

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY
VALPARAISO, INDIANA
September 10, 2021**

The Board of Public Works & Safety of Valparaiso, Indiana met September 10, 2021 at 10:00 a.m. in City Hall. Present were Mayor Murphy, Steve Poulos and Holly Howe. Mayor Murphy called the meeting to order and led the Pledge of Allegiance.

Motion: Steve Poulos moved that the minutes of the August 27, 2021 meeting be approved, seconded by Holly Howe and so approved with a 3-0 vote.

Motion: Steve Poulos moved that the claims be approved for payment subject to appropriation balances, seconded by Holly Howe and so approved with a 3-0 vote.

Secondary Plat Hawthorne North Phase 3

Beth Shrader requested approval of the secondary plat for Hawthorne North Phase 3. Planning, Engineering and VCU have reviewed the final plat for Phase 3. The Planning Director has approved the final plat on behalf of the Plan Commission. Staff recommends BOW approval of the secondary plat subject to successful submission of required performance and maintenance bonds.

Motion: Holly Howe moved to approve the Secondary Plat for Hawthorne North Phase 3, seconded by Steve Poulos and so approved with a 3-0 vote.

Hawthorne North Phase 3 Performance Bond

Mike Jabo requested approval of the Performance Bond for Hawthorne North Phase 3. The developer has submitted a Performance Bond in the amount of \$55,114.00. The Engineering Department has reviewed the bond amount and recommends approval and acceptance of the Performance Bond in the amount of \$55,114.00.

Motion: Holly Howe moved to accept the Performance Bond in the amount of \$55,114.00 for Hawthorne North Phase 3, seconded by Steve Poulos and so approved with a 3-0 vote.

Reconsideration of Demolition Order for 1300 Napoleon Street

Attorney Patrick Lyp explained in August an Order for Demolition was approved by the Board. Several attempts have been made to contact the property owner to work towards resolving this matter. There has been no response from the property owner. On September 9th he received a letter from a Trustee who owns the property. They have indicated the property owner is in bad health and is in a facility in Crawfordsville, Indiana. The Trustee has indicated they will work with Building Department Director, Vicki Thrasher to see what needs to be done. At this point he would not recommend any action beyond directing the city to not demolish the [property until the next meeting when a determination can be made.

Steve Poulos stated the City is not in the business of to demolish homes. This is a hard decision. The City administration's decision to take care of blight in the City is a good one. He feels they have stayed many situations to find the proper solution because the City is not in the business of tearing down people's property. Insinuations otherwise are false. He has received a telephone call from Councilmember Cotton regarding this property. He is not sure if it is appropriate for him to contact him directly. Steve advised Councilmember Cotton that the team did not have

any luck in contacting the owner. They tried on multiple occasions. Steve advised him to contact Alfredo Estrada or Vicki Thrasher. After that conversation a post on Facebook was forwarded to Steve. Steve read the post put on Facebook by Councilmember Robert Bob Cotton. The post included that this was a home of a disabled military veteran and that he was shocked to read of its condemnation by the Valparaiso Board of Works and that two non-elected appointees voted in favor of its demolition. Steve asked and Attorney Lyp answered that Steve Poulos and Holly Howe are duly appointed members of the Board of Works. He further stated on Facebook that his efforts to save this house from the wrecking ball makes this a special Labor Day for him. He goes on to say that by all visible metrics the house appears to be sound and all it needs is a bit of community compassion and loving neighborly care. It feels great to thank our military veteran in this way for it is so vital to his wellbeing. Steve stated these statements are not accurate, disingenuous and sensationalism for someone's benefit. We are not here to tear people's property down.

Mayor Murphy stated Board's authority to do that is taken very seriously. It is only as a matter of last result of countless hearings. The City is committed to doing what is right in keeping the city safe for the citizens. The City also has Home Team Valpo that will help homeowners if they need it. A lot of property has been improved. He feels bad for the gentlemen who is convalescing in Crawfordsville. The City appreciates communication from the Trustee because up until then the City has been flying blind with no communication.

Holly Howe stated she also received an inappropriate email from Councilmember Cotton regarding an insurance claim. It had nothing to do with the structural integrity of that property.

Attorney Lyp stated he relayed to Councilmember Cotton that he should not be contacting Board members. This is comparable to a BZA Board. It is a quasi-judicial board. He further explained the City has made several attempts to contact the owner of the property at 1300 Napoleon. Going forward they will be working with the Trustee.

Mayor Murphy directed Attorney Estrada to continue this matter until the next Board of Works meeting.

Code Enforcement – 57 South Street

Attorney Estrada stated there are new owners of this property. They are requesting 60 days to complete the purchase and begin work on the property. This is his recommendation.

Bob Coolman, the new property owner, addressed the Board. This house is on the Historic Register. He intends to refurbish the house and added a carriage house behind the main house. He has a Letter of Intent from CVS to move forward with the sale of the property. This includes a small sliver of property on the west side which has two protected trees on it.

Motion: Holly Howe moved to stay the Demolition Order for 60 days, seconded by Steve Poulos and so approved with a 3-0 vote.

Code Enforcement – 501 Indiana Avenue

Attorney Estrada stated there are new owners of this property. They are in compliance with all issues. His recommendation is to dismiss this case.

Motion: Steve Poulos moved to dismiss the Demolition Order for 501 Indiana Avenue, seconded by Holly Howe and so approved with a 3-0 vote.

Code Enforcement – 703 Jefferson

Attorney Estrada stated the property owner has put this property on the market for sale. An Engineer is looking at the property on Tuesday to prepare an Engineer's report. Attorney Estrada's recommendation is to continue this case for 30 days.

Motion: Steve Poulos moved to continue this case for 30 days, seconded by Holly Howe and so approved with a 3-0 vote.

Code Enforcement – 1307 Calumet Avenue

Attorney Estrada reminded the Board that this matter had been continued indefinitely until one of the parties was ready to have it brought back on the agenda. This was based on Mr. Serrano's representation that he was in contact with the State through a program that would demolish the structure. Attorney Estrada presented an email he received from Mitchell Smith who is the Project Manager of the Indiana Finance Authority and oversees the Indiana Brownfields Program. He states in the email "The Indiana Brownfields Program does not pay for demolition". The email also indicated they do not prohibit the City or the owner from demolishing the building. Based on that information Attorney Estrada informed the Board he is ready to place this matter on the demolition list and proceed with an Evidentiary Hearing.

Richard Serrano addressed the Board and explained Glen Howard of SES Advantage is working on the property. They did demo the canopy that was on the property. He has received a report that says more remediation needs to be considered. IDEM needs more time to review. He currently has two offers on the property. Both want a certificate from the State stating the ground is clean. He has been told the State needs 60-90 days to finish their work in order to determine if the land is clean. The building is sound. He wants to cooperate with the City.

Steve Poulos and Richard Serrano discussed if the State will or will not demolish a building. Richard Serrano stated if the State decides the ground is contaminated, they will knock the building down. Steve asked if who determined the building is sound. Richard Serrano stated he is a union carpenter, and he knows the building is safe. There are two potential purchasers. Both purchasers need a certificate of compliance from the State, so they know the ground is clean. It will take 60-90 days to see what else needs to be done.

Holly Howe asked if the 60-90 days is for remediation. Richard Serrano replied that is correct. He showed her where tests have been taken. The results show the ground is contaminated.

Attorney Estrada stated there has been no communication with him or Vicki Thrasher from Richard Serrano. He is here today stating new facts. There is no way for the Board to make an appropriate decision without seeing the test results he has received and is referencing to.

Mayor Murphy asked if there is an appraisal on the property. Richard Serrano replied just offers. One is written and one is verbal. The written offer is from Luke.

Steve Poulos stated Richard Serrano has to communicate with Attorney Estrada. He is making it hard for the Board to make a decision. Attorney Lyp asked that Richard Serrano provide the offers to purchase so the Board knows he is trying to sell the property.

Attorney Estrada recommended a 30-day continuance for Richard Serrano to provide all documentation he has received in this case.

Motion: Steve Poulos moved to continue this case for 30 days, seconded by Holly Howe and so approved with a 3-0 vote.

Code Enforcement – 1425 Glendale

Vicki Thrasher and Attorney Estrada reported there has been no communication regarding the new mortgage. The Site Supervisor has paid one day's fine.

SOOFA Transit Sign – Harre Union

Don Lorntzen requested approval of the Addendum for an additional SOOFA Transit sign at Harre Union. The University has granted approval of this request.

Motion: Holly Howe moved to approve placing an additional SOOFA Transit sign at Harre Union, seconded by Steve Poulos and so approved with a 3-0 vote.

Public Assembly – Diocese of Gary Office of Evangelization

Attorney Lyp presented a Public Assembly Form from the Diocese of Gary Office of Evangelization to hold an event October 23, 3032 from 9:00 am to 1:00 pm. on the corner of Lincolnway and Washington. Valparaiso Police Department has reviewed and approved this request. They have been advised if they intend to be on the Courthouse grounds, they will also need the County's approval. He recommends approval.

Motion: Steve Poulos moved to approve the Public Assembly request of Diocese of Gary Office of Evangelization, seconded by Holly Howe and so approved with a 3-0 vote.

Peaceful Rally

Patrick Lyp presented a request from a citizen to hold a peaceful rally on Tuesday at 5:30 pm. No form has been filled out but will be before the event. Attorney Lyp will work with the Valpo PD to make sure there are no issues. The request is from Cara Botlz.

Motion: Steve Poulos moved to approve a peaceful rally on Tuesday subject to a form being submitted and working with the Valpo PD to make sure they are comfortable with the request, seconded by Holly Howe and so approved with a 3-0 vote.

Road Closures

Valpo Events Brew Fest, September 24-25, 2021

- Valpo Events Fall Harvest Festival's Downtown Trick-or-Treat on Friday, October 15, 2021 from 4:00 pm until 6:00 pm

Motion: Steve Poulos moved that the road closure requests as presented be approved, seconded by Holly Howe and so approved with a 3-0 vote.

Jessee-Pifer Sign Toppers

Mike Jessen requested approval of placing sign toppers in the Jessee-Pifer neighborhood. There will be 37 sign toppers. Traffic and Safety has reviewed and approved this request. These toppers were paid for with a grant. Public Works will install them.

Motion: Holly Howe moved to approve placing 37 sign toppers in the Jessee-Pifer neighborhood, seconded Steve Poulos and so approved with a 3-0 vote.

Northview Drive & Forest Park Road Closure

Matt Zubriggen requested approval of closing Northview Drive and Forest Park for NIPSCO to perform gas main work for a residential development. The Engineering Department and PMO have met to discuss the road closure and recommend approval of the request. They have requested two days but feel they will get the work done in one day. They will be working with the schools.

Motion: Steve Poulos moved to approve the road closure of Northview Drive and Forest Park Road for September 15 and 16, 2021, seconded by Holly Howe and so approved with a 3-0 vote.

Calumet Avenue Gas Leak

Don McGinley reported there currently is a gas leak on Calumet Avenue. Crews are working on the matter and the road should be open to traffic yet today.

Evans Avenue Road Closure East of Silhavy

Don McGinley reported the road closure for Evans Avenue, East of Silhavy is being re-instated on Monday. He will contact Pete Pequet and advise him of this closure.

Public

John Albers advised he has known the property owner at 1300 Napoleon for quite some time. He offered to help in any way if needed.

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