



**CITY OF BLOOMINGTON**  
**parks and recreation**

A-1  
**05/27/08**

Board of Park Commissioners  
Regular Meeting  
Minutes

Tuesday, April 22, 2008  
4:00 – 5:30 p.m.

Parks & Recreation Conference Room  
401 N. Morton St.

**CALL TO ORDER**

The meeting was called to order by Mr. Carter at 4:05 p.m.

**Board Present:** John Carter, Les Coyne, Joe Hoffmann, Jane St. John

**Staff Present:** Mick Renneisen, Judy Seigle, Daren Eads, Leslie Brinson, Kim Ecenbarger, Julie Ramey, Becky Barrick, Dave Williams, Rob Gilchrist, Paula McDevitt, Bev Johnson, Marcia Veldman, Bradley Drake, Sarah Nix, John Turnbull, Steve Cotter

**City Administration:** Margie Schrader, Legal

**A. CONSENT CALENDAR**

- A-1. Approval of Minutes of March 25, 2008 Meeting
- A-2. Approval of Claims Submitted March 26 – April 21, 2008
- A-3. Approval of Non-Reverting Budget Amendments
- A-4. Review of Business Report

Mr. Hoffmann made a motion to approve the Consent Calendar as presented. Ms. St. John seconded the motion. Motion unanimously carried.

**B. PUBLIC HEARINGS/APPEARANCES**

**B-1. Public Comment Period**

Mr. Renneisen announced that there is a meeting this evening at 6:30 at the Banneker Community Center – 3<sup>rd</sup> Floor regarding “A vision for Butler Park.” All community members are invited to attend and offer provide their input.

**B-2. Bravo Award**

Deanna Elkins addressed the Board and stated that the April Bravo Award is being presented to Ashley Casey for her continued volunteer commitment to the Banneker Center’s Afterschool Adventure Series. She began volunteering with the Center about a year ago by helping with homework, leading activities, and interacting with the children. She also spends time volunteering with Community Events. She has volunteered more than 50 hours with the department during the past year. Ms. Casey graduates this year from Indiana University with a major in Psychology and Criminal Justice and a minor in Spanish. She plans to pursue a career in child psychology/counseling.

Ms. Casey addressed the Board stating that it has been a great opportunity volunteering her time at the Banneker Community Center. The children are great and she is really going to miss them.

### B-3. Appeal of Farmers' Market Vendor Suspension Decision

Mr. Biltz addressed the Board stating that he has been coming to the Market for several years. Two years ago he approached staff regarding selling peaches at the Market from trees he purchased from a friend. At that time, the advisory council/staff voted to approve Mr. Biltz's application. The past two years his application was denied. He is unclear as to what he has done wrong and wanted some clarification. He added that he relies on revenue that he gets at this market and another market in Indianapolis and the loss of this revenue will really put him in a bind. He purchased the trees and the land with the intent of selling at this Market. He feels as though he has been singled out and feels that is unfair.

Steve Smith, Mr. Biltz's cousin, addressed the Board and stated that he has read through the documentation as well. He states that Mr. Biltz's lack of responsiveness and treating the issue a bit too casually is the real issue. There was some question regarding peaches that he sold at the last market in August. He had indicated a few weeks earlier that he didn't think he had any left. When he appeared with five boxes, there was some question whether or not these were peaches grown on his trees or whether he had purchased them from another orchard and tried to resell them. Mr. Smith added that Mr. Biltz was complying with all requests made of him. Mr. Smith presented to the Board a letter from the former landowner stating that Mr. Biltz has purchased the land on which the trees are planted. He also stated that Mr. Biltz has some supporters here with him.

Karen Anderson addressed the Board stating that she is a vendor at the Market and a customer of Mr. Biltz. She has known him for several years. She said that he is a very honest person. She feels he did nothing wrong and did not lie or cheat.

Mr. Hoffmann asked for some clarification of some issues including proof of the land purchase.

Ms. Veldman stated that staff has received a copy of the contract for the land purchase.

Ms. Veldman stated that documentation of vendor activities has been in the vendor contracts for years. This is to help staff make a determination when something is in question. Early in 2006 staff indicated to Mr. Biltz that he needed to keep logs and receipts to help ensure compliance with the Market vendor guidelines. This information was requested frequently and was never followed through on by Mr. Biltz in a timely manner. She feels the "lack of transparency" of his operation is concerning.

Mr. Hoffmann reiterated that the primary concern was not the ownership of the land, but rather if Mr. Biltz had been working regularly with the peaches, he would have known that there were more peaches coming.

Ms. Veldman replied that a conference call was held on July 16, 2007 with Mr. Biltz where several questions were asked to get a clearer understanding of the situation. During that conversation he said he had about two more weeks of peaches. She clarified that the 2007 peach season was a very light season because of a late freeze. Vendors that had peaches were very much aware of their production. Based on his lack of knowledge regarding his peach production, the determination by the advisory council and staff was that he either purchased the peaches somewhere else or wasn't tending the orchard as he had stated. In either case, it appeared as though he was in breach of the contract.

Ms. Veldman also stated that a policy change was approved in 2007, as a result of this situation, to more clearly identify guidelines for production of perennials.

Mr. Coyne asked what triggered the investigation of Mr. Biltz's property and his peach production.

Ms. Veldman stated that several vendors had approached staff expressing concerns over Mr. Biltz's production of the peaches and whether or not they were actually his peaches. The advisory council also approached staff stating that they had heard similar concerns; at which point a farm inspection was made.

Ms. Veldman also stated that the biggest concern raised by the advisory council was a lack of transparency and accountability by Mr. Biltz regarding the production of his peaches.

Ms. St. John stated that this is a very uncomfortable situation. She stated to Mr. Biltz that he was very eloquent in his request to appeal his suspension by stating that this is one of two markets where he vends and that he depends on the income for his livelihood. However, she feels as though his responses to requests by the staff did not reflect that same sense of dependence on this business. Mr. Biltz's lack of response appears to reinforce the lack of transparency and lack of accountability for his business.

Mr. Carter added that Mr. Biltz had many opportunities to live up to the "rights and responsibilities" for being a farm vendor at the Market. While some accommodation was made for his unique situation, it appears as though transparency and communication were lacking in Mr. Biltz's case.

Mr. Coyne stated that it is extremely important to him that the Market maintain its unique atmosphere by assuring that all produce is "vendor produced." He wants all vendors to know that if there is a problem, the staff, Board and advisory council will take the issue very seriously.

Mr. Renneisen stated that it was the Board's decision whether or not to uphold the suspension placed on Mr. Biltz by the staff and the advisory council; overturn the decision; or amend the terms of the suspension.

Mr. Hoffmann asked for clarification of the suspension.

Ms. Veldman stated that the contract allows for the City not to enter into a contract with any vendor when it is determined there is a reasonable likelihood the vendor would offer for sale at Market goods that are not "vendor produced." Staff and the advisory council recommend not to enter into a contract with Mr. Biltz now or in the future.

Mr. Smith addressed the Board again and stated that there is no evidence that Mr. Biltz violated the grower agreement. Mr. Biltz was guilty of not providing logs and other supporting documentation. He feels the punishment should fit the crime.

Mr. Hoffmann replied that there was no way to determine if Mr. Biltz had violated his contract because he did not provide the documentation that was required to prove whether or not he was in compliance. Staff made a reasonable request and Mr. Biltz did not follow through on that request. Mr. Hoffmann reiterated that he is not accusing Mr. Biltz of cheating, but rather of not providing requested proper documentation in not just one instance, but over a period of time and repeated requests.

Mr. Biltz stated that he was asked in July to provide a log, but was told it was not mandatory. He then started keeping a log in October and no one has asked to see it.

Mr. Hoffmann replied to Mr. Biltz that he is going to have to offer that information upfront without being asked to see it by the staff. He also noted that there was a request for documentation on April 5, 2007.

Ms. St. John stated that in a portion of the documentation Mr. Biltz stated that he was being stubborn and asked Mr. Biltz if that was true. When he stated it was true, she added that this was not in the spirit of compliance and that he was being disrespectful and didn't want to "play by the rules."

Mr. Hoffmann made a motion that the Board finds more likely than not that Mr. Biltz failed to provide proper documentation in a response to provide that documentation to prove his eligibility to be a vendor at the Market. In light of that failing, Mr. Hoffmann moves that the Board uphold the suspension/termination for the 2008 Market season, but allow Mr. Biltz the right to provide documentation in the future for consideration to become a vendor for the 2009 season.

All in favor of the motion: Mr. Coyne, Mr. Carter, Ms. St. John. Motion unanimously carried.

### **C. OTHER BUSINESS**

C-1. Review/Approval of Contracts with Butler, Fairman & Seufert, Cornerstone Planning & Design and Bruce

## Carter Associates and Interpretive Signs for Contract Administration

Mr. Williams addressed the Board seeking approval of the contract agreements for construction administration for the B-Line Trail Phase I. He stated that the State Department of Transportation successfully bid the project April 2 at \$2,983,000 which is under the estimated \$3,100,000. The bid was awarded to Tri County Builders out of Bedford, Indiana. The Phase I project is in the middle of the 3-miles of abandoned trail corridor from the north side of Grimes to the east side of Adams. In Phase I construction will begin on the west side of Rogers Street (behind City Hall), south to the north side of 2<sup>nd</sup> Street (.61 miles). Construction begins in May with a walkable trail by the end of 2008 and a final completion date of May 23, 2009. Staff is currently working on the design for Phase II of the B-Line Trail. Funding is in place for the design of Phase II which will merge 2 legs of the trail from 2<sup>nd</sup> Street to Grimes and Rogers to Adams.

Mr. Williams stated that the contracts are with the following contractors: Butler, Fairman, and Seufert - \$270,000 (lead inspector); Cornerstone Planning and Design - \$45,500 (will oversee and inspect landscape architecture components); Bruce Carter Associates - \$52,706 (will oversee the execution of the remediation plan); and Interpretive Ideas - \$2,415 (will review and approve all submittals for the sign text and materials and inspect for proper installation). The funding for these contracts, a total of \$370,621, has been approved by the Redevelopment Commission.

Mr. Coyne made a motion to approve contracts for the B-Line Trail Phase I. Ms. St. John seconded the motion. Motion unanimously carried.

## C-2. Review/Approval of Partnership Agreement with Monroe County YMCA

Mr. Eads addressed the Board seeking approval of the partnership agreement with the Monroe County YMCA. This partnership is to provide quality health and wellness programs for the community by combining available resources from each organization. This is the second year for the partnership and there are no changes to this agreement.

Mr. Coyne made a motion to approve the partnership agreement with Monroe County YMCA. Ms. St. John seconded the motion. Motion unanimously carried.

## C-3. Review/Approval of Waiver of Cart and Greens Fees for Parks Foundation Golf Outing

Mr. Turnbull addressed the Board seeking approval of a request to waive the cart and greens fees for the Bloomington Community Parks and Recreation Foundation/Don Brineman Memorial Golf Scramble. He stated that this is the 16<sup>th</sup> annual golf scramble and it benefits the Olcott Youth Scholarship Fund. This tournament usually raises \$8,000 - \$10,000 for youth scholarships. He invited the Board members to participate with lunch at 11:30 and the scramble to begin at 1:00, followed by light refreshments at 5:00.

Mr. Coyne made a motion to approve waiving the cart and greens fees for the Parks Foundation golf outing. Ms. St. John seconded the motion. Motion unanimously carried.

## **D. REPORTS**

### D-1. Operations Division – No Report

### D-2. Sports Division – Golf Tee Time On-line Reservation System

Mr. Turnbull addressed the Board and provided them with a demonstration of on-line tee time reservation system (WebTrac). He stated that Cascades Golf Course is the only local course currently accepting on-line tee times. To access on-line tee times, the public can visit WebTrac at: <https://ssl.bloomington.in.gov/webtrac/retractlive.html>. Participants must have an assigned username and password prior to using the system.

### D-3. Recreation Division – Bloomington Youth Basketball Report

Ms. Brinson addressed the Board and provided them with an update on the 2007-08 Bloomington Youth Basketball program. In the fall of 2006, the department changed the basketball program from one long season to two shorter seasons. This change has been very successful. The department partners with the Boys and Girls Club to provide for additional support for both programs, combine resources, and offer a quality program for the community. Participant numbers for Season One: 308 participants, 32 teams, ages 3-13, over 40 volunteer coaches. Season Two: 319 participants (over 150 returning from season one), 34 teams, new girl's only league with 4 teams. Total participants combined seasons: 627. The majority of players are in the eight and under age groups and remains consistent between the two seasons.

Highlights and changes to this year's program:

- Combined parents meeting with a pre-season clinic
- Season one – Coach Jack and IU Women's team helped with clinic
- Participants were given both a game jersey and warm up shirt as a better way to highlight sponsors
- Two locations and opportunities for player evaluations – resulted in a better turnout
- Season Two – three age groups ended the season with single elimination tournaments

Program evaluations were very high with the following program elements stated as positive aspects: organization, overall mission, good sportsmanship, respect, fun, basketball instruction, self confidence, pride. Of the parents that filled out the evaluation, 97.3% stated that they would recommend this program to a friend.

Ms. Brinson reminded the public of the upcoming Senior Expo on Friday, May 16 from 11:00 a.m. – 3:00 p.m. at the Bloomington Convention Center.

### D-4. Administration Division – No Report

### **ADJOURNMENT**

Meeting adjourned at 5:45 p.m.

Respectfully Submitted,

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Judy Seigle, Secretary Board of Park Commissioners