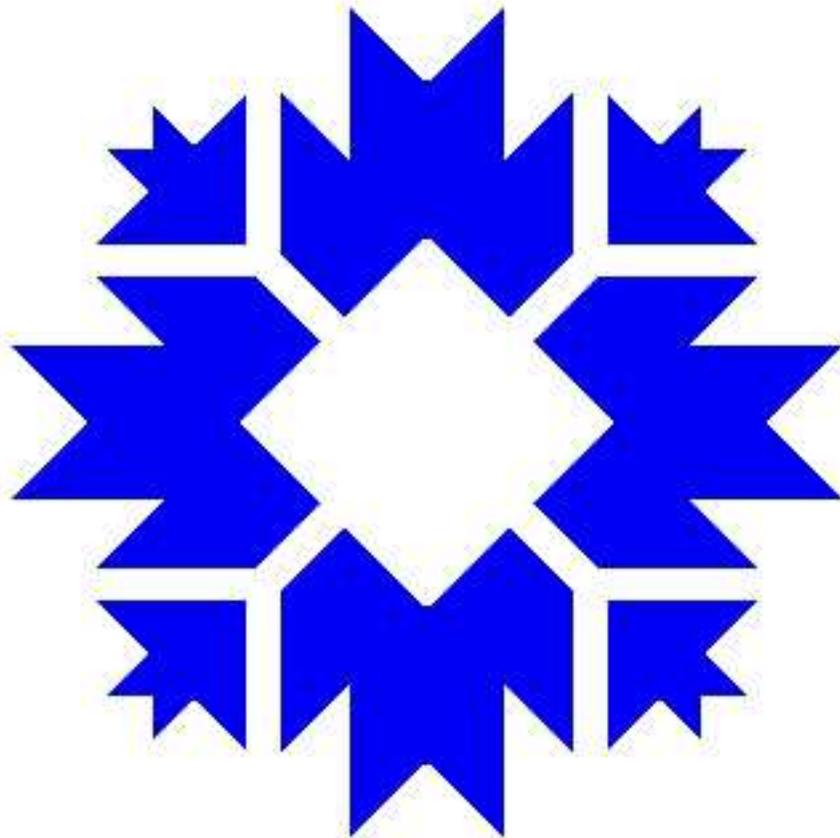


# **Board of Public Works Meeting**

**February 11, 2014**



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

A Regular Meeting of the Board of Public Work to be Held Tuesday, February 11, 2014 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 – January 28, 2014**
- III. PETITIONS & REMONSTRANCES**
- IV. TITLE VI ENFORCEMENT**
- V. HEARINGS FOR NOISE APPEAL**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
  - 1. Request to Uphold Order to Repair Unsafe Structure at 1201 W. Green Tree Lane**
  - 2. Resolution 2014-07: Request to Encroach into Public Right of Way with Improvements at 116 N. Grant Street**
  - 3. Resolution 2014-08: Use of Public Streets and Reserve Parking Spaces for the Arts Fair on the Square (Saturday, 6/21)**
  - 4. Resolution 2014-09: Use of Public Streets and Sidewalks for the Monroe County YMCA Spring Run (Saturday, 4/12)**
  - 5. Request for Noise Permit for the Clips Beer and Film Tour (Friday, 5/30)**
  - 6. Request for Noise Permit for the Bloomington AIDS Walk (Saturday, 3/29)**
  - 7. Resolution 2014-10: Allow Itinerant Merchant to Renew Permit to Operate in the Public Right of Way (Big Cheeze)**
  - 8. Request to Use Public Right of Way for IU Street-Crossing Decision Making in Low Vision Study**
- VIII. STAFF REPORTS & OTHER BUSINESS**
- IX. APPROVAL OF CLAIMS**
- X. ADJOURNMENT**

The Board of Public Works meeting was held on Tuesday, January 28, 2014 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 – Director of Public Works  
Justin Wykoff - Engineering  
Rick Alexander – Engineering  
Lisa Abbott - HAND  
Mike Arnold – HAND  
Miah Michaelsen - ESD  
Jackie Moore – City Legal  
Chris Smith – Public Works  
Laurel Waters – Public Works

McNamara passed along gratitude to the Sanitation Department for being out in this weather, and thought the three hour delay a good compromise.

**MESSAGES FROM  
BOARD MEMBERS**

McNamara made a motion to approve the minutes from January 14, 2014. Zietlow seconded the motion. The motion passed. Minutes approved as submitted.

**APPROVAL OF  
MINUTES**

None

**PETITIONS &  
REMONSTRANCES**

None

**TITLE VI  
ENFORCEMENT**

None

**HEARINGS FOR NOISE  
APPEALS**

**OLD BUSINESS**

**NEW BUSINESS**

Arnold explained HAND had received a complaint about the safety of this structure on December 20, 2013. There are holes in the roof and also had a minor fire a couple of years ago. Initially Orders to Repair were done, but upon further evaluation it was decided to have the building removed. HAND is asking that the Board uphold the Order to Remove.

**Request to Uphold Order  
to Remove Unsafe  
Structure at 435 1/2 S.  
Walnut Street**

Zietlow asked if it served any function. Arnold stated it has been boarded up since the fire. McNamara asked if there is anything in the structure. Arnold stated he could not confirm if there was anything in the structure, it is vacant.

Arnold stated the Board is being asked to uphold the timeframe established with the owner. The deadline for obtaining a permit for demolition is January 31, 2014, and that the structure be removed by May 1, 2014.

McNamara made a motion that the Orders to Remove Unsafe Structure at 435 1/2 South Walnut Street be upheld. Zietlow seconded the motion. The motion passed. Order to Remove upheld.

Alexander stated Engineering has been working with the City's Street Department to make improvements to the intersection of 3rd & Jordan. This project will make improvements to the traffic signal to meet current American's with Disabilities Act (A.D.A) requirements, as well as improvements to the pedestrian walkways throughout the intersection, including accessible ramps. There are three parcels of property that will require permanent and/or temporary right of way adjacent to the intersection to complete this project. The resolution states:

**Resolution 2014-01:**  
**Acquire Right of Way for**  
**3rd Street and Jordan**  
**Avenue Intersection**  
**Improvement Project**

*Whereas, the City of Bloomington through its Board of Public Works "City" intends to make improvements to the traffic signal and construct new accessible sidewalks and ramps at the intersection of 3rd Street and Jordan Avenue (the "Project") in Bloomington, IN;*  
*and,*

*Whereas, the City has determined that there is a need for the Project, and that it will serve a public purpose and be of public benefit, and has appropriated money to finance construction of the Project; and*  
*Whereas, it is necessary to acquire land and/or easement for construction of the Project from the property owners listed in Attachment 'A.'* Staff recommended approval.

Zietlow asked if this is all four corners. Alexander stated yes, all four corners. Wykoff explained the two southern parcels are privately owned and the north two quarters are owned by Indiana University. Zietlow asked if the corners would be shaved off. Wykoff explained there will be changes to the ramps, as well as changing the location of the signal poles which will require additional right of way. Wykoff further stated that some of the existing sidewalks are on private property and needs to be rectified by purchasing right of way.

McNamara asked if any challenges are anticipated with acquiring right of way. Justin said one never knows when buying right of way, and this resolution is part of the process of establishing the public

need for the project.

Wykoff added this is a very heavily traveled pedestrian corridor and is ranked as one of the highest pedestrian accident intersections in Bloomington. Staff is eager to put in improvements.

McNamara moved to approve Resolution 2014-01, Acquire Right of Way for 3rd Street and Jordan Avenue Intersection Project. Zietlow seconded the motion. The motion passed. Resolution 2014-01 approved.

Michaelsen explained the annual 4th Street Festival of the Arts and Crafts wished to request the closure of Fourth, Grant and Dunn Street, Friday August 29 through Sunday, August 31st for this year's festival, which will be August 30th & 31st. The closure of Dunn Street, that this Board approved several years ago has proved to be a great boon to the festival. It allows the festival to stretch out and accommodate more crowds and serve as an interactive arts area. BPD and BFD continue to have no objection to the larger festival foot print. The businesses in the area have been contacted by festival organizers and there have been no objections.

Michaelsen explained the 4th Street Arts & Crafts Festival is the single largest arts event in the City and serves to officially kick off the Fall arts and crafts cultural season in Bloomington. This event brings many people downtown to patronize businesses.

Martina Sullivan and Dawn Adams did address the Board. In summary last year's event had 36,000 visitors over the two day event. Favorable reviews came from the artists when they were surveyed at the end of the event. Last year 400 artists applied for 120 spots.

McNamara made a motion to approve Resolution 2014-02, Use of Public Streets for 4th Street Festival of the Arts and Crafts, Friday, August 29, 2014 through Sunday, August 31, 2014. Zietlow seconded the motion. The motion passed. Resolution 2014-02 approved.

Michaelsen explained the Boys and Girls Club Auxiliary will hold the 28th annual Strawberry Festival on the Court House Lawn on Thursday, May 8th, and requested to reserve 7 parking spaces on the west end of the block adjacent to the Court House for the ice cream truck and volunteers that need to unload supplies. The spaces would be reserved from 5:00 a.m. until 4:00 p.m. Staff recommended approval.

**Resolution 2014-02: Use of Public Streets for 4th Street Festival of the Arts and Crafts (Friday, 8/29 thru Sunday 8/31)**

**Resolution 2014-03: Request to Reserve parking on Kirkwood Avenue for Boys and Girls Club Auxiliary Strawberry Festival (Thursday, 5/8)**

Zietlow asked if they would be charged for this spaces. Michaelsen stated it is her understanding they will not be charged for the use of the spaces.

McNamara made a motion to approve Resolution 2014-03, Request to Reserve parking on Kirkwood Avenue for Boys and Girls Club Auxiliary Strawberry Festival on Thursday, May 8, 2014. Zietlow seconded the motion. The motion passed. Resolution 2014-03 approved.

Michaelsen explained this is a new request and comes from the Curry Auto Center. They are requesting to close of a section of South Auto Mall Road from East Buick Cadillac Road to 845 S. Auto Mall Road on Saturday, June 14, 2014 from 10:00 a.m. until 2:00 p.m. for an automobile show. The event will include viewing of vintage and other specialty automobiles, food trucks, and other street festival activities. The event is open to the public. Event planners have contacted adjacent businesses and they are supportive of the event. Access to businesses will be maintained throughout the event. Staff recommended approval.

**Resolution 2014-04: Use of Public Street for an Automobile Show (Saturday, 6/14)**

Zietlow asked if this was a fundraiser. Michaelsen stated as far as she knows this is only a car show and there was not a fundraising component to the event.

McNamara made a motion to approve Res 2014-04, Use of Public Street for an Automobile Show on Saturday, June 14, 2014. Zietlow seconded the motion. The motion passed. Resolution 2014-04 passed.

Alexander stated Chris Frederickson, who was present, is opening a new restaurant at 211 North Walnut. He is requesting to install a canopy over the entryway. The canopy would extend over the right of way and required Board approval. There is a Resolution and Hold Harmless Agreement prepared for this encroachment. Alexander explained there was already an ADA ramp at the entrance. Public Works staff could not find an encroachment agreement to cover the ramp so it has been added to this agreement. The owner will have to apply for a sign permit from Planning but first must have Board's approval to encroach. The County Building inspectors would also require an ADA access point to the entrance of the restaurant. Since the ramp is already in place, now is the time to make it official. This Resolution would trump any other earlier Resolution by covering the ramp and also the canopy installation. Staff has looked at the ramp and it is fine where it is. Staff recommended approval.

**Resolution 2014-05: Request to Encroach into Public Right of Way with Ramp and Awning at 211 N. Walnut Street**

Frederickson stated this is going to be a restaurant with a diner concept. The business will open the first of March, and will be open

late nights, breakfast and lunch initially. The tentative plan is to open at 9:00 p.m. and stay open through the lunch.

Zietlow asked if he would be using the whole building. Frederickson stated his lease is on the south 15 feet, but does have an option for the north side as well. The awning would be put over the entire front of the space, and if another tenant moves in arrangements could be made with them for use of the awning as it is two separate pieces.

McNamara made a motion to approve Resolution 2014-05, Request to Encroach into Public Right of Way with an awning at 211 North Walnut Street. Zietlow seconded the motion. The motion passed. Resolution 2014-05 passed.

Alexander stated petitioner is the Winiger/Stolberg group and Tim Hanson was present. A new building has been approved for the northwest corner of 11th & Walnut to be known as The Crest. This building will extend to the right of way on both Walnut and 11th Street. The developers are asking to use the adjoining right of way as a staging area during construction. The request would close the western most lane of Walnut, leaving two travel lanes, and pinch down 11th Street. The request is typical of the requests seen in the downtown area recently. They have received both a grading permit and building permit. The developer has provided a traffic plan that staff has reviewed and found to be acceptable. A Memo of Understanding and Hold Harmless Agreement has been prepared to allow the use of the right of way until mid August of 2014. It is the developer's responsibility to notify adjoining property owners of this plan. Staff recommended approval.

**Approve Agreement to Use Public Right of Way to Construct The Crest Apartment Complex at 701 N. Walnut Street**

Tim Hanson with WS Property Group introduced himself. He explained when the building is completed it will not go all the way to the sidewalk on Walnut, there will be tree lawn in between the sidewalk and building.

Zietlow asked how large the building is. Hanson stated the building would be three stories, 31 units, mostly 1 bedroom.

McNamara made a motion to approve the Agreement to Use Public Right of Way to construct The Crest Apartment Complex at 701 N. Walnut Street. Zietlow seconded the motion. The motion passed. Agreement approved.

Alexander explained IU is beginning an exciting new project. They are in the process of extending Woodlawn to the north across the railroad tracks to 12th Street. They will improve the street from there to 17th Street. The first phase of this major project is the relocation of utility lines in the area of 12th & Woodlawn where the road must

**Request from Indiana University to Close the Intersection of E. 12th Street and N. Woodlawn Avenue to Relocate**

**Utilities for the  
Woodlawn Phase I  
Project**

drop to cross the railroad tracks. In order to accomplish this the intersection needs to be closed for approximately 8 weeks. The IU Architects' office has provided a maintenance of traffic plan for the area. Their contractor will also provide the necessary signage and barricades to close the intersection and detour traffic. The IU bus system has reviewed the detour and will be able to continue to provide service. The City has no bus routes in the area, but does have a fire station at the corner. University staff has worked out details with the fire station to assure access will be provided. Staff recommends approve. Alexander introduced Mia Williams from the IU Architects' office. Bill Riggert was also present.

Zietlow asked how this would work. Mia stated the buses will utilize 11th Street instead of 12th Street. Coming back off of Indiana they will come up 11th instead of 12th. The detour was discussed further.

Mia stated the future plan is to create an at-grade railroad crossing. There was a question as to the grade, and when complete this will be one grade. Williams stated the scope of this phase of the project is to lower current chilled waterlines to accommodate the future roadway.

Zietlow asked if Woodlawn was the first of several extensions going through. Mia stated this will be the only at grade crossing. Mia explained doing this project would connect 17th all the way to 7th Street and will greatly improve bus connectivity, as well as pedestrian and vehicular connectivity.

McNamara stated this was a big deal to cross these tracks and extend Woodlawn to 17th Street. McNamara thought this a great idea, but was concerned if City Fire was on board with this, and if there are any concerns about the traffic flow. Mia explained that Mel Lane is the head of Emergency Response with IU and has coordinated with the Fire Station and has been given assurances that they are on board and the project presents no hardship. Alexander stated he also had contacted the fire department prior to the meeting to make sure they were on board as well. Alexander stated they are on board and have worked out the details so they can respond appropriately.

Zietlow stated she has heard for years that IU would like to make a mall all the way from 7th to 17th Street, and she wondered if this was part of that plan. Mia stated the IU Master Plan talks about the new streetscape that will be part of the Woodlawn expansion. It does contain bike paths on both sides and a separated tree lawn, and a much wider walking path on both sides. This is about making a connection and making it safe and pleasant to travel. Mia added IU does have an abundance of parking north of 17th Street, but it is not really close to anything that people want to park next to; this is one conduit that will get people to park north of 17th Street and utilize an

improved transportation system into campus.

McNamara made a motion to approve the request from Indiana University to close the intersection of E. 12th Street and N. Woodlawn Avenue to Relocate Utilities for the Woodlawn Phase I Project. Zietlow seconded the motion. The motion passed. Motion passed.

Zietlow asked Mia about Law Lane. She was not sure but said she would follow up and let her know.

Smith stated that the City of Bloomington has partnered with South Central Community Action Program, SCCAP, since 1994 to provide trash stickers to income eligible families. This Agreement will allow the City to distribute 12,000 free stickers during the 2014 calendar year. Staff was very supportive of the request and recommended staff approval.

McNamara noted the income cap is 150% of the poverty which is not much, but also the determinate for energy assistance. McNamara felt this a logical tie in.

McNamara made a motion to approve Resolution 2014-06, Agreement with South Central Community Action Program (SCCAP) Regarding the Distribution of City Trash Stickers. Zietlow seconded the motion. The motion passed. Resolution 2014-06 approved.

Wykoff stated the City Council Sidewalk Committee has decided to construct a section of sidewalk along the north side of Maxwell Lane between Jordan Avenue and Sheridan Drive. This will be just to the east of Jordan. Staff is asking to seek quotes for the construction of this sidewalk. The quotes will be reviewed and brought back to the Board with a recommendation.

McNamara made a motion to approve request to seek quotes for the construction of the Maxwell Lane sidewalk project. Zietlow seconded the motion. The motion passed. Permission to seek quotes granted.

Wykoff stated the City has received a grant from INDOT and would like to seek quotes for signage material. The grant is for \$100,000 which is a 90/10 split. INDOT will reimburse \$90,000, and the other ten percent will be the in kind contribution with the City of Bloomington doing the installation. Projected cost for the project is not to exceed \$99,584.

Zietlow asked when this will be installed. Wykoff stated in the

**Resolution 2014-06:  
Agreement with South  
Central Community  
Action Program  
(SCCAP) Regarding the  
Distribution of City  
Trash Stickers**

**Request to Seek Quotes  
for the Construction of  
the Maxwell Lane  
Sidewalk Project**

**Request to Seek Quotes  
for Materials for the  
Regulatory Sign  
Replacement Project**

spring. Zietlow asked if these were replacements. Wykoff stated this is the retro reflectivity upgrade. There are 2100 signs approximately. Zietlow thought this was a good idea because some signs are hard to see. Wykoff explained some of the signs to be replaced will update speed signs in areas where speeds have gone from 30 to 25.

McNamara asked if signs are done in house. Wykoff stated most signs are done in house, but not at the quantity needed for this project. McNamara asked if it is the scale of the project keeping it from being in - house. Wykoff stated correct, and also that the City has been awarded a grant to pay for the project.

McNamara made a motion to approve request to seek quotes for materials for the Regulatory Sign Replacement Project. Zietlow seconded the motion. The motion passed. Permission given to request quotes.

Wykoff explained this project is another 2014 City Council Sidewalk Project which comes from the Council Sidewalk Report that was issued earlier this month. This project would construct a sidewalk that would run from Maple Street all the way over to Madison/Kinser, on the south side of the roadway. This was a high priority ranking from the City Council Sidewalk Committee, as well as the Planning Department. The total for the design is not to exceed \$61,325. Staff recommended awarding consultant services contract to Eagle Ridge Civil Engineering.

**Award Consultant  
Services Contract for  
17th Street Sidewalk  
Project**

Zietlow asked if other quotes were received. Wykoff stated not for consulting services.

McNamara made a motion to award Contract for the design of the 17th Street Sidewalk Project to Eagle Ridge Engineering Services for the amount not to exceed \$61,325. Zietlow seconded the motion. The motion passed. Contract awarded to Eagle Ridge for 17th Street Sidewalk Project.

Wykoff stated this project is the Kinser Sidewalk and is another Council Sidewalk project. Wykoff explained there is an existing sidewalk north of 17th Street along the east side of Kinser about 200 feet. This would connect to that sidewalk and continue for another 600 feet and tie into another sidewalk. After the design is completed staff will come back to the Board for right of acquisition. Staff recommended awarding this design contract to Bledsoe, Riggert and Guerretauz for an amount not to exceed \$32,870.

**Award Consultant  
Services Contract for  
Kinser Pike Sidewalk  
Project**

McNamara made a motion to approve the contract for design services for Kinser Pike Sidewalk Project to Bledsoe, Riggert and Guerretauz

for an amount not to exceed \$32,870. Zietlow seconded the motion, but asked what went into designing a sidewalk.

Bill Riggert introduced himself. He stated on this particular project they will be doing a topographic survey and right of way survey to validate where property lines are. Then all the utilities will be checked to make sure there are no conflicts and come up with an appropriate design. In this instance there are several driveways and each driveway must be ADA compliant. There are also a couple of retaining walls, and other oddities that will have to be rearranged.

The motion passed. Design contract awarded to Bledsoe, Riggert and Guerretauz for design of Kinser Pike Sidewalk.

Wykoff explained this is a signal upgrade project at 3rd & Washington. This will include sidewalk ramps, new signal, poles, wires, etc. Staff is asking that a portion of the project be awarded to James H. Drew for a total amount not to exceed \$26,427. The City will be doing in house installation of the actual pole set ups and cabinets.

**Award Construction Contract for the 3rd Street and Washington Street Traffic Signal Improvements Project**

McNamara made a motion to award the Contract for the 3rd Street and Washington Street Traffic Signal Improvements Project to James H. Drew for an amount not to exceed \$26,427. Zietlow seconded the motion. The motion passed. Construction contract awarded to James H. Drew.

Smith read into the record an Outdoor Seating and Merchandising Encroachment Permit the Board will be asked to sign for Japonese Restaurant at 320 N. Walnut Street. They have applied and received Permit #14-01

**STAFF REPORTS & OTHER BUSINESS**

McNamara made motion to approve claims. Zietlow seconded the motion. Claims approved.

**APPROVAL OF CLAIMS**

McNamara made a motion to adjourn the meeting. Zietlow seconded. The meeting adjourned at 6:20 p.m.

**ADJOURNMENT**

Accepted by:

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

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

Dr. Frank N. Hrisomalos, Secretary

Date:

Attest to:



City of Bloomington  
H.A.N.D.

### Board of Public Works

Meeting Date: 11 February 2014

Petition Type: Request Permission to Repair the Structure.

Address: 015-29110-08 WEST POINTE PH I LOT 8; commonly known as  
1201 W. Green Tree Ln

Petitioner: Housing and Neighborhood Development

Inspector: Michael Arnold

Staff Report: 09 Aril 2013 Sent Order to Repair  
29 May 2013 All copies returned as Unable to Forward  
Posted copy on the structure  
03 September 2013 Not in compliance  
06 September 2013 Sent Order to different address for owner  
October 2013 Spoke with Representative of owner  
12 December 2013 Legal sent letter to owner  
17 January 2014 Deadline from Legal expired

During time in the neighborhood for compliance with Title 6 issues, the HAND inspector noticed this house and the deteriorating roof. A drive by was done and it was determined that there were portions of the roof that had failed and that the roof was partially covered with a tarp. A tarp does not meet the standards of repair for Title 17.

Hand is asking permission to get bids to bring the roof into compliance with Title 17 of the BMC.

Attachments: Orders, Pictures

Corporation Counsel  
Margie Rice

City Attorney  
Vickie Renfrow



City of Bloomington  
Legal Department

Assistant City Attorneys  
Susan Failey  
Barbara E. McKinney  
Jacquelyn F. Moore  
Patricia M. Mulvihill  
Michael M. Rouker  
Greg Small

December 18, 2013

Betty K. and William T. Boese  
3353 South Eden Drive  
Bloomington, Indiana 47401

Re: Property located at 1201 West Green Tree Lane, Bloomington, Indiana  
Unsafe Order

Dear Mrs. & Mr. Boese:

The City of Bloomington's Housing and Neighborhood Development ("HAND") Department has requested the assistance of my office in regards to your failure to comply with the terms and conditions of the Order to Repair issued on September 5, 2013, for the above-referenced property. This Order to Repair commanded you to repair the portion of the roof's structure presently covered by a tarp. A deadline of November 5, 2013, was given.

According to representatives of HAND, an exterior inspection of the property has revealed that the roof has not been repaired—which violates the Order to Repair issued on September 5, 2013.

You have up to and including January 17, 2013, to have the roof properly repaired and to comply with the September 5<sup>th</sup> Order to Repair. Failure to comply with said Order may result in the following actions being taken by the City:

1. The City may repair the roof itself, with the use of third-party contractors, and the costs of said repairs will be billed to you or assessed as a lien against the property;
2. The City may issue you fines in accordance with the Indiana Code; and/or
3. The City may initiate litigation against you in the Monroe County Circuit Court.

Once you have properly repaired the roof please contact Mike Arnold, HAND employee, at 349-3401 so that the repairs may be verified.

Thank you for your prompt attention to this matter.

Sincerely,

Patricia M. Mulvihill  
Assistant City Attorney

cc: HAND



City of Bloomington  
Housing and Neighborhood Development

**ORDER TO REPAIR**

09/05/2013

William T. and Betty K. Boese  
1201 W. Green Tree Ln.  
Bloomington IN 47403

Re: 015-29110-08 WEST POINTE PH I LOT 8; commonly known as 1201 W. Green Tree Ln.

Dear William T. and Betty K. Boese

Housing and Neighborhood Development (HAND) received a complaint regarding an unsafe structure at this location. A drive by inspection was conducted to determine if the property was in violation of Bloomington Municipal Code (BMC) Title 17 regarding unsafe structures.

The City of Bloomington's HAND Department, pursuant to Indiana Code Section 36-7-9-5, is issuing this Order to Repair. HAND is required to give all substantial property interest holders in the above-referenced property notice of this Order to Repair.

You have until 05 November 2013 to repair the structure. See the attached Notice of Ordinance Violation (NOV) for the details of this violation and a summary of the violation history.

The law does not require a hearing for this Order to be issued. However, you or any person holding a fee interest, life estate interest, or equitable interest of a contract purchaser in this property, may request a hearing in writing and delivered to the City of Bloomington's HAND Department at 401 North Morton Street, Bloomington, Indiana within ten (10) days after the date of this Order. **This Order to Repair becomes final ten (10) days after it has been issued, if you or any other person holding an interest in this property have not requested a hearing.**

If the Order to Repair is not complied with, the following may occur:

1. HAND may hire a contractor to fulfill the obligations of the Order to Repair.
2. HAND may fulfill the obligations of the Order to Repair itself.
3. If HAND has to hire a contractor to fulfill the obligations of the Order to Repair or must fulfill the obligations of the Order to Repair itself, each person who holds a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the date of this Order to

Repair to the time that the work is completed, is jointly and severally responsible for certain costs; including the actual cost of the work performed and reasonable processing expenses.

- 4. If any assessed costs remain unpaid, HAND shall execute a judgment in the Monroe Circuit Court against any and all of the aforementioned parties; said judgment is a debt and lien on all real and personal property of each named individual.

Per Indiana Code § 36-7-9-27, if, after you have been issued and received notice of this order and you have not complied, you must supply full information regarding this order to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest, and within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, you must supply HAND with written copies of the full name, address, and telephone number of the person taking a substantial property interest in the property, and the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

I hereby affirm, to the best of my knowledge, under the penalties of perjury, that the foregoing representation is true.

*Lisa Abbott*

Lisa Abbott  
Director  
Housing and Neighborhood Development  
401 North Morton Street/P.O. Box 100  
Bloomington, Indiana 47402  
(812) 349-3401

State of Indiana )  
                                  )SS:  
County of Monroe )



Subscribed and sworn to before me a Notary Public this 5th day of September 2013.

*Christina Finley*  
Name of Notary Public

*Christina Finley*  
Signature of Notary Public

4-9-15  
Commission Expires

Manra D  
Notary Public's County of Residence

## CITY OF BLOOMINGTON NOTICE OF ORDINANCE VIOLATION

Date NOV issued: **05 September 2013**

Person(s) NOV issued to: **William T. and Betty K. Boese**

Date violation discovered: **03 September 2013**

Location/address of violation: **015-29110-08 WEST POINTE PH I LOT 8;  
commonly known as 1201 W. Green Tree Ln**

Nature of violation/code provision violated: **Bloomington Municipal Code (BMC) § 17.16**

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### Inspector's Report

A complaint was received regarding an unsafe structure located at 1201 W. Green Tree Ln. During a drive by inspection it was noted a portion of the roof has deteriorated and is covered by a tarp, which does not meet the intent of Title 17. The following steps shall be completed to bring the structure into compliance:

1. The Monroe County Building Department shall be contacted to determine if a Building Permit is required for the work to repair the structure.
2. Properly repair the deteriorated and tarp covered portions of the roof.
3. Remove all debris associated with these repairs.
4. HAND shall be notified when work is completed at this location.

### Relevant Code Citations

BMC § 17.16.020 adopts Indiana Code §§ 36-7-9-1—36-7-9-28 by reference. Indiana Code § 36-7-9-4, Unsafe building and unsafe premises described, states in section (a) "For purposes of this chapter, a building or structure, or any part of a building or structure, that is:

- (1) In an impaired structural condition that makes it unsafe to a person or property;
- (2) A fire hazard;
- (3) A hazard to the public health;
- (4) A public nuisance;
- (5) Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
- (6) Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;

is considered an unsafe building.

BMC § 17.16.040 (f) states, in part, "Unsafe building or structure means any building or structure or part of building or structure that is ... in any of the conditions or possesses any of the defects described below, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered:

- (ll) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure, provided by the building regulations of this city, or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings;
  
- (nn) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the enforcement authority to be unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease.





## Board of Public Works Staff Report

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**Project/Event:** Request to approve encroachments in the right of way at 116 N. Grant

**Staff Representative:** Rick Alexander

**Petitioner/Representative:** Jim Dunbar of Quaff On

**Date:** February 5, 2014

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**Report:** The property in question is on the east side of Grant between Kirkwood and 6<sup>th</sup> and directly east of the county library. It most recently housed the Café Django and one apartment in the basement. The new tenant is the brew pub Quaff On. They would like to make some repairs to the outdoor dining area and convert the basement to useable space for the business. While doing some research for this project, we discovered that the right of way on that part of Grant is 80' wide. Consequently, a portion of the building, part of the deck, the railing and the entry are in the right of way.

**Recommendation and Supporting Justification:** The building has been there for decades. I found no existing encroachment agreement in our files. Since this change of tenants has brought all of this to light, we decided that it is time to formalize the encroachments. While the interior of the building will undergo some significant changes, the exterior work is primarily maintenance related repair work to improve the condition of the existing facilities. Neither the remodel nor the maintenance expands the scope of the encroachment. Staff recommends approval.

**Recommend**  **Approval**  **Denial** by Rick Alexander

BOARD OF PUBLIC WORKS  
RESOLUTION 2014-07  
Encroachments at 116 N. Grant Street

WHEREAS, David A. Rogers, (“Owner”) is the owner of a building located at 116 North Grant Street (the “Real Estate”); and

WHEREAS, the building on the Real Estate was constructed decades ago and has remained in existence in its current location since construction; and

WHEREAS, a portion of the building, a deck, a sign, an access ramp and railing to the entrance, all in the public right of way, exist on the Real Estate; and

WHEREAS, the City of Bloomington (“City”) neither desires nor intends to vacate this right of way; and

WHEREAS, Owner desires to lease the Real Estate for the purpose of opening a restaurant; and

WHEREAS, the Owner’s prospective tenant intends to upgrade the condition of those areas; and

WHEREAS, although the Board of Public Works is authorized pursuant to Indiana Code § 36-9-6-15 to order the removal of any structure in a public place of the City, the City is willing to allow Owner and his successor(s) to encroach onto the portion of the City’s right of way described above;

NOW, THEREFORE, BE IT RESOLVED:

That the City agrees not to initiate any legal action against Owner or his successor(s) in interest regarding the encroachments into the described right of way provided that:

1. Owner agrees for himself and his successor(s) in interest to release and forever discharge, hold harmless and indemnify the City of Bloomington, its departments, officers, agents, employees and assigns for any and all claims, actions, losses or injuries, including reasonable attorney’s fees, that may arise as a result of Owner’s use of the right of way. In case any claim or action is brought against the City of

Resolution 2014-07

- Bloomington or any of its officers or agents, for the failure, omission or neglect of the Owner or its successor(s) to perform any of the covenants of this Resolution, or for injury or damage caused by alleged negligence of Owner or its agents, subcontractors, employees or successor(s), the Owner or his successor(s) shall indemnify and hold harmless the City and its officers, agents and assigns from any and all losses, damages, costs (including attorney's fees) or judgments arising out of such claim or action.
2. Owner agrees that no further structural encroachments may be made onto the right of way without first obtaining the Board of Public Works' approval for the additional encroachment.
  3. The building, deck, access ramp and railing, as depicted in Exhibit "A" shall be maintained in a safe and attractive manner.
  4. 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.
  5. In the event the Owner sells the property during the term of this Resolution, this Resolution shall continue under the original conditions and be binding on the successor(s).
  6. Owner agrees that if the building on the Real Estate is demolished or removed for any reason, no structure may be rebuilt in the right of way.
  7. Owner understands and agrees that if the City or public utility needs to work in said area for any reason, and the deck, the sign, the access ramp or railing needs to be removed to facilitate the City or utility, it will be at the expense of Owner, and the City will not be responsible for any damage which may occur to any of the encroachments by the City's workers or contractors, or by those of a public utility. Owner will not be compensated for any expense which may be incurred by him.
  8. If at any time it is determined that the right of way should be improved to better serve the public or other public improvements need to be made in the right of way and the encroaching improvements interfere with the planned public improvements, the City shall provide notice to Owner for removal of the encroachment(s). The City shall provide said notice to Owner as far in advance as possible of the date the City requires access to the right of way.
  9. Upon receipt of said notice and prior to the date set forth in the notice, the Owner or its successor(s) shall remove the portion of the building and other encroachments upon the right of way. This removal shall be performed at the Owner's expense and without compensation by the City.

10. This Resolution shall be effective upon the following: (a) passage by the Board of Public Works; (b) written acceptance by the Owner; and (c) the return of a copy of the recorded Resolution, which must include the Monroe County Recorder's file information, to the Department of Public Works.

CITY OF BLOOMINGTON  
BOARD OF PUBLIC WORKS

\_\_\_\_\_  
Charlotte Zietlow

\_\_\_\_\_  
David A. Rogers

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

\_\_\_\_\_  
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 Charlotte Zietlow, James McNamara, and Dr. Frank N. Hrisomalos, of the City of Bloomington Board of Public Works, who acknowledged the execution of the foregoing instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Witness my hand and official seal.

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

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

County of Residence: \_\_\_\_\_

STATE OF INDIANA     )  
  ) SS:  
COUNTY OF MONROE    )

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared David A. Rogers who acknowledged the execution of the foregoing instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Witness my hand and official seal.

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

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

County of Residence: \_\_\_\_\_

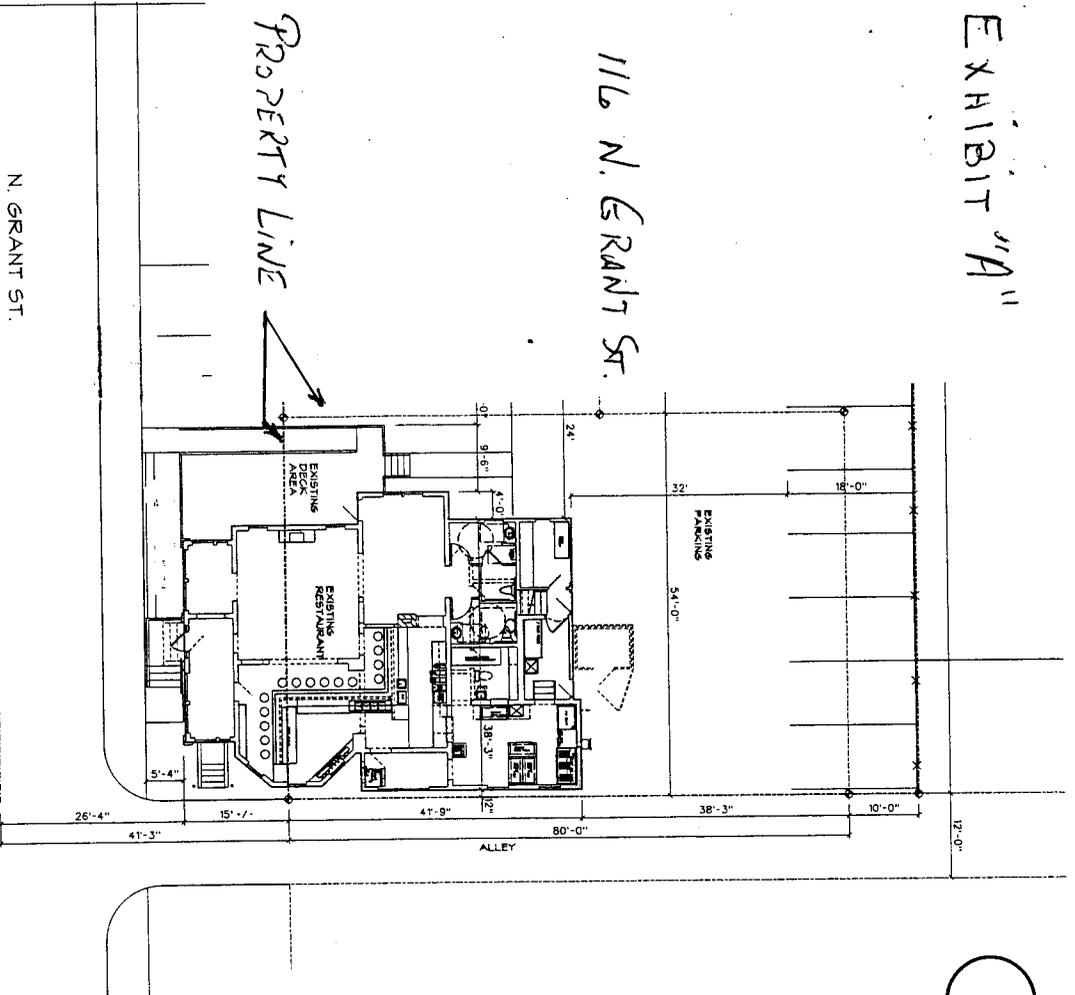
I affirm under the penalties for perjury that I have taken reasonable care to redact each Social security Number in this document, unless required by law. Jacquelyn Moore

This instrument was prepared by Jacquelyn Moore, Attorney at law, Bloomington, Indiana.

EXHIBIT "A"

116 N. GRANT ST.

PROPERTY LINE

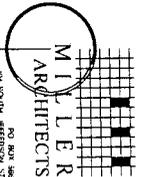


N. GRANT ST.

SITE PLAN  
 1/8" = 1'-0"

FILED

DATE: TIME:



DO NOT SCALE  
 116 NORTH GRANT STREET  
 BLOOMINGTON, IN 47404

ARCHITECTURE  
 DESIGN  
 PLANNING

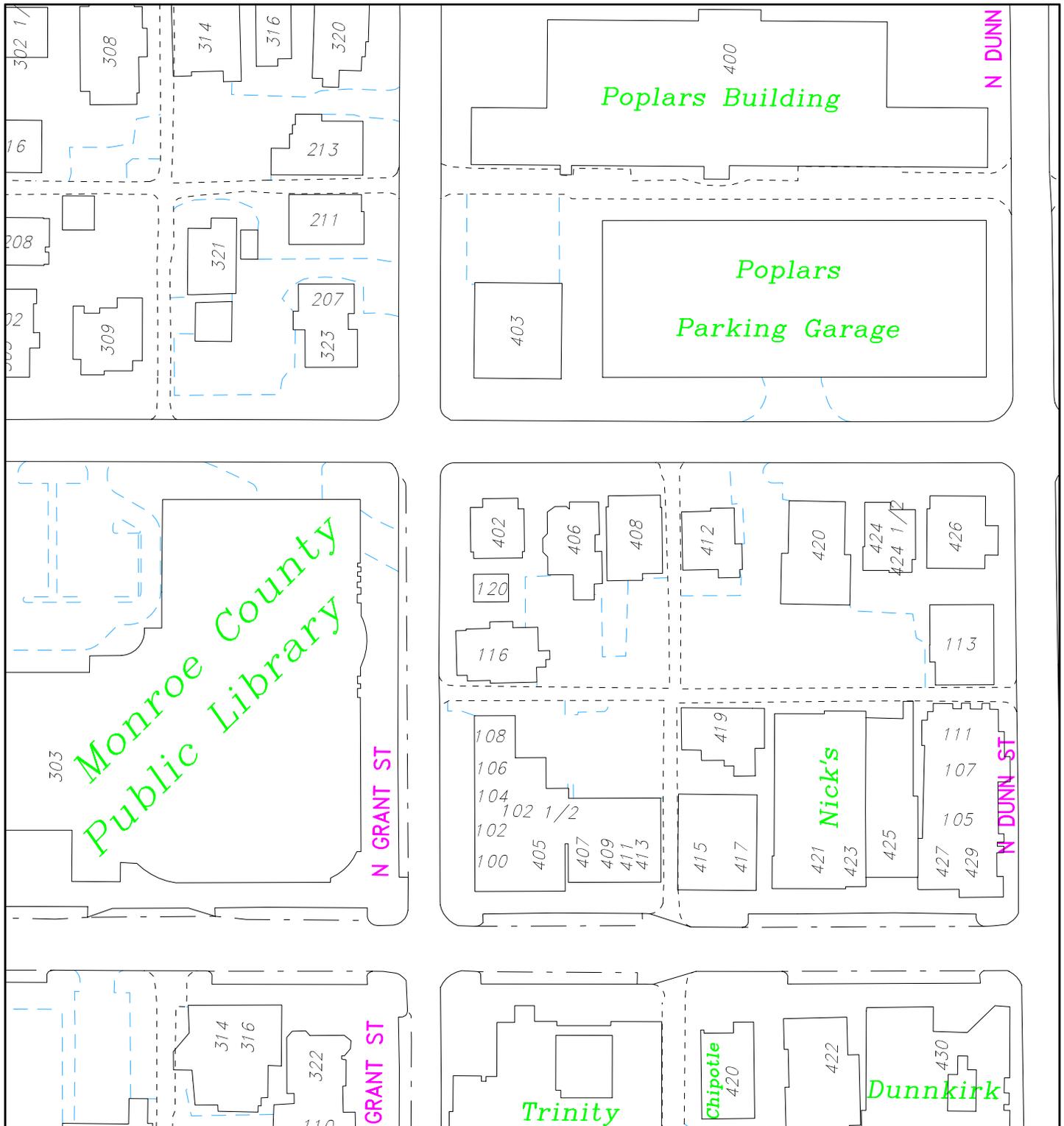
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 PROJECT NO. 211330  
 DATE: 11/14/14  
 DRAWN BY: S.V.M.  
 CHECKED BY: S.V.M.  
 IN CHARGE: S.V.M.

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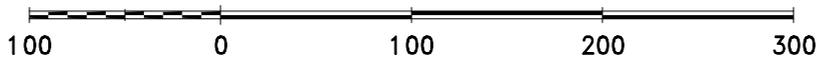
REMODEL DESIGN FOR  
**QUAFF ON - BLOOMINGTON**  
 116 N. GRANT STREET, BLOOMINGTON, IN

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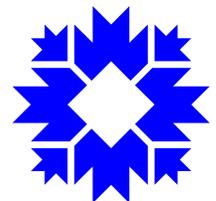
By: alexandr  
5 Feb 14



For reference only; map information NOT warranted.



City of Bloomington  
Engineering



Scale: 1" = 100'



## Board of Public Works Staff Report

---

**Project/Event:** Arts Fair on the Square  
**Petitioner/Representative:** Bloomington Playwrights Project  
**Staff Representative:** Miah Michaelsen  
**Meeting Date:** February 11, 2014

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June 21, 2014 will be the 34th year for the Arts Fair on the Square. It is the same day as the Taste of Bloomington, and the two events along with the Saturday Farmers Market make for a major summer tourism event in downtown.

Festival organizers are requesting closure of 6th Street between College Avenue and Walnut Street from 5:30 a.m. to 6:30 p.m. and Kirkwood Avenue from College Avenue and Walnut Street from 5:30 – 9:30 a.m. and 5:00 – 6:00 p.m. on Saturday, June 21; and three parking spaces on College Avenue and three parking spaces on Walnut Street adjacent to the Monroe County Court House from 2:00 p.m. on Friday, June 20th to 8:00 a.m. on Monday, June 23rd for the placement of portable toilets and unloading and loading by vendors.

A noise permit is also requested as part of this event.

BPP has notified businesses on the north side of 6<sup>th</sup> Street about the street closure.

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**Recommendation and Supporting Justification:** Major destination event for downtown. Staff recommends approval.

**RESOLUTION 2014-08**  
**ARTS FAIR ON THE SQUARE**

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

WHEREAS, the Bloomington Playwrights' Project is sponsoring the 34th annual Arts Fair on the Square, on Saturday, June 21, 2014, to take place on the Monroe County Courthouse Square; and

WHEREAS, the Bloomington Playwrights' Project, as in the past, has requested that the Board of Public Works allow them to close three parking spaces on the west side and three spaces on the east side of the Courthouse Square to be used by vendors while unloading and loading, and for placement of portable toilets. The Bloomington Playwrights' Project is also requesting that they be allowed to close 6<sup>th</sup> Street and Kirkwood Avenue between College Avenue and Walnut Street to vehicular traffic at times during the festival; and

WHEREAS, Bloomington Playwrights' Project 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 Bloomington Playwrights' Project'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 the Bloomington Playwrights' Project may reserve three parking spaces on College Avenue and three parking spaces on Walnut Street, beginning at 2:00 p.m. on Friday, June 20, until 8:00 a.m. on Monday, June 23, for the placement of portable toilets. The sponsors may also close 6<sup>th</sup> Street between College Avenue and Walnut Street for the expansion of the festival space beginning at 5:30 a.m. until 7:00 p.m. on Saturday, June 21 and Kirkwood Avenue between College Avenue and Walnut Street from 5:30 – 9:30 a.m. and 5:00 – 6:00 p.m. on Saturday, June 21 in conjunction with the staging of an arts festival to be free and open to the general public.
2. That the street closures outlined above are for the purposes of allowing Bloomington Playwrights' Project to provide an outdoor art show of high quality that is mutually beneficial to the artists and the community on Saturday, June 21, 2014.
3. That artists, performers, craftspersons and vendors who have not received explicit authorization from the Bloomington Playwrights' Project, or their representatives or agents, to participate in Arts Fair on the Square, shall not be permitted to utilize the closed off portions of the streets or sidewalks outlined above for the purposes of

RESOLUTION 2014-08

performing, displaying, producing or selling items or goods.

4. That Bloomington Playwrights' Project shall post "no parking" signs on parking meters 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 and shall be affixed as instructed by City Staff.
5. That Bloomington Playwrights' Project shall be responsible for placement and removal of barricades. Bloomington Playwrights' Festival is responsible for contacting the City of Bloomington Engineering Department for instructions on the type of and placement of said barricades. Bloomington Playwrights' Project agrees to obtain at its own expense and place barricades to close the street, not before 5:30 a.m. on Saturday, the 21<sup>st</sup> day of June, 2014 and to remove barricades by 6:00 p.m. on Saturday, June 21, 2014.
6. That Bloomington Playwrights' Project will be responsible for removing all trash, picking up litter including cigarette butts from the street and sidewalks within these blocks, cleaning any grease or other food products from the pavement and sidewalks, and removing any "No Parking" signs posted as part of the event. Cleanup shall be completed by 6 p.m. on Saturday, June 21, 2014.
7. 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 sound and music may be played during the hours of the event.
8. Bloomington Playwrights' Project 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).
9. Bloomington Playwrights' Project shall be responsible for developing, enacting, and enforcing an Emergency Action Plan covering emergencies, including but not limited to weather related emergencies, that may arise during the course of the Arts Fair on the Square, a copy of which Bloomington Playwrights' Project agrees to submit to City of Bloomington staff at least thirty (30) days prior to the beginning of the Arts Fair on the Square;
10. 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.

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 \_\_\_\_\_, 2014.

RESOLUTION 2014-08

BOARD OF PUBLIC WORKS

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Charlotte Zietlow

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James McNamara

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Dr. Frank N. Hrisomalos

All terms and conditions in this Resolution 2014-08 are acceptable and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Bloomington Playwrights Project

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Signature

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Printed Name & Position

**RELEASE, HOLD HARMLESS  
AND  
INDEMNIFICATION AGREEMENT**

WHEREAS, Bloomington Playwrights' Project, (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 portions of 6th Street between Walnut Street and College Avenue; and Kirkwood Avenue between Walnut Street and College and three parking spaces on Walnut Street and three parking spaces on College Avenue and said facilities or public property is owned and is operated, supervised and maintained by the RELEASEE'S Board of Public Works, for the purpose of sponsoring the Arts Fair on the Square, on RELEASEE'S property with set up beginning at 5:30 a.m. on Saturday, June 21, 2014, and with tear down and clean up ending on Saturday, June 21, 2014, by 6:00 p.m.; 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**

\_\_\_\_\_  
Bloomington Playwrights' Project

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

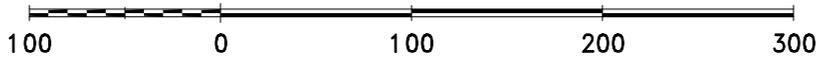
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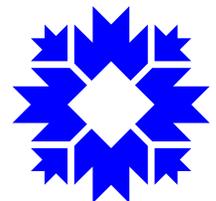


Arts Fair on the Square

By: smithc  
7 Feb 13



City of Bloomington  
Public Works



Scale: 1" = 100'

For reference only; map information NOT warranted.



## Board of Public Works Staff Report

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**Project/Event:** YMCA Spring Run 5K and 10K

**Petitioner/Representative:** Monroe County YMCA

**Staff Representative:** Miah

**Meeting Date:** February 11, 2014

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The YMCA is sponsoring the 38<sup>th</sup> annual Spring Run on April 12, 2014 and is requesting that they be allowed to use city streets as they have in the past. There will be a 5K and a 10K. Streets will remain open with traffic control at each intersection for the safety of the participants. Set up starts at 5:00 a.m., with the run starting at 8:00 a.m., and will be over by noon.

This event has approximately 400 participants and raises \$4,000. All proceeds from the event are used for the Youth Scholarship Program.

BPD has issued Parade Permits for these events pending the Board's approval.

Staff recommends approval of this request.

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

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**Board of Public Works**  
Staff Report

**RESOLUTION 2014-09**  
**MONROE COUNTY YMCA SPRING RUN**

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

WHEREAS, the Monroe County YMCA has requested use of city streets as indicated on Attachment A of this resolution, to conduct the YMCA Spring Run which raises funds for the YMCA Youth Scholarship Fund; and

WHEREAS, the Monroe County YMCA has agreed to provide all 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 Monroe County YMCA has agreed to execute the "Release, Hold Harmless and Indemnification Agreement" regarding the use of the City of Bloomington's property as described in Attachment A of this resolution and has agreed to provide the City with a Certificate of Insurance which names the City as an additional insured.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City of Bloomington Board of Public Works agrees that public streets and sidewalks may be utilized to conduct Monroe County YMCA Fall Run between the hours of 5:00 a.m. and noon on Saturday, April 12, 2014.
2. The City of Bloomington Board of Public Works agrees that vehicular traffic may be restricted for short periods of time as runners and walkers use the following streets: Highland Avenue, E. Winslow Road, E. Allendale Drive, S. Bainbridge Drive, E. Elliston Drive, S. Laurel Court, S. Laura Way and E. Heather Drive during the hours of the event.
3. That the street closures outlined above are for the purposes of allowing the Monroe County YMCA to provide a fitness event of high quality that is mutually beneficial to participants the community on Saturday, April 12, 2014.
4. That the Monroe County YMCA shall be responsible for placement and removal of barricades. Monroe County YMCA is responsible for contacting the City of Bloomington Engineering Department for instructions on the type of and placement of said barricades. Monroe County YMCA agrees to obtain at its own expense and place barricades to close the street, not before 5:30 a.m. and to remove barricades by noon on Saturday, April 12, 2014.
5. That Monroe County YMCA will be responsible for removing all trash, picking up litter from the street and sidewalks within these blocks, cleaning any grease or other food products from the pavement and sidewalks, and removing any "No Parking" signs posted as part of the event. Cleanup shall be completed by noon on Saturday, April 12, 2014.

RESOLUTION 2014-09

6. 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 sound and music may be played during the hours of the event.
  
7. Monroe County YMCA 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.

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 \_\_\_\_\_, 2014.

**BOARD OF PUBLIC WORKS:**

**MONROE COUNTY YMCA**

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

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Printed Name

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

\_\_\_\_\_  
Position

**RELEASE, HOLD HARMLESS  
AND  
INDEMNIFICATION AGREEMENT**

WHEREAS, the Monroe County YMCA, (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 sections of Highland Avenue, E. Winslow Road, E. Allendale Drive, S. Bainbridge Drive, E. Elliston Drive, S. Laurel Court, S. Laura Way, and E. Heather Drive which is operated, supervised and maintained by the RELEASEE'S Board of Public Works, for the purpose of sponsoring the YMCA Spring Run, on RELEASEE's property from 5:00 a.m. – noon on Saturday, April 12, 2014; 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**

\_\_\_\_\_  
Monroe County YMCA

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

\_\_\_\_\_  
Printed name, Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**City of Bloomington**  
**PARADE PERMIT APPLICATION**

The purpose of this application is to promote and protect the safety of both the general public and parade participants.

Organization name and mailing address: **2014 YMCA Spring Run 10K Race, Monroe County YMCA 2125 South Highland Ave. Bloomington, IN 47401**

Contact person and phone number: **Matt Osgood, 961-2157**

Information regarding proposed parade:

Date: **April 12, 2014**

Time of commencement: **9:00 AM**

Expected duration: **9:00-10:30 AM**

Proposed route of Parade - commencement point, route, ending point: **See attached map**

Expected number of participants: **180**

Please describe general make-up of the parade, including such information as Vehicles used, floats, bands, animals, etc.

**YMCA van, emergency vehicles, and Police vehicles.**

Traffic control shall be supplied by: **Bruce Wilds Security**

At the following points on the parade route: **See attached map**

The organization requesting the permit is responsible for traffic control.

Law Enforcement Agency providing traffic control: **Uniformed officers contracted through Bruce Wilds Security**

Confirmation received from Law Enforcement agency providing parade route traffic control: **Yes**

\_\_\_\_\_  
Signature of Person requesting Permit

**Permit Granted** \_\_\_\_\_ **Permit Denied** \_\_\_\_\_

\_\_\_\_\_  
Chief of Police, Bloomington, Indiana Date

**Action taken by Police Department:**

The permit is granted \_\_\_\_\_, with the following conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
The permit is denied \_\_\_\_\_

For the following reasons

**City of Bloomington**  
**PARADE PERMIT APPLICATION**

The purpose of this application is to promote and protect the safety of both the general public and parade participants.

Organization name and mailing address: **2014 YMCA Spring Run 5K Race/Racewalk, Monroe County YMCA 2125 South Highland Ave. Bloomington, IN 47401**

Contact person and phone number: **Matt Osgood, 961-2157**

Information regarding proposed parade:

Date: **April 12<sup>th</sup>, 2014**

Time of commencement: **8:00 AM**

Expected duration: **8:00-9:00 AM**

Proposed route of Parade - commencement point, route, ending point: **See attached map**

Expected number of participants: **300**

Please describe general make-up of the parade, including such information as Vehicles used, floats, bands, animals, etc.

**YMCA van, emergency vehicles**

Traffic control shall be supplied by: **Bruce Wilds Security**

At the following points on the parade route: **See attached map**

NEXT PAGE

The organization requesting the permit is responsible for traffic control.

Law Enforcement Agency providing traffic control: **Uniformed officers contracted through Bruce Wilds Security**

Confirmation received from Law Enforcement agency providing parade route traffic control: **CONFIRMED**

\_\_\_\_\_  
Signature of Person requesting Permit

**Permit Granted** \_\_\_\_\_ **Permit Denied** \_\_\_\_\_

\_\_\_\_\_  
Chief of Police, Bloomington, Indiana Date

**Action taken by Police Department:**

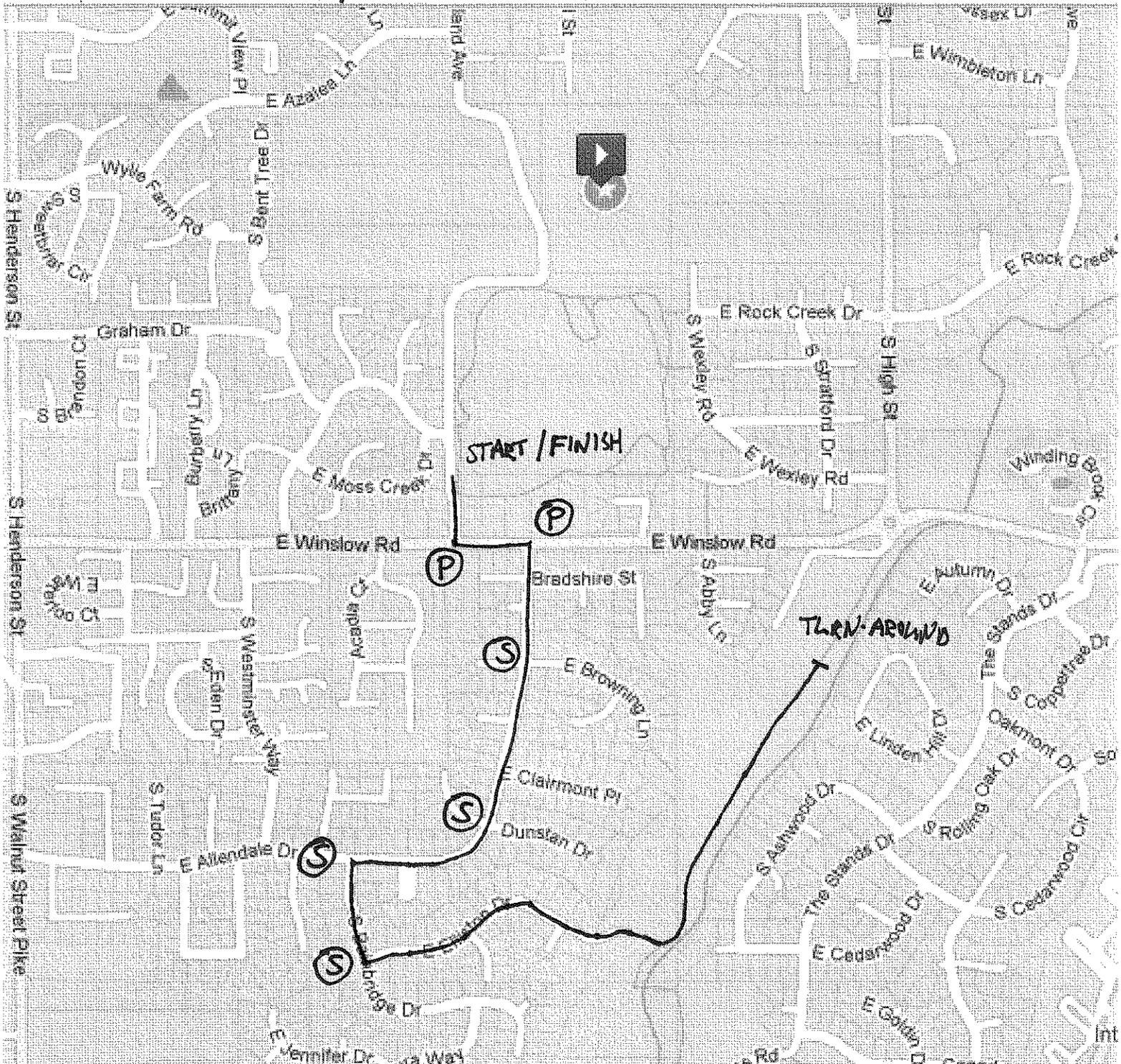
The permit is granted \_\_\_\_\_, with the following conditions:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
The permit is denied \_\_\_\_\_

For the following reasons

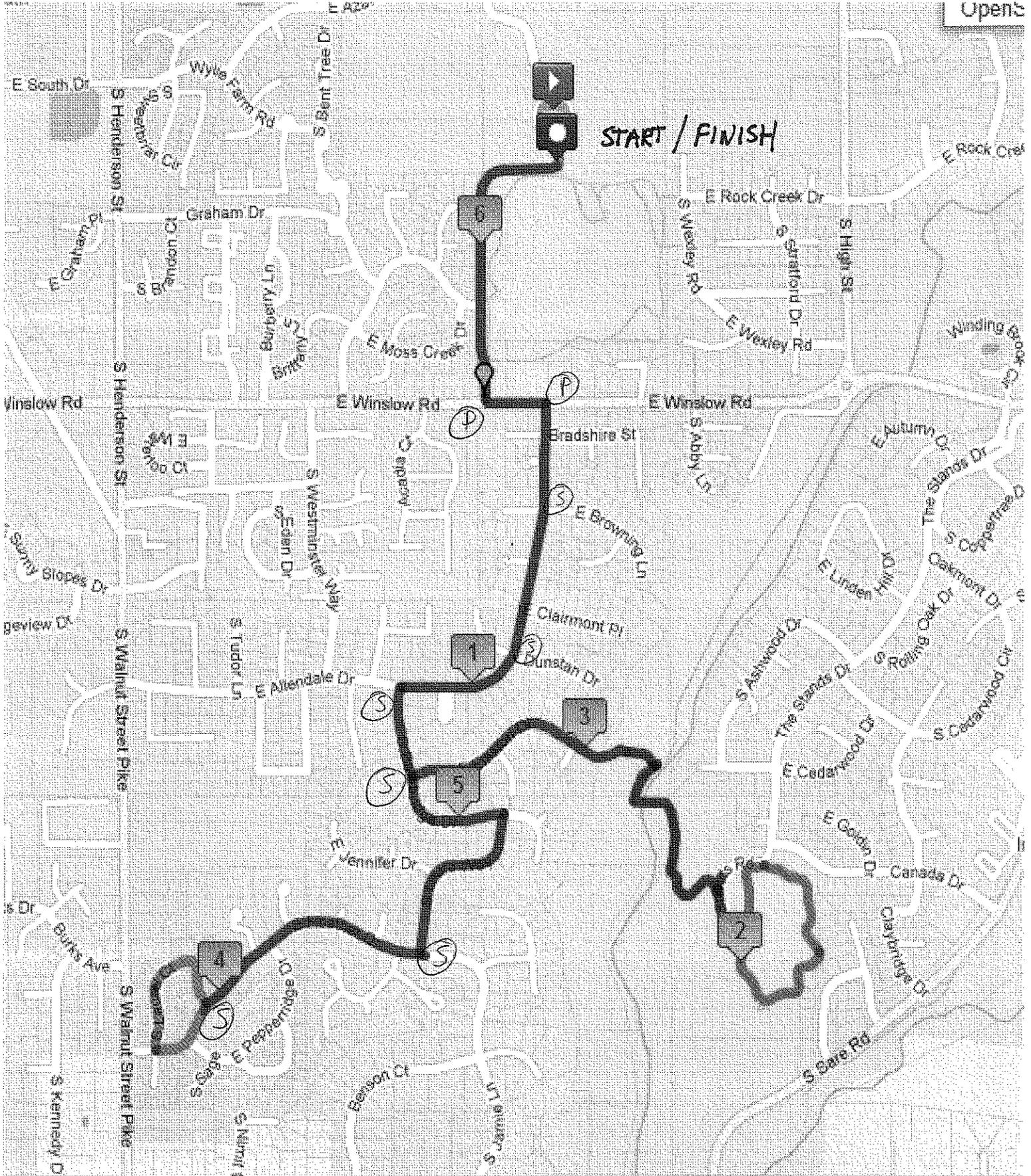
# YMCA - 5K



P = Police

S = Bruce Wilds Security

# YMCA - 10K



P = Police  
S = Blue Wilds Security



## Board of Public Works Staff Report

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**Project/Event:** Clips Beer and Film Tour

**Petitioner/Representative:** New Belgium Brewing Company

**Staff Representative:** Miah

**Meeting Date:** February 11, 2014

**Event Date:** Friday, May 30, 2014

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New Belgium Brewing Company is hosting the Clips Beer and Film Tour on Friday, May 30<sup>st</sup> from 6:00 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 fourth 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

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](mailto:michaelm@bloomington.in.gov)

## Event and Noise Information

Name of Event:			
Location of Event:			
Date of Event:		Time of Event:	Start:
Calendar Day of Week:			End:
Description of Event:			
Source of Noise:	<input type="checkbox"/> Live Band	<input type="checkbox"/> Instrument	<input type="checkbox"/> Loudspeaker
			Will Noise be Amplified? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is this a Charity Event?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, to Benefit:	

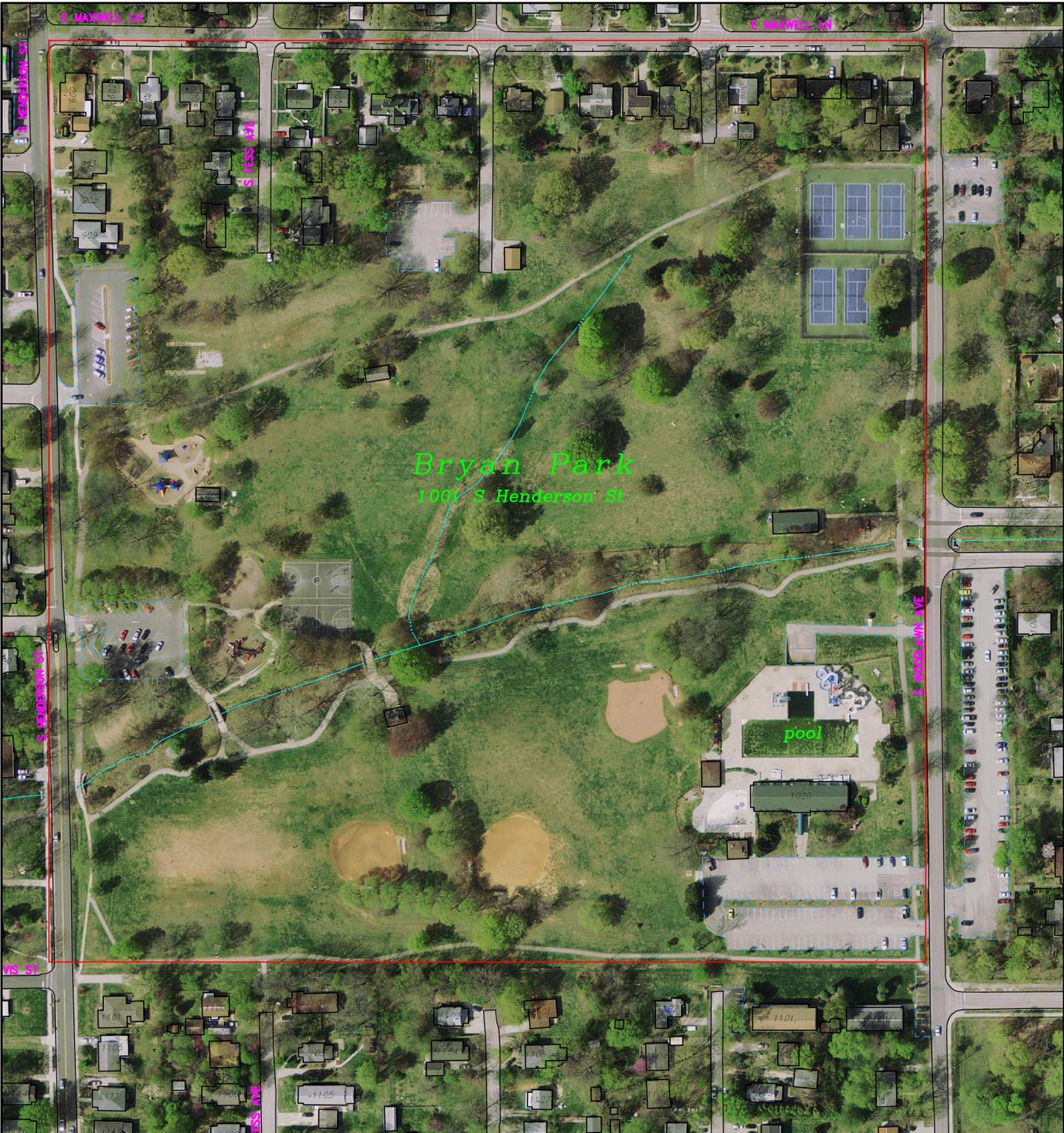
## Applicant Information

Name:			
Organization:		Title:	
Physical Address:			
Email Address:		Phone Number:	
Signature:		Date:	

## FOR CITY OF BLOOMINGTON USE ONLY

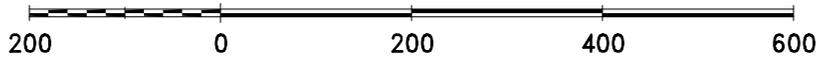
In accordance with Section 14.09.070 of the Bloomington Municipal Code, We, the Board of Public Works, the designee of the Mayor of the City of Bloomington, hereby waives the City Noise Ordinance for the above mentioned event.

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

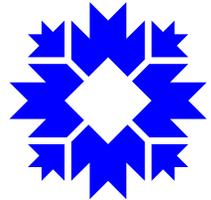


Clips Beer and Film Tour Map

By: smithc  
5 Feb 14



City of Bloomington  
Public Works



Scale: 1" = 200'

For reference only; map information NOT warranted.



## Board of Public Works Staff Report

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**Project/Event:** AIDS Walk Noise Permit

**Petitioner/Representative:** Bloomington Hospital Foundation

**Staff Representative:** Miah

**Meeting Date:** February 11, 2014

**Event Date:** Saturday, March 29, 2014

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The Bloomington AIDS Walk is set for March 29<sup>th</sup> 2014 on the B-Line Trail. They will have pre-walk activities at Showers Plaza starting at 9:30 a.m. the walk will begin at 10:30 a.m. The walk will follow the B-Line Trail from Showers Plaza to the Grimes Street Bridge and return to Showers Plaza. There is no registration fee to participate in the Walk. They will have a DJ for the event for music and announcements.

Presenting Sponsors for the Bloomington AIDS Walk are CAAG (Community AIDS Action Group); IU Health Bloomington Hospital and Indiana University School of Public Health. All Proceeds Benefit IU Health Positive Link.

Staff recommends approval of the request.

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



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](mailto:michaelm@bloomington.in.gov)

### Event and Noise Information

Type or Name of Event:						
Location of Event:						
Date of Event:		Time of Event:	Start:		End:	
Description of Noise:						
Source of Noise:	<input type="checkbox"/> Live Band	<input type="checkbox"/> Instrument	<input type="checkbox"/> Loudspeaker	Other:		
Will Noise be Amplified?	<input type="checkbox"/> Yes <input type="checkbox"/> No					

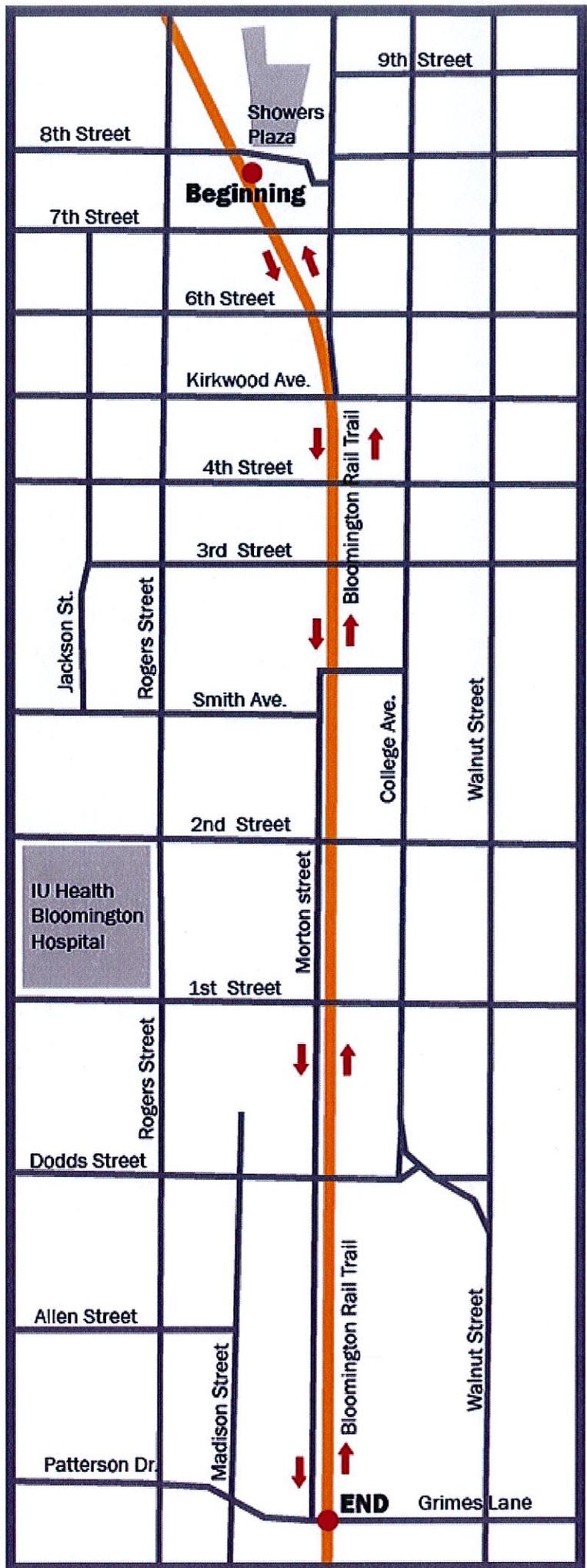
### Applicant Information

Name:						
Organization:				Title:		
Physical Address:						
Email Address:				Phone Number:		
Signature:				Date:		

### 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.

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





## Board of Public Works Staff Report

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**Project/Event:** Itinerant Merchant in right of way  
**Petitioner/Representative:** Chad Sutor – Big Cheeze  
**Staff Representative:** Jason  
**Meeting Date:** February 11, 2014

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Chad Sutor has applied for a renewal of his Itinerant Merchant Permit. It has been determined that when the applicant wants to operate in the right of way that before the permit is issued, permission must be obtained from the Board of Public Works. The Department of Economic & Sustainable Development has reviewed the application and the Board of Public Works' approval to operate in the public right of way is one of the items on the check list that is required before a permit can be issued. ESD will confirm that all rules and regulations have been met prior to a permit being issued.

The business will operate from a food truck selling grilled cheese sandwiches

This application is for one year.

---

Staff is supportive of the request.

**Recommend**  **Approval**  **Denial by** Jason Carnes

**RESOLUTION 2014-10**  
**Itinerant Merchant Food Vendor in Public Right of Way**  
**Chad Sutor – The Big Cheeze**

WHEREAS, the Board of Public Works is empowered by I.C. 36-9-6-2 to supervise City streets, alleys, sewers, public grounds, and other City property; and

WHEREAS, Chad Sutor (“Vendor”) is desirous of using public on-street parking and sidewalks within the City of Bloomington for the purpose of selling food via a mobile kitchen and food cart; and

WHEREAS, Vendor has agreed to hold the City of Bloomington, City of Bloomington Board of Public Works, or any of their agents or employees harmless for any and all actions, losses or claims arising from said event, a copy of which is attached hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED that the City of Bloomington Board of Public Works declares that Vendor has permission to use on-street public parking and sidewalks for the purposes of selling food via a mobile kitchen for one year beginning on the day that License is issued by the City \_\_\_\_\_, 2014 thru \_\_\_\_\_ 2015.

The following conditions attach to this approval:

1. Vendor agrees to maintain a clear five-foot path for pedestrians at all times.
2. Vendor will comply with all other laws, ordinances, rules and regulations in effect at the time it conducts their business.
3. Vendor will have obtained a valid Itinerant Merchant license issued by the City of Bloomington Controller’s Office prior to operation on City property.
4. Vendor shall not conduct business on the same side of the street and within fifty (50) feet of a primary entry way into a ground level retail establishment which offers the same types of goods, wares, services, foods, or products.
5. Vendor shall honor parking restrictions as posted for any parking spot that they may utilize, but may not park in a street median strip or an alleyway.
6. Vendor shall locate his business a reasonable distance from any posted bus stop, taxi stand, crosswalk, driveway, alleyway, building entrance or walk-up window.
7. Vendor shall locate his business a reasonable distance from another mobile kitchen, food cart or food stand.
8. Vendor shall not locate his business in front of the primary entrance to a retail business, office building or church.
9. Vendor shall not locate his business on the following portions of the B-Line Trail:
  - a) From the north side of Country Club Road to the south side of Dodds Street;
  - b) From the north side of 2<sup>nd</sup> Street to the south side of 3<sup>rd</sup> Street; and
  - c) From the north side of 4<sup>th</sup> Street to the south side of 6<sup>th</sup> Street.
10. Vendor shall not locate his business within a one block radius of the following special events during the hours of their operation unless prior written consent has been provided by the coordinator or director of the special event:
  - a) City of Bloomington Farmers’ Market;
  - b) City of Bloomington Holiday Market;
  - c) The Taste of Bloomington;
  - d) Lotus World Music and Arts Festival;

**RESOLUTION 2014-10**

- e) The Fourth Street Festival;
  - f) Arts Fair on the Square;
  - g) Strawberry Festival;
  - h) Canopy of Lights;
  - i) Fourth of July Parade; and
  - j) Any other special events approved by the City Controller.
11. Vendor may locate his business in a public parking space according to parking restrictions for that space including Bloomington Municipal Code section 15.32 which is attached as Exhibit A of this document.
  12. Vendor shall not locate his business in a manner which would significantly impede or prevent the use of any City of Bloomington property, or which would endanger the safety or property of the public.
  13. Vendor shall conduct their business in accordance with the Standards of Conduct noted in Bloomington Municipal Code section 4.16.100.

This approval may be renewed by the Director of Public Works no more than once a year provided Vendor has complied with all conditions of this approval; complied with all applicable laws, ordinances, rules and regulations; and the City has received no valid complaints regarding Vendor's activities associated with this approval.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**BOARD OF PUBLIC WORKS:**

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

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

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

ALL TERMS AND CONDITIONS CONTAINED IN THIS RESOLUTION 2014-10 ARE ACCEPTABLE AND AGREED TO BY VENDOR:

\_\_\_\_\_  
Chad Sutor

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

# The Big Cheeze



**MARK KRUZAN**  
**MAYOR**  
**CITY OF BLOOMINGTON**  
401 N Morton St Suite 130  
PO Box 100  
Bloomington IN 47402

**DEPARTMENT OF ECONOMIC  
& SUSTAINABLE DEVELOPMENT**  
p 812.349.3418  
f 812.349.3520

Greetings from the City of Bloomington!

The Department of Economic and Sustainable Development welcomes your business into the Bloomington community. Our office would like to assist you in operating a successful business and complying with applicable laws and statutes.

This information packet will help you understand the process for obtaining a Mobile Food Vendor's License and the Itinerant Merchant, Solicitor, or Peddler's License. The full application can be seen below, along with important Festival and Itinerant Merchant Contact Information and relevant Bloomington Municipal Code.

Food vendors within the City of Bloomington must first obtain Mobile Food Vendor's License from the Monroe County Health Department. For more information, contact the Health Department at 812-349-2896, or visit [<http://www.co.monroe.in.us>].

Once these documents are secured, please contact the Department of Economic and Sustainable Development at 812-349-3418 for assistance in obtaining an approval for use of public right of way from the Department of Public Works.

Other itinerant merchants, solicitors, or peddlers seeking to operate within the City of Bloomington should also contact us for assistance in securing the license or for more information.

The City of Bloomington  
Department of Economic and Sustainable Development



## Itinerant Merchant, Solicitor and Peddler License Application Checklist

**City of Bloomington**  
**Department of Economic and Sustainable Development**  
 401 N. Morton St.  
 Bloomington, Indiana 47404  
 812-349-3418

### License Length and Fee Information

Valid License:	<input type="radio"/>	<input checked="" type="radio"/>				
Length of License:	24 hours	72 hours	1 Calendar Week	30 Days	6 Months	1 Year
License Fee:	\$15	\$40	\$75	\$125	\$175	\$240

### Applicant Information

Name:	Chad Sutor		
Title:	Co-Owner	Date of Birth:	06/28/1988
Physical Address:	103 N. College Ave apt 3		
City, State, Zip:	Bloomington, IN 47401		
E-Mail Address:	ChadSutor@SlinginCheeze.com		
Phone Number:	812-322-5234	Mobile Phone:	

### Corporate Contact Information

Name of Employer:	The Big Cheeze				
Physical Address of Employer:	501 N. Rogers Rd.				
City, State, Zip:	Bloomington, IN 47401				
Phone Number of Employer:	812-322-5234				
Employer is a:	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Firm	Limited Liability Corporation	Corporation	Partnership	Sole Proprietor

### Description of product or service to be sold and any equipment to be used (You may attach additional information as needed):

Grilled cheese sandwiches, fries, mozzarella sticks and drinks

*If applicable*, a description of Motor Vehicle or Mobile Trailer to be used:  
 8' x 16' white trailer

License Plate Number: TR407MLL    Vehicle Identification Number (VIN): 1S986X168CM982099

Please attach two (2) pictures of the vehicle and trailer.

**You Must Obtain the Following:**

<input checked="" type="checkbox"/>	Proof of insurance in accordance with the limits described in Section 4.16.070 of the Bloomington Municipal Code: <ul style="list-style-type: none"><li>• Personal Injury: \$100,000.00 per occurrence and \$300,000 in the aggregate</li><li>• Property Damage: \$25,000.00 per occurrence and \$50,000.00 in the aggregate</li></ul>
<input checked="" type="checkbox"/>	Release of liability wherein the Applicant agrees to indemnify and hold harmless the City of Bloomington for losses or expenses arising out of the operation of his/her business.

**You May Need To Obtain and Provide the Following (Staff will advise):**

<input type="checkbox"/>	If you will be using, handling, selling or distributing food, you must submit a copy of the Monroe County Health Department permit <u>and</u> a Certified Food Handler Certificate.
<input type="checkbox"/>	If you will conduct business in the City of Bloomington public right-of-way, you need to obtain a letter of approval from the Board of Public Works.
<input type="checkbox"/>	If you will conduct business in or on property owned and/or managed by the City of Bloomington Parks and Recreation Department, you need to obtain a letter of approval from the Parks Department.
<input type="checkbox"/>	If your product or service will produce any type of spark, flame or fire in the course of your business, you need to submit a copy of a Permit for Open Burning issued by the City of Bloomington Fire Department.

**RELEASE, HOLD-HARMLESS AND INDEMNIFICATION AGREEMENT**

The undersigned, in consideration for the issuance of a license by the City of Bloomington Controller, agrees to the following:

1. The undersigned, in exchange for the issuance of a license by the City of Bloomington Controller, agrees to release, hold harmless, and forever indemnify the City of Bloomington and any and all City employees, officers, and agents from any claim or claims which may arise out of any incident connected with or in any way related to his/her issuance of a license by the City of Bloomington or his/her operation of a business which was licensed by the City of Bloomington. This includes claims for personal injury, death, property damage, and/or any other type of harm or injury.
2. The undersigned shall, and hereby does, indemnify, defend, and hold harmless the City of Bloomington and any and all City employees, officers, and agents from and against any and all actions, costs, claims, suits, losses, expenses or damages, including but not limited to attorneys' fees and court costs, arising out of the undersigned's operation of a business which has been licensed by the City of Bloomington.
3. The undersigned understands this release binds him/herself, his/her spouse, and all heirs, executors and administrators of those individuals. The undersigned acknowledges that he/she has read this release and understands all of its terms. The undersigned signs this release voluntarily and with full knowledge of its significance.

Name (printed):	CHAD SUTOR
Signature:	
Date Release Signed:	1/14/14

<b><u>Festival General Contact Information</u></b>			
<b><u>Event</u></b>	<b><u>Dates</u></b>	<b><u>Contact Person</u></b>	<b><u>Phone Number</u></b>
Bloomington Farmers' Market	Every Saturday, April – November	Marcia Veldman, Market Coordinator	(812) 349-3700
Strawberry Festival	Mid-May	Christina Hurlow, Boys & Girls Club	812-287-8771
Taste of Bloomington	Mid-June	Talisha Coppock, Co-Director	(812) 336-3681
Arts Fair on the Square	Mid-August	Lee Burckes, Event Manager	(812) 334-1188
4th of July Parade	July 4th	Becky Barrick	(812) 349-3700
4th Street Festival	Early September	4th Street Committee	(812) 335-3814
Lotus World Music and Arts Festival	Late September	Lotus Office	(812) 336-3959
Bloomington Holiday Market	Final Farmers' Market	Marcia Veldman, Market Coordinator	(812) 349-3700
Canopy of Lights	Friday after Thanksgiving	Talisha Coppock	(812) 336-3681

<b><u>Itinerant Merchant Contact Information</u></b>			
<b><u>Permit Issuer</u></b>	<b><u>Location</u></b>	<b><u>Contact Person</u></b>	<b><u>Phone Number</u></b>
Monroe County Health Department (Food Handler Permit)	119 W. 7th St. Bloomington, IN	Sylvia Garrison, Administrator	(812) 349-2543
Bloomington Board of Public Works (Conducting Business in Public Right-of-Way)	401 N. Morton St. Suite 130 Bloomington, IN	Miah Michaelson, Economic & Sustainable Development	(812) 349-3534
Bloomington Parks and Recreation Department (Conducting Business on City of Bloomington Parks Property)	401 N. Morton St. Suite 250 Bloomington, IN	Judy Seigle, Office Manager	(812) 349-3700
Bloomington Fire Department (Conducting Business that will produce any type of spark/fire hazard)	300 E. 4th St. Bloomington, IN	Fire Administration	(812) 332-9763

DECLARATIONS



100 Erie Insurance Place  
Erie, PA 16530

ERIE INSURANCE EXCHANGE  
ULTRAFLEX POLICY

REVISED DECLARATIONS

Agent	ITEM 2. Policy Period	Policy Number
FF1013 SHEPHERD INS & FIN SVCS	06/01/13 TO 06/01/14	Q42 0154279 R

**ITEM 1. Named Insured and Address**  
 THE BIG CHEESE  
 CERTAIN ENTERPRISES LP D/B/A  
 3637 E BRYN MAWR DR  
 BLOOMINGTON IN 47401-7887

**ITEM 3. Other Interest**

POLICY PERIOD BEGINS AND ENDS AT 12.01 A.M. STANDARD TIME AT THE STATED ADDRESS OF THE NAMED INSURED.

THE INSURANCE APPLIES TO THOSE PREMISES DESCRIBED AS PER THE ATTACHED SUPPLEMENTAL DECLARATIONS. THIS IS SUBJECT TO ALL APPLICABLE TERMS OF THE POLICY AND ATTACHED FORMS AND ENDORSEMENTS

DEDUCTIBLE (PROPERTY PROTECTION ONLY)- \$ 500.

COVERAGES:

	DEPOSIT PREMIUM
PROPERTY PROTECTION - AS PER THE ATTACHED SUPPLEMENTAL DECLARATIONS	
1. BUILDINGS	\$
2. BUSINESS PERSONAL PROPERTY AND PERSONAL PROPERTY OF OTHERS	\$ INCL
3. INCOME PROTECTION	\$
4. GLASS AND LETTERING	\$
5. SIGNS, LIGHTS AND CLOCKS	\$
LIMITS OF INSURANCE	\$ INCL

PREMIUM BASIS - SALES

EACH OCCURRENCE LIMIT	\$ 1,000,000	
DAMAGE TO PREMISES RENTED TO YOU LIMIT	\$ 1,000,000	ANY ONE PREMISES
MEDICAL EXPENSE LIMIT	\$ 5,000	ANY ONE PERSON
PERSONAL & ADVERTISING INJURY LIMIT	\$ 1,000,000	ANY ONE PERSON OR ORGANIZATION
GENERAL AGGREGATE LIMIT	\$ 2,000,000	
PRODUCTS/COMPLETED OPERATIONS AGGREGATE LIMIT	\$ 2,000,000	

OPTIONAL COVERAGES

BROAD FORM SPECIFIED PROPERTY	\$ INCL
ADDITIONAL INSURED - DESIGNATED PERSON/ORGANIZATION (CG2026)	\$ INCL
TOTAL DEPOSIT PREMIUM - - - - -	\$ 3,050.

APPLICABLE FORMS - SEE SCHEDULE OF FORMS



SUPPLEMENTAL DECLARATIONS  
 LOCATION 1, BUILDING 1

LOCATION OF PREMISES

OCCUPANCY/OPERATIONS

-----  
 3637 E BRYN MAWR DR, BLOOMINGTON,  
 MONROE CO, IN 47401

-----  
 FOOD CONCESSIONS - OFFICE IN DWELLING

INTEREST OF NAMED INSURED IN SUCH PREMISES - OWNER

PROPERTY PROTECTION

COVERAGES	CO-INS %	AMOUNT OF INSURANCE
1. BUILDINGS		
2. BUSINESS PERSONAL PROPERTY AND PERSONAL PROPERTY OF OTHERS	80	\$ 5,000
3. INCOME PROTECTION		

OCCURRENCE

OPTIONAL COVERAGES - PROPERTY PROTECTION

BROAD FORM SPECIFIED PROPERTY - \$ 500 DEDUCTIBLE  
 MISC MOD \$ 20,000 ALL RISK

BROAD FORM SPECIFIED PROPERTY SCHEDULE

MISCELLANEOUS PROPERTY

. \$ 20,000 - MISCELLANEOUS CONTENTS OF CONCESSION  
 TRAILER

DECLARATIONS



ERIE INSURANCE EXCHANGE  
ULTRAFLEX POLICY

REVISED DECLARATIONS

Agent	ITEM 2. Policy Period	Policy Number
FF1013 SHEPHERD INS & FIN SVCS	06/01/13 TO 06/01/14	Q42 0154279 R

ITEM 1. Named Insured and Address  
 THE BIG CHEESE  
 CERTAIN ENTERPRISES LP D/B/A  
 3637 E BRYN MAWR DR  
 BLOOMINGTON IN 47401-7887

ITEM 3. Other Interest

SUPPLEMENTAL DECLARATIONS  
LOCATION 2, BUILDING 1

LOCATION OF PREMISES

OCCUPANCY/OPERATIONS

-----  
 501 N ROGERS ST STE A,  
 BLOOMINGTON,  
 MONROE CO, IN 47404

-----  
 PREP WORK FOR FOOD TRUCK

INTEREST OF NAMED INSURED IN SUCH PREMISES - TENANT

PROPERTY PROTECTION

COVERAGES	CO-INS %	AMOUNT OF INSURANCE
1. BUILDINGS		
2. BUSINESS PERSONAL PROPERTY AND PERSONAL PROPERTY OF OTHERS	80	\$ 1,000
3. INCOME PROTECTION		

OCCURRENCE

OPTIONAL COVERAGES - PROPERTY PROTECTION



RECORD OF ADDITIONAL INSUREDS - DESIGNATED PERSON/ORGANIZATION

INDIANA STATE FAIR COMMISSION  
& END101J  
1202 E 38 ST  
INDIANAPOLIS IN 46205-2897

THE TRUSTEES OF INDIANA  
&END102J  
400 E 7TH ST POPLARS 705  
BLOOMINGTON IN 47405-3012

IMS GROUP  
4790 W 16TH ST  
INDIANAPOLIS IN 46222-2550

ENDORSEMENT #101J

IT IS AGREED THAT THE ADDITIONAL INSURED - DESIGNATED PERSON/ORGANIZATION  
SHALL READ AS FOLLOWS:

INDIANA STATE FAIR COMMISSION, INDIANA STATE FAIR BOARD,  
INDIANA STATE POLICE, INDIANA DEPT OF HOMELAND SECURITY  
& COMMISSIONERS OF THE ISFC

ENDORSEMENT #102J

IT IS AGREED THAT THE ADDITIONAL INSURED - DESIGNATED PERSON/ORGANIZATION  
SHALL READ AS FOLLOWS:

THE TRUSTEES OF INDIANA UNIVERSITY & GLOWFEST FALL 2012 LLC

## DECLARATIONS



ERIE INSURANCE EXCHANGE<sup>3</sup>  
ULTRAFLEX POLICY

## REVISED DECLARATIONS

Agent	ITEM 2. Policy Period	Policy Number
FF1013 SHEPHERD INS & FIN SVCS	06/01/13 TO 06/01/14	Q42 0154279 R

ITEM 1. Named Insured and Address  
THE BIG CHEESE  
CERTAIN ENTERPRISES LP D/B/A  
3637 E BRYN MAWR DR  
BLOOMINGTON IN 47401-7887

ITEM 3. Other Interest

## SCHEDULE OF FORMS

FORM NUMBER	EDITION DATE	DESCRIPTION
ULF	03/01	ULTRAFLEX PACKAGE POLICY
UFB255	06/13 *	IMPORTANT NOTICE ULTRAFLEX PACKAGE FORM REVISIONS
IL0272	09/07	INDIANA CHANGES - CANCELLATION AND NONRENEWAL
UF8705*	06/96	IMPORTANT NOTICE - NO FLOOD COVERAGE
UF6414*	08/05	IMPORTANT NOTICE TO INDIANA POLICYHOLDERS
IL0985*	01/08	DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT
UF4813*	03/08	IMPORTANT NOTICE - POLICY SERVICE FEES
IL0158	09/08	INDIANA CHANGES
UF6330*	08/09	IMPORTANT NOTICE: DO YOU USE SUBCONTRACTORS?
INST	07/01	IMPORTANT NOTICE TO INDIANA POLICYHOLDER
END101J		LONG NAMED ADDITIONAL INSURED ENDORSEMENT
END102J		LONG NAMED ADDITIONAL INSURED ENDORSEMENT
FX0001	06/13 *	ULTRAFLEX COMMERCIAL PROPERTY COVERAGE PART
IL0952	01/08	CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM
UF4110	01/10	IMPORTANT NOTICE TO POLICYHOLDERS - TERRORISM COVERAGE - PROPERTY
C100	02/02	INLAND MARINE GENERAL CONDITIONS
IMAH	08/03	EXCLUSION - FUNGUS, WET ROT AND BACTERIA

See Reverse Side

JP1

06/03/13



SCHEDULE OF FORMS (CONTINUED)

FORM NUMBER	EDITION DATE	DESCRIPTION
IMSPCP	02/02	BROAD FORM SPECIFIED PROPERTY COVERAGE - COMPREHENSIVE PERILS*
CG2026	04/13 *	ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION
ULOY	03/01	COVERAGE FOR PUNITIVE DAMAGES
CG0001	04/13 *	COMMERCIAL GENERAL LIABILITY COVERAGE FORM
GU32	03/01	EXCLUSION - LEAD LIABILITY
FX0003	10/09	ULTRAFLEX EXTRA LIABILITY COVERAGES
ULED	09/05	EXCLUSION - ASBESTOS
ULQN	06/13 *	EXCLUSION - PROFESSIONAL LIABILITY
CG0099	11/85	CHANGES IN GENERAL LIABILITY FORMS FOR COMMERCIAL PACKAGE POLICIES
CG0123	03/97	INDIANA CHANGES - POLLUTION EXCLUSION
CG2147	12/07	EMPLOYMENT-RELATED PRACTICES EXCLUSION
IL0021	09/08	NUCLEAR ENERGY LIABILITY EXCLUSION ENDORSEMENT
GU30	03/01	AMENDMENT OF POLICY - TWO OR MORE COVERAGE PARTS
GU79	06/13 *	POLLUTANTS REDEFINED - INDIANA
IL0017	11/98	COMMON POLICY CONDITIONS
CG2167	12/04	FUNGI OR BACTERIA EXCLUSION
CG2170	01/08	CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

Q42 0154279

CONTINUED ON NEXT PAGE

DECLARATIONS



100 Erie Insurance Place  
Erie, PA 16530

ERIE INSURANCE EXCHANGE  
ULTRAFLEX POLICY

REVISED DECLARATIONS

Agent	ITEM 2. Policy Period	Policy Number
FF1013 SHEPHERD INS & FIN SVCS	06/01/13 TO 06/01/14	Q42 0154279 R

ITEM 1. Named Insured and Address  
THE BIG CHEESE  
CERTAIN ENTERPRISES LP D/B/A  
3637 E BRYN MAWR DR  
BLOOMINGTON IN 47401-7887

ITEM 3. Other Interest

SCHEDULE OF FORMS (CONTINUED)

FORM NUMBER	EDITION DATE	DESCRIPTION
UF4111	01/10	IMPORTANT NOTICE TO POLICYHOLDERS - TERRORISM COVERAGE - LIABILITY
UF8385	03/95	IMPORTANT NOTICE
CG2196	03/05	SILICA OR SILICA-RELATED DUST EXCLUSION
GU136	03/09	AMENDMENT OF MOBILE EQUIPMENT DEFINITION
IMAJ	11/07	BROAD FORM SPECIFIED PROPERTY COVERAGE - REPLACEMENT COST
CG2001	04/13 *	PRIMARY AND NONCONTRIBUTORY - OTHER INSURANCE CONDITION



## Board of Public Works Staff Report

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**Project/Event:** Authorization to Use Public Right of Way for Street-Crossing Study

**Petitioner/Representative:** IU School of Optometry

**Staff Representative:** Christina Smith

**Meeting Date:** February 11, 2014

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Last year the Board approved resolution 2013-46 which granted Dr. Hassan, Assistant Professor at the Indiana University School of Optometry, permission to utilize the public right of way to conduct a Street-Crossing Decision Study for a period of one year subject to annual renewal for up to four years from 2013 thru 2017.

In accordance with Resolution 2013-46, Dr. Hassan is requesting permission from the Board to utilize the public right of way for the 2<sup>nd</sup> year of her five year research study. The purpose of her research is to understand and evaluate street-crossing decision making performance of normally sighted and visually impaired people. The research team and equipment will be positioned at the same locations as last year's sites:

1. Along South Sare Road just south of East Olson Drive
2. Along South Sare Road just south of South Claybridge Drive
3. Along High, Winslow, and Rogers Roundabout

In order to collect more data in subjects with more severe vision loss from Age-related Macular Degeneration, testing will take place from March 1, 2014 to November 30, 2014 between the hours of 8:30 a.m. to 4:30 p.m. on weekdays. Each test session will take approximately three hours and anticipate running one to two sessions per day.

We have not received any complaints or inquiries from members of the public. Also, we have a Certificate of Insurance on file from Indiana University which names the City of Bloomington as an additional insured.

This study should not interfere with vehicular or pedestrian traffic in any way; therefore, staff recommends approval of petitioner's request.

**Recommend**    **Approval**    **Denial by Christina Smith**



# INDIANA UNIVERSITY

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## SCHOOL OF OPTOMETRY

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February 3, 2014

Christina Smith  
City of Bloomington, Public Works Department  
PO Box 100  
BLOOMINGTON IN 47402

Dear Christina,

In accordance with Resolution 2013-46, I am seeking the Board of Public Works' permission for the 2014 calendar year to undertake a research study titled *Street-Crossing Decision Making in Low Vision* at two locations along Sare Road and at the Roundabout at the intersection of S. High Street and E. Winslow Road, Bloomington, Indiana. This \$1.97 million, five-year research study is funded by the federal body of the National Institutes of Health /National Eye Institute and I am the principal investigator.

Subject testing will run from March 1, 2014 to November 30, 2014 between the hours of 8:30 am to 4:30 pm week days. Each test session will take approximately three hours in duration and we anticipate running only one to two test sessions per day.

**Purpose of Study:**

The purpose of my research is to understand how accurate normally sighted and visually impaired pedestrians are at (i) making safe street-crossing decisions; and (ii) judging the "time-to-arrival" of approaching vehicles using either vision and / or auditory information. Conducting this study at two locations along Sare Road (between Rogers and Rhorer Roads) and at the Roundabout at the intersection of S. High Street and E. Winslow Road will provide my research team and I with realistic and dynamic traffic scenarios as opposed to controlled laboratory experiments. The findings of this research will lead to the development of training programs, mobility devices and environmental changes designed to assist visually impaired and blind pedestrians cross a street safely.

**Study Procedures and Setup:**

The research experiments will involve placing three, 4"x4" retroreflective targets on either the median strip or by the tree plots/grassed area at two locations along Sare Road and at the median strip by the Roundabout located at the intersection of S. High Street and E. Winslow Road. The retroreflective targets are aligned with an extremely low-powered (<5mW) laser diode sensor (photo-detector) positioned on the other side of the street by the tree plots/grassed area. A total of three sensors will be used in this study. The laser diode sensors measure 3.45" (height) x 1.75" (wide) x 2.13" (depth). The sensors and retroreflective targets will sit on tripods at a height of 17".

The task of participating subjects will be to "listen" and / or "observe" approaching vehicles for a given amount of time after which the research team will record the subject's street-crossing decision. The study will require subjects to make approximately 200 crossing decisions and will take approximately three hours to complete.

.../2

Christina Smith  
City of Bloomington, Public Works Department

The researchers will need to cross the roads in order to set up the laser sensor units. Subjects will cross Sare Road and by the entry lane of the Roundabout from E. Winslow Road *only* at the onset of each study session to establish each subject's pace and street-crossing time. Subjects will therefore not cross the street during experimental trials.

**Impact on Drivers and/or Pedestrians:**

*Drivers*

Research team members and subjects will at no time signal any vehicles. However drivers, out of curiosity may decrease their speed to observe the study.

*Pedestrians*

The experimental setup is not near a marked crosswalk and therefore will not impact any pedestrians crossing the street. Pedestrians may stop on the sidewalk to investigate the study, however the research team and subjects will not signal any pedestrians.

This study has the full support and approval of the Indiana University's Institutional Review Board (IRB). A copy of the IRB's approval letter was emailed to you on January 23, 2014.

A copy of the University's Certificate of Liability of Insurance has already been forwarded to you.

**Research Findings to Date:**

Last summer, a total of 53 subjects were tested; 13 visually impaired subjects with Age-related Macular Degeneration (AMD), 20 young and 20 older control subjects with normal vision. We found that mild central vision loss from AMD did not significantly affect a subject's accuracy in their street-crossing decisions. We also found that compared to either the older normally-sighted or AMD subjects, the young normally-sighted subjects made the least accurate street-crossing decisions. A possible explanation for this unexpected finding is that the young normally-sighted subjects adopted a more risky street-crossing strategy. No significant difference in accuracy was found between the AMD and age-matched normally-sighted subjects.

During the 2014 Summer, we plan to collect more data - especially in subjects with more severe vision loss from AMD.

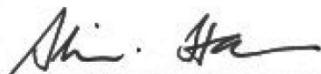
It would be appreciated if you could include my request for the continuation of my study in 2014 on the agenda of the February 11, 2014 Board meeting as it will ensure that my research is able to progress without delay.

Please contact me on (812) 855 9405 or email me at: [shhassan@indiana.edu](mailto:shhassan@indiana.edu) if you have any questions.

Thank you for your time. I look forward to your reply.

Kind regards,

Yours sincerely



**Shirin E. Hassan BAppSc(Optom), PhD, FAAO**  
Assistant Professor



INDIANA UNIVERSITY  
OFFICE OF THE VICE PRESIDENT FOR RESEARCH  
Office of Research Compliance

**To:** SHIRIN ELGIN HASSAN  
OPTOMETRY

**From:** Human Subjects Office  
Office of Research Administration – Indiana University

**Date:** December 05, 2013

**RE: NOTICE OF EXPEDITED APPROVAL - AMENDMENT**

Protocol Title: Street-Crossing Decision-Making in Low Vision

Protocol #: 1204008588A002

Funding Agency/Sponsor: NATIONAL INSTITUTES OF HEALTH

Review Level: Expedited

**Study Expiration Date:** April 16, 2014

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The Indiana University Institutional Review Board recently reviewed the amendment associated with the above-referenced protocol on November 30, 2013. In compliance with (as applicable) 21 C.F.R. § 56.109 (e) and 46 C.F.R. § 46.109 (d), this letter serves as written notification of the IRB's determination.

**The amendment was approved under Expedited Category (900) 46.110(B)(2) Minor changes in previously approved research**

Approval of this amendment is based on your agreement to abide by the policies and procedures of the Indiana University Human Research Protection Program and does not replace any other approvals that may be required. Relevant policies and procedures governing Human Subject Research can be found at: [http://researchadmin.iu.edu/HumanSubjects/hs\\_policies.html](http://researchadmin.iu.edu/HumanSubjects/hs_policies.html).

As a reminder, IRB approval is required prior to implementing any changes or amendments in the protocol, regardless of how minor, except to eliminate immediate hazards to subjects. No changes to the informed consent document may be made without prior IRB approval.

If you submitted and/or are required to provide participants with an informed consent document, **a copy of the most recently approved stamped document is enclosed and must be used to enroll participants.**

**The study expiration date is noted above. Failure to receive notification from the Human Subjects Office will not relieve you of your responsibility to ensure compliance with Federal Regulations regarding annual review [as applicable, 21 C.F.R. § 56.109(f) and 45 C.F.R. § 46.109(e)].**

You should retain a copy of this letter and all associated approved study documents for your records. Please refer to the assigned study number and exact study title in future correspondence with our office. Additional information is available on our website at <http://researchadmin.iu.edu/HumanSubjects/>.

**If your source of funding changes, you must submit an amendment to update your study documents immediately.**

If you have any questions or require further information, please contact the Human Subjects Office via email at [irb@iu.edu](mailto:irb@iu.edu) or via phone at (317)274-8289 (Indianapolis) or (812) 856-4242 (Bloomington).

/enclosures

## Certificate of Insurance

**Insured**  
The Trustees of Indiana University  
c/o 400 E. 7th Street Room 705  
Bloomington IN 47405

**This certificate is issued as a matter of information, only, and conveys no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.**

**Insurers Affording Coverage**

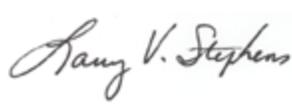
Insurer A: Old Crescent Insurance Company	Insurer F: AXA Art Ins Co
Insurer B: Travelers	Insurer G: Columbia Casualty Co.
Insurer C: Star Insurance Co.	Insurer H: ACE American Ins Co
Insurer D: Lexington Ins Co	Insurer I: Ironshore Specialty Ins Co

Should any of the below described policies be cancelled before the expiration date thereof the issuing company and/or The Trustees of Indiana University will endeavor to mail 30 days written notice to the certificate holder named below, but failure to do so shall impose no obligation or liability of any kind upon the company or the Trustees of Indiana University, their agents or representatives.

**The policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding and requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Aggregate limits shown may have been reduced by paid claims.**

Insr Ltr	Type of Insurance	Policy Number	Policy Dates	Limits	
A	GENERAL LIABILITY Commercial General Liability Occurrence Incl Contractual Excess of \$100,000 retention Includes coverage for Professional Liability excluding Medical Malpractice	GLEx-1i	2/1/2014 - 1/31/2015	Each Occurrence	\$1,000,000
				Fire Damage	\$1,000,000
				Personal & Adv Injury	\$1,000,000
				General Aggregate	\$1,000,000
				Products/Comp Ops	\$1,000,000
				Liquor Liability	\$1,000,000
A	AUTOMOBILE LIABILITY All licensed autos owned, leased, or rented by or for Indiana University (Excess of \$100,000 retention)	AEx-1i	2/1/2014 - 1/31/2015	Combined Single Limit	\$1,000,000
H	FOREIGN LIABILITY (GL & Auto)	PHFD36822387	2/1/2014 - 1/31/2015	Each Occurrence	\$1,000,000.00
E I	EXCESS LIABILITY Occurrence	015438031	2/1/2014 - 1/31/2015	Combined Single Limit	\$25,000,000
		001273501	2/1/2014 - 1/31/2015	Layer 2	\$25,000,000
				Layer 3	
C C C	WORKERS COMPENSATION AND EMPLOYERS LIABILITY (excess of \$850,000 retention)	WCE-0706074-13	2/1/2014 - 1/31/2015	Each Occurrence	Statutory + \$1 m
		WCE-0706074-13	2/1/2014 - 1/31/2015	Employers Liability	\$1,000,000
				Excess	
A B F	PROPERTY incl Fine Arts, Boiler, Flood and Earthquake (sub-limits may apply) (Excess of \$100,000 retention) Fine Arts	ARP-1i	2/1/2014 - 1/31/2015	Layer 1	\$500,000
		KTK-CMB-5647070-9-13	2/1/2014 - 1/31/2015	Layer 2	\$1,000,000,000
		05-333-13-08-00053	2/1/2014 - 1/31/2015		\$400,000,000
A	MEDICAL MALPRACTICE (coverage subject to Indiana Statutes)	HL-1i	2/1/2014 - 1/31/2015	Statutory	\$250,000
				Includes \$1 million out-of-state coverage. This includes participation in the Indiana Patient Compensation Fund with the statutory limits of \$250,000/\$750,000.	
G	EXCESS MALPRACTICE Out-of-state, only	HMC 1064386826-7	2/1/2014 - 1/31/2015	Aggregate	\$2,000,000.00

**Description of operations/locations/vehicles/exclusions added by endorsement/Special Provisions**  
To provide various coverages by The Trustees of Indiana University for the University to conduct a vision and hearing research study along Sare Road, Bloomington, Indiana during the period shown.  
The City of Bloomington is shown as additional insured, restricted to the purpose set forth and only to the extent that Indiana University (or other named insured) is determined to be liable. In addition, the rights of any additional insured are subject to the same conditions and limitations applying to claims made against the University as outlined in the Indiana Tort Claims Act (applies to occurrences subject to Indiana law, only). No additional rights are conveyed hereby to the certificate holder. The study runs thru 6/30/17. Additional certificates will be provided as the policy renews.

<p><b>Certificate Holder</b> City of Bloomington Public Works Department</p> <p>401 North Morton Street BLOOMINGTON IN 47404</p>	 Authorized Signature*
	<p>*The signer of this document is authorized to represent the coverages of the Old Crescent Insurance Company. In addition, the signer is authorized to make representations of the other coverages outlined on this certificate of insurance based on policy information on file at the Indiana University Office of Insurance, Loss Control Claims. Certificates of Insurance for the other insurance companies indicated on this certificate may be obtained, if necessary.</p>
	<p>Effective Dates: February 1, 2014 - January 31, 2015</p>

