

The Board of Public Works meeting was held on Tuesday, December 11, 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
Dana Palazzo

City Staff: Norm Moiser – Housing & Neighborhood Development
Mike Arnold – Housing & Neighborhood Development
Neil Kopper – Planning & Transportation
Roy Aten – Planning & Transportation
Dan Backler – Planning & Transportation
Sara Gomez – Planning & Transportation
Russel White – Planning & Transportation
Paula McDevitt – Parks & Recreation Department
Christina Smith – Public Works
J.D. Boruff – Public Works
Ryan Daily – Public Works
Michael Large – Public Works
Jackie Moore – City Legal
Chris Wheeler – City Legal
Nathan Abbott – Police Department

Beth H. Hollingsworth thanked all of the employees of the City’s Public Works Department for their dedication and hard work throughout the year. Hollingsworth wished everyone and their families a happy holidays.

**MESSAGES FROM
BOARD MEMBERS**

None

**PETITIONS &
REMONSTRANCES**

Chris Wheeler, City Legal, presented appeal of noise citation #41676. Wheeler asked that the appellant make his statement regarding the citation first. Sean Arthur addressed the Board and claimed that he felt the ticket was unfair due to the fact that it was a Friday evening around 6pm. Arthur claims that he does have one ten inch sub-woofer and doesn’t believe it was a nuisance because he was in an enclosed area and on the move as to not disturb a specific area. For these reasons Arthur does not believe that the noise citation was warranted.

**HEARING ON NOISE
APPEAL**
**Appeal of Noise Citation
#41676**

Wheeler addressed the Board stating this is a violation of Bloomington Municipal Code 14.09.030 subsection C3. This violation occurs when any audible noise can be heard at a distance of thirty feet.

Officer Abbott is present to offer evidence that he was able to hear from his vehicle with the windows up the noise coming from Mr. Arthur's vehicle which led to the noise citation. Wheeler asked Officer Abbott to come forward to give testimony and answer any questions that the Board may have.

Officer Abbott, Bloomington Police Department, addressed the Board regarding the incident. Abbott stated that on that day he was stopped at the corner of 3rd and Washington streets. The vehicle driven by Mr. Arthur approached from behind and Officer Abbott could hear the noise in his vehicle with the windows up. In addition he felt vibrations in his vehicle from the sub in Mr. Arthur's vehicle, which was stopped behind his squad car. When the light turned green he accelerated at which point he was more than thirty feet away and could still hear the noise from the suspect vehicle. He pulled to the right lane allowing Mr. Arthur to pass, at which time Officer Abbott initiated the traffic stop.

Arthur responded to Officer Abbott's statement. Arthur claims that he was not more than thirty feet away and that his speakers only "push" 500 watts of power. Mr. Arthur claims that this is low voltage and does not have enough power to create noise outside of the vehicle. Arthur stated that he had the audio system professionally installed and was set to the requirements allowable by law. Arthur reiterated that he did not feel that his music warranted a citation.

Wheeler stated that even if the Board did not want to accept that the officer was thirty feet away, the fact that Officer Abbott could feel Mr. Arthur's music is evidence enough that the music was too loud for even Mr. Arthur to enjoy. Wheeler stated that the Board must determine if the appellant can be held responsible for this violation. Under Bloomington Municipal Code 14.09.030 subsection B, any person who causes an unreasonable noise is in violation. Mr. Arthur acknowledges that he was in control of his personal vehicle and responsible for control of the music that led to the violation. For this reason Wheeler asks the Board to deny the appeal of noise citation #41676.

Hollingsworth made a motion to deny the appeal and uphold the ordinance violation for citation #41676. Palazzo seconded the motion. Motion is passed. Appeal is denied

Chris Wheeler, City Legal, presented appeal of sanitation citation #41958 at 3508 E. Park Ln. See meeting packet for details.

Board Comments:

Cox Deckard asked Mosier how the City became aware of the situation that led to the violation.

Norm Moiser, Housing & Neighborhood Development, addressed the Board regarding citation #41958. Mosier explained that inspectors spend four hour blocks, referred to as neighborhood time, roving the city looking

TITLE 6 VIOLATIONS
Appeal of Sanitation
Citation #41958 at 3508 E.
Park Ln.

for violations such as trash or weeds. Upon driving by this property a brush pile was observed. Mosier made contact with the resident and asked him to remove the brush pile, which was the verbal warning. Mosier returned two days later to find that the brush pile had not be removed and issued citation #41958 at that time.

Wheeler asked that the appeal be denied and the Notice of Violation be upheld.

Palazzo made a motion to deny the appeal for citation #41958 at 3508 E. Park Ln. Hollingsworth seconded the motion. Motion is passed. Appeal is denied.

Chris Wheeler, City Legal, presented appeal of sanitation citation #41959 at 1323 N. Washington St. See meeting packet for details. Wheeler stated that this citation was a violation of Bloomington Municipal Code 6.06.20. Mike Arnold, Housing & Neighborhood Development, inspected the property and wrote the violation. Arnold asked the Board if they had any questions.

Board Comments:

Hollingsworth asked if this was the first violation at this property. Arnold stated that this was the second violation at this property since August 1st. Wheeler asked that the appeal be denied and the Notice of Violation be upheld.

Hollingsworth made a motion to deny the appeal for citation #41959 and uphold the ordinance violation. Palazzo seconded the motion. Motion is passed. Appeal is denied.

**Appeal of Sanitation
Citation #41959 at 1323 N.
Washington St.**

CONSENT AGENDA

1. Approval of Minutes – November 27, 2018
2. Approve Addendum #2 to Original Agreement with Green Dragon Lawn Care, Inc. for Snow Removal and De – Icing at and on Public Works Properties
3. Approve License Agreement with Crane Partners LLC for Traffic Signal Control Cabinet at 275 E. Winslow Road
4. Approve Outdoor Lighting Agreements with Duke Energy at the Following Locations: 338 S. Washington Street, 307 S. Davisson Street, and 2580 S. Sunflower Drive
5. Approval of Noise Permit for Rally for Life (Sunday, 1/20)
6. Approval of Payroll

Hollingsworth made a motion to approve the consent agenda. Palazzo seconded the motion. Motion is passed. Consent agenda is approved.

NEW BUSINESS

Paula McDevitt, Parks & Recreation Department, presented 2019 Management Partnership Agreement between the City, Board of Park Commissioners, Redevelopment Commission and BCT Management Inc. See meeting packet for details.

Approve 2019 Management Partnership Agreement between the City, Board of Park Commissioners, Redevelopment Commission and BCT Management Inc.

Danielle McClelland, Executive Director of the Buskirk Chumley Theater(BCT), thanked the Board for their continued support of the BCT. McClelland stated that they had 244 days of use at the theater. The funds are used to subsidize the events that take place in the theater.

Board Comments:

Hollingsworth commended McClelland for the marvelous job the staff at the theater does. Cox Deckard asked if the installation of the carpet would take place during down time or if the community would be unable to access the theater during the replacement.

McClelland stated that the first few weeks of the January are dark in order to allow for a number of repairs that will occur simultaneously. Staff will be repainting the entrance to the auditorium and the carpet will be replaced once that is completed.

Palazzo asked about the \$74,000 referred to as TIF funds. Palazzo asked if these funds had been earmarked for a certain project. McDevitt stated that the laws changed a couple of years ago. The funds have been marked and new laws require the money to be spent in the improvement of the facility. McDevitt stated that in the past projects were not as scrutinized as they are today. McDevitt stated that the process involves making a list of desired repairs and presenting those to City Legal to ensure that the funds from TIF will be applicable.

Palazzo made a motion to approve 2019 management partnership agreement between the City of Bloomington and BCT Management Inc. Hollingsworth seconded the motion. Motion is passed. Agreement is approved.

Sara Gomez, Planning & Transportation, presented request from Gilliatte LLC for Sidewalk Closure at 427 E. Kirkwood Avenue, between Grant St. and Dunn St. See meeting packet for details.

Approve Request from Gilliatte LLC for Sidewalk Closure at 427 E. Kirkwood Ave. between Grant St. and Dunn St. (Tuesday 1/2 – Monday 1/14)

Board Comments:

Hollingsworth stated that the Board is satisfied that with the construction plan, which will allow access to surrounding businesses.

Hollingsworth made a motion to approve the request from Gilliatte LLC for Sidewalk Closure at 427 E. Kirkwood Ave. between Grant St. and Dunn St. (Tuesday, January 2nd through Monday, January 14th, 2019). Palazzo seconded the motion. Motion is passed. Request is approved.

Dan Backler, Planning & Transportation, presented request to amend the original MOU to extend the use of right – of – way with Onyx + East LLC. See meeting packet for details.

Approve Request to Amend the Original MOU to Extend the use of ROW with Onyx + East LLC (The Foundry)

Board Comments:

Hollingsworth asked about the fines associated with the parking meters. She asked when they will be paid and why they have not been paid. Backler asked the representatives of Onyx + East LLC to address the Board. Ryan Cates, Onyx + East LLC, stated that the parking fees associated with the original MOU have been paid in full. Cates stated that as soon as an amount owed is determined he can have a check cut to pay the outstanding balance in full.

Palazzo made a motion to approve the request to amend the original MOU and extend the use of right – of – way with Onyx + East LLC. Hollingsworth seconded the motion. Motion is passed. Request is approved.

Dan Backler, Planning & Transportation, presented dedication of right – of – way at 1924 E. 2nd Street. See meeting packet for details.

Approve Dedication of ROW at 1924 E. 2nd Street

Board Comments:

Hollingsworth asked if the property has already been dedicated. Backler stated that it will be dedicated pending the Board’s approval. Cox Deckard inquired about the actual right – of – way space to be dedicated. Backler stated that the dedication is to bring the sections of right- of- way into compliance with the thoroughfare plan. Backler confirmed that it was a five foot section of Anita Street in addition to a section along 2nd Street that are included in the thoroughfare plan.

Hollingsworth made a motion to approve the dedication of right – of – way at 1924 E. 2nd Street. Palazzo seconded the motion. Motion is passed. Dedication is approved.

Dan Backler, Planning & Transportation, presented MOU with Gilliatte General Contractors for CitySide II at 215 S. Walnut Street. See meeting packet for details.

Approve MOU with Gilliatte General Contractors for CitySide II at 215 S. Walnut St.

Board Comments:

Hollingsworth asked for confirmation that the Board is approving closure of the alley for eventual installation of stormwater and sanitary lines. Backler stated that it is being closed to establish the construction footprint. Cox Deckard asked if construction in this location was planned. Backler confirmed that a new building was planned for that site. Palazzo confirmed that the alley was to remain closed until July 31, 2019. Backler confirmed that date is correct. Cox Deckard established with Backler that any issues in regard to lane closure would be brought to the Board at that

time. Backler stated that due to the unknown details of the project, at this time, staff didn't feel it were appropriate to make such a request. If and when those closures are needed the Contractor will return to the Board with those requests.

Hollingsworth made a motion to approve the MOU with Gilliatte General Contractors for CitySide II at 215 S. Walnut St. Palazzo seconded the motion. Motion is passed. MOU is approved.

Russell White, Planning & Transportation, presented awarding of construction contract with Monroe LLC for the south Mitchell Street sidewalk project.

Award Construction Contract to Monroe LLC for the South Mitchell Street Sidewalk Project

Palazzo made a motion to award construction contract to Monroe LLC for the south Mitchell Street sidewalk project. Hollingsworth seconded the motion. Motion is passed. Contract is approved.

Roy Aten, Planning & Transportation, presented contract addendum number one for preliminary engineering services for the B – Line trail connection project. See meeting packet for details.

Approve Contract Addendum #1 for Preliminary Engineering Services for the B – Line Trail Connection Project

Board Comments:

Hollingsworth asked that Aten keep the Board informed of any updates regarding the karst in this area as the project progresses. Aten stated that Adrian Reid, Aztec Engineering Group, Inc., was available to answer questions regarding the karsts. Reid stated that his group had subcontracted Hydrogeology, a company from Bloomington, to assist with mapping known karst in the project area.

Hollingsworth made a motion to approve contract addendum #1 for preliminary engineering services for the B – Line Trail connection project. Palazzo seconded the motion. Motion is passed. Addendum #1 is approved.

Neil Kopper, Planning & Transportation, presented preliminary engineering contract with American Structurepoint for the 7th Street protected bike lane project. See meeting packet for details.

Approve Preliminary Engineering Contract with American Structurepoint for the 7th Street Protected Bike Lane Project

Board Comments:

Hollingsworth asked if there are any other protected bike lanes in the city. Kopper confirmed that there are currently no protected lanes. Kopper stated that the transportation plan, which is currently in draft form, recommends these types of structures.

Palazzo made a motion to approve the preliminary engineering contract with American Structurepoint for the 7th Street protected bike lane project. Hollingsworth seconded the motion. Motion is passed. Contract is approved

Neil Kopper, Planning & Transportation, presented contract amendment #1 for preliminary engineering services for the E. Rogers Rd. multiuse path project. See meeting packet for details.

Approve Contract Amendment #1 for Preliminary Engineering Services for the E Rogers Multiuse Path Project

Hollingsworth made a motion to approve contact amendment #1 for preliminary engineering service for the E. Rogers Road multiuse path project. Palazzo seconded the motion. Motion is passed. Contract amendment #1 is approved.

Neil Kopper, Planning & Transportation, presented contract amendment #1 for preliminary engineering services for the E. Winslow Rd. multiuse path project. See meeting packet for details.

Approve Contract Amendment #1 for Preliminary Engineering Services for the E. Winslow Rd. Multiuse Path Project

Board Comments:

Hollingsworth asked what the length of the path being installed would be. Kopper stated he did not know footage but the path would be installed on Winslow Road from Henderson to Highland.

Palazzo made a motion to approve contact amendment #1 for preliminary engineering service for the E. Winslow Road multiuse path project. Hollingsworth seconded the motion. Motion is passed. Contract amendment #1 is approved.

Neil Kopper, Planning & Transportation, presented contract amendment #1 for preliminary engineering services for the S. Henderson Street multiuse path project. See meeting packet for details.

Approve Contract Amendment #1 for Preliminary Engineering Services for the S. Henderson Street Multiuse Path Project

Hollingsworth made a motion to approve contact amendment #1 for preliminary engineering service for the S. Henderson Street multiuse path project. Palazzo seconded the motion. Motion is passed. Contract amendment #1 is approved.

Neil Kopper, Planning & Transportation, presented the contract with VS Engineering for temporary engineering staff services. See meeting packet for details.

Approve Contract with VS Engineering for Temporary Engineering Staff Services

Board Comments:

Hollingsworth confirmed that the search to permanently fill open positions is currently on going. Kopper confirmed that the search is currently taking place and will continue with the creation of the project engineer position in 2019. Cox Deckard spoke about conversations regarding the scope of work these contracted employees would complete. Contracted employees will not be making decisions on the use of contractors. They will strictly be used on an as needed basis regarding professional engineering services.

Hollingsworth made a motion to approve the contract with VS Engineering for temporary engineering staff services not to exceed \$65,000 dollars. Palazzo seconded the motion. Motion is passed. Contract is approved.

Ryan Daily, Public Works, presented the contract with Ann- Kriss LLC for emergency repairs at the Walnut Street parking garage. See meeting packet for details.

Approve Contract with Ann – Kriss LLC for Emergency Repairs at the Walnut Street Parking Garage

Board Comments:

Hollingsworth asked if the repairs have been made, to which Daily confirmed the repair has been completed.

Palazzo made a motion to approve the contract with Ann – Kriss LLC for emergency repairs at the Walnut Street parking garage. Hollingsworth seconded the motion. Motion is passed. Contract is approved.

Ryan Daily, Public Works, presented the contract with Fast Signs for new signage at the Morton Street parking garage. See meeting packet for details.

Approve Contract with Fast Signs for New Signage at the Morton Street Parking Garage

Board Comments:

Hollingsworth asked what material the new signs would be made of. Daily responded that the new signs are all aluminum. Cox Deckard asked if this new signage would be implemented in all of the other parking garage facilities. Daily confirmed that this signage would eventually be placed in all parking garages to create autonomy.

Hollingsworth made a motion to approve contract with Fast Signs. Palazzo seconded the motion. Motion is passed. Contract is approved.

Ryan Daily, Public Works, presented the contract addendum #3 with CE Solutions Consulting Services for the 4th Street garage repairs. See meeting packet for details.

Approve Contract Addendum #3 with CE Solutions Consulting Services for 4th Street Garage Repairs

Board Comments:

Cox Deckard asked if this was work to be completed or has the work already been repaired. Daily confirmed the work as already been completed. Daily went on to explain that CE Solutions has been available to provide professional technical explanations to the RDC and Common Council regarding repairs at the 4th Street garage. Hollingsworth asked if these repairs have made the garage safe or if it was still scheduled to close the first of the year. Daily confirmed that the garage will be closing January 1st. Final decision of the garage is still pending with the Common Council.

Hollingsworth made a motion to approve the contract addendum #3 with CE Solutions consulting services for 4th street garage repairs that have already been completed. Palazzo seconded the motion. Motion is passed. Contract is approved.

J.D. Boruff, Public Works, presented the contract with Ann – Kriss LLC for painting of City Hall windows and repair of the generator enclosure. See meeting packet for details.

Approve Contract with Ann – Kriss LLC for Painting of City Hall Windows and Repair of Generator Enclosure

Board Comments:

Cox Deckard confirmed the total amount is \$14,360.40. Boruff confirmed that total is the two project bids combined. Hollingsworth confirmed that the work was scheduled to be completed in the Spring. Boruff stated that the work would be completed once the temperature is above forty degrees. Hollingsworth asked if the City would be providing the paint. Boruff stated that the City would be providing the paint and the primer for the project. Boruff said all other materials would be provided by the contractor.

Hollingsworth made a motion to approve contract with Ann – Kriss LLC for painting of City Hall windows and repair of the generator enclosure. Palazzo seconded the motion. Motion is passed. Contract is approved.

J.D. Boruff, Public Works, presented the contract with Ann – Kriss LLC for installation of access ramp, railing, and bollards at the Sanitation Garage. See meeting packet for details.

Approve Contract with Ann – Kriss LLC for Installation of Access Ramp, Railing, and Bollards at Sanitation Garage

Palazzo made a motion to approve contract with Ann – Kriss LLC for installation of access ramp, railing, and bollards at the Sanitation garage. Hollingsworth seconded the motion. Motion is passed. Contract is approved.

J.D. Boruff, Public Works, presented the contract with Owen Valley Flooring for stair tread replacement at Fire Station #2. See meeting packet for details.

Approve Contract with Owen Valley Flooring for Stair Tread Replacement at Fire Station #2

Board Comments:

Hollingsworth asked when the work would be done. Boruff stated work would be completed as soon as materials could be ordered.

Hollingsworth made a motion to approve the contract with Owen Valley Flooring for the stair tread replacement at Fire Station #2. Palazzo seconded the motion. Motion is passed. Contract is approved.

Christina Smith, Public Works, presented the contract with ERS OCI Wireless for two – way radio communication service for Public Works Street and Sanitation Divisions.

Approve Contracts with ERS OCI Wireless for Two-Way Radio Communication Service for Public Works Street and Sanitation Divisions

Board Comments:

Hollingsworth commented on the importance of this service during the winter months. Palazzo confirmed that the ongoing services would not require additional payment. Smith confirmed that the five year agreement

is all inclusive and will not require added cost for services regarding the system maintenance.

Palazzo made a motion to approve the contract with ERS OCI wireless for two – way radio communication services. Hollingsworth seconded the motion. Motion is passed. Contract is approved.

**STAFF REPORTS &
OTHER BUSINESS**

Christina Smith, Public Works, presented an outdoor seating encroachment at 254 N. Walnut Street, Arepas Gastropub, permit # 1803 to be entered into the public minutes.

Cox Deckard stated that the meeting scheduled for December 24th will be canceled pending a motion. Palazzo made a motion. Hollingsworth seconded the motion. Motion is passed. Final BPW meeting of the year scheduled for December 24th has been cancelled.


Hollingsworth made a motion to approve claims in the amount of \$1,300,669.69. Palazzo seconded the motion. Motion is passed. Claims are approved.

**APPROVAL OF
CLAIMS**

Cox Deckard called for adjournment of the final Board of Public Works meeting for the calendar year 2018 at 6:32pm.

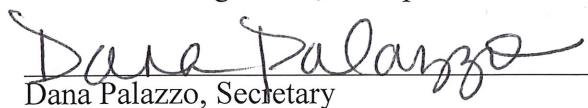
ADJOURNMENT

Accepted by:

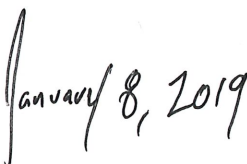


Kyla Cox Deckard, President

Beth H. Hollingsworth, Vice-president



Dana Palazzo, Secretary

Date: 

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.