



Town of Cedar Lake
Unsafe Building Department Minutes
September 20, 2017 6:30 p.m.

Call to Order (Time): 6:30 pm

Pledge to Flag:

Roll Call:

Present Chuck Kouder

Present Richard Sharpe

Present Greg Parker

Present David Austgen, Town Attorney

Absent Tim Kubiak, Director of Operations

Present Michelle Bakker, Building Administrator

Present Todd Wilkening, Fire Chief

Present Jessica Chick, Recording Secretary

Minutes:

Minutes of the July 19, 2017 Public Meeting and August 12, 2017 Public Meeting.

Motion made by Richard Sharpe and seconded by Chuck Kouder to approve the July 19, 2017 and August 12, 2017 Public Meeting minutes.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

Old Business:

1. 9303 W. 133rd Avenue – Owner Meyer

Property was demolished, remove from the agenda.

Motion made by Chuck Kouder and seconded by Richard Sharpe to remove this item from the agenda.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

2. 8913 W. 142nd Place – Owner: Kurt Neubauer- Deferred to October 18, 2017 Public Meeting

There was communication via email from Michael Neubauer, and everything is on track for the sheriff sale.

3. 8510 Lake Shore Drive – Owner: Nebraska Alliance Realty Company (Eller Brady Funeral Home)

Property was demolished, remove from agenda.

Motion made by Richard Sharpe and seconded by Chuck Kouder to remove this item from the agenda.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

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4. 12920 Knight St – Owner: Oleg Fedosov

Petitioner: Oleg Fedosov stated, I have completed the foundation and I am awaiting to obtain a building permit. I will need a variance for an addition that I plan to build.

Motion made by Chuck Kouder and seconded by Richard Sharpe to defer this item for 30 days and to appear at the next meeting for an update.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

Notice to appear letter sent August 24, 2017

5. 13040 Polk St. – James Despersia

Petitioner: James Despersia stated, I applied for a permit just now and I have a contractor set for a new roof. I am just waiting on the permit.

Fire Chief: Fire Chief Todd Wilkening stated, I went to the property today and everything is covered with tarps and the building is secured.

Motion made by Richard Sharpe and seconded by Chuck Kouder to defer this agenda item for 30 days and to appear at the next meeting for an update.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

6. 12611 Cline Avenue – Owner: Sergio H. Urquiza, Daniel A. Urquiza and John Paul Urquiza J/T R/S

Petitioner: No petitioner present.

Fire Department: Fire Chief Todd Wilkening stated, there was a fire at the property. We went through the building to make sure it wasn't on fire and it is completely unsecured. He called to say he has a plan to secure the building. I think this body needs to tour this property.

Town Attorney: David Austgen stated, I will be at a meeting that has been set up with town staff to discuss the property. I would like to have pictures to show at this meeting.

Discussion: Chuck Kouder states, I am having trouble dealing with this property. Is there a way that we can make this process more efficient at expedite this problem? We have seen too often no action being done with excuse after excuse. We are all taking our time and it is a constant battle to get anything done and yet the residents still have to deal with these properties.

Town Attorney: David Austgen stated, the process you are currently following is the statute. The reason this is so seemingly prolonged is because of the constitutional due process. The town has been sued several times and we must collect the correct title work so that does not happen anymore. More discussion continued regarding due process and notification of the owners. The cost to rehabilitate or demolish this property has historically been out of scope with the budget availability. Chuck Kouder stated, with Halloween right around the corner it is vital that we get this property secured, I am surprised someone hasn't gotten hurt yet.

Notice to appear letter sent August 24, 2017

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Motion made by Richard Sharpe and seconded by Chuck Kouder to defer this item for 30 days, a site inspection from this body, and a notice to appear at next month's meeting.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

7. 8511 W. 131st Pl. - Owner: Loudermilk Living Trust dtd

Petitioner: Richard Loudermilk: 8503 W. 131st Place, stated, I am the trustee of the Trust. I was just appointed about a month ago and I request that you do not demolish this property. These houses are currently in probate. I would like to request time for me to assess the property and to come up with a plan to either demolish myself or make the proper updates. We have done a lot to the houses, work is being done and they are not all in that bad of shape. I still need to assess the house and if it is not repairable I will demolish myself. I would appreciate 30 (thirty) days to do what I need to do regarding this property.

Fire Department: Chief Todd Wilkening stated, we have made numerous requests on this property and we have not seen any changes. I go down there often and we receive numerous complaints from these properties. There has not been an unsafe building report done on 8512 and 8518 W. 131st Lane, they are not as in bad shape at this one is.

Discussion: Notices have been posted in the correct order of requirement and we have not seen any updates or any communication regarding this property.

Town Attorney: David Austgen stated, the title work is done and we have an order tonight affirming the order for demolition from June 21st, 2017. These properties have been found and determined to be unsafe according to the laws here in Indiana as well as the building standards for the town that has been affirmed by professional staff. May I suggest the commission issuance of the order and implementation after 30 (thirty) days.

Order for Demolition posted June 29, 2017

Motion for Demo Order made on July 19, 2017

Motion made by Chuck Kouder and seconded by Richard Sharpe for the issuance of the demolition order after 30 (thirty) days.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

8. 13301 Lincoln Plaza-JNT Enterprizes Inc.

Fire Department: Fire Chief Todd Wilkening stated, this property has a new owner, Julie Sadler.

Commission: Greg Parker asked, has Mrs. Sadler been notified that this property is on the Unsafe Building list? Michelle Bakker stated, not yet. We are in the process of notifying her.

Motion made by Chuck Kouder and seconded by Richard Sharpe to send a notice to appear to the new owner at the next meeting.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

9. 9710 W. 133rd – Rosario Levy J & Josephine Del

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Petitioner: No petitioner present.

Commission: Greg Parker asked, has there been any correspondence with anyone from this property. Michelle Bakker stated, no never.

Fire Department: Fire Chief Todd Wilkening stated, we only have pictures of this property we do not yet have a report completed. Both building are repairable. I do not think this property is to the point of a report needed. We will conduct a report since we have sent two notices and no one has appeared.

Notice to appear letter sent August 8, 2017

Notice to appear letter sent August 24, 2017

Motion made by Chuck Kouder and seconded by Richard Sharpe to send a notice to appear letter to the current owner and for a premises report to be done.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

10. 14524 Bryan Street –Federal National Mortgage Association (Fannie Mae)

Petitioner: Joe Turkot; 14524 Bryan Street stated, I have been living in this home for 2 years. The inside of the home is nice. When I first got there, there was a notice because of no electricity or water. I took 37 (thirty-seven) loads of garbage out of the home when Mr. Cooper and Mr. Foreman owned it. I paid Mr. Cooper and Mr. Foreman to live there, I paid a lump sum of \$3,000 (three thousand dollars) to live there for 2 (two) years. They would supply the equipment to work on the home. We have been living there, Tim the Building Inspector has been inside the home. I have 5 children and a wife, the state has been in and out of the house for the last year. I do not have any ownership in the house but I have it till December 1, 2017 with the lease. The new owner said that I can stay for 6 (six) months. I have rented a small bobcat to get rid of all the garbage in the backyard. I need to know when this home will be torn down, can I have 60 days to get my family together and get out of there? I have done everything asked to do regarding the signed lease. I am here to represent my family. May I have until December 1st for some breathing time? I have issues with my health I pay the NIPSCO bill and Mr. Cooper is to pay the sewer bill.

Discussion: Greg Parker stated, the order for demolition has been issues on July 19, 2017. You have no ownership in the property and at some point you will need to move out of it. Richard Sharpe stated, there are about 70 days until December 1st.

Town Attorney: David Austgen stated, there is an unsafe premises report that overwhelmingly is atrocious, the worst I have ever seen. Fannie Mae is the owner and it was purchased on a tax sale. Is there running water in this house? Joe replied, yes the State comes to the house once a month and another State entity comes once a week. Our standards and the State's standards are different.

Motion for Demo Order made on July 19, 2017

Motion made by Chuck Kouder and seconded by Richard Sharpe to issue a demolition order on December 2nd, 2017.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

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11. 14325 Lake Shore Drive –Johann Clark

Town Attorney: David Austgen stated, the order is ready to execute.

Fire Department: Chief Todd Wilkening, no comment.

Commission: No comment.

Motion for Demo Order made on July 19, 2017

Motion made by Richard Sharpe and seconded by Chuck Kouder to execute the demolition order.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

12. 8512 W. 131st Lane - Loudermilk Living Trust dtd 2/2/00 (The)

Petitioner: Richard Loudermilk: 8503 W. 131st Place, stated, I only received notice to show up at this meeting.

Commission: Greg Parker stated, a notice to appear was sent August 8th and another on August 24th. I know that Tim Kubiak and Todd Wilkening had dialogue regarding these properties and notified to show up at these meeting. There are not currently any active permits on these properties. We are going to require permits to be pulled and completely brought to code to be off this list.

Fire Department: Chief Todd Wilkening stated, I had discussion with your son regarding both these properties. We have not seen the requested plan for these properties.

Town Attorney: David Austgen stated, this item is not to the order of issuance, we are waiting on premises reports.

Notice to appear letter sent August 8, 2017

Notice to appear letter sent August 24, 2017

Motion made by Richard Sharpe and seconded by Chuck Kouder to defer this item for 30 (thirty) days for an update.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

13. 8518 W. 131st Lane -Loudermilk Living Trust dtd 2/2/00 (The)

Notice to appear letter sent August 8, 2017

Notice to appear letter sent August 24, 2017

See comments above regarding 8512 W. 131st Lane.

Motion made by Richard Sharpe and seconded by Chuck Kouder to defer this item for 30 (thirty) days for an update.

Chuck Kouder	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

Public Comment:

Adjournment: 7:30 pm

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Press Session: Unsafe Building Department –October 18, 2017 at 6:30 p.m.

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.

Chuck Kouder

Richard Sharpe

Greg Parker

Jessica Chick, Recording Secretary