

AGENDA  
COMMON COUNCIL  
REGULAR SESSION  
APRIL 1, 1981, 7:30 P.M.  
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 READINGS
  1. Resolution 81-9 To Urge the Preparation of an Environmental Impact Statement for the State Road 446 Relocation Project  
Committee Report: None
  2. Appropriation Ordinance 81-4 To Appropriate Funds from Federal Revenue Sharing to Parks and Recreation  
re: Reimbursement for improvements to Mills Pool and Crestmont Park  
Committee Report: Do Pass 6-0
  3. Resolution 81-8 Inducement Resolution for Economic Development Commission Revenue Bonds for Ramshead Corporation  
Committee Report: Do Pass 7-0
  4. Ordinance 81-35 To Amend Zoning Maps re: Dunstan Drive property adjacent to Sherwood Oaks as a PUD (Ramshead)  
Committee Report: Do Pass 7-0
  5. Ordinance 81-36 To Amend Zoning Maps re: S. Leonard Springs Road near Van Buren Park from RE/SC to RS/SC (Baker)  
Committee Report: Do Pass 6-1
- VII. INTRODUCTION OF ORDINANCES FOR FIRST READING
  1. Ordinance 81-33 To Authorize EDC Bonds for Mayhill Homes Corporation
  2. Ordinance 81-37 To Adopt the Recommendations of the 1981 Sunset Review Committee Concerning the Human Resources Commission, Human Rights Commission, Animal Control Commission and Traffic Commission
  3. Ordinance 81-38 To Amend Zoning Maps re: 1100 Weimer Road from RS to RL (Martindale)
  4. Ordinance 81-42 To Amend Zoning Maps re: 800-900 Miller Drive from RS to RL (City of Bloomington Redevelopment Department)
  5. Ordinance 81-40 To Amend Zoning Maps re: NW corner of S. Walnut and Country Club Drive (Walnut Park Development)
- VIII. MINUTES FOR APPROVAL: March 18, 1981
- IX. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on April 1, 1981, with Councilpresident Towell presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
APRIL 1, 1981

Councilmembers present: Allison, Towell, Olcott, Morrison, Murphy, Porter, Hogan, Dilcher and Service.  
Councilmembers absent: None.

ROLL CALL

Several Councilmembers congratulated the I.U. Basketball Team on their recent NCAA victory.

MESSAGES FROM  
COUNCILMEMBERS

Dilcher said it was Herald-Telephone reporter Mike Wright's last day and praised him for being fair and responsible. Other Councilmembers echoed her remarks.

Allison reported on several Operation City Beautiful projects: (1) letters have been sent to about 100 businesses and organizations soliciting funds for the planting of a grove of flowering trees in Miller-Showers Park. She thanked Danny Pavelich of Pancho's Villa for being the first to contribute \$125 for a tree. (2) There will be a public plant exchange on May 2 in Third Street Park where people can bring their excess bulbs, plants, shrubs, etc. (3) April 9 there will be a presentation by Steve Wajda and John Trott re: street trees. Finally, she thanked Woody Houston of Parks and Recreation for the podium he and his employees built for use in the Council Chambers.

Towell said the City did a wonderful job of cleaning up the City after Monday night's celebration of the NCAA victory, and he added that he had heard many compliments of the Police Department for their conduct that evening. Also, he said he noticed in the New York Times that I.U. students will be participating in a Metropolitan Opera production, and he stated that this is a major achievement for the music school.

There was no message from the Mayor.

MAYOR'S MESSAGE

There were no petitions or communications.

PETITIONS & COMM.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 81-9.

RESOLUTION 81-9  
To Urge Preparation  
of an E.I.S. for  
446 Relocation  
Project

Clerk Connors read Resolution 81-9 in its entirety.

Olcott moved and Morrison seconded a motion to adopt Resolution 81-9.

Dilcher read the legislative synopsis, noting that this resolution was not heard in committee.

Morrison said other Councils have been more concerned about the protection of Lake Monroe since it is the City's water source. He said this is very rugged terrain, and he thinks the Council should go on record as opposing relocation of the highway. This is the last and cheapest water source for the City and he is not in favor of further commercialization.

Bob Barker and Kathy Watson of the Sierra Club gave presentations and showed a map of the area. The old road follows the top of the ridge but the new proposed route would cut across steep ridges which would involve a lot of levelling off of land. Tom Burton of Michigan State is one geologist who believes that construction of the road will cause fill to flow into the lake in an area that is very close to the City's intake pump for the Lake Monroe Treatment Plant.

Barker said that an environmental impact statement would assure that all alternatives are considered, noting that one alternative they would prefer that has not been given serious study is upgrading the current roadbed and taking care of the some of the more dangerous curves. There is

still time to write the E.I.S. since no land has been purchased by the state for easements yet. The State Highway Commission can also expect several lawsuits to be filed by residents of the area and this may take many months anyway. Finally, they have until 1983 to release the funds so there is plenty of time to take a closer look at the project.

Olcott replied to Morrison's statements, stating that he had spoken to Utilities Director Stu McClure and he does not seem to be concerned about the possible threat to the water supply. The road is now very dangerous and he would like to see it improved as soon as possible. The project would probably be delayed while an E.I.S. is being written, and he added that no matter how they improve the road, there will always be some area residents that will be adversely affected.

Morrison said the road is curvy, but this also keeps the traffic slower than a straight road. The Utilities Service Board should be more concerned about the water supply, but apparently they don't see the impact since it won't happen for several years.

Service said man-made lakes are an especially fragile environment and it is especially important that silting be avoided. She said the road is dangerous, but it could be improved by widening the present roadbed in addition to straightening out some of the sharper curves.

Hogan said silting may occur, but the amount is insignificant compared to the amount of silting already occurring at Lake Monroe.

Murphy said the E.I.S. would be valuable in determining the most appropriate use of the \$6.8 million in tax dollars that will be spent on the project. All alternatives should be examined fully before the funds are used.

Allison said it is unfortunate that the Council wasn't contacted earlier about the problem since the USB and EQCC knew about the proposal in September. As it is now, they have already lost a court case to force the preparation of an E.I.S. and it will now be much more difficult to have any sort of significant impact on the situation. She walked the land and there are many steep ravines, intermittent streams, etc. It will be a mammoth job to fill the ravines for the new roadbed, and she added that although she thinks an E.I.S. is very important for the project, it is a little late to be getting involved.

Dilcher said the E.I.S. would aid the Council in determining whether the project is really necessary.

Kathy Feger of the Environmental Quality and Conservation Commission said that she's sorry the Council was not informed earlier, but it is still not too late to do something.

Towell said the future of the City is tied to Lake Monroe and it should be the city's policy to protect it. He continued that the improvements may be over-designed since the future of the lake is uncertain. He concluded that apparently the judge in the case was acting high-handed when he ruled against the Sierra Club, and an appeal may be successful. The Sierra Club expected a fair trial and it is not too late to pursue the issue.

In answer to a question from Olcott, Mr. Barker said that it is difficult to say how long an E.I.S. would take, but it would probably be one to one and a half years. Even if it were to drag out for two years the Federal Highway Commission will have the funds available until 1983. It would not set back construction of the road because there will be many other roadblocks between now and then with condemnations, law suits, etc. They are not asking to stop the road, but they think an E.I.S. is required by law.

Resolution 81-9 was then adopted by a roll call vote of Ayes: 7, Nays: 2 (Olcott and Hogan).

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 81-4 by title only.

APPROPRIATION  
ORDINANCE 81-4  
From FRS to Parks  
and Recreation Dept.

Clerk Connors read Appropriation Ordinance 81-4 by title only.

Olcott moved and Morrison seconded a motion to adopt Appropriation Ordinance 81-4. Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 6-0.

Appropriation Ordinance 81-4 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Resolution 81-8 by title only.

RESOLUTION 81-8  
EDC Bonds for  
Ramshead Corp.

Clerk Connors read Resolution 81-8 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 81-8. Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 7-0.

Resolution 81-8 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-35 by title only.

ORDINANCE 81-35  
Amend Zoning re:  
Dunstan Drive  
property adjacent  
to Sherwood Oaks  
as a PUD (Ramshead)

Clerk Connors read Ordinance 81-35 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-35. Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 7-0.

Olcott said that Mr. Bartlett, the owner of the land between the two Rubeck pieces, was not notified of the rezoning.

Tom Bunger, attorney for the petitioners, replied that Mr. Bartlett was sent a certified letter which was signed for at his home.

Planning Director Tim Mueller said Mr. Bartlett had told him he wasn't notified, noting that the City had the wrong address. However, Mrs. Bartlett signed a certified letter in January. He added that the rezoning had been discussed with the potential buyers of the Bartlett property so it had been assumed he knew about it.

Mr. Bunger said he talked with Mr. Bartlett today and his only concern was that the road be built down the middle of the property. His clients have no problem with this request.

Olcott moved and Morrison seconded a motion to table the ordinance until things can be worked out with Mr. Bartlett. Motion failed by a vote of Ayes: 3, Nays: 6 (Allison, Towell, Murphy, Hogan, Dilcher and Service).

Petitioner Ron Rubeck said he spoke with Mr. Bartlett today and Bartlett was to meet with the buyers of his land at 3:00 p.m. He was assured that Mr. Bartlett would call him back if there were problems, and he also said he would be here tonight.

Mueller showed an illustration of the road route. He said he can see potential problems with the road the way Bartlett wants it and Bartlett also had some ideas about sharing the cost of the new road with the City, which may also be a problem.

Rubeck said they have already done most of their engineering work and they would have to replat everything if the route for the road were to change.

Mueller said this will go back to the Plan Commission for final plat approval. It appears that Mr. Bartlett was remiss in taking care of several things, and the Rubecks are anxious to get started on the project. He said he would like to see the parties closer to reconciliation.

Olcott then said he had just spoken with Bartlett on the telephone and he had one question about his access point onto Winslow Road, and Rubeck replied that access should be adaptable to any part of their property along Winslow.

Ordinance 81-35 was then adopted as recommended by the Plan Commission by a roll call vote of Ayes: 9, Nays: 0.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 81-36 by title only.

Clerk Connors read Ordinance 81-36 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 81-36. Dilcher read the legislative synopsis and gave the committee report with a Do Pass recommendation of 6-1.

Ted Najam, attorney for Sims Drive resident Tom Coleman, said that the rezoning is not appropriate at this time since it is contrary to provisions for special conservancy zones. He cited Chapter 20.12 of the Code stating that it is specific about environmental considerations as well as the requirements under the certification section about approval of plans by an engineer and architect, which hasn't been done in this case. He said the petition should be delayed until all requirements of the law have been met.

Council Attorney France Komoroske said Tim Mueller and City Attorney Bill Finch had agreed with her that several things are required when the petition gets closer to the stage when actual building occurs, stating that Mr. Najam is a little premature in his concerns.

Mueller agreed, adding that it is not normal for a rezoning to be accompanied by a site plan, and plans cannot be certified before they are completed.

There was further discussion with Najam stating they disagree on how to interpret that section of the Code.

Les Coyne, former Plan Commission member, said Coleman came to him to talk about the rezoning and he warned the Council that they should be careful about developments in SC zones, and said a site plan should be seen before approval is granted.

Tom Bunger, attorney for the petitioner, said they have hired a geologist and a certified engineer. Before they spend more money on the project they would like to know if they will be granted a rezoning. Baker plans to come back before the Plan Commission with plans that will meet all city specifications.

Service said the plans sound good, but she would like to see the plans first before voting for it although it should be RS.

Allison said it is a problem area but RS is really a better zone for the area.

Ordinance 81-36 was then adopted by a roll call vote of Ayes: 8, Nays: 1 (Service).

ORDINANCE 81-36  
Amend Zoning re:  
S. Leonard Sp.  
Rd. from RE/SC  
to RS/SC (Baker)

Olcott moved and Morrison seconded a motion to introduce and read the following ordinances for first reading, and Clerk Connors read each by title only with Towell reading the legislative synopses.

FIRST READINGS  
Ordinance 81-33  
Ordinance 81-37  
Ordinance 81-38  
Ordinance 81-42  
Ordinance 81-40

Ordinance 81-33 To Authorize EDC Bonds for Mayhill Homes.  
Ordinance 81-37 To Adopt 1981 Recommendations of Sunset Comm.  
Ordinance 81-38 Amend Zoning re: 1100 Weimer Road (Martindale)  
Ordinance 81-42 Amend Zoning re: 800-900 Miller Dr. (Redevelopment Department)  
Ordinance 81-40 Amend Zoning re: NW corner of S. Walnut and Country Club Drive (Walnut Park Development)

Olcott moved and Morrison seconded a motion to approve the minutes of March 18, 1981 as submitted. Motion carried by a unanimous voice vote.

MINUTES FOR  
APPROVAL: 3/18/81


The meeting was adjourned at 9:10 p.m.

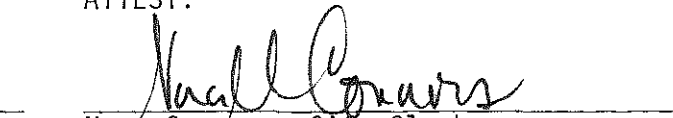
ADJOURNMENT

MINUTES APPROVED this 15<sup>th</sup> day of April, 1981.

APPROVE:

ATTEST:

  
Al Towell, President  
Bloomington Common Council

  
Nora Connors, City Clerk

nmc