

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY
VALPARAISO, INDIANA
July 14, 2023**

The Board of Public Works & Safety of Valparaiso, Indiana met July 14, 2023, at 10:00 a.m. in City Hall. Present were Steve Poulos and Holly Howe. Mayor Murphy was absent. Steve Poulos called the meeting to order and led the Pledge of Allegiance.

Motion: Holly Howe moved that the minutes of the June 23, 2023 meeting be approved. Seconded by Steve Poulos and so approved with a 2-0 vote.

Motion: Holly Howe moved that the claims be approved for payment subject to appropriation balances. Seconded by Steve Poulos and so approved with a 2-0 vote.

2023 Annual Sidewalk Program

Bill Laird addressed the Board. On June 23, 2023 the Board of Works opened bids for the 2023 Annual Sidewalk Program – Package 2. Their recommendation is to award the project to Milestone Contractors North as the lowest, responsive bidder and to authorize the Mayor to sign the contract.

Milestone	\$423,423.00
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Motion: Steve Poulos moved to award the 2023 Annual Sidewalk Program – Package 2 to Milestone in the amount of \$423,423.00 and to authorize the Mayor to sign the contract pending legal review. Holly Howe seconded the motion and so approved with a 2-0 vote.

Street Closure Extension – South Campbell Street

Max Rehlander addressed the Board. As part of the Campbell and Brown TOD Entryway project, full closure of South Campbell between Brown and Boundary is necessary for construction of road improvements. It was intended to be opened July 17th. Due to delays in April and May from Utility relocations, the construction is taking slightly longer. The Engineering Department is requesting an extension of this closure for approximately four weeks to August 9th for the contractor to complete road improvements.

Motion: Holly Howe moved to approve the street closure extension until August 9th. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Street Closure – Yellowstone Road – CN Railroad

Max Rehlander addressed the Board. As part of improvements to railroad crossings, CN Railroad is planning to upgrade the Yellowstone crossing. They intend to begin on July 17th and request a two-week time period to complete the work. The Engineering Department

recommends approval of the closure of Yellowstone for a two-week period for CN Railroad to perform crossing upgrades. Lafayette crossing is currently closed. It is a staging spot for the rest of the upgrades. Steve Poulos pointed out this is two major streets that will be closed. Emergency services are fine with the closing. They have the bridge on Campbell they can use. Attorney Lyp suggested they put doorknockers on resident's homes in the area. Steve Poulos added they should use Alert Media to contact residents in the immediate area. Max Rehlander advised Rieth Riley should be complete with the paving they are doing on Yellowstone by Saturday.

MOTION: Holly Howe moved to approve closure of Yellowstone beginning on July 17th for a two- week time period. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Traffic and Safety

Max Rehlander addressed the Board. The next Traffic and Safety Committee meeting is July 17th at 10:00 a.m. At their last meeting the Board recommended:

LaPorte Avenue Re-establish Two-Way Traffic

The Traffic and Safety Committee recommends converting the one-way configuration of LaPorte Avenue between Garfield and Roosevelt back to two-way. Parking will be maintained on both the north and south sides of the road via a 7' wide parking lane. Travel lines will be 10' wide in either direction.

MOTION: Holly Howe moved to approve converting the one-way configuration of LaPorte Avenue between Garfield and Roosevelt back to two-way. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Franklin Street Three-Way Stop Control (Two Intersections)

The Traffic and Safety Committee recommends installing a three-way stop control intersection along Franklin at Chicago Street and Jefferson Street intersections. On street parking on Franklin north of Chicago have been a recurring sight distance concern. Additionally, both intersections are difficult for pedestrians to navigate due to one-way configurations. Three way stop control is recommended at both intersections to promote pedestrian and driver safety. The stop will be made more visible so the change is noticed.

MOTION: Holly Howe moved to approve installing a three-way stop control intersection along Franklin at Chicago Street and Jefferson Street intersections. Steve Poulos seconded the motion and so approved with a 2-0 vote.

No Outlet Sign on Green Acres Drive east of Bloomingdale

The Traffic and Safety Committee recommends installing a “No Outlet” sign along Green Acres Drive east of Bloomingdale. Resident’s concern noted frequent situations of drivers trying to go through on this street, only to make a U-turn. Engineering staff agrees the Church parking lot to the east makes it appear the street connects, though it does not. A “No Outlet” sign is recommended to alleviate confusion at this location.

MOTION: Holly Howe moved to approve installing a “No Outlet” sign along Green Acres Drive east of Bloomingdale. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Bid Opening for Transportation 2023 Request for Proposals, Operations and Support

Don Lorntzen addressed the Board. Two bids were received for the Transportation 2023 Request for Proposals, Operations and Support. Proof of Publication was confirmed. Bids received were from:

Royal Excursion and RTW Management

The bids will be reviewed by a seven-person panel and a recommendation for the award will be made at the next Board of Works meeting.

Unsafe Building Code Matters

1058 South State Road 2

Attorney Estrada addressed the Board. He presented a Pre-Hearing Submission of Evidence and requested that it be entered into the record. He asked Santiago Vaca, representing the property owner, if he had received a copy and it was determined he had.

Motion: Holly Howe moved to accept the Pre-Hearing Submission of Evidence. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Attorney Estrada questioned Vicki Thrasher, Building & Code Enforcement Director about the property. She is familiar with the property. She has inspected the property. It is her opinion that the building is vacant, abandoned, and unsafe. There is debris around. There is a part of the building in back that is pulling away from the rest of the building. The roof is in poor condition. There are holes in the foundation. There are shipping containers on the property. The building is unsafe and a public nuisance. The two went through pictures showing the deterioration of the building.

Attorney Estrada questioned Santiago Vaca. His father owns the building. The damage has been caused by a storm in March. There is an insurance claim filed. However, they cannot agree on the amount of the damage. The storage containers have all the contents from inside

the building. He did not obtain a permit from the City to place the containers on the property. They have not been open for business since the storm in March.

Santiago Vaca presented his insurance claims paperwork. He also showed a contract in the amount of \$8,500 he has entered into for restoration of the interior of the building. He has paid that contract in full. The contractor is just now getting the permits. The intent is to get the building operational and sell it. It is up to the insurance company how quickly they settle the claim so the building can be restored. He believes he has submitted a claim for approximately \$100,000. If an agreement is not made with the insurance company, he will have to pay for the repairs himself. They do not want to leave the building "as is". The City has not been able to go inside to see if the building is structurally sound. Vicki Thrasher does feel from what she has seen outside that the building is unsafe.

Attorney Lyp asked if the issue with the insurance company is that the claim is not coverable or is it the amount? Santiago Vaca replied it is over how much. He believes the amount he is asking is approximately \$100,000. The insurance company presented a number, but Mr. Vaca did not accept it because it was too low.

Attorney Estrada advised the Notice of Claim is dated June 20, 2023. Mr. Vaca has been responsive. He feels that filing the Order of Demolition could possibly help with the claim. It could motivate the insurance company to settle rather than lose the entire property. It is Attorney Estrada's recommendation to proceed with the Order of Demolition.

Motion: Steve Poulos moved to file an Order of Demolition on the property located at 1058 South State Road 2. Holly Howe seconded the motion and so approved with a 2-0 vote.

254 Erie Street

Attorney Estrada addressed the Board. He presented a Pre-Hearing Submission of Evidence and requested that it be entered into the record. No one was present for the property owner.

Motion: Holly Howe moved to accept the Pre-Hearing Submission of Evidence. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Attorney Estrada questioned Vicki Thrasher, Building & Code Enforcement Director about the property. She is familiar with the property. She has inspected the property. It is her opinion that the building is vacant, abandoned, and unsafe. There is debris around. There is an abandoned car on the property. The building is unsafe and a public nuisance. It appears to have been vacant for some time. The two went through pictures showing the deterioration of the building.

Attorney Lyp noted the title work shows taxes were not paid last year. There is no mortgage on the property.

Attorney Estrada advised the Notice of Claim is dated June 6, 2023. There has been no response from the property owner. It is Attorney Estrada's recommendation to proceed with the Order of Demolition.

Motion: Holly Howe moved to file an Order of Demolition on the property located at 254 Erie Street. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Request for Street Closures

- Elks Lodge Family Friendly Picnic, Sunday August 6, 2023 noon-6:00 pm
- Park Department – Bike Bash & Night Ride, Saturday, August 19, 2023 4:00 am – midnight
- Autumn Trail Block Party, August 18-20, 2023, noon – 6:00 pm
- Valpo Events – Popcorn Festival, Saturday September 9, 2023
- Alzheimer's Association Walk to End Alzheimer's – October 1, 2023, 2:00-4:00 pm

These have been reviewed and approved by all impacted departments.

Motion: Holly Howe moved to approve the Requests for Street Closures as presented. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Medical Director – Dr. Lombardi

Chief Dutz presented a renewal contract with Franciscan to have Dr. Lombardi as the Department's Medical Director. This contract can be cancelled with 30 days' notice. The fee is Zero.

Motion: Holly Howe moved to approve the contract with Franciscan to have Dr Lombardi as the Fire Department's Medical Director. Steve Poulos seconded the motion and so approved with a 2-0 vote.

NOW Public Assembly Approval

Attorney Lyp presented a Public Assembly Approval for NOW. They anticipate 50+ people in attendance. The purpose is to mark the anniversary of the Indiana abortion ban. The Police Department has asked that they make sure pedestrian traffic can get through and they have approval from the County. Julie Storbeck advised they have applied for the permit from the County. The reason she is asking for approval is so as they are organizing, they know they have secured a space. Everyone is given safety instructions and limitations of where they can go before the event starts. Attorney Lyp advised he will re-do the Approval including that County approval is required.

Motion: Steve Poulos moved to approve the NOW Public Assembly Approval contingent on including language about pedestrian traffic being able to get through and securing

approval from the County Commissioners. Holly Howe seconded the motion and so approved with a 2-0 vote.

MOU

Attorney Lyp presented a Memorandum of Understanding between American Factory Building LLC, Valparaiso City Utilities Board of Directors, and City of Valparaiso through its Board of Public works and Safety. This is a utility issue. Early in the project design, City engineering and Journeyman design team agreed that no onsite stormwater detention would be required. That was included in the PUD approved by the Plan Commission and City Council. Section 2 of the MOU memorializes this arrangement.

Motion: Steve Poulos moved to approve the Memorandum of Understanding between American Factory Building LLC, Valparaiso City Utilities Board of Directors, and City of Valparaiso through its Board of Public works and Safety. Holly Howe seconded the motion and so approved with a 2-0 vote.

Lease Agreement – American Factory Building

Attorney Lyp presented a Lease Agreement with American Factory Building and the City. The Lease is for 50 years with a 50-year option. The amount of the Lease is Zero. Building D will house the Transit Center.

Motion: Holly Howe moved to approve the Lease Agreement with American Factory Building and the City. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Release and Settlement with Overview of Remaining Obligations – Brooks

Third Amendment to Agreement for Reimbursement of Certain Public Improvements

Attorney Lyp addressed the Board. VCU and the developer of the Brooks approved a Release and Third Amendment to her Reimbursement Agreement. If approved, the Developer would receive a maximum of \$827,802 minus \$21,970 which represents curb repair work that has been completed and paid for by the City. Once invoices are submitted to the satisfaction of the City/VCU, a Change Order and request for Disbursement will be presented to both VCU and BOW for approval. Once everything is approved and all conditions have been met, funds will be disbursed.

Steve Poulos asked for clarification that the Release states the obligations of both parties. The Amendment provides for the reimbursement once the invoices are finalized.

VCU has approved both documents. The attorney for the Brooks, VCU and BOW all agree with the documents. Steve Poulos explained VCU is obligated to fund changes and unforeseen expenses.

Motion: Steve Poulos moved to approve the Third Amendment to Agreement for Reimbursement of Certain Public Improvements with the Brooks. Holly Howe seconded the motion and so approved with a 2-0 vote.

Motion: Holly Howe moved to approve the Release and Settlement with Overview of Remaining Obligations conditioned on the Developer presenting a signed agreement for the installation of access pathways around the stormwater ponds; and, Developer securing the necessary warranty and other requirements for the transfer of responsibility of the bridges to the satisfaction of the City Administrator and VCU Director. Steve Poulos seconded the motion and so approved with a 2-0 vote.

Public Comment

None

There was no further business, and the meeting was adjourned.