

In the Council Chambers of the municipal building, on Thursday, December 7, 1972, at 7:00 p.m., with Council President Charlotte Zietlow, presiding.

REGULAR MEETING  
COMMON COUNCIL  
CITY OF BLOOMINGTON,  
INDIANA

Present: Jack Morrison, Alfred Towell, Sherwin Mizell, Richard Behen, Brian De St. Croix, Wavne Fix, Charlotte Zietlow. James Ackerman arrived during the consideration of item 12, RESOLUTIONS, on the agenda.

ROLL CALL

Absent: Hubert Davis was absent due to illness.

Mayor Francis X. McCloskey; Ted Najam, Assistant to the Mayor; James Register, Corporate Counsel; Peggy Tuke, Deputy City Attorney; Martha Sims, Controller; Owen Cosby, Assistant Chief of Police; Marvard Clark, Assistant Engineer; George Walkenshaw, Director of Utilities; Tim Hodenfield, Aide to the Board of Public Works; Grace Johnson, City Clerk.

CITY OFFICIALS PRESENT

About 30 people including members of the press.

OTHERS PRESENT

Councilman Morrison moved that the minutes of the meeting of November 2, 1972 be approved as distributed. Councilman Towell seconded the motion.

MINUTES

The MOTION WAS CARRIED BY A UNANIMOUS VOICE VOTE.

Councilman Mizell said he had not had a chance to read the minutes of the meetings of November 16, 21, and 29 and would not be able to vote on approval of them. Consideration of these minutes were deferred until the next meeting.

Mayor Francis X. McCloskey addressed the Council: Mr. Walkenshaw and Mr. Beatty are here in connection with the first public presentation of the major sewage expansion program recommended by Black and Veatch.

MESSAGE FROM THE MAYOR

But first I would like to ask your advice and consent to appoint Marcia R. Gelpe to the Environmental Commission. She is a second year student in the I.U. School of Law where she is compiling an outstanding academic record and indeed specializing in environmental law. Her previous achievements include a bachelor's degree in biology and also a master's degree in biological sciences and indeed she taught biological sciences at Trinity College in Washington for some years and appears to be a very enthusiastic and competent person. I ask your approval of this appointment to the Environmental Commission which would leave only one more appointment, perhaps to be submitted at the next Council meeting.

Continuing along the environmental vein, the Environmental Commission, after thoughtful study and consideration has prepared an important statement regarding the environmentalists' concern for the future of Lake Monroe. The proper use and development of Lake Monroe and the immediate surrounding areas is a matter of utmost importance to all of us, not only to residents of Bloomington but to the entire state. I praise the Commission for its very detailed report and the efforts they have put into this report and, indeed its recommendations may very well be or may not be the best for the community; the City of Bloomington is now faced with a policy decision which demands a careful weighing of several factors. The questions surrounding the Lake Monroe situation are varied and complex; they require intensive investigation of all available information and interest as well as consultation

with area leaders, with the general citizenry, officials and with representatives of other governmental agencies. We have been and will continue to work hard to resolve the problems of the lake area. The arrival of the Black and Veatch report is a significant step in the overall planning process as are our efforts which have to be intensified in the next several weeks to establish a regional planning organization. Therefore tonight I recommend postponement of consideration of this matter - the statement of the Environmental Commission, until sufficient attention has been given to all the important factors which bear on this question. A decision of this magnitude must not be made in haste. I would note that perhaps I feel somewhat in the middle on this issue as I have had my own private consultations with members of the environmental commission over the last several weeks, with various members explaining their concern to me and I understand that concern. At the same time we have developers coming in who are also very concerned and I am sure not exactly overjoyed by the fact that we are demanding that they do not put package treatment plants up in the Lake Area now and will oppose that. There was a rather complex discussion of this with a developer today and it is something that should be resolved in the near future on the basis of more technical and environmental information.

I believe all members of the Council and perhaps some other leaders in the community by now do have a copy of the latest Black and Veatch reports, the primary one being the one on the Long range plan for waste water collection and treatment facilities. It is a very detailed, complex document. As a layman, after some study and consultation with experts I do endorse its basic concepts and believe it does give us a good plan through which we can and should move. I would stress though that perhaps, as with any human product there may be some recommendations or conclusions that may have to be modified, expanded or diminished so I would invite the input of the Council and other community leaders but I think as you examine it and as the community examines it I think it is very likely going to be the way in which we should move. I would note that it is a very major and ambitious expansion program. I am sure you will hear from Mr. Walkenshaw in a little bit about the problems of the functional obsolescence of our south treatment plant. The present situation is tending to invite the wrath of both federal and state officials besides the fact that allowing it to continue as it is just on the basis of our own standards as good citizens would not be the good thing to do environmentally. I would note that there are numerous other improvements that have to be made and defects that both Black and Veatch and Mr. Walkenshaw have cited in this report and there are numerous things that have to be corrected. There also is a major factor that we have to, as mentioned in the previous statements, we have to do what we can to protect Lake Monroe: it is our chief water supply and it is a natural and recreational treasure I would note that perhaps one of the most unusual things about this proposed program in our present governmental situation is that it would not only be a city of Bloomington program but it would be a regional program, indeed in our concern for the lake area and funding the improvements that would be required to serve the lake area on a sewage basis I do think it is going to be necessary to establish some sort of lake area sanitation district or planning agency - something with utilities bonding powers, and so forth, for the lake area. This would be in cooperation between the City of Bloomington, perhaps the County commissioners and also State officials. But I would note that along the lines of the fact that this is a very ambitious program, the total cost in today's money market by 1980 for the City of Bloomington area project itself would be better than 28 million dollars; the program to serve the lake would cost almost 4 million dollars - \$3.7 million. The \$28 million dollar figure breaks down to a figure of \$24 million for the south treatment area and \$4 million for the more under-utilized north treatment area. I would note that the major cost of this thing as it stands right now would be a \$13.5 million regional treatment plant located far south of the present treatment plant. It would be in the Harrodsburg area and serve both the city and the lake area. I would note that this is going to take a

maximum input of both federal and state funds; talking to various consultants and officials, we believe that with luck it would be possible to get seventy-five per cent federal funding, ten or fifteen per cent state funding, but I would note that it will no doubt involve somewhat of an increase - though hopefully not a major increase, of sewage rates. Along the present estimates, it would seem that there would have to be a four million dollar local bond issue to be paid by the users of the sewer system. I would note that the report does contain a somewhat less ambitious minimally recommended program but I think the true realities are that if we go into that we are actually, in essence buying time and practicing a false economy in that under the minimum improvement program of some \$11 million dollars it would not be very long before we would have to go full scale with the regional treatment system that would involve a new regional treatment plant serving the lake. I would just stress that, considering the fact that we must get going with the federal and state funding efforts it has to be a highest priority item of the administration and I think the Mayor's Office in particular to hopefully by mid January to have the groundwork laid for a regional planning agency unless we do have this agency established or at least the commitment from county commissioners in this and other counties, there will be no sense in even going to the environmental protection agency or the state. I think it also should be noted that unless we do move ahead with a program of this scope we are in essence saying that Bloomington cannot grow, Bloomington should not grow - we are coming out for what the economists and some environmentalists and other people call a steady-state or a static economy. I don't think this would be the proper thing for Bloomington, everything considered, at this time. I would like to introduce Mr. Walkenshaw who will introduce Mr. Beatty of Black and Veatch, who has been the main person in charge of this study for several months.

George Walkenshaw, Director of Utilities, addressed the Council: before Mr. Beatty gives his presentation on the improvements I think it well to understand that there are four Black and Veatch reports: there is a financial report covering the water department for the years 1970 and 1971; there is a financial report on the sanitation department for the same years; there is a waste-water improvement report which Mr. Beatty will talk about this evening; and there is a fourth report which is due next month concerning the improvements to our water supply and distribution system. In these financial reports which are quite detailed you will note that in the water department we have a total bonded indebtedness of 10.45 million dollars. This was occasioned by bond issues of 1.75 million dollars in 1951, one and a half million dollars in 1954 and 7.2 million dollars in 1966. Now to pay the bond and interest for these three bond issues requires approximately 550,000 dollars per year. Our total revenue in the water department is approximately 1.9 million dollars per year, subtracting the operation and maintenance costs and the bond interest and principal payments, leaves us with a bonding capacity, in the water department, without any future rate increases, of approximately 3.75 million dollars. In the sanitation department we had a bond issue of 2 million dollars in 1955 and 5.84 million dollars in 1968, for a total bonded indebtedness, neglecting a small loan from I.U. of 7.84 million dollars, this requires an average bond and interest payment of 466,000 dollars per year. The total revenue in the sanitation department is approximately 1.2 million dollars; subtracting operation and maintenance costs and bond and interest payments, this leaves us with no bonding capacity in the sanitation department. There are really four areas of concern in our wastewater treatment program - first we have our north system which extends from 13th street approximately north and the south area from 13th streetsouth, our lake monroe area which the mayor has mentioned and a fourth area of primary concern is the pollution entering lake lemon. Now in the north we have a tertiary treatment plant completed in 1970 which has an average capacity of 6 million gallons per day; it is presently loaded to a half a million gallons per day but with the completion

of our new north diversionary pumping station in May of next year we will be diverting two million gallons per day of dry weather flow and four million gallons per day of wet weather flow. The plant is a tertiary treatment plant with effluent chlorination; there are no additional state requirements in this area with the possible future requirement of phosphate removal. In the south we are all aware of the fact that the south plant has been there a long time and has been remodeled several times and eventually, in 1969, a tertiary lagoon was constructed and fortunately for the city this was done because it doesn't function as a tertiary treatment plant but the lagoon absorbs a lot of the waste that would be discharged directly into the stream if it were not there. But the problem with the south plant is that in its present location it cannot be enlarged; there are several factors involved in this decision as Mr. Beatty will comment on further - there is a lack of area around the plant which is required for solids disposal system; there is practically no dilution water in the stream at this point, which we would practically have to turn out drinking water to meet effluent quality standards at this location. Further, there is no buffer zone around the plant so that any minor upset in the plant results in immediate odor complaints from our nearest neighbors. Actually since the plant cannot be expanded in that location it was logical to go further south to find an area where sufficient ground was available, to meet all of these requirements. The third area of concern, as the mayor has mentioned, is our lake monroe area - I don't think any further comment needs to be made on that other than that Black and Veatch does have a program which would envision the Lake Tahoe concept, taking all waste water from the drainage basin, treating it and diverting it outside of the area. The location of a plant at this area also has a further advantage in that there will be approximately 50 cubic feet per second of dilution water available in lake monroe itself. The fourth area of concern to the City at this time is the lake lemon area; there are numerous septic tanks and so-called holding basins serving the near by property owners. In the spring we anticipate that we will start a survey to determine what which property owners are discharging into this lake. I have talked to Mr. Beatty and he informs me that in the water improvement report which will be coming out next month they have provided a solution which should take care of the immediate pollution of lake lemon because in the future we intend to use at least 8 million gallons per day from this water source. As you all know we are paying on a sliding scale some 33 million dollars per million gallons for every million gallons we buy from the state department of natural resources - that is raw water for lake monroe. I think that is enough of my comments. I would like to introduce Mr. Beatty of Black and Veatch who will give us his rendition of the long-range improvements.

Mr. Beatty addressed the Council, using charts and maps to summarize the recommendations of the Black and Veatch Long Range Plan for Wastewater Collection and Treatment Facilities for Bloomington, Indiana, dated November 8, 1972. (See either the report itself in the office of the Mayor, or the tape of this council meeting which will be held for one year.)

There were no questions from the Council for Mr. Beatty following his presentation. Councilman Towell said that he had just received the report at this meeting and all he knew of the report was what Mr. Beatty had presented to the Council.

None.

EXAMINATION OF CLAIMS

None.

PETITIONS AND COMMUNICATIONS

Councilman De St. Croix moved that the Council approve the Mayor's appointment to the Environmental Commission of Marcia Gelpe. Councilman Towell seconded the motion. THE MOTION WAS CARRIED BY A UNANIMOUS VOICE VOTE.

Appointment to Environmental Commission

None.

REPORTS FROM CITY  
OFFICIALS AND  
DEPARTMENT HEADS

Donald Whitehead addressed the Council for the Environmental Commission.

REPORTS FROM OFFICIAL  
BOARDS AND COMMISSIONS

I am not sure what you want in the way of a report since you have the written document in front of you. I would like to speak to that report and what I say will, in part relate to some things that Mayor McCloskey said earlier. Our position statement on Lake Monroe recommends a delay in developments within the Lake Monroe drainage basin until such time that a comprehensive, ecologically sound and enforceable regional plan can be developed for the area. I think this is a reasonable position, and I am not convinced by any means - and I think that this is true of other members of the commission - that the statement made by Mayor McCloskey or by Mr. Beatty in any way contradicts this position. It seems to me that with respect to the Lake that we are dealing with a multi-purpose resource which we are very dependent on for a source of water; that we have to be concerned with all of the possible forces which can influence water quality and shorten the life span of the Lake. It seems to me that of all of the issues that influence the Lake, sewage is but one of them and that we have to be concerned with a variety of inputs to the Lake, one of which is toxic materials of various kinds from agriculture, in the form of pesticides. And we have to be concerned with other ways in which nutrients which can shorten the life span of the lake through the process of eutrophication can also enter the lake, and sewage is but one of those. Agricultural land represents another potential input of nutrients, and change in land use practice represents still another way in which nutrients can get into the lake. This is well established from a lot of ecological studies where forest is changed in the direction of home building sites, etc.; and when one makes this kind of change, as a result of this, one finds that the nutrients, particularly the nitrates and phosphates that are responsible for shortening the life span of the lake, ultimately increase in the lake system. And there is a lot of data available now on Lake Monroe, and it suggests that the Lake is at a critical point with respect to the level of nutrients that can result in eutrophication, which can in turn shorten the life span of the lake and decrease water quality. It seems to me that there is yet another thing we can add to that and that is siltation that is unrelated to changes in production in the Lake. Siltation can come from changes inland use practices, from changes in recreational practices within the lake. And, in fact, any kind of a land use change that results in decreasing the amount of forest in the direction of lawns or roads or anything like that is going to increase run off and increase siltation in the lake which will in turn shorten the life span. So our position paper relates to a lot more than just the issue of sewage entering the lake which is clearly the critical issue and probably if one quantifies it, would be the most crucial issue facing lake monroe. It seems to me there is a lot more than that and we are on the verge - in terms of time - of having to deal with many, many developments within the lake drainage basin, all of which can markedly shorten the life span of the lake and decrease the quality of the water, therefore increase the cost to the consumer of water. And therefore, our position is that in view of all of these threats to the Lake that until a comprehensive, sound, well-developed and enforceable ecologically regional plan for the lake can be developed, that we ought to discourage developments in the lake drainage basin by whatever means possible. And the problem of course is that the lake is largely within one county but the drainage basin is within six counties and that creates a very difficult problem for regional planning. But I don't see that, given the ecological problems the lake confronts and therefore we, as a community, will have to confront, that merely dealing with the sewage issue in fact deals with the problems of the lake. So I think that is the basis of the position statement that we have presented to you and I would be very happy on behalf

Environmental  
Commission



of the commission to answer any questions with respect to the position statement which you might have.

Councilman Towell asked if the report presented by Mr. Beatty adds anything to what the commission had investigated earlier about the lake. Mr. Whitehead said, "No, because it doesn't deal with changes in land use practice or agricultural practices within the entire drainage basin - in fact, all it addresses itself to is sewage that directly enters the lake and not from the City of Nashville, which at the present time presents the primary problem."

Council President Zietlow noted that a number of regional planning areas are involved in the lake drainage basin and said she would like to know what the status of the various planning areas is as it affects the lake.

In response to a question from Councilman Towell, Mr. Whitehead said the commission had not investigated various political structures that might be used in planning for the lake.

Mayor McCloskey said: "I think it is very obvious that we will be on the road to answers about the concern early in the year, given the basic fact that we really have no choice, we have to establish a regional planning district for district 10 - 11 is a little bit ahead of us (11 is Bartholomew and Brown Counties). I would hope to have official commitments from officials in all four counties in our area come sometime in January. It seems that the state division of planning has been somewhat strongly against the inclusion of Brown in region 10, or Monroe in region 11 so that what we have been talking about given the election of last November is some sort of committee or administrative or governmental structure that will bridge the two regional planning districts to handle the lake. It may well take special legislation - some sort of enabling legislation but I think it is going to have to have real power. Obviously we have to have some sort of lake authority. We will not get anything at least until we have "ducks in a row" as they say in region 10. We have had meetings in region 10 - the elections are over - now we have to get down to the detail work. I am hopeful that by January 15 we will have a general working relationship hammered out. We have to - we literally have no choice."

Mr. Whitehead addressed the Council again: "I guess I think the problem is a little more complicated; it is important to have regional planning but what happens if it takes a long time to get the regional plan given the amount of information that you need about the lake, and given the fact that developments are taking place within the lake drainage basin during that period of time. And what if it becomes apparent too late that those changes are in fact detrimental to the lake, to the quality of the water and so forth. It seems to me inadequate to say 'let's stimulate a regional plan' if at the same time we don't encourage mechanisms to gather the kind of base line data we need on the character of the lake and at the same time to discourage developments which all indications suggest will shorten the lifespan and decrease water quality."

Mayor McCloskey said "I don't think this administration has gone on record as saying that sedimentation or erosion or other non-effluent factors weren't and aren't very important. I think we do have to get this data from many sources and really decide on the basis of elaborate, technical data - no one is denying that. The second point is that the Mayor can sit in these chambers of the council can sit in these chambers and promulgate about what we would like for the lake on the basis of any sort of information or lack of information and basically it would mean nothing given the lack of legal authority we do have. If we don't do something about a treatment system for the lake I think we would have a really disastrous situation."

Council President Zietlow said she would like to have a report on what the plans for lake Monroe are and what needs to be done. Councilman Fix said "I think the mayor has just given us that."

Mayor McCloskey: "We are going to have to have an administrative, legal, governmental structure that can handle things from region ten and region eleven as far as the lake goes. I think that if this program goes through or anything like it we are going to have to have a regional sewage authority beyond that for the lake so that there will probably be two new governmental bodies."

Mr. Whitehead: "But in the meantime you are still going to have to have someone to deal with the realities of present threats to the Lake."

Mayor McCloskey: "That is correct and that is why I was in my office for an hour and a half today saying no to some developers; that is why we have gone to the stream pollution control board and as I indicated earlier I feel somewhat in the middle. We are very concerned - with the appointment of Mrs. Gelpe tonight, I think this is the kind of person that can help the community to analyze the problems and get us all on the right track. We're not saying just go ahead and develop and don't worry about sedimentation and erosion."

Mr. Whitehead: "And if those are the impressions I gave I didn't mean to."

Councilman Morrison: "Mayor McCloskey, I have read this primary report of Black and Veatch and I don't recall where it included this lake Monroe sewer system. Is that included in the \$28 million?"

McCloskey: "This is separate, it is approximately \$3.7 million beyond that which in some way would have to be funded by a lake authority, considering whatever state or federal aid could be obtained. Our main financial contribution to that would be the establishment of a south treatment plant. There would be a city phase and a lake Monroe phase which would be separate but administratively and governmentally coordinated. There is a special section in the back of the report. There will be state and federal funding involved; one way or another we are going to get some development out there and there is not a lot of development there right now that would fund lines, etc. I would not want the wrong impression to be promulgated that the main reason we are doing this is to try to develop the lake."

Morrison: "No, but you must protect it - look at lake Lemon. I would suggest that the commission, with the recommendations made in their report, I see no reason why the ecology and the economy cannot parallel one another. Maybe wait just a little while on the development and let the ecology end of it catch up with it. I will concur with the report the environmental commission made. I think the whole context of the report was that man should pause for awhile and let nature catch up."

Councilman Towell MOVED TO ALTER THE AGENDA TO PERMIT CONSIDERATION OF RESOLUTION No. 72-70 AT THIS POINT IN THE MEETING. councilman Morrison seconded the motion. THE MOTION WAS CARRIED BY A UNANIMOUS VOICE VOTE. agenda change

COUNCILMAN TOWELL MOVED THAT RESOLUTION No. 72-70 BE INTRODUCED AND READ BY THE CLERK. Councilman Morrison seconded the motion. THE MOTION WAS CARRIED BY A UNANIMOUS VOICE VOTE. Resolution No. 72-70

Lake Monroe

Grace E. Johnson read Resolution No. 72-70.

COUNCILMAN MORRISON MOVED THAT RESOLUTION No. 72-70 BE APPROVED. Councilman Towell seconded the motion.

Councilman De St. Croix: "I am somewhat concerned about the blanket endorsement of this resolution of the entire report - of all of these recommendations and their long-range impact on the entire community, not merely in terms of the problems that have been discussed here but a number of economic conditions and factors that I think are directly related to it. I would be

interested in knowing how you (Mr. Whitehead) see this resolution as doing in terms of the Council's accepting or rejecting it and how it applies, etc."

Mr. Whitehead: "The principal problem is that it has been interpreted incorrectly by a number of people as an adamant anti-development stance for the drainage basin and that is clearly not true. If one reads the report there is no place where you can interpret that, although that may be the philosophical pre-disposition of many members of the commission and certainly my own personal pre-disposition. The report says only that we recommend a delay of development until such time as an enforceable regional plan is developed. That is, not advocating no development within the drainage basin whatsoever. That is, waiting until such time as we understand enough about the dynamics of the lake, the importance to the community and so forth, and giving us enough time (us in the very general sense) to construct a reasonable regional plan amongst the various counties that are within the drainage basin and that are in fact dependent on the lake in one way or another. I don't see any other way that one can read the commission report. Our position is to ask the council to support the commission in efforts to stimulate a regional plan, to discourage development until such time as we know what kinds of developments in fact the lake can sustain so that we can define what its capacity is, so that we can define how long we want the lake to last, etc."

Councilman Fix: "I see this as an expression of the council of recognizing the problem and a commitment to do something about it. And I think it is very proper that we do this."

Councilman Mizell: "I agree with councilman Fix's statement and also I look on it as additional support by the council for the efforts that the mayor has put forth and will continue to put forth for developing reasonable, regional planning in this area which could help solve the problems."

Mayor McCloskey: "Could I ask someone on the Council, perhaps a rather pragmatic question, given the fact that I am dealing in a real fast-moving, practical world. I would just like to get some clarification - it seems the way everyone is talking that the resolution will pass and that is fine - this in effect, as I see it, would be a scuttling or a delay of any efforts on my part to move ahead for a regional sewage system for the lake right now. In effect this would allow no development without a comprehensive plan. I would note that the pressures are on now for some development in that area. Without a sewage system the state - for example - the stream pollution control board is going to be a lot more amenable to allowing them to develop with package treatment plants, etc. I would note that when I was up there last week they accepted this report with some gratitude with the explicit and implicit idea that this would give them some leverage to help pace development in the lake area. If in effect we say we are not going to move ahead with it now, I think we will see a system of treatment plants I think that would prove detrimental to the concerns of ecologists. If that is the philosophy that the council is going to go on record with that is fine but I would like it clear if that is exactly what is intended."

Councilman Fix: "I think the philosophy here, as I see the report from the environmental commission, is 100% in opposition to what you have said, Mayor McCloskey. This is a commitment of the city to say, 'no, we are not going to go ahead until we get this regional sewage plant, then we will take a look at it; now we are not going to allow the inefficient package treatment plants.'"

Mayor McCloskey: "I basically said those are my propensities to the developers today."



Mr. Whitehead: "The problem is that there are other issues than just sewage and that is the point. I don't see that in any way that supporting this statement and working for it through natural resources and county planning commissions in any way should weaken efforts to develop a regional sewage plant. In fact it should encourage it, as far as I am concerned."

Councilman Fix: "I think it would strengthen it."

Council president Zietlow: "I think that if this is passed that we should immediately form some sort of Lake Monroe study committee that would pull all the things together. We should do it in any case, whether or not this passes."

Mr. Whitehead: "There are enormous resources within the community with respect to the lake and water resources that could be called upon."

Councilman Morrison: "Mayor McCloskey, in what way would this be detrimental to the development of a lake Monroe sewer system? I would think this would help, this would show the need for it."

Mayor McCloskey: "It is not clear to me that on the one hand it would seem that this would put the city administration on record as for the time being, opposing all development in the lake area - not only for reasons of sewage but for reasons of sedimentation, erosion, etc. If we do not move ahead in the sewage area right now, I think those things are going to go anyway. We are saying, well, ok we're moving ahead on the sewage treatment plants - we will allow this limited development, but don't really do it for two or three years when it will be until we will have the regional plan. I just don't see this."

Charlotte Zietlow: "I don't see how package plants would be the result of that."

Mr. Whitehead: "I disagree with that interpretation."

Mayor McCloskey: "Wouldn't this put the administration or at least the Council on record as opposing development, period?"

Mr. Whitehead: "I think it puts you on record as 1. recognizing the threats to the lake given the importance of the lake to the community, recognizing that the threats are multiple, recognizing that solutions to the threats requires identifying what the issues are, defining what the life span of the lake ought to be and dealing with the regional sewage issue, land use practices, agricultural use practices, pesticide inputs, and a whole host of things that affect the quality of the water in lake Monroe."

Councilman Fix: "I think the EPA would like to see something like this when we are asking for funds."

Councilman Morrison: "I think, Mayor McCloskey, this would help the regional planning you want to develop. I don't think it would hinder; it would show that the City of Bloomington recognizes a need for it."

Mayor McCloskey: "What I am saying is that I have to go up there and work for a regional treatment system because I know for a fact that there is going to be some development on the lake and it is going to take a sewage system out there. But then somehow we are on record for some sort of moratorium until the land use and erosion and sedimentation facts are in."

Mr. Whitehead: "I think that is the ecologically moral position to be in. If you are talking about the stream pollution control board you have to realize that their only concern is with sewage input; they are not concerned with any other inputs to the lake at all. I would reiterate that it seems to me that adoption of this resolution would strengthen your hand in arguing for a regional sewage plan, etc., plus recognizing the multiple threats to the lake."

Mayor McCloskey: "If you really want to stop development then we should scuttle the regional sewage treatment for that area until studies are done."

Mr. Whitehead: "There is no question but that any increase in nitrate and phosphate levels in the lake will both lessen water quality and shorten life span. We know that there are multiple sewage inputs into the lake right now. That says automatically that we need the regional sewage treatment plant that you are already talking about. I don't see any inconsistencies whatsoever."

Councilman Towell: "Here are the two main conclusions of the report: 'we are opposed to plans for development of the peninsula property....., we urge a delay on development in lake Monroe drainage area until a comprehensive, ecologically sound and enforceable regional plan can be developed.' Now I take it that if this is a good plan for sewers in the area that would be part of such a comprehensive plan. There are other factors to be considered."

Mayor McCloskey: "Is the council going on record as opposing the present proposed developments given the fact that a sewage system for the lake would accompany them?"

Councilman Towell: "I would say in one way we do have part of our plan and that this would allow development, perhaps, if the other factors are considered. Now the rhetoric that I hear all depends on contrasting total information and some other situations we are now in, or perhaps we might attain in a few years. I think if you look at the sewer situation you see that total information isn't in and yet we do have something to proceed on if we adopt this kind of report. I think that is the kind of situation with sewers we are in tonight or we might be if we started working on funding this program, will be about the kind of situation that we will always be in. We will always have a certain amount of information which, hopefully, can be characterized, as an attempt at comprehensive, ecologically sound and enforceable regional plan. We are going to have to be dealing with facts about particular plans in some such situation, however, I think the contrast would be the morally wrong kind of situation where you don't have enough overall information to evaluate a plan and go ahead and make a decision anyway. The total information idea is probably unachievable and purely a straw man, in any kind of reasoning about planning for the lake."

(The Council took a five-minute break in business at this point.)

Councilman Towell: "I have to in my own thinking about this report recall all the discussions of the Jackson Basin; it was continually the case in that discussion that we were dealing with development which each development would be approved as 'well, that's not so bad' and the next one would say, 'well, we should have an equal chance' and the next one would say 'well, we should too' - 'we are not going to do anymore than the first one' and, of course, at a certain point you come to the place where there has got to be a tremendous public investment or a tremendous change or the public interest is not taken care of and it really is not the fault of the developer who is applying then - it is the fault of all of them up to then and you are not quite fair if you don't deal with him just like the others and at the same time there is a tremendous cost involved, of one kind or another and in some way the only fair thing is to make them all pay. Also, is to protect the public interest equally with each one. This is the kind of point that I can see coming up with some of these other types of aging of the lake that would take place with development. The sewer business - well, I think we can see what we have to do, and therefore we can see that there is a clearcut question - we don't want these individual package plants - they offer the great probability of harm sooner or later; that was in the Black and Veatch report given this evening. So we can make a

categorical statement now; we have enough information but we are into this attrition business now with other kinds of risks to the lake. I don't know what the conclusion is - maybe the pressures are such and the political situation is such where we don't have any political entities to deal with this that some things are going to go by default at the beginning and we aren't going to deal with them fairly because we won't make them answer the same questions - we don't have the means to. At the same time, eventhough we can't do that - we can't make them answer to all the things we are going to make other people answer to later on, we can say how sorry we are about it, we can say that is the wrong situation to be in and that is what the report does, what the acceptance of the report does, and that is the position that I can certainly take. I think that I can vote for the resolution which accepts the report without in anyway opposing the - in fact encouraging the efforts of the Mayor. I know that he is not going to have adequate information or adequate authority to deal with some of the developments that come in."

Councilpresident Zeitlow said: "Since the City doesn't at this point have control over the development around lake monroe, we aren't going to stop it, in reality."

Mr. Whitehead: "No, but it seems to me that the City does have influence with the various agencies that do in fact have control over what can happen within the drainage basin. And that the city being behind this report will in fact stimulate - or shorten the time in which we will be likely to get a good comprehensive regional plan."

Councilman Fix: "I think this calls attention to the fact that we already have six package plants on the lake now and the lake is at a critical stage. We need to do something now to eliminate the package plants that are there now and prevent any more being put up in the future.."

In response to a question from Councilman Morrison, Mayor McCloskey said that there are a number of ways the lake and the city sewage systems could be financed, that have to be investigated.

Councilman Morrison: "Mayor McCloskey, I would certainly be the first to encourage you to go ahead and look at the feasibility of this lake monroe sewer system because there is no doubt that the need is there. I would like to see some way that it is tied into the city system through state or federal funds."

David Docauer addressed the Council, speaking in favor of the resolution: "As chairman of the water quality committee I would just like to make clear that this report that we turned in was made with the idea that there would eventually be a sewer system which would take the sewage water out of the lake from any development that would occur on the lake. We came to the conclusion that as much as we would like to see all development stopped on the lake that we weren't going to be able to do that for legal and economic reasons. But we feel that the sewage must be taken out of the lake and that there are other things that must be taken into account. One thing that was mentioned in passing in the report because we didn't have all the information needed at the time is that all the storm water drainage from these developments will also affect the lake; urban storm drainage can put quite a bit of phosphate into a system."

Councilman Morrison: "The state and county exercise control but the City can suggest how development should be handled."

THE QUESTION WAS CALLED, RESOLUTION No. 72-70 WAS APPROVED BY A ROLL CALL VOTE OF AYES 7, Nays 0.

Councilpresident Zietlow said she would like to see immediately a lake monroe study committee appointed by the mayor or whoever to get to the problem in question.

Tim Hodenfield, Aide to the Board of Public Works, addressed the Council: The Board is now in the process of developing policy statements which we will forward to the Council in the form of a resolution to be passed by the Council, hopefully perhaps by the next meeting of the Council. On rebate policies we hope to have a new rebate policy formulated and announced by the first week in January. We will have a public hearing inviting input from developers, homeowners, councilmembers and the public, in the next two weeks, perhaps next week. Policy statements are now being drafted by the Board of Public Works, in conjunction with the mayor's office and department heads."

Board of Public Works

Councilman Mizell: "In reviewing the minutes of the November 2 Council meeting, I notice that at that time I asked to see a copy of the contract for the purchase of a sewer lift station and force main along East Tenth. Could you get that contract to me?"

Mr. Hodenfield: "Yes, I apologize for not getting it to you sooner."

Councilman Fix asked Mr. Hodenfield if he could arrange to have one of the Council chairs repaired. Mr. Hodenfield said he would.

None.

REPORTS FROM STANDING COMMITTEES

None.

REPORTS FROM SPECIAL COMMITTEES

Councilman Towell: I would like to thank one more person in connection with the landlord-tenant ordinance, that is Tom Ross. When we started formulating an ordinance for Bloomington we used a good bit of language that we found in his model lease which he wrote before there was such an ordinance and now he has done it again. He has formulated another model lease which could be at least looked at when people draw up their own leases. I would like to thank him for the kind of work he has done in this area.

MESSAGES FROM COUNCILMEMBERS

Alfred Towell

Councilman Mizell: With regard to the zoning ordinance, we have completed the public hearings with regard to the land use maps and the zoning ordinance. We have had a number of comments, both from the floor and in written statements; the plan commission now has a work session scheduled to review these comments and then either approve them, disapprove them, work them into the ordinance in some fashion, etc. Hopefully in our next regularly scheduled plan commission meeting, December 19, we would introduce the ordinance and its accompanying land use maps and adopt it, upon which time it could then be transferred to the Council for first reading and public hearing. We hope to get it to the Council by the next regularly scheduled meeting of the Council.

Sherwin Mizell

Councilman Behen: I will just bring this up and challenge the Council to address itself to the recently vetoed resolution on revenue sharing and speak once again to it because the revenue sharing program is plainly outlined that it can be used to reduce incurred debt. Possibly at the next meeting we should bring it up for discussion as far as what council wants to do in view of the mayor's vetoing of that resolution.

Richard Behen

Councilpresident Zietlow: I went to a revenue sharing workshop sponsored by the Indiana Association of Cities and Towns yesterday in Indianapolis. The speakers were Mr. Honey from the National League of Cities, who is the revenue sharing coordinator for the National League of Cities and the National Conference of Mayors, and the Chairman of the State Board of Tax Commissioners, Mr. Phillippi, and also a man from the State Board of Accounts, Mr. Riley. They outlined current regulations and the history of the revenue sharing program. The only person who recommended the use of revenue sharing monies for property tax relief was the mayor of the City of Newark where the property tax is \$2000 on a \$20,000 home. Mr. Phillippi said that revenue sharing funds can be used for anything but matching funds for federal programs or for programs which obviously discriminate on the basis of race, sex or religion; revenue sharing funds can't be used for education. The Chief Executive has to initiate the use of revenue sharing funds for property tax, according to Mr. Phillippi's interpretation.

(Councilman Ackerman arrived during the discussion of revenue sharing funds.)

Councilman Mizell: Sixty cents of our 1973 tax rate is to pay off a loan we made from the utilities company; I don't think we would be in opposition to the spirit of the revenue sharing program if we were to use the first portion of the federal payment to pay off the loan it would allow us to shave off about 30 cents of the 60 cent increase which we had to apply because of the loan. It is not really an increase in a tax for the general fund, it is an increase in taxes to pay a debt.

Councilpresident Zietlow said that one of the points mentioned at the workshop was that the revenue sharing monies offer an opportunity for communities to work together - for governmental units to pool their funds and work together. It also offers a unique opportunity for citizen participation; a plan has to be submitted - not for this year but for future years we will have to have a plan submitted to the treasury department. It will apparently only have to be a very simple plan, though no one knows yet what form it will have to take; it must be initiated by the chief executive.

(There was extensive discussion of the revenue sharing program which can be found on the tapes, which will be held for a year.)

Councilman Mizell: "I would be in a better position to work towards a plan for revenue sharing funds if I had firm figures on the costs of various projects."

Councilpresident Zietlow said it would help to have for the next Council meeting, facts and figures on what the impact of various programs would be and would cost.

Councilman Behen said that if any of the money is to be applied to property tax it would have to be done by the next Council meeting.

Council president Zietlow said that the Mayor has said he will have a plan with price tags for the various programs by the next meeting.

Councilman Towell: I would like to thank Mr. Behen for bringing this question to our attention because I think we need to consider all the alternatives.

Councilman Morrison moved that Resolution No. 72-71 be introduced and read by the Clerk. Councilman De St. Croix seconded the motion. The motion was carried by a unanimous voice vote.

RESOLUTIONS

No. 72-71 - Transfer of funds

Grace Johnson read Resolution No. 72-71.

Councilman Morrison moved that Resolution No. 72-71 be adopted. Councilman De St. Croix seconded the motion.

Tim Hodenfield said that he had another budget transfer which he would like to have included in this resolution. That is to take \$658.30 from item #25 and transfer it to account #41 to pay for repairs to the Older American Center so that the parks and recreation offices could move to the building. The repairs were made early in the year.

Councilman De St. Croix moved that Resolution No. 72-71 be amended by adding the transfer of \$658.30 in the Board of Public Works Budget from line item 25 to line item 41. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

Councilman Morrison moved that Resolution No. 72-71 as amended be approved. Councilman De St. Croix seconded the motion.

THE MOTION TO APPROVE RESOLUTION NO. 72-71 WAS CARRIED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

Councilman De St. Croix moved that Resolution No. 72-72 be introduced and read by the Clerk. Councilman Morrison seconded the motion.

No. 72-72 - Whole Theatre

Grace Johnson read Resolution No. 72-72.

Councilman De St. Croix moved that Resolution No. 72-72 be adopted. Councilman Morrison seconded the motion.

Councilman De St. Croix spoke in favor of the resolution: I have had an opportunity in the past few weeks to meet with members of the Whole Theatre and discuss their proposal for renovating the church property described and creating a community theatre program. It is my experience with them that the program that they are offering - their ideas, their efforts, the kind of community wide type of whole theatre program they would like to see I think would be a very healthy asset to the community. I also believe that if we can come up with a meaningful and creative use for that property rather than seeing that building torn down, it would be beneficial to the community and I also believe that hopefully having the Whole Theatre program working out of the downtown area would be another step in helping to revitalize and regenerate involvement and interest and citizen participation in the downtown area. I think the program is a very good one and I think the proposal for using the church rather than seeing it torn down so it won't be on the tax roles in March I think is a sound one. I think that if the Council does adopt this resolution, essentially what it does is it gives the Whole Theatre group a sign of support from the city administration when it attempts to gain funds from foundations and various grants for acquisition of that property and development of their program. I believe that Mr. Ansbach would like to speak to the Council.



Charles Ansbach addressed the Council, speaking in support of the Whole Theatre program: We have gained letters of support from a number of advisors, particularly along the lines of this piece of property, some of them addressing themselves to the educational aspects of the Theatre, others to the architectural significance of the building, some just to the programmatic and general artistic expertise of the group. It is necessary to us that we come to the Council at this point to ask for your support and endorsement of the program so that we can show a particular community involvement in the Theatre. We are operating under a deadline, in that the building is slated for demolition.

Council President Zietlow: "As a viewer of the Whole Theatre I have watched what you have been doing and I think you have really brought a level of theatre to the community and general accessibility of being in the theatre which Bloomington just hasn't had before. I particularly am happy because it is a community organization - not a university organization; it is one of those things that it is really hard to develop in the City."

The question was called. RESOLUTION no. 72-72 WAS ADOPTED BY A ROLL CALL VOTE OF Ayes 3, Nays 0.

Councilman Morrison moved that Ordinance No. 72-80 be advanced to second reading and read by the Clerk by title only. Councilman De St. Croix seconded the motion.

ORDINANCES - SECOND READING

72-80 - rezoning (Bayles Road)

Grace Johnson read Ordinance No. 72-80 by title only.

Councilman Morrison moved that Ordinance NO. 72-80 be adopted. Councilman De St. Croix seconded the motion.

Gary Clendening addressed the Council, noting that the rezoning petition has been approved by the plan commission, by a unanimous vote. It is the property on the northwest corner of the intersection of Bayles Road and State Route 46; the rezoning requested is to permit construction of a building to house a heavy equipment surplus business. The lot has been filled to satisfy the requirements of the planning department.

Councilman Mizell said the petitioner has done an excellent job of complying with all the requests that have been made of him.

The question was called. ORDINANCE No. 72-80 WAS ADOPTED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

Councilman Morrison moved that Ordinance No. 72-81 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.

72-81 - rezoning (S.R. 46)

Grace Johnson read Ordinance NO. 72-81 by title only.

Councilman Morrison moved that Ordinance No. 72-81 be adopted. Councilman De St. Croix seconded the motion.

Robert Baker addressed the Council on behalf of the Tulip Trace Girl Scout Council.

Mr. Baker noted that Larry Owens, City Attorney, had written a letter to the effect that the covenant placed in the deed at the request of the plan commission was satisfactory - limiting remodeling of the exterior of the building.

The question was called. ORDINANCE NO. 72-81 WAS ADOPTED BY A ROLL CALL VOTE OF AYES 8, Nays 0.

Councilman De St. Croix moved that Ordinance NO. 72-82 be advanced to second reading and read by the clerk by title only. The motion was seconded by Councilman Morrison and carried by a unanimous voice vote. 72-82 - rezoning (Dorechester Drive)

Grace Johnson read Ordinance NO. 72-82 by title only.

Councilman De St. Croix moved that Ordinance NO. 72-82 be approved. Councilman Morrison seconded the motion.

Robert Jones addressed the Council, speaking in support of the rezoning request.

The question was called. ORDINANCE NO. 72-82 WAS APPROVED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

Councilman De St. Croix moved that Ordinance NO. 72-83 be advanced to second reading and read by the clerk by title only. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote. 72-83 - private parking

Grace Johnson read Ordinance NO. 72-83 by title only.

Councilman De St. Croix moved that Ordinance No. 72-83 be adopted. Councilman Towell seconded the motion.

Councilman De St. Croix moved that Ordinance No. 72-83 be tabled until the next Council meeting at which Councilman Davis is present. Councilman Ackerman seconded the motion. motion to table

Councilman De St. Croix said that he was making the motion to table since this ordinance was prepared by Councilman Davis and he thought discussion and action should be delayed until Councilman Davis could be present.

Councilman Towell said that he was in favor of tabling consideration of this ordinance because there are some questions raised by this ordinance which parallel questions raised by the proposed zoning ordinance, and he would like to see what the plan commission is going to do with proposed amendments.

THE MOTION TO TABLE WAS CARRIED BY A ROLL CALL VOTE OF AYES 8, Nays 0.

Councilman De St. Croix moved that Ordinance No. 72-84 be advanced to second reading and read by the clerk by title only. The motion was seconded by Councilman Mizell and carried by a unanimous voice vote. 72-84 - annexation (High Street)

Grace Johnson read Ordinance NO. 72-84 by title only.

Councilman De St. Croix moved that Ordinance No. 72-84 be adopted. Councilman Morrison seconded the motion.

Mrs. Mildred Morford addressed the Council: "I am speaking for a group in opposition to annexation of the Maxwell Lane, High Street and Woodstock areas. The people who are opposing were misled by a letter from the mayor welcoming them into the City; and they thought they had already been taken in and that they couldn't do anything about it. After being informed of procedures they have taken action to oppose. I have a list of people who have petitioned to oppose, a list of 18 names and five of those have been taken from the list to annex but have changed their minds or were not on the list to begin with, they say they had never signed the petition so there are five less, making it less than 51% required for annexation. I could go through all the reasons why they are opposed to annexation but that would be time consuming. I would like to present this petition of opposition to whomever it goes to."

Councilman De St. Croix asked for an opinion from the city legal department on this issue.

James Register, Corporate Counsel, addressed the Council: "First of all, before this ordinance is considered, I would appreciate it if the Council would consider withdrawing from any consideration Ordinance No. 72-65 for the reason that that ordinance covered a part of the property which is now before the council as ordinance No. 72-84."

Councilpresident Zietlow noted that Ordinance No. 72-65 had been taken through first reading and was, at this point, table and could be tabled indefinitely without further council action.

Mr. Register: "At this point I do wish to request the adoption of Ordinance No. 72-84 for the reason that the legal department contends that they have more than 50% of all the property owners involved in this proposed annexation and, of course, we are proceeding under Indiana Code 18-5-1023 or sometimes referred to as section 48-720 under Burn's Statutes. We do have the request from 21 or 51 per cent of the property owners involved in this area, all of which is contiguous to the City of Bloomington, and all of which is physically surrounded by the City of Bloomington, and all of which is receiving benefits from the city by being contiguous and which also will be furnished with the city services after this ordinance is adopted, if adopted. The legal department has been for many many weeks contacting these property owners, principally through the efforts of Mr. Owens, City Attorney and his assistant Miss Tuke. We will be glad to go into detail of those who now have indicated that they have requested to come into the city. This afternoon the legal department did receive orally a request from one property owner whose name I won't mention unless it is requested, that he would like to withdraw from his original petition which he signed prior to December 7, 1972, when he called in. I will be glad to read off the names of all the property owners involved in this area and the councilmembers may count the names of all the property owners and make their own computation; we say we have 51%. We think it is an area that should be annexed by any of the rules under the statute that I just quoted. And, while it would be true that any of the property owners in that area could, after the passage of the ordinance, object to it, by the regular procedures. I will be glad to answer any questions about this majority that you have at this time."

(The Council took a five-minute break at this point in consideration of the ordinance.)

Mr. Regester read from the Indiana Code pertinent to voluntary annexation. He said: "It is the position of the legal department that a petition of more than 50% of the property owners was submitted to the City, requesting annexation. It is the position of the legal department that the persons who set that matter in operation may not legally withdraw; they may, of course, later object to the ordinance under the appropriate section of the statute. But we say that this paper that has been submitted, and I don't doubt the authenticity, at all, is of no value at all - it may be some informal expression of feeling by a few of these people but it does not represent the feeling and the petition of the people who requested this annexation at all. In other words, you can't have a withdrawal after the ordinance has been prepared and introduced."

Councilman Morrison: "Mr. Regester, Were any of the names of this lady's petition on your petition?"

Mr. Regester: "Some, but not many. I would like to add that every property owner in that area was contacted several times by letter by the legal department, in reference to these older signatures and the new signatures and there was adequate opportunity to have objected prior to the preparation of this ordinance and its introduction before the Council."

In response to a question from Councilman Morrison concerning the date of the annexation petition, Peggy Tuke said it was her understanding that the ordinance was prepared on the basis of an annexation petition prepared this year.

Miss Tuke said that the letter from the mayor to the residents of the area, notifying them that an annexation ordinance had been prepared and was to be introduced before the Council was sent out November 14 - the ordinance was introduced to the Council for first reading on November 16. She said that the legal department was contacted by only one person concerning the annexation ordinance and that was today (December 7), by telephone. No one contacted the legal department to oppose the ordinance prior to its introduction to the council.

Miss Tuke noted that: The state government, being fully aware that some people might change their minds in light of subsequent events has a section, to which property owners may remonstrate; that section also provides that 51% of the owners may remonstrate the decision of the city council to annex within 60 days. As you notice we have 51% that have to petition to annex and 51% to remonstrate, which comes to 102%. Obviously the state legislature assumes that there will be some overlap, that people might in fact change their minds. Basically we are saying that the state legislature has provided a remedy and that the city council is not it.

Mrs. Morford addressed the Council again: This letter from the mayor was received the same day as the meeting - that was one thing which incensed people because it did not give them enough time. Then when they found out that the ordinance would not be voted on until after second reading and discussion that was when they began to change their minds.

Councilman Towell asked Mrs. Morford: "Why is it that you would not like to be a part of our city?"

Mrs. Morford: "Well, the reasons that have been given are first of all that the increase in tax would be ~~more~~ more than it is in the county; and then, another thing that some of the people would like to have are new streets and sidewalks but of course that expense would be on the property owners and also then it would add to the value of the property which would again raise taxes. The people didn't feel that there were enough services to be offered because this area is unique in the fact that when Maxwell Lane was opened in the first place there were not septic, but the developer put in the sewer and water lines and paid for them himself - and the street."

"The residents paid for the installation in the price of their homes when they purchased them from the developer and they pay for the water and sewer services they receive now."

Councilman Towell: That is not unique, that is common practice all through the city and the county for people to pay for the water and sewer service they receive.

Mrs. Morford: If they are taken into the city I don't see why there would be new sewers or new water lines but that seems to be what has been promised.

Council President Zietlow: No, you are currently using city sewer and water lines without paying for them commensurately.

Councilman Towell: "I assume you use city streets to get off of Maxwell lane."

Mrs. Morford: "I think that some of the other things that were named that would be gained from the city was repairing of the streets which - they have the idea that there will be a new street which I don't know if it has been promised or not. But isn't that paid for by the property owners if a new street were put in?"

Council President Zietlow: "If that were the case, if a new street were put in, it would be paid for by the funds of the City of Bloomington. It is not clear who would pay for sidewalks."

Mrs. Morford: "As I understand, if a sidewalk is put in properly it takes 12 feet off the property. Another objection given is that the promised improvements and services would not be given until some time in the distant future because, judging from other areas that have gone into the city, that have been in the City for some time, according to the newspapers, have been paying city taxes and has still not received any services for their tax money."

Councilman Towell: "Mrs. Morford, how do you get to Maxwell Lane when you go home? Do you ride on city streets?"

Mrs. Morford: "you can or you can go...."

Councilman Towell: "Is the family business in the city?"

Mrs. Morford: "Well, of course there are many people who work in the city and don't live in the city. One other thing that people were interested in was the fire department but after they got the county fire department that was not so imprtant. They mentioned too that if these areas had had septic systems to begin with, it would be different."

Councilman Behen: "I would like to bring to Council's attention, in reference to Mrs. Morford's comment about promises made and not filled: Grandview Hills, Hoosier Acres, Eastern Heights were all admitted to the city in December of 1971 and, to the best of my knowledge, almost all of those sewers for those areas are completed, or underway."

Mrs. Morford: "Well, it was in the paper that Edgewood Hills, on route 46 has been in the city 4 and a half years and has no services."

Council President Zietlow: "Edgewood Hills is not in the city."

Councilman De St. Croix: "Mrs. Morford if you found a burglar in your yard who would you call?"

Mrs. Morford: "Well, my experience has been to call the police: I haven't had to call one yet since I've lived on Maxwell Lane."

Councilman De St. Croix: The point that I am making is that I think that by and large people accept city services as a kind of a right; I don't think that it is either equitable or fair to the total community when we have these large islands of county property that are surrounded by city property and these people are essentially receiving city services without paying for them. If there is a fire on Maxwell Lane, the fire department of the City is not going to wait to try to find out whether or not that part of Maxwell Lane is in the city or the county. Their concern is to save lives, to provide a service to people in this community and I would think that a number of people that have signed the petition, many of them businessmen and people of note in this community, who receive the benefits of this community - not only in terms of their business but also in terms of their involvement in the community and the benefits that they receive directly and indirectly from the community - as an act of good citizenship, I would assume would want to share their responsibility."

Mrs. Morford: "I am sure there are some who feel a moral obligation, especially those who have been there from the beginning, because they were the ones who have been there longest; the newcomers don't feel that moral obligation."

Council President Zietlow: "The Petersons called me before I came to the meeting and said they have had their petition in several years ago and they feel that some of the people who are opposing the annexation were not living there at the time they had asked for voluntary annexation. They are annoyed that the petition had been put off this long, so that there was an opportunity for people to move in and object."

Mrs. Morford: "I can understand why they feel that way because they wouldn't have had the sewers had they not promised to go into the city in order to get them, and that is why they feel that they have to annex. They feel a moral obligation because they promised and they don't want to go back on their word. But they also say they don't want to be in the City."

Mr. Register: "I would like to amplify this date question. On October 27, 1972, a letter went out from Mr. Lawrence Owens, City Attorney, to the various property owners saying that there were people in that area that were requesting annexation and had joined in petitions for that purpose. So this was not handled quickly. Another thing, on this question of benefits; the legal department has made some considerable investigation about the conditions in that area and for one thing we are aware of the fact that the property owners out there did, years ago, install at their own expense, a private water line that we know is not adequate. We have already taken the liberty to investigate that with the utilities department. And that water line, in the judgment of the department of utilities, will be replaced - that is nothing that the city is obligated to do and it doesn't constitute the new policy of paying for new capital improvements but it comes under the heading of replacing lines that are either worn out or have now been found to be insufficient. So that is something that is in the immediate offing. Another thing that has already been taken up with the department of transportation is the fact that Maxwell Lane which is built up considerably and the people are served by a street that is not wide enough or well-enough paved - that is in the 1973 program; the widening and resurfacing of the street. These are not things that the city has to do but these are things that, at this point, are being considered as things that ought to be done in this area. Not as payment for annexation, which we think is already justified. But I want to assure the council that the legal department has not been engaging or indulging in inadequate notice nor fast or slick action." Mr. Register read Mr. Owens' notations on people that had signed in favor of annexation. (Mr. Owens was not at this council meeting, due to illness.)



Mr. Register: I want you to understand that this ordinance was prepared in response to what we thought was a justifiable annexation ordinance but also after thorough investigation and communication with everybody in the area. We think the ordinance should pass.

The question was called.

ORDINANCE no. 72-84 WAS PASSED BY A ROLL CALL VOTE OF Ayes 7,  
Nays 1 (Nay: Morrison)

Councilman De St. Croix moved that Ordinance No. 72-85 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

INTRODUCTION OF  
GENERAL AND SPECIAL  
ORDINANCES

72-85 - Telecommunication  
Council

Grace Johnson read Ordinance No. 72-85.

Councilman De St. Croix moved that Ordinance No. 72-86 be introduced and read by the Clerk. Councilman Morrison seconded the motion. The motion was carried by a unanimous voice vote.

72-86 - Trash Collection

Grace Johnson read Ordinance No. 72-86.

Councilman Fix said he would like to have the Board of Public Works compile a list of administrative problems that they are going to have so that the Council could have them prior to the next meeting when the trash ordinance comes up for second reading.

Councilpresident Zietlow: "We can do that and I would also like to appoint a committee to meet prior to the next meeting, with Councilman Fix chairman of that committee, members: James Wray, Senior, Brian De St. Croix, Dick Fee, Tim Hodenfield, George Luginbill. I would like this committee to meet to work on the draft of the ordinance so we can get it done."

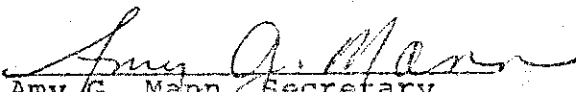
Councilman Towell moved the meeting be adjourned. The motion was seconded by Councilman Ackerman and carried by a unanimous voice vote.

ADJOURNMENT

THE MEETING WAS ADJOURNED AT  
11:00 p.m., E.S.T.,

  
Charlotte T. Zietlow, President

ATTEST:

  
Amy G. Mann, Secretary

RESOLUTION No. 72-71

Dec. 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 may adjust the appropriations of the following budgets, to-wit:

PARKS and RECREATION

FROM #11- SALARIES AND WAGES		\$13,209.00
TO #21- COMMUNICATION	\$500.00	
#22- HEAT, LIGHT, UTILITIES	8,768.00	
#25- REPAIRS	1,600.00	
#32- GARAGE & MOTOR	1,300.00	
#33- INSTITUTIONAL & MEDICAL	433.00	
#43- REPAIR PARTS	582.00	
#52- RENTS	26.00	

ANIMAL CONTROL

FROM #22 HEAT, LIGHT, UTIL.		\$375.00
#25 REPAIRS		250.00
TO #21 COMMUNICATION	\$100.00	
#33 INSTITUTIONAL & MEDICAL	175.00	
#43 REPAIR PARTS	50.00	
#32 GARAGE AND MOTOR	300.00	

COURT

FROM #12 SALARIES, TEMPORARY		\$70.00
TO #72 EQUIPMENT	\$70.00	

FIRE DEPT.

FROM #32 GARAGE & MOTOR		\$152.00
#36 OFFICE SUPPLIES		100.00
TO #261 RADIO MAINTENANCE	\$152.00	
#41 BUILDING MATERIALS	100.00	

ROSEHILL CEMETERY

FROM #62 RETIREMENT		\$6.30
TO #64 GROSS TAX	\$6.30	

CITY ATTORNEY

FROM #21 COMMUNICATION		\$165.00
TO #55 SUBSCRIPTIONS & DUES	\$165.00	

POLICE DEPT.

FROM #111 SALARIES & WAGES		\$5,250.00
TO #261 CONTRACTUAL SERVICES TO MATCH CRIMINAL JUSTICE FUNDS	\$5,250.00	

RESOLUTION No. 72-71

page 2

BOARD OF WORKS

FROM	# 22	Heat, Light, Power, etc.	\$2000.00
TO	# 263	Garbage Collection	\$2000.00
FROM	# 262	Hydrant Rental	\$8100.00
TO	# 263	Garbage Collection	\$7500.00
	# 11	Salaries & Wages	600.00
FROM	# 25	Repairs	\$ 658.30
TO	# 41	Building Materials	\$ 658.30

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

APPROVED: 12/7/72

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

ADOPTED: December 7, 1972

12/7/72

WHEREAS the Common Council of the City of Bloomington, Indiana, recognizes The Whole Theatre Inc.'s efforts in general human and community betterment through the arts and specifically acknowledges those programs of the Whole Theatre aimed at:

1. providing quality arts programs for area audiences;
2. providing avenues of individual creative expression in the arts for people of all ages;
3. providing continuing education in the arts;
4. providing community access media;
5. providing financial support to regional artists;
6. providing future job orientation;
7. providing a drug alternative;
8. efforts in architectural re-cycling;
9. and long range efforts to conserve and expand the general art resources of the State of Indiana.

WHEREAS the Whole Theater is currently engaged in an effort to acquire the church located on the northeast corner of 4th and Lincoln Streets, and

WHEREAS said building is of historical and architectural significance, its renovation and continued use is acknowledged by the Council as being a long range aesthetic asset to the community and an important asset in revitalization of the downtown central business district.

THEREFORE, BE IT RESOLVED, in view of these programs and goals the Common Council is moved to endorse the concept of the Whole Theatre and specifically that group's current efforts to acquire and renovate the church facility presently slated for demolition located on the northeast corner of 4th and Lincoln Streets in the City of Bloomington, Indiana, and further, that the Common Council supports these efforts as well as the continued success and establishment of The Whole Theatre in the City of Bloomington, in the State of Indiana.

Passed by a unanimous  
vote of the Common Council  
adopted: 12/7/72

Charlotte T. Zietlow  
Charlotte T. Zietlow, Council President

Francis X. McCloskey  
Francis X. McCloskey, Mayor