

In the Common Council Chambers of the Municipal Building held on October 4, 1979, with Councilpresident Allison presiding over a regular session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
OCTOBER 4, 1979

Councilmembers present: Allison, Blume, Kinzer, Middleton, Olcott, Richardson, Towell and Young. Absent: none.

ROLL CALL

Councilpresident Allison read the agenda summation.

AGENDA SUMMATION

Richardson complimented Dotty Collins, Aide to Chancellor Wells, on receiving the H. Ross Bartley Award. She has served the community in many ways and deserves thanks. He complimented I.U. Soccer Coach Jerry Yeagley, for winning his 102nd victory for the team. He said he is concerned that the Red Cross parking lot is not yet landscaped, which was one of the agreements made when the City granted an alley vacation. He urged the Red Cross to follow through on this. Also, he urged everyone to register to vote. He complimented the City and others who worked to get the recent parks grant for Crestmont.

MESSAGES FROM  
COUNCILMEMBERS

Morrison reported that the Monroe Street reconstruction south of Eleventh Street is nearly complete. Also, the drainage ditch from the railroad to Fairview is being repaired so that flooding will no longer occur in the area.

Allison reminded everyone that this is City cleanup week and urged people to take advantage of this service. She thanked Ken Nunn for assuming leadership of Operation City Beautiful, along with others who have helped to cleanup the City.

Mayor McCloskey thanked City staffers for the work they put in to get the \$50,000 Crestmont Parks Grant, noting that the City is one of only forty cities in the nation to receive one of the grants. He then urged the Council to approve Ordinance 79-73, the Westside annexation agreement. This agreement is the result of months of negotiations, and the City will get \$125,000 for twelve years, which is much more than the City is getting now. It also looks good for jobs and economic development in general. The cost of putting in services to make the industries <sup>continuous</sup> very expensive, and that is what the funds will be used for. He said he would be willing to take Councilmember Towell's suggestion for a detailed study concerning the costs of services and the method used to provide these services.

MESSAGE FROM  
THE MAYOR

There were no petitions or communications.

PETITIONS & COMM.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-75 by title only.

ORDINANCE 79-75  
To Amend BMC re:  
Raising Salaries  
of USB Members

Clerk Connors read Ordinance 79-75 by title only and Allison read the legislative synopsis.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-75. Olcott gave the committee report, noting a Do Pass recommendation by a vote of Ayes: 6, Nays: 0 to add a 7% salary increase.

Ordinance 79-75 was then adopted by a roll call vote of Ayes: 8, Nays: 1 (Young).

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-76 by title only.

ORDINANCE 79-76  
Budget Transfer  
Plan Dept.

Clerk Connors read Ordinance 79-76 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-76. Allison read the legislative synopsis.

Olcott gave the committee report, with a 6-0 Do Pass recommendation.

Ordinance 79-76 was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-74 by title only.

Clerk Connors read Ordinance 79-74 by title only.

Richardson moved and Olcott seconded a motion to adopt Ordinance 79-74 and Allison read the legislative synopsis.

ORDINANCE 79-74  
To Create a Special Non-Reverting Improvement Fund (Westside Annexation Agreement)

Olcott gave the committee report, stating that there was a good deal of discussion on this ordinance. There was concern over where and how the money should be spent, and there was a vote of 5-1-1 for a Do Pass recommendation. Olcott said he voted no because he thinks that there are other impacted areas in the City that need to be annexed where the money may be needed. He said it is possible that annexation of the westside may be better accomplished by going some other route than straight west.

Towell said he abstained because he feels that the westside industries should be annexed in order to have a sounder tax base. He said he would like to see a commitment on the part of the industries for annexation at the end of the agreement. A definite plan for annexation is needed to meet the goal of annexing the westside industries. He said Olcott's idea does not sound like a commitment to annexation. He continued that the Council could undo the agreement in two meetings unless there is a commitment by the industries and a real plan for annexation.

Kinzer said she thinks the funds should be used with the idea of annexing the westside. She said she agrees that there should be a commitment by the industries to agree to annexation at the end of the fifteen years.

Morrison said flooding problems are increasing on the westside as development increases. He said top priority for development towards the westside industries should be storm and sanitary sewers.

Blume said his vote on the westside industries agreement is contingent on passage of this ordinance, stating that it is very important that funds be earmarked specifically for acquiring and providing services for land between the City limits and the westside industries.

Middleton agreed that the money must be used for this purpose. He proposed an amendment in Section II to read "Preliminary engineering studies to provide direction for development of annexation procedures shall be brought before the Council within one year of the date of enactment of this ordinance." Section II would then become Section III. Morrison seconded the motion.

Kinzer proposed to amend the amendment to add after "procedures", "for this area". Middleton agreed to allow the amendment as did Morrison.

Olcott said that with inflation, this money may not be enough to do what it is intended for. He said if he was convinced this money would accomplish the goal of annexation, he would feel differently. He said he would like to see areas such as the land south of Bryan Park brought into the City as much as property on the way to the westside.

Middleton's amendment was then adopted by a roll call vote of Ayes: 9, Nays: 0.

Kinzer moved and Morrison seconded a motion to adopt Ordinance 79-74 as amended.

Richardson said the City now has various agreements with the federal government, the county, the hospital, etc., and now private businesses. He said by passing both ordinances the City will be able to follow through with their agreement without worrying that a future Council may reverse the agreement. He said the Council must have good faith.

Towell said he is still wondering about whether the tradeoff for the City is a good one, stating that the amount of money is not that important to the industries, but it is to the City. He said he has spoken to many business people about whether they think the City is getting enough from this agreement, and they are not sure we are.

Ordinance 79-74 was then adopted by a roll call vote of Ayes: 8, Nays: 1 (Olcott).

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-73 by title only.

Clerk Connors read Ordinance 79-73 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-73. Allison read the legislative synopsis.

Olcott said the committee voted Ayes: 6, Abstentions: 1 for a Do Pass recommendation.

Kinzer said the agreement lasts way too long and \$125,000 a year is not enough when you consider inflation. She questioned what would happen with new industries - would they also get an agreement with the City?

Middleton said he initially thought the agreement was not a good one, but after several discussions, it seems that this is one way to buy a measure of industrial peace and progress for Bloomington. The money is probably not adequate to meet the City's needs, but if the industries are encouraged to expand and new industries are encouraged to locate here, the whole process is worthwhile. This discussion has created a useful dialogue between the City and the industries as well.

Morrison said the climate of stable economic conditions for large businesses is important; this agreement would make them feel stable in this community, which helps everyone involved. He said this agreement is letting the industries off cheap, but at least this way the City will get a million and a half dollars to use for annexing the industries.

Blume said \$125,000 is not much per year, but the Council would have to determine what the alternative would be, and he said he suspects it would be zero dollars. Another thing to consider is the interest that would be earned on the money from the industries, which would be substantial. Finally, he said that it really doesn't matter if the industries agree to be annexed or not at the end of the fifteen year agreement since the City can involuntarily annex them if they are contiguous.

Olcott said in the last few years the lines of communication with businesses have been opened, and this agreement is evidence of this. This will allow a completely different economic atmosphere for Bloomington.

Young said that he would like to know how new industries would be treated if they wanted a similar agreement. He said the Council should establish a policy and stick with it, but added that this is a dangerous precedent. He said expansion of these plants has no bearing on an annexation. All of the companies concerned are wealthy enough to pay taxes. It should be allowed to take its natural course - if the City cannot legally annex them, leave them alone. He said this agreement is in effect taking the money and running.

Blume reminded Young that the City has tried to annex them before and they have not been successful. The City is many years away from being contiguous to the industries, so this is the best the City can do right now.

ORDINANCE 79-73  
To Ratify in Lieu  
of Annexation  
Agreement with the  
Westside Industries

Young said if they were in the City now, they would be paying \$600,000 under current assessments per year, not even considering the new assessment figures.

Richardson responded to Young's remarks, stating that there are bound to be some unknowns, and that there is no such thing as a "natural" course of annexation. This is the best deal going, and it is a reasonable one.

Dick Wilder spoke from the audience. He said that the industries have never wanted to be annexed and never will. The industries were actually brought here by a developmental group that sold them the land for their plants. Annexation of the industries did not occur earlier because no one really pushed it. Two years ago they wanted to buy the Graham Hotel, renovate it and give it to the City as a gift in lieu of annexation, but they never did although they could have written it off their taxes in five years. He said there is a great disparity between \$125,000 a year and \$600,000 that the City would receive if the industries were annexed, which he claimed is a very lopsided deal that is not in the best interests of the City. He said the industries could be annexed much sooner than fifteen years from now.

Allison said that when sewers were run out to the industries was the time when the City could have annexed them. The City is now faced with a strict state law that says that they must be contiguous and be provided with services. The City just does not have the money to pay for the necessary services for annexing the land between the City and the industries, and with this agreement we do have some money to use for this. We are now in a position where the industries have forced the City to make a plan.

Wilder responded that the City did not lose the westside industry annexation lawsuit on the merits last time; it lost on a technical foul up. He said the City must be prepared to provide services, but they legally need not be in place, so the contiguous requirement is really not that valid.

Steve Ferguson, attorney for the industries, said that the agreement was initiated by the City, and the industries were hesitant because they did not see any reason to annex. Over the years they have come to see that it would be beneficial to the City. He said the attitude of the City towards industrial development is very important in choosing a site to locate. A few years ago, the Department of Commerce would not refer businesses here, but this attitude has changed and it is the most important factor that industries look at although other factors do contribute.

Kinzer said a legitimate attempt to annex the industries should not be interpreted by the industries as a negative attitude on the part of the City.

Towell asked if Ferguson thought the industries believed that when they located in Bloomington that there was an agreement not to annex them, and Ferguson answered yes, and they viewed the annexation attempts on the part of the Hooker administration as a breach of this promise.

Wilder contended that there was never any agreement between the City and the industries to not annex the property. The industries came here because it was cheap land and labor. Also, the new Council has the reputation of being more reasonable and receptive to industry than the old Council. The implementation of new economic development bonds also contributed to the change in the attitude of the industries and others in the business community.

Ordinance 79-73 was then adopted by a roll call vote of Ayes: 6, Nays: 3 (Towell, Young and Kinzer).

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-77 by title only.

ORDINANCE 79-77  
To Amend BMC re:  
Downtown Parking  
Permits

Clerk Connors read Ordinance 79-77 by title only.

Richardson moved and Morrison seconded a motion to adopt Ordinance 79-77 and Allison read the legislative synopsis.

Olcott gave the committee report to table the ordinance by a vote of Ayes: 6, Nays: 1 (Towell), pending further information on the hours of the different parking lots and consideration by the Plan Commission.

Olcott moved and Richardson seconded a motion to table Ordinance 79-77 and remand it to the Traffic Commission.

Young left at this point.

Towell said he had no idea why the Traffic Commission should consider this.

Ordinance 79-77 was then tabled by a roll call vote of Ayes: 7, Nays: 1 (Towell).

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-78 by title only.

FIRST READINGS  
Ordinance 79-78  
Budget Transfers

Clerk Connors read Ordinance 79-78 by title only and Allison read the legislative synopsis.

Richardson moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 79-13 by title only.

APPROPRIATION  
ORDINANCE 79-13  
From FRS to FRS-  
Animal Control

Clerk Connors read Appropriation Ordinance 79-13 by title only and Allison read the legislative synopsis. She asked for public comments on the use of federal revenue sharing funds, but there were none.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-81 by title only.

ORDINANCE 79-81  
To Amend Zoning re:  
SE corner of Pete  
Ellis and E. 10th

Clerk Connors read Ordinance 79-81 by title only and Allison read the legislative synopsis.

Richardson moved and Morrison seconded a motion to introduce and read Ordinance 79-83 by title only.

ORDINANCE 79-83  
To Approve PCD &  
Outline Plan for  
College Mall  
Expansion

Clerk Connors read Ordinance 79-83 by title only and Allison read the legislative synopsis.

Richardson moved and Olcott seconded a motion to introduce and read Ordinance 79-84 by title only.

ORDINANCE 79-84  
To Adopt a "Sun-  
set" Law for City  
Boards & Comm.'s

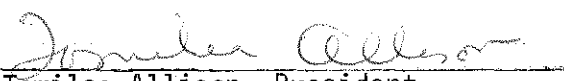
Clerk Connors read Ordinance 79-84 by title only and Allison read the legislative synopsis.


The meeting was then adjourned at 10:35 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

  
Tomilea Allison, President  
Bloomington Common Council

  
Nora M. Connors  
City Clerk

MINUTES APPROVED THIS  DAY OF DECEMBER, 1979.