

The Board of Public Works meeting was held Tuesday, September 26, 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: Elizabeth Karon  
Kyla Cox Deckard

**ROLL CALL**

City Staff: April Rosenberger - Public Works  
Adam Wason – Public Works  
Jason Kerr – Engineering  
Michael Stewart -- Engineering  
Alex Gray – Engineering  
Maria McCormick -- Engineering  
Driss Tahir – Engineering  
Tim Street – Parks & Recreation  
Larry Allen – Office of the Mayor  
Aleks Pratt – Legal

Bid received from Ann-Kriss, LLC in the amount of \$138,000.00  
Bid received from B&L Sheet Metal and Roofing in the amount \$161,900.00  
Bids will be reviewed and an award of contract will be brought before the Board at a subsequent meeting.

**OPENING OF SEALED BIDS**  
**Restorative Roof Coating at  
Fire Station #2**

None

**MESSAGES FROM BOARD  
MEMBERS**

David Ebbinghouse thanked the Board for tabling a motion at the previous meeting. He stated that for a lot of reasons, the public wasn't able to have a good engagement on this project. Ebbinghouse stated that he had been hearing from several people who are upset and he had become the "lightning rod" for this issue. He stated that the consensus is that people are upset with the aesthetics, placement and design, and the process by which the tower was selected. However, the upgrade to the park is most welcome.

**PETITIONS &  
REMONSTRANCES**

1. Approval of Minutes; July 18, 2023
2. Approval of Minutes; August 01, 2023
3. Approval of Minutes; August 15, 2023
4. Approval of Minutes; August 29, 2023
5. Approval of Minutes; September 12, 2023
6. Alley Closure Request from Economic & Sustainable Development for Mural Project
7. Resolution 2023-65; Renew Mobile Vendor; Top Shotta Jerk Chicken
8. Resolution 2023-66; Renew Mobile Vendor; Arepa Burger
9. Resolution 2023-67; Declaration of Bloomington Fire Department Surplus
10. Noise Permit Request for Harmony School Extravaganza
11. Approval of Payroll

**CONSENT AGENDA**

**Board Comments:** None

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

Aleks Pratt, City Legal, presented Notice of Offering Real Estate for Sale; Bloomington Police Department Property with Extended Departure Date. See Meeting packet for details.

**NEW BUSINESS**  
**Notice of Offering Real Estate  
for Sale; Bloomington Police**

**Department Property with  
Extended Departure Date**

**Board Comments:** Karon asked for clarification on why the Board can recommend acceptance of an offer received at any time during the sales period, but bids could still continue to be received for up to 60 days. Pratt stated that this allows for bids to continue to be received, but in the event a bid looks acceptable, staff can bring that to the attention of the Board and the Board can consider accepting it at that point, even before the 60 day time period has expired. Cox Deckard asked what extended departure meant and if that occupancy is contingent on the departure of the Police Department from the facility. Pratt explained. Cox Deckard asked if that would be included as part of the purchase agreement. Pratt confirmed. Karon asked if the notice of publication is what the Board is considering and which department would be collecting the bid documents. Pratt stated staff would review and recommend to the Board any acceptable bid. Wason added that the Board is being asked to approve the notice of publication and that the next step for the Board of Public Works would be to approve an accepted offer based off of staff recommendation.

**Public Comments:** Dave Askins, B Square Bulletin, asked if the sale has to go before the City Council. He also asked about the difference in the bid opening process as his understanding is that bids will be opened and evaluated as they are received. Larry Allen, Deputy Mayor, explained that the process is different than a construction bid, in that it allows for an opening period of 60 days after the initial two weeks of notice. Allen confirmed that the City Council does have to approve. Karon asked if Allen could explain which bid process governs the opening process. Allen stated it is a very specific statute for the disposal of real estate.

Sally Jones, resident, asked about the timeline and the importance of the bid to go out in October if there is no date set for the Police Department to move. Wason explained that the public comment period is traditionally not used as a question and answer, but more so that the public can share their comments. Wason went on to say that as indicated in the Staff Report, the funding from the sale of the property would help fund the renovation of the Showers West facility that the Police Department would move into. Libby Karon, via zoom chat, asked who decides what constitutes a good bid. Wason explained that the information is outlined in the proposal process.

Karon made a motion to approve the Notice of Offering Real Estate for Sale; Bloomington Police Department Property with Extended Departure Date. Cox Deckard seconded. All in favor, motion is passed.

Jason Kerr, Engineering, presented Change Order #1 to Balance the Henderson St. Greenway Project. See meeting packet for details.

**Change Order #1 to Balance  
the Henderson St. Greenway  
Project**

**Board Comments:** None

Karon made a motion to approve the Change Order #1 to Balance the Henderson St. Greenway Project. Cox Deckard seconded. All in favor, motion is passed.

Jason Kerr, Engineering, presented Change Order #2 to Balance the Henderson St. Greenway Project. See meeting packet for details.

**Change Order #2 to Balance  
the Allen St. Greenway Project**

**Board Comments:** None

Karon made a motion to approve the Change Order #2 to Balance the Henderson St. Greenway Project. Cox Deckard seconded. All in favor, motion is passed.

Mike Stewart, Engineering, presented Request from Shamrock Builders for Dumpster Placement in Right-of-Way at 201 N. Morton (October 2, 2023-January 15, 2024). See meeting packet for details.

**Request from Shamrock  
Builders for Dumpster  
Placement in Right-of-Way at  
201 N. Morton (October 2,  
2023-January 15, 2024)**

**Board Comments:** Karon asked if the dumpster would block sight lines. Stewart stated that it didn't appear so, that the dumpster has already been in place and hasn't proven to cause any issues.

Karon made a motion to approve Request from Shamrock Builders for Dumpster Placement in Right-of-Way at 201 N. Morton (October 2, 2023-January 15, 2024). Cox Deckard seconded. All in favor, motion is passed.

Adam Wason, Public Works, commented on the Lane and Sidewalk Closure Request from Reed and Sons for the Bloomington Gateway Project at Miller Showers Park (September 27, 2023 – December 22, 2023). Stated he recognizes that this item has received a lot of attention from the public. He stated he appreciates the Board's diligence in the matter. Wason reminded the public that the Board of Public Works did not approve the contracts for this project. Their purview is to consider the use of the public right-of-way. He asked the Board for their approval of the use of the right-of-way.

**Lane and Sidewalk Closure Request from Reed and Sons for the Bloomington Gateway Project at Miller Showers Park (September 27, 2023 – December 22, 2023)**

**Board Comments:** Cox Deckard asked if the information regarding the questions and comments would be available to the public who want to read more about the project. Tim Street, Parks and Recreation, stated that after corresponding with many people, the information is on the Parks website with a link on the project. Cox Deckard commented about the College and Walnut corridor study and is concerned how the activities will intersect. She asked to hear more about how updates for this project will be communicated with the College Walnut Corridor Committee. Wason stated the College Walnut corridor study covers a very large area of the north-south corridors of the city. Wason also said the Planning and Transportation staff is overseeing the corridor study and communication between their staff and other City staff happens constantly. He went on to state that the College Walnut Corridor study is just that, not a construction project. Cox Deckard stated she believe the Gateway element could be installed without the public improvements being made, which means even if the Board does not grant access to the right-of-way the structural elements of the gateway could be installed. Wason disagreed and stated that the basic permitted activities for the use of the right-of-way would still be needed in order for the structure to be installed. Cox Deckard clarified that the improvements being proposed are positive elements and would be much needed improvements to the area. Street stated that some of the public improvements could not be done without the right-of-way permit. Cox Deckard asked if this request included lane closure and accessibility of the crane. Street stated he did not believe so, that this request was to prepare the site for the installation of the structure. Street also stated that there are two contractors, so if there is an additional request, it may not come from Reed & Sons. Cox Deckard asked if the sidewalk work on the west side of Walnut Street was able to proceed, even though it is a separate project from what they are discussing. Wason stated it was paused because the Board delayed this right-of-way request and could not say for certain if it would move forward.

**Public Comments:** Sally Jones, Bloomington resident, said that there is enough that is unclear and asked the Board to deny any motions until alternatives to the monolith can be considered. She stated that the whole idea is not horrible, but it feels like an awful thing has been wrapped up in a nice package.

Susan Brackney, Bloomington resident, thanked the Board for tabling the request during the last meeting. She stated she went to the park and stood where the illuminated tower is supposed to be, so she could gain a better perspective. She stated she did not feel safe in that area. Brackney commented on the maintenance and long term upkeep. She stated that there are still a lot of unanswered questions that should be addressed before rushing to complete the project.

Cox Deckard stated that there are a lot of unanswered questions and that she still has concerns. Because of her questions and concerns, she stated she is not ready to vote for this

item and asked her fellow Board member to consider tabling the item again. Karon read a prepared statement regarding duties as a member of the Board of Public Works. She stated that after considerable time and thought, she would be voting in favor.

Karon made a motion to approve the Lane and Sidewalk Closure Request from Reed and Sons for the Bloomington Gateway Project at Miller Showers Park (September 27, 2023 – December 22, 2023). No second. Motion is failed.

Alex Gray, Engineering, presented Lane and Sidewalk Closure Request from Taycon at 613 E. 12<sup>th</sup> Street (September 6, 2023 - October 02, 2023). See meeting packet for details.

**Board Comments:** None

Karon made a motion to approve the Lane and Sidewalk Closure Request from Taycon at 613 E. 12<sup>th</sup> Street (September 6, 2023 - October 02, 2023). Cox Deckard seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Maria McCormick, Engineering, presented Resolution 2023-59; Right-of-Way Encroachment request for Catalent Freezer Farm. See Meeting packet for details.

**Board Comments:** Karon asked what a freezer farm is. Bill Riggert, BRCJ, answered it is an enclosure of trailers, kept at -40 degrees Celsius that is used for long term storage of vaccines.

Karon made a motion to approve the Resolution 2023-59; Right-of-Way Encroachment request for Catalent Freezer Farm. Cox Deckard seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Maria McCormick, Engineering, presented Road and Sidewalk Closure Request from Duke Energy at 1600 Block of S. Rogers St. (September 27, 2023-October 6, 2023). See Meeting packet for details.

**Board Comments:** Karon asked if residents had been notified of this closure. Liz Irwin, Duke Energy, stated that they have a process to notify residents and is usually includes a two day notification.

Karon made a motion to approve the Road and Sidewalk Closure Request from Duke Energy at 1600 Block of S. Rogers St. (September 27, 2023-October 6, 2023). Cox Deckard seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Driss Tahir, Engineering, presented Lane and Sidewalk Closure Request from E&B Paving on S. Rogers St. (October 30, 2023-November 30, 2023). See meeting packet for details.

**Board Comments:** None

Karon made a motion to approve the Lane and Sidewalk Closure Request from E&B Paving on S. Rogers St. (October 30, 2023-November 30, 2023).

Wason commented that the upcoming weekend would be the 30th festival of Lotus.

Karon made a motion to approve claims in the amount of \$1,401,911.97. Cox Deckard seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Cox Deckard called for adjournment at 6:03 p.m.

**Lane and Sidewalk Closure Request from Taycon at 613 E. 12<sup>th</sup> Street (September 6, 2023-October 02, 2023)**

**Resolution 2023-59; Right-of-Way Encroachment request for Catalent Freezer Farm**

**Road and Sidewalk Closure Request from Duke Energy at 1600 Block of S. Rogers St. (September 27, 2023-October 6, 2023)**

**Lane and Sidewalk Closure Request from E&B Paving on S. Rogers St. (October 30, 2023-November 30, 2023)**

**STAFF REPORTS AND OTHER BUSINESS**

**APPROVAL OF CLAIMS**

**ADJOURNMENT**

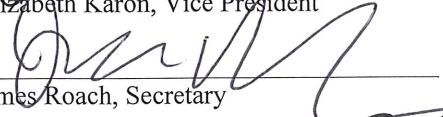
Accepted By:



Kyla Cox Deckard, President



Elizabeth Karon, Vice President



James Roach, Secretary

Date: 2/13/24 Attest to:

