



Packet Related Material

**Memo
Agenda
Calendar**

Notices and Agendas:

Special Session on Wednesday, December 10th

Legislation for Final Action at Special Session on Wednesday, December 10th:

App Ord 03-12 To Specially Appropriate from the Parking Enforcement Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Parking Ticket Appeals Software)

(Please see the November 14th packet for summary and materials)

Contact: Susan Clark at 349-3416 or clarks@city.bloomington.in.us

Regina Moore at 349-3408 or moorer@city.bloomington.in.us

Ord 03-37 To Amend the Bloomington Zoning Maps from Q to PUD and to Adopt the Preliminary Plan for the Southern Indiana Medical Park II Planned Unit Development - Re: 2401 West Tapp Road (Southern Indiana Medical Park II, LLC, Petitioners)

(Please see the November 25th packet for summary and materials)

Contact: Jim Roach at 349-3527 or roachja@city.bloomington.in.us

Ord 03-34 To Approve a Lease Between the City of Bloomington Redevelopment Commission and Mercury Development Group, LLC- Re: Register Parking Garage

(Please see the November 14th packet for summary and materials)

Contact: Vickie Renfrow at 349-3557 or renfrowv@city.bloomington.in.us

Tom Guevara at 349-3412 or guevarat@cityl.bloomington.in.us

Legislation and Background Material for Discussion at the Committee of the Whole Immediately Following the Special Session:

Res 03-31 A Resolution Expressing Support for the McDoel Switchyard and Rail Corridor Acquisition and Trail Project

- Memo from John Fernandez; Map of Parcels (Exhibits A-1 through A-4); Summary of Project Remediation; (Volume 1 of the Phase II Environmental Site Assessment for McDoel Switchyard and Corridor, and the Phase 1

Environmental Site Assessment for the Indiana Railroad Project are Available in the Council Office)

Contact: Susan Failey at 349-3553 or faileys@city.bloomington.in.us

Ord 03-38 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Modifying Bryan Park Parking Restrictions; Prohibiting Overnight Parking at Parks and Recreation Parking Lots and Authorizing the Towing of Vehicles for Such; and, Expanding Shared Parking)

(Please see the November 25th packet for summary and materials)

Contact: James McNamara at 349-3406 or mcnamarj@city.bloomington.in.us

Ord 03-39 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" - Re: Amending Section 2.22.030 (Employee Services Department) In Order to Conform the Schedule of Credited Paid Time Off and Residency Requirements to Current Practice

(Please see the November 25th packet for summary and materials)

Contact: Daniel Grundmann at 349-3578 and grundmad@city.bloomington.in.us

Ord 03-40 To Amend Ordinances which Fixed the Salaries of Appointed Officers and Employees of the Civil City (Ordinance 03-20) And Utilities Department (Ordinance 03-21) for the Year 2004 - Re: Civilian positions in the Fire, Community and Family Resources, Parks and Recreation, and the Accounting (Utilities) Departments

(Please see the November 25th packet for summary and materials)

Contact: Daniel Grundmann at 349-3578 and grundmad@city.bloomington.in.us

Minutes from Special Session on:
September 10th, 2003

Memo

Chair of Meeting: Councilmember Mayer

Three Items Ready for Final Action at Special Session and Four Items Ready to be Discussed at Committee of the Whole on Wednesday, December 10th

The Council will be taking final action on three items at a Special Session and then discussing four items at a Committee of the Whole on Wednesday, December 10th. All but one of these items can be found in the November 14th and November 25th packets. All of them are briefly noted in the following paragraphs and the one new item (Res 03-31) is summarized further in the memo and included in this packet.

Special Session - Items Ready for Final Action

App Ord 03-12 Appropriating Approximately \$14,300 to Acquire an Online Appeals Program for Parking Tickets

Ord 03-37 Rezoning 102 Acres of Land on Tapp Road from Quarry to PUD and Approving Preliminary Plan for Mixed Uses (Southern Indiana Medical Park II - Dr. Kamal Tiwari, Petitioner)

Note: After meeting with Councilmember Rollo and staff, the petitioner has submitted a letter requesting the denial of this petition this evening in order for him to refile a modified petition by the December 15th deadline for hearing at the Plan Commission on January 12th.

Ord 03-34 Approving Lease Between Redevelopment Commission and Mercury Development Group, LLC Regarding the Register Garage

Committee of the Whole - Items Ready for Discussion

Res 03-31 Expressing Support of the Acquisition of Land for the McDoel Switchyard and Rail Corridor

Ord 03-38 Amending Title 15 (Vehicles and Traffic) of the BMC – Section 15.40 (Municipal Lots and Garages); Section 15.48 (Emergency Removal and Impoundment of Vehicles); and Section 15.64 (Violations and Penalties)

Ord 03-39 Amending Section 2.22.030 of the BMC to Conform Paid Time Off Chart and Residency Requirements to Current Practice

Ord 03-40 Amending the 2004 Salary Ordinances for the Civil City (Ord 03-20) and the Utilities Department (Ord 03-21)

Res 03-31 Supporting the Acquisition of the McDoel Switchyard and Railroad Corridor for Development of Bicycle, Pedestrian, and Park Facilities

Res 03-31 wraps up the work of the Fernandez Administration and this Council on the acquisition of the McDoel Switchyard and railroad corridor and its conversion into a trail and park uses. As you all have heard before, this project will move the switchyard out of the center city, eliminate over a dozen rail crossings, and install bicycle and pedestrian facilities that will connect with existing ones on the north and south as well as to neighborhoods on both the east and west. The resolution expresses support for this project and is accompanied by a memo, maps, and other background material from the Mayor that summarize the plan for acquiring this land and ask for the Council's support.

Past Actions

Before summarizing the plan for acquiring this land, it would be useful to remind the Council of actions you have already taken on this project at the request of the Mayor. They include:

- Amending the Growth Policies Plan by approving the Alternative Transportation and Greenways System Plan (Res 01-24 - October 2001), which maps a network of pedestrian ways throughout the community and includes this project;
- Authorizing the pursuit of a \$48,500 Brownfields grant from Indiana Development Finance Authority (Res 01-20 - August 2001) to perform a Phase I and II environmental assessment of the site

Please note that the City has retained Bruce Carter Associates to do this work (copies of two reports are available in the Council Office) and John Kilmer will be at the meeting on December 10th to answer any of your questions;

Also, please note that the City is seeking two Brownfields grants from the EPA to help remediate this area. These grants are worth a maximum of \$200,000 each and will be decided upon in March of 2004.

- Broadening the purposes of the Westside Fund (Ord 01-40 - November 2001) and then authorizing the expenditure of \$200,000 (Res 01-25 - November 2001) for legal work and the pursuit of funds for this project

As noted in the Mayor's memo, the City was successful in obtaining a potential \$5.4 million in Federal Highway Administration funds to acquire the land and build the first phase of the trail. The grant requires a 20% match of local dollars (roughly \$1.35 million) and goes through the Indiana Department of Transportation, which will dictate the procedures we use to acquire the land.

Acquisition of Land from Two Railroads and in Stages

The plan calls for the Redevelopment Commission to acquire approximately 85 acres of land from CSX Transportation, Inc. and the Indiana Rail Road Company for this project. These acres lie like a walking stick down the center city with the handle at Adams Street on the north and the base extending below Country Club Drive on the south.

CSX - Acquisition in 3 Stages. Most of these acres (approximately 70) are owned by CSX either outright (40 acres) or as a rail easement (30 acres) and will be acquired in 3 stages due to environmental concerns.

The first stage of acquisition includes all of the acres in the rail corridor and 3 small parcels on the edge of the switchyard. (Please see Exh A-1 through A-4). The 3 small parcels (see Exh A-3 - Parcels 2, 3 &4) will be purchased outright and the land within the easement will be placed in a "railbank" as provided for in federal regulations. This "rail banked" land may be repurchased at a later date for reuse by a rail service and must not be developed in a manner that would significantly interfere with the potential use. The area in this stage is contaminated with coal ash and cinder, which will mostly be covered with clean soil or pavement when the trail is constructed.

The second stage of acquisition includes the 17 acre, former Indiana Woodtreating Company creosote site, which is at the south end of the switchyard and extends south of Country Club Drive (See Exh A-4). This site is currently under a Voluntary Remediation Program overseen by the Indiana Department of Environmental Management. The City would like to acquire the land in this stage for trail and park uses and would buy it if the remediation and allowed uses were acceptable to the City.

The third stage of acquisition includes the remaining 23 acres of the switchyard (See Exh A-3). It contains coal ash, cinder, and some petroleum products, and the City will decide upon purchasing it once the costs of remediation are known.

Indiana Railroad Property. The City also intends to buy 12 acres of land from the Indiana Rail Road Company, which runs along the west side of the corridor from Country Club Drive and north to Rogers Street. It will provide a good link to the neighborhoods and trails to the west of this project. The Redevelopment Commission recently agreed to purchase this land with \$350,000 of TIF funds and subject to the approval of INDOT.

Funding for Purchase of Switchyard and Corridor and Construction of Phase 1 of the Trail

According to a conversation with Susan Failey, Assistant City Attorney, the cost for acquiring the land from CSX and building the first phase of the trail should be about \$6.38 million, and the cost for acquiring the land alone should approach \$4.6 million. As noted earlier in this memo, INDOT will provide up to \$5.4 million in Federal Highway Administration funds towards this project as long as the City contributes 20% of the total cost and complies with other state regulations regarding the acquisition of land and other aspects of this project. The City's acquisition of the adjoining Indiana Rail Road property and other preliminary investments should provide the necessary contribution for this project.

Schedule for Acquisition of Stage 1 and Construction of Trail

As the memo from the Mayor notes, Ratio Architects has been working with a steering committee and citizens in the process of preparing a master plan for the use of this facility. Once that is complete and assuming all goes well with the state approvals, the memo anticipates closing on the purchase of stage 1 sometime in early 2004 and commencing construction on the trail sometime in late 2004.

Moving of Switchyard

The Indiana Rail Road Company will take over rail service operations from CSX by the end of the year and will renovate an area known as Hunter Siding (north of Kohls on the west side) to handle up to 50 cars and provide additional storage areas in Indianapolis.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
COMMITTEE OF THE WHOLE AND SPECIAL SESSION
7:30 P.M., WEDNESDAY, DECEMBER 10, 2003
COUNCIL CHAMBERS
SHOWERS CENTER, 401 N. MORTON**

SPECIAL SESSION

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. APPROVAL OF MINUTES FOR:** Special Session, September 10, 2003
- IV. APPOINTMENTS TO BOARDS AND COMMISSIONS**
- V. COMMITTEE REPORTS**
- VI. LEGISLATION FOR FINAL ACTION**

1. Appropriation Ordinance 03-12 To Specially Appropriate from the Parking Enforcement Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Parking Ticket Appeals Software)

11/19/03	Committee Recommendation:	Do Pass	7 – 0 – 1
12/3/03	Motion to postpone until December 10, 2003		9 – 0

2. Ordinance 03-37 To Amend The Bloomington Zoning Maps from Q to PUD and to Adopt The Preliminary Plan for the Southern Indiana Medical Park II Planned Unit Development – Re: 2401 West Tapp Road (Southern Indiana Medical Park II, LLC, Petitioners)

12/3/03	Motion to consider at the Special Session December 10, 2003	9 – 0
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3. Ordinance 03-34 To Approve A Lease Between the City of Bloomington Redevelopment Commission and Mercury Development Group, LLC – Re: Register Parking Garage

11.19/03	Committee Recommendation:	Do Pass	5 – 0 – 3
12/3/03	Motion to postpone until December 10, 2003		7 – 2

VII. ADJOURN *(and immediately reconvene for the following meeting)*

COMMITTEE OF THE WHOLE

Chair: Timothy Mayer

1. Resolution 03-31 A Resolution Expressing Support for the McDoel Switchyard and Rail Corridor Acquisition and Trail Project

Asked to Attend: Susan Failey, Assistant City Attorney

2. Ordinance 03-38 To Amend Title 15 of The Bloomington Municipal Code Entitled “Vehicles and Traffic” (Modifying Bryan Park Parking Restrictions; Prohibiting Overnight Parking at Parks and Recreation Parking Lots and Authorizing the Towing of Vehicles for Such; and, Expanding Shared Parking)

Asked to Attend: James McNamara, Deputy Mayor

3. Ordinance 03-39 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Section 2.22.030 in Order to Conform the Schedule of Credited Paid Time Off and Residency Requirements to Current Practice

Asked to Attend: Dan Grundmann, Director of Employee Services

4. Ordinance 03-40 To Amend Ordinances Which Fixed the Salaries of Appointed Officers and Employees of the Civil City (Ordinance 03-20) and Utilities (Ordinance 03-21) Departments for the Year 2004 – Re: Civilian Positions in the Fire, Community and Family Resources, Parks and Recreation, and the Accounting (Utilities) Departments

Asked to Attend: Dan Grundmann, Director of Employee Services
Mick Renneisen, Director of Parks and Recreation

City of
Bloomington
Indiana

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



Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
e-mail: council@city.bloomington.in.us

To: Council Members
From: Council Office
Re: Calendar for the Week of
December 8, 2003 – December 12, 2003
Date: December 5, 2003

Monday, December 8, 2003

4:00 pm Commission on the Status of Black Males, McCloskey
4:30 pm Plat Committee, Hooker Room
5:30 pm Plan Commission, Council Chambers

Tuesday, December 9, 2003

8:00 am Corporation for Capital Improvements and Attractions, Hooker Room
12:00 pm Housing Network, IU Research Park – 501 North Morton Street
1:00 pm – 3:00 pm Office Hours with Senator Bayh's Office, McCloskey
1:30 pm Development Review Committee, Hooker Room
5:30 pm Bloomington Community Arts Commission, Kelly
5:30 pm Public Transportation Corporation Board, Transit Center – 130 West Grimes Lane
7:00 pm Mayor's Civic Engagement Award Ceremony and Reception, Council Chambers

Wednesday, December 10, 2003

4:00 pm Bloomington Housing Quality Appeals, McCloskey
7:30 pm Common Council – Special Session, Chambers
immediately followed by
Common Council – Committee of the Whole, Chambers

Thursday, December 11, 2003

3:30 pm Bloomington Historic Preservation Commission, McCloskey
4:00 pm Solid Waste Management District, SWM Facilities – 3400 Old SR 37

Friday, December 12, 2003

1:00 pm Metropolitan Planning Organization – Policy Committee/Technical Advisory Committee



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

MEETING NOTICE

**THE COMMON COUNCIL WILL HOLD A SPECIAL
SESSION ON DECEMBER 10, 2003, AT 7:30 P.M.**

**THE SPECIAL SESSION WILL BE IMMEDIATELY
FOLLOWED BY A PREVIOUSLY SCHEDULED
COMMITTEE OF THE WHOLE MEETING.**

**BOTH MEETINGS WILL BE HELD IN THE
COUNCIL CHAMBERS, LOCATED AT 401 NORTH
MORTON STREET.**

Posted and Distributed: December 5, 2003

RESOLUTION 03-31

A RESOLUTION EXPRESSING SUPPORT FOR THE MCDOEL SWITCHYARD AND RAIL CORRIDOR ACQUISITION AND TRAIL PROJECT

- WHEREAS, CSX Transportation, Inc. (CSX) owns land in Bloomington between Grimes Lane and Country Club Drive known as the McDoel Switchyard (Switchyard), and has a rail easement for use of the rail corridor that runs north from the Switchyard through downtown Bloomington to Adams Street; and
- WHEREAS, the rail corridor through Bloomington crosses 13 streets at grade, impacts pedestrian and traffic safety, and impedes development of east-west street connections in the southwest portion of Bloomington; and
- WHEREAS, CSX has decided to cease its rail operations in Bloomington and intends to sell the Switchyard and its interest in the rail corridor through downtown Bloomington; and
- WHEREAS, CSX and The Indiana Rail Road Company (INRR) intend to enter into a contract whereby INRR will provide rail service to the General Electric plant on Curry Pike and will not need to use the rail corridor through downtown to provide this service; and
- WHEREAS, CSX is willing to sell the Switchyard in fee simple to the City of Bloomington, and also to sell to the City its interest in the rail corridor subject to an agreement whereby the rail corridor will be “railbanked” so that it is not abandoned, remains within the national rail system, and may be repurchased by a rail service provider in the future from the City for re-use as a rail line; and
- WHEREAS, the City wishes to acquire the rail corridor for development as a bicycle and pedestrian trail through Bloomington that will link to the City’s original rail-trail and the Clear Creek Trail to the south, will provide connection points to neighborhoods along its route, and will create an alternative transportation route into the downtown and a recreational trail to serve all persons in the area; and
- WHEREAS, the City also intends to acquire a section of rail corridor from Country Club Drive to Rogers Street owned by INRR in fee simple immediately west of the McDoel Switchyard, for development of a trail spur to the Indiana Enterprise Center, the former Thomson Consumer Electronics site; and
- WHEREAS, the City has obtained a grant from the Indiana Department of Transportation (INDOT) of Federal Highway Administration (FHWA) funds in an amount not to exceed \$5,400,000 for acquisition of the Switchyard and rail corridor and construction of the first phase of the trail, which grant requires a 20% match of local funds in an amount not to exceed \$1,350,000, so that the total project cost is \$6,750,000; and
- WHEREAS, the Redevelopment Commission will be the City commission that acquires the Switchyard and rail corridor, and it has made expenditures from the Thomson Walnut Winslow TIF fund for the surveys, title insurance, appraisals, and similar project-related expenses, and intends to purchase the INRR corridor using TIF funds, which expenditures will count towards the 20% match in local funds required by the INDOT grant; and
- WHEREAS, the City has also obtained a grant of approximately \$48,000 from the Indiana Development Finance Authority (IDFA) to conduct environmental evaluation of the Switchyard and corridor, and has retained Bruce Carter Associates, environmental consultants, to conduct Phase I, Phase II, and post-Phase II testing to determine the nature and extent of environmental contamination in the Switchyard and CSX and INRR rail corridors; and
- WHEREAS, the City has obtained a preliminary appraised value of the Switchyard and rail corridor of \$4,620,000 for the approximately 73 acres CSX wishes to sell to the City, which value must still be applied to the final land amounts as shown in the final survey, reviewed by a review appraiser and approved by INDOT before the City is authorized to make an offer to purchase the land; and

WHEREAS, the City intends to purchase the land from CSX in three parts, with the first part being the rail corridor and several small parcels at the north end of the Switchyard, the second part being the former creosote plant at the south end of the Switchyard currently being remediated by CSX, and the third part being the central portion of the Switchyard; and

WHEREAS, the City has retained Ratio Architects to develop a conceptual master plan for the Switchyard and rail corridor showing future development possibilities and recommendations for the Switchyard and rail corridor for park uses as well as the trail; and

WHEREAS, the acquisition and redevelopment of the Switchyard and rail corridor into a trail and park will significantly enhance Bloomington by providing an attractive amenity and increasing opportunities for economic development, downtown revitalization, tourism, recreation, traffic mitigation and improved safety.

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

The Common Council hereby expresses its support for the Redevelopment Commission's acquisition of the McDoel Switchyard and rail corridor from CSX and the INRR corridor between Country Club Drive and Rogers Street from The Indiana Rail Road Company, and their redevelopment as bicycle and pedestrian trails and for park purposes.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

CHRIS GAAL, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

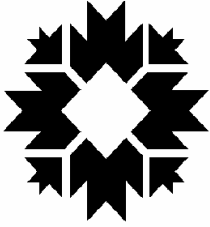
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This resolution supports the Redevelopment Commission's purchase of the McDoel Switchyard and rail corridor from CSX for redevelopment as a bicycle/pedestrian trail and for park purposes.



**CITY OF BLOOMINGTON
OFFICE OF THE MAYOR
MEMORANDUM**

TO: Members of the Common Council

FROM: John Fernandez, Mayor

RE: Resolution 03-31 In Support of the McDoel Switchyard and Rail Corridor Purchase

DATE: December 2, 2003

I am pleased to present to the Council Resolution 03-31, a resolution in support of the acquisition and redevelopment of the McDoel Switchyard and rail corridor. As you know, the City proposes to acquire CSX's McDoel Switchyard, located roughly between Country Club Drive and Grimes Lane, and CSX's rail corridor extending north from the Switchyard through downtown to Adams Street for construction of a bicycle and pedestrian pathway. This path will provide an alternative transportation link between downtown and neighborhoods to the south, west and north; will create recreational opportunities for Bloomington-area residents; and will enhance economic development and tourism in the area. The project has been underway for several years. As we near the final stages of land acquisition, I want to provide the Council and the public with an overview of the various aspects of the project.

Land Purchase from CSX and Environmental Status

The City, through its Redevelopment Commission, proposes to purchase approximately 70 acres from CSX for this project. The land will be acquired in stages, with the first stage consisting of the rail corridor ("Corridor") and three fee simple parcels in the northern portion of the Switchyard labeled Parcels 2, 3 and 4 on page 3 of the attached map. (The entire Corridor is labeled Parcel 1.) The Corridor contains approximately 30 acres and consists of all the property currently under track between Country Club Drive and Adams Street. Because CSX's predecessors obtained the right to use most of this land pursuant to a rail easement rather than fee simple ownership, this property will be railbanked for future rail use, as described below. The Corridor property contains some coal ash and cinder that will require coverage with clean soil or paving, but much of this remediation can be handled during trail construction. The trail will be built on this part of the property.

The second stage of land acquisition will consist of the former Indiana Woodtreating Company creosote site containing about 17 acres at the south end of the Switchyard. A CSX affiliate, L&N Investment Corp., owns this land in fee simple. About half of this property lies south of Country

Club Drive. CSX has enrolled this property in the Indiana Department of Environmental Management's (IDEM) Voluntary Remediation Program (VRP) and has been performing creosote remediation on it for a number of years. CSX is currently preparing its Remediation Work Plan for submittal to IDEM. The City's environmental consultant, John Kilmer of Bruce Carter Associates, has been closely following CSX's development of its proposed Remediation Work Plan and advising the City on environmental issues related to this property. The City has informed CSX of its intended uses for this property (north of Country Club: parking, paved trail, undisturbed land; south of Country Club: full range of park uses) and proposes to buy this property only if the Remediation Work Plan and proposed property restrictions approved by IDEM are acceptable to the City. CSX would bear the costs of completing the creosote remediation.

The third stage of property to be purchased will consist of the remainder of the Switchyard, containing about 23 acres. CSX owns this land in fee simple. This property is the central-eastern section of the Switchyard from about Coolidge Drive on the south to Southern Drive on the north. It contains the former roundhouse and rail maintenance sheds. This property contains coal ash and cinder and residual petroleum that would likely need to be adequately covered with clean soil or removed to allow use for park purposes. The City will decide whether or not to purchase this property after it has obtained detailed estimates of the cost of remediation.

John Kilmer of Bruce Carter Associates will attend the December 10 meeting to provide information about the Phase I and II environmental evaluations and probable remediation needs on the property. A summary of his findings from the Phase II is attached as "Bloomington McDoel Yard Project Summary."

Remediation Grant Application

The City is applying for a grant through the federal Environmental Protection Agency (EPA) brownfields program for funding to assist in paying remediation costs for the Switchyard and Corridor properties. The application is due this week and awards will be announced in March, 2004. This grant program can award up to \$200,000 per site, with the Switchyard and Corridor being considered separate sites.

Abandonment of Rail Uses and Railbanking

CSX has applied for and received approval from the federal Surface Transportation Board (STB) to cease rail use on the line. The approval also authorizes CSX to enter into a railbanking agreement with the City for the Corridor property. Entry into a railbanking agreement means that this portion of the property will not be abandoned for rail purposes. Instead, it will be retained in the national rail system and may be reactivated for future rail use by any railroad company that plans to use it for common carrier service. In order to reactivate the line for rail use, a railroad would have to repurchase the line from the City. The railbanked property must be used by the City for trail purposes but can also include other uses that would not significantly interfere with future rail use, such as roads, drainage, parking and landscaping. Entry into a railbanking agreement after STB approval overrides any state law claim that adjoining property owners may have to a reversion of the rail line after rail use ceases.

Indiana Rail Road Property

The City also proposes to purchase a rail corridor owned by The Indiana Rail Road Company (INRR) immediately west of the McDoel Switchyard. This line runs from Country Club Drive to Rogers Street and contains about 12 acres. INRR owns it in fee simple. The appraised value (subject to INDOT approval) is \$350,000. The City intends to purchase this land using funds from the Thomson Walnut Winslow TIF account and apply the purchase towards the required match for the INDOT grant (see below). The Redevelopment Commission approved this purchase at its December 1, 2003 meeting and a purchase offer will be made as soon as INDOT authorizes it. Acquisition of this property will allow its development as a spur of the trail to the Indiana Enterprise Center and neighborhoods in the vicinity.

INDOT Funding for Purchase Price

The Indiana Department of Transportation (INDOT) has agreed to provide funding in Federal Highway Administration (FHWA) funds of up to \$5.4 million to acquire the land from CSX and build the first phase of the trail. The City is required to match 20% of the FHWA funds with local money, bringing the total project cost for land acquisition and the first phase of trail development to an amount not to exceed \$6,750,000 and making the City's 20% share equal \$1,350,000. In addition to the INRR purchase price, many of the expenses the City has incurred to date for the CSX purchase will be counted towards this match (survey, appraisals, environmental evaluation and title insurance).

The City must follow INDOT and FHWA land acquisition requirements in buying the land. An appraisal and review appraisal must be obtained and submitted to INDOT for approval. Once INDOT has approved the fair market value of the land, the City may make an offer to purchase. It is not authorized to enter into any agreement for land purchase prior to INDOT approving the fair market value. The preliminary appraised value of all the land (subject to review appraisal and INDOT approval) is \$4,620,000 based upon 73.5 acres. This amount could change slightly based upon the final surveyed acreage, the review appraisal and INDOT approval.

Ratio Architects Master Plan

The City has retained Ratio Architects to complete a master plan for the Switchyard and Corridor. A citizen steering committee advised Ratio throughout the process, and Ratio conducted interviews with numerous persons who would be affected by the project. The master plan will incorporate analysis and evaluation of the opportunities and constraints of the development of public park facilities in the Switchyard and a multi-use paved trail along the Corridor. The evaluation will include the history of uses for the Switchyard and Corridor, environmental assessment, floodway and floodplain restrictions, establishing trail corridor character districts, developing a conceptual trail section design, evaluating feasible linkages, trailheads and access points, roadway connections and at-grade crossings, utilities, and environmental remediation. The final plan will also record public comment received from two open houses and other methods, and the observations of steering committee members. Finally,

the master plan will recommend some preferred approaches, suggested timelines, and conceptual cost opinions.

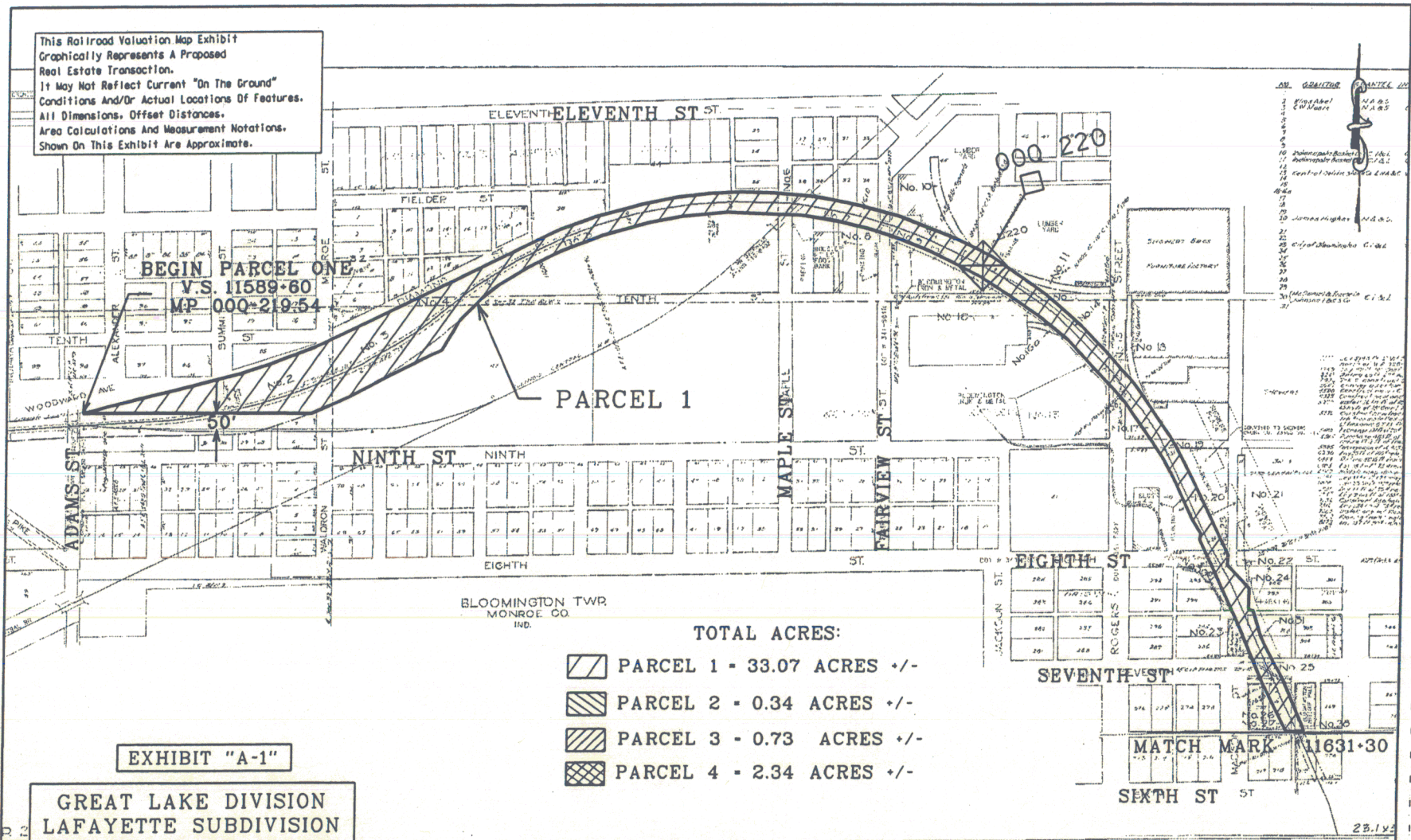
Alternate Rail Facilities

The Indiana Rail Road Company will take over rail service to the Bloomington area when CSX ceases its operations here later this month. INRR will renovate the Hunter Siding, north of the Kohls parking lot on the northwest side of Bloomington, for storage of up to 50 cars that will serve the GE plant. Additional car storage will be maintained at INRR's Indianapolis facility.

Next Steps

The appraisal and review appraisal for the CSX property are expected to be completed this week and turned in to INDOT for approval. After INDOT approves the purchase price, the Redevelopment Commission will approve issuance of a purchase offer to CSX for the first stage of land to be acquired and the final purchase terms will be negotiated, with an anticipated closing on the purchase of the Corridor in late February or early March, 2004. Design of the first phase of trail construction is expected to begin in early 2004 with final plans submitted to INDOT in the late summer. INDOT will put the project out to bid and award the construction contract, with an anticipated start of construction in late 2004.

This Railroad Valuation Map Exhibit Graphically Represents A Proposed Real Estate Transaction. It May Not Reflect Current "On The Ground" Conditions And/Or Actual Locations Of Features. All Dimensions, Offset Distances, Area Calculations And Measurement Notations, Shown On This Exhibit Are Approximate.



BEGIN PARCEL ONE
V.S. 11589-60
MP 00Q-219-54

PARCEL 1

BLOOMINGTON TWP.
MONROE CO.
IND.

TOTAL ACRES:





-  PARCEL 1 - 33.07 ACRES +/-
-  PARCEL 2 - 0.34 ACRES +/-
-  PARCEL 3 - 0.73 ACRES +/-
-  PARCEL 4 - 2.34 ACRES +/-

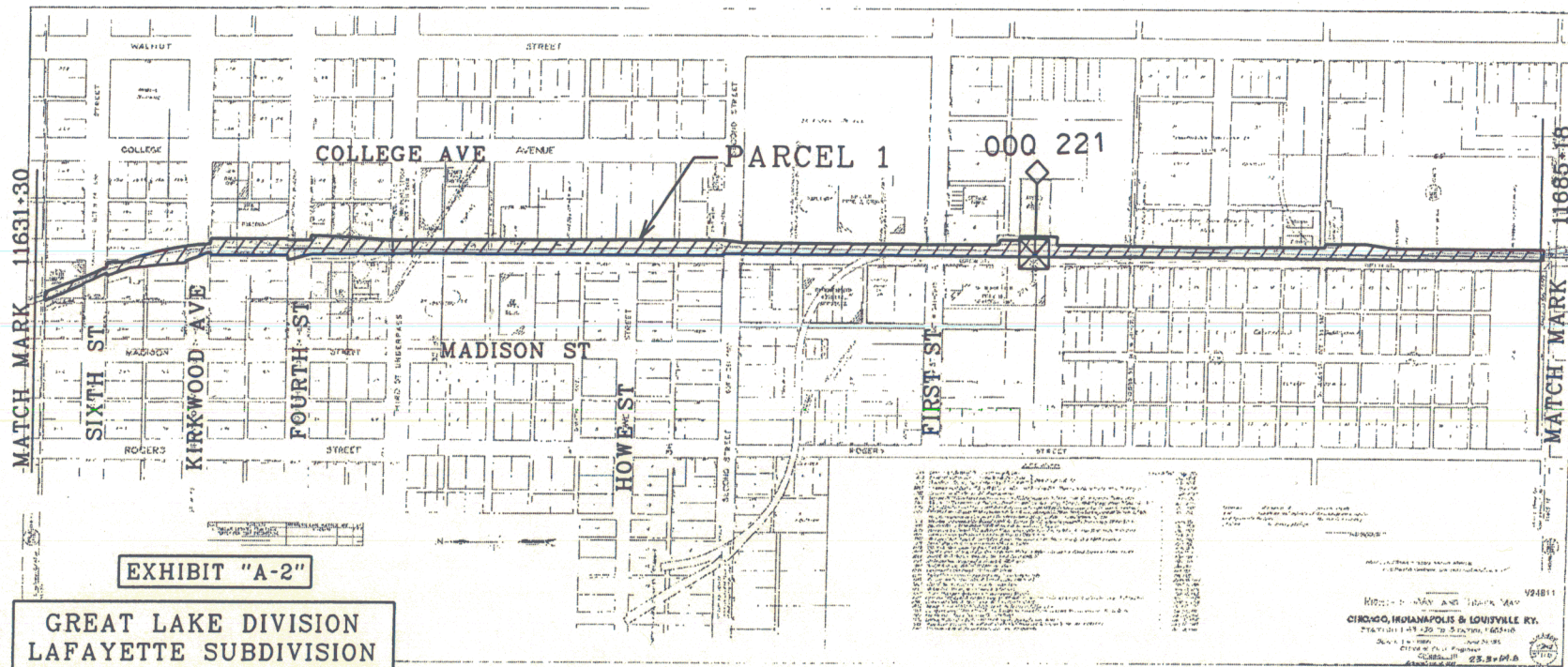
EXHIBIT "A-1"

GREAT LAKE DIVISION
LAFAYETTE SUBDIVISION
VICINITY OF MP 00Q-220

K:\MGE\MAPPING PROJECTS\REAL PROPERTY MAPS\TITLE MAPS\INDIANA_RR_LEASE\EXHIBITS_BLOOMINGTON_IN.DGN

CSX TRANSPORTATION, INC. MONROE COUNTY	DATE: 11-13-03	CITY: BLOOMINGTON	VAL. SECT.:	GIS NUMBERS:	PIN NUMBERS:
	SCALE: 1"=400'	STATE: IN	V242A	24610	18105-0039
PROPOSED SALE TO CITY OF BLOOMINGTON	DRAWN BY: L ROMANCHIK	FIPS: 18105	MAP No:		
	REVISED:	DWG #:	S11A		

This Railroad Valuation Map Exhibit
Graphically Represents A Proposed
Real Estate Transaction.
It May Not Reflect Current "On The Ground"
Conditions And/Or Actual Locations Of Features.
All Dimensions, Offset Distances,
Area Calculations And Measurement Notations,
Shown On This Exhibit Are Approximate.



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CSX TRANSPORTATION, INC. MONROE COUNTY	DATE: 11-13-03	CITY: BLOOMINGTON	VAL. SECT.:	GIS NUMBERS: 24611	PIN NUMBERS: 18105-0045
	SCALE: 1"=550'	STATE: IN	V242A		
PROPOSED SALE TO CITY OF BLOOMINGTON	DRAWN BY: L ROMANCHIK	FIPS: 18105	MAP No:		
	REVISED:	DWG #:	ST11B		

This Railroad Valuation Map Exhibit
Graphically Represents A Proposed
Real Estate Transaction.
It May Not Reflect Current "On The Ground"
Conditions And/Or Actual Locations Of Features.
All Dimensions, Offset Distances,
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Shown On This Exhibit Are Approximate.

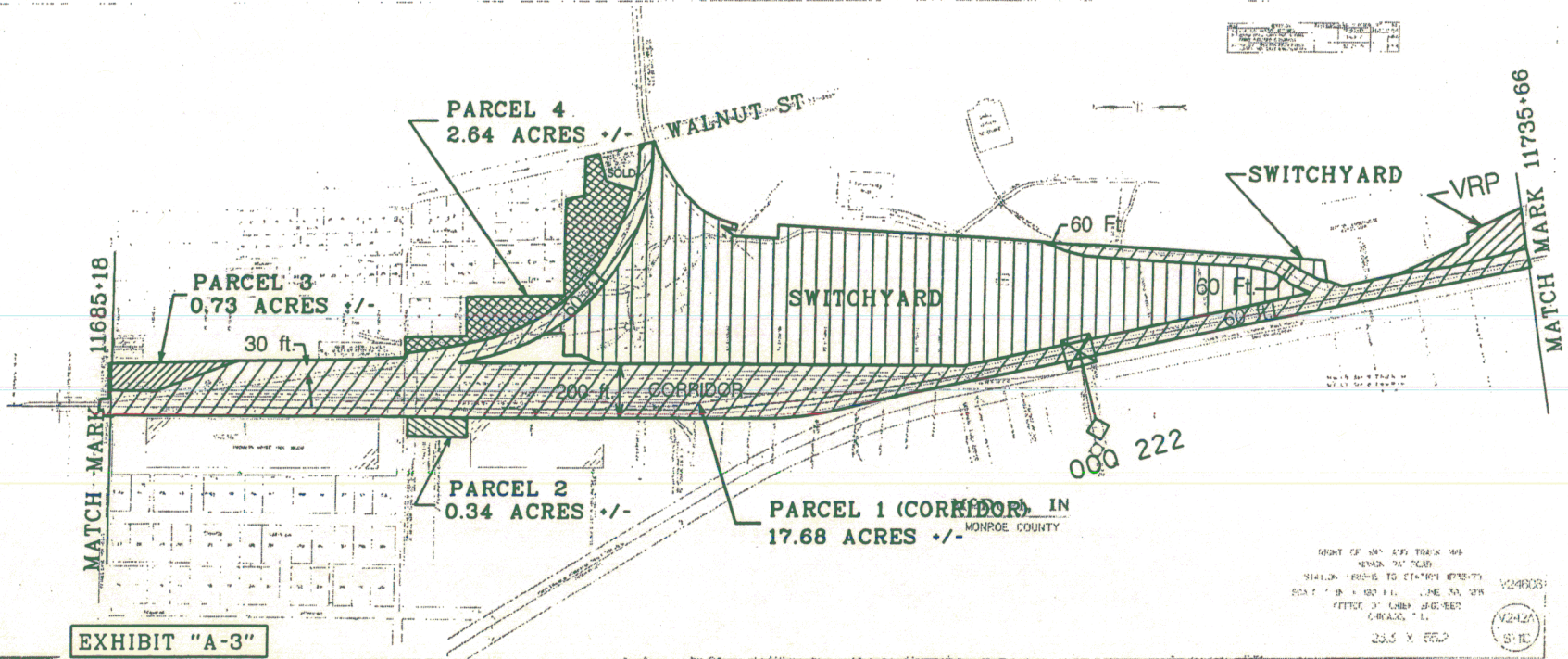


EXHIBIT "A-3"

GREAT LAKE DIVISION
LAFAYETTE SUBDIVISION
VICINITY OF MP 00Q-222

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CSX TRANSPORTATION, INC. MONROE COUNTY	DATE: 11-13-03	CITY: BLOOMINGTON	VAL. SECT.:	GIS NUMBERS:	PIN NUMBERS:
	SCALE: 1"=550'	STATE: IN	V242A	24608	18105-0005 18105-0051 18105-0050
PROPOSED SALE TO CITY OF BLOOMINGTON	DRAWN BY: L ROMANCHIK	FIPS: 18105	MAP No:		
	REVISED:	DWG #:	ST11C		

This Railroad Valuation Map Exhibit Graphically Represents A Proposed Real Estate Transaction. It May Not Reflect Current "On The Ground" Conditions And/Or Actual Locations Of Features. All Dimensions, Offset Distances, Area Calculations And Measurement Notations, Shown On This Exhibit Are Approximate.

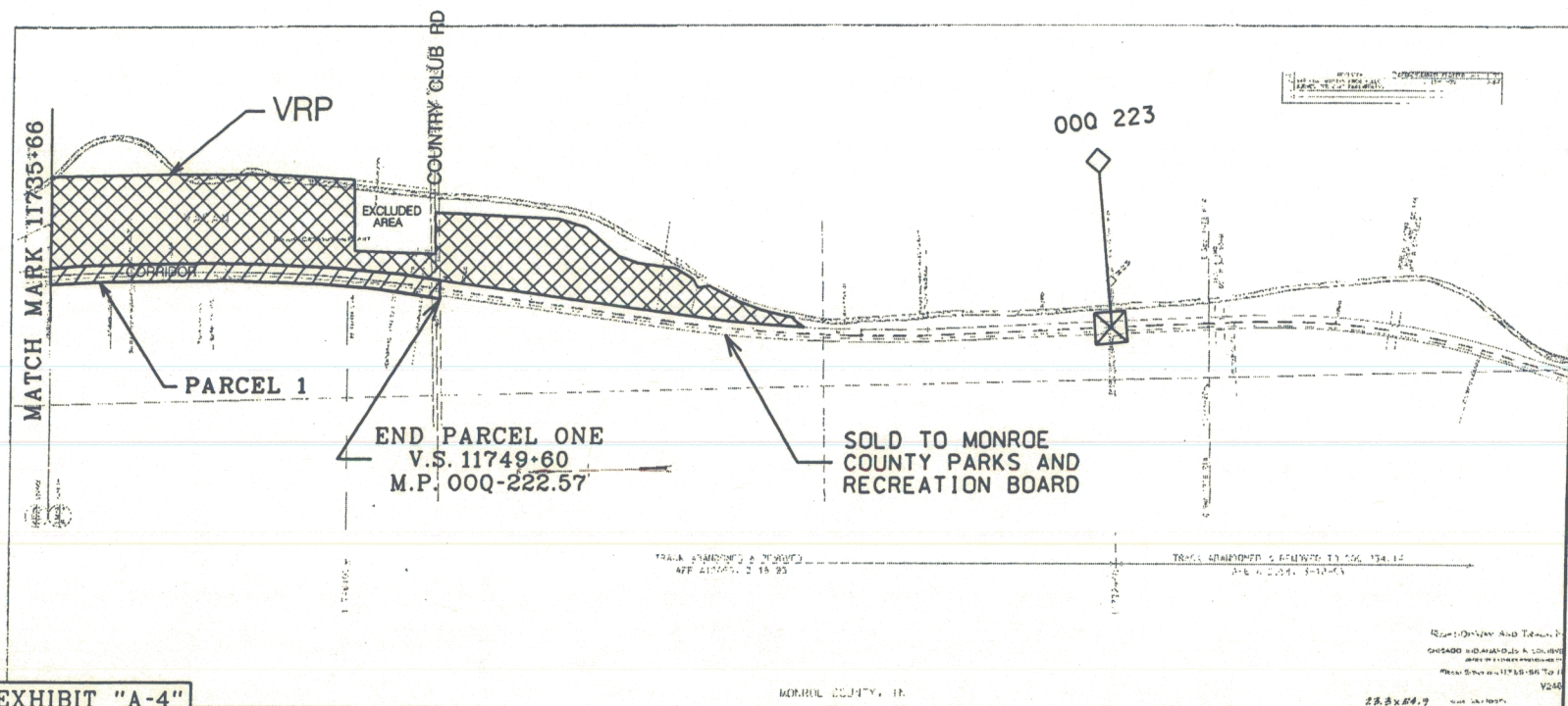


EXHIBIT "A-4"

GREAT LAKE DIVISION
LAFAYETTE SUBDIVISION
VICINITY OF MP 00Q-223

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CSX TRANSPORTATION, INC. MONROE COUNTY	DATE: 11-13-03	CITY: BLOOMINGTON	VAL. SECT.:	GIS NUMBERS:	PIN NUMBERS:
	SCALE: 1"=550'	STATE: IN	V242A		
PROPOSED SALE TO CITY OF BLOOMINGTON	DRAWN BY: L ROMANCHIK		FIPS: 18105	MAP No:	
	REVISED:	DWG #:			

BLOOMINGTON MCDOEL YARD PROJECT SUMMARY

CURRENT FUELING AREA

The switchyard locomotive has been parked and periodically refueled near the yard office since about 1973. Spillage and substantial staining from diesel fuel and lubricants is visible on the ties and ballast (large gravel). Testing shows some impact on the soil below the ballast at only one of three locations. Likely a removal of the stained ballast and limited soil will address the issue.

OIL HOUSE/ FUEL TANK/ MAINTENANCE SHEDS

In addition to the locomotive roundhouse, an oil house, a large diesel fuel tank (above ground) and a row of rail car maintenance sheds were active in this area until the early 1970's. Although no contamination was found beneath the former roundhouse location, residual petroleum was found in the soil several feet beneath the former locations of the oil house, fuel tank and maintenance sheds. Evidence of petroleum was also found in the groundwater on top of the bedrock (9-11 feet below grade) in a more limited area.. Laboratory evidence suggests that the material has relatively low toxicity. It would not be a threat to users of this area, and is probably not a threat to Clear Creek. The residual petroleum would somewhat complicate earthmoving activities in this area because of the need protect the creek from runoff (containing oil), and the need to address the residual petroleum at its new location.

COAL ASH AND CINDERS

Coal ash and cinders have been used as fill material throughout the McDoel Yard, Indiana Woodtreating site and along the CSX rail corridor. Bedrock is found at 9-12 feet below grade in the switchyard. All but a thin layer above the bedrock is fill material. Most of the fill in the switchyard is coal, ash & cinders or a mix of cinders and gravel. Testing suggests that cinders may have levels of arsenic and lead above that which would be safe for a park application. It is likely that where present, coal ash and cinders will have to be covered with a 6-inch layer of soil or otherwise isolated to reduce exposure to park users.

INDIANA WOODTREATING

Residual creosote remains in the soil and groundwater in the operations area north of Country Club Road. A much larger area is affected by low levels of residuals in the soil or by weathered creosote on the surface. CSX is conducting an ongoing clean-up and will obtain closure from IDEM. When complete, use restrictions may limit some areas to unused green space (forest and meadow) or covered parking lot. Other areas may allow unrestricted recreational use.

CLEAR CREEK SEDIMENTS

A fishing ban has been in place for Clear Creek for many years due to the presence of PCBs detected in the fish. Trace levels of PCBs have been found in the sediment samples along this portion of Clear Creek. However, the levels are too low to affect human users of the Creek. The presence of even trace levels of PCBs in the sediment conceivably be a source of PCBs that bioaccumulate in the fish in Clear Creek.

In the Council Chambers of the Showers City Hall on Wednesday, September 10, 2003 at 7:30 pm with Council President Gaal presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
September 10, 2003

Roll Call: Banach, Diekhoff, Ruff, Pizzo, Gaal, Rollo, Cole, Sabbagh, Mayer

ROLL CALL

Council President Gaal gave the Agenda Summation. Gaal asked for a moment of silent reflection for Governor Frank O'Bannon who suffered a stroke two days before. Patricia Cole asked also that we remember that the second anniversary of the September 11, 2001 terrorist attack. Would be tomorrow.

AGENDA SUMMATION

It was moved and seconded that Ordinance 03-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-1. It was moved and seconded that Ordinance 03-19 be adopted.

LEGISLATION FOR SECOND
READING

Ordinance 03-19 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2004

James McNamara, Deputy Mayor, said that this ordinance would fix the salaries for all elected officials in the city for the year 2004. He reviewed the top salaries available for the Mayor and Clerk and listed the salary for the council members. He said that these numbers represent a 2.5% increase over 2003. He said that number was derived from the compensation matrix for the mid-market range for non-union city employees. He pointed out that there would be an election taking place before these salaries would go into effect, and so, no one was actually voting on their own salary.

Ordinance 03-19 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 03-20 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-1. It was moved and seconded that Ordinance 03-20 be adopted.

Ordinance 03-20 An Ordinance Fixing the Salaries of Appointed Officers and Employees of the City of Bloomington, Monroe County, Indiana, for the Year 2004

James McNamara, Deputy Mayor, said he was stepping in for Daniel Grundmann, Employee Services Director, who could not be present for the meeting. He said the ordinance covered the contractual AFSCME employees and other employees covered by the compensation matrix which considers market and performance factors in awarding raises to employees.

Mayer said this was rewarding city employees for jobs well done. He said that this was one way to thank people for what they do and mentioned the employee picnic on Friday, which he said was another way to thank employees.

Ordinance 03-20 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 03-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-2. It was moved and seconded that Ordinance 03-22 be adopted.

Ordinance 03-22 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2004

James McNamara, Deputy Mayor, said that this ordinance would fix the salaries for fire and police departments with the exception of the two chief positions which are determined by the compensation matrix. He said the officers' salaries were determined by a collective bargaining agreements.

Ordinance 03-22 (cont'd)

Diekhoff reminded council that he had submitted a conflict of interest form because of his employment with the Police Department and said he would not be voting on this item. He said state law allowed him to serve on the council and also serve as a police officer, but he preferred to abstain from voting on this item.

Mayer said this compensation package is based on professionalism in both the fire and police department and thanked them for their work.

Sabbagh said he had a small issue with a discrepancy that was being worked out, but not enough of an issue to vote no.

Ordinance 03-22 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Diekhoff).

It was moved and seconded that Appropriation Ordinance 03-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Appropriation Ordinance 03-07 be adopted.

Appropriation Ordinance 03-07 An Ordinance for Appropriations and Tax Rates (2004 Civil City Budget for the City of Bloomington

Mayor John Fernandez thanked the council, city employees, department heads and members of the public for their support and work on the budget. He said this was a strong budget in both its 2004 proposal and also for what it provided as a foundation for the future of the city. He said it included a small increase (4.3%) in the civil city budget and continued important strategic investments (\$150,000 for the sidewalk fund, \$110,000 for the Jack Hopkins Social Service Program, \$90,000 for the Neighborhood Playground upgrades, and \$500,000 for the Alternative Transportation and Greenways Plan). He outlined new investments as funding for three additional fire fighters (\$161,000), new fire equipment (\$162,000), animal shelter and improvement plan along with new kennel (\$185,000), and a lease payment for the new Register Garage (\$500,000).

He said composing this budget was difficult because of the challenges in the economy, issues at the state level, and cost increases that are unavoidable (casualty and liability insurance premium increases of (\$140,000), state mandated increases in PERF payments (\$140,000), mandated increases in the police and fire pension funds (\$140,000). He said new expenses totaled \$622,000 for employee salary increases (\$400,000 for three union contracts and \$222,000 for non-union employees). He stated that he was happy to make this investment in city employees whom he considered essential for good delivery of services to the community.

Fernandez addressed Sabbagh's concern with the accounting of Fire Department employees saying the difference between 17 and 18 firefighters staffing is not significant and does not diminish the level of public safety in the City of Bloomington. He reviewed the growth of the Fire Department in quality and size in the last five years, and said that the public safety areas are the largest in the budget, and that the community expects this. He offered the department heads and fire chief for questions.

George Cornwell, secretary for the Bloomington Professional Firefighters Local 586, said that Station 5 does not staff 5 fire fighters at the station.

Mayer thanked everyone from Mayor on down for bringing forward a positive budget in difficult economic times. He added that our city employees provide good services for the tax dollars collected and noted clean and well maintained streets, and other services. He pointed out

that Fernandez was prudent and concerned for the taxpayer and had never requested the maximum amount allowed by the State.

Appropriation Ordinance 03-07
(cont'd)

Ruff said over a year ago he submitted a list of questions regarding the Bloomington Economic Development Corporation and its funding within the mayor's budget. He reported that he had received answers at this time, and because of that, he would be voting yes on the budget. He said he'd like to put them on the website as they would contribute to the public discussion of the public funding of the BEDC. He added that the questions were not rhetorical and read only one question and answer, asking that the news reporter take special attention.

The question was in regard to the perception that Bloomington does not have an attractive business climate. He read the mayor's answer as: "The BEDC believes that Bloomington has an attractive business climate." He wanted this to go on the record as Bloomington's official statement on Bloomington's business climate from the BEDC.

Sabbagh said this was his eighth budget and reminisced about his first while watching Rollo go through his first round. He said he wasn't a fire fighting expert but brought up the issue regarding staffing because it was brought to him. He thanked Fernandez for his information on the department and said he would support this budget.

Diekhoff thanked the mayor for a good budget and said it continued funding the quality of life in Bloomington. He said the public safety part of the budget had received large increases in staff and equipment in the past. He noted that scheduling personnel might be an area to investigate for more coverage during specific times.

Rollo thanked the mayor for a responsible budget that meets the needs of public safety, public works, recruiting the highest quality staff and personnel, an award winning Parks and Recreation Department and more.

He said he still wanted to address the social services needs of the community which far exceed the resources of the Jack Hopkins Social Services Fund by several hundred percent. He said that with the economic downturn, decreases in social services funding at a state and federal level, with a federal administration that was hostile to social programs such as HeadStart and Americorps, the needs of the economically vulnerable will only increase in our society and our community. He said he wanted to work for a budget that would reflect this need in the future.

Rollo said that a Greenspace Acquisition Plan with substantial funding must be instituted in this community if we are to have the option of preserving greenspace in the future. He said the greenspace was needed for infrastructure protection, for aesthetics and quality of life, to protect our natural systems, to protect property values, and to simply have for posterity. He said this would be the task of the next council.

Cole announced that this was her twelfth and final budget. She said she was proud of the way the budget process proceeds in the city with a budget that is prudent, addresses safety and also funds innovative projects such as the McDoel Switchyard conversion. She thanked Fernandez for his vision, getting federal money, purchasing rights of way and said it was the legacy he would leave the city. She said citizens should be pleased with the way money is stewarded and invested. She thanked the department heads for working for her on issues that she had fostered.

Pizzo said this was also his last budget hearing and that he had voted for all of them. He said that Fernandez had made a lot of changes, and that

we were in a unique position in that we were fortunate that the city doesn't suffer from economic bad times. He said Tom Guevara should be commended for his management of funds. He said the Jack Hopkins fund had been at \$40,000 when it first started and with prodding, Fernandez and the controller were able to find more funding through the years. He commended and thanked Fernandez for an efficient and professional staff and a well run city.

Gaal said many cities across the nation were slashing budgets and tightening belts as the recession has hit governments really hard. He said Bloomington was different in that it prioritized investments in the quality of life. He spoke of investments in public safety, new parking areas, alternative transportation, cultural tourism, animal shelter, the downtown area, McDoel project, social services, and sidewalks. He said this was all done without taking the maximum levy and restraining growth in local taxes. He said we need to keep encouraging economic development that enhances our quality of life, and we need to be vigilant about the downtown. He thanked the mayor, controller and deputy mayor for their work on the budget. He thanked all city employees for their public service to Bloomington, adding that it was clear that they care about the community and are doing a great job for the city.

Appropriation Ordinance 03-07 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 03-21 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Ordinance 03-21 be adopted.

James McNamara, Deputy Mayor, said that the ordinance contained a combination of AFSCME employees determined by contractual collective bargaining units' non-union employees determined by our compensation matrix. He noted that the ordinance set the maximum salary for this department and would not be affected by action or non action on the next two items.

Mayer asked who was responsible for the mistake in the legal advertisement of the public hearing of Ordinance 03-24 and Appropriation Ordinance 03-08. McNamara said the newspaper had admitted their error in not placing the ad in time for tonight's public hearing.

Ordinance 03-21 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 03-24 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-3. It was moved and seconded that Ordinance 03-24 be adopted.

It was moved and seconded to postpone consideration of Ordinance 03-24 until September 24, 2003. It was explained that the legal notice had not appeared in the newspaper advertising this meeting for public comment.

Gaal asked Dan Sherman, Council Attorney to comment on the proposal to postpone this action. He stated that state law requires that the public hearing be advertised before the wastewater increase, and that the advertisement didn't get published. An advertisement on September 14,

Appropriation Ordinance 03-07
(cont'd)

Ordinance 03-21 An Ordinance Fixing the Salaries of Appointed Officers and Employees of the Utilities Department of the City of Bloomington, Monroe County, Indiana, for the Year 2004

Ordinance 03-24 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment for Wastewater and Storm Water Services)

Motion to postpone consideration of Ordinance 03-24 until September 24, 2003

2003 would allow for a hearing to be held ten days later on September 24, 2003. He said there would be another motion requested on the next item, and since the rates underlie the budget (Appropriation Ordinance 03-08) he recommended both items be taken up at a special session on September 24, 2003.

Ordinance 03-24 (cont'd)

Mayer clarified that the advertisement was submitted on time, but the paper failed to publish notice of the hearing. He asked if the newspaper had a legal responsibility to publish items that are submitted on time. Sherman said they have an obligation to post ordinances, however the remedy would not help in this case. Mayer said publishing legal notices was a source of revenue for local newspapers, and if they don't do this in a timely manner there should be a remedy. He said it was a statutory requirement and said the newspaper dropped the ball.

The motion to postpone Ordinance 03-24 until September 24, 2003 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Appropriation Ordinance 03-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-3. It was moved and seconded that Appropriation Ordinance 03-08 be adopted.

Appropriation Ordinance 03-08 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Services and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana, for the Year 2004

It was moved and seconded to postpone consideration of Appropriation Ordinance 03-08 until September 24, 2003. It was explained that the legal notice had not appeared in the newspaper advertising this meeting for public comment.

Motion to postpone consideration of Appropriation Ordinance 03-08 until September 24, 2003

The motion to postpone Appropriation Ordinance 03-08 to September 24, 2003 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 03-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Ordinance 03-23 be adopted.

Ordinance 03-23 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation for the Year 2004

Lew May, Director of Bloomington Transit, said the Board of the Transit Authority held a public hearing and adopted the budget on July 22, 2003 meeting. He summarized the budget as having a 0.7% decrease with a small increase in the operating budget. 4% increase in property tax that is dedicated to public transportation that reflected an overall levy increase of about \$31,000.

He added that "free week" saw the most successful week in his history of the transit, carrying 68,000 passengers, an increase of 7.2% over the previous week. He said that in December of this year, the Transit should be carrying it's 2,000,000th rider.

Mayer asked how this was calculated, and May said that the ridership was calculated from January 1 of each year.

Sabbagh asked the demographic of ridership, May said that IU students constitute the bulk of the new riders since the partnership with IU began in 2000. He said however, that other areas that are not exclusively student areas have seen new bus service.

Cole commended the transit for a job well done, for putting the right things in place to increase ridership.

Gaal thanked May for returning his calls and providing him with

information in a timely manner. He said he appreciated that May had participated in many community discussions regarding bike racks and accessibility.

Ordinance 03-23 (cont'd)

Gaal commented on the entire budget process by saying that the process begins in May with a retreat where council members and the administration discuss priorities and constraints on the budget. He added that two weeks of intense hearings take place in the summer of each year whereby line items are discussed in detail. Gaal told how the hearings are followed by a committee hearing and he called the budget the most important priority that the council has. He said the administration had been responsive to the concerns and questions of the council.

Ordinance 03-23 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 03-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Ordinance 03-25 be adopted.

Ordinance 03-25 To Amend Titles 14 (Peace and Safety), 15 (Vehicles and Traffic), 16 (Housing Inspections), 17 (Construction Regulations), and 18 (Fire Prevention) of the Bloomington Municipal Code (Adjusting Certain Fees and Fines)

James McNamara, Deputy Mayor, said that the synopsis as read was indicative of the scope of the ordinance, and that the revenues generated by this ordinance, if adopted, have not been budgeted, and would still need to be appropriated by the council.

Mayer asked if there was a difference between someone who maliciously turns in a false alarm for a fire, and some who just failed to maintain a fire alarm device. McNamara said he believed that there was a separate provision for deliberately turning in a false alarm. He said if one was negligent to the point where the system would begin to send in three false alarms, that person would be penalized as well.

Gaal said he believed it was a crime to call in a fire when there was none.

Mayer said he would be supporting the ordinance, and said he applauds the fine increase for false alarms. He said the number of personnel who respond is very high, and get there rapidly and are actually at the mercy of the public, noting the high speed that these vehicles travel. He hoped this would help prevent problems.

Diekhoff said that when both police and fire get false alarms, it puts public safety officials at risk, but also the public in general, noting the high speeds at which these vehicles travel. He said there were recently three false alarms in one night, all of which involved getting the entire crew out and which would have delayed the response time for actual fires.

Ordinance 03-25 received a roll call vote of Ayes: 9, Nays: 0.

Pizzo pointed out that this was the first time in nine years that the budget was passed with a bipartisan, unanimous vote. Applause followed.

There was no legislation for first reading.

LEGISLATION FOR FIRST
READING

It was moved and seconded that the rules be suspended in order to discuss a matter not on the agenda.

MOTION TO SUSPEND THE
RULES

The motion received a roll call vote of Ayes: 9, Nays: 0.
It was moved and seconded to conduct a special committee of the whole session immediately after the Regular Session on September 17, 2003.

MOTION TO CONDUCT A
SPECIAL COMMITTEE SESSION

Dan Sherman, Council Administrator/Attorney, said this would help in spreading work out more evenly in the next few weeks to allow for a committee discussion on the items. He reviewed upcoming proposed legislation.

Banach said this proposal contained too many “special” meetings. He said he’d like to lump these into one night.

The motion received a roll call vote of Ayes: 8, Nays: 1 (Banach).

There was no comment by the public.

PUBLIC INPUT

The meeting was adjourned at 8:55 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington