

The Board of Public Works meeting was held on Tuesday, July 05, 2022 at 5:30 pm in the Council Chambers of City Hall at 401 N. Morton St., Bloomington, Indiana and virtually through Zoom with Kyla Cox Deckard presiding.

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

Present: Kyla Cox Deckard  
Jennifer Lloyd  
Elizabeth Karon

**ROLL CALL**

City Staff: Adam Wason - Public Works  
April Rosenberger - Public Works  
Daniel Dixon – City Legal  
Beth Cate – City Legal  
Jo Stong - Housing and Neighborhood Development  
Rick Dietz - Information and Technology Services (ITS)  
Holly Warren – Economic & Sustainable Development  
Patrick Dierkes - Engineering  
Paul Kehrberg - Engineering

None

**MESSAGES FROM BOARD  
MEMBERS**

Daniel Dixon, City Legal, presented Appeal Notices of Violation #51009 and #51132 for Excessive Growth at 1217 W. 6<sup>th</sup> Street. See meeting packet for details.

**PETITIONS &  
REMONSTRANCES**  
**Appeal Notices of Violation #51009  
and #51132 for Excessive Growth  
at 1217 W. 6<sup>th</sup> Street**

**Public Comment:** Karen Cherrington, appellant, stated her case to appeal the violations.

**Board Comments:** Cox Deckard asked if Ms. Cherrington owned the lot that has the bamboo. Ms. Cherrington said she owns the lot and lives in the home next to it. Wason asked if she had any plans to remove the bamboo. Ms. Cherrington answered that she would like to be able to keep the bamboo because it provides privacy and protection. Wason explained that the expectation is that the bamboo will ultimately be removed entirely. Dixon explained that staff is proposing a 90 day period in order to come up with a plan to remove the bamboo. Karon asked if Ms. Cherrington can be provided with a specific contact in HAND for communications. Karon also asked if the 90 day time period will start now and not from the date of the first Notice of Violation. Wason said John Hewett is the contact for Ms. Cherrington and confirmed the 90 day time frame will start from the date of the motion from the Board and not from the first Notice of Violation.

Karon made a motion to uphold the Notices of Violation #51009 and #51132 for Excessive Growth at 1217 W. 6<sup>th</sup> Street, yet remove the monetary fines. Lloyd seconded. All in favor, motion is passed.

Daniel Dixon, City Legal, presented Appeal Notice of Violation #51369 for Excessive Growth at 4224 E. Penn Court. See meeting packet for details.

**Appeal Notice of Violation #51369  
for Excessive Growth at 4224 E.  
Penn Court**

**Board Comments:** Cox Deckard asked if the plant is edible. Jo Stong, Housing and Neighborhood Development, answered that she looked up the edibility rating on Chinese Bush and it scored a 1 out of 5.

Karon made a motion to uphold Notice of Violation #51369 for Excessive Growth at 4224 E. Penn Court. Lloyd seconded. All in favor, motion is passed.

Jo Stong, Housing and Neighborhood Development, presented Abatement at 2225 S. High Street. See meeting packet for details.

**TITLE VXII ENFORCEMENT  
Abatement at 2225 S. High Street**

**Public Comment:** William Walker Adam, property owner, stated his case to appeal the abatement. Wason agreed to be in contact with Mr. Adam for staff to observe the property. Mr. Adam provided his phone number.

**Board Comment:** None

Karon made a motion to approve the Abatement at 2225 S. High Street. Lloyd seconded. All in favor, motion is passed.

1. Approval of Minutes; June 21, 2022
2. Elders Journey Homecare Adopt-A-Median Partnership Agreement
3. Memorandum of Understanding between City of Bloomington Utilities and Public Works for Cost Sharing in Street Sweeping Study
4. Resolution 2022-44; New Mobile Vendor in Public Right-of-Way, Moon Pennies, LLC.
5. Shared-Use E-Bike Agreement with Lime
6. Acceptance of Public Improvements Associated with Mill Creek Phase II Section I Subdivision
7. Resolution 2022-47; Monroe County History Center's 100 Years of Community
8. Noise Permit; Mother Hubbard's Garden Gala
9. Approval of Payroll

**CONSENT AGENDA**

**Board Comments:** None

Karon made a motion to approve the Consent Agenda. Lloyd seconded. All in favor, motion is passed.

Rick Dietz, ITS, and Beth Cate, City Legal, presented Resolution 2022-42; Meridian Fiber Project. See meeting packet for details.

**NEW BUSINESS  
Resolution 2022-42; Meridian  
Fiber Project**

**Board Comments:** Lloyd asked about Meridian getting exclusive use of the unused conduit. Cate answered that it isn't exclusive use. The master agreement states others may use the conduit as long as it does not disrupt Meridian's operations in the city and ultimately the cost of maintaining the use of the conduit would then be shared. Lloyd questioned if there was anything to prevent Meridian from coming to

a cost sharing agreement. Cate answered that from conversations with Meridiam, their only concern was to be certain the cost would be split 50/50. Cox Deckard asked if there were other ISPs using the conduit. Dietz said no. Cox Deckard if Smithville could continue to use the fiber without issue. Dietz explained that Smithville's conduit is a parallel infrastructure and they have no desire to utilize the City's conduit. Karon asked if once Meridiam builds out the network, will they be involved in facilitating a relationship with an ISP. Cate answered that they have already partnered with an ISP. Cox Deckard asked how this program differs from other digital equity programs that are already offered by other providers. Dietz explained that the bandwidth is lower with the other programs than what Meridiam is proposing. He also stated that income eligible households typically don't know programs exist and the providers don't market them. Meridiam has committed to having a digital equity coordinator so their program is fully utilized. Cox Deckard asked if the service is limited to internet only. Dietz answered the ISP model is to provide data and not cable television. Scott Layman, Meridiam, explained their focus is getting the highest speed of broadband service on a fiber infrastructure into the homes in Bloomington. Cox Deckard asked if Meridiam is considering covering the remaining 2% of the community that, for whatever reason, is without service. Layman said that is not their focus. Cox Deckard asked if there are any examples of this sort of project and any issues related to them. Layman answered that the most important element in all of the projects he has done is working with the community and using the least disruptive method as much as possible for deployment. Cox Deckard asked what "quiet enjoyment" means. Cate explained that it means that the City won't take action to disrupt or disturb what Meridiam has been granted access to.

Karon made a motion to approve Resolution 2022-42; Meridiam Fiber Project. Lloyd seconded. All in favor, motion is passed.

Lloyd recused herself from the discussion of the Contract with Constellation Stage and Screen for Renovations to the John Waldron Arts Center because she is an employee of Constellation.

Holly Warren, Economic & Sustainable Development, presented Contract with Constellation Stage and Screen for Renovations to the John Waldron Arts Center. See meeting packet for details.

Karon asked if the images included in the packet demonstrate what the Center will look like. Warren answered that the images are more of a vision and not final design.

Karon made a motion to approve the Contract with Constellation Stage and Screen for Renovations to the John Waldron Arts Center. Cox Deckard seconded. All in favor, motion is passed with two and one recusal.

Daniel Dixon, City Legal, presented Approve Contract with Haire Construction, LLC for Repairs to Unsafe Structure at 410 S. Highland Ave. See meeting packet for details.

**Board Comments:** None

Karon made a motion to approve Contract with Haire Construction, LLC for Repairs

**Contract with Constellation Stage and Screen for Renovations to the John Waldron Arts Center**

**Approve Contract with Haire Construction, LLC for Repairs to Unsafe Structure at 410 S. Highland Ave.**

to Unsafe Structure at 410 S. Highland Ave. Lloyd seconded. All in favor, motion is passed.

Daniel Dixon, City Legal, presented Approve Contract with Haire Construction, LLC for Repairs to Unsafe Structure at 708 S. Adams St. See meeting packet for details.

**Board Comments:** None

Karon made a motion to approve Contract with Haire Construction, LLC for Repairs to Unsafe Structure at 708 S. Adams St. Lloyd seconded. All in favor, motion is passed.

Patrick Dierkes, Engineering, presented Construction Inspection Contract with Rundell Ernstberger Associates, Inc., for the Hopewell Phase I East Project. See meeting packet for details.

**Board Comments:** None

Karon made a motion to approve Construction Inspection Contract with Rundell Ernstberger Associates, Inc., for the Hopewell Phase I East Project. Lloyd seconded. All in favor, motion is passed.

Patrick Dierkes, Engineering, presented Addendum #2 to LPA-Consulting Contract with VS Engineering for the 1<sup>st</sup> Street Reconstruction Project from Fairview St. to College Ave. See meeting packet for details.

**Board Comments:** None

Karon made a motion to approve Addendum #2 to LPA-Consulting Contract with VS Engineering for the 1<sup>st</sup> Street Reconstruction Project from Fairview St. to College Ave. Lloyd seconded. All in favor, motion is passed.

Paul Kehrberg, Engineering, presented Request from Reed and Sons Construction for Lane Closures on W. Fountain Dr. (July 11 2022- July 23, 2022). See meeting packet for details.

**Board Comments:** None

Karon made a motion to approve Request from Reed and Sons Construction for Lane Closures on W. Fountain Dr. (July 11 2022- July 23, 2022). Lloyd seconded. All in favor, motion is passed.

Paul Kehrberg, Engineering, presented Request from F.A. Wilhelm Construction for Sidewalk Closures on S. Strong Dr. (July 01- 2022- May 01, 2023). See meeting packet for details.

**Board Comments:** Cox Deckard asked if the public would have access to a contact person in case there are any concerns. Wason answered any concerns could be addressed to Engineering or Public Works.

Karon made a motion to approve Request from F.A. Wilhelm Construction for Sidewalk Closures on S. Strong Dr. (July 01- 2022- May 01, 2023). Lloyd seconded. All in favor, motion is passed.

**Approve Contract with Haire Construction, LLC for Repairs to Unsafe Structure at 708 S. Adams St.**

**Construction Inspection Contract with Rundell Ernstberger Associates, Inc., for the Hopewell Phase I East Project**

**Addendum #2 to LPA-Consulting Contract with VS Engineering for the 1<sup>st</sup> Street Reconstruction Project from Fairview St. to College Ave.**

**Request from Reed and Sons Construction for Lane Closures on W. Fountain Dr. (July 11 2022- July 23, 2022)**

**Request from F.A. Wilhelm Construction for Sidewalk Closures on S. Strong Dr. (July 01- 2022- May 01, 2023)**

Paul Kehrberg, Engineering, presented Request form Lineal Contracting for use of the Right-of-Way in the Stands Neighborhood and along S. Rogers St. (The work on S. Rogers St. will take approximately 45 days. The work in the Stands will take approximately 90 days). See meeting packet for details.

**Board Comments:** Lloyd asked about the 90 day timeframe going into the beginning of the school year. Kehrberg said the sidewalks would remain open. Karon questioned if the closure on Rogers will be 45 or 70 days. Kehrberg answered that it would be a combined 70 days.

Karon made a motion to approve Request form Lineal Contracting for use of the Right-of-Way in the Stands Neighborhood and along S. Rogers St. (The work on S. Rogers St. will take approximately 45 days. The work in the Stands will take approximately 90 days). Lloyd seconded. All in favor, motion is passed.

Adam Wason, Public Works, presented Change Order #1 to Contract with Strauser Construction for Remodel of FS #5 on behalf of J.D. Boruff. See meeting packet for details.

**Board Comments:** None

Karon made a motion to approve Change Order #1 to Contract with Strauser Construction for Remodel of FS #5. Lloyd seconded. All in favor, motion is passed.

None

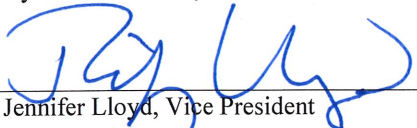
Karon made a motion to approve Change Order #1 to Contract with Strauser Construction for Remodel of FS #5. Lloyd seconded. All in favor, motion is passed.


Karon made a motion to approve claims in the amount of \$1,005,094.14. Lloyd seconded. All in favor, motion is passed.

Cox Deckard called for adjournment at 7:21 p.m.

Accepted By:

\_\_\_\_\_  
Kyla Cox Deckard, President

  
\_\_\_\_\_  
Jennifer Lloyd, Vice President

  
\_\_\_\_\_  
Elizabeth Karon, Secretary

Date: 7.19.22 Attest to:



**Request form Lineal Contracting for use of the Right-of-Way in the Stands Neighborhood and along S. Rogers St. (The work on S. Rogers St. will take approximately 45 days. The work in the Stands will take approximately 90 days)**

**Change Order #1 to Contract with Strauser Construction for Remodel of FS #5**

**STAFF REPORTS AND OTHER BUSINESS**

**CLAIMS**

**ADJOURNMENT**