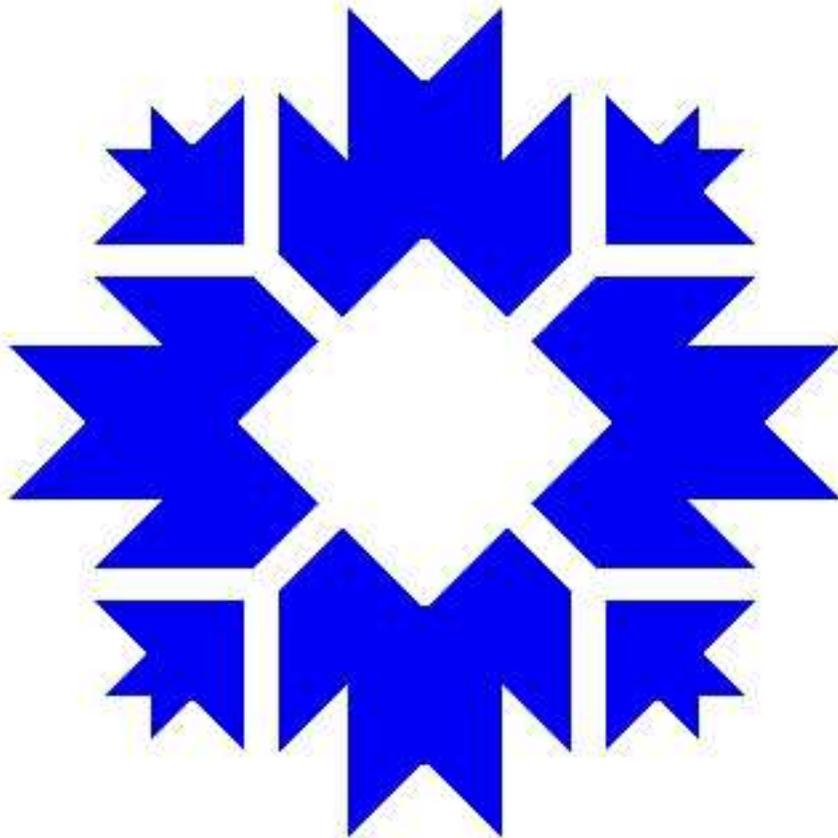


Board of Public Works Meeting

April 30, 2014



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

A Regular Meeting of the Board of Public Work to be Held Wednesday, April 30, 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**
- III. PETITIONS & REMONSTRANCES**
- IV. SEALED BIDS**
 - 1. Open Sealed Bids for Rockport Road Phase II Project**
- V. TITLE VI ENFORCEMENT**
- VI. HEARINGS FOR NOISE APPEAL**
- VII. OLD BUSINESS**
- VIII. NEW BUSINESS**
 - 1. Request for Noise Permit for WFHB Acoustic Roots Festival (Saturday, 5/17)**
 - 2. Resolution 2014-30: Use of Public Sidewalks and Parking Spaces for I Fell Outdoor Art Events (Friday, 5/2, Saturday, 5/17, and Saturday, 5/31)**
 - 3. Resolution 2014-31: Use of Public Street for Eastside Neighborhood Association Spring Picnic Celebration Block Party (Saturday, 5/17)**
 - 4. Award Asphalt Materials Contract**
 - 5. Award Concrete Materials Contract**
- IX. STAFF REPORTS & OTHER BUSINESS**
- X. ADJOURNMENT**



Board of Public Works Staff Report

Project/Event: Noise Permit for WFHB Fundraiser at Upland Brewing Company

Petitioner/Representative: WFHB

Staff Representative: Miah

Meeting Date: April 30, 2014

Report: WFHB is holding its 7th Annual Acoustic Roots Musical Festival at Upland Brewing Company on Saturday, May 17, from 3:00 to 11:00 p.m. This is a fundraiser for WFHB that will focus on the rich heritage of American acoustic roots music.

At some point, the Board began the policy of adjusting the end time for noise permits to be 10:00 p.m. in residential neighborhoods. While Upland is located within the downtown zone, there is a residential neighborhood to the north of the property. Public Works has not received any objections to the event or the timeframe in the past; therefore, staff feels that it is reasonable to approve this noise permit until 11:00 p.m.

Staff recommends approving this 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 Michaelson with any questions: (812) 349-3418 or michaelm@bloomington.in.gov

Event and Noise Information

Type or Name of Event:	WFHB Acoustic Roots Festival		
Location of Event:	Upland Brewing Company, Bloomington		
Date of Event:	Saturday, May 17	Time of Event:	Start: 3:00 End: 11:00
Description of Noise:	Amplified acoustic music		
Source of Noise:	<input checked="" type="checkbox"/> Live Band	<input type="checkbox"/> Instrument	<input type="checkbox"/> Loudspeaker Other:
Will Noise be Amplified?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

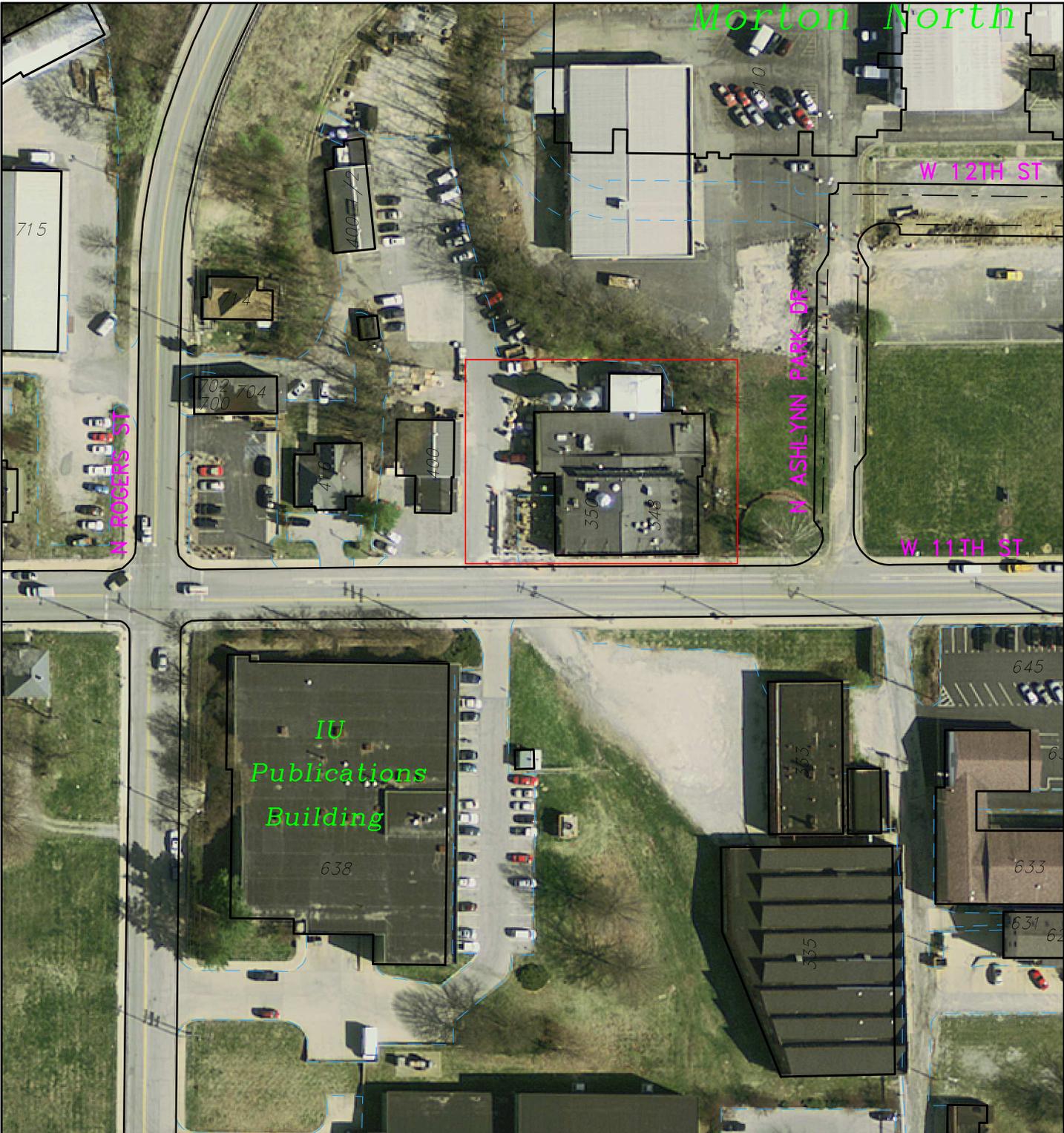
Applicant Information

Name:	Jim Manion		
Organization:	WFHB	Title:	Music Director, ARF
Physical Address:	108 West Fourth Street		
Email Address:	music@wfhb.org	Phone Number:	812-323-1200
Signature:		Date:	April 17, 2014

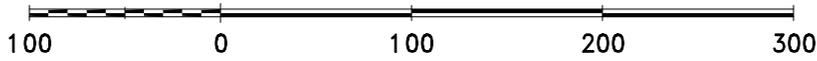
FOR CITY OF BLOOMINGTON USE ONLY

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

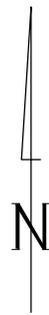
BOARD OF PUBLIC WORKS	
_____ Charlotte T. Zietlow, President _____ Date	_____ James McNamara _____ Dr. Frank N. Hrisomalos



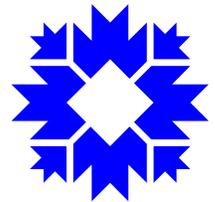
By: smithc
25 Apr 14



For reference only; map information NOT warranted.



City of Bloomington
Public Works



Scale: 1" = 100'



Board of Public Works Staff Report

Project/Event: Use of Parking spaces for outdoor arts events

Petitioner/Representative: I Fell, LLC.

Staff Representative: Miah

Meeting Date: April 30, 2014

I Fell, LLC is requesting the use of the sidewalk and parking spaces on W. 4th Street between Rogers Street and the west side of the mid-block alley in the 400 block of W. 4th Street on Friday, May 2, 2014, Saturday, May 17, 2014, and Saturday, May 31, 2014 for outdoor art events as part of the I.Fell Building's programming.

Art events in that area are drawing people to this redeveloping part of downtown and include food, temporary art exhibits and other festival-type entertainment. Event hours are from 5 p.m. to 11 p.m., and they request that they be allowed to utilize the sidewalk and parking spaces until that time. They are also requesting a Noise Permit as well until 11:00 p.m. each evening.

Staff recommends approval.

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

RESOLUTION 2014-30
MAY ARTS EVENT

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

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

WHEREAS, I Fell, LLC. ("I Fell") is desirous of using the sidewalk and parking spaces on W. 4th Street from the intersection with Rogers Street to the western side of the mid-block alley in the 400 block to exhibit artwork, and host other arts and festival-type activities on Friday, May 2, 2014, Saturday, May 17, 2014, and Saturday, May 31, 2014; and,

WHEREAS, I Fell 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 I Fell'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 sidewalk and parking spaces on W. 4th Street from the intersection with Rogers Street to the western side of the mid-block alley in the 400 block shall be temporarily closed to parking, beginning at 5:00 p.m. until 11:00 p.m., on Friday, May 2, 2014, Saturday, May 17, 2014, and Saturday, May 31, 2014, for the purpose of hosting art and festival-type events, operating food and drink booths and to providing entertainment including live bands for the general public.
2. That I Fell 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.
3. I Fell will be responsible for removing all trash that is a result of the event, to pick up litter including cigarette butts from the street and sidewalks within this block and to clean any grease or other food products from the pavement and sidewalks after the event. Cleanup shall be completed by 11:00 p.m. on Friday, May 2, 2014, Saturday, May 17, 2014, and Saturday, May 31, 2014.
4. That by granting permission to utilize City property to facilitate this activity, the Board of Works also waives the City Noise Ordinance in accordance with Section 14.09.070 of the Bloomington Municipal Code, and therefore amplified music may be played during the hours of 5:00 p.m. and 11:00 p.m. on Friday, May 2, 2014, Saturday, May 17, 2014, and Saturday, May 31, 2014.
5. I Fell shall be responsible for obtaining any and all required permits as well as being responsible for all legal and financial expenditures.
6. I Fell shall be responsible for notifying the general public, public transit and public safety agencies of the

RESOLUTION 2014-30

street closing in advance by notice (at least 48 hours in advance).

7. 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.
8. 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:

I FELL, LLC:

Charlotte Zietlow, President

Signature

James McNamara

Printed Name, Title

Dr. Frank N. Hrisomalos

Date

Date

**RELEASE, HOLD HARMLESS
AND
INDEMNIFICATION AGREEMENT**

WHEREAS, I Fell, LLC, (hereinafter referred to as "RELEASOR") desires to use the facilities or public property of the CITY OF BLOOMINGTON (hereinafter referred to as "RELEASEE"), and specifically the sidewalk and parking spaces on W. 4th Street from the intersection with Rogers Street to the western wide of the mid-block alley in the 400 block, which is operated, supervised and maintained by the RELEASEE'S Board of Public Works, for the purpose of sponsoring arts events on RELEASEE's property with set up beginning at 5:00 p.m., teardown ending by 11:00 p.m., on Friday, May 2, 2014, Saturday, May 17, 2014, and Saturday, May 31, 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

I Fell, LLC

Board of Public Works Officer

Date

Date

RESOLUTION 2014-30



I Fell May Outdoor Arts Event

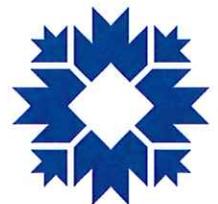
By: smithc
25 Apr 14



For reference only; map information NOT warranted.



City of Bloomington
Public Works



Scale: 1" = 100'



Board of Public Works Staff Report

Project/Event: Eastside Neighborhood Spring Picnic

Petitioner/Representative: Neighborhood

Staff Representative: Christina Smith

Event Date: May 17, 2014

Meeting Date: April 30, 2014

The Eastside Drive Neighborhood wishes to close South Eastside Drive between East 2nd Street and East Hunter Avenue for the annual Spring Picnic Celebration Block Party on Saturday, May 17th. The street will be closed to vehicular traffic from 4:00 to 7:00 p.m.

This event will be family orientated, serve as a gathering place as well as welcome new residents to the neighborhood.

Staff is supportive of request.

Recommend **Approval by:** Christina Smith

RESOLUTION 2014-31
Eastside Neighborhood Spring Picnic Block Party

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

WHEREAS, the Eastside Neighborhood (“Neighbors”) is desirous of using South Eastside Drive for a neighborhood block party; and

WHEREAS, the City of Bloomington encourages and values activities for residents to get to know their neighbors; and

WHEREAS, The Neighbors have agreed to execute the “Release, Hold Harmless and Indemnification Agreement” regarding the use of the City of Bloomington’s property which is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED:

1) That the City of Bloomington Board of Public Works declares that the 500 block of South Eastside Drive between East 2nd Street and East Hunter Avenue shall be temporarily closed to motor vehicle traffic and parking from 4:00 to 7:00 p.m. on Saturday, May 17, 2014 for the purpose of staging a neighborhood party.

2) The neighbors, in conjunction with this event, agree to the following:

A. The Neighbors agree to be responsible for posting “no parking” signs at least 24 hours in advance of the street closing. Temporary “no parking” signs may be obtained from the City of Bloomington Department of Public Works. The Neighbors shall be responsible for placement and removal of barricades. The Neighbors are responsible for contacting the City of Bloomington Engineering Department for instructions on the type of and placement of said barricades. The Neighbors agree to place barricades to close the street, not before 4:00 p.m., and to remove barricades by 7:00 p.m., Saturday, May 17, 2014.

B. The neighbors agree to be responsible for obtaining any required permits or licenses.

C. The neighbors agree to notify the Police and Press well in advance of the street closing (at least 48 hours in advance).

D. The neighbors agree to clean up the street both before and after the event. The clean-up shall include but not be limited to removal of any food or drink residue, picking up litter, sweeping any broken glass, and the placing, emptying and removal of trashcans. Clean-up after the event shall be completed by 7:00 p.m. on the day of the event.

3) 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

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

Charlotte Zietlow, President

Signature

James McNamara

Printed Name
For Eastside Neighborhood

Dr. Frank N. Hrisomalos

Date:

**RELEASE, HOLD HARMLESS
AND
INDEMNIFICATION AGREEMENT**

WHEREAS, the Eastside Neighborhood (hereinafter referred to as "RELEASOR") desires to use the facilities or public property of the CITY OF BLOOMINGTON (hereinafter referred to as "RELEASEE"), and specifically the 500 block of South Eastside Drive between East 2nd Street and East Hunter Avenue, which is operated, supervised and maintained by the RELEASEE'S Board of Public Works, for the purpose of sponsoring a block party on RELSASEE'S property with set up beginning at 4:00 p.m. and teardown ending by 7:00 p.m. on Saturday, May 17, 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, for RELEASOR and its officers, directors, agents, employees, members, successors and assigns, does hereby acknowledge and agree to assume full and complete responsibility for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, and for the same consideration hereby agrees to indemnify, defend, hold harmless, release, waive and forever discharge the RELEASEE, its officers, directors, agents, employees, successors and assigns, and all other persons and entities associated with the RELEASEE, for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, including, but not limited to, any claim or claims brought by third parties, whether or not sounding in tort or contract.

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

_____, as _____ if the Eastside Neighborhood, represents and certifies that he/she has been fully empowered to execute this RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT on behalf of RELEASOR.

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

RELEASOR

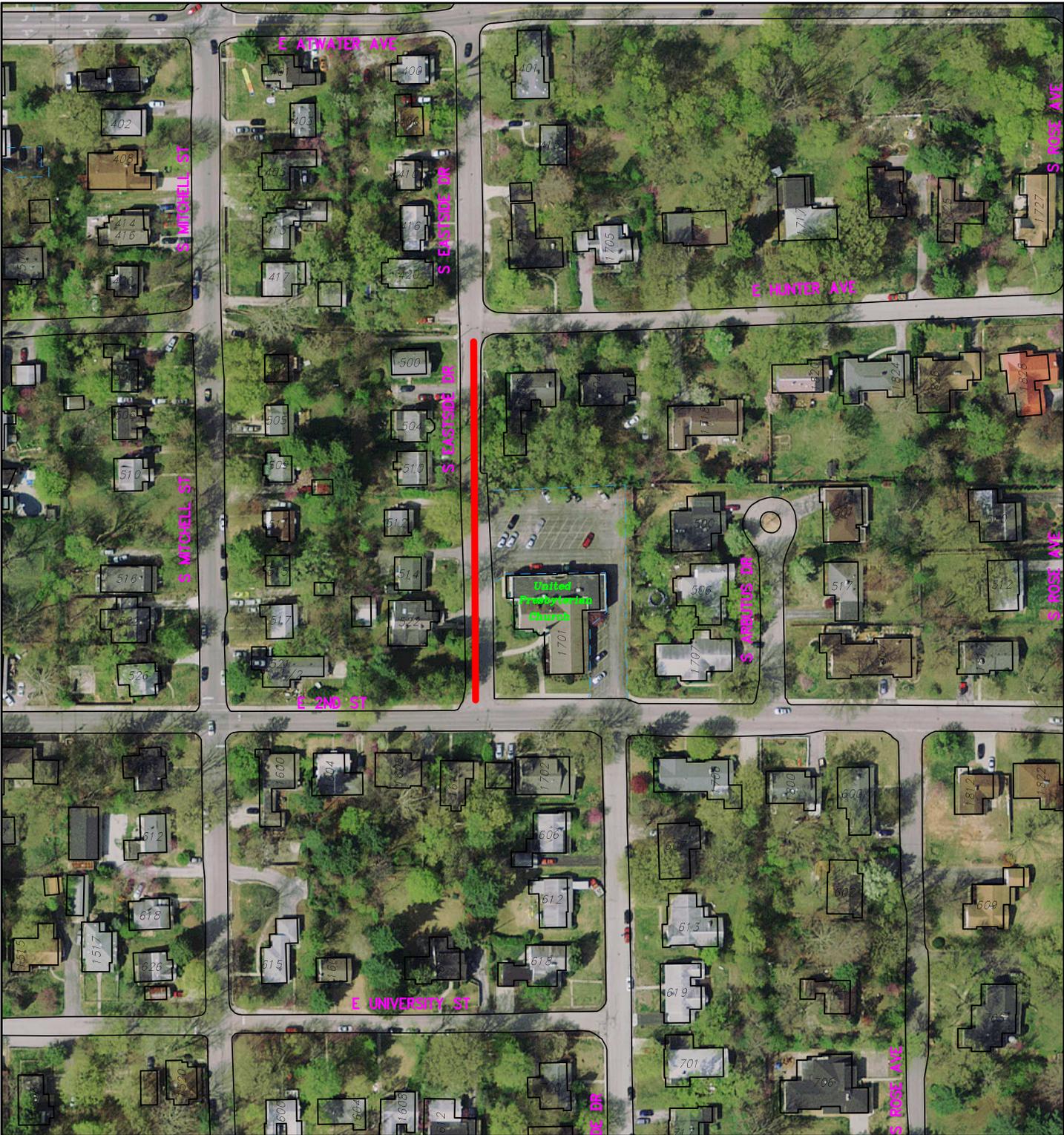
CITY OF BLOOMINGTON BOARD OF PUBLIC WORKS

Eastside Drive Neighborhood
Member

Board of Public Works Officer

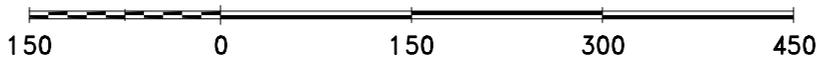
Date

Date

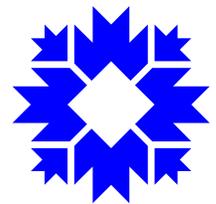


Eastside Neighborhood Spring Picnic Block Party
 S. Eastside Drive between E. 2nd Street and E. Hunter Avenue

By: smithc
 25 Apr 14



City of Bloomington
 Public Works



Scale: 1" = 150'

For reference only; map information NOT warranted.



Board of Public Works Staff Report

Project/Event: Award bid for Asphalt
Petitioner/Representative: Street Department
Staff Representative: Joe VanDeventer
Meeting Date: April 25, 2014

A review of the 2014 Asphalt Bids were conducted to determine the most responsive and responsible bidder pertaining to the purchase of bituminous materials by the City of Bloomington.

Milestone

20,000 Tons	Hot Mix	\$ 42.87
200 Tons	Binder	\$ 40.31
200 Tons	Base	\$ 38.86
200 Tons	Cold Mix	\$ 115.00

Dave O'Mara

20,000 Tons	Hot Mix	\$ 38.00
200 Tons	Binder	\$ 37.00
200 Tons	Base	\$ 35.00
200 Tons	Cold Mix	\$ 98.00

Based upon the results of that review, staff recommends awarding the bid to Dave O'Mara.

Recommend **Approval by Joe VanDeventer**



Board of Public Works Staff Report

Project/Event: Award bid for Concrete
Petitioner/Representative: Street Department
Staff Representative: Joe VanDeventer
Meeting Date: April 25, 2014

A review of the 2014 Concrete Bids were conducted to determine the most responsive and responsible bidder pertaining to the purchase of concrete materials by the City of Bloomington.

Irving Materials Incorporated (IMI)

4000psi Concrete	\$ 110.00 per cubic yard
4000psi Concrete w/2% calcium	\$ 115.00 per cubic yard
4000psi Concrete w/reinforcement	\$ 117.00 per cubic yard
Minimum Load Fee	\$ 100.00

Prairie Concrete

4000psi Concrete	\$ 85.00 per cubic yard
4000psi Concrete w/2% calcium	\$ 90.00 per cubic yard
4000psi Concrete w/reinforcement	\$ 92.00 per cubic yard
Minimum Load Fee	\$ 100.00

Based upon the results of that review, staff recommends awarding the bid to Prairie Concrete.

Recommend **Approval by Joe VanDeventer**