

The Board of Public Works meeting was held on Tuesday, November 13, 2018, at 5:30 pm in the Council Chambers of City Hall at Showers, 401 N. Morton Street, Bloomington, Indiana, with Kyla Cox Deckard presiding.

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

Present: Kyla Cox Deckard
Beth H. Hollingsworth

ROLL CALL

City Staff: Dee Wills – Housing & Neighborhood Development
Chris Wheeler – Legal Department
Neil Kopper – Planning & Transportation
Dan Backler – Planning & Transportation
Sara Gomez – Planning & Transportation
Russell White – Planning & Transportation
Adam Wason – Public Works
Christina Smith – Public Works
Michael Large – Public Works

None

**MESSAGES FROM
BOARD MEMBERS**

None

**PETITIONS &
REMONSTRANCES**

Chris Wheeler, City Legal, presented appeal of noise ordinance #37537. Wheeler asked that if the appellant was present to please come give her presentation. Cox Deckard asked for the appellant to come forward if present; she was not. Wheeler stated that the appellant was not the person to whom the ticket was issued to. That alone should give the Board enough information to deny the appeal and uphold the ticket. Wheeler explained that officer Dilts issued the ticket between the hours of 9:00pm and 7:00am. Noise heard coming from the residence at 1116 N. Walnut on the street side is enough evidence to warrant violation of Bloomington Municipal Code 14.09.030C. Wheeler asked the Board to uphold the ticket and deny the appeal.

**HEARING ON NOISE
APPEAL**

**Appeal of Noise Citation
#37537 at 1116 N.
Walnut St.**

Hollingsworth made a motion to deny the appeal of ticket #37537. Cox Deckard seconded the motion. Motion is passed. Appeal is denied.

Chris Wheeler, City Legal, presented appeal of sanitation citations #41765 and #41766 **HEARING ON**

SANITATION APPEAL

Appeal of Sanitation Citations #41765 & #41766 and Violation Warning Citations #41757 & #41758 at 803 S. Washington St.

at 803 S. Washington Street. These are actually two notices of violations issued on 10/12/18 and 10/17/18. Under notice 10/12 there were two warning tickets were issued. Under notice 10/17 there were two tickets with fines issued. Wheeler asked the appellant to present his case to the Board first. Phillip Jones, appellant, stated that the four roommates of the residence were away on fall break. They learned of the violation upon their return from break. Jones stated that upon receiving the letter from the City of Bloomington a roommate was working to resolve the violation. Before he was able to return from Kroger with supplies to clean up the sticks and debris the Notice of Violation was issued. Jones stated that he understood the violation was being issued to the property owner, however he felt that it was his responsibility to speak for him. Jones went on to state that he nor his roommates were responsible for placing the items in front of the house that led to the violation citation. Jones stated that a contracted landscaper maintain the properties and takes all bagged material with them upon completion bi-monthly. Jones reiterated that he was unaware of the origin of the debris. In regard to the sanitation carts, Jones said that he and his roommates had planned on returning sooner than they did, which is why they were unable to remove the carts from the curbside in a timely manner. Jones asked for any leniency the Board could offer for this violation.

Wheeler stated that this is another incidence where the one appealing the citation is not the person whom the citation was issued. There is no relief that can be offered to Mr. Jones. Based on that information alone, Wheeler asked that the Board deny the appeals and uphold the violations as issued. Under Bloomington Municipal Code 6.06.020, it is not a question if you personally have scattered debris over your property. It is if you have done this or have allowed it to occur that has led to this violation. Wheeler went on to elaborate on the Bloomington Municipal Code. Wheeler stated that the appeal for the citation issued 10/12/18 was not filed in a timely manner. Given the seven days to appeal the citation, it should have been filed on or before 10/19/18 and it was not appealed until 10/24/18. For this alone the appeal should be dismissed. Under the Bloomington Municipal Code, violations regarding sanitation carts, appeals should not be brought to the Board of Public Works, but appealed to the Circuit Court of Monroe County. Ticket #41766 was appealed in a timely manner but by the wrong person. Wheeler stated that he believes all of these tickets should be upheld and their appeals denied.

Board Comments:

Cox Deckard asked for clarification of citation #41765 since the Board is not technically supposed to be the body overseeing its appeal. Wheeler stated that it was not properly brought to the Board. It is only important that the violation be upheld to ensure that it can be adjudicated properly.

Hollingsworth asked Mr. Jones if he had spoken with the property owner regarding the violations. Jones confirmed that he has spoken to the property owner about the responsibility for the fines associated with the citations. Jones stated that the property owner was unaware of the seven day window to submit an appeal. Jones said that their biggest problem with the process is that they received the violation citation on the same day they received notice of the warning in the mail, referencing the post mark on the envelope submitted to the board as evidence.

Cox Deckard asked Wheeler if a notice is attached to the door and mailed. Dee Wills,

Housing and Neighborhood Development confirmed that a notice is attached to the residence in addition to a copy being mailed to the residence and the property owner. Cox Deckard confirmed that there would be three notices in total regarding each violation.

Cox Deckard commented that it is the property owner who the City is determining is responsible for the fine since the City does not have any information to the contrary. Wheeler confirmed that each violation is issued against the property owner. Wheeler stated “Mr. Jones is asking for relief, however there is nothing the City can do since the property owner failed to appeal the violations in a timely manner.”

Hollingsworth made a motion to deny the appeal and uphold sanitation violation citations #41765 and #41766 as well as violation warnings #41757 and #41758. Cox Deckard seconded the motion. Motion is passed. Sanitation appeal is denied.

OPEN SEALED BIDS & QUOTES

Cox Deckard opened two quotes for the South Walnut Street Sidewalk Project.

Two quotes were received. The first is from Milestone Contractors LP in the amount of \$147,525.00 with an addition of \$700.00 for projects that require a submission of a trench safety affidavit. The second quote was submitted by E&B Paving with a quote of \$119,439.00 and they list non applicable for the trench safety affidavit.

Open Sealed Quotes for the South Walnut Street Sidewalk Project

Cox Deckard opened two quotes for the East Moores Pike at South Clarizz Blvd. Crosswalk Project. Two quotes were received. The first is from Milestone Contractors LP in the amount of \$151,178.50 with an additional \$700 for submission of a trench safety affidavit. The second is from E&B Paving with a quote for \$139,730.00 and a non-applicable for the trench safety affidavit.

Open Sealed Quotes for the East Moores Pike at South Clarizz Blvd. Crosswalk Project

Cox Deckard stated that staff will review the quotes and return them to the Board at later date.

CONSENT AGENDA

1. Approval of Minutes – October 30, 2018
2. Resolution 2018-115: Approve Renewal of Mobile Vendor in Public Right of Way (Juannita’s)
3. Resolution 2018-116: Approve Renewal of Mobile Vendor in Public Right of Way (Pili’s Party Taco #1)
4. Resolution 2018-117: Approve Use of Public Street for Annual Krampus Parade (Saturday, Dec. 1st)
5. Resolution 2018-118: Approve Use of Public Parking Spaces for Monroe County History Scanning Event (Saturday, Dec. 1st)
6. Approve Addendum #2, Agreement with CE Solutions for Engineering Services for Repair at Walnut and Morton Street Garages
7. Approval of Payroll Register

Beth H. Hollingsworth made a motion to approve the consent agenda. Cox Deckard seconded the motion. Motion is passed. Consent agenda is approved.

Roy Aten, Planning and Transportation, presented Memorandum of Understanding (MOU) with the City of Bloomington Utilities Department for construction cost sharing on the Mitchell Street sidewalk project. See meeting packet for details.

Hollingsworth made a motion to approve Memorandum of Understanding with the City of Bloomington Utilities Department for construction cost sharing on the Mitchell Street sidewalk project. Cox Deckard seconded the motion. Motion is passed. MOU is approved

Roy Aten, Planning and Transportation, presented Memorandum of Understanding (MOU) with the City of Bloomington Utilities Department for construction cost sharing on the South Walnut Street sidewalk project. See meeting packet for details.

Hollingsworth made a motion to approve Memorandum of Understanding with the City of Bloomington Utilities Department for construction cost sharing on the Walnut Street sidewalk project. Cox Deckard seconded the motion. Motion is passed. MOU is approved

Sara Gomez presented Request for Lane Closure at 1725 E. 3rd St. from Reed & Sons Construction Inc. See meeting packet for details.

Board Comments:

Cox Deckard, acknowledges timing of the plan. Board would like to thank the contractor for purposefully planning the project during IU's Thanksgiving break.

Hollingsworth made a motion to approve the request for lane closure at 1725 E. 3rd St. from Reed & Sons Construction Inc. Cox Deckard seconded the motion. The motion passed. Request is approved.

Sara Gomez presented request from Vectren to grant a gas line easement at 4th and Walnut Streets. See meeting packet for detail

Hollingsworth made a motion to approve grant of gas line easement at 4th and Walnut Streets from Vectren. Cox Deckard seconded the motion. Motion is passed. Grant of gas line easement is approved.

Dan Backler presented the dedication of right – of – way for The Union at Crescent Project. See meeting packet for details.

Hollingsworth made a motion to approve dedication of the Right – of – Way for The Union at Crescent Project. Cox Deckard seconded the motion. Motion is passed. Dedication of Right – of – Way is approved.

NEW BUSINESS

Approve Memorandum of Understanding with the City of Bloomington Utilities Department for Construction Cost Sharing on the Mitchell Street Sidewalk Project

Approve Memorandum of Understanding with the City of Bloomington Utilities Department for Construction Cost Sharing on the South Walnut Street Sidewalk Project

Approve Request for Lane Closure at 1725 E. 3rd St. from Reed & Sons Construction Inc. (Monday Nov. 19th- Friday Nov. 23rd)

Approve Grant of Gas Line Easement at 4th and Walnut Streets from Vectren

Approve Dedication of Right of Way for The Union at Crescent Project

Dan Backler presented use of the Right – of – Way MOU between Gilliatte General Contractors and BPW Omega building located at 233 N. Morton Street. See meeting packet for detail.

Approve Use of the Right of Way MOU between Gilliatte General Contractors and BPW Omega Building at 233 N. Morton St.

Board Comments:

Hollingsworth confirmed that the parking spaces would be required between 12/1/18-7/1/19. Backler confirmed that those would be the dates. Cox Deckard asked if adjacent property owners were notified of the project. Adam Wason, Public Works, confirmed notification requirements were met. Wason thanked the petitioner for its due diligence in completing the requirements of the process.

Hollingsworth made a motion to approve use of the Right – of – Way MOU between General Contractors and BPW Omega building at 233 N. Morton Street. Cox Deckard seconded the motion. Motion passes. Use of Right – of – Way MOU is approved.

STAFF REPORTS & OTHER BUSINESS

Wason reported on the curbside leafing program. Due to upcoming potential for winter weather. Wason encouraged residents to rake leaves to the curb and not into the storm drains. Wason explained that an interactive street map was available on the City of Bloomington website at www.bloomington.in.gov/leaf-collection. Wason reminded residents to drive safely during winter weather.

Board Comments:

Cox Deckard reminded the public that when winter weather accumulation occurs it is the responsibility of the adjacent property owner to clear the sidewalks.

APPROVAL OF CLAIMS

Hollingsworth made a motion to approve claims in the amount of \$1,180,845.76. Cox Deckard seconded the motion. Motion is approved Claims are approved.

ADJOURNMENT

Cox Deckard called for adjournment. Meeting is adjourned at 6:05PM.

Accepted by:

Kyla Cox Deckard, President

Beth Hollingsworth, Vice-president

Dana Palazzo, Secretary

Date: November 27, 2018

Attest to:

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3410 or email public.works@bloomington.in.gov.