

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY
VALPARAISO, INDIANA
February 10, 2023**

The Board of Public Works & Safety of Valparaiso, Indiana met February 10, 2023, at 3:00 p.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: Holly Howe moved that the minutes of the January 27, 2023 meeting be approved. Seconded by Steve Poulos 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.

Annual Sidewalk Package Bid Opening

Matt Zubriggen reported six bids have been received:

Rex Construction	\$506,915.00
Ryan Construction	\$388,852.00
Paschen, Nielsen & Associates	\$530,501.21
Rieth Riley	\$588,177.66
Milestone Contractors	\$368,229.00
Gariup Construction	\$536,800.00

The Engineering Estimate was approximately \$400,000. Matt asked that the Engineering Department have time to review these bids and present a recommendation at the next Board of Works meeting for an award.

Vale Park West Traffic Calming Bid Opening

Matt Zubriggen reported that five bids have been received:

Site Services	\$288,363.40
Paschen, Nielsen & Associates	\$420,281.10
Rieth Riley	\$318,490.76
Milestone Contractors	\$280,490.00
Gariup Construction	\$363,700.00

The Engineering Estimate was approximately \$347,000. Matt asked that the Engineering Department have time to review these bids and present a recommendation at the next Board of Works meeting for an award.

Public Right-of-Way Dedication, South Campbell Street

Max Rehlander requested approval of a Public Right-of-Way Dedication along three parcels for improvements to South Campbell Street. The Right of Way for the Southeast Corner of Campbell and Brown intersection, Parcel "G" is intended to be dedicated as part of the transfer of property occurring later this Spring. The RDC approved this Right of Way Dedication at their meeting yesterday.

MOTION: Holly Howe moved to approve the Right-of Way Dedication for South Campbell Street. Steve Poulos seconded the motion and so approved with a 3-0 vote.

South Campbell Street Closure for Construction of Sanitary Sewer and Various Road Elements of Project

Max Rehlander presented a request for street closure. As part of the Campbell and Brown TOD Entryway project, full closure of Campbell Street between Brown and Boundary is necessary for construction of the sanitary sewer and various road elements of the project. The closure will run from February 27th through July 15th. During the closure Milestone will post signs, barricades, and detour route markers to alert and inform drivers. Local traffic will be detoured via Washington Street; truck traffic will be detoured along Lincolnway, Sturdy Road and US 30 due to the low clearance of the Washington St. viaduct.

MOTION: Holly Howe moved to approve the street closure of Campbell Street between Brown and Boundary for construction of sanitary sewer. Steve Poulos seconded the motion and so approved with a 3-0 vote.

K2M Design Agreement for Fire Station Needs Assessment

Chief Dutz presented an Agreement with K2M to do a Fire Station Needs Assessment. Attorney Lyp has reviewed, recommended changes and approved this Agreement. This is a study that will result in a 20 year plan for the Fire Department. It will show future needs and land available to purchase if they need to build another fire station. It will also look at expanding into surrounding areas. They budgeted this money last year. It is something they have known they want to do this year. The cost is \$45,500.00.

MOTION: Steve Poulos moved to approve the Agreement with K2M for fire station needs assessment. Holly Howe seconded the motion and so approved with a 3-0 vote.

Unsafe Building Hearings

2010 Yorktowne Drive – Attorney Estrada advised they have agreed to a continuance with the new property owner. They have committed to a 45 day rehab schedule from getting the last Court Order for them to get proper title. Once permits are pulled they will continue to advise the Board how things are going with the rehab.

MOTION: Steve Poulos moved to continue the Unsafe Building Hearing against 2010 Yorktown Drive for two months. Holly Howe seconded the motion and so approved with a 3-0 vote.

1503 Valparaiso Street – Previously this property was on the list for demolition of a back building. The owner complied. Today the property is a blight and nuisance.

Gary Lee Jorgensen, Jr. addressed the Board. He has owned the building for about two years. When he initially bought it, his thought was to move his business to the building. He had trees cleared out and started getting offers. All fell through. He started working on it before he got the last notice. He has removed about 10 dumpsters of debris. He has made repairs. He has windows on order. He plans to move into the building. He is going to apply for a variance. If that falls through then he will turn it into a house.

Steve Poulos – Is the property for sale?

Gary Jorgensen – Yes. He talked to the realtor last week.

Steve Poulos – Are you going to list it or move your business into it?

Gary Jorgensen – He is going to move forward until someone shows him some cash.

Mayor Murphy – How could it be turned into a home?

Gary Jorgensen – It is a two story with a basement. It would make a good brewery or a wedding venue.

Steve Poulos - What is it zoned?

Vicki Thrasher NC – Neighborhood Conservation

Holly Howe – And he is grandfathered?

Vicki Thrasher – No. He lost is grandfathered status. That is why he needs a variance.

Attorney Estrada- It has been vacant for nearly 4-5 years. It lost its last use and is non-conforming. It goes to residential. Anybody who buys it and is not going to use it as a home, will have to be before the BZA. The windows are broken. There have been reports of homeless living in there. It is blight for the area.

Gary Jorgensen – He has pictures of what he has done to secure the building. He presented pictures of repairs he has made. Along with the purchase he has invested about \$180,000 to \$190,000. The property was \$110,000.

Steve Poulos – He asked Vicki Thrasher if she was aware of the recent upgrades.

Vicki Thrasher – She was not contacted and made aware of them. She happened to drive by today and saw them.

Steve Poulos – When a Notice is sent and then upgrades are made, aren't there communications before coming here for a hearing?

Attorney Estrada – It is not required. Some use it for starting repairs. Some decide to demolish. Others use this as the first time for communication. Building Commissioner Thrasher does follow up inspections. His office does not constantly contact people.

Steve Poulos – Based on the proposed upgrades is there any reason to go back and inspect and make a recommendation?

Attorney Estrada – The issue is not repairs. It is the blight. The public nuisance and the vacancy are the biggest issues.

Holly Howe – When are you planning on seeking the variance?

Gary Jorgensen – Next week.

Attorney Estrada – This is the second time he is here. Not for the front building. His recommendation is there is the possibility of them issuing the Demolition Order and record it. That will be a barrier for him to sell the property. His recommendation is to file for the variance. Move forward with listing it. Right now 30 days is the longest they would go unless there is substantial improvement.

Mayor Murphy – He has been out to see the property. It is unacceptable.

Gary Jorgensen – He has only owned this for two years. The guy before him was for 20 years. It has looked like that for decades. Now that he has bought it, he is being pressured. This should have been pressured years ago. He is being told the City can tear it down and he has to foot the bill for it. Everyone here says they don't like the building. It is blight. But everyone who walks through it and see the structure sees it is a sound structure.

Holly Howe – It is not the building that is blight. It is the property. Is the building unsafe?

Vicki Thrasher – Where there are broken windows, the area needs to be repaired.

Gary Jorgensen – The foundation is sound. Three contractors have looked at it. They all have said the same thing.

Attorney Estrada – The windows are always broken. His way of keeping more from breaking is to board them up. That is blight. He may have only owned the building for two years. This is his second time here. He is on notice. We have been working with him since the last time on the whole property. One of the comments at the last hearing was why are they not being so aggressive with him on the front building. He had provided them with plans. His plans have stalled. It is his recommendation to give a 30 day continuance. If there is not substantial performance in 30 days, we will be here to recommend going forward with the evidence.

Gary Jorgensen – He asked if he can take the fence down. He was told if he goes for a variance he has to have a 6' privacy fence around the property.

Vicki Thrasher – That is true.

Steve Poulos – How big is the property?

Gary Jorgensen – Two acres.

Steve Poulos – Is your true intention to move your business into the building?

Gary Jorgensen – That is why he bought the property.

Steve Poulos - What is your intention today?

Gary Jorgensen – That is what I am moving forward with. If they approve the variance for that.

Mayor Murphy – Is that going to be a recommendation by staff?

Beth Shrader – We have not gotten any details or an application on this yet.

Gary Jorgensen – I was talking about the variance and then started getting offers. I had interest from Paul Schreiner and Bob Coolman. Both were told No by the City for their projects.

Steve Poulos – We are turning down developers in doing anything with the property?

Beth Shrader – They have were told they have to go to the BZA or some other sort of process. The site is extremely narrow and deep so nothing fits well. None of the residential applications for subdivision fit our standards. It is not that the City was not working with people. It was that they could not get an economically feasible product on the site.

Steve Poulos – He understands Gary Jorgensen has invested money in this. He empathizes with that. Gary stated the City is pressuring him and not the previous owners. The last three years this Board has had a lot of properties on the docket as far as blight. He doesn't have a problem with a 30 day continuance as long as there is progress.

Holly Howe – Attorney Estrada and Vicki Thrasher have done a lot these past three years. What is the difference between this property with not as much patience as opposed to the patience exercised with homeowners.

Attorney Estrada – The difference is how we generally apply the process of the unsafe building law within the City. First we go after the most egregious unsafe buildings that can hurt people. There is always a delicate balance if people are living in the building. Then they go after blight. Blight can lead to unsafe buildings. This is not an aggressive take on this property. This property has been here once before. They did not pursue the front building at the time because plans were presented of work to be done. He does not see this as being aggressive. The first hearing was approximately one year ago. Nothing has changed. In the last few weeks he has made some repairs. Mr. Jorgensen was notified of this issue on January 11, 2023.

Gary Jorgensen – He was on vacation and the Notice was on his desk. He had scheduled the repairs before he saw the Notice. His business has slowed down enough that he has had his guys inside cleaning up and preparing the inside to build the rooms as they want for his business.

Holly Howe – What is your business.?

Gary Jorgensen – Heating and air conditioning.

Mayor Murphy – Either way the BZA must approve.

Attorney Estrada – Not for residential. There may be some developmental variances for a new building. For his business he has to have a variance.

Gary Jorgensen – Is he going to have an issue with the neighbors about the fence? They use it for their dogs. To clean up the property he has to take the fence down. The weeds are growing into the fence.

Mayor Murphy – They will have to put a fence up.

Gary Jorgensen – There is a utility easement along the south side of his property. NIPSCO currently has a lock on his gate because they can't access that easement. What has to happen to get NIPSCO's lock off his gate? Is the easement the City's responsibility or NIPSCO's. He was advised to contact NIPSCO.

Attorney Lyp – Summarized the hearing. Mr. Jorgensen will work with the City Planner as quickly as possible to get a variance to rezone from residential to commercial business. He advised that will be a heavy haul. Thinking ahead, if he goes to the BZA this will not be resolved in the next 30 days. By the time he does the application, publication, and hearing, April would

be more realistic. So what is the standard to say he is doing something versus taking it for 30 more days.

Gary Jorgensen – He is going to continue on the building. If it gets rejected he will look at making it a house. He is going to lose a lot if it has to be demolished. He has \$10,000 plus in dumpster fees for stuff he has taken out of there. He has paid his employees.

Attorney Estrada – He thinks 30 days is standard. If it is not major, if the staff has not received an application or if they have an application and the staff recommendation is negative, then it would be his position to move forward.

Beth Shrader – Today is the deadline for the March 15th BZA meeting. The next deadline is March 17th for the April 19th BZA meeting.

Attorney Estrada – The first 30 days gives him time to do the application and to say he is on the March Agenda. Then go 30 days to figure something or raze it on his own.

Attorney Lyp – There is competing interest here. From the City's standpoint we want to remedy blight. But he is conscious of the fact that he has spent \$70,000 to \$90,000 that in theory may have to come down. There is a delicate balancing act. He has no crystal ball but he would not bank on getting a variance to allow for a business use in a neighborhood there and you may want to tinker with what you are doing with an eye toward residential. So are we saying that within 30 days he has to have filed a request with the BZA for the business?

Attorney Estrada - Yes

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

1400 Institute

Attorney Estrada presented Notice filed on the property owners on January 11, 2023. The Unsafe Building Inspection done by Building Commissioner Vicki Thrasher dated December 7, 2022, photos, title memorandum showing ownership, proof of service on owners, and Proof of Publication. He asked for a motion to admit these documents into evidenced today.

MOTION: Steve Poulos moved to admit documents presented into evidence. Holly Howe seconded the motion and so approved with a 3-0 vote.

Attorney Estrada called on Building Commissioner Vicki Thrasher as a witness.

Attorney Estrada - How long has she been Building Commissioner for the City of Valparaiso?

Building Commissioner Thrasher – 18 years

Attorney Estrada – Has she become familiar with what an unsafe building is?

Building Commissioner Thrasher – Yes

Attorney Estrada – Did you perform an inspection on 1400 Institute?

Building Commissioner Thrasher – Yes.

Attorney Estrada – What were your findings?

Building Commissioner Thrasher – That the building was unsafe and uninhabitable.

Attorney Estrada – What makes it unsafe?

Building Commissioner Thrasher – The foundation is failing.

Attorney Estrada – He referenced a picture showing a cinderblock foundation that is bowing. What makes that unsafe?

Building Commissioner Thrasher – It doesn't support the structure.

Attorney Estrada – To your knowledge does anybody live in the building?

Building Commissioner Thrasher – No.

Attorney Estrada – Is the building a fire hazard?

Building Commissioner Thrasher – No.

Attorney Estrada – Is it a public nuisance?

Building Commissioner Thrasher – Yes.

Attorney Estrada – Is it a blight to the community?

Building Commissioner Thrasher – Yes.

Attorney Estrada made a recommendation to enter an Order for Demolition. He presented a proposed Order.

Steve Poulos – Did you take the pictures?

Building Commissioner Thrasher – The exterior, Yes.

Attorney Lyp – Is the owner or anybody here?

Attorney Estrada – We have noticed everyone. We have not had any communication from any of the property owners notified through our Notice or through Publication.

Holly Howe – Do we know how long it has been vacant?

Building Commissioner Thrasher – More than one year.

Attorney Estrada – He recommends this Board affirm Building Commissioner’s Order of Demolition and seek bids for demolition if the City cannot perform it under the threshold.

MOTION: Holly Howe moved to approve the Building Commissioner’s Order of Demolition and seek bids for demolition if the City cannot perform it under the threshold. Steve Poulos seconded the motion and so approved with a 3-0 vote.

Request for Street Closure

- St. Paul School Spirit Run, April 15, 2023

This has been reviewed and approved by all impacted departments.

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

Conflict of Interest Forms

Deputy Clerk-Treasurer Brewer requested approval of a Conflict of Interest form for Steve Jacobs. Steve is a firefighter and owner of Vital Signs.

MOTION: Steve Poulos moved to approve five Conflict of Interest Form for Steve Jacobs. Holly Howe seconded the motion and so approved with a 3-0 vote.

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