated at the time the property is developed.

FISCAL IMPACT FOUND. If the legislation appropriates funds and/or will have a major fiscal impact, please complete the following:

	FY -- CURRENT	FY -- SUCCEEDING	ANNUAL CONTINUING COSTS THEREAFTER
REVENUES			
EXPENDITURES			
NET			

IMPACT ON REVENUE (DESCRIBE)

IMPACT ON EXPENDITURES (DESCRIBE)

FUTURE IMPACT. Describe factors which could lead to significant additional expenditures in the future.

**FUNDS AFFECTED: TO BE COMPLETED BY CITY CONTROLLER**  
If the proposal affects City funds, please describe the funds affected and the effects of the legislation on these funds.

Signature of Controller

 2/19/2021  
Signature of City Official  
responsible for submitting legislation



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 21-09 – To Amend Title 9 of the Bloomington Municipal Code Entitled “Water” (Rate Adjustment)**

---

#### **Synopsis**

This ordinance amends the rates and charges in Title 9 of the Bloomington Municipal Code, entitled “Water”, to reflect increased costs of supplying water and services to customers, and to make debt service payments on bond financing for required capital improvements.

#### **Relevant Materials**

- Ordinance 21-09
- Memo from Chris Wheeler, Assistant City Attorney
- Redline version of Ord 21-09 showing current and proposed rates and charges within Municipal Code
- Water Report from Utility Financial Solutions
- Cost of Services Study from Utility Financial Solutions
- Preliminary Revenue Requirements Report from Crowe LLP
- 2021 Water Works Rate Case Fact Sheet
- Utilities Service Board – January 19, 2021 Minutes

#### **Summary**

Ordinance 21-09 amends Title 9 of the Bloomington Municipal Code by increasing, in two phases, various rates associated with the city’s water utility. The ordinance provides that the existing rates and charges of the water utility will remain in effect until the new rates fixed by Ordinance 21-09 are approved by order of the Indiana Utility Regulatory Commission (“IURC”) (IURC’s website - <https://www.in.gov/iurc/>). The memo provided by Assistant City Attorney Chris Wheeler notes that the IURC is not expected to issue a ruling until early 2022 on Phase I of the increase. It also notes that the city’s Utilities Service Board proposes Phase II take effect on January 1, 2024.

State law provides that the rates and charges made by a municipality for a service rendered or to be rendered, either directly or in connection therewith, must be nondiscriminatory, reasonable, and just.<sup>1</sup> The phrase “reasonable and just rates and charges for services” has a specific definition in state law, and means rates and charges that produce sufficient revenue to:

---

<sup>1</sup> [IC 8-1.5-3-8](#)



1. pay all the legal and other necessary expenses incident to the operation of the utility, including;
  - a. maintenance costs;
  - b. operating charges;
  - c. upkeep;
  - d. repairs;
  - e. depreciation;
  - f. interest charges on bonds or other obligations, including leases; and
  - g. costs associated with the acquisition of utility property under IC 8-1.5-2;
2. provide a sinking fund for the liquidation of bonds or other obligations, including leases;
3. provide a debt service reserve for bonds or other obligations, including leases, in an amount established by the municipality, not to exceed the maximum annual debt service on the bonds or obligations or the maximum annual lease rentals;
4. provide adequate money for working capital;
5. provide adequate money for making extensions and replacements to the extent not provided for through depreciation in subdivision (1); and
6. provide money for the payment of any taxes that may be assessed against the utility.

State law also provides that the rates and charges should produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service. Rates and charges too low to meet these requirements are unlawful. These rates and charges are subject to the approval of the Council and to the approval of the IURC. The Utilities Service Board recommended Ordinance 21-09 to the Council at its January 19, 2021 meeting. Minutes from that meeting are included herein.

Ordinance 21-09 states that the Council, based upon the facts detailed in the ordinance and supporting materials, finds that the rates should be increased to produce sufficient revenues to meet the requirements of state law. It states that the rates will increase as set forth in the ordinance with Phase I taking effect as determined in upcoming proceedings before the IURC and Phase II taking effect January 1, 2024. The ordinance states that the Council finds the proposed rates and charges nondiscriminatory, reasonable, and just. Staff notes that, if the Council adopts Ordinance 21-09, CBU anticipates filing the rate case with the IURC on or before March 31, 2021. The IURC would then have up to 300 days to rule on the proposal.

### Contact

Vic Kelson, Utilities Director, [kelsonv@bloomington.in.gov](mailto:kelsonv@bloomington.in.gov), 812-349-3650

Chris Wheeler, Assistant City Attorney, [wheelech@bloomington.in.gov](mailto:wheelech@bloomington.in.gov), 812-349-3426



**ORDINANCE 21-09**

**TO AMEND TITLE 9  
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “WATER”  
(Rate Adjustment)**

WHEREAS, the City of Bloomington, Indiana (“City”) owns and operates a waterworks system, through its Utilities Service Board, pursuant to IC 8-1.5-2 and IC 8-1.5-3, as amended (“Act”), which waterworks system is subject to the jurisdiction of the Indiana Utility Regulatory Commission (“Commission”); and,

WHEREAS, the current rates and charges of the waterworks system of the City were established by Order of the Commission under Cause No. 44855 on the 4<sup>th</sup> Day of August, 2017; and,

WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the waterworks, including maintaining and improving water quality, replacement and rehabilitation of water mains, tanks, booster stations and hydrants; and,

WHEREAS, the City, through its Utilities Service Board, determined that it will be necessary to finance said additions and improvements through the issuance of bonds and, if necessary, bond anticipation notes; and,

WHEREAS, the City, through its Utilities Service Board, engaged Crowe LLP to analyze the revenue requirements of the waterworks system pursuant to the provisions of the Act; and,

WHEREAS, Crowe LLP studied the revenue requirements of the waterworks system pursuant to the provisions of the Act and determined that the waterworks system annual operating revenues from water service do not produce sufficient revenues to meet the requirements of the Act and that said revenues need to be increased to provide income sufficient to pay the debt service on the proposed financing of the additions and improvements to the waterworks and otherwise provide for the revenue requirements set forth in the Act, specifically IC 8-1.5-3-8; and,

WHEREAS, the City, through its Utility Service Board, engaged Utility Financial Solutions, LLC (“UFS”), to prepare a cost of service study (“COSS”) to determine the costs of providing service to each class of customers and to assist in the design of water rates for customers; and,

WHEREAS, the City, through its Utilities Service Board, upon consideration of the studies prepared by Crowe LLP and UFS, recommends that the Common Council approve a two phase increase in the revenues of the waterworks with an 11.73% increase in the revenues for phase I and a 9.38% increase in the revenues for phase II; and,

WHEREAS, based upon the aforementioned studies, and the recommendations of the Utility Service Board, the Common Council of the City finds that the rates and charges of the waterworks system of the City should be increased as set forth herein with Phase I to take effect at such time as may be determined in an upcoming proceeding before the Indiana Utility Regulatory Commission, and with Phase II to take effect January 1, 2024, so as to produce sufficient revenues to meet the requirements of the Act; and,

WHEREAS, the Common Council of the City finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the waterworks system of the City, while giving due consideration to the concept of gradualism to minimize rate shock to customers.

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

SECTION 1. Section 9.08.010 of the City Code of Bloomington (“Code”), entitled “Monthly rates generally” is hereby amended and restated as follows:

**9.08.010 Monthly rates generally.**

The following rates and charges are established for the use of and service rendered by the water utility of the city. The schedule of rates and charges for the use of the water utility as set forth in this chapter reflects the rates and charges of the water utility as adopted by ordinance of the common council of the city and may not necessarily reflect the actual rates and charges of the water utility, which are subject to the approval of the Indiana Utility Regulatory commission (“commission”). The actual rates and charges of the water utility as approved by the commission are set forth in the most recent tariff of the water utility on file with the commission and the clerk of the city and open for public inspection. Appropriate Indiana Sales Tax will also apply to billings for customers that are not tax-exempt. Each customer will pay a monthly charge according to the following schedule:

**Monthly Usage Charge Applicable to Residential, Commercial, Governmental, Interdepartmental, Industrial, Indiana University – Master Metered, Indiana University – Non-Master Metered, and Irrigation Classes.**

Category	Rate Per 1,000 gallons	
	Phase I	Phase II
Residential	4.09	4.54
Commercial, Governmental, Interdepartmental	3.79	4.20
Industrial	3.50	4.20
Indiana University – Master Metered	2.78	3.31
Indiana University – Non-Master Metered	3.79	4.20
Irrigation	4 .10	4 .92

**Monthly Service Charge, in Addition to Monthly Usage for the Customer Categories Listed Above.**

Meter Size	Charge		Meter Size	Charge	
	Phase I	Phase II		Phase I	Phase II
5/8”	6.45	6.58	3”	60.55	60.55
¾”	7 .86	7.86	4”	99.57	99.57
1”	10.59	10.59	6”	197.13	197.13
1 ½”	22.07	22.80	8”	294.69	294.69
2”	30.25	30.25	10”	392.24	392.24

**Monthly Surcharges for Fire Protection Service for the customer categories listed above excluding Indiana University – Master Metered.**

Meter Size	Charge Inside City		Charge Outside City	
	Phase I	Phase II	Phase I	Phase II
5/8”	2.17	2.17	3 .40	3 .40
¾”	3.25	3.25	5 .10	5 .10
1”	5.41	5.41	8 .50	8 .50
1 ½”	10.83	10.83	17.01	17.01
2”	17.32	17.32	27.21	27.21
3”	34.23	34.23	57.50	57.50
4”	58.67	58.67	98.53	98.53
6”	122.27	122.27	205.29	205.29
8”	176.06	176.06	295.60	295.60
10”	283.63	283.63	496.83	517.40

The monthly Fire Protection Charge for Indiana University – Master Metered accounts as a group shall be as follows: Phase I: \$1,501.88; Phase II: \$1,730.82.



SECTION 2. Section 9.08.020 of the Code, entitled “Contract sales for resale” is hereby amended and restated as follows:

**9.08.020 Contract sales for resale.**

The rate for contract sales for resale shall be \$2.81 per one thousand gallons for Phase I and \$3.18 per one thousand gallons for Phase II.

**Monthly Service Charge in Addition to Monthly Usage Charge.**

Meter Size	Charge		Meter Size	Charge	
	Phase I	Phase II		Phase I	Phase II
5/8”	6.45	6.58	3”	60.55	60.55
¾”	7.86	7.86	4”	99.57	99.57
1”	10.59	10.59	6”	197.13	197.13
1 ½”	22.07	22.80	8”	294.69	294.69
2”	30.25	30.25	10”	392.24	392.24

SECTION 3. Section 9.08.040 of the Code, entitled “Private fire connections per connection” is hereby amended and restated as follows:

**9.08.040 Private fire connections per connection.**

Line Size	Monthly		ly	
	Phase I	Phase II	Phase I	Phase II
4” or smaller	11.83	12.37	142.32	148.44
6”	32.88	33.56	394.56	402.72
8”	67.38	70.12	808.56	841.44
10”	118.01	125.11	1,416.12	1,501.32
12”	186.06	201.33	2,232.72	2,415.96

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing rates and charges of the waterworks system of the City shall remain in full force and effect until the rates and charges fixed by this ordinance shall be approved by order of the Commission and the tariff reflecting said approved rates and charges shall have been filed with and approved by the Commission.

SECTION 5. In the event the rates and charges of the waterworks system approved by the Commission shall differ from the rates and charges set forth herein, the Common Council hereby approves said rates and charges as adjusted by the Commission without further action of the Common Council. The rates and charges of the waterworks system of the City as reflected in the tariff filed with and approved by the Commission shall be filed with the Clerk of the City and be open for public inspection.

SECTION 6. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this\_\_\_\_\_day of\_\_\_\_\_, 2021.

\_\_\_\_\_  
JIM SIMS, 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\_\_\_\_\_, 2021.

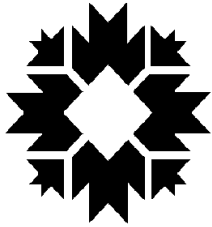
\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this\_\_\_\_\_ day of\_\_\_\_\_, 2021.

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

SYNOPSIS

This ordinance amends the rates and charges in Title 9 of the Bloomington Municipal Code, entitled “Water”, to reflect increased costs of supplying water and services to customers, and to make debt service payments on bond financing for required capital improvements.



**CITY OF BLOOMINGTON  
LEGAL DEPARTMENT  
MEMORANDUM**

---

**TO:** City of Bloomington Common Council Members  
**FROM:** Christopher J. Wheeler, Assistant City Attorney  
**RE:** Ordinance 21-09 authorizing Waterworks Utility rate increase  
**DATE:** January 25, 2021

---

The City of Bloomington, Indiana (“City”) owns and operates a waterworks utility through its Utilities Department (“CBU”), by and through its Utilities Service Board (“USB”), pursuant to IC 8-1.5-2 and IC 8-1.5-3, as amended. The waterworks utility is subject to the jurisdiction of the Indiana Utility Regulatory Commission (“IURC”). CBU, by and through the USB is seeking a rate adjustment to its waterworks utility. Ordinance 21-09 (“Rate Ordinance”) is before the Common Council for approval as a necessary step before CBU can file a water rate adjustment case with the Indiana Utility Regulatory Commission (“IURC”).

Ordinance 21-09 authorizes a two phase increase in the revenues of the waterworks with an 11.73% increase in the revenues for phase I and a 9.38% increase in the revenues for phase II. This increase applies only to the water portion of customers’ bills. Both the City Administration and the Utilities Service Board support this adjustment. Upon approval by the Common Council of this rate case, CBU anticipates filing its water rate case on or before March 31, 2021. The IURC has up to and including three hundred (300) days to rule on the case. Phase I will not take effect until the IURC has conducted a full hearing on this water rate case and issued its decision. The IURC is not likely to issue such a ruling until late January or early February of 2022. The USB proposes that Phase II take effect on January 1, 2024. This rate adjustment is based upon a cost of service study conducted by Utility Finance Solutions, LLC and a complete analysis of the revenue requirements of the waterworks system conducted by Crowe LLP. Implementing a two phase introduction of this rate adjustment gives due consideration to the concept of gradualism to minimize rate shock to its customers. The rate adjustment will produce revenue sufficient to meet the waterworks utility’s on-going operation and maintenance expenses, make present debt service payments and other on-going obligations, while also permitting the City to make capital improvements to the waterworks system and cover the debt service payments and other costs associated with making those improvements.

Most of the rate increase covers inflationary increases in Operation and Maintenance costs. In addition, CBU wishes to increase its annual investments for its ongoing water-main replacement program to \$2 million in 2022-2023, \$2.5 million in 2024 and \$3 million per year in 2025. In the first three years of this replacement program CBU has replaced about 6 miles of water mains at a cost of \$1.7 million per year. This amounts to a 215-year replacement schedule for CBU’s 430

miles of distribution mains. CBU's goal is to ultimately achieve a 100-year replacement schedule for water mains. We expect to achieve this in future rate cycles.

For a much more detailed and comprehensive discussion of the concepts presented in this memorandum, please find for your information and consideration the following documentation supporting this rate case:

1. Utility Finance Solutions, LLC Water Report
2. Utility Finance Solutions, LLC Cost of Services PDF
3. Crowe LLP Revenue Requirements Report
4. Water Rate Case Fact Sheet

The rate case will be presented to the Common Council by Vic Kelson, Director for the City of Bloomington Utilities Department. In attendance to support this presentation will be the following persons:

1. CBU by:
  - a. Tom Axsom, Assistant Director of Operations
  - b. Laura Pettit, Assistant Director-Finance
  - c. Brad Schroeder, Assistant Director-Engineering
  - d. Brandon Prince, Assistant Director-T&D
  - e. James Hall, Assistant Director-Environmental Programs
  - f. Holly McLauchlin, Public Affairs Specialist
2. Christopher J. Wheeler, Assistant City Attorney-Utilities
3. Jennifer Wilson and Craig Lotz, Crowe LLP
4. Mark Beauchamp and Jillian Jurczyk, Utilities Finance Solutions, LLC

**ORDINANCE 21-09**

**TO AMEND TITLE 9  
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “WATER”  
(Rate Adjustment)**

WHEREAS, the City of Bloomington, Indiana (“City”) owns and operates a waterworks system, through its Utilities Service Board, pursuant to IC 8-1.5-2 and IC 8-1.5-3, as amended (“Act”), which waterworks system is subject to the jurisdiction of the Indiana Utility Regulatory Commission (“Commission”); and,

WHEREAS, the current rates and charges of the waterworks system of the City were established by Order of the Commission under Cause No. 44855 on the 4<sup>th</sup> Day of August, 2017; and,

WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the waterworks, including maintaining and improving water quality, replacement and rehabilitation of water mains, tanks, booster stations and hydrants; and,

WHEREAS, the City, through its Utilities Service Board, determined that it will be necessary to finance said additions and improvements through the issuance of bonds and, if necessary, bond anticipation notes; and,

WHEREAS, the City, through its Utilities Service Board, engaged Crowe LLP to analyze the revenue requirements of the waterworks system pursuant to the provisions of the Act; and,

WHEREAS, Crowe LLP studied the revenue requirements of the waterworks system pursuant to the provisions of the Act and determined that the waterworks system annual operating revenues from water service do not produce sufficient revenues to meet the requirements of the Act and that said revenues need to be increased to provide income sufficient to pay the debt service on the proposed financing of the additions and improvements to the waterworks and otherwise provide for the revenue requirements set forth in the Act, specifically IC 8-1.5-3-8; and,

WHEREAS, the City, through its Utility Service Board, engaged Utility Financial Solutions, LLC (“UFS”), to prepare a cost of service study (“COSS”) to determine the costs of providing service to each class of customers and to assist in the design of water rates for customers; and,

WHEREAS, the City, through its Utilities Service Board, upon consideration of the studies prepared by Crowe LLP and UFS, recommends that the Common Council approve a two phase increase in the revenues of the waterworks with an 11.73% increase in the revenues for phase I and a 9.38% increase in the revenues for phase II; and,

WHEREAS, based upon the aforementioned studies, and the recommendations of the Utility Service Board, the Common Council of the City finds that the rates and charges of the waterworks system of the City should be increased as set forth herein with Phase I to take effect at such time as may be determined in an upcoming proceeding before the Indiana Utility Regulatory Commission, and with Phase II to take effect January 1, 2024, so as to produce sufficient revenues to meet the requirements of the Act; and,

WHEREAS, the Common Council of the City finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and are based upon the cost of providing service to the customers of the waterworks system of the City, while giving due consideration to the concept of gradualism to minimize rate shock to customers.

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

SECTION 1. Section 9.08.010 of the City Code of Bloomington (“Code”), entitled “Monthly rates generally” is hereby amended and restated as follows:

**9.08.010 Monthly rates generally.**

The following rates and charges are established for the use of and service rendered by the water utility of the city. The schedule of rates and charges for the use of the water utility as set forth in this chapter reflects the rates and charges of the water utility as adopted by ordinance of the common council of the city and may not necessarily reflect the actual rates and charges of the water utility, which are subject to the approval of the Indiana Utility Regulatory commission (“commission”). The actual rates and charges of the water utility as approved by the commission are set forth in the most recent tariff of the water utility on file with the commission and the clerk of the city and open for public inspection. Appropriate Indiana Sales Tax will also apply to billings for customers that are not tax-exempt. Each customer will pay a monthly charge according to the following schedule:

**Monthly Usage Charge Applicable to Residential, Commercial, Governmental, Interdepartmental, Industrial, Indiana University – Master Metered, Indiana University – Non-Master Metered, and Irrigation Classes.**

Category	Rate Per 1,000 gallons	
	<u>Phase I</u>	<u>Phase II</u>
Residential	<del>3.79</del> 4.09	4.54
Commercial, Governmental, Interdepartmental	<del>3.21</del> 3.79	4.20
Industrial	<del>2.96</del> 3.50	4.20
Indiana University – Master Metered	<del>2.40</del> 2.78	3.31
Indiana University – Non-Master Metered	<del>3.21</del> 3.79	4.20



Irrigation

~~3.48~~ 4.10      4.92

**Monthly Service Charge, in Addition to Monthly Usage for the Customer Categories Listed Above.**

Meter Size	Charge		Meter Size	Charge	
	<u>Phase I</u>	<u>Phase II</u>		<u>Phase I</u>	<u>Phase II</u>
5/8"	<del>5.99</del> <u>6.45</u>	<u>6.58</u>	3"	<del>61.52</del> <u>60.55</u>	<u>60.55</u>
3/4"	<del>7.99</del> <u>7.86</u>	<u>7.86</u>	4"	<del>101.17</del> <u>99.57</u>	<u>99.57</u>
1"	<del>10.76</del> <u>10.59</u>	<u>10.59</u>	6"	<del>200.31</del> <u>197.13</u>	<u>197.13</u>
1 1/2"	<del>18.69</del> <u>22.07</u>	<u>22.80</u>	8"	<del>299.45</del> <u>294.69</u>	<u>294.69</u>
2"	<del>26.62</del> <u>30.25</u>	<u>30.25</u>	10"	<del>398.57</del> <u>392.24</u>	<u>392.24</u>

**Monthly Surcharges for Fire Protection Service for the customer categories listed above excluding Indiana University – Master Metered.**

Meter Size	Charge Inside City		Outside City		
	<u>Phase I</u>	<u>Phase II</u>		<u>Phase I</u>	<u>Phase II</u>
5/8"	<del>1.99</del> <u>2.17</u>	<u>2.17</u>	<del>3.33</del>	<u>3.40</u>	<u>3.40</u>
3/4"	<del>2.98</del> <u>3.25</u>	<u>3.25</u>	<del>5.01</del>	<u>5.10</u>	<u>5.10</u>
1"	<del>4.97</del> <u>5.41</u>	<u>5.41</u>	<del>8.36</del>	<u>8.50</u>	<u>8.50</u>
1 1/2"	<del>9.94</del> <u>10.83</u>	<u>10.83</u>	<del>16.68</del>	<u>17.01</u>	<u>17.01</u>
2"	<del>15.90</del> <u>17.32</u>	<u>17.32</u>	<del>26.27</del>	<u>27.21</u>	<u>27.21</u>
3"	<del>34.78</del> <u>34.23</u>	<u>34.23</u>	<del>58.43</del>	<u>57.50</u>	<u>57.50</u>
4"	<del>59.62</del> <u>58.67</u>	<u>58.67</u>	<del>100.13</del>	<u>98.53</u>	<u>98.53</u>
6"	<del>124.24</del> <u>122.27</u>	<u>122.27</u>	<del>208.61</del>	<u>205.29</u>	<u>205.29</u>
8"	<del>178.90</del> <u>176.06</u>	<u>176.06</u>	<del>300.38</del>	<u>295.60</u>	<u>295.60</u>
10"	<del>288.21</del> <u>283.63</u>	<u>283.63</u>	<del>483.96</del>	<u>496.83</u>	<u>517.40</u>

The monthly Fire Protection Charge for Indiana University – Master Metered accounts as a group shall be ~~\$1,823.45~~ as follows: Phase I: \$1,501.88; Phase II: \$1,730.82.

SECTION 2. Section 9.08.020 of the Code, entitled "Contract sales for resale" is hereby amended and restated as follows:

**9.08.020 Contract sales for resale.**

The rate for contract sales for resale shall be ~~\$2.43~~ \$2.81 per one thousand gallons for Phase I and \$3.18 per one thousand gallons for Phase II.

**Monthly Service Charge in Addition to Monthly Usage Charge.**

Meter Size	Charge		Meter Size	Charge	
	Phase I	Phase II		Phase I	Phase II
5/8"	<del>5.99</del> <u>6.45</u>	<u>6.58</u>	3"	<del>61.52</del> <u>60.55</u>	<u>60.55</u>
3/4"	<del>7.99</del> <u>7.86</u>	<u>7.86</u>	4"	<del>101.17</del> <u>99.57</u>	<u>99.57</u>
1"	<del>10.76</del> <u>10.59</u>	<u>10.59</u>	6"	<del>200.31</del> <u>197.13</u>	<u>197.13</u>
1 1/2"	<del>18.69</del> <u>22.07</u>	<u>22.80</u>	8"	<del>299.45</del> <u>294.69</u>	<u>294.69</u>
2"	<del>26.62</del> <u>30.25</u>	<u>30.25</u>	10"	<del>398.57</del> <u>392.24</u>	<u>392.24</u>

SECTION 3. Section 9.08.040 of the Code, entitled "Private fire connections per connection" is hereby amended and restated as follows:

**9.08.040 Private fire connections per connection.**

Line Size	Monthly		Annually	
	Phase I	Phase II	Phase I	Phase II
4" or smaller	<del>10.02</del> <u>11.83</u>	<u>12.37</u>	<del>120.19</del> <u>142.32</u>	<u>148.44</u>
6"	<del>27.84</del> <u>32.88</u>	<u>33.56</u>	<del>334.08</del> <u>394.56</u>	<u>402.72</u>
8"	<del>57.06</del> <u>67.38</u>	<u>70.12</u>	<del>684.71</del> <u>808.56</u>	<u>841.44</u>
10"	<del>99.93</del> <u>118.01</u>	<u>125.11</u>	<del>1,199.16</del> <u>1,416.12</u>	<u>1,501.32</u>
12"	<del>157.55</del> <u>186.06</u>	<u>201.33</u>	<del>1,890.61</del> <u>2,232.72</u>	<u>2,415.96</u>

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing rates and charges of the waterworks system of the City shall remain in full force and effect until the rates and charges fixed by this ordinance shall be approved by order of the Commission and the tariff reflecting said approved rates and charges shall have been filed with and approved by the Commission.

SECTION 5. In the event the rates and charges of the waterworks system approved by the Commission shall differ from the rates and charges set forth herein, the Common Council hereby approves said rates and charges as adjusted by the Commission without further action of the Common Council. The rates and charges of the waterworks system of the City as reflected in the tariff filed with and approved by the Commission shall be filed with the Clerk of the City and be open for public inspection.

SECTION 6. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JIM SIMS, 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 \_\_\_\_\_, 2021.

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

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

SYNOPSIS

This ordinance amends the rates and charges in Title 9 of the Bloomington Municipal Code, entitled “Water”, to reflect increased costs of supplying water and services to customers, and to make debt service payments on bond financing for required capital improvements.

**Draft Report**

**City of Bloomington**  
Utilities Department  
Water Cost of Service Study

**January 2021**



**Specializing in Cost of Service,  
Rate Design, and Financial Analysis**

*Rate Design and Financial Analysis*

**This page intentionally left blank**



January 2021

Vic Kelson  
Director  
City of Bloomington Utilities Department  
600 E. Miller Drive  
Bloomington, IN 47401

Dear Mr. Kelson;

We are pleased to present the Draft Report for the water cost of service study for the City of Bloomington Utilities Department (The City). This report was prepared to provide The City with a comprehensive examination of its existing rate structure by an outside party.

The specific purposes of this rate study are:

- Determine water utility's revenue requirements for fiscal year 2020
- Identify cross-subsidies that may exist between rate classes
- Recommend rate adjustments needed to meet targeted revenue requirements
- Identify the appropriate monthly customer charge for each customer class

This report includes results of the water cost of service study and recommendations on future rate designs.

This report is intended for information and use by the utility and management for the purposes stated above and is not intended to be used by anyone except the specified parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Beauchamp", is written over a horizontal line.

Utility Financial Solutions, LLC  
Mark Beauchamp  
CPA, MBA, CMA  
185 Sun Meadow Ct  
Holland, MI 49424



## TABLE OF CONTENTS

1. Introduction .....	1
2. Cost of Service Summary .....	2
Utility Rate Process .....	2
Cost of Service Summary Results: Water Department.....	2
Cost of Service Components: Water Department .....	4
Determination of Meter Equivalents.....	5
Distribution Cost Breakdown.....	11
Treatment Cost Breakdown.....	11
Customer-Related Cost Breakdown.....	12
Private Fire Protection Cost Breakdown.....	13
Public Fire Protection Cost Breakdown .....	14
Combined Cost Summary .....	16
3. Significant Assumptions.....	17
4. Water Department Proposed Rate Design .....	17
Accountant's Compilation Report.....	19
Appendix A – Supplemental Information.....	i

## LIST OF FIGURES

Figure 1 – Breakdown of Cost Structure .....	10
Figure 2 – Breakdown of Distribution Costs .....	11
Figure 3 – Breakdown of Customer Costs.....	12

## LIST OF TABLES

Table 1 – Cost of Service Summary.....	3
Table 2 – Comparison of Monthly Charge with Cost of Service .....	4
Table 3 – Comparison of Monthly Commodity Charge with Cost of Service.....	5
Table 4 – Meter Capacity Factors .....	5
Table 5 – Comparison of Monthly Customer Charge with Cost of Service.....	6

Table 6 – Customer Charge Breakdown Phase I .....	7
Table 7 – Customer Charge Breakdown Phase II .....	7
Table 8 – Comparison of Monthly Commodity Charge with Cost of Service.....	8
Table 9 – Commodity Charge Breakdown Phase I .....	8
Table 10 – Commodity Charge Breakdown Phase II .....	9
Table 11 – Private Fire Protection Breakdown Phase I.....	13
Table 12 – Private Fire Protection Breakdown Phase II.....	13
Table 13 – Public Fire Protection Breakdown Phase I .....	14
Table 14 – Public Fire Protection Breakdown Phase II .....	15
Table 15 – Total Costs by Customer Class.....	16
Table 16 – Revenue Requirements .....	17
Table 17 – Proposed Rate Design.....	18
Table 18 – Summary of Over (Under) Recovery .....	i

## 1. Introduction

This report was prepared to provide the City of Bloomington Utilities Department (The City) with a water cost of service study and a comprehensive examination of its existing rate structure by an outside party. The specific purposes of the study are identified below:

- 1) **Analyze water utility's revenue requirements for fiscal year 2020.** The City's revenue requirements were projected in two phases by Crowe LLP and utilized in the cost of service analysis. Phase I represents annual revenue requirements for 2021 – 2023. Phase II represents annual revenue requirements for 2024 – 2025. Each phase included adjustments for the following:
  - a. Capital improvement plan projected over next five years
  - b. Taxes other than income taxes
  - c. Average Annual Lease Payment for AMI and Solar Lease
  - d. Average Annual Extensions and Replacements
- 2) **Identify cross-subsidies that may exist between rate classes.** Cross-subsidies exist when certain customer classes subsidize the water costs of other customers. The rate study identifies if cross-subsidies exist and practical ways to reduce the subsidies. The cost of service study was completed using 2020 actual revenues and expenses.
- 3) **Recommend rate adjustments needed to meet targeted revenue requirements.** The primary purpose of this study is to identify the rate adjustments needed to meet targeted revenue requirements.
- 4) **Identify the appropriate monthly customer charge for each customer class.** The monthly customer charge consists of fixed costs to service customers.

## 2. Cost of Service Summary

### Utility Rate Process

The City retained Utility Financial Solutions, LLC to review utility rates and cost of service and make recommendations on the appropriate course of action. This report includes results of the water cost of service and unbundling study and recommendations on future rate designs.

### Cost of Service Summary Results: Water Department

A cost of service study was completed to determine the cost of providing service to each class of customers and to assist in design of water rates for customers. A cost of service study consists of the following general steps:

- 1) Classify utility expenses into common cost pools.
- 2) Allocate costs to customer classes based on the classes' contribution to utility expenses.
- 3) Compare revenues received from each class to the cost of service.

The cost of service summary is included as Table 1 which compares the projected cost to serve each class with the revenue received from each class. The "% change" column is the revenue adjustment necessary to meet projected cost of service requirements. The cost of service summary uses the current rates, including any adjustment factors.

**Table 1 – Cost of Service Summary**

Customer Class	Phase I			Phase II (Cumulative)		
	Cost of Service (\$)	Projected Revenues (\$)	% Change	Cost of Service (\$)	Projected Revenues (\$)	% Change
5/8" Meter	489,818	455,857	7.5%	509,045	455,857	11.7%
3/4" Meter	1,307,476	1,425,945	-8.3%	1,374,553	1,425,945	-3.6%
1" Meter	388,017	431,447	-10.1%	412,980	431,447	-4.3%
1.5" Meter	124,475	106,092	17.3%	131,537	106,092	24.0%
2" Meter	180,534	167,130	8.0%	192,990	167,130	15.5%
3" Meter	60,243	67,392	-10.6%	64,315	67,392	-4.6%
4" Meter	84,235	99,968	-15.7%	90,351	99,968	-9.6%
6" Meter	132,642	164,801	-19.5%	142,817	164,801	-13.3%
8" Meter	26,747	36,542	-26.8%	29,158	36,542	-20.2%
10" Meter	11,159	14,121	-21.0%	12,166	14,121	-13.8%
Residential and Multi Family	6,289,355	5,943,896	5.8%	6,904,052	5,943,896	16.2%
Comm, Gov, Interdept Usage	3,021,933	2,491,162	21.3%	3,313,989	2,491,162	33.0%
Industrial	204,062	148,842	37.1%	224,112	148,842	50.6%
Wholesale	3,046,266	2,479,465	22.9%	3,294,760	2,479,465	32.9%
Indiana University Usage	1,085,103	840,125	29.2%	1,175,137	840,125	39.9%
Irrigation Usage	914,295	385,328	137.3%	1,020,953	385,328	165.0%
Fire Protection	1,501,621	1,630,512	-7.9%	1,745,579	1,630,512	7.1%
<b>Total</b>	<b>\$ 18,867,983</b>	<b>\$ 16,888,625</b>	<b>11.7%</b>	<b>\$ 20,638,493</b>	<b>\$ 16,888,625</b>	<b>22.2%</b>

## Cost of Service Components: Water Department

The purpose of a cost of service study is to allocate costs between flow (Commodity Costs) and customer service costs (Customer Costs). The cost of service study was based on recognized procedures from the American Water Works Association.

**Customer Costs** are costs associated with serving customers regardless of their usage or demand characteristics. Customer costs include the operation and maintenance expenses related to meters and services, meter reading costs, billing and collection costs. The customer costs were allocated on the basis of the relative cost of meters and services and the number of customers.

**Commodity Costs** are costs that tend to vary with the quantity of water used, as well as costs associated with purchasing, pumping and distributing water to customers. Commodity costs include wholesale water purchase costs plus pumping stations and transmission lines.

The revenue requirements for the study are set on the utility basis. Table 2 details the current monthly charge and provides a comparison with cost of service. We recommend the utility move toward the cost of service monthly charge.

**Table 2 – Comparison of Monthly Charge with Cost of Service**

	Phase I		Phase II	
Customer Class	Cost of Service Meter \$/Month	Cost of Service Meter \$/Month	Current Meter \$/Month	
5/8" Meter	\$ 6.33	\$ 6.58	\$ 5.89	
3/4" Meter	7.21	7.58	7.86	
1" Meter	9.52	10.14	10.59	
1.5" Meter	21.58	22.80	18.39	
2" Meter	28.30	30.25	26.20	
3" Meter	54.13	57.79	60.55	
4" Meter	83.90	89.99	99.57	
6" Meter	158.66	170.83	197.13	
8" Meter	215.70	235.15	294.69	
10" Meter	309.99	337.94	392.24	



Table 3 outlines the COS commodity rates compared to the current commodity charge. The rates below are not the recommended rates. They are used as a guide to move toward cost of service slowly over time.

**Table 3 – Comparison of Monthly Commodity Charge with Cost of Service**

Customer Class	Phase I		Phase II		Current Commodity Charge
	Cost of Service Commodity by Class		Cost of Service Commodity by Class		
Residential and Multi Family	\$	3.95	\$	4.33	\$ 3.73
Comm, Gov, Interdept Usage		3.83		4.20	3.16
Industrial		4.00		4.40	2.92
Wholesale		2.94		3.18	2.39
Indiana University Usage		3.06		3.32	2.37
Irrigation Usage		8.11		9.06	3.42

## Determination of Meter Equivalents

A meter equivalent is the maximum capacity of the utility's smallest meter size compared with the maximum capacity of other meters. The meter equivalent ratios are standard factors used by AWWA.

**Table 4 – Meter Capacity Factors**

Meter Size	Meter Capacity Ratios	
	5/8"	
0.63		1.00
0.75		1.50
1.00		2.50
1.50		5.00
2.00		8.00
3.00		15.00
4.00		25.00
6.00		50.00
8.00		80.00
10.00		115.00
12.00		215.00

\*Table of capacity factors was calculated using theoretical volume capacity of each meter size.

\*\*The table can be interpreted as a 2-inch meter has 8 times more potential capacity than a 1-inch meter.

## **Customer Charge Breakdown**

Table 5 outlines the COS customer charges compared to the current customer charge. The rates below are not the recommended rates, but a guide for future designs of water rates.

**Table 5 – Comparison of Monthly Customer Charge with Cost of Service**

	Phase I		Phase II	
Customer Class	Cost of Service Meter \$/Month	Cost of Service Meter \$/Month	Current Meter \$/Month	
5/8" Meter	\$ 6.33	\$ 6.58	\$ 5.89	
3/4" Meter	7.21	7.58	7.86	
1" Meter	9.52	10.14	10.59	
1.5" Meter	21.58	22.80	18.39	
2" Meter	28.30	30.25	26.20	
3" Meter	54.13	57.79	60.55	
4" Meter	83.90	89.99	99.57	
6" Meter	158.66	170.83	197.13	
8" Meter	215.70	235.15	294.69	
10" Meter	309.99	337.94	392.24	

The customer charge consists of expenses related to, 1) providing a minimum amount of water to the residential customer, and 2) servicing a meter on the customer's premises; together they reflect the cost for availability of service. The methodology used in this study is consistent with methodologies and practices used by AWWA. The customer charge includes two types of charges called minimum system and direct charges. A further discussion of these charges follows.

**Minimum System Charges:** Utilities provide water lines to connect customers to the water transmission system, pumping stations, reservoirs, and subsequently the water treatment facilities. The cost to provide the minimum level of service is allocated to each meter size based on the potential capacity of the customer's meter. For cost of service purposes, the total cost of the water distribution infrastructure is broken into two components:

1. The minimum system costs, in effect provide a customer with the minimum capacity and should be recovered through the customer charge.
2. Demand-related costs are additional infrastructure costs of providing customers with capacity in the water system for usage greater than the minimum amounts and should be recovered through the usage component.
3. The study used a 2" line as the minimum sizing requirement

The customer charge cost-based rate breakdown for meter sizes under Phase I are listed in Table 6 and Phase II are listed in Table 7 .

**Table 6 – Customer Charge Breakdown Phase I**

Phase I

Rate Class - Monthly						Total Customer	Current Customer
Unit Costs	Meters	Services	Cust. Serv.	Distribution Facilities	Billing	COS	Charge
5/8" Meter	\$ 3.10	\$ 0.16	\$ 0.40	\$ 1.44	\$ 1.24	\$ 6.33	\$ 5.89
3/4" Meter	3.10	0.23	0.48	2.16	1.24	7.21	7.86
1" Meter	3.66	0.39	0.64	3.60	1.24	9.52	10.59
1.5" Meter	11.40	0.78	0.96	7.21	1.24	21.58	18.39
2" Meter	13.01	1.24	1.28	11.53	1.24	28.30	26.20
3" Meter	27.02	2.33	1.92	21.62	1.24	54.13	60.55
4" Meter	40.19	3.88	2.55	36.03	1.24	83.90	99.57
6" Meter	73.76	7.77	3.83	72.07	1.24	158.66	197.13
8" Meter	81.62	12.43	5.11	115.30	1.24	215.70	294.69
10" Meter	118.75	17.87	6.39	165.75	1.24	309.99	392.24

**Table 7 – Customer Charge Breakdown Phase II**

Phase II

Rate Class - Monthly						Total Customer	Current Customer
Unit Costs	Meters	Services	Cust. Serv.	Distribution Facilities	Billing	COS	Charge
5/8" Meter	\$ 3.10	\$ 0.15	\$ 0.40	\$ 1.69	\$ 1.24	\$ 6.58	\$ 5.89
3/4" Meter	3.10	0.23	0.48	2.53	1.24	7.58	7.86
1" Meter	3.66	0.38	0.64	4.21	1.24	10.14	10.59
1.5" Meter	11.41	0.77	0.96	8.43	1.24	22.80	18.39
2" Meter	13.02	1.23	1.28	13.48	1.24	30.25	26.20
3" Meter	27.04	2.30	1.92	25.28	1.24	57.79	60.55
4" Meter	40.22	3.84	2.56	42.13	1.24	89.99	99.57
6" Meter	73.81	7.68	3.84	84.26	1.24	170.83	197.13
8" Meter	81.67	12.29	5.12	134.82	1.24	235.15	294.69
10" Meter	118.82	17.67	6.40	193.81	1.24	337.94	392.24

<b>Customer Service</b>	Personnel cost to service accounts
<b>Meters</b>	Installation, operation, and maintenance costs of meter
<b>Services</b>	Installation, operation, and maintenance cost of service drop
<b>Distribution Facilities</b>	Installation and maintenance cost of minimum sized distribution system
<b>Billing</b>	Billing and collection costs

## Commodity Charge Breakdown

Table 8 outlines the COS commodity rates compared to the current commodity charge. The rates below are not the recommended rates, but a guide for future designs of water rates.

**Table 8 – Comparison of Monthly Commodity Charge with Cost of Service**

Customer Class	Phase I		Phase II	
	Cost of Service Commodity by Class		Cost of Service Commodity by Class	Current Commodity Charge
Residential and Multi Family	\$ 3.95		\$ 4.33	\$ 3.73
Comm, Gov, Interdept Usage	3.83		4.20	3.16
Industrial	4.00		4.40	2.92
Wholesale	2.94		3.18	2.39
Indiana University Usage	3.06		3.32	2.37
Irrigation Usage	8.11		9.06	3.42

The cost based commodity rates are broken down between rate classes and listed for Phase I in Table 9 and Phase II in Table 10.

**Table 9 – Commodity Charge Breakdown Phase I**

Phase I				Total Customer COS	Current Customer Charge
Rate Class - Monthly Unit Costs	Treatment	Distribution	Transmission		
Residential and Multi Family	\$ 2.60	\$ 0.82	\$ 0.53	\$ 3.95	\$ 3.73
Comm, Gov, Interdept Usage	2.55	0.77	0.51	3.83	3.16
Industrial	2.62	0.84	0.54	4.00	2.92
Wholesale	2.45	-	0.48	2.94	2.39
Indiana University Usage	2.55	-	0.51	3.06	2.37
Irrigation Usage	4.42	2.56	1.14	8.11	3.42

**Table 10 – Commodity Charge Breakdown Phase II**

Phase II

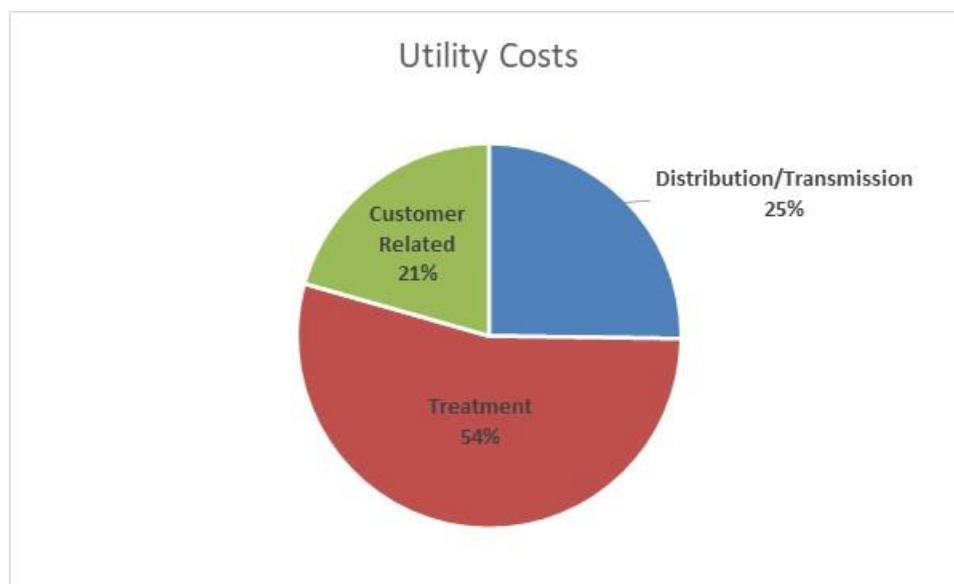
Rate Class - Monthly Unit Costs	Treatment	Distribution	Transmission	Total Customer COS	Current Customer Charge
Residential and Multi Family	\$ 2.78	\$ 0.95	\$ 0.60	\$ 4.33	\$ 3.73
Comm, Gov, Interdept Usage	2.73	0.89	0.58	4.20	3.16
Industrial	2.81	0.97	0.61	4.40	2.92
Wholesale	2.63	-	0.55	3.18	2.39
Indiana University Usage	2.73	-	0.59	3.32	2.37
Irrigation Usage	4.80	2.97	1.29	9.06	3.42

<b>Treatment</b>	Cost related to source of supply and treatment of water
<b>Transmission</b>	Cost to transport between the treatment plant and local distribution lines
<b>Distribution</b>	The usage component of the distribution facilities

## Unbundling Process

The cost of treatment, distribution, customer-related, and fire protection are identified as part of the unbundling process and are the first step in determining unbundled charges to customers. The total Phase II revenue requirements adjusted for other operating revenues of \$20,638,493 are separated into three categories identified in Figure 1.

**Figure 1 – Breakdown of Cost Structure**



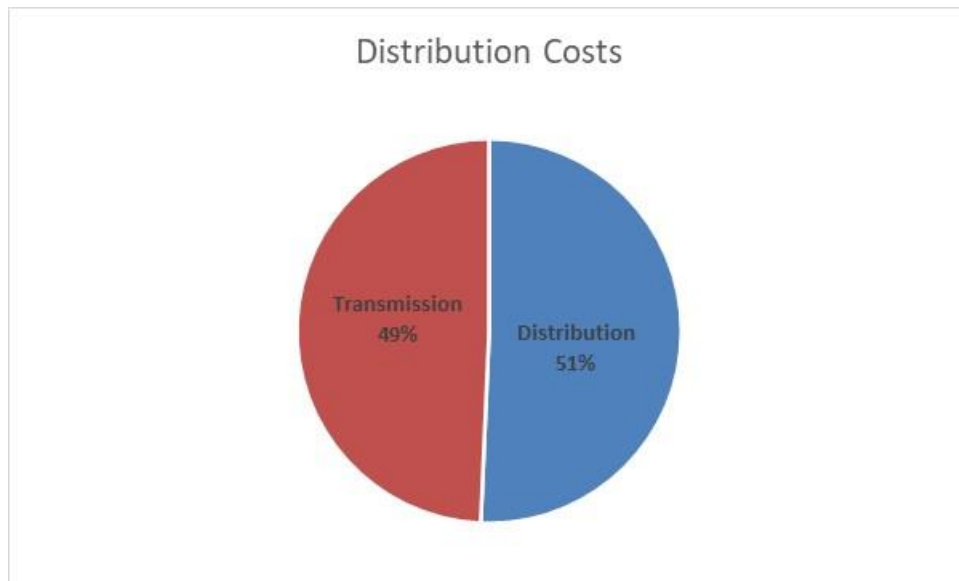
The expenses consist of customer-related costs 21%, distribution costs 25%, treatment costs 54%. These components are broken down into each of the subcomponents and are identified in the following sections.



## Distribution Cost Breakdown

Total distribution costs of \$5.12 million for Phase II are broken down into the main components Figure 2 below: Distribution and Transmission.

**Figure 2 – Breakdown of Distribution Costs**



For cost of service purposes, cost of mains 16 inches and above were classified as transmission and below 16 inches as distribution. Each of these components are allocated to customer groups based on certain factors established in the study, such as the length of line extensions to reach certain customer classes. The distribution-related costs are separated into the customer charge based on the cost to provide a minimum amount of water to the customer, and the usage component expressed as a rate per thousand gallons. Transmission costs are allocated into the usage component of the rates.

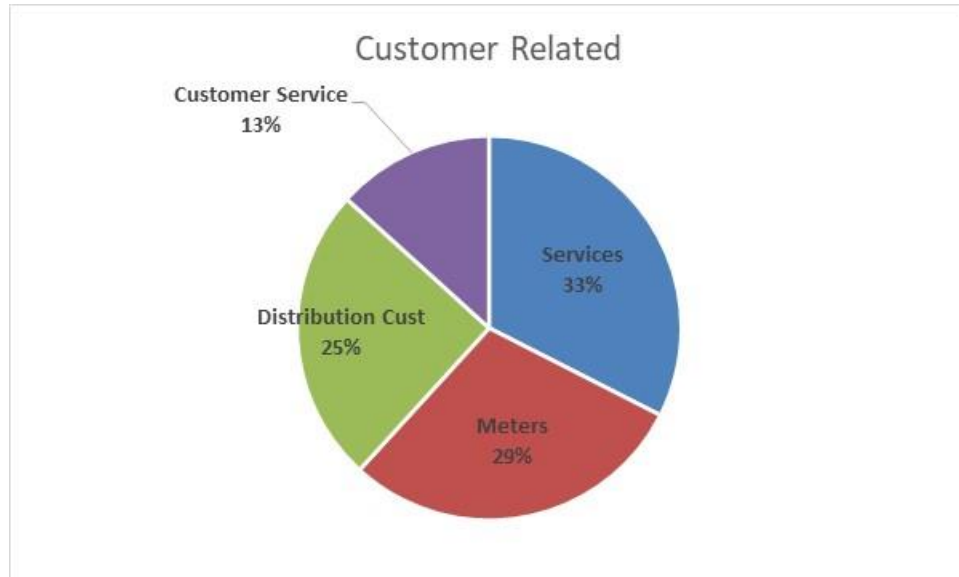
## Treatment Cost Breakdown

Total treatment costs for Phase II were \$11.27 million.

## Customer-Related Cost Breakdown

The City's total expenses for customer-related costs are \$4.25 million for Phase II. The cost is broken down into the following components in Figure 3.

**Figure 3 – Breakdown of Customer Costs**



Direct customer-related costs are allocated to rate classes based on cost of meters, minimum sizing requirements, customer service and billing costs for each customer class and meter size.

## Private Fire Protection Cost Breakdown

The cost based private fire protection rates are broken down by meter size and listed for Phase I in Table 11 and Phase II in Table 12 below.

**Table 11 – Private Fire Protection Breakdown Phase I**

Phase I

Private Fire Meter Size (Inches)	Monthly Rate	Customer and Billing	Cost of Service		% Change
			Meter \$/Month	Current Meter \$/Month	
4	\$ 9.66	\$ 1.24	\$ 10.89	\$ 9.86	10%
6	28.05	1.24	29.29	27.40	7%
8	59.77	1.24	61.01	56.15	9%
10	107.49	1.24	108.73	98.34	11%
12	173.63	1.24	174.86	155.05	13%

**Table 12 – Private Fire Protection Breakdown Phase II**

Phase II

Private Fire Meter Size (Inches)	Monthly Rate	Customer and Billing	Cost of Service		% Change
			Meter \$/Month	Current Meter \$/Month	
4	\$ 11.13	\$ 1.24	\$ 12.37	\$ 9.86	25%
6	32.32	1.24	33.56	27.40	22%
8	68.88	1.24	70.12	56.15	25%
10	123.88	1.24	125.12	98.34	27%
12	200.09	1.24	201.33	155.05	30%

## Public Fire Protection Cost Breakdown

The cost based public fire protection rates are broken down by meter size and listed for Phase I in Table 13 and Phase II in

Table 14 below.

**Table 13 – Public Fire Protection Breakdown Phase I**

Phase I				
Meter Size	Cost of Service Meter \$/Month	Current Meter \$/Month	% Change	
Fire Pro 5/8" Meter In	\$ 1.86	\$ 1.96	-5%	
Fire Pro 3/4" Meter In	2.79	2.93	-5%	
Fire Pro 1" Meter In	4.65	4.89	-5%	
Fire Pro 1.5" Meter In	9.30	9.78	-5%	
Fire Pro 2" Meter In	14.87	15.64	-5%	
Fire Pro 3" Meter In	27.89	34.23	-19%	
Fire Pro 4" Meter In	46.48	58.67	-21%	
Fire Pro 6" Meter In	92.96	122.27	-24%	
Fire Pro 8" Meter In	148.74	176.06	-16%	
Fire Pro 10" Meter In	213.81	283.63	-25%	
Fire Pro 5/8" Meter Out	2.92	3.28	-11%	
Fire Pro 3/4" Meter Out	4.38	4.93	-11%	
Fire Pro 1" Meter Out	7.30	8.22	-11%	
Fire Pro 1.5" Meter Out	14.60	16.41	-11%	
Fire Pro 2" Meter Out	23.37	26.29	-11%	
Fire Pro 3" Meter Out	43.81	57.50	-24%	
Fire Pro 4" Meter Out	73.02	98.53	-26%	
Fire Pro 6" Meter Out	146.05	205.29	-29%	
Fire Pro 8" Meter Out	233.68	295.60	-21%	
Fire Pro 10" Meter Out	602.47	476.27	26%	

**Table 14 – Public Fire Protection Breakdown Phase II**

Phase II

Meter Size	Cost of Service Meter \$/Month	Current Meter \$/Month	% Change
Fire Pro 5/8" Meter In	\$ 2.17	\$ 1.96	10%
Fire Pro 3/4" Meter In	3.25	2.93	11%
Fire Pro 1" Meter In	5.41	4.89	11%
Fire Pro 1.5" Meter In	10.83	9.78	11%
Fire Pro 2" Meter In	17.33	15.64	11%
Fire Pro 3" Meter In	32.48	34.23	-5%
Fire Pro 4" Meter In	54.14	58.67	-8%
Fire Pro 6" Meter In	108.28	122.27	-11%
Fire Pro 8" Meter In	173.25	176.06	-2%
Fire Pro 10" Meter In	249.05	283.63	-12%
Fire Pro 5/8" Meter Out	3.40	3.28	4%
Fire Pro 3/4" Meter Out	5.10	4.93	3%
Fire Pro 1" Meter Out	8.50	8.22	3%
Fire Pro 1.5" Meter Out	17.01	16.41	4%
Fire Pro 2" Meter Out	27.21	26.29	4%
Fire Pro 3" Meter Out	51.02	57.50	-11%
Fire Pro 4" Meter Out	85.03	98.53	-14%
Fire Pro 6" Meter Out	170.07	205.29	-17%
Fire Pro 8" Meter Out	272.11	295.60	-8%
Fire Pro 10" Meter Out	517.39	476.27	9%

## Combined Cost Summary

Table 15 compares the cost of service rates for each customer class with the current rates. Charging these rates would directly match the cost of providing service to each customer class shown below.

**Table 15 – Total Costs by Customer Class**

Customer Class	Phase I		Phase II		Variance from Phase II
	Cost of Service Meter \$/Month	Cost of Service Meter \$/Month	Current Meter \$/Month	Current Meter \$/Month	
5/8" Meter	\$ 6.33	\$ 6.58	\$ 5.89		12%
3/4" Meter	7.21	7.58	7.86		-4%
1" Meter	9.52	10.14	10.59		-4%
1.5" Meter	21.58	22.80	18.39		24%
2" Meter	28.30	30.25	26.20		15%
3" Meter	54.13	57.79	60.55		-5%
4" Meter	83.90	89.99	99.57		-10%
6" Meter	158.66	170.83	197.13		-13%
8" Meter	215.70	235.15	294.69		-20%
10" Meter	309.99	337.94	392.24		-14%

Customer Class	Phase I		Phase II		Variance from Phase II
	Cost of Service Commodity by Class	Cost of Service Commodity by Class	Current Commodity Charge	Current Commodity Charge	
Residential and Multi Family	\$ 3.95	\$ 4.33	\$ 3.73		16%
Comm, Gov, Interdept Usage	3.83	4.20	3.16		33%
Industrial	4.00	4.40	2.92		51%
Wholesale	2.94	3.18	2.39		33%
Indiana University Usage	3.06	3.32	2.37		40%
Irrigation Usage	8.11	9.06	3.42		165%

The table above compares the current customer charges with the cost-based customer charges and identifies the cost-based commodity rates for each class.



### 3. Significant Assumptions

This section outlines the procedures used to develop the cost of service for The City and the related significant assumptions.

#### Unit Sales

Actual usage units from April 2019 through March 2020 were used in the study.

#### Revenue Requirements

Revenue requirements were projected by Crowe LLP for Phase I and Phase II.

**Table 16 – Revenue Requirements**

Description	Phase I	Phase II
Operation & Maintenance Expenses	\$ 10,456,788	\$ 10,482,255
Annual Debt Service	5,771,928	6,459,471
Annual Lease Payment: Advance Meter Infrastructure	456,755	456,755
Annual Lease Payment: Solar Lease	189,646	189,646
Average Annual Extensions and Replacements	2,809,000	3,866,500
Total Cost of Service	\$ 19,684,117	\$ 21,454,627
Less Other Operating Revenues	(816,134)	(816,134)
<b>Total Revenue Requirements</b>	<b>\$ 18,867,983</b>	<b>\$ 20,638,493</b>

### 4. Water Department Proposed Rate Design

The City may consider a rate design for Phase I and Phase II to meet revenue requirements and move the charges toward cost of service over time. Table 17 provides a proposed rate design by rate component for Phase I and Phase II.

**Table 17 – Proposed Rate Design**

	Current	Phase 1	Phase 2
Meter Size			
5/8" Meter	\$ 5.89	\$ 6.45	\$ 6.58
3/4" Meter	7.86	7.86	7.86
1" Meter	10.59	10.59	10.59
1.5" Meter	18.39	22.07	22.80
2" Meter	26.20	30.25	30.25
3" Meter	60.55	60.55	60.55
4" Meter	99.57	99.57	99.57
6" Meter	197.13	197.13	197.13
8" Meter	294.69	294.69	294.69
10" Meter	392.24	392.24	392.24
Fire Pro 5/8" Meter In	1.96	2.17	2.17
Fire Pro 3/4" Meter In	2.93	3.25	3.25
Fire Pro 1" Meter In	4.89	5.41	5.41
Fire Pro 1.5" Meter In	9.78	10.83	10.83
Fire Pro 2" Meter In	15.64	17.32	17.32
Fire Pro 3" Meter In	34.23	34.23	34.23
Fire Pro 4" Meter In	58.67	58.67	58.67
Fire Pro 6" Meter In	122.27	122.27	122.27
Fire Pro 8" Meter In	176.06	176.06	176.06
Fire Pro 10" Meter In	283.63	283.63	283.63
Fire Pro 5/8" Meter Out	3.28	3.40	3.40
Fire Pro 3/4" Meter Out	4.93	5.10	5.10
Fire Pro 1" Meter Out	8.22	8.50	8.50
Fire Pro 1.5" Meter Out	16.41	17.01	17.01
Fire Pro 2" Meter Out	26.29	27.21	27.21
Fire Pro 3" Meter Out	57.50	57.50	57.50
Fire Pro 4" Meter Out	98.53	98.53	98.53
Fire Pro 6" Meter Out	205.29	205.29	205.29
Fire Pro 8" Meter Out	295.60	295.60	295.60
Fire Pro 10" Meter Out	476.27	496.83	517.40
Private Fire 4" or Less	9.86	11.83	12.37
Private Fire 6"	27.40	32.88	33.56
Private Fire 8"	56.15	67.38	70.12
Private Fire 10"	98.34	118.01	125.11
Private Fire 12"	155.05	186.06	201.33
Commodity Charge ('000 Gallons)			
Residential and Multi Family	\$ 3.73	\$ 4.09	\$ 4.54
Comm, Gov, Interdept Usage	3.16	3.79	4.20
Industrial	2.92	3.50	4.20
Wholesale	2.39	2.81	3.18
Indiana University Usage	2.37	2.78	3.31
Irrigation Usage	3.42	4.10	4.92
Total Revenue	\$ 16,888,625	\$ 18,868,132	\$ 20,631,124
Total Revenue Annual Change		11.7%	9.3%
Total Revenue Cumulative Change		11.7%	22.2%

Utility Financial Solutions  
185 Sun Meadow Ct.  
Holland, MI 49424  
Phone: 616-393-9722  
Fax: 616-393-9721

## **Accountant's Compilation Report**

Governing Body  
City of Bloomington Utilities Department

The accompanying forecasted statements of revenues and expenses of the City of Bloomington Utilities Department (utility) were compiled for the year ending December 31, 2020 in accordance with guidelines established by the American Institute of Certified Public Accountants.

The purpose of this report is to assist management in forecasting revenue requirements and determining the cost to service each customer class. This report should not be used for any other purpose.

A compilation is limited to presenting, in the form of a forecast; information represented by management and does not include evaluation of support for any assumptions used in projecting revenue requirements. We have not audited the forecast and, accordingly, do not express an opinion or any other form of assurance on the statements or assumptions accompanying this report.

Differences between forecasted and actual results will occur since some assumptions may not materialize and events and circumstances may occur that were not anticipated. Some of these variations may be material. Utility Financial Solutions has no responsibility to update this report after the date of this report.

This report is intended for information and use by the governing body and management for the purposes stated above. This report is not intended to be used by anyone except the specified parties.

UTILITY FINANCIAL SOLUTIONS

Mark Beauchamp,  
President, Utility Financial Solutions, LLC  
Holland, MI  
January 2021

## Appendix A – Supplemental Information

After Phase II rates are implemented, cross subsidization is greatly reduced. However, some cross subsidization will remain. Table 18 shows the over and under recovery after implementation of the Phase II rate design. A positive value implies over-recovery to offset costs for other classes.

**Table 18 – Summary of Over (Under) Recovery**

Over/Under Recovery	Phase 2
Meter Size	
5/8" Meter	-
3/4" Meter	51,452
1" Meter	18,484
1.5" Meter	-
2" Meter	-
3" Meter	3,079
4" Meter	9,621
6" Meter	21,988
8" Meter	7,384
10" Meter	1,955
Fire Pro 5/8" Meter In	-
Fire Pro 3/4" Meter In	-
Fire Pro 1" Meter In	-
Fire Pro 1.5" Meter In	-
Fire Pro 2" Meter In	-
Fire Pro 3" Meter In	1,634
Fire Pro 4" Meter In	3,900
Fire Pro 6" Meter In	10,352
Fire Pro 8" Meter In	292
Fire Pro 10" Meter In	1,245
Fire Pro 5/8" Meter Out	-
Fire Pro 3/4" Meter Out	-
Fire Pro 1" Meter Out	-
Fire Pro 1.5" Meter Out	-
Fire Pro 2" Meter Out	-
Fire Pro 3" Meter Out	1,147
Fire Pro 4" Meter Out	1,930
Fire Pro 6" Meter Out	3,382
Fire Pro 8" Meter Out	470
Private Fire 4" or Less	-
Private Fire 6"	-
Private Fire 8"	-
Private Fire 10"	-
Private Fire 12"	-
Commodity Charge ('000 Gallons)	
Residential and Multi Family	330,794
Comm, Gov, Interdept Usage	-
Industrial	(9,833)
Wholesale	-
Indiana University Usage	-
Irrigation Usage	(466,056)

# City of Bloomington: Water Department

## Cost of Service Study 2020

### Table of Contents

Plant Data Inputs	1-2
T & D Inputs	3-4
Usage and Revenue Projections	5-7
Diversified Class Ratio's	8
Ratebase Allocators	9-10
Depreciation Expense	11-12
Expense Classification	13-15
Development of Allocators	16-17
Customer Allocator	18
Unit Costs	19-22
Fire Protection	23-24
Rate of Return	25

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Plant Data Inputs*

Water		
Plant Capacity (Normal)	MGD	30.00
Total Production FY1900	MG	5,555.1
Max Day FY 2019	MG	22.30
Max Hour FY 2019	MG	24.00
Max Month FY 2019	MG	576
Max Hour	Date/Hour	8/15/2019 17:00
Max Day	Date	9/13/2019
Max Month	month	Sep-19



**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Plant Data Inputs*

Water Pumping from Treatment Plant					
Month	2015	2016	2017	2018	2019/2020
January	490,627	461,320	458,647	457,828	475,300
February	464,851	441,520	425,049	414,720	403,200
March	472,606	447,516	445,807	426,563	399,200
April	473,595	448,603	455,157	434,849	455,714
May	510,082	451,757	460,363	469,846	452,945
June	469,694	484,620	501,685	446,640	439,377
July	483,173	474,729	490,817	490,767	489,242
August	515,295	508,933	541,820	476,842	515,383
September	514,444	497,670	523,838	470,032	528,074
October	483,915	505,960	505,112	458,930	484,917
November	439,590	450,417	440,059	422,942	428,782
December	452,676	465,398	432,214	417,129	482,966
1 Annual Production	5,770,548	5,638,443	5,680,568	5,387,088	5,555,100
Monthly Water Sales					
Month	2015	2016	2017	2018	2019/2020
January	294,818	306,607	290,399	296,277	299,704
February	320,443	304,795	305,482	333,734	328,265
March	303,161	297,200	266,703	312,414	289,159
April	262,387	341,098	305,711	268,838	302,253
May	295,243	309,189	304,435	294,535	282,713
June	311,964	300,021	311,485	350,523	340,992
July	317,030	356,865	352,758	360,108	327,506
August	332,992	329,122	361,349	384,695	335,676
September	342,140	356,907	502,781	353,947	389,084
October	411,747	395,368	405,837	387,184	379,060
November	343,461	327,537	358,385	309,954	367,021
December	299,946	333,396	338,932	352,969	296,005
2 Sales - Gallons	3,835,332	3,958,105	4,104,257	4,005,178	3,937,439
	2015	2016	2017	2018	2019/2020
3 Unbilled Revenues	1,935,216	1,680,338	1,576,311	1,381,910	1,617,661
4 Authorized Consumption	1,283,634	541,254	408,623	375,001	527,533
5 Water Loss	651,582	1,139,084	1,167,688	1,006,909	1,090,128
6 Authorized Consumption - % of total production	22.2%	9.6%	7.2%	7.0%	9.5%
7 Total Unbilled Water - % of total production	33.5%	30%	28%	26%	29%
8 System water Loss - % of production	11.3%	20.2%	20.6%	18.7%	19.6%
9 Production less Authorized Usage	4,486,914	5,097,189	5,271,945	5,012,087	5,027,567
10 System water Loss - % of adjusted production	14.5%	22.3%	22.1%	20.1%	21.7%
11 System water loss - % of sales	17.0%	28.8%	28.5%	25.1%	27.7%

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
**T&D Inputs**

*Linear Feet Outside City and Installed Cost Unavailable*

**Mains - Plant (Installed)**

		Water (In) Installed		Water (Out) Installed			
Pipe Size (inch)	Classification of Type	Linear Feet	\$/LF	Linear Feet	\$/LF	Inch Foot - Inside System	Inch Foot - Outside System
0.5	Service Drops					-	-
0.75	Service Drops	444		325		333	244
1	Service Drops	8,151		5,203		8,151	5,203
1.25	Service Drops	2		0		3	-
1.5	Service Drops	5,087		217		7,631	326
2.5	Distribution	0		0		-	-
2	Distribution	49,921		22,472		99,842	44,944
3	Distribution	388		0		1,164	-
4	Distribution	68,686		37,010		274,744	148,040
6	Distribution	606,932		217,610		3,641,592	1,305,660
8	Distribution	291,842		137,956		2,334,736	1,103,648
10	Distribution	13,522		5,472		135,220	54,720
12	Distribution	277,702		166,427		3,332,424	1,997,124
14	Distribution	6,274		0		87,836	-
16	Transmission	31,962		24,671		511,392	394,736
18	Transmission	24,831		4		446,958	72
20	Transmission	57,486		28,824		1,149,720	576,480
24	Transmission	67,193		17,937		1,612,632	430,488
30	Transmission	0		46		-	1,380
36	Transmission	11,653		59,566		419,508	2,144,376
42	Transmission	0		0		-	-
48	Transmission	0		544		-	26,112
54	Transmission	0		0		-	-
TOTAL		1,522,076		724,284		14,063,885	8,233,552

## Bloomington Water Department

### Cost of Service Study FY2020

#### T&D Inputs

##### Classification of Linear Feet

	Inside City	Outside City	System
Service Drops	13,684	5,745	19,429
Distribution	1,315,267	586,947	1,902,214
Transmission	193,125	131,592	324,717
<b>Total</b>	<b>1,522,076</b>	<b>724,284</b>	<b>2,246,360</b>

##### Classification of Inch-Foot

	Inside City	Outside City	System
Service Drops	16,117	5,772	21,889
Distribution	9,907,558	4,654,136	14,561,694
Transmission	4,140,210	3,573,644	7,713,854
<b>Total</b>	<b>14,063,885</b>	<b>8,233,552</b>	<b>22,297,437</b>

##### Determination of Minimum System Percent

	Inside City	Outside City	Total	
Distribution System - Inch Foot	9,907,558	4,654,136	14,561,694	
Linear Feet of Distribution	1,315,267	586,947	1,902,214	
Minimum Size Pipe - Distribution - Inch	<b>2.00</b>	<b>2.00</b>	2.00	
Minimum System Factor	2,630,534	1,173,894	3,804,428	2 times 3
<b>Percent to Minimum System</b>	<b>26.6%</b>	<b>25.2%</b>	<b>26.1%</b>	4 divided 1

##### Percent of System - Transmission

	Inch Feet	Percent of Total	
Lines less than 16 inches	14,583,583	65%	Including Service Drops
Lines 16 inches and above	7,713,854	35%	
Total	22,297,437	100%	

Ideal calculation below would use costs

##### Determination of Percent of Distribution to Allocate to Fire Protection

Inch-Foot 2 - 6 inch	4,017,342	Small distribution
Linear Feet 8 - 14 inch	589,340	Large distribution
6 inch factor		6 Factor
Equivalent for 8 - 14	3,536,040	Inch-Foot
Minimum System Factor	2,630,534	Used for minimum system above
Total Distribution Inch-Foot	9,907,558	
Capacity Percent	49.7% (1+4-5)/6	
Min System Percent	26.1%	From minimum system calculation
Total Percent before Fire Protection	75.8%	7+8
<b>Fire Protection 1 - Percent</b>	<b>24.2%</b>	1-9

##### Determination of Loss by Service Level

Service Level	Percent	Units 1,000 Gallons	Loss Factor	Production	Loss Factor
Distribution	65%	<b>2,545,523</b>	712,996	3,258,518	28%
Transmission	35%	<b>3,937,439</b>	377,133	4,314,571	10%
<b>Total</b>	<b>100%</b>		<b>1,090,128</b>	<b>5,027,567</b>	<b>28%</b>

Bloomington Water Department  
 Cost of Service Study FY2020  
 Usage and Revenue Projections

Meters Actual	January	February	March	April	May	June	July	August	September	October	November	December	Total	Average	Projected	Meter Equivalent Factor	Equivalent Meters
5/8"	6,361	6,361	6,361	6,446	6,499	6,461	6,636	6,702	6,402	6,411	6,394	6,361	77,395	6,450	6,450	1.00	6,450
3/4"	14,709	14,709	14,709	15,191	15,332	15,254	15,721	15,733	15,221	15,122	15,008	14,709	181,418	15,118	15,118	1.50	22,677
1"	3,301	3,301	3,301	3,419	3,438	3,418	3,495	3,590	3,420	3,399	3,358	3,301	40,741	3,395	3,395	2.50	8,488
1 1/2"	479	479	479	480	485	479	486	483	480	480	480	479	5,769	481	481	5.00	2,404
2"	525	525	525	545	547	534	537	536	534	529	517	525	6,379	532	532	8.00	4,253
3"	92	92	92	86	93	89	94	94	97	95	97	92	1,113	93	93	15.00	1,391
4"	83	83	83	86	81	84	84	85	84	84	84	83	1,004	84	84	25.00	2,092
6"	69	69	69	70	70	68	70	72	70	70	70	69	836	70	70	50.00	3,483
8"	10	10	10	11	11	11	11	10	10	10	10	10	124	10	10	80.00	827
10"	3	3	3	3	3	3	3	3	3	3	3	3	36	3	3	115.00	345
<b>Total</b>	<b>25,632</b>	<b>25,632</b>	<b>25,632</b>	<b>26,337</b>	<b>26,559</b>	<b>26,401</b>	<b>27,137</b>	<b>27,308</b>	<b>26,321</b>	<b>26,203</b>	<b>26,021</b>	<b>25,632</b>	<b>314,815</b>	<b>26,235</b>	<b>26,235</b>		<b>52,409</b>

Meter Rates - 2019	January	February	March	April	May	June	July	August	September	October	November	December	Total	Average	Projected
5/8"	5.89	5.89	5.89	5.89	5.89	5.89	5.89	5.89	5.89	5.89	5.89	5.89	\$ 455,857	37,988	\$ 455,857
3/4"	7.86	7.86	7.86	7.86	7.86	7.86	7.86	7.86	7.86	7.86	7.86	7.86	\$ 1,425,945	118,829	\$ 1,425,945
1"	10.59	10.59	10.59	10.59	10.59	10.59	10.59	10.59	10.59	10.59	10.59	10.59	\$ 431,447	35,954	\$ 431,447
1 1/2"	18.39	18.39	18.39	18.39	18.39	18.39	18.39	18.39	18.39	18.39	18.39	18.39	\$ 106,092	8,841	\$ 106,092
2"	26.20	26.20	26.20	26.20	26.20	26.20	26.20	26.20	26.20	26.20	26.20	26.20	\$ 167,130	13,927	\$ 167,130
3"	60.55	60.55	60.55	60.55	60.55	60.55	60.55	60.55	60.55	60.55	60.55	60.55	\$ 67,392	5,616	\$ 67,392
4"	99.57	99.57	99.57	99.57	99.57	99.57	99.57	99.57	99.57	99.57	99.57	99.57	\$ 99,968	8,331	\$ 99,968
6"	197.13	197.13	197.13	197.13	197.13	197.13	197.13	197.13	197.13	197.13	197.13	197.13	\$ 164,801	13,733	\$ 164,801
8"	294.69	294.69	294.69	294.69	294.69	294.69	294.69	294.69	294.69	294.69	294.69	294.69	\$ 36,542	3,045	\$ 36,542
10"	392.24	392.24	392.24	392.24	392.24	392.24	392.24	392.24	392.24	392.24	392.24	392.24	\$ 14,121	1,177	\$ 14,121
<b>Total Meter Charge Revenues</b>													<b>\$ 2,969,294</b>		

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Usage and Revenue Projections*

Meters Actual - Fire Protection Charges	January	February	March	April	May	June	July	August	September	October	November	December	Total	Average	Projected	Meter Equivalent Factor	Equivalent Meters
5/8"	5,055	5,058	5,065	5,151	5,203	5,175	5,347	5,412	5,113	5,112	4,868	5,050	61,609	5,134	5,134	1.00	5,134
3/4"	9,979	9,956	9,966	10,442	10,590	10,532	10,992	10,989	10,445	9,281	9,689	9,981	122,842	10,237	10,237	1.50	15,355
1"	2,711	2,712	2,711	2,828	2,856	2,828	2,911	3,004	2,832	2,813	2,570	2,710	33,486	2,791	2,791	2.50	6,976
1 1/2"	428	429	429	429	434	427	434	430	427	427	427	428	5,149	429	429	5.00	2,145
2"	457	458	456	477	479	467	471	470	468	464	453	457	5,577	465	465	8.00	3,718
3"	78	78	79	71	78	74	79	79	82	79	81	78	936	78	78	15.00	1,170
4"	71	71	72	73	70	72	72	73	72	72	72	71	861	72	72	25.00	1,794
6"	61	62	62	62	62	60	62	64	62	61	61	61	740	62	62	50.00	3,083
8"	9	9	9	9	9	9	9	8	8	8	8	9	104	9	9	80.00	693
10"	3	3	3	3	3	3	3	3	3	3	3	3	36	3	3	115.00	345
Fire Pro 5/8" Meter Out	1,306	1,303	1,296	1,295	1,296	1,286	1,289	1,290	1,289	1,299	1,526	1,311	15,786	1,316	1,316	1.00	1,316
Fire Pro 3/4" Meter Out	4,730	4,753	4,743	4,749	4,742	4,722	4,729	4,744	4,776	5,841	5,319	4,728	58,576	4,881	4,881	1.50	7,322
Fire Pro 1" Meter Out	590	589	590	591	582	590	584	586	588	586	788	591	7,255	605	605	2.50	1,511
Fire Pro 1.5" Meter Out	51	50	50	51	51	52	52	53	53	53	53	51	620	52	52	5.00	258
Fire Pro 2" Meter Out	68	67	69	68	68	67	66	66	66	65	64	68	802	67	67	8.00	535
Fire Pro 3" Meter Out	14	14	13	15	15	15	15	15	15	16	16	14	177	15	15	15.00	221
Fire Pro 4" Meter Out	12	12	11	13	11	12	12	12	12	12	12	12	143	12	12	25.00	298
Fire Pro 6" Meter Out	8	7	7	8	8	8	8	8	8	9	9	8	96	8	8	50.00	400
Fire Pro 8" Meter Out	1	1	1	2	2	2	2	2	2	2	2	1	20	2	2	80.00	133
<b>Total</b>	<b>25,632</b>	<b>25,632</b>	<b>25,632</b>	<b>26,337</b>	<b>26,559</b>	<b>26,401</b>	<b>27,137</b>	<b>27,308</b>	<b>26,321</b>	<b>26,203</b>	<b>26,021</b>	<b>25,632</b>	<b>314,815</b>	<b>26,235</b>	<b>26,235</b>		<b>52,409</b>

Fire Protection Rates - 2019	January	February	March	April	May	June	July	August	September	October	November	December	Total	Average	Projected
5/8"	1.96	1.96	1.96	1.96	1.96	1.96	1.96	1.96	1.96	1.96	1.96	1.96	\$ 120,754	10,063	10,063
3/4"	2.93	2.93	2.93	2.93	2.93	2.93	2.93	2.93	2.93	2.93	2.93	2.93	\$ 359,927	29,994	29,994
1"	4.89	4.89	4.89	4.89	4.89	4.89	4.89	4.89	4.89	4.89	4.89	4.89	\$ 163,747	13,646	13,646
1 1/2"	9.78	9.78	9.78	9.78	9.78	9.78	9.78	9.78	9.78	9.78	9.78	9.78	\$ 50,357	4,196	4,196
2"	15.64	15.64	15.64	15.64	15.64	15.64	15.64	15.64	15.64	15.64	15.64	15.64	\$ 87,224	7,269	7,269
3"	34.23	34.23	34.23	34.23	34.23	34.23	34.23	34.23	34.23	34.23	34.23	34.23	\$ 32,039	2,670	2,670
4"	58.67	58.67	58.67	58.67	58.67	58.67	58.67	58.67	58.67	58.67	58.67	58.67	\$ 50,515	4,210	4,210
6"	122.27	122.27	122.27	122.27	122.27	122.27	122.27	122.27	122.27	122.27	122.27	122.27	\$ 90,480	7,540	7,540
8"	176.06	176.06	176.06	176.06	176.06	176.06	176.06	176.06	176.06	176.06	176.06	176.06	\$ 18,310	1,526	1,526
10"	283.63	283.63	283.63	283.63	283.63	283.63	283.63	283.63	283.63	283.63	283.63	283.63	\$ 10,211	851	851
Fire Pro 5/8" Meter Out	3.28	3.28	3.28	3.28	3.28	3.28	3.28	3.28	3.28	3.28	3.28	3.28	\$ 51,778	4,315	4,315
Fire Pro 3/4" Meter Out	4.93	4.93	4.93	4.93	4.93	4.93	4.93	4.93	4.93	4.93	4.93	4.93	\$ 288,780	24,065	24,065
Fire Pro 1" Meter Out	8.22	8.22	8.22	8.22	8.22	8.22	8.22	8.22	8.22	8.22	8.22	8.22	\$ 59,636	4,970	4,970
Fire Pro 1.5" Meter Out	16.41	16.41	16.41	16.41	16.41	16.41	16.41	16.41	16.41	16.41	16.41	16.41	\$ 10,174	848	848
Fire Pro 2" Meter Out	26.29	26.29	26.29	26.29	26.29	26.29	26.29	26.29	26.29	26.29	26.29	26.29	\$ 21,085	1,757	1,757
Fire Pro 3" Meter Out	57.50	57.50	57.50	57.50	57.50	57.50	57.50	57.50	57.50	57.50	57.50	57.50	\$ 10,178	848	848
Fire Pro 4" Meter Out	98.53	98.53	98.53	98.53	98.53	98.53	98.53	98.53	98.53	98.53	98.53	98.53	\$ 14,090	1,174	1,174
Fire Pro 6" Meter Out	205.29	205.29	205.29	205.29	205.29	205.29	205.29	205.29	205.29	205.29	205.29	205.29	\$ 19,708	1,642	1,642
Fire Pro 8" Meter Out	295.60	295.60	295.60	295.60	295.60	295.60	295.60	295.60	295.60	295.60	295.60	295.60	\$ 5,912	493	493
Fire Pro 10" Meter Out	476.27	476.27	476.27	476.27	476.27	476.27	476.27	476.27	476.27	476.27	476.27	476.27	\$ -	-	-
<b>Total Fire Protection Revenues</b>													<b>\$ 1,464,903</b>		

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Usage and Revenue Projections*

	January	February	March	April	May	June	July	August	September	October	November	December	Total	Average	Projected	Meter Equivalent Factor	Equivalent Meters
<b>Private Fire Protection</b>																	
Private Fire 4" or Less	203	203	203	203	206	200	205	202	201	193	191	187	2,397	200	200	25.00	4,994
Private Fire 6"	245	248	249	252	252	253	254	254	253	246	247	243	2,996	250	250	50.00	12,483
Private Fire 8"	65	63	65	65	64	64	63	63	63	62	60	59	756	63	63	80.00	5,040
Private Fire 10"	4	4	4	4	4	4	4	4	4	4	4	4	48	4	4	115.00	460
Private Fire 12"	7	6	6	7	7	7	7	7	7	7	7	7	82	7	7	215.00	1,469
<b>Private Fire Protection Rates - 2019</b>																	
Private Fire 4" or Less	9.86	9.86	9.86	9.86	9.86	9.86	9.86	9.86	9.86	9.86	9.86	9.86	\$ 23,634				
Private Fire 6"	27.40	27.40	27.40	27.40	27.40	27.40	27.40	27.40	27.40	27.40	27.40	27.40	\$ 82,090				
Private Fire 8"	56.15	56.15	56.15	56.15	56.15	56.15	56.15	56.15	56.15	56.15	56.15	56.15	\$ 42,449				
Private Fire 10"	98.34	98.34	98.34	98.34	98.34	98.34	98.34	98.34	98.34	98.34	98.34	98.34	\$ 4,720				
Private Fire 12"	155.05	155.05	155.05	155.05	155.05	155.05	155.05	155.05	155.05	155.05	155.05	155.05	\$ 12,714				
<b>Total Private Fire Protection Revenues</b>													<b>\$ 165,609</b>				
Reconciliation factor	2.28%	2.28%	2.28%	2.28%	2.28%	2.28%	2.28%	2.28%	2.28%	2.28%	2.28%	2.28%					
Wholesale reconciliation factor				1.76%	1.76%	1.76%	1.76%	1.76%	1.76%	1.76%	1.76%	1.76%					
Irrigation reconciliation factor				-2.34%	-2.34%	-2.34%	-2.34%	-2.34%	-2.34%	-2.34%	-2.34%	-2.34%					
<b>Units - 1,000 Gallons</b>																	
Residential and Multi Family	123,555	138,238	130,801	134,450	120,654	140,261	136,147	118,703	136,079	144,162	140,817	129,672	1,593,538	1,593,538	1,593,538		
Comm, Gov, Interdept Usage	54,563	55,958	55,260	58,657	55,922	71,175	70,480	73,293	79,333	76,595	75,881	61,226	788,343	788,343	788,343		
Industrial	3,806	3,442	2,666	3,435	3,448	5,362	4,279	5,086	6,291	4,612	4,914	3,633	50,973	50,973	50,973		
Wholesale	90,003	95,327	77,333	76,239	66,838	92,259	86,970	87,399	107,518	92,351	92,983	72,215	1,037,433	1,037,433	1,037,433		
Indiana University Usage	27,361	34,294	22,732	29,026	34,605	24,543	20,118	33,312	34,848	34,873	34,616	24,154	354,483	354,483	354,483		
Irrigation Usage	416	1,006	368	447	1,247	7,393	9,512	17,883	25,014	26,467	17,812	5,106	112,669	112,669	112,669		
<b>Total</b>	<b>299,704</b>	<b>328,265</b>	<b>289,159</b>	<b>302,253</b>	<b>282,713</b>	<b>340,992</b>	<b>327,506</b>	<b>335,676</b>	<b>389,084</b>	<b>379,060</b>	<b>367,021</b>	<b>296,005</b>	<b>3,937,439</b>	<b>3,937,439</b>	<b>3,937,439</b>		
	274,669	313,987	293,722	301,354	281,888	340,333	326,979	335,510	389,125	379,137	366,745	295,332					
<b>Units - 1,000 Gallon 2019 Rates</b>																	
Residential and Multi Family	3.73	3.73	3.73	3.73	3.73	3.73	3.73	3.73	3.73	3.73	3.73	3.73	\$ 5,943,896				
Comm, Gov, Interdept Usage	3.16	3.16	3.16	3.16	3.16	3.16	3.16	3.16	3.16	3.16	3.16	3.16	\$ 2,491,162				
Industrial	2.92	2.92	2.92	2.92	2.92	2.92	2.92	2.92	2.92	2.92	2.92	2.92	\$ 148,842				
Wholesale	2.39	2.39	2.39	2.39	2.39	2.39	2.39	2.39	2.39	2.39	2.39	2.39	\$ 2,479,465				
Indiana University Usage	2.37	2.37	2.37	2.37	2.37	2.37	2.37	2.37	2.37	2.37	2.37	2.37	\$ 840,125				
Irrigation Usage	3.42	3.42	3.42	3.42	3.42	3.42	3.42	3.42	3.42	3.42	3.42	3.42	\$ 385,328				
<b>Usage Revenues</b>													<b>12,288,818</b>				



**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Diversified Class Ratio's*

Billed Usage							
	Residential and Multi Family	Comm, Gov, Interdept Usage	Industrial	Wholesale	Indiana University Usage	Irrigation Usage	Total
<i>From Projected Usages</i>							
January	123,555	54,563	3,806	90,003	27,361	416	299,704
February	138,238	55,958	3,442	95,327	34,294	1,006	328,265
March	130,801	55,260	2,666	77,333	22,732	368	289,159
April	134,450	58,657	3,435	76,239	29,026	447	302,253
May	120,654	55,922	3,448	66,838	34,605	1,247	282,713
June	140,261	71,175	5,362	92,259	24,543	7,393	340,992
July	136,147	70,480	4,279	86,970	20,118	9,512	327,506
August	118,703	73,293	5,086	87,399	33,312	17,883	335,676
September	136,079	79,333	6,291	107,518	34,848	25,014	389,084
October	144,162	76,595	4,612	92,351	34,873	26,467	379,060
November	140,817	75,881	4,914	92,983	34,616	17,812	367,021
December	129,672	61,226	3,633	72,215	24,154	5,106	296,005
Total	1,593,538	788,343	50,973	1,037,433	354,483	112,669	3,937,439
Distribution Losses	28%	28%	28%			28%	
Transmission Losses	10%	10%	10%	10%	10%	10%	1,090,128
Water Production	2,192,515	1,084,664	70,133	1,136,800	388,436	155,019	5,027,567
<b>Statistics</b>	<b>Residential and Multi Family</b>	<b>Comm, Gov, Interdept Usage</b>	<b>Industrial</b>	<b>Wholesale</b>	<b>Indiana University Usage</b>	<b>Irrigation Usage</b>	<b>Total</b>
Average Day	6,007	2,972	192	3,115	1,064	425	13,774
Max Month Usage	193,108	106,314	7,333	104,927	38,110	31,812	481,605
Max Period	Sept - Nov	Aug - October	August - Oct	Aug - Oct	Sept - Nov	Sept - Nov	September
Days of Max Month	30.33	30.33	30.67	30.67	30.33	30.67	
Average Day Max Month	6,366	3,505	239	3,422	1,256	1,037	15,825
Units Sales	1,593,538	788,343	50,973	1,037,433	354,483	112,669	3,937,439
<b>Average Day</b>	<b>6,007</b>	<b>2,972</b>	<b>192</b>	<b>3,115</b>	<b>1,064</b>	<b>425</b>	<b>13,774</b>
Average Day Usage Max Month	6,366	3,505	239	3,422	1,256	1,037	15,825
MM/AD Ratio	1.06	1.18	1.24	1.10	1.18	2.44	
System MD/MM Ratio	1.09	1.09	1.09	1.09	1.09	1.09	
Weekly Usage Adjustment	1.35	1.17	1.17	1.17	1.17	1.35	
Max Day	9,411	4,490	306	4,383	1,610	1,533	21,733
<b>MD Factor</b>	<b>1.57</b>	<b>1.51</b>	<b>1.59</b>	<b>1.41</b>	<b>1.51</b>	<b>3.61</b>	
Max Hour Ratio	1.13	1.13	1.13	1.13	1.13	1.13	
Max Hour Usage	10,634	5,074	346	4,953	1,819	1,733	24,559
<b>MH Factor</b>	<b>1.77</b>	<b>1.71</b>	<b>1.80</b>	<b>1.59</b>	<b>1.71</b>	<b>4.08</b>	

Bloomington Water Department  
Cost of Service Study FY2020  
Ratebase Allocators

	2	3.00	4	4
	Classification Factors			
	Treatment	Distribution	Transmission	Reservoirs
Max Hour		1.70	1.70	8.78
Max Day	7.08	7.08	7.08	
Base	15.22	3.04	15.22	15.22
Customer-Related		6.37		
Fire Protection		5.80		
Total	22.30	24.00	24.00	24.00

		Capacity - Treat	Extra Capacity - Distribution			Extra Capacity - Transmission								
	Total	Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH	Meters	Services	Fire Prot.	Hydrants	Distribution Facilities
Source of Supply	22.30	22.30	-	-	-	-	-	-	-	-	-	-	-	-
Pumping	22.30	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-
Treatment	22.30	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-
Transmission Plant	24.00	-	-	-	-	-	15.22	7.08	1.70	-	-	-	-	-
Distribution Plant														
(303.5) Land & Land Rights	24.00	-	-	3.04	7.08	1.70	-	-	-	-	-	5.80	-	6.37
(341) Structures & Improvements	24.00	-	-	3.04	7.08	1.70	-	-	-	-	-	5.80	-	6.37
(330.5) Distribution Storage	24.00	-	-	15.22	-	8.78	-	-	-	-	-	-	-	-
(344) Distribution Mains	24.00	-	-	3.04	7.08	1.70	-	-	-	-	-	5.80	-	6.37
(345) Services	1.00	-	-	-	-	-	-	-	-	-	1.00	-	-	-
(346) Meters	1.00	-	-	-	-	-	-	-	-	1.00	-	-	-	-
(348) Hydrants	1.00	-	-	-	-	-	-	-	-	-	-	-	1.00	-
(336.5) Backflow Prevention Devices	1.00	-	-	-	-	-	-	-	-	-	1.00	-	-	-
(339.5) Other Distribution Plant 1	24.00	-	-	3.04	7.08	1.70	-	-	-	-	-	5.80	-	6.37
(339.55) Other Distribution Plant 2	24.00	-	-	3.04	7.08	1.70	-	-	-	-	-	5.80	-	6.37

		Capacity - Treat	Extra Capacity - Distribution			Extra Capacity - Transmission								
	Total	Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH	Meters	Services	Fire Prot.	Hydrants	Distribution Facilities
Source of Supply	-	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Pumping	-	68%	32%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Treatment	-	68%	32%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Transmission Plant	-	0%	0%	0%	0%	0%	63%	30%	7%	0%	0%	0%	0%	0%
Distribution Plant														
(303.5) Land & Land Rights	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%
(341) Structures & Improvements	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%
(330.5) Distribution Storage	-	0%	0%	63%	0%	37%	0%	0%	0%	0%	0%	0%	0%	0%
(344) Distribution Mains	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%
(345) Services	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%
(346) Meters	-	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%
(348) Hydrants	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%
(336.5) Backflow Prevention Devices	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%
(339.5) Other Distribution Plant 1	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%
(339.55) Other Distribution Plant 2	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%

Bloomington Water Department  
Cost of Service Study FY2020  
Ratebase Allocators

	2	3.00	4	4
	Classification Factors			
	Treatment	Distribution	Transmission	Reservoirs
Max Hour		1.70	1.70	8.78
Max Day	7.08	7.08	7.08	
Base	15.22	3.04	15.22	15.22
Customer-Related		6.37		
Fire Protection		5.80		
Total	22.30	24.00	24.00	24.00

			Extra Capacity - Treatment		Extra Capacity - Distribution			Extra Capacity - Transmission							
		Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH	Meters	Services	Fire Prot.	Hydrants	Distribution Facilities	
Source of Supply	4,822,418	4,822,418	-	-	-	-	-	-	-	-	-	-	-	-	
Pumping	3,257,106	2,222,931	1,034,175	-	-	-	-	-	-	-	-	-	-	-	
Treatment	42,342,800	28,898,395	13,444,405	-	-	-	-	-	-	-	-	-	-	-	
Transmission Plant	\$ -	-	-	-	-	-	-	-	-	-	-	-	-	-	
(340) Land & Land Rights	308,530	-	-	-	-	-	195,652	91,023	21,854	-	-	-	-	-	
(343.5) Transmission Mains Outside City	19,489,249	-	-	-	-	-	12,358,987	5,749,773	1,380,488	-	-	-	-	-	
Distribution Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
(303.5) Land & Land Rights	583,298	-	-	73,949	172,086	41,317	-	-	-	-	-	141,076	-	154,870	
(341) Structures & Improvements	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
(330.5) Distribution Storage	2,285,569	-	-	1,449,380	-	836,190	-	-	-	-	-	-	-	-	
(344) Distribution Mains	36,845,795	-	-	4,671,192	10,870,351	2,609,910	-	-	-	-	-	8,911,495	-	9,782,846	
(345) Services	38,529	-	-	-	-	-	-	-	-	-	38,529	-	-	-	
(346) Meters	814,883	-	-	-	-	-	-	-	-	814,883	-	-	-	-	
(348) Hydrants	1,457,203	-	-	-	-	-	-	-	-	-	-	-	1,457,203	-	
(336.5) Backflow Prevention Devices	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
(339.5) Other Distribution Plant 1	3,690	-	-	468	1,089	261	-	-	-	-	-	892	-	980	
(339.55) Other Distribution Plant 2	230,830	-	-	29,264	68,100	16,350	-	-	-	-	-	55,828	-	61,287	
SubTotal	112,479,899	35,943,745	14,478,579	6,224,252	11,111,625	3,504,029	12,554,640	5,840,797	1,402,343	814,883	38,529	9,109,292	1,457,203	9,999,983	
Ratebase Subtotal Percent	100%	32%	13%	6%	10%	3%	11%	5%	1%	1%	0%	8%	1%	9%	
T&D Subtotal	\$ 60,350,865	\$ -	\$ -	\$ 6,150,303	\$10,939,539	\$ 3,462,712	\$12,358,987	\$ 5,749,773	\$ 1,380,488	\$ -	\$ 38,529	\$8,968,216	\$1,457,203	\$ 9,845,113	
T&D Allocator	100%	0%	0%	10%	18%	6%	20%	10%	2%	0%	0%	15%	2%	16%	
General Plant															
Land & Land Rights	17,750	5,672	2,285	982	1,753	553	1,981	922	221	129	6	1,438	230	1,578	
Structures and Improvements	3,667,990	1,172,132	472,149	202,974	362,352	114,267	409,409	190,469	45,731	26,573	1,256	297,056	47,520	326,101	
Office Furniture and Equipment	44,567	14,242	5,737	2,466	4,403	1,388	4,974	2,314	556	323	15	3,609	577	3,962	
Transportation Equipment	1,801,399	-	-	183,579	326,532	103,358	368,901	171,624	41,206	-	1,150	267,690	43,496	293,865	
Tools, Shop and Garage Equipment	4,075	1,302	525	226	403	127	455	212	51	30	1	330	53	362	
Laboratory Equipment	124,573	39,808	16,035	6,893	12,306	3,881	13,904	6,469	1,553	902	43	10,089	1,614	11,075	
Power Operated Equipment	73,170	23,382	9,419	4,049	7,228	2,279	8,167	3,800	912	530	25	5,926	948	6,505	
Communication Equipment	49,854	15,931	6,417	2,759	4,925	1,553	5,565	2,589	622	361	17	4,037	646	4,432	
Miscellaneous Equipment	157,874	50,450	20,322	8,736	15,596	4,918	17,621	8,198	1,968	1,144	54	12,786	2,045	14,036	
Total Plant In Service	\$ 118,421,153	\$ 37,266,664	\$ 15,011,468	6,636,916	\$11,847,124	\$ 3,736,353	\$13,385,617	\$ 6,227,393	\$ 1,495,162	\$844,875	\$ 41,097	\$9,712,252	\$1,554,332	\$ 10,661,900	
Total Rate Base Percent	100.0%	31.5%	12.7%	5.6%	10.0%	3.2%	11.3%	5.3%	1.3%	0.7%	0.0%	8.2%	1.3%	9.0%	

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Depreciation Expense*

	Classification Factors			
	Treatment	Distribution	Transmission	Reservoirs
Max Hour		1.70	1.70	8.78
Max Day	7.08	7.08	7.08	
Base	15.22	3.04	15.22	15.22
Customer-Related		6.37		
Fire Protection		5.80		
Total	22.30	24.00	24.00	24.00

		Extra Capacity - Treatment		Extra Capacity - Distribution			Extra Capacity - Transmission			Meters	Services	Fire Prot.	Hydrants	Distribution Facilities
		Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH					
Source of Supply	-	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Pumping	-	68%	32%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Treatment	-	68%	32%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Transmission Plant	-	0%	0%	0%	0%	0%	63%	30%	7%	0%	0%	0%	0%	0%
Distribution Plant														
(303.5) Land & Land Rights	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%
(341) Structures & Improvements	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%
(330.5) Distribution Storage	-	0%	0%	63%	0%	37%	0%	0%	0%	0%	0%	0%	0%	0%
(344) Distribution Mains	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%
(345) Services	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%
(346) Meters	-	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%
(348) Hydrants	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%
(336.5) Backflow Prevention Devices	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%
(339.5) Other Distribution Plant 1	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%
(339.55) Other Distribution Plant 2	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Depreciation Expense*

	Classification Factors			
	Treatment	Distribution	Transmission	Reservoirs
Max Hour		1.70	1.70	8.78
Max Day	7.08	7.08	7.08	
Base	15.22	3.04	15.22	15.22
Customer-Related		6.37		
Fire Protection		5.80		
Total	22.30	24.00	24.00	24.00

		Extra Capacity - Treatment	Extra Capacity - Distribution			Extra Capacity - Transmission								
	Total	Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH	Meters	Services	Fire Prot.	Hydrants	Distribution Facilities
Source of Supply	319,230	319,230	-	-	-	-	-	-	-	-	-	-	-	-
Pumping	513,649	350,558	163,090	-	-	-	-	-	-	-	-	-	-	-
Treatment	3,687,783	2,516,862	1,170,920	-	-	-	-	-	-	-	-	-	-	-
Transmission Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-
(340) Land & Land Rights	11,224	-	-	-	-	-	7,118	3,311	795	-	-	-	-	-
(343.5) Transmission Mains Outside City	1,491,884	-	-	-	-	-	946,069	440,140	105,675	-	-	-	-	-
Distribution Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-
(303.5) Land & Land Rights	21,220	-	-	2,690	6,260	1,503	-	-	-	-	-	5,132	-	5,634
(341) Structures & Improvements	-	-	-	-	-	-	-	-	-	-	-	-	-	-
(330.5) Distribution Storage	299,377	-	-	189,848	-	109,529	-	-	-	-	-	-	-	-
(344) Distribution Mains	2,820,512	-	-	357,575	832,115	199,786	-	-	-	-	-	682,167	-	748,868
(345) Services	49,288	-	-	-	-	-	-	-	-	-	49,288	-	-	-
(346) Meters	68,222	-	-	-	-	-	-	-	-	68,222	-	-	-	-
(348) Hydrants	200,519	-	-	-	-	-	-	-	-	-	-	-	200,519	-
(336.5) Backflow Prevention Devices	-	-	-	-	-	-	-	-	-	-	-	-	-	-
(339.5) Other Distribution Plant 1	514	-	-	65	152	36	-	-	-	-	-	124	-	137
(339.55) Other Distribution Plant 2	23,870	-	-	3,026	7,042	1,691	-	-	-	-	-	5,773	-	6,338
<b>SubTotal</b>	<b>9,507,291</b>	<b>3,186,651</b>	<b>1,334,011</b>	<b>553,205</b>	<b>845,570</b>	<b>312,545</b>	<b>953,187</b>	<b>443,451</b>	<b>106,470</b>	<b>68,222</b>	<b>49,288</b>	<b>693,197</b>	<b>200,519</b>	<b>760,976</b>
<b>Ratebase Subtotal Percent</b>	<b>100%</b>	<b>34%</b>	<b>14%</b>	<b>6%</b>	<b>9%</b>	<b>3%</b>	<b>10%</b>	<b>5%</b>	<b>1%</b>	<b>1%</b>	<b>1%</b>	<b>7%</b>	<b>2%</b>	<b>8%</b>
<b>T&amp;D Subtotal</b>	<b>\$ 4,885,964</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 550,515</b>	<b>\$ 839,309</b>	<b>\$ 311,042</b>	<b>\$ 946,069</b>	<b>\$ 440,140</b>	<b>\$ 105,675</b>	<b>\$ -</b>	<b>\$ 49,288</b>	<b>\$ 688,064</b>	<b>\$ 200,519</b>	<b>\$ 755,342</b>
<b>T&amp;D Allocator</b>	<b>100%</b>	<b>0%</b>	<b>0%</b>	<b>11%</b>	<b>17%</b>	<b>6%</b>	<b>19%</b>	<b>9%</b>	<b>2%</b>	<b>0%</b>	<b>1%</b>	<b>14%</b>	<b>4%</b>	<b>15%</b>
General Plant														
Land & Land Rights	646	216	91	38	57	21	65	30	7	5	3	47	14	52
Structures and Improvements	299,952	100,538	42,088	17,453	26,677	9,861	30,073	13,991	3,359	2,152	1,555	21,870	6,326	24,009
Office Furniture and Equipment	60,177	20,170	8,444	3,502	5,352	1,978	6,033	2,807	674	432	312	4,388	1,269	4,817
Transportation Equipment	354,203	-	-	39,909	60,845	22,549	68,584	31,907	7,661	-	3,573	49,881	14,536	54,758
Stores Equipment	76	26	11	4	7	3	8	4	1	1	0	6	2	6
Tools, Shop and Garage Equipment	1,597	535	224	93	142	53	160	74	18	11	8	116	34	128
Laboratory Equipment	13,305	4,459	1,867	774	1,183	437	1,334	621	149	95	69	970	281	1,065
Power Operated Equipment	42,810	14,349	6,007	2,491	3,807	1,407	4,292	1,997	479	307	222	3,121	903	3,427
Communication Equipment	37,637	12,615	5,281	2,190	3,347	1,237	3,773	1,756	421	270	195	2,744	794	3,013
Miscellaneous Equipment	8,058	2,701	1,131	469	717	265	808	376	90	58	42	588	170	645
Other Tangible Equipment	219	73	31	13	19	7	22	10	2	2	1	16	5	18
<b>Total Plant In Service</b>	<b>\$ 10,325,971</b>	<b>\$ 3,342,334</b>	<b>\$ 1,399,183</b>	<b>\$ 620,141</b>	<b>\$ 947,725</b>	<b>\$ 350,364</b>	<b>\$ 1,068,339</b>	<b>\$ 497,023</b>	<b>\$ 119,333</b>	<b>\$ 71,555</b>	<b>\$ 55,268</b>	<b>\$ 776,943</b>	<b>\$ 224,852</b>	<b>\$ 852,911</b>
<b>Total Rate Base Percent</b>	<b>100.0%</b>	<b>32.4%</b>	<b>13.6%</b>	<b>6.0%</b>	<b>9.2%</b>	<b>3.4%</b>	<b>10.3%</b>	<b>4.8%</b>	<b>1.2%</b>	<b>0.7%</b>	<b>0.5%</b>	<b>7.5%</b>	<b>2.2%</b>	<b>8.3%</b>

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Expense Classification*

	Treatment		Distribution Facilities			Transmission			Meters	Services	Cust. Serv.	Fire Prot.	Hydrants	Distribution Facilities	Billing
	Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH							
Source of Supply	22.30	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Treatment	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-	-
Pumping	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-	-
Reservoirs	-	-	15.22	-	8.78	-	-	-	-	-	-	-	-	-	-
Distribution Lines	-	-	3.04	7.08	1.70	-	-	-	-	-	-	5.80	-	6.37	-
Transmission	-	-	-	-	-	15.22	7.08	1.70	-	-	-	-	-	-	-

	Capacity - Treat		Extra Capacity - Distribution			Extra Capacity - Transmission			Meters	Services	Cust. Serv.	Fire Prot.	Hydrants	Distribution	
	Total	Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH					Facilities	Billing
(1) Source of Supply	22.30	22.30	-	-	-	-	-	-	-	-	-	-	-	-	-
(2) Power & Chemicals	22.30	22.30	-	-	-	-	-	-	-	-	-	-	-	-	-
(3) Loadings	22.30	22.30	-	-	-	-	-	-	-	-	-	-	-	-	-
(4) Treatment	22.30	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-
(5) Other Treatment 1	22.30	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-
(6) Other Treatment 2	22.30	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-
(7) System Pumping	22.30	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-
(8) Hydrants	1.00	-	-	-	-	-	-	-	-	-	-	-	1.00	-	-
(9) Transmission Mains City	24.00	-	-	-	-	-	15.22	7.08	1.70	-	-	-	-	-	-
(10) Transmission Mains Outside City	24.00	-	-	-	-	-	15.22	7.08	1.70	-	-	-	-	-	-
(11) Transmission Mains Common to All	24.00	-	-	-	-	-	15.22	7.08	1.70	-	-	-	-	-	-
(12) Distribution Storage	24.00	-	-	15.22	-	8.78	-	-	-	-	-	-	-	-	-
(13) Distribution Mains	24.00	-	-	3.04	7.08	1.70	-	-	-	-	-	5.80	-	6.37	-
(14) Services	1.00	-	-	-	-	-	-	-	-	1.00	-	-	-	-	-
(15) Meters	1.00	-	-	-	-	-	-	-	-	1.00	-	-	-	-	-
(16) Min System Inside	1.00	-	-	-	-	-	-	-	-	-	-	-	-	1.00	-
(17) Min System Outside	1.00	-	-	-	-	-	-	-	-	-	-	-	-	1.00	-
(18) Distribution Mains Inside	24.00	-	-	3.04	7.08	1.70	-	-	-	-	-	5.80	-	6.37	-
(19) Distribution Mains Outside	24.00	-	-	3.04	7.08	1.70	-	-	-	-	-	5.80	-	6.37	-
(20) Hydrants	1.00	-	-	-	-	-	-	-	-	-	-	-	1.00	-	-
(21) T&D Other	29.80	-	-	-	-	-	15.22	7.08	1.70	-	-	5.80	-	-	-
(22) Meter Reading	1.00	-	-	-	-	-	-	-	-	1.00	-	-	-	-	-
(23) Billing	1.00	-	-	-	-	-	-	-	-	-	-	-	-	-	1.00
(24) Uncollectible Accounts	1.00	-	-	-	-	-	-	-	-	-	-	-	-	-	1.00
(25) Miscellaneous	1.00	-	-	-	-	-	-	-	-	-	1.00	-	-	-	-
(26) Customer Rec & Collection	1.00	-	-	-	-	-	-	-	-	-	1.00	-	-	-	-

Bloomington Water Department  
Cost of Service Study FY2020  
Expense Classification

	Treatment		Distribution Facilities			Transmission			Meters	Services	Cust. Serv.	Fire Prot.	Hydrants	Distribution Facilities	Billing
	Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH							
Source of Supply	22.30	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Treatment	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-	-
Pumping	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-	-
Reservoirs	-	-	15.22	-	8.78	-	-	-	-	-	-	-	-	-	-
Distribution Lines	-	-	3.04	7.08	1.70	-	-	-	-	-	-	5.80	-	6.37	-
Transmission	-	-	-	-	-	15.22	7.08	1.70	-	-	-	-	-	-	-

	Check = 0	Capacity - Treat		Extra Capacity - Distribution			Extra Capacity - Transmission			Meters	Services	Cust. Serv.	Fire Prot.	Hydrants	Distribution	
		Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH						Facilities	Billing
(1) Source of Supply	-	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(2) Power & Chemicals	-	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(3) Loadings	-	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(4) Treatment	-	68%	32%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(5) Other Treatment 1	-	68%	32%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(6) Other Treatment 2	-	68%	32%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(7) System Pumping	-	68%	32%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(8) Hydrants	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%
(9) Transmission Mains City	-	0%	0%	0%	0%	0%	63%	30%	7%	0%	0%	0%	0%	0%	0%	0%
(10) Transmission Mains Outside City	-	0%	0%	0%	0%	0%	63%	30%	7%	0%	0%	0%	0%	0%	0%	0%
(11) Transmission Mains Common to All	-	0%	0%	0%	0%	0%	63%	30%	7%	0%	0%	0%	0%	0%	0%	0%
(12) Distribution Storage	-	0%	0%	63%	0%	37%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(13) Distribution Mains	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%	0%	0%
(14) Services	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%
(15) Meters	-	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%
(16) Min System Inside	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%
(17) Min System Outside	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%
(18) Distribution Mains Inside	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%	0%	0%
(19) Distribution Mains Outside	-	0%	0%	13%	30%	7%	0%	0%	0%	0%	0%	24%	0%	27%	0%	0%
(20) Hydrants	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%
(21) T&D Other	-	0%	0%	0%	0%	0%	51%	24%	6%	0%	0%	19%	0%	0%	0%	0%
(22) Meter Reading	-	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%
(23) Billing	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%
(24) Uncollectible Accounts	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%
(25) Miscellaneous	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%
(26) Customer Rec & Collection	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%



**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Expense Classification*

	Treatment		Distribution Facilities			Transmission			Meters	Services	Cust. Serv.	Fire Prot.	Hydrants	Distribution Facilities	Billing
	Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH							
Source of Supply	22.30	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Treatment	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-	-
Pumping	15.22	7.08	-	-	-	-	-	-	-	-	-	-	-	-	-
Reservoirs	-	-	15.22	-	8.78	-	-	-	-	-	-	-	-	-	-
Distribution Lines	-	-	3.04	7.08	1.70	-	-	-	-	-	-	5.80	-	6.37	-
Transmission	-	-	-	-	-	15.22	7.08	1.70	-	-	-	-	-	-	-

		Capacity - Treat		Extra Capacity - Distribution			Extra Capacity - Transmission									
		Treatment Base	Treatment MD	Distribution Base	Distribution MD	Distribution MH	Transmission Base	Transmission MD	Transmission MH	Meters	Services	Cust. Serv.	Fire Prot.	Hydrants	Distribution Facilities	Billing
Expense	Amount															
(1) Source of Supply	\$ 1,064,388	1,064,388	-	-	-	-	-	-	-	-	-	-	-	-	-	-
(2) Power & Chemicals	1,289,925	1,289,925	-	-	-	-	-	-	-	-	-	-	-	-	-	-
(4) Treatment	1,776,769	1,212,621	564,148	-	-	-	-	-	-	-	-	-	-	-	-	-
(7) System Pumping	566,768	386,811	179,956	-	-	-	-	-	-	-	-	-	-	-	-	-
(8) Hydrants	53,661	-	-	-	-	-	-	-	-	-	-	-	-	53,661	-	-
(9) Transmission Mains City	506,670	-	-	-	-	-	321,302	149,479	35,889	-	-	-	-	-	-	-
(12) Distribution Storage	197,707	-	-	125,375	-	72,332	-	-	-	-	-	-	-	-	-	-
(13) Distribution Mains	957,896	-	-	121,439	282,601	67,851	-	-	-	-	-	-	231,676	-	254,329	-
(14) Services	27,422	-	-	-	-	-	-	-	-	-	27,422	-	-	-	-	-
(15) Meters	499,569	-	-	-	-	-	-	-	-	499,569	-	-	-	-	-	-
(22) Meter Reading	419,094	-	-	-	-	-	-	-	-	419,094	-	-	-	-	-	-
(23) Billing	313,698	-	-	-	-	-	-	-	-	-	-	-	-	-	-	313,698
(26) Customer Rec & Collection	131,293	-	-	-	-	-	-	-	-	-	-	131,293	-	-	-	-
Operation and Maintenance	\$ 7,804,861	\$ 3,953,745	\$ 744,104	\$ 246,814	\$ 282,601	\$ 140,183	\$ 321,302	\$ 149,479	\$ 35,889	\$ 918,664	\$ 27,422	\$ 131,293	\$ 231,676	\$ 53,661	\$ 254,329	\$ 313,698
Admin and General	2,103,844	1,065,754	200,578	66,530	76,177	37,787	86,609	40,293	9,674	247,631	7,392	35,391	62,450	14,465	68,556	84,559
Engineering	636,277	205,951	86,216	38,212	58,398	21,589	65,830	30,626	7,353	4,409	3,406	-	47,875	13,855	52,556	-
Environmental Services	115,651	37,434	15,671	6,946	10,615	3,924	11,965	5,567	1,337	801	619	-	8,702	2,518	9,553	-
Insurance	109,481	35,437	14,835	6,575	10,048	3,715	11,327	5,270	1,265	759	586	-	8,238	2,384	9,043	-
Taxes and Tax Equivalents	358,542	116,054	48,583	21,533	32,907	12,165	37,095	17,258	4,144	2,485	1,919	-	26,977	7,807	29,615	-
Administrative total	\$ 1,219,951	\$ 617,996	\$ 116,308	\$ 38,579	\$ 44,172	\$ 21,912	\$ 50,222	\$ 23,365	\$ 5,610	\$ 143,593	\$ 4,286	\$ 20,522	\$ 36,212	\$ 8,388	\$ 39,753	\$ 49,033
<b>Total Operation &amp; Maintenance Expenses</b>	<b>\$ 11,128,656</b>	<b>\$ 5,414,376</b>	<b>\$ 1,109,987</b>	<b>\$ 386,610</b>	<b>\$ 470,746</b>	<b>\$ 219,364</b>	<b>\$ 534,128</b>	<b>\$ 248,493</b>	<b>\$ 59,662</b>	<b>\$ 1,174,748</b>	<b>\$ 41,344</b>	<b>\$ 166,684</b>	<b>\$ 385,917</b>	<b>\$ 94,690</b>	<b>\$ 423,651</b>	<b>\$ 398,257</b>
Total Debt Service & Capital	10,325,971	\$ 3,342,334	\$ 1,399,183	\$ 620,141	\$ 947,725	\$ 350,364	\$ 1,068,339	\$ 497,023	\$ 119,333	\$ 71,555	\$ 55,268	\$ -	\$ 776,943	\$ 224,852	\$ 852,911	\$ -
Late Payment	(211,586)	\$ -	\$ -	\$ (26,824)	\$ (62,423)	\$ (14,987)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (51,174)	\$ -	\$ (56,178)	\$ -
Misc Service Revenues	(265,155)	\$ -	\$ -	\$ (33,615)	\$ (78,227)	\$ (18,782)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (64,130)	\$ -	\$ (70,401)	\$ -
Other Water Revenues	(339,392)	\$ -	\$ -	\$ (43,027)	\$ (100,128)	\$ (24,040)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (82,085)	\$ -	\$ (90,111)	\$ -
<b>Total Revenue Requirements</b>	<b>\$ 20,638,493</b>	<b>\$ 8,756,710</b>	<b>\$ 2,509,170</b>	<b>\$ 903,284</b>	<b>\$ 1,177,693</b>	<b>\$ 511,918</b>	<b>\$ 1,602,467</b>	<b>\$ 745,516</b>	<b>\$ 178,994</b>	<b>\$ 1,246,303</b>	<b>\$ 96,612</b>	<b>\$ 166,684</b>	<b>\$ 965,470</b>	<b>\$ 319,542</b>	<b>\$ 1,059,873</b>	<b>\$ 398,257</b>

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Development of Allocators*

Customer Class	Treatment			Distribution			Transmission		
	Base - A	MD - A	MH - A	Base - D	MD - D	MH - D	Base - T	MD - T	MH - T
Fire Protection	-	840	4,200					840	4,200
Hydrants	-	-							
5/8" Meter	-	-							
3/4" Meter	-	-							
1" Meter	-	-							
1.5" Meter	-	-							
2" Meter	-	-							
3" Meter	-	-							
4" Meter	-	-							
6" Meter	-	-							
8" Meter	-	-							
10" Meter	-	-							
Residential and Multi Family	4,366	2,474	3,363	4,366	2,474	3,363	4,366	2,474	3,363
Comm, Gov, Interdept Usage	2,160	1,104	1,528	2,160	1,104	1,528	2,160	1,104	1,528
Industrial	140	83	112	140	83	112	140	83	112
Wholesale	2,842	1,158	1,678				2,842	1,158	1,678
Indiana University Usage	971	498	689				971	498	689
Irrigation Usage	309	806	951	309	806	951	309	806	951
Total	10,788	6,962	12,520	6,974	4,466	5,953	10,788	6,962	12,520

Customer Class	Base - A	MD - A	MH - A	Base - D	MD - D	MH - D	Base - T	MD - T	MH - T
Fire Protection	0.0%	12.1%	33.5%	0.0%	0.0%	0.0%	0.0%	12.1%	33.5%
Hydrants	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
5/8" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
3/4" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
1" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
1.5" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
3" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
4" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
6" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
8" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
10" Meter	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Residential and Multi Family	40.5%	35.5%	26.9%	62.6%	55.4%	56.5%	40.5%	35.5%	26.9%
Comm, Gov, Interdept Usage	20.0%	15.9%	12.2%	31.0%	24.7%	25.7%	20.0%	15.9%	12.2%
Industrial	1.3%	1.2%	0.9%	2.0%	1.9%	1.9%	1.3%	1.2%	0.9%
Wholesale	26.3%	16.6%	13.4%	0.0%	0.0%	0.0%	26.3%	16.6%	13.4%
Indiana University Usage	9.0%	7.1%	5.5%	0.0%	0.0%	0.0%	9.0%	7.1%	5.5%
Irrigation Usage	2.9%	11.6%	7.6%	4.4%	18.0%	16.0%	2.9%	11.6%	7.6%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Development of Allocators*

Customer Class	Meters	Services	Cust. Serv.	D - Min	Hydrants	Distribution Facilities	Direct Fire Protection	Revenues	Customers	Volume Sales
Fire Protection	-	-	-				1	-	1	
Hydrants	-	-	-		1			1,464,903	1	
5/8" Meter	2,323,785	2,580	4,031	2,580		2,580		455,857	6,450	
3/4" Meter	5,447,075	9,071	11,339	9,071		9,071		1,425,945	15,118	
1" Meter	1,444,778	3,395	3,395	3,395		3,395		431,447	3,395	
1.5" Meter	637,715	962	721	962		962		106,092	481	
2" Meter	805,083	1,701	1,063	1,701		1,701		167,130	532	
3" Meter	291,698	557	278	557		557		67,392	93	
4" Meter	391,341	837	335	837		837		99,968	84	
6" Meter	598,028	1,393	418	1,393		1,393		164,801	70	
8" Meter	98,156	331	83	331		331		36,542	10	
10" Meter	41,458	138	30	138		138		14,121	3	
Residential and Multi Family								5,943,896		1,593,538
Comm, Gov, Interdept Usage								2,491,162		788,343
Industrial								148,842		50,973
Wholesale								2,479,465		1,037,433
Indiana University Usage								840,125		354,483
Irrigation Usage								385,328		112,669
Total	12,079,116	20,964	21,693	20,964	1	20,964	1	16,888,625	26,760	3,937,439

Customer Class	Meters	Services	Cust. Serv.	D - Min	Hydrants	Distribution Facilities	Direct Fire Protection	Revenues	Customers	Volume Sales
Fire Protection	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	40.5%
Hydrants	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	8.7%	0.0%	0.0%
5/8" Meter	19.2%	12.3%	18.6%	12.3%	0.0%	12.3%	0.0%	2.7%	24.1%	0.0%
3/4" Meter	45.1%	43.3%	52.3%	43.3%	0.0%	43.3%	0.0%	8.4%	56.5%	0.0%
1" Meter	12.0%	16.2%	15.7%	16.2%	0.0%	16.2%	0.0%	2.6%	12.7%	0.0%
1.5" Meter	5.3%	4.6%	3.3%	4.6%	0.0%	4.6%	0.0%	0.6%	1.8%	0.0%
2" Meter	6.7%	8.1%	4.9%	8.1%	0.0%	8.1%	0.0%	1.0%	2.0%	0.0%
3" Meter	2.4%	2.7%	1.3%	2.7%	0.0%	2.7%	0.0%	0.4%	0.3%	0.0%
4" Meter	3.2%	4.0%	1.5%	4.0%	0.0%	4.0%	0.0%	0.6%	0.3%	0.0%
6" Meter	5.0%	6.6%	1.9%	6.6%	0.0%	6.6%	0.0%	1.0%	0.3%	0.0%
8" Meter	0.8%	1.6%	0.4%	1.6%	0.0%	1.6%	0.0%	0.2%	0.0%	0.0%
10" Meter	0.3%	0.7%	0.1%	0.7%	0.0%	0.7%	0.0%	0.1%	0.0%	0.0%
Residential and Multi Family	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	35.2%	0.0%	0.0%
Comm, Gov, Interdept Usage	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	14.8%	0.0%	20.0%
Industrial	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.9%	0.0%	1.3%
Wholesale	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	14.7%	0.0%	26.3%
Indiana University Usage	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.0%	0.0%	9.0%
Irrigation Usage	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.3%	0.0%	2.9%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
**Customer Allocator**

Customer Class	Number of Meters	Meter Costs	Meter Size	Customer Services Weighting	Weighted Time to Read a Meter	Billing Weighting Factor	Meter Equivalent Ratio (based on 5/8)	Equivalent Services	Fire Protection Equivalent Ratio	Outside =1
Fire Protection	1.0	\$ -	-	0.0	0.0	0.0	0.00	0.00	0.0	0.0
Hydrants	1.0	\$ -	-	0.0	0.0	0.0	0.00	0.00	0.0	0.0
5/8" Meter	6,450	\$ 360	0.63	0.6	0.6	0.6	0.40	0.40	0.0	0.0
3/4" Meter	15,118	\$ 360	0.75	0.8	0.8	0.8	0.60	0.60	0.0	0.0
1" Meter	3,395	\$ 426	1.00	1.0	1.0	1.0	1.00	1.00	0.0	0.0
1.5" Meter	481	\$ 1,327	1.50	1.5	1.5	1.5	2.00	2.00	0.0	0.0
2" Meter	532	\$ 1,515	2.00	2.0	2.0	2.0	3.20	3.20	0.0	0.0
3" Meter	93	\$ 3,145	3.00	3.0	3.0	3.0	6.00	6.00	0.0	0.0
4" Meter	84	\$ 4,677	4.00	4.0	4.0	4.0	10.00	10.00	0.0	0.0
6" Meter	70	\$ 8,584	6.00	6.0	6.0	6.0	20.00	20.00	0.0	0.0
8" Meter	10	\$ 9,499	8.00	8.0	8.0	8.0	32.00	32.00	0.0	0.0
10" Meter	3	\$ 13,819	10.00	10.0	10.0	10.0	46.00	46.00	0.0	0.0
12" Meter	-	\$ 20,105	12.00	12.0	12.0	12.0	86.00	86.00	0.0	0.0
Residential and Multi Family	0.0	\$ -	-	0.0	0.0	0.0	0.00	0.00	0.0	0.0
Comm, Gov, Interdept Usage	0.0	\$ -	-	0.0	0.0	0.0	0.00	0.00	0.0	0.0
Industrial	0.0	\$ -	-	0.0	0.0	0.0	0.00	0.00	0.0	0.0
Wholesale	0.0	\$ -	-	0.0	0.0	0.0	0.00	0.00	0.0	0.0
Indiana University Usage	0.0	\$ -	-	0.0	0.0	0.0	0.00	0.00	0.0	0.0
Irrigation Usage	0.0	\$ -	-	0.0	0.0	0.0	0.00	0.00	0.0	0.0
Private Fire 4" or Less	199.8	\$ 360	4.00	4.0	4.0	4.0	10.00	10.00	10.0	0.0
Private Fire 6"	249.7	\$ 360	6.00	6.0	6.0	6.0	20.00	20.00	20.0	0.0
Private Fire 8"	63.0	\$ 360	8.00	8.0	8.0	8.0	32.00	32.00	32.0	0.0
Private Fire 10"	4.0	\$ 360	10.00	10.0	10.0	10.0	46.00	46.00	46.0	0.0
Private Fire 12"	6.8	\$ 360	12.00	12.0	12.0	12.0	86.00	86.00	86.0	0.0
Fire Pro 5/8" Meter In	5,069	\$ -	0.63			0.0	0.40		0.4	0.0
Fire Pro 3/4" Meter In	10,412	\$ -	0.75			0.0	0.60		0.6	0.0
Fire Pro 1" Meter In	2,772	\$ -	1.00			0.0	1.00		1.0	0.0
Fire Pro 1.5" Meter In	406	\$ -	1.50			0.0	2.00		2.0	0.0
Fire Pro 2" Meter In	426	\$ -	2.00			0.0	3.20		3.2	0.0
Fire Pro 3" Meter In	54	\$ -	3.00			0.0	6.00		6.0	0.0
Fire Pro 4" Meter In	57	\$ -	4.00			0.0	10.00		10.0	0.0
Fire Pro 6" Meter In	49	\$ -	6.00			0.0	20.00		20.0	0.0
Fire Pro 8" Meter In	6	\$ -	8.00			0.0	32.00		32.0	0.0
Fire Pro 10" Meter In	-	\$ -	10.00			0.0	46.00		46.0	0.0
Fire Pro 5/8" Meter Out	1,316	\$ -	0.63			0.0	0.40		0.4	1.0
Fire Pro 3/4" Meter Out	4,881	\$ -	0.75			0.0	0.60		0.6	1.0
Fire Pro 1" Meter Out	605	\$ -	1.00			0.0	1.00		1.0	1.0
Fire Pro 1.5" Meter Out	52	\$ -	1.50			0.0	2.00		2.0	1.0
Fire Pro 2" Meter Out	67	\$ -	2.00			0.0	3.20		3.2	1.0
Fire Pro 3" Meter Out	15	\$ -	3.00			0.0	6.00		6.0	1.0
Fire Pro 4" Meter Out	-	\$ -	4.00			0.0	10.00		10.0	1.0
Fire Pro 6" Meter Out	-	\$ -	6.00			0.0	20.00		20.0	1.0
Fire Pro 8" Meter Out	-	\$ -	8.00			0.0	32.00		32.0	1.0
Fire Pro 10" Meter Out	-	\$ -	10.00			0.0	46.00		46.0	1.0

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Unit Costs*

Rate Class - Units	Extra Capacity - Extra Capacity - Distribution Transmission				Meters	Services	Cust. Serv.	Distribution Facilities	Billing
	Total	Treatment Base	Distribution Base	Transmission Base					
5/8" Meter		-	-	-	2,323,785	2,580	4,031	2,580	6,450
3/4" Meter		-	-	-	5,447,075	9,071	11,339	9,071	15,118
1" Meter		-	-	-	1,444,778	3,395	3,395	3,395	3,395
1.5" Meter		-	-	-	637,715	962	721	962	481
2" Meter		-	-	-	805,083	1,701	1,063	1,701	532
3" Meter		-	-	-	291,698	557	278	557	93
4" Meter		-	-	-	391,341	837	335	837	84
6" Meter		-	-	-	598,028	1,393	418	1,393	70
8" Meter		-	-	-	98,156	331	83	331	10
10" Meter		-	-	-	41,458	138	30	138	3
Residential and Multi Family		4,366	4,366	4,366	-	-	-	-	-
Comm, Gov, Interdept Usage		2,160	2,160	2,160	-	-	-	-	-
Industrial		140	140	140	-	-	-	-	-
Wholesale		2,842		2,842	-	-	-	-	-
Indiana University Usage		971		971	-	-	-	-	-
Irrigation Usage		309	309	309	-	-	-	-	-
<b>Total</b>		<b>10,788</b>	<b>6,974</b>	<b>10,788</b>	<b>12,079,116</b>	<b>20,964</b>	<b>21,693</b>	<b>20,964</b>	<b>26,760</b>

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Unit Costs*

Rate Class - Revenue Requirements	Total	Treatment Base	Extra Capacity - Extra Capacity - Distribution Transmission		Meters	Services	Cust. Serv.	Distribution Facilities	Billing	Revenue Requirements
			Distribution Base	Transmission Base						
5/8" Meter		-	-	-	239,764	11,889	30,974	130,431	95,987	509,045
3/4" Meter		-	-	-	562,020	41,804	87,125	458,605	224,998	1,374,553
1" Meter		-	-	-	149,070	15,646	26,088	171,648	50,528	412,980
1.5" Meter		-	-	-	65,798	4,431	5,541	48,611	7,155	131,537
2" Meter		-	-	-	83,067	7,839	8,169	86,002	7,911	192,990
3" Meter		-	-	-	30,097	2,565	2,138	28,135	1,380	64,315
4" Meter		-	-	-	40,378	3,856	2,572	42,300	1,245	90,351
6" Meter		-	-	-	61,704	6,421	3,212	70,444	1,037	142,817
8" Meter		-	-	-	10,128	1,524	635	16,718	154	29,158
10" Meter		-	-	-	4,278	636	231	6,977	45	12,166
Residential and Multi Family		3,543,966	565,470	648,541	-	-	-	-	-	6,904,052
Comm, Gov, Interdept Usage		1,753,243	279,745	320,841	-	-	-	-	-	3,313,989
Industrial		113,363	18,088	20,745	-	-	-	-	-	224,112
Wholesale		2,307,211	-	422,217	-	-	-	-	-	3,294,760
Indiana University Usage		788,356	-	144,268	-	-	-	-	-	1,175,137
Irrigation Usage		250,572	39,981	45,854	-	-	-	-	-	1,020,953
<b>Total</b>		<b>\$ 8,756,710</b>	<b>\$ 903,284</b>	<b>\$ 1,602,467</b>	<b>\$ 1,246,303</b>	<b>\$ 96,612</b>	<b>\$ 166,684</b>	<b>\$ 1,059,873</b>	<b>\$ 398,257</b>	<b>\$ 20,638,493</b>

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Unit Costs*

		Extra Capacity - Distribution		Extra Capacity - Transmission						
Rate Class - Unit Costs	Total	Treatment Base	Distribution Base	Transmission Base	Meters	Services	Cust. Serv.	Distribution Facilities	Billing	
Units										
5/8" Meter	6,450	\$ -	\$ -	\$ -	\$ 37.18	\$ 1.84	\$ 4.80	\$ 20.22	\$ 14.88	
3/4" Meter	15,118	-	-	-	37.18	2.77	5.76	30.33	14.88	
1" Meter	3,395	-	-	-	43.91	4.61	7.68	50.56	14.88	
1.5" Meter	481	-	-	-	136.87	9.22	11.53	101.12	14.88	
2" Meter	532	-	-	-	156.26	14.75	15.37	161.79	14.88	
3" Meter	93	-	-	-	324.49	27.65	23.05	303.35	14.88	
4" Meter	84	-	-	-	482.60	46.09	30.74	505.58	14.88	
6" Meter	70	-	-	-	885.70	92.17	46.10	1,011.16	14.88	
8" Meter	10	-	-	-	980.08	147.47	61.47	1,617.85	14.88	
10" Meter	3	-	-	-	1,425.85	211.99	76.84	2,325.66	14.88	
Residential and Multi Family	1,593,538	2.22	0.35	0.41	-	-	-	-	-	
Comm, Gov, Interdept Usage	788,343	2.22	0.35	0.41	-	-	-	-	-	
Industrial	50,973	2.22	0.35	0.41	-	-	-	-	-	
Wholesale	1,037,433	2.22	-	0.41	-	-	-	-	-	
Indiana University Usage	354,483	2.22	-	0.41	-	-	-	-	-	
Irrigation Usage	112,669	2.22	0.35	0.41	-	-	-	-	-	



**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Unit Costs*

Rate Class - Monthly Unit Costs	Total	Treatment	Distribution	Transmission	Meters	Services	Cust. Serv.	Distribution Facilities	Billing	Total Customer COS	Current Customer Charge
	Units										
5/8" Meter	6,450	\$ -	\$ -	\$ -	\$ 3.10	\$ 0.15	\$ 0.40	\$ 1.69	\$ 1.24	\$ 6.58	\$ 5.89
3/4" Meter	15,118	-	-	-	3.10	0.23	0.48	2.53	1.24	7.58	7.86
1" Meter	3,395	-	-	-	3.66	0.38	0.64	4.21	1.24	10.14	10.59
1.5" Meter	481	-	-	-	11.41	0.77	0.96	8.43	1.24	22.80	18.39
2" Meter	532	-	-	-	13.02	1.23	1.28	13.48	1.24	30.25	26.20
3" Meter	93	-	-	-	27.04	2.30	1.92	25.28	1.24	57.79	60.55
4" Meter	84	-	-	-	40.22	3.84	2.56	42.13	1.24	89.99	99.57
6" Meter	70	-	-	-	73.81	7.68	3.84	84.26	1.24	170.83	197.13
8" Meter	10	-	-	-	81.67	12.29	5.12	134.82	1.24	235.15	294.69
10" Meter	3	-	-	-	118.82	17.67	6.40	193.81	1.24	337.94	392.24
Residential and Multi Family	1,593,538	\$ 2.78	\$ 0.95	\$ 0.60	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4.33	\$ 3.73
Comm, Gov, Interdept Usage	788,343	2.73	0.89	0.58	-	-	-	-	-	4.20	3.16
Industrial	50,973	2.81	0.97	0.61	-	-	-	-	-	4.40	2.92
Wholesale	1,037,433	2.63	-	0.55	-	-	-	-	-	3.18	2.39
Indiana University Usage	354,483	2.73	-	0.59	-	-	-	-	-	3.32	2.37
Irrigation Usage	112,669	4.80	2.97	1.29	-	-	-	-	-	9.06	3.42

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Fire Protection*

**Allocation of Costs to Public and Private Fire Service - Base Extra Capacity Method 2020**

Allocated Fire Protection Costs	\$ 1,418,235
Direct Fire Protection	319,557
<b>Total Fire Protection Costs</b>	<b>1,737,792</b>

<b>Private Fire Service Allocation</b>	197,944
Fire Service Equivalent Units	56,804
Charge per Equivalent Unit	3.48

Line No.	Private Fire Meter Size (Inches)	Number of Services	Demand Factor	Equivalent Connections	Annual Charge	Monthly Rate	Customer and Billing	Cost of Service Meter \$/Month	Current Meter \$/Month	% Change
4	4	200	38.32	7,654	\$ 26,673	\$ 11.13	\$ 1.24	\$ 12.37	\$ 9.86	25%
5	6	250	111.31	27,791	\$ 96,842	32.32	1.24	33.56	27.40	22%
6	8	63	237.21	14,944	\$ 52,076	68.88	1.24	70.12	56.15	25%
7	10	4	426.58	1,706	\$ 5,946	123.88	1.24	125.12	98.34	27%
8	12	7	689.04	4,708	\$ 16,408	200.09	1.24	201.33	155.05	30%

**Bloomington Water Department**  
**Cost of Service Study FY2020**

**Fire Protection**

**Public Fire Protection**

Fire Protection	830,267
Hydrants	220,013
Total	1,050,280
Equivalent Meters	40,414
Annual Rate - EQ	25.99

Meter Size	Number of Customers	Factor	Equivalent Meters	Fire Protection Costs	Cost of Service Meter \$/Month	Current Meter \$/Month	% Change
Fire Pro 5/8" Meter In	5,134	1.00	5,134	133,423.31	\$ 2.17	\$ 1.96	10%
Fire Pro 3/4" Meter In	10,237	1.50	15,355	399,048.51	3.25	2.93	11%
Fire Pro 1" Meter In	2,791	2.50	6,976	181,297.09	5.41	4.89	11%
Fire Pro 1.5" Meter In	429	5.00	2,145	55,754.57	10.83	9.78	11%
Fire Pro 2" Meter In	465	8.00	3,718	96,622.48	17.33	15.64	11%
Fire Pro 3" Meter In	78	15.00	1,170	30,405.68	32.48	34.23	-5%
Fire Pro 4" Meter In	72	25.00	1,794	46,615.54	54.14	58.67	-8%
Fire Pro 6" Meter In	62	50.00	3,083	80,128.92	108.28	122.27	-11%
Fire Pro 8" Meter In	9	80.00	693	18,018.18	173.25	176.06	-2%
Fire Pro 10" Meter In	3	115.00	345	8,965.78	249.05	283.63	-12%
Fire Pro 5/8" Meter Out	1,316	1.00	1,316	53,693.60	3.40	3.28	4%
Fire Pro 3/4" Meter Out	4,881	1.50	7,322	298,855.62	5.10	4.93	3%
Fire Pro 1" Meter Out	605	2.50	1,511	61,691.86	8.50	8.22	3%
Fire Pro 1.5" Meter Out	52	5.00	258	10,544.16	17.01	16.41	4%
Fire Pro 2" Meter Out	67	8.00	535	21,823.02	27.21	26.29	4%
Fire Pro 3" Meter Out	15	15.00	221	9,030.57	51.02	57.50	-11%
Fire Pro 4" Meter Out	12	25.00	298	12,159.80	85.03	98.53	-14%
Fire Pro 6" Meter Out	8	50.00	400	16,326.45	170.07	205.29	-17%
Fire Pro 8" Meter Out	2	80.00	133	5,442.15	272.11	295.60	-8%

**Bloomington Water Department**  
**Cost of Service Study FY2020**  
*Results (by defined group)*

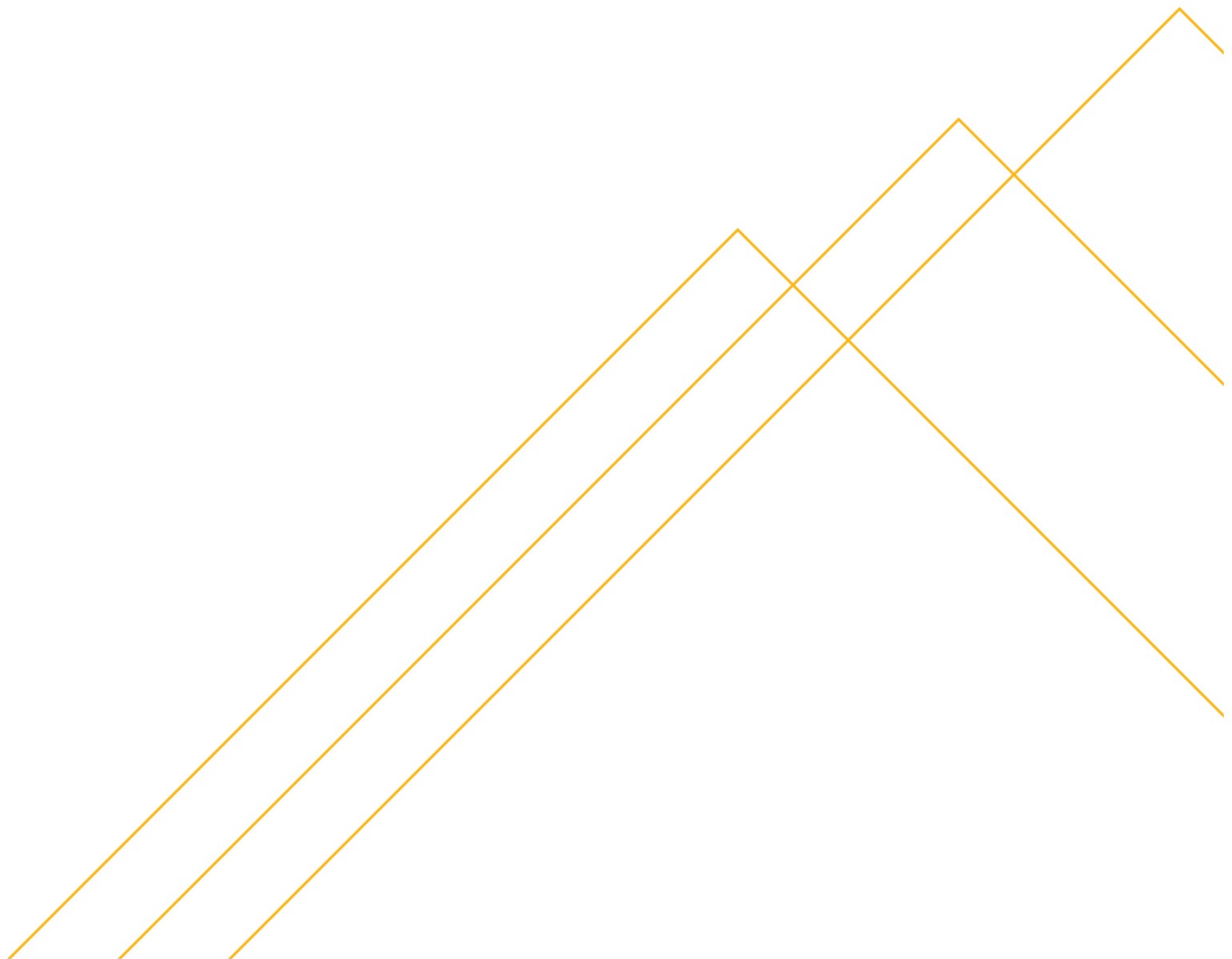
**TOTAL COST OF SERVICE (by defined group)**

Customer Class	Cost of Service (\$)	Projected Revenues (\$)	% Change
Fire Protection	\$ 1,745,579	\$ 1,630,512	7.1%
Meter Charges	2,959,911	2,969,294	-0.3%
Residential and Multi Family	6,904,052	5,943,896	16.2%
Comm, Gov, Interdept Usage	3,313,989	2,491,162	33.0%
Industrial	224,112	148,842	50.6%
Wholesale	3,294,760	2,479,465	32.9%
Indiana University Usage	1,175,137	840,125	39.9%
Irrigation Usage	1,020,953	385,328	165.0%
Total	\$ 20,638,493	\$ 16,888,625	22.20%

# Preliminary Revenue Requirements Report

Bloomington Municipal Water Utility

December 29, 2020



# Table of Contents

<b>Purpose of the Report .....</b>	<b>1</b>
<b>Financial Statements .....</b>	<b>2</b>
Balance Sheets as of March 31, 2020, December 31, 2019, and December 31, 2018.....	2
Combined Outstanding Debt .....	4
Amended Waterworks Revenue Bonds of 2006, Series A-1 Amortization Schedule .....	5
Waterworks Revenue Bonds of 2017 Amortization Schedule.....	6
Waterworks Refunding Revenue Bonds of 2020, Series A Amortization Schedule .....	7
Waterworks Refunding Revenue Bonds of 2020, Series B Amortization Schedule .....	8
ESG Solar Lease Amortization Schedule.....	9
Equipment Lease Purchase for Advance Metering Infrastructure Project Amortization Schedule ...	10
Statements of Income for the Twelve Months Ended March 31, 2020, December 31, 2019, and December 31, 2018 .....	11
<b>Adjustments to the Financial Statements .....</b>	<b>14</b>
Adjusted Statement of Income .....	14
Detail of Adjustments.....	16
<b>Capital Improvement Plan.....</b>	<b>18</b>
<b>Proposed Waterworks Revenue Bonds, Series 2022.....</b>	<b>20</b>
Estimated Sources and Uses of Funds .....	20
Estimated Amortization Schedule.....	21
Estimated Combined Debt after Issuance of the Proposed 2022 Bonds .....	22
<b>Statement of Revenue Requirements .....</b>	<b>23</b>
<b>Schedule of Present Rates and Charges.....</b>	<b>24</b>
Schedule of Non-Recurring Charges .....	26
<b>Appendix A: Risks and Assumptions.....</b>	<b>27</b>
Risks .....	27
Assumptions .....	28

## Purpose of the Report

Crowe LLP ("Crowe" or "we") has performed a study and analysis of the operating and financial reports, budgets, and other data pertaining to Bloomington Municipal Water Utility ("Utility"). The results of our analysis are contained in this Preliminary Revenue Requirements Report ("Report").

The purpose of this Report is to estimate the Utility's on-going revenue requirements for operation and maintenance expenses, current and proposed debt service payments, and make capital improvements to the Utility's system. This Report is based on data for the twelve months ended March 31, 2020 ("Test Year"). The historical information used in this Report was taken from the books and records of the Utility and was adjusted as necessary for fixed, known, and measurable items as disclosed in the schedules of this Report.

In the course of preparing this Report, we have not conducted an audit of any financial or supplemental data used in the accompanying exhibits and schedules. We have made certain projections that may vary from actual results because events and circumstances frequently do not occur as estimated and such variances may be material. We have no responsibility to update this Report for events and circumstances occurring after the date of this Report.

If you have any questions regarding this Report, please call Jennifer Wilson at (317) 269-6699 or Craig Lotz at (317) 689-5512.



## Financial Statements

### Balance Sheets as of March 31, 2020, December 31, 2019, and December 31, 2018

ASSETS AND OTHER DEBITS	March 31, 2020	December 31, 2019	December 31, 2018
<u>Utility Plant</u>			
Utility Plant in Service	\$ 145,333,991	\$ 145,149,832	\$ 142,381,674
Less: Accumulated Depreciation	(56,805,829)	(56,805,829)	(53,642,740)
Accumulated Amortization	(60,794)	(60,794)	(58,768)
Net Utility Plant in Service	88,467,368	88,283,209	88,680,166
Add: Construction Work in Progress	6,027,906	5,463,406	3,738,465
Net Utility Plant	94,495,274	93,746,615	92,418,631
<u>Restricted Assets</u>			
Sinking Fund	806,964	262	61
Hydrant Meter Fund	43,300	43,650	43,950
Cash with Fiscal Agent	1,987,325	3,595,052	1,609,148
Debt Service Reserve Fund	6,252,339	6,252,339	6,120,952
Construction Fund	657,793	936,801	1,846,167
Total Restricted Assets	9,747,721	10,828,104	9,620,278
<u>Current and Accrued Assets</u>			
Operation and Maintenance Fund	2,592,434	3,642,292	3,634,267
Accounts Receivable - Net	1,024,926	1,053,201	927,396
Materials and Supplies	645,349	689,508	633,238
Prepaid Expenses	623	623	623
Total Current and Accrued Assets	4,263,332	5,385,624	5,195,524
<u>Deferred Debits</u>			
Unamortized Bond Discount	509,100	509,100	515,217
Unamortized Bond Issuance Costs	66,625	66,625	84,071
Deferral Loss on Advancement	-	-	55,215
Total Deferred Debits	575,725	575,725	654,503
Total Assets and Other Debits	\$ 109,082,052	\$ 110,536,068	\$ 107,888,936

*Data Source: Utility*

## Balance Sheets as of March 31, 2020, December 31, 2019, and December 31, 2018 (Continued)

LIABILITIES AND OTHER CREDITS	March 31, 2020	December 31, 2019	December 31, 2018
<u>Equity Capital</u>			
Unappropriated Retained Earnings	\$ 47,632,059	\$ 44,321,267	\$ 40,066,983
Current Year Earnings	369,440	3,310,792	4,254,284
Prior Period Adjustments	25,943	25,943	25,943
Total Equity Capital	<u>48,027,442</u>	<u>47,658,002</u>	<u>44,347,210</u>
<u>Long Term Debt</u>			
Refunding Revenue Bonds of 2003	-	-	550,000
Revenue Bonds of 2011 (1)	29,130,000	30,480,000	31,225,000
Amended 2006 Bonds	1,950,200	2,227,700	2,491,200
Revenue Bonds of 2017	3,990,000	4,255,000	4,430,000
State Revolving Fund Loans (1)	5,939,000	8,084,000	10,160,000
Long Term Lease	3,348,000	3,348,000	-
Total Long Term Debt	<u>44,357,200</u>	<u>48,394,700</u>	<u>48,856,200</u>
<u>Current and Accrued Liabilities</u>			
Accounts Payable	(3,883)	309,764	281,881
Revenue Bonds - Current	1,807,500	789,100	759,600
State Revolving Fund Loans - Current	1,612,000	-	-
Accounts Payable to Associated Company	3,091	3,091	421,765
Compensated Absences Payable	119,106	119,106	147,345
Customer Deposits	43,300	43,650	43,950
Unearned Revenue	71,233	70,907	68,545
Accrued Taxes	60,966	79,651	72,443
Accrued Payroll	134,876	134,876	123,999
Short Term Lease	168,000	252,000	75,273
Total Current and Accrued Liabilities	<u>4,016,189</u>	<u>1,802,145</u>	<u>1,994,801</u>
<u>Deferred Credits</u>			
Unamortized Bond Premium	204,603	204,603	214,107
Contributions in Aid of Construction	12,476,618	12,476,618	12,476,618
Total Liabilities and Other Credits	<u>\$ 109,082,052</u>	<u>\$ 110,536,068</u>	<u>\$ 107,888,936</u>

(1) The Utility issued its Waterworks Revenue Refunding Bonds of 2020, Series A and Series B, in May of 2020 which refunded the Utility's 2011 Bonds and the Utility's State Revolving Fund Loans.

*Data Source: Utility*

## Combined Outstanding Debt

Year	Amended 2006 Bonds	2017 Bonds	2020A Refunding Bonds	2020B Refunding Bonds	Total
2020	\$ 381,207	\$ 299,444	\$ 1,525,611	\$ 1,177,374	\$ 3,383,636
2021	381,836	295,844	1,577,288	3,023,160	5,278,128
2022	376,721	297,244	1,569,713	3,035,140	5,278,818
2023	380,895	298,494	1,278,000	3,320,625	5,278,014
2024	374,101	299,694	1,279,251	3,324,087	5,277,133
2025	376,743	299,244		4,603,413	5,279,400
2026	378,382	303,169		4,595,355	5,276,906
2027		301,794		4,976,140	5,277,934
2028		300,344		4,976,858	5,277,202
2029		303,669			303,669
2030		301,769			301,769
2031		304,644			304,644
2032		306,907			306,907
2033		308,859			308,859
2034		310,500			310,500
2035		311,569			311,569
2036		312,306			312,306
2037		315,038			315,038
Totals	<u>\$ 2,649,885</u>	<u>\$ 5,470,532</u>	<u>\$ 7,229,863</u>	<u>\$ 33,032,152</u>	<u>\$ 48,382,432</u>
Average Annual Debt Service (2021-2025)					<u>\$ 5,278,299</u>

## Amended Waterworks Revenue Bonds of 2006, Series A-1 Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
7/1/20	\$ 138,900	4.73 %	\$ 53,496	\$ 192,396	
1/1/21	138,600	4.75	50,211	188,811	\$ 381,207
7/1/21	143,300	4.75	46,920	190,220	
1/1/22	148,100	4.78	43,516	191,616	381,836
7/1/22	147,800	4.78	39,977	187,777	
1/1/23	152,500	4.80	36,444	188,944	376,721
7/1/23	157,200	4.80	32,784	189,984	
1/1/24	161,900	4.83	29,011	190,911	380,895
7/1/24	161,600	4.83	25,102	186,702	
1/1/25	166,200	4.83	21,199	187,399	374,101
7/1/25	170,900	4.83	17,185	188,085	
1/1/26	175,600	4.83	13,058	188,658	376,743
7/1/26	180,200	4.83	8,817	189,017	
1/1/27	184,900	4.83	4,465	189,365	378,382
Totals	<u>\$ 2,227,700</u>		<u>\$ 422,185</u>	<u>\$ 2,649,885</u>	

Note: The 2006 A-1 Bonds were issued through the Indiana Bond Bank. The amortization schedule was amended March 26, 2015, and resulted in a reduction in the overall payments of approximately \$480,000.

Data Source: Bond Specimen for the Amended 2006 Series A Bonds, as recalculated by Crowe.

## Waterworks Revenue Bonds of 2017 Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
7/1/20	\$ 90,000	2.000 %	\$ 60,172	\$ 150,172	
1/1/21	90,000	2.000	59,272	149,272	\$ 299,444
7/1/21	90,000	2.000	58,372	148,372	
1/1/22	90,000	2.000	57,472	147,472	295,844
7/1/22	90,000	2.000	56,572	146,572	
1/1/23	95,000	2.000	55,672	150,672	297,244
7/1/23	95,000	2.000	54,722	149,722	
1/1/24	95,000	2.000	53,772	148,772	298,494
7/1/24	95,000	2.000	52,822	147,822	
1/1/25	100,000	3.000	51,872	151,872	299,694
7/1/25	100,000	3.000	50,372	150,372	
1/1/26	100,000	3.000	48,872	148,872	299,244
7/1/26	105,000	3.000	47,372	152,372	
1/1/27	105,000	3.000	45,797	150,797	303,169
7/1/27	110,000	3.000	44,222	154,222	
1/1/28	105,000	3.000	42,572	147,572	301,794
7/1/28	110,000	3.000	40,997	150,997	
1/1/29	110,000	3.000	39,347	149,347	300,344
7/1/29	115,000	3.000	37,697	152,697	
1/1/30	115,000	3.000	35,972	150,972	303,669
7/1/30	115,000	3.000	34,247	149,247	
1/1/31	120,000	3.000	32,522	152,522	301,769
7/1/31	120,000	3.000	30,722	150,722	
1/1/32	125,000	3.125	28,922	153,922	304,644
7/1/32	130,000	3.125	26,969	156,969	
1/1/33	125,000	3.125	24,938	149,938	306,907
7/1/33	135,000	3.125	22,984	157,984	
1/1/34	130,000	3.125	20,875	150,875	308,859
7/1/34	140,000	3.125	18,844	158,844	
1/1/35	135,000	3.250	16,656	151,656	310,500
7/1/35	145,000	3.250	14,463	159,463	
1/1/36	140,000	3.250	12,106	152,106	311,569
7/1/36	145,000	3.250	9,831	154,831	
1/1/37	150,000	3.250	7,475	157,475	312,306
7/1/37	310,000	3.250	5,038	315,038	315,038
Totals	\$ 4,170,000		\$ 1,300,532	\$ 5,470,532	

Data Source: Waterworks Revenue Bonds of 2017 Final Official Statement, as recalculated by Crowe.

## Waterworks Refunding Revenue Bonds of 2020, Series A Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
7/1/20	\$ 190,000	1.50 %	\$ 9,611	\$ 199,611	
1/1/21	1,275,000	1.50	51,000	1,326,000	\$ 1,525,611
7/1/21	745,000	1.50	41,438	786,438	
1/1/22	755,000	1.50	35,850	790,850	1,577,288
7/1/22	755,000	1.50	30,188	785,188	
1/1/23	760,000	1.50	24,525	784,525	1,569,713
7/1/23	620,000	1.50	18,825	638,825	
1/1/24	625,000	1.50	14,175	639,175	1,278,000
7/1/24	630,000	1.50	9,488	639,488	
1/1/25	635,000	1.50	4,763	639,763	1,279,251
Totals	<u>\$ 6,990,000</u>		<u>\$ 239,863</u>	<u>\$ 7,229,863</u>	

*Data Source: Waterworks Refunding Revenue Bonds of 2020, Series A Amortization Schedule provided by the Utility, as recalculated by Crowe.*

## Waterworks Refunding Revenue Bonds of 2020, Series B Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
7/1/20	\$ 155,000	1.300 %	\$ 47,003	\$ 202,003	
1/1/21	720,000	1.300	255,371	975,371	\$ 1,177,374
7/1/21	1,265,000	1.300	250,691	1,515,691	
1/1/22	1,265,000	1.300	242,469	1,507,469	3,023,160
7/1/22	1,285,000	1.300	234,246	1,519,246	
1/1/23	1,290,000	1.300	225,894	1,515,894	3,035,140
7/1/23	1,445,000	1.300	217,509	1,662,509	
1/1/24	1,450,000	1.700	208,116	1,658,116	3,320,625
7/1/24	1,470,000	1.700	195,791	1,665,791	
1/1/25	1,475,000	1.700	183,296	1,658,296	3,324,087
7/1/25	2,130,000	1.700	170,759	2,300,759	
1/1/26	2,150,000	1.700	152,654	2,302,654	4,603,413
7/1/26	2,165,000	1.700	134,379	2,299,379	
1/1/27	2,180,000	1.950	115,976	2,295,976	4,595,355
7/1/27	2,390,000	1.950	94,721	2,484,721	
1/1/28	2,420,000	1.950	71,419	2,491,419	4,976,140
7/1/28	2,440,000	1.950	47,824	2,487,824	
1/1/29	<u>2,465,000</u>	1.950	<u>24,034</u>	<u>2,489,034</u>	4,976,858
Totals	<u>\$ 30,160,000</u>		<u>\$ 2,872,152</u>	<u>\$ 33,032,152</u>	

*Data Source: Waterworks Refunding Revenue Bonds of 2020, Series B Amortization Schedule provided by the Utility, as recalculated by Crowe.*



## ESG Solar Lease Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total	Water Portion (1)
6/30/20	\$ 263,273	2.97 %	\$ 184,342	\$ 447,615		
12/30/20	267,183	2.97	180,432	447,615	\$ 895,230	\$ 189,646
6/30/21	271,150	2.97	176,465	447,615		
12/30/21	275,177	2.97	172,438	447,615	895,230	189,646
6/30/22	279,263	2.97	168,352	447,615		
12/30/22	283,410	2.97	164,205	447,615	895,230	189,646
6/30/23	287,619	2.97	159,996	447,615		
12/30/23	291,890	2.97	155,725	447,615	895,230	189,646
6/30/24	296,225	2.97	151,390	447,615		
12/30/24	300,623	2.97	146,991	447,614	895,229	189,645
6/30/25	305,088	2.97	142,527	447,615		
12/30/25	309,618	2.97	137,997	447,615	895,230	189,646
6/30/26	314,216	2.97	133,399	447,615		
12/30/26	318,882	2.97	128,733	447,615	895,230	189,646
6/30/27	323,618	2.97	123,997	447,615		
12/30/27	328,423	2.97	119,192	447,615	895,230	189,646
6/30/28	333,300	2.97	114,315	447,615		
12/30/28	338,250	2.97	109,365	447,615	895,230	189,646
6/30/29	343,273	2.97	104,342	447,615		
12/30/29	348,371	2.97	99,244	447,615	895,230	189,646
6/30/30	353,544	2.97	94,071	447,615		
12/30/30	358,794	2.97	88,821	447,615	895,230	189,646
6/30/31	364,122	2.97	83,493	447,615		
12/30/31	369,529	2.97	78,086	447,615	895,230	189,646
6/30/32	375,017	2.97	72,598	447,615		
12/30/32	380,586	2.97	67,029	447,615	895,230	189,646
6/30/33	386,237	2.97	61,377	447,614		
12/30/33	391,973	2.97	55,642	447,615	895,229	189,645
6/30/34	397,794	2.97	49,821	447,615		
12/30/34	403,701	2.97	43,914	447,615	895,230	189,646
6/30/35	409,696	2.97	37,919	447,615		
12/30/35	415,780	2.97	31,835	447,615	895,230	189,646
6/30/36	421,954	2.97	25,661	447,615		
12/30/36	428,220	2.97	19,395	447,615	895,230	189,646
6/30/37	434,580	2.97	13,035	447,615		
10/30/37	443,227	2.97	4,388	447,615	895,230	189,646
Totals	<u>\$ 12,413,606</u>		<u>\$ 3,700,532</u>	<u>\$ 16,114,138</u>		
Average Annual Lease Payment						<u>\$ 189,646</u>

- (1) The ESG Solar Lease payments are allocated between the Water Utility, the City of Bloomington Sewage Works, the City of Bloomington Redevelopment Commission, and the City of Bloomington Parks & Recreation Department. The Utility's allocated share is twenty-one and one hundred and eighty-four thousandths percent (21.184%). The ESG Solar Lease payments are not on parity with the outstanding bonds of the Utility.

*Data Source: ESG Solar Lease Payment Schedule, as recalculated by Crowe.*

## Equipment Lease Purchase for Advance Metering Infrastructure Project Amortization Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total	Water Portion (1)
8/15/20	\$ 420,000	3.40 %	\$ 149,430	\$ 569,430		
2/15/21	430,000	3.40	142,290	572,290	\$ 1,141,720	\$ 456,688
8/15/21	435,000	3.40	134,980	569,980		
2/15/22	445,000	3.40	127,585	572,585	1,142,565	457,026
8/15/22	450,000	3.40	120,020	570,020		
2/15/23	460,000	3.40	112,370	572,370	1,142,390	456,956
8/15/23	470,000	3.40	104,550	574,550		
2/15/24	470,000	3.40	96,560	566,560	1,141,110	456,444
8/15/24	485,000	3.40	88,570	573,570		
2/15/25	490,000	3.40	80,325	570,325	1,143,895	457,558
8/15/25	500,000	3.40	71,995	571,995		
2/15/26	505,000	3.40	63,495	568,495	1,140,490	456,196
8/15/26	520,000	3.40	54,910	574,910		
2/15/27	520,000	3.40	46,070	566,070	1,140,980	456,392
8/15/27	535,000	3.40	37,230	572,230		
2/15/28	540,000	3.40	28,135	568,135	1,140,365	456,146
8/15/28	555,000	3.40	18,955	573,955		
2/15/29	560,000	3.40	9,520	569,520	1,143,475	457,390
Totals	<u>\$ 8,790,000</u>		<u>\$ 1,486,990</u>	<u>\$ 10,276,990</u>		
Average Annual Lease Payment						<u>\$ 456,755</u>

- (1) The Advance Metering Infrastructure Project lease payments are allocated between the Water Utility and the City of Bloomington Sewage Works. The Water Utility's allocated share is forty percent (40%). The Advance Metering Infrastructure Project lease payments are not on parity with the outstanding bonds of the Utility.

*Data Source: Equipment Lease Purchase for Advance Metering Infrastructure Project Agreement, as recalculated by Crowe.*

## Statements of Income for the Twelve Months Ended March 31, 2020, December 31, 2019, and December 31, 2018

	March 31, 2020	December 31, 2019	December 31, 2018
<b>Operating Revenues</b>			
Metered Sales Residential	\$ 4,750,585	\$ 4,782,223	\$ 4,726,481
Metered Sales Commercial	1,916,871	1,962,829	2,064,859
Metered Sales Industrial	167,090	158,404	152,733
Sales to Public Authorities	1,859,847	1,829,604	2,042,016
Multiple Family Dwellings	3,709,181	3,668,236	3,678,376
Public Fire Protection	812,080	811,339	809,601
Private Fire Protection	807,957	801,996	780,375
Irrigation Sales	385,329	380,685	366,580
Sales for Resale	2,479,467	2,416,353	2,431,102
Forfeited Discounts	36,010	41,367	32,680
Connection Charges	265,155	376,318	414,431
Miscellaneous Operating Revenues	515,026	472,821	372,658
<b>Total Operating Revenues</b>	<b>17,704,598</b>	<b>17,702,175</b>	<b>17,871,892</b>
<b>Operating Expenses</b>			
<b>Operation and Maintenance Expenses</b>			
<b>Source of Supply</b>			
Purchased Water	173,209	169,538	178,467
Purchased Power	677,071	671,417	645,310
Materials and Supplies	24,462	37,609	30,213
<b>Total Source of Supply</b>	<b>874,742</b>	<b>878,564</b>	<b>853,990</b>
<b>Treatment</b>			
Salaries and Wages	924,118	921,955	803,092
Employee Pensions and Benefits	306,237	416,999	392,597
Purchased Power	227,533	230,095	228,331
Chemicals	1,062,392	1,079,054	860,339
Materials and Supplies	287,219	270,239	374,361
Contractual Services - Engineering	-	4,945	2,228
Contractual Services - Testing	30,063	29,018	34,323
Contractual Services - Other	6,558	4,463	3,400
Transportation Expenses	31,162	29,428	34,321
Miscellaneous Expenses	45,879	43,256	34,189
<b>Total Treatment</b>	<b>2,921,161</b>	<b>3,029,452</b>	<b>2,767,181</b>

*Data Source: Utility*

## Statements of Income (Continued)

	March 31, 2020	December 31, 2019	December 31, 2018
<b>Transmission and Distribution</b>			
Salaries and Wages	\$ 803,723	\$ 792,239	\$ 728,733
Employee Pensions and Benefits	291,815	412,343	399,391
Purchased Power	416,736	435,543	358,149
Materials and Supplies	531,614	498,209	346,232
Transportation Expenses	127,038	125,703	107,984
Miscellaneous Expenses	29,112	27,423	21,139
<b>Total Transmission and Distribution</b>	<b>2,200,038</b>	<b>2,291,460</b>	<b>1,961,628</b>
<b>Customer Account</b>			
Salaries and Wages	358,590	352,556	365,741
Employee Pensions and Benefits	137,947	199,707	200,475
Materials and Supplies	107,244	102,121	118,855
Transportation Expenses	19,422	19,189	20,722
Bad Debt Expense	-	10,956	10,323
Miscellaneous Expenses	137,585	134,853	119,477
<b>Total Customer Account</b>	<b>760,788</b>	<b>819,382</b>	<b>835,593</b>
<b>Administrative and General</b>			
Salaries and Wages	1,002,785	989,983	955,893
Employee Pensions and Benefits	325,833	454,516	467,579
Purchased Power	6,004	5,117	7,118
Materials and Supplies	76,284	88,436	78,476
Contractual Services - Engineering	14,074	14,074	-
Contractual Services - Accounting	10,347	2,696	25,608
Contractual Services - Legal	799	3,494	15,717
Contractual Services - Testing	48,820	14,406	30,685
Contractual Services - Other	34,118	34,016	20,647
Transportation Expenses	34,237	30,329	25,707
Insurance - General Liability	102,314	76,924	75,714
Insurance - Other	7,167	5,548	2,000
Advertising Expense	945	843	6,687
Miscellaneous Expenses	1,290,686	702,946	444,137
<b>Total Administrative and General</b>	<b>2,954,413</b>	<b>2,423,328</b>	<b>2,155,968</b>
<b>Total Operation and Maintenance Expenses</b>	<b>9,711,142</b>	<b>9,442,186</b>	<b>8,574,360</b>
<b>Depreciation Expense</b>	<b>3,163,089</b>	<b>3,163,089</b>	<b>2,995,754</b>
<b>Amortization Expense</b>	<b>2,026</b>	<b>2,026</b>	<b>3,040</b>
<b><u>Taxes Other Than Income Taxes</u></b>			
Utility Receipts Tax	202,272	196,144	208,863
Payment in Lieu of Property Taxes	303,188	-	-
<b>Total Taxes Other Than Income Taxes</b>	<b>505,460</b>	<b>196,144</b>	<b>208,863</b>
<b>Total Operating Expenses</b>	<b>13,381,717</b>	<b>12,803,445</b>	<b>11,782,017</b>
<b>Net Operating Income</b>	<b>4,322,881</b>	<b>4,898,730</b>	<b>6,089,875</b>

*Data Source: Utility*

## Statements of Income (Continued)

	March 31, 2020	December 31, 2019	December 31, 2018
<u>Other Income</u>			
Interest Income	\$ 285,328	\$ 299,569	\$ 153,617
Miscellaneous Other Income	7,750	9,680	13,100
Total Other Income	<u>293,078</u>	<u>309,249</u>	<u>166,717</u>
<u>Other Expenses</u>			
Interest Expense	1,989,288	1,895,587	2,000,708
Miscellaneous Other Expenses	1,600	1,600	1,600
Total Other Expenses	<u>1,990,888</u>	<u>1,897,187</u>	<u>2,002,308</u>
Net Income	<u>\$ 2,625,071</u>	<u>\$ 3,310,792</u>	<u>\$ 4,254,284</u>

*Data Source: Utility*

## Adjustments to the Financial Statements

### Adjusted Statement of Income

	March 31, 2020	Adjustment	Pro Forma
<u>Operating Revenues</u>			
Metered Sales Residential	\$ 4,750,585		\$ 4,750,585
Metered Sales Commercial	1,916,871		1,916,871
Metered Sales Industrial	167,090		167,090
Sales to Public Authorities	1,859,847		1,859,847
Multiple Family Dwellings	3,709,181		3,709,181
Public Fire Protection	812,080		812,080
Private Fire Protection	807,957		807,957
Irrigation Sales	385,329		385,329
Sales for Resale	2,479,467		2,479,467
Forfeited Discounts	36,010		36,010
Connection Charges	265,155		265,155
Miscellaneous Operating Revenues	515,026		515,026
Total Operating Revenues	17,704,598		17,704,598
<u>Operating Expenses</u>			
<u>Operation and Maintenance Expenses</u>			
<u>Source of Supply</u>			
Purchased Water	173,209		173,209
Purchased Power	677,071		677,071
Materials and Supplies	24,462		24,462
Total Source of Supply	874,742		874,742
<u>Treatment</u>			
Salaries and Wages	924,118	\$ 28,344 (1)	952,462
Employee Pensions and Benefits	306,237	111,737 (2)	423,427
		5,453 (7)	
Purchased Power	227,533		227,533
Chemicals	1,062,392		1,062,392
Materials and Supplies	287,219		287,219
Contractual Services - Engineering	-		-
Contractual Services - Testing	30,063		30,063
Contractual Services - Other	6,558		6,558
Transportation Expenses	31,162		31,162
Miscellaneous Expenses	45,879		45,879
Total Treatment	2,921,161	145,534	3,066,695
<u>Transmission and Distribution</u>			
Salaries and Wages	803,723	29,534 (1)	833,257
Employee Pensions and Benefits	291,815	123,872 (2)	421,580
		5,893 (7)	
Purchased Power	416,736		416,736
Materials and Supplies	531,614	(6,398) (3)	525,216
Transportation Expenses	127,038		127,038
Miscellaneous Expenses	29,112		29,112
Total Transmission and Distribution	2,200,038	152,901	2,352,939

See Appendix A: Risks and Assumptions

## Adjusted Statement of Income (Continued)

	March 31, 2020	Adjustment	Pro Forma
<b>Customer Account</b>			
Salaries and Wages	\$ 358,590	\$ 85,794 (1)	\$ 444,384
Employee Pensions and Benefits	137,947	133,452 (2)	275,140
		3,741 (7)	
Materials and Supplies	107,244		107,244
Transportation Expenses	19,422		19,422
Bad Debt Expense	-	10,639 (4)	10,639
Miscellaneous Expenses	137,585		137,585
Total Customer Account	760,788	233,626	994,414
<b>Administrative and General</b>			
Salaries and Wages	1,002,785	16,941 (1)	1,019,726
Employee Pensions and Benefits	325,833	112,591 (2)	446,586
		8,162 (7)	
Purchased Power	6,004		6,004
Materials and Supplies	76,284		76,284
Contractual Services - Engineering	14,074		14,074
Contractual Services - Accounting	10,347		10,347
Contractual Services - Legal	799		799
Contractual Services - Testing	48,820		48,820
Contractual Services - Other	34,118		34,118
Transportation Expenses	34,237		34,237
Insurance - General Liability	102,314		102,314
Insurance - Other	7,167		7,167
Advertising Expense	945		945
Miscellaneous Expenses	1,290,686	(373,234) (3)	778,168
		(189,646) (5)	
		50,362 (6)	
Total Administrative and General	2,954,413	(374,824)	2,579,589
Total Operation and Maintenance Expenses	9,711,142	157,237	9,868,379
Depreciation Expense	3,163,089		3,163,089
Amortization Expense	2,026		2,026
<b><u>Taxes Other Than Income Taxes</u></b>			
Utility Receipts Tax	202,272		202,272
Payment in Lieu of Property Taxes	303,188	55,354 (8)	358,542
Total Taxes Other Than Income Taxes	505,460	55,354	560,814
Total Operating Expenses	13,381,717	212,591	13,594,308
Net Operating Income	\$ 4,322,881	\$ (212,591)	\$ 4,110,290

See Appendix A: Risks and Assumptions



## Detail of Adjustments

(1)

To adjust Salaries and Wages (exclusive of overtime) for the budgeted changes in the 2021 Budget.

	<u>Pro Forma</u>	<u>Test Year</u>	<u>Increase</u>
Treatment	\$ 827,827	\$ 799,483	\$ 28,344
Transmission and Distribution	802,108	772,574	29,534
Customer Account	811,260	725,466	85,794
Administrative and General	<u>633,244</u>	<u>616,303</u>	<u>16,941</u>
Total	<u>\$ 3,074,439</u>	<u>\$ 2,913,826</u>	<u>\$ 160,613</u>

(2)

To adjust Employee Pension and Benefits for the budgeted changes in the 2021 Budget and to include health insurance trust expense annually paid to the City that were not included in the Test Year.

	<u>Pro Forma</u>	<u>Test Year</u>	<u>Increase</u>
Treatment	\$ 350,565	\$ 238,828	\$ 111,737
Transmission and Distribution	357,836	233,964	123,872
Customer Account	349,832	216,380	133,452
Administrative and General	<u>259,890</u>	<u>147,299</u>	<u>112,591</u>
Total	<u>\$ 1,318,123</u>	<u>\$ 836,471</u>	<u>\$ 481,652</u>

(3)

To adjust Operation and Maintenance Expenses for non-recurring expenses.

<u>Area</u>	<u>Expense Classification</u>	
Transmission and Distribution	Materials and Supplies	\$ (6,398)
	<i>Purchase of custom utility trailer</i>	
Administrative and General	Miscellaneous Expenses	<u>(373,234)</u>
	<i>Cost of organizational assesement, security costs for Griffy Plant</i>	
	<i>Grounds, grant matching funds given to Friends of Monroe, water</i>	
	<i>and conservation program adjustment</i>	
Total		<u>\$ (379,632)</u>

(4)

To adjust "Operation and Maintenance Expenses" for a typical year of Bad Debt expenses based on a two-year average.

Average Bad Debt Expense 2018-2019	\$ 10,639
Less: Test Year	<u>-</u>
Adjustment - Increase	<u>\$ 10,639</u>

(5)

To adjust "Operation and Maintenance Expenses" to remove the ESG Solar Lease Payment from Operating Expenses.

<u>Area</u>	<u>Expense Classification</u>	
Administrative and General	Miscellaneous Expenses	<u>\$ (189,646)</u>

See Appendix A: Risks and Assumptions

## Detail of Adjustments (Continued)

(6)

To adjust "Operation and Maintenance Expenses" for the Water Utility's portion of the 2019 Shared Services Contract between City of Bloomington Utilities ("CBU") and the City of Bloomington.

Area	Expense Classification		
Administrative and General	Miscellaneous Expenses	\$	611,292
Less: Amount Paid During Test Year			<u>(560,930)</u>
Adjustment - Increase		\$	<u>50,362</u>

(7)

To adjust Employee Pension and Benefits for the increase in FICA related to increased Salaries and Wages.

	Pro Forma			
	Salaries and	Pro Forma		
	Test Year Overtime	FICA	Test Year	Increase
Treatment	\$ 952,461	\$ 72,863	\$ 67,410	\$ 5,453
Transmission and Distribution	833,258	63,744	57,851	5,893
Customer Account	495,659	37,918	34,177	3,741
Administrative and General	<u>968,451</u>	<u>74,087</u>	<u>65,925</u>	<u>8,162</u>
Total	<u>\$ 3,249,829</u>	<u>\$ 248,612</u>	<u>\$ 225,363</u>	<u>\$ 23,249</u>

(8)

To adjust "Taxes Other Than Income Taxes" for the pro forma Payment in Lieu of Property Taxes (PILOT)

Net Utility Plant in Service (UPIS) as of December 31, 2019	\$	88,283,209
Add: Construction Work in Progress		5,463,406
Less: Outside City Net UPIS		<u>(53,810,974)</u>
Inside City UPIS as of December 31, 2019		39,935,641
Times: Gross Corporate Tax Rate (per \$100 Assessed Valuation)		<u>0.8978</u>
Pro Forma PILOT		358,542
Less: Test Year		<u>(303,188)</u>
Adjustment - Increase	\$	<u>55,354</u>

See Appendix A: Risks and Assumptions

## Capital Improvement Plan

Project	2021	2022	2023	2024	2025	Total
<b>Monroe Water Treatment Plant</b>						
Dewatering System Improvements		\$ 3,100,000 *				\$ 3,100,000
Residual Holding Basin Improvements	\$ 570,000					570,000
Main Building Roof Replacement	213,000					213,000
Filter Media and Underdrain Replacement	115,000	700,000				815,000
Water Quality Process Improvements	300,000					300,000
Chemical Tank Repair	150,000					150,000
Intake HVAC Repair	60,000					60,000
Addition of Second Washwater Pump		110,000				110,000
LS Outdoor Switchgear Enclosure Coating			\$ 110,000			110,000
Substation Transformer Upgrade		45,000	415,000			460,000
Standby Power Improvements		250,000	2,750,000 *			3,000,000
High Service Pump VFD Replacement (Two)			100,000	\$ 680,000 *		780,000
Chemical Feed Line Replacements		75,000				75,000
Transfer Pump VFD Replacement (Two)			90,000	580,000 *		670,000
SCADA Filter Terminal and Other Sensors	25,000					25,000
SCADA System Improvements		100,000				100,000
Finished Water Reservoir Repairs				225,000		225,000
Facilities Plan and Demand Study Update				200,000		200,000
Miscellaneous Repair and Replacement	150,000	150,000	150,000	150,000	\$ 150,000	750,000
<b>Distribution</b>						
Gentry Booster Improvements				45,000		45,000
Bulk Water Station #2	120,000					120,000
West Booster Rehabilitation		70,000	770,000			840,000
South Central Booster Rehabilitation			100,000	1,400,000 *		1,500,000
Dogwood Booster Rehabilitation		50,000				50,000
Storage Tank Inspections	10,500	10,500			11,000	32,000
East Tank Coating Replacement and Improvements		700,000	250,000			950,000
System SCADA updates and WQ monitoring		120,000	120,000			240,000
Auto flushing equipment	50,000					50,000
Water Main Replacement Program	1,200,000 *	2,000,000 *	2,000,000 *	2,500,000	3,000,000	10,700,000
Fire Hydrant Maint and Capacity testing	156,000	156,000	156,000	156,000	156,000	780,000
Valve Testing (20% System Annually)	70,000	70,000	70,000	70,000	70,000	350,000
Transportation Project Relocations	100,000	150,000	150,000	150,000	150,000	700,000
Lead and Copper rule		100,000				100,000

Data Source: Utility

## Capital Improvement Plan (Continued)

Project	2021	2022	2023	2024	2025	Total
<b>Other</b>						
Service Center Relocation	\$ 150,000	\$ 394,000 *				\$ 544,000
Vehicle and Equipment Replacement	150,000	350,000	\$ 350,000	\$ 350,000	\$ 350,000	1,550,000
Total Capital Improvement Plan	\$ 3,589,500	\$ 8,700,500	\$ 7,581,000	\$ 6,506,000	\$ 3,887,000	\$ 30,264,000
Less: Projects to be Funded by Proposed 2022 Bonds (*)	\$ 1,200,000	\$ 5,494,000	\$ 4,750,000	\$ 2,660,000		14,104,000
Extensions and Replacements	\$ 2,389,500	\$ 3,206,500	\$ 2,831,000	\$ 3,846,000	\$ 3,887,000	\$ 16,160,000
Average Annual Extensions and Replacements 2021-2023						\$ 2,809,000
Average Annual Extensions and Replacements 2024-2025						\$ 3,866,500

Data Source: Utility

## Proposed Waterworks Revenue Bonds, Series 2022

### Estimated Sources and Uses of Funds

	Amount
<u>Sources of Funds:</u>	
Par Amount	\$ 15,745,000
Total Sources of Funds	<u>\$ 15,745,000</u>
<u>Uses of Funds:</u>	
Project Fund (1)	14,104,000
Debt Service Reserve Fund (2)	1,183,466
Insurance Expense (50 bps)	111,284
Underwriter's Discount (1% of Par)	157,450
IURC Regulatory Fee	39,363
Other Costs of Issuance	<u>149,437</u>
Total Uses of Funds	<u>\$ 15,745,000</u>

(1) See Capital Improvement Plan.

(2) Funded at Maximum Annual Debt Service.

*See Appendix A: Risks and Assumptions*

## Estimated Amortization Schedule

Date	Principal	Coupon (1)	Interest	Period Total	Fiscal Total
7/1/22			\$ 246,756	\$ 246,756	
1/1/23			246,756	246,756	\$ 493,512
7/1/23			246,756	246,756	
1/1/24			246,756	246,756	493,512
7/1/24	\$ 345,000	1.80 %	246,756	591,756	
1/1/25	345,000	1.90	243,651	588,651	1,180,407
7/1/25	355,000	1.90	240,374	595,374	
1/1/26	350,000	2.05	237,001	587,001	1,182,375
7/1/26	360,000	2.05	233,414	593,414	
1/1/27	360,000	2.20	229,724	589,724	1,183,138
7/1/27	370,000	2.20	225,764	595,764	
1/1/28	365,000	2.35	221,694	586,694	1,182,458
7/1/28	375,000	2.35	217,405	592,405	
1/1/29	375,000	2.50	212,999	587,999	1,180,404
7/1/29	380,000	2.50	208,311	588,311	
1/1/30	390,000	2.60	203,561	593,561	1,181,872
7/1/30	390,000	2.60	198,491	588,491	
1/1/31	400,000	2.70	193,421	593,421	1,181,912
7/1/31	405,000	2.70	188,021	593,021	
1/1/32	405,000	2.85	182,554	587,554	1,180,575
7/1/32	420,000	2.95	176,783	596,783	
1/1/33	415,000	3.10	170,588	585,588	1,182,371
7/1/33	425,000	3.15	164,155	589,155	
1/1/34	435,000	3.25	157,461	592,461	1,181,616
7/1/34	445,000	3.30	150,393	595,393	
1/1/35	445,000	3.40	143,050	588,050	1,183,443
7/1/35	460,000	3.45	135,485	595,485	
1/1/36	460,000	3.55	127,550	587,550	1,183,035
7/1/36	475,000	3.55	119,385	594,385	
1/1/37	475,000	3.65	110,954	585,954	1,180,339
7/1/37	490,000	3.65	102,285	592,285	
1/1/38	495,000	3.75	93,343	588,343	1,180,628
7/1/38	515,000	3.75	84,061	599,061	
1/1/39	510,000	3.80	74,405	584,405	1,183,466
7/1/39	530,000	3.80	64,715	594,715	
1/1/40	530,000	3.85	54,645	584,645	1,179,360
7/1/40	555,000	3.90	44,443	599,443	
1/1/41	550,000	3.95	33,620	583,620	1,183,063
7/1/41	570,000	3.95	22,758	592,758	
1/1/42	575,000	4.00	11,500	586,500	1,179,258
Totals	<u>\$ 15,745,000</u>		<u>\$ 6,511,744</u>	<u>\$ 22,256,744</u>	

(1) Rates are estimated and subject to change. Net Interest Cost is assumed to be 3.5110%. Coupon rate is based on AA rates as of October 15, 2020, plus 150 basis points to account for uncertainty of future market rates at time of issuance.

See Appendix A: Risks and Assumptions

## Estimated Combined Debt after Issuance of the Proposed 2022 Bonds

Year	Amended 2006 Bonds	2017 Bonds	2020A Refunding Bonds	2020B Refunding Bonds	Proposed 2022 Bonds	Total
2020	\$ 381,207	\$ 299,444	\$ 1,525,611	\$ 1,177,374		\$ 3,383,636
2021	381,836	295,844	1,577,288	3,023,160		5,278,128
2022	376,721	297,244	1,569,713	3,035,140	\$ 493,512	5,772,330
2023	380,895	298,494	1,278,000	3,320,625	493,512	5,771,526
2024	374,101	299,694	1,279,251	3,324,087	1,180,407	6,457,540
2025	376,743	299,244		4,603,413	1,182,375	6,461,775
2026	378,382	303,169		4,595,355	1,183,138	6,460,044
2027		301,794		4,976,140	1,182,458	6,460,392
2028		300,344		4,976,858	1,180,404	6,457,606
2029		303,669			1,181,872	1,485,541
2030		301,769			1,181,912	1,483,681
2031		304,644			1,180,575	1,485,219
2032		306,907			1,182,371	1,489,278
2033		308,859			1,181,616	1,490,475
2034		310,500			1,183,443	1,493,943
2035		311,569			1,183,035	1,494,604
2036		312,306			1,180,339	1,492,645
2037		315,038			1,180,628	1,495,666
2038					1,183,466	1,183,466
2039					1,179,360	1,179,360
2040					1,183,063	1,183,063
2041					1,179,258	1,179,258
Totals	<u>\$ 2,649,885</u>	<u>\$ 5,470,532</u>	<u>\$ 7,229,863</u>	<u>\$ 33,032,152</u>	<u>\$ 22,256,744</u>	<u>\$ 70,639,176</u>
Estimated Two Year Average Annual Debt Service (2022 through 2023)					<u>\$ 493,512</u>	
Estimated Five Year Average Annual Debt Service (2024 through 2028)					<u>\$ 1,181,756</u>	



## Statement of Revenue Requirements

	Phase I	Phase II
Adjusted Operation and Maintenance Expense	\$ 9,868,378	\$ 9,868,378
Adjusted Taxes Other Than Income Taxes	560,814	588,528
Average Annual Debt Service Outstanding Debt (2021-2025)	5,278,299	5,278,299
Estimated Average Annual Debt Service Proposed Bonds (1)	493,512	1,181,756
Average Annual Lease Payment: Equipment for Advance Meter Infrastructure	456,755	456,755
Annual Lease Payment: Solar Lease	189,646	189,646
Average Annual Extensions and Replacements	2,809,000 (2)	3,866,500 (3)
Total Revenue Requirements	19,656,403	21,429,861
Less: Adjusted Operating Revenues	(17,704,598)	(19,685,608)
Deficit	1,951,805	1,744,253
Divide by: Revenue Conversion Factor	0.986	0.986
Revenue Increase Required	1,979,519	1,769,019
Divide by: Adjustable Operating Revenues	16,888,407	18,869,417
Percent Rate Increase Required	11.73%	9.38%
Compounded Rate Increase		22.22%
Total Revenue Requirements with Additional Utility Receipts Tax	\$ 19,684,117	\$ 21,454,627

- (1) Phase I includes annual funding for interest only payments on the proposed debt service. Phase II includes funding for average annual debt service between 2024 and 2028 on the proposed debt service.
- (2) Average Annual Extensions and Replacements 2021-2023. See Capital Improvement Plan.
- (3) Average Annual Extensions and Replacements 2024-2025. See Capital Improvement Plan.

## Schedule of Present Rates and Charges

	Present Rates (1)
<u>Monthly Usage Charge (Per 1,000 Gallons)</u>	
Residential	\$ 3.73
Commercial, Governmental, Interdepartmental	3.16
Industrial	2.92
Indiana University - Master Metered	2.37
Indiana University - Non-Master Metered	3.16
Irrigation	3.42
<u>Contract Sales for Resale Monthly Usage Charge (Per 1,000 Gallons)</u>	
	\$ 2.39
<u>Monthly Service Charge (in addition to Monthly Usage Charge)</u>	
5/8 inch meter	\$ 5.89
3/4 inch meter	7.86
1 inch meter	10.59
1 1/2 inch meter	18.39
2 inch meter	26.20
3 inch meter	60.55
4 inch meter	99.57
6 inch meter	197.13
8 inch meter	294.69
10 inch meter	392.24

(1) Present Rates and Charges were effective August 4, 2017.

## Schedule of Present Rates and Charges (Continued)

		Present Rates (1)
<u>Monthly Public Fire Protection Charge - Inside City</u>		
<u>(excluding Indiana University - Master Metered)</u>		
5/8 inch meter	\$	1.96
3/4 inch meter		2.93
1 inch meter		4.89
1 1/2 inch meter		9.78
2 inch meter		15.64
3 inch meter		34.23
4 inch meter		58.67
6 inch meter		122.27
8 inch meter		176.06
10 inch meter		283.63
<u>Monthly Public Fire Protection Charge - Outside City</u>		
<u>(excluding Indiana University - Master Metered)</u>		
5/8 inch meter	\$	3.28
3/4 inch meter		4.93
1 inch meter		8.22
1 1/2 inch meter		16.41
2 inch meter		26.29
3 inch meter		57.50
4 inch meter		98.53
6 inch meter		205.29
8 inch meter		295.60
10 inch meter		476.27
<u>Monthly Fire Protection Charge -</u>		
<u>Indiana University - Master Metered</u>		\$ 1,794.45
<u>Monthly Private Fire Protection Charge (per connection)</u>		
4 inch line or smaller	\$	9.86
6 inch line		27.40
8 inch line		56.15
10 inch line		98.34
12 inch line		155.05
		\$ 118.28
		328.77
		673.82
		1,180.09
		1,860.55

(1) Present Rates and Charges were effective August 4, 2017.

## Schedule of Non-Recurring Charges

		Present Charges (1)
<u>Description of Charges</u>		
1)	5/8 to 1" Connection	
	- with tap	\$ 1,533.00
	- without tap	1,327.00
2)	Greater than 1" Connection	Cost of connection but not less than charge for 5/8 to 1" connection
3)	Service Call	
	- During hours	\$ 45.00
	- After hours	171.00
4)	Bad Check Charge	\$ 25.00
5)	Late Payment Charge	3% of unpaid balance
This charge shall be paid only once and shall be based on the unpaid over-due balance.		
6)	Deposit	
	- Residential	Not to exceed \$39.00
	- Commercial	Not to exceed 1/6 of estimated annual bill
7)	Meter Testing	
The utility shall make a free test of the accuracy of a meter upon written request by a customer and a second free test may be requested twelve months subsequent to the first test. The fee for all meter tests requested within thirty-six months after the preceding test shall be \$39.00 if the meter is found not to be at fault.		
8)	Inspection Charge	
All inspections of new mains during normal business hours shall be free of charge. All inspections of new mains during overtime hours shall be based on the amount of time required for the inspection.		
9)	Temporary Service	\$10.00/week
\$10.00 minimum plus a deposit equal to the cost of the meter and a charge for the water used.		
10)	Extension of Service	
Free if estimated 3-year revenue is greater than the construction cost. Actual cost if not.		
11)	Unauthorized Use of Hydrants	
Cost of Water billed for up to 8 hours at maximum flow rate of the hydrant for each day the hydrant is used.		

(1) Present Non-Recurring Charges were effective January 24, 2018.

## Appendix A: Risks and Assumptions

### Risks

Regional, national or global epidemics or pandemics, such as the present outbreak of the novel coronavirus ("COVID-19"), could have materially adverse local, regional, national or global economic and social impacts. The present outbreak of COVID-19 is adversely impacting local, state, national and global economies, as governments, businesses and citizens react to, plan for, and try to prevent or slow further transmission of COVID-19. Financial markets in the United States and across the world saw substantial declines in March and April 2020. On March 6, 2020, Indiana Governor Eric Holcomb issued Executive Order 20-02 ("EO 20-02"), which declared the COVID-19 outbreak in the State to be a public health emergency. On March 11, 2020, the World Health Organization proclaimed the COVID-19 outbreak to be a pandemic, and on March 13, 2020, the President of the United States declared a national emergency in connection with COVID-19. The declaration of a public health emergency set forth in EO 20-02 has been renewed nine times by separate Executive Orders, the most recent of which is Executive Order 20-49, which Governor Holcomb issued on December 1, 2020. Such declaration now expires on December 31, 2020.

In order to address certain economic impacts of COVID-19, the Governor issued Executive Order 20-05 on March 19, 2020, Executive Order 20-21 on April 15, 2020, and Executive Order 20-27 on May 8, 2020. Those Executive Orders provided certain taxpayer relief, including: (1) authorizing the Indiana Department of Revenue to take such action as is necessary to ensure the State conforms to the relief provided in IRS Notice 2020-17 by providing an extension of time related to State income tax liabilities; (2) ordering counties to waive penalties for 60 days on non-escrowed real property taxes and special assessments and fees that were included on the property tax bills and collected as part of the property tax payment, which were paid after the May 11, 2020 due date; (3) authorizing the Indiana Department of Revenue to waive any penalties and interest that are directly related to taxes, estimated payments or other amounts due, if the due date for the underlying tax, estimated payment or other amount due is extended in response to the COVID-19 pandemic public health emergency, which waiver shall continue for the duration of the extension; and (4) providing that: (a) individual State income tax returns and payments, along with estimated payments, originally due on April 15 or June 15, 2020, were due on or before July 15, 2020; and (b) corporate State income tax returns and payments, along with estimated payments, originally due on April 15, April 20, May 20 or June 22, 2020, were due on or before July 15, 2020, and those originally due on May 15, June 15 or July 15, 2020, were due on August 17, 2020.

In addition, in order to take certain steps to increase containment of COVID-19, the Governor issued various Executive Orders, which included stay-at-home orders and face covering requirements, directed the closing of State government buildings and restricted retail establishments and in-person dining at restaurants, among other things. In order to continue the mitigation of COVID-19 and to lower the risk of resurgence, the Governor issued several Executive Orders, which instituted a measured and staggered approach to reopening businesses and entities. Five stages were outlined, with each ensuing stage being subject to fewer restrictions and limitations than the previous stage. Those stages were initiated on March 23, 2020 and lapsed on November 14, 2020.

On November 13, 2020, the Governor issued Executive Order 20-48 ("EO 20-48"), because, in part, key data points or numbers regarding COVID-19, had, as of the date of EO 20-48, significantly and steadily increased over the past several weeks in the State. In particular, the number of positive cases had doubled every week for the past four weeks, hospitalizations were at an all-time high and the seven-day positivity rate went from 3.9% in late September to 10.6% as of the date of EO 20-48. Based on those and other factors, EO 20-48 rescinds the stage designations and provides that, going forward, the State shall use county-based assessments to determine which measures and restrictions are needed to counter the spread or impact of COVID-19 within a particular county. While EO 20-48 expired on December 13, 2020, the Governor issued Executive Order 20-50 ("EO 20-50") which extends the measures of EO 20-48 through January 3, 2021.

EO 20-50 indicates that the State has implemented a color-coded system to inform Hoosiers about the status of COVID-19 in each county and across the State. Under EO 20-50, the Indiana State Department of Health (“ISDH”) will continue to update each county’s status under the color-coded system at least weekly. In making the weekly assessments, the ISDH will continue to consider the following: (1) the seven-day positivity rate for all tests (percentage of positive test results over the number of tests performed); (2) new weekly cases per 100,000 residents; (3) whether a county’s positivity rate has increased or decreased from the previous week; and (4) whether any increase in the percentage of positive cases is isolated to congregate living settings or is from the community at large.

The four levels of the monitoring system are as follows: (1) blue zone, in which the community spread is low; (2) yellow zone, in which the community spread is moderate; (3) orange zone, in which the community spread is approaching high levels; and (4) red zone, in which the community spread is high. As of December 21, 2020, out of the State’s 92 counties, none were blue, none were yellow, 68 counties were orange, and 24 counties were red. Generally, the size of a social gathering or an event (as both such terms are defined in EO 20-50), without any approval by the local health department, is limited to: (1) 25 individuals in counties designated as red; (2) 50 individuals in counties designated as orange; (3) 100 individuals in counties designated as yellow; and (4) 250 individuals in counties designated as blue. A larger social gathering or event requires the submission of a safety plan to, and the approval thereof by, the local health department. As of December 21, 2020, the City is located in a county that is designated as orange. The most recent color designation of the county in which the City is located can be ascertained at the following link: <https://www.coronavirus.in.gov/2393.htm>. The information at this link is hereby incorporated by reference into this Report only with respect to such designation. No other information at this link is incorporated by reference into this Report.

EO 20-50 continues to require every individual within the State to wear a face covering over the nose and mouth when, with certain exceptions: (1) inside a business, public building or other indoor place open to the public; (2) in an outdoor public space wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; and (3) using public transportation or while in a taxi, private car service or ride-sharing vehicle. EO 20-50 requires all Hoosiers who have received a positive COVID-19 test to self-quarantine. EO 20-50 requires each business and entity continuing operations or resuming full operations to develop a COVID-19 response plan as described in EO 20-50, to provide it to each employee or staff and to post it publicly. EO 20-50 authorizes: (1) the enforcement of its workplace safety provisions by the Indiana Occupational Safety and Health Administration; and (2) the ISDH, the Indiana Department of Homeland Security, the Indiana Alcohol and Tobacco Commission, local boards of health and other State and local officials or law enforcement officers to take all available administrative and enforcement actions against businesses or entities failing to comply with the restrictions set forth therein. Unless prohibited by an Executive Order issued by the Governor, EO 20-50 permits local ordinances, directives and orders to be more restrictive than those set forth therein. EO 20-50 expires on January 3, 2021, at which time the Governor may issue one or more directives, which rescind, modify or extend EO 20-50.

The Utility has observed decreases in billed revenue and collections since approximately April 1, 2020, likely a result of COVID-19; however, the decreased revenue has not materially altered the financial position of the Utility as of the date of this Report. If COVID-19 persists as a public health emergency, it may adversely impact the Utility’s customers ability to pay bills in the future. The extent of the impact on the finances of the Utility into the future due to COVID-19 is unknown at this time.

## Assumptions

The following assumptions, provided by and approved by the Utility, were used in preparation of the Report.

#	Report Area	Assumption
1	All	Operating Revenues, Operation and Maintenance Expenses, and Taxes Other Than Income Taxes of the

#	Report Area	Assumption
		Utility for the year ending March 31, 2020, are representative of expected pro forma operating results, except where otherwise noted.
2	All	Assumes no provision for new debt or leases beyond those summarized in the Estimated Combined Debt After Issuance of the Proposed 2022 Bonds.
3	Adjusted Statement of Income	Consumption patterns and number of customers are assumed to be stable and not materially fluctuate from the Test Year.
4	Adjusted Statement of Income	Adjustment 1: Pro Forma Salaries and Wages based on the 2021 Budget for each department prepared by the City Controller.
5	Adjusted Statement of Income	Adjustment 2: Pro Forma Employee Pension and Benefits based on the 2021 Budget for each department prepared by the Controller. The Test Year excluded the Utility's annual payment of health insurance trust expense paid to the City.
6	Adjusted Statement of Income	Adjustment 3: Assumes listed expenses are capital, non-recurring, or above and beyond a typical operating year of the Utility, or would be paid in future years from ongoing Extensions and Replacements.
7	Adjusted Statement of Income	Adjustment 4: Assumes the average of Bad Debt expense between 2018 and 2019 is representative of a typical year.
8	Adjusted Statement of Income	Adjustment 5: Assumes ESG Solar Lease Payments removed from Operation and Maintenance Expenses will be funded through a separate revenue requirement rather than through Operation and Maintenance Expenses.
9	Adjusted Statement of Income	Adjustment 6: Pro Forma Shared Services expense based on the 2019 Interdepartmental Agreement provided by the Utility.
10	Adjusted Statement of Income	Adjustment 7: Pro Forma FICA Expense based on budgeted salaries and wages for each department from Adjustment 1 plus actual overtime expenses by department for the Test Year multiplied by 7.65%.
11	Adjusted Statement of Income	Adjustment 8: Pro Forma Payment in Lieu of Taxes calculated based on the sum of Net Utility Plant in Service located within the City's corporate boundaries plus Construction Work in Progress from the Utility's records of the most recently completed year (December 31, 2019), multiplied by the City of Bloomington's corporate property tax rate for 2020 per \$100 of assessed valuation.
12	Capital Improvement Plan	Select projects will be funded through the 2022 Bonds as indicated within the Capital Improvement Plan.
13	Estimated Sources and Uses of Funds	Project Costs based on sum of projects to be financed as indicated on the Capital Improvement Plan. Assumes the Utility funds a debt service reserve at the maximum annual debt service on the proposed bonds through bond proceeds. Insurance Expense is based on 50 basis points of debt service and is subject to change. Costs of Issuance are estimates based on similar transactions and include Indiana Utility Regulatory Fee of \$2.50 per \$1,000 of par.
14	Estimated Amortization Schedule	Assumes Coupon Rates based on rates as of October 15, 2020, plus 150 basis points. Rates are estimated and subject to change. Assumes level debt service, closing date of January 1, 2022, and eighteen-year repayment of



#	Report Area	Assumption
		principal beginning July 1, 2024.
15	Statement of Revenue Requirements	Assumes a two-phase increase of revenues with phase I occurring prior to or concurrent with issuance of the Proposed 2022 Bonds, and a phase II increase effective in 2024 to provide funding for principal repayment on the 2022 Bonds and Extensions and Replacements identified on the Capital Improvement Plan between 2024 and 2025.



## **2021 Water Works Rate Case Fact Sheet**

*Council Office note: dates listed below for Common Council action have changed as introduction and consideration by the Council of Ordinance 21-09 was postponed until March 2021.*

In 2016, City of Bloomington Utilities conducted a rate review and a rate case that enabled a number of significant initiatives for the modernization and improvement of the Water Works. Notably, the 2016 rate case facilitated CBU's move to an Advanced Metering Infrastructure (smart meters) and regular \$1.7 million annual investments in water-main replacement.

At that time, the Common Council requested that CBU bring rate cases on a regular schedule. CBU now plans for Water rate reviews every four years during leap years. CBU intended to initiate a rate case in early 2020, but delayed the process into 2021 in response to the COVID-19 pandemic.

CBU plans to bring a rate case to the Utilities Service Board in January 2021, and then to the Bloomington Common Council in February 2021. We expect to file the case before the Indiana Utilities Regulatory Commission (IURC) in March 2021. We are providing this fact sheet as background information for our interested stakeholders and the public.

In addition to the overall financial analysis, CBU has conducted a cost-of-service study. CBU will be requesting that the amount charged to each customer category be changed to reflect the cost of providing service for the category. Cost-based ratemaking is favored by the IURC. Historically, CBU's Residential customers have paid rates that are larger than their cost of service while all other customers have paid less than their cost of service. Cost-of-service based ratemaking ensures that certain customer categories do not subsidize the cost of service for other customer categories. CBU plans to make significant progress in moving to a cost-based rate structure.

Below, we provide answers to frequently asked questions related to the rate case proposal. Please contact CBU Director Vic Kelson at [kelsonv@bloomington.in.gov](mailto:kelsonv@bloomington.in.gov) or 812-349-3650 with any questions.

### **What is the timing of the rate changes?**

CBU expects to file the rate case with the IURC in March 2021. We anticipate that the case will take 9 months or more to be completed, and it is likely that any rate increases would be implemented in 2022 at the earliest. We wish to implement the changes in two phases, Phase 1 in 2022 and Phase 2 in 2024.

### **What is the needed revenue increase that is requested?**

For Phase 1 (2022), the revenue increase is \$1.98 million per year, or 11.73%

For Phase 2 (2024), the revenue increase is \$1.77 million per year, or 9.38%

**What costs are driving the needed revenue increase?**

Most of the rate increase is to cover inflationary increases in Operation and Maintenance costs. In addition, we wish to increase our annual investments for water-main replacement to \$2 million in 2022-2023, escalating to \$2.5 million in 2024 and \$3 million per year in 2025. In the first three years of the replacement program we have replaced about 6 miles of water mains at a cost of \$1.7 million per year. This amounts to a 215-year replacement schedule for our 430 miles of distribution mains. CBU's goal is to ultimately achieve a 100-year replacement schedule for water mains. We expect to achieve this in future rate cycles.

**How would cost-based rates change for the various customer categories?**

Cost-based metered rates (per 1000-gallon unit) for all customer categories are shown below, based on a two-phase implementation in 2022 and 2024. We do not anticipate achieving cost-based rates for all categories in this rate case (see below).

Category	Current Rate \$/1000 gal	Phase 1 Rate \$/1000 gal	Phase 1 % Increase	Phase 2 Rate \$/1000 gal	Phase 1 & 2 % Increase (total)
Residential and Multi-family	\$3.73	\$3.95	5.9%	\$4.33	16.1%
Commercial, Governmental, Interdepartmental	\$3.83	\$4.20	21.2%	\$4.20	32.9%
Industrial	\$2.92	\$4.00	37.0%	\$4.40	50.7%
Wholesale	\$2.39	\$2.94	23.0%	\$3.18	33.1%
Indiana University	\$2.37	\$3.06	29.1%	\$3.32	40.1%
Irrigation Usage	\$3.42	\$8.11	137%	\$9.06	165%

**What rates will CBU be requesting for metered sales?**

As some of the increases will create significant rate impacts for some customer classes, CBU has structured its rate request based on the objective that no customer class will receive an increase larger than 20% in either Phase 1 or Phase 2. We are requesting the following rates for metered sales.

In addition, CBU is proposing to merge the categories for "Commercial, Governmental, and Interdepartmental" and "Industrial" customers. This is based on the fact that Bloomington's economy has changed greatly, and the Industrial category is very small. This can lead to large rate changes for our relatively few Industrial customers. This would occur over the two phases, with the two categories being merged into one in Phase 2.

Category	Current Rate \$/1000 gal	Phase 1 Rate \$/1000 gal	Phase 1 % Increase	Phase 2 Rate \$/1000 gal	Phase 1 & 2 % Increase (total)
Residential and Multi-family	\$3.73	\$4.09	9.7%	\$4.54	21.7%
Commercial, Governmental, Interdepartmental	\$3.83	\$3.79	20%	\$4.20	32.9%
Industrial	\$2.92	\$3.50	19.9%	\$4.20	43.8%
Wholesale	\$2.39	\$2.81	17.6%	\$3.18	33.1%
Indiana University	\$2.37	\$2.78	17.3%	\$3.31	39.7%
Irrigation Usage	\$3.42	\$4.10	19.9%	\$4.92	43.9%

### How much will residential customers' bills increase?

The tables provided below summarize the changes in customer bills, based on the monthly number of 1000-gallon units charged and the size of the meter at the customer's home. The columns listed under Phase 2 represent the total increase over the two phases.

Monthly Bill Usage, 5/8" Meter Inside City							
		Phase 1			Phase 2 (total of both phases)		
Usage	Current	COS	Change (\$)	Change (%)	COS	Change (\$)	Change (%)
1.0	\$11.58	\$12.71	\$1.13	9.8%	\$13.29	\$1.71	14.8%
1.5	\$13.45	\$14.76	\$1.31	9.7%	\$15.56	\$2.12	15.7%
2.0	\$15.31	\$16.80	\$1.49	9.7%	\$17.83	\$2.52	16.5%
2.5	\$17.18	\$18.85	\$1.67	9.7%	\$20.10	\$2.93	17.0%
3.0	\$19.04	\$20.89	\$1.85	9.7%	\$22.37	\$3.33	17.5%
3.5	\$20.91	\$22.94	\$2.03	9.7%	\$24.64	\$3.74	17.9%
4.0	\$22.77	\$24.98	\$2.21	9.7%	\$26.91	\$4.14	18.2%
4.5	\$24.64	\$27.03	\$2.39	9.7%	\$29.18	\$4.55	18.4%
5.0	\$26.50	\$29.07	\$2.57	9.7%	\$31.45	\$4.95	18.7%
5.5	\$28.37	\$31.12	\$2.75	9.7%	\$33.72	\$5.36	18.9%

Monthly Bill Usage, ¾" Meter Inside City							
		Phase 1			Phase 2 (total of both phases)		
Usage	Current	COS	Change (\$)	Change (%)	COS	Change (\$)	Change (%)
1.0	\$7.86	\$7.86	\$0.00	0.0%	\$7.86	\$0.00	0.0%
1.5	\$2.93	\$3.25	\$0.32	10.9%	\$3.25	\$0.32	10.9%
2.0	\$3.73	\$4.09	\$0.36	9.7%	\$4.54	\$0.81	21.7%
2.5	\$11.58	\$12.71	\$1.13	9.8%	\$13.29	\$1.71	14.8%
3.0	\$13.45	\$14.76	\$1.31	9.7%	\$15.56	\$2.12	15.7%
3.5	\$15.31	\$16.80	\$1.49	9.7%	\$17.83	\$2.52	16.5%
4.0	\$17.18	\$18.85	\$1.67	9.7%	\$20.10	\$2.93	17.0%
4.5	\$19.04	\$20.89	\$1.85	9.7%	\$22.37	\$3.33	17.5%
5.0	\$20.91	\$22.94	\$2.03	9.7%	\$24.64	\$3.74	17.9%
5.5	\$22.77	\$24.98	\$2.21	9.7%	\$26.91	\$4.14	18.2%

### How can my organization participate in the process?

Please feel free to reach out to CBU Director Vic Kelson via email [kelsonv@bloomington.in.gov](mailto:kelsonv@bloomington.in.gov), or phone 812-349-3650 with any questions you may have. The current planned schedule for public events is provided below.

Utility Service Board: All of the USB meetings will be held on Zoom and on Facebook Live. The USB Finance Subcommittee will hear the proposal on January 4 at 4:00PM and on January 11 at 4:00PM. The whole USB will consider the proposal on January 18 at 5:00PM.

Common Council: We anticipate First Reading before Council on February 3, with committee review and public comment in the following weeks, leading up to a final vote on March 3. Council meetings are held at 6:30PM.

Indiana Utilities Regulatory Commission: IURC will be announcing Public Hearings during the rate case review process (dates and times TBA).



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 21-10 – An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City’s Waterworks 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 Waterworks Utility and Other Related Matters**

---

#### **Synopsis**

This ordinance authorizes the City of Bloomington to issue one or more series of its Waterworks Revenue Bonds of 2022, in the aggregate principal amount not to exceed \$17,200,000. The 2022 bonds will be issued to finance the costs of design, engineering, acquisition, construction, equipping, and improvement of capital projects related to the Monroe Water Treatment Plant and distribution system of the Waterworks utility, and pay costs of issuance of the bonds.

#### **Relevant Materials**

- Ordinance 21-10
  - Exhibit A – Description of Projects
  - Exhibit B – Form of Registered Bond
- Memo from Vic Kelson, Utilities Director

#### **Summary**

Ordinance 21-10 authorizes the acquisition, construction, or installation of several utilities projects and authorizes the issuance of revenue bonds to fund the costs of the projects. Please note that Ordinance 21-09 (adjusting water rates) is scheduled for Council consideration alongside this ordinance, as the bond issuance will depend the Council’s approval (and subsequent approval by the Indiana Utility Regulatory Commission) of the proposed rate increase via Ordinance 21-09

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

Multiple capital improvement projects are proposed to be funded by the issuance of the revenue bonds. The projects are listed and briefly described in Exhibit A to Ord 21-10. Additional information about the estimated costs associated with each project can be found in the memo provided by Vic Kelson.



## 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 \$17.2 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 \$17.2 million in waterworks revenue bonds;
- Attaches Exhibit A, which provides a brief description of the Monroe Water Treatment Plant projects, the distribution system projects, and other planned projects to be funded through the issuance of the bonds;
- Indicates 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 6% 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 6% and a maturity date, with extensions, of no more than 3 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;
- Authorizes Municipal Bond Insurance (which may help lower rates);
- Sets forth procedures for issuing, holding, transferring, and redeeming the BANs and bonds.

### Outstanding Waterworks Parity Bonds

Name	Original Date	Amended	Current aggregate principal amount outstanding (Feb 2021)
Amended Waterworks Revenue Bonds of 2006, Series A	May 4, 2006	March 26, 2015	\$1,950,000
Waterworks Revenue Bonds of 2017	July 25, 2017	N/A	\$3,990,000





**City of Bloomington Indiana**

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

Waterworks Revenue Refunding Bonds of 2020, Series A	May 28, 2020	N/A	\$5,525,000
Taxable Waterworks Revenue Refunding Bonds of 2020, Series B	May 28, 2020	N/A	\$29,285,000

**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;
  - o Note: Ordinance 21-09 proposes a water rate increase that will be needed to finance the issuance of these bonds. That rate increase is subject to both Council and Indiana Utility Regulatory Commission approval.
- 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;
- States that any series of the bonds may be issued on a tax-exempt or taxable basis, based upon the advice of bond counsel and the Municipal Advisor;
- Repeals portions of any previous ordinances that are inconsistent with these provisions.

**Contact**

Vic Kelson, Utilities Director, [kelsonv@bloomington.in.gov](mailto:kelsonv@bloomington.in.gov), 812-349-3650

Chris Wheeler, Assistant City Attorney, [wheelech@bloomington.in.gov](mailto:wheelech@bloomington.in.gov), 812-349-3426

## ORDINANCE 21-10

### **AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION BY THE CITY OF BLOOMINGTON, INDIANA, OF CERTAIN EXTENSIONS AND IMPROVEMENTS TO THE CITY'S WATERWORKS 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 WATERWORKS UTILITY AND OTHER RELATED MATTERS**

WHEREAS, the City of Bloomington, Indiana (the "City"), has previously established and constructed and now owns and operates through its Utility Service Board (the "Board") a waterworks system for the public water supply to the City and its inhabitants (the "Waterworks"), in accordance with the provisions of Indiana Code 8-1.5, as amended and in effect on the date of delivery of the Bonds authorized herein (the "Act"), through the City of Bloomington Utilities Department; and

WHEREAS, the Common Council of the City (the "Common Council") hereby finds that certain improvements, additions and extensions to the Waterworks 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 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 constructing, acquiring, or extending such improvements, additions and extensions to the Waterworks, 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 Seventeen Million Two Hundred Thousand Dollars (\$17,200,000); and

WHEREAS, the Common Council further finds that there are not sufficient funds on hand from the Waterworks 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 Waterworks should be accomplished by the issuance of revenue bonds of the Waterworks, in one or more series, in an aggregate principal amount not to exceed Seventeen Million Two Hundred Thousand Dollars (\$17,200,000), and, if necessary, one or more series of bond anticipation notes ("BANs"), all on the terms and conditions set forth herein; and

WHEREAS, the Common Council finds that there are now outstanding bonds of the Waterworks consisting of its (a) Amended Waterworks Revenue Bonds of 2006, Series A, originally dated May 4, 2006 and amended on March 26, 2015, currently outstanding in the aggregate principal amount of \$1,950,000 (the "2006 Bonds"), pursuant to Ordinance No. 05-12, as amended by Ordinance No. 06-04, and further amended by Ordinance No. 15-03 (collectively, the "2006 Ordinance"), (b) Waterworks Revenue Bonds of 2017, dated July 25, 2017, currently outstanding in the aggregate principal amount of \$3,990,000 (the "2017 Bonds"), pursuant to Ordinance No. 16-09 (the "2017 Ordinance"), (c) Waterworks Revenue Bonds of 2020, Series A, dated May 28, 2020, currently outstanding in the aggregate principal amount of \$5,525,000 (the "2020A Bonds"), pursuant to Ordinance No. 20-05 (the "2020 Ordinance"), and (d) Taxable Waterworks Revenue Bonds of 2020, Series B, dated May 28, 2020, currently outstanding in the aggregate principal amount of \$29,285,000 (the "2020B Bonds"), pursuant to the 2020 Ordinance clauses (a) through (d), collectively, the "Outstanding Parity Bonds"), which Outstanding Parity Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the Waterworks; and

WHEREAS, each of the 2006 Ordinance, the 2017 Ordinance and the 2020 Ordinance (collectively, the “Prior Ordinances”) allow for the issuance of additional bonds payable from the Net Revenues of the Waterworks 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 of the Waterworks on a parity with the pledge thereof to the Outstanding Parity Bonds and are to be issued subject to the provisions of the Act and the terms and restrictions of this Ordinance; and

WHEREAS, the City desires to authorize the issuance of BANs hereunder, in one or more series, if necessary, payable solely from the proceeds of waterworks revenue bonds issued hereunder and to authorize the refunding of said BANs, if issued; and

WHEREAS, prior to the issuance of the bonds authorized by this ordinance, the City shall first obtain the approval of the Indiana Utility Regulatory Commission (“IURC”) for the issuance of said bonds; 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 Waterworks supplying the City, its inhabitants, and the residents adjacent thereto, with drinking water services, now finds it necessary to proceed with the construction of improvements, additions and extensions to its Waterworks 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 Waterworks revenue bonds shall not exceed the sum of \$17,200,000, 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 “Waterworks”, “waterworks”, “works”, “system” and similar terms used in this Ordinance shall be construed to mean the City’s existing waterworks 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.

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 Seventeen Million Two Hundred Thousand Dollars (\$17,200,000), to be designated “Waterworks Bond Anticipation Notes, Series 20\_\_” (to be completed with the year in which the BANs are 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 six percent (6.0%) 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 six percent (6.0%) 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 from proceeds from the issuance and sale hereunder of the Bonds, and, at the discretion of the Controller, may be payable from the Net Revenues of the Waterworks. 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 waterworks revenue bonds designated "City of Bloomington, Indiana Waterworks Revenue Bonds of 2022", with any such further or different series designation as determined by the Controller (as defined herein) to be necessary or appropriate, in the aggregate principal amount not to exceed Seventeen Million Two Hundred Thousand Dollars (\$17,200,000) (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. Notwithstanding anything herein to the contrary, any series of the Bonds may be issued on a tax-exempt or taxable basis for purposes of federal income taxation, based upon the advice of bond counsel and the recommendation of the Municipal Advisor.

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. Each series of the Bonds shall be numbered consecutively from R-1 upward, and shall bear interest at a rate not to exceed six percent (6.0%) per annum (the exact rate or rates to be determined by bidding or through

negotiations). Interest on the Bonds shall be calculated according to a 360-day calendar year containing twelve (12) thirty (30)-day months, and shall be payable semiannually on January 1 and July 1 of each year (each an “Interest Payment Date”), commencing not earlier than July 1, 2022. The principal of each series of the Bonds shall mature semiannually on January 1 and July 1 of each year, commencing not earlier than July 1, 2022, and ending no later than January 1, 2042, until the principal is fully paid. Subject to the terms and conditions herein, the Bonds shall mature on such dates and in such amounts, as determined by the Controller prior to the sale of the Bonds with the advice of the Municipal Advisor, in order to produce, on an aggregate basis, as level annual debt service as practicable for all obligations payable from the Net Revenues of the Waterworks.

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 the 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.

The Registrar and Paying Agent, if not the Controller, may at any time resign as Registrar and Paying Agent upon giving thirty (30) days' notice in writing to the City and by first-class mail to each registered owner of the Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Any such notice to the City may be served personally or sent by certified mail. The Registrar and, Paying Agent may also be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor Registrar and Paying Agent. The City shall notify each registered owner of the Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of the Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar. Any predecessor Registrar and Paying Agent shall deliver all of the Bonds and cash in its possession with respect thereto, together with the registration books to the successor Registrar and Paying Agent. The Controller is hereby authorized to act on behalf of the City with regard to any of the aforementioned actions of the City relating to the resignation or removal of the Registrar and Paying Agent and appointment of a successor Registrar and Paying Agent.

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 calendar 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. Notwithstanding anything in this Ordinance to the contrary, so long as The Depository Trust Company, New York, New York (“DTC”), or its nominee, or any successor thereto, is the registered owner of any series of the Bonds, the principal of and premium, if any, and interest on such series of the Bonds will be paid directly to DTC or successor depository by wire transfer on the payment date in same-day funds by the Paying Agent. 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 each series or 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, countersigned by the manual or facsimile signature of the Controller, and attested by the manual or facsimile signature of the Clerk who shall affix the seal of the City manually or by facsimile 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, when fully paid for and delivered to the purchaser or purchasers thereof, together with the Outstanding Parity Bonds and any bonds hereafter issued on a parity therewith, as to both principal and interest, shall be valid and binding, special and limited obligations of the City, payable from and secured by, and shall constitute a first charge upon, all of the "Net Revenues" (herein defined as gross revenues of the Waterworks after deduction only for the payment of the reasonable expenses of operation and maintenance) derived from the Waterworks, 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 (as defined herein), which are hereby irrevocably pledged to the payment of the Bonds on a parity basis with the Outstanding Parity Bonds and any bonds hereafter issued on a parity therewith, 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 Waterworks, 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, the Controller and the Clerk are hereby authorized and directed to execute and attest, respectively, 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 (or such higher percentage of the par value of the Bonds as may be determined by the Controller with the advice of the Municipal Advisor and set forth in the Controller's Certificate), 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 Waterworks 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.

Any series of the Bonds may, in the discretion of the Controller based upon the advice of the Municipal Advisor, be sold by public sale. If the Bonds are sold by public sale, 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 six percent (6.0%) 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 re-advertising. 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 a public sale, any series of the Bonds may, in the discretion of the Controller based upon the advice of the Municipal Advisor, be sold by negotiated sale with one or more purchasers selected by the Controller, consistent with the terms and conditions set forth in this Ordinance. The Mayor and the Controller are hereby authorized to (i) execute one or more purchase agreements with the purchaser or purchasers of the Bonds, 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 any such 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 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, 2021 Waterworks 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 Sinking Fund (as defined herein) 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 authorized 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. Waterworks Revenue Fund; Segregation and Application of Waterworks Revenues. There has previously been created under the Prior Ordinances and is hereby continued, a special fund which is segregated and kept apart from all other funds and bank accounts of the City, designated as the "Waterworks Revenue Fund" (the "Revenue Fund"). All revenues derived from the operation of the Waterworks and from the collection of water rates and charges shall be deposited in the Revenue Fund and segregated and deposited as set forth in this Ordinance. Out of these revenues, the proper and reasonable expenses of operation and maintenance of the Waterworks shall be paid, the requirements of the Sinking fund shall be met and fiscal agency charges of bank registrars and paying agents shall be paid, and the costs of replacements, extensions, additions and improvements shall be paid, all as hereinafter provided.

SECTION 13. Operation and Maintenance Fund. (a) There has previously been created under the Prior Ordinances and is hereby continued an Operation and Maintenance Fund consisting of a General Account (the "General Account").

(b) On the last day of each calendar month, there shall be set aside, transferred and deposited into the General Account from the Revenue Fund a sufficient amount of the revenues of the Waterworks so that the balance maintained in the General Account shall be sufficient to pay the expenses of operation and maintenance of the Waterworks 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 operation and maintenance expenses of the Waterworks on a day-to-day basis, but none of the moneys in such account shall be used for depreciation, payments in lieu of taxes, replacements, improvements, extensions or additions with respect to the Waterworks. 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 or interest on any outstanding bonds of the Waterworks.

(c) All remaining revenues of the Waterworks 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 (as defined herein) or may be retained in the General Account, in the discretion of 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 Waterworks. 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 14. Waterworks Sinking Fund. (a) There is hereby continued from the Prior Ordinances 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 Waterworks 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 Waterworks Sinking Fund ("Sinking Fund"), within which there has been created



and is hereby continued a Bond and Interest Account (the “Bond and Interest Account”) and a Debt Service Reserve Account (the “Reserve Account”). There shall be set aside, transferred and deposited into the Sinking Fund, as available and as hereinafter provided, a sufficient amount of the Net Revenues of the Waterworks to meet the requirements of the Bond and Interest Account and the Reserve Account. 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 Waterworks 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 within the Sinking Fund. There shall be credited, on the last day of each calendar month, to the Bond and Interest Account an amount of the Net Revenues equal to at least one-sixth ( $1/6$ ) of the interest on all then outstanding bonds of the Waterworks payable on the then next succeeding Interest Payment Date, and at least one-sixth ( $1/6$ ) of the principal on all then outstanding bonds of the Waterworks 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 first 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 of the Waterworks 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 within the Sinking Fund. The City has funded with cash on hand, bond proceeds or purchased Surety Bonds (the “Outstanding Surety Bonds”) to satisfy the reserve requirements for the Outstanding Parity Bonds, which moneys and Outstanding Surety Bonds are held in the Reserve Account as a separate reserve for each of the Outstanding Parity Bonds.

On the date of delivery of the Bonds, the City shall cause funds on hand of the Waterworks, proceeds of the Bonds, or a combination thereof, to be deposited and/or maintained in the Reserve Account so that the balance therein allocable to the Bonds shall equal the least of (i) the maximum annual debt service on the Bonds, (ii) one hundred twenty-five percent (125%) of the average annual debt service on the Bonds, or (iii) ten percent (10%) of the proceeds of the Bonds; provided, however, the Controller is hereby authorized to adjust the reserve requirement for the Bonds (taking into account the Outstanding Surety Bonds, any other Surety Bonds, and any cash held therein) in order to meet any requirements of the Purchaser of the Bonds, if applicable on the date of issuance of the Bonds (the “Reserve Requirement”).

The Reserve Account shall constitute the margin for safety as a protection against default in the payment of principal of and interest on the Outstanding Parity Bonds, the Bonds, and any other parity bonds of the City payable from the Net Revenues of its Waterworks hereafter issued so long as the Reserve Requirement has been increased proportionately, and the moneys in the Reserve Account shall only be used to pay current principal and interest on such bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. If it becomes necessary to draw upon the Reserve Account to pay the Outstanding Parity Bonds or the Bonds, the City shall first draw down the cash in the Reserve Account, if any, and next initiate draws on any Qualified Surety Bonds held therein, including the Outstanding Surety Bonds, on a pro rata basis, to meet such payments when due. Notwithstanding the foregoing sentence, if the Reserve Requirement for the Bonds is funded in whole or in part with cash rather than in whole with a Qualified Surety Bond, the City shall, if necessary to pay principal of or interest on the Bonds, use the cash in the Reserve Account to first pay such principal of or interest on the Bonds before such cash is used on the Outstanding Parity Bonds. 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. In the event 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 be transferred to the Waterworks Improvement Fund, and in no event shall such excess moneys be held in the Reserve Account.

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 Waterworks, bond proceeds, a Qualified Surety Bond, or a combination thereof. A "Qualified Surety Bond" means a surety bond or policy issued by an insurance company rated solely at the time of issuance of such instrument in one of the two highest full rating categories by Standard & Poor's Global Ratings Services and Moody's Investors Service. If any such surety bond is purchased, the Mayor and the Controller are hereby authorized to execute and deliver all agreements with the provider of Qualified Surety Bonds to the extent necessary to comply with the terms thereof and the commitment to issue such Qualified Surety Bond. Such agreement shall be deemed a part of this Ordinance for all purposes and is hereby incorporated herein by reference.

SECTION 15. Waterworks Improvement Fund. As set forth in Section 13 hereof, revenues may be transferred or credited from the General Account to the Waterworks Improvement Fund previously created by the Prior Ordinances and hereby continued (the "Improvement Fund"). Subject to the provisions of the Prior Ordinances, the Improvement Fund shall be used for (a) improvements, replacements, additions and extensions of the Waterworks, (b) for payments in lieu of taxes, and (c) for any other lawful purpose related to the Waterworks. 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 payable from the Sinking Fund or if necessary to eliminate any deficiencies in credits to or minimum balances, if any, in the Reserve Account. Moneys in the Improvement Fund also may be transferred to the General Account to meet unforeseen contingencies in the operation and maintenance of the Waterworks.

SECTION 16. Priority of Payments. All revenues of the Waterworks shall be paid in the following order, with the priority as indicated:

(a) First, to pay all reasonable and proper expenses of the operation and maintenance of the Waterworks;

(b) Second, on a pari passu (parity) basis, to pay all principal of and interest on the Outstanding Parity Bonds, the Bonds and any bonds hereafter issued which rank on a parity with the Bonds;

(c) Third, on a pari passu (parity) basis, to replenish any cash drawn from the Reserve Account if the Reserve Requirement for the Bonds or the Outstanding Parity Bonds is satisfied, in whole or in part, with cash and to replenish any surety bonds in place for either the Outstanding Parity Bonds or the Bonds;

(d) Fourth, to replenish any other cash drawn, if any, from the Reserve Account;

(e) Fifth, to pay the costs of improvements, replacements, additions and extensions of the Waterworks and for payments in lieu of taxes; and

(f) All other lawful uses related to the Waterworks, including debt service payments on any junior and subordinate bonds.

SECTION 17. Separation 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 Waterworks 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 Waterworks 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 18. 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 Waterworks and all disbursements made therefrom and all transactions relating to the Waterworks. 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 Waterworks, covering the preceding fiscal year. Copies of all such statements and reports shall be kept on file in the office of the Director of the City of Bloomington Utilities. Any owner of the Bonds then outstanding shall have the right at all reasonable times to inspect the Waterworks and all records, accounts and data of the City relating thereto. Such inspections may be made by representatives duly authorized by written instrument.

SECTION 19. Rate Covenant. The City covenants and agrees that it will establish, maintain and collect just and equitable rates and charges for facilities and services afforded and rendered by the Waterworks, which shall to the extent permitted by law produce sufficient revenues at all times to pay all the legal and other necessary expense incident to the operation of the Waterworks, to include maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide for the proper operation, repair and maintenance of the Waterworks, to provide the Sinking Fund and debt service reserve for the liquidation of bonds or other evidences of indebtedness, to provide adequate funds to be used as working capital, as well as funds for making extensions, additions and replacements, and also, for the payment of any taxes that may be assessed against the Waterworks, it being the intent and purpose hereof that such charges shall produce an income sufficient to maintain such utility property in a sound physical and financial condition to render adequate and efficient service. The rates and charges shall be established to the extent permitted by law, to produce Net Revenues sufficient to pay 1.20 times the annual debt service on the Outstanding Parity Bonds, the Bonds and bonds hereafter issued on a parity with the Bonds. So long as any of the Bonds are outstanding, none of the facilities or services afforded or rendered by the Waterworks shall be furnished without a reasonable and just charge being made therefor. The City shall pay like charges for any and all services rendered by the Waterworks to the City, and all such payments shall be deemed to be revenues of the Waterworks. Such rates and charges shall, if necessary, be changed and adjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation and maintenance, and the requirements of the Sinking Fund.

SECTION 20. 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 waterworks.

SECTION 21. Additional Bond Provisions. The City reserves the right to authorize and issue additional parity bonds, payable out of the Net Revenues of its Waterworks, 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 Waterworks, 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 Waterworks shall have been paid to date in accordance with their terms.



(b) The balance in the Reserve Account with respect to all outstanding bonds and the proposed additional bonds shall be equal to the aggregate amount required to be on deposit therein by the Prior Ordinances and herein; provided, however, this condition shall be satisfied if any required amount is to be provided from the proceeds of such additional bonds or other funds either (i) at the time of their issuance of the proposed additional bonds or (ii) by monthly deposits in an amount sufficient to build the balance in the Reserve Amount to an amount equal to the Reserve Requirement with respect to the proposed additional bonds within five (5) years after the additional bonds are issued, on a level monthly basis (after accounting for earnings thereon).

(c) The Net Revenues of the Waterworks in the calendar year immediately preceding the issuance of any such additional bonds ranking on a parity with the Bonds authorized by this Ordinance shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the water rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous calendar 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 the then outstanding bonds and the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the Waterworks shall be analyzed and all showings shall be prepared by a certified public accountant or nationally recognized financial consultant or consulting engineer employed by the City for that purpose. For purposes of this subsection, Net Revenues shall not include non-recurring revenues of the Waterworks as certified by the Board or any outstanding fund balances from prior years.

(d) The principal of said additional parity bonds shall be payable semiannually on January 1 and July 1 and the interest on said additional parity bonds shall be payable semiannually on January 1 and July 1 in the years in which such principal and interest are payable.

(e) To the extent required by law, the issuance of additional bonds and any necessary increase in water rates and charges shall be approved by the Indiana Utility Regulatory Commission.

SECTION 22. 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 Waterworks 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 Waterworks 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 Waterworks 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 21 hereof, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said Waterworks 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 20 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 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 27(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.

(f) 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 Waterworks 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 23. 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 waterworks.

SECTION 24. Tax Covenants. In order to preserve the excludability of interest on any series of the 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 Bonds, as the case may be ("Code") and as an inducement to purchasers of such series of the Bonds, the City represents, covenants and agrees that:

(a) The Waterworks 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 Waterworks, 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.

Notwithstanding any provision of this Ordinance to the contrary, the City may elect to issue a series of the Bonds, the interest on which is not excludable from gross income for federal tax purposes, so long as such election does not adversely affect the exclusion from gross income of interest for federal tax purposes on any other series of the Bonds, by making such election on the date of delivery of such series of the Bonds. In such case, the covenants in this section of the Ordinance shall not apply to such series of the Bonds.

**SECTION 25. Waiver of Tax Covenants.** Notwithstanding any other provision of this Ordinance, any of the covenants and authorizations contained in Section 24 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 26. Supplemental Ordinances Without Consent.** Without notice to or consent of the owners of the Bonds herein authorized, the City may, from time to time and at any time, adopt an ordinance or ordinances supplemental hereto (which supplemental ordinance or ordinances shall thereafter form a part hereof) for any of the following purposes:

(a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance or to make any other change authorized herein;

(b) To grant to or confer upon the owners of the Bonds any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the

owners of the Bonds or to make any change which, in the judgment of the City, is not to the prejudice of the owners of the Bonds;

(c) To modify, amend or supplement this Ordinance to permit the qualification of the Bonds for sale under the securities laws of the United States of America or of any of the states of the United States of America or to obtain or maintain bond insurance or other credit enhancement with respect to payments of principal of and interest on Bonds;

(d) To provide for the refunding or advance refunding of the Bonds;

(e) To procure a rating on the Bonds from a nationally recognized securities rating agency or agencies designated in such supplemental ordinance if such supplemental ordinance will not adversely affect the owners of the Bonds or any other bonds ranking on a parity with such Bonds; or

(f) To accomplish any other purpose which, in the judgment of the City, does not adversely affect the interests of the owners of the Bonds.

SECTION 27. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in Section 22(f), Section 25 and this Section 26, 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 Waterworks 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 28. 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 29. IURC. The Waterworks is subject to the jurisdiction of the IURC for the approval of the issuance of bonds and rates and charges. Prior to the issuance of the Bonds or any BAN with a maturity of more than twelve (12) months, the City shall obtain the approval of the IURC for the issuance of said Bonds or BANs. The City hereby authorizes the Mayor to retain legal counsel and other professional services as may be necessary to obtain said approval from the IURC and to initiate the proceedings necessary for obtaining said approval.

SECTION 31. 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 32. Repeal; Construction with Other Ordinances. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed; provided, however, that this Ordinance shall not be deemed in any way to repeal, amend, alter or modify any of the Prior Ordinances, nor be construed as adversely affecting the rights of any of the owners of the outstanding Prior Bonds.

SECTION 33. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 34. 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 35. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

*[Signature Page Follows]*

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JIM SIMS, 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 \_\_\_\_\_, 2021.

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

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

SYNOPSIS

This ordinance authorizes the City of Bloomington to issue one or more series of its Waterworks Revenue Bonds of 2022, in the aggregate principal amount not to exceed \$17,200,000. The 2022 bonds will be issued to finance the costs of design, engineering, acquisition, construction, equipping, and improvement of capital projects related to the Monroe Water Treatment Plant and distribution system of the Waterworks utility, and pay costs of issuance of the bonds.



## **EXHIBIT A**

### **DESCRIPTION OF PROJECTS**

#### **Monroe Water Treatment Plant Projects:**

Dewatering System Improvements  
Residual Holding Basin Improvements  
Main Building Roof Replacement  
Filter Media and Underdrain Replacement  
Water Quality Process Improvements- Algaecide  
Chemical tank repair  
Intake HVAC  
Addition of Second Washwater Pump  
LS Outdoor Switchgear Enclosure Coating  
Substation Transformer Upgrade  
Standby Power Improvements  
High Service Pump VFD Replacement (Two)  
Chemical Feed Line Replacements  
Transfer Pump VFD Replacement (Two)  
SCADA Filter Terminal and Other Sensors  
SCADA System Improvements  
Finished Water Reservoir Repairs  
Facilities Plan and Demand Study Update  
Miscellaneous Repair and Replacement

#### **Distribution System Projects:**

Gentry Booster Improvements  
Bulk Water Station #2  
West Booster Rehabilitation  
South Central Booster Rehabilitation  
Dogwood Booster Rehabilitation  
Storage Tank Inspections  
East Tank Coating Replacement and Improvements  
System SCADA updates and WQ monitoring  
Auto flushing equipment  
Water Main Replacement Program  
Fire Hydrant Maint and Capacity testing  
Valve Testing (20% System Annually)  
Transportation Project Relocations  
Lead and Copper rule

#### **Other Projects:**

Service Center Relocation  
Vehicle and Equipment Replacement



**EXHIBIT B**

R-\_\_

[FORM OF REGISTERED BOND]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MONROE

CITY OF BLOOMINGTON, INDIANA  
WATERWORKS REVENUE BOND OF 2022, SERIES \_\_

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Date of Authentication</u>	<u>[CUSIP]</u>
__%	____ 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 [December/June] 15, 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

#DMS 19157701.2

\_\_\_\_\_, \_\_\_\_\_. 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 waterworks 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 \_\_\_\_\_, 2021, entitled “An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City’s Waterworks 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 Waterworks and Other Related Matters” (the “Ordinance”), and in accordance with the provisions of Indiana law, including, without limitation, Indiana Code 8-1.5 and Indiana Code 5-1-5, 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 Waterworks Sinking Fund (the “Sinking Fund”) maintained under the Ordinance to be funded from the Net Revenues (herein defined as the gross revenues of the Waterworks (defined as the City’s Waterworks 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 and maintenance of the System).

The City irrevocably pledges the entire Net Revenues of the Waterworks 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 Waterworks as are sufficient in each year for the payment of the proper and reasonable expenses of operation and maintenance of the Waterworks 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 Waterworks 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 Waterworks for the payment of (a) the interest on all bonds payable from the revenues of the Waterworks, 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 Waterworks, 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 Waterworks. 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 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 an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.



# Utilities Department 2021 Water Bond Proposal

## Memorandum

To: Members of the City of Bloomington Common Council

From: Vic Kelson, Director, City of Bloomington Utilities and Laura Pettit, Assistant Director of Finance, City of Bloomington Utilities

Date: 02/23/2021

---

The City of Bloomington Utilities is bringing a Cost of Service Study and Rate Case for the Waterworks system to the City of Bloomington Common Council in March 2021. Included in the Revenue Requirement portion of the study is CBU's Capital Investment Plan which outlines certain improvements, additions, and extensions to the waterworks system. In order to complete these projects, CBU is seeking the issuance of revenue bonds of the Waterworks in one or more series in the aggregate principal amount not to exceed Seventeen Million Two Hundred Thousand Dollars (\$17,200,000). Attached to this memorandum are the Bond Parameters with details of the financing and current outstanding debt.

CBU has outlined several larger projects to be funded from said bond including Dewatering System Improvements (Monroe Water Treatment Plant), Filter Media and Underdrain Replacement (Monroe Water Treatment Plant), South Central Booster Rehabilitation (Distribution System), East Tank Coating and Replacement and Improvements (Distribution System) and the continuation of the Water Main Replacement Program throughout the Waterworks system. Please see the attached Capital Investment Plan with a full list of all projects anticipated at this time and anticipated expenditure amounts.



## City of Bloomington Waterworks Revenue Bonds, Series 2022 Bond Parameters

- Open market financing.
- Max par amount should be set at \$17,200,000. We expect the loan to be closer to ~\$15,800,000, however, we've allowed for a 10% construction contingency.
- Project costs of \$15,500,000 (Expected at \$14,105,000 but max amount includes contingency)
- Currently outstanding Parity Debt:
  - Amended Waterworks Revenue Bonds of 2006, Series A
    - Originally dated May 4, 2006 and amended on March 26, 2015.
    - \$1,950,000 outstanding
    - Final Maturity: 1/1/27
  - Waterworks Revenue Bonds of 2017
    - \$3,990,000 outstanding
    - Final Maturity: 7/1/2037
  - Waterworks Revenue Refunding Bonds of 2020, Series A
    - \$5,525,000 outstanding
    - Final Maturity: 1/1/2025
  - Taxable Waterworks Revenue Refunding Bonds of 2020, Series B
    - \$29,285,000 outstanding
    - Final Maturity: 1/1/2029
- Max Discount of 1%
- Max interest rate: 6%
- Principal payments on January 1 and July 1 of each year starting with the year recommended by the municipal advisor. (Expected first maturity on 7/1/24 and last on 1/1/42)
- Interest payments on January 1 and July 1. First interest upon advice of the municipal advisor (Expected 7/1/22)
- Optional redemption at par and upon the advice of the municipal advisor.
- Term bonds are allowed subject to mandatory sinking fund redemption.
- Net Revenues defined as gross revenues of the Waterworks after deduction only for payment of the reasonable expenses of operation and maintenance.
- Good faith deposit: 1% of par of the bonds to be provided within one day of the sale if sold competitively
- Reserve Account for the Prior Bonds will be continued through the 2022 Bonds. New bonds will contribute to the reserve account funds on hand or a surety policy based on the lesser of the three tests for the new bonds (max annual debt service, 125% of average annual debt service, or 10% of proceeds).
- Allow for purchase of municipal bond insurance policy

City of Bloomington Utilities							
Project	2021	2022	2023	2024	2025	Total	
Monroe Water Treatment Plant							
Dewatering System Improvements		\$ 3,100,000				\$ 3,100,000	
Residual Holding Basin Improvements	\$ 570,000					\$ 570,000	
Main Building Roof Replacement	\$ 213,000					\$ 213,000	
Filter Media and Underdrain Replacement	\$ 115,000	\$ 700,000				\$ 815,000	
Water Quality Process Improvements- Algaecide	\$ 300,000					\$ 300,000	
Chemical tank repair	\$ 150,000					\$ 150,000	
Intake HVAC	\$ 60,000					\$ 60,000	
Addition of Second Washwater Pump		\$ 110,000				\$ 110,000	
LS Outdoor Switchgear Enclosure Coating			\$ 110,000			\$ 110,000	
Substation Transformer Upgrade		\$ 45,000	\$ 415,000			\$ 460,000	
Standby Power Improvements		\$ 250,000	\$ 2,750,000			\$ 3,000,000	
High Service Pump VFD Replacement (Two)			\$ 100,000	\$ 680,000		\$ 780,000	
Chemical Feed Line Replacements		\$ 75,000				\$ 75,000	
Transfer Pump VFD Replacement (Two)			\$ 90,000	\$ 580,000		\$ 670,000	
SCADA Filter Terminal and Other Sensors	\$ 25,000					\$ 25,000	
SCADA System Improvements		\$ 100,000				\$ 100,000	
Finished Water Reservoir Repairs				\$ 225,000		\$ 225,000	
Facilities Plan and Demand Study Update				\$ 200,000		\$ 200,000	
Miscellaneous Repair and Replacement	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 750,000	
Monroe plant	\$ 1,583,000	\$ 4,530,000	\$ 3,615,000	\$ 1,835,000	\$ 150,000	\$ 11,713,000	
Distribution							
Gentry Booster Improvements				\$ 45,000		\$ 45,000	
Bulk Water Station #2	\$ 120,000					\$ 120,000	
West Booster Rehabilitation		\$ 70,000	\$ 770,000			\$ 840,000	
South Central Booster Rehabilitation			\$ 100,000	\$ 1,400,000		\$ 1,500,000	
Dogwood Booster Rehabilitation		\$ 50,000				\$ 50,000	
Storage Tank Inspections	\$ 10,500	\$ 10,500			\$ 11,000	\$ 32,000	
East Tank Coating Replacement and Improvements		\$ 700,000	\$ 250,000			\$ 950,000	
System SCADA updates and WQ monitoring		\$ 120,000	\$ 120,000			\$ 240,000	
Auto flushing equipment	\$ 50,000					\$ 50,000	
Water Main Replacement Program	\$ 1,200,000	\$ 2,000,000	\$ 2,000,000	\$ 2,500,000	\$ 3,000,000	\$ 10,700,000	
Fire Hydrant Maint and Capacity testing	\$ 156,000	\$ 156,000	\$ 156,000	\$ 156,000	\$ 156,000	\$ 780,000	
Valve Testing (20% System Annually)	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 350,000	
Transportation Project Relocations	\$ 100,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 700,000	
Lead and Copper rule		\$ 100,000				\$ 100,000	
Distribution total	\$ 1,706,500	\$ 3,426,500	\$ 3,616,000	\$ 4,321,000	\$ 3,387,000	\$ 16,457,000	
Other							
Service Center Relocation	\$ 150,000	\$ 394,000				\$ 544,000	
Vehicle and Equipment Replacement	\$ 150,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 1,550,000	
Other total	\$ 300,000	\$ 744,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 2,094,000	
						\$ -	
Total Capital Improvement Plan	\$ 3,589,500	\$ 8,700,500	\$ 7,581,000	\$ 6,506,000	\$ 3,887,000	\$ 30,264,000	
Less Projects Funded by Proposed 2022 Bonds	1,200,000	5,494,000	4,750,000	2,660,000		14,104,000	
Extensions and Replacements	2,389,500	3,206,500	2,831,000	3,846,000	3,887,000	16,160,000	