

**REVISED**

**REVISED**

AGENDA  
COMMON COUNCIL REGULAR SESSION  
7:30 PM, WEDNESDAY, NOVEMBER 2, 1988  
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES OF OCTOBER 19, 1988
- IV. REPORTS FROM:
  1. Councilmembers
  2. The Mayor and City Offices
  3. Council Committees
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS
  1. Ordinance 88-51 To Transfer Appropriations Within the General Fund  
Committee Recommendation: Do Pass 6 - 0
  2. Appropriation Ordinance 88-7 To Specially Appropriate From the Cumulative Capital Development Fund Expenditures Not Otherwise Appropriated.  
Committee Recommendation: Do Pass 6 - 0
  3. Ordinance 88-52 To Amend the Zoning Maps from RS to MP,  
RE: 1905 Vernal Pike, (Arthur Staggs, Petitioner).  
Committee Recommendation: Forward Without Recommendation 5 - 0 - 1
  4. Ordinance 88-53 To Amend the Zoning Maps from RS to SM,  
RE: 919, 925, 929-1017 W. 2nd Street, (Daniel Grossman, Lyander Honeycutt and City Plan Commission, Petitioners).  
Committee Recommendation: Do Pass 6 - 0
  5. Resolution 88-33 To Express the Common Council's Concern with the Cleanup at Fell Iron and Metal.
- VII. LEGISLATION FOR FIRST READING
  1. Ordinance 88-54 To Transfer Appropriations Within the General Fund.
  2. Ordinance 88-55 To Amend Title 9 of the Bloomington Municipal Code Entitled "Water."
  3. Ordinance 88-56 To Authorize the Issuance of Waterworks Revenue Bonds of 1989.
- VIII. PRIVILEGE OF THE FLOOR (This section of the Agenda will be limited to 45 minutes maximum, with each speaker limited to five (5) minutes.
- IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, November 2, 1988, at 7:30 P.M. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
NOVEMBER 2, 1988

Roll Call: Kiesling, Hogan, Gardner, Olcott, Service, Young, Register, Fernandez, White.

ROLL CALL

Service gave the agenda summation.

AGENDA SUMMATION

The minutes of October 19, 1988 were approved with amendments by Councilmember Kiesling.

APPROVAL OF MINUTES

Hogan thanked the Bloomington Fire Department and Chief Fleener for the wonderful response by the department concerning a fire at the Magic Touch Carwash. Hogan also thanked the unknown motorist who noticed the fire and reported it to the fire department. Hogan said he wished that person would come forward so that he/she could be personally thanked.

MESSAGES FROM  
COUNCILMEMBERS

Gardner said that she and Olcott played volleyball with the Junior/Senior team and noted that it took most of the weekend to recuperate. She also wished Lloyd and John Fernandez a happy birthday.

Olcott urged everyone to vote next Tuesday. He said that no matter what the outcome of next week's elections he will be happy...to win the state senate seat he is seeking or be back with the city council to continue his term. He noted that it has been a wonderful experience traveling about the district and win or lose he has a list of issues he would like to address wherever he is.

Young reminded the public of the Planning Commission meeting of the controversial Eastpointe development to be heard on November 14.

Register hoped for a good turnout on election day. He also filed a conflict of interest form with the clerk regarding Ordinance 88-52, to be discussed and voted on this evening.

White reminded everyone that this coming weekend celebrates the arts here in Bloomington.

Service thanked and congratulated the Parks Department and Acting Up for another wonderful Enchanted Forest production, congratulated Olcott for a very clean campaign and urged people to get out to vote

Kiesling gave the recycling schedule

Mayor Allison also urged everyone to vote and reminded everyone that we are locked in a contest with Bloomington, Minn, and Bloomington, Ill for the highest voter turnout. She also announced the Veterans Day activities on Friday, November 11 with ceremonies beginning at 10:30 A.M. Allison also announced the upcoming conference sponsored by the City, the County, and SPEA on Friday, November 18 at the Memorial Union. The Mayor then presented Jawn Bauer, who put together the entry for Bloomington for the Bicycling Magazine award we recently won. Bauer then outlined the criteria he submitted for the award winning entry, namely the Little 500, the Hilly Hundred, the Visitors Bureau. "We were one of the smallest communities to win an award and the only one without a full time paid bicycle director.

MAYORAL MESSAGE

It was moved, seconded, and approved by voice vote that

LEGISLATION FOR  
SECOND READING

Rose Krakovitz be appointed to the Housing Quality

Appeals Board.

It was moved and seconded that Ordinance 88-51 be introduced and read by title only. Clerk Williams read the ordinance. ORDINANCE 88-51

It was moved and seconded that Ordinance 88-51 be adopted. Gardner gave the committee report (6-0)

The ordinance was approved by a roll call vote of Ayes: 9, Nays:0

It was moved and seconded that Appropriation Ordinance 88-7 be introduced and read by title only. Clerk Williams read the ordinance. APP. ORD. 88-7

It was moved and seconded that Appropriation Ordinance 88-7 be adopted. Gardner gave the committee report (6-0)

Chief Fleener said that the request for a new pumper is being made now as it takes 14-16 months for an order to be filled by the company that makes the vehicles. It is also important to order now as price increases are such that 1.5% a month could be added to the total cost of the vehicle. He said the twenty two year old pumper will be held in reserve as long as it is certifiable.

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

It was moved and seconded that Ordinance 88-52 be introduced and read by title only. Clerk Williams read the ordinance. ORDINANCE 88-52

It was moved and seconded that Ordinance 88-52 be adopted. Gardner gave the committee report - forwarded without recommendation by a 5-0-1 vote. Register will abstain from discussion and vote on this ordinance.

Tim Mueller reviewed the tract on Vernal Pike and informed the Council that the request received a favorable recommendation from the Plan Commission Gardner, expressing concern about past PCB contamination of the site asked if more extensive testing is ever requested. The testing has been very general. Mueller said that this is somewhat out of the Planning Department realm of expertise. Gardner asked Staggs if he was satisfied with the test results and the safety of the property and Staffs replied that he had no problems with the test results. Gardner suggested that Mueller consult with John Langley and ask for the appropriate information.

Hogan asked about where the fill was placed, what was fill and what is the actual natural terrain. It appears that it was a very narrow strip that was filled with sludge and that the set back requirements assures that the site plan will be far enough away from the actual fill area.

Service read the report into the minutes and such report is attached to the master copy of said minutes.

Joe Loop asked if this property was on any site search list and Staggs said no.

Gardner asked about the ravine and Staggs said the ravine is not on this property, that it is further west

of the proposed building site. Staggs said that everything drains to the west and that none of his property is in the ravine.

Patrick Gray said that the City dumped into the gradual sloping ravine for years, probably about 12 years and that fires were common and in fact the site burned for about a month in 1981.

Hogan asked that if the fill is contaminated and Mr. Staggs buys and builds on it, who is ultimately responsible.

Gardner asked Staggs if he would be willing to allow core samples to be taken and tested. Staggs said he is satisfied with the test results and that he was willing to accept any responsibility for PCB contamination.

Fernandez questioned whether 6" surface samples provided anyone with adequate information.

White suggested that this is a question between Planning, Engineering and Utilities and it's up to them to assure the safety of the site.

Service said this is a potentially ethical problem, that she agreed with White and that even if it is contaminated do we as a council have the responsibility to deal with this. The Utilities Department was going to test areas they are responsible for.

Hogan said if there is reason to believe that PCBs are in the ravine and to determine just where the fill line ends, is there not some way of condemning the fill part (to create a specific zone of some sort) and allowing the rest to be used.

Kiesling said that set back questions belong to the BZA.

She expressed concern and frustration because there was absolutely no discussion of this aspect of the request at the Planning Commission level and that no fellow councilmember ever asked her about this point of concern.

Gardner asked if we could be assured of sufficient set back allowances and Service posed the question of what if this request was approved by the Council, approved by the BZA and the property changed hands...what would happen. Mueller said the variance, if granted is specific to the proposal.

Gardner indicated that she would vote no.

Service suggested that we cannot forbid development on the site if it is not actually contaminated, and that she was uneasy because of the lack of Utility Department input into this question.

The ordinance received a roll call vote of Ayes:6, Nays:2 (Gardner, Fernandez), Abstains: Register.

It was moved and seconded that Ordinance 88-53 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 88-53

It was moved and seconded that Ordinance 88-53 be adopted. Gardner gave the committee report (6-0)

This amendment was proposed by the two petitioners and

the City Plan Department/Commission. The area is appropriate for the SM designation and there has been no remonstrance from neighbors and the plan has the favorable

recommendation of the Plan Commission. Gardner was pleased to see the medically oriented area being developed. Service disagreed, noting that she thought the medical facilities should be spread around the community.

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

It was moved and seconded that Resolution 88-33 be introduced and read by title only. Clerk Williams read the resolution. RESOLUTION 88-33

It was moved and seconded that Resolution 88-33 be adopted. There was no committee report. Gardner read the entire resolution.

Gardner noted that last April a resolution was passed supporting the PCB cleanup of Fell Iron and Metal. We are very appreciative of Westinghouse and the EPA interest and support, but as a councilmember, and a mother of a Fairview School student the very least we can require as a community is concern for our immediate safety, an evacuation plan for the school and our concern for the downtown center of our city which is very close to the clean up site. We should be requiring the maximum in protection, not the minimum, our hospital should be aware of what kind of chemicals we are dealing with in a clean up and be alerted in advance.

John Foster, representing the Environmental Commission said that that board held an emergency meeting, passed a resolution urging the Council to pass this resolution.

Barbara Fawcett, Monroe County Commissioner thanked everyone for the effort coming forth but noted that several things are not being done properly. Proper notification of key people is essential e.g. Steve Creech, Monroe County Health Commissioner, became aware of the immediate situation with Fell Iron through an article in the newspaper. She also expressed concern that this area is being considered as an industrial site rather than a residential area.

Margo Blackwell asked that the Council and the community consider bringing Dr. Dole to Bloomington

Sherrri Sheridan said that Lemon Lane is already leaking. Higher standards seem to be needed.

Joe Loop thanked Gardner for her efforts on their behalf, asked why we have never had a RIFS.

Ed Stackpole urged the Council to support the resolution.

Al Towell said the consent decree was sold as a framework for the cleanup. The failure of policy is only the first step of the post consent decree examples of problems yet to come.

Fernandez said that in April it was important that we include Fell Iron in the consent decree to set future precedent. The EPAs number #1 priority does not seem to include people and every effort so far seems to be an attempt to keep people out of the process. While the community is tired of PCBs, this is the beginning of the process. He commended the Board of Public Health and Lin rnder for their vigilance. for sadly it seems that part the situation is fighting the EPA.

PAB - Fernandez

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

It was moved and seconded that the following ordinances

be introduced and read by title only for first reading by the Clerk.

LEGISLATION FOR  
FIRST READING

Ordinance 88-54 To Transfer Appropriations Within the General Fund

Ordinance 88-55 To Amend Title 9 of the BMC Entitled "Water"

Ordinance 88-56 To Authorize the Issuance of Waterworks Revenue Bonds of 1989.

Margo Blackwell urged the Council to remain in contact with the EPA.

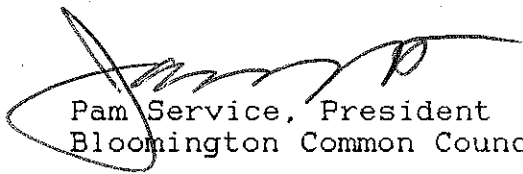
PETITIONS FROM  
PUBLIC

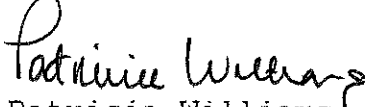
The meeting was adjourned at 9:50 P.M.

ADJOURNMENT

APPROVE;

ATTEST;

  
Pam Service, President  
Bloomington Common Council

  
Patricia Williams CLERK  
City of Bloomington

James R. Register, President  
Pro-Tem