

The Board of Public Works meeting was held on Tuesday, August 20, 2019, at 5:30 pm in the Utilities Board Conference Room at City of Bloomington Utilities, 600 E. Miller Dr., Bloomington, Indiana, with Kyla Cox Deckard presiding.

**REGULAR MEETING
OF THE BOARD OF
PUBLIC WORKS**

Present: Kyla Cox Deckard
Beth H. Hollingsworth

ROLL CALL

City Staff: Michael Large – Public Works
Adam Wason – Public Works
Ryan Daily – Public Works
Kenny Liford, Housing and Neighborhood Dev.
Matthew Swinney – Housing and Neighborhood
Jacquelyn Moore – City Legal
Christopher Wheeler – City Legal
Roy Aten – Planning and Transportation
Neil Kopper – Planning and Transportation
Sara Gomez – Planning and Transportation
Russell White – Planning and Transportation

Cox Deckard wanted to let everybody know that tomorrow, August 22nd, is IU's grand move in day and to have some patience when traveling through Bloomington.

**MESSAGES FROM
BOARD MEMBERS**

None

**PETITIONS &
REMONSTRANCES**

**HEARING ON
EXCESSIVE GROWTH
APPEAL**

Christopher Wheeler, City Legal, presented the Appeal Excessive Growth Citation #43892 at 135 N. Clark St. See meeting packet for details.

**Appeal Excessive Growth
Citation #43892 at 135 N.
Clark St.**

Public Comments: Adam McAndrews came to the Board to tell his side of the story. He states his yard floods when it rains so it makes it impossible. McAndrews also said that he does not have time off work so it makes it hard to mow the yard.

Board Comments: Kenny Liford, Housing and Neighborhood Development, stated at the time he wrote the tickets there was not a lot of rain. Hollingsworth asked if McAndrews received any warnings. Liford said he has given McAndrews three warnings. Cox Deckard asked for the specific date in July the warning was written. Liford said it was on July 8th, 2019. Cox Deckard asked if the property was in compliance after the warning and then became out of compliance. Liford said he was unsure.

Hollingsworth made a motion to uphold Citation #43892. Cox Deckard seconded. Motion is passed.

TITLE VI
ENFORCEMENT

Matthew Swinney, Housing and Neighborhood Development, presented Permission to Abate Property at 125 E. Sunny Slopes Dr. See meeting packet for details.

**Permission to Abate
Property at 125 E. Sunny
Slopes Dr.**

Hollingsworth made a motion to abate property at 125 E. Sunny Slopes Dr. Cox Deckard seconded. Motion is passed.

Swinney presented Permission to Abate Property at 805 S. Westpoint Ct. See meeting packet for details.

**Permission to Abate
Property at 805 S.
Westpoint Ct.**

Board Comments: Hollingsworth asked Swinney if this was a contentious abatement. Swinney didn't think it was necessary.

Hollingsworth made a motion to Abate Property at 805 S. Westpoint Ct. Cox Deckard seconded. Motion is passed.

Swinney presented Permission to Abate Property at 1000 W. Countryside Ln. See meeting packet for details.

**Permission to Abate
Property at 1000 W.
Countryside Ln.**

Hollingsworth made a motion to Abate Property at 1000 W. Countryside Ln. Cox Deckard seconded. Motion is passed.

CONSENT AGENDA

1. **Approve Minutes 8-6-19**
2. **Resolution 2019-78: Approve 2019 Lotus World Music and Arts Festival (Thursday, September 26th - Sunday, September 29th)**
3. **Approve Resolution 2019-79: Approve 2019 Walk to End Alzheimer's (Sunday, September 15th)**
4. **Approve Outdoor Lighting Service Agreement with Duke Energy for Metered Surface Lot at 4th and Dunn St.**
5. **Resolution 2019-81: Approve Request for Use of the Public Right-of-Way for Dumpster Placement on W. 8th Street from Weddle Brothers (Thursday, August 22nd – Friday, January 3rd, 2020)**
6. **Approve Payroll**

Hollingsworth made a motion to approve the items on the consent agenda. Cox Deckard seconded the motion. Motion is passed. Consent agenda is approved.

Neil Kopper, Planning and Transportation, presented Approve Construction Inspection Contract with The Etica Group, Inc., for the School Zone Enhancement Project. See meeting packet for details.

Board Comments: Hollingsworth asked for clarification that this was just an inspection contract; Kopper confirmed.

Hollingsworth made a motion to Approve Construction Inspection Contract with The Etica Group, Inc., for the School Zone Enhancement Project. Cox Deckard seconded. Motion is passed.

Kopper presented Approve Construction Inspection Contract with Butler, Fairman, & Seufert, Inc., for the Rogers, Henderson, and Winslow Multiuse Path Projects. See meeting packet for details.

Board Comments: Hollingsworth asked for clarification if this was just an inspection contract; Kopper confirmed. Hollingsworth asked if this will start in 2020; Kopper confirmed.

Hollingsworth made a motion to Approve Construction Inspection Contract with Butler, Fairman & Seufert, Inc., for the Rogers, Henderson, and Winslow Multiuse Path Projects. Cox Deckard seconded. Motion is passed.

NEW BUSINESS

Approve Construction Inspection Contract with The Etica Group, Inc., for the School Zone Enhancement Project

Approve Construction Inspection Contract with Butler, Fairman & Seufert, Inc., for the Rogers, Henderson, and Winslow Multiuse Path Projects

Roy Aten, Planning and Transportation, presented Approve Change Order #1 with Groomer Construction for Downtown Curb Ramp Improvements Phase II Project. See meeting packet for details.

Approve Change Order #1 with Groomer Construction for Downtown Curb Ramp Improvements Phase II Project

Board Comments: Hollingsworth asked how long this will take to be completed. Aten said they anticipate to be done by Friday, August 23rd.

Hollingsworth made a motion to Approve Change Order #1 with Groomer Construction for Downtown Curb Ramp Improvements Phase II Project. Cox Deckard seconded. Motion is passed.

Aten presented Approve Right-of-Way Services Contract with BFS, Inc., for Jackson Creek Trail Phase II Project. See meeting packet for details.

Approve Right-of-Way Services Contract with BFS, Inc., for Jackson Creek Trail Phase II Project

Board Comments: Cox Deckard asked if this includes the Declaration of Public Need. Aten said that is on the next item on the agenda.

Hollingsworth made a motion to Approve Right-of-Way Services Contract with BFS, Inc., for Jackson Creek Trail Phase II Project. Cox Deckard seconded. Motion is passed.

Resolution 2019-80: Approve Right-of-Way Acquisition for Jackson Creek Trail Phase II Project

Aten presented Resolution 2019-80: Approve Right-of-Way Acquisition for Jackson Creek Trail Phase II Project. See meeting packet for details.

Board Comments: Hollingsworth asked if that will include additional 12 parcels. Aten said he believes they may impact 12 parcels.

Hollingsworth made a motion to Approve Resolution 2019-80: Approve Right-of-Way Acquisition for Jackson Creek Trail Phase II Project. Cox Deckard seconded. Motion is passed.

Gomez presented Approve Extension Request from Duke Energy for Temporary Road/Alley Closures. See meeting packet for details.

Approve Extension Request from Duke Energy for Temporary Road/Alley Closures (Friday, November 29th)

Board Comments: Hollingsworth asked what the delays have been. Brandon Wilson, Duke Energy, said there have been scope changes with the project. Some of the crew had to be moved to

other job sites. Wilson said weather was a big delay. Finally, Wilson said there has also been environmental concerns with boring on the B-Line Trail. Cox Deckard asked about the notices that were sent out to residents and managers in the area. The notice said the Public Works meeting would be held at City Hall, but due to other meetings, the Public Works meeting was held at the Utilities Board Room. Cox Deckard wanted to ensure they were told of the location change; Gomez confirmed. Cox Deckard asked if there would be issues with events going on downtown during this time frame. Gomez said there shouldn't be an issue since Duke Energy's working hours would be from 8am-5pm. Gomez agreed to look into that.

Hollingsworth made a motion to Approve Extension Request from Duke Energy for Temporary Road/Alley Closures. Cox Deckard seconded. Motion is passed.

Sara Gomez, Planning and Transportation, presented Approve Request for Use of Public Right-of-Way from Strauser Construction. See meeting packet for details.

Board Comments: Hollingsworth asked if the walkway will be covered. Gomez said it will not be covered. Adam Wason, Public Works, said that hasn't been required in the past projects, they will just use barricades. Cox Deckard ensured the walkway would be away from the work. Gomez said that walkway would be primarily used for construction entrances and exits. Cox Deckard asked if there has been any concerns with events during this construction time. Gomez said Ryan Strauser, Strauser Construction, has been in contact with the Lotus Director and that he has confirmed there shouldn't be an issue and he will work around events going on.

Hollingsworth made a motion to Approve Request for Use of Public Right-of-Way from Strauser Construction. Cox Deckard seconded. Motion is passed.

Russell White, Planning and Transportation, presented Approve Award of Construction Contract with E&B Paving, Inc., for the Moores Pike Sidewalk Project. See meeting packet for details.

Public Comments: John Simpson, Monroe LLC, came to the Board to see if he could get his bid reinstated. Simpson said he did provide his financial statements from the last project the City had awarded to them. Simpson said as far as the weighted unit prices stand, he stated it's hard to measure some items so he

Approve Request for Use of Public Right-of-Way from Strauser Construction (Monday, September 2nd - Wednesday, November 6th, 2020)

Approve Award of Construction Contract with E&B Paving, Inc., for the Moores Pike Sidewalk Project

focused on items that weren't so hard to measure. He stated he knew other contractors wouldn't be able to finish this project this year and Monroe LLC would be prepared to complete the project this year. He hopes the Board could reconsider and put his bid into consideration.

Board Comments: Jackie Moore, City Legal, explained that State Form 96 is a contractor's bid form for public works projects which is prescribed by the State Board of Accounts. That means it is a requirement. Any contractor's bid for a project of \$150,000 or more must contain the required financial statement. Failure to do so renders the contractor's bid invalid. The bid from Monroe LLC did not contain the financial statement for this project. State Form 96 is included in quote and bid packets sent out by Public Works or Planning and Transportation. Those packets enumerate the items that must be submitted and State Form 96 is one. Hollingsworth asked Moore if she would consider this bid invalid. Moore said the fact that his bid did not contain the required financial statement invalidated his bid.

Public Comments: Simpson said he did submit state form 96 and the state has the form in their possession. Wason said he submitted the form for a different project, from a different year. Wason stated he must submit a financial statement for every bid request.

Hollingsworth made a motion to Approve Award of Construction Contract with E&B Paving, Inc., for the Moores Pike Sidewalk Project. Cox Deckard seconded. Motion is passed.

Ryan Daily, Public Works, presented Approve Award of Contract for 2019 Walnut Street Garage Stairwell Repair to Ann-Kriss LLC. See meeting packet for details.

**Approve Award of Contract
for 2019 Walnut Street
Garage Stairwell Repair to
Ann-Kriss LLC**

Board Comments: Jackie Moore, City Legal, explained the conditions of approval for this contract. Under IC 36-1-12, contractors must be pre-qualified with the Indiana Public Works Certification Board prior to starting work on any local public works project estimated to be over \$300,000.00. Contractors will not be required to be qualified for a local unit public works project if the contract to be awarded is less than 300,000.00. August 29th is the requirement of submission of the application. The Board will meet on September 5th and within 14 days they will issue letters or certificates. Any award will need to be contingent on Ann-Kriss, LLC receiving the certification from

Department of Administrative Public Works Certification Board. Hollingsworth asked if contract is approved, will the work begin. Moore answered if it's more than \$300,000.00, under IC 36-1-12, no work can begin until Ann-Kriss, LLC receives the certificate.

Hollingsworth made a motion to Approve Award of Contract for 2019 Walnut Street Garage Stairwell Repair to Ann-Kriss LLC. Contingent upon the certificate from the Department of Administration Public Works Certification Board. Cox Deckard seconded. Motion is passed.

Jackie Moore, City Legal, presented Approve Grant of Easement to Duke Energy along Dunn St. Route. See meeting packet for details.

Approve Grant of Easement to Duke Energy along Dunn St. Route

Hollingsworth made a motion to Approve Grant of Easement to Duke Energy along Dunn St. Route. Cox Deckard seconded. Motion is passed.

Adam Wason, Public Works, stated the "Clear the Shelter" event was very successful this past weekend. He wanted to thank the staff at the animal shelter. In addition, Wason stated to try to stay away from roads near campus if you don't have to be in that area due to IU students moving in. Public Works is still in paving season but, due to the weather in June, Wason wasn't sure if they would get all of the paving done this year. It is always weather dependent. Wason wanted to thank the Street Department, more specifically the concrete crews. They installed a sidewalk and curb ramp on Leonard Springs Road which was a huge improvement for the residents in that area.

STAFF REPORTS & OTHER BUSINESS

Hollingsworth made a motion to approve claims in the amount of \$580,210.52. Cox Deckard seconded. Claims are approved.

APPROVAL OF CLAIMS

Cox Deckard called for adjournment. Meeting adjourned at 6:27 P.M.

ADJOURNMENT

Accepted By:

Kyla Cox Deckard, President

Beth H. Hollingsworth, Vice-president

Dana Palazzo, Secretary

Date:

Attest to: