

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

The Board of Public Works & Safety of Valparaiso, Indiana met April 14, 2023, at 3:00 p.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: Steve Poulos moved that the minutes of the March 24, 2023 meeting be approved. Seconded by Holly Howe 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.

Boundary & Daly Sanitary Sewer Reroute-Award

Matt Zurbruggen advised that on March 24, 2023 bids were opened for this project. Based on bid results and funds available, Gatlin Plumbing is the lowest responsive, responsible bidder. The Engineering Department recommends the BOW award the Boundary and Daly Sewer Reroute project to Gatlin Plumbing in the amount of \$420,000 and to have the Mayor sign the contract.

Holly Howe asked about the Cumulative Sewer Fund. Steve Poulos answered this is tap on fees. For every new connection a portion goes into Water Reclamation and a portion goes into Cumulative Sewer Fund. This was established in 1980 to help rehabilitate old sewers.

MOTION: Holly Howe moved to approve awarding the bid to Gatlin Plumbing. Steve Poulos seconded the motion and so approved with a 3-0 vote.

Construction Standards and Specifications Update

Matt Zurbruggen requested the Board of Works approve an amount of \$34,500 which will be applied to an agreement with DLZ to update the City's construction standards and specifications. The Specifications for Municipal Improvements were originally created in 1991. Some of the details need updates, revisions, and clarifications. There are also instances of conflicting information between multiple documents including the UDO, Stormwater Technical Standards, and VCU's Construction Standards. This is a 50/50 shared expense by the Engineering Department and VCU. If approved, this would be presented to the VCU Board for their approval and their commitment of \$34,500.00. The Engineering Department is recommending and requesting \$34,500 out of the Engineering Contractual Services Fund for the City's portion of revised construction standards and specifications. They are also requesting BOW execute this Agreement, subject to VCU Board approval.

Mayor Murphy asked if developers and private industry weigh in on this or is it driven by the City. Matt replied it is driven by the City.

MOTION: Steve Poulos moved to approve the Agreement with DLZ to update the City's construction standards and specifications. The City's portion is \$34,500. Holly Howe seconded the motion and so approved with a 3-0 vote.

TOD Entryway Project – Phase 2

Max Rehlander addressed the Board. On March 31st there was a special meeting to open bids for the TOD Entryway Project – Phase 2. There were two bidders – Gariup Construction and Milestone Contractors North. The bids were broken down to a base bid and Alternates 1 through 4. The RDC has funds available, and all four alternates will be accepted.

Gariup Construction - \$1,172,951.00

Milestone Contractors North – \$1,281,506.45

He recommends awarding the project to Gariup Construction for \$1,172,951.00.

MOTION: Holly Howe moved to award the bid to Gariup Construction for the TOD Entryway Project – Phase 2. Steve Poulos seconded the motion and so approved with a 3-0 vote.

VCU Phase 2 Water Wells Project, Electric Utility Poles Within Public Right of Way

Mike Jabo requested approval to let NIPSCO install overhead electric lines from Redbow Drive continuing north on Loudermilk Lane to the proposed well field. VCU is moving forward to install two new water wells as quickly as possible to supplement the demand of other wells within the system. They have been planning and designing this project so they may construct the wells to be in service in the 2nd quarter of 2023. The City adopted Resolution 1-2017 that established an Underground and Buried Utility District that requires all future utilities to be placed underground. Section 4 of the Resolution provides the Board of Public Works and Safety with the authority to allow the installation of above ground utilities on a case by case basis. The Engineering Department, in consultation with Valparaiso City Utility staff, recommends that the Board of Public Work and Safety authorize the installation of above ground electric utility as presented to serve the VCU Phase 2 Water Well Project.

Holly Howe asked about the capacity of existing wells. Steve Poulos replied that current wells provide 8-8.5 Million Gallons per day. The additional two wells and two others that are being built will add 1-3 Million Gallons per day.

Motion: Holly Howe moved to approve electric utility poles within the public right of way as presented. Seconded by Steve Poulos and so approved with a 3-0 vote.

Acceptance of Right-of-Way Deed of Dedication, Johnson Farm Parcels

236 E 500 N – Guy Johnson (2 Parcels)

250 E 500 N – Patricia Johnson
292 E 500 N – Greg Johnson

Max Rehlander presented four Deeds of Dedication. The Engineering, Utility, and Park Departments put together various Deeds of Dedication of Right-of-Way along the south side of Burlington Beach Rd east of SR 49. This right of way will allow adequate space for a 2023 Water Main Extension project and future road or pathway improvements. The width of the right of way is 40'. The Engineering Department recommends acceptance of the right of way dedication for the south half of Burlington Beach Road of these four parcels.

Motion: Holly Howe moved to approve four Deeds of Dedication for the Johnson Farm Parcels. Seconded by Steve Poulos and so approved with a 3-0 vote.

Local Fiscal Recovery Fund Grant Agreement

Attorney Patrick Lyp advised last year the Council adopted its Plan for spending ARPA funds. One of the items was the demolition of the former Whispering Pines adjacent to Pines Village. The Board of Works received bids for the demolition of that facility. Since that time there has been talk as opposed to the City overseeing the demolition, having the Pines Village Retirement Community oversee the demolition. The Agreement does two things. The oversight and the contracting for the demolition will be handled directly through Pines Village not through the City. The intent was that 100% of the demolition cost would be covered by the City through the ARPA Dollars. That will be reduced to \$300,000 for that demolition. They are good with the terms of this Agreement. He asked that a motion include authorization for the Mayor to sign this Agreement after the City receives the signed contract with the contractor that will do the demolition work.

Motion: Steve Poulos moved to approve the Local Fiscal Recovery Grant Agreement contingent on the Mayor authorizing the contract with the selected contractor. Seconded by Holly Howe and so approved with a 3-0 vote.

KSM Scope of Services Agreement

Attorney Patrick Lyp reported about a year ago the City hired KSM to assist with reporting in conjunction with the ARPA Funds. There is a portal compliance portion. This is an Addendum to their scope of services. It is no additional cost. This will provide the Clerk's office with some needed assistance as they provide documentation to show where the ARPA dollars were used.

Motion: Holly Howe moved to approve the KSM Scope of Services Agreement. Seconded by Steve Poulos and so approved with a 3-0 vote.

Public Assembly Form – Northwest Indiana NOW

Attorney Patrick Lyp presented a Public Assembly Form for Northwest Indiana NOW. Their request is Tuesdays from Noon to 1:00 p.m. Their location request is corner of Lincolnway and Franklin.

Motion: Steve Poulos moved to approve the Public Assembly form for Northwest Indiana NOW. Seconded by Holly Howe and so approved with a 3-0 vote.

Funding Agreement with PACT

Councilmember Peter Anderson explained the Funding Agreement with PACT. In January the Council hosted an Opioid Solutions forum. Out of that Forum a work group was formed. They developed a Community Care Coordinator. This person will work with any citizen in Valparaiso that has a substance abuse issue. She will make the process easier and save lives. Initially they hoped to have the entire County be a part of this. Not all municipalities wanted to get on board, so they decided to lead in Valparaiso. They have letters of recommendation from prominent members of the community.

Attorney Patrick Lyp added this came from the Council this past Monday. Usually they do not approve agreements. In this case they will have to appropriate the dollars. So the thought was to get their support in the beginning. The vote on this was 5-1. One voted No and one was not present. This is not binding on anybody for 17 years. This is an initial distribution of \$60,000. This person will not be an employee of the City. They will be an employee of PACT. They will have reporting requirements to the City Council to make sure there is a comfort level with the way this is envisioned versus how it actually is implemented into the community. After December 31, 2023 the Agreement will work on three month increments. This is contingent 100% on the opioid settlement dollars the City has already received. If there are no funds available, the City is not obligated to move forward.

Holly Howe - What happens if someone needs help? This person will be available 24/7?

Councilmember Anderson – He has seen that a person who needs help doesn't know what to do. This provides help.

Holly Howe – Is one person enough?

Councilmember Anderson – When they were working on this being at the County level, they were pushing for two people that would be countywide. There were also some social workers. There is only enough money to do this one coordinator.

Holly Howe – The \$60,000 comes out of the money received from the opioid settlement?

Councilmember Anderson – The opioid settlement is front loaded. The City got \$242,000 that they received at the end of last year. For the next 16 years the City receives between \$50,000 and \$70,000 per year. They have applied for a \$260,000 grant.

Attorney Patrick Lyp – If the motion approves the Funding Agreement, it will include the Coordinator Job Summary.

Motion: Holly Howe moved to approve the Funding Agreement between the City of Valparaiso and Prisoner and Community Together, Inc. Seconded by Steve Poulos and so approved with a 3-0 vote.

Unsafe Building Matters:

Attorney Alfredo Estrada presented the following Property Maintenance/Rental Housing Code Violation matters with his recommendation:

1503 Valparaiso St. – Attorney Estrada stated Attorney Leeth and Mr. Jorgensen have committed to cleaning up the property.

Attorney Leeth – In January the City filed a Notice of Violation. Gary has been working to clean up the property. Last month they presented a report on work that has been done. There is an issue with a chain link fence that is not allowed in this zoning. That fence is existing. Through the course of time scrub trees and brush have grown up through the fence. The fence has been taken down, the area cleaned up, and he left the posts up.

Gary Jorgensen – The fencing was destroyed with what was growing up in it. He showed pictures of the posts painted black and he has black fencing to put up. He has not done the roof yet. He is still researching what he should do on the roof. He would like to repair the fencing. He wants to go back to about the middle of the property and then across. The ground behind the fence will be seeded with grass. He will be doing landscaping in front. Ferns in front of the fence and shrubs in front of the building.

Attorney Estrada – Communication is very important. There has been a lack of it. He and Vicki Thrasher need to know what is going on with the property.

Vicki Thrasher – The roof needs a permit. The fence requires a permit. Taking the fencing down it now has to be replaced by an ornamental fence. This is why communication is important. If she knows before he does something, she can let him know if it is ok or needs to be changed.

Attorney Leeth – What the City alleges in the Notice of Violation is that the building is unsafe. It is not a property management issue. The windows have been replaced. They have made it watertight. Those are the safety issues. The fencing also goes to that to keep trespassers out. He is not willing to admit one way or another about the ability to reinstall the fence in the front

if the posts were left. The fence in front is better looking. This is an industrial property that over the course of many decades has been surrounded by residential and today is zoned residential. It is a retrofit trying to make this into a home and be aesthetically pleasing. The City has asked him to make the building safe, not attractive. But Mr. Jorgensen is doing both.

Vicki Thrasher – The Unsafe Building Code is Attractive Nuisance and Blight. Those are the items cited in addition to the safety issues. It is not just a matter of the building being safe. It is a matter of the building being attractive to those who should not be in it.

Attorney Leeth – So the way to keep the attraction away is to have a perimeter fence. Maybe they need to have a developmental standard variance.

Attorney Estrada – This is a debate they should have had during the last 30 days. Again communication is key. They just learned today that the fence was down and a new one is going in.

Vicki Thrasher - We are asking for a continuance of 30 days.

Holly Howe – She thinks taking the fence down looks nice.

Gary Jorgensen – He wants to put the fence halfway down the back area of the property. He would seed the part that does not have a fence around it. He wants the fence closer to the building.

Holly Howe – Are we asking him to take down the fence or not? Is chain link fence permissible?

Vicki Thrasher - Not in the front. In the back it is ok.

Steve Poulos – If there is a plan, he doesn't understand why it is not being communicated so the debate is not happening here.

Attorney Leeth – He will be reaching out to make sure this all gets figured out.

Mayor Murphy – It almost seems like there should be a site review so he has one document that shows him what the City expects.

Attorney Leeth - His goal, with Alfredo's help, is to come up with a check list.

Holly Howe – We meet once a month with the properties that are not up to code. The City owes that to Mr. Jorgensen to work with him.

Attorney Estrada – Todd and he will meet and work together to get compliance. That is the goal. Everything they are hearing today, he heard about an hour before the meeting. That is the issue. He needs communication.

Motion: Steve Poulos moved to continue the case against 1503 Valparaiso Street for 30 days. Holly Howe seconded the motion and so approved with a 3-0 vote.

2010 Yorktowne Dr – Attorney Estrada advised the owner is starting to do work. He recommends a 30 day continuance.

Motion: Steve Poulos moved to continue the case against 2010 Yorktowne Drive for 30 days. Holly Howe seconded the motion and so approved with a 3-0 vote.

1425 Glendale Blvd – Update. The property is in litigation. The litigation has come to a standstill in Porter Superior Court. The Appellate Court is working on the issue of covenants on the property. The issue is the covenants were not recorded and involve if that property can be used for some other sort of use. There have been hearings and now they are in discovery. They are years away from any type of resolution. It is his and Vicki Thrasher’s opinion this building cannot remain unsafe the way it is due to Northwest Health’s wishes to litigate this regardless of how unsafe it is. He will bring this back before the Board for demolition in a month. Northwest Health has not been willing to work with the City or the numerous lien holders.

Attorney Patrick Lyp – As things stand right now, the trial court did rule in favor of having the property sold to an undisclosed purchaser. And the Restrictive Covenants that prohibited certain medical uses, they ruled that those were not applicable to the subsequent purchaser.

Attorney Estrada – That is correct. There is a buyer. The objection is to the unrecorded covenants. Northwest took this to the Court of Appeals. He imagines if they are unsuccessful they will go further.

Request for Street Closures

- Valparaiso Creative Council Mural Installation (Use of Sidewalk) April 21, 2023
- Porter County Elections & Registration, – April 28, 2023 and May 3, 2023

These have been reviewed and approved by all impacted departments.

Motion: Steve Poulos moved to approve the Requests for Street Closures as presented. Holly Howe seconded the motion and so approved with a 3-0 vote.

Vale Park Traffic Calming West

At the March 10, 2023 BOW meeting, the BOW awarded the Vale Park Traffic Calming West project to Milestone Contractors North. The contractor is planning to start work on April 26th for the substantial completion date of May 26th. The Engineering Department is requesting BOW approval for the intersection/road closure at Winter Park Drive and Vale Park Road for the dates April 26, 2023 through May 26, 2023. This closure will allow local residential traffic to access their homes but remain closed to through traffic for the month of construction. If

approved, the Engineering Department will notify and coordinate with all City Departments. The Property Owners Association has been advised.

Motion: Holly Howe moved to approve the Request for Street Closure at Winter Park Drive and Vale Park Road for the dates April 26, 2023 through May 26, 2023. Steve Poulos seconded the motion and so approved with a 3-0 vote.

Green Oaks – West Street Road Closures

Matt Zurbruggen advised Green Oaks Development is requesting to close a small portion of West Street for a communications utility tie in. This work will require a two day closure for April 18th and 19th. The Engineering Department is requesting BOW approval for the road closer on West Street. If approved, the Engineering Department will notify and coordinate with all City Departments.

Motion: Holly Howe moved to approve the request for street closure on West Street as presented. Steve Poulos seconded the motion and so approved with a 3-0 vote.

Valparaiso Street/Lakeside Drive Road Closure

Max Rehlander requested to close Valparaiso Street at Lakeside Drive for a storm pipe replacement. This would be for one day and would happen sometime in the next week to two weeks.

Motion: Holly Howe moved to approve the Request for Street Closure of Valparaiso Street at Lakeside Drive for one day. Steve Poulos seconded the motion and so approved with a 3-0 vote.

Façade Grant Agreement – 175 Lincolnway

Beth Shrader presented a Façade Grant Agreement for Courtney Morgan LLC for property located at 175 Lincolnway. They intend to make improvements to the trim, signage, repairs, painting and a store front door replacement. They have met all the requirements. The work is in the amount of \$50,000 so the request is for \$25,000. This is the first agreement she has brought to the Board this year.

Motion: Holly Howe moved to approve the Façade Grant Agreement for 175 Lincolnway. Steve Poulos seconded the motion and so approved with a 3-0 vote.

Public Comment: None

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