

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY
VALPARAISO, INDIANA
September 22, 2023**

The Board of Public Works & Safety of Valparaiso, Indiana met September 22, 2023, at 10:00 a.m. in City Hall. Present were Steve Poulos, Holly Howe, and Mayor Murphy. Mayor Murphy called the meeting to order and led the Pledge of Allegiance.

Motion: Holly Howe moved that the minutes of the September 8, 2023 meeting be approved. Seconded by Steve Poulos and so approved with a 3-0 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 3-0 vote.

2023 Patching & Alley Paving Contract Approval

Max Rehlander addressed the Board. The Engineering Department opened quotes for the 2023 Patching and Alley Paving Contract. He Engineering Department found all submitted quotes were complete and recommends the contract award go to the low firm. The Engineering Department recommends awarding the Contract to Milestone Contractors North in the amount of \$148,180.00. This should be finished by November 15th.

Motion: Holly Howe moved to approve awarding the contract for the 2023 patching and alley paving to Milestone Contractors North in the amount of \$148,180. Seconded by Steve Poulos and so approved with a 3-0 vote.

Joint Use and Maintenance Agreement INDOT and City of Valparaiso

Max Rehlander addressed the Board. The Engineering Department recommends approval of the Joint Use and Maintenance Agreement between INDOT and the City for beautification elements for aesthetic appeal along US 30 and SR 49. The Agreement outlines locations of improvements as well as ongoing maintenance responsibilities for both parties. Maintenance activities the City shall be responsible for include mowing and upkeep of plants, shrubs, etc as well as repair or replacement of signage and lighting in the event they are damaged or need repair. Attorney Lyp has reviewed and approved this Agreement.

Motion: Holly Howe moved to approve the Joint Use and Maintenance Agreement between INDOT and the City. Seconded by Steve Poulos and so approved with a 3-0 vote.

Waiver of Objection and Consent to Annexation – 295 Apple Grove Lane

Max Rehlander addressed the Board. He presented a Waiver of Objection and Consent to Annexation for 295 Apple Grove Lane. This is a new construction in Cherry Hill Subdivision. The Engineering Department recommends approval. Mayor Murphy pointed out this is good for ten

years and the property is not contiguous. Max said north of 130 is City so they are close. They have City sewer and water.

Motion: Steve Poulos moved to approve the Waiver of Objection and Consent to Annexation for 295 Apple Grove Lane. Seconded by Holly Howe and so approved with a 3-0 vote.

Waiver of Sidewalk Requirement – 2406 William Drive

Max Rehlander addressed the Board. The Engineering Department recommends approval of a Waiver of Sidewalk requirements for 2406 William Drive. This is for new construction.

Motion: Holly Howe moved to approve the Waiver of Sidewalk Requirements. Seconded by Steve Poulos and so approved with a 3-0 vote.

Valparaiso Fraternal Order of Police Agreement 2024-2026

Bill Oeding presented the Agreement for 2024-2026 with the Fraternal Order of Police. Four things were changed in this Agreement from the last one. The salary range is midpoint plus 2%. Uniforms are the same but managed differently. Employees with six years and school get extra pay. If an employee comes from another department, they get to bring their PTO with them.

Motion: Steve Poulos moved to approve the Agreement for 2024-2026 with the Fraternal Order of Police as presented. Seconded by Holly Howe and so approved with a 3-0 vote.

Fire Department Operations Manual Changes

Jon Daly addressed the Board and presented proposed changes to the Operations Manual. Changes are: Incident Command Accountability Board – Remove. Incident Management and Accountability Board – Add. Operating Below Minimum Staffing -Remove. Operating Below Minimum Staffing – Addendum. This will replace the old manual with all the current vehicle staffing.

Motion: Holly Howe moved to approve changes to the Fire Department's Operations Manual. Seconded by Steve Poulos and so approved with a 3-0 vote.

Brooks Closeout Letter

Clerk Treasurer Taylor addressed the Board. She presented a letter to be signed and sent to US Bank. The project for VJW the Brooks is complete, and the developer has been paid in full. The letter requested any excess funds in the construction account be returned to the City of Valparaiso. They are showing approximately \$24,661.97 remaining in the account. These funds will be receipted into the storm water fund.

Motion: Holly Howe moved to approve the Closeout Letter for the Brooks. Seconded by Steve Poulos and so approved with a 3-0 vote.

Façade Grant Agreement for Porter Lodge No. 137 – 113 Lincolnway

Beth Shrader addressed the Board and presented a Façade Grant Agreement with Porter Lodge No. 137 located at 113 Lincolnway. The Petitioner is requesting a reimbursement grant of up to \$29,604 which shall be disbursed consistent with the Program and this Agreement. Funds will be used solely for the purpose of improving the exterior façade or nonconforming sign located on the Property as outlined in the Application. They applied before the revised façade grant. They are maintaining the rules that were in place when they filed.

Motion: Holly Howe moved to approve the Façade Grant Agreement with Porter Lodge No. 137. Seconded by Steve Poulos and so approved with a 3-0 vote.

Fund Conveyance Agreement Amendment between NIRPC and the City of Valparaiso

Beth Shrader addressed the Board and presented an Amendment to the Agreement with NIRPC for Federal Operating Assistance Funds. This Agreement extends the term from June 30, 2023 to March 30, 2024.

Motion: Steve Poulos moved to approve the Fund Conveyance Agreement Amendment between NIRPC and the City of Valparaiso. Seconded by Holly Howe and so approved with a 3-0 vote.

Property Maintenance Violation Matters

808 Napoleon Street

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting.

303 Indiana Avenue

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting.

305 Brown Street

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting.

900 Washington Street

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting.

1106 Institute Street

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting.

103 Morgan Boulevard

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting.

1308 Institute

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting.

407 Morgan Boulevard

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting.

11.5 Lincolnway

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting.

Motion: Holly Howe moved to continue the above Property Maintenance Code Violation Matters to the October 27, 2023 meeting. Seconded by Steve Poulos and so approved with a 3-0 vote.

Unsafe Building Code Violation Matters

2402 N Calumet Avenue

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting. This is the legal nonconforming sign at KFC. Progress is being made replacing the sign.

Motion: Steve Poulos moved to continue the 2402 N. Calumet Unsafe Building Code Violation matter to the October 27, 2023 meeting. Seconded by Holly Howe and so approved with a 3-0 vote.

1425 Glendale Boulevard

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting for status updates. They are still waiting for a decision from Judge Clymer if the covenants are enforceable. Attorney Lyp asked if Northwest Health were to withdraw its objection or reach an agreement with the Court appointed trustee, would this be over? Attorney Estrada replied yes but the lien holders would have to agree as well.

Mayor Murphy explained he has had numerous meetings with Northwest Health. He has expressed his extreme frustration with their role in delaying the removal of this blight in our community. And the irony of having their name on Central Park and then this blight across the street from Valplayso.

Motion: Steve Poulos moved to continue the 1425 Glendale Unsafe Building Code Violation matter to the October 27, 2023 meeting. Seconded by Holly Howe and so approved with a 3-0 vote.

253 W Lincolnway

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting. Work is progressing. He believes demolition will begin October 2nd at the owner's expense.

Motion: Holly Howe moved to continue the 253 W Lincolnway Unsafe Building Code Violation matter to the October 27, 2023 meeting. Seconded by Steve Poulos and so approved with a 3-0 vote.

2010 Yorktowne

Attorney Estrada recommended continuing this matter to the October 27, 2023 meeting. They are continuing to work on the building. Internal demolition is to the studs. They are obtaining a structural engineer report. A decision will then be made. They are committed to doing this the right way.

Motion: Holly Howe moved to continue the 2010 Yorktowne Unsafe Building Code Violation matter to the October 27, 2023 meeting. Seconded by Steve Poulos and so approved with a 3-0 vote.

Written Commitment with Green Oaks Post Construction Storm Water Management Plan

Bill Laird addressed the Board and presented a Written Commitment with Green Oaks. This is a post construction Storm Water Management Plan. It is an infiltration basin that will perk into the soil. It has been determined the soil will not allow for that. To solve the issue they have installed a private lift station to drain the south pond to the northern basin. This is a Written Commitment for maintenance and accepting responsibility and liability and indemnifying the City for the installation of this lift station. The City Attorney has reviewed and approved this document. The Engineering Department recommends approval. Steve Poulos stated this should be brought before the Utility Board as well.

Motion: Mayor Murphy moved to approve The Written Commitment with Green Oaks subject to VCU approval. Seconded by Holly Howe and so approved with a 3-0 vote.

Arbitrage Agreement with Baker Tilly

Clerk-Treasurer Taylor addressed the Board and presented an Arbitrage Agreement with Baker Tilly for work performed making sure all bond documentation is compliant with IRS regulations. There are three bonds: Building Corp and two for the sports complex. Steve Poulos suggested this should have a "not to exceed" amount in the Agreement.

This matter was tabled to the next meeting.

Public Comment

Pat Truax – 2202 Ade Avenue. His concern is street repairs to Ade Avenue. There have been years of issues, going back to the Butterfield administration. Ade Street was opened to allow emergency access. There were no streetlights, fire hydrants or anything put in. The road has not been paved in the 34 years he has lived there. A duplex was put in at Ade and Sturdy. It was supposed to be a Sturdy Road address. He came home one day and it was facing Ade Avenue. When he called the City said they told him to change it so he would have a bigger front yard. Also, there was no building permit until two hours after his call. He gets charged for excess frontage on his taxes. He wants the frontage fixed.

Tony Doxtater - 2105 Ade Avenue. There are no storm drains on Ade Avenue or streetlights. Safety is a concern. Three years ago he addressed this with Engineering and was told “they are not doing anything” about the situation. When it rains the water comes up to his door. He knows the City will not do anything to help Ade Street.

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