

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY  
VALPARAISO, INDIANA  
March 11, 2022**

The Board of Public Works & Safety of Valparaiso, Indiana met March 11, 2022, at 3:00 p.m. in City Hall. Present were Mayor Murphy and Holly Howe. Steve Poulos was absent. Mayor Murphy called the meeting to order and led the Pledge of Allegiance.

**Motion:** Holly Howe moved that the minutes of the February 25, 2022 meeting be approved. Seconded by Mayor Murphy and so approved.

**Motion:** Holly Howe moved that the claims be approved for payment and subject to appropriation balances. Seconded by Mayor Murphy and so approved.

**McMahon Topographical Surveying for 2022 City Projects**

Max Rehlander requested approval of a Topographical Survey to be done by McMahon. The survey will provide information necessary to design and evaluate ADA compliance for sidewalk and curb ramps. Field work will include planimetric shots of centerline, edge of existing sidewalk, edge of pavement, drive entrances, known utilities and landscaping features. The project deliverables will be a digital base map and surface model in 3D CAD format, field data collector base file, sketches of storm structures, details and elevations, and surveyor notes.

The Engineering Department recommends, subject to approval by the City Attorney, that the Board accept the proposal and execute the Professional Services Agreement between the Board and McMahon as presented for the lump sum amount of \$12,500.00.

**Motion:** Holly Howe moved to approve the Agreement for Professional Services with McMahon for a topographical survey for the 2022 projects. Seconded by Mayor Murphy and so approved.

**Grant of Pathway and Utility Easement**

Beth Shrader requested approval of a grant of easement for utilities and pathway extending from Froberg Road to the Brigata Hills subdivision through property owned by Bob Urschel/Patterson Park LLC. The easement was arranged by Lennar to provide water service to the proposed Iron Gate subdivision just west of Brigata. This has been approved by the Valparaiso City Utilities earlier this week.

**Motion:** Holly Howe moved to approve the Grant of Pathway and Utility Easement as presented. Seconded by Mayor Murphy and so approved.

### **Unsafe Building Hearing - 1503 Valparaiso Street and 351 Chestnut**

Attorney Estrada stated both property owners have been working with the City to rectify the issues. Both properties have pulled a demolition permit. Attorney Estrada requested both matters be continued.

**Motion:** Holly Howe moved to continue the Unsafe Building Hearings on 1503 Valparaiso Street and 351 Chestnut. Seconded by Mayor Murphy and so approved.

### **Alert Media**

Alina Hahn requested approval of an amendment to the Agreement with Alert Media. This Agreement was approved previously. Alert Media had a very difficult and longer than expected implementation period. Alina requested they revise our agreement, so we are receiving the entire year of services that we are paying for. If not amended, the City would have been paying for a year and only receiving 10 months of services with the delay.

**Motion:** Holly Howe moved to approve the amended Agreement with Alert Media. Seconded by Mayor Murphy and so approved.

### **Request for Street Closures**

- City of Valpo Birds of Paradise Kick-Off, Jefferson Avenue between Franklin and Michigan, Friday, May 13, 2022 from 3:00 to 7:30 pm

This has been reviewed and approved by all impacted departments.

**Motion:** Holly Howe moved to approve the street closure as presented. Seconded by Mayor Murphy and so approved.

### **Energy Contract with Co-Alliance**

Brent Dickson requested approval to enter into an Energy Contract with Co-Alliance. This contract locks in 83,700 gallons of 87 RFG gas at \$3.682 and 79,600 gallons of PDX on/road gas at \$3.88. This contract is good April 1, 2022 through February 28, 2023. This should be an 11 month supply.

**Motion:** Holly Howe moved to approve the Energy Contract with Co-Alliance as presented. Seconded by Mayor Murphy and so approved.

### **Economic Development Corporation Redevelopment Tax Credit Agreement**

Attorney Lyp advised at yesterday's RDC meeting various resolutions were approved to move the Linc project forward. Today at its meeting the EDC made some recommendations to the City Council for their consideration on Monday. The Developer entered into an agreement with the IDEC for tax credits. The IDEC has asked that the City of Valparaiso be a party to that Agreement. He is asking that the Board Authorize the Mayor to sign this Agreement.

**Motion:** Holly Howe moved to authorize the Mayor to sign the Economic Development Corporation Redevelopment Tax Credit Agreement as presented. Seconded by Mayor Murphy and so approved.

Attorney Lyp added that in addition to this document, there will be other documents to be signed. He asked that the Board authorize the Mayor to sign other documents consistent with the Agreement he will be signing today.

**Motion:** Holly Howe moved to authorize the Mayor to sign additional documents consistent with the Tax Credit Agreement with IDEC he signed today. Seconded by Mayor Murphy and so approved.

### **Wal-Mart Grant to Fire Department**

Jon Daly presented a Grant Application Checklist for a grant from Wal-Mart. Wal-Mart is having a Grand Re-Opening on April 8, 2022 and would like to present the Valparaiso Fire Department with a check at that time.

**Motion:** Holly Howe moved to approve the Grant Application Checklist. Seconded by Mayor Murphy and so approved.

### **Indiana Dunes Tourism Grant Agreement**

Maggie Clifton requested approval of the Indiana Dunes Tourism Grant Agreement. This grant is a reimbursement. Funds will come from the RDC and then reimbursement from the Dunes Tourism upon completion of the project.

**Motion:** Holly Howe moved to approve the Indiana Dunes Tourism Grant. Seconded by Mayor Murphy and so approved.

### **Beauty Creek Update**

Attorney Patrick Lyp stated this goes back to an incident that happened February 17th when there was a melting of snow and rain events that caused some erosion along Beauty Creek. The goal of many of the projects at the Brooks is to avoid erosion further down stream of Beauty Creek. The Utility Board has been kept apprised of the matter. The City has advised IDEM.

Attorney Todd Leeth discussed the Brooks Development. There are several acres that the City now owns and are a regional storm water area. This is an arrangement between the developer and the City to facilitate the establishment of several basins that are adjacent to Beauty Creek. The purpose is to have a regional storm water area that will have approximately 100-acre feet of storm water storage. Detention ponds are measured in acre feet. An entire acre of ground one foot deep is the measure of the amount of storm water that can be stored in an acre foot. This development has 100-acre feet of storage. Designing the Brooks would require 28 of those 100 feet. The difference is the amount of water that is available to the City and the entire watershed of Beauty Creek. They are in the process of

creating this. The City is being proactive. The developer is cooperating and working with the City to make that happen.

Attorney Leeth further added that soil erosion efforts are in place. They are working. They are not perfect. Soil erosion fencing gets installed then it can be trampled down, removed by utility companies, contractors and it needs to be maintained. There are times when it is not 100% perfect, but they are being responsive every time there is an issue. The headline in the paper yesterday said there is flooding and construction continues. That is unfair. It suggests that somehow the developer is causing a problem and the City and IDEM are looking the other way. To Attorney Leeth the term flooding means the water has left the confines of the ditch and has left the confines of the easement intended to hold those waters. He does not think either one of those is true. No homes have been flooded. No streets have been impacted.

Adam McAlpine explained the project is designed to slow down water flow and create places where water can be stored. The incident in question happened mid-February. There was snow on the ground and at one point there was 1.9" of rain coupled with snow melt. He goes out weekly to do erosion and sediment control inspections. He does not do that when the precipitation is snow. This incident happened at a time when it was not expected. The same day they were made aware of the incident, the rain turned to snow that afternoon. The contractor was called, and they said they would be out on Monday to work on it. Moving forward, material for the repair to the bridge are being delivered soon. All are pre-cast. They expect two weeks for putting together and the next two weeks for finishing. Within two months the road will be started for making the connection to the west. They are building the foundation for Beauty Creek right now. It will be fantastic when it is complete.

Attorney Lyp is meeting with the Beauty Creek Attorney next week.

### **Stacks**

Attorney Patrick Lyp advised in September 2021 the Board of Works approved a fire safety grant agreement for the building where Stacks Bar and Grill is located. It was conditioned on executing a Grant Agreement. He requested authorization to have the mayor sign the Fire Safety Grant, after the property owner has signed.

**Motion:** Holly Howe moved to authorize the Mayor to sign the Fire Safety Grant. Seconded by Mayor Murphy and so approved.

### **Public Comment**

A resident expressed his concerns regarding the issues with Beauty Creek. He wants to know if there is a plan. Is IDEM doing any mitigation. He discussed no inspections for three months. He has seen silt and sediment in the Creek. He has concerns with the erosion. No oversight is not a good thing.

Gary Brown – 203 Harrison. He is glad to see the City is taking ownership of this. It should not be said that the developers run Valparaiso. It should be said that Valparaiso organizes the developers to not bring shame to the City. Grant money was spent on other projects to be ready for this development.

The public should be aware that this is under a microscope. It has been changed because of the need for the development of more homes. Don't point fingers. Clean it up. Fix it up and hope it never happens again.

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