

In the Council Chambers of the Municipal Building held on Wednesday, December 16, 1992 at 7:40 P.M. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
DECEMBER 16, 1992

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

ROLL CALL

Service gave the agenda summation.

AGENDA SUMMATION

The minutes of November 18 and December 2, 1992 were approved by a voice vote.

APPROVAL OF MINUTES

White commented on the library relocation controversy and hoped that it could expand on its present site without a lot of disruption of the local neighborhood. If the use of imminent domain becomes so expensive, then off site locations must be considered.

MESSAGES FROM
COUNCILMEMBERS

Fernandez wished everyone a wonderful holiday season, and congratulated everyone involved with the new local Community Radio Group. He also thanked everyone who participated in the local library relocation forum/public hearing.

Kiesling talked about the Lakes Taskforce Meetings, a recent report on lake management in general and a statewide organization that may meet here this spring.

Miller wished everyone a happy holiday.

Service said that the Traffic Commission voted, this evening, to approve traffic lights on 3rd Street (2) and Atwater (1). She also commented on the library and hoped that it would stay at the present location.

She thanked Regina for the battery operated Santa hats that everyone received for the holidays. She also thanked everyone for what has been a very good year.

On behalf of the Mayor, Service read a proclamation for Woody Houston, retiring Parks and Recreation foreman, thanking him for all his years of service to the city. Houston thanked everyone for their kind words. He noted that he has gone through 3 mayors, 2 park directors, numerous councilmembers, and 3 pickup trucks.

MESSAGE FROM
THE MAYOR

Mike Davis talked about the United Way Fund Drive and hoped that people would make their commitments now, if they have not already done so and the fund is over a hundred thousand dollars short of the desired goal. They are urging people to "close the gap".

CITY COMMITTEES/
OFFICES

Kiesling also provided information about the Enterprise Zone and how businesses located within the district can utilize tax advantages.

Service said the Neighborhood Parking Committee has met and will meet again early in the year for public input regarding the current program and what changes might be implemented to make it better/changed/eliminated.

It was moved and seconded that Ordinance 92-68 be introduced and read by title only. Clerk Williams read the ordinance by title only.

LEGISLATION FOR
SECOND READING/
VOTE

It was moved and seconded that Ordinance 92-68 be adopted. The synopsis and committee recommendation of 8-0 was given.

ORDINANCE 92-68

Doris Sims said that the city has long wanted to provide this type of payroll deduction/investment program for employees and our current computer system will now allow for it.

She said that the program will allow for a 25% or \$7500 annual deduction, whichever is less into the program. Brochures and information was provided the council and opportunities to talk with the investment counselors will also be provided city employees.

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

It was moved and seconded that Resolution 92-34 be introduced and read by title only. Clerk Williams read the resolution by title only.

RESOLUTION 92-34

It was moved and seconded that Resolution 92-34 be adopted. The synopsis and committee recommendation of 6-0-1 was given.

Denise Kocejka, from Human Resources, was available for questions.

Cole asked if this was a one-time state allocation. Denise said the governor intended it to be an ongoing program.

Fernandez and Hopkins eagerly supported the resolution and the program.

White referred to some of his comments made last week about families where two parents are currently working and his thoughts were that single families might need to be a priority and after a few questions, he discovered that the need is so great in the community that we would never run out of families that don't fulfill income guideline of 190%.

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

It was moved and seconded that Ordinance 92-69 was introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 92-69

It was moved and seconded that Ordinance 92-69 be adopted. The synopsis and committee recommendation of 7-0 was given.

Toni McClure outlined the changes made by the ordinance. She did not have the number of police citations given for truck violations and said that Chief Sharp commented that he would be very surprised if there were very many issued at all. Appropriate signage will be posted as soon as possible.

Cole wondered if there was any discussion of limiting the hours that a delivery truck could come into the downtown around noontime. Toni said that has been addressed and the signage should be going up as well as brochures to hand out when someone is stopped for a violation.

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

It was moved and seconded that Appropriation Ordinance 92-5 be introduced and read by title only. Clerk Williams read the ordinance by title only.

APP. ORD. 92-5

It was moved and seconded that Appropriation Ordinance 92-5 be adopted. The synopsis and committee recommendation of 8-0 was given.

Chuck Ruckman said that this is a basic end of year budgetary adjustment that is routine and common.

Kiesling said that the Telecommunications Council was putting \$5,000 into an equipment line for a satellite dish to provide a number of additional services and programming that can be utilized. *and Cable - cast by BCAT*

Matt Pierce, TCC President, said the city received about \$13,000 more than expected from franchise fees that went into the General Fund and the library voted to appropriate an additional \$2,000 toward a satellite dish.

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

It was moved and seconded that Ordinance 92-66 be introduced and read by title only by the Clerk. Clerk Williams read the ordinance by title only.

ORDINANCE 92-66

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It was moved and seconded that Ordinance 92-66 be adopted. The synopsis and committee recommendation of 7-0 was given.

Chuck Ruckman said that this is another routine housekeeping ordinance.

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

It was moved and seconded that Ordinance 92-67 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 92-67

It was moved and seconded that Ordinance 92-67 be adopted. The synopsis and committee recommendation of 8-0 was given.

Chuck Ruckman said this is the 3rd year for this type of transfer giving us about 1.2 million dollars in the supplemental fund. We have gone from assets of 1% to 3% of the total outstanding obligations.

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

It was moved and seconded that Ordinance 92-65 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 92-65

It was moved and seconded that Ordinance 92-65 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

Lynn Friedlander said this ordinance requests an outline plan amendment for 4 accesses unto Covey rather than the 3 unit accesses that were originally allowed. The developer changed one of the duplexes on the cul de sac which originally accessed off of Maxwell. When the location of the duplex changed, access unto Covey Lane was necessary.

Tim Henke was available for questions.

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

It was moved and seconded that Resolution 92-24 be introduced and read by title only. Clerk Williams read the resolution.

RESOLUTION 92-24

It was moved and seconded that Resolution 92-24 be adopted. The synopsis and committee recommendation of 8-0 was given.

Amanda Shaw expressed concern about the state and federal agencies willingness to revise plans that have been on the drawing boards for one and two years, that the studies conducted on the site are inadequate in terms of groundwater retention and additional engineering techniques cannot guarantee safety in terms of contamination being released into the environment. A full EIS (Environmental Impact Statement) as opposed to an EA (Environmental Assessment) now planned should examine the type and extent of contamination and that INDOT and other state agencies have the cart before the horse. These studies should be completed before a site is chosen, not afterwards. No engineering firm should attempt to mitigate plans regarding an issue that is not really understood. Engineers tend to think of how something can be done, rather than the consequences of what they are doing. The EPA originally approved INDOT's plans for an EA with the addition of soil sampling and it was suggested that two samples for test would be sufficient. After INDOT would start building the underpass and blasting and removing 600,000 cubic yards of material from around the old mule hole, the EPA reconsidered its approval. Last March they directed that INDOT to prepare a full EIS, but the federal highway continues to maintain that a full EIS is unnecessary. The currently approved sampling plan does not come up with sufficient evidence and we are almost assured that it will not, then INDOT will take possession of the site and a construction and engineering firm will be making decisions on

the spot regarding the clean up of any hazardous wastes, without public scrutiny, rather than with the interests of environmental protection.

Federal Highway regulations generally require a full EIS for a new highway location. The EPA is on record stating, as it is now conceived requires a full EIS and general scientific research also requires an EIS, will this be another situation like the proposed incinerator? and as we attempt to solve a problem, are we actually creating another one? She urged the formation of study group to discuss the Mule Hole and related issues.

Hopkins was amazed that INDOT would have moved so far with so many costly studies about construction and yet disregard the EPA position about the need for a EIS.

Service agreed and noted that it only came to light because of the diligence of a concerned citizen.

Kielsing said the local MPO voted for an EIS at their last meeting.

Shaw said that INDOT personnel frequently refer to all levels of environmental review as an EIS. The EA is a mid-level review according to INDOT. According to EPA regulations it is considered a prelude to a possible EIS. However a comment from a person at the INDOT said that in his experience an EA has never resulted in being upgraded to an EIS and the people at the INDOT have all of the information that we have and it is obvious that they are not interested or open to hearing scientific comment.

Shaw said that state agencies look to federal agencies and its confusing because there are two federal agencies in this situation with different jurisdictions, namely the EPA over Superfund sites and the Federal Hwy Administration which is the lead agency, that is the funding agency. The cloverleaf was redesigned last year to include an underpass right around the time the federal highway bill was reauthorized and they simply don't think that the groundwater contamination is a significant concern, as it isn't even addressed in their EA

Fernandez said that the EA process is very different and they become post hoc justifications for previous decisions and EIS requires agencies involved to consider alternatives and let the public be involved and know that this is the best alternative to what we are trying to do.

We have to push for the EIS because the EA will not get that far.

Cole said she hoped that if Clinton elevates the EPA to cabinet level, then perhaps more could be considered and accomplished.

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

The council thanked Amanda Shaw for all her hard work and input into this issue.

It was moved and seconded that Ordinance 92-63 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 92-63

It was moved and seconded that Ordinance 92-63 be adopted. The synopsis and committee recommendation of 8-0 was given.

Service presented a brief overview of the precinct/district changes and the general reasons and requirements in redrawing council districts. The greatest population disparity was in the SE part of the city, District 5 being very large and District 4 very small.

Williams said that this ordinance goes into effect upon passage and not at the next election. The new configuration was achieved with very few changes relative to the citizen/voter and councilmember representative. The council committee is to be commended for maintaining that relationship. That isn't

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always the case with redistricting processes.

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

There was no legislation for First Reading.

There were no petitions or communications from the public.

The meeting was adjourned at 9:15 P.M.

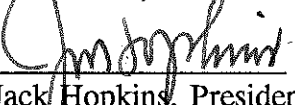
FIRST READINGS

(NONE)

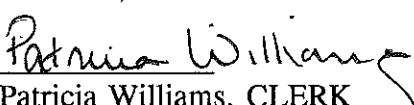
PETITIONS

ADJOURNMENT

APPROVE;


Jack Hopkins, President
Bloomington Common Council

ATTEST;


Patricia Williams, CLERK
City of Bloomington