

In the Council Chambers of the Municipal Building held on Wednesday, September 18, 1991 at 7:30 P.M. with Council President Fernandez presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
SEPT. 18, 1991

Roll Call: House, Foley, Kiesling, Olcott, Fernandez, Regester, White, Service, Hogan.

ROLL CALL

Fernandez gave the agenda summation.

AGENDA SUMMATION

The minutes of July 17, 1991 were approved by a voice vote. Finally.

APPROVAL OF
MINUTES

Fernandez apologized for the length of last weeks meeting. (the combined committee and council meeting ended at 3 AM)

MESSAGES FROM
COUNCIL

House said that BHS-S is having a capital campaign to an athletic building to be named after Robert M. Brown who was killed in Vietnam.

Kiesling congratulated the recycling center for the clean-up at that site and our own Sanitation Dept for their efforts. The Citizen Information Committee will meet Monday, at 7:00 P.M. at Jordan Hall

Olcott thanked all the Hoosierfest volunteers for their help.

Regester said that Electro-Jet is coming to Bloomington and it was announced today.

White also thanked the Hoosierfest volunteers as well and said that this w/e kicks off the football season.

Service said that PSI is cutting branches near electrical wires (Asplundt) and she reminded people that they can complain about the way they cut trees.

Hogan said that Bloomington Community Access Television was not covering the Republican mayoral candidate's presentation and he has talked with numerous offices as to why and the question of fairness is a matter of board policy because they are not bound by FCC rules. He was protesting the Mayor's weekly program on television. It is informational, it is not news. She is the star, interviewing dept. heads about the city. It is a political program designed to build her image and in the interest of fairness the library board administers the money for public access television that the city gives it, so the decision of the library board is one that they have to make. In the interest of fairness, the board should either give equal time to people running for political office on their airways that our tax dollars are paying for or they should have a cutoff date for any political access. Meetings should be covered but for advertizing they should give an opponent equal time. If partisan politics are being played it is being play by people who administer the money. The city and county governments contribute money to allow access TV to exist, the board should be playing fair with that money and not playing back into the hands of the persons administering the money. It should be equal time or no time and it should be addressed immediately and if they are going to drag their feet on this and play games with it, as a councilmember who votes on that money, he will not support public television to support a partisan candidate. Public TV is great and it is not there as a partisan tool.

Fernandez said this is Rape Awareness Week and people need to be educated about it.

Mike Davis also thanked the Hoosierfest organizers for a wonderful weekend. He also talked about Electro-Jet coming to Bloomington with 15 new jobs now and about 35 over the next five years with good salaries. He said how sorry everyone was about the fire at Sherwood Oaks Christian Church. Pat Bookwalter is the new Code Enforcement Manager.

MESSAGE FROM
THE MAYOR

It was moved, seconded and approved by a voice vote that Amy Gibson be appointed to the Housing Quality Appeals Board,

replacing James Coveny.

HQAB APPOINT

It was moved and seconded that Resolution 91-28 be introduced and read by title only. Clerk Williams read the resolution. LEGISLATION FOR SECOND READING

It was moved and seconded that Resolution 91-28 be adopted. RES. 91-38
The synopsis and committee recommendation of 9-0.

Trish Bernans addressed the amendment creating a fire capital fund and directs that the proceeds from the sale of Unit B go into a fund for future purchases of fire equipment apparatus and possibly for acquisition of land for the construction of a new west side fire station.

White put it in the form of a motion (Section IV of the resolution) and the amendment received a roll call vote of Ayes:9, Nays:0.

The resolution, as amended, received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Ordinance 91-49 be introduced and read by title only. Clerk Williams read the ordinance by title. ORD. 91-49

It was moved and seconded that Ordinance 91-49 be adopted. The synopsis and committee recommendation of 9-0 was given.

Linda Runkle said this is the last procedural step on the local level as far as the bond issue and after passage this will go to the state level, followed by a 30 day remonstrance period and then the bonds will be advertised and sold. The parking lot site attached to the new convention center "looks great" and the project is almost completed.

The ordinance received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Ordinance 91-50 be introduced and read by title only. Clerk Williams read the ordinance by title. ORD. 91-50

It was moved and seconded that Ordinance 91-50 be adopted. The synopsis and committee recommendation of 9-0 was given.

Linda Runkle said this is housekeeping ordinance making statutory changes plus additional handicapped parking spaces, primarily in the park area. The amendment includes the new handicapped spaces in the Convention Center parking lot.

It was moved and seconded that Schedule S shall add Convention Center parking lot - 4 handicapped spaces. The amendment received a roll call vote of Ayes:9, Nays:0.

The ordinance, as amended, received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Resolution 91-27 be introduced and read by title only. Clerk Williams read the resolution by title only. RES. 91-27

It was moved and seconded that Resolution 91-27 be adopted. The synopsis and committee recommendation of 9-0 was given.

Chris Spiek said this expenditure is necessary to correct drainage problems in the Palmer Street area. Service asked how much of the present problem is influenced by the recent development on Palmer Street. Spiek said it pre-existed before that and as a result of the storm water features that he put in the flow was concentrated more than in the past. He followed regulations as he was given them.

Linda Mueller, a Grant St. resident, said the neighborhood is still struggling with the effects of the Randy Frazier development with Palmer St an open mud street, uncut weeds and Grant St floods with water after a minor rain as well as erosion and asphalt breakage. She thanked the Mayor and staff and council for their concern for the area.

Register expressed concern for all the problems the area has suffered.

The resolution received a roll call vote of Ayes:9, Nays;0.

It was moved and seconded that Resolution 91-26 be introduced and read by title only.. Clerk Williams read the resolution.

RES. 91-26

It was moved and seconded that Resolution 91-26 be adopted. The synopsis and committee recommendation of 9-0 was given.

Chris Spiek said this a \$100,000 loan from the Industrial Incentive Loan Fund to Headstart of the Community Action Program (CAP) to secure a permanent location for the program as well as teacher salaries and transportation improvements. Phyllis Trinkle thanked the council on behalf of Headstart. Hogan said this is an important use for the monies even though the fund was not set up for this purpose, but the money is laying there to be used and we have the prerogative to use it for this purpose and we are aware that we are doing this and are glad to help them.

Fernandez said that this council, last spring, amended the guidelines to provide for exactly what this loan is being given for so it might be misleading to state that this is a hugh exception for the fund.

The resolution received a roll call vote of Ayes:9, Nays;0

It was moved and seconded that Ordinance 91-41 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORD. 91-41

It was moved and seconded that Ordinance 91-41 be adopted. The synopsis and committee recommendation of 6-1-2 was given.

Shannon Eades, Assistant Personnel Director said this amendment to the elected officials salaries was proposed during the budget hearings to increase the clerk's salary to bring it into line with other 2nd class cities in Indiana. Among the 16 cities the salary in Bloomington falls short by over \$4,000. This amendment would increase the salary from \$23,201 to \$25,351 with an additional increase for 1993 of \$2,150.

Hogan said he expressed to the clerk that he has the greatest respect for her and that he is not talking about her but about the job of the city clerk. He asked if all the jobs surveyed had the same responsibilities. Eades said they all follow the same statutory duty obligations. He said we do not have a city court and the clerks duties are very limited and asked for a description of job duties.

Eades outlined the statutory duties and Williams noted board and commission records, legislation preparation, legal notices and publications requirements, working with other departments and governmental agencies and the Deputy Clerk interacts with all those responsibilities.

Mike Davis said this amendment was proposed by a bi-partisan council at budget time and the administration agreed to that with the understanding that there was bi-partisan support. Register asked about reclassification and Eades said elected officials were excluded and the pay plan is based on job duties as well as longevity. Elected officials cannot be held to the same job criteria that other positions demand. Register said that other than the Mayor, no other city

office is a full time elected position and since the pay plan review does not cover this office, it is being taken care of this way. As government tries to compete with the private sector this will help getting good people to serve the government.

Hogan said he disagreed saying that the council employs a council administrator who is a very competent attorney, very helpful and Pat is also helpful and competent in what she does with us but what we pay an administrator to do and what we pay a clerk to do are two different things and what time is spent in the office doing what is needed to be done and you don't buy it twice. He was concerned about the partisanship of it and we are giving the Democratic Party chairman a raise and politics does take place in the office and there were things blatantly political going on from the office and it should be understood that the position is not worth that much money.

Olcott said that the job has changed considerably and it is the 2nd highest elected office in the city and if it is compared to other cities its very low. He said he didn't care who was in that job, it's a full time job and it should have a decent salary.

House said that Dan Sherman is an excellent attorney and she said his responsibilities aren't increasing at all and why are we not raising his pay. Eades said that position comes under the step pay plan

Williams said that she has held both offices respectively since 1981 and 1982 and it has always been well known. All of us are elected officials elected by the political process and problems are often solved faster and more efficiently because the proper contacts can be made.

The ordinance received a roll call vote of Ayes:7, Nays:2 (Hogan, White).*

It was moved and seconded that Ordinance 91-52 be introduced and read by title only. Clerk Williams read the ordinance ORD.91-52 by title.

It was moved and seconded that Ordinance 91-52 be adopted. The synopsis and committee recommendation of 7-1-1 was given. The discussion began at 8:45 P.M.

Tim Mueller outlined the rezone request from RS to BA along with a PCD designation involving about 7 acres. The original request was for a 10 ac development that would have included land north of the present site. The anchor would be on the west end (supermarket/drug store combination) and the east end would have an outlot and at least two in-line shops possibly more. He said that "neighborhood" in this context serves a pretty significant segment of the community and with at least a 28,000sq.ft anchor this is not a small scale convenience center. The outlot has a proposed list of uses that has evolved over time and 6 land uses were video rentals, sales, branch banks, business, service, or professional office and sitdown restaurant without drive through, auto service and supply without gasoline sales and a convenience food mart with gasoline sales.

The Master Plan calls for neighborhood shopping in this vicinity, not necessarily this site but this is the favored location. Constraints were placed in the plan because of previous rezone denials, because consultants said that this part of town is underserved, and that traffic congestion could be relieved by locating retail away from current congested areas. The plan recommends that there be no outlot development in this area and that was well discussed at the master plan level. It is supposed to be neighborhood shopping; that it is supposed to be a conflict reducing kind of thing. If we are going to talk about neighborhood shopping centers in an area where it is bound to be unpopular that is controversy enough and we don't want to exacerbate the problem by incorporating other uses that

don't serve that neighborhood such as the typical outlot uses. The Plan Commission denied this petition 6-4 because of the no outlot provision in the master plan. There are a number of thresholds to be crossed dealing with business zoning at all?, the form of the development? and the concept itself. He said that street improvements will include the widening of Parrish Drive to three lanes, Kinser Pk will also be widened to four lanes accommodating left turn storage lanes both north and south as well as through traffic lanes

Fernandez asked about outlot usages and if the restaurant had been dropped, might the Plan Commission voted favorably. Mueller said it was risky to project about what 11 people would do about a proposal that was never made, but discussion suggests that they were probably willing to consider/accept a totally integrated center involving more than one building. They were concerned about outlot characteristics as they are commonly known.

Service asked about building currently on the site. Mueller said they said they would try to move the building to the other location but they couldn't make a commitment because the building belong to Ben Parrish and the site north of Parrish Dr. belongs to Ben Parrish. After the approval Mr Parrish submitted a letter said that it would be his intent to relocate the building if technically possible.

Hogan asked if outlot buildings have to conform to other buildings on the site or could, for example and red and yellow Rallys Hamburgers be built there. Mueller said the plan specifies no drive through restaurant and the Plan Commission has the discretion to demand that designs be integrated throughout the development and that means that Rallys would be obligated to consider a specialized architecture that would blend with the rest of the center. Hogan asked what the difference would be if all the building were compatible and not franchise architecture. There is a lot of concern about the definition of outlot.

In response to a White request to discuss the buffer plan, Mueller said that the school corporation sent a letter to the Plan Commission recommending that the interface with the school property have a 6ft chain link fence with a substantial evergreen hedge. They also agreed that the entire site would be designed to minimize cut and fill and to preserve trees if at all possible.

Olcott asked about sidewalks and Mueller said the developers will build one on the Kinser Pk frontage and have suggested that they might put it elsewhere in the development as well. There will be no connection to Arlington School or north to the subdivision.

Kiesling asked about traffic counts and he said they were done a number of years ago. She was concerned about enough stacking room on Kinser Pk. and hoped it would be carefully looked at.

Bill Finch, representing the petitioner, said there was no Plan Commission consensus on the denial as well as the speculation on the reasons and purpose on the outlot provision. He also said that the rental houses that can be moved will be moved. He also said that the Plan Commission never really gave the developer a list of outlot development objections, like here is the good stuff and here is the bad stuff. It was a long back and forth process. There were 11 criteria in the master plan for the development of this location and all criteria have been met with the possible exception of the sitdown restaurant. The developer agreed to all of the restraints that were transmitted from the Plan Commission staff and commissioners.

Finch said that the north side has 23% of the total population of Bloomington and yet only 7% of the total grocery square footage and is in fact the most underserved area of the community. There has been no attempt by existing providers to upgrade their facilities. Not one adjacent property owner has objected to the project. The petition is for 50,000 sqft of finished building space. He said this is smaller than Walnut Park and only 2,000 sqft larger than the Kroger store alone at Jackson Creek. The store nor the project is a "mega anything." The petition is for a grocery and drug store anchor, approximately 5 shops of 1200 sqft each and a bank, video store, office or restaurant. It is not a sprawling development with numerous access points but will be architecturally compatible, controlled and contained. The developers have attempted from the first to proceed in a positive, can-do approach with neighborhood meetings, schools and revisions of the petition in an open manner. All the comments have been directed at killing the project rather than make it better and this has been less than helpful given the directives of the master plan to provide shopping in this area of the city.

Service asked for comparative store sizes. Finch said this is 50,000 sqft of finished space; it is 2,000 sqft larger than Kroger at Jackson Creek. The in-line shops (B shops) are 1200 sqft each and the rest is parking. She asked how the 28,000 sqft called for in the master plan compare to other grocery stores: Mr. D's is 25,000 sqft, Kroger at Jackson Creek is about 58,000, West Side IGA 28,000 to 30,000 and Marshs on Walnut is 36,000 and with Goodwill is 55,000 sqft. Stollberg gave these figures and said the finished center will be between 40-60,000 sqft and a there is much yet to decide.

Dan Newbecker discussed buffers and sidewalks and positive things the developer has done. There is a path from the neighborhood to the school and there is no reason for children to cut through. He discussed boring locations for bedrock that were done for the Signature Inn some time ago in this area. At this point the cuts and fills are not enormous. He could not guarantee that there would not be rock removal. There will be further study but based on current information not much rock removal will be necessary.

Fernandez asked for the difference between outparcel and outlot. Newbecker said semantics. The outlot issue has to do with one thing, primarily the uses. Fernandez said that might be his interpretation, but the plan does not say if and only if NO restaurant, it says if and only if no outlots and for the record you have tried to portray this as not having an outlot and he disagrees with that. Newbecker said that if the Plan Commission intended to say that an outlot meant any detached building, this center would not work with anything but a grocery store. If they would have foreseen the difficulty with the outlot issue they would have made it more clear, that outlots are defined as a separate use in terms of building. Fernandez said there are different ways of making something 50,000 sqft and changing dimensions might have made it possible to eliminate the whole argument about freestanding buildings.

Kiesling asked why outlots are needed. Finch said some uses must be freestanding like branch banks and the economic reality that the freestanding units make a center financially viable.

Hogan said he does not personally like outlots but that he defines them as White Castles, and Rallys, and we are at an impasse to define what is the outlot and what is the shopping center. We have a definition problem that we are trying to impose on an existing problem.

Steve Smith said they had good data on traffic counts. Kinser Pike backs up past Parrish Drive several times a day because there is only one lane going into the intersection at the present time. Turning lanes will be used and will have more storage space than is really required. He said it was about 500ft from 45/46 to the shopping center entrance. 10:10 P.M.

Ted Najam responding to some points that were made said some parts of the 45/46 road improvements are under the state Dept of Transportation and not under the control of the petitioner; that the length of the last meeting did not serve the public interest and were contrary to the council's own rules. He said the path that kids walk to Arlington School on is not a public right of way but an easement granted by two property owners for the path, so that kids can get to school safely. Outlot is not that hard to define: it is the frontage of a planned shopping center and its unique feature is its highway orientation. Also the council is not empowered to make financial decisions for developers and even if it is a question of land economics, the profit or cash flow is in the outlot and in order to get a return on the property investment, that is why the outlot is in the plan.

This is not the kind of neighborhood development that is called for in the master plan and master plan is defined in the plan as small and serving a limited market area. Comparable stores at Jackson Creek and Seminary Square alone generate some 20,000 to 25,000 customers a week from throughout the city. He noted all the objections to the proposal dealing with the school, traffic, need, environment, residential neighborhood that does not want or need it, generate thousands of non-area trips and turning movements through a single uncontrolled entrance and violate a scenic entrance to our city. Public debate has focused on the master plan itself rather than these specific points associated with this particular proposal. He read at length from the master plan definitions and distinctions for shopping centers. Outlots represent the highest retail activity and trip generation and this site is the only one in the entire master plan where outlot developemnt is flat out prohibited. He asked that the council carefully consider their decision and to reject this proposal and in particular Ron Foley to represent his constituents and to vote against it.

Foley said this is the second time that Najam has inferred or impugned his integrity in terms of his ability to represent District 1. Najam said that nothing should be construed as to impune your integrity, it has nothing to do with integrity. Najam said that he has many clients, who Foley represents who are profoundly disappointed because they fear and believe that you have not heard them. They have asked him to make this statement to him(Foley).

Speaking against the proposal:

Ron Bader, owner of Value Plus drugstore on N. College. and Blue Ridge resident. There has been little growth on the north side of town.

Laura Skirvin discussed zoning ordinance and master plan specifics as well a thoroughfare access limitations.

Conrad Urbahn, a ValleyView Drive resident, said this is a regional center and is proactive rather than reactive to the needs of the area.

LeeAnn Brummett was against the center.

Eric Qually discussed the geology aspects of the site and was against the proposal.

Alberta Comer, representing the Arlington School PTO, also opposed the plan.

Al Cartwright also spoke against the plan and wondered if remonstrators were even listened to. Over 800 people

petitioned against this plan, did we not hear them?

Dick Skirvin addressed traffic concerns.

Roy Leake said the petitioner has presented a point of view that it must be done now, this way and there is no alternative use. He wondered why not housing rather than commercial.

Charles Caradol (sp) asked that the proposal be denied.

Tracy Kerrick spoke in favor of the proposal that would meet the needs of the northside.

Richard Martin addressed other concerns noted in the master plan and not just the few pages addressed this evening by the developer or the planning director. There are alternative land uses for this site and both are clearly stated in earlier portions of the plan. The statements were conceptual not specific. He continued to discuss numerous other parts of the master plan dealing with citizen input, traffic and infrastructure needs. Nothing provided by the Plan Dept or Commission supports this petition.

Diana Iago was concerned about livability in the general area and doesn't want to fight major traffic.

Marion Cobine said there are other places to shop besides the east side of town and that there are banks inside the grocery stores.

Daphne Lewis expressed concern about children attending school in the area. (11:35 P.M.)

Bill Finch responded to several comments dealing with site selection, and this is the one that the petitioner came in with from the very first. He discussed Najam's definition of outlot having to do with frontage and highway orientation and thought that if the main building were turned around it could actually become "the outlot". He reiterated building finished sizes, marketing and economic concerns in the general area and the stone borings at the north high school years ago. He reminded the council that they are supposed to be looking at the big picture. The master plan has contradictions and some priorities will conflict and that is why the plan is a flexible document and priorities have to be weighed.

Ted Najam also responded to several points saying that community input must be ongoing. It is not self evident that this is the site. Everyone knows that the development will look nice, but this is a question of land use.

Service who voted for the proposal last week, said that if she had bowed to political pressure she would have been voting NO because that is where the pressure has come from. Some of the fears people have, she hoped would be unfounded. Service said we never said this was a no growth plan and if development is to be curtailed in one place then the inevitable corollary is that it must go someplace else.

Olcott said that zoning issues are the hardest ones. We asked for the master plan, we got it and it's gonna happen and he favors it because a large part of infrastructure is already in place. The developers have done a good job throughout our community. He wants to see Bloomington grow so that we have jobs. He said his favorite line when people say no to development is "if you don't want development, then you really ought to move to Paoli" We are a regional medical center, shopping center and we have a major university. Things are going to continue to happen here. House said it is a good plan, and she has had positive comments from people in her district.

White asked Finch about provisions regarding liability for property damage while removing rock. Finch said the people who do the work are bonded and insured and liable. He asked Najam that if we denied the plan tonight and the developer went back to the Plan Commission with a plan that complied with the plan, would the residents still be against the plan. Najam said there is a difference of opinion and people oppose the plan for different reasons.

This plan will move shopping closer to people who are going to use it. If we turn this down we will send a signal that we are against growth. There will be traffic problems with this site, but the 4 laneing will help with the additional traffic and we need to think of ways to mitigate traffic and make it more convenient to stay closer to home to shop. Bloomington does not operate with backroom deals or done deals and that is an impressive thing about public service in this city.

Kiesling said some shopping at this intersection would be good and there would be some mitigation of traffic. She expressed concern about emergency exits from town, growth policies for our city, prohibiting outlots is very definite in this particular area, other sites will become available for shopping if that is what people want, and she asked about alcohol use/sale because of the proximity of the school. She said she was disappointed in councilmembers because so many people worked so hard on the growth policy plan and this whole area was specifically addressed. Traffic will increase in the area. She said she would vote against the proposal.

Hogan said the master plan is probably too flexible, good points were made on both sides, decisions cannot be made based on how many people show up for a meeting and this kind of participation guides future planning and molds the future of our community, traffic mitigation is crucial to our community.

Regester said private dollars will greatly improve the infrastructure, the buffer zones are well developed, traffic will probably be slightly improved, RS is not the best most appropriate use for this site, there will not be a negative impact on the residential area, this proposal meets the criteria adequately not perfectly but adequately.

Fernandez said there are good things about this proposal and good points have been made. He asked if this was the best plan we could get for the area and he isn't convinced we are getting it and if we approve it we lose all leverage in getting something better. It is so easy, for the proponent of a development plan, to label them as anti-development, trying to kill the communities economy. The facts just don't bear that out. This current body has not voted down one single commercial development in 45 months. We don't deny plans very much at all. There will not be anything as explicit as NO OUTLOTS again.

Foley said this is a real guts issue for him, it's a close call, it's positive that a local developer that is going to take this on, the master plan should not be a whipping boy, he said he disagreed with people who are against the plan and he was sorry about that and that everyone will do their best to accomodate everyone's needs.

The ordinance received a roll call vote of Ayes:7, Nays:2 (Kiesling, Fernandez).(12:45 A.M.)

It was moved and seconded that Ordinance 91-51 be introduced and read by title only. Clerk Williams read the ordinance by title. ORD. 91-51

It was moved and seconded that Ordinance 91-51 be adopted. The synopsis and committee recommendation of 1-5-2 was given.

Tim Mueller said the 35 ac area is currently zoned MQ and much of the surrounding land is RS. The master plan for this area calls for an employment center along this area calling for integrated design and improved access. The area would be used by Whitehall Trailer Storage business, lined up on the site for leasing and storage or trucked to their own property. It would be low volume traffic to and from the site, there would be an office, there would be a 200 ft setback from 17th St. frontage as well as the establishment of a easement for roadway starting at the back end of the property so that in the future the

back end could be developed. The neighbors were concerned about the use. The staff is concerned about plan compliance and if this plan contributes to longer goal objectives. This doesn't put a lot of physical improvements in the ground, however the character of this use is probably a detriment to the use we might aspire to on this site. What we would encourage in lieu of this use is a smaller scale employment activity the plan suggests. The Plan Dept and the Plan Commission recommend against approval.

Olcott said he looked at it and wondered what else we would ever use it for. Mueller said we could look into the Board of Zoning Appeals granting a use variance that would be temporal in nature for a number of years, however, what is involved here is the sale of land by the petitioner to the proposed user and that would complicate a transfer of title. Hogan said there is no infrastructure in place to support an employment center at this time and just because we said this should be an employment center doesn't mean that it can be done.

Rick Rechter, representing Covenanter Properties, said that property is stripped of all the topsoil and subsoil. It is bare rock and no one can afford to put water and sewer in solid rock. He said he would quarry it if necessary because he is so distressed with the process he has gone through with the Plan Commission. He said it is a shame to hold a piece of property hostage because of boilerplate ideas. Olcott asked if it could be quarried, Rechter said it isn't good building stone but it can be done.

Steve Smith said there are better office and employment center areas for development throughout the community. There are access problems for a substantial development as well as the lack of soil and subsoil. This is a reasonable interim use because; a minimal investment, minimal traffic impact, it's a storage operation, not a trucking operation and it is highly screened from anybody. If there was a viable market place area, then we would be doing something else that would represent a higher and better use than what is being proposed.

Olcott asked if the Plan Commission denial was based on the employment center desire. Mueller said a reluctance to encourage traffic on 17th St. (but he acknowledged that this use is about one truck a day), and we would like to see it develop in other directions and the truck storage once in place seems to be a detriment to things happening around it and poses a dilemma regarding long term versus short term use. The aggregate of the two site, the one Superior Lumber is using and this one could result in a lot of good exposure to the 37 ByPass and if the access problems could be solved on Arlington Rd. it has the earmarks of a very nice development in the long term.

Olcott said that if a higher or better use comes along, they

will dump those trailers and build on that property. Rechter said that tract is about 20-30 ft lower than anything around it, so any building would be four stories before anyone would even see it.

Service said the Plan Commission was against this and was not what the master plan envisioned for the area. It will be hard to visualize the potential of that area with that type of development.

Kiesling asked even if this were temporary, is there anyplace that would allow trailers. Mueller said that manufacturing zones would allow truck zones and there is some question of whether its legal to park a semi on a permanent basis and lease the space as though it were a

building and there is reason to believe that is not consistent with our code or the state building regulations and we are in the process of debating that with them.

House said she felt like she was listening to two different projects.

Jim Bohrer, representing the petitioner, said that the council adopted in the preamble to the master plan that it would be appropriate to pursue policies which preserve prime industrial land but it is not the intent of the master plan to block the use or place land in a holding pattern until a recommended use comes along. An employment center use is not viable because of low demand, infrastructure problems and other site specific problems. If this petition is denied then paragraph 8 in the preamble the plan is meaningless.

Fernandez said we did not adopt a preamble. He said a motion was made by one councilmember as this policy statement was adopted, nothing more than a motion that is part of the minutes and the minutes contain some 15-20 pages of comments that are quite different, nor are they opinions that Mr. Bohrer would necessarily want to have implemented. It is not a preamble, it is minutes.

Service agreed, saying that preamble is your word (Bohrer) not ours. She said that at the Plan Commission level she saw it as a very negative, temporary use, longterm impact on the usability of that land.

Hogan said the minutes were part of the document and was presented to be an amendment to that document and no one accepted that, it was talked about as a preamble and no one accepted that and at the last minute it was agreed that all the minutes would be included so that everyone's intentions would be known. The master plan did not intend to put acreage in holding patterns for years and years. This is not an intrusive use of this property.

Register agreed with Rechter about infrastructure considerations and alot has to happen before it becomes an employment center.

Fernandez asked Mueller to convince him that this is a wrong use for the land. Mueller said the trailer use is a quite unattractive one and once in place does not contribute to the longer objectives to the property and instead be planned and developed incrementaly.

Kiesling said changes are permanent and that is why she wondered about a variance rather than a rezone.

Hogan said this is a single use variance. If they want to do something else they have to come back to us for approval.

Mueller said there is no access to the 37 ByPass just Arlington Rd.

White asked about meeting with the neighbors. Smith said they were concerned about numerous things, traffic, the view; they didn't pretty much want it.

Service said the neighbors just get tired and the traffic was a concern; that kind of traffic not necessarily a lot of traffic, but the kind of traffic.

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

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

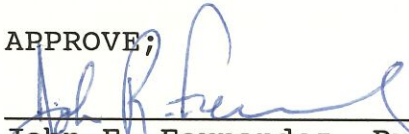
Ordinance 91-53 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory.

FIRST
READINGS
ORD. 91-53

There were no petitions or communications from the public. PETITIONS

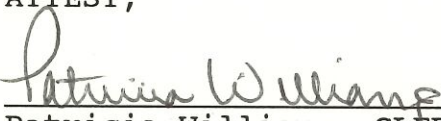
The meeting was adjourned at 1:35 A.M.

APPROVE;



John F. Fernandez, President
Bloomington Common Council

ATTEST;



Patricia Williams, CLERK
City of Bloomington

* White thought we should make every effort to evaluate employees through the reclass system and any changes, except for COLA should only take place when there is a change or responsibilities. We should not be looking at the person who holds the position, just the job description. He said, no offense, but he would only support a COLA increase.

White asked that these comments be developed more completely when minutes were approved.

Rw.