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Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING
CITY HALL
TUESDAY AUGUST 2, 2016
6:00 O'CLOCK P.M.**

I. Meeting Called to Order

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

- A. Public hearing and second reading of an Ordinance entitled "ORDINANCE NO. ___, 2016, AN APPROPRIATION ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE 2016 BUDGET YEAR." Jamie Brinegar
- B. Public hearing and second reading of an Ordinance entitled "ORDINANCE NO. ___, 2016, AN APPROPRIATION ORDINANCE PROVIDING FOR THE ADDITIONAL STATE DISTRIBUTION OF LOIT FUNDS FOR THE 2016 BUDGET YEAR." Jamie Brinegar

III. New Business Requiring Council Action

- A. First reading of an Ordinance entitled "ORDINANCE NO. ___, 2016, AMENDED FROM ORDINANCE NO. 5, 2016, AN ORDINANCE FIXING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE CITY OF COLUMBUS, INDIANA FOR CALENDAR YEAR 2016." (Columbus Police Department) Jon Rohde
- B. First reading of an Ordinance entitled "ORDINANCE NO. ___, 2016, AN ORDINANCE AUTHORIZING SEWAGE WORKS REFUNDING REVENUE BONDS TO REFUND OUTSTANDING

2006 SEWAGE WORKS REVENUE BONDS TO ACCOMPLISH
DEBT SERVICE SAVINGS.” Keith Reeves

- C. Reading of a Resolution entitled “RESOLUTION NO. ___ 2016, A RESOLUTION TO AUTHORIZE THE COLUMBUS REDEVELOPMENT COMMISSION TO AMEND UNITED CONSULTING’S CONTRACT FOR THE STATE STREET PROJECT TO INCLUDE 5TH STREET AS PART OF THE PROJECT, THE AMENDMENT IS IN EXCESS OF \$500,000 FOR DESIGN AND ENGINEERING WORK IN THE CENTRAL TIF DISTRICT.” Heather Pope

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. The next regular meeting is scheduled for **Tuesday, August 16, 2016, 6:00 p.m. in City Hall.**
- C. Adjournment

ORDINANCE NO.: _____, 2016

CITY OF COLUMBUS COMMON COUNCIL
AMENDMENT # _____ TO 2016 SALARY ORDINANCE, JULY 2016

WHEREAS, the Police Department has made certain changes in the services it will provide through its employees, and

WHEREAS, the Police Department has made certain organizational changes in the way it provides services through its employees, and

WHEREAS, the work title of employees should appropriately reflect the duties they perform, and

WHEREAS, the General Fund of the City of Columbus is able to accommodate this employee salary without an additional appropriation,

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA that the 2016 Salary Ordinance be amended to reflect the following changes:

Section I – SALARIED

POLICE DEPARTMENT – Full Time

	Entry:	Maximum:
DELETE: Administrative Specialist (1)	\$24,964	\$35,663
ADD: Criminal Intelligence Analyst	\$24,964	\$35,663

Any and all other provisions of the 2016 Salary Ordinance not in conflict herewith shall remain in full force and effect.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2016 at _____ o'clock ____ .m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presiding to me, the Mayor of Columbus, Indiana the _____ day of _____, 2016 at
_____ o'clock _____.m.

James D Lienhoop
Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE REFUNDING OF THE CITY OF COLUMBUS, INDIANA SEWAGE WORKS REVENUE BONDS OF 2006, AUTHORIZING THE ISSUANCE OF THE CITY OF COLUMBUS, INDIANA SEWAGE WORKS REFUNDING REVENUE BONDS OF 2016 TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF; AND ADDRESSING OTHER MATTERS CONNECTED THEREWITH

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

WHEREAS, the Board has presented to the Common Council of the City (the "Common Council") and the Common Council hereby finds that certain hereinafter described outstanding bonds of the Sewage Works should be refunded to obtain a reduction in interest payments and effect a savings to the City; that the refunding of those outstanding bonds, together with redemption premium and accrued interest thereon and including all costs related to the refunding cannot be provided for out of funds of the Sewage Works now on hand and the refunding should be accomplished by the issuance of revenue bonds of the Sewage Works; and

WHEREAS, the City has issued its Sewage Works Revenue Bonds of 2006, dated December 15, 2006 (the "2006 Bonds"), originally issued in the principal amount of \$27,449,000, now outstanding in the amount of \$19,748,000, pursuant to Ordinance No. 27, 2006, adopted by the Common Council on September 19, 2006 (the "2006 Ordinance"), which 2006 Bonds constitute a first charge on the Net Revenues (as hereinafter defined) of the Sewage Works; and

WHEREAS, the 2006 Bonds may be redeemed, at the option of the City, in whole or in part on February 15, 2017, at a redemption price of 102% of the principal amount to be redeemed, plus accrued interest to the date of redemption; and

WHEREAS, the City has issued its Sewage Works Revenue Bonds of 2008, dated December 15, 2008 (the "2008 Bonds"), in the maximum principal amount of \$5,670,000, pursuant the 2006 Ordinance, which 2008 Bonds constitute a first charge on the Net Revenues of the Sewage Works; and

WHEREAS, the City has issued its Sewage Works Revenue Bonds of 2009, dated May 29, 2009 (the "2009 Bonds") (the 2008 Bonds and the 2009 Bonds, collectively, the "Prior Bonds"), in the maximum principal amount of \$51,805,000, pursuant to Ordinance No. 17, 2009, adopted by the Common Council on April 21, 2009 (the "2009 Ordinance") (the 2009 Ordinance and the 2006 Ordinance, collectively, the "Prior Ordinances"), which 2009 Bonds constitute a first charge on the Net Revenues of the Sewage Works; and

WHEREAS, the Prior Ordinances allow for the issuance of additional bonds payable from revenues of the City's Sewage Works and ranking on parity with the Prior Bonds; and

WHEREAS, the Common Council has found that it is beneficial to refund all of the outstanding 2006 Bonds (the "Refunded Bonds") pursuant to the provisions of IC 5-1-5 to enable the City to obtain a reduction in interest payments and effect a savings to the City and hereby authorizes the same by issuance of refunding revenue bonds (the "Refunding Bonds"); and

WHEREAS, the Refunding Bonds will constitute a first charge against the Net Revenues (as hereinafter defined) of the Sewage Works on a parity with the Prior Bonds and are to be issued subject to the provisions of the laws of the Act (as hereinafter defined), and the terms and restrictions of this Ordinance; and

WHEREAS, the City anticipates that the Indiana Finance Authority (the "Authority") will consent to the issuance of the Refunding Bonds ranking on a parity with the Prior Bonds; and

WHEREAS, this Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Refunding Bonds have been complied with in accordance with the provisions of IC 36-9-23 and IC 5-1-5, each as in effect on the date of delivery of the Refunding Bonds authorized herein (collectively, the "Act").

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA:

Section 1. Issuance of the Refunding Bonds. The City, being the owner of and engaged in operating an unencumbered sewage works supplying the City, its inhabitants, and the residents adjacent thereto, with sewage treatment and collection services, now finds it necessary to provide funds for refunding the Refunded Bonds thereby reducing its interest payments and effecting a savings, as will be reported after the sale of the bonds issued hereunder by the City's financial advisor, Reedy Financial Group P.C. (the "Financial Advisor"). Where used in this Ordinance, the term "City" shall be construed also to include any department, board, commission or officer or officers of the City or of any City department, board or commission. The terms "Sewage Works", "sewage works", "works", "system" and similar terms used in this Ordinance shall be construed to mean the City's existing sewage works system together with all the real estate, equipment and appurtenances thereto used in connection therewith, and all improvements, extensions and additions thereto, and replacements thereof, now or subsequently constructed or acquired as well as the drainage of storm and surface water to relieve the sewage works system of such water.

Section 2. The Refunding Bonds. In accordance with the Act and for the purpose of providing funds for the refunding of the Refunded Bonds, together with authorized expenses relating thereto including the costs of issuance of the Refunding Bonds, and all other costs related to the refunding, the City shall issue in one or more series, its sewage works refunding revenue bonds designated "City of Columbus, Indiana Sewage Works Refunding Revenue Bonds of 2016" in the aggregate principal amount of not to exceed Twenty-One Million Five Hundred Thousand Dollars (\$21,500,000) (the "Refunding Bonds"). The principal of, redemption premium, if any, and interest on the Refunding Bonds shall be payable solely out of the Sewage

Works Sinking Fund as referred to below. The Refunding Bonds shall rank on parity with the Prior Bonds.

The Refunding Bonds shall be issued in one or more series as fully registered bonds in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof, or if sold through a private placement, denominations of One Hundred Thousand Dollars (\$100,000) or any integral multiple of Five Thousand Dollars (\$5,000) in excess thereof, in either case not exceeding the aggregate principal amount of the Refunding Bonds maturing in any one year shall be numbered consecutively from R-1 upward, and shall bear interest at a rate not to exceed five percent (5.0%) per annum (the exact rate or rates to be determined by bidding or through negotiations). Interest on the Refunding Bonds shall be payable semiannually on February 15 and August 15 of each year (each an "Interest Payment Date"), commencing not earlier than February 15, 2017. The principal of the Refunding Bonds shall mature annually on February 15 of each year, commencing February 15, 2017 and ending no later than February 15, 2027, until the principal is fully paid. Interest on the Refunding Bonds shall be calculated according to a 360-day calendar year containing twelve 30-day months.

The Refunding Bonds shall bear an original issue date which shall be the date of delivery and each Refunding Bond shall also bear the date of its authentication. Any Refunding Bond authenticated on or before the first (1st) day of the month of the first Interest Payment Date, shall pay interest from its original date. Any Refunding Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such Refunding Bond to which interest thereon has been paid or duly provided for, unless such Refunding Bond is authenticated after the first (1st) day of the month of 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 Mayor of the City (the "Mayor") or the Clerk-Treasurer of the City (the "Clerk-Treasurer") are authorized to serve as or to appoint a qualified financial institution to serve as the Registrar and Paying Agent for the Refunding 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 Sewage Works 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 Refunding Bonds.

If wire transfer payment for the Refunding Bonds is not required, the principal of and any redemption premium on the Refunding Bonds shall be payable at the principal corporate trust office of the Paying Agent. Interest on the Refunding 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 first (1st) day of the month of the Interest Payment Date or at such other address as may be provided to the Paying Agent in writing by such registered owner. All payments on the Refunding 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 Refunding Bond shall be transferable or exchangeable only on the books of the City maintained for such purpose at the principal corporate trust 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 Refunding 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 Refunding Bond or Refunding 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 Refunding 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 Refunding Bond (i) during the fifteen (15) days immediately preceding an Interest Payment Date or (ii) after the mailing of notice calling such Refunding Bond for redemption. The City, the Registrar and the Paying Agent may treat and consider the person in whose name any Refunding 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 Refunding Bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar may authenticate a new Refunding Bond of like date, maturity and denomination as the mutilated, lost, stolen or destroyed Refunding Bond, which new Refunding Bond shall be marked in a manner to distinguish it from the Refunding Bond for which it was issued; provided, that in the case of any mutilated Refunding Bond, such mutilated Refunding Bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Refunding 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 Refunding Bond shall have matured or been called for redemption, instead of causing to be issued a duplicate Refunding Bond, the Registrar and Paying Agent may pay the same upon surrender of the mutilated Refunding Bond or satisfactory indemnity and proof of loss, theft or destruction in the case of a lost, stolen or destroyed Refunding Bond. The City and the Registrar and Paying Agent may charge the owner of any such Refunding Bond with their reasonable fees and expenses in connection with the above. Every substitute Refunding Bond issued by reason of any Refunding Bond being lost, stolen or destroyed shall, with respect to such Refunding Bond, constitute a substitute contractual obligation of the City pursuant to this Ordinance, whether or not the lost, stolen or destroyed Refunding 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 Refunding Bonds duly issued hereunder.

In the event that any Refunding 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 Refunding Bond or the redemption price thereof, as appropriate, and thereafter the owner of such Refunding 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 the Refunding Bonds. The Mayor and the Clerk-Treasurer, upon consultation with the Financial Advisor, may designate maturities of Refunding 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 Clerk-Treasurer, upon consultation with the Financial Advisor, is hereby authorized and directed to determine the terms governing any such redemption, as evidenced by the delivery of the Refunding Bonds.

If any Refunding Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Refunding Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the City, any Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding Bonds called for redemption. The place of redemption may be at the principal corporate trust office of the Paying Agent or as otherwise determined by the City. Interest on the Refunding 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 Refunding Bonds are presented for payment.

In addition to the foregoing notice, the City may also direct that further notice of redemption of the Refunding 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 Refunding 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 Refunding Bonds being redeemed; (ii) the date of issue of the Refunding Bonds as originally issued; (iii) the rate of interest borne by each Refunding Bond being redeemed; (iv) the maturity date of each Refunding Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Refunding 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 Refunding 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 Refunding Bonds.

Upon the payment of the redemption price of the Refunding 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 Refunding Bonds being redeemed with the proceeds of such check or other transfer.

Section 4. Authorization for Book-Entry System. The Refunding Bonds may, in compliance with all applicable laws, 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 Refunding 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 Refunding Bonds as are necessary or appropriate to accomplish or recognize such book-entry form Refunding Bonds.

During any time that the Refunding Bonds are held in book-entry form on the books of a Clearing Agency, (1) any such Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Refunding 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 Refunding Bond, the

receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any Refunding 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 Refunding Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Refunding Bonds, or the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Refunding 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 Refunding Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the Refunding Bonds and to transfer the ownership of each of the Refunding Bonds to such person or persons, including any other Clearing Agency, as the holder of the Refunding Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Refunding Bonds, shall be paid by the City.

During any time that the Refunding 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 Refunding 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 Refunding Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the Refunding 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 Refunding Bonds are held in book-entry form on the books of a Clearing Agency, the Mayor, the Clerk-Treasurer 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 Refunding 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 Refunding Bonds. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Mayor, and attested by the manual or facsimile signature of the Clerk-Treasurer, with the seal of the City, if any, or a facsimile thereof to be affixed to each of the Refunding Bonds. The Refunding Bonds shall be authenticated by the manual signature of the Registrar, and no Refunding 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 Refunding Bond shall

cease to be such official before the delivery of such Refunding 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 Refunding Bonds, the Refunding Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

Section 6. Security and Sources of Payment for the Refunding Bonds. The Refunding Bonds, together with the Prior Bonds, and any bonds hereafter issued on a parity therewith, as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and constituting a first charge, upon all of the Net Revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance but not including depreciation and payments in lieu of taxes) derived from the Sewage Works, including all such Net Revenues from the existing works and all additions and improvements thereto and replacements thereof subsequently constructed or acquired, to be set aside in the Sewage Works Bond Sinking Fund. The City shall not be obligated to pay the Refunding Bonds or the interest thereon except from the Net Revenues of the Sewage Works, and the Refunding 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.

Section 7. Form of the Refunding Bonds. The form and tenor of the Refunding Bonds shall be substantially as set forth in Exhibit A, 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 Refunding Bonds. The Clerk-Treasurer is hereby authorized and directed to have the Refunding Bonds prepared, and the Mayor and the Clerk-Treasurer are hereby authorized and directed to execute or to cause the execution of the Refunding Bonds in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver the Refunding 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 98.5% of the par amount of the Refunding Bonds, plus accrued interest thereon to the date of delivery. The Refunding Bonds, when fully paid for and delivered to the purchaser or purchasers shall be the binding special revenue obligations of the City, payable out of the revenues of the Sewage Works to be set aside and paid into the Sewage Works Bond Sinking Fund as herein provided, and the proceeds derived from the sale of the Refunding Bonds shall be and are hereby set aside for the application to the costs of refunding the Refunded Bonds and the expenses necessarily incurred in connection therewith including the expenses incurred in the issuance of the Refunding Bonds on account of the financing thereof. The authorized officers of the City are hereby authorized and directed to draw all proper and necessary warrants and to do whatever other acts and things that may be necessary or appropriate to carry out the provisions of this Ordinance.

If the Refunding Bonds are sold by competitive bid, the Clerk-Treasurer 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 Clerk-Treasurer. The bond sale notice shall state the time and place of sale, the purpose for which the Refunding 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 Clerk-Treasurer 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 Refunding 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 Refunding Bonds as soon as the Refunding 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 Refunding Bonds shall be sealed and shall be presented to the Clerk-Treasurer or her designee at the physical or electronic address identified in the notice. Bidders for the Refunding Bonds shall be required to name the rate or rates of interest which the Refunding Bonds are to bear, not exceeding five percent (5.0%) per annum. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-hundredth (1/100) of one percent. Bids specifying more than one interest rate shall also specify the amount and maturities of the Refunding Bonds bearing each rate, and all Refunding 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 Refunding Bonds shall be awarded by the Clerk-Treasurer 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 Refunding 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 Refunding 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 Clerk-Treasurer shall be authorized to continue the sale from day to day for a period of not to exceed thirty (30) days without readvertising. During the continuation of the sale, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time originally fixed for the sale of the Refunding Bonds in the bond sale notice.

As an alternative to competitive bid, the Clerk-Treasurer may negotiate the sale of said Refunding Bonds at an interest rate or rates not exceeding five percent (5.0%) per annum. The Mayor and the Clerk-Treasurer are hereby authorized to (i) execute a purchase agreement with the purchaser, and (ii) sell such Refunding Bonds upon such terms as are acceptable to the Mayor and the Clerk-Treasurer consistent with the terms of this Ordinance. The final form of the purchase contract shall be determined by the Mayor and Clerk-Treasurer, upon advice of the City's bond counsel and Financial Advisor and the Mayor and Clerk-Treasurer 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.

The Clerk-Treasurer is hereby authorized to appoint a financial institution to serve as escrow trustee (the "Escrow Trustee") for the Refunded Bonds in accordance with the terms of an Escrow Agreement between the City and the Escrow Trustee (the "Escrow Agreement"). The Mayor and the Clerk-Treasurer 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 this Ordinance and the purchase contract.

The execution, by either the Mayor, Clerk-Treasurer, or the purchaser, of a subscription for investments of proceeds of the Refunding Bonds to be held under the Escrow Agreement in a manner consistent with this Ordinance is hereby approved.

Prior to the delivery of the Refunding Bonds, the Clerk-Treasurer (i) shall be authorized, but not required, to investigate and to obtain insurance, surety bonds and/or credit ratings on the Refunding Bonds and (ii) shall obtain a legal opinion as to the validity of the Refunding Bonds from Barnes & Thornburg LLP, Indianapolis, Indiana, bond counsel for the City, and such opinion shall be furnished to the purchasers of the Refunding 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 Refunding Bonds, shall be considered as a part of the cost of issuance of the Refunding Bonds and shall be paid out of the proceeds of the sale of the Refunding Bonds.

Section 9. Official Statement. Distribution of an Official Statement (preliminary and final), if any, prepared by the Financial Advisor, is hereby approved and the Mayor or Clerk-Treasurer are authorized and directed to execute the Official Statement on behalf of the City in a form consistent with this Ordinance. The Mayor or the Clerk-Treasurer is hereby authorized to designate the Official Statement as "nearly final" for purposes of Rule 15c2-12 as promulgated by the Securities and Exchange Commission.

Section 10. Continuing Disclosure. If required under applicable securities laws, the Common Council hereby approves, and authorizes and directs the Mayor and the Clerk-Treasurer, 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 Refunding Bond (the "Continuing Disclosure Contract"). The Mayor and the Clerk-Treasurer are authorized to approve the form of the Continuing Disclosure Contract, such determination to be conclusively evidenced by such Mayor's and such Clerk-Treasurer's execution thereof.

Section 11. Refunding of the Refunded Bonds and Costs of Issuance. Concurrently with the delivery of the Refunding Bonds, the Clerk-Treasurer may acquire, with the proceeds of the Refunding Bonds and cash on hand, investments as permitted under the ordinance authorizing the 2006 Bonds (the "Obligations") to be used, together with certain cash from the proceeds of the Refunding Bonds and cash on hand, if any, as set forth in the Escrow Agreement, to refund and legally defease the 2006 Bonds all as set forth in the Escrow Agreement. In order to refund the 2006 Bonds, the Clerk-Treasurer shall deposit the Obligations and certain cash, if

any, with the Escrow Trustee under the Escrow Agreement in an amount sufficient to provide moneys for the payment of the principal of and interest and redemption premium, if any, on the 2006 Bonds until at least February 15, 2017, the earliest date upon which the 2006 Bonds may be called for redemption.

If required for the legal defeasance of the Refunded Bonds, the Clerk-Treasurer shall obtain a verification of an accountant as to the sufficiency of the funds deposited in the Trust Account under the Escrow Agreement to accomplish said refunding and legal defeasance of the Refunded Bonds.

Costs of issuance of the Refunding Bonds not otherwise paid shall be paid from the remaining proceeds by the Clerk-Treasurer. When all the costs of issuance of the Refunding Bonds have been paid, the Clerk-Treasurer shall then transfer any amount then remaining from the proceeds of the Refunding Bonds to the Sewage Works Sinking Fund herein created.

Section 12. Disposition of Proceeds of the Refunding Bonds. The proceeds from the sale of the Refunding 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. All funds deposited to the credit of the Sewage Works Sinking Fund 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, applicable provisions of Indiana Code 5-13. Any interest or income derived from any such investments shall become a part of the monies in the fund or account so invested.

Each of the funds and accounts of the Sewage Works 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, applicable provisions of Indiana Code 5-13, Indiana Code 4-4-11 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.

Upon issuance of the Refunding Bonds, moneys held and on deposit in the existing funds and accounts established under the Prior Ordinances shall remain on deposit therein.

Section 13. Segregation and Application of Revenues, Sewage Works Revenue Fund and Sewage Works Operation and Maintenance Fund. There is hereby continued from the Prior Ordinances a fund known as the "City of Columbus, Sewage Works Revenue Fund" (the "Revenue Fund"). The City shall segregate, deposit and keep in the Revenue Fund, separate and apart from all other funds of the City, all gross revenues received on account of the Sewage Works, to be used and applied in the operation, repair and maintenance thereof, in the payment of the principal of and interest on the bonds payable from the Net Revenues of the Sewage Works an in maintaining a reserve for such payment, in establishing an improvement account, and for other purposes of the Sewage Works. All monies deposited in the Revenue Fund may be invested in accordance with IC 5-13-9 and other applicable laws.

Each month a sufficient amount of money shall be set aside and transferred from the Revenue Fund and deposited into a fund previously established and designated and continued

hereby as the “City of Columbus, Sewage Works Operation and Maintenance Fund” (the “O & M Fund”) for the payment of the current necessary and reasonable expenses of operation, repair and maintenance of the Sewage Works, not including depreciation and payments in lieu of taxes. After the required transfer and deposit into the O&M Fund, the amounts remaining in the Revenue Fund shall constitute the “net revenues” of the Sewage Works.

Section 14. Sewage Works Bond Sinking Fund. A special fund designated “Sewage Works Bond Sinking Fund” was previously established and continued hereby and constituted as the sinking fund, as required by the Act, for the payment of the principal of and interest on the Prior Bonds, the Refunding Bonds and any bonds hereafter issued on a parity therewith, or any other bonds subordinate thereto, and for the payment of any fiscal agency charges in connection with the payment of the principal of or interest on such bonds. The Sewage Works Bond Sinking Fund shall be continued until all of the bonds payable from the net revenues of the Sewage Works have been paid. The Sewage Works Bond Sinking Fund shall consist of a Debt Service Account and separate Reserve Accounts securing specified series of bonds payable from the net revenues of the Sewage Works. After making the required monthly payments into the O & M Fund pursuant to Section 13 of this Ordinance, net revenues of the Sewage Works shall be transferred from the Revenue Fund and paid and deposited into the Debt Service Account of the Sewage Works Bond Sinking Fund monthly, as available, in an amount sufficient for the payment of (a) the interest on the Prior Bonds, the Refunding Bonds and any bonds hereafter issued and payable by their terms from the Net Revenues of the Sewage Works; (b) the principal of the Prior Bonds, the Refunding Bonds and any bonds hereafter issued and payable by their terms from the net revenues of the Sewage Works; and (c) the necessary fiscal agency charges for paying the principal of and interest on the Prior Bonds, the Refunding Bonds and any bonds hereafter issued and payable by the terms from the Net Revenues of the Sewage Works.

(a) Debt Service Account. The monthly payments into the Debt Service Account shall be in an amount equal to at least one-sixth (1/6) of the amount required for the payment of interest on the Prior Bonds, the Refunding Bonds and all bonds hereafter issued and payable by their terms from the net revenues of the Sewage Works during the next succeeding six (6) calendar months, plus an amount equal to one-twelfth (1/12) of the amount required during the then next-succeeding twelve (12) calendar months for payments into the Debt Service Account of the Sewage Works Bond Sinking Fund for the purposes described herein other than the payment of interest. With respect to the monthly payments into the Debt Service Account of the Sewage Works Bond Sinking Fund prior to the first principal date on the Refunding Bonds, the monthly payments shall be in an amount equal to the product of (i) a fraction, the numerator of which is (1), and the denominator of which is the number of months from the date of issuance of the Refunding Bonds to the next Interest Payment Date on the Refunding Bonds, rounded to the next smallest whole number, and (ii) the amount required for the payment of interest of the Prior Bonds, the Refunding Bonds and all bonds hereafter issued and payable by their terms from the net revenues of the Sewage Works, on the next Interest Payment Date for the Refunding Bonds, plus an amount equal to the product of (i) a fraction, the numerator of which is one (1), and the denominator of which is the number of months from the date of issuance of the Refunding Bonds to the first payment date on the Refunding Bonds, rounded to the next smallest whole number, and (ii) the amount required for payment into the Debt Service Account of the Sewage Works Bond Sinking Fund for the purposes described herein other than the payment of interest.

(b) Reserve Accounts. The Reserve Accounts of the Sewage Works Bond Sinking Fund are continued hereunder and secure the Prior Bonds as follows: (i) 2008 Bond proceeds in an amount necessary to satisfy the Reserve Requirement (as defined in the 2006 Ordinance) with respect to the 2008 Bonds (the "2008 Reserve"), and (ii) 2009 Bond proceeds in an amount necessary to satisfy the Reserve Requirement (as defined in the 2009 Ordinance) with respect to the 2009 Bonds (the "2009 Reserve"). The 2008 Reserve and the 2009 Reserve shall each be deemed to individually secure only the 2008 Bonds and the 2009 Bonds, respectively, and the Refunding Bonds Reserve (as hereinafter defined) shall be deemed to secure only the Refunding Bonds.

After making the monthly payments into the O & M Fund and the Debt Service Account of the Sewage Works Bond Sinking Fund as required by Section 13 and Section 14 hereof, there shall be credited from available Net Revenues to the Refunding Reserve Account created hereby in the Sinking Fund to secure the payment of debt service on the Refunding Bonds (the "Refunding Reserve Account") in amounts sufficient to produce, in equal monthly installments over a sixty (60) month period, an amount equal to the least of (i) the maximum annual debt service on the Refunding Bonds; (ii) one hundred twenty-five percent (125%) of the average annual debt service on the Refunding Bonds; or (iii) ten percent (10%) of the proceeds of the Refunding Bonds (the "Refunding Bonds Reserve Requirement"); provided, however, that the Clerk-Treasurer, with the advice of the Financial Advisor, may elect to satisfy all or a portion of the Refunding Reserve Requirement on the date of delivery of the Refunding Bonds from Refunding Bond proceeds or other available funds of the City. Said credits to the Debt Service Reserve Account shall continue until the balance therein shall equal the Refunding Reserve Requirement.

The Refunding Reserve Account shall constitute the margin for safety as a protection against default in the payment of principal of and interest on the Refunding Bonds (and any other parity bonds of the City payable from the net revenues of its Sewage Works hereafter issued so long as the Refunding Reserve Requirement with respect to such parity bonds has been increased proportionately, provided that such increase may be funded with revenues of the sewage works over a sixty (60) month period), and the moneys in the Refunding Reserve Account shall be used to pay current principal and interest on the Bonds (and any parity bonds hereof) to the extent that moneys in the Debt Service Account are insufficient for that purpose. Any deficiencies in the credits to the Refunding Reserve Account shall be promptly made up from the next available Net Revenues remaining after credits into the Debt Service Account. In the event moneys in the Refunding Reserve Account are transferred to the Debt Service Account to pay principal and interest on bonds, then such depletion of the balance in the Refunding Reserve Account shall be made up from the next available Net Revenues after the credits into the Debt Service Account hereinbefore provided for. Any moneys in the Refunding Reserve Account in excess of the Refunding Reserve Requirement shall be transferred to the Sewage Works Depreciation and Improvement Fund, and in no event shall excess moneys be held in the Refunding Reserve Account. The Refunding Reserve Requirement with respect to a particular series of bonds may be satisfied by (i) cash; (ii) a surety bond issued by an insurance company based upon the recommendation of the Financial Advisor and acceptable to the Authority (a "Qualified Surety Bond") or (iii) a combination of cash and a Qualified Surety Bond.

To the extent that both cash and a Qualified Surety Bond are held in a respective Reserve Account and together secure a particular series of outstanding Bonds, the cash shall be drawn down completely before any demand is made on such Qualified Surety Bond. In the event that the Reserve Requirement with respect to a particular series of bond is satisfied by a combination of cash and a Qualified Surety Bond, no net revenues of the Sewage Works shall be paid into the Reserve Account of the Sewage Works Bond Sinking Fund, with respect to such series of bonds, until the provider of such Qualified Surety Bond has been paid or reimbursed all amounts due it under any insurance agreement or other agreement relating to the Qualified Surety Bond and the Qualified Surety Bond has been reinstated in full.

In no event shall any part of the Sewage Works Bond Sinking Fund be used in calling the Refunding Bonds for redemption prior to their respective maturities, except to the extent that the amount in the Sewage Works Bond Sinking Fund exceeds the amount required to pay the principal of the Refunding Bonds which will mature within a period of twelve (12) calendar months next following the date of such redemption, together with all interest on the Refunding Bonds payable in such period. Any such excess amounts above such required level may also be used in purchasing outstanding bonds at a price less than the then-applicable redemption price, with the prior approval of the Board. Moneys in the Sewage Works Bond Sinking Fund shall not be used for any other purpose whatsoever except as provided in this Ordinance.

Section 15. Sewage Works Depreciation and Improvement Fund. After making the monthly payments into the O & M Fund and the Sewage Works Bond Sinking Fund as required by Section 13 and Section 14 of this Ordinance, all remaining Net Revenues of the Sewage Works shall be set aside and paid into the Sewage Works Depreciation and Improvement Fund previously established and continued hereby monthly, as available, for the purposes of such Fund set forth below, up to an amount equal to the greater of (A) one fourth (1/4) of the amount in the then-current annual budget of the Sewage Works for operation, maintenance and repair of the Sewage Works, together with depreciation, or (B) \$750,000 (the "Depreciation Requirement"). IN the event that, at any time, available amount in the Sewage Works Depreciation and Improvement Fund have been accumulated in excess of the Depreciation Requirement, the Board may determine to transfer such excess amounts to the Surplus Fund (defined herein).

No revenues of the Sewage Works shall be deposited in or credited to the Sewage Works Depreciation and Improvement Fund which will interfere with the required monthly payments into or accumulated in the Sewage Works Bond Sinking Fund or the O & M Fund. Withdrawals and disbursements may be made from the Sewage Works Depreciation and Improvement Fund at any time for the purpose of depositing moneys into the O & M Fund necessary to meet the special or unforeseen emergencies in connection with the operation of the Sewage Works, or for the payment of the cost of constructing extensions, improvements, betterments or additions therefor. Amounts deposited to the Sewage Works Depreciation and Improvement Fund shall be accumulated only to the extent not needed for withdrawal or disbursement from such Fund as described herein. To the extent that the amount in the Sewage Works Depreciation and Improvement Fund is ever less than the Depreciation Requirement, the monthly payments to the Sewage Works Depreciation and Improvement Fund shall be in an amount, as available, sufficient to accumulate in the Sewage Works Depreciation and Improvement Fund within two (2) years and amount equal to the Depreciation Requirement.

Section 16. Surplus Fund and Fund Deficiencies. After all the monthly deposits required to be made into the O & M Fund, the Sewage Works Bond Sinking Fund and the Sewage Works Depreciation and Improvement Fund have been made, all additional Net Revenues, if any, shall be deposited monthly into the Surplus Fund previously established and continued hereby. Amounts in the Surplus Fund may be employed to make up, and in such order, any deficiencies in the O & M Fund, the Debt Service Account of the Sewage Works Bond Sinking Fund, the Reserve Account of the Sewage Works Bond Sinking Fund and in the Sewage Works Depreciation and Improvement Fund, to the extent so required. In addition, amounts in the Surplus Fund may be transferred to the Sewage Works Bond Sinking Fund for the payment of any premium on the 2008 Bonds or the 2009 Bonds. Net revenues in the Surplus Fund in excess of those amounts employed to make up any such deficiencies shall be available for improvements, extensions or additions to the Sewage Works or for any other lawful purpose of the Sewage Works.

In the event of any deficiency at any time in the Debt Service Account of the Sewage Works Bond Sinking Fund, amounts may be withdrawn, first, from the Reserve Account of the Sewage Works Bond Sinking Fund; second, from the Surplus Fund; and third, from the Sewage Works Depreciation and Improvement Account, all to the extent of such deficiency and further provided, that (i) in the event of a withdrawal from the Reserve Account at a time when both cash and a Qualified Surety Bond together secure a series of bonds, such cash shall be withdrawn before any funds are requested under such Qualified Surety Bond, and (ii) in the event of a withdrawal from the Reserve Account at a time when the Reserve Account includes multiple Qualified Surety Bonds that secure a particular series of bonds, draws shall be made on each Qualified Surety Bond in proportion to the ratio of the total amount available thereunder to the total amount available under each such Qualified Surety Bond. Deficiencies in the Reserve Account of the Sewage Works Bond Sinking Fund may be met by transferring available amounts from, first the Surplus Fund and, second, the Sewage Works Depreciation and Improvement Fund to the extent of any such deficiency.

Section 17. Defeasance of the Refunding Bonds. If, when the Refunding Bonds or a portion thereof 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 Refunding Bonds or a 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 Refunding Bonds or a portion thereof then outstanding shall be paid; or (i) sufficient moneys, or (ii) direct non-callable obligations of the United States of America (iii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by (including obligations issued or held in book entry form on the books of) the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (iv) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, or other deposits as approved by the Bond Insurer 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 Refunding Bonds or any designated portion thereof issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the City's sewage works.

Section 18. Accounting. The City shall keep proper records and books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing: (1) all revenues collected from the Sewage Works and deposited into the Revenue Fund, (2) all required payments into the O & M Fund and disbursements made therefrom on account of the operation of the Sewage Works, (3) all required payments into the Sewage Works Bond Sinking Fund, (4) all transactions relating to the Sewage Works, including the amounts set aside or credited to the Sewage Works Bond Sinking Fund, the Sewage Works Depreciation and Improvement Fund and the Surplus Fund, and (5) the cash balances in each of such funds as of the close of the preceding fiscal year. There shall be prepared and furnished, upon written request, to any owner of the Refunding Bonds at the time then outstanding, not more than ninety (90) days after the close of each fiscal year, operating income and expense and balance sheet statements of the Sewage Works, covering the preceding fiscal year. Such annual statements shall be certified by the Clerk-Treasurer, or the person charged with the duty of auditing the books and records relating to the Sewage Works, or such statements may be prepared by an independent certified public accountant retained by the City for the purpose of preparing such statements. Copies of all such statements and reports, together with all audits of the Sewage Works supplied to the City by the Indiana State Board of Accounts, shall be kept on file and available for inspection in the office of the Clerk-Treasurer. Any owner or owners of the Refunding Bonds then outstanding shall have the right, at all reasonable times, to inspect the Sewage Works and all records, accounts, audits and data of the City relating thereto. In no event shall any of the revenues of the Sewage Works be transferred or used for any purpose not authorized by this Ordinance so long as any of the bonds issued pursuant to the provisions of this Ordinance shall be outstanding.

Section 19. Covenant With Respect to Rates and Charges. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the sewage works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewage works system of the City, or that in any way uses or is served by such works. Such rates or charges shall be sufficient in each year to (a) pay all expenses incidental to the operation of the Sewage Works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations, and for so long as the Prior Bonds are outstanding, all costs of Operation and Maintenance (as defined in the respective Financial Assistance Agreement between the City and the Authority); (b) provide for the payment of the sums required to be paid into the Sewage Works Bond Sinking Fund pursuant to the Act and this Ordinance; (c) provide a debt service reserve for bonds or other obligations, including leases, as required by the terms of such obligations; (d) provide adequate money to be used as working capital; and (e) provide adequate money for improving and replacing the Sewage Works. For so long as the Prior Bonds are outstanding, such rates or charges shall also be sufficient to comply with and satisfy all covenants contained in the respective Financial Assistance Agreement between the City and the Authority.

Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of Operation and Maintenance of the Sewage Works and the requirements of the Sewage Works Bond Sinking Fund. The rates or charges so established shall apply to any and all use of the Sewage Works by

and service rendered to the City and all departments thereof and shall be paid by the City or the various departments thereof as the charges accrue.

Section 20. Additional Bonds. (a) The City reserves the right to authorize and issue additional bonds payable out of the Net Revenues of its sewage works of equal priority and ranking on a parity with the 2008 Bonds, the 2009 Bonds and the Refunding Bonds. In the event that any such additional parity bonds are issued in accordance with this Section 20, the term "bonds" shall be deemed to include the outstanding Prior Bonds, Refunding Bonds and such additional parity bonds, unless the context otherwise requires. Any additional parity bonds shall be authorized and issued, subject to the following conditions:

(1) The principal of and interest on all bonds payable from the revenues of the Sewage Works shall have been paid to date in accordance with their respective terms, and all required payments into the Sewage Works Bond Sinking Fund and the Sewage Works Depreciation and Improvement Fund shall have been made in accordance with the provisions of this ordinance.

(2) (A) The amount of the net revenues of the Sewage Works in the fiscal year immediately preceding the issuance of any bonds ranking on a parity with the Prior Bonds and the Refunding Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of all the then outstanding bonds payable from the revenues of the Sewage Works and the additional parity bonds proposed to be issued; or (B) prior to the issuance of such additional parity bonds, the sewage rates and charges shall be increased sufficiently so that increased rates and charges applied to the previous fiscal year's operations would have produced Net Revenues for said year equal to not less than 125% of the maximum annual interest and principal requirements of all bonds payable from the revenues of the sewage works, including the additional parity bonds proposed to be issued; (C) for purposes of this section, the records of the Sewage Works shall be analyzed and all showings shall be prepared by an independent certified public accountant or other nationally recognized firm of professionals experienced in analyzing the financial records of municipal utilities employed by the City for that purpose, who shall certify that he or she has no pecuniary interest in such additions, extensions, or improvements, or the financing thereof (i.e., underwriting), other than to analyze such records and prepare such showings, and who shall certify the satisfaction of the foregoing conditions for the issuance of such additional parity bonds.

(3) The principal of, or mandatory sinking fund redemption amounts of, such additional parity bonds shall be payable on February 15, and the interest on such additional parity bonds shall be payable semiannually on the February 15 and August 15 in the years in which such principal and interest are payable.

(4) As of the date of issuance of such additional bonds, (a) the balance in the Reserve Account set aside with respect to the Refunding Bonds shall equal not less than the Refunding Reserve Requirement (not including the increase necessitated by the additional bonds and not including remaining monthly deposits to be made in accordance with this Ordinance if the parity bonds are to be issued less than sixth (60) months from the date of issuance of the Refunding Bonds) and the Reserve Requirement is proportionately increased in accordance with the provisions of Section 14(b) of this Ordinance and the City covenants to make equal monthly

deposits into the Sewage Works Sinking Fund over not longer than a sixty (60) month period sufficient to equal the increased Reserve Requirement; and (b) the balances in the reserve funds for any outstanding Prior Bonds shall equal not less than the respective Reserve Requirements for such bonds.

(5) For so long as the Prior Bonds are outstanding, (i) the City has obtained the consent of the Authority, (ii) the City has faithfully performed and is in compliance with each of its obligations, agreements and covenants contained in the respective Financial Assistance Agreement and the Prior Ordinances, and (iii) the City is in compliance with its National Pollutant Discharge Elimination System permits, except for non-compliance for which the bonds are to be issued, including refunding bonds issued prior to, but part of, the overall plan to eliminate such non-compliance.

(b) The City reserves the right to authorize and issue refunding bonds ("Additional Refunding Bonds"), ranking on a parity with the Prior Bonds and the Refunding Bonds and payable ratably from the net revenues of the Sewage Works, for the purpose of refunding previously issued and outstanding bonds. In the event any Additional Refunding Bonds are issued pursuant to this Section 20(b), the term "bonds" herein shall be deemed to include the Prior Bonds, the Refunding Bonds, and any parity bonds issued hereunder, and such Additional Refunding Bonds. Any Additional Refunding Bonds issued pursuant to this Section 20(b) shall not be subject to the conditions described in the previous subparagraph (a) for the issuance of parity bonds, so long as the annual debt service on the Additional Refunding Bonds is not greater than the annual debt service on the bonds refunded by such Additional Refunding Bonds.

Section 21. Additional Covenants of the City. For the purpose of further safeguarding the interests of the owners of the Refunding Bonds, it is specifically provided as follows:

(a) The City will not sell, lease, mortgage, pledge or otherwise dispose of or encumber the Sewage Works or any component or part thereof except as permitted in this Section 21.

(b) The City may sell, scrap, discard or otherwise dispose of materials relating to the Sewage Works being replaced in the ordinary course of business of the Sewage Works. The proceeds, if any, received from the sale of such materials relating to the Sewage Works shall be deposited in and credited to the Sewage Works Depreciation and Improvement Fund.

(c) The City may sell or otherwise dispose of equipment or fixtures of the Sewage Works under the following conditions:

(i) If the book value of such property, as determined by engineers employed by the City, together with the book value of all such property previously sold, scrapped, discarded or disposed of under this Section 21(c) in such fiscal year, does not exceed two percent (2%) of the book value of the Sewage Works, then such property may be sold or otherwise disposed of in accordance with the Act, so long as the appropriate legislative body (by affirmative vote at a meeting duly called and held) (i) finds that such property is no longer necessary,

useful or profitable in the operation of the Sewage Works and (ii) authorizes the sale or other disposition of such property. Any proceeds received from the sale of such property shall be deposited in and credited to the Sewage Works Depreciation and Improvement Fund.

(ii) If the book value of such property, together with the book value of all such property previously sold, scrapped, discarded or disposed of under this Section 21(c) in such fiscal year, exceeds two percent (2%) of the book value of the Sewage Works, then such property may be sold or otherwise disposed of upon the affirmative vote of the appropriate legislative body, as provided in subsection (c)(i) herein, if (1) the engineers employed by the City submit to the appropriate legislative body a written determination that (A) the sale or other disposition of such property will not materially and adversely affect the operation of the Sewage Works or the City's ability to meet its obligations under this Ordinance or (B) such property is no longer necessary, useful or profitable in the operation of the Sewage Works; and (2) the Authority consents to such sale or disposal, for so long as the Prior Bonds are outstanding, and the City expects that such sale or disposal will decrease the gross revenues of the Sewage Works. Any proceeds derived from the sale of such property shall be deposited in and credited to the Sewage Works Depreciation and Improvement Fund.

The provisions of this Section 21 are subject in all respect to and shall be carried out in accordance with any and all applicable provisions of Indiana law regarding the disposal of public property.

Section 22. Additional Covenants of the City.

(a) The City shall at all times maintain the Sewage Works in good condition and operate the Sewage Works in an efficient manner and at a reasonable cost.

(b) So long as any of the Refunding Bonds are outstanding, the City shall maintain insurance including fidelity bonds, on the insurable parts of the Sewage Works of a kind and in an amount such as is customarily carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business in the State of Indiana. As an alternative to maintaining such insurance, the City may maintain a self-insurance program with catastrophic or similar coverage so long as such program meets the requirements of any applicable laws or regulations and is maintained in a manner consistent with programs maintained by similarly situated municipalities. Insurance or self-insurance proceeds collected shall be used in replacing or repairing the property destroyed or damaged or, if not used for such purposes, shall be treated and applied as net revenues of the Sewage Works.

(c) Except as otherwise provided in Section 20 of this Ordinance, so long as any of the Refunding Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the Sewage Works shall be authorized, executed or issued by the City except such as shall be made subordinate and junior in all respects to the Refunding Bonds,

unless all of the Refunding Bonds are redeemed or retired or defeased pursuant to Section 17 hereof coincidentally with the delivery of such additional bonds or other obligations.

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

(e) The provisions of this Ordinance shall constitute a contract by and between the City and the owners of the Refunding Bonds, and after the issuance of the Refunding Bonds this Ordinance shall not be repealed or amended in any respect which would materially and adversely affect the rights of the owners of the Refunding Bonds, and this Common Council shall not adopt any law, ordinance or resolution which in any way would materially and adversely affect the rights of such owners so long as any of the principal of or interest on the Refunding Bonds remains unpaid; provided, that the City shall have the right to amend this Ordinance without notice to or approval by any owners of the Refunding Bonds so long as the City determines that such amendment, if enacted, would not materially and adversely affect the owners of the Refunding Bonds or any other bonds ranking on a parity therewith.

(f) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Refunding Bonds for the uses and purposes herein set forth, and the owners of the Refunding Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance and of the Act. The provisions of this Ordinance shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Sewage Works Sinking Fund for the uses and purposes of such fund as set forth in this Ordinance. The owners of Refunding Bonds shall have all of the rights, remedies and privileges set forth in the provisions of the Act, and may either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted pursuant to the Act and the provisions of this Ordinance, and may enforce and compel performance of all duties required by the Act and this Ordinance to be performed by the City and any board or officer thereof, including the making and collecting of lawful, reasonable and sufficient rates and charges for services rendered by the Sewage Works. In the event of any failure to pay the principal of or interest on any of the Refunding Bonds when due, any court having jurisdiction of the action may appoint a receiver to administer the Sewage Works on behalf of the City and the owners of the Refunding Bonds, with power to charge and collect rates sufficient to provide for the payment of the expenses of operation, repair and maintenance and also to pay the principal of and interest on the Refunding Bonds, and to apply the revenues of the Sewage Works in conformity with the Act and the provisions of this Ordinance.

Section 23. Tax Covenants. In order to preserve the exclusion from gross income of interest on the Refunding Bonds under Section 103 of the Internal Revenue Code of 1986, as in effect on the date of delivery of the Refunding Bonds (the "Code"), the City hereby represents, covenants and agrees as follows:

(a) No person or entity or any combination thereof, other than the City or any other governmental unit within the meaning of Section 141(b)(6) and Section 150(a)(2) of the Code (a

“Governmental Unit”) will use proceeds of the Refunding Bonds or property financed or refinanced by such proceeds other than as a member of the general public. No person or entity or any combination thereof other than a Governmental Unit shall own property financed or refinanced out of the proceeds of the Refunding Bonds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract or any other type of arrangement that differentiates that person’s or entity’s use of such property from the use of such property by the public at large.

(b) No Refunding Bond proceeds will be lent to any entity or person other than a Governmental Unit. No Refunding Bond proceeds will be transferred directly or indirectly, or be deemed transferred, to a person or entity other than a Governmental Unit in a fashion that would in substance constitute a loan of such Refunding Bond proceeds.

(c) The City will not take, or cause or permit to be taken by it or by any party under its control, or fail to take or cause or permit to fail to be taken by it or by any party under its control, any action that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the Refunding Bonds pursuant to Section 103 of the Code. The City further covenants that it will not make any investment or do any other act or thing during the period that any Refunding Bond is outstanding hereunder which would cause any Refunding Bond to be an “arbitrage bond” within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Refunding Bonds. In furtherance of the foregoing, the Clerk-Treasurer of the City is hereby authorized to invest or to cause to be invested monies pursuant to the provisions of this Ordinance at a restricted yield, to the extent permitted by and consistent with the provisions for such investments under the Code and to the extent necessary or advisable to preserve the exclusion from gross income of interest on the Refunding Bonds for federal income tax purposes.

(d) With respect to the Refunding Bonds, the Clerk-Treasurer shall keep full, complete and accurate records of all investment income and other earnings on the amounts held in the funds and accounts created or referred to in this Ordinance. The City shall further take all actions necessary and appropriate to comply with the arbitrage rebate requirements under Section 148 of the Code to the extent applicable, including, without limitation, accounting for and making provision for the payment of any and all amounts that may be required to be paid to the United States of America from time to time pursuant to Section 148 of the Code.

(e) All officers, employees and agents of the City are hereby authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the City as of the date that the Refunding Bonds are issued, and to make covenants on behalf of the City evidencing the City’s recognition of and compliance with the covenants and commitments made herein. In particular and without limiting the foregoing, any and all appropriate officers, employees and agents of the City are authorized to certify and/or enter into covenants on behalf of the City regarding (i) the facts and circumstances and reasonable expectations of the City as of the date that the Refunding Bonds are issued and (ii) the representations and covenants made herein by the City regarding the amount and use of the proceeds of the Refunding Bonds.

(f) The Clerk-Treasurer is hereby authorized and directed to employ consultants and attorneys from time to time to advise the City with respect to the requirements under federal law for the continuing preservation of the exclusion of interest on the Refunding Bonds from gross income for purposes of federal income taxation, as described in this Section 23.

(g) The City hereby covenants that it will rebate any arbitrage profits to the United States to the extent required by the Code and the regulations promulgated thereunder.

Section 24. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding 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; and provided, 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 Refunding Bond issued pursuant to this ordinance; or

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

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

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

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

(f) A reduction in the Reserve Requirement; 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 Refunding 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 Clerk-Treasurer, 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 Refunding Bonds authorized by this ordinance, and the terms and provisions of the Refunding 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 Refunding Bonds then outstanding.

Without notice to or consent of the owners of the Refunding Bonds, the City may, from time to time and at any time, adopt such ordinances supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental 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

(b) to grant to or confer upon the owners of the Refunding Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Refunding Bonds; or

(c) to modify, amend or supplement the ordinance to permit the qualification of the Refunding Bonds authorized for sale under the securities laws of the United States 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 the Refunding Bonds;

(d) to provide for the refunding of the Refunding Bonds;

(e) To procure a rating on the Refunding 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 herein authorized or any other bonds ranking on a parity with such bonds; or

(f) to make any other change which is not to the prejudice of the owners of the Refunding Bonds.

Section 25. Waiver of Tax Covenants. Notwithstanding any other provision of this Ordinance, any of the covenants and authorizations contained in Section 23 of this Ordinance (the "Tax Covenants") which are designed to preserve the exclusion of interest on the Refunding 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. Rate Ordinance. The rates and charges of the Sewage Works are set forth in Ordinance No. 18, 2009, adopted by the Common Council on May 5, 2009, amending Ordinance No. 2756, Ordinance No. 35, 1984, Ordinance No. 30, 1986, Ordinance No. 38, 1989, Ordinance

No. 24-1992, Ordinance No. 23, 2001, Ordinance No. 23, 2003, and Ordinance 8, 2006. Such ordinances are incorporated herein by reference.

Section 27. 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 28. Other Actions. Each of the Mayor and the Clerk-Treasurer 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 29. Construction with Other Ordinances. All ordinances, except for the Prior Ordinance, in conflict with this Ordinance are hereby repealed.

Section 30. 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 31. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

DULY PASSED on this ____ day of _____, 2016, by the Common Council of the City of Columbus, Indiana, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL
CITY OF COLUMBUS, INDIANA

Presiding Officer

ATTEST:

Luann Welmer, Clerk-Treasurer

Presented by me to the Mayor of the City of Columbus for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this ____ day of _____, 2016 at _____ o'clock a.m./p.m.

Luann Welmer, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16 (a)(1), this ____ day of _____, 2016 at _____ o'clock a.m./p.m.

James Lienhoop, Mayor of the City of Columbus, Indiana

Attest:

Luann Welmer, Clerk-Treasurer

EXHIBIT A

R-__

[FORM OF REGISTERED BOND]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF BARTHOLOMEW

CITY OF COLUMBUS, INDIANA
SEWAGE WORKS REFUNDING REVENUE BOND OF 2016

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Date of Authentication</u>	<u>CUSIP</u>
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Registered Owner:

Principal Amount:

The City of Columbus, in Bartholomew 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 first day of the month of 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 February 1, 2017, in which case it shall bear interest from the Original Date specified above), with such interest payable semiannually on February 15 and August 15 of each year, commencing February 15, 2017. 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 Refunding Bond are payable upon the surrender thereof at the principal office of _____ (the "Registrar" or the "Paying Agent") in the _____, _____. All payments of interest on this Refunding 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 Refunding 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 Refunding 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 "Refunding Bonds"), issued for the purpose of providing funds to the current refunding of the Refunded Bonds (as defined in the Ordinance) and to pay the costs of issuance of the Refunding Bonds. This Refunding Bond is issued pursuant to an ordinance adopted by the Common Council of the City on the ____ day of _____, 2016, entitled "An Ordinance authorizing the refunding of the Sewage Works Revenue Bonds of 2006, authorizing the issuance of the Sewage Works Refunding Revenue Bonds of 2016 to provide funds for the payment of the costs thereof, and addressing other matters connected therewith" (the "Ordinance"), and in accordance with the provisions of Indiana law, including, without limitation, Indiana Code 36-9-23 and IC 5-1-5, as amended (the "Act").

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this Refunding Bond, the 2008 Bonds (as defined in the Ordinance), the 2009 Bonds (as defined in the Ordinance) and any bonds hereafter issued on a parity therewith are payable solely from the Sewage Works Bond Sinking Fund (the "Sinking Fund") maintained under the Ordinance to be funded from the Net Revenues (herein defined as the gross revenues of the Sewage Works (defined as the City's Sewage Works system, including all real estate, equipment and appurtenances thereto used in connection therewith, and all extensions, additions and improvements thereto and replacements thereof, now or at anytime hereafter constructed or acquired) after deduction only for the payment of the reasonable expenses of operation, repair and maintenance of the System but not including depreciation and payments in lieu of property taxes).

The City irrevocably pledges the entire Net Revenues of the Sewage Works to the prompt payment of the principal of and interest on the Refunding Bonds, the 2008 Bonds, the 2009 Bonds and any bonds ranking on a parity therewith to the extent necessary for such purposes, and covenants that it will cause to be fixed, maintained and collected such rates and charges for services rendered by the Sewage Works as are sufficient in each year for the payment of the proper and reasonable expenses of operation and maintenance of the Sewage Works and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act

and the Ordinance. If the City or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there shall be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the System and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The City further covenants that for so long as the Refunding Bonds, the 2008 Bonds, the 2009 Bonds and any bonds hereafter issued on a parity therewith (the "Parity Bonds") remain outstanding, it will set aside and pay into the Sinking Fund a sufficient amount of the Net Revenues of the Sewage Works for the payment of (a) the interest on all bonds payable from the revenues of the Sewage Works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying such bonds and interest, (c) the principal of all bonds payable from the revenues of the Sewage Works, and (d) an additional amount as a margin of safety to create the reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of the System. Reference is made to the Ordinance for a more complete statement of the revenues from which and conditions under which this bond is payable, a statement of the conditions on which obligations may hereafter be issued on a parity with this bond, the manner in which the Ordinance may be amended and the general covenants and provisions pursuant to which this bond has been issued.

[Insert optional redemption terms, if applicable].

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

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

*

*Final Maturity]

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

Notice of such redemption shall be mailed to the address of the registered owners of the Refunding Bonds to be redeemed as shown on the registration records of the City, as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) and not more than sixty (60) days prior to the date fixed for redemption, unless the notice is waived by the registered owner of the Refunding Bonds to be redeemed. The notice shall specify the date and place of redemption and sufficient identification of the Refunding Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Refunding 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 Refunding 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 principal corporate trust office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this Refunding 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 Refunding Bond or Refunding 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 Refunding 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 Refunding Bond, dated as of the date of initial issuance of the Refunding 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 Refunding 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 Columbus, in Bartholomew 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 Clerk-Treasurer.

CITY OF COLUMBUS

Mayor

(seal)

ATTEST:

Clerk-Treasurer

CERTIFICATE OF AUTHENTICATION

This bond is one of the City of Columbus Sewage Works Refunding Revenue Bonds of 2016, issued and delivered pursuant to the provisions of the within-mentioned Ordinance.

By _____
Authorized Representative

STATEMENT OF INSURANCE

(If applicable)

ASSIGNMENT

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

Dated: _____

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

Signature Guarantee:

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

RESOLUTION NO. ___, 2016

**A RESOLUTION TO AUTHORIZE THE CITY OF COLUMBUS
REDEVELOPMENT COMMISSION TO EXPEND FUNDS IN EXCESS OF \$500,000 TO
AMEND THE STATE STREET PROJECT AGREEMENT
FOR ENGINEERING AND DESIGN WORK TO INCLUDE
CALIFORNIA STREET, FROM 3RD STREET TO 5TH STREET, AND
5TH STREET FROM CALIFORNIA TO MILL RACE PARK**

WHEREAS, the City of Columbus Department of Redevelopment and Redevelopment Commission (the "Commission") was established in August 2003 (Columbus Common Council Ordinance # 25-2003) by the Columbus Common Council (the "Council") pursuant to I.C. 36-7-14-39;

WHEREAS, the Council and the Commission along with many other departments and stakeholders in 2015, through Council Resolution #11-2015, identified the need to revitalize the State Street Corridor with potentially new sidewalks, sidepaths, pocket parks, street lighting and various architectural elements along the State Street corridor specifically from Third and Lafayette Streets to South Mapleton on State Street (collectively referred to as the "State Street Project") which would be funded through Tax Increment Financing dollars;

WHEREAS, the Council and Commission has determined that this Project is for the benefit of commerce, economic interest and development, social interest and public utility for the City of Columbus and the allocation area known as Central TIF District and that the State Street Project is physically located in and connected to the Central TIF.

WHEREAS, the Council through Council Resolution #11-2015, approved a contract with United Engineering for design and engineering work for the different phases of the State Street Project in the amount of \$717,000;

WHEREAS, the Commission, having heard on July 18, 2016, from the State Street Implementation Committee, interested residents and community leaders in conjunction with the City Engineer's office unanimously voted to amend the scope of the State Street Project as follows:

Crossing the State Street Bridge, continuing down Third Street until reaching California Street, turning north on California and continuing north until reaching 5th Street, turning west on to 5th Street and continuing westerly to Mill Race Park. This includes eliminating the Third Street section from California Street west to Lafayette Street.

Additional engineering and design work will include:

- a) Add surveying of California Street from 3rd to 5th Streets;
- b) Add surveying work for 5th Street from California to Mill Race Park;
- c) Remove the 3rd Street design portion;

- d) Add 'as-built' drawings for State Street; and
- e) Add such services necessary to obtain right-of-way acquisition along the entire route as necessary.

WHEREAS, pursuant to Council Ordinance #25-2003, any proposed expenditure by the Commission in excess of \$500,000 is subject to Council approval; and

WHEREAS, the Commission has asserted that sufficient TIF funding exists to cover the total expenditure for design and engineering work of the State Street Project.

NOW THEREFORE BE IT RESOLVED BY THE COLUMBUS COMMON COUNCIL THAT the State Street Project contract amendment shall not exceed \$896,104.00, including all design and engineering work for California Street and 5th Street and contract amendments as described.

BE IT FURTHER RESOLVED that the Commission will fund the design and engineering work of the State Street Project and the Council recommends to the Board of Public Works and Safety to execute any necessary contract amendments to complete said work.

THIS RESOLUITION IS ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA on this the ____ day of _____, 2016, by a vote of _____ ayes and _____ nays.

James D. Lienhoop, Mayor
Presiding Officer of the Common Council

ATTEST:

Luann Welmer
Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana this ____ day of _____, 2016 at _____ o'clock ____ .M.

Luann Welmer
Clerk – Treasurer

Approved and signed by me this ____ day of _____, 2016 at _____ o'clock
____.M.

James D. Lienhoop, Mayor
Presiding Officer of the Common Council

MEMORANDUM

TO: Columbus City Council

FROM: Heather Pope, Director of Redevelopment

DATE: July 26, 2016

RE: Amendment to contract for Design & Engineering work on State Street Project

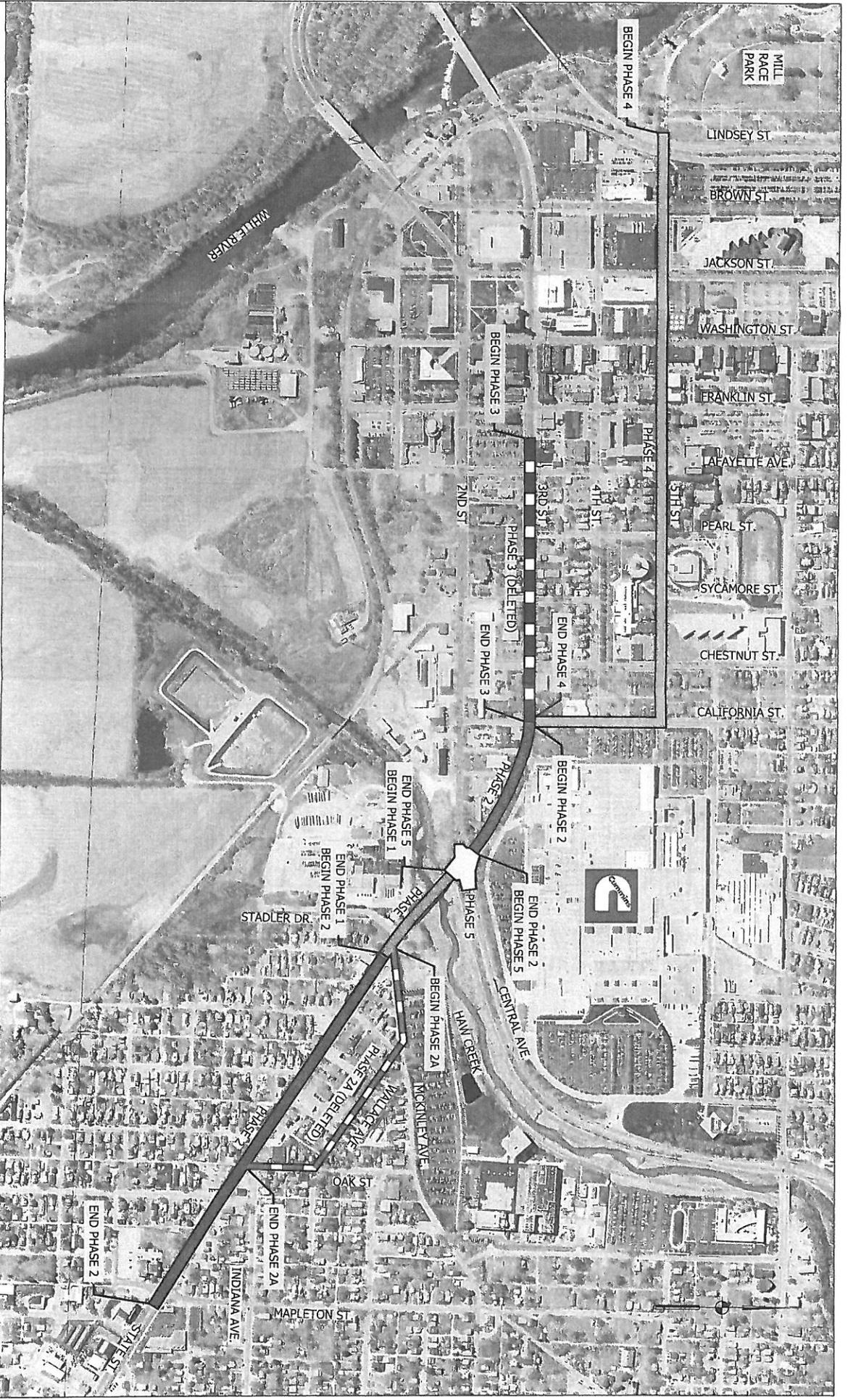
At its regularly scheduled meeting on July 18, 2016, the Redevelopment Commission having heard from the State Street Implementation Committee, interested residents and community leaders in conjunction with the City Engineer's office, voted unanimously to amend the contract with United Engineers for design and engineering work on the State Street Project.

The amendment will eliminate a portion of the original scope including all design and engineering work for sidewalks along the north side of 3rd Street from California to Lafayette. The amendments will add design and engineering work for crossing the State Street Bridge, continuing down Third Street until reaching California Street, turning north on California and continuing north until reaching 5th Street, turning west on to 5th Street and continuing westerly to Mill Race Park. Additional engineering and design work will include:

- a) Add surveying of California Street from 3rd to 5th Streets;
- b) Add surveying work for 5th Street from California to Mill Race Park;
- c) Remove the 3rd Street design portion;
- d) Add 'as-built' drawings for State Street; and
- e) Add such services necessary to obtain right-of-way acquisition along the entire route as necessary.

I've attached a rendering showing the different phases of State Street with the 5th Street corridor added. I've also attached for your reference the amended scope and fee proposal and aa projected timeline.

Pursuant to Council Ordinance #25-2003, any proposed expenditure by the Commission in excess of \$500,000 is subject to Council approval. Attached you will find a resolution executed by the officers of the Redevelopment Commission recommending the City Council approve the Redevelopment expenditure, for an addition to United Engineering contract, including the items above, in an amount not to exceed \$896,104.00.



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CITY OF COLUMBUS
5th Street and State Street Urban Streetscape Project
From Mill Race Park to N. Mapleton Street

Project Design Scope

Our original agreement included side path design from just west of the intersection of 3rd Street and Lafayette Avenue, east to Central Avenue and then southeast along State Street to N. Mapleton Street. Since the original agreement, several scope modifications have occurred, consistent with expectations of a fluid architectural design process. Each of these changes have been documented in “Change Tracking Logs”, see pages 7 and 8, and have to date, generally balanced the overall scope of work. However, two significant changes have occurred that warrant an official change to the project scope and design contract.

The path no longer continues west past California Street on 3rd Street. Instead, the path now runs north along California Street to 5th Street where it heads west to Mill Race Park. The other change is the elimination of a separated pedestrian bridge crossing over Haw Creek and the addition of widening and architectural enhancements to the existing State Street bridge over Haw Creek. In general, this Supplement 2 is to cover the additional path desired along 5th Street, the deletion of path along 3rd Street west of California Street, and the bridge scope change. Several other minor changes have occurred as well, which will be detailed throughout the remainder of this Supplement 2.

In March of 2016, UNITED met with Heather Pope and Dave Hayward to develop an overall project schedule for the revised scope of the project. This schedule, see page 7, reflects several phases and anticipated bid dates. Phase 1, currently under design, includes the State Street bridge over Haw Creek, the associated roadway tie-ins and a new gateway feature at the Central Avenue intersection. Phase 1 is denoted in pink on the enclosed Project Overview map, see page 1. Phase 2 includes 3rd Street from California Street to Central Avenue and State Street from McKinley Avenue to N. Mapleton Street. Phase 2 is denoted in blue on the enclosed Project Overview map. Phases 1 and 2 encompass the original agreement and associated scope modifications. During the progression of the project, both UNITED and BDMD have been tracking estimated deductions and additions to help keep the City informed of the projected expenditures.

Phase 2A, a supplemental bike path along McKinley Avenue and Wallace Avenue has been removed from the project scope, denoted in dashed brown on the enclosed Project Overview map. Phase 3, which included sidewalk improvements along 3rd Street from Lafayette Avenue east to California Avenue has been removed from the project scope, denoted in dashed green on the enclosed Project Overview map.

Phase 4 includes the extended path along 5th Street from Mill Race Park to California Street and then south along California Street to 3rd Street, where it intersects Phase 2. Phase 4 is denoted in orange on the enclosed Project Overview map.

Phase 5, which includes modifications to the intersection of Central Avenue, 3rd Street, 2nd Street and State Street, is not included in the project scope, denoted in yellow on the enclosed Project Overview map.

Phases 1 and 2:

Two “Change Tracking Logs” have been included which detail individual tasks as having been deleted or added to the original scope. One log is provided for UNITED and one log is provided for

BDMD. These logs have been updated and distributed to both Heather Pope and Dave Hayward as the project has progressed. A brief summary of the scope modifications is included below:

UNITED (see "Change Tracking Log", page 8):

The original scope of the project included a new pedestrian bridge crossing Haw Creek. After a detailed investigation and coordination with the City, the separate crossing was deleted from the project scope in favor of widening the existing bridge at Haw Creek. This results in several scope changes. The design of the new pedestrian bridge was eliminated, but the design for widening the State Street bridge over Haw Creek has been added. The widening design will require preparation of a load rating for INDOT approval which incorporates the proposed trail, bridge widening and architectural features. The approach slabs will be widened to cantilever over the wing walls.

A hydraulic analysis of Haw Creek is no longer needed. A geotechnical investigation for bridge foundations is no longer needed. IDEM 401 and USACOE 404 permits have been eliminated.

Traffic counts and an analysis report were completed at the intersection of Central Avenue and 3rd Street to investigate the impacts of eliminating the slip-lane on the north corner of the intersection. The investigation was completed in October of 2015. Modifications to the Central Avenue intersection remain outside the scope of this design.

The work along 3rd Street from Lafayette Avenue to California Street has been deleted from the project and the bike lane proposed along McKinley Avenue and Wallace Avenue has been deferred and is no longer part of the project scope.

Title searches, right-of-way engineering and right-of-way staking are added to the scope for the anticipated parcels impacted in Phases 1 and 2. There are four parcels expected in Phase 1 and ten parcels expected in Phase 2 for a total of 14 parcels.

Permits were not included in the original scope but the City has requested to include these services. Therefore, Rule 5 permits will be required for both Phases 1 and 2 as will INDOT R/W permits.

A new gateway feature is desired at the west end of the State Street bridge over Haw Creek. This area requires additional survey to update the ground surface model for the elimination of the pump house and for the recently constructed trail under the bridge. Additional design and construction plans are also required to implement the gateway feature.

Additional survey is also required to update the existing conditions from INDOT's 2015 overlay project. That recent INDOT project included traffic signal changes, curb ramp changes and new pavement elevations. INDOT's overlay project impacted this project along 3rd Street between California Street and Central Avenue, the Central Avenue intersection, and State Street from Central Avenue to N. Mapleton Street.

The original scope allowed for 26 meetings. To date, 27 meetings have been required. 17 additional meetings are anticipated to complete the design and plans through Phase 2.

The original scope included bidding services for one bid package. As the design has progressed, the desired construction sequence involves bidding in two parts, Phases 1 and 2. An additional bid package is included.

BDMD (see "Change Tracking Log", page 9):

The original scope of the project included a new pedestrian bridge crossing Haw Creek. After a detailed investigation and coordination with the City, the separate crossing was deleted from the project scope in favor of widening the existing bridge at Haw Creek. The original separated pedestrian bridge was to be a pre-fabricated structure, such as a truss, and was scoped with minimal architectural features, such as form liners for the piers and paving materials for the bridge deck. In moving the path to the State Street bridge, the opportunities for desired architectural enhancements have increased. The current concept, approved and funded, includes significant additional architectural design.

The original scope included seat walls as a method to screen the path from adjacent businesses along State Street. The design has progressed to a sculptural wave design instead of the seat walls. The sculptural wave design is more complex than seat walls and requires a structural design component.

Providing a gateway node is an additional scope item that has been requested to be included in Phase 1, which requires additional architectural design and construction documents.

BDMD is preparing a marketing flyer for the path to provide to local businesses which will serve to inform the public of the project's details.

BDMD's original scope allowed for 20 meetings. To date, 27 meetings have been required. 17 additional meetings are anticipated to complete the design and plans through Phase 2.

Phase 4

The following provides a detailed scope of work to accompany the Supplement No. 2 enclosed herein. Our experience on projects of similar scope, complexity and with similar collaboration requirements has shown this will be an iterative process which cannot be fully vetted until some preliminary design is performed. At the beginning stages, clear scope decisions should not be made until many of the unknowns, material options and associated construction costs are more certain. It is anticipated that the level of amenities will be proportional with the construction budget. This scope allows the City to make informed amenity decisions on a case-by-case basis. The details of the path, such as width, side of the road and intersection enhancements are among the unknowns at this time. It is expected these items will be vetted through a preliminary design phase provided separately to the City by Rundell Ernstberger Associates (REA). The scope of this document includes coordination with REA during their preliminary design phase and then implementing these decisions into the final project scope.

Overall, Phase 4 includes the design of a side path consistent with the many trails and side paths located within the City of Columbus. Phase 4 will commence in Mill Race Park, continue east along 5th Street to the intersection of California Street and then continue south along California Street to connect with the path constructed along 3rd Street as part of Phase 2. The overall length of Phase 4 is approximately 0.80 miles.

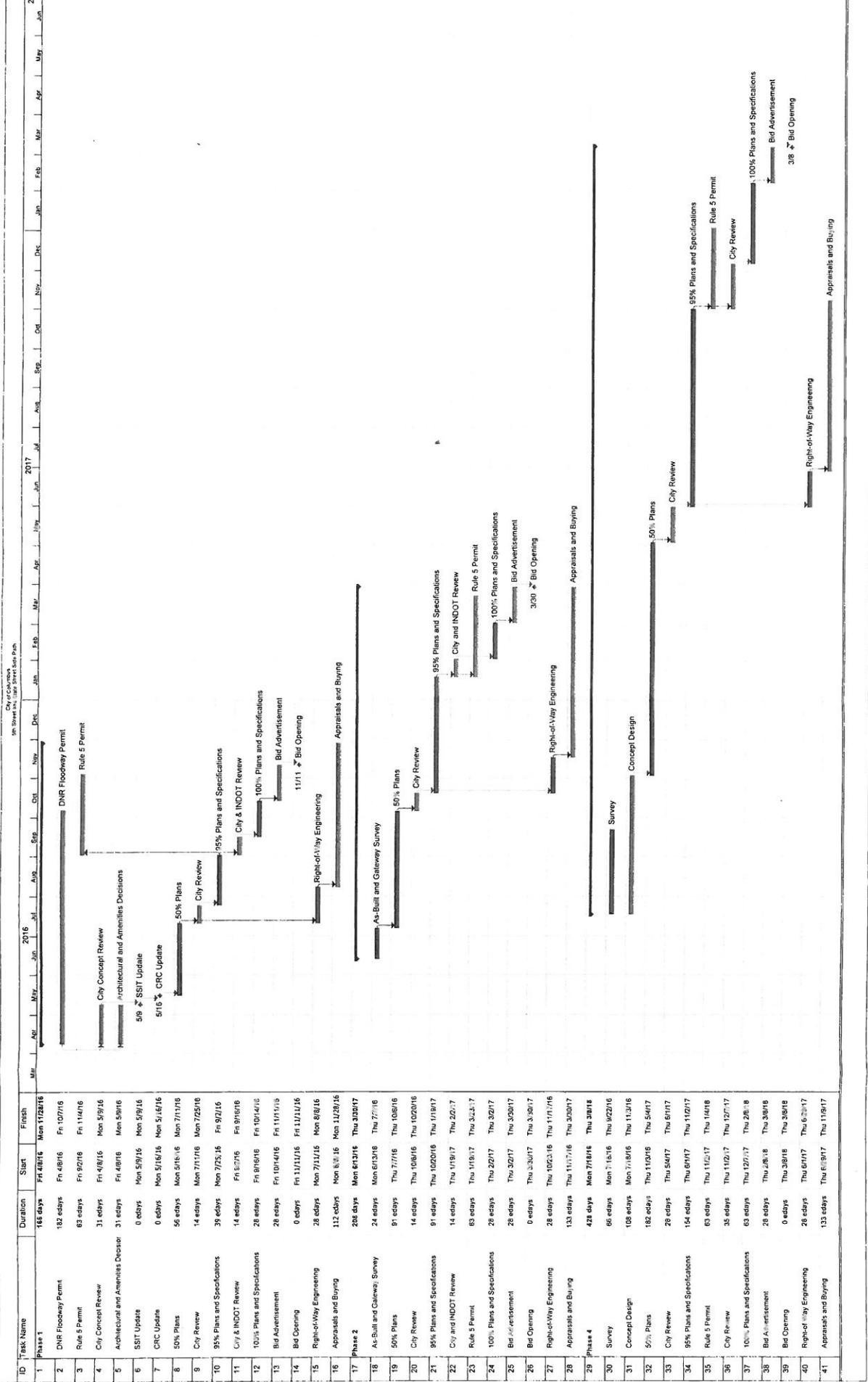
The path width will be maximized in all locations based on available right-of-way and utility constraints. All design elements, the side path, crosswalks, intersection enhancements, etc. will feature complementary and consistent streetscape features. These features include furnishings, landscaping, hardscaping, and lighting.

1. Survey:
 - a. 5th Street: Beginning 150 feet west of the centerline of Lindsey Street and extending 3,500 feet east to the centerline of California Street. The reference alignment will be established on the existing alignment of 5th Street. The coverage width will be 50 feet left and right of the reference alignment.
 - b. California Street: Beginning at the centerline of 5th Street and extending 750 feet south to the centerline of 3rd Street. The reference alignment will be established on the existing alignment of California Street. The coverage width will be 40 feet left and right of the reference alignment.
2. Project Management: This item is expected to include meetings following the completion of the design of Phases 1 and 2, including progress meetings, public information meetings, implementation team meetings, CRC meetings and meetings with REA. A total of 36 meetings are included.
3. Regulatory Permits: An IDEM Rule 5 permit will be required due to land disturbances expected over 1 acre.
4. Side Path Design and Plans: This includes the design of the side path and the plan preparation and specifications required to construct the project.
 - a. The design will incorporate applicable bike and pedestrian safety features in accordance with the AASHTO Guide for the Development of Bicycle Facilities.
 - b. The design will maintain a minimum side path width of 10 feet unless space restrictions require portions to be narrower. Narrowed segments will be minimized to the greatest extent possible.
 - c. The side path and sidewalks will be designed in accordance with ADA regulations and State/Federal laws.
 - d. Cost estimates will be provided for up to two proposed materials or material combinations for the side path to assist the City in making final selection decisions.
5. Signal Modifications: The existing traffic signals at 5th Street and Brown Street and at 5th Street and Washington Street will require modification to accommodate the new path. This includes relocating or installing new pedestrian signalization and relocating or installing new traffic signalization.
6. Utility Coordination: The primary focus of utility coordination is to determine where there are potential conflicts between the proposed project and the utility's infrastructure. Once conflicts are determined, we will prioritize designing around these facilities. If avoiding the conflicts is not reasonable, we will coordinate the relocation of the facilities within the proposed right-of-way. We will proactively engage the utility companies located in the project limits and collaborate to deliver a successful project. Based on information provided by Indiana 811, the following utilities are present along the project corridor:
 - a. AT&T - Distribution (Communications)
 - b. Bartholomew County Commissioners (Fiber Optic)
 - c. Columbus City Utilities (Sewer & Water)

- d. Comcast - Columbus (Cable TV)
 - e. Duke Energy (Electric)
 - f. Eastern Bartholomew Water Co. (Water)
 - g. HRS Internet LLC, DBA Lightbound (Communications & Fiber Optic)
 - h. Indiana Fiber Network, LLC (Fiber Optic)
 - i. Smithville Telephone, Bartholomew County (Communications & Fiber Optic)
 - j. Vectren – Columbus (Gas)
 - k. Zayo Bandwidth (Fiber Optic)
7. Lighting Design and Plans: The side path will be lit in accordance with the City's desired lighting level and recommendations by the Illuminating Engineering Society's Lighting Handbook to provide the opportunity for nighttime use. A lighting system consistent with the side path theme will be incorporated into the entire length of the project.
 8. Bidding Services: It is expected that Phase 4 will be built as one bid package. This item includes the assembly of the contract documents for bidding, administration and distribution of contract documents to bidders, answering questions during the bid period and certifying the bid tabulations.
 9. Right-of-Way: It is unknown at this time what the preliminary design will reveal regarding the need for addition land. Therefore, the number of parcels that will be impacted along 5th Street and California Street is unknown. It is expected some land acquisition will be required. This proposal contains an allowance for title searches, right-of-way engineering and staking for up to 10 parcels. Land acquisition services will be completed by others.
 10. Landscape Architecture Landscaping design and site furnishings will be provided. Side path paving plans and material selection is included.

Exclusions:

1. The scope of this fee proposal does not include intersection improvements at the 2nd/3rd/State/Central intersection, considered Phase 5.
2. The scope of this fee proposal does not include design and plans for 3rd Street between Lafayette Avenue and California Street, identified as deleted Phase 3.
3. The scope of this fee proposal does not include a bike path from the intersection of McKinley Avenue and State Street, northeast to Wallace Avenue, east to Oak Street, and terminating at Indiana Avenue, identified as deleted Phase 2A.
4. The post-bid utility coordination will be handled by the City's work forces or by the construction inspection staff. If the City desires these services from UNITED, they will be additional services.
5. Land acquisition services.



CITY OF COLUMBUS
 5th Street and State Street Urban Streetscape Project
 from Mill Race Park to N. Mapleton Street
 Phases 1 and 2

UNITED Change Tracking Log

Item No.	Description	Deletion Estimated Design Cost	Addition Estimated Design Cost	Notes
1	New pedestrian crossing of Haw Creek	\$ (111,000)	\$ -	Deletion of separate pedestrian crossing of Haw Creek
2	Widen State Street bridge	\$ -	\$ 145,000	Utilization of the existing State Street bridge over Haw Creek by widening the existing structure.
3	Haw Creek hydraulic analysis	\$ (28,000)	\$ -	Deletion of separate pedestrian crossing of Haw Creek eliminated the need for the hydraulic analysis of Haw Creek
4	Geotechnical investigation	\$ (17,000)	\$ -	Deletion of separate pedestrian crossing of Haw Creek eliminated the need for geotechnical investigation
5	Permits IDEM 401, USACOE 404	\$ (1,500)	\$ -	Deletion of separate pedestrian crossing of Haw Creek eliminated the need for these permits
6	Traffic counting and intersection analysis	\$ -	\$ 6,600	Central Avenue investigation to help determine intersection treatment.
7	Route Modification	\$ (62,500)	\$ -	Delete 3rd Street from Lafayette Avenue to California Street
8	Route Modification	\$ (22,500)	\$ -	Delete McKinley bike route
9	Phase 1 Title Searches and R/W Engineering (4 parcels)	\$ -	\$ 12,000	Covers four needed parcels which were excluded from the original scope.
10	Phase 1 R/W Staking (4 parcels)	\$ -	\$ 2,000	Covers four needed parcels which were excluded from the original scope.
11	Phase 2 Title Searches and R/W Engineering (10 parcels)	\$ -	\$ 30,000	Covers ten needed parcels which were excluded from the original scope.
12	Phase 2 R/W Staking (10 parcels)	\$ -	\$ 5,000	Covers ten needed parcels which were excluded from the original scope.
13	Permits Phase 1 Rule 5 and INDOT RW	\$ -	\$ 18,500	Rule 5 and INDOT R/W permits needed which were excluded from original scope.
14	Permits Phase 2 Rule 5 and INDOT RW	\$ -	\$ 18,500	Rule 5 and INDOT R/W permits needed which were excluded from original scope.
15	Gateway survey	\$ -	\$ 7,000	Survey of gateway area.
16	Gateway design and plans	\$ -	\$ 22,300	Civil design of gateway area.
17	Update survey	\$ -	\$ 7,300	Additional survey to pick up modifications from INDOT's 2015 resurface project.
18	Additional meetings	\$ -	\$ 19,000	Through May 2017, 18 additional meetings
19	Bidding services Phase 2	\$ -	\$ 7,500	Only one bid package included in original scope
	Totals:	\$ (242,500)	\$ 300,700	

Balance of Changes: \$ 58,200

CITY OF COLUMBUS
 5th Street and State Street Urban Streetscape Project
 from Mill Race Park to N. Mapleton Street
 Phases 1 and 2

BDMD Change Tracking Log

Item No.	Description	<u>Deletion</u> Estimated Design Cost	<u>Addition</u> Estimated Design Cost	Notes
1	Separate pedestrian bridge; formliner selection, assist in selection of prefabricated superstructure	\$ (5,000)	\$ -	Deleted
2	Bridge railing design	\$ -	\$ 5,000	Design, documentation, bid support
3	Architectural vertical element design, lighting design coordination, Phase 1	\$ -	\$ 25,000	Design, documentation, bid support
4	3rd Street, Lafayette to California	\$ (15,000)	\$ -	Deleted; Rationale: roughly 1/3 of total length, represents 15% of total work, 50% complete.
5	Seat Walls	\$ (5,000)	\$ -	Deleted
6	Sculptural element 'Wave'	\$ -	\$ 7,000	Design, documentation, bid support
7	Vertical Elements Phase 1, Sculptural element 'Wave' Phase 2	\$ -	\$ 7,500	Structural analysis and recommendations (FRP)
8	Gateway Node	\$ -	\$ 15,000	Concept design thru construction documents, bid support
9	Marketing Piece (flyer for distribution)	\$ -	\$ 2,000	Scope discussed with H Pope 6/3/16
10	Meetings beyond contract allowance	\$ -	\$ 7,380	Through May 2017, 24 additional meetings
	Totals:	\$ (25,000)	\$ 68,880	

Balance of Changes: \$ 43,880

CITY OF COLUMBUS
 5th Street and State Street Urban Streetscape Project
 from Mill Race Park to N. Mapleton Street
 Phase 4

UNITED Supplemental Fees

Description	Fee
1 Survey	\$ 65,300
2 Project Management	\$ 46,900
3 Regulatory Permits	\$ 6,500
4 Side Path Design and Plans	\$ 292,900
5 Signal Modification, Washington, Brown	\$ 15,300
6 Utility Coordination	\$ 45,700
7 Lighting Design and Plans	\$ 43,700
8 Bidding	\$ 7,500
9 Title Searches and Right-of-Way Engineering ⁽¹⁾	\$ 30,000
10 Right-of-Way Staking ⁽¹⁾	\$ 5,000
Total:	\$ 558,800

(1) Allowance for 10 additional parcels (total of 24 on project)

CITY OF COLUMBUS
5th Street and State Street Urban Streetscape Project
from Mill Race Park to N. Mapleton Street
Phase 4

BDMD Supplemental Fees

Description	Fee
1 Data Collection and Existing Conditions Analysis	\$ 6,174
2 Preliminary Concept Design	\$ 1,908
3 Final Concept Design	\$ 6,872
4 Design Review	\$ 14,752
5 Construction Documentation (50% DD Level)	\$ 82,602
6 Construction Documentation (100% DD Level)	\$ 95,486
7 Bidding	\$ 4,080
8 Construction Contract Administration	\$ 18,350
9 Reimbursable Expenses	\$ 5,000
	Total: \$ 235,224

CITY OF COLUMBUS
5th Street and State Street Urban Streetscape Project
from Mill Race Park to N. Mapleton Street

Summary of Supplemental Fees

Description	Original Agreement and Supplement No. 1	Supplement No. 2	Revised Fee
Phases 1 and 2			
3rd Street from Lafayette Avenue to Central Avenue			
State Street from Central Avenue to Mapleton Street			
Side Path Design and Plans (UNITED)	\$ 517,000	\$ -	\$ 517,000
Landscape Architecture Services (BDMD)	\$ 200,000	\$ -	\$ 200,000
UNITED Addendums (page 8)	\$ -	\$ 58,200	\$ 58,200
BDMD Addendums (page 9)	\$ -	\$ 43,880	\$ 43,880
Phase 4			
5th Street from Mill Race Park to California Street			
California Street from 5th Street to 3rd Street			
Side Path Design and Plans UNITED (page 10)	\$ -	\$ 558,800	\$ 558,800
Landscape Architecture Services BDMD (page 11)	\$ -	\$ 235,224	\$ 235,224
TOTALS	\$ 717,000	\$ 896,104	\$ 1,613,104

RESOLUTION NO: 18-2016

RESOLUTION OF THE COLUMBUS REDEVELOPMENT COMMISSION
A
RECOMMENDATION TO THE COLUMBUS CITY COUNCIL
AND THE
BOARD OF WORKS AND PUBLIC SAFETY
A CHANGE TO THE STATE STREET REVITALIZATION PROJECT

Comes now the City of Columbus Department of Redevelopment, more commonly known as the City of Columbus Redevelopment Commission, and for this Resolution, says as follows:

WHEREAS, Indiana Code §36-7-14-1 *et seq.* provides that a community may establish a Department of Redevelopment to be controlled by a Redevelopment Commission; and

WHEREAS, the City of Columbus, through its Common Council, did on August 19, 2003 create the City of Columbus Department of Redevelopment and the City of Columbus Redevelopment Commission (“Redevelopment Commission”) by way of Ordinance Number 25, 2003; and

WHEREAS, on February 16, 2015 the Redevelopment Commission by way of Resolution #5-2015 recommend to the City Council of the City of Columbus that the Council should consider contracting with United Consulting of Indianapolis to perform engineering and design services to and for State Street from South Mapleton, across the State Street Bridge, down and along 3rd Street to Lafayette Street for a sum not to exceed Seven Hundred and Seventeen Thousand Dollars and Zero Cents (\$717,000.00).

WHEREAS, said design and services, in addition to other things, includes the extension of the People Trail system from South Mapleton, across the State Street Bridge and along Third Street to Lafayette Street.

WHEREAS, City Council considered the Recommendation on April 21, 2015 by way of Resolution 5-2015 and Recommended to the Mayor that she present said contract to the City of Columbus Board of Public Works and Safety for approval and execution. .

WHEREAS, the City of Columbus Board of Public Works and Safety considered the project and United’s contract and did execute a contract with United.

WHEREAS, since the entry into said contract United Consulting has performed as per the terms of the contract.

WHEREAS, the State Street Implementation Committee, a volunteer committee of interested residents and community leaders in conjunction with the City Engineer’s office have elected to modify the project by re-routing the People Trail after it crosses the State Street Bridge entering on to Third Street.

WHEREAS, the Redevelopment Commission, having heard from the State Street Implementation Committee and City Engineer, now Recommends to the City of Columbus Board of Public Works and Safety a modification to the route and thus design that re-routes the people trail project as follows:

Cross the State Street Bridge, continue down Third Street until reaching California Street, turn north on California and continue north until reaching Fifth Street, turn west on to Fifth Street and continue westerly to Mill Race Park.

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Columbus Redevelopment Commission having heard from the State Street Implementation Committee and Dave Hayward, City Engineer, regarding the recommendation to alter the route of the State Street Path and Sidewalk does believe said alteration will enhance the overall project and provide substantial benefit to the Community.

2. The City of Columbus Redevelopment Commission does hereby recommend to the City of Columbus Board of Public Works and Safety that the side path, sidewalk and People Trail design be modified and re-routed as follows:

Cross the State Street Bridge, continue down Third Street until reaching California Street, turn north on California and continue north until reaching Fifth Street, turn west on to Fifth Street and continue westerly to Mill Race Park;

That a change order be issued to also include:

- a) Add Survey of California Street from 3rd Streets to 5th Street;
- b) Remove 3rd Street design;
- c) Add "as-built" survey and drawings for State Street work; and
- d) Add such services as necessary to obtain right-of-way acquisition along the route as necessary.

3. The Redevelopment Commission does hereby recommend to the City of Columbus Common Council that it approve the Redevelopment Commission's expenditure of a amount NOT TO EXCEED Eight Hundred Ninety-Six Thousand One Hundred and Four Dollars and Zero Cents (\$896,104.00) where said funds shall be used exclusively for above described additions to the State Street Revitalization Project.

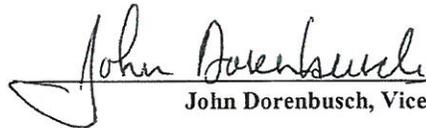
4. The Redevelopment Commission further states that it is NOT the contracting entity for this work, but rather recommends that the Common Council direct the contract be executed by and on behalf of the Columbus Board of Work and Public Safety and that the work likewise be administered as a public works project of the City of Columbus.

5. The Redevelopment Commission does hereby recommend that the Columbus City Council adopt this Resolution.

Adopted this 18th day of July, 2016.



Sarah Cannon, President



John Dorenbusch, Vice-President



Donald Trapp, Secretary