

The Board of Public Works meeting was held Tuesday, August 15, 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: Adam Wason - Public Works
April Rosenberger - Public Works
Mike Rouker – Legal
Aleks Pratt – Legal
Colleen Newbill – Legal
Chris Wheeler - Legal
Beth Cate – Legal (via Zoom)
Chastina Hayes – Housing and Neighborhood Development (HAND)
Hank Duncan – Planning & Transportation

Board Comments: None

MESSAGES FROM BOARD MEMBERS

Public Comment: None

PETITIONS & REMONSTRANCES

Chastina Hayes, HAND, presented the Abatement at 1520 W. Woodruff Lane. See meeting packet for details.

TITLE VI ABATEMENTS
Abatement at 1520 W. Woodruff Lane

Board Comments: Cox Deckard asked if there had been any response from the homeowner. Hayes stated no, but that she had posted the citations on the property and the owner has taken them down.

Karon made a motion to approve the abatement at 1520 W. Woodruff Lane. Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Hayes presented the Abatement at 2225 S. High Street. See meeting packet for details.

Abatement at 2225 S. High Street

Board Comments: Karon asked if Hayes had any communication with the owner directly since the first encounter. Hayes stated no. Karon asked if she has reached out since her first conversation. Hayes stated no, that she just posted the citations at the property. Wason stated that there is a lot of history with this property and Public Works is aware of it. There was some dispute in the past about a water line project. Staff has met on site with the owner on multiple occasions and addressed the issues.

Public Comment: William Adam, Property Owner, stated that the yard does need to be mowed. He continued to say that CBU created a two foot trench in his yard in 2021 that prevents him from mowing. Mr. Adam stated that until CBU makes the repairs, he will not mow.

Board Comments: Karon asked how CBU staff has been involved. Wason stated that CBU and Engineering staff met on site last summer, and CBU assured staff that everything was repaired to their standard. Karon asked if CBU staff had been contacted this year. Wason stated no, the repairs had been done. Lloyd asked where the trench is on the property. Wason answered that it was to the south of the driveway. Lloyd asked if the trench would prevent other areas of the yard to be mowed. Wason answered no.

Karon made a motion to approve the Abatement at 2225 S. High Street. Lloyd seconded. Cox Deckard took a roll call vote. All in favor, motion is passed.

1. Approval of Minutes; July 03, 2023
2. Resolution 2023-48; Renew Mobile Vendor, Kona Ice Truck #1
3. Resolution 2023-49; Renew Mobile Vendor, Kona Ice Truck #2
4. Resolution 2023-50; ; Renew Mobile Vendor, Kona Ice Truck #3
5. Resolution 2023-51; Best Beers Inc. Clydesdale on Kirkwood Event
6. Resolution 2023-52; Russian Recording's 20th Anniversary
7. Resolution 2023-53; Paint the Town Purple
8. Change Order #1 for the Hopewell Phase I East Project
9. Lane Closure Request from Milestone Contractors for Hopewell Phase I East, Morton from 1st to 2nd
10. Approval of Payroll

CONSENT AGENDA

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.

Adam Wason, Public Works, presented Resolution 2023-55; Public Works Facilities Suspension Policy. See meeting packet for details.

NEW BUSINESS **Resolution 2023-55; Public Works Facilities Suspension Policy**

Board Comments: None.

Karon made a motion to approve Resolution 2023-55; Public Works Facilities Suspension Policy. Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Resolution 2023-56; Proposed Right-of-Way Obstruction Ordinance. See meeting packet for details.

Resolution 2023-56; Proposed Right-of-Way Obstruction Ordinance

Board Comments: Karon and Cox Deckard thanked staff for the discussion during the work session. Cox Deckard stated that the Board takes seriously the accessibility of the right-of-way and are mindful when they do grant use of the right-of-way for specific purposes. Cox Deckard recommended to modify language to remove the term entities, so it reads individuals. She also suggested modifying the language to not include reference to a fine as that isn't part of the goal. Rouker asked Cox Deckard to clarify the changes she was suggesting. He stated from staff perspective, none of the changes are objectionable, they are reasonable. Karon asked to clarify the reason to include, or not include, mention of the fines. Rouker stated that it isn't a revenue generating initiative. The goal is to make sure the public right-of-way is use for its intended purpose. Furthermore, the goal is to make sure there is a tool, when the public right-of-way is obstructed, available to make sure we can get it back into the state it needs to be in. Lloyd appreciated how this ordinance has been written because it doesn't prevent people from having possessions around the right-of-way as long as they aren't obstructing it.

Public Comment: Eric Spoonmore, Greater Bloomington Chamber of Commerce, suggested enhancing, subsection A: obstructing the right-of-way. Reading it, he isn't a hundred percent clear if all four of those criteria have to be met or just one of them. He

would like criteria in the subsection that states that if any one of those criteria is met, it then would be a violation of obstructing the right-of way. He also stated the Chamber supports the proposed ordinance. Cox Deckard stated this will be sent to City Council as recommendation and they will continue to refine and adjust as needed. Wason stated that language if/or allows for a violation would qualify. Rouker stated that was correct. Sydney Zulich, City Council District 6 candidate, stated she discouraged the current version from being passed onto the Council. She also stated homeless people have stuff, and encourages an alternative solution by giving them a place to put their stuff. Zulich asked that verbiage be added to allow the opportunity to create spaces for homeless people to put their stuff in spaces like lockers. Dave Askins, B-Square Bulletin, asked if the resolution is just a communication to City Council. He asked what the plan is, will the administration enact this ordinance? And if so, what is the time table? Wason replied that asking the Council to consider the ordinance is just a first step. Wason also emphasized that the proposal is not intended to demonize homelessness, but to keep the public rights-of-way free and clear.

Karon made a motion to approve Resolution 2023-56; Proposed Right-of-Way Obstruction Ordinance, as amended. Lloyd seconded. Cox Deckard took roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Scooter License Application for Bird Ride, Inc. See meeting packet for details.

Scooter License Application for Bird Rides, Inc.

Vaughn Roland, Senior Manager for Bird Rides, Inc., thanked the City for their relationship with Bird. Roland addressed their safety measures, technology, and education that will help provide safe rides.

Board Comments: Cox Deckard asked what happens when a rider takes a helmet selfie. Roland replied that they have several different incentives, including getting a new helmet. Cox Deckard asked if Bird Rides had tables up during the current week to hand out helmets. Roland replied no. Lloyd asked how long the fining structure had been in place. Roland stated fines were not engaged prior to this new application. Lloyd asked how Bird worked to correct behavior for riders who parked incorrectly. Roland stated that the rider would not be able to end their trip and would be flagged as an irresponsible rider with Bird, which could essentially terminate the rider's account. Lloyd asked if this system had been in place in Bloomington. Roland confirmed. Lloyd asked how many citations or fines were issued. Roland stated he didn't have that information readily available and could respond at a later time. Lloyd asked if there had been dedicated staff resources up to this point to monitor riders parking habits. Roland stated they have fleet managers in the City of Bloomington that monitor riders parking compliance. Cox Deckard asked if the number of standing scooters could be completely reduced, per the language in the agreement, because of excessive violations. Wason stated full revocation would come before the Board. Lloyd directed her comments to all three scooter companies. She began by stating that while she appreciates the work the Public Works Department has done to address the consistent issues over the last several years, and the new policies being put in place that will have the opportunity to make a difference going forward, she is extremely frustrated that the expenditures fall on the City and taxpayers to hold these companies accountable for following through with expecting riders to use their product appropriately. Lloyd stated she does not support the renewals of any of the companies.

Public Comment: Dave Askins, B-Square Bulletin, stated his questions are directed to all three companies. He stated he understood that the licenses were being approved tonight and wondered if there is another step to the process. He asked if there would be a contract at a later date. He continued by asking if the cost of the license and per ride payment was written in the application or in City code. He also asked if there a need to revise the City code. He asked why the City had not imposed fines over the past two years. And will be fines be implemented in the future. Askins went on to say that the City code should be

revised because the definition of a motorized scooter needs refined.

Karon made a motion to approve the Scooter License Application for Bird Rides, Inc. Cox Deckard seconded. Cox Deckard took a roll call vote, Lloyd voted no, Karon yes, Cox Deckard yes, motion is passed.

Adam Wason, Public Works, presented Scooter License Application for Neutron Holdings, Inc. dba Lime. See meeting packet for details. Wason suggested moving along to the next company, because representatives from Lime were not present at the meeting.

Scooter License Application for Neutron Holdings, Inc. dba Lime

Adam Wason, Public Works, presented Scooter License Application for Veo Ride, Inc. See meeting packet for details.

Scooter License Application for Veo Ride, Inc.

Olivia Ortega, Manager, Veo Ride, addressed the Board regarding their policies and procedures on the Scooter and e-bike program. She stated that Veo Ride is committed to a long-term relationship with the City of Bloomington. She mentioned another solution that Veo Ride is interested in was to be part of the U-Report system.

Wason thanked Olivia and the team at Veo Ride, stating they are setting the bar with their responsiveness and interactions with City staff.

Board Comments: Karon agreed with Wason and appreciates that Veo Ride has been the most communicative, engaged and proactive in finding a solution to making micro-mobility successful in the community. Cox Deckard asked if Veo Ride would be involved in other events throughout the week. Ortega confirmed. Cox Deckard asked if there is a discount for riders who wear helmets. Ortega said not this time. Cox Deckard asked how users can request a free helmet. Ortega stated they can use the customer support team and also the webpage that is devoted to Bloomington. Cox Deckard asked if Veo Ride has any e-bikes. Ortega said not in Bloomington at this time.

Public Comments: Dave Askins, B Square Bulletin, asked if an e-scooter is sitting in the middle of an ADA ramp, does the City have the authority under code to impose a fine, in that specific instance, to the company? And, if the answer to the first question is yes, why hasn't the City done so thus far. Cox Deckard answered from her perspective, according to the language in the license, the City does have the right to impose a fine on the operator because the scooter would be impounded.

Karon made a motion to approve the Scooter License Application for Veo Ride, Inc. Cox Deckard seconded. Cox Deckard took a roll call vote, Karon yes, Lloyd no, Cox Deckard yes, motion is passed.

Cox Deckard made a motion to table the Scooter License Application for Neutron Holdings, Inc. dba Lime. Karon seconded. Cox Deckard took a roll call vote, Karon yes, Lloyd no, Cox Deckard yes, motion to table passed.

Adam Wason, Public Works, presented Preliminary Engineering Contract with Eagle Ridge Civil Engineering for Downtown Curb Ramps Ph. IV. See meeting packet for details.

Preliminary Engineering Contract with Eagle Ridge Civil Engineering for Downtown Curb Ramps Ph. IV

Board Comments: None

Karon made a motion to approve Preliminary Engineering Contract with Eagle Ridge Civil Engineering for Downtown Curb Ramps Ph. IV. Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Change Order #1 for the Allen Street Greenway Project. See meeting packet for details.

Change Order #1 for the Allen Street Greenway Project

Board Comments: None

Karon made a motion to approve Change Order #1 for the Allen Street Greenway Project. Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Change Order #2 for E. Winslow Rd. Resurfacing Project. See meeting packet for details.

Change Order #2 for E. Winslow Rd. Resurfacing Project

Board Comments: None

Karon made a motion to approve Change Order #2 for E. Winslow Rd. Resurfacing Project. Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Lane & Sidewalk Closure Request from Duke Energy on E. 2nd Street (August 31, 2023 –October 01, 2023). See meeting packet for details.

Lane & Sidewalk Closure Request from Duke Energy on E. 2nd Street (August 31,2023 – October 01, 2023)

Board Comments: Karon asked about the accessibility to the school. Wason stated that MCCSC and Engineering had been in communication.

Karon made a motion to approve Lane & Sidewalk Closure Request from Duke Energy on E. 2nd Street (August 31, 2023 –October 01, 2023). Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Lane & Sidewalk Closure Request from Duke Energy on W. 13th Street (August 31, 2023 - October 01, 2023). See meeting packet for details.

Lane & Sidewalk Closure Request from Duke Energy on W. 13th Street (August 31, 2023 - October 01, 2023)

Board Comments: None

Karon made a motion to approve Lane & Sidewalk Closure Request from Duke Energy on W. 13th Street (August 31, 2023 - October 01, 2023). Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Lane & Sidewalk Closure Request from Duke Energy on W. Allen Street & S. Madison Streets (September 04-15, 2023). See meeting packet for details.

Lane & Sidewalk Closure Request from Duke Energy on W. Allen Street & S. Madison Streets (September 04-15, 2023)

Board Comments: None

Karon made a motion to approve Lane & Sidewalk Closure Request from Duke Energy on W. Allen Street & S. Madison Streets (September 04-15, 2023). Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Lane and Sidewalk Closure Request from AEG. See meeting packet for details.

Lane and Sidewalk Closure Request from AEG

Board Comments: None

Karon made a motion to approve Lane and Sidewalk Closure Request from AEG. Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Road Closure Request from Miller Pipeline at 1st and Rogers (August 21 – 25, 2023). See meeting packet for details.

Road Closure Request from Miller Pipeline at 1st and Rogers (August 21 – 25, 2023)

Board Comments: None

Karon made a motion to approve Road Closure Request from Miller Pipeline at 1st and Rogers (August 21 – 25, 2023). Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Lane & Sidewalk Closure Request from Shiel Sexton on E. 7th & Pete Ellis Dr. (August 28-30, 2023). See meeting packet for details.

Lane & Sidewalk Closure Request from Shiel Sexton on E. 7th & Pete Ellis Dr. (August 28-30, 2023)

Board Comments: None

Karon made a motion to approve Lane & Sidewalk Closure Request from Shiel Sexton on E. 7th & Pete Ellis Dr. (August 28-30, 2023). Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Acceptance of Public Improvements for Sudbury Parcel O Summit Woods Phase 1, Sections 1 & 2. See meeting packet for details.

Acceptance of Public Improvements for Sudbury Parcel O Summit Woods Phase 1, Sections 1 & 2

Board Comments: None

Karon made a motion to approve Acceptance of Public Improvements for Sudbury Parcel O Summit Woods Phase 1, Sections 1 & 2. Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, presented Contract with Ann-Kriss LLC for Exterior Painting Project at City Hall. See meeting packet for details.

Contract with Ann-Kriss LLC for Exterior Painting Project at City Hall

Board Comments: None

Lloyd made a motion to approve the Contract with Ann-Kriss LLC for Exterior Painting Project at City Hall. Cox Deckard seconded. Cox Deckard took a roll call vote, Lloyd yes, Cox Deckard yes, Karon recused, motion is passed.

Contract with Ann-Kriss LLC for Sanitation Garage Repairs

Adam Wason, Public Works, presented Contract with Ann-Kriss LLC for Sanitation Garage Repairs. See meeting packet for details.

Board Comments: None

Lloyd made a motion to approve the Contract with Ann-Kriss LLC Contract with Ann-Kriss LLC for Sanitation Garage Repairs. Cox Deckard seconded. Cox Deckard took a roll call vote, Lloyd yes, Cox Deckard yes, Karon recused, motion is passed

STAFF REPORTS & OTHER BUSINESS

Adam Wason, Public Works, presented Update on Lane Closures from Landmark Construction on N. Walnut Street. See meeting packet for details.

Update on Lane Closures Request from Landmark Construction on N. Walnut Street

Board Comments: None

Karon made a motion to approve the Lane Closures Request from Landmark Construction on N. Walnut Street (August 21-25, 2023). Lloyd seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Wason wanted to congratulate Herb Kinser on his retirement. He remarked on Herb's high quality of work and thanked Herb for all of his years of service.

Karon made a motion to approve claims in the amount of \$2,916,212.12. Lloyd seconded.
Cox Deckard took a roll call vote, all in favor, motion is passed.

APPROVAL OF CLAIMS

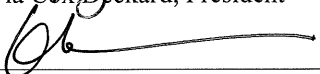
Cox Deckard called for adjournment at 7:44 p.m.

ADJOURNMENT

Accepted By:



Kyla Cox Deckard, President



Elizabeth Karon, Vice President

Secretary

Date: 9/26/23 Attest to: 