

In the Council Chambers of the Municipal Building, on Thursday, July 5, 1973, at the hour of 7:00 p.m., E.S.T, with Councilpresident Charlotte Zietlow presiding.

REGULAR SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

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

POLL CALL

Absent: None.

Carl Chambers, Police Chief; James Register, Corporate Counsel; Peggy Tuke, Deputy City Attorney; Richard Gose, Fire Chief; Martha Sims, Controller; Marvard Clark, Assistant City Engineer; Grace Johnson, City Clerk.

CITY OFFICIALS

About 60 people including members of the press.

OTHERS PRESENT

Councilman Morrison moved that the minutes of the meetings of June 21, 1973 and June 26, 1973, be approved as distributed. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

MINUTES

6/21/73; 6/26/73

Councilpresident Zietlow said that the mayor had no message to deliver personally at this meeting but he had sent the council two recommendations for the telecommunications council, should the ordinance expanding that body to five people be passed. The mayor recommended the appointment David Rippy and William Kroll to the Telecommunications Council.

MESSAGE FROM THE MAYOR

Councilman Davis moved that Ordinance No. 73-47 be introduced and read by the clerk. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

No. 73-47 - amending chapter 15.64 of the municipal code

Grace E. Johnson, City Clerk, read Ordinance No. 73-47 in its entirety.

Councilpresident Zietlow noted that Ordinance No. 73-42 was supposed to be on the agenda and had been omitted due to a clerical error; it had been tabled from the last council meeting to this meeting.

No. 73-42 - amending the electrical code

Councilman De St. Croix moved that Ordinance No. 73-42 be advanced to second reading and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Grace Johnson, City Clerk, read Ordinance No. 73-42 by title only.

Councilman De St. Croix moved that Ordinance No. 73-42 be adopted. Councilman Morrison seconded the motion.

As there was no one present from the electrical board to speak to the ordinance, Councilman De St. Croix moved that the ordinance be tabled until later in the meeting. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Councilman De St. Croix moved that Ordinance No. 73-46 be advanced to second reading and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

ORDINANCES - SECOND READING

73-46 - expansion of telecommunications council

Grace E. Johnson, City clerk, read Ordinance No. 73-46 by title only.

Councilman Davis moved that Ordinance No. 73-46 be adopted. Councilman De St. Croix seconded the motion.

Councilpresident Zietlow explained that the original ordinance, 72-85, which created the telecommunications council set the membership at 3 persons - this ordinance would expand the membership to five person.

Councilman Towell noted that all five members would be appointed by the mayor with the approval of the council.

Councilman Davis explained that there were several reasons for expanding the membership of the board; the main one is that it will be a major policy-making board and Mayor McCloskey originally thought it had five members and made recommendations for appointments with that in mind. So, basically, this is making the ordinance fit his understanding and we felt like that was appropriate for this council.

Ordinance No. 73-46 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman De St. Croix moved that Ordinance No. 73-40 be tabled to the next meeting of the council. Councilman Morrison seconded the motion.

73-40 - itinerant merchants

The motion to table was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman De St. Croix moved that Resolution No. 73-44 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

RESOLUTIONS

73-44 - code supplement

Grace Johnson, City Clerk, read Resolution No. 73-44 in its entirety.

Councilman De St. Croix moved that Resolution No. 73-44 be adopted. Councilman Morrison seconded the motion.

Councilpresident Zietlow explained that in the past several years the codification of the ordinances were prepared by a book publishing company in Seattle, Washington. This year, at a considerably smaller expense they were prepared by a work-study

student with the advice of the legal department. Phil Cockerille has been working on this for the past several months. This is the result of his work; it has been gone over very carefully by himself and several other people as well as by the legal department. It is printed by the Gestetner up at the parks and recreation department.

I would like to commend Phil for his work.

Councilman Behen said that he had not had time to study the resolution and sort out all the numbers listed.

Councilpresident Zietlow: This is simply a matter of rewriting the ordinances in code form and numbering them to fit the numbers which are already in the code. Most have titles already in the code so it was just a matter of fitting them into paragraphs. We are now trying to set the ordinances up in code form before they go to the council for first reading.

RESOLUTION NO. 73-44 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 8, Nays 0, Abstention 1 (Abstention: Behen)

Councilman De St. Croix moved that Resolution No. 73-45 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

73-45 - transfer of funds

Grace Johnson, City Clerk, read resolution No. 73-45 in its entirety.

Councilman De St. Croix moved that Resolution No. 73-45 be adopted. Councilman Morrison seconded the motion.

In response to a question from Councilman Mizell, Grace Johnson said that the judge did not have an office and therefore no office furniture prior to the remodeling.

Councilman Mizell questioned taking money in the street account from the line item for resurfacing materials to use for obtaining a paver. Mrs. Sims explained that this is the only line item that there is in that budget.

Resolution No. 73-45 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman Towell asked for permission to read a letter from a constituent at this point in the meeting - he noted that the council has not gotten to the appropriate item on the agenda, messages from councilmembers, at the last few meetings. The council concurred in this request. Councilman Towell read a letter he received from Charles Fox, 407 East 15th Street, which commended the fire department for their actions in regards to the fire at 15th and Dunn streets.

MESSAGES FROM
COUNCILMEMBERS -
Al Towell

"May 30. Dear Al: I was privileged to observe our fire department in very strategic action during their mastering of the fire at 15th and Dunn this morning. It would be most gratifying to me if you, as my councilman, would extend my congratulations to Chief Gose and his men at the council meeting. Their quick arrival and positive attack, in my opinion, prevented what could have become a dreadful catastrophe. Thanks for your interest in public safety. Yours truly, Charlie Fox, 407 E. 15th Street."

Councilman Towell: There have been a large number of fires in the last month and I think our fire department has performed very quickly and I would like to say this personally: thank you.

Councilman De St. Croix moved that Ordinance No. 73-31 be advanced to second reading and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

SCHEDULED BUSINESS

annexation ordinances -

Grace Johnson, City Clerk, read Ordinance No. 73-31 by title only.

No. 73-31 - Highland Village Additions 4 through 8B

Councilman De St. Croix moved that Ordinance No. 73-31 be adopted. Councilman Morrison seconded the motion.

Councilman Towell moved that Ordinance No. 73-31 be tabled temporarily. Councilman De St. Croix seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman De St. Croix moved that Ordinance No. 73-32 be advanced to second reading and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

No. 73-32 - Highland Village Additions 1 through 3 and Highland Village Church of Christ

Grace E. Johnson read Ordinance No. 73-32 by title only.

Councilman De St. Croix moved that Ordinance No. 73-32 be adopted. Councilman Morrison seconded the motion.

Councilman De St. Croix moved that Ordinance No. 73-32 be tabled temporarily. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Councilman De St. Croix moved that Ordinance No. 73-33 be advanced to second reading and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

No. 73-33 - Van Buren Park Additions 1 through 8, Chateau Van Buren Apartments and a tract of land owned by the trustees of the Woodhaven Church

In the temporary absence of the city clerk, Amy Mann read Ordinance No. 73-33 by title only.

Councilman De St. Croix moved that Ordinance No. 73-33 be adopted. Councilman Towell seconded the motion.

Councilman De St. Croix moved that Ordinance No. 73-33 be temporarily tabled. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Towell moved that the Council resolve into the Committee of the Whole for discussion of the three annexation ordinances. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

Committee of the Whole

Councilman De St. Croix MOVED THAT Councilwoman Zietlow act as presiding officer of the Committee of the Whole, Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Towell moved that the following rules for the Committee be adopted: The Corporate Counsel for the City be allowed five minutes and the attorney for the persons opposing the ordinances will be allowed five minutes to speak; after the council has discussed the annexation ordinances, debate will be limited to three minutes per person, with persons in favor of the ordinance speaking in alternation with persons against.

Committee Rules

Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

James Regaster, Corporate Counsel: Madam President and Members of the Council, what I will have to say, of course, will be repetitious of what I have said before and that is that the legal department, at the request of the council - at least of a majority of the council requested that these ordinances be prepared and sent here for introduction and have been introduced. And, at least speaking on behalf of the legal department - and presumably reflecting the wishes of the council, these ordinances were prepared and introduced because it is our feeling that the areas sought to be annexed all are an integral part of the city of Bloomington and come within the purview of all of the legal rules that have to do with property that properly can be annexed under the statutes that are now in force; that these areas, at this time, are enjoying almost all of the benefits that other areas already inside the city are enjoying and should this ordinance be adopted, they would, of course, be entitled to fire protection, police protection, and any other services, including trash pick up that other areas inside the city are entitled to receive. We can see no reason why the council should not act favorably - even unanimously - in favor of this annexation. There is no legal reason why this shouldn't proceed favorably and indeed it is my judgement and the judgement of the legal department that these ordinances if adopted can withstand legal attack if such attack is made.

Stephen Ferguson, attorney for the opponents of the annexations addressed the Council: I would like to clarify the rules for a moment - five minutes will be allowed to me and then the three minute rule I did not understand. I would like to have one person representing each of the annexed areas to speak for about three minutes if that would be allowable. Is that within the rules adopted?

Councilwoman Zietlow: Yes, no one person is to speak for more than three minutes until everyone who wishes to has had a chance to speak.

Mr. Ferguson: I think this evening - and I appreciate your attention in bringing this matter to the floor in the committee of the whole so we could address ourselves to the three ordinances at once, without bothering with directing them to any one area. As you are well aware, the areas covered are highland village - new and old - and Van Buren Park. I think, to the people out there, that this is as important a decision as you are going to make as councilmembers; this goes directly to affecting what I consider the average person within the community; it does not affect an industry who passes the costs on along to someone else. It

affects directly individuals and their livelihood and the way they are going - the standard in which they are going to be able to live. And I would like to address myself just to what we have. I went to the census figures from the 1970 census, trying to get a cross section so maybe you could understand better what we are talking about in these three areas. I think a lot of times when you talk about general areas you do not get to the perspective of what each individual is and who he is in this particular area. By occupation 45% of them are white collar workers, 30% blue collar, 35% professional or management. In terms of education, median education is 12.5 - that is for people over 25 years of age; and income levels - 10% have a \$5000 or less income, 34% fall into the category between \$5000 and \$10000, 38% percent fall into the 10 to \$15000 category, and 17% fall between the 15 and \$25000 category. Median family income is \$9,349. The value of homes - I think this is once again important, showing the type of people we are talking about who live out there - this is the value of the homes are between 10 and 15,000 = 14%; between 15 and 20,000 = 45%; between 20 and 25,000 = 27%. Now those last figures don't add up to 100% because they are on either end but I was just showing where the bulk of the home values are - in what categories. I think we ought to look in addition at what effect this proposed annexation will have on these individuals, after we understand approximately what income bracket and what value of their homes that we are talking about. In an \$18,000 home with an assessed value of \$6,000, and a \$1,000 mortgage exemption, which would give you \$5,000 assessed valuation, the city rate of \$3.83 (we'll give you some specifics on this - some charts showing these) - that would mean approximately \$190 per year, per family - so that is \$190 additional taxes on that particular family and, in the average case, on a family income of \$9,349. As an incidental to that same person to live in that same house that they lived in before annexation, to finance that according to the standard rules of finance that most mortgage companies use, he would have to make \$760 more each year, to finance a home because his payments are now \$190 more a year. Mr. Register directed his attention momentarily to the fire protection and police protection issue and I think this is an issue that is key because already in the areas, as you are aware, the Ellettsville Volunteer Fire Department is located right by Westinghouse with very fine facilities and very fine equipment and Van Buren Township is out at the fairgrounds. I think that both of these facilities with mutual aid pacts can provide sufficient fire protection much faster than the city of Bloomington presently has the capability of doing and within the foreseeable future. As far as police protection is concerned, the sheriff's department and the police department are located at about the same location. I think the people feel that they have fine police protection. I think the question they presently have sewer and water - they are paying for those as your sewer and water rates are set up so that the user pays. In fact, a person outside the community pays a little more than the person inside the community - for fire protection, once again, on a charge. So I think that in terms of what is there and what they are going to receive, we can see that they are going to be paying more and receiving very little more in terms of benefits. The other new services that might be are, I suppose, garbage pickup would be one thing that they would be entitled to although private scavenger services are servicing the area. I think that the city council - and I ask that you as a committee and then that when you return to the council will think very carefully about this annexation. It is not like an industrial annexation where you are providing a lump sum I believe \$10 million it is in the case of the westside industries - in this procedure you've got numerous homes and numerous services to provide and I think you ought to look very carefully at what costs this is going to mean to the city and what cost it is to the individual affected; to whose benefit it is and what effect once again I think that we are operating here in somewhat of an unknown with local option provisions of the new tax program being in effect. And I think that until the county council adopts it you are operating under your rate freeze provision. Once the local option is adopted and I think it eventually will be, you go back to your 1973 property tax levy, that is, the current dollars that the city is receiving from property taxes is frozen at the 1973 levy - it doesn't make any difference whether the option is adopted next year, two years from now, three years from now. So you go back and any revenue generated from these areas would not be

available for expenditures and yet the obligation for services is still there. In addition, if you use growth in assessed valuation for expenditures, in the first year you only have 25% available and that is all you will ever have and so it may be that you will find yourself in a difficult financial position which you ought to look very carefully at in considering this annexation question. I think, finally, in terms of fairness, you ought to look at fairness to the people who are currently within the city and I think here you are taking on saying, well, maybe we will provide additional services if they are to be provided, where areas like Miller Drive, and Broadview Knolls and these other areas are in the city currently and asking for services to be provided and I think you ought to direct your attention first to providing those services, seeing if they could fit financially within the city's picture and then turning to other areas. I think finally that people there feel that when you jump two and a half miles to their area which already has services and you look and you skip areas around the city which do not have services, be they on the east side or the west side or the north side or the south side, and looking at annexation they don't think it is fair to come looking to them for additional revenue to the city of Bloomington. I think Brian DeSt. Croix when speaking against the local option made the point that - presented an argument against it that what you would be doing would be taking from individuals and giving to industry, and cited numerous percentages on the amount of business that would be receiving the benefit. Under my calculations, if you annex these people 20% of the revenue generated, if you didn't use the money for additional services would go directly to the industries you are also annexing since they make up that proportion of the assessed valuation - that figure may vary because I am not sure of the exact ratio of the industrial assessed valuation to the total city's assessed valuation, but I think you ought to look very carefully on who you are getting the revenue from here and to whom you may be giving it in the future. I think this is especially true if you then are frozen at the 1973 levy and the additional revenue from these areas goes only to reduce rates. I have several speakers to speak for each of the areas. I know that it is a very emotional question to the people here - it affects them directly - I have asked them if it is at all possible to direct themselves to the facts and to the circumstances of individuals within the area and give you some specific examples of how it affects each individual. I would be happy to answer any questions that any of you might have on any of my comments or on anything else that I didn't cover.

Charlotte Zietlow: Thank you Mr. Ferguson.

Councilman De St. Croix: Mr. Ferguson was correct in referring to my testimony before the county council, however, I would like to point out that the decision before the council is on the equity or inequity of this annexation not on the inequities of the Bowen Tax Package.

Mr. Ferguson: I think your comments would apply to both though, it just depends which shoe you are wearing at the time.

Councilman Towell: It seemed to me that at different times in your remarks you seemed to present us as looking for additional income and also perhaps being unable to afford to pay services in a new residential area and I don't see how both those things can be true.

Mr. Ferguson: Well, I can't look behind your minds on what the intent is in the annexation but if the decision is to gain additional revenues for the city of Bloomington - and that is the reason that you are annexing I would look very closely at that decision of annexing a residential area in which you have to provide services to - if you have no intent - or do not feel it will cost anything in terms of annexation and no services to provide then I assume that the money will go to reduce property taxes for other people in the area or be expended someplace else. The remarks are flexible

because of the question on not knowing what your intent is from additional revenue - obviously it is going to derive considerable revenue from these areas, which may or may not be available for expenditure or may or may not, depending on what happens from the county council - be available for property tax reduction to other people within the community.

Councilman Davis: One question that bugs me, frankly, is why should my constituents pay for the city and the county whereas these people want to pay only for the county.

Mr. Ferguson: Well, I think probably that the people you are referring to directly don't have any choice at this time - is the first point. Secondly, I think that these people have been paying and do pay their fair share under the various formulas - for instance, for street repair - that comes all from the state. I notice that you have some revenue sharing but that in the past you haven't had any money from property taxes going into streets, for instance - and that goes. Now, one large portion of your budget that is always to be looked at is police and fire pension and current police protection. Now your current people who are within the city have been provided with police protection for a number of years and yet when the new people are added they have not had - supposedly the benefit of that - and so they are helping to pick up the tab on police and fire pensions, for instance, on various bonding authorities this is true, and various other things like this. I think there are a number of things which are pre-existing which new annexations assume. And, that is the way the law is - when they come into the city you don't separate off what was there 20 years ago or ten years ago or obligations accrued prior to their coming to the community - or becoming part of the community - and they are asked to pick those up. I think that is one of the distinctions between the people who are currently in and those that you are annexing.

Councilpresident Zietlow: Could you explain why in the advertising for Van Buren Park it - they claim to have city conveniences at country costs?

Mr. Ferguson: Well, I think, I don't really know, but I assume that means that they are hoping to be outside the metropolitan maze and out in the rural area.

Councilpresident Zietlow: But I think in effect they are saying they feel themselves part of the city and they participate in the activities - the benefits of the city itself. If the city of Bloomington did not provide the parks, the administration of the city which encouraged the industry where they work and so forth, they would not be there - that, in fact, they do benefit from the city's existence and they do benefit from a number of city services and they are proud of it. I find that ironic.

Mr. Ferguson: Could I speak to that particular advertisement - I think they use that on Forest Park Heights which is over between Ellettsville and Bloomington and is obviously not within the Bloomington area and you know they say that they have all the utilities and they advertise that they have all city conveniences in country living, so I think it is a phrase they use that doesn't really fall within this issue - they use it over there and they use it in Van Buren Park.

Councilpresident Zietlow: But I think it is significant in the way the whole issue can be looked at.

Councilman Behen: Madam president, not bringing something new to your attention nor probably to any of these folks - we do have areas totally surrounded by the city limits of Bloomington, who do just that and there our pursuit might be...

Councilpresident Zietlow: We have no possibility of pursuing them at this time because there is a court case pending until April of next year, Councilman Behen. That is a major fact that we have to keep in mind - the Guthrie case will not be off the books until next year.

Councilman Ackerman: Mr. Ferguson, your estimate was that the average

householder would have to pay roughly \$190 additional taxes if the property were annexed?

Mr. Ferguson: Yes sir.

Councilman Ackerman: Is there any estimate of what the reduction of outside services would be to offset that, for instance the garbage costs that they would not have to pay anymore?

Mr. Ferguson: I don't...you know it is hard to estimate those sorts of things - personally we have a garbage service and I think it is \$1.25 every two weeks - they back down into the garage and unload the cans so we don't even have to carry them down to the street and they take away everything. So, I don't really know - garbage collection is an example I happen to have a little experience with.

Mr. Ackerman: So that would be about \$25.00 per year. I am just trying to get an idea of what a reduction of costs would be.

Mr. Ferguson: Maybe some of the people from there can give you a better idea of what they pay than I can. I can just give you an example.

Councilman Ackerman: Are there any other services?

Mr. Ferguson: I know of no other services there - they are currently paying for fire which would be a deduction off of the fire rate for the county, from the township rate when they came into the city. I am not sure what the rate is, I think it is 20¢ in Richland township.

Councilman Towell: Mr. Ferguson, I just wonder whether you have an opinion about the equity of say of the use of our park system. We have information that half of the people who use the Bloomington park system - and there are a goodly number - are people who live in the county and do not pay taxes to support those facilities. I just wonder what you think about that - that is just one of a certain kind of issue that I think comes up. I am attracted to the idea that people in the non-rural area of Monroe County have similar problems and similar interests and they should join together to try to combat those problems and take care of those interests and that by doing that we can have a stronger local government and the park system is just one example - we could have a better park system and we could better serve the people who use it if we all joined together to pay for it. I would just like you to react to that comment.

Mr. Ferguson: Well, I think, hopefully at some point in time we are going to have a county wide park system so that won't particularly be an issue. I think, in addition, the usage of a lot of facilities - for instance, I haven't played golf in ten years but I assume that I help support the municipal golf course so I think these issues are throughout local government and throughout government in general - about who uses it and when but on the other hand maybe city residents use county roads or county facilities...

Councilman Towell: We pay County taxes...

Mr. Ferguson: Well, which may or may not be. You see on the road levy there is no property tax levy and so they may be or they may not be, it would depend upon what the formula is.

Councilman Davis: My constituents do pay for that sheriff's department though.

Mr. Ferguson: Yes, they do.

Councilman Davis: Your people don't pay for my people's police department though.

Mr. Ferguson: Well, I hope that your people also - I think probably the sheriff does render service to the city people in terms

of he's the person that maintains the jail, feeds the prisoners and also does services within the community, so there are services rendered by the county sheriff to the city.

Councilman Davis: I would be interested in the percentages.

Councilman Towell: It is not all that much is what we are thinking.

Mr. Ferguson: How many of the city residents vs. the county residents are in jail - I don't know that. I don't really mean that facetiously.

Councilman Towell: But we are talking primarily about patrolling which is the main service of the sheriff's department which is done outside the city and yet we pay equally to support the sheriff's department.

Mr. Ferguson: I think there are cooperative efforts between the sheriff and the city and there ought to be more.

Councilman De St. Croix: I think that Representative Ferguson is well aware of the inequities of the double taxation for the city residents; as I remember correctly he was working in support of some legislation to help deal with those inequities. I wonder if perhaps we might at this point hear from representatives from the various areas.

Mr. Ferguson: Thank you very much. Dave Lester from Highland Village will be the first one.

Dave Lester addressed the Council: I live in the new Highland Village and I have some figures down here I would like to give to you, to point out to you what it would mean to come into the city. Now we have 242 homes out there in New Highland Village and they range, I would say, between \$10,000 to \$25,000 homes and I would say the average would be \$18,000 to \$20,000. Now if you set up the city tax rate for this year is \$11.41 - that is the total rate for everything is \$11.41. The total for the county is \$7.90, or a difference of \$3.51. Now the city rate is \$3.86, so we do - there is a reduction because of the township money. Is that right? That is what I have from the city.

Councilman De St. Croix: That is essentially correct.

Dave Lester: Anyway, for a \$27,000 home the assessed valuation is \$9,000 - you have a thousand dollars mortgage exemption, where your taxable amount is \$8000. The present rate we are paying this year is \$7.90, would be \$632. Now for the city rate it would be \$912.80 or a net increase of \$280.80. Now for a \$21,000 home the assessed valuation would be \$7000, \$1000 exemption or \$6000 is the taxable amount. The present rate we are paying is \$474; what it would be if we were in the city with the current rates is \$684.60, or a net increase of taxes of \$210.60. On an \$18,000 home, the assessed valuation if \$6000, a thousand dollars mortgage exemption or a taxable amount of \$5000 - the present rate we are paying is \$395, the city rate is \$570.50, or a net increase in city taxes of \$175.50. Now those are generalities but they are based upon different tax rates. Now I have a couple in highland village that - a retired couple - the man is 73 years old and the woman is 70 years old - both of them are retired. They have a used car - a 1968 ford, they receive \$2100 from social security, out of this they must pay insurances - that is the blue cross, blue shield, home insurance, car insurance. Last year they paid \$315.61 or approximately 15% of their total income for taxes - for property taxes. They must buy food and they must buy clothing. Now they own their own home so they have no mortgage payments and their assessed valuation was \$3999, if you would take that times the city rate of \$11.41, it would be \$455.25 - what they paid last year was \$315.21, or a net increase of \$140.05 that they would have to pay if they came into the city and these people just cannot afford it. Now that averages out to 21.7% of their income which would be for property tax alone and these are retired people with the double exemptions and things like this, so what I am saying here is there are some people out there who cannot afford--and they would have to sell their homes - if they came into the city, they would have to sell and go out to someplace else.

Now we feel that we have an adequate service of trash pick up and it costs us \$3.00 per month or \$36.00 per year. Now, weigh that against the increased cost here for taxes we feel that we have an inequity on it and we feel that we pay for the sewers in our lot property because if you buy a property with a city sewer you pay more for it than you do for a piece of property that is not attached to the city. So we feel that we pay for the city sewers and we pay your tax rate - I know it is not much, but 50¢ more on the first 3000 gallons of water

Councilman Towell: The sewer cost - you say that you have to pay more for your property, therefore you pay for the sewer and actually what you are talking about it seems to me - and I would like you to respond to this - is that city sewers make your property more valuable.

Mr. Lester: Sewers in any way mean more property - because you buy a sewer over in Richland-Beanblossom you have to pay more.

Councilman Towell: Well, the costs of the sewer system are not just the hookons - it is the whole system.

Mr. Lester: But we do pay that - is not the utility a separate department and it is fully and substantially run by the amount of water that - the water and the sewer taxes that we pay?

Councilman Fix: May I interject that that is not true - we are in budget hearings right now and that is very much not true.

Councilman Towell: Ok, but taking that premise for a minute you can still make an argument because I assume that this is a newer area - that has not been on the sewer system that long.

Mr. Lester: Our home was built in 1966.

Councilman Towell: That is what I am talking about - that is relatively new. Yet everybody in the city helps pay for the new hookons - the system to help take care of the newer people coming on the system.

Mr. Lester; No, isn't that a perpetuating thing that when you add on to it the utility is not indebted is it not - it is a self-containing thing?

Councilman Towell: Well, what I said a minute ago is that it is the whole system that costs not just the pipes out to your particular area so that the south treatment plant, for example, the new investments that have to be made every so often to keep the system going - partly because we add on new people and we have to have more capacity - all of those things are paid for by everyone who has sewers and pays those rates.

Mr. Lester: Right, we pay for it now, is that not true?

Councilman Towell: But what I am saying is that you are in effect subsidized by a large number of people in the city for a lot of those costs.

Mr. Lester: Well, I don't feel that way, sir, because I feel that we are paying our fair share on the utilities - on the sewer.

Councilpresident Zietlow: That is not true.

Councilman De St. Croix: I just have a question --- representative Ferguson who, a few minutes ago was discussing the whole issue was referring to the recently enacted tax package. The figures that you have presented to the council include the guaranteed across the board property tax rate reduction that is included in the new tax package?

Mr. Lester: No, I said it was the current rate. Now, if you want it for the difference, I do have that figure up for a \$27,000 home, without going through it there would be a - you would have \$224.64 instead of \$280.80 - taking the 20% off the total...

Councilman De St. Croix: I see, I just wanted to make sure that

the figures you were presenting to the council were the current tax system.

Mr. Lester: Ok, what the figures I gave is if we were paying taxes right now, the city rate would be this.

Councilman De St. Croix: Thank you.

Gary Bezger addressed the Council: I live in Highland Village old addition, the oldest of the three additions, therefore we feel that many of our residents are older in age - these people have been retired for some time and they moved to this area for one purpose - they wanted to live their retirement in these homes. Now I have visited about 40 of 128 homes in that area and I have talked to them personally and what happens is these people built their homes 10 or 12 years ago - they turned around and they had invested their savings in it and now most of them have it paid for - they are either retired or close to retirement. Now with the increase in cost of living what it is and with the fixed income which they have or will have shortly they are kind of in a quandry about whether they will be able to stay in their own homes or whether they will turn around and be a part of a transit community, moving in and out of apartments. Now if we come to this stage of it - of them moving in and out of apartments and they eat up the small savings and the amount of money that they have in their homes, where are they going to come back - they will have to come back on relief and it will be back on us again, the younger generation. I think that we ought to consider the fact that within this area we have 31% in the old Highland Village Area that is either retired or very close to retirement within a year or two - they are either separated, husband and wife - and this would be the wife with the children and responsible for them and these people are struggling on a fixed income right now - they are not getting all the advantages that some of the working class is. If these houses go up for sale, the property value in that area may go down and therefore it will affect the rest of us if we have to sell. So I want you to seriously consider this - that these people in these areas have lived there a long while and have been proud people but will they be able to be proud people if the taxes go up approximately 200 dollars a year. In answer to the garbage disposal question, in old Highland Village I see an awful lot of people drive one mile down the road to the white dumpsters - there are several of us that do have trash service - we pay approximately \$3.00 per month or \$36.00 per year. Now I saw in the paper a few months ago, a certain city employee inside a trash bag, that was going to hold, I forget how many pounds and they said this would be one week's supply - you know one bag, and that for five dollars a year you can get all of the bags you need. Well, now in my family it is going to cost me ten dollars a year just for bags - to put them in those bags alone so I am not getting free trash pickup service with the city even then so I feel that I am being persecuted in that manner if I go into the city. One other thing that has been asked by many of these people that I've talked to - or several questions - first of all, will we get streets, will we get lights, will we get curbs - they never mention this part of it. This is something that me being an ignorant individual - and I haven't been able to find it - I go back and I can't tell them. I am interested in knowing what do you plan to give us if you are going to take us into the city, rather than approximately a \$200 per year tax increase. Thank you.

Councilpresident Zietlow: Thank you. I have one answer for the bag question - I am not sure we are going to have them; dogs are a problem with the bags.

Fred Casavechia from Van Euren Park addressed the Council: We are advertised as city utilities out there by May Development, we did not advertise this. We did buy the houses in that area because of the house payment - that is the reason that I bought my house. You're asking us to pay \$15 or \$20 a month more on our houses. That hurts. It might not hurt you as an individual but it hurts. We have students out in this area. Ours is a young community - we don't have too many retired people - but we have a lot of students who - probably the first house they bought, they are trying to go to school here. We have a lot of children, if you will go through the area. The young people it is probably the

first big investment they made, and they are probably right down to the last penny and if you'd raise it \$3 it would hurt. I know three or four said they would have to move out, if their house payment went up. This is asking quite a bit.

Any hardships you put on these people is up to you councilmembers right here whether you make them sell their houses or not. I think the rest of the time ought to be given to the people and let them give you their explanation.

Councilmen Fix: I wonder if the council would determine - now we have talked entirely about taxes the end result is that we would not have any cities at all. And if we did not have a city here, what would the county tax rate be? If we split it out evenly over the population.

Councilpresident Zietlow: I would say that I sympathize very much with people not wanting to pay higher taxes but I am a councilman from the city of Bloomington and we are going to have to expand our sewer facilities and our water facilities, partly because we extend sewer and water facilities outside the city limits at this point - this is taking a lot of time and energy and money from the administration of the city - we wouldn't have sewer and water facilities if there were no city here. We have to expand our parks and our street facilities because our parks and streets are used very much by people outside the city and we have to pay the cost of administering them from our city taxes. Now you're asking - as I say I sympathize with people not wanting to pay higher taxes - you're asking me to tell my constituents that they should pay higher taxes so you can have sewer and water and parks and this is exactly what you are saying. And I can't do that.

Councilman Davis: (to someone in the audience) You shake your head, Why not?

Mr. Lester answered: Because I say as I said before, we feel we pay for our utilities - the utilities should not be brought up all this time.

Councilpresident Zietlow: But I am sorry, it is not true that you pay entirely for them by paying the sewer and water rates that you pay, because we have a lot of extra expenditures including corporate counsel and the mayor and the aides and the council and a lot of us work and spend a lot of our time trying to achieve those facilities.

Councilman De St. Croix: I wonder if I could expand the question to Mr. Lester. I would just like you if you could for a moment explain to the council how you interact with the corporate city of Bloomington - how often do you find yourself driving on city roads, how often do you find yourself interacting with the city of Bloomington. You realize of course that every time you come within the corporate limits of the city that the city is responsible for your safety on the roads - that means that the police department is responsible for enforcing traffic laws and making sure that you are safe - the city is responsible for maintaining those roadways and any number of things like that that fall under the regulatory controls of the city. Now I understand that you live maybe two and a half, maybe three or four miles outside of what is now described as the city boundaries. Would you be living in Highland Village right now if the city of Bloomington weren't here - if the city of Bloomington did not provide the types of services that have been described at this point - a. would there be a highland village, b. would you be choosing to live there and c. would you find yourself able to get the number of services and whatever that you find currently?

Mr. Lester: First question, you stated that the city of Bloomington pays for roads - do you not get that from gasoline tax?

Councilman De St. Croix: I am afraid that it doesn't even begin to approach the cost that the city incurs in either maintaining roadways, building roadways, clearing the streets in the winter time, sanding them, providing police protection, traffic control, any number of other costs - lighting..

Mr. Lester: Ok, the next thing is that I work for a place that has just been annexed - now the reason I moved out there is so that I would be close to my work and basically when I go into Bloomington is road 46 into Bloomington, on the bypass - cause usually it is around to college mall - I don't go through the city anymore that the bypass has been completed. I do mostly go around the bypass.

Councilman De St. Croix: I think that one of the points that we are bouncing off here is that it may be that your only physical interaction with the city is now that the plant has been annexed and you drive into the plan which is now part of the city and you take state road 46 bypass around to college mall, but many of the facilities and the services and the merchandising outlets - any number of things exists because the city of Bloomington has maintained a municipal government structure that has provided services and facilities and protection so that things like College Mall exist, so that other people are attracted here so that industry has come to this area. So, although you haven't been paying city taxes you have been receiving direct and indirect benefits from other people's paying taxes so that these services could in fact exist.

Mr. Lester: Well, when I buy goods, I am paying part of the city taxes.

Councilman DeSt. Croix: In terms of the taxes that that industry or store is paying that is correct but I am not sure that that really balances out. That is just a question I am offering.

Mr. Lester: What services are you offering me out there in Highland Village?

Councilpresident Zietlow: The entire city services would be available.

Councilman De St. Croix: The city would be responsible for maintenance of your roadways, your police protection, your fire protection, for the provision of lighting, for any number of the community services that the city is currently responsible for.

Mr. Lester: I have a boss that lives in Sherwood Oaks and he moved in in 1968 and he still does not have lighting.

(The council took a ten minute break in business.)

Mr. J. Johnson, manager of K&W products addressed the Council: First of all, I would like to know does anyone on the Council know me? Would you like to know me? I have been here six years in Bloomington, I have managed a plant in Bloomington - do you know the plant I manage? We are a major manufacturer, a national company. I am one of your constituents, right? Jay Johnson is my name, Jay Johnson. Now you people, councilmembers, say you feel that your constituents want annexation.

Councilman Davis: All I said is that my constituents pay.

Mr. Johnson: Ok, that is a big difference. You pay. I pay as one of your constituents, right? Ok. I manage a plant that is know as K and W products, Kerkling and Company, as most of you will recognize us to be. We, uh, don't ask for much in the way of benefits and we receive very little. We have been in incorporation now since 1937 in Bloomington. I venture to say - I am not shocked that no one knows who we are when we say K and W products - some of you will say, well, what the heck is that? We manufacture automotive chemicals, we are in direct competition with permatex, stp, bardol, people of this nature. When we open up the newspaper - these fine people over here at the press table - tonight on the sports page we read about stp, Mr. Granatelli - this makes us feel very bad that we are paying -we are a national company, we have sales in excess of \$3 million a year - we pay to the city of Bloomington a sizeable amount of money. We don't gripe, we don't complain - all we are asking is that we're given a fair shake - read in the paper everyday, Otis Elevator, Westinghouse,

General Electric, Sarkes Tarzian, people of this nature - manufacturers who receive nothing from you - you are looking at me and saying, well, what in heck is he trying to say? We are one of your fine constituents - one of your fine people that pay taxes - we receive nothing, very little for it so, basically what we are here to say is we would like to be recognized as being in Bloomington as a manufacturer, right? Ok? If you annex these people our tax rate is going up - you will say, well it won't go up, it will go down - you will receive a break. We were told that our taxes would be decreased when you annexed Sherwood Oaks in the previous administration, taxes went up - Parkridge East the same way. What we want to know, if you annex these people three miles out of town, our taxes, can we expect them to go up again because we have to take care of these people?

Councilman De St. Croix: Contrary to what is perhaps your opinion, The Bloomington Herald Telephone and the Bloomington Courier-Tribune are not city utilities and we have no control over them.

Mr. Johnson: Well, from reading them I would disagree.

Councilman De St. Croix: I never quite thought that the Herald Telephone and the Courier Tribune were fan magazines of this council and it may be that one of the reasons that Otis Elevator and other companies get news is that they make news, I don't know. One thing that you can be assured of, is, again referring to the tax package that representative Ferguson alluded to earlier that was recently enacted, the tax rate is frozen. So, whether or not this council decides to annex these areas will have no effect on either whether or not the taxes are going to be increased. It may result in a decrease, I am not certain, I am not going to make any promises - outside of that I don't know what to say to your comments.

Mr. Johnson; Thank you for that comment. Now if I might continue - most of you people, I did work for you in your election, I felt that Bloomington did need a change in government because of the hassle and so forth that was going on before. I would like to commend the council for a lot of your efforts that you have done in the past - some of them now I kind of hesitate to think that you are doing a good job on. I think that Bloomington did need a change - a new face but in this particular issue it seems that I am looking at the dull old frown - annexation, as before and we would like to get a few smiles on some people around the area for a change. Thank you.

George Morris, from Van Buren Park, addressed the Council: It has been alluded to in many instances by people speaking that the people in Van Buren Park are going to receive a flood of goods and services or benefits by becoming annexed to the city but they are never specific. Is there anything that you can think of that you have to offer us that we do not already have - and in some instances already have at a cheaper price from what you are willing to offer us with annexation into the city which is going to cost us substantially more in terms of tax dollars?

Councilman Ackerman: Well, this is just a partial answer - two things that occur to me - these are small things, too - the number of animals that are collected each month at the animal shelter roughly only 20% of those animals come from within the city of Bloomington - 80% come from outside. More than half of the boys who play in the Bloomington Little League come from outside the city limits. So there are many things - now you asked for added things that - there are already things that people who live outside of the city benefit from from services that city tax payers are already paying. I think you have to ask both questions: what new things are you going to get from the taxes that might come about and what things - on the other side you have to ask - what things are we already getting that we are not yet paying for?

Mr. Morris: Ok, I'll settle for that.

Council president Zietlow: That you are not paying equitably for, I think that is the real point that we, as councilmembers, have to consider.

Mr. Morris: I mean the only reason for asking the question is that, from outward appearances, just from my point of view it appears as though there is a group of people who have set themselves up to say that they are better qualified to spend my money than I am. And, I just happen to disagree with them. Thank you.

Councilman Towell: I was just going to say, there is the bus system - it is going to come out there. This month we are putting two new buses on - one of them will be designated for that area.

Mr. Lester asked questions about the route that would be established to serve his area.

Councilman Towell replied that he had the maps in his brief case and he would be glad to go over them with Mr. Lester after the meeting.

Mr. Lester: Ok, right now we don't know what you are going to give us.

Councilpresident Zietlow: Yes, but there are a number of different questions - it is what you are going to get and what you are already getting, that you are not paying for at the rate that the people in the city are paying for - that being citizens of the city of Bloomington they are already providing for your benefit to a great extent. There are really several sides to the same question as I said before - I said I sympathize with your not wanting to pay more taxes but you are already benefiting to a great extent from things that city residents are paying for.

Robin Faith, a resident of the city of Bloomington addressed the council: It seems to me that the problem might be stated another way. If you were tonight to decide to dissolve the city government in Bloomington, I think the people in Highland Village and Van Buren Park, would find out just what kind of a situation they are in by being a part of the Bloomington metropolitan area without actually paying for the work of the city government.

Councilpresident Zietlow: That is exactly right. Thank you.

Councilman Davis: That is a good question.

Larry Selzer addressed the council: We bought a house in Van Buren Park about five months ago; one of the reasons we bought a house is because the houses were cheaper in Van Buren Park and we figured out tax rate was going to be cheaper in Van Buren Park and I have lived in Chicago for 18 years! And if you live in Chicago it is an experience. One of the issues that I feel is important is not the tax - honestly, it is not the tax rate one bit. I do not feel that - one of the reasons we bought the house in Van Buren Park - I do not feel that I am part of the city of Bloomington. That is why we bought our house. Now you might tell me that - and some of your arguments are very good - that we do have some benefit from the city of Bloomington but, and I am a new resident and I am not too up on these things - but I feel that the sewage and water is moving towards the idea of a separate corporation - this is my idea - is this right? In other words, they are not part of the city of Bloomington - they are a separate organization. Is this right? Is it a city utility or a separate utility outside of the city?

Councilpresident Zietlow: It is a city utility but it has separate accounting.

Mr. Selzer: Ok, and also that the park and recreation is becoming a county park and recreation - this is one of the newest things I read in the papers, is that right?

Councilpresident Zietlow: We have just disbanded that, though we will probably go back to it.

Mr. Selzer: And, one of my basic things is that - this is really individual - I moved out of the city and I don't want to tell the city what to do. In other words, I am not going to vote in city

elections and I am not going to tell you people what to do. One of the reasons I moved out to Van Buren Park is because on the other hand I don't want the city to tell me what to do. Now, you are going to say, sure, we do a lot of things for you and I agree with that but I feel that if we do not pay enough in our sewer rates, I would be glad to pay another \$2.00 amonth in sewer rates - I would be glad to do this. But, I do not want to have the city of Bloomington - and again this comes back to my experience in Chicago - I don't want to have the city of Bloomington telling me what to do and I don't want to tell the city of Bloomington what to do either.

Councilpresident Zietlow: Why did you move down here to Bloomington?

Mr. Selzer: Well, I am going to school here at the university - one of the reasons - and I am also a teacher at Bloomington North.

Councilpresident Zietlow: Do you think that if there had been no city of Bloomington you would have come here?

Mr. Selzer: I can't answer that question, that is up in the air, I couldn't say.

Councilman Towell: I used to live in Chicago and I would hardly compare those two experiences.

Mr. Selzer: Well, I agree with you, and really the thing is to my point - and I feel a lot of the people here feel, may feel the same way, I don't want to get into absolutes, but we moved outside the city of Bloomington because we did not want to - this is what we wanted to do as individuals and if you have to - in other words, in order to support the city utilities, if you have to increase our rates I would be glad to pay extra rates; I would be very glad to pay extra rates - me, individually.

Councilman Towell: It would be interesting to take a referendum on that.

Mr. Johnson: The one thing which I had forgotten to mention is that - and it is a big point if you stop to think about it. If you look at your map which the previous administration and this council more than likely had to pay for - if you will look at the map you will see one large - one large spot about - oh, I would say they are about ten blocks from the square - maybe closer, there is a large plant and I notice that for some reasons they are not on the annexation. I would like to ask why. I don't like to name names but I think you can see the big spot.

Councilman Towell: On Hillside?

Mr. Johnson: Yes, that is the one!

Councilman Towell: Well, we are enjoined from annexation of that plant until next year.

Mr. Johnson: Oh, I am glad to hear that!

Councilman De St. Croix: As a member of the council who is close enough to that plant to toss rocks at it, I never have, I would like to state I think I probably reflect some of the sentiment of some of the councilmembers and it probably will be with great pleasure that an ordinance to annex that and other properties currently surrounded by the city of Bloomington that are currently not incorporated into the city that are tied up in the same mentioned court case, will be introduced for annexation in the future.

Mr. Johnson: When these people are involved and it is fair to everyone, then I will be the first to take my name off because I don't mind paying the tax it is just the fact that I don't want to feel that somebody else is being left out.

Councilman De St. Croix: I don't think that it is our choice - we are just kind of tied up in this point and I expect the council will movewith due speed.

Councilpresident Zietlow: However, there are already some 40 or 50,000 people in the city.

Mr. Johnson: Then why is that particular one left out?

Councilpresident Zietlow: That is because of a court case. I am saying - you are willing to wait until that, but we are already here!

Mr. Johnson: Well, he has been here since we've been here, K&W products - he has enjoyed it and we've been paying through the nose. And we could go to japan or siagon or siam.

John Hays addressed the council: It has been rumored over the years that if Sarkes Tarzian was taken either into a union or into the city that he would move his factory, right?

Mr. Casavechia: Would you consider annexing all properties tied to the city utilities such as water and sewer and changing this ordinance and putting it in a fashion of annexing all properties tied to city utilities by sewers and water?

Councilpresident Zietlow: Which we are not enjoined from annexing?

Mr. Casavechia: Yes.

Councilpresident Zietlow: I think that this is sort of what this ordinance does, as a matter of fact.

Mr. Casavechia: No, I mean all of them in the city. I am not talking about just our area - I mean each house, each factory that is tied to city utilities...

Councilpresident Zietlow: There are a number of houses and blocks and plants very close and within the city which are not annexed - a number of them have voluntarily annexed; a number of them have not. However, we will show you on the map that there is a large area, extremely large area within which we may not annex until April of next year.

Mr. Casavechia: Well, but would you consider annexing all that could be?

Councilman Davis: We are saying that we are doing that.

Councilpresident Zietlow: We have been doing this actually, all through the last year. We cannot involuntarily annex areas involved in the court case until next year.

Mr. Casavechia: Why us?

Councilpresident Zietlow: You are not in that area. And you do have city sewers and water.

Mr. Casavechia: You are saying that there are no houses, no property whatsoever within this radius that cannot be annexed?

Councilman Towell: I have a sort of direct answer and that is, when we ran for office, we did run on an annexation platform - in general, it was to bring the urban areas into the city.

Councilpresident Zietlow explained that the area within the red line on the map of the city (the map is filed in the Council Office) is the area which the City is enjoined from annexation until April 1974, by the Guthrie case.

Mr. Casavechia: What about the Webb Case? Is it approximately the same situation?

Councilpresident Zietlow: No.

Mr. Register, Corporate Counsel: The webb case has been determined finally, The Guthrie Case was tried and appealed to the common court, reversed and sent back here and a judgement taken against the city, in April two years ago, which means that there cannot be an annexation in the Guthrie area until April of 1974. But there will be then. But the Webb case is no longer in existence; it has been dismissed

Mr. Lester: Isn't the Webb case going to be appealed by Mr. Hickam through the appellate court? The superior court here disallowed the injunction he was trying for, was it not?

Mr. Register: Well, Mr. Hickam's position at this point is that there can be been no annexation of the three industries that are objecting to annexation until the Webb appeal has been determined. But the court has ruled against Mr. Hickam on that.

Mr. Lester: But it is being appealed, is it not?

Mr. Register: It is being appealed. But the position of the city and of the legal department is that there is no Webb case pending now. Mr. Hickam's contention before the Indiana court of appeals is that the dismissal was improper dismissal. Our position is that it was proper and timely and final.

Mr. Lester: But is it final eventhough it is being appealed?

Mr. Register: We say it is final.

Councilpresident Zietlow: That is a point of contention, whether or not it is final.

Mr. Casavechia: I agree with your point on the red line circling the city - we'll say you can't annex that, ok. But if there are other areas tied onto the city water and sewer that you can touch will you add that on to this annexation - will you change that?

Councilpresident Zietlow:

We can always bring a new ordinance up next week.

Mr. Casavechia: Well, I would be happy to hear it. I really would.

Councilpresident Zietlow: I think you should speak to the corporate counsel on that because I understand that is part of the objective.

Mr. Register: I would be glad to respond to that which is that during this past year, due to the activities of the legal department, and actually the council there has been more than one million dollars, taxable assets added to the city of Bloomington. And the position of the city and its utility department at this time is that no one will be given utility services - water or sewer - unless they are already inside the city.

Mr. Casavechia: I know you have done that in Van Buren Park.

Mr. Register: We have done it everywhere.

Mr. Casavechia: Well, yes, now, but before that you didn't.

Mr. Register: Well, we can't help what happened before we came into office.

Mr. Casavechia: Well, you are jumping on us. We were given city utilities on the presumption that we would pay for them. I think that the Rogers brothers, that's just one big one, are not in the city.

Councilman Towell: The rogers are in the city. (this property was located on the map showing the corporate city in yellow, the non-city areas in white).

Councilman Fix: I would like to clarify from the three spokesmen from these three different areas, are you saying that you will be the first in line to be annexed next April when everybody can

be eligible for annexation?

Mr. Bezger: I don't speak for my people.

Councilman Fix: Speaking for yourself.

Mr. Bezger: No! I never said a word about it - before I say anything I will conduct a survey around our area to find out what my people want. That's how we came to this place in the first place - it was what the people wanted. It wasn't what I wanted - I was just a spokesman for them - the same as you are a spokesman for the city of Bloomington. I won't make any bargains.

Councilman Fix: Do I understand that the majority of the people find that this is an irrelevant point? As to whether anybody else is eligible for annexation?

Mr. Casavechia: No, but it is a fact that you are leapfrogging.

Councilman Fix: But that doesn't really make any difference to you?

Mr. Casavechia: Well, sure it does.

Councilman Fix: Then if these other areas are eligible for annexation you would be willing to be annexed - is that the feeling that you have?

Mr. Casavechia: Well, we wouldn't fight it as hard, no. We wouldn't have collected as much money as we did.

Councilpresident Zietlow: Mr. Register, what are the prerequisites for annexation?

Mr. Johnson: Fairness to everyone.

Mr. Register: To answer you would have to read the statute for all eight points. I don't have it and I didn't expect to have to read law tonight. I will do that in court.

Mr. Ferguson: If everyone has spoken, can I have one minute to close?

Councilpresident Zietlow: Yes, and then we will give Mr. Register an opportunity to speak.

Mr. Ferguson: Thank you very much. You have been most patient with us. I think there is one point that I would like to make that has been kicked around. The water and sewer issue, especially - and if I read the Black and Veatch report and analysis which Mr. Fix referred to and are having hearings on now, I think you will find - at least in my reading of it, I may be mistaken, that the homeowner is paying his fair share - and the rural homeowner especially. If you look over the twenty year amortization, as I looked at that chart, they are paying more than they probably should be in my opinion and secondly it is the big customer of water and sewer who is getting the break under your rates. I think that this is something that you are all going to have to look into when you look into your rates and I understand it is going to cost about 45¢ to produce water and the town of Ellettsville and Indiana University buys it for 35¢. Now, but I think that you look at the scale - the big customer is where it is - it is not the homeowner and these people have been paying their fair share towards the plant, towards the equipment, towards the facilities that are there. Secondly, the regional sewage expansion comes 75% federal funds and 10% state funds - 85% of it comes from outside and I think that the people who use it are going to pick up their fair share on that. I don't think - I think the issue of water and sewer is a business to the city of Bloomington and it is run like a business and I think that it is bearing its fair share. You borrow a million dollars from the utilities department - it is your utility so it is a fair assumption but I think that this, running on a business like basis, and what your consulting engineers are telling you is for everybody to pay their own fair share. And I think that maybe - there has been a lot of usage of this but I think that the expansion of the utility and the expansion to use utilities to the north plant whether they are in the city or outside the city would be to the

benefit of everybody in the city to get that plant to using more than 10%, plus I know that you are shipping some of the sewage and relieving the south plant, but it would be a benefit whether the people come in or not to use that plant. Thirdly, I would like to point out that in the street question that we have had and the street lights whether they are going to be provided, I did not and I did want to correct that - the motor vehicle highway account does not pay for street lighting or your police and fire protection but it does pay - and the guy who uses the gas, driving the car or whatever vehicle it may be - does pay for it and it is distributed on a system basis. It does not provide lighting - if you provide lighting then I am sure that will be an additional cost over and above. Finally, bus service - I think your plans are and my indication is that eventually this bus service is supposed to pay for itself - it is supposed to be a break even operation and maybe it isn't and therefore the property tax owner picks up some of the tab, but as much as possible, my understanding was that eventually it was to be a breakeven operation - it would not be a service just donated to the people. I appreciate your time. I think that, in my opinion, that when you are talking about people here that the fairness to each of these individuals and the equity of the matter does not lead you to annex them. I think that the benefits that are going to be given to them do not in any way apportion to the cost and it is unfair to these individuals who cannot afford it. Thank you.

Mr. Register: Madame President and Members of the Council, it seems to me that one of the principal complaints made by some of the objectors, citizens who now live outside the city, was that the corporate city has not reached out and annexed people who should be annexed and help pay the central costs. I would say to them and I would say to the council that with the encouragement of the council and with their backing these people who are now protesting, if they happen to become annexed and their properties, we will assure them that they will have a lot of company very soon and as fast as we can get it done.

Councilman De St. Croix: I had the opportunity to talk with several people from the audience during the break and a number of points were raised and I think that if you are talking about fairness and equity and whatnot and I think it is important to point out that there are a number of factors that the city is facing that it has no control over. I am sure Representative Ferguson would back me up on this - the city of Bloomington, for example, faces the fact that vast areas of land within the corporate city limits are not taxable because of state owned properties such as the university and properties which the university owns. Attempts have been made to pass impacted area legislation so that municipalities such as Bloomington could receive financial recompense from the state for the provision of services and cost incurred by the city due to that drain. There is the whole question of the equity of the tax system currently in this state. And an attempt was made in the last legislature to begin to correct some of those inequities - I believe it may have been a step in the right direction - I may have some philosophical disagreements with some points of it but I think that we are moving in some sort of direction. The fact remains that the city is facing some very serious problems and how to be fair not only to you people but how to be fair to the people within the corporate limits who are currently paying taxes and in some instances facing double taxation for county services that they don't receive, and it is a very complicated problem because I think the important thing to point out here and I think that Corporate Counsel Register has perhaps underscored that is that the annexation ordinances before the council tonight are not an attempt by the city to reach out and pick on a specific little area or grab a couple of people and say "Aha, we've got you!" It is hopefully part of what is going to be an overall effort to round out the map and to bring the urban area within the corporate limits so that there is in fact an equitable situation across the board where everybody is paying their fair share in terms of services and responsibilities we all have in seeing that Bloomington continues to function in an orderly manner and grows

and becomes a healthy community that provides services for everybody at a fair cost for all. I just want to make sure that despite the question of equity and whatnot it is not a case of thinking along those lines.

Councilman Behen: I think Mr. Register's remark about folks in these affected areas going to have company, I think and I am not in any way attempting to speak for them but I think they would rather be company to the people who could possibly annexed in the spring of 1974. I don't think their objections would be near so strenuous if they were to become company to those people rather than they - vice versa. As we have sat here this evening I have tired - ever since this thing came up six or eight weeks ago - to evaluate between what is legal and what is fair and just and as my eyes rove across the audience tonight I see facts bear out what has been said here tonight that there are a number of people sitting here which few of us can dispute are near retired or very close to retirement age - I don't suspicion that they will be frolicking in our parks and I find myself in agreement with some of the remarks made pertinent to city utilities. In that their costs are reflected in the fact that utilities were there and that they presently, through the charges of the utilities are bearing their fair share. I personally could never support an ordinance that would cause either a semi-retired or retired person or person on an extremely close fixed income the danger of losing their home and in my estimation an amount between 100 and 250 dollars is not a remote possibility of a person being able to have to either sell their home and move elsewhere. Amen.

Councilman Towell: There is one of the added benefits of coming in to Bloomington that we forgot to mention - the entertainment value of Bloomington City Council meetings.

Councilpresident Zietlow: Councilman Behen, there are a number of older people and younger people within the city of Bloomington who are your constituents who are helping to provide services for these people who are not in the city. It seems to me that our first obligation is to them. And you as councilman at large should be aware of that more than I am.

Councilman Behen: I am Councilwoman Zietlow but in my opening remark I stated that I did not feel that these people would object to becoming neighbors to related neighborhoods that will be annexed once this legal problem is resolved in the spring of 1974. I DON'T THINK THEIR objections would be so strenuous because they like I might view it as I mentioned at the last debate on this very same ordinance that it seems to me to be a crazy quiltwork sort of a situation rather than a progressively orderly construction of a community boundarywise.

Councilpresident Zietlow: Councilman Behen, are you suggesting that we de-annex the entire city of Bloomington until April 1974 so that we all have an equitable chance?

Councilman Behen: I find it - you know it is really difficult to - you know, people who are for this annexation they come very well prepared, people who stepped up to the microphone tonight spoke rather extemporaneously - I am sure they weren't too well prepared. And to thwart efforts of great preparedness like that is really very, very difficult.

Councilman De St. Croix: I think they probably paid a good sum of money for some preparedness on the part of legal counsel.

Councilman Behen: If the committee at large - and I am not suggesting that it be any other way - but if you seated as the chairman of that committee, if I make a remark and you counterargue it - I am not provoked about it but it does make it very difficult to get my point across and have it counter argued by the chair.

Councilpresident Zietlow: But you can argue back.

Councilman Behen: Right.

Councilman Ackerman: I just wanted to speak to Councilman Behen's last point about the people who spoke tonight not being well prepared. I just wanted to speak a personal work of appreciation to those people who did speak tonight, I thought an awful lot of work and preparation did go into that and I really appreciate Mr. Ferguson's remarks and the way the whole presentation made by the group was made. I think it brought us a lot of information in and I just want to express my appreciation to those people who did speak tonight.

Councilman De St. Croix moved that the council rise from the committee of the whole. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Dissolution of the Committee of the Whole

Councilman De St. Croix moved that Ordinance No. 73-31 be removed from the table. The motion was seconded by Councilman Towell and carried by a unanimous voice vote.

Ord. 73-31 taken from the table for final vote.

The motion for adoption was now before the council.

ORDINANCE No. 73-31 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 6, Nays 3.

(Nay: Behen, Morrison, Mizell)

Councilman Mizell explained his vote: AS most of the people on this council I ran on the platform of increasing annexation for areas which are enjoying the city facilities but not necessarily paying their full share. However I find it very difficult to vote to annex people simply because they are available since other areas closer to the heart of the city are right now under the protection of a law suit. I feel that if these people were also available for protection of the courts and that these people were not essentially, as it were, hanging free, I would be more in favor of annexing people involuntarily. THEREFORE, although I support the annexation of urban areas so that we can increase the services to the city in the corporate limits, I cannot vote in favor of this involuntary annexation. I vote no.

Councilman Davis: For exactly the same reason I vote "aye."

Councilman Ackerman: I would like to just make a brief comment; I just can't see how something that will be right next April would be wrong now, so I vote "aye".

Councilman Fix: I ran on a platform of using common sense in my votes. It is very difficult to do that in a situation like this. There is no question but what annexation is proper in an area like this - we have to think a little bit about all the factors of the city that are not eligible for annexation at this time. But I think maybe the overriding thing that would make me vote the way I am going to vote is the fact that some day we have got to do away with the duplication of services that we have, between two systems of government - the county and the city - and to me there is common sense involved in deciding that the people who are paying the highest taxes are more motivated to eliminate the duplication of services, so I will vote yes.

Councilpresident Zietlow: I would like to point out to Councilman Mizell that the webb case is no longer enjoining these people because of diligent work from the legal department who we have asked to do this and they were unable to do this in the Guthrie case, and I will of course vote yes.

Councilman De St. Croix moved that Ordinance No. 73-32 be removed from the table. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

73-32 taken from table

The motion to adopt Ordinance No. 73-32 was now before the Council.

Ordinance No. 73-32 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 6, Nays 3. (Nay: Behen, Mizell, Morrison)

Councilman De St. Croix moved that Ordinance No. 73-33 be removed from the table. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

Ord. 73-33 taken from the table

The motion to adopt Ordinance No. 73-33 was now before the Council.

Ordinance No. 73-33 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 5, Nays 3 (Nay: Behen, Morrison, Mizell).

Councilman De St. Croix moved that Ordinance No. 73-42 be removed from the table. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Ord. 73-42 taken from the table.

Mr. Grossnickle presented an amendment to the Council from the Electrical Board concerning the question of when examinations would be given. The Board proposed that the ordinance be amended to permit examination within five days notice.

Councilman De St. Croix moved that Ordinance No. 73-42 be amended by changing section 10 of the ordinance to read as follows:

"Section 10: That Section 17.12.110 of the Bloomington Municipal Code be amended by substituting for the word 'electrician' the words 'electrical contractor', to read as follows: '17.12.110 License--Examination--Notice of time and place. All applicants for electrical contractor licenses may take the examination, upon five days notice to the electrical inspector, at the time and place designated by the electrical inspector.'"

Councilman Morrison seconded the motion.

Councilman De ST. Croix spoke in favor of the amendment: I believe that this amendment clears up the question that I had at a prior council meeting where this was discussed, regarding the licensing provisions that were made for examination before which allowed for quarterly examinations which in effect meant that unless you had a four month lead time on when you would be having an electrical contract in Bloomington - unless you were already licensed in the city you were in effect in a position where you could not bid on contracts here. And, I believe that this allows for an open, competitive, free enterprise type market for electrical contractors within the city.

Councilpresident Zietlow: Who would nevertheless have to be licensed by the city.

Councilman De St. Croix: Correct, but it still allows for control of the city to make sure that all people that do electrical contracting work are qualified and therefore allows for the safety provisions allowed.

Councilman Morrison: I have a question for Mr. Grossnickle, I am assuming that any person can take this electrical test, right?

Mr. Grossnickle: Yes.

Councilman Morrison: As long as he can pass it, irregardless of his practical knowledge or practical experience - and only have theoretical experience?

Mr. Grossnickle: That is right, it is only a test of written knowledge of code. I don't know how we would go about setting up a complete practical, mechanical examination - it would be pretty hard to do.

Councilman Morrison said that he was concerned that a number of people would be able to pass the test though they would not be able to put the knowledge they possess to use. He noted that this had happened in the television industry and was afraid this would happen here too.

Mr. Grossnickle: If a few people will read the code book we will have gained something. First of all, we do have the licensing ordinance now, all I am trying to get passed now is an amendment to relieve the journeymen electricians of having to take the test - only electrical contractors will have to take the test in the city. If this isn't passed tonight, it will put 40 or 50 electricians out of work because they do not have a license to work. This takes quite a load off the electrical board's shoulders and the city and I am sure it is going to save you quite a bunch of law suits.

The motion to amend was carried BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman Towell moved that Ordinance No. 73-42 as amended be adopted. Councilman De St. Croix seconded the motion.

Councilman De St. Croix: I would like to speak in favor of this ordinance as amended. I have looked at it pretty carefully after having raised the questions about the examination, and I think basically what it does do is that it gives the city the opportunity to regulate and control electrical contracting work and provide better safety for the citizens of the community but at the same time not having a punitive type of ordinance that makes it extremely difficult for people to do electrical contracting work in the community. In terms of Councilman Morrisons's questions about the testing provisions and whether or not someone like me whose knowledge of electrical contracting goes about as far as knowing how to put a plug in a wall socket, being able to sit down and study the manual - perhaps that is so but there are also a number of other things in terms of examinations and tests that fall in that category and I think we are just going to have to count on the electrical board to come up with a testing procedure that is at least as good as possible in at least trying to spot some of that. There may be problems with it but it is probably better than not having people controlled or licensed in some way.

Councilman Morrison: Something is better than nothing, I will have to agree.

Ordinance No. 73-42, as amended, was ADOPTED BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman De St. Croix moved that the agenda be expanded to permit consideration of Resolution No. 73-46. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote. AGENDA CHANGE

Councilman De St. Croix moved that Resolution No. 73-46 be introduced and read by the clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote. Resolution No. 73-46

Grace E. Johnson, City clerk, read Resolution No. 73-46 in its entirety.

Councilman De St. Croix moved that Resolution No. 73-46 be adopted. Councilman Morrison seconded the motion.

RESOLUTION No. 73-46 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman Davis moved that the Council approve the mayor's recommendations for the five appointments to the Telecommunications Council: Jack Tracy, Mark Oring, Jon Walters, David Rippy, and William Kroll. Councilman Ackerman seconded the motion.

Telecommunications Council Appointments

Councilman Davis: It should be a good group.

Councilpresident Zietlow: I think that any problems that might arise with the public access group have been resolved, or will be resolved - there will be resignations if there should be conflict.

Councilman Davis: If there should be conflict I think so. How that has been resolved is not clear - but if there should be at any point conflict involved there would be immediate resignations.

Councilman Towell: I would just like to say that this is the end of a very long process of working on this particular problem and I had a part in it and I am very happy to see this council go to work. I think there is a public interest to be looked at and protected by this council and also they are charged with the role of encouraging the use of what could be a very valuable community resource. I think it is an important measure that we have completed tonight, and also appointed people to an important board.

Councilpresident Zietlow: Yes, I think it will become increasingly important and increasingly apparently important as the next few years go by.

Councilman De St. Croix: I would like to indicate at this time that it is my personal position to abstain from this vote.

Councilman Fix: I must abstain also for no other reason than that I have been unable to meet or get acquainted with these people.

The appointments to the Telecommunications Council were APPROVED BY A ROLL CALL VOTE OF AYES 7, Nays 0, Abstentions 2 (Abstention: Fix, De St. Croix).

NONE.
NONE.

NONE.
NONE.
NONE.

PETITIONS AND COMMUNICATIONS
REPORTS FROM OFFICIAL BOARDS
AND COMMISSIONS
REPORTS FROM STANDING COMMITTEES
REPORTS FROM SPECIAL COMMITTEES
REPORTS FROM CITY OFFICIALS
AND DEPARTMENT HEADS
MESSAGES FROM COUNCILMEMBERS

Councilman Davis: I would like everyone to know for sure that we have received a draft copy of the Bloomington, Indiana, Mass Transit Technical Study done by Professor Bill Black on campus for our review. I have a copy of it here. It is on schedule.

Hubert Davis

Councilman Towell moved the meeting be adjourned.

ADJOURNMENT

Councilman Morrison seconded the motion and it was carried by a unanimous voice vote. The meeting was adjourned at 10:05 p.m., E.S.T.

ATTEST:

Charlotte T. Zietlow
Charlotte T. Zietlow, Council President

Amy G. Mason
Amy Mason, Secretary