

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY  
VALPARAISO, INDIANA  
June 12, 2020**

The Board of Public Works & Safety of Valparaiso, Indiana met June 12, 2020, at 10:00 a.m. in City Hall. Present were Mayor Murphy, Steve Poulos, and Holly Howe. Mayor Murphy called the meeting to order.

Steve Poulos moved that the minutes of the May 22, 2020 meeting be approved. Seconded by Holly Howe and so approved.

Steve Poulos moved that the claims be approved for payment and subject to appropriation balances. Seconded by Holly Howe. Prior to the vote, Attorney Lyp explained that as part of the Claim Register there was a medical claim to Franciscan Alliance stemming from a Valparaiso Police Officer that Mayor Murphy may need to sign a document to confirm payment. Attorney Lyp asked that the Motion to Approve include the authorization to allow Mayor Murphy to sign the necessary documents. The Motion to Approve the claims with the request from Attorney Lyp was approved 3-0.

**Award Contract – Valparaiso Library Learning Plaza**

Stu Summers reported that five bids were received at the May 22, 2020 Board of Works meeting. Shive Hatterly reviewed the bids. The lowest bid was Hasse but it was not fully responsive. The Board is allowed to accept this bid or the next lowest bid. Both are below the budget estimate. Hasse did not sign Addendums 2 and 3 regarding.

Attorney Lyp reported Shive Hatterly has recommended accepting the second lowest bid which is Berglund. Under Indiana law, if this Board does not go with the lowest bid, there has to be some written record explaining its decision. The Board is to consider the lowest, responsive, responsible bidder. Lowest is pretty objective. They all provide bids based on the specs provided. Responsive to a certain degree has a tinge of subjectivity. But primarily it is an objective that they meet all the criteria. And certainly, on the responsive bidding it is a little bit more subjective based on past history with the City and depending upon other information you may find to be relevant. The omission made by Hasse has no indication it was intentional; however, the other 5 applicants complied with the requirement, so it was unlikely a bid language issue. Attorney Lyp's legal recommendation is that the Board disqualify Hasse based on the material defects in its bid submission and award the contract to Berglund, which was the second lowest bid and met the standard of being both responsive and responsible.

Attorney Lyp added that Hasse has said they would sign the Addendum once it was realized they made a mistake. Also, one bidder(not Berglund) made the comment to Stu Summers that it is an unfair process now that the prices have been disclosed.

Mayor Murphy said one option is to reject all bids and re-bid again. Attorney Lyp and Stu Summers replied they would not recommend that. All of the prices from each bidder is now common knowledge. Also, re-doing the entire process would cause them to lose the construction season.

Steve Poulos moved to reject the Hasse bid due to Addendum 2 and 3 not being signed and accept the Berglund bid. The Mayor is authorized to sign the contract immediately upon notification of the release of funds by the Office of Community and Rural Affairs. Seconded by Holly Howe and so approved.

### **2605 Vale Park Right of Way**

Stu Summers requested approval to accept a right-of-way agreement with 2605 Vale Park. The Redevelopment Commission has approved funding for this acquisition.

Holly Howe moved to accept the right-of-way agreement with 2605 Vale Park. Seconded by Steve Poulos and so approved.

### **TOD Parking Lot Electrical and Landscaping Packages**

Stu Summers requested approval to put out request for bids for the transit parking lot at the northwest corner of Campbell and Brown. Last month the RDC awarded the contract for this to Walsh and Kelly. NIRPC has awarded \$200,000 for the Electric and Landscaping packages of this project. American Structure Pointe has prepared plans and specifications. He would like to allow American Structure Point to advertise for bids. They will bring them to the Board of Works for review and awarding. On each the City will be reimbursed 8% up to \$100,000.

Holly Howe moved to authorize American Structure Point to advertise for bids on the TOD Parking Lot Electrical and Landscaping Packages. Seconded by Steve Poulos and so approved.

### **Government Fixed Asset Services Inc.**

Dale Brewer requested approval to renew the contract with Government Fixed Asset Services Inc. The company has always helped the City fulfill the requirement to list capital assets such as buildings, land, vehicles and equipment.

Steve Poulos moved to approve the renewal contract with Government Fixed Asset Services, Inc. Seconded by Holly Howe and so approved.

### **City Hall Renovation and Expansion Change Order #4**

Don McGinley requested approval of AIA G701 Document, Change Order #4. This is for additional requests for time and material. This is not under the Bond Issue. He requested approval to pay pending finding the source of funds to pay from.

Holly Howe moved to approve and sign AIA G701 Document, Change Order #4. Seconded by Steve Poulos and so approved.

### **Unsafe Building Status 1425 Glendale TRK**

Attorney Estrada reported progress is being made on this project. Weekly updates are being provided. He recommends continuing this issue until the June 26<sup>th</sup> meeting. The attorney for the property owner has been advised to appear at the meeting on the 26<sup>th</sup> and have a progress report.

### **Unsafe Building Status 301 Morthland**

Attorney Estrada reported as of today demolition has been started. He recommends continuing this issue until the June 26<sup>th</sup> meeting.

### **Unsafe Building Status 553 Factory and 552 Boundary**

Attorney Estrada reported all work has been performed. He recommends dismissing the Demolition Order on both properties.

Steve Poulos moved to dismiss the Demolition Order on 553 Factory and 552 Boundary. Seconded by Holly Howe and so approved.

### **Unsafe Building Status 756 Franklin Street**

Attorney Estrada reported that last year bids went out for demolition of 756 Franklin Street. The owner appeared and said he would work on the building. Attorney Deppe wants to provide an update. Vicki Thrasher has inspected the building and not much work has been done. Attorney Estrada recommended that the Board hear Attorney Deppe before making a decision.

Attorney Deppe reported Jim Youngjohn was the owner of this building. He had a person buy the house. Attorney Deppe received the Notice of Demolition late because the Deed was not recorded with the new owner's name. To date they have demolished the garage and put \$22,000 into repairs. He has estimates of \$60,000 to finish the work. The owner is unable to finance that right now because he is Chinese and the US and China have restrictions on money going between the two countries. The owner wants to fix the house but is unable to give a time frame.

Steve Poulos asked for clarification on the money going back and forth between China and US. Holly Howe asked about the Notice not being received. Attorney Deppe explained it went to Jim Youngjohn and he did not pass it on to the new owner.

Attorney Estrada reported he ran a title search on this property before sending out the Notice of Demolition. The Deed had not been recorded and it showed Mr. Youngjohn as the owner. The Notice of the hearing was published twice. Good Service was made. It has been one year since the Order was established.

There are options:

1. The City can demo the house because the cost is under \$10,000.
2. Continue the case, allow them to work and see what progress is made. With this Vicki will be allowed full access to the property and there will have to be a timeline of progress.
3. The owner will have to provide an architect's certified statement that the building is fixable.

Steve Poulos asked what needs to be fixed quickly to make it safe. Attorney Estrada replied there is rotting wood throughout. Inside there is substantial work that needs to be done. In one year and one week the Order for Demolition expires and the process will have to start over. If the Board wants to give time to the property owner, that is okay. But the City is ready to move on the demolition.

Holly Howe expressed her concern that the siding is covering issues that still exist. Mr. Jose Alvarez, the contractor that did the work, replied the windows were put in as they are because there were no windows at the time. The windows were put in just to secure the building for the time being. He assures the Board and Mayor the structure is salvageable.

Steve Poulos asked if this building is not repaired because they have not gotten any permits. Mr. Alvarez replied a permit has been applied for. When he gets the permit, he will begin the rehab. Vicki Thrasher explained a different contractor was who applied for a permit. This week Mr. Alvarez applied. However, he did not provide any plans with the permit. She was waiting for the results from today's meeting before she moved ahead on the permit.

Steve Poulos asked if there are any invoices. Attorney Deppe replied he has invoices for about \$28,000. Steve Poulos asked who would certify the building is fixable. Attorney Estrada replied that is the responsibility of the property owner.

Steve Poulos moved to proceed with the demolition, giving the property owner 30 days to do so on his own. Seconded by Holly Howe and so approved.

Steve Poulos moved to continue the cases for 1425 Glendale and 301 Morthland to the June 26<sup>th</sup> meeting. Seconded by Holly Howe and so approved.

### **Demolition Status Sheet**

Attorney Lyp discussed the Demolition status sheet. In the past when money is owed because of demolition, he has filed a lien. He has been unable to collect on these. He is being more aggressive and is now filing a foreclosure action against the unpaid lien.

### **NIRPC Transit Operations**

Beth Shrader requested approval of two Fund Conveyance Agreements between NIRPC and the City of Valparaiso for transit operations. These agreements have been reviewed and approved by Attorney Lyp.

Steve Poulos moved to approve both Agreements. Seconded by Holly Howe and so approved.

### **Frontier Communications Site Work**

Mike Jabo requested approval of the site work application by Frontier Communications at 1050 Transport Drive.

Steve Poulos moved to approve the Frontier Communications Site Work application. Seconded by Holly Howe and so approved.

### **Burlington Beach Road Closure**

Mike Jabo requested approval of a complete closing of Burlington Beach Road for two days; June 18<sup>th</sup> and 19<sup>th</sup>.

Steve Poulos moved to approve closing Burlington Beach Road June 18<sup>th</sup> and 19<sup>th</sup>. Seconded by Holly Howe and so approved.

### **Community Crossing Grant**

Dale Brewer opened bids for the Community Crossing project. Bids received were:

Walsh and Kelly - \$1,542,169.65

Reith Riley - \$1,577,149.64

Both are within the realm of the engineer's estimate. Mike Jabo recommended the Board take these bids under advisement and award the contract at the next meeting.

Steve Poulos moved to accept the bids under advisement. The bids will be reviewed and the contract will be awarded at the June 26<sup>th</sup> Board of Works meeting. Seconded by Holly Howe and so approved.

There was no further business and the meeting was adjourned.