

In the Council Chamber of the Municipal Building, on Thursday, August 17, 1972, at 7:10 p.m., E.S.T., Council President Charlotte Zietlow, presiding.

REGULAR MEETING
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

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

ROLL CALL

Absent: Hubert Davis

James Register, Corporate Counsel;
Larry Owens, City Attorney; Martha Sims, Controller; Ted Najam, Assistant to the Mayor; Tim Rodenfield, Assistant to the Board of Public Works; George Walkenshaw, Director of Utilities; Danny Fulton, Director of Redevelopment; Bill Wilson, Director of Parks and Recreation; Harvard Clark, Assistant City Engineer; Grace Johnson, City Clerk; Carl Chambers, Chief of Police; Stuart Reller, Senior Planner; Steve Richardson, Assistant Planner.

CITY OFFICIALS PRESENT

About 150 people including members of the press.

OTHERS PRESENT

Councilman Morrison moved that Resolution so-called 72-43 be removed from the table. Councilman Towell seconded the motion. The motion was carried by a unanimous voice vote.

OLD BUSINESS

Councilman Morrison moved that the resolution be amended to read 72-45. Councilman De St. Croix seconded the motion and it was carried by a unanimous voice vote.

Resolution No. 72-45

Street Lighting

Councilman Morrison put on display a map prepared by the planning department, locating the 16 street lights proposed in the resolution.

Councilwoman Zietlow requested an explanation of the cluster of lights in one part of the City, with other lights located singly in other parts of the City. Councilman Morrison said that the cluster of lights are lights in the Dyer Hill Urban Renewal area which were taken out when the project was begun. He said that these lights finish up the Dyer Hill area. He identified the locations of the other proposed lights.

Councilwoman Zietlow asked how the locations of the proposed street lights outside of the urban renewal area were decided on. Councilman Morrison said that these lights were put in because people called in and requested them.

Councilwoman Zietlow said that she wanted to clarify the procedure for her constituents. Councilman Behen said that two years ago, he and his neighbors had petitioned the Council to have lights put in in a three-block stretch which had no lights and this was just now being taken care of. Councilman Morrison said that the normal procedure would be for residents to phone in requests or file petitions but that the funds for new lights for this year are just about all used up.

In response to a question from Councilman Ackerman, Councilman Morrison said that no federal funds were used to replace the lights in the Dyer Hill Urban Renewal Area. Councilman Morrison said that he thought the City would be in the same situation in the Miller Drive area if the NDP program is carried out. That is, the existing lights would have to come down and new ones put up when the project

is finished. Councilman Morrison said that he was not certain but that he thought that the Public Service Company had been paid for the loss incurred when the lights were taken down.

Councilman Mizell asked to have the other new street lights that the City has put in, throughout the City, indicated on the map for a future presentation. He said that he was interested in lights put in by the Corporate City, not just the present City Administration. Councilman Morrison said that this could be done and that he was in the process of having the City Planning Department indicate on these maps where there was ornamental lighting and where there is ordinary street lighting.

Councilman Mizell said he thought people ought to be able to see where existing street lights are and where the street lighting committee plans to put in additional lights in the future, etc., so that we can have an on-going program of street light replacement with the new lights. Councilman Morrison said that he agreed that this was a good idea.

The question was called.

Resolution No. 72-45 was adopted by a ROLL CALL VOTE of Ayes 8, Nays 0.

Councilman Morrison said that the Council will have to instruct the Clerk to send a letter to the Board of Public Works and Public Service. He said that Public Service would then send a contract back to the Board of Works and the Mayor. Councilman Morrison said that this letter has to go out, concerning the Council's approval of the street lighting resolution. Council President Zietlow instructed the Clerk to write this letter.

Councilman Towell moved that ordinance no. 72-55 be removed from the table. The motion was seconded by Councilman Morrison and carried by a unanimous voice vote.

Ordinance
No. 72-55

Re-Zoning

Councilman Towell moved that Ordinance No. 72-55 be adopted. Councilman Morrison seconded the motion.

(proposed
expansion of
Fountain Park
Apartments)

Ted Najam reported to the Council that the Mayor was not in attendance due to transportation problems delaying his return from Washington, D.C. He conveyed the Mayor's regrets to the Council and read the following statement from the Mayor:

"Although the Fountain Park rezoning decision is for the Council to make, I believe it is important that my position be clear. I wish to reiterate my commitment to planning. At the same time, I recognize that we are in a period of planning transition. An immediate resolution of all objections to this petition may not be possible. Any unresolved questions pertaining to the capacity of the sewage system and to the density of the apartment project will continue to be subject to the appropriate planning bodies. Therefore, after carefully weighing the facts of this particular situation, I recommend that the petition be approved. The matter has been thoroughly debated, and the people involved deserve a decision."

George Walkenshaw, Utilities Director, addressed the Council concerning the situation of the lift station that is being turned over to the City by Mr. Howard E. Young.

He reported that on August 7 and 8, he stationed a man at the lift station to time the pump operation. He reported that the result of this test, conducted during dry weather, was that maximum usage for any 15 minute period was approximately 20 percent of the nominal capacity of the lift station, which is 350 gallons per

minute, with one pump operating. He said that while wet weather flow could change this percentage requirement, it was hard for him to visualize this increasing to the point where the present lift station would not handle these two developments without modification. He added that at the point that the pump station does become overloaded at some future date, it is quite simple to change the pump sizing and the motor horse power.

Mr. Walkenshaw noted that while he had tested capacity with only one pump operating, the operating of two pumps would increase the head and decrease the efficiency of the station, so that horsepower would have to be increased. With the minor modifications of pump sizing and horsepower, Mr. Walkenshaw said that the station should run 500 to 600 gallons per minute.

In response to a question from Councilman Mizell, Mr. Walkenshaw said that when two 350-gallon-per-minute pumps were put on at the same time, you could not expect to get 700 gallons per minute due to the size of the forced main (6 inches) but that both pumps could be expected to operate at approximately 500 to 600 gallons per minute.

Mr. Walkenshaw said that the number of living units that could be serviced by this pump station depended on the maximum number of units that could be serviced during peak periods. He said that he was not familiar with the number of units presently being served by the pump station.

Councilman Mizell said that at the August 1, 1972, Board of Public Works meeting, an engineer said that in order to serve Meadow Park Apartments, Fountain Park I, Eastern Heights and Grandview Hills, there would have to be at least 600 gallons per minute capacity at the lift station. Mr. Walkenshaw said that this estimate of needed capacity and his information on present capacity and his information on present conditions of the lift station obviously were not in agreement.

Mr. Walkenshaw said that it was his educated opinion that the existing lift station, with minor modifications, could serve Meadow Park apartments, Eastern Heights, Grandview Hills, and both the existing and the proposed addition to Fountain Park apartments.

In response to a question from Councilman Ackerman, Mr. Walkenshaw said that if the area south of 10th street zoned R-3 were developed, he would not anticipate using this lift station but would use the existing gravity system. He said they did not want to pump any more sewage than necessary because it is an expensive operation. He said that the Daisy Garton addition could go south through an existing gravity main.

In response to a question from Councilman Mizell concerning the capacity of the lift station in a heavy rain when the storm sewers might spill over into the sanitary sewers, Mr. Walkenshaw said that he felt that the lift station could handle this situation.

Mr. Walkenshaw said that if the utilities department could chose, they would divert sewage to the north treatment plant, rather than relying on gravity flow to the south plant. But he said that it would be very expensive to do this. It would require construction of the first phase of the northeast interceptor and preliminary estimate is that the minimum cost would be \$250,000 to \$300,000. He said this would gravity onto a line on 17th street but this would also be limited in capacity. For ultimate future growth, the northeast interceptor will have to be constructed. Mr. Walkenshaw said that if there is development to the northeast of the City as he has heard it predicted, this interceptor will have to be constructed.

In response to a question from Councilman Ackerman, Mr. Walkenshaw said that on the 7th and 8th of August, he was measuring peak 15-minute usage periods, as it is the peak period usage that determines the total capacity of the system.

Mr. Walkenshaw said that since the meter has not arrived yet, they cannot make exact measurements of how much is going through the lift station; all they can do at this point is time the pump station how long it is on and at what times of the day. The pump should arrive the first of the month.

In response to a question from Councilman Mizell, Mr. Walkenshaw said that the petitioner's engineer's figures were estimates and that the Council was thus being asked to make a decision on the basis of two differend, "educated guesses".

In response to a question from Councilman Fix, Mr. Walkenshaw said that at this time it is not financially possible for the utilities department to put trunk lines out to the north treatment plant. He said that if a demand were created, around 3 million gallons a day, then a complete northeast interceptor would be justified and could be financed.

Councilman Fix asked if, with the overloaded condition of the south treatment plant, it would be possible at this time to justify the construction of the northeast interceptor. Mr. Walkenshaw replied that it would not be feasible to build this line at this time, due to the present usage. He said that there is some modification that has to be made at the south treatment plant in any event and the area to be served does not justify at this time building a northeast interceptor.

Councilman Mizell quoted an April 1972 newspaper article that said that sewer and water approval for a new apartment project on east tenth street to be constructed by Howard E. Young was approved by the Board of Public Works. Councilman Mizell said that the property described in the article is the Leon Young farm; he asked Mr. Walkenshaw how he would anticipate serving this development. Mr. Walkenshaw said that the Leon Young farm would be the start of the northeast interceptor.

Councilman Mizell then asked Mr. Walkenshaw whether he intended to provide sewer service to Fountain Park II, which had not officially applied for sewer and water, before servicing the Leon Young farm development which had been approved for sewer service. Mr. Walkenshaw said that he was saying that the present lift station would handle, with modifications, Fountain Park I and II, Eastern Heights, Grandview Hills, and Meadow Park. Mr. Walkenshaw said that he was not aware that further development was being planned but that if there was further development in that area at this time it would possibly be less expensive to construct the first part of the northeast interceptor because there is an operational cost involved in the lift stations. Councilman Mizell said that he was concerned by a statement that Mr. Grodner made which indicated that there had been no official action on the Fountain Park II addition by the Board of Works but there had been official action on the Leon Young farm. Mr. Walkenshaw said that he was not aware that action had been taken.

In response to a question from Councilwoman Zietlow, Councilman Mizell said he thought the Leon Young farm was still zoned R-1. Councilman Mizell referred the Council to a statement made by Geoff Grodner on page 14 of the minutes of the previous Council meeting.

Councilman Mizell asked Mr. Howard E. Young what he intended to use the Leon Young farm property for. Frank Barnhart, attorney for Howard E. Young addressed the Council. He said that Mr. Young did investigate the possibilities of developing the Leon Young farm and as the first stage of that did go to the Board of Works to inquire about available sewer capacity and whether he would be allowed to use the pressure line and pump station of Fountain Park to service the Leon Young farm. He was advised that it would probably be possible in what he, Mr. Barnhart, thought would be an informal, affirmative answer, not a final binding answer because the plans are not prepared. Since that time, Mr. Barnhart said, the Leon Young project has been dropped by Mr. Howard E. Young, and it is not a matter of issue. Mr. Barnhart said: there are no plans for the Leon Young project by this petitioner or, so far as they know, by any other petitioner.

Councilman Fix asked if Mr. Howard E. Young was willing to relinquish any rights he may have to the prior action. Mr. Howard E. Young responded: "You can have them all."

In response to a question from Councilman Ackerman concerning ownership of the Leon Young property, Mr. Barnhart said that Mr. Young had an option on the property at the time he carried out preliminary investigation concerning servicing the property.

Tim Hodenfield, Aide to the Board of Works, said that the Board's approval of the Leon Young property was subject to further consideration by the planning and engineering departments; the Board of Work's approval was contingent upon approval of these other departments.

Councilman Mizell said that before the Plan Commission can approve a project, they require information as to whether or not the City can really serve the area adequately with sewer, water, and other utilities. He said that the Plan Commission, in acting on the rezoning of the Alexander farm from R-1 to R-3 had been assured that sewer and water were available and would be no problem; however, it now appears that the petitioner had not requested permission to hook on to the existing sewer before presenting the petition to the plan commission so that perhaps the plan commission was operating under a lack of information when it approved the rezoning. Councilman Mizell said that this is why there is a representative of the Board of Works on the Plan Commission - to provide this kind of input. He said that though the commission was assured at the time that there was adequate sewer capacity, it now appears that the only information available is two "educated guesses" and no real evidence that sewer capacity does exist.

In response to a question from Councilman Fix, Mr. Barnhart briefly reviewed the project. (see the pre-hearing statement submitted to the plan commission and included in the minutes of the previous council meeting.) Mr. Barnhart disagreed with Councilman Mizell's statement that the evidence presented by Mr. Young's engineer is simply an "educated guess". He said that when the measuring (as carried out by Mr. Walkenshaw) showed the pump station operating at 20% capacity, he did not see how there could be serious question as to the capacity to carry additional units.

Mr. Barnhart said that the Cantex Corporation, who constructed the pump station, said that the capacity of the station can be raised to 700 gallons per minute by doubling the pumping capacity and using the existing 6 inch forced main. They also said that as the horsepower is increased, the head pressure is increased and therefore the efficiency of the motors is decreased. They said it would be feasible to go beyond 700 gallons per minute with the physical structure of the station but that it would not be feasible without reducing the head pressure, which would require installing a six inch forced line, parallel to the existing one; then the capacity might well be in the position of being quadrupled, which would bring the station to 20 times its present usage at peak capacity.

In response to a question from Councilwoman Zietlow, Mr. Barnhart said the sidewalks would be city standard: 5 feet wide.

Councilman Towell said that as a non-professional he was disturbed by the difference between 500 and 600, and 600 and 700 gallons per minute that have been presented to the Council. He also said that he was wary of Mr. Walkenshaw's test as it was conducted under very favorable conditions.

Mr. Barnhart said that in Mr. Young's apartments, there is no roof drainage or backyard drainage going into the sewer system.

In response to a question from Councilman Ackerman, Mr. Barnhart said that at present there are 307 Meadow Park units, 225 Fountain Park I units, and about 12 other connections on the lift station, a total of 544 units. Mr. Barnhart said that his estimate was about 100 units for eastern heights to hook on and 85 for grandview hills.

Councilman Ackerman asked what would happen to the land if it were rezoned to R-3 and Mr. Young then decided not to exercise his option and someone else were to develop it. Councilman Ackerman noted that Mr. Young has submitted plans to develop 312 units, at a density of about 17 units per acre; Mr. Barnhart said they would bind themselves to that figure in anyway the Council requests. He added that no more units could be constructed on the property than the Plan Commission would permit. He noted that the way the

present ordinance is written density is not controlled, percentage of land coverage is. Mr. Barnhart said that Mr. Young is planning two-storey units at a total of 312 units. He said that if the Council approves the rezoning, they will be back to the Plan Commission with a neighborhood development unit as rapidly as they can prepare the petition and it will show 312 units, no more. He said that they were willing to bind themselves in any way that that is a maximum figure.

Councilman Ackerman asked if they could get the advice of the City Attorney as to how this should best be put into writing. Councilman Fix said that he would also like to know what guarantees there are on the 312 unit limit if the petitioner doesn't develop the land and someone else does after it has been rezoned. Councilwoman Zietlow said that once the land has been rezoned, it would be free for whatever development is permitted under the R-3 classification, though it would have to have final approval from the Plan Commission before any construction could begin. She said that there is no limitation on density under the present zoning ordinance. Councilman Mizell said that it was essentially a limit based on the number of parking spaces that could be provided since the ratio of parking spaces to apartment units is specified.

Mr. Register, Corporate Counsel, said that since Mr. Young does not own the land but has an option on it, the City could write a contract with Mr. Young and with the present owner of the land concerning the development of the land, but that if the land were rezoned to R-3 and then sold to another individual for development, the land could only be governed by the requirements of R-3 zoning.

Mr. Barnhart said that the Plan Commission has the final approval and could turn down a neighborhood development unit on that basis that it was too dense for sewers, too dense for streets, too dense for the character of the neighborhood and would change the character of the neighborhood.

Councilman Towell asked whether the plans for Phase I had all been carried out. He said he understood that tennis courts, a swimming pool and stop signs were planned in phase I but had not been built; and a promise had been made before the Plan Commission of building sidewalks.

Mr. Barnhart said that he knew of nothing that was a part of the project that has not been furnished; he said he has never seen a stop sign in a neighborhood development unit; Mr. Young said that there were no tennis courts planned in Phase I.

In response to a question from Councilman Fix, Mr. Barnhart explained that in Phase II, two areas were planned for recreation per se, and several others were planned as open areas that could be used for recreation. He noted that one of these was planned as recreation for the present and could be used for an extension of 17th street if such an extension should be constructed in the future. He said they wanted to leave this area open so that, in the event an extension of 17th street is planned, there would not be a building in the way. He said that the recreation area running across the front of the property, with a depth of 170 feet, was measured from the existing right of way on tenth street and does not take into account where the right of way would be should tenth street be widened. Mr. Howard Young confirmed that this measurement was made from the existing right of way.

Councilman Ackerman asked whether the planned unit development would assure 15 or 16 units per acre. Steve Richardson, speaking for the planning department, said they figured that under the PUD ordinance this area would be zoned RH which would have a maximum density of 16.2 units per acre.

Mr. Richardson said that there was flexibility under PUD to permit varying density. In response to a question from Councilman Fix concerning the mechanics of the proposed PUD ordinance, Mr. Richardson said that under PUD the Plan Commission could site the buildings and bargain with other kinds of development such as requiring open space. He said that with a PUD, with a project such as the one in question, it would be possible to get a higher density.

Councilman Mizell said that under a PUD, the Plan Commission could have a say in the siting of buildings and in ensuring that area is reserved for recreation use and that open spaces are reserved. He said the developer would benefit from the PUD ordinance by being able to achieve higher densities than presently allowable and to cluster the buildings which will be a saving in terms of putting in streets and utilities.

Councilman Mizell asked when the PUD ordinance would be ready. Mr. Richardson said that a work session is scheduled for Monday, August 21, for the Plan Commission, with a public hearing scheduled for Wednesday, September 6. The Council could then have the first reading at its meeting on Thursday, September 7, with the second reading on Thursday, September 21. Councilman Mizell said that the Plan Commission has instructed the planning department to advertise the public hearing and that all other advertising requirements for the PUD ordinance would be the same as for all other ordinances coming before Council.

Councilman Ackerman asked Mr. Barnhart whether the petitioner would consider a PUD program with the property zoned at an R-2 level since this would maintain the same level of density presently proposed. Mr. Barnhart said that he has not read the text of the proposed ordinance but what is being talked about is exactly what Mr. Young intends to do; he intends to come back in with his 312 units as a neighborhood development.

He said that Mr. Young will be bringing in a neighborhood development unit which, as he, Mr. Barnhart, understands the PUD proposal, follows the PUD proposal almost identically.

Councilwoman Zietlow asked if Mr. Barnhart had information on how much open space, not including parking, was planned in the addition to Fountain Park. Mr. Barnhart said that under the old ordinance Mr. Young's open space area was significantly (like 200-250%) in excess of the minimum requirement. Mr. Barnhart said that if parking is taken out of that to comply with the new definition of open space, he feels that Mr. Young would still be above the minimum requirement for open space.

Councilman Mizell said that the reason the Plan Commission is advancing the PUD is because the neighborhood unit development ordinance currently in force does not give the City any of the safeguards the PUD would. He said a case in point is the development on North Walnut where the City could not insist that green space be inserted in the project. He said the financial institution financing the construction insisted that there be about 400 parking spaces for a 200 unit apartment complex because it will be used largely by students, but the Plan Commission could not insist on green space. What the neighborhood development unit does is to permit the developer to put a number of buildings on one tract of land without having to subdivide it for the number of buildings he wants to place on the land.

In response to a question from Councilman Fix concerning the desirability of having this particular project handled as a PUD, Mr. Richardson said that the planning department has not considered the project in terms of the proposed PUD requirements.

In response to a request from Councilwoman Zietlow concerning the planning department's recommendations, Mr. Richardson reiterated, for those present, Mr. Crossman's statement in favor of the rezoning which is included on page 10 of the minutes of the previous Council meeting.

Councilman Towell said that it seemed that the Council could give essentially what the developer wants with a PUD, and that this is what the neighborhood people have been asking for and in light of all the other advantages that have been mentioned he moved that the Council send Ordinance No. 72-55 to the Plan Commission to be considered under an R-2 with a PUD. Councilman Mizell seconded the motion.

Councilman Towell said that the Council could not vote on the ordinance without necessitating a year's delay so that this would constitute a motion to table.

Councilwoman Zietlow said that if the Council could get the assurances that the project would be developed in a manner that would reflect the PUD requirements that there would not be a need to table the ordinance.

Councilman Towell said that he was not sure that there was any hardship involved in tabling and sending the ordinance to the Plan Commission. He said he would like to see the PUD used and that he thought Mr. Young was a developer admirably qualified to do this.

Councilman Ackerman said that he did not think that the Council had any assurances that it would be developed as a PUD. He said he thought the only assurance the Council had at this point is that it will be held to 312 units. He said that as he understood it, PUD does require more open space than the given neighborhood development. Councilman Ackerman asked for clarification of the statement made by Frank Barnhart that if PUD does get passed, that automatically what the Council does at this Council Meeting would be subject to the requirements of PUD.

Mr. Barnhart said that they intend to follow the spirit of the neighborhood development and PUD and the spirit of PUD is already upon the Plan Commission and has been for some time because there have been things done. Mr. Barnhart said that the case Mr. Mizell cited of a project not following these guidelines is in a different part of the City and is entirely foreign to the project proposed by Mr. Young. He said the rationale of North Walnut Street does not apply to East Tenth Street; North Walnut Street is surrounded by a motel and a restaurant, a gas station and a quick-service restaurant, etc. He said that Tenth Street is different and the housing is different.

Mr. Barnhart questioned where the Council got the power to send an ordinance back to the Plan Commission to be considered under a law that does not exist.

Mr. Barnhart said that the law that applies when they come back to file a new petition is the one that applies; if the Council passes the PUD ordinance before they come back to the Plan Commission in October, they're with it; if not, Mr. Barnhart said they were willing to give the Council their agreement, in any way that the Council wishes it, to assure that they will do that.

Councilwoman Zietlow questioned whether Councilman Towell's motion to table and send the ordinance back to the Plan Commission was in order. Mr. Harold Lindman said that if, as he suspected, there was nothing specific in Council procedures to cover this contingency, the Council should follow Robert's Rules of Order.

Mr. Ira Zinmann, attorney for the neighborhood associations, cited Indiana Burns Statutes 53-761 concerning consideration of the tentative report of the Plan Commission. Mr. Richardson said that this law was quoted out of context and that what the Council has before it is the final report of the Plan Commission; the ordinance is the result of the final decision of the Plan Commission.

Mr. Zinmann said that if a final report of the Plan Commission had been submitted to the Council it should also have been made available to the public for written objection. Council president Zietlow said that this is the first time this question has been raised as to whether the ordinance presented to the Council by the Planning Department as a result of action taken by the Plan Commission constituted the final report of the Plan Commission. She said that this then questions the total procedures of the Plan Commission through its existence to this time, because this is the order of procedure that has been followed up to this point.

Councilman Mizell said that in his opinion the assumption of the Plan Commission has been that presentation of an ordinance constitutes filing of a final report.

Mr. Richardson said that the planning staff has filed a number of reports and letters concerning ordinance no 72-55 with the Council and has made the minutes of the plan commission meetings available to the public.

Councilman Mizell said that the Plan Commission took a vote but that he could not say whether this would constitute a final report, as such or not.

Councilwoman Zietlow asked for an opinion from the legal department as to whether the recommendation of the Plan Commission after their vote constitutes a final report or not; is the Council acting on the basis of a final report or a tentative report?

Mr. Register, Corporate Counsel, said that it was the opinion of the legal department that the Plan Commission has approved the rezoning and sent it to the Council in ordinance form and that is what the Council is considering now. Mr. Register said that according to Burns Statutes, the Council could reject or amend the ordinance, and that, if either such action is taken, the ordinance shall be returned to the Plan Commission for further consideration with a written statement of the reasons for its rejection or amendment. Mr. Register said that the Council has before it an ordinance for final action of some kind, action which can include returning it to the Plan Commission with suggestions for amendment.

In response to a question from Councilman Towell, Mr. Register said the position of the legal department is that the PUD ordinance has not been passed and that the Council, at this time, is acting only under existing ordinances. He said that any ordinances passed in the future would not in any sense attach to and govern the actions of the Council at this time. He did not agree with a statement made earlier by Mr. Barnhart that if the PUD ordinance is passed before they come back to the Plan Commission for approval of the project plans, they would then come under the provisions of the PUD ordinance.

Councilman Ackerman said that while legally this ordinance would not be subject to a future PUD ordinance that he thought Mr. Barnhart said the spirit of PUD is in effect in this plan and that this would be taken into account as it is returned to the Plan Commission.

Mr. Barnhart referred to the Codification of the Planning Laws of the State of Indiana, specifically the procedure for amending the master plan (the zoning ordinance constitutes an amendment to the master plan), 53-742, which states that the procedures to be followed are those set forth in 737, 738, 739, 740, and 741, which clearly anticipates that there will be reports back and forth between the Council and the legislative committee (the plan commission), while the procedures referred to in section 742 do not anticipate this kind of activity, which involves tentative reports.

Councilman Towell raised a point of order when the Council resumed business after a five minute break. He said that, as he understood the legal instructions he had received during the break, the correct procedure, if the Council wishes to send the ordinance back to the Plan Commission, would be to ask the Plan Commission to prepare an amendment which would bring the ordinance under the new provisions which the Council would hope would be enacted. Councilman Towell said, in response to the argument that the PUD ordinance does not yet exist, that neither does the proposed amendment and that it can be properly formulated when there is a PUD ordinance.

Councilman Towell and Councilman Mizell withdrew their motion to table and send the ordinance back to the Plan Commission.

Councilman Towell moved that Ordinance No. 72-55 be sent back to the Plan Commission with instructions to prepare an appropriate amendment and to bring this zoning matter in with an R-2 designation (if the Plan Commission passes such an amendment) under PUD of the new ordinance.

Councilman Mizell seconded the motion.

Councilman Towell spoke in defense of the Motion. He said that the PUD is the essential part of what many of the councilmembers ran for office on; it incorporates planning principles which all councilmembers hoped to see brought to fruition long before this, and it offers opportunities for both the developer and the community which he would like to see realized; opportunities for clustering buildings and saving on utilities, to have real green space and open space and to have more control to see that these things are done for the present generation and for future generations in Bloomington. He said that it is the absence of these things in the laws that have led to the kind of development Bloomington has had in the last eight years. He said that, given the resources of the City, which are all too meager, in bringing about the kind of City we want, we have to direct the investment of private capital in the direction of the kind of City we want. He said he thought the new PUD provision of the zoning ordinance is the most important step the City can make in that direction. He said that he did not feel this would be a significant extension of the time involved in approval for the developer. He reiterated his earlier statement that the PUD is what the residents of the area seem to want and that, on matters of substance, both sides of the argument are in agreement, and that on matters of procedure the Council can please the residents and the developer.

Mr. Barnhart spoke against the motion. He said that Mr. Young has already invested a great deal of time and money in this rezoning and asked that the Council not defer action at this time. He said he thought that most of the developers support the concept of PUD and that Mr. Young's project and his attitude toward development support that type of development. Mr. Barnhart said that Mr. Young's proposed Fountain Park II development is that type of development. He said that the density of the proposed Fountain Park II is the density of the PUD development. He said that they were willing to put this in to any form that the Council desired to assure that the density of 312 units on the property in question would not be exceeded.

He said that if the Council postpones action on the rezoning request until public hearings have been held on the PUD ordinance, they would be in danger of losing their loan commitment. He said that the density proposed by Mr. Young was not the density desired by the neighborhood residents. He said he did not see what the difference was between making the project 16 units per acre on an R-3 multiple housing zone or sending it back to have it prepared as 16 units per acres on an R-2 PUD. He said, in his opinion, it would only mean more delay. He said that everytime the decision is put off, another legal issue is raised and as one issue is proven wrong, another is raised and then proven wrong.

Mr. Barnhart said that they were willing to, at this time, comply with the spirit of the proposed PUD ordinance eventhough they are not legally required to do so but that the developer cannot keep his avenues of finance open and cannot keep his project going if he has to go through four and five months, with two and three long meetins and hearings a month to get a project through.

He said that he had contacted two out of state developers who would have been quite capable of buying the property at Kirkwood and Dunn but that their response was they did not want to come to Bloomington where it takes so long to get projects approved.

Mr. Barnhart said that he felt Mr. Young should have an answer, either yes or no, at this time.

Councilman Mizell said that the Plan Commission has many times heard the argument that time is of the essence and money is being lost when the decisions necessary for a project to be implemented are delayed. He said that the commission heard this argument in March in reference to a project on Winslow Road and that he has yet to see any dirt turned on the site. He also said that the petitioner started work on Fountain Park I in the fall of 1968 and that at that time he had permits to build 348 units and at the present time he still has 120 of these units left to build. Councilman Behen said that time is of the essence oftentimes when you're dealing with financing programs that have to be done on

a long range basis; eventhough the first spadeful of dirt has not been turned doesn't mean there isn't work being done.

Mr. Harold Lindman addressed the Council, speaking against the proposed rezoning. He said that he did not think that there were any legal teeth in the neighborhood development program but that as he understood the proposed new ordinance there would be in PUD. He said that questions had been raised as to whether or not Mr. Young had carried out all of the details of his original plan for Fountain Park I and that they had not been able to answer them since the planning department does not seem to have any of the documents relating to the project. He said the residents of the area do have some reservations about R-2 under the PUD but that he thought they would accept the recommendation for the PUD at least in principle because it seems to them that everything that has gone on so far has pointed up more and more clearly that under the so-called neighborhood development plan there is no planning that they can see; there has been no gathering of hard, fast data to speak of that the residents have not gathered. He cited the manual metering of the lift station that was admittedly done on dry days when a great many of the renters are likely to have been on vacation.

In addition, Mr. Lindman said he questioned whether, if sewer service was not provided for the proposed expansion of Fountain Park, why there would not be adequate capacity to service either the Leon Young property or the University Hills Developments since he did not think it would be possible to put any where near 300 single family homes on that property, i.e., a lesser number than the number of apartment units proposed for the expansion of Fountain Park. Mr. Lindman said he thought there was a discrepancy between the planning department's statement that the gully east of the proposed Fountain Park II is a natural boundary to limit R-3 development and the statement of the Board of Works that if there was further development to the northeast this would generate 3 million gallons of sewage per day which would be sufficient to warrant construction of the northeast interceptor. Mr. Lindman said he did not see how this 3 million gallons per day could be generated unless further multi-family development were anticipated to the east of the gully. He said he thought this kind of discrepancy should be cleared up.

Mr. Lindman said that as he reads the map there are three sinkholes on the site of the proposed extension of Fountain Park apartments and he would like an expert's opinion on the advisability of development, given the sinkholes and their possible contribution to drainage problems. He said he did not think that this question had been addressed.

Mr. Richardson said that the technical advisory committee has reviewed the proposed expansion of Fountain Park and the recommendations of that committee were incorporated into the recommendations of the planning staff.

In response to a question from Councilman Ackerman, Mr. Richardson said that if ordinance no. 72-55 is approved at this Council meeting, the project would get back to the plan commission the first Tuesday in October for action on the project plan. Under PUD, Mr. Richardson said, it would take at least two months for the action required by the Plan Commission, plus whatever time it takes to get through the Council.

In response to a question from Councilman Behen, Mr. Richardson said that if the ordinance is sent back to the Plan Commission at this time, with a request that it be revised to fall under the PUD program, that would in effect require the petitioner to begin the process all over again.

Councilman De St. Croix said that he thought the question before the Council is clearly an involved one; this Council is committed to planning and to that end the City has hired some very skilled, capable and qualified city planners, utilities directors, and city engineer. He said he felt the Council had received expert testimony from these people and others and at this point the Council has spent close to six hours on this issue. He said he thought the role of the Council is to protect the rights of all citizens involved in an issue of this nature, to ensure that a decision made by the Plan

Commission or other body of the city government is neither capricious nor arbitrary and that all the facts are heard and presented and that a fair and equitable decision is reached. He said that he thought enough testimony had been given and enough information passed and that for the Council to duck the issue by referring it to the Plan Commission to amend is not speaking to the Council's responsibility to make decisions. He said he therefore was speaking against the motion and that it was for the Council to decide yes or no, as to whether or not it chooses to go along with the rezoning which was requested.

Councilwoman Zietlow suggested that perhaps, instead of sending the ordinance back to the Plan Commission, they could incorporate into writing the kinds of things the Council would like out of the PUD at this time, with a pledge from the developer. Councilman Towell had said that he had considered this but that some of the advantages of the PUD, such as the clustering of buildings are actually illegal under the existing ordinance. In response to a question from Councilwoman Zietlow, Councilman Towell said that the Council has not had any expert opinion stipulating just what would be covered under PUD and whether or not the present plans could be acceptable under PUD.

Councilman Towell said that he was under the impression that if the Council sent the ordinance back to the Plan Commission it would not be requiring the petitioner to start at the beginning again. Mr. Register said that it was his opinion that it is legally impossible for the Council to send the ordinance back to the Plan Commission with instructions that it be revised in light of an ordinance that has not yet been passed. Mr. Register added that if the Council does send the ordinance back and the PUD ordinance is passed, it will mean that the petitioner will have to file a whole new petition.

In response to a question from Councilwoman Zeitlow, Mr. Register said that the Council cannot amend ordinance 72-55 at this point. Councilman Towell said that as he understood the situation, the Council can act on zoning only as it is described under the present law, and that any other agreement has to be apart from that. He said that if the Council knows of such an agreement that can be part of the reason why the Council would pass on the rezoning.

Councilman Ackerman said that it was his opinion that Mr. Barnhart has already agreed to commit himself to making some sort of legal pledge that maybe the attorneys could work out this evening as a basis for the Council passing the ordinance. Councilman Ackerman said that the Council is being asked to vote for an R-3 with a neighborhood development program and that Mr. Barnhart has said that this is virtually the same thing as a PUD with an R-2 zoning and that there is little conflict right now with what the petitioner intends to do with this. Councilman Ackerman said he thought Mr. Richardson and the attorneys could get together to work out some sort of agreement that would bind the developer to that.

Mr. Barnhart said that he has made certain statements during the meeting which he reiterated: "Our statement is that we will produce a neighborhood development unit which we think will adequately satisfy your open space requirements; that it will not contain more than 312 units, and with the exception of some minor changes that might have to be made by engineers or might be recommended by your technical committee, as to how buildings be located or exactly what angle the curb would have in it, and so on and so forth, Mr. Young and I will come down and sign your minutes and in the interim that is just a holding method, because obviously it's going to still be being heard in October before the Plan Commission and the Board of Zoning Appeals - that would just be a holding thing for the next week or two and in the meantime we will get together with Mr. Register; if there is some legal way that needs to be written out - I don't see why, we've made representations here and the City could sue us for fraud, which I don't expect to happen because there won't be any occasion to do it."

In response to a question from Mr. Barnhart, Mr. Young said that: "Yes, he was willing to sign the minutes of this Council that says that he will build 312 units on the 18 acres, basically on the concept he has presented as a neighborhood development plan." He said he was willing to sign those parts of the minutes pertinent to ordinance no. 72-55.

Mr. Young said that all he was asking for was a yes or no vote and that he hoped it would be at this Council meeting. He said they did not care to go back to the Plan Commission because of time and expense involved.

Councilman Mizell said that PUD contains specific requirements for common recreational space, specific requirements for common open space, for common green space, for buffering between adjacent properties, for the handling of traffic within a development unit, and for parking facilities to be broken up and not to have continuous asphalt parking. He said that these things are not included in the neighborhood development plan, under which the City is currently operating. Councilman Ackerman said that while these things may not be required, all of the things Councilman Mizell mentioned can be included in the development plan. Councilman Mizell said that they can be included in a neighborhood development unit and they would be required under a PUD. He said they can be included in the plan presented by the petitioner, though at the present time they are not.

Councilman De St. Croix said that while the discussion of PUD was enlightening, it was not, as advised by the legal counsel pertinent, since the PUD ordinance had not been enacted, and he therefore requested that the Council deal with the question before it - whether or not to approve the rezoning request.

Councilman Mizell said that as he understood what the Corporate Counsel advised, the Council can accept the ordinance, reject it or send it back to the Plan Commission for amendment. Mr. Register confirmed that this is the case. Councilman Mizell said that as he understood it, Councilman Towell's motion was to send the ordinance back to the plan commission for amendment.

Mr. Register said that the Council cannot rewrite the ordinance to conform to some contemplated, new zoning ordinance that has not yet been passed. Councilman Mizell said that the Council could ask the plan commission to amend the petition to include those points the Council finds desirable.

Councilman Ackerman said that he would vote against the motion to return the ordinance to the Plan Commission if he could get some assurance that the agreement that the petitioner will sign will fulfill the requirements of PUD. Councilman Ackerman asked if Mr. Young was willing to sign such an agreement. Mr. Barnhart said that there was no way they could sign an agreement of this nature since there is no way of knowing just what will be passed when the Council acts on the proposed PUD ordinance. Mr. Barnhart said that the Council now has in its files the plan which has generous open space, tennis courts, undeveloped areas, and other recreation facilities far in excess of the present requirements. He said he thought this would probably satisfy the PUD requirements but that there was no way of saying for sure since the PUD ordinance had not been acted on yet and was only at this point, study committee work. Mr. Barnhart said that what they were saying is that they will not go in excess of 312 units, that when they come back with the neighborhood development plan, it will contain the features listed in the pre-hearing statement. He said it is not dormitory development; it is young family apartment development that takes into account that these are people who do want adequate open space. He said it is a first class apartment complex and that they feel it will satisfy any reasonable requirements, which it will have to in order to get through the Plan Commission again. He said that if the Council sends the ordinance back to the Plan Commission it will probably be at least 5 months before final approval of the project.

Mr. Stuart Reller, Senior Planner, said that if the Council wished, the planning staff could review the Howard Young proposal in light of the quantifiable elements of the PUD proposal as it now stands, and get a determination to the Council and the Plan Commission as to whether or not, in the opinion of the Planning staff, the proposal meets the spirit of the proposed PUD ordinance.

Councilman Towell said that he thought it would be impossible to put the present project plan into a PUD and meet the proposed requirements for building location. He said he doubted that the quantitative determinations of percentages of open space and

recreation space would answer his questions. Councilman Towell said that two projects with the same percentage of open space could give entirely different impressions because of the locations of the buildings and the open space. He said he did not think there would be any point in delaying action for such a measuring.

Mr. Lindman addressed the Council. He said that whatever action the Council takes, the neighborhood residents who had hired a lawyer, could only lose. He questioned the severity of a 5 or 10 month delay for the developer when what is in question is development that others will have to live with for a lifetime.

A member of the audience addressed the Council, saying that she was concerned with the state of the road even though she does not live in that area.

Bill Brown addressed the Council, speaking to a comment made by Councilman Mizell, concerning the Winslow Road project. He said that the reason for the delay on that project is that it took 8 months to get PUD approval, and that after 8 months, the contractor withdrew the original price for building the project because, with 8 months delay, construction costs went up, and he could no longer afford to live with that commitment. He said the project builders are now in the process of getting new bids.

Councilman Mizell said that the present plan commission did in three months what had dragged on in the previous plan commission for a year with no action.

Councilman De St. Croix asked Councilman Mizell whether or not the plan commission had considered this project in light of the PUD concept and if not, why not and, if the plan commission did not, why should the Council do so? Councilman Mizell said that since the plan commission has been considering the PUD proposal, that this was in their minds as they considered the project. He said that he felt the City would be better served if this land were treated under PUD than under neighborhood development. He said that if the Council sends the ordinance back to the plan commission, it would be treated as a special request of the Council and he did not anticipate that it would have to go through the entire process again, but that the plan commission would and could react immediately to the petition and study the plans in light of the proposed PUD ordinance and make a recommendation back to the Council on an amended petition.

Councilwoman Zietlow said that as she understood it, after a written request from the Council, the plan commission would have to get a report back to the Council within 60 days.

Councilman Mizell said that the current neighborhood development ordinance does not require green space but that if the Council were to instruct the plan commission to amend the petition along the lines of the proposed PUD ordinance, the plan commission could do this. However, since the ordinance has not been passed, the plan commission could not so amend the petition without instruction from Council. Mr. Barnhart said that he did not think a law existed which would permit this to be done. Councilman Mizell said that the plat map which accompanies the rezoning ordinance could be drawn to conform to the requirements of PUD. Mr. Barnhart said that this is not an accurate statement of the law.

Councilman Behen moved the previous question (to close debate on Councilman Towell's motion). The motion was seconded by Councilman De St. Croix and carried by a ROLL CALL VOTE of Ayes 6, Nays 2 (Nays: Towell, Mizell)

The question was called. The motion to refer the ordinance back to the Plan Commission was defeated by a ROLL CALL VOTE of Ayes 3, Nays 5 (Ayes: Towell, Mizell, Ackerman).

In response to a question from Councilwoman Zietlow concerning the streets in the area, Mr. Richardson said that this information is included in the staff report on the project. Councilwoman Zietlow said that as she remembered, it was the opinion of Tom Crossman, the planning director, that 10th Street will not be taxed much more by traffic from these apartments because the kind of person who will be renting these apartments will not all be traveling at the same times - the use of the road by these people will be spread out over the day.

Mrs. Marie Harlan addressed the council. She said that whether the project is developed as a neighborhood development unit or a PUD, the amount of traffic generated will be the same, and there is not likely to be any work done on the road before 1981 or 1982. She said that she thought the PUD concept was an exciting idea. She said she thought the residents would be willing to try something new, to go along with a PUD development, if there was assurance that the Council was going to protect their interests through planning. She said they were in favor of PUD because it would be enforceable, and that the residents in saying this have come more than half way in trying to resolve the present conflict.

Councilman Towell moved that Ordinance no. 72-55 be tabled. Councilman Mizell seconded the motion. Councilman Towell said that his reasoning was that, if the Council wished to, it could wait for PUD.

Councilman De St. Croix spoke against the motion, saying that by tabling the ordinance and not making a decision at this meeting, the Council would not be serving the interests of either the developer or the residents of the area. He said that the Council has thus far spent six hours on this issue and that the time to decide was at this meeting.

Councilman Mizell said that this motion would be making a decision for good planning. He said the Plan Commission has been operating under instructions from the Council to prepare an ordinance which will in fact exercise the points discussed during the campaign last year, and that this ordinance is now ready to be presented at public hearings. He said that this ordinance is something the public has asked for and that the Council has promised it would provide.

Councilwoman Zietlow said that to say that voting for or against Ordinance No. 72-55 is a vote for or against good planning is a value judgement, which is another question for debate.

Councilman De St. Croix said that he does not disagree with the mandate that the Council has received for planning but that he does not think that good planning is going to begin or end with this one decision. He said that if the Council wants this project to come under PUD it should then reject this petition and indicate to the developer that the Council wants him to come back with a proposal when the PUD ordinance has been passed. Councilman Ackerman said that if the Council rejects the petition, then the petitioner must wait another year before coming back under another program. Councilman Mizell said that the question of zoning changes applies to the land, regardless of who the developer is, so that a rejection of rezoning of the property in question would mean a full year's delay, while a motion to table until the PUD ordinance is passed would mean a much shorter delay.

Councilman Fix said that most of the discussion has been whether to rezone Howard Young or not and little attention has been paid to the question of rezoning the 18 acres of land. He said that he hoped that the old concept of zoning which zoned a man instead of the land is dying at this Council meeting. He said it was dying a pretty hard death but that he hoped this would be the last time the council goes through this process of trying to vote on zoning on outmoded data and determinations. He said he thought the discussion of the last three hours had been worthwhile because he hoped it was the end of an era in Bloomington. He said that because of this he thought they could go into a PUD that would be a working relationship between the developer and the City and which will have a lasting effect to the good of everybody. He said that he felt that tabling Ordinance no. 72-55 would be to the interest of everybody and of planning.

Councilman Towell said that he was not opposed to the apartments on the proposed site and he said he thought he would eventually vote for the project but that he would like to see it done well. He said he thought it would be in the best interests of everyone to table the ordinance.

Councilman Towell moved the previous question (to close debate on the motion to table). The motion was seconded by Councilman De St. Croix. THE MOTION WAS CARRIED BY A ROLL CALL VOTE of Ayes 7, Nays 1 (Nay: Ackerman)

The question was called on the motion to table Ordinance no. 72-55. THE MOTION FAILED BY A ROLL CALL VOTE of Ayes 3, Nays 5 (Ayes: Towell, Mizell, Ackerman)

Councilman Towell moved the previous question (to close debate on the motion to adopt ordinance No. 72-55). Councilman De St. Croix seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF Ayes 6, Nays 2 (Nays: Ackerman, Zietlow)

Councilman Behen called for the question.

Mr. Zimmann raised a point of order, questioning whether it was a valid ordinance or not since a petition to change the zoning ordinance must come either from the Plan Commission or from the property owner or a person who has 50% interest or greater in the property. Ordinance no 72-55, according to Mr. Zimmann, is based on a petition from the developer and not the property owner or the plan commission. Mr. Register said that Ordinance no 72-55 was prepared by the Plan Commission and placed in ordinance form before the Common Council. Mr. Register said that the Plan Commission could prepare rezoning ordinances.

Ordinance NO. 72-55 was PASSED BY A ROLL CALL VOTE of Ayes 6, Nays 3 (Nays: Mizell, Ackerman)

Councilman Ackerman said he voted against the ordinance because he was unable to get the extent of agreement he wanted from the petitioner as to the extent to which he would move his development toward PUD. Councilman Ackerman said they were unable to arrive at such an agreement during the course of the discussion and noted that he voted against closing off discussion in the hopes of being able to arrive at such an agreement.

Councilman Fix said that all of the discussion, which is on tape, clearly shows the intent of the Council to have good planning and that it clearly shows the intent of the petitioner that he is going to do these things that might come under PUD. Councilman Fix said that he would challenge all of the salaried employees of the City of Bloomington to be very responsive to make sure that these assurances have been carried out. He said that under these conditions he voted in favor of Ordinance no. 72-55.

Councilwoman Zietlow said that she thinks the Council has made commitments to a number of things, including planning, and that the City has gone carefully about the job of hiring a number of professional people who have all recommended that this be approved. She said she felt the Council has to take their opinions seriously. She said she thought the Council had taken the opinions of the people in the community very seriously and that the recommendation of the plan commission is very explicit that this be the limit of R-3 zoning in the area.

Councilman De St. Croix moved that all of the evidence and documents that have been submitted by Mr. Walkenshaw and Mr. Richardson be included in the official minutes of the meeting. Councilwoman Zietlow said that she would like to include all relevant materials.

Grace Johnson, City Clerk, said that if the Council would provide her with all of the pertinent documents, she will make sure they are included in the minutes. Councilwoman Zietlow said she would do this.

(The Council took a five-minute break. Councilman Behen was unable to remain for the rest of the meeting and left during the break in business.)

Councilman Ackerman moved that Ordinance no 72-51 be removed from the table and Ordinance no. 72-51 considered at this point on the agenda. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Towell moved that ordinance no 72-51 be approved. Councilman De St. Croix seconded the motion.

Mr. Ramsey addressed the Council. He said he had submitted to the Council a copy of the warranty deed with the restriction included that was requested by the Council. He said there is an additional paper - a contract that has been signed by both the property owners and Mr. Ramsey and his partner Jim Harper. He also submitted to the Council the escrow agreement which would protect the owners of the property until the Council formalizes its approval of the ordinance and the property transfers to the new owners.

Mr. Register said that at the request of Councilman Mizell he had examined the deed and that, in his opinion it does protect the use of that property for the ten year period, in accordance with the intention of the Council. He said that it restricts the ability of the owner to alter the exterior of the building and it would be binding on any successive owner for a period of 10 years.

Councilman Ackerman called the question. Ordinance No. 72-51 WAS APPROVED BY A ROLL CALL VOTE OF Ayes 7, Nays 0.

COUNCILMAN FIX MOVED TO instruct the legal counsel, Mr. Barnhart and the City legal Council, to reduce to writing these things which the Council discussed at this meeting, which are on tape; and the intent to follow the neighborhood development plan as outlined by the proposed PUD plan. Councilman Mizell seconded the motion.

Councilwoman Zietlow said that the Council wanted some definite assurances in writing to the effect that the Council has discussed the issue. It was suggested that the reduction to writing should be done in consultation with the planning department.

Councilman Ackerman called the question. THE MOTION WAS PASSED BY A ROLL CALL VOTE of Ayes 7, Nays 0.

Councilman Ackerman moved that Ordinance NO. 72-56 Ordinance no 72-56 be removed from the table. Councilman Morrison seconded the motion. The MOTION WAS CARRIED by a unanimous voice vote.

Larry Owens, City Attorney said that he had studied the ordinance and that in his opinion it would be an improper delegation of the City's police powers to a private organization. He said the ordinance would be illegal if passed with Section Two in it. He said the first section, dealing with fee schedules was something the Council could act on.

Mr. Carlos Ortigoza addressed the Council. He said that they had just recently found out that Section 2 of the proposed ordinance would be illegal. He spoke in favor of having the Council pass section one of the ordinance which would alter the fee structure to encourage the spaying of female dogs. He also said that there should be a cat license fee, comparable to that presently in force for dogs. He said that the fees for spayed animals should be eliminated, recognizing the contribution being made to the community by animals owners who have their pets spayed. He said they would also be in favor of waiving fees for male pets who have been neutered.

In response to a question from Councilman De St. Croix, Martha Sims, Controller, said that in the last 3 or 4 weeks her office has sold about 100 dog licenses at a charge of \$2.00 for males and spayed females and \$4.00 for unspayed females. She said that the dog owners do have to give them the number of the rabies vaccination. She said that it would be next to impossible to determine which animals are pure breed and which are mongrels. She said that the animal owner is asked whether the female dog has been spayed or not.

Mrs. Sims added that if the dog owner has paid the county tax at the assessors office, the City then has to deduct that from the price of the license, so that in some instances the City only collects \$1.00 for the dog license. She said that the Humane Association is citing dog owners with unlicensed pets and this has been getting people to come in and get the licenses. She added that many people did not even know that they needed the licenses.

In response to a question from Councilman De St. Croix, Mrs. Sims said that she has not received any complaints from people that the fee is too high. She said that no one has objected to the price of the dog tags and she did not think that lowering the price would get more people to come in to buy tags.

Councilman Fix asked whether there couldn't be a five-year dog tag and Councilman Towell suggested that perhaps a lifetime tag could be issued with a fee differential for spayed and unspayed females.

Alice Ferran of the Humane Association addressed the Council and said that the Humane Association was pretty much in favor of the fee structure as it stands now and that problems in the past were related to lack of enforcement and not to fees that were too high. She said that one drawback to a lifetime license would be that the annual licensing serves as a check to make sure that the animals have had the annual rabies shot, which is required by state law, and it is a way of maintaining current addresses for dog owners. She said that since people are relatively mobile, a lifetime license would make it difficult to track down the owner.

She said that last year 20 dog licenses were sold and that so far this year 202 have been sold by the Controller's office. She said she felt the existing system is a workable one and that the Humane Association was trying to enforce it. In response to a question from Councilman Towell, she said that the 202 licensed dogs was a very small percentage of the total dog population of Bloomington but that most of these were licensed in the past few weeks since the program of citing owners was initiated. She said that before the only action taken was to pick up the animals and that most of the animals picked up were never claimed so that little was really accomplished. She added that she thought that as more people had friends and relatives who were cited for unlicensed animals they too would license their pets. She pointed out that the licensing fees are set by the state at \$1.00 and \$3.00 so that in effect the City is only adding on \$1.00 for each license. Changes of more than the City's specified \$1.00 would probably require state action.

Carlos Ortigoza said that he thought that the idea of a lifetime license was a good one. He spoke again in favor of waiving all fees for those households willing to spend the \$18.00 minimally required for the spaying operation. He objected to the Humane Association's monopoly on animal control in Bloomington.

In response to a question from Councilwoman Zietlow, Mrs. Sims said that the money collected from the sale of dog tags goes into the general fund of the City of Bloomington.

Margo Clark, a member of the Board of the Humane Association, said that the Association has found that, in giving out pets that the animal does not get spayed unless the spaying fee is paid in advance.

Councilman Towell said he had talked at length with a member of PALS and had suggested several changes in the ordinance. He had expected to see a revised ordinance coming from conferences between PALS and the City Attorney, which had not materialized. He said that he did not think the Council could revise this ordinance at this time and that he would therefore move to table the ordinance.

Al Cuzan addressed the Council. He said that while PALS had learned that it would be illegal for the City to delegate its licensing power to PALS he did not see any conflict between the City continuing to sell the licenses and giving the money to PALS. He said there were two main points: PALS wanted people to have their female pets spayed and PALS needs money. He said he thought the \$3.00 annual tax for unspayed females would adequately cover the cost of unspayed females to the community.

Councilman Ackerman said he would like to amend the ordinance to delete all but section c of section one and that section would read: No charge for all female dogs and cats which have been spayed, provided the owner of a dog or cat shall present a certificate of spaying to the controller at the time of paying the fee.

Grace Johnson, City Clerk, suggested that if that was the action the Council wanted to take, it might make more sense to amend the existing ordinance rather than to pass an entirely new ordinance.

Councilman De St. Croix asked what happens if a person buys a dog license and has not paid the county tax. Mrs. Sims explained that while the City does deduct the county tax if it has already been paid to the County assessor, if the County tax has not been paid by the pet owner, the City then collects the total amount of the dog license fee and all of that goes into the general fund. The City does not collect the County tax for the County. If the City were to lower the licensing fee, it would not create a conflict vis-a-vis the county tax.

Councilman De St. Croix spoke to Mr. Cuzan's testimony concerning PALS' financial state. He said that the City has a contract with the Humane Association to run the animals shelter and that he did not think that it would be property to offer a tax dollar subsidy to a private group just because that group exists. However, Councilman De St. Croix said that, if when the contract is being let for the animal shelter, another group were to come before the City and bid for the contract, then perhaps the Council could consider that. He said he thought that that would be the only way the City could "subsidize" a group such as PALS.

Councilman Towell moved that Ordinance no 72-56 be tabled indefinitely and that the Council instruct the animal control commission to consider fees and bring before the Council an appropriate amendment to the present licensing ordinance. Councilman Ackerman seconded the motion.

Councilman Ackerman moved the question (to close debate). Councilman De St. Croix seconded the motion. THE MOTION WAS CARRIED BY A ROLL

CALL VOTE of Ayes 7, Nays 0.

The question was called.
 The motion to table Ordinance
 no. 72-56 indefinitely was
 CARRIED BY A ROLL CALL VOTE OF
 Ayes 7, Nays 0.

Carlos Ortigoza asked what procedure he should follow to ask the City to consider taking over ownership of the animal shelter which is owned by the Humane Association, though the land is owned by the City. The City Clerk said that if PALS needed legal counsel they should refer themselves to their own legal counsel as the Humane Association did before they entered into a contract with the City.

Councilman Towell said that the agreement made between the City and the Humane Association was a public agreement that could be looked at in the appropriate city offices. The City Clerk said that she thought it was on file in her office.

A member of the audience asked why the debate on the question had been closed when there had been several hands raised in the audience indicating that people wanted to address the Council. Councilman Towell said that he moved to table the ordinance because he did not feel the Council had before it the proper documents to take action at this time. He said the Council had asked the Animal Control Commission to look into the matter and said he thought that the Commission would hear anyone who wanted to speak on the subject.

Councilman Morrison moved that the minutes of the Council meetings of July 31, and August 3, 1972, be adopted as distributed. Councilman Ackerman seconded the motion. MINUTES

Councilman Mizell said that he wanted to point up several discrepancies and inaccuracies in the minutes of the meeting of August 3. He said that according to the statement of agreement contained in the January 6, 1966, Board of Public Works minutes, the City should have assumed ownership of the lift station and sewer mains when construction was completed, not now in 1972 as suggested by the letter from Howard Young to the Board of Public Works. Councilman Mizell said that the minutes of the January 6, 1966 meeting of the Board does not corroborate the letter from Howard Young to Mary Lou Brown included in the August 3, 1972 Council minutes. He asked that the pertinent sections of the January 6, 1966, Board of Public Works minutes be included in the minutes of the present Council meeting. They are as follows, from page 295 of Volume 8 of the Board of Public Works Minutes, paragraph 3: "Mayor Hooker moved, seconded by Attorney Cotner, that the Board of Public Works and Safety pay Mr. Howard Young, the builder of the Meadow Park sewer main extension and lift station 38% of his actual construction cost if and when Eastern Heights Subdivision connects into the Meadow Park lift station. Further conditioned upon Mr. Howard Young certifying to the Board of Works a detailed cost statement of the construction of said sewage works. Also being further conditioned to the design, construction and inspection of the City Engineer. Upon completion of said sewage works, this facility will be assigned to the Bloomington Sanitation Company for ownership and maintenance." Councilman Towell said it appeared that that the City had been lied to again.

Councilman Mizell said that in paragraph two on page 17 of the Council minutes, the words "were not" appeared to have been omitted from a statement made by Mr. Lindman. The statement should read "Mr. Lindman said the residents were not opposed to the progress or further development in Bloomington."

Councilman Mizell said that starting at the bottom of page 18 and carrying over to page 19, there is a statement by Mr. Frank Barnhart that in the resurfacing of 10th street, the street will be 3 feet wider with the addition of an 18-foot shoulder on either side. Councilman Mizell pointed out that the addition of a shoulder will make the shoulder wider but will not make the road any wider. The Council secretary said that this statement

was taken directly from the tape of the discussion and, if it is an error, it is not one of transcription.

Councilman Towell said that his statement made during the August 3 Council meeting, on page 18 of the minutes, was not made in reference to a comment made during the break but that it was in response to what Mr. Cooper said just prior to the break concerning people who had lived all their lives in Bloomington and people who had not.

The minutes of July 31, and August 3, as amended, were approved by a unanimous voice vote.

Councilman Towell moved that when there are minutes of the previous meetings and business carried over from that meeting, the minutes should be placed on the agenda before the business carried over. He said he thought the minutes being straightened out on the discussion of ordinance no 72-55 would have made a material difference to the discussion.

Councilman Mizell seconded the motion.

The motion was carried by a unanimous voice vote.

NONE

EXAMINATION OF CLAIMS

NONE

MESSAGE FROM THE MAYOR

NONE

PETITIONS AND COMMUNICATIONS

Larry Owens said that he had been asked by the Board of Public Works to bring to the Council's attention an issue for discussion and maybe for some advice from the Council to the Board of Public Works. Mr. Owens said the Board, on the advice of the legal department, has taken the position that they will not approve any utilities hook ons to people unless the property is annexed to the City of Bloomington. He said that this has worked some hardships in particular cases when he has not felt he could recommend to the council that these lots be annexed either because they are single lots lying some distance from the City or they are lots in the same neighborhood as others requesting annexation but they are checkerboarded. Mr. Owens said that he has taken the position that this type of annexation will definitely not be in the best interests of the City and it is this type of annexation which has gotten the City into the situation it is in right now where the corporate boundary resembles a jig saw puzzle. He said that in the case of checkerboarded neighborhoods, he would recommend to the Council that if there are at least 51% of the people in a given neighborhood or subdivision who want annexation, the entire neighborhood should be annexed. He said that this can cause problems because you could have those not requesting annexation being adamantly opposed to it. Because of this the Board of Public Works wanted some discussion on this matter and perhaps some advice from the Council.

REPORTS FROM CITY OFFICIALS AND DEPARTMENT HEADS

Larry Owens, City Attorney

Mr. Bob Clendenning (Broadview Knolls) addressed the Council. He said that he has done everything the City has asked him to do all along, since he has been working on his sewer project since May. He said that when he came back to the Board this past week, with hopes of getting the okay to go ahead, he was told there would be a delay for consideration of annexation. He said that 9 of 13 families in his block have asked for annexation and that the block adjoins the City of Bloomington sewer line.

In response to a question from Councilman Ackerman, Mr. Owens said it would be possible to follow the 51% rule in this case, but he said it was his understanding that the residents did not wish to follow this course since the remaining four families were adamantly opposed to annexation and they did not want to get involved in a situation where they were forcing the remaining people to annex.

Gary Eubanks, a neighbor of Mr. Clendenning, said that they did not want to have to go out and campaign to bring the remaining four families into the City. He said they did not feel the burden should rest with them to do this.

In response to a question from Councilman De St. Croix, Mr. Owens said that membership in the corporate body of the City of Bloomington, does not necessarily mean that one has water and sewer service.

Mr. Rodenfield, aide to the Board of Works, said that what the Board has been doing is working with a procedure whereby, after engineering approval of the sewer or water hookon is given, permission to hook on is not given until the property is annexed, making annexation a necessary though not sufficient condition for water and sewer service.

Mr. Owens said that he wanted to go on record against the annexation of individual parcels located far from the City because it is not economical for the City to provide services to outlying areas. He said that the legal department has been trying to develop some guidelines for use in annexing property. He said that the idea seems to have sprung up that if someone petitions voluntarily to annex to the City, the City is under obligation to annex that property. He said he does not approve of this idea.

Mr. Owens said that the east side of the City, where there are islands of county land surrounded by City, speaks against the argument that if we take in bits and pieces of a neighborhood the rest will follow. He said that there are islands that have been surrounded by the City for years and have not been moved to annex.

Mr. Clendenning said that they are going to put in the sewer main themselves and had entertained no notions of having the City pay for any of it, they just wanted to be able to hook on to the City sewer system.

Mr. Register said that the whole question of utilities rebates is under study by the utilities department and will be brought to the Council at another time. Mr. Owens said that he thought this was a factor in some peoples' decisions to annex.

Ed Taylor, 3634 Sims Lane, addressed the Council. He said that he lives in Garden Acres which is so notorious that financial institutions will not lend money to finance the houses. He said he is trying to sell his house but interested buyers cannot get financing. He said that there is a sewer being put in right by his house that he would like to hook on to.

In response to a question from Councilman Ackerman, Mr. Clendenning said he would not be opposed if the Council instructed the City Attorney to go ahead with annexation of the whole block. Larry Owens said that the legal department will be happy to go ahead with preparation of such an ordinance.

Councilwoman Zietlow said that she thought the suggestion made by Councilman De St. Croix that the Council consult with the various department heads concerning their views on annexation of single lots, should be the course of action to follow. Councilman Fix said that perhaps the Council should have a special meeting to discuss this problem with the department heads.

Mr. Owens said that while he was in sympathy with people who had problems with their septic systems he did not like the idea that it is the City's duty to bail out every subdivision in the County that is in trouble because of inadequate septic tanks. He said that if the Council wishes, in some instances, he will try to write an ordinance checkerboarding an area but he said that in some instances it may not even be possible to do so, because of the requirements that the property to be annexed be "adjacent and contiguous".

In response to a question from Councilman De St. Croix, Mr. Owens said that as long as 51% of the residents of an area petition for annexation, it would be a voluntary annexation of the entire area, if it is adjacent and contiguous.

Councilman De St. Croix asked that Mr. Owens or Mr. Register request of the department heads some kind of written statement as to what they consider to be realistic needs or problems as relates to annexation, as it affects their departments so that the Council could then consider these matters before having a meeting with department heads on the question of annexation. This would be as a point of information so the Council would be better informed. As part of the request, Councilman De St. Croix said that he would like to ask the legal department to put these reports together. The Council concurred in this suggestion. Mr. Register said they would handle this request. The Council asked to have the reports from the department heads on annexation by the next council meeting so that they can set a time to discuss this with the department heads.

Mr. Taylor said that his neighbor had been given permission to hook on to the sewer. He said that some of his neighbors also want to hook on. The Council suggested that Mr. Taylor try to get more of his neighbors interested in annexation.

Mr. Hodenfield said that the sewer in question is being constructed for a mobile home court and that the residents of Sims Lane want to hook on to that line. The Board of Works has sent the applications to the engineering department. (Mr. Hodenfield said that a mistake had been made in allowing Mr. Taylor's neighbor to hook on.) Marvard Clark, Assistant City Engineer, said that he is holding these applications until the sewer line is completed and inspected. Mr. Hodenfield said that once they get the approval from the engineering department, the applications will go to the legal department for consideration for annexation.

NONE

REPORTS FROM OFFICIAL
BOARDS AND COMMISSIONS

The Council concurred in the report from the Rules Committee concerning the agenda deadline for Common Council meetings, as follows:

REPORTS FROM STANDING
COMMITTEES

The deadline for submission of items to be included on the agenda for any given meeting of the Common Council shall be the Close of Business two working days prior to the scheduled meeting time. Items submitted after the agenda deadline can only be included on the agenda if introduced at the beginning of the Council meeting by a member of the Council and approved for inclusion on the agenda by a unanimous vote of the Council Members present; items not so approved will automatically be placed on the agenda for the next regularly scheduled Council meeting. Items should be submitted to the Secretary of the Common Council, in final, written form.

agenda deadline

NONE

REPORTS FROM SPECIAL
COMMITTEES

NONE

MESSAGES FROM COUNCILMEN

Councilman De St. Croix moved that resolution no 72-46 be introduced and read by the Clerk. The motion was seconded by councilman Morrison and carried by a unanimous voice vote.

RESOLUTIONS

Resolution no. 72-46

Grace Johnson read Resolution no. 72-46.

Councilman De St. Croix moved that resolution no. 72-46 be adopted. Councilman Mizell seconded the motion.

Transfer of funds

Councilman Fix said that in the future he would like to have an explanation of what budget transfers are for. Mrs. Sims said she would do this.

Mrs. Sims and Bill Wilson, Director of Parks and Recreation, explained that the transfer of funds under the Cumulative Capital accounts was for the purchase of the Older Americans Center by the City. It was explained that the City will own the Center, which also houses the Parks and Recreation Department and that the Parks and Recreation Department will reimburse the City some of the expenses by paying the City \$9,000.00 per year for two years, beginning in September.

the Question was called.
Resolution No. 72-46 WAS ADOPTED BY
A ROLL CALL VOTE of Ayes 6, Nays 0.

Councilman De St. Croix moved that Resolution No. 72-47 be introduced and read by the Clerk. The motion was seconded by Councilman Ackerman and carried by a unanimous voice vote.

Resolution No. 72-47

Utilities Referendum

Grace Johnson read Resolution no. 72-47 and presented to the Council her certification, as City Clerk, of the signatures on the petition.

Councilman De St. Croix moved that resolution no. 72-47 be adopted. Councilman Mizell seconded the motion.

Resolution no. 72-47 WAS ADOPTED BY
A ROLL CALL VOTE of Ayes 6, Nays 0.

Councilman De St. Croix moved that resolution no. 72-49 be introduced and read by the Clerk. Councilman Mizell seconded the motion. The motion was approved by a unanimous voice vote.

Resolution no. 72-49

Temporary Loan

Grace Johnson read Resolution no. 72-49. Councilman De St. Croix moved that Resolution no. 72-49 be adopted. Councilman Mizell seconded the motion.
Resolution no. 72-49 WAS ADOPTED BY A ROLL CALL VOTE OF Ayes 6, Nays 0.

Councilman De St. Croix moved that Resolution no. 72-50 be introduced and read by the Clerk. The motion was seconded by councilman Towell and carried by a unanimous voice vote.

Resolution no. 72-50
Investment of funds

Grace Johnson read resolution no. 72-50.

Councilman De St. Croix moved that resolution no. 72-50 be adopted. Councilman Mizell seconded the motion.

Resolution no. 72-50 WAS ADOPTED BY A ROLL CALL VOTE OF Ayes 6, Nays 0.

Councilman De St. Croix moved that Ordinance no 72-58 be advanced to second reading and read by the Clerk by title only. Councilman Towell seconded the motion and the motion was carried by a unanimous voice vote.

ORDINANCES -
SECOND READING

72-58 - rezoning

Grace Johnson read Ordinance no. 72-58 by title only and informed the Council that it had been posted around the City as required by law for two weeks.

Councilman De St. Croix moved that Ordinance no. 72-58 be approved. Councilman Mizell seconded the motion.

Councilman Towell said that this ordinance, with a request for rezoning from M-1 to R-1 is a salutary precedent.

Gary Clendenning, attorney for the petitioner, addressed the Council, noting that this petition requests a zoning change from industrial to single-family residential. Councilman Mizell said that the plan commission approved the petition to rezone this land unanimously. He said there was no objection whatsoever to the rezoning from the M-1 to the R-1. He said that the total plan presented to the plan commission takes away some of the acreage that is now being used by the Bloomington Country Club; it takes away 20 acres, including one hold and one tee of the golf course. Councilman Mizell said that he would recommend that before any petitions for the bond issue are circulated, that the Council be apprised of the current situation with respect to land under the jurisdiction of the Bloomington Country Club. He said he thought the Director of Parks and Recreation should make a presentation to the Council to outline, before the bond issue petitions are circulated, exactly how much land will be available for the golf course in light of the development project which has been presented to the Council.

Councilman De St. Croix said he is opposed to including the golf course in the park bond issue. He said he thought there might be other Councilmembers interested in leading a fight against the bond issue unless they get answers to some questions they have. Bill Wilson said he thought the park board would be willing to meet with the Council to discuss any questions they have.

The question was called.

Ordinance No. 72-58 WAS ADOPTED BY A ROLL CALL VOTE of Ayes 6, Nays 0.

Councilman Towell moved that ordinance no. 72-59 be advanced to second reading and read by the Clerk by title only. The motion was seconded by Councilman De St. Croix and carried by a unanimous voice vote.

Ordinance NO. 72-59

Annexation

Grace Johnson read Ordinance no. 72-59 by title only.

Councilman Towell moved that Ordinance No. 72-59 be adopted. Councilman De St. Croix seconded the motion.

Larry Owens, City Attorney, said that this is a piece of property owned by Joseph H. Storms, south of the 46 by-pass, east of Walnut street, and north of the Dragon Inn; this is a voluntary annexation.
The question was called.

Ordinance NO. 72-59 WAS ADOPTED BY A BOLL CALL VOTE of Ayes 6, Nays 0.

Larry Owens noted that numerous hours were spent on preparing this one annexation ordinance and he was therefore not in favor of annexing individual plots.

Councilman De St. Croix moved that Ordinance no. 72-60 be introduced and read by the Clerk by title only, and posted around the City as required by law. The motion was seconded and carried by a unanimous voice vote.

INTRODUCTION OF
GENERAL AND SPECIAL
ORDINANCES

72-60

Grace Johnson read Ordinance NO. 72-60 by title only.

Councilman De St. Croix moved that Appropriations Ordinance no. 72-6 be introduced and read by the Clerk by title only and posted as required by law. Councilman Ackerman seconded the motion. The motion was carried by a unanimous voice vote.

Appropriations
Ordinance No. 72-6

Grace Johnson read Appropriations Ordinance no. 72-6 by title only.

Councilman De St. Croix moved that Ordinance no. 72-61 be introduced and read by the Clerk by title only, and posted as required by law. The motion was seconded by Councilman Ackerman and carried by a unanimous voice vote.

No. 72-61

Grace Johnson read Ordinance NO. 72-61 by title only.

Councilman Fix spoke on the issue of sidewalks. He said that he would like to see the Council express the opinion that all effort be given by the City to extend sidewalks around the proposed Fountain Park addition all the way to the school complex so that students do not have to walk on the street. He said this should be a project that the City should work out with the school system and the university to see that sidewalks are extended to the school property, working with the developer of the apartment complex. Councilman Towell moved that there be an expression of opinion to that effect from the Council. Councilman De St. Croix seconded the motion.

OTHER BUSINESS

Councilman Mizell said that he would like to amend the motion to include making sidewalks available to the children living in Grandview Hills - that sidewalks be extended to the entrance of the subdivision.

The question was called and the motion was carried by a unanimous voice vote.

Councilman Towell moved that the meeting be adjourned. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote. The meeting was ADJOURNED at 12:35 a.m., E.S.T.

ATTORNEY:

Larry Owens

Charlotte D. Zerkow

BE IT HEREBY RESOLVED, by the Common Council of the City of Bloomington, that the following street lights be installed in the City of Bloomington, Monroe County, Indiana:

1. Two hundred fifty feet (250') south of the south side of West Third Street on the east side of Maple Street, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
2. On the south side of East Wylie Street 300 feet (300') west of the west line of Highland Avenue, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
3. Three hundred fifty feet (350') north of the north line of East Third Street on the north side of Roosevelt Street Cul-de-sac, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
4. At the northeast corner of intersection at Alice Avenue and Harold Avenue, remove one 2500-lumen incandescent overhead street light and install one 175-watt mercury vapor overhead street light - increased cost per year \$28.80.
5. At the northwest corner of the intersection of East Fourteenth Street and North Washington Street, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
6. One hundred sixty feet (160') south of the south line of West Seventh Street on the west side of Elm Street, install one 175-watt mercury vapor overhead street light - Cost per year \$53.40.
7. On the northeast corner of the intersection of West Twelfth Street and North Monroe Street, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
8. On the north side of West Twelfth Street, four hundred fifty feet (450') east of the east line of North Monroe Street, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
9. On the northeast corner of the intersection of Orris Avenue and North Monroe Street, install one 175-watt mercury vapor overhead street light - Cost per year \$53.40.
10. On the northeast corner of the intersection of West Fourteenth Street and North Monroe Street, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
11. One hundred thirty-two feet (132') north of the north line of West Eleventh Street on the west side of Orris Avenue, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
12. Three hundred feet (300') north of the north line of West Eleventh Street on the east side of Orris Avenue, install one 175-watt mercury vapor overhead street light. - cost per year \$53.40.
13. Four hundred seventy-five feet (475') north of the north line of West Eleventh Street on the west side of Orris Avenue, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
14. On the north side of Orris Avenue, four hundred fifty feet (450') east of the east line of North Monroe Street, install one 175-watt mercury vapor overhead street light - cost per year \$53.40.
15. On the south side of Orris Avenue, two hundred feet (200') east of the east line of North Monroe Street, install one 175-watt mercury vapor overhead street light. -cost per year \$53.40.
16. On the northeast corner of the intersection of State Road 46 and North Dunn Street, install one 400-watt mercury vapor street light - cost per year - \$83.40.

These sixteen improvements will increase the annual cost \$859.80.

ATTEST:

Grace E. Johnson
 Grace E. Johnson, City Clerk

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

August 17, 1972

RESOLUTION No. 72-46

August 17, 1972

BUDGET TRANSFERS

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

ENVIRONMENTAL COMMISSION

| | | |
|---------------------------------------|-----------|------------|
| FROM # 11 - Salaries & Wages, Regular | | \$1,000.00 |
| TO #213 - Travel Expenses | \$ 100.00 | |
| #251 - Research/Frank Thomas | 250.00 | |
| #263 - Work Study | 250.00 | |
| # 37 - Other Supplies | 130.00 | |
| # 72 - Equipment | 270.00 | |

CONTROLLER

| | | |
|------------------------|-----------|-----------|
| FROM # 25 - Repairs | | \$ 100.00 |
| # 30 - Office Supplies | | 234.50 |
| TO # 72 - Equipment | \$ 334.50 | |

DRUG CONTROL COMMISSION

| | | |
|---------------------------------------|--|------------|
| FROM # 11 - Salaries & Wages, Regular | | \$1,850.00 |
| TO # 26 - Other Contractual Services | | \$1,850.00 |

CITY ATTORNEY

| | | |
|---------------------------------------|------------|-----------|
| FROM # 13 - Other Compensation | | \$ 540.00 |
| # 21 - Communication & Transportation | | 100.00 |
| # 37 - Other Supplies | | 300.00 |
| # 55 - Subscriptions & Fees | | 96.10 |
| TO # 11 - Salaries & Wages | \$1,036.10 | |

CUMULATIVE CAPITAL

| | | |
|--|--|-------------|
| FROM # 26 - Other Contractual Services | | \$16,000.00 |
| TO # 73 - Land | | \$16,000.00 |

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

APPROVED:

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

ADOPTED: August 17, 1972
Date

RESOLUTION 72-47

WHEREAS the Common Council of the City of Bloomington, Indiana has received the following petition which the City Clerk has certified as having valid signatures of a number in excess of five percent of the registered voters of the City of Bloomington, Indiana,

"We, the undersigned voters of the City of Bloomington, respectfully petition that the following questions be submitted to the voters of the City: Shall the Common Council of the City of Bloomington adopt and enact an ordinance providing for the appointment of a Utility Service Board to operate water and sewage utilities?"

AND WHEREAS the creation of a Utility Service Board is provided for by Indiana State statute in IC 1971 8-1-2-100,

BE IT HEREBY RESOLVED, by the Common Council of the City of Bloomington that the Monroe County Election Board be instructed to place the following question before the voters of the City of Bloomington, Indiana at the next General Election:

Shall the Common Council of the City of Bloomington, Indiana adopt and enact an ordinance providing for the appointment of a utility service board to operate the City of Bloomington Water Utility and the City of Bloomington Sanitary Utility?

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

ATTEST:

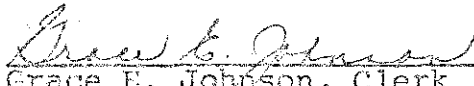
Grace E. Johnson
Grace E. Johnson, City Clerk

Adopted: August 17, 1972

I, Grace E. Johnson, City Clerk of the City of Bloomington, Indiana, hereby certify to the Common Council of the City of Bloomington, Indiana that I am in possession of the following petition containing signatures of a number in excess of five percent of the registered voters in the City of Bloomington, Indiana:

We, the undersigned voters of the City of Bloomington, respectfully petition that the following questions be submitted to the voters of the City: Shall the Common Council of the City of Bloomington adopt and enact an ordinance providing for the appointment of a Utility Service Board to operate water and sewage utilities?

Dated: August 17, 1972


Grace E. Johnson, Clerk

RESOLUTION No. 72-49

Temporary Loan

BE IT HEREBY RESOLVED by the Common Council of the City of
Bloomington, Indiana, that the Controller of said City of
Bloomington is hereby empowered to make the following temporary
loan for the purpose of cash operating balance, to-wit:

FROM WATER BOND & INTEREST FUND

TO GENERAL FUND \$400,000.00

Such loan is to be secured by a pledge of taxes to be received
which are not otherwise allocated.

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

Approved:

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

ADOPTED: August 17, 1972

RESOLUTION No. 72-50

Investment of Funds

BE IT HEREBY RESOLVED by the Common Council of the City of
Bloomington, Indiana, that the Controller of said City is hereby
empowered to make the following investments into Government
Securities yielding the highest rate of interest obtainable,
consistent with safety, to-wit:

WATER BOND & INTEREST FUND \$400,000.00
to mature about December 1, 1972

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: August 17, 1972

PUMP TIMINGS
 HOWARD YOUNG LIFT STATION
 AUGUST 7, 1972

Starting Time 10:43 a.m.

Stopping Time 8:00 p.m.

Dry Weather

Test Conducted by Paul Burton

| <u>PUMP RUNNING TIME</u> | | <u>TIME</u> |
|--------------------------|--------------------|-------------|
| | 1 min. 7-1/2 sec. | 10:48 a.m. |
| | 1 min. 38 sec. | 11:00 a.m. |
| | 1 min. 29-1/2 sec. | 11:09 a.m. |
| 6.75 | 1 min. 20 sec. | 11:16 a.m. |
| | 1 min. 17 sec. | 11:37 a.m. |
| | 1 min. 08 sec. | 11:48 a.m. |
| | 1 min. 06-1/2 sec. | 12:09 p.m. |
| | 1 min. 22 sec. | 12:16 p.m. |
| 6.18 | 1 min. 06-1/2 sec. | 12:34 p.m. |
| | 1 min. 26 sec. | 12:43 p.m. |
| | 1 min. 10 sec. | 12:58 p.m. |
| | 1 min. 48-1/2 sec. | 1:15 p.m. |
| 4.0 | 1 min. 04-1/2 sec. | 1:28 p.m. |
| | 1 min. 08 sec. | 1:55 p.m. |
| | 1 min. 14-1/2 sec. | 2:15 p.m. |
| 2.38 | 1 min. 08 sec. | 2:35 p.m. |
| | 1 min. 04 sec. | 3:00 p.m. |
| | 1 min. 10 sec. | 3:20 p.m. |
| 4.72 | 1 min. 04 sec. | 3:49 p.m. |
| | 1 min. 25 sec. | 3:58 p.m. |
| | 1 min. 27 sec. | 4:10 p.m. |
| | 1 min. 09 sec. | 4:32 p.m. |
| 4.90 | 1 min. 08-1/2 sec. | 4:39 p.m. |

PUMP TIMINGS
 HOWARD YOUNG LIFT STATION
 AUGUST 7, 1972

- PAGE TWO (2) -

| PUMP RUNNING TIME | TIME |
|--------------------|------------------------------|
| 1 min. 09-1/2 sec. | 4:54 p.m. |
| 7.94 | 1 min. 27-1/2 sec. 5:11 p.m. |
| | 1 min. 08 sec. 5:18 p.m. |
| | 1 min. 21 sec. 5:30 p.m. |
| | 1 min. 13 sec. 5:39 p.m. |
| | 1 min. 36-1/2 sec. 5:47 p.m. |
| | 1 min. 10-1/2 sec. 5:54 p.m. |
| 7.4 | 1 min. 09-1/2 sec. 6:05 p.m. |
| | 1 min. 24 sec. 6:14 p.m. |
| | 1 min. 07 sec. 6:23 p.m. |
| | 1 min. 10 sec. 6:37 p.m. |
| | 1 min. 21 sec. 6:45 p.m. |
| | 1 min. 12-1/2 sec. 6:54 p.m. |
| 7.71 | 1 min. 07 sec. 7:08 p.m. |
| | 1 min. 21-1/2 sec. 7:13 p.m. |
| | 1 min. 08-1/2 sec. 7:21 p.m. |
| | 1 min. 48 sec. 7:30 p.m. |
| | 1 min. 05-1/2 sec. 7:40 p.m. |
| | 1 min. 12 sec. 7:54 p.m. |

GBW: pit
 cc: George Walkenshaw
 Ray Long
 Jerry Cravens.
 ✓ file

PUMP TIMINGS
HOWARD YOUNG LIFT STATION
AUGUST 8, 1972

Starting Time 6:00 a.m.
Stopping Time 8:00 p.m.

| PUMP RUNNING TIME | TIME |
|-----------------------------|------------|
| 1 min. 06 sec. | 6:07 a.m. |
| 1 min. 15 sec. | 6:19 a.m. |
| 6.0 1 min. 07-1/2 sec. | 6:40 a.m. |
| 1 min. 08-1/2 sec. | 6:52 a.m. |
| 1 min. 22 sec. | 6:58 a.m. |
| 1 min. 14-1/2 sec. | 7:04 a.m. |
| 1 min. 17 sec. | 7:13 a.m. |
| 1 min. 40 sec. | 7:19 a.m. |
| 10.73 1 min. 22-1/2 sec. | 7:25 a.m. |
| 1 min. 22 sec. | 7:34 a.m. |
| 1 min. 16 sec. | 7:42 a.m. |
| 1 min. 11 sec. | 7:53 a.m. |
| 1 min. 21 sec. | 7:59 a.m. |
| 1 min. 09 sec. | 8:12 a.m. |
| 1 min. 19-1/2 sec. | 8:22 a.m. |
| 6.12 1 min. 18-1/2 sec. | 8:27 a.m. |
| 1 min. 12-1/4 sec. | 8:36 a.m. |
| 1 min. 07-3/4 sec. | 8:51 a.m. |
| 1 min. 21-1/2 sec. | 9:02 a.m. |
| 1 min. 07-1/2 sec. | 9:13 a.m. |
| 6.38 1 min. 10 sec. | 9:29 a.m. |
| 1 min. 17 sec. | 9:38 a.m. |
| 1 min. 27 sec. | 9:50 a.m. |
| 1 min. 08 sec. | 10:04 a.m. |
| 6.69 1 min. 33 sec. | 10:15 a.m. |

PUMP TIMINGS
 HOWARD YOUNG LIFT STATION
 AUGUST 6, 1972

- PAGE TWO (2) -

| PUMP RUNNING TIME | | TIME |
|-------------------|--------------------|------------|
| 4.80 | 1 min. 05-1/2 sec. | 10:26 a.m. |
| | 1 min. 30 sec. | 10:36 a.m. |
| | 1 min. 25 sec. | 10:47 a.m. |
| | 1 min. 07 sec. | 11:03 a.m. |
| | 1 min. 24-1/2 sec. | 11:17 a.m. |
| | 1 min. 11 sec. | 11:36 a.m. |
| 6.26 | 1 min. 05-1/2 sec. | 11:52 a.m. |
| | 1 min. 25 sec. | 12:04 p.m. |
| | 1 min. 07-1/2 sec. | 12:13 p.m. |
| | 1 min. 11-1/2 sec. | 12:25 p.m. |
| | 1 min. 20-1/2 sec. | 12:35 p.m. |
| | 1 min. 11 sec. | 12:47 p.m. |
| 6.39 | 1 min. 25 sec. | 1:01 p.m. |
| | 1 min. 11 sec. | 1:11 p.m. |
| | 1 min. 05-1/2 sec. | 1:28 p.m. |
| | 1 min. 37-1/2 sec. | 1:47 p.m. |
| | 1 min. 04-1/2 sec. | 1:56 p.m. |
| | 1 min. 10-1/2 sec. | 2:18 p.m. |
| 3.55 | 1 min. 04-1/2 sec. | 2:42 p.m. |
| | 1 min. 20 sec. | 2:53 p.m. |
| | 1 min. 05-1/2 sec. | 3:13 p.m. |
| 4.67 | 1 min. 08-1/2 sec. | 3:36 p.m. |
| | 1 min. 19 sec. | 3:52 p.m. |
| | 1 min. 07-1/2 sec. | 4:02 p.m. |
| | 1 min. 06 sec. | 4:27 p.m. |
| | 1 min. 22-1/4 sec. | 4:41 p.m. |
| | 1 min. 04-1/2 sec. | 4:53 p.m. |

| <u>PUMP RUNNING TIME</u> | <u>TIME</u> |
|--------------------------|-------------|
| 1 min. 08-1/2 sec. | 5:09 p.m. |
| 1 min. 22 sec. | 5:22 p.m. |
| 1 min. 12-1/2 sec. | 5:35 p.m. |
| 1 min. 31 sec. | 5:48 p.m. |
| 1 min. 06 sec. | 5:57 p.m. |
| 1 min. 08 sec. | 6:10 p.m. |
| 1 min. 05 sec. | 6:19 p.m. |
| 1 min. 07-1/2 sec. | 6:30 p.m. |
| 1 min. 09-1/2 sec. | 6:41 p.m. |
| 1 min. 29 sec. | 6:48 p.m. |
| 1 min. 11 sec. | 6:58 p.m. |
| 1 min. 39 sec. | 7:11 p.m. |
| 1 min. 11 sec. | 7:18 p.m. |
| 1 min. 08 sec. | 7:28 p.m. |
| 1 min. 06 sec. | 7:33 p.m. |
| 1 min. 07 sec. | 7:42 p.m. |
| 1 min. 43 sec. | 7:57 p.m. |

6:33

7.17

7.90

JC: pt
cc: George Walkenshaw
Ray Long
Jerry Cravens
✓ File