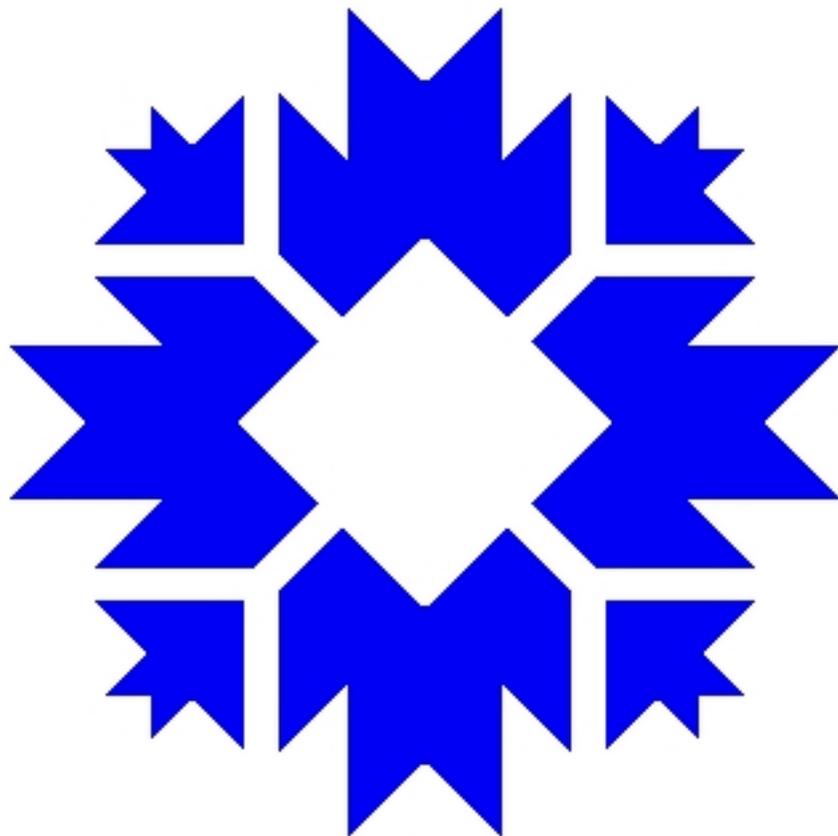


Board of Public Works Meeting

March 26, 2013



AGENDA
BOARD OF PUBLIC WORKS
(This Meeting May be Televised)

A Regular Meeting of the Board of Public Works to be Held Tuesday, March 26, 2013 at 5:30 p.m., in the City Council Chambers of City Hall at Showers, 401 N. Morton Street, Bloomington, Indiana.

I. MESSAGES FROM BOARD MEMBERS

II. APPROVAL OF MINUTES – March 12, 2013

III. PETITIONS & REMONSTRANCES

IV. TITLE VI ENFORCEMENT

V. HEARINGS FOR NOISE APPEAL

VI. OLD BUSINESS

VII. NEW BUSINESS

- 1. Approve Agreement to Use Public Right of Way to Construct Pavilion Place at 601 N. Walnut Street**
- 2. Resolution 2013-17: Request to Encroach into Public Right of Way with Public Improvements at 601 N. Walnut Street**
- 3. Resolution 2013-21: Request to Encroach into Public Right of Way with Landscaping by Stella Ridge Neighborhood Association at 3839 E. Lydia Lane**
- 4. Resolution 2013-22: Request to Encroach into Public Right of Way with Landscaping and Park Bench by Bryan Park Neighborhood Association along E. Davis Street**
- 5. Resolution 2013-23: Request to Encroach into Public Right of Way with Landscaping and other Enhancements by Eastside Neighborhood Association along E. Hunter Avenue**
- 6. Resolution 2013-24: Use of Public Streets for the Bloomington Cycling Grand Prix Race (Saturday, 7/27)**
- 7. Resolution 2013-25: Use of Public Streets for the HoosiersCare 5K Run (Saturday, 4/20)**
- 8. Resolution 2013-26: Use of Public Streets for the Magnificent 7 Road Race Series (Saturday, 4/27)**
- 9. Request for Noise Permit for the Collins Fest (Saturday, 4/13)**
- 10. Request for Noise Permit for the Clips Beer and Film Tour (Friday, 5/31)**
- 11. Request for Noise Permit for the Lotus Concert (Thursday, 5/16)**

VIII. STAFF REPORTS & OTHER BUSINESS

IX. APPROVAL OF CLAIMS

X. ADJOURNMENT

The Board of Public Works meeting was held on Tuesday, March 12, 2013 at 5:30 p.m. in the Council Chambers of City Hall at Showers, 401 N. Morton Street, Bloomington, Indiana with Charlotte Zietlow presiding.

**REGULAR MEETING
OF THE BOARD OF
PUBLIC WORKS**

Present: Charlotte Zietlow
James McNamara

ROLL CALL

City Staff: Susie Johnson - Public Works Director
Joe VanDeventer – Street Department
Jackie Moore – City Legal
Patty Mulvihill – City Legal
Mike Arnold – HAND
Jo Stong - HAND
Chris Smith - Public Works
Laurel Archer - Public Works

Zietlow stated today is the 101st birthday of Girl Scouts.

**MESSAGES FROM
BOARD MEMBERS**

McNamara made a motion to approve the minutes from February 26, 2013. Zietlow seconded the motion. The motion passed. Minutes from February 26, 2013 approved as submitted.

**APPROVAL OF
MINUTES**

None

**PETITIONS &
REMONSTRANCES**

None

**TITLE VI
ENFORCEMENT**

None

**HEARINGS FOR NOISE
APPEALS**

OLD BUSINESS

NEW BUSINESS

Johnson stated Miah Michaelsen is on vacation and will be presenting her items in her absence. The YMCA is sponsoring its 37th annual Spring Run on April 13, 2013. They request to be allowed to use City streets to host the run. There will be a 5K and 10K run. The streets will remain open. Set up will begin at 5:00 a.m. and the event will be over by 11:00 a.m. The event will have 400 to 450 participants. The YMCA hopes to raise \$4,000 for their youth scholarship program. The Bloomington Police Department has

**Resolution 2013-16: Use
of Public Streets for
YMCA Spring Run
(Saturday, 4/13)**

issued a parade permit for this event pending the Board's approval. Staff recommended approval of the YMCA Spring Run.

McNamara moved to approve Resolution 2013-16: Use of Public Streets for YMCA Spring Run on Saturday, April 13, 2013. Zietlow seconded the motion. The motion passed. Resolution 2013-16 approved.

Johnson stated this is a 5K run. The set up will start at 8:00 a.m. and the run would be begin at 9:00 a.m. and be over by 11:00 a.m. The proceeds from this event go to the Fellowship program. The Bloomington Police Department has issued a Parade Permit for this event pending the Board's approval. Staff recommended granting the request. The bulk of this run is actually along the Clear Creek Trail, but does cross some streets.

Resolution 2013-18: Use of Public Streets for Cornerstone Christian Fellowship Spring 5K Run (Saturday, 3/23)

McNamara moved to approve Resolution 2013-18: Use of Public Streets for Cornerstone Christian Fellowship Spring 5K Run on Saturday, March 23. Zietlow seconded the motion. The motion passed. Resolution 2013-18 approved.

Johnson stated this request if from the IU Chapter of Habitat for Humanity. They are sponsoring a 5K run that will be held in Lower Cascades Park on Old, Old SR 37. They have rented the Sycamore Shelter at the Lower Cascades Park from the Parks Department. The Bloomington Police Department have issued a Parade Permit for this event, pending the Board's approval. Staff recommended granting the request.

Resolution 2013-19: Use of Public Streets for IU Habitat for Humanity 5K Run (Saturday, 3/23)

McNamara made a motion to approve Resolution 2013-19: Use of Public Streets for IU Habitat for Humanity 5K run on Saturday, March 23. Zietlow seconded the motion. The motion passed. Resolution 2013-19 has been approved.

Johnson stated Meadows Hospital is hosting the annual Jason Foundation Suicide Prevention 5K run/walk. This will be along the B-Line trail. They have received approval from the Parks Department to utilize the trail. This request is to grant them a Noise Permit which would allow the use of amplified equipment to make announcements and award presentations. Staff recommended the Board grant the Noise Permit.

Request for Noise Permit for Jason Foundation Suicide Prevention 5K Run (Saturday, 4/13)

Zietlow asked if they would be going up and down. Johnson stated yes.

There was discussion about the route. McNamara asked where the

Noise Permit would be relevant. Smith stated they would start at the 3rd Street Bridge and that is where the announcements would be.

McNamara made a motion to approve the request for the Noise Permit for Jason Foundation Suicide Prevention 5K run on Saturday, April 13th. Zietlow seconded the motion. The motion passed. Noise permit granted.

Johnson stated this event is brought forward by Amir Gray of Gray Era Productions, and is requesting a Noise Permit to hold a concert event at Stadium Crossing, formerly called Varsity Villa. The concert would be comprised of amplified musical instruments, vocals, and audience noise. The Petitioner has stated that proceeds from the event would benefit Big Brothers Big Sisters. Johnson explained the Bloomington Police Department has had a long standing policy on not supporting noise waivers during the University's Little 500 weekend; therefore staff recommended the Board not approve the noise waiver. Johnson introduced Amir Gray.

**Request for Noise Permit
for Gray Era Productions
Music Festival (Saturday,
4/20)**

Zietlow asked if this was the weekend of Little 500. Johnson stated it was.

Emir Gray addressed the Board. He explained the organization that he represents will soon be incorporated. He stated the organization was formed to create events that support the arts here in Bloomington and abroad. Mr. Gray explained the performances, and added there is always a charity art auction. Gray also stated he does understand why the Police Department does not want noise permits allowed during this time. There is so much craziness because there are not safe alternatives to have fun and not drink. The musical festival he would like to create is one where students can have fun, but not have the alcohol. Gray stated they did talk to the management of Stadium Crossing who told them they first would need to get the permission of the residents and have them agree to certain stipulations, and would like police involvement. Mr. Gray read the petition he took around to the Board. All residents were willing to have the event and abide by the rules. Mr. Gray feels this would be a great event that would brand Bloomington as a place to have fun without alcohol.

McNamara explained while he does have many questions, if BPD says not to issue a Noise Permit for Varsity Villa [Stadium Crossing] on the night of Little 500 then he must abide by BPD.

Zietlow stated she admired Mr. Gray's thinking and did think it a wonderful idea to provide entertainment for people under age and others, that is non-alcoholic.

Mr. Gray stated he will be bringing other requests forward.

McNamara moved to deny the request for Noise Permit for Gray Era Productions Music Festival on Saturday, April 20, 2013. Zietlow seconded the motion. Noise permit was denied.

Johnson stated the Trained Eye Arts Center is located along the B-Line Trail and would like to host a fundraiser, "Blues on Blues" on Friday, March 29th from 5:00 p.m. until 10 p.m. at the Windfall Dance Studio and performance space at 1101 North Dunn Street. They would like have a blues and jazz band during the event. Staff has reviewed the application. This organization has had Noise Permits in the past and have been responsible. Staff recommended approval.

Request for Noise Permit for Trained Eye Arts Center Blues on Blues Event (Friday, 3/29)

McNamara moved to approve the Noise Permit for Trained Eye Arts Center Blues on Blues event on Friday, March 29th. Zietlow seconded the motion. The motion carried. Noise permit approved.

Mike Arnold, with HAND, explained this is a property that HAND has had trouble with in the past. It was sealed in the past but has become open again. HAND did issue Order to Seal and Repair. The electric lines from the utility to the house are down in the backyard and needs to be removed or reattached to the house. The openings in the back of the house need to be sealed again. Staff has not had any luck in reaching the owner at the three previous addresses on file. Since Staff cannot show any contact made with her with the orders, HAND would like to post the orders by publication.

Resolution 2013-20: Service by Publication Appropriate for Order to Seal and Repair Unsafe Structure at 207 S. Meadowbrook Lane

McNamara made a motion to approve Resolution 2013-20: Service by Publication Appropriate for Order to Seal and Repair Unsafe Structure at 207 S. Meadowbrook Lane. Zietlow seconded the motion. The motion passed. Resolution 2013-20 approved.

Patty Mulvihill, City Legal Department, introduced herself. She stated current procedure has Legal come to the Board many times when certain properties need to be abated. To help with this situation staff has met and decided to try something different this year. Mulvihill explained the current procedure. The new procedure is being modeled after other services the city provides, such as shoveling pathways, which is provided by one contract provider. Staff would like to do the same for trash and weed abatement. Requests for Proposals were sent out to everyone who said they did lawn and trash service listed in the phone book. Bids were submitted and staff reviewed and compared. This contract is with Easy Go

Approval of 2013 Title 6 Abatement Contract to Easy Go Lawn Care

Lawn Care and they will do all abatements for the City this year. There will be no bidding process or coming to the Board for approval of contracts.

Mulvihill also stated, Title 6 was updated in the Fall of last year and one of the things the State Legislature did in the 2011 session was give the Board of Public Works the ability to issue a continuing abatement order, which means, if a property is abated in May it can be a continuing order so if the property needs to be abated again, it does not have to come before the Board again as long as it is in the same growing season. The only time the Board will see an abatement is when the initial request to abate comes before the Board.

Zietlow asked if references were checked. Mulvihill stated everyone was checked out. Staff was pleased with Easy Go Lawn Care and would like to try it for one year. If it is discovered this is not a good fit or more money is being spent, then the procedure will be reevaluated.

Zietlow asked if there would still be an opportunity for comment. Mulvihill stated there would still be an initial abatement hearing. The property owner will still be notified of the Board of Public Works hearing and given the opportunity to speak in opposition. The only part that will change is the property owner will be put on notice at that hearing that if there are further problems during the rest of the growing season, there will not be another public hearing by the Board of Public Works, and it will be abated again. There will be a notice posted on the property that the property is to be abated in another week to give the property owner time to correct the violation, but not another public hearing.

Zietlow asked if there could be a summary provided to the Board at the end of the season on what has happened. Mulvihill stated a specific report could be presented to the Board in November or December about expenses and if the program was successful.

McNamara asked about the continuing abatement. Mulvihill stated what has to be done per State Statute and the new Ordinance revisions, is the Board issues one continuing order and if staff determines the grass is a problem again, then an abatement order will have to be posted on the property stating it will be abated, it will not need to come to the Board a second time. McNamara felt this is efficient government.

McNamara stated it seems one having one contractor would be more

cost effective than having many ad hoc contracts as you go along. Mulvihill agreed. She stated this approach would get these properties abated sooner and the public nuisance would be dealt with sooner. Also, the obvious and hidden costs should go down.

McNamara made a motion to approve 2013 Title 6 Abatement Contract to Easy Go Lawn Care. Zietlow seconded the motion. The motion passed. Contract with Easy Go Lawn Care approved.

Patty Mulvihill, stated at the same time Title 6 was looked at for a yearly contract it was thought maybe it would work with Title 17 as well. It was determined this could be done for sealing a building, but when it comes to repairing or removing a structure it is so site specific that one contractor probably would not work. However, most of what is done is sealing structures. Therefore, instead of going back through the process again, it was decided to find one contractor for sealing structures. Staff has used Clark Excavating in the past and are pleased with their work. The prices were in alignment with what has been paid in the past. This will be a year contract and will be evaluated at the end of the year to make sure it is working as it should.

**Approval of Title 17
Unsafe Structure
Contract to Clark
Excavating**

Zietlow asked if multiple contractors have been used in the past for Title 17 and Title 6. Mulvihill stated yes. Zietlow inquired as to why that was done. Mulvihill explained the City would bid the work out and had to use the lowest most responsible bidder.

McNamara asked if this contract for Title 17 is for sealing structures. Mulvihill stated after looking at past files for Title 17 it was determined they all were so different and required different skill sets, that it didn't seem possible to make one contractor cover all Title 17 orders. Mulvihill stated the most common and frequent Title 17 that comes before the Board are Orders to Seal, and staff knew one contractor could do that regardless of the structure.

McNamara asked what kind of response was received. Mulvihill stated there was only one response, and it was from a contractor that has been used a lot.

McNamara moved to approve the 2013 Title 17 Unsafe Structure Contract to Clark Excavating. Zietlow seconded the motion. Contract with Clark Excavating approved.

Mulvihill stated she will report back on this contract at the end of the year.

Joe VanDeventer, Director of Street Operations, introduced himself. VanDeventer stated in order to plan the 2013 construction season staff requests the Board's permission to request bids relating to asphalt materials for patching and resurfacing projects. Historically the City has been able to get pretty good prices in this area.

Authorization to Advertise for Bids for Asphalt

Zietlow asked what would be advertised. VanDeventer stated the bid would be for surface, intermediate and then a base. VanDeventer added there are two vendors in this area. O'Mara is located in Monroe County and Milestone is located just outside, in Greene County.

McNamara stated it was probably cold match season. Johnson stated the City recently bought a hot box.

Joe explained the City has bought an asphalt reclaimer or hot box. Hot mix was bought in the fall and stored. In the winter it can be heated up and used to patch pot holes. He stated this is a different kind of asphalt than the cold mix and seems to last longer.

McNamara made a motion to approve authorization to advertise for bids for asphalt. Zietlow seconded the motion. The motion passed.

Joe VanDeventer stated in order to purchase Clear Lane enhanced de-icing salt for the 2013-14 winter season he was requesting the Board's permission to extend the existing contract with Cargill Deicing Technology. They have offered to extend the contract with the same terms, conditions and prices for another year, which is \$77.05 per ton. VanDeventer stated with truck costs alone, it would be in the City's best interest to extend the contract for another year.

Authorization to Extend Contract to Cargill Deicing Technologies for the Purchase of De-Icing Salt for 2013-14

Zietlow wondered if it did not need to be bid again. VanDeventer stated no. McNamara also stated he did not believe there were that many vendors in the field. VanDeventer stated he believed Cargill was the only company that bid on salt.

McNamara made a motion to allow staff be authorized to extend the contract to Cargill Deicing Technologies for the Purchase of De-Icing Salt for 2013-14. Zietlow seconded the motion. The motion passed. The contract with Cargill was extended.

Zietlow and McNamara thanked VanDeventer for attending the meeting. Zietlow added the Department does a great job.

None

STAFF REPORTS &

OTHER BUSINESS

McNamara moved to approve claims. Zietlow seconded the motion. Claims were approved.

APPROVAL OF CLAIMS

McNamara moved to adjourn the meeting. Zietlow seconded the motion. Meeting adjourned at 6:16 p.m.

ADJOURNMENT

Accepted by:

Charlotte Zietlow, President

James McNamara, Vice President

Dr. Frank N. Hrisomalos, Secretary

Date:

Attest to:



Board of Public Works Staff Report

Project/Event: Use of the Public Right of Way at Pavilion Place

Staff Representative: Rick Alexander

Petitioner/Representative: Tom Ritmann/Gilliatte Gen Contractors

Date: March 20, 2013

Report: Gilliatte has been contracted to build the new Pavilion Place building at the northwest corner of 10th and Walnut. The building will encompass nearly the entire lot. Consequently, there is no room on private property to stage the construction. The project is scheduled to start in April and be completed in August.

Recommendation and Supporting Justification: Due to the fact that there is no room on site to build, staff recommends allowing the contractor to utilize the public right of way north of 10th Street and on the west side of Walnut. A memo of understanding has been prepared for Gilliatte to sign. There are adequate pedestrian facilities on the south side of 10th and the east side of Walnut to accommodate foot traffic. OSHA recommends separating foot traffic and construction traffic where possible.

Recommend **Approval** **Denial** by _____

**Memorandum of Understanding
Between
City of Bloomington Public Works Department
And
Gilliatte General Contractors**

This Memorandum of Understanding (MOU) between the City of Bloomington Public Works Department, (hereafter “Public Works”) and Gilliatte General Contractors, (hereinafter “Gilliatte”) outlines the binding conditions places upon Gilliatte, and agreed to by Gilliatte, in exchange for use by Gilliatte, its agents and subcontractors, of certain public right-of-way during the construction of the Pavilion Place building at 601 North Walnut Street, at the real property located on the northwest corner of North Walnut and West 10th Street in Bloomington, Indiana (hereinafter the “Construction Site.”)

1. This MOU shall cover the time period from March 26th, 2013 through August 9th, 2013 inclusive.
2. Public Works shall allow Gilliatte to block and restrict from general public usage the parking lane and the sidewalk east of the property and directly adjacent to the Construction Site. Gilliatte shall coordinate the placement of any and all construction notification and detour signage with the City Engineering Department including vehicular and pedestrian signage.
3. Gilliatte shall install and maintain, to the satisfaction of the City of Bloomington Engineering Department, all signage associated with providing notice to the public of restrictions on right-of-way usage. Such signage shall reflect the form and content specified by the Manual on Uniform Traffic Control Devices (M.U.T.C.D), and must be approved by the City Engineering Department.
4. Gilliatte shall also be solely responsible for any and all costs associated with any non-scheduled outages of the BDU system which might occur as a result of work done in conjunction with the construction site.
5. Gilliatte shall coordinate the removal and replacement of all permanent signage at, or adjoining, the Construction Site through the City of Bloomington Traffic Division at all requested points for permanent signage replacement, which will be performed by the Traffic Division.
6. The City shall have the right to avail itself of any legal action and remedy as necessary to maintain the free flow of traffic along the streets in the Construction Site area.
7. Nothing in this MOU shall be construed to prohibit the City of Bloomington from issuing any Stop Work Orders during construction on

this project, in addition to any remedy or action spelled out in this MOU or available under law.

8. Should any part of this MOU be found in violation of any federal, state, or local law or ordinance, all unaffected parts shall remain in effect and enforceable provided that the intent of the MOU is still served.
9. Gilliatte agrees to release, hold harmless and forever indemnify the City of Bloomington, Indiana, its Engineering and Public Works Departments, its Board of Public Works and its employees, officers and agents from any and all claims or causes of action that may arise from personal injury, property damage, and /or any other type of claim which may arise from Gilliatte's activities, whether such claims may be brought by the City of Bloomington or by any third party.
10. Any and all closures of the travel lanes will require a one week advance notice to the City Engineering Department, the city transit service and emergency services. Any lanes closed without proper prior notification may result in a fine of \$500.00.
11. Prior to beginning any work, Gilliatte shall provide the City Engineering Department with a phone contact list for their supervisory personnel and for their sub-contractors.
12. Gilliatte shall make its on-site supervisory personnel available for bi-weekly meetings with the City Engineering Department staff for progress updates.

City of Bloomington
Department of Public Works

Gilliatte General Contractors

By: _____
Susie Johnson, Director

By: _____

Date: _____

Date: _____

By: _____
Mark Kruzan, Mayor

Date: _____



NO RIGHT TURN

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LEASING SPECIALS
812-333-2332**

601
AVILION

601





Board of Public Works Staff Report

Project/Event: Encroachments in the Right of Way at Pavilion Place

Staff Representative: Rick Alexander

Petitioner/Representative: Pavilion Inc Properties

Date: March 20, 2013

Report: Pavilion has received permits to replace the existing building at 601 North Walnut with a new building to be known as Pavilion Place. The new building will have a canopy over the entry at the east end that encroaches into the right of way but not over the sidewalk. It will extend into the right of way by 2 feet, be at least 14 feet above grade and be 12 feet long. Planning requires bike racks and street lights and there are two sets of bike racks in the right of way and two street lights along 10th Street that will also be in the right of way.

Recommendation and Supporting Justification: City staff has reviewed the request and prepared an encroachment agreement to allow the canopy, lights and bike racks to be located in the right of way. A hold harmless agreement has also been prepared by staff. With these agreements in place, staff recommends approval of the request.

Recommend **Approval** **Denial** by _____

**BOARD OF PUBLIC WORKS
RESOLUTION 2013-17**

Encroachments at 601 North Walnut Street

WHEREAS, Pavilion Inc. Properties, (“Owner”) owns the real property located at 601 North Walnut Street; and

WHEREAS, the City of Bloomington (“City”) has authority pursuant to IC 36-9-2-5 to establish, vacate, maintain, and operate public ways, including air ways over sidewalks; and

WHEREAS, Pavilion Inc. Properties intends to build the Pavilion Place building at this location; and

WHEREAS, Owner has requested that it be allowed to install the following multiple encroachments over the public sidewalk adjacent to its business including a canopy, two (2) bike racks and two (2) street light poles: 1. On the east side, facing North Walnut, the canopy will extend two feet and one inch (2’1”) into the right of way and will be fourteen feet and eight inches (14’8”) above the grade of the sidewalk and will be twelve feet (12’) in width. 2. The first bike rack will be located four feet (4’) west of the east property line and four feet (4’) south of the south property line. The second bike rack will be thirty-nine feet (39’) west of the east property line and four feet (4’) south of the south property line. 3. The first street light will be nine feet (9’) east of the east property line and thirty-seven feet (37’) north of the south property line. The second street light will be three feet (3’) south of the south property line and eighteen feet (18’) east of the west property line.

WHEREAS, Owner has agreed to release and forever discharge and hold harmless and indemnify the City of Bloomington, its departments, officers, agents, employees, its successors and assigns ("City") for any and all causes of action including attorney's fees, loss or injury of whatsoever character that occur as a result of Owner's use of described right of way; and

NOW, THEREFORE, BE IT RESOLVED that the City of Bloomington agrees not to initiate any legal action against Owner for the installation of the canopy, street light poles and bike racks over the public right of way, provided that:

1. Owner agrees to maintain all described encroachments and to keep them in a safe and good condition.
2. Encroachments shall not deviate from the design which is attached as Exhibit A of this resolution, without the Owner resubmitting the design to the Board of Public Works for approval. Exhibit A is attached hereto and incorporated herein.
3. This resolution is not intended to relieve Owner of any provisions of any applicable zoning or other ordinance or statute that may apply to the property.
4. The terms of this agreement shall be in effect upon execution of this document by Owner and acknowledgment by Owner that the Board of Public Works may alter the terms and conditions to address unanticipated problems or may revoke permission if Board determines the encroachment is undesirable in terms of the general welfare of the City.
5. Owner understands and agrees that if City or public utility needs to work in said area for any reason, and the encroachments need to be removed to facilitate City or utility, the removal shall be at the sole

Resolution 2013-17

expense of Owner and that the City shall not be responsible for any damage which may occur to them by City's workers or contractors, or by those of a public utility. Owner shall not be compensated for any expense which it may incur.

6. In the event the Owner sells the business during the term of this authorization, this authorization shall continue under the original conditions and be binding on its successor. However, if successor wishes to change any of the encroachments in any way, successor shall return to the Board of Public Works for permission to replace or modify said encroachments prior to any change being made.
7. Mark Hoffman, as member of Pavilion Inc. Properties, agrees by signing that he has full power by proper action to enter into the agreement and has authority to do so.

Signed this _____ day of _____, 2013.

Board of Public Works

Pavilion Inc. Properties

Charlotte Zietlow, President

Mark Hoffman, Member

James McNamara

Date

Dr. Frank N. Hrisomalos

State of Indiana)
) SS:
County of Monroe)

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared Mark Hoffman, member of Pavilion Inc. Properties, and acknowledged the execution of the foregoing instrument this _____ day of _____, 2013.

Witness my hand and official seal

Notary Public Signature

My Commission expires: _____
County of Residence: _____

Printed Name

State of Indiana)
) SS:
County of Monroe)

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared Charlotte Zietlow, Dr. Frank N. Hrisomalos, and James McNamara, members of the Bloomington Board of Public Works, and acknowledged the execution of the foregoing instrument this _____ day of _____, 2013.

Witness my hand and official seal

Notary Public Signature

My Commission expires: _____
County of Residence: _____

Printed Name

**RELEASE, HOLD HARMLESS
AND
INDEMNIFICATION AGREEMENT**

WHEREAS, Pavilion Inc. Properties, which is located at 601 North Walnut Street, in Bloomington, IN, (hereinafter referred to as "RELEASOR") desires to use the facilities or public property of the CITY OF BLOOMINGTON (hereinafter referred to as "RELEASEE"), and specifically the airway above the sidewalk adjacent to the building at 601 North Walnut Street, which is operated, supervised and maintained by the RELEASEE'S Board of Public Works, to install a canopy, two (2) bike racks and a street light pole over RELEASEE'S property; and

WHEREAS, the RELEASEE wishes to cooperate in said endeavor by allowing such encroachments to be placed upon its property;

NOW, THEREFORE, in consideration for the use of the property of RELEASEE for said purposes, the RELEASOR, for RELEASOR and its officers, directors, agents, employees, members, successors and assigns, does hereby acknowledge and agree to assume full and complete responsibility for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, and for the same consideration hereby agrees to indemnify, defend, hold harmless, release, waive and forever discharge the RELEASEE, its officers, directors, agents, employees, successors and assigns, and all other persons and entities associated with the RELEASEE, for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, including, but not limited to, any claim or claims brought by third parties, whether or not sounding in tort or contract.

RELEASOR expressly agrees that the foregoing RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT is intended to be as broad as permitted by law and if any portion thereof is not found to be enforceable, it is agreed that the balance shall, notwithstanding, continue in full force and effect.

Mark Hoffman, as member of Pavilion Inc. Properties, represents and certifies that he has been fully empowered to execute this RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT on behalf of RELEASOR.

THE PARTIES, INTENDING TO BE BOUND, have executed this RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT.

"RELEASOR"

"RELEASEE"

Mark Hoffman, Member
Pavilion Inc. Properties

City of Bloomington



MAD MUSHROOM PIZZA 220-FAST

FOX ROW

NO RIGHT TURN

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812-333-2332**

601
AVILION

601





Board of Public Works Staff Report

Project/Event: Use of the Public Right of Way for Garden at Stella Ridge

Staff Representative: Rick Alexander

Petitioner/Representative: Stella Ridge/Sandy Merritt

Date: March 18, 2013

Report: The petitioner is requesting the use of the public right of way in the Stella Ridge neighborhood for a small garden area and has applied for a grant from the HAND Department for supplies.

Recommendation and Supporting Justification: Stella Ridge is a self contained neighborhood west of Smith and north of Moore's Pike and just north of St James Woods on the city's southeast side. Staff will assist with the location in order to be assured that there are no conflicts with vehicles or pedestrians.

Recommend **Approval** **Denial by** _____

RESOLUTION 2013-21
LANDSCAPING ENCROACHMENT
STELLA RIDGE NEIGHBORHOOD ASSOCIATION

WHEREAS, there exists a strip of land west of Stella Ridge Drive along the north side of Cobble Creek Drive, and the Stella Ridge Neighborhood Association has requested permission to place mulch, a wooden frame and plantings in an effort to reduce mowing and enhance the aesthetics of the neighborhood; and

Whereas, the Stella Ridge Neighborhood Association wants the area to be aesthetically pleasing but also want it to be easier to maintain; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Bloomington, by and through its Board of Public Works (“hereinafter “City”), agrees that the City will not initiate any legal action against the Stella Ridge Neighborhood Association, (hereinafter “Association”) regarding the maintenance of landscaping materials in the described area of the City right of way, under the following conditions:

1. The Association shall be allowed to install landscaping materials in the right of way on the north side of the paved portion of Cobble Creek Drive west of Stella Ridge Drive.
2. The Association shall be responsible for timely performance of all maintenance of the landscape materials and shall bear all expense regarding such maintenance.
3. All materials and labor necessary for the improvement and maintenance of the landscape materials are the sole responsibility of the Association.
4. The City retains the right for the City, all public utilities, or any entity which has obtained a permit to work in the right of way, to enter into this right of way when, in the City’s opinion, such entry is necessitated in order to maintain said right of way.
5. If at any time it is determined that the encroached upon area should be improved to better serve the public, or public improvements need to be made in the right of way and the encroaching improvements interfere with the planned public improvements, then the Association shall remove any landscaping materials, or other installations, included within the encroachments upon notification by the City, without compensation by the City.
6. The Association agrees that its volunteers, employees, or subcontractors are not acting as agents or employees of the City of Bloomington.

7. The Association agrees to release, hold harmless and indemnify the City of Bloomington, its officers, employees, agents and assigns from any and all claims, causes of action, suits, proceedings or demands which may arise as a result of the Association's use of the described property. This includes, but is not limited to, claims for personal injury, property damage, and/or breach of contract, whether brought by the Association, its employees, or any third party.

**City of Bloomington
Board of Public Works**

Stella Ridge Neighborhood Association

Charlotte Zietlow, President

Signature

James McNamara

Printed Name

Dr. Frank N. Hrisomalos

Position

Date

Date





Board of Public Works Staff Report

Project/Event: Request to Install Landscaping in Public Right of Ways in the Bryan Park Neighborhood

Staff Representative: Rick Alexander

Petitioner/Representative: Jan Sorby/BPNA

Date: March 19, 2013

Report: The Bryan Park Neighborhood Association has applied for a grant from the HAND Department. This grant would allow them to enhance some areas of the neighborhood that have gone unattended in the past few years. These areas include the planter bump out areas on East Dodds at Lincoln, Dodds at Washington and Henderson at Templeton School. These spaces would be planted with low maintenance, low growing plants and flowers only. It also includes a long strip of land on the north side of the paved area of East Davis between Grant and Palmer. This strip would include planter boxes, a park bench and a concrete pad for the bench as well as plants and vegetables.

Recommendation and Supporting Justification: These areas are currently unsightly and full of weeds. With the grant, the goal would be to create areas that are more esthetically pleasing to the neighborhood while also providing an opportunity for people to grow their own fresh food and flowers. Staff recommends approval contingent upon BPNA receiving a grant from HAND and that city staff reviews plant list to avoid line of site conflicts.

Recommend **Approval** **Denial by** _____

**RESOLUTION 2013-22
LANDSCAPING ENCROACHMENT
BRYAN PARK NEIGHBORHOOD ASSOCIATION**

WHEREAS, there exists a strip of land adjacent to East Davis Street and between South Grant and South Palmer, the Bryan Park Neighborhood Association has requested permission to install sixteen (16) planter boxes, a park bench with concrete base, two solar lights and plant vegetables and flowers and place mulch in an effort to get rid of weeds, reduce mowing and to improve the general appearance: and

Whereas, there also exist Site Line Improvement Planters at the southern corners of East Dodds at South Lincoln, East Dixie at South Lincoln, East Allen at South Lincoln, East Allen at South Washington, and a median strip west of Templeton Elementary School along South Henderson. The Bryan Park Neighborhood Association has requested permission to place mulch and plant flowers in an effort to enhance the neighborhood, reduce mowing and rid the area of weeds: and

Whereas, the Bryan Park Neighborhood Association wants the area to be aesthetically pleasing but also want it to be easier to maintain; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Bloomington, by and through its Board of Public Works (“hereinafter “City”), agrees that the City will not initiate any legal action against the Bryan Park Neighborhood Association, (hereinafter “Association”) regarding the maintenance of landscaping materials in the described area of the City right of way, under the following conditions:

1. The Association shall be allowed to install landscaping materials in the right of way on the north side of the paved portion of East Davis between South Grant and South Palmer, in the existing planters at Dodds and Lincoln, Dixie and Lincoln, Allen and Lincoln as well as in the existing planters at Allen and Washington as well as in the planter in South Henderson west of Templeton Elementary School.
2. The Association shall be responsible for timely performance of all maintenance of the landscape materials and shall bear all expense regarding such maintenance.
3. All materials and labor necessary for the improvement and maintenance of the landscape materials are the sole responsibility of the Association.
4. The City retains the right for the City, all public utilities, or any entity which has obtained a permit to work in the right of way, to enter into this right of way when, in the City’s opinion, such entry is necessitated in order to maintain said right of way.

5. If at any time it is determined that the encroached upon area should be improved to better serve the public, or public improvements need to be made in the right of way and the encroaching improvements interfere with the planned public improvements, then the Association shall remove any landscaping materials, or other installations, included within the encroachments upon notification by the City, without compensation by the City.
6. The Association agrees that its volunteers, employees, or subcontractors are not acting as agents or employees of the City of Bloomington.
7. The Association agrees to release, hold harmless and indemnify the City of Bloomington, its officers, employees, agents and assigns from any and all claims, causes of action, suits, proceedings or demands which may arise as a result of the Association's use of the described property. This includes, but is not limited to, claims for personal injury, property damage, and/or breach of contract, whether brought by the Association, its employees, or any third party.

**City of Bloomington
Board of Public Works**

Bryan Park Neighborhood Association

Charlotte Zietlow, President

Signature

James McNamara

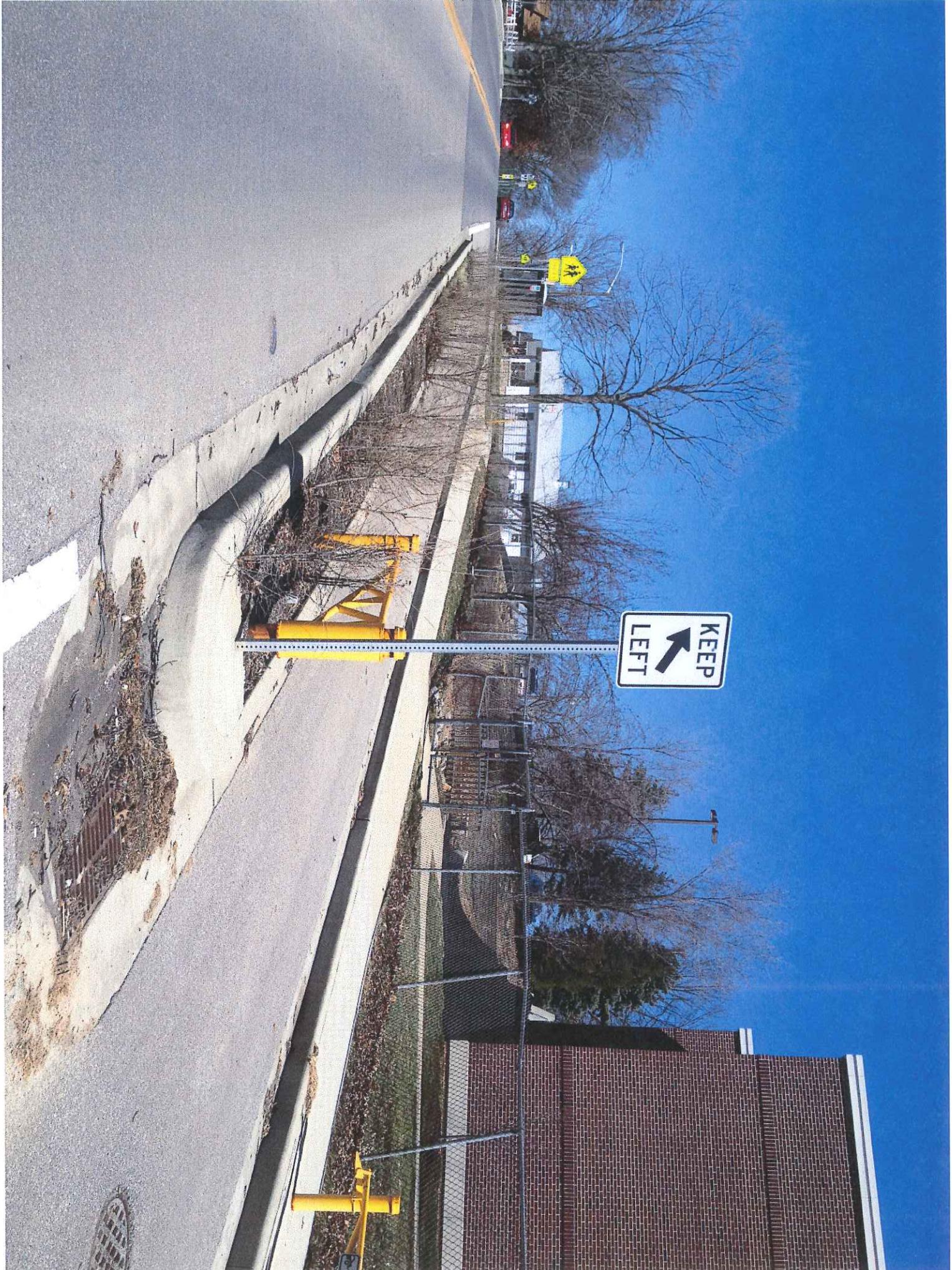
Printed Name

Dr. Frank N. Hrisomalos

Position

Date

Date



KEEP
LEFT











Board of Public Works Staff Report

Project/Event: Use of the Public Right of Way for Eastside Neighborhood Park

Staff Representative: Rick Alexander

Petitioner/Representative: Dave Derkacky/Robt Fakelmann AIA

Date: March 18, 2013

Report: The petitioner is requesting the use of the public right of way in the Eastside neighborhood for a neighborhood park and has applied for a grant from the HAND Department. The area in question is the strip of land between Eastside Drive and Mitchell Street where the Hunter Street right of way is. Hunter was never built but a multi use path connects Mitchell and Eastside. The grant would provide funds to improve both entries with bricks, a sign and some screening and plantings.

Recommendation and Supporting Justification: This is a heavily travelled route by both bicyclists and pedestrians. The proposed enhancements have been reviewed by the staff of several city departments. The plan has been tweaked several times in order to satisfy any concerns. A resolution has been prepared for both the Board of Public Works and the neighborhood association to sign. Staff recommends that approval is contingent upon receiving the grant from HAND to do the work.

Recommend Approval Denial by *Rick Alexander* cs

**RESOLUTION 2013-23
LANDSCAPING ENCROACHMENT
EASTSIDE NEIGHBORHOOD ASSOCIATION**

WHEREAS, there exists a strip of land platted as East Hunter Street and between South Mitchell Street and South Eastside Drive which was never improved with paved travel lanes but has a multi use path and an open storm ditch. The Eastside Neighborhood Association has requested permission to install improvements including two (2) neighborhood signs, railings, plantings, bollards and brick pavers; and

Whereas, the Eastside Neighborhood Association wants the area to be aesthetically pleasing and is willing to maintain the area; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Bloomington, by and through its Board of Public Works (“hereinafter “City”), agrees that the City will not initiate any legal action against the Eastside Neighborhood Association, (hereinafter “Association”) regarding the maintenance of landscaping materials in the described area of the City right of way, under the following conditions:

1. The Association shall be allowed to install landscaping materials, brick pavers, neighborhood signs, railings and bollards.
2. The Association shall be responsible for timely performance of all maintenance of the installations and shall bear all expense regarding such maintenance.
3. All materials and labor necessary for the improvement and maintenance of the landscape materials are the sole responsibility of the Association.
4. The City retains the right for the City, all public utilities, or any entity which has obtained a permit to work in the right of way, to enter into this right of way when, in the City’s opinion, such entry is necessitated in order to maintain said right of way.
5. If at any time it is determined that the encroached upon area should be improved to better serve the public, or public improvements need to be made in the right of way and the encroaching improvements interfere with the planned public improvements, then the Association shall remove any landscaping materials, or other installations, included within the encroachments upon notification by the City, without compensation by the City.
6. The Association agrees that its volunteers, employees, or subcontractors are not acting as agents or employees of the City of Bloomington.

7. The Association agrees to release, hold harmless and indemnify the City of Bloomington, its officers, employees, agents and assigns from any and all claims, causes of action, suits, proceedings or demands which may arise as a result of the Association's use of the described property. This includes, but is not limited to, claims for personal injury, property damage, and/or breach of contract, whether brought by the Association, its employees, or any third party.

**City of Bloomington
Board of Public Works**

Eastside Neighborhood Association

Charlotte Zietlow, President

Signature

James McNamara

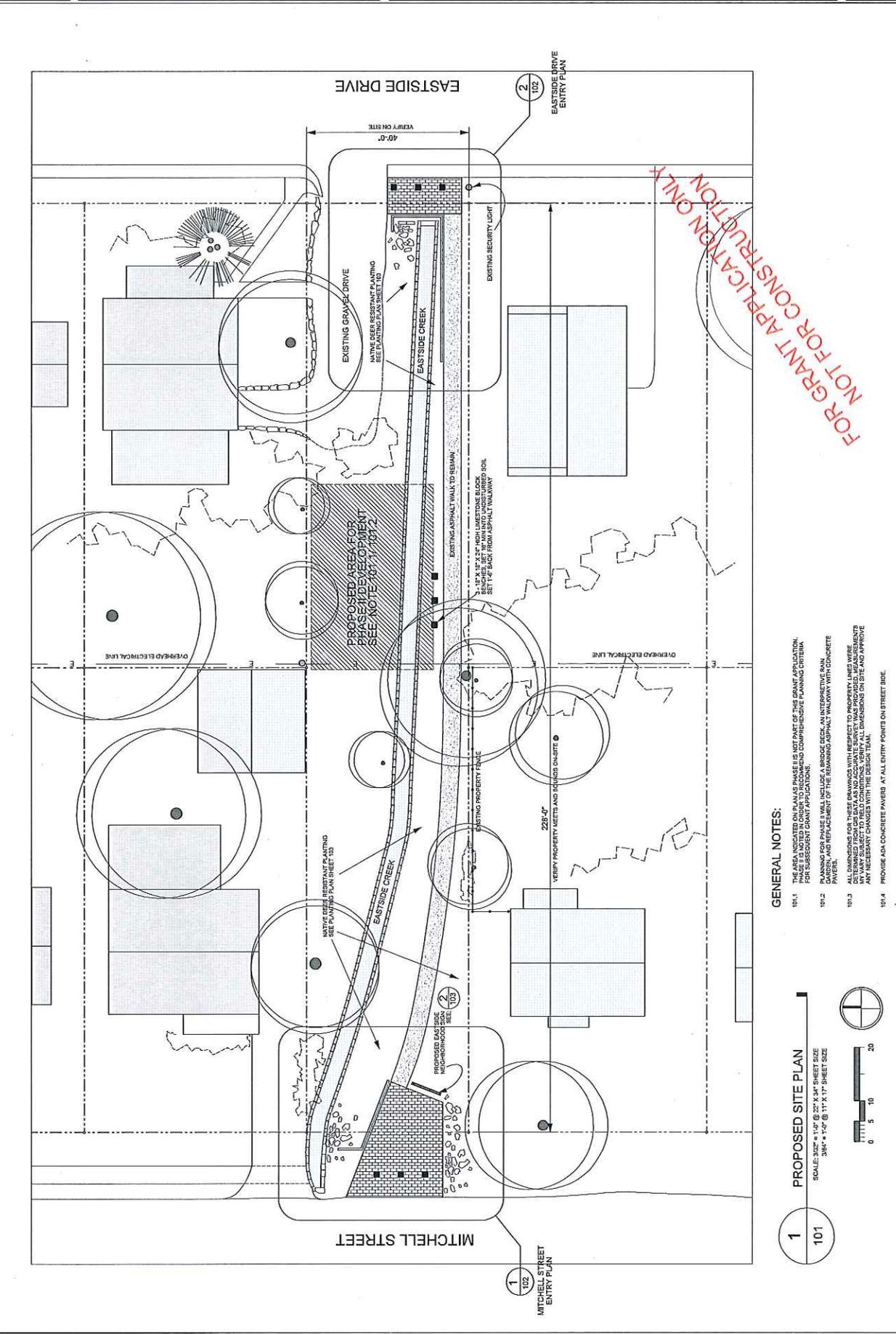
Printed Name

Dr. Frank N. Hrisomalos

Position

Date

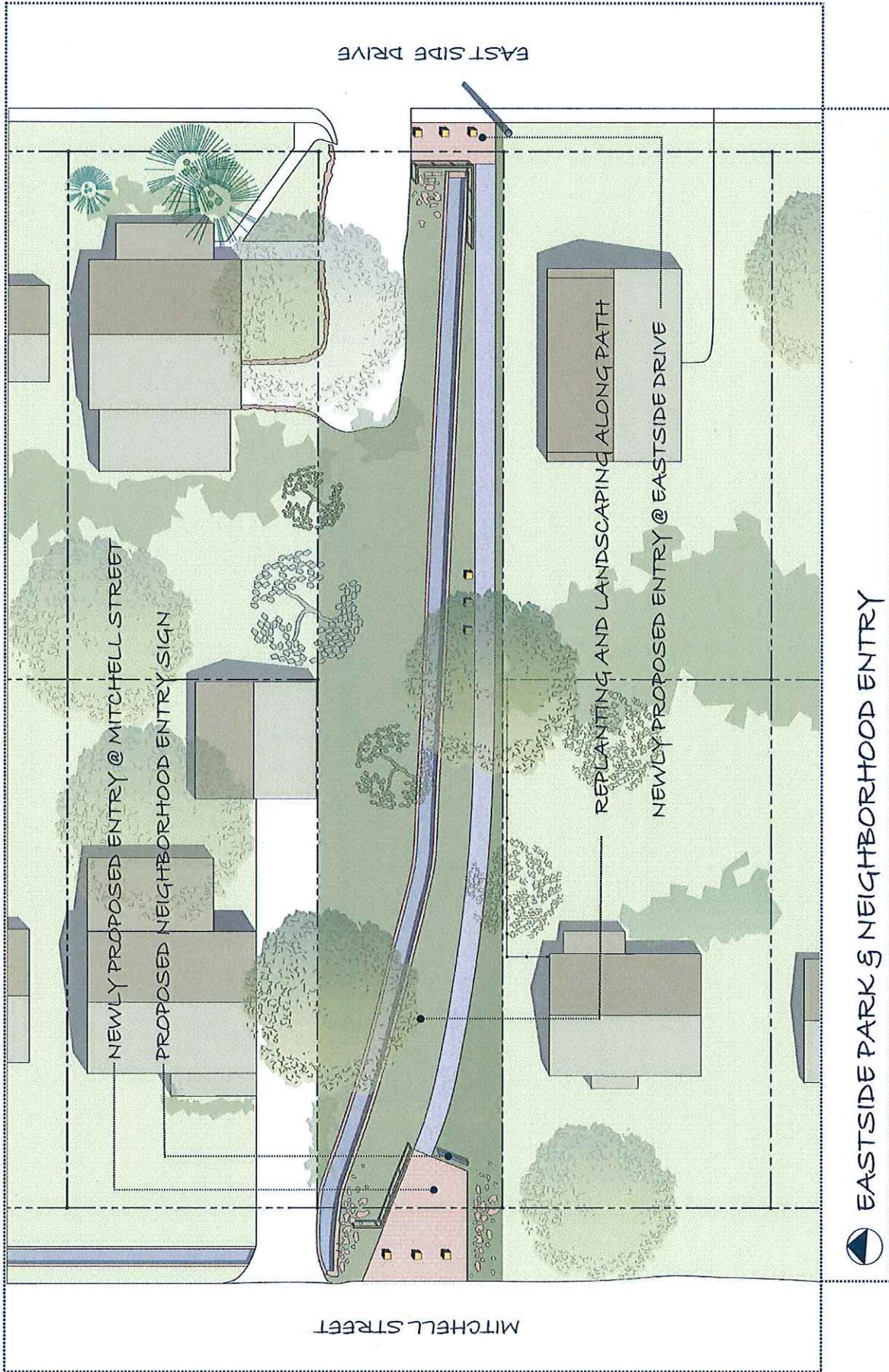
Date



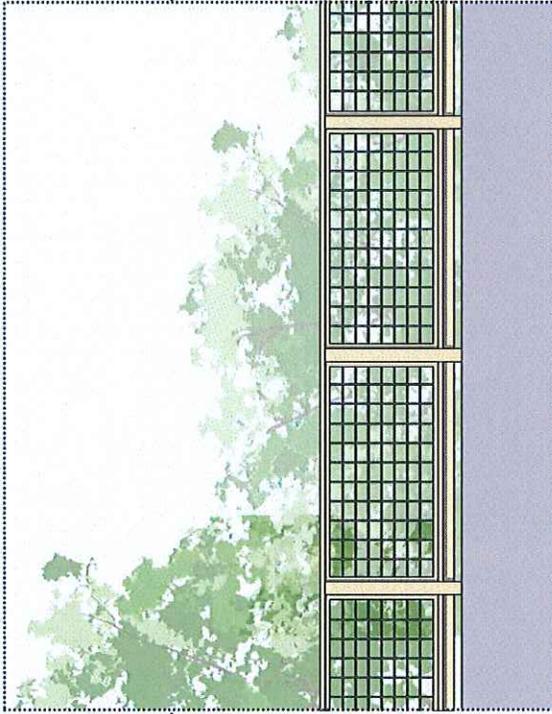
GENERAL NOTES:

- 101.1 THE AREA INDICATED ON PLANS PHASE IS NOT PART OF THE GRANT APPLICATION. THE AREA IS TO BE DEVELOPED IN ACCORDANCE WITH THE GRANT APPLICATION AND COMPREHENSIVE PLANNING CRITERIA FOR SUBSEQUENT GRANT APPLICATIONS.
- 101.2 PLANNING FOR PHASE I WILL INCLUDE A BRIDGE DECK, AN INTERPRETIVE SIGN PANEL, AND REPLACEMENT OF THE REMAINING ASPHALT WALKWAY WITH CONCRETE PAVEMENT.
- 101.3 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. DIMENSIONS DETERMINED FROM CR DATA AS AN ACCURATE SURVEY WAS PROVIDED. MEASUREMENTS MAY VARY SLIGHTLY TO FIELD CONDITIONS. VERIFY ALL DIMENSIONS ON SITE AND APPROVE ANY NECESSARY ADJUSTMENTS WITH THE DESIGN TEAM.
- 101.4 PROVIDE ADA CONCRETE PAVEMENT AT ALL ENTRY POINTS ON STREET SIDE.

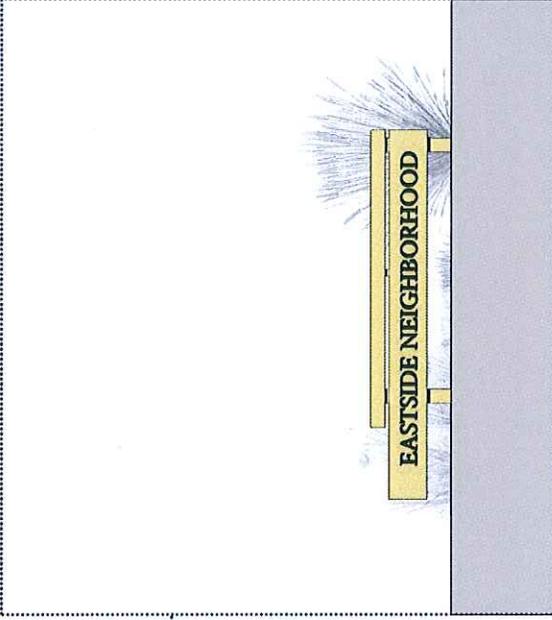
1 PROPOSED SITE PLAN
 SCALE: 1/32" = 1'-0" @ 24" X 34" SHEET SIZE
 1/64" = 1'-0" @ 11" X 17" SHEET SIZE



EASTSIDE PARK & NEIGHBORHOOD ENTRY



- PARTIAL ELEVATION OF SAFETY RAILING LOCATED AT MITCHELL ST. AND EASTSIDE DRIVE ENTRIES



- NEIGHBORHOOD SIGN AND ENTRY MARKER TO BE LOCATED AT THE MITCHELL ST. ENTRY

EASTSIDE PARK & NEIGHBORHOOD ENTRY







Board of Public Works Staff Report

Project/Event: Bloomington Cycling Grand Prix

Petitioner/Representative: TrueSport.com, Inc.

Staff Representative: Miah

Meeting Date: March 26, 2013

Report: This is the 12th year for this downtown bike race which will happen late afternoon and early evening on Saturday, July 27. The event supports the Bloomington Boys and Girls Club. All businesses in the area received notice that this item is on our agenda for March 26 and are invited to attend and comment on the street closure.

A noise waiver is included in this resolution.

The organizers anticipate approximately 200 riders.

Staff recommends approval.

Recommend **Approval** **Denial by** Miah Michaelson

RESOLUTION 2013-24
BLOOMINGTON CYCLING GRAND PRIX

WHEREAS, The Board of Public Works is empowered by I.C. 36-9-2 to supervise city streets; and

WHEREAS, TrueSport.com, Inc., a local cycling club, is desirous of using Kirkwood Avenue between Grant Street and Indiana Avenue, Indiana Avenue between Kirkwood Avenue and 7th Street, 7th Street between Indiana Avenue and Dunn Street, Dunn Street between 7th Street and 6th Street, 6th Street between Dunn Street and Grant Street and Grant Street between 6th Street and Kirkwood Avenue for a bicycle race; and

WHEREAS, TrueSport.com, Inc., has agreed to execute and “Release, Hold Harmless and Indemnification Agreement” holding the City of Bloomington, the City of Bloomington Board of Public Works, and any of their agents, or employees harmless for any and all actions, losses, or claims arising as a direct result of TrueSport.com, Inc.’s, negligent act(s) or failure to act or those of its agents in using the City of Bloomington’s property as described above for said event, and has agreed to provide the city with a Certificate of Insurance, a copy of which is attached hereto and made part of hereof,

NOW, THEREFORE, BE IT RESOLVED, that the City of Bloomington Board of Public Works declares that the on the above described streets, parking shall temporarily be restricted beginning at 2:00 p.m. and the streets shall be temporarily closed to traffic from 3:00 p.m. until 9:00 p.m. on the 27rd day of July, 2013 and that the City reserves the right to charge a reasonable fee for the aforementioned street closures and public parking lots affected by those street closures.

1. TrueSport.com, Inc., agrees to clean up the streets both before and after the event. The clean up shall include but not be limited to picking up litter, sweeping any broken glass, and the placing, emptying and removal of trash cans. Clean up after the even shall be completed by 10:00 pm the same day of the event.
2. TrueSport.com, Inc., shall be responsible for obtaining any and all permits as well as being responsible for all legal and financial expenditures.
3. TrueSport.com, Inc., shall be responsible for obtaining auxiliary police support to control traffic during the event as directed by the City Engineer and the Bloomington Police Department.
4. TrueSport.com, Inc., shall be responsible for posting “no parking” signs as required by City Ordinance, and for placing barricades as directed by the City Engineer and the City Police Department.
5. TrueSport.com, Inc., affirms that they have notified all residents, and those businesses on Kirkwood Avenue between Grant Street and Indiana Avenue, Indiana Avenue between Kirkwood Avenue and 7th Street, 7th Street between

Indiana Avenue and Dunn Street, Dunn Street between 7th Street and 6th Street, 6th Street between Dunn Street and Grant Street and Grant Street between 6th Street and Kirkwood Avenue by personal contact prior to today's Board of Public Works meeting, of the date that the streets will be closed.

6. TrueSport.com, Inc., shall be responsible for notifying the press, affected businesses, public safety and transit agencies at least 48 hours in advance of the street closing.
7. The Board recognizes that there will be some noise associated with this event in the format of amplified announcements and music. By approving this event, they are also agreeing to waive the City of Bloomington noise ordinance during this event.

ADOPTED THIS _____ DAY OF _____, 2013.

BOARD OF PUBLIC WORKS:

Charlotte Zietlow, President

James McNamara

Dr. Frank N. Hrisomalos

ALL TERMS AND CONDITIONS CONTAINED IN THIS RESOLUTION AND AGREEMENT ARE ACCEPTABLE AND AGREED TO:

TRUESPORT.COM, INC.,

Signature

Printed Name

Date

**RELEASE, HOLD HARMLESS AND
INDEMNIFICATION AGREEMENT**

WHEREAS, the undersigned, TrueSport.com, Inc., hereinafter referred to as “Releasor,” is sponsoring the Bloomington Cycling Grand Prix in downtown Bloomington on July 27, 2013; and

WHEREAS, in connection with the bike race, the Releasor seeks to use the public property of the City of Bloomington, specifically: Kirkwood Avenue between Grant Street and Indiana Avenue, Indiana Avenue between Kirkwood Avenue and 7th Street, 7th Street between Indiana Avenue and Dunn Street, Dunn Street between 7th Street and 6th Street, 6th Street between Dunn Street and Grant Street and Grant Street between 6th Street and Kirkwood Avenue for a bicycle race; and

WHEREAS, the Releasor seeks permission by the City of Bloomington Board of Public Works to use the described property, and in partial consideration of such permission, agrees to execute this Release, Hold Harmless and Indemnification Agreement.

NOW THEREFORE, in consideration of permission from the City of Bloomington Board of Public Works for use of the described property, the Releasor hereby agrees to release, hold harmless and indemnify the City of Bloomington, its officers, employees, agents and assigns from any and all claims, causes of action, suits, proceedings or demand which may arise as a result of Releasor’s use of the described property. This includes, but is not limited to, claims for personal injury, property damage, and/or breach of contract, whether brought by the Releasor, its employees or agents, or any third party.

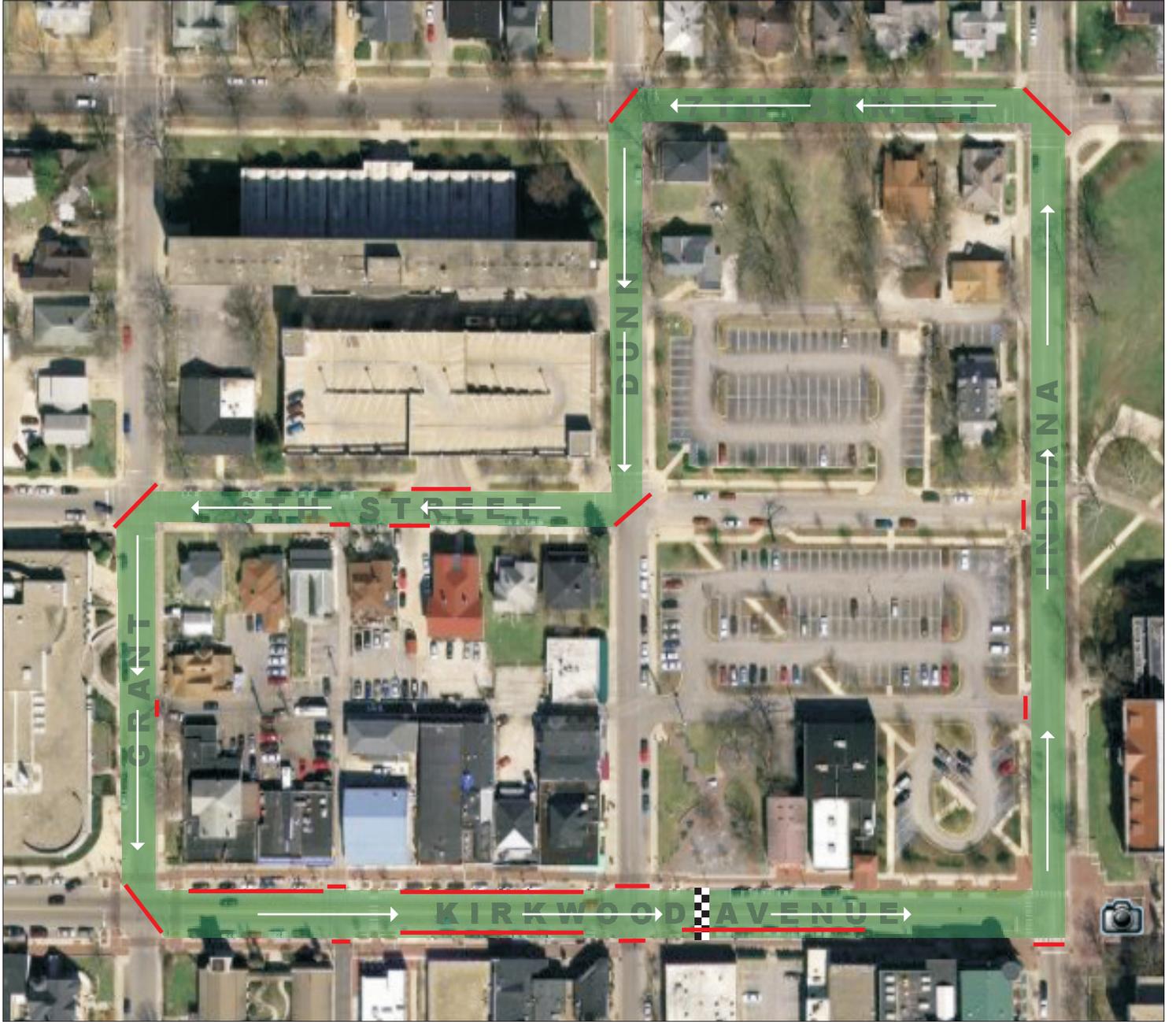
IN WITNESS WHEREOF, the undersigned has executed this Agreement with full knowledge of its significance and with the intent to be bound by it.

TRUESPORT.COM, INC.

Signature

Printed Name

Position





Board of Public Works Staff Report

Project/Event: HoosiersCare 5K Run

Petitioner/Representative: HoosiersCare

Staff Representative: Miah

Meeting Date: March 26, 2013

HoosiersCare is a non profit organization and they are sponsoring the 5th Annual run/walk on Saturday, April 20 from 9:00 – 11:00 a.m. to raise funds for housing patients while they are being treated at the Midwest Proton Radiotherapy Institute. The run will be based out of the Sherwood Oaks Christian Church and for the most part, runners will run on the streets through The Stands subdivision.

A Parade Permit has been issued by BPD pending approval of this request by the Board of Public Works.

Recommend **Approval** **Denial by** Miah Michaelsen

**RESOLUTION 2013-25
HOOSIERSCARE 5K**

WHEREAS, the Board of Public Works is empowered by I.C. 36-9-6-2 to supervise city streets; and

WHEREAS, HoosiersCare have requested use of city streets to conduct the a 5K race, which is a fundraiser for cancer patients; and

WHEREAS, HoosiersCare have agreed to provide any traffic control as deemed necessary and as instructed by Bloomington Engineering Department and/or Bloomington Police Department and to incur the complete cost; and

WHEREAS, HoosiersCare, herein after “Sponsors”, have agreed to execute the “Release, Hold Harmless and Indemnification Agreement” regarding the use of the City of Bloomington’s property as described on Attachment “A” and has agreed to provide the city with a Certificate of Insurance which names the City of Bloomington as an additional insured.

NOW, THEREFORE, BE IT RESOLVED:

- 1) That the City of Bloomington Board of Public Works agrees that City streets may be utilized to conduct the HoosiersCare 5K between the hours of 9:00 and 11:00 a.m. on Saturday, April 20, 2013.
- 2). The City of Bloomington Board of Public Works agrees that vehicular traffic may be restricted for short periods of time on sections of city streets as per the map shown on Attachment “B” of this resolution, during the hours of the event.
- 3) The sponsors agree to be responsible for setting up barricades as instructed by City of Bloomington Engineering or the Bloomington Police Department.
- 4) The sponsors shall be responsible for obtaining any and all required permits as well as being responsible for all legal and financial expenditures, and to obtain from the appropriate entity for permission to use Indiana University property.
- 5) The sponsors shall be responsible for all clean-up that may be necessary as a result of the event to be completed by 12:00 p.m., Saturday, April 20, 2013.
- 6) The sponsors shall be responsible for notifying all emergency services, transit companies and local cab companies by written notice and to the general public by notice to the press well in advance of the event. Signs should be installed on routes as directed by City staff to inform the general public of possible delays on the day of the event. Notice and signs shall include date and time of the event and the fact that vehicular traffic may be temporarily delayed at times.

Resolution 2013-25

7) _____, by signing this agreement, represents that he/she has been fully empowered by proper action of the entity to enter into the agreement and has authority to do so.

ADOPTED THIS ____ DAY OF _____, 2013.

BOARD OF PUBLIC WORKS:

Charlotte Zietlow, President

James McNamara

Dr. Frank N. Hrisomalos

Terms of the Resolution 2013-XX are accepted and agreed to:

HoosiersCare

Signature

Printed Name

Position

Date

Attachment A
Board of Public Works
Resolution 2013-25

RELEASE, HOLD HARMLESS AND
INDEMNIFICATION AGREEMENT
HOOSIERSCARE 5K

WHEREAS, the undersigned, HoosiersCare, hereinafter referred to as “Releasers” is sponsoring a run/walk on April 20, 2013, and

WHEREAS, in connection with Run/Walk, the Releasers seek to use the public property of the City of Bloomington, specifically: Rogers Road, Stands Drive, Copper Tree Drive, Oakmont, Cedarwood Drive, Cedarwood Circle, Canada Road and Sare Road; and

WHEREAS, the Releasers seek permission by the City of Bloomington Board of Public Works to use the described property, and in partial consideration of such permission, agrees to execute this Release, Hold Harmless and Indemnification Agreement; and

NOW THEREFORE, in consideration of permission from the City of Bloomington Board of Public Works for use of the described property, the Releasers hereby agree to release, hold harmless and indemnify the City of Bloomington, its officers, employees, agents and assigns from any and all claims, causes of action, suits, proceedings or demand which may arise as a result of Releasers’ use of the described property. This includes, but is not limited to, claims for personal injury, property damage, and/or breach of contract, whether brought by the Releasers’, their employees or agents, or any third party.

IN WITNESS WHEREOF, the undersigned has executed this Agreement with full knowledge of its significance and with the intent to be bound by it.

HOOSIERSCARE

Signature

Date

Printed Name

Position

About HoosiersCare

HoosiersCare is a nonprofit organization which provides comfortable, affordable housing and personal support to the Indiana University Health Proton Therapy Center patients and their caregivers. The money raised through this event will be used to assist patients with the cost of their housing and other needs they may have while staying with HoosiersCare.

Patients come from all around the world to be treated here at the IU Health Proton Therapy Center. We have had guests from Indiana, Ohio, Illinois, Michigan, Tennessee, Minnesota, Wisconsin, Virginia, Maine, South Dakota, Iowa, California and Alaska. And other guests have travelled from Spain, Kazakstan, Yemen, London, Canada, Nicaragua and South Africa.



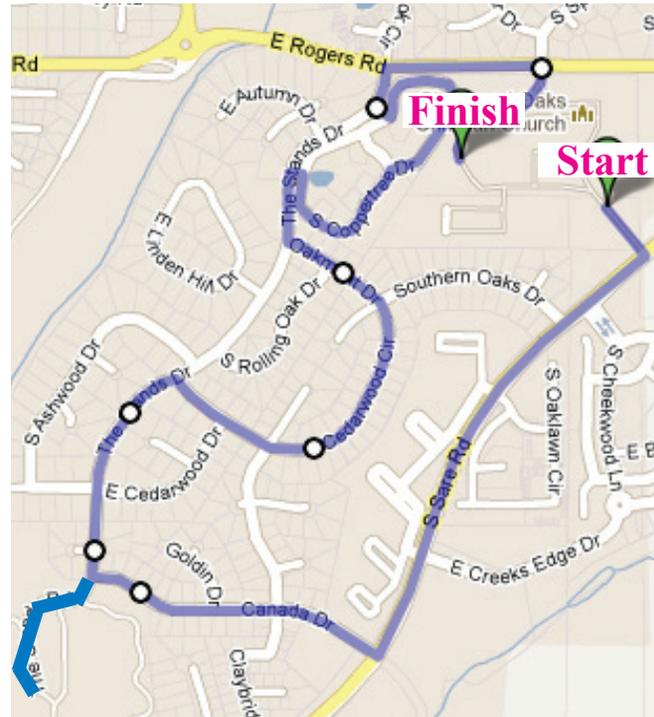
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812.876.4020

5K Certified Course

Enter on Sare Rd. coming from the west



To Register

- ~ Register online at www.mag7raceseries.com
- ~ For more information on the race, its sponsors, training tips, and updates on door prizes, visit us on Facebook (linked from the above website) or go to hoosierscare.com. If you need registration assistance, contact Cheryl at 812-322-2873.



HoosiersCare 5K and 1 Mile Family Fun Run/Walk



Saturday, April 20, 2013
9:00AM - 11:00 AM
2700 East Rogers Road
SOCC Parking Lot



Race Day Schedule

Registration/Packet Pickup 7:30-8:30AM
5K Run Start Time 9:00AM
1 Mile Family Fun Run/Walk Start 9:45AM
Raffle and Awards Ceremony 10:15AM

5K (Certified Course)

\$15 per person through 4/13/13 (includes shirt and raffle ticket) - \$20 per person on-site day of race (registrants after 4/13/13 are not guaranteed a shirt. On-site registrants are not guaranteed a shirt)

NOTE: Participants may walk the 5K, however, there will not be separate registration or awards for walkers.

1 Mile Family Fun Run/Walk

\$5 per person (no shirt available; all participants will receive a finisher's ribbon and raffle ticket)
Free to 5K Runners (Just join in!)

Award Categories

Top 3 Overall Male and Female Finishers
Top 3 Male and Female Finishers in the following age categories:

10 and under	
11-19	20-29
30-39	40-49
50-59	60+

In the event of inclement weather, thank you for your donation to HoosiersCare.

Event Selection

1 Mile	\$5
5K (Preregistered by 4/13/13)	\$15
5K (Race Day - not guaranteed a shirt)	\$20

NOTE: All participants, including children, must register individually.

Shirt Size (5K Only - No Shirt for 1 Mile Participants) - 5K shirts are only guaranteed for preregistrants

Youth Size:	S	M	L	
Adult Size:	S	M	L	XL

Registrant's Information

Name:

Address:

City, State, Zip

E-Mail:

Phone:

Date of Birth:

Age on 4/20/13

Gender: Male Female

Emergency Contact Name/Phone:

Event Participant Waiver

I understand that my consent to these provisions is given in consideration of the acceptance of this registration and for being permitted to participate in this event. I am a voluntary participant in this event, and am in good physical condition. I hereby assume full and complete responsibility for any injury or accident which may occur during my participation in this event or while on the premises of this event, and I hereby release and hold harmless HoosiersCare, its affiliates, any race sponsors and their employees, the race directors, and all other persons or entities associated with this race, including personal injury or damage suffered by me or others, whether same be caused by negligence of HoosiersCare, its affiliates, any race sponsors and their employees, the race directors, and all other persons or entities associated with this race. If I do not follow all the rules of this event, I understand that I may be removed from the competition. I give my full permission to HoosiersCare, and its affiliates to use any photographs, videotapes, or other recordings of me that are made during the course of this event. If I am under 18 years of age, I understand that I must have my parent/guardian's signature in order to participate. No refunds for any reason shall be given. No pets allowed. Use headphones at your own risk.

Entrant's Signature or Parent/Guardian's Signature

Date



Board of Public Works Staff Report

Project/Event: Magnificent 7 Road Race Series

Petitioner/Representative: Jo Throckmorton

Staff Representative: Miah

Meeting Date: March 26, 2013

The Magnificent 7 Road Race Series is sponsoring a 7K run on Saturday, April 27, 2013, which will start at 1:00 p.m. and should be completed within two hours. The route includes E. Miller Drive, S. Henderson Street, E. North Drive, E. South Drive, S. Winslow Court, Burberry Lane, E. Graham Drive, E. Hickory Stick Drive, Moss Creek Circle, E. Moss Creek Drive, S. Highland Avenue and S. Maxwell Street. This is a fund raiser for the Magnificent 7 Race Series.

The Magnificent 7 Race Series is an all-volunteer organization which supports other races throughout the region by providing guidance and infrastructure support. We also promote and market the races – free of charge – to assist them in meeting their overall fund-raising goals while also working to encourage participation in physical activity.

BPD has issued a Parade Permit pending Board of Public Works approval.

Staff recommends approval.

Recommend **Approval** **Denial** by Miah Michaelsen

RESOLUTION 2013-26
THE MAGNIFICENT 7 ROAD RACE SERIES

WHEREAS, the Board of Public Works is empowered by I.C. 36-9-6-2 to supervise city streets; and

WHEREAS, The Magnificent 7 Road Race Series promotes participation in road races in south-central Indiana and is an all volunteer organization that is dedicated to marketing and promoting area races and provides consultation, advisement, management and best practice support to race organizers; and

WHEREAS, The Magnificent 7 Road Race Series has requested use of all or a portion of the following City streets to conduct a 7K Run: E. Miller Drive, S. Henderson Street, E. North Drive, E. South Drive, S. Winslow Court, Burberry Lane, E. Graham Drive, E. Hickory Stick Drive, Moss Creek Circle, E. Moss Creek Drive, S. Highland Avenue, S. Maxwell Street; and

WHEREAS, The Magnificent 7 Road Race Series has agreed to provide any traffic control as deemed necessary and as instructed by Bloomington Engineering Department and/or Bloomington Police Department and to incur the complete cost; and

WHEREAS, The Magnificent 7 Road Race Series, herein after “Sponsor”, has agreed to execute the “Release, Hold Harmless and Indemnification Agreement” regarding the use of the City of Bloomington’s property as described on attachment A and has agreed to provide the city with a Certificate of Insurance.

NOW, THEREFORE, BE IT RESOLVED:

- 1) That the City of Bloomington Board of Public Works agrees that all or a portion of the following City streets may be utilized to conduct a 7K Run between the hours of 1:00 p.m. and 3:00 p.m., on Saturday, April 27, 2013: E. Miller Drive, S. Henderson Street, E. North Drive, E. South Drive, S. Winslow Court, Burberry Lane, E. Graham Drive, E. Hickory Stick Drive, Moss Creek Circle, E. Moss Creek Drive, S. Highland Avenue, S. Maxwell Street.
- 2) Sponsors may close those streets named in 1) to vehicular traffic during the initial start of the run and at the end of the run but maintain traffic flow at other times.
- 3) The sponsors agree to be responsible for providing and setting up barricades as instructed by City of Bloomington Engineering.
- 4) The sponsors shall be responsible for obtaining any and all required permits as well as being responsible for all legal and financial expenditures, and to obtain from the appropriate entity for permission to use private property.

- 5) The sponsors shall be responsible for all clean-up that may be necessary as a result of the event to be completed by 4:00 p.m., Saturday, April 27, 2013.
- 6) The sponsors shall be responsible for notifying the general public in advance by notice to the press, and to notify Bloomington Transit, local cab companies and all emergency services no later than fourteen (14) days prior to the event and the fact that vehicular traffic may be temporarily delayed at times.
- 7) _____, by signing this agreement, represents that he/she has been fully empowered by proper action of the entity to enter into the agreement and has authority to do so.

ADOPTED THIS ____ DAY OF _____, 2013.

BOARD OF PUBLIC WORKS:

Charlotte Zietlow, President

James McNamara

Dr. Frank N. Hrisomalos

AGREED TO THIS ____ DAY OF _____, 2013

The Magnificent 7 Road Race Series

Signature

Printed Name

**Attachment A
Board of Public Works
Resolution 2013-26**

**THE MAGNIFICENT 7 ROAD RACE SERIES
RELEASE, HOLD HARMLESS AND
INDEMNIFICATION AGREEMENT**

WHEREAS, the undersigned for The Magnificent 7 Road Race Series, hereinafter referred to as "Releasor," is sponsoring a 7K run, to benefit the run organizers in south central Indiana, on Saturday, April 27, 2013; and

WHEREAS, in connection with event, the Releasor seeks to use the public property of the City of Bloomington, specifically, that all or a portion of the following City streets may be utilized to conduct a 7K Run between the hours of 1:00 p.m. and 3:00 p.m., on Saturday, April 27, 2013: E. Miller Drive, S. Henderson Street, E. North Drive, E. South Drive, S. Winslow Court, Burberry Lane, E. Graham Drive, E. Hickory Stick Drive, Moss Creek Circle, E. Moss Creek Drive, S. Highland Avenue, S. Maxwell Street; and

WHEREAS, the Releasor seeks permission by the City of Bloomington Board of Public Works to use the described property, and in partial consideration of such permission, agrees to execute this Release, Hold Harmless and Indemnification Agreement; and

NOW THEREFORE, in consideration of permission from the City of Bloomington Board of Public Works for use of the described property, the Releasor hereby agrees to release, hold harmless and indemnify the City of Bloomington, its officers, employees, agents and assigns from any and all claims, causes of action, suits, proceedings or demand which may arise as a result of Releasor's use of the described property. This includes, but is not limited to, claims for personal injury, property damage, and/or breach of contract, whether brought by the Releasor, its employees or agents, or any third party.

IN WITNESS WHEREOF, the undersigned has executed this Agreement with full knowledge of its significance and with the intent to be bound by it.

The Magnificent 7 Road Race Series

Signature

Date

Printed Name



Board of Public Works Staff Report

Project/Event: Collins Fest

Petitioner/Representative: Collins LLC

Staff Representative: Miah

Meeting Date: March 26, 2013

Event Date: Saturday, April 13, 2013

Indiana University's Collins Living-Learning Center will be hosting Collins Fest from 10 a.m. – 6 p.m. on Saturday, April 13 (with a rain date of April 14) at the Center at 541 N. Woodlawn Ave. As part of Collins Fest, five live bands will be playing in the courtyard and event organizers are requesting a noise permit.

Collins Living-Learning Center stresses academics, community, diversity, sustainable living, and student empowerment through a variety of campus and community-focused projects and initiatives.

Staff recommends approval of the request.

Recommend **Approval** **Denial** by Miah Michaelsen



NOISE PERMIT

City of Bloomington
 401 N. Morton St., Suite 120
 Bloomington, Indiana 47404
 812-349-3418

Application and Permit Information

This is an application for a permit for relief from Chapter 14.09 (Noise Control) of the Bloomington Municipal Code. Any permit granted by the City of Bloomington must contain all conditions upon which said permit shall be effective. The City may prescribe any reasonable conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

Once a completed application is submitted to the City, it will be reviewed by the Board of Public Works. If the permit is approved, the holder must still abide all other city, state, and federal laws.

Contact Miah Michaelsen with any questions: (812) 349-3418 or michaelm@bloomington.in.gov

Event and Noise Information

Type or Name of Event:	Collins Fest					
Location of Event:	Collins LLC 541 N. Woodlawn Ave, Bloomington IN 47406					
Date of Event:	April 13, 2013	Time of Event:	Start:	10am	End:	6pm
Description of Noise:	Five Live bands will be playing in the courtyard					
Source of Noise:	<input checked="" type="checkbox"/> Live Band	<input type="checkbox"/> Instrument	<input type="checkbox"/> Loudspeaker	Other:		
Will Noise be Amplified?	X Yes <input type="checkbox"/> No					

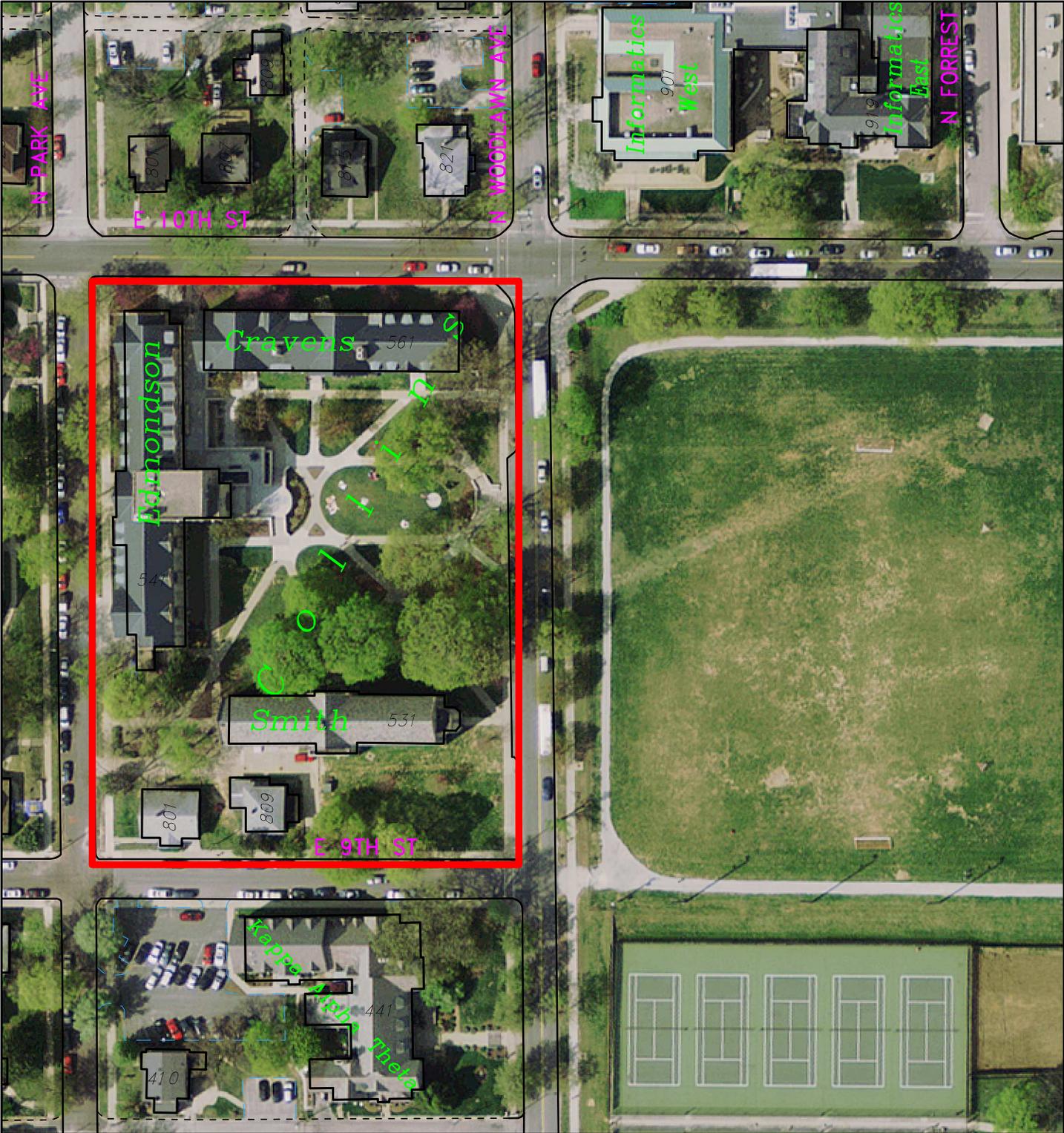
Applicant Information

Name:	Ashleigh Smith	Date of Birth:	09/14/1990
Organization:	Collins Board of Programmers	Title:	Vice President
Physical Address:	Collins LLC 541 N. Woodlawn Ave. Bloomington, IN 47406		
Email Address:	smithasr@indiana.edu	Phone Number:	765-251-1459
Signature:	Ashleigh Renee Smith	Date:	3/19/13

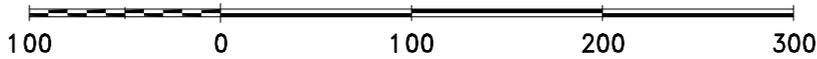
FOR CITY OF BLOOMINGTON USE ONLY

In accordance with Section 14.09.070 of the Bloomington Municipal Code, We, the Board of Public Works, the designee of the Mayor of the City of Bloomington, hereby waives the City Noise Ordinance for the above mentioned event.

BOARD OF PUBLIC WORKS	
_____ Charlotte T. Zietlow, President	_____ James McNamara
_____ Date	_____ Dr. Frank N. Hrisomalos



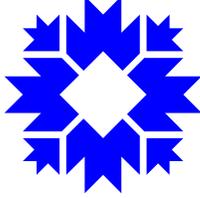
By: smithc
21 Mar 13



For reference only; map information NOT warranted.



City of Bloomington
Public Works



Scale: 1" = 100'



Board of Public Works Staff Report

Project/Event: Clips Beer and Film Tour

Petitioner/Representative: New Belgium Brewing Company

Staff Representative: Miah

Meeting Date: March 26, 2013

Event Date: Friday, May 31, 2013

New Belgium Brewing Company is hosting the Clips Beer and Film Tour on Friday, May 31st from 7:00 p.m. – 11 p.m. in Bryan Park. As part of the event, they are requesting a Noise Permit during those hours for recorded music, stage announcements and the films' audio soundtrack. The event is in its third year at Bryan Park and serves as a fundraiser for the Center for Sustainable Living. It has proved to be quite popular and has been well attended. New Belgium Brewing Company has received permission from the Parks Department to rent the park area for this event.

Staff recommends approval of the request.

Recommend **Approval** **Denial** by Miah Michaelsen

CITY OF BLOOMINGTON

NOISE PERMIT

ORGANIZATION New Belgium Brewing Company

ACTIVITY Clips Beer and Film Tour - film fest and beer sampling

DATE OF EVENT May 31, 2012 **TIME OF EVENT** 7 to 11 p.m.

LOCATION OF EVENT Bryan Park

COST Free entry **PURPOSE** Fundraiser for Center for Sustainable Living

SOURCE OF NOISE Music from iPod, PA announcements, film soundtrack

IS MUSIC AMPLIFIED Yes No

WHAT INSTRUMENTS 7,000 lumen video projection system, sound system w/ 8 450 watt speakers.

OTHER INFORMATION More audio specs available upon request. First 1.5hrs of show
is music played from an iPod, last half is film soundtrack

CONTACT PERSON Jesse Claeys **PHONE** 712.898.9858

ADDRESS 500 Linden St., Fort Collins, CO 80521

SIGNATURE _____ **E-MAIL ADDRESS:** jclaeys@newbelgium.com

In accordance with Section 14.09.070 of the Bloomington Municipal Code, We, the Board of Public Works, the designee of the Mayor of the City of Bloomington, hereby waives the City Noise Ordinance for the above mentioned event.

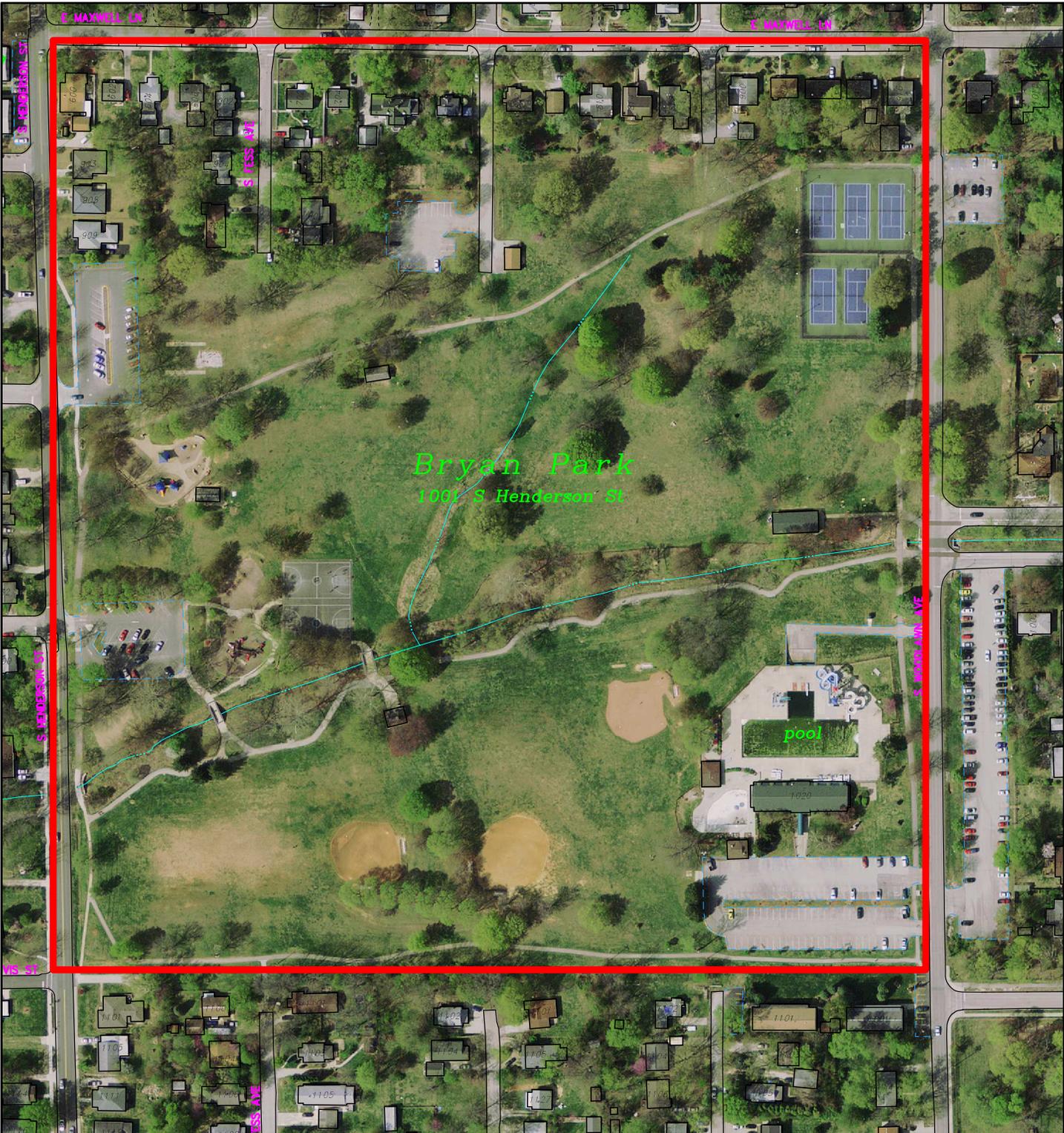
BOARD OF PUBLIC WORKS

Charlotte T. Zietlow, President

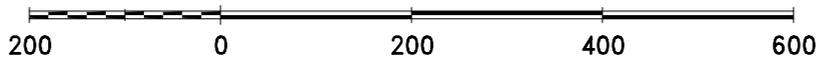
James McNamara

Dr. Frank N. Hrisomalos

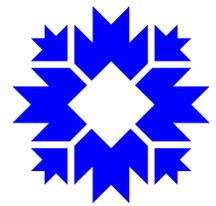
Date



By: smithc
21 Mar 13



City of Bloomington
Public Works



Scale: 1" = 200'

For reference only; map information NOT warranted.



Board of Public Works Staff Report

Project/Event: Lotus Concert

Petitioner/Representative: Lotus Education and Arts Foundation

Staff Representative: Miah

Meeting Date: March 26, 2013

Event Date: Thursday, May 16, 2013

As part of its 20th anniversary celebration, "Lotus at 20" Lotus is hosting a variety of special music events in the community. This concert will be held in Waldron, Hill & Buskirk Park on Thursday, May 16 from 7:00 p.m. – 9:00 p.m. and will feature Christine Balfa & Balfa Tujours, Cajun musicians from Breaux Bridge, Louisiana. They are requesting a Noise Permit during those hours for amplified live music and stage announcements. The event is free and open to the public. Lotus has received permission from the Parks Department to rent the park for this event.

Staff recommends approval of the request.

Recommend **Approval** **Denial** by Miah Michaelsen



CITY OF BLOOMINGTON

NOISE PERMIT

City of Bloomington
401 N. Morton St., Suite 120
Bloomington, Indiana 47404
812-349-3418

Application and Permit Information

This is an application for a permit for relief from Chapter 14.09 (Noise Control) of the Bloomington Municipal Code. Any permit granted by the City of Bloomington must contain all conditions upon which said permit shall be effective. The City may prescribe any reasonable conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

Once a completed application is submitted to the City, it will be reviewed by the Board of Public Works. If the permit is approved, the holder must still abide all other city, state, and federal laws.

Contact Miah Michaelsen with any questions: (812) 349-3418 or michaelm@bloomington.in.gov

Event and Noise Information

Type or Name of Event:	CHRISTINE BALFA LOTUS AT 20 CONCERT - + BALFA TOUJOURS				
Location of Event:	THIRD ST. PARK (WALDRON, HILL + BUSKIRK PARK)				
Date of Event:	5/16/2013	Time of Event:	Start: 7PM	End: 9PM	
Description of Noise:	CAJUN MUSIC				
Source of Noise:	<input checked="" type="checkbox"/> Live Band	<input type="checkbox"/> Instrument	<input type="checkbox"/> Loudspeaker	Other:	
Will Noise be Amplified?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				

Applicant Information

Name:	LOPAINE MARTIN	
Organization:	LOTUS EDUCATION + ARTS FOUNDATION	Title: OUTREACH DIRECTOR
Physical Address:	103 N. COLLEGE AVE. BLOOMINGTON, IN 47404	
Email Address:	loraine@lotusfest.org	Phone Number: 812-336-6599
Signature:	Loraine Martin	Date: 3/19/2013

FOR CITY OF BLOOMINGTON USE ONLY

In accordance with Section 14.09.070 of the Bloomington Municipal Code, We, the Board of Public Works, the designee of the Mayor of the City of Bloomington, hereby waives the City Noise Ordinance for the above mentioned event.

BOARD OF PUBLIC WORKS

Charlotte T. Zietlow, President

James McNamara

Date

Dr. Frank N. Hrisomalos

