

In the Council Chambers of the Municipal Building held on Wednesday, March 25, 1992 at 7:30 P.M. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MARCH 25, 1992

Roll Call: Hopkins, Swain, Miller, Fernandez, Service, Kiesling, Cole.
Absent: Sherman, White.

ROLL CALL

The agenda summation was given by Service.

AGENDA SUMMATION

The minutes of March 4, 1992 were approved by a voice vote with a correction by Cole.

APPROVAL OF
MINUTES

Hopkins reported the return of the successful Poseltega Optometrists trip. Swain talked about the disappearing PCBs at Winston Thomas, the environmental audits that took place and urged people to wait and see if the reports are true regarding the anaerobic degradation and in particular the reduced volume of sludge in the lagoons.

MESSAGES FROM
COUNCILMEMBERS

Fernandez also thanked the people who went to Poseltega, urged the planning staff to establish priorities regarding the master plan implementation. He thought there should be a public ranking of those priorities when there has been such support for certain initiatives such a pedestrian/bike paths and yet these are not being actively pursued. Divisive issues are now at the forefront and we are not pursuing the positive things we talked about for so long. He suggested the original survey devices we used in the beginning of the process. We need proactive measures on a local level for decisions such as the asphalt plant

and some type of interim zoning needs to be developed and that should be our highest priority to avoid these crisis zoning issues.

Kiesling said the EPA Citizens Information Committee will meet on April 14th in Jordan Hall at 7pm.

Cole seconded Fernandez' remarks and invited people to consider Citizens Congresses as a way of knowing what people are thinking.

Service gave orchids to everyone who helped move Howard's Bookstore, reminded everyone of the Civic Theaters production of Patience and she said there is great urgency in working on the CORE neighborhood issue.

Fernandez thanked Representative Mark Kruzan for his intervention on the asphalt permit plant process and hoped that by acclamation the council endorse his actions on our behalf.

Mayor Allison introduced students from the National High School Orchestra from our very own high schools as well as their teacher.

MESSAGE FROM THE
MAYOR

Tim Mueller a brief presentation regarding the rezoning ordinance provisions. He hopes to have a final product by fall after many spring and summer hearings and meetings. He hoped we could proceed quickly to "plug" some of the loopholes in the code without jeopardizing the entire process. We are concerned about some of the uses in our industrial zone, identify some of the most incompatible uses and move into the conditional use category. One of the fundamental statements in the Growth Policy Plan is that SF be established to preserve the family character and that is what the code amendment is all about. The process has begun with public notice to property owners, the hearings

MESSAGE FROM
CITY OFFICES

before the Plan Commission and finally to the Common Council, and he stressed that this is just the beginning. It is not a "done deal" and what we have brushed in is what is in the Master Plan. There is much refinement necessary and there will be modifications to this map and should be done in the public process, not by the planning staff.

Fernandez asked for a block by block breakdown as to what the occupancy is SF or current MF. Mueller said we are dealing with land use, an investor owned property that is used as SF is still SF.

Hopkins said that after driving through the neighborhoods that houses look like SF but they are occupied by all kinds of numbers of people and he expressed concern that we may be classifying an area SF because it looks SF when it may not be that at all.

Kiesling suggested a quest column in the local paper talking about the process.

Jane St. John talked about the Permanent Hazardous Waste Disposal Facility here in Bloomington to take the place of the annual Tox A Way days that were so expensive to conduct.

Charles Wiand urged the council to walk through the neighborhoods before they consider the rezoning; he said there is no longer any housing to protect at this time. Preserving the SF nature of the area is an idea of someone who only cruises through the neighborhood. The opinion of the people who reside there should be given less weight than the property owners.

PUBLIC MESSAGES

Ann Kamen said she was glad that the city and county was going to do an assessment of trash collection and she said she would like to know the cost/use/bag cost.

It was moved, seconded and approved by a voice vote that the following persons be appointed to the boards and commissions indicated:

BOARDS &
COMMISSIONS

Women's Commission

Donna Hanley

Blanca Miller

Human Resources

Wendy Perry *

Dr. Jay McGee

Animal Control

Susan Wintsch*

* Reappointed. All terms are for two years.

It was moved and seconded that Resolution 92-3 be introduced and read by title only. Clerk Williams read the resolution by title only.

It was moved and seconded that Resolution 92-3 be adopted. The synopsis and committee recommendation of 4-0-3 was given.

LEGISLATION FOR
SECOND READING/
VOTE
RESOLUTION 92-3

Chris Spiek said that this is a request from Triple C for an Industrial Incentive Loan for a repay schedule of 5 years for the recycling center for \$65,000..

He updated the council on fund balances. The question was also raised at committee about liability from storage tanks that were on the site previously and the amendment tonight deals with that.

Kiesling said that the Solid Waste District is only leasing about a third of the property for this use.

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It was moved and seconded that the resolution be amended to include provisions of assurance by Triple C about the condition and use of the land serving as collateral and Triple C shall protect the city from liability in the event that contamination is discovered in the future.

Dan Sherman said this amendment came about from questions about liability of the lender if hazardous wastes are discovered in a clean-up and has been a subject of much debate among lenders. The exception to the rule is that we will not participate in the management of the operation and we need to make sure that all the property is clean and not contaminated and secondly we make sure that future use will comply with regulations and that the borrower indemnify the city in the event of something happening in the future.

Spiek said the site had previously been a truck terminal and the underground storage tanks were discovered when they leaked oil and gasoline and were subsequently cleaned up.

He was addressing the commercial use only, not the house on the site. The house will be used for collateral.

Spiek said that Triple C would be working with Sherman on details about the process.

Kiesling asked Mr. Clemons if he has agreed to all of this and he said yes, he did.

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

The resolution, as amended, received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that the following ordinances be introduced and read by title only by the Clerk for first reading before the Common Council. Clerk Williams read the legislation by title only.

Ordinance 92-7 TO Amend Title 15 of the BMC Entitled "Vehicles and Traffic"

Ordinance 92-8 To Amend Ordinance 79-74 to Authorize Expenditures from the Non-Reverting Improvement Fund.

LEGISLATION FOR
FIRST READING
ORDINANCE 92-7
ORDINANCE 92-8

There were no petitions from the public.

PUBLIC PETITIONS

The meeting was adjourned at 8:50 P.M.

ADJOURNMENT

APPROVE;

ATTEST;

Pam Service, President
Pam Service, President
Bloomington Common Council

Patricia Williams, CLERK
Patricia Williams, CLERK
of Bloomington