

AGENDA
COMMON COUNCIL
AUGUST 24, 1983, 7:30 P.M.
SPECIAL SESSION
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. PETITIONS AND COMMUNICATIONS
- VI. LEGISLATION FOR DISCUSSION/VOTE - SECOND READING
 - 1. Ordinance 83-45 To Fix the Annual Salaries of All Elected City Officials for the Year 1984.
Committee Recommendation: Do Pass 6-0-1
 - 2. Appropriation Ordinance 83-9 Civil City Budget for the Year 1984.
Committee Recommendation: Do Pass
 - 3. Appropriation Ordinance 83-10 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana
Committee Recommendation: Do Pass
 - 4. Ordinance 83-47 An Ordinance Reviewing and Modifying the Budget of The Bloomington Transportation Corporation.
Committee Recommendation: Do Pass 6-1-1
- VII. ADJOURNMENT

COUNCIL COMMITTEE OF THE WHOLE
IMMEDIATELY FOLLOWING THE SPECIAL SESSION

Ordinance 83-48 To Amend Chapter 6.08 of the Bloomington Municipal Code, Entitled "Cemeteries and Burials".

Asked to Attend: Pat Patterson, Director of
Public Works

AGENDA

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- VI. LEGISLATION FOR DISCUSSION/VOLE - SECOND READING
 1. Ordinance 83-48 To Amend Chapter 6.08 of the Bloomington Municipal Code, Entitled "Cemeteries and Burials".
Committee Recommendation: Did not receive Committee hearing
 2. Resolution 83-35 To Express Opposition to PSI's Proposal to Charge Bloomington Consumers for Costs Associated with the Marble Hill Power Plant.
Committee Recommendation: Did not receive Committee hearing
 3. Ordinance 83-45 To Fix the Annual Salaries of All Elected City Officials for the Year 1984
Committee Recommendation: Do Pass 6-0-1
 4. Appropriation Ordinance 83-9 Civil City Budget for 1984
Committee Recommendation: Do Pass Recommendation at Budget Hearings
 5. Appropriation Ordinance 83-10 An Ordinance Adopting a Budget for the Water and Wastewater Utility Departments of the City
Committee Recommendation: Do Pass Recommendation at Budget Hearings
 6. Ordinance 83-47 An Ordinance Reviewing and Modifying the Budget of the Bloomington Transportation Corporation
Committee Recommendation: Do Pass 6-1-1
- VII. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on August 24, 1983, at 7:30 P.M. with Council President Dilcher presiding over a Special Session of the Common Council.

Councilmembers present: Morrison, Porter, Towell, Service, Dilcher, Murphy, Olcott, Gross, Hogan.

Council President Dilcher gave the agenda summation.

Morrison said that last Saturday tree trimmers blocked Kirkwood Avenue for the better part of the morning. He was surprised that the Engineering Department would issue a permit for a Saturday. A very dangerous traffic situation existed and at the very least a flagman should have been present. Morrison suggested that permits be issued for Monday thru Friday only.

Service welcomed new and returning students to Indiana University and the Bloomington community.

Mayor Allison expressed concern about rate trending and informed the Council that she would be attending a Mayor's Roundtable at Jasper, IN and that she planned to continue taking a very active role in this issue. The Mayor thanked the Council for their support and said that she was not seeking an additional appropriation at this time. She announced plans for a panel discussion on Wednesday, August 32 regarding the need for Marble Hill.

Dan Slisz, owner of Warehouse Furniture on Seventeenth St., addressed the Council regarding temporary permits for itinerant merchants. (namely Shadow Inc of Elkart, IN). Mr. Slisz told the Council that last March he had been informed by the City that a trailer parked on his own commercial property, filled with mattresses for a pending sale, would have to be moved and that it was in violation of the zoning code. He complied with the request and moved the trailer. Mr. Slisz asked the Council how a fly-by-night company can come into town, buy a permit, only require three parking spaces and set up an operation. Mr. Slisz said that he will lose over \$10,000 this weekend in anticipated sales because of this operation across from his store. The corner operation did close down for one day because they did not have a retailer license (they were collecting Indiana Sales Tax). Mr. Slisz questioned the use of banners, signs, and displays of furniture all over the area. If this is to be allowed to continue, the City of Bloomington will have a carnival on each corner.

Morrison agreed with Mr. Slisz's comments. These groups invariably sell inferior merchandise and are then not around when something goes wrong with the item. Morrison said that he does over a million dollars worth of business a year, supports the city, and when he sells a product he's here if there is a problem.

Hogan said that in the past months he too has been very concerned about lunch wagons. For our permanent residents there are very restrictive rules and regulations and none of them seem to apply to itinerant merchants. He has asked the Council attorney and Harriet Lipkin to check into the regulations.

Gross agreed with Mr. Slisz and said that legislation regarding itinerant merchants should be looked into and researched carefully. The local residents are left unprotected and some consideration might be given to consumer protection if ordinances are to be rewritten.

Dilcher said that if the permit held by this group is legal then it can not be taken away without cause. Are we sure that they are not violating a sign or parking ordinance.

Harriet Lipkin said that the legal department had looked into this matter a few days ago and that all requirements of the code are satisfied.

COMMON COUNCIL
SPECIAL SESSION
AUGUST 24, 1983

ROLL CALL

AGENDA SUMMATION

MESSAGES FROM
COUNCILMEMBERS

MESSAGES FROM THE
MAYOR

PETITIONS AND
COMMUNICATIONS

Mr. Slisz said that he was pleased that the legal department was looking into this but that he could hardly care less what is done next week. The problem is now and the problem has to be dealt with now.

Morrison said that FTC plainly stipulates that a consumer has a right to protest faulty merchandise.

Mr. VanHook spoke on behalf of Gladys VanHook and said that her attorney, Lee Pettay was ill this evening. Gladys VanHook never heard that her wages were to be cut and felt that this was a violation of her civil rights.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 83-48 by title only. Clerk Williams read the ordinance by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 83-48. There was no committee report.

Porter asked if there were any White Oaks in the area. Pat Patterson said that Seventh Street Cemetery was the original name suggestion and then it was decided that that wasn't very original after all. Steve Wajda confirmed that there was at least one White Oak in the area and thus that name was agreed to.

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

Olcott moved and Morrison seconded a motion to introduce and read Resolution 83-35 by title only. Clerk Williams read the resolution by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 83-35. There was no committee report.

Murphy said that we as a City must raise our voices in opposition to the utility increases; it must just be IACT and the Attorney General that lead us against this increase but the cities should be concerned and involved as well. This is not just mere symbolism or tokenism. We are charged with managing the City. PSI has demonstrated that they cannot manage Marble Hill - perhaps they might consider skipping a dividend or two.

Hogan also expressed concern about trending and the public utilities but questioned the wisdom of setting up formal lobbying groups. He suggested that the entire WHEREAS clause (6) of the resolution be deleted especially the "white elephant" clause and that the phrase, while under construction be added to each section of the resolution.

Towell said that he too was concerned about CWIP and that the public should have to pay for the poor decisions that an utility company makes. This plan is so costly that it will become a permanent blight.

Service said that the city budget process was made unduly hard for many departments because of the necessary budget cuts. We should fight for every cent that someone is trying to steal from us.

Olcott said that as a City we will be in trouble because of this increase. He said that he supports the administration's efforts to speak out on this issue. Southern Indiana has been fortunate in encouraging business to locate here - with proposed rate increases this trend may not continue. Everyone is trying to conserve, but the utilities still find it necessary to make a return on their investment. It's time to send a message or in 1986 we'll be meeting by candlelight.

Hogan suggested that this resolution be discussed as two different issues - trending and then opposition to Marble Hill per se.

Murphy said that in an effort to make this a non-partisan issue he would urge councilmembers to support what Hogan had just suggested.

INTRODUCTION OF
ORDINANCES FOR
SECOND READING:
ORD. 83-48
WHITE OAK CEMETERY

RES. 83-35
OPPOSITION TO PSI
RATE INCREASE.

Porter said that while it was true that PSI has made poor management decisions and that PSI has not done a very good job, he was not sure that the PSC had the power to control a non-competitive industry. The history of public regulation is a long and tedious one. Porter suggested a resolution that called attention to the fact that the PSC has a responsibility to its users. The alternatives are a bankrupt PSI and in the long run it may be as detrimental as Marble Hill. The initial outlay is expensive but it is still basically an economical operation, although the PSI has not indicated a willingness to share that efficiency.

Mike Andrews said that by the time Marble Hill goes on line it will not even be clear that it is actually needed. The electricity produced is not needed now or in '86, or '88. There is no legal way that consumers can be charged for the CWIP. In 1970, Bloomington was unable to collect revenues for the Dillman Rd. plant. The PSC denied the CWIP request. This isn't a slip up --it's a fraud to bail out a utility. He urged the council to consider carefully. The issue isn't trending - it is whether we are going to pay for Marble Hill. He urged the Council not to send a resolution just on trending but on the real issue.

Pete Tescione also expressed his concerns regarding trending and urged the Council to act on this resolution.

Jim Simmons said that Hogan's suggestion was a good one - the two issues should be separated.

Tom Zeller said that trended rates is just a phrase and that every one has been very careful to leave Marble Hill out of the discussion. It is useless to concern ourselves with just the particular phrase being used at the moment (trended rates) for it will just come up again and again, each time with a different 'catch word'.

Hogan said that his concern is that the impact of trended rates becomes the concern of the Common Council --if we are going to take out time and energy on everything that happens (AT&T, Indiana Bell). This is the reason we have a PSC to regulate these things. Hogan continued by saying that he did not support the idea of a government monopoly and will not discuss whether Marble Hill be cost-effective. It is not our job to judge and criticize the PSC.

Gross said that we have a state government that has forced our cities to operate under a frozen tax levy, while another arm says that cities must pay an 8% increase. We have every right to protest.

Hogan moved that the following amendment be considered:
That the 6th WHEREAS clause be deleted and that Section I and II contain the phrase at the end of each paragraph while under construction. Olcott seconded the motion to amend.

Hogan clarified his position - his intent is to address trending not whether he favors or doesn't favor Marble Hill.

Towell said that a yes vote would indicate only trending; a no vote would indicate the willingness to consider trending and other issues as well.

Micah Roseberry said that everyone has expressed feelings about the economic impact. Trending is illegal and it makes little difference if it hits in the 80's or in 1990.

Hogan said that he was concerned with rate payers picking up what is the responsibility of the stockholder.

Towell suggested a 10 minute recess. Morrison objected but the Council agreed to recess for the ten minutes.

The Council reconvened.

The amendment as proposed by Hogan and seconded by Olcott was defeated by a roll call vote of Ayes: 3 (Dilcher, Olcott, Hogan) and Nays: 6.

The resolution, unchanged, received a roll call vote of Ayes: 7, Nays: 2 (Hogan, Porter).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 83-45 by title only. Clerk Williams read the ordinance by title only.

ORD. 83-45
SALARY ORD. FOR
ELECTED OFFICIALS

Olcott moved and Morrison seconded a motion to adopt Ordinance 83-45. Porter gave the committee report.

Hogan moved that the council salary be frozen at \$4150. Towell seconded the motion.

Murphy suggested that the monies accrued because of the freeze be left in a council Budget line.

Service thought that while the Council should receive some sort of raise, it was not appropriate this year (this amount). The Common Council should be viewed as a real job and if the trend continues, of no raises, than only persons who can afford to run for office as a hobby will participate.

Gross thought a credible salary might make it less difficult to find candidates willing to run for office.

The amendment to freeze the Council salary received a roll call vote of Ayes: 8, Nays: 1 (Service).

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

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 83-9 by title only. Clerk Williams read the appropriation ordinance by title only.

APP. ORD. 83-9.
CIVIL CITY BUDGET FOR
1984.

Olcott moved and Morrison seconded a motion to adopt Appropriation Ordinance 83-9. The synopsis was read.

Micah Roseberry asked that monies be appropriated to fight the PSI increase. Everyone has shown a lot of support and this is the time to appropriate the monies.

Porter said that it was not possible to appropriate monies from the 1984 budget in 1983.

Murphy then moved that the following budgets be decreased a total of \$ 3100. This friendly amendment was seconded by Olcott.

Animal Shelter	\$ 157.
Parks and Rec	\$1902.
Public Works	\$1020
Rosehill	\$ 21
	<u> </u>
	\$3100

Gross asked if the cut were made, would the \$3100 go into the operating balance. Betty Merriman said yes.

Kathy Roundtree said that she was opposed to the Parks and Recreation budget, the bias toward development and thought it was time for the formation of a Citizens Advisory Commission.

Towell said that it was the Council that helped turn the Lake Griffy project around - that the Council responded to the requests of citizens. A study is needed as a way of crystallizing public opinion and the money for this study will be well spent.

Service asked what might happen if the UPAR grant is not awarded to Bloomington. Norm Merrifield said that other funding measures would then be explored.

Murphy asked that the Lake Griffy citizen report be entered into the minutes.

The motion to amend the 1984 Civil City budget by \$ 3100 received a roll call vote of Ayes; 8, Nays: 1 (Hogan).

The appropriation ordinance received a roll call vote of Ayes: 7, Nays: 1 (Hogan), Abstain: 1 (Morrison). Mr. Morrison stated a business conflict of interest that prevented him from voting on the Civil City budget.

Morrison left the meeting because of a previous commitment.

Olcott moved and Towell seconded a motion to introduce and read Appropriation Ordinance 83-10 by title only. Clerk Williams read the ordinance by title only.

APP.ORD 83-10
UTILITIES BUDGET FOR
1984.

Olcott moved and Towell seconded a motion to adopt Appropriation Ordinance 83-10. The committee report was given.

Murphy moved that \$ 54,000 be deleted from the utilities budget - \$ 27,000 from pumping expenses in the Water section of the budget and \$ 27,000 from pumping expenses in the Wastewater budget line. Murphy said that this represented 4% of the 9% that was added to the 1984 budget for increased utility rates.

Mike Phillips said that while he could understand the Council wanting to make a symbolic gesture, he wanted the Council to know that it would probably be necessary for him to come back in 1984 to make transfer requests.

Mike Andrews said that \$1.6 million is paid at the Dillman Plant for electricity.

The amendment received a roll call vote of Ayes:5, Nays:3 (Porter, Olcott, Hogan).

The ordinance as amended received a roll call vote of Ayes:7, Nays: 1 (Service).

Olcott moved and Towell seconded a motion to introduce and read Ordinance 83-47 by title only. Clerk Williams read the ordinance by title only.

ORD. 83-47
TO APPROVE THE BUDGET
OF THE PTC.

Olcott moved and Towell seconded a motion to adopt Ordinance 83-47.

Murphy asked Steve Stark about the problem with the air conditioners on the buses and is there a health problem to be concerned about. Stark said the problem is the buses. Parts have been on order for months. The buses themselves are in questionable condition to begin with never mind the air conditioners. As to the health concerns-yes there is a valid one especially about the operators with front mounted engines-it's just plain hot.

David Schleibaum had four questions that were answered by Rex Hume, PTC board member. Can the present service facility handle the present work force of buses? With the improvement as suggested at the budget hearing (namely converting one lane in the service center) the answer is yes. Schleibaum asked if the new buses would require a change in routes? No. If specialized mechanics would be needed to service the buses? No. And would higher salaries be paid to operators of the new buses? No.

The ordinance received a roll call vote of Ayes: 7, Nays:1 (Hogan).

There was no legislation introduced for first reading.

The meeting was adjourned at 10:35 P.M.

ADJOURNMENT

ATTEST:

Patricia Williams
Patricia Williams, Clerk

APPROVE:

Katherine Dilcher
Katherine Dilcher, President

FRIENDS OF LAKE GRIFFY
Position Statement
August 3, 1983

Friends of Lake Griffy would like to express our views concerning the UPAR grant regarding: the focus and purpose of the study; how the study is to be undertaken, and by whom; and the establishment of a coordinating committee.

The Underlying Purpose of the Study

The problem of rapid weed and algae growth in the lake serves as an undeniable reminder of the fragility of the lake environment. Three water-system experts (2 hydrologists and 1 limnologist) recently visited the lake at our request. All attested to the fact that the weed growth is a direct function of draining the lake. All agreed that draining was a mistake and that the lake will require a minimum of 5 years to recover its former balance. All agreed that it is possible that the lake may not recover at all. The highly significant impact of actions which the Parks and Recreation Department apparently considered to be harmless points to the alarming lack of knowledge concerning the physical characteristics of the lake. It is clear that informed decisions concerning the potential of Griffy to support recreational use cannot be made without this information. We believe that the primary objectives of the UPAR-funded study should be to produce a base-line environmental assessment of the Lake Griffy area as a first step to:

- protect it from further abuse
- restore it to its original balance, and
- protect it for future generations.

Friends of Griffy urges the City Council to insure that a detailed ecological study will be undertaken as a result of UPAR funding.

The Use of Consultants

We are concerned about the assertion by the Parks Department that qualified consultants cannot be found in the Bloomington area. We are confident that the necessary expertise lies within the Bloomington, especially within the university community; and that these professionals, as residents, will apply an even greater sensitivity to the work which is to help determine the fate of a prized resource within their own community.

We also urge the City Council to support a matching contribution from Indiana University which is "in-kind" service rather than cash. This would

allow the coordinators of the study to actively seek out nationally recognized limnologists, biologists, hydrologists, ecologists, etc., who currently occupy positions at Indiana University. We do not support the use of the Health, Physical Education and Recreation Department at I.U. however. The preferences of this department concerning Griffy have already been stated, which serves to eliminate the possibility of their use as objective consultants.

The Establishment of a Committee

Although we commend the City Council for proposing to designate one of its members as a liaison between the public and the Parks Board, we also support the establishment of a committee composed of a broad segment of community members to be appointed by the City Council. This committee will be responsible for the coordination of the UPAR study and the utilization of local experts under the guidelines of protection and restoration mentioned above. In this way the city can be represented and play an active role in the progress of the study, and can be assured of obtaining information which is most needed.

Members of the community have been led to believe that action taken at Griffy Reservoir will be for the purpose of maintenance and prevention of abuse. The funding of a "presence" by the City Council has served to accomplish this. We are now faced with another type of abuse in the form of environmental degradation as a direct result of recreational development. The Parks and Recreation Department has made serious mistakes concerning one of its most precious charges. Now is the time to take action to correct these mistakes and to take steps which will prevent similar situations from occurring in the future. We would like to thank the City Council for taking steps in this direction.