

The Board of Public Works meeting was held Tuesday, November 21, 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
Jane Kupersmith

ROLL CALL

City Staff: April Rosenberger – Public Works
Adam Wason – Public Works
Aleksandrina Pratt – Legal (via Zoom)
Christopher Wheeler – Legal
Rob Council – HAND
Rachael Sargent – Planning and Transportation
Jason Moore – Fire

OPENING OF SEALED BIDS
Disposal Services of Municipal Solid Waste and Single Stream Recycling

Cox Deckard opened and read aloud two sealed bids.
Bid # 1 from Rumpke of Indiana, LLC. Item 1, Disposal Cost of Municipal Solid Waste Collected by the City, \$43/ton. Item 2, Disposal Cost of Single Stream Recycling Materials Collected by the City, \$68/ton.
Bid #2 from Republic Services of Indiana L.P. dba Transfer Station. Item 1, Disposal Cost of Municipal Solid Waste Collected by the City, \$43/ton. Item 2, Disposal Cost of Single Stream Recycling Materials Collected by the City, \$10/ton.

MESSAGES FROM BOARD MEMBERS

None

CONSENT AGENDA

1. 2024 Service Agreement with City Lawn
2. 2024 Service Agreement with Harrell Fish, Inc. for HVAC Repairs & Maintenance
3. 2024 Service Agreement with Harrell Fish, Inc. for Plumbing Repairs & Maintenance
4. 2024 Service Agreement with Indiana Door & Hardware
5. 2024 Service Agreement with Photizo dba Fish Window
6. Approval of Payroll

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

NEW BUSINESS
Resolution 2023-77; Renew Mobile Vendor, Community Kitchen

Adam Wason, Public Works, presented Resolution 2023-77; Renew Mobile Vendor, Community Kitchen. See Meeting Packet for details.

Board Comments: Kupersmith noted that Tim Klauer (sp?) is not the owner of the Community Kitchen, and said that it is likely just form language from the paperwork.

Kupersmith made a motion to approve Resolution 2023-77; Renew Mobile Vendor, Community Kitchen. Karon seconded. Karon took a roll call vote, Kupersmith yes, Karon yes, Cox Deckard abstained, motion is passed.

Lane and Sidewalk Closure

Cox Deckard made a motion to table the Lane and Sidewalk Closure Request from AEG.

Karon seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Request from AEG

Rachael Sargent, Planning and Transportation, presented Consultant Agreement for the BMCMPPO 2050 Metropolitan Transportation Plan. See Meeting Packet for details.

Consultant Agreement for the BMCMPPO 2050 Metropolitan Transportation Plan

Karon made a motion to approve Consultant Agreement for the BMCMPPO 2050 Metropolitan Transportation Plan. Kupersmith seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Jason Moore, Fire, presented Contract with Fox Construction for Fire Station #1 Renovation. See Meeting Packet for details.

Contract with Fox Construction for Fire Station #1 Renovation

Board Comments: Cox Deckard asked Moore to describe the location of Fire Station #1 and the purpose of the remodel. Moore said the location is 300 E. 4th St. Moore said the project was a long time in development and plans had to be redone after a flood in 2021. Moore said the project will be contained within the existing footprint of the building, with a part of it being slightly higher, the basement would be filled in, and it would result in a more modern fire station for all firefighters. Karon asked if the capacity for fire vehicles would be the same. Moore said yes.

Karon made a motion to approve Contract with Fox Construction for Fire Station #1 renovation. Kupersmith seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Karon made a motion to approve Contract with Reed and Sons for Fire Station #1 Renovation. Kupersmith seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Contract with Reed and Sons for Fire Station #1 Renovation

Moore stated that there was only one bid for this contract.

Contract with Harrell Fish, Inc. (HFI) for Fire Station #1 Renovation

Karon made a motion to approve Contract with Harrell Fish, Inc. (HFI) for Fire Station #1 Renovation. Kupersmith seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Karon made a motion to approve Contract with Electric Plus for Fire Station #1 Renovation. Kupersmith seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Contract with Electric Plus for Fire Station #1 Renovation

Cox Deckard referenced previously established parameters which stated there would be 15 minutes allocated for both the appellant and City staff.

APPEALS
Appeal Notice of Violation
62038-08-1314; 530 S.
Washington St

Joe Davis, 530 S. Washington St., presented his appeal. Davis said that his witnesses had not yet arrived and asked for a recess. Wason and Cox Deckard stated that there would be no recess and the time to present had begun. Davis repeated his request for a recess and Cox Deckard and Wason said no. Christopher Wheeler, Legal, stated that the City already made their case several weeks prior, and added that anybody who intended to present at the Board meeting should have arrived by the meeting's posted start time. Davis said that he was presented with images just prior to the meeting and did not have time to review them. Davis said that a meeting was held at his property on November 2 to review his materials, and was attended by John Zody, HAND, Scott Robinson, Planning and Transportation, Beth Cate,

Legal, Bobby LaRue, Monroe County Building Dept. Davis said that images and video were taken at this meeting. Davis said the images in the Board packet were out of date. Davis took issue with the presentation of the images. Davis said that it was agreed at the meeting that he would develop an inventory of the items on his property. Davis said that John Zody agreed to come to his property and review items one by one and that it would likely occur the following week. Davis said that Title 6 contains definitions of garbage but not definitions of building materials, and that the City referring to his items as garbage is not adequate proof that they are actually garbage. Davis felt that the City was not following through on the agreed-upon steps toward resolution and he didn't understand why his appeal was proceeding.

Wason said that the meeting did occur as Davis described, and that all materials submitted by Davis were passed along to the Board. Wason added that John Zody offered significant amounts of availability for a meeting but Davis had not accepted any of the times, and said that meeting could still occur in the future.

Board Comments: Cox Deckard asked Chris Wheeler, City Legal, which items on Davis's property were in violation of Title 6 and were under review. Wheeler referred to the photos that were presented during the October 10 Board of Public Works meeting, and gave a brief description of them, all of which were in various stages of decomposition, and were considered rubbish.

Cox Deckard allowed one minute for Davis to respond. Davis said that the items in the photos were not rubbish, and some were part of an art installation.

Karon made a motion to reject the Appeal Notice of Violation 62038-08-1314; 530 S. Washington St. Kupersmith seconded. Cox Deckard took a roll call vote, all in favor, motion is passed, appeal is denied.

Chris Wheeler, Legal, presented Request for Abatement 530 S. Washington St. Wheeler asked questions of Rob Council, HAND. Wheeler asked Council if he took the photographs that had been presented to the Board. Council said yes, the photos had been taken today, and they depicted the property at 530 S. Washington St. Wheeler asked Council how the Notice of Abatement was delivered to Davis. Council said he hand-delivered the Notice to Davis, and also sent a copy via certified mail, which was delivered and signed for by Davis on August 22, 2023. Wheeler asked Council if the photos showed the property in the same or very similar state as when the Notice was delivered to Davis. Council said yes. Wheeler asked Council if HAND recommends abatement as a result of failure to remedy. Council said yes.

Board Comments: Cox Deckard asked if there had been a previous abatement at this property. Council said yes, and added that the work was not completed within the one day allowed due to Davis preventing them from carrying out their tasks. Karon asked who was in attendance at the previous abatement. Council said it was himself, Chris Wheeler, Jo Stong, HAND, and three police officers, as well as the contractor used by the City for abatements. Wheeler said that there was a one-year time limit on carrying out an abatement after the notice was served, and asked that the Board deny any requests for continuances from Davis so that there would be adequate time to complete the abatement. Cox Deckard asked if this abatement pertains to any Title 20 violations in addition to Title 6. Wheeler said that the items under review were related to Title 6, and the Title 20 violations would go through a separate process involving the Planning and Transportation Department. Cox Deckard asked if the items depicted in the photos, described by the City as rubbish, would be the only items affected by this abatement. Wheeler said yes. Karon asked if the vehicles on the property would be affected by this abatement. Wheeler said no, vehicles are addressed under Title 20. Karon asked specifically about the vehicle parked in the street. Wheeler said that would be addressed by Parking through a separate

TITLE VI ABATEMENT
REQUESTS
Request for Abatement 530 S.
Washington St.

process. Wason said that HAND, Parking, and Planning and Transportation were working together to classify the items. Kupersmith asked if the abatement would include items on Davis's porch, or what the boundaries would be. Wheeler responded that HAND staff had been instructed to stay off the porch.

Davis was given 5 minutes to comment. Davis recalled the prior abatement and said that City staff were instructing the abatement contractors to remove items from his vehicle and other storage areas, but the contractors refused, saying the items were not garbage. Davis felt this demonstrated that there was not agreement about the nature of the materials on his property. Davis asked that the abatement proceedings be postponed until a meeting could occur with John Zody, HAND, to review and classify his materials.

Cox Deckard commented that it was important that the inventory of building materials be submitted as soon as possible. Wason said that it would be 10 business days before the abatement would commence, if approved. Davis again requested that the meeting with Zody occur. Cox Deckard stated that the email chain between Davis and Zody indicated that there was ample opportunity for the two to meet, but Davis did not take advantage. Cox Deckard added that the meeting could still occur during the 10 day period.

Davis continued to object to the proceedings.

Public Comments: Jamie Shaw spoke in support of Davis. Shaw expressed concern for the definitions or lack thereof used in Title 6 to describe items that are in violation.

Mark Haggerty described what he felt was gentrification in Bloomington, and said that for people like himself and Davis, the only option to live in the city was to be in an older low-cost home that needed repair. Haggerty was concerned about the lack of candidates on the recent election ballot.

Karon made a motion to approve the Request for Abatement 530 S. Washington St. Kupersmith seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

None.

None.

Cox Deckard called for adjournment at 6:48 p.m.


STAFF REPORTS AND
OTHER BUSINESS

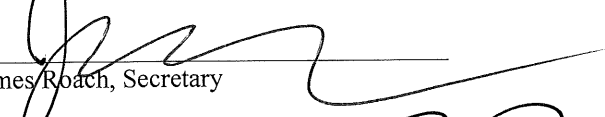
APPROVAL OF CLAIMS

ADJOURNMENT

Accepted By:


Kyla Cox Deckard, President


Elizabeth Karon, Vice President


James Roach, Secretary

Date: 2/13/24 Attest to: 