

In the Council Chambers of the Municipal Building held on Wednesday, October 2, 1991 at 7:30 P.M. with Council President Fernandez presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
OCTOBER 2, 1991

House, Foley, Kiesling, Olcott, Fernandez, Register, White, Service, House, Hogan.

ROLL CALL

Fernandez gave the agenda summation.

AGENDA SUMMATION

The minutes of September 11, 1991 were approved by a voice vote.

APPROVAL OF
MINUTES

House wished the Herald Times a Happy 25th Birthday. She congratulated the Convention Center for the good start-off and also Saturday's dedication at the new Fire Station was a beautiful occasion.

MESSAGES FROM
COUNCILMEMBERS

Kiesling also congratulated the city for the new fire station; the Solid Waste Management District will have a public hearing on November 7 at 7:00 P.M. at the Meeting Room in the Courthouse.

Olcott said that the Sare Rd and Moores Pike road work looks great and the sidewalks around the area are wonderful.

White was also pleased about the fire station dedication and thanked Betty Merriman, former City Controller, Pat Patterson, former Public Works Director, Linda Runkle, Corporation Counsel and Dean Behnke and Bill Riggert, Engineers, Mary Kropinski and especially Chief Fleener for all their help and assistance to make this station a reality.

Service thanked Larry Fleener for donating the original brass sliding pole to the county museum. She spoke in support of Channel 3's recent decision not to give coverage to certain political rallies. This is a policy decision made by their board and their board is meeting to decide if they can make the policy even more equitable in pre-election times like this. She clarified several points: Channel 3 Public Access TV is supported by franchise money, by user fee and not Channel 30 which is public television and is supported by tax money. There are different laws they work under and Channel 3 has done a very good job of following community events with very equitable policies.

Hogan said he was glad to see the large crowd tonight.

Mayor Allison made a statement to the Council regarding the Kinser Pk ordinance that is coming back to the council tonight. She said that she has followed the case from the first with the Planning staff and listened to the Plan Commission and City Council's deliberation and knows that there are differences of opinion and interpretation, but she felt that it was important that the council reconsider the vote of approval and that is why she vetoed Ordinance 91-52. This Master Plan will work only if residents of Bloomington have confidence in its implementation. It is the best available expression of our community's wishes about the future of its surroundings, yet in its first real test, a project has been approved which does not conform to the letter of the master plan. Simply put; No Outlot Development means no outlot development. The plan states that the Kinser Pike tract is appropriate for neighborhood scale development if and only if the following planning considerations can be addressed. Key planning considerations include no outlot development. Ignoring this clear language so early in the master plans's life would endanger the plan itself and erode the public's confidence in it. On the Kinser Pk site the master plan is more detailed because of past controversy. Added restrictions were part of the compromise during the master plan

MESSAGE FROM THE
MAYOR

deliberation. She asked that the council vote No on the zoning request that is before the council tonight.

Sue Wheeler, Human Resources Director honored representatives from the Bloomington Community Foundation. She introduced Doris Seward, Jack Mulholland and Ilknur Ralston (President) of the Board of Directors. Ralston thanked the council for making the foundation possible as they work to enhance the quality of life here in Bloomington. The Lilly Endowment has offered 50% matching funds to smaller communities who put together foundations and will provide those matching funds up to 1.7 million dollars. She presented the Mayor with a picture of her and John Mutz as they kicked off the fundraising efforts.

MESSAGES FROM
CITY DEPARTMENTS

It was moved and seconded that Ordinance 91-52 be introduced and read by title only by the Clerk. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 91-52 be adopted. The synopsis and committee recommendation of 7-1-1 and a council vote of approval of 7-2 and a veto by the Mayor was given. (Mayor's statement attached to the ordinance.

LEGISLATION FOR
SECOND READING/
VOTE
ORD. 91-52

Fernandez said that procedurally for this ordinance to be adopted, it must receive 2/3 vote of all members of the council.

White moved that the council entertain a motion to limit debate of this ordinance limiting 10 minutes to the administration (Mayor and Planning Director), 10 minutes for the petitioner and 10 minutes for the respondent, 25 minutes from the general public, 5 minutes for concluding remarks by both sides and 30 minutes for councilmember comments. The motion was seconded.

Service said she did not support the motion saying that there are many people who want to express their opinions. If the other people want to limit their comments, fine, but the public input should not be limited and this meeting should be run like a regular meeting.

White said the last thing that this council ever wants to do is limit the amount of public input, but the reason this motion is appropriate is we have had a full assortment of public input on this issue over two full meetings as well as phone calls at home. Everyone knows the issues regarding the particular property, what is being debated tonight is an override of a veto and he said the one and one-half hour debate should give everyone enough time to determine if they should veto or not.

Dan Sherman said a motion to limit debate is not debatable. The debate ended.

The motion to limit debate received a roll call vote of Ayes:6, Nays:3(Kiesling, Hogan, Service). The motion to limit debate required a 2/3 majority. The debate will be limited as outlined in White's original motion.

Mueller described the tract at Kinser Pk and 45/45 by-Pass and the petition to rezone to a planned commercial development (PCD). The uses are constrained with the supermarket/drug store at the west end, parking in the middle and one outlot parcel and one parcel that would accommodate at least two strip shops. The supermarket would have to be in the initial stage of development and at least 28,000 sqft. The remainder could be done in one phase or more and the outlot list of uses is a restaurant, not including a drive-in facility, a branch bank, video tape store and offices. The list for the

two or more shops up front and the major part is traditional, conventional neighborhood shopping center. When we say neighborhood shopping it is important to understand that we are not talking about a center to serve the immediate adjacent subdivision. We are talking about a center to serve a section of the community that would typically be anchored by a full sized supermarket along with various other shops that typically occupy such centers and serve a radius of 1-2 miles. The master plan gives us some guidance on this and advises for a neighborhood shopping center of this sort in this location and then goes on to state that it should be approved if and only if certain planning considerations could be taken into account, namely that there be no commercial development north of Parrish Drive, and that there be no outlot development. It's fair to say that the final sticking point at the Plan Commission level was the outlot issue. The staff's analysis of this was that the plan supports the shopping center at this location and they were prepared to recommend approval if they (petitioner) could comply with specific language in the plan and as this went through the process, it moved closer to complying with that language until the final Plan Commission hearing, the list of outlot uses was further constrained to take out certain uses, but the uses that were left were still at odds with the no outlot objective of the plan. The Plan Commission voted 6-4 for denial. The petitioners made it clear to the Commission that this was their last proposal and that they were unwilling to compromise further on the uses or the outlot issue and if the Plan Commission made a contingent approval, the petitioners would not go forward to the Council in agreement with those conditions of approval. As the overall policies were developed in the master plan process, this was one of them. They have voted on this site at least twice over the last several years and in both cases denied commercial zoning and they are well aware of the concerns of the neighborhood. The plan went back and forth several times and it came back to the commission with this specific language included, so the language that appears in the plan has the form of a compromise to mitigate the adverse effects and some of the antagonism of the community and the Plan Commission to the concept of a neighborhood shopping center and for that reason, it was taken seriously and gave them considerable weight in the staff/commission negotiation with the petitioner.

Bill Finch, representing the petitioner, said that the remarks of the Mayor, from her political headquarters were at such odds with what her own staff has said in the past month and what the master plan really says that we need to go back to the basics tonight. No new issues, insights, or information was brought to light in her statement. We are at the same point we were two weeks ago except that the Mayor and her planning staff are actually in disagreement with each other. The Mayor says the issue is an outlot and that is not what the plan says and that is why Mueller has never been a strong advocate of that position. He read the master plan dealing with the planning considerations that must be addressed and lists the 11 key planning considerations which must be addressed. It does not define the word "outlot" just as it does not define the phrase which Tomi and Ted (Najam) have glossed over, namely, considerations to be addressed. The plan does say if and only if there is no outlots, it gives a list of considerations to be addressed. The Mayor would like the section rewritten to say if and only if the following requirements are met. That is not what it says and that is not what the council passed when they

passed the master plan. The council has never heard Tim Mueller say that the plan absolutely prohibits an outlot because it doesn't. It is listed as a consideration to be addressed and that is what the staff did when they wrote their own staff report. The report boiled down 11 considerations to 8 and they combined the two considerations, integrated a staff report, planned development, no outlot development and they said, among other things, these two goals are discussed together and later a detached building per se need not have any greater adverse effect than one attached to the anchor. Until the Mayor's veto, the position of the administration and planning department has been that the issue if one of appropriate use and the only problem the mayor's staff had was with the inclusion of the restaurant as an appropriate use. It did not turn on the outlot use, it turned on use and it's because the plan doesn't prohibit an outlot. The restaurant was the only issue that hung up the Plan Commission and the Mayor didn't even mention it in her brief veto message. He said the council has to consider if definitions are more important than implementing the master plan. In a common sense way that means jobs and opportunities for all of our citizens and also meets the goal of considering neighborhood shopping. This project is not modest in size, it is small. It is 60,000 sqft total and smaller than Walnut Park (70,000), than Jackson Creek (180,000) than Whitehall Plaza(160,000) than Whitehall Sq (110,000), than Eastland Plaza (125,000) but it has become very important. 15% of the people in our county live below the poverty level because we do not provide them jobs, opportunities and we let them be there and all the good intentions and all the rhetoric in the world will not help these people. Imagine what it must feel like to think that one has or doesn't have a job and can feed your family depends on two lawyers and a politician arguing about the meaning of no outlot. The council must decide if they will vote for growth and jobs when projects are brought forward that are consistent with our the overall view of the community and the vague language of the vague master plan or whether arguments over words are an excuse to say no. He said the council supported this ordinance two weeks ago because all the questions were answered after hours and hours of debate. The master plan is just as strong a commitment to growth as to control.

Ted Najam, representing the neighbors opposed to the development and who support the mayor's veto said that Mayor Allison has signed 524 ordinances since taking office and with this one veto she has approved 99.8% of all ordinances submitted to her. It represents less than 2/10 of 1% of the ordinances presented since she became mayor. This first veto was exercised because she knows that this case sets the first precedent and the incredibility and integrity of the master plan. There are many reasons why the veto should be sustained. The Plan Commission has vetoed plans in 1978, 1989 and 1991. He said that this proposal is not a neighborhood shopping center as defined by the plan. As an example, at Weimer Rd and Tapp Rd. a neighborhood shopping area is defined as 35-50,000 sqft. They are intended to be small scale centers that serve limited market areas and provide shopping opportunities for frequently purchased items and for that reason size and type of development is critical. Many terms in ordinances and resolutions are not always defined, everyone knows that an outlot is located at the frontage of a planned shopping center and everyone knows that outlots are typically high trip generators. The Plan Commission did not like this site and had

strong reservations about it. When the petitioner brought the original plan for approval the outlot was 9/10 of a acre, it is now two acres, double in size. The Zoning Ordinance also applies in this case. It says an outline plan shall be approved if and only if the plan development is consistent with the general plan of the city. The outlot issue is dealt with throughout the master plan but this is the only place where the word NO appears in front of the word outlot development. There are ambiguities and it can be interpreted in different ways. That is a false charge in this case, because the text is very clear, all you have to do is look at the adjectives that appear in front of the word, OUTLOT. The word NO appears everyday in hundreds of ways. Words and phrases should be taken in their ordinary, everyday meaning. He also discussed the use of specific terms over general terms in language construction. In general the plan says this is site for development and in more specific that the question of outlots should be addressed. He disagreed with Finch's interpretation that the outlot issue has been adequately addressed. The petitioner is a successful, aggressive and high quality real estate developer who wants the best return on his development dollar and that is a legitimate goal. However, in order to accomplish that private goal, in direct violation of the master plan, the petitioner has insisted from the very beginning that the petition include outlots. The council should not/must not make economic decisions for any petitioner. The purchase price for the land should be renegotiated if the petitioner has to violate the conditions of the master plan in order to make a given site work financially. The master plan does not say contain outlot development, discourage outlot development, restrict outlot development, curtail or limit outlot development at Kinser and 45/46. It says No Outlot Development.

Public Comment will be limited to 25 minutes. Names and a brief synopsis of comment will follow.

Bob Mobley, a 3rd St resident, thanked the council for their support of this petition.
Barbara Prince read a letter from the Parrishes who own the property supporting the petition.
Ken Wood was concerned about the controversy this has created and what kind of climate this provides for industry that might want to locate here.
Tracy Kerrick supported the petition saying the north side does need more shopping.
John Bender supported the project and the clear signal that we were favorably disposed to progress. This is a window of opportunity that must not be missed.
Rob Snoddy, a Blue Ridge resident, supported the petition. He said he was opposed to a north side College Mall and opposed to the benefits to the east side, the south side and the west side not being available to our neighborhood.
Jane Humphrey said this property has come before the council before for a motel and was turned down and yet there is now a motel there, close to the school. Apartments were also turned down at one time and now we have apartments and condos there and she wondered why this corner is so different from other corners.
Donna Richards, a Winding Way Lane resident, was against the petition and complimented the council for supporting the master plan. She said that 800 signatures have been collected in opposition to the plan. She discussed traffic congestion and the one uncontrolled entrance on Kinser Pk. to the proposed site.
Bill Van Hook thought everyone should think this over

more and this whole thing should wait until after the election and we have some new councilmembers. Dick Goddard, a Kinser Pk resident, was surprised at all the folks that are here tonight and wondered if they were from the north side and asked the council to remember that the people, by their petition don't want this development and asked that the master plan be supported.

Don Bryce with the IU Transportation Research Center said that exposure to traffic danger will increase with cars in and out of this development.

Closing Comments from Petitioner:

Bill Finch said that another definition of an outlot is a parcel that is separate from the rest of the center with no cross access to that center and with independent and direct access to the street. That may be what they might have meant by no outlot. The petition with 800 signatures was carried around city hall by city employees and not everyone lives on the north side of town. He repeated all the conditions of approval that his client has met. He said the master plan does not say absolutely no outlot development, it is a consideration to be addressed. It does say it is a requirement to be met. Nothing new has been presented this evening that has not been thoroughly debated and discussed, except for their pointing out what the real language of the master plan means and says what the real language is.

Closing Comments from Ted Najam:

This is a difficult issue for everyone and that is the nature of a vibrant community and the people who are most affected by this are opposed to this development. The opposition has been sustained and it has been vigorous and the issue is not if Winger/Stollberg is a quality group for they are and they build fine developments. The issue is land use, the issue is that a compromise was struck on this site while the master plan was under consideration and he quoted sections of the plan. He quoted Bill Sturbaum, a Plan Commission member: "Our idea was that this would be a small development, it would not be a large shopping center and it would serve the immediate neighborhood, this proposal does not do this, and I'm gonna vote against it". There has been a breach of trust and what he hears from many people is a profound sense of disappointment in the vote of the council at their last meeting. The planning staff insisted that the petitioner meet all 11 criteria and because this plan does not match all of those criteria, the planning staff has come down against this proposal in its present form. A plan can be approved for this site at a later date, if it meets the master plan criteria.

Service said this is the first opportunity to implement the master plan and she wished there was a better test case to do it with. A lot of community time and energy has gone into the formation of the plan and if there is anyone who thinks this plan does not represent the will of the people then that person came into the process rather late. This proposal does comply with the spirit of the plan, very closely, and the plan does identify this site as the appropriate site for a commercial development of this sort. How does the proposal comply with the specific wording of the plan. Here is where it does not fully comply and we can and did debate the definition of what outlot use means as well as the characteristics or access. Generally the spirit of a proposal is what should be the overriding consideration, however, as someone who was in on the formulation of the plan and as time goes on there will

be fewer and fewer people who were actually involved in these things around, not much has changed as far as facts, but there has been a change in the tenor of the debate and more importantly a change in the public perception of the issues. The Mayor's not lightly given veto supports that same view and if the council votes for this tonight then it would not be interested/serious about enforcing the master plan. It is to be assumed that neighbors immediately affected by the development are largely opposed to it because it is changing the situation that they bought into, but there are a lot of residents throughout the community who feel that if the council votes for this they are voting against support of the master plan. She said she would support the veto and support public confidence in the master plan and that she cannot support this development as it is currently designed. If it passes tonight, she hoped that developers don't think that the council is not serious about the master plan.

Hogan said the veto was a political move, and that this has been rehashed over and over again. There have been 524 ordinances passed and this is one 35 days before an election that was brought up to create an issue. This administration has been here for 9 years and people involved in the administration have been here for almost 20 years. There is a tremendous no-growth sentiment in this community and while he respects this, he does not believe that it stems from a desire to live in a community that is not vibrant and not growing. This administration has approved for the past 20 years of the growth that has occurred that everyone seems to be objecting too. All that has happened for the past 20 years is what has stirred up the no growth sentiment. Growth by itself is not objectionable and what is objectionable is the lack of infrastructure support and that has not been provided for. The objection is not to the project, it is to the confidence that this administration will provide the dollars to support the development, that is the fear. The city has to address some of these problems like Kinser Pk with a 50 year horizon and say that a two lane road is going to service a high school forever, or that we are going to stop growth to the northside forever because we don't want to build a road: that is the real place we have come to a confrontation. We are an elected body, elected to represent the people and everyone does it very conscientiously. The master plan is and should be the peoples plan and any plan passed should be for the benefit of our community and people. It isn't the mayors master plan and the veto was saying that what she desire politically is more important than the people.

White thanked everyone for all their participation at all the meetings and all input is helpful to the council. The mayor limited her veto to the masterplan. He said he expected individual debate when the plan was adopted by the council last May and that debate will continue. The master plan is not the law, we will implement ordinances later on to implement laws about the master plan and there will be plenty of opportunity to debate. Overall when one says no outlots, that has a pretty solid definition that there should be no outlots. But the list of outlots was carefully limited to 4 things and anyone of those four things could be attached to the supermarket and it isn't the terrible outlot question that we normally need to be concerned about. More importantly, it is how we interpret the plan in it's broad general provisions and those are overriding, namely traffic mitigation, move shopping closer to people who are using it and we have to keep

that paramount. He will continue to support the project and vote to override the veto. He said he will keep a very careful eye on the project and monitor it closely.

Regester said after visiting the site frequently and most recently today his concern is that the improvements at the site mitigate traffic patterns as well as the volume of traffic in the area. He believed that the project would accommodate them (traffic) and that there would not be a negative impact. It might possibly create improvements during current bottleneck situations at certain times. There could be some relief to traffic routes to Jackson Creek. As far as outlots, the staff report says that they advise NO OUTLOT. The intent of law is more important than a literal interpretation. The master plan is alive and well and there are many large issues involved and many considerations to be made. The plan is a policy plan, a framework for land use considerations. It is not cast in stone. If this policy plan is to function in our open economic system that our open government thrives on they certainly spend a lot of the money that it generates. It must allow some interpretation or adjustment through careful and lengthy consideration. It has not been an easy decision and he urged the planning staff to be sure that all conditions are carefully monitored so that the project is a good one.

Olcott said there have been lots of bad nights and this one isn't the worse. In 1979 College Mall was enlarged, also right before an election and also the councilmembers at large, except Olcott voted against it. There was one other veto by Mayor McCloskey back in 1976 (Ord 76-24) and it held. The road out there is a busy one, but this is a commercial site if there ever was one. It has a stoplight and is surrounded by commercial development. The project will be done right by the Winger/Stollberg company. The master plan will be a tough decision over the next few years but this one is a commercial development on a commercial site.

Kiesling also thanked everyone who participated and said that lots of strong points have been raised. It was decided at the master plan discussions that it would be a commercial development and the developers said outlots were needed and discussion took place that there would be certain restrictions on this particular parcel. She said her vote would remain unchanged. Growth will not stop but there are restrictions as to when infrastructure can be put in place, both financially and what the state will allow us to do. This site was very carefully considered on April 10 and she hoped that in the future we get better information as we go through and we work the process better before it comes to the planning or the city council. This site was negotiated during the growth policies plan and thoroughly discussed.

Foley shared some personal thoughts because it was a very personal decision and a tough decision as people voted their "guts" after very long meetings. The master plan is not a whipping boy nor is the outlot issue. This is the pace car for the master plan. One point that concerned Foley is this proposal does not need to have the doom and gloom that has been associated with it and this can be an opportunity for the city economically, taxes, jobs and for a local developer to come in and provide the kinds of amenities and architectural integrity, greenspace and environmental control under certain conditions. We

have set our expectations high and we have met them. He said that his decision was based on the needs of the district, that yes there are many people against it but there are also many people for it as well. His vote will be the same as before.

House thanked all the children who wrote letters to councilmembers about the development. Good points were made by all the children as well as other letters that she received. She said it is important to keep construction jobs in our community and with the reputation of a proven local developer, competition is good for the community and the consumer. This does follow the master plan guidelines and spirit of the plan with balanced growth as opposed to the mall sprawl and if this is turned down it would send a message to ignore the policy plan and "come on back east". The 3rd District response is that we should develop other areas for balanced growth, increase the tax base and property values and will add to a scenic corridor. As per Mr. Najam the plan is a non-binding policy statement not a substitute for independent judgement.

Fernandez said this is not a partisan body and the number of 5-4 votes on past decisions can be counted on one hand. Judgement is exercised even if councilmembers disagree. Everyone who participated in the process know what the words mean. The concern was and is, with an outlot at that site, having in essence fast food type outlot to generate that non-neighborhood traffic as people pass by on the highway, and that is why the Plan Commission was concerned about that use and tried to get the developer to drop that use and they didn't. This is not an anti-growth council or is it an anti-growth administration, the record speaks for itself. To suggest that growth for growth's sake is good is misguided. If we decide that every time we vote no, that we are anti-development and anti-business and turn and start voting yes for everything, we will lose the very attributes that make this a vibrant community. Approval of this project is not the death of the master plan because, but for the plan, we would be talking about a lot of other issues and the plan has narrowed the debate. We could have done better, if the developers had dropped the outlot or at the very least dropped the restaurant, it would have been a better effort and there would have been a strong vote in favor of the plan. He hoped White would monitor the site carefully because it is difficult to constrain what happens; there just isn't the staff to do the "site cop business" and that isn't an indictment, it is just the facts of the matter.

The ordinance received a roll call vote Ayes: 6, Nays:3 (Service, Kiesling, Fernandez). The veto was overridden by this vote and the ordinance approved.

It was moved and seconded that Ordinance 91-53 be introduced and read by title only. Clerk Williams read the ordinance by title.

ORD. 91-53

It was moved and seconded that Ordinance 91-53 be adopted. The synopsis and committee recommendation of 6-0 was given.

It was also moved and seconded that Resolution 91-29 be introduced and read by title only. Clerk Williams read the resolution by title.

It was moved and seconded that Resolution 91-29 be adopted. The synopsis and committee recommendation of 6-0 was given. It was determined that both ordinance and resolution be discussed together and voted upon separately.

Linda Runkle said in discussing this legislation that a rather lengthy discussion took place last week. Briefly the basic requirements are contiguity of 1/8, that the property be at least 60% subdivided and that the council adopt a fiscal plan to demonstrate that we can provide both the capital and non-capital services within the required statutory period. At the close of last weeks meeting several councilmembers indicated that rather than go through a thorough review of the fiscal plan and annexation details and she suggested that the council incorporate the tapes from last weeks meeting to tonights meeting. Olcott moved and it was seconded that the minutes be included/combined. It was approved by a roll call vote of 9-0.

Insert committee meeting minutes from September 25, 1991.

This meeting was chaired by Pam Service. Linda Runkle, Legal Counsel, said the we have the requisite contiguity to annex. In 1989 Phase I of Hyde Park was passed and we included in the corporate boundaries the area north of Spicewood known as Hunters Glen, the condos on the west side of Sare Rd, 3 private parcels south of Bittner Woods. That annexation took effect January 1, 1991 of this year because of the fact that the annexation took place from a Fire District and that time span is provided to allow the District to budget accordingly. The area must also be 60% subdivided or have a population density of 3 persons/acre. Finally a fiscal plan is required to assure that all non-capital services will be provided within a year after effective date (Police, Fire, Sanitation, Recycling) and capital services within 3 years of the effective date such as road improvements, major water and sewer improvements.

Olcott asked if we were absolutely sure that everything was in order. Runkle said yes.

Chris Spiek described the general area. Comparable areas are Woodscrest Condo and Hoosier Acres for the fiscal report.

Brian Hacker discussed the fiscal plan and how the services will be provided, cost and method of finance. The plan was developed with each department that will provide the service.

White asked that details of the fiscal plan be addressed so that residents of the area will be informed and expectations of cost discussed publicly. Capital and non-capital were discussed and defined. We will be accepting water and sewer costs and in the long term there is the potential for future costs. Fire hydrants: we pay rent for them and that includes a maintenance fee to the Utilities Dept. (\$209.28 annual rental per hydrant). Storm water drainage: we provided for one cleanout even though comparable areas show there may not be a need we still like to provide for one. Fringe benefits and health care costs (additional) were not figured in terms of personal. We do straight hourly costs. Street and road construction: includes maintenance and compared to other comparable areas. Stop signs have to be replaced. They are not tall enough. Street lights: similar to the fire hydrant rental arrangement. Sidewalks are all in place. Rental units will be scheduled for inspection. Olcott said we don't inspect condos. Hacker said if they are

rented, we would like to treat them as rentals. The annexation area includes the condos to the south of the single family residences.

New personnel are not hired based on the growth. (Police and Fire)

Runkle said the purpose of the fiscal plan is not to break out what every dime it will cost us to serve this area, rather it is to assure that we are able to serve the area and police routine patrols are by quadrants, and will simply be added to the existing routes. That is also true for fire service.

Hacker said that trash services are not provided for the condos just the single family residences.

Ted Rhinehart discussed the Sare Rd improvements and said the current 1.9 million dollar project at Sare Rd/Moores Pk/College Mall Rd is almost done allowing for smoother traffic flow. Sare Rd is part of the SE arterial and will ultimately be widened. Hyde Pk is one of the major users of that intersection. The taxes from the new residents will be used for some of the capital improvements to Sare Rd that are necessary, the major part is vertical and horizontal alignments cutting or reducing grades for better alignment as well as reducing sharp bends in the road for about \$139,000. Also the portions of the road in the city would receive a new surface overlay. Finally new sidewalks would be added to provide linkage with existing walks for about \$264,000 including striping and landscaping. Monies of property taxes are to be set aside and put into separate fund. Work is scheduled to begin in 1995 after monies have been acquired in 1994. Rhinehart said we will work within existing right of way, we will not be buying rights of way. White wondered about widening Sare from Moores Pk to Hyde Park. Rhinehart said that it might be necessary in the future to secure federal funds for major projects.

The ordinance and resolution received a Do-Pass recommendation of 6-0.

Regular Meeting Minutes

Olcott asked about streetlights and if they would be taken over by the city on January 1, 1993? Runkle said that is correct.

Fernandez asked if there had been a large number of remonstrances. Williams said a few people have called as did Runkle.

Register stated that the developer installed the streetlights, we inherit those, we take over the electric payments to PSI and Runkle said the streetlights are in essence leased back to us by PSI and the monthly payment covers both electricity and maintenance. Are we giving them to PSI to lease back to us? Are they now owned by the developer? Runkle said we would not want to pay lease back for the lights themselves but would pay the electrical bill to operate them.

White said if we are going to own those lights, then we should just be paying the electricity and a smaller maintenance charge than if we asked them to put them in the first place. Runkle agreed and said that we will not take over that service for over a year it seems there is ample opportunity to work that out.

Olcott asked what would happen if someone knocked one down. Runkle said that this is a unique situation we will have to work out the ins and outs and if we were to ask them to pay to put it back up then we will be paying some kind of maintenance charge for them, otherwise we would take over that liability and

responsibility ourselves.

Steve Smith representing Hyde Park was available for questions.

White said he had two comments about the annexation, one pro and one more or less against. In general people are encouraged about the positive advantages.

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

It was moved and seconded that Ordinance 91-34 be introduced and read by title only for first reading before the Bloomington Common Council by the clerk. Ordinance 91-34 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic".

LEGISLATION FOR
FIRST READING
ORD.91-54

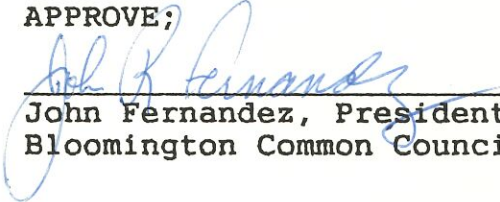
There were no petitions or communications.

PETITIONS

The meeting was adjourned at 10:00 P.M.

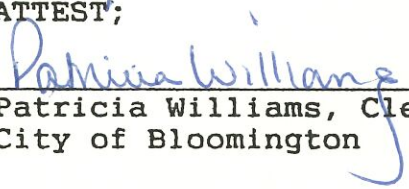
ADJOURNMENT

APPROVE;



John Fernandez, President
Bloomington Common Council

ATTEST;



Patricia Williams, Clerk
City of Bloomington