



**Town of Cedar Lake
Unsafe Building Department
Minutes
June 15, 2016 6:00 p.m.**

Call to Order (Time): 6:00 p.m.

Pledge to Flag:

Roll Call:

Present Diane Cusack
Present Richard Sharpe
Present Greg Parker

Present David Austgen, Town Attorney
Present Tim Kubiak, Director of Operations
Present Tammy Bilgri, Recording Secretary

Also in attendance: Jill Murr, Town Administrator, Randy Niemeyer, Town Council President, Michelle Bakker, Building Administrator, Robert Carnahan, Town Council, Daniel Ford, Austgen, Kuiper, Jasaitis; 5 audience members.

1. Nomination and Appointment of Officers:

A motion was made by Richard Sharpe and seconded by Diane Cusack to nominate Greg Parker as President.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

A motion was made by Diane Cusack and seconded by Greg Parker to nominate Richard Sharpe as Vice President.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

2. Retention of Services:

A motion was made by Richard Sharpe and seconded by Diane Cusack to retain Austgen, Kuiper & Jasaitis as Legal Counsel.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

Minutes:

A motion was made by Diane Cusack and seconded by Richard Sharpe to approve the minutes of the January 21, 2015 and October 7, 2015 Public Meeting as presented.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

Old Business:

- 1. 7316 W. 129th Place – Owner: Jerry Baize** – Tim Kubiak stated this property has been demolished and finished.
- 2. 13917 Soper Street – Owner: Kenneth Capps** – Tim Kubiak stated this property should be done shortly. Had snag with disconnection of the gas line and it didn't get done.

New Business:

1. 14705 Blaine Street – Owner: Charles Bonick – David Austgen stated this is a legal matter and will provide some explanation. This is a well known property, it was the subject of proceedings which were commenced last summer, to inspect, identify the condition, repair, submit and file a report with this commission on the condition. A public meeting was held in September 2015, where that report of circumstances and conditions were reported and as consequence of that meeting, you ordered the scheduling and notice for a public hearing to be held. The public hearing was held and it appeared to us that notice was accurate and correct. However, what we learned is that within days of the order for demolition, which you made at the October 2015 meeting after the conduct of the public hearing. The property owner did not appear. The property owner apparently got his mail at an address in Westville that we had been sending the notices to and filed a petition with the Lake Circuit Court for judicial review, claiming he didn't get notice. That resulted in a judicial hearing over that issue that was conducted on June 2nd, 2016 in Lake Circuit Court. The judge at the conclusion of the hearing ordered that the order of demolition be stayed, that the matter be remanded back here because of the street address confusion that existed with the notice to that property owner. The property owner testified in court that he didn't get the notice of demolition with the public hearing appended to it. So the judge ordered him back here. Just got the signed court order. Remand to this commission was made by the judge, notice was given in open court to both the property owner and his attorney to be here, the hearing would resume and proceedings would ensue from being here. It is my understanding that staff have reviewed the property conditions again and have confirmed the condition of the property as reported back in September last year. Do not see the property owner here tonight. Mr. Bonick has owned this property for some time; he lived in it for a period of time, and then moved to Westville. He transferred the property into his trust in 2011, continues to pay the sewer bill and property taxes. Acknowledges he gets those bills and pays, but for some reason he and his attorney are not here tonight, knowing that this is where he is suppose to be if he contested or objected to the proceedings that were going on here. That is a full recitation of what has happened since last year. Thought he would be here tonight so he could hear what needed to happen. Recommends a report on the record from Tim Kubiak and Michelle Bakker as to the condition of the premises and for consideration of action related to the condition that is presented in this public hearing. Greg Parker asked Tim Kubiak for a report.

Tim Kubiak stated he was out there June 2, 2016 and took pictures prior to the hearing. Absolutely zero done there from the previous time visited. It looks like maybe a couple pallets removed from the yard. There has been no progress in any type of clean up. It does look like someone pulled the garage door down shut. The recommendation as the prior meeting was to be demolished.

David Austgen stated this is a proposed order of demolition and read into record. Document attached to minutes as Exhibit "A". Noted it was stated he was here, will change to state he did not appear. Also, strike last sentence from document.

David Austgen stated there was two (2) weeks on the demolition notice for last fall, something needs to be provided to give notice to this gentleman. We have some difficulty understanding why someone would file petition for judicial review saying they didn't get notice, than get notice, get a chance to come and be heard, then not come. This is incongruent to us about the waste of time and money involved. The date would be fourteen (14) days from today.

Greg Parker stated this property is ready to go, give two weeks' notice to property owner. If nothing happens by June 30th, 2016, please put on high priority.

A motion was made by Diane Cusack and seconded by Richard Sharpe to proceed with notice on property and if no response demolition.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

2. 13324 Bell Street – Owner: Richard Loudermilk

Tim Kubiak stated this report was done by the Fire Department. They did not get a chance to finish the report for this property. This is the property we brought up at the last meeting. This house has been completely abandoned for the last five years. We need to start the demolish process.
David Austgen stated we need to send out notice of conditions and report and schedule another unsafe hearing.

Greg Parker asked if we can proceed without the report? Need completed report.

A motion was made by Richard Sharpe and seconded by Diane Cusack to defer to the next meeting.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

3. 8913 W. 142nd Place – Owner: Bryan Oparka

Greg Parker stated looks like this one was under construction, but is now rotting down.

Tim Kubiak stated it is an eye sore and we get a lot of complaints about it. Windows missing, everything is deteriorating and becoming unsalvageable. Owner has been talked to in the past. Have not contacted him recently.

David Austgen stated this report is complete and can give notice and hold hearing next month.

A motion was made by Diane Cusack and seconded by Richard Sharpe to give notice and hold a public hearing at the next meeting.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

4. 9303 W. 133rd Avenue – Owner: Meyer

Tim Kubiak stated we all know where this is located, across from the fire department.

David Austgen stated let the record reflect Mr. Charles Bonick appeared at 6:24 p.m. and that the matter pertaining to his property has already been addressed. Do not want the record to reflect that he did not show up, it will reflect that in the findings that you made.

Tim Kubiak stated this is another property where the garage, the house, the roof is completely falling in. There is a pool in backyard with trees growing around it, safety concern. Something should be done in the near future.

David Austgen stated that he is aware from other matters, that there is significant confusion over the ownership. We need to get verification of legal ownership. Check with utilities, auditor, treasurer.

A motion was made by Richard Sharpe and seconded by Diane Cusack to direct staff to obtain correct owners and defer to the July meeting.

Town of Cedar Lake – Unsafe Building Department
Public Meeting Minutes
June 15, 2016

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

Public Comment: None

Adjournment: 6:28 p.m.

Diane Cusack

Richard Sharpe

Greg Parker

Tammy Bilgri, Recording Secretary

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