

In the Council Chamber of the Municipal Building at 6:30 p.m., E.S.T., Monday, November 22, 1971, with Council President, Ralph L. Johnson, presiding. Called for the purpose of annexation of Matlock Heights, Eastern Heights and discussion of sewer project.

SPECIAL MEETING
COMMON COUNCIL
CITY OF BLOOMINGTON,
INDIANA

Council President, Ralph L. Johnson.

CALL TO ORDER

Members present:

ROLL CALL

James Clendening, Clyde T. Day, Harry G. Day, Charles Faris, Robert E. Gray, Ralph L. Johnson.

Members absent: Robert Clegg, Jr., who was vacationing in Florida, Richard W. Fee, was ill, Jack Morrison.

Mayor John H. Hooker, Jr., Raymond E. Long, City Engineer; Howard A. Young, City Controller; James Cotner, City Attorney; Marian Tardy, City Clerk, Danny Fulton, Director Department of Redevelopment; Bill Wilson, Director Parks and Recreation.

CITY OFFICIALS PRESENT

Approximately 100 including members of the press.

CITIZENS PRESENT

Councilman Faris moved that proposed Ordinance No. 71-55 be introduced and read by the Clerk. Councilman Clendening seconded the motion.

BUSINESS

ORDINANCES-INTRODUCTION
Ordinance No. 71-55
Annexation Matlock Heights

The Clerk read proposed Ordinance No. 71-55.

Councilman Faris moved that proposed Ordinance No. 71-56 be introduced and read by the Clerk. Councilman Clendening seconded the motion.

Ordinance No. 71-56
Annexation Eastern Heights

The Clerk read proposed Ordinance No. 71-56.

Councilman Faris moved that the rules be suspended so that proposed Ordinances No. 71-55 and 71-56 can be advanced to second reading. Councilman Clendening seconded the motion.

Roll call vote: Ayes 6, nays 0.

Councilman Faris moved that proposed Ordinance No. 71-55 be advanced to second reading and read by the Clerk by title only. Councilman Harry Day seconded the motion.

The Clerk read proposed Ordinance No. 71-55 by title only.

Mayor Hooker asked that the City Attorney read into the record the agreement that will be entered into between the Board of Public Works and the individuals of the several areas as far as annexation is concerned.

Mr. Cotner, City Attorney said that the City is authorized to enter into contracts with people of a specific area for the extension of sanitary sewers into the area with the people under the contract agreeing to repay. This agreement constitutes such a contract with the people who sign it receiving a 50%

deduction from the actual cost of the sewer and their cost. Those who do not sign the contract and want to hook on later will pay 100% of the charge, which is not by way of penalty, but by way of inducement for those who want to sign, because the City could make the agreement we agree to put in the sewer, then whoever hooks on pays 100%. There is an advantage to the city in that it gets two things, 1. guarantee certain number of people willing to pay now rather three or five years from now, 2. annexation. The specific statute that this contract is drawn under provides specifically that the contract shall contain the provision that anyone who hooks to the sewer must waive their rights to oppose annexation. All contracts contain this particular provision.

The agreement is as follows:

Agreement

This agreement made and entered into by and between the Board of Public Works of the City of Bloomington, Indiana, hereinafter called "City" and the individuals executing this agreement as property owners, hereinafter called "Property Owners" Witnesseth:

1. Whereas, the City of Bloomington, Indiana, through its Board of Public Works desires to extend by the construction of sanitary sewers, sewer service into the area known and designated as (name)and,

2. Whereas, the undersigned property owners are owners of the real estate lying within such area which will be served by such extension, and

3. Whereas, the City has prepared detailed plans and specifications for the installation of such extension, it is now agreed by and between the City and the property owners, as follows:

1. Upon the execution of this agreement by a majority of the owners of property within the area known and designated as (Name) which number consisting a majority is now defined as _____. That upon the execution by a majority the City shall let the bids upon the sewer extension to be constructed and order the contractor to proceed.

2. The total cost of such sewer extension shall be paid by the City from its sewer improvement fund.

3. The total cost of such sewer extension shall be divided by the total number of sewer services to be served by such extension and by determining the pro rata cost of such extension for each sewer service to be served thereby.

4. Each of the undersigned shall within ten days of the completion of the extension pay to the City one-half the pro rata cost of such extension for each sewer service required or available to the property or properties owned by them as shown beside their names. Thereafter such owners or their successors in title may hook on to such extension at no additional hook on cost to them for the serving of the designated property.

5. The owners of any property for which the pro rata cost is not paid prior to December 31, 1971, agree to be paid, shall before hook on to such extension for service to such property pay the full and entire pro rata cost of such extension to the City prior to the furnishing of such service to such property.

The undersigned property owners, their successors and assigns by the execution of this agreement shall be deemed to thereby waive their authority to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by the City of Bloomington, Indiana, of the property owned by them as shown by the description next to their name.

Several persons asked questions concerning the annexation which were answered by Mayor Hooker and City Attorney James Cotner.

Mayor Hooker said that contracts for the sewer work for the three neighborhoods, Matlock Heights, Eastern Heights and Grandview Hills would be signed Wednesday morning at a Special Session of the Board of Works. He further commented that the annexed areas would receive fire and police protection in the future, probably no later than December 1, 1971. Snow removal and garbage collection will depend upon the availability of trucks.

Mr. Cotner said new petitions with signatures of those desiring sewer service must be submitted by December 31, 1971. He said a "grace period" may be extended to individuals who are currently out of the State or country and expect to be back in the next few months.

Councilman Faris moved that proposed Ordinance No. 71-55 be adopted. Councilman Clendening seconded the motion.

Roll call vote: Ayes 6, nays 0.

Councilman Faris moved that proposed Ordinance No. 71-56 be advanced to second reading and read by the Clerk by title only. Councilman Clendening seconded the motion.

Ordinance No. 71-56
Annexation Eastern Heights

The Clerk read proposed Ordinance No. 71-56 by title only.

Councilman Faris moved that proposed Ordinance No. 71-56 be adopted. Councilman Harry G. Day seconded the motion.

Roll call vote: Ayes 6, nays 0.

The meeting adjourned at the hour of 8:05 pm. ADJOURNMENT

Ralph L. Johnson, President

ATTEST:

Mr. Richard Wilder, attorney commented as to why the City doesn't borrow the money from an Indianapolis Bank like it did some four years ago, to sewer Otis Elevator and suggested the same technique.

Mayor Hooker commented to Mr. Wilder's remarks, stating "that on taking office some eight years ago, there was no memorandum, no agreements, but that there was a verbal commitment that was made by somebody, somewhere, someplace, sometime, that the City of Bloomington would provide a sewer to Otis Elevator. We honored this verbal obligation that was made by the previous administration. We did not have plans, specifications and did not have one dollar to build a sewer for this industry. We felt it was imperative and an absolute necessity that the City of Bloomington not lose the opportunity of having which I call a blue chip industry come into our community, an industry which has turned out to be a good total community neighbor. We did not go just up to Indianapolis and ask the bankers, we awarded a contract without funds and the sewer was over half built before we had any funds or even any knowledge we would have funds." "I took a calculator risk, I personally went out on a limb for this community and for something I believe, was absolutely necessary. "It was not a simple thing to do, and we were able then in the latter stages of construction to negotiate a loan with an Indianapolis Bank and it wasn't repaid by some strange method as Mr. Wilder stated. It was repaid by the bond issue itself and fully disclosed in the bond issue for that express purpose."

Councilman Harry G. Day announced he had written Reverend Paul R. Miller with reference to request from the Drug Control Commission for additions of other representatives from other organizations to the Drug Control Advisory Committee, stating the Council feelings as to future changes and recommendations of the Commission, and that they be made a matter of public record and presented before the Council. Councilman Day read a letter just received from Reverend Miller, which is as follows: "Thank you for your recent letter expressing rational of the City Council apropos of our request for an amendment to the Drug Control Ordinance. The Commission concurs with your judgment. We would like to have added to your list of community organizations belonging to the Advisory Committee, Health, Incorporated. They asked that they be included and we unanimously agreed. The Reverend Ronald P. Leisman is the Chairman of their Board of Directors and Frank S. Monroe, Jr., is Director of their program.

As soon as the Council acts upon this request, will you let me know, Thanking you for your help in these matters, I am, Sincerely Yours,
s/Paul R. Miller

Councilman Harry Day said this would require an amendment to ordinance No. 71-19 and he requested the City Attorney to prepare a suitable amendment in which this request of the Control Commission would be honored and have it ready for next council meeting.

Councilman Clyde Day moved that the claims CLAIMS and payrolls presented for payment of November 19, 1971, be approved, also pensions

be approved. Councilman Morrison seconded the motion, and it carried by unanimous voice vote.

The meeting adjourned at the hour of 8:45 p. ADJOURNMENT
m.

Ralph L. Johnson, President

ATTEST:
