

The Board of Public Works meeting was held Monday, December 20, 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
Mike Rouker – City Legal
Chaz Mottinger – Economic and Sustainable Development
Neil Kopper – Engineering
Patrick Dierkes -- Engineering
Sara Gomez – Engineering
Paul Kehrberg -- Engineering

Kyla Cox Deckard extended a thank you to City staff, Public Works in particular, who will be called into action during the upcoming adverse weather conditions.

**MESSAGES FROM BOARD
MEMBERS**

None

**PETITIONS &
REMONSTRANCES**

1. Approval of Minutes; December 06, 2022
2. Confirm Flavia Burrell as 2023 Board of Public Works' Designated Representative on the City's Plan Commission
3. 2023 BDUAC Appointments
4. 2023 CATS Funding Agreement
5. 2023 PEG Content Provider Agreement (WTIU)
6. 2023 PEG Content Provider Agreement (MCPL)
7. 2023 Service Agreement with SSW Enterprises for Cleaning Services at Public Works Facilities
8. Amendment to Agreement with CentralSquare (Lucity) for GIS Web Map Functionality
9. Change Order #2 for the Dunn St. Sidewalk Project
10. Change Order #2 for the Hopewell Phase I East Demolition Project
11. Request from Land-Ron, Inc. for Dumpster Placement on W. 9th St. between Walnut and Morton (December 20, 2022-February 16, 2023)
12. Resolution 2022-91; Pili's Party Truck #1
13. Resolution 2022-92; Pili's Party Truck #2
14. Resolution 2022-93; Pili's Party Truck #3
15. Approval of Payroll

CONSENT AGENDA

Item #2 Confirm Flavia Burrell as 2023 Board of Public Works' Designated Representative on the City's Plan Commission was removed from Consent and placed on New Business.
Item #3 2023 BDUAC Appointments were removed from the Consent Agenda and placed on New Business.

Board Comments: None

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

Adam Wason, Public Works, presented Confirm Flavia Burrell as 2023 Board of Public Works' Designated Representative on the City's Plan Commission. See meeting packet for details.

Board Comments: Karon asked about the appointment term. Wason stated he believes the reappointment is annual.

Karon made a motion to Confirm Flavia Burrell as 2023 Board of Public Works' Designated Representative on the City's Plan Commission. Lloyd seconded. All in favor, motion is passed.

Adam Wason, Public Works, presented 2023 BDUAC Appointments. See meeting packet for details.

Board Comments: None

Karon made a motion to approve the 2023 BDUAC Appointments. Lloyd seconded. All in favor, motion is passed.

Mike Rouker, City Legal, presented Resolution 2022-89; City of Bloomington Policy and Procedures on Private Art Installations within the Public Right of Way. See meeting packet for details.

Board Comments: Lloyd asked about art in the Parks. Rouker answered that this policy would not touch any of the installations in the Parks. Cox Deckard mentioned a revision to the policy to reflect the definition of temporary as 7 days instead of 5 days. Rouker confirmed the revision.

Public Comments: Thomas Westgard, stated he thinks this policy puts an undue burden on the Board of Public Works. Mr. Westgard stated the policy is redefining speech. Dave Askins, B Square Bulletin, asked if the Middle Way House Wrapped in Love display for 2023-2024 would be expected to apply as a special event as they did in 2021. He also asked if the policy prevented hate speech. Askins asked about American Sign Language (ASL) and if the hand-shapes that correspond with the letters would count as a symbol as defined in the policy. Finally, Askins asked why the language of the policy read number instead of numeral. Rouker addressed the questions from both public commenters. Rouker stated that this is the Policy of the City, not specifically his. Rouker said that there will be close cases on universally recognized symbols. The City does not believe this policy presents any problems in terms of the way that it regulates speech. The City will not ask the Board to play the role of law professor and to figure out what qualifies and what doesn't under the policy. Rouker said the scope of this policy is just regarding private requests to put art installations in the public right-of-way. He added that Middle Way House Wrapped in Love display will have to be discussed as it is presented going forward. But, that any request for art in the public right-of-way would have to be compliant with the policy. Rouker stated that hate speech would not be permissible, as it would fall within the category of obscene or vulgar. Rouker addressed the signs used in ASL. His initial reaction is that it would be impermissible as it is a universally known symbol. But, without further discussion

NEW BUSINESS

Confirm Flavia Burrell as 2023 Board of Public Works' Designated Representative on the City's Plan Commission

2023 BDUAC Appointments

Resolution 2022-89; City of Bloomington Policy and Procedures on Private Art Installations within the Public Right-of-Way

with the legal team, he was not comfortable addressing that question. Finally, the linguistic distinction between number and numeral does not affect the policy. Cox Deckard noted that the policy does mention temporary art, it is not restricted by the clause as far as speech, symbols, etc. Rouker confirmed that speech component of the policy applies only to semi-permanent and permanent art. However, the application of any art installation would need to be reviewed. Cox Deckard asked if the Special Events application would be updated. Rouker confirmed. Karon asked if the current special event application can be used until the revised application can be released. Rouker confirmed, but the policy would still apply.

Mike McAfee, Executive Director of Visit Bloomington, expressed that the upcoming Freezefest event would follow the policy and that he will do anything that is needed to work with the City.

Karon made a motion to approve Resolution 2022-89; City of Bloomington Policy and Procedures on Private Art Installations within the Public Right-of-Way. Lloyd seconded. All in favor, motion is passed.

Chaz Mottinger, Economic and Sustainable Development, presented Resolution 2022-86; Freezefest. See meeting packet for details.

Resolution 2022-86; Freezefest

Board Comments: Cox Deckard addressed questions discussed during the work session regarding cars being parked in the crosswalk and the placement of the ice sculptures in the public right-of-way. Mottinger confirmed that barricades are being used instead of cars and that the ice sculptures will be in the street, but only while the street is closed.

Karon made a motion to approve Resolution 2022-86; Freezefest. Lloyd seconded. All in favor, motion is passed.

Neil Kopper, Engineering, presented Amendment #1 to Preliminary Engineering Contract with Eagle Ridge Civil Engineering for the Neighborhood Greenways Project. See meeting packet for details.

Amendment #1 to Preliminary Engineering Contract with Eagle Ridge Civil Engineering for the Neighborhood Greenways Project

Board Comments: Lloyd asked about if the decision to change the design on the project from 7th and Longview to Morningside was based on changing priorities within the department. Kopper stated that is primarily correct, but that there is a lot of construction near Pete Ellis and Longview so it isn't an ideal time to be in that area.

Karon made a motion to approve Amendment #1 to Preliminary Engineering Contract with Eagle Ridge Civil Engineering for the Neighborhood Greenways Project. Lloyd seconded. All in favor, motion is passed.

Neil Kopper, Engineering, presented LPA Consulting Contract with VS Engineering for Preliminary Engineering Services on the Crosswalk Safety Improvements Project. See meeting packet for details.

LPA Consulting Contract with VS Engineering for Preliminary Engineering Services on the Crosswalk Safety Improvements Project

Board Comments: None

Karon made a motion to approve the LPA Consulting Contract with VS Engineering for Preliminary Engineering Services on the Crosswalk Safety Improvements Project. Lloyd seconded. All in favor, motion is passed.

Patrick Dierkes, Engineering, presented Preliminary Engineering Contract with Bledsoe Riggert Cooper James for the Moores Pike/ SE Park Trail Realignment. See meeting packet for details.

Preliminary Engineering Contract with Bledsoe Riggert Cooper James for the Moores Pike/ SE Park Trail Realignment

Board Comments: None

Karon made a motion to approve Preliminary Engineering Contract with Bledsoe Riggert Cooper James for the Moores Pike/ SE Park Trail Realignment. Lloyd seconded. All in favor, motion is passed.

Sara Gomez, Engineering, presented Contract with Smock Fansler Corporation for the 10th & Jefferson Retaining Wall Project. See meeting packet for details.

Board Comments: Cox Deckard asked if the bid was in line with what the City was expecting. Gomez confirmed.

Karon made a motion to approve Contract with Smock Fansler Corporation for the 10th & Jefferson Retaining Wall Project. Lloyd seconded. All in favor, motion is passed.

Paul Kehrberg, Engineering, presented Request from Duke Energy for Lane and Sidewalk Closures along North and South Rogers and S. Morton St. (January 03, 2023 – January 27, 2023). See meeting packet for details.

Board Comments: None

Karon made a motion to approve Request from Duke Energy for Lane and Sidewalk Closures along North and South Rogers and S. Morton St. (January 03, 2023 – January 27, 2023). Lloyd seconded. All in favor, motion is passed.

Paul Kehrberg, Engineering, presented Request from Renascent, Inc. for Lane Closures on W. 1st Street (January 03, 2023 – January 13, 2023). See meeting packet for details.

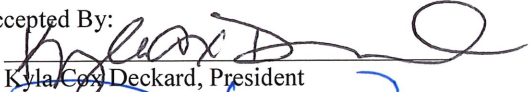
Board Comments: None


Karon made a motion to approve Request from Renascent, Inc. for Lane Closures on W. 1st Street (January 03, 2023 – January 13, 2023). Lloyd seconded. All in favor, motion is passed.

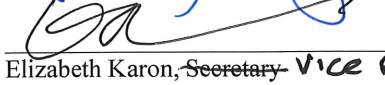
Adam Wason, Public Works, mentioned the upcoming winter weather event. He stated that City street crews are in snow control mode. He thanked the Street and Fleet departments for their hard work in getting prepared for the weather event. Wason also mentioned that additional sanitation pick up scheduled for Friday have been cancelled.

Karon made a motion to approve claims in the amount of \$1,090,761.09. Lloyd seconded. All in favor, motion is passed.

Cox Deckard called for adjournment at 6:25 p.m.

Accepted By: 
Kyla Cox Deckard, President


Jennifer Lloyd, Vice President


Elizabeth Karon, Secretary

Date: 1/3/23 Attest to: 

Contract with Smock Fansler Corporation for the 10th & Jefferson Retaining Wall Project

Request from Duke Energy for Lane and Sidewalk Closures along North and South Rogers and S. Morton St. (January 03, 2023 – January 27, 2023)

Request from Renascent, Inc. for Lane Closures on W. 1st Street (January 03, 2023 – January 13, 2023)

STAFF REPORTS AND OTHER BUSINESS

CLAIMS

ADJOURNMENT