

The Board of Public Works meeting was held Monday, July 03, 2023 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  
Elizabeth Karon  
Jennifer Lloyd

**ROLL CALL**

City Staff: April Rosenberger -Public Works  
Rob Council – Housing & Neighborhood Development  
Alex Crowley - Economic & Sustainable Development  
Andrew Cibor - Engineering  
Maria McCormick - Engineering  
Colleen Newbill – Legal  
Aleks Pratt - Legal

Cox Deckard extended thanks to the many crews that have been working since our severe weather storm on Thursday. Also thanked the residents for being patient while limbs were cleared and power restored. Thanked all of those who worked many extra hours to get us back in good order.

**MESSAGES FROM BOARD MEMBERS**

None

**PETITIONS & REMONSTRANCES**

Rob Council, HAND, presented the Abatement for 708 South Adams Street. See meeting packet for details.

**TITLE VI ABATEMENTS**  
**Abatement at 708 South Adams Street**

**Board Comments:** None

Karon made a motion to approve the abatement at 708 South Adams Street. Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

**CONSENT AGENDA**

1. Appoint Neil Tong as Board of Public Works’ Designated Representative on the City’s Tree Commission
2. Noise Permit Mother Hubbard’s Garden Gala
3. Resolutions 2023-30 through 2023-32; Declaration of ITS Surplus
4. Resolution 2023-33; Baneker Block Party
5. Resolution 2023-34; WFHB Block Party
6. Resolution 2023-36; Pride
7. Resolution 2023-37; Switchyard Brewing Co.’s Block Party
8. Resolution 2023-38; Wonder Lab’s Partial Eclipse Viewing Party
9. Approval of Payroll

**Board Comments:** None

Karon made a motion to approve the Consent Agenda. Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

Alex Crowley, Economic & Sustainable Development, presented the New Scooter License Application via Zoom. See Meeting packet for details.

**NEW BUSINESS**  
**New Scooter License Application**

**Public Comment:** Chuck Livingston, resident of Elm Heights, said, via zoom, over the past year he had been sharing pics of scooters blocking sidewalks. Livingston stated he had taken

25 photos on April 24, 2023 in an hour 15 minute walk. Every photo shows a violation of the ordinance approved by the Council four years ago. He stated that the public was told there would be enforcement for these violations, but there has been no enforcement at all. Livingston stated writing a new license with new conditions will do nothing without a commitment to enforce.

**Board Comments:** Lloyd clarified that the document they are voting on is the revised version which now has 5 sub sections for requirements to operators regarding education. Karon also thanked staff from ESD and City Legal for working with Board members to incorporate recommendations in that section in the last hour. Karon stated she doesn't know how adding more details in the license and the ordinance will reconcile and fix the obvious problems, evidenced from the photos, which happen all the time. Crowley responded with if a rider attempts to end their ride in an area that isn't sanctioned, they cannot end the ride. Crowley said that Geo-fencing allows some practical benefits to encourage people to park in the right place. Since October of last year, Public Works has had an enforcement staff that go into highly congested areas of violations. The purpose of the enforcement is use the documentation to apply fines to those operators and to encourage them to park the scooters in the right spot. Karon asked if operators had been fined previously for the improper parking of their scooters. Crowley stated they had not, but that it would be changing. Lloyd asked if they had a date of when fining is going to start. Crowley stated that the hope is to implement around August, pre-student arrival and into the fall. Lloyd asked if they could have a report in September to see how the enforcement is going and to see what kind of fines and penalties have been given. Crowley stated that it would be an administrative burden of fining so it would be done monthly. Karon asked where it shows in this final license application that the operator will be fined for the improper parking. Crowley said the ordinance itself is where we have the right to fine. Karon found section 10, Letter M where it states how the operator will be fined. Pratt confirmed. Cox Deckard referred to section 10, Letter N and asked who would impound as clearly, by looking at those photos, the scooters should be impounded. She went on to state that scooters that are left on ramps or in accessible parking spaces should be immediately impounded. Crowley cautioned that impounding is a whole other operating challenge. He stated that adding in the fines will motivate operators to ensure riders are leaving the scooters in an appropriate location. Cox Deckard asked if a Class E traffic violation is a higher violation and fine than the fines given if the scooter has been parked improperly but aren't subject to impounding. Pratt confirmed the fine is higher. Karon asked the amount of the fines set forth in the code. Lloyd stated she is frustrated that there is language regarding impoundment, but not really an interest in doing so. She would like to see enforcement to be more proactive and aggressive. Crowley stated that the recommendations of fining and impounding are going into effect, which isn't a wait and see process. He said that it is the end user who is more often than not parking inappropriately. Karon stated she is concerned that the burden is falling to the residents of the City. Cox Deckard asked if the information regarding fines was able to be found. Pratt confirmed that under Bloomington municipal code 15.64.10D, the violation is \$30 if paid within 14 days, \$60 if not paid within 14 days. In subsection E, the impoundment fine is a \$100 per violation plus \$10 per day for storage.

Karon made a motion to approve the New Scooter License Application. Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

Andrew Cibor, Engineering, presented Amendment #1 to LPA Consulting Contract with WSP USA for Right-of-Way Acquisition Services for the W. 2<sup>nd</sup> Street Modernization & Safety Improvements Project. See meeting packet for details.

**Board Comments:** None

Karon made a motion to approve Amendment #1 to LPA Consulting Contract with WSP USA for Right-of-Way Acquisition Services for the W 2<sup>nd</sup> Street Modernization & Safety

**Amendment #1 to LPA Consulting Contract with WSP USA for Right-of-Way Acquisition Services for the W 2<sup>nd</sup> Street Modernization & Safety Improvements Project**

Improvements Project. Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

Andrew Cibor, Engineering, presented Contract with Rundell Ernstberger Associates for Temporary on-call Engineering Services. See meeting packet for details.

**Board Comments:** Lloyd commented in the interest of transparency, that the dedicated staff member is a recent City employee. Karon asked how the amount of the contract has been calculated. Cibor stated that the value estimate is approximately two days per week over the course of the year and is based on an hourly fee.

Karon made a motion to approve Contract with Rundell Ernstberger Associates for Temporary on-call Engineering Services. Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

Maria McCormick, Engineering, presented Full Street Closure Requests from MW Builders on N. Kinser Pike (July 17-July 31, 2023). See meeting packet for details.

**Board Comments:** Cox Deckard asked for confirmation that local traffic would have access to the private drives and that through traffic would have an alternate route. McCormick confirmed. Cox Deckard asked if the property owners had been notified. McCormick confirmed.

Karon made a motion to approve Full Street Closure Requests from MW Builders on N. Kinser Pike (July 17-July 31, 2023). Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

Maria McCormick, Engineering, presented Time Extension Request from Duke Energy for Phase 3 of Reliability Project (July 05-November 30, 2023). See meeting packet for details.

**Board Comments:** Cox Deckard noted that there is a period of high traffic during student move-in and asked if there had been a conversations between Duke and the City. McCormick confirmed.

Karon made a motion to approve Time Extension Request from Duke Energy for Phase 3 of Reliability Project (July 05-November 30, 2023). Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

Maria McCormick, Engineering, presented Lane Closure Request from Landmark Construction on N. Walnut St. (July 10-August 11, 2023). See meeting packet for details.

**Board Comments:** None.

Karon made a motion to approve Lane Closure Request from Landmark Construction on N. Walnut St. (July 10-August 11, 2023). Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

Maria McCormick, Engineering, presented Street Closure Request from Gilliatte General Contractors on Grant Street (July 06-July 14, 2023). See meeting packet for details.

**Board Comments:** None.

Karon made a motion to approve Street Closure Request from Gilliatte General Contractors on Grant Street (July 06-July 14, 2023). Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

**Contract with Rundell Ernstberger Associates for Temporary on-call Engineering Services**

**Full Street Closure Requests from MW Builders on N. Kinser Pike (July 17-July 31, 2023)**

**Time Extension Request from Duke Energy for Phase 3 of Reliability Project (July 05-November 30, 2023)**

**Lane Closure Request from Landmark Construction on N. Walnut St. (July 10-August 11, 2023)**

**Street Closure Request from Gilliatte General Contractors on Grant Street (July 06-July 14, 2023)**

Maria McCormick, Engineering, presented Sidewalks, Lane, and Bike Lane Closure Request from Duke Energy on E. 10<sup>th</sup> Street. (7 days after approval). See meeting packet for details.

**Sidewalks, Lane, and Bike Lane Closure Request from Duke Energy on E. 10<sup>th</sup> Street. (7 days after approval)**

**Board Comments:** None.

Karon made a motion to approve Sidewalks, Lane, and Bike Lane Closure Request from Duke Energy on E. 10<sup>th</sup> Street. (7 days after approval). Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

Maria McCormick, Engineering, presented Sidewalk Closure Request from Smithville Telephone along S. Fess Lane between Hunter Ave. and E. 1<sup>st</sup> Street (July 03-July 23, 2023). See meeting packet for details.

**Sidewalk Closure Request from Smithville Telephone along S. Fess Lane between Hunter Ave. and E. 1<sup>st</sup> Street (July 03-July 23, 2023)**

**Board Comments:** None

Karon made a motion to approve Sidewalk Closure Request from Smithville Telephone along S. Fess Lane between Hunter Ave. and E. 1<sup>st</sup> Street (July 03-July 23, 2023). Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

None.

**STAFF REPORTS AND OTHER BUSINESS**

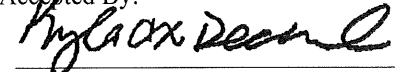
Karon made a motion to approve claims in the amount of \$965,896.40. Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

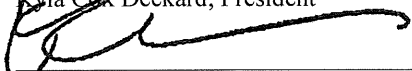
**APPROVAL OF CLAIMS**

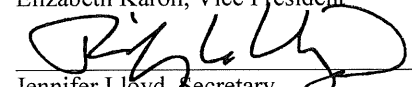
Cox Deckard called for adjournment at 6:16 p.m.

**ADJOURNMENT**

Accepted By:

  
Kyla Cox Deckard, President

  
Elizabeth Karon, Vice President

  
Jennifer Lloyd, Secretary

Date: 8/15/23 Attest to: 