

In the Common Council Chambers held on December 1, 1977, at 7:30 p.m. in the Municipal Building, with Councilpresident Middleton presiding over a regular session.

COMMON COUNCIL  
REGULAR SESSION

Dec. 1, 1977

Present: Councilmembers Morrison, Towell, Young, Kinzer, Blume, Middleton, Allison, Olcott and Richardson. Absent: None.

ROLL CALL

Middleton gave the agenda summation. For second reading, Ordinance 77-100, Budget Transfers; Appropriation Ordinance 77-22, To Appropriate Funds from Cumulative Capital for Thrasher Building Purchase; Ordinance 77-99, To Amend BMC re: Electrical Code; Ordinance 77-77 Concerning Refrigerators, Ice Chests, etc.; Ordinance 77-95, Annexation of land in Mayfair Subdivision; Ordinance 77-96, Annexation of land at the NE Corner of Winslow Road and S. Henderson Street; Appropriation Ordinance 77-21, To Adopt a Budget for the Utilities Department for 1978. For first reading, Ordinance 77-101, To Amend Present City Residency Requirements; Ordinance 77-102, Historic Designation of the Old Depot; and Ordinance 77-103, To Amend 2.72 of the BMC re: Telecommunications Council. Also the minutes of November 3, 1977. An executive session is to follow to discuss personnel matters.

AGENDA SUMMATION

These minutes are a summary. Tapes are available in the Common Council Office.

Blume remarked that he had heard that a man had called him to complain about the treatment he received in the Plan Department. Apparently the man went into the office three times and could not get any answers to his questions. He said he thought an apology from the Plan Department was in order.

MESSAGES FROM  
COUNCILMEMBERS

Olcott said he was sorry to see the City lose their Police Chief, Carl Chambers. He said he was disappointed that the Mayor had not appointed a new chief to date. He wished Carl well in his retirement.

Richardson dittoed Olcott's remarks on Carl Chambers. He then congratulated Bill Finch on his appointment as the new City Attorney to replace Steve Richardson. He noted that he was pleased to hear that Howard Canada, Chairman of the Human Rights Commission, is well on the road to recovery from his recent bout with pneumonia.

There was no message from the Mayor.

MESSAGES FROM  
THE MAYOR  
PETITIONS &  
COMMUNICATIONS

There were no petitions and communications.

Richardson remarked that he felt it was important to get Tim Mueller's story on the incident Blume described before any charges are made.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 77-100 by title only.

ORDINANCE 77-100  
Budget Transfers

Clerk Dolnick read Ordinance 77-100 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Ordinance 77-100.

Richardson read the legislative synopsis and gave the committee report, noting a Do Pass recommendation by a vote of 5 to 0.

Ordinance 77-100 was then adopted by a roll call vote of Ayes; 9, Nays: 0.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 77-22 by title only.

APPROPRIATION  
ORDINANCE 77-22  
Funds from the  
Cumulative Capital  
Fund for Purchase  
of Thrasher Bldg.

Clerk Dolnick read Appropriation Ordinance 77-22 by title only.

Councilmember Olcott moved and Councilmember Morrison seconded a motion to adopt Appropriation Ordinance 77-22.

Councilmember Olcott read the legislative synopsis and gave the committee report, noting a recommendation of Ayes: 5, Nays: 1 (Allison), for Do Pass. It was noted that Councilmember Kinzer was not present, but requested that her views be expressed. She feels that the Council should not take any action on this purchase until such time as the plans of private developers, and further financial information, can be provided.

Councilmember Kinzer commented that things have changed since the Council passed a resolution of support for negotiations for property on the northwest corner of the square. At that time, negotiations regarding a City/County building were underway, and a private developer has expressed an interest in developing the Graham Hotel for elderly housing. Neither of these issues have been settled. She said the resolution passed does not obligate the Council to support this purchase.

Councilmember Allison explained her negative vote by saying that she supports development of this property, but not until the Council receives more definite plans for future funding and detailed costs analysis.

Councilmember Olcott said that the City administration has affected the entire area in such a way that everything is in limbo. The Thrasher Building is not suitable for rehabilitation, and no businesses would be interested in developing in the area since the City's plans are so tentative. He said that it is true that only a resolution was passed, but since that time the City has progressed logically towards this purchase. He said he would question the City's purchasing the Graham Hotel at this time, but he supports the purchase of the Thrasher Building, stating that it is important for the vitality of the downtown and would be beneficial to the City. He suggested that the City could buy the property and hold it until such time as a private developer shows an interest in the property.

Councilpresident Middleton said that whether the Hotel is used for public or private development, parking will be needed in any case, and this is what the Thrasher Building site will be used for.

Councilmember Blume pointed out that the Council, on November 3, adopted Ordinance 77-75, Authorizing the Purchase of the Thrasher Building. At this time, the Council is merely authorizing the appropriation.

Jim Wray said that negotiations have begun on Monroe Tobacco, and he will give the Council a report in seven to ten days. He agreed that the Graham Hotel may be purchased and utilized by the private sector, but noted that this would not be inconsistent with the development of parking facilities in the area. He said the Thrasher Building is quickly deteriorating, and action should be taken soon in this area. In answer to a question from Councilmember Kinzer regarding the purchase price, Jim said the total price would be approximately \$125,000. \$35,000 is due now, with the balance due by April 1, with 1% interest.

Pat Gross explained that the City was anticipating \$180,000 from the Utility this year, which they now know they will not receive until the Utility is granted a rate increase. Adequate funds are not available in the capital improvement budget for this reason. However, with the return of this

money, the City will be \$50,000 ahead of the cumulative capital portion of the capital improvement budget because \$20,000 for the Youth Shelter, and \$30,000 for Winslow Park Shelter were not used. The City can budget \$36,000 from this year's cumulative capital without damaging CIB. However, several departments will have to wait to implement certain projects. The capital improvement budget will be revamped as necessary, but the City is always careful to have some slack in the budget each year.

In answer to a question from Councilmember Young regarding demolition costs, Jim Wray said he estimates it will cost \$35,000 to tear down the Thrasher Building, considering the estimates for demolition of the Hotel are \$175,000 to \$216,000, and the demolition of the Library was \$15,000.

Councilmember Kinzer asked if parking meter funds would be used for the demolition since parking will be provided through the demolition.

Jim Wray answered that several funds could be used. Capital improvement funds would be available, and CDBG funds could be used in 1979.

Steve Richardson explained that parking would have to be provided as long as parking meter funds are being used. However, it would not have to be used for parking forever since the City could buy out the issue at the amount they put in. Parking Meter Revenue Bonds could be used to provide parking in the amount equal to the issue, and could then be bought out later.

Councilmember Towell said there has been some discussion regarding the possibility of establishing an Oversight Committee to examine the ways in which parking meter funds are utilized. This Committee could also look into parking programs for the City.

Appropriation Ordinance 77-22 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 2 (Allison and Kinzer).

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 77-99 by title only.

ORDINANCE 77-99  
To Amend the  
Electrical Code

Clerk Dolnick read Ordinance 77-99 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 77-99.

Richardson read the legislative synopsis and gave the committee report, noting a do pass recommendation by a vote of Ayes: 5, Nays: 0.

Morrison remarked that this ordinance is long-overdue, and that he is very pleased to see it introduced.

Ordinance 77-99 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 77-77 by title only.

ORDINANCE 77-77  
Concerning Ice  
Chests, Refrigerators,  
safety requirements

Clerk Dolnick read Ordinance 77-77 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 77-99.

Richardson read the synopsis and gave the committee report, noting a Do Pass recommendation of Ayes: 5, Nays: 0, with several amendments. Richardson moved and Olcott seconded a motion to adopt the amendments outlined on the committee report.

Morrison explained that the amendment would exempt appliance dealers from requirements to remove doors from iceboxes dis-

played in public during working hours. These must be easily accessible to their employees for cleaning and repairs.

Kinzer expressed concern over the wording of the amendment, and Steve Richardson suggested several changes. First, add "at all times" after "inaccessible". Second, in line three substitute "salvage" for "storage", and last, after "sell" and "store".

Richardson moved and Morrison seconded a motion to amend Ordinance 77-77 as outlined by Steve Richardson. Motion carried by a unanimous voice vote.

There was then general discussion about several other amendments concerning storage of refrigerators, but these were not adopted.

Ordinance 77-77 was then adopted by a roll call vote of Ayes: 8, Nays: 0, Abstentions: 1 (Morrison, who felt he had a conflict since he is an appliance dealer).

Middleton commended Mr. McGlaun for pushing for this piece of legislation, stating that it is citizen participation in its best form. He said that if the ordinance prevents the death of one child, it is well worth all the effort that has gone into it. It was noted that the ordinance was suggested by the City's Nuisance Officer, Sergeant Sauders. The Council thanked him for his interest.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 77-95 by title only.

ORDINANCE 77-95  
Voluntary Annex-  
ation of Mayfair  
Subdivision

Clerk Dolnick read Ordinance 77-95 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 77-95.

Richardson read the legislative synopsis and gave the committee report, noting a do pass recommendation by a vote of Ayes: 6, Nays: 0. It was explained in committee that the City would not incur any costs in sewer or water lines for the area.

Blume noted that the City will have costs through the rebate policy for the sewer lines.

Steve Richardson explained that the residents may approach the USB with this request, but noted that the City may be approaching a point where they can no longer afford to participate in expensive rebate policies. The City is obligated under the Subdivision Control Ordinance to give services if they are able and can afford them.

Towell remarked that the cost analysis of this ordinance was very useful, and he thanked Kinzer for sponsoring the ordinance requiring fiscal impacts statements.

Olcott moved and Morrison seconded a motion to introduce and read Appropriation Ordinance 77-21 by title only.

APPROPRIATION  
ORDINANCE 77-21  
1978 Utilities  
Budget

Clerk Dolnick read Appropriation Ordinance 77-21 by title only.

Olcott moved and Morrison seconded a motion to adopt Appropriation Ordinance 77-21.

Richardson read the synopsis and gave the committee report noting a Do Pass recommendation pending an agreement with the USB that they will do their best to hold the line on expenses until they are granted a water rate increase.

Jack Martin, President of the USB, explained that the USB did go through the budget in detail with the Director and had numerous work sessions. He said the operating and maintenance budget that was submitted represents the basic costs for providing required services. The capital budget presented is based on their capital improvements program, which will be decided

with the rate increase. Some capital expenses may have to be deferred. He said he felt his memo was adequate in assuring the Council that the Utilities Department will live within their budget.

Young contended that there are several budget items that could be deterred until next year's budget, such as TV equipment, more cars, etc.

Knollman explained that the budget was formed with the rate increase funds anticipated. Priorities will have to be set for capital projects next month since they now realize they will not have the revenues from the rate increase by January 1. In regards to the television equipment, he explained that the cameras are run through lines after they are cleaned to be sure that debris is not left in the lines. Utilities Department personnel could be trained to operate this equipment.

Blume noted that even if the Department cuts back dramatically on capital expenditures, they would still be short in operation and maintenance.

Morrison mentioned that the cost of the radios for the new vehicles seem very high. General discussion then ensued over the costs of vehicles and radios, with Knollman noting that equipment was bought for the same amount last year.

Richardson said that he appreciates the additional information provided by the Utilities Department recently, but said that the Council is again being placed in a position of having to approve a budget that they have very little involvement with at the decision making level. He said perhaps the Council should be invited to the USB meeting where the budget is presented for the first time so that they could become more familiar with the material. He also said he would rather consider the Utility budget at the same time as the civil city budget since they are intertwined in many ways. Finally, he expressed concern that before the Council votes on these items they should work closer with the Mayor and USB on the ramifications of these decisions. Until this is done, he will be hesitant to vote on Utilities matters.

In answer to a question from Richardson, Art Knollman said that bonds will be floated for the Dillman Road Treatment Plant in late February or early March.

Olcott commented that he hates to see serious budget questions right before the Public Service Commission will be examining it for the rate increase, since there would then be the possibility that they may reduce the budget. He does not want to put more roadblocks in front of the people who will be presenting the budget to the P.S.C.

Blume agreed but added that if this budget is approved and the water rate increase is not granted, the Utility will be in a serious deficit situation.

There was then confusion regarding several budget figures, with the Council's figures showing different amounts than the USB's.

Middleton moved and Young seconded a motion to table Appropriation Ordinance 77-21 until these discrepancies could be worked out.

Jack Martin explained that these figures are in the backup material only. The correct figures are in the appropriation ordinance. The attached working documents have been revised several times with many last minutes changes.

Motion failed by a roll call vote of Ayes: 2, Nays: 6 (Towell, Kinzer, Allison, Blume, Olcott, Richardson and Middleton).

Appropriation Ordinance 77-21 was then adopted by a roll call vote of Ayes: 6, Nays: 3 (Young, Morrison and Richardson).

Olcott moved and Blume seconded a motion to introduce and read Ordinance 77-101 by title only.

Clerk Dolnick read Ordinance 77-101 by title only.

Middleton read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 77-102 by title only.

Clerk Dolnick read Ordinance 77-102 and Middleton read the legislative synopsis.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 77-103 by title only.

Clerk Dolnick read Ordinance 77-103 by title only. Middleton read the legislative synopsis.

Olcott moved and Morrison seconded a motion to approve the minutes of November 3, 1977 as submitted.

Motion carried by a unanimous voice vote.

Tim Mueller then came forward to explain the situation which Councilmember Blume referred to at the beginning of the meeting. He said that a man contacted him with an inquiry this week regarding BA property which he wished to use for a Kenlawn garden business. Unfortunately, the Zoning Ordinance does not address this type of business since it is not a retail sales or manufacturing business. There was not enough time to speak in depth with him since the Code had to be gone over in this matter since the text is so vague. Tim asked for his name and number to call him back and the man would not give them. He called back a couple times when Mueller was not available, but still would not leave his number to be called back. He returned a couple days later, and there were two people in front of him in line. He assured the man that the issue would be resolved by the end of the day, which it was. Meanwhile the man left angry since he could not speak to Mueller. His use will be allowed in the BA zone, but he does not know how to contact the man to tell him this. The man did not realize that the Plan Department cannot make final decision, they can only interpret the code.

The meeting was then adjourned at 9:50 p.m.

The Council then went into executive session to discuss the salary of the Council Administrator.

FIRST READINGS  
ORDINANCE 77-101  
To Amend Resi-  
dency Requirements  
re: Dept. Heads

ORDINANCE 77-102  
Old Depot His-  
toric Designation

ORDINANCE 77-103  
To Amend Chapter  
2.72 of the BMC,  
"Telecommunica-  
tions Council"

MINUTES 11/3/77

ADJOURNMENT

APPROVE:

ATTEST:



Thomas O Middleton, President  
Bloomington Common Council



Nora M. Connors, Deputy City Clerk

Minutes approved this 4 day of January, 1978.

nmc