



**Town of Cedar Lake
Unsafe Building Department
Minutes**

September 21, 2016 6:30 p.m.

Call to Order (Time): 6:30 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 Brooke Faber, Recording Secretary

Others Present: Michelle Bakker, Building Administrator, Daniel Ford, Attorney

Minutes:

A motion was made by Diane Cusack and seconded by Richard Sharpe to approve the minutes as presented.

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

Old Business:

1. 13917 Soper Street – Owner: Kenneth Capps-Tim Kubiak stated that is still in the process of being torn down. Should be done by next meeting.

2. 13324 Bell Street – Owner: Richard Loudermilk-David Austgen stated a reasonable effort was made to obtain the service on the property owner. We were having trouble getting service with certified mail return receipt. Even though we sent this by first class mail, we do not have confirmed that we have service. It is our recommendation that the item be processed, but that there be service notice by certified mail again and we publish also. We need an abundance of due process care to do this. Daniel Ford stated an order of demolition was published in the newspaper. We were unable to effectively obtain service potentially through certified mail. As David Austgen said we went through it by certified mail also. It was published according to the statute two times on September 6 and September 7. Would likely recommend that the board affirm an order of demolition, we can move forward with publication of that notice, posting on the premises, first class mail and certified mail. David Austgen stated do not demolish until those steps are done. It is really clear in the law that we need to be this careful, so we don't have problems or liability.

Tim Kubiak stated the property is disintegrated beyond repair, raccoons living there. The garage is falling down, the ceilings have fallen down. Weeds are four (4) feet tall.

A motion was made by Richard Sharpe and seconded by Diane Cusack to approve an order affirming the July 20, 2016 order for demolition.

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

3. 8913 W. 142nd Place – Owner: Bryan Oparka-Michelle Bakker stated she talked to Mr. Oparka and he was still working on his worker's comp for his contractor's license. He needs to have his contractor's license in order to get his building permit.

Tim Kubiak stated the day after the last meeting he came in with a permit application and application for his contractor's license under Oparka Industries.

David Austgen suggested that the processing of that application be completed, but be limited to its parameter to its authorization for this property owner to work on this property only under

that license. So in addition to the previous recommendation, would suggest Tim or Michelle notice Mr. Oparka that due to his failure to appear this evening, that he violated or breeched a condition of your stay extension and at the next public meeting you will resume the proceedings on demolition.

Greg Parker asked if he still has sixty (60) days to comply and pull a permit on this property.

A motion was made by Diane Cusack and seconded by Richard Sharpe to proceed with demolition proceedings if Mr. Oparka fails to appear at the next public meeting.

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

4. 9303 W. 133rd Avenue – Owner Meyer-Greg Parker stated we do have correspondence.

Letter written to Tim Kubiak: Dear Mr. Kubiak: I received a copy of the unsafe premises report referencing the above property on September 12, 2016. It was post marked from Cedar Lake on September 8, 2016 according to the information received. You issued your findings on July 20, 2016. The expectation was that the demolition permit be secured and demolition be completed by September 20, 2016. It is impossible to adhere to that timeline given the short notice from your office. There are seven property owners involved all with differing opinions and degrees of involvement. One property owner has neglected to remove his belongings from the property while I have exhausted my means of locating said property owner; I have no indication that he has received your notice. Nor have I received any acknowledgement of my efforts to locate him under such circumstances and such short window of time to comply I have not had sufficient time to meet with a demolition contractor to discuss a contract. Unfortunately due to health reasons I cannot attend the scheduled hearing on September 21, 2016. And have not had sufficient time to secure attorney representation. I am willing to meet with demolition contractors and set the required order in motion, but request more time to fulfill more requirements. I respectfully request a thirty (30) day extension on this order to fulfill the demolition requirements and ask that you accept this letter as a letter of intent to comply. Thanking you in advance for your attention to this matter. Sincerely Roberta Meyer.

David Austgen stated for purposes of the record, we have noted for the seven (7) Meyer family members who were served notice as to their fractional interest in the subject property. That with regard to Roberta Meyer, I think Roberta wrote that letter you have as referenced on our list. Roberta was noticed by certified mail which was left September 12, but not claimed. She obviously received it; the record should reflect that she has been served by virtue of her communication with us. Robert Meyer also was served certified mail, but that mail was not claimed it was September 12. We have a verbal communication to the Building & Planning Office by Robert Meyer the record should reflect that he made a contact as a consequence of that notice. Per Building Administrator, Michelle Bakker, she talked to Robert Meyer and he was aware and had notice of this meeting, public hearing and issue. Terry Meyer was the recipient of a delivered notice September 12. Von Meyer was served by certified mail, which was left on September 10, 2016, but not claimed. Allen Meyer received a mailing, certified, they are all certified, September 10. Ronald Meyer his was served or delivered September 12, to a neighbor as he requested apparently. And Mary Wilbar was served, delivered mail, September 13. Will have Brooke Faber make a copy of this and put it into the record of this meeting, so we are clear about what happened. As we receive the green cards, those will be supplemented into the record.

Michelle Bakker stated she has spoke to both Roberta Meyer and Robert Meyer on different occasions. Roberta would like to proceed to demo the house. It is my understanding from Robert that she is the executor. Apparently there are two (2) families, Robert is from the first marriage, the other children from the second marriage and they have never met each other. That is where the issues come from. He would like to come out and check out the property and see if there is any way it can be saved. Asked him last time he was here and he said twenty (20) years. Told him the odds of it being able to be saved at this point are not good. Roberta would just like to demo it, she has a demo permit. Wants to contact local demo contractors to see what their take is on it. Just don't know if we would need approval from all seven (7) people.

Michelle Bakker stated they want her to contact them after the meeting. Robert couldn’t be here because he lives in Fort Wayne and Roberta couldn’t be here because of health issues.

David Austgen stated practically it doesn’t matter, if one of the property owners comes in and pulls a demo permit and it is in proper order, please issue it. Let the family take care of their business between them. Recommends this matter be deferred to the October Public Meeting. That staff obviously handled the communications that have been offered and opportunities that seem to exist, so the tax payers don’t have to do this.

A motion was made by Diane Cusack and seconded by Richard Sharpe to defer this matter to the October 19, 2016 Public Meeting.

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

New Business:

1. 8510 Lake Shore Drive – Owner: Fred & Gloria Oparka (Eller Brady Funeral Home)-Tim Kubiak stated we only have the photos; no inspection has been completed yet.

Greg Parker stated it has been abandoned and fallen into serious disrepair.

David Austgen stated this is subject to bankruptcy, mortgage foreclosure and tax liens. It is not perfected, there is a tax sale purchaser called Nebraska Alliance. They purchased property on a tax sale, but there is a perfection process that folks have to go through before a tax deed issues, usually about a two (2) year process. Lien of about \$159,000-\$169,000. Will probably take about three (3) months before we get to a demolition order. Will need to update title work.

Tim Kubiak asked if we can defer this until we finish some of the other properties. Will get fire department to get the report done for the next meeting.

Michelle Bakker stated we should go ahead and do the report.

Greg Parker asked if we can do the report and get the legal paperwork ready and it can sit there until we have time to work on it. No action.

Motion		1 st	2nd	
Diane Cusack	Richard Sharpe	Greg Parker	Vote	

Public Comment: None

Adjournment: 6:27 p.m.

Diane Cusack

Richard Sharpe

Greg Parker

Brooke Faber, Recording Secretary

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Cedar Lake Town Hall at (219) 374-7400.