

**MINUTES OF THE REGULAR MEETING
BOARD OF PUBLIC WORKS AND SAFETY
CITY OF HOBART, LAKE COUNTY, INDIANA
October 19, 2022**

Call to Order/Pledge to the Flag: Mr. Snedecor called the meeting to order at 3:30 p.m., followed by the Pledge of Allegiance. The meeting was held with the building open to the public and a call-in number for remote public participation.

Roll Call: The following members were present: Mr. Lain, Mrs. Longer, and Mr. Snedecor. Also present: City Attorney McCarthy.

Reading of Minutes: Motion by Mr. Lain, seconded by Mrs. Longer, to accept the minutes of the regular meeting of October 5, 2022 All aye, motion carried. (3-0)

Correspondence: Intent to Request Property from Federal Services: Police Chief Ciszewski stated that this matter is more of a public notice. The HPD has been part of LESO (Law Enforcement Surplus Items) for a year now and although they have not obtained any items, they may do so in the future. All the items have been used and some items are hard to get. Motion by Mrs. Longer, seconded by Mr. Lain to acknowledge and approve the efforts to move forward in regard to any potential acquisition of property through the LESO program. All aye, motion carried. (3-0)

Approval of Register of Claims and Payroll Claims: Motion by Mr. Lain, seconded by Mr. Snedecor, to accept and sign the register of claims and payroll claims as presented. All aye, motion carried. (3-0)

Approval of Agenda: Motion by Mr. Lain, seconded by Mrs. Longer to approve the agenda as presented. All aye, motion carried. (3-0)

Unfinished Business:

Update on Compliance of Property Violations: Safe Haven, 7931 Iowa St.: Beth Donahue who is legal counsel for Safe Haven was present telephonically. Their architect will have the drawings and scope of work for the retention pond in the next 3-4 days. They have served Keystone with potential termination papers regarding the bond. Beth stated that Keystone is making arrangements to backpay McAlister for the work that they have done on the retention pond. McAlister stated that once the backpay is caught up, they can continue their work on the pond. They are anticipating that the excavation work will be done by the end of November and seeding will take place in early spring. MS4 Coordinator Tim Kingsland stated that the temporary BMP's that are installed need to be removed. He stated that any disturbed earth will need to be stabilized within 7 days so it cannot wait until next year to be seeded. Tim stated that the NOV was issued earlier this year and it stated the items that need to be addressed. Tim stated that he did not have any signed contracts as of today. Motion by Mr. Snedecor, seconded by Mrs. Longer to impose a \$500.00 fine and require that contracts be presented to the Board at the November 2, 2022 meeting understanding that if a signed contract is dated before today, that would be taken into consideration. All aye, motion carried. (3-0)

Continued: Update/Review of Property issues: Cagney's and NW corner of Third and Main St. re: 236 Main St., Nick Karounos: No one was present. Moved to end of agenda.

Order to Appear for Update/Status: Unsafe Building: re: 215 East St.: Mr. Gore was present in person with legal counsel James Yannakopoulos. Attorney Yannakopoulos stated that the mold testing has been done and the electrical work is ready to be started. He mentioned that most of this work can be done in the hallways and feed

the wires to each unit. He questioned that asbestos testing that needed done, as the electrician will be working mainly in the hallway, if this testing was necessary. Building Official Karen Hansen stated that there were 10 items on the original order that was issued on August 3, 2022. There has been some progress. Items 1-3 have been done and completed with reports and testing results have been received. Karen stated that a state licensed asbestos inspector will need to be hired to either remove, test, or encapsulate any asbestos. Karen received a call last week from Mr. Gore to go through the building with a state licensed asbestos inspector. Upon arrival, the gentleman told Karen that he was not licensed by the state, and he indicated that he did some patching to a pipe in the basement which contained asbestos. Karen mentioned that items 1-6 need to be completed before any other contractors can go in and do the additional work. Attorney Yannakopoulos mentioned that any HVAC work that was done in the building was done prior and should be grandfathered in and no further HVAC work is necessary. Karen stated that the asbestos testing needs to be done in the entire building by a state licensed inspector. It is important to follow the order that was issued in August. When the inspector does their walk through, they will only take samples from an area that appears to be affected by asbestos. Karen stated that the HVAC work cannot be grandfathered in as it was done without any permits and there is no record of it being done. Motion by Mrs. Longer, seconded by Mr. Lain to stand by the order that was previously issued with no modifications and continue this to the November 2, 2022 meeting for additional updates and an asbestos report. All aye, motion carried. (3-0)

Continued: Update/Status: Unsafe Building: re: 235 Main St.: Attorney Dana Riffai was present in person and stated that they received the report from the structural engineer. The report stated that the building was structurally sound. The engineer stated that the exterior basement stairs need to be repaired. Building Official Karen Hansen stated that she received the report that Attorney Riffai just went over. Karen stated that all of the items on the original order were completed except for item 2, which is to start the rehabilitation process. Karen suggested that she would like to see plans submitted and permits applied for from a licensed contractor to start the basement staircase wall, replacing 2nd story staircase, tuckpointing, soffit and fascia, replacing any boarded-up windows, etc. Karen is requesting a timeline for the work to be done. The owner has hired a contractor to give an estimate for fixing the staircase. He has been in contact with companies to get estimates and is trying to get the other work started. The owner mentioned he was working with Ross to bring the building back to the historical look for the downtown area. Motion by Mrs. Longer, seconded by Mr. Lain to continue this item to the November 2, 2022 meeting with the understanding that written estimates need to be provided on the scope of work. All aye, motion carried (3-0)

Tabled: Consideration for Bond Reduction: Cressmoor Estates, Phase 1: Randy Hall: This item will remain on the table.

Tabled: Award of Bid: re: 82nd Ave. Construction: Motion by Mrs. Longer, seconded by Mr. Lain to remove this item from the table. All aye, motion carried. (3-0) City Engineer Phil Gralik was present and stated that they secured the right-of-way parcel and recommends that the Board award the bid to G.E. Marshall. Motion by Mrs. Longer, seconded by Mr. Lain to award the construction contract to G.E. Marshall for the 82nd Ave. Construction base bid as presented and award the alternate subject to the Stormwater Board covering the shortfall. All aye, motion carried. (3-0)

Tabled: Consideration of 82nd Ave. Construction Observation Contract: Nies Engineering, Inc.: Motion by Mrs. Longer, seconded by Mr. Lain to remove this item from the table. All aye, motion carried. (3-0) City Engineer Phil Gralik recommends that the Board approve this contract. Motion by Mrs. Longer, seconded by Mr. Lain to approve the contract with Nies Engineering for the 82nd Ave. Construction Observation as presented. All aye, motion carried. (3-0)

Continued: Request for No Truck Sign: re: 69th & Colorado St.: Patricia Corey: No one was present for this matter. Public Works Director Kelly Smith provided a report to the Board stating that this road was engineered and designed to handle the truck traffic. She stated that the previous "no truck" signs were removed because

this road is designed for the trucks. This portion of the roadway is used on a daily basis by the City trucks as well as the businesses in this area. Motion by Mr. Snedecor, seconded by Mr. Lain to **deny** the request for the No Truck Sign. All aye, motion carried. (3-0) The request is **denied**.

Continued: Traffic Study: re: Hickory Dr. & Gurney St.: Ross Pietrzak, Hobart Police Dept.: Police Chief Garret Ciszewski stated that a traffic study was done on October 8th and 9th for 5 hours and only 8 cars were seen going through in that time. Chief Ciszewski stated that he doesn't see a need for any traffic control devices in this area right now. This is something that can be revisited later if necessary. Motion by Mr. Lain, seconded by Mrs. Longer to accept Chief Ciszewski's recommendation to deny any controlled traffic devices at this time. All aye, motion carried. (3-0) Councilman Dave Vinzant mentioned that he received calls today about asphalt trucks driving through Deep River Estates to get to the paving that is being done in Eagle Creek. He asked if someone can get out to the subdivision tomorrow morning to make sure this isn't happening.

Tabled: Request for Speed Limit Signs: re: Arbor Lane Subdivision: Josh Huddleston: Motion by Mr. Lain, seconded by Mrs. Longer to remove this item from the table. All aye, motion carried. (3-0) Police Chief Garrett Ciszewski stated that there was also a speed limit change requested from the petitioner. He stated that the subdivisions in the City are 30 mph and would be hard to modify one speed limit and not the others. There is a lack of speed limit signs in this subdivision. Chief Ciszewski spoke with Kelly Smith and stated that they can place signs at the entrances of the subdivision. Chief Ciszewski stated that he can speak to the petitioner as well as the HOA about the speed limit change. Mr. Snedecor stated that the violators are more than likely the ones who live in the subdivision. Motion by Mrs. Longer, seconded by Mr. Snedecor to approve the speed limit signs be put up and leave it up to Public Works to determine where they are placed. All aye, motion carried. (3-0)

Update: Consideration of Veteran's Banners on 61st Ave: Mark Kopil: Councilman Kopil was present for this matter. He stated that he spoke with Mr. Jackson who presented this to the VFW and the members loved the idea. They considered both 61st Ave. and 3rd St. but they prefer 61st Ave. They also asked that a 40' flagpole be installed at the roundabout for the American Flag and surround it with 20' flag poles to hold the military branch flags. The VFW stated they did not want to take on the project themselves but would look over the list of Veteran's that would be put up. Events Director Nikki Lopez had some additional questions that need to be resolved before the program gets started. Once the fine tuning is done, this program should be able to be launched in the Spring of 2023. The consensus of the Board was to turn this item over to the staff to work together with the VFW to get this program launched.

Update: Request to use Gravel instead of Asphalt: re: 401 S. Shelby St.: Kevin Skipper: No one was present for this matter. City Engineer Phil Gralik has no objections on this matter if the first 50' is a hard surface. City Planner Ross Pietrzak stated that this will need approval from the Plan Commission and recommends that the Board hold off on this item. Motion by Mr. Snedecor, seconded by Mr. Lain to remove this item from the agenda and it can come back when all parties are ready to proceed. All aye, motion carried. (3-0)

Tabled: Approval of Vacate & Subdivision and Signing of Mylars: Mike Macki, Cornerstone Partners V, LLC: Motion by Mrs. Longer, seconded by Mr. Lain to remove this item from the table. All aye, motion carried. (3-0)

Vacate of 598.91' x 30' of unimproved platted Connecticut Street right-of-way, zoned R-2, 0.412 acres
Mrs. Longer stated that the vacate ordinance had the Public Hearing in front of the Council and was adopted by the Council on October 10, 2022. Motion by Mrs. Longer, seconded by Mr. Lain to approve the vacation of the Connecticut Street right-of-way. All aye, motion carried. (3-0)

22-lot subdivision Ash Commons Subdivision, W of Ash St., N&W of 12th & 13th St., zoned R-2, 4 acres
Motion by Mrs. Longer, seconded by Mr. Lain to accept the 22-lot subdivision Ash Commons Subdivision W of Ash St., N&W of 12th & 13th St with the bond in place as presented. All aye, motion carried. (3-0)

New Business:

Discussion: Dog Attack: re: 1652 11th Place: Melissa Petraitis was present in person for this matter. Attorney McCarthy stated that a citation has been issued to the dog owner and is going before City Court. Melissa stated that she is very concerned about the public safety in the neighborhood. Her family and other families no longer feel safe going outside of their own yards. It was stated that all attacks need to be reported to the police. Melissa stated that Animal Control has deemed this dog vicious. Attorney McCarthy stated that this was not the forum to make any decision on this case as it is with the City Court and she doesn't want it to jeopardize the case. The Board also told her that if any other incidents happen or the dog is running loose, residents are encouraged to call the police. It was recommended that Melissa can contact a councilman to possibly request an Ordinance Committee meeting to go over the ordinance for animals.

Requesting Street Light at end of paved Alley: re: 1201 W 39th Ave.: Cindy Owen was present in person for this matter. She stated that the alley is extremely dark and there are 2 poles that can support a streetlight. Mr. Lain mentioned that if Nipsco does install a light, it will be billed to the person on the contract. He also suggested that she could use solar/motion lights to light up the area. Motion by Mr. Lain, seconded by Mrs. Longer to deny the request for the streetlight in the alley as it is not an obligation by the City to put lights up in alleyways. All aye, motion carried. (3-0) The request is denied.

Request for Parking Exemption: re: 2793 Cypress Lane, Hunter Penzato: Hunter Penzato was present in person for this matter. He stated he is a field mechanic and has a service truck to drive to and from jobsites to be on 24/7 call outs for various companies. He stated that the HOA changed the rules to follow the City ordinance at 11,000 pounds. Hunter said he is very courteous to his neighbors and will move the truck anytime it is necessary. He stated that his neighbors do not have an issue with the truck being parked on the street. The gross vehicle weight is 25,999 pounds and the City ordinance states the limit is 16,000 pounds. He mentioned that the HOA stated that if they had some sort of exemption from Board they would allow the truck to be parked. Councilman Dave Vinzant stated that this has been an issue for a long time. He recommended that the neighbors get surveyed to see what they say and what their opinion on the matter is. Mr. Snedecor stated that the Board received a written complaint and a letter from the HOA Board. They felt that the truck is too large for the street making it hard to see around and the truck is too heavy for the street. Hunter stated that the truck is not parked there every day. Mr. Lain stated that the mirrors stick out very far on the truck and a firetruck had to slow way down to make it through. Mr. Penzato stated that he can collapse his mirrors, so they are not an obstruction. Councilman Vinzant stated that businesses will often let you park your large vehicle on their lot overnight and that could be something to consider. Hunter stated that having this truck is part of his income and if he has to, he will move. Motion by Mr. Snedecor, seconded by Mr. Lain to continue this matter for review at the November 2, 2022 meeting to allow time for the emergency vehicles to drive through as well as receive a letter from the neighbors on their response. All aye, motion carried. (3-0)

Consideration of Amended Landscape Settlement Agreement: re: 6901 Colorado St., Darrell Audiss: Director of Development Beth Jacobson stated that this was an amended agreement. This agreement was originally entered in 2020 with the RDC and Board of Works and Mr. Audiss. The original reimbursement was agreed to the amount of \$9,500.00. He did get an updated quote from Hubinger Landscaping and the job will need to be done by December 15, 2022. Mr. Audiss will be responsible for the difference in the amount as well as the maintenance. The reimbursement from the RDC will not be given until the landscaping is done. Motion by Mrs. Longer, seconded by Mr. Lain to approve the amended landscape settlement agreement as presented. All aye, motion carried. (3-0)

Approval of License Agreements for use of City's Refuse Enclosure: Beth Jacobson

TDT Holdings, LLC re: 200 Main St.

JR&T Tower, LLC re: 206 Main St.

Director of Development Beth Jacobson stated that the RDC would like to construct a refuse enclosure on Park Board property behind 206 Main St. but the new restaurant coming to 200 Main St. does not have one to use. This will be located at the rear of the buildings and will allow both businesses to use the dumpsters but they will be responsible for the collection service. Motion by Mr. Snedecor, seconded by Mr. Lain to approve both license agreements as presented. All aye, motion carried. (3-0)

Consideration of Utility Reimbursement Agreement: Marathon Pipe Line LLC: re: 61st Ave. & Marcella Blvd.: BF&S, Andrea Langille: Attorney McCarthy stated that she looked over the contract and approved this. City Engineer Phil Gralik stated this is a boiler plate agreement. The City has to reimburse the them for being on site. Motion by Mr. Lain, seconded by Mrs. Longer to approve the utility reimbursement agreement in the not-to-exceed amount of \$67,500.00 as presented. All aye, motion carried. (3-0)

Signing of Mylars:

Fourth Amended Final Development Plan: St. Mary Medical Center Campus: 1500 S. Lake Park Ave., zoned PUD, 36.93 acres

Motion by Mr. Lain, seconded by Mrs. Longer to approve the signing of the mylars for Fourth Amended Final Development Plan: St. Mary Medical Center Campus as presented. All aye, motion carried. (3-0)

1-lot Subdivision (Pomales Homestead): located north of the Illinois and Hickey Street intersection, zoned R-2, 2.3 acres

Motion by Mr. Lain, seconded by Mrs. Longer to approve the signing of the mylars for 1-lot Subdivision (Pomales Homestead) as presented. All aye, motion carried. (3-0)

Continued: Update/Review of Property issues: Cagney's and NW corner of Third and Main St. re: 236 Main St., Nick Karounos: No one was present for this matter. Building Official Karen Hansen stated that a building permit was applied for, but not picked up. City Engineer Phil Gralik stated that this has been going on for over a year now. The support beams are not holding up underneath the building to make the sidewalk safe. If they do not get the vault and sidewalk work done, the City will have to barricade the sidewalk off for a second winter. Motion by Mrs. Longer, seconded by Mr. Lain to impose a \$500.00 fine and if the work is done by the end of November, a discussion about rescinding the fine will take place. All aye, motion carried. (3-0) Mrs. Longer amended her motion to state that they are also ordered to appear at the next meeting on November 2, 2022 and show proof that the permits have been secured, seconded by Mr. Lain All aye, motion carried. (3-0)

Announcements: Mr. Snedecor asked if there was anyone who wished to address the Board and there was no response.

Adjournment: Motion by Mr. Lain, seconded by Mrs. Longer, to adjourn the meeting. All aye, motion carried. (3-0) The meeting adjourned at 5:25 p.m.

Alysm McMichael
SECRETARY

Andrea Longer
PRESIDING OFFICER