

In the Common Council Chambers of the Municipal Building held on April 20, 1983, at 7:45 P.M. with Council President Kathy Dilcher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
APRIL 20, 1983

Councilmembers present: Gross, Towell, Porter, Dilcher, Murphy, Olcott, Morrison, Service. Absent: Hogan (Ill)

ROLL CALL

Council President Dilcher gave the agenda summation.

AGENDA SUMMATION

Councilmember Olcott wished Chief Riley well and hoped for his rapid recovery.

MESSAGES FROM  
COUNCILMEMBERS

There were no messages from the Mayor.  
There were no petitions or communications from the public.

MESSAGES FROM THE  
MAYOR  
SECOND READING:  
ORDINANCE 83-20

By a unanimous voice vote, Ordinance 83-20 was moved to the beginning of the agenda. Olcott moved and Morrison seconded a motion to introduce and read Ordinance 83-20 by title only. Clerk Fernandes read the ordinance by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 83-20. Murphy read the committee report and synopsis.

Councilmember Morrison said the sole purpose of the Ordinance is to govern bicycle ice cream peddling in the city--that the current fees were enormous compared with those of other cities; Five dollars per day compared to the proposed \$25 for the first bike and \$5 for subsequent bikes per year was a significant difference.

Councilmember Olcott pointed out that there was a proposed amendment to Ordinance 83-20; Dilcher moved and Olcott seconded a motion to amend Ordinance 83-20 to add the word "only" before the word "ice cream"; The amendment received a unanimous voice vote of Ayes: 8; Nays: 0.

The ordinance as amended received a roll call vote of Ayes: 8, Nays: 0. Following the vote, Councilmember Morrison left the meeting. Olcott moved and Towell seconded a motion to introduce and read Ordinance 83-17 by title only. Clerk Fernandes read the ordinance by title only.

Olcott moved and Towell seconded a motion to adopt Ordinance 83-17. Murphy read the committee report and synopsis.

Towell moved to amend Ordinance 83-17 by adding Section III to authorize the Controller to pay interest on funds loaned by the Bloomington Utilities Department from the Water Utility funds in an amount not to exceed an annual rate of 5%. Murphy seconded; the amendment received a roll call vote of Ayes: 7, Nays: 0.

The ordinance as amended received a roll call vote of Ayes: 7; Nays: 0.

Olcott moved and Towell seconded a motion to adopt Ordinance 83-12; ORDINANCE 83-12  
Murphy read the committee report and synopsis.

There was no discussion; The Ordinance received a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Towell seconded a motion to adopt Ordinance 83-19; ORDINANCE 83-19  
Murphy read the committee report and synopsis.

There was no discussion. The Ordinance received a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Towell seconded a motion to adopt Ordinance 83-16; ORDINANCE 83-16  
Murphy read the committee report and synopsis.

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Service questioned whether the bicycle pedestrian path under discussion by the Planning Commission could be incorporated into the PUD proposal at this stage; she pointed out that a center section of the network would cross this tract of land.

Jesse Zurschmeide, Assistant Planning Director stated that the bicycle path is a Right of Way only, and the developer is not required to actually construct a path.

Frank Barnhart, attorney for the Petitioner, stated that the petitioner has no objection to granting such a right of way; however, this stage of planning will provide for preliminary approval of the plans only; the city is not waiving any right to request such dedication of right of way, but as the exact location of the plans and path are not set, the petitioner can not assure with certainty the exact location. He said that preliminary approval of the plan is in no way a waiver of the city's right to request dedication at the final approval stage.

Service stated she would like to see some type of formal approval at this stage.

Frona Powell, council attorney, stated that in the past when an approval was conditioned upon the construction or grant of right of way for sidewalks, the record shows the consent of the petitioner and written consent was obtained from the petitioner for the record.

Towell specifically asked the Petitioner's attorney to "consent", for the record, to the grant of right of way for the pedestrian/bicycle path.

The Petitioner, through her attorney Frank Barnhart, consented and stipulated to the dedication of a thirty foot right of way for the pedestrian/bike path (an overall city plan for which will be submitted to the council at a later date by the planning commission), the exact site to be determined at a later planning stage. The petitioner further agreed to execute a written consent to the dedication.

With that condition, the ordinance received a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Towell seconded a motion to introduce and read Ordinance 83-6 by title only. Clerk Fernandes read the ordinance by title only. Murphy read the committee report and synopsis.

ORDINANCE 83-6

Towell stated that five member boards and commissions thwart the need for large citizen input and that the city needs to represent the variety of citizen needs; he suggested that those Boards now having five members be increased to seven, with four members appointed by the Mayor and three by the common council; Towell moved that Ordinance 83-6 be amended to increase the Human Rights Commission, Commission on the Status of Women, and Human Resources Commission from five members to seven. Service seconded the amendment. Service said she agrees with the proposed amendment because five members is not always a workable number, since three members would constitute a quorum, and this may not be representative of the community.

Gross said she disagreed--there is nothing magical about the number five; some commissions and boards work quite well with five members, and if those boards and commissions need more help, they can invite other citizens to participate through task forces, or special committees. Further, the commission members themselves approved the proposed numbers.

Towell said the commission members merely acquiesced to the numbers, but did not generate the numbers that were proposed.

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Olcott said all boards and commissions have problems with larger numbers of members. If many people serve on a board, it becomes unwieldy. A smaller number is easier to handle, and there is plenty of opportunity for the public to be heard and speak out on issues.

The amendment received a roll call vote of Ayes: 4; Nays: 3. The amendment to increase the membership on the Human Resources Commission was subsequently deleted as a clerical error since the Ordinance provided a membership of nine rather than five.

Service moved that Ordinance 83-6 be further amended to provide that Section 2.08.202(2) of the Ordinance be amended to delete the sentence "In the event the appointing authority intends to reappoint a member to succeed him/herself, the provisions of BMC 2.02.020 for notification to the media of the vacancy are not applicable." Towell seconded.

Service said that she believes all vacancies should be re-advertised and that a provision that allows an incumbent to be automatically reappointed without readvertisement creates self-perpetuating boards which could be unfortunate.

Dilcher commented that the City Clerk thinks some applicants are disappointed when they apply and an incumbent is reappointed without interviews. Service replied that she thinks all applicants, including incumbents, should be interviewed by the council prior to appointment--that this is a good way to get to know those people serving on boards and commissions.

The amendment received a roll call vote of Ayes: 7, Nays: 0.

Service moved that Ordinance 83-6 be further amended to delete Paragraph (4) of Section 2.12.040 Electrical Examination and Registration Board which provides that members receive five dollars for each session in which examinations or hearings are conducted. Service said she does not believe in compensating members of boards and commissions when that is possible.

Olcott asked what happens if the city can't find anyone to take the job.

Gross asked why this provision for compensation is in the Ordinance--is this compensation for the proctoring of an exam? Betty Merriman, City Controller, said she believed so.

Towell seconded the amendment. The amendment was defeated by a roll call vote of Ayes: 2;(Service, Porter), Nays: 5

Murphy moved and Towell seconded that Ordinance 83-6 be further amended to add to Section 2.09.030 and 2.17.030 the provision that (The Board of Public Works and the Board of Public Safety) "shall have the authority to allow and approve claims." Murphy explained that the amendment would state specifically the power that the Boards have been exercising, since the State Board of Accounts requires a specific grant of authority to approve claims. The amendment received a roll call vote of Ayes: 7, Nays: 0.

Murphy moved and Olcott seconded that Ordinance 83-6 be further amended to provide that Section 2.22.020(1) read as follows: "Mileage Allowance. In all instances where city employees use their own vehicles in city affairs and work, other than traveling from their home to their place of work and from their place of work to home, such employee shall be entitled to an allowance in such amount as authorized and approved by the State Board of Accounts." The amendment received a roll call vote of Ayes: 7, Nays: 0.

Ordinance 83-6, as amended, received a roll call vote of Ayes: 7, Nays: 0.

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Olcott moved and Towell seconded a motion to introduce and read Ordinance 83-15 by title only. Clerk Fernandes read the ordinance by title only.

ORDINANCE 83-15

Olcott moved and Towell seconded a motion to adopt Ordinance 83-15. Murphy read the committee report and synopsis.

There was no discussion. The Ordinance received a roll call vote of Ayes: 7, Nays: 0.

Olcott moved and Towell seconded a motion to introduce and read Resolution 83-18 by title only. Clerk Fernandes read the Resolution by title only.

RESOLUTION 83-18

Olcott moved and Towell seconded a motion to adopt Resolution 83-18. Murphy read the synopsis; there was no committee report.

The Resolution received a roll call vote of Ayes: 7, Nays: 0.

The following ordinances were introduced for first reading by title only by councilmember Olcott and seconded by Towell. Clerk Fernandes read the ordinances by title only.

INTRODUCTION OF ORD.  
FOR FIRST READING  
ORD. 83-21  
ORD. 83-22

Ordinance 83-21 An Ordinance to Amend Title 15 Entitled "Vehicles and Traffic", and To Amend Schedule M.  
Ordinance 83-22 To Establish an Enforcement Aid Cash Fund.

Olcott asked whether it would be necessary to have a committee meeting next Wednesday; Frona Powell said there are two ordinances and three inducement resolutions on the agenda. Olcott said he thinks the ordinances and resolutions are fairly straightforward and Towell agreed. Service said she would prefer committee discussion on the issues so she knows what to look for at the following council meeting. Porter said he didn't care. Members agreed to have the staff poll them at a later date about the meeting.

The minutes of April 6, 1983, were approved by a voice vote.

The meeting adjourned at approximately 8:45p.m.

ATTEST:

APPROVE:

Susan Fernandes  
Susan Fernandes, Deputy Clerk

Katherine Dilcher  
Katherine Dilcher, President  
Bloomington Common Council