

## REGULAR MEETING

February 2, 1960

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chambers in City Hall, on Tuesday, February 2, 1960, at the hour of seven-thirty-o'clock (7:30 P.M. C.S.T.) in regular session with Mayor Thos. L. Lemon presiding.

Members present: Chitwood, Peace, Graves, Stikeleather, Faucett, and Marxson.

Members absent: Sikes.

Councilman Graves opened the meeting with a prayer.

Councilman Graves moved, seconded by Councilman Peace that the minutes of the last regular meeting of January 19, 1960 be approved as submitted to each individual councilman; motion unanimously carried.

Councilman Graves presented Ordinance No. 4, 1960 for second reading and moved, seconded by Councilman Peace that Ordinance No. 4, 1960p be read by title only. Upon a roll call vote the motion was unanimously carried. After second reading by title only, Councilman Graves moved, seconded by Councilman Chitwood that Ordinance No. 4, 1960 be duly adopted. Upon a roll call vote, Ordinance No. 4, 1960 was unanimously adopted.

Councilman Graves presented Ordinance No. 5, 1960 for second reading and moved, seconded by Councilman Peace that Ordinance No. 5, 1960 be given second reading by title only. Upon a roll call vote the motion was unanimously carried. After second reading by title only, Councilman Graves moved, seconded by Councilman Peace that Ordinance No. 5, 1960 be duly adopted. Upon a roll call vote, Ordinance No. 5, 1960 was unanimously adopted.

Councilman Graves presented the following Committee report on Vending Machine Licenses:

Your committee has had under consideration the matter of the licensing of vending machines, Ordinance No. 1, 1931, Sec. 13; and Ordinance No. 8, 1947, and submits its report and recommendation as follows:

We have examined statutes, especially Ch. 129, Sec. 53, Acts of 1905, which authorize cities to license, tax, and regulate various kinds of trades, employments, activities, machines, devices, and places.

There is no doubt in our minds that the city has authority to license, tax or regulate places, machines, or devices for sports, games, entertainment, and related activities but we seriously doubt whether this city or any other city in the state is authorized by statute to levy special license fees or taxes on all the other kinds of vendors or vending machines included in the above cited ordinances.

Your committee, therefore, recommends that the City Attorney be instructed to prepare ordinances to accomplish the following purposes:

1. To repeal Section 13 of Ordinance No. 1, 1931, and Ordinance No. 8 1947.
2. To require that machines or devices used for entertainment, amusement, and the like shall be reported to the Chief of Police.

We see no immediate need for additional regulatory or taxing measures. If in the future, circumstances seem to warrant such measures, we recommend that the Council consider enacting an ordinance primarily for regulation rather than for raising revenue.

Respectfully submitted,

S/ Hilbert H. Graves  
S/ Norbert Peace  
S/ Pressly S. Sikes, Chairman

Councilman Graves moved the adoption of the above committee report; motion unanimously carried.

HAA061

The following report was given by Attorney Horace R. Karsell in behalf of his client, Mr. Clinton Boothe owner of Valhalla Memory Gardens:

PROPOSED AGREEMENT

Roads inside Cemetery:

Roads existing at time of this agreement are to be maintained at present width and composition.

New roads will be 20 feet in width and will be constructed of a 6 inch crushed stone base and 2 inches of black topping. Black topping will be applied to the crushed stone base with 2 years or after the crushed stone base has settled.

There will be a new entry to Valhalla Cemetery opening onto Johnson Road and a road, on cemetery land, connecting Johnson Road with the other roadways in the cemetery. This new entry road will conform to specifications set out herein for new roads within the Cemetery and will be completed and ready for use by October 1, 1960.

Development of new areas for interment will be in accordance with the recommendations of a qualified, capable landscape architect and civil engineer. The landscape architect and civil engineer are to be chosen by the Cemetery. The landscape architect presently employed is Glen Jensen of Indianapolis. He is a graduate of a school of architecture, which I believe is Iowa University. His services are desired in the future in order to maintain continuity of design already established.

Drainage of Surface Water:

It is agreed that Valhalla Memory Gardens will be maintained in such a way that there will be no surface water or pools or puddles standing to interfere with visitors to developed portions of the cemetery.

The Cemetery agrees to employ a full time caretaker of its cemetery.

The Cemetery will eliminate all covenants which are restrictive of the use of its cemetery lots by persons of any particular race or color as applied to gardens developed in the future. However, the Corporation shall have the right to develop areas or gardens for use by any social or religious or fraternal organizations for whom it may desire. Examples of such organizations and religious groups are the Roman Catholics, The Masonic Orders, The Eagles and the Elks fraternal organizations, for whom this Corporation already has provided space. Sale of lots in these areas will be restricted to members of the particular organization. Interments therein will be made only for such members and their families.

Sales Promotion:

Base: Present Prices \$ 97.50 preneed \$150.00 at death

Selling Prices:

In Sections B, D, E, F, G, & H (Traditional Monument Sections) \$125.00 for single spaces \$110.00 for 2 or more spaces

Section K - "Devotion Garden" (This garden is fully platted, full developed lawn, fully landscaped and has a large religious art feature consisting of an open Bible of Carrara marble on a decorative base of stone in the center). \$175.00 per space (75% sold)

Section P - "Christus Garden" (fully platted, first year lawn, will be fully landscaped in spring of 1960, has a life size Carrara marble statue of Christ in the center of garden) \$150.00 per space - 225 see schedule

Section Q - "Masonic Garden" restricted to Masons and their families. (fully platted, first year lawn, will be fully landscaped by fall of 1961) \$150.00 per space to 225 see schedule

## Undeveloped Land:

For a period of 10 years from the date of this agreement, Valhalla will have spaces available for burial at not more than \$150.00 each. City shall have no control over prices so long as they are below base prices.

The base price of all burial spaces, except in the "Old Traditional Monument Section", shall automatically, without City Council approval, increase in accordance with the following schedule.

\$150	per space until Garden is	75%	sold out
\$175	per space until Garden is	80%	sold out
\$200	" " " " "	85%	" "
\$225	" " " " "	100%	" "

Until a new Garden is developed and ready for interment, there will be spaces available at need (at death) in an already developed Garden for \$150 base price even though price increases are in effect in accordance with the above schedule.

There is no requirement that graves have any markers of any kind but when markers are used they must meet the following specifications:

Specifications for markers in modern section

To preserve uniform beauty all memorialization in the modern section must be the type of memorialization specified for the particular area in which it is to be set and meet all specifications later set out.

Memorialization for the modern garden sections is specified as follows:

A bronze marker set on a granite base. Markers furnished for veterans by the U. S. government may be exempted from being set on granite.

The bronze marker is to meet the following specifications:

The marker must be true, flat, not warped, free from all weakening defects of any character, and also free from minor defects and imperfections which would be visible from a distance of three feet. All exposed surfaces must be smooth and free of sand-like roughness.

All letters, numerals, ornamentation and insignia must be hand chased, finely buffed and highlighted. Backgrounds must be of sculptured texture per approved sample in Cemetery office. Background is to be finished in statuary bronze color, secured by entirely chemical means through the formation of cupress oxide and cupric oxide on the background surface. No sulphide, nor golden alimony, nor liver of sulphur, nor painted nor pigmented lacquer finishes are to be used in the production of the marker.

Each marker must be case with integral bosses on the back in locations specified by the Cemetery. The bosses must be drilled and tapped to receive three eights inches diameter anchor lugs of brass or bronze. The anchor lugs, washers and nuts must be supplied to the Cemetery with the marker.

The bronze alloy of the marker shall consist of:

Not less than	87%	copper
Not less than	5%	tin
Not more than	2 $\frac{1}{2}$ %	lead
Not more than	5%	zinc
All other elements in total		
not to exceed	1%	

Granite bases for bronze marker

The granite must be sound, and free of any apparent defects. One side must be ground and polished to a smooth gloss finish. The granite must be bored to receive properly the three eighth inch anchor lugs of the bronze marker so that the bronze marker will be in true alignment.

As the granite must provide a border of two inches on each of the sides and ends of the marker the dimensions of the granite must be four inches ~~more~~ longer and four inches wider than the marker. The granite must be a minimum of two and one half inches in thickness and of a color defined as Autumn Brown or its equivalent.

#### Installation and Foundations

All memorials shall be installed by the Cemetery, on concrete foundations built by the Cemetery, at the cost of the owner.

If the memorial is purchased through the Cemetery, the installation charge and continual care charge shall be included in the purchase price. The installation charge shall be 10¢ per square inch of bronze surface and the continual care charge shall be 10¢ per square inch of bronze surface for such marker.

If the memorial is purchased from an outside agent and is approved by the Cemetery, the charges for installation and continual care shall be the same as above and all such charges shall be paid to the Cemetery in advance of installing such memorial.

#### Prices of Memorials

Lily Design Price List	<u>At Need Price</u>
1. Lily No. 1 - Individual Marker Bronze 19" x 7" mounted 24" x 12" granite base	\$ 135.00
2. Lily No. 2 - Family Memorial Bronze 32" x 8½" mounted on 36" x 13" granite base (without vase)	\$ 250.00
3. Lily No. 3 - Companionate Bronze 32" x 8½" mounted on 36" x 13" granite base. Has two scrolls. (without vase)	\$ 325.00
4. Lily No. 4 - infant Bronze on granite	\$ 95.00
5. Lily No. 5 - Companionate Bronze 36" x 10" bronze marker (with vase) mounted on 40" x 14" granite base	\$ 400.00

The prices include an installation charge of 10¢ per square inch of bronze and a maintenance charge of 10¢ per square inch of bronze.

If the family wants a memorial larger or more ornate than the above, then they may obtain them but prices will be set by the Cemetery.

#### Method for Increasing Prices:

The prices of burial spaces and memorials or markers as herein set out are base prices to be effective as of the date of this agreement. At yearly intervals from the date of this agreement the Cemetery shall have the right to increase prices above the base prices by a percentage equal to the percentage of increase in the B.L.S. index above the index as of the date of this agreement. The Cemetery shall also have the right to increase the price of memorials or markers by the same percentage the cost of same to the Cemetery increases.

Any increases above the base prices other than those increases hereinabove provided for may be made only after permission granted by the Common Council of the City of Bloomington and the Council agrees to act on the Cemetery's petition for a price increase at the meeting following that at which the petition is presented.

If there is a decrease in the B.L.S. Index or if there is a decrease in the cost of the Cemetery of memorials or markers, then, if the Cemetery has increased its prices because of increases in the B.L.S. Index or cost of memorials or markers, the Cemetery will reduce its prices proportionately to the decreases in said index or said cost or in the same amount of any increase if the amount of the increase did not fully reflect the increase in the B.L.S. Index or the cost.

If any of the costs or expenses of the cemetery operation are increased due to the enactment of any new law, such as a new law requiring more than the presently required 15% of price of spaces to be deposited in a perpetual care fund, then the Cemetery shall automatically have the right to increase its selling prices proportionately.

Mr. Boothe will sell Vaihalla, during the first year if he defaults for \$150,000.00, plus net earnings of corporation from date of agreement to date of sale.

After 1 year from date of agreement, sale price to be set by 3 recognized, competent, experienced cemetery appraisers, 1 to be chosen by Vaihalla Memory Gardens, 1 by the City and the 3rd by the first two appraisers.

Grave spaces will be 3 feet 6 inches wide by 9 feet long.

5 years renegotiate

All interested parties willing to acquiesce in agreement between City and Vaihalla.

John Trabue of Trabue Monument Works, Henry J. B. Andrews, and an interested citizen appeared at the meeting in connection with the proposed cemetery agreement.

The following letter was received by Mayor Lemon:

February 2, 1960  
Bloomington, Indiana

TO THE MAYOR  
AND THE COMMON COUNCIL OF THE  
CITY OF BLOOMINGTON, INDIANA

Gentlemen:

This is to advise you that all bills in connection with the construction of the water mains by Church Lane Water Line Company, Inc., on which construction financial assistance was given by the City of Bloomington, have been paid in full, and there is enclosed herewith the check of the Corporation just referred to made payable to City of Bloomington, Indiana, for the sum of \$2,500.00. The amount of the enclosed check represents the surplus which was not needed for construction purposes through December 31, 1959.

The Corporation still has on hand a small balance which, it is assumed, during the remainder of 1960, will be added to by hook-on fees. During the month of January, 1961, additional funds will be sent to the City by the Corporation.

On behalf of Church Lane Water Line Company, Inc. and the people who are benefiting by water service from the water lines constructed by it, I want to thank you for your cooperation and assistance. Church Lane Water Line Company, Inc. will continue, in accordance with the original agreement between it and City of Bloomington, to collect hook-on fees for the full twenty years of its life or until the City's investment in this line has been repaid in full.

Very truly yours,

S/ Elinore J. Murphy  
Treasurer, Church Lane  
Water Line Company, Inc.

Mayor Lemon presented the following petition which was read to Board of Public Works & Safety at their meeting, February 1, 1960:

TO THE BOARD OF PUBLIC WORKS AND COMMON  
COUNCIL OF THE CITY OF BLOOMINGTON

We, the undersigned, own real estate and reside in the area between South Henderson Street which borders on Bryan Park and Washington Street.

A natural ditch which has its origin in the eastern parts of Maxwell

HA 061

runs through Bryan Park and in a Southwesterly direction through our property. Since so many streets have been paved in the Maxwell Manor's area and natural vegetation removed, we find that this stream is much more likely to overflow and to be more unsightly than it was in former years.

We respectfully request the City Administration to give consideration to enclosing this stream and drainage way between Henderson Street and Washington Street.

Signed by 57 citizens.

The following petition was received as follows:

We the undersigned property owners of the City of Bloomington petition his honor 'The Mayor & Common Council' to give serious consideration to the drainage problem as affecting properties adjoining Davis St. & Morton Street & south to the City Limits. These are now inadequate to take care of surface water and are causing damage.

Signed by 17 citizens.

Annual reports for 1959 were received from The Aviation Board, Fire Dept., Water Dept., Health Dept., Street Dept. and City Court and placed on file.

Reports for the month of January, 1960 were received and placed on file from the Street Dept., Plumbing Inspector, and Water Dept.

Councilman Chitwood moved, seconded by Councilman Peace that the claims presented for payment February 3, 1960 be allowed as submitted; motion unanimously carried.

Councilman Marxson moved, seconded by Councilman Stikeleather that the taxi cab license application of Guy Miller d/b/a Campus Cab Company be approved and licenses issued; motion unanimously carried.

Meeting adjourned.

ATTEST:

Mary Alice Dunlap  
Clerk-Treasurer

Thomas J. Lemmon  
Presiding Officer

Thomas J. Lemmon