

In the City Service Center, on Thursday, June 22, 1972 at 7:00 p.m., E.S.T., with Council President, Charlotte T. Zietlow, presiding.

SPECIAL MEETING
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA CALLED TO
COMPLETE THE BUSINESS
OF JUNE 15, 1972

Members Present:

ROLL CALL

James Ackerman, Hubert Davis, Wayne Fix, Sherwin Mizell, Jack Morrison, Alfred Towell, Charlotte Zietlow

Members Absent:

Brian De St. Croix

James Regester, Corporate Counsel, Tim Hodenfield, Administrative Aide, Grace Johnson, City Clerk

CITY OFFICIALS
PRESENT

Approximately 15 including members of the press.

OTHERS PRESENT

Councilman Towell moved that the Agenda be expanded to include the first reading of annexation ordinances 72-44, 72-45, 72-46, 72-47, 72-48, 72-49 and 72-50. Councilman Davis seconded the motion.

AGENDA

Roll Call Vote: Ayes 7, Nays 0
(Councilman Ackerman was not present for the roll call)

ROLL CALL

Councilman Morrison moved that proposed Resolution 72-35 be introduced and read by the Clerk. Councilman Towell seconded the motion. Passed by unanimous voice vote.

RESOLUTIONS

72-35

The Clerk read proposed Resolution 72-35.

Councilman Morrison moved that proposed Resolution 72-35 be adopted. Councilman Towell seconded the motion.

Roll Call Vote: 7 Ayes, 0 Nays
(Councilman Ackerman was not present for the vote)

ROLL CALL

Councilman Morrison moved that Ordinance 72-30 be advanced to second reading and read by the Clerk by title only. Councilman Davis seconded the motion. Passed by unanimous voice vote.

ORDINANCES SECOND
READING

72-30 Traffic Ordinance

The Clerk read Ordinance 72-30.

Councilman Davis explained that this Ordinance would cover a stop sign that was already in use, but had no Ordinance covering it.

Roll Call Vote: 7 Ayes, 0 Nays
(Councilman Ackerman was not present for the vote.)

ROLL CALL

Councilman Morrison moved that Ordinance 72-31 be advanced to second reading and read by the clerk by title only. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-31 Traffic Ordinance

The Clerk read Ordinance 72-31.

Councilman Morrison moved that Ordinance 72-31 be adopted. Councilman Towell seconded.

Councilman Davis explained that this Ordinance corrects the wording of the original Ordinance concerning the intersection of Indiana and East 10th Streets. Councilman Davis also noted that the Traffic Commission would like to know the feelings of the public concerning this and other intersections where a right turn on a red light is allowed after a stop. He explained that they are somewhat experimental and subject to change.

Roll Call Vote: 8 Ayes, 0 Nays

Roll Call

Councilman Morrison moved that Ordinance 72-32 be advanced to second reading and read by the Clerk by title only. Councilman Mizell seconded the motion. Passed by unanimous voice vote.

72-32 Repeal of
Beautification and
Health Commission

The Clerk read Ordinance 72-32.

Councilman Morrison moved that Ordinance 72-32 be adopted. Councilman Mizell seconded the motion.

Frank Thomas of the Environmental Commission explained that the concerns of this Commission are now being handled by a sub-committee of the Environmental Commission. Councilman Zietlow expressed the hope that the sub-committee would come up with proposed Ordinances that would encourage enforcement of agreements between the City and businesses to plant shrubs. She felt that it would be possible to get more action from the sub-committee of the Environmental Commission than from the defunct Beautification and Health Commission.

Roll Call Vote: 8 Ayes, 0 Nays

Roll Call

Councilman Morrison moved that Ordinance 72-33 be advanced to second reading and read by the Clerk by title only. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-33 Repeal Council
on Aging

The Clerk read Ordinance 72-33.

Councilman Morrison moved that Ordinance 72-33 be adopted. Councilman Towell seconded the motion.

Bill Wilson explained that this Commission was formed several years ago to study specific questions. Presently the problems of the aging are handled

by the Park Board which is in charge of the Center for Older Americans which operates county wide.

Roll Call Vote: 8 Ayes, 0 Nays

Councilman Morrison moved that Ordinance 72-34 be advanced to second reading and read by the Clerk by title only. Councilman Towell seconded the motion. Passed by unanimous voice vote.

The Clerk read Ordinance 72-34.

Councilman Morrison moved that Ordinance 72-34 be adopted. Councilman Towell seconded the motion.

Frank Thomas reported that the Environmental Commission has a sub-committee on Air Quality which has taken over the duties of this defunct commission. Councilwoman Zietlow asked if the sub-committee intended to submit Ordinances that would prohibit the emissions prohibited in the Ordinance which created the Air Pollution Control Commission. Mr. Thomas reported that they did so intend and there was a possibility that they may propose an Air Pollution Control Commission with stronger powers, but probably not until the City can afford an Air Control Officer. Also Mr. Thomas pointed out that the emissions mentioned in the old Ordinance are covered by state statute. He also explained that proposed Ordinance 72-35 would replace this Ordinance.

Roll Call Vote: 8 Ayes, 0 Nays

Councilman Morrison moved that Ordinance 72-35 be advanced to second reading and read by the Clerk by title only. Councilman Towell seconded the motion. Passed by unanimous voice vote.

The Clerk read 72-35.

Councilman Morrison moved that Ordinance 72-35 be adopted. Councilman Towell seconded the motion.

Councilman Behen asked what type of appropriation would be required for the establishment of the office created by this ordinance. Mr. Hodenfield said that they have \$5,000.00 now. At a later date they may ask the Council for an environmental officer. Mr. Hodenfield explained that this amendment was born out of discussions of the Air Pollution Control Commission. Councilman Mizell asked for an opinion of Attorney Register if it is implicit in the new ordinance that the Environmental Commission could issue cease and desist orders in the event of violation of state statutes or any city ordinances in effect. Attorney Register explained that the City would need to apply to a court for an injunction. His opinion was that the wording of the

Roll Call

72-34 Repeal Air Pollution Control Commission

Roll Call

72-35 Amendment to Environmental Commission Ordinance

Ordinance was satisfactory. He explained that a cease and desist order would be no more than a reprimand to be followed by an application to a court for an injunction.

Councilman Ackerman moved that the Ordinance be amended by inserting the words "or noise" in Section 2, Letter B. Councilman Mizell seconded.

Roll Call Vote: 8 Ayes, 0 Nays

Councilman Towell moved that Ordinance 72-35 be adopted as amended. Councilman Morrison seconded.

Roll Call Vote: 8 Ayes, 0 Nays

Councilman Towell moved that Ordinances 72-36 and 72-37 be tabled until assurance could be obtained from the city legal department that these annexations should be acted upon. Councilman Mizell seconded the motion. Passed by unanimous voice vote.

Roll Call

72-36; 72-37
Annexation
Ordinances

Attorney Register explained that this action was taken at his request as he was unable to determine at this time if annexation was still the will of the people involved.

Councilman Towell moved that 72-38 be moved to second reading and read by the Clerk by title only. Councilman Morrison seconded the motion. Passed by unanimous voice vote.

72-38 Annexation
Ordinance. Property
on South High Street
owned by Faith Luthern
Church.

The Clerk read Ordinance 72-38.

Roll Call Vote: 8 Ayes, 0 Nays

Roll Call

ORDINANCES FIRST
READING

Councilman Ackerman moved that Ordinance 72-40 be introduced and read by the Clerk by title only and that copies be distributed by the Clerk as provided for by law. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-40 Annexation
3150 S. State Road #37

The Clerk read Ordinance 72-40 by title only.

Councilman Ackerman moved that Ordinance 72-41 be introduced and read by the Clerk by title only and that copies be distributed by the Clerk as provided for by law. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-41 Annexation
Marathon Oil located
at Kinser Pike and
Gourley Pike

The Clerk read Ordinance 72-41 by title only.

explained that this amendment was a
of describing the property
Councilman Ackerman moved that
an opinion of attorney register

Councilman Morrison moved that Ordinance 72-42 be introduced and read by the Clerk. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-42 Park Merger

The Clerk read Ordinance 72-42.

Councilman Morrison moved that Ordinance 72-43 be introduced and read by the Clerk. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-43 Repeal 71-59
Sewer Rates

The Clerk read Ordinance 72-43.

Councilman Morrison moved that Ordinance 72-3 be introduced and read by the Clerk. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-3 Additional
Appropriation
Ordinance

The Clerk read Ordinance 72-3.

Councilman Ackerman moved that Ordinance 72-44 be introduced and read by the Clerk by title only and that copies be distributed by the Clerk as provided for by law. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-44 Annexation
Oakdale Square Apts.

The Clerk read Ordinance 72-44 by title only.

Councilman Ackerman moved that Ordinance 72-45 be introduced and read by the Clerk by title only and that copies be distributed by the Clerk as provided for by law. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-45 Annexation

The Clerk read Ordinance 72-45 by title only.

Councilman Ackerman moved that Ordinance 72-46 be introduced and read by the Clerk by title only and that copies be distributed by the Clerk as provided for by law. Councilman Towell seconded the motion. Passed by unanimous voice vote. The Clerk read Ordinance 72-46 by title only.

72-46 Annexation
Lupe, Inc. Apartments

Councilman Ackerman moved that Ordinance 72-47 be introduced and read by the Clerk by title only and that copies be distributed by the Clerk as provided for by law. Councilman Towell seconded the motion. Passed by unanimous voice vote. The Clerk read Ordinance 72-47 by title only.

72-47 Annexation
Miller Courts and
Johnson Addition

Councilman Ackerman moved that Ordinance 72-48 be introduced and read by the Clerk by title only and that copies be distributed by the Clerk as provided for by law. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-48 Annexation
Pygmy Putt North #37

The Clerk read Ordinance 72-48 by title only.

Councilman Ackerman moved that Ordinance 72-49 be introduced and read by the Clerk by title only and that copies be distributed by the Clerk as provided for by law. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-49 Annexation
Farm Bureau Insurance

The Clerk read Ordinance 72-49 by title only.

Councilman Ackerman moved that Ordinance 72-50 be introduced and read by the Clerk by title only and that copies be distributed by the Clerk as provided for by law. Councilman Towell seconded the motion. Passed by unanimous voice vote.

72-50 Annexation
Bonded Oil Company
Service Station.

The Clerk read Ordinance 72-50 by title only.

Geoff Grodner read the following letter from the Board of Public Works:

COMMUNICATION FROM
THE BOARD OF PUBLIC
WORKS

Common Council, City of Bloomington:

The Board of Public Works of the City of Bloomington respectfully requests the Common Council of the City of Bloomington to remove from the table the proposed trash contract entered into by the Board of Public Works, acting on behalf of the City, with B & C Disposal, and ratify said contract.

The Board would like to clarify the fact that this contract was entered into only after much public discussion, and with input and guidance from the Common Council. In addition, the Board would like the Council to be aware that the only other bid received for the designated contract period was over \$26,000 higher than the bid of \$61,000 submitted by B. & C. Disposal.

Further delay in ratifying this trash contract may pose a serious crisis for our City government, as the present trash contract expires June 30, 1972, and without ratification by the Common Council previous to July 1, 1972 the new contract can not take effect, leaving the City without any trash pick-up for an indefinite period of time.

Thank you for your consideration.

Sincerely,

Mary Lou Brown, President
Richard W. Fee
David Rogers

Councilman Towell indicated that he felt the letter from the Board of Public Works was an unnecessary admonition to do something that the Council planned to do anyway. Mr. Grodner explained that the Board intended no criticism of the Council, but only wanted to state their position publicly.

Councilman Towell stated that he felt this contract was not discriminatory against apartment dwellers, as had been charged, as they were covered by the contract if they will use proper cans.

RATIFICATION OF TRASH CONTRACT

Councilman Fix questioned whether or not ashes were allowed at the Land Fill. Mr. Grodner answered that the City's contract the the County allows the City to dump whatever it picks up.

The contract was ratified by a unanimous voice vote.

Clarence Irwin of Farm Bureau Insurance Company was present to remonstrate against the contract for health insurance entered into by the City with New York Life Insurance Company. He stated that he felt Farm Bureau's bid was lower on health insurance for the City and he felt his company offered more coverage at lower costs. He questioned why the city was spending \$3,500.00 that it did not need to spend.

REMONSTRANCES AND OBJECTIONS

Council President Zietlow appointed a committee from the Council to meet with the Board of Public Works to investigate the charge and report back to the Council. The Committee consists of Councilman Davis, Councilman Mizell. She asked that Howard Young also meet with them.

Councilman Behen moved that the meeting be adjourned. Councilman Ackerman seconded the motion. Passed by unanimous voice vote.

ADJOURNMENT.

Charlotte T. Zietlow
Charlotte T. Zietlow, President
Common Council

ATTEST:

Grace E. Johnson
Grace E. Johnson, Secretary

Councilman Towell appeared and he said the contract was not discriminatory against apartment dwellers, as had been charged, as they were covered by the contract if they will use proper cans.

Councilman Fix questioned whether or not ashes were allowed at the Land Fill.



CITY OF BLOOMINGTON

P O BOX 100, MUNICIPAL BLDG., BLOOMINGTON, INDIANA 47401

Board of Public Works

Phone 812/339-2261

June 21, 1972

Common Council
City of Bloomington
P. O. Box 100
Bloomington, Indiana 47401

Dear Councilmen:

The Board of Public Works of the City of Bloomington respectfully requests the Common Council of the City of Bloomington to remove from the table the proposed trash contract entered into by the Board of Public Works, acting on behalf of the City, with B & C Disposal, and ratify said contract.

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Thank you for your consideration.

Sincerely,

Mary Lou Brown
Mary Lou Brown, President

PRESIDENT, BOARD OF PUBLIC WORKS

Richard W. Fee
Richard W. Fee

David Rogers
David Rogers

BPW/gg

cc: Mayor Francis X. McCloskey

Indiana's Cultural, Educational and Recreational Center

RESOLUTION No. 72-35
June 22, 1972

BUDGET TRANSFER

"BE IT HEREBY RESOLVED by the Common Council of the City of Bloomington, Indiana, that the City Controller of said City may adjust the appropriations of the following budget, to-wit:

BOARD OF PUBLIC WORKS

FROM #262 Hydrant Rental	\$ 10,000.00
TO #263 Garbage Collection	\$10,000.00

Charlotte T. Zietlow
Charlotte T. Zietlow, President
Common Council, City of Bloomington

APPROVED:

Francis X. McCloskey
Francis X. McCloskey, Mayor
City of Bloomington, Indiana

ADOPTED: June 23, 1972