

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY  
VALPARAISO, INDIANA  
May 28, 2021**

The Board of Public Works & Safety of Valparaiso, Indiana met May 28, 2021 at 10:00 a.m. in City Hall. Present were Holly Howe and Steve Poulos. 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 May 14, 2021 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.

**Opening Quotes for Pepper Creek Berm Repair**

Matt Zurbriggen stated the Engineering Department has solicited quotes from three contractors for the repair of the earthen berm between Ponds 1 and 2 between Estates at Pepper Creek and Courtyards at Pepper Creek. Additionally, the Engineering Office has received a Quote from D2 Land and Water for material and delivery of Flexamat erosion control mat for the protection of the emergency spillway between ponds 1 and 2. The Quote is in the amount of \$10,290.09. This mat is specifically made available by D2 Land and Water. The Engineering Department recommends approval of the Quote from D2 Land and Water.

The three quotes received were from:

G.E. Marshall received the day before the Board of Works meeting in the amount of \$29,950.00; DeBoer Egolf delivered to the receptionist area and received late in the Clerk's office on the day of the Board of Works meeting in the amount of \$73,465.00; Delta III received late on the day of the Board of Works meeting in the amount of \$32,500.00.

Attorney Patrick Lyp advised that all three quotes should be opened. If the lowest quote happens to be one of the late ones, it will be up to the Board to decide to accept the quote or reject it. The Engineering office will review the quotes and advise the Board at the end of the meeting of their recommendation.

**Motion:** Holly Howe moved to approve the quote received from D2 Land & Water in the amount of \$10,290.09, seconded by Steve Poulos and so approved with a 2-0 vote.

**Olthof Homes Release and Acceptance of Performance and Maintenance Bonds**

Mike Jabo presented three requests from Olthof Homes for release of Performance Bonds and acceptance of Maintenance bonds:

Hawthorne East – Phase 1; maintenance bond in the amount of \$36,889.79;

Hawthorne East – Phase 2; maintenance bond in the amount of \$62,412.24;

Pepper Cove – Phase 2; maintenance bond in the amount of \$38,255.01.

**Motion:** Steve Poulos moved to approve maintenance bonds for Olthof Homes as presented, seconded by Holly Howe and so approved with a 2-0 vote.

#### **Brown Street Parking Lot No Parking Restrictions**

Mike Jabo requested approval of the establishment of the parking restriction of “3-hours per Day, All Day with Permit” with a supplemental restriction of “No Parking, Tow Away Zone, 1:00 am to 5:00 am for the Brown Street parking lot. The supplemental restriction will be activated manually at the order of the Police Chief using a “flip-down” sign when the parking lot is needed for Police Department business and/or activities.

**Motion:** Holly Howe moved to approve the parking restrictions in the Brown Street parking lot as presented, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **Baker Tilly Financial Advisory Services Agreement**

Mike Jessen requested approval of an Agreement with Baker Tilly for Proposed Financial Advisory Services. They will prepare a Five-Year Capital and Five -Year Financial Planning program. Each plan will be at a cost not to exceed \$32,500.00. The City Utility and Park Department have had a long-standing relationship with Baker Tilly.

**Motion:** Holly Howe moved to accept the Agreement with Baker Tilly for Proposed Financial Advisory Services at a cost not to exceed \$32,500 each for a five-year capital plan and a five-year financial plan, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **Wilson Iron Works Downtown Refuse Corral Rehabilitation and Addition**

Attorney Patrick Lyp reminded the Board they approved the Refuse Corral and Rehabilitation and addition at the last Board of Works meeting. At the request of the Clerk-Treasurer, the document received from Wilson Iron Works should be amended to be an Agreement instead of Proposal and the dollar amount should be “not to exceed \$91,800.00”.

**Motion:** Holly Howe moved to approve the amendments to the Agreement with Wilson Iron Works and to change the dollar amount to “not to exceed \$91,800.00, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **First Amendment to Joint Park Board Agreement**

John Seibert requested approval of the First Amendment to Amended and Restated Interlocal Cooperation Agreement with the Park Board and the Center Township Trustee. This Agreement amends the annual funding obligation from \$65,000 to \$85,000 commencing in 2021. It also amends the number of members on the Valparaiso/Center Township Board of Parks and Recreation should a unified tax rate be established for all of Center Township residents residing inside and outside the corporate limits of the City. This Agreement is patterned after the Fire Territory Agreement. It has been approved by the Park Board and reviewed by Attorney Patrick Lyp, Attorney Adam Mindel and City Administrator Mike Jessen.

**Motion:** Holly Howe moved to approve the First Amendment to Joint Park Board Agreement, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **Minor Replat for the New Boys and Girls Club Property**

Beth Shrader requested approval of a minor replat for the new Boys & Girls club property on Evans Avenue. The Plan Commission approved this at their April meeting. There is a right of way and easements dedicated to the City as part of the plan, so it is being brought to the Board of Works for their review and approval.

**Motion:** Holly Howe moved to approve the minor replat for the new Boys & Girls Club property, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **League of Women Voters Public Assembly**

Patrick Lyp requested advised this request has been approved previously but the event was cancelled due to weather. He recommends approval of this rescheduled event.

**Motion:** Holly Howe moved to approve the rescheduled event for League of Women Voters, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **Unsafe Building-Demolition Hearing 205 ½ Nickle Plate**

Attorney Alfredo Estrada presented facts regarding this property. The structure was damaged by fire in May of 2020. It has been inspected by Building Department Director Vicki Thrasher and has been deemed uninhabitable. Notice has been mailed and published.

Robert Craig, the owner of the property, addressed the Board. He explained that the property on both sides of his has had fill brought in. This causes his property to flood. Storm sewer repair work has also been done. This has caused him to not have access to the property and be able to work on it. He was not aware that he was supposed to report to anyone. He received the Notice which said to repair, or it would be scheduled for demolition. He has been working on repairs as much as he can.

Attorney Estrada stated today he is asking the Board to affirm the Order of Demolition or continue the matter. This would allow Vicki Thrasher time to re-inspect the structure and also allow Mr. Craig time to have an engineer do a report on the ability to repair the structure, pull the permits needed and to hire a licensed contractor to do the work. Mr. Craig asked why he could not do the work. It was explained the structure had to be occupied by the owner for the owner to do his own repair work. Mr. Craig asked if he could sleep in the structure one or two nights to qualify as being owner occupied. Attorney Estrada explained the answer to this would require legal advice and he is not able to provide that to Mr. Craig.

**Motion:** Holly Howe moved continue the Order to Demolish subject to Mr. Craig obtaining an engineer's assessment, the permits required, and a licensed contractor to perform the work, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **Property Maintenance/Rental Housing Code Violation Matters – 808 Napoleon**

Attorney Estrada recommended continuing to fine the property owner.

**Property Maintenance/Rental Housing Code Violation Matters – 412 Milton**

Attorney Estrada recommended continuing. The property owner is making progress on repairs.

**Property Maintenance/Rental Housing Code Violation Matters – 602 Calumet**

Attorney Estrada recommended continuing this matter.

**Property Maintenance/Rental Housing Code Violation Matters – 1307 Calumet**

Attorney Estrada recommended continuing to fine the property owner.

**Property Maintenance/Rental Housing Code Violation Matters – 1301 Wood**

Attorney Estrada recommended continuing this matter.

**Property Maintenance/Rental Housing Code Violation Matters – 705 Elm**

Attorney Estrada recommended continuing to fine the property owner and to move the matter to Superior Court. The property owner has been unresponsive in attempts to communicate.

**Property Maintenance/Rental Housing Code Violation Matters – 804 Union**

Attorney Estrada recommended continuing this matter. Attorney Todd Leeth is representing the fraternity. There is a schedule of work to be done including an engineering report and a report on the roof.

**Property Maintenance/Rental Housing Code Violation Matters – 202 Jefferson**

Attorney Estrada recommended to stop assessing a fine.

**Property Maintenance/Rental Housing Code Violation Matters – 8 Lafayette**

Attorney Estrada recommended continuing this matter.

**Property Maintenance/Rental Housing Code Violation Matters – 701 Franklin**

Attorney Estrada recommended continuing this matter. There is a new owner and work is being done.

**Property Maintenance/Rental Housing Code Violation Matters – 257 Michigan**

Attorney Estrada recommended continuing this matter.

**Motion:** Steve Poulos moved to move the matter with 705 Elm Street to Superior Court, seconded by Holly Howe and so approved with a 2-0 vote.

**Motion:** Steve Poulos moved to accept the recommendations of Attorney Estrada as presented on the remaining cases, seconded by Holly Howe and so approved with a 2-0 vote.

**Citizen Requests**

- City of Valparaiso 4<sup>th</sup> of July Fireworks – Vale Park Road from Valparaiso Street to Cumberland Drive on July 4<sup>th</sup> from 8:00 am to 11:30 pm.

**Motion:** Steve Poulos moved that the citizen requests as presented be approved, seconded by Holly Howe and so approved with a 2-0 vote.

#### **Opening Quotes for Pepper Creek Berm Repair**

Matt Zurbriggen advised they have reviewed the Quotes received and it is their recommendation to award the job to GE Marshall who was the lowest and responsive bidder at \$29,950.00. He also requested that the Mayor be authorized to sign the Quote.

**Motion:** Holly Howe moved that the Quote received from GE Marshall in the amount of \$29,950 be approved and that the Mayor be authorized to sign the Agreement, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **The Brooks Development Disbursement Request No. 5**

Matt Zurbriggen advised the Developer has made a request for disbursement of funds from the Series 2019 Construction Fund in the amount of \$332,500.00 for storm water improvements.

**Motion:** Holly Howe moved to approve disbursement request No. 5 in the amount of \$332,500.00 for storm water improvements, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **Boys & Girls Club Road Closure**

Matt Zurbriggen advised the contractor for the Boys and Girls Club is requesting to close Evans Avenue west of the entrance to the Fairgrounds Park from June 3, 2021 to June 18, 2021. This is to allow for work on the water and sanitary sewer connections. This will be a complete closure with residents having access to streets and Fairgrounds Park. There was discussion regarding cutting the time down of closure since it is a busy intersection.

**Motion:** Steve Poulos moved to approve closing Evans Avenue from June 3, 2021 to June 18, 2021 contingent on discussing with the contractor if the work can be done in a shorter amount of time, seconded by Holly Howe and so approved with a 2-0 vote.

#### **Mercury Cleaners – 356 West Lincolnway**

Matt Zurbriggen advised the environmental contractor for Mercury Cleaners is requesting to close the alleyway North of Mercury Cleaners starting June 7, 2021 and ending June 25, 2021. This work is to perform environmental cleanup and remediation at the direction of the Indiana Department of Environmental Management.

**Motion:** Holly Howe moved to approve the alley closure at 356 West Lincolnway from June 7, 2021 to June 25, 2021 for environmental cleanup and remediation, seconded by Steve Poulos and so approved with a 2-0 vote.

#### **Viking Place – Secondary Plat**

Beth Shrader advised the Board that in November of 2019 the Plan Commission approved the secondary plat for Viking Place. Since that time the property owner has put all the infrastructure in place. It is staff's recommendation that the Board of Works approve the secondary plat contingent on the Plan Commission approving it at its June 8<sup>th</sup> meeting.

**Motion:** Steve Poulos moved to approve the secondary plat for Viking Place, seconded by Holly Howe and so approved with a 2-0 vote.

#### **Pepper Creek Berm Repair**

Mike Jabo requested approval of a Right of Entry Agreement with Richard and Suzanne Dobbin. Equipment will cross their property in the berm repair project.

**Motion:** Holly Howe moved to approve the Right of Entry Agreement, seconded by Steve Poulos and so approved with a 2-0 vote.

There was no further business and the meeting was adjourned.