

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY
VALPARAISO, INDIANA
April 28, 2023**

The Board of Public Works & Safety of Valparaiso, Indiana met April 28, 2023, at 3:00 p.m. in City Hall. Present were Steve Poulos and Mayor Murphy. Holly Howe was absent. Mayor Murphy called the meeting to order and led the Pledge of Allegiance.

Motion: Steve Poulos moved that the minutes of the April 14, 2023 meeting be approved. Seconded by Mayor Murphy and so approved with a 2-0 vote.

Motion: Steve Poulos moved that the claims be approved for payment subject to appropriation balances. Seconded by Mayor Murphy and so approved with a 2-0 vote.

Property Maintenance/Rental Housing Code Violation Matters

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

- 900 Washington – Continue to May 26, 2023 with fines
- 305 Brown - Continue to May 26, 2023
- 503 Institute – Continue to May 26, 2023
- 804 Union - Continue to May 26, 2023
- 401 Oak - Continue to May 26, 2023
- 803 Brown - Dismiss
- 456 Greenwich - Continue to May 26, 2023
- 856 Cyrus – Dismiss

Motion: Steve Poulos moved to approve the property maintenance/rental housing code violation recommendations as presented. Seconded by Mayor Murphy and so approved with a 2-0 vote.

**Unsafe Building Code Hearing
253 Lincolnway**

Attorney Alfredo Estrada advised they have submitted a packet for evidence. Items in the packet are: Notice of Demolition sent by Building Commissioner Thrasher, Unsafe Building Inspection, Inspection dated December 19, 2022 regarding the trusses of the property, photos of the property, Title Memorandum, Proof of Service by Mail and Publication. He asked that the packet be submitted into evidence.

Motion: Steve Poulos moved to submit the Notice of Demolition sent by Building Commissioner Thrasher, Unsafe Building Inspection, Inspection dated December 19, 2022 regarding the trusses of the property, photos of the property, Title Memorandum,

Proof of Service by Mail and Publication into evidence. Mayor Murphy seconded the motion and so approved with a 2-0 vote.

Interested parties are here today on behalf of the property owners. They are going to ask for a continuance. Attorney Estrada has talked with Building Commissioner Thrasher since the trusses have been shored up. It is still their thought that they would continue today with evidentiary hearing on demolition. There is more than that issue with the property.

Attorney David Butterfield and Pat McGinley presented.

Attorney David Butterfield - Permanent shoring of the building has been installed. They believe it is safe as it sits there now. It is their intention to sell the property. It can be decided whether they tear the building down or the purchaser tears it down. They would prefer not to tear it down because they are a 501(c) 3 that doesn't have the money laying around to cover the cost.

Pat McGinley - He has talked with the RDC about the sale of the property. Nothing is in stone at this time. When they were originally made aware of the problem with the trusses, they immediately hired Dennis & Sons to come in and get temporary shoring in so they could exit the property. They notified the City and neighbors of the issue. They have moved staff out of the building into temporary offices so they can continue to provide services to families. They have had engineers inspect the building. They have put in more permanent shoring while they get the building sold. They believe the building is safe enough to stand. They are looking at the next three to four months to resolve this.

Attorney Estrada – He has not received a copy of a forensic inspection done in February. He would like a copy. The building is unsafe. There are issues with the foundation. Issuing a Demolition Order by this Board does not necessarily prohibit them from selling it. If there is interest in purchasing, the Demolition Order can be revoked at any time. The building is unsafe and that is his objection to their request for a continuance.

Attorney Patrick Lyp – From what he is hearing no one is arguing that the building should not come down. Everyone agrees the building needs to come down whether it is the current owners or purchasers.

Mayor Murphy – What is preventing you from taking the building down now? Finances?

Pat McGinley – Primarily. If they do not have to expend the money they would rather not. He has had four conversations with locals regarding purchasing the building. A lot of the time has been taken up with getting an appraisal. They have solicited bids for the demolition but have not received any of them back. They have spent \$30,000 so far for temporary shoring and permanent shoring. They believe the building can stand for the duration until it is sold. He would not let staff go back in.

Steve Poulos – Has a structural engineer deemed it safe to stand for the next few months?

Pat McGinley – He never asked that question and they did not respond in that fashion. They just stated that it should not be inhabited, and they have abided by that.

Steve Poulos – Is there a mortgage on the property?

Pat McGinley – Yes there is. It is \$250,000.

Steve Poulos – There are two appraisals?

Pat McGinley – Yes. We got one and a private party engaged an independent appraisal.

Steve Poulos – He is uncomfortable that there is no telling if something could happen tomorrow if the structural engineer has not said the property is safe the way it stands today. Have any of the recommendations been followed?

Pat McGinley - They did the forensic engineer report. Shive Hattery inspected. They put in the temporary shoring to make it safe for humans going in and out. They have moved all staff out of the building. The exterior poles are supporting a wall. They are asking for time to make their final decision and move forward.

Attorney Estrada – They are asking for four months and that is out of the question. There is always the thought for the City to save money on demolition. He will leave it up to the Board if they want to grant a continuance. But he would ask for no more than two weeks so they can come back and report on their bids for demolition and the ability for them to do it on their own.

Attorney Patrick Lyp - He understands as the property owner if they can get someone else to cover the demolition that is best. There is a process whereby the City would demolish the building. The City incurs the cost of it. They would lien the property. At the point the property is sold, they will get reimbursed. The issue is the safety and getting the building down expeditiously. This would be like an agreed partnership.

Attorney Estrada – His issue with that is that the City would be second to the mortgage in reimbursement. They would have to sell for an amount to cover it all.

Attorney Patrick Lyp – He believes the property is worth more than \$250,000.

Attorney Butterfield – The appraisal is substantially over \$1 Million Dollars.

Pat McGinley – The two week time frame would be to reconvene and discuss further and obtain bids for the demolition? He expects to meet with potential bidders next week. He doesn't feel they will get the same speed in response or price as the City would get. They want to do what is right. But they also need to stay in business.

Attorney Patrick Lyp – The City may not be able to get the building demolished in the next two weeks even if they wanted to. They are soliciting bids. The city has a contractor in town demolishing 306 Lincolnway. In the next two weeks they can work together and enter an Agreed Finding. If the City is OK with this, they can have the building demolished, lien the property and get reimbursement upon the sale of the property.

Motion: Steve Poulos moved to continue this matter for two weeks, authorize Attorney Patrick Lyp, Attorney Alfredo Estrada, and Building Commissioner Vicki Thrasher to work with Attorney David Butterfield and Pat McGinley to put a plan in place wherein the City would work with them to have the City demolish the building with the best quote received by them or the City. The City would be reimbursed upon sale of the building. Mayor Murphy seconded the motion and so approved with a 2-0 vote.

Request for Street Closures

- Jeff Anslem Annual Hog Roast, May 6, 2023
- VNA Stroll for Hospice, May 7, 2023
- Valpo Events Blues & BBQ Festival, June 23, 2023

These have been reviewed and approved by all impacted departments.

Motion: Steve Poulos moved to approve the Requests for Street Closures as presented. Mayor Murphy seconded the motion and so approved with a 2-0 vote.

Service Agreement – Molly Phelps

Maggie Clifton presented a Service Agreement to continue Molly Phelps contract on a part time basis.

Motion: Steve Poulos moved to approve the Service Agreement with Molly Phelps. Mayor Murphy seconded the motion and so approved with a 2-0 vote.

Public Comment: None

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