

In the Council Chambers of the Municipal Building, on Thursday, March 7, 1974 at 7:30 p.m., with Councilpresident James S. Ackerman presiding.

REGULAR SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON
INDIANA

Present: Jack Morrison, Richard Behen, Hubert Davis, Brian De St. Croix, Wayne Fix, Charlotte Zietlow, Sherwin Mizell, Alfred Towell, James S. Ackerman

ROLL CALL

Absent: None.

Ted Najam, Administrative Assistant; Larry Owens, City Attorney; Tom Crossman, City Planning Director, Rasoul M. Istrabadi, City Engineer; Carl Chambers, Chief of Police; Grace E. Johnson, City Clerk.

CITY OFFICIALS PRESENT

About 25 other people including members of the press

OTHERS PRESENT

Councilman De St. Croix moved that the minutes of the Council Meeting of February 21, 1974 be approved as distributed. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Minutes

2/21/74

NONE

MESSAGE FROM THE MAYOR

Councilman Mizell's message had to do with the appointment of the Director of Utilities. Having served on the search committee which recommended our previous Director of Utilities, I was surprised to learn that no one responded to our most recent advertisements. We had received a large number of applications from highly qualified and experienced individuals. In my opinion the Utilities Service Board has been remiss in not pursuing thier search. For good reasons the new Director enjoys the confidence of the Utilities Service Board. However, Bloomington is on the verge of undertaking the largest underwater treatment, wastewater treatment construction program in the history of this community, Having a director without any professional training or experience in water or waste water treatment places not only the community but the Director and the Utilities Service Board at the mercy of outside consultants. Our recent experience with consultants vividly points out that we cannot afford the luxury of suffering at the hands of consultant firms.

MESSAGES FROM
COUNCILMEMBERS

Councilwoman Zietlow said that the Revenue Sharing Committee is continuing to meet. They are providing a series of written reports for the councilmembers. They were not prepared tonight to present any interim report on any specific project. The Kirkwood Mall project is being considered as a part of the entire Revenue Sharing Package. At this time they were not prepared to present any recommendations. According to the municipal

code when a report is sent to a committee the committee should bring it back within two meetings, if no deadline has been named at that time. At the February 7, meeting Charlotte Zietlow had asked if there was a deadline and they were told no. The committee is working on this in all deliberate speed and even faster to prepare a whole package. But tonight they were not prepared with anything.

Councilman Behen reported on a meeting that he and Councilman Mizell had with Dr. Black. The intention of the meeting was to discuss the memo from Councilman De St. Croix about the cab companies liability insurance. At this time Councilman Mizell and Councilman Behen were not able to solve the Cab Companies problem but they do have a genuine problem. They did not know what to recommend at this point but did not want to see the community totally without taxi cabs.

Councilwoman Zietlow said that one of the possibilities was property tax relief for the cab companies. Councilwoman Zietlow asked that the City Attorney investigate this possibility. Councilwoman Zietlow felt that the cab companies did perform a service that was not in direct competition with the bus company but does compliment the whole public transit situation.

Councilpresident Ackerman said that it is definitely in the interest of the city to keep a cab company in service. Although the original purpose of the committee was to investigate the insurance. At this time the scope of the committee examination was broadened to work out some kind of solution to the problems.

Councilman Mizell said that the cab companies could perform a very vital service to public transportation in this community. The problem is quite complex it is not going to be solved by simply granting someone relief from property taxes etc. Councilman Mizell said that he hoped that it could be solved and that they would continue to work with these people and report back to the Council.

Councilman Fix said that there is a definite place for the cab companies in a transit system. There are some services that they can do much better than the city can as an organized transit system.

Ted Najam, Administrative Assistant, said that the Mayor's Office has had some discussion on some of these issues including subsidizing the cab companies which was one of the many alternatives suggested. Waivering property taxes or granting one cab company an exclusive franchise which is a legal

impossibility. Ted Najam said that they would be very happy to turn over thier correspondents to the council committee.

Councilman De St. Croix moved that the agenda be amended to include Resolution 74-16 and Ordinance 74-17. Councilman Morrison seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 7, NAYS 2. Nays: Fix, Mizell

Councilwoman Zietlow moved that Ordinance 74-14 be introduce and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-14
Adding two definit
to Section 2.60.02
(Human Rights
Commission Chapter

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-14 in its entirety.

Councilwoman Zietlow moved that Ordinance 74-15 be introduced and read by the Clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-15
Rezoning of
Miller Drive

Grace E. Johnson, City Clerk, introduced and read Ordiance 74-15 by title only.

Councilpresident Ackerman explained that this is a consideration of the rezoning of the Miller Drive area passed at the most recent Plan Commission Meeting.

Councilwoman Zietlow moved that Ordinance 74-16 be introduced and read by the Clerk by title only with proper posting. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-16
Rezoning of
Mr. Killion's
property

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-16 by title only.

Councilman Mizell explained that this is on the south side of Bloomington at the intersection. It is the south west intersection of Royer Road and Walnut Street Pike.

Councilman Morrison moved that Ordinance 74-17 be introduced and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a majority voice vote. Descending: Mizell,

Ordinance 74-17
Amending Chapter
2.78 of the Cod
(Utilities Serv
Board)

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-17 in its entirety.

Councilman Mizell moved that Ordinance 74-17 be tabled and referred to committee with respect to liaison to the Utilities Servie Board. Councilman Fix seconded the motion.

Councilman De St. Croix asked Councilman Mizell if he would accept referred to committee instead of tabled as a friendly amendment. Councilman Mizell accepted the friendly amendment along with his second Councilman Fix. The motion was carried by a ROLL CALL VOTE OF AYES 8, NAYS 1. Nays: Councilman Morrison.

Councilman De St. Croix moved that the liaison committee to the Utilities Service Board report to the Council at the next meeting. Councilwoman Zietlow seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 7, NAYS 2; Nays: Fix, Mizell.

Councilman Towell said that as a member of the liaison committee to the Utility Service Board he felt that the entire Ordinance should be looked over.

Councilwoman Zietlow moved that Appropriation Ordinance 74-3 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Appropriation Ord. 74-³
Revenue Sharing
for Indigent Health
Care and Well Baby
Clinic

Grace E. Johnson, City Clerk, introduced and read Appropriation Ordinance 74-3 in its entirety.

Councilman Towell indicated that he would like the Revenue Sharing Committee to look at this.

Councilman Morrison moved that Appropriation Ordinance 74-4 be introduced and read by the Clerk. Councilman Behen seconded the motion. The motion was carried by a unanimous voice vote.

Appropriation Ord. 74-⁴
Parking Meter Fund

Grace E. Johnson, City Clerk, introduced and read Appropriation Ordinance 74-4 in its entirety.

Councilman De St. Croix moved that Ordinance 74-11 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-11
to amend section
15.64.200 of the
city code "One way
streets and Alleys"

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-11 in its entirety.

Councilman De St. Croix moved that Ordinance 74-11 be adopted. Councilman Morrison seconded the motion.

Councilwoman Zietlow said that this simply means that Grant Street is now two way.

Ordinance 74-11 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilman De St. Croix moved that Ordinance 74-12 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-12
Park Bond Issuance

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-12 in its entirety.

Councilman De St. Croix moved that Ordinance 74-12 be adopted. Councilman Morrison seconded the motion.

Councilwoman Zietlow asked to hear a statement from the Park Board about this Ordinance.

Mr. Lloyd Olcott, Chairman of the Park Board, said that they have gone by the recommendations of the planners. Mr. Bower is here representing the group three people. As you are quite well aware our bids were let and they came back at such a staggering figure to us that we could not do all the projects with any realm of reason. We went back to the drawing board and Mr. Bower and his group went back to bids and examinations. Let me first tell you that we have not eliminated anything from the bond issue that was originally in there. We have reduced some development items that we were not able to fund with the money available and the bids that were brought into us. We are doing every project that we started with the exception of the reduction of development. Every area that was put forth in our original petition to the public is being recognized we are purchasing property in every area that we planned. We have reduced some items we have not eliminated any areas.

Councilwoman Zietlow asked if it was essential to the Park Boards schedule that the Council vote on this this evening.

Mr. Olcott said that it definitely was. The reason being, is that they were granted a delay to their deadline. They have held this over since last October.

Councilman Mizell asked if it was the development cost that were too high?

Mr. Olcott said yes it was. Everything from asphalt tripling in price to grating. They did not get the bids that they had hoped for.

Mr. Bill R. Wilson, Director of Parks and Recreation submitted the following report to the Council.

TO: Common Council, City of Bloomington
FROM: Bill R. Wilson, Adm. Parks & Recreation
SUBJECT: Bond Issue Projects
DATE: February 8, 1974

In order that we may keep you informed of the progress of the Bond Issue Projects I am very happy to submit to you the following report and schedule. Also, attached you will find the revision that the Board accepted at their last meeting as submitted by Tony Bauer.

When the Board received the last bids on all of the projects, they all came back over the engineer's estimates. Through the city legal department several meetings were arranged with Mr. George Gavit of the Bond Counsel of Indianapolis. It was determined by the bond counsel that we must do something on every project that was started or it would have to be eliminated. The decision was determined because of the petition that was signed, by the general public to support the entire bond issue.

After revising all of the problems involved, it was decided we could purchase all of the properties and develop others. These are listed in the attachment.

Also, we were past our deadline on the three projects that had been approved for Federal funding through the Land and Water Conservation Fund; Southeast, Park Square and Crestmont Parks. After bond counsel instructions for amending the bond issue, they agreed to extend our deadline to the April 30th schedule as attached. We must stay on this schedule in order for us to receive this funding.

Also, the LWCF extended a waiver to us for the acquisition properties. This enables us to proceed and exercise our option for the purchase of the property and if the Federal funding is reinstated for the 1974-75 fiscal year we will be able to receive 50% reimbursement for the properties we purchase this spring. These waivers are very hard to receive and are not permitted very often. We feel very fortunate to receive them.

According to the bond counsel we have to start over, beginning with an amended resolution, which the board approved in January. You will notice on the attached schedule it will be brought to the Council on February 21 as an amended ordinance for first reading and on March 7 for final passage.

It is our intent to keep you informed of our progress and very hopeful this time the bids will be in line and we will be breaking ground with warm weather. I will continue to inform you of any changes in schedule.

Thank you kindly for your patience and support. It is a pleasure to work with you on the progress of Parks and Recreation in our city.

CITY OF BLOOMINGTON PARK & RECREATION BOARD

TENTATIVE BOND SCHEDULE

January 23	Park Board amended Declaratory Resolution
February 13	Public Hearing on Resolution
February 21	Council - First Reading
March 7	Council - Second Reading on Confirmatory Resolution
February 14 & 21	Advertisement for Bids
March 13	Accept Bids
March 20	Passage of Bond Resolution
March 21 & 28	Advertise Bond Sale
April 9	Sale of Bonds
April 30	Delivery of Bonds

SUMMARY OF CHANGES
for
BLOOMINGTON PARK SYSTEM
Park and Development Projects Bids

January 23, 1974

BLOOMINGTON PARK SYSTEM

<u>Project Name</u>	<u>Total Budget</u>	<u>Development</u>	<u>Acquisition</u>
Crestmont Park	40,000	40,000	-----
Parke Square Park	20,000	20,000	-----
Southeast Park	72,780	34,300	38,480
University Park	15,000	15,000	-----
West Ninth Street Park	41,620	41,620	-----
Cascades Athletic Fields (Lower)	97,075	97,075	-----
Bryan Park Tennis Court Lights	15,400	15,400	-----
Frank Southern Skating Rink	55,000	55,000	-----
Westside Community Center	47,000	47,000	-----
Maintenance Building	25,000	25,000	-----
Cascades Park	8,500	-----	8,500
Sports Complex	120,000	-----	120,000
Park Ridge East	41,000	-----	41,000
Park Ridge West	10,200	-----	10,200
Winslow Trail	-----	-----	-----
	<u>\$608,575</u>	<u>\$390,395</u>	<u>\$218,180</u>
	2,000	Bond Council	
	<u>\$610,575</u>	Total Project	

CRESTMONT PARK \$40,000For Bid:

Now includes clearing & grubbing, laying out, stripping & spreading topsoil, excavation, 475 S.Y. asphalt paths, one asphalt basketball court, one asphalt multi-purpose court, one 20'x35' shelter building, sand pit and play apparatus, 2 horseshoe courts, resurface existing concrete court with asphalt, concrete walk near existing building, bridge, picnic areas, entrance sign, rip rap embankment, & seeding.

Alternate Adds:

1. Water main & fountain
2. Elderly sitting area (225 S.F.)
3. Planting
4. Concrete floor for shelter

Now Deleted or Reduced:

1. Ballfield deleted
2. Benches deleted
3. Playlot reduced

PARKE SQUARE PARK \$20,000For Bid:

Now includes clearing and grubbing, laying out, excavation, baseball backstop, 425 S.Y. asphalt path, 20'x35' shelter building, entrance sign, sand pit and play apparatus, and picnic areas.

Alternate Adds:

1. Planting
2. Water main & fountain
3. Concrete floor for shelter

Now Deleted or Reduced:

1. Electric & lighting deleted
2. Ballfield grading & seeding deleted
3. Benches deleted

SOUTHEAST PARK \$34,300For Bid:

Now includes clearing and grubbing, laying out, stripping & spreading topsoil, excavation, 480 S.Y. asphalt paths, concrete sidewalk, one basketball court, one multi-purpose court, one 16'x20' shelter building, sand pit and play apparatus, baseball backstop, picnic areas, entrance sign, & seeding.

Alternate Adds:

1. Planting
2. More play apparatus
3. Bicycle rack area

Now Deleted or Reduced:

1. Badmitten court deleted
2. Basketball & multi-purpose court reduced in size
3. Asphalt path reduced by 280 S.Y.
4. Play apparatus reduced

UNIVERSITY PARK \$15,000For Bid:

Now includes laying out, excavation, 340 S.Y. asphalt path, reconditioned asphalt path, bollards, sand pit and play apparatus, 20'x35' shelter house, picnic areas, entrance sign, & seeding.

Alternate Adds:

1. Planting
2. Water & fountain

Now Deleted or Reduced:

1. Sand pit and play apparatus reduced
2. Benches

WEST NINTH STREET PARK \$41,620 (was \$66,380)

For Bid:

Now includes clearing and grubbing, laying out, stripping and spreading topsoil, excavation, two lighted tennis courts with fences, 20' x 30' shelter house, sand pit and play apparatus, ballfield improvements, two entrance signs, seeding, and picnic areas.

Alternate Adds:

1. Planting
2. Water main and fountain
3. Concrete floor for shelter house
4. Asphalt paths

Now Deleted or Reduced:

1. 16' x 20' alternate shelter house deleted
2. Parking lot deleted
3. Tot lot addition (southeast corner) deleted
4. Security lighting deleted
5. Basketball court deleted
6. Sand pit and play apparatus reduced
7. Benches deleted

CASCADES ATHLETIC FIELDS (Lower) \$97,075 (was \$92,880)

For Bid:

Now includes clearing and grubbing, laying out, excavation and grading, fine grading, topsoil, infield soil, 15' baseball backstops, one complete lighted baseball field, one unimproved baseball field (seeded w/backstop), restrooms building, water main & fountain, sewers, improved parking north side, crushed stone paths and plaza, seeding, and sodding.

Alternate Adds:

1. One scorer's table
2. Topsoil, infield soil, sodding, benches, etc. for complete second field
3. Entrance sign
4. Stone parking areas on south side

Cascades Athletic Fields (cont'd.)

Now Deleted or Reduced:

1. Concessions and storage part of proposed building now deleted
2. Sideline fences now deleted
3. Outfield fences now deleted
4. Asphalt from paths and plaza deleted
5. Lighting reduced to minimum provisions for second ballfield
6. Electric service brought in overhead instead of underground
7. Lighting for one field deleted
8. Scoreboards deleted
9. Bleachers deleted

BRYAN PARK TENNIS COURT LIGHTS \$15,400 (was \$12,000)

For Bid:

Lighting for Tennis Courts-- no changes

FRANK SOUTHERN SKATING RINK \$55,000 (was \$48,000)

For Bid:

Expand entryway and warming room-- materials changes only

WEST SIDE COMMUNITY CENTER \$47,000

For Bid:

Remodel and renovate existing building--no changes

MAINTENANCE BUILDING \$25,000

For Bid:

Storage and maintenance building as proposed-- no changes

NO DEVELOPMENT PROJECTS

CASCADES PARK \$8,500 (was. \$51,200)

Acquisition only, no development

SPORTS COMPLEX \$120,000 (was \$358,960)

Acquisition only, no development

PARK RIDGE EAST \$41,000 (was \$63,000)

Acquisition only, no development

PARK RIDGE WEST \$10,200 (was \$30,200)

Acquisition only, no development

WINSLOW TRAIL

No development (R. O. W. property)

AMENDED DECLARATORY RESOLUTION
OF THE BLOOMINGTON CITY PARK
AND RECREATION BOARD

BE IT RESOLVED by the Bloomington City Park and Recreation Board of the City of Bloomington, Indiana, which said City comprises a park district by virtue of the provisions of Chapter 311 of the Acts of the General Assembly of the State of Indiana for the years 1955, as amended by Chapter 404 of the Acts of the General Assembly of the State of Indiana for the year 1965, that it is necessary and will be of public utility and benefit to acquire land by purchase and in conjunction therewith to proceed with works of construction and improvement thereon and to proceed with work of improvement and construction in conjunction with other property already owned and used for park purposes, as follows:

1. To acquire by purchase the real estate described as Tract One in Exhibit A attached hereto and made a part of this resolution, and to improve it as the Southeast Park with multipurpose courts, a tot lot, a ball field, a shelter and picnic area and trails, with necessary site work, utilities, landscaping and all necessary equipment and appurtenances, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of the cost of the proposed work prepared by an engineer which plans, specification and estimate are on file and open to public inspection in the office of the Bloomington City Park and Recreation Board in said City, and which said detailed plans and specifications are made a part of this resolution as fully and completely as if set out herein. The estimated cost of acquisition of said real estate is Thirty-eight Thousand Four Hundred Eighty Dollars (\$38,480.00), which cost does not exceed

the appraised value thereof, and the estimated construction cost of the work of construction and improvement including incidental expenses is Thirty Four Thousand Three Hundred Dollars (\$34,,300.00).

2. To acquire by purchase the real estate described as Tract Two in Exhibit B attached hereto and made a part of this resolution. The estimated cost of acquisition of said real estate is One Hundred Twenty Thousand Dollars (\$120,000.00), which cost does not exceed the appraised value thereof.

3. To acquire by purchase the real estate described as Tract Three in Exhibit C attached hereto and made a part of this resolution. The estimated cost of acquisition of said real estate is Forty-One Thousand Dollars (\$41,000.00), which cost does not exceed the appraised value thereof.

4. To acquire by purchase the real estate described as Tract Four in Exhibit D attached hereto and made a part of this resolution. The estimated cost of acquisition of said real estate is Ten Thousand Two Hundred Dollars (\$10,200.00), which cost does not exceed the appraised value thereof.

5. To acquire by purchase the real estate described as Tract Five in Exhibit E attached hereto and made a part of this resolution. The estimated cost of acquisition of said real estate is Eight Thousand Five Hundred Dollars (\$8,500.00), which cost does not exceed the appraised value thereof.

6. To construct and improve a West Ninth Street Park including site work, a shelter, tennis court, picnic areas, a tot lot, a ball field and including utilities, landscaping and necessary equipment and

appurtenances, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of the cost of the proposed work prepared by engineers, which plans and specifications and estimate are on file and open to public inspection in the office of the Bloomington City Park and Recreation Board in said City, and which said detailed plans and specifications are made a part of this resolution as fully and completely as if set out herein. The estimated construction cost of the work of construction and improvement is Forty-One Thousand Six Hundred Twenty Dollars (\$41,620.00).

7. To remodel and renovate the building at the West Side Center including necessary equipment and appurtenances, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of the cost of the proposed work prepared by engineers, which plans and specifications and estimate are on file and open to public inspection in the office of the Bloomington City Park and Recreation Board in said City, and which said detailed plans and specifications are made a part of this resolution as fully and completely as if set out herein. The estimated construction cost of the work of construction and improvement is Forty-Seven Thousand Dollars (\$47,000.00).

8. To construct and improve the Cascades Athletic Fields, including site work, parking, utilities, a restroom, ball fields and necessary equipment and appurtenances, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of the cost of the proposed work prepared by engineers, which plans and specifications and estimate are on file and open to public inspection in the office of the Bloomington City Park and Recreation Board in

said City, and which said detailed plans and specifications are made a part of this resolution as fully and complete as if set out herein. The estimated construction cost of the work of construction and improvement is Ninety-Seven Thousand Seventy-Five Dollars (\$97,075.00).

9. To construct and improve Crestmont Park, including site work, utilities, picnic area, tot lot, landscaping and including necessary equipment and appurtenances, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of the cost of the proposed work prepared by engineers, which plans and specifications and estimate are on file and open to public inspection in the office of the Bloomington City Park and Recreation Board in said City, and which said detailed plans and specifications are made a part of this resolution as fully and completely as if set out herein. The estimated construction cost of the work of construction and improvement is Forty Thousand Dollars (\$40,000.00).

10. To install lighting on the five tennis courts at Bryan Park, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of the cost of the proposed work prepared by engineers, which plans and specifications and estimate are on file and open to public inspection in the office of the Bloomington City Park and Recreation Board in said City, and which said detailed plans and specifications are made a part of this resolution as fully and completely as if set out herein. The estimated construction cost of the work of construction and improvement is Fifteen Thousand Four Hundred Dollars (\$15,400.00).

11. To construct and improve Parke Square Park, including picnic and recreational areas including a tot lot with necessary site work, utilities, a shelter and other necessary equipment and appurtenances, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of the cost of the proposed work prepared by engineers, which plans and specifications and estimate are on file and open to public inspection in the office of the Bloomington City Park and Recreation Board in said City, and which said detailed plans and specifications are made a part of this resolution as fully and completely as if set out herein. The estimated construction cost of the work of construction and improvement is Twenty Thousand Dollars (\$20,000.00).

12. To construct an expanded entry way and warming room for the skating facility at the Frank Southern Center including necessary equipment and appurtenances, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of the cost of the proposed work prepared by engineers, which plans and specifications and estimate are on file and open to public inspection in the office of the Bloomington Park and Recreation Board in said City, and which said detailed plans and specifications are made a part of this resolution as fully and completely as if set out herein. The estimated construction cost of the work of construction and improvement is Fifty-Five Thousand Dollars (\$55,000.00).

13. To construct and improve a maintenance storage building of approximately 1800 square feet, including necessary equipment and appurtenances, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of

the cost of the proposed work prepared by engineers, which plans and specifications and estimate are on file and open to public inspection in the office of the Bloomington City Park and Recreation Board in said City, and which said detailed plans and specifications are made a part of this resolution as fully and completely as if set out herein. The estimated construction cost of the work of construction and improvement is Twenty-Five Thousand Dollars (\$25,000.00)..

14. To construct and improve University Park as a neighborhood park with picnic facilities, a tot lot, a shelter and including site work, landscaping, and necessary equipment and appurtenances, all as shown on and in accordance with complete and detailed plans and specifications and an estimate of the cost of the proposed work prepared by engineers, which plans and specifications and estimate are on file and open to public inspection in the office of the Bloomington City Park and Recreation Board in said City, and which said detailed plans and specifications are made a part of this resolution as fully and completely as if set out herein. The estimated construction cost of the work of construction and improvement is Fifteen Thousand Dollars (\$15,000.00).

15. To fees and expenses incident to issuance of the bonds. The estimated costs of said fees and expenses is Two Thousand Dollars (\$2,000.00).

RESOLVED FURTHER that the total estimated cost of said land acquisitions, works of construction and improvement, and epenses in connection therewith and fees and expenses incident to issuance of the bonds is Six Hundred Ten Thousand Five Hundred Seventy-Five Dollars (\$610,575.00), and that a

federal grant in the amount of Sixty Thousand Five Hundred Seventy-Five Dollars (\$60,575.00) will be available for application on the costs of said projects, leaving a balance of Five Hundred Fifty Thousand Dollars (\$550,000.00), to be paid from proceeds of a bond issue.

RESOLVED FURTHER that on the 13th day of February, 1974, at 7:30 P.M., in the offices of the City of Bloomington Park and Recreation Board at 115 East Sixth Street, in the City of Bloomington, Indiana the said Bloomington City Park and Recreation Board will meet and will receive and hear remonstrances from persons interested in or affected by such proceedings, and will take final action determining the public utility and benefit of the proposed proceedings and will confirm, modify, and confirm, or rescind said declaratory resolution, and that notice of such meeting and hearing and the fact that such plans, specifications and estimates have been prepared and can be inspected shall be given as provided by law.

Adopted this 23rd day of January, 1974.

BLOOMINGTON CITY PARK AND
RECREATION BOARD

Royd W. DeCott

Mary Alice Kinsley

Attest

Palmer Packard

Jay R. Ellen

ATTEST:

Jay R. Ellen
Secretary

TRACT 1:

LEGAL DESCRIPTION SOUTHEAST PARK:

Section 15, Sycamore Knolls, part of the Northwest Quarter of the Northeast Quarter of Section 10, Township 8 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows: Beginning at a point on the south line of the said Quarter Quarter Section located 1,179.59 feet East of the Northwest corner of the southwest quarter of the said quarter section; thence North 00 degrees 25 minutes 12 seconds West 30.74 feet to the point of curvature of a curve to the left having a central angle of 88 degrees 39 minutes 56 seconds and a radius of 163.06 feet; thence northwesterly on and along the said curve 252.34 feet to the point of tangency of said curve; thence North 89 degrees 05 minutes 08 seconds West 24.91 feet; thence North 00 degrees 54 minutes 52 seconds East 177.36 feet; thence North 05 degrees 54 minutes 52 seconds East 92.36 feet; thence North 00 degrees 54 minutes 52 seconds East 60.30 feet; thence North 05 degrees 54 minutes 52 seconds East 95.00 feet; thence North 20 degrees 03 minutes 52 seconds East 190.23 feet; thence North 89 degrees 05 minutes 08 seconds East 28.08 feet; thence North 00 degrees 54 minutes 52 seconds West 131.91 feet; thence North 82 degrees 00 minutes 00 seconds East 307.16 feet; thence South 00 degrees 16 minutes 22 seconds West 997.71 feet; thence North 89 degrees 05 minutes 08 seconds West to the place of beginning containing 6.303 acres, more or less. Also, part of the Northeast quarter of Section 10, Township 8 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows: Commencing at the Northwest corner of the southwest quarter of the said quarter section; thence south 89 degrees 05 minutes 08 seconds East, 1,309.63 feet; thence North 00 degrees 16 minutes 22 seconds East 977.71 feet to the place of beginning; thence south 82 degrees 00 minutes 00 seconds West 372.98 feet; thence North 18 degrees 54 minutes 00 seconds west 149.49 feet to a point on a curve whose central angle is 86 degrees 18 minutes 17 seconds and radius is 182.87 feet; thence northeasterly on and along said curve 224.17 feet to the point of tangency of said curve; thence North 00 degrees 51 minutes 43 seconds East 40.00 feet; thence South 89 degrees 08 minutes 17 seconds East 295.17 feet; thence South 00 degrees 16 minutes 22 seconds West 295.33 feet to the place of beginning, containing 2.599 acres, more or less.

TRACT 2:

LEGAL DESCRIPTION SPORTS COMPLEX:

A part of the West half of the southwest quarter of Section 10, Township 8 North, Range 1 West, described as follows, to-wit: Beginning at a point on the East line of said half quarter section 270 feet North of the southeast corner thereof; thence West 1300 feet to a point 20 feet East of the West line of said Section 10; thence North and parallel to the said West line of Section 10, 1270 feet, and to the south line of that tract of land hitherto conveyed to the City of Bloomington for Park purposes; thence East over and along the south line of said Park land and extending East to the East line of said half quarter Section, 1300 feet; thence south 1270 feet and to the place of beginning.

Together with a tract of land lying along the north side of the tract herein conveyed and East of the land hitherto conveyed to the City of Bloomington, the dimensions of which are described as follows, to-wit: Beginning at that point on the west line of the said half section, that distance North of the above described tract sufficient to provide an 80 foot right of way for an extension of the proposed (unnamed Street), as it shall be finally set in the recorded plat of Southhampton Sub-division No. IV; thence in a curve East and North to a point 80 foot North of the above described tract, and on the East line of the tract heretofore conveyed for Park purposes; thence South 80 feet, thence East 472 feet over and along the North line of the tract hereinabove described to the East line of said half quarter section; thence North to the place of beginning.

The beginning point herein and the curvature of the North line shall be set after the final determination of the course of the unnamed street. Containing in the above described two tracts, 40 acres, more or less.

TRACT 3:

LEGAL DESCRIPTION PARK RIDGE EAST:

Part of the South half of the Southwest quarter of Section 36, Township 9 North, Range 1 West in Monroe County, Indiana, more particularly described as follows: Beginning on the East line of the said Half Quarter Section; South 00 degrees 19 minutes 18 seconds West, 364.99 feet from the northeast corner of the said Half Quarter Section; thence North 89 degrees 40 minutes 42 seconds West perpendicular with said East line 315.45 feet; thence South 73 degrees 19 minutes 18 seconds West 169.57 feet to the East line of Morning-side Drive, at a point on a curve having a radius of 163.95 feet, the radius point, of which, bears South 63 degrees 17 minutes 30 seconds West; thence Northwesterly along the said curve and along the said East line 88.96 feet to a point which bears North 32 degrees 12 minutes 02 seconds East from the radius point of the said curve; thence North 57 degrees 47 minutes 58 seconds West along the said East line 154.36 feet to a point which lies South 07 degrees 09 minutes 23 seconds West, 136.26 feet from the southeast corner of Lot #615 in "Park Ridge East - Third Section - Part Two", as recorded in Plat Book 5, page 57 in the Office of the Recorder of Monroe County, Indiana; thence North 07 degrees 09 minutes 23 seconds, East 136.26 feet to the southeast corner of the said Lot #615 (the next three courses are along the Southern bounds of the said "Park Ridge East - Third Section - Part Two"); thence South 86 degrees 42 minutes 36 seconds East 122.13 feet; thence North 58 degrees 30 minutes 00 seconds East 176.69 feet; thence North 85 degrees 45 minutes 14 seconds East 381.03 feet to the East line of the said Half Quarter Section; thence south 00 degrees 19 minutes, 18 seconds West along the said East line 349.13' to the place of beginning, containing 4.491 acres, more or less.

TRACT 4:

LEGAL DESCRIPTION PARK RIDGE WEST:

A tract of real estate located in Monroe County, Indiana, more particularly described as:

Lots 132 and 133 of Park Ridge North Addition as recorded in Plat Book 4, Page 97 of the Monroe County, Indiana Recorder's Office.

TRACT 5:

LEGAL DESCRIPTION UPPER CASCADES:

Part of the Northwest quarter of Section 28, Township 9 North, Range 1 West bounded as follows, to-wit: Beginning at a point on North line of said quarter section where the center line of the Dixie Highway (known as State Road 37) intersects said north line, running thence 6 rods; thence south $26\frac{1}{2}$ rods; thence west 6 rods; to the center line of said highway; thence north with said highway $26\frac{1}{2}$ rods to the place of beginning, containing one (1) acre more or less.

Councilwoman Zietlow asked if the Parks Department intended to do some development outside of the Bond Issuance?

Mr. Olcott said that as money and funds become available they will apply this at all times.

Mr. Wilson added that in their request for federal funds that in order to acquire these lands because they had the options on them and in order not to be able to split them 50 50. They had to ask for what is called a waiver from the Department of Natural Resource in which they received. It is one of the very few in the United States that has been granted. This means that we have to pay the full amount for the appraisal price of the property. If the funding does come through in full amount they would be able to receive 50% back on any acquisition that they made during this bond issue. It comes to something like \$65,000 that would be available this fall or winter.

Councilman De St. Croix moved that the amended Declaratory Resolution that is appended to Ordinance 74-12 to be added into the minutes of the Council. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Fix said that a good job has been done here in modifying. Everything is still going to be useable. The things that have been taken out are things that can be added one at a time.

Ordinance 74-12 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilman De St. Croix moved that Ordinance 74-13 be introduced and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-13
to amend section
15.64.379 of the
city code to delete
15 minute parking
meters in the park
and shop areas.

Grace E. Johnson, City Clerk, introduced and read Ordinance 74-13 by title only.

Councilman De St. Croix moved that Ordinance 74-13 be adopted. Councilman Morrison seconded the motion.

Bruce Wollenburg, Chairman of the Traffic Commission, said that the commission did look this over but not in detail. They are going to divide it among the Commission members and get the citizen input that they can get. Any changes that they would like to recommend to this body they will do so.

Councilpresident Ackerman asked if it was the feeling of the Commission that the Council should go ahead and act on this.

Mr. Wollenburg said that it was.

Mr. Ted Najam said they have attempted to reduce this Ordinance to graphic form. This underlined the very large discrepancies of what the ordinance said and what is in fact on the street. A new ordinance has been passed out. An ordinance which more accurately reflects the changes which they intended to make last time when this was introduced. Attached to the back of this ordinance an explanation of those changes which have been made from the existing ordinance. For the most part the changes that have been made have been made to reflect the reality as it is and not to institute new policy. Ted Najam said that they strongly support the Traffic Commission taking a comprehensive review of the Ordinances which pertain to parking and parking meters and all the other related ordinances. This is not the last word it is more of an interim to bring things more into line with the way things actually are and in order to bring us into line with the park & shop agreement which we accepted last fall.

Councilpresident Ackerman asked when the Traffic Commission could have an analysis of this.

Bruce Wollenburg said that the Traffic Commission was meeting on the 27th of this month and that they wanted citizen input.

Councilwoman Zietlow said that the ordinance that Mr. Najam passed out is different from the original ordinance.

Mr. Najam said that the reason for that is when they followed Councilman Towell's recommendation and reduced this to a drawing they discovered what they had attempted to do had not even been done. That is a reconciliation of the written word with what is actually there.

Councilman Towell moved that Ordinance 74-13 be tabled. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Councilman De St. Croix moved that Resolution 74-13 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-13
Supporting appeal of
Monroe Circuit Court
decision against
Chapter 17.20,
Housing Quality.

Grace E. Johnson, City Clerk,
introduced and read Resolution 74-13
in its entirety.

Councilman De St. Croix moved
that Resolution 74-13 be adopted.
Councilman Mizell seconded the
motion.

Councilman Towell said that when
the Council passed the Act to
Improve the Quality of Housing
they had a survey of 10% of rental
housing that they used as factual
basis for Council discussion. Recently
a similar survey was made by the
student government. There is a big
difference in the degree of satisfaction
of rental housing in the intervening time.
This is based on a preliminary survey
of the returns they have not been fully
audited as yet. The difference is so
striking that we can say that there
is a qualitative difference on how
people feel about rental housing in
Bloomington. Now that does not say that
we have solved all of the problems.
All of the things that the city has
been doing about rental housing has
to some degree paid off. The decision
that this resolution talks about has
been under advisement for almost a year.
The Supreme Court of the State of Indiana
has the only case in Indiana that is
guaranteed to have the ability and it is
based on facts about new housing that
was owner occupied housing that was sold
and then moved into and discovered not
to be standard. There is a foot note
to that decision that says that they
think that the same kind of argument
would apply to rental housing. This is
not to say that the appeal is going to be
successful but it does say that if we
get it to the Indiana Supreme Court they
will have heard the type of argument that
will be made. Councilman Towell said that
he is not in any way reflecting on Judge
Hill. Councilman Towell said that he
would like to know the reasoning behind
Judge Hill's decision. One of the major
items of discussion was the effect of
public law 250. State officials were
still operating under the Dillion Rule
which said that where there is not a
specific delegation of power to cities
and towns that cities and towns could
not act in an area. They indicated this
in many many ways. Public Law 250 purports
specificly to repeal that law and give
residual power to cities to conduct their
internal and municipal affairs. Councilman
Towell said that he felt that they were
in the middle of an important change in the
relationship between local government and
state government in Indiana. That change
has not occurred but it is happening at this
time and we don't know what the outcome will
be.

Councilman Towell felt that this case would be an important milestone at the higher level in indicating what the effect of public law 250 is going to be on all local government. There are many reasons for wanting to appeal this. Councilman Towell said that he was upset in reading the Student this morning. There was a quote attributed to Mr. Najam that said this resolution would have no more affect than a resolution congratulating the boy scouts. Councilman Towell said that he was not sure what that meant. He thought it meant that the council cannot act alone. We are two equal branches of city government so lets both of us act. The Mayor has indicated to me and other members of the council that he is willing to have this appealed. What the Council does will indicate as a Council and if the Mayor signs the resolution or in some other way indicates that he is willing to have the decision appealed that will complete what we need to do to authorize an appeal. The only way the Mayor acting alone could make this decision would be a negative decision. Councilman Towell felt that the ordinance has been a success in many ways already. This is a result of a years discussion within the community, I would like to see it pursued for all of those reasons and I urge the adoption of this resolution.

Councilman Behen said that several weeks ago there was a resolution offered that was defeated, dealing with a hung vote on a zoning ordinance. A number of councilmembers voted against this resolution saying it might set a precedent. Could this not happen with this resolution.

Councilman De St. Croix said that he felt there was a difference between the two questions. He had voted against the resolution requesting the Planning Commission to reconsider the Fountain Park Vote on the basis that we were instructing a reviewing body of the city of Bloomington to take a specific action where the particular statutes governing the Plan Commission require actions to be initiated by the Plan Commission and to come to the Council for review. In this instance I don't believe we are remanding a public official. What we are saying that we would like to have the city appeal the decision to the Indiana Court of Appeals.

Councilman Mizell said that it seems to him that the United States Judiciary would not have set up a court of appeals unless they intended to use it. It is just a normal part of the judiciary process. We all knew full well that it might be tested in the courts so that the legality would be determined once and for all.

Councilman Towell said that Judge Hill expects his decision to be appealed and that is the way the system works

he is not sure he is right and wants the decision higher. Councilman Towell said that he spoke with Judge Hill and the Judge said that he did not expect his decision to settle the case. He indicated that he expected it to be appealed. Councilman Towell did not think this resolution was any reflection on the Judge.

Councilwoman Zietlow asked the City Attorney if there were briefs supporting the Act to Improve the Quality of Housing?

Larry Owens, City Attorney, said yes there were several briefs submitted.

Councilwoman Zietlow said that in addition to the other kind of support at least one neighborhood was moved to present a brief. They felt that the ordinance was very supportive of thier attempts to preserve thier neighborhood.

Larry Owens said that Professor Sherman of the Law School did submit a memorandum in support for the Elm Heights Neighborhood.

Resolution 74-13 was passed by a ROLL CALL VOTE OF AYES 7; NAYS 2; Nays, Morrison, Behen.

Councilman De St. Croix moved that Resolution 74-14 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-14
Investment of Funds

Grace E. Johnson, City Clerk, introduced and read Resolution 74-14 in its entirety.

Councilman De St. Croix moved that Resolution 74-14 be adopted. Councilman Behen seconded the motion.

Councilpresident Ackerman asked Martha Sims how much interest there would be.

Martha Ellen Sims, City Controller, said 7 3/4 interest. That would make it more than \$20,000.

Resolution 74-14 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0;

Councilman De St. Croix moved that Resolution 74-15 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-15
application to the
Department of
Housing and Urban
Development for a
grant to provide
planning assistance
for a planning
project

Grace E. Johnson, City Clerk, introduced and read Resolution 74-15 in its entirety.

Councilman De St. Croix moved that Resolution 74-15 be adopted. Councilman Morrison seconded the motion.

Councilman De St. Croix said that as they get into specialization and specific skills we find a problem communicating between plain people and special people. Councilman De St. Croix asked if the Council would be getting reports on these projects in a laymans language?

Tom Crossman, Director of Planning, said that he would hope particularly in the case of the housing study which is aimed at the efficiency and the quality of housing in the community as well as potential future market that any report that is turned out be in such English that most anybody could understand them.

Councilman Towell asked if the grant was for \$15,000 and the matching would be for \$15,000.

Mr. Crossman said yes that the total cost of the project would be \$30,000. Normally the HUD Grant shares are 2/3 1/3 but we are at the end of the year and what we are really faced with is the amount of money that the state has available.

Councilman Mizell said that as far as the cities contribution toward this housing study the \$15,000 approximately that the city would provide would be in the form of in kind services it is not an outlay of money but, the use of personnel.

Mr. Crossman said that it would be the existing staff and hopefully some input from the Redevelopment staff.

Councilwomen Zietlow asked Mr. Crossman to very briefly describe what the housing plan element consist of.

Mr. Crossman said that there were three major areas. 1) there will be an attempt to ascertain some attitudes and objectives as to what is really desired in the way of housing environment for this community. 2) We will also attempt to ascertain what the market conditions are. The market study will be of primary interest to builders and developers who have the habit of consistently building in the same market. Because it has been proven to them that that market is there. What we would like to do is to determine if there are other markets and if there are we would like to encourage some investment in them. 3) We would like to examine the quality and the condition of housing throughout the community with the hopes that we can also take a look at city

legislation and programs that might lead towards the betterment of that housing area where the quality is not up to standard.

Councilman Towell indicated that the Housing Committee of the Council has been consulted and is working on parts of the study plan. They are aware of what is happening and are in favor of it.

Councilwoman Zietlow asked if there would be a study going on in the Redevelopment Department.

Mr. Crossman said that this is incorporated into a single study. In the future there may be the need to expand it beyond what this grant would allow us to do. For what is being proposed they should be able to do a pretty thorough initial job. It should be an ongoing thing. They hope to put the data into some form so that it can be useful in years to come.

Resolution 74-15 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilman De St. Croix moved that Resolution 74-16 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Resolution 74-16
Budget Transfers

Grace E. Johnson, City Clerk, introduced and read Resolution 74-16 in its entirety.

Councilman De St. Croix moved that Resolution 74-16 be adopted. Councilman Morrison seconded the motion.

Councilman Mizell asked how the city got the tokens back from the merchants?

Mr. Najam said that they turn them in. That Sergeant Sadlers was developing a return program.

Councilpresident Ackerman explained that on the Animal Shelter transfer was that the Humane Association has stopped working with the work study program and therefore the city must pick up the tab for work study.

Resolution 74-16 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilpresident Ackerman made a brief statement that some unfortunate remarks were made by one of the representatives of the Utilities Service Board regarding reports from our Environmental Commission and the Audubon Society. Since that representative was appointed by the Council Councilpresident Ackerman felt responsible and made a public apology to the Environmental Commission and to the Audubon Society for the statements regarding their report.

Councilman De St.Croix moved that Ordinance 74-13 be removed from the table. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Ordinance 74-13
parking meters.

Councilman Towell moved to amend Ordinance 74-13 and to yield the amending to Ted Najam.

Ted Najam said that the first item is a deletion, the second paragraph under one, that is dealing with 15 minute zones, the paragraph which begins Washington Street west side. The following words should be deleted; "west side, from 3rd street south to first alley."

Completely delete: 3rd street southside from Washington Street to first alley east thereof.

411 E. Kirkwood Avenue should be deleted.

501 E. Kirkwood should read 507 E. Kirkwood Avenue.

114 South Indiana should be deleted.

30 minute zones under category two. The paragraph which reads the 200 block of east 6th street should be deleted.

100 Block of east 3rd Street should be deleted.

South Washington Street the first three parking spaces south of east and west alley should be deleted.

South side of West Grimes Lane between Madison and the first alley west of Madison Street should be deleted.

Category three the one hour zones.

The first two sentences in that section should be deleted.

When you get to Walnut Street the following five should be deleted they are covered elsewhere in the ordinance under the park & shop agreement.

Category four two hour parking zones:

Walnut Street Between 4th Street and 7th Street should be deleted.

College Avenue between 4th Street and 7th Street. 5th Street between Mort Street and Washington Street. Washington Street between 4th Street and 7th Street. Grant Street both sides between 5th Street and 6th Street all of these should be deleted.

The one that reads Grant Street both sides between 5th Street and 6th Street should be replaced by Grant Street west side only between 4th Street and 6th Street.

The first three parking meters on the south side of 100 East 4th Street etc. should be deleted.

The long list which begins 309 N. Walnut Street all the way to the bottom of the page to 115 East 5th Street should be deleted.

Addition back to category number one.

- 310 South Washington
- 210 East Kirkwood Avenue
- 315 East Kirkwood Avenue

The one parking space east of the alley in the 100 block of East 3rd Street on both the north and south side of the street.

Under category two 30 minute zones: Add Dunn Street East side only between 4th Street and 7th Street.

Under category four: Add 200 block of South Washington Street both sides. 100 and 200 blocks of South Indiana Avenue West side only. South Walnut west side only between 2nd Street and 3rd Street. South Walnut east side only between Smith Avenue and 2nd Street.

Councilman De St. Croix seconded the motion to amend Ordinance 74-13. The motion to amend Ordinance 74-13 was passed by a ROLL CALL VOTE OF AYES 9; NAYS 0.

Councilman De St. Croix moved that Ordinance 74-13 be adopted as amended. Councilman Towell seconded the motion.

Ordinance 74-13 was adopted as amended by a ROLL CALL VOTE OF AYES 9; NAYS 0.

NONE

PETITIONS AND COMMUNICATIONS

NONE

REPORTS FROM OFFICIAL BOARDS AND COMMISSIONS

NONE

REPORTS FROM STANDING COMMITTEES

NONE

REPORTS FROM SPECIAL COMMITTEES

NONE

REPORTS FROM CITY OFFICIALS AND DEPARTMENT HEADS

NONE

OTHER NEW BUSINESS

NONE

UNFINISHED AND
MISCELLANEOUS
BUSINESS

NONE

EXAMINATION OF CLAIMS

Council president Ackerman
adjourned the meeting at
9:30 p.m.

ADJOURNMENT

James S. Ackerman
James S. Ackerman
President
Bloomington Common Council

ATTEST:

Jolaine Thomas
Jolaine Thomas, secretary