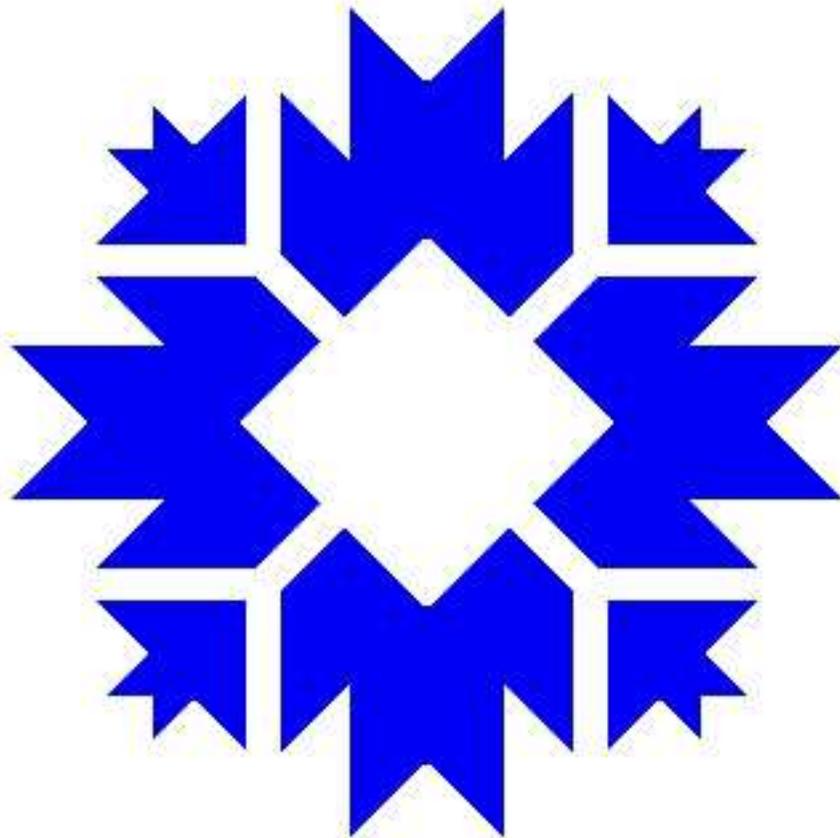


# **Board of Public Works Meeting**

**July 16, 2013**



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

A Regular Meeting of the Board of Public Work to be Held Tuesday, July 16, 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 – July 2, 2013**
  
- III. **PETITIONS & REMONSTRANCES**
  
- IV. **TITLE VI ENFORCEMENT**
  
- V. **HEARINGS FOR NOISE APPEAL**
  
- VI. **OLD BUSINESS**
  
- VII. **NEW BUSINESS**
  1. **Request for Noise Permit for Wedding Event at Sycamore Shelter within Lower Cascades Park (Friday, 9/13)**
  2. **Resolution 2013-64: Use of Public Street for the Bloomington Housing Authority Family Finance Day (Wednesday, 8/21)**
  3. **Resolution 2013-65: Use of Public Street for I Fell Labor Day Weekend Arts Festival (Saturday, 8/31 & Sunday, 9/1)**
  4. **Resolution 2013-66: Request to Improve Public Right of Way in 300 Block of West 14<sup>th</sup> Street**
  5. **Resolution 2013-67: Use of Public Street for Banneker Block Party (Friday, 7/26)**
  
- VIII. **STAFF REPORTS & OTHER BUSINESS**
  
- IX. **APPROVAL OF CLAIMS**
  
- X. **ADJOURNMENT**

The Board of Public Works meeting was held on Tuesday, July 2, 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  
Frank Hrisomalos

**ROLL CALL**

City Staff: Susie Johnson – Public Works  
Adrian Reid - Engineering  
Justin Wykoff – Engineering  
Mike Arnold – HAND  
Jackie Moore – City Legal  
Jason Carnes – ESD  
Miah Michaelsen - ESD  
Chris Smith – Public Works  
Laurel Archer – Public Works

Zietlow welcomed everyone, and announced the agenda item regarding notice of violation appeal for excessive growth at 2611 East Roundhill Lane has been pulled from the agenda. Anyone who would like to be notified when it is put back on the agenda can call Public Works at 349--3410 to be put on a list to be notified.

**MESSAGES FROM  
BOARD MEMBERS**

McNamara moved to approve the minutes from June 18, 2013. Hrisomalos seconded the motion. Motion passed. Minutes from June 18, 2013 were approved as submitted.

**APPROVAL OF  
MINUTES**

None

**PETITIONS &  
REMONSTRANCES**

None

**TITLE VI  
ENFORCEMENT**

None

**HEARINGS FOR NOISE  
APPEALS**

None.

**OLD BUSINESS**

**NEW BUSINESS**

Mike Arnold, HAND, stated this is a request to remove an unsafe structure. Orders to Seal were done in 2011 and the structure was sealed at that time and roof work done. However, the roof on the north west side has collapsed, and joists have fallen. There is also a hole in the side of the structure. Because of the failure of the roof HAND is asking that the Order to Remove be upheld. The structure has been empty for several years. Deadline for removal is July 18th.

**Request to Uphold Order  
to Remove Unsafe  
Structure at 333 North  
Clark Street**

Hrisomalos asked if all the protocol had been followed. Arnold sated yes, and explained the progression. Arnold added he had spoken with the owner today and he understands what is being asked of him. The owner stated he will look into getting a demolition permit and proceeding. Deadline for removal is July 18, 2013. He was advised if he needs additional time he can ask for it.

McNamara stated for clarification this was not an abatement but a request to uphold an Order to Remove Unsafe Structure. Arnold stated yes, HAND is only asking for the Board to uphold the Order to

Remove.

Hrisomalos asked if there will be a lien placed on the property owner. Arnold stated if the owner does not remove the structure by the deadline, then HAND would move forward with permission to abate the structure, and it would come before the Board again.

Zietlow stated the property owner was present but could not stay. Zietlow asked if the owner plans to remove the structure himself. Arnold stated the owner had indicated he was going to remove it himself, and he has a deadline of July 18th.

McNamara made a motion to uphold Order to Remove Unsafe Structure at 333 North Clark Street. Hrisomalos seconded the motion. The motion passed. Order to Remove Unsafe structure at 333 North Clark Street upheld.

Zietlow did ask if there had been any "squatters" in the house. Arnold stated there has been no indication of that.

Miah stated this is a request for street closure and noise permit from Second Baptist Church. They are requesting closure of West 8th Street between Rogers and Jackson Streets beginning at 10:30 a.m. and ending at 4:00 p.m. on Saturday, August 24 for the purposes of hosting an activity day and carnival event for church members and the general public. Staff recommended approval.

**Resolution 2013-60: Use of Public Street for the Baptist Church Fun Day Activity Day (Saturday, 8/24)**

Patty Johnson, co chair for the Friends and Family Day,. introduced herself. Ms. Johnson stated the event will run the entire weekend, Saturday and Sunday. The street closure request is so the event can be taken outside. There will be grilling of food, games, and activities for adults and children. In the past the Friends and Family Day has been limited to the 10 o'clock worship service on Sunday. It was thought it would be more fun to expand the event and take it outside. and have more people take part.

Zietlow asked if the public is welcome as well. Ms Johnson stated if they are in the area and would like to come, they are welcome.

McNamara moved to approve Resolution 2013-60: Use of Public Street for the Baptist Church Friends and Family Day on Saturday, August 24th. Hrisomalos seconded the motion. The motion passed. Resolution 2013-60 approved.

Miah explained this request is for the Grant Street Jazz Festival sponsored by Jazz from Bloomington. Jazz from Bloomington is a local jazz advocacy group which promotes jazz and music education across southern Indiana. The primary mission is to promote and preserve jazz as America's unique art form. The programming includes affordable priced jazz events and free public educational activities including lectures, concerts, sponsorships of student artists, and programming for public school students. One of their current projects is to expand their outreach and start to serve the larger Bloomington community beyond its public schools.

**Resolution 2013-61: Use of Public Street for Grant Street Jazz Festival (Saturday, 8/24)**

Last year was the first annual Grant Street Jazz Festival. The event was such a success they are back again. This year they are asking to expand their footprint and close Grant Street between Kirkwood and 6th Street. The goal of the festival is to showcase the amazing jazz talent in Bloomington. It will feature musicians from the Bloomington Community.

Their request is to close the street between 9:30 a.m. and midnight with the event running from 11:30 a.m. to 11:00 p.m. As part of the event they are also requesting a noise permit. This location is adjacent to a festival street, and Bloomington has a strong jazz heritage. Staff supported the request.

Neil from Jazz from Bloomington gave a power point presentation and highlighted points about the Festival. He stated he has talked to the businesses and residents in the area, with the exception of the house to the north, which is a student residence house. Pygmalion's is okay with the expansion as well. The line up will be IU Students as well as high school students playing. The festival is free and open to the public. The goal of the festival is to introduce the jazz talent in Bloomington to a wider audience. The financial benefit is income from sponsors and donors which amounted to \$1600. Jazz from Bloomington covered the rest of the festival cost. The performers are paid. This year there will be more ensembles and the hope is to pay them more. Last year there were 12 members on the organizing committee and 27 volunteers. The goal is to have this be a sustainable and established annual festival for the Bloomington Community.

McNamara made a motion to approve Resolution 2013-61: Use of Public Streets for the Grant Street Jazz Festival on Saturday, August 24th. McNamara also pointed out this falls under the Downtown, informal, exception for the 11:00 p.m. noise permit. Miah added it ran until 11:00 p.m. last year so this is keeping with last year's festival. Hrisomalos seconded the motion. The motion passed. Resolution 2013-61 approved.

Chris stated the Bryan Park Neighborhood Association would like to hold a block party on Friday, August 23, 2013. This will be the 6th consecutive year for this neighborhood gathering. The event will take place on South Palmer Avenue between East Driscoll Drive and East Grimes Lane. The petitioner has requested a noise permit for the hours of 6 p.m. until 9 p.m. so that music can be played during the event. This is a great opportunity for neighbors to get together to celebrate their neighborhood. Staff was very supportive of this request.

**Resolution 2013-62: Use of Public Street for Bryan Park Neighborhood Block Party (Friday, 8/23)**

John Lawrence, Executive Committee Member for Bryan Park Neighborhood Association, introduced himself. He stated the invitation goes out to the entire neighborhood which is 750 households. The normal attendance is 3 to 400 people each year. There is a band every years, and Craig Brenner, who lives in the neighborhood, volunteers his time every year. It is a pitch in. There are also a couple of local restaurants that provide food, Nick's provides hamburgers, and Feast donates cakes. There is a local clown who has shown up the last three years, and last year there were 50 children sitting down watching the clown performance. This is the neighborhood's largest event of the year, and the most popular. Mr. Lawrence also thanked HAND and Vicki Provine for helping them apply for a Small and Simple Grant every year.

McNamara added this is the weekend before IU classes start, so it is a welcome back. Mr. Lawrence stated that was very much the reason for the timing of the event. It is the weekend most students have moved into the neighborhood and gives neighbors a chance to invite new renters to a neighborhood event.

Zietlow asked about the boundaries of the Bryan Park neighborhood. Mr. Lawrence stated 1st Street on the north, Henderson down to Grimes and then over east to Woodlawn, to Hillside, then over to

Walnut, and Walnut back to 1st Street. Lawrence added he thinks its the biggest neighborhood in town.

McNamara made a motion to approve Resolution 2013-62: Use of Public Streets for Bryan Park Neighborhood Block Party on Friday, August 23rd. Hrisomalos seconded the motion. The motion passed. Resolution 2013-62 approved.

Jason Carnes explained Ryan Lentz with Smithville Communications has applied for an Itinerant Merchant's license. Before any license can be issued it has to be approved by the Board of Public Works. ESD has reviewed the application and followed all the rules and regulations required. The business will operate from a box truck and tents, selling consumer electronic goods. They will primarily be working with other businesses to set up in their parking lots. This approval would give them flexibility in the future, if they chose, to operate from the right of way. The application is for one year. Staff is supportive of the request.

**Resolution 2013-63:**  
**Allow Itinerant Merchant**  
**to Operate in Public**  
**Right of Way (Smithville**  
**Communications)**

Ryan Lentz stated they have two stores that sell consumer electronics, one in French Lick and at the Bloomington/Ellettsville border. Smithville is doing something different to try to compete with the big box stores, and keep the money local. This will bring the product to the customer. Smithville will set up at first during move in week at Indiana University to give students an opportunity to buy locally and not have to travel to a big box store.

McNamara stated this is non-edible and different from what is usually approved. McNamara wanted to know if the Board had ever approved non-edible itinerant merchant permits along these lines. Jason was not sure, but would find an answer. Since he started with the City in February there have been no permits such as this. Jason added he has been getting more phone calls of this nature so he believed more would be seen.

McNamara stated Smithville is a local company, but what if it were Best Buy, what would be the procedure. Jason stated this is something the ESD staff would talk about, but they do meet the ordinance guidelines. Jason added that ESD is currently looking at the ordinance that governs itinerant merchant permits.

McNamara stated he will support this request, He hopes it is part of the discussion as the ordinance is reviewed. McNamara didn't feel it was dissimilar from the old itinerant merchant issues from days gone by where people would rent an empty gas station lot and sell fireworks or furniture. He realizes Smithville is a local business and very supportive of many good causes in the community so this does not seem to be the place to draw the line or initiate a discussion.

McNamara made a motion to approve Resolution 2013-63: To Allow Itinerant Merchant to Operate in the Public Right of Way for Smithville Communications. Hrisomalos seconded the motion. The motion passed. Resolution 2013-63 approved.

Hrisomalos asked if the first year of approving itinerant merchant permits had passed. Zietlow felt the first year had passed, and some renewals should be coming forward.

Wykoff stated the South Walnut Street and East Smith Avenue signalization is separate from the Streetscape project. This is Change Order #1. This is for the addition of the contra-flow bike lanes, finalizing that to College and Washington. This will be for pavement

**Request to Approve**  
**Change Order #1 for**  
**South Walnut Street and**  
**East Smith Avenue**

markings and painting a pedestrian pole. The bike lanes runs east to west along Smith and provides an opposite flow for bicyclists. This will mark what direction bikes should go. The amount of the change order is \$5,169.50

**Signalization Project**

Zietlow asked if there was room for that. Wykoff stated there is room for one way traffic and a bike lane heading in a different direction which is why it was made a contra-flow bike lane. Wykoff explained they can flow with traffic going westbound, and travel in their own lane if going eastbound.

McNamara made a motion to approve Change Order #1 for South Walnut Street and East Smith Avenue Signalization Project in the amount of \$5,169.50. Hrisomalos seconded the motion. The motion passed. Change Order #1 approved.

Wykoff explained the South Walnut Streetscape was a very big project and is wrapping up. The final storm water and sewer lines are going in now. The traffic has been down to one lane today. The change order is for conduits for lighting, the service point for the signal at 2nd and Walnut, some pipe to correct drainage issues behind the Stahl building, poles were removed for the 2nd Street traffic light, and Class X excavation for rock, and additional bollards to protect the limestone. The total for Change Order # 8 is \$18,166.88.

**Request to approve Change Order #8 for South Walnut Street Streetscape and Stormwater Improvements Project**

McNamara asked for information on the project currently closing lanes of traffic. Wykoff stated City of Bloomington Utilities is lining the inside of the manholes. This requires redirecting the flow of the sewer from one manhole to another so they can do their work. McNamara added it is as disruptive as anything that has happened with the project so far so he hopes they finish up soon. Wykoff stated he would get a report to McNamara.

McNamara made a motion to approve Change Order #8 for South Walnut Street Streetscape and Stormwater Improvements in the amount of \$18,166.88. Hrisomalos seconded the motion. The motion passed. Change order #8 approved.

Wykoff stated the bids were solicited for the Maxwell Lane Sidewalk Project: The bids are as follows:

**Award Contract for the Maxwell Lane Sidewalk Project**

Weddle Bros	\$175,100.00
Groomer	\$73,897.12
Dave O'Mara	\$157,964.00
Fox Construction	\$193,753.00
Crider & Crider	\$166,747.00
Milestone	\$146,600.00

Wykoff explained the plan set as designed in 2006 from a previous recommendation from the City Council Sidewalk Committee included two blocks (Highland Avenue to Sheridan Drive), however, funding was not sufficient to construct both blocks. The lower section (Highland Avenue to Jordan Avenue) was decided on to be constructed first. This will provide necessary storm-water infrastructure.

Wykoff added the construction of only one block was clearly mentioned in the quote documents and discussed in the pre-quote meeting with area contractors. However, only one quote realized one block was to be constructed, not two, and only quoted for that block. The other bids included both blocks which explains the huge difference in bid prices.

Wykoff stated the Engineer's estimate was \$78,840. The low bid was Groomer at \$73,897.12. Staff recommended Groomer Construction who was the lowest, most responsive, and responsible quote for \$73,897.12.

Zietlow stated if all the bids were taken and spilt in half, Groomer would still be the lowest.

Zietlow asked if this jeopardizes the bidding process. McNamara didn't think there was any basis for a re-bid. Wykoff agreed.

McNamara made a motion to award the contract for construction of Maxwell Lane Sidewalk Project to Groomer Construction in the amount of \$73,897.12. Hrisomalos seconded the motion. The motion passed. Bid for Maxwell Sidewalk project awarded to Groomer.

None

**STAFF REPORTS &  
OTHER BUSINESS**

McNamara moved to approve claims. Hrisomalos seconded the motion. The motion passed.

**APPROVAL OF  
CLAIMS**

McNamara made motion to adjourn. Hrisomalos seconded the motion. The meeting adjourned at 6:22 p.m.

**ADJOURNMENT**

Zietlow added a comment that with all the rain there has been she's noticed no flooded roads. Hrisomalos stated that was true, they don't have to get the water out of Nick's anymore.

Accepted by:

\_\_\_\_\_  
Charlotte Zietlow, President

\_\_\_\_\_  
James McNamara, Vice President

\_\_\_\_\_  
Dr. Frank N. Hrisomalos, Secretary

Date:

Attest to:



## Board of Public Works Staff Report

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**Project/Event:** Noise Permit for Wedding

**Petitioner/Representative:** Morgan Thames

**Staff Representative:** Miah

**Meeting Date:** July 16, 2013

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Morgan Thames has requested a noise permit for the Sycamore Shelter at Cascades Park on Friday, September 13 from 3:30 - 10:00 p.m. in order to play amplified recorded music at a wedding and reception.

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**Recommendation and Supporting Justification:** Staff recommends approval.

**Recommend**  Approval  Denial by



CITY OF BLOOMINGTON

## NOISE PERMIT

City of Bloomington  
401 N. Merton 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](mailto:michaelm@bloomington.in.gov)

### Event and Noise Information

Type or Name of Event:	Wedding				
Location of Event:	Sycamore Shelter, Cascades Park				
Date of Event:	9/13/13	Time of Event:	Start: 3:30pm	End:	10pm
Description of Noise:	Amplified Stereo				
Source of Noise:	<input type="checkbox"/> Live Band	<input type="checkbox"/> Instrument	<input checked="" type="checkbox"/> Loudspeaker	Other:	
Will Noise be Amplified?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

### Applicant Information

Name:	Morgan Thames		
Organization:		Title:	MS.
Physical Address:	432 S College #17		
Email Address:	mthames@indiana.edu	Phone Number:	812-327-5606
Signature:	<i>Morgan Thames</i>	Date:	6/23/13

### 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

\_\_\_\_\_  
Date

\_\_\_\_\_  
James McNamara

\_\_\_\_\_  
Dr. Frank N. Hrisomalos



City of Bloomington  
Public Works Department

## BOARD OF PUBLIC WORKS STAFF REPORT

**Meeting Date:** July 16, 2013

**Subject:** The Bloomington Housing Authority Family Finance Day

**Report:** The Bloomington Housing Authority would like to close Summit Street between Monroe and 13<sup>th</sup> Streets on Wednesday, August 21, 2013 from noon to 8:00 p.m. to host a Family Finance Day for the Crestmont neighborhood. There will be games and vendors as well as the eBus, a self-contained financial education classroom equipped with the latest in satellite technology, 12 work stations and internet connectivity. They are anticipating up to 400 residents attending based on previous events.

**Recommendation:** Staff recommends approval.

**RESOLUTION 2013-64**  
**BLOOMINGTON HOUSING AUTHORITY FAMILY FINANCE DAY**

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

WHEREAS, the Bloomington Housing Authority, hereinafter "Sponsor", is sponsoring a gathering that will be open and free to the general public to be known as Bloomington Housing Authority Family Finance Day, and

WHEREAS, the Sponsor is requesting that they be allowed to close a section of Summit Street during the event so that the public may safely cross the street while participating in the events;

WHEREAS, the Board of Public Works supports community events which allow children to have a safe and supervised celebration; and

WHEREAS, Bloomington Housing Authority, has agreed to execute a "Release, Hold Harmless and Indemnification Agreement" holding the City of Bloomington Board of Public Works, and their agents or employees harmless for any actions, losses or claims arising as a direct result of the Association'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 a copy of which is attached hereto and made a part hereof and to provide the City with a Certificate of Insurance naming the City of Bloomington as additionally insured.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City of Bloomington Board of Public Works declares that that Summit Street between 13th and Monroe Streets, shall be temporarily closed to motor vehicles from noon until 8:00 p.m. on Wednesday, August 21, 2013, for the purpose of hosting Bloomington Housing Authority Family Finance Day for the general public.
2. That Bloomington Housing Authority shall be responsible for posting "no parking" signs at least 24 hours in advance of the closing of the streets. Temporary "no parking" signs may be obtained from the City of Bloomington Department of Public Works.
3. That Bloomington Housing Authority shall be responsible for placement and removal of barricades. Bloomington Housing Authority is responsible for contacting the City of Bloomington Engineering Department for instructions on the type of and placement of said barricades. Bloomington Housing Authority agrees to obtain at its own expense and place barricades to close the street, not before noon and to remove barricades by 8:00 p.m. on Wednesday, August 21, 2013.
4. The sponsors will be responsible for removing all trash that is a result of the event, to pick up litter including cigarette butts from the street and sidewalks within this block and to clean any grease or other food products from the pavement and sidewalks after the event. Cleanup shall be completed by 8:00 p.m. on Wednesday, August 21, 2013.
5. That by granting permission to utilize City property to facilitate this activity, the Board of Works also waives the City Noise Ordinance in accordance with Section 14.09.070 of the

RESOLUTION 2013-64

Bloomington Municipal Code, and therefore amplified music may be played during the hours of noon and 8:00 p.m.

6. The sponsors shall be responsible for obtaining any and all required permits as well as being responsible for all legal and financial expenditures.
7. The sponsors shall be responsible for notifying the general public, public transit and public safety agencies of the street closing in advance by notice (at least 48 hours in advance).
8. That \_\_\_\_\_, 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.
9. That by approval of this Resolution, an officer of the Board of Public Works is authorized to sign the attached Release, Hold Harmless and Indemnification Agreement.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

BOARD OF PUBLIC WORKS:

BLOOMINGTON HOUSING AUTHORITY:

\_\_\_\_\_  
Charlotte Zietlow, President

\_\_\_\_\_  
Signature

\_\_\_\_\_  
James McNamara

\_\_\_\_\_  
Printed Name, Title

\_\_\_\_\_  
Dr. Frank N. Hrisomalos

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**RELEASE, HOLD HARMLESS  
AND  
INDEMNIFICATION AGREEMENT**

WHEREAS, Bloomington Housing Authority, (hereinafter referred to as "RELEASOR") desires to use the facilities or public property of the CITY OF BLOOMINGTON (hereinafter referred to as "RELEASEE"), specifically Summit Street between 13th and Monroe Streets, which is operated, supervised and maintained by the RELEASEE'S Board of Public Works, for the purpose of sponsoring Bloomington Housing Authority Family Finance Day, on RELEASEE's property from noon – 8:00 p.m. on Wednesday, August 13, 2013.

RESOLUTION 2013-64

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

NOW, THEREFORE, in consideration for the use of the property of RELEASEE for said purposes, the 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.

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

**RELEASOR**

**RELEASEE**

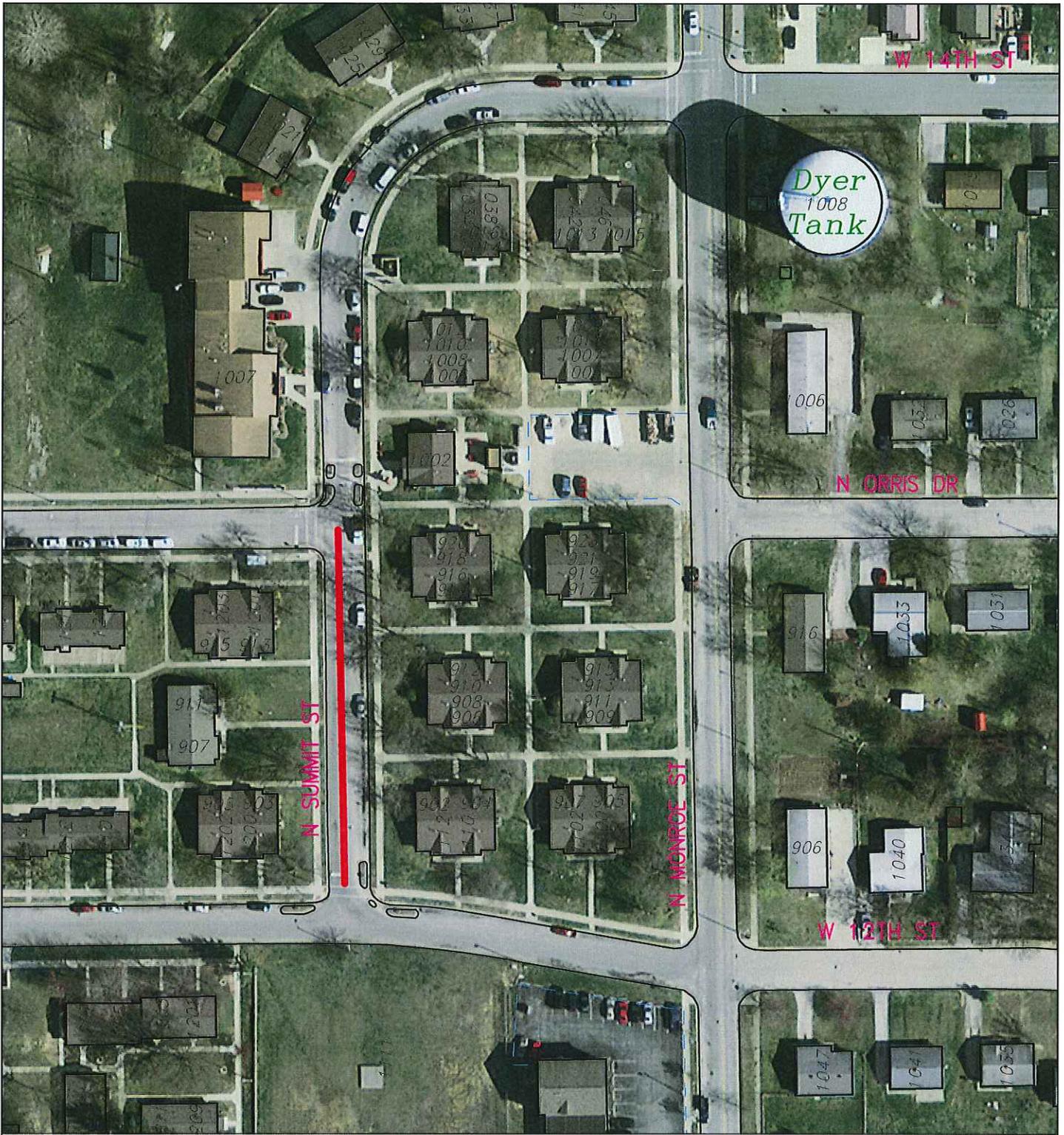
\_\_\_\_\_  
Bloomington Housing Authority

\_\_\_\_\_  
Board of Public Works Officer

\_\_\_\_\_  
Printed Name, Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



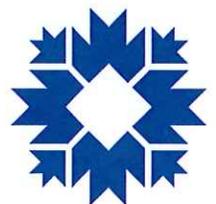
By: smithc  
12 Jul 13



For reference only; map information NOT warranted.



City of Bloomington  
Public Works



Scale: 1" = 100'



## Board of Public Works Staff Report

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**Project/Event:** Use of 4<sup>th</sup> Street for I Fell Labor Day Weekend Arts Festival

**Petitioner/Representative:** I. Fell LLC

**Staff Representative:** Miah

**Meeting Date:** July 16, 2013

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I Fell, LLC is requesting to close a portion of W. 4<sup>th</sup> Street between Rogers Street and Madison Street adjacent to the I Fell Building from Saturday, August 31<sup>st</sup> through Sunday, September 1 for a Labor Day Weekend Arts Festival. The I Fell building is home to the Bloomington Clay Studio as well as other artist spaces, and their events help draw people to this redeveloping area. The I Fell Labor Day Weekend Arts Festival will consist of live music, food, temporary art exhibits and other festival-type entertainment. Event hours are from 10 a.m. to 8 p.m. each day, and they request that they be allowed to close the street at 8:00 a.m. for set up on Saturday, August 31 and commit to having it opened back up by 10:00 p.m. after clean up on Sunday, September 1. As part of this event they are also requesting a noise permit until 10:00 p.m. on Saturday, August 31 and September 1.

The organizers have notified businesses and residents on the block. Staff supports this request.

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

**RESOLUTION 2013-65**  
**I FELL**  
**LABOR DAY WEEKEND ARTS FESTIVAL**

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

WHEREAS, the City has committed itself to promoting the arts; and

WHEREAS, I Fell LLC is desirous of using W. 4<sup>th</sup> Street from the intersection with Rogers Street to Madison Street to exhibit artwork and host other arts and festival-type activities in conjunction with Labor Day weekend from 8:00 a.m. Saturday, August 31<sup>st</sup>, 2013 to 10:00 p.m. on Sunday, September 1, 2013; and,

WHEREAS, I Fell LLC, has agreed to execute a "Release, Hold Harmless and Indemnification Agreement" holding the City of Bloomington, the City of Bloomington Board of Public Works, and their agents or employees harmless for any actions, losses or claims arising as a direct result of the Association's negligent act(s) or failure to act or those of its agents in using the City the City of Bloomington's property, as described above, for said event a copy of which is attached hereto and made a part hereof and to provide the City with a Certificate of Insurance naming the City of Bloomington as additionally insured.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City of Bloomington Board of Public Works declares that W. 4<sup>th</sup> Street from the intersection with Rogers Street to Madison Street shall be temporarily closed to traffic and parking, beginning at 8:00 a.m. on Saturday, August 31<sup>st</sup> to 10:00 p.m. on Sunday, September 1, 2013, for the purpose of hosting art and festival-type events, operating food and drink booths and to providing entertainment including live bands for the general public.
2. That I Fell LLC shall be responsible for posting "no parking" signs at least 24 hours in advance of the closing of the streets. Temporary "no parking" signs may be obtained from the City of Bloomington Department of Public Works.
3. That I Fell LLC shall be responsible for placement and removal of barricades. I Fell LLC is responsible for contacting the City of Bloomington Engineering Department for instructions on the type of and placement of said barricades. I Fell LLC agrees to obtain at its own expense and place barricades to close the street, not before 8:00 a.m. on Saturday, August 31<sup>st</sup>, 2013 and to remove barricades by 10:00 p.m. on September 1, 2013.
4. The sponsors will be responsible for removing all trash that is a result of the event, to pick up litter including cigarette butts from the street and sidewalks within this block and to clean any grease or other food products from the pavement and sidewalks after the event. Cleanup shall be completed by 10:00 p.m. on September 1, 2013.

RESOLUTION 2013-65

5. That by granting permission to utilize City property to facilitate this activity, the Board of Works also waives the City Noise Ordinance in accordance with Section 14.09.070 of the Bloomington Municipal Code, and therefore amplified music may be played during the hours of 8:00 a.m. and 10:00 p.m. on Saturday, August 31<sup>st</sup> and Sunday, September 1<sup>st</sup>, 2013.
6. The sponsors shall be responsible for obtaining any and all required permits as well as being responsible for all legal and financial expenditures.
7. The sponsors shall be responsible for notifying the general public, public transit and public safety agencies of the street closing in advance by notice (at least 48 hours in advance).
8. That \_\_\_\_\_, 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.
9. That by approval of this Resolution, an officer of the Board of Public Works is authorized to sign the attached Release, Hold Harmless and Indemnification Agreement.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

BOARD OF PUBLIC WORKS:

I FELL, LLC:

\_\_\_\_\_  
Charlotte Zietlow, President

\_\_\_\_\_  
Signature

\_\_\_\_\_  
James McNamara

\_\_\_\_\_  
Printed Name, Title

\_\_\_\_\_  
Dr. Frank N. Hrisomalos

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

RESOLUTION 2013-65

**RELEASE, HOLD HARMLESS  
AND  
INDEMNIFICATION AGREEMENT**

WHEREAS, I Fell LLC, (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 W. 4<sup>th</sup> Street from the intersection with Rogers Street to Madison Street, which is operated, supervised and maintained by the RELEASEE'S Board of Public Works, for the purpose of sponsoring the I Fell Labor Day Weekend Arts Festival on RELEASEE's property with set up beginning at 8:00 a.m. on Saturday, August 31<sup>st</sup>, 2013, and teardown ending by 10:00 p.m. on Sunday, September 1, 2013; and

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

NOW, THEREFORE, in consideration for the use of the property of RELEASEE for said purposes, the 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.

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

**RELEASOR**

**RELEASEE**

\_\_\_\_\_  
I Fell, LLC

\_\_\_\_\_  
Board of Public Works Officer

\_\_\_\_\_  
Printed Name, Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

RESOLUTION 2013-65





## Board of Public Works Staff Report

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**Project/Event:** Res 2013-66 Request to Improve Public Right of Way in 300 Block of West 14th Street

**Petitioner/Representative:** Chris Sims (owner of 910 North Madison Street)

**Staff Representative:** Justin Wykoff

**Agenda Date:** July 16, 2013

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### Report:

Chris Sims has requested permission to improve a public alleyway located in the 300 Block of West 14th Street. (see map) Mr. Sims currently owns property located at 910 North Madison Street and has recently obtained a demolition permit and removed the previous structure located there.

Planning Department (Pat Shay) has indicated that this property would not be allowed to have a drive directly off Madison Street due to the current Uniform Development Ordinance as the property is zoned Residential Core (CR);

*20.05.072 a. (c) In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. The required parking area shall directly access the alley and be limited to twenty feet in depth and twenty feet in width. Any necessary determination concerning whether an alley allows for safe access shall be made by the city engineering department.*

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**Recommendation and Supporting Justification:** Staff recommends approval Resolution 2013-66 allowing the desired access to property using the existing and platted public right of way (alley), and that any tree removal within the public right of way follow the City of Bloomington Tree Ordinance as outlined in Bloomington Municipal Code Chapter 12.24.

Recommend  Approval  Denial by

A handwritten signature in black ink that reads "Justin D. Wykoff".

RESOLUTION 2013-66  
BOARD OF PUBLIC WORKS  
PUBLIC RIGHT OF WAY IMPROVEMENT AT 300 BLOCK OF WEST 14TH STREET

WHEREAS, Chris B. Sims, and Stephanie K. Sims own Lot #45, in Kenwood Addition to the City of Bloomington, known as 910 North Madison Street and plan to construct a new single family residence on said lot; and

WHEREAS, there exists an adjacent 12 foot wide unimproved north-south public right of way on the property's east border; and

WHEREAS, Chris B. Sims is requesting permission from the Board of Public Works to improve the unimproved north-south public right of way for ingress/egress to the back of said lot; and

WHEREAS, the City of Bloomington is not willing to vacate said alley, but does not object to Chris B. Sims improving the public right of way to be used as access to the property; and

NOW, THEREFORE, BE IT RESOLVED:

That the City of Bloomington Board of Public Works agrees not to initiate any legal action against Chris B. Sims or Stephanie K. Sims, hereinafter referred to as "Owners" regarding the improvements to a platted alley adjacent to Lot #45, in Kenwood Addition to the City of Bloomington as long as Owners agree that:

1. Owners comply with the requirements contained in the Bloomington Municipal Code, and acknowledge that this resolution does not relieve owner of any applicable zoning or other ordinances or statute that may apply to the property.
2. Owner will make improvements from 14th Street to a point adjacent to their property and no wider than twelve (12) feet. Improvements will be made under the direction of City of Bloomington Engineering, and shall at a minimum consist of the removal of 6 inches of topsoil, and the placement of 4 inches of #2 stone, then covered by 2 inches of #53 stone.
3. Owner will be responsible for all expenses involved in opening, surveying, improving, and maintaining the improved public right of way and will not be compensated by the City of Bloomington.
4. Owners agree that other adjacent property owners may utilize improved public right of way to access his or her property, and that parking shall not be allowed within the improved public right of way area.
5. The City and public utility companies retain the right to enter onto this right of way when, in their opinion, such entry is necessitated in order to maintain said right of way, or to perform other duties or functions for which entry on said right of way, in the opinion of the City or utility, is needed.

6. This Resolution shall be effective from the date of passage by the Board of Public Works and written acceptance by Owners. This resolution shall become void if said improvements are not constructed within one year of passage by the Board of Public Works.

BOARD OF PUBLIC WORKS

ACCEPTED AND AGREED TO

\_\_\_\_\_  
Charlotte Zietlow, President

\_\_\_\_\_  
Chris B. Sims, Owner

\_\_\_\_\_  
James McNamara, Vice Pres.

\_\_\_\_\_  
Stephanie K. Sims, Owner

\_\_\_\_\_  
Dr. Frank Hrisomalos, Member

\_\_\_\_\_  
Date:

State of Indiana        )  
                                  ) SS:  
County of Monroe        )

Before me, the undersigned, a Notary Public in and for said state, personally appeared Chris B. Sims, who acknowledged the execution of the foregoing instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
County of Residence: \_\_\_\_\_

State of Indiana        )  
                                  ) SS:  
County of Monroe        )

Before me, the undersigned, a Notary Public in and for said state, personally appeared Stephanie K. Sims who acknowledged the execution of the foregoing instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
County of Residence: \_\_\_\_\_

RELEASE, HOLD HARMLESS  
AND  
INDEMNIFICATION AGREEMENT

WHEREAS, Chris B. Sims, and Stephanie K. Sims (hereinafter referred to as "RELEASORS") desire to use the facilities or public property of the CITY OF BLOOMINGTON (hereinafter referred to as "RELEASEE"), and specifically the right of way adjacent to 910 North Madison Street (north-south alley in 300 Block of West 14th Street), Bloomington, Indiana, which is operated and supervised by the RELEASEE's Board of Public Works, to be allowed to place stone on a portion of the right of way on the RELEASEE's property for ingress/egress to the back of that lot; and

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

NOW, THEREFORE, in consideration for the use of the property of RELEASEE for said purposes, the RELEASORS, officers, directors, agents, employees, members, successors and assigns do 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 agree to indemnify, defend, hold harmless, release, waive and forever discharge the RELEASEE, its officers, directors, agents, employees, successors and assigns, and all other person and entities associated with the RELEASEE, for all bodily and person 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.

RELEASORS hereby expressly agree 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.

THE PARTIES, INTENDING TO BE BOUND, HAVE EXECUTED THIS RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT.

"RELEASORS"

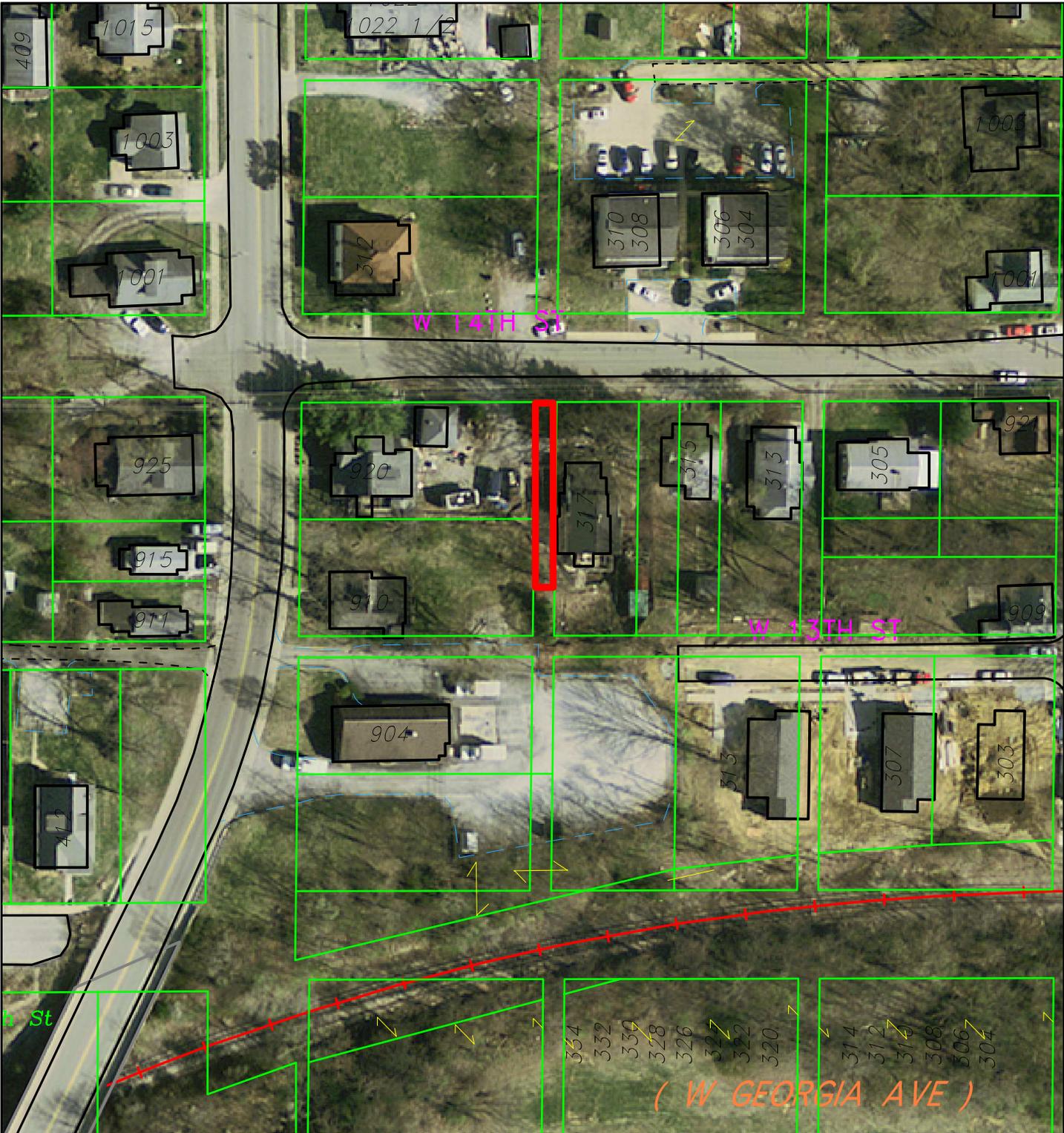
"RELEASEE"

\_\_\_\_\_  
Chris B. Sims

\_\_\_\_\_  
City of Bloomington

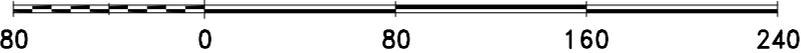
\_\_\_\_\_  
Stephanie K. Sims

\_\_\_\_\_  
Charlotte Zietlow, President  
Board of Public Works



Alley Improvement Request

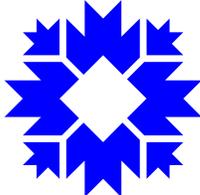
By: wykoffj  
14 Mar 13



For reference only; map information NOT warranted.



City of Bloomington  
Engineering



Scale: 1" = 80'



Justin Wykoff <[wykoffj@bloomington.in.gov](mailto:wykoffj@bloomington.in.gov)>

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## Chris Sims 910 N. Madison Alley improvment

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Capitol Avenue Group <[cag@bluemarble.net](mailto:cag@bluemarble.net)>

Wed, Mar 13, 2013 at 11:16 AM

To: [wykoffj@bloomington.in.gov](mailto:wykoffj@bloomington.in.gov)

Justin,

As we discussed this morning, I would like to open the alley to the to the east of my property at 910 N. Madison. I am aware that all improvements will be done at my expense. It is my intention to build a house to use as my personal residence at this location and after careful review it appears that Madison St. does not provide ideal access because of the amount of traffic. Please feel free to call me if you have any questions about this request.

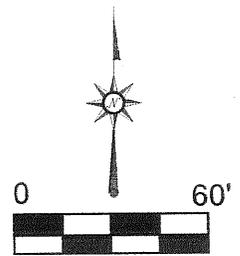
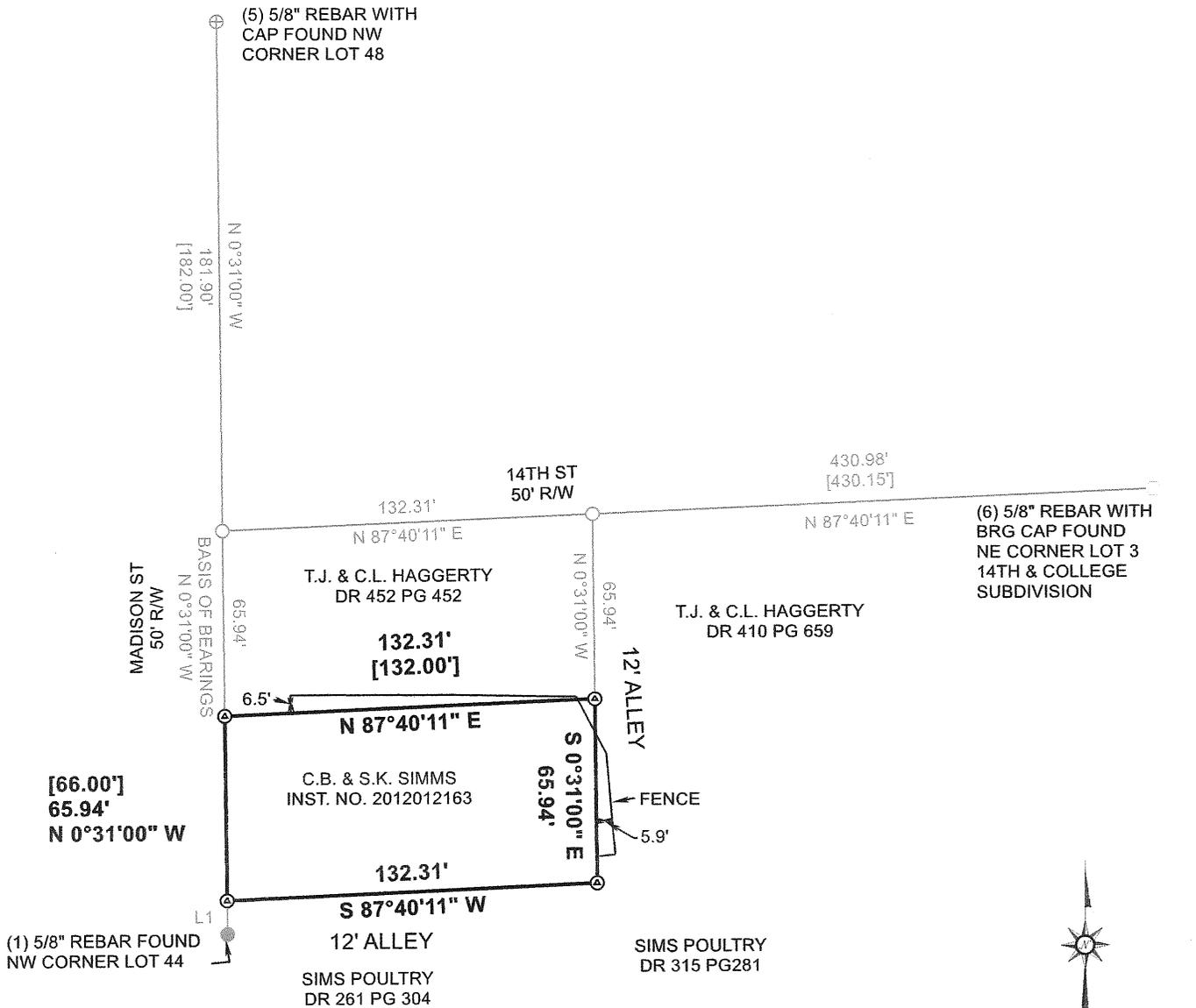
Thank you,

Chris Sims

[812-327-6290](tel:812-327-6290)

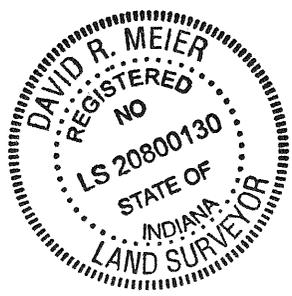
DAVID R. MEIER AND ASSOCIATES LAND SURVEYING  
 653 EAST PORTER RIDGE ROAD  
 SPENCER, INDIANA 47460  
 812-935-7628

RETRACEMENT SURVEY OF LOT 45 KENWOOD ADDITION  
 BLOOMINGTON, INDIANA  
 CLIENT: CHRIS SIMMS  
 JOB NO. 2013-027



LINE	BEARING	HORIZ DIST
L1	S0°31'00"E	12.00'

LEGEND	
○	CALCULATED
⊙	5/8" REBAR WITH MEIER CAP SET
⊕	5/8" REBAR WITH CAP FOUND
●	5/8" REBAR FOUND
⊖	5/8" REBAR WITH BRG CAP FOUND



*David R. Meier*  
 DAVID R. MEIER LS20800130  
 I HEREBY CERTIFY THE SURVEY WORK PERFORMED ON THE PROJECT SHOWN HEREON WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL AND THAT ALL INFORMATION SHOWN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

FILE NAME		
SIMMS KENWOOD ADD.TRV		
SCALE	DATE	DRAWN BY
60 Ft/In	4-11-2013	DRM
JOB	REVISION	SHEET
2013-027	1/1	1/2

SUBJECT DEED: INST. NO. 2012012163

**KENWOOD ADDITION LOT 45 RETRACEMENT SURVEY REPORT  
JOB NUMBER 2013-027**

In accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 18 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location and corners established on this survey as a result of:

- A) AVAILABILITY AND CONDITION of referenced monuments;
- B) DISCREPANCIES in the record descriptions and plats;
- C) OCCUPATION or POSSESSION
- D) RELATIVE POSITIONAL ACCURACY (Random errors in measurements)

**FIELD WORK COMPLETION DATE:**

All field work was completed on or before April 11, 2013.

**PURPOSE:**

A retracement survey was requested by Chris Simms on Lot 45 in Kenwood Addition in Bloomington, Indiana. All deeds are in the office of the Monroe County Recorder unless otherwise stated.

**SURVEY METHODS:**

All points and corners of this survey were established either by GPS observations or established through radials to points established by GPS observations.

**REFERENCE SURVEYS:**

- 1) The plat of 14<sup>th</sup> & College Subdivision found in Instrument Number 2010016078.

**REFERENCE MONUMENTS:**

- 1) A 5/8" rebar was found flush with the grade and held as the best evidence of the Northwest Corner of Lot 44.
- 5) A 5/8" rebar with cap was found 0.5' below grade and held as the best evidence of the Northwest Corner of Lot 48.
- 6) A 5/8" rebar with BRG cap was found 0.2' above grade at the Northeast Corner of Lot 3 per survey 1.

**RECORD DISCREPANCIES:**

None found.

**OCCUPATION OR POSSESSION:**

A fence was found to be up to 6' east of the east line of Lot 45. Then crosses on to Lot 45 in the northeast corner. Then is up to 6.5' north of the north line of Lot 45.

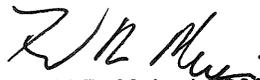
**RELATIVE POSITIONAL ACCURACY:**

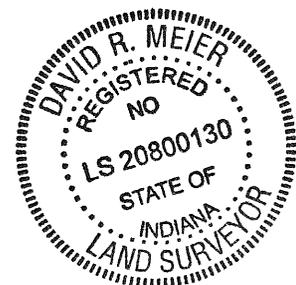
The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established in this survey is within specifications for a suburban survey (0.13 feet + 100 PPM) computed to be +/- 0.13 feet.

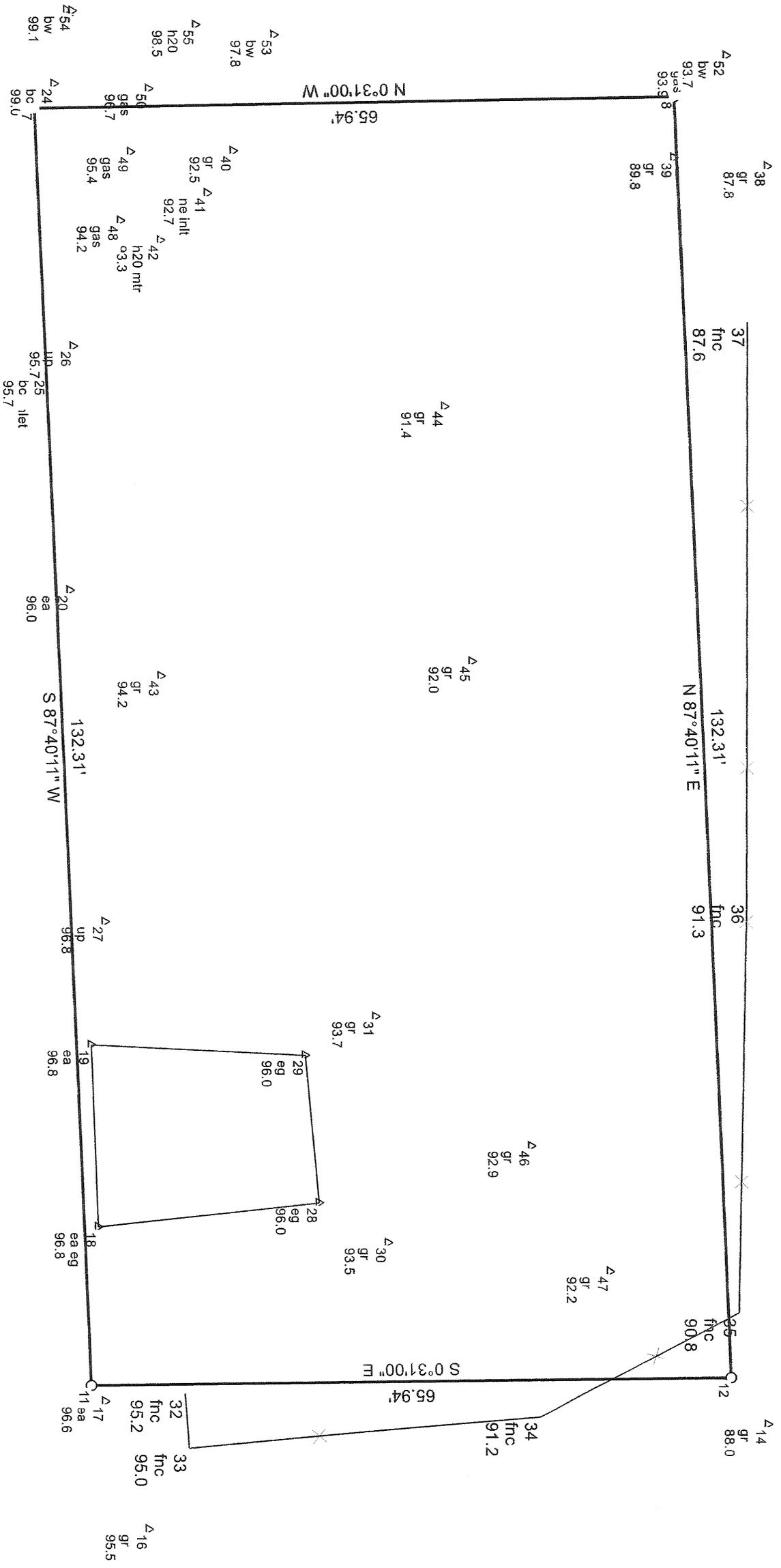
This survey was executed according to survey requirements contained in sections 1 through 18 of 865 IAC-12. This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose. Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservations, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

  
David R. Meier LS20800130  
April 11, 2013









PIPELINE  
WARNING  
18 INCH  
E



















## Board of Public Works Staff Report

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**Project/Event:** Use of Elm Street for Block Party

**Petitioner/Representative:** Banneker Center – Parks and Recreation

**Staff Representative:** Miah

**Meeting Date:** July 16, 2013

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The Banneker Center has planned a party to wrap up their summer program. They have requested permission to close the 300 block of N. Elm Street for the event to be held on Friday, July 26th from 3-8 pm. The street would be closed to vehicular traffic from 2-10 p.m., for set up/tear down.

The event is free and opened to the public and will include food, music, games, door prizes, face painting, etc. The event will allow the kids that attended the summer program to show their projects to their families and neighbors.

Staff recommends approval

Recommend  Approval  Denial by Miah

**RESOLUTION 2013-67**  
**Banneker Block Party**

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

WHEREAS, the Banneker Center is desirous of using Elm Street between 7th and 8th for a Neighborhood Block Party; and

WHEREAS, the Banneker Center is owned and operated by the City of Bloomington Parks and Recreation Department, and they have sponsored events such as this one in the past without Public Works receiving any complaints and the Board supports neighborhood events that are free and open to the public.

NOW, THEREFORE, BE IT RESOLVED:

- 1) That the City of Bloomington Board of Public Works declares that Elm Street between 7th and 8th Streets, shall be temporarily closed to motor vehicles from 2:00 p.m. until 10:00 p.m. on Friday, July 26, 2013, for the purpose of staging a block party.
- 2) That by granting approval for this event, the Board of Public Works waives the City Noise Ordinance until 8:00 p.m. so amplified music may be played during the event.
- 3) The sponsors, in conjunction with this event, agree to the following:
  - A. To be responsible for posting “no parking” signs at least 24 hours in advance of the street closing. Temporary “no parking” signs may be obtained from the City of Bloomington Department of Public Works.
  - B. To be responsible for placement and removal of barricades and for contacting the City of Bloomington Engineering Department for instructions on the type of and placement of said barricades. The sponsors agrees to place barricades to close the street, not before 2:00 p.m., and to remove barricades by 10:00 p.m., Friday, July 26, 2013.
  - C. The sponsors agree to be responsible for obtaining any required permits or licenses.
  - D. The sponsors agree to notify the Police and Press well in advance of the street closing (at least 48 hours in advance).
  - E. The sponsors agree to clean up the street both before and after the event. The clean-up shall include but not be limited to removal of any food or drink residue, picking up litter, sweeping any broken glass, and the placing, emptying and removal of trash cans. Clean-up after the event shall be completed by 10:00 p.m. on the day of the event.
- 4) That by approval of this Resolution, an officer of the Board of Public Works is authorized to sign the attached Release, Hold Harmless and Indemnification Agreement.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

BOARD OF PUBLIC WORKS

ALL TERMS AND CONDITIONS  
CONTAINED IN THIS RESOLUTION  
AND AGREED TO:

\_\_\_\_\_  
Charlotte Zietlow, President

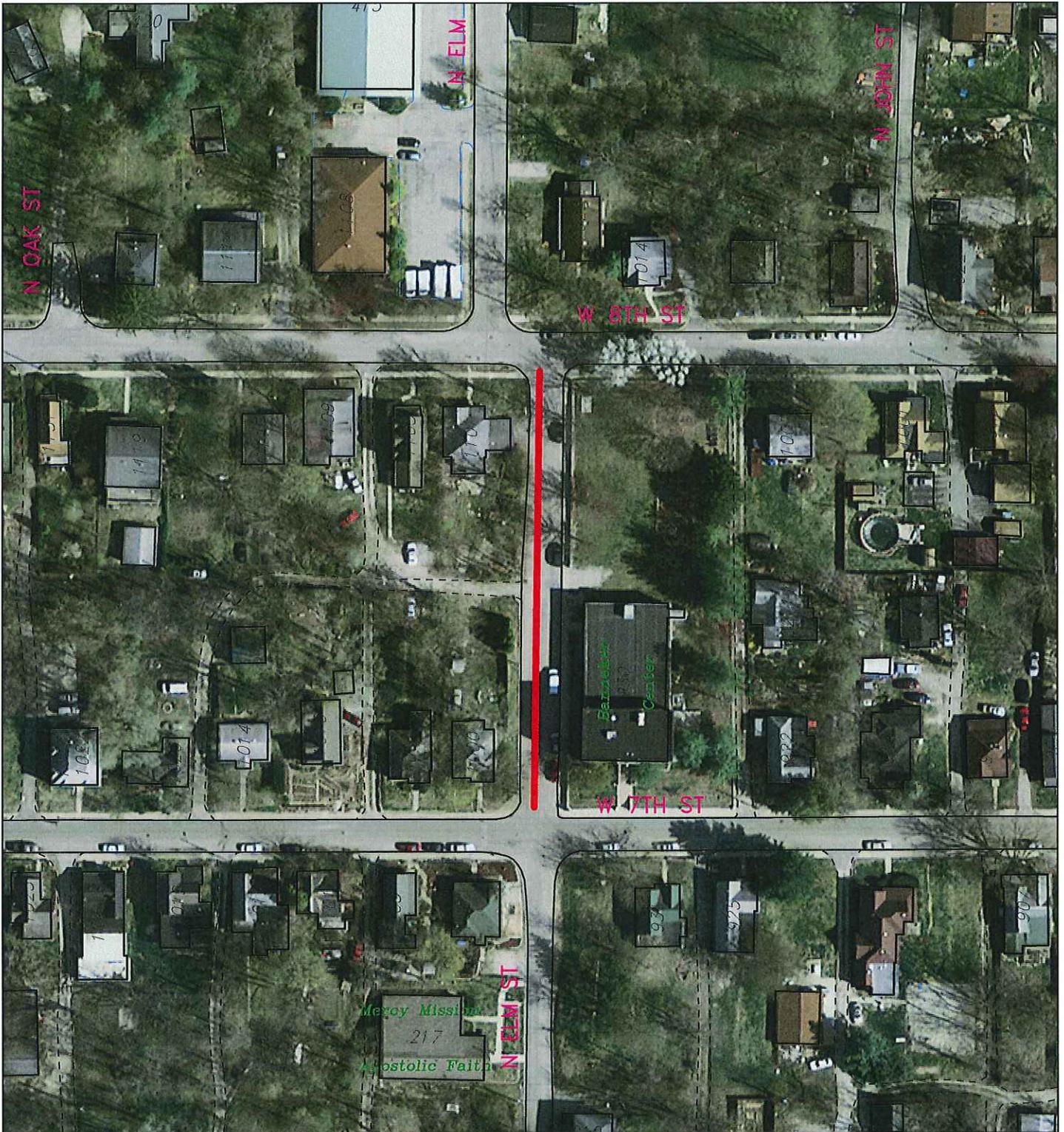
\_\_\_\_\_  
Signature

\_\_\_\_\_  
James McNamara

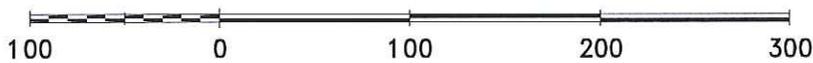
\_\_\_\_\_  
Printed Name  
For Parks and Recreation

\_\_\_\_\_  
Dr. Frank N. Hrisomalos

\_\_\_\_\_  
Date:



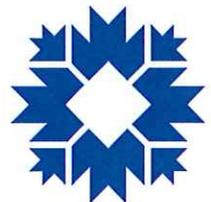
By: smithc  
12 Jul 13



For reference only; map information NOT warranted.



City of Bloomington  
Public Works



Scale: 1" = 100'